

Review of an assessment panel's decision about eligibility

If you've disputed a decision about your eligibility to become a participant in the Lifetime Care and Support Scheme, we'll send you a certificate with the assessment panel's decision. If you think the panel's decision is wrong, you can apply for a review.

Under what circumstances can I apply for a review?

You can only apply for a review on one or more of the following *grounds*:

- there has been a change in your condition, being a change that occurred or that first became clear after the dispute was referred to the assessment panel, and that change could have a significant effect on the panel's determination
- there is additional relevant information about your injury, being information that was not available, or could not reasonably have been made available, before the dispute was referred to the panel and that information could have a significant effect on the panel's determination
- the decision was not made in accordance with the *Lifetime Care and Support Guidelines* (the *Guidelines*)
- you can show that the decision is incorrect in a significant way

The *Guidelines* can be found on our website www.icare.nsw.gov.au.

How do I apply for a review?

You, Lifetime Care, or the Compulsory Third Party insurer can apply for a review. The application must be sent to us within six months of you receiving the assessment panel's decision. A review application must be in writing (in a letter or email) and include:

- your name, address, contact details, and the date of the panel's decision
- which of the *grounds* for review listed above apply, including detailed reasons why you are requesting the review and how you think it meets those grounds
- any other relevant information or reports in support of your application

If you need help applying for a review, we have several support and advocacy providers who can help you navigate the process. For details, see our information sheet: *P13 Support and Advocacy Service*, on our website www.icare.nsw.gov.au

Review applications can be emailed to: feedback.lifetimecare@icare.nsw.gov.au

or posted to:

Lifetime Schemes Complaints and Disputes Service
Lifetime Care
GPO Box 4052
Sydney NSW 2001

What happens next?

We'll provide a copy of your application to the other party (or parties) to the dispute, if any. Those other parties then have 20 days to make any submissions in response to the application.

We will consider your application, any submissions received in response, and all other relevant information in deciding whether your review will be referred to a review panel.

We will tell you and the other party (or parties) to the dispute whether the application will be referred to a review panel, or whether it has been dismissed. We will do this in writing within 5 working days of receiving submissions from all parties and will include reasons for our decision.

Alternatives to a review

We might find that your review application gives us enough information to make a new decision about your eligibility. We may ask you to complete another application to the Scheme instead of having a review, or we may be able to treat your review application as a new application to the Scheme.

This might happen if you were not a participant at the time a review application was made, and you have applied under either of the first two grounds of review, namely that there has been a change in your condition or there is more relevant information available.

Who is on the review panel?

If your review application is accepted, we'll convene a review panel of three suitable assessors from Lifetime Care's list of dispute assessors as soon as possible. We will give you details of the review panel, including their names and specialties. The review panel will not include any dispute assessors who were on the original assessment panel or have treated you before.

You or the other party (or parties) to your review application can request different assessors if you think those chosen are not suitable within 10 days of receiving notice about the panel members.

A panel chairperson will then be chosen, and the three assessors will be sent the review application together with all the information which was before the original assessment panel, and all documentation received since that decision was made.

The panel's first meeting will be held as soon as possible after the panel is convened.

How does the review panel assess the application?

The review panel will decide how it will conduct the assessment, but it must comply with the *Guidelines*.

The review panel will consider all aspects of the dispute again and will decide whether:

- another clinical examination is needed, or if the assessment can be made using the existing documentation
- any more information is needed
- any further meetings are needed

You must follow any reasonable request from the review panel, including undergoing a clinical examination if necessary.

The review panel will either confirm or revoke the decision of the original assessment panel.

How long will the review process take?

It may take several months to finalise the review outcome. It may take longer if all relevant information is not provided with the application. You'll be kept informed about the progress of the review.

The review panel will decide whether the grounds for review are met, and either confirm or revoke the decision of the assessment panel. If the decision is revoked, the review panel will make its own new determination.

The review panel will issue a certificate containing written reasons for their decision within 20 working days of their last meeting. This will be sent to you and the other party (or parties).

The decision is final and binding as to your eligibility for participation in the Scheme.

Will it cost me anything?

No. The cost of the review panel assessment is paid by us, including any necessary travel and accommodation. We can't pay any legal costs for you or other parties, for example if you engage a solicitor to assist you with the review.

For more information, contact our Lifetime Schemes Complaints and Disputes Service on 1300 738 586 or email: feedback.lifetimecare@icare.nsw.gov.au.

icare
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