



**MINISTRY OF SOCIAL  
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

24 JUL 2020

On 12 May 2020, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. Copies of all advice received or provided by MSD, including MSD in-house counsel, regarding the implications of redundancy payments for the calculation of benefit stand-down periods.*
- 2. Copies of all internal correspondence and communications regarding such advice.*

The Ministry takes seriously its obligation to make correct decisions for those who need our assistance and is committed to ensuring people receive what they are entitled to.

The rules around the treatment of redundancy and retirement payments in regard to benefit commencement dates are set out in the Social Security Act 2018 and Social Security Regulations 2018. The treatment of redundancy payments is complex and has changed over time.

Redundancy payments are not used in the calculation of a client's entitlement date, but they are used to calculate the length of stand-down period and they may also have an impact on the types of supplementary and one-off entitlements available.

A stand-down is a period of up to two weeks where a client cannot receive any benefit payment. I note that as part of the Government's response to COVID-19, there are currently no benefit stand-downs; this exception is in place from 23 March to 23 November 2020. However, before and after these dates a client's redundancy pay will affect how long their stand-down period is.

More information about redundancy payments and benefits can be located on the Work and Income website available at: [www.workandincome.govt.nz/about-work-and-income/news/2020/redundancy-payments-and-benefits.html#null](http://www.workandincome.govt.nz/about-work-and-income/news/2020/redundancy-payments-and-benefits.html#null).

The Ministry has recently reviewed its decision making in relation to redundancy payments and has found that guidance to staff is accurate and decisions are being made correctly in the majority of cases. However, the errors found in a small proportion of cases, as well as the complexity surrounding the rules, demonstrate that there is room for improvement in our practice to reduce the rate of error.

As a result, the Ministry has updated its policy guidance to staff to ensure it is clearer and easier to follow. Furthermore, the Ministry has implemented a process to manage queries in relation to the treatment of redundancy payments for anyone who

is concerned that we have made an incorrect decision. Anyone with concerns can access the online form through the above link. As at 9 June 2020, there have been 732 submissions via the contact centre and our website; we are currently working through these.

Please find enclosed all internal correspondence between Ministry staff and all correspondence between Ministry staff and the Office of the Minister for Social Development regarding the implications of redundancy payments for the calculation of benefit stand-down periods.

Additionally, in the interest of transparency, the following three documents are enclosed. Please note that the two reports detailed below are outside the scope of your request, as they were created after the date your request was made. However, in an effort to assist, the Ministry has included these reports for your reference.

- Report: 20/5/532 – *Investigation into treatment of redundancy payments* - dated 15 May 2020
- Report: 20/5/558 – *Treatment of redundancy payments – update* – dated 27 May 2020
- *Note to support discussion on treatment of redundancy payments – officials meeting 11 May 2020.*

You will note that some information contained in the document *Note to support discussion on treatment of redundancy payments – officials meeting 11 May 2020* document is withheld under section 9(2)(f)(iv) of the Official Information Act as it is under active consideration. 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.

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.

You will note that the contact details of some individuals have been withheld under section 9(2)(k) of the Act in order to reduce the possibility of staff being exposed to phishing and other scams. This is because information released under the Act may end up in the public domain, for example, on websites including the Ministry's own website.

You will note that some information within the email correspondence is withheld under section 9(2)(g)(i) of the Act to protect the effective conduct of public affairs through the free and frank expression of opinions. I believe the greater public interest is in the ability of individuals to express opinions in the course of their duty.

You will note that some information within the email correspondence 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.

To expedite a response, information within the email correspondence that is outside the scope of the request has not been included.

Please note that where information is repeated, email chains have been removed. Some pages have been marked 'repetition' where identical information has been provided but pages are included for continuity.

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 and attachments 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](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding the implications of redundancy payments for the calculation of benefit 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](http://www.ombudsman.parliament.nz) or 0800 802 602.

Nāku noa, nā



Kay Read  
**Group General Manager**  
**Client Service Delivery**



# Report

**Date:** 15 May 2020

**Security Level:** IN CONFIDENCE

**To:** Hon Carmel Sepuloni, Minister for Social Development

## Investigation into treatment of redundancy payments

### Purpose of the report

- 1 This report explains the outcome of our investigation into the treatment of redundancy payments following recent media coverage.

### Executive summary

- 2 Our investigation has indicated that:
  - 2.1 The Social Security Act 2018 (the Act) and Social Security Regulations 2018 (the Regulations) treat redundancy payments differently at three stages in the social security system – the distinction between redundancy payments (excluded) and retirement payments (included) at the “employment ceased” calculation stage is particularly complex to interpret and apply in individual circumstances;
  - 2.2 Our guidance and training material is accurate and reflects these rules, but could be restructured for greater clarity;
  - 2.3 A sampling of relevant recent Jobseeker cases where redundancy was mentioned in notes found only a few isolated errors. A large number of errors would be expected in the event of systemic issues.
- 3 Based on the fact our policy guidance, training and IT system contain no errors and on the small sample we have assessed, we consider there is no systemic problem or “alignment” issue in how we have treated redundancy payments. The complex interaction between these rules has however resulted in some isolated errors in the sample group we assessed. Despite the complexity in this area, any errors in assessing individual entitlement are unacceptable. To address the individual mistakes that may have arisen and mitigate the risk of further mistakes:
  - 3.1 We are preparing structural changes to our core policy guidance for staff to improve its clarity and will distribute a short note to all staff to reiterate how to treat redundancy payments;
  - 3.2 We will publicly clarify the rules in this area and indicate that anyone who is concerned that they may have been applied incorrectly can contact us and have their case reviewed using a streamlined process;
  - 3.3 We will assess whether the complexity in this area of the Act and Regulations can be simplified as part of any further policy work in this area.

### Recommended actions

It is recommended that you:

- 1 **Note** that based on the fact our policy guidance, training and IT system contain no errors and on the small sample we have assessed, there is not a systemic problem or alignment issue in how we have treated redundancy payments;



- 2 **Note** MSD proposes to take steps to mitigate the risk of errors and proactively encourage people to get in touch with us if they believe an error has been made so we can review their case.



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Viv Rickard  
Deputy Chief Executive  
Ministry of Social Development

15/05/2025

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Date

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Hon Carmel Sepuloni  
Minister for Social Development

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Date

## Background

- 4 On 11 May 2020 we provided you with a verbal briefing on the treatment of redundancy payments in the Social Security Act 2018 following media coverage that suggested that MSD may have acted unlawfully in some cases.
- 5 We noted that the rules in the Act and Regulations are complex and that there are three different ways redundancy payments are treated:
  - 5.1 redundancy payments should not be used in calculating entitlement date (but "retirement payments" should);
  - 5.2 both types of payments must be used in calculating the length of a stand down period;
  - 5.3 both types of payment are exempt as income so should not impact rates of payment.
- 6 We undertook to investigate whether guidance to staff and training material accurately reflects these rules, possible volumes of any erroneous decision making and how we might go about fixing mistakes (including whether we can do this proactively).

## How redundancy payments are treated under the Act and Regulations

### *Rules under 2018 Act and Regulations*

- 7 There are three ways that redundancy payments are treated under the Act and Regulations.

### *Employment ceased calculations*

- 8 The Act requires people on most main benefits to have a stand down before they start receiving payments (s 313 and 314).<sup>1</sup>
- 9 The stand down period for a person whose employment has been terminated starts on the day after the date on which the person's "employment ceased."
- 10 In calculating the date a person's "employment ceased" MSD takes into account a range of different payments that are received on termination of employment (definition of "employment ceased" and "specified termination payments" in Schedule 2 of the Act).
- 11 Specified termination payments do not include redundancy payments, but the definition does cover a wide range of other payments, including "retirement payments":

**specified termination payments** means any of the following payments that a person receives in relation to the termination of the person's employment:

- (a) a payment in lieu of notice terminating the person's employment;
- (b) holiday pay;
- (c) a payment in lieu of accumulated leave;
- (d) a payment contingent on the completion of a fixed-term engagement;
- (e) a retirement payment

- 12 "Retirement payments" and "redundancy payments" are defined in the Regulations (reg 182):

12.1 A retirement payment is "a payment (before the deduction of income tax) that is made because of the termination of a person's employment on the person's retirement and paid in one or more lump sums or on a periodical basis ..."

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<sup>1</sup> Note that from 23 March 2020 – 23 November 2020 no person coming onto benefit is subject to a stand down period and different rules apply.

12.2 A "redundancy payment" is a payment made on termination because the person's position is superfluous to the employer's needs or, in the case of a seasonal worker, the person's usual seasonal employment position is superfluous to the employer's needs.

- 13 Assessing whether something constitutes a retirement payment (included) or redundancy payment (excluded) requires a relatively complex factual determination in individual cases, focussed on the primary reason for the payment. In *Scurr v Department of Social Welfare* (HC Dunedin, M 94/98, 9 February 1999) Pankhurst J observed that the assessment primary depends on whether the termination was instigated by the employer (redundancy) or employee (retirement), but the extent of voluntariness or election on the employees' part in taking redundancy or retirement payments is often fine grained. Further, retirement payments are not limited to retirement at the end of working life, but include retiring from a particular employment role (e.g. medical retirement). While our guidance reflects the definitions, the complexity is likely to make the distinction the Act draws in this area hard to apply in practice.

#### *Calculating length of stand down period*

- 14 The Act requires MSD to calculate the length of a stand down period in line with the Regulations (s 316 of the Act).<sup>2</sup>
- 15 Regulation 182 – 184 set out this process:
- 15.1 Stand down periods are either one or two weeks, depending on a person's average income and relationship status;
- 15.2 Average income is calculated by identifying the person's "specified income" divided by the number of weeks in the average income calculation period;
- 15.3 "Specified income" includes the persons income and "the amount of any redundancy payment or retirement payment."
- 15.4 If a person receives a redundancy or retirement payment after they start on benefit MSD must assess whether that payment impacts on the length of stand down they should have had and establish a debt if necessary (reg 184).
- 16 These Regulations rely on the definition of retirement and redundancy payments outlined above.
- 17 In calculating the length of a stand down period MSD must therefore include redundancy payments (and retirement payments).

#### *Calculating "income" and "cash assets"*

- 18 A person's income and any cash assets they hold are relevant to the rate of payment they receive and/or their eligibility to various forms of assistance.
- 19 The Act has a wide definition of income, and specifically includes the following payments made to the person (Schedule 3, cl 6 of the Act):
- 19.1 any payment relating to a situation involving a seasonal layoff;
- 19.2 any payment contingent on the completion of either a fixed-term engagement or an engagement to complete work specified in a contract;
- 19.3 any payment in lieu of notice terminating employment;
- 19.4 any payment (including holiday pay) that, if it had not been made in relation to termination of employment, would, in MSD's opinion, have been paid so as to constitute monetary remuneration of the employee:

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<sup>2</sup> As noted above, from 23 March no person coming onto benefit is subject to a stand down period.

- 19.5 any parental leave payments paid under Part 7A of the Parental Leave and Employment Protection Act 1987;
- 19.6 any payment in relation to termination of employment made by a company pursuant to its constitution to any of its directors.
- 20 However, the Regulations specify exceptions to these general rules (Schedule 3, cl 9 of the Act), and the Regulations exclude "redundancy and retirement payments received by a person"
- 21 The Act and Regulations define "cash asset" differently in different places, but in all instances a redundancy or retirement payment that is retained by a person will be included as a cash asset.

#### *Previous rules*

- 22 We have undertaken a review of the historical treatment of redundancy payments. This is because in reviewing any client complaints about the treatment of any redundancy payment we will have to apply the law as it stood at the time their application was assessed.
- 23 In relation to "employment ceased" calculations, the definition of "ceased" has not included redundancy payments since it was inserted in March 1991.
- 24 In relation to stand down length calculations:
- 24.1 Before March 1991 redundancy payments were excluded
- 24.2 Between March 1991 and November 1992 redundancy payments were included in a specific stand down that applied to people who received redundancy payments;
- 24.3 From November 1992<sup>3</sup> this special stand down period was removed but redundancy payments have been included in calculating the length of initial stand down periods (noting the length of these periods has varied over time until 2007 when stand downs for all benefits were capped at a maximum of two weeks).
- 25 Redundancy payments have therefore been treated the same way as they are currently since November 1992 (across iterations of the Social Security Act 1964 and associated regulations).

#### *Interaction of rules complex to interpret and apply in practice*

- 26 As the above summary makes clear, the treatment of redundancy payments is different in three different respects and has evolved over time. In addition, complex assessments are required as part of the "employment ceased" calculation to assess whether a payment is for retirement or redundancy.
- 27 This complexity makes it difficult to interpret and apply the rules in individual circumstances and across the wide range of cases MSD encounters.

### **Guidance and training material reflect these rules**

#### *Our MAP guidance is accurate, but can be clarified*

- 28 An extensive review of our core policy guidelines confirms that the information available to staff accurately reflects the rules above. However, we have identified that some improvements to the structure and flow of information could be made to provide the highest degree of clarity for staff. We have begun work on these improvements.

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<sup>3</sup> Prior to November 1992, redundancy payments were largely tax free. In November 1992 a withholding tax of 28 percent was introduced on redundancy payments. In contrast, retirement payments were to be taxed at a concessional rate of 5%, which appears to explain the differential treatment in the employment ceased calculation (although this different tax treatment was removed in 1994 and the distinction in the Act remains).

### *Training for staff*

- 29 Staff training is delivered using a range of resources. We have reviewed all training resources which confirms staff training is consistent with the above rules.

### *IT system*

- 30 We have checked the functionality of our IT systems and this confirms that our systems do not mistakenly require staff to include redundancy payments when calculating the commencement date of a benefit.

### **Review of small sample of recent cases**

- 31 In order to confirm whether the guidance is being followed in practice we have undertaken a sample of recent cases in which there was a wait time before benefit started, and where the word redundancy was used in case notes.
- 32 We have completed a small sample of 38 cases that had a client note of 'redundancy' with a grant date of up to 8 weeks in the future. Of these 25 were assessed correctly with two cases potentially assessed incorrectly. For the remaining 11 cases insufficient information is retained in our system to make an assessment, and a more detailed investigation would be required to confirm whether any redundancy payment was treated correctly.
- 33 Whilst this was a small sample, it does indicate that decision making where a redundancy payment was recorded in the system generally reflects the rules in the Act and Regulations and that there is not a systemic problem or "alignment" issue. It should also be noted that not all people coming onto benefit will have received a redundancy payment.
- 34 Our system does not automatically code client applications involving a redundancy payment, with any mention of redundancy payments only found in individual case notes. Therefore we would be unable to proactively find those cases that could have been incorrectly assessed. We are developing a process for people to contact us if they believe they have been affected, which will enable us to correct any individual errors. 150 people have made contact following recent media coverage to raise concerns about their case, and we will follow this process to resolve their complaint.

### **Proposed next steps**

- 35 Our investigation has revealed that our policy guidance is correct and we are following the rules in the majority of cases we sampled. Any mistakes are likely to be isolated and we consider reflect the complexity in applying rules in this area. That said, any error in assessing individual entitlement is unacceptable and we are committed to steps to addressing any previous errors and mitigating the risk of further mistakes.

#### *Clarifying MAP*

- 36 We are preparing amendments to our core MAP guidance to provide a clearer structure for the guidance and will distribute a short note to all staff that clarifies exactly how to treat redundancy payments to minimise any further errors. We have reviewed our website content and ensured it accurately reflects these rules.

#### *Publicise process for correcting errors*

- 37 We propose to proactively publish material after you have considered this briefing to:
- 37.1 Explain exactly how redundancy payments are treated under the Act and Regulations, and how that has changed over time;
- 37.2 Indicate that our review has indicated there is no systemic problem, but there may be mistakes in individual cases given the complexity of the rules in this area;
- 37.3 Indicate that anyone who thinks MSD has made a mistake in assessing the impact of a redundancy payment they received can ask us to look at their case, and publishing how to do so (noting that we will apply the rules as they stood at the date they applied for benefit);

*Simplify rules*

- 38 As noted above, unnecessary complexity in the rules across the Social Security system will result in errors on the frontline as staff have to apply them to a wide range of circumstances and increasing volumes. We are looking at how we can make the income support system simpler as part of our long-term work programme to overhaul the welfare system and will consider how we can simplify rules around commencement as part of this work.

File ref: REP/20/5/532

Author: s 9(2)(a) Principal Lawyer)





# Report

**Date:** 27 May 2020

**Security Level:** IN CONFIDENCE

**To:** Hon. Carmel Sepuloni, Minister for Social Development

## Treatment of redundancy payments - update

### Purpose

- 1 This report provides an update on our investigation into the treatment of redundancy payments.

### Recommended actions

It is recommended that you:

- 1 **Note** we have found no systemic issue in how MSD have treated redundancy payments
- 2 **Note** that our policy guidance, training and IT system is accurate and reflects the Social Security Act 2018 (the Act) and Social Security Regulations 2018 (the Regulations).
- 3 **Note** that a sample of cases have been reviewed and a small number of errors have been found.
- 4 **Note** the actions MSD will take to address previous errors and mitigate the risk of further mistakes which includes clarifying our core MAP guidance and carrying out internal communications to staff to ensure staff know how to treat redundancy payments
- 5 **Note** that MSD has developed a process to manage queries from people who contact us if they believe their entitlement or commencement date has been incorrectly assessed
- 6 **Note** that MSD is reviewing 355 queries that we have received (as at 25 May) in relation to the treatment of redundancy payments
- 7 **Note** that we will provide you with an update on our progress in July.

  
Viv Rickard  
DCE, Service Delivery

28/05/2020  
Date

\_\_\_\_\_  
Hon Carmel Sepuloni  
Minister for Social Development

\_\_\_\_\_  
Date

## **Background**

- 2 On 15 May 2020 we provided you with a report which outlined why we do not believe there is a systemic problem with how MSD treats redundancy payments. This was based on the fact that our policy guidance, training and IT system is aligned with the Act and Regulations [REP/20/5/532].
- 3 The report also included findings of a small sample of 38 cases where some errors were found, but showed that generally, decision making was consistent with our policy guidance, and that it reflected the rules in the Act and Regulations.

## **Updated sample and findings**

- 4 MSD has reviewed a further random sample of 185 client files where there was potential for a redundancy payment to be assessed incorrectly.
- 5 Of the 185 client files reviewed, 2.7 percent were found to be incorrectly assessed:
  - 56 clients (30.3 percent) received a redundancy payment
  - 51 of the 56 clients (91.1 percent) did not have their redundancy payments included when determining entitlement or commencement date, and therefore were assessed correctly
  - 5 of the 56 clients had redundancy payments included in the assessment of their entitlement or commencement date and therefore have been incorrectly assessed.
- 6 The findings of this updated sample reiterate the findings from our earlier report. For the majority of cases we sampled, MSD are following the rules and there is not an issue with the treatment of redundancy payments.
- 7 For the 5 cases from our updated sample that have been incorrectly assessed, we will investigate further, and any errors will be addressed.

## **Next Steps**

- 8 MSD has discussed the issue and findings with the National Benefit Advocates and Community Law, and will continue to work with them as this work progresses.
- 9 We will address any errors that are found in cases that come to our attention and mitigate the risk of further mistakes. We will prioritise those people who are currently on benefit.

### *Process for correcting errors*

- 10 MSD has implemented a process to manage queries in relation to the treatment of redundancy payments.
- 11 The process includes a form which a person can complete if they think MSD has made a mistake in their benefit calculation with respect to redundancy payments.
- 12 The process, form and key information explaining exactly how redundancy payments are treated will be available on our website by the end of the week.
- 13 As at 26 May, MSD has received 355 queries which we are working through. We will provide an update on progress in July.

### *Clarifying MAP*

- 14 We are preparing improvements to our core MAP guidance. An extensive review of our core policy guidelines confirms that the information available to staff accurately reflects the rules, however we will be improving the structure and flow of information to provide the highest degree of clarity to staff. A consolidation of all the information into one place is also underway. This will ensure staff will know exactly how to treat redundancy payments, so to minimise any further errors.

*Website content*

- 15 We have reviewed our website content and ensured it accurately reflects policy and current rules. We will update our website with information relating to the process, form and key information.

*Stakeholder communications*

- 16 Internal communications will be issued to staff with information clarifying the rules and policy relating to the treatment of redundancy payments. The communications will also include details on the process, form and key information to manage the queries we receive.
- 17 We will work with your office on our communications to external stakeholders.

REP/20/5/558


Author: s 9(2)(a) – Lead DCE Advisor, Service Delivery

Responsible manager: Dr Simone Bull – Director DCE Office, Service Delivery

**Note to support discussion on treatment of redundancy payments – officials  
meeting 11 May 2020**

- The rules around commencement dates are complex and spread across the Act and Regulations
- The attached chart outlines what the Act and Regulations say, at a high level, about the treatment of redundancy and retirement payments – essentially:
  - redundancy payments should not be used in calculating entitlement date, but retirement payments should;
  - both types of payments must be used in calculating the length of a stand down period;
  - both types of payment are exempt as income so should not impact rates of payment (but included as cash assets).
- We will be doing a stocktake of what our staff guidance says to ensure it is consistent with the law, and assessing how staff are applying the law in practice to identify whether we are correctly applying this routinely or not. We will brief you on the outcome of this.

s 9(2)(f)(iv)



- We propose that media responses should be led by MSD and be high level in the meantime given the complexity in rules and time we need to investigate whether current practices are aligned – “MSD is investigating the extent to which guidance to staff may have resulted in incorrect decision making. Anyone concerned about their circumstances should get in touch and we will work with them to resolve what should have happened.”

## Treatment of redundancy payments under Act and Regulations

The general rule is that work tested benefit payments only start after a stand down period finishes – s 313 – 316 of the Social Security Act 2018

To work out **when stand down period starts** we have to calculate your **entitlement date**, which turns on the date "**employment ceased**." To do this we have to take account of "specified termination payments" paid at the end of a job, which include retirement payments but do not include redundancy payments – s 316 of the Social Security Act 2018.

The **length of stand down** is determined by the Social Security Regulations 2018. It can be one or two weeks – generally it will be longer if you had higher average income.

In calculating average income we include any redundancy and retirement payments (r 183).

If you receive redundancy or retirement payment after we've done this calculation, we must go back and see if it impacts on the stand down period you got, and establish a debt as necessary (r 184).

s 9(2)(f)(iv)

NOTE: Redundancy and retirement payments are **exempt as income** (but included as a cash assets) for the purposes of calculating rates and supplementary assistance – Schedule 8 of the Regulations.

**From:** MSD\_Announcements (MSD)  
**Sent:** Rāmere, 08 Haratua, 2020 12:41 p.m.  
**To:** MSD All Staff (MSD)  
**Subject:** COVID-19 update for all MSD people - Friday 8 May 2020, Noon

## COVID-19 update for all MSD people

**Daily update – Friday 8 May 2020 Noon**

Out of Scope



### **Operational updates**

- Redundancy payments

Out of Scope





## Operational updates

### Redundancy payments

When a person finishes work - payments like holiday pay, sick pay and long service leave are used to work out when their 'employment ceased'. Please don't include redundancy payments when you're calculating this.

Out of Scope

**From:** s 9(2)(a)  
**To:** s 9(2)(a) @parliament.govt.nz  
**Subject:** What I have requested from the data team  
**Date:** Ramere, 08 Haratua, 2020 5:27:49 p.m.

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Hi s 9(2) and team,

Is there any way we could do a free text word search on Redundancy for the last three months and see how many client records that would bring up? I know lots of people tell us they have been made redundant but actually they have been laid off? Or even for the last four weeks – we could do a spot check on the SWN's and see what it looks like?

I don't think we would be able to pick up from any coding if we have delayed commencement date because of redundancy.

Is this possible to run first thing on Monday?

**Auckland Team**

Can you advise on claim CM has many years of experience and she has always done this as we may need to do a search of her files with free text search for redundancy.

s 9(2)(a)

*Acting Manager Issues Resolution*

Phone Internal s 9(2) Phone External s 9(2)(k)

Mobile: s 9(2)(k)

s 9(2)(k)

s 9(2)(a)

**From:** s 9(2)(a) @parliament.govt.nz  
**Sent:** Rāhina, 11 Haratua, 2020 11:50 a.m.  
**To:** s 9(2)(a)  
**Cc:**  
**Subject:** FW: Redundancy payments - Statement to media

Hi s 9(2)

Viv is updating the Minister at Officials, and s 9(2) is providing a brief on the situation.

Call me if you need to.

Thanks

s 9(2)(a) Private Secretary (Social Development)  
s 9(2)(k)

Office of Hon Carmel Sepuloni MP, Minister for Social Development, Minister for Disability Issues,  
Associate Minister for Pacific Peoples, Associate Minister for Arts, Culture and Heritage

**Email disclaimer:**

*Please note information about meetings related to the Ministers' portfolios will be proactively released (this does not include personal or constituency matters). For each meeting in scope, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio. If you attend a meeting with the Minister on behalf of an organisation, the name of the organisation will be released. If you are a senior staff member at an organisation, or meet with the Minister in your personal capacity, your name may also be released. The location of the meeting will be released, unless it is a private residence. The proactive release will be consistent with the provisions in the Official Information Act, including privacy considerations. Under the Privacy Act 1993 you have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, or are concerned about the release of your information in the meeting disclosure, please contact the sender. You can read more about the proactive release policy at <https://www.dia.govt.nz/Proactive-Releases#MS>*

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Thank you.

**From:** s 9(2)(a)  
**Sent:** Monday, 11 May 2020 11:47 AM  
**To:** s 9(2)(a)  
**Cc:**  
**Subject:** Redundancy payments - Statement to media

Hey team

I understand there is a briefing today on below. I will not be putting the Minister up for interviews on this so please provide me with a media statement I can use after the briefing.

Thank you

s 9(2)(a)

From: s 9(2)(a), s 9(2)(k)

Sent: Sunday, 10 May 2020 3:50 PM

To: s 9(2)(a), s 9(2)(k)

s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

Subject: FW: URGENT: Redundancy payments - urgent media query

Hi s 9(2)(a)

Here's a reworked version below - just stepping it back a bit.

Reporter has also requested RNZ's media response from Friday.

We will send him the following

In response to the client case RNZ raised with us:

*We reviewed [the client]'s case and identified an error was made in including her redundancy payment when calculating the date her benefit payment was due to start.*

*We have contacted [the client] about the error, apologised for any stress this may have caused and* s 9(2)(a)  
s 9(2)(a)

*We have reminded our frontline staff redundancy payments should not form part of calculations made to determine when a person's benefit payments should start.*

*We regret the error and encourage anyone who has concerns about how we have calculated their benefit start date to get in contact with us. [ENDS]*

Cheers

s 9(2)(a)

Deadline	4pm
Reporter	s 9(2)(a) Newshub/TV3
Story	<p>s 9(2) is following up on the RNZ story – "work and income wrong on benefits and redundancies for decades"</p> <p>He is also hoping to add a new angle on this – "Work and Income also illegally standing people down for benefit when they receive retirement payments "</p> <p>Also, this page <a href="https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html">https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html</a> has changed to now list "retirement payments" as potentially affecting entitlements, but S422 of the Act specifically lists retirement payments alongside redundancy as something that cannot be considered</p> <p><a href="http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783992.html">http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783992.html</a></p>
Query	<ul style="list-style-type: none"><li>Can you please confirm when officials will be briefing Minister Sepuloni on this tomorrow?</li></ul>



	<ul style="list-style-type: none"> <li>Why has retirement payments been added to the website when it appears to contradict the Act?</li> </ul>
Response Final	<p>We understand the Minister's office has responded to your first question, and that they let you know that we will be briefing her tomorrow.</p> <p>We are investigating claims that guidance to staff has resulted in incorrect decision making.</p> <p>We can look into your query more fully tomorrow, in terms of giving you more information about retirement payments in relation to when a benefit may start.</p>
Notes	<p>The retirement payment info seems to have been added as part of the Covid changes – Reporter has provided an archived link to the page from March –</p> <p><a href="https://web.archive.org/web/20200311001124/https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html">https://web.archive.org/web/20200311001124/https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html</a></p>

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s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rāhina, 11 Haratua, 2020 12:46 p.m.  
**To:** s 9(2)(a)  
**Cc:**  
**Subject:** RE: Redundancy query

Thanks s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Monday, 11 May 2020 12:44 PM  
**To:** s 9(2)(a)  
**Cc:**  
**Subject:** RE: Redundancy query

Key messaging is being worked on but this stage it will need to be on a case by case basis

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Monday, 11 May 2020 12:42 PM  
**To:** s 9(2)(a), s 9(2)(k)  
s 9(2)(a), s 9(2)(k)  
**Cc:** Auckland\_CLAs (WORKANDINCOME) <[Auckland\\_CLAs@msd.govt.nz](mailto:Auckland_CLAs@msd.govt.nz)>  
**Subject:** FW: Redundancy query

Hi All,

FYI – I have left a message for you s 9(2)(a)

Clients are approaching us asking for a review of their commencement date, will there be standard messaging going out to the regions? Or do we go ahead and review entitlement on a case by case basis?

s 9(2)

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Monday, 11 May 2020 12:31 PM  
**To:** s 9(2)(a), s 9(2)(k)  
**Cc:**  
**Subject:** RE: Redundancy query

Thanks s 9(2)

Appreciate if you will keep me updated on this as there is a lot of media interest and NO will want to be updated.

s 9(2) – FYI and I will keep you informed.

Sandy

Sandy Biggs – Regional Director  
s 9(2)(k)

[www.msd.govt.nz](http://www.msd.govt.nz)

Ministry of Social Development, Work & Income, Auckland Regional Office  
Private Bag 68-911, Newton, Auckland



## MSD's Purpose:

We help New Zealanders to be safe, strong and independent

Manaaki tangata, manaaki whānau

[seemail]

From: s 9(2)(a), s 9(2)(k)

Sent: Monday, 11 May 2020 12:20 PM

To: s 9(2)(a), s 9(2)(k)

Subject: FW: Redundancy query

They started coming.

Z

From: s 9(2)(a), s 9(2)(k)

Sent: Monday, 11 May 2020 12:18 PM

To: s 9(2)(a), s 9(2)(k)

Cc:

Subject: Redundancy query

Hi s 9(2)(a)

A client in your area s 9(2)(a) is wanting to discuss reviewing her application for JSS last year.

s 9(2)(a) received redundancy pay, and stated it was taken into consideration for her stand-down. She would like to know what the process is to review it. Client advised her query is the result of s 9(2)(a)

Could you please make contact with s 9(2)(a) to discuss further....thanks.

s 9(2)(a)

Case Manager

s 9(2)(k)

[www.workandincome.govt.nz](http://www.workandincome.govt.nz)

Glenmall Community Link, 1/20 Oates Road, Glenmall, Glen Eden | Private Bag 20025 | Auckland 0602



Go on, it's easy online  
[my.msd.govt.nz](http://my.msd.govt.nz)

s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rāhina, 11 Haratua, 2020 2:37 p.m.  
**To:** s 9(2)(a)  
**Cc:**  
**Subject:** Redundancy Issue

Hi s 9(2)(a)  
Any client queries received regarding this issue rather than sending them to the regions can you please forward them to Client Service Delivery who will place in them S2P queue that has been set up. At the moment we are still working on the appropriate response to these.

Thanks

s 9(2)(a)

s 9(2)(a) Principal Advisor, DCE Office, Service Delivery, Level 8 56 The Terrace Wellington  
s 9(2)(k)

s 9(2)(a)

**From:** s 9(2)(a) @parliament.govt.nz  
**Sent:** Rahina, 11 Haratua, 2020 2:42 p.m.  
**To:** s 9(2)(a)  
**Subject:** RE: Redundancy Advice

Thanks s 9(2)(a)

s 9(2)(a) Private Secretary (Social Development)  
s 9(2)(k)

Office of Hon Carmel Sepuloni MP, Minister for Social Development, Minister for Disability Issues,  
Associate Minister for Pacific Peoples, Associate Minister for Arts, Culture and Heritage

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*Please note information about meetings related to the Ministers' portfolios will be proactively released (this does not include personal or constituency matters). For each meeting in scope, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio. If you attend a meeting with the Minister on behalf of an organisation, the name of the organisation will be released. If you are a senior staff member at an organisation, or meet with the Minister in your personal capacity, your name may also be released. The location of the meeting will be released, unless it is a private residence. The proactive release will be consistent with the provisions in the Official Information Act, including privacy considerations. Under the Privacy Act 1993 you have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, or are concerned about the release of your information in the meeting disclosure, please contact the sender. You can read more about the proactive release policy at <https://www.dia.govt.nz/Proactive-Releases#MS>*

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**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Monday, 11 May 2020 1:39 PM  
**To:** s 9(2)(a)  
**Cc:** s 9(2)(a) Media (MSD); s 9(2)(a) Auckland\_CLAs (WORKANDINCOME); s 9(2)(a)  
**Subject:** Redundancy Advice

Hi s 9(2)(a)

Attached is the legal and operational guidelines on treatment of redundancy and retirement pay outs. We should be able to provide further advise on Policy and our current practice by the end of week but size and scale of potential issue could take several weeks.

**Client Case:**

7 May (Thursday)

The Case Manager did not receive verification of the final pay etc that the client received so the assessment is based on the figures stated by applicant in her OLA

A check of this assessment confirms that the CM has incorrectly assessed the commencement date as she has included the redundancy payment with the holiday pay.

Date of grant has been reviewed and based on what client has told us the commencement date is s 9(2)(a)

8 May (Friday)

Contact with client. Advised a full review has been completed on her original Jobseeker application, apologised for the incorrect information she was given and any stress it has caused her.

Advised what documents we require to complete the Jobseeker application and have confirmed email that I will be sending to her with a list of documents we need. We also discussed the balance of her cash assets, we did not discuss how this will affect her supplements. We agreed to complete the application first.  
Jobseeker assistance s 9(2)(a) & Winter payment of s 9(2)(a) Commencement date s 9(2)(a)

- Client expressed concerns about this happening to people and what we are doing about it, advised client that our National office may be looking into this due to her bring it to our attention, we are also reminding our case manager about how redundancy payment is assessed as part of our application process.

Proposed Holding lines sent to Minister's office this afternoon

- My experience of MSD is they are very focussed on supporting clients in every way they can.
- The culture of the organisation has changed significantly to put client service first.
- We have seen real excellence in client service in recent weeks from MSD in rapidly processing large numbers of wage subsidies and new benefit applications, to ensure New Zealanders are getting the support they need.
- However with tens of thousands of interactions with clients each week, there will sometimes be errors.
- MSD has given me an initial briefing on this matter and will be doing some further work on it
- I am satisfied with the steps they are taking
- I expect another update by the end of week.

Regards,

s 9(2)(a)

s 9(2)(a)

Acting Manager Issues Resolution

Phone Internal s 9(2)(k) Phone External s 9(2)(k)

Mobile: s 9(2)(k)

s 9(2)(k)

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s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rāhina, 11 Haratua, 2020 2:59 p.m.  
**To:** s 9(2)(a)  
s 9(2)(a) @parliament.govt.nz; s 9(2)(a) @parliament.govt.nz; s 9(2)(a)  
s 9(2)(a)  
**Cc:**  
**Subject:** RE: draft lines for media comment by Minister

Very nice

**From:** s 9(2)(a)  
**Sent:** Monday, 11 May 2020 2:46 PM  
**To:** s 9(2)(a) @parliament.govt.nz; s 9(2)(a)  
s 9(2)(a) @parliament.govt.nz; s 9(2)(a)  
**Cc:** s 9(2)(a)  
**Subject:** RE: draft lines for media comment by Minister

Looks good to me.

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Monday, 11 May 2020 2:43 PM  
**To:** s 9(2)(a), s 9(2)(k)  
s 9(2)(a), s 9(2)(k)  
**Cc:** s 9(2)(a), s 9(2)(k)  
s 9(2)(k)  
**Subject:** RE: draft lines for media comment by Minister

Hello

s 9(2)(a) and I suggest removing the last bullet. The first four bullets seem sufficient. s 9(2)(a) and s 9(2) all good?

Ngā mihi

s 9(2)(a)  
| Chief Executive Advisor  
Office of The Chief Executive

s 9(2)(k)



**MINISTRY OF SOCIAL  
DEVELOPMENT**  
TE MANATŪ WHAKAHIA TO ORA

**From:** s 9(2)(a) @parliament.govt.nz>  
**Sent:** Monday, 11 May 2020 2:37 PM  
**To:** s 9(2)(a), s 9(2)(k)  
s 9(2)(k)  
**Cc:** s 9(2)(a), s 9(2)(k)

s 9(2)(k)

**Subject:** RE: draft lines for media comment by Minister

Hi there, please check. Will use these as draft for 3pm meeting:

- MSD have given me an initial briefing and I've asked MSD to do further work including looking at rules around commencement dates for benefits, which are complex and spread across the Act and Regulations.
- This is clearly an operational issue but I am satisfied with the steps MSD are taking and that the culture of the organisation has changed significantly to put client service first.
- I expect another update looking into how the Act and Regulations are implemented, and to be informed of further steps from there noting that my experience of MSD is very focussed on getting help to those who need it.
- We have seen real excellence in client service in recent weeks from MSD in rapidly processing large numbers of wage subsidies and new benefit applications, to ensure New Zealanders are getting the support they need.

s (9)(2)(g)(i)

**From:** s 9(2)(a), s 9(2)(k)

**Sent:** Monday, 11 May 2020 2:12 PM

**To:** s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

**Cc:** s 9(2)(a), s 9(2)(k)

s 9(2)(k)

**Subject:** RE: draft lines for media comment by Minister

All good from the OCE.

Ngā mihi

s 9(2)(a)

Chief Executive Advisor

Office of The Chief Executive

s 9(2)(k)



**MINISTRY OF SOCIAL  
DEVELOPMENT**  
TE MANATŪ WHAKAHIATO ORA



From: s 9(2)(a), s 9(2)(k)

Sent: Monday, 11 May 2020 1:47 PM

To: s 9(2)(a) @parliament.govt.nz; s 9(2)(a) @parliament.govt.nz

Cc: s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

Subject: RE: draft lines for media comment by Minister

s 9(2)(a) – see below ? s 9(2)(a) factchecking – cheers

From: s 9(2)(a) @parliament.govt.nz>

Sent: Monday, 11 May 2020 1:34 PM

To: s 9(2)(a), s 9(2)(k)

@parliament.govt.nz

Cc: s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

Subject: RE: draft lines for media comment by Minister

Hi s 9(2)  
( )

Is the following correct (notwithstanding the bit in yellow)

MSD have given me an initial briefing on the matter and have been asked to do further work on it. I am satisfied with the steps they are taking and that the culture of the organisation has changed significantly to put client service first.

I expect another update by the end of the week.

I want to put this in, but I don't actually know what its' implying in full, so will wait until 3pm to update.

s (9)(2)(g)(i)

Heads up – PMO want lines for the 4pm post cab presser also. So will factor that in too.

Thanks

s 9(2)(a)

From: s 9(2)(a), s 9(2)(k)

Sent: Monday, 11 May 2020 1:15 PM

To: s 9(2)(a) @parliament.govt.nz; s 9(2)(a)

s 9(2)(a) @parliament.govt.nz>

Cc: s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

Subject: draft lines for media comment by Minister

Hi s 9(2)(a)

Please see below – hope this fits the bill

RE: draft lines for Minister to respond to queries on redundancy payments issue

s (9)(2)(g)(i)

- MSD has given me an initial briefing on this matter and will be doing some further work on it
- I am satisfied with the steps they are taking
- I expect another update by the end of week.

MSD will be responding to media queries with a reasonably short response today; which will be coming your way

s 9(2)(a) - **Manager, Media and Social Media**

s 9(2)(k)

Ministry of Social Development, Aurora Centre, 56-66 The Terrace, PO Box 1556, Wellington 6140



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s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rahina, 11 Haratua, 2020 3:53 p.m.  
**To:** s 9(2)(a)  
**Cc:** Media (MSD); DCE\_Office\_ServiceDelivery (MSD); s 9(2)(a)  
s 9(2)(a) Kay Read  
**Subject:** RE: Media query: MSD wrongly interpreting rules around redundancy

Yes thanks

**From:** s 9(2)(a)  
**Sent:** Monday, 11 May 2020 3:20 PM  
**To:** s 9(2)(a)  
**Cc:** Media (MSD) ; DCE\_Office\_ServiceDelivery (MSD) ; s 9(2)(a)  
s 9(2)(a) Kay Read  
**Subject:** RE: Media query: MSD wrongly interpreting rules around redundancy

Thanks Kay

s 9(2)(a) You good with this ?

Cheers

s 9(2)(a)

**From:** Kay Read s 9(2)(k)  
**Sent:** Monday, 11 May 2020 3:10 PM  
**To:** s 9(2)(a), s 9(2)(k)  
**Cc:** Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE\_Office\_ServiceDelivery (MSD)  
s 9(2)(a), s 9(2)(k)

**Subject:** RE: Media query: MSD wrongly interpreting rules around redundancy

Yes thanks

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Monday, 11 May 2020 3:10 PM  
**To:** Kay Read s 9(2)(k)  
**Cc:** Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE\_Office\_ServiceDelivery (MSD)  
s 9(2)(a), s 9(2)(k)

**Subject:** RE: Media query: MSD wrongly interpreting rules around redundancy  
**Importance:** High

Hi Kay

You good with this response.

Cheers

s 9(2)(a)

From: s 9(2)(a)

Sent: Monday, 11 May 2020 2:14 PM

To: s 9(2)(a), s 9(2)(k)

Kay Read s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE Office ServiceDelivery (MSD)

s 9(2)(a), s 9(2)(k)

**Subject:** RE: Media query: MSD wrongly interpreting rules around redundancy

Thanks s 9(2)(a)

All get to send this out for sign off with @Kay Read ?

Cheers

s 9(2)(a)

From: s 9(2)(a), s 9(2)(k)

Sent: Monday, 11 May 2020 2:07 PM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE Office ServiceDelivery (MSD)

s 9(2)(a), s 9(2)(k)

**Subject:** RE: Media query: MSD wrongly interpreting rules around redundancy

No we don't, we don't know how big or small a problem this is at the moment. The media may think they have a big story but at this stage it is likely to be the odd case – we just don't know at this stage.

From: s 9(2)(a), s 9(2)(k)

Sent: Monday, 11 May 2020 2:00 PM

To: s 9(2)(a)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE Office ServiceDelivery (MSD)

s 9(2)(a), s 9(2)(k)

**Subject:** RE: Media query: MSD wrongly interpreting rules around redundancy

Hi s 9(2)(a)

Here's a draft response - following s 9(2)(a) suggested lines.

**Draft 1**

Do we have a rough timeline for this investigation ? Would we like to add that to this response ?

Cheers



Deadline	TBC
Reporter	s 9(2)(a) - RNZ
Story	<p>MSD wrongly interpreting rules around redundancy</p> <p>I am just following up on the below questions from late last week and, apols, seeking to add a few more questions given how many people have been in touch with me and our following up with a couple more stories:</p> <p><a href="https://www.rnz.co.nz/news/national/416320/costly-legal-action-may-await-over-mishandling-of-redundancy-issue">https://www.rnz.co.nz/news/national/416320/costly-legal-action-may-await-over-mishandling-of-redundancy-issue</a></p> <p><a href="https://www.rnz.co.nz/news/national/416266/work-and-income-wrong-on-benefits-and-redundancies-for-decades">https://www.rnz.co.nz/news/national/416266/work-and-income-wrong-on-benefits-and-redundancies-for-decades</a></p>
Query	<p>There are questions from late on Friday.</p> <p>What practices were staff following before and how long had redundancy been used as a reason to delay benefits?</p> <p>Does Work and Income think the practice was widespread? If so, for how long?</p> <p>Does Work and Income have any idea of the number of people turned down based on redundancy payments?</p> <p>If not. Is it investigating to see how many may have been declined?</p> <p>Is there a risk that Work and Income will have to pay out back payments to people (and from a long time period)? If so, does it have any idea of the potential cost?</p> <p>Can we be provided with the advice last provided to staff around redundancy and benefits prior to today's update?</p> <p>Can we also see today's advice provided too staff?</p> <p>These are the ones you sent today Monday 11<sup>th</sup></p> <p>Has Work and Income been contacted by a number of people now seeking to have their cases reviewed? If so, any idea how many?</p> <p>Given it appears the cases stretch back decades, what processes is Work and Income able/going to put in place to help people?</p> <p>A couple of the people quoted in the stories have sited a lack of staff training as an issue. How does Work and Income respond to this?</p> <p>Will Work and Income be proactively back-paying those denied benefits based on their redundancies?</p> <p>Has Work and Income sought legal advice about the potential risks to the department? What has it said?</p>
Response draft 1	<b>Attributed to Kay Read</b>

	<p>We are investigating the extent to which guidance to staff may have resulted in incorrect decision making.</p> <p>We have had some enquires from clients about this today.</p> <p>We encourage anyone concerned to get in touch with us.</p>
Notes	<p><b>Sunday response to TV3</b></p> <p>We understand the Minister's office has responded to your first question, and that they let you know that we will be briefing her tomorrow.</p> <p>We are investigating claims that guidance to staff has resulted in incorrect decision making.</p> <p>We can look into your query more fully tomorrow, in terms of giving you more information about retirement payments in relation to when a benefit may start.</p>

From: s 9(2)(a), s 9(2)(k)

Sent: Monday, 11 May 2020 10:41 AM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE\_Office\_ServiceDelivery (MSD)

s 9(2)(a), s 9(2)(k)

**Subject:** Media query: MSD wrongly interpreting rules around redundancy

Hi s 9(2)

More questions from RNZ - to add to the list from Friday.

Here's the combined new media query from RNZ. Also have one - similar - from Stuff business editor which I'll send separately - along with questions posed by TV3 on Sunday

I'll work on a holding statement which we can use for these while we work on a response.

Cheers

s 9(2)(a)

Deadline	TBC
Reporter	s 9(2)(a) - RNZ

Story	<p>MSD wrongly interpreting rules around redundancy</p> <p>I am just following up on the below questions from late last week and, apols, seeking to add a few more questions given how many people have been in touch with me and our following up with a couple more stories:</p> <p><a href="https://www.rnz.co.nz/news/national/416320/costly-legal-action-may-await-over-mishandling-of-redundancy-issue">https://www.rnz.co.nz/news/national/416320/costly-legal-action-may-await-over-mishandling-of-redundancy-issue</a></p> <p><a href="https://www.rnz.co.nz/news/national/416266/work-and-income-wrong-on-benefits-and-redundancies-for-decades">https://www.rnz.co.nz/news/national/416266/work-and-income-wrong-on-benefits-and-redundancies-for-decades</a></p>
Query	<p>There are questions from late on <b>Friday</b>.</p> <p>What practices were staff following before and how long had redundancy been used as a reason to delay benefits?</p> <p>Does Work and Income think the practice was widespread? If so, for how long?</p> <p>Does Work and Income have any idea of the number of people turned down based on redundancy payments?</p> <p>If not. Is it investigating to see how many may have been declined?</p> <p>Is there a risk that Work and Income will have to pay out back payments to people (and from a long time period)? If so, does it have any idea of the potential cost?</p> <p>Can we be provided with the advice last provided to staff around redundancy and benefits prior to today's update?</p> <p>Can we also see today's advice provided too staff?</p> <p>These are the ones you sent <b>today Monday 11<sup>th</sup></b></p> <p>Has Work and Income been contacted by a number of people now seeking to have their cases reviewed? If so, any idea how many?</p> <p>Given it appears the cases stretch back decades, what processes is Work and Income able/going to put in place to help people?</p> <p>A couple of the people quoted in the stories have cited a lack of staff training as an issue. How does Work and Income respond to this?</p> <p>Will Work and Income be proactively back-paying those denied benefits based on their redundancies?</p> <p>Has Work and Income sought legal advice about the potential risks to the department? What has it said?</p>
Response	
Notes	<p><b>Sunday response to TV3</b></p> <p>We understand the Minister's office has responded to your first question, and that they let you know that we will be briefing her tomorrow.</p> <p>We are investigating claims that guidance to staff has resulted in incorrect decision making.</p>



We can look into your query more fully tomorrow, in terms of giving you more information about retirement payments in relation to when a benefit may start.

From: s 9(2)(a)

Sent: Monday, 11 May 2020 9:29 AM

To: s 9(2)(a), s 9(2)(k)

Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>

Subject: RE: MSD Media Response : redundancy and income support

Hi s 9(2)(a) and all,

I hope you had a good and restful weekend.

I am just following up on the below questions from late last week and, apols, seeking to add a few more questions given how many people have been in touch with me and our following up with a couple more stories:

<https://www.rnz.co.nz/news/national/416320/costly-legal-action-may-await-over-mishandling-of-redundancy-issue>

<https://www.rnz.co.nz/news/national/416266/work-and-income-wrong-on-benefits-and-redundancies-for-decades>

Has Work and Income been contacted by a number of people now seeking to have their cases reviewed? If so, any idea how many?

Given it appears the cases stretch back decades, what processes is Work and Income able/going to put in place to help people?

A couple of the people quoted in the stories have sited a lack of staff training as an issue. How does Work and Income respond to this?

Will Work and Income be proactively back-paying those denied benefits based on their redundancies?

Has Work and Income sought legal advice about the potential risks to the department? What has it said?

I'm highly aware you are under the pump and there are a lot of questions etc. If there is a better way for me to communicate rather than a series of emails let me know. I'm happy to talk to someone etc.

Best and thanks

s 9(2)

(s)

De : s 9(2)(a)

Envoyé : vendredi 8 mai 2020 14:28

À : s 9(2)(a), s 9(2)(k)

Objet : RE: MSD Media Response : redundancy and income support

Hi again,

Sorry, you will get sick of me.

Some more questions, which I don't expect to be answered today! Some of them are a little of a repeat.

Given the forms people filled out asked them to detail their redundancy and the website, till this morning, stated it was a reason for delaying benefits...

What practices were staff following before and how long had redundancy been used as a reason to delay benefits?

Does Work and Income think the practice was widespread? If so, for how long?

Does Work and Income have any idea of the number of people turned down based on redundancy payments?

If not. Is it investigating to see how many may have been declined?

Is there a risk that Work and Income will have to pay out back payments to people (and from a long time period)? If so, does it have any idea of the potential cost?

Can we be provided with the advice last provided to staff around redundancy and benefits prior to today's update?

Can we also see today's advice provided too staff?

Thanks again and have a good weekend,

Best

s 9(2)(a)

---

De : s 9(2)(a), s 9(2)(k)

Envoyé : vendredi 8 mai 2020 12:49

À : s 9(2)(a), s 9(2)(k)

Cc : Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>

Objet : RE: MSD Media Response : redundancy and income support

Thanks s 9(2)

We don't put her name in our records and although we circulate a copy of the response internally the name is redacted.

Are you happy to share that with response with s 9(2)(a)

Cheers

s 9(2)(a)

From: s 9(2)(a), s 9(2)(k)

Sent: Friday, 8 May 2020 12:44 PM

To: s 9(2)(a), s 9(2)(k)

Subject: RE: MSD Media Response : redundancy and income support

Thanks again s 9(2)(a) Just fyi s 9(2) real name is obvs in your response. I know it won't likely be shared with anyone else but just wanted to mention again in case.

Have a good weekend.

De : s 9(2)(a), s 9(2)(k)

Envoyé : vendredi 8 mai 2020 12:17

À : s 9(2)(a)

Cc : Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>

Objet : MSD Media Response : redundancy and income support

Hi s 9(2)

Here's a response for you. Sorry about the wait.

Cheers

s 9(2)

#### **Attribute to Kay Read, Group GM Client Service Delivery**

When a person applies for income support because they are finishing employment, the payments they receive when they stop work may delay the date when their benefit starts.

Payments that impact the benefit start time include holiday pay, sick pay, long service leave, pay in lieu of notice and retirement payments.\*

Redundancy payments are not part of this calculation.

We reviewed s 9(2)(a) case and identified an error was made in including her redundancy payment when calculating the date her benefit payment was due to start.

We have contacted s 9(2)(a) about the error, apologised for any stress this may have caused and confirmed she qualifies for a Jobseeker benefit from 6 May 2020.

We have reminded our frontline staff redundancy payments should not form part of calculations made to determine when a person's benefit payments should start.

We regret the error and encourage anyone who has concerns about how we have calculated their benefit start date to get in contact with us.

ENDS

### Editors Notes

\*full list of payments that affect the benefit start date:

- *holiday pay*
- *sick pay*
- *long service leave*
- *pay in lieu of notice*
- *pay in lieu of accumulated leave*
- *payments contingent on the completion of a fixed-term contract*
- *retirement payments*

From: s 9(2)(a), s 9(2)(k)  
Sent: Friday, 8 May 2020 11:12 AM  
To: s 9(2)(a), s 9(2)(k)  
Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>  
Subject: RE: media query: redundancy

Understand your frustration s 9(2)

Thanks for your patience.

Just making sure we get it right and appreciate you allowing us to have input.

Cheers

s 9(2)(a)

From: s 9(2)(a)  
Sent: Friday, 8 May 2020 11:09 AM  
To: s 9(2)(a), s 9(2)(k)  
Subject: RE: media query: redundancy

Many thanks s 9(2)(a)

I very much understand you are reliant on others here but it's starting to feel just a little like this is being pushed later and later as the weekend looms.

I will look forward to receiving it as I'd rather have the story with Work and Income's comment from the off.

Cheers again,  
s 9(2)(a)

---

De : s 9(2)(a), s 9(2)(k)  
Envoyé : vendredi 8 mai 2020 10:57  
À : s 9(2)(a)  
Objet : RE: media query: redundancy

Hi s 9(2)

A quick update. The person who is signing this off for you is in urgent meetings until 11.30.

It will be tight for me to turn it around before midday - but confident you'll have something this afternoon.

Cheers

s 9(2)(a)

---

From: s 9(2)(a)  
Sent: Friday, 8 May 2020 9:24 AM  
To: s 9(2)(a), s 9(2)(k)  
Subject: RE: media query: redundancy

thanks heaps

---

De : s 9(2)(a), s 9(2)(k)  
Envoyé : vendredi 8 mai 2020 09:23  
À : s 9(2)(a), s 9(2)(k)  
Cc : Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>  
Objet : media query: redundancy

Hi s 9(2)  
( )

On to it.

Cheers

s 9(2)(a)



From: s 9(2)(a)  
Sent: Friday, 8 May 2020 9:15 AM  
To: s 9(2)(a), s 9(2)(k)  
Subject:

Giddy again s 9(2)(a)

I hope you had a restful evening. Just checking in. I've got an 11.45am deadline so would greatly appreciate something by then.

Best  
s 9(2)

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s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rātū, 12 Haratua, 2020 9:45 a.m.  
**To:** s 9(2)(a)  
**Cc:** DCE\_Office\_ServiceDelivery (MSD); s 9(2)(a)  
s 9(2)(a)  
**Subject:** RE: MSD Media response: redundancy payments Stuff

Thanks s 9(2)(a)

I'll call you after 10.30

Cheers

s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Tuesday, 12 May 2020 9:38 AM  
**To:** s 9(2)(a)  
**Cc:** DCE\_Office\_ServiceDelivery (MSD); s 9(2)(a) Media (MSD);  
s 9(2)(a)  
**Subject:** RE: MSD Media response: redundancy payments Stuff

The team have a meeting this morning and we should have a better understanding on how we can respond to these questions later today. The operational and legal questions should be able to be answered in the next day or two but size and scope of many people may have been given the wrong advice will take longer – likely end of next week as we will need to do a deep dive into client files that the data team pulled yesterday. The team are meeting at 10 or 10:30 so will come back to you after the meeting with a better advice on when we can answer these questions.

Anyone else – please feel free to advise?

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Tuesday, 12 May 2020 9:03 AM  
**To:** s 9(2)(a), s 9(2)(k)  
**Cc:** DCE\_Office\_ServiceDelivery (MSD); s 9(2)(a), s 9(2)(k)  
s 9(2)(a), s 9(2)(k)  
s 9(2)(a), s 9(2)(k) Media (MSD)  
<[media@msd.govt.nz](mailto:media@msd.govt.nz)>; Kay Read s 9(2)(k)  
**Subject:** FW: MSD Media response: redundancy payments Stuff

Hi s 9(2)(a)

Both of the reporters who requested responses from us yesterday want a timeline on when they can expect a more complete response to their questions.

Can we get some idea of when we think we can respond ?

Cheers

s 9(2)(a)

Deadline	TBC
Reporter	s 9(2)(a) Stuff
Story	Following up on the RNZ story about "Mary" who had her redundancy wrongly included in calculations to determine her benefit payment date.
Query	<ol style="list-style-type: none"> <li>1. For how long has MSD and its predecessor agencies been advising people who have been made redundant that they can't claim benefits until their redundancy has been used up?</li> <li>2. It is correct that it now accepts that advice was mistaken?</li> <li>3. How many people may have been wrongly advised by the ministry about their entitlements?</li> <li>4. Will the ministry providing backdated payments to those who wrongly advised they would not be entitled to them?</li> <li>5. Does it have any estimates of the possible cost of doing that?</li> <li>6. What are those estimates?</li> <li>7. If it can't provide an estimate in the forms of a mid-point range, could it rule out those costs running to a) tens of millions of dollars b) hundreds of millions c) billions of dollars?</li> </ol>
Response	
Notes	<p>Response sent 11 May 2020</p> <p><b>Attributed to Kay Read, Group GM Client Services Delivery.</b></p> <p>We are investigating the extent to which guidance to staff may have resulted in incorrect decision making.</p> <p>We have had some enquires from clients about this today.</p> <p>We encourage anyone concerned to get in touch with us.</p> <p>ENDS</p>

From: s 9(2)(a)  
Sent: Monday, 11 May 2020 10:49 PM  
To: s 9(2)(a), s 9(2)(k)  
Subject: Re: MSD Media response: redundancy payments Stuff

Hi s 9(2)(a)

Thank you.

Do you know when I can expect a full response to the seven questions I asked?

s 9(2)(a) senior journalist | Stuff Business Bureau  
Level 7, Spark Central [42-52 Willis St, Wellington](#)

s 9(2)(a)



On Mon, 11 May 2020 at 16:57, s 9(2)(a) wrote:

Hi s 9(2)(a)

A response for you.

Cheers

s 9(2)(a)

**Attributed to Kay Read, Group GM Client Services Delivery.**

We are investigating the extent to which guidance to staff may have resulted in incorrect decision making.

We have had some enquires from clients about this today.

We encourage anyone concerned to get in touch with us.

ENDS

From: s 9(2)(a), s 9(2)(k)

Sent: Monday, 11 May 2020 10:13 AM

To: s 9(2)(a) Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>

Subject: RE: Stuff re: redundancy payments

Hi s 9(2)

Good to hear from you

Thanks for your email. You'll be aware if you're syndicating RNZ that they are asking similar questions –

I'll get this underway for you.

Cheers

s 9(2)(a)

s 9(2)(a) - Senior Media Advisor

s 9(2)(k)

Ministry of Social Development, Aurora Centre, 56-66 The Terrace, PO Box 1556, Wellington 6140

**From:** s 9(2)(a)  
**Sent:** Monday, 11 May 2020 9:42 AM  
**To:** Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>  
**Subject:** Stuff re: redundancy payments

Hi,

We have been following and syndicating RNZ's coverage of the advice the ministry has been providing people who are made redundant on their benefit entitlements.

I wanted to check:

1. For how long has MSD and its predecessor agencies been advising people who have been made redundant that they can't claim benefits until their redundancy has been used up?
2. It is correct that it now accepts that advice was mistaken?
3. How many people may have been wrongly advised by the ministry about their entitlements?
4. Will the ministry providing backdated payments to those who wrongly advised they would not be entitled to them?
5. Does it have any estimates of the possible cost of doing that?
6. What are those estimates?
7. If it can't provide an estimate in the forms of a mid-point range, could it rule out those costs running to  
a) tens of millions of dollars b) hundreds of millions c) billions of dollars?

many thanks

s 9(2)(a) senior journalist | Stuff Business Bureau

Level 7, Spark Central [42-52 Willis St, Wellington](#)

s 9(2)(a)

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s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rātū, 12 Haratua, 2020 10:32 a.m.  
**To:** s 9(2)(a)  
**Cc:** Media (MSD)  
**Subject:** RE: 'Rough ' un QAed numbers

Hi s 9(2)(a)

Are you free for me to call you ?

Cheers

s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Tuesday, 12 May 2020 10:27 AM  
**To:** s 9(2)(a) Media (MSD) s 9(2)(a)  
**Cc:** s 9(2)(a)  
**Subject:** FW: 'Rough ' un QAed numbers

This is the data that has been pulled. We are reviewing the client records highlighted in red in the first instance. The numbers are not huge so I don't think it is the big problem that s 9(2) is presuming it is. We also have had some historic claims come through the Contact Centre which are being managed in their own queue so will get a better view of what is being raised historically s 9(2) could also provide the client details for the cases he cited in his article and we could look at those client files as well?

**From:** s 9(2)(a)  
**Sent:** Tuesday, 12 May 2020 9:50 AM  
**To:** s 9(2)(a), s 9(2)(k)  
**Subject:** FW: 'Rough ' un QAed numbers

**From:** s 9(2)(a)  
**Sent:** Monday, 11 May 2020 2:29 PM  
**To:** s 9(2)(a), s 9(2)(k)  
**Cc:** s 9(2)(a), s 9(2)(k)  
**Subject:** FW: 'Rough ' un QAed numbers

Hi s 9(2)

Can we get the SWN for the 8-10 weeks onwards that I have highlighted in red and we can do a deeper dive?

Regards,  
s 9(2)(a)

**DRAFT NOT QAed INTERNAL USE ONLY - NOT FOR EXTERNAL DISTRIBUTION**

s (9)(2)(g)(i)

From: s 9(2)(a)

Sent: Monday, 11 May 2020 2:20 PM

To: s 9(2)(a)

Subject: RE: 'Rough ' un QAed numbers

Have you got the SWN's

s 9(2)(a) Principal Advisor, DCE Office, Service Delivery, Level 8 56 The Terrace Wellington  
s 9(2)(k)

From: s 9(2)(a), s 9(2)(k)

Sent: Monday, 11 May 2020 1:59 PM

To: s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

Cc: s 9(2)(a), s 9(2)(k)

Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>, s 9(2)(a)

s 9(2)(a), s 9(2)(k)

Subject: FW: 'Rough ' un QAed numbers

Hi All,

See below what the initial data trawl has identified. What is the best way forward for us to perhaps spot check some SWN's to see what has occurred and if we have a systemic issue with including Redundancy in the Benefit stand down calculation?

Regards,

s 9(2)(a)

From: s 9(2)(a)

Sent: Monday, 11 May 2020 12:02 PM

To: s 9(2)(a), s 9(2)(k)

Subject: 'Rough ' un QAed numbers

Hi Ya s 9(2)(a)

These are NOT confirmed cases but "possible", they are here because the benefit payment commencement date is after the date the bft was granted – but could be due to one week standdown pre 23 mar 2020 or taking into account holiday pay... or may redundancy

These grants had at least one note loaded during the application process that contained the text 'redund' it could be able redundancy or to say no or not applicable....

Sadly manual inspection is required though if there are certain word patterns that indicate redundancy wasn't a factor we could use these as a second filter to cut the list down

Below this report is a similar DRAFT report for declined SPS/JS apps where there were notes about 'redund'.....

Final reports will have summaries and client details with note text....(and who dunnit)

Rushing to get these into QA etc....

s 9(2)(a)

**DRAFT NOT QAed INTERNAL USE ONLY - NOT FOR EXTERNAL DISTRIBUTION**

s (9)(2)(g)(i)

s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rātū, 12 Haratua, 2020 3:04 p.m.  
**To:** Kay Read  
**Cc:** Media (MSD); s 9(2)(a)  
s 9(2)(a)  
**Subject:** RE: Media query: redundancy and benefit calculations RNZ

Thanks Kay

**From:** Kay Read  
**Sent:** Tuesday, 12 May 2020 3:02 PM  
**To:** s 9(2)(a)  
**Cc:** Media (MSD) ; s 9(2)(a)  
**Subject:** RE: Media query: redundancy and benefit calculations RNZ

Thanks, good to go

Kay

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Tuesday, 12 May 2020 1:47 PM  
**To:** s 9(2)(a), s 9(2)(k)  
**Cc:** Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)  
s 9(2)(a), s 9(2)(k)  
Kay Read  
s 9(2)(a), s 9(2)(k)  
**Subject:** RE: Media query: redundancy and benefit calculations RNZ

Hi Kay

Response to a further questions from RNZ

You Ok with this.

Cheers

s 9(2)(a)

Deadline	COB Tuesday 12 May
Reporter	s 9(2)(a) – RNZ
Story	Reporter ran a story on May 6 about a cleaner who said her redundancy payout means she can't get a benefit. Most recent story from 11 May

Query	<p><b>Friday 8<sup>th</sup> May</b></p> <p><i>What practices were staff following before and how long had redundancy been used as a reason to delay benefits?</i>  <i>Does Work and Income think the practice was widespread? If so, for how long?</i>  <i>Does Work and Income have any idea of the number of people turned down based on redundancy payments?</i>  <i>If not. Is it investigating to see how many may have been declined?</i>  <i>Is there a risk that Work and Income will have to pay out back payments to people (and from a long time period)? If so, does it have any idea of the potential cost?</i></p> <p><i>Can we be provided with the advice last provided to staff around redundancy and benefits prior to today's update?</i>  <i>Can we also see today's advice provided too staff?</i></p> <p><b>Monday 11<sup>th</sup></b></p> <p><i>Has Work and Income been contacted by a number of people now seeking to have their cases reviewed? If so, any idea how many?</i>  <i>Given it appears the cases stretch back decades, what processes is Work and Income able/going to put in place to help people?</i>  <i>A couple of the people quoted in the stories have sited a lack of staff training as an issue. How does Work and Income respond to this?</i>  <i>Will Work and Income be proactively back-paying those denied benefits based on their redundancies?</i>  <i>Has Work and Income sought legal advice about the potential risks to the department? What has it said?</i></p> <p><b>Tues 12<sup>th</sup></b></p> <p><i>Who will be leading the investigation into the benefit and redundancy issue?</i>  <i>Will they be independent or was an independent person considered?</i>  <i>What are the parameters of the investigation? How far back will it look?</i>  <i>Will staff and benefit applicants be interviewed?</i>  <i>What is the time frame for completion?</i>  <i>Will a formal report be produced with recommendations as a result?</i></p>
Response	<p><b>Attributed to Kay Read, Group GM Client Service Delivery.</b></p> <p>We are currently <b>looking into</b> these matters.</p> <p>This will take a number of weeks.</p> <p>We will give you a response once our <b>review</b> is complete.</p> <p><b>ENDS</b></p>
Notes	



From: s 9(2)(a), s 9(2)(k)

Sent: Tuesday, 12 May 2020 1:45 PM

To: s 9(2)(a), s 9(2)(k)

s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

Kay Read

s 9(2)(a), s 9(2)(k)

Subject: RE: Media query: redundancy and benefit calculations RNZ

Yip thanks

From: s 9(2)(a), s 9(2)(k)

Sent: Tuesday, 12 May 2020 1:33 PM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

Kay Read

s 9(2)(a), s 9(2)(k)

Subject: RE: Media query: redundancy and benefit calculations RNZ

Hi s 9(2)(a)

s 9(2)(a) You Ok with this ?

Cheers

s 9(2)(a)

From: s 9(2)(a), s 9(2)(k)

Sent: Tuesday, 12 May 2020 1:32 PM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

Kay Read

s 9(2)(a), s 9(2)(k)

Subject: RE: Media query: redundancy and benefit calculations RNZ

Better

From: s 9(2)(a), s 9(2)(k)

Sent: Tuesday, 12 May 2020 1:31 PM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

Kay Read

Subject: RE: Media query: redundancy and benefit calculations RNZ

Hi s 9(2)(a)

Softened sufficiently ?

Cheers

s 9(2)(a)

Deadline	TBC
Reporter	s 9(2)(a) – RNZ
Story	<p>Reporter ran a story on May 6</p> <p>about a cleaner who said her redundancy payout means she can't get a benefit.</p> <p>Most recent story from 11 May</p> <p><a href="https://www.rnz.co.nz/news/national/416377/ministry-of-social-development-investigating-after-work-and-income-benefit-bungle">https://www.rnz.co.nz/news/national/416377/ministry-of-social-development-investigating-after-work-and-income-benefit-bungle</a></p>
Query	<p><b>Friday 8<sup>th</sup> May</b></p> <p><i>What practices were staff following before and how long had redundancy been used as a reason to delay benefits?</i></p> <p><i>Does Work and Income think the practice was widespread? If so, for how long?</i></p> <p><i>Does Work and Income have any idea of the number of people turned down based on redundancy payments?</i></p> <p><i>If not, is it investigating to see how many may have been declined?</i></p> <p><i>Is there a risk that Work and Income will have to pay out back payments to people (and from a long time period)? If so, does it have any idea of the potential cost?</i></p> <p><i>Can we be provided with the advice last provided to staff around redundancy and benefits prior to today's update?</i></p> <p><i>Can we also see today's advice provided too staff?</i></p> <p><b>Monday 11<sup>th</sup></b></p> <p><i>Has Work and Income been contacted by a number of people now seeking to have their cases reviewed? If so, any idea how many?</i></p> <p><i>Given it appears the cases stretch back decades, what processes is Work and Income able/going to put in place to help people?</i></p> <p><i>A couple of the people quoted in the stories have cited a lack of staff training as an issue. How does Work and Income respond to this?</i></p> <p><i>Will Work and Income be proactively back-paying those denied benefits based on their redundancies?</i></p> <p><i>Has Work and Income sought legal advice about the potential risks to the department? What has it said?</i></p> <p><b>Tues 12<sup>th</sup></b></p> <p><i>Who will be leading the investigation into the benefit and redundancy issue?</i></p> <p><i>Will they be independent or was an independent person considered?</i></p> <p><i>What are the parameters of the investigation? How far back will it look?</i></p> <p><i>Will staff and benefit applicants be interviewed?</i></p>

	What is the time frame for completion? Will a formal report be produced with recommendations as a result?
Response	<p>Attributed to Kay Read, Group GM Client Service Delivery.</p> <p>We are currently <b>looking into</b> these matters.</p> <p>This will take a number of weeks.</p> <p>We will give you a response once our <b>review</b> is complete.</p> <p>ENDS</p>
Notes	

From: s 9(2)(a), s 9(2)(k)

Sent: Tuesday, 12 May 2020 1:18 PM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

s 9(2)(a)

Kay Read

**Subject:** RE: Media query: redundancy and benefit calculations RNZ

Can we soften this response?

We will be able to respond to most of his questions (Operational policy and legal) later this week from what I understand. However it will take a couple of weeks to get an idea of scale of problem – s 9(2) questions are based on him believing this is a major problem and at this stage this does not look to be the case so I am hesitant to talk to any great extent about an investigation as his questions about whether this will be an independent investigation is taking what could be relatively small issue into a major event.

Since lockdown we granted 38,960 JS Work ready applications of those only 1,016 CMS records mention redundancy in their file which represents 0.026% of all applications

Cheers

s 9(2)(a)

From: s 9(2)(a), s 9(2)(k)

Sent: Tuesday, 12 May 2020 12:57 PM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

Kay Read

**Subject:** RE: Media query: redundancy and benefit calculations RNZ

Hi team

As discussed here's some holding lines for this media query.

s 9(2)(a), s 9(2)(k)

Can you let me know if you are OK with it ?

If so I'll send to @Kay Read for sign off.

Cheers

s 9(2)(a)

From: s 9(2)(a)

Sent: Tuesday, 12 May 2020 10:16 AM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)  
s 9(2)(k), s 9(2)(a)

s 9(2)(k)

Kay Read s 9(2)(k)

Subject: Media query: redundancy and benefit calculations RNZ

Hi s 9(2)(a)

A further tranche of questions from s 9(2)(a) at RNZ

I've combined all three sets of questions from Friday 8<sup>th</sup>, Monday 11<sup>th</sup> and Tuesday 12<sup>th</sup>.

Cheers

s 9(2)(a)

Deadline	TBC
Reporter	s 9(2)(a) - RNZ
Story	Reporter ran a story on May 6 about a cleaner who said her redundancy payout means she can't get a benefit. Most recent story from 11 May <a href="https://www.rnz.co.nz/news/national/416377/ministry-of-social-development-investigating-after-work-and-income-benefit-bungle">https://www.rnz.co.nz/news/national/416377/ministry-of-social-development-investigating-after-work-and-income-benefit-bungle</a>
Query	Friday 8 <sup>th</sup> May  <i>What practices were staff following before and how long had redundancy been used as a reason to delay benefits?</i> <i>Does Work and Income think the practice was widespread? If so, for how long?</i> <i>Does Work and Income have any idea of the number of people turned down based on redundancy payments?</i> <i>If not. Is it investigating to see how many may have been declined?</i> <i>Is there a risk that Work and Income will have to pay out back payments to people (and from a long time period)? If so, does it have any idea of the potential cost?</i>  <i>Can we be provided with the advice last provided to staff around redundancy and benefits prior to today's update?</i> <i>Can we also see today's advice provided too staff?</i>



Monday 11<sup>th</sup>

*Has Work and Income been contacted by a number of people now seeking to have their cases reviewed? If so, any idea how many?*

*Given it appears the cases stretch back decades, what processes is Work and Income able/going to put in place to help people?*

*A couple of the people quoted in the stories have cited a lack of staff training as an issue. How does Work and Income respond to this?*

*Will Work and Income be proactively back-paying those denied benefits based on their redundancies?*

*Has Work and Income sought legal advice about the potential risks to the department? What has it said?*

Tues 12<sup>th</sup>

Who will be leading the investigation into the benefit and redundancy issue?

Will they be independent or was an independent person considered?

What are the parameters of the investigation? How far back will it look?

Will staff and benefit applicants be interviewed?

What is the time frame for completion?

Will a formal report be produced with recommendations as a result?

Response

**Attributed to Kay Read, Group GM Client Service Delivery.**

We are currently investigating these matters.

This will take a number of weeks.

We will give you a response once the investigation is complete.

**ENDS**

Notes

From: s 9(2)(a), s 9(2)(k)

Sent: Tuesday, 12 May 2020 9:18 AM

To: s 9(2)(a), s 9(2)(k)

Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>

Subject: Follow up questions

Hello again,

Just a few more questions to follow on from yesterday:

Who will be leading the investigation into the benefit and redundancy issue?

Will they be independent or was an independent person considered?



What are the parameters of the investigation? How far back will it look?  
Will staff and benefit applicants be interviewed?  
What is the time frame for completion?  
Will a formal report be produced with recommendations as a result?

Best and thanks,

s 9(2)(a)

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s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rātū, 12 Haratua, 2020 5:14 p.m.  
**To:** s 9(2)(a)  
**Cc:** s 9(2)(a) Media (MSD); s 9(2)(a)  
**Subject:** RE: RNZ case studies

Also rules were different in 1990's and another change was made 2007 – legal are gathering this information so I don't know details yet.

**From:** s 9(2)(a)  
**Sent:** Tuesday, 12 May 2020 5:03 PM  
**To:** s 9(2)(a)  
**Cc:** s 9(2)(a) Media (MSD)  
**Subject:** RE: RNZ case studies

s 9(2)(a) what are other reasons they may have been stood down?

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Tuesday, 12 May 2020 5:01 PM  
**To:** s 9(2)(a), s 9(2)(k)  
**Cc:** s 9(2)(a), s 9(2)(k) Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>  
**Subject:** RE: RNZ case studies

Not surprising but how do know that the stand downs are for that reason – without their details we can't confirm or deny.

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Tuesday, 12 May 2020 4:58 PM  
**To:** s 9(2)(a), s 9(2)(k)  
**Cc:** s 9(2)(a), s 9(2)(k) Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>  
**Subject:** RNZ case studies

Hi s 9(2)(a)

Looks like RNZ is mining the case studies of people who emailed in. s 9(2)(a) in our team saw this story

<https://www.rnz.co.nz/news/national/416432/work-and-income-redundancy-denials-come-back-when-there-s-nothing-left>

Cheers

s 9(2)(a)

s 9(2)(a) - Senior Media Advisor

s 9(2)(k)

Ministry of Social Development, Aurora Centre, 56-66 The Terrace, PO Box 1556, Wellington 6140

s 9(2)(a)

**From:** s 9(2)(a) @parliament.govt.nz  
**Sent:** Rāmere, 08 Haratua, 2020 8:00 p.m.  
**To:** s 9(2)(a)  
**Cc:** s 9(2)(a) Media (MSD); s 9(2)(a)  
**Subject:** RE: sorry s 9(2) Media just sent this through to Ministers Office  
( )

Thanks team – I will send this response through to Press Sec now

s 9(2)(a) | Private Secretary (Social Development)  
s 9(2)(k)

Office of Hon Carmel Sepuloni MP, Minister for Social Development, Minister for Disability Issues,  
Associate Minister for Pacific Peoples, Associate Minister for Arts, Culture and Heritage

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**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Friday, 8 May 2020 7:58 PM  
**To:** s 9(2)(a)  
**Cc:**  
**Subject:** RE: sorry s 9(2) Media just sent this through to Ministers Office

Some minor changes

**From:** s 9(2)(a) @parliament.govt.nz  
**Sent:** Friday, 8 May 2020 7:40 PM  
**To:** s 9(2)(a), s 9(2)(k)  
s 9(2)(k)  
**Cc:** s 9(2)(a), s 9(2)(k) Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>, s 9(2)(a)  
s 9(2)(a), s 9(2)(k)  
**Subject:** RE: sorry s 9(2) Media just sent this through to Ministers Office  
( )

This is the updated response can you confirm you are happy with it  
Thanks

Had she been briefed on the issue? No  
If so, what has she asked officials to do?



If not, will she be asking officials for an urgent briefing? MSD have advised this is an operational issue and believe it is an isolated case but are looking into things further.

What is her view on the above and the affect it may be having on people? As far as I'm aware MSD believe this is an isolated case but they are looking into this, MSD have apologised to Mary and if anyone is unsure if their benefit commencement date is incorrect as a result of their redundancy payments should contact Work and Income. They have also reiterated to staff that redundancy payments should not be considered when calculating benefit commencement date. This is communicated to staff.

How does she respond to Mary's claim the Government isn't treating people appropriately? I am really sorry Mary did not have the experience that I expect she should receive from Work and Income but in this instance Mary was given the wrong advice and Work and Income have apologised and now done the right thing by her. If anyone has concerns they should contact W&I.

Is the minister worried the advice given to people around redundancies delaying the start of benefits could result in a lot of back-dated claims? No-MSD believe this to be an isolated case but they are looking into things and I'm sure will be taking the appropriate measures to ensure this is communicated to staff.

Is she concerned her ministry didn't appear to understand its own governing legislation? Obviously I am always concerned to hear when someone has not had a good experience but I am very proud of the work MSD has achieved over the past 2 months, again in this case I am told the Ministry believes this is an isolated case and expect MSD to brief me once they have had the opportunity to look into this.

s 9(2)(a)

Private Secretary (Social Development)

s 9(2)(k)

Office of Hon Carmel Sepuloni MP, Minister for Social Development, Minister for Disability Issues, Associate Minister for Pacific Peoples, Associate Minister for Arts, Culture and Heritage

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From: s 9(2)(a), s 9(2)(k)

Sent: Friday, 8 May 2020 7:14 PM

To: s 9(2)(a), s 9(2)(k)

Cc: s 9(2)(a), s 9(2)(k)

Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a)

s 9(2)(a), s 9(2)(k)

Subject: RE: sorry s 9(2) Media just sent this through to Ministers Office  
( )

My suggestions in red. OK?

From: s 9(2)(a), s 9(2)(k)

Sent: Friday, 8 May 2020 6:53 PM

To: s 9(2)(a), s 9(2)(k)

Cc: s 9(2)(a), s 9(2)(k)

Subject: RE: sorry s 9(2)(a) Media just sent this through to Ministers Office

I changed it slightly

Can you please confirm MSD is happy with this response

s 9(2)(a)

Private Secretary (Social Development)

s 9(2)(k)

Office of Hon Carmel Sepuloni MP, Minister for Social Development, Minister for Disability Issues,  
Associate Minister for Pacific Peoples, Associate Minister for Arts, Culture and Heritage

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From: s 9(2)(a), s 9(2)(k)

Sent: Friday, 8 May 2020 6:38 PM

To: s 9(2)(a), s 9(2)(k)

Cc:

Subject: RE: sorry Bridget Media just sent this through to Ministers Office

Yes this is correct – numbers will be in latest situation report.

From: s 9(2)(a) <[s 9\(2\)\(a\)@parliament.govt.nz](mailto:s 9(2)(a)@parliament.govt.nz)>

Sent: Friday, 8 May 2020 6:24 PM

To: s 9(2)(a), s 9(2)(k)

Cc: s 9(2)(a), s 9(2)(k)

Subject: sorry s 9(2)(a) Media just sent this through to Ministers Office

I have drafted in red can you fact check/amend and sign out please.

Had she been briefed on the issue? No

If so, what has she asked officials to do?

If not, will she be asking officials for an urgent briefing? MSD have advised this is an operational issue and believe it is an isolated case but are looking into things further

What is her view on the above and the affect it may be having on people? As far as I'm aware MSD believe this this an isolated case but they are looking into this, MSD have apologised to Mary and if anyone is unsure if their benefit commence date is incorrect as result of their redundancy payments may have been assessed incorrectly they should contact Work and Income and they can ask for a review of decision.

How does she respond to Mary's claim the Government isn't treating people appropriately? I'm sorry



Is the minister worried the advice given to people around redundancies delaying the start of benefits could result in a lot of back-dated claims? No—MSD believe this to be an isolated case and I'm sure will be taking the appropriate measures to ensure this is communicated to staff.

Is she concerned her ministry didn't appear to understand its own governing legislation? No— Obviously I am always concerned to hear when someone has not had a good experience but I am very proud of the work MSD has achieved over the past 2 months, again in this case I am told this the Ministry believes this is an isolated case and expect MSD to brief me once further investigations they have had the opportunity looked into this have been completed.

Thanks

s 9(2)(a) Private Secretary (Social Development)  
s 9(2)(k)

Office of Hon Carmel Sepuloni MP, Minister for Social Development, Minister for Disability Issues,  
Associate Minister for Pacific Peoples, Associate Minister for Arts, Culture and Heritage

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s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rāhoroi, 09 Haratua, 2020 10:15 a.m.  
**To:** s 9(2)(a)  
**Cc:**  
**Subject:** Re: RNZ story on redundancy

Thanks s 9(2)(a), good to catch up with you today I'll chat to s 9(2)(a) Monday morning and follow up on this.

s 9(2)(a) and I were unaware of the issue around the information on the website around redundancy payments etc so (will follow up with s 9(2)(a) and I will talk to s 9(2)(a) Monday. I can totally understand why we had that information as part of our statement.

s 9(2)(a)

Sent from my iPhone

On 8/05/2020, at 4:59 PM, s 9(2)(a) wrote:

**From:** s 9(2)(a)  
**Sent:** Friday, 8 May 2020 4:51 PM  
**To:** s 9(2)(a)  
**Cc:** Media (MSD) ; DCE\_Office\_ServiceDelivery (MSD)  
**Subject:** RE: MSD Media Response : redundancy and income support  
Hi s 9(2)(a)

s 9(2)(a) story is here:

<https://www.rnz.co.nz/news/national/416174/work-and-income-acts-unlawfully-over-benefits-and-redundancy-payments>

He's pushed it big.

Alleges the CM who made the error had "many years of experience"

Also mentions the change to our website.

Cheers

s 9(2)(a)

**From:** s 9(2)(a), s 9(2)(k)

**Sent:** Friday, 8 May 2020 4:02 PM

**To:** s 9(2)(a), s 9(2)(k)

s 9(2)(a), s 9(2)(k)

**Subject:** RE: MSD Media Response : redundancy and income support

The snippet that has changed was information loaded to website as a result of COVID and this was included in error – after the reporter's query we changed this. Reporter may question how incorrect information was loaded on the site – Would need to get that from Web Team but we were moving quickly and it was unfortunate this was incorrectly added Can also say

under **New Zealand** law, there is no basic right to **redundancy pay**. – So we don't actually see that many people applying for a benefit who have redundancy pay as part of their employment agreements.

In New Zealand, unlike Australia, Canada and several other OECD countries, there is no legal requirement to pay workers redundancy compensation, leaving unions and workers to negotiate

redundancy clauses in their contracts. The payments are taxed at 33 percent, and if a business goes into receivership, employees' back-pay and redundancy payments are capped at about \$22,000 - regardless of how long they've worked for the company or what redundancy clause their contract contains.

There's no guarantee that a company will pay anything at all.

s 9(2)

(a)

Is there any situations where we would include redundancy for commencement dates?

Regards,

s 9(2)(a)

From: s 9(2)(a), s 9(2)(k)

Sent: Friday, 8 May 2020 3:29 PM

To: s 9(2)(a), s 9(2)(k)

s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE\_Office\_ServiceDelivery (MSD)

s 9(2)(k)

Subject: FW: MSD Media Response : redundancy and income support

Hi s 9(2)(a)

More questions on redundancy and the benefit.

It appears we've changed our Workand Income website below ( [notes](#) ) - which encourages the reporter to believe we've changed our policy rather than simply making an error.

I've had a stab at a draft - very much a starter for ten.

Cheers

s 9(2)(a)

Deadline	Monday 11 (TBC)
Reporter	s 9(2)(a)
Story	Further follow Qs following his story on the redundant cleaner - regarding income from redundancy as a reason to delay benefit payment date. He says we've changed the wording on our website....
Query	1)What practices were staff following before and how long had redundancy been used as a reason to delay benefits? 2) Does Work and Income think the practice was widespread? If so, for how long? 3) Does Work and Income have any idea of the number of people turned down based on redundancy payments? 4)If not. Is it investigating to see how many may have been declined? 5)Is there a risk that Work and Income will have to pay out back payments to people (and from a long time period)? 6)If so, does it have any idea of the potential cost? 7)Can we also see today's advice provided too staff? We may be asked to explain the difference
Response	1)Redundancy payments are not part of the calculation made to determine the start date for benefit payments. 2) It is not part of our process to include redundancy as part of this calculation. We believe this was an isolated error. 3) See above 4) We encourage anyone who has concerns about how we have calculated their benefit start date to get in contact with us. 5) We believe this was an isolated error. 6) .... ??? We would not know but we believe this is an isolated error.



	7) We reminded frontline staff today that our policy is not to use redundancy as part of calculation used to determine the start date for benefit payments.
Notes	Snip from our website 5 April Snip from our website 8 April

This information is removed as it consists of the repetition of information already provided in the email chain.

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OFFICIAL INFORMATION ACT

s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rātapu, 10 Haratua, 2020 12:53 p.m.  
**To:** s 9(2)(a) Media (MSD)  
**Subject:** FW: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit

**From:** s 9(2)(a)  
**Sent:** Friday, 8 May 2020 6:41 PM  
**To:** s 9(2)(a)  
**Subject:** RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit  
<http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783992.html>  
link to income exemption regs

s 9(2)(a) | Senior Advisor, Operational Policy & Practice  
Ministry of Social Development | Te Manatu Whakahiato Ora  
Level 12 | The Aurora Centre | 56 The Terrace | Wellington 6140  
s 9(2)(k)

**From:** s 9(2)(a)  
**Sent:** Friday, 8 May 2020 6:40 PM  
**To:** s 9(2)(a), s 9(2)(k)  
s 9(2)(a), s 9(2)(k)  
**Subject:** FW: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit  
s 9(2)(a) Senior Advisor, Operational Policy & Practice  
Ministry of Social Development | Te Manatu Whakahiato Ora  
Level 12 | The Aurora Centre | 56 The Terrace | Wellington 6140  
s 9(2)(k)

**From:** s 9(2)(a)  
**Sent:** Thursday, 7 May 2020 3:52 PM  
**To:** s 9(2)(a), s 9(2)(k) Operational\_Policy\_and\_Practice (MSD)  
s 9(2)(a), s 9(2)(k)  
**Cc:** Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)  
s 9(2)(k)

**Subject:** RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit

Hi all

Here is a response about redundancy payments:

*When a person applies for Jobseeker Support because they are finishing employment, the date their benefit starts depends on the date they apply and the date their employment ends.*

*The date employment ends is not always the date the person physically stopped working, and some payments made to a person when they finish work will extend this date. Payments that affect the date employment ends are:*

- holiday pay
- sick pay
- long service leave
- pay in lieu of notice
- pay in lieu of accumulated leave
- payments contingent on the completion of a fixed-term contract
- retirement payments

*Redundancy payments do not affect the date employment ends.*

*To clarify, the legislation s 9(2) referred to (Regulations: income exemptions) relates to income charging. This does not relate to the calculation of when a benefit starts.*

I've had a look at MAP and the information there is technically correct but it could be clearer. Having separate pages for redundancy and severance payments that relate solely to commencement date would be beneficial so we'll add this to our list of MAP improvements.

The website has incorrect information and says that redundancy payments do affect the date a benefit starts. I will follow up with the digital content team to get this updated.



I think some comms to staff would be really helpful too, as s 9(2)(a) points out this is likely to become a more regular occurrence. I'll talk to comms about getting something in the COVID update.

Cheers,

s 9(2)(a) Senior Advisor, Operational Policy & Practice  
Ministry of Social Development | Te Manatu Whakahiato Ora  
Level 12 | The Aurora Centre | 56 The Terrace | Wellington 6140  
s 9(2)(k)

From: s 9(2)(a), s 9(2)(k)

Sent: Thursday, 7 May 2020 2:33 PM

To: Operational\_Policy\_and\_Practice (MSD) s 9(2)(a), s 9(2)(k)

s 9(2)(k)

Cc: Media (MSD) s 9(2)(a), s 9(2)(k)

s 9(2)(k)

Subject: RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit  
As soon as possible as it is a follow up query from a couple of days ago.

From: Operational\_Policy\_and\_Practice (MSD) s 9(2)(k)

Sent: Thursday, 7 May 2020 2:31 PM

To: s 9(2)(a), s 9(2)(k)

s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

s 9(2)(k)

Subject: RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit

Hi all

Just to clarify, MSD are:

- Following up on the individual case and
- Providing a response to s 9(2) on how redundancy payments play into the calculation of when a benefit starts?

Assuming the second is correct, do we have a timeframe for this?

Cheers,

s 9(2)(a) Senior Advisor, Operational Policy & Practice  
Ministry of Social Development | Te Manatu Whakahiato Ora  
Level 12 | The Aurora Centre | 56 The Terrace | Wellington 6140  
s 9(2)(k)

From: s 9(2)(a), s 9(2)(k)

Sent: Thursday, 7 May 2020 12:52 PM

To: s 9(2)(a), s 9(2)(k)

Operational\_Policy\_and\_Practice (MSD)

s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

s 9(2)(k)

Subject: RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit

Here is the note so will go back to site and ask then to review and explain stand down period

s 9(2)(a)

On s 9(2)(a)

#### ENTITLEMENT:

Why have you made this decision?

Application Date: 16/04/2020

Date of Event: 07/04/2020

Reason for Event: Ceased work (made redundant)

Date Ceased Work: 07/04/2020

Loss of Weekly Earnings: s 9(2)(a)

No of days Holiday Pay: s 9(2)

Entitlement Date: 09/09/2020

Stand Down: Waived due to COVID19

Commencement Date: 09/09/2020

Story of circumstances: s 9(2)(a) was working for s 9(2)(a) as s 9(2)(a) and was made redundant due to the ongoing impact of COVID19. She got upset when CM advised that she wouldn't have entitlement to a Jobseeker

Support benefit straight away as she received over s 9(2)(a) in redundancy and holiday pay. s 9(2)(a) also spoke of how she had worked at s 9(2)(a) for s 9(2)(a) years and she can't believe that the government won't give her anything. CM asked if she had received any COVID19 Employee Subsidy, however, going on the dates that she has given, she has been on full pay up until her last day on s 9(2)(a) and has received s 9(2)(a) in Holiday Pay and s 9(2)(a) in Redundancy pay-out – a total of s 9(2)(a).

s 9(2)(a) tried to engage CM in a conversation regarding this, CM advised that whilst she empathised with client and her situation, in her role as CM she facilitates the legislation and policy and that she has no say in making the rules and that if she has any concerns about this, she would need to discuss it with her MP. Also advised client that we were working to help as many people possible who have been affected/impacted by COVID19 and unfortunately, being a global and serious health situation, there was very little we can do other than what we have been and still are doing.

CM advised client that she would assess the approximate commencement date for Jobseeker Support benefit using the figures that client had submitted in her Application form and CM would email this approximate date to indicate when s 9(2)(a) could apply for Jobseeker Support closer to the time.

Client continued to try and engage CM in commenting on legislation and policy, the government's decision to take the action it has, along with her issues with s 9(2)(a) and what she can, can't and won't be able to afford. CM advised client that she is unable to comment on any of this and that CM would be ending the call now and would do the assessment for the commencement date and email her the information – email below.

From: GED\_Client\_Query (MSD)  
Sent: Tuesday, 21 April 2020 9:46 AM  
To: s 9(2)(k)  
Subject: Commencement Date

Hello s 9(2)(a)

As per our phone conversation this morning, I have assessed the date that you would be eligible for a Jobseeker Support Benefit, taking into consideration both your holiday pay and your redundancy pay-out, the date is s 9(2)(a). The amounts used have been taken from the figures that you have supplied on your Application Form.

The current weekly rate of Jobseeker Support benefit is s 9(2)(a) net. You would also qualify for Accommodation Supplement, plus Temporary Additional Support – these amounts will depend on your allowable costs at the time of application.

I hope you find this information helpful.

Kind regards

s 9(2)(a) – Case Manager

From: s 9(2)(a) s 9(2)(k)  
Sent: Thursday, 7 May 2020 12:47 PM  
To: s 9(2)(a) s 9(2)(k)  
s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>, s 9(2)(a) s 9(2)(k) s 9(2)(a)  
s 9(2)(k)

Subject: RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit

Hi s 9(2)(a)

Privacy waiver for this client attached.

Cheers

s 9(2)(a)

From: s 9(2)(a) s 9(2)(k)  
Sent: Thursday, 7 May 2020 12:22 PM  
To: s 9(2)(k) s 9(2)(a)  
s 9(2)(k)



Cc: s 9(2)(a), s 9(2)(k) Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>  
Subject: FW: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit  
The media team are wanting a clear precise answer on how we treat redundancy payments when we calculate a stand down period for JS? I have looked at MAP but it is confusing. Someone please advise?

From: s 9(2)(a), s 9(2)(k)

Sent: Thursday, 7 May 2020 11:57 AM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)  
s 9(2)(k)

Subject: RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit  
Hi s 9(2)(a)

I've spoken to the reporter – he's going back to s 9(2)(a) to see if we have a privacy waiver to get this sorted for her. According to him she's definitely got redundancy.

He'd also still like an answer to the general question about the status of redundancy when calculating benefit eligibility – pointing out that this may become a more regular occurrence in future.

He's pointing to the Act which says the following.

## Regulations: income exemptions

**in calculating the income of a person for the purpose of determining the rate of benefit, to take no account of a redundancy or retirement payment.**

I'll wait to see where he gets to with s 9(2)(a) case - if we have made an error he'll be asking if we've got it wrong in other cases as well.

We still need to have a response which clearly states how redundancy is treated in terms benefit applications.

I'm nervous about a response that says it depends on how the elements in a person's final pay is classified.

Cheers

s 9(2)(a)

From: s 9(2)(a), s 9(2)(k)

Sent: Thursday, 7 May 2020 11:42 AM

To: s 9(2)(a), s 9(2)(k)

s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

Subject: RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit

s 9(2) is the guts of it that it depends on the composition of their severance package?

Is a lump sum for redundancy would be treated as a lump sum not income; but holiday pay etc would be treated as income?

From: s 9(2)(a), s 9(2)(k)

Sent: Thursday, 7 May 2020 11:34 AM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

Subject: RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit

<http://doogie.ssi.govt.nz/map/income-support/core-policy/income/types-of-income/redundancy-01.html>

<http://doogie.ssi.govt.nz/map/income-support/core-policy/income/types-of-income/severance-payments-01.html>

Reviewing these links confirms that we need to know the details of a person's last pay before we can determine their stand-down period.

From: s 9(2)(a), s 9(2)(k)

Sent: Thursday, 7 May 2020 10:49 AM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE\_Office\_ServiceDelivery (MSD)

<[DCE\\_Office\\_ServiceDelivery@msd.govt.nz](mailto:DCE_Office_ServiceDelivery@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

Subject: RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit

Thanks s 9(2)

So are you suggesting I go back to the reporter and ask for a privacy waiver to help resolve this particular query?

I think people would understand "severance" to include redundancy -  
The link we've sent with the last response identifies redundancy as a reason to delay payment.

## Other payments you get from work

You may get other payments from work, eg:

- holiday pay
- sick pay
- redundancy
- time in lieu.

If you get one of these, your payments from us will start once they're finished.

For example, you get 3 weeks worth of holiday pay. This means your payments from us will start 3 weeks after your stand-down finishes.

Cheers

s 9(2)(a)

From: s 9(2)(a), s 9(2)(k)

Sent: Thursday, 7 May 2020 10:40 AM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE\_Office\_ServiceDelivery (MSD) <[DCE\\_Office\\_ServiceDelivery@msd.govt.nz](mailto:DCE_Office_ServiceDelivery@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

Subject: RE: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit  
Hi s 9(2)(a)

We don't have a privacy waiver or the client's details and we haven't actually confirmed that s 9(2)(a) was made redundant as she may have been laid off and thinks this means the same as being made redundant – It would depend on s 9(2) employment contract and the information she provided at the time of her benefit application. We are happy to look into this and if we have made the wrong decision we will fix it.

Very few people these days qualify for redundancy in their employment contract and I would be surprised if a cleaner has this written into her contract. The reporter can either give us a privacy waiver and we can respond to him for his story or he can pass on s 9(2) details and we can make contact with s 9(2) directly and resolve with her.

We haven't said in our response anything about redundancy we deliberately used the word severance pay.

Everybody's circumstances are different and without knowing the specifics of a client's case we can't comment either way.

From: s 9(2)(a), s 9(2)(k)

Sent: Thursday, 7 May 2020 10:09 AM

To: s 9(2)(a), s 9(2)(k)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>; DCE\_Office\_ServiceDelivery (MSD) <[DCE\\_Office\\_ServiceDelivery@msd.govt.nz](mailto:DCE_Office_ServiceDelivery@msd.govt.nz)>; s 9(2)(a), s 9(2)(k)

Subject: MEDIA QUERY: MSD incorrectly applying rules on redundancy for those applying for a benefit

Importance: High

Hi s 9(2)(a)

Serious challenge to our response from this reporter's previous story.

He's had feedback from a community law person which is the basis of this query.

Cheers

s 9(2)(a)

Deadline	TBC
Reporter	s 9(2)(a)



Story	<p>Reporter ran a story on May 6  <a href="https://www.rnz.co.nz/news/covid-19/416007/redundancy-payment-will-leave-cleaner-worse-off">https://www.rnz.co.nz/news/covid-19/416007/redundancy-payment-will-leave-cleaner-worse-off</a>  about a cleaner who said her redundancy payout means she can't get a benefit.  Our response was  <i>Payments received when a person stops work, such as holiday pay and some severance payments, will delay the time when income support payments will start but would not be a reason to decline an application for Job Seeker Support.</i>  Information on income support payments are set out here:  <a href="https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html#null">https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html#null</a>  The rules on this have not changed.  He has had some feedback on the story from someone involved in community law. but redundancy payments are disregarded when assessing the start date of a main benefit. Unfortunately it's a practice that's not uncommon but once pointed out the ministry usually accepts it can't do this and do the right thing. The person in your story should therefore be granted the main benefit, possibly one week from the date of application, and have entitlement to an accommodation supplement and temporary additional support looked at. The redundancy payment may constitute an asset for the AS and TAS but entitlement should still be looked at in case it's been offset by debt and the total left is below the respective asset limits.  In addition, the <i>legislation clearly suggests Mary is in hardship and a redundancy is not her income</i>  <a href="http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783992.html">http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783992.html</a>  <a href="https://www.workandincome.govt.nz/on-a-benefit/tell-us/income/one-off-payment/index.html">https://www.workandincome.govt.nz/on-a-benefit/tell-us/income/one-off-payment/index.html</a>  It is only the interest on that money that <i>s 9(2) (a)</i> has to declare to Work and Income, which is usually minimal.  <i>s 9(2) (a)</i> is allowed her redundancy money and still be on the benefit. It is her savings which she is keeping for her house, something specific, and is permitted this for at least a year.</p>
Query	<p>Are Work and Income incorrectly applying the rules and preventing her from receiving a benefit till September due to the redundancy?  Is this approach being incorrectly applied to others too? I have been contacted by quite a few people in the same situation.  If so, does Work and Income have any idea of how many people have been told they can't receive a benefit yet due to a redundancy payment?  Depending on the answers to the above, will Work and Income be urgently reviewing this and providing guidance to staff so it can rectify where people have been told they have to wait due to their redundancy?</p>
Response	
Notes	<p>Previous response  Payments received when a person stops work, such as holiday pay and some severance payments, will delay the time when income support payments will start but would not be a reason to decline an application for Job Seeker Support.  Information on income support payments are set out here:  <a href="https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html#null">https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html#null</a>  The rules on this have not changed.  Q2 . Income received while in sheltered employment is not taken into consideration when determining a person's benefit entitlement</p>

From: s 9(2)(a)

Sent: Thursday, 7 May 2020 9:40 AM



To: s 9(2)(a), s 9(2)(k)

Subject: RE: RNZ questions re redundancy and benefits

Hi again s 9(2)(a)

Hope you are faring well.

Thanks for the below response the other day. I have some follow ups now.

So after we ran this yarn with that response: <https://www.rnz.co.nz/news/covid-19/416007/redundancy-payment-will-leave-cleaner-worse-off>

A community law expert got in touch with the below advice:

You've probably worked this out already, but redundancy payments are disregarded when assessing the start date of a main benefit. Unfortunately it's a practice that's not uncommon but once pointed out the ministry usually accepts it can't do this and do the right thing. The person in your story should therefore be granted the main benefit, possibly one week from the date of application, and have entitlement to an accommodation supplement and temporary additional support looked at. The redundancy payment may constitute an asset for the AS and TAS but entitlement should still be looked at in case it's been offset by debt and the total left is below the respective asset limits.

In addition, the legislation clearly suggests s 9(2)(a) is in hardship and a redundancy is not her income

<http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783992.html>

<https://www.workandincome.govt.nz/on-a-benefit/tell-us/income/one-off-payment/index.html>

It is only the interest on that money that s 9(2)(a) has to declare to Work and Income, which is usually minimal.

s 9(2)(a) is allowed her redundancy money and still be on the benefit. It is her savings which she is keeping for her house, something specific, and is permitted this for at least a year.

Based on this, and that the lady in the story has been told she can't get a benefit till September some questions...

Are Work and Income incorrectly applying the rules and preventing her from receiving a benefit till September due to the redundancy?

Is this approach being incorrectly applied to others too? I have been contacted by quite a few people in the same situation.

If so, does Work and Income have any idea of how many people have been told they can't receive a benefit yet due to a redundancy payment?

Depending on the answers to the above, will Work and Income be urgently reviewing this and providing guidance to staff so it can rectify where people have been told they have to wait due to their redundancy?

Best and thanks,

s 9(2)(a)

---

De : s 9(2)(a), s 9(2)(k)

Envoyé : mardi 5 mai 2020 16:19

À : s 9(2)(a)

Cc : Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>

Objet : RE: RNZ questions re redundancy and benefits

Hi s 9(2)

Here's a response for you.

Thanks for your patience. Hope you are staying safe and dry.

Q2 response refers to the question you sent through this am.

Cheers

s 9(2)(a)

**If required please attribute to Kay Read Group General Manager – Client Service Delivery.**

Payments received when a person stops work, such as holiday pay and some severance payments, will delay the time when income support payments will start but would not be a reason to decline an application for Job Seeker Support.

Information on income support payments are set out here:

<https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html#null>

The rules on this have not changed.

Q2 . Income received while in sheltered employment is not taken into consideration when determining a person's benefit entitlement

ENDS

From: s 9(2)(a), s 9(2)(k)

Sent: Tuesday, 5 May 2020 8:41 AM

To: s 9(2)(a)

Cc: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>

Subject: RE: RNZ questions re redundancy and benefits

Hi s 9(2)

I'll add it to the query I sent out yesterday.

Cheers

s 9(2)(a)

From: s 9(2)(a)

Sent: Tuesday, 5 May 2020 8:00 AM

To: s 9(2)(a), s 9(2)(k)

Subject: Re: RNZ questions re redundancy and benefits

Hi s 9(2)(a)

Sorry, I do have one more question, are there any cases where leeway/discretion is possible in these kinds of decisions.

This time I do have a specific situation in mind... I did a story a couple of weeks ago about an outfit which is laying off 140 people (<https://www.google.co.nz/amp/s/amp.rnz.co.nz/article/434df305-0244-47f5-9d0b-bb0bf6b1e7f6>)

These people are all disabled and already receive some kind of benefit as they are paid way less than minimum wage (below \$4 an hour)z

There is quite a high risk that their redundancy will impact their benefits. Their employer is worried about this as are their families.

So, in such situations is there any room for leeway?

Best and thanks

s 9(2)(a)

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From: s 9(2)(a), s 9(2)(k)

Sent: Monday, May 4, 2020 4:43:10 PM

To: s 9(2)(a) Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>

Subject: RE: RNZ questions re redundancy and benefits

Hi s 9(2)

I can get this checked out for you.

Do you have a specific case or are you happy with a generic response.

If you could give me some idea of the timeframe you are working to that would be helpful as well.

Cheers

s 9(2)(a)

From: s 9(2)(a)

Sent: Monday, 4 May 2020 4:27 PM

To: Media (MSD) <[media@msd.govt.nz](mailto:media@msd.govt.nz)>

Subject: RNZ questions re redundancy and benefits

Hi there,

Hope you are well. We have been approached by a few people who have been made redundant and who have then approached Work and Income to apply for a benefit.

They have been told that due to their redundancy payment they are unable to go on the benefit for some months.

While they understand this would be the normal approach some are upset at what they see as a double standard, in that if their employer had applied for the subsidy instead of firing them they would have been supported directly by the state during that time.

So, long story short...

Do you know how many people since mid-March have had their application for a benefit turned down based on their being paid a redundancy?

Are the current rules under review at all to allow people paid redundancy access to benefits more quickly?

If so, have any recommendations been made and are any changes planned?

Many thanks

s 9(2)(a)

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**From:** s 9(2)  
**To:** Kay Read  
**Cc:** s 9(2)(a)  
**Subject:** Re: FOR YOUR APPROVAL - media response - s 9(2) Newshub/TV3  
**Date:** Ratapu, 10 Haratua, 2020 2:57:02 p.m.

---

All good thank you

Sent from my iPhone

On 10/05/2020, at 1:50 PM, Kay Read wrote:

Good to go

Thanks

Kay

Sent from my iPhone

On 10/05/2020, at 1:40 PM, s 9(2)(a) wrote:

I have text Kay to let her know there is a draft for her review.

Regards,

s 9(2)

**From:** s 9(2)(a)

**Sent:** Sunday, 10 May 2020 1:31 PM

**To:** s 9(2)(a) ; Kay Read

**Cc:** s 9(2)(a) Media (MSD) ; s 9(2)(a)

**Subject:** FOR YOUR APPROVAL - media response - s 9(2)(a) Newshub/TV3

Please see below for sign off

Deadline	4pm
Reporter	s 9(2)(a) , Newshub/TV3
Story	<p>s is following up on the RNZ story – “work and income wrong on benefits and redundancies for decades”</p> <p>He is also hoping to add a new angle on this – “Work and Income also illegally standing people down for benefit when they receive retirement payments ”</p> <p>Also, this page <a href="https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html">https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html</a> has changed to now list "retirement payments" as potentially affecting entitlements, but S422 of the Act specifically lists retirement payments alongside redundancy as something that cannot be considered</p> <p><a href="http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783992.html">http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783992.html</a></p>
Query	<ul style="list-style-type: none"><li>• Can you please confirm when officials will be briefing Minister Sepuloni on this tomorrow?</li><li>• Why has retirement payments been added to the website when it appears to contradict the Act?</li></ul>
Response	We understand the Minister’s office has responded to your first question, and that they let you know that we will be briefing her tomorrow.

	<p>In terms of your question on standdowns and retirement payments, you are looking at a part of the legislation which relates to something different. The link you've provided is to "Regulations on income exemptions", which is about what is considered income when the rate of benefit is calculated.</p> <p>This is a separate matter from the content on the Work and Income website link, which is about determining <b>when</b> a benefit starts.</p> <p>We can look into your query more fully tomorrow, in terms of giving you more information about retirement payments in relation to when a benefit may start.</p>
Notes	<p>The retirement payment info seems to have been added as part of the Covid changes –</p> <p>Reporter has provided an archived link to the page from March –  <a href="https://web.archive.org/web/20200311001124/https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html">https://web.archive.org/web/20200311001124/https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html</a></p>

s 9(2)(a) - Manager, Media and Social Media

s 9(2)(k)

Ministry of Social Development, Aurora Centre, 56-66 The Terrace, PO Box 1556, Wellington 6140



s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Rātāpu, 10 Haratua, 2020 3:28 p.m.  
**To:** s 9(2)(a)  
**Cc:** s 9(2)(a) Kay Read; s 9(2)(a)  
s 9(2)(a)  
**Subject:** RE: Redundancy payments - urgent media query

Hi s 9(2)(a)

Sent out a new draft now.

Cheers

s 9(2)(a)

**From:** s 9(2)(a)  
**Sent:** Sunday, 10 May 2020 3:25 PM  
**To:** s 9(2)(a)  
**Cc:** s 9(2)(a) Kay Read ; s 9(2)(a)  
s 9(2)(a)  
**Subject:** Re: Redundancy payments - urgent media query

Given it's a maze, what is the final line? We are looking into the issue ?...

Sent from my iPhone

On 10/05/2020, at 3:18 PM, s 9(2)(a), s 9(2)(k) wrote:

Hi all,

s 9(2)(h)

Cheers

s 9(2)(a)

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Sunday, 10 May 2020 3:09 PM  
**To:** s 9(2)(a), s 9(2)(k)  
s 9(2)(a), s 9(2)(k)  
**Cc:** s 9(2)(a)  
s 9(2)(a), s 9(2)(k)

**Subject:** Re: Redundancy payments - urgent media query

Looping in others

Sent from my iPhone

On 10/05/2020, at 2:53 PM, s 9(2)(a), s 9(2)(k) wrote:

Hi s 9(2)(a)

As discussed on the phone just now, please see below from Legal, which would be our advice as well. I will look at your email now

Sent from my iPhone

Begin forwarded message:

**From:** s 9(2)(a), s 9(2)(k)  
**Date:** 10 May 2020 at 1:47:46 PM NZST  
**To:** s 9(2)(a), s 9(2)(k)  
s 9(2)(k)  
**Cc:** s 9(2)(a), s 9(2)(k)  
**Subject:** RE: Redundancy payments - urgent media query

Hey

s 9(2)(h)

Cheers

s 9(2)

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Sunday, 10 May 2020 1:33 PM  
**To:** s 9(2)(a), s 9(2)(k)  
s 9(2)(a), s 9(2)(k)  
**Subject:** FW: Redundancy payments - urgent media query  
**Importance:** High

Hi you two,

For your information at this stage. I'm not sure when the website was amended to include the following information.

s 9(2)(a)

**From:** s 9(2)(a), s 9(2)(k)  
**Sent:** Sunday, 10 May 2020 12:40 PM  
**To:** s 9(2)(a), s 9(2)(k)  
s 9(2)(a), s 9(2)(k)

s 9(2)(k)

**Subject:** Fwd: Redundancy payments - urgent media query

s 9(2)(a) - looping you in following our chat this morning.

s 9(2) can you confirm that the deadline for s 9(2) is 4pm tomorrow  
(where s 9(2) says we'll get back to you in the morning...)  
( )

Thanks.

s 9(2)(a) | Chief Executive Advisor  
Office of The Chief Executive  
s 9(2)(k)

Begin forwarded message:

**From:** s 9(2)(a)  
s 9(2)(k)  
**Date:** 10 May 2020 at 12:28:58 PM NZST  
**To:** s 9(2)(a)  
s 9(2)(k) Kay Read  
s 9(2)(k)  
**Cc:** s 9(2)(a)  
s 9(2)(k)  
"Media (MSD)" <[media@msd.govt.nz](mailto:media@msd.govt.nz)>  
**Subject:** Fwd: Redundancy payments - urgent media query

Hi there - will give you a ring s 9(2)(a)  
We need to respond to this  
Not sure what the reference is to retirement savings

Sent from my iPhone

Begin forwarded message:

**From:** s 9(2)(a)  
s 9(2)(a)  
**Date:** 10 May 2020 at 12:12:31 PM NZST  
**To:** s 9(2)(a)  
s 9(2)(a)  
**Cc:** "Media (MSD)"  
<[media@msd.govt.nz](mailto:media@msd.govt.nz)>  
**Subject:** Re: Redundancy payments

No worries, but just in case you missed it, my deadline is 4pm today.

Thanks

On Sun, 10 May 2020 at 12:10,  
s 9(2)(a), s 9(2)(k)

s 9(2) wrote:

Hi s

Will come back to you tomorrow  
am.

Cheers

s 9(2)(a)

Sent from my iPhone

On 10/05/2020, at  
12:06 PM, s 9(2)  
s 9(2)(a), s 9(2)(k)

wrote:

Hi,

Following up on  
the work RNZ has  
done here:  
<https://www.rnz.co.nz/news/national/416174/work-and-income-acts-unlawfully-over-benefits-and-redundancy-payments>

- Can you please confirm when officials will be briefing Minister Sepuloni on this tomorrow?



Also, this page  
<https://www.workandincome.govt.nz/on-a-benefit/payments/how-payments-work.html> has  
changed to now  
list "retirement  
payments" as  
potentially  
affecting  
entitlements, but  
S422 of the Act  
specifically lists  
retirement  
payments  
alongside  
redundancy as  
something that  
cannot be  
considered  
<http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783992.html>

- Why has retirement payments been added to the website when it appears to contradict the Act?

My deadline is  
4pm.

Thanks,

s 9(2)(a)

REPORTER

NEWSHUB TV -  
MEDIWORKS -  
s 9(2)(a)

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s 9(2)(a) **REPORTER**

**NEWSHUB TV - MEDIAWORKS -**  
s 9(2)(a)

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Thank you.