



10 May 2022

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Kia ora Anthony

**Request for External Medical Panels Report, reference: GOV-015395**

Thank you for your email of 16 November 2021, requesting that we reconsider our decision of 28 September 2021 (ref: GOV-013318), which was to withhold the document *External Medical Panels Post Implementation Review* (the Report) in full. In relation to this, you asked:

*Would the ACC consider redacting information it deems sensitive to the nature they have used to decline request?*

**A summary of the document is attached**

We have considered your request for the Report and have decided that we can provide you with a summary of it. In our view, by providing you the information in this way strikes a balance between our concerns about release (leading to our original decision to withhold) and the public interest. Our decision to provide a summary of the information is made with reference to section 16(1) of the Official Information Act 1982.

**If you're concerned about this response, please get in touch**

You can email me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz)

If you are not happy with this response, you can also contact the Ombudsman via [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phoning 0800 802 602. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

Ngā mihi

Sara Freitag  
**Acting Manager Official Information Act Services**  
Government Engagement & Support

## Appendix: Summary of the Draft June 2018 External Medical Panel Post-Implementation Review Report

The External Medical Panel Post-Implementation Review draft Report (the draft Report) sought to undertake a post-implementation review of the set up and running of External Medical Panels (EMPs). It was presented in draft format at a time when separately and for wider organisational reasons the future of the EMP was starting to be revisited. The 22 February 2019 memo titled 'External Medical Panels' describes some of those other considerations that led ultimately to the External Medical Panels being formally disestablished in early 2019. The draft Report was not finalised nor were aspects of its commentary checked with relevant stakeholders.

ACC's view is that the risks identified in the draft Report were speculative, and there was little or no evidence or analysis indicating the likelihood of the risks occurring.

The draft report has six sections:

1. Introduction
2. Method
3. Background
4. Review findings – Implementation
5. Review findings - Monitoring
6. Conclusion

Each of these sections are summarised below.

### Introduction

The introduction notes that the draft Report '...presents the findings of a post-implementation review of External Medical Panels (EMPs). The review aims to determine whether processes are now embedded and identify risks and opportunities for improvement to ensure that ACC maximises the benefit of EMPs'.

### Method

The approach taken in the draft Report included looking at implementation of EMP processes (including referral, facilitator process, panellist process, case owner process and EMP coordinator process) and EMP monitoring and reporting. The draft Report noted documents looked at were those provided by internal staff and that available via the ACC intranet.

### Background

This section includes the following sub-headings:

- A brief history of EMPs
- Key evaluation findings
- The EMP process

Brief history: the draft Report says EMPs were introduced as part of the Medical Assessments work programme which commenced in December 2013. The purpose of EMPs is described as 'to provide a medical opinion based on consensus around diagnosis, causation and management with the aim of resolving differing clinical interpretations in cases of clinical complexity'.

It notes EMPs were developed and tested as a proof of concept between December 2013 and June 2016. It notes that several changes were made to EMPs during the proof of concept period. It notes a decision was made in June 2016 that EMPs would continue.

Evaluation findings: the draft Report details the evaluation of the EMP proof of concept, and that this was completed in two phases. The first phase informed changes to the process, and the second phase considered how well EMPs were working and whether they were sustainable.

The EMP Process: the draft Report outlines the key process steps from the start of a recommendation being made by internal clinical staff that a EMP is appropriate, through steps involved in the organisation of the referral, determining whether the claim is suitable for EMP consideration, sorting of referral questions, liaison with the client, preparation of the information for the Panel, Panel makeup and meeting, then receipt of the EMP report and next steps regarding actioning the report recommendations.

It describes available supportive information such as an EMP Facilitator Guide.

It describes how panel membership was set up including the fee and the use of a letter of agreement with panellists.

### **Review findings - Implementation**

This section includes the following sub-headings:

- Implementation of processes
- Referral process
- Involvement of EMP facilitators
- Panels
- Panel questions
- Other observations about panel reports
- Panel fees

Implementation of processes: The draft Report describes its assessment of the implementation of the described processes and where it considers implementation of processes could be improved. For instance, it describes some processes that were part of the proof of concept design that appear to have changed and discusses advantages and disadvantages of these changes. It describes what it sees as risks introduced by these changes.

Referral process: It recommends improving on the referral form completion and questions posed process and describes how collation of the file information for presentation to the EMP could be improved.

Involvement of EMP facilitators: it describes how it sees the EMP facilitators and EMP panellists could be used differently in the process. It describes what it sees as risks such as not providing opportunity for more people (facilitators and panellists) to be involved, limiting access to fresh thinking if the pool is not widened and if panellists agree to and undertake additional work (and receive payment) directly related to the outcome of the EMP report.

It describes the opportunity to seek more EMP facilitators and panellists.

Panels: it describes the specialities of the panellists and panel composition and timing. It describes what it considers is a risk associated with composition of multidisciplinary panels. It describes actions that it believes would maximise these to make the EMP more targeted.

Panel questions: it describes various types of referral questions that were and could be used and discusses advantages and disadvantages of using standardised questions compared with more bespoke questions. For instance, it notes that answers to bespoke questions may be easier to interpret by the recipient of the report.

Other observations about panel reports: it discusses some of the next steps the panel reports include and the nature/type of claims being sent to the EMP. It also discusses the information sent back to the client once the report is produced including querying the appropriateness of what it understands is the practice of applying a blanket rule of routinely withholding names and qualifications of panellists in EMP reports provided to clients.

Panel fees: it describes the resource, use of time and payment for time, that has been required to attend meetings and complete reports.

### **Review findings - Monitoring**

This section includes the following sub-headings:

- Implementation of EMP report recommendations
- Report timeliness
- Informal surveys

Implementation of EMP report recommendations: the draft Report explores what happens with the reports practically and with the recommendations contained within the reports. It also mentions timeframe from completion of EMP meeting to finalisation of the report.

Report timeliness: it notes that there were no issues with the timeliness of reports following completion of panels.

Informal surveys: it describes feedback sought from internal staff on the awareness and usefulness of having the EMP option and ease of use of the process. It described that it considered improvements could be made in the way feedback was sought and used as part of monitoring EMP satisfaction and outcomes. The EMP panellists experience of being members is also mentioned.

### **Conclusion**

#### **The draft report's conclusion includes the following:**

“There is good support from case owners and panelists for EMPs. They also appreciate the role of the EMP Coordinator in providing administrative support. Cases referred to EMPs appear to largely be long-term clients with complicated medical histories and current symptoms that the EMP are concluding are likely to be complex disorders. Although changes to processes intended as improvements have been made in good faith, they have introduced a number of risks which have been highlighted in this report.”