

JURISDICTIONAL POLICY ADVICE NO 2003/03

Avoiding potential conflict of interest in the provision of occupational rehabilitation services

Purpose

1. This advice provides guidance to determining authorities on how rehabilitation authorities should avoid potential conflict of interest when engaging an approved rehabilitation provider (ARP).

Compliance with operational standards

2. As required under section 34E of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act), Comcare has determined operational standards to be met by all persons who are approved as rehabilitation program providers. The standards seek to ensure that ARPs deliver high quality services and return to work outcomes.

3. Service Standard 1.3 states:

"A provider must ensure that no conflict of interest arises when providing rehabilitation services. Specifically, treatment and occupational rehabilitation services must not be provided to the same individual."

4. It is a condition of approval that the ARP comply with the operational standards. The onus is therefore on the ARP to avoid situations where a real or perceived conflict of interest could arise. An ARP must ensure the effective and independent delivery of the occupational rehabilitation service does not have the potential to be influenced or compromised by delivering other services to the injured employee, such as medical treatment services or employee assistance programs.
5. The role of the ARP is to deliver services focused on achieving a successful return to work for an injured employee. The role does not involve services designed to treat the employee's condition. Return to work services include:

- initial needs assessment

- case management (in consultation with the rehabilitation authority), for example return to work plan coordination and liaison/ graduated return to work management/job redesign/reporting
- liaison with health providers
- specialised assessments eg functional/vocational
- job trials/ search activities

Preventing the potential for a conflict of interest

6. To minimise the opportunity for conflict of interest to arise rehabilitation authorities should ensure that:
 - an ARP organisation does not deliver treatment and occupational rehabilitation services to the same individual, and
 - an ARP consultant does not deliver EAP and occupational rehabilitation services to the same employer.

Further Information

7. Further information on this matter can be obtained from Comcare's Compensation and Injury Management Policy Group on telephone number 1300 366 979.

SRC Act Policy and Support
Comcare
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