Client Legislative Rights and Responsibilities Policy v16.0

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 [Name withheld]

Expert

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://privacy.org.nz/privacy-act-2020/privacy-principles/
- Health Information Privacy Code 2020
  https://www.privacy.org.nz/privacy-act-2020/codes-of-practice/hipc2020/

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 VIIS01 Getting ready to work again after an injury information sheet to provide the client with information about their rights and responsibilities for their vocational rehabilitation.

VIIS01 Vocational Independence Factsheet

b Use the guidelines below for when and how to inform clients of their general rights and responsibilities.

NG GUIDELINES Client Legislative Rights and Responsibilities

ACC165 Declaration of rights and responsibilites

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.

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.

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.

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.

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.

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.

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.

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.

16.0 Code of Health and Disability Rights

Code of Health and Disability Services Consumers' Rights
https://www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights/

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://privacy.org.nz/privacy-act-2020/privacy-principles/

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.