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12 April 2022

A Boocock

By email: fyi-request-16938-c4960986@requests.fyi.org.nz

Dear A Boocock

Information Request – Group Manager positions

I refer to your follow-up questions dated 15 February 2022 which referenced our previous responses on 11 November 2021, and 14 February 2022. You requested information about the recent restructure at Fire and Emergency New Zealand.

On 9 March 2022, we wrote to you advising of an extension to the time limit to decide on your request.

Introductory comments

To provide context to our response, Fire and Emergency New Zealand believe we have faithfully responded to your requests for information in accordance with the provisions of the Official Information Act 1982 (“OIA”), taking care to provide complete answers to your questions based on the information available to us at the time.

In your email of 15 February 2022, you commented that the pre-conditions for applying for positions were different for some rounds and you have asked for clarity about the different messages that were provided in each round.

To clarify: We initially had available all newly created GM positions. There was a lot of interest in these positions, both from affected people (people whose substantive permanent positions had been disestablished) and non-affected people.

Affected people had preference (over non-affected people) for vacant positions they were found to be suitable for.

Due to the number of people interested in positions, compared to the number of available positions, it was decided that the first round of interviews would be split into two parts. This is because

conducting one larger interview round involving all candidates from both groups (affected and non-affected) would likely have resulted in people from the non-affected group being interviewed for positions which they would be unable to obtain, due to the number of affected candidates that would be potentially suitable.

First round of interviews

- The first part (or first round), and therefore the first group to be interviewed, were affected people.
 - We called this a “redeployment round”.
 - All affected people, who were found suitable for positions in this part of the interview process, were then placed in roles (assuming the number of suitable people did not exceed the number of roles available in the district).
- The second part (or second round), and therefore second group to be interviewed, were people who had not been considered in the first part of the interview process (detailed immediately above).
 - This can also be referred to as the “recruitment round”.
 - This was predominantly people who were unaffected.
 - However, affected people who hadn’t already gone through the process in the first part of this process could also apply for the remaining vacancies.
 - Affected people who had been considered during the first part – and were found unsuitable – could not reapply during part two of the first round of interviews.

The majority of roles were filled during the first round of interviews (ie parts one and two).

Subsequent rounds of interviews

This first round of interviews (both parts as set out above) was then followed by several more interview rounds. This reflects how the interview process evolved to reflect that there were still vacancies after the first round of interviews, and a number of rounds needed to be completed to fill all vacancies.

Any remaining roles were advertised and anyone (regardless of previous applications) could apply during the subsequent rounds of interviews. During these interview rounds, some people who had previously applied did reapply during this time.

This means that an affected person could be considered during the first part of the first round of interviews. If that person was unsuccessful, they were excluded from being considered again during second part of the first round. However, if a role was still available, that affected person could apply in the subsequent rounds.

In relation to the emails from Kerry Gregory, we acknowledge that the messages may have been confusing as they did not refer to the group of affected staff who had been unsuccessful in recent interviews during the deployment round. However, those individuals should have been notified that they could not reapply in the second part of the process when they were told their application was unsuccessful.


The messaging could have been clearer and explicitly noted that those affected people who were unsuccessful would not be considered.

Response to questions

In accordance with the provisions of the OIA, Fire and Emergency's response to each of your questions is set out in the table below. Where we can, we have also addressed your requests for clarification. To the best of our knowledge, our responses reflect the information that Fire and Emergency holds on your questions and requests for clarifications

Questions or requests for clarification	Responses
<p>I draw your attention to the email from Kerry Gregory to 'Whole Country' Fri 30 April, 6.41pm, where he confirms that "Last Friday we opened applications for the residual Group Manager (GM) and Community Risk Manager (CRM) roles throughout the country. With a week to go before applications close, I want to provide some clarity around a couple of frequently asked questions we've been receiving about the roles. I also want to encourage each and every one of you who have the suitable skills and experience (as outlined below) and are interested in a role to get your application in. Applications for the GM position are open to everyone in Fire and Emergency, and the CRM roles are also open to external candidates".</p> <p>Yet, you state in your reply of 14 Feb 2022 that: "Once a person had been deemed ineligible for redeployment, they were not able to reapply through redeployment processes for the same position".</p> <p>Your statement contradicts Kerry Gregory's email; an email to ALL STAFF which clearly indicates that everyone in FENZ was eligible to apply in this second round of GM redeployment/first round of recruitment in the period April - June 2021.</p> <p>Please explain this disparity.</p>	<p>Please see our introductory comments above.</p> <p>This email was sent during the second part of first round of interviews, hence the reference to "residual" roles.</p>
<p>My concern around this disparity is further backed by the following:</p> <p>1) OIA response of 11 Nov 2021: FENZ response - "The order for consideration of applications for the new tranche 2 positions was:</p> <ul style="list-style-type: none"> • Round 1: Affected employees only. • Subsequent rounds: Any other applicants (with any remaining affected employees who were held to be suitable for the position being afforded preference)". 	<p>Please see our introductory comments above.</p> <p>We have provided further details about the process in our introductory comments.</p> <p>The previous reference to "other" applicants (in subsequent rounds) refers to the subsequent rounds of interviews – and does not include part two of the first round of interviews.</p>

<p>It does not state in your response that anyone who had previously applied was excluded from ANY following, or specific, application rounds (principally, the second round of GM redeployment/first round of recruitment, April - June 2021).</p>	<p>This is how we interpreted your previous question.</p>
<p>2) OIA response of 11 Nov 2021: My question - "5. Did any 'affected' staff who were unsuccessful in the first round of interviews for GM, then apply again during the second round of appointments?" FENZ Response - "Some affected staff who were unsuccessful in the first round of interviews for a role did apply in later recruitment rounds, (including in relation to the Group Manager role)."</p>	<p>This is correct, they did apply in subsequent recruitment rounds. As above, affected people who were unsuccessful in the first part of the initial recruitment round (redeployment), did not apply in the second part of the initial recruitment round, but were able to, and did, in later recruitment rounds.</p>
<p>3) OIA response of 11 Nov 2021: My question - "7. Please supply any correspondence from SDLT or the ELT which provided guidance or clarity around whether or not 'affected' staff who were unsuccessful during the first round of GM appointments, could reapply along with 'impacted' and others during the second round of GM appointments. FENZ response - "There was no specific guidance from Service Delivery Leadership Team or Executive Leadership Team on this matter. This aspect of your request is therefore refused under sections 18(g) and 18(e) of the OIA, in that it is not held by Fire and Emergency and the document alleged to contain the information does not exist.</p>	<p>No response required.</p>
<p>4) OIA response of 11 Nov 2021: My question - "8. If 'affected' staff were excluded from re-applying, please provide the rationale behind this". FENZ response - "They were not excluded after round 1 and some did re-apply".</p>	<p>They were able to reapply after the second part of the initial recruitment round which took place after the redeployment round. For the subsequent rounds some people did re-apply and some were interviewed.</p>
<p>Please advise: 1) why there is such a disparity between: - the GM advertisement of around 23 April 2021, excluding some staff from reapplying - Kerry Gregory's email to the "Whole Country" sent 30 April 2021, where he provided clarity that the GM applications were open to everyone for that round. - FENZ OIA response of 11 Nov 2021: "They were not excluded after round 1 and some did re-apply". - FENZ OIA response of 14 Feb 2022: "Once a person had been deemed ineligible for redeployment, they were not able to reapply through redeployment processes for the same position"</p>	<p>Please see our introductory comments above.</p>

<p>2) if it is in fact correct that previously unsuccessful applicants could not reapply in the Apr - June 2021 GM application round (advertised around 23 April 2021), who made this decision? And why were they excluded?</p>	<p>Please see our introductory comments above.</p>
<p>3) if previously unsuccessful applicants were denied the opportunity to reapply in the Apr - June 2021 round of applications for the GM roles, how does this fit with the FENZ Act 2007 Sn 26 - 30?</p>	<p>We presume you intend to refer to the Fire and Emergency New Zealand Act 2017 (the Act). We consider the process complied with the requirements of the Act.</p>
<p>3) please explain why some of those 'affected' staff who were previously unsuccessful at GM appointments in the first round (redeployment), did then apply in the second round (Apr - June 2021) when they were supposedly excluded?</p>	<p>Please see our introductory comments above.</p>
<p>4) which region(s) and district(s) were those 'affected' staff in qn 3 above - those who reapplied in the Apr - June 2021 GM application round, based?</p>	<p>As above, no affected people who had already applied for a particular role in the redeployment round (step 1 of the first round of interviews) and had been found to be unsuitable applied in the recruitment round (step 1 of the first round of interviews).</p> <p>Accordingly, we hold no information about the regions or districts applicants were from, as there were no applicants within the scope of your request.</p> <p>Consequently, your request is declined under section 18(e) of the OIA as the information requested does not exist.</p>
<p>I have submitted many OIA requests around the FENZ restructure, and the FENZ responses appear to obfuscate the answers I seek.</p> <p>FENZ responses have been contradictory, whereas they should be straightforward.</p> <p>Either Kerry Gregory was correct, and all staff could apply in the Apr - June 2021 GM application round. Opening up applications to all staff as Kerry Gregory stated, would indicate this was a recruitment round and previously successful applicants could quite rightly reapply.</p> <p>Or, contrary to Sn 26 - 30 of the FENZ Act 2017, a select group of staff were excluded from reapplying in this Apr - June 2021 GM application round.</p> <p>Which is it?</p>	<p>Please see our introductory comments and our previous responses above.</p> 

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicky Chilton', with a long horizontal flourish extending to the right.

Nicky Chilton
Director, Office of the Chief Executive

