



18 September 2024

s 9(2)(a)

Official information request

Our ref: MFR-25OIA010

Tēnā koe ^{s 9(2)}
(a)

I refer to your request made under the Official Information Act 1982 (OIA) received on 21 August 2024. You requested:

Please provide details of:

- Internal policies, principles, rules, and guidelines for employment of staff*
- the total number of staff in the Minister [sic] for Regulation.*
- the political party affiliation of current staff as aggregated totals*
- details of the decision making process for establishing the pay for new employees at the Minister {sic} for Regulation.*

Employment policies, rules and guidelines

As the Ministry for Regulation (the Ministry) has recently been established, a number of internal policies, rules and guidelines for the employment of staff are being developed. The Public Service Commission's [Government Workforce Policy Statement](#) and [Workforce Assurance Model Standards](#) guide the development of all policies.

The Ministry's internal recruitment policy and complaints about appointments procedure have been finalised and are enclosed. Recruitment undertaken to date has met all obligations under legislation including the *Employment Relations Act 2000*, *Equal Pay Act 1972*, and the *Public Service Act 2020*.

Please also refer to the remuneration decision making process described on the next page.

Total number of staff

The number of staff working at the Ministry changes regularly as recruitment into the permanent structure continues. On 21 August 2024, the date of your request, there were 65 people working for the Ministry. This total includes people seconded from other agencies, staff on permanent and fixed term employment agreements, and a small number of people engaged as contractors.

Staff political party affiliation

The Ministry is part of the apolitical and neutral public service.¹ Unless a conflict of interest relating to political affiliation is declared by a staff member, the Ministry does not collect political affiliation information. The Ministry does not hold any information about the political party affiliation of current staff. I must therefore refuse this part of your request under section 18(e) of the OIA, as the information does not exist.

Remuneration decision-making processes

The Ministry's People team develops a job description for new permanent jobs. The job description is either sized by an external party, or compared to similar internal and external roles to decide its appropriate remuneration range and band. Remuneration ranges and bands are based on the Korn Ferry Hay methodology, which is commonly used across the Public Service.

Managers can make employment offers and set salaries within the band, with advice from the People team. The Chief Executive is required to approve any employment offer where the appointment salary is outside of the remuneration band.

Right of review

If you wish to discuss this response with us, please contact hello@regulation.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we may publish this letter (with your details removed) on the Ministry for Regulation website.

Ngā mihi

s 9(2)(a)



Aisling Risdon
Head of Ministerial Services
Ministry for Regulation

¹ <https://www.publicservice.govt.nz/role-and-purpose/integrity-and-conduct/principles-guidance/politically-neutral>



Internal policy | Recruitment

Version	1.0	Contact	People Team
Policy Owner	Head of Corporate	Approved	26 July 2024
SharePoint	Internal policies	Due for Revision	March 2025

Scope

This recruitment policy applies to the appointment of employees to a position with the Ministry for Regulation (the Ministry or we/our), whether permanent or fixed term or secondment.

This policy also does not apply to the engagement of contractors and consultants, and service contractors. These engagements are to occur under the Ministry's procurement policy [Internal policy | Procurement](#).

Principles

The Ministry wants a collaborative and inclusive work environment with talented people motivated by a spirit of service who thrive on complex issues, can see the big picture and inspire others.

Our recruitment and selection processes for a position therefore must:

- meet all legislative requirements;
- be merit based, giving preference to the candidate best suited to the position considering their relevant skills and experience (including cultural expertise and experience gained from voluntary and community work);
- support diversity and inclusion;
- include an expectation on a candidate to bring or be open to developing Māori Crown relations capability (including te ao Māori, tikanga and kawa, Aotearoa New Zealand history and Te Tiriti o Waitangi | Treaty of Waitangi);
- encourage and value workforce agility and the transfer, development and promotion of internal talent within the Ministry when considering recruitment to a position;
- follow a fair and impartial process including minimising unconscious bias and protecting confidentiality and which enables all candidates to be able to demonstrate their 'best self'.

Implementing this policy

All staff will be able to view vacancies in the [Ministry's careers hub](#).

Applicable appointments (being appointments except for appointments of acting or temporary or casual employees, or to ministerial staff) of successful candidates will be accessible via the appointments intranet page [Vacancies and appointments](#). Existing employees may raise a complaint about any applicable appointment for review by the Ministry [Internal procedure | Complaints about appointments](#) as per Schedule 8 of the Public Service Act 2020. To do so, an

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employee can email people@regulation.govt.nz within 5 working days from the date of the appointment stated on the appointments intranet page, for Ministry review of their complaint [Internal procedure | Complaints about appointments](#). The employee's email should include:

- the appointment to which the complaint relates;
- the nature and/or grounds for the complaint, and any supporting written material; and
- whether the employee wishes to be heard on the matter.

A manager who is hiring (and the successful candidate) will need to be aware that applicable appointments under this policy are provisional pending the outcome of the Ministry review (as one outcome of a review could be cancellation of the applicable appointment). The employee will be informed promptly of the outcome of that review.

A manager who is hiring to a position is responsible for leading a rigorous recruitment and selection process and must own the outcome. This includes complying with the Ministry's delegations policy [Internal policy | Delegations](#), ensuring the processes' compliance with the above principles and:

- finalising a job description or job brief (for temporary roles) that captures a realistic view of the position and the work it entails;
- notifying any vacancy which is permanent or with a duration of longer than 6 months using one or more means that will enable suitably qualified people to apply for the position;
- proactively involving other teams within the Ministry on selection panels, where appropriate, and ensuring that the selection panel composition is diverse, where practicable;
- using multiple sources of information when making recruitment decisions so that decisions are not based on only one source which may end up being unreliable;
- communicating with candidates clearly, respectfully and in a timely manner, and prioritising the recruitment process once commenced;
- completing pre employment checks, including as required under the protective security policy [Internal policy | Protective Security](#).

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To begin the process, the manager contacts the People Team to assist the manager with guidance on the life cycle of the recruitment and selection process. Head of Corporate will approve any policy exemptions and the People Team will ensure a central record is kept of all recruitment processes undertaken and the resulting outcomes.

The Ministry monitors starting salaries to ensure a fair and equitable salary compared with others in similar roles, given the successful candidate's level of skills and experience. The Ministry's remuneration policy is also available here [\[link to remuneration policy\]](#).

Managers may need to consider the application of our flexible working policy in respect of an appointment [\[link to flexible working policy\]](#).

Once an appointment is finalised, managers should access the onboarding and induction information from the People Team.

Related policies and more information

Delegations policy [Internal policy | Delegations](#)

Remuneration policy [\[link to remuneration policy\]](#)

Flexible working policy [\[link to flexible working policy\]](#)

Relevant legislation:

- Public Service Act 2020
- Employment Relations Act 2000
- Privacy Act 2020
- Human Rights Act 1993
- Equal Pay Act 1972

Yellow highlight = policy in development



Edit

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Ministry for Regulation
Te Manatū Waeture

Internal procedure | Complaints about appointments

Version	1.0	Contact	People Team
Policy Owner	Head of Corporate	Approved	26 July 2024
SharePoint	Internal policies	Due for Revision	March 2025

Scope

This procedure relates to the review of a complaint raised by an existing employee at the Ministry for Regulation (the Ministry or we/our) under the Public Service Act 2020 (the Public Service Act) about applicable appointments by the Ministry under its recruitment policy [Internal policy | Recruitment](#).

This procedure does not relate to matters that fall within the Official Information Act 1982 or the Privacy Act 2020 in the context of requests for review of an appointment – these matters will be addressed in compliance with those statutes see official information policy [Internal policy | Official Information Policy](#) and privacy policy [Internal policy | Privacy](#).

Context to the procedure

Under clause 4 of Schedule 8 of the Public Service Act, the Ministry is required to notify its employees about appointments made to the Ministry except for appointments of acting, temporary, or casual employees or to ministerial staff (**applicable appointments**). Any of the Ministry's employees (the **complainant**) may raise a complaint against any applicable appointment. The Ministry is then to review the applicable appointment in accordance with a procedure approved by the Public Service Commissioner and which complies with the guidelines prescribed by the Public Service Commissioner.

The notification of an applicable appointment so that such a review may occur is frequently referred to as **promulgation**. All applicable appointments are provisional during promulgation until any review which has been triggered has been determined.

Procedure for review of applicable appointments following employee complaint

Triggering a review

Types of complaints

The Public Service Act does not limit the subject matter for a complaint that a complainant may raise about an applicable appointment. Issues that may trigger a complaint include:

- Procedure i.e. was the correct process followed in making the appointment?

- Substance i.e. was the individual 'best suited' to the position appointed?
- Discrimination i.e. was there discrimination on the basis of gender, cultural background, religion or other prohibited grounds?

Process for complaints

The process for complaints to be followed by a complainant is notified in the Ministry's recruitment policy and the appointments intranet page. A complainant must raise a complaint in writing about an applicable appointment within 5 days of the date of appointment stated on the Ministry's appointments intranet page (date of appointment).

The complainant is advised to email the People Team within that period with the following information:

- the appointment to which the complaint relates;
- the nature and/or grounds for the complaint, and any supporting written material; and
- whether the employee wishes to be heard on the matter.

If a complainant uses a different method to raise a complaint, such as raising it with their manager, the manager should encourage them to use the above process and timeframe. If a complaint is received outside the timeframe or without using this process, the Secretary for Regulation shall determine whether the complaint should, in any event, proceed to review.

Conducting a review

Time for review

Whenever practicable, reviews should be completed and decisions made within 10 working days from receiving the complaint. This generally means that promulgation should be able to be completed between 5 working days (if no complaint is received) and 15 working days of the date of appointment.

Selection of reviewer or review committee

In the Secretary for Regulation's discretion, a review will be undertaken by either:

- one reviewer agreed upon by the complainant and the Secretary for Regulation; or
- a review committee comprised of three members including the convenor, chosen by the Secretary for Regulation.

Background of reviewer and composition of committee

Any individual, whether or not the individual is employed by the Ministry, may be considered by the Secretary for Regulation for appointment as a reviewer or member of a review committee, unless that individual was involved in the applicable appointment.

Where a review committee is appointed, where practicable it will have gender, cultural and ethnic diversity appropriate to the nature of the complaint.

The reviewer or review committee will undertake a conflicts of interest process before commencing in accordance with our conflicts of interest policy [Internal policy | Conflicts of Interest](#)

Matters considered

The reviewer or review committee must consider the appointment recommendation, the job description for the position, and other specifications for the position as appropriate. Additional material may be considered in the discretion of the reviewer or the review committee.

Those who wish to make submissions to a reviewer or review committee must be given a reasonable opportunity to make their presentations.

In many cases, a review may be conducted on the basis of considering the required paperwork together with submissions from (or interviews with) the complainant, the successful candidate, and others approved by the reviewer or review committee.

Review not overly formal

Reviewers or review committees must endeavour to avoid:

- overly formalised structures and procedures;
- an adversarial atmosphere between the complainant and Ministry staff and/or the successful candidate; and
- a protracted review period.

Support persons

Complainants may, at the discretion of the reviewer or review committee, be accompanied by a whānau representative, friend, union representative, or other individual. The reviewer or review committee will determine the role of these support persons.

Lawyers (except where acting as a support person) will not normally be allowed to represent individuals at a review, as the Ministry desires to keep the process simple and non-legalistic.

Travel and accommodation expenses

The Secretary for Regulation may determine, in their discretion and in appropriate circumstances, to pay for the reasonable travel, meal expenses, and/or accommodation expenses of the complainant, the successful candidate, the reviewer or review committee, and others directly involved in a review.

Notification of vacancies

Where applicable appointments have been made to vacancies that were not notified using one or more means, the manager making the appointment must provide the reviewer or review committee, in writing, the reasons that the position was not notified using one or more means.

Possible outcomes of a review

Upon completing a review, the reviewer or review committee may recommend to the Secretary for Regulation in writing any of the following options:

- confirmation of the applicable appointment;
- cancellation of the applicable appointment and re notification;
- cancellation of the applicable appointment and re-consideration of the same group of candidates;
- cancellation of the applicable appointment and appointment of the complainant (where the complainant was an applicant); or
- any other appropriate option.

Decision

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The Secretary for Regulation will consider the reviewer's or the review committee's recommendation and determine whether to accept it in whole or in part.

The Secretary for Regulation's decision must be notified to the successful candidate and the complainant as soon as practicable, followed up in writing to each confirming the decision.

Record-keeping

The People Team will maintain a register of all reviews and their outcomes.

Related policies and more information

Recruitment policy [Internal policy | Recruitment](#)

Relevant legislation:

- Public Service Act 2020
- Official Information Act 1982
- Privacy Act 2020

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