

12 March 2021

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Tēnā koe K

Your Official Information Act request, reference: GOV-009716

Thank you for your email of 5 March 2021, sent to the Department of Internal Affairs, asking for information regarding vulnerable persons under the Official Information Act 1982 (the Act).

The below part of your request was transferred to ACC for response in line with section 14 of the Act:

9. *Whether ACC is prepared to cover the cost of traumatic loss of life whilst being observed on the list. to cover government subsidised breach of ethics, laws, financial [sic] accountability, morality and humanity.*

Your request is not a request for official information

As your request is asking for ACC to provide an opinion, rather than provide information it already holds, it is not a request for official information under the Act. We are not required to respond to such requests under the act. For further information, we refer you to the Ombudsman's guide *Making official information requests*. This is available on the Ombudsman's website at:

<https://www.ombudsman.parliament.nz/resources/making-official-information-requests-guide-requesters>.

Cover for self-inflicted loss of life

Noting the above, we are able to provide you with ACC's policy in relation to self-inflicted injuries for your information. The attached policy document outlines ACC ability to cover loss of life when it is self-inflicted.

We have withheld the names of staff members from this document under section 9(2)(a) of the Act, to protect their privacy. We have considered the public interest in withholding this information and have determined that it does not outweigh the need to protect the individual's privacy.

How to get in touch

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Sasha Wood

Manager Official Information Act Services
Government Engagement & Support

Summary

Objective

Refer to this guidance to determine whether to make a client ineligible for supports when their injury is wilfully self-inflicted.

Background

Claims where the injury was self-inflicted or from a suicide need special consideration. This guidance outlines when a client should be disentitled when the injury is wilfully self-inflicted. This guidance applies to claims where the date of injury or death was on or after 1 July 2010.

Different rules may apply to claims for suicide or self-inflicted injury between:

- 1 August 2008 and 30 June 2010
- 1 April 2002 and 31 July 2008.

9(2)(a)

Procedure

1.0 Confirming wilfully self-inflicted injury

- Go to the Confirming Wilfully Self-Inflicted Injury process to confirm whether a client has wilfully self-inflicted (WSI) their injury.
 - Confirming wilfully self-inflicted injury (CHIPS)
- Refer to Guidelines for evaluating the cognitive capacity of clients who may have wilfully self-inflicted their injuries when evaluating the cognitive capacity of clients who may have wilfully self-inflicted their injuries.
 - Guidelines for evaluating the cognitive capacity of clients who may have wilfully self-inflicted their injuries (CHIPS)
- Refer to the Accident Compensation Act 2001, section 119 for further information.
 - Disentitlement for wilfully self-inflicted personal injuries and suicide
<http://www.legislation.govt.nz/act/public/2001/0049/latest/DLM101487.html>

2.0 Remove eligibility for a client due to a WSI

- Always remember ACC's obligations under the Code of ACC Claimants' Rights (the ACC Code). Refer to Working with the Code of ACC Claimants' Rights.

To be ineligible, a client must only have intended to cause some injury to themselves, but not necessarily the actual injury that occurred.

We deny supports, other than those that are treatment-related, to ineligible clients due to suicide or a wilfully self-inflicted injury (WSI). The client remains eligible for treatment for the covered injury even when ineligible due to WSI.

A claim is still accepted for cover when it is made ineligible.

3.0 Covered mental injuries

- Clients who commit suicide or wilfully self-inflict an injury because of a covered mental injury are not ineligible when:
 - we accepted the claim for the mental injury, or the mental injury as a consequence of a covered personal injury, before the self-inflicted injury occurred or
 - there is evidence that:
 - the client was suffering from a mental injury arising from sexual abuse or a work-related mental injury, but either a claim had not been lodged or a cover decision had not been made, and,
 - the mental injury caused the client to wilfully self-inflict the new injury.

4.0 Sensitive claims

- a Possible sensitive claims must be forwarded to the Sensitive Claims Unit for advice on whether the mental injury would have met the criteria for cover and whether there was a causal link to the wilfully self-inflicted injury or suicide.

5.0 Referring complex claims

- a Claims for wilfully self-inflicted injuries and suicide must be referred to the Complex Mental Injury (CMI) Panel for a decision when either:
 - there is doubt about whether the injury was wilfully self inflicted
 - there is no mental injury linked to the WSI and 'intent' needs to be considered
 - there is a mental injury but the link between the mental injury and WSI is not clear
 - the claim is a complex transitional claim, ie a claim made when a previous version of the ineligibility provisions applied.

If you are in any doubt about whether a client is ineligible because of suicide or a WSI injury, refer it to the Complex MI Panel.

NOTE Ineligibility examples:

Was the injury/death wilful? Was the client able to appreciate the consequences of their actions?

- A three year old taking a handful of pills is not aware of the consequences, so this is not wilful. The client would not be ineligible.



Is the injury claimed for the injury that was intended?

- A person takes an overdose of pills intending to kill themselves. They don't succeed but suffer brain damage. Ineligibility may apply.

Was there an intention to harm?

- A person who slips with a knife while chopping vegetables and cuts their hand does not intend to harm. The client would not be ineligible.

6.0 Transitional provisions

- a The current provisions of AC Act 2001, Section 119 only apply to suicides or wilfully self-inflicted injuries that occur on or after 1 July 2010.
 -  Accident Compensation Act 2001, section 119, Disentitlement for wilfully self-inflicted personal injuries and suicide <http://www.legislation.govt.nz/act/public/2001/0049/latest/DLM101487.html>
 -  Accident Compensation Amendment Act 2010, section 53, Transitional provision for disentitlement for wilfully self-inflicted personal injuries and suicide <http://www.legislation.govt.nz/act/public/2010/0001/latest/DLM2417578.html>