

Southern District Health Board Paid Family Carer (PFC) Policy for Home and Community Support Services

Name

1. This is the Southern District Health Board Paid Family Carer (PFC) Policy for Home and Community Support Services (HCSS).

Commencement and Policy Review

2. This policy starts on 21 May 2014 and will be reviewed following 6 months of operation.

Introduction

3. The Southern DHB recognises the important role of families and whānau in voluntarily providing care and support to their family/whānau members, including disabled family members.
4. DHB-funded Home and Community Support Services (HCSS) for Health of Older People (HOP), Mental Health and Addiction (MH & A) and Long Term Supports Chronic Health Conditions (LTS-CHC) clients 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 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. The Southern DHB historically did not have a Paid Family Carer policy. Paid Family Carer arrangements prior to this policy were implemented on a case by case basis or within the Health of Older People (HOP) Individualised Funding contract.
8. This Paid Family Carer policy details the circumstances in which the DHB will approve funding of an eligible family member for providing Home and Community Support Services (Services) to an eligible person. The policy applies to those persons assessed as having a high or very high need.
9. This Paid Family Carer policy may change to ensure consistency with National, Regional and District requirements.

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 DHB-funded paid family carer, the following principles are expected to apply:
- a. This will enable the disabled 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 disabled 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.

Southern DHB 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 Health of Older People (HOP), Mental Health and Addiction (MH & A) and Long Term Supports Chronic Health Conditions (LTS-CHC) publicly funded health and disability services) to receive their allocated Services from a paid family member.
13. This Paid Family Carer Policy applies to the following family members who may reside with the person receiving care or at a different address (subject to meeting all of the appropriate criteria in this policy) and be funded by the DHB to provide Home and Community Support Services:
- a. Parent, step-parent, grandparent, or guardian; or
 - b. Child, stepchild, or grandchild; or
 - c. Sister, half-sister, stepsister, brother, half-brother, or stepbrother; or
 - d. Aunt or uncle; or
 - e. Nephew or niece; or
 - f. First cousin.
14. The payment for paid family care is for Home and Community Support Services only. These Services are for people who need help in their home or community. They may include personal care such as assistance with showering. It can also include household management such as cleaning as well as some supports for the person to access community activities in certain circumstances.
15. This policy will apply to all new applications for paid family carer arrangements from 21 May 2014.
16. Where the Southern DHB has existing arrangements in place prior to 21 May 2014 relating to funding of family carers via the Health of Older People Individualised Funding contract or employment of family carers via DHB contracted Home and

Community Support Service providers then those arrangements may remain in place after 21 May 2014 as long as they meet the eligibility requirements of clauses 20 and 21 of this policy. Where the eligibility requirements in clauses 20 and 21 are not met by any existing paid family carer arrangements the DHB will work with the affected parties to transition to an alternative arrangement.

17. The Southern DHB requires that the paid family care arrangement is managed by purchase of Services from a DHB contracted provider, who will employ eligible paid family carers to deliver Services to eligible adult family members or meet the requirements of the Health of Older People Individualised Funding contract.

Key Roles and Relationships

18. The key roles and relationships that will make the preferred funding or purchasing mechanism for paid family care function efficiently in the Southern DHB's catchment area are as follows:
 - a. Under the management arrangement outlined above, only eligible family members of eligible adult people will be *paid employees*.
 - b. Under the management arrangements outlined above, the employer(s) of the paid family carer will be a DHB contracted Home and Community Support Service provider with approval to employ paid family carers or meet the requirements of the Health of Older People Individualised Funding contract.

Criteria for the Paid Family Carer policy

19. A person is eligible to receive Home and Community Support Services from a paid family member instead of from any other employee of a contracted provider by meeting all of the eligibility requirements and at least one of the exceptional circumstances (see below).

ELIGIBILITY REQUIREMENTS

20. A person is eligible for paid family care if they are:
 - a. 18 years and older
 - b. eligible for publicly funded health and disability services and
 - c. eligible for DHB-funded Home and Community Support Services i.e. Household Management and Personal Care services and has been assessed as high or very high need (not less than 14 hours per week)
21. A family member (as listed in section 13 above) is eligible to be assessed for suitability for providing paid family care to an eligible member of their family if they are:
 - a. aged 18 or over
 - b. not the disabled person's spouse, civil union or de facto partner
 - c. eligible for employment by the Southern DHB contracted provider
22. 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 Southern DHB appointed "Paid Family Carer Facilitator".
23. The assessment criteria the "Paid Family Carer Facilitator" will take into account will include:

- 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/ her wider family/whānau (refer below).
- d. Any joint funding arrangements.

EXCEPTIONAL CIRCUMSTANCES CRITERIA

24. One or more of the following exceptional circumstances criteria must be fulfilled to permit a family member to be paid to provide Home and Community Support Services. The DHB will consider each application on a case by case basis.
 - a. The level of the person's support needs is so high that without their able and willing parent or family/whānau carer(s) being paid to support these needs the person would be unable to remain living in their chosen living environment.
 - b. There is significant risk to the safety or wellbeing of either the eligible disabled 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 (e.g., 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.
25. 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

26. People are not eligible for 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. nominated to provide the care is the person's spouse, de facto or civil union partner
 - e. will need supports for less than six months (i.e. has a temporary or short-term disability)
 - f. is assessed for Home and Community Support Services but does not have a high or very high need. For the purposes of this policy high or very high need is an assessment of not less than 14 hours of Service per week
 - g. is in residential care
 - h. is eligible for Ministry Funded Family Care
 - i. is primarily impaired by an injury whose cover has been accepted by ACC.

Accessing paid family carer Home and Community Support Services support

27. People can access paid family care through self-referral or a referral from a health practitioner to a DHB funded Needs Assessment and Service Coordination (NASC) service.
28. If the person is already receiving Home and Community Support Services from a contracted provider and seeks access to paid family care, the provider will refer the person to the DHB NASC to re-assess the change in supports needs.

Decision review process

29. If the 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 person seeking to be approved as a paid family carer they may seek a review.
30. The process for the review is as follows:
 - a. Needs Assessment; as per existing NASC Appeals/ Complaint process.
 - b. Eligibility for paid family care or service allocation, or the person seeking to be approved as a paid family carer via the Unit Manager Southern DHB Care Coordination Centre

Agreements to provide paid family care

31. The following conditions must be met before Paid Family Care services can be implemented.
32. 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.
33. 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.
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 based on the needs assessment and the sustainability of services to be provided and delivered according to the individual service arrangement, and 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 Home and Community Support Service provider (employer) and the Family Carer (employee) or meets the requirements of the Health of Older People Individualised Funding contract. It is expected that employment of family carers be on merit, consistent with section 22 of the Human Rights Act 1993.
38. Subject to the DHB's current Paid Family Carer contractual requirements, the contract will be the standard terms and conditions of the employer but will also include matters relating to:

- a. ensuring that the paid family carer does not carry out any other paid work, outside the agreed hours of the 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.
- d. Service allocation
- e. Access to Carer training

PAYMENT RATE

- 39. The actual rate of pay to be agreed between the Family Carer and their employer must be at least as high as the minimum wage and must take account of the provisions of other employment-related legislation.

LIMITS ON HOURS OF PAID FAMILY CARE

- 40. The provider may employ one or more family carers within the maximum allocation of 40 hours per week, based on the needs assessment and the sustainability of service.

Individual service plan

- 41. The delivery of the service by the family member to the eligible person will be recorded in the person's individual service plan.
- 42. 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. This will also include consideration of assessed Respite Care or Carer Support needs.
- 43. The plan will be reviewed not less than annually.
- 44. 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 the care
 - c. they comply with monitoring and auditing.

Information to be provided to the DHB

- 45. Southern DHB will collect the following information on the Paid Family Carer arrangement:
 - a. Client Name
 - b. Client NHI
 - c. Client Domicile/ Post code
 - d. Ethnicity
 - e. Name of paid carer
 - f. Relationship of paid carer to the client

- g. Whether paid carer resides with client
- h. Referral date
- i. Admission date
- j. Discharge date
- k. Package of Care (domestic assistance and/ or personal cares)
- l. Reassessment date (if any)
- m. Review date (if any)

Monitoring, audit and review

MONITORING AND AUDITING

46. Southern DHB may undertake monitoring and auditing to:
- a. ensure the Home and Community Support Services are being provided as agreed;
 - b. verify that payments are being used properly;
 - c. confirm that all other requirements have been complied with.
47. All the parties must co-operate with monitoring or auditing as follows:
- a. The Southern DHB must monitor and audit the delivery, safety and quality of the paid family care.
 - b. Monitoring and auditing may be carried out either following the DHB's own decision, or at the request of any other party.
 - c. Monitoring and auditing may appraise the individual service plan; verify that payments are accurate, have been received, and are being used properly; and confirm that all requirements have been complied with.
 - d. The client, the paid family carer, and the person providing replacement cares (if applicable) must co-operate with monitoring or auditing by:
 - i. access (on reasonable notice) to their home, and any other location where paid family care is being provided;
 - ii. producing the individual service plan;
 - iii. producing any other relevant documents; and
 - iv. being available for interview.
 - e. The DHB must ensure that monitoring and auditing does not unreasonably disrupt the provision of the paid family care.
 - f. The DHB must allow a reasonable opportunity for the person receiving care, paid family carer and person providing replacement care (if applicable) to comment on any draft monitoring and auditing reports, and take account of those comments in the final report.

REVIEW

48. Southern DHB will review the adequacy of Services being delivered to the person in their home via the "Paid Family Carer Facilitator". In liaison with the contracted Home

and Community Support provider the "Paid Family Carer Facilitator" will undertake a review at 3 months and then 6 monthly thereafter.

Certification

This policy was certified on 20 May 2014

A handwritten signature in black ink, reading "Carole Heatly". The signature is written in a cursive style with a large initial 'C' and a long, sweeping tail on the 'y'.

Carole Heatly CEO Southern DHB

Definitions/Construction

DEFINITIONS

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

DHB – District Health Board under section 6 (1) of the New Zealand Public Health and Disability Act 2000

employee – Family Carer

employer – Home and Community Support Service provider

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 – as defined by Part 4A of the New Zealand Public Health and Disability Act 2000

includes:

- a. Parent, step-parent, grandparent, or Guardian; or
- b. Child, stepchild, or grandchild; or
- c. Sister, half-sister, stepsister, brother, half-brother, or stepbrother; or
- d. Aunt or uncle; or
- e. Nephew or niece; or
- f. First cousin.

home – the person's usual place of residence, or any other place where the Home and Community Support Services are regularly provided;

Home and Community Support Services care – Services for people who need help in their home or community. They may include personal care such as assistance with showering. It can also include household management such as cleaning as well as some supports for the person to access community activities in certain circumstances.

individual service plan – the services to be provided to meet the assessed need of the 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 Facilitator – A designated registered health professional who assesses the eligibility of paid family carers of Health of Older People, Mental Health and Addiction and Long Term Supports Chronic Health Conditions clients

Paid Family Carer policy (PFC) – this policy made under Part 4A of the New Zealand Public Health and Disability Act 2000

person (disabled person) – a person who is receiving the Services;

Services – Home and Community Support Services

Support Services – disability support services under section 6(1) of the New Zealand Public Health and Disability Act 2000;

CONSTRUCTION (AIDS TO READING THIS POLICY)

50. Parts of this Policy are called clauses.
51. The Policy should be read as a whole, and in the context of Part 4A of the Act, to help with the meaning of any clause.
52. The singular includes the plural, and vice versa.
53. 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:

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