DATA COLLECTION FOR QUALITY ASSURANCE

IN

CLAIMS AND APPLICATIONS

Introduction:

ATDP is an integral part of a service delivery process which delivers government and non-government entitlements and services to current and former members of the Australian Defence Force (ADF) and their dependents (figure 1).

As a service provider, ATDP is responsible to a range of ‘clients’ (figure 2).

Clients include:

- Former and current ADF members and their dependents (hereinafter referred to collectively as ‘veterans’);
- Participating Ex-Service Organisations (ESOs);
- The military compensation, welfare and appeals advocates authorised to act on a participating ESO's behalf;
- The mentors appointed to assist those advocates;
- The Communities of Practice (CoP) which support the ESO’s advocates;
- The Department of Veterans Affairs (DVA);
- The various compensation Commissions (eg Military Rehabilitation and Compensation Commission (MRCC) and the Repatriation Commission (RC));
- Peak ESO organisations and consultative forums such as the Ex-Service Organisation Round Table (ESORT) and the Alliance of Defence Service Organisations (ADSO);
- The Government of the day; and
- The various tribunals before whom appeals advocates appear - the Veterans' Review Board (VRB) and the Administrative Appeals Tribunal (AAT).

Client feedback:

To remain relevant, and indeed to survive, ATDP must actively solicit feedback from its client base about its services - the training of advocates. Without this, ATDP cannot determine if it is meeting its clients' needs and/or expectations.
To be of any use, that feedback must be:

- Relevant;
- Reliable;
- Verifiable;
- Current;
- Qualitative;
- Quantitative;
- Summative;
- Continuous;
- Readily usable; and
- As far as is reasonably possible, collected as an integral part of the work process.

The form of feedback provided/sought will vary according to its source and application. In some cases (eg training courses) feedback will be formal. In other cases it may be less formal. In some instances it might be objective, in others, subjective.

In an organisational sense, ATDP’s potential feedback matrix represents '360°' feedback.

**Scope:**

The purpose of this paper is to examine one small part of this 360° loop. That is, through a formal arrangement with DVA, determining whether ATDP trained advocates submit claims/applications which allow the documents to be receipted and processed without delay.

**Historically speaking:**

Some 20 years ago, the Training and Information Program (or TIP) was founded. TIP's aim was to establish a training forum for ESO volunteers to assist veterans to lodge claims/applications with DVA. The program was essential to DVA's strategy aimed at reducing the number of claims/applications which could not be processed, or whose processing was significantly delayed, due to 'defects' in the documentation provided. TIP's catchcry was "do it right - first time". It was very successful in meeting its charter.

Despite TIP’s successes, anecdotal feedback to TIP’s state-based Consultative Groups (or TCGs) from DVA continues to indicate that the standard of claims/applications being submitted by ESO advocates remains a problem.
In an endeavor to deal with this, a program was established within DVA which was designed to collect reliable data from claims assessors which could then be used to reinforce advocate training outcomes. Unfortunately, this program failed.

Rightly or wrongly, the program’s failure gave rise to a perception in some within the advocate community that the unacceptable standard of submitted documentation was being used as an excuse for not meeting mandated ‘time to completion’ guidelines.

As TIP is now evolved into the ATDP, it is timely that this feedback path be re-established on a formal, bi-partisan and mutually beneficial basis. With planned enhancements to DVA’s much maligned IT systems in the offing, the timing could not be better.

Some first steps:

Determining the reason for any ‘delay’ in dealing with claims/applications raises several issues.

Perhaps the most critical is to establish whether there are any factors, over which the advocate has control, that are impinging on the claims assessment process.

DVA’s claims processing system was heavily criticised in the March 2016 Senate Foreign Affairs, Defence and Trade References Committee review of Mental Health of Australian Defence Force Members and Veterans. It was also the subject of adverse commentary in the Australian Public Service Commission’s November 2013 Capability Review of DVA.

It is acknowledged that DVA is working to overcome both actual and perceived problems in its administrative operations. Hopefully, improved transparency, better ICT systems and better communications with claimants and advocates might reinforce the concept that both DVA and advocates are embarked on the same journey: to ensure that veterans receive all that they are entitled to under the Law.

The only data set which provides some insight into claims processing is DVA’s Annual Report to Parliament. In the 2014-15 report, DVA provides benchmark figures against which it assesses the time taken to ‘process’ a claim. The following table shows the mean time to process disability claims under VEA, SRCA and MRCA:

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Target time (days)</th>
<th>Actual Time (days)</th>
<th>Difference (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>VEA</td>
<td>75</td>
<td>72</td>
<td>-3</td>
</tr>
<tr>
<td>MRCA</td>
<td>120</td>
<td>109</td>
<td>-11</td>
</tr>
<tr>
<td>SRCA</td>
<td>120</td>
<td>140</td>
<td>+20</td>
</tr>
</tbody>
</table>

1 The term ‘process’ is not defined but is taken to mean the finalisation of a claim.
A former British Prime Minister once quipped: there are lies, damned lies and statistics. By themselves, these figures reveal very little. Critically, they tell nothing of the number, nature or circumstances of the cases which lay beyond the published mean time to completion. By way of example, in some cases, arranging for a claimant to see a specialist (such as an occupational physician) can mean up to a three month wait for an appointment. The specialist’s report can then take some two months to materialize. These times can expand exponentially where the claimant lives in a rural area. In this scenario, the DVA ‘target’ time frames become meaningless.

There is nothing to indicate why these cases are outliers. Analysis of this datum is essential in identifying what, if any, changes should be made in advocate training.

In the absence of any cogent evidence to the contrary, there is nothing in the DVA statistics which could indicate that delays in processing are contributed to, in whole or in part by a failure on the part of a TIP trained advocate.

In this sense, it is vitally important to underscore the term ‘TIP trained’ advocate. It has to be conceded that it is quite likely that documentation submitted by veterans representing themselves, or by ‘advocates’ operating outside of the TIP framework, could adversely affect claim processing times. But again, there is no statistical evidence to support this contention.

Evidence has been put forward which suggests that, in most cases where a decision is overturned on appeal, it has been done on the basis of the introduction of 'new' evidence.

The question thus arises - who is responsible for providing this evidence?

The Veterans' Entitlement Act 1986 (VEA), the Safety Rehabilitation & Compensation Act 1988 (SRCA) and the Military Rehabilitation & Compensation Act 2004 (MRCA) place a responsibility on the Secretary and the MRCC to investigate the matters to which the claim or application relates. Importantly, none of these Acts places any obligation on a claimant or applicant to ‘prove’ any matter.

In this context then, it seems that the responsibility of the claimant/applicant (in collaboration with their advocate) is to provide the information necessary which allows DVA to begin the investigation. There is no obligation on the claimant/applicant to provide any material which is not mandated in the claim/application form ‘approved’ by DVA or the MRCC under the relevant Acts.
In saying this, it is not suggested that the claimant/applicant is limited to providing just the information mandated. However, there should be no perceived requirement that (for example) a specialist's report - which could cost many thousands of dollars and could unduly delay the lodgment of a claim to the detriment of the veteran - must be lodged by the claimant.

It can be argued that it is the responsibility of the investigating authority to obtain all the evidence which is relevant. Thus, the subsequent emergence at appeal of evidence which leads to the overturning of a determination could represent a failure in the investigative process rather than a deficiency in the claim/application. This is so whether the ‘new’ evidence is supplied by the appellant, or by DVA upon direction from the VRB or AAT.

It has been suggested that the ‘standard’ of a claim/application can be assessed by its ultimate success or failure. There is simply no foundation for this assertion. From the time the investigation is commenced, to the final outcome (even at appeal), the ‘standard’ of the claim/application is not material.

Another factor which must be taken into account is the need to ‘differentiate’ feedback relating to claims/applications which are lodged by individuals without advocacy assistance (in person) or with the support of a non-ATDP trained advocate. In this vein, it will be interesting to see what effect, if any, the advent of the single form on-line claims system will have on processing statistics.

It seems that a fundamental requirement is that the trained advocate, in concert with the client, is responsible for lodging a claim/application which is:

- Complete of itself;
- Complies in both form and content with that required;
- Allows the claim/application to be lodged; and
- Allows the investigation process to commence.

This list suggests the criteria which can be used to identify the minimum standard required of claims/applications. This in turn will lead to the identification of learning outcomes in the advocates’ training program and, finally, the specification of the enabling objectives which underpin the training strategy.

How can reliable data be obtained to determine if training and development systems are enabling advocates to meet those requirements?

A fundamental criterion is that the need for 'add-on' work should be eliminated. If this is not achieved, the validity of the feedback may be questionable or simply not forthcoming.
Information on whether or not a claim/application complies with these criteria can very easily be collected by DVA’s IT system; requiring a few key strokes as part of the initial lodgment processing. If the systems analysis is well conducted there should be no need for the operator to input a text reason for rejection.

These criteria should be grouped by:
- Legislation (ie VEA, SRCA or MRCA);
- Method of lodgement (ie on-line or 'on paper’); and
- whether the claimant/applicant is 'in-person' or assisted by an accredited advocate.

This information should be of interest not only to ATDP, but important data for the DVA as well.

This type of data has three advantages in terms of data collection. First, it is not reliant on a subjective assessment. Second, the data can be collected 'automatically' as part of the work flow process. Thirdly, it can easily be reported at any time.

It is important that the ATDP training courses be examined to determine if there exists a unit dealing with claim/application documentation compliance. For example, are students provided with a simple (say tick box) template which acts as an aide-memoire and which must be completed before a claim is lodged? This would fit well where a Level 1 advocate is required to submit a draft claim/application to a more qualified practitioner for assessment. Such a form should be checked for validity with the Department at regular intervals or where empirical data indicates systemic failures.

Until this system of data collection is in place, it cannot be asserted with any confidence, that claims/applications submitted with the assistance of trained advocates adversely affect assessment times. Secondly, if statistics do indicate that there is a systemic problem, ATDP cannot move to rectify the situation without the reliable data underpinning any changes necessary in the training process.

Brian Warren
Fig 1
Operational context

Fig 2
Environmental Context