

Part 9: Education support 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 9 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 education support 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 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 education support services

- 1.1 Education support services required as a consequence of the motor accident are additional supports provided to participants who are students to promote independence in their learning. Education support services are additional to services a student is entitled to under the applicable state or federal legislation.
- 1.2 Lifetime Care considers the education provider to be responsible for the provision of educational support services appropriate to the participant's development and capabilities. Lifetime Care will not consider education support services to be reasonable and necessary, or a reasonable expense, if the participant is already entitled to those services under applicable state or federal legislation, administered by the NSW Department of Education, Association of Independent Schools NSW, the Catholic Education Commission of NSW, TAFE NSW student services, individual vocational and higher education institutions, and equivalent for participants outside of NSW.
- 1.3 Education support services include assistance with commencement at or return to appropriate educational settings within:
 - a) preschool;
 - b) childcare, including before and after school care;
 - c) primary and secondary schools; or
 - d) other educational settings such as higher education.

- 1.4 Lifetime Care considers treatment and care needs for education support to be reasonable and necessary when the services:
- a) assist to maximise independence and involvement in an education program;
 - b) are required as a result of the motor accident injury;
 - c) are appropriate for the participant's age, development and circumstances, when compared with alternative options and models to meet the participant's need; and
 - d) are based on measurable learning and development outcomes.
- 1.5 Education support services, in connection with education and vocational training, may include one or more of the following based only on their documented injury-related needs:
- a) assistance with short-term needs, such as education support to assist a participant to catch up on missed curriculum as a result of a prolonged hospital admission, or the need to consolidate a participant's learning where an injury-related learning need has been identified;
 - b) teacher release time to adapt and modify programs to accommodate the participant's individual learning needs;
 - c) professional support for the teacher and/or school learning support officer such as training to implement a rehabilitation program with the participant;
 - d) special education required as part of the participant's individual learning plan;
 - e) support to facilitate transitions between educational facilities, such as between schools or from primary school to high school;
 - f) individual support to engage with the curriculum or specific subjects, such as school learning and support officer support;
 - g) school learning support officer or attendant care worker time for overnight excursions/camps; or
 - h) specialist support such as therapists, special education teachers or other professionals, when delivered in conjunction with other rehabilitation services.
- 1.6 The following education support services are not considered reasonable and necessary:
- a) services for a condition that existed before a motor accident or that is not a result of a motor accident;
 - b) services that the participant accessed, was assessed as needing or was on the waiting list for prior to the motor accident; or
 - c) assistance with tasks that are the responsibility of a parent or guardian such as supervising homework and helping to access the local library, other resources or project materials.
- 1.7 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to education support services will not generally include:

- a) education expenses levied by the educational institution including school fees, fees for excursions or school camps, stationery and uniforms that are the responsibility of the parent or guardian;
- b) travel that is not related to a treatment or care need. *For example, travel to and from school.* Other state and federal resources would be expected to provide travel assistance to attend school and school excursions. There may be individual circumstances where travel support is provided for the first term only. *For example, if the child is transitioning to school for the first time, or to a new school;*
- c) support or services available to all students, such as whole class programs that are part of the school curriculum;
- d) costs that would reasonably be expected to be funded by the employer/ education provider, such as continuing professional development for teachers and other staff. *For example, workshops and seminars that are not specifically aimed at an individual participant are generally not considered reasonable and necessary;*
- e) education materials or resources that are not specifically required by the participant; and
- f) tutoring or enhancement programs for participants who do not have identified learning support needs, the request for tutoring is not supported by the school or is for tasks that are the responsibility of a parent or guardian to oversee, such as supervising homework or preparing school projects.

2 Method of assessment and criteria used to determine reasonable and necessary treatment and care needs for education support services

2.1 The assessment of treatment and care needs in connection with education support services must:

- a) take into account the participant's individual needs in the context of other treatment and services provided, including rehabilitation, attendant care services and aids and appliances;
- b) be made in collaboration with the participant;
- c) consider the environment or environments in which education support services will be delivered; and
- d) take into account the participant's injury-related needs and their ability to perform or be assisted with tasks.

2.2 Information required by Lifetime Care to assess a participant's treatment or care need for education support services may include one or more of the following types of information:

- a) relationship to the motor accident injury, including nature and severity of injury;
- b) the participant's pre-accident development and learning history;
- c) services which the participant accessed, was on the waiting list for, or was assessed as requiring prior to the motor accident;

- d) pre- or co-existing conditions that may also give rise to a need for education support services, to ensure a holistic approach to care provision;
- e) measurable changes in the participant's ability to engage in education and training as a result of their motor accident injury;
- f) relation to other treatment and care needs under section 5A of the Act, such as rehabilitation and attendant care services;
- g) the status or outcome of any application for assistance through the applicable state or federal legislation administered through the NSW Department of Education, Association of Independent Schools of NSW or Catholic Education Commission of NSW; and
- h) the justification for the type and level of education support requested and for the provider of the service, where applicable.

2.3 The following procedures are to be followed when assessing treatment and care needs for or in connection with education support services:

- a) a review of education support needs is to be, where possible, undertaken in the environment or environments in which the education support service will be delivered; and
- b) the duration of any request for education support will be considered in the context of the participant's injury related needs and stage of rehabilitation. *For example, requests may be more frequent as a participant returns to school.*

2.4 The type and amount of education support services requested may change when:

- a) the participant achieves measurable outcomes;
- b) the participant's education program changes;
- c) injury-related needs or circumstances change; or
- d) the service is no longer the most appropriate response to the participant's needs.

3 Tutoring

3.1 Tutoring is a service provided in addition to a school education program, and in conjunction with that program, that provides individual support with a specific subject or specific study skills. Tutoring aims to enable a participant to resume his/her pre-accident level of academic achievement or level consistent with their motor accident injury.

3.2 Tutoring, as an education support service, will be considered reasonable and necessary when:

- a) it relates to a specific need for education support as a direct result of the motor accident injury;
- b) it is expected to promote a participant's independence in the education setting;
- c) is identified as the most effective approach after adjustments and strategies implemented by the education facility have been considered;
- d) the service will enable the achievement of measurable learning outcomes and educational goals; and

e) the service complements other education support services provided and other specialist services such as neuropsychology, psychology, speech pathology and occupational therapy.

3.3 Tutoring does not include tasks that are the responsibility of a parent or guardian such as supervising homework, helping access the local library, other resources or project materials.

3.4 To determine whether a participant's need for tutoring is reasonable and necessary in the circumstances, the following factors are relevant:

a) evidence that additional fatigue and/or anxiety for the participant has been considered;

b) whether the service is subject specific and linked to the curriculum;

c) whether the service supports the goals and outcomes of the participant's individual learning plan;

d) whether the content is personalised for the participant and delivered one to one or in small groups;

e) whether sessions are scheduled outside regular class hours;

f) whether the provider of the service has knowledge of the curriculum, subject content and current teaching practice;

g) whether the provider is able to provide outcome measurements and/or progress reports as required; and

h) whether the service is time limited.