

SAPS Injury Management Practice Note

New Claim Investigation

Objectives, Targets & Performance Indicators

Objective	Target	Performance Indicator
Decisions regarding claim investigation are documented	100% of claims requiring further investigation contain evidence of the recommended investigation process	Recommended investigation processes are recorded in claim files
Recommended investigation processes are implemented	100% of recommended investigations are commenced within 7 days	Files contain evidence the recommended actions have been commenced within 7 days of receipt
Investigations are not protracted	3% or less of new claims remain undetermined after 3 months	Delay between date received and date of first determination as recorded on SIMS

Purpose

- To ensure claims are appropriately assessed against legislative provisions; and
- To ensure consistency in investigation processes; and
- To ensure claims are determined at the earliest practicable time.

Context

The Return to Work Act 2014 (RTW Act) relevantly provides as follows:

<p><i>Claims must be:</i></p> <ul style="list-style-type: none"> • <i>made in the approved manner and form;</i> • <i>made within the prescribed period (i.e. within 6 months);</i> • <i>supported by a certificate in the designated form by a designate person certifying the nature of the injury, cause of the injury and any current and future incapacity ;</i> 	Section 30 (1)
<p><i>SAPS Agencies may dispense with the requirement for a certificate if the claim relates only to medical expenses or services described in Division 2</i></p>	Section 30 (9) Division 2- sections 33, 34
<p><i>SAPS Agencies may undertake such investigations as necessary to achieve an evidence based decision with respect to determination of the claim, including requiring the worker to be assessed by a recognized health practitioner</i></p>	Section 31 (1) & (2)
<p><i>Claims must be determined as expeditiously as reasonably practicable and should endeavour to determine the claim within 10 business days from the date of receipt of the claim</i></p>	Section 31(4)
<p><i>Determination may be deferred for injuries arising from road accidents in specific circumstances</i></p>	Section 31 (5)

SAPS Practice

In defining and establishing the date of receipt, day zero (0) is the day the claim is received by the SAPS claims/injury management unit.

For the purposes of determining new claims, the following minimum investigation must be conducted by SAPS agencies in relevant circumstances:

Circumstance	Minimum Investigation
Claim is for a motor vehicle accident	Worker requested to complete Motor Vehicle Accident report
Claim is for a psychological/psychiatric injury	<p>Consideration to be given to any HR/ WHS investigations through liaison with the relevant team in the agency, prior to commencing the investigation</p> <p>Consideration is to be given to having the worker interviewed or asked to provide a detailed statement concerning the claim</p> <p>Contact to be made with the worksite supervisor and/or other relevant persons to ascertain the circumstances. Consideration to interview or obtain detailed statements from those persons</p> <p>If the worker has given an authority to do so, obtain a report from the treating provider/s. Consider obtaining relevant medical notes from the treating providers</p> <p>Consideration is to be given to having the worker independently assessed by a psychiatrist</p>
Claim relates to: death of an employee; or potential serious injury; and / or potential common law action	<p>Consideration to be given to any HR/ WHS investigations through liaison with the relevant team in the agency, prior to commencing the investigation</p> <p>Commence or commission factual investigations into the circumstances of the matter by a competent person, which may include obtaining witness statements, photographs, documentary and/ or physical evidence, paying particular attention to any possible negligence</p> <p>Prior to commencing such factual investigations, you must refer conduct of the investigations to the Crown Solicitor (or other legal provider in the case of Treasurer's Instruction 10 exemption) and obtain recommendations regarding any investigation.</p>