



31 January 2025

Tēnā koe

Official Information Act request

Thank you for your email of 5 November 2024 requesting 15 reports.

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

Please find the following reports attached and released in full:

- *REP/24/8/808 - Report - Community food provision-food safety regulations and checks*
- *REP/24/9/830 - Report - Data Sharing in the community food sector*
- *REP/24/9/897 - Report - Managing Client Obligations in smaller communities*
- *REP/24/7/698 - Aide-memoire - Meeting with NZ Carers Alliance*
- *REP/24/9/854 - Report - Options to support superannuitants stranded overseas*

Please find the following reports attached. Please note that redactions apply to these documents under sections 9(2)(f)(iv) and 9(2)(g)(i), where specified in each document:

- *REP/24/6/576 - Report - Further advice on mechanisms in place to support safety in the delivery of social services*
- *REP/24/9/889 - Aide-memoire - Strengthening emergency management to improve New Zealand's disaster resilience*
- *REP/24/7/607 - Report - Temporary Accommodation Assistance: Initial advice on an enduring solution*
- *REP/24/8/811 - Report - Final-year Fees Free implementation paper 1*
- *REP/24/9/887 - Aide-memoire - Meeting with Murray Jack, 26 September 2024*
- *REP/24/9/827 - Report - Possible operational changes to Flexi-wage Self Employment*

Some information is withheld under section 9(2)(f)(iv) of the Act 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.

Some information 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.

The following documents are refused in full under section 9(2)(f)(iv) of the Act:

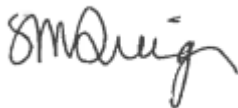
- *REP/24/9/816 - Report - Te Pae Tawhiti Programme - Detailed Business Case next steps*
- *REP/24/9/883- Report - Draft Te Pae Tawhiti Programme overview A3 for Infrastructure and Investment Ministers Group*
- *REP/24/9/888 - Aide-memoire - 25 September 2024 meetings on Te Pae Tawhiti Programme with Hon Shane Jones and Hon Simeon Brown*
- *REP/24/7/689 - Report - Confirming purpose and intent of November Cabinet paper on the Carers' Strategy and proposed Ministerial engagement*

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.

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 or 0800 802 602.

Ngā mihi nui

pp. 

Anna Graham
General Manager
Ministerial and Executive Services



Report

Date: 05 September 2024 **Security Level:** IN CONFIDENCE

To: Hon Louise Upston, Minister for Social Development and
Employment

File reference: REP/24/8/808

Community food provision-food safety regulations and checks

Purpose of the report

1. This report provides you with information about the standards of food safety for grant recipients of funding from MSD's Food Secure Communities (FSC) programme. This includes:
 - a. The measures and checks MSD currently have in place to ensure the providers funded, meet minimum food safety requirements; and
 - b. Advice on what measures could be put in place to ensure this.

Recommended actions

It is recommended that you:

1. **Note** that community food providers who distribute food for free are exempt from the Food Act 2014 but still have a duty of care to provide safe and suitable food to their clients.
2. **Note** that MSD funded providers have different levels of responsibilities under the Food Act 2014. For example, The New Zealand Food Network is a registered Food Business with MPI National Programme Level One certification.
3. **Note** that MSD staff undertake due diligence as part of procurement processes, and provide support to providers to meet service expectations, which include:
 - due diligence to ensure that grants are awarded to providers with good food distribution processes in place;
 - regular provider reporting to ensure the grants are being implemented appropriately; &

- relationship management and monitoring site visits from regional MSD staff to ensure the services provided meet expectations.
4. **Note** that the Aotearoa Food Rescue Alliance (AFRA) are funded by MSD to develop and enhance best practice in this sector. They have recently updated their food safety guidance and also undertake site visits of their members.
 5. **Note** that the majority of the grant funding provided through the FSC programme is contributory. As we do not fully fund services (in some cases our grants may make up less than 10% of the funding needed to run their services), we are limited in the compliance burden that we can place on providers.
 6. **Note** that internal and external evaluations have shown the effectiveness of FSC funding in increasing the capability and capacity of the sector including building best practice.
 7. **Agree** to discuss this paper and the options with your Officials.

 **AGREE / DISAGREE**



05 September 2024

Serena Curtis
General Manager, Pacific and Community
Capability Programmes

Date



Hon Louise Upston
Minister for Social Development and
Employment


Date

Background

2. The start of the COVID-19 pandemic has seen an increased demand for community food provision. In response, MSD stood up the Food Secure Communities (FSC) programme which has supported community food providers, invested in community food distribution infrastructure, and increased the capability and capacity of the sector.
3. This created significant efficiencies in food rescue, and the procurement and distribution of community food. Investment also supported communities to develop food security plans and pilot projects to increase vulnerable communities' access to affordable, nutritious, and culturally appropriate kai.

The Food Act 2014¹

4. The Food Act 2014 (the Food Act) helps make sure that food sold throughout New Zealand is safe and covers all forms of food businesses where food is exchanged for money or other form of value. A central feature of the Food Act is a sliding scale where businesses that are higher risk, from a food safety point of view, will operate under more stringent food safety requirements and checks than lower-risk food businesses.
5. Food that is given away for a charitable purpose (i.e. foodbanks) are exempt from the Food Act but should still ensure the food they provide is 'safe and suitable'. The Ministry for Primary Industries (MPI) provide advice to groups on food safety².
6. The Food Act has a "Good Samaritan" clause that protects businesses if they donate food. This clause only applies to people who donate food that they would normally sell. If their donated food makes people sick, they are protected from civil and criminal liability as long as:
 - 6.1 the food was safe and suitable at the time of donation, and
 - 6.2 the food was provided with information to keep it safe and suitable.
7. Fundraising and community groups are also exempt from the Food Act if they are:

¹ Please note this section was drafted from information found on MPI's website and does not represent a legal perspective on the Food Act.

² <https://www.mpi.govt.nz/dmsdocument/10697-Be-Food-Safe-basic-food-safety-guidance>.

7.1 selling food for fundraising less than 20 times a year. Fundraising activities include sausage sizzles, raffles and charity events.

7.2 sharing food with others at sports clubs, social clubs or marae where food is not the purpose of the event. For example, providing nibbles at a bowling club games night or serving food at a tangi.

MSD funded providers have different levels of responsibilities under the Food Act

8. MSD provides funding to different parts of the community food sector, this includes the New Zealand Food Network (NZFN) as national-level distributors, regional food hubs including food rescue, and community-level food providers such as foodbanks and pātaka.

9. Each of these parts of the sector have different responsibilities under the Food Act:

9.1 NZFN is a registered Food Business with MPI National Programme Level One certification. They also hold Level Four Social Service Accreditation.

9.2 While regional food hubs/food rescues are exempt from the Food Act, they have a duty of care to ensure that the food they receive from donors is safely stored, handled and distributed in the same condition which they received it. The Aotearoa Food Rescue Alliance (AFRA) are funded by MSD to develop and enhance best practice in this sector.

9.3 Community food providers such as foodbanks and pātaka are also exempt from the Food Act if they do not sell food but distribute it for free. These providers also have a duty of care to their clients to ensure that the food they provide is safe and suitable for consumption.

MSD undertakes due diligence checks when allocating funding through our procurement processes

10. All FSC funding is contingent on a procurement process aligned with Government Procurement Rules, including a detailed procurement plan scrutinised by MSD's Procurement Board. Recent FSC grant funding has been focused on supporting existing community food services, demonstrating good practices are in place and MSD regional teams understand the quality of service they provide.

11. As funding has reduced in recent years and become more targeted, we have employed closed procurement processes to ensure the funding is directed to services with the best food distribution processes in place.

12. Current funding for the FSC programme has only been available to providers who met the following eligibility criteria:

- 12.1 Have good processes in place to assess needs of clients
- 12.2 Have good referral mechanisms to ensure their clients are referred to complementary support services where appropriate
- 12.3 Are culturally responsive
- 12.4 Provide a service which is nutritionally appropriate and is informed by the Aotearoa Food Parcel Measure³
- 12.5 Have the widest geographic reach
- 12.6 Have best-practice safe food handling procedures in place
- 12.7 Ensure food is getting to communities which need it most.

Providers are required to report on the services they deliver and are supported through relationship management

13. Grant funding provided through the FSC programme is contributory and primarily monitored through monthly reports on food parcel numbers or kilograms distributed, regional relationship management, in-person site visits by MSD regional staff, and six-monthly narrative reports.

14. As we do not fully fund services (in some cases, our grants may make up less than 10% of the funding needed to run their services), we are limited in the compliance burden that we can place on providers.

15. Narrative reports provide a mix of qualitative and quantitative insights into the delivery of services and impact of the investments. Reports often include photos documenting the work completed and client stories of the impact of receiving their services.

16. MSD staff review these reports and often follow up with the providers with further questions and work with providers to improve their processes where necessary. Over time, food providers have been given guidance and expectations on the delivery of their service. The guidelines include specifications for size and nutritional quality of food parcels, food safety advice and other information which supports service delivery.

³ Based on Kore Hiakai Zero Hunger Collective 'What is a Food parcel' Research: [What is a Food Parcel sector research — Kore Hiakai Zero Hunger Collective](#)

FSC national partners support upskilling and best practice for the sector

17. MSD has resourced the umbrella organisations to provide upskilling and development for the sector.
18. NZFN has Memorandum of Understandings with the food hubs they work which include safe food handling requirements, and conduct site visits to ensure these processes are in place. NZFN provide information to these hubs to help upskill them and continue developing good practices.
19. AFRA have recently updated their food safety guidance⁴ to assist member organisations in protecting the safety and dignity of recipients who consume rescued food, and also undertake site visits of their members as part of building best practice and ensuring food safety.
20. Kore Hiakai have provided a range of resources and information on their website to support the community food sector. They have also conducted a number of in-person workshops and webinars to support the continual upskilling of the sector.

Evaluation has shown that MSD funding has increased the capability and capacity of the community food sector

21. A formal external review of this programme is yet to be undertaken. However, to ensure continuous improvement of the programme, MSD has tested the effectiveness of our investments in the community food sector through:
 - 21.1 Internal review based on provider reports and insights; &
 - 21.2 A review of the Care in Communities food services which included insights from Regional Commissioners, providers and users of the service.
22. These reviews have shown that our funding has increased the capability and capacity of the community food sector and has enabled providers to update their organisational policies and procedures.
23. Food providers have worked closely with other providers and community groups to ensure efficient sharing of resources and information. This includes creating foodbank and food security networks. These networks

⁴ AFRA Food Safety Guide: <https://afra.org.nz/wp-content/uploads/AFRA-Food-safety-guide-2024-.pdf>

have ensured that models of best practice are shared and allows for continuous improvement of services.

Options for increasing the food safety measures in the community food sector

24. Funding for community food provision is already in place for this financial year. Options that could be explored in the short to medium term include:

24.1 Working with the MPI Food Safety team to produce specific food safety guidance for community food providers, or

24.2 Commissioning Kore Hiakai to produce a food safety guide for community food providers and run food safety workshops with support from MPI.

25. Investment for the FSC programme expires on 30 June 2025. Should further funding become available, additional food safety measures could include:

25.1 Requiring any providers receiving future food funding to obtain Social Sector Accreditation; and/or

25.2 Requiring any provider receiving future food funding to have food safety plans in place; and/or

25.3 Require any future providers to have a staff member responsible for food safety who has NZQA Food Safety & Hygiene Certification; and/or

25.4 Requiring a food safety audit of any future community food providers.

Next steps

26. MSD staff can discuss this paper and the options with your Officials.

Author: Neill Ballantyne, Principal Advisor, Food Secure Communities

Responsible manager: Serena Curtis, General Manager, Pacific and Community Capability Programmes



**Te Tāhuhu o
te Mātauranga**
Ministry of Education



**Tertiary Education
Commission**
Te Amorangi Mātauranga Matua



Inland Revenue
Te Tari Taake



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

Report: Final-year Fees Free implementation paper 1

To:	Hon Nicola Willis, Minister of Finance Hon David Seymour, Associate Minister of Finance Hon Shane Jones, Associate Minister of Finance Hon Louise Upston, Minister for Social Development and Employment Hon Simon Watts, Minister of Revenue Hon Penny Simmonds, Minister for Tertiary Education and Skills & Associate Minister for Social Development and Employment		
Cc:	Hon Erica Stanford, Minister of Education		
Date:	18 September 2024	Deadline:	4 October 2024
Security Level:	In-Confidence	Priority:	High
From:	Clara Rowe	Phone:	04 463 8491
Position:	Senior Policy Manager (Acting)	METIS No:	METIS 1333764 IR2024/354 TEC: B-24-00720 MSD: REP/24/8/811

Why are we sending this to you?

- This is the first of three papers seeking agreement to final-year Fees Free settings. This paper covers outstanding eligibility settings. Paper two seeks to confirm the implementation approach following stakeholder engagement and paper three seeks your agreement to consequential legislative and financial implications.

What action do we need, by when?

- Please return the signed paper no later than Friday, 4 October 2024 to enable implementation on time by 1 January 2025.

Key facts, issues and questions

- This paper seeks agreement to a small number of clarifications of the eligibility criteria to mitigate interactions with other government support and prevent unintended consequences. This builds on the eligibility and entitlement criteria you agreed in July [METIS 1330161 refers].

Alignment with Government priorities

- 1 The Government has committed to “stop first year Fees Free and replace with a final year Fees Free with no change before 2025”.

Background

- 2 On 29 April 2024, Cabinet agreed to replace first-year Fees Free with a final-year Fees Free scheme from 1 January 2025, whereby payments of learner fees will be made following completion of their study programme [CAB-24-MIN-0148 – Initiative ID 15736 refers].
- 3 Cabinet delegated the detailed policy and implementation design to the Minister of Finance, the Associate Ministers of Finance (Hon Shane Jones and Hon David Seymour), and the Minister for Tertiary Education and Skills, as well as appropriation Ministers (the Minister for Social Development and Employment and the Minister of Revenue) as relevant.
- 4 On 4 July 2024, we provided advice on the proposed eligibility and entitlement parameters for the final-year Fees Free policy [METIS 1330161 refers]. We noted that further work was needed to finalise the detailed policy settings, including working through potential interactions with other government support, and the implementation design.
- 5 This is the first of three papers on final-year Fees Free. Paper two seeks to confirm the implementation approach following sector engagement [METIS: 1335473; IR2024/366; TEC: B-24-00724; MSD: REP/24/9/842], and paper three seeks your agreement to consequential legislative and funding changes [METIS: 1335474; IR2024/367; TEC: B-24-00725; MSD: REP/24/9/843]. Minister Stanford is receiving this paper because of decisions we are seeking from you in papers two and three.

Clarifying the eligibility criteria

- 6 This section proposes clarifying the final-year Fees Free settings you agreed in July to mitigate interactions with other government support and clarify details raised through the implementation design process [see **Annex 1** for the full list of Fees Free settings].

We propose that learners must meet the residency requirements at the date of completion

- 7 You agreed to retain the same residency requirements that apply for first-year Fees Free [METIS 1330161 refers; see **Annex 1**]. We propose that learners must meet these requirements at the date they complete their first eligible qualification. Specifying this criterion is necessary so that Inland Revenue (IR) can assess learner eligibility at a defined point before processing payments.
- 8 This proposal balances equity and fairness with administrative ease. Some learners, who only meet the requirements part-way through their final year, may be eligible for their full final-year Fees Free entitlement. However, we expect most provider-based learners in their final year of study to have a loan which means they meet the residency standdown by the time they begin their final year.

We propose an additional programme exclusion for pathway programmes

- 9 The eligibility criteria include a list of exclusions for programmes that support learners into, and prepare them for, tertiary education and training [see **Annex 1**, parameter 4]. The sector

raised concerns about the potential negative impact for learners completing pathway programmes in preparation for enrolling in larger programmes. Based on current settings, they would have to use their Fees Free entitlement for a pathway programme if this is the first eligible qualification they complete.

- 10 We propose to add pathway programmes to the list of programme exclusions in response to sector concerns.¹ On balance, this addresses equity concerns with operational impacts and aligns with the rationale for the existing programme exclusions. We estimate there are more than 5,000 learners each year undertaking these kinds of programmes.²
- 11 This would enable learners to use their entitlement for their intended programme rather than their initial pathway programme. Most learners completing pathway programmes progress into further study or training, so the risk of learners missing out on Fees Free is small.

We propose that learners cannot access both the Training Incentive Allowance for fees and Fees Free in their final year

- 12 The Training Incentive Allowance (TIA)³ offers financial support to help some Ministry of Social Development (MSD) clients with employment-related study or training costs. Currently, learners cannot access the TIA for course fees, if they are eligible to have these fees covered by Fees Free. This is specified in the legislation (the TIA Programme). However, under final-year Fees Free, the MSD will no longer be able to assess Fees Free eligibility at the point of TIA application.
- 13 We propose that learners who access TIA for course fees in their final calendar year of study will not be eligible for Fees Free. If a learner receives TIA for years of study other than their final calendar year, they may still be able to access Fees Free for their final calendar year of study. This ensures final-year fees support is provided through one Crown-funded mechanism only, while minimising administrative complexity and cost, and equity concerns, and impact to learners. As the exclusion will be on the Fees Free end, MSD will amend the TIA welfare programme to reflect this [paper 3 refers].
- 14 Applicants in their final calendar year will be able to decide whether they claim TIA for course fees (an assured up-front payment) or use other means to fund their course costs, such as a student loan, for potential Fees Free reimbursement later on. MSD will ensure applicants receive information detailing the potential trade-offs,⁴ allowing them to make an informed decision. Applicants who access TIA for non-course related costs in their final year may still be eligible for final-year Fees Free (subject to meeting all other eligibility criteria).

We propose a time limit on how long a learner has to apply for their entitlement upon completion

- 15 We propose learners will have 12 months following completion of their qualification to log in to myIR (IR's online customer portal), confirm entitlement, and apply for reimbursement. This

¹ As defined by TEC, this would include certificates of university preparation as well as pathway or bridging programmes offered in other sub-sectors that are intended to support learners to progress into further tertiary education and training. It would not include staircased study or training.

² Source: TEC 2023 enrolment data. TEC will define pathway programmes, and not all of these learners will be eligible for Fees Free.

³ TIA supports MSD clients receiving eligible main benefits to undertake study at the New Zealand Qualifications and Credentials Framework (NZQCF) levels 1 – 7, to help them improve their employment skills and future employment outcomes. It provides recipients with up to a maximum of \$5,430.00 in a 52-week period (as of 1 April 2024) to cover study related costs, including upfront course fees, as well other course-related costs such as childcare or transport.

⁴ For example, TIA does not always fully fund a person's study, and in some cases, learners may take out a student loan to pay the outstanding fees.

time period aligns with the 12 months learners currently have to submit their first-year Fees Free statutory declaration.

- 16 We propose that any learner, who completes on or before 31 December 2025, has until 31 December 2026 to submit their application. This is due to the timing of system changes and ensures fairness.

We do not consider changes are needed to Fees Free settings in the context of the other forms of government support we examined

- 17 There are minor interactions between Fees Free and the MSD employment programme Mana in Mahi⁵ and some TeachNZ scholarships.⁶ We consider that these interactions can be managed without further changes to Fees Free settings. We expect that scholarships more generally will adjust based on Fees Free policy, where necessary, as was the case when first-year Fees Free was introduced. We did not identify any interactions between Fees Free and workforce Voluntary Bonding Schemes.

We do not consider an exceptional circumstance process is necessary

- 18 The Tertiary Education Commission (TEC) has discretion to grant first-year Fees Free payments under exceptional circumstances. We analysed the types of exceptional circumstances considered by TEC. Many of the situations relate to being unable to complete study due to these circumstances. With the change to payment on completion, learners will not lose their entitlement if they cannot complete a course due to exceptional circumstances. Therefore, an exceptional circumstance process is not needed.
- 19 We consider any appeals (i.e., learners querying their eligibility) under the final-year Fees Free policy can be resolved via a dispute resolution process.

s9(2)(f)(iv)

⁵ Mana in Mahi is a one-year programme that supports people (participants) who are at risk of long-term benefit receipt to get apprenticeships or other formal industry qualifications to gain sustainable employment. It provides employers with a range of support, including a wage subsidy, and upfront coverage of course fees (up to \$8,000 plus GST). There are 650 participants funded for 2024/25.

⁶ The TeachNZ scholarships support learners in Initial Teacher Education and include a fees component and an allowance. There are up to 465 individual scholarships per year, available to both undergraduate and postgraduate learners.

Security Level: In-Confidence

METIS 1333764; IR2024/354; TEC: B-24-00720; MSD: REP/24/8/811

Recommended Actions

The Ministry of Education (MoE), the Tertiary Education Commission (TEC), Inland Revenue (IR) and the Ministry of Social Development (MSD) recommend you:

Clarifying the eligibility criteria

- a. **agree** to the following additional eligibility and entitlement criteria, building on the eligibility and entitlement parameters agreed in July [METIS 1330161 refers]:

No.	Eligibility parameters	Hon Nicola Willis	Hon David Seymour	Hon Shane Jones	Hon Penny Simmonds		Hon Simon Watts
					(Tertiary Education and Skills)	(associate Social Development and Employment)	
Learner eligibility							
A	Learners must meet the residency requirements on completion of the first eligible qualification.	Agree / Disagree	Agree / Disagree	Agree / Disagree	Agree / Disagree		
B	Learners who are granted the Training Incentive Allowance (TIA) for course fees in their final calendar year of study will not be eligible for Fees Free.	Agree / Disagree	Agree / Disagree	Agree / Disagree	Agree / Disagree	Agree / Disagree	
Programme eligibility							
C	Pathway programmes are excluded from being eligible for Fees Free.	Agree / Disagree	Agree / Disagree	Agree / Disagree	Agree / Disagree		
Entitlement							
D	Learners need to apply for their final-year Fees Free entitlement within 12 months of their completion date, with a transitional rule for learners meeting the eligibility criteria on or before 31 December 2025, who can apply for their entitlement on or before 31 December 2026.	Agree / Disagree	Agree / Disagree	Agree / Disagree	Agree / Disagree		Agree / Disagree

- b. **note** that the full list of eligibility and entitlement criteria (Annex 1) will be published on the relevant website that will host Fees Free information

Hon Nicola
Willis
Noted

Hon David
Seymour
Noted

Hon Shane
Jones
Noted

Hon Simon
Watts
Noted

Hon Penny
Simmonds
Noted

s9(2)(f)(iv)

Proactive release

- d. **agree** that MoE release this paper once final decisions have been made on the final-year Fees Free scheme policy and implementation design and with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Hon Nicola Willis	Hon David Seymour	Hon Shane Jones	Hon Penny Simmonds
Agree/Disagree	Agree/Disagree	Agree/Disagree	Agree/Disagree

Katrina Sutich
General Manager
Tertiary and Evidence
Ministry of Education



18/09/2024

Tim Fowler
Chief Executive
Tertiary Education
Commission



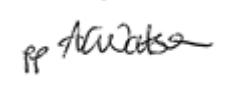
18/09/2024

Jane Elley
Customer Segment
Lead
Customer and
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18/09/2024

Shannon Soughtton
Group General Manager
Income
Ministry of Social
Development



18/09/2024

Hon Nicola Willis
Minister of Finance

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Hon David Seymour
Associate Minister of
Finance

__/__/__

Hon Shane Jones
Associate Minister of
Finance

__/__/__

Hon Louise Upston
Minister for Social
Development and
Employment

__/__/__

Hon Simon Watts
Minister for Revenue

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Hon Penny Simmonds
Minister for Tertiary
Education and Skills
Associate Minister for
Social Development and
Employment

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Annexes

The following are annexed to this paper:

Annex 1: Final-year Fees Free eligibility and entitlement parameters

Released under the Official Information Act 1982

Annex 1: Final-year Fees Free eligibility and entitlement parameters

This annex sets out the complete set of final-year Fees Free policy parameters, including proposals in this paper [CAB-24-MIN-0148 – Initiative ID 15736, METIS 1330161 refer].

Detailed eligibility and entitlement parameters for final-year Fees Free

The detailed parameters are split into eligibility and entitlement settings:

- Eligibility has two aspects:
 - *programme eligibility*, determining which programmes a learner could claim Fees Free entitlement for, and
 - *learner eligibility*, determining the specific criteria a learner must meet to be eligible for Fees Free.
- *Entitlement* determines how much an eligible learner, enrolled in an eligible programme, may receive in Fees Free support.

Table 1 Final-year Fees Free eligibility and entitlement parameters

No.	Eligibility and entitlement parameters
Programme eligibility	
1	Programmes at Levels 3 and above on the New Zealand Qualifications and Credentials Framework are eligible. Eligible programmes must be approved by the New Zealand Qualifications Authority (NZQA) or Universities New Zealand.
2	<i>Provider-based study</i> : Eligible programmes are TEC-funded programmes that are of equal to or greater than 0.5 Equivalent Full-Time Student (EFTS) units. ⁷
3	<i>Work-based learning</i> : Eligible programmes are TEC-funded programmes comprised of at least 120 credits.
4	The following programmes are not eligible for Fees Free: <ol style="list-style-type: none"> school learning programmes; secondary tertiary programmes; certificates of proficiency; zero fee programmes; programmes where fees are met under another funding arrangement; <i>[Subject to your agreement to this paper:]</i> pathway programmes.
Learner eligibility	
5	Eligibility includes provider-based and work-based learners.
6	The first-year Fees Free residency criteria apply to final-year Fees Free without change [see below for detailed criteria]. <i>[Subject to your agreement to this paper:]</i> Learners must meet these requirements at the date that they complete the first eligible qualification.
7	A prior study test applies only for study and training undertaken before 1 January 2025, whereby learners with equal to or less than 0.5 EFTS units or 60 credits of prior study in total undertaken in any country are eligible. This can be 0.5 EFTS units or 60 credits in one programme or made up of lots of small programmes.
8	The following must not be included in measures of prior tertiary education or training when determining learner eligibility: <ol style="list-style-type: none"> any tertiary education undertaken while the learner was enrolled in secondary school; any credits achieved as part of an industry training programme of fewer than 120 credits that were reported on or after 1 January 2018; any zero fee courses undertaken from 1 January 2023; any tertiary study or training that was funded through the Youth Guarantee, Māori and Pasifika Trades Training or Refugee English Funds.

⁷ The government uses EFTS units to work out a learner's study load. Every tertiary paper or course has a certain amount of points or credits that represent the amount of study a learner does. These points/credits convert into an EFTS value. Generally, 120 credits convert to 1 EFTS unit (or one year of full-time study).

No.	Eligibility and entitlement parameters
9	[Subject to your agreement to this paper:] Learners who are granted the Training Incentive Allowance for course fees in their final calendar year of an eligible qualification will not be eligible for Fees Free.
Entitlement	
10	Learners entering their final year of study or training on or after 1 January 2025 who have not already benefited from first-year Fees Free will become eligible for the final-year Fees Free scheme. Therefore, entitlement is only calculated for provider-based courses beginning on or after 1 January 2025 or work-based fees charged for training from 1 January 2025 (including where the overall programme began earlier).
11	The final 'year' is up to 24 months of work-based learning or up to the \$12,000 (including GST) cap (whichever the learner reaches first). In line with the first-year Fees Free scheme, the final-year Fees Free scheme will cover all fees for training and assessment charged to eligible work-based learners and their employers, including fees paid to tertiary education organisations funded from the DQ3-7 fund, or directly to training and assessment providers.
12	The final 'year' is up to 1 EFTS of provider-based study or up to the \$12,000 (including GST) cap (whichever the learner reaches first). In line with first-year Fees Free, the final-year Fees Free scheme will only cover tuition fees, compulsory course costs and student services fees for provider-based learners.
13	There will be a 5-year limit on how far back to go to calculate the total fees for the final 'year' of provider-based study and work-based learning.
14	Entitlement is to be used only for the first eligible programme a learner completes.
15	Entitlement is to be used within one programme (no carry-over).
16	[Subject to your agreement to this paper:] Learners will have 12 months following completion of their qualification to log in to myLR, confirm entitlement, and apply for reimbursement. <i>Transitional rule:</i> Learners meeting the eligibility criteria on or before 31 December 2025 can apply for their entitlement on or before 31 December 2026.

Detailed residency requirements for final-year Fees Free⁸

Below are the detailed citizenship and residency requirements for final-year Fees Free, based on the first-year Fees Free settings. Learners must still meet all other programme and learner eligibility criteria to receive Fees Free entitlement.

Citizenship or residency criteria – provider-based learner

1. For a provider-based learner to be eligible for Fees Free tertiary education, they must be one of the following:
 - a. a New Zealand citizen; or
 - b. a holder of a residence class visa and:
 - i. ordinarily resident in New Zealand and have held a residence class visa for at least three years while living in New Zealand; or
 - ii. a person granted refugee or protected person status, or a family member granted a residence visa with the person granted refugee or protected person status⁹; or
 - iii. sponsored into New Zealand by someone in their family who, at the time of sponsorship, was a refugee or protected person; or
 - c. a person granted refugee or protected person status, prior to gaining a residence visa; or

⁸ Some of these criteria are based on the Tertiary Education (Domestic Students) Notice 2024. Any changes to the notice will flow through to the relevant citizenship or residency criteria for determining learners' Fees Free eligibility.

⁹ This includes family members of a person with refugee or protected person status who are granted residency together, with the person who holds refugee or protected person status. This would be a residence visa through the refugee and protection category for people who are granted refugee or protected person status while residing in New Zealand.

Security Level: In-Confidence

METIS 1333764; IR2024/354; TEC: B-24-00720; MSD: REP/24/8/11

- d. an immediate family member, without a residence visa and residing in New Zealand, of a person granted refugee or protected person status, as defined as:
 - i. the partner and any child in New Zealand, of a person under paragraph 1(c)
 - ii. the parent and any sibling in New Zealand, of a person under paragraph 1(c) who is a dependent child; or
- e. a holder of the Christchurch Response (2019) Permanent Resident Visa; or
- f. a holder of a residence class visa who would have been eligible for the Christchurch Response (2019) Permanent Resident Visa; or
- g. a holder of a residence class visa who is a family member¹⁰ of a living person, where that living person is:
 - i. the holder of a Christchurch Response Visa residing in or outside of New Zealand; or
 - ii. a New Zealand citizen residing in or outside of New Zealand, who:
 - 1. was a resident visa holder under the Immigration Act 2009 on 15 March 2019 and was eligible for a Christchurch Response Visa; or
 - 2. would have been eligible for a Christchurch Response Visa had they not already been the holder of a permanent resident visa under the Immigration Act 2009 on 15 March 2019; or
 - 3. would have been eligible for a Christchurch Response Visa had they not already been a New Zealand citizen on 15 March 2019; or
 - 4. was granted New Zealand citizenship after holding a Christchurch Response Visa; or
 - iii. the holder of a permanent resident visa under the Immigration Act 2009 residing in or outside of New Zealand, who:
 - 1. was a resident visa holder under the Immigration Act 2009 on 15 March 2019 and was eligible for a Christchurch Response Visa;
 - 2. would have been eligible for a Christchurch Response Visa had they not already been the holder of a permanent resident visa under the Immigration Act 2009 on 15 March 2019;
 - iv. is the holder of a resident visa under the Immigration Act 2009 residing in or outside of New Zealand, who held the resident visa on 15 March 2019 and who was eligible for a Christchurch Response Visa; or
- h. a holder of the Afghan Emergency Resettlement Resident Visa.

Citizenship or residency criteria – work-based learner

- 2. For a work-based learner to be eligible for Fees Free tertiary education, they must be one of the following:
 - a. one of the persons specified in paragraphs 1(a), 1(b[ii-iii]), 1(c-h) above; or
 - b. a holder of a residence class visa and ordinarily resident in New Zealand; or
 - c. a person who:
 - i. is working in New Zealand on an Accredited Employer Work Visa; and
 - ii. is working in an occupation that is specified on the Immigration New Zealand Green List or within the scope of a sector agreement;¹¹ and
 - iii. is studying a qualification delivered in the work-based mode of delivery; and
 - iv. the qualification has been identified by the appropriate Workforce Development Council as being in the national interest; and
 - v. the qualification has been approved by the Tertiary Education Commission as being in the national interest; and
 - vi. is enrolled in a programme of study or training, or part of a programme of study or training, that is funded by the Tertiary Education Commission.

¹⁰ For family members to be eligible, their residence class visa must be granted between 15 March 2019 and 31 December 2024. Family member, for the purpose of paragraph 1(g) is defined as partners, children (both dependent and non-dependent), grandchildren, parents, grandparents, siblings, aunts, uncles, nieces, nephews, first cousins (i.e., a child of an aunt or uncle), parents-in-law, siblings-in-law, children-in-law, as well as step-children, step-parents and step-siblings.

¹¹ The Green List provides a straight to residence and residence pathway to attract migrants into highly skilled, hard to fill positions in global demand. Sector agreements for the care, construction and infrastructure, meat processing, seafood, and the seasonal snow and adventure tourism sectors allow for limited exceptions to the median wage requirement when employing migrant workers, in exchange for ongoing improvements within these sectors.



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATŪ WHAKAHIA TO ORA

Report

Date: 13 September 2024 **Security Level:** IN CONFIDENCE

To: Hon Louise Upston, Minister for Social Development and
Employment

File reference: REP/24/9/830

Data sharing in the community food sector

Purpose of the report

1. This report provides you with advice on how the Ministry of Social Development (MSD) could support the community food sector to better gather and share data with each other, and if this would enable better insights to Government on food security.

Recommended actions

It is recommended that you:

1. **Note** that MSD currently gathers a range of data on the community food sector and insights on food insecurity.
2. **Note** that MSD recommends no further actions and have also provided a range of other options on how further insights could be collected.

3. **Agree** to discuss this paper and the options with your Officials.

AGREE / DISAGREE



Serena Curtis
General Manager, Pacific and Community
Capability Programmes

13 September 2024

Date



Hon Louise Upston, Minister for Social
Development and Employment

20 24 09 21

Date

Background

2. On 22 August 2024, you met with Dame Diane Robertson who discussed with you her ideas to get better data from the community food sector to help better inform government decisions on addressing food security.
3. You have requested advice on what MSD could do to support better data collection from the community food sector.

MSD's current data collection on food security

4. Currently MSD receives data and insights about the community food sector and food security from the following sources.

Reporting from community food providers

5. MSD requires community food providers and community food hubs with active grants in place to provide monthly online reports. Providers report on the number of parcels they have distributed. Food hubs report on the weight in kilograms of essential food supplies they have distributed.
6. Grant recipients must also provide six-monthly narrative reports which include a range of insights of the outcomes of the funding as well as their observations of the drivers of need for people accessing these services. Through this reporting, many grant recipients provide insights into food security in their area and the associated community, philanthropic and business actions being undertaken to support those experiencing food insecurity.
7. Officials are undertaking a thematic review of these reports and will provide a copy to your office.

Internal reporting on Special Needs Grants for Food

8. MSD tracks the uptake of hardship support such as Special Needs Grants (SNGs) for food assistance. This can provide insights about where deprivation is particularly high.
9. Some of these insights are published through the Benefit Fact Sheets available on the MSD website

Insights gathered from our National Food Partners

10. MSD's Food Secure Communities programme works closely with three national partners to support the community food sector. They each have their own systems of data collection which help inform our work.
11. The New Zealand Food Network (NZFN) closely tracks the 7,500 tonnes of essential food supplies they distribute to the community food sector each year. Their data is broken down by food type, and number of kilograms at a hub and regional (16 areas) level. NZFN also undertake a bi-annual survey of their food support agencies on the current state of food support, including ability to meet current demand and the reasons recipients were seeking food support.
12. The Aotearoa Food Rescue Alliance (AFRA) have a data platform and a data analyst to generate greater consistency of data across their membership. This

has improved the quality of data we receive about food distribution and reductions in food waste.

13. Kore Hiakai Zero Hunger Collective developed a model for standardising food parcel reporting for community food providers based on nutritional advice. This is called the Aotearoa Food Parcel Measure (AFPM). MSD asks all recipients of community food provider funding to use this measure for reporting their food parcel distribution.
14. Kore Hiakai currently receive aggregated data from 76 sites across 11 participating organisations. They also receive narrative insights and meet monthly with the participating organisation to explore current trends which they then report back to us.
15. Kore Hiakai also conducts annual research into household income adequacy called Ka Mākona. These reports examine what sufficient income is to be able to participate fully in one's community, alongside affordable housing, affordable living costs, and access to enough good food. They will soon be releasing their latest report and we will ensure they provide a copy to your office.

Other data collection on food security

16. The Ministry of Health conduct regular health surveys which include questions about food security. The latest report covered the 2022/23 period and showed an increase in food insecurity to 21.3%.
17. The Child and Youth Wellbeing Strategy also has a focus on food security data as food insecurity is a Child Poverty Related Indicator. Data for this is taken from the National Health Survey and provided by Statistics New Zealand.
18. Many individual community food and hub providers also publish data on food distribution and trends in food security. For example, the Salvation Army's State of the Nation report provides insights drawing together data, including from Kore Hiakai, MSD, Statistics New Zealand, and the Ministry of Health, with their insights on their work to address food insecurity.

Options for better data collection on food insecurity

19. *Option one - no further action.* Our view is that we currently have sufficient data to make informed decisions and provide informed advice about the government's approach to food security.
20. *Option two - work with national providers to gain further insights.* If directed, we could work with our national food distribution partners to further refine the data they collect to provide more detailed insights. This may require further funding and changes to their Outcome Agreements.
21. *Option three - seek funding for a community food sector data platform through Budget 2025.* Dame Diane proposes creating a shared data platform that is controlled by the sector, for the sector, to generate better insights. This is

likely to require significant new funding to undertake. A joint budget bid with other departments such as the Ministry of Health and the Department of Internal Affairs could be considered to fund this work if it is considered beneficial.

22. We note that there are a wide range of risks with this option, including:

- creating an expectation that there will be ongoing government funding for community food provision,
- potential challenges with privacy and security of clients' identifiable data, and
- potential issues with data sovereignty and how people's information is used.

Next steps

23. MSD staff can discuss this paper and the options with your Officials.

Author: Neill Ballantyne, Principal Advisor, Food Secure Communities

Responsible manager: Serena Curtis, General Manager, Pacific and Community Capability Programmes

Report



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATŪ WHAKAHIATO ORA

Date: 11 September 2024 **Security Level:** IN CONFIDENCE

To: Hon Louise Upston, Minister for Social Development and
Employment

File reference: REP/24/9/854

Options to support superannuitants stranded overseas

Purpose of the report

- 1 This report seeks your agreement to a targeted option to address issues that stranded superannuitants faced during the COVID-19 pandemic. Our preferred option seeks to ensure that, if another disruptive event arises, stranded superannuitants will have continued access to their financial entitlements.

Executive summary

- 2 New Zealand Superannuation (NZS) is provided to older people who meet the required age and residency criteria.¹ In certain circumstances, superannuitants can also receive NZS while overseas, such as under the temporary absence provisions,² general portability provisions³ or if they are residing in a country that has a Social Security Agreement with New Zealand. The rate of NZS payments they receive while overseas is based on how long they intend to be away, their residence in New Zealand and the country they are going to.

¹ For the purposes of this report, references to NZS also include Veteran's Pension.

² Temporary absence provisions allow for the full rate of NZS to be paid for 26 weeks while a superannuitant is overseas, given they return within 30 weeks.

³ Generally, if a superannuitant is overseas for more than 26 weeks, then they may be eligible for general portability payments. General portability rates are based on a superannuitant's months of residence in New Zealand between the ages of 20 and 65. A superannuitant generally will need to be in New Zealand to be able to apply for general portability. However, under certain circumstances, they could apply while overseas and their general portability payments begin the first pay day after the date MSD received their application.

- 3 During the COVID-19 pandemic, several countries, including New Zealand, enforced border closures and travel restrictions. As a result, some superannuitants were stranded overseas with limited or no access to their NZS entitlements.
- 4 Due to the provisions for paying NZS overseas, stranded superannuitants experienced issues during the pandemic, which included:
- their full NZS payments being reduced to general portability rates earlier than expected due to applying for general portability payments before the allowable 26-week travel period ended
 - their NZS being suspended due to exceeding the allowable 26-week travel period and incurring a debt, and
 - their applications for general portability payments being declined.
- 5 In 2023, the Retirement Commission (the Commission) conducted an analysis of the provisions for paying NZS overseas (the NZS international settings). It argued that while the settings reflect our globally mobile population, the settings were inflexible during the pandemic. It reported that stranded superannuitants experienced difficulties in navigating the system and in dealing with the Ministry of Social Development (MSD). The recommendations for MSD included ensuring that the provisions have sufficient flexibility during rare, but disruptive events.
- 6 We noted in our briefing on 'Supporting older people in New Zealand'⁴ that we were assessing whether the eligibility criteria and settings to pay NZS overseas are still fit-for-purpose.
- 7 In an officials' meeting in February 2024, you asked for advice which focused on options to address issues experienced by stranded superannuitants during the COVID-19 pandemic. The aim would be to minimise any further income reduction for stranded superannuitants, ensure they are not losing out on their NZS entitlements, and improve MSD's ability to support them in future disruptive events.
- 8 We have developed the following options to support 'stranded superannuitants' (i.e. those who cannot return to New Zealand within 30 weeks due to specific circumstances beyond their control that could not be reasonably foreseen before they left New Zealand, such as large-scale disruptive events like global pandemics and extreme weather conditions) for your consideration. The first two main options require legislative and operational changes whilst the third proposes to maintain the status quo:

⁴ REP-23-12-978 refers

- **Option 1:** MSD to have the ability to pay the full NZS rate beyond 26 weeks for 'stranded superannuitants'. Full payments would continue until the superannuitant is reasonably able to return to New Zealand. You may choose to either:
 - **Option 1A** (*recommended*): Also resume superannuitants' suspended income and cash asset tested supplementary payments⁵ (e.g. Accommodation Supplement, Disability Allowance) when their NZS is continued to be paid in full after 26 weeks. The rate of payment will be the same rate paid to the superannuitant before they left New Zealand. If the superannuitant has a change in costs while they are stranded overseas, the rate of payment for their benefits will need to be reviewed. Any increase in costs due to being overseas cannot be included in the rate of payments as these changes are unlikely to be ongoing once they return to New Zealand. Additionally, if the costs are no longer being incurred in New Zealand then MSD would have the ability to reduce the rate payable;
 - OR
 - **Option 1B:** Continue payments for NZS entitlements beyond 26 weeks without resuming suspended supplementary payments.
- **Option 2:** MSD to have the ability to begin general portability payments at week 27 for 'stranded superannuitants' and have applied for general portability payments before 26 weeks. This option would ensure that 'stranded superannuitants' receive their full NZS entitlements for 26 weeks before transferring to a general portability payment, which might be a reduced rate.
- **Option 3:** Maintain the status quo by retaining the current settings and, subject to resourcing, scope other opportunities. This could include a checklist of critical business processes that need to be stood up during disruptive events, to make the system more resilient. If a disruptive event occurs, you may choose to make temporary financial support available through establishing a Ministerial Welfare Programme.

⁹ Note that for Option 1A, we seek your decision on whether to include Winter Energy Payments (WEP) (called as Option 1AA). WEP is not income or cash asset tested and is generally paid during the New Zealand winter period (1

⁵ Generally, supplementary payments are only paid for a maximum of 28 days while the recipient is temporarily overseas.

May to 1 October). Including WEP is consistent with the COVID-19 New Zealanders Stranded Overseas Support Welfare Programme (NZSOS programme). However, excluding WEP and only including income and cash asset tested supplementary payments, would still ensure that superannuitants who might be at risk of hardship would receive appropriate income coverage.

- 10 Both Option 1A and Option 1B are considered fiscally neutral compared to current forecasts. This is because superannuitants stranded overseas would receive the same payments they would have received had they been in New Zealand. Option 2, however, provides a small saving compared to current forecasts. The reason being that superannuitants stranded overseas would be able to transfer to general portability payments at week 27 and therefore, on average, receive lower payments than they otherwise would have received if they had they been in New Zealand.
- 11 Either Option 1A or Option 1B would require an estimated \$1.2 - \$1.4 million for IT and system changes required for implementation and ongoing engagement with affected superannuitants. Option 2 would require an estimated \$1.3 - \$1.5 million for IT and system changes. Depending on your preferred option, we would investigate funding mechanisms for these options, and would likely be able to provide further advice by mid-2025.
- 12 The above options are proposed to be activated during specific circumstances, such as large-scale disruptive events. Superannuitants' delayed return to New Zealand might also be due to other individualised unforeseen circumstances beyond their control, such as illness or bereavement. Under s 27 in the New Zealand Superannuation and Retirement Income Act 2001 (NZSRI Act), these individuals may be able to receive general portability payments but could have a reduction in income given that general portability payments are proportional based on length of residence in New Zealand. We can provide advice regarding MSD having the ability to pay NZS at the full rate for this specific cohort.

Recommended actions

It is recommended that you:

- 1 **note** that in an officials' meeting in February 2024 you indicated your interest in receiving advice on options to address issues that stranded superannuitants experienced during the COVID-19 pandemic
- 2 **indicate** which of the following options you prefer for supporting 'stranded superannuitants' (i.e. those who are stranded overseas due to specific circumstances beyond their control that could not be reasonably foreseen before they left New Zealand, such as large-scale disruptive events):

2.1 **Option 1:** MSD to have the ability to pay NZS at the full rate for stranded superannuitants beyond 26 weeks and either:

2.1.1 **Option 1A** (*recommended*): Resume stranded superannuitants' suspended income and cash asset tested supplementary payments when their NZS is continued to be paid after 26 weeks, noting the rate of payment will be the same rate paid to the superannuitant before they left New Zealand, and

AGREE / DISAGREE

2.1.1.1 **Option 1AA** (*not recommended*) Also start or resume Winter Energy Payments if they are stranded overseas during the New Zealand winter period (1 May to 1 October),

AGREE / DISAGREE

OR

2.1.2 **Option 1B:** Extend payments after 26 weeks for superannuitants' NZS entitlements and do not resume their suspended supplementary payments

AGREE / DISAGREE

OR

2.2 **Option 2:** MSD to have the ability to begin general portability payments at week 27 for stranded superannuitants who cannot return to New Zealand within 30 weeks and have applied for general portability payments before 26 weeks

AGREE / DISAGREE

OR

2.3 **Option 3:** Retain the current settings and, subject to resourcing, scope other opportunities to make the system more resilient during disruptive events

AGREE / DISAGREE

3 **note** that Option 1A, Option 1B and Option 2 require legislative and operational changes

4 **indicate** if you would like to receive advice paying NZS at the full rate for superannuitants unable to return to New Zealand within 30 weeks due to other individualised circumstances, such as illness or bereavement

AGREE / DISAGREE / DISCUSS

5 **note** that the parameters of your preferred option and the definition of specific circumstances would be worked through and further advice provided along with a draft Cabinet Paper, if required

- 6 **note** that, if you choose either **Option 1** or **Option 2**, we do not have available funding or resource to start this work now due to the work currently underway at MSD to meet the Government's priorities for June 2029.⁶ This includes the upcoming move of the Disability Support Services (DSS) to a new branded business unit within MSD. Subject to any other Ministerial work priorities, we are likely to be able to provide further advice on these options, including available funding mechanisms and the appropriate legislative vehicle, by mid-2025
- 7 **note** that if you choose either **Option 1** or **Option 2**, we will work with your office for an indicative timeline for seeking Cabinet agreement for your preferred option.

Emma King
Manager, International Policy
Ministry of Social Development

Date

Hon Louise Upston
Minister for Social Development and Employment

Date

⁶ MSD has the target to reduce the number of people receiving Jobseeker Support by 50,000 to 140,000 by June 2029. Together with the Ministry of Housing and Urban Development, MSD has a shared target to reduce households in emergency housing by 75 percent by June 2029.

In February 2024, you agreed to receive advice on supporting stranded superannuitants

- 13 New Zealand's superannuitant population is becoming more diverse and globally mobile. There is increased international travel with all-time high immigration levels and changing migration patterns among older people. Older people are increasingly impacted by complex global trends and events, as seen during the COVID-19 pandemic.
- 14 In advice provided in December 2023, we noted that we have been assessing the provisions for paying New Zealand Superannuation (NZS) overseas ('the NZS international settings') We highlighted that the aim of this assessment was to future-proof the NZS international settings against global disruptions and increase the system's resilience.⁷ In February 2024, you requested advice on targeted options to address issues caused by the NZS international settings during the COVID-19 pandemic.
- 15 The following provisions under the NZS international settings are the most relevant for this paper:
- **Temporary absence provisions** – These allow full NZS payments for 26 weeks while a superannuitant is overseas, as long as they return within 30 weeks. If they do not return within 30 weeks, they are not entitled to the first 26 weeks of payment. In these cases, a debt is established for the first 26 weeks of payment. Where a superannuitant's prolonged absence is due to circumstances beyond their control that they could not have foreseen before departure (s 22 of the New Zealand Superannuation and Retirement Income Act 2001, NZSRI Act), no debt is established, and they can apply for payments under general portability provisions (s 27 of the NZSRI Act).
 - **General portability provisions** – General portability provisions prescribe the rate of payment a superannuitant may receive, on an open-ended basis, if they reside⁸ or travel overseas for more than 26 weeks. The rate is proportionate to the number of months the superannuitant has been ordinarily resident and present in New Zealand between the ages of 20 and 65. This means that for some superannuitants, their general portability rates of payment could be less than their domestic rate of NZS.⁹

⁷ REP-23-12-978 refers

⁸ General portability payments are provided to superannuitants if they live in an overseas country not party to a Social Security Agreement.

⁹ This cohort may continuously increase every year due to superannuitants becoming more internationally mobile.

- Generally, a superannuitant needs to apply for portability payments before leaving New Zealand (s 26(b) in the NZSRI Act), but they can apply while overseas if their delayed return is due to circumstances beyond their control that they could not have reasonably foreseen before they left New Zealand (s 27 of the NZSRI Act).¹⁰
- For applications made under s 27, general portability payments commence on the first pay day after the date from which MSD received the application (s 28(2) of the NZSRI Act). This means that if a superannuitant applies for general portability payments under s 27 before 26 weeks, they will start receiving the general portability rate after their application is received. This could mean they receive less than the full rate of NZS before the allowable 26-week travel period concludes.
- **Social security agreements** – Reciprocal Social Security Agreements generally allow people resident in the Agreement country (the country which New Zealand has signed the Agreement with) to apply for NZS in that country¹¹ and receive a proportional rate of NZS there.

COVID-19 travel restrictions impacted superannuitants' NZS payments while stranded overseas

Support was provided early on to stranded superannuitants

- 16 Due to COVID-19 related border and travel restrictions, some superannuitants were prevented from returning to New Zealand within 30 weeks. Consequently, superannuitants had their pension payments suspended and had a debt established, with many claiming that they were experiencing hardship while abroad.
- 17 In April 2020, the Minister for Social Development and Employment established the COVID-19 New Zealanders Stranded Overseas Support Programme Welfare Programme (NZSOS programme) that ran until August 2021. The programme provided special assistance to recipients of NZS, Veteran's Pension, Main Benefit and Supplementary Assistance¹² who were

¹⁰ Unforeseen circumstances might include a global pandemic, illness, bereavement, or aircraft breakdowns.

¹¹ Normally applicants must be resident in New Zealand.

¹² Supplementary assistance is defined in the NZSOS programme as meaning Accommodation Supplement, Child Disability Allowance, Disability Allowance, Orphan's Benefit, Special Benefit, Special Disability Allowance, Temporary Addition Support, Unsupported Child's Benefit, Winter Energy Payment, as well as assistance paid under specific Ministerial Welfare Programmes and Regulations.

unable to return to New Zealand due to the pandemic. Individuals who left New Zealand on or before 26 March 2020 were covered by the programme.¹³ The programme supported approximately 2,141 superannuitants and 169 main beneficiaries.

- 18 Under the NZSOS programme, payments were equivalent to the rate of payment the recipient would be entitled to receive if they were in New Zealand. This meant that through the programme clients stranded overseas continued to receive income support.

Due to the NZSOS Programme's limited coverage, issues continued for some superannuitants as the pandemic continued

- 19 MSD initially determined that if a superannuitant left New Zealand after 26 March 2020, it would be considered reasonably foreseeable¹⁴ that they could be impacted by COVID-19 travel restrictions and face difficulties in returning.
- 20 However, the opening and sudden closing of a 2021 Quarantine Free Travel (QFT) bubble with Australia meant that some superannuitants¹⁵ who had travelled to Australia were unable to return to New Zealand due to the closure. As a result, some superannuitants had their NZS payments suspended, had a debt established for the first 26 weeks of absence (amounting to an average of around \$8,000 per person) and some had their applications for general portability payments declined.
- 21 This situation brought widespread media and stakeholder attention with superannuitants expressing distress over having to repay their NZS, and potentially facing financial hardship, whilst already being stranded overseas.

MSD responded in light of evolving developments when information became available

- 22 MSD's ability to support superannuitants was constrained by legislation, with the international settings requiring a complex 'factual determination' to assess superannuitants' circumstances. This was difficult to fulfil due to the

¹³ The Epidemic Preparedness (COVID-19) Notice 2020 came into force on 25 March 2020 and pandemic-related border and travel restrictions were in place in multiple countries, including New Zealand.

¹⁴ Under s 22(b) of the NZSRI Act, if their absence exceeds 30 weeks, a superannuitant could receive full NZS payments for the first 26 weeks if their absence is due to circumstances beyond their control that they could not have reasonably foreseen before leaving New Zealand.

¹⁵ Officials understand that 3,364 NZS/VP clients departed New Zealand between 19 April (the start of the Trans-Tasman bubble) and 14 September 2021. This is based on a data match of clients from information held by Customs. There are major caveats to this data. It is unclear if these superannuitants departed for migratory or visitor purposes and we cannot identify which countries superannuitants departed for.

changing nature of pandemic-related travel disruptions. Given the number of stranded superannuitants, the assessments required considerable operational resources.

- 23 Events such as the abrupt changes to the Managed Isolation Quarantine process, including the introduction of a 'lottery' system, made it challenging for MSD to make definitive decisions. This meant that MSD overturned certain initial determinations, resulting in the disestablishment of some superannuitants' debts and the retrospective granting of general portability payments until they returned to New Zealand.
- 24 From mid-2022, we undertook manual checks of superannuitants who left New Zealand during the pandemic, including during the QFT bubble, who had their NZS payments suspended and/or their application for general portability declined. The findings showed that we upheld most of our decisions (76 percent) which meant that determinations made during the pandemic were in line with legislation based on the evidence available at that time.

Decisions during COVID-19 largely aligned with legislation, however, certain issues remain

Some superannuitants had their NZS reduced due to moving to general portability payments before 26 weeks

- 25 During the pandemic, some stranded superannuitants applied for general portability payments under s 27 of the NZSRI Act. Under s 28 of the NZSRI Act, general portability payments for applications made under s 27 commence on the first pay day after the date MSD receives the superannuitant's application. This meant that although superannuitants are entitled to the full rate of NZS for the first 26 weeks of their absence, on the understanding that they were initially returning within 30 weeks, some received a reduced NZS rate if they applied for general portability payments before 26 weeks.¹⁶
- 26 Due to this provision, some stranded superannuitants experienced a reduction in income earlier than they expected or no entitlement if they had no New Zealand working age residence.¹⁷ This was despite those

¹⁶ For example, this may occur when a client becomes stranded prior to the date they planned to return to New Zealand and make an application knowing that they will not be able to return within 30 weeks.

¹⁷ The NZS residency requirement does not have an upper age limit. This means a superannuitant could qualify for NZS even after reaching the age of 65. For example, a person who moved to New Zealand at 66 could qualify for NZS at the age of 76 after meeting the 10-year residency requirement. They can receive NZS while in New Zealand but cannot receive general portability

superannuitants facing an inability to return home due to circumstances beyond their control.

Some superannuitants stranded in an Agreement country could not rely on the reciprocal Social Security Agreement to receive NZS payments

- 27 Some superannuitants who were stranded in Agreement countries were unable to apply for NZS payments because they were not resident in that country.
- 28 Instead, they would have applied for general portability payments (under s 27 of the NZSRI Act), as long as they did not intend to reside in the Agreement country. However, they still encountered the same issues as noted above, i.e. a reduction in income earlier than expected or no NZS if they had no New Zealand working age residence.

Stakeholders argued that the system is not sufficiently flexible during disruptive events

- 29 In mid-2023, the Retirement Commission (the Commission) released a research paper about stranded superannuitants' experiences with MSD during the border closures in 2020-2022. The research paper highlighted superannuitants' difficulties during this period, including:
- shortcomings in MSD's decisions, policies, processes, and legal interpretation during the pandemic, and
 - superannuitants had negative experiences while engaging with MSD's staff, however, interactions with case managers were more positive.
- 30 The Commission also self-initiated a review of the NZS international settings in light of the pandemic and acknowledged that the settings account for our globally mobile population. The Commission assumed that MSD had more discretion than what is provided by legislation. In relation to disruptive events, its recommendations were to:
- ensure the international settings are sufficiently flexible during rare but impactful events, such as pandemics and wars
 - empower staff to fulsomely advise superannuitants on their NZS entitlement and the impacts of the international settings
 - educate people about the NZS settings in the context of increasing global mobility, and

payments while overseas as they have no New Zealand working age residence between the ages of 20 and 65.

- undertake regular environment scans of overseas pension legislations to ensure necessary changes are considered and incorporated into legislation where appropriate.

We seek your agreement to an option to support stranded superannuitants

31 We have considered three options based on the following criteria:

- enables the system to be responsive to support stranded superannuitants during disruptive events that impact access to their NZS entitlements
- does not further complicate the system for stranded superannuitants
- broadly consistent with, and does not change, other NZS policy settings
- operationally feasible for MSD to implement
- fiscal implications of paying NZS for this option

32 An assessment of the options against the criteria is provided in **Table One**. See **Appendix One** for an illustration comparing Option 1 and Option 2.

Table 1: Assessment of options to support stranded superannuitants¹⁸ against criteria

Criteria	Option 1 – MSD to have the ability to pay NZS at the full rate beyond 26 weeks for stranded superannuitants and either:		Option 2 – MSD to have the ability to begin general portability payments at the 27 th week of absence for stranded superannuitants who have applied for general portability payments before 26 weeks	Option 3 – Status quo
	Option 1A (recommended) ¹⁹ – Also resume superannuitants' suspended income and cash asset tested supplementary payments when full NZS is continued to be paid after 26 weeks, the supplementary payments will be at the same rate paid to them before they left New Zealand	Option 1B – Only continue payments for NZS and do not resume suspended supplementary payments		
Enables the system to be responsive to support stranded superannuitants during disruptive events that impact access to their NZS entitlements	✓✓✓✓ Stranded superannuitants can receive full NZS payments and have their suspended income and cash asset tested supplementary payments reinstated after 26 weeks overseas.	✓✓✓ Stranded superannuitants can receive full NZS payments after 26 weeks overseas.	✓✓ This option only ensures that eligible stranded superannuitants receive their full rate of NZS for the entire 26-week travel period.	✓✓ If a disruptive event occurs, you may choose to make temporary financial support available through establishing a Ministerial Welfare Programme for stranded superannuitants. This might take significant time and resources, causing delays in the immediate support available to superannuitants. Otherwise, superannuitants will be covered under existing provisions.
Does not further complicate the system for stranded superannuitants	✓✓✓✓ Impacted eligible superannuitants will immediately receive extended full NZS payments and their	✓✓✓ Impacted eligible superannuitants will immediately receive extended full NZS payments.	✓✓ Impacted eligible superannuitants can receive full NZS payments for the first 26 weeks and then begin receiving their general portability	✓ Future superannuitants might have similar experiences during the COVID-19 pandemic due to the current settings in place, i.e. reduced or suspended NZS

¹⁸ Stranded superannuitants being those who are stranded due to specific circumstances beyond their control that could not be reasonably foreseen before they left New Zealand.

¹⁹ Note that Option 1AA (including WEP as part of the resumed supplementary payments) is not included in this table but is included in the detailed analysis in the following section.

	supplementary payments resumed.		payments by the 27 th week of their absence.	payments, debt established, or applications for general portability payments declined.
Broadly consistent with, and does not change, other NZS policy settings	<p style="text-align: center;">✓✓</p> <p>These options will not require changes to other current NZS policy settings.</p> <p>These options will only be activated under specific circumstances and superannuitants who get stranded overseas due to other individualised circumstances (i.e. illness or bereavement) might not be covered. However, there is discretion under s 27 in the NZSRI Act for superannuitants in these types of circumstances to potentially receive general portability payments.</p>			<p style="text-align: center;">✓✓</p> <p>This option will not require changes to other current NZS policy settings.</p>
Operationally feasible for MSD to implement	<p style="text-align: center;">✓✓</p> <p>Based on a preliminary assessment, MSD would need to set up new operational policy guidance and business processes for both Option 1A and Option 1B. Setting this up would allow MSD to be better prepared and more efficient in responding to unexpected events.</p> <p>This option would require an estimated \$1.2 - \$1.4 million for IT and system changes.²⁰</p> <p>As part of the business process, MSD would be required to conduct regular checks with superannuitants to confirm if they still intend, and are taking reasonable steps, to return to New Zealand.</p>		<p style="text-align: center;">✓✓</p> <p>Based on a preliminary assessment, MSD would need to set up new operational policy guidance and business processes. Setting this up would allow MSD to be better prepared and more efficient in responding to unexpected events.</p> <p>This option would require an estimated \$1.3 - \$1.5 million for the IT and system changes.²¹</p>	<p style="text-align: center;">✓✓</p> <p>Pending your decision, MSD could develop and implement a Ministerial Welfare Programme, but this is time and resource intensive.</p>
Fiscal implications of paying NZS for this option	<p style="text-align: center;">✓✓</p> <p>Option 1A and Option 1B are considered fiscally neutral compared to current forecasts.</p>		<p style="text-align: center;">✓✓✓</p> <p>Option 2 provides a small saving compared to current forecasts.</p>	<p style="text-align: center;">✓✓</p> <p>Status quo</p>
Performance against criterion is very good = ✓✓✓✓, good = ✓✓✓, moderate = ✓✓, or poor = ✓.				

²⁰ Pending on your decision, we will investigate funding mechanisms and would likely be able to provide further advice by mid-2025.

²¹ Pending on your decision, we will investigate funding mechanisms and would likely be able to provide further advice by mid-2025.

How 'specific circumstances' would be determined for Options 1 and 2

33 For the purposes of this advice, 'specific circumstances' for stranded superannuitants considers situations such as large-scale disruptive events or emergencies (e.g. extreme weather conditions, natural disasters, global pandemic, widespread border closures, significant travel restrictions). We can provide further parameters depending on which option you choose to progress. This would include determining whether you would approve, or whether MSD's Chief Executive is delegated the authority to approve, what constitutes a 'specific circumstance'.

Detailed analysis of options with considerations

Option 1 (recommended) – MSD to have the ability to pay NZS at the full rate for superannuitants stranded due to specific circumstances

- 34 Under Option 1, NZS would be paid at the full rate beyond 26 weeks for superannuitants who are temporarily absent and prevented from returning to New Zealand within 30 weeks due to specific circumstances beyond their control that could not be reasonably foreseen before leaving New Zealand.²²
- 35 There is a risk of Option 1 conflicting with s 27 of the NZSRI Act. Section 27 allows for general portability payments if an individuals' delayed return is due to circumstances beyond their control that they did not foresee prior to leaving New Zealand, including illness or bereavement while overseas. If Option 1 allows for full payments for superannuitants stranded due to individualised circumstances such as illness or bereavement, then s 27 might no longer be required. If you choose Option 1, we would further investigate its implications on current legislation and finalise its scope in the draft Cabinet paper for your consideration.
- 36 Under the general portability provisions and Social Security Agreements, there is no guarantee that a superannuitant will receive their NZS at the full rate after 26 weeks of temporary absence if they are stranded. Option 1 would support continued income coverage at the domestic rate for impacted superannuitants. Superannuitants must intend to return to New Zealand and payments would be continued until the individual is reasonably able to return to New Zealand.
- 37 Those intending to return within 30 weeks but who became stranded due to unforeseen reasons would still be incurring costs and expenses back home, such as accommodation costs. They could also be receiving income and cash asset tested supplementary payments (e.g. Accommodation Supplement,

²² Note that under Social Security Regulations 2017 regulations 148 and 149, MSD has discretion to pay certain benefits if delayed return is longer than total of 4 weeks in a 52-week period and due to circumstances beyond their control that they could not have foreseen before leaving New Zealand, given that their prolonged absence is not longer than reasonably necessary. This however does not include NZS or VP.

Disability Allowance) and the Winter Energy Payment, which is automatically paid to those receiving a main benefit or pension. These payments would have been generally suspended if they were overseas for more than 28 days. As such, we propose this option also includes the following:

- **Option 1A (recommended):** Resume superannuitants' suspended income and cash asset tested supplementary payments when their full NZS payments are continued after 26 weeks.²³ The rate of payment will be the same rate paid to the superannuitant before they left New Zealand. If the superannuitant has a change in costs while they are stranded overseas, the rate of payment for their benefits will need to be reviewed. Any increase in costs due to being overseas cannot be included in the rate of payments as these changes are unlikely to be ongoing once they return to New Zealand. Additionally, if the costs are no longer being incurred in New Zealand then MSD would have the ability to reduce the rate payable. The provisions for supplementary assistance payments sit under the Social Security Act 2018 and the Social Security Regulations 2018, which might require legislative changes.
 - We also seek your decision on whether to include Winter Energy payments (WEP). Unlike other supplementary payments, WEP is a universal payment and is generally paid during the New Zealand winter period (1 May to 1 October). Although WEP was included in the NZSOS programme, only including income and cash asset tested supplementary payments would still ensure that superannuitants who might be at risk of hardship would receive adequate income coverage. Helping superannuitants meet their heating costs in New Zealand while they are overseas does not meet Option 1A's policy intent to ensure that superannuitants who might be at risk of hardship would receive appropriate income coverage.
- **Option 1B:** Only continue NZS entitlements after 26 weeks and do not resume superannuitants' suspended supplementary payments.²⁴

38 Option 1B would require amendments to the NZSRI Act and Social Security Regulations 2018 to allow MSD discretion to continue paying superannuitants full NZS beyond 26 weeks due to specific circumstances.²⁵

39 Option 1A and Option 1B are both fiscally neutral. Allowing for full payments beyond 26 weeks for stranded superannuitants would be fiscally neutral

²³ Similar to current guidelines, MSD will need to check if the superannuitant is incurring costs in New Zealand while overseas.

²⁴ Under the Social Security Act 2018 and the Social Security Regulations 2018, there is already discretion to extend payments on a case-by-case basis for people who get stranded. Extensions cannot be for longer than is necessary, outlined in regulation 149(3) under the Social Security Regulations 2018. This requires regular engagement with clients to determine if the payment extension continues to be reasonable.

²⁵ We are currently investigating the appropriate legislative vehicle for these proposed changes.

because clients are receiving the same payments they would have received had they been in New Zealand. This option would require an estimated \$1.2 - \$1.4 million for IT and system changes. We would likely be able to provide further advice on funding mechanisms by mid-2025.

- 40 As assessed against the criteria in **Table One**, we recommend progressing **Option 1A**, which includes reinstating supplementary payments, because it is the most effective option for minimising adversity and hardship.

Option 2 –MSD to have the ability to begin general portability payments at week 27 for superannuitants stranded due to specific circumstances

- 41 Under Option 2, general portability payments would begin at the 27th week for superannuitants who are prevented from returning to New Zealand within 30 weeks due to specific circumstances and have applied for general portability payments before 26 weeks.
- 42 Currently, general portability payments made overseas commence on the first pay date after MSD receives the superannuitant's application. This option would ensure that affected superannuitants can keep receiving their full NZS payments for 26 weeks, rather than potentially having it reduced because of their application date.
- 43 This option will not cover superannuitants who do not meet the requirements for general portability payments while stranded overseas.²⁶ It also does not address the issue that after 26 weeks, stranded superannuitants would have a reduction in their income because their general portability payments may be at a reduced rate. Option 1 is more effective in addressing these issues.
- 44 This option would require amendments to the NZSRI Act regarding the date at which general portability payments commence, following receipt of a superannuitants' application under s 27 of the NZSRI Act.
- 45 This option would provide a small fiscal saving of \$1.6 million net per year. There is a saving because clients would receive, on average, lower payments via general portability than what would have received had they been in New Zealand.
- 46 This option would need an estimated \$1.3 - \$1.5 million for the IT and system changes required to support the option's implementation and ongoing engagement with affected superannuitants. We would likely be able to provide further advice on funding mechanisms by mid-2025.
- 47 Option 2 aims to minimise any potential early reductions of NZS payments for stranded superannuitants by commencing their general portability payments at week 27. However, unlike Option 1, it does not cover all stranded

²⁶ The rate is proportionate to the number of months the superannuitant has been ordinarily resident and present in New Zealand between the ages of 20 and 65. Some superannuitants might have zero payments if they do not have enough New Zealand working age residence.

superannuitants and therefore may leave those who do not meet the general portability requirements without income support.

Option 3 –Retain the current settings

- 48 Under this option, in an unforeseen event, full NZS could only be paid for 26 weeks and the issue of early applications for general portability while overseas would remain. This poses the risk that future stranded superannuitants might experience similar outcomes to those experienced by stranded superannuitants during the COVID-19 pandemic.
- 49 Although retaining the current settings will not have any fiscal implications, if you were to decide to establish a Ministerial Welfare Programme to provide relief to stranded superannuitants, as was done during the COVID-19 pandemic, this would require significant MSD resource to respond quickly. The NZSOS programme, which ran from April 2020 – August 2021, had a total cost of approximately \$31.6 million net. However, payments to clients under the programme were considered fiscally neutral as the increased cost of paying clients while overseas was offset by a corresponding saving in domestic payments.
- 50 Under this option, subject to resourcing, we would scope opportunities to make the system resilient during disruptive events. Activities would still aim to potentially address recommendations raised by the Commission and the issues experienced by superannuitants during the pandemic. This might include developing a checklist of critical business processes that need to be set up during disruptive events.

We also seek your direction on whether to develop advice on whether specific circumstances should include personal circumstances like illness and bereavement

- 51 Superannuitants' delayed return to New Zealand might also be due to other individualised unforeseen circumstances beyond their control, such as illness or bereavement. Under s 27 in the NZSRI Act, these individuals may be eligible for general portability payments. They could experience a reduction in income given that general portability payments are generally at a reduced rate of NZS or receive zero payments if they do not have enough New Zealand working age residence.
- 52 Subject to your decision on whether we should develop further advice on this, we could investigate options for MSD to continue full NZS payments for this specific cohort.

Next steps

- 53 If you decide to proceed with:
- Option 1 or Option 2: we do not have available funding or resource to start this work now due to the work currently underway at MSD to meet the Government's priorities for June 2029. This includes the Disability

Support Services' (DSS) upcoming move to a new branded business unit within MSD. Subject to any other Ministerial work priorities, we are likely to be able to provide further advice on these options, including available funding mechanisms and the appropriate legislative vehicle, by mid-2025, OR

- Option 3: we will continue to work within the current settings and, subject to resourcing, will scope other opportunities, that will not require legislative changes, to make the system resilient during disruptive events and potentially address the Retirement Commission's recommendations.

Appendices

54 Appendix One: Illustration comparing Option 1 and Option 2

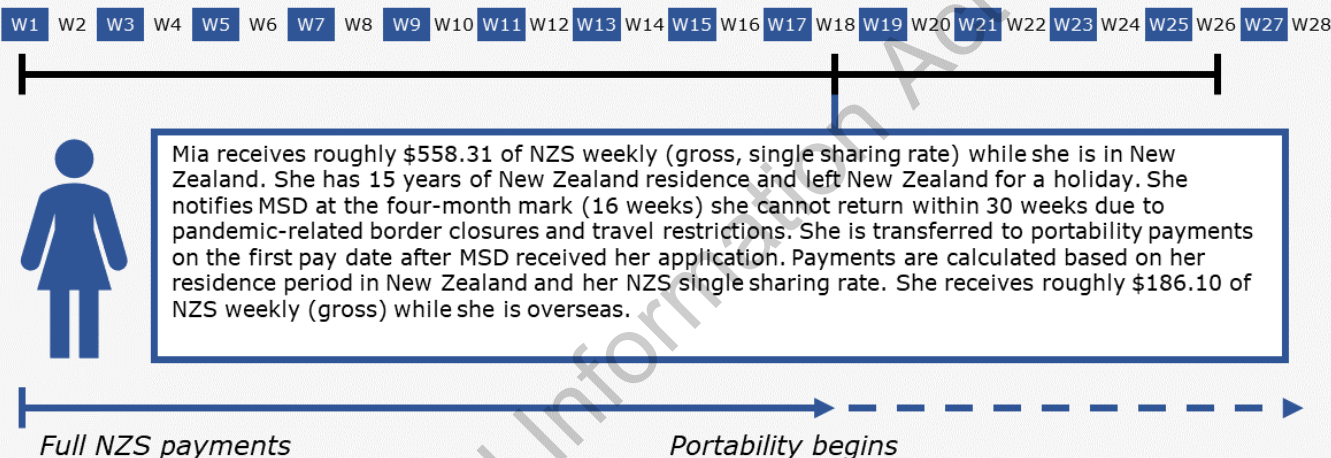
Author: Sigred Yamit, Policy Analyst, International Policy

Responsible manager: Emma King, Manager, International Policy

Appendix One: Illustration comparing Option 1 and Option 2

Current legislation

A superannuitant is transferred from temporary absence provisions to general portability when they notify MSD that they cannot return to New Zealand within 30 weeks due to circumstances beyond their control that they could not have foreseen before departure. Their general portability payment begins on the first pay day after MSD received their application.

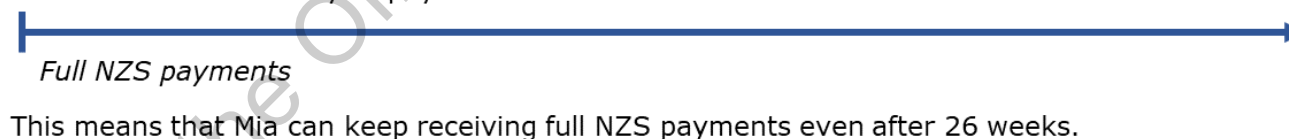


Proposed changes

If a superannuitant is unable to return to New Zealand within 30 weeks due to a large-scale disruptive event (such as a pandemic)...

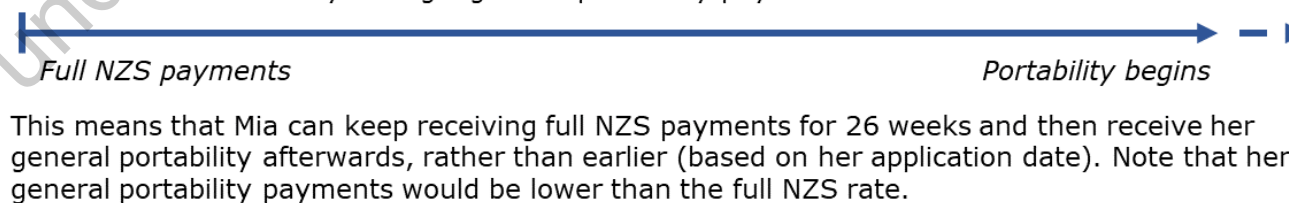
Option 1

...MSD to have the ability to pay full NZS after 26 weeks.



Option 2

...MSD to have the ability to begin general portability payments at the 27th week.



Aide-mémoire



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

Meeting

Date: 24 September 2024 **Security Level:** In Confidence

For: Hon Nicola Willis, Minister of Finance
Hon Louise Upston, Minister for Social Development and
Employment

File REP/24/9/887
Reference:

Meeting with Murray Jack, 26 September 2024

Meeting details 3.30-4.00pm, 26 September 2024
Location: 7.2EW

Expected attendees Murray Jack, Independent Advisor to Te Pae Tawhiti
Programme

Purpose of meeting This is the first time you will meet Murray together, in his
role as independent advisor for the Te Pae Tawhiti
Programme (the Programme).

You may like to discuss with Murray his view of:

- Programme benefits
 - The overall health of the Programme
-

Background You indicated in early September that you would like Murray
Jack, independent advisor to the Programme, to provide
direct reports to the Minister of Finance and Treasury on a
regular basis in addition to providing the Minister for Social
Development and Employment with direct reports (REP
24/6/551 refers).

Previous meetings with Minister for Social Development and Employment

The Minister for Social Development and Employment has previously met with Murray Jack on two occasions 18 February 2024 and 18 June 2024. At the June 2024 meeting the following items were discussed:

- Programme finances
- Programme benefits
- Whole of government opportunities

Murray Jack

Murray is a director of Aurecon Group Pty Ltd and an independent member of the NZ Defence Force Advisory Board. He is a previous Chair of the Financial Markets Authority, Chartered Accountants Australia & New Zealand, and Education Payroll Ltd. He was formerly Chief Executive and then Chair of Deloitte New Zealand (2005-2014).

Murray has over 30 years of experience consulting to some of New Zealand's largest corporates and government agencies and has worked extensively across Asia. He has served on advisory boards and Ministerial committees, co- led the Ministerial Inquiry into Novopay (2013) and the Independent Review of the 2018 Census, and has carried out a number of independent reviews for government agencies. He regularly advises on governance and large-scale business transformation programs. Murray was an independent advisor with Inland Revenue's (IR's) Business Transformation and sat on IR's Portfolio Governance Committee for a number of years.

Murray has been an independent advisor to the Te Pae Tawhiti Programme since January 2023 and sits on the Programme governance committee with three other external advisors.

Key issues

Programme benefits

Murray has been kept informed of our progress ^{s9}
^{s9(2)(f)(iv)} his role as independent advisor on the Programme's governance group.

Programme health

You may like to discuss with Murray, his view of the overall health of the Programme with particular focus on progress towards, and achievement of milestones.

Next steps

Following your meeting with Murray, you may like to consider whether you would like to meet with him again

s9(2)(f)(iv)

Author: Andy John, Principal Advisor, Te Pae Tawhiti, MSD

Responsible managers: Tāmati Shepherd-Wipiiti, DCE Transformation, MSD

Appendices:

Appendix 1: REP24-6-551 - s9(2)(f)(iv)

[Signed by Minister of Finance]

Aide-mémoire



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATŪ WHAKAHIATO ORA

Cabinet paper

Date: 24 September 2024 **Security level:** Cabinet Sensitive

For: Hon Louise Upston, Minister for Social Development and Employment

File Reference: REP/24/9/889

Strengthening emergency management to improve New Zealand’s disaster resilience

Cabinet Committee	Cabinet Economic Policy Committee (ECO)
Date of meeting	25 September 2024
Minister	Hon Mark Mitchell, Minister for Emergency Management and Recovery
Proposal	<p>This Cabinet paper sets out a programme of work to strengthen national and regional emergency management</p> <p>The paper seeks agreement to the overall direction of 13 of the 14 headline recommendations of the Government Inquiry into the Response to the North Island Severe Weather Events (the NISWE Inquiry). It also seeks agreement to a public facing document that responds to the NISWE Inquiry.</p> <p>The Cabinet paper proposes five focus areas to strengthen the Emergency Management System:</p> <ol style="list-style-type: none">1. Give effect to the whole of society approach to emergency management.

-
2. Support and enable local government to deliver a consistent minimum standard of emergency management across New Zealand.
 3. Professionalise and build the capability and capacity of the emergency management workforce.
 4. Enable the different parts of the emergency management system to work together better.
 5. Drive a strategic focus on implementation and investment to ensure delivery.

The Department of Prime Minister and Cabinet (DPMC) has been leading the work that informs this Cabinet paper. DPMC has run a cross-agency approach to develop this proposal which MSD has been a part of.

We recommend that you **support** the proposal.

Key issues

The NISWE Inquiry found that the Emergency Management System is not fit for purpose

The NISWE Inquiry proposed 14 headline recommendations and 33 sub-recommendations. The Cabinet paper is at a high-level and only looks at the 14 headline recommendations, paragraph 14 notes that “the 33 sub recommendations of the NISWE Inquiry report have been read as indicative as further work is needed on the best way forward under each recommendation”.

One of the exceptions to this is that the Cabinet paper touches on the coordination of welfare services in emergencies (sub-recommendation 4A(iii)).

Decisions on welfare coordination will need to be made by early 2025

Paragraph 31 of the Cabinet paper signals that the Minister for Emergency Management and Recovery will include advice on roles and responsibilities of welfare services in his report back to Cabinet in early 2025. In the next couple of months, we will provide joint advice with the National Emergency Management Agency (NEMA) to you and the Minister for Emergency Management and Recovery with options to strengthen welfare coordination

settings in emergencies. This advice is signalled in the public facing document on page 28.

NEMA currently coordinates welfare services in emergencies. The NISWE Inquiry recommended that MSD take on this responsibility (sub-recommendation 4A(iii)).

There are two other sub-recommendations that have implications for MSD. Given that the paper is at a high-level these sub-recommendations have not been analysed or agreed to:

- 1B: utilise existing community-based emergency management structures and systems, such as those built through the COVID-19 response, to ensure community participation in planning and response.
- 14A: move the administration of welfare related costs to the Ministry of Social Development as the proposed leader for welfare coordination and reassess welfare funding criteria to cover a broader definition of welfare.

Our advice

ECO has a decision to make on the role of NEMA

The Minister for Emergency Management and Recovery disagrees with the NISWE Inquiry's recommendation 4 to reduce NEMA's focus to readiness and response. His view is that NEMA should continue to be the operational emergency management lead across all 4 Rs (Readiness, Reduction, Response and Recovery).

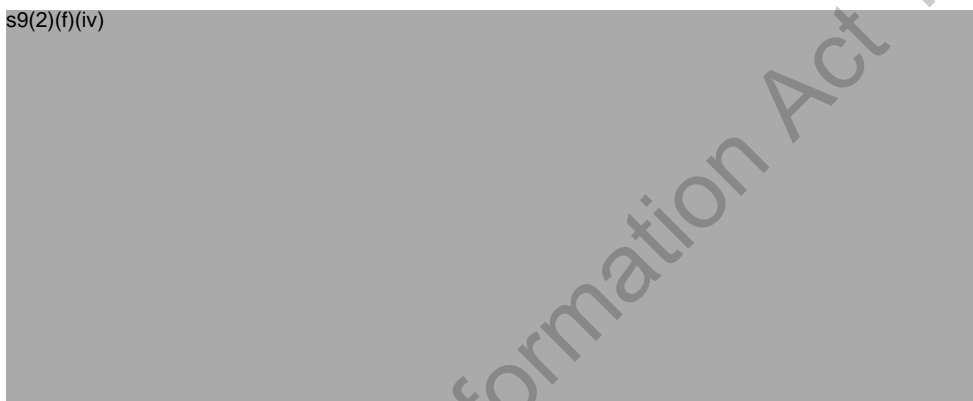
ECO is being asked to either not accept recommendation 4 or defer a decision on recommendation 4 until the Minister for Emergency Management and Recovery's report back in early 2025. In our view, regardless of which direction ECO agree to, it is important that:

- this work programme delivers **clarity on roles and responsibilities across the system**, especially that of NEMA and at the regional and local level, and
 - NEMA (and the system as a whole) is **appropriately resourced** to be able to carry out its functions, especially if it continues to have responsibility across the 4 R's.
-

The direction on this recommendation may have flow on effects on the welfare coordination settings work noted above. We will take this into account in our upcoming advice to you.

There are multiple emergency management related workstreams currently underway that need to be brought closer together

s9(2)(f)(iv)



DPMC's Cyclone Recovery Unit (CRU) are also working on a Cabinet paper proposing tools for future Recovery settings. We have been consulted on this paper and we can provide you with an Aide Memoire to support you at ECO when this paper is discussed.

We consider that all Emergency Management related work being developed by DPMC s9(2)(f)(iv) s9(2)(f)(i) and Recovery settings work) need to be brought closer together under the overarching programme of work being proposed in this Cabinet paper.

Next Steps

The following table sets out key upcoming dates related to Emergency Management.

Activity	Date
s9(2)(f)(iv)	
ECO considers CRU tools for future Recovery settings paper.	23 October 2024
MSD and NEMA will provide joint advice to you and the Minister for Emergency Management and Recovery on welfare coordination settings in emergencies.	By the end of November 2024
The Minister for Emergency Management and Recovery reports back to Cabinet with a detailed implementation and investment roadmap for the programme of work laid out in this Cabinet paper.	Early 2025

Author: Dinarie Abeyesundere, Senior Policy Analyst, Regional Social and Inquires Policy

Responsible manager: Emma O'Connell, Policy Manager, Regional Social and Inquires Policy

Report



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

Date: 25 September 2024 **Security Level:** In-Confidence

To: Hon Louise Upston, Minister for Social Development and
Employment

File Reference: REP/24/9/897

Managing Client Obligations in smaller communities

Purpose of the report

- 1 To support an understanding of how the Ministry of Social Development's (MSD) obligation management process is effectively administered in smaller communities in New Zealand.

Recommended actions

It is recommended that you:

- 1 Note the contents of this report

Viv Rickard
Deputy Chief Executive
Service Delivery

Date

Hon Louise Upston
Minister for Social Development and
Employment

Date

Background

- 2 The Minister raised a potential issue with officials on whether there was any evidence, anecdotal or otherwise on MSD staff applying the Traffic Light System and obligations failure in smaller communities where there is a gang presence or where clients may be families, friends or connected to staff.

MSD has standard, systemised approach to managing client obligations...

- 3 Client obligations are managed through both conversations with clients directly by MSD's frontline as well as multiple systems including our Client Management System (CMS), appointment management system (Q-Manager) and our obligations management system (Ob-Man).
- 4 When a client fails to meet their obligations, whether it be failure to attend an appointment, seminar or activity with MSD, an interview, employment opportunity or fails to work with one of our providers a number of MSD staff can initiate the obligation failure in our Ob-Man system moving the client into orange. If the client is in dedicated case management, then the case manager will work with the client to help them re-comply and return to green.
- 5 In other instances, in particular when clients fail to attend one of MSD's Kōrero Mahi seminars this process is automated, failure to attend will automatically initiate the obligation failures pathway.
- 6 There is no tactical advantage in moving this function away from some sites, the process now already automates a significant number of obligation failures, moreover it's not a single Case Manager but rather a range of front line roles who action obligation failures.

MSD is often connected in their communities...

- 7 MSD has reached out to their regional and local officials to understand whether regionalising obligation failures away from smaller sites where there may be a gang presence would help them better manage the sanctions regime.
- 8 Overwhelming anecdotal feedback has not surfaced a problem, and that they don't have an issue in the application of sanctions. Regions are confident staff in smaller communities are applying obligation failures in the same way as their counterparts in urban areas.
- 9 Local sites are very proud of being part of their communities and have a high level of integrity. They are supportive of an end-to-end process. By removing this function from local sites there is a risk we undermine the service they offer, taking away part of an important lever in the benefit system.
- 10 To support this a sample has been taken of some smaller service centres on their application of obligation failures and sanctions.

Service centre	Number of failures	Number of sanctions	Failures as Proportion of clients	Sanctions as Proportion of clients
National total	32,064	22,590	14.6%	10.3%
Kaikohe	222	162	12.1%	8.8%
Kaitiaia	288	231	11.4%	9.1%
Ngaruawahia	93	69	10.1%	7.6%
Opotiki	417	288	47.5%	32.8%
Rotorua	861	648	15.3%	11.5%
Tokoroa	279	186	12.9%	8.6%
Upper Hutt	177	150	10.2%	8.8%

- 11 This is rudimentary sample, which we were able to produce in the allowed timeframes for this paper. However, what we can see is that generally application of obligations and sanctions is within range of the national average.
- 12 The outlier from this data set, Opotiki, suggests a high activation of clients in Opotiki and robust application of the Traffic Light System and obligations framework.

Decision making works best when it is applied by our Case Managers...

- 13 Based in our Work and Income offices or in one of our phone-based case management units, Case Managers play a vital role in supporting clients in their communities. They work face-to-face or over the phone with clients to find ways to support and help them achieve their goals, ensuring they are fully supported as they work towards financial independence, primarily through employment.
- 14 Case Managers understand their local community, have detailed knowledge of the support services, have connections and relationships with a range of stakeholders and know the positive difference employment can make in peoples' lives.
- 15 They operate with high levels of trust, sensitivity, empathy and care for others.
- 16 They provide an end-to-end service, both setting expectations with their clients, holding them accountable for meeting their obligations while receiving benefit and connecting clients to employment opportunities. This is one of the advantages of MSD's Case Management service over other jurisdictions, they are able to administer both the welfare system and management of client obligations while also supporting them with MSD's suite of products and service and connecting them with employment.
- 17 Divorcing the decision-making process from the front line to a regionally or nationally based team would undermine the intent and relationship MSD's Case Managers have with their clients.
- 18 Furthermore, it would create additional administrative burden in the system and create a confusing client experience as well as potential delays in actioning sanctions. Ultimately, with the introduction of Non-Financial Sanctions, Case

Managers will still need to work with their caseloads on the most appropriate pathway and support them to re-comply or exit benefit.

- 19 MSD doesn't believe there is evidence that suggests there is a barrier to administering obligations in smaller sites.

MSD has robust Health and Safety Policies to manage anti-social behaviour...

- 20 MSD has robust health and safety policies that recognises that the nature of our work carries risk and supports our staff. A strong risk-based approach is taken, and security principles underpin all operational decisions affecting staff safety.
- 21 Some examples are our national programme of work called *Service Centres for the Future* that enhances the security layout in our service centres. Also, our training framework includes security awareness training and a regular cycle of mandatory safety drills that draw on the experience of actual security events.
- 22 All client threats are treated seriously, and staff are asked to report these so that appropriate actions can be taken including warning letters, trespass notices and Police referrals. We also have supports in place for staff who have received threats ranging from personal security advice and protections, to counselling through the Employee Assistance Programme (EAP).

Author: Benjamin Murray, Principal Advisor, Client Service Delivery.

Responsible manager: Jayne Russell, Group General Manager, Client Service Delivery.

Report



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATŪ WHAKAHIATO ORA

2

Date: 5 September 2024 **Security Level:** In Confidence

To: Hon Louise Upston, Minister for Social Development and Employment

File Reference: REP/24/9/827

Possible operational changes to Flexi-wage Self Employment

Purpose of the report

- 1 This report responds to a request from your office for advice on Flexi-wage Self Employment (FWSE), including what could be done operationally to tighten or focus its spend, for example by targeting FWSE towards those on Jobseeker Support.
- 2 Should you wish to make changes to FWSE, the report seeks your agreement for the Ministry of Social Development (MSD) to make changes to operational practices for FWSE in the first instance, ahead of further advice on more substantive changes to the assistance following finalisation of the upcoming evaluation reports on FWSE.

Recommended actions

It is recommended that you:

- 1 **note** that of the 525 participants in FWSE in 2023/24, 73 percent were on a Jobseeker Support benefit and MSD spent around \$11m on FWSE in the same year
- 2 **agree** to operational changes to FWSE including:
 - 2.1 strengthening external client facing information on what FWSE is, and what is required to apply
 - 2.2 improving internal guidance to MSD staff and/or an internal communications campaign to strengthen processes and tighten the

entry gateway to ensure we are only supporting business most likely to succeed

AGREE/DISAGREE

2

- 3 **agree** for MSD to provide you with further advice on FWSE once evaluation reports have been completed and operational changes embedded.
- AGREE/DISAGREE

George Van Ooyen
Group General Manager Employment

5 September 2024

Date

Edward May
Policy Manager, Employment Policy

5 September 2024

Date

Hon Louise Upston
Minister for Social Development

Date

Released under the
Access to Information Act

Background

- 3 FWSE is a wage subsidy intended to support unemployed people who are at risk of long-term benefit receipt and are disadvantaged in the labour market, to start their own businesses. It does this by helping them to overcome financial barriers associated with moving into self-employment.
- 4 In the 2023/24 financial year, MSD spent approximately \$11m on FSWE and 73 percent of FWSE participants were receiving Jobseeker Support, compared to 69 percent in 2022/23. Other participants were primarily Sole Parent Support clients (18 percent) and only five percent were not on benefit in 2023/24.
- 5 The cost¹ of FWSE was approximately \$9,500 per participant between 2012-2020. This increased to \$24,500 during the expansion period.
- 6 MSD has currently allocated around \$46m to fund Flexi-wage, of which a small proportion (\$11m last year) includes FWSE. This funding is comprised of \$21m baseline funding through the Multi-Category Appropriation (MCA), and \$25m of expansion funding transferred from the previous financial year. This is the last year that Flexi-wage has expansion funding and will return to baseline in 2025/26.
- 7 FWSE is enabled by a Cabinet minute rather than through legislation such as a Welfare Programme. FWSE also has two associated products, Business Training and Advice Grant (BTAG) and Self-employment Start Up Payment (SESU). These are often packaged together for clients, but are separate products enabled by the Employment and Work Readiness Assistance Programme (EWRAP) and funded through the Employment MCA.
- 8 FWSE is currently rated as effective, but as you are aware, FWSE evaluation reports are being finalised, and you should receive these by the end of this year.

Your office has asked for advice on possible changes to FWSE including how MSD can tighten FWSE operationally

- 9 We understand that your office wants to ensure that resource is focused on Jobseekers, and to support your target of 50,000 fewer people on the Jobseeker Support benefit.
- 10 As referenced in the weekly Social Development and Employment Update, since receiving your decision to make operational focus changes in April 2024, MSD staff have increased proactive engagement with Jobseeker Support clients. Clear investment directives were given to the regions during the

¹ All dollar values have been adjusted to 2024 values based on Statistic New Zealand's Consumer Price Index.

purchase plan process, and preliminary assessments of cohort uptake indicate this is already leading to a shift in the groups receiving Flexi-wage assistance towards Jobseekers.

- 11 The following operational changes can be made in the first instance to help ensure that the FWSE is being used effectively:
 - 11.1 strengthening external client facing information on what FWSE is, and what is required to apply
 - 11.2 improving internal guidance to MSD staff and/or an internal communications campaign to strengthen processes and tighten the entry gateway, including improving messaging to FWSE specialists who are part of the decision-making teams to bolster vetting and to ensure we are only supporting business most likely to succeed.
- 12 Your office has also asked about transferring funding from FWSE to Flexi-wage. Funding for FWSE is allocated through the Employment MCA. The flexibility of the MCA appropriation enables MSD to stop, trial, and expand programmes, as well as to move funding as needed. As FWSE funding is no longer ringfenced within general Flexi-wage funding, FWSE underspend can be redirected towards other employment supports, such as Flexi-wage. As SESU and BTAG are funded through the Employment MCA, we can also reprioritise funding where operational change results in an underspend.

We can consider more substantial changes to FWSE informed by findings from FWSE evaluation reports

- 13 More substantial changes to the settings of FWSE and/or its associated products will require further analysis and considerable time to implement. As FWSE is MSD's main product to support people into self-employment, it is important that it is effective, especially for people whom self-employment provides a better opportunity than conventional employment. Without FWSE and its associated products there is a gap in support.
- 14 Evaluation reports for FWSE are in the process of being finalised, and we are working to provide them to you by the end of the year. This will inform our further advice s9(2)(f)(iv)

- 15 Initial findings from the impact analysis suggest s9(2)(f)(iv)

s9(2)(f)(iv)

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Next steps

19 Subject to your agreement to the recommendations set out in this paper, we will:

19.1 implement operational changes to Flexi-wage Self Employment

19.2 provide you with further advice s9(2)(f)(iv)

following the finalisation of evaluation reports later in the year.

File ref: REP/24/9/827

Author: Moira McConnell, Policy Analyst, Employment Policy

Responsible manager: Edward May, Policy Manager, Employment Policy

Report



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATU WHAKAHIATO ORA

Date: 9 September 2024 **Security Level:** IN CONFIDENCE
To: Hon Louise Upston, Minister for Social Development and
Employment
File Reference: REP/24/6/576

Further advice on mechanisms in place to support safety in the delivery of social services

Purpose of the report

- 1 This report provides an overview of the current mechanisms in place to support safety in the delivery of social services and identifies where gaps in these mechanisms may exist.

s9(2)(f)(iv)

Executive summary

- 3 This report responds to your feedback on the Social Workers Registration Board (SWRB) advice on *Addressing Public Safety for social worker-like kaimahi*. You indicated that further work to consider safety in the delivery of social services should focus on the existing mechanisms in place to support safe practice.
- 4 There are a variety of mechanisms in place to support safety within the social service sector. These include monitoring and reporting, complaints and advocacy mechanisms, third-party assurance systems, procurement processes and contract management, and mechanisms that focus on the individual practitioner. These mechanisms are most effective when they work together as a coherent system.
- 5 Our initial review has indicated that there may be gaps in the mechanisms that support safety in the social service sector. These gaps include limited visibility of emerging provider-level risk, unclear system-level reporting and monitoring in some parts of the social service sector, and a lack of

accountability for responding to reports of concern in the Oranga Tamariki system.

- 6 There are opportunities to explore these potential gaps in further detail to better understand how to support safe practice.

s9(2)(f)(iv)

Recommended actions

It is recommended that you:

- 1 **note** there are a range of mechanisms across the social service sector to support safety in social service delivery (further outlined in **Appendix 1**)
- 2 **note** our initial review of these mechanisms has identified several potential gaps, including that funding agencies may have limited visibility of emerging provider-level risk, a lack of monitoring and reporting mechanisms in some parts of the social service sector, and limited accountability for responding to reports of concern in the Oranga Tamariki system

s9(2)(f)(iv)

s9(2)(f)(iv)



Samuel Willis
Policy Manager, Social Impact Policy
Ministry of Social Development

9/9/2024

Date

Hon Louise Upston
Minister for Social Development and
Employment

2240921

Date

Released under the Official Information Act 1982

Background

- 9 In April 2024, the Ministry of Social Development (MSD) provided you with initial advice on safety considerations for the social service sector workforce [REP/24/2/107]. This advice responded to the SWRB *Addressing Public Safety for social worker-like kaimahi*¹ report (SWRB report). The report recommended that further work be progressed to explore occupational regulation options for social worker-like kaimahi².
- 10 In May 2024, you discussed the SWRB report with MSD officials and the SWRB. You indicated that further work should focus on the existing mechanisms in place across the wider social service sector to support safe practice in the delivery of social services.
- 11 We agreed with your office that further advice would provide an overview of the mechanisms in place to support safety and manage the risk of public harm across the social service sector beyond social worker-like kaimahi; indicate where there may be gaps in these mechanisms; and suggest any next steps that may be required to consider the risk of public harm from the wider social service sector workforce.

There are a variety of mechanisms across the social sector that intend to support the safe delivery of social services

- 12 The social service sector spans several overlapping service areas. These include welfare services (such as after school youth development programmes, financial mentoring, and the Family Start programme), housing services (such as contracted transitional housing and support services), family violence and sexual violence services, contracted justice sector services, and services within the Oranga Tamariki, health and disability and education systems.
- 13 Within this overlapping system, there are a range of mechanisms in place to assure the safe delivery of social services and reduce the risk of public harm. In this context, safety refers to services being carried out to a minimum acceptable standard that does not increase the risk of, or cause harm to, people, whānau, or communities. 'Harm' can relate to the neglect

¹ Social Workers Registration Board (2024) *Addressing public safety for social worker-like kaimahi*. Wellington: Retrieved from <https://swrb.govt.nz/addressing-public-safety-for-social-worker-like-kaimahi/#:~:text=The%20report%20highlighted%20a%20number,the%20public%20and%20increase%20professionalism.>

² Social worker-like kaimahi are the 1,400 non-regulated workers identified through the Pay Equity Extension for Social Workers in the Funded Social Sector as doing work that is substantially similar to that of a social worker [CAB-22-MIN-0498 refers]

of a person's physical, mental, emotional, spiritual, cultural and/or family and social wellbeing needs³.

- 14 These mechanisms differ across service types and should be proportionate to the level of oversight and responsibility held. For example, the safety measures in place for an employee working closely with children in a youth justice facility will not be the same as those in place for an individual working with adults as part of an adult literacy programme.
- 15 The level of oversight that an organisation or individual may have over those they work with can also differ significantly based on the service they are responsible for delivering. This continuum can range from direct oversight, such as in the case of working in close contact with children in a residence, through to more transactional interactions such as in welfare support services.
- 16 Safety mechanisms are most effective when they work together as a coherent system. These mechanisms are both reactive and preventative, in that they support service users when something goes wrong, and information collected about these events allows lessons to be learnt to prevent future incidents.
- 17 The following paragraphs provide an overview of some of the key mechanisms in place to support safety in the delivery of social services and to manage the risk of public harm. These mechanisms include monitoring and reporting, complaints and advocacy, accreditation, procurement processes as well as mechanisms that focus on the individual practitioner. **Appendix 1** provides further detail of these mechanisms across different parts of the social service sector.

System level monitoring and complaints mechanisms aim to provide visibility and accountability across parts of the social service sector

- 18 Monitoring and reporting mechanisms provide visibility of areas of concern and can highlight where there may need to be changes to the way services are delivered to better prevent public harm. Monitoring and reporting mechanisms also ensure that there is a level of accountability for how government agencies respond to any relevant issues.
- 19 Complaints mechanisms provide individuals receiving services and their whānau appropriate avenues to raise concerns, and provide advocacy. When things 'go wrong' as part of the delivery of a social service, complaints mechanisms also help to provide avenues for appropriate resolution.

The Oranga Tamariki system has specific monitoring and reporting, and complaints mechanisms

- 20 There are three oversight agencies for the Oranga Tamariki system, which include the Independent Children's Monitor (Monitor), Children and Young People's Commission (Commission) and Ombudsman.
- 21 The Monitor is responsible for monitoring the performance of the system, including identifying areas for improvement. This includes producing a report every three years on the state of the Oranga Tamariki system. The Commission is responsible for advocating for the interests, rights and wellbeing of children in the Oranga Tamariki system and to help them navigate the system to resolve any issues they may identify. The Ombudsman is responsible for investigating and monitoring serious and significant issues in the system and handles complaints about Oranga Tamariki and its care and custody providers. These three entities are required to share information and to work collaboratively on issues identified within the system.
- 22 The role of the Monitor is set out in the Oversight of Oranga Tamariki System Act 2022, which also provides for the Ombudsman's function in relation to children. The role of the Commission is set out in the Children and Young People's Commission Act 2022. The Oranga Tamariki Act 1989 also includes provisions that support the oversight and monitoring of this system.

In addition, there are system-level monitoring and reporting and complaints mechanisms in place for the health and disability system

- 23 Similarly in the health and disability system, statutory system-level monitoring and reporting includes oversight from the Health and Disability Commission, Health Quality and Safety Commission, the Ministry of Health, and the Mental Health and Wellbeing Commission.
- 24 The Pae Ora (Healthy Futures) Act 2022 provides for the Health and Quality Safety Commission (HQSC) to work with the health sector to improve health and disability service safety, quality and outcomes. The Health and Disability Commissioner Act 1994 provides for system-level complaints, investigation and public advocacy roles for the health and disability system.

There are also additional avenues where complaints can be raised

- 25 Outside of the Oranga Tamariki and health and disability systems, the Ombudsman and Social Security Appeal Authority also provide mechanisms to investigate conduct of government agencies. In the case of the Ombudsman, this role focuses on handling complaints about, and investigating the administrative conduct of, any public sector agency. The

Social Security Appeal Authority hears complaints from applicants who wish to have a decision by MSD about a benefit reviewed.

Third-party assurance provides a mechanism to ensure providers have appropriate policies and processes in place to manage risk

- 26 Third-party assurance systems provide assurance that an organisation can safely deliver social services. Third-party assurance systems, such as Social Services Accreditation, can assess and monitor whether a provider has appropriate policies and processes in place to manage risk and prevent harm from unsafe practice.
- 27 Assurance systems use relevant industry standards to set a minimum benchmark for a provider's systems and processes, such as the:
 - Social Sector Accreditation standards (SSAS)⁴
 - Community Housing Regulatory Authority (CHRA) Performance standards
 - Ngā Paerewa Health and Disability Services Standard (HDSS).
- 28 Some services, which present the highest level of vulnerability and risk, can only be delivered by providers that meet relevant industry standards. These providers must be approved or assessed by an appropriate third-party assurance body. For example, under the Oranga Tamariki Act 1989, Te Kāhui Kāhu has the authority to approve selected community service providers on behalf of Oranga Tamariki. Oranga Tamariki is responsible for approving care partners under the Act and this approval is informed by an assessment by Te Kāhui Kāhu.
- 29 Many government funding contracts require providers to meet relevant industry standards. For example, MSD providers delivering a contracted social service are generally accredited against the SSAS.

Procurement and contract management processes add an additional layer of safety to the delivery of social services

- 30 Funders often use procurement and contract management processes alongside accreditation to manage the risk and performance of contracted social services.
- 31 The New Zealand Government Procurement Rules require funders to complete an initial due diligence check before awarding a contract to a provider. This check considers the provider's overall organisational ability to deliver the service safely. This process allows funders to check that a provider's organisational systems and processes meet minimum industry

⁴ [Accreditation Standards-Te Kāhui Kāhu \(xn--tekhuikhu-7bbe.govt.nz\)](https://www.xn--tekhuikhu-7bbe.govt.nz)

standards and look at whether the provider has previous performance issues with other agencies.

- 32 Funders also specify minimum contract requirements for funded social service providers. These minimum requirements may specify that a provider must be accredited against a relevant industry standard and/or employ staff with specific types of qualifications to deliver certain aspects of a service. Contract specifications usually also include escalation pathways that outline when providers must notify funders of serious incidents, risks or issues arising that impact the delivery of the contracted service.
- 33 Agencies also monitor the continuing performance and safety of contracted services through in-house contract management processes. These include reviewing regular reporting from providers and following up on any issues escalated to them by the public or the provider.

Mechanisms that focus on individual practice also aim to ensure safety within the social service sector

- 34 Within the social service sector, individuals are responsible for working within the professional, ethical and legal boundaries of their role and for participating in professional supervision (where required), ongoing training and other activities to maintain the skills and knowledge required to do their job safely.
- 35 There are several mechanisms that directly support the safety of a worker's practice and reduce the risk of public harm. These include employment law and employment agreements which set out an employee's professional obligations and responsibilities and steps that an employer can take if there are risks or issues identified with an employee's practice.
- 36 Statutory mechanisms, such as those included in the Health and Safety at Work Act 2015, can hold businesses, employers or individuals accountable for certain aspects of workplace health and safety, if an individual's professional practice leads or contributes to serious harm occurring.
- 37 The Children's Act 2014 requires all children's workers to be safety checked to reduce the risk of harm to children (this includes regulated workers whose work involves working without a parent/guardian present and involves regular or overnight contact with a child or children). Employers are accountable for ensuring safety checks are done. These safety checks involve a process of assessing any risk a person poses to the safety of children informed by identity checks, referee checks, interviews, work history, a New Zealand Police vet, checking professional

membership/registration⁵. The Children's Act 2014 also imposes a workforce restriction on core children's workers⁶ with convictions for specified offences⁷ unless they have been granted an exemption.

- 38 Membership with a professional association can also provide social service workers with development opportunities and can act as an external assurance mechanism for employers. For example, youth workers may become registered members of Korowai Tupu, the professional association for youth workers in New Zealand, if they hold appropriate qualifications and agree to adhere to the Ara Taiohi (the peak body for youth development in New Zealand) Code of Ethics. This voluntary membership allows them to access professional development, supervision and other support. However, there are a range of occupations in the social service sector that do not have a professional body, for example social service support workers.

Occupational regulation is a further mechanism that works to ensure safe practice

- 39 Occupational regulation helps to assure the public that regulated professions can safely deliver services within a relevant scope of professional practice. Outside of the health and disability and education system, occupational regulation is limited to social workers with approximately 12,500 registered social workers. Further examples of occupational regulation are found in the health sector and include professions such as psychologists. Professions subject to statutory regulation, are accountable for ensuring they maintain their competence to practice and adhere to the professional conduct standards prescribed by their regulatory body.
- 40 Within the occupational regulation framework, MSD are the stewards of the Social Workers Registration Act 2003 (SWR Act), which is the main mechanism for regulating social workers. There are currently two pieces of work underway to strengthen the regulatory settings for social workers. The first is the Social Workers Registration Amendment Bill which seeks to make minor and technical amendments to the SWR Act in order to improve the efficiency and effectiveness of operations carried out under the Act. The second piece of work focuses on working with the SWRB to respond to workforce supply issues.

⁵ Oranga Tamariki. (2023) Safety Checking. Retrieved from <https://www.orangatamariki.govt.nz/working-with-children/childrens-act-requirements/safety-checking/>.

⁶ Core workers are defined as children's workers who are the only children's worker present or are the children's worker that has primary responsibility for, or authority over, the child/ren.

⁷ Outlined in Schedule 2 of the Children's Act 2014.

There is still a risk that harm can occur if social services are not delivered safely

- 41 Although there are a range of mechanisms in place to support the safe delivery of social services, there is still a risk of harm occurring to those receiving services.
- 42 The risk of harm is increased when there are not adequate safety mechanisms in place, or if these mechanisms are not working as intended. Harm tends to occur when multiple things 'go wrong' across a service system and a coherent system required to ensure things 'go right' is not able to catch and/or correct these issues⁸. This means that preventing harm requires a system-based approach.
- 43 Situations that may increase the likelihood of harm include where staff are entrusted with private information, work with at-risk people with complex needs who may need support to make decisions, and where staff work in people's homes with no one else present. For example, the Accredited Visitor Service relies on volunteers who regularly enter older people's homes (many of whom may be vulnerable and/or socially isolated).

Recent reports and data highlights that there is still harm occurring across different social service areas

- 44 Given the size, diversity and lack of coherent system monitoring of the social service sector, there is limited data available on where, or to what extent, harm may be occurring. However, recent reports and information across different social service areas⁹ help to provide an initial view. The following examples highlight the nature of different types of harm that can occur:
 - The 2023 review¹⁰ of Oranga Tamariki care and protection and youth justice residences noted alleged incidents where staff have physically and sexually abused children and young people in their care and allowed

⁸ Agency for Healthcare Research and Quality Patient Safety Network (2019). *Human Factors Engineering*; World Health Organization (2021). *Global Patient Safety Action Plan 2021-2030: Towards eliminating avoidable harm in health care*.

⁹ Information and data sources include the Health and Disability Commission, Oranga Tamariki, and Te Kāhui Kāhu and the following recent reports: *Whanaketia: Through Pain and Trauma, From Darkness to Light*, RCOI Abuse in Care (2024); *Children in Care: Complaints to the Ombudsman 2019-2023* (Ombudsman, 2024); *Oranga Tamariki Secure Residences and a Sample of Community Homes Independent, External Rapid Review* (Mike Bush, 2023); *Ensuring Strong and Effective Safety Nets to Prevent Abuse of Children – Joint Review into the Children's Sector: Identification and Response to Suspected Abuse* (Dame Karen Poutasi, 2022); *Ministerial Advisory Board Review of Oranga Tamariki Residences* (OT Ministerial Advisory Board, 2021).

¹⁰ Debbie Francis and Paul Vlaanderen (2023). *Oranga Tamariki Secure Residences and A Sample of Community Homes Independent External Rapid Review*. Retrieved from [Secure-residence-review.pdf](https://www.orangatamariki.govt.nz/secure-residence-review.pdf) ([orangatamariki.govt.nz](https://www.orangatamariki.govt.nz)).

young people in their care to violently abuse others, leading to physical injury and mental distress.

- The Independent Children's Monitor report which examined the implementation of the recommendations of Dame Karen Poutasi following the death of Malachi Subecz noted that "children are no more safe than they were before Malachi's death". In particular, the report notes that when people report concerns, the response from Oranga Tamariki is not sufficiently focused on the safety of the child¹¹.
- For the approximately 2,000 providers covered by Social Services Accreditation, Te Kāhui Kāhu (which administers Social Services Accreditation) responded to 46 complaints in 2023/24 and 29 complaints in 2022/23 about providers on behalf of six social sector funding agencies¹². These complaints include allegations about a child being assaulted by other children at an Out of School Care and Recreation (OSCAR) programme, a manager inappropriately touching young females attending a drop-in centre, and a provider failing to complete appropriate pre-employment safety checks for children's workers.

45 These reports highlight that harm can still occur in the current context, despite the range of mechanisms that are in place to support safety in the delivery of social services.

46 Further information and data available on harm occurring from unsafe social service practice is outlined in **Appendix 2**.

The recent RCOI Abuse in Care report has highlighted the impact of harm that has taken place historically

47 The RCOI Abuse in Care provided historical examples of neglect and abuse suffered by children in care, between 1950 and 1999. For example, some people giving evidence to the RCOI Abuse in Care shared that they were physically and/or sexually abused by care workers and not always provided with the food, medication, emotional, cultural and family support required to meet their basic needs.

48 Since 1999, a range of mechanisms have been put in place to address the risk of harm occurring, including third-party assurance systems and monitoring and reporting functions. However, as outlined above, several

¹¹ Independent Children's Monitor (2024). *Towards a Stronger Safety Net to Prevent Abuse of Children: a review of the implementation of the recommendations of Dame Karen Poutasi following the death of Malachi Subecz*. Retrieved from <https://aroturuki.govt.nz/assets/Reports/poutasi/Review-of-implementation-of-Poutasi-recommendations.pdf>

¹² Oranga Tamariki, MSD, Ministry of Housing and Urban Development, Ministry of Justice, Department of Corrections, Ministry for Pacific Peoples.

reports into the current state of the social service sector indicate that there are still some gaps.

Our initial review has indicated that there may be some gaps in social service safety mechanisms

- 49 Our initial desktop review of the existing safety mechanisms in place across the social service sector indicates that there may be potential gaps in managing the risk of harm. ^{s9(2)(f)(iv)}

^{s9(2)(f)(iv)}

There is currently limited visibility of emerging provider-level risk

- 50 Providers funded to deliver contracted social services across different parts of the sector may be subject to overlapping reporting and monitoring requirements across different assurance systems. This is because different contracts may require them to demonstrate that they meet multiple industry standards. For example, providers delivering contracted housing, employment and health services would usually have to be accredited against the Community Housing Regulatory Authority Performance Standards, Social Sector Accreditation Standards, and the Health Care Services Standards.
- 51 Fragmentation of different assurance systems and duplication of industry standards used across the social service sector can reduce the visibility of provider-level risk. Funders using one assurance system may not be made aware of provider-level risk identified by another assurance system because of a lack of formal mechanisms to share this information. This may also prevent data sharing on risk and harm from unsafe practice across the social service sector to inform prevention activities.
- 52 Further, the duplication of some industry standards creates additional compliance burden for providers and funders, which has also been highlighted as part of the shared assurance work undertaken through Social Sector Commissioning. It can also create a lack of clarity about which assurance body is responsible for ensuring that a provider addresses issues raised across more than one assurance system.

Some service areas do not have clear system-level reporting and monitoring or independent complaints mechanisms

- 53 While independent monitoring and complaints mechanisms exist in the health and disability and Oranga Tamariki system, these mechanisms are not as clear for the wider social service sector.
- 54 System-level monitoring and reporting is important to identify and address potential risks and issues. However, there are no clear system-level monitoring and reporting for some parts of the social service sector.

- 55 In particular, there is no current data system to inform harm prevention activities and assess their effectiveness. Insights from this monitoring and reporting help to change behaviour and ensure greater public visibility.
- 56 Te Kāhui Kāhu and the Ombudsman provide an avenue for receiving and responding to complaints, however, these are less targeted or accessible compared to in the Oranga Tamariki and health and disability systems. Complaints to Te Kāhui Kāhu would need to relate to a specific breach to the Social Sector Accreditation Standards and would require a provider to be delivering an accredited service. Further, outside of the Oranga Tamariki system, the Ombudsman does not have a mandate to investigate complaints about third-party providers.
- 57 Several reports on harm occurring in the social sector, including the RCOI Abuse in Care, and Ombudsman's report on complaints from children in care from 2019-2023, highlight the importance of supporting service users and their whānau wishing to raise concerns about the services they access. These reports highlight the importance of having independent avenues to escalate complaints where issues cannot be resolved at the provider level.

Within the Oranga Tamariki system there is limited accountability for responding to reports of concerns or breaches of standards


- 58 While mechanisms are in place to monitor and report on concerns within the Oranga Tamariki system, the Monitor does not have any ability enforce any recommendations that they report on.
- 59 The Monitor's report on the implementation of the recommendations of Dame Karen Poutasi noted several concerns with the system for reports of concern. This includes, for example, staff capacity influencing decision making, gaps in practice guidance, professional development, and processes, induction and training not adequately supporting some social workers, and a failure to not follow correct practice in response to reports of concern.
- 60 The Monitor has also outlined that the minimum standards set out by the National Care Standards are not being consistently met¹³. Their report highlights that while there has been some improvement in compliance, there is still more to be done, and findings of abuse and neglect have increased. Key findings include, for example, social workers are not able to see tamariki and rangatahi as often as they need, tamariki and rangatahi feel as though they aren't listened to, fewer rangatahi leaving care are being supported, and caregivers continue to need more support.

¹³ Independent Children's Monitor (2024). *Experiences of Care in Aotearoa: Agency Compliance with the National Care Standards and Related Matters Regulations*. Retrieved from: <https://aroturuki.govt.nz/assets/Reports/EOCR2223/EOCR-2022-23.pdf>

We have identified opportunities to explore these potential gaps to better understand the risk of public harm

- 61 The above analysis provides an initial view of the mechanisms in place to support safe practice in the delivery of social services and where there may be gaps in these mechanisms. However, further work is required to better understand the level of risk that these gaps may present. s9(2)(f)(iv)

s9(2)(f)(iv)




Next steps

s9(2)(f)(iv)



s9(2)(f)(iv)



Appendix 1: Overview of mechanisms to reduce the risk of public harm from unsafe practice for contracted social sector services

Appendix 2: Summary of findings from key reports published from 2019 to 2024 on incidents of harm occurring from social services

File ref: REP/24/6/576

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Responsible manager: Samuel Willis, Policy Manager, Social Impact Policy

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Appendix 1: Overview of mechanisms to reduce the risk of public harm from unsafe practice for contracted social services

Table 1: High-level description of different service areas included in the scope of work on considering the safety of the wider social services sector

High-level overview of different service areas across the social sector							
	Welfare	Housing	Family Violence Sexual Violence (FVSV)	Justice	Oranga Tamariki System	Health and Disability	Education
Types of services included in this service area	Contracted welfare system services including employment, food security, financial mentoring.	Contracted services including social housing.	Contracted services to prevent and address family violence and sexual violence.	Contracted court system services such as victim support, restorative justice, supervised care supervision, some youth justice programmes.	Contracted services related to the care and protection of children and young people and youth justice.	Contracted health and disability services including primary care, community home and support services, residential care, and health promotion services.	Contracted education services including early childhood education, and alternative education provision.
Key agencies for this service area	Ministry of Social Development Ministry of Housing and Urban Development	Ministry of Social Development Ministry of Housing and Urban Development	Ministry of Social Development Ministry of Justice ACC	Ministry of Justice Oranga Tamariki Department of Corrections New Zealand Police	Oranga Tamariki	Ministry of Health which also has a statutory leadership role for the health and disability system. Health New Zealand Whaikaha	Ministry of Education which also has statutory leadership of the education system.

Table 2: Overview of key mechanisms in place to prevent the risk of harm from unsafe practice across different parts of the social sector

Existing safeguards		Key service areas across the social sector						
		Welfare	Housing	FVSV	Justice	Oranga Tamariki System	Health and disability	Education
Reporting and monitoring	Statutory		Community Housing Regulatory Authority mandatory annual reporting for registered community housing providers	Oranga Tamariki oversight mechanisms apply to services included in the Oranga Tamariki system	Oranga Tamariki oversight mechanisms apply to Youth Justice services	Oversight of Oranga Tamariki Act 2022 mechanisms via: <ul style="list-style-type: none">- Independent Children’s Monitor- Ombudsman- Children’s Commissioner	Statutory system-level monitoring and reporting by: <ul style="list-style-type: none">- Health and Disability Commission- Health Quality and Safety Commission- Ministry of Health (including HealthCERT oversight of regulated providers)- Mental Health and Wellbeing Commission	Statutory system-level monitoring and reporting by: <ul style="list-style-type: none">- Education Review Office (providers with statutory certification/licensing requirements)- New Zealand Qualifications Authority- Ministry of Education
		Te Kāhui Kāhu has delegated authority to approve OSCAR providers under s45 – 47 of the Social Security Regulations 2018. Approval can be			Te Kāhui Kāhu has delegated authority to approve and monitor providers on behalf of the Ministry of Justice under the Adoption	Oranga Tamariki Act 1989 s396 (sets out Oranga Tamariki approval and monitoring of third-party care providers). Te `Kāhui Kāhu assesses care		

Existing safeguards		Key service areas across the social sector						
		Welfare	Housing	FVSV	Justice	Oranga Tamariki System	Health and disability	Education
		suspended/revoked for non-compliance.			(Intercountry) Act 1997. This Act is administered by Oranga Tamariki and Te Kāhui Kāhu approve intercountry adoption providers on Oranga Tamariki's behalf. Approval can be suspended/revoked for non-compliance.	partners against the SSAS to inform Oranga Tamariki's approval process. Oranga Tamariki Act 1989 s403 (sets out Oranga Tamariki approval and monitoring of third-party community service providers which Te Kāhui Kāhu performs on behalf of Oranga Tamariki). Approval can be revoked/suspended for non-compliance		
		Occupational regulation reporting and monitoring systems for the regulated workforce						
	Non statutory	Social services accreditation system which includes reporting and monitoring of providers accredited against the Social Sector Accreditation Standards					Various assurance systems that monitor and report the compliance of providers against specified industry standards e.g. Cornerstone Accreditation of General Practice	
		Service-level reporting and monitoring by funding agencies through contractual mechanisms and relationships with providers						
Complaints and investigation mechanisms	Statutory		Community Housing Regulatory Authority can receive and investigate complaints about registered social housing providers under the Public and Community Housing Management Act 1992 Part 10 and Public and Community Housing Management (Comm	Oversight of Oranga Tamariki Act 2022 mechanisms apply to services that are included in the Oranga Tamariki system	Oversight of Oranga Tamariki Act 2022 mechanisms apply to Youth Justice services	Oversight of Oranga Tamariki Act 2022 mechanisms via: <ul style="list-style-type: none">- Independent Children's Monitor- Ombudsman- Children's Commissioner	Health and Disability Commission	Complaints and investigations processes for Early Childhood Education providers regulated by the Education and Training Act 2020

Existing safeguards		Key service areas across the social sector						
		Welfare	Housing	FVSV	Justice	Oranga Tamariki System	Health and disability	Education
Complaints and investigation mechanisms	Non-statutory	and investigation of serious wrongdoing in the workplace, and provides protection for employees and other workers who report concerns.						
		The Social Security Appeal Authority hears complaints from applicants who wish to have a decision by MSD about a benefit reviewed.						
		Social Services Accreditation: Te Kāhui Kāhu can receive and review service-level complaints about an accredited provider’s adherence to the Social Sector Accreditation Standards. If providers fail to address compliance issues, Te Kāhui Kāhu may take a series of actions resulting in removal of their accreditation.					Third party assurance systems that accredit service providers against specific industry standards may review complaints in relation to an accredited providers adherence to the relevant accreditation standard	
		Funding agencies may accept and/or investigate complaints about a contracted provider in relation to contractual terms and conditions.						
		Providers accredited against the Social Sector Accreditation Standards must have a complaints and investigation policy in place.					Accreditation standards require accredited providers to have a complaints and investigation policy in place and this is usually a contractual requirement.	
		The Ombudsman handles complaints about and investigates the administrative conduct of public sector agencies.						

Existing safeguards		Key service areas across the social sector						
		Welfare	Housing	FVSV	Justice	Oranga Tamariki System	Health and disability	Education
							The Accident Compensation Appeals District Court Registry hears appeals about decisions made under the Accident Compensation Act 2001.	
Advocacy and support for service users and their whānau	Statutory			Oversight of Oranga Tamariki Act 2022 mechanisms apply to services that are included in the Oranga Tamariki system	Oversight of Oranga Tamariki Act 2022 mechanisms apply to Youth Justice services	Oversight of Oranga Tamariki Act 2022 mechanisms via: <ul style="list-style-type: none">- Independent Children’s Monitor- OmbudsmanChildren’s Commissioner	Health and Disability Commission independent advocacy services	
	Non-statutory	Providers accredited against the Social Sector Accreditation Standards must have systems and processes that: <ul style="list-style-type: none">- protect the rights and wellbeing of complainants and their whānau- provide an independent escalation point if complaints are not appropriately resolved internally.					Accreditation standards require providers to have systems and processes that protect the rights and wellbeing of complainants and their whānau as per the Health and Disability Commissioner Code of Health and Disability Services Consumers’ Rights.	
		General community advocacy supports may be available for complainants or their whānau such as the Citizen’s Advice Bureau						

Existing safeguards		Key service areas across the social sector						
		Welfare	Housing	FVSV	Justice	Oranga Tamariki System	Health and disability	Education
		ACC manages the accident compensation scheme and makes decisions about claims. The scheme provides accident insurance cover for accidental injuries to New Zealand citizens, residents and temporary visitors to New Zealand. This includes injuries that may arise from social service delivery.						

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Appendix 2: Summary of findings from key reports published from 2019 to 2024 on incidents of harm occurring from social services

Review	Summary of findings on harm occurring in social services
<p><i>Children in Care: Complaints to the Ombudsman 2019-2023</i></p> <p>The Ombudsman</p> <p>February 2024</p>	<p>This report highlighted several themes from complaints to the Ombudsman on the practice of people working with children in care, predominantly for Oranga Tamariki.</p> <p>This report highlights that social service practice issues raised by complainants were not usually caused by malicious behaviour. However, it highlights the impact of poor practice on children in care and their families and whānau and notes system gaps that enable poor practice.</p> <p>The Ombudsman has identified several key themes relating to the findings of its investigations into complaints made about Oranga Tamariki, including the following:</p> <ul style="list-style-type: none"> • Young people said they had not been listened to when they complained about an issue. • Reports of Concern were not acted on, recorded properly, or responded to adequately. • Information provided to the Family Court was inaccurate, outdated, incomplete or biased. • Issues around uplifts of children including, not fully searching for whānau or failing to consult whānau, the treatment of parents as disabled people and failing to seek the views of the child. • Disabled parents and children were not consulted on decisions affecting them, or assumptions were made about their abilities which impacted on decisions. • Failure to respect and engage with Māori in a culturally appropriate way, including not engaging with whānau, hapū and iwi, failing to consider tikanga-informed practice, and not considering Māori cultural frameworks or Te Tiriti o Waitangi. • Failure to consider financial payments as a remedy, inadequate financial assessments, and declining to reassess amounts. • Inadequate or unreasonable apologies. • Inadequate record-keeping, transfer of information. • Inadequate communication and support for parents. • Lack of natural justice opportunities (such as opportunities for comment before a decision is made).

<p><i>Oranga Tamariki Secure Residences and a Sample of Community Homes</i></p> <p>Mike Bush</p> <p>September 2023</p>	<p>This report is a rapid review to respond to alleged incidents occurring in Oranga Tamariki Secure Residences and community homes. The report considers the factors contributing to these alleged incidents and the safety of people living and working in these facilities and home and identifies that there is:</p> <ul style="list-style-type: none"> • a misalignment between the complex and high needs of the tamariki and rangatahi being cared for, the workforce in place to care for them and the clarity, structures and support needed to provide the required level of care • a need to further strengthen health and safety culture, accountability and reporting within residences. Reporting and response systems for both staff and rangatahi need to be easier to access, more timely and more effective in responding to the issues raised • a need to translate Oranga Tamariki values into specific behaviours, for which all residence staff and managers are held to account through more rigorous performance management and coaching systems • a need to lift the level of leadership expertise (especially in first line leadership roles) within these environments through increased investment in induction, professional development, coaching and leadership development • Standard Operating Procedures need to reflect best practice rather than reinforcing how things are currently done and supporting tools, systems and processes need to be modernised and aligned • a need to better align the property portfolio to enable the service model needed as secure residences are tired assets that are not conducive to securing good therapeutic outcomes for young people. <p>The summary of relevant findings is taken from: <i>Response to Independent External Rapid Review into Secure Residences & a Sample of Community Homes</i> (2023), Oranga Tamariki.</p>
<p><i>Ensuring Strong and Effective Safety Nets to Prevent Abuse of Children – Joint Review into the Children’s Sector: Identification and Response to Suspected Abuse</i></p> <p>Dame Karen Poutasi</p> <p>December 2022</p>	<p>The Poutasi report highlights the importance of ‘a system of mutually reinforcing, purposefully structured safety nets’ in care and protection services so where and when people or whānau fall through one safety net, they can be caught by other back-stops. It identifies five key system factors that did not provide the interlocking safety nets required to prevent the death of this child, including gaps in:</p> <ul style="list-style-type: none"> • identifying needs of a dependent child when charging and prosecuting sole parents through the court system • the process for assessing risk of harm to a child, which is too narrow and one dimensional

	<ul style="list-style-type: none"> agencies and their services not proactively sharing information, despite enabling provisions a lack of reporting of the risk of abuse by some professionals and services allowing a child to be invisible as the system's settings, approach and focus enabled Malachi to be unseen at key moments when he needed to be visible.
<p><i>Ministerial Advisory Board Review of Oranga Tamariki Residences</i></p> <p>Oranga Tamariki Ministerial Advisory Board</p> <p>October 2021</p>	<p>This report notes the following issues:</p> <ul style="list-style-type: none"> there is a significant unmet demand for acute care places and an urgent need for more options for secure therapeutic care there is a need for a workforce that is purposefully matched to this demand, and to support those tamariki and rangatahi that are in residential care there is a need for more national-level support for residences, including for national standard operating procedures and with recruitment, induction, training and supervision there is an opportunity to refresh the grievance process so it is fit for purpose to support ongoing improvements to residential care there is a need to provide a holistic and therapeutic approach for each tamaiti in the care of the residences, as well as in the broader care system, with regular monitoring and assurance in place to ensure a culture of continuous improvement.
<p><i>Tāwharautia: Pūrongo o te Wā Interim Report Volume 1 and Volume 2</i></p> <p>Royal Commission of Inquiry into Abuse in Care</p> <p>December 2020</p>	<p>These reports outlined the short- and long-term impacts of harm from unsafe and abusive practice of care facilities and care workers. They note that abuse in care is still occurring and how system failures and gaps allow harm to continue. See further information from <i>Whanaketia: Through Pain and Trauma, From Darkness to Light</i> in the first row of this table for more information.</p>
<p>Waitangi Tribunal Health and Housing Waitangi Tribunal Kaupapa Inquiries published findings</p> <p>Waitangi Tribunal</p>	<p>The stage one report on the health kaupapa inquiry highlighted failures in the Crown's treaty obligations to Māori in the provision of healthcare. This included in relation to cultural competence and institutional racism within the health workforce and the systems behind it. The report emphasised the need for treaty principles to be considered in the planning, delivery, and monitoring of health services to ensure equitable outcomes.</p>

<p>Note: both these inquiries are still active and ongoing</p> <p>The current published findings are by the Waitangi Tribunal.</p> <p>The Crown has not formally accepted or disputed any findings or recommendations from these.</p>	<p>There are likely to be implications and connections from future findings from both WAI 2575 Health and WAI 2750 Housing Policy and Services Kaupapa Inquiries for MSD's wider social service workforce considerations.</p>
<p><i>Whanaketia: Through Pain and Trauma, From Darkness to Light</i></p> <p>Royal Commission of Inquiry into Abuse in State Care (RCOI Abuse in Care)</p> <p>July 2024</p> <p>Note: this report provides a historical snapshot of events taking place between 1950 and 1999.</p> <p>As of August 2024, the Crown is considering its response and has not yet accepted or disputed these RCOI findings and recommendations.</p>	<p>Evidence submitted to the Royal Commission of Inquiry into Abuse in State Care highlights cases where people were physically and/or sexually abused by care workers which has led to long term mental health issues and substance abuse. People were also neglected in state care during the inquiry period of 1950 to 1999, for example, people who were in care reported that they were not always provided with the food, medication, emotional, cultural and family support to meet their basic needs. The final report from the RCOI Abuse in State Care is substantial and makes 138 recommendations to address the institutional and systemic issues that led to the abuse of people in care and the long-term harm this abuse caused.</p> <p>The RCOI Abuse in Care found that any of the circumstances that made it more likely a child, young person or adult would enter care were often the same factors that placed them at an increased risk of abuse and neglect in care settings. These circumstances included being deaf, disabled or experiencing mental distress with unmet needs, being raised in poverty and experiencing deprivation and experiencing significant or multiple adverse childhood events. Being Māori, Pacific, or Takatāpui, Rainbow or MVPFAFF+ and experiencing discrimination was another factor. Further, having a deferential attitude to people in positions of authority, holding them in the highest regard, including faith leaders and medical professionals also contributed.</p> <p>The RCOI Abuse in Care identified several issues that lead to abuse in Care between 1950 and 1999:</p> <ul style="list-style-type: none"> • Abusers misused their positions of power and control to carry out abuse and neglect and they also lied, silenced survivors and manipulated others to avoid accountability. • Standards of care were routinely breached and were often unclear or absent. • Poor employment policies, practices contributed to abuse and neglect.

- Complaints processes were absent or easily undermined.
- Oversight and monitoring did little to change the experiences of people in care between 1950 and 1999 as it was either absent or ineffective. For example because it was fragmented and piecemeal, and mechanisms that were put in place did not always have the resourcing or levers required to address issues of abuse.

The final RCOI Report makes a suite of recommendations for the Crown to implement to address the factors that allowed abuse to occur and to prevent abuse in care persisting in the future. The following groups of recommendations are outlined in *Whanaketia Part 9: The Future - Hei ara mōu kei taku pōkai kotuku*:

- Develop a new independent Care Safety Agency and National Care Safety Strategy
- Establish a new Care Safety Act
- Consistent and comprehensive safety standards and penalties for non-compliance

Care providers to be accredited and prioritise safeguarding, including registration for all care workers.

Report



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATŪ WHAKAHIA TO ORA

Date: 15 August 2024 **Security Level:** In-confidence

To: Hon Nicola Willis, Minister of Finance
Hon Chris Bishop, Minister of Housing
Hon Louise Upston, Minister for Social Development and
Employment

File Reference: REP/24/7/607

Temporary Accommodation Assistance: Initial advice on an enduring solution

Purpose of the report

- 1 This report seeks your decision on the scope of joint agency work to develop a long-term support framework (the enduring solution) that will replace the Temporary Accommodation Assistance (Severe Weather Events) Programme (the TAA) as part of the response to emergencies in the future, including:
 - 1.1 who will be eligible for this support
 - 1.2 how wide a range of levers to consider in the design of the enduring solution, s9(2)(f)(iv) and
 - 1.3 the timing of the next steps of this work, s9(2)(f)(iv)


Executive summary

- 2 The TAA is an interim payment solution that was set up at pace in July 2023 to support a small group of insured homeowners displaced from their properties by the North Island Severe Weather Events (NISWE). Its settings reflect the most time-effective options that were available rather than the most effective long-term form of support.
- 3 The TAA sits within a wider landscape of government supports and products available to help displaced households with their accommodation needs in an emergency. Under current emergency management settings, the Ministry

of Business, Innovation and Employment (MBIE) is responsible for coordinating the provision of temporary accommodation, which it provides through the Temporary Accommodation Service (MBIE TAS).

- 4 Some homeowners displaced by NISWE did not enter MBIE TAS-supplied temporary accommodation and instead procured private rental properties. They faced two sets of accommodation costs, both for rent and the ongoing costs associated with their damaged home. Insurance cover for temporary accommodation supported them for a time but began to run out by mid-2023. These homeowners sought financial assistance from government as they felt they faced financial hardship. The TAA was set up as an interim solution to this issue.
- 5 At that time, Cabinet directed MSD, MBIE, and the Ministry of Housing and Urban Development (HUD) to develop options for an enduring solution for homeowners affected in future events [CAB-23-MIN-0312 refers]. In April 2024, the Minister of Finance, Minister of Housing, and Minister for Social Development and Employment (Joint Ministers) confirmed that this work should resume. We seek Joint Ministers' decision on whether this work should keep or change the scope set by the previous Government.
- 6 We seek Joint Ministers' agreement that the scope of this work should cover all homeowners displaced from their homes by emergencies who face two sets of accommodation costs for their home and temporary accommodation.

s9(2)(f)(iv)



7

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9 s9(2)(f)(iv)

10

11 s9(2)(g)(i)

- 12 We recommend circulating this report to the Minister for Emergency Management and Recovery, Hon Mark Mitchell, given the strong interactions with work in his portfolio, including DPMC's review of emergency management settings.

Recommended actions

It is recommended that the Minister of Finance, Minister of Housing, and Minister for Social Development and Employment (Joint Ministers):

- 1 **note** that the current Temporary Accommodation Assistance (TAA) Programme was an interim solution for a specific event and s9(2)(g)(i)
- 2 **note** that the extension of the interim TAA Programme provides certainty for the current cohort of 104 homeowners until 30 June 2025
- 3 s9(2)(f)(iv)
- 4 **note** that we seek Joint Ministers' direction on the scope for an enduring solution, including how wide a population it should support and the levers to explore, and that this has implications for agency roles, responsibilities and priorities

- 5 **agree** that work on an enduring solution should focus on homeowners who are displaced from their homes by emergencies such as natural disasters and face two sets of ongoing accommodation costs while they are displaced, and should consider s9(2)(f)(iv)

s9(2)(f)(iv)

AGREE / DISAGREE

Minister of Finance

AGREE / DISAGREE

Minister of Housing

AGREE / DISAGREE

**Minister for Social
Development and
Employment**

- 6 **agree** that officials should consider the full range of levers available to government which could be used as part of an enduring solution, including payment and non-payment forms of support, s9(2)(f)(iv)

s9(2)(f)(iv)

AGREE / DISAGREE

Minister of Finance

AGREE / DISAGREE

Minister of Housing

AGREE / DISAGREE

**Minister for Social
Development and
Employment**

- 7 **discuss** with officials any initial views you have on the levers we have identified which could be used in an enduring solution

- 8 **agree** to direct MSD, HUD, and MBIE to develop a joint report for Joint Ministers which provides detailed options for an enduring solution to support the eligible population group, using the scope and levers agreed in recommendations 5 and 6

AGREE / DISAGREE

Minister of Finance

AGREE / DISAGREE

Minister of Housing

AGREE / DISAGREE

**Minister for Social
Development and
Employment**

- 9 **agree** that agencies will provide the joint report specified in recommendation 8 to Joint Ministers in December 2024, after DPMC have reported back to Cabinet on the emergency management system in September 2024

AGREE / DISAGREE

Minister of Finance

AGREE / DISAGREE

Minister of Housing

AGREE / DISAGREE

**Minister for Social
Development and
Employment**

- 10 **agree** to circulate this advice to the Minister for Emergency Management and Recovery, given interactions with work underway in his portfolio.

~~AGREE~~ / DISAGREE

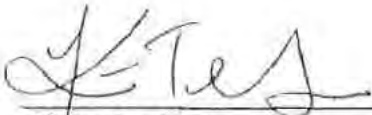
Minister of Finance

AGREE / DISAGREE

Minister of Housing

AGREE / DISAGREE

**Minister for Social
Development and
Employment**



Katy Te Amo
General Manager (Acting), Regional, Social
and Inquiries Policy

15.08.2024

Date



Hon Nicola Willis
Minister of Finance

28/8/24

Date

Hon Chris Bishop
Minister of Housing

Date

Hon Louise Upston
Minister for Social Development and
Employment

Date

Background

- 13 The Temporary Accommodation Assistance (Severe Weather Events) Programme (the TAA) provides specified homeowners displaced from their properties by specified events¹ with flat-rate payments to support them with the cost of rental properties they are using as temporary accommodation.²
- 14 These homeowners faced two sets of costs for their damaged home and their temporary accommodation. They sought financial assistance from government after exhausting the temporary accommodation cover available from their insurers to help meet these costs. They did not use other forms of support like the Temporary Accommodation Service (MBIE TAS). While agencies did not collect data on the reasons for non-uptake of MBIE TAS, anecdotal evidence suggests that this was because the options did not meet displaced people's needs or preferences (for example, due to distance from their community, education, or employment).
- 15 The TAA was developed at pace and used a payment solution as a quick and convenient means of supporting these homeowners for a limited time. It was not intended as a permanent form of support, nor as a template to respond to other events in the future. s9(2)(f)(iv)
- s9(2)(f)(iv)
- 16 The TAA sits within a broader system of existing government supports that help displaced people with their accommodation needs. MBIE is responsible for coordinating the provision of temporary accommodation in an emergency, which it provides through MBIE TAS. Some people in MBIE TAS accommodation faced similar issues with dual housing costs, and had reductions approved to the part payments they were required to make. Some people were eligible for welfare products like the Accommodation Supplement, which can be used to help meet the costs of owning a home.
- 17 Between September 2023 and 30 June 2024, the TAA provided \$2.546 million to support 157 recipients, of whom 104 were still receiving payments as of 30 June. MBIE estimates that 396 households entered MBIE TAS-supplied accommodation over the same period. **Appendix 1** provides

¹ Initially the TAA covered the North Island Severe Weather Events of January and February 2023. A later Ministerial decision subsequently included the Nelson, Marlborough and Tasman Floods of October 2022.

² In the context of this briefing, "temporary accommodation" has the same meaning as that used in the National Civil Defence Emergency Management Plan 2015 (CDEM Plan), referring specifically to accommodation used by displaced people "for a prolonged period (generally several weeks, months, or, possibly, years)".

further detail on the costs, target population (the TAA cohort), and the rationale behind the TAA.

- 18 At the time Cabinet approved the TAA, it noted that MSD, MBIE, and HUD would develop options for an enduring solution to support displaced homeowners with private rental accommodation, to replace the TAA [CAB-23-MIN-0312 refers]. That work was paused in late 2023. In April 2024, the Minister of Finance, Minister of Housing, and Minister for Social Development and Employment (Joint Ministers) directed MSD to resume this work [REP/24/4/295 refers]. We seek your decision on whether to keep or change the scope which the previous Government set for this work programme.

An enduring solution should support future event responses

The issue faced by the TAA cohort will reoccur in future emergencies

- 19 In most events that have displaced homeowners in the past twenty years, temporary accommodation needs during emergency response and recovery have been met through a mix of existing government supports (both normal welfare products and emergency-specific supports like MBIE TAS) and households' insurance arrangements.
- 20 The situation facing the TAA cohort, where displaced homeowners faced dual accommodation costs and exhausted their insurance cover over several months, can occur in any event that displaces people. However, because of the specific set of compounding circumstances involved, the proportion of households affected is low, relative to the overall population of people who are displaced. We estimate the TAA cohort represents less than 5% of all households displaced by the North Island Severe Weather Events (NISWE).
- 21 This means that in smaller events where the overall number of displaced people is small, the specific population affected by this problem is likely marginal. However, in major emergencies where the overall displaced population is very large, the small percentage of people with two sets of accommodation costs becomes a more significant cohort.
- 22 Only after the Canterbury earthquakes of 2010-11 and NISWE in 2023 did government develop bespoke forms of financial assistance for displaced homeowners who faced two sets of accommodation costs.
- 23 The scale and frequency of significant weather events is increasing due to climate change. New Zealand also faces considerable risk of geological events such as earthquakes or volcanic eruptions. All of these events can displace large numbers of homeowners.

An enduring solution would replace the interim TAA

- 24 Cabinet's original commissioning of work to identify an enduring solution was designed to serve two purposes. In the short-term, it was to replace the

interim TAA and give the TAA cohort greater certainty. In the long-term, it was to give government a standardised support for homeowners facing the same problem in future [REP/23/7/648 refers].

- 25 The short-term aim was largely fulfilled by Joint Ministers' decision to extend funding for the TAA until 30 June 2025 [REP/24/4/295 refers]. The TAA end date now aligns with the current end date for Crown funding for council buyouts of NISWE-affected properties. s9(2)(f)(iv)

s9(2)(f)(iv)

s9(2)(f)(iv)

- 26 s9(2)(f)(iv)

- 27 The growing risk of severe weather events and better understanding of seismic risks is prompting insurers to move towards risk-based pricing. This supports their financial stability but may reduce the affordability of insurance in high-risk areas. While insurance retreat is currently uncommon, the trend poses a challenge to the availability of insurance to households.

- 28 s9(2)(f)(iv)

- 29 s9(2)(f)(iv)

We seek Joint Ministers' decisions on the scope of this work

- 30 s9(2)(f)(iv)

- 30.1 s9(2)(f)(iv)

s9(2)(f)(iv)

30.2

30.3

30.4

30.5

30.6

31 s9(2)(f)(iv)

32 s9(2)(g)(i)

33 s9(2)(f)(iv)

34

We seek Joint Ministers' agreement to how wide a population should be targeted by an enduring solution

35 We propose that work on an enduring solution remain focused on homeowners who are displaced from their homes by emergencies and face two sets of accommodation costs. s9(2)(f)(iv)

s9(2)(f)(iv)

36 s9(2)(f)(iv)

37

s9(2)(f)(iv)

38 s9(2)(f)(iv)

39

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s9(2)(f)(iv)

s9(2)(f)(iv)

- 47 The ideal form of an enduring solution will depend on what outcomes Joint Ministers want to achieve for homeowners. s9(2)(f)(iv)

s9(2)(f)(iv)

Progressing an enduring solution brings trade-offs and risks

s9(2)(f)(iv)

- 48 It will take time to develop and implement detailed options for an enduring solution. Specific timeframes will depend on the nature and extent of Joint Ministers' preferred option, and the degree of government intervention.

s9(2)(f)(iv)

s9(2)(f)(iv)

The enduring solution interacts with a wide range of policy issues

- 50 Any enduring solution will need to align with the housing and emergency management systems.

s9(2)(f)(iv)

s9(2)(f)(iv)

- 52.2 **The Temporary Accommodation Pathways (TAP) workstream of the Housing Recovery Framework.** TAP is a system review, led by HUD, of temporary accommodation supports and services. This has been on hold since January 2024 due to a shift in priorities.

- 53 More detail on these policy programmes and their interdependencies with the enduring solution work programme is provided in **Appendix 2**.

We have consulted with other agencies

- 54 The Ministry of Housing and Urban Development, the Ministry of Business, Innovation and Employment, and the Treasury have been consulted on the content of this report.

Next steps

We will report back to Joint Ministers with detailed options by December 2024

- 55 Subject to Joint Ministers' decisions and feedback, we propose to provide advice on options for an enduring solution by December 2024.

s9(2)(f)(iv)

56 s9(2)(f)(iv)

s9(2)(f)(iv)

we recommend that

report be joint advice between MSD, HUD, and MBIE.

57 s9(2)(f)(iv)

Appendices

Appendix 1 – Costs and settings of the TAA Programme

Appendix 2 – Other relevant policy workstreams

Author: Kieran Ireland, Senior Policy Analyst, Regional and Communities Policy

Responsible manager: Emma O'Connell, Policy Manager, Regional and Communities Policy

Appendix 1: Costs and settings of the TAA Programme

- 1 The TAA is a Welfare Programme under section 101 of the Social Security Act 2018. It provides a payment to qualifying recipients on, in most cases, a weekly basis. Maximum weekly rates are based on declared rent for people receiving the Accommodation Supplement and reflect the middle to lower end of the rental market. The maximum TAA payments are higher than the maximum Accommodation Supplement payments.
- 2 Applicants are eligible for their actual weekly temporary accommodation costs, but not more than:

Category	AS Area 1 ³	AS Area 2	AS Area 3	AS Area 4
Single with no dependent children	\$330	\$270	\$260	\$250
Single with 1 dependent child, or in a relationship with no dependent children	\$480	\$420	\$380	\$340
Single with 2 dependent children, or in a relationship with 1 dependent child	\$560	\$480	\$430	\$380
Single with 3+ dependent children, or in a relationship with 2+ dependent children	\$610	\$510	\$460	\$400

- 3 Since the TAA began making payments in September 2024 (backdated to no earlier than 1 June 2023) it has supported 157 recipients. As of 30 June 2024 there were 104 recipients. Over this period the TAA spent \$2.546 million of its allocated \$8.887 million, an average of \$16,215 per recipient. \$5.6 million was carried over into the 2024/25 financial year.
- 4 In comparison, the Temporary Accommodation Assistance (Canterbury Earthquakes) Programme which provided welfare assistance to households displaced by the 2010-11 Canterbury earthquakes provided \$62 million to around 3,400 households between 2011 and August 2019, an average of \$18,235 per recipient [REP/19/07/593 refers].

³ Area 1 covers Auckland, Queenstown and Tauranga. Area 2 is most other main centres (e.g. Hamilton, Wellington, Christchurch). Area 3 is mainly provincial centres (e.g. Dunedin, Rotorua). Area 4 is small towns and rural areas.

Why support was targeted to the TAA cohort

- 5 The TAA cohort are homeowners displaced from their homes by NISWE who procured private rental accommodation while they waited for the status of their weather-affected property to be resolved, either through repair, insurance settlement, or Crown-funded council buyouts under the Future of Severely Affected Land programme.
- 6 The median level of temporary insurance cover to this group was \$20,000. At then-average market rents, this was enough for approximately six months of accommodation. The scale and complexity of recovery from NISWE meant timeframes to settle the status of affected properties were often protracted. By mid-2023, some homeowners had exhausted the insurance cover available to support their temporary accommodation costs and sought government support.
- 7 These homeowners considered they faced financial hardship due to their two ongoing sets of accommodation costs. As well as rent, they faced ongoing costs for ownership of their damaged homes (including mortgage payments, body corporate fees, and rates payments).

These homeowners did not use, or were ineligible for, other supports

- 8 Options available to minimise these costs included seeking support from their mortgage lenders, ending the lease for their rental property and seeking alternative options (including registering for MBIE TAS-provided accommodation), or seeking support from MSD. Homeowners were unable or unwilling to pursue these options for various reasons:
 - 8.1 Some banks were willing to consider measures like mortgage holidays, but these were time-limited and came with the trade-off of prolonging the life and cost of the mortgage.
 - 8.2 Homeowners faced limitations to ending their leases, due to the hardship tests in the Residential Tenancies Act 1986.
 - 8.3 MSD can provide means-tested financial assistance to homeowners in hardship, but many of the affected homeowners had cash or income assets above the threshold.
- 9 These homeowners did not use the temporary accommodation available through MBIE TAS as the options available did not meet their needs. Reasons given included distance from their community, employment, or education, the type of properties available, accessibility issues, or the difficulty of terminating their fixed-term tenancy. Ministers directed officials to develop options to support this group as soon as possible.
- 10 The option with the shortest implementation timeframe was to set up a Welfare Programme administered by MSD under section 101 of the Social

Security Act 2018. s9(2)(f)(iv)

s9(2)(f)(iv)

11

The TAA cohort is different to other MSD clients

12 s9(2)(f)(iv)

- 13 These homeowners decided not to use temporary accommodation supplied by MBIE TAS. In contrast, insured homeowners who did enter MBIE TAS-supplied accommodation were required to make part payments and used their insurance cover to do so. Where they faced financial hardship, they could apply for temporary or ongoing payment reductions or waivers.
- 14 The TAA cohort, with 157 applications approved to date, is a small proportion of the overall population known to be displaced by NISWE at the time the interim solution was developed (at least 3,834 households).
- 15 The TAA cohort differs from other MSD clients. They own homes which were insured at the time of NISWE, used their temporary accommodation insurance cover to select private rental accommodation based on their individual preferences, and receive financial assistance which is not subject to means or asset tests.
- 16 These homeowners did not apply, or did not qualify, for other means-tested financial support available through MSD. s9(2)(f)(iv)

s9(2)(f)(iv)

17 s9(2)(f)(iv)

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Appendix 2: Other relevant policy workstreams

- 1 After NISWE, Cabinet directed HUD to progress a Housing Recovery Framework to support recovery and increase government preparedness for future disasters. Three priority areas were: confirming the housing needs of displaced households, building back better, and using HUD's funds and programme to support event recovery [EWR-23-MIN-0044 refers].
- 2 In August 2023, the Minister of Housing and Minister for Social Development commissioned the TAP workstream as a system review of temporary accommodation supports and services.
- 3 TAP focuses on providing a coordinated approach to support displaced households after a disaster in a way that is practical, cost-effective, and meets households' needs. It looks across physical accommodation like MBIE TAS, financial assistance like the TAA, other supports available within and outside central government, and how to integrate post-disaster accommodation with other housing supports.
- 4 HUD is the lead agency for this work, with support from MSD, MBIE, NEMA, Kāinga Ora and other agencies. Initial work has confirmed key issues, principles and trade-offs. These included a lack of clear and consistent eligibility criteria, variation in the support provided after different events, poor integration with other emergency services or BAU housing supports, inadequate interagency coordination and a legislative framework that is not fit for purpose.
- 5 Both the Housing Recovery Framework and the TAP have been on hold since January 2024 due to a shift in HUD priorities and resourcing.
- 6 The Department of Prime Minister and Cabinet is leading work to respond to the Inquiry into the North Island Severe Weather Events and evaluate whether emergency management settings are fit for purpose. The Minister for Emergency Management and Recovery has signalled his intention to introduce a new Bill in this term of government.
- 7 The Ministry for the Environment is also developing an adaptation framework which will establish an enduring and joined-up approach to climate change adaptation. The scope of this work includes issues with direct relevance to the enduring solution, s9(2)(f)(iv)

s9(2)(f)(iv)

8

s9(2)(f)(iv)

Aide-mémoire



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATŪ WHAKAHIATO ORA

Meeting

Date: 1 August 2024 **Security Level:** IN-CONFIDENCE

For: Hon Penny Simmonds, Associate Minister for Social Development and Employment

File Reference: REP/24/7/698

Meeting with NZ Carers Alliance

Meeting details	3:15 PM-3:45 PM, Thursday 1 August 2024, Rainbow Room, G-011, Parliament House
Expected attendees	<p>Carers Alliance:</p> <ul style="list-style-type: none">• Catherine Hall, co-Chair of the Carers Alliance and Chief Executive of Alzheimer’s NZ.• Janine Stewart, co-Chair of the Carers Alliance and General Manager of IHC Foundation.• Laurie Hilsген, Secretariat of the Carers Alliance, and Chief Executive Officer of Carers NZ.• Two additional members of the Carers Alliance. <p>Ministry of Social Development:</p> <ul style="list-style-type: none">• Ben Yung, Acting Policy Manager, Disability Policy.
Purpose of meeting	<p>To discuss next steps for carers and the Carers’ Strategy.</p> <p>This is your quarterly meeting with the Carers Alliance.</p>
Background	<p>The Carers Alliance is a group of approximately 60 national, not-for-profit organisations who strive for better support and recognition of family, whānau, and āiga carers.</p> <p>The Carers Alliance is a longstanding government partner. It contributed significantly to the development</p>

and promotion of the Carers' Strategy and subsequent Action Plans.

The Carers Alliance would like to be involved in the development of advice on the Carers' Strategy, associated action plans and support for carers.

The Carers Alliance have indicated it is interested in discussing its current and upcoming work. This work includes progressing 50 carers hui around New Zealand, engaging across government agencies on carers issues, and various research projects such as the Waikato social isolation and loneliness workshops currently underway

Talking points The future of the Carers' Strategy

- I am committed to progressing work to support carers across government.
- I intend to seek Cabinet agreement later this year to refresh the Mahi Aroha Action Plan and commence work to revise the Carers' Strategy before the end of 2027.
- This will ensure work to support carers continues while an updated Carers' Strategy is developed, which reflects current and future carer populations, opportunities and needs.
- As work to support carers spans across government, I will need Cabinet agreement to make these changes and ensure a cohesive cross-government approach.

Partnership between the Government and the Carers Alliance

- I know that the Carers Alliance is a significant government partner and has been instrumental in progressing carer's voices.
- I would like this relationship to continue.
- I am committed to working with the Carers Alliance to develop future policies that support carers.
- I want to know your views on how the Carers' Strategy can be strengthened, what has worked and what could be improved?
- What government agencies have you engaged with and what are your views on what role different agencies should play?

Work led by the Carers Alliance

- I would like to know about the work of the Carers Alliance. What have you been hearing from carers throughout the country?
- What do consider the strengths of your work to support carers?
- How do you see this work aligning with progressing the Carers' Strategy?

Additional talking points

The Carers Alliance might ask you further questions around the Disability Support System review and the Royal Commission of Inquiry into Abuse in Care including its implications on carers and care recipients.

Suggested talking points:

Independent review into disability support services

- The independent review into the Disability Support System funded by the Ministry of Disabled People was led by Hon Louise Upston, Minister for Disability Issues.
- I do not have any knowledge of the findings and potential recommendations of the review as it was led by Minister Upston in confidence.

Royal Commission of Inquiry into Abuse in Care

- Hon Erica Stanford is the Lead Coordination Minister for the Government's Response to this report.
- While the Royal Commission's recommendations relate primarily to the formal care system, as we know carers play a foundational role in supporting care recipients to stay out of the formal care system for longer, in their homes, with their families and communities.
- MSD officials are working with other agencies in assessing the recommendations. This work will take time due to the complexity of the Commission's proposals.

Author: Kavita Gounder, Senior Analyst, Disability Policy

Responsible manager: Ben Yung, Policy Manager, Disability Policy