

February 2009

3. Consent forms

Issue

How often does informed consent need to be obtained? Does consent still need to be obtained every 12 months for some claims?

Comment/Response

An ACC167 *Authority for the Collection and Disclosure of Information* is now valid "...for the whole period during which ACC provides assistance for my claim, unless I negotiate a different arrangement with my ACC Client Service staff member".

In other words, consent is given once for the life of a claim, unless negotiated otherwise. The revised ACC167 replaces the ACC2: *Acceptance of Responsibility* form and was recently introduced along with the updated ACC 2374: *Helping you get back to an everyday life* (previously: 'How we will help you with your recovery'). The ACC 167 is to be read and used in conjunction with the ACC 165: *Declaration of Rights and Responsibilities*. Please note that the so-called 'ACC 167a' is not a valid ACC form, and is not acceptable to ACC. (See: 'Updates' of February 2004, and December 2005.) Now, unless negotiated otherwise, consent will be valid for the life of the claim. But, of course, there will be clients who haven't had the opportunity to negotiate otherwise. As annual contact is made with clients, they can be advised of the relaxed requirements, but they do NOT need to sign another ACC 167 if there is one already on file.

As advised in the ACC Noticeboard item of 11 February 2009, new ACC2s must not be issued. Where an ACC2 is already held on file, it can be replaced when it expires – i.e. after 12 months of non-contact with ACC, or after no more than five years.

Informe is currently being updated to reflect this change.



June 2010

Noting subsequent or additional consents in Eos

Issue

An issue which arises for advocates and support persons is that their clients/claims written authority to act, when provided some time ago, ends up 'buried' in listings under the Documents tab.

Where a client has signed the appropriate ACC consent form, the Consent claim indicator on Eos will show as completed. However, if subsequently a client grants authority for an advocate to be contacted, that authority may not be noticed, because the Consent indicator has already been activated in the client's name.

Reminder

In all cases, any written consent for an advocate must be noted in either 'Contacts' or on the indicators tab (consent claim indicator).

Inquiry Service Centres have been directed to add and record advocate/support person consent under Contacts in EOS. This is often verbal consent from the client, rather than written consent, and usually applies to family members being given authority. Staff can effectively keep the notification of this consent at the top of the Contact notes simply by making the entry post-dated. That means the date entry will be the current day and month but with a year of, for example, 2012.

If all claims management network staff create such a post-dated Contact where possible when authority is received, this will allow ACC (and in particular the ISC and CSS staff) to confirm quickly who has authority to act on each particular file and thus allow contact to proceed.

It would be helpful if all claims management staff could be encouraged to use this post-dating procedure, to help cut down ACC delays at having to confirm consents which have been previously recorded.

(for [REDACTED], Business Manager Rehabilitation Services)

September 2010

Updating Consent Held: ACC and Accredited Employers

Issue

An Accredited Employer has noted that the wording in an ACC Consent Form indicates that consent applies for the whole period of ACC assistance. However, it appears that the Audit Guidelines for Accredited Employers still state a requirement for consent every 12 months. Are Accredited Employers required to renew consents every 12 months?

Response

The Guidelines for Accredited Employers (AEs), at clause 11.3.2, require an AE to have 'standard consent forms' available. However, at present, the AE Guidelines still state that:

"ACC considers 12 months to be the longest reasonable time for a consent form to remain current. If the consent form has no end date on it, a new consent form is required at least every 12 months."

Discussions are underway with the ACC Insurance Risk Management Team to consider whether the requirements in the AE material must align with those in current use by ACC.

Reminder

The 'standard consent form' for both ACC and an AE is the ACC167 *Authority for the Collection and Disclosure of Information*. An ACC 167 is now considered valid *"...for the whole period during which ACC provides assistance for my claim, unless I negotiate a different arrangement with my ACC Client Service staff member"*.

In other words, ACC and the client accept that consent is given once for the life of a claim, unless negotiated otherwise. Sometimes, over time, clients may forget that they have given consent, or may forget the terms of that consent. If it has been some time (ie longer than 12 months) since contact with a client, then ACC cannot assume that the consent held is 'informed'.

There will be other clients who haven't yet had the opportunity to "negotiate otherwise". ACC is in the practice of contacting clients to confirm the currency of their details, status, etc. As that contact is made with clients, they can be advised of these requirements but there is no need to sign another ACC 167 if there is one already held on file.

Consent can be updated (for example, through ACC Letter: INP10CLT) as part of any regular check for the currency of general information held about a client. That way, the consent held can be considered both 'current' and 'informed'.


Operations Analyst