

Disability Support Pension Toolkit

How to help your client get the medical evidence they need to support their DSP application.



A0015471X

About Social Security Rights Victoria Inc.

Expert social security law assistance and advocacy

Social Security Rights Victoria (SSRV) is an independent, state-wide community legal centre that specialises in social security and related law, policy and procedure. Our vision is for a fair and just society in which all people are able to receive a guaranteed adequate income in order to enjoy a decent standard of living. SSRV's contribution to this vision is the provision of legal services to vulnerable and disadvantaged Victorians, and those who support them, which assist them to secure and protect their rights to equitable social security entitlements.

About this Toolkit

The Disability Support Pension Toolkit is a resource for social and community workers, and for medical professionals, who want to help their clients obtain medical evidence for their Disability Support Pension (DSP) application.

It is intended that this Toolkit is a resource that will be provided to professionals in conjunction with attendance at a training session. The training will provide background and context to the purpose and application of the resources in the Toolkit. For this reason, the Toolkit must not be distributed to other workers or organisations without authorisation from SSRV. The Toolkit should only be distributed to clients with careful consideration of their needs, and only the parts relevant to them.

Acknowledgements

The Disability Support Pension Toolkit was developed by John Berrill, Principal at Berrill and Watson Lawyers, as a pro bono project for SSRV. John's commitment to and passion for this project is commendable and much appreciated. The Toolkit was developed in consultation with a working group comprising members from a range of disability, legal, medical, community and academic organisations. Many thanks to all working group members for their expert and sectorial representation and contributions.

Disclaimer

The information contained in the Toolkit relates to the evidentiary burden required for eligibility for the DSP. It does not provide broader information about the DSP or the application process. For a broader understanding of government legislation, regulations, policy, case law and administrative procedures relating to the DSP, we recommend contacting Centrelink or calling SSRV for free advice. The information contained in this Toolkit is not intended as a substitute for anything in writing or orally stated by Centrelink or any other representatives of the Commonwealth Government.

While care has been taken to ensure the accuracy of information contained in the Toolkit, social security law is complex and changes often. Toolkit users should always check that the date of publication and check official government sources for recent changes to the law. In the case of any inconsistencies of information, users of this Toolkit should defer to official government information.

The circumstances of people applying for the DSP can vary a great deal. It may be appropriate to obtain legal advice specific to these circumstances.

Disability Support Pension Toolkit users agree that they utilise the Toolkit at their own risk. SSRV Inc. takes no responsibility for any loss suffered by any person or organisation relying upon anything within the Toolkit.

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Note: Template letters x Mild, Moderate, Severe (45 Templates) for all Impairment Tables are available electronically.

Disability Support Pension – Eligibility Requirements

To be eligible for Disability Support Pension (DSP) a person must:

- be 16 years or older; AND
- satisfy certain Australian Residence criteria; AND
- have a permanent, physical, intellectual or psychiatric condition that:
 - is fully diagnosed, treated and stabilised; and
 - gets 20 points on the Impairment tables (see below); AND
- have completed a Program of Support (POS); AND
- be unable to work 15 hours or more per week (and unable to be retrained for such work) in the next 2 years.

The only exceptions are:

- If the person has 20 points on one of the 15 impairment tables a (as opposed to 20 points accrued across several tables) - in which case they won't have to undertake a Program of Support; OR
- When the person is taken to be eligible on the presenting medical evidence alone without the need for further assessment ('manifest grants') ie:
 - are permanently blind;
 - have a terminal illness (less than two years life expectancy and significantly reduced capacity to work);
 - have an intellectual disability with an IQ of less than 70;
 - need nursing home level care;
 - have category 4 HIV/AIDS; or
 - are in receipt of a DVA TPI pension.

Impairment tables

| | |
|----------|--|
| Table 1 | Functions requiring Physical Exertion and Stamina |
| Table 2 | Upper Limb Function |
| Table 3 | Lower Limb Function |
| Table 4 | Spinal Function |
| Table 5 | Mental Health Function |
| Table 6 | Functioning related to Alcohol, Drug and Other Substance Use |
| Table 7 | Brain Function |
| Table 8 | Communication Function |
| Table 9 | Intellectual Function |
| Table 10 | Digestive and Reproductive Function |
| Table 11 | Hearing and other Functions of the Ear |
| Table 12 | Visual Functions |
| Table 13 | Contenance Function |
| Table 14 | Functions of the Skin |
| Table 15 | Functions of Consciousness |

Instructions on how to use our pro forma reports to prove eligibility

We have prepared pro-forma reports for all 15 impairment tables covering “severe” impairment (20 points), “moderate” impairment (10 points) and “mild” impairment (five points).

To use the pro-formas:

- identify which of the impairment tables are relevant to the applicant’s disabilities
- print off the “severe”, “moderate” and “mild” pro-formas for those impairments and the letter to the doctor or clinical psychologist
- take the pro-formas to the relevant treating specialists (or clinical psychologist in the case of mental health impairment) and ask them if they would be prepared to complete the “severe” form or, if not, the “moderate” or “mild” form.
- It may also be useful to ask the treating GP to fill in the relevant pro-formas.

If the doctors fill in any of the forms, the forms should be checked to see if they satisfy the requirements for a DSP.

The forms can then be lodged with a DSP application. It would also be useful to get statements from any people who have provided any care and support to lodge with the application.

Centrelink will usually arrange a Job Capacity Assessment and maybe a Disability Medical Assessment.

There is no time limit for a decision on a DSP application. It can take many months. In the meantime, applicants should register for a POS with an employment services provider (if not already done).

If a DSP application is rejected, there are rights of appeal:

- an internal review with Centrelink
- then an external review to the Administrative Appeals Tribunal (Tier 1)
- then a further external appeal to the Administrative Appeals Tribunal (Tier 2)

*Time limits apply to each stage, so it is important to get advice straight away

If an application is rejected, it may be appropriate to get further medical evidence.

Further Information:

<http://guides.dss.gov.au/guide-social-security-law>

<https://www.humanservices.gov.au/individuals/services/centrelink/disability-support-pension/eligibility>

<https://www.humanservices.gov.au/individuals/enablers/how-we-assess-your-condition-disability-support-pension/39871>

Program of Support (POS)

Unless you have a severe disability under one impairment table, you must have actively participated in a Program of Support (POS) for 18 months in the three years before applying for DSP. A POS is designed to assist you to prepare, find and keep employment and is provided by the Federal Government through 'Jobactive' or 'Jobaccess' providers.

In simple terms, this means being on New Start Allowance and complying with the 'activity requirement' overseen by the 'Jobactive' or 'Jobaccess' programs.

A JobActive or JobAccess provider will usually do a job capacity assessment with you to determine:

- Your level of impairment, individual needs and barriers to employment
- The type of vocational, rehabilitation and employment services needed to help you get work
- Activities to be provided including help applying for jobs, education and training, vocational or occupational rehabilitation and injury management.

They will prepare an Employment Pathways Plan and you will usually have to actively participate in it.

You must show that you either:

- Were in a POS for 18 months in the 3 years before your claim and completed the POS; or
- Were in a POS in the 3 years before your claim, the POS lasted for less than 18 months, and you completed it; or
- Were in a POS before your claim but it was terminated solely because your medical conditions meant that continuing would not improve your ability to prepare for, find and keep employment; or
- Are in a POS at the date of your claim and, solely because of your medical conditions, continuing in the POS would not improve your ability to prepare for, find or keep employment.

The POS provider will provide Centrelink with a job capacity assessment report certifying that you completed the POS and whether you have a capacity to work 15 hours or more per week.

If you couldn't complete the POS because of your medical condition, the provider will give Centrelink a certificate for this. If they fail to do so, you can provide Centrelink with certain evidence of your completion of the POS or medical evidence that you couldn't complete it as above.

If Centrelink don't accept that you have not completed the POS or that your medical condition prevented you from doing so, you can appeal.

For more information:

<https://www.humanservices.gov.au/individuals/enablers/program-support-disability-support-pension/29776>

Letter to client

RE: Your Disability Support Pension Application

We note that you have applied for a Centrelink Disability Support Pension (DSP).

There are four main requirements for a DSP:

- Your injuries/illnesses must be fully diagnosed, treated and stabilised; and
- Your impairments must attract 20 points or more under the Social Security Impairment Tables; and
- You must have an incapacity to work 15 hours or more per week for the next two years; and
- You must have completed 18 months of a Program of Support (POS) in the past 3 years (unless you fall under an exception).

It is very important that you obtain medical reports that address all the criteria. Without them, your DSP application has little chance of success. We enclose a letter and pro-forma medical report to take to your treating doctor(s).

For mental health impairments assessments, reports must be provided by a psychiatrist or clinical psychologist.

It would also be useful to get statements from any people who have provided any care and support to lodge with the application.

If you have 20 points under ONE of the 15 impairment tables, you may be eligible for the DSP straight away.

If you have a combined 20 points under two or more impairment tables, you will have to complete a Program of Support (unless the POS wouldn't help finding or keeping employment).

There are a few exceptions to this, namely, permanent blindness, terminal illness, nursing home level care, an IQ of less than 70, category 4 HIV/AIDS and DVA TPI pension recipients.

A separate fact sheet about Program of Support is attached.

Please call the Social Security Rights Victoria (SSRV) on (03) 9481 0655 or contact your caseworker for free advice and help with what forms to give to your doctor.

Letter to Caseworker

RE: _____, Date of Birth: ____ / ____ / ____

As you may know, the abovenamed client has applied for a Centrelink Disability Support Pension (DSP).

There are four main requirements for a DSP.

- The client's injuries/illnesses must be fully diagnosed, treated and stabilised; and
- The client's impairments must attract 20 points or more under the Social Security Impairment Tables; and
- The client must have an incapacity to work 15 hours or more per week for the next two years; and
- The client must have completed 18 months of a Program of Support (POS) in the past 3 years (unless they fall under an exception).

It is very important that medical report(s) addressing all the criteria are obtained. Without them, the DSP application has little chance of success. We enclose a letter and pro-forma medical report to give to the client's treating doctor(s)

For mental health impairments assessments, reports must be provided by a psychiatrist or clinical psychologist.

It would also be useful to get statements from any people who have provided any care and support to lodge with the application.

If the client has 20 points under one of the 15 impairment tables, they may be eligible for the DSP straight away. If the client has a combined 20 points under two or more impairment tables they will have to complete a Program of Support (unless the POS wouldn't help finding or keeping employment).

There are a few exceptions to this, namely, permanent blindness, terminal illness, nursing home level care, an IQ of less than 70, category 4 HIV/AIDS and DVA TPI pension recipients.

Please call the [Social Security Rights Victoria \(SSRV\) Workers Assistance Service](#) on (03) 9481 0655 for free advice and help with what forms to give to the doctor.

Letter to Doctor/Clinical Psychologist

RE: _____, Date of Birth: / /

As you may know, the abovenamed client has applied for a Centrelink Disability Support Pension (DSP).

There are four main requirements for a DSP.

- Your patient's injuries/illnesses must be fully diagnosed, treated and stabilised; and
- Your patient's impairments must attract 20 points or more under the Social Security Impairment Tables; and
- Your patient must have an incapacity to work 15 hours or more per week for the next two years; and
- Your patient must have completed 18 months of a Program of Support (POS) in the past 3 years (unless they fall under an exception).

If your patient has 20 points under one of the 15 impairment tables, they may be eligible for the DSP straight away. If they have a combined 20 points under two or more impairment tables they will have to complete a Program of Support (unless the POS wouldn't help finding or keeping employment).

There are a few exceptions to this, namely, permanent blindness, terminal illness, nursing home level care, an IQ of less than 70, category 4 HIV/AIDS and DVA TPI pension recipients.

We have prepared a pro forma report for your consideration.

If appropriate, could you please complete the form and return it to the client or to our office.

**Please note that the relevant period in which the above requirements are to be assessed is from when the DSP application is lodged and for the next 13 weeks i.e. from xxx to xxx.

If you have any questions, call the Social Security Rights Victoria (SSRV) Workers Assistance Service on (03) 9481 0655 for free advice.

DSP Medical Report – Impairment of Functions Requiring Physical Exertion and Stamina – Mild – 5 points*

Re:

Date of Birth:

This is a report on the functional capacity of the above-named and is assessed from the date their DSP application was lodged on _____.

1. Date treatment commenced / /

2. Diagnosis

3. When diagnosis made

4. Treatment/Medication

5. Reason for incapacity

6. Are the conditions(s) fully stabilised and unlikely to improve in the next two years?

Yes/No

7. Do you believe that the client has a mild impairment for functions requiring physical exertion and stamina?

Does the client?

- Experience occasional symptoms (e.g. mild shortness of breath, fatigue, cardiac pain) when performing physically demanding activities and, due to these symptoms, the client has occasional difficulty:

- Walking (or mobilising in a wheelchair) to local facilities (e.g. a corner shop or around a shopping mall, larger workplace or training centre) without stopping to rest; or
- Performing physically active tasks (e.g. climbing a flight of stairs or mobilising up a long, sloping pathway or ramp if in a wheelchair) or heavier household activities (e.g. vacuuming the floors or mowing the lawn);

and, is able to:

- perform most work-related tasks, other than tasks involving heavy manual labour (e.g. digging carrying or moving heavy objects, concreting, bricklaying, laying pavers).

Yes/No

8. Is the client unlikely to be fit to work 15 hours or more per week in the next 2 years?

Yes/No

9. Will the client be able to return to work in the next 2 years with further treatment or additional assistance?

Yes/No

***if the client has multiple health problems s/he may be assessed separately under other impairment table(s)**

10.If the client started a Program of Support (POS) but didn't complete it, was that because of his/her medical condition?

(A POS is for people with at least 20 points on 2 or more impairment tables run by a job/disability service provider designed to assist them to prepare for, find and keep employment)

Yes/No

11. Other Comments

Name/Signature:

Date:

Qualifications:

DSP Medical Report – Impairment of Functions Requiring Physical Exertion and Stamina – Moderate – 10 points*

Re:

Date of Birth:

This is a report on the functional capacity of the above-named and is assessed from the date their DSP application was lodged on _____.

1. Date treatment commenced / /

2. Diagnosis

3. When diagnosis made

4. Treatment/Medication

5. Reason for incapacity

6. Are the conditions(s) fully stabilised and unlikely to improve in the next two years?

Yes/No

7. Do you believe that the client has a moderate impairment for functions requiring physical exertion and stamina?

Does the client?

- Experience frequent symptoms (e.g. shortness of breath, fatigue, cardiac pain) when performing day to day activities around the home and community and, due to these symptoms, the client:

- (a) is unable to walk (or mobilise in a wheelchair) far outside the home and needs to drive or get other transport to local shops or community facilities; or
- (b) has difficulty performing day to day household activities (e.g. changing the sheets on a bed or sweeping paths);

and, is able to:

- use public transport and walk (or mobilise in a wheelchair) around a shopping centre or supermarket; and
- perform work-related tasks of a clerical, sedentary or stationary nature (that is, tasks not requiring a high level of physical exertion).

Yes/No

8. Is the client unlikely to be fit to work 15 hours or more per week in the next 2 years?

Yes/No

9. Will the client be able to return to work in the next 2 years with further treatment or additional assistance?

Yes/No

***if the client has multiple health problems s/he may be assessed separately under other impairment table(s)**

10. If the client started a Program of Support (POS) but didn't complete it, was that because of his/her medical condition?

(A POS is for people with at least 20 points on 2 or more impairment tables run by a job/disability service provider designed to assist them to prepare for, find and keep employment)

Yes/No

11. Other Comments

Name/Signature

Date

Qualifications

DSP Medical Report – Impairment of Functions Requiring Physical Exertion and Stamina – Severe – 20 points*

Re:

Date of Birth:

This is a report on the functional capacity of the above-named and is assessed from the date their DSP application was lodged on _____.

1. Date treatment commenced / /

2. Diagnosis

3. When diagnosis made

4. Treatment/Medication

5. Reason for incapacity

6. Are the conditions(s) fully stabilised and unlikely to improve in the next two years?

Yes/No

7. Do you believe that the client has a severe impairment for functions requiring physical exertion and stamina?

Does the client?

- usually experience symptoms (e.g. shortness of breath, fatigue, cardiac pain) when performing light physical activities and, due to these symptoms, the person is unable to:

(a) walk (or mobilise in a wheelchair) around a shopping centre or supermarket without assistance; or

- (b) walk (or mobilise in a wheelchair) from the carpark into a shopping centre or supermarket without assistance; or
- (c) use public transport without assistance; or
- (d) perform light day to day household activities (e.g. folding and putting away laundry or light gardening);

and:

- has or is likely to have difficulty sustaining work-related tasks of a clerical, sedentary or stationary nature for a continuous shift of at least 3 hours.

Yes/No

8. Is the client unlikely to be fit to work 15 hours or more per week in the next 2 years?

Yes/No

9. Will the client be able to return to work in the next 2 years with further treatment or additional assistance?

Yes/No

***if the client has multiple health problems s/he may be assessed separately under other impairment table(s)**

10. If the client started a Program of Support (POS) but didn't complete it, was that because of his/her medical condition?

(A POS is for people with at least 20 points on 2 or more impairment tables run by a job/disability service provider designed to assist them to prepare for, find and keep employment)

Yes/No

11. Other Comments

Name/Signature

Date

Qualifications



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