



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

10 JAN 2018

Dear [REDACTED]

On 22 November 2017, the Ministry received a transfer of your request from the Office of the Hon Carmel Sepuloni, requesting, under the Official Information Act 1982, information relating to the Ministry's employment of disabled people.

The Ministry of Social Development is committed to:

- promoting equality and diversity within a positive work culture that is based on respect
- fairness and valuing of individual difference
- enhancing work practices and performance that integrate diverse perspectives
- complying with all relevant equality legislation, Government strategies and policies, and best practice guidelines.

This commitment applies to all employment practices at the Ministry and to all Ministry employees, contractors and people applying for employment at the Ministry.

A quarter of the working age population identify themselves as disabled i.e, they have long term impairment. If a preferred candidate chooses to voluntarily disclose their disability during a selection process, the Ministry is obligated to discuss and consider what reasonable accommodations may be required to support them in the role. Part of considering reasonable accommodations is balanced against the Ministry's obligations under health and safety legislation to eliminate or minimise risk.

The expectation is that Ministry managers understand and act on their obligations under the Health & Safety At Work Act 2015 and the Human Rights Act 1993. As part of the interview process an interview panel may ask a candidate whether or not they have a health condition or take medication that may affect their ability to undertake a role. This allows the Ministry and the applicant to discuss the appropriate supports the Ministry or an external provider can offer during the tenure of employment.

Dependent upon the individual circumstances, such as a candidate's health condition putting the health and safety of themselves, other staff or clients at undue risk, or the support that is required to accommodate the person is not reasonable for the Ministry to provide, there may be grounds where employment is not offered to a candidate. The Ministry is committed to working with applicants who have a health condition wishing to gain employment in the Ministry.

For the sake of clarity, I will address each of your questions in turn.

1. *What is your policy on employing disabled people in roles where they can influence the experience of fellow disabled people?*

The Ministry has established roles where individuals were employed to help identify issues that are impacting on the lives of disabled people, to look at solutions in providing a better service; however there are no set policies on employing disabled people in such roles. As such, your request is refused under section 18(e) of the Official Information Act as this information does not exist. The Ministry is committed to being a good employer and applying the principles of equal employment opportunities. The Ministry's recruitment policy aligns with relevant legislation including the Human Rights Act 1993, the Privacy Act 1993, the Employment Relations Act 2000 and maintains obligations under the State Sector Act 1988. Further information regarding the employment of disabled people in the State Sector can be found on the State Sector's website online at: www.ssc.govt.nz/lead.

2. *How many staff work in the area of disability service provision in any and all parts of your organisation?*

The table below shows the number of Ministry employees who work in the area of disability service provision, identified by 'Disability' within their job title. Please note, there are teams that may work in the area of disability service provision as part of business as usual that do not have 'Disability' in their job title, and as such cannot be identified without substantial manual collation. Ministry staff members such as frontline Service Delivery staff have also not been included, however may work in the area of disability service provision, through their engagement with clients on a daily basis.

Ministry staff working in the area of disability service provision with 'Disability' in their job title.

Job area	Title	Headcount (N)	Sum of FTE
Policy	Director Office for Disability Issues	1	1
	Advisor Office for Disability Issues	2	2
	Senior Advisor Office for Disability Issues	3	2.8
Service Delivery	Health & Disability Coordinator	8	8
	Principal Disability Advisor	1	1
	Principal Health Advisor	1	0.9
	Regional Disability Advisor	12	12
	Regional Health Advisor	14	14
Total headcount and FTE		42	41.7

Source: MSD Payroll extract as at 31 October 2017.

Notes:

- Includes permanent and temporary employees paid via MSD payroll; excludes staff on leave without pay/Parental leave, casuals, or contractors.

3. *How many staff working in disability service provision in any and all areas of your organisation themselves experience disabling barriers related to significant impairment(s)?*
4. *What is the average salary paid to these disabled staff?*
5. *How many of these disabled staff are working in senior policy and/or management positions?*

The Ministry is unable to provide you with the number of staff working in all areas of disability service provision that experience disabling barriers related to significant impairment(s), nor the average salary paid to these disabled staff and how many of these disabled staff are working in senior policy and/or management positions, as this information is held in notes on individual case files. In order to provide you with this information Ministry staff would have to manually review thousands of files. As stated previously, while the Ministry does collate disability related information from employees, this information is self-identified and as such, not all staff may choose to disclose their disability. Consequently, a connection cannot be drawn between a disability, and whether the individual experiences 'disabling barriers related to significant impairment(s).' Your request is refused under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

You may be interested to know that as at 31 October 2017, 356 staff self-disclosed a disability. This figure is representative of approximately 5.2% of permanent and temporary employees.

6. *What steps does your organisation take to ensure that funding contracts awarded to agencies in the disability sector go to agencies where the authentic perspective of disabled people drives the contract?*

The Ministry applies the Principles of Government Procurement, Government Rules of Sourcing and the Ministry's Procurement policy when selecting providers to deliver services. The Ministry must demonstrate high ethical standards based on honesty, integrity and transparency in all procurement. Services with a contract value of \$100,000 or more are advertised on the Government Electronic Tender Service (GETS). Further information regarding Government Rules of Sourcing and the Ministry's Procurement policy can be found on the New Zealand Government Procurement website at: www.procurement.govt.nz/procurement.

The principles and purposes of the Official Information Act 1982 under which you made your request are:


- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry 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 regarding the Ministry's employment of disabled people, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



Bruce Simpson C.F.O

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Deputy Chief Executive, Corporate Solutions

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