

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 apparent after the dispute was referred to the assessment panel and that change is capable of having a material effect on the determination
- there is additional relevant information about your injury, being information that was not available, or could not reasonably have been obtained, before the dispute was referred to the panel and that information is capable of having a material effect on the determination
- the decision was not made in accordance with the *Lifetime Care and Support Guidelines* (the *Guidelines*)
- the decision is demonstrably incorrect in a material respect.

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

How do I apply for a review?

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

- your name, address, contact details and the date of the panel's decision
- which ground or grounds for review (listed above) apply, including detailed reasons why the review is being requested and how it you think it meets the ground or grounds
- any other relevant information or reports in support of your application.

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

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

or posted to: Assessment Review team

Lifetime Care

GPO Box 4052

Sydney NSW 2001

What happens next?

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

The application, any submissions received in response, and all relevant information will be considered in deciding whether the review will be referred to a review panel.

You and the other party (or parties) to the dispute will be advised as to whether the application will be referred to a review panel, or whether it has been dismissed, within 5 working days of receiving submissions from all parties. Written reasons will be provided.

Alternatives to a review

Sometimes we might find that a 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 be the case if you are not a participant at the time a review application is 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 additional relevant information available.

Who is on the review panel?

If the review application is accepted, we'll convene a review panel of three suitable assessors from Lifetime Care's list of dispute assessors (not including the original assessors) as soon as possible. You'll be advised of the details for the review panel, including their names and specialties.

Within 10 days, you and the other party (or parties) can request different assessors if you think those chosen are not suitable.

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

The panel's initial 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 determine how it will conduct the assessment, but it must comply with the *Guidelines*.

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

- another clinical examination is required, or if the assessment can be made using the existing documentation

- any additional information is required
- any additional meetings are required.

You must comply with 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 ground or 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 substitute its own 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 Assessment Review team on 1300 738 586 or email: feedback.lifetimecare@icare.nsw.gov.au.