



Office of Hon Dr Nick Smith

MP for Nelson

Minister for the Environment

Minister for Climate Change Issues

Minister for ACC

Bd 10/01/05.4

MIN 09/2812

Ms Elizabeth Bang
National Council of Women of New Zealand
PO Box 12117
WELLINGTON 6144

11 DEC 2009

Dear Ms Bang

Thank you for your letter of 4 November 2009 regarding changes to the sensitive claim process.

You oppose ACC's new Clinical Pathway for a number of reasons. One of the difficulties in the whole area of sexual violence is that ACC's role is not to be the default provider of therapy to all survivors, but to assist those who meet the legislated criteria. First they must have been diagnosed with a mental injury, defined in section 27 of the Injury Prevention, Rehabilitation, and Compensation Act 2001, "as a clinically significant behavioural, cognitive or psychological dysfunction" by a suitably qualified professional. Then it must be established that the mental injury was caused by sexual abuse/assault. Claims are covered on the basis of a mental injury, not on the fact of the event.

A client making a sensitive claim should be made aware that a diagnosis of mental injury, from a person qualified to make it, is part of a process that is more complicated than an individual decision to undertake therapy. Managing this and ensuring clients understand it, as they do with physical diagnosis and assessment, is an important part of the process. This process, which may include assessments from other providers, could be likened to the primary care a general practitioner provides for a patient, which does not rule out a referral for specialist assessment and treatment when required.

The new Clinical Pathway articulates the process and timeframes associated with approval of sensitive claims. Referrals that have the necessary documentation, a DSM-IV diagnosis, and any other related material will help speed up the triage and decision process for the client. The Sensitive Claims Unit aims to have cover decisions made on fast-streamed claims in a seven day period. For claims where the required level of information is not available, a claim decision will be made within six weeks.

The report from the Ministry of Women's Affairs *Responding to Sexual Violence: Environmental scan of New Zealand agencies* does not specifically recommend the changes you outline, be met by ACC. The report provides an overview of barriers for victims/survivors of sexual abuse/assault that they found based on their research. The reports conclusion states:

The objectives and intended scope of this report were very broad. In attempting to present such a complete picture of all the agencies, services and systems that victim/survivors might come in contact with, there has been a trade-off in the inability to fully explore all the complexities of the information provided by survey respondents. Therefore, rather than providing all the definitive answers, this report provides a starting point for identifying issues that require more attention.

ACC does recognise that victims of sexual violence may have a response or impairment that falls short of a mental injury. For that reason ACC jointly funds, with Police and Health, services that attend to acute assessment and treatment of victims. These contracts are in place in most District Health Boards (DHB), and no ACC claim needs to be lodged. If the client is assessed by the provider to require additional support, then a claim can be lodged with ACC or a referral to DHB services can be made.

For the independent review of the guidelines to be effective and meaningful, the system needs to have been in place for a period of time. I have determined that six months should be appropriate to see how the new guidelines are working and if changes need to be made. The Terms of Reference for the review, and who will oversee it, will be available once they are confirmed.

I appreciate that changes to any system can be complex and difficult. While some providers and clients have expressed discomfort with the new process, I would like to draw your attention to a recent press release from the Royal New Zealand College of General Practitioners, welcoming the moves by ACC to follow evidence-based care guidelines for sensitive claims clients. I have attached a copy of their statement for your information.

ACC's focus, like yours, is on the best rehabilitation practicable in order for clients to live a normal life. I assure you that as Minister for ACC I take very seriously my responsibility to ensure that ACC clients receive their legislated entitlements.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Smith', written in a cursive style.

Hon Dr Nick Smith
Minister for ACC

GPs' College welcomes evidence-based care guidelines

Press Release by Royal New Zealand College of General Practitioners at 11:02 am, 02 Nov 2009

The Royal New Zealand College of General Practitioners has welcomed moves by ACC to follow evidence-based care guidelines for sensitive claims clients.

College president, Dr Harry Pert, said the new guidelines will ensure patients receive best practice care that has been proven to deliver optimum results.

"The team approach has been proven to be the most effective in cases of mild to moderate mental injury," Dr Pert said.

"Recent pilot programmes have shown that very good results come from doctors working together with counsellors, psychologists and others."

"ACC's practice guidelines for sexual abuse and mental injury will strengthen these results still further. All the clinical evidence suggests the new approach ACC is adopting will be in the best interests of the patient," Dr Pert said.

"By working with psychologists early on, GPs, counsellors and others will be able to provide the best and most focussed care possible."

ACC's new treatment framework is in line with the recommendations of the Massey guidelines for the assessment and treatment of mental injury as a result of sexual assault and sexual abuse.

Published in 2008, the Massey guidelines outline a clear, evidence-based approach for the most effective treatment and rehabilitation of people who have suffered sexual abuse.

"The provision of safe, quality treatment and care that suits patients' needs and provides them with the very best health outcomes, is a major goal of the College. It is very pleasing to know that ACC's new approach is based on extensive research and clinical evidence," Dr Pert said.

ENDS

<http://www.rnzcgp.org.nz/gps-college-welcomes-evidence-based-care-guidelines/>