



20 December 2022

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Kia ora

Your Official Information Act request, reference: GOV-022285

Thank you for your email of 28 November 2022, asking for the following information under the Official Information Act 1982 (the Act):

I request a yearly breakdown over the past 4 years in terms of POSSE (Payments outside scope of statutory entitlement) for those pursuing a sensitive claim, being paid for serious service failures in a tabulated format such as .csv with the amounts being paid to each individual, and the 'serious service failure' being alleged by those who are pursuing a Sensitive Claim.

I would like included in this data, the proportion of applicants for a POSSE payment who have the payment approved, and for those that have not been approved, the reason why the request was denied. I request that the data be separated by 'actual damages' or the equivalent specifier, and payments made for emotional distress (or similar). In addition I request to know what steps ACC are actively taking in practice to address systemic service failures for claimants with a sensitive claim, and the number of 'Code Breach' claims made against ACC categorised by the claimed code breach.

Payments Outside the Scope of Statutory Entitlement (POSSE) information is held in quarterly reports

Accordingly, we have manually reviewed each quarterly report and identified one report containing information on POSSE requests for sensitive claims. This report was from July-September 2019 and contained information on less than four requests that were approved.

We are withholding the exact number of POSSE requests and any further information about them

Accordingly, we have only indicated that the request count is fewer than four. Withholding further information limits the potential for particular individuals or matters specific to certain individuals from being identified and is necessary to protect our clients' privacy.

This decision is made under section 9(2)(a) of the Act. In doing so, we have considered the public interest in making the information available and have determined that it does not outweigh the need to protect our clients' privacy.

POSSE reports do not always contain information identifying whether a request relates to a sensitive claim

We are refusing to provide the count of POSSE payments related to sensitive claims. Extracting this data would require us to manually review all POSSE requests referred to in these reports to determine whether the request relates to a sensitive claim; doing so would require substantial collation or research. This decision has been made under section 18(f) of the Act.

In making this decision, we have considered extending the timeframe, or charging (under the Act). However, neither of these options have been offered as we have determined that the resources required to extract this information would unreasonably interfere with the everyday functions of the team(s) involved.

Sensitive claims complaints under the Code of Claimants' Rights (the Code) are provided in the table below

Please consider the following points when interpreting the data:

- The data includes complaints received by ACC between 1 July 2018 and 30 June 2022, where the complaint case is linked to a sensitive claim and the complaint case has one or more indicators related to breaches of the Code.
- A complaint may indicate that multiple rights were breached. Complaints are counted once for each relevant right breached.
- Complaints are only included where the feedback case is linked to a claim with the sensitive claim indicator checked.
- Not all complaints cases are able to be linked to a claim; therefore, these figures should be considered indicative only.
- For the reasons outlined above, we have indicated that some complaint counts are less than four. This decision has been made under section 9(2)(a) of the Act.

Complaints related to breaches of the Code associated with sensitive claims, by financial year complaint received

Right breached	2018/19	2019/20	2020/21	2021/22
Right 1: You have the right to be treated with dignity and respect.	<4	9	9	8
Right 2: You have the right to be treated fairly, and to have your views considered.	-	8	9	9
Right 3: You have the right to have your culture, values, and beliefs respected.	-	<4	<4	-
Right 4: You have the right to a support person or persons.	-	-	<4	<4
Right 5: You have the right to effective communication.	5	12	13	13
Right 6: You have the right to be fully informed.	5	9	8	9
Right 7: You have the right to have your privacy respected.	<4	<4	<4	-
Right 8: You have the right to complain.	-	-	<4	-

The remainder of your request is not a request for official information

Under the Act, a distinction exists between a request for information already known and held by an agency (official information), versus a request for an agency to form an opinion or provide an explanation or comment, and thus create new information to respond (not official information).

Your request for the steps ACC is taking to address systemic service failures for claimants with a sensitive claim asks ACC to provide an opinion or a comment, and we are not required to respond to such requests under the Act.

If you have any questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz. If you are not happy with this response, you can also contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz.

Ngā mihi



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