

Terms of Reference for the Welfare Expert Advisory Group

These terms of reference (TOR) describe:

- Part A: Welfare Expert Advisory Group – proposed objectives and scope
- Part B: Welfare Expert Advisory Group – detailed function and operations

General matters

1. This document is a Terms of Reference approved by Cabinet following Ministerial consultation, and consultation with the Chair of the Welfare Expert Advisory Group (WEAG).
2. The Terms of Reference will remain in effect until 28 February 2019.
3. Decisions on any continuation of the WEAG beyond 28 February 2019 will be made by Cabinet in March 2019, following consideration of the WEAG advice.
4. The Minister will consult with Cabinet on any substantive proposed change to the Terms of Reference, and these Terms of Reference may be reviewed and amended by Cabinet at any time.

Part A: Welfare Expert Advisory Group – proposed objectives and scope

Introduction

1. Many of the main planks of the welfare system have been in place since the current Social Security Act was enacted in 1964. Since then, there have been significant social and economic shifts that have shaped New Zealand's social welfare landscape. Today, we experience pervasive and persistent inequities across a number of areas, and a growing concern for the marginalisation of different groups of New Zealanders. There is growing homelessness and complex housing demands alongside rates of poverty that are too high. It is timely at this critical juncture to evaluate whether our social welfare system remains fit for purpose in contemporary New Zealand.
2. The Government's vision is for a welfare system that ensures people have an adequate income and standard of living, are treated with and can live in dignity and are able to participate meaningfully in their communities.
3. The welfare system is part of an integrated Government approach that enables people to be earning, learning, caring or volunteering and ensures a dignified life for those for whom these options are not possible.
4. This Government acknowledges that an improved social welfare system is also an important lever to achieve one of its main priorities of improving the wellbeing of children, especially those who are economically disadvantaged, and to reduce the rates of children experiencing poverty. The emphasis of our social welfare system is on delivering compassionate, timely and appropriate support for those in need.

Objective

5. The Welfare Expert Advisory Group (the WEAG) is being established to provide advice to the Government on options that could best give effect to its vision for the future direction of the social welfare system.

Scope

6. The WEAG will advise the Government on:
 - amendments to the legislative purpose and principles of the Social Security Act that give effect to the vision and direction of the Government
 - how any amendments to the purpose and principles in the Act could be implemented system-wide
 - advice on other changes needed to ensure the system achieves the Government's vision for the Welfare System
 - changes to obligations and associated sanctions applied to beneficiaries to ensure alignment with the Government's vision
 - high level recommendations for improvements to Working for Families
 - recommendations for areas where the interface between the welfare system and other systems need to be improved either because they are not functioning well or in light of the Group's work on giving effect to the future vision for the welfare system – for instance:
 - ACC, education and training, housing, health and justice

7. The WEAG will also engage with and provide insights and recommendations about the work underway within MSD on achieving meaningful and lasting change within Work and Income to ensure that beneficiaries are treated with dignity and respect in all their interactions with the system.
8. The Minister for Social Development may also seek the WEAG's advice and views on specific Government proposals for reform in the context of Budget 2019.

Approach

9. In considering how to give effect to the Government's vision the WEAG should give due consideration to:
 - the evolving nature of contemporary New Zealand – changes to family structures, social needs and the changing labour market, and how these significant shifts might impact the future direction for the Social Welfare System.
 - ensuring simplicity in the social welfare system so that it is easy to understand, and people know about and are able to receive the assistance they are entitled to
 - economic and technological changes
 - ensuring good transitions to meaningful and sustainable employment as well as other positive outcomes are also recognised and valued (such as participation in the community and voluntary work)
 - improving outcomes for groups of people disproportionately impacted by negative social outcomes such as Māori, Pacific Peoples, youth, disabled people and people with health conditions.
 - how child wellbeing might be improved by the recommendations
 - the fiscal sustainability of their recommendations

Interactions with other Government work programmes

10. The WEAG should give due consideration to interactions between the welfare overhaul and related Government work programmes such as the Tax Working Group, Child Wellbeing Strategy (including the Child Poverty Strategy), and the Housing Strategy.

Out of scope

11. The following are outside the WEAG's scope:
 - New Zealand Superannuation (NZS)
 - Veteran's Pension and War Pensions
 - Student Support System
12. While the above areas are excluded from scope, the WEAG may require flexibility to consider some matters relating to those systems. This may include areas relating to issues created as a result of interfaces between the systems, or areas where clients may experience the same issues or complaints across the systems.

Engagement

13. The WEAG must take a participatory and independent approach that prioritises the experience of people interacting with the welfare system.
14. The WEAG will be required to undertake appropriate consultation with key stakeholder groups, including but not limited to iwi and Māori, Pacific Peoples, and disabled people.

B: Welfare Expert Advisory Group – detailed function and operations

Purpose

1. The Welfare Expert Advisory Group (the WEAG) is being established to provide advice to the Government on options that could best give effect to its vision for the future direction of the social welfare system

Deliverables

2. The WEAG will deliver its final advice to Ministers by February 2019 in a written report.
3. A decision on any continuation of the group will be made by Cabinet in March 2019, following consideration of the WEAG's advice.

Accountability

4. The WEAG is accountable to the Minister for Social Development for the quality and timeliness of its advice and reports.
5. A Senior Officials Group will be accountable to the Minister for Social Development for:
 - the provision of an appropriately resourced Secretariat, and
 - supporting the Secretariat to deliver timely, good quality advice to the WEAG.

Membership

6. The WEAG shall consist of no more than 11 members, including the chair.
7. The WEAG and members of the group are appointed by the Minister for Social Development following consideration by Cabinet.
8. Members shall be appointed for a period determined by the Minister for Social Development.
9. The Minister for Social Development may remove a member of the WEAG from that office by issuing a written notice stating the date from which the removal of the member is effective. The Minister may, at her discretion, consult with the Chair before removing a member of the WEAG.
10. The Chair may be removed from the WEAG by the Minister for Social Development issuing a written notice stating the date from which the removal of the Chair is effective.
11. Any member of the WEAG may tender their resignation at any time by way of letter addressed to the Minister for Social Development.
12. Members are expected to act in good faith, with integrity and with reasonable care in performing their duties on behalf of the WEAG.

Fees

13. Fees are determined under the Cabinet Fees Framework set out in Cabinet Office Circular CO (12) 06.

Conduct of Business

14. The Chair of the WEAG will agree an approach with the Minister for Social Development on how it will carry out its work programme. The WEAG will operate with the Minister on a no surprises basis.
15. The WEAG must actively recognise and address Treaty of Waitangi interests throughout their work.
16. The Chair may, in consultation with the WEAG and Minister for Social Development as required and consistent with these Terms of Reference, issue policies and protocols to inform the day to day working of the WEAG and expectations of members (for example, protocols for storage of confidential information).

Acting Arrangements

17. If the Chair is unavailable to attend a meeting, they must nominate a member to act in their place.
18. Members may not delegate attendance at meetings.

Quorum for meetings

19. A meeting quorum will be no less than six members of the WEAG, including the Chair.

Advisors

20. With agreement from the Chair, the Minister may approve a Special Advisor to the WEAG to provide ongoing specialist knowledge to complement the skills and experience of the WEAG and assist with deliberations.
21. The Special Advisor is not an appointed member of the WEAG.
22. The WEAG has the ability, and will be funded, to access independent advisors to assist with its work (for example, to commission specific research or analysis).

Advice from officials

23. In order that the WEAG can fully execute its functions, the Ministry of Social Development, the Treasury and Inland Revenue will support the WEAG by providing timely advice and information to the WEAG and Secretariat.

Information Requests

24. All advice or information produced by the WEAG or provided by government agencies will be subject to the provisions of the Official Information Act 1982. All advice provided by government agencies to Ministers and/or Chief Executives will be subject to the provisions of the Official Information Act 1982.
25. Decisions on the release of information will be determined after consultation with any party whom the WEAG has determined as an interested party to the proposed information that may be released.

Public communications

26. The WEAG will conduct planned engagements with stakeholders. The WEAG Chair will approve all such engagements.
27. Members of the WEAG will seek agreement from the Chair before communicating any aspects of the WEAG's work in public fora. This includes, but is not limited to, blogging, media engagement, and academic work.

Authority of the Chair

28. Where there is any uncertainty regarding the conduct of WEAG members in accordance with these Terms of Reference, or matters of concern, these are to be referred to the Chair for direction.

Secretariat

Function and role

29. The WEAG will be supported by a Secretariat, made up of seconded officials from the Ministry of Social Development, the Treasury and Inland Revenue. The Ministry of Business, Innovation and Employment may choose to second a staff member, depending on the Secretariat's requirements.
30. The Secretariat will assist the WEAG to complete its work by responding to requests from the WEAG, seeking information and advice from agencies, leading the process to brief WEAG members on issues and options within the welfare system, and drafting the WEAG's final report.
31. The WEAG may request advice and analysis from the Secretariat on any matter within the scope of its Terms of Reference.
32. The WEAG may request that the Secretariat develops advice that is independent from agency perspectives.
33. The Secretariat will be led by a Director who will have overarching responsibility for the efficient functioning of the Secretariat in meeting the needs of the WEAG.
34. Decisions on appointments to the Secretariat will be made by respective government agencies. The Chair will have an opportunity to provide feedback on proposed candidates, but has no decision-making rights.

Relationship between the Secretariat and WEAG

35. The Director of the Secretariat will be accountable to the Chair of the WEAG.

Senior Officials Group

36. A Senior Officials Group will be established to support the successful delivery of the WEAG's work programme, by providing coordinated leadership and supporting the work of the Secretariat.

37. The WEAG Chair may request opportunities to meet with the Senior Officials Group to discuss matters relating to the welfare overhaul work programme (for example, the operations of the Secretariat or to request advice).

Conflicts of interest

38. Members should avoid situations that might compromise their integrity or otherwise lead to conflicts of interest.
39. The WEAG will put in place appropriate procedures, including a register of interests, to ensure that any potential conflicts of interest are identified and managed effectively.

Authority

40. The WEAG is an advisory group and has no authority to direct any government department or agency, employ staff, enter into contracts, or make commitments or undertakings on behalf of any Minister or Chief Executive.

Confidentiality

41. The WEAG should engage as much as possible with individuals and organisations to inform the review of the welfare system. The Chair should determine whether information is for sharing by the group, or is to be kept private or confidential, subject to the provision that all information provided by Government can be shared unless indicated otherwise.
42. Members of the WEAG may be presented with a range of private or confidential information, including on aspects of government agencies' business as well as commercially sensitive information. The expectation is that all Members will act professionally, respecting each other's and the Government's interests.
43. The work of the WEAG may also involve personal information. All Members will ensure that the collection, use, disclosure, and storage of personal information in connection with the WEAG is consistent with the Privacy Act 1993. These obligations continue, as appropriate, beyond membership in the WEAG.

Intellectual Property

44. Any report or work product developed by the WEAG will be the property of the Crown.
45. Government agencies, at their discretion, may use reports or other work products supplied or developed by the WEAG.
46. Nothing will affect the rights of a member or their employer in the intellectual property owned by that member or their employer prior to entering this engagement or developed by the Member other than in the performance of this engagement.