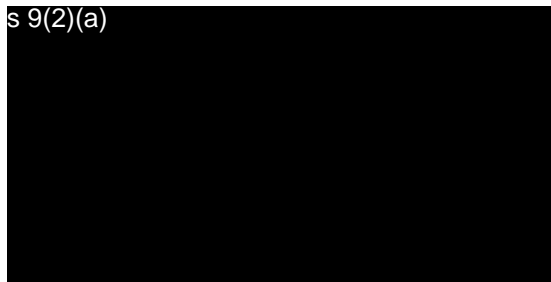


16 October 2020

s 9(2)(a)



### **Response to your request for official information**

Thank you for your request under the Official Information Act 1982 (the Act), refined on 24 August 2020, for information on Disability Support Services (DSS).

On 21 September 2020, the due date for responding to your request was extended under section 15A of the Act as further collation and consultation was required.

A copy of your full request and information in response to each question is outlined in Appendix 1 of this letter.

I trust that this information fulfils your request. Under section 28(3) of the Act you have the right to ask the Ombudsman to review any decisions made under this request.

Please note that this response, with your personal details removed, may be published on the Ministry of Health website.

Yours sincerely



Adri Isbister  
**Deputy Director-General  
Disability**

## Appendix 1

#	Requested information	Response																																				
1	<i>A copy of MOH DSS's risk management programs and reporting mechanism for conflict of interest including any internal or external risk and assurance committees (how long have these been in place; [Refinement: I presume this is a single document or limited documents and ought to be readily available; so not hard to access or to supply.]</i>	Documents that have been identified within scope of these parts of your request are itemised in the table below: <table border="1"> <thead> <tr> <th>#</th> <th>Title</th> <th>Decision on release</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Ministry's Health Risk Register</td> <td>Released with some information withheld under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty</td> </tr> <tr> <td>2</td> <td>Conflict of interest</td> <td>Released in full</td> </tr> <tr> <td>3</td> <td>Reporting colleagues' conflicts of interest</td> <td>Released in full</td> </tr> <tr> <td>4</td> <td>Declaring and managing conflicts of interest</td> <td>Released in full</td> </tr> <tr> <td>4A</td> <td>Declaration Form – Conflicts of interest</td> <td>Released in full</td> </tr> <tr> <td>5</td> <td>Working parties, committees, advisory groups and panels</td> <td>Released in full</td> </tr> <tr> <td>6</td> <td>Managing personal relationships</td> <td>Released in full</td> </tr> <tr> <td>7</td> <td>Situations that might lead to a conflict of interest</td> <td>Released in full</td> </tr> <tr> <td>8</td> <td>Restrictions on contracting and office holding</td> <td>Released in full</td> </tr> <tr> <td>9</td> <td>Risk management</td> <td>Released in full</td> </tr> <tr> <td>10</td> <td>A guide to risk management</td> <td>Released in full</td> </tr> </tbody> </table>	#	Title	Decision on release	1	Ministry's Health Risk Register	Released with some information withheld under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty	2	Conflict of interest	Released in full	3	Reporting colleagues' conflicts of interest	Released in full	4	Declaring and managing conflicts of interest	Released in full	4A	Declaration Form – Conflicts of interest	Released in full	5	Working parties, committees, advisory groups and panels	Released in full	6	Managing personal relationships	Released in full	7	Situations that might lead to a conflict of interest	Released in full	8	Restrictions on contracting and office holding	Released in full	9	Risk management	Released in full	10	A guide to risk management	Released in full
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2	<i>A copy of the conflict of interest register and internal policies and processes for both MOH / DSS and MSD / ODI office (and parties who sit within such as the DPOs); [Refinement: Ditto, such a register is required to be kept so ought to be readily accessible and as easy to provide.]</i>																																					
3	<i>The records (including dates) of the key points and decisions makings 17(1) Public Records Act 2005 relevant to the oral advice given by DSS/MOH and or the MSD/ODI to the Minister of Health, the Associate Minister(s) of Health, the Minister for Disability (or their representatives), and the Cabinet Social Wellbeing Committee, the</i>	Please note that your request for “...records (including dates) of the key points and decisions makings” has been interpreted as being the minutes of the relevant Cabinet meetings. Please also note that copies of Cabinet summaries have been excluded as these contain the same information as the corresponding Cabinet paper.  You may be aware that some key documents relating to the New Zealand Public Health and Disability Amendment Bill are also publicly available on the Parliament website at the following																																				

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	<p>Standard Committee for Health and in all matters related to the Home and Community Support Services Policy and the funding mechanisms of Individualised Funding and Funded Family Care (FFC) including the FFC transition into the Individualised Funding funding mechanism between 1 July 2016 and 20 August 2020. [Refinement: Again, as this record is required and the issues relevant to the changing FFC have only recently occurred, accessing this record ought to be relevantly easy. I would have also thought the record would have provided a chronology which was sequential and there for easy to print out?]</p>	<p>address: <a href="https://parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_93682/tab/submissionsandadvice">https://parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_93682/tab/submissionsandadvice</a>.</p> <p>Documents that have been identified within scope of this part of your request are itemised in the following table:</p> <table border="1" data-bbox="808 376 2098 1369"> <thead> <tr> <th data-bbox="808 376 909 413">#</th> <th data-bbox="909 376 1173 413">Document type</th> <th data-bbox="1173 376 1547 413">Title</th> <th data-bbox="1547 376 2098 413">Decision on release</th> </tr> </thead> <tbody> <tr> <td data-bbox="808 413 909 523">11</td> <td data-bbox="909 413 1173 523">Cabinet minute</td> <td data-bbox="1173 413 1547 523">Funded Family Care Policy Change (SWC-19-MIN-0054)</td> <td data-bbox="1547 413 2098 523">These documents are publicly available on the Ministry website: <a href="https://www.health.govt.nz/about-ministry/information-releases/release-ministerial-decision-making-documents/funded-family-care-change-background-documents">https://www.health.govt.nz/about-ministry/information-releases/release-ministerial-decision-making-documents/funded-family-care-change-background-documents</a></td> </tr> <tr> <td data-bbox="808 523 909 691">11A</td> <td data-bbox="909 523 1173 691">Cabinet paper</td> <td data-bbox="1173 523 1547 691">Funded Family Care Policy Change</td> <td data-bbox="1547 523 2098 691"></td> </tr> <tr> <td data-bbox="808 691 909 836">12</td> <td data-bbox="909 691 1173 836">Cabinet minute</td> <td data-bbox="1173 691 1547 836">Petition of Sushila Butt and 964 Others: Government Response (LEG-19-MIN-0132)</td> <td data-bbox="1547 691 2098 836">Released in full</td> </tr> <tr> <td data-bbox="808 836 909 1083">13</td> <td data-bbox="909 836 1173 1083">Health Report</td> <td data-bbox="1173 836 1547 1083">Government Response to Report of Health Committee on Petition of Sushila Butt and 964 others: Stop discrimination against family carers (HR20191393)</td> <td data-bbox="1547 836 2098 1083">Released with some information withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons, including that of deceased natural persons.</td> </tr> <tr> <td data-bbox="808 1083 909 1227">14</td> <td data-bbox="909 1083 1173 1227">Cabinet minute</td> <td data-bbox="1173 1083 1547 1227">Funded Health Services provided by Family and Whanau: Funded Family Care (SWC-18-MIN-0129)</td> <td data-bbox="1547 1083 2098 1227">These documents are publicly available on the Ministry website: <a href="https://www.health.govt.nz/about-ministry/information-releases/release-ministerial-decision-making-documents/funded-family-care-change-background-documents">https://www.health.govt.nz/about-ministry/information-releases/release-ministerial-decision-making-documents/funded-family-care-change-background-documents</a></td> </tr> <tr> <td data-bbox="808 1227 909 1369">14A</td> <td data-bbox="909 1227 1173 1369">Cabinet paper</td> <td data-bbox="1173 1227 1547 1369">Funded health services provided by family and whanau – Funded Family Care</td> <td data-bbox="1547 1227 2098 1369"></td> </tr> </tbody> </table>				#	Document type	Title	Decision on release	11	Cabinet minute	Funded Family Care Policy Change (SWC-19-MIN-0054)	These documents are publicly available on the Ministry website: <a href="https://www.health.govt.nz/about-ministry/information-releases/release-ministerial-decision-making-documents/funded-family-care-change-background-documents">https://www.health.govt.nz/about-ministry/information-releases/release-ministerial-decision-making-documents/funded-family-care-change-background-documents</a>	11A	Cabinet paper	Funded Family Care Policy Change		12	Cabinet minute	Petition of Sushila Butt and 964 Others: Government Response (LEG-19-MIN-0132)	Released in full	13	Health Report	Government Response to Report of Health Committee on Petition of Sushila Butt and 964 others: Stop discrimination against family carers (HR20191393)	Released with some information withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons, including that of deceased natural persons.	14	Cabinet minute	Funded Health Services provided by Family and Whanau: Funded Family Care (SWC-18-MIN-0129)	These documents are publicly available on the Ministry website: <a href="https://www.health.govt.nz/about-ministry/information-releases/release-ministerial-decision-making-documents/funded-family-care-change-background-documents">https://www.health.govt.nz/about-ministry/information-releases/release-ministerial-decision-making-documents/funded-family-care-change-background-documents</a>	14A	Cabinet paper	Funded health services provided by family and whanau – Funded Family Care	
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	15	Health Report	Funded Family Care – approval to lodge two Cabinet papers (HR20181691)	This document is publicly available on the Ministry website: <a href="https://health.govt.nz/system/files/documents/information-release/binder3.pdf">https://health.govt.nz/system/files/documents/information-release/binder3.pdf</a> (refer to pages 73-81)
	16	<p>Withheld in full under the following sections of the Act:</p> <ul style="list-style-type: none"> <li>• 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;</li> <li>• 9(2)(h) – to maintain legal professional privilege; and</li> <li>• 9(2)(j) – to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>		
	17	Cabinet minute	New Zealand Public Health and Disability Amendment Bill: Approval for Introduction (LEG-19-MIN-0209)	Released in full
	18	Cabinet paper	New Zealand Public Health and Disability Amendment Bill: Approval for Introduction	<p>Released with some information withheld under the following sections of the Act:</p> <ul style="list-style-type: none"> <li>• 9(2)(h) – to maintain legal professional privilege; and</li> <li>• 9(2)(j) – to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>

#	Requested information	Response			
4	<p><i>Briefing papers, regulatory impact assessments, cabinet papers for the same subjects over the same period from both MOH DSS and MSD ODI. Ditto above and given we are told that decision making of DSS / MSD is open and transparent many of these documents should be, if not already, available to the public. [Refinement: I am prepared to confine the request to between 1 February 2018 - 20 August 2020.]</i></p>	<p>Documents that have been identified within scope of this part of your request are itemised in the following table:</p>			
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		20	Health Report	Funded Family Care – Repeal of Part 4A: approval of Bill process and key documents (HR20191880)	<p>Released with some information withheld under section 9(2)(a) of the Act to protect the privacy of natural persons, including that of deceased natural persons</p>
		21	Health Report	Funded Family Care: pay rate framework (HR20191767)	<p>Released with some information withheld under the following sections of the Act:</p> <ul style="list-style-type: none"> <li>• 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons;</li> <li>• 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty; and</li> <li>• 9(2)(h) – to maintain legal professional privilege</li> </ul>
		22	Health Report	Government Response to Report of Health	<p>Released with some information withheld under section 9(2)(a) of the Act, to</p>

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			Committee on Petition of Sushila Butt and 964 Others: Stop discrimination against family carers (HR20191393)	protect the privacy of natural persons, including that of deceased natural persons
	23	Health Report	Funded Family Care policy change next steps (HR20191363)	Released with some information withheld under the following sections of the Act: <ul style="list-style-type: none"> <li>• 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons;</li> <li>• 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty; and</li> <li>• 9(2)(h) – to maintain legal professional privilege</li> </ul>
	24	Memo	Progress on operational changes to Funded Family Care (H20201101)	Released with some information withheld under section 9(2)(a) of the Act to protect the privacy of natural persons, including that of deceased natural persons
	25	Health Report	Section 88 Funded Family Care (Revocation) Amendment Notice (HR20201026)	
	26	Health Report	New Zealand Public Health and Disability Amendment Bill for Repeal of Part 4A –	

#	Requested information	Response		
				Information for remaining Parliamentary stages (HR20200432)
		27	Memo	<p>New Zealand Public Health and Disability Amendment Bill 2020 214-1: Departmental Report (H20201199)</p> <p>Released with some information withheld under the following sections of the Act:</p> <ul style="list-style-type: none"> <li>• 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons; and</li> <li>• 9(2)(h) – to maintain legal professional privilege</li> </ul> <p>Please note that the Health Committee report and the Departmental report referenced in this document are publicly available on the Parliament website at the following link:  <a href="https://parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_93682/tab/submissionsandadvice">https://parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_93682/tab/submissionsandadvice</a></p>
		28	Memo	<p>Funded Family Care: Information relating to the announcement of policy changes (H2020023)</p> <p>Released with some information withheld under the following sections of the Act:</p> <ul style="list-style-type: none"> <li>• 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons;</li> <li>• 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and</li> </ul>

#	Requested information			Response
				<p>employees of any public service agency or organisation in the course of their duty; and</p> <ul style="list-style-type: none"> <li>• 9(2)(h) – to maintain legal professional privilege</li> </ul>
	28A	Email	Subject: <i>Changed DHB talking point for Minister on FFC (20200023)</i>	Released in full
	29	Memo	Cabinet Legislation Committee consideration of the New Zealand Public Health and Disability Amendment Bill (H20192407)	<p>Released with some information withheld under the following sections of the Act:</p> <ul style="list-style-type: none"> <li>• 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons</li> <li>• 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect confidentiality of advice tendered by Ministers of the Crown and officials; and</li> <li>• 9(2)(h) – to maintain legal professional privilege</li> </ul>
	30	Health Report	Funded Family Care: Final policy framework (HR20192157)	<p>Released with some information withheld under the following sections of the Act:</p> <ul style="list-style-type: none"> <li>• 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons;</li> <li>• 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the</li> </ul>



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				Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty; and
		31	Memo	<p>Funded Family Care – background information on projected uptake and overseas approaches</p> <p>Released with some information withheld under the following sections of the Act:</p> <ul style="list-style-type: none"> <li>• 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons;</li> <li>• 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect confidentiality of advice tendered by Ministers of the Crown and officials; and</li> <li>• 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty</li> </ul>
5	<i>Any/all record of key points, briefing papers RIS cabinet papers between the MSD Office of Disability Issues (and its internal bodies such as the Disabled People's Organisations) and the MOH over the same period and on same subjects</i>	This part of your request is refused under section 18(f) of the Act, as the requested information cannot be made available without substantial collation or research. Responding to this part of your request will require manually reviewing each item, which would significantly and unreasonably impact on the Ministry's ability to carry out its day to day operations. Reviewing this material would also need to be done by a particular person with expert knowledge whose diversion from core business would have a substantial and unreasonable impact on the team's other operations. As		

# Requested information	Response
<p><i>Any/all records of key points (et al above) between MOH and/or DSS and their funded agents the NASCs over the same period and re the same issues</i></p> <p><i>Any/all records of key points (et al above) between MOH and/or DSS and their funded agents the Hosts.</i></p> <p><i>Any/all records of key points (et al above) regarding joint advice given to the Ministers/Cabinet. In circumstances where the ODI and the MSD have provided limited information particularly to families and in circumstances where Cabinet appear to have been misled by the public servants they depend on receiving frank and fearless advice from, families were not notified of the amendment to the s 88 Notice (despite being party to the terms and conditions being amended), and I have been misdirected in my efforts to follow the decision making process and which decision making process has resulted in the mangled mess that again covers funding families - this request is appropriate. I am prepared to compromise it to between 1 February 2018 and 20 August 2020.</i></p>	<p>this part of your request could not be met in a meaningful way, this part of your request is refused under 18(f) of the Act.</p> <p>You may be aware that some information on Needs Assessment and Service Coordination (NASC) and Funded Family Care (FFC) have been made publicly available on the Ministry website at the following address: <a href="https://health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests?year=2019">https://health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests?year=2019</a>. Please refer to the document titled 'All information on NASC and FFC (H201903381)' published on 4 September 2019.</p>