



20 APR 2016



Dear

On 14 March 2016 you emailed the Ministry requesting, under the Official Information Act 1982, information regarding Student Allowance reviews of decision. I will address each of your questions in turn.

1. *Five examples of the kinds of decisions made by Studylink which students might ask for a review of.*

As you will be aware, any student has the right to request a review of decisions made by StudyLink about their Student Allowance. Students apply for reviews of decision for a number of reasons, the most common include:

- Parental income assessments.
- Applications declined for not passing more than half of the last study they received a Student Allowance for.
- Rate of payments.
- Debt establishments.
- Applications for Independent Circumstances Allowance declined.

Further information regarding Student Allowances including obligations, rights and reviewing decisions can be found at the following link:

www.studylink.govt.nz/student-allowance/student-allowance-rights.html

2. *How many decisions were reviewed in each of the following years: 2011, 2012, 2013, 2014, 2015 and, if possible, so far in 2016? Either broken down or as a total across that time, in how many cases was the decision changed as a result of the review? Either broken down or as a total across 2011-2015, how many were administrative reviews and how many statutory reviews?*

The enclosed table provides the number of Student Allowance reviews of decision for each year from 2011 to 16 March 2016, broken down by review type and outcome.

A new review of decision screening process introduced from 2012 means faster resolution for students who provide new evidence which would have resulted in a different decision if it had been provided when they applied for Student Allowance. This evidence is simply processed, and these students do not have to go through a formal review process. This has reduced the number of formal reviews undertaken by approximately 200 per year.

3. What is the difference between an administrative review and a statutory review?

The administrative review process was implemented on 1 November 2006 following legal advice which confirmed that not all decisions were subject to statutory review rights and able to be appealed to the Student Allowance Appeal Authority. Previously, when a decision was upheld at the internal review students were automatically offered the opportunity to appeal the decision.

An administrative review is undertaken when a student requests a review of a decision that is not covered under Section 305(1) of the Education Act 1989 and where, based on the Student Allowance Regulations 1998, the Ministry did not have the ability to make the decision in any other way. The Ministry developed the administrative review to enable students who disagree with a decision which is not covered under section 305(1) of the Education Act 1989, who have no right of appeal, to have a full internal review of the decision to ensure that it is consistent and lawful.

A statutory review is a review of a decision which is covered under one or more of the appeal categories described in Section 305(1)(a)-(g) of the Education Act 1989, where the Student Allowance Regulations allow us to make a different decision other than the one the student has asked to have reviewed. For example where an application has been declined but we have the ability to approve it.

The internal review is the same for both statutory and administrative reviews. A specialist team within the Ministry investigates the student's situation to determine whether the original decision was correct, and what type of review the decision falls under. Once the review type is determined, any comments or additional information the student has provided to support their case is considered in line with relevant policy. A full report detailing the original decision, student's perspective, investigation and findings is written and a recommendation to uphold or overturn the original decision is made to the Secretary (in the case of a statutory review) or a Service Manager (for an administrative review).

If a decision is recommended to be upheld i.e. not to be changed, the internal report is sent to the student, who then has two weeks to provide more information or discuss their situation if they still disagree with the decision.

If there is no change to the initial recommendation following this stage, the internal review outcome for an administrative review is confirmed by a Service Manager. Those students who have a statutory review can choose to have their case completed by the Secretary based on the reports and information provided, or they can attend a hearing of the Student Allowance Review Body.

Further information regarding administrative and statutory reviews is available via the link provided in response to question one. The Education Act 1989 can be accessed online at the following link:

www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.html

4. *In 2015, how many students opted for a statutory review by student allowance review panel? Of those students, how many attended the hearing?*

In 2015, eight students opted to attend a Student Allowance review hearing. Two more students who have opted for a hearing are as yet unable to confirm when they will be available. These hearings will be scheduled at a time to suit the students. The Ministry's Report Writing Team is in regular contact with students who have hearings pending. If a student does not wish to attend a hearing of the Student Allowance Review Body, the final outcome of their review will be determined by the Secretary.

5. *For 2015, I would also like a copy of the reports on all the reviews, or whatever final document shows the student's concerns and the eventual decision by Studylink.*

Your request for a copy of reports concerning all reviews for 2015 is refused under section 18(f) of the Official Information Act as substantial manual collation would be required in order to collate and prepare an appropriate response. 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.

However, the Student Allowance Appeal Authority's reports and decisions as far back as 2004 are available online and may be useful to the requestor - www.nzlii.org/nz/cases/NZSAAA/

The principles and purposes of the Official Information Act 1982 under which you made your request are:

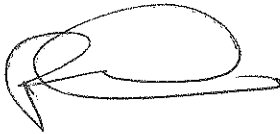
- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

The Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and any attachments on the Ministry of Social Development website. All of your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

I hope you find this information regarding Student Allowance reviews of decision helpful. You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsman
PO Box 10-152
Wellington 6143

Yours sincerely



Ruth Bound
Deputy Chief Executive, Service Delivery

The number of Student Allowance reviews of decision for each year from 2011 to 16 March 2016, broken down by review type and outcome.

Review Type	Decision	2011	2012	2013	2014	2015	2016 (to 16 March)
Administrative	Overtured	6	3	4	23	19	5
	Upheld	1		12	55	72	8
	Partially upheld				2	2	
	Withdrawn			5	23	32	7
	In progress						12
Total administrative		7	3	21	103	125	32
Statutory	Overtured	405	213	189	107	82	19
	Upheld	184	136	128	47	50	3
	Partially upheld	3	4	3	1	1	
	Withdrawn	189	152	147	65	56	8
	Pending hearing				1	2	
Total statutory		781	505	467	221	191	50
Total reviews		788	508	488	324	316	82

Note:

The data provided for 2016 covers the period 1 January to 16 March 2016. From 2011 to 2016, 53% of overtures (cases where the original decision was changed as the result of a review) occurred because the student provided new evidence which enabled us to make a new decision.

'Withdrawn' means the student has opted not to proceed with their review. Report Writers generally speak with students regularly during the review process, often discussing a student's specific circumstances and the application of policy. Sometime students ask us not to proceed with their review once they understand why a decision was made in a particular way.

There are two cases outstanding from 2015 and one from 2014 where the student has opted to attend a Student Allowance review hearing but has not yet been able to confirm a date for the hearing to take place. The 2014 case will be scheduled once the student has returned to New Zealand.