



6 September 2021



Tēnā koe 

Thank you for your emails of 19 July 2021 and 17 August 2021 to the Ministry of Education requesting the following information:

- 1. I request 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.*
- 2. Further please provide all documents relating to staff issues including bullying, sexual assault, and personal grievance.*
- 3. I request a copy of 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. (Request one – 19 July 2021)*
- 4. A breakdown of all employment issues at the department per month for the past 5 years, please distinguish by date, allegation, action, withdrawal, and detail any financial sums and if a lawyer was engaged. (Request two – 17 August 2021)*

Your requests have been considered under the Official Information Act 1982 (the Act).

The Ministry takes all matters that are raised seriously. Our Speak Up Framework brings a wide range of channels that are available for our staff together and clearly communicates options for staff to raise matters. Managers are also supported to handle matters that may be raised through a Ministry programme called Leading through Conversations.

- 1. I request 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 cases which have involved any monetary settlement have been provided in the table attached as **Appendix A**. Employment Relations matters which are considered formally are recorded under the headings of personal grievances, behavioral issues, health and wellbeing, performance and change.

The table in **Appendix A** shows settlements from 2016 to 2020. Due to the relatively small number of cases that have involved a monetary settlement, the categories of cases have not been listed. This is to protect the privacy of individuals, as per section 9(2)(a) of the Act.

In addition to cases that have been resolved with a monetary settlement, there are many matters and concerns that are resolved informally between managers and their staff every

day. We centrally record these matters when a manager requires additional support. From 1 January 2020 to 19 July 2021, the date of your request, the Ministry's people capability team have supported managers and staff to resolve close to 2000 matters or concerns. As at 19 July 2021, 41 remained open and these have been divided into six categories listed below. (Where there are less than 5 cases, groups have been amalgamated.)

- Behavioral – 16
- Health and Wellbeing – 6
- Performance – 8
- Personal Grievance, Change and Other – 11

I am refusing part of your request for a breakdown of all employment relations issues for the past five years, under section 18(f) of the Act due to the substantial collation and research that would be required to provide a response.

**2. Further please provide all documents relating to staff issues including bullying, sexual assault, and personal grievance.**

I am also refusing this part of your request under section 18(f) of the Act as, for the reasons outlined above, the information requested cannot be made available without substantial collation or research for individual issues.

I can advise however, that the Ministry has a number of documents that provide guidance to managers and staff in relation to matters such as bullying, sexual assault and personal grievance. For instance, all employment agreements contain a section named Employment Relationship Problems. A copy of the section in one of the employment agreements is attached. The same information is contained in each employment agreement. The Ministry also has policy documents which provide guidance for managing staff issues and copies of the following documents have been attached as **Appendix B**.

- Speak Up
- Bullying and Harassment
- Disciplinary
- Complaints
- Health and Safety Risk Management

**3. I request a copy of 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.**

I am refusing this part of your request under section 18(e) of the Act, as the documents alleged to contain the information requested do not exist, or despite reasonable efforts to locate them, cannot be found. If an employee or former employee chooses to be represented by an employment lawyer, the relationship is between them and the lawyer. Any associated costs is the responsibility of the employee, or former employee, that engaged the lawyer.

In some cases, where compensation is awarded, the employee or former employee may choose to use this to pay legal costs. However, this is a matter between the employee, or former employee, and the lawyer, and is not known to the Ministry.

**4. Please provide a breakdown of all employment issues at the department per month for the past 5 years, please distinguish by date, allegation, action, withdrawal, and detail any financial sums and if a lawyer was engaged.**

We believe the above request has been covered by the information either provided or withheld in the responses to parts 1 and 2 of request one above. I am therefore also refusing this request under section 18(f) of the Act as, for the reasons outlined above, the information requested cannot be made available without substantial collation or research for individual issues.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask the Ombudsman to review this decision. You can do this by writing to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz), or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Zoe Griffiths  
**Deputy Secretary**  
**Business Enablement and Support**



## Appendix A

Year	No of cases	In lieu of notice	Severance	In lieu of salary	Settlement payment	Miscellaneous	Totals
2016	12	\$43,682.37	\$48,823.49	\$10,773.34	\$34,473.08	\$7,500	\$145,252.28
2017	11	\$49,084.94		\$20,305.24	\$61,161.42	\$8,800	\$139,351.60
2018	12	\$186,176.36	\$67,522.29	\$71,871.85	\$51,153.15	\$7,000	\$383,723.65
2019	18	\$151,437.80		\$67,980.40	\$47,136.17	\$393	\$266,947.37
2020	8	\$24,905.84		\$19,389.13	\$115,056.10		\$159,351.07
<b>Total</b>	<b>61</b>	<b>\$455,287.31</b>	<b>\$116,345.78</b>	<b>\$190,319.96</b>	<b>\$308,979.92</b>	<b>\$23,693</b>	<b>\$1,094,625.97</b>