

20 March 2024

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OIA 29152

Tēnā koe

I refer to your email of 21 February 2024 in which you request the following under the Official Information Act 1982 (OIA):

'Under the Official Information Act 1982, I would like to request the following information:

- 1. All reports of bullying, harassment, assault, and/or sexual harassment, abuse and/or assault at the ministry between 2012 and now.*
- 2. For each report, can you please state: the date of the report, the date of the incident, the nature of the alleged incident (as much as you can say), whether the complaint was against someone internal or external, whether the incident happened in NZ or in an overseas post, whether the complaint was investigated, and the outcome of the investigation.*
- 3. How many times has the Speak Up Safely programme been used since its inception (how many complaints have been laid via the Speak Up Safely programme)?*
- 4. How many complaints have been made via an external/independent provider? What is the provider? And what is the annual cost of this service?*
- 5. Have all Ministry HR and leadership staff undertaken professional development regarding best practice processes and how to support and communicate with complainants? If so, how many staff were put through this training? What was the nature of the training? And the cost associated?*
- 6. A copy of the new code of conduct for workplace culture*
- 7. The minutes of the Frontrunners group meetings since its inception. And a list of all initiatives suggested and/or implemented by the group. This information will be used in a report by Newsroom on the ministry's work to improve culture and support for survivors, following complaints of workplace sexual misconduct and the Dyhrberg review. As this matter is in the public interest, I ask that any fee be waived. In accordance with the Act, I expect to receive a response within 20 working days.'*

Your request has been numbered for ease of reference.

In 2015 MFAT implemented a confidential 'Speak Up Safely' channel for staff to raise concerns about behaviour that they felt was in conflict with our values and expectations. Concerns raised through Speak Up Safely range from minor issues that are relatively easy to resolve, through to more complex issues. Not all concerns raised with Speak Up Safely result in, or warrant, a formal complaint being made, or an investigation being undertaken.

We are encouraged that since its introduction, staff have continued to utilise this service and have felt safe to raise concerns.

We continue to mature our approach to handling Speak up Safely issues and formal complaints of inappropriate behaviour, and this has included adding a further external Speak Up Safely channel. Following the conclusion of a case in 2021, we also initiated an external review of our case management processes with the resulting 'Dyhrberg Review Report' delivering a series of recommendations to further enhance our processes with a particular focus on the support for complainants. All of those recommendations have been implemented.

In 2022, we established the Workplace Cultures programme as an organisational priority, and this has focused in particular on supporting leaders and teams to build more positive, safe and inclusive workplaces globally. This programme of work continues to support our people in enhancing their workplace experience.

We strive for a safe, positive, inclusive and rewarding workplace and we won't shy away from addressing inappropriate behaviour at MFAT. We take any allegation of inappropriate behaviour extremely seriously. We are encouraged that staff feel able to raise a concern through Speak Up Safely, or make a formal complaint. The number of issues raised (as reported in this OIA response) indicates there is improved trust and confidence in the Ministry's ability to address inappropriate behaviour. Some of the cases referenced in this data are a result of people choosing to raise concerns about historic behaviour after seeing how other cases have been managed and resolved. In some instances there was more than one complaint raised in respect to the behaviour of an individual.

Parts 1 and 2

Information relating to parts one and two of your request is attached in **Appendix A**. Please note that complete aggregated centralised records of reports of abuse, assault, or harassment did not exist prior to the Ministry's centralised People Division being formed in 2021. Therefore, your request for this information from 2012 to January 2021 is refused under section 18(f) of the OIA, as the information cannot be made available without substantial collation and research.

The Ministry has not provided you with the exact day and month of the alleged incidents or complaints to protect individual privacy (section 9(2)(a) of the OIA refers). Where the information has been withheld under section 9 of the OIA, we have identified no public interest in releasing the information that would override the reasons for withholding it.

Part 3

There were 223 cases and 154 general enquiries to the Speak Up Safely programme from 2019 to January 2024. Please note:

- Cases are defined as being where sufficient information has been provided to identify themes of the alleged issue, e.g. Behaviour against our values; or Inappropriate/Offensive behaviour.
- General enquiries are defined as being where limited information has been provided and no themes can be identified, e.g. someone may just ask for high-level guidance on how to connect with our in-house counsellor; or how to contact our external/independent provider.

I also note that reaching out to the Speak Up inbox, or one of our Confidential Advisers, provides a service to confidentially share experience; receive advice on support; and be advised

on the options available to raise an issue or complaint / seek resolution. The majority of cases or general enquiries do not result in a formal complaint being lodged and the commencement of an investigation.

Part 4

The external provider provides two services, the *Kāpehu* service and the *Speak Up* complaint service.

The *Kāpehu* service was used on 61 occasions by 37 users of the service since its inception in October 2022 to February 2024. *Kāpehu* is an independent, informal, and confidential conflict coaching service for staff and managers. An experienced coach will offer a 'listening ear' and safe space to discuss any concerns or challenges they are experiencing at work. The coach will also guide and support them to develop a plan and will help them to decide on the next steps and possible solutions. If needed, the coach will help the visitor to build appropriate skills to address their concerns.

Since its inception in October 2022 until February 2024, there were 8 *Speak Up* complaints to the external provider. This is when the user expresses concern about other people's behaviours, conduct, actions, or activities (e.g., use of public money) in the workplace. *Speak Up* provides a safe place to raise these concerns through an independent organisation, who then pass it onto the Ministry if the complainants give permission.

The provider for the above services is Fair Way Resolution Limited. The annual cost is NZ\$140,040 (excluding GST).

Part 5

In January and February 2023, all HR staff who are involved with the management of staff complaints and investigations were given coaching and attended training in:

- Employee support and safety during complaints processes;
- Confidentiality and privacy in investigations of complaints;
- Support for staff considering raising a workplace behaviour matter.

Three separate face-to-face sessions were run. Attendance records for the three sessions have not been kept. The training was run in-house and on-site and there were no additional training cost associated with it.

Leaders and their staff across all divisions within the Ministry have been provided sessions on positive workplace culture. Additionally, the Ministry has run 384 sessions on "Shaping My Workplace Culture" and 89 sessions on the "Empowering Us to Step Up and Speak Out" and "Empowering Me to Step Up and Speak Out".

Further in-house sessions held for leaders and their staff around the processes for addressing unacceptable behaviours were run in June 2022 and December 2022. Attendance records for those sessions have not been kept.

Accordingly, your request for how many staff completed this training is refused in accordance with section 18(e) of the OIA, as the information does not exist.

Part 6

A copy of the Ministry's Code of Conduct is attached. Currently, the Ministry is commencing a refresh of its Code of Conduct. The focus will be on values and behaviours, and it will set out the values and behaviours expected of everyone who works at the Ministry, both in and outside of work. It is expected that the launch of the refreshed Code of Conduct will be undertaken this year, and we will be able to provide a copy to you once it is published.

Part 7

No formal minutes were taken at the *Frontrunners group meetings*, accordingly, this part of your request is refused under section 18(e) of the OIA, as the document does not exist.

The Ministry has 30 Frontrunners of which 22 are based on shore and 8 offshore. Since the inception of the Frontrunners group, and as a part of its role, it has undertaken a number of meetings and engagement sessions with a diverse range of staff across the Ministry. These initiatives have been implemented collectively to promote and enhance the culture within the Ministry. This has included:

- Meeting as a cohort on a regular basis to share experiences and ideas on how the culture within MFAT can be improved.
- Meeting with the Capability and Culture team within the People Division to provide input and feedback on topics and subject matter for the Conversation Starter initiative.
- Meeting with allocated Tier 2/3 leaders to assist with the roll out and delivery of the Conversation Starters. The group also undertakes regular check ins with its allocated leaders, providing continued support for the promotion and facilitation of workplace culture discussions and initiatives as they are rolled out.
- Meeting with our external culture facilitators who have provided the cohort with expertise and guidance on how to be an effective Frontrunner, delivering effective conversations and obtaining feedback.
- Meeting with the Senior Leadership Team to provide feedback on how the Workplace Cultures and Conversation Starter initiatives are landing. Specifically, what has changed, what is currently helping and hindering culture change, and proposing new ideas for what is next in the Workplace Cultures programme.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Sarah Corbett
for Acting Secretary of Foreign Affairs and Trade

Appendix A**Complaints substantiated or partially substantiated**

Bullying complaint	
The date of the report	2022
The date of the incident	2021 – 2022
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Complaint partially substantiated. Finding of misconduct.

Bullying complaint	
The date of the report	2022
The date of the incident	2019
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Complaint partially substantiated. Finding of serious misconduct.

Sexual harassment complaint	
The date of the report	2021
The date of the incident	2021
The nature of the alleged incident	Sexual harassment
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Finding of serious misconduct.

Sexual harassment complaint	
The date of the report	2021
The date of the incident	2017-2018
The nature of the alleged incident	Sexual harassment
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Finding of serious misconduct.

Sexual harassment complaint	
The date of the report	2021
The date of the incident	2021
The nature of the alleged incident	Sexual harassment
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	Yes, external investigator

The outcome of the investigation.	Finding of serious misconduct.
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Sexual harassment complaint	
The date of the report	2022
The date of the incident	2016, 2018, 2019
The nature of the alleged incident	Sexual harassment
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Finding of serious misconduct.

Sexual harassment complaint	
The date of the report	2023
The date of the incident	2023
The nature of the alleged incident	Sexual harassment
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	No, facts not in dispute
The outcome of the investigation.	Complaint substantiated. Finding of misconduct.

Complaints not substantiated or ongoing

Bullying complaint	
The date of the report	2021
The date of the incident	2021
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Complaint not substantiated

Bullying complaint	
The date of the report	2021
The date of the incident	2019
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	Post
Whether the complaint was investigated	Yes, internally
The outcome of the investigation.	Complaint not substantiated

Bullying complaint	
The date of the report	2021
The date of the incident	2021
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	NZ
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Complaint not substantiated

Bullying complaint	
The date of the report	2021
The date of the incident	2020 -2021
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	Yes, internally
The outcome of the investigation.	Complaint not substantiated

Bullying complaint	
The date of the report	2022
The date of the incident	2022
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	No, parties attended facilitation process
The outcome of the investigation.	Informally resolved.

Bullying complaint	
The date of the report	2022
The date of the incident	2021-2022
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	Yes, internally
The outcome of the investigation.	Complaint not substantiated.

Bullying complaint	
The date of the report	2022
The date of the incident	2021 - 2022
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Complaint not substantiated.

Bullying complaint	
The date of the report	2023
The date of the incident	2023
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	Yes, internally
The outcome of the investigation.	Complaint not substantiated.

Bullying complaint	
The date of the report	2023
The date of the incident	2023
The nature of the alleged incident	Bullying

Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	No, informally resolved
The outcome of the investigation.	Complaint not pursued at complainant's request.

Bullying complaint	
The date of the report	2022
The date of the incident	2022
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	Yes, internally
The outcome of the investigation.	Complaint not substantiated.

Bullying complaint	
The date of the report	2023
The date of the incident	2023
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	No, informally resolved
The outcome of the investigation.	Complaint not pursued at complainant's request.

Bullying complaint	
The date of the report	2023
The date of the incident	2023
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	Post
Whether the complaint was investigated	Yes, internally
The outcome of the investigation.	Complaint not substantiated.

Bullying complaint	
The date of the report	2024
The date of the incident	2023
The nature of the alleged incident	Bullying
Complaint was against someone internal or external	External
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	Yes, internally
The outcome of the investigation.	Resolved informally.

Sexual harassment complaint	
The date of the report	2021
The date of the incident	2019
The nature of the alleged incident	Sexual harassment
Complaint was against someone internal or external	External
Alleged incident happened in NZ or in an overseas post	At post

Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Not substantiated.

Sexual harassment complaint	
The date of the report	2023
The date of the incident	2023
The nature of the alleged incident	Sexual harassment
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Complaint not substantiated.

Sexual harassment complaint	
The date of the report	2023
The date of the incident	2022
The nature of the alleged incident	Sexual Harassment
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	No
The outcome of the investigation.	Complaint not pursued at complainant's request

Sexual harassment complaint	
The date of the report	2022
The date of the incident	2022
The nature of the alleged incident	Sexual harassment
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	At post
Whether the complaint was investigated	Yes, by external investigator
The outcome of the investigation.	Complaint not substantiated.

Sexual harassment complaint	
The date of the report	2023
The date of the incident	2022, 2023
The nature of the alleged incident	Sexual Harassment
Complaint was against someone internal or external	Internal
Alleged incident happened in NZ or in an overseas post	In New Zealand
Whether the complaint was investigated	Yes, external investigator
The outcome of the investigation.	Ongoing