

PUBLICSECTOR

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WELLBEING – ADDING THE LOCAL DIMENSION
SOCIAL MEDIA AND THE PUBLIC SECTOR



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Lifting the lid on inequities



Looking beyond the bars

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IPANZ President Dr Jo Cribb

In October, the IPANZ board met for its annual strategy session. This is an important time in the board's cycle when we pause, celebrate, reflect, review, envisage, dream, and then finally settle on our priorities for the next three years.

We reconfirmed our priorities – supporting public sector professionals to thrive in the future, influencing state sector reform, and upholding public sector values and principles.

Our work programme will be focused on achieving results in these areas.

In considering our role in *upholding public sector values and principles*, we discussed how public sector values and principles often come under pressure as the context changes. But are they entrenched in concrete and never to be questioned? Will our values change and evolve over time?

Merit is one value that the public sector treasures. Merit appointments are seen as critical to ensuring apolitical, corruption-free public institutions. Merit is an antidote to nepotism or nepotism's worst relatives. It is seen as the mechanism by which all who are talented can have an equal opportunity to reach their potential. It is about fairness. It is the Kiwi way.

Research has found, however, that emphasising merit can actually increase gender and ethnic biases. The researchers have some theories as to why this is. Merit appointments involve assessment against objective measures. Unconscious (or even conscious) biases can then be easily justified by the seemingly "scientific approach". Merit appointments are also

based on who can demonstrate the required abilities. However, the opportunities to gain and demonstrate such abilities are not equally distributed.

Who defines merit and what is included as meritorious must be considered. Say, for example, if merit included being able to speak te reo and being competent in tikanga and comfortable in te ao Māori, how many current public sector leaders would have been included on shortlists?

Merit can be used to exclude. What traits, competencies, and experiences count can be defined by those in power as the traits, competencies, and experiences they have and value. This may not necessarily result in the "best" leader being selected.

When we start to unpick what on face value seems like the cornerstone of a fair and transparent public sector, how merit is defined and applied can also reinforce the status quo and existing inequalities.

As public sector values – like merit – are about to be enshrined in legislation, have we fully interrogated what they mean and how they will and should be implemented?

As a board, we agreed that IPANZ has and will continue to have a role in raising such issues and creating spaces where they can be openly, independently, and robustly discussed.

We look forward to seeing you participate in the many discussions and events we have planned over the next year, hearing what you think and then influencing change based on your insights and experience.

*Contributions
Please*

Public Sector journal is always happy to receive contributions from readers.

If you're working on an interesting project in the public sector or have something relevant to say about a particular issue, think about sending us a short article on the subject.

Contact the editor Simon Minto at simon.g.minto@gmail.com

WELLBEING

ADDING THE LOCAL DIMENSION

There's a lot of talk these days about wellbeing, with the government introducing the first wellbeing budget in 2019. MIKE REID from Local Government New Zealand explores how the wellbeing approach might deliver if it shifts its focus from central government to the community.

With the introduction of its first wellbeing budget in 2019, New Zealand became part of an international trend that is redefining the way the performance of government is measured. As Jacinda Ardern stated in her introduction to the budget statement “while economic growth is important – and something we will continue to pursue – it alone does not guarantee improvements to our living standards”.



Mike Reid

The same sentiments were echoed by the Minister of Finance who, when introducing the budget, described it as putting wellbeing at the heart of everything government does. In his words, wellbeing is achieved when “people are able to lead fulfilling lives with purpose, balance, and meaning to them. Giving New Zealanders

capabilities to enjoy good wellbeing requires tackling the long-term challenges we face as a country”. One of these challenges involves addressing the problem of public-sector silos, and one of the mechanisms for dealing with this challenge is to set whole-of-government goals or priorities. The wellbeing budget has five priorities, which are:

- Taking mental health seriously, with emphasis on under 25s
- Improving child welfare with emphasis on reducing child poverty and family violence
- Supporting Māori and Pasifika aspirations, especially enhancing skills and opportunities
- Building a productive nation, with emphasis on innovation in a digital age
- Transforming the economy, with emphasis on transforming to a low emissions economy.

These priorities are designed to promote horizontal alignment in the public service and diminish agency silos, which have

been problematic since the reforms of the late 1980s. A critical difference from the efforts of previous governments is the desire to embed wellbeing into the heart of government policy making.

Another critical difference is the emphasis put on measurement and the commitment to base priorities on good-quality data. It is a commitment that has led to the establishment of Ngā Tūtohu Aotearoa (Indicators Aotearoa New Zealand), which is developing indicators and measures to help agencies and citizens to monitor wellbeing. In parallel with this initiative, the Society of Local Government Managers is separating out the indicators and measures to provide each local authority with a wellbeing profile of their respective areas (where the data sets allow).

NATIONAL MEASURES OF WELLBEING CAN BE OF LIMITED USE IF THEY FAIL TO REFLECT THE WAY WELLBEING IS UNEVENLY DISTRIBUTED AMONG COMMUNITIES.

Sub-national implications

While much of the initial activity associated with the shift to a wellbeing approach has focused on the identification of national indicators and how they should be measured, attention is now turning to the equally pressing issue of how national wellbeing priorities are given effect at the local level, along with the equally relevant question of how the framework accommodates local priorities.

National measures of wellbeing can be of limited use if they fail to reflect the way wellbeing is unevenly distributed among communities. Studies have shown that levels of happiness vary between places, with subjective wellbeing being higher in large cities than in small towns. With such disparities, an approach that's directed by central government is unlikely to address the issues of wellbeing across different communities, and it needs to be supplemented with a more local orientation.

It may be entirely coincidental, but within months of the government's announcement that it will prepare its annual

budgets on a wellbeing basis, Cabinet agreed to amend the purpose of local government to make it clear that its purpose is to promote community wellbeing – not in itself a new idea as it had been the purpose of local government until removed by the previous government in 2012. The Local Government (Community Well-Being) Act 2019 states that the purpose of local government is:

- a. to enable democratic local decision-making and action by, and on behalf of, communities; and
- b. to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

IS IT REALISTIC TO EXPECT AGENCIES LOCATED IN THE CAPITAL TO FULLY UNDERSTAND THE NATURE OF WELLBEING IN COMMUNITIES?

How national and local approaches to promoting wellbeing work together is not, unsurprisingly, addressed in the legislation, and groups of officials are currently working on options. This work covers issues of both horizontal and vertical alignment, such as the relationship between national and local wellbeing priorities and the nature of processes for identifying local priorities. These and other issues have also been to the fore in a number of other countries.

International experience

Wales is one country that has looked closely at the question of how country-wide wellbeing objectives can be applied locally. The Welsh approach requires the Welsh assembly to identify wellbeing goals and indicators for Wales as a whole, while also placing wellbeing assessments and the steps to meet the assembly's goals with local government. The framework is set out in the Well-being of Future Generations (Wales) Act 2015, which requires public bodies to act in pursuit of the economic, social, environmental, and cultural wellbeing of Wales in a way that accords with the principle of sustainable development (the Welsh assembly's overall unifying theme). This involves:

- requiring public bodies to report on such action
- establishing a Commissioner for Future Generations to advise and assist public bodies to implement the Act
- establishing public services boards in local authority areas to plan and act in pursuit of economic, social, environmental, and cultural wellbeing in their area.

In short, Welsh councils are obliged to establish a public-service board, consisting of relevant public agencies, such

as the local fire and emergency service, to undertake an assessment of wellbeing within their districts, apply the wellbeing goals and indicators developed by the Welsh government, and prepare a wellbeing plan to achieve them. Oversight of the work of public-service boards is provided by the Future Generations Commissioner for Wales.

The local context in Aotearoa New Zealand

The local nature of wellbeing poses a number of challenges for the way governments determine and commission service delivery levels for public services. Is it realistic to expect agencies located in the capital to fully understand the nature of wellbeing in communities and the nuanced interconnections that need to occur for such outcomes to be realised? Among the issues likely to affect the local implementation of the government's wellbeing agenda are:

- managing differences in governmental and community wellbeing preferences
- ensuring that local wellbeing priorities reflect an inclusive community-based process
- avoiding the risk of the framework becoming a hierarchical top-down process
- accepting that existing wellbeing information may not be sufficient to provide a meaningful understanding of a community's wellbeing
- recognising that enhancing wellbeing in communities involves working with local organisations and local governments as partners rather than agents.

The Welsh approach involves a combination of national priorities and processes for refining them to account for local circumstances. Vertical alignment, that is, linking local services with national priorities, is given considerable weight and is facilitated by the way local authorities in Wales depend on the national assembly for revenue and provide many of their services as agents of the assembly. As a result, while replicating them in New Zealand would be difficult, there are many features that could be easily adopted.

A COLLABORATIVE APPROACH IS NEEDED.

The local implementation of a wellbeing agenda in New Zealand local authorities will be shaped by the fact that councils are largely self-funded and have a high (although declining) degree of autonomy – autonomy that limits the type of “steering” the government is able to do. While parliament can legislate to force councils to contribute to the wellbeing framework, the heavy-handed nature of such a move and the removal of local discretion is likely to diminish the buy-in of councils and communities and undermine the wellbeing outcomes sought.

A collaborative approach is needed – one characterised by co-production and involving an ongoing dialogue between national and local interests.

Designing institutions and processes for community governance

The government has already signalled its commitment to addressing these issues. In her recent paper to Cabinet, the Minister of Local Government, Nanaia Mahuta, made the following observations:

Lack of alignment between central and local government in public service provision: we need greater engagement from central government with local wellbeing priorities and a stronger role for councils in the design, targeting, and commissioning of centrally held public services.

I see the key role for local government as being a co-ordinator and facilitator of the “public service” response to local wellbeing needs. In addition, the main goal of a wellbeing approach is to enable prioritisation between different outcomes (and therefore outputs).

nature of the processes for enabling local–national dialogue is up to officials led by the Department of Internal Affairs.

An important component is likely to involve conversations that bring together national and local public-sector bodies with organisations able to influence local outcomes, such as iwi, non-governmental organisations, and citizens themselves. It is the quality of flax roots engagement of this sort that provides assurance to national decision makers in particular that identified local goals and priorities are the outcome of properly mandated processes. These are not simple tasks as approaches must accommodate and work alongside existing planning and decision-making processes both locally and nationally, as well as central government’s annual budget-setting requirements.

IT IS AT THE LOCAL LEVEL THAT POLICIES WILL ULTIMATELY HAVE IMPACT.



In her conclusion, the minister notes that one of the values of better central–local collaboration and alignment on wellbeing priorities will be greater community participation in governance, allowing improvements, for both central and local government, in the quality, targeting, alignment, and impact of public services. How this will happen and the

While the immediate challenge involves co-designing collaborative “bottom-up” processes for prioritising wellbeing needs, we need to recognise the multiple roles that the local authority plays. These include their significant democratic mandate, their role as a local-service provider, and their power to levy taxes and charges. At our most basic level of government, councils are intrinsic to the nature of local democracy and the strength of our communities.

Conclusion

The shift to an explicit reference to a wellbeing approach in New Zealand arguably signals a shift in the nature of government. Where public administration gave way to new public management in the later stages of the twentieth century, we are now witnessing the arrival of a new paradigm variously described as wellbeing, new public governance, or localism. It is at the local level that wellbeing policy is ultimately experienced by citizens and their communities. And it is the particularity of these interactions that needs to be understood by decision makers at the centre.

It is at the local level that policies will ultimately have impact, but their effectiveness depends on multiple factors, including the way national policy interacts with the priorities of local actors, from local councils and non-governmental organisations to iwi, hapū, and communities themselves. How that interaction occurs and how it is informed by local circumstances, perceptions, and values will ultimately determine success in challenging public-service silos and delivering cultural change.

IMPLEMENTING A WELLBEING FRAMEWORK AT A CENTRAL GOVERNMENT LEVEL

STRUAN LITTLE, Deputy Secretary, Budget and Public Investment, at the Treasury, outlines how wellbeing is being put in place at the national level.

The Treasury provides rigorous economic advice that informs decision making on New Zealand's economy, the Crown's finances, and how to improve New Zealanders' wellbeing. To do this, we use both well-established financial and economic measures and social and environmental factors. Our Living Standards Framework supports us to consider the broader impacts of our advice in a systematic and evidenced way.



Struan Little

The Treasury is leading a work programme to modernise the financial system and to make it more streamlined and strategic, without losing its existing strengths and recognising that while economic growth is important, agencies can also take into account social cohesion, sustainability, and equity, whether it's about the environment or about the country's finances.

We are looking to embed a shift that will put greater emphasis on the long term, build greater understanding of how baseline expenditure creates value, take a more strategic view of the budget to maximise value from both baseline expenditure and new initiatives, and make it easier for agencies to collaborate and be more transparent and accountable.

In brief, the changes are being achieved through these measures:

WE ARE LOOKING TO EMBED A SHIFT THAT WILL PUT GREATER EMPHASIS ON THE LONG TERM.

- Amendments to the Public Finance Act 1989 – “wellbeing” amendments will require ministers to be clear about their wellbeing objectives alongside their fiscal objectives, and they will require the Treasury to report periodically on the state of wellbeing in New Zealand.
- Baseline and appropriations reviews will enable a more strategic approach to expenditure.
- Institutional changes will bring related parts of the system together (such as the Urban Development Agency, which brings together housing, urban form, and transport; and the joint venture established to bring government agencies together to work in new ways to reduce family violence, sexual violence, and violence within whānau).
- Agency decision-making systems will be updated to incorporate a wellbeing lens.

Agencies have their own frameworks for measuring and analysing progress against their objectives. However, the Treasury is engaging across the public sector to share our experience with using our Living Standards Framework to more systematically consider the broader intergenerational impacts of our advice.

It's about presenting ministers with scenarios, advice, and choices to meet their goals and developing plans that have rigour and multi-year pathways (underpinned by milestones and indicators), as well as having a focus

on delivering those plans and tracking progress in subsequent years.

The Treasury has produced a range of tools that agencies may find helpful when implementing a wellbeing approach. They include:

- Living Standards Framework Dashboard: This analytical tool provides insights into key aspects of current and future wellbeing.
- A guide to applying a wellbeing approach to agency external planning and performance reporting: This guide is helpful when considering how to incorporate a wellbeing approach into external planning and performance reporting.
- A wellbeing approach to cost-benefit analysis (CBAX): The Treasury encourages agencies to incorporate cost-benefit analysis into their analysis, and it has updated CBAX to include the Living Standards Framework's intergenerational wellbeing domains.
- Better Business Cases (BBC): This outlines internationally recognised best practice and includes guidance and links on wellbeing and the Living Standards Framework.

THE TREASURY HAS PRODUCED A RANGE OF TOOLS THAT AGENCIES MAY FIND HELPFUL.

For a broader understanding of the Living Standards Framework and the Living Standards Framework Dashboard, look at the interview with Tim Ng, the Treasury's chief economist, who answers questions about the wellbeing approach and the indicators being used to measure intergenerational wellbeing: It's called “The Treasury's LSF Insights”, and it's available on YouTube.

MIRANDA SMITH

WINS IPANZ PUBLIC ADMINISTRATION PRIZE



Anthony Richards IPANZ Vice President and Miranda Smith

This year's IPANZ Public Administration Prize for top marks in a Public Management paper has been awarded to Miranda Smith.

Miranda is in her fifth year of a conjoint Bachelor of Commerce and LLB (Hons), majoring in public policy at Victoria University of Wellington.

She received top marks in the VUW School of Government's Emerging Perspectives in Public Management paper.

Miranda, 23, says her first year commerce papers gave her a taste of public policy, and her interest was captured.

"I liked how it was theoretical but also practical, because you could see how public policy impacts on people's everyday lives. Studying and living in Wellington gives the course great context, with decisions being made just over the road in Cabinet. VUW School of Government has a very good selection of papers that allowed me to look at all sorts of areas of public policy, as well as experienced and inspiring people on the teaching staff."

Miranda has also had a taste of working in the public sector, as a policy intern working on insurance contract law at the Ministry of Business, Innovation and Employment.

"I appreciated that they provided me with a range of experiences. I got to go along to a meeting with the minister and important stakeholders, which felt like everything I had learned so far at university was happening right in front of me. I also got to write briefings for the minister, knowing that he was actually going to read them and might take them into account in his decision making. Overall it was a valuable insight into how public policy works in practice."

This summer, Miranda will be clerking in a law firm and, while she's unsure what the future holds when she completes her studies, she says she can see herself combining her interests in law and public policy.

She will be completing her final year at VUW next year, which will include a trimester exchange at the University of Liverpool, before looking for a graduate role.

From playground to parliament: Bullying in New Zealand public life

MICHAEL MACAULAY, Professor of Public Administration at VUW's School of Government, has seen and heard enough about bullying in the public service. What he wants now is action.



Michael Macaulay

In recent days, an inquiry has been launched into bullying in the Police. It is headed by Debbie Francis. Francis has only just published her report into bullying in parliament. My own research, published in the last 12 months with a final report to be launched in December, shows conclusively that bullying is the single most observed and reported form of misconduct in the New Zealand public service. My colleague Dr Geoff Plimmer has produced significant evidence to show the harmful effects of bullying. The PSA has produced its own research, which has reinforced this view. In 2013, the State Service Commission's Integrity and Conduct survey found the same. In June this year, we learned that New Zealand has the second-highest rate of school bullying among all OECD countries.

What has brought this home to me on a much more personal level, however, are the public servants I teach. Over the last seven years, I have run a course on Public Integrity on VUW's Master of Public Policy and Master of Public Management programmes. The students are overwhelmingly New Zealand public servants who are working in important leadership roles. Every year, we begin with a self-reflective essay on an ethics issue they either face or have recently had to contend with. Nearly every essay has been about bullying. Usually psychological, always emotional, occasionally even physical. My students have been crying out for years.

Why does it happen? The answer is simple yet deceptively difficult. It is a combination of weak leadership, absent controls, and poor processes. In other words, it is the classic problem of poor systems and issues in organisational culture. The Francis report into the Police will find this, guaranteed.

What we must not do, however, is lose sight of the good things: the wonderful people who work in our public service; the spirit of service that they share; the trust that people have in public services. What we do need, though, is courage. Far too many people reading this will have their own personal experience of seeing poor behaviour being managed away – or even rewarded. That can no longer happen. It will take a reinforcement of public service values, strong and courageous leadership, and an honesty in facing issues when they arise.

There are a number of specific institutional measures that can be implemented quickly if the will exists. Our research shows the importance of risk assessment for both complainants and for agencies: where complaints have a proper risk assessment done from both perspectives, the outcomes are better for the reporter and the organisation.

Deeper, more systemic reforms will also need to be considered. Does New Zealand have the institutional capacity to deal with bullying claims in an independent and fair way? Do we need a new agency to go alongside internal controls such as training and development?

No solutions should be off the table because the evidence has been gathered over many years, and it's unequivocal. It is time to act.

WE WELCOME OUR READERS' OPINIONS.

If you have an opinion about this or other issues, contact Shenagh.

shenagh@ipanz.org.nz

PROTECTING PRIVACY IN AN UN-PRIVATE WORLD

Privacy Commissioner JOHN EDWARDS outlines changes to the privacy legislation that will address issues around the digital economy and the activities of transnational companies.

Privacy – a global issue

Privacy has never been a more topical matter. Governments are having to respond to countless technological and societal changes, and the tide of privacy regulation is rising around the world.

The European Union's General Data Protection Regulation has become the international benchmark for privacy, and other jurisdictions are following its lead. The California Consumer Privacy Act is setting a pace for privacy reform in the United States while the US Federal Trade Commission this year hit Facebook with a \$US5 billion fine – the largest penalty ever levied against a technology company. Meanwhile, the Australian Competition and Consumer Commission is currently investigating Google over the personal information – specifically location data – that the company collects from consumers.



John Edwards

Changes are on the way

This all adds up to a growing awareness about the threat to privacy posed by these transnational companies and their one-size-fits-all global business models. Here in New Zealand, with a new Privacy Act arriving next year, our privacy legislation is also set for a shake-up.

In the months ahead, I hope to introduce a series of articles, of which this is the first, explaining how my office is re-evaluating its functions, processes, and regulatory role in a digital economy that was unimaginable in 1992 when the office was first established. As the new law comes into effect, we are faced with the choice of either bolting on the four or five new tools that the Act will give us onto what we currently do or choosing to fundamentally reimagine and reconfigure what we do.

We've opted for the latter. It's a process we are calling Privacy 2.0, and it involves an examination of how we currently allocate our resources and how that will change. The two areas where the Act will give my office more powers and responsibilities are in enforcement and compliance. We need to make sure we get the most out of these new tools while continuing to provide high-quality advice.

MANDATORY BREACH REPORTING WILL MEAN AGENCIES WILL HAVE TO REPORT PRIVACY BREACHES OF A SERIOUS NATURE.

We hope the outcome of Privacy 2.0 will enable us to evolve into a thoroughly modern regulator that matches our modernising statutory framework. I look forward to explaining the new law, our process, and what it will all mean for the wider public sector.

Mandatory privacy breach notification

The most significant initiative in the new legislation is mandatory data breach notification. Under the current Privacy Act, privacy breach reporting is voluntary. This year, agencies voluntarily reported 222 breaches to us – 95 from public agencies and 127 from private agencies. It's a useful snapshot of the privacy breaches in our economy, but it's not the complete picture.

Mandatory breach reporting will mean agencies will have to report privacy breaches of a serious nature to my office. The threshold will be where there is the risk of serious harm. This will be defined in the legislation. The threshold aims to balance the compliance burden with making sure that affected individuals are notified, while also minimising the risk of "notification fatigue".

THIS IS THE RIGHT TIME FOR ALL ORGANISATIONS TO TAKE STOCK OF THEIR EXISTING POLICIES AND PROCEDURES.

If a breach is a minor one that does not meet the threshold of seriousness, it will not be mandatory to notify. A failure to BCC an innocuous email to a membership group or the loss of a USB containing encrypted personal information are unlikely to meet the reporting threshold. But the theft of a laptop with health-patient information that is not password protected will probably meet the threshold.

Before the new Act takes effect, my office will publish more information on how the breach-notification reporting will operate and when privacy breaches must be reported. We are preparing for the additional demands the mandatory reporting requirement will place on us by looking at the experience of our international counterparts.

In the meantime, this is the right time for all organisations to take stock of their existing policies and procedures to prevent, mitigate, and report data breaches, checking that they're still best practice – and make sure their staff understand what they need to do.

Compliance notices

Without real and meaningful consequences for non-compliance, rogue agencies will continue to thumb their noses at the regulation. When the new Act becomes law, my office will have a new enforcement tool in compliance notices.

If we identify and conclude that an agency is breaching the Privacy Act, I will be able to compel the agency to change its practice. This measure will apply to companies that deal in the personal information of New Zealanders, even if they are not based in New Zealand.

Compliance notices will apply to:

- serious breaches that the agency is unwilling to address
- systemic or repeat breaches where no progress is made
- situations that require a middle person in the enforcement process, using up additional time and resources.

On receiving one, the agency must comply as soon as possible or:

- apply to vary or cancel the order by persuading my office that they've already complied or are in the process of complying
- appeal the notice within 15 working days.

Failure to comply means my office can take enforcement proceedings in the Human Rights Review Tribunal. The agency's only defence will be if they believe they fully complied with the notice.

TWO AND A HALF MILLION NEW ZEALANDERS ENTRUST THEIR PERSONAL INFORMATION TO FACEBOOK.

Extra-territorial application

Agencies that operate in New Zealand and agencies that collect, publish, analyse, manipulate, and profit from New Zealanders' personal information are required to comply with New Zealand law. For instance, two and a half million New Zealanders entrust their personal information to Facebook. Facebook's business model depends on extracting value from that information.

Last year, in the course of an investigation of a complaint against Facebook, the company asserted that, as a company with its legal headquarters and principle data storage in Ireland and no meaningful physical or legal presence in New Zealand, it was not subject to the Privacy Act.

Given the scale of that company's activities in New Zealand and the extent of its collection of personal information about New Zealanders, I disagreed.

THERE WILL BE A NEW PRIVACY PRINCIPLE TO ADDRESS THE DISCLOSURE OF PERSONAL INFORMATION OUTSIDE NEW ZEALAND.

The Privacy Bill puts beyond doubt the circumstances in which overseas agencies are subject to the Privacy Act. An overseas agency is to be treated as "carrying on business in New Zealand" if it charges any monetary payment for goods or services or makes a profit from its business here – even if it does not have a physical place of business here.

New privacy principle

There will be a new privacy principle to address the disclosure of personal information outside New Zealand.

IPP12 will mean agencies that want to disclose personal information to a foreign person or entity would need to satisfy at least one of several criteria. New Zealand agencies will have to take reasonable steps to ensure that personal information sent overseas is protected by acceptable privacy standards.

One of these will be to seek the authorisation from individuals for the disclosure of their information to a foreign person or entity that may not be able to protect the information in a way that provides comparable safeguards to those in our legislation.

Over the coming editions of *Public Sector* magazine, I will explain in greater detail the effect of these changes, what my office is doing to prepare, and what you need to do.



LIFTING THE LID ON INEQUITIES

DAVID LOVATT of Deloitte explores how we might grow wellbeing by facing up to inequities.

The government's wellbeing agenda and living standards framework puts a new light on what Aotearoa New Zealand's businesses and communities have created. Financial outcomes are still important to our definition of economic success, but sitting alongside financial capital are now three companion capitals that allow us to recognise the wealth of natural, social, and human capital. And, looking to the future, we can be more confident moving away from the shallow goal of GDP growth to a diverse set of wellbeing measures that reflect the many ways we can build prosperity.

The story, though, isn't all positive. Wellbeing measures help us understand the inequities and disadvantage in Aotearoa New Zealand that financial capital alone cannot resolve.

Persistent inequities

Inequities are differences in people's status caused by social conditions: these can include a person's birth, life choices, age, ethnicity, gender, career, or other personal characteristics. Inequities are unjust and unfair and could be reduced by the right mix of government policies and by the actions of businesses, communities, and society.

WELLBEING MEASURES HELP US UNDERSTAND THE INEQUITIES AND DISADVANTAGE IN AOTEAROA NEW ZEALAND THAT FINANCIAL CAPITAL ALONE CANNOT RESOLVE.

Data gives us insights into inequities that have been historically masked by the averages of GDP, growth, employment, life expectancy, imprisonment rates, pay, educational achievement, and home ownership. Reports in recent times have

highlighted these inequities in areas such as gender pay gaps, health outcomes, the justice system, and secondary education.

Information around the distribution of wellbeing across New Zealand's population shows that these gaps run deep and that the same individuals, families, or communities appear to be falling behind on many different measures. The accumulated inequities represent a crushing burden and a barrier to getting ahead. This social burden is a fundamental challenge to our Kiwi values of justice and the right to a fair go, regardless of people's personal characteristics, social condition, access to wealth or resources, or the choices they've made in life.

Research shows that wellbeing preferences vary widely in Aotearoa New Zealand across the four capitals and the twelve domains in the government's wellbeing framework. Some people prefer income growth, others a healthy life. Some want meaningful employment, others housing or social connections. Not all choices carry the same value for all people, and the trade-offs people make between wellbeing domains will change over time as their situations change. Yet, many of the services and supports that government provides are designed to address the needs of the "average" or typical person, or they are based on characteristics or indicators that are used to infer a person's needs, such as their age, gender, life stage, or their past history or behaviour.

Public sector organisation

Government in the last 30 years has not been well-organised to respond to people's broad-based and complex needs. Once the poster child of public sector management and designed to meet a quite different set of requirements, our relatively narrow, output-focused agencies are now being asked to work in collaborative clusters to deliver on sector-wide wellbeing outcomes. Without greater cross-agency and cross-sector action, government will struggle to allocate resources in ways that better reflect what's important to people.

Some of the tools that help us understand inequities risk reinforcing practices of the past. We are concerned about how data and algorithms – automated rules that learn how decisions have been made in the past and then make more of those decisions in future – may be used to lock disadvantage and bias into the system of government and public services.

RESEARCH SHOWS THAT WELLBEING PREFERENCES VARY WIDELY.



The concern has grown to the point where an Algorithm Charter is now proposed by the government to improve algorithmic transparency and accountability and to potentially curb the negative effects of automated decision making. Yet, the algorithms that exist are relatively few, and the likely impact is minor compared with the unconscious bias, institutional racism, and policies of disadvantage that are infused into historical resource allocations, organisational policies, business rules, and designs of public services across all arms of government.

Towards wellbeing

In our research for Deloitte and VUW's State of the State 2019 article series, we have concluded that these are not issues that will go away without real action to redistribute and grow wellbeing in New

Zealand. Lifting the lid on inequities will demand action on three fronts:

SOME OF THE TOOLS THAT HELP US UNDERSTAND INEQUITIES RISK REINFORCING PRACTICES OF THE PAST.

1. Data collection, analysis, and reporting to highlight where inequities exist and research and evaluation that provides evidence to support the reallocation of resources or alternative interventions that will address persistent inequities.
2. High-level policy changes and resource shifts coupled with on-the-ground practical actions and interventions to redistribute capitals in ways that reflect individual, whānau, and community wellbeing preferences.
3. A strong and independent voice that holds us all to account for inequities, the impact they are having on New Zealanders, the priorities government sets for public service agencies to reduce inequities, and the cross-agency actions taken to address them.

These three actions will require government to work in new ways; to partner differently across central and local government, NGOs, communities, and businesses; and to delegate decision making and accountability to different parts of the system.

Each of these is a significant change. Wellbeing cannot simply be grafted onto a system of public management that is engineered to work to a different set of outcomes, as it will simply cause the public-sector equivalent of tissue rejection. This will happen despite the best intentions of a highly committed and experienced public service.

There have to be benefits in return for investing in wellbeing, and research shows there are considerable social, economic, personal, and environmental benefits. A recent Deloitte Access Economics report from Australia identified economic benefits from improved social inclusion, increased productivity in the workplace, improved employment and health outcomes, reducing the cost of social services, and spreading the benefits of economic growth across society.

And the individual benefits are even more important: the ability for people to live the lives they want to lead, to be fulfilled, and to be treated justly and fairly. These human rights are important to us in Aotearoa New Zealand and should be reflected through the choices and actions we make as individuals, as a society, and as a government.



WELLBEING CANNOT SIMPLY BE GRAFTED ONTO A SYSTEM OF PUBLIC MANAGEMENT THAT IS ENGINEERED TO WORK TO A DIFFERENT SET OF OUTCOMES.

We need to be prepared to lift the lid on inequities and enable wellbeing to be redistributed so we can build a fair future for all Kiwis.

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Can I see your social licence?

KEVIN JENKINS, a founder of MartinJenkins, explores the relevance of the concept of “social licence”. He finds the idea lacking.



Kevin Jenkins

Lately, from where I sit at the intersection of business, research, and public policy, talk of social licence seems to be everywhere and is being applied to new sectors all the time.

The phrase first blossomed in the 1990s in the aftermath of a massive mining spill at the Marcopper mine in the Philippines in 1996, which destroyed the region’s water supply. In the years since, businesses and governments have found they need to address issues of community engagement and approval in order to achieve sustainable success for their initiatives and programmes – as well as avoiding potentially massive reputational risk.

The rise of social media and instant mass communication has increased that risk exponentially. Tracking events like an unfolding mining disaster is now infinitely easier, with interest groups being able to very quickly rally high-profile support. Government, business, and NGOs now face a reality where public endorsement for their projects can be won or lost in hours rather than years.

How do I earn my social licence?

The phrase “social licence” unfortunately plasters over some important nuances in this area. There are a number of ways a business might want to engage with a community, some involving a lot more ambition, commitment, and energy than others. Is the goal to have the community passively accept the project? Or should the goal be more active, with more participatory forms of approval, endorsement, or involvement?

At the close-engagement end of the spectrum, there is “networked governance”. Here a project looks for more than just passive approval from the community and instead takes a more collaborative approach, with community buy-in and ownership. Applying the idea to public administration,

commentator Nick Scott says that with networked governance “smart governments pull in the knowledge and experience of citizens to inform decision making and work with external actors to create value”.

Of course in Aotearoa, any discussion of this kind of co-governance needs to address the significance of Te Tiriti o Waitangi. Katharina Ruckstuhl of Ngāi Tahu and her colleagues have argued that in fact Te Tiriti o Waitangi has a longer track record as a way for Māori to permit or withhold consent than the more recent idea of social licence. They write that: “Social licence will be granted only when it goes beyond regarding iwi as ‘stakeholders’, which limits the Indigenous Māori voice to an aggregated ‘social’ voice ... and masks the specific history and experience of Māori.”

A social licence for data use

The hard lessons learned in the extractive industries about the importance of social licence have been applied to a wide range of sectors, particularly farming and tourism. But the scope of the discussion is expanding even further – recently the concept has also been applied to the very broad and touchy area of data use and privacy.

For example, the Data Futures Partnership, a ministerial advisory group set up in 2016, established guidelines to help businesses address and explain their practices around data collection and use so they could gain their own version of a social licence to collect the data.

Fundamentally it is all about trust. Perhaps, as suggested by commentator Pia Andrews the biggest shift needs to be from “getting trust” to “being trustworthy” – that old-fashioned ideal of being worthy of being trusted. The focus should be on asking the fundamental question: “What does the public need for us to be considered trustworthy?”

Strengthening and improving the public sector’s trust infrastructure is what is behind the recent establishing of a Data Ethics Advisory Group and consultation on a draft Algorithm Charter by the Government’s Chief Data Steward. The consultation on the charter effectively asks the public “Would you trust us if we followed these steps?” That, to me, is a better question to ask than “Do we have a social licence?”

WE WELCOME OUR READERS’ OPINIONS.

If you have an opinion about this or other issues, contact Shenagh.
shenagh@ipanz.org.nz

REPUTATION AND REALITY IN THE PUBLIC SECTOR

SenateSHJ's head of public sector practice JANE RATCLIFFE explains the importance of investing in reputation management in today's fast-changing world.

The central importance of trust

Independent research shows that leaders and senior managers increasingly view reputation as a primary asset.

Fortunately, New Zealand's public sector has invested in protecting and nurturing this asset, which is reflected in high levels of trust in our public services.

The most recent 2018 Kiwi Counts report shows 80 percent of citizens trust the public services they use. Trust in the public sector "brand" is the highest it's been – 50 percent, with distrust in the public sector brand dropping ten percentage points since 2007 to 12 percent.



Jane Ratcliffe

All in all, the numbers are trending in the right direction, but more work needs to be done to improve the public sector brand overall. This will be challenging for agencies as more and more services are delivered digitally. Digital delivery naturally raises concerns about data privacy and protection – a sensitive issue that goes to the very heart of trust and reputation.

There is an implicit social contract between citizens and public sector agencies that's built on trust. Citizens need to be able to trust that their information will be kept safe and that agencies will have good governance and systems to ensure this happens. Any breach of the security of personal data amounts to a breach of the social contract.

Furthermore, any such breach can quickly undermine an agency's reputation and the brand of the public sector. Once you lose the trust and confidence of the public, it's not easy to win it back – as the banking and financial services sector has recently discovered.

An example from Australia

The Hayne Royal Commission in Australia uncovered numerous conduct issues within the banking, superannuation, and financial services industry. The inquiry was far reaching, calling witnesses, asking for public submissions, and running numerous public hearings.

The findings and sentiment from the Hayne inquiry have spilled over the Tasman and have led to a joint review of our own financial services sector by the Financial Markets Authority and Reserve Bank of New Zealand. The findings identified overall weaknesses in governance, poor management of conduct risks, and a general lack of proactivity and customer care.

These findings are instructive for all sectors, including the public service.

**80 PERCENT OF
CITIZENS TRUST
THE PUBLIC SERVICES
THEY USE.**

The contagion effect

Most New Zealanders don't think too hard about individual public sector entities. Instead, they take a macro view, using terms like "the government" or "the bureaucracy" to describe the public service.

This means the reputation of one entity can impact the reputation of the sector, which is why leaders need to understand their agency's weaknesses and be prepared to take action to shore up confidence in their systems.

How to avoid becoming the next case study

No public sector boss wants to be the next person explaining how poor governance or a lack of customer care has led to a privacy breach, whether it's through malicious cyber attack or simple human error.

That is why being prepared, having a plan, and knowing what to do when things go wrong is so important, especially for leaders who will be the public face of an agency in times of crisis.

**THE REPUTATION
OF ONE ENTITY
CAN IMPACT THE
REPUTATION OF
THE SECTOR.**

Yet, as SenateSHJ's research shows, only a third of New Zealand government agencies test their crisis communications plan annually, compared with 44 percent in Australia – a worrying statistic.

Organisations need to do more work in crisis planning and preparedness to give themselves the best chance of avoiding media attention for the wrong reasons.

Where to begin

For the public sector, the biggest drivers of reputation are competence, integrity, leadership, and quality of products or services.

Keeping on top of these drivers requires clarity of purpose and culture and aligning with customers' needs.

Affirm purpose

All great organisations know what they are doing and why. In many cases, this is specified by legislation, but organisations need to regularly affirm their purpose and ensure they have the means and capability to fulfil it.

Assess culture

Understanding an organisation's culture includes an assessment of its attitude to risk. How is risk measured and managed? What are the expected benefits of taking risks? Are the risks people related or systems related? Once an organisation understands its attitude to risk, an assessment needs to be made about what cultural or behavioural change is required to make a positive shift.

**Look out for the
Reputation and Reality
workshop in 2020**

FOR THE PUBLIC SECTOR, THE BIGGEST DRIVERS OF REPUTATION ARE COMPETENCE, INTEGRITY, LEADERSHIP, AND QUALITY OF PRODUCTS OR SERVICES.

Align with customers

Public sector agencies need to undertake regular research to understand the needs and expectations of their audiences, who are increasingly using digital platforms to consume public services. Robust and regular research is needed to assess the effectiveness of service delivery and areas for improvement. Taking such action would be a good first step to managing reputation.

A practical framework for managing reputation

One way to approach reputation management is to consider the

organisational elements that contribute to it, as illustrated in the SenateSHJ framework below.

Promotion encompasses initiatives that address the needs and expectations of stakeholders.

Protection is about managing areas of concern or risk, including issues management.

Engagement is about organisational culture and behaviour that builds trust with stakeholders.

At the heart of the framework are stakeholders, whose views ultimately determine an organisation's reputation.

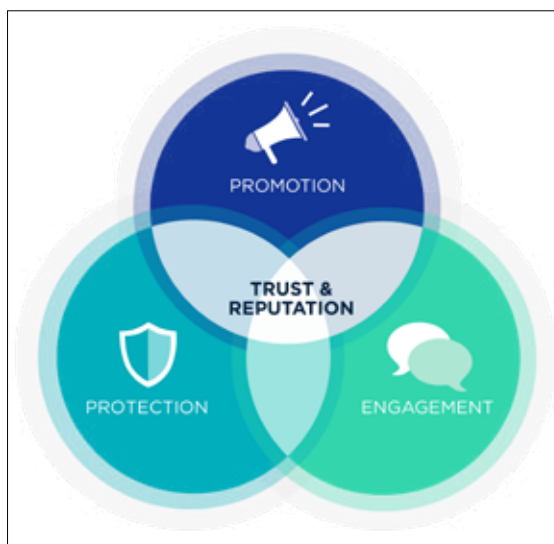
According to this framework, reputation is about having and communicating a clear identity and connecting with the people who matter most to your organisation through what you say and do.

The importance of changing social norms

A further complication for the public sector is the growing awareness and appetite from the public to see tangible action on social and environmental issues.

Less than five years ago, reducing energy use or air travel was seen as "nice to do", but now leaders and organisations are expected to take action on such issues. There is also growing public pressure for leaders to align their organisation's purpose and behaviours to society's culture and values.

As we get closer to next year's general election, public sector leaders will be increasingly vigilant about protecting their organisation's most precious asset. Their personal reputation depends on it.



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LOOKING BEYOND THE BARS



What really goes on behind bars? Definitely some rewarding and motivating engagement with offenders, say two Department of Corrections case managers. KATHY OMBLER spoke with Emma Marshall and Caitlin O'Regan about their role of guiding what offenders do with their time while "doing their time".

A case manager's task is to work directly with prisoners throughout their custodial sentence, organising end-to-end support, programmes, and treatments tailored to their individual needs. Offenders might attend offending-related programmes, complete educational qualifications, and learn employment skills. Increasingly, case management also involves engagement with offenders' families.

TO REDUCE RE-OFFENDING IS WHAT WE ARE ABOUT.

To reduce re-offending is what we are about, says Emma Marshall, senior case manager at the Otago Corrections Facility, near Milton, but we also celebrate the smaller successes along the way.

"It could be as simple as an offender who doesn't at first admit to their offending because they don't want to acknowledge what they did, then six months later, after one-on-one meetings with their case manager, they start to open up.

"I also find a great sense of satisfaction attending graduations. You can see it in the men's faces, how proud they are of themselves in front of their families. It could be they couldn't read or write 12 months ago, and now they've got NCEA Level One or Two. They might never have achieved or qualified for or finished anything in their lives, never mind show it off to their family."



Emma Marshall

Any positive outcome is a good story, echoes Caitlin O'Regan, case manager at Waikato's Spring Hill Corrections Facility. "When the men make meaningful changes to their lives, and keep the skills they have learned here and transfer them to the community, that's a highlight for me. You know they have a new outlook and a new perspective on life."

IT COULD BE THEY COULDN'T READ OR WRITE 12 MONTHS AGO, AND NOW THEY'VE GOT NCEA LEVEL ONE OR TWO.

Offenders are allocated case managers from the moment they arrive in prison, explains Marshall. "What we'll do first is a file review looking at what led them to prison, check for any concerns around their health and wellbeing, and talk to their unit staff, then we will meet with them face to face.



Chef Martin Bosley giving some cooking tips to prisoners

“The first few meetings are just to engage. In this role, we sometimes have to ask some pretty personal questions about what led to their offending so they need to be able to trust us. Once we have built a rapport, we get into planning what they are going to do with their time here.

“Addressing their offending is a priority. We also look at re-engaging them with family, and we look at education and employment. The aim is that when that person leaves prison, they have skills, they have support, and they have understanding of why they offended and what led to that offending, all with the ultimate goal of never coming back to prison.”

Specialised programmes are available to address offending. These range across drug and alcohol issues and relationship management to the higher end of the scale where the offending has a violence propensity or is sexually related.



Caitlin O'Regan

“We look at an offender’s criminal history and the risk that person represents, then we liaise with our psychologists and programme facilitators to get advice on which programme would be most appropriate and beneficial for that person,” says Marshall.

All prisons offer access to education, she adds. “This is carefully individualised. Every prisoner has an education assessment, and they are taught to the level they are at. Long gone are the days when we put 20 men in the same classroom just because they started their sentence on the same day.

There are a lot of men in here who haven’t previously had or been encouraged to take up educational opportunities. We don’t want to be setting up people to fail.”

Employment and skills training are also offered. “We have a variety of employment opportunities within prison. Everything here, the kitchen and the grounds for example, is run by prisoners. In addition, the Otago facility runs a 130 hectare working dairy farm, where prisoners are trained for dairy-industry careers. We also have other opportunities: parenting programmes, life-skill programmes, and drama lessons – we even have knitting classes.”

Yes, there can be resistance to getting involved; there are also “carrots” to encourage take-up, she adds.

“Offending-related programmes, in particular, are an absolute priority, and we have motivational programmes run by our psychologists for those resisting this rehabilitation. The men here are aware there are consequences of not undertaking them. We wouldn’t put anyone forward for the more enjoyable opportunities, kitchen employment, for example, if they aren’t willing to address the reason they are with us.”

**LONG GONE ARE THE DAYS WHEN
WE PUT 20 MEN IN THE SAME
CLASSROOM JUST BECAUSE THEY
STARTED THEIR SENTENCE ON
THE SAME DAY.**

And if they simply don’t like their case manager?

Case managers are sometimes matched to offenders on the basis of having specialised training in a certain area, perhaps mental health or youth or there’s a strong cultural identity, otherwise allocations are made by prison management. If there’s any personality clash, it’s a matter of going with the flow, says Marshall.

“We try to work with any resistance. We make it clear that you don’t see eye to eye with everyone – that’s just life. Not understanding that could be why they are in here in the first place. So that’s a lesson we try to help them with, and we find ways of communicating.”

It doesn’t happen very often, adds O’Regan. “I personally try to find a resolution, a level of compromise, and work with them as professionally as possible.”

Marshall notes that earlier on in their sentence an offender might still be coming to terms with their situation. “Some can be very stand-offish and don’t want a bar of us. That’s OK. We will roll with that, and it may be a case of just popping in to say a quick hi then leaving them, but showing that person some consistency. Showing that you care can break down a lot of barriers for later on. But you can’t force anybody to change. They have to come to that realisation themselves.

“I think, as well, we are here to offer something positive to these people so they do tend to work alongside us rather than against us.”

Marshall, who began her working career with Sport Otago, never expected to be employed in a prison. However, after four years with ACC, working as a case manager with people who had serious injuries, she realised her love for rehabilitation and for working with people and their families. When the corrections facility opened near her hometown, Milton, she took the opportunity.

BUT YOU CAN’T FORCE ANYBODY TO CHANGE. THEY HAVE TO COME TO THAT REALISATION THEMSELVES.

Having experience in health rehabilitation services certainly helps, she says. “Life skills are also a huge factor and being able to relate to people in a non-judgmental way.”

O’Regan brings a Bachelor of Sociology and Social Policy, along with several years’ experience working in the mental health and disability sectors, to her role at Spring Hill.

“Having a background in the social-services sector, specifically health and cultural studies, social work or psychology is desirable, but not essential for this role,” she says. “Your life experience also helps; a case manager needs to be adaptable, empathetic, resilient, and able to communicate. Modelling integrity is essential.”

Both Marshall and O’Regan say they have never felt unsafe in their work and put that down to extensive training about prison safety and good staff support. In a wider context, O’Regan says there is strong collegial support.

“Collectively we work with custodial staff, programme facilitators, administration staff, health teams, and reintegration service providers. We all work proactively together to get the best outcome for the offender.”

Marshall also appreciates the personal support offered in the job. “We have plenty of opportunity to offload if we need to; there’s a designated practice leader who we can meet one on one, or we can join fortnightly reflective practice sessions. We also have external agencies available for counselling support. That’s really helpful as well.”

At any one time, a case manager could have 30 to 35 offenders on their caseload.

Some offenders will need more attention than others, says Marshall. “They might be classed as high-risk and have a shorter sentence so will be released into the community without much time to develop anything positive within prison. They may have nowhere to live in the community, have no employment, and have mental health needs. So that person could take a lot of time and daily interaction compared with someone in here for a life sentence.”

LISTENING IS A BIG THING. AND JUST KINDNESS.

There can also be a need for flexibility in working hours, she adds. “For example, some of our men work on the dairy farm and start at 6.30 a.m., so we’ll come in earlier if we need to see them. Or maybe we are bringing the offender’s family in and they can only come in the weekend, so we will be flexible around that.”

Engagement with offenders’ families has become increasingly important, she says. “We sometimes bring family into the prison for a whānau hui, where everyone talks openly and the family and offender can goal-set together, or if they are nearing the end of the sentence and are low-risk, we can have them escorted into the community to start building relationships in the family environment.”

IF THEY DON’T REOFFEND THAT’S A GOOD STORY, BUT ANY LITTLE DIFFERENCE IS A POSITIVE THING.

It is a very rewarding job, and yes, it comes with challenges, says Marshall. “The workload can be hectic, and you can be a bit disheartened when the same names come through the system, but there are definitely some wins.

“We can put all the opportunities in front of these prisoners, but it’s up to them. If we can be some sort of motivator, or role model, to get them to take these opportunities, then it’s a win-win for all.

“Listening is a big thing. And just kindness. We haven’t walked in these people’s shoes. Men have commented to me, what’s the use, Emma, you’re just here to judge me. But once I explain that’s not my role and build a rapport, then you can tell they enjoy having someone there to listen to their story.”

To be open-minded is the biggest lesson learned on the job for O’Regan. “Just take it as it comes. And I don’t really have one ‘success story’ per se. I think any positive outcome is a good story; if they don’t reoffend that’s a good story, but any little difference is a positive thing.”

Data partnering is a relationship challenge

JAMES MANSELL, who formed the Data Commons movement in New Zealand, wants the use of data to go beyond a few fine principles.



James Mansell

Sharing data is a fantastic way for organisations to develop their services, but there are challenges. Those challenges are not about technology – they’re about relationships. And relationships are all about trust. There is some evidence that the state sector is coming to grips with this. For instance, the principles laid down by the New Zealand Data Futures Forum focus on data being in the control of citizens and on high-trust models of data partnering. The recent Data Protection and Use Policy work provides more detail in the same direction.

But principles go only so far – they are often designed to be broad and general, and sometimes you could drive a truck through them. Sustainable data partnering needs to be a lot more hard-nosed than that.

Trust is tough to earn and easy to erode – and it isn’t easily decomposable. A government needs to maintain trust across all its actions if it wants trust on just one of its actions – including data use. Moreover, when the data relationship breaks down, I need to be sure there is some form of realistic and low-cost dispute resolution process that can protect my interests.

So, because principles are vague and because we need to be able to resolve disputes without tearing down the system, I think data partnering needs to be done with genuinely shared governance with those who are affected and then be underwritten with a legally enforceable contract for the case in question. This contract will address questions like: “Did we agree upfront that ‘no adverse consequences’ means that my baby would not be taken off me after information shared with my doctor was shared with child protection?” “Which of the seven interpretations of ‘right to forget’ did you mean when we agreed to that?” “How will the principles I signed up to with government hold up when the political heat comes on to reinterpret them more coercively?” Having a principle of “acting in good faith” is likely to be too broad and permissive because

what counts as good faith can shift with the vagaries of politics. This won’t be enough for vulnerable parents who’ve removed their kids from school or don’t visit their GP for fear of the heavy hand of the state uplifting their children.

These are all very real fears and circumstances that require clarity. And that’s going to be a tough negotiation. What specific kind of data-sharing agreements will still enable our most vulnerable families to still trust enough to seek support? Data sharing can do more harm than good sometimes. Broad-based principles are necessary but not sufficient.

This all leads to the conclusion that data partnering needs to be underwritten with legislation. It was contract law and the courts that unlocked the trust that allowed partnering across business, which enabled enormous economic growth over the last 200 years.

And as the Data Commons work found, you also need shared governance, including shared rule setting. If you can maintain trust *and* reduce uncertainty *and* resolve disputes at low cost, then you can unlock the true value of data. And this is ideally done as an ongoing relationship including shared governance. The best emerging example I have seen in this space is the work coming out of the Ministry of Education. It’s early days yet, but Craig Jones, Lisa Cheney, Selena Smeaton, and others are laying down a solid foundation for genuine sector data partnering including reduced central control. I think it’ll be the place most likely to succeed in the next few years if they keep it up.

Finally, we need the trusted space to hold these kinds of conversations. The state often takes the role of the maker of rules. But it is also a consumer of data and the holder of extraordinary powers of coercion, so it is deeply conflicted about data reuse. So while principles endorsed by the state sector are a great starting point, civil society, business, and government agencies could use support and an independent forum to navigate their data-partnering ambitions.

For these reasons, some of the original members from the NZ Data Futures Forum and Data Commons are setting up and supporting the New Zealand Data Trust. The trust supports boards to include “governance of data” as a crucial capability for company directors – and no, this is not the same as “data governance”. It also supports the independent conversation and practices that underwrite safe and sustainable data partnering across a wide range of interests in New Zealand. And that’s got to be a good thing for all New Zealanders.

WE WELCOME OUR READERS’ OPINIONS.

If you have an opinion about this or other issues, contact Shenagh.
shenagh@ipanz.org.nz



PROTECTING THE WHISTLEBLOWER

In 2016, Transparency International Ireland rolled out its Integrity at Work (IAW) programme. The programme promotes workplaces where people can report their concerns of wrongdoing. SHELLY FARR BISWELL spoke to IAW's manager Stephanie Casey about whistleblowing and the need to create work environments where staff are encouraged to speak up.

Whistleblowing: “An act of a man or woman who, believing that the public interest overrides the interest of the organisation he [or she] serves, blows the whistle that the organisation is [engaged] in corrupt, illegal, fraudulent, or harmful activity.”
Ralph Nader, 1974

You don't need to scroll too far down the world news to realise that people who speak up about wrongdoing play a vital role in keeping public and private institutions accountable. That accountability has significant social, ethical, and financial implications.

For example, PricewaterhouseCoopers' 2018 Global Economic Crime and Fraud Survey found that 49 percent of the more than 7,200 respondents said their organisation had been a victim of fraud or economic crime (up from 36 percent in their 2016 survey). The survey found that the main perpetrators of fraud are internal (52 percent). On top of that, over two-thirds of external perpetrators are “frenemies” of the organisation – agents, vendors, shared service providers, and customers”.

PwC found that just over half of the worst frauds were detected by corporate controls (such as routine internal audits) with another quarter identified through corporate culture (such as internal and external tip-offs and whistleblowing hotlines). In fact, internal tip-offs alone made up 13 percent, and whistleblowing hotlines accounted for another 7 percent. In other words, employees who are willing to speak out about wrongdoing are saving organisations millions of dollars every year. Their willingness to speak up provides other savings too – in terms of employee morale, organisational reputation, market value, and business and regulator relationships.

Yet in many workplaces, there are few protections for staff who report wrongdoing – this wrongdoing can range from financial fraud, to the abuse of children, to threats to national security. Often, staff who have had to resort to

“going public” have paid a high price in their professional and personal lives.

For citizens in the EU, that's about to change thanks to new rules to protect whistleblowers, which will come into effect in October 2021. The new rules will require safe channels for reporting within any organisation (private or public). The rules will also protect whistleblowers against retaliation. In addition, EU member states will be required to inform their citizens and train public officials on how to deal with whistleblowing.

Speaking up

As Stephanie Casey explains, “There are many different ways of ‘speaking up’. An employee may simply speak to their line manager. Or they may make a more formal ‘protected disclosure’. This is where a worker confidentially reports a concern so that it can be investigated – most of the time people outside an organisation won't ever be aware of these types of disclosures because the issues are solved internally or the organisation calls in the appropriate authorities. But to be effective, protected disclosures require robust policies and procedures. In some instances, the worker may choose to make a protected disclosure to a regulator or oversight body. In certain instances, they may go to the media or to a public representative; however, extra criteria must be met for a person to be protected under Irish legislation when blowing the whistle outside the worker's organisation.”

In their report *Post-disclosure Survival Strategies: Transforming Whistleblower Experiences* (June 2019), Professor Kate Kenny, National University of Ireland Galway, and Professor Marianna Fotaki, University of Warwick, UK, found in their research that, “The overwhelming majority of respondents had attempted to raise their concerns more than twice with their employer (90 percent



Stephanie Casey
Courtesy of TI Ireland

of those surveyed), with 87 percent communicating them to more than one recipient.”

This is similar to the findings of *Clean as a Whistle: A Five-step-guide to Better Whistleblowing Policy and Practice in Business and Government* (August 2019), which provides an Australasian context. The research included New Zealand agencies, with the support of the State Services Commission, the Ombudsman, and Victoria University – and is the largest whistleblowing research project to date. As project leader, Professor A J Brown from Griffith University said when the report was released, “Organisations and agencies already get the first chance to deal with issues, at least 97 percent of the time. Whistleblowers are only ever going to external official bodies, like regulators or integrity agencies, about 16 percent of the time and only going directly to them about 1 percent of the time.”

He added, “This is far less external disclosure than we actually want or need if we really expect corporate and government wrongdoing to be identified and properly addressed.”

Getting the pulse on Ireland's work culture

One of the first actions the IAW undertook after its formation in 2016 was to conduct Ireland's first national survey on employer and employee attitudes towards whistleblowing. The IAW team

found that the main reasons employees would not speak up about wrongdoing were fears that they would lose their jobs and the sense that their reports would not make any difference. The IAW survey also found that employees held negative attitudes towards whistleblowers.

Casey says, “When employees were asked to associate three words with whistleblower, the top terms they gave were ‘informer’, ‘traitor/rat’, and ‘snitch’”

Those labels were given in spite of the fact that, according to a 2017 Eurobarometer study, over 60 percent of Irish people believe there is corruption in their public institutions and business culture.

“We have a long and complicated history of distrusting our public and private sectors in Ireland,” Casey explains. “That’s something that can only change through vigilance against corruption and a willingness to adopt transparent practices.”

As one step in the right direction, the Irish government introduced the Protected Disclosures Act in 2014 to provide greater protection for people to speak up. But the IAW survey found that two years on, many employers were unaware of the protections the law provided, and only 10 percent of respondents had a whistleblowing policy in place.



John Devitt (right), head of Transparency International Ireland, with some of the speakers at the IAW 2018 conference
Courtesy of TI Ireland

For the IAW team, the survey results underscored the need for training and guidance on creating ethical work environments. To fill the gap, aside from

online resources and specialist advice, IAW also hosts regular forums and an annual conference where people can learn from their peers and international experts.

“One of the first things a new member needs to do is take the IAW pledge. The pledge provides a powerful opportunity for the senior leadership of an organisation to make a public statement on their organisation’s commitment to establishing an ethical workplace,” Casey says.

“To date, 28 public and civil society organisations have become IAW members. A number of government departments have not only fully embraced the aim of IAW within their own organisations but are funding associated organisations to take part. So, for example, the Department of Education and Skills has funded the membership of three Institutes of Technology.”

Casey says the IAW team are already seeing changes within their membership. “For us, having a robust whistleblowing policy in place is just the first step on a journey to build an ethical work environment. We’re seeing organisations going from ‘OK, this is a law we need to comply with’ to ‘Have we created an environment where staff feel confident to speak up?’”

She says it’s not something that happens overnight but takes time and an ongoing commitment across an organisation.

“But IAW members are seeing that the benefits can be immense,” she says.

One of the next steps for IAW will be building capability and capacity in the private sector to be prepared for the new EU rules.

Stephanie Casey says, “These new rules will need to be incorporated into national law. That’s going to mean changes to Ireland’s laws, and both private and public organisations will need to ensure they comply. Much of our work over the

next two years will be educating people about the new rules and what it means for their organisation.”

Casey has six overall recommendations to employers to create a culture where staff are encouraged to raise ethical concerns. They are:

1. Provide employees with a range of internal channels, including some that are accessible 24/7, where staff can raise their concerns. This might include a telephone hotline, a dedicated email, and an opportunity for in-person reporting.
2. Ensure staff are aware of internal policies and procedures and that they know where they can turn if they want to report something through external channels (see the Speak Up Helpline section below).
3. Make sure that the reporter’s identity is protected and that there are robust protections in place from all forms of retaliation.
4. Develop a detailed case-management system that includes defined responsibilities, timelines, and communication guidelines. As part of that, make sure all recipients are trained to deal with reports.
5. Monitor the efficiency of the process by collecting and reviewing statistics on a regular basis. Where possible, make responses to reports visible to staff.
6. Establish an open, inclusive way of working in which employees are encouraged to raise concerns.

Wrongdoing in the New Zealand public sector

“[T]rusting staff is not a fraud control. Systems do not commit fraud, people do.”
– former Controller and Auditor-General Lyn Provost

It would be nice to think that wrongdoing isn’t a problem in New Zealand or that we already have enough controls in place to ensure integrity in the workplace, but as the high-profile fraud case involving a general manager at New Zealand’s Ministry of Transport in 2016 suggests, no country or organisation is immune.

As Debbie Gee, Transparency International New Zealand Member with Delegated Authority for Whistleblowing, writes in *Can You Hear the Whistle Blow Case Study and Teaching Notes*: “Despite an international reputation for lack of corruption, fraud

Review of New Zealand’s Protected Disclosures Act

In 2018, the New Zealand government consulted on a review of the Protected Disclosures Act 2000. Submissions made during the consultation period were published on the SSC website on 2 August 2019.

To learn more, visit <https://ssc.govt.nz/resources/consultation-protected-disclosures-act-reform/>



cases are not particularly unusual in the New Zealand public sector. A 2011 study of 2,000 staff in public sector entities commissioned by former Controller and Auditor-General Lyn Provost found about 28 percent in central government and about 32 percent in local government were aware of colleagues having committed fraud in the previous two years.”

As the 2012 Auditor-General survey showed, the “incidence of fraud is lowest where a public entity’s culture is receptive to talking about and dealing openly with fraud, where the entity communicates about fraud policies and risk, and where incidents of fraud are reported to the relevant authorities”.

Based on her research, Gee says, “Don’t just rely on trust. Ensure you have good policies and procedures in place – and that they’re well-communicated. Build trust with staff by ensuring any reports of wrongdoing can be done confidentially.”

She also says that one of the downsides to “transformational” or charismatic leadership, and unquestioning followership, is that it can make an organisation more vulnerable to cases of wrongdoing.

“An organisation needs to have staff who are willing to ask questions and don’t take things at face value.”

Paying the price

Unfortunately, the adage “no good deed goes unpunished” often seems appropriate for the role of whistleblower.

“In an ideal world, whistleblowers would be the people who are lauded by management, their colleagues, and society, but too often they make incredible professional and personal sacrifices for speaking out against wrongdoing,” Stephanie Casey says.

Kenny and Fotaki’s study examined cases where whistleblowers had been forced to leave their positions (either through resigning because of reprisals, moving roles internally, or being dismissed). They found that the participants in their research faced, on average, a total cost of almost £217,000 (438,519 NZD) for having spoken out, with the amount rising to almost £484,000 (978,078 NZD) for those who reported a loss of earnings. That sum includes “income foregone due to unemployment, career stagnation, or a new role with a relatively reduced salary. However, it does not account for future earning potential that can be severely curtailed.”

In terms of the intangible costs, there are often both negative mental and physical health effects, and the “impacts that speaking up can have on one’s loved ones tend to cause significant stress for the whistleblower”.

In their report, Kenny and Fotaki make six recommendations for supporting whistleblowers:

1. Provide assistance with financial costs incurred as a direct result of speaking up.
2. Deliver support to reduce the impacts of whistleblowing.
3. Provide support for appropriate and targeted career rehabilitation schemes.
4. Make assistance available for engaging with media, legal, and political supporters.
5. Develop an international network for whistleblowers.
6. Drive social and attitudinal change around whistleblowing.

Kenny and Fotaki’s research speaks directly to the spirit of the new EU rules being brought in over the next two years.

Speak Up Helpline

One of the first things that the Transparency International team did to support whistleblowers was to set up the Speak Up Helpline. It was set up in 2011 before there were legal protections for whistleblowers. The purpose of the helpline was to offer “information, referral advice, and advocacy support to people looking to report wrongdoing, or to witnesses and victims of corruption or other wrongdoing”.

People can contact the service either by calling a free-phone number or using a secure webform. The helpline receives about 200 calls each year. Casey says that about one-third of those turn out to be whistleblowers.

“While we don’t represent people, our law centre provides free legal advice and support, which can save a person valuable time and money,” she says.

Continued Demand for Policy Professionals

We’ve seen a steady stream of policy vacancies at all levels with a continued shortage of Senior Policy Analysts. A greater emphasis has also been placed on thorough consultation and engagement to enhance Maori Crown partnerships calling for policy candidates with skills in this area. Predictably the coalition government is pushing hard to ensure they have outcomes to campaign on moving into election year in 2020.

What's coming in 2020?

- Competitive remuneration packages
- High profile projects that impact all New Zealanders
- More flexible deployment of leaders and staff across the sector

Email kirsty.brown@h2r.co.nz or kate.terlau@h2r.co.nz to hear more!

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SOCIAL MEDIA AND THE PUBLIC SECTOR

We live in a connected, digital world. The public service too is engaging in the social media space, but at what cost? MARGARET MCLACHLAN considers the implications for regulation, public engagement, and democracy.

If you care about closing the gender pay gap, you can do something that's easy and immediate. You can go to www.demandpaytransparency.org.nz and sign the online petition for an independent pay transparency agency to end pay secrecy. An indicator bar showed I was number 2,272 of the goal of 2,500 signatures required. I then shared the link on Facebook, nudging my friends to sign too.

This campaign is run by the Human Rights Commission, which uses digital platforms and social media to promote its work.



These are effective and can help promote policy changes. The Give Nothing to Racism campaign featured a series of videos presented by well-known New Zealanders and captured international attention. The Never Again campaign launched in 2016 called for the establishment of an independent inquiry into historic cases of abuse of children in state care. A royal commission of inquiry into this issue was established by the government in 2018 and is currently underway.

These results are extraordinary and positive, but there's another side to social media.

In a report to the Human Rights Council, the Human Rights Commission notes: "Digital technology provides National Human Rights Institutions (NHRIs) with powerful new tools and capabilities for monitoring, tracking, and reporting human rights outcomes. While digital technologies and analytical techniques are of undeniable utility, it is important that they are used to complement – and not circumvent or replace – the people-centred, community engagement work that NHRIs do."

The Christchurch Call

The dark side of social media is the online dissemination of hate speech and its links to violent extremism and terrorism, currently an issue of particular urgency and importance following the Christchurch attacks of 15 March. The Royal Commission of Inquiry into the Attack on Christchurch Mosques is currently considering the accused attacker's use of social media and other online platforms.

The attacks have led to a review of New Zealand's hate speech laws and the instigation of the Christchurch Call initiative, described as "a commitment by governments and tech companies to eliminate terrorist and violent extremist content online".

Peter Thompson, a political economist at the Media Studies Department, Victoria University, gave a talk to IPANZ in October entitled The Christchurch Call: Implications for the Public Service.

He says, "Dealing with the online extremist terrorist content [arising out of Christchurch] is just the tip of the regulatory iceberg, and I think we need a wider regulatory framework to deal with some of the issues that are emerging."

ARE WE EXPERIENCING A NEO-IMPERIALISM, WITH DE FACTO 'GLOBAL' INTERNET STANDARDS SET BY THE COMPANIES WITH THE MOST DOMINANT ONLINE PRESENCE?

Countries worldwide are grappling with the issue of how to regulate social media and digital intermediaries to minimise the political, economic, and civil harm they can cause.

"There's a whole raft of regulatory issues around the operation of new media, and content issues is only one small part of it.

"Here's our problem – at the moment we don't have a joined-up regulatory framework. And our regulatory frameworks for digital-media intermediaries are three decades out of date. The permeation of digital media into every facet of our lives raises a range of intersecting policy issues that fall across many ministerial portfolio boundaries."

Sir Peter Gluckman, former Chief Science Advisor and chair of the International Network for Government Science Advice, also sounds a word of warning.

"In the case of the digital technologies, the perceived immediate and generalised benefits have meant that there has been rapid adoption of the technologies, while the broader implications have been given little robust critical consideration. Consequently, societal and regulatory precaution has largely been non-existent."

He notes that regulating marketing and consumer protection are more difficult with globalised digital platforms. It is also challenging for governments to regulate to prevent harmful messaging or communication.

"Are we experiencing a neo-imperialism, with de facto 'global' internet standards set by the companies with the most dominant online presence irrespective of national values? Where national values do exert themselves, they can be difficult to maintain in the face of internet giants."

Thompson is suspicious of the motivation of the likes of Facebook's Mark Zuckerberg to engage regulators and initiate some content-moderation practices.

"Their willingness to talk to the regulators is largely self-motivated. It's simpler to deal with multilateral frameworks than individual countries' regulations. They want to quarantine regulations into content; they don't want regulators to poke their noses into structures of network power. You start doing that stuff, and you're affecting their bottom line.

"Tech companies are global, but the pressure of local and regional interventions is motivating these companies to come to the bargaining table. I think it's really important that domestic governments deal

with these regulatory issues in their own backyard.

“It’s a mistake if we think we’re too small – we’ll miss the opportunity.”

Social media as an engagement tool

For many government agencies, social media provides an opportunity to engage directly with the public and create positive social movements. Audiences can be targeted and engaged via a phone in their hands in a way that was never possible with traditional media or advertising.

The Department of Conservation (DOC) has been using social media as part of its day-to-day work of engaging with New Zealanders since 2010 when it started the Conservation blog. That year, it also launched a Facebook page for Sirocco – a kākāpō that is a “conservation ambassador” and “spokesbird” for conservation.

Kurt Sharpe, DOC Team Lead Social Media says, “We now have a suite of social-media channels we’re using to engage New Zealanders in conservation and help achieve our work. We’re also always looking for new ways to communicate through digital channels and this year launched our DOC podcast.”

Visit the Kiwi Way (www.doc.govt.nz/visit-the-kiwi-way) is the latest digital-focused campaign promoting behaviour change to potential visitors to public conservation land.



Kurt Sharpe

Sharpe says the campaign, which has reached 8.7 million people and had 957,000 website click-throughs, used organic social media and paid advertising on Facebook, Instagram, and Google Display.

“With social media, you can see who you’re reaching. We targeted adverts to our audience based on demographic

data, and we also ran adverts targeting geographic locations. As we were targeting international visitors as well, we created content in other languages, for example, German and Mandarin. The campaign won the Industry Enabler Award at the Tourism Industry Awards in October,” Sharpe says.



Social media also allows members of the public to reach politicians and public servants far more directly. But while this can be empowering for people, it can also be one-sided and misleading and affect the ability of the public service to do its job. Consider the repercussions caused by the social-media posted video of the baby being uplifted from a mother at Hawke’s Bay Hospital or anti-1080 protestors getting vitriolic and personal.

Sharpe says, “It can be quite difficult working in the social-media space in government. We have a team who monitor topics, and we do get some horrible stuff – swearing, abuse, and off-topic. It can get to you, but we check in with each other and enforce our community guidelines to keep it safe.

“On social media, you often need to be quick to capitalise on trending issues or topics. When people have questions or complaints, being able to respond almost instantly is important. We simply don’t have the time to follow more traditional approval processes – so making sure our team has a direct line to subject matter experts and are able to push out messages using a streamlined approval process is important.

“More and more, our staff are seeing the benefits of using social media to push important messages or to engage New Zealanders in our work. We can avoid bigger media issues or more criticism down the line. It’s a cost-efficient and rapid way to engage with people,” Sharpe says.

There can be problems, though, around managing public expectations. Because social media allows people easy access to officials, they expect a fast response.

Government agencies must have adequate resourcing to meet these expectations, such as employing digital specialists to maintain the platforms.

Threats to democracy

The immediacy of digital interaction is challenging the traditional democratic processes employed by the government, and a more direct engagement is emerging.

Sir Peter Gluckman says, “Unfortunately, this engagement is not always underpinned by quality information and thus limits the scope of serious and informed public discussion and debate. The ability for quite misleading information to be widely distributed can affect democratic processes, as well as how societal consensus is formed.

“The apparent decline in the quality of national discourse is amplified by the echo-chamber effect of social media whereby individuals’ biases are reinforced by only hearing from people with similar views.

THE IMMEDIACY OF DIGITAL INTERACTION IS CHALLENGING THE TRADITIONAL DEMOCRATIC PROCESSES.

“Filtering the mass of highly variable information is made more difficult because of the conscious and unconscious biases we deploy in the way we select, curate, and evaluate it (not to mention the way the information is selected for us via scripted software algorithms).

“The digital revolution is unstoppable and irreversible. The speed, scope, and pervasiveness of digital technologies is profound. Like every other technology-driven change, it has benefits and challenges.

“Conventional tools of governance, regulation, and accountability are now thrown into question.”

Gluckman leaves us with this challenge: “Can societies and governments be more proactive about maximising the opportunities and minimising the risks of the digital revolution?”

It’s up to us!

Why all the reorganisation?

MASASHI YUI, PhD Candidate at the School of Government, Victoria University, gives his views on a seemingly endless trail of public sector reorganisation.



Masashi Yui

Two years have passed since the Labour–New Zealand First coalition government, supported by the Greens, was formed in October 2017. In regard to reorganising the public sector, the government has made these changes: it has established the Pike River Recovery Agency, renamed the Ministry for Children, and set up the Ministry of Housing and Urban Development, the Office for Māori Crown Relations, and Kāinga Ora–Homes and Communities. In addition, more new organisations, such as the New Zealand Infrastructure Commission and the National Emergency Management Agency, will be established soon. What this means is that this government is continuing the trend of reorganisation that started from the 1990s. That is, the New Zealand state sector continues to undergo successive and endless organisational restructuring even after its revolutionary years of 1986–1992 (see more in the *Policy Quarterly* article published in 2018 by Yui and Gregory). The amount of reorganisation between 1993 and 2017 is more than double that between 1960 and 1985.

When considering the state sector reorganisations that have been carried out or are planned under the current government, we can make two points:

- **Reorganisations are cyclical in nature.** The Ministry of Housing and Urban Development has been recently created as a stand-alone ministry dedicated to housing. Before 2012, a dedicated housing ministry had been in place since 1974. Changes have been more pronounced in the primary-industry sector. Its three key policy areas – agriculture, fisheries, and forestry – were sometimes separated into different departments or two-to-one arrangements (for example, the Ministry of Agriculture and Fisheries and the Ministry of Forestry); at other times, all of them were combined into one. This time, the Ministry for Primary Industries has been internally reorganised into four separately branded business units, including biosecurity and food safety.
- **Reorganisations are political activities.** In the 2017 general election, the parties that are now in government promised to create about 20 new government organisations. However, not all of them have been established as promised. Since MMP was adopted in the mid-1990s, non-majority governments have been the norm. As a result, some reorganisations have been more likely to be carried out than others. The Criminal Cases Review Commission and the Parliamentary Budget Office are examples of the organisational changes initiated under the present government through coalition or confidence and supply agreements. These changes may look normal, but they are also

political activities. Arguments for every organisational change are normally positive and give a message of improvement. Also reorganisation is not at the top of the list of the people's demand for government action, and so they are less politically controversial. They are easy things for governments to do. Plus, changing organisational structures is a relatively straightforward exercise through the current State Sector Act 1988. Therefore, a government's decision not to implement reorganisation proposals would be a defeat for the advocates of reforms.

From a research point of view, this is all very interesting, but on the other hand, I've puzzled over the frequent, continuous, and repetitive organisational changes in the country's state sector, especially during the last 30 years. There are many factors behind the changes, but what's certain is that reorganisations reflect policy actors' views of how government should work according to their own concerns and priorities. We can only assume that this approach to reorganisations will continue until the perfect organisational structure has been found! Put differently, reorganisations do not appear to make a real impact in terms of efficiency and performance.

WE WELCOME OUR READERS' OPINIONS.

If you have an opinion about this or other issues, contact Shenagh.

shenagh@ipanz.org.nz

PUTTING CHILD AND YOUTH WELLBEING AT THE CENTRE OF DECISION MAKING

The Department of the Prime Minister and Cabinet have recently released New Zealand's first Child and Youth Wellbeing Strategy. Director of the Child Wellbeing Unit MAREE BROWN explains the special character of this strategy.

Recent national and international studies provide some insights into the relative wellbeing of New Zealand children and young people. In short, we know that while most children and young people are faring relatively well, too many are experiencing significant hardship or disadvantage early in their lives – compromising both their current and their future wellbeing. For instance, nearly a quarter of New Zealand children are growing up in households considered to be in poverty after housing costs are taken into account. An even greater number experience or are exposed to family or sexual violence each year. Half of all lifetime mental health issues start by age 14. Most alarmingly of all, our youth suicide rates are the highest in the world.

From the Cabinet table to the kitchen table

Despite significant government and community investment and effort over many decades, inequities in child outcomes persist. In part, the problem has been fragmentation of effort – too many policies and services developed and implemented in silos; fragmentation between agencies, between national and local level activity, and between different services; and multiple players all seeking to solve different parts of the puzzle.



Maree Brown

New Zealand's first Child and Youth Wellbeing Strategy, launched in August 2019, seeks to align our collective efforts to a common set of goals for children and young people and to bring about change at all levels – from the Cabinet table to the kitchen table. It sets out a shared understanding of what young New Zealanders said they want and need for good wellbeing, what government is doing, and of how others can help. It requires us

to think about child wellbeing “in the round” and promotes whānau-centred approaches as a practical application of this. It places priority on addressing the significant inequities experienced by tamariki and rangatahi Māori and on improving services and support for all those with greatest needs.

What's different about this opportunity?

We can all think of government strategies that have not made the difference intended or that have been replaced by something new before they've been fully implemented.

A key difference with this strategy is the legislation that underpins it. The Child Poverty Reduction Act and amendments to the Children's Act make the development of a strategy and

the setting of child poverty targets a requirement for future governments, rather than what could be perceived as a “one-off” exercise. Annual progress reporting requirements provide an ongoing level of public transparency and accountability for improving child and youth wellbeing and reducing child poverty.

NEARLY A QUARTER OF NEW ZEALAND CHILDREN ARE GROWING UP IN HOUSEHOLDS CONSIDERED TO BE IN POVERTY.

The broad parliamentary support of the legislation provides more certainty when the timeframes we need to work to are across successive governments – 10 years in the case of the child poverty targets and a cycle of three-year reviews of the strategy. That will enable us to take a systematic approach to improving child wellbeing and establish a critical path of action to achieve the strategy's vision that New Zealand is the best place in the world for children and young people.

Embedding the changes – new ways of working together

The legislation creates the foundations for our work. Furthermore, Cabinet has agreed that the strategy will provide an overarching framework for all central-government policy development related to children. The Child Wellbeing Unit was established in a central agency – the Department of the Prime Minister and Cabinet – to lead and co-ordinate a cross-government approach to the work. The wellbeing budget approach and the proposed reforms to the Public Finance Act and the State Sector Act also create more of the new “hard wiring” by putting the wellbeing of New Zealanders at the centre of everything government does.

Achieving the ambition of the strategy also requires new ways of working. Very early on, we realised that we also had to “soft wire” into our system the sorts of working practices and the mental models that would give us the best chance of success.

Within government, we've looked to join up our efforts and our advice across portfolios. The Prime Minister invited senior ministers to work together and co-lead priority work areas jointly with other ministers and their agencies. And at an agency level, we've used cross-agency governance and working groups to progress the work collectively, from the chief executive level down. Increasingly, that's enabled us to agree on how to prioritise and sequence the work across the whole social sector and provide joined up advice to ministers on things like budget priorities.

Ultimately, we were aiming for a national plan that people could see themselves in and sign up to – a way of getting people on the same page and aligning our collective efforts.

The most effective way to achieve that was to crowd-source the strategy's development – to involve as many individuals and organisations and sectors as we could in helping to shape the strategy and to listen and reflect what we heard. With the support of partner agencies, we ran an extensive public engagement process and received feedback from more than 10,000 New Zealanders, including 6,000 children and young people. In particular, we made a real effort to hear from children and young people, from Māori and iwi groups, and from those whose voices are less often heard; for instance, children and young people with disabilities, young people in alternative education centres and those in state care, and families and whānau who are struggling to get by.

WE'VE LOOKED TO JOIN UP OUR EFFORTS AND OUR ADVICE ACROSS PORTFOLIOS.

Current Programme of Action – prioritising greatest needs first

The strategy includes a current Programme of Action that brings together more than 75 actions and 49 supporting actions, led by 20 government agencies. These actions were backed by around \$3.5 billion in funding to improve child wellbeing in Budget 2019. While the strategy aims to improve the wellbeing outcomes for all New Zealanders under 25 years old, it also reflects the strong call to provide relief first to those who need it most – with significant investment to reduce child poverty and family violence and to improve learning support and mental wellbeing services for young people. There's also a strong focus on supporting iwi/Māori and local communities to develop solutions that work for them.

New actions will be added over time as further policy decisions are made in areas like welfare and education sector reforms. There's also an ongoing work programme to address some of the most complex issues, such as mitigating the impacts of socio-economic disadvantage; ensuring children are free from racism, discrimination, and stigma; and improving the overall system of support in the very early years of life.

How will we know we are making a difference?

The strategy includes a set of indicators and corresponding measures to help track progress and point to where more work might be needed. These will also help inform the annual reports to parliament, which are required by legislation – the first of which is due in early 2021. At a minimum, the report needs to include specific information on outcomes for Māori children and young people and analysis of disparity of outcomes by household income or socio-economic status. Where data is available, we'll also report on outcomes for other groups too. And we will also draw on qualitative research with children and families and the evaluation of individual actions in the strategy.

A number of indicators directly ask children and young people to describe their experiences – for example, how safe they feel, how they feel their family is doing, or whether they have a sense of belonging. Where possible, we've aligned these indicators with Indicators Aotearoa New Zealand, the national indicator set released by Statistics NZ earlier this year. We know that we have major gaps in our national data set – particularly for those under 15 years old, and we'll be working to fill these over time.

We've also undertaken to evaluate the strategy as a whole. We know that at the national level it will take some time to observe

changes in outcomes, so our initial focus will be on whether the strategy is on track, whether it's being implemented as intended, and whether it's driving alignment across government.

WE NEED TO FIND WAYS TO BETTER SUPPORT PEOPLE AND COMMUNITIES TO DRIVE THE SOLUTIONS THAT WORK FOR THEM.

We need collective action

Feedback from the public was clear that the strategy needs to be bigger than government – it needs to recognise and support the vital roles of parents, whānau, iwi, and community organisations, philanthropists, and others in helping children and young people to thrive. There are numerous great examples of local collaboration and innovation that we can learn from and build on.



There's been a positive response to the strategy to date and a high level of interest. Some NGOs and community groups have already begun to align their planning and actions to the child and youth wellbeing framework.

We need to find ways to better support people and communities to drive the solutions that work for them. Sometimes the best thing government can do is get out of the way. We're working with agencies to develop resources to help implement the strategy and mobilise further action.

These are complex issues, and it will take an all-of-government approach, working in partnership with iwi, community groups, local government, philanthropic organisations, the business community, and others. We're keen to hear your ideas – contact us on childyouthwellbeing@dpmc.govt.nz.

And to find out more about the strategy, go to our website childyouthwellbeing.govt.nz. From there, you can also subscribe to our e-newsletter for regular updates.

THE 15 MARCH ATTACKS:

AGILITY AND COLLABORATION IN THE POLICY RESPONSE

The 15 March Christchurch shootings saw immediate responses from individuals, families, communities, and organisations. It also saw the government act with unprecedented speed and bipartisan support to introduce new legislation prohibiting military style, semi-automatic weapons.

CARL BILLINGTON sat down with Jeremy Wood and Sheryl Pinckney of the New Zealand Police to learn more about what took place and what made it possible for the public sector to move with such remarkable speed.

- On Friday 15 March, the shooting took place.
- The alleged offender was apprehended 21 minutes after the first call to the Police.
- By 9.00 p.m., the Police Minister and Prime Minister had been briefed.
- On Saturday, the Prime Minister promised in a press statement “our gun laws will change”.
- On Thursday 21 March, the ban was announced, and all affected firearms were categorised as Military Style Semi-Automatics.
- On Friday 12 April, the law was passed, 28 days after the event.

“Policy generally doesn’t get developed quite that fast, and legislation very rarely gets drafted that quickly,” Jeremy Wood, Director – Policy and Partnerships for New Zealand Police, explains.

“The need for firearm reform had been around for a long time, but for various reasons, it had not progressed. That all changed on 15 March, and it very quickly became apparent that the PM had a very strong motivation to act and to move quickly.”

A peek behind the scenes

“We put the call out on Friday for people in our group to be on hand over the weekend to do whatever was needed to support the response.

POLICY GENERALLY DOESN’T GET DEVELOPED QUITE THAT FAST.

“We were asked to prepare a Cabinet paper for Monday, indicating what the policy options were towards banning the sorts of firearms used in Christchurch and how you might implement that. Our team began work on the paper on Saturday, and we had the first meeting with the Prime Minister, the Police Minister, and other senior ministers on Sunday morning to review things. On Monday, the paper went to Cabinet,” Wood explains.

For Wood and the team, the definitions were a key issue: “There are thousands of types of guns out there, and it’s difficult to define them appropriately. It’s remarkably technical.

“Some types of firearms have become extremely modular: you can buy them, take them apart, buy different parts, and put them together in different combinations, creating a new, more lethal firearm out of it.

“Not defining things in the right way could mean prohibiting firearms that are legitimate, everyday tools or creating technical loopholes that could be exploited,” Wood explains. “We had excellent input from police armourers and other experts.

“In essence, the line the government was trying to achieve was to define which firearms are fundamentally too dangerous, compared with firearms generally, given all are inherently dangerous.”



Jeremy Wood

Not everyone agrees that the right balance was found – and this remains highly controversial.

The other challenge was anticipating how the market might respond and forestalling the possibility of people stockpiling firearms ahead of a prohibition.

“The team found a way to solve that immediate problem by reclassifying the assault rifles and semi-automatic weapons the government wanted to prohibit as Military Style Semi-Automatics. Weapons with this classification already required a special licence endorsement – known as an E-category endorsement.

“By 3.00 p.m. on Thursday 21 March, it was illegal to possess one of these weapons if you didn’t have the endorsement, effectively shutting off buying and selling of these firearms and avoiding the risk of stockpiling. It was an innovative way to address the issue until the prohibition came into effect. An amnesty was very quickly put in place to avoid criminalising law-abiding citizens,” Wood explains.

“Government was also aware that this was going to cost affected people as they found themselves owning firearms that were now prohibited. Ministers quickly recognised the need for a buy-back process.”

Getting everyone up to speed

Firearms are everyday tools for some people, such as farmers. But for others, firearms in New Zealand tend not to be that visible. In that sense, it’s different from many other hobbies or sports.

“To build a good understanding of the kinds of firearms that caused such a risk of public harm and their capability, we took some firearms to Cabinet to show them first-hand,” Wood explains.

“We showed what these firearms were like and what you could do with them. We demonstrated how you could adapt the weapons and how quickly you could fire off multiple rounds.”

New Zealand has approximately 245,000 firearms licence holders, about 500 dealer licences, and around 7,500 E-category endorsements issued (prior to the law change). The total number of firearms in New Zealand is estimated to be between 1.2–1.5 million. However, this is just an estimate. We don't have a record or a register of all firearms.

"Not many New Zealanders knew that these kinds of firearms were around in the numbers they were, because they're not particularly visible to the general public. The attacks led to a common question: 'Why do we have these things here?'" Wood adds.

BY 3.00P.M. ON THURSDAY 21 MARCH, IT WAS ILLEGAL TO POSSESS ONE OF THESE WEAPONS.

"The level of motivation from people within the Police and across the public sector was huge – there was a sense of moral outrage and deep sadness from the attack on 15 March that really galvanised people."

The drafting begins

Once Cabinet's decision was announced, the next steps were to draft the legislation, advise the select committee, read and analyse around 13,500 public submissions, and develop the policy settings for the buy-back scheme – all by the first week of April so legislation could be introduced when parliament next sat.

Sheryl Pinckney explains: "The prohibition work was plenty by itself, but we were also working on the policy settings for the buy-back and progressing policy work on further changes to arms law. When it became clear that we had those three relatively chunky pieces of work tracking in parallel, we put out a call for help. The response was amazing – public servants at their best, people just wanting to make a real difference.

"We had people come in from the Ministries of Justice, Education, Primary Industries, and Health and from Inland Revenue, LINZ, and DOC. We also had PCO working really hard on drafting the amendment, and later, Treasury and KPMG assisting with the buy-back. We had over 120 people just doing submissions' analysis, with shifts going from seven in the morning through to 11 at night. Everyone just pulled together and made it happen; it was really phenomenal," Pinckney adds.

"It meant we had to have additional computers set up with secure access and everyone had to be Police vetted. Things that normally take 20 days had to be done within an hour or two. One of the other managers here took on this role, pretty much full time.

"Then, when everything was ready, the draft legislation was vetted against the Bill of Rights Act by Crown Law. Normally it takes a couple of weeks. They worked long hours and did it much quicker than that.

"We had staff working on the policy settings and briefing ministers, almost on a daily basis, including in the weekends, and ministers were coming together to make significant decisions, often late at night. This could only work with an iterative process – drafting, briefing, and revising – and it required constant access to ministers, which they were willing to give."

So what can we learn?

"Even complex things can be managed quickly if you've got the right level of motivation from a wide range of people.

"Having said that, I'm not sure you'd want to do it quite that fast as a rule. The checks and balances that are in place in the process are there for a reason. They do decrease the risk of error," Pinckney adds.

For Wood, the crisis also presented a number of unique characteristics: "You've got a singular focus in a crisis. This made it



Sheryl Pinckney

possible to take people off other work. Many other things came to a halt – that isn't possible in your normal environment.

"Trying to engage in a bit more dialogue with more than your own minister would be a very valuable approach to retain. It demonstrated what's possible when you haven't figured absolutely everything out from a policy and design perspective yet," Wood says.

IT SPOKE TO THAT CLASSIC SPIRIT OF SERVICE – PEOPLE WANTED TO CONTRIBUTE TO SOMETHING THEY REALLY BELIEVED IN.

Pinckney adds: "Having ready access to a group of decision-making ministers was also critical. That's fairly unusual, given how busy they are, and would be harder to achieve outside of a crisis situation.

"Another key thing was the level of humility and willingness to say, 'We need a hand.' We also had a lot of support from Australia – they have 20 years' experience ahead of us and sent representatives from each state over to assist at key stages and share what worked and what didn't."

For Wood, it was also an opportunity to break down the divide between operational and policy aspects of the work: "They can be quite split worlds. One advantage of being based in a highly operational agency like Police is that you work together throughout the process of developing policy. That approach was essential to delivering legislation in the time we had. It met what the government intended and could be effectively delivered on the ground.

"The traditional approach is also to do most of the thinking before you write something for a minister. In this case, being able to iterate with ministers when we were dealing with something so complex and contentious was incredibly valuable – we couldn't have done it without that level of engagement."

Reflecting on the experience overall, Wood concludes: "It was a unique experience. It was extremely technical but also extremely visceral for people. They were tired but kept their focus and their passion. It spoke to that classic spirit of service – people wanted to contribute to something they really believed in. I can't thank them enough for the help they all gave us.

"It was fast but it was by no means simple. I don't think it had ever been done in this way or at this speed before. In terms of the current context of state sector reforms seeking agile, cross-government collaboration and reinforcing the spirit of service, this is probably the best example I've ever seen."



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