

**MUSEUM OF NEW  
ZEALAND  
TE PAPA  
TONGAREWA**

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Wellington  
New Zealand

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[www.tepapa.govt.nz](http://www.tepapa.govt.nz)



23 February 2024

Tēnā koe,

**Re: Official Information Act (OIA) Request – fiscal sustainability programme and change management/employment relations guidance**

I am writing in response to your email dated 9 February 2024 in which you requested:

1. *Any correspondence received by you between 1 December 2023 and today from your agency's responsible minister, the Minister of Finance, Treasury, or any other Minister or Agency regarding the fiscal sustainability programme, including any savings required by your agency.*
2. *Any letters of expectation or guidance from Te Kawa Mataaho received by you between 1 December 2023 and today regarding change management or employment relations.*

As advised by email on 21 February all correspondence regarding the fiscal sustainability programme, including communications from Ministers, is already held by Manatū Taonga | Ministry for Culture and Heritage. Part one of your request was transferred to Manatū Taonga on 21 February in accordance with s14 of the OIA.

Information within scope of part two of your request is attached. One email and attached document has been withheld under s9(2)(f)(iv) of the OIA.

If you are not satisfied with this response you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss any aspect of your request with us please contact [OIA@tepapa.govt.nz](mailto:OIA@tepapa.govt.nz).

Yours sincerely

A handwritten signature in black ink, appearing to be 'FL' or similar initials.

Frances Lawrence  
**Principal Advisor Strategy, Planning and Performance**

**From:** [Sue Quirk](#)  
**To:** [OIA](#)  
**Subject:** FW: [UNCLASSIFIED] Agency Workforce Leads - Change-related mobility  
**Date:** Wednesday, 14 February 2024 8:41:06 am  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[Principles regarding management of change 19Jan24.pdf](#)  
[TOR Agency Workforce Leads 2023 .docx](#)  
[Mobility Hub Infographic Sept 2023.pptx](#)

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Related..

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**From:** Carla Drayton [s 9\(2\)\(a\)](#)

**Sent:** Tuesday, January 23, 2024 1:24 PM

**To:** [s 9\(2\)\(a\)](#)

[Redacted content]

**Cc:** [s 9\(2\)\(a\)](#)

[Redacted content]

s 9(2)(a)

**Subject:** [UNCLASSIFIED] Agency Workforce Leads - Change-related mobility

[UNCLASSIFIED]

Kia ora Agency Workforce Leads,

Happy New Year! I hope you had a safe and relaxing holiday break and that the transition back to the office has been relatively gentle.

There are a few things I'd like to highlight / share with you at this point in time:

**Change-related mobility and AWLS:**

-

The Heads of HR met last week and an ER update was provided by Charlie Busby, Manager Workforce and Employment Relations. This session focused on fiscal sustainability and upcoming change processes, introducing a Change Resource Hub (that is being set up by The Public Services Commission), Change Principles (which are attached FYI) and requesting information from Heads of HR on change activity in their agencies. **Out of scope**

[Redacted]

**Out of scope**

**Out of scope**

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- [Redacted]
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[redacted] to ra,

**Carla Drayton**  
Kaitohutohu Matamua, Rautaki Ohu Mahi me te Nekeneke | Principal Advisor, Workforce Strategy and Mobility  
Ohu Mahi | Workforce Group  
waea pukoro: s 9(2)(a) | imera: s 9(2)(a) @publicservice.govt.nz  
**Te Kawa Mataaho Public Service Commission**  
[www.publicservice.govt.nz](http://www.publicservice.govt.nz) | [www.govt.nz](http://www.govt.nz)



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[UNCLASSIFIED]



*The following does not constitute legal advice. Legal advice should be sought in individual cases as required.*

The Commission notes that whilst there is no ‘one size fits all’ approach to change management, each agency should have a clear vision of the purpose of change and commit to a process that follows legislation and their existing policies, treating people with respect and taking into account agency context and employee engagement structures:

- **Agencies should follow their management of change policies and** procedures, noting that these should reflect individual and collective employment agreements and other contractual commitments (see footnote below). Change processes need to be transparent.
- **People doing the work are well placed to identify efficiencies or improvements** that may improve effectiveness and minimise the extent of redundancies. Proposals for changed staffing arrangements should be developed and discussed with the potentially affected staff and their union/s, prior to any final decisions being made.
- **Agencies will commit to a meaningful consultation** with sufficient time for potentially affected staff and their representatives to provide input to proposals and provide feedback on the final draft of proposals. Appropriate release time for employee representatives should be provided.
- **Retention of skilled public servants in employment is preferable to the extent possible** and options to enable this are actively developed and considered through the consultation process. Approaches should consider attrition, reconfirmation, reassignment, redeployment or retraining into alternative roles in the agency, or redeployment into (suitable alternative) vacancies across the system.
- **Agencies should support individual development** to assist redeployment or appointment of people at risk of redundancy and build public service capability to deliver effective, efficient and responsive services.
- **Where reductions in staffing occur, this should not simply result in sharing the same work across remaining employees**, but agencies will need to explore whether different, improved or more efficient ways of working will be needed to maintain public services.
- **Voluntary redundancy from a pool of affected employees, can be considered** as a selection criterion, at the employer's discretion. Agencies that intend to use voluntary redundancy as part of a change programme should consider carefully the retention of key public service skills, the point at which volunteers are sought and the criteria for approval of requests.
- If staff are likely to be released by reason of redundancy, then agencies should be aware of, and discuss with impacted individuals, the **restrictions on redundancy payments** as set out in Public Service Act 2020 [ss88](#).



- **Staff are engaged and supported** whilst the management of change is continuing, including the post-implementation phase of the process as the organisation moves into business as usual. This may include post-implementation review of the change.
- **Agencies should engage the Public Service Commission's Mobility Hub**, which can act as a broker to support matching of Public Service vacancies with those seeking redeployment.
- **Effective communication** with staff and their representatives is vital throughout the process.
- Agencies should also **note the heightened good employer obligation** that public service agencies are expected to meet under the Public Service Act 2020 and any commitments under tikanga<sup>1</sup> and agencies should ensure that their staff understand their obligations under the Code of Integrity and Conduct for Public Servants– [He Aratohu](#)

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<sup>1</sup> <https://www.employmentcourt.govt.nz/assets/Documents/Decisions/2023-NZEmpC-101-GF-v-Comptroller-of-Customs-Judgment.pdf>

**From:** [Sue Quirk](#)  
**To:** [OIA](#)  
**Subject:** FW: Heads of HR (wider) - notes from 18 January 2024  
**Date:** Wednesday, 14 February 2024 8:38:51 am  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[Principles regarding management of change 19Jan24.pdf](#)  
[Wider Public Sector HOHR Notes 18 January 2024.pdf](#)

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Morena

This has the reference to change which was in the request...

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**From:** Erina Jamieson **s 9(2)(a)** > **On Behalf Of** Paula Davis

**Sent:** Friday, January 19, 2024 3:31 PM

**To:** s  
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)  
[Redacted]

**Cc:** s 9(2)(a)  
[Redacted]

**Subject:** Heads of HR (wider) - notes from 18 January 2024



Kia ora koutou

Please find attached the minutes from yesterday's Heads of HR hui, as well as the principles regarding management of change document mentioned in the meeting.

Nga mihi,

**Paula Davis** (ia/she/her)

**Director HR Capability and Head of Profession**

Te Ohu Mahi | Workforce Group

waea pukoro: s 9(2)(a) | imera: s 9(2)(a) @publicservice.govt.nz



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## Wider Public Sector Heads of HR

Thursday 18 January 2024

### Actions and Key Points

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### 2. Update from Deputy Commissioner Alex Chadwick

It's going to be a big year ahead for us all, and is always the case with a new government, there will be lots of change.

#### Government Workforce Policy Statement

You are hopefully all aware of the draft Government Workforce Policy Statement that we are consulting on right now. We know some of you have received it but are not covered, so you can treat it more as an FYI. For those of you covered, consultation closes Friday 19 January. Thank you to those of you who have already provided feedback. I also want to flag that we are consulting with unions on this same draft and have contacted them all directly. **s 9(2)(f)(iv)** [redacted]

**Out of scope** [redacted]

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Out of scope  
[Redacted]

On that note, I can clarify that we are not currently intending to issue specific guidance on change management. We are looking at some agreed principles that mostly likely line up with your existing change management practices, so we are all (including unions) on the same page with what to expect.

Out of scope  
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### 3. ER Update from Charlie Busby, Manager Workforce and Employment Relations

#### Change principles

The Public Service Association (PSA) union has approached the Public Service Commission seeking more explicit guidance for public service agencies. To manage expectations in a way that should be achievable for all agencies, we have worked on some principles in consultation with a group of Heads of HR, over the last week. These will be part of a broader range of support for management of change.

While these are aimed at Public Service Departments, we are sharing these with the wider Heads of HR group as a resource you may find useful. The principles, which have been endorsed by the PSA, are attached in this email.

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6. Out of scope [Redacted]

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*The following does not constitute legal advice. Legal advice should be sought in individual cases as required.*

The Commission notes that whilst there is no ‘one size fits all’ approach to change management, each agency should have a clear vision of the purpose of change and commit to a process that follows legislation and their existing policies, treating people with respect and taking into account agency context and employee engagement structures:

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- **Retention of skilled public servants in employment is preferable to the extent possible** and options to enable this are actively developed and considered through the consultation process. Approaches should consider attrition, reconfirmation, reassignment, redeployment or retraining into alternative roles in the agency, or redeployment into (suitable alternative) vacancies across the system.
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- If staff are likely to be released by reason of redundancy, then agencies should be aware of, and discuss with impacted individuals, the **restrictions on redundancy payments** as set out in Public Service Act 2020 [ss88](#).



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- Agencies should also **note the heightened good employer obligation** that public service agencies are expected to meet under the Public Service Act 2020 and any commitments under tikanga<sup>1</sup> and agencies should ensure that their staff understand their obligations under the Code of Integrity and Conduct for Public Servants– [He Aratohu](#)

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<sup>1</sup> <https://www.employmentcourt.govt.nz/assets/Documents/Decisions/2023-NZEmpC-101-GF-v-Comptroller-of-Customs-Judgment.pdf>

**From:** [Sue Quirk](#)  
**To:** [OIA](#)  
**Subject:** FW: Heads of HR (Wider) - notes from 7 December  
**Date:** Thursday, 15 February 2024 5:36:27 pm  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[Wider Public Service HOHR Minutes 7 December 2023.pdf](#)  
[Public Service Core Learning Hub - HoHR.pdf](#)

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Kia ora

Para 3 of the Minutes could be potentially considered change advice for the OIA/PSA.  
There is some advice to come out of the TKM meeting that could assist which I'll send through when I get.

Nga mihi Sue

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**Subject:** Heads of HR (Wider) - notes from 7 December

Kia ora koutou

Please find attached the minutes from yesterday's Heads of HR hui (the last for 2023), as well as an attachment for the Public Service Core Learning Hub.

Nga mihi o te wa o Hine Raumati,

**Paula Davis** ([ia/she/her](#))  
**Director HR Capability and Head of Profession**  
Te Ohu Mahi | Workforce Group  
**waea pukoro:** [s 9\(2\)\(a\)](#) | **imera:** [s 9\(2\)\(a\)](#) [@publicservice.govt.nz](mailto:s 9(2)(a)@publicservice.govt.nz)



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## Wider Public Service Heads of HR

Thursday 7 December 2023

### Actions and Key Points

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1. **Out of scope**

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### 3. Employment Relations update

In the last couple of months we've spoken about fiscal sustainability, particularly engaging with your people and their representatives on ways for meeting the expected fiscal challenges. As we see changes being implemented across the sector, it's timely to highlight the issue of re-employing someone that had recently received a redundancy payment.

A high-level overview of restrictions on redundancy payments - [Section 88 of the Public Service Act](#) notes the restrictions:

1. *A public service employee who has received a notice of termination by reason of redundancy is not entitled to a redundancy payment if, before the employee's employment has ended, the employee—*
  - a) *is offered and accepts another position as an employee in the State services (either in the employee's current department or interdepartmental venture or elsewhere in the State services) that—*
    - i) *begins before, on, or immediately after the date on which the employee's current position ends; and*
    - ii) *is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and*
    - iii) *is on terms that treat service within the State services as if it were continuous service; or*
  - b) *is offered an alternative position as an employee in the State services (either in the employee's current department or interdepartmental venture or elsewhere in the State services) that—*
    - i) *begins before, on, or immediately after the date on which the employee's current position ends; and*
    - ii) *is a position with comparable duties and responsibilities to those of the employee's current position; and*
    - iii) *is in substantially the same general locality or a locality within reasonable commuting distance; and*
    - iv) *is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and*
    - v) *is on terms that treat service within the State services as if it were continuous service.*

There are some simple actions that can be taken:

- **The current employer** – during the change management process, educate staff about the provisions in the Act. If an employee is at risk of redundancy, they can be advised that if they receive an offer from another employer from the State services prior to their last day, they must advise the HR team. HR staff can meet with the employee and discuss the offer in relation to the Act.
- **The prospective employer** – during recruitment, likely at preferred candidate stage, can ask any applicant who is currently employed in the public sector, if they have received notice of redundancy, or left employment with a redundancy payment. During reference checks, they should also ask if under notice of redundancy.
- **The employee** - be transparent about job offers, the timing and conditions of employment offers.

We have seen that the Public Service Association (PSA) has produced material for their members that refers to these restrictions, so it likely that your staff are already aware of this legislation. As always, where agencies have concerns about any particular issues they are facing, they may wish to seek their own legal advice.

4. **Out of scope** [Redacted]

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