



1 May 2020

Dear [REDACTED]

**Official Information Request**  
**Our Ref: 2020-0031**

I refer to your official information request received on 19 March 2020 where you have asked for:

*“all policies, procedures and executive controls that relate to standards of integrity and conduct administered by the state services commission, that are not publicly available on the State Services Commission website that relate to: [State Sector Act 1988] Part 5 Section 57] (3) (b) (v)]. And anything else that relates specifically to Chief Executive Operators, that is not publically available, administered by the State Services Commission”.*

On 26 March 2020 you further asked:

*“What is the SSC complaints, disciplinary action and investigation procedure against Chief Executive Operators.*

*Can you also please provide or locate me to Human Resource, Employment Relations, and operational management systems in the form of electronic and/or written documents”.*

On 7 April 2020 you provided clarification that in respect of the 2<sup>nd</sup> question, you were wanting any internal policy or procedures in relation to Human Resource Management / Employment Relations or Operational Management issued at the highest executive levels.

**Standards of Integrity and Conduct**

The Commissioner's core roles and responsibilities relate primarily to individual Public Service departments and their chief executives. The Commissioner:

- appoints and employs Public Service chief executives
- reviews the performance of Public Service chief executives
- investigates and reports on matters relating to departmental performance.

The State Services Commissioner is responsible for setting standards of integrity and conduct across most of the State services. Pursuant to section 57(2) of the State Sector Act 1988, the Commissioner has issued a code of conduct for the State Services, called the Standards of Integrity and Conduct (the Code) and can be found at the following [link](#).

The Code has been applied to Public Service departments, to many Crown entities including statutory entities, Crown entity companies (excluding Crown Research Institutes) and a number of Crown entity subsidiaries and to Public Finance Act Schedule 4A companies. Staff in those organisations must comply with the standards in the code.

At the time of appointment to the role, provided to Public Service Chief Executives is information that outlines that they are expected to model the standards of integrity and conduct set out in the Code of Conduct for the State Services.

Their staff look to them for leadership. They must be exemplars of the behaviours and conduct that is required of them under the Code. They should be conscious at all times that their behaviours set the tone and shape the culture of their department. They are the stewards of an enduring politically neutral Public Service that serves the Government of the day, no matter what political party Ministers represent.

Please find enclosed a copy of the information provided to chief executives.

### **Model Standards**

Under section 57(4) of the State Sector Act, the Commissioner's functions include providing advice and guidance to most of the State services on matters, or at times, that affect the integrity and conduct of those within the State services (including, for example, on the interpretation of relevant standards and on the application of a code of conduct in specific cases).

In addition to the Code, Model Standards set out the State Services Commissioner's minimum expectations for agencies and staff in the State services on specific integrity areas. The titles of the model standards that have been issued by the Commissioner are listed below, along with the link to the SSC website where they can be found:

- [Positive and Safe Workplaces](#)
- [Information Gathering and Public Trust](#)
- [Speaking up](#)
- [Conflicts of Interest](#)
- [Chief Executive Gifts, Benefits and Expenses](#)

### **Investigating matters of integrity and conduct**

The State Services Commissioner may conduct investigations on matters of integrity and conduct across most of the State services. These inquiries provide assurance to both the government and the public that the activities of agencies and individual State servants are being carried out within the law and within the bounds of proper conduct.

Sections 8 and 11 of the State Sector Act 1988 outline the power of the Commissioner to conduct inspections and investigations. Any investigations into the actions of a chief executive would also be undertaken in accordance with the Employment Relations Act.

### **Human Resource Management Policies and Procedures**

In response to your request for any internal policy or procedure in relation to Human Resource Management/Employment Relations or Operational Management issued at the highest executive levels, we are refusing this part of your request under section 18(e) on the grounds such documents do not exist. SSC does not hold any internal policies or processes specific to the highest executive level.

The Employment Relations Act and other employment-related legislation provide the statutory basis on which the State Services Commission human resources internal policies and procedures are created for all employees. None of these policies are specific to a level of role in the Commission.

If you wish to discuss this decision with us, please feel free to contact [Ministerial.Services@ssc.govt.nz](mailto:Ministerial.Services@ssc.govt.nz).

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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

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

Yours sincerely



Nicky Dirks  
**Managing Principal – Ministerial Services**  
**State Services Commission**

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Behavioural expectations

# Behavioural expectations

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## **Public Service Chief Executives must be fair, impartial, responsible and trustworthy**

Public Service Chief Executives are expected to model the standards of integrity and conduct set out in the Code of Conduct for the State Services.<sup>1</sup>

Our staff look to us for leadership. We must be exemplars of the behaviours and conduct we require of them under the Code. We should be conscious at all times that our behaviours set the tone and shape the culture of our department.

We are the stewards of an enduring politically neutral Public Service that serves the Government of the day, no matter what political party Ministers represent. As the interface between Ministers and the Public Service, we must establish a professional and impartial relationship with our Ministers.

In doing this, we balance the requirement to serve our Minister with the need to maintain public confidence in our democratic system of government.

The way we act in our professional and private lives can damage not only our own reputation, but that of our department and the Public Service. As the most senior of public servants, everything we do is open to close public and parliamentary scrutiny – we are always in the “public spotlight”.

This is to be expected as we are in a position of influence and our actions can affect the lives and wellbeing of others. Many of us exercise coercive powers. We hold confidential information and must treat it carefully and protect the privacy of others. We are accountable for the actions of our employees and the performance of our department. We use and are paid from public money.

The bar is set high for us because of our senior positions and powers and the responsibilities that go with them. The standards of integrity and conduct often apply more strictly to us than they do to public servants in other or less senior roles.

By following these expectations and the standards in the Code, we can be comfortable that our behaviours will withstand the closest of examination or scrutiny and we will be supported by the State Services Commissioner and our colleagues.

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<sup>1</sup> The Code of Conduct can be found on the SSC website:  
<https://ssc.govt.nz/resources/code/>

## **Fair**

### **Strive to make a difference to the well-being of New Zealand and all its people by:**

- Acting with a spirit of service to the communities we serve
- Imbuing our employees with a spirit of service to the community and concern for the public interest
- Engaging with citizens and seek their views
- Striving to improve the way we and our department deliver our services.

### **Work to make government services accessible and effective by:**

- Taking personal responsibility for responding in a way that is helpful to those using our services
- Making sure the public that use our services are aware of what we do and the services they can access
- Ensuring everyone receives the services and benefits they are entitled to
- Not conceding to the unreasonable demands of people seeking our services.

### **Treat everyone fairly and with respect by:**

- Undertaking our work without favouritism, bias or self interest
- Respecting the cultural background of the public and our employees
- Treating everyone equally regardless of their race, religion, gender, sexual persuasion, or disability
- Applying the same standards and rules to ourselves as we do to others – not expecting ourselves, family or friends to receive preferential treatment
- Empowering participation and foster a culture of inclusiveness, not bullying, touching, shouting at, abusing, intimidating, belittling or undermining the confidence of members of the public or our employees
- As an employer, making the Public Service a great place to work; only asking our employees to do what we would be prepared to do; treating our employees evenly and providing them with equal opportunities; acknowledging and rewarding our employees' work and achievements
- Not harassing or sexually harassing any person; not making inappropriate sexual remarks, invitations or innuendos, engaging in persistent unwanted communications or inappropriate touching.

### **Being professional and responsive:**

- Confident and reasoned, leading through crises and change (e.g. being visible and approachable, running fair and equitable processes)
- Taking leadership and responsibility when things go wrong
- Creating a culture of constructive challenge from our senior teams so that our decisions are robust and properly tested
- Attend to the things we are responsible for doing without undue delay
- Treating people courteously and respect their privacy (as we are in positions of power and influence, and have access to confidential information)
- Addressing concerns raised by the public or our employees about our conduct or performance, or that of our employees and department
- Adhering to the principles of natural justice in everything we do

## **Impartial**

### **Maintain political neutrality to work with current and future Governments:**

- Support and do not publicly criticise Ministers, the government or government policy (unless it is our function to do so)
- Are not politically active or publicly support a political party, even if this is in our own time (as we know this undermines trust in our impartiality and ability to work with current or future ministers)
- Do not take part in protests against the government or government policy
- Do not support the political activities of our Minister or a political party that forms the Government.

### **Maintain professional relationships:**

- Be professional in our relationships with Ministers or Members of Parliament
- Always act with integrity and are committed to our department's responsibilities.

### **Carry out the functions of our organisation, unaffected by our personal beliefs:**

- Support our Ministers even when we do not agree with their views
- Comply lawfully with official information requests regardless of whether the release of the information may embarrass the government
- Publish or release reports or information we are committed to publishing or releasing regardless of whether the timing does not suit our Minister or the Government.

### **Support our organisation to provide robust and unbiased advice**

- Ensure our advice is honest, impartial, comprehensive, objective and accurate – it is free of personal interests, political bias or the interests of our department
- While our advice is sensitive to Ministers' aspirations and objectives, it is 'free and frank' in accordance with our statutory obligations.

### **Respect the authority of the government of the day**

- Serve the government of the day and its Ministers, no matter what party they represent
- Implement government policy whether we agree with it or not
- Ensure our activities do not come as a surprise to our Minister
- Only provide information to Members of Parliament that we would provide to a member of the public.

## Responsible

### Act lawfully and objectively:

- Comply with the plethora of New Zealand laws, rules, conventions, legislation specific to our functions and operational requirements in the public management system
- Act within the power and discretion conferred on us and within our delegated authority
- Give effect to the law evenly and reasonably, not arbitrarily or oppressively
- Promote a 'speak up' culture within our department and address wrong doing and unethical behaviour.

### Use our organisation's resources carefully and only for intended purposes:

- Act within the power and discretion conferred on us and within our delegated authority
- We are the stewards of the public money our department is allocated
- Ensure expenditure on ourselves and employees is appropriate, conservative<sup>2</sup>
- Ensure transparency in the way we use resources, mindful of public expectations and perceptions
- Follow proper policies and processes
- Follow all-of-government procurement rules and procedures.
- Do not use our resources for personal advantage
- Work to improve the performance and efficiency of our department, and as system stewards we work towards our department's medium to long term sustainability.

### Treat information with care and use it only for proper purposes:

- Handle official information appropriately and ensure personal privacy rights are preserved, treat information with care and use it only for proper purposes and ensure personal privacy rights are preserved
- Do not use government information or documents for our own purposes. Sensitive information must not be used for our commercial advantage or that of our family or friends.

### Work to improve the performance and efficiency of our organisation:

- Set high ethical and professional standards of ourselves
- As system stewards, work towards our department's medium to long term sustainability
- Keep an open mind and consider what others have to say to us
- Continually work on our personal development so we are well equipped to do our job and we seek help and support when we need it
- Are self-reflective and regularly review our own performance and that of our department.

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<sup>2</sup> If in doubt about the appropriateness of proposed expenditure, please seek guidance from the State Services Commissioner, or refer to the Office of the Auditor General's material on sensitive expenditure.

## **Trustworthy**

### **Be honest:**

- Honour our commitments (doing what we say we will do or agreed to do)
- Are accountable, and do not blame others for things we are responsible for
- Do not mislead our Minister, Parliament, the public, our employees or colleagues
- Do not withhold relevant information to protect our Minister or ourselves.

### **Work to the best of our abilities:**

- Act in the public interest when doing our work
- Demand of ourselves the highest ethical and professional standards
- Always present our advice and work (and that of our department) in a thorough and objective manner
- Do not take shortcuts or always take the most expedient course.

### **Ensure our actions are not affected by our personal interests or relationships:**

- Are careful that our personal relationships do not affect our performance or that of our department
- Put aside any personal beliefs or bias that prevent us from doing our job
- Recruit and promote our employees on merit
- Ensure disciplinary processes are fair and in accordance with our legal obligations and the principles of natural justice.

### **Never misuse our position for personal gain:**

- Contract services according to our policies and do not engage services directly from our family or friends
- Do not use our position to gain further employment or positions as this can affect our decisions and actions.

### **Decline gifts or benefits that place us under any obligation or perceived influence:**

- Do not accept gifts or benefits such as hospitality from our suppliers or people promoting their goods or services to us
- Do not accept gifts or benefits we would not have been given but for our position (e.g. sponsorships for members of our family, food or drink for personal occasions, tickets and/or hospitality to sporting, cultural and other events).

### **Avoid any activities, work or non-work, that may harm the reputation of our organisation or the State services:**

- Declare and manage conflicts of interest
- Avoid intimate relationships with employees we manage
- Do not act dishonestly
- Do not use confidential information for our own advantage or that of our family or friends.

A person wearing a white lab coat is shown from the chest down, holding a tablet computer with both hands. The background is a light-colored wall with a pattern of hanging, dried, root-like objects. A large, semi-transparent watermark in white capital letters is oriented diagonally across the image, reading "RELEASED UNDER THE OFFICIAL INFORMATION ACT".

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Conflicts of interest, bias and  
predetermination

# Conflicts of interest, bias and predetermination

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## Conflicts of interest

A conflict of interest arises when your official duties or responsibilities could be affected by some other interest or activity that you have.<sup>1</sup>

A conflict may relate to a financial interest that you have that can be affected by a decision you are involved in, or the decision may impact someone in your family or close to you. It may be something that can lead to allegations that you are biased or unable to make decisions with an open mind.

It is common for State servants to experience conflicts of interest both in business as usual and in extraordinary situations. The size of New Zealand will mean these conflicts are often unavoidable. It is very important to be alert to the implications of a conflict.

Most conflicts can be readily managed with appropriate care. We request that you raise with your Assistant Commissioner any risks of real or perceived conflicts of interest that you are aware of.

## Considerations

**Key test:** Whether your duties or responsibilities to the agency you work for are affected by other interests or duties you have.

### Questions to consider:

- Is there some way in which a decision could impact on you personally or on those close to you?
- Is there a perception that you will not act with an open mind?
- How serious is the conflict of interest, can it be managed and if so, what is the best way to manage it?
- Can you avoid the conflict of interest?

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<sup>1</sup> Further guidance on conflicts of interest:

- SSC's guidance on managing conflicts of interests:  
<https://ssc.govt.nz/resources/conflicts-of-interest/>
- Auditor-General's guidance on conflicts of interests:  
<https://www.oag.govt.nz/2007/conflicts-public-entities/docs/oag-conflicts-public-entities.pdf>
- Cabinet Office guidance (paragraphs 2.50 – 272 of the Cabinet Manual):  
<https://dpmc.govt.nz/sites/default/files/2017-06/cabinet-manual-2017.pdf>
- Or email [integrityandconduct@ssc.govt.nz](mailto:integrityandconduct@ssc.govt.nz)

## **Examples of interests or duties**

- your financial interests
- your relationships
- another role that you have
- something you have said or done, or
- the financial interests of a family member or other relation.

## **Bias or predetermination**

Issues of bias and predetermination are closely connected with allegations of conflicts of interest. Concerns arise when you appear to be biased or predetermined, or do not approach a situation with an open mind, due to your previous actions or comments. While decision makers are not expected to bring an 'empty mind' to a problem (that is, you can draw on previous experience), you are expected to bring an 'open mind' to matters and be ready to be persuaded by the material before you.

## **Managing conflicts of interest**

Many conflicts can be appropriately managed and need not affect decisions that you must make. When a conflict occurs, you must make sure the conflict is properly disclosed and managed. Your agency should have policies and procedures in place to disclose, record and manage conflicts of interest.

Failing to disclose or to manage conflicts, actual or perceived, may have serious repercussions. It may lead to disciplinary action or dismissal, and it could damage not only your reputation but that of your organisation and colleagues.

It is very important to seek advice as early as possible. The appearance and perception of a conflict of interest is as important to manage as an actual conflict. While conflicts of interest are usually personal and the responsibility of the individual, every organisation is responsible for putting in place policies, processes and systems to help staff recognise conflicts of interest and deal with them.