



18 April 2023

Tēnā koe

On 23 February 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

Under the OIA I request the following since Sept 2017:

- 1. Any written communication from the Minister of Social Development to senior MSD officials requesting or requiring changes to the way in which benefit sanctions are applied*
- 2. A list of all changes made by MSD to its benefit sanction policy*
- 3. Any written communication sent from MSD to WINZ case managers informing them about changes to the way in which they should be applying benefit sanctions, whether as a result of a formal policy change, or instruction from the Minister*

On 23 March 2023, the Ministry contacted you to advise more time was required to respond to your request. The reason for the extension was such that the consultations necessary to make a decision on your request could not be reasonably completed within the original time limit.

For the sake of clarity, I will respond to your questions in the following order:

- 2. A list of all changes made by MSD to its benefit sanction policy*

Outlined below are any policy changes, both permanent and temporary, that have been made regarding sanctions since September 2017. This also includes any changes made to benefit obligations which in turn determine when a sanction may be applied.

Section 192 (formerly Section 70A)

- Section 192 was a sanction removed from the Social Security Act 2018 in April 2020.

- This sanction reduced a sole parent's benefit rate if they did not identify the other parent of the child.

Subsequent child policy

- Subsequent child policy was removed from the Social Security Act 2018 in November 2021.
- If a person in receipt of a main benefit became the caregiver of another (subsequent) dependent child, the subsequent child was only considered when setting work obligations until they reached the age of one. Work obligations were then based upon the age of a person's youngest non-subsequent child.
- The removal of this policy changed how work obligations for people with subsequent children are set – the youngest dependent child will now always be considered.

Temporary changes due to COVID-19

- No employment-related obligation failures initiated.
- Proactive engagement with clients in relation to employment stopped.

Temporary changes due to Cyclone Gabrielle

- Existing obligation failures deferred and no new obligation failures imposed for a four-week period from 20 February 2023 until 19 March 2023. Only applicable for clients living in the East Coast, Northland, and some Waikato Districts.

1. *Any written communication from the Minister of Social Development to senior MSD officials requesting or requiring changes to the way in which benefit sanctions are applied*

The Ministry has interpreted this request to be for recommendations the Minister for Social Development and Employment (the Minister) has provided to the Ministry, regarding changes to benefit obligations and in turn sanctions.

The following reports were identified in scope of your request. Excerpts of the relevant recommendations from these reports are included in **Appendix One** of this letter, unless otherwise specified.

Social Obligations

- *REP/21/4/350 - Welfare Overhaul: Review of Social Obligations*, dated 30 April 2021.
- *REP/21/11/1305 - Welfare Overhaul: [9(2)(f)(iv)] Social Obligations*, dated 16 December 2021.

I am aware you were provided copies of these reports in your Official Information Act response dated 17 February 2023 with some redactions under section 9(2)(f)(iv) of the Act, which included the Minister's recommendations.

The recommendations in both reports are again withheld under section 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials. 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.

Section 192 / Section 70A

- *REP/17/11/1083 - Repeal of Section 70A and the Families Package*, dated 10 November 2017.
- *REP/18/3/361 – Repealing section 70A: Consequential amendments to the Child Support Act 1991*, dated 15 March 2018.

Subsequent child policy

- *REP/19/8/838 – Welfare Overhaul: Further information on the removal of the subsequent child policy and support for sole parents*, dated 5 September 2019.

COVID-19

- *REP/20/3/286 – Impact of COVID-19 on the Ministry of Social Development's operating model*, dated 22 March 2020.
3. *Any written communication sent from MSD to WINZ case managers informing them about changes to the way in which they should be applying benefit sanctions, whether as a result of a formal policy change, or instruction from the Minister*

Your request for information is very large and substantial manual collation would be required to locate and prepare all documents within scope. As such, I refuse this request under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

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

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

Bridget Saunders

Bridget Saunders
**Manager Issue Resolution
Service Delivery**

Appendix One

REP/17/11/1083 - Repeal of Section 70A and the Families Package, dated 10 November 2017.

EITHER

- 6 **indicate** your interest repealing section 70A alongside the Families Package

Agree / Disagree

OR

- 7 **indicate** your interest in repealing this provision as part of a broader set of legislative changes to the SSA

Agree / Disagree

REP/18/3/361 – Repealing section 70A: Consequential amendments to the Child Support Act 1991, dated 15 March 2018.

- 4 **agree** that section 9(5B) of the Child Support Act is amended to enable the Commissioner of Inland Revenue to exempt a beneficiary from applying for a formula assessment of Child Support

Agree / Disagree

Agree / Disagree

REP/19/8/838 – Welfare Overhaul: Further information on the removal of the subsequent child policy and support for sole parents, dated 5 September 2019.

- 2 **agree** to progress removal of the subsequent child policy as part of the welfare overhaul

AGREE / DISAGREE

REP/20/3/286 – Impact of COVID-19 on the Ministry of Social Development’s operating model, dated 22 March 2020.

- 3 **agree** that all proactive face-to-face engagement with clients ceases, including engagement for the purposes of administering hardship assistance and offering employment support

Agree / Disagree

- 7 **agree** to progress the following additional options proposed in Tranche One for implementation by Friday 27 March 2020, subject to Cabinet agreement:

- 7.1 deferring annual reviews of client circumstances
- 7.2 temporarily removing the requirement for clients receiving Jobseeker Support on the grounds of a health condition, injury or disability to provide work capacity medical certificates at regular intervals
- 7.3 deferring Disability Allowance reviews, including for costs and medical eligibility
- 7.4 deferring Special Benefit expiries

Agree / Disagree