

Department of Social Welfare provides incorrect information about Superannuation

Legislation	Ombudsmen Act 1975
Ombudsman	Anand Satyanand
Case number(s)	W34898 & W36388
Date	1996

Wrong information provided about eligibility for New Zealand Superannuation—error acknowledged and apology provided—after further submissions ex gratia payment made—second complaint received—Department produced detailed computer chart for staff—need for accuracy in giving information on eligibility stressed

A complainant complained that he had been given incorrect information about his entitlement to the graduated New Zealand Superannuation scheme. He had telephoned the Department of Social Welfare's Income Support Service asking when he would qualify for New Zealand Superannuation and, after providing his own personal details, was told he would qualify at age 62 years 6 months. Upon submitting his application, he discovered that his entitlement should have commenced earlier, namely, at 61 years and 39 weeks. He had pursued the matter with the Department, but had been told it could only grant New Zealand Superannuation from the date of application. The Department had no legal authority to make a retrospective payment.

In its report on this complaint the Department regretted that the complainant had been provided with incorrect information and the officer concerned had apologised for the error. However, the Department held that as the legislation stood, it could only pay New Zealand Superannuation retrospectively if hardship was proven. The complainant, on the other hand, considered that as the Department had made the error, it should correct it. After further consideration of the issues, the Department agreed to make an ex gratia payment to the complainant to cover the period in respect of which he had an entitlement, but had not received payment.

One month later another similar complaint was received and again the Department agreed to make an ex gratia payment. However, as it appeared that there may be a systemic problem with regard to information about eligibility for New Zealand Superannuation, it was suggested to the Department that it might be timely to alert all staff to the importance of providing accurate information concerning the date of entitlement to New Zealand Superannuation.

As a result of this approach, the Department produced a detailed chart showing the qualifying dates up until April 2000 when the qualifying age reaches 65 years. All staff were made aware of the chart which was added to the Department's computer system. They were also reminded of the need to take care when advising people of their qualifying age.

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