

03 December 2020

David Lawson

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Tēnā koe David

Your Official Information Act request, reference: GOV-007357

Thank you for your email of 14 October 2020, requesting the following six sets of information under the Official Information Act 1982 (the Act).

Official Information request 1:

- (a) *Please confirm whether ACC provide prior written notice to an ACC client before ACC transfer the ACC client to ACC's RCU.*
- (b) *If the answer to Official Information Request 1 (a) above is yes, please supply copies of ACC's current policy and process associated with transferring an ACC client to the RCU, and any earlier iterations dating back to 2014.*
- (c) *If the answer to Official Information Request 1 (a) above is yes, please supply copies of the current standard ACC letter that notifies an ACC client that they have been transferred to ACC's RCU, and any earlier iterations dating back to 2014.*
- (d) *If the answer to Official Information Request 1 (a) above is no please confirm why this is not the case.*

Our response

- (a) ACC does not provide prior notice to a client that the management of their claim will be transferred to the Remote Claims Unit (RCU).
- (d) This is not a request for official information. Therefore, we decline to provide the requested information. For further information about this decision refer to the Office of the Ombudsman's guide *Making official information requests*. This is available at:
www.ombudsman.parliament.nz/resources-and-publications/guides/official-information-legislation-guides.

Official Information request 2:

- (a) *If no prior notice is given to an ACC client, please confirm whether ACC provide written notice to an ACC client after ACC transfer the ACC client to ACC's RCU.*
- (b) *If the answer to Official Information Request 2 (a) above is yes, please supply copies of ACC's current policy and process associated with transferring an ACC client to the RCU, and any earlier iterations dating back to 2014*
- (c) *If the answer to Official Information Request 2 (a) above is yes, please supply copies of the current standard ACC letter that notifies an ACC client that they have been transferred to ACC's RCU, and any earlier iterations dating back to 2014.*
- (d) *If the answer to Official Information Request 2 (a) above is no please confirm why this is not the case.*

Our response

- (a) ACC sends a letter of notification to a client advising they have been transferred to the RCU.
- (b) Due to the sensitive nature of the work that the RCU does, ACC is withholding the policy and process information requested in this part of your request. This information is withheld under Section 6(d) of the Act, as making it available would be likely to endanger the safety of RCU staff.

- (c) Please find attached the two templates that have been used by the RCU to notify clients of transfer.

Official Information Request 3:

- (a) Please confirm whether an ACC client is informed of the reasons that they have been transferred to the ACC RCU,
- (b) if the answer to OIA Request 3 (a) above is yes, within what time frame are ACC's reasons for transferring an ACC client to the ACC RCU required to have been communicated to the ACC client who has been transferred to the ACC RCU
- (c) If the answer to Official Information Request 3 (a) above is no please confirm why this is not the case.

Our response

- (a) Clients are informed of the reasons they are being transferred to the RCU.
- (b) Staff do not have a specific timeframe within which to inform a client that the management of their claim is being transferred to the RCU.

Official Information Request 4:

- (a) Please confirm whether ACC provide an ACC client with a right of review, and or appeal before ACC transfer an ACC client to the ACC RCU.
- (b) If the answer to Official Information Request 4 (a) is no, please provide confirmation as to whether prior to or at anytime subsequent to ACC commencing the operation of the ACC RCU, as to whether ACC had sought and received any legal advice and or legal opinion as to whether the practices associated with ACC's use of a RCU do not breach the ACC client's rights under the NZ Bill of Rights Act 1990, the NZ Human Rights Act 1993, or any other International Human Rights convention which NZ is a party to.
- (c) If the answers to Official Information Requests 4 (a) and or 4(b) are no please confirm why this is not the case.

Our response

We have interpreted this part of your request to relate to reviews about decisions on a claim that are established by Part 5 of the Accident Compensation Act 2001 (the AC Act).

- (a) There is no right of review for ACC's decision to transfer a claim for management in the RCU.
- (b) This part of your request is refused under s9(2)(h) of the Act, in order to maintain legal professional privilege.
- (c) An administrative decision, such as the management of a claim being transferred to another part of ACC, is not covered by Part 5 of the AC Act.

Official Information Request 5:

Please provide for the last 10 ACC business calendar years the following Official Information if possible, separating the data into separate fields for both the Wellington Central Branch(WCB) and the ACC Remote Claims Unit (RCU);

- (a) How many ACC clients have been transferred to either ACC's Wellington Central Branch, or the ACC RCU each calendar year.
- (b) of those ACC clients transferred to either ACC's Wellington Central Branch, or the ACC RCU for each calendar year have never lodged a complaint to ACC.
- (c) of those ACC clients transferred to either ACC's Wellington Central Branch, or the ACC RCU for each calendar year have never lodged a review challenging an ACC decision.

- (d) of those ACC clients transferred to either ACC's Wellington Central Branch, or the ACC RCU for each calendar year have never lodged a appeal of a Reviewers decision to the District Court of of an ACC decision.

Our response

Table 1. Data for Te Ara Tika

We are currently obtaining updated data for Te Ara Tika. The decision has been made to release information to you, as appropriate under the provisions of section 15(1) of the Act. This is now being prepared and will be released to you without undue delay.

Table 2. Data for Remote Claims Unit

Calendar Year	Number of new Clients	Clients without Reviews	Clients without Complaints	Clients without Appeals
2010	54	21	44	..
2011	72	31	61	..
2012	72	36	59	68
2013	79	37	65	..
2014	114	54	91	..
2015	144	89	121	..
2016	185	111	149	181
2017	192	113	152	..
2018	215	135	176	..
2019	214	125	169	..

Notes about the data

- ACC does not routinely disclose low value numbers related to claims, ie less than 4. Accordingly, some of the values in table 2 are suppressed and notated as (..) to limit the potential for particular individuals, or matters specific to certain individuals, being identified. This is necessary where the difference between columns 2 and 5 is less than 4.

Withholding in this way is necessary to protect the privacy of these individuals under section 9(2)(a) of the Act. In doing so, we have considered the public interest in making the information available and have determined that it does not outweigh the need to protect the privacy of these persons.

- 'Clients without Reviews', 'Clients without Complaints' and 'Clients without Appeals' are the number of clients who our data system shows have never lodged a review, complaint or appeal, whether before, during, or after they were transferred to the RCU or Te Ara Tika.
- Clients are counted once each time they have been transferred to one of the units. They may appear in the data more than once.
- A new process for centrally recording complaints was implemented on 18 April 2016.
- The data was extracted on 18 November 2020 and may differ if re-run at a later date.

Official Information Request 6:

- (a) In comparison to the standard case management and communication levels offered by ACC to an ACC client, please confirm what communication and case management service restrictions an ACC claimant is subjected to when ACC move the ACC client to the Wellington Central Branch.
- (b) In comparison to the standard case management and communication levels offered by ACC to an ACC client, please confirm what communication and case management service restrictions an ACC claimant is subjected to when ACC move the ACC client to the Remote Claims Unit.

- (c) *In comparison to the case management and communication levels offered by ACC to an ACC client at ACC Wellington Central. Branch, please confirm what further communication and case management service restrictions an ACC client is subjected to when ACC move the ACC client to the Remote Claims Unit from the WCB.*

Our response

- (a) Clients managed by Te Ara Tika receive the same communication and case management services as clients not managed by Te Ara Tika. You may be aware that some clients whose claims are managed in Te Ara Tika have a communication plan in place that establishes rules around the way ACC communicates with them, but clients not in Te Ara Tika may also be on a communication plan.
- (b) ACC's standard case management policies and processes are used for claims managed in the RCU, except for those about communication with the client.

ACC communicates with RCU clients only by email, phone and post. Unlike other clients, RCU clients are unable to call their Recovery Partner directly. However, they can leave a voicemail message by calling an 0800 number, and their Recovery Partner phones them back. The other difference in communication is that RCU staff names are pseudonyms. Clients are informed of this when transferred into RCU.

- (c) Refer to answer (b) above.

Who to contact

If you have any questions, you can email me at GovernmentServices@acc.co.nz. If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Sasha Wood

Manager Official Information Act Services
Government Engagement & Support