Dear [Redacted],

Thank you for your email of 20 November 2018 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting the following information under the Official Information Act 1982 (the Act):

- I request the following information for the 2017/18 financial year:

  - The total costs incurred by your agency in relation to any personal grievance claim by an employee, contractor, or any other party. Please break this figure down into:

    o The total settlement payments made by your agency in relation to any personal grievance claim by an employee, contractor, or any other party;

    o The total cost of any legal advice sought by your agency and any associated legal services in relation to any personal grievance claim by an employee, contractor, or any other party; and

    o Any other costs.

- The total number of personal grievance claims.

- The total number of settlement payments made by your agency.

- A list of the five highest settlement payments.

I apologise that your request was not responded to within the statutory timeframe. This was the result of an error that meant that and your request was not received by our team responsible for responding to requests under the Act until your follow up email in January. We have reiterated the correct process for managing requests under the Act. Please note that our team has a dedicated email address which you are welcome to use for future requests: OIA_Requests@ot.govt.nz.

- The total costs incurred by your agency in relation to any personal grievance claim by an employee, contractor, or any other party. Please break this figure down into:
The total settlement payments made by your agency in relation to any personal grievance claim by an employee, contractor, or any other party;

For the period of 1 July 2017 through to 30 June 2018 there were a total of 10 settlement payments relating to personal grievances raised by employees of Oranga Tamariki. A personal grievance can only be raised under the Employment Relations Act 2000 by employees (not contractors or any other party).

Oranga Tamariki has determined that it would prejudice future settlements negotiations to provide either a total or average amount paid. Accordingly, this part of your request is declined under section 18(a) of the Act, on the grounds that by virtue of section 9(2)(f) we would withhold this information.

The total cost of any legal advice sought by your agency and any associated legal services in relation to any personal grievance claim by an employee, contractor, or any other party; and

Oranga Tamariki has an in-house legal team which does not operate on a cost-recovery model (i.e. it does not recover the legal costs of that service from the relevant business units). Accordingly, we do not hold information to enable us to confirm the cost of any legal advice provided by that team in relation to personal grievance matters. Accordingly, this part of the request is declined under sections 18(g) of the Act, as the information is not held.

During the time period in this request Oranga Tamariki also purchased legal services from the Ministry of Social Development (MSD), which included legal services on employment matters. MSD may have sought external legal advice in relation to certain matters as part of the provision of their shared legal service. This could have been done either under a general retainer or on specific matters. We do not hold information in relation to any Legal Service Orders that MSD may have had in relation to the shared legal service provided until 30 June 2018. We believe you made this request to MSD as well and trust that their response has provided this information to you.

In addition, legal advice was sought from external providers directly by Oranga Tamariki during the period 1 December 2017 to 30 June 2018. During this period, Oranga Tamariki was billed a total of $101,083.72 excluding GST for legal advice on employment matters relating to personal grievances or general advice queries. Some of the cost outlined above (approximately $4,900 excluding GST) related to general employment advice and may not have related to a specific personal grievance.

Any other costs.

No other costs associated with personal grievance claims have been identified.

- The total number of personal grievance claims.

There were 29 personal grievance claims raised in the 2017/2018 financial year.
• The total number of settlement payments made by your agency.

There were 10 settlement payments made in relation to personal grievance claims over this period.

• A list of the five highest settlement payments.

Oranga Tamariki has determined that it would prejudice future settlement negotiations to provide you with the five highest settlement payments made by Oranga Tamariki. Accordingly, this part of your request is declined under section 18(a) of the Act, on the grounds that by virtue of section 9(2)(j) we would withhold this information.

We have considered the public interest in releasing the precise, total or average settlement sums and determined the information provided in this response meets the public interest in this matter.

Oranga Tamariki intends to make the information contained in this letter available to the wider public shortly. We will do this by publishing this letter on our website. Your personal details will be deleted and we will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@ot.govt.nz.

If you are not satisfied with this response, you have the right to ask an Ombudsman to review this decision. Information about this is available on the Ombudsman website at www.ombudsman.parliament.nz or by contacting them on 0800 802 602.

Yours sincerely

[Signature]

Steve Groom
General Manager Public, Ministerial and Executive Services