



14 September 2023

Tēnā koe

On 21 August 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Again, what steps does the Ministry take to ensure validity of an employment dismissal when imposing a 13 week stand down on claimants?*
- *How many claimants have had a 13 week stand down imposed due to employment dismissal in the last 12 months?*

I am aware you raised a number of additional concerns in your request. You can expect to receive a letter from the Ministry addressing these in due course, if you have not received it already.

A non-entitlement period of 13 weeks is a period where clients are unable to receive a benefit because they:

- have become voluntarily unemployed without good and sufficient reason,
- are applying for a benefit because they were dismissed by their employer for misconduct
- have failed their obligations for a third time in the last 12 months of continuous benefit receipt or,
- have refused an offer of suitable employment, if they have work obligations.

Before imposing a 13 week non-entitlement period, the reason why the client has left employment needs to be carefully investigated by a case manager to determine whether it is appropriate to apply a 13 week non-entitlement period. This should include a conversation with the client about why they left their employment. The following should then be considered:

- if there was a good and sufficient reason for the client voluntarily stopping work,

- if their employment ceased due to misconduct, what was the misconduct by the employee, and whether there was any evidence of the misconduct
- whether the misconduct was relatively minor, or whether there are circumstances surrounding their conduct which may go towards excusing it
- whether the client is challenging their dismissal or loss of employment.

The client's employer can also, with client consent, be contacted to confirm the reason the client left their employment. If there is conflicting evidence between what the client has advised and what the employer has advised, then the client should be given the benefit of the doubt.

More information on 13 week non-entitlement periods and deciding non-entitlement can be found at the links below:

- www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/non-entitlement-period-for-13-weeks.html
- www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/deciding-non-entitlement-period-for-voluntary-unem-01.html

Since 1 July 2022 to 30 June 2023, there have been **12** voluntary unemployment stand downs imposed due to dismissal.

Please note:

- This figure only includes main benefits. This excludes NZ Superannuation, Veteran's Pension, Non-Beneficiary assistance, Orphan's Benefit and Unsupported Child's Benefit.
- This is a count of Voluntary Unemployment (VU) stand downs imposed and is not a count of clients. One client may have had more than one VU imposed over the financial year.
- VU stand downs that have been waived have been excluded from this figure.
- This figure only includes VU stand downs where the reason code 'Were Dismissed' was used.
- To protect confidentiality the Ministry uses processes to make it difficult to identify an individual person or entity from published data.
- This figure has had random rounding to base three applied.
- The published counts will never differ by more than two counts.

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 regarding 13 week stand down periods, 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

Bridget Saunders

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**Manager Issues Resolution
Service Delivery**