



05 October 2023

Kia ora [REDACTED]

Your Official Information Act request, reference: GOV-027850

Thank you for your email of 18 September 2023, asking for the following information:

- *Please provide me with the legislation the states that LAW - the legislation the states I cannot be paid as a carer for all because I am his mother. I want the sections and subsections and the links to this law!*

Due to the nature of your request, it was referred to OIA Services for a response under the Official Information Act 1982.

Relevant legislation

The legislation for any ACC decision is the Accident Compensation Act 2001 (the AC Act). The parts of the AC Act that are particularly relevant for the consideration of a client's 'natural support' are found in Clauses 14, 15 and Clause 17 of Schedule 1. You can view this legislation online here:

<https://www.legislation.govt.nz/act/public/2001/0049/latest/DLM99494.html>

In addition to this, the following documents relate to natural supports:

- Using natural supports Policy
- IHCS – Using Natural Supports Service Page

These documents are attached. As staff names were not requested, they have been deemed out of the scope of your request and removed.

As this information may be of interest to other members of the public

ACC may release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available www.acc.co.nz/resources/#/category/12.

If you have any questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz.

Ngā mihi

Sara Freitag
Acting Manager Official Information Act Services
Government Engagement

Summary

Objective

Natural supports include family members, friends, neighbours and community, church, social and school groups who are readily available and reasonably easy to access for a client requiring help in the home and community.








Family members are a subgroup of the client's natural support network. AC Act 2001, Schedule 1 Clause 14, Clause 15 and Clause 17, require ACC to consider how much Home and Community Support Services (HCSS), including home help, childcare or attendant care, can reasonably be provided on an unpaid basis by household family members, or other family members, without significant disruption to their employment and everyday activities. Family members are related to the client either by blood, marriage (or civil union or a de facto relationship) or adoption. A household family member is a family member who lives in the same house as the client. A friend or flatmate living with a client is not considered a household family member.

Owner [Out of Scope]

Expert [Out of Scope]

Policy

1.0 Further information

-  What is reasonable for family members to provide without payment?
-  Payment for supervision by natural supports
-  Non-contracted Supervisory Care Service Page
-  Supervisory care examples
-  When to provide home help
<https://go.promapp.com/accnz/Process/b54cb5c2-3bt>
-  Whether to provide childcare
<https://go.promapp.com/accnz/Process/a8c6e1b2-bc:>
-  Supporting client with Social Needs

2.0 Integrated Home and Community Support (IHCS) provided by natural supports

- a** ACC's support should complement, not replace, the support provided by a client's natural support networks.

Family, friends, flatmates, neighbours or community groups may naturally provide help in the course of usual activities. There is no need for paid support during the times that help is naturally provided. For example, a neighbour may bring in a client's washing.

3.0 How appropriate is it for neighbours and friends to provide natural support?

- a** Consider the length of time that support may be needed. It may not be reasonable for us to rely on naturally provided support continuing on a long-term basis, eg neighbours and friends bringing meals to a client who has a long-term or permanent injury. This type of support is probably only reasonable for a short length of time while the client is recovering.

We cannot expect help to be provided just because the client has a neighbour or friend who does not work during the day. This would depend on the person's relationship with the client, their availability, capability and willingness to help. However, we must explore whether it is appropriate for the neighbour or friend to help. Our paid support then fills the gap between the client's needs and what their family and friends can reasonably help out with.

4.0 What is reasonable for family members to provide?

- a** The AC Act 2001 requires ACC to consider how much IHCS can reasonably be provided on an unpaid basis by household family members, or other family members, without significant disruption to their employment and everyday activities. See What is reasonable for family to provide without payment

If family members provide some support without payment, we must consider whether to pay for:

- additional support from a family member where it is not reasonable to expect the care to be provided on an unpaid basis, and the family member is willing to provide care
- additional support through a contracted provider or a non-family member in order to meet the client's total assessed needs
- relief care to give a household family member a break from providing care.

If it is not reasonable for family to provide unpaid support, consider whether the family member wants to provide any care and, if so, how appropriate this is in relation to the client's goals and rehabilitation outcome.

If the family member wants to provide care, and it is appropriate for them to do so, we would pay for:

- the appropriate level of care provided by the family member
- any additional assessed support provided by a contracted provider, non-family carer or private carer
- any necessary relief care to give a household family member a break from providing care.


If the family member does not want to provide any care, we will pay a contracted provider or non-family carer to provide the support.

5.0 Paying for care provided by a client’s natural supports


- a If the natural support concerns family members, see What is reasonable for family to provide without payment.


Use the attached tables to determine whether to pay for help provided by a client’s natural supports.

Situation	ACC’s level of funding
Support is provided outside of the course of ordinary family, household, friendship or community activities	We pay for support to be provided
Examples: <ul style="list-style-type: none"> • A non-family member moves into the client’s house to care for and supervise the client • The client engages a private caregiver to provide home help • The client has no capable, available or willing natural supports 	

 Paying for care provided by clients natural support2.PNG



Situation	ACC’s level of funding
Support is willingly provided by a capable person in the course of ordinary family, household, friendship or community activities	We do not pay for funded support as there is no identified need for extra support. We review the client’s needs regularly
Examples: <ul style="list-style-type: none"> • A friend takes the client to the movies and provides supervision at the same time (this does not include a paid carer who has become a friend) • A church group has a roster to transport the client and sit with them at a church service • A neighbour is willing to bring in the washing while the client recovers 	

 Paying for care provided by clients natural support.PNG

-  What is reasonable for family members to provide without payment?

6.0 Payment rates

- a For the appropriate payment rate, see Attendant care and Payment for supervision by natural supports

-  Attendant care
<https://go.promapp.com/accnz/Process/bbe080d7-5c>
-  Payment for supervision by natural supports

7.0 Reviewing the client’s situation

- a The level of natural support, or support that can be integrated into a family member’s usual household or family activities, and employment, can change over time.

We must review the client’s needs and circumstances at appropriate intervals to see whether:

- it is still reasonable for family to provide the same level of support without payment
- more or less additional support is needed.

We should advise the client or family to contact us if their circumstances change or they feel that they need further support.



Summary

Objective

Natural supports include family members, friends, neighbours and community, church, social and school groups who are readily available and reasonably easy to access for a client requiring support in the home and community.

ACC must consider how much support can reasonably be provided on an unpaid basis by household family members, or other family members, without significant disruption to their everyday employment and activities.

Owner [Out of Scope]

Expert [Out of Scope]

Procedure

1.0 IHCS provided by natural supports

- a** ACC's support should complement, not replace, the support provided by a client's natural support networks.
- b** Family, friends, flatmates, neighbours or community groups may naturally provide support in the course of usual activities. There is no need for paid support during the times that support is naturally provided. For example, a neighbour may bring in a client's washing.
- c** Natural supports cannot be provided for allied health and nursing services.

Using Natural Supports Policy

2.0 Neighbours and friends providing natural support

- a** When a neighbour or friend is providing support for an IHCS client consider:
 - the length of time that support may be needed – long-term support may not be reasonable
 - their relationship with the client
 - their availability
 - their capability
 - their willingness to help out.

3.0 What is reasonable for family members to provide?

- a** Natural supports provided by a family member on an unpaid basis should not result in significant disruption to their employment and everyday activities.
 - What is reasonable for family members to provide without payment?
- b** In situations where a family member is providing unpaid support, you should consider:
 - if the additional support from a family member is reasonable to be provided on an unpaid basis
 - if the family member is willing to provide care
 - if it is necessary to provide additional support through a contracted provider or a non-family member to meet the client's total assessed needs
 - the provision of relief care to give a household family member a break from providing support.

- c** If it is not reasonable for family to provide unpaid support, consider whether the family member wants to provide any care and, if so, how appropriate this is in relation to the client's goals and rehabilitation outcomes.
- d** If the family member wants to provide support, and it is appropriate for them to do so, they can deliver this support as:
 - a paid employee of the IHCS Supplier
 - under the non-contracted HCSS provisions.
- e** If the family member does not want to provide any support, ACC will pay a contracted provider or provide Home and Community Support via an alternate non-contracted provider to provide the support.

4.0 Paying for care provided by a client's natural supports

- a** Use the attached tables to determine whether to pay for help provided by a client's natural supports.

Situation	ACC's level of funding
Support is provided outside of the course of ordinary family, household, friendship or community activities	We pay for support to be provided
Examples: <ul style="list-style-type: none"> • A non-family member moves into the client's house to care for and supervise the client • The client engages a private caregiver to provide home help • The client has no capable, available or willing natural supports 	

Paying for care provided by clients natural support - example 1.PNG

Situation	ACC's level of funding
Support is willingly provided by a capable person in the course of ordinary family, household, friendship or community activities	We do not pay for funded support as there is no identified need for extra support. We review the client's needs regularly
Examples: <ul style="list-style-type: none"> • A friend takes the client to the movies and provides supervision at the same time (this does not include a paid carer who has become a friend) • A church group has a roster to transport the client and sit with them at a church service • A neighbour is willing to bring in the washing while the client recovers 	

Paying for care provided by clients natural support - example 2.PNG

Payment for supervision by natural supports

5.0 Reviewing Natural Supports



- a** The level of natural support, or support provided, can change over time.
- b** Recovery Team Members must review the client's needs and circumstances at appropriate intervals to see:
 - if it is still reasonable for family to provide the same level of support without payment; and
 - if more or less additional support is needed.
- c** Client or family must be advised to contact their Recovery Team Member if their circumstances change or they feel that they need further support.

6.0 Further information

- a** Relevant legislation
Accident Compensation Act (AC Act) 2001, Schedule 1, Clause 14, 15 and 17, providing natural supports
 - Accident Compensation Act (AC Act) 2001, Clause 14 for the provision of natural supports
<https://www.westlaw.co.nz/maf/wlnz/app/document?d>

-  Accident Compensation Act (AC Act) 2001, Clause 15 for the provision of natural supports
<https://www.westlaw.co.nz/maf/wlnz/app/document?d>
-  Accident Compensation Act (AC Act) 2001, Clause 17 for the provision of natural supports
<https://www.westlaw.co.nz/maf/wlnz/app/document?d>

b Contract information

-  Integrated Home and Community Support Services: Service Contract
-  IHCS Operational Guidelines

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OFFICIAL INFORMATION ACT