

11 October 2021

Daisy Williams

By email: fyi-request-16728-fa2670a8@requests.fyi.org.nz

Ref: H202112218

Tēnā koe Daisy

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 13 September 2021 for:

“Your DG, Dr Ashley Bloomfield (bless his heart) has been present (I am assuming) in making decisions for the levels of the country. As of Monday last week (as you know) the levels were changed. However the Ministry of Health have not let staff back into your main offices. Why not? I request all correspondence between MOH and Ministers from Tuesday 31 August 2021- Monday 13 September 2021 regarding discussions and decisions made around staff not accessing the building.”

Your request covers two dates where different alert levels were operating across New Zealand at that time of the COVID-19 Delta outbreak. To clarify:

- Monday 6 September (“as of Monday last week”) when cabinet made the decision on advice from the Director-General of Health (Dr Ashley Bloomfield) that Auckland was set to continue at Alert Level 4 until 11:59pm on Tuesday 14 September but all regions north and south of Auckland boundaries would move to Alert Level 2 at 11:59pm on Tuesday 7 September.
- Monday 13 September (the date of your request) when Cabinet made the decision on advice from the Dr Bloomfield that Auckland would remain at Alert Level 4 until 11:59 Tuesday 21 September 2021 and the rest of New Zealand remain at Alert Level 2.

Therefore, the questions you have asked about the Ministry’s workforce having access to our offices relates directly to the location and restrictions at each alert level on those dates. Public service agencies are guided by Te Kawa Maataho, Public Service Commission who provided advice to agencies about operating at specific alert levels as set out in this link:

www.publicservice.govt.nz/resources/covid-19-workforce-guidelines/?e6203=6208-alert-level-2.

The Ministry has had essential workers in several of its offices since the start of the Delta outbreak - strictly observing COVID-19 restrictions around social distancing, face coverings in the office, travel and COVID-19 hygiene practices. Our non-essential workers, those not undertaking critical functions, but delivering usual work programmes have continued to work remotely across Alert Level 4 and 3.

At Alert Level 2, the Ministry's workforce has been encouraged to make a gradual return to its offices and it continues to have essential workers operating in Auckland at Alert Level 3. The reason for the staggered return is to ensure it manages the health, safety and wellbeing of its staff and meets the requirements of the relevant Health Orders.

The responsibility for the public service workforce sits with their employer, which is the chief executive of each agency, which in the case of the Ministry is the Director-General of Health. In employment matters, chief executives are required by section 54 of the Public Service Act 2020 to act independently of Ministers. It is not the jurisdiction of the Government or Minister to manage or make decisions about the workforce as they are not the employer. Therefore, there is no information held between the Ministry and Ministers about when Ministry employees would occupy or return to the office in this outbreak. Your request is therefore refused under section 18(g)(i) of the Act on the grounds that the information requested is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Celia Wellington
**Deputy Director-General
Corporate Services**