**Guideline for Verification of Supports within Hosted Funding Schemes and Direct Fundholding: Disability Support Services Operational Procedures**

# Introduction

The Ministry of Health (the Ministry) funds disability support services for people with identified disability support needs (People). The allocation of funded supports is based on the disability support needs identified through a needs assessment conducted by a Needs Assessment and Service Co-ordination (NASC) organisation.

Some People can self-manage part or all their funded supports using an allocated support budget (the Support Budget) with the help of a Host Provider (Host).

In addition, People may have hosted supports via a Direct Fundholding arrangement within:

* Choice in Community Living (CiCL). This is available in some regions for People who are eligible for residential support services but are instead supported by a CiCL provider to live independently in the community.
* Flexible Disability Supports (FDS). This is part of EGL Christchurch and Mid Central regions. People are allocated a Support Budget, have self-determination over their supports and can access the amount of management support to enable them to manage their chosen support and their budget.

This document sets out Verification Standards and procedures for all providers who offer Hosting services and Direct Fundholding, and for all People who receive that funding.

# Purchasing and Managing variations and the standard invoicing process

Under a Hosted Scheme (or Direct Fundholding option) People are allocated a Support Budget by a NASC[[1]](#footnote-2) to use for a set period. People can expend their Support Budget flexibly and are expected to manage it within the requirements of their Hosted Scheme.

Choosing an organisation to manage the payroll functions such as PAYE deductions is an optional choice for people using Hosted schemes. Most People choose to purchase payroll assistance from their Host. Some People do this themselves or nominate a family member or natural support to manage their payroll and tax obligations. Some choose to engage a third-party payroll organisation to provide this function.

People may also purchase services from other third-party organisations from their Support Budget. They can also approve the Host to pay the third-party directly.

In either case, the treatment is the same and the following diagram applies:

Person purchases/

commissions from third-party Provider and receives Supports

Person receives invoice and sends claim and third-party provider invoice to Host with explicit approval instructing the Host to make direct payment to the third-party Provider

Host pays invoice directly to third-party

Provider

The Ministry has an appropriation to purchase Disability Supports for eligible People and is accountable for the expenditure of this funding under the Public Finance Act 1989[[2]](#footnote-3). The Ministry, under s10 of the New Zealand Public Health and Disability Act 2000, has the ability to monitor how this funding is expended. It may arrange for its auditors to audit and investigate Support Budget expenditure where it considers this is required.

NASC organisations are responsible for allocating Support Budgets. Hosts are required to verify expenditure of that Support Budget funding by People.

People expending their Support Budget under a Hosted Scheme (or via Direct Fundholding) have some flexibility with the purchasing of their Disability Supports, and in return they need to comply with the Verification processes. This ensures that their support purchases are made in accordance with their allocated Support budget and any other relevant requirements.

This Guideline sets out the responsibilities of each of the parties involved in the Verification process.

# Standard Agreement Declarations and Claim Form Declarations

As part of accessing a Hosted Scheme (or Direct Fundholding) People are required to sign a Standard Agreement Declaration to acknowledge that they understand the conditions for using their allocated Support Budget funding. The Standard Agreement Declaration is contained in Appendix B of this Guideline.

The Standard Agreement Declaration sets out the general requirements under Ministry policies and relevant legislation and authorises the Ministry to audit People who are self-managing their funding. The original signed copy of the Standard Agreement Declaration will be retained by the Host and a copy provided to the Person.

Where People are using Direct Fundholding as an option within CiCL or FDS, the Standard Agreement Declaration must be used as part of the Support Agreement required for those funding arrangements.

All Hosts must use the Claim Form Declaration (as contained in Appendix C of this Guideline) for all claims for People using a Hosted Scheme (or Direct Fundholding). All People will complete this Claim Form Declaration for all Hosted Schemes (or Direct Fundholding) claims for payment from their Support Budget. These Claim Form Declarations are used for all claims lodged with a Host for Support Budget payments.

# Host Responsibilities

Hosts will meet the additional Verification requirements outlined below.

## Contractual requirements

Hosts administering Hosting Schemes or Direct Fundholding are required to verify permitted supports have been provided prior to claiming reimbursement from the Ministry and that the purchased supports meet the requirements set out in this Guideline.

Relevant contractual obligations are referred to in the sections of the following Specifications listed below (as contained in the Host contract with the Ministry from time to time)

|  |
| --- |
| Individualised Funding  |
| Enhanced Individualised Funding |
| Flexible Disability Supports |
| EGL Host services |
| Choice in Community Living |

## Verification of Supports via Host payroll

If People purchase payroll support from a Host, it is expected that:

* all payroll claims will be verified [[3]](#footnote-4) by both the Support Worker and the Person (or their Nominated Agent); and
* the approved claims confirm (by appropriate evidence) that the supports have been carried out or provided. The Host will retain these authorisation records.

Because the Host will be performing the payroll functions for the Person appropriate records will be collected by the Host, including:

* identifying the employed Support Worker(s) (including full name, contact details – phone number and address, IRD (Inland Revenue Department) number and some form of identification)
* relevant bank account details for the Support Worker.

## Claim Processing for people using a Self-Management option

In summary, the process for People using a Self-Management option is:

1. supports are purchased by the Person
2. the Person raises a claim with the Host
3. the Host Verifies that the claim has the required information, and contains any declaration or supporting documentation required by the Host, or as otherwise required in this Guideline
4. once the claim is Verified, the Host pays the Person and claims funding from the Ministry[[4]](#footnote-5).

Please note that cash payment to Support Workers is not an acceptable method of payment. All payments to support workers should be via bank/internet transfer and similarly records of these payments should be retained or able to be produced on request by the Ministry. This is to assist with ensuring People adhere with relevant income taxation and other legal requirements, such as anti-money laundering legislation.

This level of information is required when the Person is directly employing a Support Worker and where an individual Support Worker is engaged through a Self-employed contractor arrangement (where the contractor is managing their own tax requirements).

Hosts will be required to obtain copies of documentation from the person, including but not limited to, receipts, banking transaction details and invoices which will assist the Host to confirm that the services documented have been provided.

This includes:

* costs relating to the services provided by Support Workers where an item cost is more than $500 per claim
* items where an item cost is more than $500 (with the Person required to retain all records for items that cost less than $500 and be able to produce this on demand – with the Host regularly checking that these records are available and confirm the claimed purchases)
* all purchases from Third-party organisations where the support cost is more than $500 per claim.

(and the Person is required to supply these documents to the Host at the time of claiming).

As this information is to be stored by the Host, they should apply all appropriate security safeguards that should already be in use for the personal information they hold. This should include consideration of, for example, the operational and technical security issues related to the Host computer systems and operational security matters related to users. The Host should also ensure they use any personal information only for the purpose for which it is collected – verification and payment.

Where people are sending emails as approval, an electronic signature is legally binding if it satisfies the requirements of the Contract and Commercial Law Act 2017. Under the Contract and Commercial Law Act electronic signatures are defined as “a method used to identify a person and to indicate that person’s approval of that information.”

## Claim Processing for people using a Self-Management option using a third-party provider

## Some self-managing People may choose to purchase payroll services from a Third-party payroll provider. In these cases, a streamlined claiming and payment process from a Host to the Third-party payroll provider can apply in addition to the normal process of paying a person who will in turn pay the Third-party provider.

## A streamlined claiming process is one where the Person requests their Host to make direct payments to their Third-party payroll provider. This requires the following conditions to be met:

## There is signed approval from the Person instructing the Host to make direct payments to their Third-party payroll provider. This formally provides the Person’s consent to this process.

## There is a privacy clause in the Third-party payroll provider’s terms of use that is the equivalent of the Appendix E Privacy Notice which authorises them to send support worker information to each client’s Host or the Ministry in order to verify claims[[5]](#footnote-6). The information required includes:

* + The full name, date of birth, and current contact details[[6]](#footnote-7) of Support Worker who the amounts are payable to.
	+ The total number of hours worked by each support worker
	+ The amount of funding payable to the support worker(s).
* At each claim period, the expense claim will include all details required for verification purposes, with either the Person’s signed approval on each claim form or their approval directly to their Host at the point of each submitted claim.

In summary, the process for paying Third-party providers at each claim period is outlined below:

1. Supports are purchased by the Person
2. The person’s Third-party provider submits a invoice to the Person, copying in the Host, with required all required information to verify the claim
3. The Person approves the claim in writing, by forwarding the original email to the Host, along with their specific approval to pay the Third-party provider directly.
4. The Host verifies that the claim has the required information, and contains any declaration or supporting documentation required by the Host, or as otherwise required in this Guideline
5. Once the claim is Verified, the Host pays the Third-party provider directly and claims funding from the Ministry[[7]](#footnote-8). The Person accepts the payment to the Third-party provider discharges the responsibility of the Host and the Ministry in respect of that Support Budget payment, and accepts any risk associated with using that Third-party provider.

## Other third-party providers

## A streamlined claiming process can also apply where the Person requests their Host to make direct payments to a third-party provider.

1. Supports are purchased by the Person
2. The person’s third-party provider submits invoice to the Person,
3. The Person approves the claim in writing
4. The Host verifies that the claim has the required information, and contains any declaration or supporting documentation required by the Host, or as otherwise required in this Guideline
5. Once the claim is Verified, the Host pays the Third-party provider directly and claims funding from the Ministry.

## Host Meetings

Hosts will meet[[8]](#footnote-9) People at least at the following intervals:

* at set-up where the host provides information, coaching on meeting employer-related obligations and support to enable the person to set-up their arrangements
* yearly at their annual review.

Where the Host meets the Person, the Host should check:

* that adequate records[[9]](#footnote-10) are being kept
* that privacy notices[[10]](#footnote-11) are signed by support workers.

## Timeframes for processing claims

Timesheets for payroll, support worker costs, support costs and purchases should be sent to Hosts within 90 days of costs being incurred. Hosts should process all claims received within a reasonable timeframe.

## Decision Making

Where the Person is purchasing of items and making claims under the Purchasing Guidelines, the Host must evidence the advice given to someone seeking clarification if requested. The Host is not responsible for the decision that the Person makes, so long as the Person has received good advice from the Host with clear rationale using the Purchasing Guidelines.

Any decisions that are not accepted by the Person should be referred to the Joint Host Group for advice and consensus.

# The Person’s Responsibilities

The Person is responsible for:

* ensuring that all Support Budget expenses and claims comply with Ministry Policies and Purchasing Guidelines
* ensuring adequate records are retained to Verify all expenditure of the Support Budget
* the payment of all Supports and ensuring payments for these Supports are made in a timely manner.

## Record keeping

Full records will be retained by the Person to verify that the funding has been used appropriately within the relevant requirements of the Hosted Funding or Direct Funding Scheme (and make all of those records available for review by the Host and for audit when requested).

People are required to retain all records, including copies of invoices and receipts that verify that the costs were incurred, and paid for, for at least seven years from the date of payment.

It is important that funding can be accounted for and that it can be demonstrated that provisions in the Employment Relations Act 2000 are complied with (where applicable). People with employees need to meet the record keeping requirements of the Employment Relations Act 2000*[[11]](#footnote-12)* to keep records in enough detail to demonstrate that the employer has complied with minimum entitlement provisions[[12]](#footnote-13).

The minimum standard of record keeping set out below applies to both Support Workers who are employed and those who are Self-employed contractors. The Person will make and retain the following records:

* Employment and / or service provision records of Support Workers including:
	+ All contracts for employment or service provision (Self-employed contractor agreements)
	+ All payroll records of employees and service delivery records of contracted providers including:
		- a wages and time record (for employees) and/or record of service delivery record (for contractors) including:
			* full name, date of birth, IRD number, and phone and address contact details of all Support Worker employees and contractors who provided services to the Person
			* dates and times of service delivery (including general description of activities performed, and the number of hours worked broken down by day for each day within a pay period)
			* the amount of funding paid to the employee or contractor in each pay period.
	+ IRD, PAYE, GST and ACC statements.

In addition, records need to be retained for all supports purchased. The records that must be retained are:

* bank records
* itemised invoices and/or receipts identifying the goods and services purchased and the cost (all receipts and invoices must be kept)
* financial accounts
* correspondence with Host and the NASC about purchasing decisions.

If adequate records are not kept the Person may be transferred to another funding type such as Hosted Payroll or formal provider.

The Person may receive assistance with record keeping from their host or another party, and fund that assistance from their Support Budget.

## Support costs (expenses), and purchases from Third-party organisations

People managing a Support Budget may have several costs that are related to obtaining services from Support Workers. These may include:

* reimbursement for wages and/or hourly rates of those Support Workers (being either employees or contractors)
* some administration costs (if approved in advance by the Host)
* training costs
* additional management support (such as recruitment costs).

In addition, People may purchase supports from Third-party organisations.

People need to send invoices, receipts, and / or banking transaction details (as applicable*)* along with claims to the Host for:

* costs relating to the services provided by Support Workers where an item cost is more than $500 per claim
* items where an item cost is more than $500 or a purchases from an Organisation where the support cost is more than $500 per claim, provided that in both of these cases the Person is required to retain all of the records to confirm the expenditure and be able to produce these on demand – making all necessary records promptly available to the Host (or an auditor) to confirm the claimed purchases.

## Self-Managing Responsibilities

People who Self-Manage all or part of their Support Budget may either contract for their Supports (including the provision of Support Worker services) or directly employ their Support Workers. People who Self-Manage their Support Budget must organise any applicable payroll and/or make payments to Self-employed contractors and Third-party Organisations.

People need to provide the following information prior to payments being made[[13]](#footnote-14):

* The full name, date of birth and current contact details[[14]](#footnote-15) of each Support Worker being paid. The details of each Support Worker being claimed for in the claim will be provided every time a claim is made from the Host.
* The total number of hours delivered by each Support Worker in the claim period.
* The amount of funding paid to each Support Worker.

This level of information is required both where the Person is directly employing a Support Worker and where an individual Support Worker is engaged through a Self-employed contractor arrangement (where the contractor is managing their own tax requirements).

Cash payment to pay support workers is not an acceptable method of payment. All payments to support workers should be via bank/internet transfer and similarly records of these payments should be retained or able to be produced on request by the Ministry. This is to assist with ensuring People adhere with relevant income taxation and other legal requirements, such as money laundering legislation.

## Support Worker Audit and Privacy requirements

The Ministry and the Host do not have any relationship with any Support Worker who is employed (or contracted by) a Person.

To enable a Host to collect the required information to Verify provision of Supports claimed (and to enable the Ministry to access Support Worker details on audit) the Person is required to ensure that all Support Workers sign a Privacy Notice. The format of this Privacy Notice is in Appendix E to this Guideline.

The Privacy Notice should be signed so that the collection of information complies with the Privacy Act 1993. The Person will be responsible to ensure that all Support Workers sign the Privacy Notice. Signed Privacy Notices will not be collected by the Host but may be sighted in a visit by a Host or in an audit.

Any Support Worker receiving payment from the Ministry and any third-party contractors including Third-party providers are required to cooperate with any Ministry audit and Ministry auditors, and the Person must ensure that these obligations are included in any contractual arrangements entered with these parties. Any refusal by them to cooperate with audit could result in exclusion of the Person from claiming future Budget Support (instead being managed in a different manner) and / or that Support Worker not being permitted to provide funded service in future.

Standard information about the Privacy Notice and why it needs to be signed by all Support Workers should be provided to the person by the coach as part of initial set-up coaching.

This will enable people to easily comply with the Privacy Act Principle Three obligations and for employees and Self-employed contractors to be fully and fairly informed of their rights.

# Ministry – Audit Role

The Ministry may appoint auditors to review, audit and investigate claims for payment made by a Person from a Host. The auditors may view (and take copies of) any or all information about the Person’s claims held by the Host or by the Person.

The auditors may request:

* the Person to provide any information about any one or more claims made by that Person associated with their Support Budget
* evidence of the advice provided to the Person about a claim made under the Purchasing Guidelines
* the Host to provide any information about any claims made against any Support Budget.

Such requests for information will be made in writing by the auditors. The Person, or the Host, as required, will make the requested information available to the auditors within 10 working days or within a mutually agreeable timeframe.

Support Worker information will be accessed by the auditors from either the Host or the Person where the auditors are monitoring or auditing the use of funding by that Person. The auditors may make contact directly with the Support Worker to Verify any claim by the Person.

When a Person (as per Responsibility 7 in the Standard Agreement Declaration) or Support Worker does not comply with an audit, funding for future claims may be withheld until compliance occurs. Funding will not be withheld unless the Person has received written notice requiring compliance within 10 working days – setting out exactly what the Person must do to comply, and that Person has failed to comply within that 10-working day period. A copy of the notice will be provided to the Host so they can assist the Person to comply where appropriate.

If any non-compliance with Ministry guidelines is identified the auditors will produce a report. This report will be made available to the Person, the Host and the Ministry. The auditors may make recommendations about future disability support services funding for the Person. The Ministry will make the final decision about implementing any auditor’s recommendations or any other action it considers appropriate.

# NASC Role

NASC have an important role to assess and review the need for disability funding. This role relies on understanding how funding is used in order to determine whether the amount of funding is adequate and being used appropriately in order to determine the Support Budget allocation.

The NASC will consider and may discuss with the Person:

* how funding is being used to support the Person’s assessed disability related needs
* how many hours of support People are purchasing, and when the support is taking place
* how people are progressing towards achieving their goals.

The NASC is responsible to assess the needs of the Person including assessing the suitability of the Person or their Agent to manage a disability budget.

The NASC will not be involved in identification of, or recording information about the Support Workers, as this is the role of the Person (and the Host where appropriate).

Where the NASC is concerned that inappropriate Support Workers are being employed or engaged and / or that appropriate and adequate supports are not being purchased, then the NASC must discuss these concerns with the Host.

If there is still a concern, then the NASC must contact the Ministry auditors.

If NASC has a different view on a claim made under the Purchasing Guidelines, a discussion will be had between the Host and the NASC, a decision will made in the best interests of the Person with clear defendable rationale using the Purchasing Guidelines.

# Appendix A: Glossary

|  |  |
| --- | --- |
| Coaching | Service and support a Host provides to the Person that assists them to manage their Support allocations. |
| Direct Fundholding | Where the provider hosts funding for a Person. Exists within CiCL and FDS. Similar to Individualised Funding. |
| Disability Supports(Supports) | Supports provided due to the additional cost of living with a disability. Disability supports should also contribute to outcomes in a Person’s plan and must be within the Ministry of Health’s Guidelines and Policies. |
| Enabling Good Lives Purchasing Guidelines | The Purchasing Guidelines for the Enabling Good Lives Demonstrations in Christchurch and Waikato. These Guidelines set out what can be purchased through Disability Support funding. |
| Funding Manager | An organisation or individual who determines the level of disability support to be provided to a Person (often a NASC). |
| Host Provider (Host) | A provider who is contracted to the Ministry of Health to provide Host services to a Person to purchase and manage their Disability Supports, including but not limited to Coaching. |
| Hosted Scheme | One of the funding mechanisms listed in paragraph 1.0 of this Operational Policy, being IF, EIF or EGL. |
| Ministry  | The Ministry of Health (funder), with Disability Support Services (DSS) representing the Ministry for the purposes of this Policy. |
| Ministry Policies and Guidelines | Means all of the policies and guidelines that the Ministry of Health issues from time to time, all of which can be found [here](https://www.health.govt.nz/your-health/services-and-support/disability-services/types-disability-support/individualised-funding). |
| NASC (Needs Assessment and Service Coordination Organisation) | NASCs are services funded by the Ministry. Their roles are to determine eligibility, assess the Person’s level of disability support needs, inform People / families / advocates of what the support package contains, discuss options and co-ordinate support services to meet those needs. NASCs co-ordinate such services, but do not themselves provide the services.  |
| Purchasing Guidelines | The Purchasing Guidelines issued by the Ministry (or any superseding guidelines). These Guidelines set out what can be purchased through Disability Support Services funding. |
| Nominated Agent  | An individual who can make decisions on behalf of the Person that relate to the management of the Person’s Supports. |
| Payroll (payroll support) | Where the Host (or another organisation) looks after paying Support Workers and a number of the employee or contractor related tax obligations on behalf of the Person. |
| Person/People | A Person who is eligible for disability support services funded by the Ministry of Health (or the Ministry of Education/Social Development where the Person is participating in an Enabling Good Lives Demonstration). This may also include the Person’s Nominated Agent.Under a Hosted Scheme the Person is responsible for purchasing Support via a contract or standard employment arrangement. |
| Self-employed contractor (also referred to as a contractor) | A self-employed individual who contracts with the Person to provide Supports to the Person. |
| Self-Managing | The Person (or their Nominated Agent) is responsible for managing the choice of and payment for the Disability Supports they decide to purchase from their Support Budget. Any such purchasing must be compliant with Ministry Policy and Guidelines. |
| Support Budget | The amount of funds a Person is allocated by the NASC that may be used to purchase Disability Supports within the relevant Ministry Policy and requirements. A Person can choose how much assistance they require to manage their Support Budget. This Guideline addresses those individuals who have chosen Hosted Funding Schemes or Direct Fundholding. |
| Support Worker | An employee or Self-employed contractor who provides Support to the Person |
| Third-party Organisation | An entity that is independent of the Person and chosen by them to provide supports or services. |
| This Guideline | Guideline for Verification of Supports within Hosted Funding Schemes and Direct Fundholding: Disability Support Services Operational Procedures. |
| Verification or Verify | The process involved in establishing the truth, accuracy, or validity of the supporting expenditure documentation and/or information provided so that the Host (and Ministry) can be satisfied that the Support Budget funding has been appropriately spent and complies with all requirements |

# Appendix B: Standard Agreement Declaration: Hosted Funding / Direct

# Funding Declaration – Service Agreement

The Ministry of Health provides Disability Support Funding. One funding option allows me to partially or fully self-manage the Support Budget allocated to me by the Needs Assessment and Service Coordination (NASC) organisation.

This will enable me to have some control and flexibility in the supports I choose. I understand that I must meet certain requirements in order to receive this type of partially or fully self-managed Funding, and for that Funding to continue to be provided.

I agree to meet the following requirements as a condition of receiving this Support Budget Funding (the funds):

|  |
| --- |
| **Responsibility 1**I am fully responsible for the management of my allocated Support Budget. |
| This includes:* managing my budget
* managing the quality of any support purchased.
 |
| **Responsibility 2**I am responsible for any expenditure of the funds and must apply any funds received to the purchase of approved supports. I will comply with any relevant Policy or Guideline issued by the Ministry of Health. |
| This includes:* the Guidelines for Verification of Supports within Hosted Funding Schemes
* the Enabling Good Lives Purchasing Guidelines 2013
* the Funded Family Care Operational Policy
* the Disability Support Services Operational Policy: Restrictions on Access to Hosted Budgets
* any other Policy or Guideline document issued by the Ministry of Health from time to time and notified to me.

These Policies and Guidelines can all be located on the Ministry of Health website. |
| **Responsibility 3** I acknowledge that when employing or contracting individual Support Workers I will comply with all legislation that applies to me as an employer (including my legal responsibilities to contracted Support Workers). |
| This includes (but is not limited to):* The Accident Compensation Act 2001
* The Employment Relations Act 2000;
* The Health and Safety at Work Act 2015;
* The Holidays Act 2003;
* The Minimum Wage Act 1983; and
* The Privacy Act 2003.
 |
| **Responsibility 4**I will ensure that all taxation and related responsibilities are complied with. |
| This includes (but is not limited to):* PAYE (Pay As You Earn Tax)
* GST (Goods and Services Tax)
* ACC (Accident Compensation Corporation) levies
* Kiwisaver contributions and ESCT (Employer Superannuation Contribution Tax)
* Employee allowances
* FBT (Fringe Benefit Tax).
 |
| **Responsibility 5**I will make and retain (for at least seven years) full and accurate records of all funds received, and their expenditure. |
| This includes (but is not limited to):* all contracts for employment or service provision (contractor agreements)
* all payroll records of employees and service delivery records of contracted providers including:
	+ full name, date of birth, IRD number, and phone and address contact details of all employees and contractors who provided services to me
	+ all dates and times of service delivery (including description confirming general type of support provided, and the number of hours worked, broken down by day for each day within a pay period)
	+ Payment records to the employee / contractor and to IRD/ ACC
* all invoices and receipts (itemised invoices and / or receipts identifying the goods and services purchased and the cost)
* Bank records
* Financial Accounts
* Vehicle logbooks (where relevant)
* Correspondence with the Host and the NASC confirming purchasing decisions.
 |
| **Responsibility 6**I will provide all required information when submitting claims for payment and comply with any claiming process required. |
| Required information includes:* filling in all details on the claim form fully and accurately (after ensuring that I have complied with my Privacy Act obligations during the collection of the information about those employees or contracted providers. This includes providing the Privacy Notice for Employees and Individual Contractors
* completing the declaration on the claim form
* providing any supporting documentation required.
 |
| **Responsibility 7**I will fully co-operate with any audit related to my Individualised Funding. |
| This includes:* any audit activity or request for information from either Ministry of Health Auditors or my Host Provider
* producing or providing full access to all records verifying the claims made for payment, and all records that are required to be maintained under Responsibility 5 (above) within 10 working days of request by my Host Provider or a Ministry of Health Auditor
* providing contact details for any employee or contractor I have used to provide services to me.
* Advising any Support Worker that I engage that they must similarly cooperate with any Ministry audit.
 |

By signing below, I\* confirm my agreement to meet the Responsibilities listed above and I understand that if I knowingly mislead or supply false information to the Ministry, this will be regarded as a Restricted Act[[15]](#footnote-16) which may result in my future exclusion from access to a self-managed disability support budget.

\* This Agreement can be signed by either the person who has been allocated the Individualised Funding, or by their authorised representative. If signed by an authorised representative their name and contact details must also be noted below.

|  |
| --- |
| **Signature:** |
| Name: |
| Date of Birth: |
| Address: |
| Authorised Representative Name and Details (if applicable): |

Note: Privacy Notice[[16]](#footnote-17) to be annexed

# Appendix C: Claim Form Declaration: Hosted Funding/Direct Fundholding

I accept that:

* I am fully responsible for the management of my Support Budget.

I confirm, in relation to this claim for payment, that:

* the above information is a true and accurate record of the services/supports provided and or/expenses incurred
* I have complied with all of my Responsibilities in the Standard Agreement Declaration – Service Agreement
* all services/supports/expenses for which I have claimed payment have been incurred or accrued by me as at the date of this claim
* I have made, and will retain, full records supporting this claim. I will make these records available for audit on request.

|  |
| --- |
| Name of individual (or Nominated Agent): |
| Signature of individual (or Nominated Agent): |
| Date: |

# Appendix D: Employment Relations Act recordkeeping provisions.

The provisions of the Employment Relations Act 2000 will apply to employment relationships (including any updated provisions).

The following are some of the relevant sections of the Employment Relations Act that currently detail the overall record keeping requirement, definitions and detailed record keeping requirements.

**Requirement**

*‘****4B Employer’s general obligation to keep records relating to minimum entitlement provisions***

*(1) An employer must keep records in sufficient detail to demonstrate that the employer has complied with minimum entitlement provisions.’…*

**Definitions**

The definition of an employer is in section 5:

‘**employer** *means a person employing any employee or employees; and includes a person engaging or employing a homeworker*’

The definition of employee is in section 6:

‘***6 Meaning of employee***

*(1) In this Act, unless the context otherwise requires,* ***employee****—*

*(a) means any person of any age employed by an employer to do any work for hire or reward under a contract of service; and*

*(b) includes—*

 *(i) a homeworker; or*

 *(ii) a person intending to work; but*

*(c) excludes a volunteer who—*

*(i) does not expect to be rewarded for work to be performed as a volunteer; and*

*(ii) receives no reward for work performed as a volunteer; and………….*’

**Detailed record keeping requirements**

***‘130 Wages and time record***

*(1) Every employer must at all times keep a record (called the* ***wages and time record****) showing, in the case of each employee employed by that employer,—*

*(a) the name of the employee:*

*(b) the employee’s age, if under 20 years of age:*

*(c) the employee’s postal address:*

*(d) the kind of work on which the employee is usually employed:*

*(e) whether the employee is employed under an individual employment agreement or a collective agreement:*

*(f) in the case of an employee employed under a collective agreement, the title and expiry date of the agreement, and the employee’s classification under it:*

*(g) the number of hours worked each day in a pay period and the pay for those hours:*

*(h) the wages paid to the employee each pay period and the method of calculation:*

*(i) details of any employment relations education leave taken under* [Part 7](http://www.legislation.govt.nz/act/public/2000/0024/latest/whole.html#DLM59935)*:*

*(j) such other particulars as may be prescribed.*

*(1A) The wages and time record must be kept—*

*(a) in written form; or*

*(b) in a form or in a manner that allows the information in the record to be easily accessed and converted into written form.*

*(1B) If an employee’s number of hours worked each day in a pay period and the pay for those hours are agreed and the employee works those hours (the* ***usual hours****), it is sufficient compliance with subsection (1)(g) if those usual hours and pay are stated in—*

*(a) the wages and time record; or*

*(b) the employment agreement; or*

*(c) a roster or any other document or record used in the normal course of the employee’s employment.*

*(1C) In subsection (1B), the* ***usual hours*** *of an employee who is remunerated by way of salary include any additional hours worked by the employee in accordance with the employee’s employment agreement.*

*(1D) Despite subsection (1C), the employer must record any additional hours worked that need to be recorded to enable the employer to comply with the employer’s general obligation under section 4B(1).*

*(2) Every employer must, upon request by an employee or by a person authorised under section 236 to represent an employee, provide that employee or person immediately with access to or a copy of or an extract from any part or all of the wages and time record relating to the employment of the employee by the employer at any time in the preceding 6 years at which the employer was obliged to keep such a record.*

*(3) [Repealed]*

*(4) Every employer who fails to comply with any requirement of this section is liable to a penalty imposed by the Authority.*

*(5) An action to recover a penalty under subsection (4) may also be brought by a Labour Inspector.’*

# Appendix E: Privacy Notice

**Privacy Notice for Employees and Individual Contractors**

Every person receiving funding under a Hosted Scheme or via Direct Fundholding (the Person) will need to provide certain details about their Support Workers in support of claims that Person makes for payment. This information about the Support Workers is personal information. Support Workers are the employees or contracted individuals who provide services to the Person under contract.

When collecting the information from the Support Workers, the Person must act lawfully, fairly and not in an intrusive manner. It is important that each Support Worker is made aware of the collection of the information, why it is being collected and who will have access to that information.

Each Person must obtain written confirmation from each Support Worker that they agree with the following Privacy Notice:

**Privacy Notice**

*You are being employed (or contracted) to provide disability supports, and the Person employing or contracting with you is using Funding arising from a NASC allocation for that purpose. The Person employing you or contracting with you may be required to make available the following details about you to the organisation authorising release of these funds for that Person:*

* *Your full name, date of birth, address and contact phone number, and your IRD number (or that of the contractor employing you); and*
* *The dates and times when you provide services.*

*The purpose for which the information will be used is to monitor compliance with the requirements of this Funding and to verify claims made in relation to the services you provide for this Person. Auditors appointed by the Ministry of Health may also review this information. The auditors may make contact with you if they have any questions about claims made.*

*The organisation contact details are [name and contact details of the IF Host].*

*You can access the information held about you and ask for correction where necessary by contacting the Person. If you want further information refer to [insert web link]*

Additional information will be available on a web link as a ‘second layer’ of the **Privacy Notice**:

*Funding via a Hosted Scheme, or by Direct Fundholding are mechanisms that enable disabled People to directly manage their Disability Supports. This enables disabled People to have more choice, control and flexibility in how they are supported.*

*If a disabled person chooses to self-manage their allocated funding they must comply with relevant Ministry of Health Policy and Guidelines for that Funding, and may enter into employment agreements or other contracts with other individuals to obtain services (collectively referred to as Support Workers) to provide permitted Disability Supports. A condition of the funding being provided to the disabled person is that they will be accountable for all expenditure of that funding and will enable the Host Provider (and Ministry auditors) to monitor that expenditure.*

*For this reason, the identification details of each Support Worker (including name, date of birth, address and phone number) must be sent to the Host Provider for the purposes of verification of claims made for payment for Disability Supports, and may be sent to Ministry auditors when required.*

*Each Person and Host Provider must ensure that they hold the information securely as required by the Privacy Act.*

*You can choose not to agree to this information being supplied to the Host Provider or Ministry of Health, but the Person will not then be able to claim funding to make payments to you.*

1. Or a Funding Manager who may work for a NASC. [↑](#footnote-ref-2)
2. This means the funding is for disability supports funded by the Ministry of Health. Other Government agencies are responsible for other required supports such as vocational supports. People are responsible for personal costs such as paying for general living costs. [↑](#footnote-ref-3)
3. The method of verification will be agreed between the Host and the Person. [↑](#footnote-ref-4)
4. In some instances, the Host may pay the person prior to the Host being paid by the Ministry and in other instances the Host may pay the person after being paid by the Ministry. This is agreed between the person and the Host. [↑](#footnote-ref-5)
5. This information will solely be used for the purpose for which it was collected: to verify supports and process payment. [↑](#footnote-ref-6)
6. Contact details include phone (mobile and home), last known address and postal address (if different from current address). [↑](#footnote-ref-7)
7. In some instances, the Host may pay the person prior to the Host being paid by the Ministry and in other instances the Host may pay the person after being paid by the Ministry. This is agreed between the person and the Host. [↑](#footnote-ref-8)
8. Meetings are not always required to be face to face. The meeting must enable the Host to confirm they are in contact with the Person or their Nominated Agent, that the Person continues to reside in New Zealand, and, if to check on record-keeping, must be conducted in a way that provides the Host with assurance that they can appropriately verify the records set out in clause 6.3. These meetings must occur in a manner that both the Host and the Person are satisfied meets the need for contact at that time (for example via SKYPE, Zoom or telephone when appropriate). [↑](#footnote-ref-9)
9. See 6.1 Record Keeping [↑](#footnote-ref-10)
10. See 6.4 Privacy [↑](#footnote-ref-11)
11. Record keeping requirements from the Employment Relations Act 2000 are in Appendix D. [↑](#footnote-ref-12)
12. Minimum entitlement provisions are set out under the Holidays Act 2003 and the Minimum Wage Act 1983 and the Wages Protection Act 1983. [↑](#footnote-ref-13)
13. If claims are made via a claim form then the required information needs to be on the claim form (or attached to the claim form. Where claims are made via an electronic system then the information needs to be attached to the claim. [↑](#footnote-ref-14)
14. Contact details include phone (mobile and home), last known address and postal address. [↑](#footnote-ref-15)
15. Disability Support Services Operational Policy: Restrictions on Access to Hosted Budgets. [↑](#footnote-ref-16)
16. Currently Appendix E to this Guideline [↑](#footnote-ref-17)