

Rehabilitation Section of Your Plans

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Policy

1. Purpose

- 1.1 The purpose of this document is to provide guidance on the administration of rehabilitation plans within the **veteran's** Your Plan under the Veterans' Support Act 2014.

2. Legislative Reference

- 2.1 The relevant legislation is the Act, sections 27(2), 47(2), 51, 112 to 137 and Part 1 of Schedule 2.

3. Determine who should take the lead in providing rehabilitation

(see also flowchart at Appendix I)

- 3.1 For each **accepted disability** one of the following decisions will need to be made in terms of which agency will take the lead in treatment or rehabilitation of the condition on a condition by condition basis.

ACC¹ has determined to cover veteran

- 3.2 If ACC has determined it will cover and provide rehabilitation to a veteran the Rehabilitation Advisor will contact ACC to understand what rehabilitation is being provided, including any goals/outcomes and actions that have been set, and record when the ACC Rehabilitation Plan is due to be reassessed. The details of the ACC Plan will be attached to the veteran's Your Plan and saved to the file.
- 3.3 ACC will take the lead on providing the rehabilitation. ACC can be expected to cover rehabilitation to work-fit-status for accident and injury-related conditions.
- 3.4 Veterans' Affairs may, subject to consultation with ACC, "top up" the ACC rehabilitation if it is decided the veteran needs more assistance. Any rehabilitation Veterans' Affairs decides to provide is to be recorded in the veteran's Your Plan, and notified to ACC and to the veteran.

ACC has determined not to cover veteran

- 3.5 If ACC has determined that it will not cover the veteran, or the veteran is suffering from an illness not covered by the Accident Compensation Act, Veterans' Affairs will assess the veteran's rehabilitation needs and record any determination in the rehabilitation section of the veteran's Your Plan.

¹ ACC includes AEP

- 3.6 If the veteran has another accident while Veterans' Affairs is providing rehabilitation assistance he/she should seek assistance for that accident from ACC.

ACC has yet to make a determination

- 3.7 Where ACC has yet to determine if it will cover the veteran, Veterans' Affairs must work with ACC to determine whether ACC or Veterans' Affairs will take the lead on providing rehabilitation.
- 3.8 If it is determined that ACC will cover the veteran and provide rehabilitation, Veterans' Affairs will undertake the actions set out in 3.2 and 3.4 above.
- 3.9 If ACC determines it will not cover the veteran, Veterans' Affairs will take the actions set out in 3.5 above.

Sections 114 and 115 of the Veterans' Support Act 2014

- 3.10 Veterans' Affairs may provide top up if it decides the veteran needs more support or assistance.

4. Arrange for a Needs Assessment

- 4.1 If ACC is not providing cover for a particular injury or illness, Veterans' Affairs must determine what, if any, rehabilitation the veteran needs. To that end an independent needs assessment must be undertaken to identify:
- the veteran's need for social or vocational rehabilitation
 - the existing medical assessments and evidence assisting the case, including treatment that the veteran is receiving and the outcomes that are recorded in the veteran's Your Plan and/or treatment that the veteran needs to receive before being able to undertake rehabilitation
 - the additional assessments required (**See separate papers for details of needs assessment of social and vocational rehabilitation**)
 - the services appropriate to the needs of the veteran
 - the duration of each type of rehabilitation and the **rehabilitation outcomes** expected
 - the report back timing for progress reports on rehabilitation
 - whether the veteran is receiving treatment and/or rehabilitation from an agency other than ACC, or, if such an agency is currently considering the provision of treatment and/or rehabilitation and what assessments the other agency has done
 - whether the veteran has an existing rehabilitation plan with another agency, or if another agency is currently preparing a rehabilitation plan and what assessments the other agency has done

- any support given to the veteran by their spouse or partner, **children** or **dependants**, or any other person who provides non-professional support, and the needs of those persons in relation to the support they give.
- 4.2 The Rehabilitation Advisor will appoint an independent assessor to undertake the needs assessment(s). The assessor will not be the same person as the veteran's treatment/rehabilitation provider.
- 4.3 The needs assessment may require a visit to the veteran in their own home.
- 4.4 The Rehabilitation Advisor may liaise with rehabilitation service providers, such as **medical specialists**, physiotherapists, and psychologists or with Social and/or Vocational Needs Assessors to provide further evidence and assistance for rehabilitation planning (including assessment, preparation and costing). The Rehabilitation Advisor may also engage a suitably qualified person or entity to provide a link between the veteran and the services prescribed in the rehabilitation section of the veteran's Your Plan (**See section 6 on dealing with complex plans**).
- 4.5 The Rehabilitation Advisor will consider the needs assessment and determine whether Veterans' Affairs is responsible for providing any or all of the services.
- 4.6 Where ACC or another agency is providing rehabilitation to the veteran, the Rehabilitation Advisor will consider whether Veterans' Affairs needs to top up existing rehabilitation to achieve restoration to the maximum extent possible and which rehabilitation services Veterans' Affairs will pay for or contribute towards.
- 4.7 In making this determination, the Rehabilitation Advisor may:
- liaise with the Case Manager to discuss the veteran's lifestyle, living arrangements, family support and other factors contributing to the rehabilitation
 - seek advice from experts in social, vocational and medical rehabilitation dependent on the rehabilitation needs of the veteran.

Section 118 and clause 2 of Schedule 2 Part 1 of the Veterans' Support Act 2014

5. Develop the Rehabilitation Section of Your Plan

- 5.1 Veterans' Affairs will prepare, in consultation with the veteran, the rehabilitation section of the veteran's Your Plan, which the veteran must agree to, sign, and return within two weeks. The veteran will then work towards achieving the outcomes following the actions within the Your Plan. Veterans' Affairs will provide the services that are specified in the rehabilitation section. (**See sections 7 and 8 regarding veterans who do not participate in the development of the rehabilitation section of their Your Plan and the rehabilitation Veterans' Affairs has determined that the veteran should undertake**).

5.2 When preparing the rehabilitation section of the veteran's Your Plan Veterans' Affairs (via the Rehabilitation Advisor) must provide the veteran with information about:

- what rehabilitation the veteran may be eligible to receive
- how the rehabilitation section is developed
- where the rehabilitation includes vocational rehabilitation, on completion of that vocational rehabilitation the veteran will be assessed for vocational independence and be advised of the outcome and any further actions that might be required
- the veteran's obligations in completing the course of action(s) set out in the agreed plan
- obligations if the veteran is in receipt of a Temporary Disablement Pension or Weekly Income Compensation.

Clause 2(1) of Schedule 2 Part 1 of the Veterans' Support Act 2014

5.3 The Rehabilitation Advisor must also give the veteran, or any relevant **health practitioner** providing treatment to the veteran, any employer or potential employer of the veteran the opportunity to participate in the development of the rehabilitation section of the veteran's Your Plan.

Clause 2(3)(b) and (c) of Schedule 2 Part 1 of the Veterans' Support Act 2014

5.4 The rehabilitation section of the veteran's Your Plan will be updated to reflect the outcome of any assessments and reassessments done and progress made in respect of any rehabilitation provided (**Go to section 9**).

6. Dealing with complex rehabilitation cases

6.1 If the veteran's rehabilitation needs are simple, short-term or medical, the appointed Case Manager will manage the progress of the rehabilitation with the veteran.

6.2 If the veteran's rehabilitation needs are medium to long-term, or complex, the Rehabilitation Advisor will assign some or all of the rehabilitation to outsourced rehabilitation providers to manage and progress with the veteran. This decision will be determined by complexity of needs and will be approved by the Manager Veterans' Services following analysis of information from specialists in relation to the conditions being rehabilitated before being outsourced.

6.3 "Complex" in this respect means a veteran who presents with many needs, with a serious condition, or multiple conditions that may be complicated by other factors, and may or may not have an expected duration of recovery.

7. Dealing with disputes with the veteran or no response from the veteran about the rehabilitation section of the Your Plan

7.1 If the veteran does not agree to the rehabilitation section of the veteran's Your Plan, or does not provide a response, the Rehabilitation Advisor is able to finalise the rehabilitation section on behalf of the veteran within 30 days. This sets the expectation that the veteran will participate in rehabilitation to be entitled to payment support, in cases where the veteran is receiving a temporary Disablement Pension or Weekly Income Compensation.

Sections 27 (2)(c) and 47(2)(a) of the Veterans' Support Act

7.2 When a veteran does not agree with the rehabilitation section or with updating and modifying that section, in the first instance Veterans' Affairs must work with the veteran to try to resolve any dispute relating to the rehabilitation proposed. **See separate paper on Services Review process.**

7.3 If the dispute cannot be resolved between Veterans' Affairs and the veteran, then it may be dealt with through the review and appeals process for services. A veteran may apply for a review by completing the appropriate application form. The application may be submitted regardless of whether the veteran previously agreed to the rehabilitation section or not. Entitlement to a Temporary Disablement Pension and/or Weekly Income Compensation will not cease if the veteran complies with the rehabilitation section, even if they do not agree with it.

7.4 Rehabilitation services will continue during the internal review process but will cease if the dispute goes to formal appeal.

7.5 Where there is a dispute the issues must be communicated by the Case Manager to the Rehabilitation Advisor and the Case Management Team Leader.

Clauses 4 and 5 of Schedule 2, Part 1 of the Veterans' Support Act 2014.

8. If a veteran is unable to participate in Rehabilitation

8.1 If it is clear that a veteran is unable to participate in rehabilitation, the rehabilitation section of the veteran's Your Plan should document:

- the rationale for their inability to participate; and
- a statement of the monitoring regime that will enable Veterans' Affairs to respond in the event that circumstances preventing the veteran from participating might change.

9. Monitoring and updating the Rehabilitation Section

9.1 The rehabilitation services provider for the veteran will be expected to return a Service Progress report discussing the progress of rehabilitation for the veteran, including the outcome of assessments undertaken as per the

rehabilitation section of the veteran's Your Plan and progress made under the Your Plan. **See separate papers on Social Rehabilitation and on Vocational Rehabilitation for further details to go in progress report.**

- 9.2 This report will be sent to the Case Manager to summarise the progress of the veteran and rehabilitation outcomes achieved. The Case Manager will continually review and file this report as evidence of how well rehabilitation is working for the veteran and update the Rehabilitation Advisor.
- 9.3 If ACC or AEP have the lead responsibility for providing rehabilitation, the Rehabilitation Advisor will liaise with ACC/AEP regarding necessary reviews of the rehabilitation plan that they have put in place for the veteran and ensure these are undertaken when appropriate. Veterans' Affairs will attach the ACC/AEP reviews and updates to the veteran's Your Plan.
- 9.4 Veterans' Affairs and the veteran may agree to modify the veteran's rehabilitation, if required, to reflect a change in circumstances. The Rehabilitation Advisor will be responsible for assessing and modifying the rehabilitation outcomes. The veteran must agree, sign and follow the modified Your Plan and the veteran will be given a copy of the modified Your Plan.
- 9.5 **If the rehabilitation is working**, Veterans' Affairs will be able to confirm that:
- reports from the rehabilitation service providers or physicians show the veteran successfully meeting his or her rehabilitation outcomes;
 - the veteran is happy with the rehabilitation results and confirms the rehabilitation outcomes have been met;
 - the veteran has completed the timeframe agreed for the rehabilitation.
- 9.6 This triggers a reassessment process for the veteran according to their rehabilitation set out in the rehabilitation section of the veteran's Your Plan and entitlements as the whole-person impairment percentage may have improved.
- the Case Manager will discuss the completion of the rehabilitation with the Rehabilitation Advisor;
 - the Rehabilitation Advisor will record results and notify the Decision Officer that a reassessment of entitlements will need to be issued (e.g. if the veteran has made significant improvement, it will be necessary to make adjustments to the rate of payment of a temporary Disablement Pension or assess ongoing entitlement to Weekly Income Compensation);
 - reassessment of entitlements will be made by a Decision Officer utilising the reports from the specialist practitioners;
 - reassessments will be set within the veteran's Your Plan.
- 9.7 **If the rehabilitation is not working**, the Case Manager will discuss next steps with the Rehabilitation Advisor, and seek advice from the appropriately qualified health practitioner, to consider further actions. A particular

programme of rehabilitation may not be completed, because the veteran or service provider may not feel the rehabilitation is working, or progress is occurring but the rehabilitation has not met the outcomes set for the rehabilitation in the time agreed. Rehabilitation may also no longer be warranted. The Rehabilitation Advisor will consider:

- are the treatment and rehabilitation services correct for the veteran?
- are the current rehabilitation outcomes too ambitious?
- is the service provider supporting the veteran to achieve the expected outcomes?
- is there any other way to help the veteran meet their rehabilitation outcomes?
- reassessing the rehabilitation needed with consideration for the veteran's needs or rehabilitation outcomes.

Section 119 and clause 5 of Schedule 2, Part 1 of the Veterans' Support Act 2014

9.8 If it is determined that rehabilitation is no longer required, Veterans' Affairs will:

- cease provision of rehabilitation;
- update the rehabilitation section of the veteran's Your Plan;
- reassess entitlements. For example, entitlement to Weekly Income Compensation will cease if the veteran is able to work full-time or reduce if the veteran is able to work part-time in employment in which he or she was employed immediately before receiving Weekly Income Compensation.

Sections 62 and 63 of the Veterans' Support Act 2014

9.9 See separate papers on Social Rehabilitation and Vocational Rehabilitation for further details on matters to be taken into account in an assessment or reassessment.

10. Social and Vocational Rehabilitation Plans

10.1 See separate papers on Social Rehabilitation and Vocational Rehabilitation for further details on social and vocational rehabilitation plans.

11. Reimbursement of Rehabilitation Costs

11.1 Veterans' Affairs is responsible for meeting the cost of the rehabilitation set out in the rehabilitation section of the veteran's Your Plan, as well as the cost of any assessments necessary to complete the rehabilitation section.

- 11.2 Where ACC is providing rehabilitation to a veteran and it is assessed that ACC will not provide the maximum level of rehabilitation for a veteran, Veterans' Affairs may take additional steps, including payment of some of the services, to ensure maximum support for the veteran to achieve independence where Veterans' Affairs considers the veteran may benefit from additional services. If Veterans' Affairs decides to fund additional services, these are to be recorded in the veteran's Your Plan and ACC will be informed.
- 11.3 Veterans' Affairs is not responsible for paying or contributing to a veteran's rehabilitation if:
- ACC is paying for the cost of rehabilitation (see section 107(2)(c) of the Veterans' Support Act 2014. Though not obliged to do so, Veterans' Affairs may choose to provide additional services in the circumstances described in paragraph 11.2 above;
 - the veteran chooses rehabilitation services that are not part of the rehabilitation plan or goes to another rehabilitation services provider. Veterans' Affairs will not be liable to reimburse any costs the veteran may incur.
- 11.4 Veterans' Affairs is not responsible for ensuring that the veteran pays any rehabilitation provider that delivers a social rehabilitation service to the veteran, or for paying that provider directly if the veteran does not pay. Only services that are prior approved and are within the normal support that Veterans' Affairs can provide and included in the veteran's Your Plan will be funded by Veterans' Affairs.

Clause 17(1) of Schedule 2, Part 1 of the Veterans' Support Act 2014.

12. Reimbursement for Ancillary Costs

- 12.1 Veterans' Affairs will pay for, or contribute towards, the costs of any services reasonably required as ancillary service that facilitates the veteran's rehabilitation only if they are prior approved and stated within the veteran's Your Plan. **(See separate paper on Travel for Assessment, Treatment and Rehabilitation).**

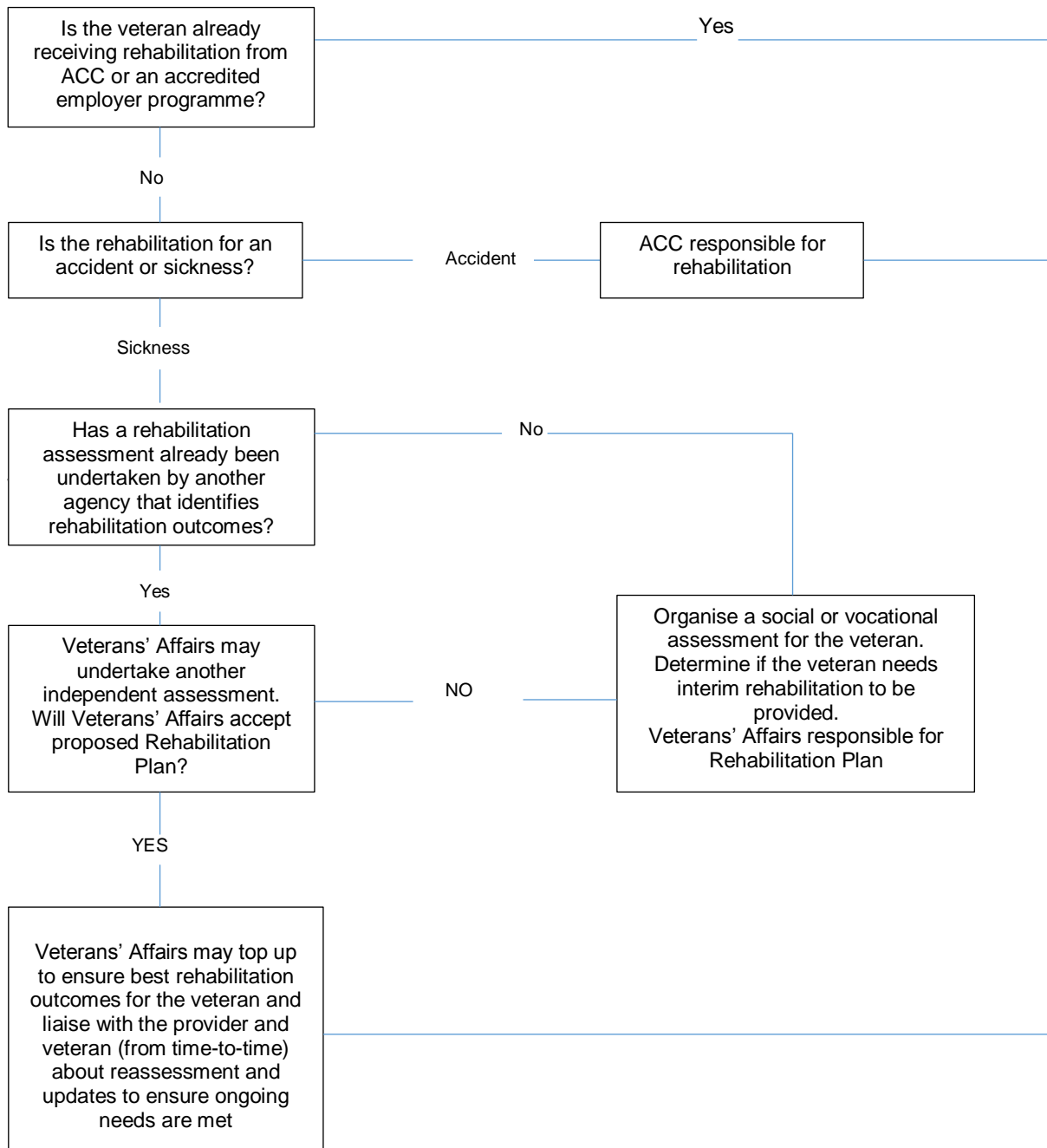
13. Veterans living overseas

- 13.1 Veterans who are resident overseas may be reimbursed for or receive contribution towards rehabilitation that is generally accepted rehabilitation in New Zealand where **PRIOR APPROVAL** for the rehabilitation service has been obtained from Veterans' Affairs. Travel costs for certain aspects of rehabilitation may be reimbursed as set out in the separate paper on travel for treatment and rehabilitation. Veterans' Affairs will not reimburse for services undertaken by the veteran that are not within the Your Plan and agreed with Veterans' Affairs.

14. Reviews, Appeals and Complaints

- 14.1 If you disagree about a decision concerning eligibility for an entitlement or service **see separate policies on Reviews and Appeals**. If you are concerned about Veterans' Affairs' administration of an entitlement or service **see separate policy on Complaints**.

Appendix 1: When will Veterans' Affairs be responsible for social or vocational rehabilitation?



Glossary

accepted disability [policy definition]

Means an injury, illness or condition that Veterans' Affairs accepts as being service-related.

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 a 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) acts or has acted as a parent of the child.

communication [clause 7 Schedule 2]

Means conveying and receiving information by using skills such as anger management, assertiveness, ability to concentrate, language, memory, numeracy, social awareness, social skills, speech production and development, and using communications technology.

dependant [section 7]

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 dependant 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.

impairment [section 7]

Means a loss or abnormality of psychological, physiological, or anatomical function or structure.

medical practitioner [section 7]

Means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine.

medical specialist [www.govt.nz/Health]

Means a medical practitioner who is qualified to practice a particular speciality of medicine, and is registered with the Medical Council of New Zealand as a practitioner of the profession of medicine and who holds a current practising certificate.

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.

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.

qualifying service [section 8]

Means—

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

rehabilitation outcome [clause 7 Schedule 2]

Means:

- (a) before an individual rehabilitation plan is agreed, a rehabilitation goal, objective, or result determined by Veterans' Affairs
- (b) if an individual rehabilitation plan is agreed, a goal, objective, or result specified in the plan.

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.