

Request for draft job sizing reports

Legislation	Official Information Act 1982, s 9(2)(g)(i)
Agency	Southern District Health Board
Ombudsman	Leo Donnelly
Case number(s)	436251
Date	February 2017

Reports formed an early stage of developing options for consideration and consultation—disclosure would likely inhibit the willingness of officials and consultants to tender a wide range of preliminary options, and to canvass issues in comprehensive written form, to the detriment of prudent and effective decision making

A requester asked the Southern District Health Board (DHB) for reports by Alma Consulting. She complained to the Ombudsman about the DHB's decision to withhold the following three 'joint working documents' under section 9(2)(g)(i):

- *Service Alignment – Surgical Directorate – Dunedin Theatre Analysis Paper;*
- *Draft Orthopaedics Job Sizing Analysis Paper;*
- *Draft Plastics Job Sizing Analysis Paper.*

The reports were generated to inform management on potential system and process efficiencies and improvements. They remained in draft form at the time of the request, and were compiled by the collation of raw data and staff interviews.

The DHB said it needed a reasonable period in which to review and consider the content of the reports. At the time of the request, the DHB had not had the opportunity to consider the implications for staff, or any aspects that required amendment or clarification.

The DHB said that it needed to be free to engage in 'early and frank discussions' in reviewing service delivery and developing any necessary processes for change, and that disclosure of

draft and preliminary reports would ‘*severely curtail*’ its ability to continue to engage in such discussions in the future. It suggested that staff would not feel free to advance information and opinions to advisers and one another, and this would alter the manner in which the information is provided, and the content of the opinions sought and recorded.

The Ombudsman noted that the reports ‘*form[ed] an early stage of developing options for consideration and consultation*’. They remained in draft and subject to consideration and amendment or correction as necessary. They did not represent a policy position, or final recommendations for adopting such a position. In addition, the reports were based on information and data provided by staff and interpreted by the DHB and Alma Consulting.

The Ombudsman considered that disclosure of draft assessments of this nature at this stage would likely inhibit the willingness of officials and consultants to tender a wide range of preliminary options, and to canvass issues in comprehensive written form, to the detriment of prudent and effective decision making. This would prejudice the effective conduct of public affairs by undermining the decision making process and impairing the ability of the DHB to ensure that the most appropriate course of action was taken.

The Ombudsman accepted that levels of service delivery by the DHB were a matter of public interest, and that the disclosure of information elucidating the DHB’s performance in that respect may be useful. There was also a public interest in transparency and accountability for the expenditure of public money on consultancy services. Further, there was a public interest in promoting public debate and participation in decisions regarding service delivery.

However, the information at issue here comprised preliminary drafts of material in anticipation of developing options for consideration. The information would do little to further the interests identified above. The Ombudsman considered the appropriate balance lay in protecting the interests contemplated by section 9(2)(g)(i), and the value of such information in preliminary decision making processes.

The Ombudsman concluded that section 9(2)(g)(i) provided good reason to withhold the draft reports.

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