Independent review of the security environment for the Ministry of Social Development

Phase 1 Report

Were all practicable steps taken?

Prepared by:

- Rob Robinson CNZM
- Murray Jack FCA

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Contents

Executive summary

The Ministry of Social Development ("Ministry") provides services for some of the most vulnerable people in New Zealand, helping them to lead safe, strong, and independent lives. To have a real impact in people's lives means that the Ministry often needs to have close contact with those they work with – to build rapport and assist people, not just administer entitlements. The staff who deliver these important services need to be assured of their safety and security. It is imperative that the Ministry has the right measures in place to provide this assurance and meet its legislative obligations in relation to health and safety.

The tragic shooting at the Ashburton Work and Income site that resulted in the death of two staff members and serious injury to a third, was a rare and extreme act of violence. While there have been several serious incidents over the years in a social services setting in New Zealand, this is the first fatal event since the tragedy at the Accident Compensation Corporation in 1999.

Purpose of this report

The Chief Executive of the Ministry commissioned an independent review of the Ministry's physical security environment following the Ashburton event. The review is being carried out in two phases. This is the phase 1 report and addresses the question:

> *Given the Ministry's functions and activities and the risks associated with those, were all practicable steps taken to ensure the safety of Ministry employees in relation to the shooting at the Ashburton office?*

This report also provides some recommendations for improvements to the Ministry's security environment more generally, and this will be the primary focus for phase 2.

Independent Reviewers

The Review is being carried out by two independent Reviewers:

- Rob Robinson CNZM, former NZ Police Commissioner

- Murray Jack FCA, Chairman, Deloitte NZ.

The independent Reviewers have been supported by an Advisory Group, and the members are set out in the Terms of Reference in Appendix 1. A small project team and Ministry secretariat for the Review has been supporting the independent Reviewers.

Constraints

As there are or will be other formal investigations in relation to the event by other agencies (for example the current Police investigation), care has been taken not to compromise these. Furthermore, care has been taken not to disclose any information in this report that, due to its security sensitive nature, could potentially compromise the safety of staff. Appendix 3 includes key information we have relied on in reaching our conclusions, but is withheld from public release because this event is under a criminal investigation and due to privacy interests.

Findings and Recommendations

A) The Ashburton event was caused by a significant hazard.

The Ashburton event meets the criteria under section 7 (part 2) of the Health and Safety in Employment Act 1992 ("the Act"). The risk of violence or assault had been recognised by the Ministry as a significant hazard in its health and safety practices. The actions of a person are included in the definition of hazard.

B) In relation to the Ashburton event, the Ministry took all practicable steps to seek to ensure the safety of its employees.

In making this finding, we have considered whether there were any practicable steps the Ministry could or should have taken that would have prevented the event. We have not identified any such steps.

The alleged offender had engaged with Work and Income on a variety of matters over preceding years, and had frequent interactions with Work and Income during July and August 2014 involving the Ashburton Community Link and the Contact Centre. He made a range of requests for assistance, several but not all of which were granted. He also made several complaints.

No incident had been recorded by the Ministry in its reporting system for health & safety and security incidents until the July to August 2014 period. The Ministry took appropriate steps in line with its internal policies and procedures once such an incident occurred, and these are detailed in the timeline in Appendix 3.

C) The Ministry has taken appropriate and proportionate steps since the Ashburton event to enhance staff safety.

We recommend that the additional physical security measures put in place in response to the Ashburton event remain in place until the recommendations from phase 2 are available.

D) The Ministry could do more in relation to the safety of its employees generally.

At this stage, we have identified two areas for improvement in the Ministry's approach to safety and security generally, and these should be addressed as soon as practicable. This will be particularly important given the likely increase in obligations that will come into effect through the Health and Safety Reform Bill.

- Improved training (which had commenced rollout in November 2013) should be expedited and followed up.

- The need for clear risk appetite and expectations to be established, which will enable the Ministry to set out clear benchmarks and tolerance levels for behaviour by clients.

Phase 2 will provide further recommendations on how the Ministry should improve its security environment. In particular, phase 2 will deal with:

- Any recommendations relating to an all-of-government approach (e.g. client risk profiling and information sharing) to reducing safety risks

- Any recommendations relating to the environmental design of the current workplace environment

- Recommendations for additional physical security features

Phase 2 will consider the Ministry's use of controlled access, mobile personal duress devices and increased CCTV camera coverage. It will be important that physical security solutions are assessed in light of the Ministry's risk appetite and operating model for client service.

The recommendations below should be started immediately, with implementation as soon as practicable.

E) The Ministry should strengthen guidance and processes relating to trespass notices.

F) The Ministry should continue to encourage incident reporting, and significantly enhance analytics and associated governance reporting.

G) The Ministry should define an approach to better information sharing across its various operations.

Phase 2 will aim to provide a road map for the Ministry outlining recommended improvements and priorities.

Acknowledgments

We have had the full cooperation and assistance of the Ministry's staff and management team throughout this review. We appreciate that this cooperation and assistance has come during an extremely difficult time for all Ministry staff.

Introduction and background

Following the tragic shooting at the Ashburton Work and Income site that resulted in the death of two staff members and serious injury to a third, the Chief Executive of the Ministry of Social Development ("Ministry") commissioned an independent review of the Ministry's physical security environment.

Purpose

The objective of the Review is to answer two questions:

1. Given the Ministry's functions and activities and the risks associated with those, were all practicable steps taken to ensure the safety of Ministry employees in relation to the shooting at the Ashburton office?

2. What changes are recommended to the physical security environment in Ministry workplaces to ensure the physical safety of staff and members of the public from threats and assaults?

The Review is being carried out across two phases. This report covers the first phase of the Review, which addresses the first question above and addresses a part of the second question.

Specifically, in relation to the event in Ashburton, this report satisfies the requirements of the Health and Safety in Employment Act 1992 ("the Act") to *"determine whether the occurrence was caused by or arose from a significant hazard"* (section 7 part 2).

The terms of reference for the Review are attached in Appendix 1.

Approach

Review Team

The Review is being carried out by two independent Reviewers:

- Rob Robinson CNZM, former NZ Police Commissioner

- Murray Jack FCA, Chairman, Deloitte NZ.

The independent Reviewers have been supported by an Advisory Group, and the members are set out in the Terms of Reference in Appendix 1.

A small project team and Ministry secretariat for the Review has been supporting the independent Reviewers.

Considerations and exclusions

In addressing question 1 above, the Review has considered the actions of Ministry staff in assessing and managing the risks to physical safety in the events leading up to and including the shooting at the Ashburton office.

In addressing question 2 above, the physical security environment includes:

- Measures to directly deter and / or de-escalate threats (such as security guards, site access control, CCTV, panic buttons, and staff training)

- Systems to detect, monitor and mitigate potential threats posed by specific individuals (such as identifying potential threats and acting on that information, e.g. by working with NZ Police, use of Remote Client Unit)

In considering the safety of the physical security environment, relevant factors include:

- Likelihood and impact of different types of physical threats to Ministry staff and to members of the public in their interactions with the Ministry

- Type of interactions Ministry staff need to have with members of the public to effectively perform the Ministry's activities

- Practical implications of implementing any changes.

The Review does not include consideration of the case management or services provided to the alleged offender, nor the criminal matters that will be covered by the Police investigation. Nor does it include broader health and safety considerations that arise from other work place hazards.

Legislative and policy context

The principal legislation is the Health and Safety in Employment Act 1992 ("the Act").

Appendix 2 includes information about the relevant legislative and policy framework for health and safety. This is important to understand the specific terms used and obligations of the Ministry in relation to health and safety.

Work undertaken

To prepare this report, we have considered the health & safety obligations under the New Zealand legislative and policy framework.

The following table sets out the work we have performed to help us reach conclusions:

Work	Summary
Document reviews	The focus has been to understand the safety controls and reporting environment within the Ministry. This has included review of governance arrangements and documentation, as well as major project work relating to staff safety and security.
Interviews with Ministry staff	We have conducted interviews with Ministry staff to: • Validate our understanding of safety controls and reporting environment • Understand the circumstances around this specific event • Understand the Ministry's operational and management context
Site visits	We have visited seven Work and Income sites (including Ashburton) to understand the circumstances around this specific event, to observe general safety and security arrangements, and to understand key staff practices at a range of different sites.
Legal advice	We have taken advice from the Crown Law Office on several aspects of the review.
Analysed incident data	We have reviewed and analysed data from the Ministry's incident reporting system to identify volumes and trends of various types of incident.

Researched relevant practice in other organisations	We have sought to understand mitigations and management approaches in place at several other organisations, including other New Zealand public sector social service providers, an Australian public sector organisation, and a private sector organisation. This has included interviews with people from these agencies, input from the Advisory Group, and reviews of documentation.
Reviewed staff and other feedback	The Ministry set up an email Inbox for staff to provide feedback to the Review on suggested improvements, key concerns, their experiences and observations. We have reviewed the themes from this feedback. We also received and considered input from a beneficiary advocate.
Liaison with Police	We have had discussions with New Zealand Police and received a briefing from the Senior Investigating Officer so as to understand the event at the Ashburton site on 1 September 2014.

Acknowledgements

We have had the full cooperation and assistance of the Ministry's staff and management team throughout this review. We appreciate that this cooperation and assistance has come during an extremely difficult time for all Ministry staff.

Limitations and disclaimer

This report was prepared solely in accordance with the specific terms of reference between independent Reviewers and the Ministry of Social Development ("Ministry"), and for no other purpose. Other than our responsibilities to the Ministry for this review, no member of the Review Team or their organisations undertakes responsibility arising in any way from reliance placed by a third party on this report. Any reliance placed is that party's sole responsibility. We accept or assume no duty, responsibility or liability to any other party in connection with the report or this engagement, including without limitation, liability for negligence in relation to the factual findings expressed or implied in this report.

The report is based upon information provided by the Ministry and interviewees. We have considered and relied upon this information. We have assumed that the information provided was reliable, complete and not misleading, and we have no reason to believe that any material facts have been withheld. The information provided has been considered through analysis, enquiry and review for the purposes of this report. However, we do not warrant in any way that these enquiries have identified or verified all of the matters which an audit, extensive examination or due diligence investigation might disclose. The procedures we have performed do not constitute an assurance engagement in accordance with New Zealand Standards for Assurance Engagements, nor do they represent any form of audit under New Zealand Standards on Auditing, and consequently, no assurance or audit opinion is provided.

The statements and opinions expressed in this report have been made in good faith and on the basis that all relevant information for the purposes of preparing this report has been provided by the Ministry and interviewees and that all such information is true and accurate in all material aspects and not misleading by reason of omission or otherwise. Accordingly, we do not accept any responsibility or liability for any such information being inaccurate, incomplete, unreliable or not soundly based, or for any errors in the analysis, statements or opinions provided in this report resulting directly or indirectly

from any such circumstances or from any assumptions upon which this report is based proving unjustified.

As there are or will be other formal investigations in relation to the event by other agencies (for example the current Police investigation), care has been taken not to compromise these. Furthermore, care has been taken not to disclose any information in this report that, due to its security sensitive nature, could potentially compromise the safety of staff.

This report dated 24 September 2014 was prepared based on the information available at the time. We have no obligation to update the report or revise the information contained therein due to events and information subsequent to the date of the report.

Organisational context

The Ministry provides a diverse range of services to a large number of New Zealanders including working age people, older people, families, children, young people, students and communities. A network of over 300 locations means it is present in many communities throughout New Zealand.

Many of the services support some of the most vulnerable people in New Zealand, helping them to lead safe, strong and independent lives. To have a real impact in people's lives means that the Ministry often needs to have close contact with those they work with – to build rapport and assist people, not just administer entitlements.

Public-facing services

Work and Income service centres

Work and Income provides a single point of contact for New Zealanders needing income support, superannuation, study support, work-search assistance and in-work support.

There are more than 140 service centres / community links, and these are typically open to the public from 0830 – 1700, Monday to Friday. Clients use the service centres to interact with case managers, e.g. regarding applications for assistance, seeking work, and to provide or discuss documentation.

Several of the sites are co-located with other agencies or NGOs.

The Work and Income website explains how clients can contact and interact with Work and Income. It outlines the following channels:

- **Online** – providing website links and a description of the services a client can access online

- **Calling us** – including a list of various numbers for a large range of enquiries and services

- **Visiting us** – including the suggestion that *"It's always best to make an appointment before you come in"*

Child Youth and Family services

Child Youth and Family is the other major part of the Ministry with a significant public-facing presence. It provides a range of services to support families, caregivers and communities, and help children and young people to be safe and thrive. The website provides a range of contact options for callers who require help and advice, or to make a notification when there are concerns about the safety and wellbeing of a child or young person.

There are options to phone, email, fax or visit at 65 locations across New Zealand.

Other public facing services

In addition to the frontline services offered at offices around New Zealand, the Ministry:

- Operates eight care & protection and youth justice residences with limited public access

- Owns a range of family homes and supervised group homes for children and young people

- Visits a large number of clients and families, at their homes and workplaces in a variety of service contexts

- Works with communities to give families access to information and coordinated social services

- Operates call centres

- Works to protect the integrity of the welfare system by preventing, detecting, investigating and prosecuting welfare fraud

- Provides services to students

Large number of client interactions

The Ministry has almost 10,000 members of staff and in the last year:

- Administered on behalf of government the total spend of $23.2 billion in social services outcomes

- Received 2 million visits to its frontline offices

- Administered 295,000 working-age benefits

- Paid New Zealand Superannuation to over 650,000 older New Zealanders

- Received 148,000 notifications of child abuse and neglect

- Took over 12 million phone calls

- Processed 3.5 million transactions for financial assistance and 6.5 million transactions relating to updates of information held

- Processed over 400,000 applications for student loans and student allowances

- Completed 4,614 fraud investigations and prosecuted 839 people for welfare fraud

Service philosophy

To help clients become independent the Ministry needs to understand their needs and ensure that they access the right services and support. Key to this is building positive and trusting relationships with clients.

The service centres are laid out to help facilitate this. Specifically, the Ministry has advised it seeks the following from the physical layout:

The layout encourages more interaction, collaboration and supports work flow across Ministry teams in service centres. This helps ensure clients access the services and support to help them become independent as staff are easily able to talk and share relevant information.

The office environment also provides flexibility for shared delivery spaces for Ministry services, including multi-purpose collaboration spaces and meeting rooms. It also reduces the requirement for fixed fit-out and furniture. At the same time, open plan environments help encourage respectful behaviour.

Using a work-focused service delivery approach the Ministry tailors the intensity of services according to how much support people need to find work, either through:

- Personalised, one-to-one work-focused case management, supporting those who need more help to move closer to the labour market and independence

- Specialist services supporting those with health conditions or disabilities into employment

- Less intensive support for those who are able to find their own way into work or who only need a minimal level of assistance

Incidents and management

The Ministry's management systems

We are advised that the Ministry has the following in place to mitigate and manage safety and security risks.

Training	Frontline staff receive various health & safety and security training. This can include practical advice on how to de-escalate potentially violent situations, dealing with clients with mental health issues, and site safety plans. Training is provided as part of initial induction with subsequent refresher courses and updates.
Guidance and information	Health & safety guidance and information is available on the Ministry's intranet site for staff to access. This includes information on staff safety and awareness, and how to issue trespass notices.
Reporting system	A system ("SOSHI") is in place to record all health & safety and security incidents, with information aggregated nationally. This information is analysed and reported on a monthly basis to operational managers. Serious incidents are reported up to service delivery leadership team members.
Elimination or isolation	Staff can issue trespass notices in consultation with management based on a client's aggressive behaviour. This information is flagged with the Ministry's systems for future reference. Agents, to interact with the Ministry on behalf of the client, are used as an intermediary for trespassed clients. A Remote Client Unit ("RCU") is in place for dealing with primarily Work and Income clients that pose a high risk, or trespassed clients without an agent.
Reviews	National Office conducts regular physical security reviews of client-facing sites. We are advised that 238 sites have been visited over the last 12 months.
Plans and registers	Site safety plans, hazard registers and site risk registers are used at each location to help identify, prepare for and detail how to respond to incidents, risks and hazards.

In addition, the Ministry undergoes Accident Compensation Corporation ("ACC") workplace audits that review the Ministry's workplace safety practices.

Physical security at Work and Income sites

The following physical security features are in place at public-facing offices:

- CCTV cameras and monitors

- Security guards are in place between 08:30 – 17:00 Monday to Friday

- Duress alarms

Number of incidents

The following table summarises the number of incidents over the last four calendar years. The data is based on client facing incidents that cover the categories of abusive behaviour, arson, assault, breach of trespass order, criminal damage and unauthorised access. It does not include instances of burglary, theft, loss, graffiti, or loss of Ministry information. The incident categories are as per the Ministry's ratings of incident severity.[1]

Calendar Year	Critical	Serious	Moderate	Minor	Total	Avg / Day
2011	9	102	1510	353	1974	Approx. 7.6
2012	9	118	1701	365	2193	Approx. 8.4
2013	3	136	1927	371	2437	Approx. 9.4
2014 (to 29/08)	2	140	1703	12	1857	Approx. 11.1
Total	23	496	6841	1101	8461	

This shows that reporting of incidents has increased over the last few years, particularly for Serious and Moderate incidents. Since a Physical Security Review in 2012 (refer below), the Ministry has been actively encouraging greater incident reporting; it is therefore not clear to what extent the greater number being reported is due to increased frequency of incidents versus enhanced reporting of incidents.

Incident and review in 2012

Following an assault incident in 2012, the Ministry commissioned a Physical Security Review from an independent consultancy firm. This review compared the Ministry's physical security practices against seven similar organisations to identify areas for improvement.

The review found security hardware across the Ministry to be at a best practice level, while noting some specific physical security issues requiring further attention.

Overall, the review identified 29 issues and provided recommendations in the form of a prioritised roadmap to address each of these. In response to this review the Ministry mobilised a programme of work with a number of separate initiatives focused on:

- Creating a strategic framework and approach for Health, Safety and Security at the Ministry

- Improving Health, Safety and Security practices and tools

- Improving staff awareness around Health, Safety and Security

- Increasing compliance with ACC expectations

At this point, some of these initiatives have been completed and some are still to be completed. We are aware from the experience of other organisations who have completed comprehensive security

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[1] Critical incidents are those most severe and include death, serious injury requiring hospitalisation, and bomb threats or arson. Serious incidents include physical harm that requires medical treatments, threats made with an intention to harm, stalking or intimidation of staff. Moderate incidents includes assaults where there is no injury, aggression and abuse. Minor are security incidents that don't fit within the other criteria.

reviews that a well-considered and effective implementation of improvements can take from one to two years.

The Ashburton event and response

This section describes briefly what happened leading up to the event, the event itself, and the Ministry's response since. As there are or will be other formal investigations in relation to the event at Ashburton on 1 September 2014 by other agencies (for example the current Police investigation), care has been taken not to compromise these. Furthermore, care has been taken not to disclose any information in this report that, due to its security sensitive nature, could potentially compromise the safety of staff.

Issues identified prior to the event

The alleged offender had engaged with Work and Income on a variety of matters and at other locations over preceding years.

The alleged offender had frequent interactions with Work and Income during July and August 2014, involving the Ashburton Community Link and the Contact Centre. He made a range of requests for assistance, several but not all of which were granted. He also made several complaints.

The Ministry took a number of steps in line with its internal policies and procedures in relation to the alleged offender, which are set out in Appendix 3.

Event

At 09:51 on 1 September 2014 the alleged offender entered the Ashburton Community Link centre and opened fire with a firearm, killing two Work and Income staff members and injuring a third. The alleged offender then fled the site.

Response since the event

Since the event, the Ministry has implemented a number of measures to assure staff confidence and improve the safety of staff and visitors at public-facing sites. These measures include:

- Forming an Emergency Team immediately to assess the situation.

- Extensive communication and engagement with staff.

- Closing sites in the wider Canterbury region in the days immediately following the event.

- Posting over 200 extra guards to Ministry sites, so that there are at least two at each public-facing site.

- Screening access at frontline sites. Visitors to these sites may be asked for formal Identification such as a drivers licence or passport before they are allowed entry to the site. Any visitor whose behaviour is a concern is declined access.

- Introducing a zero tolerance policy at sites – if visitors threaten or assault staff, they are asked to leave, and the New Zealand Police are notified immediately.

- Conducting an assessment across all Ministry clients to identify potential high risk clients who could pose a threat to staff.

- Suspending service at 29 satellite sites.

- Commissioning this independent review into security.

- Providing support services including counselling for Ministry staff affected by the event.

Findings and recommendations

This section sets out our findings to question 1 and 2A and recommendations. Findings A and B address the core scope for this first phase. The remaining findings and recommendations are those we can make with some confidence now regarding important improvements. We envisage Phase 2 will likely provide additional insights and clarity that have a bearing on these items.

Given the Ministry's functions and activities and the risks associated with those, were all practicable steps taken to ensure the safety of Ministry employees in relation to the shooting at the Ashburton office?

What changes are recommended to the security environment in Ministry workplaces to ensure the physical safety of staff and members of the public from threats and assaults?

> *A) The Ashburton event was caused by a significant hazard.*

The Ashburton event meets the criteria under section 7 (part 2) of the Health and Safety in Employment Act 1992. The risk of violence or assault had been recognised by the Ministry as a significant hazard in its health and safety practices. The actions of a person are included in the definition of hazard.

> *B) In relation to the Ashburton event, the Ministry took all practicable steps to ensure the safety of its employees.*

In making this finding, we have considered whether there were any practicable steps the Ministry could or should have taken that would have prevented the event. We have not identified any such steps.

It is specifically worth noting that the Ministry took a number of steps in line with its internal policies and procedures. These are detailed in Appendix 3, which includes key information we have relied on in reaching our conclusions. Appendix 3 is withheld from public release because this event is under a criminal investigation and due to privacy interests.

> *C) The Ministry has taken appropriate and proportionate steps since the Ashburton event to ensure staff safety.*

We recommend that the additional physical security measures put in place in response to the Ashburton event remain in place until the recommendations from phase 2 are available.

We note that service to 29 satellite sites was suspended. We recommend that the Ministry's security team reviews arrangements for each of these, in consultation with staff, to identify any changes that need to be made.

> *D) The Ministry could do more in relation to the safety of its employees generally.*

At this stage, we have identified two areas for improvements in the Ministry's approach to safety and security generally, and these should be addressed as soon as practicable. This will be particularly important given the likely increase in obligations that are contained in the Health and Safety Reform Bill.

Training

It is a requirement under the Act (section 13) to provide training to employees to provide knowledge and experience so that their conduct of the work is not likely to cause harm to themselves or other people.

We have had feedback from staff that while training at induction includes material dedicated to safety and de-escalation skills, availability of refresher training is variable.

The Ministry requires health, safety and security training for all staff as part of their induction and health and safety requirements. There is a documented induction programme and "ActSAFE Staff Safety Conversations" scenario-based training has been rolled out to sites since November 2013, usually as part of the regular Wednesday briefing sessions.

The rollout of the training proposed for September 2014 has been deferred as a result of the Ashburton event. Review across all public-facing sites to confirm training attendance and completion, and that day-to-day practices on sites incorporate the improved awareness, is yet to occur.

The Ministry needs to ensure that health and safety training is implemented across the business to all sites and all employees. This should include confirming attendance of staff at the training sessions and assessing the quality of the implementation of induction, health and safety training and safety conversation days. This would enable the Ministry to improve its level of confidence that the training is effective and being applied.

We recommend the Ministry expedites the rollout of the planned training and confirms attendance, completion and incorporation into day-to-day practices.

Risk appetite and assessment

We recommend the Ministry clearly sets out its risk appetite and expectations relating to health, safety and security risk management. Clarity on the risk appetite and expectations will enable the Ministry to set out clear benchmarks and tolerance levels relating to:

- How staff are equipped to respond to health, safety and security hazards (including problematic and aggressive clients) and risks

- The practices they must follow to keep themselves and members of the public they deal with safe – for example specifying tolerance / zero tolerance in relation to threats

- How to effectively respond when new situations arise that may pose a risk

- Clear criteria for referral to the RCU

Clarity on the risk appetite and expectations will also improve the Ministry's ability to prioritise its programmes of work for health, safety and security improvements and controls enhancements.

We note that this is planned within the Ministry's existing programme of work. We recommend it is expedited for completion.

Phase 2 will provide further detailed recommendations on how the Ministry should improve its security environment. In particular, phase 2 will deal with:

- Any recommendations relating to an all-of-government approach (e.g. client risk profiling and information sharing) to reducing safety risks

- Any recommendations relating to the environmental design of the current workplace environment

- Recommendations for additional physical security features

Phase 2 will consider the Ministry's use of controlled access, mobile personal duress devices and increased CCTV camera coverage. It will be important that physical security solutions are assessed in light of the Ministry's risk appetite and operating model for client service.

The recommendations below should be started immediately, with implementation as soon as practicable.

E) The Ministry should strengthen guidance and processes relating to trespass notices.

The current guidance and processes mean that once a trespass notice has been issued, staff can raise a flag on the client's case file, which causes a coloured screen to notify a user that there is an alert. However, the coloured screen and alert could relate to several different situations, and users need to review case notes to determine which situation applies.

While the Ministry currently has a trespass process that is followed, it does not provide sufficiently for communication of the trespass across all Ministry sites.

The Ministry should review its trespass related practices and processes so that there is greater consistency and effectiveness in applications. This should include:

- Clarifying the criteria that would warrant issuing a trespass notice

- Setting out how clients who have been issued a trespass notice must be communicated with

- Defining clearly how to communicate that a client has been issued a trespass notice within the Ministry, and (where appropriate) with other agencies

- Considering whether trespass notices should apply to all Ministry sites rather than specific sites or regions

- Considering whether trespassed clients should automatically be moved to the Remote Client Unit (RCU)

- Assessing whether clearer system alerts are required

Consistency of approach and a common and shared understanding of trespass will promote a more cohesive and consistent ability to manage the risks posed across all sites of the Ministry.

We understand that other agencies with similar public-facing client services have implemented a defined set of criteria for issuance and consequent workflows associated with trespass notices, and tailored management of trespassed individuals.

F) The Ministry should continue to encourage incident reporting, and significantly enhance analytics and associated governance reporting.

We recommend that the Ministry continues to promote the importance of reporting all incidents (in SOSHI) and that all threats of assault / violence need to be reported to the Police.

Continued reinforcement of these messages, supported by the Ministry taking immediate action to follow up and respond to such reports, will enhance staff awareness and compliance on reporting. It will enable a consistent level of effective response by the Ministry and others such as the Police when needed.

There is an opportunity for more systematic analytics of incident information to identify trends, and highlight risks and potential areas of concern. Greater analytic information can then be provided to the senior leadership level to ensure there is robust, proactive discussion and engagement on staff safety.

G) The Ministry should define an approach to better information sharing across its various operations.

The Ministry currently has risk profile information dispersed in its various operational areas. If this were collated and analysed appropriately, it could provide increased levels of risk intelligence for risk mitigations and to help prioritise improvements.

We recommend that the Ministry analyses the various sets of risk and hazard information and investigates options for increased sharing and use of this information.

Phase 2 will aim to provide a road map for the Ministry outlining recommended improvements and priorities.

Appendix 1: Terms of Reference

TERMS OF REFERENCE

Review of the physical security environment for the Ministry of Social Development

9 September 2014

Following the tragic shooting of three staff members at the Ashburton Work and Income site, the Chief Executive of the Ministry of Social Development (the Ministry) has commissioned an independent review of the Ministry's physical security environment.

The Review will be carried out by two independent Reviewers supported by an Advisory Group.

Objectives

The objectives of the Review are to answer two questions:

1. Given the Ministry's functions and activities and the risks associated with those, were all practicable steps taken to ensure the safety of Ministry employees in relation to the shooting at the Ashburton office?

2. What changes are recommended to the security environment in Ministry workplaces to ensure the physical safety of staff and members of the public from threats and assaults?

Scope

Question 1 – Specific incident

The Review will satisfy the requirements of the Health and Safety in Employment Act 1992 to "determine whether the occurrence was caused by or arose from a significant hazard." [s7(2)].

The Review will consider the actions of Ministry staff in assessing and managing the risks to physical safety in the events leading up to and including the shooting at the Ashburton office. The Review will not include consideration of the case management or services provided to the alleged offender, nor the criminal matters that will be covered by the Police investigation. The Review will be conducted in a manner that does not potentially prejudice any other investigations.

Question 2 – General environment

The Review will consider the risk to the physical safety of staff and members of the public interacting with the Ministry from threats and assaults. The Review will not include broader health and safety considerations that arise from other work place hazards.

The security environment includes:

- measures to directly deter and/or de-escalate threats (such as security guards, site access control, CCTV, panic buttons, and staff training), and

- systems to detect, monitor and mitigate potential threats posed by specific individuals (such as identifying potential threats and acting on that information, e.g. by working with NZ Police, use of the remote client unit).

The scope of Ministry workplaces for question 2 will be considered in two phases:

- 2A – public-facing service centres (predominantly Work & Income sites, including services for seniors and students), including those where the Ministry is co-located with other agencies, and

- 2B – all remaining Ministry workplaces, including secure residences, family homes and supervised group homes for children and young people, and locations where Ministry staff visit public or private places as part of their job (such as visiting clients at their homes, or investigating potential fraud).

In considering the safety of the security environment, relevant factors include:

- the likelihood and impact of different types of physical threats to Ministry staff and to members of the public in their interactions with the Ministry

- the type of interactions Ministry staff need to have with members of the public to effectively perform the Ministry's activities, and

- the practical implications of implementing any changes.

The Reviewers will consider any other matters that may be relevant to the objectives of the review.

Timeframes and reporting

The Reviewers should aim to complete Questions 1 and 2A in two weeks, starting Monday 8 September 2014. Question 2B will be completed on a longer timeframe.

Reports on both phases of the Review will be made publicly available, subject to any security restrictions or lawful obligations.

Reviewers and Advisory Group

The Review will be carried out by two independent Reviewers, reporting to the Chief Executive of the Ministry:

- Rob Robinson, former NZ Police Commissioner, and

- Murray Jack, Chairman, Deloitte NZ.

The Reviewers will be supported by an Advisory Group to test thinking and emerging recommendations. The members are:

- Sir Maarten Wevers (Chair), former Chief Executive, Department of Prime Minister and Cabinet

- Glenn Barclay, National Secretary, Public Service Association

- Craig Sims, Chief Operating Officer, ANZ, and

- Graham Maloney, First Assistant Secretary, Service Delivery Operations, Department of Human Services (Australia).

Different and/or additional members of the Advisory Group may be added for question 2B of the Review. The team will be supplemented by specific security expertise as required.

Views of Ministry staff will be actively sought through the Review. The Review will be supported by a secretariat from the Ministry.

The Reviewers may need to liaise with the Police criminal investigation and prosecution and the subsequent Coroner's investigation into the incident. The Review team will be able to draw on dedicated legal expertise from the Crown Law Office.

Appendix 2: Legislative and policy framework

Key terms

It is important to understand several terms in the context of this Review. The following specific terms are defined as part of New Zealand's legislative and regulatory environment for health and safety in the workplace.

Term	Definition
Hazard	means an activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation, or substance (whether arising or caused within or outside a place of work) that is an actual or potential cause or source of harm; and includes: • a situation where a person's behaviour may be an actual or potential cause or source of harm to the person or another person; and • without limitation, a situation described in subparagraph (i) resulting from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour Refer: Health and Safety in Employment Act 1992 http://www.legislation.govt.nz/act/public/1992/0096/latest/DLM278835.html?search=sw_096be8ed80d007f4_Hazard_25_se&p=1&sr=1 Worksafe NZ – Glossary of Terms and Acronyms http://www.business.govt.nz/worksafe/tools-resources/glossary-of-terms-and-acronyms/h-to-k
All practicable steps	In the Act, all practicable steps, in relation to achieving any result in any circumstances, means all steps to achieve the result that it is reasonably practicable to take in the circumstances, having regard to: • the nature and severity of the harm that may be suffered if the result is not achieved; and • the current state of knowledge about the likelihood that harm of that nature and severity will be suffered if the result is not achieved; and • the current state of knowledge about harm of that nature; and • the current state of knowledge about the means available to achieve the result, and about the likely efficacy of each of those means; and • the availability and cost of each of those means. To avoid doubt, a person required by the Act to take all practicable steps is required to take those steps only in respect of circumstances that the person knows or ought reasonably to know about. Refer: Health and Safety in Employment Act 1992, section 2A: inserted, on 5 May 2003, by section 5 of the Health and Safety in Employment Amendment Act 2002 (2002 No 86).

Hierarchy of controls

Common good practice in health and safety internationally, as well as in New Zealand, includes a hierarchy of controls to mitigate risks from hazards. The Ministry's hierarchy of controls – which is consistent with good practice – is as follows:

Control	Definition
Eliminate	Eliminate the hazard; that is remove it. A significant hazard will be considered to have been eliminated when the source of the hazard has been completely removed from the place of work. Substituting one substance or process for another may have removed the original hazard, but introduced a new hazard. The new hazard will have to be identified. If this is not practical you must isolate.
Isolate	The process or procedure must separate the employee from the hazard, e.g. placing a barrier between the employee and the hazard. If this is not practical you must minimise.
Minimise	Minimise the likelihood of harm from the hazard, e.g. through safe working procedures, personal protective equipment, training staff.

Obligations under the Act

The following are direct clauses from the Health and Safety in Employment Act, 1992 that deal with identification of hazards and mitigations through the hierarchy of controls.

7 Identification of hazards

1) Every employer shall ensure that there are in place effective methods for

   a) systematically identifying existing hazards to employees at work; and

   b) systematically identifying (if possible before, and otherwise as, they arise) new hazards to employees at work; and

   c) regularly assessing each hazard identified, and determining whether or not it is a significant hazard.

2) Where there occurs any accident or harm in respect of which an employer is required by section 25(1) to record particulars, the employer shall take all practicable steps to ensure that the occurrence is so investigated as to determine whether it was caused by or arose from a significant hazard.

8 Significant hazards to employees to be eliminated if practicable

Where there is a significant hazard to employees at work, the employer shall take all practicable steps to eliminate it.

9 Significant hazards to employees to be isolated where elimination impracticable

Where

   a) there is a significant hazard to employees at work; and

   b) either

      i) there are no practicable steps that may be taken to eliminate it; or

      ii) all practicable steps to eliminate it have been taken, but it has not been eliminated,

the employer shall take all practicable steps to isolate it from the employees.

10 Significant hazards to employees to be minimised, and employees to be protected, where elimination and isolation impracticable

1) Where

   a) there is a significant hazard to employees at work; and

   b) either

      i) there are no practicable steps that may be taken to eliminate it; or

      ii) all practicable steps to eliminate it have been taken, but it has not been eliminated; and

   c) either

      i) there are no practicable steps that may be taken to isolate it from the employees; or

      ii) all practicable steps to isolate it from the employees have been taken, but it has not been isolated,

   the employer shall take the steps set out in subsection (2).

2) The steps are

   a) to take all practicable steps to minimise the likelihood that the hazard will be a cause or source of harm to the employees; and

   b) to provide, make accessible to, and ensure the use by the employees of suitable clothing and equipment to protect them from any harm that may be caused by or may arise out of the hazard; and

   c) to monitor the employees' exposure to the hazard; and

   d) to take all practicable steps to obtain the employees' consent to the monitoring of their health in relation to the hazard; and

   e) with their informed consent, to monitor the employees' health in relation to exposure to the hazard.

3) An employer does not comply with subsection (2)(b) by—

   a) paying an employee an allowance or extra salary or wages instead of providing the protective clothing or equipment; or

   b) requiring an employee to provide his or her own protective clothing or equipment as a precondition of employment or as a term or condition in an employment agreement.

4) However, an employer does not have to comply with subsection (2)(b) in relation to protective clothing if

   a) an employee genuinely and voluntarily chooses to provide his or her own protective clothing for reasons of his or her comfort or convenience; and

   b) the employer is satisfied that the protective clothing is suitable in terms of subsection (2)(b).

5) An employee who has chosen to provide his or her own protective clothing under subsection (4) may, after giving reasonable notice to the employer, choose that the employer provide protective clothing under subsection (2)(b) instead of providing it himself or herself.

6) Nothing in subsections (4) or (5) derogates from the responsibility of the employer under subsection (2)(b).

Section 10(2)(b): amended, on 5 May 2003, by section 8(1) of the Health and Safety in Employment Amendment Act 2002 (2002 No 86).

Section 10(3): added, on 5 May 2003, by section 8(2) of the Health and Safety in Employment Amendment Act 2002 (2002 No 86).

Section 10(4): added, on 5 May 2003, by section 8(2) of the Health and Safety in Employment Amendment Act 2002 (2002 No 86).

Section 10(5): added, on 5 May 2003, by section 8(2) of the Health and Safety in Employment Amendment Act 2002 (2002 No 86).

Section 10(6): added, on 5 May 2003, by section 8(2) of the Health and Safety in Employment Amendment Act 2002 (2002 No 86).

Appendix 3 (Omitted)

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