



April 2014 Issue 25

Greetings to the autumn edition of HIYU

Community Representative Appointments

Nelson has recently appointed two Community Representatives. We welcome Gail Collingwood and Lester Oakes to the role.

Taping of Hearings

Can a client tape a BRC hearing? Yes!

A client does not need to seek approval before recording a hearing. It is entirely lawful for someone to record a conversation to which she or he is a party. The client does not need to ask for permission and does not need to inform the Committee of the recording. However it is an offence if a client records a conversation that she or he is not a part of, (e.g. if the client leaves the room and records the conversation of others in the room).

If a client requests to record the hearing, best practice would be for the Committee to record the hearing using a Dictaphone which makes a digital recording, copies can then be made to a CD so that the client, the Committee and the Ministry all have the same recorded information. The Fraud Investigation Units have these available. The Committee should politely ask the client that it is preferable that

- Community Representative Appointments
- Taping of hearings
- Out of Time Hearings
- Employment and Work Readiness Assistance Programme
- Social Housing Changes

the client informs the Committee that she or he is taping the hearing. However, the Committee does not have authority to refuse to let the client record the hearing.

Members should also be mindful that with modern technology a recording may occur without your knowledge.

CONTACT REVIEW OF DECISION FOR MORE INFORMATION

For further information contact: Janet Davis 04 916 3079
Raj Menon 04 916 3648 Uiti Pelenato 04 916 3857
Nic Rhodes 04 916 3338 Lai Qetaki 04 978 4167



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Out of Time Hearings

An out of time (OOT) hearing is a Review of Decision lodged outside of the three month time frame.

Section 10A of the Act states with regard to Review of Decisions:

- (1B) The application must be made-
- (a) within 3 months after receiving notification of the decision; or
 - (b) if the committee considers there is good reason for the delay, within such further period as the committee may allow on application made either before or after the expiration of that period of 3 months.

The Panel will solely base their decision on the reasons it took longer than three months to lodge the review and if there are sufficient reasons for the delay. A letter is the only requirement to be sent following the OOT hearing, it must contain the reasons why the Panel did or didn't accept the delay reasons. Attached are copies of the OOT template letters.

Employment and Work Readiness Assistance Programme

Review rights apply to all services and programmes covered by Employment and Work Readiness Assistance Programme Case managers must provide a *Your rights and responsibilities* flyer when a client:

- enquires about employment, training, or work readiness assistance covered under the programme
- is granted or declined assistance covered under the programme
- The flyer is attached.

Employment and Work Readiness Assistance Programme includes:

- Activity in the Community
- Business Training and Advice Grant
- Career Guidance
- Client Self Help
- Flexi-Wage
- Modularised Seminars
- New Initiatives
- PATHS
- Skills for Industry
- Targeted Training
- Voluntary Work
- Work Confidence (Outward Bound, Limited Service Volunteers)

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- Work Experience

The Ministerial Guidelines for Employment and Training Assistance have been revoked except for:

- Guidelines relating to flexi-wage self-employment assistance (flexi-wage subsidy and flexi-wage capitalisation grant)
- Extra employment support for people with ill-health or disabilities (except PATHS)

The revoked provisions are replaced by Employment and Work Readiness Programme.

<http://www.msd.govt.nz/about-msd-and-our-work/contact-us/complaints/review-of-decision.html>

Social Housing Changes

The Government is reforming social housing services. From 14 April 2014, the Ministry of Social Development will manage applications for social housing and calculate and pay subsidies for income-related rents.

A client can apply for a Review of Decision when they have received formal notification of and disagree with a decision, including decisions relating to:

- the assessment or re-assessment of:
 - their eligibility or continued eligibility for social housing
 - their housing needs
- the calculation of the rate of Income Related Rent
- the establishment and recovery of Income Related Rent debt.

A client can appeal to the Social Security Appeal Authority where they do not agree with a decision, which was upheld or upheld in part by the Benefits Review Committee under an application for Review of Decision.

A client's application for appeal should be sent directly to the Social Security Appeal Authority.

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Note when the Benefits Review Committee has declined to hear an out of time Review of Decision and the client applies for the matter to be heard by the Social Security Appeal Authority, forward the case to the Appeal Authority.

Expenses

The client's actual and reasonable expenses for travel and accommodation, to attend the Social Security Appeal Authority hearing, must be paid.

Outcome

The Social Security Appeal Authority will advise both parties to the appeal (the client and the Ministry of Social Development) of the outcome.

High Court action

Where either party to the appeal disagrees with the outcome, there is one further course of action and that is an appeal to the High Court. Appeals of this nature are restricted to questions of law.

Changes to the Appointment of Agent

From 14 April 2014 the Ministry of Social Development have a:

- new appointment of agent approach
- new appointment of agent form for clients to complete
- new note subject name in UC VII
- transitional approach to manage HNZ clients and current MSD clients with an agent for financial assistance purposes.

Appointment of Agent: MSD Approach

From 14 April 2014, when a client appoints an agent, that agent automatically applies to Work and Income, Senior Services and Housing Assessment

Studylink clients will continue to have their own appointment form

Clients can choose what functions their agent can or can't carry out on their behalf

Clients can also appoint more than one agent.

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Appointment of Agent form

Changes made to the appointment of agent form include:

- user-friendly and easy to read
- clearer information when appointing an organisation
- clients can choose for someone to speak or make enquiries on their behalf
- Privacy Statement specific to appointment of agent
- removed obligations and fraud information as clients have already agreed to this in their application for benefit and/or social housing.

UCVII Template

From Monday 14 April 2014 there will be a new note subject in UCVII

The new note subject is: (Agent-MSD)

Clients can appoint more than one agent

The Report Writers and Panel Members Information Packs have been updated on the Ministry of Social Development website to reflect the social housing changes.

<http://www.msd.govt.nz/about-msd-and-our-work/contact-us/complaints/review-of-decision.html>

Attached are fact sheets on the key changes and messages for your information.

Below is the Ministry of Social Development link which has all the Manual and Policy (MAP) changes by date order, re: Housing Assessments and a whole list of other changes that you may be interested in:

http://www.workandincome.govt.nz/manuals-and-procedures/help/changes_2014.htm

We hope you all have a relaxing time with your family and friends, over the Easter and Anzac holiday.

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Client name
Address
Address
Town / City

Date
Client number: XXX-XXX-XXX

Dear Client name

Your Out of Time Application for a Review of Decision has been allowed

The Benefits Review Committee met on date and has accepted that you had a good reason for a delay in asking for a review, and has therefore agreed to hold a Review of decision hearing.

Prior to the hearing you will be sent a copy of the Ministry of Social Development's report to the Committee, information about the hearing process and be invited to arrange a date and time for this second hearing.

If you have any questions, please call the BRC Co-ordinator Name on phone. When you call, please tell them your client number XXX-XXX-XXX. This will help them give you better service.

Yours sincerely

Name
Title

[Client name]
[Address 1]
[Address 2]
[City]

[Date]
Client number: [client number]

Dear [title] [lastname],

Your Out of Time Application for a Review of Decision has been declined

The Benefits Review Committee met on [date of Out of Time hearing] in connection with your application for a Review of Decision. As this application was not received within three months of the decision, the Committee has to consider initially if there was a good reason for the delay.

The Committee considered the following submissions made by the Ministry:

Free-text box

- Enter the reasons submitted by the Ministry for not hearing the substantive case.
 - Only include details relating to the out of time issue.

The Committee then considered the following submissions made by you:

Free-text box

- Enter here the Applicant's reasons for the delay
 - Include any information the Applicant has submitted relating to why they have applied for the review of decision outside of the three month period.
 - Only include details relating to the out of time issue.

Based on the above submissions, the Committee did not consider that there was a good reason for the delay, because:

Free-text box

- Enter here what the Committee considered when it reached its decision and why the panel has come to that conclusion.
 - Only include details relating to the out of time issue.

As the Committee has declined to hear your review, the process with the Benefits Review Committee ends here.

If you would like to take this matter further, you can complain to the independent Office of the Ombudsmen whose contact details are:

The Office of the Ombudsmen
PO Box 10 152
Wellington

Phone: 0800 802 602

If you have any questions, please call the BRC Co-ordinator [co-ordinator name] on [number]. When you call, please tell them your client number [client number]. This will help them give you better service.

Yours sincerely

[BRC chair name]
BRC Chairperson

Your review rights

If you disagree with a decision we've made

Work and Income is committed to service excellence. If we're not meeting this standard, please tell us so we can do something about it. Then we'll do our best to make sure it doesn't happen again.

If we've made a decision that you don't understand or agree with, please talk to us first. We'll be pleased to explain the decision and put things right if there's been a mistake.

If you still disagree with our decision, you can ask for it to be reviewed. We have forms available for you to use or you can write to us.

You need to do this within three months of the decision. When there is good reason for the delay a review may be possible after this time.

You don't have to use legal language. Just state what decision you disagree with and anything else you think we should know.



Work and Income
Te Hiranga Tangata

A service of the Ministry of Social Development

For more information

Call 0800 559 009

Visit www.workandincome.govt.nz

Contact your local service centre

Your responsibilities

Please let us know straight away if your circumstances change. If you don't, you could miss out on extra payments or end up with a debt to repay.

Some changes that may affect your payments include, if:

- your work situation changes
- you start or end a relationship
- you leave New Zealand for any length of time
- a child comes into or leaves your care
- you start or stop any study
- you receive money you haven't declared before from any source
- you receive other help that changes your situation.

We also need to know if you change your address, phone number, bank account, your name or the name of a child in your care.

If you're receiving employment, training or work readiness assistance, you need to tell us if your work or training changes or stops as this could affect the assistance payments we make to you, your employer or your training provider.



Work and Income
Te Hiraanga Tangata

A service of the Ministry of Social Development

For more information

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Visit www.workandincome.govt.nz

Contact your local service centre



Social housing changes

The Government is reforming social housing services. The Ministry of Social Development is now handling applications and assessments for social housing. This was previously done by Housing New Zealand.

What has changed?

The main changes:

- extend the availability of the income-related rent subsidy to registered community housing providers (to date the income-related rent* subsidy has only been available to Housing New Zealand)
- transfer the responsibility for assessing people’s social housing need from Housing New Zealand to the Ministry of Social Development (including Work and Income, Senior Services and StudyLink).

What roles do the Ministry of Social Development, Housing New Zealand and community housing providers have?

The Ministry of Social Development, Housing New Zealand and registered community housing providers are responsible for the following functions:

Ministry of Social Development	Housing New Zealand and community housing providers
<p>Managing all social housing applications, including:</p> <ul style="list-style-type: none"> • assessing eligibility • assessing a person’s need for a house • managing the housing waitlist • supporting people with a serious housing need who can’t be referred immediately to a housing provider • helping people find the right housing option for their situation • calculating and reviewing income-related rent • referring people to approved social housing providers • paying income-related rent subsidies to housing providers • fraud investigations and legal actions • recovery of debt from underpaid income-related rent • reviewing decisions on eligibility, needs assessments and income-related rent • tenancy reviews. 	<ul style="list-style-type: none"> • Tenancy management including: <ul style="list-style-type: none"> - matching prospective tenants to houses - starting and ending tenancies - preparing and managing tenant agreements - tenant liaison and landlord duties - charging rent (based on income-related rent or market rent as appropriate) - tenant transfer - collecting rents, debt for overdue rents and damage charges. • Buying, selling and developing properties. • Management and maintenance of houses to an agreed standard.

* Income-related rent is a subsidised rent payable by a tenant. It’s based on a percentage of a tenant’s income and is less than the market rent of the property. The income-related rent subsidy paid to the housing provider by government is the difference between the income-related rent and the market rent.

The individual roles of the registered community housing providers will vary. Many community housing providers also offer other wraparound social services.

Housing New Zealand continues to be the landlord for state tenants, but applicants are assessed by the Ministry of Social Development.

Why has the Government made these changes?

These changes are part of a wider programme of reform to improve the diversity of social housing in New Zealand, making it more accessible for people in most need.

Over time, this will see a greater choice of housing and landlord for people eligible for income-related rent.

Adding the housing assessment functions to other financial and employment support currently provided through Work and Income, Senior Services, Child, Youth and Family and StudyLink makes it easier for clients and gives the Ministry of Social Development a single, more comprehensive view of people's needs.

Moving the assessment to the Ministry of Social Development also has meant decisions on a person's eligibility for social housing are made independently of any housing provider.

When are the changes happening?

The changes happened on 14 April 2014, when the Ministry of Social Development took over responsibility for assessing people's eligibility and housing needs, and calculating income-related rents.

Have existing tenants and people on the waitlist been informed about the changes?

Tenants have been kept informed as decisions have been made. There is information available on the Housing New Zealand and Ministry of Social Development websites. Existing Housing New Zealand tenants and applicants on the waitlist have received information about the changes and how these will affect them.

For more information

More information can be found at:

- Ministry of Social Development – www.msd.govt.nz
- MSD Housing Assessment – www.housing.msd.govt.nz
- Housing New Zealand – www.hnzc.co.nz

Key messages – Housing Assessment Transfer

December 2013

1. From 14 April next year, MSD will manage applications for social housing and calculate and administer income related rent.
2. The government is also opening up the income related rent subsidy to non-government providers. At present, the subsidy is only available to Housing New Zealand.
3. These changes are part of a wider programme of reform to improve the diversity of social housing in New Zealand.
4. The changes mean that the organisation which decides a person's eligibility for a state or social house is independent from the agencies that provide them.
5. Extending income-related rent subsidies will improve the range of social housing options for people in high need.
6. MSD assesses people's needs all the time. Adding the housing assessment functions to its financial and employment support services provides a single, more comprehensive view of people's needs.
7. Housing is a key driver for improving health, education, connection to community and jobs.
8. For now, it is business as usual. Housing New Zealand will continue to do housing needs assessments until 14 April 2014.
9. From 14 April 2014, Housing New Zealand will continue to be the landlord for state housing tenants.
10. MSD and Housing New Zealand have been working closely to ensure a smooth transfer and no disruption to service for tenants and people seeking social housing support.
11. Ultimately, the changes mean we can support more people to move to private rental or home ownership and house more people who need social housing for as long as they need it.

Reviewable tenancies

12. The Ministry of Social Development (MSD) will be responsible for reviewing tenancies.
13. Work is underway to determine how reviewable tenancies will be implemented. Housing New Zealand and MSD will keep tenants well-informed about the process and when reviews will start.
14. Reviewable tenancies will be an important part of ensuring that social housing is available for those most in need.
15. The review process will be fair and transparent, and reviews will be carried out with common sense and care.

