

Vocational Services and Assistance for Spouse or Partner

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Policy

1. Purpose

- 1.1 This policy provides guidance for administering entitlement of a **veteran's** spouse or **partner** to vocational services and assistance under the Veterans' Support Act 2014 (the Act).

2. Legislative Reference

- 2.1 The legislative reference is the Act, sections 89 to 94.

3. The Purpose of Vocational Services and Assistance for Spouse or Partner

- 3.1 The purpose of providing vocational services and vocational assistance to a veteran's spouse or partner is to reduce the financial impact of the veteran's **inability to work** or undertake vocational rehabilitation or of the veteran's death on the veteran's spouse or partner and any dependants of the veteran.

Section 90(2) of the Veterans' Support Act 2014

4. Eligibility for Vocational Services and Assistance for Spouse or Partner

- 4.1 The spouse or partner will be eligible to vocational services and assistance if the veteran has:
- an injury or illness that results from **qualifying operational service** and that makes the veteran unable to work or unable to undertake vocational rehabilitation; or
 - died and his or her death is a **service-related death**.

Section 89 of the Veterans' Support Act 2014

5. Applications for Vocational Services and Assistance for Spouse or Partner

- 5.1 Applications for vocational services and assistance may be made by a veteran's spouse or partner on the appropriate application form and will be considered on the basis of eligibility as outlined in paragraph 4 above and on the occupational needs assessment undertaken by an occupational assessor.

6. What Veterans' Affairs will cover

- 6.1 Veterans' Affairs must provide vocational assistance to the veteran's spouse or partner for the minimum period necessary to achieve its purpose as defined in the spouse's or partner's vocational needs assessment, but for no longer than three years (which need not be consecutive).
- 6.2 Veterans' Affairs may at its discretion provide vocational assistance for longer than three years if Veterans' Affairs considers it would be appropriate in the circumstances.
- 6.3 Veterans' Affairs must not take into account as a factor against providing vocational assistance that the spouse or partner is or is close to the age of receiving New Zealand Superannuation.

Section 91 of the Veterans' Support Act 2014

7. Occupational Needs Assessment

- 7.1 An appropriately qualified and experienced occupational assessor will be appointed by Veterans' Affairs to undertake an initial occupational assessment of the spouse's or partner's vocational assistance needs and to identify the types of work that may be appropriate for the spouse or partner.

Section 92 of the Veterans' Support Act 2014

- 7.2 **See Appendix of separate paper on Vocational Rehabilitation Needs Assessment for definition of an "appropriately qualified and experienced occupational assessor".**

- 7.3 The occupational assessor must:

- take into account information provided by Veterans' Affairs and the spouse or partner
- discuss with the spouse or partner all the types of work that are available and suitable for the spouse or partner
- consider any comments the spouse or partner makes to the assessor about those types of work.

- 7.4 Veterans' Affairs will provide the occupational assessor with all the information it holds that is relevant to an initial occupational assessment.

Section 93 of the Veterans' Support Act 2014

- 7.5 The occupational assessor will prepare and provide to Veterans' Affairs a report on the occupational assessment which specifies:

- The types of work available and suitable for the spouse or partner, taking into account the information, discussions and comments referred to in paragraph 7.2

- The spouse's or partner's work experience
- The spouse's or partner's education, including any incomplete formal qualifications
- Any work-related training in which the spouse or partner has participated
- All the skills that the assessor has reasonably identified the spouse or partner as having
- All the types of work reasonably identified as suitable for the spouse or partner
- In relation to each type of work, the requirements of that type of work, including any environmental modifications that the assessor identifies as necessary to enable the spouse or partner to function safely in that type of work.

7.6 Veterans' Affairs must provide a copy of the report to the spouse or partner.

Section 94 of the Veterans' Support Act 2014

8. Living Overseas

8.1 The vocational services and assistance policy for spouse or partner applies equally to the spouses or partners of all New Zealand veterans, irrespective of country of residence.

9. Reviews, Appeals and Complaints

9.1 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

accepted late-onset condition [section 7]

In relation to Part 4 (Scheme Two), –

- (a) means a condition specified in regulations made under section 265 as accepted as being linked to specific exposure or specific events occurring during qualifying operational service; and
- (b) without limiting paragraph (a) includes conditions specified in regulations referred to in that paragraph, being–
 - (i) a malignancy or other physical disorder that is capable of being caused by exposure during qualifying operational service that occurs 10 or more years before the onset of illness; or
 - (ii) a mental disorder that is capable of being caused by an event that occurs 10 or more years before the onset of the illness; and
 - (iii) a mental disorder capable of being caused by an event that occurs less than 10 years before the onset of the illness and that is capable of causing the person suffering from it to be unable to seek medical help for the disorder during that period.

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.

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.

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.

service-related death [section 7]

In relation to Part 4 (Scheme Two), means–

- (i) the death of a person who, at the time of the person's death, was taking part in qualifying operational service;
- (ii) the death of a person within 10 years after the person took part in qualifying operational service from a service-related injury;
- (iii) the death of a person more than 10 years after the person took part in qualifying operational service from an accepted late-onset condition.

unable to work [section 59]

Means unable to work as a consequence of injury or illness from whatever cause.

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.