

Request for reasons about non-appointment

Legislation	Official Information Act 1982, s 23
Agency	District Health Board
Ombudsman	Beverley Wakem
Case number(s)	173933
Date	November 2006

Inadequate statement of reasons – more detail and specificity necessary to meet the requirements of s 23

A person had applied unsuccessfully for two nursing positions (the applicant). The applicant requested the DHB's reasons for both decisions not to appoint her.

The **first** statement of reasons explained that the interview panel:

- considered the candidates' CVs and answers to questions; and
- selected a preferred candidate who ranked higher than the applicant in terms of being able to meet the requirements and competencies of the position.

The Ombudsman noted that certain information about the decision could be **inferred** from the supporting material supplied to the applicant, for example, the notes of the interview panel. However, this was not good enough.

Section 23 requires the agency to incorporate a certain level of detail and specificity in the statement of reasons itself. What had been supplied fell well short of meeting the agency's obligations in this respect.

The DHB had not explained the specific competencies for which the applicant was ranked lower than the preferred candidate, or the basis for how those rankings were determined. The Ombudsman required a further statement to be supplied providing this information.

The agency had not specified which competencies were not met out of concern that this would identify the referees.

The Ombudsman accepted that the identities of the referees and the material they supplied were protected by the evaluative material exemption. However, specifying which competencies were not met comprised part of the findings on material issues of fact and the reasons for the decision. That information is not subject to the evaluative material exemption, and still needs to be supplied regardless of whether a referee could be identified as a result. The obligation to honour promises of confidentiality to referees does not override the obligation of public sector bodies to provide adequate explanations for their decisions to the affected parties.

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