



## MINISTRY OF SOCIAL DEVELOPMENT

*Te Manatū Whakahiato Ora*

### **Terms of reference**

#### **National Beneficiaries Advocacy Consultative Group and Ministry of Social Development Interface and Working Relationship**

##### ***Background:***

A national network of beneficiary advocacy groups was established in 2000. Advocates have a role to play in working with the Ministry of Social Development (MSD) on a variety of issues relating to mutual clients. Regular quarterly meetings between representatives from the National Beneficiary Advocate Consultative Group (NBACG) and MSD have been instituted to facilitate achieving mutual outcomes for clients.

##### ***Sponsor:***

Peter Hughes, Chief Executive of the Ministry of Social Development, sponsors this activity.

##### ***Purpose/Principles:***

Advocacy consultation provides further contributions to a long-term, co-ordinated direction for policy development by gaining insight from those advocating on behalf of the people directly affected. In light of this both parties agree to discuss ongoing areas of concern and, where there are mutually agreed problems, to identify what action is to be taken.

These terms of reference deal with the special relationship between advocacy groups that make up NBACG and the Ministry. The relationship with other advocates is dealt with in the Ministry's Working Relationship with Client Representatives document. The principles in that document will apply also to this relationship but these terms of reference will take precedence over that document if there is any conflict.

These terms of reference reflect the special relationship between NBACG advocates and the Ministry and the mutual commitment to work together and resolve issues by adopting a non technical, positive and client focussed approach.

The furtherance of this mutual commitment will be achieved by (but not limited to):

- informing the relevant Ministries of matters that advocacy groups consider to be problems within the welfare area;
- determining which issues both advocacy groups and the Ministry agree are problems;
- prioritising the issues that need to be worked on by the group;
- work shops, focus group participation and general exchange of information

- setting up working parties to work on the details of particular solutions. Advocates will determine who they wish to represent them where they chose to participate. Each working party will determine when, and how often, it will need to meet
- providing input and advice into the development of new legislation, policies, programmes and practices; and
- where appropriate, contributions to changes in legislation, programmes, directives and operational policy and practices could be made.
- Creating a culture of collaboration and relationship building

**Membership:**

- Representatives from the advocacy groups that form NBACG
- Ministry of Social Development officials and Deputy Chief Executives as required.
- National Relationship Manager Client Representatives
- Other Government Departments as needed.

**Scope:**

In Scope:

- Quarterly meetings and resulting opportunities for information sharing
- Agreed agenda items
- General/wider sharing of information and confidentiality requirements
- Escalation process

Out of Scope

- Protocol for joint working groups with the NBACG; and
- MSD's working relationship with client representatives.<sup>1</sup>

**When:**

The full group will meet quarterly for three days.

**Good Faith:**

All participants to these meetings agree that the discussions and workings of meetings be carried out in good faith. The participants agree that they will also work in good faith in dealings outside these meetings.

Good Faith includes:

- Acting with best intentions to serve the purpose as outlined in the relevant Terms of Reference
- Ensuring processes are fair and transparent
- Client-focused consultation
- Clearly defining the level of engagement MSD and NBACG will have. These may include (but are not limited to) briefings, workshops, consultation and working groups
- Agreeing on and adhering to the type of working group model that will operate
- Both parties acting within agreed spheres of confidentiality and acknowledging the privileged nature of some of the shared information
- Both parties adhering to set processes outlined in the protocol for joint working groups
- Mutual respect and fairness

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<sup>1</sup> Both of these are covered in separate documents.

- Escalation process

Any agreements reached on practice or policy issues will be documented and signed as correct by representatives of the Ministry and the advocates.

### ***Role of Beneficiary Advocates in working relationships with the wider Ministry***

To ensure clients receive their full and correct entitlements. As such, the relationship between Case Managers and Advocates can be seen as one of mutual concern over the clients' well being where we work in a co-operative manner to ensure the best outcome for that client.

### ***Beneficiary Advocates Operational Practice***

MSD acknowledges that some people have difficulty in articulating their needs and as a result, do not always obtain their full and correct entitlements. Client Representatives provide a voice for these people.

Where an issue arises, advocates will:

- a. discuss and attempt to resolve the situation with the site;
- b. discuss and attempt to resolve the situation with the appropriate regional staff;
- c. ask that the issue to be added to the agenda for the next quarterly meeting; and/or
- d. refer the issue to the National Relationship Manager for Client Representatives.

The method chosen will depend on what the advocate considers is the most appropriate course of action depending on the circumstances.

Any escalation of a client case to National Office must be done in writing. A written record will be kept for any communications, meetings or agreements between client representatives and the Ministry.

The success of any escalation process is that both parties deliver on any agreements reached, for example agreements to provide more information, agreements to re-consider an issue and provide a response. Both parties will apply their best endeavours to comply with any agreements reached, and if unable to comply, to notify the other party and provide reasons. Wherever possible timeframes should be re-negotiated, but this must bear in mind the objective of the escalation process, which is to efficiently and effectively deal with matters of disagreement.

If the matter still cannot be resolved, the issue will be escalated to the Chief Executive for determination. In serious cases, advocates reserve the right to refer the matter directly to the Chief Executive to deal with.

### ***Confidentiality:***

It is the role of government advisers to provide Ministers' with free and frank advice on a range of issues and policy options. In providing this advice officials may wish to engage with a range of stakeholders to canvas options and ideas. This engagement can only occur in an environment where both parties recognise and respect the roles of the respective parties in the process of providing advice to Ministers.

While valuing their independence from Government, advocacy groups acknowledge that in order to have input into the development of Government policy at an early stage there will, at times, be a need for confidentiality.

If participants wish subjects and/or materials covered at meetings to be kept confidential then this should be made clear before the subjects and/or materials are discussed. The reasons for, and the terms of, the confidentiality should be tabled at the meeting. Participants who do not wish to be bound by confidentiality should excuse themselves from the meeting prior to the subjects and/or materials being discussed.

Subjects and/or materials that are confidential shall not be made available outside the terms of the confidentiality agreement. The categories of confidentiality are as follows:

**Level 1** Discussion and information is limited to the advocate members of the groups attending the meeting at which the matter is discussed. This means there can be no discussion or sharing of information with anyone who was not present at the meeting.

**Level 2** Discussion and information is limited to the advocate representatives of the Working Group. Agreement will be reached for when the information can be discussed with the wider NBACG.

**Level 3** The matters discussed can be shared and further discussed with members of the NBACG as well as other persons attached to the advocate members' organisation outside the meeting.<sup>2</sup>

**Level 4** The matters discussed can be shared and further discussed with anyone at all including clients and the general public.

The latter levels will be particularly appropriate where the Ministry is seeking wider consultation.

Comments and opinions expressed during meetings will not be attributed. However, subject to the confidentiality provisions referred to above, one's own opinions, views and agreements reached by the group on the topics discussed, may be discussed publicly. Misrepresentational breaches of confidentiality will be escalated to the National Manager Client Representatives or the Chief Executive depending on the severity.

Advocacy groups that do not wish to be bound by confidentiality on particular issues should nevertheless have access to information regarding these issues where such information can be provided under the *Official Information Act* (OIA). Such information should be provided in a timely fashion. The Ministry will consider whether information would be released under an OIA request before determining the level of confidentiality.

### ***Communications and accountability:***

Advocates can request meetings with the Minister for Social Development and Employment and the Associate Minister for Social Development and Employment. Within the constraints of the confidentiality provisions above, advocacy representatives will be free to report back to their organisations and networks.

Members of the NBACG and staff of their wider organisations are expected to act in good faith when handling information they have received through these channels.

### **Disputes:**

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<sup>2</sup> Members of the NBACG would be expected to brief the wider staff of their organisation about confidentiality.

If either party feels that the other has not acted in good faith or departed significantly from the terms above, it is agreed that the parties will, as soon as practicable, try to resolve the matter informally.

If it is not possible to resolve the matter, either party will refer the particular issue to the National Relationship Manager Client Representative. The National Manager will make such further enquiries as are necessary having regard to the particular issue.

If either party is still not satisfied the matter will be escalated to the Chief Executive to deal with. However advocates reserve the right if a particularly serious issue arises, to have the matter referred directly to the Chief Executive.

In addition to this each working party will clearly define the escalation model they deem appropriate for their purpose within their Terms of Reference provided it is consistent with the agreed Protocol for Working Groups

**Signed<sup>3</sup> by:**

Peter Hughes  
Chief Executive  
**Ministry of Social Development**

Beneficiary Advisory Service  
Beneficiaries and Unwaged Workers Trust  
Central Regional Advocacy Service  
Combined Beneficiaries Union\*  
Homebuilders Family Centre  
Maori Caucus  
Peoples Advocacy Society Inc  
Rotorua Peoples Advocacy Centre\*  
Southland Beneficiaries and Community Rights  
South Auckland Independent  
Unite Union\*  
Wellington People's Centre  
**Representatives from the National Beneficiaries Advocacy Consultative Group**

\*no longer members of the National Beneficiaries Advocacy Consultative Group

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<sup>3</sup> This document was signed on 5 May 2008.