

Questions and answers: Changes to Purchasing Rules and EMS

20 March 2024

We acknowledge this is a difficult and unsettling time for disabled people and family carers. We are doing all we can to help you understand exactly how these changes may affect your individual circumstances.

We have compiled the following questions and answers to help you navigate the [Purchasing Rules and Equipment Modification Services \(EMS\) changes](#) (Link: 1) introduced on 18 March 2024.

We will update this page and add more content as necessary.

You can also view the [Purchasing Rules](#) (Link: 2) webpage and [EMS webpage](#) (Link: 3).

General questions

Why has Whaikaha made these changes?

Whaikaha is responsible for managing disability support services within its budget.

Demand for disability support services, and the cost of delivering those services, is under pressure and increasing year on year. More people are being allocated disability supports, but Whaikaha has a fixed amount of funding. Growing demand has meant we are already forecasting an overspend in this financial year, which ends on 30 June.

To manage these demands and to ensure that disability funding is directed to **those that need it the most**, Whaikaha has made some difficult decisions.

- The changes to the [Purchasing Rules](#) (Link: 4) will ensure we are taking a balanced and fair approach and that our funding is spent on disability supports, which primarily benefit disabled people.
- The changes to prioritisation and access to [Equipment and Modification Services](#) (Link: 5) will ensure that services are provided to those with the highest needs first.

These changes are **temporary** and will remain until we have completed work with disabled people, tāngata whaikaha Māori and whānau to develop long term settings.

Our aim is to ensure our funding is focused on those with the highest need, and prioritised to benefit disabled people.

Why was the disabled community not given notice of these changes, and were these decisions made in partnership with it?

We needed to implement these changes urgently to respond to our need to remain within our budget this financial year. We have had to implement the pause now so that we can engage with our community about what the settings may be in the long term.

Before Christmas we engaged with our community, and over the new year we engaged with our sector, to explore a significant rise in demand. Our potential overspend came under further pressure in our budget planning processes, and this meant we had to make immediate decisions. It was vital for us to prioritise our funding to ensure essential supports for disabled people.

If we had gone through an engagement process, before announcing the pause, we are not confident that we would have been able to act quickly enough to prevent more significant effects on the disabled community.

Flexible Funding questions

What changes are being made to Flexible Funding?

The Purchasing Rules apply to Individualised Funding, Enhanced Individualised Funding, Choice in Community Living, Personal Budgets and Carer Support.

We are committed to ensuring that disabled people, tāngata whaikaha Māori and their whānau have the flexibility to use funding for things that matter to them, and this requires us to manage that funding very carefully.

There has been confusion around what the funding can be used for. These changes are part of our work to make it clearer.

The changes will ensure the highest needs of disabled people are prioritised, as we work with the community to implement longer term changes to the disability support system to retain flexibility, guided by the principles of choice, control, and equity.

Why is Whaikaha making these changes to Flexible Funding?

We know that flexibility is valued by disabled people, tāngata whaikaha Māori and their whānau who receive support from Whaikaha.

With the increasing demand and cost of providing disability support services, including flexible funding, there has been increasing pressure on the budget each year.

It is important that flexibility, choice, and control are balanced against the need to ensure our funding is being used within guidelines and supports disabled people with the highest need.

What changes are being made to the Purchasing Rules?

The [Purchasing Rules](#) (Link: 6) guide how people who receive Individualised Funding, Enhanced Individualised Funding, Choice in Community Living, Personal Budgets and Carer Support, can use their funding.

The Rules provide detailed information about what people can and can't use their funding for.

These changes do not change the amount of funding that is allocated to disabled people, just the way it can be used.

Specific Purchasing Rules questions

Below, we try to answer specific questions which have come to us about the new [Purchasing Rules](#) (Link: 7).

What happens if a person has already made a purchase, and it is no longer allowed under the new rules?

Changes to the Purchasing Rules have been made with immediate effect.

We recognise that some people may have incurred expenses before 18 March 2024 that would no longer be within the Purchasing Rules.

There will be a grace period for expenditure and approvals until 29 March 2024 while flexible funding recipients are made aware of the changes to the Purchasing Rules.

Those expenses must be claimed by 12 April 2024.

Expenses before 18 March 2024 may still be claimed before 12 April 2024.

Accommodation and transport questions

What is the difference between ‘domestic travel’, ‘transport funded by other agencies’, ‘expenses that are a necessary part of providing support’, and ‘in between travel’?

Domestic travel refers to the costs of travelling between cities or regions to, for example, go on a break.

These costs can no longer be paid from your flexible funding.

Travel to and from school is funded by the [Ministry of Education Specialised School Transport Assistance \(SESTA\)](#) [↗](#) (Link: 8).

Local transport is partly funded by other agencies through the [Total Mobility Scheme](#) [↗](#) (Link: 9). NZTA and Regional Councils subsidise the costs of local transport for eligible people, which we understand includes most disabled people.

Our expectation is that these subsidies will be accessed before considering the use of disability support funding to pay for **local travel**, which is independent of a support worker.

‘**Expenses that are a necessary part of providing support**’ may include the costs a support worker incurs when taking a disabled person to the supermarket or to participate in other activities outside the home.

These costs can continue to be met from your Flexible Funding.

In between travel refers to the time and travel costs that support workers incur when they are travelling from one client to another, as part of working for the same employer. In between travel is not generally paid to support workers where disabled people and families are managing their funding, as you employ people to work with you, rather than with multiple families.

If someone who works for you must travel more than 15km to work for you, and your specific requirements mean that there are few or no available alternative workers, you might pay ‘exceptional travel’ in line with the general in between travel guidance. You can find out more in section 4 of the [implementation guidance for providers and funders on Te Whatu Ora’s website](#) [↗](#) (Link: 10).

Generally, in between travel is unlikely to be relevant to managing your Flexible Funding.

If you are a Flexible Disability Support Provider managing personal budgets, and either ordinary or exceptional in between travel has been included in a Personal Budget, you can continue to claim for those costs.

Information for Family Carers

We are very aware of the concerns raised by parents and family carers about these changes.

We will work with groups involved in supporting carers to ensure we can provide additional clarity about what these changes mean for you.

In the meantime, the [Purchasing Rules](#) (Link: 11) and [Purchasing Guidance](#) (Link: 12) published on our website explain how Flexible Funding can be used.

Please note that the changes do not affect employed carers.

Information on Respite

The Purchasing Rules have changed to ensure that funding is being used for the purpose it was allocated, is fair and reasonable, and primarily for the support of disabled people.

This has meant we have reduced the flexibility family carers have to purchase items that support their own respite and wellbeing needs and have prioritised the needs of disabled people.

Family carers must be able to take a break from their full-time caring responsibilities, both for their own wellbeing and the wellbeing of the disabled person. We would like to assure full-time carers that we will continue to provide funding for alternative care which allows them to take a break. We have also retained flexibility about how and when they take breaks, and who provides the care.

Expenses that are a necessary part of supporting the disabled person while the full-time family carer takes a break are also covered.

However, costs for activities a carer undertakes while they are having a break are no longer funded.

Gifts and other forms of recognition for support provided voluntarily are also not funded by Whaikaha disability support funding.

Equipment and Modification Services questions

What changes are being made to Equipment and Modification Services?

Equipment and Modification (EMS) services ^(Link: 13) assist disabled people and tāngata whaikaha Māori to live as independently and safely as possible.

EMS services are essential and currently support more than 100,000 New Zealanders a year. Demand for these services is increasing and so is the cost to provide them.

From Monday 18 March 2024 we introduced a prioritisation approach to Equipment and Modification Services. This prioritisation will ensure that disabled people with the highest priority are funded first.

We have also asked EMS assessors to ensure that the most cost-effective solutions are considered and recommended. The length of time each person will have to wait for EMS assessment will depend on a range of factors.

If you need to wait for your recommended Equipment and Modification Services, your EMS assessor will discuss other solutions which may assist you while you wait for a longer term solution.

If your needs become more urgent you should discuss options with your EMS assessor.

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- 1: <https://www.whaikaha.govt.nz/news-and-events/news/whaikaha-purchasing-rules-and-equipment-and-modification-services-ems-update>
- 2: <https://www.whaikaha.govt.nz/assessments-and-funding/individualised-funding/purchasing-guidelines/what-people-can-buy-with-disability-funding-purchasing-rules>
- 3: <https://www.whaikaha.govt.nz/for-service-providers/equipment-and-modification-services>
- 4: <https://www.whaikaha.govt.nz/assessments-and-funding/individualised-funding/purchasing-guidelines>
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- 6: <https://www.whaikaha.govt.nz/assessments-and-funding/individualised-funding/purchasing-guidelines/what-people-can-buy-with-disability-funding-purchasing-rules>
- 7: <https://www.whaikaha.govt.nz/assessments-and-funding/individualised-funding/purchasing-guidelines/what-people-can-buy-with-disability-funding-purchasing-rules>
- 8: [https://www.education.govt.nz/school/property-and-transport/transport/sesta/#:~:text=Specialised%20School%20Transport%20Assistance%20\(SESTA\)%20is%20a%20Ministry%20of%20Education,~:text=Specialised%20School%20Transport%20Assistance%20\(SESTA\)%20is%20a%20Ministry%20of%20Education](https://www.education.govt.nz/school/property-and-transport/transport/sesta/#:~:text=Specialised%20School%20Transport%20Assistance%20(SESTA)%20is%20a%20Ministry%20of%20Education,~:text=Specialised%20School%20Transport%20Assistance%20(SESTA)%20is%20a%20Ministry%20of%20Education)
- 9: <https://www.nzta.govt.nz/resources/total-mobility-scheme/total-mobility.html>
- 10: <https://www.tewhātuora.govt.nz/our-health-system/claims-provider-payments-and-entitlements/in-between-travel-settlement/implementation-and-claim-guidance-for-funders-and-providers/>

11: <https://www.whaikaha.govt.nz/assessments-and-funding/individualised-funding/purchasing-guidelines/what-people-can-buy-with-disability-funding-purchasing-rules>

12: <https://www.whaikaha.govt.nz/assessments-and-funding/individualised-funding/purchasing-guidelines>

13: <https://www.whaikaha.govt.nz/for-service-providers/equipment-and-modification-services>