

# **Social Rehabilitation Attendant Care**

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# Policy

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## 1. Purpose

1.1 The purpose of this document is to provide guidance on administering eligibility for social rehabilitation related **attendant care** under the Veterans' Support Act 2014 (the Act). This document should be read together with separate papers on:

- *Rehabilitation Services Eligibility*
- *Rehabilitation Section of Your Plans*
- *Social Rehabilitation*

## 2. Legislative Reference

2.1 The relevant legislation is the Act, sections 115, 120-124, and 212, and clauses 7 and 9 of Part 1 of Schedule 2.

## 3. Purpose of Attendant Care

3.1 Attendant care is one option for meeting the short-term health, hygiene and safety needs of a veteran with temporary complex rehabilitation needs, particularly if they find it difficult to manage their own **personal care** and cannot safely care for themselves following a **service-related** injury or surgery on a service-related injury.

3.2 Attendant care comprises:

- personal care – i.e. physical help with moving around
- help with the cognitive tasks of daily living, such as **communication**, orientation, planning and task completion (e.g. reminder to take medication)
- protecting the veteran from further injury or illness in his or her ordinary environment
- assistance with washing and dressing
- aid with eating, nutritional planning and preparing meals
- funding for training a spouse/partner to provide attendant care (**see separate paper on Training for Independence**).

## 4. Eligibility for Attendant Care

4.1 See section 4 of separate paper on Social Rehabilitation.

## 5. Applications for Attendant Care

5.1 The provision of temporary attendant care will be decided on the basis of medical/occupational therapist assessments undertaken at the time of a veteran's application for an entitlement or for rehabilitation services (**see section 6 of separate paper on Rehabilitation Services Eligibility**).

5.2 When deciding whether to provide or contribute to the cost of attendant care Veterans' Affairs will consider:

- what **rehabilitation outcome** will be achieved by providing it; and
- the nature and extent of the veteran's injury and illness and the degree to which that injury or illness impairs his/her ability to provide for his/her own personal care; and
- the physical and cognitive abilities of the veteran pre and post injury/illness and the expected rehabilitation outcome; and
- the extent to which attendant care is necessary to enable the veteran to undertake or continue employment (including agreed vocational training); and
- the extent to which household family members or other family members might reasonably be expected to provide attendant care for the veteran after the veteran's injury or illness; and
- the extent to which attendant care is required to give household family members a break, from time to time, from providing attendant care for the veteran; and
- the need to avoid substantial disruption to the employment or other activities of household family members
- whether the attendant care provided will be sufficient enough to ensure the health, hygiene and safety needs of the veteran in their home.

*Clause 9, Part 1, Schedule 2 of the Veterans' Support Act 2014*

## 6. What Veterans' Affairs will not cover

6.1 Veterans' Affairs is not required to provide attendant care when this is already funded by another agency such as a DHB, ACC or AEP (or the alternative provision provided by health services in the veteran's country of residence), but Veterans' Affairs may look to make a top up contribution.

6.2 Veterans' Affairs will not cover 24-hour nursing care.

- 6.3 Attendant care is aimed at the veteran who has returned home from **qualifying operational service** with complex needs for recuperation and for whom **temporary** personal care is required until the veteran has achieved **independence** or is fit for employment. Attendant care is not a replacement to or alternative to residential care. If the veteran requires long-term care (i.e. for longer than 6 weeks), Veterans' Affairs may provide support for the transition to an appropriate residential facility where costs will be borne by the veteran or the relevant health authority or social care agency. Long-term attendant care will normally be provided by the AEP or DHB in the first instance.
- 6.4 In some cases it may be more appropriate to provide some equipment, or coaching to enable the veteran to achieve their rehabilitation outcome with or in conjunction with attendant care that decreases as the veteran is able to undertake more activities, e.g. training the veteran to use the shower for themselves.
- 6.5 Frail and elderly veterans often lose dexterity, mobility and strength, which can affect their recovery and rehabilitation. Attendant care should meet the veteran's **service-related** injury/illness related needs, not any age-related needs. Elderly veterans may need an additional assessment from a needs assessment and service coordination agency, funded by the Ministry of Health.

## 7. Veterans Living Overseas

- 7.1 The social rehabilitation attendant care policy applies equally to all New Zealand veterans, irrespective of their country of residence.

## 8. Reviews, Appeals and Complaints

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

## Glossary

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### **accepted disability** [policy definition]

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

### **attendant care** [clause 7 Schedule 2]

- (a) means:
- (i) personal care; and
  - (ii) assistance with cognitive tasks of daily living, such as communication, orientation, planning, and task completion; and
  - (iii) protection of the veteran from further injury or illness in his or her ordinary environment; and
- (b) includes training a person to provide attendant care, if **Veterans' Affairs** agrees to fund the training; but
- (c) does not include child care, domestic activities, or home maintenance.

### **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.

### **guardian** [section 7]

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

### **home** [section 7]

- (a) means residential premises in which the veteran lives and that are owned, rented, or otherwise lawfully occupied by the veteran or the veteran's parent, guardian, spouse or partner; and
- (b) includes residential premises in which the veteran proposes to live after they are built and that will be owned, rented, or otherwise lawfully occupied by the veteran or the veteran's parent, guardian, spouse, or partner; and
- (c) includes any other premises in which the veteran lives and for which the veteran is solely responsible for home maintenance; but
- (d) does not include any hotel or motel, or any hospital, hostel, rest home, or other institution.

### **independence** [clause 7 Schedule 2]

Includes the capacity to function in the following areas:

- (a) communication
- (b) domestic activities
- (c) educational participation
- (d) financial management
- (e) health care
- (f) hygiene care
- (g) mobility
- (h) motivation
- (i) safety management
- (j) sexuality
- (k) cognitive tasks of daily living, such as orientation, planning, and task completion

(l) use of transport.

**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.

**personal care** [clause 7 Schedule 2]

Means physical assistance to move around and to take care of basic personal needs such as bathing, dressing, feeding, and toileting.

**qualifying operational service** [section 8]

Means:

- (a) service on 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.

**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.

**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.