



MINISTRY OF SOCIAL DEVELOPMENT

Te Manatū Whakahiato Ora

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- 9 OCT 2013

Ms Keri Eagan
fyi-request-1067-2eca2333@requests.fyi.org.nz

Dear Ms Eagan

Thank you for your email of 15 August 2013 requesting, under the Official Information Act 1982, the following information:

- *How many applications for disability related costs were initially declined, and subsequently overturned upon review in 2011?*
- *What was the average time for the decision to be overturned in 2011?*

Work and Income, a service line of the Ministry of Social Development, is committed to ensuring that clients receive their correct entitlements and all case managers are dedicated to ensuring that this occurs. Where a client disagrees with Work and Income's decision regarding their entitlement, the client is entitled to apply for a formal review.

If a person is not happy with a decision made by the Ministry under the Social Security Act 1964, Part 1 of the New Zealand Superannuation and Retirement Income Act 2001, or the relevant regulations they can generally¹ apply for a review by a Benefits Review Committee.

Within 24 hours of receiving a request for review the applicant is sent a letter acknowledging their request for a review.

The Ministry then conducts an administrative review generally known as an Internal Review where the Ministry looks at the decision again. If the Ministry believes the original decision was correct, the case then goes before the Benefits Review Committee. This is a three person committee made up of two Ministry staff and a Community representative. A Benefits Review Committee has powers to confirm, vary, or revoke the decision under review.

The applicant is invited and encouraged to attend the hearing to present their concerns about why they believe the decision is incorrect. If the applicant does not want to attend the hearing, they are encouraged to write a submission to the Committee. However this is not a requirement for the decision to be heard.

Applicants have three months to lodge an application for a review of decision with the Benefits Review Committee. If an application for a review is received after three months

¹ Some decisions relating to incapacity can be appealed directly to a Medical Appeals Board under s53A of the Social Security Act 1964.

the committee has to decide if there is a good reason for the delay. If they believe the applicant has supplied a good reason then they proceed with the review.

The Ministry receives approximately 4,600 requests for review every year. This equates to 0.01 per cent of all the reviewable decisions made by the Ministry. Approximately 70 per cent of reviews are resolved at the Internal Review stage, with 30 per cent proceeding to the more formal Benefits Review Committee.

The table below shows the number of Disability Allowance Reviews of Decisions received between 1 January 2011 and 31 December 2011 which were overturned during Internal Review, broken down by cost-related reason for original decline:

Reason	Number of Applications
Change of costs	16
Lack of representation/costs not verified	11
No continuing medical costs	1
Not an allowable cost	4
Total	32

The table below shows the number of Disability Allowance Reviews of Decisions received between 1 January 2011 and 31 December 2011 which were overturned by a Benefits Review Committee, broken down by cost-related reason for original decline:

Reason	Number of Applications
Change of costs	4
Not an allowable cost	3
Total	7

The table below shows the number of Disability Allowance Reviews of Decisions – for a cost related reason – overturned at Internal Review and the number overturned by a Benefits Review Committee between the period 1 January 2011 and 31 December 2011, broken down by the average time taken to overturn the decision:

Period	Number Overturned at Internal Review	Number Overturned by Benefits Review Committee
1 January 2011 to 31 December 2011	32	7
Average Time to Overturn	13 days	85 days

I hope you find this information on Benefits Review Committees helpful. You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsman
PO Box 10-152
WELLINGTON 6143

Yours sincerely

A handwritten signature in black ink, appearing to read 'DS', with a long horizontal flourish extending to the right.

PP David Shanks
Deputy Chief Executive Corporate and Governance