

Counselling for family members and support persons

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1. Purpose

- 1.1 This Policy provides guidance on **counselling** for family members and other support persons providing support to **veterans** related to their **service-related** injuries or illnesses.
- 1.2 As well as eligibility under this policy, family of Viet Nam and Operation Grapple veterans may also have eligibility under separate policy specific to them. See the suite of policies for family of Viet Nam and Operation Grapple veterans.

2. Legislative Reference

- 2.1 The relevant legislation is the Act, sections 107 to 111 and 118.

3. Eligibility for counselling

- 3.1 Those eligible for Veterans' Affairs payment or contribution towards the cost of counselling are:
 - the spouse or **partner** or any **child** or **dependant** of a veteran; or
 - a person other than a veteran's spouse, partner, child, or dependant who provides non-professional support to a veteran (e.g. friends, flatmates and those living with or actively supporting the veteran).
- 3.2 Provision of counselling will be made to individuals described above, who are providing support to a veteran, but not to volunteers and members from other government agencies or non-government organisations such as the Salvation Army, Catholic/Anglican Social Services or members of churches/religious groups and veterans' organisations. In such circumstances the agencies concerned fund the costs of any necessary counselling themselves.
- 3.3 Payment of or contribution to counselling costs will be made if Veterans' Affairs is satisfied that:
 - the veteran has an accepted service-related injury or illness; and
 - a need for counselling arises from that injury or illness.

Section 107(1A) & (1B).of the Veterans' Support Act 2014

4. Applications for counselling

- 4.1 Veterans' Affairs will consider whether the family members or other persons providing support to the veteran require counselling in relation to the support they are giving at the time of considering the funding of treatment and rehabilitation to the veteran. Application for counselling may be made on the same form on which the veteran is applying for treatment, or added when the plan is revised if a need is identified.

- 4.2 Should it become apparent later in the course of delivering treatment and rehabilitation to a veteran that the family member or others support persons need counselling an application for counselling may be made by the person in need of counselling on a separate application form.

5. Prior approval for counselling

- 5.1 As per section 6 of separate paper on *Treatment*, approval must be sought for all counselling sought for family members and support persons associated with the support given due to a veteran's service-related impairment.
- 5.2 Veterans' Affairs is not responsible for paying or contributing towards counselling that is provided by another agency or for which it has not given prior approval.

6. Counselling that Veterans' Affairs will cover

- 6.1 Veterans' Affairs may pay or contribute to the following counselling services:
- visit to **counsellor** chosen by Veterans' Affairs
 - a maximum of 6 sessions of counselling with a counsellor approved by Veterans' Affairs.
- 6.2 Veterans' Affairs may consider funding additional sessions based on a report from the counsellor. The counsellor should set out why additional sessions are required and the steps that need be taken to achieve the expected outcome. Veterans' Affairs may then refer the family member or support person to the DHB for assistance for ongoing needs and the claimant will be required to cover ongoing costs.

7. Counselling that Veterans' Affairs will not cover

- 7.1 Veterans' Affairs will not pay or contribute to the cost of treating an injury or illness that a family member or support person has. This includes funding for **pharmaceuticals**. Treatment will need to be sought through the public health system.
- 7.2 Veterans' Affairs will not pay or contribute to the costs of counselling that:
- has occurred prior to Veterans' Affairs approving funding
 - is provided by a counsellor that Veterans' Affairs has not approved prior to the counselling being obtained.
- 7.3 If a family member or other support person is already receiving counselling or approval has been given for counselling before the veteran dies, counselling may occur for a few sessions after the veteran's death. However, Veterans' Affairs will not fund new counselling after the veteran's death.
- 7.4 Counselling must be provided by the nearest counsellor. If, however, after an initial counselling session the claimant and the counsellor are unable to establish an effective relationship, Veterans' Affairs may consider paying for

counselling services from an alternative provider who may live outside the veteran's vicinity.

8. Recording counselling needs in the veteran's individual rehabilitation plan

- 8.1 The veteran's individual rehabilitation plan must identify any support given to the veteran by the veteran's family members or other person giving non-professional support, and their needs in relation to the support they give.

Section 118(2)(aa) of the Veterans' Support Act 2014

9. Recording counselling needs of family members and support persons

- 9.1 The information privacy principles of the Privacy legislation apply. Information and reports on counselling services provided to the spouse, partner, child, dependant or other person providing non-professional support for their personal needs, or other personal information about them, must be held in a separate client file, not linked to the veteran, for each of those persons. This information can only be used in the veteran's individual rehabilitation plan with the person's express authorisation.
- 9.2 Veterans' Affairs should only hold information necessary to establish eligibility, confirm authorisation for support and the type of support approved, the delivery of that support and any information required to extend eligibility or adjust services.
- 9.3 The counsellor will provide a report to the Veterans' Affairs Rehabilitation Adviser for recording in the individual file of the person receiving counselling of progress achieved under the counselling sessions and any recommendations regarding additional counselling that may be required.

10. Reimbursement of counselling costs

- 10.1 Veterans' Affairs will pay the counsellor for approved sessions on the basis of a received invoice.
- 10.2 In the event that the claimant incurs costs for the counselling sessions Veterans' Affairs will reimburse the claimant.

11. Costs of travel for counselling not covered

- 11.1 Veterans' Affairs will not pay the costs for travel to counselling sessions for family members and support persons.

12. Claimants Living Overseas

- 12.1 Claimants who are living overseas may be reimbursed for or receive contribution towards counselling in accordance with this Policy.

13. Claimants Travelling Overseas

- 13.1 Counselling is not available when a claimant is travelling overseas.

14. Second Opinion

- 14.1 Veterans' Affairs may reserve the right to seek a second opinion.
- 14.2 If a veteran seeks a second opinion he/she does so at his/her own cost and Veterans' Affairs may take that opinion into consideration.

15. Reviews, Appeals and Complaints

- 15.1 If a claimant disagrees about a decision concerning eligibility for an entitlement or service **see separate policies on *Reviews and Appeals***. If a claimant is concerned about Veterans' Affairs' administration of an entitlement or service **see separate policy on *Complaints***.

Glossary

child [section 7]

In relation to a veteran, –

- (a) means a natural child of the veteran; and
- (b) includes–
 - (i) an adopted child of the veteran; and
 - (ii) a child of whom the veteran is or has been a **guardian**; and
 - (iii) a grandchild or a **whāngai** of the veteran in relation to whom the veteran acts or has acted as a parent or guardian; and
- (c) includes any other child who would ordinarily be regarded as a child of the veteran because the veteran–
 - (i) is or has been the spouse or partner of one of the child's parents; and
 - (ii) acted or has acted as a parent of the child.

counselling [section 7]

means counselling that is–

- (a) provided by a health practitioner under the Health Practitioners Competence Assurance Act 2003 and that is within the practitioner's scope of practice under that Act; or
- (b) provided by a person who is recognised by the Accident Compensation Act 2001.

counsellor [regulation 7]

A person who is a counsellor is a **treatment provider** if the person is–

- (a) a **health practitioner** under the Health Practitioners Competence Assurance Act 2003 and counselling is within his or her scope of practice under that Act; or
- (b) recognised by the Accident Compensation Corporation as a counsellor for the purposes of the Accident Compensation Act 2001.

dependant

Dependant, in relation to a veteran, means any of the following persons:

- (a) a person (not being the spouse, partner, or child of the veteran) who
 - (i) is under 18 years of age; and
 - (ii) is wholly or primarily dependent on the veteran for financial support; and
 - (iii) ordinarily resides with the veteran.
- (b) a person (not being the spouse, partner, or child of the veteran) who
 - (i) is 18 years of age or more; and
 - (ii) is under the care of the veteran; and
 - (iii) ordinarily resides with the veteran because the person is unable to live independently of the veteran due to disability, illness, or advanced age.
- (c) a person who
 - (i) is a child of the veteran; and
 - (ii) is 18 years of age or more; and
 - (iii) is under the care of the veteran; and
 - (iv) is unable to live independently of the veteran due to physical or mental infirmity.

guardian [section 7]

has the same meaning as in section 15 of the Care of Children Act 2004.

health practitioner [section 7]

Has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003.

member of the armed forces [section 7]

Means a person who is or has been a member of the New Zealand armed force raised by the Governor-General on behalf of the Sovereign,—

- (a) whether in New Zealand or elsewhere; and
- (b) whether before or after the passing of this Act.

partner [section 7]

means a civil union partner or a de facto partner.

pharmaceutical means a medicine, therapeutic medical device or related product or related thing listed in Sections B to I of the PHARMAC schedule.

qualifying service [section 8]

Means—

- (a) **qualifying operational service**; or
- (b) **qualifying routine service**.

qualifying operational service [section 8]

Means—

- (a) service in any deployment treated as a war or emergency for the purposes of the War Pensions Act 1954; or
- (b) service on any deployment declared to be operational service under section 9.

qualifying routine service [section 8]

Means service in the armed forces before 1 April 1974 that is not qualifying operational service.

service-related [section 7]

In relation to an injury, an illness, a condition, or a whole-person impairment, means an injury, an illness, or a whole-person impairment caused by, contributed to by, or aggravated by **qualifying service**.

treatment provider [section 7]

- (a) means a chiropractor, dentist, medical laboratory technologist, nurse, nurse practitioner, occupational therapist, optometrist, osteopath, physiotherapist, podiatrist, or medical practitioner; and
- (b) includes a member of any occupational group as added for the purposes of this definition by regulations made under section 265 and subject to any criteria specified in those regulations, including (but not limited to) whether and, if so, the extent to which members of an occupational group are recognised by the Accident Compensation Corporation as treatment providers for the purposes of the Accident Compensation Act 2001.

veteran [section 7]

Means—

- (a) a **member of the armed forces** who took part in **qualifying operational service** at the direction of the New Zealand Government; or

- (aa) a member of the armed forces who took part in **qualifying routine service** before 1 April 1974; or
- (b) a person—
 - (i) who has been—
 - (A) appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or
 - (B) seconded to the Defence Force with the permission of the Chief of Defence Force; and
 - (ii) who took part in qualifying operational service at the direction of the New Zealand Government; or
- (c) a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954:
 - (i) section 19 (but only if the person was a member of the forces):
 - (ii) section 55 or 56:
 - (iii) Parts 4 and 5

whāngai [section 7]]

Means a child adopted by the veteran in accordance with Māori custom.