

**STANDING COMMITTEE ON LAW AND JUSTICE  
2018 REVIEW OF THE LIFETIME CARE SCHEME**

**QUESTIONS ON NOTICE – icare**

**1)**

**Quality of workforce and lowering of standards:**

**The Hon. DANIEL MOOKHEY:** A concern has been expressed about the explosive growth in demand for disability workers because of the NDIS, which is it is leading to a lowering of standards amongst the workforce itself and there needs to be comparable investment in skill building. Of course that is an NDIA debate but the question is: Is it causing workers under your scheme to shift or is there an increased demand for that workforce and if so how are you responding? Equally, are you seeing workers coming back the other way who perhaps do not have the same skills? What standards are you putting into the accreditation system to make sure that the people working under your system are properly trained, remunerated and looked after as well?

**Ms LULHAM:** In terms of the remuneration—it is not within the standard but it is within our contract with them—they have to comply with any of the fair wage and—

**The Hon. DANIEL MOOKHEY:** New South Wales Government policy.

**Ms LULHAM:** All of that, and even if they outsource that they still have to comply, they are responsible for whoever they—

**The Hon. DANIEL MOOKHEY:** So you have got contractor responsibility in your contracts?

**Ms LULHAM:** Yes.

**The Hon. DANIEL MOOKHEY:** And enforceable to your contract chain?

**Ms LULHAM:** Yes.

**The Hon. TREVOR KHAN:** How do you ensure that?

**Ms LULHAM:** That will be one of the things that we might look up when we start doing those audits ourselves.

**The Hon. DANIEL MOOKHEY:** That is very interesting.

**Mr DAVID SHOEBRIDGE:** It is more than interesting, it is good.

**The Hon. DANIEL MOOKHEY:** On notice, any further information you can provide about that would be really helpful.

**ANSWER:**

To date, icare's panel providers have not reported any effect on their ability to source suitable people to be employed as support workers.

**Professional Standards**

Support workers employed under the Lifetime Care system are required to meet the Australian Community Industry Standard. Examples of areas covered by the Standard include organisational induction and training programs, suitable risk and governance frameworks and the involvement of the injured person in planning and decision making.

The icare contract with the attendant care providers on its panel requires the provider to only accept referrals and work where they can source and provide workers that are suitably trained to meet needs of the individual icare participant service category (i.e. physical assistance, high clinical needs or cognitive and behavioural support). It also stipulates that any subcontracted work has the same expectations and the responsibility sits with the panel provider to ensure these expectations are met.

In recognition of the complex needs of our participants, icare will pay for training of support workers specific to the participant from the appropriate health professional (i.e. occupational therapist or psychologist). The need for this training is identified through the care needs assessment in consultation with treating team, attendant care provider and participant, and is considered a part of the establishment of or change to a care program.

The tender application/procurement process that icare adopted to establish the current panel of approved attendant care providers specifically required an outline of the support structures in place for attendant care workers and information on the induction and recruitment requirements for staff. All programs funded by icare must also have a care coordinator to oversee the program and support the staff and communication with icare.

The contract itself requires that the provider pays staff under the relevant Award and all conditions of same.

### **Quality Assurance Audits**

icare's contract with attendant care providers allows it to conduct audits of contracted providers. Most quality organisational and service factors are reviewed under the ACIS certification process and annual surveillance audit. However, icare considers there is scope to gain further assurance through a governance program that could include site visits to examine specific services to individual participants (e.g. confirmation of delivery and attendance at training paid for by icare and confirmation of payment against appropriate awards conditions). icare would apply this to a sample of the panel providers over time without duplicating on the ACIS certification process, which is already very thorough. The overall annual governance and audit program would adopt a risk-based approach to these visits, guided by standard sampling methodology.

2)

### **Recover of costs from road authorities:**

**The CHAIR:** Mr Nagle, just on a different issue, the Motorcycle Council of NSW raised in its written submission—I do not know if you have had a chance to look at that—and also today a novel idea of recovering some costs from the roads authorities where, for example, they have an obligation to look after roads and if there is a pothole or gravel on the road and an accident is caused because of that and where compensation is paid that it then be recovered from that roads authority. I want to give you the opportunity to respond to that either now or on notice if you would like. I do not know if you have had the chance to consider that.

**The Hon. TREVOR KHAN:** There was not universal agreement with the proposition, I might add.

**The CHAIR:** No, I am not saying we are necessarily going to recommend it, which is why I said it was novel.

**Mr NAGLE:** I think I prefer to take that one on notice and consider the logic.

**The CHAIR:** I think it is important that the Committee has a response to that.

### **ANSWER:**

Lifetime Care is a no-fault scheme and does not explore the circumstances of the accident. The small amount that could be recovered from third parties such as local council, does not warrant the investigation of motor accidents and launching recovery proceedings against third parties. The legal and investigation costs are likely to minimise any amount the scheme would recover.