



23 May 2023

Tēnā koe

On 24 April 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

We request the following information:

- *How many members of staff working for your organisation were suspended in the 2022/23 financial year?*
- *How many members of staff are currently suspended for any reason?*
- *How many members of staff are currently suspended and are still receiving their salary?*
- *For those suspended and still receiving their salaries, please indicate the reason for their suspension and the duration of their suspension so far.*

In cases of alleged serious misconduct, while a full investigation is undertaken, an employee may be placed on a paid leave of absence and advised that they will be suspended on full pay after a period of 24 hours.

The period of paid leave of absence is to give the employee an opportunity to seek legal advice and have an opportunity to respond to the manager as to whether they believe that a paid leave of absence is justified.

Following the response from the employee within the stipulated time, the manager will consider any explanation and then may, if justified, proceed to suspend the employee pending the outcome of an investigation. If it is considered justified, the suspension may be on full pay.

The Ministry does not record suspensions specifically. If an employee was suspended, it may be recorded as Discretionary Leave or a Paid Leave of Absence. The Ministry prefers to work with employees and, rather than suspend, invite them to take a Paid Leave of Absence, such as Discretionary Leave.

As such, your request is refused in full under section 18(f) of the Act. I am unable to provide you with this information as it is held in notes on individual employee files. In order to provide you with this information, Ministry staff would have to manually review a substantial number of files. 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.

The amount of people on a paid leave of absence due to unresolved employment matters is withheld under section 9(2)(a) of the Act, in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information. The Ministry is also refusing your request for the reasons and duration of these paid leaves of absence under section 9(2)(a) of the Act.

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. The Ministry will do this by publishing this letter on the Ministry'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, 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.

Ngā mihi nui



Cain McLeod
Group General Manager

People Group