



Whanganui District Health Board Paid Family Carer Policy for Home-based Care

Name

1. This is the Whanganui District Health Board (WDHB) Paid Family Carer Policy for Home-based Care 2014.

Commencement

2. This policy starts on 21 May 2014 and replaces all previous policies relating to home-based support paid family care.

Introduction

3. Whanganui DHB recognises the important role of families and whānau in voluntarily providing care and support to their family/whānau members, including disabled family members with high or very high needs.
4. Whanganui DHB-funded home-based care Services are based on an assessment of the person's identified health and/or disability needs and provided to people who need them most. They are generally delivered by paid carers who are not family members of the person receiving the care.
5. Part 4A of the New Zealand Public Health and Disability Act 2000 (the Act), however, requires the Whanganui DHB to have a family care policy that allows payment of some family members for providing health and disability support services to an adult disabled member of the same family, in certain circumstances and where there are good reasons to do so.
6. Part 4A of the Act also affirms the principle that, in the context of the funding of health and support services, families generally have primary responsibility for the well-being of their family members. Any payments for such Services delivered by the paid family members of disabled people must be within sustainable limits.
7. This Paid Family Carer policy details the circumstances in which the Whanganui DHB will pay an eligible family member for providing home-based care services to an eligible person.
8. Whanganui DHB has the expectation that family members generally should provide care as part of family relationships being based on the following, sometimes overlapping, considerations, including:
 - a. a greater expectation that parents voluntarily provide unpaid care and support to their sons and daughters relative to other family members
 - b. a greater expectation that family members who live in the same household voluntarily provide unpaid care and support to each other than those who live apart

- c. a greater expectation that family members voluntarily provide unpaid care and support to children (family members aged under 18 years).
9. The Whanganui DHB Paid Family Carer policy may change from time to time to ensure consistency with the authority, eligibility and related matters with the Government's Family Care policy.

Principles

10. This policy is based on the following principles:
 - a. The family has the right to accept and manage their responsibilities in their own home
 - b. Choices in how people live their lives at home are respected
 - c. The unique dynamics of the home and family/whānau/aiga setting are respected
 - d. The contribution of family carers is valued whether they are paid or unpaid
11. In regard to the employment of a Whanganui DHB-funded paid family carer, the following principles are expected to apply:
 - a. This will enable the person to be better cared for in their home and more able to take part in family and community life than if a non-family paid carer was employed for this role.
 - b. The partnering relationship between the paid family carer providing services and the rest of the family is vital and must operate in a way that ensures that the interests of the person being cared for are promoted.
 - c. The paid family care management arrangements will be implemented in a way that respects the specific needs of Māori, Pasifika and other ethnic groups.

Whanganui District Health Board Paid Family Carer policy details

Service coverage and management arrangements

12. This Paid Family Carer Policy is a family care policy agreed within the meaning of Part 4A of the Act. It therefore allows DHB funding to some people 18 years and over (who are eligible to receive publicly funded health and disability services) to receive their allocated Services from a paid family member.
13. The payment for paid family care is for home-based care only. These Services are for people who need help in their home or community. They may include personal care such as assistance with showering and consuming of food or assistance with night support in some cases. It can also include household management such as cleaning and cooking as well as some supports for the person to access community activities in certain circumstances. This includes access to home-based support services for Whanganui DHB funded carer relief.
14. The Whanganui DHB requires that the paid family care arrangement is managed by purchase of Services from a Whanganui DHB contracted home-based care provider, who will employ eligible paid family carers to deliver Services to the eligible person – either solely, or in addition to providing Services through employees who are not family members.
15. Transitioning existing clients who have a paid family carer:
 - a. A person, for whom a family carer is currently being funded by the Whanganui DHB but the family relationship and other circumstances are such that they will not be eligible under this Whanganui DHB policy, should be transitioned to

arrangements that comply with the Whanganui DHB's paid family care policy as soon as reasonably practicable.

- b. A person, who falls into the group that can be funded under exceptional circumstances, and who wish to continue with their funded family supports, should be service coordinated by their appropriate NASC for the purpose of determining their eligibility under this policy.
- c. Those who are ineligible for funding of a paid family carer under this policy will require co-ordination of alternative home-based care services by non-family members.
- d. Consideration may be given to allowing existing arrangements that fall outside of this policy to continue, on a case-by-case basis. Considerations will include, whether the paid family care arrangement has been long-standing, and where the welfare and care of the person would be significantly and detrimentally affected or where the person being supported is very ill or dying, and a change of carer would cause distress.

Key Roles and Relationships

16. The key roles and relationships that will make the preferred funding or purchasing mechanism for paid family care function efficiently in the Whanganui DHB catchment area are as follows:
 - a. Under the management arrangement outlined above, only eligible family members of eligible people will be *paid employees*.
 - b. Under the management arrangements outlined above, the employer(s) of the paid family carer will be:

A Whanganui DHB-contracted home-based care Service provider with approval to employ paid family carers.

17. The DHB acknowledges that family/whanau members have an important role in providing natural support to one another as they need it. The needs assessment will consider the role of the family/whanau in providing these natural supports. The home based care Service providers will only be required to provide PFC services beyond the expected role of natural supports.

Criteria for the Paid Family Carer policy

18. A person is eligible to receive home-based care from a paid family member instead of from any other employee of the contracted provider by meeting all of the eligibility requirements and at least one of the exceptional circumstances as outlined in clause 23.

Eligibility requirements

19. A person is eligible for paid family care if they are:
 - a. eligible for publicly funded health and disability services and
 - b. eligible for long-term Whanganui DHB-funded home-based support services
 - c. assessed as high or very high needs
 - d. aged 18 and older

20. A family member as defined by the Act (see definitions) is eligible to be assessed for suitability for providing paid family care to an eligible person who is a member of their family if they are:
 - a. aged 18 and older
 - b. not the eligible person's spouse, civil union or de facto partner, and
 - c. other family carer relationship may also be considered, at the discretion of the DHB (eg in-laws or guardians).
21. The assessment criteria to be applied to determine whether, those family members who are eligible for assessment are suitable to be paid family carers, will be applied by the NASC.
22. The assessment criteria the approved assessors will take into account:
 - a. the nature of the Services to be provided and
 - b. the skills and experience needed to undertake it
 - c. the exceptional circumstances of the disabled family member and his wider family/whānau (refer below).

Exceptional circumstances criteria

23. One or more of the following exceptional circumstances criteria must be fulfilled to permit a family member to be paid to provide home-based care. The Whanganui DHB will consider each application on a case by case basis.
 - a. The level of the person's support needs is so high or very high that without their able and willing parent or resident family/whānau carer(s) being paid to support these needs the person would be unable to remain living in their chosen living environment.¹
 - b. There is significant risk to the safety or wellbeing of either the person or a non-family/whānau carer if the chosen family/whānau carer is not employed to provide the care (eg, evident distress to the person caused by alteration of routine and changes of carer).
 - c. No alternative non-family/whānau carer is available (eg, the person and their family/whānau live in an isolated rural locality).
 - d. Significant communication issues exist due to the person's condition or impairment, and the chosen family/whānau carer(s) and the person understand each other but no other available carer could adequately provide the person's supports because of this.
24. Note that specific cultural considerations on their own would not be grounds for an exception but the absence of culturally specific care may be a contributing factor when considering an exception on other grounds above.

Exclusions

25. People are not eligible for Whanganui DHB paid family care if the person:
 - a. is not a New Zealand resident
 - b. requiring care is under 18 years of age
 - c. nominated to provide the care is under 18 years of age
 - d. will need supports for less than six months (i.e. has a temporary or short-term disability)
 - e. is assessed for home-based supports but does not have high or very high needs
 - f. is in residential care
 - g. is eligible for Ministry Funded Family Care

¹ Note that some people reach a point at which it is only clinically appropriate and financial sustainable for clients to be cared for in residential care.

- h. is primarily impaired by an injury whose cover has been accepted by ACC
- i. the person's spouse, civil union or de facto partner.

Accessing paid family carer home-based care

- 26. A person can access paid family care through self-referral or a referral from a health practitioner to a Whanganui DHB funded needs assessment and service coordination (NASC) service
- 27. If the person is already receiving home-based care from a contracted provider and seeks access to paid family care, the provider may refer the person to the Whanganui DHB NASC to re-assess the change in supports needs.

Decision review process

- 28. If the disabled person seeking paid family care is not happy with decisions relating to their needs assessment, eligibility for paid family care or service allocation, or the family member seeking to be approved as a paid family carer they may seek a review.
- 29. The process for the review is as follows:
 - a. If the review is from a decision of a NASC (Service Coordination) they have their own review process which is detailed in the manager's manual.
 - b. The DHB may review a decision to reject the application for paid family care, if the person requests a review of the assessment findings and decision on eligibility.

Agreements to provide paid family care

- 30. The following conditions must be met before paid family care Services can be implemented.
- 31. The eligible person must first agree that they want an approved family carer to provide the Service. The person may be supported to make this decision.
- 32. The approved family carer must agree to provide the Service instead of a non-family Service provider. More than one family carer may be approved to provide the paid family care the eligible person has been assessed as requiring.
- 33. The family carer must meet the employment criteria of the Whanganui DHB contracted home-based care provider, i.e. police check etc.
- 34. The family carer must be capable of providing the Service and will only be approved if they are so capable.
- 35. The parties agree to the type, range and quality of Service to be provided and delivered according to the individual service arrangement that is in a safe and acceptable manner to the person.
- 36. All the parties agree to provisions for replacement care for when the family carer is unable or unavailable to provide Services.
- 37. If all the parties agree, then an employment contract is signed between the employer and the employee.
- 38. Subject to the Whanganui DHB's current paid family carer contractual requirements, the employment contract between the paid family carer and the

Whanganui DHB contracted home-based care provider as the employer, will be the standard terms and conditions of the employer, and will also include matters relating to:

- a. ensuring that the family carer does not carry out any other paid work, outside the agreed hours of the disability support services, if that work is likely to affect the provision, safety or quality of those services
 - b. complying with monitoring or auditing processes, and with any requirements following those processes.
 - c. any other conditions that apply to the care situation, including for replacement care and appropriate training.
 - d. Service allocation.
39. Expect that contracted providers are required to appoint family carers on merit, consistent with section 22 of the Human Rights Act 1993.

Payment rate

40. The actual rate of pay is to be agreed between the family carer and their employer and must take account of the provisions of other employment-related legislation.

Limits on hours of paid family care

41. The provider may employ one or more family carers within the maximum allocation of 40 hours per week.
42. Whanganui DHB will, in conjunction with the NASCs, review applications for an allocation beyond 40 hours per week on a case by case basis.

Individual service plan

43. The delivery of the Service by the family member to the eligible person will be recorded in the person's individual service plan.
44. The plan will determine which of the assessed needs can be met by the person's natural supports, which can be supported through the DHB, and which can be supported by other agencies.
45. The plan will be reviewed not less than annually.
46. The parties also acknowledge that they must meet their obligations that:
- a. services are delivered as planned and agreed
 - b. arrangements for replacement care are in place if the family carer is unavailable to provide PFC
 - c. they comply with monitoring and auditing.

Information to be provided to the Whanganui DHB

47. Whanganui DHB will collect the following information on the PFC arrangement:
- a. All situations where PFC arrangements are in place including client and carer details, relationship of paid family carer to client
 - b. Hours of care delivered (daily total)
 - c. Type of care delivered (e.g. personal care, housework)
 - d. Complaints and/or issues identified

Monitoring, audit and review

Monitoring and auditing

- 48. Whanganui DHB may undertake monitoring and auditing to:
 - a. ensure the home-based services are being provided as agreed
 - b. verify that payments are being used properly
 - c. confirm that all other requirements have been complied with.

- 49. All the parties must co-operate with monitoring or auditing as follows:
 - a. Enable access to the home (or place where service is being undertaken) for the purposes of monitoring and auditing of the service
 - b. Provide evidence of the service being undertaken as specified in the Individual Service Plan.

Review

Whanganui DHB required the PFC service to be reviewed by the NASC at times agreed with the Whanganui DHB.

The Whanganui DHB contracted home-based care provider is required to review the services being delivered to the person in their home as specified in the care plan and in response to issues an/or changes in care need as they arise.

Certification

This policy was certified on 19 May 2014.

Julie Patterson
Chief Executive Officer

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[Signature]

Definitions/Construction

Definitions

50. The following terms have the meanings given to them:

- **Client** –the person eligible for paid family care;
- **DHB** – District Health Board under section 6(1) of the New Zealand Public Health and Disability Act 2000;
- **family carer** – the family member who is approved by the DHB, and employed by the contracted provider, to provide the Services to an eligible disabled family member;
- **family member** – a family member under section 70B(2) of the New Zealand Public Health and Disability Act 2000 is one of the following persons:
 - spouse , civil union or de facto partner
 - parent, step-parent, or grandparent; or
 - child, stepchild, or grandchild; or
 - sister, half-sister, stepsister, brother, half-brother, or stepbrother; or
 - aunt or uncle; or
 - nephew or niece; or
 - first cousin;
- **home** – the person’s usual place of residence, or any other place where the home-based care Services are regularly provided;
- **home-based care** – Services
- **individual service plan** – the arrangement of personal care or household tasks, or both, for the disabled person
- **Ministry** – Ministry of Health (representing the Crown);
- **Monitoring** – as set out in the DHB’s family care policy;
- **NASC** – Needs Assessment and Service Co-ordination agencies
- **paid family carer policy (PFC)** – this policy made under Part 4A of the New Zealand Public Health and Disability Act 2000; and
- **person (disabled person)** – a person who is receiving the Services; **Services** – Whanganui DHB contracted long-term home-based support services, Whanganui DHB contracted carer relief services
- **Support Services** – disability support services under section 6(1) of the New Zealand Public Health and Disability Act 2000
- **Whanganui DHB contracted home-based care provider** – an organisation contracted by the Whanganui DHB to provide home-based care services

Construction (aids to reading this Policy)

51. Parts of this Policy are called clauses.

52. The Policy should be read as a whole, and in the context of Part4A of the Act, to help with the meaning of any clause.

53. The singular includes the plural, and vice versa.

54. Any term used in this Policy, but not defined, has its meaning as understood in the health and disability sector or meaning in the New Zealand Public Health and Disability Act 2000.

References

- *Funded Family Care Operational Policy 2013*, Ministry of Health and *The Funded Family Care Notice 2013*, New Zealand Gazette, 26/9/2013, No. 131, p.3670
- <http://www.health.govt.nz/our-work/disability-services/disability-projects-and-programmes/funded-family-care-notice-and-operational-policy>
- Parliamentary Digest No. 2049 New Zealand Public Health and Disability Amendment Bill (No 2) 2013
- Part 4A of the New Zealand Public Health and Disability Act 2000
- United Nations Convention on the Rights of Persons with Disabilities 2006
- <http://www.legislation.govt.nz/>

Policy response

- Cabinet Minute – Power to Act for Cabinet Social Policy Committee (CAB MIN (12) 44/5A)
- Cabinet Paper – Proposed response (11 December 2012)
- Cabinet Social Policy Committee Minute – Proposed response (SOC MIN (12) 28/2)
- Cabinet Paper – Implementation of proposed response and consideration of broader issues (22 March 2013)
- Cabinet Minute – Implementation of Proposed Response and Consideration of Broader issues (CAB MIN (13) 10/14)

<http://www.health.govt.nz/our-work/disability-services/disability-projects-and-programmes/funded-family-care-notice-and-operational-policy/funded-family-carers-background-documents>

Court Judgements

Ministry of Health v Atkinson and others [2012] NZCA 184

Spencer v Attorney-General [2013] NCHC 2580