

15 December 2023

Ms Jean Roberts

[fyi-request-24478-053f7692@requests.fyi.org.nz](mailto:fyi-request-24478-053f7692@requests.fyi.org.nz)

Tēnā koe Jean

Thank you for your email of 20 October 2023 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting information around the cost of personal grievances. Your request has been considered under the Official Information Act 1982 (the Act).

On 15 November we advised you that, under 15A(1)(b) of the Act, we would need more time to make the consultations necessary to make a proper response.

I have addressed each of your questions below.

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)*

Please refer to the table below for the total number of Personal Grievances raised since 1 July 2020 through until 30 June 2023.

<b>Personal Grievance Type</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Bullying and harassment	3	3	3
Conduct	3	3	3
Health and Wellbeing	2	1	2
Inappropriate behaviour	10	2	1
Performance	1	3	2
Process	30	19	5
Use of force	7	6	0
<b>Grand Total</b>	<b>56</b>	<b>37</b>	<b>16</b>

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

Employment Mediation Services within the Ministry of Business, Innovation and Employment (MBIE) provides a free mediation service to any employee or employer with an employment relationship problem. Private mediation is also available.

The information you have requested regarding mediation is not centrally located. To collate the information you have requested would require a manual search of a large volume of individual records which would involve significant time and resource. As such, we are refusing your request under section 18(f) of the Act, as the information cannot be made available without substantial collation or research.

4. *(in the last 3 years) Of the PGs raised, how many went to the Employment Relations Authority broken down by year?*

The table below shows the number of Personal Grievances that went to the Employment Relations Authority broken down by financial year.

<b>Financial Year</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Number of Personal Grievances that went to the Employment Relations Authority	1	4	11

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?*

Your request for information for the above questions is refused under section 18(d) of the Act as all Employment Relations Authority rulings are made public and the information you have requested is publicly available [here](#).

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

Oranga Tamariki has not made any liability insurance claims for Employment Personal Grievances over the last three years.

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?*

Please refer to the table below for the total amount Oranga Tamariki has spent on external legal costs for employment-related matters for the past three financial years.

<b>Financial Year</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
<b>Total \$</b>	\$573,681.59	\$399,215.97	\$353,025.41

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

Oranga Tamariki is not aware of any cases in the Employment Relations Authority resulting in permanent reinstatement of an employee during the time period provided.

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

The response to any Employment Relations Authority determination is on a case-by-case basis. Oranga Tamariki focuses on learnings to improve its practice rather than consequences or punishment for a single employee. The response could include advice to leadership or training sessions for relevant employees. Managers are required to seek appropriate advice under Oranga Tamariki policies (for example, the Disciplinary Policy and Guidelines require support from a Senior HR Advisor in certain circumstances). If a manager has complied with their delegations and relevant policies, it is likely not appropriate for them to face consequences, even if Oranga Tamariki is unsuccessful in the Employment Relations Authority where that manager was the decision maker.

Oranga Tamariki may make the information contained in this letter available to the public by publishing this letter on our website with your personal details removed.

I trust the information provided is useful. I encourage you to raise any concerns about this response with us directly by contacting [OIA\\_Requests@ot.govt.nz](mailto:OIA_Requests@ot.govt.nz). Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman by contacting them on 0800 802 602 or [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'V. McLean', with a stylized, cursive flourish at the end.

Virginia McLean  
**Acting Deputy Chief Executive**  
**People, Culture and Enabling Services**