



Paid Family Carer Policy for Home-Based Care

1. COMMENCEMENT

This policy commences on 21 May 2014.

2. INTRODUCTION

Part 4A of the New Zealand Public Health and Disability Act 2000 (the Act), requires the DHB to have a family care policy that allows payment of eligible family members for providing health and disability support services to an adult disabled member of the same family, in exceptional circumstances where there are good reasons to do so.

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.

This Paid Family Carer policy details the circumstances in which the DHB will pay an eligible family member for providing home-based care services to an eligible disabled person with high or very high needs.

Northland DHB's usual approach to funding home based care is through service agreements with contracted HBSS service providers. The Paid Family Carer Policy(PFC) recognises PFC as a funding option for consideration across all funding streams where client eligibility applies and will take account of family carers access to other respite and carer support on a case-by-case basis.

3. PRINCIPLES

3.1 This policy is based on the following principles:

- The family has a right to accept and manage their responsibilities in their own home
- Choices in how people live their lives at home are respected
- The unique dynamics of the home and family/whanau/aiga setting are respected
- The contribution of family carers is valued whether they are paid or unpaid

3.2 In regard to the employment of a DHB-funded paid family carer, the following principles shall apply:

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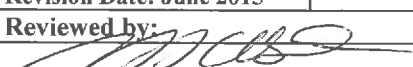


- This will enable the person with a disability to be better cared for in their home and more able to take part in family and community life than if a non-family paid carer was employed in the role.
- The partnering relationship between the paid family carer providing services and the rest of the family is vital and must operate in a way that ensures that the interests of the person with a disability being cared for are promoted.
- The paid family care management arrangements will be implemented in a way that respects the specific needs of Maori, Pasifika and other ethnic groups.

4. SCOPE

4.1 Service Coverage and Management Arrangements

- This Paid Family Carer Policy is a family care policy 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.
- The payment for paid family care is for home-based care only, within the person’s home and is targeted towards those with greater need ie high to very high needs.
- Paying eligible family members is an exception to the usual way Northland DHB purchases Home Based Support Services, and is an option for consideration based on exceptional circumstances criteria.
- Northland 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 an eligible adult family member – either solely, or in addition to providing Services through employees who are not family members.

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5 KEY ROLES AND RESPONSIBILITIES

The employer(s) of the eligible paid family carer will be Northland DHB contracted Home Based Support Service provider(s).

The Home Based Support Service provider, as the employer will ensure the employment of a paid family carer is merit-based and takes into account:

- The nature of the services to be provided.
- The skills and experience needed to undertake the services to be provided.

“Northland 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 HBSS providers will only be required to provide PFC services beyond the expected role of natural supports.”

6. ELIGIBILITY CRITERIA FOR THE PAID FAMILY CARER POLICY

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 (see below). Under certain circumstances other employers of the contracted provider may work in partnership with the paid family carer.

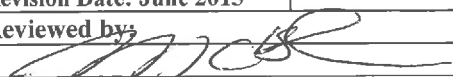
6.1 Eligibility Requirements

6.1.1 A person is eligible for paid family care if they are:

- 18 years and older
- eligible for publicly funded health and disability services and
- eligible for DHB-funded Home Based Support Services
- assessed by NASC as having high to very high needs.

6.1.2 A family member is eligible to be assessed for suitability for providing paid family care to an eligible disabled member of their family if they are:

- aged 18 or over
- not the disabled person’s spouse, civil union or de facto partner.

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6.1.3 A family member is eligible to be assessed for suitability for providing paid family care to an eligible disabled member of their family if they are:

- 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.

6.1.4 "other family carer relationship may also be considered, at the discretion of the DHB (eg second cousins, in-laws or guardians)".

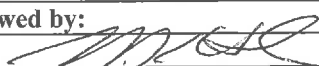
6.2 Exceptional Circumstances Criteria

The following exceptional circumstances criteria will be applied:

6.2.1 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 DHB will consider each application on a case by case basis.

- The level of the client’s support needs is so high that, without their able and willing family/whānau carer(s) being paid to support these needs, the client would be unable to remain living in their chosen living environment.
- There is significant risk to the safety or wellbeing of either the client or a non-family/whānau carer if the chosen family/whānau carer is not employed to provide the care (eg, evident distress to the client caused by alteration of routine and changes of carer).
- No alternative non-family/whānau carer is available (eg, the client and their family/whānau live in an isolated rural locality).
- Significant communication issues exist due to the client’s condition or impairment, and the chosen family/whānau carer(s) and the client understand each other but no other available carer could adequately provide the person’s supports because of this.

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.

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7. EXCLUSIONS

7.1 People are not eligible for DHB paid family care if the Client:

- is not a New Zealand resident
- requiring care is under 18 years of age
- nominated family carer to provide the care is under 18 years of age
- nominated family carer to provide the care is the disabled person's spouse, civil union or de facto partner.
- will need supports for less than six months (i.e. has a temporary or short-term disability)
- is assessed for home-based supports but does not have high or very high needs
- is in residential care
- is eligible for Ministry Funded Family Care
- is primarily impaired by an injury whose cover has been accepted by ACC.

8. ACCESSING PAID FAMILY CARER HOME-BASED SUPPORT

A disabled person must be assessed via the usual Needs Assessment and Service coordination (NASC) agency process before paid family care can be considered.


If the person is already receiving home-based care 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 support needs, and eligibility under Northland DHB's certified Paid Family Carer Policy.

9. DECISION REVIEW PROCESS

9.1 If the Client 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.

9.2 The process for the review is as follows:

- The review will be carried out in accordance with the Northland DHB NASC review process
- The Northland DHB may review a decision to accept or reject the application for paid family care, if a requests for a review of the assessment findings and decision on eligibility is made.

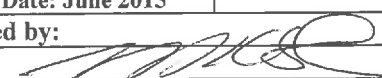
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10. AGREEMENTS TO PROVIDE PAID FAMILY CARE

10.1 The following conditions must be met before paid family care services can be implemented:

- 10.1.1 The Client must first agree that they want an approved family carer to provide the service. The person may be supported to make this decision.
- 10.1.2 The paid family carer must agree to provide the service instead of a non-family Service provider. More than one paid family carer may be approved to provide the paid family care the Client has been assessed as requiring.
- 10.1.3 The paid family carer must be capable of providing the service and will only be approved if they are so capable.
- 10.1.4 There is no entitlement for a family member to be employed as a paid family carer to provide home based support services. Providers who employ a paid family carer are required to continue their usual responsibilities as an employer and provider of the contracted services and appoint carers on merit.
- 10.1.5 All parties will acknowledge the type, range and quality of service to be provided according to the NASC support plan and that this will be provided in a safe and acceptable manner to the Client.
- 10.1.6 All parties will agree to provisions for replacement care for situations when the paid family carer is unable to or unavailable to provide the services as stated in the Individual Service Plan (ISP).
- 10.1.7 If all the parties agree, then an employment contract is signed between the employer (DHB contracted Home Based Support Service Provider) and the employee (the paid family carer).
- 10.1.8 The contract between the Provider and paid family carer will contain the standard terms and conditions of the employer but will also include matters relating to:
 - ensuring that the paid 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
 - ensuring that the paid family carer will undertake all orientation, routine training and training to gain any NZQA standards required by Provider policies
 - compliance with monitoring or auditing processes, and with any requirements following those processes.

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- any other conditions that apply to the care situation, including for replacement care.
- Service allocation

11. PAYMENT RATE

The actual rate of pay will be agreed between the family carer and their employer

12. LIMITS ON HOURS OF PAID FAMILY CARE

12.3.1 The Provider may employ one or more family carers within the maximum allocation of 40 hours per week.

12.3.2 The review process for considering applications for an allocation beyond the maximum allocation of 40 hours per week will be via the standard Northland DHB NASC review and authorisation process.

13. INDIVIDUAL SERVICE PLAN (ISP)

13.1. The delivery of the service by the paid family carer to the Client will be recorded in the client's Provider ISP.

13.2 The ISP 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.

13.3 The ISP will be reviewed not less than annually.


13.4 The parties also acknowledge that they must meet their obligations that:

- services are delivered as planned and agreed
- arrangements for replacement care are in place if the paid family carer is unavailable to provide paid family care
- comply with monitoring and auditing.

14. INFORMATION TO BE PROVIDED TO THE DHB

14.1 Northland DHB will collect the following information on the paid family care arrangement:

- Number of paid family carers employed by each provider
- NHI of clients receiving services from a paid family carer

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- Relationship of the paid family carer to the Client
- Complaints and/or issues identified in paid family care arrangements

15. MONITORING, AUDITING AND REVIEW

15.1 Monitoring and auditing

15.1.1 Northland DHB may undertake monitoring and auditing to:

- ensure the home-based services are being provided as agreed;
- verify that payments are being used properly;
- confirm that all other requirements have been complied with.

15.1.2 All the parties must co-operate with monitoring or auditing as follows:

- Compliance with Home Based Support Services, Service Agreement, Section A, General Terms and Conditions.

15.2 Review

Northland DHB will review the adequacy of services being delivered to the person in their own home as follows:

15.2.1 The Client will be reassessed by NASC through a face to face assessment at least annually or more regularly if needs change (e.g. Health of Older People and Long Term Supports – Chronic Health Conditions using interRAI Home Care assessment)

15.2.2 The ISP will be amended to reflect any changes identified in the assessment

15.2.3 The Provider will provide a copy of the ISP and any updates to the DHB

15.2.4 The Provider will notify the DHB immediately of any issues, concerns or complaint which are raised about any aspect of the paid family care arrangement


15.2.5 The Provider will carry out a quarterly review e.g. Service Coordinator/Case Manager home visit

16. CERTIFICATION

This policy shall be approved by Northland DHBs Executive Leadership Team with authorisation by the Chief Executive Officer.

17. DEFINITIONS

17.1 Definitions

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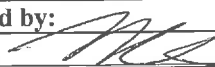
The following terms have the meanings given to them:

- **Client** – an eligible person who is receiving the Services;
- **DHB** – District Health Board under section 6(1) of the New Zealand Public Health and Disability Act 2000
- **Employer** –DHB contracted Home Based Support Service Provider or Provider
- **Home** – the person’s usual place of residence, or any other place where the health services and disability support services are regularly provided;
- **Home-based support services** – Services
- **Individual service plan (ISP)** – the Provider plan 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 care – Home-based support services or Services**
- **Paid family carer** – the family member who is approved by the DHB, and employed by the contracted provider, to provide the Services;
- **Paid family care policy (PFC)** – this policy made under Part 4A of the New Zealand Public Health and Disability Act 2000;
- **Provider** – DHB Contracted Home Based Support Service provider with approval to employ paid family carers or employer
- **Public Health and Disability Act 2000;**
- **Services – Home-based support services**

17.2 Construction (aids to reading this Policy)

This policy should be read as a whole, and in the context of the Public Health and Disability Act 2000; Part4A, to help with the meaning of any clause.

- The singular includes the plural, and vice versa.

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- 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.

18. 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

<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

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