

23 June 2022

Kia ora [REDACTED]

**Your Official Information Act request, reference: GOV-018461**

Thank you for your email of 25 May 2022, asking for the following information under the Official Information Act 1982 (the Act):

*Please send me all relevant policy and procedure relating to ACC's internal handling of transgender claimants, specifically any policy or procedure relating to dead names of transgender people, how their ongoing active files are handled and how ACC ensures that their human rights and dignity are respected.*

**ACC is working towards adopting the Stats New Zealand standards for gender, sex and variations of sex characteristics**

This statistical standard was developed by Stats NZ for the collection and dissemination of data, following a review process with extensive public consultation, input from government agencies, international peers, and the support of an external advisory group, including subject matter experts and community advocates.

Once adopted, the standard will more accurately reflect the diversity of our clients. The change will also make us more aligned with the wider health system, most of which is already collecting comprehensive gender data.

You can find more about the Stats New Zealand standards for gender, sex and variations of sex characteristics at [www.stats.govt.nz/methods/statistical-standard-for-gender-sex-and-variations-of-sex-characteristics](http://www.stats.govt.nz/methods/statistical-standard-for-gender-sex-and-variations-of-sex-characteristics).

**ACC's resources for supporting transgender clients**

All ACC staff are required to undertake certain levels of training relevant to their roles, available on ACC's internal learning platform (GROW) where employees can access online modules, training videos and readings. ACC has a resource available to all staff titled *Supporting non-binary/transgender clients and colleagues* that provides relevant resources.

The following documents provide the policies and procedures for supporting gender diverse clients:

- Supporting the Diverse Needs of our Clients
- Client Legislative Rights and Responsibilities Policy
- Working with the Code of ACC Claimants' Rights Policy
- Change Client's Legal Name Policy

Note: We have removed staff names from the documents as you confirmed they are not required to fulfill the request.

**The Code of ACC Claimants Rights**

The Code of ACC Claimants Rights outlines the rights of all ACC claimant's and imposes obligations on ACC. The provisions of the Code state that all claimants must be treated with dignity and respect, fairly, have their views considered, and be treated with respect to their culture, values and beliefs. This Code oversees all procedures and polices related to the treatment and handling of clients at ACC.

You can find the details of the Code at the following link  
[www.legislation.govt.nz/regulation/public/2002/0390/latest/DLM173115.html](http://www.legislation.govt.nz/regulation/public/2002/0390/latest/DLM173115.html)

**This information may be of interest to other members of the public**

As this information may be of interest to other members of the public, ACC has decided to proactively 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](http://www.acc.co.nz/resources/#/category/12).

Ngā mihi



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

# Supporting the Diverse Needs of our Clients

## Guidelines



## Supporting the Diverse Needs of our Clients

At ACC, our approach to diversity and inclusion includes our people having right understanding, acting in the right way, and delivering at the right time. To achieve this approach, we need to understand *how* to support clients with a diverse range of cultural, language and disability needs. This guide is designed to support you when responding to these needs so that we provide our clients the best experience possible.

### Responding to communication needs

ACC's 'Code of Claimant's Rights' reminds us that clients have the right to effective communication, including using an interpreter when necessary. An interpreter may be needed if English is not the client's first language, or if a client has hearing or speech impairments. Clients should have reasonable choice over the type of interpreter. At ACC, we have access to professional interpreting services such as Language Line or New Zealand Relay. We can also arrange for interpreters to be present for face to face meetings or ask a client's family member to translate in appropriate circumstances.

**Interpretation** - *Verbally interpreting from one language to another language, usually done in the moment.* To learn about when to use an interpreter, see the [When to Use an Interpreter Policy](#) and the [Working with an interpreter](#) process.

**Translation** – *Translating written documents from one language to another language.* To learn about when to have a document translated, see the [When to Provide or Accept Translations Policy](#).

#### Interpretation over the phone

[ezispeak](#) is the new telephone interpreting service for the public sector. EziSpeak offers telephone support in over 180 languages and will be available for staff 24/7. [Link to ezispeak guide \(pdf doc\)](#)

[NZ Relay](#) is a 24/7 service that supports typed or verbal messages to be relayed to clients with hearing, sight or speaking impairments.

#### Interpretation in person

[Professional Interpreting Services](#) are used when have planned a face to face meeting and need an interpreter. These services have access to interpreters able to speak several different languages, including New Zealand sign language.

When working with an interpreter over the phone:

- pause after 2-3 sentences to allow time to interpret
- make your statements easy and straightforward
- avoid jargon
- make sure to check whether your client understands.

### Responding to cultural needs

ACC's Diversity and Inclusion, and Māori and Cultural Capability Team have developed resources to support people's understanding of the views, beliefs and values of different cultures.

[Value Diversity](#) – On Grow@ACC you can look at some great resources that support you to value different opinions and build an understanding of others with diverse backgrounds. Learning content consist of Cultural Awareness, Supporting non-binary / transgender clients and colleagues, Te Reo

Māori, Unconscious Bias, and Diversity in the workplace. People Leaders can also learn about embracing their team's diversity.

[Cultural Tips](#) - This page has scenarios of lived experiences and case studies of either our own customers or communities in general. There are tips included for supporting Māori, Pacific, Asian and other migrant clients.

[Waiata-ā-rohe](#) - This page has well known waiata that define the local Iwi of your region. These are referred to often as Māori anthems. Learning and singing these songs are a great way of knowing more about the part of our country you live and work in.

[Ako I Te Reo Māori](#) - This page has resources and links to institutions that will enable your Te Reo Māori language proficiency to reach new heights.

[Māori and Cultural capability team space](#) - This page explains who our Māori and Cultural capability team are, and what their roles are in supporting Whāia Te Tika, our Māori Strategy, and our Diversity and Inclusion approach.

## Responding to face to face meeting requests

Customer insights tell us that face to face engagements are critical, especially at the beginning of a relationship.

Research has also shown that whakawhanaungatanga (the process of establishing a relationship or relating well to others) is a crucial part of understanding a Māori person's identity. We also understand that other ethnicities equally value the ability to connect with another person.

The option of meeting face to face should be available to all clients. Some clients may prefer to meet in an important or familiar environment, such as at home or at work. This is appropriate if we have assessed the risk of meeting offsite and agree it is safe to do so.

Face to face meeting guidelines have been developed to support you when considering meeting with a client, their family/whānau or representatives in person. These guidelines talk through the situations where meeting in person might be appropriate, and what to consider so that we achieve the best outcome.

Recovery team members should exercise their discretion regarding the timing and appropriateness of meeting with a customer in person and should always follow safety risk assessment guidelines.

## Summary

### Objective

This page describes the rights and responsibilities of clients when they make a claim with us. It includes specific legislation, protection of information, representation and human rights issues. This information will help you to comply with the legislative requirements when dealing with client claims.

Owner

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Expert

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## Policy

### 1.0 Rules

- a The following rules cover:
  - client rights
  - client responsibilities
  - cultural differences
  - communication
  - guidelines for human rights issues
  - guidelines for privacy issues.

### 2.0 Cost of support

- a Clients have the right to have the support they are eligible for funded by ACC to the maximum extent possible. We'll cover the majority of costs of required assessments and other necessary rehabilitation interventions. Sometimes, however, the regulated limit of our contribution does not match the entire amount charged by the provider and so the client must also make a contribution, as a part-charge or surcharge.

A part-charge may be incurred when:



- the client's general practitioner (GP) charges more for a consultation than we're able to pay under the regulations. The client can be charged by the provider for the additional amount
- the client was intending to pay a particular treatment cost, but an injury has increased the treatment necessary. We'll pay only for that proportion of the treatment that is necessary to address the injury
- the client wants a more expensive intervention than we consider is necessary to address the injury. We'll pay the basic cost sufficient to address the assessed need, and the client can choose to pay for an 'upgrade'.

### 3.0 Representation and support

- a The client has the right to bring friends, family members, whānau or other representatives with them for support whenever they meet with us or with an assessor or service provider. They don't have to explain or justify their reasons for this.

### 4.0 Information protection

- a All information about the client is protected under the:


-  Privacy Act 2020  
[https://www.westlaw.co.nz/maf/wlnz/app/document?tocGuid=AUNZ\\_NZ\\_LEGCOMM\\_TOC%7C%7CI497641cabd5811eab](https://www.westlaw.co.nz/maf/wlnz/app/document?tocGuid=AUNZ_NZ_LEGCOMM_TOC%7C%7CI497641cabd5811eab)
-  Health Information Privacy Code 1994.  
<https://privacy.org.nz/forums-and-seminars/health-information-privacy-code/>

### 5.0 Information about our decisions

- a The client has the right to access all the information about decisions we make on their rehabilitation. We need to clearly explain why we consider any course of action appropriate.

## 6.0 Informing the client

- a** Use the VOCIS130 Returning to work after an injury information sheet to provide the client with information about their rights and responsibilities for their vocational rehabilitation.

 VOCIS130 Returning to work after an injury

- b** If you're working in Next Generation Case Management, refer to the guidelines below on when and how to inform clients of their rights and responsibilities.

 NG GUIDELINES Client Legislative Rights and Responsibilities

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## 7.0 Reasonable time to consider

- a** We must allow the client a reasonable amount of time to consider information we provide to them, before they make any decisions based on it. We need to provide them with the relevant information as early as possible and make sure they fully understand it before we ask them to decide or agree to it.

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## 8.0 Challenging decisions

- a** The client has the right to challenge any decision they disagree with, or the results of any assessment. If they do we must look seriously at whether agreement is possible. This can include getting opinions from others or revisiting the decision-making process. We must make a serious effort to reach agreement and will only defend our decision at review if agreement is unable to be reached.

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## 9.0 Client's responsibility to participate in rehabilitation

- a** The client is responsible for as much of their own rehabilitation as they can achieve, considering the injury. In terms of the rehabilitation process, we expect them to:

- participate in all stages of developing their Recovery Plan
- attend assessment appointments
- carry out their part of any agreed interventions
- avoid activities that they agree are counterproductive to achieving the outcome.

We enable them to do this by discussing the outcome and each planned intervention as the rehabilitation progresses and asking them to agree to their Recovery Plan. This represents their commitment to meet the responsibilities they've agreed to. If the client refuses to participate, without reasonable grounds, we aren't obliged to provide those interventions to them.

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## 10.0 If the client does not meet their responsibilities

- a** We can withhold support for the client if, without good reason, they:

- fail to comply with any requirements of the legislation related to their claim
- refuse to undergo medical or surgical treatment that will assist their recovery from injury
- fail to comply with what they agreed in their Recovery Plan.

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## 11.0 Cultural differences - ACC policies

- a** We have established partnership relationships with Māori who have participated, and continue to participate in developing, monitoring and evaluating all areas of our case management processes. This includes:

- developing culturally appropriate practices and procedures, eg it's appropriate to involve the client's whānau in developing a Recovery Plan
- encouraging more Māori participation in our organisation
- prioritising our resource allocations to take account of Māori health needs and perspectives
- reporting on indicators about our responsiveness to Māori in the annual service agreement report to the Minister for ACC.

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## 12.0 How this affects what we do

- a** Our policies recognise the multicultural nature of our society. This is important in how we manage clients' cases, particularly rehabilitation, because we have to be able to show we've taken account of each client's cultural differences.

By being aware of and accepting our differences, we can respond appropriately to meet our requirements and clients' needs under the legislation.

### 13.0 How to comply with this policy

a You must:

- actively recognise, acknowledge and respect the differences between people, regardless of their age, gender, ethnicity, religion, socio-economic status, sexual orientation or ability
- identify your own response to these differences
- work collaboratively and cooperate with people who are different from you in these ways
- behave in a way that doesn't discriminate against them because of these differences.

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### 14.0 Communication issues

a ACC is committed to communicating with clients so we:

- empower them to identify their own cultural identity and communication needs
- identify sources of cultural expertise and support for them, such as their extended family, religious groups, community groups, national organisations etc
- ensure we spell and pronounce their names correctly
- ensure that any information exchanged has been clearly understood by all parties involved.

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### 15.0 Guidelines for human rights issues

- a All legislation and civil practice, including our case management processes, must comply with the public law rights contained in the:
- Human Rights Act 1993
  - New Zealand Bill of Rights Act 1990.

You must be sufficiently familiar with this legislation to ensure you comply with it.

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### 16.0 Code of Health and Disability Rights

-  Code of Health and Disability Services Consumers' Rights  
<https://www.westlaw.co.nz/maf/wlnz/app/document?startChunk=1&endChunk=1&docguid=1a7e35599e03f11e08eefa443f8>

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### 17.0 Guidelines for privacy issues

- a The Privacy Act 2020 and Health Information Privacy Code 1994 (the Code) control how we deal with personal information about the client, including:
- how we collect, store and dispose of information
  - how we access the information
  - who has access to the information
  - the client's right to access the information and correct it.

The Privacy Act covers all personal information while the Code focuses on personal health information.

They govern all situations where we:

- collect information about the client from them
- collect information about the client from others
- provide information about the client to others
- use information about the client for our own processes and procedures.

-  Privacy Act 2020  
[https://www.westlaw.co.nz/maf/wlnz/app/document?tocGuid=AUNZ\\_NZ\\_LEGCOMM\\_TOC%7C%7CI497641cabd5811eab](https://www.westlaw.co.nz/maf/wlnz/app/document?tocGuid=AUNZ_NZ_LEGCOMM_TOC%7C%7CI497641cabd5811eab)

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### 18.0 Dealing with requests for information

- a If you receive a request for personal information about a client, from anyone other than the client, you must comply with the requirements of the Privacy Act when you respond.

## 19.0 Specific requirements

- a** When dealing with personal information about a rehabilitation client you must:
- ask the client to provide the information themselves wherever possible, to make sure that it's as accurate as possible
  - ask the client to confirm that any information provided by anyone else is accurate and complete, and to correct it if it's incorrect
  - record any client-requested correction you disagree with and the reasons why you did not make the change
  - only collect information for the purpose of processing the claim
  - dispose of securely, preferably by shredding, any information that is no longer required
  - store all personal information securely, so that only authorised people can access it
  - not give anyone permission to access the information unless they're permitted to under the Privacy Act
  - ask the client for written authority to let someone else have access to the information.
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OFFICIAL INFORMATION ACT

## Summary

### Objective

ACC and its agents have a legislative responsibility to provide the highest practicable standard of service and fairness to clients. In order to fulfil our responsibilities, especially about our service, communication and behaviour you must understand your obligations and responsibilities under the Code of ACC Claimants' Rights.

See also Rules for managing complaints and Responsibility for managing complaints.

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## Policy

### 1.0 Applying the Code of ACC Claimants' rights

- a** When dealing with clients ACC must fulfil its obligations in the Code of ACC Claimants' Rights (the Code).

Accredited employers and agents of ACC are subject to the Code and must provide the highest practicable standard of service and fairness.


### 2.0 The Rights

- a** The Injury, Prevention, Rehabilitation, and Compensation (Code of ACC Claimants' Rights) Notice 2002 specifies eight rights.

Clients have:

- the right to be treated with dignity and respect
- the right to be treated fairly and have their views considered
- the right to have their cultures, value and beliefs respected
- the right to a support person or persons
- the right to effective communication
- the right to be fully informed
- the right to have their privacy respected
- the right to complain.

See Behaviours to uphold the Code of ACC Claimants' Rights for a more in-depth guide to each right and staff obligations.

 [Behaviours to uphold the Code of ACC Claimants Rights](#)

### 3.0 ACC philosophy

- a** You must comply with ACC's philosophy for dealing with client problems, concerns or complaints. This philosophy supports the Code.

When a client raises a concern or complaint, you must:

- take the concern or complaint seriously
- commit to settling it in a fair, open and respectful manner
- resolve it as quickly as possible
- treat the client with courtesy
- keep the client informed at all stages
- take responsibility for working with the client until the issues are settled.

You must not discriminate against a client because they have raised a concern or complaint. Clients who raise a concern or file a complaint must not be disadvantaged in any way.

Whenever possible, we should learn from feedback or complaints and find new ways of working if recurring issues or themes are identified.

## 4.0 The purpose of the Code

- a The purpose of the Code of ACC Claimants' Rights is to meet clients' reasonable expectations about how ACC should deal with them. The Code provides a framework that enables us to deliver a high standard of service and fairness to clients. The Code achieves these objectives by conferring rights on clients and imposing obligations on ACC.

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## 5.0 The spirit of the Code

- a The Code encourages positive relationships between ACC and clients. For ACC to assist clients, a partnership based on mutual trust, respect, understanding and participation is critical. Clients and ACC need to work together, especially in the rehabilitation process. The Code is about how ACC will work with clients to make sure they receive the highest practicable standard of service and fairness.

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## 6.0 Exceptions

- a The ACC Code of Claimants' Rights does not apply to:

- dealings with clients before 1 February 2003
- disputes about cover and entitlements, including treatment and compensation, which are addressed through the independent review and appeal processes
- the provision of treatment services. Treatment services are covered by the Code of Health and Disability Services Consumers' Rights
- treatment and disability services purchased by ACC. Services purchased by ACC are covered by the Health and Disability Sector Standards and the Health and Disability Services (Safety) Act 2001
- employee performance issues
- a person who is not a claimant, or who does not have an actively managed claim

The client has the right to review a decision made about their complaint under the Code of ACC Claimants' Rights. However, AC Act 2001, Section 149(3) prohibits any further appeal to the District Court against that review decision.

Customer Resolution can investigate matters that do not fall within the scope of the Code. In these cases we will issue a written outcome which will not have review rights. However, if the client is dissatisfied with how we have handled their feedback they can raise a further complaint with the Office of the Ombudsman.

 Resolution Services



## Summary

### Objective

When a client changes their legal name we must verify the change and update their Eos and MFP record accordingly.

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Expert	Out of Scope

## Policy

### 1.0 Rules

**a** ACC confirms a client's legal name change by:

- marriage certificate
- deed poll of name change
- a certified true copy or original document from the Department of Internal Affairs' Births, Deaths & Marriages section confirming change of name.

When you receive advice of a name change you must:

- confirm the client's original identification. See Client identity verification.
- get your team leader's approval for the name change via an Eos task .

If the name change is approved update the client's party record in Eos with their new name and note their previous name as an alias in the maintain additional name field.

You will also need to email a request to the ACC Service Desk to create a ticket for 'MFP Claimant Vendors' to also be changed

If the name change is declined obtain more information from the client.

- 📄 When to verify a client's identity  
<https://go.promapp.com/accnz/Process/7ec7effc-d5c4-4c54-bad5-28c5f4a40d5e>