



Induction to the Ministry of Social Development and Fraud Intervention Services

Learning objectives:

By the end of this unit you will be able to:

- understand your responsibilities as a Ministry of Social Development (MSD) employee

Relevance of learning to your role:

- this is the beginning of your learning as a Fraud Intervention Services (FIS) investigator
- provides background information about MSD and the role of FIS

Behavioural competencies for success:

- Integrity
- Professionalism
- Accountability and responsibility

Getting Started at MSD – external appointees only

The MSD Getting Started programme is our orientation and welcome programme and gives our people the right tools and resources to start their learning journey in the Ministry.

The MSD Getting Started programme sets out the key information and learning that new employees will need to complete in their first weeks with the Ministry.

Getting Started is available to all new employees through myLearning and is intended to complement each business groups' induction and role-specific training.

The Getting Started programme includes:

Getting Started – my first day

- *Day one orientation – welcome to your team, work space, systems*
- *What we do – hear from our CE/DCEs*
- *Our People – our Leadership structure*
- *Our Benefits – looking after your wellbeing and development*
- *Our Culture – Building Blue*
- *Our Expectations – Code of Conduct*
- *ActSAFE - our commitment to your Health, Safety & Security*

Getting started – my first weeks

- *My team, Service Line – our goals*
- *My Goals – performance and development planning*
- *My customers/clients – connecting beyond my team*
- *iSafe – managing our information*
- *ActSAFE – Off-site*
- *Get Ready, Get Thru – Emergency Management and Business Continuity*

[The Getting Started programme will be assigned and emailed to you](#)

For all new FIS appointees – both internal and external:

Mahi Tahi

Mahi Tahi ('working together') is all about coaching, mentoring and development of people.

Click link to read in full - [Mahi Tahi](#). Your Manager will discuss this with you.

Auditing

When you start as an investigator 100% of your work will be audited. As requirement will change. Your Manager will be able to talk with you about the auditing process.

Helpful forms

The following links provide information that investigators need to know and the administrative forms to be completed when you start work in Fraud Intervention Services (FIS). Your Manager will take you through some of these documents.

Dictaphones

- [Dictaphone usage acknowledge form](#)

Motor vehicle policy

- [Departmental vehicle users form \(Word 152.5KB\)](#)
- [Motor vehicle conditions of use \(Word 108.5KB\)](#)
- [Drivers Guide Comprehensive \(Word 153.5KB\)](#)

Cellphone usage

Benefit knowledge packs

There are a number of knowledge packs available in MyLearning to assist your knowledge about the different benefits we administer. Log into your MyHR, then select MyLearning. The following are some of the packs most relevant to your role, you will need to discuss with your Manager which of the packs you need to complete. These will then be assigned to you in MyLearning.

- Jobseeker Support Knowledge Pack
- Sole Parent Support Knowledge Pack
- Supported Living Payment Knowledge Pack
- NZ Superannuation
- Unsupported Childs Benefit
- Working for Families (WFF) - Knowledge Pack
- Accommodation Supplement
- Temporary Additional Support (TAS)
- Disability Allowance
- Child Disability Allowance
- Absence from New Zealand - Knowledge Pack
- Warrants to Arrest

Public housing information

Information and tips on a range of functions MSD undertakes for public housing assessments can be found in [Doogle - Public housing assessment](#).

Computer Systems

In your role of investigator you will need to use the following MSD systems. You may consider saving these links as favourites:

MSD computer systems

- DOOGLE – MSD’s intranet – <http://doogle.ssi.govt.nz>
- MAP – Manuals and Procedures online – <http://doogle.ssi.govt.nz/map/index.html>
- SWIFTT – benefit processing system
- CMS – benefit and housing information system

- IMS – investigation management system – <https://imsprod.ssi.govt.nz/login>
- SAL – student allowance and loan system – this access is restricted to some Fraud Technical Officers and Studylink staff
- AIMOS – data matching system
- HIYA – Here is your answer – <http://hiya/Default.jsp>
- Fraud Intervention Services website - <http://doogle.ssi.govt.nz/business-groups/helping-clients/service-delivery/fraud-intervention-services/index.html>
- INTEL message board – intelligence unit website – <http://sweb005.corp.ssi.govt.nz/MessageBoard/index.asp>
- INTEL Portal – intelligence unit link for information - <http://iapprodweb01:7980/SASPortal/main.do>

Other computer systems

- Smartrak – car booking system – <https://app.smartrak.co.nz/login>
- Snagit – tool to assist in snipping information from various sites
- Infolog – system to obtain public information, eg. car registration, electricity roll, white and yellow pages etc – <https://infolog.nz/Account/login?ReturnUrl=%2F>
- EpiqGlobal (Steelnet) – used to obtain transcripts of recorded interviews – <https://steelnet.epiqglobal.co.nz/>
- Facebook - <https://en-gb.facebook.com/login/>. You will need to see your Manager for your work log in details for facebook. You MUST NOT use your own personal account for work access under any circumstances.
- Adobe acrobat pro – redacting software



Allegations and Fraud Suspicions

Learning objectives:

By the end of this unit you will be able to:

- deal with identifiable and unidentified allegors
- ensure supplied information is properly documented and actioned
- better understand the importance of obtaining full and correct information

Relevance of learning to your role:

- understand how we receive information
- understand how to manage allegors and the information they provide

Behavioural competencies for success:

- Interpersonal skills
- Integrity
- Professional
- Sound judgement

Introduction

Most investigations begin because someone contacts MSD and makes an allegation or an officer of MSD refers a suspicion of fraud or abuse identified while administering a clients' benefit or social housing entitlement.

MSD has a dedicated allegation line that receives most of these calls, however, any staff member can accept, and record information alleging suspected fraud or abuse and pass that information on to the allegation line. Email: Fraud_Allegations@msd.govt.nz

MSD staff, who are referring a suspicion of fraud or abuse identified while administering a clients' benefit or social housing entitlement should complete a [fraud suspicion form](#) available in Doogle.

The quality of the information contained in the allegation is important because it helps determine which work stream the allegation will go to and the approach that will be taken. The staff member receiving the allegation should take all the information available and ask questions to clarify the situation.

Allegors – their identity

Most allegors contacting MSD do not wish to be identified. The majority will not provide any personal information about themselves and we will not hold any information on their identity.

Some allegors may wish to give a confidential allegation which means they are willing to give their identity details but may not wish their identity to be disclosed to anyone and in particular the client.

There are people who are willing to share their identity and are comfortable with their identity being released and if need be, are willing to appear in court to give evidence.

Its important to ensure that clear notes are made about the allegors wishes in relation to their identity. It is MSD responsibility to protect any confidential allegors details.

Motivation of Allegors

It is important to understand the possible motivations a person has when they make an allegation. Some possible motives are:

- civic duty/sense of justice
- revenge
- vindictiveness
- personal satisfaction
- trade-off for personal favourable treatment
- Work & Income client

Whenever you are allocated a case you should be mindful of the possible motivations of the allegor.

Dealing with Allegors

In dealing with allegors, ensure that you:

- deal with them in a professional manner
- obtain their confidence and maintain their trust
- are discreet
- maintain the initiative
- encourage them to give information but do not disclose anything relating to that particular client to them, or the progress or outcome of the investigation
- suggest that they call you back if any further information comes to hand
- document their wishes to remain anonymous, but give them your name so that they can call you with any additional information
- do not disclose their details unnecessarily to other staff members
- do not trade information for promises

Risks Associated with Allegors

- under no circumstances should staff place themselves in any compromising situation e.g., by becoming too familiar with allegors
- allegors may wish to be treated favourably in relation to their own benefit/housing fraud activities
- be mindful of malicious allegors.

Information

Whilst most allegors ring the allegation line, there may be occasions when you are contacted directly by an allegor or asked to take information from someone who has come into a Service Centre to give information.

- ensure you obtain all possible information in the initial contact - you may not have another opportunity.
- refer allegation information to the Allegation Line or log the allegations into IMS.

Protection of Allegors Identities

Fraud staff have an ethical, and professional obligation to ensure the identity of allegors is not disclosed. Failure to do this could have serious consequences for the allegor or those associated with the allegor. This failure may also put MSD at risk of legal proceedings.

Fraud staff should be aware that although information may have been given to MSD by an anonymous or confidential source, there may be particular information which, if disclosed to the client, would lead to the identity of the allegor.

Where an allegor's identity is known, you may decide to interview them as a possible witness. If they make a statement as a witness they may later be required to attend court.

The Privacy Act 1993

When allegors contact MSD they often make it clear that they do not want their identities disclosed under any circumstances. These people are entitled to make this request. If a request is later made for the allegors details this can be refused as can the release of any information that might lead to the identification of the allegor. This is covered within the provisions of Section 27(1)(c) of the Privacy Act 1993.

"An agency may refuse to disclose information requested pursuant to Principle 6 if the disclosure of the information would be likely to prejudice the maintenance of law, including the prevention, investigation, and detection of offences, and the right to a fair trial..."

The person making the request is entitled to seek a ruling from the Privacy Commissioner on the release of the information and the identity of the allegor. It is unlikely that the Privacy Commissioner would instruct the Ministry to release those details.

The leading Case Law in this area is [*Nicholl v Chief Executive of the Department of Work & Income*](#) where the High Court ruled that disclosure of the identity of the allegor would prejudice the maintenance of the law pursuant to section 27(1)(c) of the Privacy Act 1993.

In all cases investigators should seek legal advice when they are unsure how to best manage a request for disclosure of information and the identity of any allegor.

Client confession

A client or a solicitor (acting on behalf of their client) may contact the FIS team to discuss a client's situation. The solicitor, whilst not divulging any names, will discuss the client's circumstances (e.g. living in a relationship and continuing to receive the SPS). They may advise that their client wishes to "come clean" and in doing so seeks immunity from prosecution.

While we would encourage the client to come forward, no guarantee should be given that the client will not be prosecuted nor have a penalty imposed. The fact that the client self-disclosed would be taken into account when deciding upon any punitive action.

If the matter goes to prosecution, then the issue of the client coming forward should be properly taken into account by the Judge at the time of sentencing.

If the matter is dealt with by way of the imposition of a Section 354 penalty, then this issue can be considered in whether a penalty should be imposed or the amount of the penalty.

It is important to ensure that all information given by any person, is received by MSD, in a lawful manner and that client's personal information is not unlawfully disclosed while trying to seek information.

Referral

An allegation sheet shall be loaded into MSD's Investigation Management System (IMS) by the Allegation Line staff. Some allegations may be entered into IMS by staff working in the FIS team.

These allegations are then screened and referred to the appropriate work stream. (Work streams have been previously covered in the MSD and Fraud History module.)

Summary

Allegors are valuable in assisting MSD to initiate investigations into benefit and housing fraud. The information we receive from allegors can play a critical role in the determination of correct financial assistance.

Staff should be mindful of the possible motives of allegors. Allegors should be dealt with in a professional manner and under no circumstances should staff members place themselves in a situation where they may be compromised or MSD embarrassed.

Under no circumstances are allegors for MSD, paid for giving information.

Test Your Knowledge

Congratulations on completing the Receiving Information module!

For course sign off, please complete the following questions;

1. How would you respond to an allegor who is asking for an update on the investigation?
2. Describe how you would reply to a client under investigation who is demanding the details of the allegor?



Care and Custody of Exhibits

Learning objectives:

By the end of this unit you will understand:

- what an exhibit is
- the importance of preserving and securing exhibits
- the importance of recording the movement of an exhibit

Relevance of learning to your role:

- To undertake a successful investigation it is important to keep your evidence/exhibits safe and maintain the chain of custody

Behavioural competencies for success:

- Integrity
- Attention to detail
- Accountability and Responsibility
- Good organisational skills

Introduction

The production of exhibits in court forms an important part of the court proceedings. The majority of the exhibits produced will be documents. It is essential that they are handled with care to protect the evidential value that will be attributed to them.

In a case where the facts are in dispute, the importance of having exhibits to produce as evidence may be crucial to any proceedings. It is vital that when exhibits are obtained they be kept in a place of security to protect their evidential value.

Exhibits must be recorded and secured once obtained to prevent any suggestion that they have been tampered with or altered in any way to the disadvantage of the party against whom they are being produced.

All evidence collected in an investigation may later be used as an exhibit in Court or for a Benefit Review and/or Appeal Authority hearing.

What is an exhibit?

The concise Oxford Dictionary defines 'exhibit' as:

"A document or other item or object produced in a court as evidence"

Anything used in the commission of an offence or to assist in the commission of an offence is an exhibit. An exhibit provides the Court with the opportunity to view the article and allows the Judge or jury to make up their minds as to the evidential value to be accorded to it.

Exhibits may be used to support or negate other evidence produced.

MSD documents are usually original documents however, more of the documents used will now be those that have been scanned into CMS.

Documents received from external agencies are usually copies of information held by them. If your prosecution results in a defended hearing you will need to advise your witness that they must produce the original documents on the day of the defended hearing.

You must note the date that you receive copies of information throughout your investigation in IMS. This will help form proof of the chain of evidence.

An exhibit could be:

- A document obtained through schedule 6
- A document collected in a search warrant
- A document provided by a client or allegor

Custody of exhibits

What is Custody?

'The protective care or guardianship of someone or something.'

Exhibits obtained in hard copy form should be protected as follows:

- Exhibits must be secured in a safe place at all times.
- Exhibits from one case must be kept separate from another case.
- Exhibits should be protected and checked regularly to ensure no damage or deterioration has occurred.
- Do not allow other people access to your exhibits without your authority or control. This will reduce the possibility of contamination, destruction or loss.
- Never write on or alter any exhibit, if you need to analyse the document, make a working copy of the exhibit instead.
- When preparing prosecution files for legal always take a copy of exhibits for the file. The original exhibits stay with the investigator.
- Once the case is finalised, return all original documents (exhibits) produced in Court by witnesses to their owners.

Exhibits received in electronic form must be downloaded and saved into a secure S drive folder. Our 'paperless office' framework document is held in doogle.

Summary

Exhibits must be afforded the best possible attention because of their evidential value. The care and custody must be free from accusations of negligence, obliteration, or alteration and strict security must be maintained at all times.

Properly handled an exhibit can be of enormous value to your case as it adds weight to the evidence given.

Recording of receipt of exhibits is important and must be maintained throughout the course of your investigation.

Now you have completed this module, an assessment of your knowledge is required.

For course sign off please complete the following questions,

1. Explain how you would manage your files to ensure your documents are protected and secure.

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OFFICIAL INFORMATION ACT



Case Law Policies and Procedures

Learning objectives:

By the end of this unit you will be able to:

- recognise the importance of case law
- understand the relationship between the law, policy and precedents

Relevance of learning to your role:

- investigations are guided by case law precedents
- You need to have a good knowledge of case law that is relevant to your investigation

Behavioural competencies for success:

- Critical thinking - objective analysis and evaluation
- Sound judgment – making correct decisions regarding entitlements
- Decisive - ability to make correct decisions

Introduction:

Case law allows the principles collected from previously determined hearings to be used to assist in the future determination of decisions or hearings. The principles themselves are not evidence but can be applied to show how evidence can be used in a case.

This case law is determined by Judges and the Social Security Appeal Authority (for benefit administration) and some cases are then published. Lawyers and academics can use these principles and MSD can use them to inform practice and policy changes. This can best be shown by example below.

Case Law

Below is a list that is not exhaustive of common decisions now used as case law when administering benefit entitlement and/or initiating criminal proceedings; -

Full copies of these decisions are available to you. You will need to locate these now and become familiar with them.

<p>RUKA</p>	<p>The leading case on the issue of defacto relationships under section 63(b) of Social Security Act 1964 (now Section 8, subsection 4 of the Social Security Act 2018) is Ruka v Department of Social Welfare (1997) 1 NZRL 154, decided in 1996 by the Court of Appeal. A number of succeeding cases have endorsed and somewhat refined the statements made in Ruka.</p> <p>Click link to read the full section – Ruka</p>
<p>EXCELL</p>	<p>Relationship status – Married couple argued living apart. Court gave guidance on indicators of a married couple “living together” or “living apart”.</p> <p>Click link to read the full section – Excell</p>
<p>THOMPSON</p>	<p>Relationship status - The indicators listed in Thompson can also be used to help determine whether the necessary elements of a defacto relationship exist. They cannot be used as a simple checklist so that if a certain number of indicators are present then the relationship is a defacto relationship.</p> <p>Click link to read the full section – Thompson</p>
<p>BATT and RAY</p>	<p>Defining financial interdependence when considering a defacto relationship</p>

	<p>Click links to read the full section – Ray, Batt</p>
DSW vs 'W'	<p>Married - 63(a) living apart - This is a landmark decision when a relationship is considered against the physical presence of either partner.</p> <p>Click link to read the full section – DSW vs W</p>
NICHOLSON	<p>Discharge of obligations – Section 290 makes it an offence to omit or do or say anything, this refers to something the person was under a legal duty or obligation to do. That obligation is defined by section 113 that requires a person to advise of a change in circumstances affecting their benefit entitlement. The obligation is discharged when the person advises of the change.</p> <p>Click link to read the full section – Nicholson</p>
MOODY	<p>Debt write off and Retrospective rate substitution – This case was initially about debt write off, however after the Social Security Appeal Authority made a decision to replace one benefit with another the case went to the High Court.</p> <p>The High Court decision was that you could not retrospective credit a person with a different benefit as entitlement to a benefit cannot be backdated. The decision further stated that you can vary the rate of some benefits, but only if that benefit has different rates e.g. married/single or sole parent rate (retrospective rate substitution) Click link to read the full section – Moody</p>
IOANE	<p>Overpayment assessment for court purposes only - The Judge in this instance merely asked if an assessment of the amount of 1/2 married Unemployment Benefit be undertaken and compared with the DPB overpayment so he could gauge the level of criminality for sentencing purposes.</p> <p>Click link to read the full section – Ioane</p>

REED	<p>This decision supports our current investigation process and the use of MSD’s caution.</p> <p>Click link to read the full section – Reed</p>
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[For more information on specific case law decisions, click here.](#)

Precedence of Decisions

The Court of Appeal is likely to be the highest New Zealand Court which will consider issues relevant to Social Security Law. However, a case can be appealed further to the Supreme Court, if the appeal involves an important legal issue. Decisions by the Supreme Court and Court of Appeal are binding on lower courts.

The High Court is the court to which a District Court criminal decision or an Appeal Authority decision is appealed. A decision of the High Court is also binding on lower jurisdictions. Currently MSD’s policy is to apply these binding decisions in policy or appeal the decision.

District Court decisions have persuasive effect, as do Appeal Authority decisions. However, they are not binding for decisions made by other judges in the District Court. Their persuasive effect will depend on their written argument and the similarity of the fact situation.

Decisions in overseas Courts may have persuasive effect if they consider, for example, the wording adopted by the Social Security Act.

Policy

Inevitably, government departments will have policy guidelines, and MSD is no exception. The policy guidelines are an attempt to develop procedures for the administration of the benefit system that makes decision making by staff correct and consistent. These guidelines are in MAP (manuals and policy).

The policy guidelines will not have thought of answers for every situation which will arise after the guidelines have been written. As a result, there may be some tension between policy and the correct interpretation of law. The correct interpretation of the law is the appropriate course to adopt, as if not adopted will give rise to MSD losing its case either in the criminal court or before the Social Security Appeal Authority.

Often this tension between the two is difficult to pick and gives rise to cases such as High Court decision on Special Benefits (Ankers case). In that case MSD's policy, setting out criteria which had to be met before a Special Benefit could be granted, was challenged in the High Court. The Court held that the section of the Social Security Act which gives discretion to grant a special benefit, could not be limited to the extent that the policy required. If there are any difficulties with this sort of tension in deciding, then contact Legal Services.

Test Your Knowledge

Congratulations on completing Case Law module!

For course sign off, please complete the following questions;

1. How is case law made?
2. Explain the reason for case law.
3. What is the most relevant case law on defacto relationships, for a MSD investigator and why?