 <p>BAY OF PLENTY DISTRICT HEALTH BOARD HAUORA A TOI</p>	<p>HEALTH AND SAFETY – INJURY MANAGEMENT, ACCIDENT CLAIMS, RETURN TO WORK, COMPLAINT AND REVIEW PROCESS</p>	<p>Policy 5.3.1 Protocol 6</p>
<p>HEALTH & SAFETY PROTOCOL</p>		

STANDARD

The Bay of Plenty District Health Board (BOPDHB) will take a functional approach to management of accident claims, rehabilitation programmes, and actively manage any concerns, complaints and reviews that arise during the injury management process.

The BOPDHB ensures active procedures are in place for ensuring that timely and appropriate rehabilitation is provided in an open, consultative manner, and in line with relevant legislation and Accident Compensation Corporation (ACC) accredited employers programme.

All employees injured as a result of a work or non-work related accident are supported and provided rehabilitation so they can safely return to contracted work duties as soon as is possible. Initially this may be under an alternative duties work programme or where possible returning to their normal work duties. Return to work efforts will be guided by ACC medical certificates and related assessment reports, which will be discussed and agreed with the affected employee.

All work and non-work related injury claims, rehabilitation and return to work processes are managed in accordance with the contract between the BOPDHB, ACC and the Third-Party Administrator (TPA).


The employee's privacy of information relating to accident claims, whether physical or electronic media, is paramount. Accident claim/injury management information shall be kept separate from an employee's employment record.

The BOPDHB ensures that there is an effective process to manage complaints and reviews as they arise, this process complies with the ACC Act and other relevant legislation.

PURPOSE

- To ensure that BOPDHB employees are treated fairly and kept informed of all decisions made in respect to a claim, rehabilitation and their return to work.
- To ensure claims and rehabilitation needs of employees are identified and provided by an external injury / illness management company (Third Party Provider) in conjunction with the BOPDHB employee.
- To manage the process in relation to injuries of a claimant. The Third-Party Provider has the obligation of ensuring that the claimant is rehabilitated in a timely and appropriate manner.
- To ensure that all employees requiring rehabilitation are provided with an effective programme so they can return to work following injury / illness as soon as possible.
- The following principles underlie the BOPDHB's commitment to rehabilitation:
 - The sooner a person gets back to work after an injury the better the chance of recovery and the less the likelihood that the injury will become long term.
 - Quick action after an injury is a proven strategy for successful and durable return to work.
- To manage direct and indirect costs to the organisation.
- To adhere to appropriate legislation

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STANDARDS TO BE MET

1. Rights and Responsibilities

1.1. The Injured Employee's Rights

- a) The BOPDHB is committed to supporting our employees according to the Code of ACC claimant rights.
- b) To choose their treating medical practitioner.
- c) To have access to appropriate externally funded financial and social compensation following injury and during rehabilitation.
- d) To be meaningfully involved in all decisions and actions relating to their injury management.
- e) Have all personal information kept confidential by the parties authorised to have the information.
- f) Have access to all relevant information.
- g) Have a copy of their Individual Rehabilitation Plan (IRP)
- h) Has the IRP changed where it is proving ineffectual or unsatisfactory.

1.2 The Injured Employee's Responsibilities

- a) The injured employee is responsible for ensuring that they seek the appropriate medical treatment, where practicable.
- b) The injured employee is also required to complete an online Incident Management form (Datix). Follow process as outlined in policy 2.1.4 protocol 2 Incident Management – Decision Making Process.
- c) Is required to complete an ACC45 or ACC18 form at their treatment provider.
- d) A copy of the ACC45 or ACC18 form is to be forwarded promptly to Third Party Provider (TPP) by the treatment provider.
- e) To participate in a rehabilitation programme when required / appropriate according to ACC Act 2001 and to take overall responsibility for their own rehabilitation. Where an injured employee fails to co-operate in the rehabilitation process the Accident Insurance Act (section 116) provides for action to be taken in the form of suspension or cancellation of entitlements.
- f) To work the hours stated on the Return to Work Plan (RTW).

1.3 Rights of BOPDHB

BOPDHB is to:


- a) Determine a claim for compensation in accordance with the Accident Insurance Act 1998.
- b) Be kept informed of the medical status and progress of amendments to the IRP.

1.4 Responsibilities of BOPDHB

BOPDHB is responsible for:

- a) Paying injured employees appropriate weekly payments, allowances, benefits and other costs as defined in the Accident Insurance Act 1998.
- b) Paying relevant treatment and rehabilitation expenses.
- c) Ensuring there is an adequate rehabilitation in place for injured employees.
- d) Participating in the rehabilitation process for injured employees.
- e) Where an injured employee cannot return to their pre-injury position, providing wherever possible, appropriate work at the same or equivalent level.
- f) In situations where an employee is not co-operating in the rehabilitation process, prior to suspending or cancelling an individual's entitlements, every reasonable effort will be made by the case manager and BOPDHB to engage the employee in the rehabilitation process.

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1.5 Employee’s Line Manager’s Responsibilities

- a) Needs to ensure that the injured employee has completed the online Incident Management form (Datix).
- b) Needs to check that the ACC45 or ACC18 form has been forwarded to TPP and Occupational Health or advise the employee to do so.
- c) Liaise with payroll to ensure that weekly compensation payments are paid.
- d) Identifies suitable alternative duties where possible to enable an early return to work.
- e) Actively participate in the rehabilitation and return to work planning process.

1.6 Specialty Nurse, Occupational Health

- a) Check that an online Incident Management form (Datix) and the ACC45 or ACC18 form are completed within two (2) days.
- b) Liaise with TPP on the management of the claim.
- c) Have delegated authority within the BOPDHB to accept an injury / illness as work related or not.
- d) Occupational Health provides support and information to the injured employee.
- e) Follow TPP Rehabilitation and Claim process requirements as defined in the TPP Manual.

1.7 Health and Safety Manager

- a) Be the designated “single point of contact” responsible for ACC notification and liaison for fatal claims, serious injury claims or claims of a sensitive or complex nature.
- b) Be the contact person for disputes involving decisions on claims.
- c) Will develop, review and agree KPI’s annually for the Third Party performance against ACC standards
- d) Monitor on a quarterly basis Third Party Providers performance against the agreed KPI’s

1.8 Union and H&S Representatives

Union and H&S Representatives are to be consulted in the preparation of rehabilitation plans if the injured staff member requests this.

1.9 Controlled Document Review and Implementation

This controlled document is to be reviewed and implemented in consultation with Union and H&S Representatives.

2. General

2.1 Determining The Need For Rehabilitation

Rehabilitation is generally required when:

- a) There is a medical certificate for seven (7) days off work with no clear prognosis.
- b) The employee has been off work and / or completing light duties as a result of an injury for seven (7) days.
- c) The employee is not able to return to pre-injury duties, even temporarily.
- d) The employee is not recovering.
- e) Medical opinion indicates that work tasks or equipment need to be altered.
- f) It is apparent that the employee may never be able to return to current duties due to the severity of the injury.

2.2 Case Manager

- a) In all circumstances where a rehabilitation programme is required a case manager will be allocated to work with the injured employee.

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- b) The case manager will ensure that an Individual Rehabilitation Plan (IRP) is established for each employee who has an injury that involves seven (7) or more days of total incapacity for work.
- c) The case manager will liaise with any parties involved in the treatment or occupational rehabilitation of an injured employee or involved with the workplace to assist an injured employee to remain at or return to suitable work.
- d) The case manager will monitor the progress of the injured employee.
- e) The case manager will take steps to, as far as is practicable, prevent recurrence or aggravation of the relevant injury upon the employees return to work.
- f) The case manager will assist in meeting legislative requirements for occupational rehabilitation, return to workflows and the health and safety programme.

2.3 Developing An IRP

- a) The case manager will work with the injured employee and any other relevant BOPDHB staff to establish an IRP.
- b) The IRP should be developed within 14 days before covering being accepted.
- c) The injured employee must understand and agree with the IRP.
- d) Steps in the IRP development and review process:
 - i. Gathering of information.
 - ii. Setting the return to work goals.
 - iii. Identifying suitable duties.
 - iv. Hold meetings with the injured employee and the relevant line manager to gain commitment to, and agreement for, the IRP.
 - v. Check with treating doctor prior to implementation to ensure the work duties are appropriate.
 - vi. Implementation of the IRP.
 - vii. Progress is monitored and IRP reviewed.
 - viii. All goals of IRP met.
- e) The IRP will contain objective; goals; strategies or actions; target dates for completion; review dates and evaluation points; closure; and will be signed by the injured employee and the case manager.
- f) If an employee has a signed off IRP that includes a return to work plan their salary / wages will be topped up to full pay.

2.4 Options For Consideration In The Individual Rehabilitation Planning Process

Three (3) options are generally available for consideration depending on the individual employee's circumstances. They are:

- Rehabilitation and return to the employees existing position
 - Work Trial Plan
 - Vocational Independence Process
- a) Rehabilitation
A plan to return the person back to their normal work / duties to ensure that the injured employee returns to a workplace where they are supported. This will be supervised by the Manager on day shift for a period of time. Initially Monday to Friday and thereafter eased into their contracted duties and role.
 - b) Work Trial Plan
 - i. Work trials are a programme of work-related tasks undertaken which will build an injured employees physical, emotional and mental capacity, tolerance, endurance and work performance.

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- ii. Each work trial plan must be developed and reviewed having regard to the individual needs of the employee, should be function orientated and have an expected outcome of work placement.
- iii. All possible options should be exhausted prior to a work trial plan being approved.
- c) Vocational Independence Process
 - i. A process outlined in the Accident Compensation Act 20021 for assessing and matching skills an injured employee has with their medical capabilities.
 - ii. For employees whose injuries do not resolve, a range of assessments are required to plan ongoing rehabilitation interventions.

3. Complaints and Disputes Resolution Process

3.1 Concerns & Formal Complaints

- a) All injured employees can either raise concerns or issues about a potential breach of their rights, they can be lodged via multiple methods: their Manager, TPA or the BOPDHB Complaints Manager. Employees can also lodge complaints directly to ACC who will investigate and determine the action required to resolve the complaint.
- b) Concerns and complaints will be raised with the TPA General Manager, as appropriate, if resolution is not achieved via contact with the local TPA Case Manager. The BOPDHB is committed to resolving workers concerns and complaints, where possible.

3.2 Complaints & Disputes Register

- a) The BOPDHB maintains a Complaints and Disputes Register on DocMan – Health and Safety. The BOPDHB’s Health and Safety Manager maintains this register in accordance with the relevant timeframes and updated information. The Register is reviewed monthly by the Injury Management Review Team.


3.3 Review Application

- a) All decisions issued on the work injury claims are issued with review rights. On receipt of a review application, the BOPDHB will conduct an informal review in consultation with its Third-Party Administrator (WorkAon), who will manage the ACC review timeframes.
- b) If the dispute cannot be resolved to the employee’s satisfaction, the review application will be lodged with FairWay Resolution to schedule a review hearing.
- c) Learnings / changes in process arising from the lodged concern or dispute will be reflected in the annual evaluation of complaints and disputes.

3.4 Evaluation Procedure

- a) The effectiveness of the complaints / disputes procedure is reviewed annually, however should there be an overturned decision a more frequent review will arise.

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3.5 Complaint / Dispute Timeframes

Dispute Type	Detail	Timeframe	Responsibility
Internal Complaint	Acknowledgement of complaint via phone call, email or text.	Within two (2) working days	BOPDHB Complaints Manager and/or TPA
	Entry onto Complaints and Disputes Register	Once contact made above	BOPDHB Health and Safety Manager
	Complaints and Disputes Register updated / reviewed	Monthly	Injury Management Review Team
External Complaint	Contact made with complainant	Within seven (7) working days	TPA <i>in most instances</i>
	Entry onto Complaints and Disputes Register	Once contact made above	BOPDHB Health & Safety Manager
	Formal Hearing – FairWay Resolution	Claim lodged with FairWay Resolution	TPA
		BOPDHB representative to be present	BOPDHB Health & Safety Manager
	Overtaken decision	Learnings reviewed	BOPDHB Health & Safety Manager and / or Complaints Manager
Complaints and Disputes Register updated / reviewed	Monthly	Injury Management Review Team	

ASSOCIATED DOCUMENTS

- Bay of Plenty District Health Board Health and Safety controlled documents
- Complaints & Disputes Register
- WORKAon Manual (latest published version)
- Bay of Plenty District Health Board Health policy 2.1.4 Incident Management
- Bay of Plenty District Health Board Health policy 2.1.4 protocol 1 Incident Management - Processes

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