



28 September 2018

[REDACTED]
[REDACTED]

Dear [REDACTED]

Official information requests received 13 September (two) and 17 September re bullying and harassment

Our Ref: SSC2018/0150, SCC2018/0152, SSC2018/0154

I refer to your official information requests received on 13 September 2018 (two) and 17 September 2018, asking various questions regarding bullying and harassment in the public sector.

1. The cost of the Katrina Bach inquiry into conduct in 2012

SSC's review of the conduct of the former Chief Executive of the Department of Building and Housing (DBH) was conducted internally by the then State Services Commissioner as an employment matter, based on information provided to him by DBH. No external reviewer was engaged, therefore there were no separately identifiable costs to SSC. The SSC findings and summary of events can be found here: <http://www.ssc.govt.nz/findings-employment-matter-dbh>.

2. The number of complaints of serious breaches of conduct, including bullying, harassment, sexual harassment by department since 2012 (5 years)

3. The cost of inquiries, commissioned reports (to the report name and government department), in relation to bullying, since 2012

As advised in our letter of 6 September 2018, information about the total number of complaints of serious breaches of conduct, including bullying, harassment, sexual harassment by department since 2012 is not held by SSC.

Some serious breach of conduct complaints within State services agencies have become the subject of SSC investigations.

Information about the breach of conduct matters that SSC has investigated is in the public domain and available on SSC's website. Details of the SSC's investigations, along with the resulting reports, can be found here: <http://www.ssc.govt.nz/investigations-archive>.

The cost of SSC's investigations is published at the time of the release of the investigation report.

As this information is publicly available your request is declined under section 18(d) of the Official Information Act 1982 (the OIA).

Note the list above includes a report on a multi-agency inquiry into the departure of Phillip John Smith/Traynor in 2015. This was an inquiry for which SSC provided administrative support and facilities only, and was not related to bullying, harassment or any other breach of the code of conduct.

4. The number of reports in action now (I understand there is a NZ Police, NZ Fire) and expected budget for the cost of the commissioned reports

SSC does not hold information about the number of reports related to current investigations by government entities that relate to allegations of bullying or harassment.

This is because agencies subject to the State Services Commissioner's integrity mandate usually undertake their own investigations and reports into conduct issues in accordance with their own policies and processes. SSC does not collect information about agency-initiated reports into conduct issues.

With regard to the two reports referred to, SSC does not hold any information on the expected budget for the cost of these, as these are not SSC's reports.

The first is being prepared by the Independent Police Complaints Authority (IPCA). The IPCA is not subject to the OIA, so we are unable to transfer this part of your request.

With regard to Fire and Emergency NZ, this entity has advised us that it is already in receipt of your request via a transfer from another government agency. You will be contacted by them separately.

5. The number of Government departments Crown Agencies, and other government entities that SSC governs.

6. The number of employees that the SSC influences- total number of employees over all government departments, Crown Agencies and government entities.

I interpret your terms "govern" and "influence" as a request for information about the State Services Commissioner's statutory mandate for integrity under the State Sector Act 1988. Under the State Sector Act, the State Service Commissioner can apply a code of conduct to some classes of agencies and their staff.

The list of agencies that the State Services Commissioner has applied a code of conduct to is publicly available and can be found here: <http://ssc.govt.nz/code-organisations>. This is a subset of the total State sector, a list of which, along with breakdown of its structure into the Public Service, State Services, and the State sector, can be found here: http://www.ssc.govt.nz/state_sector_organisations.

As described in our letter of 6 September 2018, chief executives exercise considerable discretion over organisational matters, including structure, management systems and controls, and human resource management. While chief executives must comply with a range of centrally managed requirements which limit their autonomy, they still have a real and substantial leadership and management task to perform.

SSC's *2017 Public Service Workforce Data* report includes the number of employees for each of the core Public Service agencies, as well as an estimate of the total Public Sector workforce. The report is available here: <http://www.ssc.govt.nz/2017-public-service-workforce-data-hrc-report>. SSC does not hold an employee breakdown of every entity in the total Public Sector.

7. The Human Resources Capability at SSC - number of staff, and HR capability by employee numbers in the Government departments, Crown Agencies and government entities

I interpret your questions about "HR capability" as referring to the number of HR professionals employed in all government entities. This information is not held by SSC.

The Treasury has HR information relating to some entities that is publicly available. The Treasury's *Benchmarking Administrative and Support Services* report includes information on 26 core agencies. As well as the number of HR professionals at each agency, it includes employee ratios against various measures such as HR FTEs, various HR processes, and HR costs, and self-assessments of the maturity of various HR functions.

For the most recent report published in early 2018, and covering the period 2010-2017, scroll to the bottom of the following page and select "Metric Results and Data Points": <https://treasury.govt.nz/information-and-services/state-sector-leadership/cross-agency-initiatives/benchmarking-administrative-and-support-services>.

Any questions relating to the *Benchmarking Administrative and Support Services* data should be directed to the Treasury.

Note that Treasury's data describes SSC as having approximately two HR FTEs. Since 2012 SSC has not had an internal HR department. Those functions are delivered as part of a shared service with the Treasury and the Department of Prime Minister and Cabinet. The reported FTE included in the Treasury's data is based on SSC's share of that service.

8. The number of complaints in relation to bullying and harassment annually since 2011 by department, crown agency in table format. I wish to determine whether there is a trend and whether it is decreasing or increasing.

At SSC, there has been one complaint of bullying in the period from 2011 to the present. This complaint was in 2015 (request is for number of complaints). No details of this matter can be released to protect the privacy of the individuals involved.

With regard to the other entities, as advised in our letter of 6 September 2018, this information is not held by SSC. Your request in relation to number of complaints for entities other than SSC is therefore declined under section 18(g) of the OIA.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the State Services Commission's website.

Yours sincerely



Stephen Moore
Managing Principal
State Services Commission