



15 October 2025

Tēnā koe

Official Information Act request

Thank you for your email of 17 September 2025, requesting information about reviews of financial means assessments for residential care subsidies for clients/estates.

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.

- *Under the Official Information Act 1982, we request aggregated information relating to reviews of financial means assessments for residential care subsidies for clients/estates specifically impacted by the Court of Appeal Judgement in May 2019 on the Means Assessment for Long term Aged Residential Care, for the period 2019 to present day, but not exempting cases prior to this date that may have retrospectively made submissions for reviews.*

1. *The number of clients/estates who were offered a review due to a potential overpayment of residential care costs.*

Offers for review were sent to approximately 1533 clients/estates. The first letter was sent 10 May 2021 and the last letter was sent 27 October 2021 with most of the letters sent between May 2021 and June 2021.

2. *The number of clients/estates who have had their reviews completed and have indicated they were satisfied with the outcome.*

We are unable to provide information about how many clients/ estates were satisfied with the outcome of their review as the Ministry did not capture this data. Therefore, I am refusing this part of your request 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.

All clients/ estates were given review rights when a Historic Review decision letter was issued. Five clients/ estates lodged a Review of Decision (ROD) of the Historic Review, indicating that they were not satisfied with the Historic Review outcome.

The Ministry received 17 RODs prior to the Historic Review process being undertaken. Once the Historic Review process had been formalised and started, MSD contacted these clients/ estates and asked whether they wanted to proceed with the ROD process or opt into the Historic Review process. There were varying responses. Some withdrew their ROD and followed the Historic Review process, some withdrew their ROD and elected not to opt in to the Historic Review process etc.

3. The number of clients/estates who are still awaiting a Review Committee Hearing.

As at the time of this letter, one client is still awaiting a ROD Hearing.

4. The number of residential care subsidy recipients who were alive at the time of submitting a review request, but who passed away before they could attend or have the option of a Review Committee Hearing.

Five clients we received an ROD for were deceased and their estates had completed the opt in form to apply for a Historic Review. We had an additional ROD case where the estate failed to complete the opt in Form to go to the Historic Review, and therefore our original decision was upheld.

5. The total amount of money repaid to clients/estates to date as a result of overcharging for residential care.

The total amount paid in arrears resulting from Residential Care Subsidy reviews for the period 1 May 2021 to 31 August 2025 is \$4,094,275.84. Please note that the historic review for Residential Care Subsidy commenced in May 2021.

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
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