



Issue 46 | Spring 2024

## From the Chief Ombudsman

High trust in the government is vital. The recent findings of the Abuse in Care Royal Commission has shown a clear-cut picture of how the system can fail the children and young people it was there to protect. I have been reflecting on how important transparency, accountability, and fair decision making is in the public sector.



If we look at this through the lens of complaints handling, what does accountability look, feel and sound like? I think it's about asking and being able to honestly answer these questions: Are complaints processes clear and effective for the people that need to use them? Do the processes uphold the dignity and mana of those people? Are there any barriers to accessing complaints processes?

For example, my office took a good look at the barriers to making a complaint for children in care. Our research showed that the word 'complaint' can create a barrier for people to come forward. We adapted by using plainer, child-focused language: 'do you have a concern, or do you want to talk about a problem?'

Complaints handling processes should not just be about fixing problems, but preventing harm and building a culture of accountability, openness and transparency. They are opportunities to listen, learn, and improve.

Taking it one step further, complaints can be considered as the sounds of the 'canary in the coal mine', and if you follow the complaints further then you may reveal the deeper systemic issues that need to be addressed.

During my nine years as the Chief Ombudsman, I have worked hard to develop this office. The data in my latest annual report, shows that both complaints and protected disclosures from people seeking my help have been received at historically high levels over the last three years. In addition, in 2023/24, I completed the highest number of complaints and protected disclosures ever.

I continue to see regular invitations from agencies or select committees to provide formal submissions and am pleased that agencies see value in the Ombudsman's independent perspective. Over the past year, I have commented or made submissions on 35 legislative, policy, or administrative proposals, and advice has been provided to public sector agencies on 356 occasions, primarily in relation to processing official information requests.

And finally, a first for this office – in September I released Keeping things fair and Tuia kia ōrite. These civics teaching resources are aimed at helping children and young people in schools and kura to learn about social justice, their rights, and the role of the Ombudsman. This initiative is a fresh and exciting way for the next generation to learn about fairness and grow their civics knowledge.

Ngā mihi

Chief Ombudsman Peter Boshier

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**Schools and kura**

## **Civics teaching resources from the Ombudsman for all children and young people**

After noting international studies that revealed a wide disparity of civics understanding for New Zealand students, the Ombudsman saw an opportunity to help close that knowledge gap by offering learning resources to schools and kura to integrate into their local curriculum.



The aim for the learning packages Keeping things Fair (for schools) and Tuia kia ōrite (for kura) is to help students (ākongā) understand important concepts around fairness and social justice, their rights, and the laws that protect them. The resources have been designed to provide relevant and age-appropriate content to stimulate learning and engagement. The materials include slide decks, videos, case studies, and suggested activities as part of a comprehensive teaching resource.

Callum Green, Head of Faculty Social Sciences at Burnside High School said:

"This resource makes students aware of how to access the Ombudsman and helps them navigate how the Ombudsman works and what its role in a functioning democracy is. I would encourage all those teaching the social science learning area to use the resources."

You can view these resources on the Ombudsman website, visit [www.ombudsman.parliament.nz/fair](http://www.ombudsman.parliament.nz/fair).

## **Investigation announcement**

### **Official information investigations into two Council Controlled Organisations (CCOs) and three Councils**

The Chief Ombudsman's latest self-initiated investigations will be into official information practices at Auckland Transport, Wellington Water, the Wellington City Council, Queenstown Lakes District Council and Marlborough District Council.

The investigations into the two Council Controlled Organisations (CCOs) and three Councils are part of a regular programme of looking at Local Government Official Information and Meetings Act 1987 (LGOIMA) practice and compliance at local authorities.

The investigations will look for examples of good practice and areas that can be improved, including whether the leadership of each organisation has established a culture of openness, and whether staff responsible for responding to official information requests have been given the right training and guidance.

Surveys of staff at each organisation and to members of the public are part of this work.

## **Take part in the public survey**

Have you requested information from Auckland Transport, Wellington Water, Wellington City Council, Marlborough District Council or Queenstown Lakes District Council? Have you attended a public meeting, workshop or informal meeting organised by them? Do you have views on their commitment to openness and transparency?

If so, we want to hear from you.

The surveys are open until Friday November 29 and can be found by clicking the relevant link below:

- Public survey for Marlborough District Council, Wellington City Council, Wellington Water and Queenstown Lakes District Council  
- <https://www.surveymonkey.com/r/HYZV8DR>
- Public survey for Auckland Transport  
- <https://www.surveymonkey.com/r/37M7MYY>

## **Case notes**

### **Chief Ombudsman publishes details of investigation into Associate Health Minister's refusal to release information on author of tobacco policy advice**

The Chief Ombudsman has referred to the Chief Archivist record keeping issues identified during his investigation into an official information complaint against Associate Health Minister Casey Costello.

Peter Boshier began an investigation after he received a complaint about the Associate Minister's refusal to release information on 'who' wrote or compiled notes she used to formulate the government's tobacco policy.

The Associate Minister advised the request was refused under 18(g) of the OIA, because she didn't know who wrote or collated the notes. She only received a

hard copy of the notes that were placed on her desk and that her staff told her they didn't know who authored the notes.

Mr Boshier considered it was open to the Associate Minister to refuse the request on the basis she didn't hold information about 'who' authored the notes. However, he was concerned the Associate Minister was unable to produce any records about the provenance of the notes, and notified the Chief Archivist about the record keeping issues in this case.

[Read the full case note](#)

[Read the media release](#)

## **Request for official information about conditions of prison rooms**

Ara Poutama Aotearoa Department of Corrections failed to communicate a decision on a request by a prisoner for official information within the statutory timeframe.

The requester complained to the Chief Ombudsman. As a result, Corrections apologised, and also made and communicated a decision to the requester, meeting in-person to discuss it and addressing any residual concerns. Corrections also implemented a new process for ensuring responses are delivered to prisoners within statutory timeframes.

[Read the full case note](#)

## **Recent case note published highlighting failures from Oranga Tamariki services**

On October 24, the Chief Ombudsman issued strong criticism of Oranga Tamariki for failing to investigate claims of assault and violence against children.

The Ombudsman requested periodic updates from Oranga Tamariki on the children's safety.

Significant recommendations were made concerning the individual case and the wider practices at Oranga Tamariki.

[Read the full case note](#)

This report, [Children in care: complaints to the Ombudsman 2019–2023](#), published in February 2024, highlights the critical themes and issues observed with Oranga Tamariki practice over a period of time.

## OPCAT

On 2 September, the 2022/23 Annual report of activities under the Optional Protocol to the Convention against Torture (OPCAT) was published.

The Chief Ombudsman is a National Preventative Mechanism (NPM) agency alongside four other agencies in New Zealand: the Independent Police Conduct Authority, the Inspector of Service Penal Establishments, Mana Mokopuna - Children and Young People's Commission, and Te Kāhui Tika Tangata | Human Rights Commission.

This report outlines the activities of the NPMs during the reporting period 1 July 2022 to 30 June 2023.

[Read more in the OPCAT annual report](#)

## Publications

### **Ombudsman New Zealand's latest Annual Report**

The Chief Ombudsman has released his 2023/24 Annual Report, highlighting record achievements. The numbers of complaints and protected disclosures being made to this office were at historically high levels. Complaints increased 8% from last year with a total of 6,269 complaints. A total of 220 protected disclosures were made which is a 159% rise from last year.

Other achievements include major reports on council openness, and new tools to support the oversight of children in care such as having a purpose-built website for children to support them with the complaints process. Advice was provided to public sector agencies 356 times, and 108 visits were made to places of detention.

[Read the full Annual Report here on the Ombudsman website](#)

### **OIA and LGOIMA complaints information**

The Chief Ombudsman Peter Boshier has published his half-yearly data on Official Information Act (OIA) and Local Government Official Information and

Meetings Act (LGOIMA) complaints. [This complaints information is for January to June 2024.](#)

[Read the Chief Ombudsman's media release](#)

[See the Ombudsman's complaints data](#)

[Read frequently asked questions about official information complaint data publications](#)

## Engagement

### Reaching Communities: Wellington Information Sessions

Ombudsman staff continue kanohi ki te kanohi engagement with multicultural communities, general community providers, hapū, iwi and Māori organisations, children in care providers, and advocacy groups. These engagements focus on listening to issues of concern and interest and raising awareness of the Ombudsman's general role and functions. They also provide information about the Ombudsman's expanded oversight role under the Oranga Tamariki System Act 2022.

We acknowledge the support and partnership of various community providers and organisations that have made these sessions possible. The information sessions are open to anyone interested in attending.

### Upcoming Engagements

Coming up in February and March 2025, we will be having information sessions in Auckland.

Check out and 'Like' the Ombudsman NZ [Facebook](#) page to get updates about these.

If you have any questions or would like to arrange an information session in your region, please reach out to: [ropumaori@ombudsman.parliament.nz](mailto:ropumaori@ombudsman.parliament.nz)

## International

### Working alongside the Ombudsman of Tonga

In September, the New Zealand Ombudsman's International Development and Engagement team visited the Kingdom of Tonga. During meetings with Ombudsman Taumoepeau and Chief Executive Roman Vaihū, future successes, aspirations, and intentions under the Cooperation and Support Plan were discussed.

The New Zealand Ombudsman staff also delivered:

- A workshop on the [International Ombudsman Self-Assessment Tool](#)
- Investigations training on critical areas including communication, planning, interviewing, and writing.

This collaboration supports New Zealand and Tonga's commitment to continuous improvement and international best practice.

## **Celebrating 40 Years with the Cook Islands Ombudsman**

From 23 September to 4 October, the Chief Ombudsman led a delegation to the Cook Islands to celebrate the 40th anniversary of the Cook Islands Ombudsman, and discuss initiatives to strengthen the independence of the Ombudsman institution. The New Zealand Ombudsman delegation met with Cook Island local leaders, including the Prime Minister and Speaker of Parliament.

The New Zealand Ombudsman staff also took the opportunity to provide in-person training for the Ombudsman and her team. Training topics included natural justice, complaint triaging, and Official Information Act investigations, laying the foundation for improved processes.

## **Ombudsman and Commissioners urge for stronger data governance in the public sector**

At their bi-annual November 2024 meeting in Adelaide, the Association of Information Access Commissioners (AIAC) urged public sector leaders to elevate and invest in good data governance and proactive disclosure policies.

Information stewardship is now more important than ever to public sector leaders as emerging digital technologies are increasingly being relied on to assist with decision-making and information storage.

To maintain trust and transparency in government, government-held information should be managed as a public resource and a source of truth.



AIAC members are committed to working alongside public sector leaders to build their capacity in information stewardship and will explore training opportunities to promote good information governance and disclosure practices.

[Read the full communique and to see the New Zealand and Australian Ombudsman and Information Commissioners endorsing these actions](#)

## Disability rights

### Learning from international delegations

On 17 October, the Ombudsman hosted a delegation from Disabled People's International Korea (DPI) and the National Human Rights Commission of Korea (NHRC).



The key learning points centred on how the Ombudsman:

- Monitors the implementation of the United Nations Convention on the Rights of Persons with Disabilities (the Disability Convention)
- Protects the rights of disabled people in New Zealand
- Carries out its role as part of the Independent Monitoring Mechanism (IMM).

[Watch a NZSL video with more information about the IMM](#)

DPI Korea and NHRC Korea aim to use the learnings from their visit to help set up an IMM for the Disability Convention in South Korea. We are looking forward to following their progress in this space.

## Children in care

### New video for children in care – what happens when you make a complaint

This short animated video has been made for children and young people in care and the grown-ups who help them. It explains the complaints process at the

Ombudsman and how to get help. Watch it today on the [Nau-Mai.nz](http://Nau-Mai.nz) homepage, and share the link with others.

[Watch a video about what happens when you make a complaint](#)

## **New pacific resources for children in care**

To make sure we are doing what we can to connect with pacific fale in support of children in care, we have added new factsheets in Tongan and Samoan to explain the Ombudsman complaints process.



[Download the factsheet in multiple languages](#)

## **Want to find all of the Ombudsman Children in care resources in one place?**

This Children in care resources page has all of our posters and videos to guide you through the children in care complaints process at the Ombudsman and they are ready to download and print in both te reo Māori and English.

[Go to the Children in care resources page](#)

If you require hard copy resources please contact us: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

If you haven't yet, make sure you check out the [child-focussed website - Nau-Mai.nz](#) which helps children and young people and their trusted grown-ups make a complaint or learn more about the role of the Ombudsman for children in care.

## **Oversight of the Oranga Tamariki system**

The Ombudsman is one of three agencies that has oversight of the Oranga Tamariki system. We work together to provided strengthened complaints handling, advocacy, and monitoring of children and young people in care.

[Read a brochure for more details about the oversight agencies, their roles, and how to get in touch](#)

[Read the terms of reference for an in-depth understanding of how the oversight agencies work together](#)

## **Christmas and New Year period**

Please note the Office of the Ombudsman will be closed from midday 24 December to and reopening Monday 6 January 2025.

Please feel welcome to share this e-newsletter with your networks.

Wishing you and your loved ones a safe and happy holiday season.

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