



11 August 2022

D Dahya

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Tēnā koe D Dahya

Thank you for your email dated 14 July 2022 asking a range of questions about the Ministry of Social Development's (the Ministry's) procedures and processes. Your email has been referred to me for response and I am writing on behalf of the Chief Executive.

I will answer your questions and comments in turn.

*1. Declaring income. You say that when a job seeker who receives a Jobseeker Support from MSD declares additional income they effectively suspend their Jobseeker Support for a period of time and that they then restart it for the week the additional income is no longer received. You further say that you have found that, in some cases, the Jobseeker Support has been restarted prematurely by MSD themselves ie in the same week it was suspended. I have found this to have occurred several times in 2021.*

*You go on to ask what the reason is for a Jobseeker Support being prematurely restarted by MSD (without the job seeker's knowledge) instead of the job seeker. The normal practice is when the job seeker has suspended the Jobseeker Support, due to additional income, it is up to the job seeker restart it.*

You can find the Ministry's manual instructions to staff about charging income at: [www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/changes-and-reviews-jobseeker-support/income-from-employment-01.html](http://www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/changes-and-reviews-jobseeker-support/income-from-employment-01.html). In this link under Part-time Employment, reference is made to the week that income is charged and when a benefit must be suspended. If a benefit is suspended due to excess income, suspension will only be for the week or weeks the excess was chargeable.

If you are receiving a benefit and have had difficulties with your payments for any reason, you should telephone Work and Income on 0800 559 009. If you are receiving a benefit and disagree with any decision that Work and Income has made, you have a right to apply for a review of decision. You can find information about the process at: [www.workandincome.govt.nz/about-work-and-income/complaints/review-of-decisions.html](http://www.workandincome.govt.nz/about-work-and-income/complaints/review-of-decisions.html).

*2. What is the consequences of such actions on the job seeker when the Jobseeker Support is prematurely restarted in this manner?*

See my response above.

3. *What is the process that should be taken, by the job seeker themselves or MSD staff, if this did happen?*

See my response above.

4. *Whenever the Jobseeker Support has been restarted by MSD themselves is this recorded on MSD's system records/logs somewhere and, if so, which records?*

Every change in benefit is noted in the client's Ministry record. The information is securely stored and at the same time easily accessible and available to the client and authorised staff.

5. *Obligation failure imposed by MSD. This relates to an 'Obligation failure' being imposed on a job seeker (by a MSD Work Broker) for not attending an interview which effectively penalises the job seeker by reducing or even suspending their Jobseeker Support which, in some cases, is their only form of regular income.*

You can find the relevant information here: [www.workandincome.govt.nz/on-a-benefit/obligations/not-meeting-your-obligations.html](http://www.workandincome.govt.nz/on-a-benefit/obligations/not-meeting-your-obligations.html) and here: [www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/obligations-failures-01.html](http://www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/obligations-failures-01.html).

6. *What is the process undertaken by MSD when an 'Obligation failure' is imposed on a job seeker?*

Please refer to the links at 5. above.

7. *Could you outline the process when the 'Obligation failure' is found to be valid? Could you outline the process when the 'Obligation failure' is found to be incorrect/invalid? Could you outline the process when an 'Obligation failure' is overturned?*

Please see the links at 5. above. If a client disagrees with any Work and Income decision, they are encouraged to first talk through their situation with a staff member. If a resolution cannot be found, the client is entitled to apply for a review of decision as noted earlier in this letter.

8. *What MSD records are affected/updated when an 'Obligation failure' is imposed ie SWIFT, 'Obligation Failure management system' etc?*

*Do the notes in the 'Obligation failure management system' have to be descriptive enough to reveal the cause of the 'Obligation failure' or is 'did not participate' (without any reference to who, what, where) sufficient enough?*

*Would the lack of clarity and relevant detail in the 'Obligation failure management system' ensure difficulty in resolving, re-complying with or, more importantly, disputing the 'Obligation failure'?*

Please see my response at 4. above. Notes should adequately describe the situation and you are entitled to view the notes. With regard to recording decisions about a dispute, you can find further information at:

[www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/recording-decisions-on-a-dispute-01.html](http://www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/recording-decisions-on-a-dispute-01.html).

9. *Does MSD/staff who imposed the 'Obligation failure' have ANY control over the wording of any part of the system generated letter that initially notifies you of the 'Obligation failure' as well as the subsequent MyMSD letter advising that you have 're-complied'?*

The Ministry has teams who compose system generated letters. If for any reason such a letter may not be suitable, a staff member may prepare a more appropriate manual letter.

10. *Lastly, the reason for this request is because I had an 'Obligation failure' imposed on me by MSD Porirua because I apparently didn't attend an interview set for me despite a job offer being made.*

*The job offer was withdrawn when I requested Flexi wage be considered as the role had offered minimum wage- well below the required market rates. MSD had some influence over the creation of the job.*

*My question is "If MSD weren't aware of the interview a job seeker had attended, but aware of the job offer, then how could a job offer be made without an interview?"*

I am unable to answer your last three questions and comments in this response as you have not authorised the Ministry to provide the information to you at the above publicly accessible email address.

I suggest that you discuss your concerns with the staff member you have had contact with about the matter. Alternatively, please provide a private email address where we can contact you and provide an explanation about your situation.

Thank you again for writing.

Nāku noa, nā



Magnus O'Neill  
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Ministerial and Executive Services