

7 August 2023

C167816

[REDACTED]

Tēnā koe [REDACTED]

Thank you for your Official Information Act 1982 (OIA) requests of 24 April 2023 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about staff suspensions.

At any one time, Corrections employees approximately 10,000 staff. Around 90 percent of Corrections' staff work in frontline positions, currently managing around 8,700 people in prison at any one time and over 26,000 people in the community. When staff do not meet the standards required of them, we take appropriate action. This may involve further development or support to bring the staff member's performance up the standard required. More serious behaviour may result in disciplinary action, including the termination of employment.

Corrections expects the utmost professionalism from our employees, and allegations of staff behaving inappropriately are taken seriously. All employees are held to a high standard of integrity and professionalism and must act as role models for the people and communities we work with. All staff are expected to meet the expectations set out in the Corrections' Code of Conduct.

On 14 August 2020, the Public Service Commission issued the Workforce Assurance Model Standards to Public Service agencies including Corrections.

The Workforce Assurance Model Standards outline expectations for Public Service agencies and statutory Crown entities when recruiting staff, as well as expectations regarding investigations into serious misconduct and settlement agreements. In summary, "the Standards help ensure the suitability of the people organisations engage and the workforce continues to meet high standards for integrity and honesty". The key aspects of these Standards include that:

- A serious misconduct check is completed during the 'Preferred Candidate' stage of recruitment. The candidate's consent is required for an organisation to ask the prospective employee's previous employer to disclose details of any serious misconduct investigation, concluded and upheld or currently under investigation.

- These checks are organisation-to-organisation, not with the previous direct line manager or other referee, ensuring that strict privacy requirements are met. These provisions only apply to serious misconduct, not to other misconduct.
- State service organisations will be required to provide such information about any former or current employee who has been subject to a serious misconduct investigation, including the outcome or status, for the last three years.
- When an employee resigns while a serious misconduct investigation is underway, Public Services agencies should consider inviting the employee to stay until the disciplinary process or investigation is concluded. If, however, the employee chooses not to, they are to be advised that a record will be made and this record may be disclosed to future employers in accordance with privacy requirements.
- Confidentiality and non-disclosure statements included in settlement agreements should be written so they do not prevent the agency responding openly to reference checks from future employers.

Corrections has successfully implemented a robust process in relation to serious misconduct checks as part of our recruitment process. In relation to the other aspects of these Standards, these are considered as necessary on a case-by-case basis with specialist advice.

Our Integrity Assurance Team provides high quality specialist investigation services and advice, alongside delivering an integrity awareness programme focused on raising awareness of and preventing fraud, corruption, dishonesty and other criminal risks, giving staff the skills and tools they need to avoid manipulation.

We also have clear Speak Up policies encouraging staff to speak up if they see, hear or experience something that concerns them. This includes an 0800-phone number for our staff to report integrity concerns. Our Code of Conduct and human resources processes ensure every one of us can be held to account for behaviour that falls short of expectations.

- *How many members of staff working for your organisation were suspended in the 2022/23 financial year?*

As at 1 June 2023, 25 suspensions of Corrections staff had been initiated in the 2022/23 year.

| Outcome | Number of Incidents |
|-------------------------------|---------------------|
| Caution | 2 |
| Dismissal | 3 |
| Final Written Warning | 2 |
| Mediated Agreement | 2 |
| No Evidence to Support Breach | 3 |
| Ongoing | 4 |
| Resigned During Investigation | 8 |
| Verbal Warning | 1 |
| Total | 25 |

- *How many members of staff are currently suspended for any reason?*
- *How many members of staff are currently suspended and are still receiving their salary?*
- *For those suspended and still receiving their salaries, please indicate the reason for their suspension and the duration of their suspension so far.*

As at 1 June 2023, 13 Corrections staff members were currently suspended.

| Reasons | Number of suspensions |
|--|-----------------------|
| Actions that are unlawful | 4 |
| Careless or unsafe behaviour | 2 |
| Conflicts of Interest | 2 |
| Contraband | 1 |
| Inappropriate behaviour or relationships | 4 |
| Total | 13 |

All suspended staff members continue to receive their salary. When an employment investigation process is undertaken a staff member is entitled to receive their salary throughout the duration. This is because any employment investigation has to follow a fair process. The outcome of any employment investigation also cannot be pre-determined. For any disciplinary action to be justified and avoid challenge, the employment investigation process must follow the requirements of the Employment Relations Act 2000, and uphold procedural integrity.

There are multiple reasons, some of them outside of Corrections control, why staff members may remain suspended for an extended period of time. The requirement for fair process to be followed does mean that complex employment investigations can take some time. Where a related Police investigation or court process is also underway, these processes may need to conclude before Corrections can fairly conclude an employment investigation.

The average length of suspension for the 13 staff members suspended as at 1 June 2023 was 354 days.

Please be advised that should you have any concerns regarding this response you have the right to ask the Ombudsman to investigate our decision to extend the timeframe. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Dan Giles
Deputy Chief Executive (Acting)
People and Capability