



Cabinet Social Wellbeing Committee

Minute of Decision

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Funded Family Care Policy Change

Portfolio Health / Associate Health (Hon Julie Anne Genter)

On 22 May 2019, the Cabinet Social Wellbeing Committee:

Pay rates and employment arrangements

- 1 **agreed** to treat family carers under the Ministry of Health and District Health Board Funded Family Care (FFC) policies in the same way as other employed support workers, by implementing a pay and employment framework consistent with approach in the Care and Support Workers (Pay Equity) Settlement Act 2017;
- 2 **agreed** to remove the requirement for a disabled person to be the employer of their family member under the Ministry Disability Support Services FFC policy;
- 3 **noted** that the government is considering options to implement alternative employment arrangements that do not place unreasonable obligations on disabled people;

Eligibility for FFC

- 4 **agreed** to allow:
 - 4.1 people with high or very high disability support needs to receive FFC from resident spouses or partners;
 - 4.2 people under the age of 18 with high or very high needs to receive FFC from resident parents or family members (who are 18 years and over);

Repeal of Part 4A

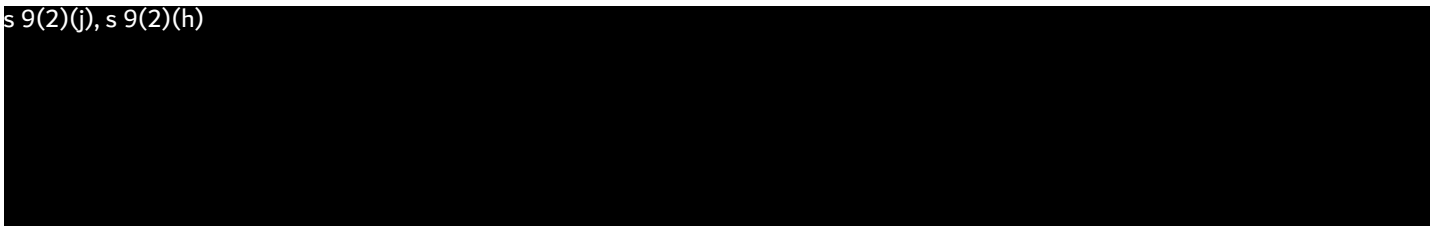
- 5 **noted** that the government announced the intention to repeal Part 4A of the New Zealand Public Health and Disability Act 2000 (Part 4A) in September 2018;
- 6 **noted** that Part 4A includes a litigation bar which prevents discrimination claims about FFC policies, which is inconsistent with the New Zealand Bill of Rights Act 1990;

s 9(2)(f)(iv), s 9(2)(h)

- 8 **noted** that parallel policy changes to remove discriminatory aspects can reduce this litigation risk;

- 9 **noted** that funding of \$32 million over four years has been set aside as an operating contingency in the Vote Health Budget 2019 package for the proposed policy changes;
- 10 **noted** that as part of Budget 2019, Cabinet authorised the Minister of Finance and the Minister of Health jointly to draw down the FFC tagged contingency following the repeal of Part 4A [CAB-19-MIN-0174.19];
- 11 **agreed** that the Minister of Finance and the Minister of Health can agree to draw down the FFC tagged contingency after the Budget moratorium period, to implement non-discriminatory FFC policies prior to the repeal of Part 4A;
- 12 **noted** that Budget 2019 funding is expected to meet the projected cost of \$8.13 million to implement FFC policy changes in year one intended for 2019/20;
- 13 **noted** that it is the intention of the Minister of Health and Associate Minister of Health (Hon Julie Anne Genter) to seek additional cost pressure funding as required in future Budget rounds;
- 14 **agreed** to repeal Part 4A in its entirety without a litigation bar;
- 15 **noted** that the New Zealand Public Health and Disability (Repeal of Funded Family Care) Amendment Bill holds a category 4 priority on the 2019 Legislation Programme (to be referred to a select committee);
- 16 **invited** the Associate Minister of Health (Hon Julie Anne Genter) to issue drafting instructions to the Parliamentary Counsel Office to give effect to paragraph 14;

s 9(2)(j), s 9(2)(h)



Other operational policy issues associated with FFC

- 19 **noted** that the Minister of Health intends to consider other policy and operational issues raised by stakeholders during 2019;
- 20 **noted** that improvements to Funded Family Care may be considered as part of the New Zealand Carers' Strategy Action Plan 2019-23;

Communications

- 21 **agreed** to announce repeal of Part 4A and changes to FFC policy.

Gerrard Carter
Committee Secretary

Hard-copy distribution: (see over)

Present:

Rt Hon Jacinda Ardern
Rt Hon Winston Peters
Hon Kelvin Davis
Hon Grant Robertson
Hon Phil Twyford
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni (Chair)
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Jenny Salesa
Hon Tracey Martin
Hon Peeni Henare
Hon Willie Jackson
Hon Aupito William Sio
Hon Julie Anne Genter
Michael Wood, MP
Jan Logie, MP

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for SWC

Hard-copy distribution:

Minister of Health
Associate Minister of Health (Hon Julie Anne Genter)