



29 June 2026

Tēnā koe

Official Information Act request

Thank you for your email of 25 May 2025, requesting the qualifications and training of Ministry of Social Development (Ministry) staff who administer the Flexi-Wage Self-Employment (FWSE) programme.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on your request set out below. Given the size of your request, I have attached a copy of your request as **Appendix One**.

The Ministry confirms that staff involved in administering FWSE are not employed as social workers and are not required to hold social work qualifications or registration with the Social Workers Registration Board. These roles are employment and service delivery roles focused on administering programmes, applying eligibility criteria, and supporting clients into employment or self-employment.

The Ministry does not consider these roles to be practising social work, and they do not require registration or qualifications in regulated health professions. While clients may disclose health or disability information, staff do not undertake clinical or diagnostic functions. They do not diagnose conditions or carry out clinical assessments. Their role is to apply programme policy, considering information provided by clients and, where applicable, external professionals. Where health information is relevant, the Ministry relies on appropriate evidence and guidelines, rather than staff undertaking clinical assessment.

FWSE decisions are made within a structured framework, including assessing eligibility and reviewing independent business assessor reports, which are then applied alongside programme criteria in decision-making.

The Ministry does not require formal qualifications in health professions, social work, or entrepreneurship for these roles. Staff capability is supported through internal learning, guidance, and on-the-job training focused on programme policy and processes.

The Ministry does not require specific qualifications or formal training in artificial intelligence or digital business models for these roles. The programme operates within its established policy and assessment framework. The Ministry provides general training and guidance to support staff to engage appropriately with clients,

record information accurately, apply policy consistently, and seek further input or escalate matters where required. This training supports delivery of employment services and does not constitute clinical or social work practice.

For the group of questions about "Functions involving mental health and disability", the Ministry's response to you dated 13 May 2026 addressed this question, as we do not currently have a policy, guidance or framework specifically for working with neurodivergent clients.

This response addresses your questions, which are included as Appendix One. Please note that the purpose of the Act is to provide information an agency holds. Many of your questions ask us to create information, which we are under no obligation to do under the Act.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

pp.

A handwritten signature in black ink, appearing to read 'Anna Graham', written over a light blue horizontal line.

Anna Graham
General Manager
Ministerial and Executive Services

Appendix One – Your request for information

THIS REQUEST COVERS TWO GROUPS OF STAFF

Group 1 – Frontline staff who work directly with FWSE applicants:

- Self-Employment Broker*
- Employment Coordinator FWSE Specialist*
- Work Broker*
- Any other staff member who directly advises, assesses, or communicates with FWSE applicants*

Group 2 – Senior and management staff with oversight or decision-making authority:

- Manager Regional Employment*
- Regional Director*
- General Manager Ministerial and Executive Services*
- Any other staff member with authority to approve, decline, review, or sign off on an FWSE application or complaint*

Please provide all documents, policies, and internal guidance covering the following for each group separately.

SOCIAL WORK QUALIFICATIONS AND REGISTRATION

In New Zealand, social workers must be registered with the Social Workers Registration Board and hold a current annual practising certificate. It is illegal to practise social work without one.

Between 21 February 2021 and 30 June 2025, MSD was legally responsible for checking whether its own staff who should be registered social workers were registered. Te Kāhui Kāhu – MSD's social services accreditation unit, hosted by MSD – held this compliance function during that period.

As part of their role, FWSE frontline staff perform tasks that are similar to social work in practice. For example, they are in contact with vulnerable clients over long periods, they receive disclosures of mental health conditions and personal circumstances, they form judgements about a person's capacity and suitability for self-employment, and they communicate decisions that significantly affect that person's economic life and wellbeing. Senior staff oversee and sign off on those decisions.

I am asking:

- Does MSD require staff in Group 1 or Group 2 to hold a social work qualification or to be registered with the Social Workers Registration Board*
- Did Te Kāhui Kāhu – while it was hosted by MSD and held the social worker registration compliance function – ever assess whether staff in Group 1 or Group 2 were required to be registered social workers*
- Has MSD ever assessed whether the day-to-day work performed by Group 1 staff – such as receiving mental health disclosures, forming judgements about client capacity, and making recommendations that affect benefit entitlements – means those staff are practising social work and therefore legally required to hold SWRB registration*
- Does MSD have a written policy for what managers in Group 2 must do if they*

become aware that a frontline staff member may be performing social work functions without holding current SWRB registration

— Has MSD ever made a report to the SWRB about a staff member in these roles in connection with social worker registration requirements

— Is there any ongoing training or professional development requirement for staff in either group in relation to social work practice standards

If MSD does not require social work registration for these roles, please confirm this clearly in writing. That confirmation is itself a complete response to this part of the request.

FUNCTIONS INVOLVING MENTAL HEALTH AND DISABILITY

FWSE frontline staff perform functions that involve mental health and disability in a practical sense — even if MSD does not describe them that way. For example:

— A client discloses in writing that they have ADHD. The frontline staff member decides whether and how that disclosure is recorded, what weight it is given in the assessment, and whether any accommodation is offered or a referral is made

— A client discloses complex trauma conditions including complex PTSD as recognised in the ICD-11. The frontline staff member continues to conduct the assessment, makes judgements about whether the client is likely to sustain self-employment, and contributes to a decision that is then signed off by a senior staff member

— A staff member records in the official client file that no mental health diagnosis was received — when the client had in fact made written disclosures across multiple communications

These functions involve making consequential judgements about a disabled person's capacity and suitability based on mental health information — without any requirement to hold a qualification in psychology, psychiatry, social work, or any other regulated health profession.

I am asking:

— Has MSD ever sought or received any legal or clinical advice on whether functions like those described above — forming judgements about a client's mental health disclosures and their effect on programme eligibility — require staff to hold any form of regulated professional qualification

— Does MSD have any documented policy for when a registered health practitioner must be involved in an FWSE application where a client has disclosed a mental health condition or disability

— What written guidance tells frontline staff what to do when a client discloses a condition like ADHD or complex PTSD — including what must be recorded, what weight the disclosure may be given, and whether a referral must be made

— Has MSD ever assessed whether its FWSE assessment process — as applied to clients who have disclosed mental health conditions — requires oversight from a registered health professional

— Does MSD hold any policy or legal advice on where the boundary sits between functions that require regulated health professional registration and functions that do not, as applied to the FWSE programme

— What psychological scope of practice — for example clinical, counselling, or general — would MSD consider relevant if it assessed whether any of the functions performed by Group 1 staff required registration under the

Health Practitioners Competence Assurance Act 2003

If any legal or clinical advice is withheld under legal professional privilege, please confirm in writing that such advice exists, the date it was obtained, and the general subject matter — even if the content is withheld.

If no such guidance, policy, or advice exists, please confirm this clearly in writing for each question. That confirmation is itself a complete response.

ENTREPRENEURSHIP AND SELF-EMPLOYMENT QUALIFICATIONS

It is important to understand how the FWSE assessment process actually works. MSD commissions an independent contracted business assessor to produce a written feedback report on a client's application. MSD frontline staff do not assess the business plan directly. Instead, they read and interpret the contracted assessor's feedback report and then make or contribute to a decision about whether to approve or decline the application — including decisions that depart from the contracted assessor's recommendation.

This means the relevant qualification question is not whether frontline staff are qualified to write or evaluate a business plan. It is whether they are qualified to interpret a professional business assessor's written findings, apply those findings within the programme's eligibility criteria, and make or contribute to a consequential decision that may depart from the assessor's recommendation.

I am asking:

- Does MSD require Group 1 or Group 2 staff to hold any formal qualification in self-employment advising, entrepreneurship, small business development, or business assessment — for example a qualification listed on the New Zealand Qualifications and Credentials Framework*
 - When MSD's FWSE business viability assessment framework was last substantively reviewed — and specifically whether it has been reviewed since artificial intelligence became a material factor in small business viability and self-employment outcomes*
 - Does MSD require Group 1 or Group 2 staff to hold any qualification or training in how to read, interpret, and apply a professional business assessor's written report in the context of a funding eligibility decision*
 - If a frontline staff member's decision departs from the contracted assessor's recommendation, what qualifications, training, or documented authority is required before that departure can be made*
 - If no formal qualification is required for any of these functions, what does MSD use to assess whether a person in Group 1 or Group 2 is qualified to interpret a contracted assessor's findings and make or contribute to a decision based on them*
 - Is there any ongoing training or professional development requirement for staff in either group to keep their knowledge of self-employment, small business, and business assessment current*
- Entrepreneurship in the 2026 AI economy*
- FWSE staff are currently interpreting contracted assessor reports about business plans in an economy being restructured by artificial intelligence. Does MSD require staff in Group 1 or Group 2 to have completed any training in how AI is changing self-employment, digital business models, or the kinds of*

businesses that are likely to be viable in 2026 and beyond

- Has MSD assessed whether its framework for interpreting contracted assessor reports is current for the AI economy — noting that MBIE is already running specific AI readiness training for its own business advisers through Business Mentors New Zealand and the Regional Business Partner Network*
- Have any staff in Group 1 or Group 2 completed any AI-economy or digital entrepreneurship training as part of their role*

If no qualification or training requirement exists in any of these areas, please confirm this clearly in writing. That confirmation is itself a complete response.

TRAINING IN TRAUMA, DISABILITY, AND NEURODIVERSITY

I am asking:

- What training must Group 1 staff complete before they begin working directly with clients who have a disability, a neurodivergent condition such as ADHD, or complex trauma conditions including complex PTSD as recognised in the ICD-11*
- Must that training be completed before a staff member starts working with disabled clients — or can it be completed at any point during their employment*
- How often must that training be refreshed or renewed*
- Does any training specifically cover trauma-informed practice — for example, understanding that institutional delays, repeated non-responses, and prolonged uncertainty can cause re-traumatisation by replicating dynamics of powerlessness and unpredictability for clients with complex trauma conditions*
- What training tells Group 1 staff what they must do when a client discloses a disability or mental health condition during their application — for example, what must be recorded, what referrals must be made, and what accommodations must be considered*
- What training covers MSD's legal obligations under the Human Rights Act 1993 and the UN Convention on the Rights of Persons with Disabilities to make reasonable adjustments for disabled clients — for both Group 1 and Group 2 staff*
- What training covers MSD's obligations under the New Zealand Disability Strategy 2026-2030, which directs government agencies on their obligations to disabled people with employment as a priority outcome area — and whether FWSE's training framework has been assessed for consistency with that strategy*
- What training or guidance tells Group 1 staff when they must refer a client to an internal MSD disability support role during an active FWSE application — and what happens if that referral is not made*
- What training must Group 2 staff complete in relation to their oversight responsibilities when a Group 1 staff member is working with a client who has disclosed a disability or trauma condition*
- Is there any training requirement covering neurodiversity-affirming practice — for example, understanding that a client with ADHD may struggle to produce a formally structured written document under time pressure, and that this difficulty with format is not the same as the business being unviable*
- Is there any training requirement covering culturally appropriate engagement with Māori and Pasifika clients — and specifically any training covering MSD's obligations under Te Tiriti o Waitangi when working with tāngata whaikaha Māori, who are Māori clients who are also disabled*

If no training requirement exists for any of these matters, please confirm this clearly in writing for each one. That confirmation is itself a complete response.

ACCURACY OF CLIENT RECORDS AND PROFESSIONAL ACCOUNTABILITY

I am asking:

- *What standard of accuracy are Group 1 and Group 2 staff required to meet when recording information about a client in MSD's Case Management System*
- *What must a Group 1 staff member do if they discover they have made an error in a client's official record*
- *What must a Group 2 staff member do if they become aware that a Group 1 staff member has recorded factually incorrect information in a client's official record*
- *What are the consequences for a staff member in either group who records factually incorrect information in a client's official record*
- *Is there any body outside MSD's own internal complaints process that a client can go to if they believe a staff member has made a false or misleading entry in their record — for example the Social Workers Registration Board, the New Zealand Psychologists Board, Whaikaha — Ministry of Disabled People, the Health and Disability Commissioner, or any other professional conduct body*
- *If a Group 2 staff member becomes aware that a Group 1 staff member may be performing social work functions without being registered with the Social Workers Registration Board, does MSD have a written policy for what that Group 2 staff member must do — including whether they are required to notify the SWRB*