



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

Tēnā koe

On 19 July 2021, you emailed Oranga Tamariki requesting, under the Official Information Act 1982 (the Act), the following information:

- *A breakdown of all employment relations issues at the department over the past 5 years. This is to include a breakdown of all complaints, settlements and other non ordinary costs.*
- *All documents relating to staff issues including bullying, sexual assault and personal grievance.*
- *All invoices sent to the department by employment lawyers acting on behalf of current and former staff members, with a detailed breakdown per invoice of the issue.*

Oranga Tamariki was established on 1 April 2017, and information prior to this relating to their predecessor organisation Child, Youth and Family is held by the Ministry of Social Development (the Ministry). On 3 August 2021, the part of your request pertaining to Child, Youth and Family was partially transferred to the Ministry for response. I understand that Oranga Tamariki has responded to the part of your request regarding their information.

For consistency, our approach to your request has been aligned to Oranga Tamariki's response:

- 'Employment relations issues' have been provided using case data from MSD's HR System (Salesforce).
- 'Settlements' have been interpreted as employment settlements under section 149 of the Employment Relations Act 2000. We have provided the number of settlements by calendar year.
- 'Non ordinary costs' have been interpreted as compensation payments made to employees under section 123(1)(c)(i) of the Employment Relations Act 2000. We have provided the total sum of payments made per calendar year.

For the sake of clarity, your questions will be addressed in turn.

- *A breakdown of all employment relations issues at the department over the past 5 years. This is to include a breakdown of all complaints, settlements and other non ordinary costs.*

The Ministry takes its obligations as an employer to provide a safe and healthy work environment very seriously. As such, the Ministry does not tolerate any form of workplace bullying or harassment. All Ministry staff, including managers, are required to read and sign the Code of Conduct, which sets out the Ministry's expectations of all staff to act in a way that is professional and respectful.

Workplace bullying is defined by the Ministry as unwanted and unprovoked behaviour that is offensive, intimidating or humiliating; is repeated or significant enough as a single incident; and which has a detrimental effect upon a person's dignity, safety, or sense of wellbeing. This could include:

- Repeated criticism in front of colleagues
- The use of offensive language
- Isolating an employee
- Spreading malicious rumours, or insulting an employee through comments or behaviour

Please find **Table One** below which shows the number of cases of employment relations issues for Child, Youth and Family, from 1 January 2016 to 31 March 2017.

Table One: Number of cases of employment relations issues for Child, Youth, and Family, from 1 January 2016 to 31 March 2017

Case Type	2016	January to March 2017
Conduct	282	55
Fraud	9	0
Health and Wellbeing	127	28
Inappropriate Use of Information	27	9
Misuse of Ministry Resources	26	7
Other	11	7
Performance	101	9
Process	36	8
Total	619	123

Table Notes:

- Cases are counted based on the month the case was opened.
- Cases involving staff of the former Child, Youth, and Family are included in this data. From 1 April 2017, Oranga Tamariki, the Ministry for Children was established, and approximately 3,000 staff were transferred to the new agency.
- Some cases were still managed by the Ministry after the transition of staff to the new agency (Oranga Tamariki).

The number of settlements reached are as follows:

- 2016 calendar year: 28 settlements
- 1 January to 30 April 2017: 6 settlements.

In regard to your request for "non-ordinary costs", the Ministry has interpreted your request to be for compensation payments made to employees under section 123(1)(c)(i) of the Employment Relations Act 2000, which covers compensation for humiliation, loss of dignity, and injury to the feelings of the employee, and is a payment which is made in addition to an employee's contractual entitlements.

From the information the Ministry holds, the following section 123(1)(c)(i) payments have been made:

- 2016 calendar year: \$20,000
- 1 January to 30 April 2017: No non ordinary costs paid for this period.
- *All documents relating to staff issues including bullying, sexual assault and personal grievance.*

The Ministry cannot provide documents relating to individual staff issues due to privacy. As such, this aspect of your request is refused under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

In the spirit of being helpful, please find the below link to a previous OIA response regarding bullying policies at the Ministry: www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/official-information-responses/2020/november/20201105-request-to-know-information-about-bullying-policies-at-msd-and-medical-policies-regarding-doctors-certificates.pdf.

- *All invoices sent to the department by employment lawyers acting on behalf of current and former staff members, with a detailed breakdown per invoice of the issue.*

The Ministry is unable to gather the information you have requested as employment lawyers are not categorised in the system to make them identifiable. Furthermore, even if they were identifiable, it would require substantial manual collation to match the lawyers with current or former staff members who were specifically working for Child, Youth and Family.

The Ministry would need to divert personnel from their core duties and allocate extra time to complete this task, and the diversion of these resources would impair the Ministry's ability to continue standard operations which in turn would be an inefficient use of the Ministry's resources. As such, your request is refused under section 18(f) of the Act, as it requires substantial collation.

The greater public interest is in the effective and efficient administration of the public service. I have considered whether the Ministry would be able to respond to your requests given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,

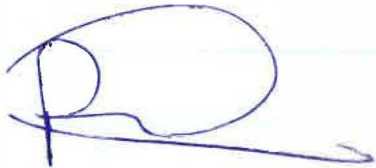
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding HR issues with Child, Youth and Family, 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



Penny Rounthwaite
Group General Manager
People