

Vocational Rehabilitation

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Policy

1. Purpose

1.1 The purpose of this document is to provide guidance on administering veterans' entitlement to vocational rehabilitation under the Veterans' Support Act 2014 (the Act). The document should be read together with the separate papers on:

- *Rehabilitation Services Eligibility*
- *Rehabilitation Section of Your Plans*
- *Vocational Rehabilitation Needs Assessment*
- *Entitlement to Weekly Income Compensation*
- *Weekly Compensation for Veterans*

2. Legislative Reference

2.1 The relevant legislation is the Act, sections 115, 125 – 129.

3. The Purpose of Vocational Rehabilitation

3.1 The purpose of vocational rehabilitation is to help a **veteran** to, as appropriate:

- maintain employment; or
- obtain employment; or
- regain or acquire vocational independence.

3.2 The activities for maintaining or obtaining employment are to be:

- suitable for the veteran; and
- appropriate for the veteran's levels of training and experience.

Section 125 of the Veterans' Support Act 2014

4. Eligibility for Vocational Rehabilitation

4.1 **Go to section 4 of the separate paper on Rehabilitation Services Eligibility.**

5. Factors Veterans' Affairs will consider in deciding whether to provide vocational rehabilitation

5.1 In deciding whether to provide vocational rehabilitation, Veterans' Affairs will, on the basis of medical and occupational needs assessment, consider whether it is reasonably practicable to:

- return the veteran to the same pre-injury/illness employment in which the veteran was engaged and with the same employer; and if not
- return the veteran to an employment of a different kind with that employer
- return the veteran to the pre-injury/illness employment but with a different employer
- help the veteran use as many of his or her pre-injury/illness skills as possible to obtain employment.

Section 127 of the Veterans' Support Act 2014

5.2 Veterans' Affairs will also consider whether the vocational rehabilitation is:

- likely to achieve its purpose under the rehabilitation section of the veteran's Your Plan
- likely to be cost-effective (i.e. costs of veterans' entitlements will be reduced as a result of the provision of vocational rehabilitation)
- appropriate in the circumstances.

Section 128 (1) of the Veterans' Support Act 2014

6. Commencement of Rehabilitation

6.1 **Go to section 5 of the separate paper on Rehabilitation Services Eligibility.**

7. Applications for Vocational Rehabilitation

7.1 **Go to section 5 of separate paper on Rehabilitation Services Eligibility.**

8. What Veterans' Affairs will cover

8.1 Veterans' Affairs must provide the vocational rehabilitation for the minimum period necessary to achieve the rehabilitation outcome as defined by the vocational needs assessment, but for no longer than three years (which need not be consecutive).

8.2 Veterans' Affairs may, at its discretion, provide vocational rehabilitation for longer than three years if Veterans' Affairs considers that the vocational rehabilitation is **as per bullet points in 5.2.**

- 8.3 Veterans' Affairs must not take into account as a factor against providing vocational rehabilitation that the veteran is at or close to the age of receiving New Zealand Superannuation.

Section 128(4) of the Veterans' Support Act 2014

- 8.4 Veterans' Affairs will cover the costs of the veterans' medical and occupational needs assessments and any necessary reassessments as described below. For details of travel costs that may be covered **Go to separate paper on Travel for Treatment and Rehabilitation.**
- 8.5 **See also separate paper on Rehabilitation Section of Your Plans sections 11 and 12.**

9. Vocational Rehabilitation Needs Assessment

- 9.1 **Go to separate paper on Vocational Rehabilitation Needs Assessment.**

10. Commencement of Rehabilitation

- 10.1 **Go to section 5 of the separate paper on Rehabilitation Services Eligibility.**

11. Vocational rehabilitation may start or resume at any time

- 11.1 Veterans' Affairs may, at any time, decide whether or not there has been a change of circumstances affecting the veteran's need for vocational rehabilitation and if there has been work to modify with the veteran the rehabilitation section of the veteran's Your Plan to reflect the changed circumstances.
- 11.2 After modifying the Your Plan, Veterans' Affairs may resume providing vocational rehabilitation to a veteran who had vocational rehabilitation and as a result obtained employment, but is unable to maintain employment because of his or her incapacity.

Section 129 of the Veterans' Support Act 2014

- 11.3 **See also section 9 on Monitoring and Updating the Rehabilitation Section in the separate paper on Rehabilitation Section of Your Plans.**

12. Second Opinion

- 12.1 Veterans' Affairs reserves the right to obtain a second opinion with regard to the assessment and provision of rehabilitation services.
- 12.2 If a veteran seeks an independent opinion he/she does so at his/her own cost and Veterans' Affairs may take that opinion into consideration.

13. Living Overseas

- 13.1 The vocational rehabilitation policy applies equally to all New Zealand veterans, irrespective of their country of residence.

14. Reviews, Appeals and Complaints

- 14.1 If you disagree about a decision concerning eligibility for an entitlement or service **go to separate policies on Reviews and Appeals**. If you are concerned about Veterans' Affairs' administration of an entitlement or service **go to separate policy on Complaints**.

Glossary

veteran [section 7]

Means:

- (a) a member of the armed forces who took part in qualifying operational service at the direction of the New Zealand Government; or
- (b) a person:
 - (i) who has been:
 - (A) appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or
 - (B) seconded to the Defence Force with the permission of the Chief of Defence Force; and
 - (ii) who took part in qualifying operational service at the direction of the New Zealand Government; or
- (c) a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954:
 - (i) section 19 (but only if the person was a member of the forces):
 - (ii) section 55 or 56:
 - (iii) Parts 4 and 5