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Tenure and recruitment of Community Representatives

As you are aware, on 30 June 2017 a high number of the Benefits Review Committee community representative's tenures were due to end. The Auckland, Canterbury, Central, Nelson, Northland, Southern and Waikato regions have been recruiting to replace outgoing community representatives, nominating new candidates or in some cases re-nominating those community representatives who have reapplied for a new tenure.

We will be seeking approval for these Ministerial appointments prior to 23 August 2017 when Parliament will be dissolved due to the election on 23 September 2017.

A report will be presented to the Minister for approval early August. We appreciate your support and patience as we work through this process.

Quality Assurance (QA) for the Report of the BRC

All three panel members are responsible for checking that the Report of the BRC is a fair representation of the hearing and fully explains to the applicant the reason for the decision made by the committee. If you believe an area has not been sufficiently covered in the report you need to send through your amendments for inclusion in the final version. This includes parts of the Report which are often copied from the Report to the BRC. Any spelling, grammar, discrepancies or omissions should be corrected by the panel members when reviewing the Report of the BRC.

The QA should also check that the Findings include an explanation of how the legislation has been applied to the facts and that the Findings reflect all of the considerations that the panel had to take into account to reach their decision.

You can sign off reports by email

This is a reminder that BRC panels have the ability to electronically sign off the Report of the BRC. There must be a record of this. For example, an email from the Community Representative and other panel members agreeing to the contents of the report and this agreement is in writing via email, it may be helpful to put versions on the report via footer with date and time. The email sign off should speed up the process of signing off the BRC report. The email sign off needs to be saved in the HIYA ROD record.

At the end of the report instead of signatures it needs to state beside the panellist's name, that they have signed the report off electronically.

Use of names in reports

Another reminder, clients their partner and children should not be referred to by their names in the Internal Review, Report to the BRC and Report of the BRC.

For example refer to the client or their partner as the "applicant" or the "applicant's partner" in reports.

Staff should be addressed using their titles, for example Case Manager or Investigating Officer and not their names.

Names should only be used if the report becomes unclear whom it is referring to, for example different children moving in and out of care for different periods when working out child inclusion in a person's benefit. However the circumstances where this would be necessary would be rare.

How can we reduce the need to adjourn a Benefits Review Committee hearing?

Members of the National Beneficiaries Advocacy Consultative Group met with representatives of our team in June 2017. They raised concerns that they are seeing more situations where Benefits Review Committee (BRC) are adjourning hearings when advocates and or clients provide a written copy of their oral submission. These are being treated as 'new information'.

The advocates view is that the written information is a record of what they are going to present to the BRC, as the case for the applicant setting out why the decision should be overturned. They stated that they like to provide a written record to keep them on track and to help the BRC when it comes to writing up the 'findings' section for the Report to the BRC.

So you may not need to adjourn the BRC hearing for another date it may just be a 15 minute recess for each party to read through the information to see if there is any new material that hasn't been considered.

For more information see page 18-19 of the Panel members information pack on the following link:

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

Correction Power

The delegation for the Correction Power under Section 80AA of the Social Security Act has changed from the Chief Executive 'himself' to Ruth Bound, Deputy Chief Executive, Service Delivery.

As a result of this, if a payment under the Correction Power is declined by Ruth Bound, DCE, Service Delivery the client then has the right to request a review of decision by the Benefits Review Committee. Previously as the decision was made by the Chief Executive there was no right of review to the Benefits Review Committee any review was direct to the Social Security Appeal Authority.

We are working with Operational Policy to update the MAP guidelines. The guidelines have been updated in the Panel Members Information Pack. Further information can be found on the following links:

<https://www.workandincome.govt.nz/map/income-support/core-policy/requests-for-financial-assistance/re-assessing-previous-applications/when-to-consider-correction-power-01.html>

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

Social Security Legislation Rewrite Bill

The rewrite of the Social Security Act (SSA) was awaiting its second reading in Parliament but due to the election will not be passed into law in 2017.

Further information can be found on our website:

<http://www.msd.govt.nz/about-msd-and-our-work/work-programmes/social-security-act-rewrite/>

Revised Social Security Agreement between New Zealand and Australia

On 1 July, a revised Social Security Agreement between New Zealand and Australia came into force. Further information can be found on the following link:

<http://www.msd.govt.nz/about-msd-and-our-work/newsroom/media-releases/2017/social-security-agreement-between-new-zealand-and-australia.html>

BRC panel queries

If the BRC panel has a process question, it is welcome to contact the Review and Client Representative Team. Panels may want to contact the team, for example, if the panel is unsure if they have jurisdiction to hear a case.

Feedback

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

For more details contact

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