

09 March 2020

Paul White

fyi-request-12049-353a7eb9@requests.fyi.org.nz

Dear Paul

Your Official Information Act request, reference: GOV-003391

Thank you for your email of 18 January 2020, asking for the following information under the Official Information Act 1982 (the Act):

- *In relation to Sensitive Claims can you please provide:*
 - 1) *A list of all ACC registered/approved impairment assessors*
 - 2) *A list of all suppliers/providers with contracts to provide cover assessments*
 - 3) *A list of all suppliers/providers with contracts to treat for ACC*
 - 4) *A list of all PA's and MA's who provide opinion/recommendation/review or reports and services etc for SCU/ISSC*
 - 5) *From the EPM Performance Management Guidelines page 2:*
 - *The relevant Supplier's Contract*
 - *ACC's Procurement Policy*
 - *ACC's Provider Management Framework*
 - *ACC's Classification Tool for Providers, Suppliers and Third parties*
 - 6) *If not covered above could you please provide all contracts used for providers, suppliers/vendors who provide ISSC services.*
 - 7) *Standard Terms and Conditions, and Schedules for ACC ISSC providers, suppliers/vendors.*

Decision to release information

We have decided to grant your request and provide part of it in this response, namely information which relates to ACC contracts and policy documents.

As previously advised, ACC does not routinely release personal details on public websites. Therefore, we asked you to provide your private email address so we could send the other information to you. We have not received this from you at this time.

Once we receive your private email address, which you can send directly to me by return email, we will send the information to you. On 5 March 2020, we sent you a link for the Ombudsman's guidelines relating to requests made through fyi.org.nz and social media.

List of Impairment assessors – Q1

Contracted impairment assessors who hold the Impairment Assessment Services contract for Chapter 14/Mental Injury claims – specifically for sensitive claims.

This information will be released to you once we receive your private email address.

Suppliers with contracts – Q2 & 3

A list of suppliers contracted to provide Integrated Services for Sensitive Claims (ISSC) can be found at: <https://findsupport.co.nz/>.

Under the ISSC contract, ACC contracts only with suppliers. These suppliers are listed on the 'Find Support' website. Each supplier then sub-contracts or employs service providers to deliver one or more

of the services within the ISSC contract, depending on their particular qualifications and experience. ACC does not contract the service providers.

A copy of the ISSC contract can be located on ACC's website under 'Resources':
<https://www.acc.co.nz/resources/#/>.

List of PAs and MAs – Q4

We have interpreted your request to relate to internal ACC Psychological Advisors and Medical Advisors, who provide advice regarding sensitive claims. Their advice is used by the case owner as part of their decision-making process when considering entitlements and support under the Accident Compensation Act 2001.

As outlined above, this information will be released to you once we receive your private email address.

EPM Performance Management Guidelines – Q5, 6 & 7

All relevant supplier contracts can be located on ACC's website under 'Resources':
<https://www.acc.co.nz/resources/#/>.

This includes the '*Standard Terms and Conditions*' and the '*Service Schedule for Integrated Services for Sensitive Claims*' for ISSC suppliers.

Attached is a copy of ACC's Procurement Policy, the Provider Management Framework and the Classification Tool for Providers, Suppliers and Third parties, dated 21 November 2019.

ACC staff names have been withheld from the attached documents, under section 9(2)(a) of the Act, to protect their privacy. We have carefully considered whether there are reasons why it is desirable, in the public interest, to make the information available. We are of the view that maintaining the individuals' privacy outweighs any public interest in making the information available.

Any queries

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.

Yours sincerely



Sasha Wood
Acting Manager Official Information Act Services
Government Engagement & Support

Attachments

- ACC's Procurement policy
- ACC's Provider Management Framework
- ACC's Classification Tool for Providers, Suppliers and Third parties

Procurement policy

Contact [REDACTED]

Last review 01 Oct 2019

Next review 01 Oct 2020

Objective

The objective of this policy is to ensure that procurement activity at ACC is fair, transparent, effective and consistent with the Government Procurement Rules and achieves good outcomes for ACC and our clients.

[Government Procurement Rules](#) (external website)

Scope

This policy applies to our people who are involved in purchasing or approving the purchase of goods or services on behalf of ACC, or managing contracts or relationships with suppliers.

Policy statements

This policy outlines our position when undertaking purchasing and procurement activities. For a view of the 'Procurement Policy Landscape', see the [Appendix](#).

Policy standards

Government requirements are incorporated into any procurement activity

As a Crown entity, we must comply with the [Government Procurement Rules](#).

All-of-Government, Common Capability and Syndicated Contracts

We must purchase from the All-of-Government Contracts

We must purchase from the All-of-Government Contracts unless there is a good reason not to ([Rule 58](#)). If ACC wants to opt-out of purchasing from an All-of-Government Contract, our people must consult with the Head of Procurement and Properties and obtain approval from the Chief Executive (via the relevant Tier 2 Chief) and the relevant Functional Leader (the Department of Internal Affairs for ICT, the MBIE / Government Property Group for property, and MBIE for procurement).

We must purchase from mandatory Common Capability Contracts

We must purchase from mandatory Common Capability Contracts where the contract reasonably meets ACC's needs ([Rule 60](#)). If ACC wants to opt-out of purchasing from a mandatory Common Capability Contract, our people must consult with the Head of Procurement and Properties and obtain approval from the Chief Executive (via the relevant Tier 2 Chief) and the relevant Functional Leader or the lead agency managing the contract. We should participate in non-mandatory Common Capability Contracts before approaching the market for the same or substantially similar goods or services.

We should purchase from Syndicated Contracts

We should participate in Syndicated Contracts before approaching the market for the same or substantially similar goods or services ([Rule 59](#))

General

We will plan and manage procurement activities

We plan and manage procurement activities to realise the best outcomes. This includes involving suppliers early, taking the time to understand the market and our effect on it and choosing a process proportionate to the size, complexity and risk of the procurement.

We will be fair to all suppliers

We treat all suppliers equally and do not discriminate against any suppliers. We will make it easy for suppliers to do business with us. We will clearly explain how we will assess their proposals, and communicate with them so they know how to improve next time.

We will engage the appropriate supplier for our needs

We procure goods or services from the supplier who can deliver what we need, at a fair price, and on time. We will be clear about what we need and fair in how we assess the suppliers.

We will achieve the best result for everyone

Line of Assurance	Monitoring and oversight activities
<p>1st line</p> <p>Our people</p> <p>People managers/ cost centre managers</p> <p>Relationship managers / contract managers</p>	<ul style="list-style-type: none"> Ensure that procurement activities are carried out in accordance with the Government Procurement Rules, Procurement policy, and Procurement Manual, and Provider Management Framework. The Procurement newsletter and training are provided to the business to inform and educate on best practice procurement activities and process. Ensure that any conflicts of interest are declared in a timely manner and managed appropriately. Comply with the corporate and claims management delegations. Cost centre managers will work within their allocated budgets, ensuring that the budget has been agreed, and will engage Procurement in a timely manner where required. Update and maintain risk registers to capture risk arising from compliance with Government Procurement Rules, capability, capacity and legislative compliance. Review procurement procedures and templates that are used by Procurement, and provided, and used by the business for low value procurement. Ensure Government Procurement Rules exemptions and opt-outs are reviewed and approved by the relevant delegated authority and are recorded in a central register. Obtain approval and report on non-compliant procurement exemptions and opt-outs. Ensure suppliers are managed in accordance with the Provider Management Framework.
<p>2nd line</p> <p>Procurement teams</p>	<ul style="list-style-type: none"> Monitor compliance with the Procurement policy and procedures. Store declared conflict of interests and management plans in the procurement central folder. Respond to Ministry of Business, Innovation and Employment (MBIE) requests within their timeframes. Periodic review and consultation with MBIE on procurement projects including reporting of annual procurement plan, significant services contracts and procurement capability index. MBIE assess our procurement projects when > \$5M. Provide the Procurement dashboard to Executive. The Provider Service Delivery governance model and steering committee will approve all health procurement projects. The Chief Technology and Transformation Officer and Head of Partnerships approve all IT procurement projects. Internal and external probity is considered for procurement projects and assessed according to the guidelines.
<p>3rd line</p> <p>Assurance Services</p> <p>External audits</p>	<ul style="list-style-type: none"> Assurance Services independently audit procurement policy and procedures and activity. Independent external auditors appointed on behalf of the Office of the Auditor General provide assurance on procurement policy and procedures.
<p>4th Line</p> <p>Executive</p>	<ul style="list-style-type: none"> The Executive and Heads of approve procurement projects in line with the Corporate Delegations The Chief Executive and Chiefs have primary responsibility for our strategic objectives and reporting to the Board on the management of these objectives.

Line of Assurance	Monitoring and oversight activities
5th line Board	<ul style="list-style-type: none"> The Board approve procurement projects in line with the Corporate Delegations. The Board has overall responsibility for ensuring effective risk management is in place. Reviews and assesses the Chief Executive's and Chiefs reporting and management of objectives.

Breaches of policy

The Code of Conduct requires all of our people to comply with all policies and procedures. Behaviour or actions that are investigated and found to be in breach of the Code of Conduct may result in disciplinary action.

The rationale for any non-compliance of the [Government Procurement Rules](#) must be documented, and made available to MBIE if requested.

Contacts

For issues of interpretation or management of the policy or updates you should contact:

- [Health Procurement](#) for health-related procurement
- [T&T Strategic Partners](#) for IT-related procurement
- [Procurement Services](#) for all other procurement matters.

Definitions

All-of-Government Contract	A type of approved collaborative contract. Supply agreements are established with approved suppliers for selected common goods or services purchased across government. They are developed under the oversight of the Procurement Functional Leader (Chief Executive of MBIE) and managed by appointed procurement Centres of Expertise.
Broader Outcomes	Broader outcomes are the secondary benefits which are generated due to the way goods, services or works are produced or delivered. They include economic, environmental, social and cultural outcomes.
Closed Competitive process	Also known as selective procurement, this is where ACC invites a limited number of known suppliers to respond to a contract opportunity (and the contract opportunity is not openly advertised).
Common Capability Contract	A type of approved collaborative contract. Various supply agreements are established with approved suppliers for selected common goods or services or works purchased across government.
Direct Source process	Also known as direct procurement, this is where ACC contracts directly with a selected supplier/s for the required goods or services.
Government Procurement Charter	The Charter contained in the Rules which sets out the Government's expectations of how agencies should conduct their procurement activity to achieve public value.
Government Procurement Rules (Rules)	The Rules represent the government's standards of good practice for procurement planning, approaching the market and contracting. Cabinet has endorsed the Rules (CAB-18-MIN-0516.01) effective 1 October 2019. The Rules replaced the 2013 Government Rules of Sourcing.
MBIE	The Ministry of Business, Innovation and Employment.
Public value	Public value means the best available result for New Zealand for the money spent. It includes using resources effectively, economically and responsibly, and taking into account:

	<ul style="list-style-type: none"> the procurement's contribution to the results you are trying to achieve, including any Broader Outcomes you are trying to achieve, and the total costs and benefits of a procurement (total cost of ownership). <p>The principle of public value when procuring goods, services or works does not mean selecting the lowest price but rather the best possible outcome for the total cost of ownership (over the whole-of-life of the goods, services or works).</p> <p>Selecting the most appropriate procurement process that is proportionate to the value, risk and complexity of the procurement will help achieve public value.</p>
Syndicated Contract	A type of approved collaborative contract. They typically involve a cluster of agencies aggregating their respective needs and collectively going to market for common goods or services. It may also involve an agency or agencies anticipating collaboration and including a Common Use Provision (CUP) clause within the resulting contract, which allows other agencies to contract with the supplier on the same terms later.
Tender	A process to seek responses from the market regarding the purchase of goods or services, such as a Request for proposal, Request for tender or Request for quote. See the Procurement Manual for more information.

References

This policy is supported by, and must be read in conjunction with, the Delegations Manual, ACC's Procurement Manual and ACC's Procurement Method Guidelines.

In the event of any inconsistency, the following hierarchy of precedence will apply:

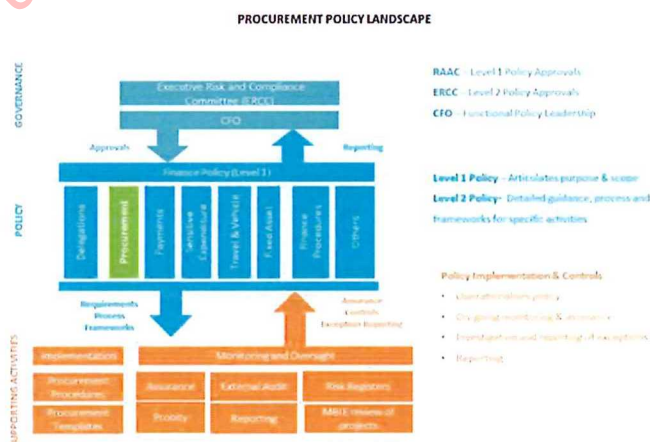
- [Government Procurement Rules](#)
- [Delegations manual](#)
- this policy
- [Procurement Method Guidelines](#)
- [Procurement manual](#)
- [Provider Management Framework](#)

Policy review dates

Last review: October 2019

Next review: October 2021

Appendix – Procurement Policy Landscape



Procurement Policy Landscape (larger size) (220KB)

Provider Management Framework

Improving relationships, trust and outcomes - with our providers, suppliers and other organisations.

Contact [REDACTED]

Last review 07 Feb 2019

Next review 07 Feb 2020

What is the framework?

The [Provider Management Framework \(2.6MB\)](#) is about creating trust and building better relationships with our providers. It is an important part of ACC's approach to [engaging more effectively with our stakeholders](#).

The framework provides some [simple resources and tools](#) to make it easy to manage our most important providers ([tier 1 and 2](#)) in a consistent and coordinated way.



Providers have told us we need to make it easier to work together. We need to improve our internal coordination and communicate with them more consistently for improved mutual outcomes.

How does it work?

1. **Classify** organisations as Tier 1, 2, 3.
 - Assign a Relationship Manager and identify the people at ACC who engage with the organisation. Agree what activities are required.
1. Create a **plan** for managing the relationship and performance to ensure everyone knows what role they play and what the objectives are.
2. **Manage** the relationship and performance of the organisation according to the plan. Keep a record of all meetings and monitor risks and issues.
3. **Review** the relationship and performance and update the plan.
4. Identify opportunities to **improve** the overall value from the relationship and work with stakeholders to drive these improvements.

How do I get started?

The framework is easy to follow - but if you need some support to get started or some advice on your draft plan contact [REDACTED]

Before you start, familiarise yourself with the [Provider Management Framework \(2.6MB\)](#) process. Then get underway with these key templates and tools:

- **classification tool** - helps you segment the organisations you work with into tiers depending on their criticality and importance, so you know how much time you need to spend engaging with them and what's involved. [Classification tool \(41KB\)](#)
- **engagement plan template** - sets out how the relationship is governed, and helps ensure you have the right conversations on regular basis. [Engagement plan \(1.4MB\)](#)
- **on-boarding guide** to help set up an organisation to work with ACC. [On-boarding guide \(510KB\)](#)

The relationship and performance management activities, level of governance and documentation requirements are different for each tier. The level of engagement for each tier reflects how critical the relationship is to ACC.

An engagement plan is a living document, designed to make governing the engagement simple and easy. They should be reviewed and updated quarterly, or when significant changes occur.

Who are the Tier 1, 2 and 3 Providers?

We have categorised organisations into tiers based on cost, risk and criticality. Contact the relevant [procurement team](#) for more information about the classification of organisations we have a contract with. The [strategic engagement approach](#) also provides a summary of the strategic relationships (Tier 1s) identified by our executive leadership team.

A summary of the way we manage organisations is below. Tier 4 is not included here as these relationships are transactional and low risk.

	Tier 1	Tier 2	Tier 3
Risk	Strategic engagement and/or high risk(s)	Medium	Low
How often do we meet with them	Once a month	Once a quarter	As required - annually at the most.
Management type	Active management.	Action plan within reasonable time.	Routine
Type of planning	Action planning is required to ensure that risks and /or health and safety requirements are managed and initiatives implemented.	Require an action plan within reasonable time, indicating how health and safety requirements will be implemented over a period of time.	Managed by implementing routine procedures.
Provider observation about ACC	We want these organisations to find it easier to work with us because they know what is expected and they feel we value the relationship.	Similar to Tier 1s, although its more about them seeing a change in our behaviours and the relationship.	We want them to notice changes in the way we work and more professional behaviours.

Information and Training

Please contact [REDACTED] Supplier Management Specialist for more information or if you would like training.

Classification Tool



This tool is used by Procurement to classify suppliers, contracted providers and other third parties to identify their strategic importance and criticality to ACC and the associated level of engagement and provider management activities.

The tool produces a classification of Tier 1 (high risk/criticality), 2 (medium risk/criticality) or Tier 3 (low risk/criticality). Regulated health providers, and suppliers of low value/low risk goods/services (i.e one off purchases or total spend under \$5k per annum) are automatically classified as Tier 4. This tool provides an indication of whether they are classified as high or low risk in relation to health and safety risk.

The classification should be reviewed and agreed with key stakeholders, and the classification can be changed if required. For example, a supplier may be classified as Tier 2, but based on strategic initiatives underway with that supplier should be managed as a Tier 1 supplier.

Instructions



The attached spreadsheet contains questions relating to the following 8 areas:

- Service supply
- Strategic importance
- Criticality of supplier/provider
- Supply attributes
- Contract facts
- ACC's Health & Safety accountability
- Practising Certificates
- Type of business

For each question, please select the most appropriate answer in terms of the range identified and enter a marker of 1. The spreadsheet contains formulas, and the risk rating context will be determined by the answers to the 10 questions within the 8 factors.

Released under the Official Information Act 1982

ACC Classification Tool for Provider's, Suppliers and other third parties ("Provider")					HBS Rating
Purpose: This tool considers a range of factors to determine the relative criticality and strategic importance of providers taking into account financial impact/costs, risks, and business alignment etc. This tool is not intended to be used in isolation and the results should be considered in relation to the practical aspects of the relationship.		Provider Name / Category Group Description of services or relationship with ACC			
Guidance: An assessment should be completed for each Provider. In select cases Providers may be assessed as a group/category. For each question, please select the most appropriate answer in terms of the range identified and enter a marker of 1.		Date Completed Completed By			
Supply Is this a sole-Provider contract/relationship (i.e. outsourced) or are their multiple Provider's involved?		1 Provider <input type="text"/>	<10 Providers <input type="text"/>	>10 Providers <input type="text"/>	Score <input type="text"/>
Does the Provider use sub-contractors to meet their obligations to ACC?		No <input type="text"/>			Yes <input type="text"/>
Recipients Does the Provider work with or deliver services to external ACC customers/clients?		Internal Business Unit No <input type="text"/>			External ACC customers Yes <input type="text"/>
Does the Provider have multiple contracts/relationships across ACC?		<input type="text"/>			Score <input type="text"/>
Location Where is the Provider's primary work for ACC undertaken? *Does the Provider work in their own premises, a third party site (incl hospital, community centre, medical centre) or an ACC client's home?		Own premises <input type="text"/>	Third party site <input type="text"/>	Client's home <input type="text"/>	Score <input type="text"/>
Strategic Importance Will disruption of the services/relationship cause critical disruption of services to ACC? *Is the provider critical to enabling ACC to deliver services to the business and/or clients?		Not critical 1 <input type="text"/>	Somewhat critical 2 <input type="text"/>	3 <input type="text"/>	Critical 4 <input type="text"/>
Does the provider have a business continuity plan? *Does this cover emergency preparedness?		Yes <input type="text"/>			No <input type="text"/>
					Score <input type="text"/>
Criticality Would failure of relationship cause a critical business disruption to ACC? *Would failure directly affect ACC customers or operations? *Is ACC heavily dependent on the provider to meet our strategic objectives?		No dependence 1 <input type="text"/>	Some dependence 2 <input type="text"/>	3 <input type="text"/>	Very dependent 4 <input type="text"/>
Transition cost and alternatives Cost of transition What is the cost/impact of a transition to another Provider? *Is the provider deeply entrenched in our business? *Will there be significant cost to move to another Provider?		Minor 1 <input type="text"/>	Major 2 <input type="text"/>	3 <input type="text"/>	Significant 4 <input type="text"/>
Alternatives Are there similar organisations that could meet the objectives or is the service/relationship unique? *Unique, no other organisations in the market? *Generic, many other organisations in the market?		Many <input type="text"/>	Few <input type="text"/>	None <input type="text"/>	
					Score <input type="text"/>
Contract/Relationship Facts What is the annual value of the contract or financial /cost impact (i.e. claims impact or cost if the relationship failed)? *Annual value/financial impact only based on best info (prior year or expected spend/financial impact)		<\$100k <input type="text"/>	<\$500k <input type="text"/>	<\$1M <input type="text"/>	<\$10M <input type="text"/>
What is the volume of transactions and/or Invoices per year? *Annual transactions only based on best info (prior year or expected volumes)		<10 <input type="text"/>	10-100 <input type="text"/>	100-500 <input type="text"/>	500-1000 <input type="text"/>
What is the contract or relationship term from now? *How many years does the contract/relationship have to run from now?		4+ Years / Evergreen <input type="text"/>	<4 years <input type="text"/>	<3 years <input type="text"/>	<2 years <input type="text"/>
					Score <input type="text"/>
Health and Safety Does the provider have a written and approved Health and Safety Policy/Plan? If yes, please provide a copy		Yes <input type="text"/>			No <input type="text"/>
Does the provider maintain safety records? If yes, please provide a copy of the Accident Register or Hazard Register		Yes <input type="text"/>			No <input type="text"/>
Are formal health & safety assessments carried out and recorded? Provide records of assessments		Yes <input type="text"/>			No <input type="text"/>
Is there always an investigation into any accident that results in harm? Please provide records of investigation		Yes <input type="text"/>			No <input type="text"/>
Does the provider provide services that have a heightened health and safety risk eg equipment, property, vehicles, health care?		No <input type="text"/>			Yes <input type="text"/>
Does the provider deliver H&S training on behalf of ACC?		No <input type="text"/>			Yes <input type="text"/>
					Score <input type="text"/>
Practising Certificates Does the Provider hold a valid Annual Practising Certificate relevant to their profession?		Yes <input type="text"/>	Not Applicable <input type="text"/>	No <input type="text"/>	
					Score <input type="text"/>
Type of business Indicate type of business *This will indicate the likely depth of resource, process, and risk management		Regulated and non-contracted providers <input type="text"/>	Companies / large business or lead provider <input type="text"/>	Partnerships / JV Third Party Agents <input type="text"/>	Small to medium size businesses contracted <input type="text"/>
					Score <input type="text"/>
General Risk Assessment					Total Score <input type="text"/>
TIER 1 (Strategic and/or high risk) Scores above 55 Providers in this range are classified as strategic and/or high risk, and require active management. Action plan is required to ensure that Risks and /or health and safety requirements are managed and initiatives implemented.					HBS Score <input type="text"/>
TIER 2 (Key and/or medium risk) Scores between 25 - 55 Scores in this range are classified as medium risk, and require an action plan with a reasonable time, indicating how health and safety requirements will be implemented over a period of time.					HIGH RISK Scores over 20 Scores in this range are classified as having a high HBS risk, and require active management. Action plan is needed to manage HBS risks.
TIER 3 (Tactical and/or Low Risk) Scores less than 25 Scores in this range are classified as low risk. They are managed by implementing routine procedures.					LOW RISK Scores 20 and less Scores in this range are classified as low risk and are managed by routine procedures.