

2 February 2016

Lee M  
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Dear Lee M

### Official Information Act 1982 Request - Response

Thank you for your request of 23 November 2015 asking for the following information.

- 1. Where a claimant reports and/or provides the ACC with evidence of fraud by an ACC treatment provider either by telephoning the ACC's Fraud Unit website published toll free number or by completing the ACC's Fraud Unit website online "Reporting Fraud" form, does an ACC Fraud Unit investigator - who the report is apparently then transferred to for investigation - usually call or e-mail that claimant to discuss the reported fraud, or, is there usually no communication between an ACC Fraud Unit investigator?*
- 2. If there is usually no communication between an ACC Fraud Unit investigator and a claimant who reports and/or provides the ACC with evidence of fraud by an ACC treatment provider, why is this the case, and how is the claimant supposed to provide the ACC with the finer details of the reported fraud when the ACC Fraud Unit call takers and the "Reporting Fraud" form asks for the briefest of details which does not allow for an in-depth, sufficient and adequate investigation?*
- 3. Is a claimant who reports and/or provides the ACC with evidence of fraud by an ACC treatment provider involved in any way in the investigation process? If so, in what way and to what extent are they involved?*
- 4. Is a claimant who reports and/or provides the ACC with evidence of fraud by an ACC treatment provider advised in any way of the outcome of the investigation process? If so, in what way and to what extent are they advised?*
- 5. Is a claimant who reports and/or provides the ACC with evidence of fraud by an ACC treatment provider entitled in any way to be advised of the outcome of the investigation process - viz-a-viz at least advised that it had been found that a fraud had been committed but not told any other private or identifying details out of respect for the right to privacy held by the ACC treatment provider - given that the Privacy Act provides for access to private and private health information, and, that the claimant may have been a patient of the treatment provider and therefore the reported fraud and related evidence may include private and private health information about the claimant?*
- 6. If a claimant reported and provided evidence to ACC management and staff about fraud by an ACC treatment provider, including a complaint about this being made as part of verbal and/or written review submissions, what would the usual and anticipated response of the ACC and Fairway*

*Resolution Limited reviewer be? And, would that response include advising the claimant that the ACC has a Fraud Unit, with it being suggested or recommended that the claimant contact same, with the abovementioned website details then being offered to the claimant? If not, why not, and how are claimants supposed to know that the ACC has a Fraud Unit when they're not told this?*

7. *If a claimant is able to prove fraud by evidence and a decision has been made by the ACC that declines cover and/or entitlement but ignores the negative effect that the fraud has had on the claimant, the outcome of the claim and the ACC's decline decision, what recourse is available to that claimant in terms of requiring the ACC and the reviewer to take the fraud report and evidence into consideration? And, if there is any requirement in the AC Act that the ACC and the reviewer must take fraud - where it is reported and evidence is provided - into consideration when making decisions on claims for cover and entitlement?*
8. *If a claimant is not advised, and has no entitlement to be advised, of the outcome of a fraud investigation, how is the claimant to prove to the ACC and the reviewer that he/she has been negatively affected by the fraud and what effect the fraud has had on the claimant, the outcome of the claim and the ACC's decline decision?*
9. *What does the ACC do to promote and encourage the reporting of fraud by claimants and the general public?*

ACC is happy to provide the following response under the Official Information Act 1982 (Act):

## **Response**

### **Question 1**

When an ACC Fraud Investigator receives an allegation of fraud, which has come via the toll free number or via the on line "Reporting Fraud" form, it is not typical for the investigator to contact the person who made the allegation. The fraud investigator will make their own enquiries based on the information they have received. Only if it is absolutely necessary would they contact the informant to obtain further clarification of the allegation.

### **Question 2 & 3**

While you may consider the call takers on the fraud line and the reporting fraud form ask for the briefest of details, they are sufficient for ACC to be able to commence and undertake an investigation. In most instances the person alleging the fraud will not be involved in the investigation unless they are required to provide further clarity of the allegation or provide an evidential statement in the event that fraud is substantiated and prosecuted.

### **Questions 4 & 5**

ACC is unable to advise the informant of the outcome of an investigation as they are constrained by the Privacy Act. If it were to provide information about the individual being investigated it would be a breach of that person's privacy. Further, ACC is unable to provide information which may prejudice any continuing investigation or potential criminal trial arising from an investigation.

### **Question 6**

Case Managers and Supplier Managers receive regular training to enable them to identify fraud indicators and to pass on any concerns that are raised with them. The Official Information Act does not require ACC to

express an opinion. Accordingly, this part of your request is declined in accordance with section 18(e) of the Act.

There is a public fraud reporting mechanism on ACC's website. This is prominently displayed at the top right of the website home page.

**Question 7**

Where a claimant has evidence of fraud and has provided that evidence to the reviewer, it is the reviewer's role to study the evidence and whether it has any bearing on the case before them. If the client believes the reviewer has not studied the evidence presented, the client may wish to consider the appeal process.

**Question 8**

If an investigation confirms fraud by a provider and it was determined that a client's entitlement had been impacted as a result, the ACC case manager would contact the client and arrange for them to have a further medical reassessment by another provider.

**Question 9**

ACC have a dedicated team to investigate fraud. ACC has a website which assists clients and the general public to report fraud.

If you have any questions, ACC will be happy to work with you to answer these. You can contact us at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz) or in writing to *Government Services, PO Box 242, Wellington 6140*.

Yours sincerely



**Government Services**