



Australian Government

Comcare

# CLAIMS MANAGEMENT SYSTEM SCHEDULED REVIEW REPORT

Australian National University  
17-21 July 2023

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# SCOPE OF REVIEW

<b>Organisation</b>	Australian National University (The University)
<b>Site/Workplace</b>	Review conducted remotely
<b>Auditors</b>	Natalie Anderson, Senior Assurance Officer, SRC Act Assurance, Comcare  Elena Buchanan, Senior Assurance Officer, SRC Act Assurance, Comcare
<b>Scope of review</b>	<p>The review examined ANU’s claims management system, processes and outcomes to validate that it is meeting its licence conditions and is complying with the <i>Safety, Rehabilitation and Compensation Act 1988</i> (SRC Act).</p> <p>16 claim files were examined by the auditors. These files were randomly selected from a list of all claim files where some activity had occurred in the previous 12 months.</p> <p>The review encompassed a review of all relevant policies and procedures as they relate to claims management and any other relevant supporting documentation. An interview was also conducted with claims management staff.</p> <p>Overall findings are based on the identification of issues that are considered to be systemic rather than isolated incidents.</p>
<b>Criteria</b>	<p>This review assessed the claims management system against 11 criteria grouped within two elements:</p> <ol style="list-style-type: none"><li>1. Planning (1 criteria)</li><li>2. Implementation (10 criteria)</li></ol>
<b>Ratings</b>	<p>The findings in the review report have been classified and marked as follows:</p> <p><b>Conformance</b>—indicates that the criterion has been met.</p> <p><b>Non-conformance</b>—indicates that the criterion has not been met.</p> <p><b>Not able to verify</b>—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.</p> <p><b>Not Applicable</b>—indicates that the criterion does not apply to the organisation.</p> <p>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 <b>Observation</b> may be made. These findings, while representing a non-fulfilment of a requirement, are recognised as being of lower risk to the organisation.</p>
<b>Dates of review</b>	17-21 July 2023

<b>Client contacts</b>	Lisa McLoughlin, Senior Consultant, Claims Management, ANU
<b>Record of review</b>	This report contains a summary of the review 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.
<b>Acknowledgement</b>	Comcare wishes to acknowledge the cooperation and assistance provided by the management and staff of ANU and thank them for their contribution to the audit process.

# EXECUTIVE SUMMARY

Australian National University (The University) has held a self-insurance licence under the Safety, Rehabilitation and Compensation Act 1988 (SRC Act) since 1 July 2018. Comcare has conducted a review of The University's claims management system (CMS) against 11 criteria of Comcare's CMS Audit Tool. The review is a year six scheduled review in line with the requirements of the Safety, Rehabilitation and Compensation Commission's Licence Compliance and Performance Model.

The University has engaged Comcare as a third-party service provider for claims management and this arrangement has been in place since the commencement of the licence.

The Senior Consultant Claims Management is accountable for the overall business operations of the CMS. Comcare provides two Claims Managers who are co-located at The University. These Claims Managers are supported by a Comcare Team Leader, with additional support being provided by The University staff. The co-located Claims Managers utilise the The University's Claims Manual which has been developed by The University to support claims management decision making and actions under the self-insurance arrangement.

During the review it was evident that the arrangement with Comcare is effective, and ANU demonstrated that it has a well-resourced and robust claims management system that has a strong focus on the wellbeing of its employees and management of workers compensation claims. The team demonstrated a depth of experience and knowledge in claims management.

The organisation's willingness to take on board constructive feedback throughout the review was also evident with several deficiencies identified during the review promptly addressed by the team.

The University should be commended on its performance in this year six review, which found one non-conformance and three observations.

Overall, the procedural documentation complied with the requirements of the audit tool with three observations raised relating to documentation. 16 claim files were also reviewed, and one non-conformance was found relating to file management.

## Non-conformances

One non-conformance was identified during the review:

Criterion	Non-conformance
3.17	An auditable trail was not established on eight of the 16 claim files reviewed.

## Observations

Three observations were identified during the review:

Criterion	Observation
3.12	<b>Observation 1:</b> The reviewable decision template letter states that Comcare will agree to an extension of time to apply to the AAT rather than the The University. <b>Observation 2:</b> Reviewable decisions do not include reference to section 62 of the SRC Act.
3.17	The Claims Manual includes links to Comcare specific information rather than The University's forms or relevant sections of The University's Claims Manual.

In summary, for the 11 criteria within the claims management audit tool, the outcomes are:

	Number of criteria	% of assessed criteria
<b>Conformance</b>	10	91%
<b>Non-conformance</b>	1	9%
<b>Not able to verify</b>	0	
<b>Not applicable</b>	0	

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

The auditors invite The University to discuss any aspect of this review.

<b>Signed</b>		<b>Signed</b>	
<b>Auditor name</b>	Natalie Anderson	<b>Auditor name</b>	Elena Buchanan
<b>Date</b>	2 August 2023	<b>Date</b>	2 August 2023

# TABLE OF CRITERIA

Audit element/criterion description	Criterion	Rating
<b>2. Planning</b>		
Delegation schedule	2.1	Conformance
<b>3. Implementation</b>		
Employees are aware of rights	3.3	Conformance
Determinations in accordance with the Act	3.5	Conformance
Initial liability	3.7	Conformance
Determining incapacity	3.8	Conformance
Determining benefits	3.9	Conformance
Determining permanent impairment	3.10	Conformance
Reconsiderations	3.12	Conformance with two observations
Reasonable opportunity	3.13	Conformance
Privacy and confidentiality	3.16	Conformance
Reporting, records, documentation	3.17	Non-conformance with observation

# 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

**Evidence:**

- Delegation of Powers and Functions of a Licensed Authority signed 27 April 2022, 18 August 2022, and 19 May 2023
- Deed of Agreement for Claims Managed Services and the Provision of Other Associated Specialised Services between the Australian National University and Comcare signed 1 July 2020
- Deed of Agreement Change Proposal signed 21 July 2021 and 30 August 2021
- File review

**Comment:**

There were three applicable schedules of delegation during the scope period of the review. These were signed by Professor Brian Schmidt, Vice-Chancellor and Principal Officer of The University on 27 April 2022, 18 August 2022, and 19 May 2023.

Each schedule, pursuant to section 108H of the SRC Act, delegates all powers and functions of a licensed authority, except the power of delegation itself, to the persons occupying from time to time the positions listed in Attachment 1.

Schedule A specifies the powers and functions that have been delegated to the following positions:

**Comcare:**

- Claims Services Officers
- Team Leader
- Reconsiderations Officers

**The University:**

- Senior Consultant Claims Management
- Manager Injury and Claims
- Deputy Chief People Officer
- Chief People Officer

Revisions to the University's delegation schedule under the SRC Act were required on 18 August 2022 following change to the following position titles:

**Comcare position changes:**

- Claims Services Officer changed to Claims Manager
- Team Leader changed to Senior Claims Manager and Senior Claims Delegate

**The University position changes:**

- Manager Injury and Claims changed to Manager Injury, Prevention and Wellbeing

Schedule B outlines the financial limitations that apply. It is noted that no payment or agreement to pay above the financial authority limit specified in Table 2 may be made without prior approval of the Chief People Officer.

Schedule 9 of the Deed of Agreement between The University and Comcare also outlines the specified Nominated Comcare employee representatives for Claims Manager Services and this Deed of Agreement is referenced in each of the delegation schedules.

The file review demonstrated that determinations were signed by persons with the appropriate delegation. There were two examples where position titles used in determinations were not consistent with the delegation schedule.

## ELEMENT 3: IMPLEMENTATION

### Communication and awareness

#### 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 regard to the claims management process.

#### Finding: Conformance

##### Evidence:

- Australian National University Claims Management Manual, Version 3.3 dated 21 July 2023
- Australian National University Claims Management System Governance Framework, Version 6.0, dated 3 November 2022
- ANU Workers' Compensation Claim Pack, Version 6, dated 20 December 2022
- All About Workers' Compensation, A Guide for Injured Employees, no version control, undated
- Your Rights Regarding a Determination, no version control, undated
- Information Regarding Your Attendance at a Medical Examination, no version control, undated
- Email template, New Claim Acknowledgement
- File review

##### Comment:

The University's intranet contains comprehensive information on workers' compensation and rehabilitation under the SRC Act and is accessible to all employees.

A claims pack is provided to all employees that request to submit a workers' compensation claim and is also available on The University's intranet. This information pack contains a workers' compensation claim form, authority to collect, use and disclose personal information, FAQ's, a Medical Services claim form, and a Claim for

Time Off Work form. In addition to this, The University has developed a guide for its employees seeking to claim workers' compensation for work-related injury or illness.

The University has a suite of letter templates for claims management. These include an appropriate 'Notice of Rights' to accompany all determinations made under the SRC Act. The Claims Manual details the steps a Claims Manager must take when making determinations, and that these should be issued to employees with a notice of rights.

In addition to this, guidance is provided on when to contact an employee regarding the status of their claim throughout all the various stages and it is reiterated throughout the Claims Manual that any conversations need to be file noted in Figtree, The University's electronic claims management system.

The file review demonstrated that employees were made aware of the workers' compensations process, and it was evident that regular communication was occurring with the employee and the Claims Manager regarding the status of an employee's claim. Acknowledgment letters were promptly sent to employees after claim lodgement and determinations issued to employees all included a notice of rights.

## 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:

- Australian National University Claims Management Manual, Version 3.3 dated 21 July 2023
- Australian National University Claims Management System Governance Framework, Version 6.0, date approved 3 November 2022
- Various letter templates
- File review

#### Comment:

Chapter 6 of the Claims Manual details The University's decision-making framework and quality assurance process which sets out the requirements and the legal basis for claims decision making. It is stated that there will be many decisions that need to be made throughout the life of a compensation claim. This includes the initial determination of acceptance or denial of a claim and decisions in relation to claimed benefits while the employee is recovering from the injury and returning to work.

It is noted that decisions must:

- be timely, accurate, use plain English, and be made within delegated authority; and
- outline the terms of the decision, the reasons and what employees can do if they disagree with the decision.

Comcare Claim Managers have access to documented procedures for making claims decisions for compensation through the Claims Manual. Information in the Manual specific to each type of determination also sets out the requirement to comply with decision making provisions and to issue determinations in writing.

The University has also developed various letter templates to ensure determinations are made accurately.

The file review demonstrated that The University complies with the provisions of the SRC Act when making decisions on claims in all but two cases. These cases are set out in detail in the individual file summaries table at the end of this report.

### Criterion 3.7

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

### Finding: Conformance

#### Evidence:

- Australian National University Claims Management Manual, Version 3.3 dated 21 July 2023
- Australian National University Claims Management System Governance Framework, Version 6.0, dated 3 November 2022
- Various letter templates
- File review

#### Comment:

Chapter 7 of the Claims Manual details the process for determining initial liability on claims. It is stated that *'determinations are made in accordance with the SRC Act. Establishing whether liability exists to pay compensation for an injury, or a disease is a fundamental issue. There are legislated provisions to follow that must be satisfied when establishing liability'*.

The Claims Manual provides comprehensive guidance on reading and understanding legislation as applicable to initial liability decisions, the definition of what an injury is, the definition of an employee, exclusionary provisions for each relevant section, injury vs disease, legislative amendments along with detailed examples and case law to guide Claims Managers through the initial liability process.

Chapter 7 also includes the consideration of compensation payable to locally engaged overseas employees and Chapter 9 covers double benefits and state compensation.

Chapter 10 of the Manual details the process for work related death claims and includes reference to the survival of claims in accordance with section 55 of the SRC Act.

The file review demonstrated that the initial liability provisions were applied correctly. No claims were reviewed relating to when an award or state compensation is payable (Sections 52, 118, 119), claims for injuries resulting in death (Section 17) or claims for loss or damage to property (Section 15).

### Criterion 3.8

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

## Finding: Conformance

### Evidence:

- Australian National University Claims Management Manual, Version 3.3 dated 21 July 2023
- Australian National University Claims Management System Governance Framework, Version 6.0, date approved 3 November 2022
- Section 19 Calculator (excel spreadsheet)
- Incap Calc s20 (excel spreadsheet)
- Incap Calc s21 (excel spreadsheet)
- Incap Calc s21A (excel spreadsheet)
- Email Template – RCM Fortnightly Advice of Hours Worked
- Normal Weekly Earnings (NWE) Advice, no version control, dated June 2019
- Record of Hours Worked and Earnings Received, no version control, dated April 2022
- Information Sheet - 45 Week Calculations, no version control, undated
- Various letter templates
- Discussion with ANU/Comcare Claims Managers, 20 July 2022
- File review

### Comment:

The Claims Manual details the guidelines, policies and procedures relating to incapacity entitlements at section 8.17, 'Incapacity for Work'.

It is noted that the Claims Delegate is responsible for ensuring that employees who are entitled to incapacity payments receive accurate payments in a timely manner. Claims for incapacity entitlements are submitted by the employee by way of the 'Claim for Time Off Work' (CTOW) form, which is available in both online and paper format.

Ex-employees are not required to complete a CTOW form but must provide medical certification outlining their incapacity for work.

For current employees, prior to each fortnightly pay cut-off, the Rehabilitation Case Manager (RCM) will complete an email template and send to the Claims Manager, detailing the number of hours worked by the employee for each day in that pay period. The RCM will also complete the employer section of the CTOW form detailing the amount earned (if any) in the period claimed.

Discussions with the Comcare Claims Managers confirmed that Figtree does not calculate incapacity payments and they are required to complete these manually using the Section 19, 20, 21 and 21A Calculators. These calculators, in addition to the administrative processes outlined in section 8.17 of the Claims Manual, address the full legislative framework applicable to determining liability for incapacity including:

- sections 8, 9, 19, 20, 21, 21A
- redemption payments under sections 30, 31 and 137 of the SRC Act.
- accrual of leave entitlements pursuant to section 116 of SRC Act
- double benefits and state compensation.

The file review demonstrated that The University complied with the provisions of the SRC Act when determining liability for incapacity in all but one case. See the individual file findings at the end of the report for detail.

### 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:

- Australian National University Claims Management Manual, Version 3.3 dated 21 July 2023
- Australian National University Claims Management System Governance Framework, Version 6.0, date approved 3 November 2022
- Information Regarding your Reimbursement for Travel, no version control, undated
- Medical Services Claim Form, no version control, undated
- Application for Household, Attendant Aare and/or Child Care Services, no version control, undated
- Claim For Aids or Appliances Excluding Hearing Aids, no version control, undated
- Physiotherapy Treatment Notification Plan, no version control, September 2018
- Psychology Treatment Plan, no version control, undated
- Hearing Aids Request Form, no version control, July 2018
- Claim For Exercise as Medical Treatment, no version control, July 2018
- Various letter templates
- File review

##### Comment:

The evidence provided addresses the full legislative framework applicable to determining liability for benefits, including medical expenses. The Claims Manual and the supporting letter templates provide comprehensive information and processes to support Claims Managers when determining liability for benefits.

Chapter 8.4, 'Medical Treatment & Examinations' outlines the process for determining medical expenses in accordance with section 16 of the SRC Act inclusive of the consideration of appropriate costs, the definition of medical treatment and what is considered reasonable and travel payments.

Chapter 8.13, 'Household Services, including Childcare and Attendant Care' outlines the process for approving household and attendant care, including the considerations of a catastrophic injury pursuant to sections 29 and 29A of the SRC Act.

Chapter 10, 'Claims for Work Related Death' outlines the provisions and processes for determining weekly benefits to prescribed children and funeral expenses.

Section 8.12, 'Aids, Appliances, Alterations and Modifications' outlines the process and requirements when determining liability for aids, appliances alterations and modifications in accordance with section 39. Detailed examples are provided to support Claims Managers to determine what types of aids, appliance alterations or modifications will be considered for payment by The University.

The Claims Manual provides step by step guidance with screen shots of Figtree, detailed case examples, links to other relevant sections in the Manual and related forms or templates to guide the Claims Managers. It should be noted that some of these links got to the Comcare Claims Manual and Comcare forms and templates. This is addressed at criterion 3.17.

The file review demonstrated that The University had complied with the provisions of the SRC Act and followed the processes detailed in the Claims Manual when determining liability for benefits. Determinations in relation to medical benefits under sections 16, 29 and 39 of the SRC Act were made accurately and quickly and paid in a timely manner.

None of the reviewed claim files were relevant to sections 17(5) weekly benefits for children and funeral expenses (section 18).

### **Criterion 3.10**

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

### **Finding: Conformance**

#### **Evidence:**

- Australian National University Claims Management Manual, Version 3.3, dated 21 July 2023
- Australian National University Claims Management System Governance Framework, Version 6.0, date approved 3 November 2022
- Claim For Permanent Impairment and Non-Economic Loss, no version control, dated July 2018
- Section 45 Election Form, no version control, dated July 2018
- Advice for Injured Workers, Permanent Impairment Payments: Lump Sum and Section 45 Elections, no version control, undated
- Various letter templates
- File review

#### **Comment:**

Chapter 18 of the Claims Manual sets out the legislative requirements under sections 24, 25, 26, 27, 28 and 45 of the SRC Act. It includes the steps to consider when determining a permanent impairment (PI) claim and references the relevant sections of the SRC Act and the Guide to the Assessment of the Degree of Permanent Impairment.

During the review the Manual was updated to reflect the Edition 3.0 of the Guide to the Assessment of the Degree of Permanent Impairment which commenced on 1 April 2023.

Template determination letters and forms have been developed to support Claims Managers in the process.

The file review demonstrated that there was one PI claim within the scope of the review, which was assessed in accordance with the SRC Act, however, had not been recorded in Figtree as per the process in the Claims Manual. This has been addressed at criterion 3.17.

### **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 with two observations**

#### **Evidence:**

- Australian National University Claims Management Manual, Version 3.3 dated 21 July 2023
- Australian National University Claims Management System Governance Framework, Version 6.0, date approved 3 November 2022
- Notice of Variation of Licence – Australian National University (No 8 of 2021)
- associated specialised serviced between the Australian National University and Comcare signed 1 July 2020
- Deed of Agreement Change Proposal signed 21 July 2021 and 30 August 2021
- Letter Template, Section 62 Reconsideration on Own Motion ANU, no version control, undated
- Letter Template, Section 62 Reconsideration Reviewable Decision EE ANU, no version control, undated
- Email from the Senior Consultant Claims Management, ANU, 19 July 2023
- File review

**Comment:**

Chapter 11 of the Claims Manual outlines the process for reconsiderations, extension of time requests and reconsideration on own motion.

It is a condition of The University's licence that Comcare will manage its workers compensation claims on its behalf, and as discussed there is a Deed of Agreement between The University and Comcare. This deed states that the University may arrange for Comcare to undertake reconsideration services.

It is also stated in the Manual that Comcare's Disputed Claims Team will provide the ANU with reconsideration management services on a fee for service basis, which includes all determinations which are reviewable under the SRC Act, including:

- decisions to accept or reject a claim for compensation
- decisions to stop payment of compensation
- decisions to increase or decrease weekly payment of compensation.

The procedure for requesting reconsideration management services from Comcare is covered in detail at chapter 11.3. Reconsiderations on own motion are completed by the Claims Managers, and the process of this is detailed at chapter 11.4.

An email from the Senior Consultant Claims Management confirmed that when Comcare undertakes reconsiderations on behalf of The University, they use Comcare's template letters, not The University's.

It was identified during the file review that the Comcare letter used for reconsideration states:

*'You can also ask the AAT to review this decision. The time limit to lodge an application is 60 days from the day you receive the reviewable decision. In some cases, the AAT may grant an extension of time. Where time has expired because you were participating in ADR, Comcare will generally agree to an extension'.*

It should be noted that the AAT grant the extension of time, however, it is The University, as the Relevant Authority, which needs to agree to it, not Comcare, regardless of whether the Alternative Dispute Resolution Process is being managed by Comcare.

The file review demonstrated that reviewable decisions were made considering the requirements of section 62 and were set out in writing as required by section 63. It was identified however, that all files that were applicable to this criterion did not

include reference to the reviewable decisions being made under section 62 of the SRC Act.

Because the decisions were compliant but for the omission of referencing section 62, this finding has been found as an observation.

**Observations:**

**Observation 1:**

The reviewable decision template letter states that Comcare will agree to an extension of time to apply to the AAT rather than The University.

**Observation 2:**

Reviewable decisions do not include reference to section 62 of the SRC Act.

## 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:**

- Australian National University Claims Management Manual, Version 3.3, dated 21 July 2023
- Australian National University Claims Management System Governance Framework, Version 6.0, date approved 3 November 2022
- Letter Template, Intent to Cease – EE, no version control, undated
- Letter Template, Section 16 19 29 No Present Liability ANU, no version control, undated
- File review

**Comment:**

Chapter 8.14.18 of the Claims Manual 'Determining No Present Liability', states that *'an employee is entitled to claim compensation for medical and other benefits, as well as incapacity for work, in relation to their compensable condition. If the Claims Manager receives medical evidence stating the employee is no longer suffering the effects of their compensable condition or a particular form of treatment is no longer supported by medical evidence, the Claims Manager can determine that there is no present liability for compensation under the relevant section of the SRC Act'*.

The procedure for determining no present liability is outlined in detail and the Claims Manager is guided to provide an opportunity for natural justice by allowing 14 days (or longer in exceptional circumstances) for the employee to consider the current evidence and provide further medical evidence in support of their claim should they choose to.

The principles of Natural justice are covered in the Claims Manual under chapter 8.14.20. It is stated that *'when managing a claim for compensation:*

- *employee's should be kept up to date with what is happening on their 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 file review demonstrated that the two files that were applicable to this criterion were compliant and provided employees with fair opportunity when claims for on-going liability were being assessed or reviewed.

## Confidentiality

### Criterion 3.16

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

### Finding: Conformance

#### Evidence:

- Australian National University Claims Management Manual, Version 3.3 dated 21 July 2023
- Australian National University Claims Management System Governance Framework, Version 6.0, date approved 3 November 2022
- ANU Workers' Compensation Claim Pack, Version 6, Date Approved 20 December 2022
- Australian National University Policy: Privacy, Version 14, dated 6 May 2022
- Workers' Compensation Claim Form, no version control, undated
- ANU Workers' Compensation Claim Pack, Version 6, Date Approved 20 December 2022
- All About Workers' Compensation, A Guide for Injured Employees, no version control, undated
- Deed of Agreement for Claims Managed Services and the Provision of other associated Specialised Services between the Australian National University and Comcare signed 1 July 2020
- Deed of Agreement Change Proposal signed 21 July 2021 and 30 August 2021
- Notice of Variation of Licence – Australian National University (No 8 of 2021)
- Authority to Collect, Use and Disclose Personal Information, Version 2, 20 June 2018
- Authority to Act, no version control, undated
- Letter template, Request Medical Report and Clinical Notes from treating doctor, no version control, undated
- File review

#### Comment:

Chapter 8.14.12 of the Claims Manual, 'Privacy and Managing Information' covers privacy legislation and outlines The University's approach to managing the privacy of its employees when managing workers' compensation claims. There is also detailed guidance throughout the Manual relating to the requirements under the Privacy Act that Claims Managers must consider when managing various stages of a claim.

It is stated in the Claims Manual that *'the University takes its privacy obligations very seriously and is committed to meeting the highest standards when collecting, storing, using and disclosing personal information. The University will take reasonable steps to:*

- *comply with the requirements of the Privacy Act*
- *make sure all staff understand and comply with their privacy obligations*
- *ensure our privacy policy is regularly reviewed*
- *respond promptly and honestly to complaints about alleged breaches of privacy*
- *maintain an effective working relationship with the Office of the Australian Information Commissioner (OAIC), and*
- *report breaches of privacy to OAIC'.*

The University has a privacy policy which outlines its personal information handling practices for employees, students, visitors, and sub-contractors. This privacy policy is found on the Privacy page of The University intranet and available to all employees. Employees can also access information on how The University manages privacy in the 'Workers' Compensation Claim Pack' and the 'All about workers' compensation guide for injured employees' document.

As discussed, The University has engaged Comcare as its claims manager as part of a third-party arrangement which is a condition of The University's licence. The Deed of Agreement with Comcare includes privacy and confidentiality requirements it must adhere to.

It is stated in the Claims Management System Governance Framework that Figtree is the computer-based system used for Claims Management. Confidentiality and legislative requirements for records management within the Figtree system are controlled and monitored in accordance with The University policy and procedures.

The University currently maintains active claims documentation in two places – within the Figtree system, and on The University's shared drive. The Claims Manual notes that the duplicated claim files maintained in the shared drive are restricted with access only to relevant Claims Management staff.

The University also uses an Electronic Records Management System (ERMS), which is designed to store and manage University records. The Manual notes that the ERMS is a long-term records management repository for electronic records and claims files are transferred to ERMS once all rehabilitation and claim activity has finalised. Access to the ERMS records is also restricted to the relevant Claims and Injury Management staff.

The file review demonstrated that confidentiality of information had been maintained throughout the claims management process. Information had not been requested without the authorisation from injured employees and only medical information relevant to an employee's claimed condition was requested. There was one instance where full clinical notes had been saved to a file which contained unrelated information; however, this was rectified during the review.

## 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: Non-conformance with observation

#### Evidence:

- Australian National University Claims Management Manual, Version 3.3, dated 21 July 2023

- Australian National University Claims Management System Governance Framework, Version 6.0, date approved 3 November 2022
- Australian National University Procedure: Policy governance, version 18, dated 17 December 2021
- Australian National University Policy: Records and archives management, Version 9, Dated 1 November 2022
- Australian National University Version 6, Dated 1 November 2022
- File review

File maintenance and storage is covered in detail under chapter 14 of the Claims Manual, 'Records Management'. In addition to this step-by-step guidance is provided throughout the Manual on what to enter into Figtree and when, for each stage of a claim, to ensure files are maintained appropriately.

It is stated that *'administrative standards required for claims record management include:*

- *'Confidential paper files and hardcopy documents will be locked in a secure cabinet at the end of each working day.*
- *Confidential paper documents requiring disposal will be handled in a secure manner in accordance with University Policy.*
- *Any covering email or letter received with claim documentation will be recorded in Figtree and in the shared drive claim file to ensure the date/time of receipt of the documentation is recorded.*
- *Finalised documentation saved to Figtree and the shared drive claim file will not be modified or deleted without notification to the ANU Senior Claims Manager. Any finalised documentation that is modified or deleted will be replaced with written notation specifying the date and the reason for the modification/deletion'.*

Reporting and records management for the claims management function is conducted within the Figtree system which is used to register and record claims decisions, including benefit payments and case notes.

The Claims Manual notes that The University currently maintains active claims documentation in two places – within the Figtree system, and on ANU's shared drive. This is necessary due to the lack of a document management function within Figtree that would allow for all documentation to be easily provided externally when necessary (for example in the case of a request for a copy of a file under section 59 of the SRC Act).

As discussed, The University also uses an ERMS to store records. The Manual states it has not been designed as a format for working files or for everyday access to files required for business purposes, but rather is designed for long term storage of completed documents. Claims files are transferred to ERMS once all rehabilitation and claim activity has finalised. Files that were already closed when taken over from Comcare in July 2018 are stored in ERMS.

The Claims Management System Governance Framework document states that The University has a Policy Library and governance framework for the consultation and publication of official policy, procedure, standards, guidelines and forms. Additionally, in accordance with The University's WHS system, local areas may create and manage their own advisory documents 'Business unit specific documentation' which then becomes a standard operating procedure for a work group. This is specifically appropriate for documents that should be restricted to a specialist function and not for the general information of all University staff - which includes the Claims Manual.

It should be noted that the Claims Manual included various links to guide and support Claims Managers to perform their role. Many of these links go to Comcare forms and templates or the Comcare Claims Manual rather than The University's forms or relevant sections of The University Claims Manual.

An auditable trail was not established on eight out of the 16 files reviewed. It was identified that files had missing documentation, information not recorded in Figtree correctly and there were discrepancies in the claims data showing in the Commission Data Warehouse (CDW) report and what was in Figtree. See the individual file summaries at the end of this report for full details.

**Non-conformance:**

An auditable trail was not established on eight of the 16 claim files reviewed.

**Observation:**

The Claims Manual includes links to Comcare specific information rather than The University's forms or relevant sections of The University's Claims Manual.