

Assessing the veterans' compensation and rehabilitation system

Objectives for Veterans Support

The current objectives for support are appropriate however the emphasis needs to be on rehabilitation followed by compensation for those elements cannot be resolved and remain after treatment. The lower burden of proof for acceptance of conditions requiring assistance is appropriate and needs to be maintained.

Weakness of the current system

The current claim system is a slow and often adversarial process. For the majority of claims the process delivers an acceptable outcome but one that often takes too long and serves to leave the claimant dependant on family or community resources at a time when they are already under considerable stress. It also reinforces in the mind of many claimants that the objective of DVA is to find reasons not to provide support.

The reliance on ESO advocates to provide advice and assistance rather than using a DVA case manager also contributes to the view of DVA as being an adversary not a support organisation. The use of ESO advocates also presents problems due to the decline in the number of advocates, failure of veterans to engage with ESO and ensuring that those trained as advocates have current and appropriate skills to engage and provide support to the veteran, particularly those who have served recently.

The existence of overlapping programs with independent processes for determining and satisfying claims makes the task of the veteran more difficult and prone to error. Even those trained by DVA as advocates find this cumbersome and confusing.

A system to meet the needs of future veterans

Military service for most veterans is a short term (5 to 7 years) occupation usually entered immediately after leaving education. Most move into other employment for the majority of their working life. Current civilian employment norms are for short periods in a variety of career streams often with casual, part time or even independent contractor conditions of employment.

Increasingly, employers see the majority of their employees as a consumable resource with little value being placed on loyalty or long service with minimal contribution being made to employee development. This contrasts starkly with the ethos of the ADF, many veterans will find their ADF service the longest period of continuous employment they will have in the workforce.

If their military service involves physical or mental injury this combined with the move into a highly competitive and largely unsupportive work environment may leave them disadvantaged for the remainder of their working life.

For those with longer careers the issue of transition to civilian work after service is often less difficult. They have time and some opportunities to plan the transition and gain the knowledge and support to translate their extensive experience into language that allows prospective employers to have confidence in their suitability. This is not always the case especially in the case of those injured and medically discharged late in their careers.

How should the nature of military service be recognised?

It is important to recognise that enlisting for military service involves giving up some generally accepted civil rights and accepting external control over location and type of work, conditions of employment and exposure to risk. Operational service also imposes higher stress and long periods under arduous and sometimes dangerous conditions. The member has little or no control over assignments, especially deployments and changes of location.

While the probability of death on operations has reduced in recent years the differential is substantially less in the case of injury and in the case of psychological injury may indeed be higher. On major operational deployments the availability of advanced medical facilities have made treatment following an event similar to that available in the general population. This is not always the case in training and peacetime employment in more remote parts of Australia.

All members who join the ADF are liable to deploy on operations, indeed the majority anticipate that this is likely and desirable. The result of injury or impairment is the same regardless of where and under what conditions it occurs. This supports the concept that the support offered to all veterans should be similar but with a lower standard of proof accepted for operational service or service under exceptional conditions.

Members of the reserve forces are a special case. They accept the same conditions of service as regular members if deployed however their normal conditions of service are those of their civil career not simply that of their military rank and employment category. There needs to be special consideration of the totality of their situation. When considering rehabilitation and compensation.

As an example when deployed to Timor I was an employee of Telstra, my employer made up my pay, covered me for workers compensation and paid superannuation. While this is by no means universal, many employers do provide substantial ongoing benefits to reserve members over and above any legislated requirement. Conversely other reserve member deployed at the same time voluntarily gave up employment so that they could serve. Their previous employer had no obligation to them at all, indeed the very act of resigning with minimal notice could prejudice their future employment. In the past this has led to members

who made a conscious decision to render service being disadvantaged by being seen as unemployed prior to deployment without any consideration of their work history.

The role of the Australian Defence Force - minimising risk

Military commanders already have direct responsibility for safety and risk management. They are responsible for planning, conduct and the investigation of any significant incident involving injury or damage to equipment. They are responsible for immediate medical treatment while the member remains assigned to their unit, for recording and reporting the incident and ensuring a claim for compensation is submitted by any affected members.

That said they have no formal responsibility to follow through or support the claim once made and generally have no visibility of the outcome and ongoing cost of any rehabilitation or compensation. That said many commanders do follow through and offer all the support they are able to provide either from the Commonwealth or through unit or ex-service or unit associations.

Most other EMS organisations rely on insurance based workers compensation arrangements and meet the cost of insurance premiums. These premiums reflect the claims history and actuarial projections of risk and so employer safety performance is reflected back to the management. Although this does give financial incentive to address risk and work practices the major value is that the investigation of incidents is conducted by an external safety authority and the organisation can be held accountable for any breach of OH&S regulations.

It is noted that the ADF is the only Commonwealth organisation that does not use Comcare to provide workers compensation coverage of its employees.

Income support and health care

In general, personnel discharging from the ADF are in the same situation as any other person in the workforce. Where the discharge is voluntary the current processes should be adequate with the member using available support to gain employment. It is a reality that even a planned change from the ADF to the civil workforce is likely to be stressful but that, in itself, is not a special situation created by ADF service. Where the individual has some control or at least reasonable notice of transition they should not require special assistance from DVA.

Where the veteran is a member of the defence reserves the continuation of employee protection measures provide significant support and should be retained.

The situation facing a veteran who is compulsorily discharged, especially when discharged on medical grounds can vary greatly. They face serious financial and potential psychological issues, especially if their medical condition is not stable. In this situation the combination of complexity and delay means that any compensation through DVA may leave the veteran reliant on Centrelink and family resources for a considerable period. It would be desirable for the ADF as part of the discharge process to assist the member to establish what ongoing support

they will need and to facilitate the application and determination of any applicable DVA and/or Centrelink claim prior to discharge.

It appears that the non-liability coverage model could reasonably be extended to any conditions identified on discharge to enable a veteran to seek treatment to identify the likely cause of the problem and provide primary treatment. Although this would add to DVA costs, in many cases it would involve a saving to Government under the Medicare program. It would also have the effect of providing DVA with direct access to formal records of treatment rather than relying on the veteran to provide them.

A limitation in both the White and Gold Card system is that some medical practitioners do not participate in the program. In major metropolitan areas this is an inconvenience but for veterans in more remote areas this can lead to substantial difficulty, delays and costs associated with traveling to a willing provider.

Claims Process

User Expectations

I have not been able to identify the current user satisfaction or claim rejection rates however many other submissions suggest that this may be a problem. A typical reason for both dissatisfaction and high rejection rates is poor communication leading to user expectations that are significantly higher than DVA can legally or administratively satisfy. DVA have gone to significant effort in providing user information however the degree to which the ADF and ESO have assisted this process is questionable.

The ADF has a culture of encouraging military excellence and setting high standards of performance and achievement. Members are encouraged to view themselves as an elite group holding core national values and valued by society. In some cases the ADF see DVA as the agency that looks after veterans rather than the agency that delivers on the expectations the ADF has raised for members once they finish their service.

ESO often exist or develop due to real or imagined deficiencies in the support of ex serving members by the Government and Society. They form their views from the group they support and in some cases have a narrow and negative view based on the segment of the service populations they attract and serve.

Online claims

The recent addition of an online claim system is considered to be a step forward however as with other online initiatives I raise a note of caution. The user population for DVA will differ from many other Government online services however many of the factors involved in measuring user satisfaction will be the same.

As a general principle the design of online applications needs to consider both the complexity of the application process and the skills in the user population. Successful implementations need also to consider the likely volume of users and how the application validates the information provided and supports the user during use. A key aspect of the development and assessment of the application requires both near term and longer term user feedback.

Ideally the application process should also support the lodging of appeals to provide the user with assistance in providing supplementary information to support an appeal against a rejected application.

Studies suggest the user population will be divided into a spectrum from skilled, experienced and technically aware through to first time users with significant skill and technological impairment. Ideally the application should receive a satisfied or highly satisfied rating from the whole user population, however the minimum is achieving a satisfactory rating from the 80% in the middle of the ranges of skills and experience.

Other studies have proposed that the major group dissatisfied with the application and appeal processes are those who have multiple claims, have little external support and are in or approaching a depressed state due to a combination of service related and societal stresses. Typically this is a small minority of claimants but importantly it also represents a group for who most online interaction is least effective. I understand that this issue was more fully developed in a study into veteran suicides.

My comments above reflect findings I made when identifying improvements in the customer service processes, complaint processes and staff attitude surveys used in a large telecommunications company.