



7 August 2024

Tēnā koe

### **Official Information Act request**

Thank you for your email of 11 July 2024, requesting information about the advice clients receive when contacting the Ministry of Social Development (the Ministry)'s Historic Claims team, regarding the processing timeframes for their claims.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on each part of your request set out separately below.

*1. What information is being provided to those who contact Historic Claims about the timeframes for resolving their claims?*

*2. Does the advice differ depending on whether they are represented or not?*

The information provided to non-represented and represented claimants about timeframes differs. The Historic Claims team generally advises non-represented claimants that it takes about 4.5 years to resolve a claim and that they are currently working on claims that were registered at latest in July 2021. The team then endeavours to answer any subsequent questions as best as they can.

Regarding represented claimants, they are referred back to their lawyers if they have any questions regarding timeframes for processing claims. However, if the Historic Claims team has received consent from a claimant's lawyer to talk directly to the claimant, the scope of the consent must be checked prior to engaging as most of the time consent is only given to the Historic Claims team to discuss counselling with represented claimants.

*3. What are the timeframes for resolving claims for unrepresented claimants as opposed to represented claimants?*

The Ministry has interpreted this part of your request to be for recent timeframes. As such, we are providing data from the implementation of rapid payments and onwards i.e., from November 2022 to 11 July 2024.

**Table: the average timeframe to resolve claims and the number of claims resolved in the period November 2022 to 11 July 2024.**

|                        | <b>Average timeframe to resolve (years)</b> | <b>Number of claims resolved</b> |
|------------------------|---|----------------------------------|
| <b>Non-represented</b> | 3.9   | 756                              |
| <b>Represented</b>     | 5.5   | 410                              |

The following parameters have been used to calculate the timeframe to resolve a claim:

- Start is the date the claimant registered their claim;
- Finish is the date Historic Claims closed the claim; and
- Claimants must have accepted the offer made and settlement process completed before the claims can be closed.

Represented individualised claims assessments are generally more complex and can take longer to process than non-represented in part due to more allegations being made (including those identified by a claimant's representative from a review of the person's care files), as well as considering legal issues identified by the claimant's representative.

It is common for represented claimants to have more allegations that need to be assessed than non-represented claimants.

89% of represented claimants have accepted a rapid payment offer, but in some cases, this is after choosing to receive an individualised claim assessment first.

When a claimant chooses to receive both types of assessments, this can increase the timeframe to resolve their claim.

Due to the nature of rapid payment assessments, the Ministry can process these significantly faster than individualised claims assessments.

Many non-represented claimants accept a rapid payment as their first and only offer, which means the Ministry can assess and resolve a higher number of non-represented claimants.

The Ministry does not prioritise between represented and non-represented claims, but as noted above timeframes can take longer for represented claims.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course. 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 my decision on your request, 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.

Ngā mihi nui



Magnus O'Neill  
**General Manager**  
**Ministerial and Executive Services**