

Summary

Objective

The Loss of Potential Earnings (LOPE) s105 Occupational Assessment is part of the assessment process for Loss of Potential Earnings. It is used to establish what suitable types of work a client can do now and would have been able to do; given their skills, training and experience.

Owner

Name withheld

Expert

Procedure

1.0 Service purpose and eligibility

- a** The LOPE s105 Occupational assessment is one part of the assessment process ACC undertakes when considering whether someone is eligible to receive compensation for a loss of potential earning capacity.

To be eligible to receive compensation for loss of potential earnings, the client needs to be considered unable, because of their injury, to engage in full-time work for which they are suited due to their experience, education or training. They must also have been:


- not in employment immediately prior to their incapacity,
- have sustained their injury before reaching the age of 18, or while engaged in full-time study or training which has been continuous since before they turned 18, and
- have now turned 18, and been unable to work (over the minimum earner rate) due to their injury for more than 6 months.

- b** The LOPE s105 Occupational Assessment is used to identify the full-time work types (over 30 hours per week) the client could do now and retrospectively what they would have been able to do; given their experience, education or training.

NOTE Occupational Assessor's Role

It is not the LOPE s105 Occupational Assessor's role to consider whether the work types they identify are medically suitable for the client. After completing the LOPE s105 Occupational Assessment, an s105 assessment is arranged with an Occupational Physician to determine whether the client has (or has had) the functional capacity to complete any of the roles identified in the LOPE s105 Occupational Assessment. In cases where there is a mental injury, a functional assessment with a psychologist/psychiatrist will be required.

- c** Investigations for loss of potential earnings can often be retrospective. Therefore, the report completed by the occupational assessor must also identify the specific time period during which the client was vocationally suited to each job identified.

 Loss of Potential Earnings Policy

NOTE Example

A young person suffered an injury while studying at university. Because of the injury, the young person failed to complete their study and remained unemployed. Several years later the person lodged a claim with ACC which was accepted. They requested ACC investigate whether they are entitled to receive compensation for loss of potential earnings. As they had been in continuous study since turning 18 and unable to work due to their personal injury, ACC will retrospectively investigate their entitlement to compensation for loss of potential earnings.

2.0 When to refer for a LOPE s105 Occupational Assessment

- a** If you believe the client will meet the eligibility criteria for Loss of Potential Earnings, then you should discuss with your team manager or a technical advisor whether you need to arrange a LOPE s105 Occupational Assessment.

3.0 Referring for a LOPE s105 Occupational Assessment

- a** Before referring for a LOPE S105 Occupational Assessment, you should:
- Ensure the client is aware of the referral and their obligation to attend.
 - Explain to the client the purpose of the assessment, the process and the outcome being sort.

NOTE How to explain the LOPE s105 Occupational Assessment to your client?

To explain the LOPE s105 Occupational Assessment to a client, they need to understand the eligibility criteria for receiving compensation for loss of potential earnings. Have a look at the 'Determine and calculate compensation for loss of potential earning capacity policy' page for some tips on explaining the eligibility criteria. If our client has a sensitive claim or serious injury see the relevant pages below.


Explain to your client that ACC needs to establish whether the injury they sustained has prevented them working full-time. This full-time work needs to be in work types that they have the skills and qualifications to complete. To determine what work types are suitable for them, we are going to arrange an assessment with someone experienced in providing career and employment advice.

During the assessment, the assessor is going to identify their skills, training, and experience and provide ACC with a list of work types that they could have worked in.

It would be a good time to explain that it is not the assessor's role to consider their injury and whether they can physically do the roles. This will be considered by someone medically trained, who we will arrange for them to see after meeting with this person.

Explain that after completing the assessment, ACC will provide them with a copy of the report.

- b** A LOPE s105 Occupational Assessment referral is generated by creating a purchase order with the entitlement type: VIO105
- c** A LOPE s105 Occupational Assessment referral is sent using the ACC6278 ACC referral for Occupational Assessment, which should be sent along with an editable word version of the ACC195 Application for LOPE Occupational Assessment Report (see below for FLIS document). Where the referral is retrospective, the referral should include the period (start to end date) that the occupational assessor must consider for each of the work types. The referral should include the following supporting documents:
 - Any previous vocational rehabilitation reports.
 - The client's individual rehabilitation plan (IRP).
 - A copy of the client's Curriculum Vitae (if available).


 ACC6278 ACC referral for Occupational Assessment

NOTE Can you provide medical information?

ACC should only provide additional medical information that is relevant to the occupational assessor and the assessment that is being completed. If you are providing any medical information, you should advise the client and seek their consent. You should also provide a copy of the ACC6300 Authority to collect medical and other records.

NOTE My client has a Care Indicator?

If your client has a Care Indicator or you consider them to pose a potential risk to the assessor's safety, then you need to clearly outline this in the referral letter to the supplier and have a conversation with the assessor prior to them contacting the client and offer them a security guard. Clearly document this in Eos using the standard template.

 ACC195 - Application for Loss of Potential Earnings

 **PROCESS Assess Loss of Potential Earnings (LOPE) - Sensitive Claims**

 **PROCESS Set Up Weekly Compensation - Loss Of Potential Earnings (LOPE)**

 **PROCESS Assess Loss of Potential Earnings (LOPE) - Physical Injury**

4.0 LOPE s105 Occupational Assessment Report

- a** The assessor should complete the ACC195 Application for LOPE Occupational Assessment Report within 10 working days from receiving the referral. The report should include:
 - The client's current work experience, training (including any work-related training and incomplete formal qualifications), at the start of the period, and gained and lost over the duration of the period.
 - A list of the suitable work types identified, the specific period of time they are suited and the reasons why.
 - A work type detail sheet for each of the suitable work types identified.
 - Any environmental modifications to enable the claimant to function safely in that type of work.
 - The work types identified in the s105 occupational assessment that were excluded or removed.
 - Any concerns or issues the client has with the recommendations made.

When you receive the report, you should discuss with the assessor any questions you have and if required, agree on a time-frame for completing an amended report. ACC should send a copy of the report to the client to comment on before sending it to the medical practitioner undertaking the s105 medical assessment.

NOTE What makes a work type suitable?

Occupational assessors must identify roles that the client can do or would have been able to do, without vocational restriction, meaning the client could start the job the next working day if it was available. When the assessor determines if a role is suitable or not, they will take into consideration:

- the client's previous work experience, education, training and skills
- whether there are any barriers that would prevent the client from working
- the suitability of each work time within the period we are requesting the assessment for - they should consider the skills, training, education and licences that the client had, gained, or lost during the timeline period.

In addition, for a work type to be considered suitable, it needs to be:

- available for 30 hours or more per week in New Zealand.

5.0 Useful Information and tips

a Occupational Assessment timeframes

The occupational assessor needs to adhere to the attached timeframes set out in the VIOA contract. The assessor should contact you if they are unable to contact the client within two days of accepting the referral or if they are unable to complete the referral in the specified timeframes. You are then able to choose an alternative supplier or negotiate a set timeframe.

 ACC6278 ACC referral for Occupational Assessment

b Your client has a sensitive claim

The sensitive claim unit has a policy page on the LOPE s105 assessment process. This will explain where the LOPE s105 Occupational Assessment falls in the process of assessing LOPE.

Must...	Within...
Accept or decline the referral	two Business days of receiving it. Note: If the referral contains inadequate information, the Supplier may request further details from the claims manager.
Notify the Client Services Staff if they are unable to contact the client	three Business days of accepting the referral.
Commence the assessment	five Business days of accepting the referral.
Notify the Client Services Staff if the client fails to attend a scheduled assessment	the same day the client fails to attend.
Complete the Vocational Independence Assessment report	10 Business days of receiving referral.
Forward three copies of the completed Vocational Independence Assessment report to the Client Services Staff	10 Business days of receiving referral.

 VIOA Timeframes.png