

REHABILITATION SHAKE-UP WELCOMED

New efforts to tackle problems with access to rehabilitation by accident victims have been welcomed by claimant lawyers.

APIL secretary Mark Harvey said the consultation paper '*Getting back to work*', issued by the ABI and TUC, was a step in the right direction to identifying key problems and getting injured people back into employment.

"What we have here is a positive move to begin to tackle a number of obstacles which are effectively blocking access to rehabilitation for many claimants," he said.

One of those fundamental obstacles, says APIL, is a serious lack of funding. The association suggests that spreading the cost of rehabilitation among a number of stakeholders, rather than expecting one organisation to foot the bill, may go some way in helping to solve the problem.

"It's unfair to place such a big burden on one single body," said Mark. "It would be much more sensible for employers to pay for rehabilitation and then be able to recoup some of their costs from an insurer or a Government grant. The NHS recovers costs of certain treatments from insurers and we see no reason why employers shouldn't be able to do the same for the costs of rehabilitation," he said.

AP191/2

Funding problems may be eased further still if the NHS were to play a bigger role in providing rehabilitation services.

“We do not believe the NHS should be out of pocket because of the actions of a negligent employer,” he said, “but injured workers suffer from a lack of post-care support, which can ultimately mean they end up back in hospital. Improved rehabilitation within the NHS may solve this problem, provided of course that any outlay can be recovered from their insurer or the negligent party.”

APIL voiced concern in its response about the “insufficient independence” between insurers and rehabilitation providers. According to Mark Harvey, claimants’ interests would be best served if suitably qualified experts were to conduct rehabilitation independently of the paying party.

“We know that many providers and managers of rehabilitation are set up and funded by insurers,” he said, “but we firmly believe that rehabilitation shouldn’t be carried out by those footing the bill as there is then the risk that it may be conducted on the terms of the insurer, and not those of the claimant.”

The association has also called for greater awareness of rehabilitation in the workplace, and believes employers should be playing a key role in the process.

AP191/3

“Without a doubt, every employer should have a rehabilitation policy in place,” said Mark. “We also want to see a statutory duty imposed on employers so that they at least have to consider an employee’s request for rehabilitation. It will benefit both the injured worker and the employer, who will reap the long-term benefits of a healthy, productive workforce.”

But APIL believes a joined-up approach between lawyers, insurers and other parties is crucial to ensure any changes and improvements are effective.

“It’s essential that we all work towards the same goal,” said Mark. “At the end of the day, the victims’ needs must be paramount.”

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