



Heads of Workers Compensation Authorities

Guide

**Nationally Consistent Approval Framework
for Workplace Rehabilitation Providers**

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1. INTRODUCTION

1.1 HEADS OF WORKERS COMPENSATION AUTHORITIES (HWCA)

The Heads of Workers Compensation Authorities (HWCA) is a group comprising the Chief Executives (or their representatives) of the peak bodies responsible for the regulation of workers compensation in Australia and New Zealand. This includes Australia's 10 workers compensation authorities (six States, two Territories and two Commonwealth) and the New Zealand Accident Compensation Corporation.

The purpose of the HWCA is to promote and implement best practice in workers compensation arrangements in Australia and New Zealand in the areas of policy and legislative matters, regulation and scheme administration¹.

At the HWCA workshop meeting on return to work in September 2005, a reference group was assigned the task of outlining a nationally consistent approval system for workplace rehabilitation providers.

During 2006 and 2007 the reference group agreed to a nationally consistent framework whereby approval to operate as a workplace rehabilitation provider is required by workers compensation authorities. The group recommended to the HWCA that providers would apply to a workers compensation authority for initial approval and demonstrate their ability to meet organisational capability standards, return to work service model principles and mandatory qualifications. If approved in one workers compensation authority, other workers compensation authorities would recognise this status and ensure additional approval requirements were minimal.

The purpose of a nationally consistent approval framework for workplace rehabilitation providers is intended to:

- provide a robust approval system across the workers compensation authorities
- enable the objective measurement of provider performance against the Conditions of Approval
- establish standards designed to deliver high quality workplace rehabilitation services to workers, employers and insurers.

The benefits of a nationally consistent approval framework for workplace rehabilitation providers include:

- an agreed and understood model of workplace rehabilitation
- increased uniformity of workplace rehabilitation service definitions and expectations of workplace rehabilitation providers
- a more robust exiting system that assures credibility of the approval framework
- increased understanding of the expected standards of workplace rehabilitation provider performance for employers, workers and insurers

¹ Heads of Workers Compensation Authorities home page <http://www.hwca.org.au/vision.php>

- reduced administrative costs and complexity for workplace rehabilitation providers who are approved to deliver workplace rehabilitation services for more than one workers compensation authority
- for employers and insurers – reduced costs and complexity for those who operate in more than one workers compensation jurisdiction.

The Nationally Consistent Approval Framework for Workplace Rehabilitation Providers is a national system but does not reduce the responsibility of the insurer, workplace rehabilitation provider and employer to observe the purchasing and workplace rehabilitation service delivery requirements appropriate to the individual workers compensation authority.

2. NATIONALLY CONSISTENT APPROVAL FRAMEWORK FOR WORKPLACE REHABILITATION PROVIDERS

For the purposes of this Guide, a reference to Conditions of Approval (see section 6) encompasses the Principles of Workplace Rehabilitation and the Code of Conduct for Workplace Rehabilitation Providers (see Appendix 4).

Intending applicants should also ensure they understand the Glossary of Terms (Appendix 5).

The role of the workers compensation authority as the approval body for providers is to ensure minimum standards are consistently met in the delivery of services to injured workers and employers. The workers compensation authority is responsible for maintaining an approval framework that:

- seeks to ensure provider conformance with the Conditions of Approval
- creates an efficient and effective system for providers to operate within
- promotes collaboration and delivers return to work outcomes to all stakeholders
- promotes innovation and continuous improvement in return to work solutions.

This Guide outlines the Nationally Consistent Approval Framework for Workplace Rehabilitation Providers which satisfy the needs of the participating workers compensation authorities.

The application and evaluation process assures conformance with the Conditions of Approval.

Feedback from key parties supports ongoing evaluation against the Conditions of Approval, whilst a focus on improvement activities promotes quality service delivery.

2.1 CONDITIONS OF APPROVAL AND PRINCIPLES OF WORKPLACE REHABILITATION

The Conditions of Approval (see section 6) are the overarching requirements to operate as a workplace rehabilitation provider. The Principles of Workplace Rehabilitation (see section 4) are the foundation elements of the organisation's service delivery model and define service provision, organisational and administrative infrastructure, staffing and quality principles.

2.2 WORKPLACE REHABILITATION PROVIDER APPROVAL

The following outlines a nationally consistent approval process for providers.

Approval by a workers compensation authority does not imply automatic approval to provide services in another workers compensation authority (see section 5.2 Cross jurisdictional application for approval).

The application and evaluation processes outline how an organisation may apply to become a provider and, once they are approved, how to maintain that approval through conformance with the Conditions of Approval. In summary an organisation wishing to be approved as a provider:

- makes an application to the workers compensation authority in which approval is sought. The application outlines how their organisation will meet the Conditions of Approval. If the application is approved, the provider is granted a three year Instrument of Approval.
- After the first 12 months of approval the provider may be required to undergo an independent evaluation at the discretion of the workers compensation authority.

- During the three years of approval, the provider must complete annual self-evaluations and may be required to undergo a periodic evaluation and/or exception evaluation by an independent evaluator, initiated at the discretion of the workers compensation authority.
- If the provider seeks to renew their Instrument of Approval, they are required to submit a renewal application to the authorities from whom the renewal is sought prior to the expiration of the three year approval period.
- An application must include a signed Statement of Commitment to the Conditions of Approval and a Statement of Commitment to the Code of Conduct for Workplace Rehabilitation Providers.

3. WORKPLACE REHABILITATION

Managing a worker's injuries in the workplace to achieve early return to health and work is a central feature of workers compensation systems.

There is considerable evidence to support the concept that an offer of suitable work/ employment and the engagement of key parties (worker, employer, doctor, insurer and other providers) in implementing an injured worker's return to work, significantly reduces the duration and associated costs of claims², including improving social and health outcomes for the worker concerned.

Workplace rehabilitation providers identify and address the **critical** physical, psychological, social, environmental and organisational risk factors which may have an impact on a worker's ability to successfully return to work.

Workplace rehabilitation does not include:

- work conditioning
- treatment (including therapeutic counselling)
- overseeing/monitoring of an injured worker's treatment
- determining a worker's ongoing entitlements
- claims management
- assessment of daily living.

Whilst providers may have the skills to perform some or all of these services, they are not considered workplace rehabilitation services.

3.1 WORKPLACE REHABILITATION PROVIDERS

Providers in the field of workplace rehabilitation have the qualifications, experience and expertise appropriate to provide services in accordance with the following definition based on NOHSC (1995)³:

Workplace rehabilitation is a managed process involving timely intervention with appropriate and adequate services based on assessed need, and which is aimed at maintaining injured or ill employees in, or returning them to, suitable employment.

² Institute of Health and Work, 2004. *Workplace-based Return-to-work interventions: A Systematic Review of the Qualitative and Quantitative literature*. Ontario.

³ NOHSC: 3021 (1995), Guidance notes for Best Practice Rehabilitation Management of Occupational Injuries and Diseases, April 1995.

Providers are engaged to provide specialised expertise in addition to that generally available within the employer's and insurer's operations. Providers are engaged for those injured workers where return to work is not straight forward. Service provision is largely delivered at the workplace by:

- facilitating an early return to work of the worker
- identifying and designing suitable duties for the injured worker to assist employers to meet their obligations in providing suitable employment to injured workers
- identifying and coordinating rehabilitation strategies that ensure workers are able to safely perform their duties
- forging the link between the insurer, employer and treatment providers to ensure a focus on return to work
- arranging appropriate retraining and placement in alternative employment when the worker is unable to return to pre-injury duties.

3.2 WORKPLACE REHABILITATION MODEL

Providers will use a service delivery model of workplace rehabilitation aimed at an early and safe return to work for injured workers.

Workplace rehabilitation is a service delivery model that involves a designated workplace rehabilitation consultant responsible and accountable for coordinating services that are designed to achieve a cost effective, safe, early and durable return to work for the injured worker. Workplace rehabilitation is delivered on a service continuum of assessment of need, planning, active implementation, review and evaluation. This requires effective communication, decision-making, financial accountability and informed purchasing of services and resources.

3.3 WORKPLACE REHABILITATION SERVICE DELIVERY CONTINUUM

Assessment of need

Early, accurate identification of risks and needs ensures the most appropriate intervention is applied to achieve a safe return to work.

Assessment of need continues throughout the course of service delivery as new information is received.

Return to work planning

Return to work planning is required when all necessary assessments have been completed and a worker needs assistance to:

- return to work with the pre-injury employer
- undertake physical upgrading or transitional duties with a host employer prior to return to work with the pre-injury employer
- find a new job.

Return to work planning will:

- specify strategies that address the identified risks, needs, strengths and capacities having regard for the worker's medical status, functional capacity, vocational status, psychosocial concerns, employer requirements, workplace issues and any other return to work barriers
- take place in consultation with the worker, the treating doctor, the employer (if the worker is still employed) and the union (if involved), to align expectations of key parties
- be consistent with the insurer's Injury/Case/Claim Management Plan.
- take account of the preferred hierarchy for placement but not at the expense of the worker's needs or the employer's capacity, namely:
 - same job/same employer
 - different job/same employer
 - similar job/different employer
 - different job/different employer
- consider personnel management and industrial issues in the workplace and adopt strategies to address these issues if they are barriers to the worker's return to work.

Active implementation and review

Implementing workplace rehabilitation services involves:

- coordination and timely mobilisation of the services and resources
- cost effective service delivery that avoids unnecessary duplication, is integrated with treatment services and provided in a timely manner
- regular, timely and active reviews of the return to work strategy for the worker, conducted to:
 - gather evidence of progress towards outcomes
 - review the impact of interventions on identified return to work needs
 - consider and act on new information
 - maintain contact, and align expectations, with all relevant parties.

Durable return to work

Achieving durable return to work includes:

- setting expectations, developing agreed goals and defining the extent and the type of workplace rehabilitation services needed to support the intervention
- advising on the need for ongoing workplace rehabilitation services and negotiating these with the insurer, employer or treating doctor, if such are required to maintain the worker at work
- confirmation of durability of employment (if employed).

Return to work – same employer

Workplace rehabilitation services that assist a worker to return to work with the same (pre-injury) employer may involve:

- early, accurate identification of risks, needs and abilities of the worker and workplace through worksite visits, consultation with the worker, employer, treating professionals, workplace assessment and/or vocational assessment
- designing and implementing return to work interventions to address the risks and match the needs and abilities of the worker and workplace (return to work planning and monitoring)
- negotiating, monitoring and adapting suitable duties to upgrade the worker's capacity to perform their pre-injury duties
- assisting the worker, employer and nominated treating doctor to manage the workers compensation system in order to achieve a safe return to work for the worker
- advising on workplace or work process modifications
- organising the supply of assistive equipment and ensuring the worker can safely utilise the equipment
- coordinating and mobilising required workplace rehabilitation services and resources
- rehabilitation counselling and support to maintain the worker's motivation to return to work
- regularly and actively reviewing the goals and progress towards return to work
- recommending, coordinating and monitoring on the job training or formal training if returning to a new job with the same employer
- setting expectations, developing agreed goals and defining the extent and type of workplace rehabilitation services needed to support the intervention
- advising on the need for workplace rehabilitation services and negotiating these with the insurer, employer or treating doctor, if required to maintain the worker at work.

Return to work – new employer

Workplace rehabilitation services that assist a worker to return to work with a new employer may involve:

- assessing the worker's vocational capacity and potential through vocational assessment and counselling
- negotiating a job placement strategy that outlines the job placement services to meet the worker's needs
- preparation of the worker to seek and obtain a new job
- facilitating job search and placement support for job seekers
- assisting key parties to manage the workers compensation system to ensure a safe return to work
- assessing potential worksites to ensure the suitability of a new job or work trial placement
- advising on workplace or work process modifications

- organising the supply of assistive equipment and ensuring the worker can safely utilise the equipment
- mobilising services and resources such as on the job or formal training
- negotiating with employers regarding the use of employer incentive schemes
- rehabilitation counselling and support to maintain the worker's motivation to return to work
- regularly and actively reviewing the goals and progress towards return to work
- setting expectations, developing agreed goals and defining the extent and type of workplace rehabilitation services needed to support the intervention.

4. PRINCIPLES OF WORKPLACE REHABILITATION

The Principles of Workplace Rehabilitation are the foundation elements of the organisation's model of workplace rehabilitation service delivery and define workplace rehabilitation service provision, organisational and administrative infrastructure, staffing arrangements and quality framework.

In their application for approval, providers must demonstrate how they will conform to these principles initially and throughout the period of approval.

4.1 SERVICE PROVISION PRINCIPLES

Providers deliver services to workers and employers in a cost effective, timely and proactive manner to achieve a safe and durable return to work.

4.1.1 A focus on return to work

- a. Expectations that a return to work goal, and the services required, are established with relevant parties at the commencement and throughout service provision (relevant parties include worker, employer, insurer and other service providers).
- b. Appropriate services are identified and delivered to maximise return to work.
- c. Services focus initially on return to work in the worker's pre-injury employment or, if that is not possible, with another employer.

4.1.2 The right services provided at the right time

- a. Workers receive prompt attention and intervention appropriate to their needs.
- b. Barriers, risks and strengths are identified and strategies promptly implemented.
- c. Services are actively coordinated and integrated with other injury management and return to work activities.

4.1.3 Effective service provision at an appropriate cost

- a. Needs of the worker and employer are identified by means of adequate and appropriate assessment.
- b. Service levels match the worker and employer needs.
- c. Service costs match the range and extent of service provision.

4.1.4 Effective communication with all relevant parties

- a. Respectful, open and effective working relationships established and maintained between workers, employers and other relevant parties.
- b. The provider acts as the link between treatment providers and the workplace to translate functional gains into meaningful work activity.
- c. Progress towards the return to work goal is communicated to interested parties throughout service provision.
- d. Durability of employment is confirmed 13 weeks after placement.

4.1.5 Evidence based decisions

- a. Assessments demonstrate the need for service.
- b. The type of service selected is the most appropriate and cost effective of those available to achieve the return to work goal.
- c. An equitable and consistently applied approach to recommending commencement and cessation of service delivery is undertaken.
- d. Consideration is given to workplace industrial relations and human resource matters that may affect the worker's return to work.

4.2 ORGANISATIONAL AND ADMINISTRATIVE PRINCIPLES

Business, governance and administrative arrangements provide an appropriate infrastructure for reliable and consistent service provision to workers, employers, insurers and other relevant parties.

4.2.1 Comprehensive and robust corporate governance infrastructure

- a. Systems of probity that avoid conflict of interest as well as prevent, manage and report malpractice/fraud.
- b. Appropriate financial administration including accurate accounting.
- c. Maintenance of appropriate and adequate insurances, including professional indemnity, public liability and workers compensation.
- d. Data collection, analysis and reporting of provider performance including return to work and durable return to work rates.

4.2.2 A records management system meeting State and Commonwealth legislation requirements

- a. Comprehensive, accurate and accessible records pertaining to all clients, staff and business operations.
- b. Security of storage of records in accordance with legislative requirements.

4.2.3 Privacy and confidentiality practices meeting relevant privacy legislation requirements

- a. Systems that incorporate privacy and confidentiality requirements within all aspects of the organisational and administrative arrangements.

4.2.4 Safe work practices as well as return to work and injury management policies

- a. Systems that comply with relevant injury management and workers compensation legislation.
- b. Systems that comply with local workplace health and safety legislation.

4.2.5 Organisational management structure requirements

- a. At least one person in the management structure with a qualification recognised as being sufficient to satisfy the requirements of a workplace rehabilitation consultant and who is able to demonstrate at least five years' relevant workplace rehabilitation experience (also refer to 4.4.1a. minimum workplace rehabilitation consultant qualifications).

4.3 QUALITY ASSURANCE AND CONTINUOUS IMPROVEMENT PRINCIPLES

4.3.1 Quality Model

- a. Quality systems that ensure customer focused service delivery and collect, analyse and monitor qualitative and quantitative data to identify areas of strength and opportunities for systems and service improvement.

4.3.2 Quality Assurance

- a. Implementation of appropriate review mechanisms (eg self evaluations and peer reviews) to assure compliance with the Conditions of Approval.
- b. Implementation and documentation of corrective and preventative actions and monitoring and review of their effectiveness.

4.3.3 Customer focus

- a. System to collect, review, analyse and action solicited and unsolicited feedback from customers.
- b. Implementation of an effective complaints management system.

4.3.4 Continuous improvement

- a. Systems for analysing information and data to identify opportunities for improvement.
- b. Planning, piloting, refining and implementing improvement strategies.
- c. Monitoring and reviewing the effectiveness of any improvement strategies.

4.4 STAFF MANAGEMENT PRINCIPLES

4.4.1 Qualifications, knowledge and experience

- a. Systems for ensuring that workplace rehabilitation consultants have the minimum qualifications (as outlined below) and the qualifications are verified.

Workplace rehabilitation consultants will have a qualification recognised, accredited or registered by one of the following associations or State registration boards:

- Australian Society of Rehabilitation Counsellors
- Rehabilitation Counselling Association of Australia
- Australian Association of Occupational Therapists (registered in QLD, SA, NT and WA)
- Physiotherapist Registration Board (registered)
- Australian Association of Exercise and Sports Science (accredited as an Exercise Physiologist)
- Psychologists Registration Board (registered)
- Speech Pathology Australia
- Australian Association of Social Workers
- Medical Board (registered)
- Nurses Registration Board (registered)

AND 12 months or more experience delivering workplace rehabilitation services.

Where workplace rehabilitation consultants have less than 12 months' experience delivering workplace rehabilitation services, a comprehensive induction program will be completed and professional supervision provided for at least 12 months.

Note: Some workplace rehabilitation services can only be delivered by designated professional groups. The minimum qualifications to deliver these services are included in the description of the workplace rehabilitation services as specified by each jurisdiction.

- b. Workplace rehabilitation consultants have the appropriate skills, knowledge, and experience to deliver workplace rehabilitation services.
- c. Workplace rehabilitation consultants have knowledge of injury management principles and workers compensation legislation, policy and procedure.
- d. All staff interacting with injured workers and workplaces have current checks and clearances where appropriate (police, security, OHS and child protection).

4.4.2 Induction, ongoing learning and development

- a. A robust induction and continuous learning and development program to support the acquisition and maintenance of staff skills and knowledge.
- b. Staff have access to, and understand, all current policies and procedures relevant to their work.
- c. Staff have appropriate supervision and support and participate in peer review processes.
- d. Staff members are compliant with the professional code of conduct relevant to their particular qualification.

4.4.3 Adequate staff resourcing

- a. Caseload management systems that efficiently allocate cases to staff with the experience and skill level to match the worker's injury, needs and potential case complexity.
- b. Handover practices where cases are reviewed and all relevant parties informed to maintain continuity of care for the worker.

5. APPROVAL PROCESS

Outlined below is a summary of the workplace rehabilitation provider approval process.

5.1 APPLICATION FOR APPROVAL

Organisations wishing to be approved as a workplace rehabilitation provider will submit an application to the jurisdiction in which they are seeking approval demonstrating their capacity to meet the Conditions of Approval. An application must be submitted using the application form with the following supporting documentation attached:

- business and ownership details including association or connection with other organisations supplying services within the workers compensation industry
- details of their model of workplace rehabilitation service delivery
- a Statement of Commitment to the Conditions of Approval
- a Statement of Commitment to the Code of Conduct for Workplace Rehabilitation Providers
- staff details sheet
- two referee contact details.

Applicants must apply for approval as a workplace rehabilitation provider to the workers compensation authority in the jurisdiction in which approval is sought.

A completed application must be accompanied by the prescribed fee, where appropriate (see Appendix 1 – Fees).

For detailed information regarding the application process and application requirements specific to each jurisdiction, see the application form *Application for Approval as a Workplace Rehabilitation Provider* on each workers compensation jurisdiction's website.

5.2 CROSS JURISDICTIONAL APPLICATION FOR APPROVAL

Where an organisation has already been issued with an Instrument of Approval, they may seek approval from other workers compensation authorities where they wish to provide workplace rehabilitation services. Those workers compensation authorities may require supplementary information prior to granting the applicant approval in their jurisdiction.

Providers seeking concurrent approval by more than one workers compensation authority will 'apply' to the workers compensation authorities where approval is sought. However, the 'home jurisdiction' (see Appendix 5 – Glossary of Terms) will assess the provider's application against the Conditions of Approval. The home jurisdiction will advise the organisation of the outcome of the assessment. The provider will send this advice (email, letter, instrument of approval, etc) to the other jurisdictions in which approval is sought. The other workers compensation authorities will use the outcome of the assessment made by the home jurisdiction to complete their approval process. They may also specify additional jurisdictional requirements.

A prescribed application fee may be required by a particular jurisdiction (see Appendix 1 – Fees).

For detailed information regarding the application process and application requirements specific to each jurisdiction, see the application form *Application for Approval as a Workplace Rehabilitation Provider* on each workers compensation jurisdiction's website.

5.3 MONITORING OF PROVIDER PERFORMANCE

During each three year approval period, the workers' compensation authority may conduct an independent evaluation to determine the workplace rehabilitation provider's conformance with the Conditions of Approval.

Consideration may also be given to reviewing provider performance by analysing data from the workers compensation authority's database (including throughput, return to work outcomes, duration and cost), complaints records, provider annual self-evaluation reports, any quality improvement plans resulting from the provider self-evaluations and information supplied to the workers compensation authority.

The information will identify trends across the system, as well as identify individual providers performing outside the workplace rehabilitation industry average. Trend data will assist the workers compensation authority to determine possible initiatives to improve the system and to identify practices that are working well.

Information about individual provider performance may trigger further investigations by the workers compensation authority through interviews with insurers and the provider and/or may initiate a periodic or exception evaluation being arranged to assess the provider's conformance with the Conditions of Approval.

For further information about the evaluation methodology that may be adopted by the workers compensation authority refer to Appendix 2 – Evaluation Methodology.

5.3.1 Provider annual self-evaluations

To demonstrate ongoing compliance with the Conditions of Approval, an organisation that has been approved by a workers compensation authority must agree to participate in annual self-evaluations using the workers compensation authority evaluation tools. It is recommended the annual self-evaluation will be carried out, and a declaration of conformity signed, by a person or persons who:

- have successfully completed an auditor training course
- have a supervised period of training in practical assessment and auditing
- have at least five years' experience related to the workplace rehabilitation industry
- are not personally responsible for the aspects of the business that they evaluate, in particular they should not evaluate case records if they have been involved in workplace rehabilitation service delivery associated with those cases or, if evaluating staff files, they should not be involved in supervision and training associated with those staff members.

5.3.2 Cross jurisdictional monitoring of provider performance

For administrative efficiency for both the organisation and the workers compensation authorities where the organisation is approved, the authorities may collaborate in the monitoring of provider performance.

Where a need to conduct an independent evaluation is identified, the workers compensation authorities will collaborate in designing an evaluation plan and consult with the provider in the development of that plan.

For further information about the monitoring of provider performance and provider annual self-evaluation requirements, refer to 5.3.2 Monitoring of provider performance and 5.3.1 Provider annual self-evaluations.

5.4 APPLICATION FOR RENEWAL OF APPROVAL

Providers must apply for a renewal of approval prior to expiration of their three year Instrument of Approval by submitting a renewal application demonstrating their capacity to meet the Conditions of Approval. An application must be submitted using the application form with the following supporting documentation attached:

- business and ownership details including association or connection with other organisations supplying services within the workers compensation industry
- current details of the organisation's model of workplace rehabilitation service delivery
- a signed Statement of Commitment to the Conditions of Approval
- a signed Statement of Commitment to the Code of Conduct
- current staff details
- two referee contact details
- a signed Declaration of Conformity to the Conditions of Approval from the provider's most recent annual self-evaluation
- a copy of the most recent annual self-evaluation report.
- copies of any quality improvement plans implemented to address non-conformities identified in this self-evaluation or independent evaluation conducted by the workers compensation authority
- the prescribed fee where appropriate (see Appendix 1 – Fees)
- any other information or documentation required by the workers compensation authority as part of a renewal application.

A completed renewal application is submitted direct to the relevant workers compensation authority.

For detailed information regarding the renewal application process, see the application template *Renewal Application for Approval as a Workplace Rehabilitation Provider*.

5.5 CROSS JURISDICTIONAL RENEWAL OF APPROVAL

Providers approved by more than one workers compensation authority will 'apply' for renewal of approval to all workers compensation authorities where renewal is sought. However, the home jurisdiction (see Appendix 5 – Glossary of Terms) will assess the provider's renewal application against the Conditions of Approval. The home jurisdiction will advise the organisation of the outcome of the assessment. The provider will send this advice (email, letter, instrument of approval, etc) to the other jurisdictions in which approval is sought. The other workers compensation authorities will use the outcome of the assessment made by the home jurisdiction to complete their approval process. They may also specify additional jurisdictional requirements (including payment of a prescribed fee where appropriate).

For further information about cross jurisdictional renewal of approval refer to 5.4 Application for renewal of approval.

5.6 CANCELLING AN INSTRUMENT OF APPROVAL

The workers compensation authority may cancel a provider's Instrument of Approval at any time for non-conformity with the Conditions of Approval including where the provider has failed to inform the workers compensation authority of a notifiable event (see Appendix 5 – Glossary of Terms).

5.6.1 Grounds for cancelling an Instrument of Approval

Grounds for cancellation a provider's Instrument of Approval may include, but is not limited to, the following circumstances:

- not conforming to the Conditions of Approval
- not meeting minimum performance measures associated with the Conditions of Approval
- failure to maintain staffing with qualifications at levels that enable adequate service provision
- not advising the workers' compensation authority of a change of business arrangements that may impact on approval under the Conditions of Approval
- making false declarations
- criminal conviction
- financial impropriety
- professional misconduct
- evidence of a serious health and safety risk to, or coercion of, injured workers
- demonstrated conflict of interest.

5.6.2 Process for Cancelling an Instrument of Approval

Where a provider has failed to meet the Conditions of Approval and then failed to address their nonconformance in accordance with the Evaluation Methodology in Appendix 2, the workers compensation authority will advise their intention to cancel the Instrument of Approval, the reasons for this decision and the appeals process relevant to the workers compensation authority.

Providers whose Instrument of Approval is cancelled must return it to the workers compensation authority and cooperate in the transfer of current cases to another provider. Where the provider is approved by more than one workers compensation authority, the other authorities will be advised that the Instrument of Approval has been cancelled and take appropriate action.

5.7 PROVIDER CEASING OR WITHDRAWING FROM SERVICE DELIVERY

Providers who wish to cease or withdraw from delivering workplace rehabilitation services in a particular jurisdiction must inform the relevant workers compensation authority and immediately return the Instrument of Approval. The workers compensation authority will cancel the provider's Instrument of Approval and will request the provider to cooperate in the transfer of current cases to other providers. Where the provider is approved by more than one workers compensation authority, the other workers compensation authorities will be advised that the Instrument of Approval has been cancelled and take appropriate action.

5.7.1 Regaining approval after withdrawing or having approval cancelled

Providers who withdraw or have their approval status cancelled by a workers compensation authority will not be eligible to apply again for approval until they can demonstrate, to the workers compensation authority's satisfaction, that the reasons for cancellation or withdrawal no longer exist.

5.8 CROSS JURISDICTIONAL INFORMATION SHARING

Where providers operate in more than one workers compensation jurisdiction, information may be exchanged across jurisdictions for the purposes of approving, renewing, evaluating and monitoring a provider's performance.

5.9 FALSE DECLARATIONS

The provision of false or misleading information is a serious offence and may nullify an application for approval, any application for renewal or any Instrument of Approval issued as a result of an application or renewal application (see 5.6 Cancelling an Instrument of Approval).

6. CONDITIONS OF APPROVAL

The following conditions apply to Instruments of Approval as a workplace rehabilitation provider:

1. The workplace rehabilitation provider must comply with the Principles of Workplace Rehabilitation.
2. The workplace rehabilitation provider must ensure that all services are delivered in accordance with the Workplace Rehabilitation Model by persons who hold the minimum qualifications as defined in the Principles of Workplace Rehabilitation and in accordance with service descriptions appropriate to the workers compensation authority where the approval is being sought.
3. The workplace rehabilitation provider's management structure must include at least one person who holds a rehabilitation consultant qualification outlined in the Principles of Workplace Rehabilitation and who is able to demonstrate five years' relevant workplace rehabilitation experience.
4. The workplace rehabilitation provider must participate in annual self-evaluations and in independent evaluations as required by the workers compensation authority to demonstrate conformance with the Conditions of Approval.
5. The workplace rehabilitation provider must demonstrate management of 12 cases of workplace rehabilitation within any workers compensation jurisdiction for each 12 month period within the three year approval period. (Due consideration will be given to providers servicing rural and remote areas).
6. The workplace rehabilitation provider must maintain the minimum return to work rate as set by the workers compensation authority.
7. The workplace rehabilitation provider must provide data to the workers compensation authority consistent with the Conditions of Approval.
8. The workplace rehabilitation provider must deliver services in compliance with the Code of Conduct for Workplace Rehabilitation Providers.
9. The workplace rehabilitation provider's facilities at all locations where services are delivered, must provide an accessible and appropriate environment for workers, staff and visitors and comply with local workplace health and safety legislation.
10. The workplace rehabilitation provider must remain financially solvent.
11. The workplace rehabilitation provider must notify the workers compensation authority in advance, or as soon as practical, if any of the following situations arise, and accept that the workers compensation authority will review the status of approval and determine whether the proposed arrangements conform with the Conditions of Approval:
 - i. the business is sold or the controlling interest in the business is taken over by a new shareholder(s), owner(s) or director(s).
 - ii. the business changes its trading name or location of premises.
 - iii. the business supplies or has connections with other suppliers of services within the workers compensation industry.
 - iv. a new chief executive officer or director or head of management is appointed.
 - v. there is a major change in the service delivery model and/or staff which may impact on the delivery of the workplace rehabilitation services.

- vi. there is any other change that affects, or may affect, the provider's service quality and procedures.
 - vii. the provider has entered into voluntary financial administration, becomes insolvent or is the subject of bankruptcy proceedings.
 - viii. there is any professional misconduct proceedings being taken against the provider or any individuals employed or engaged by the provider.
12. The workplace rehabilitation provider must accept that the workers compensation authority may:
- i. initiate an evaluation at any time during the period of the approval which may involve an evaluation of conformance to the Conditions of Approval
 - ii. consult with the relevant professional or industry associations in determining what are reasonable expectations regarding performance
 - iii. impose additional requirements
 - iv. exchange information with other workers compensation authorities on provider performance
 - v. cancel approval status if the above conditions are not met.

APPENDIX 1 – FEES

Each workers compensation authority will charge fees for applications and evaluations according to their application fee schedules.

APPENDIX 2 – EVALUATION METHODOLOGY

Evaluation of provider conformance with the Conditions of Approval

The primary objective of an independent evaluation conducted by a workers compensation authority is to determine conformance with the Conditions of Approval and may be conducted by the authority according to the following timeline:

First evaluation at 12 months

An independent evaluation may be conducted for providers 12 months after initial approval.

Periodic evaluation

Providers may undergo a periodic evaluation during each three years of approval.

The workers compensation authority will advise the provider of the intention to carry out an evaluation at least one month prior to the scheduled evaluation date.

Evaluation by exception

Providers may undergo an evaluation by exception during each three year approval period.

Factors that will initiate an evaluation by exception may include public safety, previous and current provider performance, information obtained about provider activity during insurer reviews and complaints about provider performance.

Criteria for evaluators

Independent evaluations may be performed by workers compensation authority staff and/or an external professional evaluator/auditors engaged by the authority for that purpose.

The evaluation team will include members with the following:

- successful completion of a ISO9001 lead assessor training course (or equivalent)
- a supervised period of training in practical assessment and auditing
- ability to demonstrate understanding of the Conditions of Approval for workplace rehabilitation providers
- at least five years' experience related to the workplace rehabilitation industry
- qualifications as per the workplace rehabilitation consultant qualification outlined in the Principles of Workplace Rehabilitation

Pre-evaluation requirements

In preparation for an onsite evaluation, the workers compensation authority may review the following:

- staff employed by the provider within the last 12 months
- number of cases managed by the provider within the last 12 months and the number of current cases
- provider's annual performance data from the workers' compensation authority's corporate data repository
- number and nature of any complaints about the provider received by the workers compensation authority within the current approval period
- number and nature of any non-conformities recorded in the previous evaluation
- quality assurance improvement plans in response to the previous evaluation
- outcome of, and actions taken in response to, the provider's most recent annual self-evaluation
- certification against other standards obtained by the provider and verified by a recent audit report (may reduce sample size or recognise compliance with some of the Principles of Workplace Rehabilitation)
- remedial action since the last evaluation.

The provider will be advised of the evaluation plan and a timeframe for the completion of the evaluation.

Evaluation process

Evaluation will consist of the combined evidence of:

- existence and maintenance of systems and documented policy and procedures that address the Conditions of Approval
- evaluation of conformance with the application of these systems

Evaluation of conformance with the Conditions of Approval may include:

- desktop review of documented policy and procedures
- verification of the provider's self-evaluation
- obtaining feedback from stakeholders, which may include worker interviews, staff interviews, employer, doctor, insurer interviews and/or other workers compensation authorities
- examination of provider documents and records that demonstrate the application of systems that enable the provider to meet the Conditions of Approval
- examination of a sample of worker case records (samples will be representative of the organisation's caseload and categories. The sample size will be no less than 10 and no more than $0.6 \times \text{square root of the number of cases closed in the previous 12 months plus current open cases}$).

Whatever means of demonstrating conformance is used, the evaluator shall ensure that there is verifiable objective evidence of achievement of the required outcomes.

The evaluation methodology and preparation of the evaluation plan will be developed on a case by case basis and made available to the provider one month prior to the onsite evaluation. The case records/files identified for review will be made available to the provider two working days prior to the onsite evaluation.

Evaluation by exception, in response to serious concerns, will not adhere to this timetable.

Assessing conformity with the Conditions of Approval

In order to determine whether conformance with the Conditions of Approval has been achieved and is being maintained, the evaluator will assess the degree, the nature and the significance of any nonconformity.

All Conditions of Approval must be met to maintain an Instrument of Approval. However compliance with Condition 1 *The Principles of Workplace Rehabilitation* is scored as follows to allow for improvement.

Assessing conformity with the Principles of Workplace Rehabilitation

Each Principle and its indicator/s will be assessed as either complying or non-complying.

Complying – The requirements of the Principle are met.

Non-complying – The requirements of the Principle are not fully met.

The following conformity ratings will also apply to Principles and each of the indicators.

Conformity – level 1

95 per cent compliance with all indicators.

Conformity – level 2

At least 85 per cent compliance with all indicators.

Nonconformity

Less than 85 per cent compliance with all indicators.

Impact of conformance ratings on the Instrument of Approval

Conformity – level 1, no remediation plan required. Approval is maintained.

Conformity – level 2, evidence of implementation of corrective actions is to be submitted to the workers compensation authority within three months from the date the report is received. Failure to provide evidence of the correction within three months will result in automatic reclassification to nonconformity – level 3.

Nonconformity – a corrective action plan is to be submitted to the workers compensation authority within 30 working days and on-site re-evaluation will be conducted within six months. Failure to correct nonconformance within the agreed specified timeframe will result in automatic cancellation of an Instrument of Approval.

Multi-site provider evaluations

For the purpose of approval, a multi-site organisation is one with:

- a single caseload management system
- one system of management control over all sites (if sites or regions are autonomous then they must be evaluated separately)
- central management reviews and evaluations in accordance with the provider's internal evaluation processes.

The following conditions apply to multi-site organisations:

- the head office of the provider will be included in the evaluation sample
- selection of sites for evaluation will be in part random and in part targeted.

A representative sample will be selected taking into consideration:

- results and reports of self evaluations
 - the number of sites
 - geographical dispersion of the sites
 - results and coverage of previous evaluations
 - variations in the size of the sites
 - variations in working practices and activities undertaken
 - spread of the organisation's personnel over the sites
 - previously mentioned considerations when planning an evaluation
- sampling formula for site numbers for a single period is as follows:

Number of sites within the organisation	Number of sites to be evaluated
1 – 3	1
4 – 6	2
7 – 11	3
12 – 16	4
17 – 25	5
25 – 36	6
37 – 49	7
50 or more	The square root of the number of sites (rounded up)

Should one site be assessed as nonconforming, a multi-site provider will be at risk of losing their Instrument of Approval.

Cross jurisdictional evaluations

A workers compensation authority identifying a need to conduct an evaluation of a cross jurisdictional provider may collaborate with other workers compensation authorities in the design of the evaluation plan and exchange of information.

Note: The workers compensation authorities are still finalising the Evaluation Guidelines and this section will be updated

APPENDIX 3 – CUSTOMER FEEDBACK AND COMPLAINTS MANAGEMENT

Feedback about workplace rehabilitation providers

Providers will outline their customer feedback policy and procedures for managing complaints (see Principle 4.3.3a).

Providers will outline a complaints management approach that is consistent with international standards⁴ for effective complaints handling and includes the following:

- customer access to an open, easy to use and responsive complaints handling process
- resolution of complaints in a consistent, timely, systematic and responsive manner
- identification of trends and the proactive elimination of causes for complaint
- a customer focused approach to complaint resolution, including improving the skills of personnel in working with customers
- continual review and analysis of the complaints handling process, the resolution of complaints and process improvement
- management commitment and involvement.

APPENDIX 4 – CODE OF CONDUCT FOR WORKPLACE REHABILITATION PROVIDERS

The Code of Conduct for Workplace Rehabilitation Providers (the Code) has been prepared to assist workplace rehabilitation providers in achieving a professional standard of practice. It is the responsibility of workplace rehabilitation providers to make certain that they act in accordance with the Code and the trust placed in them by the community.

The Code describes the responsibilities and standards of behaviour required of any person or organisation approved as a provider by a workers compensation authority.

The Code has been developed in accordance with the following principles of ethical decision-making:

- respect for the law
- respect for the system of government
- respect for the community and other people
- integrity
- diligence
- efficiency
- accountability.

⁴ [International standard ISO 10002:2004(E)]

The Code deals with situations where a workplace rehabilitation provider may be unsure of the appropriate course of action. The Code is also a guide to assist in taking responsible decisions. The Code will be reviewed and re-issued periodically by the workers compensation authorities.

Compliance with the Code is a part of the Conditions of Approval.

Where a person or organisation approved by a workers compensation authority is providing services to more than one workers compensation authority, an offence in one area can lead to disciplinary action across all areas of approval. Any breach of the Code may lead to suspension, cancellation or prosecution.

PART 1

1.1 ETHICAL AND PROFESSIONAL BEHAVIOUR

Ethical behaviour means that workplace rehabilitation providers are fair and honest when dealing with other people.

Workplace rehabilitation providers are viewed as public officials by the community and must act accordingly. All decisions a provider makes must show good judgement and be justifiable. Workplace rehabilitation providers must show professional behaviour at all times during the conduct of their duties.

The Code provides guidance to assist workplace rehabilitation providers in deciding on the appropriate course of action in a number of specific situations. However, it is not possible for the Code to describe all the circumstances that may require the exercise of ethical behaviour.

In difficult situations, workplace rehabilitation providers will need to be guided in their actions and decision-making by referring to the principles that underpin the Code (see Introduction) and by considering the following issues:

- Is the action/decision lawful?
- Is the action/decision consistent with the spirit and intent of the Code and other workers compensation authority materials?
- Is the action/decision consistent with the spirit and intent of the workers compensation system that the workplace rehabilitation provider is a part of?
- What are the consequences of the action/decision for the public? for the workers compensation authority? for the integrity of the provider?
- Can the action/decision be justified – to the workers compensation authority?
– to an independent person?

Workplace rehabilitation providers must take all relevant facts into consideration when making a decision and must not consider irrelevant facts.

Services must be efficiently organised to minimise disruption and avoid unnecessary costs to clients and their workplaces.

All services must be delivered to the performance standards described in the Conditions of Approval.

1.2 MODEL OF PUBLIC DUTY

The NSW Independent Commission Against Corruption (ICAC) has developed a Model of Public Duty. This model has been adopted by the workers compensation authorities as part of the Nationally Consistent Approval Framework for Workplace Rehabilitation Providers and as such providers must act in accordance with the following:

1.2.1 Serving the public interest above all else. This is demonstrated by:

- not serving own interests
- managing conflicts of interest.

1.2.2 Acting with integrity through the values below:

Honesty

- Obeying the law
- Following the letter and spirit of policies and procedures
- Fully disclosing actual or potential conflicts of interest
- Observing codes of conduct
- Recording reasons for decisions
- Establishing audit trails
- Submitting to scrutiny
- Keeping proper, accessible records.

Objectivity

- Being fair to all
- Considering only relevant matters
- Being fully informed
- Dispassionately assessing without fear, favour or deference
- Giving reasons for decisions, where appropriate
- Revealing all appeal avenues available
- Giving all relevant information
- Communicating with clarity and sensitivity
- Reporting and dealing with suspected wrongdoing
- Acting ethically above loyalty to colleagues or supervisors.

1.2.3 Showing leadership. This is demonstrated by:

- illustrating the worth of these values by example
- promoting these values to others
- striving for excellence.

1.3 BRIBES, GIFTS AND BENEFITS

A bribe is any offer of money, gifts, services or benefits that is offered to persuade a person to act other than according to their normal duties.

Workplace rehabilitation providers must not accept any offer of money, gifts, services or benefits that would cause them to act other than according to the Code.

Workplace rehabilitation providers must inform any person who offers them such money, gifts, services or benefits that it is against the workers compensation authority Code of Conduct to make such an offer.

To protect the integrity of workplace rehabilitation providers, the workers compensation authority requires that an attempt to bribe workplace rehabilitation providers must be reported to the workers compensation authority.

1.4 COMPETENCE

Workplace rehabilitation providers are approved on the basis of their professional expertise. It is expected that workplace rehabilitation providers maintain a high level of competence. This may be done through further training and study, refresher courses, attendance at industry association and professional association activities, and through a variety of work experiences. The workers compensation authority may revoke the approval of a workplace rehabilitation provider if there is evidence of deterioration in the service provider's standard of competence.

1.5 CONFLICT OF INTEREST

A conflict of interest is a situation where a workplace rehabilitation provider could be influenced (or seen to be influenced) by a personal interest in carrying out their workplace rehabilitation provider duties.

Sound judgement must be used to avoid conflicts of interest.

Examples of possible conflicts of interest include:

- undertaking services for:
 - friends and relatives
 - businesses in which the service provider, friends or family have an interest
- personal beliefs or attitudes that can influence providing services impartially
- personal relationships with people the agency is dealing with and/or investigating that go beyond the level of a professional working relationship
- any financial or other personal interest that could directly or indirectly influence or compromise the workplace rehabilitation provider in performing services
- disclosing sensitive or confidential information gained through employment with a workers compensation authority to another organisation.

Workplace rehabilitation providers can contact the workers compensation authority for advice on dealing with conflicts of interest.

1.6 OTHER EMPLOYMENT

Workplace rehabilitation providers must not undertake other employment that may compromise the integrity of services provided on behalf of a workers compensation authority. Other employment can provide opportunities for conflicts of interest, corrupt conduct, and misuse of resources and information.

If a workplace rehabilitation provider has any doubts about whether a conflict of interest exists, they can contact the workers compensation authority for advice.

1.7 DRUGS AND ALCOHOL

A workplace rehabilitation provider's capacity to exercise sound judgement must not be impaired by the use of alcohol, drugs or other substances.

Workplace rehabilitation services must never be provided under the influence of drugs and alcohol.

A breach of this condition will result in immediate cancellation of a workplace rehabilitation provider's approval.

1.8 DISCRIMINATION

When performing services, a workplace rehabilitation provider must comply with anti-discrimination legislation and not discriminate against other people on any grounds covered by anti-discrimination legislation (such as sex, marital status, pregnancy, age, race, ethnic or national origin, disability, sexual preference, sexual harassment, religion or political belief).

1.9 POLITICAL PARTICIPATION

As members of the community, workplace rehabilitation providers have the right to enter into public debate. However, workplace rehabilitation providers must ensure that any participation in political matters does not result in conflict with their duties as a service provider. This is important in order to maintain public confidence in the impartiality of the services and decisions of workplace rehabilitation providers.

1.10 PUBLIC COMMENT

As members of the community, workplace rehabilitation providers have the right to take part in public debate on issues of public concern. However, workplace rehabilitation providers must be careful that public comments made as a private individual do not appear to be an official comment on behalf of a workers compensation authority or the Government.

If elected or nominated as a spokesperson for a professional or community association, workplace rehabilitation providers are entitled to make public comments about relevant issues. In making such statements, workplace rehabilitation providers must clearly acknowledge that those comments are made on behalf of that association.

PART 2

2.1 PARTICIPATION IN BRIEFING SESSIONS

From time to time, a workers compensation authority will request that workplace rehabilitation providers attend briefing sessions designed to advise them of changes to the workers compensation system or other matters. The workers compensation authority will advise if attendance at these events is compulsory.

2.2 DANGEROUS WORK PRACTICES

Workplace rehabilitation providers must immediately cease an activity if it could lead to the client or other persons being placed in danger or injured.

Workplace rehabilitation providers must advise the workers compensation authority immediately if an activity that they are participating in promotes an unsafe work practice.

2.3 IDENTIFICATION AS A WORKERS COMPENSATION AUTHORITY PROVIDER

Proof of identity as a workplace rehabilitation provider allows for verification of approval as a workers compensation authority provider. It must be shown to each client and other people who need to confirm that the workers compensation authority has approved the workplace rehabilitation provider.

2.4 COLLECTING WORKERS COMPENSATION AUTHORITY FEES

Workplace rehabilitation providers must not collect any fees or funds under the auspices of the workers compensation authority.

PART 3

3.1 FALSE DECLARATIONS

A workplace rehabilitation provider must not make false or misleading declarations in their dealings with the workers compensation authority or during the performance of their workplace rehabilitation service activities. A declaration may be misleading if information is omitted or presented in a manner that enables a misleading view of a situation to be formed. This includes:

- failure to comply with reporting requirements
- falsifying records or other documents.

Workplace rehabilitation providers must not collude with clients or other parties with the intention of providing false or misleading information. Workplace rehabilitation providers must take all measures to maintain the integrity of the services they provide and their records.

3.2 COOPERATION WITH THE WORKERS COMPENSATION AUTHORITY

It is a Condition of Approval that workplace rehabilitation providers agree to be reviewed by the workers compensation authority as required. Workplace rehabilitation providers must cooperate fully with officers of the workers compensation authority who are undertaking review and verification activities. This includes:

- responding honestly to questions
- ensuring availability of records
- cooperating fully with officers of the workers compensation authority conducting approval and verification activities such as information gathering, observation, monitoring, audits and reviews.

Workplace rehabilitation providers must be professional, polite and cooperative in their dealings with officers of the workers compensation authority at all times.

Obstructive and unreasonable behaviour may result in approval being denied or disciplinary action.

3.3 NOTIFICATION

The workers compensation authority has a record of each workplace rehabilitation provider's details. From time to time, the workers compensation authority will contact workplace rehabilitation providers regarding new initiatives, changes to workplace rehabilitation services, documents, material requirements, Conditions of Approval, changes in legal requirements, etc.

Workplace rehabilitation providers must advise the workers compensation authority of any of the notifiable events, as specified in the Conditions of Approval, or other requirements as determined by the workers compensation authority from time to time at their discretion.

3.4 REPORTING BREACHES OF THE CODE

Workplace rehabilitation providers must report any known or suspected corrupt behaviour or breach of the Code to the workers compensation authority.

3.5 DISCIPLINARY ACTION

Workplace rehabilitation providers play a vital part in delivering workplace rehabilitation services to improve the health, well-being and safety of workers. The competence and integrity of workplace rehabilitation providers are essential to the success of the workers compensation system.

To ensure that workplace rehabilitation providers comply with the Code, the workers compensation authority may periodically review their behaviour and performance. This review process may include, but is not limited to, observation, monitoring, audits and reviews.

The workers compensation authority will also investigate any complaints made against a workplace rehabilitation provider in relation to their performance or behaviour.

Where a review or investigation by the workers compensation authority reveals a breach of the Conditions of Approval, the workers compensation authority will take action depending upon the nature and severity of the breach. These actions may include:

- issuing a warning letter
- convening a counselling interview
- convening a 'show cause' interview
- reviewing a workplace rehabilitation service provider's approval
- suspending a service provider's approval
- cancelling a workplace rehabilitation provider's approval
- applying a fine or penalty
- commencing prosecution action.

Criminal proceedings may also be taken where fraud is suspected.

3.6 REVIEW OF THE WORKERS COMPENSATION AUTHORITY DECISION

Workplace rehabilitation providers may appeal against any workers compensation authority decision. The workers compensation authority can provide more information on their review and appeal processes.

PART 4

4.1 PROFESSIONAL INDEMNITY

The workers compensation authority requires workplace rehabilitation providers to have all appropriate insurance coverage for their operation. This includes professional indemnity and public liability.

4.2 HEALTH AND SAFETY COMPLIANCE

The workers compensation authority requires workplace rehabilitation providers to comply with all Occupational Health and Safety (OHS), injury management and workers compensation legislation. This includes providing workers compensation insurance coverage for all employees and developing safe work practices and procedures.

4.3 COPYRIGHT

Except as expressly provided in the Copyright Act 1968, no part of a workers compensation authority publication may be reproduced by any means (including electronic, mechanical, microcopying, photocopying, recording or otherwise) without prior written permission from the workers compensation authority.

Workplace rehabilitation providers need to obtain permission from the workers compensation authority if they intend to use the workers compensation authority publications in any way other than as approved by the workers compensation authority. For example, a workplace rehabilitation provider cannot reproduce for sale, guides that have been published by the workers compensation authority.

4.4 CONFIDENTIALITY

Workplace rehabilitation providers are bound by privacy legislation and must treat all information obtained as a workplace rehabilitation provider as confidential.

This means that information collected must only be used for the purpose for which it was originally collected.

All information related to clients must be kept in a secure manner. Workplace rehabilitation providers must have a secure storage system for their records.

Information related to clients can only be disclosed to other persons with written authority from the workers compensation authority.

Client information may also be disclosed if law requires the disclosure or when there is reason to believe that the use or disclosure is reasonably necessary for:

- reducing or preventing a serious or imminent threat to an individual's life, health or safety, or preventing a serious threat to public health or safety
- preventing, detecting, investigating, prosecuting or punishing of criminal offences and other breaches of the law that attracts a penalty
- protection of public revenue
- preventing, detecting, investigating or remedying of seriously improper conduct or proscribed conduct
- the preparation or conduct of proceedings before any court or tribunal.

Further information on national and state privacy laws may be obtained from <http://www.privacy.gov.au/links/index.html>

4.5 FURTHER HELP

Workplace rehabilitation providers can contact the workers compensation authority for further advice and assistance regarding the Code.

APPENDIX 5 – GLOSSARY OF TERMS

Code of Conduct for Workplace Rehabilitation Providers – Describes the responsibilities and standards of behaviour required of any person or organisation approved by a workers compensation authority to provide workplace rehabilitation services. The Code of Conduct deals with situations where a workplace rehabilitation provider may be unsure of the appropriate course of action and it also acts as a guide to assist in taking responsible decisions. Also known as the Code.

Compliance – The act of adhering to the Conditions of Approval, the Principles of Workplace Rehabilitation and the Code of Conduct.

Conditions of Approval – The overarching requirements that a provider needs to satisfy prior to a workers compensation authority issuing an Instrument of Approval as a workplace rehabilitation provider. The Conditions of Approval also includes the requirements associated with the Principles of Workplace Rehabilitation and the Code of Conduct for Workplace Rehabilitation Providers unless otherwise stated. Refer also to *Principles of Workplace Rehabilitation and the Code of Conduct for Workplace Rehabilitation Providers*.

Conformity – Fulfillment of the Conditions of Approval.

Declaration of Conformity – Commitment and demonstration to adherence to the Conditions of Approval through provider annual self-evaluation.

Evaluations by Exception – Independent evaluations conducted by the workers compensation authority in response to specific information obtained or received by the workers compensation authority.

Home Jurisdiction – The workers compensation authority with responsibility in the State or Territory where the workplace rehabilitation provider organisation is registered for Australian Business Number (ABN) purposes. However, where the organisation does not intend to deliver services in that State or Territory, the home jurisdiction is the workers compensation authority where they intend to deliver the majority of the services.

Independent Evaluations – Systematic, independent and documented process undertaken or commissioned by a workers compensation authority for obtaining evidence to determine the extent to which the Conditions of Approval are fulfilled.

Instrument of Approval – The document issued by the workers compensation authority that has approved the workplace rehabilitation provider. This may be called a certificate, agreement or instrument depending on the particular workers compensation authority.

Insurer – Organisations that manage workers compensation policies and claims. They include self and specialised insurers and contracted Scheme Agents.

Jurisdiction – Workers compensation authority responsible for legislation and policy in their area of legal authority.

Non-compliance – The act of failing to adhere to the Conditions of Approval

Nonconformity – Failure to fulfill the Conditions of Approval

Notifiable Event – Any event, circumstance or situation that is required to be notified to the workers compensation authority.

Periodic Evaluation – Independent evaluations scheduled by a workers compensation authority within the provider's three year approval period.

Principles of Workplace Rehabilitation – The foundation elements of the workplace rehabilitation provider's service delivery model that define workplace rehabilitation service provision, organisational and administrative infrastructure, staffing and a quality framework.

Provider – Refers to a Workplace Rehabilitation Provider.

Provider Annual Self Evaluation – Evaluation undertaken by a workplace rehabilitation provider to demonstrate their compliance with the Conditions of Approval.

Services – Refers to workplace rehabilitation services.

Statement of Commitment to the Conditions of Approval – A signed commitment by the organisation at the time of submitting the initial or renewal application to accept and conform to the Conditions of Approval.

Statement of Commitment to the Code of Conduct for Workplace Rehabilitation Providers – A signed statement by the organisation at the time of submitting the initial or renewal application to accept and conform to the Code of Conduct.

Suitable Duties – Duties for which an injured worker is suited in relation to their capacities at a particular point of time in the workplace rehabilitation service continuum.

Suitable Work/Employment – Employment in work for which the worker is suited in relation to the worker's capacities, age, education, skills, work experience and place of residence.

Workplace Rehabilitation – A managed process involving timely intervention with appropriate and adequate services based on assessed need, aimed at maintaining injured or ill employees in, or returning them to, suitable employment.

Workplace Rehabilitation Consultant – Suitably qualified health/behavioural science professional employed by a workplace rehabilitation provider to provide workplace rehabilitation services.

Workplace Rehabilitation Services – The types of services referred to in the Workplace Rehabilitation Model that may assist a worker return to work with the same (pre-injury) employer or a with a new employer.

Workplace Rehabilitation Provider – An organisation who have been approved by a workers compensation authority to provide workplace rehabilitation services to assist injured workers return to work following a workplace injury. Where appropriate within the context of workplace rehabilitation service provision, a reference to a workplace rehabilitation provider also includes a reference to a workplace rehabilitation consultant.

Workers' Compensation Authority/Workers Compensation Authorities – The body responsible for workers compensation legislation and policy covering designated employers and their employees within their area of legal authority.