



24 July 2025

Tēnā koe

Official Information Act request

Thank you for your email of 23 May 2025, requesting information about training guidance and assessments regarding sanctions, fraud, and partnerships.

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

I have also included some general information about Ministry staff training at the end of this letter, for your further information.

Question 1 Training Manuals and Guidance Documents. Is there an official training manual or guide used for staff in relation to imposing benefit sanctions, identifying or investigating benefit fraud, and determining partnership or de facto relationships. If so, please provide a copy (or copies) of these manuals or guides.

On 19 June 2025, the Ministry emailed you to request a refinement to some parts of this question as it would likely require substantial manual collation to locate and compile all information in scope.

Regarding the benefit sanction related part of this question, you agreed to refine this to be for the *Managing Work Obligations with clients* module.

Regarding the identifying or investigating benefit fraud related part of this question, you agreed to refine this to be for the lesson titles that comprise the *Fraud Investigation – My Go To* programme.

Please find the attached **Appendix** which contains the following resources:

- The *Managing Work Obligations with clients* module
- The lesson titles that comprise the *Fraud Investigation – My Go To* programme (see page 65)
- The *Relationship Status* lesson from the *Fraud Investigation – My Go To* programme.

We would also point you to our publicly available guidance which is available on our Map website which details the process around initiating obligations failures. We are providing the relevant links here:

- *Obligation failures:* workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/obligations-failures-01.html
- *Good and sufficient reason before initiating an obligations failure:* workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/good-and-sufficient-reason-before-initiating-an-ob-01.html
- *Disputes and reviews of an obligations failure:* workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/disputes-and-reviews-of-an-obligations-failure-01.html
- *When the sanction is imposed:* workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/when-the-sanction-is-imposed-01.html

Further information about de facto relationships can also be found on our publicly available Map page. We are also providing those relevant links here:

- *Introduction:* workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/introduction.html
- *Clients living in a de facto relationship:* workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/clients-living-in-a-de-facto-relationship.html
- *Emotional commitment:* workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/emotional-commitment-01.html
- *Financial Interdependence:* workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/financial-interdependence-01.html

Question 2 Training Assessments and Qualifications. Is there any qualifying test or assessment that staff must pass in relation to the above-mentioned manuals or training? If so, how often is the test administered? How many current staff have sat the test, including number of takes? How many current staff have passed it, including number of takes?

The Ministry's frontline staff within Service Delivery go through the Ministry's training induction which includes a combination of employee knowledge, role-specific responsibilities, and technical knowledge. Along with any new initiatives and changes that are implemented. Following on from delivery of training, our staff will consolidate their learning and have ongoing support from our Capability Developers to ensure they feel confident with what they have learned. This ongoing support may include sitting alongside staff while applying the learning 'in the mahi' observations, where we can gauge where staff are in their learning journey; Te ara piki (capability and development pathway) with their managers, so their leaders can assess where development and capability build may be needed; and

through our Quality programme, where we can identify where staff are doing well or where capability uplift is required.

As to the training provided to benefit fraud investigators, all new investigators complete a comprehensive 10-week training and induction programme designed to equip them with the knowledge and skills needed for the role. Made up of online modules, classroom training, and on-the-job learning, the programme covers legislation, investigation procedures, collection of evidence, and Court processes.

Additionally, since November 2024, as part of supporting staff capability, some of our Investigators have also participated in training sessions run by the Serious Fraud Office (SFO). This training is for SFO Investigators, but the topics covered include investigation practice, fraud case studies, intelligence practice, investigative interviewing, formal written statements, and Court processes.

There are no specific qualifications required to become a Ministry investigator – nor any single assessment they must pass as part of their training and induction. Therefore, those parts of your request that relate to a qualifying test or assessment are refused under section 18(g) of the Act as the information you had requested is not held by the Ministry and I have no grounds to believe that the information is either held by or closely connected to the functions of another department, Minister of the Crown or organisation.

Question 3 Senior Staff Information. How many of the current staff involved in decisions about sanctions or benefit fraud are considered "senior staff" (please specify the criteria or job bands used)?

Case Managers are responsible for managing their caseloads and determining whether a client is meeting their obligations in line with the Ministry's sanction guidelines. Where a Case Manager has queries about sanctions, they can ask their Capability Developer in the first instance. If further guidance is sought, they can contact the Ministry's internal helpline.

If a client is unhappy with a decision made by their Case Manager, the client can submit a review of decision.¹

In order to provide the number of senior staff currently involved in decisions about sanctions, the staff member's position title, and their salary band², this would require substantial manual collation and this part of your request is refused under section 18(f) of the Act. This information is not centrally recorded. Each question would require a manual review across all sites to retrieve this information. The greater public interest is in the effective and efficient administration of the public service.

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

In the context of benefit fraud, Client Service Integrity (CSI) Managers are responsible for overseeing investigations and interventions completed by

¹More information about the Review of a decision process is available on the Work and Income website: www.workandincome.govt.nz/about-work-and-income/feedback-and-complaints/review-of-decisions.html

²We have interpreted job band to refer to salary band.

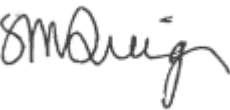
developing staff. As of 18 June 2025, there were nine CSI Managers based at sites across New Zealand. The current salary band for the CSI Manager position is \$120,870-150,416.

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

Managing Work Obligations with Clients



Introduction

OBLIGATIONS

What are Obligations?

Overview of Work Obligations

Getting to know our clients

Exemptions and Deferrals

Obligation Failure

Initiating an Obligation Failure

Recompliance

The Life Cycle of an Obligation Failure

PUTTING IT TOGETHER

Let's put it all together

Key considerations

Further information

Next steps

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Introduction

Clients (and their partners) who receive a work-tested benefit may have obligations. These could be full or part-time work obligations, or work preparation obligations. Those with children may also have social obligations.

What we'll cover in this module

- An overview of all obligations - both a client's and ours
- Getting to know our clients and finding a suitable activity for them
- Exemptions and deferrals to obligations
- Obligations failure
- What happens when a client doesn't meet their obligations?
- Some scenarios where you can apply what you've learned
- A summary of the key considerations and where to go for further information
- How to take the next steps in your obligations learning journey



This module has been designed for an audience of Work Brokers, Employment Coordinators and Case Managers.

It focuses on full-time and part-time work obligations, work preparation obligations and pre-employment drug-testing obligations.

Navigating the learning

As you progress through the module you'll come across hyperlinks that will take you to source information in MAP/HIYA and Doogle. You may wish to **bookmark these pages** so that you can return to them with ease as you complete processing actions once you've completed your learning.

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What are Obligations?

Obligations are tasks or activities that are expected of a client in order to receive a main benefit.

At MSD we have a traffic light system that allows staff and clients to easily see whether they have been complying with their obligations.

There are multiple types of obligations that apply to clients and to MSD.

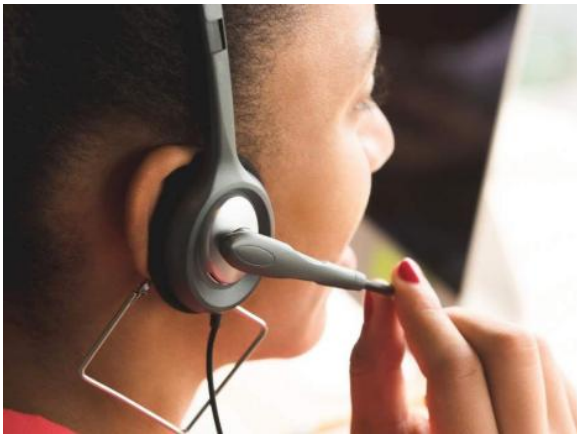
Obligations vary depending on the assistance that a client is receiving, such as a main benefit type, the number and age/s of dependent children, and their medical capacity to participate in employment. Our clients must keep their information current and correct. It's important they advise of any change in circumstances that affect their entitlement or rate of benefit payable.

We as MSD also have obligations to our clients.

Our (MSD's) Obligations

We (MSD) are obligated to [inform clients of their obligations](#). We need to make sure that the client understands:

- their obligations
- the consequences of failing to meet those obligations, in particular the sanctions that may be imposed and
- their right to review and dispute any decisions relating to a failure to comply with their obligations.



Pre-benefit Obligations

In some cases, we may look at a [pre-benefit activity](#). A pre-benefit activity is an employment-related activity a client may be required to complete as part of their application for benefit. This is to help a client find and retain paid employment.

Clients and their partners (if applicable) applying for Jobseeker Support and Sole Parent Support must complete a Jobseeker Profile before their benefit can be granted. This also applies to Emergency Benefit when a client will have work-related conditions of grant.

[Learn more about pre-benefit requirements](#) in Doogie.



Work Obligations

[Work Obligations](#) apply to all clients in receipt of Jobseeker Support or Sole Parent Support. They can be either full-time, part-time or work preparation obligations. Emergency Benefit clients can have conditions of grant that are similar to work obligations. We'll discuss what this means in the next section.



Pre-Employment Drug Testing Obligations

[Pre-employment Drug Testing obligations](#) apply to work obligated clients who are applying for or referred to vacancies that require pre-employment drug testing.

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Social obligations apply to all clients with dependent children who are receiving a main benefit.



Overview of Work Obligations

Let's take a closer look at work obligations, and who they apply to.

Work obligations apply to most clients on main benefits (excluding primary Supported Living Payment clients).

Full-time Work Obligations

Must be available for and take reasonable steps to find [suitable employment](#) of at least 30 hours or more per week.

Applies to:

- Primary [Jobseeker Support](#) clients (except those receiving Jobseeker Support with a medical deferral due to a [health condition, injury or disability](#))
- [Partners with no children](#) and
- Partners with a [youngest dependent child aged 14 years](#) or over



Part-time Work Obligations

Must be available for, and take reasonable steps to find, [suitable employment](#) of at least 15 or 20 hours per week.

At least 15 hours per week applies to:

- Primary clients receiving [Jobseeker Support \(health condition, injury or disability\)](#) who have part-time work capacity.

At least 20 hours per week applies to:

- ◆ Partners with a [youngest dependent child aged between 3 and 13 years](#).
- ◆ Sole Parent Support clients with a [youngest dependent child aged between 3 and 13 years](#).



Work Preparation Obligations

A person with [work preparation obligations](#) must take all reasonable steps to prepare for employment.

Applies to:

- Primary clients receiving [Jobseeker Support - health condition, injury or disability](#) who have a deferral from their work obligations
- Partners with a [youngest dependent child aged under 3 years](#)
- Sole Parent Support clients whose [youngest dependent child aged under 3 years old](#).



Partners of main beneficiaries aged 16 - 19

16 - 19 year old partners of clients getting Jobseeker Support have [youth activity obligations](#), not work or work preparation obligations.

These obligations relate to participating in school, training or work-based learning, parenting and budgeting.

Note: Social Obligations don't apply to young partners of clients receiving Jobseeker Support, as some of their youth activity obligations are similar to social obligations.

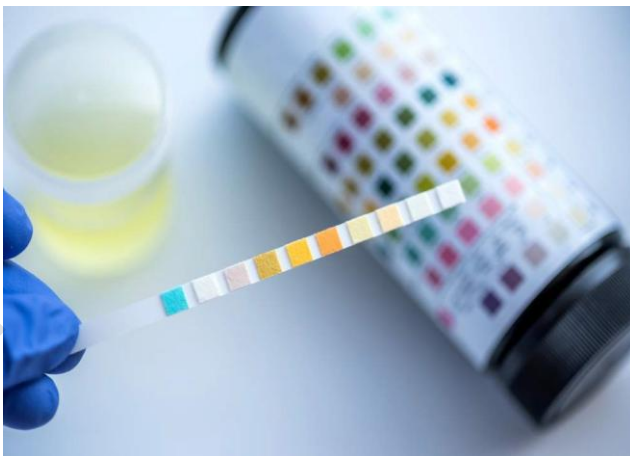


Pre-employment Drug Testing

Some jobs listed with Work and Income require drug tests. A client's use of recreational drugs is a barrier to employment. Because of this, [obligations to pass drug tests](#) have been imposed on **clients with part-time or full-time work obligations**.

We need to let our clients know that some jobs they apply for will require them to take and pass any pre-employment drug tests.

If you're not sure how to approach a conversation about drug testing you can [read about some great tips, tricks and resources for drug testing](#) in Doogle.





For our kaimahi who speak with employers Employers must have the pre-employment drug- test policy (including the claim process) explained to them by the staff member taking the vacancy details. We also need to check with the employer why they request a job being drug tested, and whether the testing is to the [required drug test standards](#).

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Getting to know our clients

When we take the time getting to know our clients, we're in a better position to find an activity or task that can help get them to where they want to go and meet their obligations.



The [traffic light system](#) is a quick, clear and easy way to help understand a client's current level of compliance with their relevant obligations.

Approach these conversations with an open mind, the right tone, and language that's easy to follow. This will help build a relationship of trust and confidence with our clients.

Let's hear from some of our kaimahi on how they approach these conversations.

The below video shows Heldane Harwood in front of the camera speaking about how to approach conversations with clients and below is the transcript of the video.

Video of Heldane Harwood



Transcript of Approaching Conversations with Heldane Harwood.docx
38.7 KB



What does this look like for you?



How you approach this conversation is completely up to you. You might want to start by saying something like this:

"The benefit is temporary assistance to help get you back on your feet.

There are a couple of obligations or rules you need to follow to keep getting a benefit.

If you choose not to actively search and apply for work, or don't let us know if

anything changes, it means we may stop some or all of your payments from us.

The important thing is you keep us informed of what's happening and how we can

support you. We're here to help! So, what sort of mahi are you interested in and how can we help get you there?"

Keep in mind the following

- Not setting the right goals with a client at the outset of their journey is more likely to result in Obligation Failures and rework.
- The client's individual circumstances.
What's suitable for one person might not be suitable for another.
- What needs or barriers to employment do they have? For example, do they need a driver licence or CV?
How can we or our partners/contracted services help address any needs or barriers?
- What activities are available to help the client move towards their employment goals?
- Personal barriers can also play a part. For example, the client may have mentioned they are feeling anxious about applying for work. A person's hauora (well-being) is important. Think about what resources are available for our clients.

Show you know

We have seven examples of suitable activities a client can do to meet their obligations. Select which obligation type it relates to.

Attend a job interview

Obligation Type

Full or Part-Time
Work Obligations

Work Preparation
Obligations

Both



Correct

Correct. The correct response is Full or Part-Time Work Obligations

Continue

Apply for vacancies (or Registration of Interest)

Obligation Type

Full or Part-Time
Work Obligation

Work Preparation
Obligation

Both



Incorrect

Not quite. The correct response is Full or Part-Time Work Obligations

Continue

Develop or update a CV

Obligation Type

**Full or Part-Time
Work Obligation**

**Work Preparation
Obligation**

Both



Incorrect

Not quite. The correct response is Both

Continue

Obtain a driver licence

Obligation Type

**Full or Part-Time
Work Obligation**

**Work Preparation
Obligation**

Both



Incorrect

Not quite. The correct response is Both.

Continue

Complete a basic education upskilling course
e.g. do a course to complete their NCEA credits

Obligation Type

**Full or Part-Time
Work Obligation**

**Work Preparation
Obligation**

Both



Correct

Correct: The correct response is Work Preparation Obligation.
Upskilling is a great work preparation activity, however if the client has Full or Part-time Work Obligations, their focus should be on work.

Continue

Attend a Proactive Appointment with a Case Manager to identify their
needs and next steps

Obligation Type

**Full or Part-Time
Work Obligation**

**Work Preparation
Obligation**

Both



Correct

Correct. The correct response is Both.

Continue

Investigate what's needed to get into the industry they're interested in

Obligation Type

Full or Part-Time
Work Obligation

Work Preparation
Obligation

Both



Incorrect

Not quite. The correct response is Both.

Continue

Scenario - Meet Shannon

A 24 year old single parent with 2 school aged children. Before she had her children she was working at her local fish and chip shop. Shannon is still interested in this type of work. Shannon has her Restricted Driver Licence, and she doesn't have an up to date CV.

While Shannon is with you, you bring up Kimi Mahi Mai and you can see there are 4 jobs in Shannon's small town:

- 1 Part time Baker Assistant role from 1am - 5am. No experience required
- 2 Full time Legal Secretary role from 9am – 5pm. Secretarial or administrative experience required
- 3 Part time Café role from 9am – 2pm. Barista Certificate required
- 4 Part time Bar Manager role from 5pm – 9pm. Licence Controller Qualification required

Reflection Point

Reflecting on what you have just read, pause. Take a minute to think:

1. What do we know about Shannon and her situation?
2. What might be a suitable activity you could assign to Shannon?

type your text here

Next

Have you considered...



Childcare

Does Shannon have suitable childcare arrangements for before and after school care?



The industry that Shannon wants to work in

Are there other industries that Shannon's interested in?



Work ready CV

Creating a CV for them



What programmes can help Shannon with getting a:

Full Licence, Barista Certificate, Licence Controller Qualification

Exemptions and Deferrals

In some situations it may be unreasonable to expect a client to meet their work or work preparation obligations.

Exemptions

This means the client won't have to apply for or accept a job offer (work obligations) or prepare for employment (work preparation obligations) for a set time.

Whether the client qualifies for a [full or partial exemption](#) will depend on their situation.

Here are some examples of when an exemption may be applied.

- **Full or partial exemption may apply when:**
A primary client, their partner or sole parent has [court imposed conditions](#), including home detention or parole conditions.
- **Full exemption may apply when:**
A primary work tested client has experienced the [recent bereavement](#) of, or [separation from their partner](#). Exempt for up to three months.
- **Partial exemption may apply when:**
A Jobseeker Support partner or sole parent is [caring for a child under 3 years, who is not their dependent child](#).



There are many more reasons why a client may be granted an exemption – such as Family Violence, a recent bereavement or court-ordered conditions. You can find them all in this [Table of Exemptions](#) in MAP.



Deferrals

In some circumstances, a client can get a temporary deferral from some of their work obligations.

A client may have a [deferral](#) granted when they:

● Receive a Jobseeker Support benefit and have a [health condition, injury or disability](#) and have no capacity to work, or only capacity to work for less than 15 hours per week, or

● Receive a Jobseeker Support or Sole Parent Support benefit and are [27 weeks pregnant or have complications](#) with their pregnancy.

Partners may also qualify for an exemption or a deferral.

Show you know

We have four examples of a client's situation, select which obligation it relates to.

Client Situation

Elliot is a Jobseeker Support partner who cares for Amelia, the couple's 2 year old daughter

Obligation

Full-time Work
Obligations

Part-time Work
Obligations

Deferral or Exemption
from Work Obligations

Work Preparation
Obligations



Incorrect

Not quite. The correct answer is Work Preparation Obligations.

Continue

Client Situation

Joel receives Jobseeker Support

Obligation

Full-time Work Obligations

Part-time Work Obligations

Deferral or Exemption from Work Obligations

Work Preparation Obligations



Incorrect

Not quite. The correct answer is Full-time Work Obligations


Continue

Client Situation

Joel's partner Jayd cares for the couple's children aged 4, 7 and 10

Obligation

- Full-time Work Obligations
- Part-time Work Obligations
- Deferral or Exemption from Work Obligations
- Work Preparation Obligations



Incorrect

Not quite. The correct answer is Part-time Work Obligations.


Continue

Client Situation

Janice is serving a 12 month home detention sentence with conditions that limit her ability to meet work or work-prep obligations

Obligation

- Full-time Work Obligations
- Part-time Work Obligations
- Deferral or Exemption from Work Obligations
- Work Preparation Obligations



Incorrect

Not quite. The correct response is Deferral or Exemption from Work Obligations

[Continue](#)

Obligation Failure

So now we know what obligations apply to which clients, let's take a look at what happens when a client doesn't meet them.

Client has failed to complete their work related activity

When a client has failed to comply you should make contact to discuss why.

You need to be satisfied that the client or partner does not have a good and sufficient reason for failing to meet their obligations, **before** you initiate an obligations failure.

The guiding principle in determining good and sufficient reason is one of **reasonableness**. Having considered the circumstances, was it reasonable for the client or partner not to have met their obligations?

If you can't contact the client, or the client does not have a good and sufficient reason why they were unable to complete the activity, you should initiate an Obligations Failure.



Show you know

Think about what might be considered a good and sufficient reason for not meeting work or work preparation obligations. Here we have six examples of reasons why a client didn't attend a job interview. Select if the reason was good and sufficient, or not.

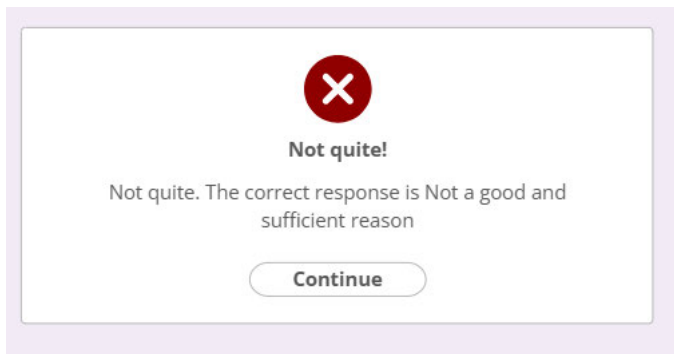
Reason

Forgot about the appointment/interview

Options

**Good and sufficient
reason**

**Not a good and
sufficient reason**



Reason _____

Had a death or illness in the immediate family

Options _____

Good and sufficient reason	Not a good and sufficient reason
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Reason

Was sick with the flu and they have a medical certificate

Options

Good and sufficient reason

Not a good and sufficient reason



Not quite!

Not quite. The correct response is Good and sufficient reason

Continue

Reason

Slept in

Options

**Good and sufficient
reason**

**Not a good and
sufficient reason**



Not quite!

Not quite. The correct response is Not a good and sufficient reason

Continue

Reason

Had childcare arrangements that fell through on the day

Options

Good and sufficient reason

Not a good and sufficient reason



Not quite!

Not quite. The correct response is Good and sufficient reason

Continue

Reason

Isn't interested in the job anymore

Options

**Good and sufficient
reason**

**Not a good and
sufficient reason**



Not quite!

Not quite. The correct response is Not a good and sufficient reason

Continue

Initiating an Obligation Failure

Before initiating an obligation failure, we need to check the details recorded in CMS and OBMAN to ensure the client had been advised and understood what they were required to do to meet their obligations and that there were no notes indicating they may have a good and sufficient reason.

Manual initiation of Obligation Failure - for Case Managers

You can find a process guide on Doogle under Obligation Failures and Sanctions.

[GO TO DOOGLE](#)

You may also wish to refer to the Work and Work preparation obligations hub on Doogle

[GO TO DOOGLE](#)

System initiated Obligation Failure - Managing vacancy outcomes for Work Brokers and Employment Co- coordinators

There are multiple ways in which an obligation failure can be system initiated, often because of the outcome you capture for a referral.

In this table you can see the outcomes for employment opportunities and pre-employment drug testing that will initiate an obligation failure.

Obligation Type	Action that initiates an Obligation Failure
Work	<p>Employment Opportunity resulted with an outcome:</p> <ul style="list-style-type: none"> * Did Not Accept * Did Not Attend Interview * Did Not Participate * Did Not Show * Did Not Start
Pre-employment Drug Testing	<p>Result a referral with an outcome of:</p> <ul style="list-style-type: none"> * Failed Screening Drug Test * Failed Evidential Drug Test * Refused Drug Test <p>There are certain situations in which a client may fail a pre-employment drug test, but be considered to have a <u>good and sufficient</u> reason.</p>

What happens next?

When an obligation failure is initiated, a client will move from Green to Orange in the traffic light system.

The system will automatically apply a sanction and move the client to Red in the traffic light system five working days after the obligation failure has been initiated.


When the client doesn't take any action on rectifying their obligation failure, it will move into a sanction.

Effects of Sanctions

The effects of sanctions vary depending on the grade of the obligation failure and if there are dependent children in the family. This can mean a:

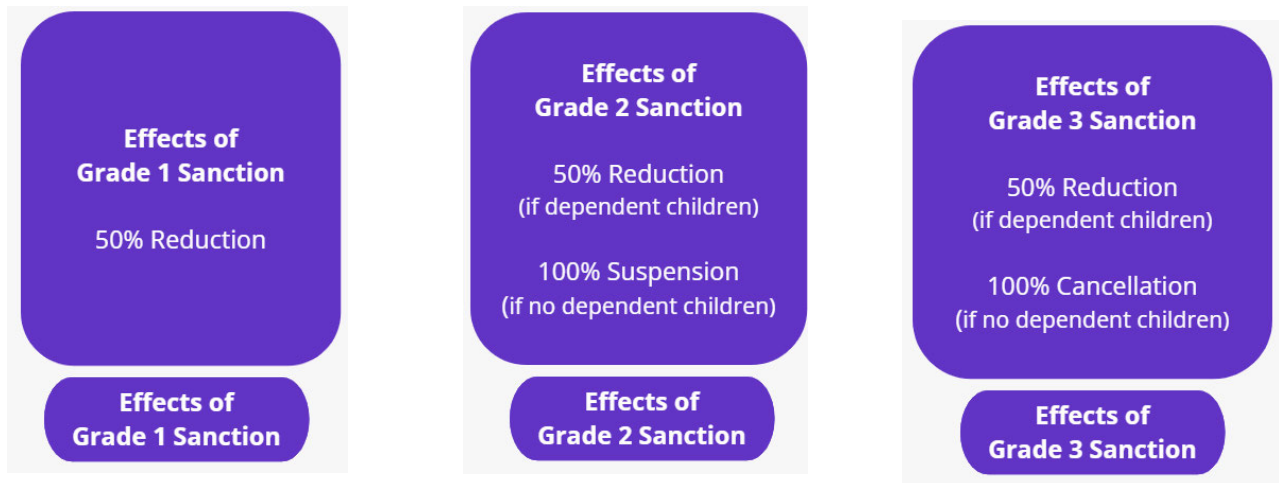
- Reduction in benefit
- Suspension of benefit
- Cancellation of benefit

More information on the effects of sanctions can be found [here](#) in MAP.



Effects of Sanctions

Grade 1 Sanction	Grade 2 Sanction	Grade 3 Sanction
<p>Client failed obligations for the first time in the last 12 months AND Has not recompiled within five working days</p> <p>Click here for effects of Grade 1 Sanction</p>	<p>Client failed obligations for the second time in the last 12 months AND Has not recompiled within five working days</p> <p>Click here for effects of Grade 2 Sanction</p>	<p>Client failed obligations for the third time in the last 12 months OR Has not accepted an offer of suitable employment AND Has not recompiled within five working days</p> <p>Click here for effects of Grade 3 Sanction</p>



To recap, when a client doesn't meet their obligation, an obligation failure is initiated. This will progress to and remain sanctioned until they rectify this obligation failure.

Recompliance

Recompliance is the activity a client or partner must do to get back on track after they fail an obligation. Their payments may have been affected, depending on the type of sanction that's been imposed.

When a client or partner lets us know they want to recompile we must make a recompliance activity available for them at the earliest opportunity.

More information on recompliance can be found [here](#) in MAP. More information on activities can be found [here](#) in MAP.

What do they need to do to recompile?

If a client has a financial sanction imposed, they'll need to do the same or similar activity to the one they failed to complete.

If a client has a non-financial sanction imposed, their recompliance activity will depend on this sanction.

- For Money Management, they'll be on Money Management for 4 weeks. During this time, they need to complete the same or similar activity to the one they failed to complete.

- For Community Work Experience, they'll have up to 2 weeks to find a suitable position with a community or voluntary provider. Once MSD has approved it, they'll complete at least 5 hours per week for 4 weeks and provide confirmation to MSD. They can complete the hours with more than one provider, as long as MSD has approved all the positions and providers before they get started.

There's more information about setting recompliance activities in [MAP](#).



Activities must always be appropriate based on the type of obligations a client has.

Individual needs

Activities, programmes or appointments for clients should always align to their individual needs.

Explore what's available to help them work towards their employment goals. Working on small goals to achieve the big goal of full-time employment. However this must be balanced against a client's [obligations for benefit](#) – they must be available and seeking for [suitable employment](#).

What happens when they've recompiled

If they've had a financial sanction imposed, we can resume or increase the client's benefit from the date we are satisfied the client has started their re-compliance activity. At this point they will move from Red back to Green.

If they've had a non-financial sanction imposed, we'll consider they're reemployed once they've met the requirements of their sanction. At this point, they will move from Red back to Green.

- For Money Management, this is after they've done their activity and 4 weeks of Money Management
- For Community Work Experience, this is after they've completed their position and provided confirmation to MSD



Scenario - Meet Greg

A single person receiving Jobseeker Support. Greg is interested in construction work, but a lot of these roles require passing a pre-employment drug test. So he has spent the last three months engaging with his Case Manager and working towards becoming drug free. Greg can now pass a drug test. His Case Manager referred him to one of our Kimi Mahi Mai vacancies. The Work Broker sent an invitation for Greg to attend an interview with the employer. He was offered a job as a Labourer on a construction site, but refused the offer because he didn't think he was going to get paid enough (this vacancy meets the minimum wage requirements).

The work broker explained the importance of meeting his obligations to keep getting his payments.

What action will the Work Broker take?

Refer Greg to another vacancy, with a better salary

Update the vacancy to show Greg refused the job - initiating a Job Refusal Failure

Refer Greg to their Case Manager to explain their obligations



Correct

Correct. The work broker would update the vacancy to show Greg refused the job - initiating a Job Refusal Failure

Next

Reflection Point

Reflecting on Greg's situation, pause. Take a minute to think.
If Greg wanted to reemploy, what would the case manager consider?

type your text here

Next

Have you considered...



Kimi Mahi Mai Vacancies

Looking for another job to refer Greg to



What programmes can help Greg get into construction?

If there wasn't another job available, we would look at referring him to a programme or course (at least 6 weeks long) - e.g. course on Site Safe ticket

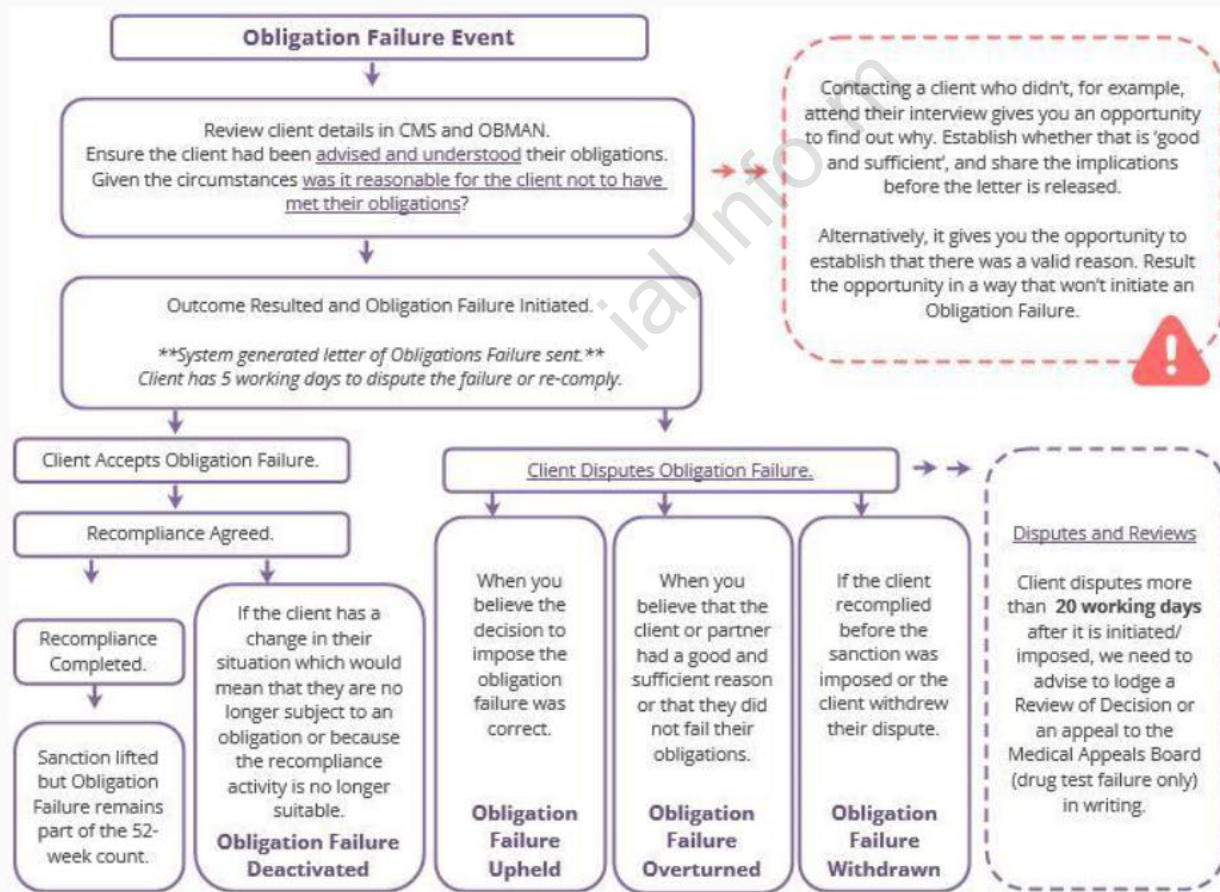


The industry that Greg wants to work in

Are there other industries and jobs that Greg's interested in?

The Life Cycle of an Obligation Failure

Obligation failures move through a number of stages. Take a look at the overall flow of the Obligation Failure process.



Show you know

We have four examples of a client's situation, select which outcome should apply.

Client Situation

Anita missed a job interview but will make another appointment to meet with the employer.

Outcome

Recomply

Dispute

Overturn

Deactivate



Correct

Correct. The correct response is Recomply.


Continue

Client Situation

Tony was unable to recompile because of the cyclone damage to the East Coast.

Outcome

- Recompile
- Dispute
- Overturn
- Deactivate




Correct

That's right! The correct response is Deactivate.

Continue

Client Situation	Outcome
Eddie feels that his reason for not attending the interview is sufficient.	Recomply
	Dispute
	Overturn
	Deactivate




Incorrect

Not quite. The correct response was Dispute.

Continue

Client Situation	Outcome
Shelly contacted the call centre to advise she was unwell and couldn't start the job.	Recomply
	Dispute
	Overturn
	Deactivate



Correct

Correct. The correct response was Overturn

Continue

Jane's story

Jane is a 26-year-old single client receiving Jobseeker Support and has full-time work obligations.



Jane registered her interest for a checkout operator vacancy at the local supermarket. She was screened and referred and was selected by the employer to have an interview tomorrow.

Overnight she learns of a death in the family and travels immediately out of town next morning to attend the tangihanga. Before she goes she calls the Contact Centre to let us know that she won't be able to attend the interview and advises that she'll contact MSD when she knows when she can reschedule the interview. The customer service representative makes a note in CMS.

On the day after the interview the employer lets the case manager know the outcomes of the interviews and lets them know that Jane didn't turn up.

☐ Full-time work obligations


☐ Part-time work obligations

☐ Work preparation obligations

☐ Social obligations

☐ Pre-employment/training drug test obligations

Submit



Which obligations does Jane have to meet?
Select all that apply



Incorrect

Not quite. As a Jobseeker Support client Jane must meet full-time work and pre-employment/training drug test obligations.

Continue

- ☐ Review Jane's notes in CMS
- ☐ Contact Jane
- ☐ Come back to it later
- ☐ Initiate an Obligations Failure

Submit



What should you do first?



Correct

That's right! You should check Jane's CMS notes to see if she has made contact.

Continue



**Should you initiate an
Obligation Failure?**

☐

Yes

☐

No

Submit



Incorrect

Not quite. Because the notes show that Jane provided a good and sufficient reason (attending a tangihanga), you should not initiate an obligation failure. You should message Jane and ask her to contact you as soon as she is back to talk about next steps.

Don's story

Don is a 42-year-old Sole Parent Support client with 3-year old twins, he has part-time work obligations.



Don hasn't worked since he separated from his partner and took full custody of the twins two years ago. His last job was in a call centre and in conversations with his case manager he has said that he's happy to move back into that work but worries that his skills won't be up with new technologies.

Don and his case manager agreed that training might be a good start to get him up to date so he's referred to a Training Provider who has a Contact Centre training Programme running.

The case manager makes a follow-up call and finds that Don didn't turn up on the first day. The case manager is unable to contact Don, and there are no notes on his file indicating why he did not attend. As no good and sufficient reason can be identified an obligations failure is initiated. In addition to the letter sent, if Don had a identifiable voice mail, the case manager would also have left a message asking Don to contact them.

A few days later, Don returns the call and explains that one of the twins fell over on the way to school that day and after waiting hours for an x-ray and then to have a cast put on, he ended up not making it to training that first day. He says he contacted the provider and explained and was there bright and early the next day and has been there every day since.

☐ Full-time work obligations


☐ Part-time work obligations

☐ Work preparation obligations

☐ Social obligations

☐ Pre-employment/training drug test obligations

Submit



Which obligations must Don meet?

Select all that apply



Incorrect

Not quite. Don has part-time work and pre-employment/training drug test obligations. This is because his children are aged between 3 - 13, and social obligations because he has dependent children.

Continue

- ☐ Deactivate
- ☐ Uphold
- ☐ Withdrawn
- ☐ Overturn

Submit



**What action should you take on the
Obligation Failure?**



Incorrect

Not quite. As Don was able to provide a good and sufficient reason for not attending his first day of training, the obligation failure is not applicable to Don. You should overturn the decision. This means that it is lifted entirely, and will not count as an obligation failure.

Rae's story

Rae is a 44-year-old single client receiving Jobseeker Support, and has full time work obligations.



Rae has extensive experience in construction but has been out of work for nine months following a car accident where he experienced a significant leg injury. He's now ready, and physically able to return to work.

Rae has worked with his case manager to update his CV, but is worried about the gap in his employment history. His case manager has suggested working with a Work Broker, and Rae was happy with the additional support. An appointment was booked, and Rae was meant to attend the appointment this morning.

The Work Broker advised Rae's case manager of the non-attendance, and that they couldn't get hold of Rae on their cellphone.

- ☐ Full-time work obligations
- ☐ Part-time work obligations
- ☐ Work preparation obligations
- ☐ Social obligations
- ☐ Pre-employment/training drug test obligations

Submit



**Which obligations must
Rae meet?**

Select all that apply



Incorrect

Take another look. As a Jobseeker Support client
Rae must meet full-time work and pre-
employment/training drug test obligations.

Continue

- ☐ Review Rae's CMS notes
- ☐ Contact Rae
- ☐ Come back to it later
- ☐ Initiate an Obligations Failure

Submit



What should the case manager do first?



Correct

Correct. The case manager should check Rae's CMS notes to see if he has made contact.

Continue

- ☐ Cancel Rae's benefit and impose a 13 week Voluntary Unemployment (VU) stand-down.
- ☐ Advise Rae they will initiate an Obligation Failure

Submit



When the case manager checks the records, there are no notes, so they contact Rae. Rae advises he was at a friends birthday party last night, and slept in this morning.

What should the case manager do now?



Correct

That's right! An obligation failure will need to be imposed, and Rae will need to recompile within 5 days or their payments may be impacted.

You could also suggest Rae attends a newly booked appointment with the Work Broker as a recompliance activity. After attending this seminar, the obligation failure can be recompiled.

Key considerations

- You need to be satisfied that the client or partner does not have a good and sufficient reason for failing to meet their obligations **before** you initiate an Obligations Failure.
- Decide in favour of the client if any doubt remains.
- Before you initiate the Obligation Failure check the client's CMS record and OBMAN to be confident that the client was advised of what they were required to do and confirm if they had any reasons for not meeting a specific obligation.
- After an Obligation Failure is actioned in the system, a client can dispute this and can provide a good and sufficient reason.

Further information

Take a look at these links to find more information and resources about work related obligations.

This MAP page is a great starting place to learn about Obligations, and what happens when a client doesn't meet them.

MAP

This is the information available to everybody about Obligations on the public facing Work and Income website.

WORK AND INCOME

This is the Doogle hub for information about Work and Work Preparation

Obligations. The Doogle hub has guides on the right hand side on:

- Initiating an obligation failure
- Recomplying an obligation failure
- Deactivating or disputing an obligation failure
- Deferring obligations after starting an obligations failure
- Creating a service plan

DOOGLE

This page provides information about what the Traffic Light System (TLS) is, and who is included in the TLS.

THE TRAFFIC LIGHT...

Here are some useful resources specifically for staff managing vacancies.

This Doogle page has a system demo video on how to result a referral with an obligations failure.

DOOGLE

This Doogle page has more information on managing vacancy outcomes.

DOOGLE

Next steps

Now you're familiar with work and work preparation obligations, obligation failures and sanctions it's time to apply your learning.

- Talk to a Work Broker or Employment Co-ordinator about an employer they work with that does pre-employment drug testing.
- Talk to a peer/colleague about their experience with obligations failures and different activities or tasks that are available **in your location**.

You can close this module by closing the window or using the exit button.

Fraud Investigation – My Go programme: lesson titles

1. Fraud Investigation Introduction
2. Assessment for Fraud Investigators
3. MSD and Fraud History
4. Making and Accessing Legislation
5. The Acts administered by MSD
6. Obligations, Reviews and Debt
7. Reviews and Appeals
8. Official Information Act and Privacy Act
9. Case Law Policies and Procedures
10. Relationship Status*
11. Relationship Debt Sharing
12. Investigative Powers and Information Gathering
13. Allegations and Fraud Suspicions
14. Risk Management
15. Investigative Approach
16. Care and Custody of Exhibits
17. Search Warrants
18. Types of Evidence
19. Rules of Evidence
20. Offences
21. Interviews and Statements
22. Community Inquiries
23. Disclosure
24. Court Structure
25. Court Craft
26. Prosecutions
27. Participants in Court
28. Sentencing

*The *Relationship Status* lesson is provided below

Relationship Status

The majority of MSD investigations are relationship cases, so having an understanding of what ingredients make up a relationship is essential. You also need to acknowledge and appreciate that no two relationships are the same.

By the end of this unit you will be able to:

- Recognise and assess a situation where a married person can be regarded as unmarried
- Recognise and list factors in determining when an unmarried person can be regarded as being in a de facto relationship
- Understand the effect of case law in section 8 of the Social Security Act and be familiar with it

Behavioural competencies for success:

Critical thinking - objective analysis and evaluation

Analytical – Attention to detail

Empathy

Interpersonal skills

Open minded

Non-judgmental

Decisive - ability to make correct decisions

RELATIONSHIP STATUS AND THE SOCIAL SECURITY ACT



Introduction



Regarding a married or civil union person as single



Regarding two people not legally married as parties to a de facto relationship



Financial Inter-dependence



Emotional Commitment



Indicators to be taken into account in Section 8(4)



Domestic Violence

RELATIONSHIP STATUS AND THE EDUCATION ACT




Relationship status and the Student Allowances Regulations

FURTHER READING



Helpful links

Introduction



Under Section 8 of the Social Security Act 2018, the Ministry of Social Development (MSD) is able to regard as single, any person who is married or in a civil union, or regard any two people who are not legally married or in a civil union, as party to a de facto relationship.

There are 2 discretions contained in Section 8 that can affect our investigations:

1

MSD may regard a client who is legally married or in a civil union as being single where the client is –

(a) living apart from their spouse or partner; and

(b) not in a de facto relationship.

2

MSD may regard any two people as being parties to a de facto relationship who are not legally married or in a civil union but have entered into a de facto relationship.

Once this discretion is exercised, MSD may determine the date on which they started living apart, or together as the case may be. MSD may then in their discretion grant, refuse, suspend, terminate, reduce or increase a benefit from that date.

Regarding a married or civil union person as single



Section 8(2)

The purpose of section 8(2) is to provide the same benefit rights of unmarried and de facto persons to those who are married or in a civil union, who were living apart from their spouse or partner. This means that the income of the applicant's spouse or partner would not be taken into account in determining eligibility for benefit.

In order to be considered to be "living apart" people who are legally married or in a civil union, would usually be expected to be residing in separate locations as well as there being a breakdown in the relationship. However, there may be circumstances where we would regard people as "living apart" even though they remain residing at the same location, where it is established that the relationship has in fact ended.



As a guideline, married/civil union applicants can be regarded as single when they are living apart by virtue of a legal separation, agreement or order. If the parties are living apart but there is no legal agreement to support this, you must look at the degree of permanency of the separation.

In determining whether a husband and wife or civil union partners are separated, there are a number of guidelines. These were taken from previously decided court cases and are commonly known as case law.

In the case of [Excell](#) vs Department of Social Welfare, Fisher J stated:

A legally married husband and wife have a legal duty to co-habitat. Co-habitation ceases only while there is an intention by either spouse to repudiate the obligations inherent in the matrimonial relationship and a manifestation of that intention by conduct. The conduct in question is concerned not with any single factor but with an aggregation of many.

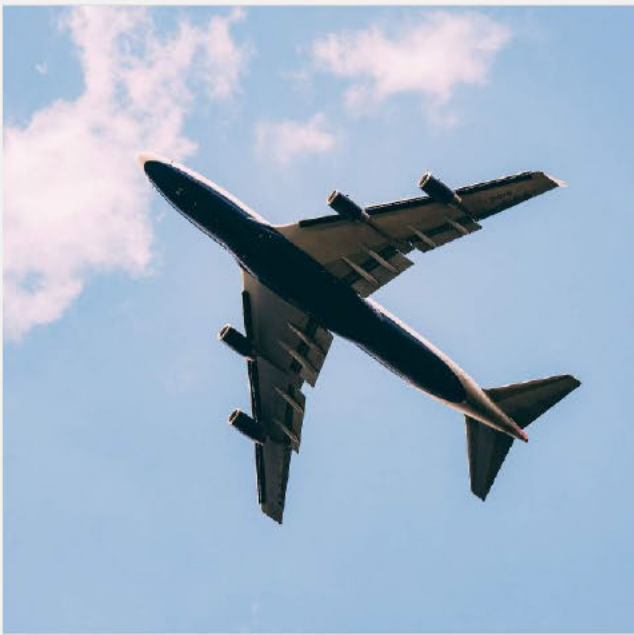
The guidelines that will assist to determine whether a husband and wife or civil union partners are separated are:

- whether or not the parties are living in the same house
- how long they continue to live in the same house
- whether they provide a home for their children in that home
- the extent to which they share the expenses of the home and of living
- the extent to which they share the household tasks
- the extent to which they communicate
- whether they have ceased to engage in sexual relations
- the manner in which they appear and hold themselves out to the public

As a rule, parties would not be regarded as having severed their relationship permanently when they are living separately due to:



Housing difficulties



Absence due to business pursuits

Rel

ial Info m

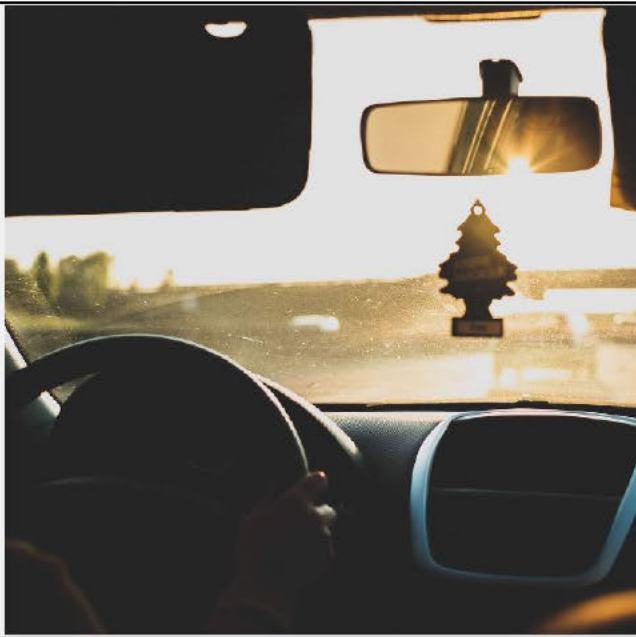


Illness of relatives



Hospitalisation of one partner

Rel



Where they occupy separate accommodation during the majority of the week due to employment in different towns but are together on their days off

Permanent separation with the express or implied intention of ending the marriage would clearly be enough to treat the parties as single under paragraph (2). Conversely, it is clear from the case law that a temporary separation of finite duration would be unlikely to lead to the couple being treated as single.

Where a separation is of uncertain length you would need to look at all the circumstances of the case before exercising your discretion to treat them as single under paragraph (2).

Regarding two people not legally married as parties to a de facto relationship

Same Sex relationships



In 2004 the Civil Union Act was introduced which allowed for people in a relationship with a person of the same gender to have their relationship legally recognized.

To reduce the need to change all New Zealand's statutes that referred to relationships [Section 29A](#) of the Interpretation Act 1999 was introduced.

From 1 April 2007 same-sex de facto couples were treated the same as opposite sex de facto couples for benefit purposes.

Section 8 (4)

The ability to determine that two people are living in a de facto relationship is contained in Section 8(4) of the Act.

This is based on the argument that the treatment for the purposes of benefit entitlement should be equal between married/ civil union couples, and two people not legally married. This is so that the income of both partners can be taken into account for benefit purposes.



The main justification for this is that it would be wrong in principle to treat a person who is living in a defacto relationship, which approximates to a legal marriage or civil union, more favourably than if that person was legally married or in a civil union.

As discussed in the previous section, MSD is empowered under Section 8 to fix a date at which it can be clearly determined that two people are living in a de facto relationship. It is necessary to relate the date “to some evidence directly connected to the couple behaving as a couple” based on admissible evidence.



Section 29A of the Interpretation Act 1999 provides a meaning of the term de facto relationship. The question as to whether such a relationship exists will be a question of fact in each case. You will need to look at all the circumstances of the case.

To be a de facto relationship, the relationship must be “in the nature of marriage”.

There are certain indicators of a relationship in the nature of marriage that have been laid down in case law and these are covered in the following sections.

Ruka

The leading case on the issue of relationships in the nature of marriage under the previous section 63(b) is *Ruka v Department of Social Welfare* [1997] 1 NZLR 154, decided in 1996 by the Court of Appeal.

A number of succeeding cases have endorsed and somewhat refined the statements made in *Ruka*. The majority in *Ruka* decided that section 63(b) had to be interpreted in the light of the purpose of the Act.



Thomas J stated that:

"I believe that the objective of section 63(b) is clear. It is to ensure that unmarried couples who enter into a relationship akin to marriage are not treated more favorably for benefit purposes than those who are legally married."

The test of what constitutes a relationship "in the nature of marriage" was stated by the Court of Appeal in Ruka, as having the following two key positive features:

1

Financial inter-dependence in the sense of at least a willingness to support the other partner ... if that partner has no income of his/her own or to the extent that it is or becomes inadequate, AND

2

A degree of companionship demonstrating a continuing **emotional commitment**.

Financial Inter-dependence

For the purpose of the Social Security Act 2018, for a relationship to be a de facto relationship a degree of financial interdependence must be present.

The commitment must go beyond mere sharing of living expenses, as platonic flat-mates or siblings living together may do; it must amount to a willingness to support if the need exists.



Financial interdependence can be displayed in a number of ways including:

Direct financial
interdependence

For example: joint bank
accounts or assets or joint
loans/credit

Mutually agreed financial
arrangements

That is how each has assumed
the responsibility for the
payment of household
expenses

Willingness to support if the need exists

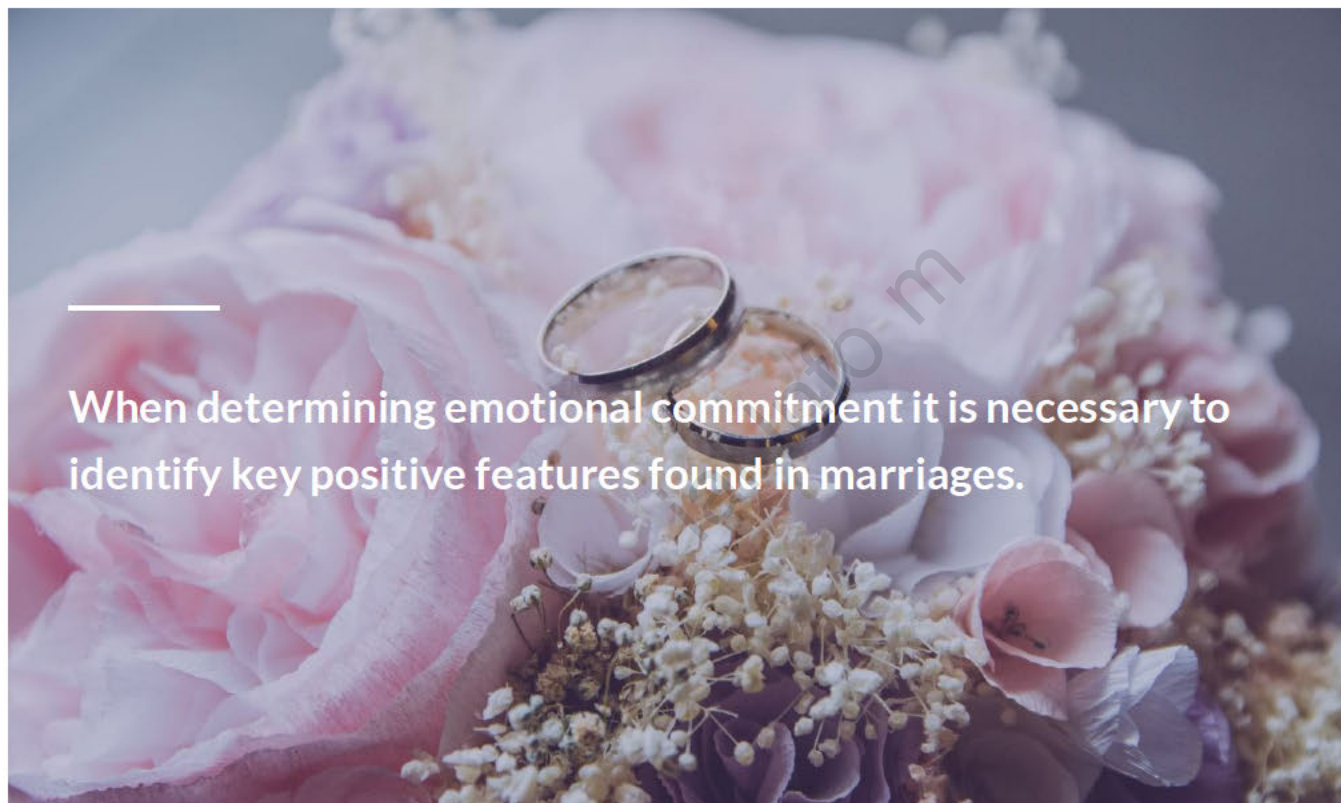
For example: If one partner ceases to be employed, the other member would cover their expenses.

Refusal to support in order to claim benefit

A couple cannot qualify for single benefits if there is a refusal to support, or an arrangement that support will not be given, which is motivated by the knowledge that the dependent partner will then be able to claim a benefit. This cannot create a genuine absence of financial support.

Lesson 5 of 9

Emotional Commitment



When determining emotional commitment it is necessary to identify key positive features found in marriages.

Prior to Ruka the Ministry used indicators outlined in the Excell and Thompson decisions to determine whether a relationship in the nature of a marriage existed. The Court found in Ruka that these indicators are useful but cautioned against using these as a checklist.

The usefulness of the factors lies in their use as a tool to identify the presence, or otherwise, of physical factors that can lead to finding that the parties have so merged their lives that they can be regarded as having assumed responsibility, including financial responsibility.



Indicators to be taken into account in Section 8(4)

An important case impacting on section 8(4) of the Social Security Act 2018 is Thompson v DSW (1993) N.

In the Thompson decision from 1993 the Judge said that the following indicators will be relevant:

- ☐ Whether and how frequently the parties live in the same house.
- ☐ Whether the parties have a sexual relationship.
- ☐ Whether the parties give each other emotional support and companionship.
- ☐ Whether the parties socialise together or attend activities together as a couple.
- ☐ Whether and to what extent the parties share the responsibility for bringing up and supporting any relevant children.
- ☐ Whether the parties share household or other domestic tasks.

☐

Whether the parties share costs and other financial responsibilities by the pooling of resources or otherwise.

☐

Whether the parties run a common household, even if one or other partner is absent for periods of time.

☐

Whether the parties go on holiday together.

☐

Whether the parties conduct themselves towards, and are treated by friends, relations and others as if they were a married couple.

In some cases, other matters not on the list may well be relevant and require assessment in the overall picture.



Once the physical or factual aspects of the relationship have been examined the mental ingredient must be considered. That ingredient involves some commitment by parties to their relationship.

It need not necessarily be a commitment to a long term relationship. But it must, at least, be a commitment for the foreseeable future.

Any lesser commitment would, in my view, be neither sufficient nor consistent with a relationship in the nature of marriage. As with proof of all states of mind it will usually be necessary to decide whether the necessary commitment exists by a process of inference from what the parties have said and done.

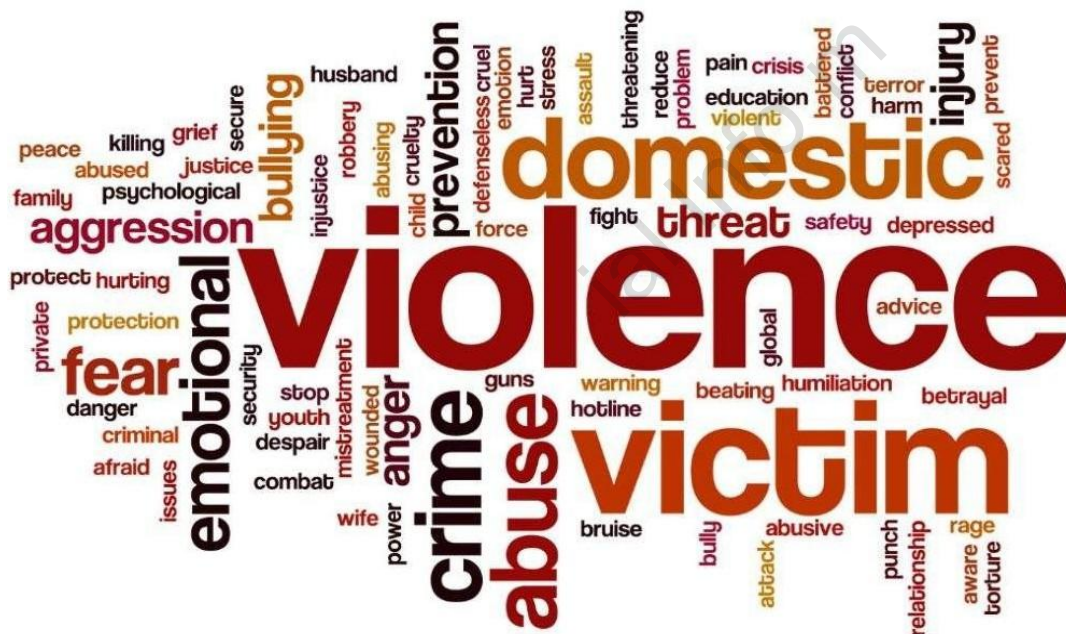
Thompson was discussed in Ruka. The indicators listed in Thompson can also be used to help determine whether the necessary elements of a relationship in the nature of marriage exist.

In other words, the indicators can be used to help show whether there is cohabitation, together with the financial independence and mental/emotional commitment necessary to determine that a relationship may be in the nature of marriage. They cannot be used as a simple checklist so that if a certain number of indicators are present then the relationship is in the nature of marriage.



Domestic Violence

Ruka is the leading case on the issue of a relationship in the nature of a marriage.



This case raised the issue of what effect domestic violence would have on a relationship in the nature of a marriage for Section 63(b) purposes.

In this case Battered Women's Syndrome was offered as a defence in that the defendant's state of mind was affected by the battered woman syndrome to such an extent that she lacked the necessary intent to commit the offences.

The Court of Appeal rejected the contention that Battered Women's Syndrome was a specific defence open to Ms. Ruka.

However the Court of Appeal stated that a woman suffering from Battered Women's Syndrome (BWS) is less likely to be seen to be living in a relationship in the nature of a marriage – the abuse, whether physical, mental or emotional toward a female partner in a battering relationship, will most likely negate any key positive features of a marriage that may have been identified.

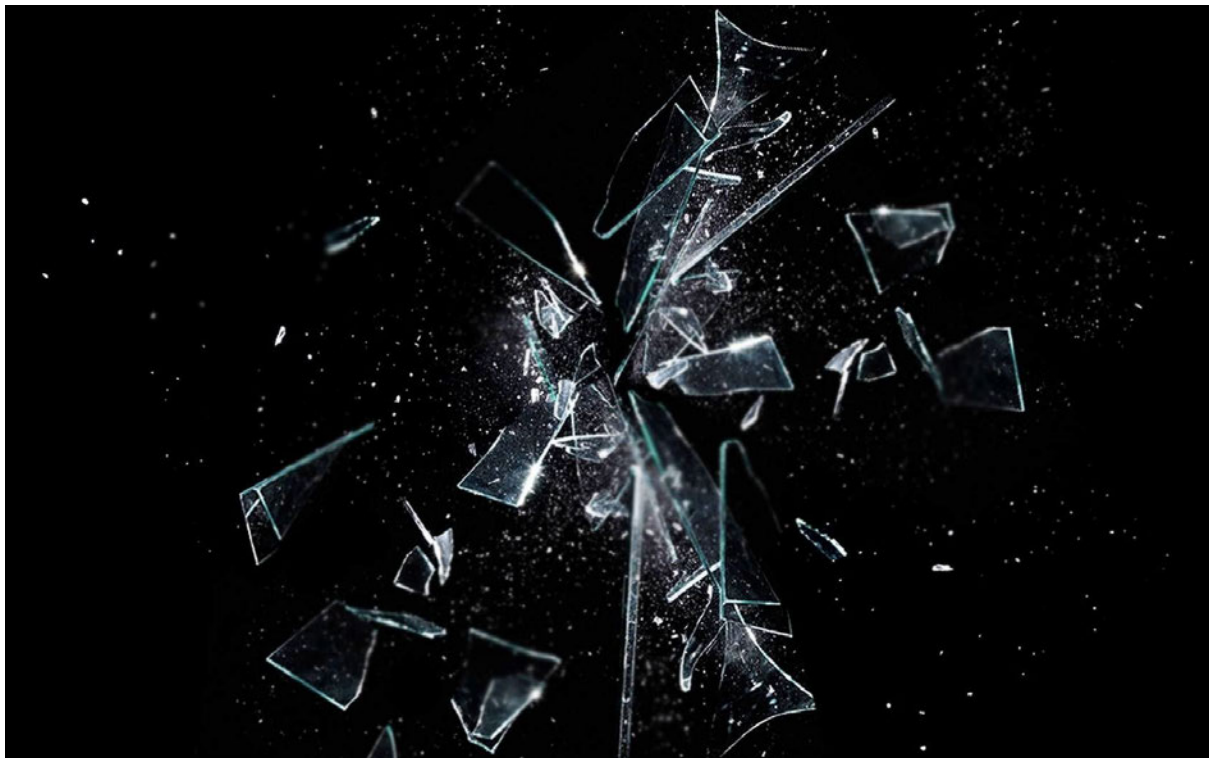
The Court of Appeal went on to say that in relation to Ms Ruka;

“She was bound to the relationship by fear resulting in a psychological paralysis which effectively adhered her to the relationship for as long as Mr. T wanted. She could not be said, therefore, to possess the requisite mental and emotional commitment to the relationship for it properly to be described as being in the nature of marriage. She simply remained in the relationship because she had been battered into a state of terror and was powerless to do otherwise”.

BWS provides an explanation for the continued sharing of the same accommodation and the other linkages, real or only apparent, between them. Unlike someone not suffering battered woman's syndrome the appellant had an inability to choose to live elsewhere. The circumstances of living under the same roof, indeed sharing the same bed, is misleading and must carry little weight.

Thus, less weight, if any, would need to be given to the fact that the parties live together when the woman is staying under the same roof as the batterer out of fear and helplessness. Similarly, the fact that the parties may be said to have sexual intercourse loses its significance as an indicia of marriage if the woman's consent to sexual intercourse is coerced and she is regularly raped. Nor can it properly be concluded that the woman is offering the man emotional support and companionship when any such apparent support is induced by the man's violence and can more accurately be described as "traumatic bonding". The fact that the parties may socialise together and attend activities and go on holidays as a couple would also need to be given less weight when the wife's participation is governed by the man's will and dictated by the unending rule of terror, violence and abuse."

Where domestic violence is raised in any investigation the level of violence would need to be investigated.



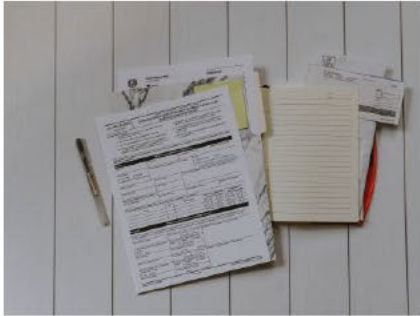
When faced with a case of domestic violence, it would be appropriate to ask for any verification or information that may help support their claim, for example:



GP or hospital records



Police complaints / callouts



Domestic Violence Act
applications / orders



Statements from
neighbors, friends or
relatives

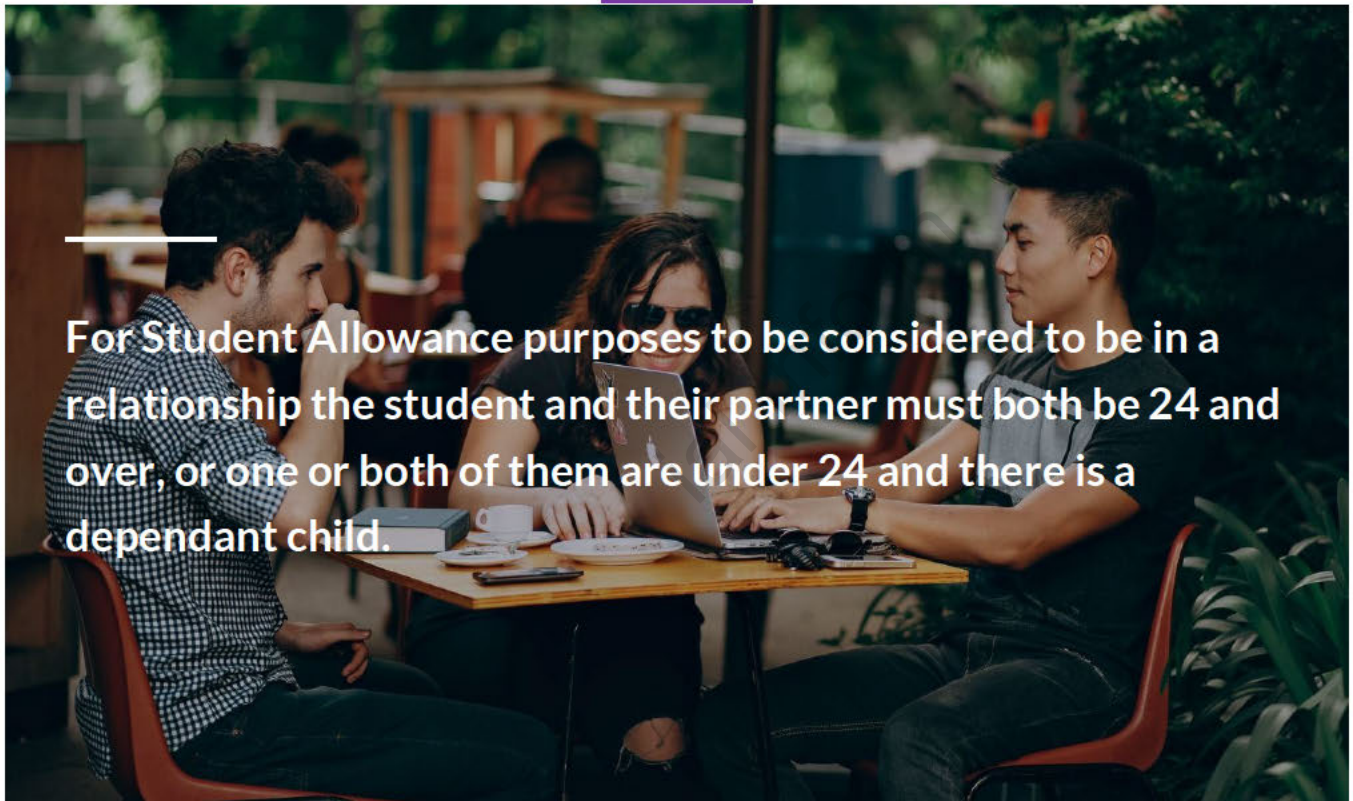


Whether alleged partner has
convictions for violence,
domestic or otherwise

When interviewing the victim of this violence, we would want to ascertain:

- 1 The level and frequency of the violence
- 2 The degree of control over the beneficiary by the violent “partner”
- 3 The beneficiary's freedom/control over their life (going out, having friends, dress style)
- 4 The degree of fear held by beneficiary
- 5 The existence of support networks (family, friends they could turn to)
- 6 Whether the beneficiary wanted to/wants to leave the relationship, to escape the violence

Relationship status and the Student Allowances Regulations



For Student Allowance purposes to be considered to be in a relationship the student and their partner must both be 24 and over, or one or both of them are under 24 and there is a dependant child.

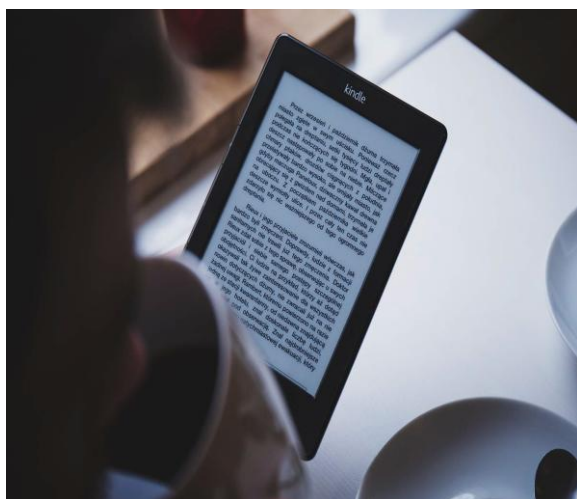
The same age test applies to married, civil union and de facto relationships.

Note - From 1 January 2009 the age test for a relationship changed from 25 years to 24 years.

Rel

Lesson 9 of 9

Helpful links



The following link is a research paper by John Hughes, published by Victoria University in 2005, about Lone Parents and Social Security. It contains some interesting reading about some of the history and legal decisions including Ruka and Excell.

[Lone Parents and Social Security | Victoria University of Wellington Law Review](#)