

12 April 2016

David Lawson
fyi-request-3746-3fce63e8@requests.fyi.org.nz

Dear Mr Lawson

Official Information Act Request

Thank you for your email received 14 March 2016. It has been treated as a request for information under the Official Information Act 1982 (the Act).

Your questions and 'commentary' are reproduced below with our corresponding responses. The wording of your specific questions and 'commentary' is written in *italics*.

Question One

It would be appreciated if you could supply to me all official information that is associated with and detail the the process that ACC Complaint Investigators are bound to comply with in response to the conducting an investigation of a complaint on behalf of an ACC client.

Please supply all procedural, policy, guidelines and training manuals, documents and information associated with the full complaints process, through ACC receiving and acknowledging a clients complaint through to the completion of the investigation by the OCI Investigator, inclusive of all responsibilities attached to the OCI complaint investigator during this full process.

Question Two

In your response please ensure all official information associated with the use of ACC's ACC712 Summary of events documentation is enclosed with your response, together with the official information that outlines the Complaint Investigators responsibility to complete this ACC712 Soe fully for each complaint, be there one complaint or several complaints.

Please also provide all official information associated with the responsibilities of the OCI Investigator, in the event that an OCI Complaints investigator is approached by an ACC client and requested to provide an amended preliminary ACC712 Summary of events document that fully responds to each complaint under investigation under all categories of the ACC712 form being Details of complaint, Investigations, breaches, requested outcomes/remedies sought, details of investigations done, the appropriate responses to the complaint under the Act, code and related legislation, and the OCI Investigators individual preliminary findings for all complaints under investigation to be included on the ACC712 Summary of events.

Response to Questions One and Two

We refer you to our responses in, and attachments to, our letter dated 31 March 2016 in reply to your OIA recorded via fyi-request-3658-a8226cac. These responses and attachments fully answer Questions One and Two of this emailed request.

Commentary regarding an incomplete ACC712

With the acc client's request based on the prior provision by the ACC OCI investigator of an incomplete ACC712 Summary of events supplied to them that;

1) fails to describe the OCI Investigators understanding of several of the complaints,

2) omits to provide details of any investigations undertaken by the Complaints investigator,
3) omits to educate the ACC claimant on the impact of the complaint in terms of the Act, Code and any other legislation,
4) and omits to provide a preliminary finding on several complaints,
which in essence the OCI Investigator has at the preliminary ACC712 Summary of events stage, failed to investigate the complaint and therefore removes the ACC client's ability to have a valid right of reply to the ACC Complaint Investigators investigation as noted above, and in the ACC OCI Investigator doing so compromises the ACC client's rights to have their complaint fairly investigated, to be in a position to be fairly heard through this complaints investigation process and thus by association the client's right to receive natural justice through this process has been substantively compromised.

Response to commentary

A distinction under the Official Information Act 1982 (OIA) exists between a request for information already known to and held by the agency (official information); and a request to an agency to form an opinion or provide an explanation or comment and thus create new information to answer the request (not official information).

There is no obligation on an agency, such as ACC, to form an opinion or create information to answer a request or respond to commentary.

Your commentary outlines your perspective on potential issues related to and arising from an incomplete ACC712. This is in no way a request for official information. Accordingly, ACC will not be providing you a response or comment with respect to this commentary under the OIA.

Queries or concerns about ACC's response

If you have further questions, contact us by email at GovernmentServices@acc.co.nz.

You have the right to make a complaint to the Office of the Ombudsman regarding our response. You can call them on 0800 802 602 between 9am to 5pm weekdays, or write to: The Office of the Ombudsman, PO Box 10 152, Wellington 6143.

Yours sincerely

Government Services