



Te Kawa Mataaho

Public Service Commission

4 March 2024

9(2)(a) privacy

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Official Information Request

Our Ref: OIA2024-0006

I refer to your official information request received on 5 February 2024 for:

“Please advise if the request would be better directed by a different agency.

The number of complaints received by the Commissioner regarding breaches of the public service Code of Conduct, related to Ministry of Social Development staff - in the past 12 months.

Please break the number by the nature of the complaint if possible”.

The Role of the Commissioner

Under the Public Service Act 2020 the Public Service Commissioner's mandate includes setting standards of integrity and conduct and upholding those standards across the Public Service. The Public Service Commissioner has investigatory powers and will choose to exercise those powers depending upon the nature of the complaint and the Commissioner's mandate in relation to the agency. Agency operational matters are primarily the responsibility of the chief executive. Generally, the Commissioner expects that complaints relating to integrity and conduct will be put to the agency chief executive for consideration and a response in the first instance.

Depending on its seriousness and the actions undertaken by the agency, this may lead to an investigation by the Commissioner. The fact that a complainant disagrees with a decision reached by the chief executive is not itself determinative as to whether the Commissioner will decide to investigate a particular matter.

In order to determine whether a complaint is a matter that the Commissioner should consider further, upon receipt of a complaint the Commission considers whether the chief executive is the subject of the complaint, whether it is an operational matter, whether and how the agency has considered the matter, what was the outcome of the agency's investigation, what has been advised to the complainant, whether any other bodies have or are considering the matter (eg Ombudsman, Auditor General, Privacy Commissioner).

If the Commission considers that the matter should be considered further with the consent of the complainant, it then seeks information from an agency, to understand the actions they have undertaken in response to the complaints.

After considering all of the information the Commission then advises the complainant of the decision as to whether an investigation will be commenced and/or options as to appropriate avenues for the complainant to raise their concerns (where applicable).

Our Response

The Commission's recording of correspondence received does not allow for easy identification of the "number of complaints received by the Commissioner regarding breaches of the public service Code of Conduct, related to Ministry of Social Development (MSD) staff" without having to manually review every piece of correspondence received to determine whether it was a complaint to the Commissioner for a breach of the Code of Conduct relating to MSD staff.

We also performed a key word search in our information management system of the correspondence received since January 2023 using the key words "Code of Conduct", "MSD", "Ministry of Social Development". These searches again identified a large number of documents that would require a substantial manual review of the information to determine whether it is in scope of your request.

Finally, we completed a targeted search of the correspondence that has been referred to our Integrity, Ethics and Standards team for assessment that relate to MSD between January 2023 – 5 February 2024. From this search, we have identified five complaints that the Commission related to MSD within scope of your request. Details of these complaints are listed in the table below.

Item	Date received	Nature of complaint
1.	May 2023	Complaint regarding service failures
2.	June 2023	Complaint about funding processes
3.	June 2023	Complaint regarding public servants misconduct
4.	August 2023	Complaint regarding service failures and misconduct
5.	September 2023	Complaint regarding service failures and misconduct

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@publicservice.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 or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks
Manager – Ministerial and Executive Services
Te Kawa Mataaho Public Service Commission