

Summary

Objective

To obtain an Authority to Act (ATA) enabling a third party to act on the client's behalf in relation to a single ACC claim or all a client's claims.

Background

An ATA is the permission that a client gives for a third party to make relevant contact with ACC about the client's claim. ACC must have permission from the client before we can discuss a client's claim with them. For ongoing authority, ACC must receive this in writing from the client.

ACC trusts that lawyers and tax agents are legitimate in their representation role. ACC is not required to check with a client if the law firm or tax agent is acting on the client's behalf.

A third party may be:

- a relative
- friend or other individual
- a Kaumātua
- an advocate
- lawyer
- tax agent.

Privacy Note - It is considered a breach if any staff member divulges any personal information about a client where there is no signed ATA form, or letter, on file from the client indicating their preference of ATA consent.

As a rule staff should not be relying on the verbal consent long term, and especially if that verbal consent is several years old.

NOTE - The Contact Centre do not use this page and have a different process they follow when adding a ATA's to the claim. They do however tell the client's that they will need to provide this authority in writing should the claim be transferred to another ACC dept for ongoing management, which is when this page comes in for Recovery Teams.

Owner

[Name withheld]

Expert

Procedure

1.0 Explain authority to act options

Cover Assessor, Recovery Assistant, Recovery Coordinator, Recovery Partner

- Contact the client to discuss the option of adding an Authority to Act (ATA).
- Explain to the client that an ATA gives a third party:
 - the ability to discuss information about the client's claims
 - change the client's information such as bank account and contact details
 - authority until the client informs ACC that it is to be removed.
- Confirm with the client they would like to have an authority person act on their behalf.

NOTE What if your client is under the age of 16?

- You need to determine who holds guardianship, if the guardian is not the parent, you need to obtain proof of guardianship. Once guardianship is confirmed review and update claim party records to ensure that letters and other communication go to the guardian or parent.
- Consider if your client is determined Gillick competent, if yes you do not need to obtain Authority to act. For more information regarding Gillick competence refer to the link below.

 [NG C & A Gillick Competence](#)

NOTE What if the client doesn't wish to add an authority to act?

This process ends.

NOTE What if a third party is asking to get an ATA on a client's account?

Advise the third party that ACC will need the ATA in writing from the client before we can discuss information regarding their claim. This can be via:

- an ACC5937 Authority to act - Client form signed by the client
- an email giving authority from the client's authorised email address
- a letter giving authority signed by the client
- a legally binding document, such as a power of attorney (POA)

NOTE What if the Power of Attorney document states “this document becomes effective only if the client is mentally incapacitated”

If the POA only comes into effect when the client no longer has the capacity to consent for themselves, we just need something in writing from a medical practitioner before we can use the POA as ATA. Even just an email from the client's GP will suffice.

If the client can consent, they are the one who need to sign it off for us.

NOTE What if the ATA is requesting an information request?

When an ATA requests Information for a client (Privacy Act request), we can use verbal consent as a one-off consent to send them the information, this has been confirmed with Privacy and Legal. However, we MUST send the ACC5937 Authority to act form to the client for this to be completed for ongoing written authority. Any further request for information will be declined if the ACC5937 isn't on the claim.

NOTE What if a client or third party advises there is a Power of Attorney to manage welfare or affairs for the client?

Ask the client or third party to send a copy of the Power of Attorney to:

- claims@acc.co.nz
- ACC Hamilton Service Centre, Po Box 952, Hamilton 3240
- ACC Dunedin Service Centre Po Box 408 Dunedin 9054.

NOTE What if the ATA is for a lawyer or a tax agent?

Inform the client that ACC can accept the following from a lawyer or tax agent to have authority:

- A letter written on their firm's branded notepaper
- An email with a signature showing they are a tax agent or in a law firm.

NOTE What if it's not clear if the lawyer or tax agent authority is for a single claim or multiple claims?

Contact the lawyer or tax agent and ask them to confirm this in writing.

NOTE What if the client only wants to give the ATA for specific parts of their claim(s)?

Ask the client to add any conditions to the ATA document.

NOTE Does the ATA for all claims, move onto any new claims?

If the ATA is given to all claims (you have that in writing) then it would be reasonable to believe the ATA is for the current claim and any claims before it. If a new claim comes in then the ATA should NOT extend to that claim unless the client has confirmed this.

Contacting the client and reconfirming if they are okay for the ATA to extend to the new claim is the best option. This can be by asking them to resign the form or by calling and getting verbal confirmation (either is fine). If you get verbal confirmation, add a note in the 'Description' field of the ATA's Participant Details along with a detailed contact note on the claim to reflect this.”

NOTE What if the client is unable to provide authority?

There are situations where we can work with a client's representative if they are unable to give an ATA. ACC are considered a health agency, therefore we are bound by the Health Information Privacy Code (HIPC) as well as the Privacy Act. The HIPC has provisions to help navigate these situations. Under the HIPC, a representative is defined as: Representative, in relation to an individual, means:

- (a) Where the individual is dead, that individual's person representative:
- (b) Where the individual is under the age of 16 years, that individual's parent or guardian: or
- (c) Where the individual, not being the individual referred to in paragraphs (a) or (b), is unable to give his or her consent or authority, or exercise his or her rights, a person appearing to be lawfully acting on the individual's behalf or in his or her interests.

In these circumstances, when setting up entitlements or when there is a completion of initial claim actions, there is an option of dealing with someone who we reasonably believe is acting in the client's best interests. However, this doesn't mean they have the same rights as someone with full ATA authorisation from the client, EPOA, or PPPR.

We can't work with the representative purely based on the HIPC on a long-term basis, the following are options you could raise earlier on in setting up a claim:

- 1 - ATA - The client could sign an ATA when they are able to.
- 2 - EPOA (Enduring Power of Attorney) or POA (Power of Attorney) - you've already noted that there isn't one in this case, but in some cases the client's representative may have this.
- 3 - Protection of Personal and Property Rights Act - Welfare/Property Guardian.

An EPOA for personal care and welfare can only be used when the donor has been declared as mentally incapable - usually via a medical certificate, and that this is referred to as 'invoking' the EPOA. There are different rules for property EPOA's and these can either come into effect immediately once they are signed or once the donor is mentally incapable, as it depends on what the donor chooses at the time the EPOA is drafted.

NOTE What should you do if you have been asked to remove an ATA on claim?

The declaration on the ACC5937 states - "I understand I can write to or call ACC at any time to cancel this authority, and ACC will only cancel this authority if I ask them to in this way. Cancellation will not be effective until received by ACC."

If the client has asked us to remove an ATA from their claim or ALL claims. You can do this by either:

- amend the contact on the claim/party record with the ATA details.
 - Write in front of it that this has been cancelled and they are no longer the ATA on this claim, or ALL claims.
 - Remember to put in your contact a date and how the client ask us to remove this ATA.

OR

- In the Maintain Roles area.
 - 1) Go into the claim's General tab, scroll down to [Participants] on the right-hand side click on [Maintain Roles].
 - 2) Scroll and click on the Party you wish to remove.
 - 3) On the right-hand side click [Remove].
 - 4) Click Edit, Select Authority to Act Removed from the role drop down.
 - 5) Add a note in the description field.
 - 6) Add an end date.
 - 7) It will then ask you if you are sure - say YES.
 - 8) Click [OK] to go back to the General screen.

If the client has emailed or sent in a letter to us asking for this to be done – file this away to the claim/Party Record. If they have asked us over the phone, put a clear contact in the claim/party record.

How to remove an Authority to Act at a Party Level:

- 1) Go to party record.
- 2) Click on relationships tab.
- 3) Select the authority to act relationship you need to remove.
- 4) Click Remove.
- 5) To confirm remove click [yes].

Confirm the client's contact details belong to them and not the ATA when removing the ATA

NOTE What kinds of ATA can we accept?

Any form of written authority can be any accepted as long as it clearly identifies the client, the agent, which claims are covered and if there is an end date for this authority. (Email, letter, ACC5937 are all acceptable written forms)

NOTE Is the authority to act (ATA) still valid if the claim hasn't been actively managed for over 12 months?

Where we have not been actively managing a claim for 12 months or longer and there is an Authority to Act on file, we should confirm with the client if this Authority is still valid before communicating with the ATA.

NOTE What if the lawyer/advocate is not a registered vendor in eos


The lawyer/advocate will need to be registered as a vendor before they can be added to the claim as a participant. To register, please inform them to complete the acc111 and email it to registrations@acc.co.nz. Once this is complete the process can continue.

 Advocate Communications Policy

NOTE What if the ATA is a staff member acting as an Authority to Act for a friend or family member?

ACC staff can act as an ATA for a friend or family member, however there is a process that must be followed and letters that are required to be approved by the staff members manager and emailed to HR Help prior to completing the ACC5937 Authority to Act form.

Please read and follow the "Supporting, Representing or Advocating for a Relative, Acquaintance or Friend through the ACC Claim Process" below

 Supporting, Representing or Advocating for a Relative, Acquaintance or Friend through the ACC Claim Process

2.0 Confirm authorised third party details

Cover Assessor, Recovery Assistant, Recovery Coordinator, Recovery Partner

a In Eos, add a Contact with the following information about the third party:

- Full name
- Date of birth
- Full postal address
- Name of the organisation they work for (if applicable)
- Single or ongoing authority.

If applicable, add ATAS expiry date ie ATA expires 24 April 2020.

b Confirm if the client wants the authority to be for a single phone conversation or ongoing authority.

- Go to Activity 3.0 to obtain ATA for a single conversation
 - Go to Activity 3.1 to obtain ongoing ATA over the phone.
-

3.0 Obtain ATA for a single conversation

Cover Assessor, Recovery Assistant, Recovery Coordinator, Recovery Partner

- a Gain authority directly from the client to speak to the authorised party for one phone call.
- b In Salesforce, add a contact to record the conversation with the client.
- c This process ends.

3.1 Obtain ongoing ATA over the phone

Cover Assessor, Recovery Assistant, Recovery Coordinator, Recovery Partner

- a Read the client the following ATA statement and ask the included questions:

"At ACC, allowing someone to act on your behalf lets them access your personal information, such as health and payment information; and change personal information on your behalf, such as your bank account and address. While this can start from today, we will need you to formally confirm the arrangement. I can send you an email with the form we need or I can post you the form to be completed. If you want to stop the person from acting for you, you just need to let us know.

- Do you have any questions relating to this authority? YES or NO
- Are you happy to go ahead with the authority? YES or NO
- Would you like this person to have Authority on this claim only or across all your claims with ACC? ALL CLAIMS/THIS CLAIM ONLY (DELETE ONE)
- Client name:
- Authority to Act name:
- Authority to Act contact details:
- Where would you like us to send future correspondence?"

NOTE What if the client doesn't want to grant the authority?

This process ends.

- b In Salesforce add a Contact and copy the ATA statement, along with the client's responses to the questions.
- c Confirm how the client would like the ACC5937 Authority to act - Client form sent to them:
 - Via email - Go to Activity 4.0
 - Via post - Go to Activity 4.1

NOTE Does verbal authority cover all claims?

Verbal authority should not be used to cover all claims, only the actively managed claim.

NOTE Getting written authority after verbal authority

Verbal authority should be a temporary measure while we wait for written authority to be obtained to ensure we do not compromise our service while still upholding the Privacy Act. We need to advise the client of this at the time of obtaining verbal authority. Verbal authority does not expire but we need to follow up on obtaining written confirmation at every point of contact to ensure that we have taken all reasonable steps to obtain written authority.

 Advocate Communications Policy

4.0 Obtain ATA via email

Cover Assessor, Recovery Assistant, Recovery Coordinator, Recovery Partner

- a** In Eos, send the following email template to the client's verified email address. Attach an ACC5937 Authority to act - Client form to the email.

"At ACC, allowing someone to act on your behalf lets them access your personal information, such as health and payment information; and change personal information on your behalf, such as your bank account and address. If you agree to providing someone Authority to Act on your claim, please read the included ACC5937 Authority to act - Client form, and respond to this email to provide details of your Authority to Act and confirm you agree.

Please respond with the following details:

- Are you happy to go ahead with the authority?
- Would you like this person to have Authority on this claim only or across all your claims with ACC? ALL CLAIMS/THIS CLAIM ONLY (DELETE ONE)
- Client name:
- Authority to Act name:
- Authority to Act date of birth:
- Authority to Act contact details:
- Where would you like us to send future correspondence?

Alternatively you can complete the form and return it to ACC at:
PO Box 952,
Hamilton 3240.


The person you nominate will be able to act on your behalf and access your information until you request that the authority is removed.

If you have any questions about providing someone Authority to Act on your behalf, you can contact ACC on 0800 222 435 (0800 ACC HELP)."

 ACC5937 Authority to act - Client

NOTE What if the client doesn't have a verified email address?


Go to the Update Client Details on Party Record process to verify their email address.

 **PROCESS** Update Client Party Records

NOTE What if the client has asked for the email to go to the ATA?

If the client doesn't have an email address follow the process under 4.1 to post the ACC5937 to the client.

Once we have the complete form back and the ATA has an email address, follow the process to verify their email address so you can email them from your clients claim.

 Advocate Communications Policy

4.1 Obtain ATA via post

Cover Assessor, Recovery Assistant, Recovery Coordinator, Recovery Partner

- a** Send a NGCM - Send Letter task to Recovery Administration to request an ACC5937 Authority to act - Client form to be posted to the client.

NOTE What if I'm a Cover Assessor or Customer Service Representative?

Print the ACC5937 Authority to act - Client letter yourself and post to the client.

 ACC5937 Authority to act - Client

5.0 Add Authority to Act in Eos

Cover Assessor, Recovery Assistant, Recovery Coordinator, Recovery Partner

- a** Receive the signed ACC5937 Authority to act - Client form via email or post.

NOTE What if the ATA hasn't been returned and a third party calls?

Check the claim for the authority obtained. If the authority was for one conversation, you will need to contact the client again to obtain the authority. A signed ACC5937 or other written confirmation giving authority to act must be provided by the client to allow continued authority. Another person's claim information cannot continue to be discussed until verbal or written agreement has been obtained from the client.

- b** in Eos, upload the ACC5937 Authority to act - Client form to the client's:

- claim if the authority is for one claim ONLY
- Party Record if the authority is for ALL current claims.

- c** Add the ATA Participant at claim level using the Manage authority to act relationships system steps below.

 Manage authority to act relationships

NOTE What if you need to add a Power of Attorney?

Follow the instructions in the [Manage authority to act relationships] systems steps. In the [Add Party Case Role] select [Power of Attorney]. In the description add one of the following:

PPPR Welfare Guardian
PPPR Property Manager
PPPR Welfare Guardian
Add the expiry date of the order

NOTE What if the ATA is for all claims?

In the description free text box, write "The Authority to Act is for all current claims before [Today's date]".

NOTE What if the ATA has an expiry date?

In the description free text field add [ATA expires [date]]
In Salesforce, add a reminder task to end the ATA participant.

NOTE What if the authorised party is an advocate or lawyer?

Advocates should be added as a vendor. Enter the Role as 'Advocate' and the Party Type as 'Advisor'. Do not use the third party's Personal Party record.

NOTE What if the authority is for an individual, such as a spouse or family member?

Load as Authority to Act and link to their existing record.
See Manage authority to act relationships on Te Whāriki.

NOTE What if the client requests a condition on the ATA?

Load a future dated Contact in Eos that highlights the condition to the ATA. This will need to be removed if the ATA changes in the future.

NOTE What if you can't find the ATA person's details in Eos?

If you are unable to find the ATA's party record in the system. You will need to contact the ATA and get more information to see if that helps you find them in Eos.

If you are still unable to locate them follow the system steps above under 5 C (Manage authority to act relationships). Step 6 has a link to the page "Add a Party".

NOTE - It is important to confirm a record does not already exist to ensure that a duplicate party record is not created.

NOTE Can you add the ATA's details as the clients details on their party record?

The ATA's contact details should not be added as the client's.

NOTE What if an authority to act wants to remove themselves as an ATA

An ATA can remove themselves at any time, but under no circumstances can an ATA add themselves back on. This will need to be done through the correct channels and have the appropriate documentation signed by both parties.