



Annual Report 2019/2020

Mr Speaker

I submit to you my report for the year
1 July 2019 to 30 June 2020.

Peter Boshier

Chief Ombudsman

2019/2020

Report of the Ombudsman
for the year ended 30 June 2020

Pūrongorongo o te
Kaitiaki Mana Tangata

*Presented to the House of
Representatives pursuant to section 39
of the Ombudsmen Act 1975*

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Introduction



COVID-19.

The pandemic which swept the world in 2020 is undoubtedly the defining event of the past year. It has further defined the role of Ombudsman.

Transparency, accountability, openness, and fairness are never more important than in a time of crisis. Providing confidence that people are being treated fairly, and holding government to account, helps to engender the public trust that is so crucial to us working together as a nation to combat COVID-19. I therefore did not resile from the need to provide independent oversight and report to Parliament on the impact of the extraordinary measures being put in place.

That I was able to continue to operate seamlessly for the most part during this period is an immense credit to my staff. Their professionalism, dedication, and hard work through the whole reporting year, but particularly the last few months, make me hugely proud to lead such a professional group of people. My sincere thanks to them all.

The Government's response to the pandemic required me to quickly change my focus in some areas. It rightly confirmed my oversight role as an essential service, and within three weeks into the Level 4 lockdown,

I announced my intention to commence COVID-19 focused inspections of private sector aged care facilities. I also changed my inspections programme for prisons and mental health facilities to have a focus on the new reality of the pandemic, and I began planning inspections of the managed isolation and quarantine facilities for people arriving from overseas.

My inspections of mental health facilities found a good balance is possible between protecting people and preserving human rights. I found that while prisons were taking positive steps to keep coronavirus out and had responded to the pandemic in a balanced and efficient manner, this had, in some instances, come at the expense of some prisoners' rights. I also identified good practices, but some improvements were needed in aged care facilities, particularly in relation to the definition of 'bubble' and complaint handling practices.

I dealt with a large number of complaints and enquiries raising new issues as a result of COVID-19, including concerns about the handling of applications for border entry exceptions and exemptions from managed isolation and quarantine. I also published guidance on dealing with official information requests during lockdown, and liaised with various government agencies in an effort to ensure effective administrative

practices were being put in place as new policies and processes were developed rapidly as part of the Government's response and management of COVID-19.

A milestone report I published with my partners monitoring the Disability Convention, *Making Disability Rights Real, Whakatūtu Ngā Tika Hauātanga* highlighted the need for decisive government action, including stronger laws, to protect the rights of disabled people.

It noted that disabled people remain far from enjoying the full range of human rights and fundamental freedoms included in the Disability Convention, and that eliminating these huge disparities requires a quantum leap.

I also commenced work with my monitoring partners, the Human Rights Commission and the Disabled People's Organisations, on a report on the experiences of disabled people during COVID-19.

It would be easy to focus solely on the second half of the reporting year and the impact of the pandemic, but in reality, I had a very successful 12 months across many existing and new mandates. I met almost all my key performance measures across all work areas, with some exceptions mainly where I needed to re-prioritise work in response to COVID-19.

I mentioned in last year's report that a top priority was to improve my relationship with tangata whenua. Significant progress has been made in this area. I established Pūhara Mana Tangata, an advisory panel made up of senior and rangatahi leaders from throughout te ao Māori, to guide me on my engagement with Māori.

But that guidance needs to be translated into action, and it was my pleasure during the year to attend several regional hui about strengthening oversight of the children in care system, alongside the Independent Children's Monitor and the Children's Commissioner. These hui were vital for me as I begin to prepare for my enhanced oversight role in this area. Further afield, I also met with several iwi across the country.

Integral to ongoing development has been my international development and engagement programme. My former colleagues have a long history of supporting the development of international Ombudsman institutions, and in the past year this

work has ramped up significantly. Indeed one of the benefits of the pandemic has been the necessity to use technologies in different ways when face-to-face interaction is impossible.

Prior to lockdown, I hosted an investigator training workshop for Pacific Ombudsmen, as well as the inaugural Pacific Ombudsman Leadership Forum. In lockdown, I switched to electronic means to network with my Pacific peers and colleagues around the world, and I have held several virtual workshops since attended by participants from a wide range of countries.

Crucially, the public awareness of my role continues to grow. Why is this important? Having integrity institutions is fundamental to human rights and transparency. But if the public are not aware of them or how they access them, their impact is diluted and my ability to provide comprehensive oversight of the actions of those in power constrained.

The increasing public awareness helps both communities and agencies, and makes fair decision making, respect for human rights, and freedom of information an integral part of society rather than an add-on. Aotearoa should be rightfully pleased that our public sector integrity sits atop the Transparency International Corruption Perceptions Index alongside Denmark.

The impact of COVID-19 will be with us all for many years to come and will manifest itself in many different ways. What I am committed to is ensuring that all work across the public sector and beyond is carried out transparently and with accountability, to ensure fairness for all is achieved.

Peter Boshier
Chief Ombudsman

I met almost all my key performance measures across all work areas, with some exceptions mainly where I needed to re-prioritise work in response to COVID-19.

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2019/20 at a glance

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Inform the public to enable them to take constructive action to realise their rights

- Twenty-two percent more visitors to the Ombudsman website.
- Made 106 external resources available to the public.
- 77 percent public awareness of the Ombudsman.

Improve public sector capability to do its work and make decisions

- Provided 37 external speeches, presentations, and training sessions to public sector agencies.
- Published 252 new or updated guides and case notes.
- Provided advice or comment to public sector agencies on 385 occasions.
- Published data about official information complaints.

Formal consultation to assist public sector agencies to make specific decisions

- Responded to consultations on 16 applications for authorised access to personal information on the motor vehicle register.
- Advised the Cabinet Office on the annual release of information from the Ministerial conflicts of interest register.

Enable serious wrongdoing to be disclosed and investigated and whistleblowers protected

- Completed 74 enquiries and requests for advice and guidance within three months of receipt.
- Published a guide and a checklist to assist organisations to protect whistleblowers.

Break down the barriers that prevent disabled people from participating equally in society

- Published *Making Disability Rights Real 2014-2019, Whakatūtu Ngā Tika Hauātanga*, the third report of the Independent Monitoring Mechanism under the United Nations Convention on the Rights of Persons with Disabilities.
- Conducted disability rights outreach and published information in a wide range of accessible formats.
- Commenced work on a report on the experiences of disabled people during the pandemic.

Improve the conditions and treatment of people in detention

- Visited 84 places of detention (prisons and some other places where people are not free to leave at will), including 59 formal inspections.
- 52 percent of non-COVID-19 specific visits to places of detention were unannounced. All COVID-19 inspections were announced for health and safety reasons.
- Made 125 recommendations for improvement, 90 of which were accepted.

Ensure official information is increasingly available and not unlawfully refused

- Timeliness and quality standards for complaints remained high despite complications due to COVID-19 pandemic response.
- Received 1,683 official information complaints and 442 other contacts concerning official information matters. Official information complaints have remained steady at historically high levels over the last three years.¹ There was a 10 percent increase in official information other contacts.
- Resolved 42 percent of official information complaints² and obtained 755 remedies for the benefit of the individual or public administration.
- Investigated one quarter of all official information complaints received and formed 425 final opinions. This is eight percent more finalised investigations than last year.
- A total of 77 official information investigations³ resulted in 97 recommendations.⁴
- Completed three official information practice investigations into local government agencies.

Identify flawed public sector decision making and processes and how to resolve them

- Timeliness and quality standards for complaints remained high despite complications due to COVID-19 pandemic response.
- Received 2,811 Ombudsmen Act (OA) complaints and 5,514 other contacts concerning OA matters. There has been a

steady increase of OA complaints over the last five years – 16 percent more complaints received in 2019/20 compared to last year.

- Resolved 48 percent of OA complaints and obtained 260 remedies for the benefit of the individual or public administration.
- Investigated 228 OA complaints, and formed 150 final opinions.
- A total of 31 investigations⁵ resulted in 56 recommendations.⁶
- Completed two formal systemic resolutions with the Ministry of Health.
- Conducted three systemic improvement investigations; one involving Oranga Tamariki, and two involving the Ministry of Health, of which one was completed by the end of June 2020.

Learn from, and assist to develop, international best practice

- Delivered an investigator training workshop for participants from Ombudsman offices across the Pacific.
- Hosted the Inaugural Pacific Ombudsman Leadership Forum – *Ombudsmen: Trusted Leaders*.
- Delivered virtual performance management workshops and a webinar on how the Chief Ombudsman functions under OPCAT.
- Hosted eight delegations, including from the Vanuatu and Sri Lankan Ombudsmen.
- Signed a memorandum of understanding with the Thai Ombudsman setting out how we will work together for good governance, integrity, and human rights across the Asia and Pacific regions.

1 Based on exclusion of the anomaly of one complainant who made 471 complaints against school boards of trustees in 2018/19.
 2 Measure does not include complaints which were outside an Ombudsman's jurisdiction, or referred to another complaint handling agency, or where the discretion not to investigate a complaint was exercised.
 3 74 complaint based and three systemic investigations.
 4 96 complaint based and one systemic recommendations.
 5 30 complaint based and 1 systemic investigation.
 6 46 complaint based and 10 systemic recommendations.



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Nature and scope of the Ombudsman's functions

The Ombudsman is an Officer of Parliament and is appointed by the Governor-General on the recommendation of Parliament. In my role as Ombudsman, I am responsible to Parliament and independent of the Government.

My purpose

My overall purpose is to investigate, review, and inspect conduct and decision making and provide advice and guidance in order to ensure people are treated fairly.

My functions

My functions are to:

- inform the public to enable them to take constructive action to realise their rights;
- improve public sector capability to do its work and make decisions;
- undertake formal consultations to assist public sector agencies to make specific decisions;
- deal with requests for advice and guidance about alleged serious wrongdoing;⁷
- protect and monitor disability rights in New Zealand;⁸
- monitor and inspect places of detention for cruel and inhumane treatment;⁹
- resolve, investigate, and review complaints about decisions on requests for access to official information;¹⁰

- monitor general compliance and good practice by public sector agencies in managing and responding to official information requests;¹¹
- resolve and investigate complaints about decision making and conduct in the public sector;¹²
- contribute to systemic improvement by identifying, resolving, and investigating concerns with public sector administration and decision making;¹³ and
- learn from, and assist to develop, international best practice.

My contribution

In carrying out my functions, I provide Parliament and the New Zealand public with an independent and impartial check on:

- the quality, fairness, and integrity of public sector conduct and decision making;
- the conditions and treatment of people in detention, and the prevention of cruel, inhuman or degrading treatment or punishment; and
- the implementation of the rights in the Disability Convention.

In my interventions, I can help to reduce overall downstream costs caused by poor decision making and ineffective processes, and protect people's rights.

⁷ Under the Protected Disclosures Act 2000.

⁸ The Ombudsman is part of the Independent Monitoring Mechanism protecting and monitoring implementation in New Zealand of the United Nations Convention on the Rights of Persons with Disabilities.

⁹ The Ombudsman is a National Preventive Mechanism under the Crimes of Torture Act 1989. This Act fulfils New Zealand's responsibilities under the United Nations Optional Protocol to the Convention Against Torture.

¹⁰ Under the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987.

¹¹ Through investigation under the Ombudsmen Act 1975.

¹² Under the Ombudsmen Act.

¹³ Under the Ombudsmen Act.

What is the public sector?

I have authority to investigate approximately 4,000 agencies in the public 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 (in relation to decisions on requests for official information).

I also have the designation to inspect private sector facilities funded by and/or accountable to the public sector in the detention of aged care recipients and those in managed isolation and quarantine.

Outcomes and impacts sought by the Ombudsman

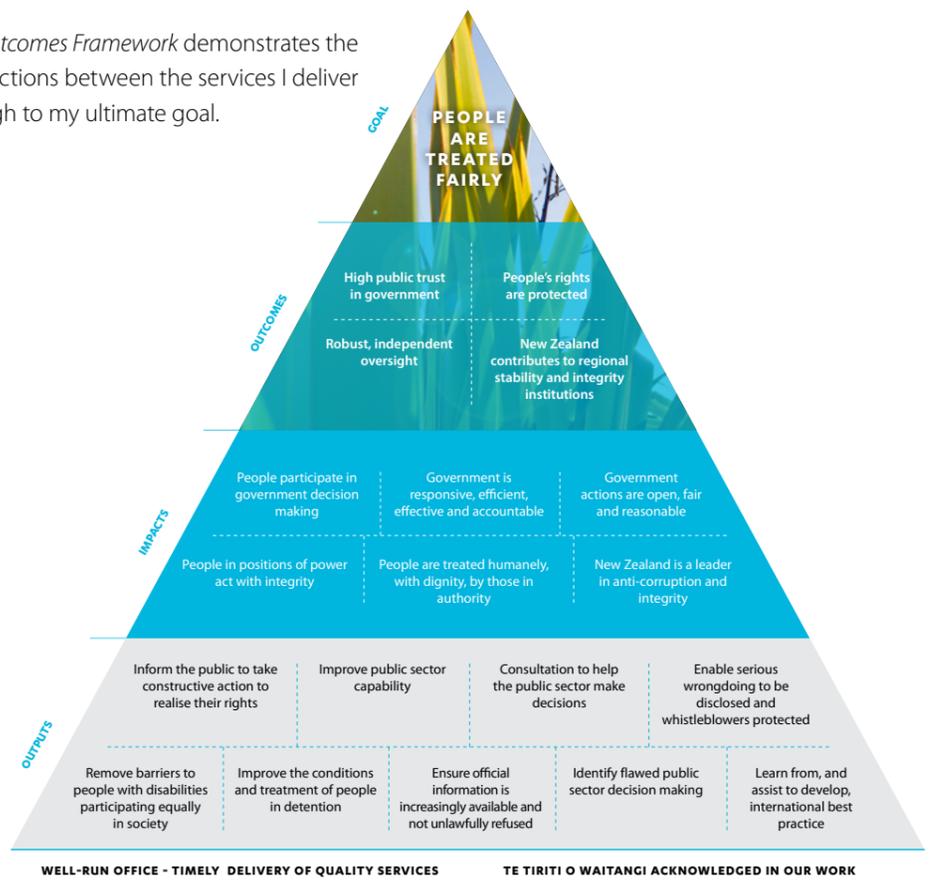
My strategic direction is guided by the functions assigned to me by Parliament. I oversee a range of key democratic and human rights measures aimed at safeguarding the rights of individuals and increasing transparency and accountability.

My overall goal is that people are treated fairly. The high-level outcomes aimed at achieving this goal are that:

- there is high public trust in government;
- people's rights are protected and/or restored;
- Parliament is assured of robust and independent oversight; and
- New Zealand contributes to regional stability and supports integrity institutions.

Ombudsman Outcomes Framework

My *Outcomes Framework* demonstrates the connections between the services I deliver through to my ultimate goal.



See Appendix 1 for text alternative version of this diagram.

Impacts

To achieve the high-level outcomes set out above, I seek to make an impact in a number of areas.

People are able to participate in government decision making

In a modern democracy, the public must be able to participate in government decision making. This is achieved in various ways, including through ensuring greater openness, fairness, and transparency of government information and decision making.

Parliament has tasked me with investigating the administrative conduct of public sector agencies and their decisions. My reactive and proactive interventions in this area can help ensure information is made available and that decision making is fair.

Public participation in government decision making contributes to higher trust in government and protection of people's rights.

Government is responsive, efficient, effective, and accountable

I provide independent oversight of government through my powers to investigate, review, and inspect administrative conduct. My independent oversight assists public sector agencies to identify and correct deficiencies and promote greater accountability for the decisions that are made. Improving administration and decision making will result in better outcomes for the public.

When the government is responsive, efficient, effective, and accountable it gives effect to a robust and independent oversight, ensuring people's rights are protected, and overall high public trust.

Government actions, systems, processes, and legislation are open, fair, and reasonable

A fair, reasonable, and open government is fundamental to our society. Well-designed systems, processes, and legislation provide a solid foundation. Parliament has charged me with providing proactive advice, guidance, and training to help lift public sector performance. The targeted interventions I undertake can assist to improve government actions from the outset.

Public trust in government, the protection of individuals' rights, independent oversight, and contribution to regional stability are all impacted by whether government actions are open, fair, and reasonable.

People in positions of power act with integrity

People in positions of power have a responsibility to act with integrity. Dishonesty and corruption has no place in New Zealand. It undermines public trust in government and is contrary to the ethos of treating people fairly. I have the legislated function to promote and protect whistleblowing. Having mechanisms like these to expose and investigate serious wrongdoing is essential.

Similar to the previous impact, all of my identified outcomes are affected by people in positions of power acting with integrity.

People are treated humanely and with dignity and respect by those in authority

Everyone has a right to be treated humanely, and with dignity and respect. New Zealand has recognised this by signing various international human rights conventions. As such we, as a country, have a responsibility to ensure our words match our actions by monitoring how people are treated. I have been designated a key role under United Nations conventions to monitor the rights of disabled people and the treatment of those in certain places of detention.

Those in authority must treat people with dignity and respect in order to ensure that people's rights are protected and for there to be high public trust in government.

New Zealand is a leader in promoting anti-corruption and integrity

New Zealand has an opportunity to promote good government on the world stage. New Zealand's influence and responsibility is particularly acute in the Asia-Pacific region. We are also sought out worldwide as a leader in anti-corruption and integrity. Ombudsmen around the world have a key role in acting as integrity institutions. I work with my partner Ombudsmen around the world to share and develop best practice in this area.

New Zealand being a leader in promoting integrity and anti-corruption has a direct impact on New Zealand's contribution to regional stability and integrity institutions, and high trust in the government.

Impact measures

There are two high-level measures of these impacts. They relate to the overall status of New Zealand society and the public sector, to which the Ombudsman is but one contributing factor.

My first impact measure is that the overall quality of public services improves over time. I measure this through the Kiwis Count Survey that is administered by the Public Service Commission. This is *'a nationwide survey asking New Zealanders about their experiences using public services, how they have been treated when using those services, and how they rate the quality of the services they have used.'*¹⁴

My target is for public service to maintain a 'service quality score' higher than 75 points. The quality score in December 2019 was 77 points. This score has steadily increased over the past 13 years from 68 in 2007.

My second impact measure is how New Zealand rates in public service probity¹⁵ as measured by the Transparency International Corruption Perceptions Index.¹⁶ The Index ranks 180 countries and territories by their perceived levels of corruption in the public and political sectors.

My target is for New Zealand to be one of top three leading countries. In 2019, New Zealand again ranked first in the world, tied with Denmark.

Outputs

In order to achieve these impacts, I carry out work under nine output areas. My work in these areas are discussed in [Part 4](#) (with detailed statistics in [Parts 6](#) and [7](#)).

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Outputs and operations

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¹⁴ See <https://www.publicservice.govt.nz/our-work/kiwis-count/> for more information.

¹⁵ The quality of having strong moral principles; honesty and decency.

¹⁶ See <https://www.transparency.org/en/cpi>

COVID-19 global pandemic

The events of this year required the Government to make policy, legislation, and decisions rapidly in order to manage COVID-19 effectively in New Zealand. These actions and decisions had a sudden and significant impact on people. For some, they will be enduring. The experience of the past year demonstrated the vital and constitutionally important role of an independent Ombudsman being able to carry out their functions and report to Parliament on the actions and decisions of the government and how they were impacting on people during such acute and unprecedented times.

Carrying out my complaint handling, investigation, inspection, advice, and oversight roles has never been more important. Providing confidence to the New Zealand public that people are being treated fairly, and holding government to account, helps to engender the public trust that is so crucial to us working together as a nation to combat COVID-19.

I therefore did not resile from the need to work effectively during all alert levels to provide independent oversight and report to Parliament on the impact of the extraordinary measures and restrictions being put in place. My crucial role was recognised by the government, and I was given essential services designation to allow my staff to continue to travel for the Optional Protocol to the Convention against Torture (OPCAT) inspections during lockdown.

As New Zealand responded to the global pandemic, I took action to protect my staff while making sure I could continue to carry out my role. Staff were equipped and supported to work from home, and then return back to the office as alert levels eased. As a result, I was able to continue to deliver core services during this time, including complaint handling and progressing high priority proactive work such as Optional Protocol to the Convention against Torture (OPCAT) inspections. By 30 June 2020, I had dealt with 466 complaints and enquiries

(and one protected disclosure) arising from COVID-19 issues, and carried out 27 COVID-19 focused inspections of places of detention. I also published guidance on dealing with official information requests during lockdown, and liaised with various government agencies in an effort to ensure effective administrative practices were put in place as new policies and processes were developed to respond to the pandemic. Some work underway during the year had to be re-prioritised, but with careful management and dedicated effort by staff, work on most outputs has now either been completed or has reverted to planned timeframes.

There were inevitable workload challenges in dealing with the new work arising from COVID-19, often at extremely short notice, while still progressing my existing planned work and business as usual activities. This was managed by ensuring my resources and processes were sufficiently agile and flexible to be able to respond effectively and efficiently. I am actively monitoring the ongoing growth in COVID-19 related matters, and forecasting through business intelligence analysis, so that I can respond as required.

I have included in discussions of each output area below, further relevant details of matters arising from COVID-19 during the year.

Inform the public to enable them to take constructive action to realise their rights

The public must be informed in order to participate in government decision making or take action when they believe they have not been treated fairly, or with dignity and respect.

I work to ensure that the public understand their rights and options, have reasonable expectations about what the public sector should provide, and have a reasonable understanding and expectation of what the Ombudsman can do.

Pūhara Mana Tangata have a very important role in providing me with a uniquely Māori perspective and guidance on engaging in the interests of Māori

Tangata conveys the panel's role as a watchtower ensuring fairness for all, particularly Māori. I have to ensure my relevance to all New Zealanders in a way that interests te ao Māori.

For me, it's about ensuring whānau and iwi are aware of the advantages of knowing what we do. Pūhara Mana Tangata have a very important role in providing me with a uniquely Māori perspective and guidance on engaging in the interests of Māori. Since April, I started a journey to engage and form trusting relationships with prominent Māori leaders, iwi,

whanau and communities, including:

- Kiingi Tūheitia Potatau Te Wherowhero VII and Kiingitanga representatives,
- Te Rūnanga o Ngāi Tahu governance group;
- Whānau Ora Commissioning agency Te Pūtahitanga o Te Waipounamu;
- Ngā Hau e Whā National Marae;
- Waikato Tainui governance representatives;
- Te Kōhao Health; and
- Te Roopu Awhina ki Porirua.

My engagement with the media increased eight percent in 2019/20. Much of this increase can be attributed to a more proactive position being taken on the material I publish, and increasing visibility by being proactive on issues within my mandate. Additionally, the rapid changes in the media landscape has led me to be more proactive on social media platforms which has increased the reach of my messaging to a broader range of New Zealanders.

External resources and presentations to the public

I undertake a range of public awareness-related activities so people can easily access information and resources. I do this through making speeches and presentations, publishing information and resources, and maintaining a website and social media presence.

Between January and March 2020, I was represented at nineteen regional hui about strengthening oversight of the children in care system, alongside the Independent Children's Monitor and the Children's Commissioner. The purpose of these hui was to meet with individuals working within the children in care system, in order to set out the intended oversight arrangements for the system, explain the roles of each organisation, and receive feedback and ideas. The hui were well-attended, and some attendees volunteered to engage further with me as I prepare for this new role.

Pūhara Mana Tangata, an advisory panel of senior and rangatahi leaders, was established in late 2019 to advise me in my work with Māori. Pūhara Mana

Improve public sector capability to do its work and make decisions

Improved capability in the public sector enables the government to be responsive and effective as well as assisting to maintain New Zealand's leading role in the promotion of integrity and anti-corruption. An important part of my work is the training, advice, and guidance offered to agencies and other stakeholders.

I monitor and review developments in the public sector, and identify relevant skills and knowledge gaps to best target my efforts. I also participate in initiatives to build capability and improve practice. This support is provided with an aim to:

- lift public sector capability to improve administration, decision making, and complaint handling capability; and
- improve compliance with official information legislation, whistleblowing legislation, and international conventions, including those concerning the rights of disabled people and people in detention.

Advice and guidance

In 2019/20, I commented on 24 legislative, policy, and administrative proposals. These included comments on Cabinet papers, Bills, and administrative policies and procedures.

On 361 occasions I provided advice to public sector agencies. This was primarily in relation to enquiries about the processing of official information requests. I do not tell agencies what to do with 'live' requests, as I may be called on to investigate and review the decisions. However, I can provide advice about the requirements of the legislation, and the options to consider when making decisions and how similar issues have been considered in the past. This advice helps agencies manage official information requests effectively, including the consideration of proactive release of additional information to inform the public.

Public sector engagement during COVID-19

I engaged early and often with key public sector agencies to understand the different and specific pressures that they were under as a result of COVID-19. This was a significant undertaking and I appreciate the many agencies that kept me in the loop about their constantly changing situations. I encouraged my staff to be practical and pragmatic when engaging with agencies so that I could adjust my approach if appropriate. I liaised closely with affected agencies to assist them as far as possible to get decisions 'right first time' and minimise the number of complaints I received. I also expanded and intensified my own efforts to triage complaints in a way that reflected the realities of the situation.

As part of this engagement with agencies, I published specific guidance and [frequently asked questions about responding to official information requests during COVID-19](#). This guidance was updated at each alert level. It provided tools and strategies to help agencies deal with official information requests and clarified the obligations and statutory timeframes in place during COVID-19.

I also prioritised publication of a guide on good practices for proactive release of information, in order to support openness and transparency of information relating to the response to COVID-19.

Government agencies consulted me on whether it was desirable, in the circumstances, to make temporary modifications to the OIA and LGOIMA under section 15 of the Epidemic Preparedness Act 2006. However, following my engagement, together with the Solicitor-General, on this it was agreed that apart from certain modifications to the meetings provisions of LGOIMA, the Acts already have sufficiently flexible provisions and mechanisms in place to enable agencies to manage official information requests during this difficult and rapidly evolving time.¹⁷ I am pleased to see this was indeed the case in the months that followed.

¹⁷ More information is available in a media statement on the Ombudsman website: <https://www.ombudsman.parliament.nz/news/chief-ombudsmans-statement-official-information-response-times-during-covid-19-emergency>.

Key submissions on legislation and draft Cabinet papers included:

- Climate Change Response (Zero Carbon) Amendment Bill
- Venture Capital Fund Bill
- Proposed draft revision of the Guidelines to the Mental Health (Compulsory Assessment and Treatment) Act 1992
- Screen Industry Worker's Bill
- COVID-19 Public Health Response Act
- Reserve Bank of New Zealand Bill
- Mental Health and Wellbeing Commission Bill
- Changes to Local Government Official Information and Meetings Act 1987 and local government sector
- Draft Cabinet Paper concerning proposed Independent Fiscal Institution
- Draft Protected Disclosures Act Cabinet Paper

Key submissions on policy or administrative proposals included:

- Housing New Zealand Corporation's Accessibility Policy
- Pre- and post- local government election issues
- Review of the New Zealand Government Security Classification System

Training

In 2019/20, 25 training sessions and 12 speeches were given to public sector agencies. Training topics included official information, good administration (including record keeping), the Ombudsman's role, and managing unreasonable complainant conduct.

This year I received particularly positive feedback from the attendees of these training sessions; 97 percent of participants reporting the training provided would help them in their work.

New Zealand organisations which received Ombudsman training in 2019/20

- Accident Compensation Corporation
- Auckland City Council
- Far North District Council
- Government Legal Network
- Greater Wellington Regional Council
- Health and Disability Commissioner
- Maritime New Zealand
- Massey University
- Ministry of Business, Innovation and Employment
- Ministry of Defence
- Ministry of Social Development
- New Zealand Defence Force
- New Zealand Film Commission
- New Zealand School Trustees Association
- Office of Film and Literature Classification
- Southland District Council
- Technical Advisory Services (on behalf of the District Health Boards)
- Tauranga City Council
- Wellington City Council

Guidance materials

As a part of my larger website review, I also turned my mind to the guidance material available to assist agencies in complying with their obligations. I continue to publish new official information guides to replace the *Ombudsman Practice Guidelines*. These guides are supplemented by case notes and opinions. A significant number of case notes from past complaints were produced to improve the case note catalogue on the new Ombudsman website.

Guidance materials produced in 2019/20

- [Names and contact details of public sector employees](#)
- [Proactive release: Good practices for proactive release of official information](#)
- [Official information requests during COVID-19 FAQs](#)
- [Statement of Principles for places of detention managing COVID-19](#)
- [Criteria for OPCAT COVID-19 inspections](#)
- [Aged care monitoring fact sheet](#)
- 241 new or updated opinions and case notes on key complaints
- two updated template letters
- four e-newsletters

I also continued my work with Te Kawa Mataaho (Public Service Commission) to release data regarding agency compliance with the Official Information Act (OIA). My OIA and Local Government Official Information and Meetings Act (LGOIMA) complaints data was released on my [website](#) in September 2019 and March 2020.

Formal consultation to assist public sector agencies to make specific decisions

Providing sound and timely input to public sector agencies as part of a formal consultation process provides the public and stakeholders with confidence that agencies are receiving a relevant, independent perspective when they are making decisions and reporting. I do this by:

- meeting both legislated and agreed requirements for the Ombudsman's formal input in decision making; and
- participating effectively in advisory and working groups.

I ensure agencies and Parliament are aware that I can provide formal input where relevant and that appropriate frameworks are developed to provide input while remaining independent.

In 2019/20, I provided comment to Waka Kotahi (New Zealand Transport Agency) on 16 applications for authorised access to personal information on the motor vehicle register.¹⁸

I also provided comment to the Cabinet Office on the annual release of information from the Ministerial Conflicts of Interest register.

¹⁸ Under section 241 of the Land Transport Act 1998.

Enable serious wrongdoing to be disclosed and investigated and whistleblowers protected

Ensuring that 'serious wrongdoing'¹⁹ is brought to light and investigated by appropriate authorities will lead to greater transparency and accountability and ultimately higher trust in government. Mechanisms to expose and investigate 'serious wrongdoing' will only be effective when whistleblowers are protected and people have the confidence to come forward.

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, these incidents could go undetected.

The Protected Disclosures Act 2000 aims to encourage people to report 'serious wrongdoing' in their workplace (in the public or private sector) by providing protection for 'employees'²⁰ who want to 'blow the whistle'. My role under this Act is to:

- raise general awareness of whistleblowing processes and protections;
- provide advice and guidance, both to potential whistleblowers and to organisations;
- review and guide public sector agencies in their investigations of serious wrongdoing; and
- receive and investigate disclosures of 'serious wrongdoing,' or refer them to other authorities as appropriate.

Any issues brought to my attention, which do not meet the threshold of 'serious wrongdoing,' may be considered under my general powers to investigate public sector administration and decision making.

In 2019/20, I completed 74 enquiries and requests for advice and guidance. I completed all of these within three months of receipt. The number of protected disclosures enquiries and requests I received this year continues to demonstrate high demand for my services in this area.

¹⁹ 'Serious wrongdoing' includes an act, omission, or course of conduct that:

- constitutes a serious risk to public health, public safety, or the environment;
- constitutes an offence or serious risk to the maintenance of the law;
- 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 is an unlawful, corrupt, or irregular use of funds or resources, or oppressive, improperly discriminatory, gross negligence or gross mismanagement by public officials.

²⁰ 'Employee' includes a former employee, a secondee, a contractor, and a volunteer (see [section 3 Protected Disclosures Act 2000](#) for a full definition of 'employee').

Failure to appropriately apply Protected Disclosures Act

Disclosures were made by an employee (the complainant) to relevant agencies of regulatory breaches by their employer. These disclosures resulted in a number of regulatory breaches being found by the relevant agencies, and remedial action required of the employer. The employer then instigated serious misconduct action against the complainant, and subsequently notified the licencing and disciplinary body that regulated the complainant's profession (the professional body) of allegations of 'serious misconduct' by the complainant. This in turn led the professional body to make findings including that the complainant should not have made the external disclosures, and to place restrictions on the complainant's practising licence.

The Protected Disclosures Act confers immunity from civil, criminal or disciplinary proceedings on a person who makes a protected disclosure. The Human Rights Act also provides that no person can treat a person unfavourably for having made a protected disclosure. Following an investigation by the Chief Ombudsman, the professional body accepted that its disciplinary processes had not adequately taken into account the protections of the Protected Disclosures Act and Human Rights Act. The professional body undertook to apologise to the complainant, reverse its decision, and comprehensively review its processes.

Read the full case note at www.ombudsman.parliament.nz.

I issued new guidance material for organisations:

[Protected disclosures – guidance on internal policies and procedures](#), and published a new [checklist](#) to help organisations meet their obligations to protect whistleblower confidentiality.

As well as receiving disclosures and providing advice and guidance, I contributed to the ongoing review of the Protected Disclosures Act 2000.

Break down the barriers that prevent disabled people from participating equally in society

The United Nations Convention on the Rights of Persons with Disabilities (the Disability Convention) exists to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by disabled people. Disabled people face barriers to participating equally in society. These barriers can be physical, attitudinal, technological, systemic, economic, or information and communication. New Zealand can make disability rights real by breaking down these barriers.

The Ombudsman, the Human Rights Commission, and Disabled Peoples' Organisations are New Zealand's Independent Monitoring Mechanism (IMM). The role of the IMM is to protect and monitor implementation of the rights in the Disability Convention and raise awareness of disability rights and contribute to effective change.

I ensure that disability rights are at the heart of my work and culture, as well as network and collaborate with disabled people and other stakeholders.

Working as an IMM during COVID-19

During the reporting year, I commenced work with my IMM partners on a report on the experiences of disabled New Zealanders during the COVID-19 pandemic. Research for the project commenced this year and a series of nationwide public consultations/hui are underway to hear the voices of disabled people. Key themes for disabled people at this early stage centre on access to essential services, information and communication during the pandemic, health, education, and housing. The report will also explore the experiences of disabled people in

places of detention, and the involvement of disabled people in decision making processes during the pandemic.

Accessible resources

Accessible resources offer information that people need in a way they can understand. The publications and reports I produce, along with those of the IMM, have been made available in a number of accessible formats.

The *Making Disability Rights Real* report (discussed below) was launched in a range of formats, including an accessible Word version, audio, braille, Easy Read, large print, New Zealand Sign Language, and te reo Māori. It is of note, that this is the first time the entirety of the report was translated into te reo Māori.

My *Off the Record*²¹ report was summarised in Easy Read, a format specifically targeted at people with a learning or intellectual disability. In my view, it is pivotal that those most closely impacted by the report can easily understand the key findings.

I continue to work to provide public information in an accessible way to ensure it is available to all New Zealanders. I am undertaking several projects to develop and progress an accessibility strategy that I can apply to all of my work..

²¹ This report is discussed at [Systemic improvement](#).

The IMM's third *Making Disability Rights Real* Report 2014-2019

The IMM published its third *Making Disability Rights Real, Whakatūturu Ngā Tika Hauātanga* report on 30 June 2020. This report discussed the status of implementation of the Disability Convention in New Zealand. The release of the report was livestreamed²² so that members of the disability community who were not able to attend could follow the launch.

During the consultation phase of this report, the IMM held a nationwide series of community hui and undertook an online survey to seek disabled people's input. The IMM identified six key themes: education, housing, seclusion and restraint, data, access to information and communication, and employment. These key themes are indicative of wider disparate outcomes between disabled people and their non-disabled peers. Improvements in these areas will have significant positive effects on disabled people's lives. The IMM also reported that priority needs to be given to understanding the experiences of Māori and Pasifika disabled people.

The IMM acknowledged that some progress has been made since the previous two editions of *Making Disability Rights Real* were published. For instance, there is greater cross-government collaboration and improved participation of disabled people in the development of government policy. However, the IMM found that there is still a great deal of work to do, and disabled New Zealanders are not presently enjoying the full range of human rights and fundamental freedoms reaffirmed in the Disability Convention.

The report encourages the Government to mandate a systemic approach to explicitly integrating the Disability Convention into domestic law and policy, and to provide the appropriate resource in order to make this a reality.

Disability rights outreach

I was represented at the Biennial Kāpō Māori Aotearoa Conference in Napier in September 2019. Kāpō Māori Aotearoa is a member-based society providing support and advice for kāpō (blind, vision impaired, and deafblind) Māori and their whānau. This conference was an excellent chance to engage with members of the disability community, as well as an opportunity to learn more about te ao Māori and its approach to disability issues.

I also had an exhibition stand on the second day of the conference. This was an opportunity for me to publicly promote disability-themed materials in various accessible formats. Attendees at the conference were pleased that I had information and publications available in te reo text, and te reo audio, Easy-Read, and braille (including te reo braille) in both printed and electronic formats.

The conference also provided a useful opportunity to discuss how disability rights can be progressed from a cultural perspective. A number of attendees felt that the Disability Convention ought to have more strongly promoted the rights of indigenous people. It is essential that I continue to involve tāngata whaikaha (disabled Māori) and their whānau in carrying out my disability rights role.

Ongoing disability rights focus in investigations and inspections

When disability rights issues are raised, I use my Ombudsmen Act powers to resolve complaints and investigate concerns about administrative conduct by public sector agencies.

I also note issues as they arise in inspections of places of detention. In recent years, disability rights has been an area of focus for my inspections. I am aware that a significant proportion of detainees have a disability and it is important to ensure these people receive appropriate support, and are able to request reasonable accommodation when necessary.

22 On my YouTube channel: https://www.youtube.com/watch?v=K_Bq42rz4H4&t=160s

Improve the conditions and treatment of people in detention

Inspecting places of detention helps to ensure that people who are deprived of their liberty are treated humanely, and their rights are protected and restored. It also ensures New Zealand is seen nationally and internationally as a good global citizen, adhering to agreed international human rights conventions.

The Ombudsman is designated as a National Preventive Mechanism under the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). In carrying out this role, I examine, and make recommendations to improve, the conditions and treatment of detainees, and to prevent torture, and other cruel, inhuman or degrading treatment or punishment, in:

- 18 prisons;
- 118 health and disability places of detention (including approximately 30 managed isolation and quarantine facilities);
- 227 privately run aged care facilities ;
- three immigration detention facilities;
- one Public Protection Order (PPO) residence;
- one substance addiction (Compulsory Assessment and Treatment) unit; and
- 58 court facilities.

The designation in respect of court facilities is jointly shared with the Independent Police Conduct Authority.

People in detention during the pandemic

In April 2020, I reviewed my pre-planned programme of inspections and visits in light of COVID-19 and my designation as an essential service for OPCAT inspections. I considered a wide range of information, including that which

was provided by the United Nations, and the expectations of my role by Parliament. It was clear that as well as remote monitoring primarily through information gathering, I must carry out physical on-site inspections in order to provide effective independent oversight and report to Parliament accurately on the conditions and treatment of people detained in these facilities. I also moved at speed to consider my designation to inspect health and disability places of detention, and concluded that it includes managed isolation and quarantine (MIQ) facilities..

As the country moved into Alert Level 4, there was understandably some reluctance to my continuing to inspect places of detention. I advised the relevant authorities that I had a statutory mandate to fulfil under the Crimes of Torture Act 1989 that could not be circumscribed. While I considered a variety of innovative ways to monitor places of detention during 'lockdown', onsite inspections and visits had to continue in order to ensure that conditions and treatment of people were appropriate.

I acknowledged the need for firm action to combat COVID-19 and to keep those in care safe from the virus. However, I firmly believe that independent monitoring is essential during these unprecedented times. Extraordinary measures imposed by the Government must not have an unnecessary or disproportionate impact on people's rights. It is important to note that human rights are inalienable; even during these extraordinary times people can expect to be treated with care and respect. I needed to make sure that the use of extraordinary measures by the Government did not override my statutory role and mandate to report independently to Parliament.

My OPCAT COVID-19 inspections were carried out during all four alert levels, with full regard for health and safety which I shared with the Speaker,

Prime Minister, and Director-General of Health. My inspections were short and targeted, using specific COVID-19 relevant assessment criteria that I developed.²³ I was mindful of the ‘do no harm’ principle and of the need to enter facilities and carry out inspections in a way that was safe, effective, and supportive in this rapidly changing environment. My inspections were all announced, and required new health and safety procedures, urgent acquisition of scarce personal protective equipment (PPE), and training on proper use of PPE during a pandemic.

In total, I undertook COVID-19 inspections of nine prisons, six health and disability places of detention, and 12 aged care facilities. Given the unprecedented nature of the time and circumstances, I considered it would be appropriate to produce and publish thematic reports about my observations and recommendations for the three facility types.²⁴ The inspections were intended to give insight into how these sectors were managing as a whole.

I also commenced building a new work programme for inspection of MIQ facilities, including obtaining information from the Ministry of Health, building my inspection methodology, confirming health and safety procedures, undertaking planning and logistics, and updating my reporting and communications material. Inspections of MIQ facilities have commenced in the 2020/21 reporting year.

Visits and inspections

When combining general and COVID-19 focused activities, in 2019/20 I carried out a total of 84 visits to places of detention, including 59 formal inspections. This brings the total number of visits conducted over the 13-year period of the Ombudsman’s operation under OPCAT to 573, including 252 formal inspections.

I was mindful of the ‘do no harm’ principle and of the need to enter facilities and carry out inspections in a way that was safe, effective, and supportive in this rapidly changing environment

Thirty visits (52 percent of non-COVID-19 specific visits) were unannounced. In total, 24 reports (86 percent of all drafted reports) were provided to the relevant facility within 12 weeks of the last day of the inspection. More

information about these inspections, including links to reports published this year, can be found in [Part 7](#).

Each place of detention contains a wide variety of people, often with complex and competing needs. All have to be managed within a framework that is consistent and fair to all. While I appreciate the complexity of running such facilities and caring for detainees, my role is to monitor whether people are treated appropriately and in a way that avoids the possibility of torture or other cruel, inhuman or degrading treatment, or punishment occurring.

This year, I made 125 recommendations, of which 90 (72 percent) were accepted or partially accepted. A further breakdown of these recommendations can also be found in [Part 7](#).

Prisons

I conducted two full inspections, one follow up inspection, and nine COVID-19 focused inspections at prisons in 2019/20. (Full list of inspections in [Part 7](#)) I reported concerns that were similar to those raised in previous years,

including treatment of remand prisoners, time out of cell, material conditions in prisons, treatment of Māori prisoners and engagement with mana whenua,²⁵ and low levels of confidence in the complaints system.

The proportion of prisoners on remand, and their treatment, continues to be of significant concern. The national remand population is close to 40 percent.²⁶ The most recent projections are that people on remand will make up over 50 percent of the prison population by 2029.²⁷

Many remand prisoners are accommodated in high security units and subject to a basic yard-to-cell regime, meaning that they spend upwards of 20 hours per day in their cell. Inspections continue to find that the time prisoners generally receive out of their cells continues to be limited for many. I have made repeated recommendations about the periods of time-in-cell and lack of activities for remand prisoners in recent years.

Many prison sites have facilities that are no longer fit-for-purpose, but which have continued to be used due to the high prison population. The conditions are concerning enough on their own. However, when combined with long periods of time in cell, the substandard conditions can lead to frustration, boredom, and deteriorating physical, mental, and spiritual wellbeing. I understand that the Department intends to take advantage of the reduction in the prison population to make steps toward addressing these concerns with the facilities.

I have not observed any material improvements in the complaints system, or confidence in it, over the last year. In the last 12 months, I conducted two prisoner surveys which continued to indicate that prisoners do not have faith and confidence in the complaints system. I have recently been advised of changes to this process, including early

access to and resolution focus from the Office of the Inspectorate.²⁸ I will be interested to see how these changes affect prisoner confidence.

Inspections continue to observe disproportionate rates of incarceration of Māori. However, provision of kaupapa Māori programmes and practices in prisons remains low. I acknowledge that Ara Poutama Aotearoa²⁹ (Department of Corrections) released its strategy Hōkai Rangi 2019 – 2024 in August 2019. Hōkai Rangi commits to delivering outcomes to address the significant over-representation of Māori in the corrections system. I look forward to seeing progress on implementing Hōkai Rangi in future inspections.

Prisons during COVID-19³⁰

Prisons responded to the COVID-19 pandemic in a well-resourced, balanced, and efficient manner, despite the complex challenges of managing prisoners at this time. I observed generally positive relationships between staff and prisoners, and noted enhanced health and safety processes were in place and effectively communicated. Prisons had taken measures to support prisoners in maintaining contact with the outside world, and provided them with relevant and up-to-date information about COVID-19. Prisoners spoke of feeling supported, safe, and well-informed.

I made some recommendations for improving the conditions and treatment of prisoners in seven prisons. In particular, I found that some prisoners in some units at four prisons were not receiving access to at least one hour of fresh air on a daily basis,³¹ or being provided with activities to occupy their time.

23 See inspection purpose and criteria: <https://www.ombudsman.parliament.nz/resources/criteria-opcat-covid-19-inspections>

24 Three reports on COVID-19 specific inspections of facilities under the Crimes of Torture Act 1989 published in June and August 2020.

- Mental health: <https://www.ombudsman.parliament.nz/resources/opcat-covid-19-report-report-inspections-mental-health-facilities-under-crimes-torture>
- Prisons: <https://www.ombudsman.parliament.nz/resources/opcat-covid-19-report-report-inspections-prisons-under-crimes-torture-act-1989>
- Aged care: <https://www.ombudsman.parliament.nz/resources/opcat-covid-19-report-report-inspections-aged-care-facilities-under-crimes-torture-act>

25 The customary rights and connections between people, generations, and land.

26 Department of Corrections, *Prison facts and statistics - March 2020*

27 Ministry of Justice, *Justice Sector Prison Population Projections 2019 - 2029*

28 More information about the Office of Inspectorate is available on the Department’s website: https://www.corrections.govt.nz/about_us/who_we_are/office_of_the_inspectorate

29 Te reo name gifted after extensive consultation with Māori communities and iwi.

30 *OPCAT COVID-19 report: Report on inspections of prisons under the Crimes of Torture Act 1989*

31 Rule 23 (1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) provides that: *Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.*

Intellectual disability facilities

This year, I inspected 16 Regional Intellectual Disability Supported Accommodation Service (RIDSAS) facilities. My reports on these facilities are currently underway.

Mental health facilities

I conducted inspections of 17 mental health inpatient units in 2019/20, including two follow up inspections and five COVID-19 focused inspections. (Full list of inspections in [Part 7](#)) I also published, for the first time, [four mental health reports](#).

My assessment of mental health facilities in New Zealand continues to be varied. I reported concerns including:

- treatment of individuals with high and complex needs³² and intellectual disabilities;
- unsatisfactory seclusion practices and conditions; and
- unduly restrictive practices.

I identified concerns about the mixing of different categories of service users (tangata whaiora). I found that this practice compromised care and limited opportunities for recovery. I also found that individuals with high and complex needs and/or an intellectual disability who were clinically ready for discharge were unable to be discharged due to a lack of available supported accommodation in the community. Acute mental health services are not intended to be, nor are they well suited for, long-term accommodation.

I found that many service users were being secluded in unsatisfactory conditions. Progress on eliminating the use of seclusion is slow and inspections have not consistently found a material reduction in the rate of seclusion. Some facilities have taken steps, while others have provided information demonstrating a commitment

to eliminating the use of seclusion. However, seclusion remains at concerning levels in many facilities, particularly for Māori.

I also found that many of the regimes in mental health facilities are unduly restrictive, including dependence on staff to provide access to phones, limited access to hot drinks and snacks, and restricted access to activities areas and courtyards. I consider that the response to these risks needs to be tailored to an individual, rather than putting undue restrictions in place for all service users.

Mental health facilities during COVID-19³³

I found that managers and staff at all mental health facilities inspected appeared dedicated to the welfare of the service users in their care. Service users were seen to be treated with dignity and respect, and were able to maintain contact with whānau. Measures were put in place to ensure that their staff and service users were well informed about COVID-19 and any new protocols required as a result of the pandemic.

Overall, my findings were positive. However, I made specific recommendations for improvements in three of the facilities, particularly around complaints processes for service users.

Aged Residential Care Facilities

In 2019/20, I completed the first year of a three-year work programme to set up OPCAT inspections for privately-run aged care facilities. I have streamed the work required into five key areas: planning, information gathering, capacity building, development of inspection criteria and methodology, and carrying out inspections.

I engaged with a large range of stakeholders within the sector to understand their perspectives and expectations, recruited my first new team to work in this area, carried out orientation visits, and commenced work on the development of my inspection criteria and methodology.

I conducted 17 orientation visits to secure units in privately-run aged care facilities to help inform the development of my aged care inspections programme. I visited a range of facilities across New Zealand. These orientation visits provided a greater understanding of the facilities that provide specialised secure dementia and psychogeriatric care, including their size and ownership structures. I will continue to conduct orientation visits during 2020/21 and expect inspections of privately-run aged care facilities to commence the following year.

More information about my designation to inspect privately-run as well as public secure aged care facilities, and the development of my planned programme is available on my website.³⁴

Aged care facilities during COVID-19³⁵

While I was not originally planning to undertake formal inspections of aged care facilities until 1 July 2021, between April and June 2020 I responded to the need to carry out 12 COVID-19 focused inspections, at all alert levels.

My report on inspections conducted during lockdown in Alert Levels 3 and 4,³⁶ outlined key findings, suggestions, and recommendations in relation to COVID-19 inspections of six secure aged care facilities.³⁷

As expected, the focus of all facilities was on their residents' wellbeing. It was clear from these inspections that this was a challenging time, however, the facilities were taking steps to keep residents safe. Overall, managers and staff were committed to minimising the impact that COVID-19 was having on residents.

The COVID-19 lockdown was a challenging and distressing time for many secure residents in aged-care, and it was important to ensure that their rights, ability to comprehend information, and protective measures, were upheld. I identified some improvements that could be made. Particular issues noted at individual facilities included the need for a clear definition of 'bubbles', consistent use of PPE, accessible information for residents and improvements to complaints processes.

32 *"People with "high and complex needs" are a small and unique group of people with disabilities at the high end of the support needs spectrum. This group of disabled people includes those with multiple disabilities such as sensory disabilities, physical disabilities, severe intellectual disability, and serious and ongoing medical conditions. These individuals require support with self-care and basic activities of daily living. They tend to also have behaviours that require a very high level of support."* Te Pou o Te Whakaaro Nui (2013). Valuing and supported disabled people and their family/whānau. Te Pou o Te Whakaaro Nui.

33 [OPCAT COVID-19 report: Report on inspections of mental health facilities under the Crimes of Torture Act 1989](#)

34 See <https://www.ombudsman.parliament.nz/what-we-can-help/aged-care-monitoring>

35 [OPCAT COVID-19 report: Report on inspections of aged care facilities under the Crimes of Torture Act 1989](#)

36 The report was finalised and published outside the reporting year in August 2020.

37 The Chief Ombudsman inspects aged care facilities where residents are unable to 'leave at will'.

Ensure official information is increasingly available and not unlawfully refused

In this section, I give an overview of my complaint handling work under the Official Information Act 1982 (OIA) and the Local Government Official Information and Meetings Act 1987 (LGOIMA). Detailed statistics can be found in [Part 7](#).

The OIA and LGOIMA give the public the ability to request official information held by Ministers of the Crown and public sector agencies. Making official information increasingly available, and assuring the public that access is not denied unnecessarily, will lead to greater transparency and accountability within the public sector, and facilitate public participation in the making and administration of laws and policies.

Under both Acts, I independently investigate and review complaints about decisions made by public sector agencies on official information requests. I also monitor agencies' official information practices, resources, and systems.³⁸ This serves to both enhance public trust and confidence in government and increase the availability of official information. In this context, I:

- provide resolution-oriented and impartial complaint handling;
- undertake interventions and investigations to identify where official information practices, resources, and systems are vulnerable;
- broker resolutions, form opinions, and make recommendations;
- provide advice to agencies and support them to resolve complaints; and
- report on and monitor the implementation of my suggestions and recommendations.

I also publish official information complaints data concerning both central and local government, and report on the outcome of key complaints and investigations to assist in improving official information practice across the public sector.

38 Using my general investigation powers under the Ombudsmen Act.

Request for Police Commissioner's letter to the Minister about Deputy Commissioner (496725)

The Minister of Police wrote to the Police Commissioner to ask how he intended to respond to the Independent Police Conduct Authority's (IPCA's) findings on complaints of bullying against the Deputy Police Commissioner. A journalist requested a copy of the Commissioner's response which the Minister released with two paragraphs redacted under section 9(2)(a) of the OIA.

Section 9(2)(a) of the OIA applies where withholding is necessary to maintain the privacy of natural persons and is subject to a public interest test. This means the information must be disclosed if the public interest in release outweighs the interest in withholding.

I considered the redacted paragraphs and consulted the Privacy Commissioner before forming the provisional opinion that the Minister should not have withheld any information. The information at issue was directly relevant to the Police's accountability and there was a strong public interest in the steps taken to address IPCA's findings with the Deputy Commissioner.

The Minister accepted my provisional opinion and agreed to release the letter in full. I formed the final opinion that 'the public interest in this information is such that it should be released'.

Read the full opinion at www.ombudsman.parliament.nz

39 See [section 16\(1A\) OA](#)

40 When excluding the anomaly where one complainant made 471 complaints against school boards of trustees in 2018/19.

Complaints

I treat matters as formal complaints once they have been put in writing.³⁹ However, I receive a large number of enquiries from members of the public, mainly over the telephone, prior to a complaint being made. While these matters are termed 'other contacts,' I spend a significant amount of time responding to them with advice and assistance.

Official information complaints have remained steady at historically high levels over the last three years.⁴⁰ This year I saw a 10 percent increase in other contacts about official information. I have adapted to the continued high volume of work with a mixed approach of reactivity in an environment of fluidity, and proactivity with engagement on emerging issues.

I received 1,329 OIA complaints, 354 LGOIMA complaints, and 442 official information related other contacts. Sixty-five percent of official information complaints were received from the general public. The next highest group to make complaints were the media, at 18 percent. Approximately 75 percent of official information complaints were about a refusal or a delay in making a decision on an information request. A breakdown of the nature of official information complaints is available in [Part 7](#), tables 12 and 19.

I completed 1,371 OIA and 353 LGOIMA complaints.

Agencies

This year, 30 percent of official information complaints were made against government departments, and 41 percent against other public sector agencies, 21 percent against local government agencies, and eight percent against Ministers.

Outcomes

In recent years I have placed a greater focus on resolution and preliminary inquiries. Taking these steps early in the complaints process provide for efficient and effective action where the matter can be addressed without the need for a formal investigation.

In 2019/20, I resolved⁴¹ 42 percent of official information complaints that would otherwise have been subject to a full investigation. Through the resolution and investigation process, I obtained 755 remedies this year. This represents a 19 percent increase from 2018/19.⁴² The majority

of these remedies were a change of the decision or an omission being rectified. A full breakdown is provided in [Part 7](#).

However, a focus on resolution does not limit my ability to identify administrative deficiency where it is occurring. I formed a final opinion on one quarter of all official information complaints received. Two-thirds (67 percent) of these opinions identified that no administrative deficiency was made by the agency.

In the majority of the 139 cases where I identified a deficiency, this was due to an unjustified refusal of official information (61 percent) or delay (25 percent). I made 96 recommendations, all of which were accepted.

Request for Associate Minister's letter to the Minister of Transport regarding the Let's Get Wellington Moving indicative package (507227, 509750)

The Associate Minister of Transport sent a letter to the Minister of Transport during pre-consultation on the Let's Get Wellington Moving (LGWM) indicative package draft Cabinet paper.

Both Ministers refused requests for this letter on the basis that withholding was necessary to maintain:

- the constitutional convention protecting collective ministerial responsibility (section 9(2)(f)(ii) of the OIA); and
- the effective conduct of public affairs through the free and frank expression of opinions between Ministers of the Crown (section 9(2)(g)(i) of the OIA).

While I formed the opinion that the Ministers were entitled to withhold a copy of the letter pursuant to section 9(2)(g)(i) of the OIA, I considered that there was a public interest in disclosure that warranted the release of some information.

I outlined the specific information from and about the letter which I considered should be released to satisfy the public interest in this case. As the Ministers agreed to release a proposed statement, it was not necessary for me to make any recommendations.

Read the full opinion at www.ombudsman.parliament.nz

⁴¹ I consider a complaint is 'resolved' when there is remedial action that benefits the complainant or improves state sector administration or when the provision of advice or explanation satisfies the complainant.

⁴² See [footnote 40](#).

Office performance

I report timeliness and clearance rates across all complaint types—OIA, LGOIMA and Ombudsmen Act. I completed 70 percent of all complaints within three months, 85 percent within six months, and 95 percent within 12 months. Of open cases (complaints and other contacts) as at 30 June 2020, only 4 percent were over 12 months old.

I performed formal quality assurance checks across a random sample of all completed complaints and other contacts (OIA, LGOIMA, and Ombudsmen Act). Eighty-two percent of the complaints and other contacts reviewed met internal quality standards. In addition to quality sampling, I also ensure quality through peer review and a robust in-house training programme.

Official information practices

My proactive investigations to review public sector agencies' official information practices look at five key areas that have a significant impact on legal compliance and practice. These are:

- leadership and culture;
- organisation structure, staffing, and capability;
- internal policies, procedures, and resources;
- current practices; and
- performance monitoring and learning.

During 2019/20, I continued to place a strong focus on the official information practices of local government. LGOIMA is an important tool for fostering transparency and accountability. Without access to information held by local authorities and public meetings, the ability to participate in the democratic process can be constrained. An effective official information regime sits at the very heart of local government practice and should be closely connected with a council's governance and community engagement functions.

This year I finalised investigations into the official information practices of [Christchurch City Council](#), [Auckland Council](#), and the [Far North District Council](#).

Investigation into Christchurch City Council

My investigation into Christchurch City Council's official information practices, between October 2018 and August 2019, identified serious concerns about the Council's leadership and culture.

The effective creation, management and recovery of information is essential for both the operation of LGOIMA and a healthy culture of openness and transparency within an organisation. As an indication of a council's internal culture I would expect to see regular, clear statements from senior leaders to staff reflecting a commitment to the principles and purposes of LGOIMA. I would also expect to see senior leaders role model behaviours that show a clear commitment to transparency. Where explicit messaging is supported by action, a culture of openness will follow.

During my investigation, a number of Council staff raised concerns about the behaviour of some members of the then Executive Leadership Team, and alleged methods to control certain types of information in order to keep negative information about the Council from the public. These methods allegedly included manipulating or removing information from reports, project reporting not occurring, and staff being told not to record information or to keep information in draft form. This led to a perception amongst staff that some members of the then Executive Leadership Team were not supportive of openness and transparency.

I formed the opinion that the previous Chief Executive's failure to take appropriate and adequate action in relation to concerns expressed by staff was unreasonable. I made one recommendation and 39 suggested action points. I recommended that the new Chief Executive review the practice of the Executive Leadership Team's involvement in controlling the flow of information to elected members and the public and ensure an approach is adopted that is consistent with the purposes of LGOIMA, in particular openness and transparency.

In response to the report, the Council acted swiftly and provided a draft improvement plan addressing the recommendation and accepting all 39 suggested actions to improve its practices, with corresponding timeframes. At the time the report was published, some of my action points had been completed.

I continue to follow up with the Council to monitor their progress against the remaining action points and I am encouraged with the progress the Council is making.

Revisiting *Not a Game of Hide and Seek*

When I took up Office five years ago, former Chief Ombudsman Dame Beverley Wakem had just released *Not a Game of Hide and Seek*, the report of her investigation into state sector handling of official information. As I complete my first term as Ombudsman, I decided it would be timely to consider what progress has been made since that

report was published, and I therefore announced my follow-up to *Not a Game of Hide and Seek* in December 2019. My intention was to investigate the official information policies and practices of the 12 agencies⁴³ which were the focus of the initial investigation and to produce a final summary report, and 12 individual reports by the end of my first term in the 2020 calendar year.

⁴³ Accident Compensation Corporation, Department of Corrections, Ministry of Education, Ministry of Foreign Affairs and Trade, Ministry of Health, Ministry of Justice, New Zealand Customs Service, New Zealand Defence Force, New Zealand Transport Agency, Ministry of Social Development, Ministry of Transport, and Te Kawa Mataaho Public Service Commission

My intended timeframe for the completion of these investigations was impacted by the COVID-19 pandemic. However, it has also offered me a unique opportunity to further inform my inquiries by exploring the resilience of central government agency practices in relation to the OIA when they are under pressure or unusual circumstances. I decided to focus on the position agencies were in just prior to lockdown and then review how their systems, policies and practices have fared since. As a result I did not complete my systemic investigation, nor the 12 individual agency investigations at 30 June 2020. Rather, I have deliberately chosen to extend these investigations into the new reporting year to enable me to report to Parliament with this additional information.

The focus of the investigations will now include an assessment of how the agencies have been able to adapt their established processes and practices during the different stages of the COVID-19 pandemic response, and to explore in this context what are the key factors to ensure resilient arrangements for responding to official information requests.

It is still my intention to provide 12 individual reports to the agencies involved and produce an omnibus report, but the timeframe has shifted to June 2021. My intention is to highlight good practices, identify any vulnerabilities and help overall lift official information practices across the public sector by recommending where agencies ought to improve their current arrangements to enable them to maintain resilience and compliance should a pandemic or natural disaster occur at some point in the future.

Identify flawed public sector decision making and processes and how to resolve them

In this section I give an overview of my complaints handling and systemic improvement work under the Ombudsmen Act (OA), including responding to other contacts. Detailed statistics can be found in [Part 7](#).

Under the OA, I can investigate public sector agencies' administrative conduct by way of a complaint or on my own initiative. My independent oversight assists public sector agencies to identify and correct administrative deficiencies, including when significant or systemic issues are identified. In doing so, I provide a means of improving administration and decision making over time. In this context, I:

- provide resolution-oriented and impartial complaint handling;
- undertake interventions and investigations to identify where administrative practices, resources, and systems are vulnerable;
- broker resolutions, form opinions, and make recommendations;
- provide advice to agencies and support them to resolve complaints; and
- report on and monitor the implementation of my suggestions and recommendations.

I continue to report on the outcome of key complaints and investigations to assist in improving administrative practice across the public sector.

Decision not to return bear skin specimen (517937)

The complainant arrived in New Zealand with a bear skin from overseas. As they did not have the required permit, the specimen had to be surrendered under the Trade in Endangered Species Act 1989 (TIES).

My investigation considered whether the Department of Conservation gave reasonable consideration to exercising its discretion under section 42 of TIES in determining how to appropriately deal with the specimen.

I considered that the legislation governing the importing of such specimens makes it clear that a permit must be presented with the specimen upon arrival in New Zealand. The legislation gives the Department some discretion in determining how to appropriately deal with a specimen. However, the Department explained why it did not consider it appropriate in this instance to either return the specimen to the complainant's family or retain it for educational or identification purposes.

The Chief Ombudsman therefore formed the opinion that the Department did not act unreasonably in determining how to deal with the specimen.

Read the full case note at www.ombudsman.parliament.nz

Incoming complaint management during the pandemic

In addition to my standard assessment criteria, during the pandemic I have utilised a triage checklist to assist in the prioritisation and allocation of complaints where:

- there are significant health and safety issues;
- the complainant is in a vulnerable situation; or
- the matter has an imminent deadline or pressing urgency.

During the second half of 2019/20, incoming complaints were monitored to identify themes, trends, and new and emerging issues related to COVID-19. As a practical measure, similar types of enquiries and complaints were managed together to accommodate resource constraints on public sector agencies as well as to ensure consistent and timely consideration of the matters raised. This approach enabled me to quickly build common areas of knowledge and experience in new and developing areas of government activity, which in turn increased my ability to resolve or finalise complaints quickly.

Between March and June 2020, I received 466 COVID-19 specific complaints and other contacts. These cases can be broken down to 46 percent Ombudsmen Act (OA) complaints, 12 percent official information complaints, and 42 percent other contacts.

Almost half of the COVID-19 OA complaints concerned border exceptions (21 percent), managed isolation and quarantine (19 percent), and prisons (seven percent). I continue to analyse the data on incoming COVID-19 complaints to inform ongoing work in these areas and to elicit learnings for potential major events in the future.

Border exception complaints are when people outside New Zealand are refused entry because of New Zealand's current border closure. Complaints in this area alleged a general inconsistency and lack of clarity in the criteria being applied to the consideration of entry applications. In my investigations of the complaints, I acknowledged

the high threshold set by the Government for exceptions to the border closure, and efforts taken by Immigration New Zealand in liaison with my staff to strengthen internal checks to ensure fairness in applications. However, I have continued to monitor for signs that wider action may be warranted.

Managed isolation and quarantine (MIQ) complaints related generally to the refusal of applications for (usually humanitarian) exemptions from the requirement to remain in MIQ for 14 days. During the time these decisions were made by the Ministry of Health, I engaged directly with the Director-General of Health about the clarity of the criteria being used and the options available for review. As well as progressing the individual complaints, I worked with the Ministry on a systemic resolution to enhance its processes. As a result of my intervention, the Ministry clarified information for the public about the managed isolation exemption process, and set up an expedited system for complaint resolution. I have continued regular engagement with the Ministry of Business, Innovation, and Employment (MBIE) on the issue since it assumed responsibility for managing these applications.

COVID-19 complaints about prisons aligns with the significant proportion of complaints I receive from prisoners. In addition to undertaking OPCAT inspections, I monitored the impact of the COVID-19 response on people in the prison system more generally, both through the complaints I received and general systemic monitoring (discussed in more detail below).

Complaints

I received a total of 8,325 OA complaints and other contacts in 2019/20. This is an overall increase of 11 percent from last year. These cases were made up of 2,811 complaints (19 percent increase) and 5,514 other contacts (eight percent increase). Eighty-five percent of complaints were received from the general public and 12 percent were from prisoners (comparatively, 37 percent of other contacts were from prisoners). This reflects the intent of the legislation, which is to provide recourse for people personally affected by the administrative conduct of public sector agencies. I have adapted to the significant increase in complaints and other contacts with proactive and reactive action in an evolving environment and in the context of newly emerging issues.

In 2019/20, I completed a total of 8,178 OA cases, comprising of 2,665 complaints and 5,513 other contacts. This represents a 10 percent increase in OA cases completed as compared to 2018/19.

Agencies

Fifty percent of OA complaints were made against central government agencies. Other public sector agencies accounted for 24 percent of OA complaints and 16 percent were made against local government agencies. These figures continue to be consistent year on year.

The agencies generating significant numbers of complaints tend to be ones that interact with, and impact upon, large numbers of people. These agencies have been consistently the highest complained about over the years. [Part 7](#) includes a breakdown of agencies that received 15 or more complaints within the reporting year.

In line with the high proportion of other contacts received from prisoners, 42 percent of other contacts concerned the Department of Corrections.

Outcomes

Other contacts

If I am contacted prior to a complaint being made in writing, this is my first opportunity to consider the best course of action for the individual. Of all of the other contacts I received, 76 percent of them related to OA matter.

Of the 5,513 other contacts on OA matters, the majority of them were dealt with by either providing an explanation, advice, or assistance or advising the person to complain to the agency first. Recourse to the Ombudsman should be a matter of last resort. It has been a long-standing practice of Ombudsmen not to intervene in a matter if the agency complained about has not had an adequate opportunity to respond to any complaints first. I generally expect a complaint to have been sent first to either the chief executive of the agency or to the agency's nominated complaints service.

I invited 607 individuals (eight percent) to complain to me in writing as they had already exhausted all other options.

Decision not to accept marriage certificate as proof of surname change (518178)

A complainant wanted to change her name to her married name with Inland Revenue (IR). She filled out the IR238 form, 'Have you changed your name, address or phone number?', which lists a marriage certificate as one of the accepted supporting documents.

IR informed the complainant that they were unable to accept her name change without a deed poll or statutory declaration. IR's Complaint Management Service then advised that a Name Change Certificate from Births, Deaths and Marriages would be required and that the IR238 form would be updated accordingly.

Following preliminary inquiries from my Investigator, IR agreed to reconsider its decision. IR decided to reinstate the policy to accept marriage certificates as supporting documentation to evidence a name change which aligns with the existing requirements in the IR238 form. Accordingly, IR updated the complainant's name to her married name which resolved her concerns.

Read the full case note at www.ombudsman.parliament.nz

Complaints

In 2019/20, I obtained resolution for 48 percent of OA complaints that would otherwise have been subject to a full investigation.

I obtained 260 remedies this year for OA complaints; an 88 percent increase from 2018/19. The majority of these remedies were for the benefit of the individual, including reconsideration or changes to decisions, rectification of omissions and apologies. A detailed breakdown of the remedies is provided in [Part 7](#). The data supports my experience that public sector agencies are generally very receptive to Ombudsman investigations and inquiries, and willingly take the opportunity to examine their conduct and remedy any administrative deficiencies that have occurred.

When the matter is unable to be resolved, I form an opinion about the agency's decision, recommendation, act, or omission. I formed a final opinion in 150 complaints. Similar to official information complaints, two-thirds (66 percent) of my final opinions about OA complaints identified that no administrative deficiency was made by the agency.

In the 51 cases where I identified a deficiency, more than half (54 percent) were due to an unreasonable, unjust, oppressive, or discriminatory act, omission, or decision made by the agency. This year, I exercised my power to make 89 recommendations on OA complaints, all of which were accepted.

Response of Board of Trustees to parents' complaint about bullying (449186)

I received a complaint from the parents of a gifted, autistic student who was bullied at school. They were highly dissatisfied with the response from the Board of Trustees after waiting on it for a year. During this time, they removed their child from the school.

During my investigation, the Board disclosed that it had requested an independent review into the complaint without informing the parents. The resulting report was anonymous, unsigned, and undated. Additionally, the parents, the student, the teachers, and the dean had not been interviewed. The report did not address whether the school's policies and practices regarding bullying were fit for purpose.

I formed the opinion that the Board's response to the parents' complaint was unreasonable. It was unfortunate that the Board had not advised the parents of the independent review or provided them with an opportunity to engage with this process. The Board's letter to the parents was also unreasonable, given the school had been ineffective in stopping the bullying and the resultant effect on their child.

The Board complied with my recommendation that it apologise to the parents for its handling of their complaint.

Read the full case note at www.ombudsman.parliament.nz

Timeliness and quality assurance

Timeliness and quality assurance, which is reported across all complaint types, is discussed above in the section *Ensure official information is increasingly available and not unlawfully refused*, at [Office Performance](#).

Children in care

In April 2019, the Government announced a strengthened independent oversight regime for Oranga Tamariki—Ministry for Children. In recognition of the Ombudsman's established capability and expertise in the area of complaints, Parliament confirmed that the Ombudsman would take on an enhanced complaints and investigations oversight function as part of the new monitoring framework. My jurisdiction will also be expanded to include organisations approved by the Ministry to provide care for children. The legislation setting up the new regime is scheduled to be passed in 2022.

This role means the Ombudsman will:

- investigate and resolve complaints about agencies in the Oranga Tamariki system;
- monitor systemic issues and undertake resolutions and investigations where appropriate;
- be notified of any serious and significant incidents;
- have additional powers to obtain information and work with other oversight bodies;
- have explicit duties requiring engagement with, and a focus on improved outcomes for, Māori; and
- operate a common doorway for complaints relating to a child in care that span government agencies.

Cancellation of access between mother and son due to COVID-19 Alert Level 4 lockdown (524040)

In preparation for the nationwide-lockdown due to the COVID-19 pandemic, a Health Act Notice was issued that required everyone to stay at their current place of residence, except for essential personal movement. Oranga Tamariki (the Ministry) advised the complainant that her usual weekly access with her son, who is in the Ministry's care, was cancelled and replaced with contact by telephone and other electronic means.

The complainant considered this was contrary to the advice on the COVID-19 website that shared care between parents could continue if both parents lived in the same city or town.

As the complainant did not have a shared care arrangement, but court ordered access, the advice on the COVID-19 website about shared care was not applicable to her situation. However, under the Health Act Notice 'shared bubbles' were allowed between two homes if one of the homes was a person living alone. As the complainant lived alone, this could have applied to her.

The Ministry advised that as part of the response to COVID-19, it had decided to reduce movement of children outside of their 'bubble', and to have face-to-face contact only where there were critical or urgent needs. The Ministry did not consider that there were critical or urgent needs in the complainant's case.

I considered that by setting such a high threshold for face-to-face access to continue, the Ministry had essentially created a blanket rule that was not required by the Health Act Notice. The Health Act Notice did not require all face-to-face access to be cancelled; it depended on the circumstances of children and their family.

I formed the final opinion that the Ministry had acted unreasonably by looking only at whether there was an urgent or critical need for access and failing to consider the complainant's overall circumstances.

The Ministry reinstated access during Alert Level 3 and I recommended that an apology be made to the complainant.

Read the full case note at www.ombudsman.parliament.nz

In 2019/20, I began to prepare for this enhanced role, by:

- establishing a dedicated team to assist me to resolve and investigate complaints from and about children in care;
- commencing development of a specialised complaints process that applies a child-centric and te ao Māori approach for engaging with tamariki and rangatahi and their whānau;
- commencing development of systemic monitoring and intervention;
- undertaking my first systemic investigation into the Ministry's policies, procedures and practices relating to the removal of newborn pēpi;
- commencing research on engaging effectively with tamariki and rangatahi and their whānau, and development of digital communication and social media tools as well as increased kanohi ti ke kanohi (face-to-face) engagement; and
- developing the cultural competence of staff.

Over 2019/20, I received 129 complaints against the Ministry, and a further 257 other contacts. This is a significant increase of 60 percent and 25 percent, respectively, on the previous year.

Complaint from a young person in a Care and Protection Residence (523061)

I received a complaint from a young person about the length of time she had spent in a Care and Protection Residence (28 months in total) and the time it was taking to hear about a potential placement.

After discussions with Oranga Tamariki (the Ministry) and a provider, the young person was led to believe a placement had been found. However, the provider then declined the placement which further extended the young person's time in the Residence, causing immense upset.

After speaking to the young person and reviewing her file, I formed the final opinion that the Ministry had acted unreasonably. The young person had remained in the Residence for too long and the Ministry should have been more proactive in finding a placement and maintained a higher level of oversight.

During my investigation, an apology was made to the young person and the Ministry secured a bespoke placement for which planning was underway.

I recommended regular updates to the young person, fortnightly reports to me about the progress of the placement, and that when the young person leaves the Residence she receive an acknowledgement that the length of time she spent there was undesirable.

Read the full case note at www.ombudsman.parliament.nz

Systemic improvement

As part of an extensive systemic monitoring and early intervention programme I have been developing, I completed two systemic resolutions with the Ministry of Health this year. The first of these resolutions improved the residential placement of an intellectually disabled person. The second concerned the Ministry's process for managing applications for exemption from the 14 day managed isolation period for those arriving in the country during the COVID-19 pandemic.⁴⁴

The impact of the nationwide COVID-19 response on prisoners was one of my primary concerns, in light of the potential for restriction of both prisoners' access to essential services and the meeting of their minimum entitlements. In addition to OPCAT inspections,⁴⁵ I kept a close eye on the emergence of any issues requiring action at a systemic level. One matter of concern was the level of assurance that the Department of Corrections had been able to provide that all prisoners were receiving their minimum entitlement of at least one hour out their cell with access to fresh air. In response to my enquiries, the Chief Executive of the Department arranged for an audit of unlock hours over a one week period for each prison during the transition between Levels 4 and 3. While this demonstrated a high compliance rate with the minimum entitlement, I remained concerned that the Department lacks a system for monitoring unlock hours for each prisoner through a standardised system of recording. The Chief Executive has committed to working on a suitable solution to this problem.

During the year, I also had three major systemic improvement investigations underway.

One investigation concerns the Ministry of Health's role in providing facilities and services for the care and rehabilitation of intellectually disabled people with high and complex needs. In particular:

- The capacity in the system to admit and treat individuals referred by the Courts under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (IDCCR Act) who require a secure hospital-level bed.
- The adequacy of facilities and environments for the care of people with intellectual disabilities, including:
 - longer-term clients with higher needs;
 - women clients; and
 - youth clients.
- The adequacy of workforce planning by the Ministry to ensure the availability of trained staff to work in the high and complex needs framework.

I am taking a case study approach to highlight any systemic issues found.⁴⁶ By the end of this reporting year the active investigation stage was largely complete and I was in the process of analysing the information I had gathered.

I also completed a complementary investigation into the Ministry of Health's collection, use, and reporting of information following the deaths of people with intellectual disabilities receiving full-time residential support. The investigation was completed in June 2020 and my report, *Off the Record* was tabled and published soon after.

⁴⁴ Further detail about this intervention in the *Incoming complaint management during the pandemic* section.

⁴⁵ Also see *Prisons Visits and Inspections* section.

⁴⁶ My report on this investigation will be completed in early 2021. Read the media release at <https://www.ombudsman.parliament.nz/news/chief-ombudsman-commences-two-investigations-ministry-health-and-its-services-people> (available in Easy Read format).

Off the Record

I investigated the Ministry of Health's (the Ministry's) collection, use, and reporting of information about the deaths of people with intellectual disabilities receiving full-time residential support.

Information about health outcomes for New Zealanders with intellectual disabilities is limited but the data that does exist shows their overall health outcomes are poorer and their life expectancies significantly lower (by 20 years on average) than the population at large. Good data, used effectively, is fundamental to improving the lives and life expectancy of people with intellectual disabilities, including by helping to prevent premature or avoidable deaths, reducing inequities, and promoting a more inclusive society.

The Ministry is responsible for leading New Zealand's health and disability systems. It also funds, purchases, and monitors disability support services, including full-time residential support for more than 6000 people with intellectual disabilities, giving rise to quality assurance and quality improvement obligations. I commenced this investigation as it was not clear to me that, when it came to the collection, use, and reporting of information about the deaths of people with intellectual disabilities, the Ministry's practices were administratively sound, or consistent with its responsibilities and obligations to ensure providers were delivering quality care and support, and to reduce health disparities.

My investigation report, [Off the Record](#), sets out my findings based on an examination of the data collected by the Ministry for the deaths of 108 people over a two-and-a-half year period, with a particular focus on a sample of 41 deaths.

I found that the Ministry's arrangements for collecting information about the deaths of its service users were not adequate or robust. The systems and processes did not support the collection of information that was complete, accurate, or sufficient. They did not provide a sound basis for staff to determine whether there was a need for further enquiry or other follow-up action. In the absence of clear guidance for staff, the follow-up that did occur appeared to have been limited and inconsistent. There was no internal audit process that might have identified issues and record-keeping was not adequate. Significantly, there was no evidence to indicate that the information the Ministry collected, or should have collected, was used to inform its own service or policy development, or shared with residential support providers in ways that might support their quality improvement efforts.

In the course of my investigation the Ministry implemented a number of changes to improve its administrative processes, most notably with the introduction of a new standard operating procedure for the management of death notifications for people accessing residential support. I made 10 recommendations aimed at ensuring the new approach is fully effective and sustainable, and which look to additional opportunities for improvement. These included a recommendation that the Ministry establishes an audit process to ensure relevant information is being shared, and records are up to standard. I also recommended that the Ministry takes steps to ensure an appropriate level of review following a death.

The Ministry accepted my recommendations and set up a work programme to implement them, on which I am receiving regular reports.

Read the full opinion at www.ombudsman.parliament.nz

My third systemic investigation underway during 2019/20 examined the Ministry's policies, procedures, and practices relating to the removal of newborn pēpi. This investigation focused on:

- the Ministry's decision making around applications to the Court for section 78 interim custody orders (without notice) for newborns and unborn pēpi; and

- the Ministry's removal of newborns, after section 78 interim custody orders (without notice) have been granted by the Court.

My investigation involved extensive inquiries around the country. By the end of this reporting year, I was in the process of formulating my provisional opinion.⁴⁷

Learn from, and assist to develop, international best practice

New Zealand was the first country outside Scandinavia to establish an Ombudsman in 1962. The New Zealand Ombudsman is a member of the International Ombudsman Institute (IOI), which is the only global organisation of Ombudsman institutions, and currently comprises 205 independent Ombudsman member institutions from over 100 countries.

The IOI describes the role of an Ombudsman as:

...to protect the people against violation of rights, abuse of powers, unfair decisions and maladministration. They play an increasingly important role in improving public administration while making the government's actions more open and its administration more accountable to the public.

Three of our past Chief Ombudsmen have held the Presidency of the IOI.⁴⁸ I am currently a Director of the Asia-Pacific Ombudsman Region (APOR) of the IOI and was recently re-elected President of APOR. As Regional President, in 2019/20 I continued my programme of official

visits to colleagues in the Pacific region to promote good governance, integrity, and anti-corruption.

The Ombudsman model developed by New Zealand has been widely copied throughout the Ombudsman world and our advice and experience is sought out by other countries. The systems and processes we employ are widely viewed as international best practice.

I assist integrity institutions in other countries by working with them to lift regional and international best practice. I also work with others around the world to build and improve tools, frameworks, methodologies and resources, and improve my own practices by benchmarking internationally. I do this by:

- building quality relationships and partnerships with other integrity institutions and integrity focused organisations;
- building on our experience of cross-cultural relationships in New Zealand, and actively seeking to understand cultural diversity and local circumstances;
- identifying best practice issues; and

⁴⁷ This investigation was completed outside of the current reporting year, in August 2020 and the report is available at <https://www.ombudsman.parliament.nz/resources/he-take-kohukihuki-matter-urgency>.

⁴⁸ Sir John Robertson was a Director of the International Ombudsman Institute from 1988 and President of the IOI for two years from 1992 to 1994; Sir Brian Elwood was President of IOI from 1999 to 2003; and Dame Beverley Wakem was President of IOI from 2010 to 2014.

- ensuring that my international work is co-ordinated with other New Zealand agencies.

I am committed to learning from and fostering relationships with other nations' integrity organisations. This includes hosting visiting international delegations, participating in international Ombudsman and Information Commissioner networks, and providing training and assistance to international Ombudsmen or Ombudsman-type organisations.

In 2019/20, I completed the first year of a four-year programme of work to support and learn from fellow integrity institutions in the Asia-Pacific region. I developed a comprehensive strategy for my work in this area in consultation with key stakeholders. I also recruited a specialist International Development and Engagement team to carry out this work, in liaison with our staff with subject matter expertise in Ombudsman work.

Training and assistance

In July 2019, in collaboration with Ombudsman colleagues from Australia, and with a small grant from the International Ombudsman Institute (IOI), I delivered an *Investigator Training Workshop* for Ombudsmen staff across the Pacific.

In September 2019, I was invited to provide high level support to Malaysia in the setting up of an Ombudsman as a key democratic accountability mechanism.

I hosted the Inaugural Pacific Ombudsman Leadership Forum, from 25-27 February 2020. The two-and-a-half day workshop was attended by 15 Pacific delegates from the Cook Islands, Kiribati, Papua New Guinea, Samoa, the Solomon Islands, Tonga, Tuvalu, and Vanuatu. The theme of the two day forum was 'Ombudsmen: Trusted Leaders.' The forum provided the opportunity for the Pacific delegates to actively participate in workshops and share knowledge and experiences.

The advent of the global COVID-19 pandemic in 2020 required me to review and adjust my plans in this area and provided the opportunity to rethink how to best engage with my overseas colleagues. Virtual communications, which started out of necessity due to travel restrictions, provided me with new opportunities for carrying out my work programme in this area. As a result, I initiated remote mentoring, provided webinars, and looked to shared technology.

I provided guidance to Ombudsman leaders in the wider Asia-Pacific region by delivering a series of virtual performance management workshops. I also delivered a webinar that had global attendance on how I met my obligations under OPCAT during the COVID-19 pandemic.

I have begun to work more closely with selected partner countries to develop bespoke partnership programmes. As part of these partnership programmes, I have scoped focused work programmes with Vanuatu and the Cook Islands, and provided mentor support on complaints handling and advice on annual reporting. I work with my Ombudsman colleagues in ways that are most useful to them to help with their own goals and initiatives, as well as to learn from their own practices.

Visits and delegations

In November 2019, I hosted Vanuatu's sixth Ombudsman, Hamlison Bulu, for a week long tailored programme covering the Ombudsman's role and functions as a part of his professional development as a new Ombudsman.

After expressing an interest in wanting to familiarise himself with my systems, I invited Sri Lankan Ombudsman, Justice Kankani Tantri Chitrasiri, to spend time in my Wellington and Auckland offices during November 2019. This provided Justice Chitrasiri the opportunity to extend his knowledge of the functions and monitoring mechanisms of the New Zealand Ombudsman.

The Pacific Regional Conference on Anti-Corruption was held in Tarawa, Kiribati on 3-5 February 2020. I was represented within the New Zealand delegation. The Conference's theme was '*Pacific Unity Against Corruption*'.

In February 2020, I attended a ceremony in Bangkok to sign a memorandum of understanding (MOU) with the Thai Ombudsman General Viddhavat Rajatanun. The MOU sets out how we will work together for promoting good governance, integrity, and human rights across the Asia and Pacific regions.

During 2019/20 I also hosted delegations from the Office of the Ombudsman Thailand, Ministry of the Interior and Safety of South Korea, Ministry of Justice of Tuvalu and Tonga, Ministry of Social Welfare Resettlement and Rehabilitation of Myanmar, Joint Committee of the Australian Commission for Law Enforcement and Integrity of Australia, and Aarhus Convention Compliance Committee from the United Nations.

Networks

I maintained awareness of international development initiatives through membership of:

- IOI and APOR;
- Australia and New Zealand Ombudsman Association (ANZOA);
- Association of Australasian Information Access Commissioners (AIAC); and
- Australasian Parliamentary Ombudsman and Deputy Ombudsman Network.

As a result of this membership, I:

- attended the 31st APOR Conference, '*The Ombudsman's Role in Human Rights Protection*' hosted by the Control Yuan between 25-27 September 2019 in Taipei, Taiwan;
- attended ANZOA, AIAC and Australasian Parliamentary Ombudsman meetings and forums; and
- published a 6-monthly newsletter, *Wakatangata*, focussing on issues in Australasia and the Pacific.

5

Organisational health and capability



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Financial and asset management

In 2019/20, I continued to operate under tight fiscal conditions. Vote Ombudsmen is small, with an appropriation of \$23.945 million (excluding GST) for the year ended 30 June 2020. Personnel and accommodation costs accounted for 74 percent of the actual amount spent. The remaining spending was primarily on service contracts, maintenance, depreciation, travel, and communication.

There is little expenditure of a discretionary kind. What discretionary financial resources do exist are allocated in a planned, prioritised, and contestable manner. The allocation of every dollar is closely scrutinised to ensure the investment is the best use that can be made of the limited resources available.

Discretionary funding may be spent on special projects or staff training and is overseen by my Executive Committee.

Greentree accounting and reporting software is my primary accounting tool. The financial reports generated by the system deliver detailed information on a business unit basis and are reported monthly to senior management. A range of internally developed spreadsheets use information generated from Greentree to provide budget projections for the current and future years. These contribute to the effective use of my assets, and assist in identifying any potential problems at an early stage. Greentree continues to be enhanced to ensure its efficiency and provide a better service to both the finance team and budget managers.

When procuring goods and services, I seek the best price possible by negotiation or competitive quote. I also negotiate term supply arrangements where there is an identified potential for savings.

I work closely with the Treasury and Audit New Zealand. The liaison allows me to benefit from their advice and guidance in matters relating to improving transparency of performance and

reporting systems, and ensures there is a sound understanding of the working environment and issues I face.

The allocation of every dollar is closely scrutinised to ensure the investment is the best use that can be made of the limited resources available.

My staff

As at 30 June 2020, I had 133 employees.⁴⁹

The regional breakdown was:

- Auckland (10 percent—13 people)
- Christchurch (4 percent—6 people)
- Wellington (86 percent—114 people)

In terms of gender representation:

- 69 percent of my staff are female
- 31 percent of my staff are male

Further details are set out below.

Role	Number	% of total staff	% Female	% Male
Senior Managers (excluding Chief Ombudsman)	6	4	50	50
Managers	15	11	60	40
Operations staff	66	50	68	32
Specialist staff	22	17	77	23
Administration and support staff	24	18	79	21

In terms of working arrangements, 50 percent of employees were covered by an individual employment agreement as at 30 June 2020 and 50 percent of employees were covered by the one Collective Agreement. Of the permanent employees, 14 percent work part-time.

My work is very interesting, however employee turnover is inevitable for a variety of reasons. My staff are highly trained and are in-demand within the wider public sector, other integrity agencies, and law firms. Seven staff left voluntarily in the 2019/20 year, resulting in a voluntary staff turnover for the year of seven percent.

During the course of the year, I completed four reviews of my organisational structure, namely:

- A review of my senior management structure to ensure it is best set up to support a stable and professionally run organisation as it continues to grow both in size and jurisdiction.

- A review of my OPCAT team structure to address the new teams required to assist me carry out my newly extended designation to monitor the treatment of people detained in privately-run aged care facilities, court cells, and prisoners otherwise in the custody of the Department of Corrections.
- A review of the roles required to support my increased function to oversee the Oranga Tamariki system and complaints from children in care.
- A review of the roles required for a new International Development and Engagement Team to assist me deliver my new international development and engagement strategy and work programme for the Asia-Pacific region.

I also commenced work on reviewing the resources required in both my Strategic Advice and Communications teams to better support the delivery of the increasing workload and the new jurisdictions assigned to me.

⁴⁹ As at 30 June 2020, there were 148 workers, comprising 133 employees and 15 contractors. These figures do not include vacancies, casuals, or staff on parental leave. Temporary resources were engaged to assist in the delivery of key priority projects as necessary.

People performance and capability

The COVID-19 pandemic brought considerable challenges to the delivery of core functions, under rapidly imposed lockdown conditions. This required an agile response, guided by a pandemic plan to ensure my staff were able to work remotely in an efficient and safe manner and feel supported during a time of considerable uncertainty and anxiety.

My staff demonstrated a high level of agility and resilience in quickly gearing up for working from home during lockdown. They maintained high levels of productivity and developed greater confidence in the use of mobile technology.

I actively monitored the guidelines and advice prepared by the Government, Ministry of Health, and WorkSafe New Zealand. When it was appropriate and safe to do so, I supported my staff as they transitioned back to working in the office and the associated changes to their working environment that were needed.

In 2019/20, I focused on resourcing and enhancing the capability of my staff to support my work, including newly acquired jurisdictions:

- significant and successful external recruitment drives;
- a review of on-boarding procedures to cope with the influx of new staff;
- a review and update of some of existing human resources policies and practices;
- the expansion and reorganisation of my People & Capability team to support a larger and more complex organisation;
- continued investment in individualised leadership and management development programmes for new and existing managers;
- ongoing upskilling of my staff, particularly in the areas of Māori engagement skills;
- scoping the requirements for a Learning Management System to increase the scope and reach of my internal and external training programmes;

- identifying opportunities for professional development for my staff to develop specific skills, including internal secondments and project work; and
- the introduction of new health and safety initiatives, including a further review and improvement of health and safety requirements for visiting place of detention, and increased health and safety representatives to represent growing work groups.

In line with my strategic vision, I have undertaken to develop a programme to instil cultural competence and confidence in my staff. This action is also in response to the expected statutory requirements in my enhanced children in care oversight function.

Information management

I have continued work this year on reviewing and improving my information management technologies, structure, and related policies, processes, and practices.

All complaints and other contacts records in electronic format are stored in a customised case management system (CMS). The CMS was upgraded in 2010 and has since been modified and enhanced via process change requests. This system no longer meets my current and future

needs and is being replaced. The first phase of this is complete and the second phase is in development.

Investment in systems and mobile devices ensured that my staff were able to operate remotely during Alert Levels 4 and 3 of the pandemic. I also gained significant insights into my operational processes and case flows through the use of business intelligence tools.

Risk management

My 2019/23 *Strategic Intentions* identified the key risks, and set out the strategies I would use to manage these risks. In summary, the key risks are:

- damage to the Ombudsman's credibility or reputation;
- work pressures and finite resources;
- loss of relevance; and
- loss of international credibility and reputation.

I also face staffing and accommodation risks, including those arising from:

- the departure of key staff and the consequent loss of expertise and experience;
- physical and electronic security;
- impacts on staff health and safety, and the efficient use of our resources arising from unreasonable complainant conduct; and
- disasters including fire and earthquakes.

All of these risks were key factors influencing my priorities during pandemic planning. They were also core drivers for my actions and response to the work as an essential service during the COVID-19 lockdown period.

I already had targeted measures in place to manage these specific risks. In the past two years in particular, I had invested in projects aimed at developing organisational values, promoting positive health and safety policies and practices in the workplace, and enabling my staff to be confident in both responding appropriately in an emergency and ensuring business continuity when faced with a significant event. I had ensured regular table top exercises had taken place with my senior management team to ensure our plans were up to date and relevant. I also had engaged a consultant in 2019/20 to independently review my executive risk management framework and the currency of the mitigation plans and initiatives I was relying on. As a result, my senior management team and I were well-placed to respond quickly and adjust plans with agility and confidence in a situation which was fast-moving, novel, and unprecedented.

6

Financial and performance

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Statement of responsibility

I am responsible, as Chief Ombudsman, for:

- the preparation of the Office's financial statements and the statements of expenses and capital expenditure and for the judgements expressed in them;
- having in place a system of internal control designed to provide a reasonable assurance as to the integrity and reliability of financial reporting;
- ensuring that end-of-year performance information on the appropriation administered by the Office is provided in accordance with sections 19A to 19C of the Public Finance Act 1989, whether or not that information is included in this Annual Report; and
- the accuracy of any end-of-year performance information prepared by the Office, whether or not that information is included in the annual report.

Peter Boshier

Chief Ombudsman
30 November 2020

In my opinion:

- these financial statements fairly reflect the financial position of the Office of the Ombudsman for the year ended 30 June 2020 and its operations for the year ended on that date; and
- the forecast financial statements fairly reflect the forecast financial position of the Office of the Ombudsman as at 30 June 2020 and its operations for the year ending on that date.

Meaw-Fong Phang

Manager Finance, Administration and
Business Services
30 November 2020

Independent Auditor's Report

To the readers of the Office of the Ombudsman's annual report

for the year ended 30 June 2020

The Auditor-General is the auditor of the Office of the Ombudsman (the Office). The Auditor-General has appointed me, Andrew Clark, using the staff and resources of Audit New Zealand, to carry out, on his behalf, the audit of:

- the financial statements of the Office on pages 68 to 87, that comprise the statement of financial position, statement of commitments, statement of contingent liabilities and contingent assets as at 30 June 2020, the statement of comprehensive revenue and expense, statement of changes in equity, and statement of cash flows for the year ended on that date and the notes to the financial statements that include accounting policies and other explanatory information;
- the performance information prepared by the Office for the year ended 30 June 2020 on pages 14 to 49 and 62 to 67, comprising the outputs and operations, and the statement of objectives and service performance; and
- the appropriation statements of the Office for the year ended 30 June 2020 on pages 88 and 89.

Opinion

In our opinion:

- The financial statements of the Office on pages 68 to 87:
 - present fairly, in all material respects:
 - its financial position as at 30 June 2020; and
 - its financial performance and cash flows for the year ended on that date; and
 - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Standards Reduced Disclosure Regime.

- The performance information of the Office on pages 14 to 49 and 62 to 67:
 - presents fairly, in all material respects, for the year ended 30 June 2020:
 - what has been achieved with the appropriation; and
 - the actual expenses or capital expenditure incurred compared with the appropriated or forecast expenses or capital expenditure; and
 - complies with generally accepted accounting practice in New Zealand.
- The appropriation statements of the Office on pages 88 and 89 are presented fairly, in all material respects, in accordance with the requirements of section 45A of the Public Finance Act 1989.

Our audit was completed on 30 November 2020. This is the date at which our opinion is expressed.

The basis for our opinion is explained below. In addition, we outline the responsibilities of the Chief Ombudsman and our responsibilities relating to the information to be audited, we comment on other information, and we explain our independence.

The basis for our opinion is explained below, and we draw attention to the impact of Covid-19 on the Office. In addition, we outline the responsibilities of the Chief Ombudsman and our responsibilities relating to the financial statements and the performance information, we comment on other information, and we explain our independence.

Emphasis of matter – Impact of Covid-19

Without modifying our opinion, we draw your attention to the disclosures about the impact of the Covid-19 pandemic on the Office as set out in note 1 to the financial statements and pages 14 and 62 of the performance information.

Basis for our opinion

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board. Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

We have fulfilled our responsibilities in accordance with the Auditor-General's Auditing Standards.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of the Chief Ombudsman for the information to be audited

The Chief Ombudsman is responsible on behalf of the Office for preparing:

- financial statements that present fairly the Office's financial position, financial performance, and its cash flows, and that comply with generally accepted accounting practice in New Zealand;
- performance information that presents fairly what has been achieved with each appropriation, the expenditure incurred as compared with expenditure expected to be incurred, and that complies with generally accepted accounting practice in New Zealand; and
- appropriation statements of the Office, that are presented fairly, in accordance with the requirements of the Public Finance Act 1989.

The Chief Ombudsman is responsible for such internal control as is determined is necessary to enable the preparation of the information to be audited that is free from material misstatement, whether due to fraud or error.

In preparing the information to be audited, the Chief Ombudsman is responsible on behalf of the Office for assessing the Office's ability to continue as a going concern. The Chief Ombudsman is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless there is an intention to merge or to terminate the activities of the Office, or there is no realistic alternative but to do so.

The Chief Ombudsman's responsibilities arise from the Ombudsmen Act 1975 and the Public Finance Act 1989.

Responsibilities of the auditor for the information to be audited

Our objectives are to obtain reasonable assurance about whether the information we audited, as a whole, is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit carried out in accordance with the Auditor-General's Auditing Standards will always detect a material misstatement when it exists. Misstatements are differences or omissions of amounts or disclosures, and can arise from fraud or error. Misstatements are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of readers, taken on the basis of the information we audited.

For the budget information reported in the information we audited, our procedures were limited to checking that the information agreed to the relevant Estimates and Supplementary Estimates and Additional Supplementary Estimates of Appropriation for 2019/20, and the 2019/20 forecast financial figures included in the Office's 2018/19 annual report.

We did not evaluate the security and controls over the electronic publication of the information we audited.

As part of an audit in accordance with the Auditor-General's Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. Also:

- We identify and assess the risks of material misstatement of the information we audited, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- We obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office's internal control.
- We evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Chief Ombudsman.
- We evaluate the appropriateness of the reported performance information within the Office's framework for reporting its performance.
- We conclude on the appropriateness of the use of the going concern basis of accounting by the Chief Ombudsman and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Office's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the information we audited or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Office to cease to continue as a going concern.
- We evaluate the overall presentation, structure and content of the information we audited, including the disclosures, and whether the information we audited represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Chief Ombudsman regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Our responsibilities arise from the Public Audit Act 2001.

Other information

The Chief Ombudsman is responsible for the other information. The other information comprises the information included on pages 2 to 119, but does not include the information we audited, and our auditor's report thereon.

Our opinion on the information we audited does not cover the other information and we do not express any form of audit opinion or assurance conclusion thereon.

Our responsibility is to read the other information. In doing so, we consider whether the other information is materially inconsistent with the information we audited or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on our work, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Independence

We are independent of the Office in accordance with the independence requirements of the Auditor-General's Auditing Standards, which incorporate the independence requirements of Professional and Ethical Standard 1 (Revised): Code of Ethics for Assurance Practitioners issued by the New Zealand Auditing and Assurance Standards Board.

Other than in our capacity as auditor, we have no relationship with, or interests, in the Office.

Andrew Clark
Audit New Zealand
On behalf of the Auditor-General
Wellington, New Zealand

Statement of objectives and service performance for the year ended 30 June 2020

This section provides detailed reporting on our performance against our targets. Key targets are included in *The Estimates of Appropriations for the Government of New Zealand for the year ended 30 June 2020*. Full details can be found on the Treasury's website.

The general impacts of COVID-19 on service performance during the reporting period were 466 complaints and other matters were received concerning COVID-19 matters; 27 COVID-19 focused inspections of places of detention were conducted during Alert Levels 4, 3, 2 and 1; and some proactive work was re-prioritised to ensure there was sufficient resource available for complaints, enquiries and inspections. Further detail is provided in footnotes below.

Investigation and resolution of complaints about government administration

Performance measures	2019/20	2019/20	2018/19
	Budget standard	Actual	Actual
IMPACT MEASURES			
Overall quality of public services maintained or improved over time (amended measure)	75 points or higher in Kiwis Count Survey	77 points⁵⁰	77 points
New Zealand ranked as one of the leading countries in public service probity ⁵¹	NZ in top 3 on average over next 5 years	In 2019, New Zealand ranked first⁵²	In 2018, New Zealand ranked second
Output 1 – Inform the public to enable them to take constructive action to realise their right			
DEMAND-DRIVEN MEASURES			
# of new or updated external resources and presentations for the public (amended measure) ⁵³	55	106⁵⁴	52
# of media mentions of the Ombudsman	1,100	1,267	1,172
# of unique visitors to Ombudsman website	82,500	108,947⁵⁵	89,162

50 As at December 2019, see <http://www.ssc.govt.nz/kiwis-count>.
 51 Using the Transparency International Corruption Perceptions Index to track perceptions of public trust in government in New Zealand.
 52 See <https://www.transparency.org/>
 53 Including speeches, presentations, interviews, media statements, resources, and training sessions provided via the website or to public forums, media, opposition research units, and community organisation
 54 The measure was amended to specifically include interviews and media statements, which resulted in a higher than forecast number.
 55 A new website was launched in the reporting year.

Performance measures	2019/20	2019/20	2018/19
	Budget standard	Actual	Actual
PROACTIVE MEASURES			
% of members of the public who have heard of the Ombudsman	70%	77%	76%
% of complainants who found the Ombudsman website useful ⁵⁶	80%	82%	90%

Output 2 – Improve public sector capability to do its work and make decisions

DEMAND-DRIVEN MEASURES			
# of requests for advice or comment ⁵⁷ from public sector agencies ⁵⁸ responded to	350	385	440
# of external speeches, presentations, and training sessions provided to public sector agencies	30	37	52 ⁵⁹

PROACTIVE MEASURES			
% of public sector agency participants in Ombudsman external training sessions who report the training will assist them in their work ⁶⁰	95%	97%	87%
# of guidance materials for public sector agencies produced or updated	30	252⁶¹	23
% of public sector agencies which report Ombudsman information resources assist them in their work ⁶²	80%	86%	81%
% of public sector agencies satisfied with our communication overall ⁶³	75%	83%	88%

56 Based on a survey of randomly selected complainants.
 57 Including on legislation, policies, procedures, administrative processes, and decision making.
 58 All references to public sector agencies include Ministers' offices.
 59 An increased number of public sector agency engagements in the 2018/19 year arose as a consequence of our investigations of agencies' official information practices, and resulting follow up support and training we were asked to provide.
 60 Based on a survey of training participants.
 61 A significant number of case notes from past complaints were produced in 2019/20 as part of a project to replace the existing website and improve the case note catalogue.
 62 Based on a survey of public sector agencies that were the subject of investigation in the reporting year.
 63 Based on a survey of public sector agencies that were the subject of investigation in the reporting year.

Performance measures	2019/20	2019/20	2018/19
	Budget standard	Actual	Actual

Output 3 – Formal consultation to assist public sector agencies to make specific decisions

PROACTIVE MEASURES

# of formal consultations completed	10–100 ⁶⁴	16	15
% of formal consultations completed within 3 months ⁶⁵ from date of receipt	100%	100%	100%

Output 4 – Enable serious wrongdoing to be disclosed and investigated and whistleblowers protected

DEMAND-DRIVEN MEASURE

# of requests and enquiries completed	60	74	90
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PROACTIVE MEASURES

% of requests and enquiries completed within 3 months ⁶⁶ from date of receipt	85%	100%	96%
% of completed requests and enquiries meeting internal quality standards, following random quality assurance check (new measure)	85%	85%	-
# of guidance materials and resources produced or updated that assist serious wrongdoing to be disclosed and investigated	2	2	2

Output 5 – Break down the barriers that prevent disabled people from participating equally in society

PROACTIVE MEASURES

# of reports, submissions, guides, and resources produced or updated that assist to break down the barriers that prevent disabled people from participating equally in society	3	8	7
% of external stakeholders ⁶⁷ satisfied that the Ombudsman provides an effective contribution to Independent Monitoring mechanism (IMM) activities	80%	100%	100%

64 The majority of these are consultations under section 241 of the Land Transport Act. The number of consults have ranged between 7 and 129 with no identifiable pattern since 2010.

65 Counted as 90 calendar days.

66 Counted as 90 calendar days.

67 Including Disabled Peoples' Organisations, Human Rights Commission, Office for Disability Issues, and Health and Disability Commissioner.

Performance measures	2019/20	2019/20	2018/19
	Budget standard	Actual	Actual

Output 6 – Improve the conditions and treatment of people in detention

PROACTIVE MEASURES

# of inspections and visits to places of detention	50	59	40
# of inspections and visits to places of detention (including COVID specific)	As above	84⁶⁸	As above
% of unannounced inspections and visits	60%	52%	90%
% of unannounced inspections and visits (including COVID specific) ⁶⁹	As above	36%⁷⁰	As above
% of reports sent to places of detention within 3 months ⁷¹ of inspection	95%	86%⁷²	95%
% of reports peer reviewed against internal quality standards	100%	100%	100%
% of formal recommendations accepted	80%	72%	92%

68 An additional 27 COVID-19 inspections were carried out on top of the pre-planned 2019/20 work programme, which were not contemplated at the time this measure was set.

69 During the course of the year, it was decided to announce all COVID-19 inspections for health and safety reasons, and a number of announced orientation visits to aged care facilities were conducted as part of setting up this new programme of work.

70 The internationally accepted standard is for at least one third of inspections to be unannounced.

71 Counted as 90 calendar days.

72 A COVID-19 inspection programme was set up in response to the global pandemic, which required resources to be pivoted to these inspections at short notice. Some other inspection reports were not able to be completed in the usual timeframes.

Outputs 7 & 8 – Complaint handling and investigations⁷³

DEMAND-DRIVEN MEASURES

# of official information complaints completed	1,550	1,724	2,198 ⁷⁴
# of official information other contacts completed	350	440	404
# of Ombudsmen Act 1975 (OA) complaints completed	2,100	2,665	2,355
# of OA other contacts completed	4,800	5,513	5,112

PROACTIVE MEASURES

% complaints and other contacts considered	100%	100%	100%
% net clearance rate ⁷⁵ of complaints	100%	98% ⁷⁶	97%
% net clearance rate of other contacts	100%	100%	100%
% of complaints completed within 3 months ⁷⁷ of receipt (amended measure)	70%	70%	72%
% of complaints completed within 6 months ⁷⁸ of receipt (amended measure)	80%	85%	88%
% of complaints completed within 12 months ⁷⁹ of receipt (amended measure)	95%	95%	97%
% of other contacts completed within 1 month ⁸⁰ from date of receipt	99%	99%	99%
% of complaints resolved prior to formal opinion ⁸¹	40%	43%	46%
% of complainants satisfied with our service (amended measure) ⁸²	60%	55%	41%
% of completed complaints and other contacts meeting internal quality standards, following random quality assurance check ⁸³	85%	82%	80%

73 Measures for Outputs 7 and 8 are combined. Refer to *Strategic intentions 2019/23*.

74 A significant proportion of the complaints received and completed in 2018/19 can be attributed to one party, who made 471 delay complaints against school boards of trustees.

75 '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.

76 The target for net clearance rate was set on the basis that expected intake levels would be around 3,650 new complaints for the 2019/20 year. However, 4,494 new complaints were received in the 2019/20 year. Adjusting for the multi-party complaint against 471 schools received in the 2018/19 year, this represents a 6% increase in complaints received in the 2019/20 year as compared to the 2018/19 year.

77 Counted as 90 calendar days.

78 Counted as 180 calendar days.

79 Counted as 365 calendar days.

80 Counted as 30 calendar days.

81 Measure does not include complaints which were outside an Ombudsman's jurisdiction, or referred to another complaint handling agency, or where the discretion not to investigate a complaint was exercised.

82 Based on a survey of randomly selected complainants. Selection does not include complainants where the discretion not to exercise a complaint was exercised.

83 I also have other measures in place to ensure quality, including review of all correspondence by senior staff with authorisation.

# of official information practice investigations completed	8	3 ⁸⁴	9
# of formal interventions ⁸⁵ for systemic improvement completed (amended measure)	2–5	3	0
% of OA and official information recommendations accepted	80%	100%	98%
% of public sector agencies satisfied the Ombudsman's opinions are fair ⁸⁶	75%	79%	68%

Output 9 – Learn from, and assist to develop, international best practice

DEMAND-DRIVEN MEASURES

# of international delegations and placements hosted	2–10	9	4
# of international initiatives participated in	2–10	11	5

PROACTIVE MEASURES

# of newsletters for Asia-Pacific Ombudsmen published	2	2	2
% of overseas stakeholders who report value in the guidance and training received from my Office ⁸⁷	95%	100%	100%

The cost of delivery of these results is detailed in the next section.

84 Completion of 16 official information practice investigations underway during 2019/20 was delayed due to the COVID-19 pandemic and the need to pivot resources towards complaint handling, OPCAT inspections and other urgent COVID-19 related work. These investigations are all programmed for completion in 2020/21.

85 Includes formal resolution initiatives and investigations.

86 Based on a survey of public sector agencies who were the subject of investigation in the reporting year.

87 Based on a survey of overseas stakeholders who received guidance and/or training.

Statement of comprehensive revenue and expense for the year ended 30 June 2020

30/06/19 Actual \$(000)		Notes	30/06/20 Actual \$(000)	30/06/20 Main estimates \$(000)	30/06/20 Supp. estimates \$(000)	30/06/21 Unaudited forecast IPSAS* \$(000)
Revenue						
18,624	Revenue Crown		23,945	23,880	23,945	33,265
18,624	Total revenue		23,945	23,880	23,945	33,265
Expenses						
10,948	Personnel costs	3	14,228	13,821	13,821	18,803
5,916	Other operating costs	4	7,250	8,870	8,935	12,777
570	Depreciation and amortisation	5	614	866	866	1,091
267	Capital charge	6	406	323	323	594
17,699	Total expenses		22,498	23,880	23,945	33,265
923	Surplus/(deficit)		1,446	-	-	-
-	Other comprehensive revenue and expense		-	-	-	-
923	Total comprehensive revenue and expense		1,446	-	-	-

Explanations of major variances against the original 2019/20 budget are provided in Note 17.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of financial position as at 30 June 2020

30/06/19 Actual \$(000)		Notes	30/06/20 Actual \$(000)	30/06/20 Main estimates \$(000)	30/06/20 Supp. estimates \$(000)	30/06/21 Unaudited forecast IPSAS* \$(000)
Assets						
<i>Current assets</i>						
7,622	Cash and cash equivalents		9,921	4,513	6,269	7,952
191	Other current assets	7	142	24	24	143
7,813	Total current assets		10,063	4,537	6,293	8,095
1,672	Property, plant and equipment	8	2,076	1,799	1,912	2,017
1,070	Intangible assets – software	9	942	3,788	1,919	2,179
2,742	Total non-current assets		3,018	5,587	3,831	4,196
10,555	Total assets		13,081	10,124	10,124	12,291
Liabilities						
<i>Current liabilities</i>						
1,237	Creditors and other payables	10	1,275	374	374	898
98	Leasehold incentive – current portion [^]		98	-	-	-
923	Return of operating surplus	11	1,446	-	-	-
896	Employee entitlements		1,077	467	467	951
3,154	Total current liabilities		3,798	841	841	1,849
<i>Non-current liabilities</i>						
19	Employee entitlements	12	19	18	18	19
619	Leasehold Incentives		521	620	620	522
638	Total non-current liabilities		540	638	638	541
3,792	Total liabilities		4,338	1,479	1,479	2,390
6,763	Net assets		8,645	8,645	8,645	9,901
Equity						
6,763	General funds	13	8,645	8,645	8,645	9,901
6,763	Total Equity		8,645	8,645	8,645	9,901

[^] This current liability has no liquidity impact.

Explanations of major variances against the original 2019/20 budget are provided in Note 17.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of changes in equity for the year ended 30 June 2020

30/06/19 Actual \$(000)		Notes	30/06/20 Actual \$(000)	30/06/20 Main estimates \$(000)	30/06/20 Supp. estimates \$(000)	30/06/21 Unaudited forecast IPSAS* \$(000)
4,442	Balance at 1 July		6,763	6,766	6,766	8,645
923	Total comprehensive revenue and expense for the year		1,446	-	-	-
	Owner transactions		-	-	-	-
2,321	Capital injections		1,882	1,879	1,879	1,256
(923)	Return of operating surplus to the Crown		(1,446)			
6,763	Balance at 30 June	13	8,645	8,645	8,645	9,901

Explanations of major variances against the original 2019/20 budget are provided in Note 17.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of cash flows for the year ended 30 June 2020

30/06/19 Actual \$(000)		Notes	30/06/20 Actual \$(000)	30/06/20 Main estimates \$(000)	30/06/20 Supp. estimates \$(000)	30/06/21 Unaudited forecast IPSAS* \$(000)
Cash flows from operating activities						
18,624	Receipts from Crown		23,945	23,880	23,945	33,265
(10,837)	Payments to employees		(14,047)	(13,857)	(14,282)	(18,351)
(5,503)	Payments to suppliers		(7,136)	(8,933)	(9,570)	(12,437)
(267)	Payment for capital charge		(406)	(323)	(323)	(594)
(292)	Goods and services tax (net)		(403)	-	-	-
1,725	<i>Net cash from operating activities</i>		2,356	767	(230)	1,883
Cash flows from investing activities						
(361)	Purchase of property, plant and equipment	8	(860)	(947)	(947)	(947)
(230)	Purchase of intangible assets – software	9	(156)	(1,135)	(1,135)	(509)
(591)	<i>Net cash from investing activities</i>		(1,106)	(2,082)	(2,082)	(1,456)
Cash flows from financing activities						
2,321	Capital injection		1,882	1,882	1,882	1,256
(542)	Return of operating surplus		(923)	-	(923)	-
1,779	<i>Net cash from financing activities</i>		959	1,882	959	1,256
2,913	Net increase / (decrease) in cash		2,299	567	(1,353)	1,683
4,709	Cash at beginning of the year		7,622	3,946	7,622	6,296
7,622	Cash at end of the year		9,921	4,513	6,269	7,979

Explanations of major variances against the original 2019/20 budget are provided in Note 17.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of commitments as at 30 June 2020

Non-cancellable operating lease commitments

The Office leases accommodation space and photocopiers as a normal part of its business in Auckland, Christchurch, and Wellington. There are no operating or unusual restrictions placed on the Office by any of its leasing arrangements.

The agreements for the photocopiers have a non-cancellable period, generally of five years. The accommodation leases are long-term and non-cancellable until expiry except if the premises become untenable under the terms of the lease agreement. The annual lease payments are subject to three-yearly reviews. The amounts disclosed below as future commitments are based on the current rental rate for each of the leased premises.

30/06/19 Actual \$(000)		30/06/20 Actual \$(000)
	Non-cancellable operating lease commitments	
1,418	Less than one year	1,452
1,418	One to two years	1,452
3,298	Two to five years	2,838
2,137	More than five years	1,243
8,271	Total non-cancellable operating lease commitments	6,985

I am not a party to any other lease agreements.

Capital commitments

I have no capital commitments as at 30 June 2020 (2019 \$0 million).

The accompanying notes form part of these financial statements.

Statement of contingent liabilities and contingent assets as at 30 June 2020

Unquantifiable Contingent liabilities

As at 30 June 2020 the Office has one unquantifiable contingent liability, as detailed below:

The Office is disputing the use of its brand by another organisation. Lawyers have been engaged; however, no challenge has been made as of yet. There is a possibility that costs could be awarded against the Office should any claim be unsuccessful. Part of the cost, estimated at \$192,000, has been quantified; however, there are costs that remain unquantifiable.

(As at 30 June 2019 the Office had three unquantifiable contingent liabilities).

Quantifiable Contingent Liabilities

As at 30 June 2020, the Office has one quantifiable contingent liability, as detailed below:

The relevant party is Financial Services Complaints Ltd. The nature of the item is the potential costs associated with proceedings initiated by the relevant party in relation to the exercise of a statutory discretion. The Chief Ombudsman has sent his final decision, however the relevant party is yet to respond. Quantifiable costs are estimated at \$120,000.

(As at 30 June 2020, the Office had no quantifiable contingent liabilities).

The accompanying notes form part of these financial statements.

Unquantified Contingent Assets

As at 30 June 2020, the Office does not have any unquantifiable contingent assets (2019 Nil).

Quantified Contingent Assets

As at 30 June 2020, the Office does not have any quantifiable contingent assets (2019 Nil).

Notes to the financial statements

1. COVID-19 disclosure

As the Office's main source of income is appropriated as Vote Ombudsmen from Parliament, our revenue stream was not impacted by the COVID-19 pandemic and similarly, we did not incur significant financial costs. Therefore, there was no significant financial impact on disclosure.

2. Statement of accounting policies for the year ended 30 June 2020

Reporting entity

The Office of the Ombudsman is an Office of Parliament pursuant to the Public Finance Act 1989 and is domiciled in New Zealand.

The primary purpose, functions, and outcomes of the Office are discussed at [Part 3](#) of this report. The Office provides services to the public rather than making a financial return. Accordingly, the Office has designated itself a public benefit entity (PBE) for financial reporting purposes.

The financial statements of the Office are for the year ended 30 June 2020. The financial statements were authorised for distribution by the Chief Ombudsman on 30 September 2020.

Basis of preparation

The financial statements have been prepared on a going concern basis, taking into consideration the effects of COVID-19, and the accounting policies have been applied consistently throughout the year.

Changes in accounting policy

There have been no changes in accounting policies since the date of the last audited financial statements, apart from the early adoption of PBE International Financial Reporting Standards 9.

Statement of compliance

The financial statements of the Office have been prepared in accordance with the requirements of the Public Finance Act 1989, which include the requirement to comply with New Zealand generally accepted accounting practices (NZ GAAP), and Treasury instructions.

These financial statements have been prepared in accordance with Tier 2 PBE accounting standards. The Office has elected to report in Tier 2 PBE accounting standards as the Office does not have public accountability as defined by the International Accounting Standards Board, is not an Financial Market Conduct reporting entity or an issuer under the transitional provisions of the Financial Reporting Act 2013, and is not large. These financial statements comply with PBE accounting standards.

Measurement base

The financial statements have been prepared on an historical cost basis.

Functional and presentation currency

The financial statements are presented in New Zealand dollars and all values are rounded to the nearest thousand dollars (\$000). The functional currency of the Office is New Zealand dollars.

The accompanying notes form part of these financial statements.

Summary of significant accounting policies

Revenue

The specific accounting policies for significant revenue items are explained below:

Revenue Crown

Revenue from the Crown is measured based on the Office's funding entitlement for the reporting year. The funding entitlement is established by Parliament when it passes the Appropriation Acts for the financial year. The amount of revenue recognised takes into account any amendments to appropriations approved in the Appropriation (Supplementary Estimates) Act for the year and certain other unconditional funding adjustments formally approved prior to balance date.

The Office considers there are no conditions attached to the funding and it is recognised as revenue at the point of entitlement.

The fair value of revenue from the Crown has been determined to be equivalent to the amounts due in the funding arrangements.

Other expenses

Other expenses are recognised as goods and services are received.

Cash and cash equivalents

The Office is only permitted to expend its cash and cash equivalents within the scope and limits of its appropriations.

Other current assets

Other current assets are short-term debtors and prepayments that are recorded at their face value less any provision for impairment.

A receivable is considered impaired when there is evidence that the Office will not be able to collect the amount due. The amount of the impairment is the difference between the asset's carrying amount of the receivable and the present value of the amounts expected to be collected.

Property, plant, and equipment

Property, plant, and equipment consists of leasehold improvements, furniture, and office equipment. The Office does not own any vehicles, buildings, or land.

Property, plant, and equipment are shown at cost, less accumulated depreciation and impairment.

In general, fixed assets with a unit cost of more than \$1,000, or if the unit cost is \$1,000 or less but the aggregate cost of the purchase exceeds \$3,000, are capitalised. However, for specific assets such as a mobile phone handsets, the Office may decide to capitalise the purchase due to its economic useful life exceeding one year.

Additions

The cost of an item of property, plant, and equipment is recognised as an asset only when it is probable that future economic benefits or service potential associated with the item will flow to the Office and the cost of the item can be measured reliably.

In most instances an item of property, plant, and equipment is initially recognised at its cost. Where an asset is acquired through a non-exchange transaction, it is recognised at fair value as at the date of acquisition.

The accompanying notes form part of these financial statements.

Disposals

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount of the asset. Gains and losses on disposals are reported net in the surplus or deficit. When revalued assets are sold, the amounts included in revaluation reserves in respect of those assets are transferred to general funds.

Subsequent costs

Costs incurred subsequent to initial acquisition are capitalised only when it is probable that future economic benefits or service potential associated with the item will flow to the Office and the cost of the item can be measured reliably.

Equipment	Useful life	Percent
Computer equipment	4 years	25%
Plant and other equipment	3-5 years	20%
Furniture and fittings	5-10 years	10%
Leasehold improvement	Lease term	Lease term

Leasehold improvements are depreciated over the unexpired period of the lease or the estimated remaining useful lives of the improvements, whichever is the shorter.

The residual value and useful life of an asset is reviewed, and adjusted if applicable, at each financial year-end.

Intangible assets

Software acquisition and development

Acquired computer software licences are capitalised on the basis of the costs incurred to acquire and bring to use the specific software.

Costs that are directly attributable in the creation, production, and preparation of internally generated software are recognised as intangible assets.

Amortisation

The carrying value of an intangible asset with a finite life is amortised on a straight-line basis over its useful life. Amortisation begins when the asset

The costs of day-to-day servicing of property, plant, and equipment are recognised in the surplus or deficit as they are incurred.

Depreciation

Depreciation is provided on a straight-line basis on all property, plant, and equipment, at rates that will write-off the cost (or valuation) of the assets to their estimated residual values over their useful lives. The useful lives and associated depreciation rates of classes of assets held by the Office are set out below.

is available for use and ceases at the date that the asset is derecognised. The amortisation charge for each period is recognised in the surplus or deficit.

Work in progress amortisation occurs only when assets are completed and in use.

Useful lives of software

The useful life of software is determined at the time the software is acquired and brought into use, and is reviewed at each reporting date for appropriateness. For computer software licences, the useful life represents management's view of the expected period over which the Office will receive benefits from the software, but not exceeding the licence term.

For internally generated software developed by the Office, the useful life is based on historical experience with similar systems as well as anticipation of future events that may impact on the useful life, such as changes in technology.

The accompanying notes form part of these financial statements.

Estimating useful lives and residual values

At each balance date, the useful lives and residual values of property, plant, and equipment are reviewed. Assessing the appropriateness of useful life and residual value estimates of property, plant and equipment requires a number of factors to be considered, such as the physical condition of the asset, expected period of the use of the asset by the Office, and expected disposal proceeds from the future sale of the asset.

An incorrect estimate of the useful life or residual value will affect the depreciation expense recognised in the surplus or deficit, and carrying

Computer software	Useful life	Percent
Acquired computer software	4 years	25%
Internally generated software	10 years	10%

Impairment of property, plant and equipment, and intangible assets

The Office does not hold any cash-generating assets. Assets are considered cash-generating where their primary objective is to generate a commercial return.

Property, plant, and equipment and intangible assets held at cost that have a finite useful life are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable service amount. The recoverable service amount is the higher of an asset's fair value less costs to sell and value in use.

Value in use is the present value of the asset's remaining service potential. Value in use is determined using an approach based on either a depreciated replacement cost approach, restoration cost approach, or a service units approach. The most appropriate approach used to measure value in use depends on the nature of the impairment and availability of information.

The accompanying notes form part of these financial statements.

amount of the asset in the statement of financial position. The Office minimises the risk of this estimation uncertainty by:

- physical inspection of assets;
- asset replacement programmes;
- review of second hand market prices for similar assets; and
- analysis of prior asset sales.

The Office has not made significant changes to past assumptions concerning useful lives and residual values. The useful lives and associated amortisation rates of major classes of intangible assets have been estimated as set out below.

If an asset's carrying amount exceeds its recoverable service amount, the asset is regarded as impaired and the carrying amount is written down to the recoverable amount. The total impairment loss is recognised in the surplus or deficit.

The reversal of an impairment loss is recognised in the surplus or deficit.

Payables

Short-term payables are recorded at the amount payable.

Employee entitlements

Short-term employee entitlements

Employee entitlements that are due to be settled within 12 months after the end of the period in which the employee renders the related service are measured based on accrued entitlements at current rates of pay. These include salaries and wages accrued up to balance date, annual leave earned but not yet taken at balance date, and long service leave gratuities expected to be settled within 12 months.

The Office recognises a liability and an expense for performance pay where there is a contractual obligation, or where there is a past practice that has created a constructive obligation and a reliable estimate of the obligation can be made.

The Office employment agreement provides for an 'open ended' sick leave entitlement, accordingly there is no sick leave liability for accounting purposes.

Long-term employee entitlements

Employee benefits that are due to be settled beyond 12 months after the end of period in which the employee renders that related service, such as long service leave, have been calculated on an actuarial basis. The calculations are based on:

- likely future entitlements based on years of service, years to entitlement, the likelihood that staff will reach the point of entitlement, and contractual entitlements information; and
- the present value of the estimated future cash flows.

The Office's terms and conditions of employment do not include a provision for retirement leave. Long service leave is available to two long-serving staff under 'grandparent' employment terms. Long service leave is not otherwise available to staff of the Office.

Long service leave

Note (12) provides an analysis of the exposure in relation to estimates and uncertainties surrounding the long service leave liability.

Presentation of employee entitlements

Annual leave, vested long service leave and non-vested long service leave expected to be settled within 12 months of balance date are classified as a current liability. All other employee entitlements are classified as a non-current liability.

Superannuation schemes

Defined contribution schemes

Obligations for contributions to KiwiSaver and other cash accumulation schemes are recognised as an expense in the surplus or deficit as incurred.

Equity

Equity is the Crown's investment in the Office and is measured as the difference between total assets and total liabilities. Equity is disaggregated and classified as taxpayers' funds

Commitments

Commitments are future expenses and liabilities to be incurred on contracts that have been entered into at balance date. Information on non-cancellable capital and lease commitments are reported in the statements of commitments.

Cancellable commitments that have penalty or exit costs explicit in the agreement on exercising that option to cancel are reported in the statement of commitments at the value of that penalty or exit cost.

The accompanying notes form part of these financial statements.

Goods and services tax (GST)

All items in the financial statements and appropriation statements are stated exclusive of GST, except for receivables and payables, which are stated on a GST inclusive basis. Where GST is not recoverable as input tax, then it is recognised as part of the related asset or expense.

The net amount of GST recoverable from, or payable to, the Inland Revenue Department (IRD) is included as part of receivables or payables in the statement of financial position.

The net GST paid to, or received from the IRD, including the GST relating to investing and financing activities, is classified as an operating cash flow in the statement of cash flows.

Commitments and contingencies are disclosed exclusive of GST.

Remuneration paid to Ombudsmen is exempt from GST pursuant to Part 1 section 6(3)(c) of the Goods and Services Tax Act 1985.

Income tax

The Office of the Ombudsman is a public authority and consequently is exempt from the payment of income tax. Accordingly, no provision has been made for income tax.

Statement of cost accounting policies

The Office has one output expense appropriation. All the Office's costs with the exception of the remuneration of the Ombudsmen are charged to this output.

There have been no changes in cost accounting policies since the date of the last audited financial statements.

The accompanying notes form part of these financial statements.

Critical accounting estimates and assumptions

In preparing these financial statements, the Office has made estimates and assumptions concerning the future.

These estimates and assumptions may differ from the subsequent actual results. Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances. The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are discussed below.

Critical judgements in applying accounting policies

Management has exercised the following critical judgements in applying accounting policies for the year ended 30 June 2020.

Budget and forecast figures

The budget figures are those presented in the Information Supporting the Estimates of Appropriations for the Government of New Zealand for the year ended 30 June 2020 (Main Estimates) and those amended by the Supplementary Estimates and any transfer made by Order in Council under the Public Finance Act 1989.

The budget figures have been prepared in accordance with NZ GAAP, using accounting policies that are consistent with those adopted in preparing these financial statements.

The financial forecasts are based on Budget Economic Forecast Update (BEFU) and have been prepared on the basis of assumptions as to future events that the Office reasonably expects to occur, associated with the actions it reasonably expects to take.

These forecast financial statements have been compiled on the basis of existing government policies and ministerial expectations at the time the statements were finalised.

The accompanying notes form part of these financial statements.

These forecast financial statements were compiled on the basis of existing parliamentary outcomes at the time the statements were finalised.

The main assumptions are as follows:

- There are no significant events or changes that would have a material impact on the BEFU forecast.
- Factors that could lead to material differences between the forecast financial statements and the 2019/20 actual financial statements include changes to the baseline budget through new initiatives, or technical adjustments.

Authorisation statement

The forecast figures reported are those for the year ending 30 June 2021 included in BEFU 2020. These were authorised for issue on 18 April 2020 by the Chief Ombudsman, who is responsible for the forecast financial statements as presented. The preparation of these financial statements requires judgements, estimations, and assumptions that affect the application of policies and reported amounts of assets and liabilities, and income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances. Actual financial results achieved for the period covered are likely to vary from the information presented, and the variations may be material.

It is not intended that the prospective financial statements will be updated subsequent to presentation.

The accompanying notes form part of these financial statements.

3. Personnel costs

Salaries and wages are recognised as an expense because employees provide services.

30/06/19 Actual		30/06/20 Actual	30/06/20 Main estimates	30/06/20 Supp. estimates	30/06/21 Unaudited forecast IPSAS*
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
9,798	Salaries and wages	12,265	13,244	13,244	18,069
395	Employer contributions to staff superannuation	757	577	577	734
755	Other personnel costs	1,207	-	-	-
<u>10,948</u>	Total personnel costs	<u>14,229</u>	<u>13,821</u>	<u>13,821</u>	<u>18,803</u>

Employer contributions to superannuation plans include contributions to KiwiSaver and other cash accumulation plans registered under the Superannuation Schemes Act 1989.

4. Other operating costs

30/06/19 Actual		30/06/20 Actual	30/06/20 Main estimates	30/06/20 Supp. estimates	30/06/21 Unaudited forecast IPSAS*
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
1,108	Operating accommodation lease expenses	1,375	1,138	1,138	1,113
106	Accommodation costs – other	156	-	-	-
44	Audit fees – for audit of financial statements	45	35	35	35
60	Publications, books and statutes	85	87	87	87
429	Travel	568	391	391	391
190	Communication costs	285	160	160	160
3,979	Other costs	4,736	7,059	7,117	11,585
<u>5,916</u>	Total other operating costs	<u>7,250</u>	<u>8,870</u>	<u>8,928</u>	<u>13,371</u>

Other operating costs exclude depreciation and capital charges.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

5. Depreciation and amortisation

30/06/19 Actual		30/06/20 Actual	30/06/20 Main estimates	30/06/20 Supp. estimates	30/06/21 Unaudited forecast IPSAS*
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
56	Furniture and fittings	61	76	76	90
160	Plant and equipment and other	168	151	151	189
205	Computer equipment	227	475	475	563
149	Intangible assets – software	158	164	164	249
<u>570</u>	Total depreciation and amortisation	<u>614</u>	<u>866</u>	<u>866</u>	<u>1,091</u>

6. Capital charge

The Office of the Ombudsman pays a capital charge to the Crown on its taxpayers' funds as at 30 June and 31 December each year. The capital charge is recognised as an expense in the financial year to which the charge relates.

The capital charge rate was 6% for the year ended 30 June 2020 (Year ended 2019, 6%).

7. Other current assets

30/06/19 Actual		30/06/20 Actual	30/06/20 Main estimates	30/06/20 Supp. estimates	30/06/21 Unaudited forecast IPSAS*
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
-	Receivables	24	-	-	-
191	Prepayments	118	24	24	24
<u>191</u>	Total receivables	<u>142</u>	<u>24</u>	<u>24</u>	<u>24</u>

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

8. Property, plant, and equipment

Movements for each class of property, plant, and equipment are set out below.

2020	Plant & equipment \$(000)	Leasehold improvements \$(000)	IT equipment \$(000)#	Furniture & fittings \$(000)	Total \$(000)
Cost					
Balance at 30 June 2019	252	1,510	1,458	675	3,895
Additions	45	-	721	94	860
Disposals	-	-	-	-	-
Balance at 30 June 2020	297	1,510	2,179	769	4,755
Accumulated depreciation and impairment losses					
Balance at 30 June 2019	186	644	1,070	323	2,223
Depreciation	20	148	227	61	456
Accumulated depreciation on disposals	-	-	-	-	-
Balance at 30 June 2020	206	792	1,297	384	2,679
Carrying amounts:					
At 30 June 2019	66	866	388	352	1,672
At 30 June 2020	91	718	882	385	2,076

2019	Plant & equipment \$(000)	Leasehold improvements \$(000)	IT equipment \$(000)	Furniture & fittings \$(000)	Total \$(000)
Cost					
Balance at 30 June 2018	199	1,510	1,200	625	3,534
Additions	53	-	258	50	361
Disposals	-	-	-	-	-
Balance at 30 June 2019	252	1,510	1,458	675	3,895
Accumulated depreciation and impairment losses					
Balance at 30 June 2018	174	496	865	268	1,803
Depreciation	12	148	205	55	420
Accumulated depreciation on disposals	-	-	-	-	-
Balance at 30 June 2019	186	644	1,070	323	2,223
Carrying amounts:					
At 30 June 2018	25	1,014	335	357	1,731
At 30 June 2019	66	866	388	352	1,672

The Office made early purchases of mobile devices due to the need to roll out mobile devices for remote working during the COVID-19 lockdown.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

9. Intangible assets

Movements for each class of intangible asset are set out below.

2020	Acquired software	Internally generated software	Trademark	Total
	\$(000)	\$(000)*	\$(000)	\$(000)
Cost				
Balance at 30 June 2019	1,294	291	-	1,585
Additions	4	146	6	156
Work-in-Progress	-	(126)	-	(126)
Balance at 30 June 2020	1,298	311	6	1,615
Accumulated depreciation and impairment losses				
Balance at 30 June 2019	408	107	-	515
Amortisation	1	157	-	158
Balance at 30 June 2020	409	264	-	673
Carrying amounts				
At 30 June 2019	886	184	-	1,070
At 30 June 2020	889	47	6	942

2019	Acquired software	Internally generated software	Total
	\$(000)	\$(000)	\$(000)
Cost			
Balance at 30 June 2018	1,190	165	1,355
Additions	104	-	104
Work-in-Progress	-	126	126
Balance at 30 June 2019	1,294	291	1,585
Accumulated depreciation and impairment losses			
Balance at 30 June 2018	259	107	366
Amortisation	149	-	149
Balance at 30 June 2019	408	107	515
Carrying amounts			
At 30 June 2018	931	58	989
At 30 June 2019	886	184	1,070

Debit internally generated software \$126,000; Credit Work-in Progress \$126,000

There are no restrictions over the title of the Office's intangible assets, nor are any intangible assets pledged as security for liabilities.

The accompanying notes form part of these financial statements.

10. Creditors and other payables

Creditors and other payables are non-interest bearing and are normally settled on 30-day terms. Therefore, the carrying value of creditors and other payables approximates their fair value.

30/06/19 Actual		30/06/20 Actual	30/06/21 Unaudited forecast IPSAS*
\$(000)		\$(000)	\$(000)
786	Trade creditors and other accruals	852	585
451	GST Payable	407	313
<u>1,237</u>	Total creditors and other payables	<u>1,259</u>	<u>898</u>

11. Return of operating surplus

There is a surplus of \$1,446,000 to be repaid for the 2020 financial year (2019, \$923,000).

12. Employee entitlements

30/06/19 Actual		30/06/20 Actual	30/06/20 Main estimates	30/06/20 Supp. estimates	30/06/21 Unaudited forecast IPSAS*
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
	<i>Current liabilities</i>				
570	Annual leave	851	337	337	599
-	Long service leave	-	-	-	-
326	Superannuation, Superannuation Contribution Withholding Tax and salaries	226	130	130	352
896	Total current liabilities	1,077	467	467	951
	<i>Non-current liabilities</i>				
19	Long service leave	19	18	18	19
<u>915</u>	Total for employee entitlements	<u>1,096</u>	<u>485</u>	<u>485</u>	<u>970</u>

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

13. Equity (Taxpayers' funds)

30/06/19 Actual		30/06/20 Actual	30/06/21 Unaudited forecast IPSAS*
\$(000)		\$(000)	\$(000)
	General Funds		
4,442	Balance at 1 July	6,763	8,645
923	Net operating surplus	1,446	-
2,321	Capital injections	1,882	1,256
(923)	Provision for repayment of surplus to the Crown	(1,446)	-
<u>6,763</u>	Total Equity at 30 June	<u>8,645</u>	<u>9,901</u>

14. Financial instruments

Categories of financial instruments

Actual 2019 \$(000)		Actual 2020 \$(000)
	Loans and receivables	
7,622	Cash and cash equivalents	9,921
-	Debtors and other receivables (note 7)	24
7,622	Total	9,945
	Financial liabilities measured at amortised cost	
1,237	Creditors and other payables (note 10)	1,259
915	Employee entitlements (note 12)	1,077
<u>2,152</u>	Total	<u>2,336</u>

The carrying value of cash and cash equivalents approximates their fair value.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which are not been audited.

15. Related party information

The Office is a wholly-owned entity of the Crown. The Ombudsman acts independently, and the Office's main source of revenue is Parliament.

Related party disclosures have not been made for transactions with related parties that are within a normal supplier/recipient relationship on terms and conditions no more or less favourable than those that it is reasonable to expect the Office would have adopted in dealing with the party at arm's length in the same circumstances. Further, transactions with government agencies (for example, government departments and Crown Entities) are not disclosed as related

party transactions when they are consistent with the normal operating arrangements between government agencies and undertaken on the normal terms and conditions for such transactions.

All related party transactions have been entered into on an arm's length basis.

Key management personnel compensation

Remuneration and benefits of the senior management staff of the Office amounted to the following.

Actual 2019 \$(000)		Actual 2020 \$(000)
	Leadership Team, including the Chief Ombudsman	
944	Remuneration and other benefits	1,018
3	Full-time equivalent staff	3

16. Events after the balance sheet date

There were no post-balance sheet date events in regard to the Office's financial statements for the year ended 30 June 2020.

17. Significant variances from budgeted financial performance

The significant variances from budgeted financial performance are the cash balance, and purchase of intangible assets.

The cash variance results from the operating surplus to be returned in 2020/21, primarily caused by delays in recruitment and ICT projects.

The cash balance was also impacted by a delay in the purchase of intangible assets, as outlined below.

Intangible assets were considerably lower than expected as there have been delays with the Case Management System replacement project.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Appropriation statements

The following statements report information about the expenses and capital expenditure incurred against each appropriation administered by the Office for the year ended 30 June 2020.

Statement of expenses and capital expenditure against appropriations for the year ended 30 June 2020

30/06/19 Actual \$(000)		30/06/20 Actual \$(000)	30/06/20 Main estimates \$(000)	30/06/20 Supp. estimates \$(000)	30/06/21 Unaudited forecast IPSAS* \$(000)
	Vote Ombudsmen				
	Appropriation for output expenses				
17,261	Investigation and resolution of complaints about government administration	23,482	23,424	23,482	32,802
438	Remuneration of Ombudsmen (Permanent Legislative Authority)	463	456	463	463
17,699	Sub total	23,945	23,880	23,945	33,265
591	Office of the Ombudsmen appropriation for capital expenditure (Permanent Legislative Authority)	1,015	2,082	-	1,456
18,290	Total	24,960	25,962	23,945	34,721

End of year performance information is reported in the [Statement of objectives and service performance](#).

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of expenses and capital expenditure incurred without, or in excess of, appropriation or authority for the year ended 30 June 2020

There was no unappropriated expenditure for 2020/21 (2019/20 Nil).

Statement of the Office's capital injections for the year ended 30 June 2020

30/06/19 Actual \$(000)		30/06/20 Actual \$(000)	30/06/20 Main estimates \$(000)	30/06/20 Supp. estimates \$(000)	30/06/21 Unaudited forecast IPSAS* \$(000)
2,321	Office of the Ombudsmen appropriation for capital expenditure (Permanent Legislative Authority)	1,882	1,882	1,882	1,256

Statement of the Office's capital injections without, or in excess of, authority for the year ended 30 June 2020

The Office has not received any capital injections during the year without, or in excess of, authority.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.



7

Analysis, statistics, and directory

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OPCAT inspections

The 84 visits and inspections were at the sites set out in the table below.

Name of facility	Visit type	
Aged care		
Anne Maree Gardens	Orientation Visit	Announced
Awanui Rest Home	Orientation Visit	Announced
Bradford Manor	Orientation Visit	Announced
Clare House	Orientation Visit	Announced
COVID-19 aged care (12 facilities)	COVID-19	Announced
Dunblane Rest Home and Village	Orientation Visit	Announced
Heretaunga Rest Home & Village	Orientation Visit	Announced
Hillcrest Hospital	Orientation Visit	Announced
Kiri Te Kanawa Retirement Village	Orientation Visit	Announced
Leslie Groves Hospital	Orientation Visit	Announced
Manor Park Private Hospital	Orientation Visit	Announced
Millvale House Miramar	Orientation Visit	Announced
Older Persons Unit, Waikato DHB	Informal	Unannounced
Radius Fulton Care Centre	Orientation Visit	Announced
Rawhiti Estate	Orientation Visit	Announced
Rowena Jackson Retirement Village	Orientation Visit	Announced
St Andrew's Village	Orientation Visit	Announced
Talbot Park, Dementia facility (D6)	Informal	Unannounced
Te Hopai Home and Hospital	Orientation Visit	Announced
Whitby Rest Home and Hospital	Orientation Visit	Announced
Courts		
Hamilton High Court & District Court	Informal	Unannounced
Levin District Court	Informal	Unannounced
Te Awamutu District Court	Informal	Unannounced
Timaru District Court	Informal	Unannounced
Community / Intellectual disability		
Community Care Trust	Full	Unannounced
Community Living (two facilities)	Full	Unannounced
Emerge Aotearoa	Full	Announced
IDEA Services (five facilities)	Full	Unannounced
Navigate (two facilities)	Full	Announced
Te Roopu Taurima (five facilities)	Full	Unannounced

Name of facility	Visit type	
Immigration		
Mangere Refugee Centre	Full	Announced
Mental Health		
COVID-19 mental health (five facilities)	COVID-19	Announced
He Puna Wāiora, North Shore Hospital	Full	Unannounced
Kensington Centre, Timaru Mental Health Inpatient	Full	Unannounced
Mental Health Inpatient Unit - Whangarei Hospital	Full	Unannounced
Puna Awhi-rua, Henry Rongomau Bennett Centre	Full	Unannounced
Puna Maatai, Henry Rongomau Bennett Centre	Full	Unannounced
Puna Poipoi, Henry Rongomau Bennett Centre	Full	Unannounced
Te Whare Ahuru, Hutt Valley Hospital	Full	Unannounced
Te Whare o Matairangi, Wellington Hospital	Follow-up	Announced
Te Whetu Tawera, Auckland Hospital	Full	Unannounced
Tiaho Mai, Middlemore Hospital	Full	Announced
Waiatarau, Waitakere Hospital	Full	Unannounced
Wards 34, 35, 36, Henry Rongomau Bennett Centre	Follow-up	Unannounced
Prison		
Christchurch Men's Prison	Follow-up	Unannounced
Christchurch Women's	Informal	Announced
COVID-19 prisons (nine facilities)	COVID-19	Announced
Waikeria Prison	Full	Unannounced
Other		
Child and Family Unit - Auckland Hospital	Informal	Announced
Christchurch PPO	Full	Unannounced
COVID-19 PPO	COVID-19	Announced

Final reports published in 2019/20 are set out in the table below.

Report	Date of publication
Prisons	
<i>Report on an unannounced follow up inspection of Invercargill Prison – July 2019</i>	25 July 2019
<i>Report on an unannounced inspection of Northland Regional Corrections Facility - August 2019</i>	20 August 2019
<i>Report on an unannounced inspection of Tongariro Prison under the Crimes of Torture Act 1989</i>	12 September 2019
Mental Health	
<i>Report on an unannounced inspection of Puna Awhi-rua Forensic Inpatient Ward, Waikato Hospital, under the Crimes of Torture Act 1989</i>	5 March 2020
<i>Report on an unannounced inspection of Puna Maatai Forensic Inpatient Ward, Waikato Hospital, under the Crimes of Torture Act 1989</i>	5 March 2020
<i>Report on an unannounced inspection of Puna Poipoi Forensic Rehabilitation Ward, Waikato Hospital, under the Crimes of Torture Act 1989</i>	5 March 2020
<i>Report on an unannounced follow up inspection of Wards 34, 35 and 36, Waikato Hospital, under the Crimes of Torture Act 1989</i>	5 March 2020
COVID-19 specific	
<i>OPCAT COVID-19 report: Report on inspections of mental health facilities under the Crimes of Torture Act 1989</i>	15 June 2020
<i>OPCAT COVID-19 report: Report on inspections of prisons under the Crimes of Torture Act 1989</i>	22 June 2020

The recommendations made in final inspection reports are set out in the table below.⁸⁸

Facility Type	Recommendations made	Recommendations accepted or partially accepted
Prisons	17	15
COVID-19 prisons (nine facilities)	11	11
Health and disability places of detention	92	59
COVID-19 health and disability places of detention (five facilities)	5	5

88 COVID-19 aged care (12 facilities) published in August 2020 included four recommendations.

Throughput of complaints, other contacts, and monitoring activities

1. Matters received and under consideration for reported year and previous four years

	2015/16	2016/17	2017/18	2018/19	2019/20
On hand as at 1 July	1,787	1,591	1,294	916	1,009
Adjustment ⁸⁹	-5	+44	+8	-10	+41
Received during the year	12,595	11,846	11,468	11,886	11,862
Total under consideration	14,382	13,437	12,770	12,802	12,912
Completed during the year	(12,786)	(12,141)	(11,846)	(11,793)	(11,740)
On hand at 30 June	1,591	1,294	916	1,009	1,132

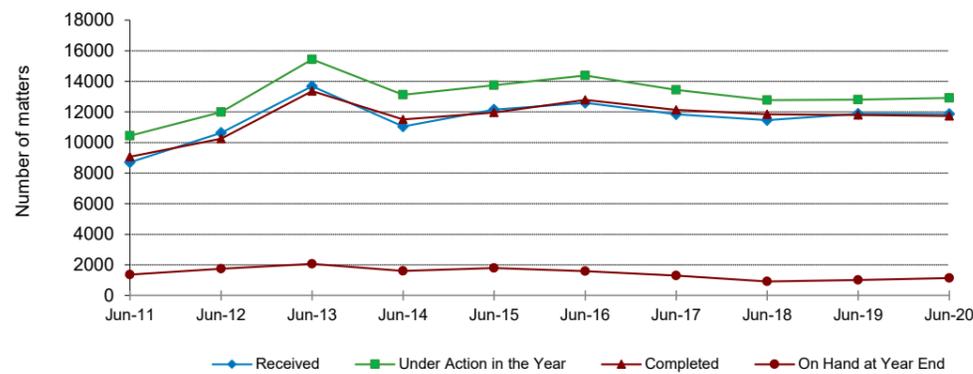


Figure 3: Overall throughput of work over the past 10 years.

89 Adjustments are changes made to reported statistics post completion of a reporting year.

2. Breakdown of matters received and under consideration for reported year and previous four years

	2015/16	2016/17	2017/18	2018/19	2019/20
On hand at 1 July					
Ombudsmen Act	729	555	430	295	382
Official Information Act	833	856	651	429	477
Local Government Official Information and Meetings Act	160	159	144	98	128
Protected Disclosures Act	5	2	2	3	1
Other contacts	34	15	42	43	21
Other work	21	48	33	38	41
Total	1,782	1,635	1,302	906	1,050
Received during the year					
Ombudsmen Act	2,054	2,191	2,263	2,413	2,811
Official Information Act	1,100	1,174	1,378	1,901	1,329
Local Government Official Information and Meetings Act	240	248	299	364	354
Protected Disclosures Act	6	10	8	39	78
Other contacts	9,166	8,198	7,475	7,120	7,217
Other work	29	25	45	49	73
Total	12,595	11,846	11,468	11,886	11,862
Completed during the year					
Ombudsmen Act	2,241	2,285	2,398	2,355	2,665
Official Information Act	1,084	1,375	1,598	1,859	1,371
Local Government Official Information and Meetings Act	247	258	344	339	353
Protected Disclosures Act	9	10	7	41	74
Other contacts	9,185	8,168	7,475	7,143	7,212
Other work	20	45	24	56	65
Total	12,786	12,141	11,846	11,793	11,740
On hand at 30 June					
Ombudsmen Act	542	430	296	354	500
Official Information Act	849	647	427	469	428
Local Government Official Information and Meetings Act	153	142	97	122	123
Protected Disclosures Act	2	2	3	1	5
Other contacts	15	45	45	22	27
Other work	30	28	48	41	49
Total	1,591	1,294	916	1,009	1,132

Contact type – who matters were received from

3. Contact type

	2018/19	2019/20
General public – individuals	8,331	8,110
Prisoners and prisoner advocates	2,333	2,533
Departments, government organisations and local authorities	490	388
Media	386	354
Companies, associations and incorporated societies	143	214
Ombudsman self-initiated	42	71
Special interest groups	7	56
Members of Parliament	61	53
Review agency (Privacy Commissioner, Independent Police Conduct Authority, Health and Disability Commissioner)	14	30
Political party research units	46	25
Trade Unions	6	8
Other	13	8
Researchers	7	7
Ministers	6	3
Select Committee	1	2
Total	11,886	11,862

Age profile of open and closed complaints and other contacts

4. Age profile – all complaints and other contacts closed in 2019/20

	Year ended 30/06/17	Year ended 30/06/18	Year ended 30/06/19	Year ended 30/06/20
Aged 6 months or less from date of receipt	92%	92%	96%	94%
Aged between 7 and 12 months from date of receipt	3%	3%	3%	4%
Aged more than 12 months from date of receipt	5%	5%	1%	2%

5. Age profile – all complaints and other contacts remaining open at 30 June 2020

	Year ended 30/06/17	Year ended 30/06/18	Year ended 30/06/19	Year ended 30/06/20
Aged 6 months or less from date of receipt	51%	82%	75%	66%
Aged between 7 and 12 months from date of receipt	31%	11%	19%	30%
Aged more than 12 months from date of receipt	18%	7%	6%	4%

Detailed analysis of complaints and other contacts

Ombudsmen Act (OA)

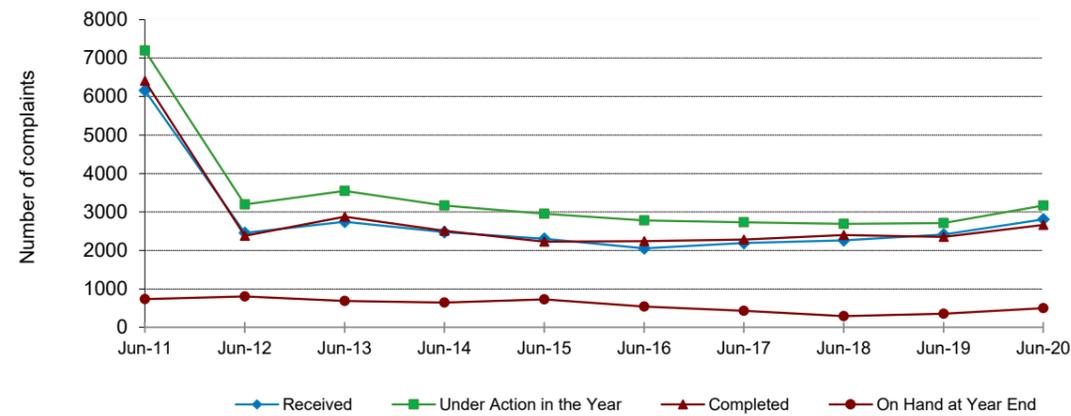


Figure 4: OA complaints received and actioned over the past 10 years.⁹⁰

⁹⁰ The apparent reduction in the number of Ombudsmen Act complaints received and completed in the 2011/12 reporting year onwards results from a change in recording practice. Previously Ombudsmen Act complaints and other contacts were aggregated.

6. OA complaints received from

	2018/19	2019/20
General public – individuals	2,112	2,377
Prisoners and prisoner advocates	247	338
Companies, associations and incorporated societies	29	64
Media	16	20
Members of Parliament	7	4
Departments, government organisations and local authorities	1	4
Special interest groups	-	3
Review Agency	-	1
Researcher	1	-
Total	2,413	2,811

7. OA complaints received against

	2018/19	2019/20
Government departments	1,034	1,394
Local authorities (all)	435	445
<i>District Councils</i>	185	192
<i>City Councils (including Auckland Council)</i>	181	183
<i>Council controlled organisations (including Auckland Transport)</i>	33	35
<i>Regional Councils</i>	35	28
Other organisations state sector (all)	611	664
<i>Boards of Trustees (schools)</i>	101	88
<i>District Health Boards</i>	35	61
<i>Universities</i>	35	26
<i>Polytechnics</i>	30	26
Ministers	25	22
Not specified	308	281
Total	2,413	2,811

8. OA complaints received—greater than or equal to 15 complaints

	2018/19	2019/20
Government departments		
Department of Corrections	291	374
Ministry of Business, Innovation and Employment	269	359
Ministry of Social Development	116	150
Oranga Tamariki, Ministry for Children	81	133
Inland Revenue	111	132
Ministry of Health	20	75
Ministry of Justice ⁹¹	19	43
Ministry of Education	46	35
Department of Internal Affairs	13	21
Ministry for Primary Industries	13	15
Local authorities		
Auckland Council	91	68
Christchurch City Council	20	37
Auckland Transport	28	33
Wellington City Council	19	30
Far North District Council	20	20
Waikato District Council	9	20
Tasman District Council	14	19
Other organisations state sector		
Accident Compensation Corporation	79	88
Health and Disability Commissioner	55	60
New Zealand Police	39	55
New Zealand Post Limited	30	49
New Zealand Transport Agency	29	41
Kāinga Ora – Homes and Communities ⁹²	25	25
Privacy Commissioner	23	20

91 Not including courts and tribunals.

92 Previously Housing New Zealand.

9. How OA complaints were dealt with

	2018/19	2019/20
Outside jurisdiction		
Agency not listed in schedule	357	354
Scheduled agency otherwise outside jurisdiction	62	44
Subtotal	419	398
Referred		
Referred to Health and Disability Commissioner	7	12
Referred to Independent Police Conduct Authority	19	26
Referred to Privacy Commissioner	12	14
Referred to Inspector-General of Intelligence and Security	1	-
Subtotal	39	52
No investigation undertaken		
Withdrawn by complainant or no response from complainant	78	119
Right of appeal to Court or Tribunal	96	117
Adequate alternative remedy – complain to agency first	1,011	957
Adequate alternative remedy – complaint referred to agency by Ombudsman	4	4
Adequate alternative remedy – recourse to other agency	21	28
Out of time	-	5
Trivial, frivolous, vexatious or not in good faith	-	2
Insufficient personal interest	5	1
Explanation, advice or assistance provided	219	470
Investigation unnecessary	276	159
Subtotal	1,710	1,862
Resolved without investigation		
Remedial action to benefit complainant	64	114
Remedial action to improve state sector administration	-	1
Remedial action to benefit complainant and improve state sector administration	1	3
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	4	5
Subtotal	69	123
Investigation discontinued		
Withdrawn by complainant or no response from complainant	4	6
Further investigation unnecessary	13	23
Agency to review	1	2
Subtotal	18	31

	2018/19	2019/20
Resolved during investigation		
Remedial action to benefit complainant	31	38
Remedial action to benefit complainant and improve state sector administration	1	4
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	3	5
Subtotal	35	47
Investigation finalised (final opinion formed)		
Administrative deficiency identified – recommendation/s	10	30
Administrative deficiency identified – no recommendation	12	21
No administrative deficiency identified	42	99
Subtotal	64	150
Administration – adjustment	1	2
Under consideration at 30 June	354	500
Total	2,709	3,165

10. Nature of deficiency identified where final opinion formed on OA complaints

	2018/19	2019/20
Administrative deficiency in an individual case		
Unreasonable, unjust, oppressive or discriminatory act, omission or decision	7	35
Procedural deficiency	5	12
Inadequate advice, explanation or reasons	5	6
Unreasonable delay	-	1
Legal error	1	-
Wrong action or decision	1	-
Administrative deficiency in the agency or system of government		
Flawed agency processes or systems	6	9
Government or agency policy - unreasonable or harsh impact	-	2

11. Nature of remedy obtained for OA complaints

	2018/19	2019/20
Individual benefit		
Decision to be reconsidered	22	56
Decision changed	25	49
Omission rectified	35	47
Apology	10	33
Reasons/explanation given	26	26
Financial remedy	10	18
Public administration benefit		
Change in practice/procedure	7	14
Change in law/policy	1	6
Law/policy/practice/procedure to be reviewed	2	6
Provision of guidance or training to staff	-	5

Official Information Act (OIA)

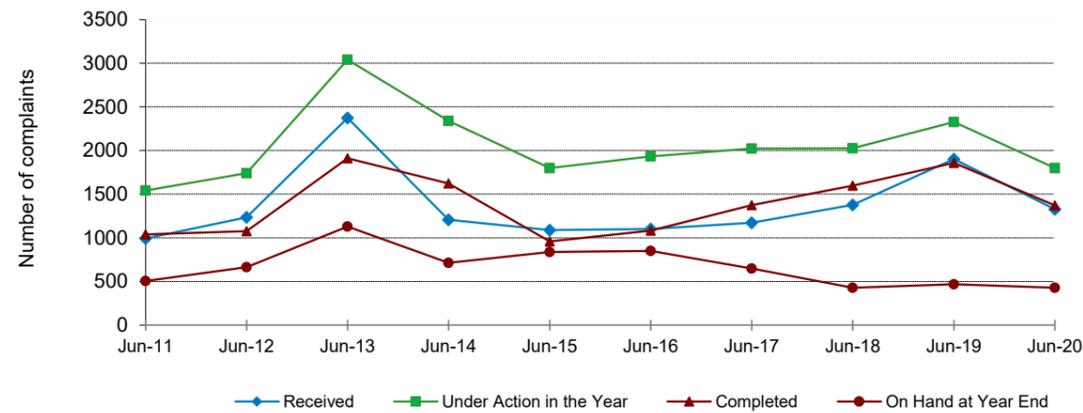


Figure 5: OIA complaints received and actioned over the past 10 years

12. Nature of OIA complaints made

	2018/19	2019/20
Refusal – general information request	749	706
Delay in making decision	755 ⁹³	290
Incomplete or inadequate response	100	85
Refusal – personal information about individual	116	80
Extension	95	78
Delay in releasing information	26	28
Charge	10	17
Decision not made as soon as reasonably practicable	12	17
Other	14	11
Refusal – personal information about body corporate	5	7
Manner or form of release	10	4
Refusal – statement of reasons	4	3
Condition	3	2
Refusal – internal rules affecting decisions	-	1
Neither confirm nor deny existence of information	1	-
Correction – personal information about body corporate	1	-
Total	1,901	1,329

93 Includes multi-party schools complaint (471 complaints).

13. OIA complaints received from

	2018/19	2019/20
General public – individuals	1,404	807
Media	289	254
Companies, associations, and incorporated societies	71	95
Prisoners and prisoner advocates	37	53
Members of Parliament	44	41
Special interest groups	-	41
Political party research units	44	25
Trade unions	6	7
Researchers	4	4
Departments, government organisations, and local authorities	2	1
Review agency	-	1
Total	1,901	1,329

14. OIA complaints received against

	2018/19	2019/20
Government departments	561	505
Other organisations state sector (all)	1,148	686
<i>District Health Boards</i>	64	96
<i>Boards of Trustees (schools)</i>	524	43
<i>Universities</i>	38	45
Ministers	180	133
Not specified	12	5
Total	1,901	1,329

15. OIA complaints received – greater than or equal to 15 complaints

	2018/19	2019/20
Government departments		
Department of Corrections	66	76
Ministry of Health	57	69
Ministry of Business, Innovation and Employment	84	48
Ministry for Primary Industries	45	48
Ministry of Justice	40	41
Ministry of Social Development	31	39
Ministry of Education	29	36
Department of Conservation	35	24
Department of Internal Affairs	10	19
Oranga Tamariki—Ministry for Children	24	17
Other organisations state sector		
New Zealand Police	269	272
New Zealand Transport Agency	44	33
WorkSafe New Zealand	25	25
Waikato District Health Board	4	22
Health and Disability Commissioner	6	16

16. How OIA complaints were dealt with

	2018/19	2019/20
Outside jurisdiction		
Agency not listed in schedule	16	9
Scheduled agency otherwise outside jurisdiction	42	30
Subtotal	58	39
Referred		
Referred to Privacy Commissioner	121	77
Subtotal	121	77
No investigation undertaken		
Withdrawn by complainant or no response from complainant	177	172
Adequate alternative remedy – complain to agency first	7	12
Adequate alternative remedy – complaint referred to agency by Ombudsman	2	2
Adequate alternative remedy – recourse to other agency	2	-
Trivial, frivolous, vexatious or not in good faith	4	1
Insufficient personal interest	2	1
Explanation, advice or assistance provided	58	81
Investigation unnecessary	637	183
Subtotal	889	452
Resolved without investigation		
Remedial action to benefit complainant	98	103
Remedial action to improve state sector administration	-	1
Remedial action to benefit complainant and improve state sector administration	1	2
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	25	30
Subtotal	124	136
Investigation discontinued		
Withdrawn by complainant or no response from complainant	61	57
Further investigation unnecessary	94	75
Agency to review	-	2
Subtotal	155	134
Resolved during investigation		
Remedial action to benefit complainant	175	173
Remedial action to improve state sector administration	-	1
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	28	17
Subtotal	203	191
Investigation finalised (final opinion formed)		
Administrative deficiency identified – recommendation/s	44	49
Administrative deficiency identified – no recommendation	41	52
No administrative deficiency identified	223	241
Subtotal	308	342
Administration – adjustment	1	-
Under consideration at 30 June	469	428
Total	2,328	1,799

17. Nature of deficiency identified where final opinion formed on OIA complaints

	2018/19	2019/20
Administrative deficiency in an individual case		
Refusal not justified – in part	24	41
Refusal not justified – in whole	22	21
Delay deemed refusal	20	21
Unreasonable extension	13	9
Undue delay in releasing information	3	4
Unreasonable delay	-	2
Otherwise wrong or unreasonable	2	2
Inadequate advice, explanation, or reasons	-	1
Procedural deficiency	-	1
Unreasonable charge	1	1
Inadequate statement of reasons	-	1

18. Nature of remedy obtained for OIA complaints

	2018/19	2019/20
Individual benefit		
Decision changed	232	256
Omission rectified	551	182
Reasons/explanation given	92	82
Decision to be reconsidered	41	44
Apology	6	14
Public administration benefit		
Law/policy/practice/procedure to be reviewed	1	3
Change in practice/procedure	10	2
Provision of guidance or training to staff	5	1

Local Government Official Information and Meetings Act (LGOIMA)

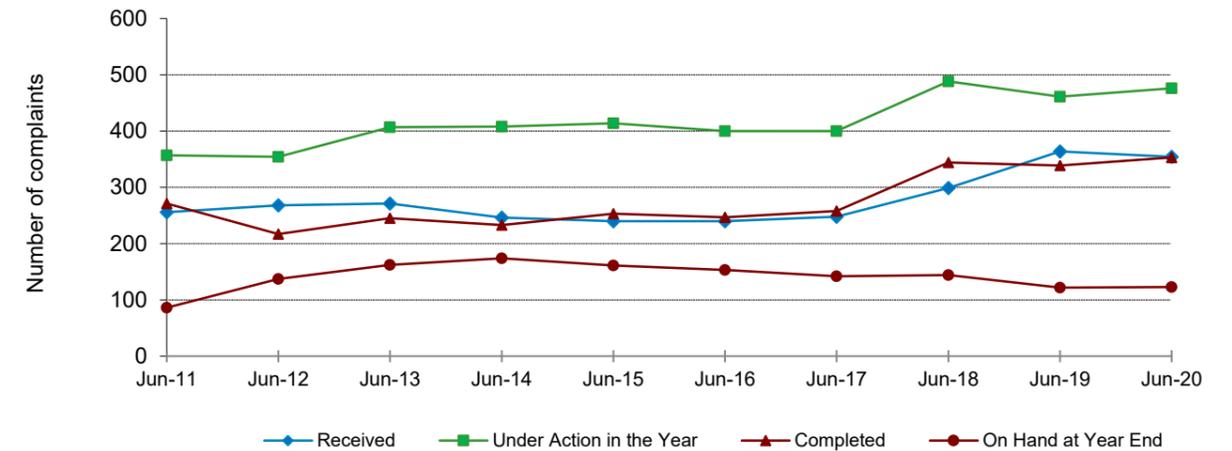


Figure 6: LGOIMA complaints received and actioned over the past 10 years.

19. Nature of LGOIMA complaints made

	2018/19	2019/20
Refusal – general information request	158	168
Delay in making decision	92	87
Incomplete or inadequate response	49	50
Charge	17	13
Decision not made as soon as reasonably practicable	4	7
Extension	13	7
Refusal – personal information about individual	9	7
Delay in releasing information	11	5
Manner or form of release	1	3
Condition	2	3
Refusal – personal information about body corporate	-	2
Other	7	2
Neither confirm nor deny	1	-
Total	364	354

20. LGOIMA complaints received from

	2018/19	2019/20
General public – individuals	300	286
Media	41	41
Companies, associations and incorporated societies	17	23
Special interest groups	-	3
Researcher	-	1
Departments, government organisations and local authorities	3	-
Members of Parliament	3	-
Total	364	354

21. LGOIMA complaints received against

	2018/19	2019/20
District Councils	110	124
City Councils (not including Auckland Council)	92	117
<i>Christchurch City Council</i>	23	25
<i>Wellington City Council</i>	13	25
Auckland Council	63	48
Regional councils	52	29
Council Controlled Organisations (including Auckland Transport)	36	34
<i>Auckland Transport</i>	27	20
Other	11	2
Total	364	354

22. How LGOIMA complaints were dealt with

	2018/19	2019/20
Outside jurisdiction		
Agency not listed in schedule	2	-
Scheduled agency otherwise outside jurisdiction	18	7
Subtotal	20	7
Referred		
Referred to Privacy Commissioner	11	8
Subtotal	11	8
No investigation undertaken		
Withdrawn by complainant or no response from complainant	39	44
Adequate alternative remedy – complain to agency first	5	7
Adequate alternative remedy – complaint referred to agency by Ombudsman	1	-
Explanation, advice or assistance provided	15	18
Investigation unnecessary	70	66
Subtotal	130	135
Resolved without investigation		
Remedial action to benefit complainant	39	40
Remedial action to benefit complainant and improve state sector administration	2	-
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	6	4
Subtotal	47	44
Investigation discontinued		
Withdrawn by complainant or no response from complainant	17	14
Further investigation unnecessary	11	9
Agency to review	-	5
Subtotal	28	28
Resolved during investigation		
Remedial action to benefit complainant	47	45
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	4	3
Subtotal	51	48
Investigation finalised (final opinion formed)		
Administrative deficiency identified – recommendation/s	6	25
Administrative deficiency identified – no recommendation	3	13
No administrative deficiency identified	43	45
Subtotal	52	83
Under consideration at 30 June	122	123
Total	461	476

23. Nature of deficiency identified where final opinion formed on LGOIMA complaints

	2018/19	2019/20
Administrative deficiency in an individual case		
Refusal not justified – in part	1	6
Refusal not justified – in whole	6	2
Unreasonable charge	-	1
Delay deemed refusal	-	1
Inadequate statement of reasons	1	-
Otherwise wrong or unreasonable	1	-

24. Nature of remedy obtained for LGOIMA complaints

	2018/19	2019/20
Individual benefit		
Decision changed	77	85
Omission rectified	39	58
Decision to be reconsidered	4	14
Reasons/explanation given	18	11
Apology	4	2
Public administration benefit		
Provision of guidance or training to staff	-	1
Change in practice/procedure	1	-

Other contacts

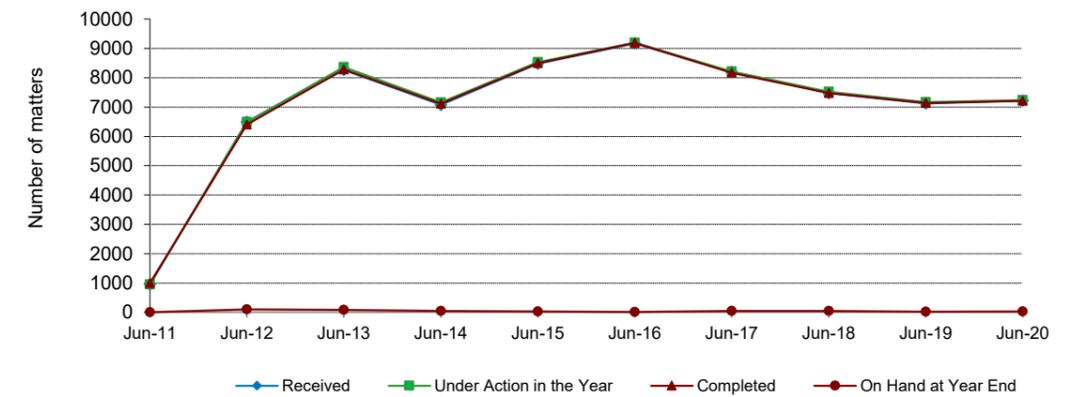


Figure 7: Other contacts received and actioned over the past 10 years.⁹⁴

25. Other contacts received about

	2018/19	2019/20
Ombudsmen Act matters	5,109	5,514
Other	718	421
Agency requests for advice	421	363
Official Information Act matters	336	333
Copy correspondence, material sent for information only	274	265
Requests for information held by the Ombudsman	130	132
Local Government Official Information and Meetings Act matters	65	109
OPCAT matters	1	49
Consultation by review agency (Privacy Commissioner, Independent Police Conduct Authority, Health and Disability Commissioner)	17	31
Total	7,120	7,217

⁹⁴ The apparent increase in the number of other contacts under action from the 2011/12 reporting year was from a change in recording practice. Previously Ombudsmen Act complaints and other contacts were aggregated.

26. Other contacts received from

	2018/19	2019/20
General public – individuals	4,476	4,565
Prisoners and prisoner advocates	2,049	2,142
Departments, government organisations, and local authorities	483	382
Media	40	38
Companies, associations and incorporated societies	26	31
Review agencies (Privacy Commissioner, Independent Police Conduct Authority, Health and Disability Commissioner)	14	28
Special interest groups	7	9
Members of Parliament	7	8
Other	7	6
Ministers	6	3
Researchers	2	2
Select Committee	1	2
Trade Unions	-	1
Political party research units	2	-
Total	7,120	7,217

27. Other contacts concerned

	2018/19	2019/20
Department of Corrections	2,355	2,430
Other government departments	928	1,062
Other organisations (state sector)	919	1,019
Agencies not subject to jurisdiction	690	661
Local authorities	448	393
Ministers	32	28
Not specified	1,748	1,624
Total	7,120	7,217

28. How other contacts were dealt with

	2018/19	2019/20
Explanation, advice or assistance provided	2,816	3,645
Complain to agency first	2,445	1,937
No response required (including copy correspondence, FYI)	773	689
Individual advised to complain in writing/send relevant papers	580	607
Complain to other agency – other	205	153
Complain to other agency – Health and Disability Commissioner	82	105
Complain to other agency – Privacy Commissioner	78	65
Complain to other agency – Independent Police Conduct Authority	65	65
Protected disclosures enquiry	42	37
Withdrawn	24	23
Matter to be transferred to Ombudsman by other review agency	13	20
Resolved – remedial action to benefit individual	-	7
Matter referred to agency by Ombudsman	12	4
Resolved – provision of advice/explanation which satisfies individual	8	4
Under consideration at 30 June	22	27
Total	7,165	7,388

29. Nature of remedy obtained for other contacts

	2018/19	2019/20
Omission rectified	-	5
Reasons/explanation given	-	1
Decision to be reconsidered	-	1
Change in practice/procedure	-	1
Decision changed	1	-

Geographical distribution of complaints and other contacts⁹⁵

30. Geographical location	Other contacts	OA	OIA	LGOIMA	Other work	All	All last year
Auckland	526	596	398	84	5	1,609	1,408
Bay of Plenty	26	39	6	8	1	80	94
Northland	70	64	22	17	-	173	159
Waikato	144	203	64	19	2	432	325
Taranaki	28	31	10	2	-	71	58
Hawke's Bay	76	66	18	10	-	170	138
Manawatu Whanganui	78	78	48	9	2	215	227
Wairarapa	12	10	12	3	-	37	43
East Cape	10	15	-	4	-	29	30
Wellington	375	266	272	56	8	977	1,088
Total North Island	1,345	1,368	850	212	18	3,793	3,570
Nelson/Marlborough	43	67	12	18	-	140	114
Dunedin	17	27	8	19	-	71	82
Otago	52	37	14	10	-	113	102
Southland	23	38	18	1	-	80	75
Canterbury	60	42	10	1	2	115	120
Christchurch	146	195	57	20	4	422	420
Westland	20	27	5	4	-	56	48
Chatham Islands	-	2	-	-	-	2	-
Total South Island	361	435	124	73	6	999	961
Location not known	5,480	948	364	86	54	6,932	7,086
Overseas	69	138	15	3	-	225	336
Total	7,255	2,889	1,353	374	78	11,949	11,953

⁹⁵ This table includes complaints and other contacts. Complaints and other contacts may be made jointly with other persons. As a consequence, the number of complaints and other contacts recorded on the basis of region exceeds the number of issues that were the subject of a complaint or other contact.

Directory

Legal authorities for establishing the Office of the Ombudsman

The Ombudsman is appointed pursuant to sections 8 and 13 of the Ombudsmen Act 1975, and reports annually to Parliament pursuant to this Act and the Public Finance Act 1989. The Ombudsman is an Officer of Parliament pursuant to section 39 of the Ombudsmen Act 1975, and the Public Finance Act 1989.

Contacting the Ombudsman

Free phone: **0800 802 602**

Fax: **04 471 2254**

www.ombudsman.parliament.nz

info@ombudsman.parliament.nz

Post: **PO Box 10152, Wellington 6143**

Wellington
Level 7, 70 The Terrace

Auckland
Level 10, 55-65 Shortland Street

Appendix 1 : Ombudsman outcomes framework diagram – text alternative version

GENERAL NOTES

This framework diagram demonstrates the linkages between the services we deliver through the Office's outputs, and the outcomes and impacts we are seeking to achieve.

The diagram features a triangle, divided horizontally into four sections and is set on two key foundations.

The first section 'Goal' forms the triangle's peak and notes the Office's key goal—it is set against a photograph of the tips of harakeke (flax); the next section (dark/black—also set against the photograph of harakeke) sets out the 'Outcomes'; below this in a blue section are the 'Impacts', and the bottom section (light grey) sets out the Outputs. Underpinning the diagram which could be seen as the foundation of the triangle, are 'Well-run Office—timely delivery of quality services and Tiriti o Waitangi acknowledged in our work'.

Text in each section

Note: text is set out from left to right in even rows to fit the section of the triangle.

Goal—People are treated fairly.

Outcomes—High public trust in government; People's rights are protected; Robust independent oversight; New Zealand contributes to regional stability and integrity institutions.

Impacts—People participate in government decision making; Government is responsive, efficient, effective, and accountable; Government actions are open, fair, and reasonable; People in positions of power act with integrity; People are treated humanely, with dignity by those in authority; New Zealand is a leader in anti-corruption and integrity.

Outputs—Inform the public to take constructive action to protect their rights; Improve public sector capability; Consultation to help the public sector make decisions; Enable serious wrongdoing to be disclosed and whistleblowers protected; Remove barriers to people with disabilities participating equally in society; Improve the conditions and treatment of people in detention; Ensure official information is increasingly available and not unlawfully refused; Identify flawed public sector decision making; Learn from, and assist to develop, international best practice.

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