

4 March 2016

JustSpeak
By email:fyi-request-3565-618857ab@requests.fyi.org.nz

Dear JustSpeak

Official Information Act 1982 request

Your request

On 21 January 2016 you asked ACC for information under the Official Information Act 1982 (the Act). Your request asked for Information regarding the number of people who are incarcerated in New Zealand prisons and are receiving ACC-funded counselling. In particular:

- *The total number of prisoners currently receiving ACC-funded counselling;*
- *The total number of prisoners who received ACC-funded counselling during the most recent year you have records for, either calendar year or financial year;*
- *Those numbers broken down by prison, i.e. the number of prisoners at each prison currently receiving ACC-funded counselling, and the number of prisoners at each prison who received ACC-funded counselling during the most recent year.*

Our response

As discussed in telephone discussions with your office, we are unable to provide the information you seek. This is because there is no definitive way of identifying whether a claimant that is receiving counselling services is also a prisoner. Please see below for an explanation of the various ways we have sought to answer your questions, and the reasons why this has not been possible.

Background information about ACC funded counselling services.

Currently, ACC funded counselling services may be made available where a claimant has suffered a covered mental injury:

- caused by certain criminal acts (as set out in Schedule 3 of the Accident Compensation Act 2001);
- resulting from a covered personal injury; or
- caused by a work related mental injury¹.

For the purposes of this request, we have focussed our efforts on data related to claimants that have suffered a mental injury caused by certain criminal acts (known as sensitive claims).

¹ Please note that this is a broad summary of the position. Please refer to the Accident Compensation Act 2001 for more details.
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Address and Occupation Data

At the time of lodgement of a claim, there are two ways that an individual could potentially be identified as a prisoner on their claim file:

- An individual's occupation could be listed as "Prison Inmate" – however, this is reliant on the registering provider completing the field as such. In many instances an inmate's previous occupation may be recorded in this field, especially if the incident that resulted in a claim occurred outside of prison.
- A claimant's address is recorded at the date of lodgement of a claim – while in some instances the correctional facility may be used, a prisoner could also use their address outside of prison. In addition, this field could also pick up any address which has the word "prison" in it, or if a prison employee uses his or her work address on a claim.

Individuals vary on how they record their details on a claim, and accordingly ACC is unable to confirm that any statistics that are gathered using the above identifiers would be complete.

The use of Indicators

Since the beginning of the ACC scheme, weekly compensation has not been available to imprisoned claimants. In 2010, legislation was passed amending the ACC Act, providing that where a person has been injured whilst committing a crime for which the maximum sentence is two years or more, they are not eligible for certain ACC entitlements².

To implement the legislation referred to above, two "indicators" are used on ACC's electronic claims management system, being a "Repugnant to Justice" and "Imprisonment" indicator. These indicators are electronic flags that are noted against claimants' personal files by ACC case managers (assigned to claimants for more complex cases). However, these indicators are only used when the legislation detailed above applies, so will not capture all cases where ACC funded counselling applies.

Also, as you may be aware, in 2014, ACC's Integrated Services for Sensitive Claims (ISSC) was launched. Under that programme, ACC's Clients lodging new sensitive claims can choose to have up to 16 funded counselling support sessions without a formal cover decision being made. For those claimants, the level of information ACC receives about their circumstances is limited, and would not involve an indicator being placed on a client's file.

Service Providers

We have also investigated whether we could obtain some information about counselling services provided to prison inmates by reviewing billing information provided by ACC's service providers of counselling services. Although only some of our service providers that provide counselling are authorised to provide services to prison inmates, the relevant invoicing processes do not require a breakdown of which services were provided to prison inmates.

Department of Corrections

As discussed with you, we have also approached the Department of Corrections, to ask whether they could assist with your request. However, they have advised that although they do keep records of who enters prisons and why, those records are not captured in a way that allows data searches to be carried out.

Summary

² See sections 121 and 122 of the Accident Compensation Act 2001

In summary, although in some cases, ACC may have records showing that an ACC client receiving counselling services is also a prison inmate, the only way to determine the answers to your questions would be by a manual review of individual files where counselling services are provided. With the number of new claims for counselling services provided under ISSC alone averaging 5,900 over the last three calendar years, this would be very time consuming (and for the reasons explained above, may still not produce accurate data). Accordingly, your request is declined under section 18(f) of the Act, on the basis that to respond would require substantial collation and research.

Queries and concerns

Please contact us on GovernmentServices@acc.co.nz if you have any queries. We will be happy to answer any questions or, if you have any concerns, work with you to resolve these.

You have the right to complain to the Office of the Ombudsman about the decision to decline your request. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to *The Office of the Ombudsman, PO Box 10152, Wellington 6143*.

Yours sincerely



Government Services