



Australian Government

FNSISV522 Work with legal teams to resolve non-routine and complex insurance claims

Release: 1

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Modification History

Release	Comments
Release 1	This version first released with FNS Financial Services Training Package Version 5.0.

Application

This unit describes the skills and knowledge required to support legal proceedings to resolve non-routine and complex insurance claims. It involves establishing terms of reference for working with a legal team, providing timely and accurate information to support the legal proceedings for the claim, and participating in the settlement of a non-routine, complex claim that involves legal resolution.

The unit applies to those who work with legal teams to resolve non-routine, complex insurance claims, such as major losses, bodily injury losses and long-term settlement.

Work functions in the occupational areas where this unit may be used are subject to regulatory requirements. Users are advised to check with the relevant state and territory regulatory authorities to confirm those requirements.

Unit Sector

Insurance services

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1. Establish requirements of legal proceedings for non-routine and complex insurance claim	1.1 Establish comprehensive terms of reference and instructions applicable to legal proceedings for claim 1.2 Identify terms of reference and confirm they are within organisational and legislative guidelines, codes of practice and personal authorities, and are documented accordingly 1.3 Negotiate, confirm and document roles and responsibilities of parties involved in legal proceedings for claim 1.4 Identify requirements and procedures of legal system involved in

ELEMENT	PERFORMANCE CRITERIA
	claim proceedings
2. Obtain and assess required claims information, and provide to legal team	2.1 Identify legal team representatives and obtain information requirements 2.2 Engage with legal team to identify legal data and information sources and discuss applicable options for obtaining requested legal data and information 2.3 Obtain facts, evidence and information applicable to claims proceedings 2.4 Research and analyse additional historical and legal data, as required 2.5 Identify information deficiencies and seek additional information 2.6 Provide legal data and information to legal team in compliance with organisational policies and procedures, and compliance, ethical and legal requirements
3. Support legal process to manage claim	3.1 Obtain instructions and receipt of legal advice pertaining to claim 3.2 Communicate with legal teams and other applicable parties as required and expedite insurance claim resolution 3.3 Negotiate timelines for provision of required documents to legal team within agreed timeframes 3.4 Clarify conflicting evidence and information according to organisational and legislative requirements, codes of practice, and other relevant guidelines and ensure settlement payments comply with relevant policies 3.5 Document all actions, procedures and outcomes in supporting legal team within required timeframes
4. Support legal team with settlement arrangements	4.1 Participate in mediation and negotiation activities, as required 4.2 Initiate meeting with instructing legal practitioner to discuss settlement meeting and review settlement documents 4.3 Check and exchange documentation with required parties 4.4 Draft letter of confirmation of settlement, and forward to instructing legal practitioner for review and despatch to required parties
5. Report claim outcomes and update records	5.1 Inform stakeholders of claim outcome according to organisational policies and procedures 5.2 Document and record actions, procedures and outcomes according to organisational policies and procedures, legislative requirements, and codes of practice 5.3 Provide stakeholders with advice regarding claim settlement

Foundation Skills

This section describes those language, literacy, numeracy and employment skills that are essential to performance but not explicit in the performance criteria.

SKILL	DESCRIPTION
Numeracy	Performs mathematical calculations to analyse costs
Oral communication	- Uses active listening and questioning techniques to convey and clarify information and confirm understanding - Presents complex information in formal situations using clear and convincing language, tone and pace suitable to audience and purpose
Reading	Critically analyses complex documentation from a variety of sources
Writing	- Records outcomes of discussions and changes to policy documentation using industry-required terminology - Writes, edits and proofreads documents to ensure clarity of meaning and consistency of information
Initiative and enterprise	Investigates new and innovative ideas to improve work practices and processes through consultation, formal and analytical thinking
Planning and organising	Monitors progress of plans and schedules, and reviews and changes them to meet new demands and priorities
Problem solving	Responds to problems requiring immediate resolution, drawing on past experiences to focus on the cause rather than the symptom
Self-management	- Identifies organisational implications of new legislation and regulations - Identifies and resolves key business issues, processes and practices that may have legal implications - Accepts responsibility for planning and sequencing complex tasks and workload, negotiating key aspects with others and taking into account capabilities, efficiencies and effectiveness
Teamwork	- Collaborates with others, sharing information to build strong organisational outcomes - Manages conflict in the workplace by identifying contributing factors and implementing strategies to resolve conflict
Technology	Uses digital technologies to access, enter, check and store information

Unit Mapping Information

Supersedes and is equivalent to FNSISV512 Work with legal teams to resolve complex claims.

Links

Companion Volume Implementation Guide is found on VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=c7200cc8-0566-4f04-b76f-e89fd6f102fe>

Assessment Requirements for FNSISV522 Work with legal teams to resolve non-routine and complex insurance claims

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Performance Evidence

The candidate must demonstrate the ability to complete the tasks outlined in the elements, performance criteria and foundation skills of this unit, including evidence of the ability to:

- work with a legal team during the resolution of at least two different insurance claims, where:
 - at least one claim is a non-routine insurance claim
 - at least one claim is a complex insurance claim.

Knowledge Evidence

The candidate must be able to demonstrate knowledge to complete the tasks outlined in the elements, performance criteria and foundation skills of this unit, including knowledge of:

- legislative requirements, regulatory guidelines, organisational policies and procedures, and industry sector codes of practice that apply to legal proceedings involving complex insurance claim resolution
- key features of claims management process
- contract and commercial law principles relevant to insurance claim settlements
- roles, responsibilities and jurisdiction of specialists and other authorities applicable to resolving complex insurance claims, including key roles of legal teams and other stakeholders, including medical personnel
- data analysis techniques and procedures
- loss adjusting principles and practices relevant to complex insurance claims
- underwriting guidelines and levels of authority relevant to insurance claim settlements
- insurance fundamentals and methods to interpret, comprehend and apply policy wording
- international and domestic legal systems relevant to resolving complex insurance claims
- fundamentals of mediation and negotiation activities related to complex insurance claims
- research methodologies and practices relevant to resolving complex insurance claims
- principles of managing matters before court in a cost efficient manner that focuses on beneficial outcomes for own organisation

- principles of rules of evidence and information gathering, including importance of accurate documentation for legal proceedings
- types and categories of insurance policies.

Assessment Conditions

Skills in this unit must be demonstrated in a workplace or simulated environment where the conditions are typical of those in a working environment in this industry.

This includes access to:

- organisational records
- organisational policies, procedures, legislation and regulations as they relate to contracts of insurance
- common technology and software required to resolve insurance claims.

Assessors of this unit must satisfy the requirements for assessors in applicable vocational education and training legislation, frameworks and/or standards.

Links

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