

## **Part 8: Attendant care services**

This Part of the Lifetime Care and Support Guidelines is made under the *Motor Accidents (Lifetime Care and Support) Act 2006* (the Act), including sections 11A, 11AA, 23, 28 and 58.

This version of Part 8 of the Lifetime Care and Support Guidelines (the Guidelines) takes effect on the date of gazettal in the NSW Government Gazette and applies to any assessment of treatment and care needs relating to attendant care services made on and from that date in respect of any participant in the Scheme, whether interim or lifetime, and whether accepted into the Scheme before or after the date of gazettal.

The Lifetime Care and Support Authority (Lifetime Care) may waive observance of any part or parts of this Guideline. Waiving observance of all or part of this Guideline in any particular circumstances is not an indication that Lifetime Care will waive observance of this or any other Guideline in any other circumstances.

### **1 Reasonable and necessary attendant care services**

1.1 Lifetime Care considers treatment and care needs in connection with attendant care services (also referred to support worker services or community worker services) to be reasonable and necessary when the services:

- a) are required because of the motor accident injury;
- b) help the participant with everyday tasks, such as personal assistance, nursing, home maintenance and domestic services;
- c) assist the participant to maximise their independence;
- d) facilitate the participant's return to their former role or assist them to develop new functional skills and roles;
- e) are appropriate for the participant's age and circumstances, when compared with alternative options and models to meet their care need;
- f) reduce or eliminate the risk of harm to the participant or others; and
- g) are the least restrictive response to meet the participant's injury related needs.

1.2 Reasonable and necessary treatment and care needs in connection with attendant care services do not include circumstances where the services:

- a) are for an injury, condition or circumstance that existed before the motor accident or that are not a result of the motor accident;
- b) are of no clear benefit to a participant;
- c) are for other members of the participant's family or household;
- d) replace parental responsibilities. *For example, the supervision of a child of an age or level of dependence that would generally be expected to require parental supervision;*

- e) are provided in an unsafe environment or if the attendant care worker is placed at risk of harm. *For example, lifting a participant where this has been assessed as a manual handling risk; or*
  - f) substitute or replace a participant's employment. *For example, an attendant care worker performing work tasks for a participant.*
- 1.3 Lifetime Care may consider paying the reasonable expenses of domestic services in place of attendant care services to meet a care need that is related to the motor accident injury.

## **2 Personal assistance**

- 2.1 Attendant care services include personal assistance with daily living tasks including:
- a) showering, bathing, oral hygiene, dressing and grooming;
  - b) personal hygiene including bowel and bladder care;
  - c) eating and drinking;
  - d) taking medication
  - e) fitting and use of aids and appliances (equipment), hearing and communication devices;
  - f) mobility and transfers; or
  - g) health maintenance, such as positioning, application of splints, wound care and applying dressings, regular and routine exercises or stretches.
- 2.2 Attendant care services include personal assistance with the following tasks to assist the participant function in the community, including:
- a) selecting and planning activities;
  - b) facilitating engagement in activities;
  - c) meal preparation and other domestic tasks;
  - d) caring for dependants;
  - e) support with banking and shopping;
  - f) personal care; and
  - g) attending rehabilitation or medical appointments.
- 2.3 Attendant care services include personal assistance with the following tasks to assist the participant engage in rehabilitation, including:
- a) attendant care for community--based treatment, rehabilitation or associated activities;
  - b) therapy support, to implement a therapy program under the guidance and supervision of a health professional; or
  - c) weekend leave while the participant is an inpatient in a hospital or rehabilitation facility.
- 2.4 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to personal assistance will not generally include:
- a) travel expenses for the participant, their family or attendant care workers except where the participant requires attendant care services to get to and from treatment and rehabilitation services or to access the community where expenses are paid by Lifetime Care;

- b) personal care and nursing services whilst the participant is an inpatient in a hospital or during inpatient rehabilitation; or
- c) general training for skills an attendant care worker would reasonably be expected to possess to gain or maintain employment. *For example, manual handling and infection control.*

### **3 Nursing**

- 3.1 Nursing will be funded as part of an attendant care service when the participant needs direct care tasks that require the specialised skills, training or experience of a Registered Nurse.
- 3.2 Lifetime Care adopts the guidelines developed by the *Australian Community Industry Alliance*, formerly known as the *Attendant Care Industry Association (ACIA)* that aim to guide best practice in the attendant care industry, including provision of paid attendant care and nursing in the community, when assessing reasonable and necessary needs for nursing. These guidelines are available on the website of the *Attendant Care Industry Association*.

### **4 Home maintenance**

- 4.1 Home maintenance services include assistance with the following tasks:
  - a) routine home maintenance for upkeep and to ensure safe and easy access. *For example, cleaning of external gutters; removal of overhanging branches in the immediate vicinity of the home; and*
  - b) episodic or seasonal home maintenance tasks. *For example, window cleaning, changing light bulbs and smoke alarm batteries, and cleaning filters, exhausts and flyscreens.*
- 4.2 Home maintenance services are to be provided only for the property currently lived in by the participant.

### **5 Domestic services**

- 5.1 Domestic services include assistance with the following regular and routine tasks:
  - a) cleaning and similar tasks involved in the everyday operation and maintenance of a household;
  - b) gardening and lawn mowing to ensure safe and easy access;
  - c) car washing; and
  - d) swimming pool cleaning.
- 5.2 Domestic services are to be provided only for the property currently lived in by the participant.
- 5.3 Reasonable and necessary treatment and care needs in connection with domestic services do not include circumstances where the service:
  - a) is for upkeep of extensive grounds and gardens or a farm beyond what is required for safe and easy access to the house and immediate garden/land area. Lifetime Care considers it is reasonable to maintain the general amenity of the immediate land around a house,

approximating the size of a suburban block. *For example, a participant who lives on a property requests that Lifetime Care funds lawn mowing to the immediate land around his house, for an area that would be equal to a suburban block in his nearest town and pays for maintenance of fencing around this area to ensure safety from cattle in other paddocks. However, Lifetime Care does not consider it reasonable to maintain safe and easy access to the entire property including boundary fences.*

- b) is for a farming activity. *For example, planting crops or managing livestock;*
- c) falls outside of routine upkeep. *For example, decorative gardening and planting fruit and vegetable gardens;*
- d) falls outside of routine home maintenance or domestic services and requires a tradesperson to perform; or has been assessed by the attendant care provider as a work, health and safety issue or a task that would pose excessive risk to an attendant care worker undertaking the task. *For example, an attendant care provider may not allow their attendant care worker to change a lightbulb as this requires climbing a ladder;*
- e) is at a frequency which exceeds what Lifetime Care considers reasonable. *For example, Lifetime Care would consider a reasonable frequency for lawn mowing to be once per fortnight, and may not consider weekly lawn mowing to be reasonable;*
- f) is for internal or external home decoration or renovation, or other services intended for home improvement or to add value to a home; or
- g) is for other members of the household.

5.4 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to domestic services will not generally include:

- a) domestic service that is included as part of a daily bed fee or residential care accommodation fee; or
- b) cleaning products, materials or equipment, waste removal or tip fees.

## **6 Home maintenance and domestic services when the participant is away from home**

6.1 Information required by Lifetime Care to assess a participant's treatment or care needs for domestic services, gardening and home maintenance services if the participant is away from home for an extended period, including periods when the participant is hospitalised, include:

- a) the reason for the absence and the period that the participant will be away from home;
- b) the impact on upkeep and safe and easy access for the participant and other members of the household if the service was not continued;
- c) the reasonable capacity of other household members to perform these services when the participant is away from home; and
- d) the nature and extent of services that may subsequently be required if services are not continued.

## **7 Participants who are children**

- 7.1 Where the participant is a child, the reasonable and necessary attendant care provided for children by Lifetime Care will not include replacement of the usual care and supervision provided by a parent or paid for by a parent. *For example, babysitting, child care costs and the cost of out-of-school hours care.*
- 7.2 The role of the attendant care worker is to provide attendant care services to the participant and not to provide direct care or supervision to other family members such as the participant's siblings.
- 7.3 In the case of young children, Lifetime Care may consider paying the reasonable expenses of domestic services in place of attendant care services to allow the parent to meet a participant's motor accident injury care need.
- 7.4 The role of an attendant care worker to meet care needs related to the motor accident injury does not replace parental responsibility to supervise and provide non-injury related care to the child participant.
- 7.5 Documentation of the attendant care needs of a child participant, for tasks ordinarily provided by a parent or family member as part of their parental responsibilities, must include clear justification for why these are an assessed care need.

## **8 Attendant care and domestic services for participants who have caring responsibilities**

- 8.1 Lifetime Care may pay reasonable and necessary expenses for attendant care for participants who have caring responsibilities, to assist them to perform their role as a parent or caregiver, when the need for this assistance is related to the motor accident injury.
- 8.2 Payment of attendant care expenses in these circumstances aims to maximise the participant's independence and support them in their role as a parent and/or caregiver. The role of the attendant care worker is to provide attendant care services to the participant. The presence of an attendant care worker for care needs related to the motor accident injury does not replace parental or caregiver responsibility. *For example, an attendant care worker may assist a participant to travel with their children to and from school but will not be solely responsible for taking the children to and from school.*

## **9 Alternatives to attendant care service provision**

- 9.1 Lifetime Care may consider paying reasonable expenses of alternatives to attendant care services such as school holiday programs, child care, community-based groups, or community access programs. This will be considered when such alternatives are age appropriate, provide appropriate support and are assessed as a suitable alternative to meet the participant's injury-related needs and are cost effective compared to attendant care.
- 9.2 Lifetime Care will not pay for everyday activity costs that are not related to the need arising from the motor accident injury.

## **10 Attendant care services when the participant is away from home**

- 10.1 Lifetime Care may pay the reasonable expenses of attendant care services for a participant when away from home. *For example, when on holiday or away from their usual place of residence.*
- 10.2 Lifetime Care requires additional documentation of the care needs of the participant and the level of care being requested to assess their need for attendant care when away from home in the following circumstances, when:
- a) additional attendant care hours are being requested for the duration of the participant's absence;
  - b) the participant will use a different attendant care provider than the one engaged to provide their regular attendant care program;
  - c) the participant is travelling overseas; or
  - d) attendant care worker travel or accommodation expenses are requested.
- 10.3 Lifetime Care may consider additional expenses to be reasonable and necessary when the participant is away from home, in circumstances including:
- a) when it can be demonstrated that a change in attendant care service provision would cause secondary care complications or behavioural complications;
  - b) when the participant requires attendant care support during travel to and from their destination that is beyond that provided by transport providers; or
  - c) where the participant's level of function, accommodation environment, unfamiliar surroundings, unfamiliar routine or need to access additional equipment creates an additional need for attendant care.
- 10.4 When additional attendant care is required during a participant's holiday, Lifetime Care will generally consider that 28 calendar days per calendar year is a reasonable period where additional attendant care holiday support will be considered to be reasonable and necessary and:
- a) the 28 calendar days per year can be taken in one block or made up of several trips in one calendar year;
  - b) the participant may choose to combine the 28 calendar days per year over 2 or more years to provide attendant care for when a participant is away from home for a longer period. *For example, the participant may choose to combine 56 days over 2 years, for a 2-month holiday overseas, or 84 days over 3 years.*
- 10.5 The time limitations in 10.4 apply only if additional assessed attendant care is required, and do not apply if the participant does not have an additional need for attendant care above their usual need.
- 10.6 If there is an injury-related need for plane travel at a class above economy class, Lifetime Care will generally consider funding the cost difference between economy class travel and business class travel on the basis of the following principles:

- a) Lifetime Care will generally consider that the cost difference of one domestic return flight and one international return flight per calendar year is a frequency considered to be reasonable and necessary; and
- b) Lifetime Care will generally consider it reasonable to pay for the attendant care worker's airline ticket and for an attendant care worker to travel in the same class as the participant, to provide support beyond that can be provided by airline cabin crew; and
- c) Lifetime Care expects that the attendant care worker's airline ticket will be purchased applying any of the airline's carer discounts and concession fares available, where applicable.

10.7 If the participant requires additional attendant care holiday support, the participant is required to provide reasonable notice to Lifetime Care and the attendant care provider so that arrangements can be made to ensure the participant's care needs are met. Lifetime Care considers a reasonable notice period to be one month prior to the intended travel date for domestic travel, and 3 months prior to intended travel for overseas travel.

10.8 The reasonable expenses in relation to the participant's assessed treatment and care needs when they are away from home will not generally include:

- a) expenses for recreational activities or recreational equipment while the participant is away from home;
- b) expenses for the participant's entry to tourist attractions or other participation in activities relating to a holiday;
- c) a participant's personal holiday expenses, such as travel costs, meals and accommodation;
- d) travel expenses in excess of economy class level unless there is a clear injury-related need;
- e) attendant care worker travel expenses to accompany a participant to and from their destination, where a participant is assessed as being able to travel without an attendant care worker present and with the support provided by transport providers;
- f) general costs associated with international travel, such as immunisation, passports or visas for the participant;
- g) attendant care assistance for any tasks other than to meet an assessed care need; or
- h) travel insurance or any other expenses associated with changes to travel plans for the participant.

## **11 Attendant care services when a participant is in hospital**

11.1 Lifetime Care will generally not pay for additional attendant care services while a participant is in hospital or inpatient rehabilitation. Any requests for attendant care, in addition to the support provided by the hospital or inpatient rehabilitation facility, must demonstrate that there are exceptional circumstances.

## **12 Expenses for attendant care providers when a participant is away from home**

12.1 Lifetime Care will consider funding the following expenses incurred by an attendant care provider relating to delivering care while a participant is on holiday or away from home:

- a) the Australian Tax Office (ATO) rate for reasonable travel claims for domestic and overseas allowance expenses, including living away from home allowance to cover meals and incidentals if the relevant criteria are met;
- b) an attendant care worker's airline ticket in accordance with clause 10.6 above;
- c) incidental allowances, only when the holiday costs are inclusive of meals and accommodation, such as a cruise;
- d) transfers, visas, travel insurance and immunisations for overseas travel;
- e) entry fees for attendant care workers where these are not otherwise covered under programs such as the Companion Card; and/or
- f) accommodation for an attendant care worker or workers at a standard room rate.

## **13 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs in connection with attendant care services**

13.1 The assessment of treatment and care needs in connection with attendant care services must:

- a) consider the participant's individual needs for attendant care in the context of other treatment and services provided, including equipment, home modifications and other items. *For example, continence aids and supplies;*
- b) be made in collaboration with the participant;
- c) consider the environment or environments in which attendant care services will be delivered; and
- d) consider the participant's injury-related needs and their ability to perform or be assisted with tasks.

13.2 Information required by Lifetime Care to assess a participant's treatment or care needs in connection with attendant care services may include:

- a) information relating to the motor accident injury, including nature and severity of injury;
- b) pre- or co-existing conditions that may also give rise to a care need,
- c) other treatment and care needs under section 5A of the Act, such as equipment and home modifications;
- d) environmental risk factors. *For example, participants living in or travelling to rural or remote areas;*
- e) home ownership, in the case of domestic services and home maintenance, where a landlord or other home owner may be responsible for some aspects of home maintenance;
- f) household arrangements and shared household responsibilities, in the case of domestic services and home maintenance;



g) standard schedule, in relation to frequency of services for gardening and home maintenance; or

h) the type and level of care or service, and the requested provider, where applicable.

13.3 The following procedures are to be followed when assessing treatment and care needs in connection with attendant care services:

a) a review of care needs is to be conducted by a health professional or team of professionals with recognised qualifications and relevant experience in reviewing the need for attendant care services; and

b) a review of care needs is undertaken, where possible, in the environment in which care will be delivered.

13.4 Lifetime Care adopts relevant guidelines and other publications including the *Guidance on the support needs for adults with spinal cord injury*, when assessing the reasonable and necessary attendant care service needs of participants with spinal cord injury.