

**Submission  
No 3**

## **INQUIRY INTO 2018 REVIEW OF THE LIFETIME CARE AND SUPPORT SCHEME**

**Organisation:** icare

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Standing Committee on Law and Justice  
2018 review of the Lifetime Care and  
Support Scheme

## Context

Insurance & Care NSW (icare) administers the Lifetime Care and Support Scheme (the Scheme) under the *Motor Accidents (Lifetime Care and Support) Act 2006*.

The Scheme provides treatment, rehabilitation and care services for people severely injured in motor vehicle accidents in NSW, regardless of fault. These services include hospital and medical treatment; rehabilitation; ambulance and other transportation; respite care and attendant care services; aids, appliances and prostheses; educational and vocational training; and modifications to a person's home, workplace and education facility.

The Scheme also supports research aimed at helping injured people and their families adjust to the impact of traumatic injury, as well as programs that examine the effectiveness of different rehabilitation methods, to provide health professionals with best practice information.

Funding for the Scheme is provided through the Medical Care and Injury Services Levy, which is paid by NSW motorists when they purchase Compulsory Third Party (CTP) insurance. Funds collected in a year fund the lifetime cost of participants injured in that year, which means the Scheme is fully funded to meet its future liabilities.

On average, 180 people enter the Scheme each year as interim participants. Of these participants, some make a good recovery and leave the Scheme; while approximately 120 per year continue as lifetime participants. The majority of participants each year have traumatic brain injury or spinal cord injury, and a smaller number have amputations, severe burns or permanent blindness.

In addition, icare administers the ACT Lifetime Care and Support Scheme, which covers people who sustain catastrophic injuries on ACT roads or workplaces, on a full-cost recovery basis. There are currently 10 participants in the ACT Scheme. icare continues to administer the expanded ACT Lifetime Care and Support Scheme which now includes workers severely injured in the ACT.

## Submission

### **Safeguarding Framework and Committee**

icare has developed a Safeguarding Framework to effectively manage risk and ensure the safety of participants and workers. This work recognises that some participants and workers may be vulnerable to abuse, harm or neglect, and due to their injuries, may be unable to protect or empower themselves.

The aim of the Safeguarding Framework is to keep participants and workers safe in their home environment, to strengthen existing safeguards and supports, and maximise independence through a range of initiatives that aim to promote choice and control. The Safeguarding Framework reviews icare's internal structures and systems and external programs and supports that focus on quality, safety and prevention.

As part of this Framework the last 12 to 18 months have also seen the establishment of an internal Participant Safeguarding Governance Committee to oversee the assessment and delivery of services to participants who are vulnerable because of their injury and/or age. This Safeguarding Governance Committee has oversight of internal safeguarding initiatives and practices and external projects supported by icare.

This Committee oversees the application of the safeguarding tool to develop a risk assessment profile of participants and workers, which can be used to develop individualised safeguarding strategies for those individuals.

### **Other safeguarding and quality activities**

To ensure the protection and promotion of participants' human rights, icare is currently developing a Restrictive Practice Authorisation Policy that will align with the *National Framework for reducing and Eliminating the Use of Restrictive Practices in the Disability Services Sector*.

The Service Provider Quality Assurance Framework, implemented in April 2018, outlines a risk-based approach for the relationships with different service provider groups, including approved providers. The framework provides guidance on managing performance and issues, and outlines the governance activities implemented by staff. icare is currently engaged in further developing our audit and governance program of service providers to ensure robust measures and systems are in place and to provide greater assurance over the quality of service provision.

icare is continuing to work with specialist providers to define capabilities and expectations in high risk areas. The initial focus is on Case Managers for participants with complex and challenging behaviours and Care Needs Assessors.

In partnership with the Physical Disability Council of NSW (PDCN), icare has developed a Wellbeing Visitors Program. This program provides an impartial external service to review a participant's current circumstances and provide information and advice on accessing the community and other services. The program has an inherent safeguarding function in its review of a participant's environment. The PDCN will visit participants and provide recommendations to icare and referrals to outside community groups.

The safeguarding framework outlined above is for all participants, regardless of age. In response to the Royal Commission into Aged Care Quality and Safety, icare is currently undertaking a review of its participants in aged care facilities and has decided to focus its Wellbeing Visitors Program on older participants.

While there have been occasions where a younger person has resided in an aged care facility, it has always been in consultation with their family and viewed as a temporary arrangement while more suitable accommodation is sought. Older participants, either in their own home or in an aged care facility, are oversights by the various safeguarding activities detailed above.

### **New function for Lifetime Care: CTP cohort**

Last year, the *Motor Accident Injuries Act 2017* established a new function for icare. Lifetime Care will provide treatment and care for claimants who have long term needs beyond five years as a result of a motor accident. In some cases a participant's support can be transferred to icare earlier than five years, by agreement with the CTP insurer.

icare is working closely with SIRA to plan for the transition of these CTP claimants with ongoing needs. Both icare and SIRA are strongly committed to working collaboratively and ensuring a smooth transition from the CTP insurer. These claimants will not become participants in the Lifetime Care and Support Scheme, however icare will act as the relevant insurer for management.

### **Review of Care service delivery model**

icare has commenced work on revising its service delivery model for the Lifetime Care and Dust Diseases Care schemes and the Workers Care Program. The new service delivery model recognises individual experiences can vary depending on the attributes of the individual customer, overlays impacting on their overall status and well-being, and triggers that pop up suddenly influencing their immediate circumstances and journey of living with their injury.

For Lifetime Care, this work is reflective of the growth and maturation of the Scheme, with increasing number of participants who have been living with their injury for more than five years. By 2023, the number of Lifetime Care and Workers Care participants will grow by 50 per cent and the cohort of participants over 55 years will double in size.

Revision of the service delivery model is also in preparation for the new cohort of CTP claimants with ongoing needs. These customers will have less severe injuries and support requirements compared to current Lifetime Care participants, requiring a new service approach.

Implementation of the proposed model will be staged, commencing with participants whose needs have stabilised. icare is engaging with staff and stakeholders throughout the process of transition, including case managers and service providers.

### **Liaison with the National Disability Insurance Agency (NDIA)**

Lifetime Care and the NDIA have a Memorandum of Understanding (MOU) to exchange information relating to shared participants. Both agencies are able to access the information needed to determine eligibility for either scheme, while ensuring that privacy is respected. icare and the NDIA have commenced joint planning sessions for participants with entitlements from both schemes.

### **Lifetime Care and Support Guidelines review**

icare has reviewed the Lifetime Care and Support Guidelines to:

- reflect changes to the Scheme to make it more flexible and person centred, such as the development and review of participant planning processes (My Plan);
- incorporate Scheme experience since it commenced; and
- ensure the guidelines remain effective in performing their statutory functions and supporting sound decision making.

icare has also developed a Plain English version of the Guidelines called 'Companions'. The Companions aim to present the Guidelines information in a reader friendly way for participants and families, and other interested parties. The Guidelines and Companions were released for comment and stakeholder feedback has been addressed. The revised Guidelines are scheduled to be submitted for gazettal in Parliament this year.

### **Empowered Living Program**

icare established the Empowered Living Program in 2017. The aim of the program is for participants and workers to have an awareness of, and access to, new-to-market assistive technology (AT) solutions to empower them with greater independence to enhance their overall quality of life. To achieve this aim, icare conducted customer research and engaged specialist providers to conduct market scans to identify new-to-market AT solutions that can address common participant problems.

A key problem identified in 2017 was enabling participants to have more active control of their home environment and home modifications. icare has identified and piloted new home automation technologies that can enable participants with limited mobility and impaired hand function to increase their independence in controlling their home environment. This includes fully integrated tablet/phone-based system that can control doors and video intercoms, lights, air conditioning/heating, blinds, TV/AV and music, as well as voice control. A demonstration space has been set up at Sargood on Collaroy for participants to trial equipment.

icare has also developed 360-degree panoramic virtual tours of three modified homes. These tours are now being demonstrated to newly injured participants, to help them understand what a modified home looks like, to support them to make choices for their own home modifications.

Empowered Living has also been working closely with the icare Foundation on the partnership with Remarkable (a division of Cerebral Palsy Alliance). Remarkable is Australia's first disability focused impact accelerator. Remarkable runs a 16-week disability-tech accelerator program for early stage start-ups, as well as a two day Enabled by Design-athon event and other design challenges to help find tech solutions for common disability problems.

icare has been involved in selection of start-ups for the accelerator and provided mentors for the accelerator and Design-athon. icare problem statements will be fed into future Design-athons and design challenges.

### **Vocational intervention and return to work**

Over 70 per cent of Scheme participants have a traumatic brain injury and can face challenges returning to work and maintaining employment. icare has established a partnership with the NSW Agency for Clinical Innovation, to establish and pilot a vocational program (the Vocational Intervention Program) to support those with a brain injury to return to work. Stage one of the Vocational Intervention Program was very successful, doubling the return to work rate when compared with the control group. As a result, icare has provided further funding to expand the program across NSW.

### **Guidance for spinal cord injury**

After extensive research and review, icare released the third edition of the *Guidance on the support needs of adults with spinal cord injuries*. The resource assists injured people, their family and health professionals to make informed decisions about support for living with a spinal cord injury. A working party of health professionals, researchers, service providers, support workers and injured people developed the guidance, utilising the practical knowledge of clinical experts and the first-hand experiences of injured people.

### **Peer to Peer support for people with a brain injury or spinal cord injury**

Feedback from participants and their families has identified a need for support and advice from other people with a brain or spinal cord injury and their family members. They identified the need for social, emotional and practical support by people with first-hand experience of their injuries. icare is working with disability organisations to develop new peer support programs or expand existing programs.

### **Psychiatry fellowships**

Mental health conditions are commonly experienced by participants with traumatic brain injury, and can often require specialist management. There are a very small number of psychiatrists in NSW who specialise in this clinical area. icare has partnered with the University of Sydney's Brain Mind Centre, the Royal Australian and New Zealand College of Psychiatry, and the Northern Sydney Local Health District to establish three psychiatry fellowships in brain injury for advanced trainees. The fellowships aim to increase the capacity of specialist mental health services in NSW to support people with a brain injury.

It is hoped through the establishment of a specific fellowship and development of a clinical network, additional psychiatry specialists in brain injury will be introduced to the system, providing better treatment and access to specialist interventions for those with a brain injury and their families. The first of the fellowships is currently being advertised and is planned to start in February 2019.

### **Transport in regional areas**

icare is working to better understand transport and access issues for people living with disabilities in rural and regional areas. Workshops have been hosted with community members in Dubbo and Tamworth to explore possible solutions to connect people living with disabilities in remote locations with their community through transport. Potential solutions will be submitted to the icare foundation for consideration for investment.

## Heads of Motor Accident Injury Schemes (HMAIS) Forum

icare meets with its state and territory counterparts via the Heads of Motor Accident Injury Schemes forum and sub groups. The forum and group are an opportunity for Australian and New Zealand motor accident injury schemes to collaborate and discuss national and strategic issues such as automated vehicles and road safety.

## Other initiatives

Since the Law and Justice Committee's *First Review of the Lifetime Care and Support Scheme* icare has continued to improve its delivery of person-centric services by:

- The introduction of a customer liaison function and new risk based decision-making framework which supports frontline staff to make principle-based decisions faster and more consistently, resulting in 80 per cent of low-risk service request decisions now being made within one day.
- Recruiting specialist home modifications staff who are providing additional oversight into complex home modifications. The team finds practical and feasible ways for participants and workers to stay at home; supporting over 85 participants and workers in any given month, which is a 33 per cent growth in numbers since late 2016.
- Review of the *My Plan* individualised planning tool, which helps participants to plan for the things they want to do and achieve. A human centred design approach was used to involve participants, staff and service providers in the review, to ensure the revised approach provided participants with even greater control of their care and supports. The *My Plan* tool has also been revised to meet the needs of workers with a dust disease and their dependents, including the development of a specialised module 'My Affairs' for planning for end of life. This work has involved appointing a panel of specialist planners to undertake planning with workers and their families in Dust Diseases Care.
- Appointment of a new integrated panel of approved attendant care providers for use in Lifetime Care, Dust Diseases Care and the Workers Care Program. The number of providers on the panel has increased, ensuring a consistently high standard of care for participants and workers.

A detailed report on progress with implementation of the Recommendations from the Committee's *First Review of the Lifetime Care and Support Scheme* is provided at [Annexure A](#).

## Participant feedback and satisfaction rates

icare continues to obtain feedback from participants about how the Lifetime Care Scheme is meeting their needs, via its yearly participant survey, and regular Net Promoter Score (NPS) surveys. High levels of satisfaction remain consistent across the Scheme overall; Lifetime Care achieved a participant satisfaction rate of 90 per cent in the 2017 survey, the same high result that was achieved in 2016. The 2018 participant survey is in progress. The NPS results have also demonstrated a progressive increase in customer satisfaction over the last year.

## Conclusion

icare is making every effort to improve the experiences of participants in the Lifetime Care and Support Scheme. Just as importantly, icare is providing transparency and accountability in its operations and seeks to continue to improve its operating model to ensure it is fit for the future.

icare is aware that caring for severely injured people is not a 'one-size' fits all approach and that every participant is unique. icare's aspiration is to create the best possible outcome for every person and organisation it serves, delivered through a fair, respectful and empathetic experience that is focused on the person, not the process.

icare thanks the Committee for the opportunity to provide a submission to its 2018 review of the Lifetime Care and Support Scheme. We look forward to the recommendations from the Committee, and to working with the Committee and other stakeholders in improving the experience of all our customers.



## ANNEXURE A

### Implementation of Recommendations from the First Review of the Lifetime Care and Support Scheme

Recommendation	Status	Progress
<p>1. That the SIRA annual reports include details on a transfer strategy, which should:</p> <ul style="list-style-type: none"> <li>a) assess claims management by insurers prior to transfer;</li> <li>b) publish all results of mismanagement by insurers; and</li> <li>c) publish the quantum recovered by insurers.</li> </ul>	<p>Not directly applicable to icare</p>	<p>This is a matter for the State Insurance Regulatory Authority (SIRA), as it relates to the regulator's annual reporting.</p>
<p>2. That the Lifetime Care and Support Authority continue to explore and report on the feasibility of providing participants with periodic sums for treatment and care needs, or for the purchase of low cost items, for the purpose of promoting greater self-management of care.</p>	<p>Progressing</p>	<p>Self-management has been an option for participants of the NSW Lifetime Care and Support Scheme since 24 December 2016. Ongoing support is provided to those who are interested in self managing any or all of their supports through a direct funding arrangement. As expected, growth in the numbers of participants choosing to self-manage is slow but steady. As at 30 June 2018 there are 32 participants managing some or all of their supports, and Lifetime Care has been working with another 43 participants who have expressed an interest in managing their own supports to help them decide whether this is a path they want to pursue.</p> <p>To date, participants have chosen to manage a range of supports including their attendant care, cleaning, gardening, equipment maintenance, repairs and replacement, physiotherapy, massage and continence supplies.</p>

		<p>icare has promoted self-management through feature stories in the participant magazine, <i>Shine</i>; and has recently developed a video to promote self-management called “<i>Managing your own supports: Greg’s story</i>”: This video is available to participants on the icare website on the page dedicated to informing participants about self-management. The link to the video is:</p> <p><a href="https://www.icare.nsw.gov.au/injured-or-ill-people/motor-accident-injuries/planning-for-the-future/managing-your-supports/">https://www.icare.nsw.gov.au/injured-or-ill-people/motor-accident-injuries/planning-for-the-future/managing-your-supports/</a></p> <p>The video is also available on YouTube: <a href="https://www.youtube.com/watch?v=FUYraiQeUAK">https://www.youtube.com/watch?v=FUYraiQeUAK</a></p> <p>By early 2019 Lifetime Care hopes to be able to offer participants and workers on-line access to order their own low cost and low risk equipment, and arrange their own equipment repairs and maintenance.</p>
<p>3. That the Lifetime Care and Support Authority work with regional hospitals and cross border hospitals to facilitate a better understanding of the Lifetime Care and Support Scheme and its application to those patients who have been catastrophically injured in a motor vehicle accident.</p>	<p>Progressing</p>	<p>icare will continue to liaise with regional and interstate trauma hospitals about its application processes, and will continue to offer training about the Scheme to these hospitals. icare has developed a suite of free e-learning courses about the Lifetime Care and Support Scheme, available on the icare website. These courses provide an overview and introduction to the Scheme including eligibility and application processes. Any staff working in cross border or regional hospitals can access these resources without the need to travel to a workshop. There are another three courses covering other aspects of the Scheme including attendant care, case management and planning (<i>My Plan</i>). Service providers can register on the icare website to access these courses which are free of charge. These online courses can be stand-alone or as pre-learning for Lifetime Care’s face to face workshops, which are run several times per year.</p> <p>icare has delivered training to service providers (major trauma hospitals and brain injury rehabilitation units) in the Hunter region. icare has also undertaken a roadshow across metropolitan and regional NSW to conduct workshops for the changes to its planning process <i>My Plan</i> during 2018. This has facilitated awareness of the Scheme and included working with staff from regional hospitals and regional brain injury units.</p> <p>icare is also working with the NSW Health Agency for Clinical Innovation to strengthen relationships with brain injury units in hospitals, including those in regional areas. These units receive referrals from regional and interstate trauma hospitals, and need to be able to identify potential Scheme participants and provide information and assistance about the application process.</p>

<p>4. That the NSW Government consider providing icare with legislative power to compel insurers to provide the information it needs to make decisions regarding scheme eligibility and treatment and care needs.</p>	<p>Progressing</p>	<p>icare welcomes any change that supports prompt and accurate eligibility decision-making and reduces delays that could cause distress to injured persons and their families.</p> <p>icare has consulted with stakeholders, including legal and insurance stakeholders, in revising the statutory <i>Lifetime Care and Support Guidelines</i>. The proposed changes to the Guidelines aim to facilitate Lifetime Care’s ability to request information from insurers and other stakeholders to expedite decisions about eligibility to the Scheme. Since the last review, icare has also introduced the role of Customer Liaison Officer to support participants and their families during the Lifetime Care application process.</p> <p>The <i>Motor Accident Injuries Act 2017</i> currently provides SIRA with the ability to make Guidelines in relation to matters required by that Act. The Guidelines explain the regulation of CTP insurance premiums and set SIRA’s expectations of insurers when fulfilling their obligations. During 2018 icare met with both SIRA and CTP insurers to clarify roles and responsibilities when a CTP claimant becomes a Lifetime Care participant and to ensure ongoing and effective communication between the parties. SIRA have updated the Motor Accident Guidelines to ensure that insurers consult and liaise with icare prior to making adverse liability decisions regarding participants. icare will continue to liaise with CTP insurers, in collaboration with SIRA, to monitor this communication and make further enhancements to facilitate timely and efficient applications to Lifetime Care as needed.</p>
<p>5. That the NSW Government put a legislative limitation on the number of times that a party can seek to dispute a decision by the Lifetime Care and Support Authority to not accept an injured person into the scheme.</p>	<p>Progressing</p>	<p>Consultation with stakeholders is underway to explore the issue of protracted disputes about eligibility with SIRA, legal stakeholders, CTP insurers and Lifetime Care Participant Reference Groups in Newcastle, Parramatta and Sydney to examine how these issues could be addressed within Lifetime Care’s current legislative framework:</p> <ul style="list-style-type: none"> <li>• icare met with SIRA and the Insurance Council of Australia on 7 August 2018.</li> <li>• A meeting with legal stakeholders is in the process of being scheduled for November 2018.</li> <li>• This matter has been placed on the agenda for Lifetime Care Participant Reference Groups in November 2018 in Sydney, Parramatta and Newcastle.</li> </ul>