



Response to a decision made about family carers



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About this response



This Easy Read document is a **Whaikaha – Ministry of Disabled People statement** about the Court of Appeal **decision** on **family carers**.



In this Easy Read document **Whaikaha – Ministry of Disabled People** will be called Whaikaha.



A **statement** is a short message with information in it.



A **decision** is when someone makes up their mind about something.



Family carers are whānau / family who are caring for their disabled adult family member.



Whaikaha was started on 1 July 2022.

On this date the agency looking after things for this case changed:

- from the Ministry of Health
- to Whaikaha.



What the appeal is about



2 family carers took the Government to the **Employment Court**.



The **Employment Court** is where **employment disputes** are:

- listened to
- decided on.



Employment means getting paid for the work you do.



Disputes means to not agree about something important.



The 2 family carers said that the people they look after could not be their **employers**.



In this case **employer** means that the person must hire their carers.



The 2 family carers wanted to know if the Government is their employer.



The Employment Court listened to what the family carers were asking.



In 2021 the Employment Court decided that the Government is the employer of those 2 family carers.

Why the Government appealed the decision



The Government did not agree with the Employment Court decision.



The Government went to the Court of Appeal.



They made an **appeal** about the case.

An **appeal** is when someone asks the court to change a decision made in the past.



Being an employer means you have **obligations** towards the people that work for you.



Obligation means a thing that a person must do.

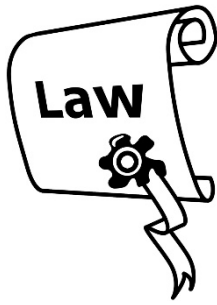


The Government thinks the Employment Court was wrong to decide that they should be the employer of family carers.

This is because the Government:



- is not part of what family carers do day to day
- does not have any say in hiring the family carers.



The Government has been waiting for the Court of Appeal to make a decision on the appeal.

This is so they can understand if the Employment Court was:



- right
- or
- wrong.

What happens next?



The Court of Appeal made a decision on the appeal.

The Government / Whaikaha needs to think about:



- what the decision means
- who will be affected by the decision.



When Whaikaha knows more they will tell people what they know.



Whaikaha wants to make sure that the people they support get the things they need.

Where to find more information



You can read more about this appeal on this website:

www.whaikaha.govt.nz/pfc



If you have any more questions you can contact Whaikaha by:



- phone on:

0800 566 601



- text message on:

4206



- email at:

contact@whaikaha.govt.nz



This information has been written by Whaikaha – Ministry of Disabled People.



It has been translated into Easy Read by the Make it Easy Kia Māmā Mai service of People First New Zealand Ngā Tāngata Tuatahi.



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