

19 February 2014

Ms Gladys Webster  
[fyi-request-1412-1ff9fcdd@requests.fyi.org.nz](mailto:fyi-request-1412-1ff9fcdd@requests.fyi.org.nz)

Dear Ms Gladys Webster

### Official Information Act request

Thank you for your email of 22 January 2014, requesting information under the Official Information Act 1982. You have asked for information about how ACC manages complaints made to it by clients. In order to assist your understanding of the complaint management process, I think it will be helpful to answer the following questions, in turn:

1. Who is involved in making decisions on claims and who has responsibility for making the decision?
2. Who is the appropriate person to submit a complaint about the management of a claim to?
3. What is the review process and who runs them?
4. What is the role of ACC's Chief Executive and Board Chair in resolving complaints about the management of a claim?

### **ACC ensures its decision are robust by taking a collaborative approach to the decision making process**

A client's Case Manager is the person responsible for making decisions on claim related matters. However, the steps followed in the decision making process depend on the type of decision that needs to be made.

Importantly, when ACC makes a decision about cover, or entitlements, the decision is not made in isolation. In order to make an informed decision, Case Managers can seek advice from appropriately qualified experts including medical, legal, and technical experts. Therefore, it is a collaborative process often involving many people.

In some particularly complex cases the expert advice and all relevant evidence goes to a panel which assists the decision making process. The Panel may include a Team Manager and a Technical Claims Manager, whose roles are to support the Case Manager in reaching a final decision.

ACC follows these rigorous decision making processes to ensure that claimants receive the full extent of cover that they are entitled to.

**There are three avenues that clients can use to raise concerns about the management of their claim**

*Raise concerns with the Branch*

A client can first raise their concerns with the Branch where their claim is managed. The Branch will work with the client to reach a satisfactory resolution where possible. It should also keep in contact with the client during this process. If the matter cannot be resolved in the Branch, it should be escalated to the Customer Support Service, or the Office of the Complaints investigator.

*Contact Customer Support Service*

Clients can also contact our Customer Support Service directly to raise any concerns. The Customer Support Service works with the client and the Branch, or other unit, to resolve concerns as quickly and effectively as possible. This may include arranging for mediation between the client and their Case Manager.

*Contact the Office of the Complaints Investigator*

Where a client believes that there has been a breach of their rights under the ACC Code of Claimants Rights they can make a formal complaint to the Office of the Complaints Investigator. The Office of the Complaints Investigator also investigates complex complaints referred to them from the Customer Support Service team.

**FairWay Resolution runs the review process**

If a client is not satisfied with a decision ACC has made about their claim or entitlements, they have the right to apply for a formal review. A client has three months from the date of ACC's decision to notify the Corporation that they wish to apply for a review. Although, this can be extended if the client can show there have been extenuating circumstances which prevented them from applying sooner.

Once ACC has received this notification, it will conduct an administrative review of the decision. This includes looking at the process followed and the evidence that was relied on to make the decision. The Case Manager may also seek a second opinion from a Technical Claims Manager or an appropriately qualified medical professional. If ACC finds that proper process was not followed, or that there is new evidence which does not support its decision, it can issue a new decision.

However, if, following the administrative review, ACC is satisfied that the proper process was followed, and the evidence supports the decision, it will refer the case to FairWay Resolution. FairWay will manage the review process from this point. FairWay is an independent, impartial dispute resolution company that employs a team of Reviewers who are responsible for conducting review hearings.

The review process offers each party the opportunity to present their case to the Reviewer. Once all of the evidence has been heard the Reviewer then delivers their opinion as to whether ACC's decision was appropriate. Where the Reviewer finds that ACC erred, he or she will ask ACC to reissue its decision, or to seek further evidence before making a new decision.

Both parties have the right to appeal a Reviewer's decision to the District Court. They have 28 days from the date of the decision to file for an appeal.

**ACC's Chief Executive and Board Chair are not directly involved in resolving complaints about the management of claims**

The Chief Executive and Board Chair of ACC are not involved in the day-to-day management of ACC claim files. The daily management of claim files is the responsibility of case managers and senior staff in ACC's Branch network. The Board Chair and Chief Executive are rarely involved in resolving complaints from clients about the management of a claim.

The Chief Executive is responsible for the day to day running of the Corporation, and reports to the Board. Both parties play a key role in ensuring that the Corporation is meeting the core functions stated in its governing legislation.

**Further Information**

More information about resolving problems with a claim can be found on ACC's website at <http://www.acc.co.nz/making-a-claim/what-if-i-have-problems-with-a-claim/index.htm>.

Please contact me at [Stephanie.Lewis@acc.co.nz](mailto:Stephanie.Lewis@acc.co.nz) if you have any questions about this letter.

If you're unhappy with ACC's response, you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to:

The Office of the Ombudsman  
PO Box 10152  
WELLINGTON 6143

Yours sincerely



Stephanie Lewis  
**Adviser, Government Services**