



**2022 Comcare Licensee Audit**

**Australian National University**

**FINAL REPORT**

**Claims Management System Review/Audit**

**Audit Date: 9 – 14 January 2023**

**claims**

Copyright © BRM Risk Management Pty Ltd. This material shall not be reproduced in part or whole or otherwise distributed without the express permission in writing of BRM Risk Management Pty Ltd. This document (including any attachments) is intended only to be read or used by the addressee. It contains information that is confidential and legally privileged.

# Table of Contents

Scope of Review/Audit .....	3
Executive Summary .....	5
Table of Criteria .....	7
ELEMENT 1: Commitment and Corporate Governance .....	9
ELEMENT 2: Planning .....	12
ELEMENT 3: Implementation.....	17
ELEMENT 4: Measurement and Evaluation .....	29
ELEMENT 5: Review and Improvement.....	32
Summary of File Findings .....	34

## Scope of Review/Audit

**Organisation:** Australian National University ('ANU')

**Site/Workplace:** Chancery Building 10A, The Australian National University Canberra ACT 2601

**Scope of Audit:** The review/audit examined the University's claims management system, processes and outcomes to validate that ANU is meeting its licence conditions and is complying with the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

16 claim files were examined by the auditors. These files were randomly selected from a list of 39 claim files where some activity had occurred in the previous 12 months.

The review/audit encompassed a review of all relevant policies and procedures as they relate to claims management and any other relevant supporting documentation.

Overall findings are based on the identification of issues that are considered to be systemic rather than isolated incidents.

**Audit Criteria:** This review/audit assessed the claims management system against 31 criteria grouped within five elements:

1. Commitment and Corporate Governance (3 criteria)
2. Planning (5 criteria)
3. Implementation (17 criteria)
4. Measurement and evaluation (5 criteria)
5. Review and improvement (1 criterion)

**Ratings** The findings in the review/audit report have been classified and marked as follows:

**Conformance**—indicates that the criterion has been met.

**Non-conformance**—indicates that the criterion has not been met.

**Not able to verify**— indicates that the organisation has documented procedures in place however there are no cases to test that the organisation has followed those procedures. It is expected that this classification will only be used in limited circumstances and where applied, the reasons for the finding will be explained by the auditor.

**Not Applicable**—indicates that the criterion does not apply to the organisation.

Where a criterion has been met but the auditor has identified a 'once off' situation or a 'minor' deviation from the documented management system or reference criterion, an **Observation** may be made. These findings, while representing a non-fulfilment of a requirement, are recognised as being of lower risk to the organisation.

**Date(s) of review/audit:** 9 – 14 January 2023

**Auditors:** Sophie Anastasov, Ritu Barhmi and Cathy Jordan, BRM Risk Management Pty Ltd ("BRM")

**Client Contacts:** Ingrid Krauss, Manager, Injury Prevention and Wellbeing, Work Environment Group, ANU

**Record of review/audit:** This report contains a summary of the review/audit outcomes. Detailed information is not recorded in the report. A record of the documentation and records sighted, persons interviewed, observations and auditor comments are retained on the auditor's file.

**Acknowledgment:** BRM wishes to acknowledge the cooperation and assistance provided by the management and staff of ANU and thanks them for their contribution to the audit process.

## Executive Summary

Australian National University (ANU) has held a self-insurance licence under the Safety, Rehabilitation and Compensation Act 1988 (SRC Act) since 1 July 2018. Their licence is due to expire on 30 June 2026.

ANU have engaged Comcare under a third-party business model arrangement to manage their workers compensation claims.

There were a number of positive features of the rehabilitation management system which are listed below, and further detailed in the body of this report:

- ANU Policy: Work health and safety,
- ANU Policy: Rehabilitation and compensation,
- ANU Policy: Fitness for Work,
- ANU Policy: Disability,
- ANU Policy: Risk Management
- ANU Procedure: Rehabilitation and compensation,
- Delegation Schedule
- Deeds of Agreement
- Claims Management Manual
- People and Culture Division and Work Environment Group Business Plan 2022
- Regular KPI and Performance reporting

A total of 16 files were reviewed. Overall, the file audit found that the claim files continue to be very well managed.

Claims received by employees were compliant with injury notification and supporting medical certificates. On receipt of the claim acknowledgement was immediately provided advising the employee of reference and contact details.

Roles and responsibilities are advised to employee's and stakeholders. Regular communication with the employee and other stakeholders regarding the claims management process, status of the claim was demonstrated through the many file notes and emails.

Initial liability determinations, incapacity determinations, section 16 determinations and reconsiderations provided accurate and detailed information regarding the terms and reasons for the determinations. These were managed within required timeframes and the notice to the employee included relevant appeal rights. Fair opportunity was provided to employees prior to any adverse decisions made.

This audit did not identify any non-conformances. Four observations were identified and are detailed below.

The audit period reviewed was from 1 January 2022 to 31 December 2022.

This audit has been conducted in line with Comcare's CMS audit workbook, version 4.0, February 2021.

## Non-Conformances

No non-conformances were identified during the review/audit.

## Observations

Four observations were identified during the review/audit. They are:

Criterion	Observations
2.1	Determinations must be signed by persons and positions with delegated authority. The Delegation Schedule provides delegation of powers to the position.
3.6	When arranging independent medical examinations under section 57 of the SRC Act, formal notification must be sent to the employee.
3.14	Documented outcomes of the ANU claims review process are not always saved in the Figtree claim file.
4.2	ANU does not have a procedure for auditing the CMS or RMS.

In summary, for the 31 criteria within the claims management audit tool, the outcomes are:

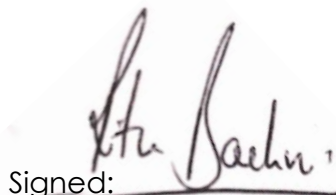
	Number of criteria	% of assessed criteria
Conformance (with 4 Observations)	28	100%
Non-conformance	0	0%
Not able to verify	2	
Not applicable	1	

An action plan, which includes completion/review dates and responsibilities, must be developed to address each of the above review/audit findings – and any individual file findings where an error in entitlement was identified.

The auditors invite ANU to discuss any aspect of this audit with the auditors.



Signed:  
**Sophie Anastasov**



Signed:  
**Ritu Barhmi**



Signed:  
**Cathy Jordan**

Date: 7 March 2023

## Table of Criteria

Audit element/criterion description	Criterion	Rating
<b>1. Commitment and Corporate Governance</b>		
Documented commitment	1.1	Conformance
Internal and external accountability	1.2	Conformance
Identify, assess and control risk	1.3	Conformance
<b>2. Planning</b>		
Delegation schedule	2.1	Conformance with 1 Observation
Documented procedures	2.2	Conformance
Planning for legislative compliance	2.3	Conformance
Setting objectives and targets	2.4	Conformance
Plans to achieve objectives and targets	2.5	Conformance
<b>3. Implementation</b>		
Adequate resources	3.1	Conformance
Communication—relevant stakeholders	3.2	Conformance
Employees are aware of rights	3.3	Conformance
Training and competency	3.4	Conformance
Determinations in accordance with the Act	3.5	Conformance
Powers under the Act	3.6	Conformance with 1 Observation
Initial liability	3.7	Conformance
Determining incapacity	3.8	Conformance
Determining benefits	3.9	Conformance
Determining permanent impairment	3.10	Not able to verify
Transitional provisions	3.11	Not Applicable
Reconsiderations	3.12	Conformance
Reasonable opportunity	3.13	Conformance
Claim reviews	3.14	Conformance with 1 Observation
Surveillance	3.15	Not able to verify
Privacy and confidentiality	3.16	Conformance

<b>Audit element/criterion description</b>	<b>Criterion</b>	<b>Rating</b>
Reporting, records, documentation	3.17	Conformance
<b>4. Measurement and Evaluation</b>		
Monitoring planned objectives	4.1	Conformance
Internal audits	4.2	Conformance with 1 Observation
Outcomes of audits are actioned, reviewed	4.3	Conformance
Communicating audit results	4.4	Conformance
Providing reports to Comcare and Commission as requested	4.5	Conformance
<b>5. Review and Improvement</b>		
Continuous improvement	5.1	Conformance



## ELEMENT 1: Commitment and Corporate Governance

### Documented commitment

#### Criterion 1.1

The determining authority sets the direction for its claims management system through a documented commitment by senior executive.

#### Finding: Conformance

##### Evidence:

- ANUP\_013007, Policy: Rehabilitation and compensation, v4, effective 13/9/21, rev 13/9/26
- ANUP\_000432, Policy: Work health and safety, v10, effective 23/11/22, rev 23/11/27
- ANUP\_014609, Policy: Fitness for Work, v3, effective 3/11/20, rev 2/11/25
- ANUP\_000405, Policy: Disability, v9, effective 8/9/20, rev 31/12/25

##### Comment:

ANU sets the direction for its claims management system through a documented commitment by senior executive.

The Rehabilitation and Compensation Policy is current and was approved by the position of Vice Chancellor on 13 September 2021. The policy is due to be reviewed by 13/9/26.

The policy "sets the direction for the University's rehabilitation and claims management systems through a documented commitment by senior executive which is aligned to the organisation's overall values, vision and business objectives".

The policy also states, "the University's aim is to provide rehabilitation and claims management services which are fully compliant with legislation and the performance standards and measures for Comcare workers compensation self-insurance licensees, as detailed by the Safety Rehabilitation and Compensation Commission (SRCC)."

### Corporate governance

#### Criterion 1.2

The determining authority's claims management system provides for internal and external accountability.

#### Finding: Conformance

##### Evidence:

- Deed of Agreement Version 2, signed Nadine White, dated 01/07/2020
- Deed of Agreement Schedule 7 update July 2021, signed Nadine White, dated 21/07/2021

- Deed of Agreement Schedule 7 Change Proposal Contract Extension - start date 1/7/22 to 30/6/24, signed Nadine White, dated 30/08/2021
- Combined audit View reports - Nov 2021
- ANU Executive and College Structure, dated 27 October 2022
- People and Culture Division Organisational Charts, 15/6/22
- People and Culture Division Plan on a Page 2022
- Self Insurance Progress Report 2021 for the period 1 January - 31 December 2021
- Licensee Compliance and Performance Improvement (LCPI) report, Annual Report for 1 March 2021-28 February 2022, signed Professor Brian Schmidt, Vice-Chancellor, dated 15/3/22.
- ANU Performance Report – Australian National University (ANU), LKPI QUARTER 2 2021–2022
- ANU Annual Report
- WHS Performance - Health and Safety Council Report, for the period 1 January - 31 December 2021
- SLA's
  - Letter of engagement with BRM Risk Management, 26/5/22
  - Legal Provider Capability Statements – various (dated July 2018, unsigned)
  - Workplace Rehabilitation Provider: Service Level Agreement template unsigned
- Position descriptions:
  - WHS Claims Management Senior Consultant (no document control)
  - Associate Director, Work Environment (no document control)
  - Claims Manager (Comcare), 29/10/2020
  - Manager, Injury and Claims
  - Rehabilitation Case Manager (no document control)
  - Team Leader, Injury Management & Rehabilitation (no document control)
  - Pre-Employment Work Environment Report: Rehabilitation Case Manager (no document control)

**Comment:**

*Internal Accountability is demonstrated through the following:*

- Job descriptions
- People and Culture Organisational Charts, includes Work Environment Group (WEG)

*External Accountability is demonstrated through the following:*

- Contracted claims manager
- Deed of Agreement Version 2,

- Deed of Agreement Schedule 7 Change Proposal Contract Extension - start date 1/7/22 to 30/6/24,
- Letter of engagement from BRM Risk Management, 26/5/22
- Legal Provider Capability Statements – various (dated July 2018, unsigned)
- Workplace Rehabilitation Provider: Service Level Agreement template unsigned
- Computer system/database providers
- Licensee Compliance and Performance Improvement (LCPI) Annual Report, 15/3/22.
- Self Insurance Progress Report 2021 for the period 1 January - 31 December 2021
- ANU Performance Report – Australian National University (ANU), LKPI QUARTER 2 2021–22

### Criterion 1.3

The determining authority identifies, assesses and controls risks to the claims management system.

### Finding: Conformance

#### Evidence:

- ANUP\_000462, Policy: Risk Management, v10, effective 29/04/21, rev 29/04/26
- Risk Management Plan CMS, effective 24/3/22, rev 24/3/24
- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- ANU Claim Management Strategy – no document control
- Liability Calculator Tool (instructions) - no document control

#### Comment:

ANU have an overall ANU Corporate Governance Risk approach as detailed in the Risk Management Framework.

The CMS risk management plan has been developed for the delivery of the claims management system. Areas where risks are identified include:

- ANU Staff Resources
- Third party provider staff numbers
- Recruitment
- Retention
- Contract Management
- Licensee Key Performance Indicators
- Program Budget
- Legislative changes

- Information technology systems

The plan identifies the risk, sources and impacts, the current risk treatment strategies, the rating, controls, owner. Timeframes and status.

Fortnightly claims management reviews are conducted between Comcare and the ANU to review and closely risk manage claims performance.

## ELEMENT 2: Planning

### Administrative arrangements

#### Criterion 2.1

The determining authority identifies the administrative and financial limitations for each level of claims manager.

#### Finding: Conformance with 1 Observation

##### Evidence:

- Delegation Schedule signed by Professor Brian Schmidt, dated 27 April 2022
- Memo dated 19/4/22 to Professor Brian Schmidt, Vice-Chancellor, from Dr Nadine White, Chief People Officer regarding ANU Workers Compensation Delegations, signed 27/4/22
- Memo dated 10/8/22 to Professor Brian Schmidt, Vice-Chancellor, from Mr Mark Cook, Acting Chief People Officer regarding ANU Workers Compensation Delegations, signed 10/8/22
- File audit

##### Comment:

The delegation instrument was signed by Professor Brian Schmidt, Vic-Chancellor on 27/4/22 and on 18/8/22.

ANU has identified both the administrative and financial limitations for relevant ANU and Comcare officers.

The Comcare positions with delegation are:

- Claims Manager
- Senior Claims Manager
- Senior Claims Delegate
- Reconsideration Officers

The ANU positions with delegation are:

- Senior Consultant Claims Management
- Manager Injury, Prevention and Wellbeing

- Deputy Chief People Officer (People, Safety and Wellbeing)
- Chief People Officer

**File audit:**

Of the 16 files applicable to this criterion, file audit found 11 individual findings:

- 8 determinations were identified which were signed by persons whose titles did not have delegation.
- 3 determinations were identified where rehabilitation reimbursements were made by claims delegates whose titles did not have delegation.

**Observation:**

Determinations must be signed by persons and positions with delegated authority. The correct delegated position should be stated on the determination.

**Criterion 2.2**

The determining authority has documented procedures for paying compensation to injured employees, dependants of deceased employees, providers of medical treatment and other recipients.

**Finding: Conformance**

**Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- ANUP\_018025, Procedure: Workers' compensation beneficiary trust accounts, v3 effective 1/10/21, rev 30/09/24
- ANUP\_000683, Procedure: Management of Non-Work Related Injury and Illness, v16, effective 8/9/22, rev 8/9/27
- Claims and Rehabilitation Management Systems, Legislation Register, v5.0, 3/11/22, rev ongoing

**Comment:**

ANU have documented procedures for paying compensation to injured employees, dependants of deceased employees, providers of medical treatment and other recipients.

The Claims Management Manual has been updated since the previous BRM audit in 2020 with:

- Updates to incapacity and medical payment procedures following audit of Claims Management System.
- Updates and additions following audit of Claims Management System
- Reviewed and updated Incapacity payment procedure.

Section 8 of the manual provides the procedures for payment of invoices and receipts, medical reports, clinical notes, travel expenses and provides guidance regarding overpayments and recovery.

Section 8.17 provides guidance regarding incapacity payments, superannuation and redemptions. Section 10 provides guidance regarding lump sum payments, setting up a trust account, funeral and memorial expenses and prescribed weekly payments to children.

ANU uses the Figtree Claims module to record transactions. Incapacity and other benefit payments are recorded by the Comcare Claims Management team in the Figtree system under the 'Transactions' tab. Incapacity entitlements are paid through the University's employee payroll system, and other payments are made through the Finance and Business Services workflow.

## Claims management planning

### Criterion 2.3

The determining authority recognises legislative obligations and plans for legislative and regulatory compliance, having regard to any policy advice that Comcare or the Commission may issue.

### Finding: Conformance

#### Evidence:

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- Claims and Rehabilitation Management Systems, Legislation Register, v5.0, 3/11/22, rev ongoing
- Work Environment Group Business Plan 2022
- ANUP\_000432, Policy: Work health and safety, v10, effective 23/11/22, rev 23/11/27
- ANUP\_013007, Policy: Rehabilitation and compensation, v4, effective 13/9/21, rev 13/9/26
- Position descriptions:
  - WHS Claims Management Senior Consultant (no document control)
  - Associate Director, Work Environment (no document control)
  - Claims Manager (Comcare), 29/10/2020
  - Manager, Injury and Claims
  - Rehabilitation Case Manager (no document control)
  - Team Leader, Injury Management & Rehabilitation (no document control)
  - Pre-Employment Work Environment Report: Rehabilitation Case Manager (no document control)

**Comment:**

ANU has a contract/SLA with Comcare which ensures that Comcare will have primary responsibility for recognising and ensuring legislative and regulatory compliance.

The Rehabilitation and Compensation policy contains a commitment to ensuring claim determinations are fully compliant with the requirements of the Safety Rehabilitation and Compensation Act 1988.

The ANU claims management policies and procedures have regard to natural justice principles. ANU Claims Management Manual details the requirements of the SRC Act. Position Descriptions of personnel with responsibility for claims management contain a requirement for legislative compliance.

The ANU Legislation Register records any legislative change and policy advice issued by Comcare or the Safety Rehabilitation Compensation Commission that may impact on ANU's Claims Management System (CMS).

**Criterion 2.4**

The determining authority sets objectives and targets and identifies key performance measures for its claims management system.

**Finding: Conformance****Evidence:**

- Licensee Performance Report – Australian National University (ANU), LKPI QUARTER 2 2021–22
- Self Insurance Progress Report 2021 for the period 1 January - 31 December 2021
- Deed of Agreement
- People and Culture Division Business Plan 2022
- Work Environment Group Business Plan 2022
- WHS Performance - Health and Safety Council Report, for the period 1 January - 31 December 2021
- Licensee Compliance and Performance Improvement (LCPI) report, Annual Report for 1 March 2021-28 February 2022, signed Professor Brian Schmidt, Vice-Chancellor, dated 15/3/22.

**Comment:**

The Commission provide ANU with a summary of its performance against the LKPI's. ANU have continued to meet their claims management targets.

The Deed of Agreement between ANU and Comcare provide overall standards to ensure requirements for Licensee KPIs through the provision of operational claims management activities. Part 3 details the claims management services to be delivered by Comcare and minimum KPI's required.

Work Environment Group Business Plan 2022 details the performance standards for the following KPI's:

- Lost time frequency rate
- Average Time Lost Rate
- Medically treated Injury Frequency Rate
- Lost time injuries >1 week
- Return to work rate to pre-injury duties
- Mandatory WHS training completion
- Internal WHS audits conducted each year
- External audit results for WHS, Rehabilitation and Claims Management
- Licensee Key Performance Measures.

The LCPI report identifies key activities and achievements over the reporting period and objectives and targets for the coming year.

### **Criterion 2.5**

The determining authority establishes plans to:

- achieve its objectives and targets
- promote continuous improvement
- provide for effective claims management arrangements.

### **Finding: Conformance**

#### **Evidence:**

- Licensee Performance Report – Australian National University (ANU), LKPI QUARTER 2 2021–22
- Self-Insurance Progress Report 2021 for the period 1 January - 31 December 2021
- Deed of Agreement
- People and Culture Division Business Plan 2022
- Work Environment Group Business Plan 2022
- WHS Performance - Health and Safety Council Report, for the period 1 January - 31 December 2021
- Licensee Compliance and Performance Improvement (LCPI) report, Annual Report for 1 March 2021–28 February 2022, signed Professor Brian Schmidt, Vice-Chancellor, dated 15/3/22.

#### **Comment:**

Refer to comments against criterion 2.4.



## ELEMENT 3: Implementation

### Resources

#### Criterion 3.1

The determining authority allocates adequate resources to support its claims management system.

#### Finding: Conformance

##### Evidence:

- Audit population
- Licensee Performance Report – Australian National University (ANU), LKPI QUARTER 2 2021–22

##### Comment:

ANU utilise the services of Comcare to undertake their claims management activity. Currently there are 2 Comcare staff working from ANU premises together with a ANU claims manager.

Staff levels are monitored based on the number of active claims and their complexity.

ANU have several operational reporting processes and are currently meeting their LKPI's indicating that resources are adequate.

### Communication and awareness

#### Criterion 3.2

The determining authority defines and communicates responsibilities to relevant stakeholders.

#### Finding: Conformance

##### Evidence:

- ANUP\_013007, Policy: Rehabilitation and compensation, v4, effective 13/9/21, rev 13/9/26
- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- People and Culture Division Organisational Charts, 15/6/22
- Intranet – Workers Compensation at ANU
  - All about Workers Compensation Information Booklet – A guide for injured employees
  - Claims Pack – 'Making a workers compensation claim – Staff Services – ANU'
- Deed of Agreement
- File audit

**Comment:**

The Rehabilitation and Compensation policy specifies high level responsibilities of staff at ANU.

The ANU intranet provides information to all staff on the claims management process and associated responsibilities for relevant stakeholders. This includes:

- ANU's comprehensive booklet 'All about Workers Compensation Information Booklet – A guide for injured employees' available on the ANU intranet, explaining the scheme, including processes and entitlements; and roles and responsibilities of stakeholders.
- Claims Pack – 'Making a workers compensation claim – Staff Services – ANU'

The Deed of Agreement with Comcare clearly articulates responsibilities for the various parties.

The Claims Manual includes claims management procedures including the responsibilities of the claims team and other stakeholders.

**File audit:**

ANU defines and communicates responsibilities to relevant stakeholders. Numerous emails and documents on the files demonstrate compliance with this criterion.

Of the 16 files applicable, file audit confirmed compliance with this criterion.

**Criterion 3.3**

The determining authority communicates relevant information regarding the claims management process including:

- (i) ensuring that employees are aware of their legislative rights and obligations in relation to workers' compensation
- (ii) ensuring that employees are informed of the status of their claims
- (iii) ensuring consultation occurs between all parties in regards to the claims management process.

**Finding: Conformance****Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- Intranet – Workers Compensation at ANU
  - All about Workers Compensation Information Booklet – A guide for injured employees
  - Claims Pack – 'Making a workers compensation claim – Staff Services – ANU'
- File audit

**Comment:**

The ANU intranet provides information to all staff on the claims management process and associated responsibilities for relevant stakeholders. This includes:

- ANU's comprehensive booklet 'All about Workers Compensation Information Booklet – A guide for injured employees' available on the ANU intranet, explaining the

scheme, including processes and entitlements; and roles and responsibilities of stakeholders.

- Claims Pack – ‘Making a workers compensation claim – Staff Services – ANU’

The Claims Manual outlines steps for sending relevant information and correspondence to employees during the claims process, including informing employees of the status of their claims and consultation between parties.

ANU has template letters for acknowledging the receipt of a claim and reconsideration request. Standard determination template letters contain a notice of rights advising the employee of their review rights and the process for requesting a reconsideration of the determination.

**File audit:**

File audit confirmed that claims were acknowledged upon receipt and claim reference and relevant contact details were provided in the acknowledgement letter. A notice of rights and obligations accompanied all determinations issued to employees.

Numerous emails, liability and incapacity determinations on file provided evidence that the employee and other relevant stakeholders were kept informed of the claims process.

Of the 16 files applicable to this criterion, file audit confirmed compliance with this criterion.

## Training

### Criterion 3.4

The determining authority identifies training requirements, develops and implements training plans and ensures personnel are competent.

### Finding: Conformance

**Evidence:**

- Comcare Capability Framework, effective 1/11/21
- ANU Claims Management core capabilities, 14/8/19
- Copy of training record Alice and Da - Nov 2022
- Comcare SRC Legislative Training Guidance, effective July 22
- PULSE Module- Responding to Staff Injury and Illness in the Workplace, dated 11/11/19
- LMS completion certificate for Lisa McLoughlin - Death claims under the SRC Act
- Commonwealth Safety Management Forum, Annual Conference – Building Psychologically Safer Workplaces, Friday 28 October 2022.
- SRCLA Newsletter - November 2022 – Final
- ANUP\_000688 - Procedure: Performance and development - Professional staff, v9, effective date 14/08/18, rev 31/01/24

**Comment:**

The Deed of Agreement with the claims service provider Comcare requires competent claims management staff be provided to manage the claims management activity.

The claims manager position description includes the following job specific capabilities:

- Ability to acquire an in-depth knowledge of applicable legislation, policies, and procedures, and to exercise sound judgement when applying this knowledge and providing advice.
- Ability to analyse data and information to provide evidence-based recommendations.
- Experience in providing advice and managing the resolution of issues and complaints.
- Experience in mentoring others and gaining / sharing knowledge.
- Demonstrated ability to provide a high level of customer service including the ability to listen and show empathy.

Managers have regular meetings with members of the Comcare claims management team where development requirements are discussed, and individual training plan and actions are developed.

It is also compulsory for all Comcare Claims Management staff to complete legislative training delivered by Comcare periodically. A comprehensive training record was documented and provided as evidence.

Staff are required to have Performance Development Reviews completed on an annual basis. These include required training and skills development.

**Compliance with the legislation****Criterion 3.5**

The determining authority complies with the provisions of the SRC Act when making decisions on claims, including:

- (i) determining claims accurately and quickly
- (ii) determining claims in writing with adequate terms and reasons
- (iii) ensuring there is equity of outcomes resulting from administrative practices used by Comcare.

**Finding: Conformance****Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- ANU Quality Assurance Form, dated 15/4/20
- File audit

**Comment:**

The Claims Manual details the requirements for claims to be determined accurately and quickly, requiring all determinations to be in writing and with adequate terms and reasons, as well as ensuring equity of outcomes.

**File audit:**

Determinations were made quickly and accurately. The review indicated that determinations were guided by equity, good conscience and the merits of a case, as well as ensuring equity of outcomes in administrative practices.

Of the 16 files applicable to this criterion, file audit found 4 individual findings:

- 3 determinations where clear reasons were not provided for amounts determined;
- 1 determination where a determination was not issued in a timely manner.

**Criterion 3.6**

The determining authority complies with the provisions of the SRC Act when using its powers or meeting statutory obligations under that Act.

**Finding: Conformance with 1 Observation****Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- File audit

**Comment:**

The ANU Claims Management Manual has procedures which provides guidance for claims staff in relation to s57, s58, s59, third party recovery under Part IV of the SRC Act, and managing overpayments under s113, s114, s114C and s114D. The following sections of the ANU Claims Management Manual accurately detail the relevant requirements:

- 7.5.3 Procedure for arranging a medical examination
- 7.9 Third Party Recovery
- 8.14.2 Procedure for requesting information from an employee using section 58
- 8.14.11 Procedure for actioning a section 59 request
- 8.15 Overpayments and Recoveries

**File audit:**

Of the 11 files applicable to this criterion, file audit found 2 individual findings where a section 57 independent medical examination was arranged, however formal notification was not sent to the employee advising that the examination was arranged under section 57 and advises the employee of their obligations to attend and what happens if they fail to attend.

**Observation:**

When arranging independent medical examinations under section 57 of the SRC Act, formal notification must be sent to the employee.

**Criterion 3.7**

The determining authority complies with the provisions of the SRC Act when determining initial liability.

**Finding: Conformance****Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- File audit

**Comment:**

The Claims Manual provides comprehensive information on determining initial liability, including what constitutes a compliant claim. Section 7 of the manual provides details procedures and information of initial liability including the legislation, legislative considerations, exclusionary provisions, service standards, examples and case studies.

**File audit:**

File audit confirmed evidence of notice of injury, compliant claims were made with supporting medical certificate, and all claimants were employees under the Act. All relevant claims were determined under section 14.

Of the 8 files applicable to this criterion, file audit found 1 individual finding where the section 14 determination did not reference section 5A or 5B of the SRC Act.

**Criterion 3.8**

The determining authority complies with the provisions of the SRC Act when determining liability for incapacity.

**Finding: Conformance****Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- File audit

**Comment:**

ANU has detailed documented procedures relating to determining incapacity payments as well as standard letters to support determination.

The Claims Manual includes information on:

- Calculating normal weekly earnings (NWE), including the relevant period (section 8.17.5 and 8.17.6);

- Incapacity payment rates pre and post 45 weeks;
- Accrual of leave (section 8.17.4);
- Ability to earn and suitable employment (section 8.17.8);
- Increasing or reducing NWE (section 8.17.7);
- Determining liability for incapacity payments (section 8.17.12);
- Locally engaged Overseas Employees (section 7.3.2)
- Superannuation and incapacity payments (section 8.17.9); and
- Redemptions. (section 8.17.10)

**File audit:**

Of the 15 files applicable to this criterion, file audit found 2 individual findings:

- 1 finding related incapacity periods paid without supporting medical certificates, and
- 1 finding where the relevant period for calculating the employees NWE/NWH was greater than 2 weeks however insufficient reasons were provided.

**Criterion 3.9**

The determining authority complies with the provisions of the SRC Act when determining liability for benefits, including medical expenses.

**Finding: Conformance**

**Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- File audit

**Comment:**

The Claims Manual includes information on:

- 16—medical treatment and services (section 8.4)
- 17(5)—weekly benefits for prescribed children (section 10.17)
- 18—funeral expenses (section 10.16)
- 29—household services and attendant care (section 8.13)
- 39—alterations to place of residence, workplace, vehicle or aids and appliances (section 8.12)
- 108E(a)—compensation and other amounts are paid accurately and quickly (8.4.19)

**File audit:**

File audit confirmed compliance with this criterion. Calculations and determinations are made accurately and quickly in relation to sections 16, 29 and 39.

### Criterion 3.10

The determining authority complies with the provisions of the SRC Act when determining liability for permanent impairment.

#### Finding: Not able to verify

##### Evidence:

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- File audit

##### Comment:

The Claims Manual provides guidance on assessing claims for permanent impairment and non-economic loss, in relation to sections 24 to 28.

Section 8.18 of the manual provides guidance on Permanent impairment. It advises that "the University is liable to pay compensation to an employee where their compensable condition has resulted in permanent impairment (PI) of any body part, system or function..... Compensation for PI under the SRC Act is based on the degree of the employee's PI. The degree of impairment must meet the threshold requirement under section 24 of the SRC Act. The exceptions include:

- hearing loss
- the loss, or the loss of the use, of a finger or toe, and
- the loss of sense of taste or smell."

The Manual also provides guidance of section 25 (injuries prior to 1/12/88), section 26 (interest), section 27 (non-economic loss) and section 28.

##### File audit:

File audit found no activity relevant to this criterion.

### Criterion 3.11

The determining authority complies with Part X of the SRC Act, the transitional provisions, particularly in relation to determining permanent impairment and incapacity benefits.

#### Finding: Not Applicable

##### Comment:

As transitional provisions relate to the changeover from legislation preceding the SRC Act, Part X of the SRC Act does not apply.



### Criterion 3.12

The determining authority complies with the provisions of the SRC Act, and any specific licence conditions (if applicable), when managing reconsiderations.

#### Finding: Conformance

**Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- File audit

**Comment:**

The Claims Manual provides guidance on managing reconsideration and review of own motion under the SRC Act.

Section 11 of the manual provides guidance on reconsiderations and reconsideration of own motion. It advises that a "reconsideration is a review of a primary determination made under the SRC Act. Employees and employers have the right to request a reconsideration of a primary determination..... A reconsideration of own motion under the SRC Act is when a Claims Delegate initiates a reconsideration of a determination made previously.... Once a reconsideration of a determination is completed it is known as a reviewable decision. If an employee or employer is not satisfied with a reviewable decision they may apply for it to be reviewed by the Administrative Appeals Tribunal (AAT)."

Section 11(3) details the reconsideration procedure. Requests for reconsideration are referred to Comcare for review.

**File audit:**

File audit confirmed compliance with this criterion. The provisions of 62 were applied correctly. Notice in writing was provided within 30 days and clearly set out the terms of the decision, the reasons for the decision and appeal rights to the AAT.

### Claims reviews

### Criterion 3.13

The determining authority provides employees with a reasonable opportunity to provide information or comment when claims for on-going liability are being assessed or reviewed.

#### Finding: Conformance

**Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- Email from Lisa McLoughlin to C. Asquith, Figtree re Figtree Email Processor, dated 5/10/22
- File audit

**Comment:**

The Claims Manual provides guidance on natural justice. Section 8.14.20 advises “Natural Justice or procedural fairness is a legal requirement that applies to all government decision making. Natural justice requires that administrators adhere to a fair decision making procedure. “

“When managing a claim for compensation you should keep the following natural justice principles in mind:

- employee's should be kept up to date with what is happening on their claim
- decision makers should declare any personal interest they may have in the claim
- decision makers should be unbiased and act in good faith
- each party involved in any determination being made should be given the opportunity to provide evidence to support their claim/position
- each party involved in any determination being made is entitled to ask questions and contradict the evidence of the opposing party
- decision makers should take into account relevant considerations and extenuating circumstances and ignore irrelevant considerations, and
- justice should be seen to be done.”

The Manual also advises that prior to making an adverse decision, the universities information should be sent to the employee for a response. This is important to ensure that the employee is afforded natural justice.

**File audit:**

File audit confirmed compliance with this criterion. The employee is given reasonable opportunity to provide further information or comment prior to an adverse decision being issued.

**Criterion 3.14**

Claim reviews are timely, made accurately and guided by equity, good conscience and the substantial merits of each case without regards to technicalities.

**Finding: Conformance with 1 Observation**

**Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- File audit

**Comment:**

Section 8.19.1 of the Claims Manual advises the service standards for claims review services and monitoring. These include:

- “Regular contact is to be made between the CSO and the University RCM to agree on review dates and to update specific claims progress. Claim reviews for incapacity claims are to occur monthly.

- Following each monthly meeting, the CSO is to document the outcome of the discussion for each claim discussed, and to ensure this documentation is recorded in the Figtree claim file, and the individual shared drive claim file.
- The CSO and the University RCM are to meet monthly to discuss any incapacity claims for current employees, and any other identified claims requiring discussion. The review is to focus on progressing rehabilitation activities and agreeing on any new actions or strategies aimed at achieving a return to work and health outcome."

**File audit:**

File audit confirmed compliance with this criterion.

**Observation:**

Documented outcomes of the ANU claims review process are not always saved in the Figtree claim file.

**Surveillance**

**Criterion 3.15**

The determining authority has a policy on the use of covert surveillance and complies with its requirements. The policy must include:

- (i) on whose authority approval may be granted
- (ii) detailed instruction on the manner in which covert surveillance is to be conducted
- (iii) a requirement that any operative undertaking covert surveillance on behalf of the determining authority has been issued with, and has agreed to, written instructions on the policy.

**Finding: Not able to verify**

**Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- Procedure Surveillance - intranet
- File audit

**Comment:**

Section 12.4 of the Claims Manual provides guidance on covert surveillance. The Manual advises that "Covert optical surveillance is an activity which intrudes into the privacy of individuals. Surveillance should not be used as a routine procedure. Alternative methods of investigation are preferable and should normally be exhausted before surveillance is authorised".

It is the University's procedure to comply with the Privacy Commissioner's "Covert Surveillance in Commonwealth Administration – Guidelines" published February 1992.

All requests to conduct surveillance must be made by the CSO or delegated authority, to a nominated officer within the University, namely the Director Human Resources (DHR).

Approval to conduct surveillance is granted by Director Human Resources (DHR).
<p><b>File audit:</b></p> <p>File audit found no activity relevant to this criterion.</p>
<p><b>Observation:</b></p> <p>There is no evidence of process to provide written detailed instruction to the operative and instruction to ensure written agreement by the operative undertaking the surveillance.</p>

## Confidentiality

### Criterion 3.16

The determining authority maintains the confidentiality of information and applies legislative requirements.

#### Finding: Conformance

<p><b>Evidence:</b></p> <ul style="list-style-type: none"> <li>• ANU Policy – Privacy</li> <li>• Claims Management Manual, v3.2, 31/5/22, rev 31/5/24</li> <li>• File audit</li> </ul>
<p><b>Comment:</b></p> <p>ANU have a Privacy Policy in accordance with the Privacy Act 1988 and is available to all staff on their website.</p> <p>The Claims Manual provides information about the Privacy Act 1988, Privacy principles to be met, and seeking advice from the ANU Privacy officer if unsure about any privacy issues. Privacy is discussed when requesting medical or factual information, or providing information and advice to prevent breaches of the Privacy Act.</p>
<p><b>File audit:</b></p> <p>File audit confirmed compliance with this criterion.</p>

## Document and file management

### Criterion 3.17

The determining authority maintains the relevant level of reporting, records and/or documentation to support its claims management programs and legislative compliance.

#### Finding: Conformance

<p><b>Evidence:</b></p> <ul style="list-style-type: none"> <li>• Claims Management Manual, v3.2, 31/5/22, rev 31/5/24</li> <li>• File audit</li> </ul>
--

**Comment:**

Files are maintained electronically on Figtree, therefore the system provides for document indexing and tracking and protection from deletion.

Figtree is the computer-based system to register and record claims decisions, including benefit payments and case notes.

As an additional document control, active claims files are also stored within a shared drive with secure access only to the workers' compensation team.

File management process and electronic file management was documented within the Manual. Operational processes and procedures for electronic file management were defined and documented.

Section 8.14.23.1 provides an overview of File maintenance and includes advice on what must be attached to a claim file and how to save documents to a file.

**File audit:**

File audit confirmed compliance with this criterion.

## ELEMENT 4: Measurement and Evaluation

### Monitoring

#### Criterion 4.1

The determining authority monitors planned objectives and performance measures for core claims management activities.

#### Finding: Conformance

**Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- WHS Performance management report for University Council
- Annual Self Insurance Progress report.

**Comment:**

The Work Environment Group has planned objectives and performance measures for its CMS. Performance against these measures is reported quarterly to the senior executive, and to the Vice Chancellor through the University Council Meeting. Regular reporting of planned objectives and performance measures is as follows:

- Monthly review of LKPI's.
- Quarterly review of WEG deliverables as detailed in the Business Plan.
- Quarterly reporting to WHS Committee meetings
- Reporting to University Council

- Annual reporting from Chief Operating Officer to DVCIC

Section 15 of the Claims Manual discusses reporting service level standards and provides a procedure for reporting requirements.

## Auditing and reporting

### Criterion 4.2

The determining authority conducts an audit program – performed by competent personnel, and in accordance with the requirements of the Commission and Comcare – to measure performance of its claims management system.

### Finding: Conformance with 1 Observation

#### Evidence:

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24

#### Comment:

ANU undergo external audits by the Comcare self-insurance team for the safety, rehabilitation and claims management systems, as part of the licensee requirements for the first two years of licence, and then at year 6.

Additionally BRM have been engaged to do an independent internal audit of ANU's CMS. BRM's last audit was undertaken in 2020.

Section 16 of the Claims Manual discusses auditing service level standards and provides a procedure for auditing. It advises "Where required the University will conduct an evaluation of the CSO's performance using the SRCC Claims Management Audit tool in consultation with the Service Provider. Resultant recommendations are to be implemented by the CSO, in a timely manner as per an agreed Corrective Action Plan".

#### Observation:

ANU does not have a procedure for auditing the CMS or RMS that includes:

- How auditors are selected, and the competency requirements
- Timing of audits
- Monitoring and implementation of corrective actions
- Reporting results to senior management
- Reporting results to employees.

### Criterion 4.3

Audit outcomes are appropriately documented and actioned. The determining authority reports to senior executive on its claims management system performance, including audit outcomes.

### Finding: Conformance

**Evidence:**

- WHS Performance – Annual Council Report
- Annual Self Insurance Progress report.

**Comment:**

The WHS Performance - Annual Council Report, advises that during 2021, internal audits were conducted of the Claims Management System, with no non-conformances identified. Senior executive is kept informed of the claims management system's performance, including, but not limited to, presentation of the audit findings and outcomes of corrective actions. Claims management system performance is discussed at the following senior executive meetings:

- Quarterly reporting to WHS Committee meetings
- Reporting to University Council
- Annual reporting from Chief Operating Officer to DVCIC

**Criterion 4.4**

The determining authority communicates the outcomes and results of claims management system audits to its employees.

**Finding: Conformance****Evidence:**

- Work Health and Safety Council Report – Annual 2021 Calendar Year
- ANU Intranet

**Comment:**

Results of the internal CMS audit for the ANU undertaken in the audit period was communicated to all staff through the intranet page. Additionally, CMS audit results are provided as an attachment to the University Council Report for communicating to executive and as an attachment to the University WHS Committee for communicating to executive and staff.

**Criterion 4.5**

The determining authority provides the Commission or Comcare with reports or documents as requested. This includes informing Comcare as soon as practicable of any proceedings brought by them, or against them, in relation to a matter arising in respect of a claim managed by them under the SRC Act.

**Finding: Conformance**

**Evidence:**

- Licensee Compliance and Performance Improvement (LCPI) report, Annual Report for 1 March 2021-28 February 2022, signed Professor Brian Schmidt, Vice-Chancellor, dated 15/3/22.
- Claims Data Warehouse (CDW) submissions,

**Comment:**

ANU provides the Commission or Comcare with reports or documents as requested.

## ELEMENT 5: Review and Improvement

### Continuous improvement

**Criterion 5.1**

The determining authority analyses claims management system performance outcomes against documented objectives to determine areas requiring improvement and promotes and implements continuous improvement strategies.

**Finding: Conformance****Evidence:**

- Claims Management Manual, v3.2, 31/5/22, rev 31/5/24
- ANUP\_000683, Procedure: Management of Non-Work Related Injury and Illness, v16, effective 8/9/22, rev 8/9/27
- ANUP\_000760, Guideline: Early Intervention Assistance, v14, effective 10/5/22, rev 10/5/27
- Claims Management Customer Service Survey 2022
- Learning Management System – Death Claims training
- Commonwealth Safety Management Forum
- SRCLA Newsletter
- Webinars
  - Alternative Dispute Resolution in the AAT (MWL)
  - Digital Forensics (MWL)
  - Covid Normal – Can Employees be directed to return to office? (MWL)
  - Contract formation and document execution tips and tricks (MWL)
  - Mental Health Community of Practice (Comcare)
  - Navigating psychological workers compensation claims (HWL Ebsworth)
  - Creating a safe and healthy workplace (Comcare)
  - Managing workplace mental health (HWL Ebsworth)



**Comment:**

ANU analyses claims management system performance outcomes against documented objectives to determine areas requiring improvement and promotes and implements continuous improvement strategies.

Regular reporting of operational activity, objectives and KPI's together with internal / external auditing identifies areas requiring continuous improvement.

The Work Environment Group has conducted the following continuous improvement activities in the audit period:

- Reviewed and updated the Claim Management Manual
- Reviewed and updated the Procedure: Management of Non-Work Related Injury and Illness,
- Reviewed and updated the Guideline: Early Intervention Assistance,
- Updated delegations
- Continued monthly meetings with Figtree and attendance at Figtree Systems User Group Meetings;
- Attended Figtree demonstration of new functions to improve system efficiency, and obtained approval to obtain the new Email Processor Function ;
- Continued fortnightly meetings with the Comcare co-located Claims Managers;
- Conducted annual satisfaction surveys and detailed improvement activities;
- Completed Comcare training LMS – Death claims;
- Reviewed and updated Invoice Payment procedure in Claims Manual;
- Reviewed and updated Standard Letter Templates;
- Attended Commonwealth Safety Management Forums
- Attended various webinars for training/knowledge enhancement of skills.