

SIRA guidance for CTP vocational support programs

For accidents on or after 1 December 2017

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Overview of CTP vocational support programs

Section 3.41 of the Motor Accident Injuries Act 2017 (MAIA) provides SIRA with the power to institute, administer or coordinate vocational and return to work support schemes for people recovering from a motor accident.

Research shows that work promotes recovery and reduces the risk of long-term disability and work loss. MAIA is focussed on supporting people with injuries to recover at or return to work after a motor vehicle accident.

Three targeted vocational rehabilitation support programs have been developed to provide funding and support to help people recover at or return to work when assistance is required. The programs have been designed to complement the services delivered as part of the person's treatment, rehabilitation and care arrangements and to achieve the most direct path back to employment.

An additional program, JobCover6 placement program, has been developed in recognition of the economic and business impacts of COVID-19 and can be accessed during this period.

The programs include the provision of financial assistance to employers who:

- offer employment to the persons unable to find suitable employment, and
- provide (or assist in the provision of) vocational support to those people.

The vocational rehabilitation programs designed for the CTP scheme include:

1. Recover at Work Assist
2. JobCover Placement Program (JobCover)
3. JobCover6 Placement Program (JobCover6)
4. Transition to Work

Approval of all vocational program applications will be managed by insurers using SIRA's guidelines and reimbursement for program expenses can be sought from SIRA on a monthly basis (refer to Reimbursement section).

Note: Costs associated with a CTP vocational support program are reimbursed by SIRA, therefore, they are not considered a claims cost and should not be included in the total claims cost.

Risk mitigation strategies are incorporated into the development and implementation of vocational rehabilitation programs. This includes the need for:

- many programs to be established by a workplace rehabilitation provider in accordance with the guidance material
- the program to be aligned to an agreed recover at work goal and incorporated into the recovery plan.

CTP Recover at Work Assist

Helping a person recover at work may present financial difficulties for the employer since they may need to pay a casual worker to complete the usual duties of the person, in addition to paying the person's wages as they recover at work.

The CTP Recover at Work Assist program empowers eligible employers to offer suitable work to a person through a graded recover at work plan by minimising the financial burden to the employer. The program:

- allows the employer to receive up to \$400 per week for up to 12 weeks
- allows the person to recover at work using a graded recover at work plan.

This program will help relieve the burden for eligible employers who would otherwise not be able to offer suitable work to the person, delaying their recovery.

Eligibility

The person is eligible to participate in the program if:

- they are certified as having current work fitness
- they are currently receiving or entitled to receive weekly payments under MAIA

Employer eligibility

An employer is eligible to participate in the program if:

- they have an eligible worker (person) and were the pre-accident employer
- they have indicated (verbally or in writing) that they require financial support to have the eligible worker recover at work
- they demonstrate a commitment to the person's injury management and recovery at work.

Employer assist payment

The employer assist payment is designed to offset the costs associated with having a person recover at work when the person has reduced capacity and is recovering at work via a graded recover at work plan.

Payments are calculated on a weekly basis and are available to the employer for up to 12 weeks, up to a maximum amount of \$4,800. The payments can be claimed by the employer at the end of 4, 8 and 12 weeks respectively.

If the person continues to have only partial capacity for work at the completion of the program, support to develop a recover at work plan is available. The employer can request the help of a workplace rehabilitation provider to develop a plan to upgrade the person to their pre-injury work status. However, no further Recover at Work Assist payments will be made to the employer.

Starting the program

To begin a Recover at Work Assist program, a workplace rehabilitation provider (provider) must ensure that the following activities are completed:

1. Workplace assessment

A workplace assessment by a provider is an important first step to developing a successful recover at work plan.

The workplace assessment provides the opportunity to determine the suitability and safety of the duties being offered. It is important that the person and employer are present at and participate in the assessment.

Any concerns identified during, or as a result of, the workplace assessment should be discussed with the person and the employer and a satisfactory solution developed.

For some people, specific equipment or modifications to the workplace may be required in order to achieve a safe and durable recovery at work. Refer to Workplace equipment and modifications, page 19.

2. Recover at work plan

A recover at work plan is developed by the provider in consultation with the person, employer and treating doctor.

The plan may be up to 12 weeks in duration. It must clearly state the person's work goal and outline specific opportunities to upgrade the person's fitness and capacity for work.

The employer and person must both agree to the plan in order to confirm their commitment to return the person to work in a safe and timely manner.

3. Eligibility confirmation and endorsement of the program

Before the program starts, the insurer must confirm that the person and employer meet the respective eligibility criteria. Once confirmed, the insurer must sign the 'vocational program - details' form confirming their support for the program.

The insurer will inform the provider that the employer can use the program. The provider will then ensure the person and employer each receive a copy of the completed 'vocational program - details' form and their recover at work plan.

4. Monitoring

The provider is responsible for undertaking appropriate reviews to ensure work duties are performed safely and in accordance with the recover at work plan.

The provider, person and employer should communicate regularly to review upgrades in work capacity and confirm progress towards the recover at work goal.

Accessing the Recover at Work Assist payment

The recover at work assist payment is claimed by (and paid directly to) the employer as a lump sum at the end of 4, 8 and 12 weeks respectively.

To receive the payment the employer must:

- complete a 'CTP Recover at Work Assist – employer assist payment claim' form
- attach a copy of the signed 'CTP vocational program – details' form
- submit the claim no more than four weeks from the last day of each period
- only claim for the wages of the person up to a maximum of \$400 per week (this does not include superannuation or allowances)
- submit the completed forms to the person's insurer.

Change in circumstances

If employment arrangements change and the person upgrades to pre-injury duties, the employer assist payment will be calculated on the number of weeks that the employer needed support (e.g. up to the date the person was certified fit for their pre-injury duties). For example, if a person upgrades to their pre-injury duties after six weeks, the maximum assist payment to the employer would be \$400 per week for six weeks.

Completion of the program

On completion of the program, the provider must evaluate the success of the recover at work plan against the program goals. The provider must submit a 'CTP vocational program – closure report' to the insurer within five working days of program completion. A form will be available on the SIRA website.

If, after the completion of the program, the person continues to participate in a recover at work plan to upgrade their fitness, the person will continue to receive any weekly payments as entitled under the Act.

CTP JobCover placement program

The JobCover program provides incentives to employers to employ a person who has a claim for a motor vehicle related injury and is unable to return to employment with their pre-accident employer.

The person is employed in accordance with industrial relations procedures and work health safety legislation. The program is designed to offset the cost of engaging a person with an existing injury.

Program benefits

The JobCover program provides the new employer with:

- incentive payments of up to \$27,400 for up to 12 months*
- protection against the cost of workers compensation claims associated with the existing injury for up to 2 years.

***An offer of employment for a JobCover Placement Program is not required for 12 months if the person has already claimed under JobCover6 Placement Program. Up to 12 months of a combination of both JobCover and JobCover6 programs can be used for up to two employers.**

Employer incentive payment

The employer incentive payment is designed to offset the costs associated with engaging and training a new employee.

The payment is payable over the first 52 weeks of work up to a maximum amount of \$27,400.

The maximum amount payable is:

- \$400 per week for weeks 1 to 12 (maximum of \$4,800)
- \$500 per week for weeks 13 to 26 (maximum \$7,000)
- \$600 per week for weeks 27 to 52 (maximum \$15,600).

The payment is claimed by the employer at the end of 12, 26 and 52 weeks respectively.

Payments are calculated on a weekly basis. The amount paid will be either the gross weekly wage paid to the person (excluding superannuation and allowances), or the weekly maximum amount as set out above should the gross wage exceed the weekly incentive payment amount.

Protection from costs associated with the existing injury

New employers may be concerned about the financial impact on their business if a person's existing injury impacts their new role. These concerns may be alleviated by a workplace assessment – refer to 'Suitability of the role' below.

If there is a change to a person's existing injury during the first 2 years of their employment which results in their compensation claim being accepted, new employers will be reimbursed for any claims excess incurred as a result.

Note: This exemption does not apply if, for example, the employer engages a person with a shoulder injury and they later sustain a knee injury – the new employer is liable for the claims excess of the knee claim (the new injury).

Eligibility

A person is eligible for the JobCover program if:

- at the time of program commencement, they are receiving, or are entitled to receive, weekly payments under MAIA
- they are certified fit for work but are unable to return to employment with their pre-accident employer
- a settlement has not been accepted.

Employer eligibility

An employer may be eligible if they:

- are a different employer to the pre-accident employer
- hold a current workers compensation policy with an insurer or a self-insurer's licence
- are not grouped with the pre-accident employer for workers compensation insurance or insured under the same group self-insurer licence as the pre-accident employer
- provide a minimum of 64 paid hours per month or a return to pre-injury hours (fewer hours may be considered if it can be demonstrated that the person will progress to meet this requirement within a reasonable timeframe)
- have offered employment for a minimum of 12 months*
- are not in receipt of any other wage subsidy for the person
- can demonstrate adherence to their jurisdiction's workers compensation and workplace health and safety legislation.

Suitability of the employer

Conflict of interest

An employer may not be eligible for the program if a professional or personal relationship between the proposed new employer and the person is likely to give rise to a conflict of interest. This is particularly important where the new employer has a provider-client relationship or is a member of the worker's family.

If a potential conflict of interest is identified, the provider will assess suitability for the JobCover program and discuss this with the insurer. The person completing the agreement form should outline why the program should proceed as well as the strategies that will be implemented to address the conflict of interest.

An insurer can contact SIRA to discuss an identified conflict of interest and request a decision on employer eligibility.

Types of employment

The JobCover program is designed to provide the person with durable employment that continues beyond the 12 months* of employer incentive payments. A variety of employment arrangements are considered suitable. These include:

- full or part-time work
- casual, labour hire or contract arrangements where the work is ongoing, and where there is a formal agreement with the employer
- temporary employment where there is a fixed-term agreement greater than 12 months*.

The following employment arrangements are **not** considered suitable under the program:

- seasonal work
- temporary employment where there is no fixed term agreement, or the agreement is less than 12 months*
- establishment of a small business or other self-employment arrangement.

Confirmation should be obtained in writing from the new employer (e.g. a letter of offer of employment or contract).

Concurrent programs

If a person obtains employment with two employers at the same time, the program can only be offered to one employer.

Change of employer

The benefits of the program are not transferable between employers. However, if employment ceases and the person remains eligible for the program, the program may be offered to a new employer. If employment arrangements change and a person is no longer employed before the completion of the 52 weeks, the incentive payable will be calculated on the number of weeks that the person has been employed. For example, if a person is employed for 22 weeks, the maximum incentive payable to the employer would be \$400 per week for the first 12 weeks and \$500 per week for the next 10 weeks.

Change in circumstances

If there is a significant change in circumstance that may affect eligibility for the program (for example, the person resigns from the job or the employer ceases trading), the CTP insurer must be notified by the person within seven days of becoming aware of the change.

Where a person's weekly payments cease after the program commences, the program may continue, and the employer will still be eligible for all of the agreed benefits.

If ongoing claim liability is disputed following program commencement, or the person accepts a settlement, the insurer must advise SIRA immediately. If this occurs, it is up to SIRA to decide whether to continue to make incentive payments to the employer.

Preparing for the program

If it is decided that a JobCover program would help the person gain employment with a new employer, the insurer should confirm the person's eligibility for the program by including it in their recovery plan.

The insurer is responsible for notifying the person and workplace rehabilitation provider if eligibility for the program changes.

If immediate or short-term barriers prevent the person from starting work, the insurer should talk to the person about their eligibility for CTP Transition to Work Assistance (see page 19).

Note: The insurer or workplace rehabilitation provider (if involved) should ensure the job-seeking person can explain the program benefits and eligibility criteria to a potential employer. The person should be provided with any relevant resources and advised where further information can be obtained.

In some circumstances, a provider will conduct a workplace assessment to match the capacity of the person to the essential job requirements and assess their ability to perform the tasks safely.

Where specific equipment, workplace modifications, skills, certification or licences are required for the role, this should be discussed with the person and workplace rehabilitation provider. Training and equipment can be supplied under treatment and care applying the reasonable and necessary criteria. Refer to Workplace equipment and modification (see page 25) or Vocational training (see page 25).

Confirming agreement

When the person and new employer's eligibility is confirmed, a 'CTP JobCover placement program - agreement form' should be completed and signed by the person, new employer and the insurer before the new employment commences. The insurer will be able to provide a copy of this form to the person and the new employer to complete.

The person submitting the agreement form should confirm that all parties:

- understand the program benefits
- agree to their roles and responsibilities
- have completed and signed the form
- receive a copy of the signed agreement form and information on the program.

The insurer must sign the agreement before the person starts work to ensure:

- access to the program benefits, and
- all parties are aware of their obligations.

There is a risk that the employer may not receive the expected program benefits if the insurer has not confirmed that all requirements have been met before the person starts work.

Accessing the incentive payment

The employer incentive payment is claimed by (and paid directly to) the new employer as a lump sum at the end of 12, 26 and 52 weeks respectively.

The new employer must:

- complete a 'CTP JobCover placement program - employer incentive payment claim' form
- attach a copy of the signed 'JobCover placement program - agreement' as well as evidence of the person's weekly gross wage for each week in the employment period being claimed
- submit the payment claim no more than 12 weeks from the last day of each employment period
- only claim for wages paid to the person, this includes paid annual/recreational/sick leave
- not claim any other employer incentive payment for the person from another agency (e.g. another labour market wage subsidy program or any other employer incentive payment programs).

Note: An employer cannot claim for payments made to the person when the person is absent from work and in receipt of weekly entitlements.

CTP JobCover6 placement program - supporting recover at work during the COVID-19 period

The CTP JobCover placement program provides incentives to employers to employ people whom have a claim for a motor vehicle related injury and is unable to return to employment with their pre-accident employer.

The person is employed in accordance with industrial relations procedures and work health safety legislation. The program is designed to offset the cost of engaging a person with an existing injury.

JobCover6 placement program has been developed in recognition of the economic and business impacts of COVID-19 and can be accessed during this period.

Program benefits

JobCover6 helps people recovering from a motor vehicle accident locate suitable work where ongoing employment cannot be confirmed with a new employer during the COVID-19 period. The program supports employers to offer employment for up to 6 months duration to a person recovering from a motor vehicle accident, where they are looking for new employment.

JobCover6 provides benefits to a new employer to help offset the costs of engaging and training a new employee. The benefits include:

- incentive payments of up to \$10,400 for up to 6 months
- exemption of the person's wages from their workers compensation premium calculation for two years
- protection against the costs of changes to the person's existing injury for up to two years.

The program benefits can be used individually, as a combination, or as a total package to meet the needs of the employer and person.

Employer incentive payment

The payment is payable for up to 6 months of work to a maximum amount of \$10,400.

Payments are calculated on a weekly basis. The amount paid will be either the gross weekly wage paid* to the person, or \$400 per week should the gross wage exceed the weekly incentive payment amount.

Example 1: If the person's weekly wage is \$750, the employer incentive payment will be \$400.

Example 2: If the person's weekly wage is \$300, the employer incentive payment will be \$300.

* Does not include superannuation and allowances.

The employer may claim the incentive payment at the end of the placement. If the placement is 12 weeks or longer, the employer and insurer should negotiate a payment

schedule which is easy to administer and will maximise the person's recovery at work outcome.

Protection from costs associated with the existing injury

New employers may be concerned about the financial impact on their business if a person's existing injury impacts their new role. These concerns may be alleviated by a workplace assessment – refer to 'Suitability of the role' below.

If there is a change to a person's existing injury during the first 2 years of their employment which results in a worker's compensation claim being accepted, new employers will be reimbursed for any claims excess incurred as a result.

Note: This exemption does not apply if, for example, the employer engages a person with a shoulder injury and they later sustain a knee injury – the new employer is liable for the claims excess of the knee claim (the new injury).

Eligibility

A person is eligible if they:

- have capacity for work and they are looking for new employment
- are receiving, or are entitled to receive, weekly payments under MAIA, or just prior to the COVID-19 pandemic, they were engaged in suitable work with their pre-accident employer
- haven't accepted a damages settlement.

An employer may be eligible if they:

- are a different employer to the pre-accident employer
- have offered employment to a person for an agreed period and hold a current workers compensation policy with an insurer or a self-insurer's licence
- are not grouped with the pre-accident employer for workers compensation insurance or insured under the same group self-insurer licence as the pre-accident employer.
- the employer is not in receipt of any other wage subsidy for the person
- can demonstrate adherence to their jurisdiction's workers compensation and workplace health and safety legislation.

Note: A Commonwealth or interstate employer may be eligible for the program, however, they are not eligible for the premium exemption due to the different insurance arrangements between Australian jurisdictions

Concurrent programs

If a person obtains employment with two employers at the same time, the person is only eligible to use either the JobCover or JobCover6 program with one employer.

If an employer seeks to utilise either JobCover or JobCover6 programs for more than one person at the same time, each person should be working to their maximum certified capacity and the employer is to demonstrate they are able to provide adequate training and supervision.

Ongoing employment

If an employer offers ongoing employment after the end date of JobCover6 program, the employer may be eligible to transfer to the JobCover program for a further 6-month period.

Change of employer

The benefits of the program are not transferable between employers. However, if employment ceases and the person remains eligible for the program, the program may be offered to a new employer.

A maximum of 12 months in total is available to a person for JobCover and JobCover6 placement programs.

Principles

An application for the JobCover6 program must meet the following principles. The work:

- is appropriate to the person's skills, functional and work capacity and is the most suitable option for the person's circumstances
- will assist the person to remain engaged and active and supports their recover at work plan
- is safe and suitable for the person.

Preparing for the program

The person, insurer, employer or an approved workplace rehabilitation provider may determine that JobCover6 is a suitable strategy to help a person recover at work in new employment during the COVID-19 pandemic.

If a person, employer or workplace rehabilitation provider believes the program will assist a person to recover at work, they should discuss eligibility with the insurer as soon as possible. All applications for CTP Vocational programs are to be made to SIRA via the insurer. The insurer is responsible for notifying the person and provider if eligibility for the program changes.

Suitability of the role

A variety of employment arrangements are considered suitable. These include:

- full or part-time work
- casual, labour hire or contract arrangements where there is a formal agreement with the employer
- temporary work, where there is a fixed-term agreement.
- seasonal work.

Confirmation should be obtained in writing from the new employer (e.g. a letter of offer of employment or contract).

Establishment of a small business or other self-employment arrangement is not considered suitable under the program.

Workplace assessment

In some circumstances, a provider will conduct a workplace assessment to match the capacity of the person to the essential job requirements and assess the person's ability to perform the tasks safely.

Where an assessment is required this may occur remotely, however, the provider must ensure that the employer has adequate controls in place to manage the person's safety. This includes managing social distancing requirements.

Where equipment or workplace modifications and/or certification or licences are required, the provider must ensure that this is implemented prior to commencement of employment. The provider should discuss the needs with the insurer.

Any equipment, education or training, workplace modification, certification or licences required should be discussed with the person. This is to be supplied by the insurer under treatment and care, applying the reasonable and necessary criteria.

Conflict of interest

Where there is either a professional or personal relationship between the proposed new employer and the person, or a business relationship between any of the parties involved which may give rise to a conflict of interest, the provider should outline why the program should be approved. This should include the strategies that will be implemented to address the conflict of interest.

The application will need endorsement from SIRA to proceed if there is a conflict of interest identified.

Insurance

The insurer must ensure the employer has the necessary insurance coverage before developing a JobCover6 proposal.

Confirmation of agreement

Once the person's and new employer's eligibility is confirmed, a 'JobCover agreement' form should be completed and signed by the person, new employer and the insurer before the new employment commences. The insurer will be able to provide a copy of this form to the person and the new employer to complete.

The insurer should ensure all parties:

- understand the program benefits being used
- agree to their roles and responsibilities
- have completed and signed the form
- receive a copy of the signed agreement form and a copy of this guidance material.

The insurer must:

- confirm both the person and employer meet the eligibility criteria
- endorse the use of the program by signing a completed agreement form
- give a copy of the signed form to the person and employer before they start work.

There is a risk that the employer may not receive the expected program benefits if the insurer has not confirmed that all requirements have been met before the person starts work.

If the program is not approved, the insurer must advise the person and employer of the SIRA review process.

Note: Use the JobCover/JobCover6 placement program checklist to ensure all requirements outlined in this guidance material have been considered.

Accessing the incentive payment

The employer incentive payment is claimed by and paid directly to the new employer by the insurer as a lump sum at the end of 12 and 26 weeks. The 'CTP JobCover placement agreement and payment' form is to be completed.

Up to \$400 per week incentive payment will be calculated on the number of weeks the person participates in employment as per the JobCover agreement form (up to a maximum \$10,400). The amount paid per week will be either \$400 or the person's weekly wage if the amount is less than \$400.

The new employer must:

- complete a 'CTP JobCover Placement Employer Incentive Payment Claim' form
- attach a copy of the signed 'JobCover Placement Agreement'
- attach evidence of the person's weekly gross wage for each week in the employment period being claimed
- submit the payment claim no more than 12 weeks from the last day of each employment period
- only claim for wages paid to the person, this includes paid annual/recreational/sick leave
- not claim any other employer incentive payment for the person from another agency (e.g. another labour market wage subsidy program or any other employer incentive payment programs).

The employer should submit the documents to the person's insurer to claim payment. Employers should consult their accountant or the Australian Taxation Office about how the incentive payment should be treated for taxation purposes.

Note: An employer cannot claim for payments made to the person when the person is absent from work and in receipt of weekly payments.

Insurers must have controls in place to prevent duplicate payments being made and claimed. Payment should only be made where there is evidence of the person's wages.

Insurer reimbursement

Insurers request reimbursement for the program costs from SIRA once reimbursement has been paid to the person's employer. After each payment is made to the employer, the insurer can claim reimbursement from SIRA by forwarding the relevant documents and receipts to SIRA.

Change in circumstances

The insurer determines if a workplace rehabilitation provider is needed to monitor the person during this period of employment. The length of the placement and a person's ability to secure durable employment after JobCover6 program should be considered.

Eligibility should be assessed throughout the program. The insurer must be notified if circumstances change and affect the eligibility of the person and/or the employer. If there is a significant change in circumstance that may affect eligibility for the program (for example, the person resigns from the new employer or the new employer ceases trading), the person must notify the insurer within seven days of becoming aware of the change. The insurer must also notify SIRA.

If employment arrangements change, the employer incentive payment will be calculated on the number of weeks that the person was engaged in employment.

If the person commences the program and requires time off work (for example, for surgery or annual leave), incentive payments are not payable during the person's absence.

Where a person's weekly payments cease after the program commences, the program may continue, and the employer will still be eligible for all of the agreed benefits.

If a person is no longer entitled to statutory benefits, the person is no longer eligible for the program and the insurer must advise SIRA immediately.

If ongoing claim liability is disputed following program commencement, or the person accepts a settlement, the insurer must advise SIRA immediately. If this occurs, it is up to SIRA to decide whether to continue to make incentive payments to the employer.

Review process

If there is disagreement about eligibility or use of the JobCover6 program, the person and/or employer should try to resolve the matter with the insurer in the first instance.

For information on what to do when a request to use a SIRA-funded program has not been approved, please see CTP vocational support program appeals section (page 23).

CTP Transition to Work

The CTP Transition to Work program provides funding to address immediate or short-term barriers or needs that prevent a person from obtaining or accepting an offer of employment with a new employer.

There are two payment tiers under the Transition to Work program:

- Tier 1 – up to \$200 to help a worker prepare for job seeking or to commence work. The payment can be used more than once provided the cumulative costs do not exceed \$200.
- Tier 2 – up to \$5,000 to address an immediate or short-term barrier(s) preventing a worker from accepting a new employment offer (e.g. travel, transitional childcare arrangements, clothing). The payment can be used more than once provided the cumulative costs do not exceed \$5,000.

Eligibility

A person is eligible if:

- they are receiving or are entitled to receive weekly payments under MAIA or have recently ceased receipt of weekly payments due to commencing employment
- the application is made at least 26 weeks after the motor accident
- they are unable to return to work with their pre-accident employer because of the injury, and there is an immediate or short-term barrier or need that prevents the person obtaining or accepting an offer of employment
- a settlement has not been accepted
- for Tier 2 applications – they have a confirmed offer of employment with a new employer that is:
 - for a period of three months or more, and
 - for a minimum of 64 paid hours per month, or equivalent to pre-injury hours if this is less than 64 paid hours per month. Fewer hours may be considered if it can be demonstrated that the person will progress to meet this requirement within a reasonable time frame.

Program principles

An application for the Transition to Work program must address the following principles:

1. The item or service must address an immediate or short-term barrier or need that prevents a person from participating in job seeking (Tier 1) or accepting an offer of employment (Tier 2).
2. The item or service must be cost-effective and demonstrate that other options are less effective in addressing the barrier or need.

3. The application must demonstrate the person's capacity to maintain their financial arrangements independently when the Transition to Work payment has ceased.

Common strategies

Travel

People should use public transport where available and appropriate. If it is necessary to use a private vehicle, the vehicle must be appropriately registered and have compulsory third-party (CTP) insurance as a minimum. Private transport costs are reimbursed at 55 cents per kilometre.

Example:

John receives a job offer from XYZ Manufacturing, however, there is no public transport to the factory and his car is unregistered. The provider identifies transport to and from work is the only barrier to John accepting the offer of employment, and that the most suitable strategy to address this barrier is to apply for a Transition to Work payment to enable John to register his vehicle.

The Transition to Work application addresses the program principles and outlines the need for car registration, insurance and petrol costs until John receives four weeks' wages.

Relocation and accommodation

Relocation costs will be considered if a job offer becomes available in another location that is well beyond normal commuting distance. Funding for short-term accommodation will also be considered provided there is a sound strategy that will enable the person to maintain accommodation arrangements independently when the Transition to Work payments have ceased.

Example:

Mary has been unsuccessful in securing a job in retail sales after four months of job seeking due to the limited labour market in her regional area.

She received a suitable job offer from an employer in the city, however, there are concerns she may not be able to sustain the extensive travel involved. Mary has indicated she would relocate to allow her to accept the job. However, she cannot afford removalist costs or the required rental bond.

Mary's insurer confirms payment to cover the removalist costs, rental bond and the first two weeks' rent meets the principles of Transition to Work. An application is made, and the payment approved.

Transitional childcare

Costs for childcare with a registered childcare provider will be considered, provided the person can maintain the costs associated with the childcare arrangements independently when the Transition to Work payments have ceased.

Example:

Joe has been off work as a result of his injury and has assumed the role of primary carer for his children so his wife can return to full-time work. Joe receives a job offer and there is a vacancy at the local childcare centre for his children. However, the family is unable to pay the centre's bond or initial upfront fees.

Joe's provider submits an application for a Transition to Work payment to cover the registered childcare provider fees including bond, until Joe receives his first month's wage from his new employer.

Clothing and related expenses

Reasonable costs for suitable clothing and personal grooming will be considered where the application meets the principles of Transition to Work. Uniforms or other clothes that are essential for commencing employment will be considered, but not the costs of standard issue uniforms, personal protective equipment and items of clothing that should be provided by the employer as part of their obligations under the Work Health and Safety Act 2011.

Example:

Tony has been offered a job at a real estate agency. He previously worked as a labourer. Tony is experiencing financial hardship and the clothing he wore at the interview is not suitable for him to commence work as he is required to wear a suit.

The provider submits an application for a Transition to Work payment to cover the costs of one business suit, two shirts and a pair of shoes to enable Tony to commence work.

Application process

Preparing an application

An insurer or approved workplace rehabilitation provider (provider) may prepare an application. The person developing the application must determine whether a person is eligible.

A CTP Transition to Work application is submitted using the 'CTP vocational program - details' form.

Assessing an application

Tier 1 program costs (costs under \$200) do not require prior approval by the insurer. The provider must follow their service provision and internal quality assurance processes to confirm the application meets SIRA Transition to Work requirements and principles. They must also inform the insurer in writing of the specific costs relating to the application.

Tier 2 program costs must be approved by the insurer before they are incurred. The insurer will advise the person and the person submitting the application of the decision within 10 working days of receiving a complete application.

If the application is not approved, the insurer must advise the person of the SIRA appeal process. Refer to CTP vocational support programs appeals (see page 16).

Payment

A completed 'CTP vocational program – claim for payment' form and relevant invoices or receipts must be submitted to facilitate payment.

Up to \$300 may be paid in advance (where appropriate) for travel and when a minimum of 10 days' notice is given.

The insurer is responsible for administering payment of vocational program expenses. A minimum of 10 working days is required to enable processing and payment of approved costs.

Insurers seeking reimbursement for expenses should submit a claim for payment and relevant receipts to SIRA within six months from the date the expenses were incurred.

CTP vocational support program appeals

If there is disagreement about eligibility or use of the CTP vocational support programs prior to submission of an application, the person and/or workplace rehabilitation provider should try to resolve the matter directly with the insurer in the first instance.

If the problem cannot be resolved, contact CTP Assist on 1300 656 919 or email ctpassist@sira.nsw.gov.au.

Where a 'vocational program – details' form has been submitted to the insurer and they have not signed the form indicating program approval, the person can request a review by the insurer.

If agreement has not been obtained following an internal review, an appeal can be lodged with SIRA by emailing ctpassist@sira.nsw.gov.au.

The appeal must outline the reason(s) a review is requested and provide information to support the request. We may ask for additional information from the person, person submitting the application, and/or the insurer.

We will notify the person and the insurer of the outcome of the appeal within 10 working days of receiving an appeal and all the necessary supporting information.

CTP vocational support program reimbursements from SIRA

Insurers will be responsible for the administration of the vocational support programs, including making any payments associated with the programs.

Insurers will then seek reimbursement from SIRA. They will be required to submit the following to SIRA:

1. A reimbursement schedule outlining the payments made for each vocational program.
2. Copies of the 'Claim for payment' forms and any receipts submitted by persons, workplace rehabilitation providers and/or employers.

Other services supporting recovery at work

In addition to a recover at work plan and the suite of CTP vocational support programs, people recovering from a motor vehicle accident may require additional help, such as vocational training and/or workplace modifications and equipment, to secure a safe and durable recover at work outcome.

The definition of 'treatment and care' under MAIA includes education and vocational training, workplace modifications and equipment costs. These are considered claims costs and should be considered for approval using the 'reasonable and necessary' criteria below:

- directly related to the injuries sustained in the motor accident
- aimed at helping the person get back to their usual activities
- appropriate for the type of injury
- provided by an appropriately qualified health professional
- cost effective.

The following additional information is provided to help insurers make decisions when planning recovery at work for the person.

Vocational training

Training can help a person develop new skills and qualifications to keep their job or get a new one. It may involve formal study with TAFE, a university or registered training organisation.

Course fees and associated expenses such as stationery, textbooks, travel and accommodation may be covered.

In addition to the reasonable and necessary criteria, the workplace rehabilitation provider or insurer should determine that training is a suitable strategy using the following criteria:

1. The person cannot return to their pre-injury duties.
2. The person has insufficient marketable and transferable skills for durable employment.
3. The recover at/return to work goal is realistic and appropriate to the person's skills, aptitude, interests, preferences, motivation, current and/or anticipated functional and work capacity.
4. Training will help the person to return to a position reasonably comparable to pre-accident employment in terms of salary, status and will result in a cessation or substantial reduction in weekly payments.
5. Training will enhance the person's prospects towards securing durable employment and it is considered likely to be the most direct path back to work.

Training courses selected should:

- be provided by a registered training organisation or higher education provider
- result in formal qualifications recognised by the Australian Quality Training Framework or provide an industry-recognised licence or certificate
- Be the best match to the person's circumstances in relation to:
 - proximity of the course location to the person's residence and any travel requirements
 - timeliness and availability of the training (e.g. commencement date, study load and duration)
 - the most suitable method of delivery for the person's circumstance (e.g. face-to-face, distance education, online learning).

Workplace modifications and equipment

Funding for workplace equipment or modifications may help a person to remain at work with their pre-injury employer or commence work with a new employer.

Modifications may be specific to the person's functional requirements, or the equipment may be necessary if the person starts a new role (for example, a basic toolkit for a maintenance worker).

To help insurers determine whether the proposed modifications or equipment is appropriate and that it will achieve the desired work outcome, the following principles should be considered (in addition to the reasonable and necessary criteria):

1. It is not an item that should be provided by the employer as part of their obligations under the Work Health and Safety Act 2011.
2. The cost is reasonable and other alternatives have been explored and considered to be inappropriate.
3. It will be used for a reasonable period of time and is solely or mainly for the use of the worker.
4. It is essential to allow the person to return to or remain at work, or to commence a new work role.
5. Workplace modifications are particular and specific to the person's functional requirements in allowing them to return to/recover at work.

Insurers should also consider who will ensure:

- the equipment or workplace modifications are installed correctly
- the person (and employer where relevant) has been adequately trained to use the equipment or modifications
- the employer understands they will be responsible for normal maintenance, repairs and insurances in line with obligations under the Work Health and Safety Act 2011 which require an employer to provide and maintain a work environment that is without risks to health and safety
- the original need for equipment or workplace modifications has been addressed.

Ownership and maintenance

If the equipment is small, customised or movable, it will belong to the person. Larger items, such as permanent fixtures or modifications to the workplace, will be owned by the employer and therefore they may be asked to contribute to the cost where appropriate.

If the person is re-employed elsewhere and still requires the small, customised or movable equipment, the insurer may cover reasonable and necessary transport costs to relocate the equipment to a new workplace.

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident third-party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers.

However, to ensure you comply with your legal obligations you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website legislation.nsw.gov.au

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals, or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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Website www.sira.nsw.gov.au

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