

STANDARD OPERATING PROCEDURE

CLIENT ASSESSMENT AND INVESTIGATION

ACC INVESTIGATION UNIT

SOP No 005 Version 1.1

Sponsor:	National Manager, Investigation Unit
Owner:	Operations Support Manager
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This standard operating procedure (SOP) is a guideline to achieve best practice and is not ACC policy. Some steps or processes may vary from case to case depending on circumstances.

All policies in relation to the Accident Compensation Act 2001 will be taken into consideration. It is expected that the investigator will remain informed on policies governing compensation and other entitlements as well as keeping up to date with any changes on the intranet or Chips.

See page 14 of this document for a complete list of related legislation and accompanying hyperlinks.

NB: This SOP replaces the previous versions of the Client Assessment, Client Investigation, Sensitive Claim Assessment and Sensitive Claim Investigation SOPs.

PURPOSE

Investigations are managed in stages to make sure that resources are used effectively, and that there is continued justification for the investigation.

Care must be taken with sensitive claims, guidance is provided in [Appendix 1](#).

This SOP outlines three stages of the ACC investigation process: screening, assessment and investigation. All Investigation Unit (IU) staff are to follow this SOP when there are concerns in relation to a client's entitlement.

After each stage, the investigator must consider whether there is justification to proceed to the next stage or whether the investigation should be closed.

Screening is to determine whether the referral is appropriate for IU attention and if there is enough information to justify a closer look.

Assessment is to gather and analyse information to:

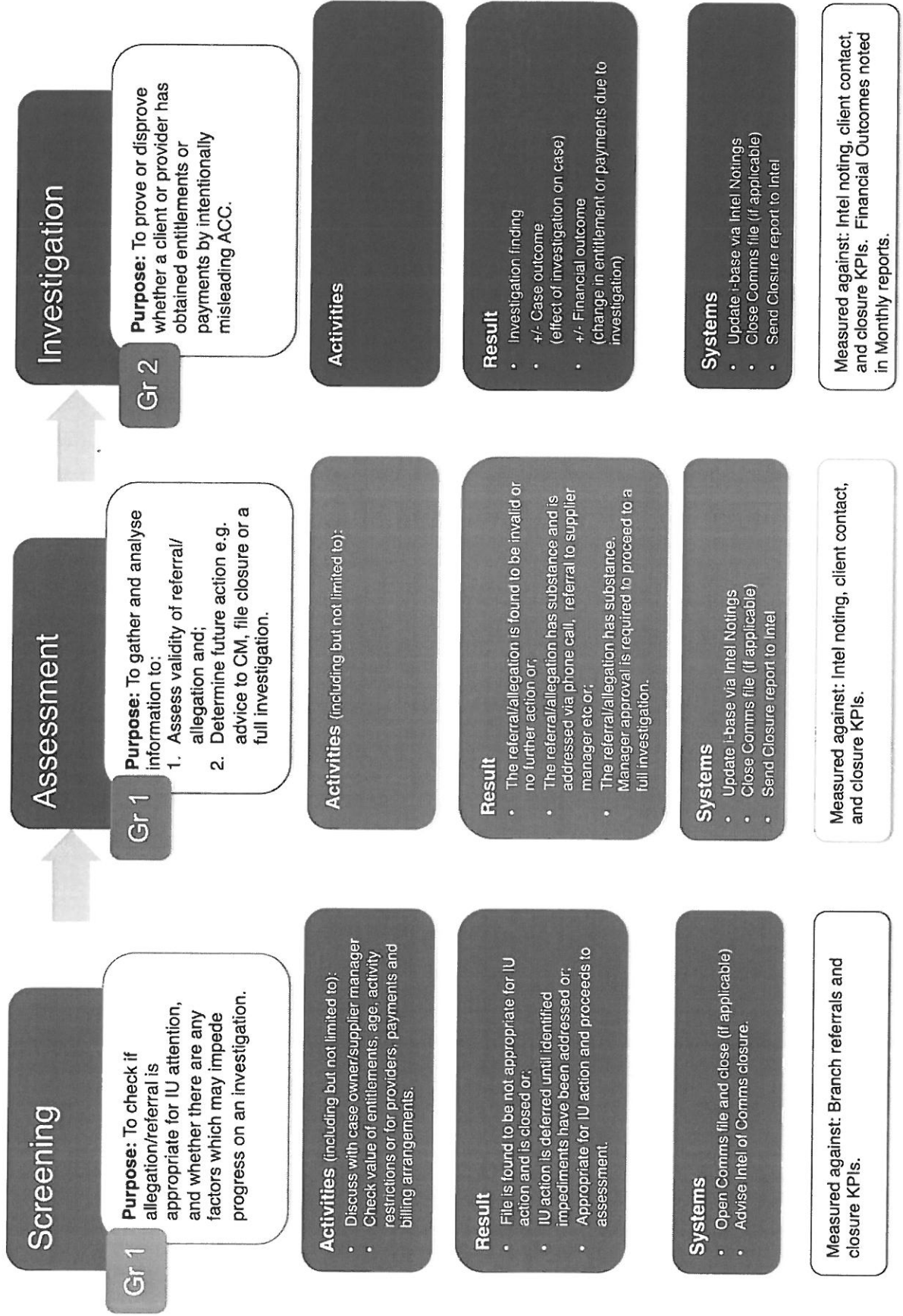
- assess the validity of the referral/allegation, and;
- determine future action, eg make recommendations to case owner, close the file or proceed to a full investigation.

Investigation is to prove or disprove whether a client has obtained entitlements by intentionally misleading ACC.

CONTENTS

Purpose	<u>1</u>
Contents	<u>2</u>
Process	<u>3</u>
Grading and Timeframes	<u>5</u>
Screening	<u>6</u>
What is screening?	<u>6</u>
Screening steps	<u>6</u>
Decision Point	<u>7</u>
Outcome	<u>7</u>
Assessment	<u>8</u>
What is an assessment?	<u>8</u>
Assessment steps	<u>8</u>
General questions	<u>9</u>
Specific questions	<u>10</u>
When is the assessment complete?	<u>11</u>
Decision point	<u>11</u>
Outcome	<u>11</u>
Investigation	<u>12</u>
What is an investigation	<u>12</u>
Investigation actions	<u>13</u>
Investigation plan & activity log	<u>13</u>
Referral to a Private Investigator	<u>13</u>
Evidential interview	<u>14</u>
Section 72 Information request	<u>14</u>
Consider whether continue investigation	<u>15</u>
Decision point	<u>15</u>
Outcome	<u>16</u>
Controls	<u>16</u>
Critical Risk Areas	<u>16</u>
Responsibility	<u>16</u>
Measurements	<u>17</u>
Legislation and links	<u>17</u>
Version Control	<u>17</u>
Appendix 1 – Sensitive Claims	<u>18</u>

Summary of Investigation Process



Grading and Timeframes

Investigations should be managed efficiently with a view to early resolution. This is to ensure appropriate use of resources and that there is no unnecessary impact on a client's relationship with ACC, their rehabilitation and their wellbeing.

Grades are assigned to investigations to indicate what stage they are in the process. Each grade has a corresponding timeframe to be met.

GRADE	STAGE	TIMEFRAME
1	Screening	
	Assessment	
2	Investigation (Including complex files)	
3	Prosecution – Files being prepared or with Crown Solicitor	
3A	Prosecution – not guilty	
4	Manager oversight files	

Prosecution means a file which has been approved by the prosecution panel, and which is currently being prepared for submission to the Crown Solicitor, or is with the Crown Solicitor for action or where the client has pled guilty.

Prosecution – not guilty includes cases where the defendant has pled not guilty, deposition files and those awaiting trial.

Manager oversight files – means files which are likely to be more demanding and are of greater risk to the organisation for example:

- sensitive claims
- clients who are remotely managed or who exhibit abusive or threatening behaviour towards IU staff regarding the investigation
- high profile clients where managerial oversight is prudent
- high media interest files or those with reputational risk
- ministerial queries, parliamentary questions or complaints that require ongoing attention
- lengthy and/or highly complex investigations
- as directed by the National Manager.

Screening

PURPOSE

To briefly check if allegation/ referral is appropriate for IU attention and if there is enough information for further action

ACTIVITIES

(Including but not limited to):

- Discuss with case owner
- Check with value of entitlement, age, activity restrictions

SYSTEM

- Open Comms file
- Advise the Intelligence Team of Comms closure (if applicable)

RESULT

- File is found to be not appropriate for IU action and is closed, OR
- File is found to be appropriate for IU action and proceeds to an assessment

What is screening?

A screening is the initial look into a client's entitlement. A screening is intended to be a brief first-look into a case to determine whether the matter is appropriate for the IU, and whether there is sufficient information on file to support further action.

Systems: All cases screened by Investigators are to be logged on Comms, regardless of the outcome.

Screening Steps

Questions to consider

Decision Point



- Is it a matter appropriate for the IU to action further?
- Are there any factors which may impede progress on an investigation?

Is it a matter for the IU?

Sometimes the concern may not be a potential dishonesty issue, but a matter that can be better dealt with by the case owner or another team. For example, prison or customs checks can be carried out by case management staff while issues with a client being uncooperative with their rehabilitation can be addressed by the case owner through the non-compliance process.

Factors which may impede investigation progress

Early identification of any factors which may impede investigation progress can prevent IU resource being expended unnecessarily. Often an investigation can be hindered by a lack of information on file to compare findings against. For example, a case does not have sufficient information if:

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In these cases, the case owner should be advised that further action cannot be taken by the IU until this is received.

NB: If client consent is not on file, the investigator should recommend to the case owner that it should be obtained as soon as possible.

Outcome

If the case does not relate to potential fraudulent behaviour and/or there is insufficient documentation to support an investigation, the case should be closed.

If the case was referred by an ACC staff member, advise the referrer that no further action will be taken, the reason why and make recommendations if appropriate.

Systems:

- Close the file in Comms, with the Case Outcome: Screened NFA
- Advise the Intelligence Team of the closure.

If the matter justifies a closer look by the IU the investigator should proceed with assessment.

Assessment

PURPOSE

To gather and analyse information in order to:

- Assess validity of referral/ allegation and;
- Determine future action e.g.

ACTIVITIES

(Including but not limited to):

SYSTEM

- Update I-base via Intel Noting
- Close Comms file (if applicable)
- Send closure report to intel (if applicable)

RESULT

- Referral/allegation is unfounded or no further action and the file is closed; OR
- Referral/allegation has substance and is addressed via phone call, advice to CM etc and the file is closed; OR
- The referral/allegation has substance

What is an Assessment?

In comparison to a screening (which is a brief first look into the allegation) an assessment is a more thorough examination.

The purpose of the assessment is to gather and analyse information to assess the validity of the referral or allegation. The point is also to determine whether future action is required, such as providing advice to case management or proceeding to a full investigation.

The assessment process should:

- determine whether the information received or identified is accurate
- determine if there is sufficient factual information to support the allegation
- identify the focus and investigation objective eg/ prove or disprove that the client is working while receiving weekly compensation
- identify what effect the investigation finding will have on the claim.

Assessment Steps

The assessment phase involves gaining an understanding of the claim, gathering information, and analysing that information to examine the validity of the allegation/referral. Each assessment will differ depending on the nature of the allegation/referral and the client's individual circumstances.

During an assessment the investigator may complete a Request for Information (RFI) form and seek information from the Intelligence Team.

The assessment form provides a means to record assessment outcomes or to indicate admin tasks or routine checks to be completed by administration staff.

The following prompts provide general or specific guidance on what an investigator may consider when carrying out an assessment.

General Prompts

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Questions to consider for specific types of allegations/referrals

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When is the assessment complete?

- When inquiries have shown that the allegation has no basis.
- Issues raised via the allegation have been addressed during the assessment phase, eg the client has returned to work following an investigator phone call; advice provided to case owner.
- Case management only issues have been identified.
- All avenues of desk inquiries have been exhausted but relevant questions which require answers remain.
- There are indications that the client is misleading ACC and additional actions need to be completed to resolve the case.

Decision Point



- Is there any substance to the referral/allegation?
- If issues have been identified, how significant are they?
Can they be resolved without a full investigation?

Consider full investigation

In order to determine whether a case should proceed to full investigation, the investigator needs to consider:

- What is the focus of the investigation? What are the issues identified?
- Which part of the Act applies and what effects will there be on entitlement?
- What options are available to address these issues, taking into account the client's circumstances, stage in rehab and impact on case management?
- What are the likely costs and timeframe?
- What will the investigation achieve? What is the likelihood of success?
- If a full investigation is carried out, what is the benefit to ACC? Note that consideration should not be limited to financial outcomes, but also include factors such as early intervention, progression in the rehab process, deterrent value.

Outcome

In general, one of three outcomes is arrived at following an assessment:

- the referral/allegation is unfounded or no further action and the file is closed OR;
- the referral/allegation has substance and is addressed via phone call, advice to CM etc and the file is closed OR (Comms: record case outcome, investigation finding, financial outcome, Intel: Closure note) OR;
- the referral/allegation has substance and a full investigation is required to ascertain the truth.

Proceed to Investigation

Before proceeding to a full investigation, the investigator needs to obtain the approval of their manager.

If the manager approves the case proceeding to investigation, the manager will change the file to a Grade 2 case in Comms (or a Grade 4 if required).

If the manager does not approve the recommendation the manager and investigator should discuss before the investigator either amends their recommendation or closes the file.

Investigation

PURPOSE

- To prove or disprove whether a client has obtained entitlements by deliberately misleading ACC.

ACTIVITIES

(Including but not limited to):

SYSTEM

- Update I-base via Intel Noting
- Close Comms file (if applicable)
- Send closure report to Intel (if applicable)

RESULT

- Investigation Finding – eg entitlement validated, ACC or client error detected, ACC intentionally misled
- Case outcome – ie the impact of the investigation on the claim
- Financial outcome – any changes in entitlement as a result of the investigation

What is an Investigation?

An investigation is a comprehensive examination which proves or disproves whether a client has obtained entitlements by intentionally misleading ACC.

Unlike assessments, investigations are generally of longer duration and involve more labour intensive and costly activities.

Investigation Actions

Each investigation will differ depending on the nature of the issue and the client's individual circumstances. Actions may include:

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Investigation Plan and Activity Log

An investigation plan must be prepared for Grade 4 investigations and may be prepared for other investigations when considered appropriate. The investigation plan:

- captures the objective of the investigation and the actions set out to achieve it.
- provides a baseline against which progress can be measured.
- sets out plans to mitigate against identified risk.

Activity Logs provide an overview of actions taken on the file. They record a brief summary of an action taken during the investigation, and may direct the reader to a job sheet or relevant document for further detail of the activity.

Referral to a Private Investigator

Private investigators (PIs) are a resource ACC investigators can use for general inquiries and surveillance, or specifically for Visual Surveillance. Refer to the [VS SOP](#) for detailed guidance.

The responsibility for the investigation remains with the ACC investigator. The ACC investigator should liaise with the PI throughout the investigation.

Referral Steps

1. If the ACC investigator requires the services of a PI the investigator should prepare a referral to a PI. This will include **only relevant material** that may assist the PI to achieve their objectives. **The referral will not give products directly to the PI or medical reports.**

2. The ACC investigator sends their referral to the PI.
N.B. Emailing referral documents is acceptable but must comply with ACC privacy policy. Re-referral instructions may also be sent via email.
3. The investigator must meet with, or speak to, the PI to discuss the referral in more depth. This is to make sure that the PI has a clear understanding of requirements.
4. The instructions included in the referral will be specific. However, there is an expectation that the PI will use their initiative within the boundaries of the Private Investigators Code of Conduct.

Once the report is received:

1. The ACC investigator will check the PI's report to ensure that the requirements of the referral have been met, that it includes a log of activities undertaken and that costs are accurate and appropriate.
2. The ACC investigator will then consider whether any follow up activities are required by the PI.
3. If further PI activities are required, the ACC investigator will instruct the PI as soon as practicable regarding any other necessary inquiries. Further expenditure must be approved by the Investigation Manager.
4. If the ACC investigator has any concerns regarding the PI investigation, costs or report, they should be escalated to their manager.

Evidential Interview

The ACC investigator may invite the client to attend an Evidential Interview. See [Appendix 1](#) for guidance regarding interviews with clients with sensitive claims.

A letter should be sent to the client to confirm the details and advise that they may bring a support person.

If the client chooses not to attend an interview, or in other circumstances where the ACC investigator determines that it is appropriate, a statutory declaration, or a letter seeking information, may be sent to the client (see below).

Following the evidential interview, or statutory declaration if appropriate, the ACC investigator may decide to conduct further inquiries.

Section 72 Information request

ACC may request information from the client under section 72 of the Act. The request **must be reasonable**, and be required in a **reasonable timeframe**.

This can be done by sending either:

- a letter to the client requesting that they provide certain information or;
- a statutory declaration to the client containing questions for their response.

The questions contained in a statutory declaration must be able to be **objectively viewed as reasonable** and be able to **be clearly understood by the recipient**.

This means:

- Clearly wording the questions.
- Using straightforward language.
- Avoiding the use of jargon.
- Asking questions which are specific to the particular issue being investigated.
- Ensuring that the document is not complex or overly lengthy.

Occasionally a client, or their agent, may request that questions are put to them in the form of a statutory declaration. There is no obligation or requirement upon ACC to do so.

In the event that the client refuses to provide the statutory declaration, the branch may consider suspending the client's entitlement for non compliance.

N.B The Investigation Unit cannot suspend entitlements, they can only make recommendations to case management.

Consider whether to continue investigation

The questions an investigator needs to regularly revisit during the investigation are:

- Is there justification for continuing the investigation? Have all lines of inquiry been exhausted? What evidence has been obtained to date? What will further investigation achieve, when weighed against the time and cost of further investigation?
- Has the investigator validated the client's entitlement?

Decision Point – Investigation Finding

Once the investigator considers that the investigation is complete, consideration should be given to the Investigation Finding, based on the information obtained.

The investigation finding relates to whether the client has been honest in their dealings with ACC or not. That is:

- Has the client's entitlement been validated?
- Has there been an error by ACC or the client?
- Did the client mislead ACC? If so, was it done intentionally? What evidence confirms this?

If there is clear evidence that the client intentionally misled ACC in order to receive an entitlement, then consideration should be given to whether prosecution is appropriate. See [Prosecution Guidelines](#).

NB: A client cannot be said to have committed an offence against ACC until it is proven in a Court of Law.

Outcome

Once the investigator has determined the investigation finding, the investigator should:

- determine case outcomes and complete any follow up action required, such as warning letters
- submit any financial outcomes to their manager
- complete a closure report and forward to the Intelligence Team
- close the file on Comms
- ensure that all documents are properly labelled and filed. Remove any duplicated information from the file, such as: background documents from the EOS claim file, repeated email trails.

CONTROLS

Critical Risk Areas

IU activity that does not meet required standards reflect negatively on ACC and the Investigation Unit. Inadequate screenings, assessments or investigations may result in:

- adverse media exposure
- complaints
- unproductive use of resources
- poor customer service
- a decrease in client confidence
- reduction in referrals
- adverse findings from the Privacy Commissioner
- poor investigation outcomes
- negative impact on a client's wellbeing.

Responsibility

ACC's Intelligence team are responsible for processing initial allegations that are referred to the Investigation Unit from online allegations and 0800 and 0508 calls.

The Administrator sets up a physical file if required and sets up the file on Comms and in the "L" Drive. The administrator also creates the opening form and sends this to the Intelligence Team if the matter was not referred from them. The administrator may also complete any checks requested by the investigator on the assessment sheet.

The Investigator is to comply with the processes set out in this SOP, including meeting timeframes and obtaining required approvals, as well as ensuring that the appropriate information is recorded on COMMS2, and sent to the Intelligence Team.

The Investigation Manager is responsible for approving full investigations, and updating the file to a Grade 2 investigation on Comms. They are also responsible for ensuring that investigators comply with ACC processes and timeframes, approve expenditure and monitor compliance through coaching and reporting.

MEASUREMENTS

- Expected file durations are to be complied with.
- Investigation costs against outcomes will be monitored.
- The effectiveness of this process will be reviewed in twenty four months by evaluating reports and outcomes, and feedback.

LEGISLATION AND LINKS

[Section 39- 47 of the Accident Compensation Act 2001 – Code of ACC Claimants' Rights](#)

[Health Information Privacy Code 1994](#)

[Privacy Act 1993](#)

[Prosecution Guidelines](#)

VERSION CONTROL

VERSION	DATE	CHANGE
SOP 001 Version 4 Client Assessment	8 September 2011	General overhaul, reformat to blue design, content edit, re-write and grammar check
SOP 002 Version 5 Client Investigations	9 September 2011	Reformat and complete rewrite of content.
SOP 005 Version 1 Client Assessment and Investigation	20 December 2013	Combine Assessment and Investigation Standard and Sensitive Claim SOPs, as well File Duration SOP into one. Content rewrite to include screening, decision points, questions and outcomes. Reformatted template.
SOP005 Version 1.1 Client Assessment and Investigation	27 January 2014	Investigation Process diagram updated
SOP005 Version 1.1 –redacted for release	21 February 2014	SOP redacted to withhold information to avoid prejudice to the maintenance of the law under s6(c) of the Official Information Act 1982.

Sensitive Claims

General notes

Sensitive claims provide cover for a mental injury caused by certain criminal acts. Accordingly, the investigator should at all times, be mindful of both the sensitive nature of the claim, and the mental injury sustained.

Care must be taken to ensure that there is no unnecessary impact on a client's relationship with ACC, their rehabilitation and their wellbeing.

When dealing with a sensitive claim, the investigation should focus on the behaviour of the client, or other party, *after* the claim has been lodged. The purpose is *not* to discuss the events leading to the lodgement of the claim, or to validate the authenticity of those events.

Allocation and assessment

- Before assigning the case, the manager who receives it must decide on the most appropriate investigator to look into the allegation or referral. The manager should consider what might happen if the case progresses to a full investigation and results in an evidential interview.
- The manager will assign the case a Grade 4 file.
- It is expected that the investigator will liaise with case management staff via the team manager. The team manager may discuss the case with the case manager who can then consult with the investigator if required.
- If required, further advice may be sought regarding any psychological conditions which may impact the client's wellbeing.
- The investigator should be satisfied that it is appropriate to continue with the assessment and consult with their manager before progressing.

Investigation

- Unless there is a specific need to access medical records, the investigator should not access the client's medical information.
- If there is a requirement to see medical information, the investigator must consult with their manager and the team manager dealing with the sensitive claim.

Evidential Interviews

- Prior to interviewing the client, the investigator must consult with the case manager to clarify any potential issues that may arise at the interview. Further consultation may be required.
- Consideration may be given to having a support person present at the interview if appropriate for the client. The investigator should consult with the client about this support before arranging the interview.

Invitation to Interview

1. The investigator should send the client an invitation to interview letter advising them of the name of the interviewer.
2. The letter should also specify that the interview is with the aim of validating entitlement. E.g.,

“the purpose of the interview is not to discuss the actual events leading to the lodgement of the claim, but is to establish ongoing and [if applicable], previous entitlements”.
3. The interview invitation letter must recommend that the client take the opportunity to have an advocate or support person present at the interview.
4. At the commencement of the interview the investigator should reiterate the purpose of the interview as outlined in the interview invitation letter.
5. **UNDER NO CIRCUMSTANCES** should the investigator discuss the sensitive events leading up to the lodgement of the claim.
6. If the client chooses not to attend an interview, or in other circumstances where the investigator determines that it is appropriate, a statutory declaration or letter seeking information may be sent to the client