Employment related medical services for the NSW Public Sector

Guide for Agencies

NOTE: The Employment Related Medical Services Prequalification Scheme commences in October 2016
Employment related medical services for the NSW Public Sector

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1 Introduction

From 17 October 2016, the Employment Related Medical Services Prequalification Scheme (the Scheme) will establish a panel of prequalified service providers to provide employment related medical services for the NSW public sector. Medical assessors contracted to perform fitness for duty medical assessments under this Scheme have been nominated by the Public Service Commissioner as 'nominated medical assessors' for the NSW Public Service under clause 15 of the Government Sector Employment Regulation 2014 (the GSE Regulation). See https://www.psc.nsw.gov.au/news/psc-circulars-memoranda for a circular issued by the Public Service Commissioner regarding the Scheme, and an accompanying instrument listing 'nominated medical assessors'.

The purpose of this guide is to inform agencies on the benefits of, and the processes for using providers on the Scheme.
2 About the scheme

2.1 Purpose of the Scheme
The Scheme aims to streamline the process for selecting and engaging medical service providers by prequalifying providers with a track record in delivering employment related medical services that meet government requirements.

2.2 Services covered by the Scheme
The Scheme comprises of service providers who meet NSW Government requirements in the provision of the following services:

Core services (Tier One)
The following tier one services must be provided by all service providers on the Scheme:

- **Medical assessments**
  A service to assist an agency to determine an employee’s fitness for duty by establishing:
  - if the employee has an injury or health condition
  - what impacts (if any) the injury or health condition has on the employee’s ability to undertake the inherent requirements of their role in the short, medium and long term
  - what actions (if any) may be appropriate to resolve or minimise any impact of the employee’s injury or health condition on their ability to perform the inherent requirements of their role, and support them to remain in the workforce.

  Providers on the Scheme must also provide administrative support in relation to employee requests for review to be undertaken by the independent medical assessments review panel for any medical assessment that they have arranged.

- **Medical certificate validation**
  A service to support agencies to determine whether a valid medical certificate has been issued. The provider must clarify details with the issuing medical practitioner and provide advice on whether the period of absence recommended by the medical practitioner is appropriate for the condition stated in the medical certificate.

- **Pre-employment and periodic health assessments**
  A service to provide a health assessment for a potential, or current employee. The assessment will be used to determine if the employee meets the required level of health and fitness to safely fulfil the inherent requirements and demands of their potential or current role.
Optional services (Tier Two)

Tier two services may be provided by some of the providers on the Scheme. Tier two services include:

- Functional capacity assessments and advice;
- Vaccinations;
- Drug and alcohol testing; and
- Employee health and wellbeing programs.

A detailed description of tier two services is set out in Schedule 2: Service requirements. This document is available on ProcurePoint. ProcurePoint is the online portal for procurement information, tools (eQuote) and supporting material for NSW government agencies and service providers.

2.3 Service providers on the Scheme

Service provider selection

Service providers on the Scheme have been prequalified to meet the requirements set out in the guideline Procedures for Managing Non-Work Related Injuries or Health Conditions. The Public Service Commission (PSC) intends to update that guideline shortly.

The panel established by the Scheme comprises service providers who are:

- registered (public or proprietary limited) Australian companies
- foreign (overseas) companies registered in Australia, or
- individuals trading as partnerships.

Sole traders, groups of companies/consortiums and trusts were excluded.

Service providers admitted to the Scheme were required to:

- demonstrate experience, capability and capacity to provide fair and objective Tier One (core) and Tier Two (optional) services;
- offer competitive pricing of core services;
- demonstrate business and financial sustainability;
- meet account management and governance requirements; and
- agree to be bound by the Scheme Conditions.

A list of Service Providers on the Scheme’s panel is available on ProcurePoint.

Provider profiles, including information about their business, services and expertise, referee reports, and insurance details are available from eQuote on the NSW eTendering system.

Periodic addition of new service providers

The PSC may re-open the Scheme periodically over the life of the Scheme to consider prequalification of additional service providers. A list of prequalification periods is set out in section 2.4 of this guide.
Suspension and removal of service providers

Service providers who fail to meet Scheme Conditions or performance requirements may have their membership on the Scheme temporarily suspended. Further failure to meet requirements may result in the revocation of the service provider’s membership and removal from the Scheme.

2.4 Duration of the Scheme

The Scheme will commence on 17 October 2016 and will operate for five years until October 2021.

During this period the PSC may reopen the Scheme during the following times to consider prequalification of additional service providers:

- 16 October to 17 November 2017
- 15 October to 17 November 2018
- 14 October to 15 November 2019
- 12 October to 14 November 2020

(NOTE: These dates are subject to change at the discretion of the PSC)

2.5 Scheme management and contact

Enquiries related to the operation of the Scheme should be directed to the:

Scheme Manager
Employment Related Medical Services
Public Service Commission
GPO Box 3988
SYDNEY NSW 2001

Telephone: (02) 9272 6000
Email: whs@psc.nsw.gov.au
Web: www.procurepoint.nsw.gov.au

Enquiries related to information about the Scheme on ProcurePoint or the eTendering system should be directed to the NSW Procurement Service Centre on 1800 679 289.
3 Using the Scheme

3.1 Why use the Scheme
The Scheme provides service excellence and value for money to the sector by providing agencies with:

- a wide choice of prequalified service providers and service offerings at competitive prices;
- medical service providers that understand the diverse nature and needs of the sector and agencies;
- access to high quality services and service delivery levels;
- the ability to negotiate enhanced services and performance standards;
- demonstrated track record in nominated service capabilities;
- the ability to streamline procurement processes; and
- enhanced probity standards through third-party assessment and selection of service providers.

Please note that employees may only have access to the independent medical assessment review panel if they have been assessed by one of the service providers on the Scheme.

3.2 Who must use the Scheme
Public Service agencies (as listed in Schedule 1 to the Government Sector Employment Act 2013) must use the prequalification scheme for fitness for duty medical assessments of employees with non-work related injuries and health conditions as provided for in clause 15 of the GSE Regulation).

Agencies are also strongly encouraged to use providers on the Scheme for other employment related medical services, including pre-employment health assessments under rule 9 of the Government Sector Employment Rules 2014.

Non-public service agencies are strongly encouraged to use the Scheme as it aims to maximise efficiency, flexibility and value for money while meeting NSW Government procurement and probity requirements.

3.3 How to use the Scheme

Step 1: Identify need
Identify what you need:

- determine the type of service/s and scope of work;
- determine when you will need the service - For example, do you need the service for an immediate referral of an employee for a medical assessment, or for organising flu vaccinations for employees in a month’s time;
- decide if the engagement is a ‘one-off’ engagement or likely to be an ongoing need;
- assess the service requirements and the level of risk. Determine if the level of insurance for service providers in the Scheme is adequate to meet the agency’s requirements.
Using the Scheme

Step 2: Select service provider

Select a service provider from the list of providers published on ProcurePoint.

To aid in selecting a provider an agency should browse through the list of service providers available on ProcurePoint and provider profiles – these include information about the potential provider’s business, services and expertise, fee schedules, referee reports, and insurance details. This information is available from eQuote on the NSW eTendering system.

An agency may also upload its service specifications/brief onto eQuote to obtain a quote from selected providers or all providers on the Scheme.

An agency should select the provider/s that best meets the agency’s need. This may be based on the following information, which is available on eQuote:
- capability and experience from referee reports;
- performance record and referee details; and
- price competitiveness from provider fee schedules.

There are no contract financial thresholds or minimum levels of competition under this Scheme, but agencies are encouraged to compare provider services and fees on eQuote to ensure that they select services and service providers that best meet their business requirements.

NOTE: A service provider’s fee schedule is a maximum price guide and agencies may negotiate a lesser fee and/or bulk rates for services, such as an ongoing service arrangement.

What is eQuote?

eQuote is an online system provided by NSW Procurement to enable agencies to request a quote for service directly from a prequalified service provider. Service providers can view and respond to requests for quotes online. Agencies can evaluate the responses they receive and select a preferred service provider easily and quickly.

The eQuote training is available for agencies in the Support and self-help section of ProcurePoint. Guidance on Buying from a prequalification scheme and Review, evaluate and accept/reject RFx responses is also available in the same section.

Contact your agency’s eTendering administrator to set-up your access to eQuote on the NSW eTendering system.

For further information about the eQuote system please contact NSW Procurement Service Centre on T: 1800 679 289 between 8.30 am and 5.00 pm Monday to Friday or by email: nswbuy@finance.nsw.gov.au

Step 3: Engage the service provider

Before engaging a provider, review the Scheme Conditions and the Standard Form of Agreement which is Schedule 1 to the Scheme Conditions. These documents set out the basic terms and conditions for service providers and agencies using the Scheme.

Your agency may engage a service provider using the Standard Form of Agreement in Schedule 1 of the Scheme Conditions. Any negotiated services, requirements, fees and standards should be set out in the ‘Agreement Details’ section of the Standard Form of Agreement (Schedule 1 of the Scheme Conditions).
Terms in the Standard Form of Agreement should not be varied. However, where it is necessary, agencies must ensure that any variation is consistent with the Scheme Conditions.

**NOTE:** The Agency Referral for Medical Services (Form 1 in Schedule 4 of the Scheme Conditions) is taken to incorporate all terms and conditions of the Scheme Conditions and standard form of agreement, as if repeated in full.

Each referral using the Agency Referral form will be considered a separate and distinct engagement.

### 3.4 Other requirements for engagements

**Insurance**

The level of insurance set out in clause 5 of the Scheme Conditions is the minimum requirement that the Service Provider is expected to maintain when prequalified under the Scheme.

Additional insurance requirements may be negotiated with the Service Provider.

**Agency policies**

Service providers are expected to comply with:

- all applicable statutory requirements
- relevant laws, regulations, privacy principles, codes of practice, Australian and/or ISO standards
- any NSW Government policies, guidelines and code of conduct communicated by the agency.

This includes any agency-specific policies and requirements.
4 Frequently asked questions

Q. How are service providers selected for the Scheme?
A. Service providers were asked to submit an application demonstrating their ability to meet the criteria set out in section 2.3 of this guide. Their applications were then assessed against the Scheme requirements and selection criteria by a panel comprising representatives from the Public Service Commission, NSW Procurement, the State Insurance Regulatory Authority (formerly WorkCover), Department of Industry, Skills and Regional Development, and NSW Health. Service providers who met the requirements for admission were recommended to the Public Service Commissioner for approval to be admitted to the Scheme.

Q. Can other service providers apply to prequalify for the Scheme?
A. The PSC may re-open the Scheme periodically to consider prequalification of additional service providers. An indicative schedule is set out in section 2.4 of this guide.

Q. Where can I get information about the service providers on the Scheme?
A. A list of Service Providers on the Scheme is available from ProcurePoint.

Provider profiles, including information about their business, services and expertise, referee reports, and insurance details are available from eQuote on the NSW eTendering system.

Q. Will I have to get three quotes before engaging a service provider?
A. There are no contract financial thresholds or minimum levels of competition under this Scheme, but you are encouraged to compare provider services and fees on eQuote to ensure that you select services and service providers that best meet your business requirements. You may also negotiate a lesser fee and/or bulk rates for services with the provider.

Q. What are the terms of engagement for service providers on the Scheme?
A. Service providers on the Scheme have agreed that if admitted to the Scheme they will comply with the Scheme Conditions and that their supply of services under the Scheme will be subject to the terms and conditions of the Standard Form of Agreement (Schedule 1 of the Scheme Conditions). These documents are available from ProcurePoint.

Agencies may negotiate service requirements, fees and standards with the service provider. These terms of engagement should be set out in the ‘Agreement Details’ section of the standard form of agreement (Schedule 1 of the Scheme Conditions).

Terms in the standard form of agreement should not be varied. However, where it is necessary, agencies must ensure that any variation is consistent with the Scheme Conditions.

Q. Can I engage a service provider for other employment related medical services not covered by the Scheme?
A. Yes, an agency may engage a service provider on the Scheme for other employment related health and medical services not listed in the Scheme. However, these services will not be covered by the Scheme and conditions of their supply must be negotiated independently between the agency and the service provider.
Frequently asked questions

Q. Where can I get a schedule of fees for services?
A. You can view service providers’ fee schedules on the eTendering system, or ask for and receive quotes and proposals directly from providers using the eQuote system. Further information about the eQuote system is set out on page 6 of this guide.

Q. Are the fees for services fixed?
A. Service providers’ fee schedules set out maximum prices for services available under the Scheme. You may negotiate with any service provider on the Scheme for a lesser fee and/or bulk rates for services.

Q. Can an agency engage service providers outside the Scheme for the same services?
A. Yes, except for Public Service agencies in relation to medical assessments of non-work related injuries or health conditions. Public Service agencies (as listed in Schedule 1 of the Government Sector Employment Act 2013) must use service providers on the Scheme for fitness for duty assessments under clause 15 of the GSE Regulation. Non-public service agencies may opt to use service providers in or outside the Scheme.

Q. How is service provider performance monitored on the Scheme?
A. Performance, quality assurance and value for money are key objectives of the Scheme.

All contracting parties and the PSC share responsibility for performance monitoring and driving continuous improvement. Under the Scheme Conditions, service providers must submit a report to the PSC on service delivery bi-annually against set service standards, and agencies must submit a report to the PSC if they consider that a service provider has breached the Scheme Conditions or provided services which have been unsatisfactory.

Further information about performance management and monitoring is set out in clauses 25 and 26 respectively in the Scheme Conditions.

Q. What can I do if there are issues with a service provider's performance?
A. You should try to resolve any performance issues directly with a service provider in the first instance.

If the service provider has breached the Scheme Conditions and/or their performance of services continues to be unsatisfactory the agency should submit a ‘Performance Report’ to the Scheme Manager at the PSC. A copy of the ‘Performance Report’ is available in Schedule 5 of the Scheme Conditions and from the Scheme’s page on ProcurePoint. Information on performance management and managing unsatisfactory performance are set out in clauses 25 and 27 respectively in the Scheme Conditions.