



Review of the Ministry of Justice and the Department of Corrections handling of complaints regarding inappropriate workplace behaviour

Background

1. Between October 2015 and mid-2017 New Zealand Police, the Ministry of Justice and the Department of Corrections undertook a joint project on improving justice outcomes for Māori (the joint project). Initially, staff working on the project were located together at Police National Headquarters in the Māori, Pacific and Ethnic Services Division.
2. In 2018 the Government Inquiry into the Appointment Process for a Deputy Commissioner of Police (Government Inquiry) received complaints about the joint project lead, which alleged bullying behaviour. The joint project lead was the Deputy Commissioner at the centre of that inquiry. The complaints received by the Government Inquiry were also filed with the Police Conduct Team and were referred to the Independent Police Conduct Authority (the IPCA) for investigation.
3. The report of the Government Inquiry outlines the events in 2016 that led to concerns being raised with the Ministry of Justice and Department of Corrections (the Departments). As a result of those concerns, from June 2016, joint project team members worked from separate locations.
4. The IPCA investigates complaints against members of the NZ Police. It is not empowered to assess the sufficiency of responses by the Departments to the concerns that were raised about the joint project in 2016. The State Services Commissioner has authority to review the conduct of the Departments and provide assurance that where allegations of wrongdoing arise within the Public Service, they are handled proportionately, appropriately and expeditiously.

Scope

5. The review will consider the Departments receipt and handling of concerns about inappropriate workplace behaviour, which were raised in the context of the 2016 joint project, as reported by the Government Inquiry. The conduct of the Departments will be assessed by the review against the model standards *Acting in the Spirit of Service – Speaking Up 2017*.

Out of scope

6. The review will not consider:
 - a. The merits of any complaint of inappropriate workplace behaviour, concerning the joint project; or
 - b. How NZ Police responded to any such complaint.
7. The IPCA investigation will address the matters that are out of scope for this review. To the extent that it is necessary to understand the factual narrative, the report may discuss actions taken by NZ Police employees.

Appointment and delegation of powers

8. Pursuant to sections 9A and 23(1A) of the State Sector Act 1988 (the Act) I appoint Debbie Power to undertake this review, and delegate my powers to conduct such inquiries as are necessary to fulfil the terms of reference for this review.
9. For the purpose of conducting the review, I certify under s 9B of the Act that the provisions of the Inquiries Act 2013, referred to in s 9A(2) of the Act, apply. I am satisfied that these provisions are reasonably necessary as the review will require that any inquiries must:
 - Be undertaken with a duty of independence, impartiality and fairness;
 - Have the ability to issue interim and permanent suppression orders for information received;
 - Apply natural justice rights where there is adverse comment; and
 - Be able to designate persons as core participants, as necessary.

Conduct of the Review

10. The review will consider, and form preliminary conclusions, of the Departments conduct based on:
 - a. The report of the Government Inquiry into the Appointment for a Deputy Commissioner of Police, dated 2 November 2018; and
 - b. SSC model standards *Acting in the Spirit of Service – Speaking Up 2017*.
11. The preliminary conclusions of the review will be consulted on, as a minimum, with the following:
 - a. The complainants identified in the Government Inquiry report;
 - b. Ministry of Justice; and
 - c. Department of Corrections.
12. During consultation, the review may receive any other evidence considered relevant to determining the matters within scope. The report of the review will form conclusions which take into account any additional information received during consultation.
13. The State Services Commission will provide this review with secretariat support, to assist with information management, coordinating consultation and drafting the final report.
14. The reporting date for the review is Friday 7 December 2018, or such later date as may be agreed.


Peter Hughes
State Services Commissioner

27 November 2018