



25 OCT 2018

Dear [REDACTED]

On 26 July 2018, you emailed the Ministry requesting, under the Official Information Act 1982, information relating to the number of people sanctioned under section 60H of the Social Security Act 1964 (the Act).

As you are aware, section 60H of the Act relates to Voluntary Unemployment, or loss of employment through misconduct. This section applies if the Ministry is satisfied that a person has:

- voluntarily become unemployed without good and sufficient reason; or
- been in receipt of payments under a scheme and has voluntarily ceased to be part of that scheme without good and sufficient reason; or
- lost his or her employment because of misconduct as an employee; or
- ceased to be part of a scheme by reason of any misconduct.

Before applying a 13 week non-entitlement period, Work and Income considers the client's individual circumstances. The Case Manager will discuss with the client why they left their employment, and consider:

- if there was a good and sufficient reason for the client voluntarily stopping work
- if their employment ceased due to misconduct, what the misconduct was by the employee, and whether there is any evidence of the misconduct
- whether the misconduct was relatively minor, or whether there are circumstances surrounding their conduct which render it to be excusable
- whether the client is challenging their dismissal or loss of employment.

A non-entitlement period is not a sanction. A sanction is a penalty imposed on a client's benefit for failure to fulfil their obligations. For the sake of clarity, as I address each of your questions in turn, I will refer to non-entitlement periods rather than sanctions. Over 277,000 people receive benefit support. The number of clients to whom a non-entitlement period was applied is extremely low.

1. *The number of people that have in total been sanctioned under 60H (Voluntary unemployment or loss of employment through misconduct) in the last 12 months. If possible, by age, gender, ethnicity, and/or disability status.*

Please refer to tables one, two and three enclosed.

The Ministry is unable to provide you with the number of people that have a non-entitlement period applied under section 60H of the Act, broken down by disability status, as 'disability status' is not a field that exists in the Ministry's reporting system and is not required for the application of section 60H. As such, your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist.

2. The number of people who receive the benefit in different industries (e.g. education, hospitality).

Unfortunately the Ministry is unable to report on the sectors that people going on to a benefit have come from as, where it is held on file, it is not able to be reported on, as it is not grouped into industry categories.

As such, the Ministry is unable to provide you with the number of people who receive a benefit in different industries as this information is held in notes on individual case files. Your request is refused under section 18(f) of the Official Information Act in order to provide you with this information; Ministry staff would have to manually review thousands of files. 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.

3. Known relationship status of women that have been sanctioned under 60H in the last 12 months. If possible, by age and ethnicity.

The Ministry is unable to report on the relationship status of women who have been sanctioned under section 60H of the Act in the last 12 months, broken down by age and ethnicity as it does not hold this information. In most cases, these individuals were not receiving a benefit as they had either been dismissed from their job, or voluntarily terminated their employment. As such, the Ministry would not be able to determine the relationship status of these individuals as information pertaining to these clients is not held. Your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist.

4. The number of people that have been sanctioned under 60H who also receive the sole parent benefit. If possible, by age, gender, ethnicity, and/or disability status.

Please refer to tables four, five and six enclosed. You will note that figures pertaining to five individuals or fewer are suppressed and are represented by an 'S' in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

As per the Ministry's response to question one, the Ministry is unable to answer this question, broken down by disability status. As such, your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist.

- 5. The number of women that have been sanctioned under both 60H and 70A, in the last 12 months. If possible, by age and ethnicity.*

Your request for the number of women that have both a non-entitlement period applied under 60H and a reduction pursuant to 70A, in the last 12 months, broken down by age and ethnicity is refused under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

- 6. A regional breakdown of the people who have been sanctioned under 60H in the last 12 months. If possible, by age, gender, and ethnicity.*

Please refer to tables seven, eight and nine.

- 7. The number of people who have been sanctioned under 60H for voluntary unemployment in the last 12 months. If possible, by age, gender, ethnicity, and/or disability, family status (ie, family, size of family/household.) .*

Please refer to tables 10, 11 and 12 enclosed.

We acknowledge that the number of Māori stood down from their entitlement is higher than other groups. Māori do represent a higher proportion of our clients than their proportion of the total population. The Ministry is working on a Māori Strategy and action plan that will include training for staff to help them better understand the needs of our Māori clients.

As per the Ministry's response to question one, the Ministry is unable to provide you with the number of people with a non-entitlement period applied under section 60H of the Act for Voluntary Unemployment in the last 12 months, broken down by a client's disability or family status. As such, your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist.

- 8. The number of people who have been sanctioned under 60H for loss of employment through misconduct. If possible, by age, gender, ethnicity, and/or disability, parental, and marital status.*

Please refer to tables 13, 14 and 15 enclosed.

- 9. What is the average length of time between a misconduct claim being made by an employer and the employee being notified of the misconduct claim by MSD.*

When a client approaches Work and Income seeking income assistance, they are required to provide information about their previous employment and why they are currently unemployed. Work and Income will then contact the employer to confirm the reason the client left their employment. If a client has been dismissed or is voluntarily unemployed, they are required to provide this information to Work and Income. It is not the Ministry's role to notify a client of a misconduct claim made by an employer, as the employment relationship is between the employer and employee. As such, your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist.

10. The number of misconduct claims which are investigated by a court, person, or body authorised by law to determine whether the misconduct is proved and the average length of time this process takes.

The Ministry does not hold information relating to the number of misconduct claims which are investigated by a court, person or body authorised by law to determine whether the misconduct is proved, or the average length of time this process takes. This information may be held by the Employment Relations Authority or the Employment Court, however these bodies are not subject to the Official Information Act, and accordingly, 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.

11. A breakdown of the number of people who have been sanctioned under 60H by employment sector (e.g. hospitality, education) in the last 12 months.

As per the Ministry's response to question two, the Ministry is unable to provide you with the number of people with a non-entitlement period applied under section 60H of the Act, broken down by employment sector in the last 12 months. As such, your request for this information is refused under section 18(f) of the Official Information Act.

12. Under 60H, it states that a person must not "voluntarily become unemployed without good or sufficient reason". Documents relating to or a breakdown of the reasons which MSD has approved and rejected for voluntary employment.

Examples of good and sufficient reasons for a client becoming voluntarily unemployed include if the client:

- could no longer realistically transport themselves to their employment (for example, where a client's place of employment has moved)
- had childcare arrangements that were not adequate or fell through
- had an unexpected event occur (for example, they had to return to the family home in another location to care for a sick relative)
- left the job because the job was outside of their capabilities or the job was not suitable
- had a significant change in conditions of employment that meant the employment was no longer suitable
- was required to take leave without pay to protect their job in the future (for example, due to an economic downturn, or an unexpected temporary closure of the premises as a result of an event such as a fire or flood)
- was unable to continue working full-time and was unable to work reduced hours as a result of a health condition, illness, or disability, and has a medical certificate to show this.

13. People who are sanctioned under 60H are not eligible for cancelled benefit or a work-test benefit during the period of 13 weeks commencing on - (a) the date the person's employment ceased; or (b) the date the person's participation in the scheme ceased.

Are people eligible to apply for the emergency benefit if they have been sanctioned under 60H? If so, how many people who are sanctioned under 60H apply for the emergency benefit?

The Emergency Benefit may be considered when a person is not eligible for another benefit. A person with a non-entitlement period applied under section 60H of the Act is eligible for another benefit, commencing after the 13 week non-entitlement period ends. Accordingly, the Emergency Benefit is not available. A person may be able to receive Special Needs Grants during the non-entitlement period if they meet all the qualifications.

14. The number of people who receive the benefit and have disputed a misconduct claim under 60H and the number of cases which have been successfully disputed in the last 12 months. If possible, by age, gender, ethnicity, region, employment sector, and type of misconduct claimed.

Please refer to tables 16 and 17 enclosed.

The Ministry is unable to provide you with the age, employment sector and type of misconduct claim by clients who receive a benefit and successfully disputed a misconduct claim under section 60H of the Act in the last 12 months as this information is held in notes on individual case files. As such, your request is 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.

As per the Ministry's response to question two, the Ministry is also unable to identify what employment sector a client is working in as some clients may have no employment history. Consequently, your request for this information is also refused under section 18(e) of the Official Information Act as this information does not exist.

15. Documents relating to trends in the age or gender of people who have been sanctioned under 60H, from the last 12 months.

The Ministry does not have documents relating to trends in the age or gender of clients who have non-entitlement periods applied under section 60H of the Act in 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.

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 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 60H of the 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

A handwritten signature in blue ink, appearing to read 'Kay Read', is positioned above the printed name.

Kay Read
Group General Manager, Client Service Delivery

Question One

Table One: Number of Voluntary Unemployment stand-downs, broken down by age group between 1 July 2017 and 30 June 2018.

Age group	Number of stand-downs
18-19	63
20-24	206
25-29	137
30-34	71
35-39	50
40-44	50
45-49	57
50-54	34
55-59	23
60-64	13
Total	704

Table Two: Number of Voluntary Unemployment stand-downs, broken down by gender between 1 July 2017 and 30 June 2018.

Gender	Number of stand-downs
Female	182
Male	522
Total	704

Table Three: Number of Voluntary Unemployment stand-downs, broken down by ethnicity between 1 July 2017 and 30 June 2018.

Ethnicity	Number of stand-downs
Māori	321
New Zealand European	196
Pacific Island	99
Unspecified	22
Other	66
Total	704

Question Four

Table Four: Number of Voluntary Unemployment stand-downs for clients in receipt of a Sole Parent benefit, broken down by age group between 1 July 2017 and 30 June 2018.

Age group	Number of stand-downs
25-34	9
35-54	7
Total	16

Table Five: Number of Voluntary Unemployment stand-downs for clients in receipt of a Sole Parent Support benefit, broken down by gender between 1 July 2017 and 30 June 2018.

Gender	Number of stand-downs
Female	10
Male	6
Total	16

Table Six: Number of Voluntary Unemployment stand-downs for clients in receipt of a Sole Parent Support benefit, broken down by ethnicity between 1 July 2017 and 30 June 2018.

Ethnicity	Number of stand-downs
Māori	10
New Zealand European	S
Pacific Island	S
Other	S
Total	16

Question Six

Table Seven: Number of Voluntary Unemployment stand-downs across all Work and Income regions, broken down by age group between 1 July 2017 and 30 June 2018.

Work and Income region	Age group									
	18-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64
Northland	9	15	7	6	S	6	S	0	S	0
Auckland Metro	20	79	55	32	17	19	23	12	S	S
Waikato	S	S	S	S	S	0	S	S	S	0
Taranaki	S	18	12	S	S	S	S	S	S	0
Bay of Plenty	S	7	S	0	S	S	S	S	0	S
East Coast	S	10	S	S	S	S	S	S	S	S
Central	S	14	8	S	S	S	S	0	S	S
Wellington	0	17	12	S	S	S	S	S	0	S
Nelson	S	6	S	S	0	0	0	S	S	S
Canterbury	S	12	12	S	S	S	S	S	S	S
Southern	10	22	14	13	10	S	8	8	S	S
Other	0	S	S	0	0	S	0	0	S	0
Total	63	206	137	71	50	50	57	34	23	13

Table Eight: Number of Voluntary Unemployment stand-downs across all Work and Income regions, broken down by gender between 1 July 2017 and 30 June 2018.

Work and Income Region	Gender	
	Female	Male
Northland	9	44
Auckland Metro	75	191
Waikato	11	S
Taranaki	13	40
Bay of Plenty	9	16
East Coast	10	25
Central	11	27
Wellington	15	32
Nelson	S	14
Canterbury	8	38
Southern	12	84
Other	S	S
Total	182	522

Table Nine: Number of Voluntary Unemployment stand-downs across all Work and Income regions, broken down by ethnicity between 1 July 2017 and 30 June 2018.

Work and Income Region	Ethnicity				
	Māori	New Zealand European	Pacific Island	Unspecified	Other
Northland	35	14	S	S	S
Auckland Metro	113	43	S	S	33
Waikato	12	S	S	0	S
Taranaki	33	13	S	S	0
Bay of Plenty	17	S	S	S	S
East Coast	22	10	S	S	S
Central	15	18	S	0	S
Wellington	15	10	12	S	S
Nelson	S	14	0	0	0
Canterbury	18	16	S	S	7
Southern	33	49	S	S	10
Other	S	S	S	0	S
Total	321	196	99	22	66

Question Seven

Table Ten: Number of Voluntary Unemployment stand-downs due to reason 'left on own accord', broken down by age between 1 July 2017 and 30 June 2018.

Age group	Number of stand-downs
18-19	44
20-24	123
25-29	82
30-34	43
35-39	28
40-44	25
45-49	34
50-54	16
55-59	9
60-64	7
Total	411

Table 11: Number of Voluntary Unemployment stand-downs due to reason 'left on own accord', broken down by gender between 1 July 2017 and 30 June 2018.

Gender	Number of stand-downs
Female	108
Male	303
Total	411

Table 12: Number of Voluntary Unemployment stand-downs due to reason 'left on own accord', broken down by ethnicity between 1 July 2017 and 30 June 2018.

Ethnicity	Number of stand-downs
Māori	167
New Zealand European	122
Pacific Island	66
Unspecified	11
Other	45
Total	411

Question Eight:

Table 13: Number of Voluntary Unemployment stand-downs due to reason 'were dismissed', broken down by age group between 1 July 2017 and 30 June 2018.

Age group	Number of stand-downs
18-19	19
20-24	83
25-29	55
30-34	28
35-39	22
40-44	25
45-49	23
50-54	18
55-59	14
60-64	6
Total	293

Table 14: Number of Voluntary Unemployment stand-downs due to reason 'were dismissed', broken down by gender between 1 July 2017 and 30 June 2018.

Gender	Number of stand-downs
Female	74
Male	219
Total	293

Table 15: Number of Voluntary Unemployment stand-downs due to reason were dismissed', broken down by ethnicity between 1 July 2017 and 30 June 2018.

Ethnicity	Number of stand-downs
Māori	154
New Zealand European	74
Pacific Island	33
Unspecified	11
Other	21
Total	293

Notes for tables 1-15:

- This is a count of Voluntary Unemployment stand-downs imposed where at least one day of the stand-down has occurred, and does not include clients whose stand-down period was waived at the start. Some of the Voluntary Unemployment stand-downs in the tables above may not have been for the full duration of 13 weeks due to being waived. Stand-downs can be waived once a re-compliance activity has been completed.
- In tables 1-11, the Ministry has defined 'Voluntary Unemployment stand-downs' to be the two combined reasons 'were dismissed' and 'left on your own accord.'
- In tables 12-14, 'Voluntary Unemployment stand-downs' is represented by the reason 'left on own accord.'
- In tables 15-17, 'Voluntary Unemployment stand-downs' is represented by the reason 'were dismissed.'
- This is not a count of individuals as a client may receive more than one Voluntary Unemployment stand-down in the time period.
- 'S' represents a suppressed cell to protect client privacy. The need to protect the privacy of these individuals outweighs any public interest in this information.

Question 14:

Table 16: Number of people who receive a benefit and have disputed a misconduct claim under section 60H of the Act, broken down by region, gender and ethnicity between 1 July 2017 and 30 June 2018.

Region	Review of Decision applications received	Gender		Ethnicity				
		Male	Female	Māori	Pacific Island	New Zealand European	Other	Unspecified
Auckland	S	S	0	S	S	0	S	0
Bay of Plenty	S	S	S	S	0	0	0	0
Canterbury	S	S	0	S	0	S	0	S
Central	7	S	S	S	S	S	S	S
Nelson	S	0	S	0	0	S	0	0
Southern	S	S	0	0	0	S	0	0
Taranaki	S	0	S	S	0	0	0	0
Waikato	S	S	0	S	0	0	0	0
Wellington	S	S	S	0	0	S	S	0
Total	23	17	6	9	S	6	S	S

Table 17: Number of people who receive a benefit and have successfully disputed a misconduct claim under section 60H of the Act, broken down by region, gender and ethnicity between 1 July 2017 and 30 June 2018.

Region	Decisions overturned	Gender		Ethnicity				
		Male	Female	Māori	Pacific Island	New Zealand European	Other	Unspecified
Canterbury	S	S	0	S	0	0	0	0
Central	S	S	S	S	S	0	S	S
Wellington	S	S	S	0	0	S	S	0
Total	9	6	S	S	S	S	S	S

Notes for tables 16-17:

- 'S' represents a suppressed cell to protect client privacy. The need to protect the privacy of these individuals outweighs any public interest in this information.