

31 January 2022

[REDACTED]

Tēnā koe [REDACTED]

**Your Official Information Act request, reference: GOV-015967**

Thank you for your email of 14 December 2021, asking for the following information under the Official Information Act 1982 (the Act):

- *Conciliation and Review Process Services ACC Claimants have access to, that are using Primarily a Judicial Focus*
- *Conciliation and Review Process Services ACC Claimants have access to, that are using Primarily a Profit Focus*
- *Systems the ACC have in place to ensure Profits are not interfering with decision making and outcomes of Conciliation and Review Process Services*

**Our response**

In compiling a response to you, we would first like to clarify how we have decided to approach your request. As ACC does not frame services with any intention to be 'judicial' or 'profit' focused, particularly where reviews or dispute resolutions are concerned, we have decided instead to provide you with relevant documentation related to these processes. These services are utilised to fairly assess a claim and attend to a client's needs in a structured format that enables the client to address any objections or issues they have with a decision on their claim or its management by a third party.

As such, we are refusing your first and second question as the information does not exist. This decision has been made under section 18(e) of the Act.

It is important to note that where a review hearing is undertaken to assess a claim, the use of independent review contractors such as Fairway and ICRA is an intentional effort to provide an objective third party assessment and ensure there is both agreement on the claim decision made and that there is no existence of bias from ACC in making these decisions. Similarly, the use of external Medical Case Reviewers provides the same function in assessing a client's claim through an objective assessment, external to ACC's internal advisors.

In the attached appendix we have provided you with the following documents that should assist in your understanding of the various services available to clients and how they are conducted.

*Accept or Decline Late Review Application*  
*Complete Background Review*  
*Conduct Initial Customer Contact*  
*Prepare and Lead an Internal Resolution Consultation*  
*Prepare and Attend an Alternative Dispute Resolution*  
*Prepare and Attend Case Conference*  
*Prepare and Attend Review Hearing*  
*Implement Resolution Outcomes*  
*Close Review*

Please note that the staff named in the documents attached are subject matter contacts for internal queries, they are not staff who created or updated the policy.

**How to get in contact**

If you have any questions, you can email me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz).

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by phoning 0800 802 602.

Nāku iti noa, nā

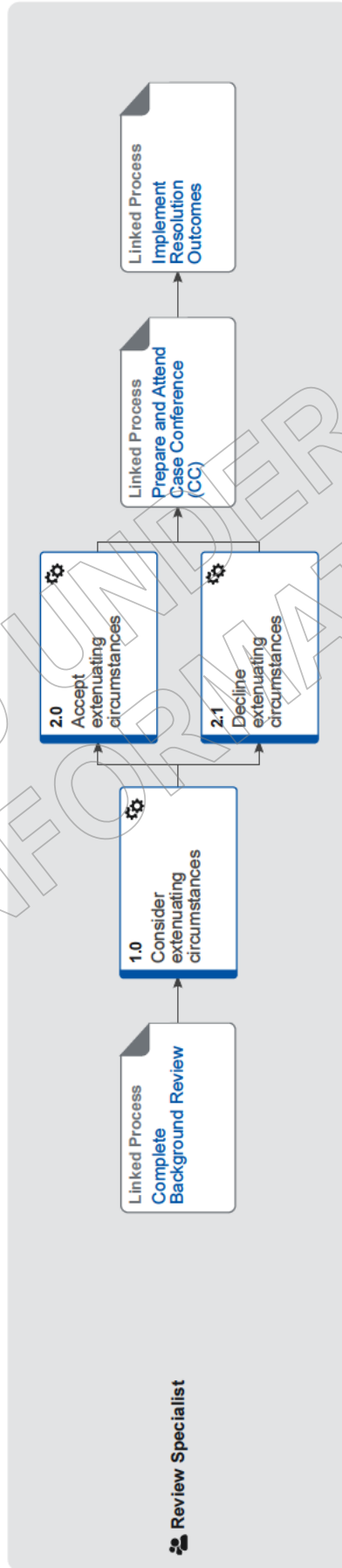
A handwritten signature in black ink, appearing to read 'Sasha Wood', enclosed in a thin black rectangular border.

Sasha Wood

**Manager Official Information Act Services**  
Government Engagement & Support



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## Summary

### Objective

To determine if a review application which was received more than three months after the decision can be accepted.

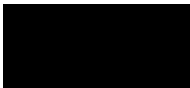
### Background

The Accident Compensation Act (the Act) 2001, s135(3), states when ACC can accept a late review application.

The Act says that ACC must accept a late review application from a claimant if it is satisfied that there were extenuating circumstances that affected the claimant's ability to meet the time limits. Section 135(3) of the Act and provides guidelines of extenuating circumstances. These are not exhaustive.

- (a) where the claimant was so affected or traumatised by the personal injury giving rise to the review that he or she was unable to consider his or her review rights; or
- (b) where the claimant made reasonable arrangements to have the application made on his or her behalf by an agent of the claimant, and the agent unreasonably failed to ensure that the application was made within the required time; or
- (c) where the Corporation failed to notify the claimant of the obligations of persons making an application.

Owner



Expert

## Procedure

- PROCESS** Complete Background Review  
Review Specialist

### 1.0 Consider extenuating circumstances Review Specialist

- a** Consider the substantive review issue and determine whether the decision was incorrect. If the decision was incorrect go to Implement Resolution Obligations.

- Implement Resolution Outcomes

- b** Double check that the review application is considered to be 'late'.

**NOTE** What constitutes a late application?

A late review application is anything received by ACC more than three months after the decision.

The 'received by date' can be determined by the date the client sent the email or ACC stamped the letter as received, NOT simply the date the client wrote on the ACC33.

**NOTE** What if a client withdraws their application for review, but then decides to resubmit the application again?

If a client decides to resubmit their application after withdrawing it, you must consult the 'Managing withdrawn and then re-submitted review applications' policy for a guide on whether ACC can proceed with the application, or whether it should be declined.

- Managing Withdrawn and then Re-submitted Review Applications Policy

**NOTE** What if the application is submitted by a Levy Customer or Employer?

There is no provision in the legislation to allow for a Levy Customer to lodge a review outside of the three month timeframe. In these cases, decline the late lodged application and pass the matter through to the reviewer if a withdrawal can not be obtained.

If the client wishes to proceed with the non-jurisdictional review, the following case law can be cited:  
Berkett v ACC 46/2011 [10] – [11]

- c** Check the date of the decision and see what Act applies to the review case. If the current Act applies proceed to the next task.

**NOTE** What if the decision relates to a decision/s made under the 1972 or 1982 Act?

Please consult with an available Senior Review Specialist as to whether it's technically correct to accept or decline the late lodged application. Consult the 'Late Review Applications' policy for the lodgment timeframes and the potential consideration of the the McDougall Principals.

If necessary seek advice from Legal Services.

- Late Review Applications Policy

**NOTE What if the decision relates to a decision/s made under the 1992 or 1998 Act?**

A client doesn't have any right to a late review for these decisions. If a review application is received for a decision made under either the 1992 or 1998 Act we should NOT issue a decision declining the late review. Instead we should advise the client the reviewer will not have jurisdiction, and recommend they withdraw the review.

If the client wishes to proceed with the non-jurisdictional review, the following case law can be cited:

- For 1992 Act decisions: *Kereama v ACC 1466/2017 (NZHC) [10] – [11]*
- For 1998 Act decisions: *Estate of FK v ACC 340/2015 [32], [68] – [70], [74]*

**NOTE What if a decision was made under the 1998 Act, but the three month timeframe expired under the 2001 Act?**

In these case the 2001 Act extenuating provisions would apply.

- d Determine if enough information has been given about the extenuating circumstances to make a decision.

**NOTE What if insufficient or no information has been given?**

Contact the customer/representative to request missing information, UNLESS you can identify an obvious reason for the application being late. This might include, but is not limited to:

- If the client has the type of injury that would likely affect their ability to lodge a review application. The client may have severe mental injuries affecting their memory, or have an injury causing them to be in and out of hospital.
- If we can see that the decision maker never sent the decision because the client's address was unverified, and we didn't have their email, or if we sent the decision letter to the wrong address. The client may have just been told on the phone, or not notified at all until they found out late by some other means.
- If we can see they signed an advocate's Authority to Act within the three month timeframe, but the advocate lodged the review late.
- If the client contacted ACC within the three months saying they want to lodge a review, but didn't formally putting in a review application in writing until a bit later.

**NOTE What if the customer/representative cannot be contacted?**

Continue attempting to make contact with the customer/representative up until the Case Conference, which needs to be scheduled within the specified timeframes.

It is recommended that as well as attempting contact via phone, an ACC Rev11 (Acknowledge Late Review Application) is also sent out. This letter will help to seek the additional information you require to make a decision on the late application.

 **PROCESS** Prepare and Attend Case Conference (CC)

 Rev11 - Acknowledge Late Review Application

- e Add a contact in Eos, or Juno\_CRM, as appropriate with all attempted contacts and outcome.

 Late Review Applications Policy

- f Consider all of the information provided and/or gathered and determine whether to accept or decline the extenuating circumstances.

**NOTE What factors might you given consideration to when deciding whether to accept or decline the extenuating circumstances?**

Consideration factors can include but are not limited to the following:

- What is client's injury, and is this the type of injury that may hinder the client's ability to lodge a review?
- When was the ATA was signed? (This will help determine when the client gave instructions for an advocate to lodge a review for them)
- What information does ACC have to show the client received the decision. For example:
  - \* A phone call contact in Eos
  - \* An email in Eos
  - \* A contact for the client phoning later about the decision they received by post or email, or a response to an email
- Whether the client changed their address recently (which may mean they didn't receive the letter)
- Whether the client was told of their right to review the decision within three months. Note:
  - \* It's in most letters (but not all)
  - \* Whether the letter/email also included a Working Together information sheet (ACC255)
  - \* Whether they were told, according to an Eos phone contact about the three month timeframe.
- Whether the client lodging the review late prejudices ACC's or the Reviewer's ability to properly consider the substantive issue.

**IMPORTANT NOTE:**

It is important we only consider what occurred inside of the three months immediately following the decision being issued. If the extenuating circumstances occurred outside the three month time frame this is irrelevant and would not be considered to have met the criteria of Section 135(3)(a) – (c).


If the client wishes to review ACC's decision which declines the late review application (and the extenuating circumstances), the following case law can be cited in the ACC submissions:  
*Berkett v ACC 46/2011 [10] – [11]*

## 2.0 Accept extenuating circumstances

### Review Specialist

**a** In Eos, generate, complete and send the REV13 Accept late review application decision letter, along with the ACC255.

 REV13 Accept Late Lodge Review Application

 ACC255 Kōrero mai - Working together

**b** Proceed through to 'Complete Background Review'. This process ends.

 Complete Background Review

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## 2.1 Decline extenuating circumstances

### Review Specialist

**a** Contact the customer/representative by phone and advise them:

-of the decision to decline their extenuating circumstances and  
-that this decision itself can be reviewed.

**NOTE** What if the customer/representative want to review ACC decision to decline their late review application?


Advise the customer/representative that they can challenge ACC decision to decline the late review application, and explain how this works with the review for the substantive decision.

**NOTE** What happens to the substantive (original review application) matter?

The substantive matter will have been transferred to the reviewer for a hearing date to be set and remains active. It will be put aside until the new extenuating circumstances review request is resolved.

**b** Generate and send the REV12 Decline late review application letter, along with the ACC255. If appropriate, in Juno\_CRM create an interaction and save the letter to the interaction.

 REV12 Decline Late Lodge Review Application

 ACC255 Kōrero mai - Working together

**c** Go to 'Prepare and Attend Case Conference'. This process ends.

 Prepare and Attend Case Conference (CC)

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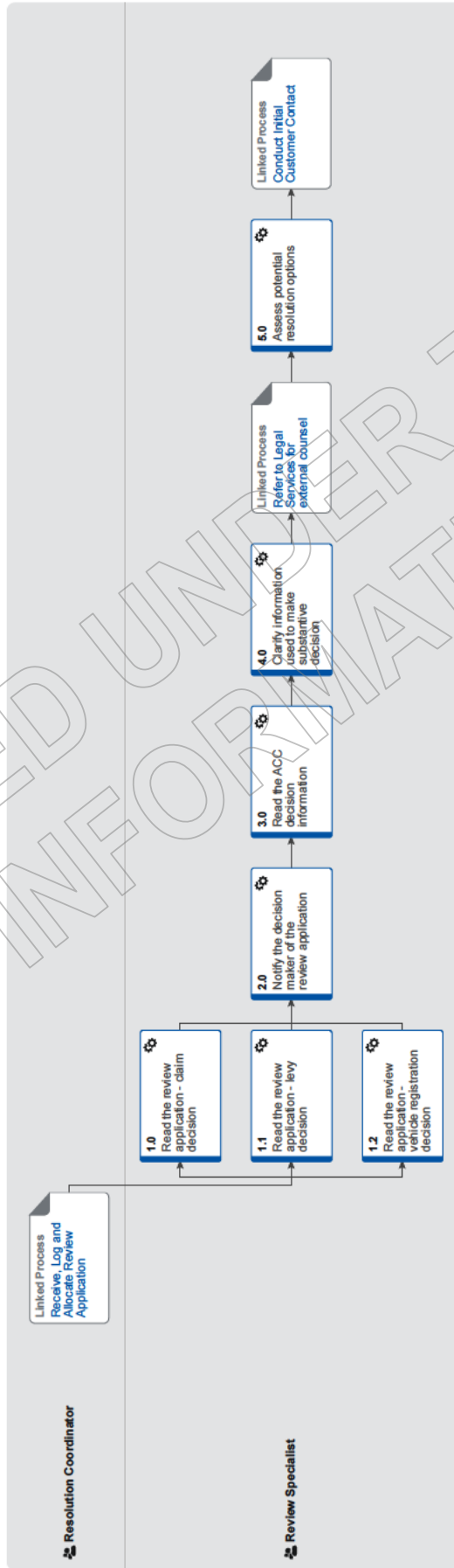
 **PROCESS** **Prepare and Attend Case Conference (CC)**  
Review Specialist

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 **PROCESS** **Implement Resolution Outcomes**  
Review Specialist

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## Summary

### Objective

The objective of this process is to understand the ACC decision and the reason for the review application so that the Review Specialist is prepared to contact the customer to discuss and have a first attempt to resolve the matter.

Owner


Expert

## Procedure

### **PROCESS** Receive, Log and Allocate Review Application Resolution Coordinator

#### 1.0 Read the review application - claim decision

Review Specialist

 Timeframes for Reviews Policy

- a In Eos, open and read the information in the PRC REV: Complete Admin Review task.
- b Read the information the customer has provided in and with the review application.

**NOTE** What if you believe the Review Cog has been generated incorrectly?

- Confirm with the customer/representative that it was not their intention to lodge a review application or that the application is a duplicate of an already lodged review.
- Create a contact in Eos stating the Cog was generated in error and then email a Resolution Services Manager with a request to cancel the Review Cog.
- Provide feedback to the Resolution Coordinator Team Leader on the reasons for the cancellation.

**NOTE** What if you believe the review to be deemed?

A review is considered to be 'deemed' if ACC has failed to arrange a hearing date within 90 days from the date the application was received.

If you believe the review is deemed - go to 'Implement Resolution Outcome' and follow the instruction provided to operationalise the deemed decision.

 **PROCESS** Implement Resolution Outcomes

**NOTE** What if the applicant is an employer disputing an work related personal injury entitlement decision of an employee?

In these cases contact the employer and explain that a Reviewer has no jurisdiction to hear this type of matter, and while they are welcome to proceed it is unlikely to achieve outcome they are seeking.

It may be useful to inform the employer what they can review in this situation (i.e. that the accident occurred in their workplace (work injury dispute)).

Seek to obtain a withdrawal. If unsuccessful, proceed to referring arranging a Case Conference.

**NOTE** What if the applicant is a registered health professional lodging a review against a patient cover and/or support?

In these cases - contact the client directly to ask whether it was their intention to go down the review channel and that they authorise the provider to lodge the review on their behalf.


If the client's intent was to lodge a review, establish whether they would like the provider to continue acting on their behalf and obtain an ATA.

If the client does not want to proceed with the review, contact the provider and talk to them about the need for consent and your conversation with the client. Obtain a written withdrawal.

- c Check that the review application was lodged within the three month timeframe.

**NOTE** What if the review application was lodged outside of the three month timeframe?

Go to Accept or Decline Late Review Application.

 **PROCESS** Accept or Decline Late Review Application

- d If the review was lodged by a representative, check to see if the outstanding Authority to Act form has been returned. If an ATA is not outstanding or required, then continue with the process.


**NOTE** What if the outstanding Authority to Act form has not been returned?

Follow up with the representative to remind them the ATA is outstanding.



## 1.1 Read the review application - levy decision

### Review Specialist

 Timeframes for Reviews Policy

- a** In Outlook, open and read the email and attachments sent by the Resolution Coordinator.
- b** Read the information the customer has provided with the review application.
- c** In Juno\_BillingCenter, check if the account is overdue.


**NOTE** What if the account is overdue?

Email collections@acc.co.nz and ask a hold be placed on the account as a review is underway.

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## 1.2 Read the review application - vehicle registration decision

### Review Specialist


 Timeframes for Reviews Policy

- a** In Outlook, open and read the email and attachments sent by the Resolution Coordinator.
- b** Read the information the customer has provided to determine the point of contention.

**NOTE** What if the point of contention is about an incorrect classification?

Contact the business incentives group through the [vr@acc.co.nz](mailto:vr@acc.co.nz) email with a request to investigate the classification.

The business incentives group will investigate and if required instruct the NZTA to correct the error. On confirmation that this has occurred, go to Fulfil Resolution Obligations.

 **PROCESS** Implement Resolution Outcomes

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## 2.0 Notify the decision maker of the review application

### Review Specialist

- a** • If the review is about a decision on a claim, identify the allocated decision maker and notify them that an application for review has been received.
- If the review is about a levy decision, refer to the 'Business Customer Triage Process' document for direction.

**NOTE** What if the claim sits within Assisted Recovery or sitting in 'NGCM - Actioned Cases'?

No initial contact or notification is required.

**NOTE** What if the claim sits with Supported or Partnered Recovery but is not currently assigned to an individual?

If not assigned to an individual then send a 'NGCM General task' to either the 'Support Recovery' or 'Partnered Recovery' queue indicating that a review has been lodged against a decision on file.

**NOTE** What if the claim is sitting unassigned within a cover team (Cover or Treatment Injury Teams)?

If a cover decision has been issued and closed, the claim should be sitting in either the Dunedin Service Centre Actioned Cases queue OR the TIC Actioned Cases queue.

Although unassigned a standard 'general task' (not a 'NGCM-General task') must be sent to the individual whom made the decision to notify them that a review has been lodged against a the decision on file.

**NOTE** What if the review is about a decision on a claim or a decision about a vehicle registration levy and the decision maker cannot be identified?

Continue with the process.

- b** Check whether a Technical Accounting Specialist has provided advice on the disputed decision and if yes, notify them that a review application has been received.
- c** Complete in Eos, and send, to the customer, representative or interested party the REV18, and REV21 (if applicable) that was generated by the Review Coordinator. Send via email if a verified email address exists, or by post if no verified email address exists.

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## 3.0 Read the ACC decision information

### Review Specialist

- a** If the review application is about a decision on a claim, in Eos, open and read the information that ACC used to make the decision.
- b** If the review is about a Levy decision, in Juno, read the information used to make the decision.

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## 4.0 Clarify information used to make substantive decision

### Review Specialist

- a** Check that you understand the reasons the substantive decision was made.
- b** If the reasons are unclear, refer the decision for expert advice, .

**NOTE What advice is available?**


- Technical Services
- Clinical Services
- Legal Services
- Technical Accounting Services
- Weekly Compensation Team
- Levy Classifications


**NOTE How to label requests for advice tasks for Clinical Service.**

The 'Complete Internal Referral' task should be labelled as follows before it is transferred to the appropriate queue:

- Written referrals without prior written advice on the claim within the last 12 months:  
REVIEW – [Due Date] (if applicable)

- Written referrals where there is previous written advice on the claim within the last 12 months:  
F/U [Advisor Name] – REVIEW – [Due Date] (if applicable)

 Resolution Services Expert Advice Referrals.pdf

 Reference Guide for Review Specialists when deciding whether to refer a task to Technical Accounting Specialist (TAS)

**NOTE What if advice is needed from Levy Classifications?**


Email the query to [levyclassification@acc.co.nz](mailto:levyclassification@acc.co.nz). The subject line should read 'Resolution Services Query'. The email should include:

- Review number
- Customer/representative name (if applicable)
- ACC number
- What the query is about.

If Levy Classification have not responded after 4 working days, contact them again.


- c** If the review application is about a decision on a claim, in Eos, open and complete the PRC REV: Complete an Admin Review task and complete the following sections:
- Claimant's reason for lodging the review
  - ACC's reason for the original decision
  - Legislative basis / case law.

- d** If the review application is about a levy decision, open the Administrative Review form and complete the following sections:
- Claimant's reason for lodging the review
  - ACC's reason for the original decision
  - Legislative basis / case law.

 Levy Admin Review.docx

- e** Consider whether the review should be referred to Legal Services for legal representation.

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 **PROCESS** Refer to Legal Services for external counsel  
Review Specialist

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**5.0 Assess potential resolution options**

Review Specialist

- a** Decide whether additional advice is required.

**NOTE What type of advice might be useful?**

- Comments from Medical or Psychology Advisors
- Advice from the Clinical Advice Panel
- Additional information from the customer/representative
- Additional information from the treating specialist
- A Medical Case Review
- Comments from a radiologist
- Comments from Technical Services
- Comments from Technical Accounting Services

**NOTE How should I label requests for advice from Clinical Services?**

The 'Complete Internal Referral' task should be labelled as follows before it is transferred to the appropriate queue:

- Written referrals without prior written advice on the claim within the last 12 months:  
REVIEW – [Due Date] (if applicable)

- Written referrals where there is previous written advice on the claim within the last 12 months:  
F/U [Advisor Name] – REVIEW – [Due Date] (if applicable)

**NOTE** Can I access specialist advice from [REDACTED]?


[REDACTED] has made himself available once a week (generally a Thursday afternoon) to provide advice to Review Specialist over the phone.

If you would like to speak with [REDACTED] with the claim number, review number and your questions for [REDACTED] will use her experience to peer review the request, and if unable to assist a time will be scheduled and sent to the requesting Review Specialist to make contact with [REDACTED]


**NOTE** Should permission be sought from the client prior to seeking further external clinical comments or notes?

Yes - you must have a conversation with the client/ATA on what you are wanting to do and why (e.g. releasing and seeking medical information with a view of reconsidering ACC's position on the matter at review). This is to ensure there is no objection. Once you have obtained a verbal permission make a note in your Eos contact reflecting the conversation.

- b** When a client has an active review, a Review Specialist can request medical notes and clinical specialist reports including/not limited to Medical Case Reviews. Review Specialists can request these directly from the Clinic, DHB or Specialist unless a collaborative approach or specific input is required from a Recovery team member or Specialist Cover assessor.

 Create Document Group

- c** Identify potential resolution options to discuss with the customer/representative.

 Resolution Agreement Scenarios.pdf

**NOTE** What are the resolution options?

- Overturning an incorrect ACC decision
- Upholding a correct ACC decision, and seeking resolution through settlement
- Upholding a correct ACC decision, and choosing to progress through ADR or case conference

**NOTE** What pre-work is required prior to offering resolution agreement?

Complete a risk analysis to ensure the potential resolution agreement is robust. Consider:

- the customer wants
- the ACC regulations
- the possible outcome at review, versus the customer experience
- whether the customer has shown a pattern of seeking monetary resolution without a reasonable basis
- whether the issue has been previously disputed
- whether the customer has a tendency to resort to legal proceedings to resolve disputes where no reasonable basis exists
- that the potential resolution agreement is not detrimental to a customer's entitlements
- any ongoing impact for levy years not part of the original decision.

Once completed consult with a Senior Resolution Specialist to ensure the rationale for offering a resolution agreement is robust.

**NOTE** What if a potential settlement is over \$2000 in value?

Email a Resolution Services Team Manager to seek prior approval.

- d** If the review application is about a decision on a claim, in Eos, add potential resolution options to the PRV REV: Complete an Admin Review task under additional information.

- e** If the review application is about a Levy decision, in the administrative review form, add potential resolution options.

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 **PROCESS** Conduct Initial Customer Contact  
Review Specialist

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## Summary

### Objective

The objective of this process is to discuss the review application with the customer, or their representative, check their understanding of the review matter, and of ACC's decision so that we can begin to resolve the matter or continue towards a review hearing.

### Background

After completing the background review the customer/representative must be contacted by phone to discuss the review application, any new information and the process moving forward.

Owner

Expert

## Procedure

### **PROCESS** Complete Background Review Review Specialist

#### 1.0 Validate customer understanding of decision

Review Specialist

- a** If intending to call a representative, check if there is a current Authority to Act (ATA).

**NOTE** What if there is no current ATA on file?

By phone, contact the representative and request the form is returned.

**NOTE** What if the ATA is never returned?

No details can be discussed with the representative. Proceed to Prepare and Attend Case Conference.


 **PROCESS** Prepare and Attend Case Conference (CC)

- b** By phone, contact the customer/representative within 7 days of the receipt of the review application. Use the appropriate authorisation process to confirm you are speaking to the right person.

**NOTE** Best practice is to contact the customer by phone within 48 hours of the review allocation.

**NOTE** What if a require a translator to speak with the client?


Use ACC's policy to obtain guidance on engaging with an interpreter via ezispeak.

 When to use an interpreter Policy

 Advocate Communications Policy


**NOTE** What is the authorisation policy for decisions on claims?

Read the Advocates and Holders of Authority Policy to Act policy.

 **PROCESS** Advocates and holders of authority to act Policy


**NOTE** What is the authorisation process for levy decisions?

Follow the Perform Authorisation Check - Business Customer process

 **PROCESS** Perform Authorisation Check - Business Customer

**NOTE** What if I need to update an authorised business customer?

Follow Add or Update Business Customer Authorised Party

 **PROCESS** Add or Update Business Customer Authorised Party

- c** Confirm ACC has the correct customer/representatives contact details. Include both the telephone number and email address.

**NOTE** What if the email address has not been verified?

Ask the applicant to check their emails and return the verification as soon as possible to make it easier to communicate with them.

- d** Tell the customer/representative:

- the reason for the call
- what will be discussed during the phone call
- the review process, including the focus for ACC on seeking resolution
- the role of the Review Specialist

- e** Ask the customer/representative, in their own words, to explain their understanding of the disputed decision and why they believe ACC decision is incorrect.

**NOTE** What is the expected outcome of the conversation?

The outcome of this conversation is to understand the customer's point of contention or grievance.

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## 2.0 Explain the ACC Decision

### Review Specialist

- a Explain why ACC made its decision. This may include an explanation of the legislation and/or medical reports that were instrumental to the decision.
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## 3.0 Seek new/relevant supporting information

### Review Specialist

- a Discuss any information that was received after the decision date and included with the written application for review.
- b Ask the customer/representative if they have any new information that was not included in the written application to support the review application.

**NOTE What if the customer/representative has new information?**

- Then ask the customer/representative to explain what the new information is and how they believe it is relevant.
- If possible, ask them to send a copy of the information and advise they will be contacted again once the information has been considered. The information can be sent to the Resolution Services email address [resolutionservices@acc.co.nz](mailto:resolutionservices@acc.co.nz) or posted to PO Box 892, Waikato Mail Centre.

**NOTE How should I label requests for advice tasks for Clinical Services?**

The 'Complete Internal Referral' task should be labelled as follows before it is transferred to the appropriate queue:

- Written referrals without prior written advice on the claim within the last 12 months:  
REVIEW – [Hearing Date/Deadline]
- Written referrals where there is previous written advice on the claim within the last 12 months:  
F/U [Advisor Name] – REVIEW – [Hearing Date/Deadline]

- c Identify and agree the relevant documents with the customer/representative.

**NOTE What if the client wants the full file?**

Explain to the client that ACC has made a move to providing relevant document as a preference to the full file. This ensures the reviewer doesn't receive large amounts of information that has no relevance to the disputed decision. If the client has any doubts about the correct information being provided then the Case Conference serves as an opportunity for this to be discussed and corrected if necessary.

If the client still wants the full file - then relevant documents must be correctly selected. Note in the initial customer contact on Eos the clients request for the full file.

 Relevant Document Guidelines

- d Discuss with the customer/representative the methods of delivery for the relevant documents. Then go to 'Create Bulk Print and Send CIR task' to arrange the preparation and release of these documents.

**NOTE What if the employer is the applicant?**


- The easiest way to tackle any issues with files is to contact the customer, explain that the employer is entitled to information about ACC's decision. Discuss the relevant documents with the customer and ask if the customer is happy for us to send a full copy of these documents to the employer and reviewer. It is important that there is discussion with the customer about the information contained in their file and if possible, a copy of the file should be sent to customer to check before releasing to the employer. If the customer provides permission for ACC to do this, then information will not need to be redacted.
- If the customer is not happy for us to send the full unredacted documents, then we will need to follow the process for collating information for an employer file and organise information that is not relevant to the review be redacted. Ideally, we will send the file to the customer to check they are happy with it before releasing it to the employer.
- The customer may advise ACC that they do not want any of their information to go to the employer or Reviewer. In these situations, we would advise the customer that the employer and Reviewer are entitled to receive certain information about the claim (such as information relating to the accident itself and causal link between the accident and the personal injury) because it has been lodged as a work-related personal injury. We can reassure the customer that personal information not relating to whether the injury occurred at work will be removed from the file and still give them the opportunity to review the information before proceeding.
- If we are unable to contact the customer to discuss the provision of documents, we must still provide relevant documents to the employer and Reviewer with careful redaction. We must give the customer adequate opportunity to communicate with ACC by making multiple attempts to contact them including sending them a letter if possible.

**NOTE What if an employer is an interested party?**

- Firstly, we should check if the employer is interested in attending the review or requires a copy of relevant documents. If they aren't interested in being involved in the review, then you do not need to send the employer any documents.
- If the employer does want a copy of the documents as an interested party, the most straight-forward way to tackle any issues with files is to contact the customer, explain that the employer is entitled to information about ACC's decision. Discuss the relevant documents with the customer and ask if the customer is happy for us to send a full copy of these documents to the employer.
- If the customer is not happy for the full file to go, we should discuss with the employer what information they require. If they are happy with the ACC45 and ACC33 Review Application, these can be easily sent by email with some information about the customer redacted. If there is other information that the employer believes that they require, redactions must be made in line with the redaction process.
- If we can't contact the customer to discuss the review documents or the customer is not wanting any information to be provided to the employer, follow the instructions as if the employer is the applicant.

**NOTE What are the delivery options?**

- Electronic documents:
  - By email (ACC's preferred method)
  - By USB
  - By CD
- Paper documents:
  - By courier to home address - read client the ACC6181
  - By courier to rural delivery address (requires pre alert) - read client the ACC6181
  - By courier to local ACC branch

 ACC6181 Receiving personal information by courier

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 **PROCESS** **Create Bulk Print and Send CIR Task**  
Review Specialist

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**4.0 Re-evaluate potential resolution options**

Review Specialist


- a** If new information has been provided by the client/representative, check if further advice is needed to identify or re-evaluate potential resolution options to discuss with the customer/representative.

**NOTE What type of advice would be useful?**

- Comments from Medical or Psychology Advisors
- Advice from the Clinical Advice Panel
- Additional information from the customer/representative
- Additional information from the treating specialist
- A Medical Case Review
- Comments from a radiologist
- Comments from Technical Services
- Comments from Technical Accounting Services
- Advice from Levy Classification

**NOTE Should permission be sought from the client prior to seeking further external clinical comments or notes?**

Yes - you must have a conversation with the client/ATA on what you are wanting to do and why (e.g. releasing and seeking medical information with a view of reconsidering ACC position on the matter at review). This is to ensure there is no objection. Once you have obtained a verbal permission make a note in your Eos contact reflecting the conversation.

 Reference Guide for Review Specialists when deciding whether to refer a task to Technical Accounting Specialist (TAS)

**NOTE Who's role is it to conduct further investigation when required?**

- If there is internal advice to be sought then the RS will request the further comment (e.g. TS, TAS, MA, PA, CAP comment).
- If there is external advice to be sought then the original decision maker or business unit will arrange the referral/comment (e.g. MCR, treating specialist comment etc..)

**NOTE What if there is further investigation required but the claim is closed claim?**

Talk with the original decision maker with the intent of sending a task to the Unit Administration work queue for allocation.

- b** Check that the potential resolution options identified in the background review are still relevant.

**NOTE What if the potential resolution option has changed from the background review?**

In Eos, update the PRC REV: Complete Admin Review 'Additional information' box.



**NOTE** What if the matter at review relates to an Individual Rehabilitation Plan (IRP)?

First and foremost consider an Internal Resolution Consultation (IRC) with the decision maker. If the relationship is strained it might be more useful to attend Conciliation (under the Alternative Dispute Resolution process) with the decision maker as an alternative to an IRC. Please note there must be a sound reason for proceeding straight to review as these can often be resolved.

**5.0 Discuss resolution options with customer/representative**

**Review Specialist**

**a** Discuss with the customer and agree:

- on a resolution option, or
- a withdrawal and review closure (based on your explanation of the decision), or
- whether to proceed to an internal resolution consultation, alternative dispute resolution or case conference

**b** Add a contact in Eos, or interaction in Juno\_CRM, as appropriate, to record the main points from the conversation.

**c** Proceed to one of the following processes:

- Implement Resolution Agreement (if overturning, offered a Resolution Agreement or confirming withdrawal)
- Conduct and Internal Resolution Consultation (IRC)
- Prepare for Alternative Dispute Resolution (ADR)
- Prepare and Attend Case Conference as agreed with the customer/representative.

 **PROCESS** **Implement Resolution Outcomes**  
Review Specialist

 **PROCESS** **Prepare and Lead an Internal Resolution Consultation (IRC)**  
Review Specialist

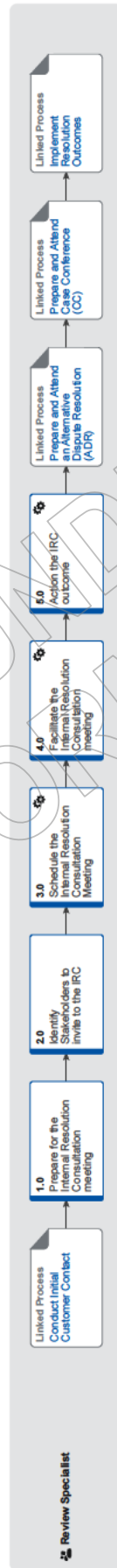
 **PROCESS** **Prepare and Attend an Alternative Dispute Resolution (ADR)**  
Review Specialist

 **PROCESS** **Prepare and Attend Case Conference (CC)**  
Review Specialist

# Prepare and Lead an Internal Resolution Consultation (IRC) v9.0



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## Summary

### Objective

The objective of this process is to use information and advice from relevant internal experts in an attempt to seek a resolution for the customer/representative. It will involve explaining the decision (and the reasons for the decision with the customer/representative), and provides them with an opportunity to hear from relevant internal experts.

### Background

The Internal Resolution Consultation (IRC) is used to bring relevant parties together with the client to help clarify customer/representative understanding of a decision. The IRC is often used when a decision is robust, but not understood by the customer/representative. New information may be raised at this meeting by the customer/representative.

Owner

Expert

## Procedure

### **PROCESS** Conduct Initial Customer Contact Review Specialist

#### 1.0 Prepare for the Internal Resolution Consultation meeting

Review Specialist

- a Identify the customer/representative's point/s of contention or grievance with the ACC decision.
- b Gather documents or other evidence to support a discussion of the point/s of contention or grievance.
- c Re-evaluate potential resolution options as an outcome of the IRC.

**NOTE** What potential options are available if the original decision was or appears correct?

- A resolution agreement
- Alternative Dispute Resolution
- A case conference

**NOTE** What potential options are available if the original decision was or appears incorrect?

- Overturning the original decision

#### 2.0 Identify Stakeholders to invite to the IRC


Review Specialist

- a Identify all relevant stakeholders who may be able to provide insight or technical advice on the decision at the IRC.

**NOTE** Who could be relevant stakeholders?

ACC staff who had input into the decision. This could include:

- Legal Services
- Clinical Services
- Technical Services
- Technical Accounting Services
- Weekly Compensation Team
- External medical practitioner/s
- Vocational Providers
- Allied health providers
- Levy Classification

 Working together to find the right outcome

- b Contact the potential stakeholder to determine attendance.

**NOTE** What if a member of the Levy Classification Team need to attend the IRC?

Email [Levyclassification@acc.co.nz](mailto:Levyclassification@acc.co.nz) to request a colleague attend the IRC. The subject of the email should read "Resolution Services Attendance Request". The email should include:

- Review number
- Customer/representative name (if applicable)
- ACC number
- Date and time of the IRC
- Outline a request for attendance at the IRC

10 working days notice is required for Levys to attend the IRC.

### 3.0 Schedule the Internal Resolution Consultation Meeting

#### Review Specialist

- a** In Outlook, set up a teleconference by sending a meeting appointment to the customer/representative and identified relevant stakeholders.

**NOTE** What should be in the body of outlook meeting appointment?

- Information on the decision and why ACC made the decision
- The customer/representative's grievance with the decision and the specific points of contention
- Potential outcomes from the IRC
- A list of meeting attendees
- Contact details for the Review Specialist

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### 4.0 Facilitate the Internal Resolution Consultation meeting

#### Review Specialist

- a** Using Skype for Business or Teams, initiate the meeting. Allow internal parties to join first and then dial in the customer/representative last.

**NOTE** What if one or more parties cannot be reached?

Reschedule the IRC for another time.

- b** Introduce all the participants to each other and explain the purpose of the internal resolution consultation.
- c** Facilitate the meeting ultimately steering/directing the conversation towards a resolution, or a clearly agreed outcome.

---

### 5.0 Action the IRC outcome

#### Review Specialist

- a** Using the IRC contact tool (this exists on the second tab of the CIR calculator tool) enter the outcome agreement.
- If the review is about a decision on a claim copy and paste the information generated by the 'IRC contact calculator' into an Eos contact.
  - If the review is about a levy decision copy the IRC contact tool information into an interaction in Juno\_CRM.

 CIR Calculator Tool

 Customer Resolution Hub - ACC SharePoint

**NOTE** What type of contact should be added in Eos?

- Reason: Dispute
- Direction: Internal
- Method of contact: Phone

- b** Action the IRC outcome agreed during the consultation.

**NOTE** What if no resolution was reached?

Decide whether to proceed to an ADR, or directly to case conference.

**NOTE** What if the agreed actions will take the review past 40 days from the lodgement date?

Set down a case conference date.

**NOTE** What if there was a successful resolution agreement, an agreement to withdraw the review, or overturn an incorrect decision?

Fulfil the resolution obligations.

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 **PROCESS** Prepare and Attend an Alternative Dispute Resolution (ADR)

Review Specialist

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 **PROCESS** Prepare and Attend Case Conference (CC)

Review Specialist

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 **PROCESS** Implement Resolution Outcomes

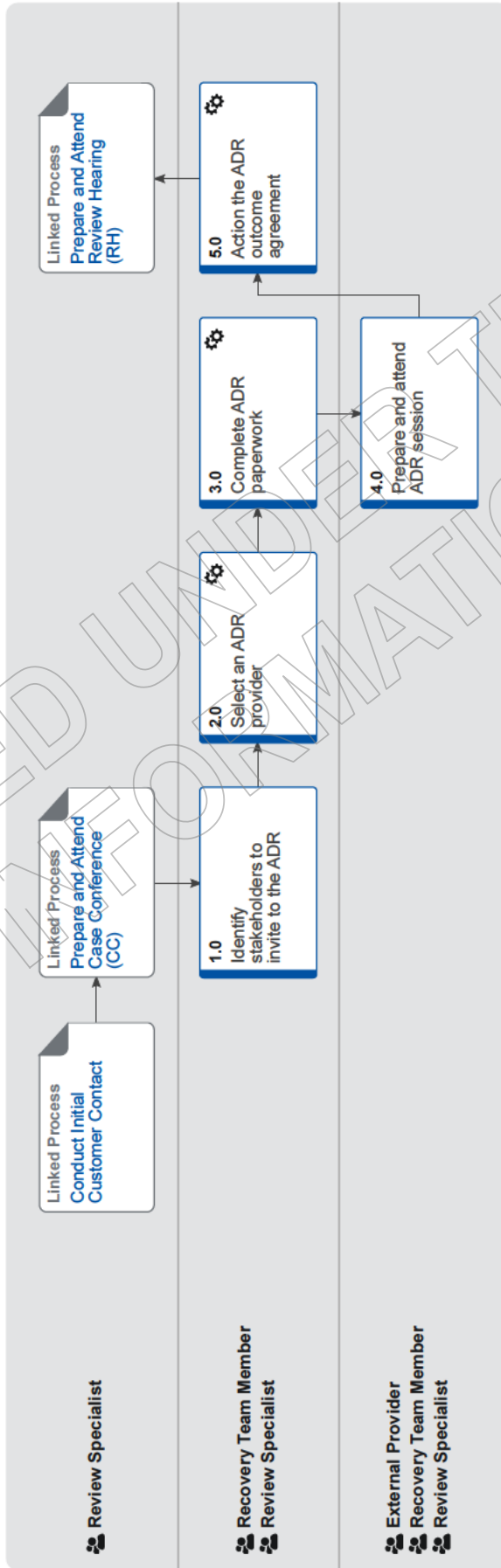
Review Specialist

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# Prepare and Attend an Alternative Dispute Resolution (ADR) v33.0



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## Summary

### Objective

To provide guidance on when and how to set up an Alternative Dispute Resolution (ADR) meeting with an external mediator or conciliator for Review Specialists and Recovery Team Members.

### Background

An Alternative Dispute Resolution can occur both pre and post case conference, as well as when other issues arise during the management of a claim.

Owner

Expert

## Procedure

 **PROCESS** **Conduct Initial Customer Contact**  
Review Specialist

 **PROCESS** **Prepare and Attend Case Conference (CC)**  
Review Specialist

### 1.0 Identify stakeholders to invite to the ADR


Recovery Team Member, Review Specialist

**a** Identify all relevant stakeholders who may be able to provide insight or technical advice on the decision at the ADR.

**NOTE** **Who could be relevant stakeholders?**

ACC staff who had input into the decision or may assist with resolving issues. This may include:

- Case owner or decision maker
- Legal Services
- Clinical Services
- Technical Services
- Technical Accounting Services
- Weekly Compensation Team
- External medical practitioner
- Vocational Providers
- Allied health providers
- Levy Classification

 Working together to find the right outcome

**b** Invite potential stakeholders to ADR.

**NOTE** **What if a member of the Levy Classification Team need to attend the ADR?**

Email [levyclassification@acc.co.nz](mailto:levyclassification@acc.co.nz) to request a colleague attend the ADR. The subject of the email should read 'Resolution Services Attendance Request'. The email should include:

- Review number (if applicable)
- Customer/representative name (if applicable)
- ACC number
- Date and time of the ADR
- Outline a request for attendance at the IRC

10 working days' notice is required for Levy's to attend the ADR.

### 2.0 Select an ADR provider

Recovery Team Member, Review Specialist

**NOTE** **Talk-Meet-Resolve has no contractual or legislative obligation to monitor review timeframes or set-downs therefore ultimate responsibility lies with the Review specialist to ensure legislative timeframes are met.**

**a** Select an ADR provider.

**NOTE** **Which ADR provider should be selected?**

Talk-Meet-Resolve (TMR) are ACC's preferred provider for ADR.



**NOTE** If the ADR relates to a review, what if a Case Conference has already been booked?

If a review provider has already been engaged there are two options:

- Suggest at the Case Conference that ADR is a suitable option and work through the appointed review provider to organise a date and time for ADR.
- Proceed to the next step in the process to complete an ACC8026 to engage TMR. Please note the ADR and review processes can be run alongside one another as long as the hearing is set far enough out to allow the ADR to be concluded.


**NOTE** If the ADR relates to a review, What if a Case Conference hasn't yet been booked?

In these cases ACC's preference is that TMR are appointed to undertake ADR. Please note that a Case Conference must still be booked by day 60 regardless of whether ADR is underway or not.

**NOTE** What if the customer/representative has requested a face to face ADR meeting?

First and foremost - explore the reasons for their preference (e.g. limited Wi-Fi, or no technology) and, if appropriate, offer the option of an iPad being couriered to them (this is part of TMR's Digital Inclusion Strategy). If the client is open to this, in both the TMR booking system and the ACC8026, select 'video conference'. You will be prompted in the TMR booking system to select whether an iPad should be sent.

If the client insists on a face to face conciliation AND wants an ACC staff member to attend - talk with your Manager about who might be most appropriate to attend.

 Arrange Face to Face to Client Meeting


**NOTE** How does TMR's digital inclusion strategy work?

- The customer will be couriered an iPad prior to the meeting and given separate instructions about accessing the meeting, and arranging for the courier to collect it following the meeting with a self-addressed courier bag.
- There is zero cost to the client.
- The technology will only have the 1 application loaded (Teams) and TMR will provide any administrative support.
- No information (including ACC information) will be stored on the iPad and it will simply be used as a portal into the Teams environment only.

**NOTE** What if the client requires travel assistance to attend the face to face meeting?

Any costs associated with attending a conciliation can be agreed and reimbursed as part of the conciliation agreement.

If the client requires payment prior to attending the meeting ask for confirmation of the amount (e.g. copy of held flights and costs) and arrange a payment to the client via the Resolution Coordinator. This will be paid under a Rev20 coding.

 Prior approval travel policy

- b** If the review is about a decision on a claim, in Eos, add the ADR provider as a party to the client's claim.

**NOTE** What if you can't locate TMR as a provider in Eos?

When searching for TMR - change the role "Other Agent" and the party type to "Civil Agent" and then search Talk Meet Resolve.

- c** If using Talk-Meet-Resolve go to their booking system and select a suitable time that has been agreed with the customer/representative. Put a place holder in your outlook calendar to ensure you don't double book yourself while awaiting the confirmation email.

If using Talk-Meet-Resolve is not appropriate or suitable then continue through to a case conference and add a note to the additional comment field in the ACC6239 that an ADR should be considered.

 Talk-Meet-Resolve Booking System  
<http://talkmeetresolve.gettimely.com/>

- d** If using Talk-Meet-Resolve - all attendees will be sent a confirmation email and if the meeting is online, you will also email you a meeting invitation. When you accept the invitation for the "teams meeting", it will go straight into your outlook calendar. If the meeting is face to face, double check you have booked out the correct date and time.

- e** If using Talk-Meet-Resolve - upload the invite to Eos as VCF011 and note the description as 'TMR booking confirmation'.

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### 3.0 Complete ADR paperwork

#### Recovery Team Member, Review Specialist


- a** If engaging with Talk-Meet-Resolve:

- and, the issue/review is about a decision on a claim, in Eos, complete all sections of the ACC8026 Alternative Dispute Resolution and Agreement to Conciliate form and leave it as incomplete in Eos or;
- If the review/issue is about a levy decision, complete all sections of the ACC8026 Alternative Dispute Resolution and Agreement to Conciliate form.

If engaging with Fairway or ICRA:

- continue through to a case conference and add a note to the additional comment field in the ACC6239 that an ADR should be considered.

 ACC8026 and Agreement to conciliate

 ACC6239 Instruction for review provider



**NOTE Important: The ACC8026/Agreement to Conciliate must be left as a word document allowing other parties to sign the document.**

- b** If the file has not yet been prepared by CIR or the ADR is not related to a review and if engaging Talk-Meeting-Resolve email (via the Eos emailing toolset) the ACC8026/Agreement to Conciliate in word format and relevant documents that have been privacy checked to ACC8026@talkmeetresolve.co.nz
- c** If the file has already been prepared by CIR, send the [PRC REV: Send submissions to all parties] task to CIR to dispatch relevant documents to the necessary parties.

#### 4.0 Prepare and attend ADR session

External Provider, Recovery Team Member, Review Specialist

- a** Check that the agreed relevant documents are on hand for the session.
- b** Re-evaluate potential resolution options as an outcome of the ADR.

**NOTE If the ADR relates to a review, what are the potential resolution options?**

- 1) If the original decision appears correct, then potential options are a resolution agreement, a withdrawal or a case conference.
- 2) If the original decision appears incorrect, then the potential option is to overturn the original decision.

- c** Await phone contact from the ADR conciliator to discuss the matter at review in anticipation for the pending meeting.
- d** Prepare any internal stakeholders who will be attending the ADR to represent ACC.
- e** Attend and participate in the ADR session.

**NOTE What to expect at the ADR session.**

The provider will facilitate the hearing and may ask:

- ACC to explain the decision
- the customer/representative to outline their points of contention
- for clarification on matters under contention

The provider will then confirm the resolution outcome agreement.

- f** If the ADR relates to a review, approve costs within the Review Specialists Delegation (in line with the review regulations) when called upon by the conciliator.

**NOTE What if the conciliator requests costs outside of the review regulations?**

Any amounts outside of the review regulations must be considered by a Senior Review Specialist or Manager and will likely be associated with travel to attend the conciliation.

 Resolution Services Delegation

**NOTE What if the conciliator or customer requests costs and there is no live review?**

 to discuss conciliation costs and how these can be paid.

#### 5.0 Action the ADR outcome agreement

Recovery Team Member, Review Specialist


- a** Sign the 'ADR outcome agreement' document and return to the provider.
- b**
  - If the review or issue is about a decision on a claim, in Eos, upload the signed conciliation agreement to the claim.
  - If the review or issue is about a levy decision, email the outcome agreement to classificationunit@acc.co.nz. The subject line should read "Resolution Services ADR Conciliation Agreement". The email is to include:
    - Review number (if applicable)
    - Customer/representative name (if applicable)
    - ACC number
    - Summary of the ADR agreement and action required
- c** Action the ADR conciliation agreement.

**NOTE What if the conciliation agreement does not relate to a review?**

The Recovery Team Member will continue to manage the claim as normal and complete any agreed actions.


**NOTE If the ADR relates to a review, what if there was an agreement to withdraw a review or overturn an incorrect decision?**

Go to Fulfil Resolution Obligations.

 **PROCESS** Implement Resolution Outcomes

**NOTE If the ADR relates to a review, what if the agreed actions will take the review past 60 days from the lodgement date?**

Set down a case conference date - go to Prepare and Attend Case Conference.

 **PROCESS** Prepare and Attend Case Conference (CC)

**NOTE If the ADR relates to a review, what if no resolution was reached?**

Go to Prepare and Attend Case Conference. If a case conference has already occurred, proceed to Prepare and Attend Review Hearing.

 **PROCESS** Prepare and Attend Case Conference (CC)

**NOTE** If the ADR relates to a review, what if a conciliation agreement has been reached that requires ACC to take action?

If the review is not withdrawn, the Review Specialist will continue to manage the review as normal (see 'what if the agreed actions will take the review past 60 days from lodgement date'). If the review will be closed, the Review Specialist must keep a task open in their name and monitor the case to ensure that agreed actions are completed.

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 **PROCESS**

**Prepare and Attend Review Hearing (RH)**

Review Specialist

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## Summary

### Objective

To set a case conference time and date and prepare so that the Review Specialist can attend the case conference on ACC's behalf.

### Background

An application for review has been received and it requires a case conference to be held.

Owner

Expert

## Procedure

**PROCESS** **Conduct Initial Customer Contact**  
Review Specialist

**PROCESS** **Prepare and Lead an Internal Resolution Consultation (IRC)**  
Review Specialist

**PROCESS** **Prepare and Attend an Alternative Dispute Resolution (ADR)**  
Review Specialist

### 1.0 Schedule case conference

Review Specialist

**a** Consider whether a case conference needs to occur.

**NOTE** **When is a case conference not required?**

The ONLY circumstance in which a case conference is not required is:

- Where the reviewer already has a review active for that client AND
- The matters at review are linked (eg the subjects are intertwined and are practical to be heard together).

**NOTE** **How do you communicate with the review provider the reason no case conference has been booked?**

On the ACC6239 note the reasons under 'Additional Information'. You would note either:

- Please note that a case conference for this client is already scheduled on date/time for review XXXXXXXX. It is practical that the clients two reviews are heard together.
- Please note that the client has an already active review (Review XXXXXXXX). A case conference has already taken place where it was agreed a second review be lodged. No new case conference is required. Please set review XXXXXXXX down to be heard at the same time as review XXXXXXXX.

**b** Check the 'book and hold' date range that a case conference can occur based on dates provided in the initial 'Admin Review' task.

**NOTE** **What is the first possible date that a case conference can be held?**

To hold a case conference all parties must have been supplied either the relevant documents or the full file (dependent on what the client requested). Allow at least 28 calendar days from the date the CIR task is sent. This gives CIR 14 days to prepare and release the file, and the reviewer 14 days to familiarise with the issue at review.

**NOTE** **What is the last possible date that a case conference can be held?**

A case conference must be held by day 78. This is counted from the date the review application was received into the corporation. This date (day 78) should be provided to the Review Specialist at the time of allocation.

- If the decision is about a review on a claim check the information provided in the PRC REV: Complete admin review task.
- If the decision is about a levy decision check the email with the review information provided by the Resolution Coordinator.

**c** Contact the customer/representative and using the 'Resolution Service Shared Calendar' agree a date and time for the case conference.

**NOTE Do you have to provide a client with a choice of review supplier?**

We must provide the customer a choice of supplier. If the customer needs a specific date and time and there is only one available supplier at the time selected - then explain to the customer how and why their choice is limited.

ACC does need to ensure both providers receive a fair distribution of work - so it is important to be mindful of how often you are using one supplier over the other. If a client has no preference then use this as an opportunity to ensure your reviews are distributed between the two providers equally.

Lastly, explain to the customer that the choice relates to the supplier of reviewer services, and not between reviewers and that once instructed the client is unable to change their mind. If a customer has a number of reviews and one has already been set down with one organisation then we should continue with that review provider so that there is no opportunity to have misinformation.

**NOTE What if the client wants to change the review provider or the reviewer assigned after they have been engaged?**

It is important to understand that ACC has no influence over whether the review provider or allocated reviewer can be changed after they are engaged and instructed. The client must direct their request for a change in provider to the review provider/reviewer with their rationale for wanting a change.

**Change of Review Provider**

ACC may be asked by the review provider for an opinion regarding the clients request. ACC should consider whether the rationale provided by the client is reasonable, and provide an opinion on ACC's position. When considering ACC's position the Review Specialist may take into account the following:

- 1: Did the client already choose a provider to administer the review?
- 2: Are the client's reasons for wanting a transfer to another provider reasonable?
- 3: Has significant work already taken place, and/or has the review been with the provider for some time?

**Change of Independent Reviewer**

If the client issue relates to a perceived conflict of interest, the client will need to approach the Review Provider or Reviewer to voice their request. Section 138 of the AC Act 2001 states that a Reviewer has a duty to act independently and disclose previous involvement they have had in a claim other than as a reviewer. The legislation also says in Section 139, that ACC must not allocate a claim to a reviewer who discloses to ACC previous involvement in the claim other than as a reviewer.

This means a reviewer may hear as many reviews on a client's claim as is referred to them unless they have acted in some way other than as a reviewer on the claim. If a client has an issue with the reviewer allocated to hear their review, it will be for the client to raise it with the reviewer and for the reviewer to make a determination. It is not for ACC to interfere in that process.

ACC will abide by whatever the reviewer or review provider decides.

**NOTE How you explain to a client the difference between the two review suppliers?**

As a guide, a Review Specialist could say:

"When it comes to booking an independent review you have the choice of two suppliers. The two suppliers are Fairway Resolution Limited and Independent Complaint and Resolution Authority. They both offer the same service and have the same contractual requirements. If you have a preference, then I can see what times we have available - otherwise I can allocate one randomly. Lastly it's important for me to mention that this choice only relates to the choice of supplier - not the choice of reviewer. The reviewer will be selected by the supplier once ACC transfers them a copy of the review documents".

**NOTE What if a conflict of interest exists between the reviewer or review provider and the client?**

A conflict of interest is where a person has another interest that others may think affects this person's independence, their objectivity and their impartiality.

There are two potential conflicts of interest and will each be managed differently.

- Conflict of interest with the 'Supplier': If a Fairway or ICRA staff member lodges a review application, they should choose the alternate supplier.
- Conflict of interest with a 'Reviewer': It is for the reviewer to identify a conflict of interest with the customer, and make a determination on the next steps.

Subsequently, if you believe a conflict of interest does exist contact a Senior Resolution Specialist so they can manage this from a contract perspective.

**NOTE What if External Counsel has been engaged?**

Negotiate a date and time to hold the case conference suitable to both the external counsel, and the customer/representative.

**NOTE What if travel assistance is required to get to a review hearing (if a review hearing is scheduled)?**

Advise the customer/representative that they may claim for travel costs, and these will be awarded after the review hearing. If the travel requires air travel, and/or accommodation prior approval must be given by a manager.

If the clients travel costs are going to exceed the maximum award allowable under the regulations (\$178.78) the Review Specialist can agree to reimburse reasonably sought costs brought as a result of needing to travel a face to face hearing.

**NOTE What if there is an interested party?**

- If the interested party is a client and they would like to attend, schedule a time that suits all parties.
- If the interested party is an employer advise the employer of the date and time of the scheduled case conference.

**NOTE What if the customer/representative requests a face to face case conference?**

First and foremost attempt to understand the clients reasons for wanting a face to face. Share with the client the advantages of attending the hearing via video conference. These advantages can include:

- May result in the matter being heard in a more timely manner (as opposed to needing to fit in with the face to face circuits).
- Will decrease the amount of time being spent travelling to attend the hearing, which can be especially frustrating where the matter is adjourned part heard.
- Very easy technology to use which the RS can offer to try out at the case conference to provide the client with reassurance it's as effective as a face to face with the reviewer.

Lastly, share the positive feedback received from other clients who have found the option of video conference practical and efficient AND ensure they are aware that ACC will NOT be attending face to face.

If they customer still wants a face to face review, notify the review supplier of the request on the ACC6239.

**NOTE Where can a face to face hearing be held?**

- Whangarei
- Auckland
- Hawkes Bay (Hastings/Napier)
- Hamilton
- New Plymouth
- Wellington
- Blenheim/Nelson
- Christchurch
- Dunedin

**NOTE What if the customer/representative chooses not to agree a case conference time?**

- Advise the customer/representative that a case conference will be set, and that they can choose not to attend.
- Advise the customer/representative that the review hearing is set at the case conference.
- Note 'case conference unagreed' on the ACC6239.

If a client is adamant that they do not want a case conference to go ahead then please escalate the matter to a Senior Review Specialist to discuss further.

**NOTE What if the customer/representative cannot be contacted to agree to a case conference time?**

Record each contact attempt (multiple attempts are expected).

At day 60 select a case conference time and notify the customer/representative in writing that:

- Contact attempts have been unsuccessful
- The time and date of the case conference
- To make contact if a copy of relevant documents are required.

- d** Select the chosen time in the Resolution Services shared calendar booking tool and complete the appointment subject line with: RS name, Client name, Review number and claim number. Click on 'copy to my calendar', then save and close.

**NOTE What if you later want to cancel the booked case conference?**

If the CC is not going ahead or is being moved, delete in your own calendar and remove the client specific information from the subject line so another RS can use the appointment if required.

Subject line for blank appoint reads: ICRA RS: CLIENT: REV: CLAIM:

If the review has already been transferred through to a provider, then email the provider (via the Eos emailing toolset) to notify them of the clients withdrawals and cancellation of the Case Conference.

- e** • If the review is about a decision on a claim, in Eos, add the case conference time, date and provider name to the [PRV REV: hearing requested] task.
- If the review is about a levy decision, in the Levy Spreadsheet add the conference time, date and provider name.



## ⊖ Hearing Outcome Details

Preliminary Hearing Reviewer:	ICRA
Preliminary Hearing Date:	03/09/2019
Preliminary Hearing Time:	10:00
Preliminary Hearing Venue:	Zoom/Telephone
Preliminary Hearing Outcome:	Not Selected
Preliminary Hearing Outcome Date Received:	DD/MM/YYYY
Review Hearing Reviewer:	
Review Hearing Date:	DD/MM/YYYY
Review Hearing Time:	00:00
Review Hearing Venue:	
Adjournment Granted?:	<input type="checkbox"/>
Adjournment Requestor:	Not Selected

Adjournment Reasons:

ADR TMR 04/08/2019

Security Level

Not Selected

CC - Hearing Task.png

**f** If the review is about a decision on a claim, in Eos, add the nominated provider to the claim record.

**NOTE** What if the case conference requires rescheduling?

- The review provider will complete their own internal checks and check on the reviewers availability.
- The review provider will check with the applicant when they would available for a case conference.
- If the set down date is 21 days or more away - the provider will send an email to ACC stating 'URGENT RE-SCHEDULE CASE CONFERENCE'.
- If the set down date is 20 days or less - the provider will ring ACC to confirm ACC availability.
- RC will check RS availability and respond to the provider.
- Provider will send through update CC notification.
- RC will update the CC details in the hearing task (replacing the existing information)
- RC will upload the new CC notification to Eos.

## 2.0 Prepare documents for case conference

### Review Specialist

**a** • If the review is about a decision on a claim, in Eos generate the ACC6239, update the document description to include the prefix Rev, space, followed by the unique review number, space and 'appoint reviewer', and save the document as incomplete.

• If the review is about a levy decision, complete the ACC6239, attach it to the customer account in Juno\_CRM and enter the case conference provider, time and date in the Levy Spreadsheet.

ACC6239 Instruction for review provider

**NOTE** What if there are multiple reviews on a decision on a claim?

Update the document description to include the prefix Rev, space, followed by the unique review number, space and 'appoint reviewer', and save the document as incomplete for each matter.

**NOTE** What if the review related to a settled appeal or court decision?

The ACC6239 should have in the additional information box, that this is a matter settled after an appeal to hear the substantive matter. A case conference should be booked per usual process.



**NOTE What is considered a 'Complex Review'?**

- Accident Compensation Act 1982 Matters (W3 & W5)
  - Vocational Independence (X7)
  - Vocational Rehabilitation (X16)
  - Weekly compensation - loss of potential earnings (Y19 only)
  - Rehabilitation - attendant care, home help and child care (Y17 only)
  - Complex Treatment injury - these cases are considered complex if there has been an ECA sought OR it is noted to be complex in the Treatment Injury tab.
- AND

- Multiple reviews - however only in the following circumstances:
    - 1) All reviews must be from the same claim.
    - 2) All being referral together to the provider on 1 x ACC6239 (regardless of whether they were lodged together)
    - 3) Are about matter where the outcome of one will determine the outcome of the other (i.e. cover & surgery)
- OR
- Multiple jurisdictional reviews from the same claim (codes: Z5 – Jurisdiction Other, Z6 – Jurisdiction Code & Y12 – Failure to Issue decision),
  - That are being referred to the provider at the same time (whether or not lodged together)

**Examples of multi-issue disputes:**

- A client lodges two review applications about 2 decisions - one decision relates to declined cover and the other decision is declined surgery. ACC prepared and sent the file to the supplier on the same day, noting the ACC6239 with both review issues and scheduling them to be discussed at the same case conference. Both reviews were scheduled by the reviewer to be heard at the same time because the outcome of the cover review will determine the outcome of the surgery review.

- A client lodges one review application about one decision letter that dealt with two issues - cover and suspension. ACC discussed the matter with the client and established that the client wished to review both decisions. ACC allocated two separate review numbers to the application, and prepared and sent the file to the supplier on the same day, noting the ACC6239 with both review numbers and scheduling them to be discussed at the same case conference. Both reviews were scheduled by the reviewer to be heard at the same time because the outcome of the cover review will determine the outcome of the suspension review.

**Not a multi-issue dispute example:**

- A client lodges two review applications on the same day about two separate decisions issues on the same claim. One decision was about the calculation of weekly compensation, and the other decision was about lump sum compensation. ACC allocated two separate review numbers to the applications, and prepared and sent 2 separate relevant document bundles to the supplier on the same day, along with two separate ACC6239s - one for each review application. Two separate case conferences were scheduled on the same day, one after the other to discuss the separate issues. Both reviews were scheduled by the reviewer to be heard on the same day, one after the other.

If you have a review which you believe is complex that isn't covered off in one of the above categories, please contact Greer Dines or Lucy McK

**NOTE What if the client belongs to the Wellington Central Unit (WCU) or Remote Claims Unit (RCU)?**

In the additional notes box - put a bold, large, capital 'R' in red if the claim belongs to the RCU.

- b** Check if the 'Client Care Indicator' is active.

**NOTE This is necessary for both reviews on decisions on claims and on levy decisions, where the levy payer is self employed.**

**NOTE What if the 'Client Care Indicator' is active?**

On the ACC6239 check [Yes] next to the [Care Indicator] and add the following information on the risks the customer/ representative may present at the review hearing.

- Who is involved, eg. the client, their advocate, or a family member
- Incident type - the incidents or behaviours that led to the care indicator being applied
- Incident timing – when the incidents occurred. This should not be a specific date but more a general statement, such as 'two years ago', or 'last month'
- Incident frequency – this could be a specific number of incidents or a more general statement, such as 'repeated'.

- c** Arrange of the preparation and/or dispatch of agreed relevant documents.

- d** Go to Create bulk print and send CIR task.

---

 **PROCESS Create Bulk Print and Send CIR Task**  
Review Specialist

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### 3.0 Prepare for and attend case conference

#### Review Specialist

**a** Prepare for the case conference by reading all of the background information and determining whether aspects of the decision will require additional preparation.

**b** Re-evaluate all potential resolution options as an outcome of the case conference.

**NOTE** What potential resolution options are available if the original decision was or appears correct?

- A resolution agreement
- A review hearing

**NOTE** What potential resolution options are available if the original decision was or appears incorrect?

- Overturning the original decision

**c** Ensure any new information relevant to the review has been sent to all parties prior to the case conference (eg CAP comment, newly obtained medical notes).

**d** Attend and participate in the case conference.

**NOTE** Please note a Case Conference may be recorded at the Reviewer's discretion.

**NOTE** What happens at the case conference?

The provider will spend:

- 10 minutes discussing and clarifying the decision at review
- 10 minutes discussing whether further information is required, or resolution options
- 10 minutes scheduling hearing arrangements.

**NOTE** What questions must the reviewer ask during the case conference?

- What was the decision date?
- What was the date the review application was made (ie review lodgement date)?
- Are there any preliminary jurisdictional issues?
- What are the issues to be decided?
- What facts must be proven?
- Are there any other relevant documents that have not been provided?
- Are there any issues that place an onus of proof on ACC or an Accredited Employer?
- Is conciliation an option?
- What is the hearing attendance preference of the client, customer, or representative?
- If the hearing preference is in person, where is the preferred location?
- Is there a requirement for timetabling directions?
- When will all parties be ready for a hearing?
- What is the preferred communication method for the client, customer, or representative?
- Is the correct address for the preferred communication method recorded by the provider?

**e** Take note of the hearing date agreed in the Case Conference, and add the date and time of the set down to the [PRC REV: Hearing Requested] task as seen in the image below.

#### Hearing Outcome Details

Preliminary Hearing Reviewer:	ICRA
Preliminary Hearing Date:	03/09/2019
Preliminary Hearing Time:	10:00
Preliminary Hearing Venue:	Zoom/Telephone
Preliminary Hearing Outcome:	Not Selected
Preliminary Hearing Outcome Date Received:	DD/MM/YYYY
Review Hearing Reviewer:	ICRA
Review Hearing Date:	24/09/2019
Review Hearing Time:	13:00
Review Hearing Venue:	Zoom
Adjournment Granted?:	<input type="checkbox"/>
Adjournment Requestor:	Not Selected

ADR TMR 04/08/2019

Adjournment Reasons:

Security Level

 Hearing booked - Hearing task.png

**NOTE What if the customer/representative requests a face to face hearing?**

Advise the customer/representative that they may claim for travel costs, and these will be awarded after the review hearing. If the travel requires air travel, and/or accommodation prior approval must be given by a manager.

---

**4.0 Action the case conference outcome**

**Review Specialist**

- a** Read and action the case conference minutes.

**NOTE What if an agreement was reached to gather additional information?**

Gather the requested information, and then send copies to the customer/representative and the provider.

**NOTE What if no resolution was reached?**

The case conference provider will set down a review hearing date. Go to Prepare and Attend Review Hearing (RH).

**PROCESS** Prepare and Attend Review Hearing (RH)

**NOTE What if there was a successful resolution agreement, an agreement to withdraw the review or overturn an incorrect decision?**

Go to Implement Resolution Outcomes.

**PROCESS** Implement Resolution Outcomes

- b** Email the case conference minutes to classificationunit@acc.co.nz if the review is about a levy decision.

**NOTE What should the email contain?**

The subject of the email should read 'Resolution Services Case Conference Minutes'. The email is to include:

- Review number
- Customer/representative name (if applicable)
- ACC number
- Any actions required.

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**PROCESS** **Prepare and Attend an Alternative Dispute Resolution (ADR)**  
Review Specialist

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**PROCESS** **Prepare and Attend Review Hearing (RH)**  
Review Specialist

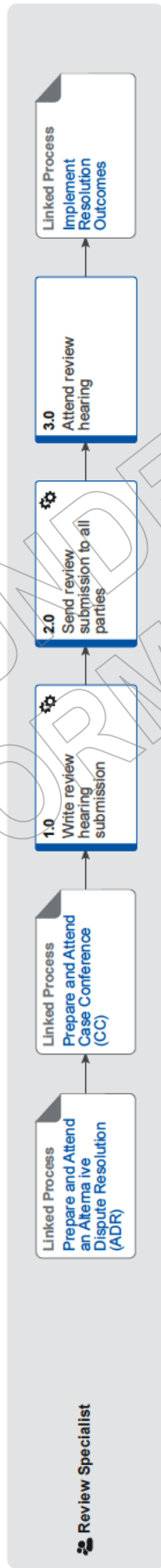
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**PROCESS** **Implement Resolution Outcomes**  
Review Specialist

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## Summary

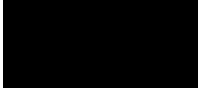
### Objective

To attend a review hearing, on ACC's behalf, to provide submissions pertaining to the matter at review and the reasons for ACC's decision.

### Background

A review hearing will provide ACC and the customer/representative with an outcome that is binding between the customer and ACC.

### Owner



### Expert

## Procedure


 **PROCESS** **Prepare and Attend an Alternative Dispute Resolution (ADR)**  
Review Specialist

 **PROCESS** **Prepare and Attend Case Conference (CC)**  
Review Specialist

### 1.0 Write review hearing submission


Review Specialist

**a** Complete the review submissions.

 ACC2199 ACC submissions template

**NOTE** **What information should be included?**

- Background of the issue
- Relevant legislation
- Relevant case law
- ACC's position

 Review Hearing Submission Policy

**b** If the review is about a decision on a claim, in Eos, update the submissions document code with 'ACC2199' and the document description with the unique review identifier.

**c** If the review is about a levy, complete the submissions and save them to the customer folder.

**d** Use judgement to consider having the written submissions peer reviewed by a colleague, senior resolution specialist or a technical specialist.

**e** Read the review hearings rules policy to help understand more about review hearings.

 Review Hearing Rules Policy

### 2.0 Send review submission to all parties

Review Specialist

**a** Check Eos and ensure that the client care indicator has not been activated since the ACC6239 was sent to the review provider.

**NOTE** **What if the client care indicator was already active but it hasn't been updated in the last six months?**

Contact the decision maker (DM) and their Team Manager (TM) using the Client Care Indicator Template to update the Care Indicator.

**b** If the review is about a decision on a claim, in Eos, use the email tool set to send the submissions document to all parties.

**NOTE** **Who are all parties?**

This includes:

- the review provider
- the customer/representative
- interested parties

**NOTE** **What if the customer/representative does not have an email address?**

Print the documents and send them to the necessary parties.

**c** If the review is about a levy, email the submissions to all parties, and save email as an interaction in Juno\_CRM.

**NOTE** **What if the customer/representative does not have an email address?**

Post the submissions to the customer/representative and save a scanned copy in a Juno\_CRM interaction.

- d Ensure any new information relevant to the review has been sent to all parties prior to the hearing (eg CAP comment, newly obtained medical notes).

### 3.0 Attend review hearing


#### Review Specialist

- a Consider who from ACC should attend the hearing.

**NOTE Who from ACC should you consider?**

Consider:

- decision maker
- TAS
- any other ACC expert (eg technical specialist, medical advisor, etc).

 Reference Guide for Review Specialists when deciding whether to refer a task to Technical Accounting Specialist (TAS)

- b Dial into the tele/video conference or attend in person.

 Arrange Face to Face Client Meeting - Health and Safety Requirements

**NOTE Where can face to face hearings be held?**

- Whangarei
- Auckland
- Hawkes Bay (Hastings/Napier)
- Hamilton
- New Plymouth
- Wellington
- Blenheim/Nelson
- Christchurch
- Dunedin.

 Zoom Meeting Guide

- c Answer any questions asked by the review provider.

**NOTE What happens at the hearing?**

- The customer/representative will outline their case.
- The reviewer will ask clarifying questions of the customer/representative.
- ACC will present their case and submissions.
- The reviewer will ask clarifying questions of ACC.
- ACC will be offered the opportunity to cross examine the customer/representative.
- The customer/representative will summarise their case and provide submissions.

**NOTE What happens if the reviewer adjourns the hearing?**

The customer/representative and Resolution Services will agree on actions to be taken.

If the review is about a decision on a claim, update the Hearing Request task to provide the reasons for the adjournment. The review will remain allocated to the Review Specialist until the hearing is closed.

 Adjournments Policy

- d Approve costs within the Review Specialist delegation when called upon by the Reviewer, using the delegation levels in 7.10 Mediation, review and appeal on The Sauce.

 7.10 Mediation, review and appeal (Te Whāriki)

**NOTE What if the reviewer requests costs outside of the regulated amount?**

This is outside of the Review Specialist delegation and must refer to a Senior Review Specialist or Resolution Manager for consideration.

This would most likely be in cases whereby travel costs to the hearing are outside of the regulated amounts.

- e Complete the [PRC REV Hearing Requested] e-form after the hearing is concluded, and close this task.

- f Transfer the subsequent task [PRC REV Record Review Outcome] task to the 'Hamilton SC - Quality Assurance' queue.

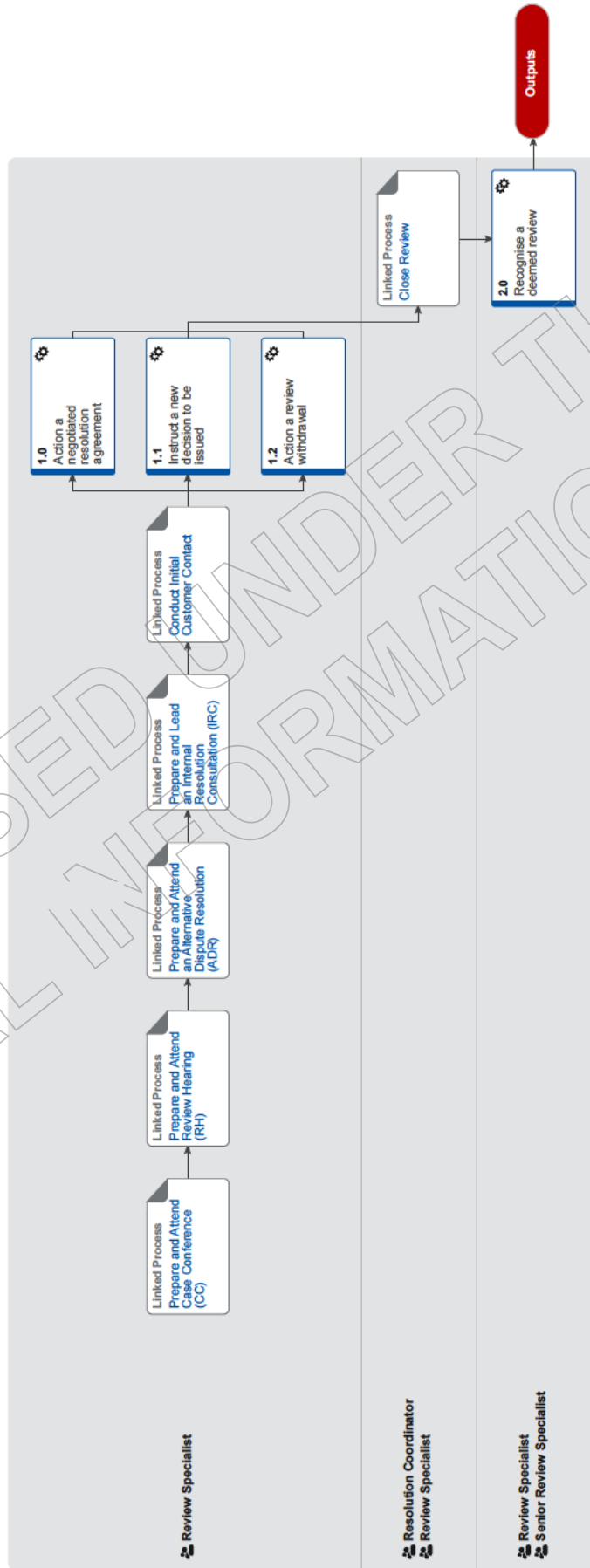
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 **PROCESS** **Implement Resolution Outcomes**  
Review Specialist

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## Summary

### Objective

The objective of this process is to carry out the agreed resolution outcome so that the review can be closed.

### Owner



### Expert

## Procedure

 **PROCESS** **Prepare and Attend Case Conference (CC)**  
Review Specialist

 **PROCESS** **Prepare and Attend Review Hearing (RH)**  
Review Specialist

 **PROCESS** **Prepare and Attend an Alternative Dispute Resolution (ADR)**  
Review Specialist

 **PROCESS** **Prepare and Lead an Internal Resolution Consultation (IRC)**  
Review Specialist

 **PROCESS** **Conduct Initial Customer Contact**  
Review Specialist

### 1.0 Action a negotiated resolution agreement

Review Specialist

- a** Contact the decision maker and have a conversation about your recommendation to offer a resolution agreement. Document the conversation between parties to show that all practicable efforts have been made to achieve an agreed decision.

**NOTE** **What if the decision maker does not agree with your rational for offering a resolution agreement?**

The final decision rests with the Review Specialist/Senior Review Specialist and there should be clear documentation of that persons rational.

 Resolution Services Delegation

- b** Send the REV043 settlement letter if the customer/representative has agreed to a resolution agreement.

 REV043 Resolution Agreement

**NOTE** **When undertaking a risk analysis what factor should be considered?**

Consider the following:

- what the customer wants (and whether a contribution towards their request is reasonable as opposed to full amount).
- what is the value of the amount the customer may be entitled to if ACC had accepted their entitlement request
- the ACC regulations
- the possible outcome at review, versus the customer experience
- whether the customer has shown a pattern of seeking monetary resolution without a reasonable basis
- whether the issue has been previously disputed
- whether the customer has a tendency to resort to legal proceedings to resolve disputes where no reasonable basis exists
- that the potential resolution agreement is not detrimental to a customer's entitlements
- any ongoing impact for levy years not part of the original decision
- whether the client has a legal representative/advocate that ACC would be hesitant to create an expectation that ACC 'will settle anything under \$2k'
- whether a resolution offer is appropriate for a client who is emotionally aggrieved.

Once completed consult with a Senior Resolution Specialist to ensure the rational for offering a resolution agreement is robust.

**NOTE What pre-work is required prior to offering a resolution agreement?**

All resolution agreements should meet the below criteria:

- Should be quantifiable
- Be fair and reasonable
- Have gone through a risk analysis to ensure that the rational is robust
- Have evaluated the possible outcome versus the customer experience.

**NOTE What if a potential settlement is over \$2000 in value?**

Email a Senior Resolution Specialist or Resolution Services Manager to seek prior approval.

Please note that seeking Manager approval does not negate the need to consult with your Senior Resolution Specialist on whether to offer the Resolution Agreement.

**NOTE Should the payment always be made directly to the client?**

Payment of an agreed monetary resolution shall be made only to the client or, where suitable authority exists, to their representative.



- c** • If the agreed resolution is about a decision on a claim, in Eos upload the letter to the claim including the team manager authorisation for amounts exceeding delegations.
- If the agreed resolution is about a levy decision, in Juno\_CRM, upload the letter to the account, and if applicable include the team manager authorisation of amounts exceeding delegations.
- d** Notify the decision maker of the resolution agreement.
- If the review is about a decision on a claim, notify the decision maker.
- If the review is about a levy decision, send the notification to levyclassification@acc.co.nz.

**NOTE What information do you need to include in the email notification to the levy classification team?**

The email subject should read "Resolution Services Instruction". The email is to include:


- Review number
- Customer/representative name (if applicable)
- ACC number
- Instruction or action required

The responsible Levy staff member will reply by email to the Review Specialist advising the instruction has been actioned.

- e** Add an interaction bullet pointing the review outcome, if the review is about a levy decision, in Juno\_CRM.
- f** Contact the customer/representative requesting they withdraw their review application in writing (e.g. email/text/ letter/ACC34).
-  Accepting withdrawals
-  ACC034 Request to withdraw a review application

**NOTE What if CIT are part way through checking the relevant documents/full file?**

Email the DSCCIT inbox to advise them the review application has been withdrawn and that they can cease reading the relevant documents/full file.

- g** Proceed to 'Close Review' to record the rational for offering a 'resolution agreement' and close the review cog.
-  Settlement on economic grounds

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## 1.1 Instruct a new decision to be issued

### Review Specialist

- a** In consultation with the decision maker discuss your recommendation to revoke the existing decision in dispute and replace it with a new decision using the Rev45 - Revoke Decision letter.

 REV45 - Revoke Decision Letter

**NOTE Who holds the delegation to decide a decision will be revoked and replaced?**

"In consultation with" means there must be documented consultation between the final decision making authority (Review Specialist) and the other described party (Decision Maker). All practicable efforts should be made to achieve an agreed decision. In the event agreement cannot be reached, the final decision rests with the decision-making authority and there should be clear documentation of that person's rationale.

For more detail on the delegate please read the 'Delegations Framework'.

 Case and Claims Management Features Delegations

**NOTE What if the original decision was issued by the Elective Services Centre (surgery team)?**

1. Create a Complete Internal Referral task
2. Write overturn rationale in that task using heading 'POTENTIAL REVISION OF DECISION'. if further space is needed, can be entered in the 'Add info' section of task which populates into E-form).
3. Transfer the COMPLETE INTERNAL REFERRAL TASK to the ESC management queue
4. Update your working task with current action and next steps for follow up of overturn request.

**NOTE Should Technical Services be consulted if they held the original delegation to make the decision?**

You must return to the Technical Specialist who was involved to discuss your rational for wanting to revoke and replace the decision. Ensure this conversation is documented on Eos.

**NOTE What if the claim resides in the Assisted Recovery Team?**

If in Assisted Recovery, contact the Assisted Recovery team extn. 50140 to discuss your instruction. Follow-up by creating a 'NGCM - General' task assigned to the Recovery Assistant that you spoke with detailing your specific instructions.

The NGCM – GENERAL task should read:

- Review Specialist – Action needed.
- (Write specific and clear detail of your request for the Recovery Team Member to action)
- This new decision is made with the Review Specialist delegation, and does not require additional clinical or technical advice; if you have any question, please feel free to contact me.

If the overturned decision is as a result of a hearing attached a copy of the reviewers decision to the task.

**NOTE What if the claim is assigned to an individual within the Supported or Partnered Recovery Team?**

Contact the Recovery Coordinator or Recovery Partner by phone directly to discuss your concerns and rationale on why you are looking to overturn the decision. Ensure that your rationale is captured in your Contact note in EOS.

NOTE: the delegation to overturn sits with the Review Specialist after consultation with a Delegation holder. This is an important part of working together. You do not need to agree but it is important that this conversation occurs, so everyone understands the reasons for the decision.


Please also advise the person you are speaking with, that we do not need them to seek additional clinical or technical comment, as that is considered as part of our investigation process for the Review.

If the outcome is as a result of a hearing, in Outlook, email a copy of the review hearing decision to the decision maker and their Team Manager.

**NOTE What if the claim is no longer assigned to an individual?**

This instruction includes any claims closed after sitting with Assisted, Partnered, Supported, Cover and Treatment Injury.

Although unassigned, you must always attempt to contact the person who made the decision via their DDI. If unavailable for any reason, ring the hunt number and speak with another person in the appropriate team who can pick up the task on their behalf.

 Team Numbers (Hunt Line)

**b** Document the detail of your 'Consultation' conversation in an Eos contact and label the contact 'Overturn Rationale/ Consultation'.


**c** If the review is about a levy decision:

Send an email to [levyclassification@acc.co.nz](mailto:levyclassification@acc.co.nz). The subject line should read "Resolution Services Instruction". Attach a copy of the decision document (ie hearing decision document, case conference minutes, or ADR agreement). The email should include:

- Review number
- Customer/representative name (if applicable)
- ACC number
- The instruction or action required on the account

The responsible Levy staff member will reply by email to the Review Specialist advising the instruction has been actioned.

**d** Contact the customer/representative and tell them that a new decision will be issued, and unless we are issuing a new decision as a result of a hearing outcome request they withdraw their review application in writing (e.g. email/text/letter/ACC34).

 Accepting withdrawals

**NOTE What if CIT are part way through checking the relevant documents/full file?**


Email the DSCCIT inbox to advise them the review application has been withdrawn and that they can cease reading the relevant documents/full file.

---

## 1.2 Action a review withdrawal

### Review Specialist

**a** Read the withdrawal review application request and open the claim, or account as appropriate.

 Accepting withdrawals

**b** If the review withdrawal application is about a decision on a claim, in Eos upload the withdrawal request and update the document type to 'ACC034 Withdraw review' and document description with the unique review number.

**c** If the review withdrawal application is about a levy decision add an interaction in Juno\_CRM and upload the ACC034 to the interaction. Send an email of the outcome to [levyclassification@acc.co.nz](mailto:levyclassification@acc.co.nz). The subject should read 'Resolution Services Review Outcome'. The email should include:

- Review number
- customer/representative name (if applicable)
- ACC number
- Advice the review has been withdrawn

- d** If the a review hearing date or case conference has been set down, send confirmation of the withdrawal, to the review provider and say that the customer/representative wants to withdraw their application.

**NOTE What if CIR are part way through checking the relevant documents/full file?**

Email the DSCCIT inbox to advise them the review application has been withdrawn and that they can cease reading the relevant documents/full file.

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 **PROCESS**

**Close Review**

Resolution Coordinator, Review Specialist

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**2.0 Recognise a deemed review**

Review Specialist, Senior Review Specialist

- a** Advise the Senior Review Specialist of the suspected deemed review.

**NOTE What actions should the Senior Resolution Specialist take?**

If the review is confirmed as deemed, the Senior Resolution Specialist should refer the case to Review Monitoring Panel to consider if ACC should appeal the deemed review.

- b** Refer to Legal Services to confirm that the review is considered to be deemed, and to request clarification on the impact and effect of the deemed review.
- c** Generate, in Eos, the 'Rev44 - Deemed Review Letter' if the review has been confirmed as deemed by Legal Services.

 Deemed Review Letter

- d** Contact the client and explain the following:

- What a deemed review means?
- How this will impact the review at hand?
- What impact this will have on cover and entitlements?

**NOTE Would we then ask the client to withdraw the review?**

The client is not require to withdraw the review as the outcome of the review is decided by the application of Section 146 of the AC Act 2001. If the customer disagrees, they would need to appeal the decision as opposed to review the decision.

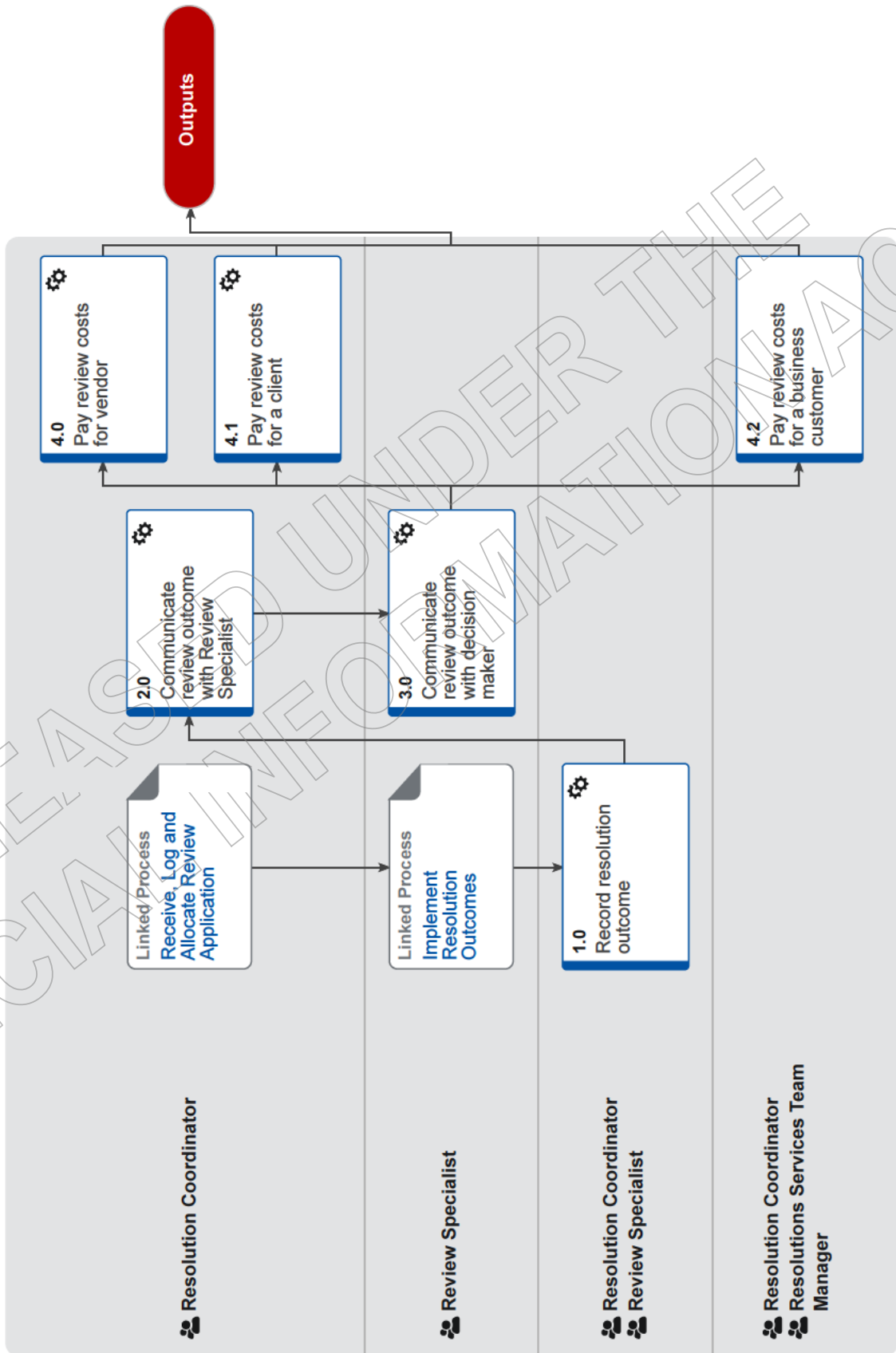
- e** Contact the review provider, if the file has already been transferred, to inform them of the deemed review. The review provider will then provide confirmation of the outcome in a formalised letter.

- f** Advise the Resolution Manager of the deemed review.

**NOTE What actions should the Resolution Manager take?**

The Resolution Manager should advise the Manager, Resolution Services of the deemed review and what actions have been taken.

- g** Close the review in EOS using the code 'quashed' and complete the 'View Review Outcome' e-form, explaining how the review became deemed and the effect of the deemed review.
-



## Summary

### Objective

To formally close a review and complete outstanding actions.

### Background

A review outcome must be recorded and actioned to close the review. If costs are payable, instructions must be sent in order to fulfil legislative timeframes. Section 148(5) determines that payments must be made within 28 days of the review outcome.

Owner



Expert

## Procedure

 **PROCESS** **Receive, Log and Allocate Review Application**  
Resolution Coordinator

 **PROCESS** **Implement Resolution Outcomes**  
Review Specialist

### 1.0 Record resolution outcome

Resolution Coordinator, Review Specialist

**a** Record the resolution outcome and date in the [PRC REV: Record Review Outcome] task and close this task.

**NOTE** What outcomes should a Resolution Coordinator be recording as an outcome of a review hearing?

- Dismissed
- Modified (may be recorded as Quashed and modified).
- No Jurisdiction (may be recorded 'Dismissed - no jurisdiction', log this as 'No jurisdiction).
- Quashed (may be recorded 'Quashed and substituted', 'Quashed with directions' or 'Quashed by consent')
- Withdrawn (at hearing)

**NOTE** What outcomes should a Review Specialist be recording as a result of a resolution agreement, if the review was withdrawn prior to a review hearing, or overturned.

- Use 'Overturned - new information' if the decision was changed because of new information.
- Use 'Overturned - incorrect' if the decision was changed because the original decision was incorrect.
- Use 'Settled' if a resolution agreement was accepted.
- Use 'Withdrawn' ONLY where the customer or advocate agreed not to proceed.

DO NOT use the 'Withdrawn' code if the decision was overturned or settled.

**NOTE** How should a resolution outcome be recorded if the review is about a levy decision?

- 1) Record the outcome in the Levy Workflow Tool.
- 2) In Juno CRM, upload the email from the review provider with the label "Decision Document in Policy Centre".
- 3) Upload the decision document to both Policy Centre and the Levy Tool Folder under the relevant review number.
- 4) Notify BCSD of the review outcome.
- 5) Email a copy of the Juno interaction and a copy of the decision document if one exists (ie case conference minutes, ADR agreement, Review decision) to classificationunit@acc.co.nz. The subject line should read 'Resolution Services Review Outcome Notification'.

**b** Record the review outcome or resolution rationale in the [PRC REV: View Review Outcome] task (under the 'Add.Info' tab).

- If there has been a formal review decision record the review outcome, as it is stated in the decision document (e.g. quashed and substituted) as per image below.
- If the outcome is a result of a resolution agreement; a withdrawal prior to a review hearing, or a decision being overturned recording your rationale as per the information guide below.



Eos Logout View History LM

My Dashboard OK Cancel




Review Outcome Comments

Quashed and substituted

Review Outcome Comments

Security Level Not Selected

OK Cancel

-  View Review Outcome Image.PNG
-  Recording the Outcome Rationale in Eos
-  Updating the Levy Review Outcome

**NOTE What if the review decision is about a levy or vehicle registration decision?**

Update the Levy Review Spreadsheet with the review rationale for:

- offering a resolution agreement
- obtaining a withdrawal
- an overturned decision

- c** Remove External Counsel (if appointed), and Review Provider as a Eos claim participant unless they remain in an acting capacity for other reviews in progress.
- d** If the Review Coordinator is closing down the review, proceed to Step 4.0 (vendor) or Step 4.1 (client) to process the payment.
- e** If the Review Specialist closing down the review, complete the [PRC REV: Implement Review Costs/Entitlements] task in Eos and transfer it to the Hamilton Service Centre Quality Assurance queue if costs are payable (e.g. settlement costs).

**NOTE What information is required to complete the payments task?**

- Vendor ID/Claim Number
- Review number
- Total amount to be paid
- Invoice linked to task: Yes/No
- Decision Document linked to task: Yes/No

Note: A decision document can include a conciliation agreement or Resolution Agreement.

**NOTE What costs are payable if the decision was made under the 1982 Act?**

Section 391(1) of the 2001 Act says: Part IX of the Accident Compensation Act 1982 continues in force in order to apply to any decision made by the Corporation ... under the Accident Compensation Act 1972 or the Accident Compensation Act 1982.

Part 9 includes the costs regime under s 102(15) of the Accident Compensation Act 1982:

Subject to any regulations made under this Act, where on an application for review,—

- (a) The Corporation resolves the matter at issue in favour of the applicant pursuant to subsection (2) of this section; or
- (b) A hearing of the application is held and a decision is given in favour of the applicant or the Review Officer considers that the applicant has acted reasonably in applying for a review,— the Corporation or the Review Officer, as the case may be, may allow the applicant reasonable costs.

There are no relevant regulations under the 1982 Act.

Seek advice from Legal Services on what can be considered “reasonable”.

-  Review Costs Regulations  
<http://legislation.govt.nz/regulation/public/2002/0081/latest/DLM117456.html#DLM117456>

- f** Pay costs if review costs are payable on a levy decision.

**NOTE How do review costs on a levy decision get paid?**

• When paying costs to a customer or an advocate/representative, email Minto Fung (Minto.Fung@acc.co.nz) and include the signed Costs Awarded Form, Review number, ACC number and the amount to be paid. Include the advocates invoice and a copy of the review decision if applicable.

• When crediting costs against an existing debt, email collections@acc.co.nz and include the Review number, ACC number and the amount to be credited on the account.

-  Costs Awarded Form

**NOTE What if no costs are payable?**

This process ends.

## 2.0 Communicate review outcome with Review Specialist

### Resolution Coordinator

- a** Email the review decision document to the allocated Review Specialist & Senior Review Specialist, and then file the document away to Eos.

**NOTE** How should the document be uploaded?

- If the review is about a decision on a claim, in Eos, set the document type to REV - Review decision from Fairway, and update the document description list the review number only. For example: Rev 1234567.

- If the review is about a levy decision, email the review outcome to classificationunit@acc.co.nz. The email is to include:

- Review number
- Customer/Representative name (if applicable)
- ACC number.

- b** Send a [General] task to the Review Specialist for their action, if the review outcome is quashed or modified.

- c** Save a copy of the quashed decision to: W:\Public\Resolution Services Folder\9. Adverse Decisions

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## 3.0 Communicate review outcome with decision maker

### Review Specialist

- a** Open the decision outcome received via email and read through the reviewers findings and conclusion.

- b** Forward the decision outcome via email to the decision maker and the decision makers Team Manager.

**NOTE** What if the outcome relates to a levy review?

Forward the decision outcome to the relevant ACC business customer contact who initially assisted.

- c** If a levy decision - email collections@acc.co.nz to remove the hold if the review is about a levy decision and a hold has been placed on the account.

- d** If a levy decision - close the [Juno\_CRM] flag if the review is about a levy decision.

- e** Where the decision was not found in ACC's favour - generate the appropriate task and note in the task 'Review Specialist - Action needed'. Then record the decision maker name and stream it belongs to (eg 'Joe Blogs - Assisted Recovery'). Include in the task description the instructions on any actions required to implement the reviewers decision (e.g. Issue Rev45 - Revoke Decision letter).

 REV45 - Revoke Decision Letter

**NOTE** What queue should the task be transferred to?

If the claim is closed in 'Actioned Cases' - send the task to the Managed Claims queue.

If the claim is open and in the:

Assisted Recovery Department:

- While claim is being actively managed it will sit in the Assisted Recovery Department Queue and tasks will need to be transferred to the Assisted Recovery Queue.
- When claim is in Assisted Recovery Actioned cases tasks will need to be transferred to the Assisted Recovery Department Queue.

Supported Recovery:

- While claim is being actively managed it will sit in the case owners queue and tasks will need to be transferred directly to them.
- When claim is in Supported Recovery Actioned cases tasks will need to be transferred to the Supported Recovery Department Queue and they will be allocated out from there to the most appropriate person.

Partnered Recovery:

- While claim is being actively managed it will sit in the case owners queue and tasks will need to be transferred directly to them.
- When claim is in Partnered Recovery – Actioned cases tasks will need to be transferred to the Partnered Recovery Department Queue and they will be allocated out from there to the most appropriate person.

**NOTE** What if the review outcome was a dismissal?

If dismissed, send the decision onto the decision maker providing any feedback that might be valuable.

**NOTE** What might be valuable feedback for a decision maker to receive?

Consider the following:

- Did the reviewer find a flaw in ACC's application of the law?
- Did the reviewer make any other comments about ACC's application of the internal processes?
- Was there additional work/investigation undertaken by the RS prior to proceeding through to review that should have been done prior to the decision being issued?

- f** Check if Technical Services provided advice on the matter at review and if yes, send the decision outcome to the relevant Technical Specialist for their information.

- g** Where you have requested (via a new task) that a business unit or decision maker implement a reviewers decision - return the task originally sent to you by a Resolution Coordinator (advising you of the review outcome) to the 'Hamilton Service Centre - Quality Assurance' queue. A Resolution Coordinator will then monitor your request to ensure it is actioned in a timely manner.

#### 4.0 Pay review costs for vendor

##### Resolution Coordinator

- a** In Eos, load the invoice and update the description field to 'Invoice - Review Cost - Review 'insert number'.

**NOTE What if the invoice is for costs associated with representation by External Legal Counsel?**  
Upload the invoice to Eos and ensure that it is 'secure' and listed as 'legally privileged'.

**NOTE What costs are payable if the decision was made under the 1982 Act?**

Section 391(1) of the 2001 Act says: Part IX of the Accident Compensation Act 1982 continues in force in order to apply to any decision made by the Corporation ... under the Accident Compensation Act 1972 or the Accident Compensation Act 1982.

Part 9 includes the costs regime under s 102(15) of the Accident Compensation Act 1982:

Subject to any regulations made under this Act, where on an application for review,—

- (a) The Corporation resolves the matter at issue in favour of the applicant pursuant to subsection (2) of this section; or  
(b) A hearing of the application is held and a decision is given in favour of the applicant or the Review Officer considers that the applicant has acted reasonably in applying for a review,—the Corporation or the Review Officer, as the case may be, may allow the applicant reasonable costs.

There are no relevant regulations under the 1982 Act.

Legal has confirmed that around \$7000 (for dismiss) to \$9000 (for quash) appear to be “reasonable”.

- b** Open the [PRC REV: Implement Review Costs/Entitlements] task and add the payment details and instructions.

**NOTE What information is needed to complete the task for a vendor?**

- Vendor ID
- Review number
- Total amount to be paid
- Invoice linked to task: Yes/No
- Decision Document linked to task: Yes/No

Note: In some cases this information will already be provided by the Review Specialist.

Add the following:

- PO Number
- Date PO Created
- PO Codes: (Must be entered manually)
- Other comments:

- c** Complete the purchase order.

- d** Update the target date to today's date.

- e** Transfer the [PRC REV: Implement Review Costs/Entitlements] task to the 'Hutt Processing Centre - Administration' queue.

#### 4.1 Pay review costs for a client

##### Resolution Coordinator

- a** In Eos, open the [PRC REV: Implement Review Costs/Entitlements] task and add the payment details and instructions.

**NOTE What information is needed to complete the task for a client?**

- Claim Number
- Review number
- Total amount to be paid
- Invoice linked to task: Yes/No
- Decision Document linked to task: Yes/No

Note: In some cases this information will already be provided by the Review Specialist.

Add the following:

- PO Number
- Date PO Created
- PO Codes: (Must be entered manually)
- Other comments:

**NOTE What if there is no verified account number in Eos?**

Contact the client via email and request they forward through their bank account number either via the post or preferably by email. Once received, file away in Eos and proceed with the payment arrangements.


If there is no verified email address on Eos, then return to the task to the Review Specialist who managed the review and ask them to contact the client for their account details.

- b** Complete the purchase order.
- c** Update the target date to today's date.
- d** Transfer the [PRC REV: Implement Review Costs/Entitlements] task to the 'Hamilton Service Centre - Claimant Reimbursement' queue.

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**4.2 Pay review costs for a business customer**

Resolution Coordinator, Resolutions Services Team Manager

- a** Obtain a screenshot of the bank account from the client.
- b** Complete the 'Costs Awarded Form and forward this, along with the bank account details, to Resolution Coordinator Team Leader [REDACTED]
  -  Costs Awarded Form
- c** Seek approval from the Resolution Services Costs Centre Manager, and subsequently send onto Accounts Payable at [accounts.payable@acc.co.nz](mailto:accounts.payable@acc.co.nz) for payment.

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