

Australian Capital Territory

Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 16)

Disallowable instrument DI2014–217

made under the

Lifetime Care and Support (Catastrophic Injuries) Act 2014, section 93 (Making of Guidelines)

1 Name of instrument

This instrument is the *Lifetime Care and Support (Catastrophic Injuries) Guidelines 2014 (No 16)*.

2 Delegation

In the LTCS Guidelines any reference to the LTCS Commissioner includes any delegate of the LTCS Commissioner.

3 Commencement

This instrument commences on the day after its notification.

4 Guidelines

The Guidelines at Schedule 1 are Part 16 of the LTCS Guidelines made under section 93 of the *Lifetime Care and Support (Catastrophic Injuries) Act 2014*.

Karen Doran

Lifetime Care and Support Commissioner of the Australian Capital Territory

7 July 2014

PART 16 - Vocational Rehabilitation Services

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

Background

Vocational rehabilitation is the process of restoring or attempting to restore the person, through a combined and co-ordinated 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. Vocational rehabilitation services

- 1.1. The LTCS Commissioner will fund the reasonable and necessary expenses of vocational rehabilitation services for a participant who requires support to gain or maintain employment as a result of the motor accident injury. The LTCS Commissioner is not responsible for the funding of any service that the participant is entitled to under the applicable state / Territory or federal legislation.
- 1.2. Vocational rehabilitation may involve:
 - returning to pre-injury employment;
 - returning to similar or different employment;
 - assistance in obtaining employment following completion of education; and/or
 - assistance in maintaining employment.
- 1.3. Vocational rehabilitation services should start with the aim of returning the participant to their original employment with their pre-injury workplace. If this aim should be unattainable, vocational rehabilitation services could progress to assisting the participant into alternative employment with a different employer, which may include alternative skill development and/or training.
- 1.4. Vocational rehabilitation services are aimed at minimising the impact of the injury sustained as a result of the motor accident. Services form part of an overall rehabilitation program and will be based on measureable outcomes.
- 1.5. The LTCS Commissioner will fund the reasonable and necessary expenses of vocational rehabilitation services where:
 - there is assessment by a suitably qualified rehabilitation provider;
 - the service has been requested in writing;

- there is evidence that the service is reasonable and necessary in relation to the motor accident injury in respect of which the injured person is a participant in the Scheme;
- there is a defined, realistic vocational goal; and
- the service promotes progress towards identified, measureable vocational goals.

1.6. Factors that the LTCS Commissioner may consider when determining whether vocational rehabilitation services are reasonable and necessary include:

- the participant's pre-accident life roles;
- the participant's ability to engage in vocational rehabilitation as a result of their motor accident;
- assessment by a suitably qualified vocational rehabilitation provider to determine participant goal and capacity;
- agreement by the participant and their medical/rehabilitation team to the identified vocational goal;
- existing vocational rehabilitation services that the participant is able to access; and
- the participant's capacity to achieve a sustainable employment outcome.

1.7. Vocational rehabilitation services do not include:

- services that are not treatment, rehabilitation and care services under the scope of the *Lifetime Care and Support (Catastrophic Injuries) Act 2014* or regulations;
- services that are of no clear benefit to a participant;
- services that are not related to the motor accident injury;
- services for a person other than the participant;
- capital expenditure such as the costs of establishing and running a business;
- services that the participant was receiving prior to the motor accident;
- equipment that employers should provide to all employees to meet Workplace Health and Safety requirements;
- compensation for economic loss relating to the motor accident such as lost wages, weekly benefits or other forms of income maintenance or income support;
- assistance to keep a business open, such as paying for temporary staff to do a participant's job;
- wages subsidies for an employer;
- standard furniture and other capital items associated with a participant's place of employment;
- 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. The LTCS Commissioner will consider funding the reasonable expenses of pre-vocational training to enable participants to resume and/or maintain employment. Pre-

vocational training is training related to skill development that is needed to enable or enhance the development of a vocational goal.

- 2.2. The LTCS Commissioner will consider funding the reasonable expenses of vocational training to enable participants to resume and/or maintain employment. Vocational training is training that is directly linked to attainment of an identified vocational goal.
- 2.3. The LTCS Commissioner will only consider vocational training or pre-vocational training for a participant when:
 - there has been an assessment by a suitably qualified provider for the training;
 - there is evidence that the training is reasonable and necessary in relation to the motor accident injury in respect of which the person is a participant in the Scheme;
 - it is recommended by an appropriate vocational rehabilitation provider;
 - it forms part of, and supports, the participant's overall rehabilitation;
 - there are clear vocational outcomes for the participant;
 - there are identifiable labour market opportunities on completion of the training; and
 - the participant has been involved in the decision making process and is willing to commit to the training program.
- 2.4. To consider whether a request for pre-vocational training or vocational training is reasonable and necessary, the LTCS Commissioner will consider:
 - the participant's pre-accident occupation or career status;
 - the participant's current capacity to engage in a training program as a result of their motor accident;
 - recommendations from an assessment of vocational skills and capacity;
 - alternatives to training;
 - training that is provided by an accredited training organisation and recognised within the relevant industry;
 - the cost and duration of the requested training;
 - the rehabilitation goal associated with the training;
 - the likely future circumstances of the participant; and
 - previous training expenses paid for by the LTCS Commissioner.
- 2.5. The LTCS Commissioner will consider funding the reasonable expenses of:
 - training course fees and compulsory student and administrative charges. Course fees will be payable on a semester at a time basis. Payment of subsequent semester fees will be dependent on successful completion of previous semester course requirements;
 - compulsory textbooks and materials;
 - reasonable and necessary travel expenses to and from the approved training; and/or
 - training missed during an absence from tertiary/vocational studies that is a result of the motor accident injury.

- 2.6. The LTCS Commissioner will cease funding vocational training if:
- the training or educational institution determines that the participant is guilty of serious academic misconduct;
 - the participant fails to maintain satisfactory academic progress as determined by the educational institution and the LTCS Commissioner; and/or
 - there are no clear demonstrated benefit or outcomes for the participant.
- 2.7. Pre-vocational and vocational training expenses do not include:
- training for a person other than the participant;
 - phone calls, photocopying, stationery, meals at training venues and all other expenses associated with training;
 - costs of training courses that the participant had enrolled in or commenced prior to the injury;
 - training that is related to maintaining an existing qualification, licence, registration or accreditation once the qualification, licence, registration or accreditation has been obtained;
 - 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;
 - training associated with voluntary career changes or personal development.