

Childcare and OSCAR Subsidy shared care

All Childcare and OSCAR Subsidy shared care cases will be granted under this application process . All current Childcare or OSCAR subsidy shared care cases will be reviewed at a date to be determined.

On this Page:

New Applications

All new applications for Childcare or OSCAR subsidy where shared care is identified must be processed under these CCA and OSCAR applications instructions.

20 hours Early Childhood Education

Note: When processing a shared care application for a child aged 3-5 ensure that you understand when the child is accessing the 20 ECE hours. Normally the centre dictates when the child can attend the centre, based on available places. This may or may not be when the main caregiver has the child in their care. Subsidy must not be paid for any ECE hours.

[CCA application process \(PDF 180.3KB\)](#) [<http://doogole/documents/resources/helping-clients/procedures-manuals/work-and-income/extra-help/childcare-assistance/childcare-subsidy-new-applications.pdf>]

[OSCAR - application process \(PDF 180.33KB\)](#) [<http://doogole/documents/resources/helping-clients/procedures-manuals/work-and-income/extra-help/childcare-assistance/oscar-subsidy-new-applications.pdf>]

Reviewing current cases

Childcare and OSCAR Subsidy

All current shared care cases of Childcare and OSCAR Subsidy will be reviewed at a later date.

How to calculate the hours of childcare or oscar subsidy to pay

Step 1: Hours in care of Principal Caregiver

Identify and record how many days per week the child is in the principal caregiver's care.

Step 2: Hours attended at the child's programme

Identify and record how many hours per week the child attends their childcare/OSCAR programme while in the principal caregiver's care.

Step 3: Hours of subsidy to pay

Pay only the hours the child is attending the programme while in the principal caregiver's care.

Example of calculating hours

Mary and Jack have agreed to a new shared care arrangement for their boys who are still attending an OSCAR programme for 20 hours per week, from Monday to Friday at 4 hours each day.

The boys' caring arrangement is 4 days with Mary from early Monday morning to early Friday morning and the remaining 3 days are with Jack. Mary would be entitled to 16 hours of the subsidy but Jack will have to pay for the boys' care himself – 4 hours each when they attend on the Friday.

The following table explains how the calculation is made

Days	Hours the child attends the programme	days in care of the main caregiver	days in the care of other caregiver	total hours paid to main caregiver
Sunday	closed	no	yes	
Monday	4	yes	no	4
Tuesday	4	yes	no	4
Wednesday	4	yes	no	4
Thursday	4	yes	no	4

Friday	4	no	yes	
Saturday	closed	no	yes	

When the situation is 3.5 days each over the week, or week on, week off, or even month on, month off – this is a 50/50 care situation. You will need to identify the principal or main caregiver to decide who will receive the payment.

How to identify a principal/main caregiver?

Remember that shared care applies when a child spends at least 40% of their time with each parent on an on-going basis.

Payment of CCA or CDA will now depend on who the child spends the majority of the other 20% of time with.

Where parents have equal time, to help decide which parent has greater responsibility, staff will ask parents to consider the following:

who pays for the child's material support (furniture, clothes, etc.)

who decides about the child's daily activities

who takes them to and from school and supervises leisure activities

who makes decisions about their education and health

who pays for which expenses.

Unclear as to who is the principal/main caregiver

If it is not clear who has greater responsibility or the parents share the responsibility equally, the parent who was mainly responsible for the day to day care of the child prior to the separation is the person who is the principal or main caregiver.

If the parents / caregivers cannot agree, no subsidy or allowance can be paid until agreement is reached.

Remember: Don't interview these clients together unless you have checked with them that they are comfortable to discuss this together.

SWIFTT limitations when paying in a week on week off situation

When both parents have the child at the same centre or programme and we are paying only the hours that the main caregiver is entitled to, in a week on week off situation, SWIFTT is not able to automatically pay week on week off.

To ensure we can make payment properly, we calculate the hours and pay them over two weeks, for instance Suze has the children at OSCAR for 20 hours every second week when they are in her care and Allan has them at the same programme for 20 hours for his week.

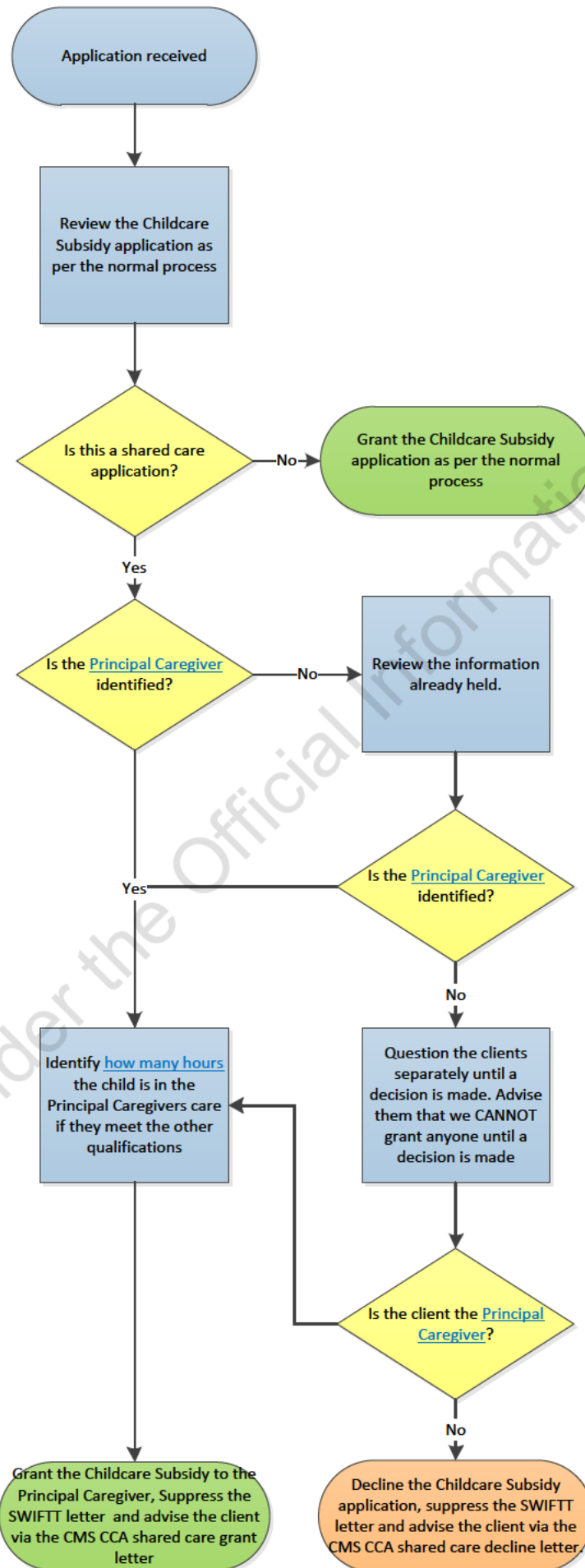
We would pay Suze's subsidy at 10 hours per week and ensure that the centre is aware that the subsidy is being paid this way because of system limitations and any subsidy should only ever be credited to Suze's account.

Reviews

If a client wishes to review the decision made on a shared care application, the Centralised Processing centre will manage that review. Please email the clients details and their request to Centralised_Childcare_Reviews@msd.govt.nz [mailto:Centralised_Childcare_Reviews@msd.govt.nz] for centralised services to follow up.

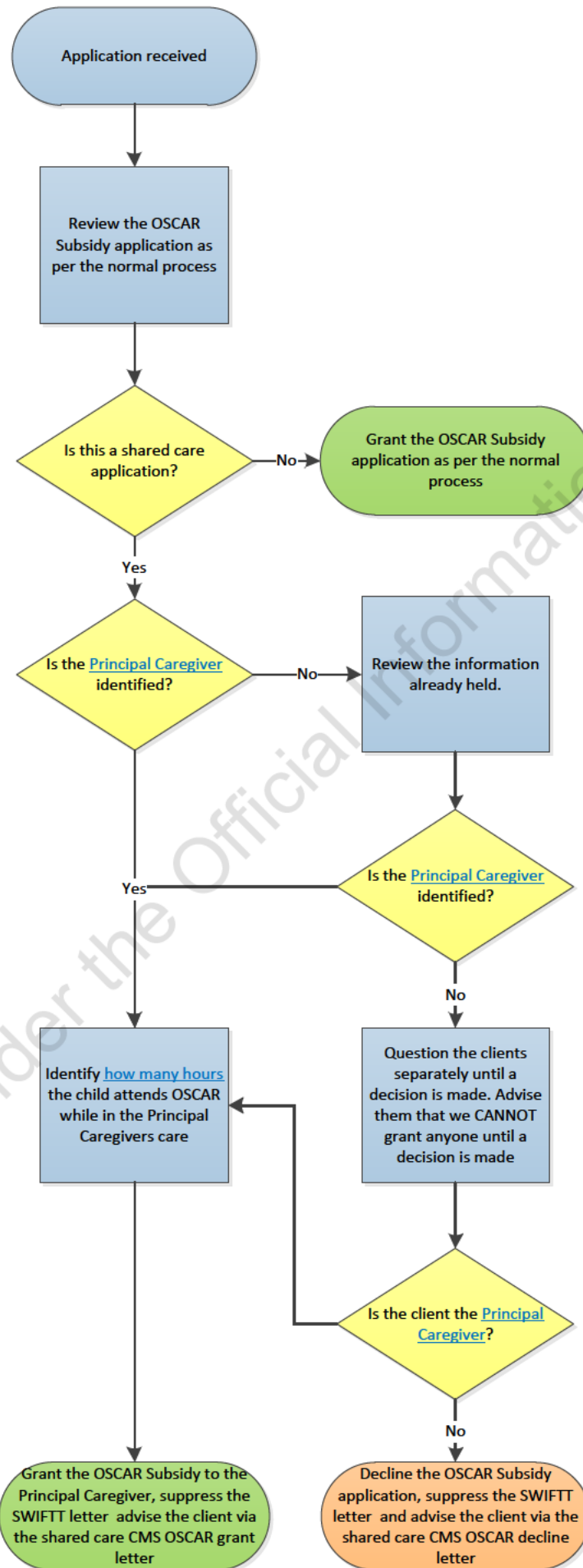
Content owner: [Operational Policy](#) Last updated: 19 April 2022

Childcare Subsidy – New Applications



Released under the Official Information Act (1982)

OSCAR Subsidy – New Applications



Released under the Official Information Act (1982)

The Review of Decision Process Summary

In keeping with the provisions of legislation and Ministry policy, any application to the Ministry for a review of decision, triggers the start of a review process. Our Team is involved with the initial stages of the judicial review process starting with an Internal Review and culminating with a decision being taken by a Benefits Review Committee.

On this Page:

The Internal Review stage

The first part of the review process comprises an 'Internal Review' by the site that made the decision under review. The Service Centre Manager of the site in question examines the decision under review in the light of legislation and Ministry policy. This part of the process is primarily an administrative process and is not a legal requirement. It is implemented in order to weed out incorrect decisions and to correct them before they are escalated to the next stage. If the site in question upholds the initial decision the review application moves on to the next stage.

The Report to the BRC stage

At this stage the original decision under review is re-examined, any new information provided by the Applicant is taken into account and a comprehensive Report to the Benefits Review Committee, covering the perspectives of both the Applicant and the Ministry is written up. The Benefits Review Committee (BRC) is a review body that is established to make correct and fair decisions with regard to procedure and law. A copy of the Report to the BRC is sent to the Applicant and each panel member of the Benefits Review Committee. A suitable date for 'Hearing' the case by the Benefits Review Committee is scheduled and the Applicant is advised.

The BRC Hearing

The composition of the Benefits Review Committee is in accordance with Schedule 7 of the Social Security Act 2018. It comprises three panel members. Two of the panel members are employees of the Ministry, who have had no involvement with the original decision. The third panel member is an independent person of high standing in the community appointed by the Minister. This ensures impartiality, transparency and fairness in the decision making process.

Benefits Review hearings are a chance for a review panel to take a fresh look at decisions made by the Ministry of Social Development.

On the scheduled hearing date, the Benefits Review Committee convenes with the Applicant and a representative of the Ministry. The panel hears presentations from both the Ministry and the Applicant. However, if the Applicant fails to put in an appearance the panel considers only the facts of the case presented in the report provided to it and in this case the Ministry will not attend the hearing either. The Committee re-examines the decision under review and considers the perspectives of both the Applicant and the Ministry giving due regard to any natural advantage that the Ministry may have in the situation.

The Report of the BRC

After the hearing the Benefits Review Committee deliberates on the issue under review in the light of legislation. It tries to arrive at a decision which is both fair to the Applicant and at the same time, within the bounds of what the Ministry can do under legislation.

The decision of the Committee is conveyed to the Applicant and the Ministry through a letter enclosing a copy of the decision report written by the Chairperson of the Committee. Applicants are advised of the Social Security Appeals process where they could seek further redressal if they are not satisfied with the decision of the Benefits Review Committee.

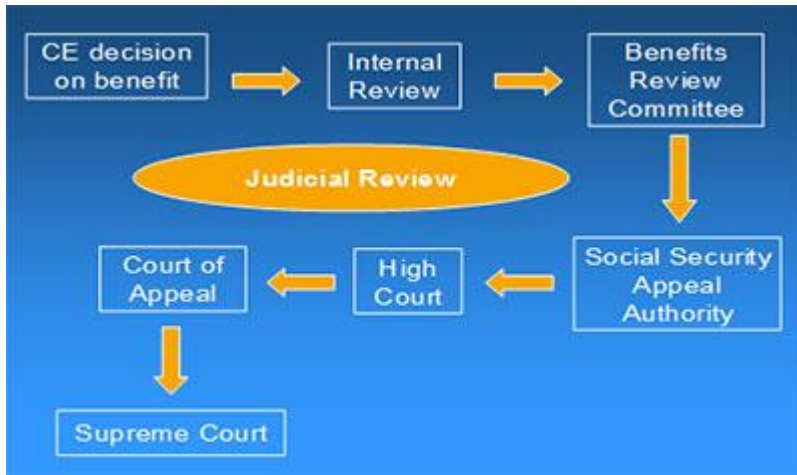
The Out of Time Review process

An Out of Time review is where a Review of Decision is lodged outside of the three month timeframe provided for in section 392 of the Social Security Act 2018.

When a review is lodged Out of Time a slightly different process needs to be followed. This includes a hearing being held by the Benefits Review Committee to determine whether or not the review will be heard. Please refer to the link below for all you need to know about the Out of Time process.

[Out of Time reviews \[http://doogle/resources/helping-staff/procedures-manuals/review-decisions/out-of-time.html\]](http://doogle/resources/helping-staff/procedures-manuals/review-decisions/out-of-time.html)

The Judicial Review Process



The flow chart on the left, shows the entire judicial review process available to any client wishing to review any decision of the Ministry.

The Ministry is involved with the first, second and third stages of the process known as the Benefits Review Committee process. This includes the conduct of an Internal Review, the writing of a report to the Benefits Review Committee, organising a review Hearing by the Committee and the writing of a decision report by the Committee. The Benefits Review Committee process is an important part of ensuring that correct decisions are made by the Ministry on a case by case basis.

Content owner: [Review of Decision](#) Last updated: 21 December 2020

Shared care of child RoD letter template

In cases of shared care of dependent children, the Ministry is often called upon to determine benefit entitlements, in terms of section 195 and 196 of the Social Security Act 2018, between parents who share care of the dependent children.

There have been instances where the other partner has lodged an application for a review of the decision to decline the grant of benefit as the Ministry has not deemed this other partner, as the principal caregiver of the dependent child.

This is a valid ground for a review of decision and in such cases the Ministry is bound to re-open the issue of determining who the principal caregiver of the child is, in terms of sections 195 and 196. The outcome of such a review could potentially affect the entitlement of the parent who was determined to be the principal caregiver and granted a benefit.

In order to ensure that both the affected parties are given an opportunity to represent their cases, we have now developed a letter template to be sent to the parent deemed by the Ministry as the principal caregiver.

In future, whenever sites receive applications for ROD against a decision taken by the Ministry in terms of section 195 of the Social Security Act 2018, a letter as per the attached template must be sent to the other parent as soon as the ROD is acknowledged.

A copy of the brochure, listing the organisations that offer free legal advice in your Region must also be attached to the template. The following is a link to the Ministry's website containing the list of organisations offering free legal advice:

[Getting free legal advice in your Region \[http://www.msd.govt.nz/about-msd-and-our-work/contact-us/complaints/review-of-decision.html#Gettingfreelegalandbenefitadviceinyourregion4\]](http://www.msd.govt.nz/about-msd-and-our-work/contact-us/complaints/review-of-decision.html#Gettingfreelegalandbenefitadviceinyourregion4)

Any response received and any fresh evidence received by the Ministry from the other parent must be documented and considered by the Ministry in its Internal Review. This must also be suitably addressed in the Ministry's report to the BRC.

If no response is received from the other parent after a reasonable time, it must be presumed that the other parent has nothing further to add to the evidence already with the Ministry and this fact should also be mentioned in its report to the BRC.

In case you have any queries in this regard, please feel free to contact the Client Advocacy and Review Team at National Office or Legal Services.

[Shared Care of child - letter template \(Word 22.98KB\), \[http://doogie/documents/resources/helping-staff/policies-standards/review-decisions/letter-templates/shared-care-letter-template.docx\]](http://doogie/documents/resources/helping-staff/policies-standards/review-decisions/letter-templates/shared-care-letter-template.docx)

Content owner: [Review of Decision](#) Last updated: 03 October 2022

Released under the Official Information Act (982)

Dear Mr/Ms [redacted],

You are currently receiving a benefit from the Ministry of Social Development (the **Ministry**) at the 'Sole Parent' rate of payment because the Ministry considers that you are the principal caregiver of [redacted].

Application for review

We are writing to advise you that we have received an application from [redacted] s [redacted] (the **Applicant**) for review of the decision not to grant [redacted] a benefit at the 'Sole Parent' rate of payment.

The Applicant contends that [redacted] is entitled to a benefit at the 'Sole Parent' rate of payment because [redacted] considers that [redacted] is the principal caregiver of [redacted].

The outcome of the review application could potentially affect your entitlement to benefit or rate of benefit.

Who is the principal caregiver?

You were granted a 'Sole Parent' rate of payment because the Ministry decided that you are the principal caregiver of [redacted] under section 195 of the Social Security Act 2018. Under section 195, only the principal caregiver of a child can have the child taken into account when determining entitlement to a benefit and rate of benefit.

To determine which parent is the principal caregiver of a child, the Ministry must decide which parent has greater responsibility for the child. The primary consideration when deciding who has greater responsibility is the amount of time that the child spends in the care of each parent. The Ministry must also consider:

- who makes decisions about the child's daily activities
- who takes the child to and from school and supervises leisure activities
- who makes decisions about the child's education and health
- who pays for the child's material support (furniture, clothes etc.)
- who pays for which expenses.

If it is not clear who has greater responsibility or the parents share the responsibility equally, the parent who was mainly responsible for the day to day care of the child prior to the separation is the person who can receive the Sole Parent rate of payment.

Review process and what you need to do

As a result of the application for review, the Ministry must now reconsider whether you are the principal caregiver of [redacted], taking into account any new or additional information raised by you or the Applicant.

We invite you to provide information, in writing, to confirm that you have the primary responsibility for the care of [redacted]. We suggest that you align your response, if any, to the considerations mentioned above. You should also provide us with documentation in support of your response if needed.

If you think that the responsibility is equally shared, please provide us with information to confirm that you were the parent who was mainly responsible for the care of (name of child/ren) prior to your and the Applicant's separation.

On the basis of the information that you and the Applicant provide, the Ministry will write a report to the Benefits Review Committee (the **Committee**), documenting its views on the matter. The Committee makes the decision about whether the Applicant is entitled to a 'Sole Parent' rate of payment.

If you choose not to provide us with any information, the Committee will make its decision on the basis of the information currently available.

Please note that the Ministry has to submit its report to the Committee within a fixed timeframe. We therefore ask that you submit your views to us, if any, within a period of ten working days of receipt of this letter.

Appeal process

Decisions of the Committee are binding on the Ministry and the Ministry has no right of appeal against any decision of the Committee. However, you will have a right to appeal to the Social Security Appeal Authority if the Committee decides to change your benefit entitlement or rate of benefit.

Right to seek legal advice

You have the right to seek legal advice. The Ministry can't provide you with legal advice. If you want legal advice and can't afford a lawyer, you could get free legal advice. A list of organisations offering free legal advice is attached

Questions

If you have any questions about this letter or the content of the information you need to provide, please contact [[the Service Centre Manager]] on [[Tel Number]] or email [[email address]].

Kind regards,

[Name]

50/50 SHARED CARE & CHILDCARE ASSISTANCE

Released under the Official Information Act (1982)

PURPOSE

- To provide you with the knowledge and understanding of 50/50 shared care
- To give you the access to the support and resources required to assess and process 50/50 shared care actions

You will..

Be more confident in assessing 50/50 shared care

Understand the Policy and Legislation related to 50/50 shared care

Be able to navigate our systems to find relevant 50/50 shared care information

Support available to you:

- Peer Support
- Capability Developers
- Managers
- EAP

Be mindful of others

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What is shared care?

"Shared care" is a term used in the Family Court to refer to a variety of care arrangements for children.

While a shared care arrangement is becoming more and more common, for the purposes of Childcare Assistance, legislation states we may only pay a subsidy to the 'principal caregiver' of a 'dependent child'.

What is a dependent child?

A child who is:

- primarily the responsibility of that person
- maintained as a member of the family
- financially dependent on that person
- not a child for whom payment under the Child, Young Persons and their Families Act 1989 are being paid
- Not a child for whom Orphans or Unsupported Child's Benefit (UCB) is being paid (except in relation to that child's parent or step-parent)

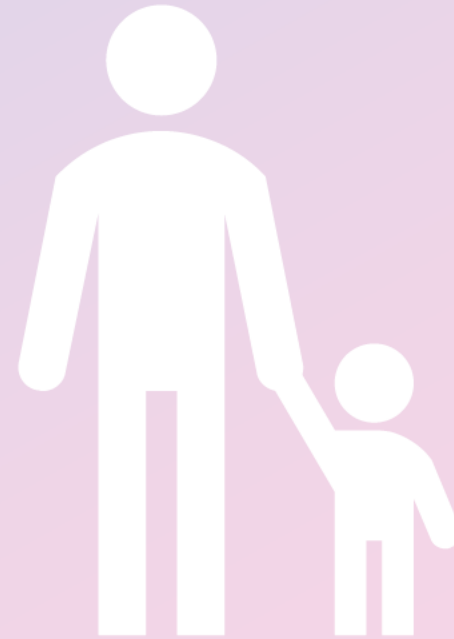


Released under the Official Information Act (1982)

The parent with the greater responsibility is usually the parent who has the child for most of the time

What about a principal caregiver?

If a parent has the child for at least 60% of the time, they have the primary responsibility



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So you think it's shared care, now what?

Check the client's record for information we may already hold

CMS check:

- how many days the child is in each parents care (under 'Relationship')
- notes to see if Principal caregiver assessment has already been completed (sometimes but not always a MVN)
- if we already hold documents on the client's record regarding the care arrangement (e.g. Formal or Informal arrangement, could be a Personal Details form)

SWIFTT check:

- Is the child included in Main Benefit
- CCSI (History) to see if client has ever received Childcare Assistance with a shared care arrangement
- Is the other parent is receiving Childcare Assistance for that child

If we aren't able to locate sufficient information to make a decision, we will need to contact the client and request verification of the care arrangement.

Conversing with the client

Remember the Privacy Act when communicating with clients

- Refer to the other parent as mother of child or father of child
- Never note the other parent's details on the client's record

A phone call with the client can help us understand:

- How many days the child is in the client's care
- Which days the child is in the client's care
- Any changes to the care arrangement

It also gives us the opportunity to ask for verification



Prepare



Acknowledge
client



Verify client



Explain
reason for call

Making the call

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What are the circumstances of your shared care arrangement?

What type of arrangement do you have?

How would you describe the split of responsibilities between you and the father of the child?

In order to assess your full and correct entitlement we need your shared care arrangement....

Effective Questioning

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Concluding the call



During the call

- Clarify the client's shared care arrangement
- Advise the client of information we require and the reasons why
- Tell the client what your next steps will be



After the call

- Request a copy of the formal or informal arrangement
- Update CMS child relationship details
- Leave good and clear Client Event note detailing phone conversation

Calculating shared care

You have the shared care arrangement, now what?



There are 336 hours in a fortnight

We need to determine how many hours a fortnight the child is in each parent's care to identify the principal caregiver

School time is included in hours of care depending on the change over time of care

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Are they the principal caregiver?

Yes

Grant

1. Identify which days the child is in the principal caregivers care
2. Grant the Childcare Subsidy application
3. Suppress the SWIFTT LSUM letter
4. Advise the client of the grant using the CMS 'Childcare / OSCAR Subsidy Letter for Shared Care' letter

Subsidy can only be for the enrolled hours the child is in the care of the principal caregiver

No

Decline

If a client is not the principal caregiver, we are unable to offer a Childcare Subsidy to them

1. Decline the Childcare Subsidy application
2. Suppress the SWIFTT LSUM letter
3. Advise the client of the grant using the CMS 'Childcare / OSCAR Subsidy Letter for Shared Care' letter

Scenario 1 – OSCAR Subsidy

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total hours enrolled
Parent					Primary	Primary	Primary	
Hours enrolled					3			15 hours @ \$97.50
Parent	Primary	Primary	Primary	Primary				
Hours enrolled	3	3	3	3				15 hours @ \$97.50

Child is in the principal caregivers care week on, week off from Friday to Thursday

Client studies 25 hours a week + 1 hours travel. Based on their income, they can receive CCS rate of \$5.69 an hour

What is the client's entitlement?

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Scenario 2 – Childcare Subsidy

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total hours enrolled
Parent							Primary	
Hours enrolled								Enrolled 15 hours for \$90 per fortnight
Parent	Primary	Primary	Primary	Primary	Primary	Primary		
Hours enrolled	3	3	3	3	3			

Child is in the principal caregivers care week on, week off from Sunday to Saturday

Client is non-active and based on their income can receive CCS rate of \$4.53 an hour

What is the client's entitlement?

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Scenario 3 – Childcare Subsidy

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total hours enrolled
Parent			Primary	Primary	Primary	Primary	Primary	
Hours enrolled			3	3	3			Enrolled 15 hours for \$90 per fortnight
Parent	Primary	Primary						
Hours enrolled	3	3						

Child is in the principal caregivers care week on, week off from Wednesday to Tuesday

Client is non-active and based on their income can receive CCS rate of \$4.53 an hour

What is the client's entitlement?

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Scenario 4 – ECE

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total hours enrolled
Parent	Primary		Primary		Primary		Primary	
Hours enrolled	8		8		8			Enrolled 50 hours – 20 ECE @ \$295.00
Parent		Primary		Primary		Primary		
Hours enrolled		8		8				Enrolled 50 hours – 20 ECE @ \$295.00

Child is in the principal caregivers care every second day

Client is non-active with a CDA child (sibling) and based on their income can receive CCS rate of \$5.69 an hour

What is the client's entitlement?

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What does that look like in the systems?



How we process the shared care entitlement is dependent on a few things:

- The type of Childcare Assistance
- The weeks of entitlement
- The frequency

Option 1 Process week on, week off

Option 2 Averaging the subsidy

Option 3 Client has regularly weekly entitlement

Week on, week off

Assess primary caregiver's activity and entitled hourly fee



Child's enrolled hours during primary caregivers care



Calculate entitlement



Enter as per normal. For OSCAR, enter weeks of entitlement only in CDTSA for care period

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Week on, week off

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total hours enrolled
Parent							Primary	
Hours enrolled								
Parent	Primary	Primary	Primary	Primary	Primary	Primary		
Hours enrolled								

	Effect. date	Description	Status	Rate pw	Care Type	Grand Parent
1	10/04/17	End of Care Period/school term	Suspended		S	
2	03/04/17	Review	Current	40.40	S	
3	27/03/17	End of Care Period/school term	Suspended		S	
4	20/03/17	Review	Current	40.00	S	
5	13/03/17	End of Care Period/school term	Suspended		S	
6	06/03/17	Review	Current	40.00	S	
7	27/02/17	End of Care Period/school term	Suspended		S	
8	20/02/17	Review	Current	40.00	S	

Averaging the subsidy

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total hours enrolled
Parent	Primary		Primary		Primary		Primary	
Hours enrolled	8- 4ECE		8- 4ECE		8- 4ECE			Enrolled 50 hours – 20 ECE @ \$250
Parent		Primary		Primary		Primary		
Hours enrolled		8- 4ECE		8- 4ECE		8- 4ECE		Enrolled 50 hours – 20 ECE @ \$250

Assess the primary caregiver's activity and entitled hourly fee

Identify the child's enrolled hours during the principal caregivers care

Calculate the entitlement over a fortnight

Divide by 2 giving a weekly rate to be paid

Enter this weekly rate in 'Manual rate' box of CCSC

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Averaging the subsidy

Client : _____

Application date _____ Lapse date _____
Evidence received date _____
Date care commenced _____ Income
Entitlement date _____ Renewal date _____
Effective date _____ Rate per week _____

File No. _____ **Providers charge:**
No. _____ **Input Providers charge**
State _____
7 _____
Manual rate per week:
pw _____ **Input entitled weekly fee as per calculation**
(/N)? _____

Expiry date _____
Manual rate per week
OSCAR ONLY

Grandparent _____
Number of children
Parent indicator
Number of hours

Reason for suspend
Comment

Number of hours:
Input total entitled hours

Comment:
E @ 50/50SC refer MVN

Lump sum required Y/N?

F1 F2 F3 F4 F5 F6 F7 F8

Next activity

Regular weekly fitlement

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total hours enrolled
Parent				Primary	Primary	Primary	Primary	
Hours enrolled				3	3			Enrolled 15 hours for \$90 per week. Client is non-active receiving SPS
Parent	Primary	Primary					Primary	
Hours enrolled	3	3						

Providers charge: Input Providers charge

Number of hours: Input total entitled hours

Manual rate per week: Input entitled weekly fee as per calculation

Comment: E @ 50/50SC refer MVN

OSCAR ONLY

Lump sum required Y/N?

F1 CCSI F2 CCCI F3 CCSHI F4 INSTI F5 F6 F7 LSUM F8

Next activity Scr.Cpy

Recording information



Along with your relevant grant/ review note you will also need to include a Must View Note detailing the Shared Care Assessment

50/50 shared care assessment for:	<i>Child's name</i>		
Child/ren name/s:	<i>Child name</i>		
Childcare Centre:	<i>Centre name</i>	<i>Centre SWN</i>	
Attendance details;			
Enrolled hours:	<i>Enrolled hours</i>	<i>per week/fortnight</i>	
ECE:	<i>ECE hours or N/A</i>		
Weekly fee:	<i>Fee charged to parent after discounts</i>		
Enrolment breakdown:	<i>Days/hours enrolled</i>		
Entitlement details;			
Parent activity:	<i>E.g. Dad training 30 hours + 5 travel</i>	<i>Place of work or training period</i>	
Weekly income	<i>Gross weekly income</i>		
Specified days child is in FOC/MOC care:	<i>Days in care (note where this information has come from)</i>		

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Review of Decision



As always, if the client is not happy with the decision, they have the option to complete and submit a Review of Decision (ROD)

These can be found on the Work and Income website or we can post a copy to the client

The ROD must be submitted within 90 days of the decision being made (there are exceptions to this in cases of good and sufficient reason)

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Shared Care in summary

Identify the principal caregiver

Determine eligibility based on activity
and enrolment client

Process in SWIFTT

Make client notes in CMS

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Question time

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