

04 April 2024

C176382

Jean Roberts

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Tēnā koe Jean

Thank you for your email of 7 December 2023 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about personal grievances. Your request has been considered under the Official Information Act 1982 (OIA).

Corrections is one of the largest government departments in New Zealand. At any one time, we employ approximately 10,000 staff. Around 90 percent of Corrections' staff work in frontline positions, currently managing approximately 9,000 people in prison and over 26,000 people in the community.

Corrections expects the utmost professionalism from our employees. All employees are held to a high standard of integrity and professionalism and must act as role models for the people and communities we work with. All staff are expected to meet the expectations set out in the Corrections' Code of Conduct. The overwhelming majority of our people act with integrity, honesty and professionalism in what is often a high pressure and challenging environment.

When staff do not meet the standards required of them, we take appropriate action. This may involve further development or support to bring the staff member's performance up to the standard required. Misconduct or serious misconduct may result in disciplinary action, including the termination of employment.

Our Code of Conduct is available to view [here](#).

You requested:

- 1. The number of Personal Grievances raised in your Ministry, in the last 3 years broken down by year, and categories (for example: Bullying, Unjustifiably disadvantaged, constructive dismissal etc)*

Corrections routinely reports on personal grievances to the Justice Select Committee as part of the Estimates Examination and Annual Review process. Information relating to Personal Grievances can be found on page 156 [here](#).

For Corrections to break each personal grievance down by category, we would need to manually review individual employee files to determine which category the grievance falls into. This process would involve substantial collation and is therefore refused under section 18(f) of the OIA, as the information requested cannot be made available without substantial collation or research.

In accordance with section 18A and 18B of the OIA, we have considered whether fixing a charge, extending the time limit or asking you to refine or amend your request would enable us to provide a response. However, given the scale of the request, we do not consider this would be an appropriate use of our publicly funded resources.

2. *(in the last 3 years) The number of Mediation that took place broken down by year*

Mediation can take place in many forms, and under section 144(2) of the Employment Relations Act 2000, mediation services may include—

- a) the provision of general information about employment rights and obligations:
- b) the provision of information about what services are available for persons (including unions and other bodies corporate) who have employment relationship problems:
- c) other services that assist the smooth conduct of employment relationships:
- d) other services (of a type that can address a variety of circumstances) that assist persons to resolve, promptly and effectively, their employment relationship problems:
- e) services that assist persons to resolve any problem with the fixing of new terms and conditions of employment”.

Due to implementing a new system mid-2022, we do not currently have centrally collated data related to mediation since this change. Information relating to mediations is held on individual employee files and in order to accurately answer this part of your request we would need to manually review each individual file. We can provide data for 2021 and part of 2022 (up until April) as follows. Please note, because this process relies on people updating and recording results, there may be limitations in the accuracy and completeness of the data.

Year	2021	2022
Total mediations	7	3

In addition, figures provided in relation to mediations do not necessarily link to the number of personal grievances. For example, there may be an early intervention before a grievance has been raised or there may be multiple mediations (including where mediation is ordered again by the Employment Relations Authority or courts), and mediation may be used when there is a dispute or for collective bargaining purposes, rather than in relation to a personal grievance.

3. *(in the last 3 years) The number of successful mediation broken down by year*

Our system does not have a field to indicate ‘successful mediation’. We have interpreted this part of your request for when matters are resolved at mediation. However, we also note that settlements can be reached outside of mediation. Again, because this process relies on people updating and recording results, there may be limitations in the accuracy and completeness of the data.

Year	2021	2022	2023
Cases resolved at mediation	9	9	1

4. *(in the last 3 years) Of the PGs raised, how many went to Employment Relations Authority broken down by year?*
5. *(in the last 3 years) How many cases were found against the Ministry broken down by year?*
6. *(in the last 3 years) How much money – in total- were paid to settle these cases / or pay the fee required by ERA broken down by year?*

Decisions made by the Employment Relations Authority are published online. Decisions relating to Corrections can be retrieved via a keyword search [here](#).

7. *How much money was covered by the Ministry’s liability insurance?*

Corrections does not hold insurance for the purpose of settling personal grievances. Accordingly, this part of your request is refused under section 18(e) of the OIA, as the information requested does not exist.

8. *(in the last 3 years) How much money – in total – were paid to external Legal consultants to defend the cases filed in ERA or to prepare the responses to the case broken down by year?*

In order to answer this question, we would need to manually review a significant number of invoices to determine which of these were spent specifically on the purchase of external legal advice to support Corrections at the Employment Relations Authority. Accordingly, this part of your request is refused under section 18(f) of the OIA, as the information requested cannot be made available without substantial collation or research.

In accordance with section 18A and 18B of the OIA, we have considered whether fixing a charge, extending the time limit or asking you to refine or amend your request would enable us to provide a response. However, we do not consider this would be an appropriate use of our publicly funded resources.

9. *(in the last 3 years) How many ERA cases resulted in reinstatement of employee broken down by year?*

No Employment Relations Authority cases have resulted in the reinstatement of an employee over the last three years.

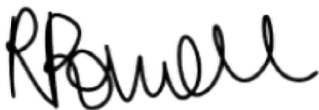
10. *If a case is found against the Ministry (the Ministry lost), what are the consequences to the Manager involved in the incident?*

Any outcomes would be managed on a case-by-case basis, depending on whether and to what extent the manager was involved in the incident, considering all circumstances in line with the relevant internal policies and procedures through our Code of Conduct. This may be addressed informally through coaching and development. Where it involves potential misconduct or serious misconduct, disciplinary action may result, which could include warnings, the termination of employment, the cancellation of a contract, or the removal of authority to be on Corrections' sites.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Rebecca Powell
Deputy Chief Executive (Acting)
People and Capability