

Part 16: Vocational rehabilitation and vocational training

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 16 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 vocational rehabilitation and vocational training 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 Vocational rehabilitation

- 1.1 Vocational rehabilitation is the process of restoring or attempting to restore the person, through a combined and coordinated use of services, to the maximum level of employment or other work-related activity the person is capable of, or which the person wishes to achieve. Work-related activity is an activity that enables the participant to acquire skills to improve their ability to attain employment in the future.
- 1.2 Vocational rehabilitation will be reasonable and necessary where a need for vocational rehabilitation has been identified in an assessment by a suitably qualified rehabilitation provider and is supported by:
 - a) evidence that the need relates to a participant's motor accident injury; and
 - b) specific, measurable, achievable, realistic and time-based vocational goals that have been clearly defined.
- 1.3 All requests for vocational rehabilitation must be in writing and must outline how vocational rehabilitation will:
 - a) promote progress towards identified realistic vocational goals; and
 - b) aim to return the participant to their original employment with their pre-injury employer or, if this is unattainable, assist the participant to obtain alternative employment with a different employer.
- 1.4 When determining whether vocational rehabilitation is reasonable and necessary, Lifetime Care may consider:

- a) the participant's pre-accident life roles, career and intended study plans;
 - b) the participant's ability to engage in vocational rehabilitation because of the motor accident;
 - c) assessment by a suitably qualified vocational rehabilitation provider to determine the participant's vocational goal and their capacity to achieve the goal;
 - d) whether the participant and their medical/rehabilitation team agree with the choice of vocational goal;
 - e) existing vocational rehabilitation services that the participant may be able to access; and
 - f) the participant's capacity to achieve a sustainable employment outcome.
- 1.5 Reasonable and necessary treatment and care needs in connection with vocational rehabilitation do not include services:
- a) of no clear benefit to a participant;
 - b) that address needs that are not related to the motor accident injury;
 - c) for a person other than the participant; and/or
 - d) the participant can access or is required to access under other state or federal legislation.
- 1.6 The following expenses will not generally be considered reasonable expenses in relation to the participant's assessed treatment and care needs in relation to vocational rehabilitation:
- a) assistance to keep a business open, such as paying for temporary staff to do the participant's job;
 - b) standard furniture and other capital items associated with the participant's place of employment or occupational health and safety requirements; and
 - c) everyday living expenses associated with employment, such as travel to and from a place of employment, clothing/uniforms or lunches.

2 Vocational training

- 2.1 Vocational training is formal training that maintains or develops job-related and technical skills.
- 2.2 Vocational training (which includes pre-vocational training) may be considered reasonable and necessary where:
- a) a suitably qualified rehabilitation provider identifies a need relating to a participant's motor accident injury for a participant to undertake vocational training;
 - b) specific, measurable, achievable, realistic and time-based vocational goals have been clearly defined; and
 - c) it can be demonstrated that vocational training will progress these goals.
- 2.3 All requests for vocational training must be in writing and must outline how vocational training will promote progress towards the identified vocational goals.
- 2.4 When determining whether a participant's vocational training care needs are reasonable and necessary, Lifetime Care may consider:
- a) the participant's pre-accident life roles, career and intended study plans;

- b) the participant's ability to engage in vocational training because of their motor accident injury;
- c) assessment by a suitably qualified vocational rehabilitation provider to determine the participant's goal and capacity;
- d) agreement by the participant and their medical/rehabilitation team to the identified vocational goal;
- e) existing vocational training services that the participant can access;
- f) the participant's capacity to achieve a sustainable employment outcome without vocational training;
- g) identifiable labour market opportunities on completion of the training;
- h) the involvement of the participant in the decision-making process and the participant's willingness to commit to the vocational training;
- i) alternatives to vocational training;
- j) previous vocational training expenses paid for by Lifetime Care;
- k) the cost and duration of any requested vocational training; and
- l) the cost and duration of any travel that may be required to attend vocational training.

2.5 The following vocational training activities are not considered reasonable and necessary treatment and care needs:

- a) training that is related to maintaining an existing qualification, licence, registration or accreditation once the qualification, licence, registration or accreditation has been obtained;
- b) training that would be considered to form part of induction, ongoing skill maintenance or development that is within the responsibility of the employer or the participant to maintain their employment;
- c) training associated with voluntary career changes or personal development;
- d) ongoing training costs where the training or educational institution determines that the participant is guilty of serious academic misconduct; and

2.6 The reasonable expenses in relation to the participant's assessed treatment and care needs in relation to vocational training will not generally include:

- a) phone calls, photocopying, stationery, meals at training venues and all other expenses associated with training;
- b) costs of training courses that the participant had enrolled in or commenced prior to the injury; and
- c) ongoing training costs where the participant fails to maintain satisfactory academic progress as determined by the educational institution and Lifetime Care.

3 Payments to assist the commencement of employment

3.1 Lifetime Care may make payments for incidental expenses, not exceeding \$1,000, to assist a participant to commence employment. Lifetime Care will not consider incidental expenses in

connection with assistance in the commencement of employment to be reasonable and necessary, or a reasonable expense, if the participant is already entitled to those services under applicable state or federal legislation. This payment is regarded as a reasonable expense in connection with vocational education and vocational training only when:

- a) it will address an immediate or short-term barrier that directly prevents the participant from commencing employment or accepting an offer of employment;
- b) there is written evidence of a job offer to the participant;
- c) the need arises before the participant commences employment and receives their first payment from their employer; and
- d) not provided or to be provided by the employer.

3.2 In general, Lifetime Care will consider it reasonable to make one or more payments in relation to incidental expenses only where the total amount of such incidental expenses for a participant (over the course of the participant's participation in the Scheme) is no more than \$1,000.

3.3 Lifetime Care will not consider payments to assist the commencement of employment to be reasonable and necessary, or a reasonable expense, if the participant is already entitled to those services under applicable state or federal legislation.

3.4 The payment for incidental expenses is unable to be used for:

- a) items or services that an employer has a legal obligation to provide, such as personal protective equipment or orientation training;
- b) items that an employer will provide to the employee at no cost to the employee, such as a standard-issue uniform;
- c) household and everyday living costs; and
- d) income support.