

1, 6, AUG 2017		
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Dear		

On 15 May 2017, you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- A breakdown of how annual income reviews for Work and Income clients are conducted and how calculations are made
- Any reports, briefings, aide memoirs, research, and advice given to the Minister or Ministry executives that are about, or include mention of, conducting annual reviews for clients within the period from 2012-2015 inclusive since January 2017; and
- The total number of annual reviews conducted for Work and Income clients (excluding standard ones for the most recent annual period) since January 2017, broken down by what years the review was conducted for.

Work and Income undertakes 2.8 million transactions every year, to assist over 1.1 New Zealanders, until such time that they can support themselves. These transactions include the annual review of income received by clients who receive income from employment or another source.

Clients who fall into this category for a review will be in receipt of a Sole Parent Support, Jobseeker Support paid at a sole parent rate, Supported Living Payment or New Zealand Superannuation with a non-qualified partner included, or a grand-parented client receiving Jobseeker Support. Further information regarding the Review of Annual Income process and how income is charged for these benefits can be accessed on the Ministry's website at the following web-link: www.workandincome.govt.nz/map/income-support/main-benefits/index.html

Enclosed are three documents which will be of interest to you.

- Memo titled, 'Confirmation of income letter backlog remedial plan', dated 4 November 2016.
- Memo titled, 'Annual Income Reviews', dated 23 May 2017.
- Memo titled, 'Review of Income', dated 1 June 2017.

The documents outline recent decisions made about how Work and Income staff will process annual reviews for this group of clients.

In the reports enclosed, you will note that the names of some individuals are withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

Some information is withheld under section 9(2)(h) of the Act in order to maintain legal professional privilege. The greater public interest is in ensuring that government agencies can continue to obtain confidential legal advice.

Your request for copies of documents provided to the Minister between January 2017 and 15 May 2017 about the management of annual reviews for clients for the period 2012 to 2015 is refused under section 18 (e) of the Act, as this information does not exist

I am unable to provide you with the total number of non-standard annual reviews conducted for Work and Income clients since January 2017, broken down by what years the review was conducted for as it is held in notes on individual case files. In order to provide you with this information Ministry staff would have to manually review thousands of files. As such I refuse your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

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 shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development'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 annual income reviews, 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.

Yours sincerely

Ruth Bound

Deputy Chief Executive, Service Delivery

Wemo

To:

Ruth Bound, Deputy Chief Executive Service Delivery

CC:

Dwina Dickinson, Group Manager Operations and Channel Services

ber 2016

Section 9(2)(a) Privacy of Natual Person
, Director Operations Centre

From:

Lindsay Meehan, General Manager Centralised Services

Date:

4 November 2016

Security level: IN CONFIDENCE

Confirmation of income letter backlog

Action:

For Information

Purpose

The purpose of this document is an issue identified within Centralised Services (CS) regarding clients Yinancial impact of not applying an annual review of their benefit since 201

Background

the Ministry settled a claim before the High Court regarding the period that was used when completing a due-paid assessment. The High Court case Allenged the Ministry's practice of adopting a separate income year and review year, aligned with each other or with the client's commencement date of

የእነሲነstry) changed the way we complete due-paid assessments. This means that the 2 week period the Ministry use for due-paid assessments completed as part of a client's annual review or 52 week reapplication is now defined as the 52 weeks from the benefit or pension commencement date and the rate of benefit must be determined using income earned during the same 52 week period.

A due-paid assessment will be completed once income has been confirmed or verified. Income earned during the 52 week period following the client's commencement date, and each 52 week period thereafter, is assessed against the benefit that was paid to the client during this time. Please see Appendix A for how affected clients are categorized.

A new centralised unit in Ellerslie, Auckland was set up to manage the new review of income process that was introduced from 15 September 2014.

The Issue

Clients are sent a letter 4 weeks prior to their review date to either confirm the income the Ministry has recorded is correct, or provide verification of their income if it has changed.

Clients can confirm their income by not responding to the letter and the review is completed using this information.

There are two reports generated daily which include all clients that have been sent the "Confirmation of Income Letter".

- Confirmation of income letter no contact list
- · Confirmation of Income letter suspended resumed list

When the centralised unit was first setup S2P workflow management queues were established to manage the work received; however the two briefcase reports mentioned above were not included in the initial development.

In November 2015, following a review of briefcase reporting at the centralised unit, these two reports were identified as not being processed. At that time the unit were in considerable backlog and a decision was made to delay the processing on the understanding that clients were not financially affected in that their income had not changed.

A sample of 217 cases were analysed in August 2018 to understand the impacts to clients revealed that:

- 27% were either due money or owed money to us (all debts established will be considered for debt write off under Section 86(9)(a) of the Social Security Act 1964)
- 36% required further follow up to review their situation and any possible impacts
- 37% required no further action

From Monday 12 September 2016 the unit commenced processing this work (excluding the backlog). Work was also carried out to develop a new S2P queue to ensure this was visible and included in their day to day work.

Next Steps

IAP are currently investigating if all reports prior to 12 September 2016 can be recreated to identify the potential back log going back to September 2014 – the lists are everwritten each day. We know that on average 65 appear on this report daily. There is the possibility that IAP will not be able to provide this information. We expect to get more information by 7 November 2016.

If the historical data can be provided, further investigation will need to be completed to identify which clients require a review and determine the resources that may be needed to carry out the reviews. We will provide an update and a plan of how CS will manage this backlog when this is known.

While some clients have been financially impacted it is unlikely they will be aware of this because their income has not changed and they will potentially believe they are receiving the right entitlement.

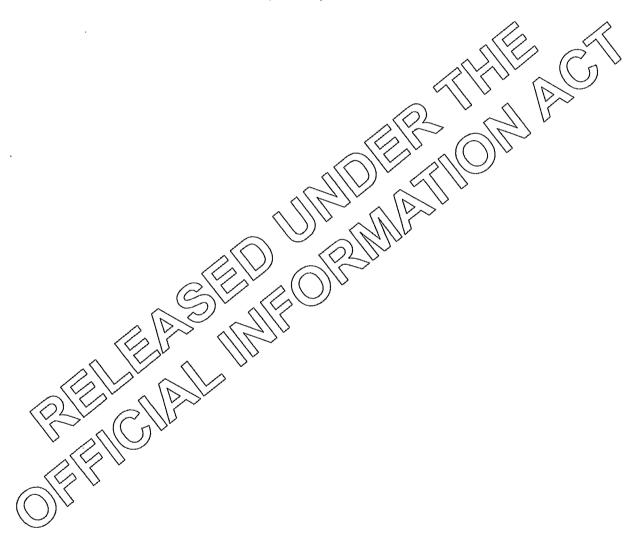
If we are unable to obtain the historical data, Centralised Services will continue to work through the daily lists and if required will carry out an assessment back to 2014 (this is normal practice when an annual review form is completed and returned). This will mean that it may take up to a year before everyone has had a full assessment.

As a result of the delay, there is a risk that:

- clients will be entitled to significant arrears which may result in complaints ,
- this issue gets media/Ministers/advocate attention from client escalations

While the likelihood of people complaining is low, the consequence if it does get media attention (especially taking into account recent incidents of incorrect payment e.g. Accommodation Supplement) would be high.

We will provide you with a further update by 11 November 2016.



Appendix A: Different client groups for review of annual income

Ve help New Zealanders to help themselves to be safe, strong and independent Ko ta mātou he whakamana tangata kia tū haumaru, kia tū kaha, kia tū motuhake



Memo

To:

Ruth Bound, Deputy Chief Executive, Service Delivery

From:

Lindsay Meehan, General Manager, Centralised Services

Date:

23 May 2017

Security level: IN CONFIDENCE

Annual Income Reviews

Action:

For Information

Purpose

The purpose of this memo is to provide you ખેંમે the information required to respond to the Parliamentary Question 16/5 relating to Annual Income Reviews for clients.

Background

The Ministry settled a claim before the high court regarding the period ther was used when completing a due-paid assessment. The High Court case atlenged the Ministry's practice of adopting a separate income year and review year; were not aligned with each other or with the client's commencement date of

The Ministry changed the way it completed due paid assessments and the period used for determining income to complete a due paid assessment. A client's annual review is now defined as the 52 weeks from the benefit or pension commencement date.

From 15 September 2014 clients receiving specific benefits/pensions were required to complete a review of income 52 weeks following their commencement date, and every 52 weeks thereafter.

For clients that also declare income during this period the Ministry completes a due paid assessment to determine their correct entitlement for the year.

In 2014 a new centralised unit was set up (CSEU) to centralise the processing of annual income reviews as a result of these changes.

¹ Sole Parent Support, Supported Living Payment, Jobseeker Support – only: sole parent clients, and grandparented clients, Emergency Maintenance Allowance, Emergency Benefit - only where the analogous benefit is Supported Living Payment, New Zealand Superannuation or Veteran's Pension - those clients and their partners receiving the non-qualified rate of payment.

The Issue

In order to manage the work generated by this change, workflow management queues were established. To support staff in the unit briefcase reports were also meant to be provided, however these were not implemented at the same time and without these reports the staff were unable to identify the clients who needed to provide verification of their income and those that didn't.

Clients that are required to provide verification are sent a letter advising them of this and when they provided verification a due-paid assessment was completed and their payments stopped if they did not provide it in a set timeframe (20 days).

However, clients that are not required to provide verification are sent a letter and are only required to respond if the income we hold is incorrect, with a review to then be completed based on the information we already hold.

In July 2016 the unit identified that these reviews, where the client is not required to provide verification, were not being completed.

This issue was further exacerbated as some of the clients had not had a review completed for a few years (as far back as 2014).

From Monday 12 September 2016 the unit commenced processing these reviews (excluding the backlog). Work was also carried out to develop a new \$2P queue to ensure this was visible and included in their day to day work.

With the current work being processed BAU staff have been checking if a Review of Income is outstanding for previous years and if required attempted to complete a due paid assessment for all periods. This mean that staff in some cases were required to obtain verification of the clients' income for those review periods - some up to three years in the past. This process also caused attempted stress for clients as they often did not still have access to the verification required.

IAP provided a report of slients who may be affected as at 12 September 2016 Analysis of this data revealed that 21,995 unique clients may need a Review of Income completed and have been prioritised as follows:

- 10,260 clients who have not trade contact with CSEU and a review has not been completed since it was first established in September 2014.
- 7,491 chents have had contact but it can't be directly related to a Review of Income (i.e. the work processed for the client is more likely to have been a Confirm Your Circumstances or an NZS Annual Circumstances Review action)
- 4,244 clients who have had a Review of Income completed but a full review of all periods since September 2014 may not have been done.
- With CSEU processing this work from 12 September 2016 we have found that:
- 25% had a review completed and require no further action until their next Review anniversary date.
- 20% have had a Review completed without requiring additional information from the client.
- **55%** required more information (verification of income) from the client to complete the Review.

The unit stopped processing this work on 1 May 2017 because of resource constraints impacting on other work queues. Despite this work, the current work on hand in S2P is

6,098, on top of the 55% of the original 21,995 that were identified that may need to be reviewed from previous years.

Next Steps

Centralised Services are investigating options to address this issue, including:

- The most efficient/effective way to process all the client records that require a Review of Income
- When/if verification is required for clients, especially when the review period is in the past. Considering the same approach as used with the Accommodation Supplement Alignment issue which was:
 - ~ Assess client's entitlement based on the information held on their record, i.e. Forms completed by the client, verification already scanned on their record, notes added to the client's record
 - ~ Where there was doubt or conflicting information, assess the client's entitlement to their advantage
 - ~ Use a 'net' approach where there are periods of underpayment and overpayment
 - ~ Consider writing off debt where the client had provided the information requested or where it was unreasonable to request the information due to the elapse timeframe but the Ministry had not processed the review in the time period.



lemo

To:

Ruth Bound, Deputy Chief Executive, Service Delivery

CC :

Dwina Dickinson, Group Manager Operations and Channel Services

From:

Lindsay Meehan, General Manager, Centralised Services

Date:

1 June 2017

Security level: IN CONFIDENCE

Review of Income

Action:

For Approval

Purpose.

to outlide an issue that was identified within Centralised The purpose of Services that caused a large number of annual reviews of income to not be processed. It attons to resolve the issue and seeks your approval for our

May 2013, the Ministry settled a claim before the high court regarding the period come that was used when completing a review of income. The High Court case allenged the Ministry's practice of adopting a separate income year and review year; hese were not aligned with each other or with the client's commencement date of benefit.

The Ministry changed the way it completed due paid assessments and the period used for determining income to complete a review of income. A client's annual review is now defined as the 52 weeks from the benefit or pension commencement date.

From 15 September 2014 clients receiving specific benefits/pensions were required to complete a review of income 52 weeks following their commencement date, and every 52 weeks thereafter.

¹ Sole Parent Support, Supported Living Payment, Jobseeker Support – only: sole parent clients, and grandparented clients, Emergency Maintenance Allowance, Emergency Benefit – only where the analogous benefit is Supported Living Payment, New Zealand Superannuation or Veteran's Pension – those clients and their partners receiving the non-qualified rate of payment.

For clients that declare income during this period the Ministry completes a review of income to check they have been paid correctly and carry out a due paid assessment to determine any shortfall or overpayment.

In 2014 a new unit was set up (CSEU) to centralise the processing of annual income reviews² as a result of these changes.

The Issue

When the work was centralised, a decision was made to simplify the process by taking a risk approach to decide whether income should be verified depending on the characteristics of the client as defined below:

Table one: Clients who must provide verification of their income

- Income has been recorded and benefit has been abated during past 52 week per and
 - Deliberate or doubtful debt established at any point in time
 - Debt level above \$10,000 at any point in time, or
 - Deficit of income vs. pavees
- Benefit has been suspended due to excess income doing past 52 week
- Income not updated in past two years
- All clients receiving Emergency Benefit or Emergency Maintenance Allowance

Table two: Clients who are not required to complete a due-paid assessment

- No income recorded in past 52 week period
- Income recorded but benefit rate not abated at any point in past 52 week period

Table three: Clients can confirm income/update correct income

- Income recorded and benefit has been abated (but not suspended due to excess income) during past 52 week period
- Any other client not identified in other two groups

Clients are sent one of two letters, 4 weeks prior to their annual review date, which

Complete an annual review form that is required to be returned with verification. જ્ઞાં their lincome; clients who do not provide the verification within 20 days have their payments suspended until the verification is received

Confirm the income the Ministry has recorded is correct (also known as the 'Confirmation of Income' letter); clients who do not respond to the confirmation of income letter within 20 days are treated as having confirmed their income and the review is completed using our existing information.

81 Review of benefits

² Annual Reviews are carried out under Section 81(1) of the SS Act 1964

⁽¹⁾ The chief executive may from time to time review any benefit in order to ascertain-

⁽a) whether the beneficiary remains entitled to receive it; or (b) whether the beneficiary may not be, or may not have been, entitled to receive that benefit or the rate of benefit that is or was payable to the beneficiary-

and for that purpose may require the beneficiary or his or her spouse or parther to provide any information or to answer any relevant question orally or in writing, and in the manner specified by the chief executive. If the beneficiary or his or her spouse or partner fails to comply with such a requirement within such reasonable period as the chief executive specifies, the chief executive may suspend, terminate, or vary the rate of benefit from such date as the chief executive determines.

Under both of the above scenarios, if a client does not respond within 20 days, their details will show up on a report for further follow up action by CSEU.

When CSEU was first set up (September 2014), workflow management queues were established to store and manage the work received. Clients under scenario A, as described above, were represented and processed accordingly from day one.

However the report identifying the clients that did not reply within 20 days under scenario B were not included in the initial development of the work queues. As a result, the unit were unaware this work needed to be done until it was identified in November 2015.

At that time, the unit was in severe backlog and a decision was made to delay the processing on the understanding that the clients were not financially affected i.e that their income had not changed. This means that an annual review of income has not been completed since September 2014 for these clients.

This issue was again raised in August 2016 when CSEU sampled some cases the analysis of those cases is outlined below. From September 2016, CSEU started processing this work on the lists generated from September including any cases that had not been reviewed in previous years.

IAP provided a report of clients who may have been affected by the above issue between September 2014 and September 2016. Analysis of this data revealed that 21,995 unique clients may need a review of income completed as a result of scenario B.

In November 2016, you were informed of this issue and work on a recovery plan to manage the backlog was started with some options explored nowever, this was never progressed.

The process used was to contact the client where the information held may not have been complete and/or accurate. This caused some clients anxiety at having to provide additional historic information and was raised at the National Advocates Business Group meeting in April 2011. Their understanding was that clients were not required to provide this verification and no review would be carried out if there was not change to their income.

In April 2017 a working group was established to look at the business processes that align to the various forms that are produced for clients who would ordinarily be subject to a 52 week review (including an end to end process) and this issue was to be included, in particular, looking at the intent of the changes made in 2014 and the trust model that was approved at that time.

Current Business Process

business processes that were developed back in 2014 for Scenario B cases intended to carry out a review of income based on the information held if the client did not contest the details in the 'Confirmation of Income letter' within 20 days. This approach aimed to reduce effort for the client and streamline it. There is however, still a requirement to review every record.

Carrying out a review on the information that is already held in the clients' record would suggest that a due paid assessment is not required i.e there is no evidence to suggest the record is incorrect if the client has not advised of any change.

However CSEU found that in more than half of cases the information we held on the clients' record was not sufficient to determine if the client had been paid the correct

entitlement over the previous year(s) and a request for income verification from the client was needed.

Through analysis of a sample of cases completed we have found that:

- 25% required no further action until their next review anniversary date.
- 20% were able to be processed without requiring additional information from the client.
- 55% required more information (verification of income) from the client to complete the review.

The need to request further information and verification of income has therefore added rework to the on-going demand for these cases. It also raises questions around the robustness and validity of the current business process introduced in 2014.

In the case of annual benefits, a client can declare at any time however, their review is carried out on the income they have declared over 52 weeks, because the income is averaged out over a year, there are instances where clients will be due arreads. It is less likely to result in a debt for the client if we are using the information we already hold. This issue is compounded by the fact that new ways of declaring income have been introduced (e.g. MyMSD).

Following discussions with Operational Policy it was agreed that in light of the above, we need to review the current practice to determine if it is vib for purpose and whether there is a need to verify all income annually (regardless of their risk factors) to make sure clients' entitlements are assessed correctly.

Options to address the backlog

In addressing the issue and processing the backlog of 21,995 client records we require a decision to be made in regard to how we process the outstanding income reviews and the timeframe in which we want to to this (including any resource implications).

The process

to regard to the process we follow when reviewing the income of the backlog of clients we considered the following options:

Option 1 Follow the current business process as intended

- complete a full review of income (back to 2014 if necessary) using the income information held without requesting verification and;
- Depending on the outcome the client would either be paid the arrears due or a
 debt will be established and considered for debt write off under Section 86(9)(a)
 of the Social Security Act 1964.

Impacts, Benefits, and Risks:

 Review of Income tasks will take longer to process than normal and may date back several years

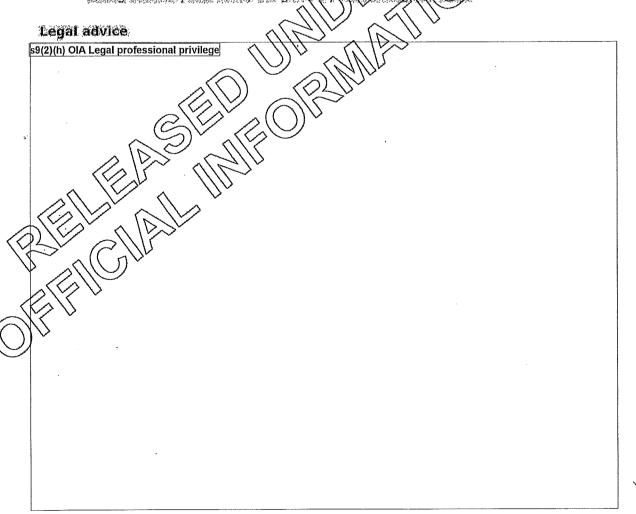
- All clients will have a review completed, and we will minimise client impact by contacting them once in their next review period
- We are applying a trust model but we know that 55% have not responded when they potentially should have.

Option 2 - Follow the current business process but request verification of the where deemed necessary

- Complete a full review of income (back to 2014 if necessary) and request verification of income from the client where the information held appears to be incomplete or inaccurate;
- Depending on the outcome the client would either be paid the arrears due or a
 debt will be established and considered for debt write off under Section 86(9)(a)
 of the Social Security Act 1964.

Impacts, Benefits, and Risks;

- Review of Income tasks will take longer to process then normal and track back several years back.
- Reputational risk to the Ministry in regardizequesting vertication from clients dating several years back, mitigated by addressing the visue



s9(2)(h) OIA Legal professional privilege	•
Timeframes	
In regard to the timeframes in which we address the consider as well:	a backlog there are two options to
Option A - Review clients at their next anniver	sary date through BAU

Impacts, Benefits, and Risks:

• CS can prioritise their work areas and redeploy TE within CS to minimise or multify the number of additional resources that would be required to complete this work.

. Continue with BAU and complete a full review of income as clients (back to 2014 if

- The risk with this approach is that clients could potentially be waiting up to 12. months (until their next review date) before reviews for previous years are undertaken
- Reputational risk to the Ministry in regard the timeliness of the reviews of income, mitigated by addressing the issue

Option B - Engage a tackforce to complete the backlog of work

necessary) reach their next annual review of income date

 Commence processing the backlog of work immediately using a taskforce to complete review (back to 2014.) if necessary)

Innaces Benefits and Vicks:

Addition In required to complete the backlog

Thents wouldn't have to wait up to 12 months to have their review completed.

Clients might guery why we are completing the review out of cycle

Options Summary

Depending on what process we apply (option 1. or 2) and whether we want to address the backless through BAU or a taskforce approach (option: A or B) there will be different impacts on the recovery duration, resource requirements, costs and risks involved.

	Option 1:- A	Option 1-B	Option 2-A	Option 2-B
Request verification?	No	No	Yes	Yes
Task force?	No	Yes	No.	Yes
Recovery Duration	12 months	3 months	12 months	3 months
Additional Estimated FTE	12.3	66.6	14.3	110.1
Financial Cost Estimate	Managed within current CS baseline	Up to \$1,250,000	Managed within current CS baseline	Up to \$2,100,000
Risk	Low	Low	Medjum	Hìgh

From the table above you can see that Option 1 - A is the most cost effective, minimal impact on the client and the business but will take 12 months to complete.

Note: The financial costs outlined in Option 1-B and 2-B have been salourated on the basis that new staff would be employed and infrastructure would be required (mance model currently used). This will depend on how a taskforce would be set up this work should either of these options be approved.

Next Steps

- 1. Develop a communications plan and
 - a. Chief Executive
 - b. Minister's Office
 - c. Beneficiaries advo
- w the current business processes and whether 2. Engage with Operational these are working as intend

Recommendations

ommended that you:

Approve Option 1-A; review clients at their next anniversary date based on the information held on the clients record (without requesting further information).

for pilor years

karee: that CS will continue to apply the business process to on-going work as it was

designed and intended in August 2014 using existing resources.

Agree: that CS will work with Operational Policy and other relevant stakeholders to

determine if the current business process and practice is fit for purpose.

Deputy Chief Executive Service Delivery

13/6/17,

NO.

16 December 2016

Otahuhu Service Centre



Review of Income

Our records show that you've earned income in addition to your penetit payments. Each year we need to look at how much you've earned and compare this with the payments we made to you for the same period to make sure we've paid you the right amount.

We need to review your benefit from 04 December 2015 to 01 December 2016.

Please check the following details you've provided as about your broome (excluding benefit payments). This is to make sure we have them recorded company for the period:

Earnings Total \$10,996.59

What you need to do

If these details are correct, you don't have to do anything. We'll complete the review using the information we have and let you knowly we've paid you the right amount.

if these details aren't correct well need to know exactly what you earned before fax for the period 04 December 2016, You can drop this information into your local service centre of 150 km.

Centralised Services Ellerslie Unit

ROBOX 11593

Auckland 1542

Examples of the types of income and proof of earnings we need are on the back of this letter.

You have until 17 January 2017 to get this information to us, otherwise we'll complete your review using the information we have.

* Lo slay no contact letter.

* Abelie generate SRENA, No suspension is padded.

* No reminder letter is sent out.