

# Home help and attendant care

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## Introduction

An employee is entitled to claim compensation for household services, including childcare and attendant care services, that are reasonably required as a result of their compensable injury. This may include appropriate short-term assistance, provided in the acute post-injury (or post-surgery) stage, to enable an efficient return to health and, where appropriate, work.

Section 29 of the SRC Act covers household and attendant care services.

Section 29A contains the provisions regarding household and attendant care services for employees with [catastrophic injuries](#).

## What are household services?

Household services are basic services of a domestic nature that are required for the proper running and maintenance of an employee's household (see section 4 of the SRC Act), and may include:

- food preparation/cooking
- assistance with grocery shopping (if home delivery is not available)
- house cleaning
- laundry duties
- gardening assistance, including pool or gutter cleaning
- one off services, such as, window cleaning, and
- childcare.

## What are attendant care services?

Attendant care services are services required for the essential and regular personal care of an employee. Attendant care services assist and support an employee to undertake activities of daily living and may include:

- grooming
- bathing and toileting
- dressing
- feeding, and
- use and application of artificial aids and appliances.

For employees with a catastrophic injury, a broader definition of attendant care can apply to include support of tasks requiring cognitive processing e.g., prompting to task, decision making, assistance to control mood etc.

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## What is not included?

### Household services

Household services do not include household maintenance and repairs such as:

- painting and decorating (exterior and interior)
- washing, servicing, repairing, or maintaining family vehicles
- repairing fences, doors, and windows
- cleaning products
- gardening supplies
- plumbing, and
- electrical repairs.

## Attendant care services

Attendant care services do not include:

- medical services
- surgical services, or
- nursing care.

These services may be payable under other sections of the SRC Act.

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## Amending Pracsys - Catastrophic injury tag

A claim that meets the definition of catastrophic injury will most likely be tagged in Pracsys upon initial determination. However, there may be circumstances where a claim has not been tagged but meets the definition of catastrophic injury. If this is the case, please follow the steps below:

## Step 1: If you consider an employee has a catastrophic injury, you should consult with an Injury Manager or your Assistant Director and check:

- if the diagnosed condition on the claim file accurately reflects the employee's claimed condition, and
- whether the claimed condition has been recorded in Pracsys correctly.

## Step 2: Where the claim meets the definition of catastrophic injury and has not been tagged in Pracsys, you will need to:

- go to the '*Amend Claim Determination*' (ADET) function in Pracsys, and
- select the catastrophic injury tag.

By selecting this tag, the employee will have uncapped access to household services (including childcare) and/or attendant care services, subject to the usual tests of eligibility.

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## Applying for household or attendant care services

If an employee requires household or attendant care services, the employee should complete the [Application for household and/or attendant care services form](#).

The application form requires both the employee and a legally qualified medical practitioner (LQMP) to complete the relevant sections of the form. This application should be reviewed by you and the Injury Manager.

Claims for household and attendant care services must be supported by a LQMP as evidence that the services are reasonably required as a result of a compensable condition.

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## Assessing the employee's need for household and attendant care services

When an application for household, attendant care and/or childcare services is received from an employee, the CM should:

1. Review the employee's request and the claim file including any rehabilitation assessments or other medical evidence with an Injury Manager (IM) and consider if the request for household, attendant care and/or childcare services is reasonable.

If yes, proceed to determination.

If no, continue to next step

2. If the request is not reasonable or if there is insufficient medical evidence on the claim to support the request, the CM and IM can consider arranging for a qualified Occupational Therapist (OT) to conduct a [home assessment](#) of the employee's need for household or attendant care services.

### Rehabilitation assessments

A rehabilitation authority's power under section 36 of the SRC Act, does not extend to an assessment of an employee's need for household services. The rehabilitation authority should be encouraged to discuss with Comcare any observation or advice received that indicates household services may be required

Comcare is, however, required to take into consideration (but cannot rely solely on) any rehabilitation assessment when determining if household services are reasonably required.

Comcare may obtain (with the employee's consent) an assessment of household services at the same time as a rehabilitation assessment.

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## Considerations to determine household services

Section 29(2) of the SRC Act provides a list of non-exhaustive matters you may consider when determining whether an employee reasonably requires household services:

- the extent to which household service were provided by the employee before the date of the injury and whether they can provide those services after that date
- the number of persons living with the employee as household members, their ages, and their need for household services
- the extent to which household services were provided by the household or family members before the injury
- the extent to which the household or family members might reasonably be expected to provide household service for themselves and for the employee after the injury
- the need to avoid substantial disruption to the employment or other activities of household or family members, and
- the functional capacity of the employee as assessed by their relevant treaters and advised via the OT assessment (this should be discussed with an IM).

You may also consider, in discussion with the IM, other relevant matters based on the actual claim circumstances. These matters can also be reviewed by the assessing OT if relevant. For example:

- the time taken for the employee to recover and regain the ability to perform domestic tasks themselves, and
- the ability of the employee to learn adaptative techniques or use equipment to enable them to perform household tasks independently.

The provision of aids and appliances, for the employee to use to assist with activities of daily living, must be [determined under section 39](#) of the SRC Act.

Where recovery is prolonged, employees should be empowered to perform tasks as independently as possible. Service provision should be reviewed at agreed intervals to ensure functional ability is aligned with the level of service.

**Note:** Household and attendant care services are not payable within the first 28 days from the date of injury, unless the employee can demonstrate financial hardship or the need to provide supervision to children.

The 28-day exclusion period does not apply if the employee has a catastrophic injury.

You need to ensure that you have gathered all the necessary evidence to apply the above considerations, including obtaining a [home assessment](#) (if required) before determining liability for household services.

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## Considerations to determine childcare services

Childcare arrangements are something that all parents are required to organise, regardless of injury or ill-health.

Where a child is born before or after the injury, it must be the compensable injury that has caused the requirement for paid childcare, and not any other change in the employee's circumstances (such as separation or divorce).

Payment of childcare should only ever be considered on a short-term basis to ensure the adequate supervision of children.



In dealing with the effects of an ongoing injury, employees should be expected to make reasonable adjustments to their childcare arrangements.

**Example:** If the injured employee can show that they would have been caring for a child/children were it not for the injury, then prima facie childcare is payable.

Where a claim for childcare services is reasonably required, an employee should be encouraged to use a qualified childcare worker or service.

## **Children born prior to an injury**

Compensation may be payable for childcare services if an employee was looking after their own children prior to their injury and, are now required to pay for childcare because their compensable condition prevents them from providing the care themselves.

If an employee was paying for childcare services prior to sustaining their injury, then compensation would generally not be payable for similar care obtained after the date of injury.

In this case, the injury has not caused the need for childcare services.

Where an employee can show that the childcare services requested are in addition to what they required prior to their injury or have come about in connection with their compensable injury, the need for childcare services is likely reasonable.

## **Children born after an injury**

The considerations in section 29(2) of the SRC Act deals mainly with the employee's pre-injury circumstances.

Where an employee has a child after their date of injury (or where the employee did not use childcare prior to the date of injury), the following should be considered in relation to the payment of childcare:

- is it the compensable injury that has now caused the requirement for paid childcare services (as opposed to childcare services being required because the employee now has a child or because of some other change in their circumstances)?

- would the employee ordinarily have been required to arrange childcare if they had not been injured (e.g., if not injured, would the employee have been at work and required to arrange childcare at this time regardless)?

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## Considerations to determine attendant care services

When considering claims for attendant care services, you should review all relevant information with an Injury Manager and consider (in line with section 29 of the SRC Act):

- the nature and degree of injury or illness sustained by the employee and the degree to which that injury or illness impacts their functional capacity
- the expected timeframe in which the employee will recover and regain the ability to perform tasks
- the extent to which any medical service or nursing care received by the employee provides for their essential and regular personal care
- whether the employee could be trained in adaptive techniques or the use of equipment to help enable them to perform the tasks independently
- whether the provision of attendant care services would assist the employee to live relatively independently in their home as opposed to a nursing home or some other alternative environment
- the extent to which relatives of the employee, whether living in the employee's household or not, might reasonably be expected to provide attendant care services
- the extent to which attendant care services are necessary to enable the employee to undertake or continue employment.

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# Can family or household members be paid for the provision of services?

## Household Services

The CM should encourage the use of professionally qualified service providers to ensure that the employee is receiving high quality, appropriate care.

The use of family members or friends to provide paid household services is not encouraged as it may:

- cause issues in the relationship
- create conflicting responsibilities
- leave the employee without appropriate support if the family member or friend falls ill or requires leave.

Requests to have a family member provide household help should only be considered in exceptional circumstances such as where there is limited access to an accredited [Australian Community Industry Alliance \(ACIA\)](#) provider.

The CM should discuss any requests for family members or friends to provide paid household services to the employee with an IM or their Assistant Director before approving the engagement of a family member or friend to provide paid household services.

It is recommended that family members or friends providing household services are accredited by, and meet the same standards of, ACIA.

Section 29(2)(d) of the SRC Act provides that in determining liability for household services consideration must be given to whether family or household members might reasonably be expected to provide such assistance to the employee following their injury.

Under Section 29(2)(e), the CM must have regard for the need to avoid 'substantial disruption' to the employment, or other activities, of other members of the household.

Whether the services which are provided by a family or household member or a friend are compensable will depend on, but is not limited to:

- the type of service provided
- when the service/assistance is required, and
- whether family members are available to provide the services and whether it is reasonable for them to do so.

If services can be provided by family or household members without substantial disruption to their employment and other activities, then the CM may consider that it is not reasonable for Comcare to pay for household services.

**Note:** Where an employee is receiving rent from a boarder who is not a family member it is not reasonable to expect the boarder to undertake additional housework on behalf of the employee.

All requests for household or attendant care services must be assessed on a case by case basis and the CM should always be guided by the evidence, for example, from the rehabilitation assessment and/or [home assessment](#), and/or other medical evidence on the claim file when determining requests for household or attendant care services.

## **Attendant care services**

When determining whether a relative might reasonably be expected to provide attendant care services, consideration should be given to whether an employee would feel comfortable with a relative providing the services depending on the type of services required as a result of the compensable condition.

Also, especially with matters of personal hygiene, relatives may not be comfortable providing such services.

Alternatively, some employees may not feel comfortable with someone other than a relative providing the service.

Each claim will need to be assessed on a case-by-case basis.

The CM should discuss any requests for family members or friends to provide paid attendant care services to the employee with an IM or their Assistant Director before approving the engagement of a family member or friend to provide paid attendant care services.

In the exceptional circumstance that a family member is engaged to provide attendant care services, they should be encouraged to seek the appropriate training and qualifications to ensure the employee is provided quality care and to minimise risk of injury to the employee or the person providing care.

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## Who is responsible for engaging a service provider?

Where it is identified that an external service provider is required, the employee is responsible for engaging their service.

It should be made clear to the employee that, by engaging a service provider to provide household, childcare or attendant care services, the employee is responsible for any agreements they make with that service provider.

### Household Services

It is recommended that the employee engages a reputable service provider with relevant business insurances as they will be entering the employee's property to undertake the work required.

**Note:** Please note that there are no provisions under the SRC Act to pay for the travel of a household help provider to an employee's residence. The cost of the travel can be included in the provider's fees, rather than itemising the travel component separately. You will need to assess whether the fee charged by the provider is reasonable. For example, it may be appropriate for a household help provider to include an additional amount over and above their normal rate if the employee lives in a rural or remote area where there are limited household help providers, and the provider needs to travel a considerable distance. If you have any queries regarding this matter, please discuss them with your AD.

### Childcare services

It is recommended that the employee engages a qualified childcare worker.

## Attendant Care Services

Comcare will only pay for attendant care services that are provided by a nationally accredited attendant care provider, where use of such a provider is possible.

The Attendant Care Industry Association (ACIA) is the national peak body that accredits attendant care provider organisations to the industry standard. A list of ACIA accredited providers is published [here](#). You must advise employees to use provider in this list to promote the provision of quality care services.

Whether using a provider from the ACIA listing or, where this is not possible, some other provider, the employee should confirm the provider has:

- appropriate insurance cover
- proper systems to ensure accountability for their services
- correct mechanisms for payment of taxation
- necessary backup in cases of sickness.

If an employee is unable to arrange for a service provider, their representative or health advocate may be able to do this for them.

You should only approve payment of attendant care services that are provided by a nationally accredited attendant care provider, unless exceptional circumstances apply e.g., a non-ACIA provider may be appropriate for a geographic area where there is no ACIA provider available.

Where attendant care services are currently being provided by a family member, or other person who is not ACIA accredited, you should assess whether those services continue to be reasonably required, and whether transition to the use of an ACIA provider is appropriate.

**Important:** Attendant care services do not provide for expenses incurred by an employee for the incidental travel, accommodation, and meal costs of an attendant carer. These are expenses provided for another person (the carer) and are not required for the essential and regular personal care of the employee.

## What are Comcare's responsibilities?

Comcare's responsibility for household services (including childcare) and attendant care services is limited to determining liability for the services and where liability has been accepted, paying for the services in line with the statutory weekly limits.

Comcare has no responsibility for:

- the standard of service provided
- the conduct of the service provider in the employee's home, or
- liability issues, including workers' compensation for the service provider.

**Important:** Under no circumstances should you enter into a contract or service agreement with a service provider.

## How long should services be approved for?

Initial claims for services are dependent upon the assessed functional limitations of the employee, subsequent to the illness, injury, disease and/or relevant treatment, and their individual household circumstances.

An initial service should not be approved for longer than 3-6 months. The length of approval and review schedule should be determined via collaboration between you and the Injury Manager and clearly communicated to the employee.

**Important:** Comcare is only required to pay for basic services necessary to ensure the maintenance and running of a household at a reasonable standard based on practices in the general population, regardless of whether the employee has unusually high standards.

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## Payment of household or attendant care services

Comcare can only pay up to a maximum weekly statutory rate when reimbursing household services.

Where an employee is receiving a combination of cleaning, gardening and/or childcare services during the same week, the maximum weekly statutory amount applies to the combined services and cannot be applied to each of the services separately.

Attendant care services are paid separate to household services and Comcare will pay up to the maximum weekly statutory rate for these services.

The exception to this is where an employee has a catastrophic injury, and in these cases, the maximum weekly statutory rates for household and attendant care services no longer applies.

The rate for maximum statutory weekly limit is updated on 1 July each year and displayed on Comcare's website [here](#).



Comcare's current recommended hourly rate for household services can be found in the Section 29 – household help – 756 letter or under the 'View Service Item' in Pracsys, which is updated each year. However, the recommended hourly rate is **not a set limit or a statutory rate**. It is **an indicative rate** which represents the average hourly rate for services, factoring in the weekly statutory limits and market conditions. **Comcare can approve invoices above the hourly rate**, provided they amount to less than the statutory weekly limit, and provided that we find the proposed rate to be *'reasonable'*. You need to discuss any changes to the recommended hourly rate with your Assistant Director before approving them.

Where an employee pays for the services, they should send a copy of the paid tax invoice or receipt for the services to Comcare for reimbursement and they may use a [Medical Services Claim Form](#) if they wish to.

Where the service provider and employee come to an arrangement where the provider invoices Comcare directly, Comcare will reimburse the provider on submission of a relevant tax invoice.

All invoices received are scanned to the employee's claim file and actioned by the Claim Administration and Income Support team.

If services are not approved in the treatment plan or they fall outside the frequency set in the treatment plan, the invoice will be referred to you for consideration.

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## Household or attendant care services and the Goods and Services Tax

Household and attendant care services are all subject to the GST.

To be eligible to claim the GST component a service provider must hold a current Australian Business Number (ABN) and a current GST registration with the Australian Taxation Office (ATO).

A service provider's ABN and GST registration details are available on the Australian Business Register (ABR) website which can be found [here](#).

It is the responsibility of the service provider to ensure that their ABN and GST registration details are kept up to date.

Providers who do not have an active GST registration should not be claiming the GST component for their services.

The hourly rates for household services determined by Comcare include a GST component.

Should a provider not be registered to claim the GST component for their services, the maximum hourly rate that Comcare can pay is reduced by 10%.

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## Procedure for assessing liability for household and attendant care services

Before determining liability for household or attendant care services, you should be familiar with the all the information in relation to household and attendant care services.

You must also review all the evidence provided to determine if the employee is eligible to receive compensation for such services.

The following procedure explains how to determine liability for claims for household and attendant care services:

### Step 1: Review the claim

Your review should be discussed with the Injury Manager and include:

- Occupational Therapist (OT) home assessments (current and any previous)
- medical and allied health treater reports - do they indicate any functional limitations or suggest a need for the services requested?
- rehabilitation (return to work) reports and programs - do they indicate any functional limitations or suggest a need for the services requested?
- does the employee have a catastrophic injury and the claim has been tagged accordingly?

## Step 2: Review the request

Is the liability being determined for:

- a new claim for household services (including childcare) or attendant care services?
- a request for an increase of household or attendant care services?
- an amount of services that appear excessive?
- home help services have been provided for longer than 6 months with no scheduled review?

If yes, you may need to arrange a home assessment. Discuss with the Injury Manager and refer to the [Home assessments](#) page.

If no, continue.

## Step 3: Assess the medical evidence

Does the medical evidence, the Occupational Therapy home assessments and/or any treating allied health reports, indicate that the employee is not able to adequately perform their activities of daily living as a result of the compensable condition?

- if yes, continue.
- if no, refer to the [Procedure for declining liability for household and attendant care services](#) section below .

## Step 4: Assess other assistance available

Are there any household members or relatives who have been performing the tasks, or can reasonably be expected to perform the tasks without substantial disruption to their employment or other activities?

- if yes, refer to **Procedure for declining liability for household and attendant care services** section below.
- if no, continue.

## Step 5: Determine the amount of services

In consultation with the Injury Manager, decide the amount and frequency of the household services (including childcare) or attendant care services that are reasonably required, considering:

- available medical evidence, including OT home assessments
- the employee's expected recovery timeframes
- that Comcare is not liable for household or childcare services during the first 28 days from the date of injury, unless it determines otherwise on the grounds of financial hardship or the need to provide adequate supervision for dependent children (section 29(5) of the SRC Act). **Note:** The 28-day exclusion does not apply when an employee has a catastrophic injury
- any rehabilitation program the employee is or will be undertaking (where relevant, discuss with the Rehabilitation Case Manager (RCM))
- the extent to which the services will enable the employee to continue employment or participate in a rehabilitation program
- the time it would take a professional to perform the tasks for which assistance is required. Refer to the OT's home assessment report for guidance.

## Step 6: Determine the claim

Refer to the relevant determining procedure below.

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# Procedure for accepting liability for household and attendant care services

## Step 1: Does the employee have a catastrophic injury?

- if yes, go to '*Amend Claim Determination*' in Pracsys:
  - select the catastrophic injury tag
  - select '*Amend*'.
- if no, continue.

## Step 2: Phone the employee

Your conversation should include:

- details of the specific services you are accepting liability for
- emphasise the service provided is to support a return to independence and, where appropriate, a return to work
- advise the service will be reviewed at scheduled intervals (pending the implication of the injury and time required for the service – this should be discussed with Injury Management)
- section of the SRC Act that the services is being accepted under
- the date liability has been accepted to
- the number of hours per week you are accepting liability for
- the hourly rate payable
- the maximum amount payable per week (unless the employee has a catastrophic injury)
- how you came to your decision and the evidence considered
- for attendant care approvals, advise that Comcare will only pay for services provided by an Australian Care Industry Australia accredited provider, where it is possible for the employee to access such services.

## Step 3: Phone the employer

Your conversation should include:

- details of the specific services you are accepting liability for
- section of the SRC Act that the services is being accepted under
- the date liability has been accepted to
- the number of hours per week you are accepting liability for
- the hourly rate payable
- the maximum amount payable per week (unless the employee has a catastrophic injury)
- how you came to your decision and the evidence considered
- the employer's rights to appeal if they disagree with the decision, and
- discuss how this decision fits with the employee's rehabilitation and return to work (where relevant).

## **Step 4: Send a Section 29: Household Help/Attendant Care (Letter template. 756) letter to the employee**

Your letter should include:

- details of the specific services you are accepting liability for
- emphasise the service provided is to support a return to independence and, where appropriate, a return to work
- advise the service will be reviewed at scheduled intervals (pending the implication of the injury and time required for the service – this should be discussed with Injury Management)
- section of the SRC Act that the services is being accepted under
- the date liability has been accepted to
- the number of hours per week you are accepting liability for
- the hourly rate payable
- the maximum amount payable per week (unless the employee has a catastrophic injury)
- how you came to your decision and the evidence considered
- copies of the evidence used in the decision
- for attendant care approvals, provide the web address for the ACIA accredited provider list
- the Your Rights and Options attachment.

Also send a a copy of the letter to the RCM advising of your determination.

## **Step 5: Create a file note and save it in Pracsys.**

**Note:** The file note should detail the reasons for the determination and refer to the evidence used to accept liability for household (including childcare) and/or attendant care services.

## **Step 6: Enter a comment in Pracsys.**

Go to '*Manage Claim Comment*' (MCOM) function, enter a comment stating the details of the services approved, including the hours and ensure that you record the details of your conversations with the employee and employer.

## **Step 7: Update the treatment plan in Pracsys**

Go to '*Amend Payment Authorisation (Treatment Plan)*' (ACTP) and update the treatment plan accordingly.

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# **Procedure for declining liability for household and attendant care services**

## **Step 1: Phone the employee**

Your conversation should include:

- details of the specific services you are declining liability for
- section of the SRC Act that the services is being declined under

- how you came to your decision and the evidence considered, and
- the employee's rights to appeal if they disagree with the decision.

## **Step 2: Phone the RCM**

Your conversation should include:

- details of the specific services you are declining liability for
- section of the SRC Act that the services is being declined under
- how you came to your decision and the evidence considered
- the employee's rights to appeal if they disagree with the decision, and
- discuss how this decision fits with the employee's rehabilitation and return to work (where relevant).

## **Step 3: Send Section 29: Household Help/Attendant Care (Letter template. 756) letter to the employee**

Your letter should include:

- details of the specific services you are declining liability for
- section of the SRC Act that the services is being declined under
- how you came to your decision and the evidence considered
- the Your Rights and Options attachment, and
- copies of the evidence used in the decision.

Also send a copy of the letter to the RCM advising of your determination.

## **Step 4: Create a file note and save it in Pracsys.**

**Note:** The file note should detail the reason for the determination and refer to the evidence used to decline liability for household, attendant care and/or childcare services.

## **Step 5: Enter a comment in Pracsys**



Go to '*Manage Claim Comment*' (MCOM), enter a comment stating the specific service you have declined, the reason, and ensure that you record your conversations with the employee and employer.

## **Step 6: Update the treatment plan in Pracsys**

Go to '*Amend Payment Authorisation (Treatment Plan)*' (ACTP) and ensure the treatment plan is amended so that no future invoices will be automatically approved and paid.

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