



- 3 MAY 2017



Dear 

On 22 December 2016 you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *All information on quotas for MSD staff for prosecuting clients/beneficiaries, clearing cases and recovering money from beneficiaries/ex-beneficiaries accused of fraud.*
- *All information regarding the recommendations and findings of internal reviews carried out in the wake of Wendy Shoebridge's death.*

On 10 February 2017, you were contacted by a Ministry advisor. It was agreed that your request will be refined to provide the documentation from 2011 regarding the information about fraud investigation.

As you may be aware, orders pursuant to Section 74 of the Coroners Act 2006 are in place regarding the release of information about Ms Shoebridge and Ministry employees, in relation to the benefit fraud investigation concerning Ms Shoebridge. These orders are made up of both interim orders and permanent orders. Information that falls within scope of these orders is withheld under section 18(c)(ii) of the Act which applies where a Coroner has prohibited the publication of evidence given at an inquest.

Following Ms Shoebridge's death in 2011, a comprehensive review into the investigation that alleged Ms Shoebridge committed benefit fraud was undertaken. The review confirmed that while the Ministry has good rules in place for investigating benefit fraud, particularly where a vulnerable client is involved, tragically on this occasion those rules were not followed. People have been held accountable where appropriate.

Please find enclosed a copy of the internal review titled, '*Wendy Shoebridge – Review of Investigation*', dated 29 August 2011. You will note that some information is withheld from the Review under the aforementioned sections 9(2)(a) and 18(c)(ii) of the Official Information Act as well as the following sections:

- Some information is withheld under section 9(2)(ba)(i) of the Act as it is subject to an obligation of confidence, and if released, could prejudice the supply of similar information in the future. The greater public interest is in ensuring that such information can continue to be supplied.

- Some information has been withheld under section 6(c) of the Official Information Act where making that information available would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences.

The Ministry does not have quotas in place for staff to meet when prosecuting clients alleged of fraud and for the recovery of the money from these clients. Each staff member's workload is individually tailored to the complexity of the cases they undertake – which range from the straightforward to the highly complex. As in every job, there are performance measures in place to ensure our staff are performing to the best of their ability, and that the team is sharing their workload equitably, but in no way should this be misconstrued as a quota.

The Ministry has a responsibility to ensure that it is performing in line with the tax payer's expectations. Other performance indicators and individual measures may also be agreed between an employee and their manager. These may take into consideration any regional or local strategies and initiatives the employee may be participating in.

The Ministry has clear rules in place for staff working with vulnerable people like Ms Shoebridge. An inquiry into the Ministry's handling of Ms Shoebridge's benefit fraud investigation confirmed that while the Ministry has protocols in place for investigating benefit fraud, on this occasion those protocols were not followed. To ensure staff are clear about the protocols in place, and their responsibilities, the Ministry has reviewed and improved these procedures and communicated these expectations with staff.

Please find enclosed a copy of the Performance Development and Assessment System issued to fraud investigators in 2010/11.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Ruth Bound', with a large, stylized initial 'R' and a long horizontal flourish extending to the right.

Ruth Bound
Deputy Chief Executive, Service Delivery



MINISTRY OF
SOCIAL DEVELOPMENT
Te Manatū Whakahiato Ora

MSD people: Put people first | Team up together to make a bigger difference | Act with courage and respect | Empower others to act | Create new solutions | Are 'can do', and deliver | Honour achievement

To	Peter Hughes, Chief Executive	Date	29 August 2011
From	Mike Smith, Deputy Chief Executive, Students, Seniors and Integrity Services		
Security Level	IN CONFIDENCE		

MEMO

WENDY SHOEBRIDGE - REVIEW OF INVESTIGATION

- 1 You have asked me to carry out a comprehensive review of the benefit fraud investigation of Ms Wendy Shoebridge. This review follows concerns raised by Ms Shoebridge's mother, Ms Barbara Cooke, following Ms Shoebridge's suicide.
- 2 You have asked me to look at the way in which the investigation was conducted and the rules that Integrity Services has in place for investigating allegations of benefit fraud, including protocols for dealing with vulnerable clients.
- 3 In completing the review, I have personally reviewed the investigation file. This amounted to approximately 500 pages of interview notes and transcripts, case notes, financial documents, benefit applications and correspondence. The investigation file has also been peer reviewed by a Senior Investigator, the National Manager of the Fraud Investigation Unit, and the General Manager, Integrity Services.
- 4 All staff involved with the investigation have been interviewed, including the Investigator, the Senior Fraud Investigator, the Operations Manager and the Fraud Investigation Manager. I have also thoroughly reviewed the national investigation manual, work processes and the standard correspondence that investigation staff use when carrying out benefit fraud investigations.

Summary of Findings

- 5 We have appropriate rules in place for engagement with vulnerable clients, and for all fraud investigations. I have identified two improvements that can be made, and these have been implemented.

6

Section 6(c) Maintenance of the law, 18(c)(iii)

7

Section 9(2)(a) Privacy of natural persons, Section 6(c) Maintenance of the law, Section 9(2)(ba)(i) Obligation of confidence, 18(c)(ii)

Section 9(2)(a) Privacy of natural persons

8

18(c)(ii)
Section 9(2)(a) Privacy of natural persons
18(c)(ii),

18(c)(ii)

9

S 9(2)(a), 18(c)(ii), 6(c)

10

11

Background

12

Section 9(2)(a) Privacy of natural persons

13

Section 9(2)(a) Privacy of natural persons, 18(c)(ii)

14

The case was assessed as being of [S 9(2)(a)] risk [S 9(2)(a)] and was appropriately assigned to the Integrity Intervention Unit to undertake a benefit eligibility review. [Section 9(2)(a) Privacy of natural persons, Section 9(2)(ba)(i) Obligation of confidence]

18(c)(ii), 6(c)

15

Section 9(2)(a) Privacy of natural persons

16

Section 9(2)(a) Privacy of natural persons

17 Section 9(2)(a) Privacy of natural persons, 18(c)(ii)

18 Section 9(2)(a) Privacy of natural persons

19 Section 9(2)(a) Privacy of natural persons, 18(c)(ii), Section 9(2)(ba)(i) Obligation of confidence

20 Section 9(2)(a) Privacy of natural persons, 6(e), 18(c)(ii), Section 9(2)(ba)(i) Obligation of confidence

21

22

23

24

RELEASED UNDER THE OFFICIAL INFORMATION ACT

§ 9(2)(a)

25 Section 9(2)(a) Privacy of natural persons

26 Section 9(2)(a) Privacy of natural persons
Section 9(2)(a) Privacy of natural persons On 30 March he sent a letter to Ms Shoebridge that advised her of the overpayments that had been established and that her file had been referred for prosecution.

27 Section 9(2)(a) Privacy of natural persons, 18(c)(ii), 6(c)

Review of the Investigation

28 18(c)(ii)

29 The Investigators decision was based on the evidence in front of him which included:

§ 9(2)(a), 18(c)(ii)

30 § 9(2)(a), Section 6(c) Maintenance of the law, 18(c)(ii)

31
o Section 9(2)(a) Privacy of natural persons, 18(c)(ii), 6(c)

OFFICIAL INFORMATION ACT

18(c)(ii), 6(c)

Section 9(2)(a) Privacy of natural persons, 18(c)(ii)

Assessment of Section 9(2)(a) Privacy of natural persons

32 Section 9(2)(a) Privacy of natural persons, 18(c)(ii)

33

34

As a result, the overpayments should not stand.

35

It is important to note that before any prosecution commenced the Investigator would have needed the approval of Legal Services.

18(c)(ii)

Actions Taken

36 The Ministry has appropriate rules in place for carrying out fraud investigations and for working with vulnerable clients. However, I have identified two areas where practice can be strengthened:

- o [Redacted] 18(c)(ii) [Redacted]. The standard letter that is sent at the conclusion of the investigation has been changed to make it clear that the case is referred for legal advice, rather than referred for prosecution. Only if prosecution is been approved by Legal Services is the client advised that the prosecution is to progress.

- o New instructions have been issued to staff around interviewing [Redacted] Section 9(2)(a) Privacy of natural persons, 18(c)(ii) [Redacted] Investigators can only deviate from this policy if they have obtained approval from their Operations Manager.

37 In terms of Ms Shoebridge's benefit file, the following actions have taken place:

- o The overpayments for the periods between [Redacted] Section 9(2)(a) Privacy of natural persons [Redacted] have been cancelled.
- o Section 9(2)(a) Privacy of natural persons [Redacted]

Accountability

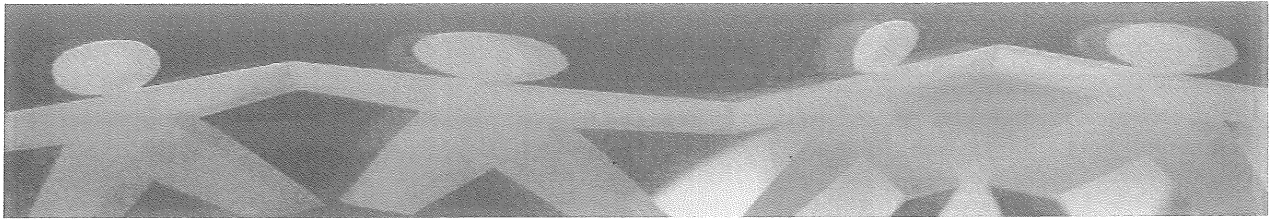
38 With respect to staff involved with the investigation the following actions have been taken:

- o Section 9(2)(a) Privacy of natural persons, 18(c)(ii), Section 6(c) Maintenance of the law [Redacted]
- o [Redacted]
- o [Redacted]

RELEASED UNDER THE OFFICIAL INFORMATION ACT

S 9(2)(a), 6(c), 18(c)(ii)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



Performance Development and Assessment System

Staff Member's Name:	
Position:	Investigator, National Fraud Investigation Unit
Manager's Name:	

Review Period: 01/10/2010 to 30/09/2011

Employees Comments:

Managers Comments:

Date Key Deliverables agreed:	
--------------------------------------	--

(Manager)

(Staff Member)

Date Performance Review Completed:	
Performance Review Agreed: <i>(Refer to page 23 of the guidelines)</i>	Yes / No

(Manager)

(Staff Member)

Overall rating:	
------------------------	--

Key Deliverables – refer page 8 of guidelines

Ratings:

<p>Needs Improvement</p> <p>Key deliverable not met or partially met, and measure(s) not demonstrated or partly demonstrated.</p>	<p>Substantially Achieved</p> <p>Key deliverable and measure(s) is mostly met. Considerable progress has been made.</p>	<p>Expectation Achieved</p> <p>Key deliverable and agreed measure(s) met.</p>	<p>Exceeded Expectation</p> <p>Exceeded the key deliverable and measure(s).</p> <p>High Exceeded Expectation</p> <p>Key deliverables and measures have been exceeded or stretch deliverables have been exceeded</p>
--	--	--	---

<p>Investigations Output</p> <p><i>Carry out and conclude all assigned investigations as required. Including:</i></p> <ul style="list-style-type: none"> • Initiating the investigation and gathering of evidence • Conducting interviews • Preparing reports with decisions and instructions • Recommending appropriate penalties • Negotiating satisfactory debt repayments 	<ul style="list-style-type: none"> • Contribute to target • Case clearance expectations: <ul style="list-style-type: none"> - An average of 4 cases cleared per month = Met - An average of 6 cases cleared per month = Exceeded - An average of 8 cases cleared per month = High Exceeded
<p>Self Assessment:</p>	
<p>Manager's Comment:</p>	<p>Rating:</p>

<p>Investigation Timeliness</p> <p><i>Investigation will be completed within expected timeframes:</i></p> <ul style="list-style-type: none"> • Investigations are completed as quickly and efficiently as possible. • Cases are completed without unnecessary delays. 	<ul style="list-style-type: none"> • Timeliness expectations: <ul style="list-style-type: none"> - 85% of cases are cleared within 6 months = Met - 90% of cases are cleared within 6 months = Exceeded - 95% of cases are cleared within 6 months = High Exceeded
--	---

Self Assessment:	
Manager's Comment:	Rating:

Investigation Quality <i>Undertake all assigned investigations to require quality standards:</i> <ul style="list-style-type: none"> Investigations meet required quality standards 	<ul style="list-style-type: none"> Quality checking results expectations: <ul style="list-style-type: none"> Average monthly accuracy of 95% = Met Average monthly accuracy of 97% = Exceeded Average monthly accuracy of 99% = High Exceeded
Self Assessment:	
Manager's Comment:	Rating:

Strike Rate <i>The proportion of investigations resulting in an overpayment or prospective savings will meet expected standards (An investigation with both an overpayment and a prospective saving is a single strike):</i> <ul style="list-style-type: none"> Investigations are thorough and professionally completed 	<ul style="list-style-type: none"> The expected strike rate for overpayments is: <ul style="list-style-type: none"> 50% = Met 60% = Exceeded 70% = High Exceeded
Self Assessment:	

Manager's Comment:	Rating:
---------------------------	----------------

<p>Actual Overpayment Established</p> <p><i>The total of fraud debt established will meet expected standards:</i></p> <ul style="list-style-type: none"> • Cases are fully investigated and fraud is dealt with appropriately. • Investigations are cost effective 	<ul style="list-style-type: none"> • Actual overpayment establishment expectations: <ul style="list-style-type: none"> - \$30,000 per month = Met - \$50,000 per month = Exceeded - \$65,000 per month = High Exceeded
---	---

Self Assessment:

Manager's Comment:	Rating:
---------------------------	----------------

<p>Prosecutions</p> <p><i>All cases of deliberate, intentional fraud are assessed for prosecution including:</i></p> <ul style="list-style-type: none"> • Preparation of prosecution files • Appropriate engagement with legal services • Preparing for defended hearing if required 	<ul style="list-style-type: none"> • Reasons are documented for cases not prosecuted • Cases prosecuted meet the prosecution criteria in MAP • Process map and legal templates adhered to • Defended hearing process well managed • Prosecution referral expectations: <ul style="list-style-type: none"> - An average of 1 case referred per month = Met - An average of 1.25 cases referred per month = Exceeded - An average of 1.5 cases referred per month = High Exceeded
--	--

Self Assessment:

Manager's Comment:	Rating:
---------------------------	----------------

Key Deliverable – what is to be achieved: <ul style="list-style-type: none">•••••	
Self Assessment:	
Manager's Comment:	Rating:

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Success Factors – refer to page 11 of guidelines

Ratings:

<p>Needs Development</p> <p>Does not always or inconsistently demonstrates the behaviour when needed, or tries to demonstrate the behaviour but some aspects are missing.</p>	<p>Competent</p> <p>Demonstrates the appropriate behaviours.</p>	<p>Strength</p> <p>Always demonstrates the highest standards of behaviour across all situations and is a role model for others.</p>
--	---	--

<p>People Skills <i>Demonstrates strong interpersonal skills.</i></p> <ul style="list-style-type: none"> • is confident when working with clients and colleagues • treats all people with dignity and respect • demonstrates an understanding of the views, beliefs, cultural perspectives and individual differences in others • demonstrates the ability to work positively with others to achieve outcomes • stays calm, objective, and positive during difficult situations • demonstrates the ability to resolve conflicts. 	
<p>Self Assessment:</p>	
<p>Manager's Comment:</p>	<p>Rating:</p>

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Communication Skills

Communicates clearly and fluently across all forms of communication.

- tailors communication to the target audience, preparing adequately and utilising appropriate resources
- communicates clearly and simply (verbally and in writing) using appropriate grammar, style and language
- is able to simplify complex issues when required
- questions in detail, listens actively, and reserves judgment until all necessary information is extracted in order to understand the situation

Self Assessment:

Manager's Comment:

Rating:

Partnerships and Relationship Management

- seeks opportunities to collaborate and share information
- participates as a positive team member in all working relationships
- willingness to go the extra mile assisting others as necessary for the benefit of the wider team
- identifies, develops and uses both internal and external networks that add value or provide opportunities
- works in partnership with internal and external contacts where appropriate, in order to maximise services and avoid duplication
- has the respect of others and is a positive role model
- contributes towards a positive working and environment
- understanding the values, needs and aspirations of potential partners while successfully representing the Ministry.

Self Assessment:

Manager's Comment:

Rating:

Maximising Knowledge and Application

Uses all resources available in order to deliver successful outcomes.

- keeps knowledge of relevant business group specific and MSD products and services up to date and shares this knowledge with others
- coaches colleagues through errors to ensure that future mistakes are avoided
- understands and applies all relevant policies, guidelines and standards
- positively supports and accepts new processes
- demonstrates the ability to self source information
- actively seeks out opportunities to increase knowledge and learn new skills, and applies newly gained skills appropriately
- is solution focused, applies a structured approach to problem solving and uses appropriate techniques to resolve issues

Self Assessment:

Manager's Comment:

Rating:

Being Accountable

Takes ownership for quality of work.

- takes responsibility for own workload and appreciates how own behaviour impacts upon others
- is reliable, self-disciplined and proactive
- readily accepts feedback on performance and applies feedback on the job
- manages time effectively to ensure delivery of the best possible service
- maintains a strong client focus through periods of change and a positive attitude when working with changes
- exercises good judgment and bases all decision on reasoned analysis
- thinks about what could go wrong and effectively manages as it relates to risk
- consistently produces high quality work

Self Assessment:

Manager's Comment:

Rating:

Public Service Integrity

Is committed to serving the people of New Zealand with honesty and integrity.

- communicates openly and honestly with others
- inspires trust in others, and behaves fairly and ethically at all times
- respects the confidentiality of client and Ministry information
- demonstrates and applies an understanding of the Ministry's vision, purpose and values
- adheres to the Ministry's Code of Conduct
- models the highest standards of public service behaviour and probity
- always acts to enhance the Ministry's reputation

Self Assessment:

Manager's Comment:

Rating:

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Overall Performance Assessment – refer to page 20 of the guidelines

Assign a final overall rating of performance. Equal weighting is usually given to the deliverables and success factors. Apply the rating that most closely matches the overall contribution.

<p>Needs Improvement</p> <p>Does not achieve all key deliverables, and success factors are predominately 'Needs Development'. Action must be, or is being taken to improve performance.</p>	<p>Expectations Achieved</p> <p>Key deliverables are predominately 'Expectation Achieved' and success factors are predominately 'Competent'. A strong contributor.</p>	<p>Exceeding Expectations</p> <p>Exceeds most key deliverables and success factors are a mix of 'Competent' and 'Strength'. Contribution is viewed as very strong with some notable achievements.</p>	<p>Outstanding</p> <p>Exceeds all key deliverables and all success factors are 'Strength'. Is considered a role model in both what is achieved and success factors demonstrated.</p>
--	---	--	---

Key Successes and Highlights:

<p>Self:</p>
<p>Manager's:</p>
<p>Overall Rating Achieved:</p>

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Individual Development Plan – refer to page 13 of the guidelines

Identify and record the agreed development opportunities and assistance required to achieve your key deliverables, success factors and personal development. Agree with your manager: what action is to be taken, who is responsible, and when it will happen. Revisit this plan regularly with your manager during coaching sessions, update or add to it as necessary, and record when an action has been completed.

Areas for development <ul style="list-style-type: none"> • On the job development/ assistance required • Knowledge and Skills required to perform role • Tools required to perform role • Development/Assistance towards Future Goals 	Link to: <ul style="list-style-type: none"> • Key Deliverable • Success Factor • Career Goal 	Agreed action responsibilities	Who will do it? By When?	Date Completed

Attach coaching notes

OFFICIAL INFORMATION ACT