



Clarifications to the Purchase Rules

**Guidance for Hosts,
NASCs, EGL sites**

24 April 2024



About this document

As Whaikaha has gone about implementing the revised Purchase Rules a number of issues have emerged that, in order to deliver on the intent of the changes, require realignment of some parts of the original decisions and implementation plan.

This document sets out, in one place, the clarifications released on 24 April 2024.

It is intended as a companion document to the revised [Purchase Rules](#), and to our general *Guidance for the Sector on changes to the Purchase Rules issued originally on 18 March 2024 and revised 24 April 2024*.

We are providing this document to make it easy for people to know what clarifications have been made to the Purchase Rules.

Our intention is that the revised Purchase Rules continue to be a framework within which disabled people and whānau can make decisions about what is right for them. They are not intended to be a list of things that are 'in' or 'out'.

While this document does discuss the application of the Purchase Rules to some items or costs, it is not intended to be an exhaustive list.

Whaikaha will continue to provide further clarification as additional key themes emerge from the implementation of the revised Purchase Rules.

The clarifications outlined in this document have also been included in the '*Guidance for the Sector on changes to the Purchase Rules*' document, which continues to be the primary source of information from Whaikaha to the sector on implementing the revised Purchase Rules.

Clarifications to the scope of flexible funding

Purchase of some items for respite

- We are clarifying that the purchase of tablet devices, noise cancelling headphones, sensory items (such as fidget spinners), and weighted blankets are able to be funded from Carer Support, Individualised Funding Respite (IF Respite), Enhanced Individualised Funding and EGL Personal Budgets.
- These items – and only these items – can be purchased through Carer Support and IF Respite.
- Tablet devices and noise cancelling headphones can be purchased no more than once in an allocation period (usually 12 months).
- Purchases of tablet devices and noise cancelling headphones must continue to meet the requirements of all four purchase rules. Tablet devices and headphones can be purchased where:
 - They are related to the specific disability-related challenges that the disabled person encounters,
 - They are reasonable and cost-effective. It is not cost-effective, for example, to purchase another tablet device or set of headphones if the disabled person has one that works and was purchased from a previous year's allocation, and
 - Attempts have been made to access relevant other agency funding, including, for example, Ministry of Education funding for some devices.

Use of rideshare and other services for transport

- We are aware that use of flexible funding to meet transport challenges fills an essential need for many disabled people to be able to maintain employment, study, and activities that enable other family members to go about their daily lives.
- We want to make clear that if you have accessed the Total Mobility Scheme the disabled person can also use flexible funding for additional disability-related costs for local transport that don't require the use of support workers, where this is more cost-effective. Examples including driving services, ride share services and so forth.

Sustaining living situations with levels of support comparable to residential care

- We are aware that, for some people, EGL personal budgets have been used to provide a level of support that would otherwise usually only be available through residential care.
- We want to reassure people in that situation, and the providers who work with them, that where this is the case the revisions to the Purchase Rules will not be applied in a way that affects their ability to maintain that living situation.
- We are working to put in a process across the EGL sites to ensure that the application of the Purchase Rules in these situations are clear, and that people, family, hosts and providers are aware of how to apply the rules in those situations.
- We understand that this is a relatively small number of individuals, known to their EGL sites, who will be in contact to discuss any concerns.
- If you are concerned that a package allocated by your NASC organisation, or supported by your Host organisation, creates an alternative to residential care and is at risk of ceasing to be viable as a result of the revised Purchase Rules, please raise this with the Connector or with your Portfolio Manager in the first instance, who can seek further direction.

Continuing to support ongoing commitments

- The revisions to the Purchase Rules are not intended to limit the ability of any disabled person to maintain their current engagement in employment, a course of study, therapy, or a timebound programme that support is required for.
- We have already undertaken to honour financial commitments made prior to 18 March.
- We are introducing some further measures to recognise more fully the range of situations where disabled people have relied on the previous scope of flexibility to organise their lives and support.
- We are clarifying that the disabled person can continue to use their flexible funding to access the support they did prior to the revisions to the Purchase Rules where:
 - they have committed to employment, a course of study, therapy, or a timebound programme, and
 - they have relied on the availability of flexibility under the previous Purchase Rules to support them to participate in those commitments, and
 - that commitment has been made before 18 March 2024.
- This extends to:
 - contributing to the costs of delivering support,
 - expenses that are a necessary part of supporting the disabled person, and
 - the travel-related costs of support workers (accommodation, transport, meal allowances) can continue to be paid where those costs are incurred as part of supporting the disabled person when they engage in domestic travel (including between cities and regions) for work.
- It does not extend to the purchase of items that are otherwise no longer in scope.
- An ongoing commitment can be demonstrated by, for example:
 - employment agreements,
 - explicit inclusion in a support plan pre-dating 18 March 2024, where this demonstrates an intended ongoing use of a particular support, or

- the individual already receiving or engaging in a course of therapy, a course of study, employment, or a time-bound programme that support is required for.
- In general, there should be limited circumstances where evidence of a requirement for continuing support is sought, as it will often be clear from plans, ISPs, and past patterns of transactions.

Information on specific costs

Resuming supports that have been re-planned

- The purpose of supporting ongoing commitments is to mitigate any potential risks to continuing in employment, study, and therapy.
- Whaikaha is aware that some people may have reorganised their supports and family lives to continue in employment, study, or therapy after the 18 March 2024 revision of the Purchase Rules.
- Where that is the case, disabled people may resume any previously in place supports that they consider mitigate risks to their continuing in employment, study, or therapy, so long as those supports are:
 - the costs of delivering support,
 - expenses that are a necessary part of supporting the disabled person, and/or
 - the travel-related costs of support workers (accommodation, transport, meal allowances) can continue to be paid where those costs are incurred as part of supporting the disabled person when they engage in domestic travel (including between cities and regions) for work.
- All of these claims must continue to be within your existing allocation, and any other conditions upon accessing flexible funding.

Retrospective costs

- Some disabled people and families may also have begun to pay for some supports they were previously in receipt of, such as therapy, privately after the 18 March revisions to the Purchase Rules.
- Where those costs were part of support delivered previously, costs incurred between 18 March and 24 April 2024 may be claimed for retrospectively. Where you are claiming for these costs under Carer Support, the usual 90 day claiming period applies, although we encourage you to make these claims sooner, and to mark them clearly as "RETROSPECTIVE PAYMENT FOR CONTINUING IN EMPLOYMENT, STUDY, OR THERAPY".
- All of these claims must continue to be within your existing allocation, and any other conditions upon accessing flexible funding.

What is a sensory item?

- A range of items may support disabled people to self-regulate where they can find particular kinds of sensory stimulation overwhelming.

- While a wide range of things might serve this purpose, the range of things Whaikaha is providing access to, through flexible funding, is limited to small, portable items, and does not extend to larger and more expensive options such as spa pools, trampolines or play gyms.
- Rule three, that a purchase is reasonable and cost-effective, continues to be in effect. We would not expect that most purchases of small items would require in-depth consideration. If you are unsure about purchasing a specific sensory item, get in touch with your Host or EGL site – they can support you in your decision.

Therapies

- Where a disabled person has been engaged in a course of therapy before the 18th of March, that therapy can continue to be funded from flexible funding, including where other agencies might otherwise have funding responsibilities for that therapy.
- Examples where other agencies may have funding responsibilities include (but are not limited to):
 - speech language therapy;
 - psychologist involvement in behaviour support; and
 - occupational therapy.
- If something is a form of therapy that is prioritised by another government agency, new courses of therapy cannot be entered into (including where the main carer would get a break whilst that therapy occurs).
- Some things may have some therapeutic benefits, but can also be understood to be a respite activity.
- These are not forms of therapy that we consider to be within another agency's funding responsibility. Whether they are treated as an activity that provides respite, or as a form of therapy, they are within scope of flexible funding. This includes:
 - equine therapy;
 - art therapy;
 - music therapy;

Software for tablet devices

- If you are purchasing a tablet device that supports self-management, and there are disability-specific apps or software that you wish to purchase, these can be considered a necessary expense as part of delivering the support. These costs can be met from your flexible funding.

Transport

- Travel to and from school is funded by the Ministry of Education Specialised School Transport Assistance (SESTA).

More information about SESTA is available at: [Specialised School Transport Assistance \(SESTA\) – Education in New Zealand](#)

- Local transport is part funded by other agencies through the Total Mobility Scheme. NZTA and Regional Councils subsidise the costs of local transport for eligible people, which we understand includes most disabled people.
- Our expectation is that you access these subsidies before considering the use of disability support funding to pay for local travel you undertake independent of a support worker.
- If you have accessed the Total Mobility Scheme the disabled person can also use flexible funding for additional disability-related costs for local transport that don't require the use of support workers, where this is more cost-effective. Examples including driving services, and ride share services.
- More information on the Total Mobility Scheme is available at: [Total Mobility | NZ Transport Agency Waka Kotahi \(nzta.govt.nz\)](#) 'Expenses that are a necessary part of providing support' may include the costs a support worker incurs when taking the disabled person to go to the supermarket or engage in other activities outside the home.
- These costs can continue to be met from your flexible funding.

Support at work

- Work and Income provides some funding to support people who experience additional costs as a result of disability or health conditions when working. Information about this funding can be found at [Job and Training Support Funds - Work and Income](#)
- We encourage you to use these funds first.
- Where you have committed to an employment arrangement before 18 March 2024 on the basis that you could use your flexible funding in a way that would enable you to commit to, and maintain employment, you may continue to use your funding in the same way to:

- contribute to the costs of delivering support,
- meet expenses that are a necessary part of supporting the disabled person, and
- pay for the travel-related costs of support workers (accommodation, transport, meal allowances) where those costs are incurred as part of domestic travel (including between cities and regions) for work.

Support at a course

- Where you have committed to a course of study before 18 March 2024 on the basis that you could use your flexible funding in a way that would support you to participate, you may continue to use your funding in the same way to:
 - contribute to the costs of delivering support; and
 - meet expenses that are a necessary part of supporting the disabled person.
- Your flexible funding cannot be used to support you to participate in any new course of study that you had not committed to before 18 March 2024.
- If you are part way into a qualification (including, but not limited to, a degree or diploma), you may continue to use your flexible funding to support you to complete your studies, even if you have not signed up to all the necessary components of study yet.
- Where you are considering undertaking a new course of study, and you require support to do so, you should seek to access support from the training and education provider.

Support where a child is not attending school full-time

- In some instances where disabled children are not attending school full-time, flexible funding has been used to provide support where the child may need to go home at unpredictable times.
- This has been part of supporting successful, if longer, transitions into fulltime schooling, and to enable family members to maintain their employment.
- Unfortunately, flexible funding is no longer able to be used in this way, at this time. All children have a right to be educated, and providing support for children to participate in schooling successfully sits more clearly with the responsibilities of the education system.

Day programmes

Clarifications to the Purchase Rules

- In some instances where day programme funding is not able to provide support throughout the whole working week, flexible funding has been used to provide support to attend additional day programmes or for other support to the disabled person throughout the working day.
- This has been part of supporting disabled people to form connections with others, engage in activities outside the home, and to enable family members to maintain their employment.
- Unfortunately, flexible funding is no longer able to be used in this way, at this time. Day programme and vocational funding is the responsibility of MSD.
- However:
 - Where Enabling Good Lives Personal Budgets have had Community Participation funding integrated into them, personal budgets can continue to be used for vocational activities.
 - Where an organisation that holds Day Programme contracts also runs programmes that provide relief care through, for example, Carer Support, those activities can continue to be claimed for.