

Community Residential Support Services

What you need to know

An information booklet for disabled people living in or thinking of living in community residential support services, their families and whānau

An Easy to Read version is also available

Disability Support Services

Health & Disability National Services Directorate

Rights and responsibilities

What are my rights and responsibilities?

When you live in a community residential support service, you have the same rights as other New Zealanders. For example, you have the right to choose what you eat, decide what you wear, and to have a relationship with someone. Your culture and religion must be respected, and you can vote if you are over 18.

Some rights can be affected by having to live with other people and have people support you. You have to consider and respect the rights of other people living and working in your home in the same way they have to consider and respect your rights.

The Code of Health and Disability Services Consumer Rights clearly sets out the rights of consumers of all health and disability services, including people living in residential services. Important Code rights are the right to dignity and respect, to be fully informed and to make informed decisions about things that affect you, and to complain about things you are unhappy about.

A full copy of the Code or the Easy Read Booklet, 'You have rights' will be given to you before go to live in a community residential support service or when you shift in. If you want to find out more about these rights, contact the Health and Disability Commissioner's Office, Freephone 0800 11 22 33.

What about my legal rights? For example, if I cannot sign some things, who can legally sign for me?

Under New Zealand law, you are considered legally competent or able to sign forms and legal documents unless a court declares that you are not legally competent. If you are not legally competent, other arrangements need to be put in place. This is usually done under the Protection of Personal and Property Rights Act 1988. For example a welfare guardian may be appointed to protect your interests.

Some people can make decisions about some things but not others. An advocate or lawyer can talk through with you and your family or whānau, if needed, what is best for you.

Introduction

This booklet provides information on how to access community residential support services funded by the Ministry of Health and the rights of disabled people who live in these services. It covers things disabled people thinking of living or already living in residential services and their families and whānau need to know such as:

- What are my rights and responsibilities?
- What are community residential support services and who are they for?
- How can I find out about going to live in community residential support services?
- What is a home agreement?
- What happens if my needs change?
- What about money - who pays for these services?
- What happens day to day in a home?
- Can I choose my own doctor etc. and who pays for these services?
- Can I have my own personal equipment?
- What about transport out and about in the community?

The Appendix has more information on rights and access to services for particular groups. It also has more information on benefits and financial information.

Philosophy of Disability Support Services

Community residential support services must show that they work to the philosophy of the Ministry of Health's Disability Support Services, that is they:

- promote a person's quality of life and enable community participation and inclusion, and maximum independence
- support a person to make decisions, and have control over their lives and services
- focus on the individual, and where relevant their family and whānau
- should be flexible and responsive to a person's goals and needs.

This philosophy is in line with the vision of the New Zealand Disability Strategy.



What are community residential support services and who are they for?

Community residential support services are a disability support service funded by the Ministry of Health for people with long-term physical, intellectual and/or sensory disabilities who:

- are generally under 65 (people 65 or over can get these services if they lived in residential services before they turned 65)
- have been assessed by a Ministry of Health funded Needs Assessment and Service Coordination (NASC) organisation as having their needs ‘best met’ by living in community residential support services
- are ineligible for ACC funding.

A person living in a community residential support service will usually live with other disabled people. A provider will be contracted by the Ministry of Health to supply their home and most of the supports that people need.

There are two main types of services:

- residential services for people with an intellectual disability
- residential services for people with a physical and/or a sensory disability.

Community residential support services should meet the individual’s needs and goals. These services provide support 24 hours a day if needed, with things like:

- planning and preparing meals
- daily personal cares (bathing, hair washing, teeth cleaning etc)
- household jobs such as laundry and housework
- learning new skills and having new experiences
- getting out and about and doing things in the community such as joining support groups and mixing with other people
- accessing community services such as doctors, dentists, hairdressers and banking services.



Sometimes people find that their home or other support organisations are not able to support them to do all of the things they would like to do, such as going to places in the community they want to go on their own. The Ministry of Health and other agencies are working together to see how people in homes can have more choices and control.

Where are community residential support services provided?

Community residential support services are provided throughout New Zealand usually in homes of different sizes (e.g. for 4-5 people), groups of homes, or flats. Some places are larger. All should provide a comfortable, homely place to live and your own room where you can have your own personal belongings. Most homes are physically accessible. Whether you have a choice of residential service or home may depend on your disability, where you prefer to live and what supports you qualify for and are available in your region.

How can I find out about community residential support services?

The first step is a needs assessment. Usually you or a family member will contact a needs assessment and service coordination (NASC) organisation that the Ministry of Health funds for this purpose, and ask for your needs to be assessed. A needs assessor will arrange to meet you and help you work out what support you need, what your goals are, and what is most important to you. It is a good idea to take a support person with you such as a family member or someone else you trust such as someone from a support group who understands the disability support system.



A service coordinator from the NASC will then work out with you what the options are to meet your needs and goals, and develop ‘a service package’ with you. This may be one service or a number of services. The Ministry of Health may fund all services or other agencies/groups may fund some of the services. To find out more about NASCs, see the Disability Support Services fact sheet at www.moh.govt.nz/disability or ask your NASC coordinator for more information.

If it is decided that you do need to live in a community residential service, it is a good idea to ask to see any brochures of different services, and go and visit service(s) in your area that might meet your needs, before you decide where to go. If you are unsure or have some worries after a visit, tell someone how you feel, e.g. your NASC coordinator or an advocate. It is important that you make the decision that is best for you.

What is a home agreement?

As part of living in a community residential support service, you or someone who acts on your behalf will be asked to sign an individual home agreement. A home agreement sets out the responsibilities of the provider and those who use the services, for example what services will be provided and who pays for what.

Most people discuss their home agreement with their family or whanau before they sign it. If you don’t understand things in your home agreement, ask someone to help you understand. Your service coordinator should be able to do this, or your service provider should be able to find someone who will act in your best interests to do this for you. Some providers may offer to help you themselves. Ideally it is better if someone independent and that you trust does this.

If you are not asked to sign a service agreement, you should ask the provider for one. If someone else signs your home agreement on your behalf, they should still explain the agreement to you.

What happens if my needs change?



If you live in a community residential support service, the services you are receiving will be reviewed by your NASC once a year and your disability support needs should be fully reassessed every three years to be sure you continue to receive the right services. If your needs change at any time, you can ask for them to be reviewed.

Sometimes people living in community residential support services say they feel that if their needs change, there might be pressure on them to move house or move to a higher level provider.

Except in emergencies (e.g. a flood), you cannot be moved to live in another house without you and your NASC being consulted. You and, if you wish, your family, whānau and/or advocate will be involved in any decisions. You have the right to ask for someone to support you in any discussions on where you live.

Can you tell me more about making a complaint?

Every service has a complaints process. This will be explained to you when you first go to live in a community residential support service. From time to time, there may be things you are not happy about. There are several ways you can raise an issue or complain:

- Have your say at a home meeting - the Ministry of Health encourages providers to see there are regular residents meetings. At these meetings, you can talk about things that affect you and other people living in your home and how the place is run.
- Contact advocacy services such your local Health and Disability Consumer Advocacy Service on free phone **0800 555 050**, free fax **0800 2787 7678**, email advocacy@hdc.org.nz, IHC Advocacy or People First. You can choose your own support person or advocate to support you in any meetings or discussions you may have.
- Ring the Ministry of Health's free phone **0800 373 664**, free fax **0800 000 838** or email disability@moh.govt.nz if you have a complaint you are unable to sort out.



What about money?

Who pays for my community residential support services?

The Ministry of Health funds your community residential support service but you have to pay for some things yourself. If you get a benefit, part of your benefit contributes towards costs. You keep the left-over part of your benefit, called a Personal Allowance, for your personal needs such as your clothing, toiletries, stationery, magazines and entertainment. What happens if you don't get a benefit is explained in the Appendix, page 11.

Your individual home agreement with the provider sets out who pays for what, including anything you may have to pay for, and any items where the cost is shared. For example some people pool their money and pay for cable TV.

You can ask what funding your provider gets to support you and what this is spent on. Some providers hold money such as the Personal Allowance on behalf of people. They have to account for this spending. Some people may choose to have outside budget support.

What other support can Work and Income provide?

Work and Income can tell you about other financial support you may be able to get. For example, Disability Allowance can help with your ongoing disability-related costs, such as medical fees and some other costs that are not covered in your service provider's contract with the Ministry of Health.

Who should I contact in Work and Income about these financial matters and how do I get in touch with them?

Contact Work and Income's general enquiries line (0800 559 009) for assistance or to make an appointment to visit your local Work and Income office. Or you can look online at www.workandincome.govt.nz



What happens to my benefit and my residential payment arrangement if I go into hospital?

If you go into hospital your benefit continues in the usual way, unless you are in hospital for over 13 weeks. The Ministry of Health keeps paying your service provider in the same way for 4 weeks, then 50% of the usual amount for a further 10 weeks. After that time if you are still in hospital, other arrangements are made between the NASC and your service provider. In most instances you will still be able to come back to the same home.

What happens day to day in a home?

In most homes, you have your meals with the other people who live in your home, and do other things together such as choose what you want to see on the main house TV at night or where to go in the weekends. You also have the right to do things on your own and have your own interests and friends.

You will have an individual plan that sets out your goals - what you want to do and achieve. You, with support from your provider, have to be fully involved in developing your plan. You may want to have family/whānau or other people such as an advocate/vocational/day services provider involved. Your plan will include things like:

- what will happen, when
- your short and long term goals such as maintaining an important relationship in your life, having friends and having them visit you, learning new skills and seeing that your cultural and spiritual needs are met
- how these goals will be supported and reviewed
- family/whānau/guardian/advocate involvement
- the name of the person who will support you to make progress on your goals.

Sometimes you may have a separate vocational or day services plan from your personal plan.



Can I choose my own doctor, hairdresser etc, and who pays for these services?

Your service provider has to see that you can get to a doctor whenever you need to. If you need help to go to a doctor or any other health practitioner (such as a dentist or audiologist) then your provider should help you.

You will need to pay the cost of seeing any health practitioner privately although public hospital services are free. You may be eligible for a Community Services Card (CSC) from Work and Income or the High Use Health Card which you apply for through your doctor.

You can also choose other services you need, such as your hairdresser, bank or lawyer. If you need help to find the right service, your service provider is required to help you. The Ministry of Health does not pay for these services nor does your service provider.

Can I have my own personal equipment or do I have to use the standard or shared equipment that is provided?

You can take any equipment that Accessable or Enable New Zealand has provided for you, or equipment you have bought yourself, when you move into a community residential support service, for example your wheelchair, your bed, a communication device and other things you need to use. You can also use standard equipment that the service provider buys for everyone in your home to use.



If you need new personal equipment, you will need to have a specialised assessment by a Community Occupational Therapist from the local District Health Board - an application for funding will be made for you.

You can take your personal equipment if you leave one residential service and shift to another or leave community residential support services.

What about transport out and about in the community?

Some community residential support services have a car or van to take people living in their service out and about. You may be asked to make a small contribution to the running costs of this vehicle if you use it.

Usually you will have to pay for public transport yourself, although you may be able to get some help through the Disability Allowance from Work and Income and Total Mobility taxi vouchers.

If you live in community residential support services for people with intellectual disability, your provider has to provide and fund transport you need to go to:

- work or day services (if the transport is not funded by Work and Income or Ministry of Education)
- clubs, sports and other groups.

You have to pay for transport to visit family, whānau and friends in another town or city.



Appendix - More Information

Access to services and rights for particular groups

The Ministry of Health funds community residential support services for a number of other groups. Services for people under 65 with mental health or age-related needs are generally funded by District Health Boards and are not covered in this booklet.

What rights and services do I have if I go to live in a rest home or hospital?

If you are funded by the Ministry of Health to live in a rest home or hospital, you will have access to similar services and the same rights as people living in community residential support services. All possible accommodation and support options should have been considered before the decision was made for you to go to live in a rest home.

What rights and services do I have if I am under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 or have 'high and complex' needs?

If you are under court orders under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003, you will live in a place that complies with your court order and meets your needs. A Residential Intellectual Disability Care Agency (RIDCA) will organise your needs assessment and service coordination. If you are under court orders, some rights may be limited. People under ID(CCR) Act will receive a booklet "You have Rights" to help you understand compulsory care and how it may affect your rights.

If you have 'high and complex' needs (people similar to those under the ID(CCR) Act but not under court orders), you are likely to live in community residential support services. You will have the same rights as other people living in these services.



What rights and community residential services do I have if I am funded under Interim Funding Pool arrangements?

If you have a chronic health condition, have been assessed as eligible for Interim Funding Pool (IFP) funding, and need residential services, you will be able to access community residential support services, rest home or hospital level care. You will have the same rights as other people the Ministry of Health funds in these services.

More on benefits and financial information

Benefit matters can be complex. This section only covers some specific questions you or your family and whānau may have. If you need more information contact the Work and Income general enquiries line (0800 559 009) for assistance or to make an appointment to visit your local Work and Income office, or look up information online at www.workandincome.govt.nz

What will happen to my partner if I go into a community residential support service?

If your partner does not live in a community residential support service and is on a benefit such as an Invalid's Benefit, they will still be eligible for financial support. Their part of the benefit will be adjusted to the single rate after you go into a community residential support service. Additional assistance through Family Tax Credits may be paid if you have children. Family tax credits are one of five income-tested tax credits for low income families. For more information contact Inland Revenue Department on 0800 257 477

What happens if I or my partner earns too much to qualify for a benefit?

The Ministry of Health will pay the full contract cost of your community residential support services if you earn too much to get a benefit. This means that you and your partner do not have to pay for or contribute to the cost of your community residential support services, but you may be asked to make a voluntary contribution and can make this contribution if you want to.



If you are not on a benefit you will not get a Personal Allowance from Work and Income. Depending on your income, you may be eligible to apply for a Disability Allowance for on-going disability related costs not covered in your provider's residential contract with the Ministry of Health. This means that you or your partner will have to pay for your personal items and for other personal costs such as hairdressers and entertainment.

For more information

Contact your local **NASC** - a list can be found under contact details on www.moh.govt.nz/disability or in the pamphlet *Information on Disability Services*.

Contact your local Disability Information Centre - a list can be found under contact details on www.moh.govt.nz/disability or in your White Pages. Disability Information Centres can put you in touch with advocacy organisations, e.g. People First or IHC Advocacy, and a wide range of support organisations.

Ministry of Health's Disability Support Services

freephone: 0800 373 664

email: disability@moh.govt.nz

web: www.moh.govt.nz/disability

Health & Disability Advocacy Service

freephone: 0800 555 050

freefax: 0800 2787 7678

email: advocacy@hdc.org.nz

Health & Disability Commissioner

freephone: 0800 11 22 33

web: www.hdc.org.nz

Work and Income

freephone: 0800 559 009

web: www.workandincome.govt.nz

Notes

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