

REHABILITATION MANAGEMENT SYSTEM AUDIT REPORT

Australian National University
(ANU)

13 – 15 November 2018



Australian Government

Comcare

Document number	DOC1559951
Version	1.2
Release Date	1 July 2015
Release Status	Released for use
Approval Status	Approved for use
Prepared by	Authorisation and Audit
Confidentiality Category	Unclassified

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SCOPE OF AUDIT

Organisation	Australian National University (ANU)
Site/Workplace	Work Environment Group Office, Lower Ground, Building 10B East Rd, Chancellery Building Canberra
Scope of audit	<p>The audit examined the ANU's rehabilitation management system, processes and outcomes to validate ANU is meeting its licence conditions and is complying with the <i>Safety, Rehabilitation and Compensation Act 1988</i> (SRC Act) and the <i>Guidelines for Rehabilitation Authorities 2012</i> (the Guidelines).</p> <p>Fourteen rehabilitation case files were examined by the auditors. These files were randomly selected from a list of all rehabilitation case files where some activity had occurred since 1 July 2018, i.e. the date of commencement of the self-insurance licence.</p> <p>The audit encompassed a review of all relevant policies and procedures as they relate to rehabilitation and return to work management and any other relevant, supporting documentation. An interview was also conducted with rehabilitation staff.</p> <p>Overall findings are based on the identification of issues that are considered to be systemic rather than isolated incidents.</p>
Audit criteria	<p>This audit assessed the rehabilitation management system against five elements:</p> <ol style="list-style-type: none">1. Commitment and corporate governance (3 criteria)2. Planning (4 criteria)3. Implementation (13 criteria)4. Measurement and evaluation (6 criteria)5. Review and improvement (1 criterion)

Ratings

The findings in the 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 audit

13 – 15 November 2018

Auditors

Lyn Dare (Lead Auditor), Authorisation and Audit Team, Regulatory Operations Group, Comcare

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Client contacts

Ingrid Krauss, Manager Injury and Claims, Work Environment Group, ANU

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Record of audit

This report contains a summary of the 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.

Acknowledgement

The auditors wish 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

The Australian National University (ANU) is a Commonwealth Authority as defined by section 4 of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) and as such has been operating as a premium payer and a rehabilitation authority under this scheme.

As a Commonwealth Authority, the ANU is eligible under section 99 of the SRC Act to hold a self-insurance licence. The *Safety Rehabilitation and Compensation Commission (the Commission)* in its meeting of 29 November 2017 granted ANU a self-insurance licence commencing on 1 July 2018. This licence is current to 30 June 2026.

Under the transitional arrangements of the Commission's current regulatory model that came into effect on 1 July 2016, ANU is in the Developing/Transitional Phase, and the Commission requires that ANU's rehabilitation management system be audited by Comcare in each of the first two years of licence. This audit fulfils the requirement of a licensee in the Developing/Transitional Phase.

OVERVIEW OF ANU

The ANU is one of the 'Group of 8' universities, employing approximately 4,439, (as at July 2018), full time equivalent staff ranging from gardeners to highly specialised academics. As well as the main campus in Canberra, the ANU has staff at other sites such as the Mt Stromlo Observatory. ANU has approximately 20,000 students.

FINDINGS

Strengths

The ANU has continued to build on the work it has done as a premium-payer in establishing its RMS. The ANU now has an excellent Rehabilitation Manual which supports legislative compliance and consistency in its service delivery to injured employees.

The ANU is committed to early intervention through its internal reporting mechanisms and supports employees with psycho-social concerns by having a Rehabilitation Case Manager (RCM) dedicated to managing these cases.

Throughout the audit the ANU demonstrated a commitment towards improving its system by addressing issues as they arose.

Areas for improvement

The key area of risk for the ANU is ensuring that the delegation instrument reflects the current operations and complies with legislative requirements. While the ANU has experience as a premium payer in implementing and maintaining an RMS, it now needs to ensure that this system also incorporates the requirements of being a licensee.

NON-CONFORMANCES

One non-conformance was identified during the audit.

Criterion	Non-conformance
2.1	<p>The ANU rehabilitation delegation instrument:</p> <ul style="list-style-type: none"> Does not include all staff with rehabilitation responsibilities Has not assigned the reconsideration powers and functions under s62 of the SRC Act to an officer or employee of the ANU

OBSERVATIONS

A number of observations were identified during the audit. They are:

Criterion	Observation
1.3	The ANU RMS risk management plan does not include risks associated with being a self-insurer.
2.1	The ANU delegation instrument does not reflect the current position titles.
3.3	The ANU's frequently asked questions does not include information regarding s36 determinations.
3.11	The ANU has not reviewed all associated documents to reflect the proposed amended delegations.
4.2	The ANU has not developed a structured approach to monitoring WRPs against the SLAs.

In summary, for the 27 criteria within the rehabilitation management audit tool, the outcomes are:

	Number of criteria	% of assessed criteria
Conformance	22	95%
Non-conformance	1	5%
Not able to verify	4	
Not applicable	-	

An action plan, which includes completion/review dates and responsibilities, must be developed by **11 January 2019** to address each of the audit findings.

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

Signed

A handwritten signature in black ink, appearing to read 'Lyn Dare' with a period at the end.

Lyn Dare

Date: 7 December 2018

Signed

A handwritten signature in black ink, appearing to read 'Melanie Tehan'.

Melanie Tehan

Date: 7 December 2018

TABLE OF CRITERIA

Audit element/criterion description	Criterion	Rating
1. Commitment and corporate governance		
Documented commitment	1.1	Conformance
Internal and external accountability	1.2	Conformance
Identify, assess and control risk	1.3	Conformance with observation
2. Planning		
Delegation schedule	2.1	Non-conformance with observation
Planning for legislative compliance	2.2	Conformance
Setting objectives and targets	2.3	Conformance
Plans to achieve objectives and targets	2.4	Conformance
3. Implementation		
Adequate resources	3.1	Conformance
Communication—relevant stakeholders	3.2	Conformance
Employees are aware of rights	3.3	Conformance with observation
Training and competency	3.4	Conformance
Early intervention	3.5	Conformance
Rehabilitation assessments	3.6	Conformance
Rehabilitation programs	3.7	Conformance
Suitable employment	3.8	Conformance
Determinations in accordance with the SRC Act	3.9	Conformance
Employee non-compliance	3.10	Not able to verify

Reconsiderations	3.11	Conformance with observation
Privacy and confidentiality	3.12	Conformance
Reporting, records, documentation	3.13	Conformance with observation
4. Measurement and evaluation		
Monitoring core rehabilitation activities	4.1	Conformance
Monitoring provider performance	4.2	Conformance with observation
Internal audits	4.3	Conformance
Outcomes of audits are actioned, reviewed	4.4	Not able to verify
Communicating audit results	4.5	Not able to verify
Providing reports to Comcare and Commission as requested	4.6	Conformance
5. Review and improvement		
Continuous improvement	5.1	Not able to verify

ELEMENT 1: COMMITMENT AND CORPORATE GOVERNANCE

DOCUMENTED COMMITMENT

Criterion 1.1

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

Finding: Conformance

Evidence:

1. Memo WHS and Rehabilitation Policy, dated 5 April 2016. Approved by Brian P Schmidt (Vice-Chancellor) 8 April 2016.
2. Policy: Rehabilitation and compensation. ANUP_013007. Version 2. Effective 4 June 2018, review date 4 June 2021.

Comment:

The ANU has in place a 'Rehabilitation and compensation' policy approved by the Vice-Chancellor on 8 April 2016. In relation to rehabilitation the policy commits to:

- providing early intervention to support injured staff stay at or return to work as soon as possible within medical guidelines
- facilitating durable return to work of employees by assisting with the safe and early integration back into the work place
- defining, documenting and communicating areas of accountability for all staff involved in the rehabilitation and claims process
- facilitating participation in an injury or illness management program
- providing relevant information regarding claims and injury management
- maintaining confidentiality in accordance with relevant legislation
- engaging appropriate qualified experts to assist in the management of claims and injury/illness.

This policy is easily accessible on the ANU intranet site.

CORPORATE GOVERNANCE

Criterion 1.2

The rehabilitation management system provides for internal and external accountability.

Finding: Conformance

Evidence:

Organisation Structure

1. ANU Executive Structure. 1 March 2018.
2. Work Environment Group Organisation Structure. 1 July 2018.

Position Descriptions

3. Associate Director (Work Environment) position 1855. February 2014.
4. Manager, Injury Prevention and Claims (currently known as Manager Injury and Claims)
5. Team Leader, Injury Management and Rehabilitation
6. Rehabilitation Case Manager

Governance and reporting

7. Work health and safety committees and representative's procedure. ANUP_015808. Version 2. Effective date 1 July 2017. Review Date 1 July 2020.
8. ANU Work Health and Safety Council Report. 1 January -31 August 2018
9. ANU Work Health and Safety Council Report. 1 January – 31 October 2018.
10. ANU Work Environment Group – Workers Compensation Status Report. Quarter 2. 1 January – 30 June 2018
11. ANU Performance Report Quarter 1 2018-2019.
12. BRM Rehabilitation Management System Audit 7-8 March 2018
13. RMS Corrective action plan 2018-2019

Service Level Agreements

14. Aspen Corporate Health – Service proposal for Health Surveillance/Monitoring and Occupational Health Services. April 2017
15. Preventative Approach Pty Ltd – Equipment lease option extension agreement. 23 December 2015. Signed by N. White Director HR ANU 23.12.15.
16. BRM Risk Management Pty Ltd proposal for claims and rehabilitation audits January 2019
17. ANU Workplace Rehabilitation Provider Service Level Agreement Template
18. Workplace Rehabilitation Provider Service Level Agreement. APM. Dated 6 November 2018.
19. Workplace Rehabilitation Provider Service Level Agreement. Rehabilitation Service. Dated 6 November 2018.

Comment:

Internal

The management of ill or injured employee's rests within the Work Environment Group (WEG) and managed by a Director. This Group sits in the Human Resources section which reports to the Chief Operating Officer. The Chief Operating Officer is one of eleven ANU executive positions which reports directly to the Vice-Chancellor.

The WEG is managed by an Associate Director (AD) WEG who has two direct reports; one of whom is the Manager Injury and Claims (MIC), who in turn oversees seven staff. Of the seven staff, four have rehabilitation responsibilities. A sub-team is led by a Team Leader, Injury Management and Rehabilitation (Team Leader) who manages two Rehabilitation Case Managers (RCMs). The Case Manager Psycho-social reports to the Manager Injury and Claims due to the complex nature of cases. The remaining staff have claims management delegations.

The ANU has provided position descriptions (PDs) for staff with rehabilitation responsibilities. The PDs provide a clear description of roles, responsibilities and accountability for each position.

The ANU has provided examples of reporting to the key governance bodies, Work Health and Safety Committee (WHS Committee), Work Health and Safety Council (WHS Council) as well as quarterly reporting to the Commission.

The ANU has in place a WHS Committee comprising of equal numbers of management and employee representatives. This governance body reports to the Vice-Chancellor on WHS performance, the effectiveness of the Work Health and Safety Management System (WHSMS) and makes recommendations on WHS matters.

The WHS Council report includes statistical information in relation to claims management and injury management activities. Brief information is provided on the RMS audit schedule.

External

The ANU has provided evidence of engaging BRM Risk Management for a claims and rehabilitation audit to be undertaken in January 2019.

The ANU has provided evidence which indicates that it provides reports to the Commission.

The ANU has a service level agreements (SLA) with service providers to support employees at the work place including workplace rehabilitation providers (WRP).

Criterion 1.3

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

Finding: Conformance with observation

Evidence:

1. ANU Policy: Risk Management. ANUP_000462. Version 5. Effective 1 July 2009. Review Date 26 August 2016.
2. ANU Procedure: Risk Management. ANUP_000495. Version 6. Effective 1 July 2009. Review Date 1 August 2016.
3. ANU Rehabilitation Management System – Risk Management Plan. Version 3.0. Approved 1 March 2018. Reviewed 1 March 2019.

Comment:

The ANU has in place a 'Risk Management' policy which is to be applied across the organisation. This is supported by a procedure which outlines the organisational 'Risk Awareness Framework'. The Audit and Risk Management Committee and a Risk Management Advisory Committee have been established to oversee the effectiveness of this risk framework.

The WEG has applied the risk framework and developed a RMS risk management plan. The plan identifies eight key areas of risk, the treatment strategies and risk ratings.

Areas of identified RMS risk include:

- Staff numbers
- Recruitment
- Staff retention
- Program budget

- Incident investigations
- Senior management commitment
- Legislative changes
- Information technology systems.

Given the ANU has now moved to self-insurance arrangements, it should consider if there are risks associated in this environment. For example, risks associated with not meeting the Commission's expectations for its RMS, prudential and financial risks.

The Manager, Injury and Claims is responsible for reviewing and updating the RMS risk management plan as part of the annual business planning cycle.

Observation:

The ANU RMS risk management plan does not include risks associated with being a self-insurer.

ELEMENT 2: PLANNING

ADMINISTRATIVE ARRANGEMENTS

Criterion 2.1

The rehabilitation authority has a delegation schedule, signed by the principal officer, as per section 41A of the SRC Act.

Finding: Non-conformance with observation

Evidence:

1. Memo ANU Case Manager Delegations. 7 March 2016 from N. White (Director. HR Division). Attached Delegation signed by B. Schmidt, Vice-Chancellor ANU on 23 March 2016
2. Delegation Extract and Report – Department 22290 Work Environment Group as at 3 July 2018
3. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019
4. Deed of agreement for claims managed services and the provision of other associated specialised services. Signed Jennifer Taylor (CEO Comcare) and Chris Grange 25 January 2018
5. Draft Deed of agreement for claims managed services and the provision of other associated specialised services. Unsigned and undated
6. ANU Workers Compensation Delegation. 24 October 2018
7. SRC Act Claims Management Transition Plan. Version 16.0. Approved 1 July 2018
8. File review
9. Discussion with Manager Injury and Claims

Comment:

The ANU has in place a delegation instrument signed by the Vice-Chancellor on 23 March 2016. This delegation instrument assigns the following:

- Associate Director, Work Environment Group and Manager Injury Prevention and Rehabilitation are given 'the functions and exercise of the powers of the Rehabilitation Authority under all section of the Act'.
- Case Managers are given the functions and exercise of the powers of the Rehabilitation Authority under section 36 and section 37 of the Act.

This document is supported by the 'Delegation Extract and Report' which details all the delegations held by staff within WEG. This report identifies that Ingrid Krauss (MIC), Lucy Ochieng (RCM) Adele Anderson (RCM) have been assigned 'authority to exercise the powers and functions of the University as a 'rehabilitation authority' as defined by SRC Act'. While Justin Donley (Team Leader) is listed as having this authority it is not supported by the delegation instrument. The authority to exercise the powers and functions for the University as a 'claims management determining authority' has also been assigned to the MIC.

The delegation instrument should reflect the correct position title, that is the Manager Injury Prevention and Rehabilitation is now referred to as MIC.

Missing delegation

As noted in criterion 1.2, the Team Leader who has rehabilitation responsibilities has no delegation under the current delegation instrument. The ANU has recognised this gap and provided a proposed draft delegation which provides the Team Leader with the appropriate rehabilitation delegation. The file review noted two cases where s37 determinations were signed by the Team Leader without delegation to do so.

Suspension provisions

The current wording of the rehabilitation delegation instrument essentially provides all the delegates with the power to undertake suspension activity under s36(4) and s37(7) for employee non-compliance. The Rehabilitation Manual provides the administrative control, detailing that the MIC is the 'suspension delegate'.

Assigning S62 reconsideration powers for s36 and s37 decisions

While the ANU is both the rehabilitation authority and the relevant authority, it has delegated the claims management functions and powers to its third-party claims manager; Comcare. This includes the power to undertake reconsideration decisions under s62 of the SRC Act. The Deed of Agreement for claims management services, (refer to Schedule 3 – Fees and Expenses (Time and Materials) Reconsideration Management page 103, last dot point), states that 'reconsideration management services provided by Comcare's Disputed Claims Team, includes ...an employer's decision in relation to rehabilitation of a worker'. As such the ANU has delegated its powers for reconsideration of decisions made under the rehabilitation provisions to Comcare. This is technically incorrect as paragraph 10.2 of the *Guidelines for Rehabilitation Authorities 2012* (the Guidelines) states:

'A contracted claims manager or reviewer named in the licence granted to a licensee does not have authority to make or reconsider any rehabilitation determination. Those powers can only be exercised by the principal officer of the licensee or an officer or employee of the licensee that the principal officer has delegate that power to.'

The ANU transitional plan arrangements approved by the Commission notes:

'Arrangements to be put in place for reconsideration process (rehabilitation delegate decisions) to be delegated to an internal staff. To be documented in the ANU Rehabilitation Manual.'

This arrangement is in line with all licensees who have engaged third party claims providers.

The ANU will need to review its rehabilitation delegation instrument and ensure that the powers and functions under s62 are assigned to an officer or employee of the ANU.

Within the scope of this audit a request for reconsideration was made in relation to a s37 determination issued by ANU on 29 August 2018. The reconsideration decision was undertaken by the third-party claims provider; Comcare. While the decision was well written, Comcare does not have the delegation to do so. Therefore, a non-conformance finding is given under this criterion.

Non-conformances:

The ANU rehabilitation delegation instrument:

- Does not include all staff with rehabilitation responsibilities
- Has not assigned the reconsideration powers and functions under s62 of the SRC Act to an officer or employee of the ANU

Observation:

The ANU delegation instrument does not reflect the current position titles.

REHABILITATION PLANNING

Criterion 2.2

The rehabilitation 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:

1. Policy: Rehabilitation and compensation. ANUP_013007. Version 2. Effective 4 June 2018, review date 4 June 2021.
2. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.
 - Rehabilitation Assessment template letter. No document control.
 - Section 37 Rehabilitation program template letter. No document control.

Position Descriptions

- Associate Director (Work Environment) position 1855. February 2014
 - Manager, Injury Prevention and Claims
 - Team Leader, Injury Management and Rehabilitation
 - Rehabilitation Case Manager
3. Workplace Rehabilitation Provider Service Level Agreement. APM. Dated 6 November 2018.

4. Workplace Rehabilitation Provider Service Level Agreement. Rehabilitation Service. Dated 6 November 2018.
5. Claims and Rehabilitations Management Systems Legislative Register. Version 1.0. 31 October 2018. Review date 31 October 2019.

Comment:

At the highest level the ANU Rehabilitation and compensation policy is committed to compliance with SRC Act and licensing conditions.

The ANU's Rehabilitation Manual is an excellent example of an operational guide which provides both legislative and operational information to ensure legislative compliance and consistency in managing rehabilitation cases. The Rehabilitation Manual refers to both the Guidelines and Jurisdictional Policy Advice provided by Comcare.

Chapter 10.1 of the Rehabilitation Manual recognises the need for natural justice to apply, particularly where an adverse decision is made or where there is a perceived conflict of interest. Where adverse decisions are considered, the template letters provide employees with 30 days to submit information.

The ANU has a legislative register which ensures that legislative change, policy advice and scheme significant cases are noted. These matters are reviewed, and any action required is undertaken. Notification of change is obtained through a variety of mechanisms including licensee forums, subscriptions to Workplace Safety Australia news alerts, ComLaw, Australian Government Solicitor Express Law Email and internal legal advice.

The position descriptions require that staff with rehabilitation responsibilities have demonstrated knowledge of both the SRC Act and the *Work Health and Safety Act 2011*. The MIC is responsible for ensuring legislative change is communicated to staff and incorporated into business operations.

The SLAs with the WRPs requires the WRPs to comply with the standards of approval under SRC Act.

Criterion 2.3

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

Finding: Conformance

Evidence:

1. HR Division 2018 Business Plan
2. Work Environment Group Business Plan 2018
3. Workplace Rehabilitation Provider Service Level Agreement. APM. Dated 6 November 2018

Comment:

The ANU's HR Division 2018 Business Plan aims to provide 'work health and safety services for injury prevention, injury management, staff with disability, and health and wellbeing'. One of the key initiatives to support this, is to 'improve and target the

approach to injury prevention and rehabilitation support'. The ANU has developed a range of key performance measures to drive this initiative. They are:

- Lost time injury frequency rate (LTIFR)
- Medical treated (sic)injury frequency rate (MTIFR)
- Likely future claims cost/forward liability
- Licensee key performance indicators (LKPI) 100%
- Average time lost per LTI(days)*/LTI>1 week lost
- RTW to pre-injury duties 90%
- Audit result National Audit Tool(NAT) - 80%
- Mandatory training – 100%

This initiative has flowed into the WEG Business Plan 2018, where the objective from the RMS perspective is to 'implement effective return to work to pre-injury duties and hours'. Proposed performance indicators which drive rehabilitation performance are:

- Return to work rate to pre-injury duties – 90%
- External audit results for rehabilitation – 80%
- LKPIs 100%

The SLA with WRP includes a range of service delivery targets.

Criterion 2.4

The rehabilitation authority establishes plans to:

- (i) achieve its objectives and targets
- (ii) promote continuous improvement
- (iii) provide for effective rehabilitation arrangements.

Finding: Conformance

Evidence:

1. HR Division 2018 Business Plan
2. Work Environment Group Business Plan 2018
3. Workplace Rehabilitation Provider Service Level Agreement. APM. Dated 6 November 2018.

Comment:

The WEG Business Plan, operationalises the objectives listed in the HR 2018 Business Plan. In relation to the RMS, the priority of the WEG is to 'focus on early intervention post injury for both work and non work-related injuries to deliver optimum rehabilitation outcomes (i.e. return to work pre-injury duties)'. This is delivered in the main through the Injury Management Branch initiatives.

The WEG has utilised the RMS audit tool criteria and identified a range of activities against each criterion, assigning responsibility and timeframes.

While it is clear the activities listed will contribute to the ANU achieving its KPI of 80% conformance for RMS external audit results, the ANU should consider what specific activities can be linked directly to achieving 90% pre-injury return to work rate and 100% LKPIs. For example, early intervention initiatives focusing on psycho-social injuries.

ELEMENT 3: IMPLEMENTATION

RESOURCES

Criterion 3.1

The rehabilitation authority allocates adequate resources to support its rehabilitation management system.

Finding: Conformance

Evidence:

1. Work Environment Group Organisation Structure. 1 July 2018.
2. Change implementation plan. Work Environment Group. 5 July 2018.
3. Work Environment Group. Workers Compensation Status Report Quarter 3, 1 January – 30 September 2018.
4. Interview with staff

Comment:

In preparation for the commencement of their self-insurance licence on 1 July 2018, the ANU commenced a review of its WEG structures from May -June 2018, through consultation with staff and the National Tertiary Education Union (NTEU). The review noted significant reductions in rehabilitation caseload over the past three years and an increase in focus on injury prevention and work health and safety.

The current structure described in criterion 1.2 is the result of this consultation and change management process to prepare the ANU for self-insurance.

Of the three RCM positions, the ANU currently has one full-time RCM and one part-time RCM, (working 0.6 of a week), managing both compensable and non-compensable injuries, reporting to the Team Leader. While the ANU is recruiting to fill the vacant RCM positions the Team Leader is taking on this workload. As noted in criterion 2.1, this is an issue as the Team Leader does not have rehabilitation delegations under the current delegation instrument.

The ANU has recognised that psycho-social conditions have a significant impact on productivity and workers' compensation costs and that early intervention supports the successful management of these injuries. Recognising this, the ANU has assigned the RCM working part-time to focus on psycho-social notifications and injuries.

The review indicated that a fulltime RCM is expected to have a case load of between 20-25 cases. Interviews with RCMs indicate that their caseload is well below this number and is very manageable. Fortnightly reviews with the Team Leader provide an opportunity to raise matters like unmanageable case-loads or planned absences.

The WEG Workers' Compensation Status report for quarter 3 (1 January – 30 September 2018), notes approximately eight claims had been received in this period. Noting that of these, only six were received since the commencement of licence (1 July 2018).

COMMUNICATION AND AWARENESS

Criterion 3.2

The rehabilitation authority defines and communicates responsibilities to relevant stakeholders.

Finding: Conformance

Evidence:

1. Policy: Rehabilitation and compensation. ANUP_013007. Version 2. Effective 4 June 2018, review date 4 June 2021.
2. ANU Workers' Compensation Claim Pack. Version 3.0. Approved 20 June 2018. Review date 30.6.19:
 - Workers' Compensation Claim form
 - Authority to collect, use and disclose personal information
 - Notice of rights/FAQ
 - Medical certificate of capacity
 - Claim for time off work
 - Medical services claim form

<https://services.anu.edu.au/human-resources/health-safety/workers-compensation-at-anu/making-a-workers-compensation-claim>
3. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019
4. RMS Corrective action plan 2018-2019
5. ANU intranet site- Duties of employees, supervisor, manager
<https://services.anu.edu.au/human-resources/health-safety/injury-management/duties-of-employees-supervisors-and-managers>
6. ANU intranet site – Rehabilitation and Compensation procedure
https://policies.anu.edu.au/ppl/document/ANUP_000667

Position Descriptions

- Associate Director (Work Environment) position 1855. February 2014
- Manager, Injury Prevention and Claims (currently known as Manager Injury and Claims)
- Team Leader, Injury Management and Rehabilitation
- Rehabilitation Case Manager

Service Level Agreements

7. Aspen Corporate Health – Service proposal for Health Surveillance/Monitoring and Occupational Health Services. April 2017
8. Preventative Approach Pty Ltd – Equipment lease option extension agreement. 23 December 2015. Signed by N. White Director HR ANU 23.12.15.
9. BRM Risk Management Pty Ltd proposal for claims and rehabilitation audits January 2019.
10. Workplace Rehabilitation Provider Service Level Agreement. APM. Dated 6 November 2018.
11. Workplace Rehabilitation Provider Service Level Agreement. Rehabilitation Service. Dated 6 November 2018.

Comment:

The ANU's intranet site has easy to access information in relation all policies and procedures and making a claim for workers' compensation. Employees, supervisors and RCMs can access information which outline their roles and responsibilities in this process.

Position descriptions of staff with rehabilitation responsibility clearly define the expectations of the role.

Other key stakeholders which include providers of rehabilitation services have role expectations and service delivery clearly defined in the SLAs.

Criterion 3.3

The rehabilitation authority communicates relevant information regarding the rehabilitation process to its employees including their rights and obligations.

Finding: Conformance with observation

Evidence:

1. ANU Workers' Compensation Claim Pack. Version 3.0. Approved 20 June 2018. Review date 30.6.19:
 - Workers' Compensation Claim form
 - Authority to collect, use and disclose personal information
 - Notice of rights/FAQ
 - Medical certificate of capacity
 - Claim for time off work
 - Medical services claim form

<https://services.anu.edu.au/human-resources/health-safety/workers-compensation-at-anu/making-a-workers-compensation-claim>
2. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.
3. Inducting your new staff – A guide for Supervisors
4. Draft training proposal for WHS and Injury Management for Supervisors. No document control.
5. Interview with staff
6. File review

Comment:

As discussed in the previous criterion, the ANU has extensive information on the claims and rehabilitation process on its intranet site.

The Rehabilitation Manual outlines the process once a notification of injury has been received by the RCM. The RCM is responsible for making first contact with injured employees and will assess the situation before providing advice in relation to how best to support the employee at work. This will include early intervention funding, claiming workers' compensation, psycho-social support and disability/mobility support.

Interviews with RCM's verify that this process is being followed.

While the ANU has a guide to assist supervisors induct new staff there appears to be very little information provided on the rehabilitation process or access to support if injured at work. Evidence has been provided indicating that the ANU will be developing a course for supervisors which focuses on WHS and injury management.

The notice of rights, which includes 'frequently asked questions', provides information to employees and is provided to the employee as part of the claim pack and attached to determinations. The 'frequently asked questions' only refers to determinations made under s37. If this document is provided for all rehabilitation determinations, then the ANU should review this and include reference to s36 determinations.

File review found no issues in relation to this audit criterion.

Observation:

The ANU's frequently asked questions does not include information regarding s36 determinations.

TRAINING

Criterion 3.4

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

Finding: Conformance

Evidence:

Position Descriptions

1. Associate Director (Work Environment) position 1855. February 2014
2. Manager, Injury Prevention and Claims (currently known as Manager Injury and Claims)
3. Team Leader, Injury Management and Rehabilitation
4. Rehabilitation Case Manager
5. IM Credentials, training and qualifications list. No document control

Comment:

The PDs require staff with rehabilitation responsibilities to have a health-related qualification, (i.e. occupational therapy, physiotherapy, psychology), demonstrated technical knowledge and experience of rehabilitation management frameworks, systems and processes, including early intervention. Demonstrated knowledge is also required of the WHS Act 2011 and the SRC Act.

A training matrix lists completed courses and qualifications. All staff with rehabilitation responsibilities have undertaken the Comcare training course.

The training matrix could be strengthened by recognising dates of course completion.

ANU has a corporate framework for professional development which is reviewed quarterly and developed as an annual programme. Staff have indicated that their training needs are very well supported.

EARLY INTERVENTION

Criterion 3.5

The rehabilitation authority implements an early intervention program, including the early identification and notification of injury.

Finding: Conformance

Evidence:

1. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.
2. File review
3. Interview with staff

Comment:

The ANU Rehabilitation Manual provides guidance on the early intervention assistance process. The trigger for early intervention consideration is the completion of an online incident and hazard notification form completed by either the supervisor or employee. This form is captured for WHS prevention intervention as well as by RCMs to assess the need for early intervention assistance.

The RCMs will contact employees within 24 hours to discuss the range of assistance available through early intervention and workers' compensation. Early intervention activity is initially funded for up to \$1,200. Additional funding for a further \$1,200 can be granted through special application to the Director Human Resources. The funding can cover medical treatments approved by a nominated treating doctor. Any special workplace equipment is provided for by the business unit and work site assessments are undertaken through in-house arrangements.

Discussions held with RCMs confirm that they follow the process as outlined in the Rehabilitation Manual. File review for files in scope verify that early intervention activity occurs.

REHABILITATION ASSESSMENTS

Criterion 3.6

The rehabilitation authority effectively uses the provisions of section 36 to conduct rehabilitation assessments in accordance with the SRC Act and the Guidelines.

Finding: Conformance

Evidence:

1. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.
2. File review

Comment:

The Rehabilitation Manual provides clear guidance on how to implement s36 assessments and s36(3) examinations. Template letters and relevant forms to support this process can be found at the end of the manual.

Page 31 of the Rehabilitation Manual regarding the engagement of WRPs notes that 'due to low number of engaged WRPs, the ANU does not have a SLA in place with any one provider'. Given the recently signed SLAs with APM and Rehabilitation Services, this will require review.

The file review identified four files in the scope of this audit with s36 activity; all were found to comply with the requirements of this criterion.

REHABILITATION PROGRAMS

Criterion 3.7

The rehabilitation authority provides rehabilitation programs in accordance with section 37 of the SRC Act and the Guidelines, and ensures consultation occurs between all parties in regards to the rehabilitation process.

Finding: Conformance

Evidence:

1. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.
2. File review

Comment:

The Rehabilitation Manual provides clear guidance on implementing s37 programs. This is supported by information on providing suitable duties within the ANU environment and work trials. The Rehabilitation Manual contains a section dedicated to documenting s37(3)(a)-(h) considerations as well as program monitoring.

The file audit found excellent documentation of s37(3)(a)-(h) considerations tailored to each case. There is good documentation by RCMs of their contact with employees. In the main the RCMs provided timely intervention and response.

The file audit found all but one case complied with the requirements of this audit criterion (see file summary for details).

SUITABLE EMPLOYMENT

Criterion 3.8

The employer takes all reasonable steps to provide employees with suitable employment or to assist employees to find such employment.

Finding: Conformance

Evidence:

1. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.

2. File review

Comment:

As discussed in criterion 3.7, the Rehabilitation Manual highlights the employer's obligation to provide suitable duties for employees who have undertaken or are on a rehabilitation program. Information is provided on developing suitable duties plans for placement within the ANU and on work trials external to the ANU.

The file review found that the ANU were able to provide suitable duties in all cases where an employee has a capacity to work.

DETERMINATIONS, SUSPENSIONS AND RECONSIDERATIONS

Criterion 3.9

The rehabilitation authority makes determinations in accordance with the SRC Act and the Guidelines:

- (i) that are in writing and give adequate reasons
- (ii) that are signed by the delegate
- (iii) that are not retrospective.

Finding: Conformance

Evidence:

1. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.
2. File review

Comment:

In the main, the ANU was found to comply with the technical requirements of this audit criterion. There was one case where a retrospective determination was issued two days after commencement of a rehabilitation program.

Criterion 3.10

The rehabilitation authority makes determinations in relation to employee non-compliance in accordance with the SRC Act, Guidelines and their written policy and procedures

Finding: Not able to verify

Evidence:

1. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.
 - Template letters for s36(4) and s37(7) suspension

Comment:

The Rehabilitation Manual provides guidance on addressing employee non-compliance. The guidance material references information in the Guidelines and relevant jurisdictional policy advice. The Rehabilitation Manual also includes template letters for

s36(4) and s37(7) suspensions. It should be noted that these letters correctly highlight that medical expenses continue to be paid for the period of suspension under these rehabilitation provisions.

There were no cases of employee non-compliance within the scope of this audit. Therefore, a finding of 'not able to verify' is given to this criterion.

Criterion 3.11

The rehabilitation authority complies with the provisions of the SRC Act when managing reconsiderations or reconsiderations of own motion. [criterion applicable to licensees only]

Finding: Conformance with observation

Evidence:

1. Memo ANU Case Manager Delegations. 7 March 2016 from N. White (Director HR Division). Attached Delegation signed by B. Schmidt Vice-Chancellor ANU on 23 March 2016
2. Delegation Extract and Report – Department 22290 Work Environment Group as at 3 July 2018
3. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019
4. Deed of agreement for claims managed services and the provision of other associated specialised services. Signed Jennifer Taylor (CEO Comcare) Chris Grange 25 January 2018
5. Draft Deed of agreement for claims managed services and the provision of other associated specialised services. Unsigned and undated
6. ANU Workers Compensation Delegation. 24 October 2018
7. SRC Act Claims Management Transition Plan. Version 16.0. Approved 1 July 2018
8. File review

Comment:

Criterion 3.1 notes that ANU's rehabilitation delegation instrument has not assigned s62 reconsideration decisions to an officer of the ANU. This means that a number of documents require review and amendment. These include but are not limited to:

- The Delegation Extract and Report. This will require amendment to reflect the changes in the delegation instrument.
- Page 75 of the Rehabilitation Manual. This will require review to reflect the changes in the delegation instrument. The Rehabilitation Manual currently states that cases which are complex or have a conflict of interest may be referred to Comcare's reconsideration team as per the Deed of Agreement arrangements.
- The deed of agreement for claims managed services and the provision of other associated specialised services. Schedule 3 – Fees and Expenses (Time and Materials) page 103 (last dot point) states that 'reconsideration management services provided by Comcare's Disputed Claims Team, includes ...an employer's decision in relation to rehabilitation of a worker'.

Observation:

The ANU has not reviewed all associated documents to reflect the proposed amended delegations.

CONFIDENTIALITY

Criterion 3.12

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

Finding: Conformance

Evidence:

1. File Review
2. ANU privacy Policy. ANUP_010007. Version 6 Effective 1 January 2015. Review date 31 December 2017
https://policies.anu.edu.au/ppl/document/ANUP_010007
3. ANU Forms
 - Notice of rights. No document control.
 - Frequently asked questions. No document control.
 - Rehabilitation assessment/examination form. July 2018.
 - Rehabilitation assessment/examination referral form. July 2018.
 - Rehabilitation program form. July 2018.
 - Rehabilitation program alteration form. No document control.
 - Suitable duties form. July 2018.
 - Work trial/return to work agreement. July 2018.
 - Rehabilitation program cessation. July 2018

Comment:

The ANU has in place an organisational wide privacy policy which commits to compliance with the *Privacy Act 1988* (Cth).

All forms associated with rehabilitation return to work contains a link to the ANU privacy policy.

The file review found no privacy breaches.

DOCUMENT MANAGEMENT

Criterion 3.13

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

Finding: Conformance with observation

Evidence:

1. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.
 - Chapter 9 ANU Records Management
2. File review

Comment:

The ANU employee rehabilitation information is stored in two places:

- Local restricted network (U Drive)
- Figtree IT system

Through the transitional arrangements, the ANU has had information from Comcare's Pracsys system transferred to Figtree. Figtree will become the central database for rehabilitation data as well as electronic file management. Currently, the ANU is working with NTT Data, (Figtree IT service provider), to improve the Figtree functionality. The ANU is still reliant on the localised network drive to temporarily store information such as template letters before transferring to Figtree.

In the main, the evidence provided for audit contains review dates and document control. The file review noted that in most cases the relevant documents could be easily found, as the files are still relatively small. The ANU has established a naming convention (refer to Rehabilitation Manual) for files and documentation with Figtree.

Three files were found to not comply with this criterion as some of the documents were either not transferred to Figtree from the U Drive or were not clearly labelled.

ELEMENT 4: MEASUREMENT AND EVALUATION

MONITORING

Criterion 4.1

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

Finding: Conformance

Evidence:

Governance and reporting

1. Work health and safety committees and representative's procedure. ANUP_015808. Version 2. Effective date 1 July 2017. Review Date 1 July 2020.
2. ANU Work Health and Safety Council Report. 1 January -31 August 2018.
3. ANU Work Health and Safety Council Report. 1 January – 31 October 2018.
4. ANU Work Environment Group – Workers Compensation Status Report. Quarter 3. 1 January – 30 September 2018.
5. ANU Performance Report Quarter 1 2018-2019.
6. BRM Rehabilitation Management System Audit 7-8 March 2018
7. RMS Corrective action plan 2018-2019

Comment:

As discussed in criterion 2.3, the ANU has established a set of performance measures and targets to monitor its core rehabilitation activities, these are:

- Return to work rate to pre-injury duties – 90%
- External audit results for rehabilitation – 80%
- LKPIs 100%

The ANU Work Environment Group – Workers Compensation Status Report monitors and reports on claims and rehabilitation performance. This report contains detailed information on all active open compensation cases and performance against the Commission’s LKPI.

Page 16 of the report provides information on the return to work status of ‘active compensation claims’; this includes same job and same employer, (pre-injury duties), in amongst other variables. The presentation of this information does not highlight or inform the reader that one of the performance measures and targets is the 90% return to work pre-injuries duties.

The ANU WHS Council report is at a much higher level covering both work, health and safety metrics, Commission indicator reporting and claims performance. Audit information in relation to claims management systems, rehabilitation management systems and work health and safety systems is provided.

Criterion 4.2

The rehabilitation authority monitors rehabilitation providers' performance in terms of quality of service delivery, costs, progress reports and outcomes.

Finding: Conformance with observation

Evidence:

1. Discussion with Staff
2. Discussion with Manager Injury and Claims
3. Email from RCM dated 24 July 2018 to Recovery Partners titled Initial contacts.
4. Workplace Rehabilitation Provider Service Level Agreement. APM. Dated 6 November 2018.
5. Workplace Rehabilitation Provider Service Level Agreement. Rehabilitation Service. Dated 6 November 2018.
6. Rehabilitation Manual. Version 4.0. Issued 1 July 2018. Review date 1 July 2019.
7. File review

Comment:

Until recently the ANU did not have an SLA in place with WRPs and it was expected that the RCMs would monitor WRP performance on a case by case basis. The file reviews and discussions with staff demonstrated that, in the main, the RCMs did establish and maintain regular on-going communication with the WRPs which they engage. However, the file review did not see evidence of a structured approach to assessing WRP performance or a review of the services against cost and relevance for each case.

The recently signed SLAs with APM and Rehabilitation Services set out service delivery expectations and have regard to Comcare’s fee guidance for WRP services. This will allow the ANU to develop a more structured approach to monitoring WRPs.

Two files within the scope of this audit were found not to comply with this criterion. While the scope of this audit commences from 1 July 2018, the auditors have also reviewed file activity prior to this date and provided commentary in the file summary. The pre-scope information is not used for the purposes of making a finding against the selection criterion but the ANU may consider this useful as a learning opportunity.

Observation:

The ANU has not developed a structured approach to monitoring WRPs against the SLAs.

AUDITING AND REPORTING

Criterion 4.3

The rehabilitation 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 rehabilitation management system.

Finding: Conformance

Evidence:

1. BRM Risk Management Pty Ltd proposal for claims and rehabilitation audits January 2019
2. BRM Risk Management PTY Ltd Rehabilitation Management System Audit. 7-8 March 2018.

Comment:

The ANU, prior to the granting of their self-insurance licence, was a premium payer under the Comcare scheme and as such was required to have an RMS place, which is monitored regularly through audit. Evidence of this was provided by ANU in the form of an audit report provided by BRM Risk Management dated 7-8 March 2018.

The ANU has continued to engage BRM Risk Management and has scheduled an RMS audit for January 2019.

BRM Risk Management is a known auditor to Comcare in this area and has undertaken audits of other licensees in the scheme.

Criterion 4.4

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

Finding: Not able to verify

Evidence:

1. Work health and safety committees and representative's procedure. ANUP_015808. Version 2. Effective date 1 July 2017. Review Date 1 July 2020.
2. ANU Work Health and Safety Council Report. 1 January -31 August 2018.
3. ANU Work Health and Safety Council Report. 1 January - 31 October 2018.

4. ANU Work Environment Group – Workers Compensation Status Report. Quarter 3. 1 January – 30 September 2018.
5. ANU Performance Report Quarter 1 2018-2019.
6. BRM Rehabilitation Management System Audit 7-8 March 2018
7. RMS Corrective action plan 2018-2019

Comment:

Prior to the granting of their self-insurance licence the ANU reported to its executives RMS audit outcomes as a premium payer. There is no evidence to indicate that this reporting will not continue. However, since the grant of licence the ANU has not undertaken an RMS audit and therefore has not had to present RMS audit outcomes to its executives. Therefore, a rating of 'not able to verify' has been given.

Criterion 4.5

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

Finding: Not able to verify

Evidence:

1. BRM Risk Management Rehabilitation Management System Audit report 7-8 March 2017
https://services.anu.edu.au/files/guidance/Rehabilitation%20Management%20System%20Audit%20Report%202017_0.pdf

Comment:

As discussed previously, as a premium payer, the ANU published the RMS audit reports on the ANU internet. There is no evidence to suggest that this practice would not continue now that the ANU is a self-insurer under the Comcare scheme. As the ANU has not undertaken an RMS audit since obtaining a self-insurance licence this criterion cannot be met. Therefore, a finding of 'not able to verify' has been given.

Criterion 4.6

The rehabilitation authority provides the Commission or Comcare with reports or documents as requested.

Finding: Conformance

Evidence:

1. BRM Risk Management Pty Ltd proposal for claims and rehabilitation audits January 2019
2. BRM Risk Management PTY Ltd Rehabilitation Management System Audit. 7-8 March 2018.
3. Evidence listed in this report
4. Discussion with Manager Injury and Claims

Comment:

Prior to the grant of license, the ANU provided Comcare with information to assist with the licence application. In the four months since the grant of licence the ANU has

complied with providing information as requested through the Comcare Data Warehouse (CDW) and evidence in preparation for this audit.

ELEMENT 5: REVIEW AND IMPROVEMENT

CONTINUOUS IMPROVEMENT

Criterion 5.1

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

Finding: Not able to verify

Evidence:

1. BRM Rehabilitation Management System Audit 7-8 March 2018
2. RMS Corrective action plan 2018-2019
3. Discussion with Manager Injury and Compensation

Comment:

The ANU as a premium payer demonstrated a cycle of on-going audit and corrective action implementation to ensure that the RMS is robust and meets the requirements of the SRC Act and Guidelines. Since obtaining the licence to self-insure, the ANU will continue to implement this continuous improvement process, however in the four months since becoming a licensee, verification that continuous improvement has occurred is difficult.

Discussions with the MIC indicate that the following activities are planned to continuously improve ANU's RMS:

- Implementation of a more structured approach to WRP monitoring
- Ongoing review of performance measures to drive RMS outcomes
- More robust management of cases once the vacancy has been filled.

Given that the ANU only commenced as a licensee in July 2018, there has been insufficient time to commence implementation of these activities.