



26 March 2015

C70228

Elliot Crawford
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Dear Elliot

I am writing with regard to your Official Information Act (OIA) request of 22 June 2014, for "the number of staff during the last 10 years who were allowed to keep their job after being convicted of drink driving".

The Department responded to you on 23 July 2014, and declined your request in accordance with section 18(g) of the Act, in that we did not consider that the information was held by the Department. This decision was made due to the information not being consistently held on our centrally collated electronic records, and the necessity to initiate a project to extract the data from individual staff files for the last decade.

The Department accepts that this was not the appropriate withholding ground to cite, and following your complaint to the Office of the Ombudsman, we have reconsidered the response provided to you.

The Department has maintained an Employment Relations database since 1 July 2007. Where an employee declares, or the Department becomes aware through other means, that they have been charged with a criminal offence (and does not resign immediately) an Employment Investigation commences. The result of the investigation is captured in the Employment Relations database. The database does not consistently capture the outcome of Court proceedings, and, therefore, we do not consider that these records can be accurately relied on.

However, based on the information that is available in the database, the Department is able to provide you with a partial response to your request. I can advise that from 1 July 2007 to 30 June 2014, 27 staff have been convicted of drink driving (or related) offences and subsequently remained employed by the Department. We demand high standards of behaviour of staff, including their actions outside work. Drink driving convictions are considered as potentially serious misconduct and each case is considered individually. The circumstances of the offending and the nature of the employee's role are taken into consideration. The 27 staff referred to above each received some form of disciplinary sanction, but were not dismissed. The Department has dismissed staff for drink driving convictions where the circumstances justified this sanction.

Please note that we have employed approximately 15,100 staff members over this period. Therefore, the 27 staff members referenced above represents only 0.17 percent of the total staff employed over this period.

In order to more accurately determine the number of staff within the scope of your request, or those staff convicted prior to the implementation of the Employment Relations database in 2007, we would be required to manually review the personnel file of every staff member subject to an employment investigation during the previous 10 years. This approach would not necessarily yield a positive result, as there is no guarantee that conviction information would be held on the staff member's personnel file. Therefore, this information is declined in accordance with section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

The Department demands a high standard of conduct from all employees, and staff are expected to role model positive law-abiding behaviour. A significant emphasis is placed on these aspects throughout the recruitment and selection processes. A new pre-employment screening procedure has been introduced to support the high standards of conduct and integrity we expect from our staff.

The overwhelming majority of our staff fulfill their duties with integrity and commitment, in what is often a pressured and challenging environment. Any large organisation may encounter a few staff who cannot maintain the high standards set by the majority, and when staff don't meet the standards required of them we take the appropriate action regarding the employee involved.

Staff wellbeing is of paramount importance to the Department. As a result, we provide services to support staff when they are struggling with personal issues such as alcohol addiction. We engage an Employee Assistance Programme provider to deliver impartial counselling. These sessions provide practical assistance to help staff manage any personal or work-related issues that may impact on their ability to perform well at work, or affect their overall wellbeing. Staff can engage in sessions at their own discretion, and we strongly promote the use of this service.

I trust the information provided resolves your complaint. As you are aware, you have the right to ask the Ombudsman to review this response. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Vincent Arbuckle
Deputy Chief Executive
Corporate Services