

[REDACTED]

8 March 2024

Dear [REDACTED]

Re: Official Information Act Request: Fiscal Sustainability Programme

Thank you for your email on Friday 9 February in which you requested information under the Official Information Act 1982. You requested copies of:

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.*

Please refer to Appendix One for an overview of our response.

Some information is being withheld pursuant to the following sections of the Act:

- 9(2)(f)(iv) - to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials.
- Out of scope.

Note, any correspondence relating to possible saving proposals being explored through Budget 2024, is under active consideration by Ministers. Therefore, such correspondence is being withheld under section 9(2)(f)(iv).

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 it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://www.eeca.govt.nz/about/news-and-corporate/official-information/> with your personal information removed.

Yours sincerely



Dr Marcos Pelenur
EECA Chief Executive

Appendix One:

- 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.**

Item #	Title	Date	Decision
1	Letter from MBIE to Crown Entity Board Chairs and CE's. Fiscal Objectives across the term and budget 2024	11 January 2024	Refuse in full. - 9(2)(f)(iv)
2	Letter to Ms Elena Trout – Energy Efficiency and Conservation Authority from the Minister of Finance	February 2024	Refuse in full. - 9(2)(f)(iv)

- 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.**

Item #	Title	Date	Decision
3	Draft Government Workforce Policy Statement Consultation Jan 24	January 2024	Refuse in full. - 9(2)(f)(iv)
4	PSC Heads of HR notes – 07 December	07 December 2023	Release in part - Out of scope
5	PSC Heads of HR notes – 18 Jan	18 January 2024	Release in part - Out of scope



Wider Public Service Heads of HR

Thursday 7 December 2023

Actions and Key Points

Out of Scope

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.

Out of Scope

Out of Scope



Wider Public Sector Heads of HR

Thursday 18 January 2024

Actions and Key Points

Out of Scope

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. You will see that the draft Statement provides scope for agencies to make decisions that fit their priorities, budgets and services with less specific direction from the centre.

Change management and new change resource hub

We have been working on how the Commission can support agencies and entities across the system with change decisions and implementation. While each agency will be thinking about its own unique set of options and proposals, there will be aspects that will be common to many agencies going through change, and this is where we can work together to take a system-wide approach to best practice and supporting our people.

To this end, we are in the process of developing a concept for a change resource hub. The general idea is a one-stop-shop likely using Teams/ Sharepoint where we can share resources, templates, expertise and ideas.

This may include key messages and context, resources and examples that agencies have used effectively, awareness of courses and training for leaders and also for impacted people, things like CV building or managing through change. We will be compiling all of the relevant advice and resources the Commission has produced before, and anything new we create.

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.

We are also exploring the role that the Workforce Mobility Hub can play throughout this year, noting that it is normally based matching demand with supply. That means we need to think about how that will work when there may be far more supply than demand, or the timings don't line up well.

Voluntary redundancy

One thing we have been asked is whether the Commission supports voluntary redundancy. The short answer is yes, in that we encourage agencies to consider all options available to them and voluntary redundancy is one that is named in the attached principles document. I would just encourage you to weigh up all the pros and cons.

That brings me to the whakataukī I wanted to close with, that I know will be familiar to all of you, but really underpins what I have been talking about:

Waiho i te toipoto, kua i te toiroa
Let us keep close together, not wide apart



Out of Scope

Out of Scope