

6 March 2014

Ms Jane Cohan
fyi-request-1476-39a82f28@requests.fyi.org.nz

Dear Ms Cohan

Official Information Act Request

I refer to your request of 18 February 2014, seeking information about investigations related to sensitive claims. You have specifically requested sensitive claim investigation statistics and any ACC procedures for maintaining safety and privacy through the investigation process.

The following response is made pursuant to the Official Information Act 1982 (Act). Please note that where “investigators” are mentioned in the following information, this refers to ACC investigators who are ACC staff based in ACC’s Investigation Unit. On occasion ACC also contracts private companies to provide investigation services. These are referred to in the following information as “private investigators”.

Processes

The ACC Investigation Unit has a standard operating procedure which includes special considerations for sensitive claims. These special considerations are designed to maintain the safety, wellbeing, and privacy of any clients who may be subject to investigation.

ACC investigators are reminded to be mindful at all times of the sensitive nature of these claims and also any mental injury sustained. It should also be noted that the events which resulted in any sensitive claim are not subject to the investigation process. The Investigation Unit only has the scope to examine events after a claim has been lodged. For example, someone may be receiving weekly compensation and fail to declare they are also working at the same time.

Priority is placed on maintaining the client relationship and ensuring that their rehabilitation and wellbeing is not prejudiced. Special consideration is given as to the most appropriate investigator, and discussions are expected to take place at team manager level. These discussions may include whether to seek advice regarding psychological conditions which may impact a client’s wellbeing.

ACC is mindful of protecting personal health information. The standard operating procedure makes clear that unless there is a specific need to do so, that investigators will not have access to medical information. Where a referral is made to a private investigator, the standard operating procedure also states that no medical reports are to be provided and any referral documents must comply with ACC’s privacy policy. Private investigators are briefed on their requirements and are expected to act within the boundaries of the Private Investigators Code of Conduct.

Please find attached a copy of the *Client Assessment and Investigation Standard Operating Procedure*. Some information regarding investigative techniques has been withheld as releasing this information would prejudice the maintenance of the law (prevention, investigation, and detection of offences). This decision complies with section 6(c) of the Act.

Statistics

The information you have requested can only be provided for 2008 onwards as this information has only been recorded since 2008. This information is valid to 25 February 2014.

The following table provides the number of sensitive claims that have been referred to the ACC Investigations Unit for follow up each year. If an ACC client has a sensitive claim but were to be investigated for a separate physical injury claim (not a sensitive claim), they would not be included in this data.

Year	2008	2009	2010	2011	2012	2013
Number of investigations	21	30	17	19	12	6

Given the volume of claims which ACC receives, investigations involving sensitive claims are relatively rare. To offer some context, ACC received 4,829 new sensitive claims in the 2012/13 financial year and also paid for at least one service on a total of 15,795 distinct sensitive claims in that same year.

Please find below answers to your additional questions. These answers represent the totals for 2008 - 2013.

How many sensitive claimants referred to the ACC Fraud Office are internal referrals first initiated by Sensitive Claims Unit employees, regardless of designation or title: 45

How many referrals for sensitive claimants are internal referrals initiated from external ACC Branch Offices and by ACC employees, regardless of designation or title: 5

How many referrals in respect of sensitive claimants, are received from external sources, either informally or formally direct to the ACC Fraud Office (and otherwise), including those that may have been received anonymously or through the ACC Fraud Hotline or any other forum, being some examples: 55

How many sensitive claimants referrals to the ACC Fraud Unit, received by them both internally and externally, are closed without any further action being required from the referral point: 57

Of the numbers of sensitive claimants who have been referred to the ACC Fraud Office for investigation, how many of those investigations are then referred externally for further follow-up, for example, a referral to a Private Investigation company or companies: 7

How many sensitive claimants whereby investigations have been undertaken by the ACC Fraud Unit and by way of external referrals and inquiries by, e.g., Private Investigators etc, are then referred to the NZ Police for further and formal (or informal) investigations by this agency: 0

(The Investigation Unit does not investigate the event which gave rise to cover for the sensitive claim or refer to the Police on this basis).

The number of prosecutions first initiated by ACC that have resulted in a successful prosecution against the sensitive claimant: 1

Additional Information

ACC places a high priority on the health and wellbeing of clients who lodge a sensitive claim. As soon as a client has lodged a claim, ACC can provide them with up to 16 one-to-one support and counselling sessions, which they can access straight away without having to wait for their claim to be accepted.

In the support and counselling sessions, the counsellor can assist the client with:

- addressing their immediate safety needs
- regaining a sense of control
- understanding what they are going through
- informing them of the support options available

ACC recognises that clients do not access services in a linear manner. A client can continue to seek support, counselling and other entitlements under their claim as needed. A client may draw on services extensively in one year and then withdraw completely in the following year. It is about providing support to the client when they need it.

Every effort is made to ensure that client wellbeing and rehabilitation is not put at risk through any investigation, and each investigation is assessed on a case by case basis.

Police Investigation

You have requested information regarding Police investigations and prosecutions. ACC does not refer cases to Police but has the option of referring to the Crown. The Crown decides if a prosecution will occur. Only one referral regarding a sensitive claim has been made since 2008 and this one referral resulted in successful prosecution. ACC does not hold information regarding Police prosecutions. ACC is declining this part of your request as the information does not exist, or cannot be found. This decision complies with section 18(e) of the Act.

Please contact me on adam.houppermans@acc.co.nz if you would like to discuss this letter. I will be happy to answer any questions or, if you have any concerns, work with you to resolve these.

If you are still not happy, you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602, 9am to 5pm weekdays, or write to:

The Office of the Ombudsman
P O Box 10 152
WELLINGTON 6143

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Adam Houppermans', with a long horizontal flourish extending to the right.

Adam Houppermans
Advisor