



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

Dear [REDACTED]

On 16 August 2018, you emailed the Ministry requesting, under the Official Information Act 1982, information regarding section 102A of the Social Security Act 1964 (the Act).

As you may be aware, section 102A of the Act relates to a client's work test obligations. Full-time work obligations apply to:

- primary clients (except those receiving Jobseeker Support on the grounds of a health condition, injury or disability)
- partners with no dependent children and
- partners with a youngest dependent child aged 14 years or over.

Part-time work obligations apply to:

- primary clients receiving Jobseeker Support (health condition, injury or disability) who have part-time work capacity and
- partners with a youngest dependent child aged between three and 13 years of age.

Clients (and partners) with work obligations must:

- be available for, and take reasonable steps to obtain, suitable employment
- accept any offer of suitable employment, including temporary employment or employment that is seasonal or subsidised
- attend and participate in an interview for any opportunity of suitable employment to which the client is referred
- when required, attend and participate in any interview with Work and Income or on behalf of Work and Income
- when required, undertake planning for employment
- report to Work and Income on progress in meeting their work obligations as often as required and
- when required by Work and Income, undertake any activity to improve their work readiness and employment prospects, including:
 - any work assessment
 - any programme or seminar
 - any work experience or work exploration activity
 - any employment-related training
 - rehabilitation (but not medical treatment).

A section 102A reduction may be imposed if a client or partner fails to comply with their work obligations, and the Ministry is satisfied that the client or partner has no good and sufficient reason for this failure.

Further information relating to good and sufficient reasons for a client failing to meet their work test obligations can be found on the Work and Income website here: www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/good-and-sufficient-reason-not-meeting-work-or-wor-01.html.

Some parts of your questions cannot be answered as the information is not held electronically, rather it is held in notes on individual case files. In order to provide you with this information, Ministry staff would have to manually review thousands of files and prepare thousands of documents for release. The response to each part of your request will be addressed with the information that the Ministry can provide and the parts that are refused under section 18(f) of the Official Information Act. 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 these parts of 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.

For clarity, your questions will be addressed in turn.

- *2.1 The number of people that have been sanctioned under 102 A (Work test obligations) in the last 12 months. If possible, by age, gender, ethnicity, and/or disability status.*
- *2.3 A regional breakdown of the people who have been sanctioned under 102 A in the last 12 months.*

Where a person fails to comply with their work or work preparation obligations, Work and Income needs to be satisfied that the person has good and sufficient reason for not meeting their obligations, based on the information available to the case manager. In all cases where it is decided that an individual does not have a good and sufficient reason for failing to meet their obligations, they are provided with a five working day notice period in which to dispute or review the decision, or comply with the obligation, before a reduction is imposed on their benefit. Many obligation failures are subsequently overturned in favour of the person, following a discussion with their Case Manager.

Tables 1 to 4 attached show the number of working age main benefit clients with section 102A reductions imposed for 'work test obligation failures' between 1 July 2017 and 30 June 2018, broken down by age group, gender, ethnicity and region.

The Ministry is unable to provide you with the number of clients who have had their benefit reduced under section 102A in the last 12 months, broken down by disability status as the information you have requested is not held by the Ministry and there are no grounds to believe that the information is held by another department or Minister of the Crown or organisation. As such, your request is refused under section 18(g) of the Official Information Act.

The Ministry often receives information from clients about their health when this will affect their ability to undertake full or part time work. Clients who have a health condition, injury or disability may receive Supported Living Payments or Jobseeker

Support (health condition, injury or disability). These clients may have reduced or deferred work obligations or no work obligations.

- *2.2 Any briefings, communications, advice, or any relevant documentation relating to the amount of money these sanctions have taken from those that receive the benefit in the last 12 months.*

The Ministry has not provided any briefings, advice, or any relevant documentation relating to the amount of money that has been withheld from a client's benefit due to these sanctions in the past 12 months. As such, your request is refused under section 18(e) of the Official Information Act as this information does not exist, or despite reasonable efforts to locate it, cannot be found.

The Ministry does not report on the total amount deducted from assistance so it is unlikely that any information exists about this, however in order to identify any communications relating to the amount of money that has been withheld from a client's benefit in the past 12 months, including confirming whether such communication exists, Ministry staff would have to manually review thousands of emails. As such, your request is refused under section 18(f) of the Official Information Act. The Ministry has used a key word search of its document management system and has been unable to identify any information in scope of this request.

- *2.4 The percentage of people who receive the benefit and decline the first job offer they receive. If possible, by age, gender, ethnicity, parental status, and/or disability status.*

Tables 5 to 8 attached show the number of working age main benefit clients with section 102A reductions imposed for 'work test obligation failures' for 'not accepting paid employment' between 1 July 2017 and 30 June 2018, broken down by age group, gender, ethnicity and whether children are included in their benefit or not.

The Ministry is unable to report on the percentage of people who receive the benefit and declined the first job offer they receive. The Ministry does not record whether a declined job was a first or subsequent offer. The Ministry is also unable to provide this information broken down by disability status. As such, your request for this information is refused under section 18(g) of the Official Information Act as the information you have requested is not held by the Ministry and I have no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

Information relating to factors considered when deciding if a job is suitable for a particular client is provided in the Ministry's response to question 2.13.

- *2.5 A breakdown of the type of industries that have offered jobs to people receiving the benefit. If possible, by age, gender, ethnicity, parental status, and/or disability status*
- *2.6 A breakdown of the type of industries that people on the benefit have declined to work in. If possible, by age, gender, ethnicity, and/or disability status.*
- *2.7 A breakdown of the structure of work offered to those that receive the benefit—the number of temporary, seasonal, or subsidized jobs offered.*

The Ministry does not routinely collect or hold information about jobs offered to people who receive a benefit. This information is provided by clients on a case by case basis and may be held for some clients, but is not held in a reportable manner. As such, I am refusing your requests for this information under section 18(g) of the Official Information Act as the information is not held by the Ministry and there are no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

- *2.8 A breakdown of the reasons why people on the benefit decline the job offers or do not attend an interview they receive and any documents and internal communication material relating to this.*

The Ministry is unable to provide you with this information as it is held in notes on individual case files. In order to provide you with this information Ministry staff would have to manually review thousands of files. As such, your request is refused under section 18(f) of the Official Information Act.

If a client disputes their section 102A decision, the Ministry would be required to manually review their individual case file to assess whether they had a good and sufficient reason for not meeting their work obligations.

- *2.9 Social Security Amendment 2010 — 102A (1f) states that " when required by the chief executive, to participate in or, as the case requires, undertake any of the following activities that the chief executive considers suitable for the beneficiary to improve the beneficiary's work-readiness or prospects for employment. One of these activities includes "any programme or seminar specified by the chief executive to increase particular skills or enhance motivation".*
 - *I would like to request documents that relate to the nature of these particular programmes or seminars are and which particular skills are expected to be enhanced.*

The programmes that clients may be expected to take part in, and the skills they are intended to enhance, vary dependant on the client's individual needs. Further information is available on the following two pages on the Work and Income Manuals and Procedures website:

- www.workandincome.govt.nz/map/income-support/main-benefits/job-seeker-support/setting-appropriate-activities-for-clients-01.html
- www.workandincome.govt.nz/map/income-support/main-benefits/job-seeker-support/process-for-deciding-appropriate-activities-01.html
- *2.10 Copies of recommendation on sanction 102 A provided by officials to the Minister and any correspondence, including emails, to or from the Minister that include mention of section 102A of the Social Security Act 1964 from October 2017 to the current date.*

No such recommendations or correspondence exists. As such, your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist or, despite reasonable efforts to locate it, cannot be found.

- *2.11 Documents relating to the effectiveness of sanction 102 A.*

Since the implementation of section 102A in 2010, the Ministry has completed an assessment of the impact of work obligations on sole parents, but not on the effect of work obligations on the broader population. A copy of the most recent technical report about the impact of work obligations for sole parents can be found at: www.parliament.nz/resource/mi-nz/51SCSS_EVI_00DBSCH_EST_63080_1_A437031/badd4251a9f5033b4025469cae720122301ee040

Please note, there are no more recent or more comprehensive reports on the effectiveness of section 102A.

- *2.12 The number of complaints that have been made by people on the benefit in relation to sanction 102 A.*
- *2.15 The number of people who receive the benefit and have disputed a claim under 102 A and the number of cases which have been successfully disputed in the last 12 months. If possible, by age, gender, ethnicity, region, disability status, parental status, and employment sector.*

If a client or partner fails to comply with their work obligations, the Ministry initiates an 'obligations failure'. The client or partner is then sent a letter stating that an obligations failure has been noted and that their benefit will be reduced. Clients have a five working day notice period to dispute or re-comply before the reduction is imposed. They also have the option to lodge a Review of Decision with a Benefits Review Committee if they disagree with the Ministry's decision.

Tables 9 to 11 show the number of work obligations disputes between 1 July 2017 to 30 June 2018 broken down by region, ethnicity and outcome. It is important to note that the figures included in these tables include all instances where the Ministry has initiated an 'obligations failure' as a result of a non-compliance with work obligations. As such, the 'decision overturned' figure includes many instances where the client has contacted the Ministry to explain their situation and the Ministry has removed the obligations failure.

Tables 12 to 15 show the number of Review of Decision applications to a Benefits Review Committee regarding work obligation failures between 1 July 2017 to 30 June 2018, broken down by region, ethnicity, gender and outcome.

The Ministry is unable to provide you with the number of people who receive a benefit and have disputed a claim, broken down by age, gender, employment sector, parental and disability status as this information is not centrally recorded and is held in notes on individual case files. In order to provide you with this information Ministry staff would have to manually review in excess of 37,500 files. As such, your request is refused under section 18(f) of the Official Information Act.

- *2.13 The criteria that is used by the Ministry to assess whether a job is suitable for an individual or not under 102 A.*

The criterion for a suitable job varies between clients, depending on their individual circumstances. A list of some of the factors considered when deciding if a job is suitable for a particular client is available at: www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/suitable-employment-01.html.

- *2.14 Documents and internal communication that relate to the training case workers receive to assess whether a job is suitable for a person or not.*

Most matching of people to jobs is completed by Employment Support Representatives in Job Connect. These staff do not make decisions regarding section 102A. The learning is on the job, supported by Service Centre Trainers or work brokers and guidelines are used, as provided above. As such, information relating to the training of these staff has not been provided.

Case Managers would be more likely to manage client enquires about specific jobs/opportunities where they work with the client to assess their suitability against the criteria in the opportunity. Case Managers receive on the job training supported by Service Centre Trainers. No specific training for Case Managers about assessing whether a job is suitable exists. As such, your request is refused under section 18(e) of the Official Information Act as this information does not exist.

- *2.16 Documents relating to trends in the age, gender, employment sector, ethnicity, disability status, and parental status of people who have been sanctioned under 102A, from the last 12 months.*

The Ministry does not have any documentation relating to trends in the age, gender, employment sector, ethnicity, disability status, and parental status of people who have had their benefit reduced under 102A, from the last 12 months. As such, your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist, or despite reasonable efforts to locate it, cannot be found.

- *2.17 The number of people that have been sanctioned under 102 A who also receive the sole parent benefit. If possible, by age, gender, ethnicity, and/or disability status.*

Tables 16 to 18 show the number of working age clients receiving Sole Parent Support benefit (SPS) with reductions imposed for 'work test obligation failures' between 1 July 2017 and 30 June 2018, broken down by age group, gender and ethnicity.

The Ministry is unable to provide you with the number of people that have had their Sole Parent Support reduced under section 102A of the Act, broken down by disability status as recipients of Sole Parent Support do not have a disability status listed in the system. As such, your request for this information is refused under section 18(g) of the Official Information Act as the information you have requested is not held by the Ministry and there are no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

- *2.18 The number of job offers that are made to people receiving the benefit and the number of jobs which the Ministry has decided is unsuitable for an individual.*

The Ministry does not hold information on all jobs offered to people who receive a benefit or the number which were determined to be unsuitable. As such, your request is refused under section 18(g) of the Official Information Act as the information you have requested is not held by the Ministry and I have no grounds to

believe that the information is held by another department or Minister of the Crown or organisation.

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 of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This 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 shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. 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.

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 this response regarding section 102A of the Social Security Act, 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.

Yours sincerely



Gagau Annandale-Stone
Acting Group General Manager, Client Service Delivery

Table 1: Number of working age main benefit clients with a section 102A reduction imposed for 'work test obligation failures', between 1 July 2017 and 30 June 2018, broken down by age group.

Age group	Number of clients
18-19	6,792
20-24	15,785
25-29	9,527
30-34	6,324
35-39	4,718
40-44	3,414
45-49	2,740
50-54	1,821
55-59	1,009
60-64	238
Total	52,368

Table 2: Number of working age main benefit clients with a section 102A reduction imposed for 'work test obligation failures', between 1 July 2017 and 30 June 2018, broken down by gender.

Gender	Number of clients
Female	24,031
Male	28,337
Total	52,368

Table 3: Number of working age main benefit clients with a section 102A reduction imposed for 'work test obligation failures', between 1 July 2017 and 30 June 2018, broken down by ethnicity.

Ethnicity	Number of clients
Māori	22,849
NZ European	16,336
Pacific People	6,278
Other	3,751
Unspecified	3,154
Total	52,368

Table 4: Number of working age main benefit clients with a section 102A reduction imposed for 'work test obligation failures', between 1 July 2017 and 30 June 2018, broken down by region.

Region	Number of clients
Northland	3,448
Auckland Metro	15,688
Waikato	6,650
Taranaki	3,572
Bay of Plenty	7,447
East Coast	4,021
Central	3,026
Wellington	2,934
Nelson	1,669
Canterbury	2,077
Southern	1,744
Other	92
Total	52,368

Table 5: Number of working age main benefit clients with a section 102A reduction imposed for 'work test obligation failures' for 'not accepting paid employment', between 1 July 2017 and 30 June 2018, broken down by age group.

Age group	Number of clients
18-19	9
20-24	26
25-29	12
30-34	8
35-39	10
40-49	19
50-64	7
Total	91

Table 6: Number of working age main benefit clients with a section 102A reduction imposed for 'work test obligation failures' for 'not accepting paid employment', between 1 July 2017 and 30 June 2018, broken down by gender.

Gender	Number of clients
Female	19
Male	72
Total	91

Table 7: Number of working age main benefit clients with a section 102A reduction imposed for 'work test obligation failures' for 'not accepting paid employment', between 1 July 2017 and 30 June 2018, broken down by ethnicity.

Ethnicity	Number of clients
Māori	47
NZ European	33
Pacific People	3
Other	6
Unspecified	2
Total	91

Table 8: Number of working age main benefit clients with a section 102A reduction imposed for 'work test obligation failures' for 'not accepting paid employment', between 1 July 2017 and 30 June 2018, broken down by whether children are included in their benefit.

Children included in benefit?	Number of clients
Yes	9
No	82
Total	91

Table 9: Number of work obligation disputes between 1 July 2017 and 30 June 2018, broken down by region.

Region	Number of work obligation disputes
Northland	2,189
Auckland Metro	9,719
Waikato	5,792
Taranaki	3,322
Bay of Plenty	5,792
East Coast	2,378
Central	2,197
Wellington	2,447
Nelson	1,249
Canterbury	1,412
Southern	872
Other	149
Total	37,518

Table 10: Number of work obligations disputes between 1 July 2017 and 30 June 2018, broken down by ethnicity.

Ethnicity	Number of work obligation disputes
Māori	20,134
NZ European	9,167
Pacific Islands	3,872
Other	2,745
Unspecified	1,083
Not Stated	517
Total	37,518

Table 11: Number of work obligation disputes between 1 July 2017 and 30 June 2018, broken down by outcome.

Outcome	Number of work obligation disputes
Decision Upheld	400
Decision Overturned	36,610
Dispute Withdrawn	508
Total	37,518

Table 12: Number of Review of Decision applications to a Benefits Review Committee regarding work obligation failures between 1 July 2017 and 30 June 2018, broken down by region.

Region	Number of Review of Decision applications
Northland	2
Auckland Services	17
Waikato	6
Bay of Plenty	6
East Coast	5
Central	13
Central Processing Unit	3
Centralised Services	1
National Office	4
Wellington	5
Nelson	3
Canterbury	8
Southern	2
Total	75

Table 13: Number of Review of Decision applications to a Benefits Review Committee regarding work obligation failures between 1 July 2017 and 30 June 2018, broken down by ethnicity.

Ethnicity	Number of Review of Decision applications
Māori	36
NZ European	22
Pacific Islands	3
Other	7
Unspecified	7
Total	75

Table 14: Number of Review of Decision applications to a Benefits Review Committee regarding work obligation between 1 July 2017 and 30 June 2018, broken down by gender.

Gender	Number of Review of Decision applications
Female	26
Male	49
Total	75

Table 15: Number of Review of Decision applications to a Benefits Review Committee regarding work obligation failures between 1 July 2017 and 30 June 2018, broken down by outcome.

Outcome	Number of Review of Decision applications
Application withdrawn	24
Overtured at internal review stage	41
Overtured by Benefits Review Committee	2
Decision Upheld	5
Decision Pending	3
Total	75

Table 16: Number of working age clients receiving Sole Parent Support benefit with a section 102A reduction imposed for 'work test obligation failures' between 1 July 2017 and 30 June 2018, broken down by age group.

Age group	Number of clients
18-24	1,395
25-29	2,643
30-34	2,008
35-39	1,381
40-44	912
45-49	535
50-54	196
55-59	53
60-64	6
Total	9,129

Table 17: Number of working age clients receiving Sole Parent Support benefit with a section 102A reduction imposed for 'work test obligation failures' between 1 July 2017 and 30 June 2018, broken down by gender.

Gender	Number of clients
Female	7,890
Male	1,239
Total	9,129

Table 18: Number of working age clients receiving Sole Parent Support benefit with a section 102A reduction imposed for 'work test obligation failures' between 1 July 2017 and 30 June 2018, broken down by ethnic group.

Ethnic group	Number of clients
Māori	4,237
NZ European	2,874
Pacific People	1,241
Other	576
Unspecified	201
Total	9,129

Notes for all tables:

- The tables include working age only (18 to 64 years).
- Main Benefits exclude New Zealand Superannuation, Veteran's Pension, Non-Beneficiary assistance, Orphan's Benefit and Unsupported Child's Benefit.
- This includes all types of work obligations; Full-time, Part-time, Work preparation and non-work-tested.

- An individual client may have had more than one reduction imposed during the period.
- If client has multiple reduction reasons, the first reason is reported.
- The region 'Other' represents those service centres that do not represent a geographic location such as War Pensions, Central Processing Unit or Study Link Processing Centre.
- It cannot be assumed that the ethnicity classification used to construct this table necessarily aligns neatly with the current Statistics New Zealand classification of ethnicity. Ethnicity details recorded in the Ministry's systems have been gathered under a variety of classification schemes as clients came into contact with the Ministry.

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