



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

25 JUL 2018

L K Barber

fyi-request-8097-9cf0628c@requests.fyi.org.nz

Dear L K Barber

Thank you for your email of 23 June 2018 asking for information as set out below, followed by my response.

1. *For the years 1990 1991 & 1992 if a female client with dependent minors made a request for assistance to the Ministry after the accidental death of a spouse, how did the DSW execute the provisions stated in Part 1A Purpose of the Act*

(a) to ensure that the financial support referred to in [previous] paragraphs a & b of this Act is provided to people taking into account-

(i) 'Where appropriate they should use resources available to them before seeking financial support under this Act and...

(ii) any financial support that they may be eligible for or are already receiving, OTHER THAN UNDER THIS ACT, FROM PUBLICLY FUNDED SOURCES.

You talk about Part 1A(a) of the Social Security Act 1964. What you show is incorrect. Part 1A(a) was inserted in 2007. It did not exist prior to then. There is no reference to funding from other public sources. This part of the Act reads:

1A Purpose

The purpose of this Act is—

(a) to enable the provision of financial and other support as appropriate—

(i) to help people to support themselves and their dependants while not in paid employment; and

(ii) to help people to find or retain paid employment; and

(iii) to help people for whom work may not currently be appropriate because of sickness, injury, disability, or caring responsibilities, to support themselves and their dependants.

You are asking about payment when application is made months after the event that gave rise to the need for assistance and other information for the years 1990 to 1992.

You made a similar request on 19 December 2015 and Rachel Sutherland, General Manager Ministerial and Executive Services, wrote to you on 2 February 2016 to advise that your request was refused. She also asked if you would refine or advise the purpose of your request. A copy of that letter is attached. That does not appear to have happened.

You had also requested similar information on 25 November 2015 and as you had not received a response, you sent a reminder on 14 February 2016. Ms Sutherland wrote to you on 14 March 2016 again asking you to clarify your request and inviting you to meet with staff for this purpose. That, again, does not appear to have happened, although on 28 June 2016 you did clarify a similar request with National Office's Official and Parliamentary Information Team. Ms Sutherland replied on 29 August 2016 and a copy of her reply is attached.

I note that you recently asked for information about overpayments and I replied to you on 26 June 2018. A copy is attached. If there is a connection between the two scenarios, it would probably make it even more helpful for you to meet with a staff member for a discussion about your concerns. If you would like to take this opportunity, I encourage you to contact Tanya Sgubin, Assistant Service Centre Manager Papakura Community Link, by telephone on 09 917 6414 or by email at Tanya.sgubin001@msd.govt.nz.

I assure you, we would like to help you but, unfortunately, it is difficult to do so without being able to get a better understanding of your request. In the meantime, I regret that we will be unable to help you with any further requests for the same or similar information and you will be refused in line with Ms Sutherland's advice to you in her letter of 2 February 2016.

What I can advise is that in the years 1990 to 1992, each person's application would have been assessed on its merits. For example, if someone applied for a Widow's Benefit six months after the death of their spouse, a Case Manager would consider the status of the deceased's estate when assessing the person's application. You will appreciate that this can be complex as there can be claims against estates and other actions that can mean the living spouse might not be able to access funds for a period. Again, if there is a particular scenario you would like information on, please contact us.

If you are not happy with my response, you have the right to seek an investigation by the Ombudsman, whose address for contact purposes is:

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

Email: info@ombudsman.parliament.nz
Telephone: 0800 802 602

Yours sincerely



Elisabeth Brunt
General Manager
Ministerial and Executive Services



26 JUN 2018

L K Barber
fyi-request-7871-b46c4cba@requests.fyi.org.nz

Dear L K Barber

Thank you for your email of 21 May 2018 requesting information under the Official Information Act 1982. The information is publicly available and your request is therefore not being treated as an Official Information Act request.

I will respond to each of your questions in turn.

1. *After an overpayment debt has been established against a current client of WINZ, which department & position/s held within that department have the authority to alter i.e. increase/decrease agreed repayment amounts from clients?*

If the client is receiving a main benefit, the Case Manager sets an amount to recover from the benefit recipients weekly benefit payments in agreement with the client and having consideration of their personal circumstances. The usual maximum rate of recovery would be \$40 per week, unless the client volunteers to pay more and the client puts this in writing.

If the client does not receive a main benefit, the Ministry's Collections Unit has responsibility for debt recovery. Collections Officers follow a prescribed process for recovering the debt. In the first instance, attempts are made to contact the client to discuss a sustainable and realistic rate of repayment based on the debt amount and the client's financial circumstances. If a client does not make a repayment arrangement and does not respond to any of the Ministry's letters then Collections Officers can enforce deductions from either the client's bank account or, more usually, from their wages. Section 86 of the Social Security Act is the authority under which this can be done.

More information about this is available on the Work and Income website at: <https://www.workandincome.govt.nz/on-a-benefit/debt/index.html>. In addition, the factors staff must consider when setting the rate of recovery, or whether to temporarily defer recovery, are set out in a Ministerial direction and you can find this at: <https://www.workandincome.govt.nz/map/legislation/ministerial-directions/debt-recovery-direction/index.html>.

2. *Why is this alteration not recorded in a client's file?*

It is a requirement that all changes are recorded in the client's Ministry records. If you are aware of an instance where this has occurred, please write to me at: info@msd.govt.nz and I will look further into the matter.

3. What information is available to the decision maker before altering the agreed amount?

It is usual practice for staff to attempt to discuss this with the client if they are able, and the client's record is noted. The Ministry will always discuss repayment rates with an individual and consider the person's circumstances, such as income and health. If the Ministry is unable to make contact with the client, recovery may commence. A client can always contact the Ministry on 0800 559 009 to discuss repayment rates. For clients no longer receiving a benefit from Work and Income, they should contact the Ministry's Collections Unit on 0800 558 008.

4. What process/steps are involved prior to making this change?

As for 3 above, it is usual practice for staff discuss this with the client if possible and, again, the client's record is noted.

5. Why is a client not advised of the decision?

Clients must be advised of such decisions and the client's record is noted.

I would like to point out again that the Ministry's usual practice is to make efforts to contact the debtor to negotiate repayment and changes, and to keep the debtor informed throughout the process.

If you have further questions, you are welcome to write again to info@msd.govt.nz.

Yours sincerely



Elisabeth Brunt
General Manager
Ministerial and Executive Services



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

29 AUG 2016

L.K. Barber

fyi-request-3633-4b1022a1@requests.fyi.org.nz

Dear L.K. Barber

On 28 June 2016, the Ministry received clarification of the information you requested, under the Official Information Act 1982 which we will respond to:

- *What is the policy and process involved when a widow came into apply for assistance? Are there any procedures that case managers followed to ensure that clients were informed of other services other agencies offered?*

Ministry staff including Case Managers at Work and Income sites, are required to adhere to the Social Security Act 1964 and Work and Income's Manual and Procedure guidelines to ensure full and correct assessments are undertaken to determine full and correct benefit entitlements.

The Manuals and Procedures guidelines hold all of the information that Case Managers must use to assess the client's needs and determine what support the client may qualify for.

The Social Security Act outlines information on the qualifications of a benefit, the obligations (if any are applicable), the conditions of the grant or additional assistance, the commencement date and the method of payment. The Manuals and Procedure guidelines available on the Ministry intranet to every staff member and is available on Work and Income's website at the following link: <http://www.workandincome.govt.nz/map/income-support/main-benefits/index.html>

The Manuals and Procedures guidelines ensure that all Case Managers are consistent in their application of the same processes and cover every aspect of the benefit or additional support a client may qualify for. When a Case Manager is aware of a service another agency provides that would aid their client, the Case Manager may provide that client with the additional information or make a referral to that agency.

This is not outlined in the Manuals and Procedures guidelines, however, Case Managers have access to the Family and Community Services directory where other agencies are listed. This directory is available on the Family Services website at: <https://www.familyservices.govt.nz/directory>

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I hope you find this information 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



Rachel Sutherland
General Manager, Ministerial and Executive Services



**MINISTRY OF SOCIAL
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TE MANATŪ WHAKAHIATO ORA

14 MAR 2016

L K Barber
fyi-request-3407-f1c5c0c1@requests.fyi.org.nz

Dear L K Barber

I am writing in response to your emails of 25 November 2015 requesting the following information, for which you sent us a reminder on 14 February 2016. I apologise for your requests being overlooked at that time.

- ***For the years 1990-1995, how did MSD assess an applicant's request for assistance after a husband's death who was an earner, against possible ACC eligibility where dependent children are involved?***
- ***Also any Ministerial directives that the MSD was subject to for the same period (1990 to 1995) regarding ACC claimants & the growing costs of the ACC scheme?***

As you are probably aware, the Ministry of Social Development did not exist at that time. However, we expect to be able to access information from the Ministry's predecessor agencies if that information exists. Unfortunately, we are unable to determine exactly what you are seeking.

Staff from our Auckland Regional Office have been trying to make contact with you to arrange a meeting to clarify your requests and assess how we can best assist you. If you would like to arrange a meeting, please contact Sandra Haru, Assistant Service Centre Manager, by telephone on 09 917 6378 or email at: sandra.haru001@msd.govt.nz.

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Telephone: 0800 802 602

Yours sincerely

Rachel Sutherland
General Manager
Ministerial and Executive Services



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

- 2 FEB 2016

L K Barber
fyi-request-3497-82b99f1a@requests.fyi.org.nz

Dear L K Barber

I am writing in response to your request of 19 December 2015 for staff guidelines for the period 1995 to 2005 when a client applied to add children to a Widows Benefit. The Chief Executive has asked me to reply on his behalf.

Your request for historical policy guidelines covers a large time period. In addition, much of this information is archived and as such, substantial manual collation would be required to locate and prepare the documents that fall within the scope of your request. Your request is therefore refused under section 18(f) of the Official Information Act.

If you would like to refine your request, please contact us again. It would also help us if you can advise the purpose of your request, as this may assist with identifying the information you are seeking. For example, if there is a specific query you have about changes made to part of the policy, that would be of assistance to us. If you prefer to talk about refining your request, please provide your telephone number and an Advisor will be in touch with you.

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Yours sincerely



Rachel Sutherland
General Manager
Ministerial and Executive Services