

31 March 2016

David Lawson
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Dear Mr Lawson

Official Information Act Request

Thank you for your emailed request for information received 21 February 2016. It has been treated as a request under the Official Information Act 1982 (the Act). An extension of time was notified to you on 18 March 2016. A decision letter on 24 March 2016 then advised that information in response to your request would be supplied by 31 March 2016.

Your questions and our corresponding responses are set out below. Due to the similarity in some subject matter, some of your questions have been grouped for response. The wording of your specific requests is set out in ACC's response, written in *italics*.

Questions One and Two

"... all official documentation that is associated with the procedural and legislative requirements/obligations associated with the process an investigator within the OCI Unit is required to undertake during a complaint investigation ... and specifically to include but not be limited to ACC policy, procedural, process (including diagrams and investigation process flow charts) and legislative requirements and training documentation."

Response to Questions One and Two

We attach copies of all procedural and legislative requirements/obligations associated with the process an investigator within the Office of the Complaints Investigator (OCI) is required to undertake during a complaint investigation.

The Code of ACC Claimants' Rights (Code) only applies to complaints about ACC's dealings with ACC clients after 1 February 2003. A copy of the Code is publicly available at [http://legislation.govt.nz/regulation/public/2002/0390/latest/whole.html?search=ta regulation 1 rc %40rin%40nif an%40bn%40rn 25 a&p=2#DLM173110](http://legislation.govt.nz/regulation/public/2002/0390/latest/whole.html?search=ta%20regulation%201%20rin%20nif%20an%20n%20rn%2025%20a&p=2#DLM173110)

Question Three

"In the event that an ACC claimant has identified upon the receipt of a preliminary ACC712 Summary of events (Soe) from an OCI Investigator, that the OCI Investigator has omitted to register and acknowledge the complaint within their preliminary OCI ACC712 Soe findings:-

i). Please provide all official information associated with an ACC claimants rights of being able to request the OCI Investigator to provide an amended provisional ACC 712 Summary of events that notes all of the claimants original complaint for which the ACC OCI investigator has left out.

ii). Please provide all Official Information that sets out if an amended provisional ACC712 Soe with the complete details of all complaints referred to the ACC OCI Unit have not been included, acknowledged and forward to the claimant, how a claimant can protect their legal rights in terms of being able to redress the ACC OCI Investigator's preliminary findings which the OCI investigator has omitted to supply."

Response to Question Three

This is covered by our response to Questions One and Two above.

Question Four

"Please confirm what responsibilities/obligations the Complaint's investigator has during the investigation to actually complete a valid ACC 712 Summary of events report for the purposes of the complainant being able to respectfully reply to the ACC Investigator's preliminary comments."

Response to Question Four

Again, this information is covered by our response to Questions One and Two above.

Question Five

"Official information that sets to how the OCI Unit allocates investigation of client complaints, and, where there are multiple complaints that the claimant seeks remedy for, official information on how the OCI Investigator allocates the complaints for investigation and whether they can investigate multiple complaints at one time."

Response to Question Five

The OCI allocates new complaints received based on the process entitled "Resolving complex or escalated complaints – Allocate the complaint".

Clause 3.4 of the Code describes the general approach ACC must take when investigating complaints. These steps are incorporated into the OCI's process. The Code is not explicit however regarding how ACC should allocate or assign complaints to OCI Complaints Investigator.

When multiple complaints are received at different times, OCI staff will consider whether or not it is appropriate and/or relevant to include new issues received into existing investigations. The Code does not restrict ACC in responding or deciding, or requiring the separation of multiple issues/complaints, within a consolidated combined decision document.

Question Six

"If multiple complaints can be investigated at the same time, official information setting out the obligations of the OCI Investigator to use an ACC 712 Summary of events fully for each complaint, or fully detail all complaints within the provisional ACC712 Summary of events investigation report."

Response to Question Six

This is covered by our response to Questions One and Two above, refer "*Resolving complex or escalated **complaints** – Step 8 of Investigate Complaints*".

We can advise that the Code does not obligate or otherwise prescribe ACC to use a Provisional findings (ACC712) Summary of Events document. This is an internal policy and process option created by ACC to enable administration of the Code. Please note the use of this form is not mandatory. ACC relies on the discretionary judgement of each Complaints Investigator, as to its use.

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, 9am to 5pm weekdays, or write to: The Office of the Ombudsman, PO Box 10 152, Wellington 6143.

Yours sincerely

Government Services