

Charter of Partnership

Between

Comcare

and the

ACT Public Service

2011 – 2013

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1. Introduction

Workers' compensation arrangements for ACT Public Sector (ACTPS) workers are provided under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

The ACTPS has been declared to be a Commonwealth authority under the SRC Act and the principal officer (as a Commonwealth authority for the purposes of the SRC Act), is the ACT Commissioner for Public Administration.

Safety in ACTPS workplaces is regulated under the ACT's *Work Safety Act 2008* which is administered by WorkSafe ACT.

Comcare and the ACTPS have a range of responsibilities under the SRC Act. Comcare is responsible for administering workers' compensation arrangements for ACTPS workers under the provisions of the SRC Act.

As the Territory's "principal officer" the powers of the ACT's Commissioner for Public Administration in relation to rehabilitation responsibilities are delegated on a Directorate or Territory instrumentality basis.

Comcare and the ACTPS must fulfil their respective statutory responsibilities independently and each will not seek to improperly influence the other in meeting their responsibilities. Both parties must adhere to their duties and obligations imposed by the Privacy Act 1988.

This Charter of Partnership details the cooperative approach between Comcare and the ACTPS in effectively managing work-related injuries.

2. Agreement Goals

The overall goals of this agreement are to:

- Implement an arrangement that delivers effective and sustainable return to work outcomes for injured employees and for managing the financial impact of workplace injury on the ACTPS;
- Ensure a holistic and integrated approach to the management of all ACTPS workers' compensation claims; and
- Improve Comcare's understanding of, and service delivery, to the ACTPS.

3. Comcare's Role and Responsibilities

Comcare is committed to working effectively with the ACTPS and will ensure that its SRC Act obligations are met through the provision of workers' compensation claims services to ACTPS Directorates consistent with the provisions of the SRC Act.

These services include amongst other things: determining liability for initial claims and ongoing benefits, ongoing claims management and managing requests for reconsiderations and appeals to the Administrative Appeals Tribunal (AAT).

In addition, Comcare will implement a targeted, individually customised management strategy for all ACTPS claims and provide ACTPS Directorates with rehabilitation/return to work advice and assistance.

Comcare will also provide training and education where requested and a dedicated Relationship Manager to address the ongoing service needs of the ACTPS.

3.1 Claim Registration

On receipt of a claim for workers' compensation benefits Comcare will:

- Register a claim within 2 working days of receipt and telephone the injured worker and the employing Directorate to advise:
 - Who the Comcare Claims Service Officer (CSO) will be investigating the claim;
 - When all the information has been received, who the Comcare Claims Service Officer will be for determining the acceptance/rejection of the claim; and
 - The anticipated timeframe for determination.

3.2 Initial Liability Determinations

In determining claims, Comcare will:

- Maintain information in relation to all claims lodged by ACTPS workers;
- Determine claims in accordance with the SRC Act and Comcare policy and guidelines;
- Ensure that injured workers and Directorates are kept informed by telephone, at agreed timeframes, of the progress of the claim and the anticipated timeframe for determination;
- Ensure that an appropriate investigation process is implemented and, consistent with sections 69(a) and 72 of the SRC Act, determine claims accurately and be guided by equity, good conscience and the substantial merits of the case, without regard to technicalities;
- In relation to all psychological injury claims, ensure that medical evidence and a precise diagnosis is obtained from an appropriately qualified medical practitioner;
- Ensure that all liability decisions are documented appropriately and are able to be accessed in a timely manner;
- Telephone ACTPS injured workers and Directorates to advise of all initial liability determinations prior to dissemination of the written determination; and
- Ensure that Claim Services Officers are appropriately qualified/experienced to do so and they have sufficient understanding of the ACTPS business working environments.

3.3 Management of Claims

In managing accepted workers' compensation claims, Comcare will:

Claim Triage and Determining ongoing benefits

- Post initial liability determination telephone the injured worker and their employer to advise who their CSO will be and what team will be responsible for the ongoing management of their entitlements and benefits;
- In the event of a change in CSO, Comcare must, at a minimum have a consistent process in place to ensure continuity of care and effective claim handover. The process must ensure that:
 - A review of the claim and the management strategy occurs at the time of handover; and
 - The CSO receiving the claim makes contact with the Directorate, the injured worker and affected parties to establish working relationships within 5 working days of taking over responsibility for the claim.
- Determine requests for ongoing benefit entitlements within 5 working days. Where this is not possible, the CSO will ensure that the injured worker and their employer are kept informed by telephone, at least every 2 weeks, of the progress with assessment of the claim and the anticipated timeframe for determination;
- Ensure that an appropriate investigation process is implemented and, consistent with sections 69(a) and 72 of the SRC Act, determine claims accurately and be guided by equity, good conscience and the substantial merits of the case, without regard to technicalities;
- Ensure that all liability decisions are documented appropriately and are able to be accessed in a timely manner;
- Contact injured workers and their employer to inform them about ongoing entitlement and benefit determinations prior to dissemination of such determinations; and
- Ensure that those people providing such advice are appropriately qualified/experienced to do so and they have sufficient understanding of the ACTPS business working environments.

Customised Management Strategies

- In conjunction with the injured worker and their employer, develop and implement an individually customised management strategy for all ACTPS claims. This targeted strategy will focus on a holistic approach, such that the management of the claim and the employer's return to work activity are fully integrated and focused on improving health and return to work outcomes for injured workers;
- Conduct systematic and event driven claim reviews and facilitate injured worker claim conferencing in accordance with the ACTPS/Comcare Claim Conferencing Model.

Return to Work Advice and Assistance

- Support effective and early return to work of injured workers by providing targeted rehabilitation advice. This advice will be specific to the circumstances of the individual worker's injury and the particular business environment in which the injured worker is to return to work; and
- Ensure that CSOs and injury management advisors providing such advice are appropriately qualified/experienced to do so and they have sufficient understanding of the ACTPS business working environments.

Fraud Investigation

- Initiate an investigation of all allegations of fraudulent activities where circumstances identify that this is required and keep the relevant ACTPS Directorate informed of investigation developments and outcomes when appropriate.

3.4 Decision Review: Reconsideration of a Determination

In managing a request for reconsideration of a determination submitted by an ACTPS Directorate or an injured worker, Comcare will:

- Acknowledge all requests for reconsideration in writing to both parties within two working days of receipt by the Review team;
- Provide both parties opportunity to submit any necessary further factual or medical evidence;
- Ensure that injured workers and their employer are kept informed by telephone, at least every 2 weeks or as otherwise agreed, of the progress with assessment of the reconsideration and the anticipated timeframe for re-determination; and
- Telephone both parties to advise of the outcome of the reconsideration prior to dissemination of the written determination.

3.5 Appeals to the AAT

In managing an appeal that has been made to the AAT Comcare will:

- Advise both parties of the existence and nature of the appeal within two working days of receiving notice of the appeal;
- Ensure that both parties are aware of all pending conferences and hearing dates and provided with the opportunity to attend where appropriate;

- Ensure that the relevant HR Director is apprised of the outcome of all hearings and conferences and are aware of any further investigations or key next steps in the AAT process;
- Communicate with the employer prior to any AAT settlement decisions being made; and
- Where a decision has been made on an appeal by the AAT, communicate this decision to both parties by telephone once the decision is known, and then subsequently communicate the decision in writing.

3.6 Third Party Payment Recoveries

In managing the recovery of third party payments, Comcare will:

- Flag potential third party matters upon receipt of a claim or as soon as a recovery potential is identified during the progress of a claim;
- Inform the relevant ACTPS Directorate and injured worker of any third party recovery action; and
- Keep the relevant ACTPS Directorate and injured worker informed of key progress of any third party action and any associated outcomes.

3.7 Education and Awareness

In understanding the provisions of the SRC Act and the responsibilities of all parties involved, Comcare will:

- Ensure that its staff involved in the management of ACTPS claims receive training in the interpretation and application of the SRC Act and have the skills and expertise with which to perform their claims determination and management functions;
- Provide training for ACTPS workers, either through Comcare's training program or customised courses where required;
- Attend forums and information sessions with ACTPS Directorates to develop their understanding of the ACTPS working environment; and
- Provide a range of publications to support ACTPS Directorates to meet their injury management responsibilities.

3.8 Relationship Management

Comcare will provide a relationship manager for the ACTPS. The Comcare Relationship Manager will work as a liaison point between Comcare and the ACTPS with a focus on matching the service needs of the ACTPS with Comcare's service delivery model enhancements to assist in improving workers' compensation performance.

The relationship manager will be Comcare's representative for the shared management of this Charter of Partnership.

The Relationship Manager is accountable for:

- Defining the current and on-going issues, needs and relationship support requirements for the ACTPS in conjunction with the Chief Minister and Cabinet Directorate (CMCD). Whilst not a decision-maker in individual cases, the Relationship Manager has authority to facilitate a resolution of service delivery issues;
- Maintaining and improving relationships between Comcare and the ACTPS and ensuring that ACTPS Directorates have access to the full range of Comcare's services and expertise;
- Facilitating the development and implementation of an ACTPS/Comcare case conferencing model that focuses on prioritising active case management, shared accountability for outcomes and the implementation of an individually customised strategy on all ACTPS claims;
- Assisting Comcare Claims Services Officers and Injury Management Advisers to provide targeted claim and injury management services;
- Acting as the primary point of contact for ACTPS Directorates to ensure that any non-routine issues raised are referred to the relevant area in Comcare and actioned in an appropriate and timely manner;
- Adopting a proactive approach to the identification of emerging and strategic issues, including those relating to matters being disputed and litigated, at both an individual Directorate and whole-of-government level and ensuring that representatives of CMD are kept fully abreast of these issues;
- Helping Comcare to identify opportunities to assist the ACTPS with strategic initiatives to influence improvements in workers' compensation performance through attendance at regular meetings with CMD and other ACTPS Directorates and the attendance and participation in relevant ACTPS forums such as OHSRAC;
- Connecting ACTPS Directorates with other entities within both the public and private sector to share and identify opportunities for better practice in both injury prevention and the management of injured workers; and
- Identifying and implementing opportunities for improved communication and collaboration between Comcare and ACTPS staff. This entails ensuring that Comcare's existing information sharing mechanisms including Comcare's *Working with You* magazine, Safety Essentials Bulletins, Comcare seminars and forums, case manager network forums, Employer Network forums, Comcare website publications and e-blasts are marketed to and reach the appropriate audience.

3.9 General Communication Commitments

In ensuring effective communication and consultation with ACTPS Directorates, Comcare will:

- Keep ACTPS Directorates informed of key contacts within Comcare;
- Respond to telephone inquiries within 1 working day;
- Respond to correspondence in a timely manner and inform ACT Directorates of the progress of the matter if a response cannot be provided promptly; and
- Provide a complaints handling process to investigate and respond to all complaints received by ACTPS Directorates and their injured workers relating to Comcare.

4. ACTPS Role and Responsibilities

The ACTPS is committed to working effectively with Comcare and will ensure its SRC Act obligations are met and Directorates will work actively to ensure healthy and safe working environments for its workers, consistent with the provisions of the *Work Safety Act 2008*.

4.1 Liability/ Management of Claims

To assist Comcare in managing claims, ACTPS Directorates will:

Claim determination and management

- Submit all claims for workers' compensation to Comcare within 5 working days of receiving the claim from an injured worker;
- Provide accurate, relevant and complete documentation when submitting claims for workers' compensation including a statement of facts associated with the claim where necessary;
- Keep Comcare informed of developments in the workplace that impact on workers' compensation matters;
- Respond to requests from Comcare in the requested period, or notify as soon as possible of any delays;
- Monitor open claims and provide any information required to Comcare in a 5 working days or notify as soon as possible of delays in responding;
- As an integrated part of a Directorate's injury management responsibilities, monitor all potential 'at risk' claims in conjunction with Comcare to identify and implement appropriate approaches to the management of the claim;

- Work in conjunction with Comcare and the injured worker to develop and implement an individually customised management strategy for all ACTPS claims; and
- Where necessary, assist in the review of claims and participate in injured worker claim conferencing in accordance with the ACTPS/Comcare Claim Conferencing Model.

Fraud Investigation

- Advise Comcare as soon as possible after becoming aware of circumstances regarding claims which may require investigation and provide documentation as required and appropriate.

4.2 Decision review: Reconsideration of a Determination

In relation to a request for reconsideration of a determination ACTPS Directorates will:

- Nominate an appropriate Senior Officer to assist Comcare with inquiries and information as required; and
- Submit any necessary information to Comcare within requested timeframes or notify as soon as possible of delays in responding.

4.3 Appeals to the AAT

In relation to an appeal to the AAT ACTPS Directorates will:

- In matters where the ACTPS is the applicant, notify Comcare of the appeal at the time of lodgement;
- Nominate an appropriate Senior Officer to assist Comcare with inquiries and information as required;
- Submit any necessary information to Comcare within requested timeframes or notify as soon as possible of delays in responding.

4.4 Return to Work

The ACTPS will:

- Implement whole-of-government early intervention and return to work policies and practices;
- Adhere to rehabilitation guidelines issued by Comcare under Section 41 of the SRC Act;

- Support early intervention approaches to injury management including the identification and implementation of appropriate activity as soon as an injury occurs, regardless of workers' compensation liability issues;
- Assist managers and supervisors to support injured workers and work in partnership with case managers and return to work co-ordinators at the early intervention stage and during the return-to-work process;
- Monitor all open claims and ensure that injured workers undertake a rehabilitation assessment and are supported with an appropriate return to work plan where necessary; and
- Actively seek and provide suitable duties for injured workers who are unable to return to their former duties.

4.5 Third Party Recovery

ACTPS Directorates will advise Comcare as soon as possible where a potential third party is involved in relation to a claim.

4.6 Education and Awareness

ACTPS Directorates will:

- Provide managers and supervisors with the information and training necessary to understand the nature and scope of their obligations for injury prevention, early intervention and injury management;
- Assist its workers in understanding their rights, obligations and entitlements under the SRC Act;
- Ensure that staff with specialised responsibilities for the management of injured workers receive appropriate training; and
- Where possible, ensure that relevant staff of the ACTPS attend Comcare prevention, injury and case management forums and events.

4.7 Relationship Management

The Continuous Improvement and Worker's Compensation Branch within the ACT Chief Minister and Cabinet Directorate (CMCD) has overall responsibility for developing government-wide policies and initiatives to improve injury prevention and injury management across the ACTPS.

Accordingly, the Manager of the Workplace Injury Performance Team within CMCD will be the primary contact for the Relationship Manager in dealing with strategic matters relating to ACTPS workers' compensation.

4.8 General Communication Commitments

In ensuring effective communication and consultation with Comcare, the ACTPS will:

- Keep Comcare informed of key contacts;
- Respond to telephone inquiries from Comcare within one working day or within the requested timeframes;
- Respond to correspondence from Comcare in a timely manner and within requested timeframes;
- Work with Comcare to facilitate information and consultation through agreed forums and workshops.

5. Dispute Resolution

In the event that a dispute arises between the ACTPS and Comcare in relation to the operation or application of this Charter, a meeting between CMCD and Comcare will be arranged within 14 days to resolve the matter.

6. Information for Injured Workers

Comcare is committed to ensuring that injured workers receive their correct level of entitlements and are properly informed about their rights under the SRC Act.

Comcare will ensure that injured workers have ready access to information and advice on claim procedures, decision making processes, entitlements and policies through the provision of appropriate documentation, the Comcare Online Enquiry Form and the Comcare website.

ACTPS Directorates will work with Comcare to ensure injured employees are aware of their entitlements to workers' compensation by directing them to appropriate sources of information and contacts in a timely manner, consistent with early intervention strategies.

7. Workers' Compensation and Premium Management Information

Comcare and ACTPS Directorates recognise that timely, accurate and relevant information is critical to monitoring and assessing workers' compensation performance and effective claims management.

To this end, a range of information resources and reports will be provided to ACTPS Directorates by Comcare to assist in monitoring claims performance against outcomes, including on-line access to Comcare's Customer Information System (CIS) for claims information and reports.

ACTPS performance will be assessed annually through the setting of the ACTPS premium pool by Comcare with performance indicators of:

- claims frequency per 100 full time employees (FTEs)
- average cost per claim, and
- premium rate as a percentage of payroll.

In determining the premium pool required in respect of a particular financial year, an analysis of the estimates of the premium pool is undertaken twice per annum in conjunction with valuations of outstanding claims liabilities based on data as at 30 September and 31 March. Comcare will provide to CMCD copies of the ACT Scheme actuarial insurance pool reports as soon as these are available.

The first of these is considered an interim estimation and provides preliminary premium pool estimates for the coming financial year, and the second is considered to be the principal estimation and provides final premium pool estimates.

Whilst it is recognised that the interim estimates may vary prior to final premium pool determination, Comcare will provide annual written advice to the ACTPS on interim estimation and premium pool estimates for the coming financial year as soon these are known.

8. Risk Management

Comcare and the ACTPS will develop respective risk management plans to identify, assess and mitigate all potential strategic, enterprise and operational risks to ensure the effective management and early resolution of any problems impacting on the purpose and objectives of this Charter of Partnership.

The Comcare relationship manager, in consultation with a nominated ACTPS representative, will be responsible for the identification and mitigation of shared risks.

9. Reviewing the Charter of Partnership

The Charter of Partnership will be reviewed every two years or earlier where changes to the legislation or Comcare's service delivery model have a direct effect on the operation or performance of this agreement.

10. Monitoring the Agreement

This agreement will be monitored by a quarterly meeting of the GM Recovery and Support Comcare and Meg Brighton, A/g Director, Continuous Improvement & Workers' Compensation Branch, Chief Minister and Cabinet Directorate to review performance against:

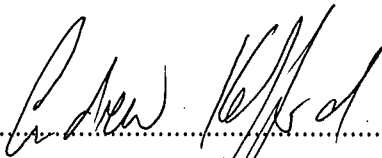
- service level standards and timeframes;

- feedback from Directorates, case managers, Comcare CSOs and the Relationship Manager on the operations of the agreement; and
- agreed metrics for outcomes and measures of success.

11. Period of Operation

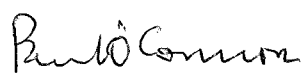
This Charter of Partnership will take effect from 1 July 2011 and will apply for a period of two years. This agreement does not bind the ACT Government to the SRC Act scheme or restrict the ACT Government from pursuing a revocation of the declaration of the ACT to be a Commonwealth Authority for the purposes of the SRC Act in accordance with Section 4a.

Agreed on behalf of ACT Public Sector Directorate and Territory Instrumentalities by:

SIGNED  September 2011

ACT COMMISSIONER FOR PUBLIC ADMINISTRATION
 (as Principal Officer of the ACT under subsection 4(14) of the SRC Act)

and

SIGNED  2 September 2011

CHIEF EXECUTIVE OFFICER, COMCARE