



8 March 2024

Tēnā koe

Official Information Act Request

Thank you for your email of 25 January 2024 requesting information on the Ministry of Social Development's policy regarding staff falsifying information. I have considered your request under the Official Information Act 1982 (OIA).

Please find my decision on your request set out below.

1. What is MSD's policy on its staff falsifying information?

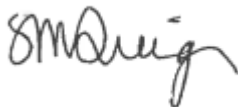
Please refer to the Ministry's Code of Conduct attached to this response, specifically page 11 which outlines the Ministry policy on the misuse of information.

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.

Yours sincerely

pp. 

Magnus O'Neill
General Manager
Ministerial and Executive Services



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIA TO ORA

Code of Conduct

August 2021

Introduction

As public servants each of us has the opportunity to make a positive difference in the lives of New Zealanders through the work we do.

So we can do our work, the taxpayers of New Zealand entrust us with the stewardship of their money and they trust us to protect their personal information. These are big responsibilities. It is important that the way we conduct ourselves reflects the trust New Zealanders place in us.

That's why we have a Code of Conduct. This Code provides you with guidelines on how to go about your work and how to best serve the government of the day. It is important you are familiar with the Code and that you read it regularly. In fact, it is a requirement if you work here.

The Ministry of Social Development (MSD) has a responsibility to you to be a good employer. You have the right to be treated fairly in all aspects of your job.

In return, there are some things MSD expects from you. The Code of Conduct includes clear expectations about behaviour and conduct we cannot and will not tolerate, and the consequences of not meeting these expectations. The Code clearly outlines the consequences of staff fraud, and the deliberate release of information to third parties without proper authorisation.

The Code of Conduct is a guide for you. It won't cover every situation or requirement you experience in your role. If you are ever unsure about what to do, ask for help.

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About the Code of Conduct

The Code of Conduct tells you about the way we work. It outlines how we should deal with the people we work alongside and the people we work for, to help make sure we all:

- work with honesty, integrity and respect
- provide the best possible service and advice to the Government, public, stakeholders and clients, and gain their trust and confidence in what we do
- do the best we can do and be the best we can be – every day.

This Code doesn't cover every possible requirement or situation. It gives us a benchmark to work from and gives others a basis from which to judge the way we are working.

We have policies and procedures that give you more detail on the way we work. You should understand and act on the policies and procedures that apply in MSD. You can find these on our intranet (doogle). Meanwhile, read the Code and understand its contents.

Please note, if you don't meet these standards of conduct your behaviour may result in disciplinary action which could include termination of employment.

It is important you fully understand the Code. If you have questions about parts of the Code and how they apply to you in your role, or you are uncertain as to what some of the information means, ask your manager to explain.

Coverage

The Code applies to anyone who works for us, including:

- employees
- contractors
- consultants
- volunteers at MSD.

Whether you are a permanent staff member, are here temporarily or casually, or are a full-time or part-time worker, the Code applies to you.

The Code is part of your employment terms and conditions. It should be read alongside your employment agreement or contract, our policies and procedures, and the Public Service Standards of Integrity and Conduct.

Standards for Public Servants

The Public Service Commissioner has issued the Public Service Standards of Integrity and Conduct. This document sets out the minimum standards of behaviour expected of public servants and is issued under section 17 of the Public Service Act 2020.

The standards say we must be:

- fair
- impartial
- responsible
- trustworthy.

You can find them in more detail at <https://www.publicservice.govt.nz/resources/code>.

The following pages outline what these standards mean for us as part of MSD, and what policies and procedures help us to comply with them.

Zero tolerance

All public servants are expected to uphold general standards of behaviour which are outlined by the Public Service Commission in the Standards of Integrity and Conduct for the Public Service. In MSD, there are other standards over and above these in some areas because of the work we do.

The Ministry of Social Development is responsible for paying benefits and for prosecuting those who defraud the benefit system. Our clients are required to provide us with highly sensitive, personal information to get what they need, or for our business reasons. This means that in these particular areas the standards we apply to ourselves must be higher than those we expect of others.

For example, it is unacceptable under any circumstances for an MSD staff member to:

- steal from the benefit system or MSD
- interfere with or in any way abuse a child or young person that MSD has a professional relationship with
- sell client information
- deliberately share client details or circumstances with any unauthorised person.

Where a staff member does any of these things, the staff member will be dismissed and the matter may be referred to police. In addition to any penalty the Court might impose, all money fraudulently obtained will have to be repaid in full.

Specific applications of MSD's staff fraud and misuse of information zero tolerance policy are in the following pages. You can find other information in relevant MSD policies on our intranet (doogle).

Fair

We must:

- » treat everyone fairly and with respect
- » be professional and responsive
- » work to make government services accessible and effective
- » strive to make a difference to the wellbeing of New Zealand and all its people.

Public Service Commission Standards of Integrity and Conduct: Fair

<https://www.publicservice.govt.nz/resources/code/?e200=1516-fair>

Conflicts of interest

At MSD we need to make sure we are always fair in the way we deal with people, no matter who they are, what their backgrounds are or what their needs are.

We must avoid any appearance or suggestion of preferential treatment or favouritism towards any individual or organisation which we or you have an interest in.

Because we live and work in our communities, it is sometimes hard to avoid conflicts of interest, whether real or perceived. That makes it even more important that conflicts of interest are identified, avoided when they can be, and managed when they cannot be avoided.

MSD has a policy and a procedure to help you and your manager identify and manage conflicts of interest that arise in the course of your work. You can find the policy and procedure for managing conflicts of interests on our intranet (doogle).

You must inform your manager if you have a relationship with someone you deal with in your role or someone we deal with at MSD that could cause or be seen to cause a conflict of interest.

Secondary employment and voluntary work – if you take on other work (paid or unpaid) or services while you work at MSD, you'll need to consider how it could affect your work here, and whether there is any potential or perceived conflict of interest. Talk to your manager about this. Refer to the Conflicts of Values, Interests and Politics policy for information on secondary employment and managing conflicts.

Respecting others

As an MSD staff member you need to make sure you respect the rights of other people, all the time. This includes any client, stakeholder, colleague or member of the public.

In particular, you must:

- treat each other with respect and courtesy
- show mana manaaki and look after the dignity of people
- support a positive and safe work environment free from any form of bullying, harassment or discrimination (refer to MSD's Positive Workplace policy and guides on our intranet (doogle))
- avoid acting in a way that could upset people, or cause harm or disruption
- not bring anything to work that could be seen as offensive to any person or group of people
- ensure any workplace relationships with colleagues don't have a negative effect on your work
- recognise MSD's commitment to the Treaty of Waitangi
- always be professional, fair and unbiased in the work you do, or the advice you give
- remember that everyone has the right to privacy and confidentiality
- make sure you don't abuse your position at MSD, or any power delegated to you in your role.

We understand that sometimes you may need to do something as part of your role that conflicts with your personal beliefs. If you find yourself in this position, talk to your manager. They will be able to discuss this with you and help you find the right solution.

Impartial

We must:

- » maintain the political neutrality required to enable us to work with current and future governments
- » carry out the functions of our organisation, unaffected by our personal beliefs
- » support our organisation to provide robust and unbiased advice
- » respect the authority of the government of the day.

Public Service Commission Standards of Integrity and Conduct: Impartial

<https://www.publicservice.govt.nz/resources/code/?e200=1518-impartial>

Political neutrality

While we work with the government of the day, we must also be able to work with future governments. This means we need to maintain the confidence of our current Minister and make sure the same relationship can be established with future Ministers. We do this by keeping politics out of our work and our work out of politics.

As public servants we have the same rights as other New Zealanders and may publicly express our own political or personal views. However, at the same time we need to work in a professional and politically neutral way.

Most people at MSD can be involved in social campaigns or the activities of political parties and other organisations without it affecting their ability to be impartial in the work they do.

Talk to your manager about your actual or intended political involvement. It's important to consider what you can do to avoid a perceived conflict with your work. This may include steps so that you are not identified as working for MSD or taking annual leave if you need time off for activities you are involved in.

For senior managers, people who have extensive contact with Ministers, and those responsible for interpreting and implementing government decisions we have to keep a balance and it is not appropriate to publicly express views about government policy related to their work area.

The Public Service Commissioner's guidance about political neutrality is available at www.publicservice.govt.nz or you can talk to your manager if you have any questions about what this means for you.

Commenting on government policy

MSD may view any staff members who publicly make strong or repeated criticisms of government policies as being unable to impartially implement, administer or advise on government policies.

For all staff, publicly expressing your personal view of government policy is unacceptable if you:

- disclose information gained by your work at MSD
- are or could be perceived to be representing MSD
- make personal attacks on a Minister, people at MSD or other Public Servants
- strongly or persistently criticise to the extent that it could be perceived that you cannot carry out your work in an impartial way.

Due to the nature of the roles, for Senior Managers, people working with Ministers, and those responsible for interpreting and implementing government decisions there is a greater responsibility to not publicly comment on government policy related to their work area.

Only people who are authorised by the Chief Executive or who have permission as part of their job can make public statements on behalf of MSD. This applies to responses to any media enquiry.

Private communications with Ministers or Members of Parliament

You have the same right to approach political representatives as any other person, but you must be clear that you are not representing MSD. Remember, any approach to a political representative about something that is not to do with MSD's work should be made with some sensitivity to your role as a public servant.

Any matters concerning MSD must go through the official channels.

Standing as a Member of Parliament

Public servants can seek election to Parliament but there are rules about this set out in the Electoral Act 1993. If you are thinking about putting your name forward for nomination as a constituency candidate or for inclusion on a party list, or if you have already done so, tell your General Manager, Regional Commissioner or the Group General Manager People (Human Resources). They will discuss this with the Chief Executive.

You can find more information on the Public Service Commission website

www.publicservice.govt.nz/resources/code and in the Public Service Standards of Integrity and Conduct.

Responsible

We must:

- » act lawfully and objectively
- » use our organisation's resources carefully and only for intended purposes
- » treat information with care and use it only for proper purposes
- » work to improve the performance and efficiency of our organisation.

Public Service Commission Standards of Integrity and Conduct: Responsible

<https://www.publicservice.govt.nz/resources/code/?e200=1520-responsible>

Probity

When we deal with public money and resources, there is a standard of behaviour expected of us. This is called probity.

Probity means we have shown integrity and professionalism in using public money to do our work.

Probity isn't about setting a list of rules; it's about showing we have used good judgement and a sensible process to make our decisions around how we spend money.

When spending public money, you can show probity if your expenditure:

- is reasonable
- demonstrates value for money
- is relevant to what we do, or to our goals
- can satisfy the questions of anyone who asks about it, including the public.

If you have questions about probity or how to apply it in your role, talk to your manager.

MSD's financial policies are available on our intranet (doogle).

Information and confidentiality

We need to keep all MSD information secure, including personal information about our clients, their families or other organisations.

How we treat this information – collect it, store it, share it and use it – affects how the public trusts us and whether they are willing to continue to share their information with us so we can do our jobs properly.

MSD has a number of policies and procedures in place to protect information and to help us manage information appropriately.

This includes complying with the:

- Official Information Act 1982
- Privacy Act 2020
- Public Records Act 2005.

If information is inadvertently or unintentionally released or disclosed, take action straight away to

minimise any risks, or impact on people. You must also contact MSD's Privacy Team to report the incident. They can give you further advice about handling it.

Refer to MSD's privacy and security policies on our intranet (doogle).

You can find more about MSD's information policies on our intranet (doogle), including our IT security policies (End User Security Policy).

Accessing information

Each of us must take care to ensure MSD and client information is only accessible to authorised people for authorised use.

Make sure you always observe people's right to privacy when you are dealing with their personal information.

- You must only access client information or records for legitimate work purposes.
- You must not access your own record or the record of a friend, relative, colleague or acquaintance for any reason, even if the person asks you to, including if you're just interested or browsing.
- Accessing information also includes processing actions on records. You must not undertake any processing action within your own record or the record of any current or former client, including your own record if you're a current or former client of MSD, without a legitimate business reason.

This applies to any information we hold in any form. If you are not sure whether it is appropriate for you to access information, always check with your manager first.

Misuse of information

Misuse of information includes accessing, falsifying, requesting, or sharing of information without a business purpose. To get the most valid information and to protect people's privacy, information should generally be requested from the person themselves, rather than a third party.

If you are found to have misused or falsified MSD information, formal disciplinary action will be taken, which may include dismissal.

MSD has a zero tolerance policy for the misuse of personal information. Any staff member found to have sold or deliberately given client information to any unauthorised person will be dismissed and the matter may be referred to police.

You can find more information about this on our intranet (doogle).

Trustworthy

We must:

- » be honest
- » work to the best of our abilities
- » ensure our actions are not affected by our personal interests or relationships
- » never misuse our position for personal gain
- » decline gifts or benefits that place us under any obligation or perceived influence
- » avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services.

Public Service Commission Standards of Integrity and Conduct: Trustworthy
<https://ssc.govt.nz/resources/code/?e200=1522-trustworthy>

Client relationships

When we work for a government department it is important to be aware of how our relationships can affect the way we do our jobs or the reputation of MSD.

You must inform your manager if you have a relationship with someone you deal with in your role or someone we deal with at MSD that could cause, or be seen to cause, a conflict of interest.

Disclosing and managing these relationships is important to ensure the public's trust in MSD is well-founded and conflicts of interest are appropriately managed.

MSD has a vital role in our communities to help New Zealanders to be safe, strong and independent. Because of this, if you have sexual contact with, or abuse in any way, a child or young person we have a professional relationship with, you will be dismissed and the matter may be referred to police.

Fraud

As an MSD staff member, you must not commit, condone, encourage or be directly associated with any type of fraud.

MSD has a zero tolerance policy for staff fraud and misuse of client information (available on doogle). In every case where a staff member is found to have defrauded MSD, they will be dismissed and the matter may be referred to police. In addition to any penalty the Court might impose, all money fraudulently obtained will have to be repaid in full.

If you know, or think you know, that someone is involved in fraud against MSD, tell your manager, the Internal Fraud Unit or Fraud Intervention Services.

Prior or pending convictions

If you have a conviction we didn't know about before we hired you, or you weren't truthful about having a conviction, we may take disciplinary action which could result in dismissal.

This does not apply to anything covered by section 7 of the Criminal Records (Clean Slate) Act 2004.

You must tell your manager if you have any convictions or charges laid against you while you work for MSD.

Roles requiring National Security Clearance

People in roles which require National Security Clearance must obtain and maintain this clearance at the appropriate level.

Gifts and rewards

Receiving a gift or reward for doing your role could be seen as a bribe or as a way of making you obligated to another person or organisation. As a general rule you should not ask for or accept a gift or reward.

Consider the intention of the gift and whether it is related to a cultural practice. Some occasions (such as a hui) may require an exchange of gifts. We are committed to meeting the needs of different cultures and if a gift is offered in these situations, it should be accepted on behalf of MSD.

Refer to MSD's Gifts, Donations and Koha Policy when giving or receiving a gift.

Staff who are also clients

If you receive payments or services from MSD, you must make sure anything you do as a client is honest and lawful.

It is your responsibility to give the Staff Assistance Unit full details about your circumstances or any changes in your circumstances to ensure you receive the correct entitlement.

Exemptions and other considerations

For a small number of staff, obligations under the Code of Conduct must be considered alongside other requirements eg for staff to act independently from MSD or to uphold the maintenance of the law. MSD may consider exemptions on a case by case basis to specified sections of the Code of Conduct, taking ethical and legal considerations into account.

Any exemptions will be approved by the relevant Deputy Chief Executive and the Group General Manager People (Human Resources).

Breaches of the Code of Conduct

We need to identify breaches or potential breaches of the Code as soon as possible. We will always make sure any disciplinary process is impartial, fair, prompt and consistent. We will consider each case on its merits, including reviewing the reasons for the breach and taking into account the individual circumstances of each case before deciding on the action to take.

Reporting breaches of the Code of Conduct

If you find out about a breach or possible breach of either the Public Service Standards of Integrity and Conduct or this Code of Conduct, you should:

- think carefully about how you can deal with the situation responsibly
- discuss the issue or situation with your manager as quickly as possible – they may have additional information you might not know, so trust them to know the best way to deal with things.

Talk to your manager to report a breach of any other MSD policy, procedure, standard or guideline, unless another process is provided.

If you don't think you can talk to your manager, or if the situation remains unresolved, then you can talk to another MSD manager or the Group General Manager People (Human Resources).

If you need access to confidential counselling, MSD's Employee Assistance Programme (EAP) is voluntary, private, free, confidential and available to all MSD staff. You can find more details on EAP on MSD's intranet (doogle).

Managers who are advised of a breach or a possible breach will deal with the alleged breach in accordance with MSD's policy. This means anyone alleging a breach or who is being investigated for a breach of the Code of Conduct will be given adequate notice of meetings, have an opportunity to be heard, and have the right to representation and/or have a support person present at meetings.

Privacy breaches

Refer to the 'Information and confidentiality' section of the Code of Conduct and MSD's intranet (doogle) for reporting a privacy breach or near miss.

Reporting serious wrongdoing

In some cases, a breach of the Code of Conduct may also be serious wrongdoing under the Protected Disclosures Act 2000. If this is the case, you can use the MSD's Protected Disclosures procedures to report the incident or action and receive the protections of the Act. There is information about protected disclosures on our intranet (doogle).

If you think MSD has not met its obligations under the Code

If you think MSD has not met its obligations, follow the same process as the one to report breaches of the Code of Conduct (as set out above).

Once you have told us about your concerns, we will:

- treat your concerns confidentially, investigate them promptly and appropriately, and take action as necessary
- where appropriate, let anyone affected by an allegation know about it and ask for their explanation
- consider the use of a neutral third party to resolve the issue, if appropriate
- let you know if an investigation or action has started and stay in regular contact, if appropriate
- let you know about the outcome, where appropriate.

MSD will make every effort to maintain the confidentiality of an individual making a protected disclosure. This is set out in our Protected Disclosures policy.

Remember, you can also face disciplinary action for breaching other MSD policies, procedures and guidelines.

If you are unsure about how to deal with an ethical issue, discuss it with your manager. If your manager is involved, discuss the issue with your manager's manager or any senior manager.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



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