



Statement of Intent

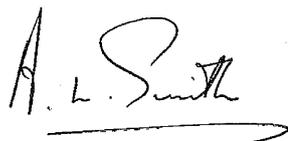
Office Of The Ombudsmen
Te Tari-o-Ngā Kaitiaki Mana Tangata
for the period 1 July 2009 to 30 June 2012

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Speakers Statement of Responsibility

I am satisfied that the information on future operating intentions provided by the Office of the Ombudsmen in this Statement of Intent is in accordance with sections 38, 40 and 41 of the Public Finance Act 1989.

A handwritten signature in black ink, appearing to read 'A. L. Smith'. The signature is written in a cursive style with a long horizontal flourish extending to the right.

Hon Dr Lockwood Smith

Speaker of the House of Representatives

Responsible Minister for the Office of the Ombudsmen

9 April 2009

Introduction from the Chief Ombudsman

The New Zealand Parliamentary Ombudsmen are Officers of Parliament. Their purpose is to provide Parliament (and the New Zealand public) with an impartial, independent check that the New Zealand government's administrative practice, and exercise of decision-making at central, regional and local level, is robust, fair, transparent and accountable. They also have responsibilities under the official information legislation that assist and encourage the public to participate in the making and administration of policy and laws.

How the Ombudsmen contribute to New Zealand society

In any democracy it is important that the general public have an accessible avenue through which they can pursue any issues or voice any concerns they may have about matters of administration exercised by their Government that have an impact on their lives. In New Zealand, the Ombudsmen provide one such avenue.

The Ombudsmen provide a mechanism through which the workings of Government (including the many small administrative decisions that can have a significant impact on citizens lives) can be the subject of impartial, independent and considered scrutiny. They do this either after receiving a complaint from a person affected by the decision or by deciding themselves to investigate a matter.

Parliament has provided the Ombudsmen with the necessary powers to examine the decisions, recommendations, actions and omissions of agencies and to recommend remedial action where appropriate, to resolve complaints. In addition, the extensive investigation, review and monitoring powers given to the Ombudsmen, coupled with their broad ability to report and make recommendations, encourages higher administrative performance by the Government and its agencies, thereby improving the quality of public service delivery and promoting the impartial and fair treatment of people in New Zealand.

It is also important that the state sector maintains efficient and effective standards at all times. The existence of the Ombudsmen reinforces Parliament's desire that Government actions, decisions and recommendations and those of its agencies:

- a) are not subject to administrative error;
- b) are not made contrary to law;
- c) do not deny people natural justice; or
- d) do not undermine public service values such as fairness and reasonableness.

By doing so, they help to provide a check on a public sector that operates in an environment of increasing policy complexity, coalition government, shifting mechanisms for delivery of public services and continual challenge to its record-keeping from shifts in technology. Without this scrutiny, it is likely that 'open' government would be at risk and less robust policy development and public administration would develop.

The publication by the Ombudsmen of guidelines, case notes and quarterly newsletters as well as the provision of advice and comment on proposed legislation, internal guidelines and proposed complaint management systems assist in ensuring efficient and effective standards are maintained within the public sector.

Scrutiny by an Ombudsman therefore provides an avenue through which the public can pursue their concerns and seek remedy for an administrative practice that adversely affects them in a particular instance, and serves as a means of encouraging the New Zealand

government and its agencies to operate efficiently, fairly and openly. The review of requests for information that have been declined in whole or part or with conditions of release encourages open and accountable government and the public's participation in a free and democratic society.

Parliament has implemented special initiatives to strengthen and protect the Ombudsmen's independence and to assist the Ombudsmen maintain credibility with the public and government agencies for this role. These are:

- a) by statute, Ombudsmen have the special status of "Officer of Parliament";
- b) Ombudsmen are appointed by the Governor-General on the recommendation of the House of Representatives. They are not appointed by the Government;
- c) Ombudsmen and their staff are not public servants;
- d) an Ombudsman may report directly to Parliament; and
- e) a special bi-partisan committee of Parliament (Officers of Parliament Committee) has been established to consider and recommend directly to Parliament the names of prospective Ombudsman appointees, and the financial requirements of the Ombudsmen's office.

Chief Ombudsman Statement of Responsibility

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In signing this statement, I acknowledge that I am responsible for the information contained in the Statement of Intent for the Office of the Ombudsmen. This information has been prepared in accordance with the Public Finance Act 1989. It is also consistent with the proposed appropriations set out in the Appropriations (2009/10 Estimates) Bill, as presented to the House of Representative in accordance with section 13 of the Public Finance Act 1989, and with existing appropriations and financial authorities.



Beverley A Wakem
Chief Ombudsman



Peter Brocklehurst
General Manager – Corporate and
Chief Financial Officer

Nature and Scope of Functions

The New Zealand Parliamentary Ombudsmen are Officers of Parliament. Their purpose is to provide Parliament (and the New Zealand public) with an impartial, independent check that the New Zealand government's administrative practice, and exercise of decision-making, at central, regional and local level, is robust, fair, transparent and accountable. They also have responsibilities under the official information legislation that assist and encourage the public to participate in the making and administration of policy and laws.

The Ombudsmen's key functions are:

- a) under the Ombudsmen Act 1975, to investigate, form opinions, report and where appropriate, make recommendations on:
 - i. any act, omission, decision or recommendation relating to a matter of administration and affecting any person or persons in their personal capacity, by any central regional or local government department or organisation either on complaint made to an Ombudsman or of their own motion;
 - ii. any matter referred to an Ombudsman by any committee of the House of Representatives relating to a petition the committee is considering; and
 - iii. any matter, other than a matter concerning a judicial proceeding, referred to an Ombudsman by the Prime Minister.
- b) under the Official Information Act 1982 and Local Government Official Information and Meetings Act 1987 to investigate and review, form opinions, report and where appropriate make recommendations on any decision by which a Minister of the Crown, central, regional or local government organisation or department:
 - i. refuses in part or full, requests for access to official information;
 - ii. decides to provide the requested official information in an alternative form, with deletions or subject to a charge;
 - iii. imposes conditions on the use, communication or publication of information made available;
 - iv. gives notice that they will neither confirm nor deny the existence of the official information requested; and
 - v. extends the maximum statutory time limits for deciding and communicating a decision;
- c) under the Protected Disclosures Act 2000 to provide an employee who has made, or is considering making, a protected disclosure, with information and guidance on the application of the legislation, and where a protected disclosure is made to an Ombudsman in the capacity of an "appropriate authority", to take such action on the matter as prescribed in the Act;

- d) under the Crimes of Torture Act 1989 to examine the conditions of detention and the treatment of detainees, make recommendations and report on the exercise of its functions under the Act as a "National Preventive Mechanism" for prisons, premises approved or agreed under the Immigration Act 1987, health and disability places of detention and residences established under section 364 of the Children, Young Persons and Their Families Act 1989;
- e) the Ombudsmen also review proposed legislation to ensure the Ombudsmen Act and the official information legislation and the Crimes of Torture Act have been given proper consideration. The purposes of official information legislation include:
- i. to increase progressively the availability of official information to the people of New Zealand, and to promote the open and public transaction of business at meetings of local authorities in order:
 - to enable their more effective participation in the making and administration of laws and policies; and
 - to promote the accountability of Ministers of the Crown and officials, and thereby to enhance respect for the law and to promote the good government of New Zealand;
 - ii. to provide for proper access by each person to official information relating to that person; and
 - iii. to protect official information (and the deliberations of local authorities) to the extent consistent with the public interest and the preservation of personal privacy.

If the Ombudsmen consider insufficient attention has been given to those statutes, they may consult with departmental officials or the Minister sponsoring the legislation or make a formal submission to the appropriate Parliamentary Select Committee advising it of their concerns.

- f) with the Ombudsmen Act, the official information legislation, the Crimes of Torture Act and the Protected Disclosures Act the Ombudsmen have a strong interest in promoting good governance, sound and fair decision-making and greater transparency and accountability within the public sector. This extends to providing guidance and support to agencies in improving their understanding and application of the official information legislation and the development and implementation of sound administrative practices and appropriate and robust complaint management and monitoring mechanisms.

What the Ombudsmen cannot Investigate

The Ombudsmen have broad powers of investigation but there are limitations. Under the Ombudsmen Act, Ombudsmen are not permitted to investigate any decision, recommendation, act, or omission:

- a) made by a “committee of the Whole”;
- b) where the complainant has a statutory right of appeal on the merits of the case to a Court or tribunal, irrespective of whether it was exercised or any time prescribed or the exercise of that right has expired unless, because of a special circumstance, it would be unreasonable for the complainant to have invoked that right;
- c) taken by a trustee acting under the Trustee Act 1956;
- d) of any person acting as legal adviser to the Crown pursuant to the rules for the time being approved by the Government for the conduct of Crown legal business, or acting as counsel for the Crown in relation to any proceedings;
- e) of any member of the Police, other than any matter relating to the terms and conditions of service of any person as a member of the Police;
- f) of any matter relating to the terms and conditions of service or any order, command, decision, penalty or punishment of a person who is or was a member of the armed services; and
- g) of a Minister of the Crown.

The foregoing list identifies the principal areas of restriction upon the Ombudsman jurisdiction under the Ombudsmen Act.

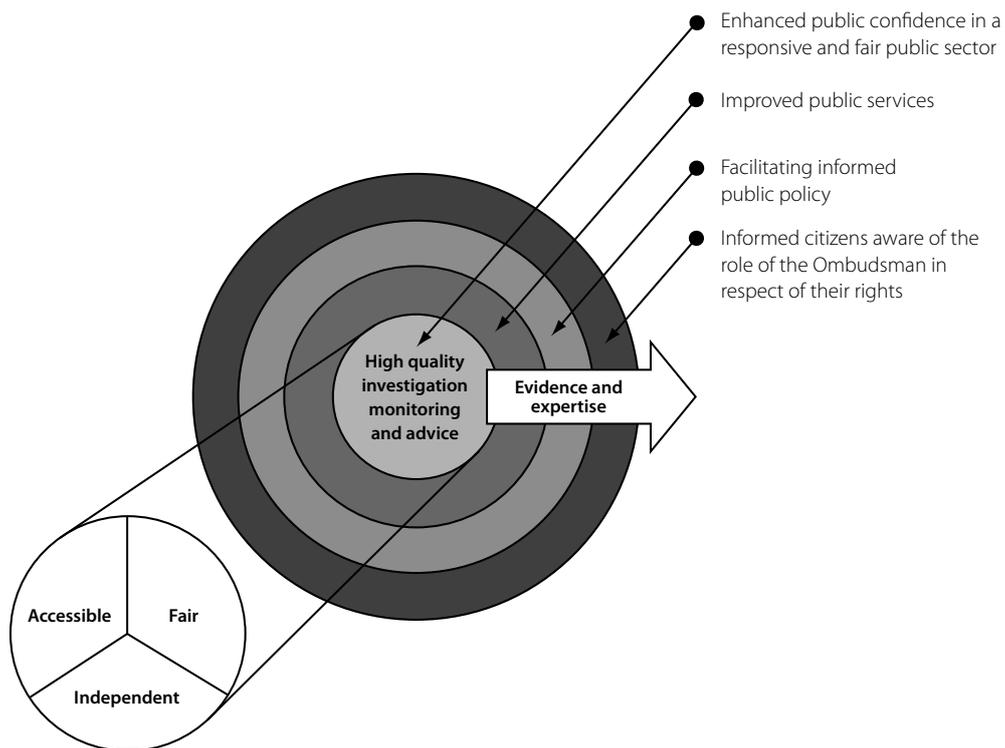
Strategic Direction

The work of the Ombudsmen has two main aspects:

- a) to assist individuals through our core business of investigating complaints; and
- b) to support the wider “public good” in promoting good administrative practice.

This approach recognises that the purpose of the Ombudsmen is not just to provide a retrospective remedy for injustice resulting from maladministration, or failure to supply information when it should have been provided, but also to provide guidance, assistance and advice to agencies so that the incidence of complaint or unfair treatment is reduced, thereby encouraging prospective improvements in the wider public interest.

This dual aspect of the work of the Ombudsmen (individual and public good) is demonstrated in the following model:



The outcomes sought by the Ombudsmen are:

- a) enhancement of public confidence in a responsive and fair public sector, where ministers and public authorities can be held to account for their actions or omissions;
- b) to facilitate improved public services and informed public policy;
- c) a culture of openness in New Zealand public authorities that improves the confidence of people that enables appropriate participation in policy making and administration;
- d) people who have concerns about wrongdoing are aware that they can turn to the Ombudsmen for advice or action on their concerns;
- e) persons detained against their will in places for which the Ombudsmen are designated the National Preventive Mechanism are not subjected to conditions or treatment that would breach the Crimes of Torture Act 1989.

The outcomes will be reviewed over the coming year to ensure they remain relevant to the Office of the Ombudsmen.

The investigation and resolution of complaints received by the Ombudsmen provides the individual benefit sought, but more is required to achieve the desired outcomes.

Maintaining and enhancing confidence in public administration requires:

- a) government agencies and Ministers displaying a sound understanding of the access and withholding provisions of the official information legislation and clearly explaining to requesters the reasons for withholding when a request has been declined in part or full; and
- b) reasonable access to government policies, procedures and systems; and
- c) those same policies, systems and procedures being delivered error free; or
- d) when they do go wrong, there are strong and impartial review systems within departments and agencies to review complaints and put matters right as appropriate.

The Ombudsmen contribute to improved governance and public confidence in government administration by:

- a) undertaking investigations of complaints and requests for review referred to them in a professional and timely manner;
- b) monitoring investigations by the Department of Corrections into deaths of prisoners in its custody;
- c) investigating selected serious incidents that occur in prisons;
- d) encouraging and assisting departments and agencies to develop and implement good administrative practice and provide adequate complaint review systems;
- e) strengthening agencies' knowledge of the Ombudsman methodology to complaint resolution;

- f) enhancing and providing training as required in respect of the official information legislation and its withholding provisions;
- g) being pro-active (as resources permit) in undertaking investigations of our own motion in areas of government administration where there is evidence of a systemic or a thematic problem;
- h) outreach visits to smaller communities to give residents, public sector agencies, business groups and others an opportunity to discuss their concerns in person with an Ombudsman or their representative;
- i) undertaking random surveys of persons who have requested guidance or assistance from the Ombudsmen and agencies covered by the Ombudsmen Act and official information legislation to determine their view of the Office professionalism and timeliness of response. These surveys will be conducted on a regular basis but may be initiated more frequently;
- j) monitoring legislation and policy proposals to ensure proper consideration is given to the operation of the Ombudsmen Act, the official information legislation, Crimes of Torture Act and Protected Disclosures Act; and
- k) contributing to International Ombudsmanship by providing support and training to Pacific Ombudsmen Offices, contributing to strengthening integrity institutions in the Pacific and providing specialist advice when requested.

The Ombudsmen's Expanding Functions

Work levels for the Ombudsmen are determined by the statutory right of certain persons to complain pursuant to the Ombudsmen Act 1975, the Official Information Act 1982, and the Local Government Official Information and Meetings Act 1987, with certain obligations upon an Ombudsman to investigate the complaint if it falls within jurisdiction. In addition, the Protected Disclosures Act 2000 established a requirement that the Ombudsmen provide information and guidance to any employee who contacts the Office and advises that he or she has made or is considering making a protected disclosure pursuant to the legislation. The Ombudsmen are also named as an "appropriate authority" pursuant to the Act.

In recent years Parliament has approved two significant extensions to the Ombudsmen's work environment. They are:

- a) under the Crimes of Torture Act 1989 the Ombudsmen have been gazetted as the "national preventive mechanism" for prisons, premises approved or agreed under the Immigration Act 1987, health and disability places of detention and residences established under section 364 of the Children, Young Persons and Their Families Act 1989;

Work has continued to determine precisely the extent of this new role and the number of facilities covered by it. For example, the jurisdiction may extend to include certain private rest homes where some people are effectively detained for their own protection and we are seeking clarification from the Ministry of Justice on the matter.

The Ombudsmen's work as a National Preventive Mechanism requires that they regularly inspect each facility for compliance with the Crimes of Torture Act 1989 and report their findings and make recommendations to the person in charge of a place of detention for:

- i. improving the conditions of detention;
- ii. improving the treatment of detainees; and
- iii. preventing torture and other cruel, inhuman or degrading treatment or punishment.

The Ombudsmen must also provide Parliament with at least one written report annually on the exercise of its functions under the Crimes of Torture Act (a copy is forwarded to the Human Rights Commission as the designated Central Preventive Mechanism). Members of the United Nations Subcommittee on the Prevention of Torture are expected to monitor New Zealand's compliance with the Protocol on a four or five yearly basis. The date of the first visit is not yet known.

- b) the Ombudsmen will take a more in-depth role in monitoring investigations by the Department of Corrections into deaths of prisoners in custody.

The Ombudsmen will investigate selected serious incidents that occur within prisons.

In addition to the expanded functions above, there is potentially an additional function that may arise.

In September 2008 the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act was passed by Parliament. New Zealand has since ratified the Convention. Article 33 of the Convention requires State parties to designate one or more independent mechanisms to promote, protect and monitor the Convention. The Ombudsmen are being considered as one of the independent mechanisms. Additional resources will be required if it were allocated a significant role under the Convention. Specifically additional staff would be required and the Office would have to relocate to larger premises.

Operating Intentions

The Outcomes Sought by the Ombudsmen

As stated in the previous section the outcomes sought by the Ombudsmen are:

- a) enhancement of public confidence in a responsive and fair public sector, where ministers and public authorities can be held to account for their actions or omissions;
- b) improved public services and informed public policy;
- c) a culture of openness in New Zealand public authorities that improves the confidence of people that enables appropriate participation in policy making and administration;
- d) people who have concerns about wrongdoing are aware that they can turn to the Ombudsmen for advice or action on their concerns; and
- e) persons detained against their will in places for which the Ombudsmen are designated the National Preventive Mechanism are not subjected to conditions or treatment that would breach the Crimes of Torture Act 1989.

We will continue to monitor and review our internal policies and procedures and our relationships with external stakeholders to ensure that we meet these outcomes.

How the Ombudsmen will Achieve the Desired Outcomes

The Ombudsmen promote robust, fair, transparent and accountable administrative practice and decision-making by:

- a) investigating acts, omissions, decisions, recommendations of public sector agencies on complaint or of their own motion, reporting on their findings and making recommendations for remedy or change where appropriate pursuant to:
 - i. the Ombudsmen Act 1975;
 - ii. the Official Information Act 1982; and
 - iii. the Local Government Official Information and Meetings Act 1987;
- b) providing information and guidance under the Protected Disclosures Act 2000;
- c) inspecting places of detention the Ombudsmen have been gazetted to examine and monitor under the Crimes of Torture Act 1989, and reporting on same;
- d) publishing guidelines, case notes and quarterly newsletters explaining the Ombudsmen's findings and current approach to best practice on various issues;
- e) advising Parliament and its committees of how proposed legislation may undermine or otherwise alter the checks and balances provided by the Acts the Ombudsmen operate under;
- f) advising and commenting on areas where the Ombudsmen has developed significant experience, including:
 - i. complaint handling and associated support systems;
 - ii. in-house guidelines for processing requests for official information;
 - iii. good record-keeping and other administrative practices;

- g) assisting public sector agencies in the provision of in-house training for their staff to facilitate understanding of the requirements of the Ombudsmen Act and official information legislation and to develop best practice in the handling of complaints;
- h) undertaking speaking engagements explaining the role and functions of the Ombudsmen;
- i) visiting smaller communities to hear complaints and to explain the purpose of the Ombudsmen as well as to meet with local officials to discuss matters of common interest including assisting with improving their understanding of the Ombudsmen Act and Local Government Official Information and Meetings Act;
- j) keeping abreast of international standards of best practice for Ombudsmen (and those charged with supervising official information legislation) by hosting or attending regular meetings of Australian and Pacific parliamentary Ombudsmen, the International Ombudsmen Institute, the Australian New Zealand Ombudsman Association and the International Information Commissioners Conference, amongst others;
- k) reporting annually to Parliament on the exercise of their functions;
- l) working with the Privacy Commissioner, Human Rights Commissioner, Children's Commissioner, Health and Disability Commissioner, Controller and Auditor-General and other review or control agencies on issues of common interest; and
- m) responding, as appropriate, to requests from Pacific Island Ombudsmen for professional training and technical advice and for the development of Ombudsman services.

Assessing Performance

External Assessment

A major objective of the Ombudsmen is to encourage improved decision-making and administration within government agencies so that complaints are less likely to arise. Where complaints do arise, we encourage the implementation of robust mechanisms for review and where appropriate, providing the organisation concerned with the opportunity to consider the complaint in the first instance and provide a remedy if appropriate without direct Ombudsman participation. It is not possible to determine how many complaints have been prevented from arising as a consequence of a change in process or procedure introduced following or during the course of an Ombudsman investigation or following Ombudsman guidance to government agencies. However we are conscious that the complaints referred to us for review are now generally more complex than in the past. The Office will use satisfaction surveys to gain an accurate measure of whether the Ombudsmen are perceived to be performing their functions competently and professionally.

Internal Assessment

Management processes are in place for the routine day to day monitoring of the Office workload this includes routine monitoring by the practice leadership team discussed earlier.

A range of performance measures have been agreed with the Officers of Parliament Committee that encourage a high level of performance and accountability. The performance measures for 2009/10 are detailed in the Supporting Information to the Estimates of Appropriations for Vote Ombudsmen.

How will we Demonstrate Success?

The review of outcomes in the coming year will also consider how the impact of the Ombudsmen's work can best be measured. The Office has discussed with Victoria University School of Government and the Treasury how its work might be appropriately gauged. There was general agreement that the nature of the Ombudsmen's work, with each complaint being unique to its own circumstances and in its resolution, does not lend itself to a cost-effectiveness calculation. The outcome of the discussions was that the Office consider alternative processes for assessing its effectiveness and contribution to governance in New Zealand. The survey of complainants and agencies in regards to of the perceived professionalism of the Ombudsmen engagement, is one such assessment.

More information about the current output performance measures of the Ombudsmen can be found in the 2009/10 Supporting Information to the Estimates of Appropriations for Vote Ombudsmen and most recent performance achievements, in Part 4 of our 2007/08 Annual Report.

Managing in a Changeable Operating Environment

External Environment

The following external trends in the operating environment and emerging issues are likely to impact on the Office in the foreseeable future:

a) Caseload – short term future

A caseload in the region of 8,700 to 9,200 investigations is anticipated for the year to 30 June 2010. This excludes approximately 800 to 900 incomplete complaint investigations carried forward from the previous reporting period. Approximately 500 complaints are expected to be received that will require preliminary consideration and/or investigation but will be found to be outside jurisdiction.

The current downturn in the economy may lead to an increase in the number of New Zealanders interacting with government's social agencies. This may result in an increase in the number of complaints about these agencies that the Ombudsmen are asked to investigate.

The Office will endeavour to meet this anticipated additional demand for investigations from within its existing approved resource level. At meetings with Chief Executives and other senior officials of local and central government agencies the Ombudsmen actively encourage agencies to establish robust internal complaint resolution systems so that as many complaints as possible are resolved by the parties concerned without direct Ombudsman participation in the process. Staff resources have been allocated to assist and promote this. The outcome of such an approach ought to be beneficial to all parties with a greater proportion of complaints being resolved in a timelier manner, the professionalism of the public sector enhanced and public confidence in government administration strengthened.

Regardless of the initiatives implemented to manage the Office investigation caseload, any notable growth in the quantity or complexity of the general workload referred for review will likely result in less timely outcomes in investigations and a request for additional resources. The annual budgetary provision for the Office is small and largely committed to fixed costs. There is little flexibility to absorb increased work pressures and cost increases.

b) Meeting the needs of the Public

We have commenced a review of how the Office of the Ombudsmen engages with the public with a view to making sure that awareness of this Office and what the Ombudsmen do is accessible to all affected by public sector decision-making. Explanation of the Ombudsman purpose has been delivered through the publishing of information pamphlets on the role of the Ombudsmen, speaking engagements at university law faculties, service clubs, conferences, consumer groups or similar. In addition the Ombudsmen have maintained a programme of visits to smaller population centres.

The Office has identified a need for complainants who are not fluent English speakers to have equal opportunity to seek review and redress of government actions that affect them. The Office will use the services of Language Line to ensure it is accessible to people who do not have English as a first language.

c) More complex complaints

The Ombudsmen reported previously that a more legalistic and adversarial element was entering the investigation process of complaints referred to them for review. This frequently leads to investigations being more consuming of time and staff resources. The development appears to have many causes:

- i. increased use by complainants of private sector law firms or consultancies to pursue their grievances and by government agencies in responding to Ombudsman requests for official information and in respect of complaints made under the Ombudsmen Act;
- ii. An ongoing need for public sector agencies in general to improve their understanding of the role of the Ombudsmen and the purpose and administration of the official information legislation in particular; and
- iii. the general public more often requesting agencies to provide source information to enable the formation of a personal view on a government policy or initiative rather than accepting government decisions or advice from officials. Complaints of this kind often involve a greater volume of information (both written and electronic) and have required consultation with other parties before making a decision. By their nature they can be complicated to resolve. While access to advice tendered by officials assists participation by the public in the formulation of government policy, this needs to be balanced with the need for government to function effectively and in an orderly manner, and to be able to receive free and frank advice as policy is developed.

The Office is countering this trend by enhancing and more widely disseminating information designed to assist requesters in better framing their requests and supporting agencies' training of their staff so that they may respond appropriately to more complex and sensitive complaints.

Managing Risk

The Ombudsmen will also be reviewing the risk management framework of the Office. Current management and mitigation of risks include:

- a) a re-structuring of Office management designed to enhance quality assurance of investigations, to review investigative processes and policies, and overall workload management is underway. This includes the establishment of a Practice Leadership Team to support the implementation of an enhanced quality assurance regime. Other outcomes of the restructuring are expected to include more time available to the Ombudsmen to consider strategic and other issues affecting the Ombudsman role; increased capability to initiate investigations of a systemic or thematic kind concerning an agency or agencies within the public sector; and the creation of a Practice Leadership Team that will ensure the Ombudsmen have improved capability for monitoring developments in policy and legislation. The re-structuring is expected to be operational from 1 July 2009;

- b) reviewing human resource, finance and other policies and procedures to ensure that they support and contribute to achieving the Office outcomes and goals. Significant programmes of work have been initiated in the areas of staff training and development. In addition an information management strategy and plan is being implemented that amongst other matters is intended to assure Office compliance with the Public Records Act;
- c) ensuring the safety and security of our Offices and for our staff when meeting with complainants;
- d) having adequate insurance cover to provide for the replacement of equipment, furnishings, fittings and additional operational costs that might be incurred in a disaster situation or because of major disruption;
- e) maintaining computer database security through use of RAID 5 level redundancy for all computer network servers and regular daily, weekly and monthly backups of data held on the network. Daily backups (excluding the weekly tape) are retained on site and recycled once each week. The tapes retained in Wellington are held in secure fireproofed storage. Fireproof storage is being secured for off site and out of centre storage;
- f) having reasonable measures to provide for the continuation of services in most circumstances should systems or facilities in an Office fail. The installation of a new integrated national telephone system in the current year is an example where work may be redirected between Offices. But a major seismic or similar event could potentially disrupt power and communication capabilities in the Wellington, Auckland or Christchurch regions to such an extent that the Office could only operate on a partial basis until full utility services were restored;
- g) replacing computer hardware on a 4 yearly cycle. This reduces the risk of hardware failure and ensures the main elements of our computer network have supplier backup and support services available;
- h) providing emergency First Aid and Civil Defence equipment and supplies are provided for each Office and to all staff;
- i) maintaining a pool of staff holding current First Aid qualifications at each of our Offices; and
- k) updating the Office case management system that was developed in 1992 in a Microsoft Windows 95, 98 and 2000 computer operating system environment. Although the system continues to meet the needs of the Office, each update of MicroSoft Windows introduces a new level of risk as the Microsoft operating system becomes increasingly complex and sophisticated. The Office is in the process of replacing and updating the Case Management system to take advantage of current technologies. The first module of the system, relating to the recording of enquiries, has been in use since January 2006. It has worked well over the past period with no down time experienced. The full system inclusive of the complaints and reporting modules will be introduced from 1 July 2009.

Assessing Organisational Health and Capability

Maintaining Capability

The Ombudsmen maintain an awareness of issues affecting the state sector and public generally. That awareness assists with identifying new trends and the development of initiatives to ensure the Ombudsman role continues to be relevant to New Zealand society.

The management profile of the Office has historically been flat, with Investigators reporting directly to Ombudsmen. This arrangement reflected the relatively small size of the Office and the classical Ombudsman model of complaint investigation. With increased responsibilities, an increasing workload and a desire to improve performance, and the strategic re-positioning of the Office to be more proactive in improving administrative practice, the review of the management structure of the Office has been timely. A new, strengthened, management structure is being implemented.

Practices, procedures, internal manuals and guidelines applied in our work are reviewed on an ongoing basis to ensure they remain relevant and support the best possible performance of the Office. The newly created Practice Leadership Team has strengthened the capacity of the Office to take forward the review of, and where appropriate, recommendation of improvements to, the office's internal systems and procedures. The Team will also conduct the internal review of selected cases with policy implications or that are particularly complex, with a view to giving better guidance to agencies as to the principles being developed by the Ombudsmen on particular issues.

The Ombudsmen maintain the capability of the Office through contacts and knowledge-sharing with their peers, both within New Zealand and overseas, through such institutions as the Australasian and Pacific Ombudsman Region of the International Ombudsman Institute, the Australia and New Zealand Ombudsman Association (which includes private sector complaints resolution agencies), and the International Conference of Information Commissioners. Senior staff of the Office also meet regularly with their counterparts in Australia to maintain knowledge of developments in our sister jurisdictions.

In recent years three Ombudsmen have held warrants from the Governor-General to consider and form views on complaints referred to them under the Ombudsmen Act 1975 and official information legislation. The third Ombudsman position became vacant at the end of January 2008 and the Chief Ombudsman has since recommended to Parliament that the position not be filled. The current re-structuring is expected to improve the management of the Office's workload such that only two Ombudsmen are required to undertake the full range of Ombudsman's functions for the foreseeable future.

Office Capital and Asset Management Intentions

The Office has a small capital portfolio extending to plant and equipment - largely computer equipment, furniture and fittings, leasehold improvements and intangible assets – computer software.

There are no significant (>\$0.100m) capital expenditure intentions during the period covered by this Statement of Intent. Expenditure is planned only for the routine replacement of assets that have reached the end of their useful economic life.

Computer hardware and peripherals are replaced on a 4 yearly cycle. Other assets are replaced on a five yearly basis except for leasehold improvements which amortise over the term of the lease.

Computer software – upgrades and maintenance are driven by:

- a) updating existing software to remedy software faults eg: system security risks and general programming faults;
- b) the need for new functionality available only in a new release of software; and
- c) the need to maintain near current software for external communications, storage and retrieval purposes.

The Office expects to upgrade to a newer version of the Microsoft Office suite of software in the 2011 reporting year.

Asset Category	2009/10 \$(m)	2010/11 \$(m)	2011/12 \$(m)	2012/13 \$(m)
Plant and Equipment				
Computer hardware	0.109	0.109	0.073	0.109
Furniture and Fittings	0.010	0.010	0.010	0.010
Leasehold Improvements	<u> -</u> 0.119	<u> -</u> 0.119	<u> -</u> 0.119	<u> -</u> 0.119
Intangible Assets				
Software	0.004	0.004	0.040	0.004
Total Capital	<u>0.123</u>	<u>0.123</u>	<u>0.123</u>	<u>0.123</u>

