

# Strategic intentions 2016/20



A.3 SOI 2016-2020

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata



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## Speaker's Statement of Responsibility

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I am satisfied that the information on strategic intentions provided by the Office of the Ombudsman is in accordance with the Public Finance Act 1989 and is consistent with the policies and performance expectations of the Officers of Parliament Committee acting on behalf of Parliament.

**Rt Hon David Carter**

Speaker of the House of Representatives

Responsible Minister for the Office of the Ombudsman

30 June 2016

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## Introduction from the Chief Ombudsman

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The Ombudsmen are appointed by Parliament to give effect to a number of key democratic and human rights measures aimed at safeguarding the rights of individuals and promoting government accountability and transparency. In essence, we investigate, review and inspect the administrative conduct of state sector agencies and provide advice and guidance, in order to ensure people are treated fairly in New Zealand.

The activities we carry out are balanced between:

- specific interventions in relation to the individual complaints about administrative conduct and access to information that we receive from members of the public; and
- more general interventions to investigate and inspect significant and systemic issues, review and monitor compliance and good practice, and provide advice and guidance, with the aim of contributing to wider administrative improvement in the state sector.

The next four years will see a consolidation of our approach, and the targeted investment of resources, to ensure that our complaint handling practices are sound, flexible and timely, and the expansion of our general interventions is undertaken in a principled and effective manner. In doing so, we will take full advantage of our practices that have stood the test of time over the past 50 years, and the recent and ongoing revisions to our business model in a process of *continuous practice improvement*.

**Judge Peter Boshier**  
Chief Ombudsman



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# Chief Ombudsman's Statement of Responsibility

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In signing this statement, I acknowledge that I am responsible for the information on strategic intentions for the Office of the Ombudsman. This information has been prepared in accordance with sections 38 and 40 of the Public Finance Act 1989.

**Judge Peter Boshier**

Chief Ombudsman and Chief Executive

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# Nature and Scope of Functions

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## Who we are

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The Ombudsmen are Officers of Parliament. Each Ombudsman is appointed by the Governor-General on the recommendation of Parliament. We are responsible to Parliament and independent of the Government.

## Our purpose

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Our overall purpose is to investigate, review and inspect the administrative conduct of state sector agencies and provide advice and guidance, in order to ensure people are treated fairly in New Zealand.

## Legislative functions

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Our main functions under legislation are to:

- investigate state sector administration and decision making;<sup>1</sup>
- investigate and review decisions made on requests to access official information;<sup>2</sup>
- deal with requests for advice and guidance about alleged serious wrongdoing;<sup>3</sup>
- monitor and inspect places of detention for cruel and inhuman treatment;<sup>4</sup> and
- provide comment to the Ministry of Transport on applications for authorised access to personal information on the motor vehicle register.<sup>5</sup>

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<sup>1</sup> Under the Ombudsmen Act 1975.

<sup>2</sup> Under the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987.

<sup>3</sup> Under the Protected Disclosures Act 2000.

<sup>4</sup> Under the Crimes of Torture Act 1989.

<sup>5</sup> Under section 241 of the Land Transport Act 1998.



## International responsibilities

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Two of our functions have international responsibilities. We carry out our function to monitor and inspect places of detention under the Crimes of Torture Act 1989 as a *National Preventive Mechanism*. The Crimes of Torture Act fulfils New Zealand's responsibilities under the *United Nations Optional Protocol to the Convention Against Torture*.

We are also an *Independent Monitoring Mechanism* protecting and monitoring the implementation of the *United Nations Convention on the Rights of Persons with Disabilities* (the Disabilities Convention). We carry out this role by investigating state sector administrative conduct.

## Other functions

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To complement and support our main functions under legislation, we:

- provide advice and guidance to state sector agencies in order to improve state sector capability in areas relevant to our role; and
- improve public awareness of and accessibility to our services.

## Our contribution

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In carrying out our functions, we provide Parliament and the New Zealand public with an independent and impartial check on the quality, fairness and integrity of state sector administrative conduct. By contributing to wider administrative improvement in the state sector, we can help to reduce overall downstream costs caused by poor decision making and ineffective administrative processes.

### **What is the state sector?**

We have authority to investigate approximately 4,000 entities in the state sector, including:

- government departments and ministries;
- local authorities;
- crown entities;
- state-owned enterprises;
- district health boards;
- tertiary education institutions;
- school boards of trustees; and
- Ministers of the Crown and the Police (in relation to decisions on requests for official information).





## Constraints

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We have a wide jurisdiction across the activities of the entire state sector, but finite resources with which to carry out our role. To some degree, therefore, we must carefully target our interventions.

We also face the following constraints in providing an independent and impartial check on state sector administrative conduct:

- we can only influence the state sector through:
  - › investigation and review;
  - › inspection;
  - › advice and guidance;
  - › recommendations; and
  - › reporting;
- we can only comment on the matters that come to our attention;
- we are only one of a number of state sector accountability mechanisms;
- there are no statutory timeframes within which state sector agencies must respond to us in relation to our investigation of administrative and decision making practices,<sup>6</sup> and our recommendations in that respect are not binding;<sup>7</sup>
- people can only make complaints and seek guidance from us if they are aware of our various roles; and
- people can only make requests for official information if they are aware of the official information legislation.

Given the constraints on our role, most of our interventions to improve state sector administrative conduct are carried out through persuasion and reporting, rather than compulsion. To do this effectively, we need to be relevant, fair and accessible. We need to provide well-reasoned and independent opinions, and our interventions need to be proportionate, taking into account the impact on the agency and the costs and benefits of any proposed remedies.

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<sup>6</sup> While there are timeframes that agencies must comply with in responding to us under the official information legislation, there are no timeframes in relation to our general investigation role under the Ombudsmen Act.

<sup>7</sup> While there is a statutory duty to comply with our recommendations made under the official information legislation (unless vetoed), there is no duty to comply with our recommendations made under the Ombudsmen Act. Nor are our recommendations under the Crimes of Torture Act binding.



## Strategic Direction

Our strategic direction is:

- guided by the legislative functions assigned to us by Parliament; and
- informed by the current environment and the Government's strategic direction.

In essence, our functions cover a range of key democratic and human rights measures aimed at safeguarding the rights of individuals and increasing government transparency and accountability. The overall outcome we contribute to is maintaining a high level of public trust in government.

Within this context, we can assist in achieving the Government's key priority to deliver better public services within tight fiscal constraints.<sup>8</sup>

One of our primary strategic goals is to assist state sector agencies to improve their services to the public. Traditionally, the main mechanism we have used to do this is by investigating and reviewing state sector decisions in response to complaints we have received from the public. However, we are now taking a more proactive approach, including more general interventions to investigate and inspect significant and systemic issues, review and monitor compliance and good practice, and provide advice and guidance to state sector agencies. The aim of our interventions is to improve administrative systems and processes overall, and so support the delivery of better public services through:

- more effective and timely service delivery; and
- greater understanding of, and trust in, state sector processes and service delivery.



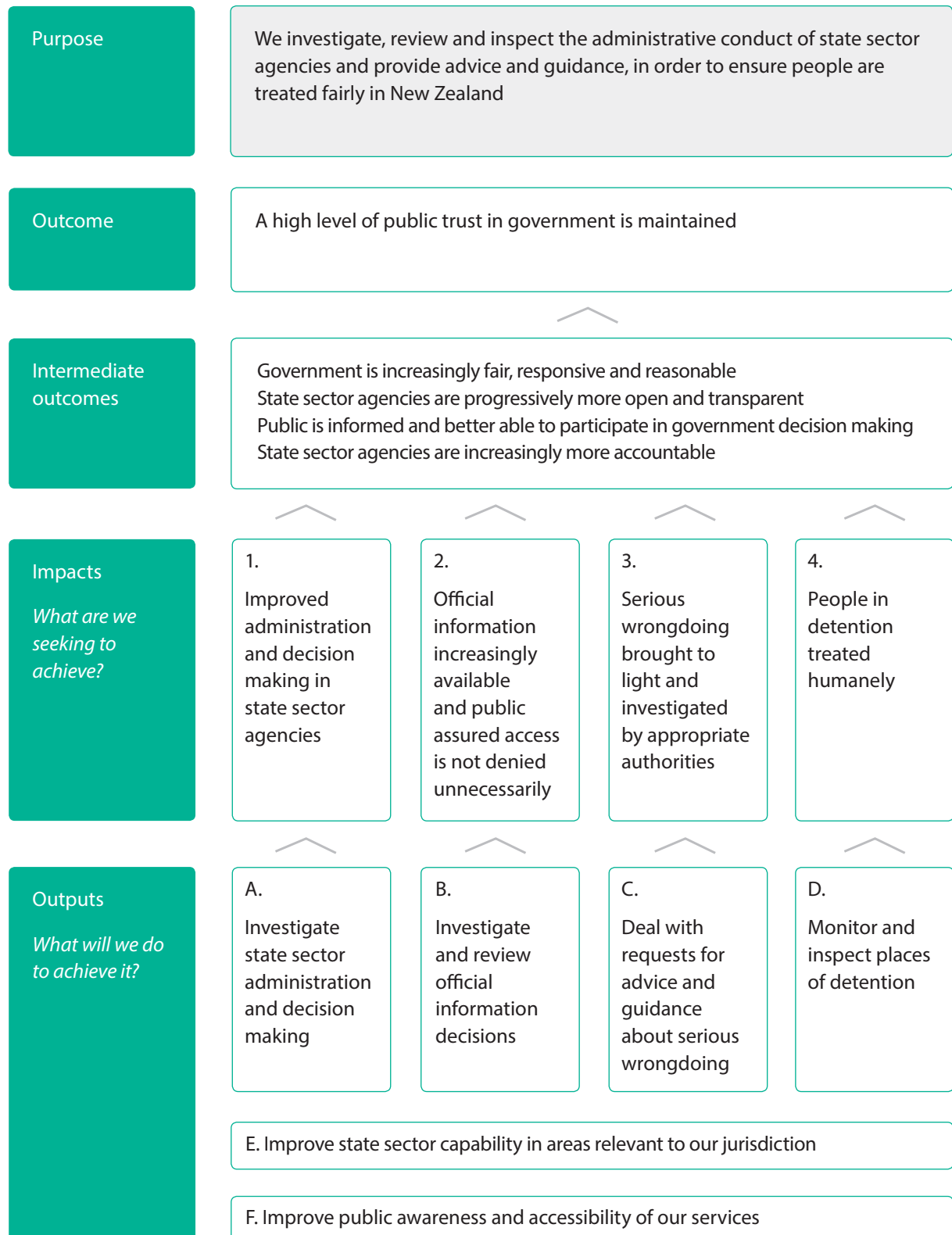
Figure 1: The overall impact of our work

<sup>8</sup> Refer <http://www.ssc.govt.nz/better-public-services>



## Outcomes Framework

Our Outcomes Framework demonstrates the linkages between the services we deliver through our outputs, and the outcomes and impacts we are seeking to achieve.





## Operating Intentions

The following section discusses the impacts we are seeking to achieve in contributing to the outcomes we have identified in our *Strategic Direction*.

### Impact 1: Improved administration and decision making in state sector agencies

#### What are we seeking to achieve?

Independent oversight by the Ombudsmen can assist state sector agencies to identify and correct administrative deficiencies. In doing so, we provide one means of improving administration and decision making over time.

Improved administration and decision making in state sector agencies will ultimately result in better services being provided to the public.

#### How will we demonstrate success in achieving this?

The main measure currently being used to track improvements in the public service is the Kiwis Count survey, which is independently administered by the State Services Commission.<sup>9</sup> We will use the Kiwis Count survey to demonstrate improvements in administration and decision making in state sector agencies. Using the results of this survey, we will be able to track any overall improvements that are achieved through New Zealand's overall quality score for public services. While this is a relatively high-level measure, our role encompasses oversight of over 4,000 state sector agencies. The Kiwis Count survey provides an authoritative means to gauge perceived improvement in public services provided by state sector agencies overall.

The Kiwis Count survey was conducted in 2007 and 2009, and from 2012 it has been conducted on a quarterly basis. In 2007, New Zealand's overall quality score for public services was 68, and in 2009 it improved to 69. From June 2013 to June 2015, the overall quality score rose from 72 to 74. This compares favourably with the 2007 Canadian benchmark of 69.

How will we demonstrate our success?							
Measure	Actual June 2013	Actual June 2014	Actual June 2015	Target 2016/17	Target 2017/18	Target 2018/19	Target 2019/20
Overall quality of public services improves over time	72 points	73 points	74 points	Higher than 70 points	Higher than 70 points	Higher than 70 points	Higher than 70 points

<sup>9</sup> Refer <http://www.ssc.govt.nz/kiwis-count>

## Operating Intentions

### What will we do to achieve this?

The main activities we will carry out to improve administration and decision making in state sector agencies are grouped under outputs A, E and F.

We discuss output A below. Outputs E and F relate to all impacts we are seeking to achieve, and will be discussed at the end of the *Operating Intentions* section.

#### **Output A: Investigate state sector administration and decision making**

The Ombudsmen Act 1975 gives us authority to investigate the administrative conduct of state sector agencies. We may decide to investigate:

- after receiving a complaint from a member of the public about a particular matter of concern; or
- without receiving a complaint (on our *'own motion'*), particularly where we consider significant or systemic issues arise, or there is a need to review and monitor compliance and good practice, and our investigation may lead to wider administrative improvement in the state sector.

Following an investigation, we may make any recommendation considered appropriate to remedy identified deficiencies, both in relation to individual matters and broader issues. While our recommendations under the Ombudsmen Act are not legally binding, they are highly persuasive and almost always accepted. If recommendations are not accepted, we may report the matter to the Prime Minister and House of Representatives or, in the case of local authorities, compel a report to be published.

Under this output we will:

- investigate complaints from the public about administrative and decision making practices in state sector agencies;
- investigate significant or systemic issues arising in the state sector;
- review and monitor the compliance and good practice of agencies;
- seek resolutions and remedies, form opinions and make recommendations to address identified administrative deficiencies;
- report on and monitor acceptance and implementation of our recommendations;
- publish the outcome of key matters we have investigated;
- investigate and report on issues relating to implementation by state sector agencies of the Disabilities Convention; and
- provide advice and assistance where people raise matters that are outside our jurisdiction or can be resolved in a more appropriate way.

We treat matters as formal complaints once they have been put in writing.<sup>10</sup> However, we also deal with a large number of enquiries from members of the public, mainly over the telephone, without a complaint being made to us in writing. While we term these matters *'other contacts'*, our staff spend a significant amount of time providing advice and assistance, and resolving these matters.

Our combined performance measures for outputs A and B are set out below, at page 14.

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<sup>10</sup> This is based on section 16(1A) of the Ombudsmen Act, which requires a complaint made orally to be put in writing as soon as practicable.



## Impact 2: Official information increasingly available and public assured access is not denied unnecessarily

### What are we seeking to achieve?

In reviewing decisions on requests for official information, we ensure that requests are being dealt with appropriately. In this way, we can enhance public trust and confidence in decision making processes, and also increase the availability of official information.

Making official information increasingly available, and assuring the public that access is not denied unnecessarily, will lead to greater transparency and accountability within the state sector, and facilitate public participation in the making and administration of laws and policies. Ultimately, this will help to improve public trust in government.

### How will we demonstrate success in achieving this?

The main measure currently available to track perceptions of public trust in government is the *Transparency International Corruption Perceptions Index* (the Index).<sup>11</sup> Launched in 1995, the Index is an aggregate indicator that annually ranks 168 countries by their perceived levels of corruption in the public and political sectors. New Zealand is currently ranked fourth on the Index, behind Denmark, Finland and Sweden. We will demonstrate our success under this impact by tracking New Zealand’s ranking on the Index.

How will we demonstrate our success?						
Measure	2014/15 Actual	2015/16 Actual	2016/17 Target	2017/18 Target	2018/19 Target	2019/20 Target
New Zealand is rated as one of the leading countries in public service probity as measured by the Transparency International Corruption Perceptions Index	New Zealand ranked second	New Zealand ranked fourth	On average over the next 5 years New Zealand is in the top three	On average over the next 5 years New Zealand is in the top three	On average over the next 5 years New Zealand is in the top three	On average over the next 5 years New Zealand is in the top three

### What will we do to achieve this?

The main activities we will carry out to ensure official information is increasingly available, and to assure the public that access is not denied unnecessarily, are grouped under outputs B, E and F.

We discuss output B below. Outputs E and F relate to all impacts we are seeking to achieve, and will be discussed at the end of the *Operating Intentions* section.

<sup>11</sup> Refer <http://www.transparency.org>

Operating Intentions

**Output B: Investigate and review official information decisions**

The Official Information Act 1982 (OIA) and the Local Government Official Information and Meetings Act 1987 (LGOIMA) give the public the ability to request official information held by Ministers of the Crown and state sector agencies (including local authorities).

The Ombudsmen are the review mechanism under both pieces of legislation. On receipt of a complaint, we investigate and review whether a Minister or agency has complied with the legislation. The key obligations are to respond to requests for official information within the required time, and to grant such requests, unless in the circumstances of the particular case there are sound reasons for not doing so. Following our investigation and review, we may make any recommendation considered appropriate, including for the release of official information. With some exceptions, our recommendations must be observed unless vetoed by the Governor-General in Council or local authority resolution.

Under this output we will:

- investigate and review Ministerial and state sector agency decisions on requests for official information;
- seek resolutions and remedies, form opinions on whether Ministers and agencies have complied with their obligations under the official information legislation, and make necessary recommendations;
- report on and monitor the implementation of our recommendations; and
- publish the outcome of key matters we have investigated.

**Performance measures: Outputs A and B**

Our combined performance measures for outputs A and B are set out below. These are based on the Chief Ombudsman’s vision for all complaints to be completed within 12 months by 2019/20.



Figure 2: Chief Ombudsman’s vision for all complaints to be completed within 12 months by 2019/20.



Operating Intentions

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How will we demonstrate our success in providing outputs A & B?								
Measure	2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20
	Actual	Actual	Budget Standard	Estimate Actual	Budget Standard	Target	Target	Target
<b>Demand driven measures</b>								
# of OA complaints completed	2,510	2,226	2,500	2,100	2,250	2,250	2,250	2,250
# of official information complaints completed (amended measure)	1,856	1,213	1,250	1,220	1,250	1,250	1,250	1,250
# of of OA other contacts completed	6,056	7,231	6,000	7,500	6,000	6,000	6,000	6,000
# of official information other contacts completed (amended measure)	564	620	440	515	450	450	450	450
<b>Proactive measures</b>								
All complaints and other contacts considered	100%	100%	100%	100%	100%	100%	100%	100%
# of wider administrative improvement investigations completed	1	0	2-3	1	13 <sup>12</sup>	10	10	10
# net clearance rate <sup>13</sup> of complaints (amended measure)	111%	95%	-	103%	105%	108%	108%	100%
% of complaints received from 1 July 2016 completed within 3 months <sup>14</sup> from date of receipt (new measure)	-	-	-	-	70%	70%	70%	70%
% of complaints received from 1 July 2016 completed within 6 months <sup>15</sup> from date of receipt (amended measure)	-	-	-	-	75%	75%	80%	85%
% of complaints received from 1 July 2016 completed within 9 months <sup>16</sup> from date of receipt (new measure)	-	-	-	-	80%	85%	90%	95%

<sup>12</sup> Our expected standard for the completion of wider administrative improvement investigations will be 10 per year. However for the 2016/17 year we have estimated an increased number will be completed as we conclude our investigations of the 12 individual agencies identified in the own motion investigation of OIA practices by central government agencies.

<sup>13</sup> 'Net clearance rate' means the total number of complaints closed in the reporting year as a proportion of the total number of complaints received during the year.

<sup>14</sup> Counted as 90 calendar days.

<sup>15</sup> Counted as 180 calendar days.

<sup>16</sup> Counted as 270 calendar days.



Operating Intentions

How will we demonstrate our success in providing outputs A & B?								
Measure	2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20
	Actual	Actual	Budget Standard	Estimate Actual	Budget Standard	Target	Target	Target
% of complaints received from 1 July 2015 completed within 12 months <sup>17</sup> from date of receipt (amended measure)	-	-	-	-	90%	95%	100%	100%
# of complaints received before 1 July 2015 on hand at end of reporting year (new measure)	-	-	-	650	500	250	0	0
% net clearance rate of other contacts	100%	100%	100%	100%	100%	100%	100%	100%
% of other contacts completed within 3 months from date of receipt	100%	99%	100%	100%	100%	100%	100%	100%
% of completed complaints and other contacts meeting internal quality standards, following random quality assurance check <sup>18</sup>	-	75%	Baseline to be established	Still under review	80%	85%	90%	95%
# of successful appeals for judicial review of Ombudsman	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Since 2012, we have experienced a significant increase in both the volume and complexity of work received. We accordingly sought additional resource through the Officers of Parliament Committee to address the increased work, and some of the resource we requested was provided for 2013/14 and 2015/16 onwards. We also implemented practice improvements and reorganised our teams and support structures.

In order to effectively manage the number of complaints and other contacts on hand, we must improve both our timeliness and net clearance rate. Following a recent internal review of work on hand, and projections based on the receipt of extra funding for the three years 2016/17 to 2018/19 to address a backlog of aged work, we have updated our throughput and timeliness performance measures, and included specific targets for the percentage of complaints completed within 3 and 9 months of receipt.

<sup>17</sup> Counted as 365 calendar days.

<sup>18</sup> The full introduction of random quality checks was deferred to the 2014/15 reporting year, largely due to the pressure of work on hand. A confirmed target has been established for the 2016/17 reporting year. We also have other measures in place to ensure quality, including review of all correspondence by senior staff with delegated authority from the Ombudsmen.



Operating Intentions

As noted above, our updated targets are based on an estimate of how we will progress over the next three reporting years to achieve the Chief Ombudsman’s vision that by 2019/20, 70% of complaints will be completed within 3 months of receipt and all complaints will be completed within 12 months of receipt.

We also consider that improving our throughput and timeliness will consequently improve our performance against internal quality standards, as the main reason complaints have not met internal quality standards previously has been because of timeliness issues.

We have amended our measure for the number of wider administrative improvement investigations completed, in light of the additional funding we have received from 2016/17 and out years to review and monitor the compliance and good practice of agencies.

We also have additional measures of our performance for outputs A and B, which will be assessed biennially on the results of our stakeholder survey.

How will we demonstrate our success in providing outputs A and B?						
Measure	2008/09 Actual	2011/12 Actual	2013/14 Actual	2015/16 Actual	2017/18 Target	2019/20 Target
% of complainants satisfied with overall quality of our service delivery	66%	55%	35%	22%	65%	75%
% of state sector agencies satisfied with our communication overall	93%	88%	94%	69%	75%	75%
% of state sector agencies satisfied the Ombudsmen’s opinions are fair	76%	73%	69%	83%	75%	75%

We conduct a stakeholder survey biennially, with the next survey due in 2017/18.<sup>19</sup> We survey both our complainants and the state sector agencies who have been the subject of an investigation. The objective of our survey is to assess the level of satisfaction with the service we provide, and to identify areas where we can improve. We currently conduct the surveys in-house, although we have obtained independent expert advice on the content of the survey questions. We have also agreed with the State Services Commission to include the questions and scales used in the Common Measurements Tool,<sup>20</sup> which will enable us to benchmark our results against other agencies using this tool.

<sup>19</sup> The survey was first conducted in the 2008/09 reporting year. The second survey was due to be conducted in the 2010/11 reporting year, but was deferred to 2011/12 due to the Canterbury earthquakes. The third and fourth surveys were conducted in the 2013/14 and 2015/16 reporting years respectively.

<sup>20</sup> The Common Measurements Tool is a set of survey questions and scales developed in Canada that allows state services agencies to measure client satisfaction and identify service delivery improvements for service users. By using a common set of questions, agencies are able to compare their performance with other state services agencies, with the Kiwis Count national survey and also measure how they are progressing over time. Refer <http://www.ssc.govt.nz/common-measurements-tool>.

## Operating Intentions

We anticipate that our performance in terms of complainant satisfaction with the overall quality of our service delivery will improve as our timeliness issues are addressed. The current levels of satisfaction by complainants may be attributable to a reduction in the timeliness of some of our interventions. Our timeliness has been impacted by an increasing volume of work, particularly in the official information area, and by the number of complaints we received in the aftermath of the Canterbury earthquakes.

## Impact 3: Serious wrongdoing brought to light and investigated by appropriate authorities

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### What are we seeking to achieve?

It is in the public interest for serious wrongdoing to be brought to light and investigated. Under the Protected Disclosures Act 2000, employees<sup>21</sup> have various protections when they 'blow the whistle' on serious wrongdoing<sup>22</sup> in or by their organisation.

Insiders will often be the only ones with knowledge of serious wrongdoing. If they are unaware of the protections available to them, or do not feel confident raising their concerns through the appropriate channels, incidents of serious wrongdoing could go undetected.

In providing advice and guidance to potential whistleblowers, we can help to ensure:

- employees who are concerned about serious wrongdoing can seek advice;
- employees feel confident enough to raise their concerns through the appropriate channels; and
- legitimate concerns are investigated.

Ensuring that serious wrongdoing is brought to light and investigated will lead to greater transparency and accountability, and will ultimately help to ensure public trust in government.

### How will we demonstrate success in achieving this?

As discussed previously under *Impact 2*, the main measure currently available to track perceptions of public trust in government is the *Transparency International Corruption Perceptions Index*. We propose to demonstrate our success under this impact by tracking New Zealand's ranking on the Index.

### What will we do to achieve this?

The main activities we will carry out to ensure serious wrongdoing is brought to light and investigated by appropriate authorities are grouped under outputs C, E and F.

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<sup>21</sup> 'Employee' includes a former employee, a secondee, a contractor and a volunteer (refer section 3 Protected Disclosures Act for full definition of employee).

<sup>22</sup> 'Serious wrongdoing' includes:

- offences;
- actions that would pose a serious risk to public health and safety or to the maintenance of the law; and
- in the public sector context, unlawful, corrupt, or irregular use of funds or resources, and gross negligence or mismanagement by public officials.



Operating Intentions

We discuss output C below. Outputs E and F relate to all impacts we are seeking to achieve, and will be discussed at the end of the *Operating Intentions* section.

**Output C: Deal with requests for advice and guidance about serious wrongdoing**

The purpose of the Protected Disclosures Act 2000 is to facilitate the disclosure and investigation of serious wrongdoing in or by public and private sector organisations, and to protect employees who disclose information about serious wrongdoing.

Under the Protected Disclosures Act, the Ombudsmen provide information and guidance to employees wanting to make protected disclosures. We also act as an *'appropriate authority'* to receive protected disclosures and we can play a wider role to investigate or oversee investigations where serious wrongdoing by *'public sector organisations'*<sup>23</sup> is alleged.

In addition, if we receive a disclosure which does not amount to *'serious wrongdoing'* under the Protected Disclosures Act, we can still address the matter where appropriate under our wider role to investigate the administrative conduct of state sector agencies under the Ombudsmen Act.

Under this output we will:

- provide advice and guidance to employees wanting to make protected disclosures;
- receive protected disclosures;
- investigate issues arising from protected disclosures or refer them to other appropriate authorities for investigation; and
- where required, review and guide investigations by public sector organisations.

Due to the significant nature of the issues arising under this output, all matters we receive relating to protected disclosures will be dealt with immediately by 5 senior and experienced staff members,<sup>24</sup> who provide direct advice to the Ombudsmen in this respect.

How will we demonstrate our success in providing output C?								
Measure	2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20
	Actual	Actual	Budget Standard	Estimate Actual	Budget Standard	Target	Target	Target
Demand driven measures								
# of requests for advice and guidance completed	7	16	10	8	10	10	10	10
# of enquiries completed (new measure)	31	43	-	33	30	30	30	30
Proactive measures <sup>25</sup>								
All requests for advice and guidance considered	100%	100%	100%	100%	100%	100%	100%	100%

<sup>23</sup> Refer to section 2 of the Protected Disclosures Act for the definition of *'public sector organisation'*.

<sup>24</sup> The Deputy Ombudsman, General Counsel, Assistant Ombudsman, a Principal Advisor and a Senior Investigator.

<sup>25</sup> Given the limited number of matters arising under this output, and the direct involvement of the Ombudsmen and senior staff in dealing with them, we do not conduct internal quality assurance and so do not have a specific measure to demonstrate the quality of our work in this area.

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How will we demonstrate our success in providing output C?								
Measure	2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20
	Actual	Actual	Budget Standard	Estimate Actual	Budget Standard	Target	Target	Target
% of requests and enquiries completed within 3 months from date of receipt (new measure)	100%	85%	-	85%	85%	85%	85%	85%

## Impact 4: People in detention treated humanely

### What are we seeking to achieve?

People deprived of their liberty are inherently vulnerable to abuse.

Our inspection of places of detention, and our reporting in this respect to Parliament and the United Nations, helps to ensure that people detained by the state are treated humanely. It also ensures New Zealand is seen nationally and internationally as a good global citizen, adhering to agreed international human rights instruments.

Ensuring that people in detention are treated humanely will lead to increased fairness and greater accountability within the state sector, and will ultimately help to ensure public trust in government.

### How will we demonstrate success in achieving this?

As discussed previously under *Impact 2*, the main measure currently available to track perceptions of public trust in government is the *Transparency International Corruption Perceptions Index*. We propose to demonstrate our success under this impact by tracking New Zealand's ranking on the Index.

### What will we do to achieve this?

The main activities we will carry out to ensure people in detention are treated humanely are grouped under outputs D, E and F.

We discuss output D below. Outputs E and F relate to all impacts we are seeking to achieve, and will be discussed at the end of the *Operating Intentions* section.

#### Output D: Monitor and inspect places of detention

New Zealand is a signatory to the *United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The purpose of the protocol is to establish a system of independent monitoring of places of detention. The Crimes of Torture Act 1989 gives effect to New Zealand's international obligations in this regard.



Operating Intentions

Ombudsmen are designated under the Crimes of Torture Act as a *National Preventive Mechanism* in respect of prisons, immigration detention facilities, health and disability places of detention, child care and protection residences and youth justice residences.<sup>26</sup> Our role is to monitor and inspect detention facilities.

Under this output we will:

- identify and visit places of detention;
- make recommendations to improve the conditions of detention and treatment of detainees; and
- report on and monitor the implementation of our recommendations.

During the period 2016-2020 we aim to complete over 30 visits and inspections per year. We consider this number will provide sufficient coverage to monitor that people in detention are treated humanely in the 107 facilities we have currently identified for inspection.

There are also approximately an additional 185 aged care facilities with dementia units that may fall within our designation in respect of health and disability places of detention. If so, we would need to seek additional funding in order to conduct regular inspections of these facilities.

In the forthcoming 2016/17 reporting year, we intend to review our work in this area, including the scope for our involvement in aged care facilities with dementia units and in prisons. We are also aiming to move towards more thematic, systemic inspections.

Our performance measures for output D are set out below.

How will we demonstrate our success in providing output D?								
Measure	2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20
	Actual	Actual	Budget Standard	Estimate Actual	Budget Standard	Target	Target	Target
Proactive measures								
# of full inspections and visits to places of detention (amended measure)	37	40	32	43	32	32	32	32
% of unannounced full inspections and other visits	49%	73%	At least 33.3% <sup>27</sup>	91%	At least 33.3%	At least 33.3%	At least 33.3%	At least 33.3%
% of reports sent to places of detention within 3 months of visit	100%	100%	95%	100%	95%	95%	95%	95%
% of reports peer reviewed, to meet internal quality standards	100%	100%	100%	100%	100%	100%	100%	100%
% of formal recommendations accepted	81%	83%	80%	80%	80%	80%	80%	80%

<sup>26</sup> We are not designated to inspect Police detention facilities (this role is carried out by the Independent Police Conduct Authority) or service penal establishments (this role is carried out by the Inspector of Service Penal Establishments).

<sup>27</sup> The internationally accepted standard is for at least 1/3 of inspections and visits to be unannounced. Refer *Guide to the Establishment and Designation of National Preventive Mechanisms*.

## All impacts

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Outputs E and F relate to all impacts we are seeking to achieve. Alongside our legislative functions, we take more general action to:

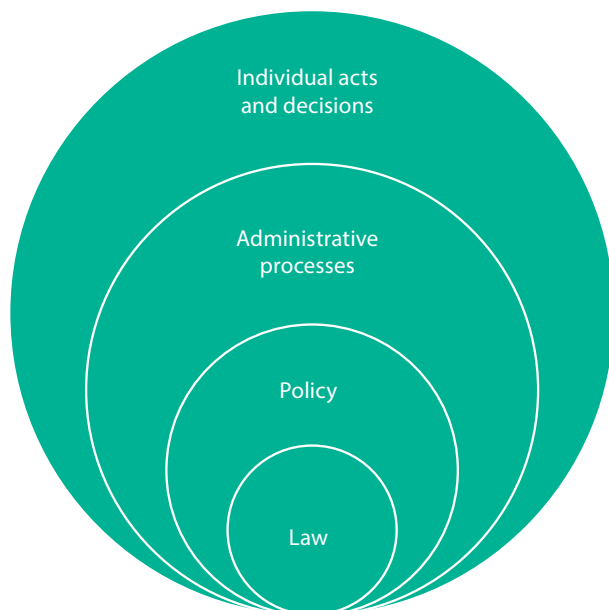
- improve state sector capability in areas relevant to our jurisdiction; and
- improve public awareness and accessibility of our services.

### **Output E: Improve state sector capability in areas relevant to our jurisdiction**

The general interventions we make to improve state sector capability enhance our review, investigation and inspection functions, to ensure that we can contribute to wider administrative improvement within the state sector as a whole. We are being more proactive in assisting agencies to improve the quality of decision making and administrative processes before things go wrong and we need to investigate. Both our general and individual interventions are integrated together, to maximise the benefits that can be achieved in this area.

To improve state sector capability we:

- provide advice and comment on legislative and policy proposals to ensure they:
  - › reflect good administrative practice;
  - › promote good decision making; and
  - › are consistent with the principles of open and transparent government; and
- provide advice, guidance and training to state sector agencies to help them:
  - › develop and implement good administrative and complaints handling practices;
  - › develop and implement good official information handling processes, policies and systems; and
  - › comply with their obligations under the official information legislation; and
- promote the proactive disclosure of official information where appropriate, to reduce the administrative burden and transaction costs of reacting to individual requests for similar information.



*Figure 3: What can our interventions influence in the state sector?*

We also carry out work in the international sphere. The long-established New Zealand Ombudsman model is held in high regard internationally. Our assistance is increasingly being sought to help set up and improve Ombudsman-type accountability mechanisms in both the Pacific region and further afield. We aim to provide effective international engagement, advice and guidance where we can, in a way that accords with New Zealand's international priorities.

Under this output we will:

- provide advice and comment on legislative, policy and administrative proposals and practices;
- build constructive stakeholder relationships with state sector agencies;
- provide training and support to state sector agencies on how to comply with their obligations under the official information legislation;
- provide guidance and training on good administrative, decision making and complaints handling processes;
- regularly publish information and guidance on our current approach to relevant issues and principles; and
- monitor and assist in the development of international best practice and innovations.

Our performance measures for output E are set out below.





Operating Intentions

How will we demonstrate our success in providing output E?								
Measure	2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20
	Actual	Actual	Budget Standard	Estimate Actual	Budget Standard	Target	Target	Target
Demand driven measures								
# of requests for advice or comment by state sector agencies responded to	103	168	80-100	190	150	150	150	150
# of training sessions provided to stakeholders	36	20	20	29	25	25	25	25
Proactive measures								
# of guidance materials produced or updated	15	19	25	37	25	25	25	25
% of participants in Ombudsman external training sessions who report that the training will assist them in their work	100%	100%	95%	100%	95%	95%	95%	95%
% of agencies which report that they use one or more of the Ombudsman's information resources currently available <sup>28</sup>	100%	-	80%	98%	-	80%	-	80%
% of overseas stakeholders who report value in the guidance and training received from our office	-	100%	95%	100%	95%	95%	95%	95%

**Output F: Improve public awareness and accessibility of our services**

The public needs to be aware of the Ombudsmen and what we can (and cannot) do, to maximise our ability to achieve the outcomes and impacts we have identified in our *Strategic Direction*.

We undertake a range of public awareness related activities, including making speeches and presentations, publishing information and resources, and maintaining a website and social media presence so people can access information and resources electronically.

Under this output we will:

- use national surveys to measure the level of public awareness of the Ombudsman;
- identify and address barriers to accessing our services;
- deliver a nationwide outreach programme aimed at educating the public on our role;
- make information available to reach diverse audiences;

<sup>28</sup> We measure the use by state sector agencies of our information resources biennially through our stakeholder survey, as discussed previously under *Impact 1*.



Operating Intentions

- regularly publish information and guidance on our current approach to the legislation that governs our work; and
- maintain and update our website and progressively use social media to enable people to readily access information relating to our work.

Our performance measures for output F are set out below.

How will we demonstrate our success in providing output F?								
Measure	2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20
	Actual	Actual	Budget Standard	Estimate Actual	Budget Standard	Target	Target	Target
Demand driven measure								
# of external speeches and presentations given	44	24	25	60	25	25	25	25
Proactive measures								
% of members of the public who have heard of the Ombudsman <sup>29</sup>	69%	67%	65%	68%	65%	65%	65%	65%
% of complainants who found our website useful <sup>30</sup>	85%	-	70%	80%	-	80%	-	80%

<sup>29</sup> Gauged through an annual, nationwide UMR survey, with the first survey conducted in May 2012.

<sup>30</sup> We measure complainant use and satisfaction with our website biennially through our stakeholder survey, as discussed above under *Impact 1*.

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## Managing in a Changeable Operating Environment

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We operate in an environment where our stakeholders have high expectations, and there is an ever-changing demand for our services. While the role of Ombudsman was first established in New Zealand in 1962, our functions have been progressively expanding, particularly since 2000. We are also required to respond to changing models of public service delivery. We discuss below the current operating environment, and our strategies to manage our key risks in this environment.

### **Our stakeholder expectations**

Parliament expects us to:

- act robustly, independently and impartially; and
- provide timely and reliable reports on the administrative conduct of state sector agencies.

The public needs to know (or be able to easily find out) about us, what we do, and how and when to approach us.

Complainants expect a fast, fair, responsive and accessible service, which effectively resolves their concerns.

State sector agencies expect:

- a fair and impartial intervention, which does not impose an inappropriate burden and which provides a useful outcome in terms of improving good administrative practice; and
- effective advice and guidance on areas relevant to our role and the agency's circumstances.

## Expanding functions

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Until 2000, our core role was to investigate state sector administration and decision making practices and investigate and review official information decisions. Since then, our role has progressively expanded, to include:

- dealing with requests for advice and guidance about serious wrongdoing;
- inspecting and monitoring places of detention;
- a focus on investigating significant or systemic issues, including selected serious incidents in prisons;
- commenting to the Ministry of Transport on applications for authorised access to personal information on the motor vehicle register;
- protecting and monitoring implementation of the Disabilities Convention;



Managing in a Changeable Operating Environment

- publishing guidance and resources for agencies and the public, particularly in the official information area; and
- using our investigative powers to review and monitor compliance and good practice, particularly in the official information area.

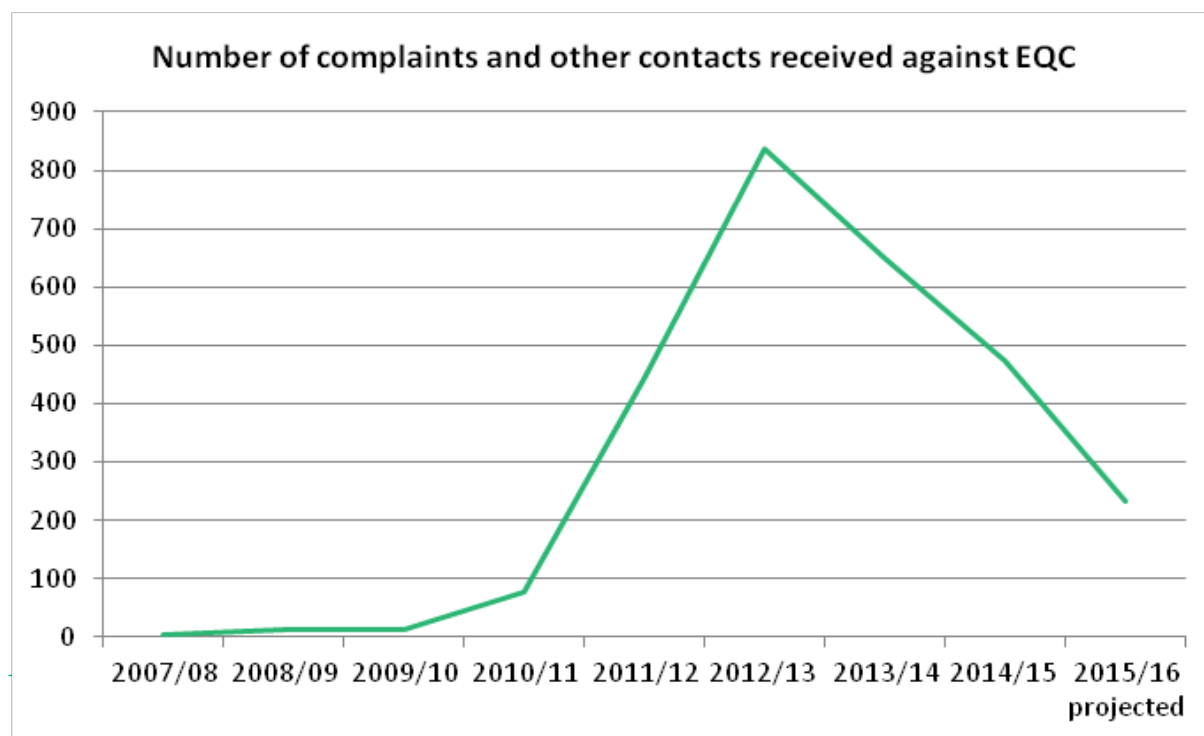
We are continuing to embed new systems and ways of working to provide these functions. We have also requested additional resources to carry out these functions effectively.

Key risk: Damage to credibility or reputation	Our strategies to manage this risk
<p>We must be seen to be fair, impartial and independent, and to form well reasoned and persuasive opinions. We must also be trusted to safely and securely manage sensitive and confidential information.</p> <p>There is a risk that poor processes, flawed or inconsistent decisions, or insecure management of information will damage our credibility and reputation.</p> <p>This would limit the effectiveness of our oversight of state sector administrative conduct and our ability to effect improvements in that respect.</p>	All staff take an oath of secrecy and adhere to a code of conduct.
	Formal induction and training for staff.
	An ongoing programme of <i>continuous practice improvement</i> , to identify any professional practice issues that need to be addressed.
	Mentoring and peer review by senior staff.
	Guidance and resource material for staff.
	Office quality standards and quality assurance.
Strategic direction by senior staff in identified areas of our work.	

## Canterbury recovery

While we are continuing to see significant levels of complaints arising from the Canterbury earthquakes, the nature of the complaints is changing. Early complaints which related to the processing of individual claims appear to have peaked and are reducing over time. However, complaints are now emerging in relation to the quality of remediation undertaken and evaluation of the success of wider Canterbury rebuild and recovery decisions.

We are tracking towards 232 complaints and other contacts received against the Earthquake Commission (EQC) for the 2015/16 year, making up approximately 2% of the total complaints and other contacts received concerning all agencies. Although trending down from a peak in 2012/13, the continuing level of intake can be compared with the years before the Canterbury earthquakes, when we received approximately 10 complaints and other contacts concerning EQC per year.



## Changing demand for our services

We are also receiving increasingly complex and challenging complaints overall. Changing pressures on different areas in the state sector result in changing levels and natures of complaint to us. In particular, we are receiving increasing numbers of complaints in the official information area. These complaints can raise more complex issues and tend to take longer and cost more to complete than complaints about the administrative conduct of state sector agencies.

Another area of growth is state sector agencies seeking more advice and guidance from us, in particular on the application of the official information legislation, good decision making and effective complaint handling. Such assistance is increasingly becoming a key area of our business, and we have received funding for this to be resourced now from 2015/16 onwards. We are also receiving an increasing number of requests from agencies for organisation wide training to be provided by our staff over multiple sessions and locations.

We are also increasing our focus on interventions relating to significant and systemic issues, and the need for reviewing and monitoring compliance and good practice, both by formal investigation and reporting, and through more informal communication channels with agencies. This reflects Parliament's request for us to undertake these more general interventions, in particular in the prisons, disability and official information areas, together with our own increasing recognition of the need for such proactive interventions in order to achieve our desired outcomes and impacts. However, to be done effectively, this is a much more challenging and resource intensive process than individual complaints based investigations. We have received funding from 2015/16 and 2016/17 onwards which will allow us to begin to effectively resource this area of work.



Key risk: Complaint handling pressures and finite resources	Our strategies to manage this risk
<p>While we will not compromise the quality of our complaint handling process, there is a risk we will not be able to meet stakeholder expectations of the time taken to complete the complaints and other contacts we receive.</p> <p>Timeliness is often critical to complainants and significant failures in this regard carry the risk that people will choose not to turn to us or, if they do, the outcomes we can achieve will not be relevant, useful or appropriate.</p> <p>There is also a risk that a need to focus on individual complaints due to the sustained pressures we have in this area will limit our ability to address significant and systemic issues through more general interventions.</p>	<p>Progressive implementation of a revised operating model which realigns our practices to ensure they meet current business needs.</p> <p>Up-front assessment on receipt of complaints, to determine priority, approach and resource allocation.</p> <p>Managed allocation of work.</p> <p>Increased focus on early resolution before investigation.</p> <p>More flexible investigation methods.</p> <p>Structured investigation planning, review and debriefing.</p> <p>Formal reporting and oversight of complaints on hand.</p> <p>Formal procedures for reporting and managing unreasonable complainant conduct, to minimise the impact that challenging interactions with certain complainants can have on our staff and resources.</p> <p>An increasing focus on more general interventions to help state sector agencies improve their administrative, decision making and complaints handling processes before complaints arise.</p>

## Impact of changes in public service delivery

In 2012 the Government announced the *Better Public Services Programme*,<sup>31</sup> which is expected to deliver:

- agencies working more closely together, and in a fundamentally different way;
- more contestability in service provision and use of alternative providers;
- greater use of technology; and
- greater responsiveness to the needs and expectations of New Zealanders, and a willingness to do things differently.

Change and reorganisation in both central and local government has placed new demands on us. People

<sup>31</sup> Refer <http://www.ssc.govt.nz/better-public-services>



Managing in a Changeable Operating Environment

new to public service delivery standards and accountability frameworks need our advice and assistance, and transitional difficulties or disruptions to service results in increased complaints.

Key risk: Loss of relevance	Our strategies to manage this risk
<p>To achieve systemic improvements in state sector administrative conduct, we must:</p> <ul style="list-style-type: none"> <li>• respond to complaints in a relevant and appropriate way;</li> <li>• conduct effective inspections and wider administrative improvement investigations; and</li> <li>• provide useful advice and guidance.</li> </ul> <p>There is a risk that we may be seen as too remote from everyday realities, leading to inappropriate or irrelevant responses and guidance. We may also miss significant issues that arise, where more general interventions may be appropriate, in addition to taking specific action to resolve a particular complaint.</p>	<p>Environmental scanning,<sup>32</sup> to ensure that we remain connected to, and aware of, emerging trends and issues.</p> <p>Strategic direction by senior staff in identified areas of our work.</p> <p>The introduction of a formalised scoping process when significant and systemic issues arise, to ensure that we can identify and take appropriate action to address wider administrative improvement opportunities.</p>

## International environment

We also operate to some extent in the international environment, and must meet expectations in that regard.

Operating in the international environment is becoming an increasing area of our work. This is especially so given our responsibilities under two international conventions, and the ongoing international interest in the New Zealand Ombudsman model.

<sup>32</sup> We conduct environmental scanning by:

- liaising regularly with Ministers and state sector agencies;
- presenting and participating in public forums and speaking engagements;
- monitoring media and public opinion in online forums and publications;
- obtaining information and feedback from those attending our outreach programmes, and from agency participants at our training sessions; and
- carrying out biennial stakeholder surveys.



### Expectations in the international environment

The international community expects us to:

- act robustly, independently and impartially; and
- provide timely and reliable reports to the United Nations on the treatment of people in detention and the implementation of the Disabilities Convention.

New Zealand wants a stable region, with skilled and democratic accountability mechanisms.

The international Ombudsman community wants New Zealand input to international initiatives and access to New Zealand best practice, advice and guidance.

Key risk: Loss of international credibility and reputation	Our strategies to manage this risk
<p>There is a risk to New Zealand’s international credibility and reputation if we fail in any respect in our inspection and monitoring roles under international conventions.</p> <p>In relation to our inspection role, the international community has identified a risk inherent in having ‘a single institution...to serve both as [National Preventive Mechanism] and as a forum for individual complaints’.<sup>33</sup></p>	<p>Maintain effective networks and work closely with the other New Zealand and international agencies involved.</p> <p>Strong internal separation between our inspection and general complaint handling roles.</p>

<sup>33</sup> Guide to the establishment and Designation of National Preventive Mechanisms, Association for the Prevention of Torture, pp28-29.



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## Assessing Organisational Health and Capability

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Our ability to deliver our outputs is essentially centred around the capability of our staff, supported by:

- the internal leadership, management systems and processes we have in place;
- our information and communication technologies; and
- our office accommodation.

The key capabilities we need to deliver our outputs and specific areas of focus during the period 2016-2020 are discussed below.

### People

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We aim to recruit and retain quality staff who adhere to high standards of professional conduct. We also aim to enhance the capability of our staff so that everyone can aspire to higher levels of performance. Measures to attract, develop and retain staff include:

- providing fair and consistent terms and conditions of employment;
- ensuring organisational development and sustainability by becoming a *learning organisation*;
- providing learning and professional development opportunities to enhance capability and performance; and
- providing opportunities for participation in health and wellness programmes that support the general wellbeing of staff.

The specific projects we are undertaking in this area include:

- progressive implementation of a revised performance review and professional development planning system, including the introduction of key performance indicators for staff linked to our outputs and output performance measures;
- progressive implementation of our training and development strategy, which provides for targeted core training and professional development for all staff;
- completing the roll out of consolidated human resource policies and procedures;
- continuing regular internal surveys to gauge staff satisfaction and identify areas for improvement; and
- developing a set of organisational values.



## Leadership and management systems

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The Office is led by the Chief Ombudsman, supported by the Ombudsman, and Executive Management Team, made up of the Deputy Ombudsman, Assistant Ombudsman and Finance and Business Services Manager. The Office also has team managers, with responsibility for oversight and formal reporting on the work of their team members.

As part of our revised operating model, managers will be accountable for the performance of their team according to defined and independently assessed performance targets relating to workload, throughput, timeliness and quality.

Upon completion of the implementation of our *continuous practice improvement* initiatives, we intend to conduct a post-implementation review of our revised business model and workflow processes, to ensure they are meeting our business needs and reflect our overall purpose and strategic direction, and to identify any areas for ongoing improvement.

## Technology

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We aim to take full advantage of available technology to improve our performance.

We have redeveloped our website and incorporated social media tools to increase our engagement and the accessibility of information about our role. As part of this project, we have introduced a consistent look to all our resources and communication products, and we are considering how we can use social media to best effect.

During 2016-2020, we intend to harmonise and, where necessary, replace our current information management technologies to support our business needs in multiple jurisdictions. This includes:

- implementation of a new technology platform;
- integration and upgrade of our Office's legacy systems; and
- an infrastructure upgrade.

We have convened an information management policy and strategy governance committee, charged with developing and maintaining a long term information management and technology strategy, and information management and technology governance and oversight, and we have developed an Information Systems Strategic Plan for the next 3 years.

## Capital and asset management intentions

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Our capital investment is primarily in the form of information technology equipment and computer software, as described in the *Technology* section above. Capital is otherwise committed to replacing office equipment and furnishings, and leasehold improvements when necessary.

