

# Communication protocol

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## Introduction

A communication protocol establishes the framework for communication between Comcare and a stakeholder. It is implemented when communication has become unproductive or is causing undue distress for either party or raises a work health and safety concern.

A communication protocol:

- obligates both parties to engage in communication that is respectful, appropriate and productive
- establishes the communication parameters including volume and frequency for a specified duration with the intention for the protocol to continue subject to review
- is intended to be [reviewed](#) annually or sooner if considered appropriate in the particular circumstances.

A communication protocol does not cease all communication with a stakeholder and, unless specified in the protocol, does not prevent Comcare staff from communicating with the stakeholder. However, the communication must be consistent with the terms of the protocol. The communication protocol sets communication requirements on each of the parties.

A claim with a communication protocol, like a commitment claim, is highlighted in pink in Pracsys in the claim header next to the display for the primary condition. If you see this, check the claim file comments to see if a communication protocol is in place or whether the claim is a commitment claim.

Screenshot of commitment claim flag in Pracsys

## BEFORE ACTIONING THE CLAIM: You must check for and view comments on communication protocols

Anyone who accesses a claim that has been marked as a commitment claim is required to review the 'View Priority Comments' function for comments describing the communication protocol or commitment made by Comcare to the employee. Look in MCOM or VCOM in Pracsys and filter by comment category to 'commitment claim'.

## Difference between a service agreement (commitment claim) and a communication protocol

A service agreement (commitment claim) is where Comcare makes specific service commitments (not just communication commitments) to individual employees in relation to their claim(s). They are noted as commitment comments on a claim file. For further guidance, refer to the [Commitment claims](#) page. An example of a commitment comment could be:

*'EE (employee) does not have email access. All determination letters need to be sent by post.'*

On the other hand, a communication protocol establishes the framework for communication between Comcare and a stakeholder. For example:

*'If EE (employee) phones, call should be forwarded to the listed claims manager only. In their absence, please refer to their AD (Assistant Director) or the Feedback team.'*

Another example is:

*'The EE is only to communicate by email with Comcare and all calls will be terminated.'*

## Impact on Claims Managers and Contact Centre Staff

Being involved in difficult and aggressive conversations and interactions can be extremely stressful. At all times, take care of your wellbeing and communicate with your Assistant Director.

**All incidents should be reported** – this includes **hazards**, which are *dangerous incidents that have not resulted in injury or illness but had the potential to do so*. Reporting hazards and incidents is very important for Comcare. As the Work Health and Safety site explains:

‘The purpose of incident reporting is not to assign blame, rather to identify patterns of incidents to determine common risks or minimise risk so far as reasonably practicable and identify opportunities to implement preventative actions.’

Refer to Comcare’s [Work Health and Safety](#) hub on ComNet for information on [reporting a work health and safety incident](#). Additional resources can be found in the [WHS Management System](#) page.

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## When is a communication protocol needed?

A communication protocol may be appropriate if a stakeholder is:

- causing undue distress to Comcare staff, or
- demonstrating behaviour or a communication style that is unproductive, or
- feeling undue stress as a result of our communication approach, particularly if that stress may increase the risk of self-harm to the stakeholder, or
- showing behaviour that appears to contravene Comcare's [Zero tolerance of aggression towards Comcare employees](#).

Whether a communication protocol is appropriate in the circumstances is an issue to be considered by the claims team in consultation with the relevant Assistant Director (AD) and Director. Consideration should be given to what other measures can be taken before progressing to a communications protocol in order to mitigate any risks.

For example, an AD or Director of Operations may contact the stakeholder to discuss the concern and that Comcare has a zero tolerance policy. The AD or Director of Operations may then escalate to Claims Complaints and Feedback, and an

assessment may be made on whether a communications protocol is appropriate or whether the conversation itself is sufficient to mitigate the presenting risk.

## Written records

All phone conversations and verbal discussions must be recorded in writing. An accurate and comprehensive record of each interaction, detailing the behaviour observed, must be recorded on the claim file to support the need for a warning letter and/or a communications protocol. All comments should be factual and, if subjective comments are made, then they should describe the behaviour or conduct or circumstance that led to that assessment or observation. Bear in mind that documents and comments on a claim file may be subject to release under Freedom of Information requests.

The record of all conversations should include the date, communication topic and behaviour that was unproductive, unacceptable or offensive. It should include efforts made to encourage the employee to improve their communication or behaviour. For example, *the employee was reminded of the requirement to engage respectfully and appropriately and not use offensive language.*

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## Steps before considering a communication protocol

A communication protocol is not the first solution for addressing challenging communication. There are clear steps to follow which aim to reduce the difficulties and minimise the need for communication protocols.

In all cases, you should take timely action in following these steps so that measures can be put in place as soon as possible. This will help to reduce the potential risk of harm to Comcare staff and the other stakeholders.

The recommended steps to follow (to be considered as a guide) are, in order:

1. [Claims Manager gives a verbal warning](#) if they consider themselves in a position to do so. Alternatively, it may be appropriate for the Claims Manager to terminate the call.
2. If considered appropriate, the [Assistant Director may contact the stakeholder](#) to 'circuit break' the relationship and reinforce Comcare's position on zero tolerance of aggressive behaviour towards employees.

3. A [letter from the Claims Ops Assistant Director or Director](#) outlining Comcare's zero tolerance policy is sent to the stakeholder. If, following the release of the letter, there is no change in stakeholder behaviour, consideration should be given to putting a communications protocol in place.
4. A [communication protocol is put into place](#) by CCF in consultation with the claims team and other relevant areas across CMG and Comcare.

See detailed information on each step in the links above or subheadings below.

There may be exceptional circumstances where the steps are not followed in this strict order, i.e. a circumstance which warrants going straight to steps 3 and 4. This will be considered on a case-by-case basis.

Examples of when a communication protocol may be implemented include when an employee is:

- making threats against Comcare or staff or to themselves
- refusing to accept an outcome and has exhausted all available review and complaint options
- demonstrating an unwillingness or inability to accept reasonable explanations
- sending regular and numerous emails or phone calls that have been deemed as notably persistent
- demonstrating abusive, aggressive or threatening behaviour or offensive language
- continually refusing to speak to you and seeking to escalate their call directly through to management without allowing you a chance to resolve the issue.

## Step 1: Claims Manager warning

Claims Managers are empowered to give a stakeholder a verbal warning about their behaviour. Refer to the [Responding to aggression](#) guidance document.

Take steps to end the conversation if you need to. From the Responding to aggression guidance:

- When the behaviour occurs, warn the person you will end the conversation. *"I will be unable to assist if you continue to use offensive language. I will end the conversation if the offensive language persists."*
- End the conversation if the aggressive behaviour continues. *"As I mentioned earlier, I am unable to assist you while you continue to use offensive language. I will now end this conversation and allow you some time to reflect on our conversation before we speak again."*

Make a detailed record of the conversation in the claim file.

When you have finished the call, discuss the situation with your Assistant Director or Director to agree on next steps.

## **Step 2: Assistant Director 'circuit breaker' warning**

After a difficult communication event, the Claims Manager needs to discuss the stakeholder's behaviour with their Assistant Director. During the discussion, you should consider whether it is appropriate for the Assistant Director or Director to contact the stakeholder to discuss their behaviour and its impact on the claims team. This contact should be preferably by phone, or otherwise by email.

The Assistant Director or Director will try to get agreement from the stakeholder about the way forward and expectations about future interactions. You should also consider confirming the details of the agreement in writing by email if appropriate.

Details of this discussion with the stakeholder need to be recorded in the claim file to ensure that, if the behaviour happens again, there is a clear record of the steps that Comcare is taking to address the problem.

## **Step 3: Zero tolerance warning letter**

If the stakeholder fails to acknowledge or alter their behaviour after the previous warnings, you should send a formal letter to the stakeholder referring to Comcare's [Zero tolerance of aggression policy](#). Use Letter template '1071 Zero tolerance of behaviour warning letter' available in Pracsys.

The Director of Claims Ops will usually be the signatory on the letter. However, in certain circumstances it may be appropriate for the signatory to be the Claims Complaints and Feedback team, the Senior Director of Claims Management Group or even the General Manager of Claims Management Group.

You should document this step in the claim file with details about the circumstances leading to the letter being sent and the level of signatory that was considered appropriate.

## **Step 4: Develop and implement a communication protocol**

When all attempts to resolve the difficult communication have failed, [developing a communication protocol](#) is appropriate.

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## Developing a communication protocol

A communication protocol means that Comcare's services will be restricted. Therefore, it should only be considered when other measures to resolve the problem have been exhausted (by following the [steps above before considering a communication protocol](#)).

### Roles and responsibilities

The Claims Complaints and Feedback (CCF) team will assist with the development of a communication protocol. They will determine if a communication protocol is necessary, record the details and timeframes for the protocol to be in place and work with the Claims Manager, the Contact Centre and other relevant staff to implement the communication protocol.

Reach out to CCF as early as possible to discuss who will take the lead on the work required.

This includes:

- considering the risks if a protocol was to be implemented
- coordinating consultation
- drafting the communication protocol if appropriate
- implementing the protocol, and
- reviewing the protocol.

The Claims Manager (with support from their Assistant Director) needs to provide the CCF team with:

- collated evidence of incidents, or a summary of incidents
- any actions taken so far, and
- how Steps 1, 2 and 3 have been completed before considering Step 4.



The Claims Manager also needs to flag the communication protocol in Pracsys. See [Procedure to flag a claim as a commitment claim \(including for communication protocols\)](#).

## Approval for a communication protocol

Approval to implement a communication protocol is required by the General Manager of Claims Management Group. This is because it can represent a restriction to Comcare's service delivery to that stakeholder.

## Consultation

It is recommended that the following staff should be consulted in the development of a communication protocol:

- Claims Operations
- Claims Complaints and Feedback
- Contact Centre
- Work Health and Safety
- Statutory Oversight in certain circumstances
- Security team in certain circumstances
- Injury Management/Clinical Panel psychologist to conduct a risk assessment about the impact a protocol may have on the stakeholder.

## What is covered in a communication protocol?

This will depend on the circumstances of the stakeholder. Appropriate limitations may include email-only correspondence (no phone conversations or in-person visits) and limitations on how often the stakeholder can contact Comcare. Other limitations may include call or email diversions to a dedicated Comcare recipient or, in extreme cases, blacklisting.

Measures may be interim or temporary or they may be permanent and ongoing. Measures are subject to review (see [Reviews of communication protocols](#)).

## Notifying the stakeholder

The Claims Complaints and Feedback team will release the communication protocol in writing once it has been agreed. In consultation with the Claims Team, they will determine the most appropriate channel and considerations for release to the employee. For example, they may release the protocol via a treating practitioner. They will consider the most appropriate timing for the release, whether there is (or needs to be) an Act on Behalf on the claim file and any other factors.

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## Procedure to flag a claim as a commitment claim (including for a communication protocol)

This procedure explains how to update Pracsys to indicate that a claim has a communication protocol attached to it. This procedure is completed after CCF has completed the work to create the communications protocol. You need to liaise with CCF before communicating with the employee about the communication protocol.

### Step 1: Add a clear comment

- Go to 'Manage Claim Comments'.
- Create a comment under the category: 'commitment claims' and use the code 'complex claim'.
- Type a heading '*communication protocol effective xx/xx/xx - xx/xx/xx*'.
- On the next line, enter details of the communication protocol. Be mindful that the employee can request to view the comments on their claim file.

### Step 2: Flag the claim as a Commitment Claim

This can be done by an APS6 or above.

- Go to 'Amend Claim Registration' (ACLM). Tick the Commitment Claim flag.

Screenshot of the commitment claim tick box in Pracsys

**Important:** You must flag the claim AND add a comment to ensure the claim is correctly labelled and that it is clear what is required for people dealing with the claim.

### **Step 3: Create a diary to review the communication protocol**

- Go to Manage Action Plan and create a diary.
  - Use 'Core activities' - 'Other'.
  - Type in 'review communication protocol', set the date and select Create.

This will appear in your diary a few days before it is due. Note that it will not create a notification in your in-tray. You can view diaries in the Business Object report as well.

The procedure ends here.

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## When a communication protocol is in place

Once a communication protocol has been put in place, the Claims Complaints and Feedback team maintains it in a register.

## What to do when you have a stakeholder with a communication protocol

When you become aware that a communication protocol is in place in one of your claims, follow this guidance:

- Read the communication protocol and make sure the claims team and Contact Centre are also aware.
- Make sure this information is clearly communicated whenever a claim is transferred to a new Claims Manager.
- Reach out to [Claims Complaints and Feedback](#) team with any questions or concerns, including reporting any further examples of inappropriate behaviour.
- Keep to the terms of the communication protocol.
- Any revisions to the communication protocol need to go through the [process for review](#).
- If the stakeholder doesn't comply with the communication protocol and you have taken a call:
  - Advise the stakeholder there is a communication protocol in place which is (state the details) and that as per the plan, communication is only via (state the details) and you are going to terminate the call as this communication is outside of the communication protocol.
  - End the conversation.
  - Make a detailed note in the claim file documenting the conversation.
  - Notify your Assistant Director and the Claims Complaints and Feedback team.

## Non-compliance with communication protocol

A stakeholder may not comply with a communication protocol. Where appropriate, further arrangements may be made to control incoming email through a specific mailbox or route incoming phone calls to a voicemail.

Where behaviour becomes persistently escalated, it may be appropriate to consult with or refer the situation to the Security and/or the Statutory Oversight teams. An internal working group may be established that is led by the General Manager for Claims Management Group or the Senior Director for Claims Management Group.

Examples of escalated behaviour include:

- threats to Comcare staff or property
- complaints about members of the Claims Complaints and Feedback team
- creating a new email address or calling anonymously or from a different phone number to circumvent restrictions.

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## Reviews of communication protocols

A communication protocol needs to be reviewed regularly and amended as appropriate. Each communication protocol will include a review date. A protocol will usually be reviewed before the review date and onwards on a periodic basis. The Claims Complaints and Feedback team will lead the review. They will collaborate with the claims team, other teams, the Executive as appropriate, and the stakeholder to review the protocol. The stakeholder will be provided with the opportunity to re-engage in an appropriate manner.

### Possible outcomes of review

There are three possible outcomes of a communication protocol review:

- **Maintain** – the stakeholder is continuing to demonstrate inappropriate behaviour.
- **Vary** – some aspects of the limitations are lifted (for example, no limitations on the number of emails; however, still restricted from calling Comcare).
- **End** – the stakeholder has engaged with Comcare in an appropriate manner and restrictions are removed.

### Actions following review

Once a review is complete, the Claims Complaints and Feedback (CCF) team will issue notifications internally and to the stakeholder in writing. They will set a further review date.

They will then update the communications protocol register.

See the [Procedure to review a communication protocol for more](#).

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## Procedure to review a communication protocol

When a diary appears to indicate that a communication protocol is up for review, or when Comcare identifies that a communication protocol should be removed, coordinate with the Claims Complaints and Feedback (CCF) team to review the communication protocol.

Once the review has been completed, amend Pracsys accordingly, following this procedure.

### Step 1: Is the communication protocol still in place?

- If yes, go to Step 2.
- If no, go to Step 4.

### Step 2: Update comments on the claim file.

*If the communication protocol remains in place:*

Go to 'Manage Claim Comments'.

- Create a comment under the category: 'commitment claims' and use the code 'complex claim'.
- Type a heading 'communication protocol reviewed and still in place xx/xx/xx - xx/xx/xx'.
- On the next line, enter details of the updated communication protocol. Be mindful that the employee can request to view the comments on their claim file.

Screen shot of Comment Code in Pracsys

### Step 3: Create a diary to review the communication protocol

- Go to Manage Action Plan and create a diary.
  - Use 'Core activities' - 'Other' to categorise the diary.
  - Type in 'communication protocol'.
  - Set the review date.
  - Select 'Create'.

This will appear in your diary a few days before it is due. Note that it will not create a notification in your in-tray. You can view diaries in the Business Object report as well.

The procedure ends here for claims where a communication protocol remains in place.

## Step 4: Update comments

*If the communication protocol is no longer in place:*

- Go to 'Manage Claim Comments'.
- If you created the original comment (or if you have access to the original creator or someone else who can change the comment, ask them to):
  - state why the communication protocol is now inactive and who made the decision.
  - change the comment from Active to Inactive.
- If you cannot change the original comment:
  - create a comment under the category: 'commitment claims' and use the code 'complex claim'.
  - state why the communication protocol is now inactive and who made the decision.

## Step 5: Remove the Commitment Claim Flag on the claim

- This can be done by an APS6 or above.
- Go to 'Amend Claim Registration' (ACLM)
- Untick the Commitment Claim flag.



This is the end of the procedure for claims which no longer have communications protocols attached.

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## The role of the Claims Complaint & Feedback team

The Claims Complaints & Feedback team will do the following:

- Determine whether a communication protocol is necessary or whether the stakeholder's behaviour could be managed in another way and discuss further with the relevant team(s). **Note:** A communication protocol will only be implemented in cases where all other options have been exhausted.
- Register the details of all communication protocols.
- Determine the restrictions and timeframe a communication protocol will remain in place.
- Implement and advise the stakeholder, relevant team and the Contact Centre of the details of the communication protocol. **Note:** The Claims Manager will enter a Pracsys commitment comment with the details of the communication protocol.
- Review existing communication protocols in place and liaise with the relevant team on whether the protocol should be maintained, varied or ended.
- Advise the stakeholder, the relevant team(s) and the Contact Centre of the outcome of the review of the communication protocol and update the 'Communication Protocol List' that is shared with Claims Contact Centre team.

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# The role of the Claims Operations team

The Claims Operations team, generally the Claims Manager with support from the Assistant Director, will:

- follow the [steps before considering a communications protocol](#)
- prepare the [required information](#) before referring a claim to Claims Complaints and Feedback (CCF)
- inform the Contact Centre
- update comments in the commitment claim function in Pracsys
- set review dates for communication protocols and contact CCF when a review date is coming up.

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# The role of the Claims Contact Centre team

Call Centre Agents are to be regularly informed and have access to the 'Communication Protocol list' maintained by the Claims Complaints and Feedback (CCF) team.

The risk that Call Centre Agents communicate with an employee on a communication protocol is high and must be identified through risk assessments of introducing the protocol.

Call Centre Agents who receive a call where the caller is identified as being on a communication protocol will remind the caller of the protocol and promptly end the call. The Call Centre Agents will notify their supervisor of the breach and update the claim comments as well as completing an incident report. The Supervisor will inform CCF of the breach in protocol.

If the caller continues to call the Call Centre, the Assistant Director or Director may activate the 'No Caller ID' diversion for a specified period or liaise with CCF to have the caller's identified phone number redirected to the CCF blocked call mailbox.

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# Complaints from stakeholders with a communication protocol in place

If an employee with a communication protocol wishes to make a complaint about Comcare, they can do so via phone, email or the online feedback form within the parameters of their individual communication protocol. This will be viewed and actioned by the Customer Complaints and Feedback team (CCF).

Please refer to the [Complaints and feedback](#) page for more information on how Comcare manages complaints and feedback.

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