

Proposed New SIRA Standard of Practice

Standard 34: Return to Work –
Early Intervention

Consultation
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Contents

1. Introduction.....	3
1.1. About the Standard of Practice.....	3
1.2. Purpose and Scope	3
1.3. New Standard for Return to Work – Early Intervention.....	4
1.4. Have Your Say	4
2. Standard 34: Return to Work – Early Intervention	5
3. Context.....	8
3.1. Overview.....	8
3.2. Factors Influencing Return to Work Outcomes.....	8
3.3. Capabilities and Personal Attributes of Case Managers.....	9

1. Introduction

1.1. About the Standard of Practice

SIRA's [*Standards of practice: expectations for insurer claims administration and conduct*](#) (Standards) were published in December 2018 and apply to all claims from 1 January 2019.

Changes to the Standards were made to support the commencement of reforms to pre-injury average weekly earnings (PIAWE), which apply to workers injured on or after 21 October 2019. Changes were also made to clarify expectations in relation to claims management during the COVID-19 pandemic.

All insurers are expected to comply with these Standards, except for [*Coal Mines Insurance Pty Ltd*](#) and [*the Workers Compensation \(Dust Diseases\) Authority \(Dust Diseases Care\)*](#). However, SIRA encourages all insurers operating in the NSW workers compensation system to adopt the overarching claims management principles and any relevant Standard.

Directions to comply with these Standards, including the expectations and benchmarks, may be issued to insurers under [*Division 4 of Part 7 of the Workers Compensation Act 1987 \(the 1987 Act\)*](#), which will make contravention (breach) of a requirement of the Standards an offence under [*section 209*](#) of the 1987 Act. [*Section 194\(2\)*](#) makes compliance with a direction to insurers a condition of an insurer's licence issued under the Act.

SIRA may issue a Direction to an insurer to comply with individual Standards or all of the Standards.

1.2. Purpose and Scope

SIRA developed the Standards to support and encourage insurers to have effective claims management practices to help deliver positive experiences and outcomes for workers, employers and the people of NSW.

The Standards contain [*overarching claims management principles*](#) that apply generally across all aspects of claims management and provide direction for the handling and administration of claims under the workers compensation system. These are:

Principle 1: Fairness and empathy

Principle 2: Transparency and participation

Principle 3: Timeliness and efficiency

These principles support the workers compensation system objectives outlined in [*section 3*](#) of *The Workplace Injury Management and Workers Compensation Act 1998* (1998 Act).

Individual Standards apply to particular aspects of claims management and are presented in a way to make clear the following elements:

Principle: the broad principle to be adopted by insurers when dealing with a particular aspect of a claim

Expectations: SIRA expectations for processes, procedures or methods to be applied in the handling and administration of claims relevant to that Standard topic

Benchmarks: an indication of what claims activities or actions SIRA may use to measure insurer performance against expectations.

The Standards should be read in conjunction with the requirements of the workers compensation legislation, regulation and guidelines.

1.3. New Standard for Return to Work – Early Intervention

A new Standard of practice has been developed to support and set expectations for insurers in their early management of claims. Specifically, it is designed to:

- Promote the management of claims in accordance with legislative requirements, while tailoring services to workers' needs, providing transparent communication about the process, establishing trust with the worker and focusing on early treatment and return to work.
- Support the insurer to adopt practices to assess for the risk of delayed recovery across four key domains including:
 - Personal
 - Workplace
 - Healthcare
 - Insurance and legislative
- Support the insurer to match interventions to address risks identified.

1.4. Have Your Say

SIRA is seeking your feedback in relation to the new Standard of practice by no later 5pm on Monday, 28 February 2022. Written feedback may be provided via email to:

Policy&Design@sira.nsw.gov.au

SIRA will be working to finalise any changes to enable the new Standard to come into effect by the end of the first quarter of 2022.

2. Standard 34: Return to Work – Early Intervention

Early and tailored contact with relevant stakeholders provides invaluable information to inform the early identification of potential risk factors for delayed recovery. A subsequent analysis and prioritisation of risk factors and matched intervention strategies will strengthen stakeholder commitment, prevent work loss and optimise recovery and work outcomes.

Return to Work – Early Intervention		
Principle		
Insurers will actively manage the first four weeks of a claim to establish effective relationships, assess for risk of delayed recovery and work loss, and identify and agree the tailored actions to optimise recovery and work outcomes.		
Expectations		Benchmarks
S34.1 (Early supportive contact)	<p>Insurers are to make early, supportive contact with the worker, employer and, where appropriate and reasonably practicable, the worker's treating doctor.</p> <p>Insurers are to:</p> <ul style="list-style-type: none"> show genuine concern, care and compassion in line with SIRA's Customer Service Conduct Principles seek to understand the worker's individual situation and circumstance set tailored expectations about frequency and method of agreed contact clarify rights and obligations of the worker, employer and providers determine if there is likely to be a significant injury 	<p>Evidence on claim file of contact in accordance with this Standard made within three working days of initial notification.</p>
S34.2 (Identifying risk factors for delayed recovery)	<p>For workers with a likely significant injury, insurers are to gather information about risk factors for delayed recovery across the four domains (personal, workplace, insurance and healthcare).</p>	<p>Evidence on claim file of assessment to identify risk of delayed recovery.</p> <p>(e.g. evidence of use of a risk assessment tool/checklist and/or evidence that the four domains were</p>

Standard 34: Return to Work – Early Intervention

	<p>Insurers are to analyse the information gathered to:</p> <ul style="list-style-type: none"> • appropriately allocate and/or prioritise the claim • identify key risk factors most likely to affect recovery and work outcomes (for planning) 	considered in the assessment)
S34.3 (Matching interventions to risks)	<p>Insurers are to match appropriate interventions to address identified risks for delayed recovery across four domains (personal, workplace, insurance and healthcare).</p> <p>Collaboration with the worker, employer and treating medical practitioner (where appropriate) is essential to agree and implement the matched interventions.</p>	Evidence on claim file, including documented decision-making based on risk factors identified and planning conversations with stakeholders.
S34.4 (Equipping and supporting the worker)	<p>Insurers are to:</p> <ul style="list-style-type: none"> • maximise the worker's input to their recovery • build the worker's understanding of the health benefits of recovering at work • harness the worker's strengths, abilities, preferences and goals throughout the claims process 	Evidence on claim file
S34.5 (Supporting the employer)	<p>Insurers are to support employers to:</p> <ul style="list-style-type: none"> • maintain/build a supportive relationship between the employer and the worker • identify and provide suitable work • understand and meet all their workers compensation obligations • access services required to address work related barriers 	Evidence on claim file
S34.6 (Coordinated multi domain approach)	<p>Insurers are to:</p> <ul style="list-style-type: none"> • ensure the treatment provider's approach is aligned with the Clinical framework for the delivery 	Evidence on claim file

Standard 34: Return to Work – Early Intervention

	<p>of health services and the worker's goals</p> <ul style="list-style-type: none"> ensure all stakeholders are aligned to achieving work outcomes 	
S34.7 (Develop injury management plan)	<p>Insurers are to develop a tailored injury management plan that reflects the identified risks of delayed recovery and strategies to manage those risks.</p> <p>For more detail refer to Standard 12 - Injury Management Plans</p>	Evidence on injury management plan that risks and strategies have been captured
S34.8 (Review)	Insurers are to repeat the risk assessment and planning process as appropriate based on risks, needs and change in circumstances.	Evidence on claim file
Application	This standard applies to all claims from xxxx.	

3. Context

3.1. Overview

This Standard of practice has been developed to support and set expectations for insurers about early intervention and the importance of identifying risks for delayed recovery and designing and implementing actions to address these risks.

3.2. Factors Influencing return to work outcomes

Factors with moderate to strong evidence of influencing return to work outcomes are summarised under four key domains. The evidence¹ supports the four domains as:

Personal – includes biological, psychological, behavioural and social factors relating to the worker

Workplace – considers the working environment, relationships, design, support systems and how a workplace accommodates return to work

Healthcare – includes the provision of treatment and rehabilitation

Insurance and legislative – includes claims agents, insurers, regulatory authorities and other government and non-government agencies.

A focus on an optimal outcome means a focus on early intervention. Early intervention involves actively coordinating all stakeholders from the first conversation to the point of developing an injury management plan, including:

- early and supportive contact
- assessing risk for delayed recovery
- matching interventions to identified risks (injury management planning)
- equipping the worker to drive their own recovery
- supporting the employer to provide suitable work
- a coordinated multi-domain approach to ensure work focused outcomes.

A consistent and high quality early intervention approach enhances stakeholder experience and outcomes.

Implementing the overarching claims management principles when communicating with all stakeholders is critical in optimising return to work outcomes. These principles support the workers compensation system objectives outlined in [section 3](#) of the 1998 Act.

¹ Collie, A., Lane, T., Di Donato, M. and Iles, R. August 2018. Barriers and enablers to RTW: literature review. Insurance Work and Health Group, Monash University, Melbourne, Australia.

3.3. Capabilities and personal attributes of case managers

The evidence^{2 3} supports it is essential for case managers to have a range of capabilities and personal attributes to be successful in delivering high quality case management. These include:

- commitment to ongoing professional development
- strong communication and problem-solving skills
- ability to collaborate with diverse stakeholders
- empathy
- resilience
- emotional intelligence.

For complex claims formal qualification and/or recognition of prior experience is required.

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² Safe Work Australia. 2017. Taking action: A best practice framework for the management of psychological claims in the Australian workers' compensation sector.

³ Moo, A., Bywood, Dr P., Clark, B., McMillan, Dr J. July 2021. Best Practice for Person-Centred Case Management: A Literature Review. Institute for Safety, Compensation and Recovery Research, Melbourne Victoria.

Disclaimer

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident compulsory third party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers.

However to ensure you comply with your legal obligations you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website legislation.nsw.gov.au

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals, or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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