



# MINISTRY OF SOCIAL DEVELOPMENT

*Te Manatū Whakahiato Ora*

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22 AUG 2014

Ms Donna Wynd  
Child Poverty Action Group  
[donna@cpag.org.nz](mailto:donna@cpag.org.nz)

Dear Ms Wynd

Thank you for your email of 14 July 2014 requesting, under the Official Information Act 1982, information on the Relationship Status Verification form that is required to be completed by a third party when someone applies for Sole Parent Support, specifically:

1. *What is the legal basis for this form?*
2. *How long has this form been used by Work and Income to assess eligibility for Sole Parent Support?*
3. *What legal and other advice did the Minister receive in respect of the introduction of this form for Work and Income clients?*
4. *What is the legal status of this form?*
5. *What is the legal liability of an individual who completes this form, and what is the basis of that liability, if any?*

## Fraud reforms

The process for verifying a person's relationship status through the Relationship Status Verification form is based on the initiatives that were part of the Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014 (Fraud Reforms). One of the most common types of benefit fraud is where a person fails to declare a marriage or civil union type relationship. The Fraud Reforms required the Ministry to develop a process that included:

- receiving additional information about the nature of a relationship prior to granting an application for Sole Parent Support
- ensuring a person's understanding of the definition of a relationship at the time of their application
- obtaining details of a 'third party' person who can confirm the Sole Parent Support applicant's relationship status.

Relationship status is a qualification for Sole Parent Support. Work and Income needs to understand a client's relationship status to ensure that they are receiving the correct benefit. Applicants for Sole Parent Support are asked to provide the details of a nominated person who is willing to verify their relationship status.

The process for verifying relationship status was designed and implemented as part of the Welfare Reform changes in July 2013 and the form has been in use since then. The Relationship Verification Form aligns with the supporting evidence that has been previously required to complete the processing of an application of a benefit, for example, identification, income verification or medical certificates.

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The legal authority for the Ministry to ask for supporting evidence at the point of application is provided in section 11D (2b) of the Social Security Act 1964. Obtaining this supporting evidence allows Work and Income to make informed decisions to ensure an applicant meets the qualifications for financial assistance.

Under section 127 of the Social Security Act, the Ministry reserves the right to prosecute when someone knowingly declares false information concerning an applicant's relationship status. Note that this section of the Act also applies to any person who deliberately misleads Work and Income in order to receive payments for them or to assist any other person to receive benefits to which they would not otherwise be entitled.

### **Applications for Sole Parent Support and how the Relationship Status Verification form is used**

Clients who apply for Sole Parent Support are asked on their application form to provide details of a nominated person who has known them for at least two years prior to their application and can verify the client's relationship status.

Note that it is not mandatory for clients to provide details of a nominated person on their application form. If a client is not willing to name a nominated person, the case manager will discuss with the client the reasons why they are unable or unwilling to do so and make a decision about whether they meet the relationship qualification for Sole Parent Support.

People are assessed at the point of application for Sole Parent Support to see whether they meet the 'targeting' criteria for needing to get their nominated person to complete the Relationship Status Verification form. The 'targeting' criteria include whether:

- the applicant has separated and reconciled with a partner in the last 12 months
- the applicant was included in a couples' benefit that was cancelled in the last six months
- the applicant has a postal address that is different to their residential address (not including a PO Box address)
- the applicant has been included in the Low Trust Service.

Clients who meet the 'targeting' criteria are required to get their nominated person to complete the Relationship Status Verification form, which explains:

- the Ministry's obligations in relation to the Privacy Act 1993
- the point of contact with the Ministry to direct any questions or concerns about what they're being asked to provide
- the consequences of providing false information
- information on describing a client's relationship status.

When the Relationship Status Verification form is required, Work and Income will generally make a decision about whether to grant Sole Parent Support once the client has returned the form.

Therefore, it is important to note that the Relationship Status Verification form is not used to determine eligibility for all people who apply for Sole Parent Support but only for a subset of Sole Parent Support applicants who meet the 'targeting' criteria. The Relationship Status Verification Form is not used in relation to any other benefit.

## Advice provided to the Associate Minister for Social Development

You asked about the legal and other advice the Associate Minister for Social Development received regarding the introduction of this form. The Ministry has operational responsibility to fulfil the requirements of the Fraud Reforms. The Ministry developed the form with the same level of robustness and legal scrutiny as other Ministry forms.

The Associate Minister was briefed on the Relationship Status Verification form as part of the wider fraud reforms but did not receive any specific advice on the introduction of this form. Therefore, in this instance, your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist.

Within the Cabinet paper *Tackling Welfare Fraud*, the initiatives to receive information that verifies a person's relationship status is contained in paragraph 52. This is publicly at:

[www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/welfare-fraud/tackling-welfare-fraud.pdf](http://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/welfare-fraud/tackling-welfare-fraud.pdf)

I hope you find this information 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



Debbie Power  
Deputy Chief Executive Work and Income