

SAPS Injury Management Practice Note

Recovery/Return to Work Plans

Objectives, Targets & Performance Indicators

Objective	Target	Performance Indicator
Recovery/Return to Work Plans are prepared for all workers incapacitated for more than 4 weeks unless, due to the severity of the injury, the focus should be on other forms of support and services until the worker becomes capable of participating in a plan.	All agencies	Recovery/Return to Work Plans are prepared and entered on SIMS for all workers incapacitated for more than 4 weeks. Where the severity of the injury prevents this, details for the delay are included in case notes.

Purpose

To ensure SAPS agencies prepare Recovery/Return to Work Plans (RRTWPs) for injured workers in line with the requirements of the Return to Work Act 2014 and the Return to Work Regulations 2015.

Context

The Return to Work Act 2014 provides:

The Agency will:

- With the active assistance and participation of the worker and the pre-injury employer, consistent with their obligations under this Act, ensure that recovery and return to work processes focus on maintaining the relationship between the worker and the pre-injury employer
- Ensure that a worker's employer is made aware of, and fulfils the employer's recovery and return to work obligations because early and effective workplace-based coordination of a timely and safe return to work benefits an injured worker's recovery

Schedule 5
PART 2 – The
Standards
Section 4

RRTWPs may be prepared for a worker even if it has not been finally established that the worker's injury is a work injury

Section 23(3)

Where a worker is or is likely to be incapacitated for work by a work injury for more than 4 weeks, an employing agency must ensure that a RRTWP is prepared for the worker

Section 25(1)

<p>A RRTWP may be prepared:</p> <ul style="list-style-type: none"> • Even if the period of incapacity may be less than 4 weeks • For a worker who may not be returning to work in the short / medium term so that the initial focus of the plan is on restoring the worker to the community at the beginning; and • For a worker who has no reasonable prospect of returning to work but where the preparation of a plan would still assist in restoring the worker to the community 	<p>Section 25(2)(a)(b)(c)</p>
<p>A RRTWP does not need to be prepared for a worker if the Agency considers that due to the severity of the injury, the focus should be on other forms of support and services (unless or until the worker becomes capable of participating in a Plan)</p>	<p>Section 25(2)(d)</p>
<p>RRTWP will set out the actions and responsibilities of a worker and the pre-injury employer that are to be undertaken or assumed in order to achieve the earliest possible safe return to work or, if relevant, to the community on a durable basis</p>	<p>Section 25(3)</p>
<p>A RRTWP may impose obligations on the worker and on the pre-injury employer (and in the case of a dispute, will continue to bind the worker and the employer subject to the outcome of any process or procedure associated with determining the dispute)</p>	<p>Section 25(4)</p>
<p>In preparing RRTWPs:</p> <ul style="list-style-type: none"> • Consultation must occur with the worker and, insofar as is necessary or appropriate, with the employer out of whose employment the injury arose; and • Assistance may be obtained from the relevant return to work coordinator (if appointed) and any person who might be providing services under the plan; and • Insofar as reasonably practicable: <ul style="list-style-type: none"> ○ Medical records relevant to the worker’s condition should reviewed; or ○ Consultation should occur with any health practitioner who is treating the worker for a relevant injury; and • Consultation may occur with any other person or body as the agency thinks fit 	<p>Section 25(5)</p>
<p>RRTWPs are reviewable from time to time, and the Regulations specify when they should be reviewed</p>	<p>Sections 25(8) and 25(9) and Regulation 17</p>
<p>New or other employment options for the worker need to be taken into account in order to assist the worker to return to work in suitable employment if:</p> <ul style="list-style-type: none"> • A worker who has been incapacitated for work as a result of a work injury has not at the end of 6 months since the date of incapacity had first occurred, returned to their pre-injury employment; and • The worker is not working to his/her full capacity (after taking into account the nature and effect of the worker’s work injury and any other relevant factor) 	<p>Section 25(10)</p>
<p>RRTWPs must not impose any obligations on an a seriously injured worker to return back to work (but may include processes designed to assist a seriously injured worker to return to work at the request of the worker)</p>	<p>Section 25(11)</p>

A decision about the nature or scope of recovery/return to work services provided, or to be provided, for a worker is reviewable Provisions of RRTWP's are reviewable decisions by the Tribunal if the RRTWPs are deemed unreasonable	Section 97
The power and discretion to prepare and implement a RRTWP are delegated to SAPS agencies as self-insured employers	Section 134

The Return to Work Regulations 2015 provide:

A recovery/return to work plan must be in writing and specify the following details: The worker's full name, date of birth, claim number, employer's name, nature of injury and the date the injury was suffered	Regulation 15 (a) and (b)(i) – (vi)
The plan must be as simple and flexible as possible	Regulation 15 (c)
The plan must promote communication and cooperation between the parties	Regulation 15 (d)
The plan must be appropriate to the circumstances of the worker	Regulation 15 (e)
The plan must have specific objectives including at least one of the following: <ul style="list-style-type: none"> • The worker's return to pre-injury employment with the pre-injury employer • The worker's return to different employment with the pre-injury employer • The worker's return to pre-injury employment with a different employer • The worker's return to different employment with a different employer • The worker's return to independence within the community 	Regulation 15 (f) (i) – (v)
The Plan must contain other provisions consistent with the objects of the Act including provisions promoting early intervention, recovery and return to work services and the provision of suitable employment for which the worker is fit	Regulation 15 (g) (i) – (iii)
The plan must contain the following statements: (A) – Important Notice to Employers; and (B) – Important Notice to Injured Workers	Regulation 15 (h)
Any amendments, alterations or modifications to RRTWPs to be made by the agency in the course of a review of the plan must satisfy the requirements of the Act in respect of implementation of the amendment, alteration or modification.	Regulation 16
A review of a RRTWP should occur: <ul style="list-style-type: none"> • If the objectives of the plan have been completed or satisfied; • As often as necessary to ensure that the plan continues to reflect any significant changes to the worker's capacity for work, issues that need to be addressed and a change on the return to work objective being sought. A review of the plan should include a meeting with the worker conducted at the worker's place of employment (if reasonably practicable).	Regulation 17

SAPS Practice

Establishing a Plan

Where a worker is, or is likely to be, incapacitated for work by a work injury for more than 4 weeks, the employing agency must ensure that a RRTWP is prepared for the worker, unless the Agency considers that, due to the severity of the injury, the focus should be on other forms of support and services (unless or until the worker becomes capable of participating in a RRTWP).

A RRTWP may be prepared for a worker before the claim is determined, to support early and effective return to work coordination.

A RRTWP may also be prepared if the period of incapacity may be less than 4 weeks and should be considered where the preparation of a plan would assist with an early, safe and durable return to work.

A RRTWP may be established with an initial focus to assist in restoring the worker to the community, where the prospect of return to work in the short, medium or long term is low.

Process for preparing a RRTWP

The duration of a RRTWP Plan should be based on a worker's individual circumstances, return to work status and corresponding medical recommendations. Review intervals should be similarly determined.

Consultation must occur with the worker and, where necessary or appropriate, the employer in the preparation of the RRTWP.

Any relevant medical records will be reviewed in the preparation of a RRTWP and, where practicable, consultation should will with any health practitioner treating the worker.

Standards and Requirements of the Recovery/Return to Work Plan

The Return to Work Act and Return to Work Regulations require that, at a minimum, the RRTWP must be appropriate to the circumstances of the worker, in writing and contain:

- worker's full name
- date of birth
- claim number
- employer's name
- nature of injury
- date the injury was suffered
- specific objectives, including one from Regulation 15(f)
- provisions promoting early intervention, recovery and return to work services and the provision of suitable employment for which the worker is fit
- actions and responsibilities that the worker and employer will undertake to achieve the earliest possible safe and durable return to work or, if relevant, to the community
- any obligations for the worker and employer
- a review date

Provision of the RRTWP

The Agency must provide a copy of the implemented RRTWP to the worker and manager/supervisor.

Reviewing and amending a RRTWP

At a minimum, the RRTWP must be reviewed every 3 months.

A RRTWP will be reviewed if the objectives of the plan have been completed or satisfied, or with any significant changes to the worker's capacity for work issues that need to be addressed or a change to the return to work objective.

Where possible, a review of the RRTWP should be conducted with the worker at their worksite.

Any amendments to the RRTWP as a result of the review must satisfy the requirements of the Act and Regulations.

A copy of the amended RRTWP must be provided to worker and employer.

Preparing RRTWP for seriously injured workers

A RRTWP must not impose any obligations on a seriously injured worker to return back to work (unless requested by the worker).

Disputes relating to RRTWPs

Provisions of the RRTWP are reviewable decisions by the SA Employment Tribunal if the plan is deemed unreasonable.

The obligations specified in a RRTWP will continue to bind the worker and employer until the dispute is resolved.

SIMS

A SAPS RRTWP template, which complies with the requirements of the Return to Work Act and Regulations, is available on SIMS. The template is auto-populated with a worker's claim, injury and return to work details as entered into various SIMS screens but is fully modifiable upon generation. Any modifications can be saved back into SIMS through an upload feature.

Agencies are not mandated to use the SIMS RRTWP template. Agencies are however, required to record data of all RRTWPs implemented for an injured worker within a reasonable timeframe.

If an agency chooses not to use the SAPS RRTWP template, or if they use the template but modify it, they must ensure that the plan complies with all standards and requirements listed in this practice note.