

14 December 2022

Kia ora [REDACTED]

Your Official Information Act request, reference: GOV-022107

Thank you for your email of 18 November 2022, asking for the following information under the Official Information Act 1982 (the Act):

- *Can you tell me what is the definition in the policy (as per Section 54 below) is as to what constitutes a 'timely decision'. [...]*
- *I would like a copy of ACC's policy relating to 'timely manner' with regard to a request for backdated compensation.*

Policy on timeframes for support

Please find attached a copy of our policy *Applications and Timeframes for Support Decisions*. This provides guidance for managing requests for supports, which includes entitlements such as backdated weekly compensation. This guidance includes references to decision timeframes and 'a timely manner'.

As names have not been requested, that have been deemed out of scope of this request.

ACC does not have a definition for timely manner

However, as noted in the attached document, ACC regards 21 days as a reasonable timeframe for the majority of decisions.

It is important to note that not every support/entitlement decision is able to be made within that timeframe. What counts as a 'timely manner' will depend on the circumstances of the particular decision, including its complexity and what evidence and information is required to make it. Some decisions will take more than 21 days, and cannot be considered as not timely on that basis alone.

There is no specific timeframe set for backdated weekly compensation decisions, but the process document for assessing such requests states that Recovery Team Members contact the client and ensure that they understand the full timeframes that can be involved due to '*...the complexity of these assessments and dependency on external providers*'.

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.

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

Refer to this guidance when managing requests for support. This page outlines the types of support available to clients, and informs you what constitutes a request for support, who can apply for support, and the timeframes we follow when considering requests for support.

- 1) Support available to clients
- 2) Who can apply for support?
- 3) General enquiries or requests to change support are not requests for support
- 4) Relevant support
- 5) Requests for types of support we do not provide
- 6) Verbal applications
- 7) Timeframes for decisions on support
- 8) Lodgement date for support claims
- 9) Record the date the request is received
- 10) Unable to make support decision within timeframe
- 11) Review on the grounds of unreasonable delay

Owner

Outside of scope

Expert

Outside of scope

Policy

1.0 Types of support available to clients

- a** Types of support available to clients include:
- rehabilitation, comprising treatment, social rehabilitation, and vocational rehabilitation
 - lump sum compensation for permanent impairment arising from injuries occurring on or after 1 April 2002
 - independence allowance, for impairment arising from injuries before 1 April 2002
 - weekly compensation
 - support for fatal injuries, e.g. funeral grant, survivors grant, childcare, weekly compensation.

2.0 Who can apply for support?

- a** Applications for support can be made by:
- clients
 - treatment providers, in respect of treatment costs
 - legal guardians of clients, e.g. parents of children
 - family members authorised by the client
 - advocates and lawyers authorised to act on the client's behalf.
- b** If a client has suffered cognitive impairment due to their injury, the immediate family may apply for assistance on their behalf.

3.0 General enquiries or requests to change support are not requests for support

- a** If a client asks what assistance is available from ACC, this does not constitute a claim for support.
- b** Requests for a change to the current level of support are not requests for support.



4.0 Relevant type of support

- a** Always consider requests for assistance in terms of the relevant type of support, e.g. a client may ask ACC to buy them a car but the relevant type of support is Transport for Independence.

5.0 Requests for types of support we do not provide

- a** In some cases, ACC receives inquiries regarding supports we do not provide, such as gardening. In most cases, clarification on what assistance we provide is sufficient, and a decline letter with review rights is not required.
- b** Should the client insist on this assistance, or formally request the service, item or support, consideration should be given to any relevant type of support that would meet their need. For example, offering the client home help instead of gardening.
- c** If the client continues to insist that ACC provide the service, item, or support, then ACC should consider the refusal of the item as a decision. A decline letter with review rights should be issued.

6.0 Verbal applications

- a Verbal applications must be:
 - requests for a specific type of support, e.g. housing modifications or transport for independence
 - recorded in the appropriate system with the date of the application.
- b You must acknowledge the request for entitlement, and advise the client of their rights under the Code of ACC Claimants' Rights (the ACC Code). See Working with the Code of ACC Claimants' Rights
 -  Code of ACC Claimants' Rights (the ACC Code).pdf
 -  Working with the Code of ACC Claimants rights

7.0 Timeframes for decisions on support

- a ACC has a legislative requirement, as well as obligations under the ACC Code, to make every decision regarding a claim in a timely manner. This includes decisions on support.
- b ACC regards 21 days as a reasonable timeframe for the majority of decisions on support.


8.0 Lodgement date for claims for support

- a A claim for support is lodged on the later date of either:
 - when the cover decision is made, or
 - the client applies for the support.


9.0 Record the date the request is received

- a Record the date the claim for support was lodged, to:
 - ensure we make decisions in a timely manner
 - allow arrears to be paid, if applicable (we sometimes pay arrears for rehabilitation)
 - allow for subsequent checking if required.


10.0 Unable to make decision on support within timeframe

- a If a client has a covered injury, but it is unlikely that we can make a decision on a requested type of support within 21 days of the claim being lodged, we must contact the client about the reason for the delay and send the ENT01 Further information required (30K) letter to the client acknowledging the application advising that more time is required to process the application.
 -  ENT01 Agreement to extend time (unable to issue decision)

11.0 If no cover decision

- a If a client requests a new type of support but their injury does not yet have a cover decision, send the ENT05 Cover decision pending (31K) letter advising the application will be processed if the cover is awarded.
 -  ENT05 Cover decision pending

12.0 Review on the grounds of unreasonable delay

- a A client may apply for a review of any delay that they believe is unreasonable in processing a claim for support.
- b What is considered unreasonable will depend on all the circumstances of the case.
- c If the reviewer believes that we have not made a decision within a reasonable timeframe, they may direct us to make a decision on the claim within a specified timeframe, or they may make the decision for us.
- d Under Accident Compensation Act 2001, section 135(2)(g) a client can only make an application for review on the grounds of unreasonable delay after 21 days have passed since the date on which the claim for support was made. However, we cannot refuse to send the matter to review if fewer than 21 days have passed.
 -  Accident Compensation Act 2001, section 135(2)(g) How to apply for review
<http://www.legislation.govt.nz/act/public/2001/0049/latest/DLM101823.html>