

Request for information concerning South Auckland primary teacher supply

Legislation	Official Information Act 1982, s 9(2)(f)(iv)
Agency	Ministry of Education
Ombudsman	David McGee
Case number(s)	176675
Date	May 2008

Decisions had been made—disclosure of abandoned options posed no risk—s 9(2)(f)(iv) does not apply

A requester complained to the Ombudsman when deletions were made to an education report on South Auckland primary teacher supply. The Ministry of Education argued that initiatives covered in the report had not been finalised and release would prejudice the development and implementation process.

The Ombudsman noted that the report in question contained options for further investigation. However, the Ministry had subsequently been made aware through the budget process that funding was not available to pursue those options. Accordingly, the options had been abandoned, and the Ministry was focusing on the development of other options that would achieve the same ends. Consultation on those other options was already underway.

The Ombudsman characterised the content of the report as containing bare options for investigation. No detailed advice was provided on those options. The options were standard options for addressing problems involving teacher recruitment and retention.

In addition, by the time the request was refused the associated decision making in respect of the particular advice had been completed. The first decision was the Minister's, namely, to approve investigation of those particular options. The second decision was made by the Ministry, namely to abandon those options as a result of advice it had received during the budget process.

Because of the content of the advice and the stage reached in the policy making process at the date of the request, the Ombudsman was not convinced that section 9(2)(f)(iv) applied.

The Ombudsman acknowledged the Ministry's concerns that release of the information would raise expectations in the sector which would not be met, and prejudice the effectiveness of its consultation with stakeholders. He considered this could be addressed by release of an accompanying contextual statement, explaining the basis on which the advice was prepared and the subsequent direction of the policy.

The Ministry decided to release the relevant information after considering the Ombudsman's comments, and that aspect of the complaint was resolved.

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