



Public
Service
Commission

Guideline

October 2021

Employment related
medical services for the
NSW Public Sector

Guide for Agencies

Employment related medical services for the NSW Public Sector

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Revision History

Version	Date	Summary of changes
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1 Introduction

A panel of prequalified service providers is available 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 purpose of this guide is to inform agencies on the benefits of, and the process for, using providers on the requalification scheme.

2 About the scheme

2.1 Purpose of the Scheme

The *Employment Related Medical Services prequalification 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 currently comprises service providers who meet NSW Government requirements in the provision of the following services:

Core services (Tier One) provided by all service providers on the Scheme:

- **Medical assessments**

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 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 will also provide **administrative support to the independent medical assessments Review Panel** for medical assessment that they've arranged, where an employee requests a review of the assessment outcome and/or recommendations.

- **Medical certificate validation**

Service to support agencies determine if a valid medical certificate has been issued by clarifying details with the issuing medical practitioner and providing 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**

Health assessment of a potential, or current, employees to determine if they have the required level of health and fitness to safely fulfil inherent requirements and demands of their potential or current role.

Optional services (Tier Two) may be provided by some of the providers on the Scheme. Services include:

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

A detailed description of the services is set out in *Schedule 2: Service requirements* of the Scheme Conditions document available at buy.nsw.gov.au.

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 new guideline *Fitness for duty: Medical assessments for non-work related injuries and health conditions*.

The Scheme comprises service providers which 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 is available from buy.nsw.gov.au.

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 commenced on 17 October 2016 and will operate until 17 October 2026.

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.buy.nsw.gov.au

Enquiries related to information about the Scheme on buy.nsw or on the eTendering site should be directed to the buy.nsw 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
- 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; and
- are 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.

References:

- Clause 15 *Government Sector Employment Regulation 2013*
- PSC Circular – re: nominated medical assessor
- *Procedures for Managing Non-Work Related Injuries or Health Conditions (PSC Directive 2010-019)*

3.3 How to use the Scheme

Step 1: Identify what you need:

Identify need

- Determine the type of service/s and scope of work
- Determine when you will need the service, for example, immediate referral of an employee for a medical assessment or organising flu vaccinations for employees in a month's time
- Decide if the engagement is a 'once-off' engagement or likely to be an ongoing

need

- Assess the service requirements and the level of risk and determine if the level of insurance for service providers in the Scheme is adequate to meet the agency's requirements.

Step 2:

Select service provider

Select a service provider from the list of providers published on *buy.nsw* the online portal for procurement information, tools (eQuote) and supporting material for NSW government agencies and service providers:

- Browse through the list of service providers available on *buy.nsw* and provider profiles, including information about their business, services and expertise, fee schedules, referee reports, and insurance details are available from eQuote on the NSW eTendering system.

You may also upload your service specifications/brief onto *eQuote* to get a quote from selected providers or all providers on the Scheme.

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.

[eQuote training](#) is available for agencies in the [Support and self-help](#) section of *buy.nsw*. 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 [buy.nsw](#) on T: 1800 679 289 or by email at nswbuy@treasury.nsw.gov.au.

- Select the provider/s that best meets meet your 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
 - 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 business requirements.

NOTE: A service provider's fee schedule is a maximum price guide and agencies may negotiate a lesser fee for and/or bulk rates for services e.g. ongoing service arrangement.

Step 3:

Engage the service

Before engaging a provider, review the Scheme Conditions and standard form for agency agreements, in Schedule 1 of the Scheme Conditions, which set out basic terms and conditions for service providers on the Scheme.

provider

Your agency may engage a service provider:

- on an *ad hoc* basis, using the Agency Referral for Medical Services form (Form 1 in Schedule 4 of the Scheme Conditions); or
- for bulk supply of services by developing an Agency Agreement using the standard form of agreement in Schedule 1 of the Scheme Conditions.

Bulk services may include an ongoing arrangement for referral of employees for medical assessments, periodic health assessments or pre-employment health assessments.

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 which 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; and
- 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 were 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. Where can I get information about the service providers on the Scheme?

A. A list of Service Providers on the Scheme is available from buy.nsw.gov.au.

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. This is good practice, especially if your agency is proposing to engage a service provider for bulk supply of services, such as an ongoing arrangement for medical assessment referrals. 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 the subject to the terms and conditions of the Standard Form of Agreement (Schedule 1 of the Scheme Conditions). These documents are available from buy.nsw.gov.au.

Agencies may negotiate other 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.

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. What if I can access the same services at lower fees from another service provider outside of the Scheme?

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 *Government Sector Employment Regulations 2014*. Non-public service agencies may opt to use service provider in or outside the Scheme.

Apart from the requirement above, all Government Sector agencies may opt to use service providers outside the Scheme in circumstances where they consider the services can be provided more efficiently and effectively.

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 have a responsibility for performance monitoring and driving continuous improvement. Under the Scheme Conditions, service providers must submit a report to the PSC on service delivery against set service standards bi-annually and agencies must submit a report to the PSC if it considers 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 buy.nsw. Information on performance management and managing unsatisfactory performance are set out in clauses 25 and 27 respectively in the Scheme Conditions.