



Return to
WorkSA

Return to *work*.
Return to *life*.

Injury management standards and guidance notes

27 March 2024

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We recognise that Aboriginal and Torres Strait Islander people are the First Peoples of Australia.

We acknowledge that we are meeting on the traditional lands of the Kurna people and we pay our respects to the Kurna people, and their Elders, past, present and emerging.

Self Insurance Regulatory Framework Review

Summary of key focus areas



Consistent and user-friendly evaluation templates



Update the IM and WHS standards and Guidance notes



Update the Code of Conduct



Strengthen internal QA and repeatability

2023-2024



Consider the viability of our system



Consistent audit tool



Risk and consequence model and update the practice guideline



Reporting: Scheme monitoring and employer benchmarking



*Injury
Management
Standards –
Private Self-
insurers*

IM standards review



Objectives

- Reduce inconsistencies
- Clear guidance notes to support compliance.
- Streamline standards and sub-elements
- Remove unnecessary requirements
- Consider risks and address any gaps



Structure & format

OLD



NEW

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Standard 1: Condition of Registration as a self-insured employer

Element 1: Policies and Procedures

A self-insured employer shall define how it will:

- 1.1.1. Achieve the fundamental principles, rights and obligations within section 13 of the Act.
- 1.1.2. Exercise the delegated powers and discretion set out in Section 134 of the Act.
- 1.1.3. Meet the "Service Standards" set out in Schedule 5, Part 2 of the Act.

Topic	ITW Act	Specific Requirements to be Addressed	Policy/Procedure/Service Information/Notice
1.1.1. Achieve principles of Section 13 of the Act	523	Injury management documents must align to the following: <ul style="list-style-type: none">adopt a service-orientated approach that is focused on early intervention and the interests of workers and employers; andseek to act professionally and promptly in everything that it does; andbe responsible and accountable in its relationship with others; andwithout limiting a preceding paragraph, take reasonable steps to comply with any request made by a worker under section 15(2).	

Plans, strategies and injury management documents must align to the following objectives:

- ensuring early and timely intervention occurs to improve recovery and return to work outcomes including after retraining (if required); and
- achieving timely, evidence based decision-making that is consistent with the requirements of this Act; and
- wherever possible, providing a face to face service where there is a need for significant assistance, support or services; and

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Guidance Notes

Standard 1: Conditions of Registration as a Self-insured Employer

Element 1.1: Policies and procedures

A self-insured employer must define how it will:

1.1.1 Achieve the fundamental principles, rights, and obligations within section 13 of the Act.

References | 513

Guidance notes

Injury management documents must describe how to achieve the following:

- adopt a service-orientated approach that is focused on early intervention and the interests of workers and employers.
- seek to act professionally and promptly in everything that it does.
- be responsible and accountable in its relationships with others.
- without limiting the preceding paragraph, take reasonable steps to comply with any request made by a worker under section 15(2).

Plans, strategies and injury management documents must align to the following objectives:

- ensuring early and timely intervention occurs to improve recovery and return to work outcomes including after retraining (if required).
- achieving timely, evidence based decision-making that is consistent with the requirements of this Act.
- wherever possible, providing a face-to-face service where there is a need for significant assistance, support or services.
- ensuring regular reviews are taken in relation to a worker's recovery and, where possible, return to work.
- ensuring the active management of all aspects of a worker's injury and any claim under this Act.
- encouraging an injured worker and his or her employer to participate actively in any recovery and return to work processes.
- minimising the risk of litigation.
- ensuring determinations are accurate, clear and concise.

Evidence considered

Policy, procedures, standard letters, serious injury pro-forma, information kits, flyers, notice board displays

1.1.2 Exercise the delegated powers and discretion set out in section 134 of the Act.

References | 521

Guidance notes

Injury management documents must explain:

- steps to be taken to make an interim decision that an injured worker will be taken to be seriously injured where the worker has not applied.
- communication processes and steps to be taken to inform an injured worker of the application process to request an interim decision be made by the self-insurer as to whether the worker will be taken to be seriously injured.
- communication and steps to be taken to notify an injured employee whose whole person impairment (WPI) assessment in the case of a physical injury is 30% or more and in the case of a psychiatric injury is 30% or more that they have been taken to be a seriously injured worker and what entitlements are provided to a seriously injured worker.

What's changed?

- Two documents to one
- Four standards to two
- - Standard 3 - Dispute resolution
- - Standard 4 - Measurement, monitoring and review
- Less elements and sub-elements.
- Removed landscaped pages.
- Links to navigate through document
- 1.3.1 – Exercise of delegations - approval and contact details



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Key changes



Service standards and complaints



Early intervention programs



Continuous disclosure



Confidentiality



Measure, monitor & review



Income support



Recovery & RTW



Non-economic loss





Service standards and complaints

Sub-element 1.1.3 – Meet the ‘Service Standards’ set out in Schedule 5, Part 2 of the Act

Sub-element 2.1.6 – Complaints are managed in accordance with the Act and the designated complaints process

What’s changed?

- Support workers with information and understand entitlements - service standards (f) and (g)

Complaints

- 10 business day timeframe (Sch 5, 6(3))
- Detail where complaints, outcomes & remedies will be recorded
- Process for remedies ‘Wider issues’ (Sch 5, 8).
- 2.1.6 added to ensure claims managed in line with procedure.





Early intervention programs

Sub-element 1.1.4 – Manage early intervention programs (if applicable)

Sub-element 2.2.2 – Appropriate transition from early intervention program

What's changed?

- 2 new sub-elements
- Looking for evidence program and potential claim rights and entitlements communicated
- Documented roles and responsibilities for monitoring program costs and usage (Also in 1.7.1)
- Clear process for claim conversion and record retention
- 2.2.2 added to ensure claims managed in line with procedure.





Continuous disclosure

Sub-element 1.1.5 – Meet continuous disclosure requirements within the Code

Sub-element 2.1.7 – Continuous disclosure requirements within the Code have been met

What's changed?

- Aligned to The Code
- Brought requirement to notify RTWSA for systemic breaches of Act
- Reminder of requirement to notify RTWSA of changes to registration (Regs - 30 days)
- Notify RTWSA if a work related death
- 2.1.7 added to ensure claims managed in line with procedure.





Confidentiality

Sub-element 1.2.4 – Suitability of facilities and accommodation to ensure restricted access to information, including maintaining confidentiality during interaction with injured workers and service providers

Sub-element 2.1.3 – Confidentiality is maintained

What's changed?

- Expanded to incorporate management of service standard (i) and any remedy
- Aligned to registered scheme agent requirements.
- Documented process for managing potential and actual breaches and information that must be recorded
- Introduction of process for serious breach incl. RTWSA notification.
- 2.1.3 updated to ensure claims managed in line with procedure.





Measure, monitor & review

Sub-element 1.7.1 – *Processes are in place that measure, monitor and review the effectiveness of the injury management system with particular reference to sections 13, 134 and Schedule 5, Part 2 and 3 (the Service Standards) of the Act*

What's changed?

- Merged into one sub-element
- Minimum expectation for reporting to executive
- > risk (> Minimum guarantee) = more sophisticated oversight
- Includes requirement to monitor, control and remediate identified issues.
- Expectations for minimum internal checks.





Income Support

Element 2.4 – *Income Support*

Accuracy of:

2.4.1: AWE determination

2.4.2: Income support payments

2.4.3: Adjustments and reviews

2.4.4: Reductions, suspensions and discontinuances

2.4.5: Interest paid if applicable

What's changed?

- Merged duplicate sub-elements
- Sub-elements divided by activity
- More detail added on what Evaluators look for
- Process to determine first date of incapacity must be defined
- Considers case law for closed period determinations





Recovery & RTW

Element 2.5 – *Early intervention, recovery and return to work*

2.5.1: Plan contents

2.5.2: Timeliness

2.5.3: Quality

2.5.4: Consultation

2.5.5: s25(10)

2.5.6: s18 & 20

What's changed?

- Specific requirements from Act and Regs added in
- 2.5.3 added to ensure quality plan content and reviews in line with Act.
- Requirement for evidence of consultation and s25(10) review
- Requirements for s18 & s20 were expanded to align with the Act and The Code including notification to RTWSA.





Non-economic loss

Sub-element 1.1.2 – Exercise the delegated powers and discretion set out in section 134 of the Act.
- Lump sum payments – non-economic loss

2.7.1 - Permanent impairment assessments have been completed in line with the Act and relevant guidelines.

What's changed?

- 2 sub-elements – referral and determination
- Corporation to actively manage any claim or benefit under the act (s13(2)(e), s15(1)(c) and service standards (f) and (g)).
- Added 'strategies to proactively assess whether a worker's injury has reached maximum medical improvement, and communication to the worker of their potential entitlement.'
- Finalised claims with s58 potential are identified.



Next steps...

April / May 24

Consider feedback and finalise IM standards and guidance notes.
Begin consultation on updated WHS standards

Sept 24

Consult on updated Code of Conduct & Practice Guideline with new risk, consequence approach.

May/June 24

Transition in new standards (with 6 month grace period)

Business system review & review EDI requirements (dependent on Transformation program)

TBA



Questions?

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