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27 May 2022

Mark MacDonald
By email: fyi-request-18974-b0e8c4dc@requests.fyi.org.nz

Dear Mark

Information Request –Behaviour and Conduct Office Complaints

We refer to your official information request dated 25 March 2022 asking for the following information:

1. In the most recent media on FENZ's dysfunctional complaints handling, Deputy Chief Executive Raewyn Bleakley said:

"... this was quite clearly articulated in the Coral Shaw Report that the BCO should provide the process but the recommendations for action should go back to the decision maker who is the line manager or the appropriate chief of the actual brigade or whatever area we're talking about. And that is then where the disciplinary action takes place so we're not going to confuse or merge those."

I request that FENZ provide the precise wording from the Shaw Report, verbatim, that Ms Bleakley is referring to.

2. I request that, for all complaints that were at some point in their lifespan dealt with within a version of the BCO (interim, permanent, etc), whether the complaint commenced there or not:

- a) FENZ provide the date the complaint commenced in the BCO;**
- b) FENZ provide the job/position of the decision maker(s) (eg Chief, Area Manager, Group Manager, BCO Director, HR, etc), whether a decision was ever made on the complaint or not; and**
- b) FENZ provide the outcome eg unresolved/ongoing; disciplinary action; etc; and**
- c) FENZ state whether the accused person was stood down.**

On 27 April 2022 we provided our response to question 1 and notified you of an extension of the time to make our decision on the remainder of your request to 27 May 2022.

Fire and Emergency New Zealand takes complaints of unwanted behaviour very seriously. Bullying and harassment of any kind are unacceptable and are not aligned to our values or expectations of our people. There is no place at Fire and Emergency for bullying or harassment and we are

working hard to achieve culture change and have robust processes in place to address complaints of this nature. In accordance with the provisions of the Official Information Act 1982, Fire and Emergency New Zealand's response to the remainder of your request is set out below:

2. I request that, for all complaints that were at some point in their lifespan dealt with within a version of the BCO (interim, permanent, etc), whether the complaint commenced there or not:

a) FENZ provide the date the complaint commenced in the BCO;

Please see *enclosed*, attachment 1, which lists complaints commenced in the Behaviour and Conduct Office up to and including 29 March 2022.

b) FENZ provide the job/position of the decision maker(s) (eg Chief, Area Manager, Group Manager, BCO Director, HR, etc), whether a decision was ever made on the complaint or not

Please see *enclosed*, attachment 2, for a list of positions with human resources delegations to make decisions relating to a complaint. Please note, even if an individual has the appropriate delegation, they will not be the decision-maker on a complaint if they have a disqualifying conflict of interest or do not have the capacity or experience to manage the complaint. Depending on the seriousness of the complaint, some of these positions may not have the delegation required to take appropriate action. Consequently, most decisions made on matters amounting to misconduct are decided at the District Manager level (or non-service delivery equivalent), whilst serious misconduct matters are decided at the Region Manager level (or non-service delivery equivalent).

Since 1 March 2022 all Behaviour and Conduct Office investigations appoint a decision-maker from an alternative district or region (i.e. outside the direct line management chain of command), strengthening the impartiality of the decision-making process.

Of the complaints listed in attachment 1, 176 have been completed, indicating they are resolved, and a decision has been made. The other 64 complaints remain open and do not yet have reportable outcomes.

c) FENZ provide the outcome eg unresolved/ongoing; disciplinary action; etc;

Please see enclosed, attachment 3, for the final outcomes of the 176 completed complaints. As noted above, the remaining 64 complaints are still open.

d) FENZ state whether the accused person was stood down.

Fire and Emergency does not keep a centralised record of suspensions or people who have been stood down in a way that we can readily retrieve the data you have requested. This information is held on two separate databases. Additionally, information maintained within these databases may not identify that the individual had been the subject of a complaint that was being investigated.

In order to obtain the information you have requested, we would first need to search the information held in the two separate databases to determine who has been suspended or stood down. These details would then be provided to the Behaviour and Conduct Office to match against their complaint records to determine whether any details of suspension or leave are related.

The process described above to provide the information you have requested would require substantial collation and research. Accordingly, this aspect of your request is refused under section 18(f) of the Official Information Act.

In accordance with the principles of natural justice, Fire and Emergency would only suspend someone as part of a complaints process if it is determined there is a safety risk to others or to the individual concerned. Or if there is a reasonable risk the investigation could be compromised if the individual is not suspended. Any decision to suspend or stand down an individual is only made after the individual has an opportunity to respond to a proposed suspension through a formal employment or volunteer management process. Furthermore, if a suspension was to be made during an investigation there is a possibility that the decision may be revisited once more information comes to light and the suspension ended if it is no longer necessary for the remainder of the investigation.

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



Raewyn Bleakley
Deputy Chief Executive, Office of the Chief Executive

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