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Response of the Workers Compensation Independent Review Officer (WIRO); Nous Assessment of WIRO Solutions and Independent Legal Assistance and Review Service (ILARS) functions: Final report (Nous Report)

I welcome the Nous Report following the Assessment of our Solutions and ILARS functions.

The Assessment was undertaken using a robust methodology including policy and case reviews, direct observation, stakeholder interviews and staff forums. Its purpose was both to benchmark WIRO services and provide recommendations for ongoing improvement.

It is positive to see that those who rely on our services value them highly. Comments about our expertise and accessibility reflect well on the highly skilled and committed team at WIRO. It is also positive to see that essential elements of our services have been assessed as well-established and providing a great foundation for continuous improvement.

The areas of focus for the future in the Nous Report strongly align with WIRO's Direction Statement 2020-22 (Direction). We have therefore integrated most of the recommended actions into our plan to implement the Direction over the coming 2 years.

The completion of the Assessment comes as the NSW Parliament has passed the *Personal Injury Commission Act 2020* (Act) which confers (in Schedule 5) new functions and increased independence on my office. In particular, from March 2021 we will have a new role in dealing with complaints from injured persons under motor vehicle accident legislation. The Assessment provides confidence to all stakeholders that our office will be able to deal with these matters in an accessible, fair, efficient and effective manner.

Set out below is our response (in italics) to each of the recommended actions in the Nous Report. All the recommendations have been accepted, and we are scheduling action over the coming 18-24 months in response. Through taking these actions we will increase our positive impact on both the workers compensation and motor vehicle accident system. We will report on our progress against the actions in our Annual Report.

A handwritten signature in black ink, appearing to read "S. Cohen".

Simon Cohen
Workers Compensation Independent Review Officer

1. EXPLORE OPPORTUNITIES TO STRENGTHEN THE WORKERS COMPENSATION SYSTEM

- 1.1. Utilise WIRO's power to undertake formal investigations of complaints against insurers, where appropriate.

This recommendation is accepted. It will be implemented as part of a review of the WIRO Complaints Handling Protocol, due for completion by 1 March 2021.

- 1.2. Determine how WIRO can improve outcomes through an expanded role in finding early solutions (ILARS)

This recommendation is accepted. It will be implemented during 2021 following consultation with impacted stakeholders, including Approved Lawyers and other workers compensation system participants.

- 1.3. Use WIRO's data and insights to identify, report on, and make recommendations to improve the workers compensation system.

This recommendation is accepted. It will be implemented as part of the broader data and insights strategy to be developed during 2020, and implemented from 2021.

2. BOOST ENGAGEMENT WITH EXTERNAL STAKEHOLDERS

- 2.1. Review and, where valuable, expand the information that WIRO provides to injured workers' intermediaries (e.g. insurers, unions, doctors, rehabilitation providers).

This recommendation is accepted. It will be further considered as part of a review of WIRO's engagement to be conducted following the implementation of Schedule 5 of the Act.

- 2.2. Provide information about WIRO's services in multiple languages. (Solutions).

This recommendation is accepted. It will be further considered as part of a review of WIRO's engagement to be conducted following the implementation of will Schedule 5 of the Act.

- 2.3. Provide regular opportunities for insurers to give two-way feedback. (Solutions).

This recommendation is accepted. It will be implemented in late 2020 or early 2021, where opportunities will be provided to all substantial insurers to have regular two-way discussions with the Solutions Group leadership team.

- 2.4. Review and, where valuable, update or improve the accessibility of the information that WIRO provides to external lawyers and their support staff on WIRO processes (e.g. early solutions, review processes, invoicing). (ILARS)

This recommendation is accepted. We have taken or are taking a number of steps that directly address the recommendation:

- *We are planning to undertake a review of our education and seminar activities as part of our Direction 2020-22, to commence in the second quarter of 2021*

- *We are commencing from 1 October 2020 a new Policy for Complaints and Compliments about WIRO which will make it easier for external lawyers (and any other person) to provide feedback about our services*
- *We are undertaking a review of the ILARS Funding Policy as part of the implementation of Schedule 5 of the Act, and subsequent to the completion of this our Policy will be tabled before the Parliament and published on our website; we will undertake a number of communication activities to ensure Approved Lawyers are aware of the Policy including any changes*
- *We have recently undertaken a survey of recipients of our WIRO Bulletin, which has largely endorsed the content and form of this publication.*

3. ESTABLISH A QUALITY ASSURANCE PROGRAM

- 3.1. Complete an external assessment of WIRO's functions every 3-5 years.

This recommendation is accepted. A further external assessment will be due on or before August 2025.

- 3.2. Conduct regular reviews of a statistically significant sample of case files to ensure quality and consistency of services.

This recommendation is accepted. A quality assurance program will be developed during 2021 that will include a program of review of case files.

- 3.3. Introduce a mechanism to track and report on the satisfaction of injured workers, case managers, and other direct users of WIRO services, such as a regular survey.

This recommendation is accepted. A user experience program (including a process to gauge satisfaction with our services) will be developed in the second half of 2021 following implementation of our new role in dealing with CTP complaints.

- 3.4. Increase the use of data driven insights to improve quality of services, such as by tracking timeliness and satisfaction.

This recommendation is accepted. WIRO already tracks and reports on timeliness in dealing with enquiries, complaints and funding applications. We are proposing to develop a user experience program including a process to gauge satisfaction with our services in the second half of 2021. We are also shortly to implement (from 1 October 2020) a new Policy for Complaints and Compliments about WIRO and will use the data arising from complaints to improve the quality of our services.

- 3.5. Introduce mechanisms to ensure effective executive and staff consideration of insights from the quality assurance process.

This recommendation is accepted. Procedures have been or will be integrated into the initiatives outlined above (3.2-3.4) to ensure active consideration of insights arising from quality assurance activities.

- 3.6. Enhance continuous improvement by providing all staff with regular performance feedback based on data obtained through the quality assurance processes.

This recommendation is accepted. Procedures have been or will be integrated into the initiatives outlined above (3.2-3.4) to ensure feedback is provided to WIRO staff about the outcomes of quality assurance activities.

4. ENHANCE BUSINESS PROCESSES

- 4.1. Improve and codify case management processes and Resolve workflows for both Solutions and ILARS.

This recommendation is accepted. A program of improvements to the Resolve case management system is currently being developed, aligned to our project to implement Schedule 5 of the Act and to the implementation of our Direction. This will include both short-term improvements and improvements aligned to process reviews for both our Solutions and ILARS functions schedule for late 2021.

- 4.2. Review and where necessary update staff training to improve utilisation of Resolve capabilities and consistency of services.

This recommendation is accepted. Integrated into the program of improvements to the Resolve case management system will be staff training to ensure effective utilisation of new Resolve capabilities and amended Resolve workflows and functions.

- 4.3. Review and reallocate where possible the administrative responsibilities of principal lawyers. (ILARS)

This recommendation is accepted. It is proposed that the process review for ILARS scheduled for the second half of 2021 will include a specific focus on administrative responsibilities of Principal Lawyers that can be automated, reduced, consolidated into a single function or reallocated.

- 4.4. Introduce webforms for applications for grants of funding and invoices, which automatically input data into Resolve reducing the need for data entry work.

This recommendation is accepted. The program of improvements to the Resolve case management system noted above (4.1) will include consideration of web forms or other processes to reduce or eradicate unnecessary data entry into Resolve.