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New five year fixed term appointment

The Minister has made a decision that all new appointments of Benefits Review Committee community representatives will be for a fixed term of five years. This is effective from November 2015.

Commencement Date RoDs

You will have heard about the drafting error in the Social Security Act 1964 (the Act) dating from 3 June 1998 which resulted in the Ministry inadvertently underpaying clients who have been

subject to a stand-down by one day.

On 20 May 2014 the Social Security Appeal Authority (SSAA) alerted the Ministry a legislative amendment made on 3 June 1998 created an error in section 80BA of the Act. That means benefit payments should have commenced on the last day of the stand-down period, rather than the current practice of commencing payment the day after the stand-down period ends.

In September 2015, this issue was brought to the attention of media and since then about 20,000 beneficiaries, past and present, submitted a review of decision to check whether they are owed money.

The government has since passed a law change on 24 November 2015 to fix the error, dating back to 3 June 1998.

By November 23, the Ministry had received 28,000 applications for the one day payment. However about 8,000 of these were duplicates of people who lodged their claim more than once, or via different channels.

By Thursday 10 December 2015, the Ministry had made payments in 11,600 cases, totaling \$1.1 million.

A further 4,000 cases need to provide their bank account details before payments are made and 2,200 cases were found to have no entitlements owing.

The remainder of claims were still awaiting processing.

The Ministry is now working with the RoDs in three different ways depending on the circumstances:

1. Any clients granted a benefit with a stand down imposed from 29 September 2015 to 23 November 2015 automatically received the additional one day entitlements. Note that this process has now ceased.
2. An on-line form process went live on Tuesday 24 November 2015 and is currently open for clients to lodge their review of decisions. This automated process will assess and pay entitlements for the period 20 May 2014 to 28 September 2015. This will cease on 9 January 2016.
3. An automated process assessed and paid clients entitlements dating back to 1998 for RoDs lodged between 29 September 2015 to 23 November 2015.

The Ministry estimates about 2000 Applicants will proceed to BRC. We will contact Applicants wishing to continue with the process after the Christmas/New Year break.

New Team Email Address

The RoD/Review and Client Representative (RCR) team has a new email address:
Review_Client_Rep_Team@msd.govt.nz

Please use this email when you contact us as the previous one is no longer in use. This address is for internal use only and is not to be given to clients.

HIYA-RoD changes

On 8 August 2015 changes to HIYA-RoD were rolled out. One of the changes is given below.

Amendments to Internal Review and Checklists - Debt reminders

The Ministry has continued to be subject to criticism from the SSAA regarding how it communicates the breakdown of debts to clients and how debts have been calculated.

Clients are frequently not given the level of detail they should receive regarding what their debt is made up of, how much they have paid off, or even if the debt has been correctly calculated. This is a serious concern.

The RCR Team has committed to reminding Ministry staff, wherever possible, to check the calculation of debts and fully notify clients of how the debt is made up. You will therefore see amendments to the Internal Review Checklist, and the Report to the BRC Checklists

Senior services offer of assistance

The Senior Services report writing team is offering their services to BRC panels who hear Senior Services cases.

They are giving panels the option of sending the panel's report to them once a decision is made, but before it is signed off, for a final QA. The QA includes:

- checking spelling and grammar,
- that the application of legislation has been explained in the findings and
- that the findings reflect all the considerations the panel had to take into account in order for the panel to reach their decision.

The Seniors QA should in no way interfere with the decision or recommendations that have already been made by the panel.

Once the Seniors team has completed the QA they will feedback any recommendations or changes to the panel for consideration.

It is not compulsory to take up the QA offer and it's up to each individual panel if they wish to do so.

Performance Monitoring for November and December

Our team has been largely involved with the commencement date/stand-down RoDs therefore it was decided that we would not complete the monthly RoD performance monitoring for November and December.

Report checklists

When writing a report remember the checklists are there to help you. The checklists print out with the report or are included on the screen at the beginning. These checklists were updated with the changes to HIYA-RoD that were rolled out in August this year. The key amendment was about ensuring the client has been notified of the details of debts that have been established against them. It is important for the reports to the Committee and those written by the Committee to be of a high standard as they can potentially go before the Social Security Appeal Authority.

Happy Holidays

We would like to thank you for your hard work throughout 2015 in ensuring the Review of Decision process is conducted to a high standard. We hope you have a good break, keep safe and have a happy new year.

Feedback

The RCR Team welcomes any feedback from you. The team's **contact details** are below.

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