



18 November 2022

Tēnā koe

On 1 October 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. What actions has the Ministry of Social Development taken in respect of the correspondence of Mr Murray?*
- 2. When does the Ministry of Social Development forecast that they will handle my request for a review?*
- 3. What is the range of time that it takes for a benefit review to be opened? Please provide descriptive statistics of the current wait times of these reviews.*

On 31 October 2022, the Ministry emailed you to advise that more time is required to respond to your request. The reason for the extension is that consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit. This was done in accordance with section 15(1) and 15A of the Act.

The Ministry also advised that question three of your request would be treated as a request for information under the Act, and this letter provides the Ministry's response to that part only. Questions 1 and 2 of your request have been responded to by our correspondence team by letter dated 31 October 2022.

The Ministry does not track or have records of wait times between an application for financial assistance and a Review of Decision lodgement. To put matters into perspective, we may advise you that approximately eight million decisions per year have review rights attached; of these are approximately 4,700 requests for a formal review of decision received each year, which equals less than 0.06% of the decisions made by the Ministry. Of the RoDs received

by the Ministry, approximately 35% proceed to a formal BRC. For the other 65% half are overturned by the Ministry, and half are withdrawn by the client.

However, the decision letters from any application for financial assistance have review rights. These letters advise that the decision can be reviewed within three months of the decision in writing.

In the spirit of being helpful, the Ministry is providing you with the Review of Decision application process, and a table which shows the average time taken for a Review of Decision application to be resolved.

Table One: The average time taken for a Review of Decision application from lodgement stage until final resolution, over the last 15 months:

Month	Number of RODs resolved	Average time taken for resolution (in days)
Jul 21	497	70
Aug 21	434	71
Sep 21	339	61
Oct 21	305	48
Nov 21	435	82
Dec 21	341	57
Jan 22	225	32
Feb 22	334	60
Mar 22	423	64
Apr 22	324	77
May 22	400	78
Jun 22	350	60
Jul 22	363	69
Aug 22	391	58
Sep 22	523	65

The Review of Decision process

When the Ministry receives an application for review of decision, it is normally lodged within 24 hours of receipt of the relevant application. The 'Review of Decision' process begins at that point.

The first part of the review process comprises an 'Internal Review' by the Ministry site that made the decision under review.

The Service Centre Manager or delegated authority at the site in question examines the decision under review in light of the relevant legislation and Ministry policy. This part of the process is primarily an administrative process and is implemented to ensure any incorrect decisions made are corrected. Decisions that are determined to be legislatively correct are escalated to the next stage where a report is written by the Ministry to the Benefits Review Committee (BRC).

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 BRC, covering the perspectives of both the Applicant and the Ministry, is written. The BRC is a review body that is established by legislation but is internal to the Ministry. The characteristics of a review body include the composition of its members being internally provided, or, in the case of the Community Representative, appointed by the Minister and being administratively managed internally by the Ministry. A review body such as the BRC takes a "fresh eyes" approach and it may only confirm, vary, or revoke the original decision. It does not have the trappings of a tribunal-type body, such as independent tenure, the right of review for both parties, the ability to compel evidence, to order costs or to take any necessary steps to carry into effects its decision.

A copy of the Report to the BRC is sent to the Applicant and each panel member of the BRC. A suitable date for a 'Hearing' is scheduled and the Applicant is advised.

On the scheduled hearing date, the BRC convenes and 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.

After the hearing the BRC deliberates on the issue under review and makes a decision. 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.

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. The Ministry will do this by publishing this letter on the Ministry'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.

Ngā mihi nui

A handwritten signature in black ink that reads "Diane Anderson". The signature is written in a cursive, flowing style.

Diane Anderson
Manager
Client Advocacy and Review