



25 JUL 2016

Dear

On 14 June 2016 you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- 1. copies of the following reports: New Programme of Work to address legislation and practice misalignments in the benefit system, dated 9 December 2015 and Alignment Project: Tranche 1 issues, dated 7 March 2016. Following the response of a QWA submitted by Jan Logie to Hon Anne Tolley, I am seeking any reports or briefings that include any information from the stocktake mentioned by Brendan Boyle in the Annual Review of the Ministry of Social Development.*

In October 2015, the Ministry undertook a review to identify areas of the benefit system where there is potential misalignment between operational policy and practice and authorising legislation. This followed alignment work related to benefit stand-down periods. As a result of the review, the Ministry identified 36 areas where its practice is not aligned with legislation. The 36 areas include issues that have arisen as the result of Social Security Appeal Authority or High Court decisions that have drawn different interpretations of legislation.

The time required to address each issue will vary depending on what is required for example, some fixes require IT system changes, complex calculations, and legislative amendments. The re-write of the Social Security Act is expected to help reduce the likelihood of these sorts of issues arising in future.

The Ministry is currently determining how the different issues can be addressed and as such, this information is under active consideration. Therefore, your request is refused under section 9(2)(f)(iv) of the Official Information Act. The release of this information is likely to prejudice the ability of government to consider advice and the wider public interest of effective government would not be served.

The level of complexity of certain issues requires detailed analysis and considerable resource. Hon Anne Tolley, Minister for Social Development has yet to receive complete advice on the stocktake of issues and has not yet made any decisions. However, I can advise that:

- Ministry staff have compiled a thorough list of potential alignment issues, taking a cautious approach and including a number of issues that are minor technical and operational matters.
- The majority of issues identified have arisen from the Ministry's internal review, and some are the result of the Social Security Appeal Authority or High Court providing a new, and different interpretation, of the legislation that what has previously been understood
- Initial investigative work undertaken to date has found that some of the items are actually not alignment issues, affect only a handful of people and/or are already being addressed.

We hope to be able to complete initial assessments on all of the stocktake items and will provide the Minister for Social Development with formal advice as work progresses.

You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman  
Office of the Ombudsman  
PO Box 10-152  
Wellington 6143

Yours sincerely



Ruth Bound  
**Deputy Chief Executive, Service Delivery**