

Lifetime Care and Support (Catastrophic Injuries) Education Support Services Guidelines 2025*

Disallowable instrument DI2025-276

made under the

Lifetime Care and Support (Catastrophic Injuries) Act 2014, section 93 (LTCS guidelines)

1 Name of instrument

This instrument is the *Lifetime Care and Support (Catastrophic Injuries) Education Support Services Guidelines 2025*.

2 Commencement

This instrument commences on the day after its notification.

3 Guidelines

I make the guidelines attached to this instrument. The guidelines are Part 9, Education Support Services, of the LTCS Guidelines made under the *Lifetime Care and Support (Catastrophic Injuries) Act 2014*.

4 Revocation

The *Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 9)* (DI2014-210) is revoked.

Nicola Clark
Lifetime Care and Support Commissioner of the ACT

14 October 2025

*Name amended under Legislation Act, s 60

Part 9: Education support services

This Part of the Lifetime Care and Support Guidelines is made under section 93 of the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* (the LTCS Act).

Part 9 of the Lifetime Care and Support Guidelines (the LTCS Guidelines) applies to any assessment of treatment and care needs relating to education support services made on and from the date of commencement of the part in respect of any participant in the Lifetime Care and Support Scheme (the LTCS Scheme), whether interim or lifetime, and whether accepted into the LTCS Scheme before or after that date.

The Lifetime Care and Support Commissioner (the LTCS Commissioner) 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 the LTCS Commissioner will waive observance of this part or any parts of the Guidelines in other circumstances.

1 Reasonable and necessary education support services

- 1.1 The LTCS Commissioner considers education support services that are required as a consequence of the motor accident injury or work injury 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 commonwealth legislation.
- 1.2 The LTCS Commissioner considers the education provider to be responsible for the provision of appropriate educational support services to the participant.
- 1.3 The LTCS Commissioner considers 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 tertiary or vocational education.
- 1.4 The LTCS Commissioner considers treatment and care needs for education support to be reasonable and necessary when the services:
 - a) assist to maximise independence and participation in an education program;
 - b) are required as a result of the motor accident injury or work injury;
 - c) are appropriate for the participant's age, development and circumstances;
 - and
 - d) are based on measurable learning and development outcomes.

- 1.5 The LTCS Commissioner considers education support services may include one or more of the following:
- 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) individual support to engage with the curriculum or specific subjects, such as school learning and support officer support;
 - e) support required as part of the participant's individual learning plan;
 - f) support to facilitate transitions between educational facilities, such as between schools or from primary school to high school;
 - g) school learning support officer or attendant care worker time for overnight excursions/camps; or
 - h) specialist support provided by therapists, special education teachers or other professionals.
- 1.6 The LTCS Commissioner considers reasonable and necessary education support services do not include:
- a) services for a condition that existed before a motor accident injury or work injury or that is not a result of a motor accident injury or work injury;
 - b) services that the participant accessed, was assessed as needing or was on the waiting list for prior to the motor accident injury or work injury; or
 - c) assistance with tasks that are the responsibility of a parent or guardian such as supervising homework and helping to access project materials or other resources.
- 1.7 The LTCS Commissioner considers the reasonable expenses in relation to the participant's assessed treatment and care needs in relation to education support services will not include:
- a) education support services if the participant is already entitled to those services under applicable state or federal legislation, administered by the ACT Education Directorate, Association of Independent Schools of the ACT, the Catholic Education Commission Archdiocese of Canberra and Goulburn, Canberra Institute of Technology (CIT) student services, individual vocational and higher education institutions, and equivalent for participants outside of ACT.

- b) 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;
- c) travel that is not related to a treatment or care need, for example, travel to and from school. Other state and commonwealth resources would be expected to provide travel assistance to attend school and school excursions etc. There may be individual circumstances where travel support is provided, for example, if the child is transitioning to school for the first time, or to a new school;
- d) support or services available to all students, such as whole class programs that are part of the school curriculum;
- e) 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;
- f) education materials or resources that are not specifically required by the participant; and
- g) 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 or in connection with education support services

2.1 The LTCS Commissioner's assessment of a participant's treatment and care needs for or 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 and their family;
- 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 the LTCS Commissioner to make an assessment may include one or more of the following types of information:
- a) relationship to the motor accident injury or work 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 injury or work injury;
 - d) pre-existing 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) evidence that demonstrates the participant's ability to engage in education and training has changed as a result of their motor accident injury or work injury;
 - f) relation to other treatment and care needs under Part 5 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 commonwealth legislation administered through the ACT Education Directorate, Association of Independent Schools of the ACT or Catholic Education Office for the Archdiocese of Canberra and Goulburn; or equivalent for participants outside of ACT; 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 LTCS Commissioner follows the below procedures when making an assessment:
- 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.

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 pre-accident level of academic achievement or level consistent with their motor accident injury or work 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 or work 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 The LTCS Commissioner considers tutoring does not include tasks that are the responsibility of a parent or guardian such as supervising homework, helping access project materials or other resources.
- 3.4 To determine whether a participant's need for tutoring is reasonable and necessary in the circumstances, the LTCS Commissioner considers 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.

| Applicable provisions of the LTCS Act | |
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| Part 9 - LTCS Guidelines | LTCS Act reference |
| Education support services | Sections 9, 23 |