

04 October 2018

██████████  
Reporter & Presenter  
NZ Herald Focus

E-mail: ██████████

Dear ██████████,

### **Official Information Act (1982) Request**

I write in response to your Official Information Act request, received by us on transfer under section 14 of the OIA, from the Ministry of Health on 05 September 2018. You requested the following information:

1. **All incoming and outgoing information – including emails, memos, texts, call transcripts, audio, video, reports, letters, relating to complaints made against District Health Board staff over the past three years**
  - *Can the information be broken down into districts and by complaint type: (i.e. bullying, sexual harassment, assault etc?)*
  - *Also, how many complaints were investigated, how many are still ongoing, the results of those investigations, how many people were charged by police/ sentenced/ fired/ had their employments ended as a result.*

**The information sought in this request is to be used as part of a report by the NZ Herald into allegations of widespread bullying and sexual harassment/harassment claims against DHB staff.**

Following your request, further clarification was sought from you, both by TAS on behalf of all DHBs on 11 September, and for the Auckland DHBs regionally by the Waitemata DHB on 13 September. You confirmed you were focusing on complaints received from any source related to staff bullying, harassment and assaults received by the DHB for the last three years.

Rather than providing all incoming/ outgoing information, please refer to the summary table (**attached**), which provides the detail requested, including the total number of complaints received by our Human Resource Team per year for the last three years on these issues, the topic of the complaint, and the outcome status as at September 2018.

We advise caution in using this summary data for inter-DHB comparison purposes. Making comparisons between various DHBs may be misleading, given the differences in DHB reporting systems, staff reporting options, the subject categories, and also differences in DHB communities, employee numbers and services.

CM Health is conscious of the public interest in workplace bullying and harassment in the health sector, but also mindful of the need to balance that with the privacy and a natural justice environment that we work to create for all of our employees.

We believe that providing you with copies of all incoming/ outgoing information on these matters is not appropriate for a number of reasons. We believe providing documents of each reported complaint may potentially enable the identification of individuals. Without substantial manual collation, review and redaction of key detail, much of the information would be individually identifiable, information can affect more than the complainant, and it may be related to people no longer employed at the DHB.

Therefore, your request for copies of all incoming and outgoing information – including copies of emails, memos, texts, call transcripts, audio, video, reports, letters, relating to complaints on these matters is refused under section 9 (2)(a) – protecting the privacy of individuals. We believe the summary information provided is appropriate for your request.

We further note that we do not wish to deter staff, now or in future, from raising concerns on these potentially sensitive matters, without the assurance of ongoing confidentiality and natural justice. Seeking consent for release of this level of material retrospectively is not feasible, and doing so without this could deter future reporting or involvement in investigations of these experiences, and adversely affect our ability to improve the situation for our staff.

For context and further information, please note that CM Health is a large employer; we currently have over 7,000 employees, and we are constantly working to create a safe work environment for all staff. The total incidents reflect a very small proportion of our total employees. However, recent surveys across healthcare institutions worldwide continue to indicate that there are issues with workplace bullying and harassment. CM Health does not dispute these surveys, and we accept that some staff members still describe experiencing bullying and harassment in their workplace.

CM Health considers that all our staff are hardworking, and strive to provide outstanding clinical care to the Counties Manukau population, so that Counties is seen as a great place to work providing interesting and complex health services.

We need strong leadership to remove these experiences from our workplace, including working closely with our union and professional association colleagues. We are clear that inappropriate behaviours of any sort at work are unacceptable, and encourage the reporting of all such experiences, so that they can be fully investigated, and support provided in dealing with these, both at the time and if staff feel this is having an ongoing impact on their work or health.

Every complaint received is notified to the appropriate manager for investigation and follow-up. Staff will be offered further support and any other health care if appropriate, including medical attention, counselling and access to the funded Employee Assistance Programme (EAP). Where appropriate, we will support staff in working with NZ Police on further investigations; however they take all decisions on prosecution and court proceedings.

CM Health has a set of organisation values, summarised as “Kindness, Excellence, Working Together and Valuing Everyone” which define acceptable behaviour. These values are outlined in position descriptions; and every profession has a code of conduct and standards. We also have organisation

policies, pastoral care, and development opportunities for staff that also provide clear guidance, skills and processes to identify, manage and reduce events of this nature in the workplace. One of the key Human Resources Campaigns for staff to “Speak-up”, which provides resources and strategies about raising any matters of concern.

I trust this information satisfactorily answers your query. If you are not satisfied with this response you are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act.

Please note that this response or an edited version of this may be published on the Counties Manukau DHB website.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Apa', with a stylized flourish above the name.

Margie Apa  
**Chief Executive**

Appendix 1 - OIA 06092018 Penman  
released under OIA

Count of Year	Status	Outcome/action	Complainant Assault	Issue Category Bullying & Harassment	Sexual Harassment
<b>2015</b>			<b>2</b>	<b>12</b>	<b>1</b>
	closed		2	12	1
		No further action		3	
		Manager discussion		5	
		Verbal warning		1	
		1st written warning		1	
		Final written warning	1		
		Other		2	
		Resignation	1		1
<b>2016</b>			<b>2</b>	<b>18</b>	<b>2</b>
	closed		2	18	2
		No further action	1	3	1
		Manager discussion		4	
		Verbal warning		1	
		1st written warning		3	
		Final written warning		2	
		Informal		2	
		Dismissal			1
		Negotiated Exit		1	
		Other	1		
		Resignation		2	
<b>2017</b>			<b>2</b>	<b>31</b>	
	closed		2	31	
		No further action	2	5	
		Manager discussion		9	
		Verbal warning		2	
		Investigation		2	
		1st written warning		2	
		Final written warning		1	
		Informal		2	
		Settlement		1	
		Negotiated Exit		1	
		Other		5	
		Resignation		1	
<b>2018 to</b>				<b>25</b>	<b>1</b>
	closed			21	1
		No further action		8	
		Final written warning		1	
		Informal		2	
		Manager discussion		5	
		Other		4	
		Resignation		1	1
	open			4	
		Manager discussion		1	
		Ongoing		3	
<b>Grand</b>			<b>6</b>	<b>86</b>	<b>4</b>

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		1st written warning		1	
		Final written warning	1		
		Other		2	
		Resignation	1		1
<b>2016</b>			<b>2</b>	<b>18</b>	<b>2</b>
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		Final written warning		2	
		Informal		2	
		Dismissal			1
		Negotiated Exit		1	
		Other	1		
		Resignation		2	
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		Final written warning		1	
		Informal		2	
		Settlement		1	
		Negotiated Exit		1	
		Other		5	
		Resignation		1	
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