| Annual Report 2020/2021 |
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# Ombudsman

# Kaitiaki Mana Tangata

for the year ended 30 June 2021

Presented to the House of Representatives pursuant to section 39 of the Public Finance Act 1989

ISSN 2382-0047

Mr Speaker

I submit to you my report for the year 1 July 2020 to 30 June 2021.

**Peter Boshier**

Chief Ombudsman

2020/2021

Pūrongorongo o te

Kaitiaki Mana Tangata

Report of the Ombudsman

for the year ended 30 June 2021

*Presented to the House of Representatives pursuant to section 29 of the Ombudsmen Act 1975*

NB: This is alternate text version and differs to the published PDF version of this report to allow for accessibility with graphs and charts verbalised in the appendices where needed.

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# Introduction

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## Introduction



Peter Boshier

Chief Ombudsman

The global COVID-19 pandemic has continued to dominate our lives in the past year, creating new challenges for us all. My work was no exception with new issues, complaint types, and places of inspection emerging, creating large volumes of work and a need to be flexible and innovative. I am proud to say that my staff have risen to meet these challenges with creativity, agility, and good humour.

The number of complaints that I considered during the year was frankly astonishing. I received 24 percent more complaints than in 2019/20. This is the highest volume of complaints in Aotearoa New Zealand Ombudsman history, 4 percent higher than the number received after the Canterbury earthquakes. The rise in complaints and other contacts can largely be attributed to issues arising from the ongoing government response to the pandemic. New ways of managing incoming complaints has enabled me to maintain high quality standards despite the unprecedented numbers, while achieving more than double the remedies on concerns about government actions and decision-making raised under the Ombudsmen Act as compared to last year. The lessons we have learned will be of immense value for managing major events in future.

The channels through which public participation and professional engagement occurs are changing. I have, therefore, adapted many of my communication and operational methods to maintain a relevant impact and public presence. My aim is to bring attention to the role of the Ombudsman and the important part in the democratic institution of a fair and just society. I established an internship programme in partnership with Kiingitanga which aims to raise awareness of my work among rangatahi and provide work experience for Māori university students. With the support of and advice from Pūhara Mana Tangata, a panel of senior and rangatahi leaders, and a Disability Advisory Panel, made up of people with lived experience of disability, I will continue to work to ensure that the voices of all New Zealanders are embedded in my work.

I am pleased to have been able, despite COVID-19 restrictions, to continue my engagement with colleagues in the Asia-Pacific to promote good governance, integrity, and anti-corruption. As president of the Asia-Pacific Ombudsman Region (APOR) of the International Ombudsman Institute, I leveraged the increased skill and capability in virtual communication tools to facilitate the first ever virtual APOR conference, with record high attendance.

Furthermore, my crucial role under the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was especially relevant in the current COVID-19 environment. The managed isolation and quarantine (MIQ) facilities, generally re-purposed hotels, continue to be an integral part of the system for keeping Aotearoa New Zealand COVID-free. My MIQ inspection programme gives the public and Parliament assurance that returnees’ rights are respected and protected. During the course of the year, I also continued to visit privately run secure aged care facilities. This was the second year of a three-year programme to set up OPCAT inspections of such units and these visits have helped inform my inspection expectations and methodology. Inspections of privately run aged care facilities will begin next year, as planned.

In what has been an extraordinarily busy year, I was not deterred from completing large scale systemic investigations. As well as completing eight investigations into official information practices, I conducted and published reports on two self-initiated investigations into:

* Oranga Tamariki – Ministry for Children, *He Take Kōhukihuki / A Matter of Urgency*, which looked at policies, procedures, and practices relating to the removal of newborn pēpi; and
* the Ministry of Health related to its oversight of hospital-level secure services for people with intellectual disabilities.

The awareness of the Ombudsman continues to grow and my mahi increases. This is a sign of the healthy democracy that we enjoy in New Zealand. I look forward to the next year and the challenges that it will no doubt bring.

Peter Boshier  
Chief Ombudsman

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# 2020/21 at a glance

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

* 40 percent more visitors to the Ombudsman website.
* Made 125 external resources available to the public.
* 69 percent public awareness of the Ombudsman.

## Improve public sector capability to do its work and make decisions

* Provided 44 external speeches, presentations, and training sessions to public sector agencies.
* Engaged with Oranga Tamariki – Ministry for Children and Ministry of Health on the implementation of systemic investigation recommendations.
* Published 79 new or updated guides and case notes.
* Provided advice or comment to public sector agencies on 374 occasions.
* Published data about official information complaints.

## Formal consultation to assist public sector agencies to make specific decisions

* Responded to consultations on 18 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 117 enquiries and requests for advice and guidance within three months of receipt. A 58 percent increase in enquiries from 2019/20.
* Updated two checklists to help whistleblowers prepare to make a disclosure and to assist organisations meet their obligations to protect whistleblower confidentiality.

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

* Published[*Making Disability Rights Real in a Pandemic, Te Whakatinana i ngā Tika Hauātanga i te wā o te Urutā*](https://www.ombudsman.parliament.nz/resources/making-disability-rights-real-pandemic), a report about the realities and challenges disabled people faced during the initial COVID-19 emergency in Aotearoa New Zealand.
* Established a Disability Advisory Panel to ensure that the voices of disabled people are reflected in my work.
* Developed an accessibility strategy to lead by example to meet obligations under the Disability Convention and achieve my vision as fully accessible to disabled New Zealanders.

## Improve the conditions and treatment of people in detention

* Visited 90 places of detention (prisons and some other places where people are not free to leave at will), including 58 formal inspections.
* 32 percent of visits to places of detention (excluding MIQ) were unannounced. All inspections of Managed Isolation and Quarantine facilities were announced for health and safety reasons.
* Made 179 recommendations for improvement, 140 of which were accepted.

## Ensure official information is increasingly available and not unlawfully refused

* Timeliness and quality standards for complaints remained high.
* Received 1,718 official information complaints and 437 other contacts concerning official information matters. Official information complaints have remained steady at historically high levels over the last three years.[[1]](#footnote-2)
* Resolved 44 percent of official information complaints[[2]](#footnote-3) and obtained 729 remedies for the benefit of the individual or public administration.
* Investigated approximately half of all official information complaints considered and formed 345 final opinions (around one quarter of all outcomes).
* A total of 64 official information investigations[[3]](#footnote-4) resulted in 76 recommendations.[[4]](#footnote-5)
* Continued the revisit of Not a Game of Hide and Seek by undertaking follow up official information practice investigations on the same 12 agencies.
* Completed four official information practice investigations into local government agencies and four follow up investigations from Not a Game of Hide and Seek.

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

* Timeliness and quality standards for complaints remained high despite unprecedented volume of Ombudsmen Act (OA) complaints received, arising from a significant number of COVID-19 related complaints. The total number of official information and OA complaints received is similar to the high volume received following the Canterbury earthquakes.
* Received 3,862 Ombudsmen Act (OA) complaints and 5,875 other contacts concerning OA matters. While there has been a steady increase of OA complaints over the years, there was a significant 37 percent more complaints received in 2020/21 compared to the previous year.
* Resolved 39 percent of OA complaints and obtained 531 remedies for the benefit of the individual or public administration – more than double the remedies achieved in 2019/20.
* Investigated 465 OA complaints – more than double than 2019/20, and formed 352 final opinions, 76 percent of all complaints investigated.
* A total of 82 investigations[[5]](#footnote-6) resulted in 169 recommendations.[[6]](#footnote-7)
* Conducted two systemic improvement investigations; one involving [Oranga Tamariki](https://www.ombudsman.parliament.nz/resources/he-take-kohukihuki-matter-urgency) – Ministry for Children, and one involving the [Ministry of Health](https://www.ombudsman.parliament.nz/resources/off-the-record).

## Learn from, and assist to develop, international best practice

* Provided a range of trainings and support to Ombudsmen and integrity agencies across 13 Pacific and Asian countries.
* Held a Regional Workshop on using the United Nations Resolution on the Role of the Ombudsman and Mediator Institutions as an advocacy tool.
* Delivered several webinars on how the Chief Ombudsman functions as a National Preventative Mechanism for places of detention and an Independent Monitoring Mechanism for disability rights.
* Provided advice to stakeholders on the establishment and development of Right to Information frameworks.

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# Background

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## Nature and scope of the Ombudsman’s functions

As Chief Ombudsman, I am an Officer of Parliament. I am appointed by the Governor-General on the recommendation of Parliament. 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]](#footnote-8)
* protect and monitor disability rights in Aotearoa New Zealand;[[8]](#footnote-9)
* monitor and inspect places of detention to prevent torture or other forms of cruel, inhuman or degrading treatment or punishment;[[9]](#footnote-10)
* resolve, investigate, and review complaints about decisions on requests for access to official information;[[10]](#footnote-11)
* monitor general compliance and good practice by public sector agencies in managing and responding to official information requests;[[11]](#footnote-12)
* resolve and investigate complaints about decision-making and conduct in the public sector;[[12]](#footnote-13)
* contribute to systemic improvement by identifying, resolving, and investigating concerns with public sector administration and decision-making;[[13]](#footnote-14) 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 administrative conduct and decision-making;
* the conditions and treatment of people in detention, and the prevention of torture or 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.

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| What is the extent of my oversight?  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 and the Police (in relation to decisions on requests for official information).   I also have the designation to monitor and 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 restored;
* Parliament is assured robust and independent oversight is taking place; and
* Aotearoa 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.

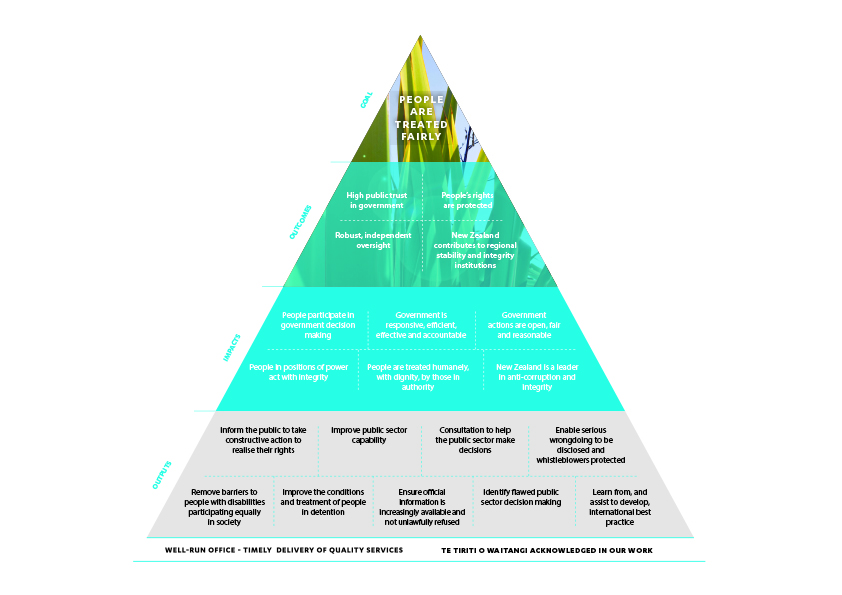


Figure 1: Ombudsman outcomes framework.

[See Appendix 1 for text alternative version of this diagram.](#Appendix1)

## Te Tiriti o Waitangi / The Treaty of Waitangi

Te Tiriti o Waitangi / The Treaty of Waitangi[[14]](#footnote-15) (Te Tiriti) is relevant in two significant ways to my work.

First, I acknowledge Te Tiriti and will ensure my own processes and decision-making are consistent with its principles.[[15]](#footnote-16) In practical terms this means I:

* aim to not make decisions that are inconsistent with Te Tiriti and its principles;
* engage Māori to understand their views when determining matters that affect their rights and interests; and
* incorporate tikanga in all aspects of my work, including investigatory, monitoring, and internal policy or process development.

Secondly, and significantly, Te Tiriti, its principles, and tikanga are a source of obligations in a variety of ways for public sector bodies and must be factored into the Ombudsman’s review of those bodies. In this way, the Ombudsman can help to ensure the Crown’s obligations under Te Tiriti and its principles are being upheld and applied.

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| Unreasonable actions throughout dealings with custodial caregiver  A custodial caregiver made a complaint about Oranga Tamariki—Ministry for Children’s removal of her mokopuna from her care, and the Ministry’s actions after reviewing her case.  I investigated the concerns raised and whether the Ministry had failed to work with the complainant in a manner consistent with her values and needs as wāhine Māori. Through the investigation I found that the Ministry used incorrect and unverified information about the complainant and failed to perform due diligence before removing her mokopuna. The Ministry’s review of the case failed to cover the wide-ranging issues that the complainant raised, and the Ministry failed to implement the review’s recommendations fairly.  I found that the Ministry acted unreasonably throughout its dealings with the complainant. I made recommendations that the Ministry make an adequate apology, pay for additional counselling, and improve its guidance for staff on working in a trauma-informed manner.  [Read the full case note on the Ombudsman website.](https://www.ombudsman.parliament.nz/resources/unreasonable-actions-throughout-dealings-custodial-caregiver) |

I have several initiatives in place to help staff develop their capability in these areas, in particular so that they are appropriately skilled and confident in te ao Māori tikanga, and Te Tiriti. Specific measures I have in place are:

* development and implementation of a Māori engagement strategy by my new team, Rōpū Māori Hononga Hapori (Māori and Community Engagement team);
* Pūhara Mana Tangata, my key advisors on engaging with Māori;
* development of an internal te ao Māori strategy including a staff cultural competency programme covering tikanga protocols, te reo, and te ao Māori; and
* a staff reference group specifically focused on considering Te Tiriti issues.

I am fully committed to further work to embed Te Tiriti in my work.

### 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 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 to the public 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. My independent oversight assists agencies to identify and correct deficiencies and promote greater accountability for the decisions 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.

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| **Consultation on health and safety plans for Managed Isolation Facility**  I received complaints from a group of residents living permanently in a hotel building designated as a managed isolation facility in July 2020. The residents complained that the All of Government Response Group (the Group), administered by the Department of the Prime Minister and Cabinet (DPMC), did not adequately consult them on risk management or health and safety processes or share relevant information in a timely manner.  My investigation found that the Group undertook consultation with hotel management. They relied on the hotel staff to contact the residents and seek their views about the development of the health and safety plan. The residents had been provided a copy of the plan more than two weeks after the hotel became a managed isolation facility and did not receive responses to requests for further information.  I found that DPMC failed to consult appropriately with the residents when developing the health and safety plan, and to share information with residents in a timely manner once the plan had been developed. It also omitted to consider the residents’ requests for health and safety information in accordance with the Official Information Act.  To facilitate information sharing going forward, DPMC offered to host a question and answer session for all interested residents and parties, including participation by hotel management. It said it would also take a more proactive role in closing any information gaps between the hotel and the residents.  [Read the full case note on the Ombudsman website.](https://www.ombudsman.parliament.nz/resources/consultation-health-and-safety-plans-managed-isolation-facility) |

#### 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 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. Aotearoa New Zealand has recognised this by signing and ratifying various international human rights conventions. As such we, as a country, have a responsibility to ensure our words match our deeds 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.

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

Aotearoa New Zealand has an opportunity to promote good government on the world stage. Aotearoa 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 Ombudsmen colleagues to develop, share, and learn from best practice in this area.

New Zealand being a leader in promoting integrity and anti-corruption has a direct impact on Aotearoa 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 society and the public sector, to which the Ombudsman is but one contributing factor.

My first impact measure is through the Kiwis Count Survey, administered by Te Kawa Mataaho 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’.[[16]](#footnote-17)

The Kiwi Count Survey quarterly summaries track the experience of trust in public sector and trust in the public sector brand. The reporting structure of the Kiwi Count Survey no longer includes the ‘service quality score’ target that I normally report on. However, the reported trust in the public sector reached an all-time high in December 2020 at 69 percent.[[17]](#footnote-18)

My second impact measure is how Aotearoa New Zealand rates in public service probity[[18]](#footnote-19) as measured by the Transparency International Corruption Perceptions Index.[[19]](#footnote-20) 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 2020, 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](#_Report_on_operations) (with detailed statistics in [Parts 6](#_Financial_and_performance) and [7](#_Analysis,_statistics_and)).

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# Outputs and operations

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## 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.

### External resources and presentations to the public

I undertake a range of public awareness-related activities so everyone 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.

The environment of public participation has changed, therefore I adapted my communications methods to facilitate a wider public impact and presence. I take a proactive position on the material I publish, increasing visibility by being proactive on issues within my mandate. The aim of this work is to bring attention to the role of the Ombudsman and this important part in the democratic institution of a fair and just government.

I have begun to adapt the ways in which I make information available as there is an ongoing shift to access through social media platforms. In 2020/21, I added more video content to supplement my published material. These different forms of information increased the reach of my messaging to a broader range of New Zealanders. I continue to research and develop communication tools to expand my reach to more and diverse audiences.

My website had a total of 153,360 visitors this year; an increase of 40 percent. The vast majority of these visitors were new to the site. The time people are actively using the Ombudsman website has increased 111 percent as compared to last year. After the homepage, the resources and publications section of the website was the most popular, followed by the help section for the public. Pleasingly, 95 percent of complainants surveyed found my website useful.

### Directed outreach

I continue to take steps to maintain relevance with the general public. In line with ‘Fairness for All,’ I have begun to extend my engagement with groups of people that have not had much engagement with successive Ombudsmen. In the public awareness surveys, discussed in the next section, the audiences with less awareness of the Ombudsman tend to be young people and Māori, Pacific people, and Asian communities.

Pūhara Mana Tangata, a panel of senior and rangatahi leaders, was established to advise me in my engagement work with Māori. The name Pūhara Mana Tangata conveys the panel’s role as a watchtower ensuring fairness for all, particularly Māori. I must ensure my relevance to all New Zealanders in a way that incorporates the interests of te ao Māori.

For me, it is about ensuring whānau and iwi are aware of the advantages of knowing what I, as the Ombudsman, do. Pūhara Mana Tangata has a very important role in providing me with a uniquely Māori perspective and guidance on engaging in the interests of Māori. I continue on a journey to engage and foster trusting relationships with prominent Māori leaders, iwi, whanau, and communities, including Kiingi Tūheitia Potatau Te Wherowhero VII and Kiingitanga representatives and Ngāi Tahu and Te Pūtahitanga o te Waipounamu.

I have also begun research and other activities to develop different communication tools. This research is developing the building blocks for how I can better engage with young people. I have been working with school programmes to develop resources to promote the awareness of the rights and services available. This work, along with learnings from my oversight of complaints concerning children in care, is essential to understanding what tools, resources, and processes I need to develop in order to better engage with the young people of Aotearoa New Zealand.

Outcomes and learnings from the targeted outreach are incorporated more widely in all the work I undertake. Increased and diverse resources will ensure a more inclusive way of engaging with the public.

### Public awareness survey

I track the level of public awareness of my role. I target my information and outreach efforts toward hard to reach audiences and to address any gaps in knowledge.

For the tenth year, I engaged a market research company to conduct a survey to gauge the level of public awareness of the Ombudsman. Overall, 69 percent of those surveyed had heard of the Ombudsman. This year there was change in methodology, which means the results are not directly comparable to previous years. However, similar to previous surveys, respondents over 60 years old were more likely to be aware of the Ombudsman (97 percent) when compared to respondents who were under 30 (27 percent). Awareness amongst New Zealand European was 77 percent, Māori 61 percent, Pacific peoples 52 percent, and Asian communities 47 percent. The research cohort, especially at a granular level, is small. I also acknowledge that some groups of people tend to be underrepresented in market research.



Figure 2: Word cloud produced by UMR Research (May 2021), showing the most frequently used words to describe what the Ombudsman does.

## 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 Aotearoa 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 2020/21, I commented on 39 legislative, policy, and administrative proposals. These included comments on Cabinet papers, Bills, and administrative policies and procedures.

On 335 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.

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| Key submissions on legislation and draft Cabinet papers included:   * Draft Cabinet paper: Consultation on tertiary education learner wellbeing and safety: Code of Practice, dispute resolution, and legislative change * Reserve Bank Bill * Statutes Amendment Bill proposals   Key submissions on policy or administrative proposals included:   * Auckland Council code of conduct * Auckland Council Unreasonable Complainant Conduct policy * Changes to Oranga Tamariki – Ministry for Children Complaints System * Dispute Resolution Capability Maturity Model * Earthquake Commission Complaint Resolution Guide * Earthquake Commission Insurer Response Model * Local authority codes of conduct * Ministry of Education proposal for disputes resolution scheme, Operator Ombudsman Oversight * Ministry of Health Official Information Act policy * Ministry of Social Development Official Information Act training module * New Zealand Customs Service Official Information Act resources * Royal Commission of Inquiry into the Terror Attack on Christchurch Mosques |

### Training

In 2020/21, 28 training sessions and 16 speeches/presentations were given to public sector agencies. Training topics included official information, good administration (including record keeping), the Ombudsman’s role, and good decision-making.

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

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| Organisations which received Ombudsman training in 2020/21   * Accident Compensation Corporation * Association of Local Government Information * Capital & Coast District Health Board * Crown Law * Earthquake Commission * Environmental Protection Authority * Government Official Information Forum * Hutt Valley District Health Board * Immigration New Zealand * Invercargill City Council * Massey University * Ministry of Business, Innovation, and Employment * National District Health Board conference * New Zealand Defence Force * New Zealand Police * Porirua City Council * Westland District 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 formed on complaints.

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| Guidance materials produced in 2020/21 include:   * Seventy-one case notes on key complaints * Seven new or updated topic guides and resources   + [Political neutrality](https://www.ombudsman.parliament.nz/resources/faqs-official-information-requests-during-general-election-period)   + [The OIA and the Inquiries Act 2013](https://www.ombudsman.parliament.nz/resources/oia-and-inquiries-act-2013)   + [Privacy: A guide to section 9(2)(a) of the OIA and section 7(2)(a) of the LGOIMA](https://www.ombudsman.parliament.nz/resources/privacy-guide-section-92a-oia-and-section-72a-lgoima)   + [Confidentiality: A guide to section 9(2)(ba) of the OIA and section 7(2)(c) of the LGOIMA](https://www.ombudsman.parliament.nz/resources/confidentiality-guide-section-92ba-oia-and-section-72c-lgoima) * 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 the Ombudsman [website](http://www.ombudsman.parliament.nz/resources-and-publications/oia-complaints-data) in September 2020 and March 2021.

### Evaluation and monitoring

I evaluate and monitor the implementation of recommendations made in my systemic investigations. This work goes beyond making recommendations for specific improvements; I work with agencies to facilitate meaningful and effective implementation.

Following [*He Take Kōhukihuki /A Matter of Urgency*](https://www.ombudsman.parliament.nz/resources/he-take-kohukihuki-matter-urgency), I commenced a new process of working directly with Oranga Tamariki – Ministry for Children to apply an outcomes-based lens to implementation of that report’s recommendations. Ministry staff were engaged through discussions and workshops. The aim of this approach was to determine how to implement the recommendations to best achieve their objectives. This allowed the Ministry to tailor its actions for greatest beneficial impact within a fast-changing operating context, including structural and strategic reviews at organisational and system level.

Similar engagements have also been underway with the Ministry of Health as it implements the recommendations from [*Off the Record*](https://www.ombudsman.parliament.nz/resources/off-the-record), a systemic report into the adequacy of data collection and analysis of the deaths of people with intellectual disability.

## 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, improving practices, 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 2020/21, I provided comment to Waka Kotahi (New Zealand Transport Agency) on 18 applications for authorised access to personal information on the motor vehicle register.[[20]](#footnote-21)

The 53rd Parliament instituted a Petitions Committee to consider all petitions received by Parliament. In August 2020, a standing order 378(2) gave the Committee discretion to ‘request assistance from the Ombudsmen for the consideration of a petition (whether the petition is before the Petitions Committee or another select committee).’ I have begun working with the Committee to establish a protocol and encourage consultation on these petitions with a focus on achieving the most appropriate outcome.

I also provided comment to 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

Ensuring that serious wrongdoing[[21]](#footnote-22) 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 legislation aims to encourage people to report serious wrongdoing in their workplace (in the public or private sector) by providing protection against retaliation for employees[[22]](#footnote-23) who want to blow the whistle. My role under the legislation is to:

* raise general awareness of whistleblowing processes and protections;
* provide advice and guidance to potential whistleblowers;
* 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.

I continue to raise public awareness about the Ombudsman’s role in providing advice and guidance. To gauge outreach efforts, I engaged a market research company to conduct a survey about the awareness and knowledge of the Protected Disclosure Act and whistle blowing. The comparison of the biennial results has identified a 7 percent increase in awareness, which appears to be led by people aged 30 to 44,[[23]](#footnote-24) and Māori and Pasifika.[[24]](#footnote-25) Half of the people who reported witnessing serious wrongdoing had made a protected disclosure – a 15 percent increase.

In 2020/21, I completed 117 enquiries and requests for advice and guidance by potential whistleblowers and organisations. All of these were completed within three months of receipt. The significant rise in the number of protected disclosures enquiries and requests I received this year, as compared to 74 in 2019/20, demonstrates the extremely high demand for my services in this area.

I updated two checklists to [help ‘whistleblowers’ prepare to make a disclosure](https://www.ombudsman.parliament.nz/resources/checklist-am-i-ready-make-protected-disclosure) and to assist [organisations meet their obligations to protect whistleblower confidentiality](https://www.ombudsman.parliament.nz/resources/checklist-protecting-whistleblower-confidentiality).

As well as receiving disclosures and providing advice and guidance, I have been actively engaging in the ongoing the development of the new Protected Disclosures (Protection of Whistleblowers) Bill.

## 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, and economic. Barriers may also be present when information is not available in a way that is accessible to everyone. Aotearoa New Zealand can make disability rights real by breaking down these barriers.

The Ombudsman, the Human Rights Commission, and the Disabled Peoples’ Organisations Coalition form Aotearoa New Zealand’s Independent Monitoring Mechanism (IMM) under Article 33 of the Disability Convention. The role of the IMM is to protect and monitor the implementation of the rights set out in the Disability Convention, and contribute to effective and transformative change. The composition of the IMM ensures disabled people play an active role in monitoring disability rights to ensure the government is implementing the Disability Convention in Aotearoa New Zealand.

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.

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| Making Disability Rights Real in a Pandemic, Te Whakatinana i ngā Tika Hauātanga i te wā o te Urutā  In January 2021, the IMM released [*Making Disability Rights Real in a Pandemic, Te Whakatinana i ngā Tika Hauātanga i te wā o te Urutā*](https://www.ombudsman.parliament.nz/resources/making-disability-rights-real-pandemic). This report highlighted the realities and challenges disabled people faced during the initial COVID-19 emergency in Aotearoa New Zealand between March 2020 to mid-June 2020. The report was made available in a range of formats, including an accessible Word version, audio, braille, Easy Read, large print, New Zealand Sign Language, and te reo Māori.  At the centre of the report are the stories of disabled people and their experiences through lockdown. These were collected when the IMM undertook nationwide engagement with disabled people through a series of hui to ensure a wide range of voices and perspectives were captured. The stories tell of resilience, strength, and commitment. Some stories were distressing, while others demonstrated caring and inventive responses.  The IMM’s report notes that the restrictions imposed under various COVID-19 alert levels highlighted, and exacerbated, some existing inequities in disabled people’s enjoyment of human rights. However, there were also instances of greater connectedness, collegiality, and a sense of more inclusive community.  The Disability Convention requires signatory governments to protect and promote the rights of disabled people. Article 11 is of particular relevance to the COVID-19 emergency, as it requires governments to uphold disability rights in situations of risk and emergency, and put in place measures to protect and ensure the safety of disabled people.  The IMM’s report strongly recommends collaboration in decision-making with tāngata whaikaha Māori (disabled Māori). The IMM also made a further 23 recommendations across seven sectors – access to essential goods, services, and spaces; decision-making, participation and data; access to information and communications; education; health; work and employment; and access to justice and disabled people in places of detention. The IMM has made these recommendations to equip New Zealand with the ability uphold the rights of disabled New Zealanders during future humanitarian emergencies. I expect a response from the government to the IMM’s recommendations later in 2021. |

### Accessibility and active engagement with disabled people

I continue to strive to ensure public information about my role is accessible to all New Zealanders by providing key information in a range of accessible formats. This allows people to get the information they need in a way they can understand.

As my role and functions grows, and understanding around accessibility increases, I have been working to ensure I am meeting the needs of disabled people wanting to engage with the services I provide, as well as those who may wish to seek employment opportunities within my staff. I am developing an Accessibility Strategy and scoping how to progress its accompanying action plan. Doing this will enable me to lead by example and achieve my vision of being fully accessible to disabled New Zealanders.

To support my work in the disability space, I have set up a Disability Advisory Panel, made up of people with lived experience of disability, to ensure that the voices of disabled people are reflected in my work. The Disability Advisory Panel will have its inaugural meeting in 2021/22. I look forward to engaging with the panel on contemporary issues that are important to disabled people.

### Disability rights incorporating a te ao Māori approach

I have sought to ensure a te ao Māori approach in my disability rights work. After discussions with the Chief Executive of Waikato Tainui College in 2020, I established an internship programme in partnership with Kiingitanga. The aim of the programme is to:

* grow awareness of the work of the Ombudsman among rangatahi Māori; and
* provide corporate work experience for Māori university students.

In 2021, my Disability Rights Team welcomed our first Kiingitanga Intern, who undertook a variety of roles including presenting at my staff conference about tāngata whaikaha Māori (disabled Māori) and updating corporate documents to reflect a te ao Māori and matauranga Māori view.

I continue to engage with Kāpō Māori Aotearoa on key disability rights matters. Kāpō Māori Aotearoa is a member-based society providing support and advice for kāpō (blind, vision impaired, and deafblind) Māori and their whānau. This ongoing relationship is an excellent opportunity to learn more about te ao Māori and its approach to disability rights.

I hosted a hui in Auckland with Ngā Rōpu o Manaaki Tāngata (the youth branch of Kāpō Māori Aotearoa). I was extremely grateful to hear the views of Māori youth with visual impairments, and to discuss recent work they have published highlighting their personal experiences. It is vital that I continue to hear the voices of Māori youth and amplify these voices in my work.

### 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 am also able to explicitly ask an agency how it has taken a particular article of the Disability Convention into account when considering a complaint.

I also note issues as they arise in inspections of places of detention. Disability rights continues to be an area of focus for my inspections. I am aware that a significant proportion of detainees have a disability, or have experience of mental health distress, and it is important to ensure these people receive appropriate support, and are able to request reasonable accommodation when necessary.

## Improve the conditions and treatment of people in detention

I am 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). The purpose of the OPCAT role is to prevent torture and other cruel, inhuman or degrading treatment or punishment of persons who are detained. In carrying out this role, I undertake various activities including examining the treatment and conditions of persons in at last count 444 facilities, comprising:

* 18 prisons;
* 118 health and disability places of detention (including 33 managed isolation and quarantine facilities);
* 240 privately run aged care facilities;
* four substance addiction (Compulsory Assessment and Treatment) units;
* one immigration detention facility;
* one remand facility;
* one Public Protection Order (PPO) residence; and
* 61 court facilities.

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

My role has a preventive purpose and is to:

* carry out regular and unfettered monitoring, including visits and inspections of places of detention;
* gather and analyse information and evidence from records, site observations, staff, detainees, visitors, and others to assess conditions in places of detention;
* comment on law, policy, and procedure where that would assist to improve conditions and treatment;
* make recommendations to prevent torture or ill treatment, and to improve the conditions of detention and treatment of detainees, including identifying and promoting good practice according to international standards; and
* track and follow up on the implementation of my recommendations.

A key activity involves visiting and inspecting places of detention both on an announced and unannounced basis. This helps to ensure that people who are deprived of their liberty are treated humanely, and their rights are respected and protected. It also ensures Aotearoa New Zealand is seen nationally and internationally as a good global citizen, adhering to agreed international human rights conventions.

### Visits and inspections

1. Combining my pre-planned programme of inspections and visits with the additional MIQ facility inspections, in 2020/21, I carried out a total of 90 visits to places of detention, including 58 formal inspections. This brings the total number of visits conducted over the 14-year period of the Ombudsman’s operation under OPCAT to 663, including 310 formal inspections.

Twenty-three visits (32 percent of non-COVID-19 specific visits) were unannounced. In 2019/20, the global pandemic required resources to be pivoted to the targeted COVID-19 inspection programme. This meant that some other reports had to be deferred and so in 2020/21, only 21 percent of all drafted reports were provided to the relevant facility within the usual timeframes. This was an expected flow on effect from the shift in priorities in 2019/20, as a key focus in 2020/21 was on completing reports on pre-pandemic inspections that had been deferred. More information about these inspections, including links to reports published this year, can be found in [Part 7](#_OPCAT_inspections).

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 179 recommendations, of which 140 (78 percent) were accepted or partially accepted. A further breakdown of these recommendations can also be found in [Part 7](#_OPCAT_inspections).

#### Managed Isolation and Quarantine Facilities

I established an inspection programme for Managed Isolation and Quarantine (MIQ) facilities to provide the public and Parliament assurance that the basic human rights of people isolated for health reasons are being respected. My MIQ inspections were carried out with full regard for health and safety based on the experience gained in the targeted COVID-19 specific inspections[[25]](#footnote-26) of 2019/20. 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 the ‘new normal’ environment. My inspections were all announced and required robust health and safety procedures.

In total, I completed 17 inspections and visits of MIQ facilities, and finalised 10 facility reports with a combined 49 recommendations to improve the conditions and treatment of people placed in these facilities. A thematic report about my observations was be published in 2021/22.[[26]](#footnote-27)

#### Prisons and PPO

I conducted two full inspections, two follow up inspections, and one visit at prisons in 2020/21. (Full list of inspections in [Part 7](#Inspections).) I reported concerns that were similar to those raised in previous years, including material conditions in prisons, treatment of Māori prisoners, support for disabled prisoners, time out of cell, and the use of force.

I reported on substandard conditions, including a poor physical environment, the use of ‘dry cells,’ and continued use of CCTV monitoring in cells. Observed examples included the use of ‘single-double’[[27]](#footnote-28) cells and poor ventilation. I have previously highlighted use of CCTV in cells where toilet usage is visible as a breach of Article 16 of the Convention against Torture.

I have concerns around use of force that is unnecessary and disproportionate, including pepper spray. I also reported on the continued use of unapproved control and restraint techniques.

Inspections continue to observe disproportionate rates of incarceration of Māori. However, active provision of kaupapa Māori programmes and practices in prisons remains low. I acknowledge that Ara Poutama Aotearoa[[28]](#footnote-29) (Department of Corrections) released its strategy *Hōkai Rangi 2019 – 2024* in August 2019.

I also reported on an inspection of the public protection order (PPO) residence.[[29]](#footnote-30) I was pleased to see that accommodation was of an adequate standard and levels of violence in the residence were low. However, I am concerned that:

* the PPO Review Panel was not implemented in a timely manner;
* residents were never given leave of absence for humanitarian or rehabilitative purposes; and
* there was a low level of rehabilitation provided in the residence.

#### Intellectual disability facilities

This year, I inspected three Regional Intellectual Disability Supported Accommodation Service (RIDSAS) facilities. My reports on these facilities are currently underway and will be completed in the 2021/22 year. Overall, the service users were positive about the care and treatment they received on the units. They felt safe and that they were treated with dignity and respect.

#### Mental health facilities

I conducted a total of 31 inspections and visits to mental health inpatient units in 2020/21. (Full list of inspections in [Part 7](#Inspections).)

Overall, service users were mostly positive regarding the care and treatment they received on the units and felt they were treated with dignity and respect. One facility had the initiative to create a role for a Kai Manaaki to provide care in seclusion and on admission. The same facility developed a new unit design to be a model for recovery and patient-centred care.

Unfortunately, several other facilities were over maximum occupancy. In some facilities, the volume of service users resulted in the use of seclusion rooms and other non-designated rooms as bedrooms, mixing of genders or designations (ie, people with intellectual disabilities and high and complex needs); and service users clinically ready but not discharged due to lack of housing or transitional accommodation.

I also noted some general unsatisfactory physical environments, restrictive practices, and record keeping concerns. I reported on issues including buildings not fit for purpose, maintenance issues, and seclusion room conditions.

Drop in visits to mental health units for older persons have enabled me to get a sense of the environment provided for residents at these facilities, how their wellbeing is provided for, and to understand how residents’ safety and independence is promoted. My inspections of mental health units for older persons have identified areas for improvement that include providing an environment that is fit for purpose – with ready access to an adequate outdoor area, and patients having the opportunity to engage in group activities. I would also like to see the least restrictive measures attempted and recorded to de-escalate situations before personal restraint is considered. It has been pleasing to see action taken to address my recommendations in this area.

#### Aged Residential Care Facilities

In 2020/21, I completed the second year of a three-year work programme to set up OPCAT inspections for privately run aged care facilities where people are not free to leave at will (primarily secure units). I continued to conduct orientation visits and develop my inspection expectations and methodology. On 28 June 2021, my staff met with sector representatives to provide an update on this programme and on 30 June 2021, my draft ‘expectations for the conditions and treatment of residents in health and disability facilities – aged care’ were made publicly available for feedback.[[30]](#footnote-31) Additional information about my designation and planned programme is also available on the Ombudsman website.[[31]](#footnote-32)

The orientation visits to secure units in privately run aged care facilities helped to inform the development of [my aged care inspections programme](https://www.ombudsman.parliament.nz/resources/opcat-aged-care-inspections-programme). Over the year, I visited a further 31 facilities across New Zealand. These orientation visits provide an understanding of the facilities that deliver specialised secure dementia and psychogeriatric care, including their size and ownership structures. I expect to commence inspections of privately run aged care facilities in 2021/22.

#### Court Facilities

I share the responsibility for inspecting the treatment and conditions of people detained in court facilities with the Independent Police Conduct Authority (IPCA). In 2020/21, our staff jointly visited three court facilities in Hamilton, the Hutt District, and the Wellington District. The purpose of these ‘orientation visits’ was to familiarise ourselves with the facilities and to gather information that will help to inform the development of the inspection process as well as the expectations that will be used to assess the treatment and conditions of people in court cells. I am also working with IPCA to develop a framework which sets out an agreed way of working together for the most effective use of resources, expertise, and experience across both organisations.

### Other OPCAT activities

I look to regularly engage in a meaningful process of dialogue with relevant agencies to highlight certain matters of interest or areas of concern in relation to places of detention. In 2020/21, I engaged with agencies on a number of issues, including:

* the Ministry of Business, Innovation, and Employment (MBIE) about the ability of detainees in MIQ facilities to access fresh air;
* MBIE about the conditions and treatment of those required to isolate on ships; and
* Ara Poutama Aotearoa about information-gathering concerns relating to detainees under the Immigration Act.

I also undertook a range of educational, training, and awareness-raising activities. In particular, I contributed to a number of international webinars (further details in [*Learn from, and assist to develop, international best practice*](#_Learn_from,_and_2) section).

## 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](#_Analysis,_statistics_and).

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.[[32]](#footnote-33) 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.

### Complaints

I treat matters as formal complaints once they have been put in writing.[[33]](#footnote-34) 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.

Even with a bigger focus on Ombudsmen Act matters as a result of complaints arising from the COVID-19 pandemic, this year I still saw a slight increase in other contacts about official information. The ever increasing volumes of work are managed through a mixed approach of reactivity in an environment of fluidity, and proactivity with engagement on emerging issues.

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| **Request for names of clusters that COVID-19 cases were linked to**  A news organisation requested the names of the COVID-19 clusters linked to cases in the Bay of Plenty district. The District Health Board (DHB) confirmed that three of the 47 cases of COVID-19 were tied to recognised clusters, but withheld the names as release may reveal private information about the individuals. The requester made a complaint about the decision.  While the information was withheld under section 9(2)(a), to protect the privacy of the individuals, I was of the view that section 18(c)(i) of the OIA was more relevant.  I accepted that release of the information at issue, in circumstances where it was not necessary for the effective management of the outbreak, would be contrary to the duty of confidentiality in section 92ZZG(2) of the Health Act. I also accepted that officials had adequately considered whether releasing the cluster names would be for the effective management of COVID-19. There was no sign the process had been done in an insincere or ill-considered way.  I formed the opinion that the DHB was entitled to refuse the request under section 18(c)(i) of the OIA, and the DHB’s decision not to exercise the discretion to release the information *‘for the effective management of infectious diseases’* was not unreasonable.  [Read the full case note on the Ombudsman website.](https://www.ombudsman.parliament.nz/resources/request-names-clusters-covid-19-cases-were-linked) |

I received 1,394 OIA complaints, 324 LGOIMA complaints, and 437 official information related other contacts. Similar to last year, 67 percent of official information complaints were received from the general public. The next highest group to make complaints were the media, at 17 percent. Three quarters 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](#_Analysis,_statistics_and), tables 12 and 19.

I completed 1,223 OIA and 284 LGOIMA complaints.

### Agencies

This year, 37 percent of official information complaints were made against government departments, 37 percent against other public sector agencies, 19 percent against local government agencies, and 6 percent against Ministers.

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| Delay in responding to request for briefings  On 8 January 2021, the Minister for Courts received an Official information Act (OIA) request for documents referred to in his replies to Written Parliamentary Questions. The Minister notified the requestor of an extension three times; 20, 39, and 57 working days after receipt of the request. When the requester had still not received a response by 4 April 2021, they made a complaint.  Only the first extension was within the initial 20 working days following receipt of the request, and therefore constituted a valid extension. The other communications to the requester advising of new deadlines did not meet the obligations in section 15A of the OIA.  I formed the provisional opinion that the Minister had failed to comply with sections 15(1) and 15A of the OIA – to make and communicate a decision within legislated timeframes, taking into account any valid extensions. This appeared to be ‘contrary to law’. I also noted a concern that responses to my inquiries were not provided in a timely manner. The Minister accepted that there had been a failure to meet the obligations imposed by the OIA. He also provided an assurance that his office’s processes had been reviewed in order to improve compliance with the OIA and the standard of future communications.  I formed the final opinion that there had been a failure to meet the statutory obligations imposed by the OIA. I acknowledged the Minister’s acceptance of his failure to meet the statutory requirements, and his assurance to review processes within his office.  [Read the full case note on the Ombudsman website.](https://www.ombudsman.parliament.nz/resources/delay-responding-request-certain-briefings) |

### Outcomes

I continue to dedicate considerable focus towards 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 2020/21, I resolved[[34]](#footnote-35) 44 percent of official information complaints that would otherwise have been subject to a full investigation. Through the resolution and investigation process, I obtained 729 remedies this year. The majority of these remedies were a change of the decision or an omission being rectified. A full breakdown is provided in [Part 7](#_Analysis,_statistics_and).

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

In the majority of the 105 cases where I identified a deficiency, this was due to an unjustified refusal of official information (64 percent) or delay (18 percent). I am pleased to see a 6 percent drop complaints where I found an administrative deficiency due to delay. I made 68 recommendations, all but one were accepted.

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| Delay in responding to request for information about the Invited Visitor Policy and sponsorship  I received a complaint about an information request made to Antarctica New Zealand. I made preliminary inquiries about the delays in responding to the request and when a decision was expected to be made. Antarctica New Zealand accepted that there had been a delay in communicating a decision to the requester, and explained that the delay had occurred due to consultation with the Ministry of Foreign Affairs and Trade. The time frame for responding had been extended until 28 August 2020, which was after the date of these inquires.  On 14 October 2020, I formed a final opinion that Antarctica New Zealand appeared to have acted ‘contrary to law’ by failing to comply with section 15(1) of the OIA to make and communicate a decision within the extended time limit. I recommended that Antarctica New Zealand make and communicate a decision on the request as a priority. The following day, Antarctica New Zealand made and communicated its decision to release the information with redactions.  As the breach was serious and ongoing, I also decided to investigate Antarctica New Zealand’s deemed refusal of the request under section 28(4)(b) of the OIA and asked for a copy of the information at issue. My subsequent investigation focused on whether there was good reason for the information to be withheld.  [Read the full case note on the Ombudsman website.](https://www.ombudsman.parliament.nz/resources/delay-responding-request-information-about-invited-visitor-policy-and-sponsorship) |

### Office performance

I report timeliness and clearance rates across all complaint types—OIA, LGOIMA and Ombudsmen Act. I completed 72 percent of all complaints within three months, 82 percent within six months, and 93 percent within 12 months. Of open cases (complaints and other contacts) as at 30 June 2021, only 1 percent were over 12 months old – the lowest percentage achieved in recent years.

The sheer number of complaints I received in 2020/21 further contextualises timeliness targets. The total volume of OIA, LGOIMA, and OA complaints received is higher than the amount received following the Canterbury earthquakes in 2011.

Figure 3: Complaints received since 2011/12.

[Link to text alternative version of Figure 3.](#Figure3table)

I performed formal quality assurance checks across a random sample of all completed complaints and other contacts (OIA, LGOIMA, and Ombudsmen Act). Eighty-five 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 OIA and LGOIMA 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 2020/21, I finalised investigations into the official information practices of Invercargill City Council, Porirua City Council, Buller District Council, and Tauranga City Council.

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.

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| Investigation into Invercargill City Council  My investigation into Invercargill City Council official information practices, between October 2019 and November 2020, found that although the Chief Executive led with an open style contributing to an increasingly open culture within the Council, there was more work to do.  I found there was significant room for the Council to improve its official information practice. I made six recommendations and 34 suggested action points. Overall, my opinion was that the Council unreasonably failed to implement an effective official information practice. The Council did not have an official information policy, procedures, or guidance in place, nor a LGOIMA request webpage. In addition, minimal official information training was being provided, and decision-making appeared to be undertaken on an ad-hoc basis, without effective templates or consistent peer review. I also identified occasions where the Council failed to inform a requester of the reasons for refusing a LGOIMA request, and failed to inform requesters of their right to complain to the Ombudsman when LGOIMA requests had been refused.  I did note in my final opinion that the Chief Executive has had to deal with a number of challenges, with media coverage highlighting various tensions between the Council and elected members, and amongst elected members themselves. It was clear that the Chief Executive was working to encourage openness and champion accountability at the Council. Achieving the purposes of LGOIMA largely depends on the attitudes and actions of leaders. The impact of positive leadership, including from elected members, in developing an environment that promotes openness and transparency should not be underestimated.  The Chief Executive informed me she is committed to building capability and implementing the recommendations to effect change within the Council. To that end, the Council accepted all recommendations and action points, and has so far completed two recommendations.  I continue to follow up with the Council to monitor its progress against the remaining recommendations and action points, and I am encouraged with the improvements the Council is making. |

### Revisiting Not a Game of Hide and Seek

As I reported last year, the COVID-19 pandemic impacted my ability to complete my follow-up to [*Not a Game of Hide and Seek*](https://www.ombudsman.parliament.nz/resources/oia-report-not-game-hide-and-seek), in which my former colleague Chief Ombudsman Dame Beverley Wakem carried out an overall review of central government official information practices. In 2019/20, I commenced investigations into the current official information practices of the 12 agencies that were the focus of Not a Game of Hide and Seek, to consider their progress in the intervening years. The pandemic response has offered me a unique opportunity to further inform my enquiries by exploring the resilience of central government agency practices in relation to the OIA when they are under pressure or unusual circumstances. In 2020/21, I completed four investigations, with eight more investigations to be completed in 2021/22. This work is therefore continuing and I intend to publish 12 individual reports and a thematic report focusing on key themes in 2021/22. My aim is to highlight good practices, identify any vulnerabilities, and help lift overall official information practice across the public sector by recommending where agencies ought to improve their current arrangements, including 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](#_Analysis,_statistics_and).

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.

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| **Early resolution of decision to decline COVID-19 Wage Subsidy application**  I received a complaint from a self-employed individual who had returned from overseas in 2019. Due to the nationwide lockdown he was prevented from commencing employment, as anticipated, on 1 April 2020. He applied for a COVID-19 Wage Subsidy.  The Ministry of Social Development declined his application because he was registered as self-employed from 1 April 2020. To qualify for the subsidy, he needed to have been registered as self-employed between January and March 2020. The complainant contacted the Ministry to discuss the circumstances of his application and was advised that a discretionary approval would be made.  The decision on the application remained unchanged resulting in a complaint to me. He had been self-employed prior to 1 April 2020, but had not registered his status with the Inland Revenue. I made preliminary inquiries of the Ministry to confirm whether the complainant had been advised that his application would receive discretionary approval.  As a result of these inquiries, the Ministry contacted the complainant about his application. Inland Revenue was able to confirm his self-employed status. In accordance with its High Trust model, the Ministry decided to approve the application.  [Read the full case note on the Ombudsman website.](https://www.ombudsman.parliament.nz/resources/early-resolution-decision-decline-covid-19-wage-subsidy-application) |

### Complaints

I received a total of 9,737 OA complaints and other contacts in 2020/21. This is an overall increase of 17 percent from last year. These cases were made up of 3,862 complaints (37 percent increase) and 5,875 other contacts (7percent increase). Eighty-three percent of complaints were received from the general public and 13 percent were from prisoners (comparatively, 29 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.

The unprecedented increase in complaints and other contacts, which can be largely attributed to issues arising from the government’s response to the global pandemic, has had a significant impact on my complaint handling process. I continue to adapt proactive and reactive action in a rapidly evolving environment and in the context of newly emerging issues. Despite these extraordinary and varied challenges, timeliness and quality standards remained high (as noted above under the section [*Ensure official information is increasingly available and not unlawfully refused*](#_Official_information_practice_1)).

In 2020/21, I completed a total of 9,387 OA cases, comprising of 3,547 complaints and 5,840 other contacts. This represents a 13 percent increase in overall OA cases completed as compared to 2019/20, and a 33 percent increase in completed OA complaints.

I continued to utilise systems for triaging and managing incoming complaints based on the learning from the fluidity of new and emerging issues related to COVID-19. 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. I continued to build common areas of knowledge and experience in new government activity, allowing me to resolve or finalise complaints quickly. I continued to collect and 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.

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| Decisions to decline MIQ medical needs exemptions were not unreasonable  I received two complaints about the Ministry of Business, Innovation, and Employment’s (MBIE) decisions to decline requests for medical needs exemptions from managed isolation and quarantine (MIQ) requirements.  New Zealand’s MIQ requirements are very strict. However, the law does allow for exemptions on the basis of medical needs and exceptional circumstances. Clause 12 of the Isolation and Quarantine Order states that all arrivals must be isolated or quarantined in an MIQ facility. A medical officer of health is empowered to make a determination that someone needs an alternative place of isolation. However, this is unnecessary if MBIE consults a suitably qualified medical practitioner and determines the applicant does not have particular physical or other needs that require an alternative place of isolation.  In both cases, medical professionals assessed the applicants’ medical needs, based on the information the applicants had provided. MBIE then sent these assessments to the Ministry of Health team managing medical provision in MIQ facilities. The Ministry of Health advised, in both cases, that the applicants’ medical needs could be met in an MIQ facility. MBIE then decided to decline the applications.  I was satisfied that MBIE had followed the process set out in the Isolation and Quarantine Order and considered the information the applicants provided to support their requests. I formed the final opinion that MBIE’s decisions were not unreasonable.  [Read the full case note on the Ombudsman website.](https://www.ombudsman.parliament.nz/resources/decisions-decline-miq-medical-needs-exemptions-were-not-unreasonable) |

In 2020/21, I received 980 COVID-19 specific complaints and other contacts; as compared to 466 between March and June 2020. These cases can be broken down to 65 percent Ombudsmen Act (OA) complaints, 17 percent official information complaints, and 17 percent other contacts.

More than half of the COVID-19 OA complaints concerned managed isolation and quarantine (MIQ) (54 percent). The only other significant type of complaint was border exceptions (16 percent), where people outside New Zealand are refused entry. Detailed analysis of MIQ matters is underway.[[35]](#footnote-36)

### Agencies

Fifty-six percent of OA complaints were made against central government agencies. Other public sector agencies accounted for 22 percent of OA complaints and 16 percent were made against local government agencies. The proportion of complaints 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](#_Analysis,_statistics_and) includes a breakdown of agencies that received 15 or more complaints within the reporting year.

### 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, 79 percent of them related to an OA matter.

Of the 5,875 other contacts on OA matters, around half of them were dealt with by providing an explanation, advice, or assistance and a quarter by 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 626 individuals (11 percent) to complain to me in writing as they had already exhausted all other options.

#### Complaints

In 2020/21, I obtained resolution for 39 percent of OA complaints that would otherwise have been subject to a full investigation.

In the beginning of the financial year, I encountered some barriers to resolution opportunities, including a lack of agency capacity to engage in resolution discussions or unobtainable complainant expectations. In response, I broadened my resolution-focused approach to encourage further resolution focused preliminary enquiries and staff kōrero to identify possible resolution opportunities.

I obtained 531 remedies this year for OA complaints; a 104 percent increase from 2019/20. 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](#_Analysis,_statistics_and). The data supports my experience that public sector agencies are generally very receptive to Ombudsman investigations and enquiries, and willingly take the opportunity to examine their conduct and remedy any administrative deficiencies that have occurred.

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| Early resolution of a toll fee imposed on previous vehicle owner  The complainant sold her car and left New Zealand in December 2019. In 2020, she received correspondence from a debt collection agency that she had an outstanding debt with Waka Kotahi for toll fees incurred that year. The complainant contacted Waka Kotahi to explain that at the time the toll was incurred, she was not the owner of the car, nor physically in New Zealand.  I made inquiries to Waka Kotahi about the circumstances surrounding the decision, and asked if there was any discretion to waive toll fees. As a result of these inquiries, Waka Kotahi further investigated the options available to resolve the matter. Based on the evidence of the vehicle sale, the toll debt was waived.  [Read the full case note on the Ombudsman website.](https://www.ombudsman.parliament.nz/resources/early-resolution-toll-fee-imposed-previous-vehicle-owner) |

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 352 complaints – as compared to 150 in 2019/20. Similar to official information complaints, two-thirds (68 percent) of my final opinions about OA complaints identified that no administrative deficiency was made by the agency.

In the 111 cases where I identified a deficiency, around a third (30 percent) were due to a procedural deficiency, and another third (36 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 140 recommendations on OA complaints, 99 percent were accepted.[[36]](#footnote-37)

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| Unreasonable decisions by INZ on post-study work visa applications  I received a complaint about Immigration New Zealand’s (INZ) decision to grant the complainant a ‘post-study work visa – open’ for a period of one year, rather than for a total of three years under immigration instructions WD3.1.  The individual completed a diploma identified as a level 7 qualification and also held a student visa in August 2018. INZ relied on an amendment circular to preclude her from being eligible for a three-year visa on the basis that her level 7 qualification was not a bachelor’s degree.  Over the course of my investigation, INZ had confirmed that the complainant met the requirements of [WD3.1.1(a) to (e)](https://www.immigration.govt.nz/opsmanual/72351.htm). I considered that on a plain reading of [WD3.5](https://www.immigration.govt.nz/opsmanual/74550.htm), the complainant appeared to meet the criteria for a three-year visa, noting in particular that she had held a student visa on 8 August 2018, and that she had not previously held a Post-Study work visa – open. Furthermore, ‘*eligible’* qualifications of a bachelor degree level or above was not specified in WD3.1 or WD3.5. My provisional opinion was that that INZ’s decision to grant the complainant a one-year visa, rather than a three-year visa, was unreasonable.  INZ relied on further documents to support its interpretation of the immigration instructions. I considered the additional information and commented on the lack of clarity. However, I was of the opinion that even if there was a question as to how to apply the immigration instructions, the complainant was still eligible for a three- year visa with reference to the relevant supporting information.  INZ had advised that the immigration instructions did not accurately capture the ‘*intent*’ of the changes to post-study work visa instructions, which was more clearly set out in an FAQ document and Cabinet minutes. I formed the view that it would be ‘highly unusual’ to expect an immigration officer to look past the immigration instruction, and to make a decision based on a FAQ document, particularly where the instructions were clear.  INZ accepted my recommendations and issued the complainant with a further two years on her visa.  [Read the full case note on the Ombudsman website.](https://www.ombudsman.parliament.nz/resources/unreasonable-decisions-inz-post-study-work-visa-applications) |

### 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](#_Official_information_practice_1).

### Children in care

From 2019, I commenced development of my enhanced complaints and investigations function as part of the strengthened independent oversight regime for Oranga Tamariki—Ministry for Children, including organisations approved by the Ministry to provide care for children. The legislation setting up the new regime is underway. In addition to an enhanced complaints function, this role means the Ombudsman will:

* 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; and
* operate a common doorway for complaints relating to a child in care that span government agencies.

During 2020/21, I continued to develop this enhanced role, by:

* doubling the size of the dedicated team to assist me to resolve and investigate complaints from and about children in care;
* ongoing development of competency of staff, both culturally and in trauma informed approaches;
* completing the research on engaging effectively with tamariki and rangatahi and their whānau, including ideas for development of enhanced digital communication and social media tools;
* increasing emphasis on kanohi ki te kanohi (face-to-face) meetings with complainants; and
* making recommendations to achieve positive outcomes for tamariki and their whānau, including ex gratia payments and policy review, kanohi ki te kanohi and written apologies, funded counselling, and pēpi remaining with whānau.

Over 2020/21, I received 232 complaints against the Ministry, and a further 294 other contacts. This is a significant 80 percent increase in complaints, as well as a 14 percent increase in other contacts, in one year. I also completed a significant systemic investigation, as discussed below.

### Systemic improvement

As part of an extensive systemic monitoring and early intervention programme, I completed two systemic investigations into Oranga Tamariki – Ministry for Children and the Ministry of Health and initiated an investigation into Ara Poutama Aotearoa – Department of Corrections.

The investigation into Oranga Tamariki – Ministry for Children [*He Take Kōhukihuki / A Matter of Urgency*](https://www.ombudsman.parliament.nz/resources/he-take-kohukihuki-matter-urgency) looked at 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.

During the reporting year, I continued to engage with the Ministry on its implementation of my recommendations. For instance, four of the recommendations had a disability rights focus. My Disability Rights Team met with the Ministry on a quarterly basis to provide support in implementing the recommendations, and provided extensive training to Ministry staff on disability theory, the Disability Convention, and the concept of reasonable accommodation.

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| [**A Matter of Urgency / He Take Kōhukihuki**](https://www.ombudsman.parliament.nz/resources/he-take-kohukihuki-matter-urgency)  I investigated whether there are any systemic issues connected to the policies, procedures, and practices of Oranga Tamariki – Ministry for Children relating to the removal of newborn pēpi. In particular, I considered the Ministry’s use of without notice applications for interim custody under section 78 of the Oranga Tamariki Act 1989. These applications for interim custody are meant to be reserved for urgent cases where no other options are available to ensure the safety of pēpi. As a matter of fairness and law, they should only be made without notice in the most exceptional cases.  My investigation found that the Ministry routinely applied for without notice interim custody of unborn and newborn pēpi. All of the sample cases I examined, from 2017 to 2019 across a number of the Ministry’s sites, involved without notice applications. Other data confirmed that over 94 percent of all section 78 orders for 2017/18 and 2018/19 were granted on the basis of without notice applications.  My investigation found that the Ministry was usually aware of the pregnancy and reported concerns for a significant period before the birth of pēpi. However, the Ministry did not consistently utilise that window of opportunity to engage early with parents and whānau; and to plan early with professionals and external parties. I also found variable use of the key checks and balances.[[37]](#footnote-38) The outcome was that in many cases decisions were being made late and without expert advice or independent scrutiny, and without whānau involvement.  I found that urgency was created through the Ministry’s inaction and lack of capacity to follow processes in a timely and effective way. As a consequence, parents were disadvantaged—first, by not having an opportunity to respond to the allegations or challenge the information relied upon by the Ministry before their pēpi were removed. Secondly, parents had to challenge orders after they were made, and when they were vulnerable because they were either heavily pregnant or had just given birth.  I found that the rights of disabled parents were not visible in either policy or practice. Furthermore, all the cases I reviewed as a part of this investigation required a disability rights-based response from the Ministry but this did not occur. The lack of tailored responses was a significant breach of the Disability Convention.  Finally, I was not satisfied that, when the removal was executed by the Ministry, it provided parents and whānau with the opportunity for ngākau maharatanga me te ngākau aroha; a period of ‘quality time’ that reflects consideration, empathy, sympathy, and love. In addition, the Ministry did not ensure that the parents and whānau had their support people present. Nor did it provide them with clear information on next steps. There was no support offered to parents and whānau to deal with the trauma and grief of child removal, or to help their healing.  I made 32 comprehensive recommendations to ensure better outcomes of pēpi and their whānau. The Ministry accepted all recommendations and has been reporting to me quarterly on their implementation. |

My investigation into the Ministry of Health related to its stewardship of hospital-level secure services for people with an intellectual disability. A summary of this investigation is provided below.

I also continued to engage with the Ministry regarding its responses to the recommendations I made at the conclusion of my investigation into the Ministry’s collection, use, and reporting of information about the deaths of people with an intellectual disability receiving full-time support.

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| [Oversight](https://www.ombudsman.parliament.nz/resources/oversight-investigation-ministry-healths-stewardship-hospital-level-secure-services)  I investigated the administrative practices of the Ministry of Health (the Ministry) in relation to facilities and services for people with an intellectual disability who are supported under the High and Complex Framework (the Framework). The Framework is a network of services to support people who are either subject to the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (IDCCR Act) or who have specialised needs that cannot be managed within mainstream disability services.  The Ministry contracts District Health Boards (DHBs) and non-governmental organisations to deliver Framework services, which are provided in hospital- or community-based facilities. As steward and kaitiaki of the health and disability system, the Ministry is accountable for taking a whole-of-system approach to ensuring that the Framework functions effectively.  My investigation focused on the period between January 2015 and December 2020. I did not investigate providers of Framework services or the care they delivered. Rather, I looked at how the Ministry administered the system as a whole, and ensured the rights of people subject to the Framework were upheld. Although I did not investigate the situations of particular individuals, my investigation team met with a number of service users and their support people, to hear about their experiences. Some of their stories were incorporated into my report to illustrate the systemic issues I identified.  I found that the Ministry did not respond in an effective or timely manner to concerns that hospital-level services were running at full capacity. High occupancy levels delayed legal proceedings and required alternative, suboptimal placements for some service users. There is also a group of service users whose needs were not fully anticipated when the Framework was established. Not all service users with complex or highly individualised support needs had the best opportunity to develop their capabilities and strengths, be supported in a less restrictive environment, or transition into the community. Their rights under relevant legislation and the United Nations Convention on the Rights of Persons with Disabilities have not always been upheld.  Overall, I found that the Ministry failed to effectively plan, take action, or monitor Framework services. I also found that the Ministry did not provide good quality, robust advice about Framework issues. As such, I found that the Ministry did not take reasonable steps to discharge its stewardship accountabilities.  I made a number of recommendations intended to strengthen the Ministry’s stewardship of the Framework. I noted that, in response to the Health and Disability System Review, [[38]](#footnote-39) the government has decided to consolidate all DHBs into a single agency known as Health New Zealand, with decisions about disability support services yet to be confirmed. [[39]](#footnote-40) There is a strong thematic alignment between my recommendations and the sector reforms—to strengthen the Ministry’s role as steward and ensure that responsibilities and accountabilities are clearly defined. |

In May 2021, I commenced a new systemic investigation into Ara Poutama Aotearoa – Department of Corrections. The investigation will consider the acts and/or omissions by Ara Poutama Aotearoa in responding to concerns and suggestions for improvement by oversight entities. The purpose of the investigation is to understand what steps Ara Poutama Aotearoa has taken, and to identify whether there are any systemic issues that may be affecting its ability to achieve significant and sustained change in:

* the treatment and conditions of persons detained in corrections facilities;
* the provision of constructive activities for those in the Department’s care; and
* the performance monitoring and review measures put in place to ensure good practice and sound decision-making by the Department.

Following the completion of my systemic investigations, I also evaluate and monitor the implementation of my recommendations as outlined in the *[Improve public sector capability to do its work and make decisions](#_Evaluation_and_monitoring)* [section.](#_Evaluation_and_monitoring)

## Learn from, and assist to develop, international best practice

In 1962, Aotearoa New Zealand was the first country outside Scandinavia to establish an Ombudsman. I am 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.[[40]](#footnote-41) 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 2020/21 I continued my programme of engagements with colleagues in the Pacific region to promote good governance, integrity, and anti-corruption, albeit virtually.

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;
* leading and supporting regional and international Ombudsman networks;
* providing tailored training and resources;
* building on our experience of cross-cultural relationships in New Zealand, and actively seeking to understand cultural diversity and local circumstances;
* identifying and sharing best practice issues; and
* 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 engaging with my international colleagues and hosting visiting international delegations (when travel permits), participating in international Ombudsman and Information Commissioner networks, and providing training and assistance to international Ombudsmen or Ombudsman-type organisations.

At the conclusion of the first half of a four-year work programme, I have developed and am implementing a comprehensive strategy for my work in the international area focused on promoting accountability, transparency, and anti-corruption practices by supporting integrity agencies, particularly in the Asia-Pacific region. Based on this strategy and the learnings from experience in cross-cultural relationships, including in the context of a global pandemic, I continue to ensure there is a sustainable modern ombudsman institution support network.

## Trainings and presentations

I provided guidance to Ombudsman leaders in the wider Asia-Pacific region by providing a range of virtual trainings and support to Ombudsmen and integrity institutions across 13 Pacific and Asian countries. Specifically, I began a pilot Investigator Training Programme with the Vanuatu Ombudsman.

I provided training to Ombudsmen across the Pacific region on ‘Re-thinking Performance Management.’ In June 2021, I held a Regional Workshop on using the United Nations Resolution on the Role of the Ombudsman and Mediator Institutions as an advocacy tool.

Furthermore, I delivered global and regional webinars on topics including:

* Making Disability Rights Real in New Zealand;
* A National Preventative Mechanism in Action during COVID-19;
* OPCAT Prison Inspection Practices and visiting places of detention;
* Ombudsman roles in the pre-and post- COVID-19 pandemic; and
* Human rights and vulnerable people – an Asia-Pacific perspective.

## Assistance

I remain a source of information, assistance, and collaboration with regional Ombudsmen by responding to requests for advice. An example is that I provided advice to stakeholders in Papua New Guinea, the Federated States of Micronesia, and Solomon Islands on the establishment and development of Right to Information frameworks.

Continuing from the initiatives and opportunities necessary for working with international colleagues due to travel restrictions, I initiated a Remote Connectivity Project to provide virtual communication technology to Ombudsman offices in the Pacific region. In 2020/12, technological equipment was delivered and installed in Vanuatu.

## 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 these memberships, I:

* attended ANZOA, AIAC, and Australasian Parliamentary Ombudsman virtual meetings and forums;
* led a regional virtual meeting for APOR;
* participated in the International Ombudsman Institute’s four-yearly World Conference; and
* published a six-monthly newsletter, Wakatangata, focusing on issues in Australasia and the Pacific.

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# Organisational health and capability

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## Financial and asset management

In 2020/21, I continued to operate under tight fiscal conditions. Vote Ombudsmen had an appropriation of $29.009 million (excluding GST) for the year ended 30 June 2021. Personnel and accommodation costs accounted for 70 percent of the actual amount spent. The remaining spending was primarily on professional services, maintenance, depreciation, travel, and training.

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, in accordance with my procurement policy. 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.

## My staff

As at 30 June 2021, I had 147 employees.[[41]](#footnote-42)

The regional breakdown was:

* Auckland (11 percent—16 people)
* Wellington (89 percent—131 people)

In terms of gender representation:

* 71 percent of my staff identify as female
* 28 percent of my staff identify as male
* One percent of my staff identify as gender diverse

Further details are set out below.

| Role | Number | % of total staff | % Female | % Male | % Gender Diverse |
| --- | --- | --- | --- | --- | --- |
| Senior Managers (excluding Chief Ombudsman) | 7 | 5 | 71 | 29 | - |
| Managers | 18 | 12 | 44 | 56 | - |
| Operations staff | 71 | 47 | 75 | 25 | - |
| Specialist staff | 27 | 18 | 77 | 15 | 8 |
| Administration and support staff | 27 | 18 | 69 | 31 | - |

In terms of working arrangements, 49 percent of employees were covered by an individual employment agreement as at 30 June 2021, and 51 percent of employees were covered by one Collective Agreement. Of the permanent employees, 12 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. Nineteen staff left voluntarily in the 2020/21 year, resulting in a voluntary staff turnover for the year of 15 percent.

During the course of the year, I completed reviews of my organisational structure to support the growth in functions and size of my office, namely:

* a review of my engagement, communications, and strategic advice structure,
* a review of my systemic and monitoring team;
* establishing a new external engagement function;
* a review of the finance team structure;
* a review of business services; and
* a review of my legal team.

## People performance and capability

Following from the agile response to the challenges brought about by the global pandemic, I am trialling a flexible working policy to enable my staff to work remotely for part of the week in an efficient and safe manner. Greater confidence and competence with technology provided a springboard for internal online learning programmes about health and safety, cybersecurity, and prevention of bullying and a request for proposal for a new learning management system. Furthermore, all of my first-line leaders attended a blended learning Leadership Essentials programme to ensure they all have the tools and capability to lead successfully.

In 2020/21, I focused on resourcing and enhancing the capability of my staff to support my work, including in newly acquired jurisdictions:

* significant and successful external recruitment drives with greater focus on diversity;
* ongoing upskilling of my staff, particularly in the areas of Māori engagement skills;
* development of Māori cultural capability including te reo lessons and a noho marae;
* ongoing review and improvement of on-boarding procedures to cope with the influx of new staff;
* a review and update of some of our existing human resources policies and practices;
* addition of a learning and development specialist;
* 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 places 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 all 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 contact records are stored and managed in a customised C*ase Management System (CMS)*. The large and complex project to replace this system with a business process management system that will meet the growing needs of the office has begun.

I have continued to invest in the security of my systems and applications during the year so that the systems remain robust, as well as carrying out proactive upgrades, patching, and maintenance. My printer and telephony systems have been upgraded and I have implemented workflow management to automate and streamline many processes and tasks. My analysis and insights into case management and data-modelling of trends has continued to provide insight into upcoming work pressures and the issues that are affecting citizens.

## Risk management

My 2019-23 Strategic Intentions identified my 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
* significant events and natural 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 a result of flow on effects from the global pandemic.

I already had targeted measures in place to manage these specific risks. I continue to invest 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. My senior management team and I were well-placed to respond quickly and adjust plans with agility and confidence in a pandemic situation which was fast-moving, novel, and unprecedented.

# Financial and performance

6

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## Statement of responsibility

I am responsible, as Chief Ombudsman, for:

* the preparation of financial statements and the statements of expenses and capital expenditure and for the judgments 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 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, whether or not that information is included in the annual report.

In my opinion:

* the annual report fairly reflects operations, progress, and organisational health;
* these financial statements fairly reflect the financial position of the Ombudsman for the year ended 30 June 2021 and operations for the year ended on that date; and
* the forecast financial statements fairly reflect the forecast financial position of the Ombudsman as at 30 June 2021 and operations for the year ending on that date.

Peter Boshier

Chief Ombudsman

**30 September 2021**

Meaw-Fong Phang

Chief Financial Officer

**30 September 2021**



Independent Auditor’s Report

To the readers of the Office of the Ombudsman’s annual report for the year ended 30 June 2021

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 76 to 102, that comprise the statement of financial position, statement of commitments, statement of contingent liabilities and contingent assets as at 30 June 2021, 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 2021 on pages 22 to 56 and 70 to 75; and
* the statements of expenses and capital expenditure of the Office for the year ended 30 June 2021 on pages 103 to 104.

Opinion

In our opinion:

* the financial statements of the Office:
  + present fairly, in all material respects:
    - its financial position as at 30 June 2021; 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:
  + presents fairly, in all material respects, for the year ended 30 June 2021:
    - 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 statements of expenses and capital expenditure of the Office on pages 103 to 104 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 September 2021. 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.

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.
* statements of expenses and capital expenditure 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 Office’s Strategic Intentions 2019 – 2023, Estimates of Appropriation and Supplementary Estimates of Appropriation 2020 for Vote Ombudsmen, and the 2020/21 forecast financial figures included in the Office’s 2019/20 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 4 to 137, 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: International 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 2021

This section provides detailed reporting on performance against targets. Key targets are included in The Estimates of Appropriations for the Government of New Zealand for the year ended 30 June 2021. Full details can be found on the Treasury’s website.

Decisions in response to the global pandemic continue to have an impact to service performance during this reporting period. Over the course of the year, 1,063 COVID-19 complaints and other matters were under consideration. There were 810 COVID-19 related complaints received and 17 COVID-19 focused inspections of places of detention were conducted. Further detail is provided in footnotes below.

**Investigation and resolution of complaints about government administration**

|  |  |  |  |
| --- | --- | --- | --- |
| Performance measures | 2020/21  Budget standard | 2020/21  Actual | 2019/20  Actual |
| Impact measures |  |  |  |
| Overall quality of public services maintained or improved over time | 75 points or higher in Kiwis Count Survey | Unable to report[[42]](#footnote-43) | 77 points |
| New Zealand ranked as one of the leading countries in public service probity[[43]](#footnote-44) | NZ in top 3 on average over next 5 years | In 2020, New Zealand ranked first[[44]](#footnote-45) | In 2019, New Zealand ranked first |
| Output 1 – Inform the public to enable them to take constructive action to realise their rights |  |  |  |
| Demand-driven measures |  |  |  |
| # of new or updated external resources and presentations for the public[[45]](#footnote-46) | 60 | 125[[46]](#footnote-47) | 106 |
| # of media mentions of the Ombudsman | 1,150 | 1,118 | 1,267 |
| # of unique visitors to Ombudsman website | 85,000 | 152,817[[47]](#footnote-48) | 108,947 |
| **Proactive measures** |  |  |  |
| % of members of the public who have heard of the Ombudsman | 70% | 69% | 77% |
| % of complainants who found the Ombudsman website useful[[48]](#footnote-49) | 80% | 95% | 82% |
| Output 2 – Improve public sector capability to do its work and make decisions |  |  |  |
| Demand-driven measures |  |  |  |
| # of requests for advice or comment[[49]](#footnote-50) from public sector agencies[[50]](#footnote-51) responded to | 400 | 374 | 385 |
| # of external speeches, presentations, and training sessions provided to public sector agencies | 30 | 44 | 37 |
| Proactive measures |  |  |  |
| % of public sector agency participants in Ombudsman external training sessions who report the training will assist them in their work[[51]](#footnote-52) | 95% | 100% | 97% |
| # of guidance materials for public sector agencies produced or updated | 30 | 79 | 252**[[52]](#footnote-53)** |
| % of public sector agencies which report Ombudsman information resources assist them in their work[[53]](#footnote-54) | 80% | 88% | 86% |
| % of public sector agencies satisfied with our communication overall[[54]](#footnote-55) | 75% | 85% | 83% |
| Output 3 – Formal consultation to assist public sector agencies to make specific decisions |  |  |  |
| Proactive measures |  |  |  |
| # of formal consultations completed | 10–100[[55]](#footnote-56) | 19 | 16 |
| % of formal consultations completed within 3 months[[56]](#footnote-57) 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 | 65 | 117 | 74 |
| Proactive measures |  |  |  |
| % of requests and enquiries completed within 3 months[[57]](#footnote-58) from date of receipt | 85% | 98% | 100% |
| % of completed requests and enquiries meeting internal quality standards, following random quality assurance check | 85% | 92% | 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 | 13 | 8 |
| % of external stakeholders[[58]](#footnote-59) satisfied that the Ombudsman provides an effective contribution to Independent Monitoring mechanism (IMM) activities | 80% | 100% | 100% |
| Output 6 – Improve the conditions and treatment of people in detention |  |  |  |
| Proactive measures |  |  |  |
| # of inspections and visits to places of detention | 60 | 73 | 59 |
| # of inspections and visits to places of detention (including COVID specific) | As above | 90**[[59]](#footnote-60)** | 84[[60]](#footnote-61) |
| % of unannounced inspections and visits | 60% | 32%[[61]](#footnote-62) | 52% |
| % of unannounced inspections and visits (including COVID specific) | As above | 26%[[62]](#footnote-63) | 36% |
| % of reports sent to places of detention within 3 months[[63]](#footnote-64) of inspection | 95% | 21%[[64]](#footnote-65) | 86% |
| % of reports peer reviewed against internal quality standards | 100% | 100% | 100% |
| % of formal recommendations accepted | 80% | 78% | 72% |
| Outputs 7 & 8 – Complaint handling and investigations**[[65]](#footnote-66)** |  |  |  |
| Demand-driven measures |  |  |  |
| # of official information complaints completed | 1,600 | 1,507 | 1,724 |
| # of official information other contacts completed | 350 | 437 | 440 |
| # of Ombudsmen Act 1975 (OA) complaints completed | 2,100 | 3,547 | 2,665 |
| # of OA other contacts completed | 4,800 | 5,840 | 5,513 |
| Proactive measures |  |  |  |
| % complaints and other contacts considered | 100% | 100% | 100% |
| % net clearance rate[[66]](#footnote-67) of complaints | 100% | 91%**[[67]](#footnote-68)** | 98% |
| % net clearance rate of other contacts | 100% | 100% | 100% |
| % of complaints completed within 3 months[[68]](#footnote-69) of receipt | 70% | 72% | 70% |
| % of complaints completed within 6 months[[69]](#footnote-70) of receipt | 80% | 82% | 85% |
| % of complaints completed within 12 months[[70]](#footnote-71) of receipt | 95% | 93% | 95% |
| % of other contacts completed within 1 month[[71]](#footnote-72) from date of receipt | 99% | 99% | 99% |
| % of complaints resolved prior to formal opinion[[72]](#footnote-73) | 40% | 42% | 43% |
| % of complainants satisfied with our service[[73]](#footnote-74) | 60% | 42% | 55% |
| % of completed complaints and other contacts meeting internal quality standards, following random quality assurance check[[74]](#footnote-75) | 90% | 85% | 82% |
| # of official information practice investigations completed | 8 | 8 | 3 |
| # of formal interventions[[75]](#footnote-76) for systemic improvement completed | 2–5 | 2 | 3 |
| % of OA and official information recommendations accepted | 80% | 99% | 100% |
| % of public sector agencies satisfied the Ombudsman’s opinions are fair[[76]](#footnote-77) | 75% | 69% | 79% |
| Output 9 – Learn from, and assist to develop, international best practice |  |  |  |
| Demand-driven measures |  |  |  |
| # of international delegations and placements hosted | 2–10 | 0**[[77]](#footnote-78)** | 9 |
| # of international initiatives participated in | 2–10 | 20**[[78]](#footnote-79)** | 11 |
| 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 the Ombudsman[[79]](#footnote-80) | 95% | 100% | 100% |

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

## Statement of comprehensive revenue and expense for the year ended 30 June 2021

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | Notes | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. estimates  $(000) | 30/06/22 Unaudited forecast \*  $(000) |
|  | Revenue |  |  |  |  |  |
| 23,945 | Revenue Crown |  | 29,009 | 33,265 | 29,009 | 46,369 |
| 23,945 | Total revenue |  | 29,009 | 33,265 | 29,009 | 46,369 |
|  | Expenses |  |  |  |  |  |
| 14,228 | Personnel costs | 3 | 18,420 | 18,803 | 18,803 | 24,217 |
| 7,250 | Other operating costs | 4 | 6,880 | 12,777 | 8,979 | 20,640 |
| 614 | Depreciation and amortisation | 5 | 727 | 1,091 | 732 | 850 |
| 406 | Capital charge | 6 | 432 | 594 | 495 | 662 |
| 22,498 | Total expenses |  | 26,459 | 33,265 | 29,009 | 46,369 |
| 1,446 | Surplus/(deficit) |  | 2,550 | - | - | - |
| - | Other comprehensive revenue and expense |  | - | - | - | - |
| 1,446 | **Total comprehensive revenue and expense** |  | **2,550** | - | - | - |

Explanations of major variances against the original 2020/21 budget are provided in Note 19.

## Statement of financial position as at 30 June 2021

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | Notes | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. estimates  $(000) | 30/06/22 Unaudited forecast \*  $(000) |
|  | Assets |  |  |  |  |  |
|  | Current assets |  |  |  |  |  |
| 9,921 | Cash and cash equivalents |  | 11,619 | 7,952 | 8,362 | 9,253 |
| 142 | Other current assets | 7 | 256 | 143 | 143 | 217 |
| 10,063 | *Total current assets* |  | 11,875 | 8,095 | 8,505 | 9,470 |
|  |  |  |  |  |  |  |
| 2,076 | Property, plant and equipment | 8 | **2,024** | 2,017 | 2,488 | 3,603 |
| 942 | Intangible assets – software | 9 | 841 | 2,179 | 1,298 | 2,306 |
| 3,018 | *Total non-current assets* |  | 2,865 | 4,196 | 3,786 | 5,909 |
| 13,081 | Total assets |  | 14,740 | 12,291 | 12,291 | 15,379 |
|  | Liabilities |  |  |  |  |  |
|  | *Current liabilities* |  |  |  |  |  |
| 1,275 | Creditors and other payables | 10 | **525** | 898 | 898 | 1,117 |
| - | Provisions | 11 | **100** | - | - | - |
| 98 | Leasehold incentive – current portion^ |  | **98** | - | - | - |
| 1,446 | Return of operating surplus | 12 | **2,550** | - | - | - |
| 1,077 | Employee entitlements | 13 | 1,141 | 951 | 951 | 1,159 |
| 3,896 | *Total current liabilities* |  | 4,414 | 1,849 | 1,849 | 2,276 |
|  | *Non-current liabilities* |  |  |  |  |  |
| 19 | Employee entitlements | 13 | **2** | 19 | 19 | 5 |
| 521 | Leasehold Incentives |  | 423 | 522 | 522 | 424 |
| 442 | *Total non-current liabilities* |  | 425 | 541 | 541 | 429 |
| 4,338 | Total liabilities |  | 4,839 | 2,390 | 2,390 | 2,705 |
| 8,645 | Net assets |  | 9,901 | 9,901 | 9,901 | 12,674 |
|  | Equity |  |  |  |  |  |
| 8,645 | General funds | 14 | 9,901 | 9,901 | 9,901 | 12,674 |
| 8,645 | *Total Equity* |  | 9,901 | 9,901 | 9,901 | 12,674 |

^ This current liability has no liquidity impact.

Explanations of major variances against the original 2020/21 budget are provided in Note 19.

## Statement of changes in equity for the year ended 30 June 2021

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | Notes | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. estimates  $(000) | 30/06/22 Unaudited forecast \*  $(000) |
| 6,763 | Balance at 1 July |  | **8,645** | 8,645 | 8,645 | 9,901 |
| 1,446 | Total comprehensive revenue and expense for the year |  | **2,550** | - | - | - |
|  | Owner transactions |  | **-** | - | - | - |
| 1,882 | Capital injections |  | **1,256** | 1,256 | 1,256 | 2,773 |
| (1,446) | Return of operating surplus to the Crown |  | (2,550) |  |  |  |
| 8,645 | Balance at 30 June | 14 | 9,901 | 9,901 | 9,901 | 12,674 |

Explanations of major variances against the original 2020/21 budget are provided in Note 19.

## Statement of cash flows for the year ended 30 June 2021

| 30/06/20 Actual  $(000) |  | Notes | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. estimates  $(000) | 30/06/22 Unaudited forecast\*  $(000) |
| --- | --- | --- | --- | --- | --- | --- |
|  | Cash flows from operating activities |  |  |  |  |  |
| 23,945 | Receipts from Crown |  | **29,009** | 33,265 | 29,009 | 46,369 |
| (14,051) | Payments to employees |  | **(18,373)** | (18,351) | (18,960) | (24,287) |
| (6,729) | Payments to suppliers |  | **(7,737)** | (12,437) | (9,407) | (20,329) |
| (403) | Goods and services tax (net) |  | 94 | - | - | - |
| 2,762 | Net cash from operating activities |  | 2,993 | 1,883 | 147 | 1,091 |
|  | Cash flows from investing activities |  |  |  |  |  |
| (860) | Purchase of property, plant and equipment | 8 | **(630)** | (947) | (992) | (1,763) |
| (156) | Purchase of intangible assets – software | 9 | (57) | (509) | (509) | (1,210) |
| (1,016) | Net cash from investing activities |  | (687) | (1,456) | (1,501) | (2,973) |
|  | Cash flows from financing activities |  |  |  |  |  |
| 1,882 | Capital injection |  | **1,256** | 1,256 | 1,256 | 2,773 |
| (923) | Return of operating surplus |  | (1,432) | - | (1,461) | - |
| (406) | Payment of capital charge |  | (432) | (594) | (495) | (662) |
| 553 | *Net cash from financing activities* |  | (608) | 1,256 | (205) | 2,773 |
| 2,299 | Net increase /(decrease) in cash |  | **1,698** | 1,683 | (1,559) | 891 |
| 7,622 | Cash at beginning of the year |  | 9,921 | 6,269 | 9,921 | 8,362 |
| 9,921 | Cash at end of the year |  | 11,619 | 7,952 | 8,362 | 9,253 |

Explanations of major variances against the original 2020/21 budget are provided in Note 19.

## Statement of commitments as at 30 June 2021

### Non-cancellable operating lease commitments

The Ombudsman leases accommodation space and photocopiers as a normal part of its business in Auckland and Wellington. There are no operating or unusual restrictions placed on the Ombudsman 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 untenantable 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.

|  |  |  |
| --- | --- | --- |
| 30/06/20 Actual $(000) |  | 30/06/21 Actual $(000) |
|  | Non-cancellable operating lease commitments |  |
| 1,452 | Less than one year | **1,674** |
| 1,452 | One to two years | **1,202** |
| 2,838 | Two to five years | **3,274** |
| 1,243 | More than five years | 646 |
| 6,985 | Total non-cancellable operating lease commitments | 6,796 |

I am not a party to any other lease agreements.

### Capital commitments

The Ombudsman has signed a contract with an ICT vendor to develop a case management system. The total contract value is $1.479 million, with the majority of expenses expected to be capital in nature. The vendor will be using Agile Methodology to develop this system

## Statement of contingent liabilities and contingent assets as at 30 June 2021

### Unquantifiable Contingent liabilities

As at 30 June 2021, the Ombudsman has no unquantifiable contingent liabilities.

(As at 30 June 2020 the Ombudsman had one unquantifiable contingent liability).

### Quantifiable Contingent Liabilities

As at 30 June 2021, the Ombudsman has one quantifiable contingent liability, as detailed below:

* The relevant party is Financial Services Complaints Ltd (FSCL). The nature of the item is the costs associated with proceedings initiated by the relevant party in relation to the exercise of a statutory discretion. FSCL has lodged an appeal that is scheduled to be heard in February 2022. The maximum amount likely to arise is estimated at $110,000.

(As at 30 June 2020, the Ombudsman had one quantifiable contingent liability).

### Unquantified Contingent Assets

As at 30 June 2021, the Ombudsman does not have any unquantifiable contingent assets (2020 Nil).

### Quantified Contingent Assets

As at 30 June 2021, the Ombudsman does not have any quantifiable contingent assets (2020 Nil).

## Notes to the financial statements

### 1. COVID-19 disclosure

As the Ombudsman’s main source of income is appropriated as Vote Ombudsmen from Parliament, my revenue stream was not impacted by the COVID-19 pandemic and similarly, I 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 2021

#### Reporting entity

The Ombudsman holds an Office of Parliament pursuant to the Public Finance Act 1989 and is domiciled in New Zealand. The Ombudsman is an Officer of Parliament and is appointed by the Governor-General on the recommendation of Parliament. The Ombudsman is responsible to Parliament and independent of the Government.

The primary purpose, functions, and outcomes of the Ombudsman are to investigate, review, and inspect, conduct and decision-making within government, and some private facilities, and provide advice and guidance in order to ensure people are treated fairly.

The overall outcome sought is that people are treated fairly. The high-level outcomes of achieving this goal are that there is high public trust in government; people’s rights are respected and protected; Parliament is assured of robust and independent oversight; and New Zealand contributes to regional stability and supports integrity institutions.

The Ombudsman provides services to the public rather than making a financial return. Accordingly, the Ombudsman has designated itself a public benefit entity (PBE) for financial reporting purposes.

The financial statements of the Ombudsman are for the year ended 30 June 2021. The financial statements were authorised for distribution by the Chief Ombudsman on 30 September 2021.

#### 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.

**Statement of compliance**

The financial statements of the Ombudsman 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.

The financial statements have been prepared in accordance with Tier 2 PBE Standards.

These financial statements comply with PBE Financial Reporting Standards (FRS).

**Measurement base**

The financial statements have been prepared on a 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 Ombudsman is New Zealand dollars.

**Standards issued and not yet effective and not early adopted**

Standards and amendments, issued but not yet effective that have not been early adopted, and which are relevant to the Ombudsman are:

***Amendment to PBE IPSAS 2 Cash Flow Statement***

An amendment to PBE IPSAS 2 requires entities to provide disclosures that enable users of financial statements to evaluate changes in liabilities arising from financing activities, including both changes arising from cash flows and non-cash changes. This amendment is effective for the year ending 30 June 2022, with early application permitted. This amendment will result in additional disclosures. The Ombudsman does not intend to early adopt the amendment.

***PBE IPSAS 4 Financial instruments***

PBE IPSAS 41 replaces PBE IFRS 9 Financial Instruments and is effective for the year ending 30 June 2023, with earlier adoption permitted. The Ombudsman has assessed that there will be little change as a result of adopting the new standard as the requirements are similar to those contained in PBE IFRS 9. The Ombudsman does not intend to early adopt the standard.

***PBE FRS 48 Service Performing Reporting***

PBE FRS 48 replaces the service performance reporting requirements of PBE IPSAS 1 Presentation of Financial Statements and is effective for the year ending 30 June 2023, with early adopted permitted. The Ombudsman has not yet determined how application of PBE FRS 48 will affect its statement of service performance. It does not plan to adopt the standard early.

# 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 Ombudsman’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 Ombudsman 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

Cash and cash equivalents includes cash on hand and funds on deposit with banks, and is measured at face value.

The Ombudsman 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 Ombudsman 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 Ombudsman 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 mobile phone handsets, the Ombudsman 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 Ombudsman 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.

*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 Ombudsman and the cost of the item can be measured reliably.

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 Ombudsman are set out below.

|  |  |  |
| --- | --- | --- |
| **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 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 Ombudsman will receive benefits from the software, but not exceeding the licence term.

For internally generated software developed by the Ombudsman, 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.

**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 Ombudsman, 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 amount of the asset in the statement of financial position. The Ombudsman 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 Ombudsman 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.

|  |  |  |
| --- | --- | --- |
| **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 Ombudsman 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.

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.

#### Provisions

*Onerous contracts*

A provision for onerous contracts is recognised when the expected benefits or service potential to be derived from a contract are lower than the unavoidable cost of meeting the obligations under the contract.

The provision is measured at the present value of the lower of the expected cost of terminating the contract and the expected net cost of continuing with the contract.

#### 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 Ombudsman 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 Ombudsman’s employment agreement for its staff 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 Ombudsman’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 Ombudsman staff.

*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 Ombudsman 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.

*Capital commitments*

Capital commitments are the aggregate amount of capital expenditure contracted for the acquisition of property, plant, and equipment and intangible assets that have not been paid for or not recognised as a liability at a balance date.

Cancellable capital commitments that have penalty or exit costs explicit in the agreement on exercising that option to cancel are reported at the lower of the remaining contractual commitment and the value of those penalty or exit costs (that is, the minimum future payments).

#### 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

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 Ombudsman has one output expense appropriation. All the Ombudsman’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.

#### Critical accounting estimates and assumptions

In preparing these financial statements, the Ombudsman 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 2021.

**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 2021 (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 Ombudsman 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.

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 2020/21 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 2022 included in BEFU 2021. These were authorised for issue on 1 April 2021 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.

### 3. Personnel costs

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. estimates  $(000) | 30/06/22 Unaudited forecast\*  $(000) |
| 12,265 | Salaries and wages | 16,662 | 18,069 | 18,069 | 23,228 |
| 757 | Employer contributions to staff superannuation | 987 | 734 | 734 | 989 |
| 1,207 | Other personnel costs | 771 | - | - | - |
| 14,229 | Total personnel costs | 18,420 | 18,803 | 18,803 | 24,217 |

Employer contributions to superannuation plans include contributions to KiwiSaver and other complying cash accumulation plans.

### 4. Other operating costs

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. estimates  $(000) | 30/06/22 Unaudited forecast\*  $(000) |
| 1,375 | Operating accommodation lease expenses | 1,601 | 1,113 | 1,113 | 1,574 |
| 156 | Accommodation costs – other | 265 | - | - | - |
| 45 | Audit fees – for audit of financial statements | 46 | 35 | 35 | 45 |
| 85 | Publications, books and statutes | 90 | 87 | 87 | 87 |
| 568 | Travel | 420 | 391 | 391 | 362 |
| 285 | Communication costs | 260 | 160 | 160 | 160 |
| 4,736 | Other costs | 4,198 | 10,991 | 7,193 | 18,412 |
| 7,250 | Total other operating costs | 6,880 | 12,777 | 8,979 | 20,640 |

Other operating costs exclude depreciation and capital charges.

### 5. Depreciation and amortisation

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | 30/06/21 Actual  $(000) | 30/06/21 Unaudited  Main estimates  $(000) | 30/06/21 Unaudited  Supp. estimates  $(000) | 30/06/22 Unaudited forecast\*  $(000) |
| 61 | Furniture and fittings | 66 | 90 | 50 | 73 |
| 168 | Plant and equipment and other | 186 | 189 | 204 | 207 |
| 227 | Computer equipment | 318 | 563 | 321 | 368 |
| 158 | Intangible assets – software | 157 | 249 | 157 | 202 |
| 614 | Total depreciation and amortisation | 727 | 1,091 | 732 | 850 |

### 6. Capital charge

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 5% for the year ended 30 June 2021 (Year ended 2020, 6%).

### 7. Other current assets

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. estimates  $(000) | 30/06/22 Unaudited forecast \*  $(000) |
| 24 | Receivables | 5 | - | - | - |
| - | Receivables (GST) | 94 | - | - | - |
| 118 | Prepayments | 157 | 143 | 143 | 217 |
| 142 | Total receivables | 256 | 143 | 143 | 217 |

### 8. Property, plant, and equipment

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 2021 | Plant & equipment  $(000) | Leasehold improvements  $(000) | IT equipment  $(000) | Furniture & fittings  $(000) | Total  $(000) |
| Cost |  |  |  |  |  |
| Balance at 30 June 2020 | 297 | 1,510 | 2,179 | 769 | 4,755 |
| Additions | 138 | - | 418 | 74 | 630 |
| Disposals | (20) | (116) | (507) | (84) | (727) |
| Balance at 30 June 2021 | 415 | 1,394 | 2,090 | 759 | 4,658 |
| Accumulated depreciation and impairment losses |  |  |  |  |  |
| Balance at 30 June 2020 | 206 | 792 | 1,297 | 384 | 2,679 |
| Depreciation | 38 | 148 | 318 | 66 | 570 |
| Accumulated depreciation on disposals | (20) | (67) | (464) | (64) | (615) |
| Balance at 30 June 2021 | **224** | **873** | **1,151** | **386** | **2,634** |
| Carrying amounts: |  |  |  |  |  |
| At 30 June 2020 | 91 | 718 | 882 | 385 | 2,076 |
| At 30 June 2021 | **191** | **521** | **939** | **373** | **2,024** |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 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** |

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

### 9. Intangible assets

| 2021 | Acquired software  $(000) | Internally generated software  $(000) | Trademark  $(000) | Total  $(000) |
| --- | --- | --- | --- | --- |
| Cost |  |  |  |  |
| Balance at 30 June 2020 | 1,298 | 311 | 6 | 1,615 |
| Additions | 57 | - | - | 57 |
|  | (180) | - | - | (180) |
| Balance at 30 June 2021 | 1,175 | 311 | 6 | 1,492 |
| Accumulated depreciation and impairment losses |  |  |  |  |
| Balance at 30 June 2020 | 409 | 264 | - | 673 |
| Amortisation | 152 | 6 | - | 158 |
| Accumulated amortisation on disposal | (180) | - | - | (180) |
| Balance at 30 June 2021 | 381 | 270 | - | 651 |
| Carrying amounts |  |  |  |  |
| At 30 June 2020 | 889 | 47 | 6 | 942 |
| At 30 June 2021 | 794 | 41 | 6 | 841 |

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

| 2020 | Acquired software  $(000) | Internally generated software  $(000) | Trademark  $(000) | Total  $(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 |

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

### 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.

|  |  |  |  |
| --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | 30/06/21 Actual  $(000) | 30/06/22 Unaudited forecast\*  $(000) |
| 868 | Trade creditors and other accruals | 519 | 585 |
| 407 | GST Payable | 6 | 763 |
| 1,275 | Total creditors and other payables | 525 | 1,348 |

### 11. Provisions

The provision for onerous contracts arises from a non-cancellable lease where the unavoidable costs of meeting the lease contract exceed the economic benefits to be received from it. The Ombudsman no longer uses the Christchurch office building due to a decision to close it in November 2020. Despite active engagement with property agents, tenants have not yet been found to sublease the vacant office space. No sublease cash inflows have been included in the measuring of the provision as there is not sufficient certainty that the office will be let. The Ombudsman has one year remaining on the lease.

|  |  |  |
| --- | --- | --- |
|  | Onerous contracts  $(000) | Total  $(000) |
| **Balance as at 30 June 2020** | - | - |
| Additional provisions made | 100 | 100 |
| Amounts used | - | - |
| Balance as at 30 June 2021 | 100 | **100** |

### 12. Return of operating surplus

There is a surplus of $2,550,000 to be repaid for the 2021 financial year (2020, $1,446,000).

### 13. Employee entitlements

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. Estimates  $(000) | 30/06/22 Unaudited forecast\*  $(000) |
|  | *Current liabilities* |  |  |  |  |
| 851 | Annual leave | 805 | 599 | 599 | 705 |
| - | Long service leave | - | - | - | - |
| 226 | Superannuation, Superannuation Contribution Withholding Tax and salaries | 334 | 352 | 352 | 454 |
| 1,077 | Total current liabilities | 1,139 | 951 | 951 | 1,159 |
|  | Non-current liabilities |  |  |  |  |
| 19 | Long service leave | 2 | 19 | 19 | 5 |
| 1,096 | **Total for employee entitlements** | 1,141 | 970 | 970 | 1,164 |

### 14. Equity (Taxpayers’ funds)

|  |  |  |  |
| --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | 30/06/21 Actual  $(000) | 30/06/22 Unaudited forecast\*  $(000) |
|  | General Funds |  |  |
| 6,763 | Balance at 1 July | 8,645 | 9,901 |
| 1,446 | Net operating surplus | 2,550 | - |
| 1,882 | Capital injections | 1,256 | 2,773 |
| (1,446) | Provision for repayment of surplus to the Crown | (2,550) | - |
| 8,645 | Total Equity at 30 June | 9,901 | 12,674 |

### 15. Capital management

The Ombudsman’s capital is its equity, which comprises of taxpayer funds. Equity is represented by net assets.

The Ombudsman manages its revenues, expenses, assets, liabilities, and general financial dealings prudently. The Ombudsman’s equity is largely managed as a by-product of managing revenue, expenses, assets, liabilities and compliance with Parliament budget processes, Treasury instructions, and the Public Finance Act 1989.

### 16. Financial instruments

The Ombudsman’s financial instruments are limited to cash and cash equivalents, debtors and other receivables, creditors and other payables, and employee entitlements. These activities expose the Ombudsman to low levels of financial instrument risks, including market risk, credit risk, and liquidity risk.

**Market Risk**

***Currency risk***

Currency risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates.

The Ombudsman incurs a small portion of operating expenditure in foreign currency, and risk is minimised through prompt settlement. Recognised liabilities that are payable in foreign currency were nil at balance date (2020: Nil)

***Interest rate risk***

Interest rate risk is the risk that the fair value of a financial instrument will fluctuate, or the cash flows from a financial instrument will fluctuate, due to changes in market interest rates.

The Ombudsman has no interest-bearing financial instruments and, accordingly, has no exposure to interest rate risk.

**Credit risk**

Credit risk is the risk that a third party will default on its obligation to the Ombudsman, causing the Ombudsman to incur a loss.

In the normal course of the Ombudsman’s business, credit risk arises from receivables and deposits with banks.

The Ombudsman is permitted to deposit funds only with Westpac, a registered bank with high credit ratings. For its other financial instruments, the Ombudsman does not have significant concentrations of credit risk.

The Ombudsman’s maximum credit exposure for each class of financial instrument is represented by the total carrying amount of cash and cash equivalents, and net receivables.

There is no collateral held as security against these financial instruments.

**Liquidity risk**

Liquidity risk is the risk that the Ombudsman will encounter difficulty raising liquid funds to meet commitments as they fall due.

In meeting its liquidity requirements, the Ombudsman closely monitors its forecast cash requirements with cash draw-downs from the New Zealand Debt Management Office. The Ombudsman maintains a target level of available cash to meet liquidity requirements.

The Ombudsman’s financial liabilities are outlined in Note 10: Creditors and other payables. These are all due to be settled on 30-day terms.

#### Categories of financial instruments

|  |  |  |
| --- | --- | --- |
| Actual 2020 $(000) |  | Actual 2021 $(000) |
|  | Loans and receivables |  |
| 9,921 | Cash and cash equivalents | 11,619 |
| 24 | Debtors and other receivables (note 7) | 256 |
| 9,945 | **Total** | 11,875 |
|  | Financial liabilities measured at amortised cost |  |
| 1,259 | Creditors and other payables (note 10) | 525 |
| 1,077 | Employee entitlements (note 13) | 1,141 |
| 2,336 | **Total** | 1,666 |

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

### 17. Related party information

The Ombudsman is a wholly owned entity of the Crown. The Ombudsman acts independently, and its 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 Ombudsman 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 Ombudsman amounted to the following.

|  |  |  |
| --- | --- | --- |
| Actual 2020 $(000) |  | Actual 2021 $(000) |
|  | Leadership Team, including the Chief Ombudsman |  |
| 1,018 | Remuneration and other benefits | 1,120 |
| 3 | Full-time equivalent staff | 4 |

### 18. Events after the balance sheet date

On 17 August 2021, the country went into nationwide lockdown - this event has had no impact on the current financial statements for the year ended 30 June 2021. Additionally, an internal steering group had been created to provide strategic oversight on the impacts of COVID-19 on operational practices. Through continuous monitoring and analysis of future impact, preventative and targeted action can be taken to address or mitigate emerging issues.

### 19. Significant variances from budgeted financial performance

Explanations for major variances from the Ombudsman’s original 2020/21 budget are as follows:

**Statement of comprehensive revenue and expenses**

***Revenue Crown***

Revenue crown was less than budgeted due to adjustments for a decrease in capital charge, and an expense transfer to 2021/22.

***Other operating costs***

Other operating costs were less than budgeted due to staff travelling significantly less than expected in 2020/21 (both overseas and domestically), multiple training cancellations due to COVID, and a delay in a number of significant projects such as the Case Management System replacement project, and the Learning Management System project.

**Statement of cash flows**

The cash variance results from the operating surplus to be returned in 2021/22, 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.

**Statement of financial position**

***Intangible Assets***

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

## Appropriation statements

The following statements report information about the expenses and capital expenditure incurred against each appropriation administered by the Ombudsman for the year ended 30 June 2021.

### Statement of expenses and capital expenditure against appropriations for the year ended 30 June 2021

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. estimates  $(000) | 30/06/22 Unaudited forecast \*  $(000) |
|  | Vote Ombudsmen  Appropriation for output expenses |  |  |  |  |
| 23,482 | Investigation and resolution of complaints about government administration | 28,598 | 32,802 | 28,580 | 45,906 |
|  |  |  |  |  |  |
| 463 | Remuneration of Ombudsmen (Permanent Legislative Authority) | 411 | 463 | 429 | 463 |
| 23,945 | Sub total | 29,009 | 33,265 | 29,009 | 46,369 |
| 1,015 | Office of the Ombudsman appropriation for capital expenditure (Permanent Legislative Authority) | 687 | 1,501 | 1,501 | 2,973 |
| 24,960 | Total | 29,696 | 34,766 | 30,510 | 49,342 |

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

### Statement of expenses and capital expenditure incurred without, or in excess of, appropriation or authority for the year ended 30 June 2021

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

### Statement of the Ombudsman’s capital injections for the year ended 30 June 2021

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 30/06/20 Actual  $(000) |  | 30/06/21 Actual  $(000) | 30/06/21 Unaudited Main estimates  $(000) | 30/06/21 Unaudited Supp. estimates  $(000) | 30/06/22 Unaudited forecast \*  $(000) |
| 1,882 | Office of the Ombudsman appropriation for capital expenditure (Permanent Legislative Authority) | 1,256 | 1,256 | 1,256 | 2,773 |

### Statement of the Ombudsman’s capital injections without, or in excess of, authority for the year ended 30 June 2021

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

7

# Analysis, statistics, and directory

|  |  |
| --- | --- |
| [OPCAT inspections](#_Throughput_of_complaints,) | 106 |
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## OPCAT inspections

The 90 visits and inspections were at the sites set out in the table below.

|  |  |  |
| --- | --- | --- |
| **Name of facility** | **Type of visit** |  |
| **Aged Care** |  |  |
| Ascot Care Home | Orientation Visit | Announced |
| Bob Scott Retirement Village | Orientation Visit | Announced |
| Broadview Rest Home & Hospital | Orientation Visit | Announced |
| Bryant House | Orientation Visit | Announced |
| Cantabria Lifecare | Orientation Visit | Announced |
| Clutha Views Lifecare | Orientation Visit | Announced |
| Edale Aged Care | Orientation Visit | Announced |
| Elmswood Rest Home | Orientation Visit | Announced |
| Elmwood House and Hospital | Orientation Visit | Announced |
| Fergusson Rest Home & Hospital | Orientation Visit | Announced |
| Jane Winstone Retirement Village | Orientation Visit | Announced |
| Kaikohe Care Centre | Orientation Visit | Announced |
| Kandahar Court | Orientation Visit | Announced |
| Kerikeri Retirement Village | Orientation Visit | Announced |
| Killarney Rest Home | Orientation Visit | Announced |
| Maryann Rest Home and Hospital | Orientation Visit | Announced |
| Norfolk Court Rest Home | Orientation Visit | Announced |
| Orongo Rest Home | Orientation Visit | Announced |
| Radius Althorp | Orientation Visit | Announced |
| Redwood Home | Orientation Visit | Announced |
| Rose Garden Rest Home | Orientation Visit | Announced |
| Selwyn Sprott Village | Orientation Visit | Announced |
| St Josephs Home of Compassion | Orientation Visit | Announced |
| Stillwater Gardens Retirement Village | Orientation Visit | Announced |
| Sunhaven Rest Home & Private Hospital | Orientation Visit | Announced |
| Switzer Residential Care | Orientation Visit | Announced |
| The Care Village | Orientation Visit | Announced |
| The O'Conor Memorial Home | Orientation Visit | Announced |
| Ultimate Care Ranburn | Orientation Visit | Announced |
| Village at the Park | Orientation Visit | Announced |
| Windsor Park Specialist Senior Care Centre | Orientation Visit | Announced |
| **Courts** |  |  |
| Hamilton Courts | Informal | Announced |
| Hutt District Courts | Informal | Announced |
| Wellington District Courts | Informal | Announced |
| **Community / Intellectual Disability** |  |  |
| Kenepuru Hospital | Formal | Unannounced |
| Mason Clinic | Formal | Announced |
| Wakari Hospital | Formal | Announced |
| **Mental Health** |  |  |
| Buchannon Clinic | Informal | Announced |
| Burwood Hospital | Drop In Visit | Unannounced |
| Fraser MacDonald Unit | Inspection | Unannounced |
| Fraser MacDonald Unit | Drop In Visit | Unannounced |
| Greymouth Hospital | Formal | Announced |
| Kahurangi Unit, Grey Base Hospital | Drop In Visit | Unannounced |
| Kenepuru Hospital (one unit) | Informal | Unannounced |
| Kenepuru Hospital (three units) | Formal | Unannounced |
| Kingsley Mortimer Unit, Northshore Hospital | Drop In Visit | Unannounced |
| Koropiko Ward, Middlemore Hospital | Drop In Visit | Unannounced |
| Mason Clinic (six units) | Formal | Announced |
| Mental Health Services for Older People In-Patient Unit Tauranga Hospital | Drop In Visit | Unannounced |
| Older Persons Mental Health Admissions Unit, Alexandra Hospital | Drop In Visit | Unannounced |
| Older Persons Unit, Waikato | Drop In Visit | Unannounced |
| Palmerston North Hospital | Formal | Unannounced |
| STAR Centre Mid Central Hospital | Drop In Visit | Unannounced |
| STAR Centre Palmerston North Hospital | Inspection | Unannounced |
| Te Whare Ra Uta, Keneperua Hospital | Drop In Visit | Unannounced |
| Wāhi Oranga Mental Health Admission Unit | Formal | Unannounced |
| Ward 6C - Dunedin Hospital | Inspection | Unannounced |
| Ward ATR Dunedin Hospital | Orientation Visit | Unannounced |
| Watlington Wing, Talbot Park | Drop In Visit | Unannounced |
| Whanganui Hospital (two units) | Formal | Announced |
| **Prison** |  |  |
| Whanganui Prison | Follow-up | Announced |
| New Plymouth Remand | Follow-up | Announced |
| Otago Corrections Facility | Full | Unannounced |
| Mount Eden Corrections Facility | Full | Announced |
| Auckland Prison | Informal | Announced |
| **Managed Isolation and Quarantine** |  |  |
| 1 Facility | Follow up | Announced |
| 2 Facilities | Orientation | Announced |
| 14 Facilities | Formal | Announced |

Final reports published in 2020/21 are set out in the table below.

|  |  |
| --- | --- |
| Report | Date of publication |
| Prisons |  |
| [Final report on an unannounced inspection of Waikeria Prison under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/final-report-unannounced-inspection-waikeria-prison-under-crimes-torture-act-1989) | 25 August 2020 |
| [Final report on an unannounced inspection of Auckland Prison under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/final-report-unannounced-inspection-auckland-prison-under-crimes-torture-act-1989) | 14 December 2020 |
| [Report on an unannounced follow up inspection of Christchurch Men’s Prison under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-follow-inspection-christchurch-mens-prison-under-crimes-torture-act) | 2 June 2021 |
| [Report on an announced follow up inspection of Whanganui Prison under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-announced-follow-inspection-whanganui-prison-under-crimes-torture-act-1989) | 2 June 2021 |
| Mental Health |  |
| [Report on an unannounced follow up inspection of Te Whare o Matairangi Mental Health Inpatient Unit, Wellington Hospital, under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-follow-inspection-te-whare-o-matairangi-mental-health-inpatient-unit) | 25 August 2020 |
| [Report on an unannounced inspection of He Puna Wāiora Mental Health Inpatient Unit, North Shore Hospital, under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-inspection-he-puna-waiora-mental-health-inpatient-unit-north-shore) | 25 August 2020 |
| [Report on an unannounced inspection of Waiatarau Mental Health Inpatient Unit, Waitakere Hospital, under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-inspection-waiatarau-mental-health-inpatient-unit-waitakere-hospital) | 25 August 2020 |
| [Report on an unannounced inspection of Tumanako Mental Health Inpatient Unit, Whangarei Hospital, under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-inspection-tumanako-mental-health-inpatient-unit-whangarei-hospital) | 25 August 2020 |
| [Report on an unannounced inspection of the Kensington Centre Mental Health Inpatient Unit, Timaru, under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-inspection-kensington-centre-mental-health-inpatient-unit-timaru-under) | 25 August 2020 |
| [Report on an unannounced inspection of Te Whetu Tāwera Adult Acute Mental Health Unit, Auckland City Hospital, under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-inspection-te-whetu-tawera-adult-acute-mental-health-unit-auckland) | 23 November 2020 |
| [Report on an unannounced inspection of Tiaho Mai Mental Health Inpatient Unit, Middlemore Hospital, under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-inspection-tiaho-mai-mental-health-inpatient-unit-middlemore-hospital) | 8 June 2021 |
| [Report on an unannounced inspection of Te Whare Ahuru Mental Health Inpatient Unit, Hutt Hospital, under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-inspection-te-whare-ahuru-mental-health-inpatient-unit-hutt-hospital) | 8 June 2021 |
| COVID-19 specific |  |
| [OPCAT COVID-19 report: Report on inspections of aged care facilities under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/opcat-covid-19-report-report-inspections-aged-care-facilities-under-crimes-torture-act) | 18 August 2020 |
| [Report on inspections of aged care facilities under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-inspections-aged-care-facilities-under-crimes-torture-act-1989) | 30 June 2021 |
| Immigration |  |
| [First full inspection of Māngere Refugee Resettlement Centre](https://www.ombudsman.parliament.nz/news/first-full-inspection-mangere-refugee-resettlement-centre) | 13 May 2021 |
| Public Protection Order (PPO) |  |
| [Report on an unannounced inspection of Matawhāiti Residence under the Crimes of Torture Act 1989](https://www.ombudsman.parliament.nz/resources/report-unannounced-inspection-matawhaiti-residence-under-crimes-torture-act-1989) | 18 December 2020 |

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

|  |  |  |
| --- | --- | --- |
| Facility Type | Recommendations made | Recommendations accepted or partially accepted |
| Prisons | 51 | 40 |
| COVID-19 specific places of detention | 49 | 48 |
| Others (including aged care, immigration, and mental health facilities) | 79 | 52 |

## Throughput of complaints, other contacts, and monitoring activities

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
| On hand as at 1 July | 1,591 | 1,294 | 916 | 1,009 | 1,132 |
| Adjustment[[80]](#footnote-81) | +44 | +8 | (10) | +41 | +30 |
| Received during the year | 11,846 | 11,468 | 11,886 | 11,862 | 13,185 |
| Total under consideration | 13,437 | 12,770 | 12,802 | 12,912 | 14,347 |
| Completed during the year | (12,141) | (11,846) | (11,793) | (11,740) | (12,639) |
| On hand at 30 June | 1,294 | 916 | 1,009 | 1,132 | 1,680 |

Figure 4: Overall throughput of work over the past 10 years.

[Link to text alternative version of Figure 4.](#Figure4table)

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
| **On hand at 1 July** |  |  |  |  |  |
| Ombudsmen Act | 555 | 430 | 295 | 382 | 518 |
| Official Information Act | 856 | 651 | 429 | 477 | 438 |
| Local Government Official Information and Meetings Act | 159 | 144 | 98 | 128 | 125 |
| Protected Disclosures Act | 2 | 2 | 3 | 1 | 4 |
| Other contacts | 15 | 42 | 43 | 21 | 27 |
| Other work | 48 | 33 | 38 | 41 | 50 |
| Total | 1,635 | 1,302 | 906 | 1,050 | 1,162 |
| **Received during the year** |  |  |  |  |  |
| Ombudsmen Act | 2,191 | 2,263 | 2,413 | 2,811 | 3,862 |
| Official Information Act | 1,174 | 1,378 | 1,901 | 1,329 | 1,394 |
| Local Government Official Information and Meetings Act | 248 | 299 | 364 | 354 | 324 |
| Protected Disclosures Act | 10 | 8 | 39 | 78 | 116 |
| Other contacts | 8,198 | 7,475 | 7,120 | 7,217 | 7,443 |
| Other work | 25 | 45 | 49 | 73 | 46 |
| Total | 11,846 | 11,468 | 11,886 | 11,862 | 13,185 |
| **Completed during the year** |  |  |  |  |  |
| Ombudsmen Act | 2,285 | 2,398 | 2,355 | 2,665 | 3,547 |
| Official Information Act | 1,375 | 1,598 | 1,859 | 1,371 | 1,223 |
| Local Government Official Information and Meetings Act | 258 | 344 | 339 | 353 | 284 |
| Protected Disclosures Act | 10 | 7 | 41 | 74 | 117 |
| Other contacts | 8,168 | 7,475 | 7,143 | 7,212 | 7,435 |
| Other work | 45 | 24 | 56 | 65 | 33 |
| Total | 12,141 | 11,846 | 11,793 | 11,740 | 12,639 |
| **On hand at 30 June** |  |  |  |  |  |
| Ombudsmen Act | 430 | 296 | 354 | 500 | 815 |
| Official Information Act | 647 | 427 | 469 | 428 | 599 |
| Local Government Official Information and Meetings Act | 142 | 97 | 122 | 123 | 163 |
| Protected Disclosures Act | 2 | 3 | 1 | 5 | 3 |
| Other contacts | 45 | 45 | 22 | 27 | 38 |
| Other work | 28 | 48 | 41 | 49 | 62 |
| Total | 1,294 | 916 | 1,009 | 1,132 | 1,680 |

## Contact type—who matters were received from

#### 3. Contact type

|  |  |  |
| --- | --- | --- |
|  | 2019/20 | 2020/21 |
| General public – individuals | 8,110 | 9,213 |
| Prisoners and prisoner advocates | 2,533 | 2,705 |
| Departments, government organisations, and local authorities | 388 | 445 |
| Media | 354 | 344 |
| Companies, associations and incorporated societies | 214 | 280 |
| Review agency (Privacy Commissioner, Independent Police Conduct Authority, Health and Disability Commissioner) | 30 | 50 |
| Ombudsman self-initiated | 71 | 46 |
| Members of Parliament | 53 | 36 |
| Special interest groups | 56 | 28 |
| Trade Unions | 8 | 12 |
| Researchers | 7 | 12 |
| Political party research units | 25 | 7 |
| Other | 8 | 4 |
| Ministers | 3 | 3 |
| Select Committee | 2 | - |
| Total | 11,862 | 13,185 |

## Age profile of open and closed complaints and other contacts

#### 4. Age profile – all complaints and other contacts closed in 2020/21

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Year ended 30/06/18 | Year ended 30/06/19 | Year ended 30/06/20 | Year ended 30/06/21 |
| Aged 6 months or less from date of receipt | 92% | 96% | 94% | 93% |
| Aged between 7 and 12 months from date of receipt | 3% | 3% | 4% | 4% |
| Aged more than 12 months from date of receipt | 5% | 1% | 2% | 3% |

#### 5. Age profile – all complaints and other contacts remaining open at 30 June 2021

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Year ended 30/06/18 | Year ended 30/06/19 | Year ended 30/06/20 | Year ended 30/06/21 |
| Aged 6 months or less from date of receipt | 82% | 75% | 66% | 73% |
| Aged between 7 and 12 months from date of receipt | 11% | 19% | 30% | 26% |
| Aged more than 12 months from date of receipt | 7% | 6% | 4% | 1% |

## Detailed analysis of complaints and other contacts

### Ombudsmen Act (OA)

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

[Link to text alternative version of Figure 5.](#Figure5table)

|  |  |  |
| --- | --- | --- |
| 6. OA complaints received from | 2019/20 | 2020/21 |
| General public – individuals | 2,377 | 3,212 |
| Prisoners and prisoner advocates | 338 | 499 |
| Companies, associations and incorporated societies | 64 | 118 |
| Media | 20 | 19 |
| Members of Parliament | 4 | 4 |
| Departments, government organisations and local authorities | 4 | 4 |
| Review Agency | 1 | 3 |
| Special interest groups | 3 | 2 |
| Political party research units | - | 1 |
| Total | 2,811 | 3,862 |

|  |  |  |
| --- | --- | --- |
| 7. OA complaints received against | 2019/20 | 2020/21 |
| Government departments | 1,394 | 2,161 |
| Local authorities (all) | 445 | 600 |
| District Councils | 192 | 260 |
| City Councils | 183 | 237 |
| Council controlled organisations | 35 | 71 |
| Regional Councils | 28 | 32 |
| Other organisations state sector (all) | 664 | 842 |
| Boards of Trustees (schools) | 88 | 128 |
| District Health Boards | 61 | 64 |
| Universities | 26 | 43 |
| Polytechnics | 26 | 26 |
| Ministers | 22 | 51 |
| Not specified | 281 | 208 |
| Total | 2,811 | 3,862 |

|  |  |  |
| --- | --- | --- |
| 8. OA complaints received—greater than or equal to 15 complaints | 2019/20 | 2020/21 |
| Government departments |  |  |
| Ministry of Business, Innovation and Employment | 359 | 710 |
| Department of Corrections | 374 | 566 |
| Ministry of Social Development | 150 | 254 |
| Oranga Tamariki — Ministry for Children | 133 | 232 |
| Inland Revenue | 132 | 109 |
| Ministry of Health | 75 | 49 |
| Ministry of Education | 35 | 42 |
| Department of Internal Affairs | 21 | 31 |
| Ministry of Justice[[81]](#footnote-82) | 43 | 25 |
| Department of Conservation | 14 | 25 |
| Department of the Prime Minister and Cabinet | 1 | 15 |
| Local authorities |  |  |
| Auckland Council | 68 | 84 |
| Auckland Transport | 33 | 51 |
| Christchurch City Council | 37 | 37 |
| Wellington City Council | 30 | 29 |
| Tasman District Council | 19 | 25 |
| Hamilton City Council | 5 | 17 |
| Far North District Council | 20 | 16 |
| Other organisations state sector |  |  |
| Accident Compensation Corporation | 88 | 110 |
| New Zealand Post Limited | 49 | 66 |
| New Zealand Police | 55 | 58 |
| Health and Disability Commissioner | 60 | 48 |
| New Zealand Transport Agency | 41 | 42 |
| Kāinga Ora – Homes and Communities | 25 | 32 |
| Privacy Commissioner | 20 | 30 |
| Independent Police Conduct Authority | 12 | 21 |
| Human Rights Commission | 4 | 18 |
| Earthquake Commission | 10 | 16 |
| University of Auckland | 4 | 15 |

|  |  |  |
| --- | --- | --- |
| 9. How OA complaints were dealt with | 2019/20 | 2020/21 |
| **Outside jurisdiction** |  |  |
| Agency not listed in schedule | 354 | 298 |
| Scheduled agency otherwise outside jurisdiction | 44 | 101 |
| Subtotal | 398 | 399 |
| **Referred** |  |  |
| Referred to Health and Disability Commissioner | 12 | 40 |
| Referred to Privacy Commissioner | 14 | 20 |
| Referred to Independent Police Conduct Authority | 26 | 19 |
| Referred to Inspector-General of Intelligence and Security | - | 1 |
| Subtotal | 52 | 80 |
| **No investigation undertaken** |  |  |
| Withdrawn by complainant or no response from complainant | 119 | 202 |
| Right of appeal to Court or Tribunal | 117 | 149 |
| Adequate alternative remedy – complain to agency first | 957 | 1,296 |
| Adequate alternative remedy – complaint referred to agency by Ombudsman | 4 | 58 |
| Adequate alternative remedy – recourse to other agency | 28 | 31 |
| Out of time | 5 | 7 |
| Insufficient personal interest | 1 | 7 |
| Explanation, advice or assistance provided | 470 | 510 |
| Investigation unnecessary | 159 | 143 |
| Subtotal | 1,862 | 2,403 |
| **Resolved without investigation** |  |  |
| Remedial action to benefit complainant | 114 | 153 |
| Remedial action to improve state sector administration | 1 | 25 |
| Remedial action to benefit complainant and improve state sector administration | 3 | 5 |
| Provision of advice/explanation by agency or Ombudsman that satisfies complainant | 5 | 17 |
| Subtotal | 123 | 200 |
| **Investigation discontinued** |  |  |
| Withdrawn by complainant or no response from complainant | 6 | 9 |
| Further investigation unnecessary | 23 | 31 |
| Agency to review | 2 | 14 |
| Subtotal | 31 | 54 |
| **Resolved during investigation** |  |  |
| Remedial action to benefit complainant | 38 | 46 |
| Remedial action to benefit complainant and improve state sector administration | 4 | 11 |
| Provision of advice/explanation by agency or Ombudsman that satisfies complainant | 5 | 2 |
| Subtotal | 47 | 59 |
| **Investigation finalised (final opinion formed)** |  |  |
| Administrative deficiency identified – recommendation/s | 30 | 77 |
| Administrative deficiency identified – no recommendation | 21 | 34 |
| No administrative deficiency identified | 99 | 240 |
| Issues cannot be determined | - | 1 |
| Subtotal | 150 | 352 |
| Administration – adjustment | 2 | - |
| Under consideration at 30 June | 500 | 815 |
| Total | 3,165 | 4,362 |

|  |  |  |
| --- | --- | --- |
| 10. Nature of deficiency identified where final opinion formed on OA complaints | 2019/20 | 2020/21 |
| Administrative deficiency in an individual case |  |  |
| Unreasonable, unjust, oppressive or discriminatory act, omission or decision | 35 | 46 |
| Procedural deficiency | 12 | 38 |
| Inadequate advice, explanation or reasons | 6 | 16 |
| Factual error or mistake | - | 6 |
| Unreasonable delay | 1 | 5 |
| Legal error | - | 3 |
| Wrong action or decision | - | 3 |
| Administrative deficiency in the agency or system of government |  |  |
| Flawed agency processes or systems | 9 | 17 |
| Government or agency policy - unreasonable or harsh impact | 2 | 12 |

|  |  |  |
| --- | --- | --- |
| 11. Nature of remedy obtained for OA complaints | 2019/20 | 2020/21 |
| Individual benefit |  |  |
| Apology | 33 | 86 |
| Decision to be reconsidered | 56 | 84 |
| Omission rectified | 47 | 71 |
| Decision changed | 49 | 65 |
| Reasons/explanation given | 26 | 65 |
| Financial remedy | 18 | 53 |
| Public administration benefit |  |  |
| Law/policy/practice/procedure to be reviewed | 6 | 45 |
| Change in practice/procedure | 14 | 33 |
| Provision of guidance or training to staff | 5 | 23 |
| Change in law/policy | 6 | 4 |
| Provision of additional resources | - | 2 |

### Official Information Act (OIA)

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

[Link to text alternative version of Figure 6.](#Figure6table)

|  |  |  |
| --- | --- | --- |
| 12. Nature of OIA complaints made | 2019/20 | 2020/21 |
| Refusal – general information request | 706 | 746 |
| Delay in making decision | 290 | 312 |
| Incomplete or inadequate response | 85 | 97 |
| Extension | 78 | 83 |
| Refusal – personal information about individual | 80 | 73 |
| Delay in releasing information | 28 | 30 |
| Other | 11 | 17 |
| Decision not made as soon as reasonably practicable | 17 | 12 |
| Manner or form of release | 4 | 9 |
| Charge | 17 | 4 |
| Refusal – personal information about body corporate | 7 | 3 |
| Refusal – statement of reasons | 3 | 3 |
| Neither confirm nor deny existence of information | - | 2 |
| Condition | 2 | 1 |
| Refusal – internal rules affecting decisions | 1 | 1 |
| Correction – personal information about body corporate | - | 1 |
| Total | 1,329 | 1,394 |

|  |  |  |
| --- | --- | --- |
| 13. OIA complaints received from | 2019/20 | 2020/21 |
| General public – individuals | 807 | 897 |
| Media | 254 | 259 |
| Companies, associations, and incorporated societies | 95 | 103 |
| Prisoners and prisoner advocates | 53 | 63 |
| Members of Parliament | 41 | 26 |
| Special interest groups | 41 | 15 |
| Trade unions | 7 | 10 |
| Researchers | 4 | 9 |
| Political party research units | 25 | 6 |
| Departments, government organisations, and local authorities | 1 | 3 |
| Review agency | 1 | 3 |
| Total | 1,329 | 1,394 |

|  |  |  |
| --- | --- | --- |
| 14. OIA complaints received against | 2019/20 | 2020/21 |
| Government departments | 505 | 635 |
| Other organisations state sector (all) | 686 | 643 |
| District Health Boards | 96 | 85 |
| Boards of Trustees (schools) | 43 | 37 |
| Universities | 45 | 43 |
| Ministers | 133 | 101 |
| Not specified | 5 | 15 |
| Total | 1,329 | 1,394 |

|  |  |  |
| --- | --- | --- |
| 15. OIA complaints received – greater than or equal to 15 complaints | 2019/20 | 2020/21 |
| Government departments |  |  |
| Ministry of Health | 69 | 120 |
| Department of Corrections | 76 | 100 |
| Ministry of Business, Innovation and Employment | 48 | 94 |
| Ministry of Justice | 41 | 40 |
| Ministry for Primary Industries | 48 | 35 |
| Department of Conservation | 24 | 34 |
| Oranga Tamariki—Ministry for Children | 17 | 34 |
| Ministry of Foreign Affairs and Trade | 6 | 33 |
| Ministry of Education | 36 | 27 |
| Ministry of Social Development | 39 | 22 |
| Department of the Prime Minister and Cabinet | 3 | 19 |
| **Ministers** |  |  |
| Minister of Police | 12 | 15 |
| **Other organisations state sector** |  |  |
| New Zealand Police | 272 | 237 |
| WorkSafe New Zealand | 25 | 34 |
| New Zealand Transport Agency | 33 | 30 |
| Waikato District Health Board | 22 | 28 |
| Accident Compensation Corporation | 12 | 22 |
| Fire and Emergency New Zealand | 5 | 16 |

|  |  |  |
| --- | --- | --- |
| 16. How OIA complaints were dealt with | 2019/20 | 2020/21 |
| Outside jurisdiction |  |  |
| Agency not listed in schedule | 9 | 12 |
| Scheduled agency otherwise outside jurisdiction | 30 | 61 |
| Subtotal | 39 | 73 |
| Referred |  |  |
| Referred to Privacy Commissioner | 77 | 62 |
| Subtotal | 77 | 62 |
| No investigation undertaken |  |  |
| Withdrawn by complainant or no response from complainant | 172 | 173 |
| Adequate alternative remedy – complain to agency first | 12 | 5 |
| Adequate alternative remedy – complaint referred to agency by Ombudsman | 2 | 1 |
| Explanation, advice or assistance provided | 81 | 45 |
| Investigation unnecessary | 183 | 174 |
| Subtotal | 452 | 398 |
| Resolved without investigation |  |  |
| Remedial action to benefit complainant | 103 | 104 |
| Remedial action to benefit complainant and improve state sector administration | 2 | 1 |
| Provision of advice/explanation by agency or Ombudsman that satisfies complainant | 30 | 35 |
| Subtotal | 136 | 140 |
| Investigation discontinued |  |  |
| Withdrawn by complainant or no response from complainant | 57 | 37 |
| Further investigation unnecessary | 75 | 72 |
| Subtotal | 134 | 109 |
| Resolved during investigation |  |  |
| Remedial action to benefit complainant | 173 | 150 |
| Remedial action to benefit complainant and improve state sector administration | - | 3 |
| Provision of advice/explanation by agency or Ombudsman that satisfies complainant | 17 | 16 |
| Subtotal | 191 | 169 |
| Investigation finalised (final opinion formed) |  |  |
| Administrative deficiency identified – recommendation/s | 49 | 43 |
| Administrative deficiency identified – no recommendation | 52 | 36 |
| No administrative deficiency identified | 241 | 191 |
| Issues cannot be determined | - | 1 |
| Subtotal | 342 | 271 |
| Administration – adjustment | - | 1 |
| Under consideration at 30 June | 428 | 599 |
| Total | 1,799 | 1,822 |

|  |  |  |
| --- | --- | --- |
| 17. Nature of deficiency identified where final opinion formed on OIA complaints | 2019/20 | 2020/21 |
| Administrative deficiency in an individual case |  |  |
| Refusal not justified – in part | 41 | 33 |
| Refusal not justified – in whole | 21 | 20 |
| Delay deemed refusal | 21 | 12 |
| Unreasonable extension | 9 | 8 |
| Otherwise wrong or unreasonable | 2 | 2 |
| Unreasonable charge | 1 | 2 |
| Undue delay in releasing information | 4 | 1 |
| Unreasonable delay | 2 | 1 |
| Inadequate advice, explanation, or reasons | 1 | 1 |

|  |  |  |
| --- | --- | --- |
| 18. Nature of remedy obtained for OIA complaints | 2019/20 | 2020/21 |
| Individual benefit |  |  |
| Decision changed | 256 | 238 |
| Omission rectified | 182 | 203 |
| Reasons/explanation given | 82 | 90 |
| Decision to be reconsidered | 44 | 38 |
| Apology | 14 | 19 |
| Financial remedy | - | 1 |
| Public administration benefit |  |  |
| Change in practice/procedure | 2 | 6 |
| Provision of guidance or training to staff | 1 | 2 |

### Local Government Official Information and Meetings Act (LGOIMA)

Figure 7: *LGOIMA complaints received and actioned over the past 10 years.*

[Link to text alternative version of Figure 7.](#Figure7table)

|  |  |  |
| --- | --- | --- |
| 19. Nature of LGOIMA complaints made | 2019/20 | 2020/21 |
| Refusal – general information request | 168 | 167 |
| Delay in making decision | 87 | 56 |
| Incomplete or inadequate response | 50 | 50 |
| Extension | 7 | 14 |
| Delay in releasing information | 5 | 12 |
| Charge | 13 | 10 |
| Decision not made as soon as reasonably practicable | 7 | 7 |
| Refusal – personal information about individual | 7 | 3 |
| Other | 2 | 2 |
| Refusal – personal information about body corporate | 2 | 1 |
| Neither confirm nor deny | - | 1 |
| Refusal – statement of reasons | - | 1 |
| Total | 354 | 324 |

|  |  |  |
| --- | --- | --- |
| 20. LGOIMA complaints received from | 2019/20 | 2020/21 |
| General public – individuals | 286 | 253 |
| Media | 41 | 34 |
| Companies, associations and incorporated societies | 23 | 29 |
| Special interest groups | 3 | 6 |
| Departments, government organisations and local authorities | - | 2 |
| Total | 354 | 324 |

|  |  |  |
| --- | --- | --- |
| 21. LGOIMA complaints received against (and greater than or equal to 15 complaints) | 2019/20 | 2020/21 |
| District Councils | 124 | 110 |
| City Councils | 165 | 155 |
| Auckland Council | 48 | 38 |
| Christchurch City Council | 25 | 18 |
| Upper Hutt City Council | 2 | 20 |
| Wellington City Council | 25 | 29 |
| Regional councils | 29 | 21 |
| Council Controlled Organisations | 34 | 35 |
| Auckland Transport | 20 | 17 |
| Other | 2 | 3 |
| Total | 354 | 324 |

|  |  |  |
| --- | --- | --- |
| 22. How LGOIMA complaints were dealt with | 2019/20 | 2020/21 |
| Outside jurisdiction |  |  |
| Scheduled agency otherwise outside jurisdiction | 7 | 8 |
| Subtotal | 7 | 8 |
| Referred |  |  |
| Referred to Privacy Commissioner | 8 | 3 |
| Subtotal | 8 | 3 |
| No investigation undertaken |  |  |
| Withdrawn by complainant or no response from complainant | 44 | 48 |
| Right of appeal to Court or Tribunal | - | 1 |
| Adequate alternative remedy – complain to agency first | 7 | 3 |
| Explanation, advice or assistance provided | 18 | 9 |
| Investigation unnecessary | 66 | 44 |
| Subtotal | 135 | 105 |
| Resolved without investigation |  |  |
| Remedial action to benefit complainant | 40 | 24 |
| Remedial action to benefit complainant and improve state sector administration | - | 1 |
| Provision of advice/explanation by agency or Ombudsman that satisfies complainant | 4 | 4 |
| Subtotal | 44 | 29 |
| Investigation discontinued |  |  |
| Withdrawn by complainant or no response from complainant | 14 | 13 |
| Further investigation unnecessary | 9 | 17 |
| Subtotal | 28 | 30 |
| **Resolved during investigation** |  |  |
| Remedial action to benefit complainant | 45 | 33 |
| Provision of advice/explanation by agency or Ombudsman that satisfies complainant | 3 | 2 |
| Subtotal | 48 | 35 |
| Investigation finalised (final opinion formed) |  |  |
| Administrative deficiency identified – recommendation/s | 25 | 19 |
| Administrative deficiency identified – no recommendation | 13 | 7 |
| No administrative deficiency identified | 45 | 48 |
| Subtotal | 83 | 74 |
| Under consideration at 30 June | 123 | 163 |
| Total | 476 | 447 |

|  |  |  |
| --- | --- | --- |
| 23. Nature of deficiency identified where final opinion formed on LGOIMA complaints | 2019/20 | 2020/21 |
| Administrative deficiency in an individual case |  |  |
| Refusal not justified – in part | 6 | 10 |
| Unreasonable charge | 1 | 4 |
| Delay deemed refusal | 1 | 2 |
| Undue delay in releasing information | - | 2 |
| Inadequate advice, explanation, or reasons | - | 1 |
| Unreasonable, unjust, oppressive, or discriminatory act, omission, or decision | - | 1 |

|  |  |  |
| --- | --- | --- |
| 24. Nature of remedy obtained for LGOIMA complaints | 2019/20 | 2020/21 |
| Individual benefit |  |  |
| Omission rectified | 58 | 53 |
| Decision changed | 85 | 50 |
| Decision to be reconsidered | 14 | 17 |
| Reasons/explanation given | 11 | 9 |
| Apology | 2 | 2 |
| Public administration benefit |  |  |
| Change in practice/procedure | - | 1 |

### Other contacts

Figure 8*: Other contacts received and actioned over the past 10 years.*

[Link to text alternative version of Figure 8.](#Figure8table)

|  |  |  |
| --- | --- | --- |
| 25. Other contacts received about | 2019/20 | 2020/21 |
| Ombudsmen Act matters | 5,514 | 5,875 |
| Copy correspondence, material sent for information only | 265 | 396 |
| Official Information Act matters | 333 | 369 |
| Agency requests for advice | 363 | 333 |
| Other | 421 | 208 |
| Requests for information held by the Ombudsman | 132 | 143 |
| Local Government Official Information and Meetings Act matters | 109 | 68 |
| Consultation by review agency (Privacy Commissioner, Independent Police Conduct Authority, Health and Disability Commissioner) | 31 | 42 |
| OPCAT matters | 49 | 9 |
| Total | 7,217 | 7,443 |

|  |  |  |
| --- | --- | --- |
| 26. Other contacts received from | 2019/20 | 2020/21 |
| General public – individuals | 4,565 | 4,746 |
| Prisoners and prisoner advocates | 2,142 | 2,143 |
| Departments, government organisations, and local authorities | 382 | 429 |
| Review agencies (Privacy Commissioner, Independent Police Conduct Authority, Health and Disability Commissioner) | 28 | 44 |
| Media | 38 | 32 |
| Companies, associations and incorporated societies | 31 | 28 |
| Members of Parliament | 8 | 6 |
| Special interest groups | 9 | 4 |
| Other | 6 | 4 |
| Ministers | 3 | 3 |
| Researchers | 2 | 3 |
| Trade Unions | 1 | 1 |
| Total | 7,217 | 7,443 |

|  |  |  |
| --- | --- | --- |
| 27. Other contacts concerned | 2019/20 | 2020/21 |
| Department of Corrections | 2,430 | 2,369 |
| Other government agencies | 1,062 | 1,298 |
| Other organisations (state sector) | 1,019 | 1,055 |
| Agencies not subject to jurisdiction | 661 | 599 |
| Local authorities | 393 | 527 |
| Ministers | 28 | 31 |
| Not specified | 1,624 | 1,564 |
| Total | 7,217 | 7,443 |

|  |  |  |
| --- | --- | --- |
| 28. How other contacts were dealt with | 2019/20 | 2020/21 |
| Explanation, advice or assistance provided | 3,645 | 4,059 |
| Complain to agency first | 1,937 | 1,488 |
| Individual advised to complain in writing/send relevant papers | 607 | 757 |
| No response required (including copy correspondence, FYI) | 689 | 630 |
| Complain to other agency – other | 153 | 115 |
| Complain to other agency – Health and Disability Commissioner | 105 | 94 |
| Withdrawn | 23 | 67 |
| Complain to other agency – Independent Police Conduct Authority | 65 | 66 |
| Complain to other agency – Privacy Commissioner | 65 | 61 |
| Matter referred to agency by Ombudsman | 4 | 51 |
| Matter to be transferred to Ombudsman by other review agency | 20 | 38 |
| Resolved – provision of advice/explanation which satisfies individual | 4 | 4 |
| Protected disclosures enquiry | 37 | 3 |
| Resolved – remedial action to benefit individual | 7 | 2 |
| Under consideration at 30 June | 27 | 38 |
| Total | 7,388 | 7,473 |

|  |  |  |
| --- | --- | --- |
| 29. Nature of remedy obtained for other contacts | 2019/20 | 2020/21 |
| Omission rectified | 5 | - |
| Reasons/explanation given | 1 | - |
| Decision to be reconsidered | 1 | - |
| Change in practice/procedure | 1 | - |
| Decision changed | - | 2 |

## Geographical distribution of complaints and other contacts received in year to 30 June 2021[[82]](#footnote-83)

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 30. Geographical location | Other contacts | OA | OIA | LGOIMA | Other work | 2020/21 | 2019/20 |
| Auckland | 1,009 | 843 | 404 | 65 | 7 | 2,328 | 1,609 |
| Bay of Plenty | 67 | 88 | 14 | 11 | 1 | 181 | 80 |
| Northland | 122 | 120 | 16 | 14 | - | 272 | 173 |
| Waikato | 252 | 293 | 76 | 23 | 4 | 648 | 432 |
| Taranaki | 28 | 22 | 16 | 1 | - | 67 | 71 |
| Hawke’s Bay | 76 | 77 | 24 | 4 | - | 181 | 170 |
| Manawatu/Whanganui | 153 | 143 | 77 | 9 | 1 | 383 | 215 |
| Wairarapa | 25 | 30 | 7 | 4 | - | 66 | 37 |
| East Cape | 11 | 14 | 6 | 4 | - | 35 | 29 |
| Wellington | 403 | 335 | 249 | 76 | 6 | 1,069 | 977 |
| Total North Island | 2,146 | 1,965 | 889 | 211 | 19 | 5,230 | 3,793 |
| Nelson/Marlborough | 54 | 89 | 14 | 16 | 1 | 174 | 140 |
| Dunedin | 26 | 48 | 19 | 14 | 2 | 109 | 71 |
| Otago | 105 | 77 | 16 | 9 | 1 | 208 | 113 |
| Southland | 71 | 49 | 20 | 2 | - | 142 | 80 |
| Canterbury | 66 | 92 | 20 | 7 | 2 | 187 | 115 |
| Christchurch | 189 | 200 | 64 | 11 | 4 | 468 | 422 |
| Westland | 21 | 36 | 3 | 2 | - | 62 | 56 |
| Chatham Islands | - | 3 | - | - | - | 3 | 2 |
| Total South Island | 532 | 594 | 156 | 61 | 10 | 1,353 | 999 |
| Location not known | 4,774 | 1,250 | 379 | 67 | 88 | 6,558 | 6,932 |
| Overseas | 58 | 237 | 13 | - | 1 | 309 | 225 |
| Total | 7,510 | 4,046 | 1,437 | 339 | 118 | 13,450 | 11,949 |

## Directory

#### Legal authorities for establishing 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 3 of the Ombudsmen Act 1975, and the Public Finance Act 1989.

#### Contacting the Ombudsman

Free phone: 0800 802 602

www.ombudsman.parliament.nz

Email: info@ombudsman.parliament.nz

Post: PO Box 10152, Wellington 6143

Fax: 04 471 2254

**Wellington**

Level 7, 70 The Terrace

**Auckland**  
Level 10, 55-65 Shortland Street

1. Text alternative versions of diagrams and graphs

### Ombudsman’s Outcomes Framework diagram

##### **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.

[Return to Outcomes Framework section in document.](#_Ombudsman_outcomes_framework_1)

The following tables, replicate the data featured in graphs in Figures 3 to 8.

**Figures 3: Complaints received since 2011/12**

|  |  |  |
| --- | --- | --- |
| **Year** | **Complaints received** | **Rate of change from previous year** |
| 2011/12 | 3,962 | -46% |
| 2012/13 | 5,350 | 35% |
| 2013/14 | 3,928 | -27% |
| 2014/15 | 3,617 | -8% |
| 2015/16 | 3,388 | -6% |
| 2016/17 | 3,613 | 7% |
| 2017/18 | 3,940 | 9% |
| 2018/19 | 4,676 | 19% |
| 2019/20 | 4,493 | -4% |
| 2020/21 | 5,578 | 24% |

[Return to Figure 3 in text.](#Figure3)

**Figure 4: Overall throughput of work over the past 10 years**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **Received** | **Under Action in the Year** | **Completed** | **On Hand at  Year End** |
| Jun-12 | 10,636 | 11,996 | 10,250 | 1,746 |
| Jun-13 | 13,684 | 15,430 | 13,358 | 2,072 |
| Jun-14 | 11,044 | 13,116 | 11,505 | 1,602 |
| Jun-15 | 12,151 | 13,753 | 11,964 | 1,787 |
| Jun-16 | 12,595 | 14,382 | 12,786 | 1,591 |
| Jun-17 | 11,846 | 13,437 | 12,141 | 1,294 |
| Jun-18 | 11,468 | 12,770 | 11,846 | 916 |
| Jun-19 | 11,886 | 12,802 | 11,793 | 1,009 |
| Jun-20 | 11,862 | 12,912 | 11,740 | 1,132 |
| Jun-21 | 13,185 | 14,347 | 12,639 | 1,680 |

[Return to Figure 4 in text](#Figure4).

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

| **Date** | **Received** | **Under Action in the Year** | **Completed** | **On Hand at Year End** |
| --- | --- | --- | --- | --- |
| Jun-12 | 2,459 | 3,194 | 2,383 | 803 |
| Jun-13 | 2,745 | 3,548 | 2,878 | 687 |
| Jun-14 | 2,478 | 3,165 | 2,510 | 647 |
| Jun-15 | 2,304 | 2,951 | 2,226 | 727 |
| Jun-16 | 2,054 | 2,781 | 2,241 | 542 |
| Jun-17 | 2,191 | 2,733 | 2,285 | 430 |
| Jun-18 | 2,263 | 2,693 | 2,398 | 296 |
| Jun-19 | 2,413 | 2,709 | 2,355 | 354 |
| Jun-20 | 2,811 | 3,165 | 2,665 | 500 |
| Jun-21 | 3,862 | 4,380 | 3,547 | 815 |

[Return to Figure 5 in the text](#Figure5).

**Figure 6: OIA complaints received and actioned over the past 10 years**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date | Received | Under Action in the Year | Completed | On Hand at Year End |
| Jun-12 | 1,236 | 1,740 | 1,076 | 664 |
| Jun-13 | 2,373 | 3,040 | 1,912 | 1,129 |
| Jun-14 | 1,207 | 2,338 | 1,623 | 712 |
| Jun-15 | 1,090 | 1,798 | 960 | 838 |
| Jun-16 | 1,100 | 1,933 | 1,084 | 849 |
| Jun-17 | 1,174 | 2,022 | 1,375 | 647 |
| Jun-18 | 1,378 | 2,025 | 1,598 | 427 |
| Jun-19 | 1,901 | 2,328 | 1,859 | 469 |
| Jun-20 | 1,329 | 1,798 | 1,371 | 428 |
| Jun-21 | 1,394 | 1,832 | 1,223 | 599 |

[Return to Figure 6 in text](#Figure6).

**Figure 7 LGOIMA complaints received and actioned over the past 10 years**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date** | **Received** | **Under Action in the Year** | **Completed** | **On Hand at Year End** |
| Jun-12 | 268 | 354 | 217 | 137 |
| Jun-13 | 271 | 407 | 245 | 162 |
| Jun-14 | 246 | 408 | 233 | 174 |
| Jun-15 | 240 | 414 | 253 | 161 |
| Jun-16 | 240 | 400 | 247 | 153 |
| Jun-17 | 248 | 400 | 258 | 142 |
| Jun-18 | 299 | 488 | 344 | 144 |
| Jun-19 | 364 | 461 | 339 | 122 |
| Jun-20 | 354 | 476 | 353 | 123 |
| Jun-21 | 324 | 449 | 284 | 163 |

[Return to Figure 7 in text.](#Figure7)

**Figure 8: Other contacts received and actioned over the past 10 years**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date** | **Received** | **Under Action in the Year** | **Completed** | **On Hand at Year End** |
| Jun-12 | 6,491 | 6,497 | 6,401 | 101 |
| Jun-13 | 8,263 | 8,364 | 8,283 | 80 |
| Jun-14 | 7,081 | 7,161 | 7,112 | 50 |
| Jun-15 | 8,480 | 8,530 | 8,497 | 34 |
| Jun-16 | 9,166 | 9,200 | 9,185 | 15 |
| Jun-17 | 8,198 | 8,213 | 8,168 | 45 |
| Jun-18 | 7,475 | 7,520 | 7,475 | 45 |
| Jun-19 | 7,120 | 7,165 | 7,143 | 22 |
| Jun-20 | 7,217 | 7,239 | 7,212 | 27 |
| Jun-21 | 7,443 | 7,470 | 7,435 | 38 |

[Return to Figure 8 in the text.](#Figure8)

[Document ends]

1. Based on exclusion of the anomaly of one complainant who made 471 complaints against school boards of trustees in 2018/19. [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
3. 62 complaint based and two systemic investigations. [↑](#footnote-ref-4)
4. 68 complaint based and eight systemic recommendations. [↑](#footnote-ref-5)
5. 80 complaint based and two systemic investigations. [↑](#footnote-ref-6)
6. 140 complaint based and 29 systemic recommendations. [↑](#footnote-ref-7)
7. Under the Protected Disclosures Act 2000. [↑](#footnote-ref-8)
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*.* [↑](#footnote-ref-9)
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 and other Cruel, Inhuman or Degrading Treatment or Punishment. [↑](#footnote-ref-10)
10. Under the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987. [↑](#footnote-ref-11)
11. Through investigation under the Ombudsmen Act 1975. [↑](#footnote-ref-12)
12. Under the Ombudsmen Act. [↑](#footnote-ref-13)
13. Under the Ombudsmen Act. [↑](#footnote-ref-14)
14. I acknowledge there are two texts with different meanings. [↑](#footnote-ref-15)
15. My status as an Officer of Parliament means I am not a ‘Crown’ treaty partner, but the Courts are increasingly expecting any entities that perform public functions to act in line with Te Tiriti, reflecting its constitutional importance. My role and institutional independence from the Crown means that there may be particular contexts where the Crown’s Treaty obligations do not apply in the same terms to my work. [↑](#footnote-ref-16)
16. See <https://www.publicservice.govt.nz/our-work/kiwis-count-survey/> for more information. [↑](#footnote-ref-17)
17. As opposed to the start of 41 percent in March 2012. [↑](#footnote-ref-18)
18. The quality of having strong moral principles; honesty and decency. [↑](#footnote-ref-19)
19. See <https://www.transparency.org/en/cpi>. [↑](#footnote-ref-20)
20. Under section 241 of the Land Transport Act 1998. [↑](#footnote-ref-21)
21. 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.

    [↑](#footnote-ref-22)
22. Employee includes a former employee, a secondee, a contractor, and a volunteer (see [section 3 of the Protected Disclosures Act 2000](http://legislation.govt.nz/act/public/2000/0007/latest/DLM53471.html?search=ts_act%40bill%40regulation%40deemedreg_protected+disclosure+act_resel_25_a&p=1) for a full definition of employee). [↑](#footnote-ref-23)
23. 14 percent increase. [↑](#footnote-ref-24)
24. 15 percent increase. [↑](#footnote-ref-25)
25. See inspection purpose and criteria: <https://www.ombudsman.parliament.nz/resources/criteria-opcat-covid-19-inspections>. [↑](#footnote-ref-26)
26. Published 17 August 2021: <https://www.ombudsman.parliament.nz/resources/thematic-report-inspections-managed-isolation-and-quarantine-facilities-under-crimes> [↑](#footnote-ref-27)
27. Single-double cells are single cells in the remand unit which have been modified with a bunk bed to accommodate two prisoners. [↑](#footnote-ref-28)
28. Te reo name gifted after extensive consultation with Māori communities and iwi. [↑](#footnote-ref-29)
29. A PPO is a court order detention of extremely high risk individuals at a secure facility within prison precincts. See <https://www.corrections.govt.nz/working_with_offenders/prison_sentences/release/public_protection_orders>. [↑](#footnote-ref-30)
30. See <https://www.ombudsman.parliament.nz/resources/expectations-conditions-and-treatment-residents-health-and-disability-places-detention> [↑](#footnote-ref-31)
31. See <https://www.ombudsman.parliament.nz/what-we-can-help/aged-care-monitoring>. [↑](#footnote-ref-32)
32. Using my general investigation powers under the Ombudsmen Act. [↑](#footnote-ref-33)
33. See section 16(1A) of OA. [↑](#footnote-ref-34)
34. 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. [↑](#footnote-ref-35)
35. See media statement 17 August 2021: <https://www.ombudsman.parliament.nz/news/miq-complaints-ombudsman-surge>. [↑](#footnote-ref-36)
36. 12 recommendations were pending acceptance or action as of the date of this report. [↑](#footnote-ref-37)
37. Such as referrals to Care and Protection Resource Panels, use of the Child and Family Consult, professionals meetings, and professional supervision for social workers. [↑](#footnote-ref-38)
38. <https://systemreview.health.govt.nz/final-report/> [↑](#footnote-ref-39)
39. <https://dpmc.govt.nz/sites/default/files/2021-04/heallth-reform-white-paper-summary-apr21.pdf> [↑](#footnote-ref-40)
40. 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. [↑](#footnote-ref-41)
41. As at 30 June 2021, there were 160 workers, comprising 150 employees and 10 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. [↑](#footnote-ref-42)
42. Te Kawa Mataaho Public Service Commission has amended their reporting structure of the Kiwi Count Survey and no longer includes the ‘service quality score’. The survey continues to report similar indicators showing trust in the public sector, see <https://www.publicservice.govt.nz/our-work/kiwis-count-survey/>. Respondents to the survey reported an all-time high trust in the public sector in December 2020, at 69 percent. There has been a slight positive trend since the survey’s inception. Initially in 2012/13, trust in the public sector was at 41 percent. In more recent years the results show the yearly averages of 49 percent trust in 2017/18, 50 percent in 2018/19 and 2019/20, and 65 percent in 2020/21. [↑](#footnote-ref-43)
43. Using the Transparency International Corruption Perceptions Index to track perceptions of public trust in government in New Zealand. [↑](#footnote-ref-44)
44. See <https://www.transparency.org/en/cpi/2020/index/nzl>. [↑](#footnote-ref-45)
45. Including speeches, presentations, interviews, media statements, resources, and training sessions provided via the website, social media, or to public forums, media, opposition research units, and community organisations. [↑](#footnote-ref-46)
46. The measure was amended in 2019/20 to specifically include interviews and media statements, which resulted in a higher than forecast number. [↑](#footnote-ref-47)
47. Increased proactive communication strategy, has significantly exceeded the expected target set in the 2019/23 strategic intentions. [↑](#footnote-ref-48)
48. Based on a survey of randomly selected complainants. [↑](#footnote-ref-49)
49. Including on legislation, policies, procedures, administrative processes, and decision-making. [↑](#footnote-ref-50)
50. All references to public sector agencies include Ministers’ offices. [↑](#footnote-ref-51)
51. Based on a survey of training participants. [↑](#footnote-ref-52)
52. 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. [↑](#footnote-ref-53)
53. Based on a survey of public sector agencies that were the subject of investigation in the reporting year. [↑](#footnote-ref-54)
54. Based on a survey of public sector agencies that were the subject of investigation in the reporting year. [↑](#footnote-ref-55)
55. The majority of these are consultations under section 241 of the Land Transport Act. The number of consults has ranged between 7 and 129 with no identifiable pattern since 2010. [↑](#footnote-ref-56)
56. Counted as 90 calendar days. [↑](#footnote-ref-57)
57. Counted as 90 calendar days. [↑](#footnote-ref-58)
58. Including Disabled Peoples’ Organisations, Human Rights Commission, Office for Disability Issues, and Health and Disability Commissioner. [↑](#footnote-ref-59)
59. An additional 17 inspections were carried out at Managed Isolation and Quarantine facilities on top of the pre-planned 2020/21 work programme. [↑](#footnote-ref-60)
60. 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. [↑](#footnote-ref-61)
61. The internationally accepted standard is for at least one third of inspections to be unannounced. [↑](#footnote-ref-62)
62. For health and safety reasons it was decided to announce all COVID-19 inspections, and a number of announced orientation visits to aged care facilities were conducted as part of setting up this programme of work. [↑](#footnote-ref-63)
63. Counted as 90 calendar days. [↑](#footnote-ref-64)
64. In 2019/20 COVID-19 inspection programme required resources to be pivoted to these inspections. Flow on effects from the change in focus resulted in inspection reports not being completed in the usual timeframes. [↑](#footnote-ref-65)
65. Measures for Outputs 7 and 8 are combined. Refer to [Strategic intentions 2019/23](https://www.ombudsman.parliament.nz/resources/strategic-intentions-20192023). [↑](#footnote-ref-66)
66. ‘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. [↑](#footnote-ref-67)
67. There was an unprecedented 24% increase in complaints received in the 2020/21 year, primarily due to COVID-19 specific issues. The target for net clearance rate was set on the basis that expected intake levels would be around 3,700 new complaints for the 2020/21 year. However, 5,580 new complaints were received in the 2020/21 year. [↑](#footnote-ref-68)
68. Counted as 90 calendar days. [↑](#footnote-ref-69)
69. Counted as 180 calendar days. [↑](#footnote-ref-70)
70. Counted as 365 calendar days. [↑](#footnote-ref-71)
71. Counted as 30 calendar days. [↑](#footnote-ref-72)
72. 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. [↑](#footnote-ref-73)
73. Based on a survey of randomly selected complainants. Selection does not include complainants where the discretion not to exercise a complaint was exercised. [↑](#footnote-ref-74)
74. I also have other measures in place to ensure quality, including review of all correspondence by senior staff with authorisation. [↑](#footnote-ref-75)
75. Includes formal resolution initiatives and investigations. [↑](#footnote-ref-76)
76. Based on a survey of public sector agencies who were the subject of investigation in the reporting year. [↑](#footnote-ref-77)
77. Global pandemic prevented international travel. There was a shift toward more virtual engagement with overseas stakeholders. [↑](#footnote-ref-78)
78. As above. [↑](#footnote-ref-79)
79. Based on a survey of overseas stakeholders who received guidance and/or training. [↑](#footnote-ref-80)
80. Adjustments are changes made to reported statistics post completion of a reporting year and matters received on 1 July 2020. [↑](#footnote-ref-81)
81. Not including courts and tribunals. [↑](#footnote-ref-82)
82. 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. [↑](#footnote-ref-83)