PUBLICSECTOR

Rāngai Tūmatanui
Journal of the Institute of Public Administration New Zealand
Volume 45 • April 2022

WORKING JOINTLY IN THE NEW ZEALAND PUBLIC SECTOR

TRANSFORMATION OR STASIS? THE PANDEMIC AND THE FUTURE

Institute of
Public Administration
New Zealand

Institute of
Public Administration
New Zealand

PUBLISHER

The Institute of Public Administration New Zealand

PO Box 5032, Wellington, New Zealand
Phone: +64 4 463 6940
Email: admin@ipanz.org.nz
Website: www.ipanz.org.nz
ISSN 0110-5191 (Print)
ISSN 1176-9831 (Online)

EDITOR

Simon Minto: simon.g.minto@gmail.com

CONTRIBUTORS

Spiro Anastasiou
Carl Billington
Brent Chalmers
Will Dreyer
Steph Dyhrberg
Frances Eivers
Collin Fonotau Tukuitonga
Derek Gill
Shenagh Gleisner
Grant Klinkum
Felicia Low
Scott May
Geoff Mulgan
Kathy Ombler
Brian Yee

JOURNAL ADVISORY GROUP

Peter Alsop
Maria Bargh
Jess Birdsall-Smith
Shenagh Gleisner
Chikita Kodikal
John Larkindale
Liz MacPherson
Paula Martin

ADVERTISING

Phone: +64 4 463 6940
Email: admin@ipanz.org.nz

CONTRIBUTIONS

Public Sector welcomes contributions to each issue from readers.

Please contact the editor for more information.

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VOLUME 45 : 1 APRIL 2022

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IPANZ PRESIDENT LIZ MACPHERSON

History does not repeat itself, but it often rhymes – Mark Twain

On the auspicious date of 22/2/2022, IPANZ held its much-deferred annual conference as an online conference. Miraculously, our speakers, sponsors, and more importantly, our attendees stayed with us. My thanks to all those who attended. It was a great day, providing much food for thought, debate, and action.

For me, perhaps the most thought-provoking concept was introduced by Justice Joe Williams in the keynote Ivan Kwok memorial lecture entitled "Crown–Māori Relations: A 200-year Search for Partnership".

Confronting yet constructive, devastatingly honest, yet hopeful and optimistic, Justice Joe challenged us to strive against our national failing of "amnesia" – where we forget and therefore do not learn from the possibilities of the past. An amnesia that leads us to believe that we are the first generation to have tried to find the solution to true partnership between Māori and the Crown – to forget that the potential for partnership has repeatedly emerged over the last 180 years.

But is the impact of this amnesia limited to Crown–Māori relationships? I would argue no. This is not the first time we have confronted a global pandemic in Aotearoa New Zealand. Not the first time we have joined forces with allies to confront a global threat. Not the first time we have sought answers to housing issues. Nor is it the first time we have confronted competing priorities regarding resources. As Justice Joe said: "We are not on a linear pathway to enlightenment."

We are all familiar with the phrase "those who forget the lessons of history are doomed to repeat them". If we fail to listen to the past, we can become blinded by our current assumptions and bias. We become vulnerable to re-inventing failed solutions or falling victim to "snake oil". We have no idea where our choices will take us. This is all too depressingly true.

However, the concept of "amnesia" gave me cause for hope and optimism. We have within ourselves – globally, nationally, locally, and within our communities – the concepts, stories, and ideas that can help us solve current and future challenges. We can recover these memories. Our hindsight can become our foresight. The challenge is to ensure that this "collective memory" is truly reflective of all our stories, of the diversity of our experience as a nation – that it is not partial or selective. This is a challenge that, judging from their session at the IPANZ conference, our new public servants, our rangatahi, are truly alive to, which gives me enormous optimism for the future.

Correction

On page 3 of the December 2021 journal, the introduction reads:

"Lana Simmons-Donaldson explores how Ara Poutama Aotearoa the Department of Corrections' new approach is reducing over-representation of Māori in the corrections system …"

It should read:

"Lana Simmons-Donaldson explores how Ara Poutama Aotearoa the Department of Corrections' new approach is reducing the number of Māori in the corrections system …"

WORKING JOINTLY IN THE NEW ZEALAND PUBLIC SECTOR

WE HAVE COME A LONG WAY AND NOT GOT VERY FAR

Derek Gill

Derek Gill is an IPANZ Board Member and a research associate at the VUW's Institute of Governance and Policy Studies. He has practical experience of joint working, as well as being a policy practitioner. He has also studied joint working in the public sector. The views expressed are the author's personal take and are not the views of any particular organisations.

Working jointly across public agencies has been described as the holy grail or the philosopher's stone of public management. Joint work is particularly important in New Zealand where, by world standards, there are a relatively large number of small public agencies. The Public Service Act 2020 has introduced a legal mandate for public joint ventures, and the Office of the Auditor-General recently reported on the difficulties experienced in the operation of one of the new joint ventures focused on family violence. IPANZ therefore decided to focus attention on this important set of developments.

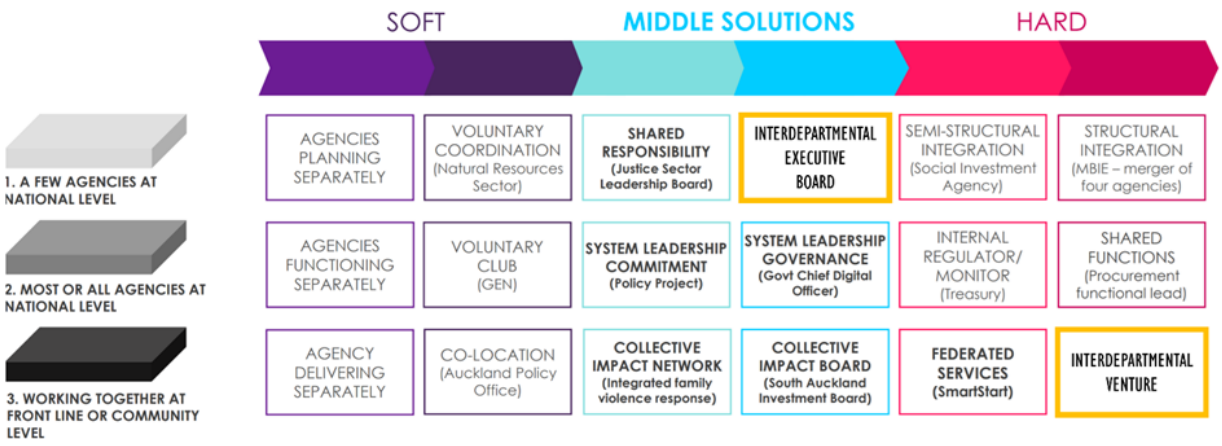
IPANZ commissioned a literature scan as there is extensive international literature on what makes joint working successful generally, including several studies from New Zealand. This scan also explored the evidence on joint ventures and is available on the IPANZ website. IPANZ then convened a round table that included a range of thought leaders for a discussion on joint working generally, and joint ventures in particular. A number of comments from the round table are included in quotation marks.

Joint work comes in a variety of shapes and sizes, but regardless of the precise form, there are four practical questions that must be addressed: why engage in joint work, with whom and on what, how, and with what structure? Addressing these questions successfully requires an understanding of a fifth question: what works? In order to support more effective collaboration in the New Zealand public service, this article poses a series of propositions in answer to a sixth question about capability – what needs to be done?

Why work jointly?

Joint working is necessary because boundary crossings are inevitable. Governments divide themselves into manageable administrative units, and invariably problems cross agencies' boundaries. Joint work can be between central government agencies, between central and local government or civil society, and across international boundaries through international regulatory co-operation.

Working across boundaries is difficult: the transaction costs of collaboration are typically high, so high levels of commitment are needed. The challenge of joint working is not new or unique to the New Zealand public sector. It is a challenge around the world and throughout the history of government.



Public Joint Ventures – a New Zealand innovation

- *New Zealand is unique in legislating for public joint ventures.* The Public Service Act 2020 has introduced two types of public joint ventures established by Order in Council: "interdepartmental ventures" are used for pooling assets or consolidating shared delivery, and "interdepartmental executive boards" are used for aligning policy, planning, and budgeting, when services will continue to be delivered separately.
- *Lessons from private joint ventures:*
  - *Private joint ventures have a high failure rate.* While private joint ventures are common, the failure rates are high (50–70 percent). Sustained effort and leadership is required to succeed, but even then the possibility of failure should be anticipated.
  - *Durability of joint ventures is unclear.* Compared with informal solutions, joint ventures are more difficult to establish and are less flexible in the face of innovation, changing circumstance, or changing political priority. On the other hand, they have higher exit costs, administratively and politically, which may act as a commitment device to help sustain collaborative arrangements over the long term.
  - *When to use public joint ventures.* While informal solutions tend to be cheaper, easier to establish, and more flexible, they are less effective at solving problems that require deep trade-offs against individual agency priorities. When individual agency and collaborative goals come into conflict, individual agency goals tend to prevail. More formal solutions create shared accountability.
- From other literatures, the following conditions may make joint venture success more likely.
  - When informal solutions are inadequate.
  - There are clear, aligned, and mutually understood objectives.
  - Due diligence has been done to identify resources, scope, and remit.
  - There are few parties involved.
  - Relatively balanced implicit and explicit power between parties exist.
  - There are trusting relationships between parties.
  - There's a sense of shared identity and being on the same team.

  Source Scott and Gill from the IPANZ website: ipanz.org.nz

Joint work is a worthy quest – but is not the search for a holy grail. This is because many of the pressing problems facing government today, whether it is climate change, family violence, or the methamphetamine epidemic, will require solutions that involve multiple agencies that often need to include civil society. In a number of domains, such as in the regulation space, collaboration includes international partners as it is impractical for New Zealand to go it alone.

What is the focus and who to involve in joint work?

Getting the right people in the room focused on clear goals is critical for successful collaboration. The round table highlighted the importance of "goal clarity and goal commitment". The scope and objectives must be clear, and goal commitment requires that participating in the programme is a win-win for each of the agencies.

The technical term in game theory is the participation constraint – all participants must be at least as well off as they would have been if they hadn't participated. It is debatable whether the best selection strategy is to focus on an inner group with "skin in the game" or going wider and being more inclusive.

JOINT WORKING IS NECESSARY BECAUSE BOUNDARY CROSSINGS ARE INEVITABLE.

The round table emphasised setting up arrangements that are "proportionate to the problem at hand". Adequate resourcing, realistic goals, and clear time frames are critical to the success of joint working. In the case of joint ventures: "Failing to address resource allocations for a joint venture seriously cripples its

ability to function and is a serious barrier to success … the leader of the joint venture becomes chief fundraiser."

Resource limitations can cause tensions between the minister's priorities and the public agency's contributions to joint work. Chief executives (CEs) reported they were often "voluntold" to take on a joint project, adding to an already heavy workload and leading to diminishing returns on their ability to contribute. CEs worried about their own departments and accountability. They have limited "brain time" to consider a joint work's mission adequately, especially as joint tasks are "everyone's job … so it's nobody's job". Ministers' commitment is often patchy – agreeing in principle with joint work but in practice actively pursuing their own portfolio priorities.

How to work together?

Successful collaboration requires getting both the hard (technical governance) stuff and the soft (behavioural) stuff working together. What was meant by the hard stuff was getting scope and focus clear and getting the involvement of the right people from the key agencies working in the right structure with adequate resources. The soft stuff refers to the behaviours and culture. As one workshop participant observed, "You need to get the hard stuff right to get the soft stuff to work."

However, getting the hard stuff right is not sufficient for joint working to succeed. In a sense, the soft stuff is the hard (difficult) stuff because good leadership and people who have the skills and experience of working jointly are key to developing the trust needed to sustain successful collaboration.

Research in New Zealand suggests that for soft collaboration to succeed, three things need to be present:

1. a "public entrepreneur", who "recognises the import of the moment" and "responds with new ways of working" – someone who "acts first and seeks approval later" and "learns as they go"

2. "fellow travellers", who do not regard themselves as "agency representatives" and put resources "on the collective table for others to share and use"

3. a "guardian angel", who is a more senior manager to mentors and who protects, advises, and advocates on behalf of the entrepreneur.

The later role was seen as being in the shortest supply in the New Zealand public service and the handbrake on collaborative innovation.

The round table discussion highlighted how one of the critical factors for successful collaboration was how power imbalances are dealt with. Working jointly required giving up power and control over the little things in order to address the big things. When joint work involves working with communities and civil society, agencies must be prepared to give up power. It also requires the humility to accept that the government does not have all the expertise – "Wellington needs to give up the power and the pretext that they know what to do." Solutions can often be found in working closely with iwi and the private and the not-for-profit sectors, which have the localised understanding that is required for long-term solutions.

Which formal structure should joint work adopt?

Joint working takes a variety of forms as shown in the figure on page 4. Joint working is diverse, flexible, and pragmatic, so practitioners take a "horses for courses" approach to choosing structure. Form follows function. The type of joint work adopted depends on the sector in question, the partners involved, and the perception of what works best. The Public Service Commission uses a Toolkit for Shared Problems to match the right collaborative solution to different problem types.

THE ROUND TABLE DISCUSSION HIGHLIGHTED HOW ONE OF THE CRITICAL FACTORS FOR SUCCESSFUL COLLABORATION WAS HOW POWER IMBALANCES ARE DEALT WITH.

Agencies often work together through informal communities of practice. Over time, the network arrangements might become more formal as trust and engagement increases within the network.

Collaborative practices can be arranged on a continuum from informal to formal. The Public Service Act 2020 introduced two new public joint venture structures, shown in yellow in the figure on page 4. Joint ventures are at the more formal end of the spectrum and therefore likely apply to only a small subset of problem settings. Joint working in New Zealand is highly contingent on the context and previously established practices. Informal solutions tend to be cheaper, easier to establish, and more flexible. However, because of the strength of vertical accountability in the New Zealand system, informal solutions were not adequate for solving problems that required deep trade-offs against agency priorities. When individual agency and collaborative goals came into conflict, individual agency goals tended to prevail. In these situations, more formal solutions were needed to share accountability.

What works?

Working across boundaries has been studied extensively. Many studies have tried to find the common success factors for joint working. For example, Bryson, Crosby, Middleton, and Stone extracted twenty-two propositions from the literature. The last proposition is instructive: "The normal expectation ought to be that success will be very difficult to achieve in cross-sector collaborations."

Some studies distill a different list of success factors. A metastudy by Carey and Crammond (2015) reported three factors that consistently supported successful collaboration:

- Interagency groups at multiple strategic and operational levels

- Collaboration being led both top-down and bottom-up

- Decentralised control (in the context of informal, bottom-up collaboration).

Other design elements and instruments were only supported in specific contexts. The inconsistency in what factors are critical to success arises because collaboration is not one thing. Instead, there are a variety of problem contexts that are each most suited to different solutions.

> WORKING JOINTLY REQUIRED GIVING UP POWER AND CONTROL OVER THE LITTLE THINGS IN ORDER TO ADDRESS THE BIG THINGS.

While some success factors are important in a range of situations (leadership, governance, clarity of goal, commitment, and trust), the precise list of factors varies by context. The dialogue at the workshop emphasised that soft factors such as behavioural and interpersonal skills are key. Collaboration is slowed down by transaction (information, co-ordination) costs, but these are sometimes overcome by goal commitment. Regardless of form, collaboration depends on a range of behavioural and interpersonal skills that must be selected for and carefully cultivated.

In looking back at New Zealand experience with interagency working, one experienced participant commented that "we have come a long way and not gotten very far". We have come a long way in the sense that there are positive attitudes to interagency working at the senior levels, and there is much more buy-in at the senior level for the need to work differently together. We have not got very far in the sense that we still struggle to turn those positive attitudes into delivery on the ground. While this issue is not unique to New Zealand, we need to look for practical solutions.

WHAT NEEDS TO BE DONE?

The New Zealand public service has tried to uncover some of the hard technical features that support joint working in different contexts – in particular, New Zealand has gone further in designing, testing, and refining more formal collaborative solutions than perhaps any other jurisdiction.

Making further progress on improving collaboration effectiveness will require a focus on developing the soft skills – the public sector's capability to collaborate. This in turn raises questions about how we can select people with the required competencies and how we can develop those skills. Questions that need to be explored include:

- ***What are the behaviours that support effective collaboration, and how are these measured?*** Round table participants could describe effective collaborators and recognised that these individuals were critical to the success of collaborative initiatives. However, it was more difficult to specifically describe the behaviours or competencies that made these individuals effective. So, to make further progress, we will need to define what "effective" looks like?

- ***How can these behaviours be rewarded in the public service?*** Individual contributions tend to be easier to recognise than collaborative ones. In particular, effective followership ("fellow travellers", the glue that holds collaboration together) can be less visible from the outside. How can collaborative behaviours be rewarded and individualistic behaviours – taking credit, avoiding blame, opportunistically moving around, focusing solely on one's own deliverables, only managing upwards – be disincentivised?

- ***How do we reward guardian angels?*** Some research suggests that senior managers act as a "handbrake" and are a limiting factor to public sector collaboration. Effective leaders provide the space, permission, and protection to try new things and are necessary for supporting our public entrepreneurs. However, they frequently get no credit for success and they risk taking the blame for failures – how can this be turned around?

- ***How to reduce the churn of restructuringitis?*** Continued turnover of key people erodes the trust that has been built up within the collaboration. While some turnover is positive, the high managerial turnover in New Zealand has high hidden costs in terms of relationships and institutional memory. What would make continuity be valued more highly?

- ***What is the role for ministers?*** There is an old saying in public administration that the government gets the degree of collaboration it deserves. Cabinet, while bound by collective responsibility, is composed of competing ministers. Would arrangements such as tiered or superordinate ministers, stronger role for Cabinet subcommittee chairs, or collaborative initiatives assigned to more senior ministers increase the commitment to the goals of joint work?

IPANZ would welcome your views on the proposed system changes listed above that aim to build collaborative capability. Please email admin@ipanz.org.nz with your comments on how to grow the collaborative capacity of the system.

TRANSFORMATION OR STASIS?
THE PANDEMIC AND THE FUTURE

Sir Geoff Mulgan

The pandemic has presented governments with opportunities, but are they being taken? Sir Geoff Mulgan, Professor of Collective Intelligence, Public Policy and Social Innovation at University College London, wonders what might have been but sees hope through imaginative thinking.

When the pandemic started, there were high hopes that the crisis might be used to accelerate action on the fundamental challenges of our times. Surveys showed large majorities in many countries wanting to use the convulsions of the crisis to reset – on inequality, net-zero carbon, and much more.

The direction of change

Any kind of crisis can lead to damage and retreat, a return to the status quo, or a transformation or bounce. Two years on, it's much less clear which countries will fall in which category: which ones will suffer serious scarring (whether from heightened public debate or things like effects on mental health) and which will use the crisis in a constructive way. In most, it seems that exhaustion with the pandemic means that people just want a return to normality and have lowered their expectations.

It's true that new governments in some countries have brought more energy to big challenges such as climate change. Biden's administration is a world away from its predecessor, and the new coalition in Germany has a vigour that had been missing for a few years. But overall, the picture is disappointing. In this short piece, I look at what has probably changed irreversibly, how the methods of government have changed, and what's missing.

THERE ARE PROBABLY IRREVERSIBLE CHANGES IN HOW GOVERNMENTS GOVERN.

Schools and workplaces

Let me start with what has changed, which is quite a lot. First, there are changes in the patterns of daily life. It now looks certain that working patterns have changed for good, with many more people working at least some of the time from home (perhaps two days a week for office workers). This has big implications for many city centres, which need to rethink how they operate, and for employers.

There have also been irreversible changes to some public services. Schools experimented on an extraordinary scale with online learning. They have now happily returned to traditional face-to-face lessons. But most will incorporate some of those changes into their normal operations, particularly around using online teaching materials, how they do assessments, and how to engage with parents. Much the same is true in health, which has jumped forward in its use of phone and video consultations. Many other services too have had to accelerate their shift to digital.

The push on policy

Second, there have been many changes to policy agendas. This is very visible in welfare. Governments all over the world moved to bring in new measures for income support. While these are being scaled down, there looks to be some lasting results, such as interest in incomes. Many countries and cities are

now experimenting with different kinds of basic income or minimum income. Wales, for example, just last week announced it will introduce a basic income pilot for care leavers. Few will implement anything close to the traditional idea of a universal basic income, but the crisis has undoubtedly accelerated creative thinking about how to design welfare, particularly in an age of precarious work.

Another example is mental health – my sense is that there has been a step change in population-level mental health policies designed to address anxiety and depression. Bottlenecks exist almost everywhere in terms of capacity, and no one quite knows what works best – and what mix there should be of face-to-face therapy, online consultations, self-help, and mutual help. But at least there is now an appetite to find out.

Government operations and science

Third, there are probably irreversible changes in how governments govern. Some governments proved very adept at using data in effective ways during the crisis, particularly in east Asia. Some harvested banking and credit card data and mobile phone and other data to track infections and design lockdowns. Others – such as in Europe – were unable to do so, in part because of legal and cultural barriers. China is set to keep many of its tracking tools – which will scare many. But I suspect a broad shift will be that many more governments will seek better ways to enable data sharing while also protecting privacy, rather than seeing these as being in conflict.

THE BIGGEST MISSING PART FOR ME HAS BEEN THE LACK OF IMAGINATION ABOUT THE FUTURE.

Fourth, there's been a change in the relationship between politics and science. Some leaders scorned science – Trump and Bolsonaro in particular – and looked foolish and harmful as a result. Others promised to follow the science, which worked most of the time but not always, in part because science is not quite so simple and sometimes speaks with many voices. So, while one legacy of the crisis will be a higher status for science – especially thanks to the successes of vaccination – we are likely to see a more nuanced approach to scientific judgments in government, which is more honest about the ambiguous and often conflicting views in the science community.

What really matters

Finally, I hope we may see some new perspectives as to what really matters. Many countries found that their truly essential workers, the ones who kept society functioning, were often among the lowest paid and lowest status workers – care workers, retail assistants, nurses, and others. It's possible we will see some rethinking of rewards. Moreover, what often mattered most through the crisis – apart from the provision of healthcare – was how well people were able to support each other. Mutual support made all the difference to the pressures of isolation during lockdowns: local support groups, neighbours willing to visit or deliver food, and so on. This should have been obvious – the World Happiness Survey shortly before the pandemic showed that the best predictor of a nation's happiness (more than GDP or life expectancy) was how people answered questions about whether they had friends or family they could count on in a crisis. Yet few governments have policies to promote this kind of mutual support, and none support research and development in this space, despite proliferating missions on just about everything else.

The missing imagination

If these are some of the shifts, there are also some blind spots for governments. One is capacity to synthesise. I've been struck by how many governments struggled to think synthetically – or even to articulate how they might. They have to mobilise lots of kinds of knowledge but still do so in very fragmented and inefficient ways, so that even when they benefit from high-quality advice, there is little capacity to make the most of it. This is particularly obvious in governments like the UK where disfunction has corroded the ability of the centre. But it's also a more general problem.

Another blind spot is money. Last year, I worked on how to reform public finance systems to deal with the big long-term issues like education, health, ageing, and climate change. As horizons shrunk and debt rose, governments lost any interest in the long term. But hopefully this may change as we come out of the pandemic. There has been surprisingly little innovation in public finance for two decades (New Zealand's wellbeing budget is a welcome exception) despite an array of new tools around data use and AI and lots of new experience around the use of evidence and investment models.

THE GENERATION THAT ARE UNDER-25 ARE HUNGRY FOR LEADERSHIP.

Finally, the biggest missing part for me has been the lack of imagination about the future. The crisis could have been an opportunity for all of our societies to think much more deeply about where we are headed. But we seem to be living in an imaginary crisis – by which I mean a crisis of missing imagination.

People find it easier to picture disaster ahead – or technology futures with robots, drones, and AI – than improved care systems, democracy, or welfare. Political parties, universities, and others struggle to fill this gap or have just given up.

Yet this is what we badly need now – well-thought-through road maps to the future, setting out what a zero-carbon economy would actually look like – what jobs would exist, what laws, how everyday life would operate, how welfare would work in an ageing society, and how democracy could use all the tools of current digital life.

Without that, we risk being condemned to continued pessimism. Already large majorities in many countries expect their children to be worse off than them. It's that pessimism that has undercut the potential to use this crisis for a transformative bounce. But it's not too late to fuel our collective imagination and to translate that into practical everyday innovation.

That depends on leadership and resources. But there is no inherent reason why our horizons should be so shrunken, and I suspect the generation that are under-25 are hungry for leadership that can support them in mapping out a better future rather than focusing only on what could go wrong.

Sir Geoff Mulgan's next book Another World is Possible: How to Reignite Radical Political Imagination *is published in June.*

LESSONS LEARNT FROM **LEADING TRANSFORMATIONAL CHANGE IN THE PUBLIC SECTOR**

The public sector has been delivering transformational change in the last few years. This has challenged the capacity and capability of the public service. At its recent conference, IPANZ was keen to explore the lessons learnt from some leaders of this big system change. Grant Klinkum's address presented the audience with some insights on the Reform of Vocational Education (RoVE). We present a slightly amended version of his address here.

A brief introduction to the Reform of Vocational Education (RoVE)

In order to contextualise the subsequent change insights, I'd like to introduce the key features of the ambitious RoVE programme.

What was the vision for RoVE?

- The needs of learners, in particular Māori, Pacific, and disabled learners, would be better met in terms of equity of outcomes and learner mobility across education settings.
- Employers, industry, professional associations, iwi, and the community in general would benefit from graduates with more relevant skills, knowledge, and attributes.

RoVE aims to create a networked, collaborative, and responsive vocational education system that moves beyond unnecessary duplication and unproductive competition.

Virtually no element of vocational education architecture has been left unchanged:

- Sixteen regional polytechnics and institutes of technology are now part of Te Pūkenga and will be a single national network by the start of 2023.
- Work-based learning, which was previously arranged by industry training organisations (ITOs), is being transferred to Te Pūkenga and a range of other tertiary education providers.
- The skill standard and qualification setting functions of the eleven ITOs have been transferred to six new Workforce Development Councils (WDCs).
- The underpinning qualification system for vocational education is being changed to ensure that learners can move seamlessly between work and full-time study, between providers, and between regions. The qualifications system is also being changed so that end-users get the skills and knowledge from graduates that they expect.
- The funding system for vocational education is being significantly changed to ensure there is more opportunity to reflect the real costs of meeting the needs of under-served learners and to enable investment in system-level innovation.
- The voice of Māori, regions, and industry has been built into the new architecture through the roles of Te Taumata Aronui, Regional Skills Leadership Groups, and WDCs.

In offering the following change insights, I am sharing personal views only and do not speak for the RoVE programme governance board, of which I am a member.

The tendency to be iterative rather than transformative

Looking back to the early stages of RoVE, I would say that each education agency had a particular lens on opportunities in the vocational education space that reflected our respective roles and immediate preoccupations. For example:

- NZQA saw opportunities via changes to the qualifications system.
- TEC saw opportunities to stabilise the polytechnic sector financially.
- MoE saw that changes to the funding system could incentivise different behaviours by providers.

GOVERNMENT EDUCATION AGENCIES WORK TOGETHER EXTREMELY WELL, BUT EVEN WITH THAT, WE STILL STRUGGLED TO TAKE A SYSTEM-LEVEL APPROACH.

None of these positions were unreasonable – any one of them would have been worth progressing. But arguably, we over-weighted the flow-on effect that any one of these changes would have across the system. We had been making iterative change for a long time without achieving the desired outcomes, but we were perhaps offering up more of the same, with significant tweaks.

In this case, the minister had a vision for an integrated whole-of-system transformation. In responding to the minister's vision in the early stages of the policy process, I think officials instinctively looked for a new version of iterative change. Perhaps it's worth acknowledging and then guarding against an in-built default to the status quo in the public service.

What's interesting here is that government education agencies work together extremely well, but even with that, we still struggled to take a system-level approach.

So how might we have got into a different space once a new minister signalled their interest in transformation? On reflection, a mechanism could have been put in place where the relevant department secretaries and agency chief executives considered system-wide opportunities for the sector, unconstrained by individual agency policy agendas.

Transformative change can create step-change opportunities for Māori

The magnitude of change in RoVE laid the foundations for a step-change in giving effect to Te Tiriti o Waitangi.

Giving effect to Te Tiriti is baked into many elements of RoVE. Around 50 percent of WDC members are Māori, and the commitment to meeting the skill needs of Māori and iwi business has never been stronger in terms of designing skill standards and qualifications.

Te Pūkenga worked early on a Māori Partnerships and Equity workstream – Mana Ōrite, with an underpinning commitment to embed Te Tiriti throughout all of its activities. Giving effect to Te Tiriti hasn't been an after-thought driven by compliance – it's front and centre for Te Pūkenga.

Similarly, the work of Te Taumata Aronui to reconceptualise what Māori learner success means in tertiary education has found fertile ground through the depth and breadth of RoVE change.

Arguably, a more iterative change simply wouldn't have provided this opportunity to reinvent the place of Māori and iwi in vocational education.

Transformation disrupts existing power relations – what must hold firm and what can adapt?

There was inevitable strong opposition to transformation – I say inevitable because real transformation will significantly disrupt existing roles, responsibilities, powers, and vested interests.

In the early stages of RoVE, a number of key actors in the system were trenchantly opposed to the proposed change. Many more actors were ambivalent. Under such conditions, it was important to fully consider alternative ideas that were presented during the consultation phase.

The change reflection relates to having a sense of what accommodations might undermine the integrity of the change programme against those that are still significant for stakeholders but don't derail change. This is harder than it sounds, especially when dealing with the genuine emotion of actors who see their current work seemingly undervalued and who fear for their jobs.

For example, some ITOs wanted to retain the arranging of training function for work-based learning. And some ITOs wanted to be able to provide career pathway and advisory services to employers.

The first request would have undermined the separation of roles between key actors, while the second was potentially messy but wouldn't derail the direction of change. Ultimately, a way was found to work with the second request, but not the first, and the strategic direction of travel remained intact.

Being clear – before the pressure of intense stakeholder engagement begins – about the core pillars of a change proposal against the elements where a more agile mindset can be used is potentially useful.

Taking an end-user perspective forces a systems approach

Amplifying end-user "voice" must come with meaningful powers or levers. This is one of the most interesting elements of RoVE and why all the component parts are indivisible. Each element of RoVE reinforces other elements. The powers and responsibilities are widely distributed but also finely balanced. Each of the end-user voices in the system has real power.

Regional Skills Leadership Groups produce annual reports on skill and labour market needs that the TEC will use as part of their investment approach and that local education providers will use as they plan their programme portfolio.

Te Taumata Aronui was established as a ministerial advisory group – mana to mana – and has ended up doing seminal thinking on the characteristics of Māori learner success through the lens of mātauranga Māori.

SIGNIFICANT TRANSFORMATION INVARIABLY INVOLVES MULTIPLE GOVERNMENT ACTORS.

WDCs have significant powers to endorse (or not) provider programmes and have a meaningful role in advising the TEC on its investment decisions at the qualification and programme level. Learners have a seat at the Te Pūkenga Council table and a standing advisory committee within Te Pūkenga.

Backing up the intent to activate and embed the voice of end-users with real levers and powers may be the thing that stands out in this change story.

A related point is that the public service rightly worries about having sufficient capacity and capability in relation to working in the best of interests of Māori and working in partnership with Māori. There is much that we need to do to build and source such capacity and capability, but a stand-out learning for me from RoVE is that, if the transformation design is right, it enables external parties to realise many of those opportunities for themselves.

Māori and iwi have seized opportunities in RoVE and are making real change on the ground. They didn't need government agencies to have all the answers and expertise. They only needed an enabling environment.

A programme design authority can keep the focus on the whole system

Significant transformation invariably involves multiple government actors, perhaps a mixture of ministries and Crown entities. One element of a change programme structure that can work well is having a programme design authority. For RoVE, this group – with representatives from key government agencies and key stakeholders – has provided critical oversight and practical engagement in system-level design and execution.

Inevitably, at every level of a transformation programme, it is easier to focus on component projects with a high-risk profile or ones that are required to make significant progress in a short period.

Without champions for the cross-cutting themes, such as equity and end-user benefits, it is possible that each project is progressed but the intended change is not actually realised.

A design authority is uniquely placed to look across the whole – not merely in terms of dependencies and interconnections, but with a mandate to protect the integrity of change for the intended beneficiaries. The role of the design authority doesn't stop with the execution of individual projects. Ensuring the projects collectively achieve the vision as the component parts are implemented is critical.

DOES THE CROWN MINERALS ACT **UNDERMINE PARTNERSHIP WITH MĀORI?**

Maria Bargh

The Crown Minerals Act 1991 (CMA) was introduced "to promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand". A series of fundamental questions has emerged as to whether the Act undermines the ability of the Crown and tangata whenua, anchored in Te Tiriti o Waitangi, to operate in a true sense of partnership. Carl Billington takes a closer look.

"Have regard to" Treaty principles

Maria Bargh and Estair Van Wagner write in the book *Legal Geography* (2020) that the Treaty clause of the CMA is relatively weak compared with comparable statutes – a view supported by the Waitangi Tribunal.

Whereas other statutes require actors to "give effect to" (Conservation Act 1987), "take into account" (Resource Management Act 1991), and avoid "acting inconsistently with" (State Owned Enterprises Act 1986) the principles of the Treaty, the CMA requires that actors only "have regard to" Treaty principles.

Bargh and Wagner argue that this clause "has been narrowly interpreted by courts … as only requiring that a decision maker must give the matter 'genuine attention and thought' and that the decision maker 'is entitled to conclude it is not of sufficient significance … to outweigh other contrary considerations'".

Framed this way, the CMA reduces Māori to mere stakeholders whose interests simply need to be considered, rather than Treaty partners at the decision-making table.

The CMA is administered by New Zealand Petroleum and Minerals, a dedicated branch inside MBIE. Guidance on how the Act is to be administered is explained in a set of Minerals Programmes. These programmes also set out the requirements for consultation with iwi and hapū.

Bargh and Wagner comment, "It is the Crown that specifies the matters on which iwi and hapū must be notified and consulted."

Pushing Māori out

Speaking with Maria Bargh, she adds, "In this way, the CMA essentially pushes the concerns of Māori out of scope, pushing them along the process, to be addressed in the future when the work falls under the Resource Management Act. But by then, core decisions have been made and we're just tinkering around the edges. Once a permit has been granted under the CMA, history shows it's largely inevitable from that point on."

What this means in practice is that the CMA is essentially assigning mana to those it permits to participate, rather than recognising the mana that tangata whenua already hold independently.

"Underneath all of this is an ongoing assumption of the supremacy of parliament and 'Cook's law' over tikanga Māori, and that flows through the process," Bargh explains.

"You can almost hear a big sigh at the start of each new submission from Māori. It's as if to say, 'Here we go again, we'll introduce ourselves in case you're new, we've engaged with you previously on this, but we'll remind you again of the statutory requirements you have with us.'"

"Part of what's so frustrating for Māori is that we go through this cycle again and again. The Tribunal itself has said that the regime is not consistent with the Treaty and needs to be amended."

The purpose of the CMA: Promoting prospecting?

A further complicating challenge is the way the purpose of the CMA is articulated, which structurally prejudices Crown agents in favour of commercial interests.

Bargh explains, "It's been reduced to a transactional interaction with Māori. Nearly every submission from Māori in a recent 2019 review addresses this. The Act has literally been set up to promote the interests of prospectors, that is literally what the purpose says: 'The purpose of this Act is to promote prospecting, exploration, and mining'."

This is one of the biggest points of contention and the focus of much feedback in the recent review process. Among the submissions received by MBIE, 57 (approximately one-third of submissions) addressed the current purpose statement directly, with 81 percent of those strongly agreeing that the purpose of the CMA needs to be amended away from an emphasis on promoting mining activity.

> CMA ESSENTIALLY PUSHES THE CONCERNS OF MĀORI OUT OF SCOPE.

"The way the CMA is set up to promote prospecting and mining tilts the process before it starts. It gives Crown agents that instruction immediately. In terms of improvements, the purpose statement is a key place to start," Bargh adds.

"It makes it difficult for the teams in MBIE to do anything other than approve requests from prospectors. We need to balance the economic and the human outcomes – remove the word 'promote' and bring a more balanced focus on longer-term sustainability and dimensions of wellbeing."

Te Rūnanga o Ngāti Ruanui Trust commented in their submission: "The promotion of mining as an industry is inappropriate for a piece of legislation."

Among the respondents that felt the purpose of the CMA needed to be amended, just over half of these felt it should include the word "manage" instead of "promote".

For many Māori, this only adds to the frustration. They feel they are being forced to participate in a process that is not only unable to acknowledge their status as mana whenua but is already pre-determined in favour of commercial interests.

"It's like we're forced to participate, even though we don't agree with the process or the mana it assigns, but it's a catch-22 if we want to retain any opportunity to influence at all," Bargh explains.

THE ACT HAS LITERALLY BEEN SET UP TO PROMOTE THE INTERESTS OF PROSPECTORS.

Institutional memory loss

Another aspect that adds to the problem is the differing views of kaitiakitanga between Māori and the Crown, which is made worse by the constant internal changes within government departments.

Both Bargh and a number of Māori who provided submissions to the 2019 review highlight the challenge of interacting with Crown agencies where there is ongoing, high levels of turnover among staff.

"That means the institutional memory and depth of understanding isn't there. Māori, however, have long memories – our people have worked on these issues for their iwi and hapū for decades, and that history and context is handed down to their children and grandchildren," Bargh adds.

A number of respondents describe the frustration of receiving abrupt, transactional emails from junior staff informing iwi that a consultation is open and they have until a set deadline to respond.

"I know it's not the intention, but it comes across as very rude. When you're anticipating an equal partnership in the context of ongoing relationship, this is extremely disappointing," Bargh explains.

"Not only do we have to keep introducing ourselves to new public servants and remind them of their obligations to us and our kaitiaki role, we often don't even learn about issues until the negotiations are already underway.

"The current CMA process puts the burden on those who seek to protect this country's resources when the bulk of the burden should be on those seeking to extract them," Bargh adds.

All of this is entirely consistent with the CMA, but it isn't partnership.

Suggestions of a way forward together

"If the purpose of the Act was to uphold the Treaty and manage resources for the benefit of all New Zealanders, while also considering the economic, social, environmental, and other outcomes, the whole process would be so different," Bargh observes.

"Prospectors would be required to show how their proposal will actually create employment and how that will be sustained, rather than just including unsubstantiated estimates. So often they simply bring in their own workforce and there's no benefit for the community they're removing resources from."

Participants in the recent 2019 review added a range of further suggestions that included:

- adding a requirement for permit holders to engage with iwi and hapū
- making culturally based impact assessment reports mandatory
- requiring proof of consultation with iwi from applicants
- having MBIE provide permit holders with iwi contact information.

For iwi, the overall goal is clearly a move towards joint decision making between iwi and the Crown on minerals and oil and gas decisions. However, the above suggestions offer a set of immediate improvements that could be implemented.

IT ISN'T ABOUT INCREASING THE REQUIREMENTS PLACED ON PROSPECTORS TO TRANSACT MORE CLOSELY WITH MĀORI, IT'S ABOUT SHIFTING FROM TRANSACTION TO PARTNERSHIP.

In their 2011 report on the CMA, the Waitangi Tribunal noted a range of suggestions for improving partnership engagement with Māori. It included the establishment of regional iwi advisory bodies and making cultural impact assessments integral to the process (on an applicant-pays basis).

As it currently stands, the requirement on the part of prospectors to engage with tangata whenua remains minimal. As Te Korowai o Ngāruahine Trust observed in its submission: "There is no absolute requirement to engage [and] there is no penalty for non-engagement."

For Bargh and many other iwi representatives, it isn't about increasing the requirements placed on prospectors to transact more closely with Māori, it's about shifting from transaction to partnership.

"It's about joint decision making, co-governance of resources. The current approach is set up to privilege economic outcomes above all else. If we could only change one thing, change the purpose of the Act," Bargh adds.

While we wait to see the final outcomes of the 2019 review, there seems to be a strong case for change that could help move the CMA much closer to a partnership between tangata whenua and tangata Tiriti.

DOING OUR BEST BY PACIFIC COMMUNITIES

Dr Collin Fonotau Tukuitonga

Dr Collin Fonotau Tukuitonga, Associate Dean Pacific and Associate Professor of Public Health at the University of Auckland, reflects on the role of public servants in working with and delivering for Pacific communities.

Focusing on the health sector (what I know best), I have witnessed some great examples of tailoring responses to Pacific communities throughout the COVID-19 response. Of course, there have also been missteps, but where strong relationships have been built or where pre-existing trusted relationships have been drawn on, the community response has been evident.

THE KEY FOR ME IS ENGAGING WITH PACIFIC PROVIDERS EARLY.

Thoughtful, consistent engagement builds relationships with communities

The frontline engagement with Pacific communities and their leaders throughout COVID-19 has been intensive – and often impressive. Public servants and health experts have met regularly with community members, almost on a weekly basis, to convey important information about COVID-19. Pacific public servants have usually played an important role, being able to conduct meetings in the language of the community. There is an element of relationship building to this as well – from a community perspective, it is important that they see the same faces over time. And the importance of bringing messages in a familiar language and cultural context cannot be overstated.

DESPITE WHAT IS SAID ABOUT POLICY MAKING BEING BASED ON EVIDENCE, THE MOST SIGNIFICANT FACTOR WAS PEOPLE'S BIASES OR IDEOLOGY.

Pacific providers already know their communities

The COVID-19 response has also highlighted some shortcomings. We knew as far back as 1918 that Māori and Pacific communities are most at risk during a pandemic – and most likely to get severely sick. However, in my view, many of the COVID-19 response activities were not well-targeted to our communities. We saw that a conventional approach – without flexibility or targeting to Pacific communities – won't work so well. The key for me is engaging with Pacific providers early. They know their communities, and they know what works. It involves a level of trust, and we saw toward the end of last year that when the resources to support and enable community-driven approaches came through, vaccination rates lifted.

Pacific early childhood centres show a strong community role

There are examples outside the health sector where you can see a strong and effective role for communities. One is in Pacific early childhood centres, such as Samoan Aoga Amata. These centres are driven by and governed by the local community, and the role of the Ministry of Education is around things like resourcing, health and safety guidance, and curriculum expectations. While education is not my area of expertise, my observation is that this balance of roles has worked well for Pacific communities – and I would be interested to see what this approach would look like beyond education.

I WOULD LIKE TO SEE MORE PACIFIC PEOPLE IN UPPER MANAGEMENT AND LEADERSHIP POSITIONS.

Cultural biases may play a role in policy making and should be challenged

In terms of the policy function of the public service, I think it would be great to see as much preparation and training for new professionals as possible, including cultural awareness training. Sir Peter Gluckman did a report on policy making a few years ago, finding that, despite what is said about policy making being based on evidence, the most significant factor was people's biases or ideology. People's worldviews are based on experiences, and unless you've grown up within or close to Pacific communities, there are a lot of assumptions about Pacific peoples and the way they live. Planning a structured approach to preparing people for policy roles – including challenging any pre-existing cultural biases – will have flow-on effects for Pacific communities.

More Pacific peoples in public service leadership will have positive impacts

While I know we have good representation of Pacific staff in the public service, I would like to see more Pacific people in upper management and leadership positions. This will impact how Pacific communities see the public service, as well as improving the culture and responsiveness of the public service more broadly. This is not going to happen spontaneously – together we have to provide the vision, experience, training, and support for Pacific public servants to step into leadership.

THE LIFELONG IMPACT OF EARLY BRAIN DEVELOPMENT

Dr Felicia Low from Koi Tū: The Centre for Informed Futures, University of Auckland, outlines some fascinating results from recent research and what it might mean for policy making.

Dr Felicia Low

The human brain undergoes extraordinary growth during the early years of life. By the age of one, the brain has already more than doubled in volume, and by the age of two, it is 80 percent adult size. Specific brain pathways are developing that help us to achieve tasks such as focusing our attention, planning and organisation, controlling our impulses, and interacting with others. These skills are known as "executive functions". They help with successful learning, reasoning, problem solving, and long-term planning and are highly predictive of success in social, emotional, behavioural, and academic functions.

Impairments in executive functions place a person at greater risk of negative lifelong consequences, including school failure, poorer mental and physical health, job instability, antisocial behaviours, and poorer quality of life. The outcomes can also have intergenerational effects from parent to child. New Zealand studies show that measures of economic burden such as receiving social welfare support and having criminal convictions are disproportionately incurred by people with poor executive functions at age three. Impairments in executive functions therefore impose a large societal burden.

Studies have also found that impaired executive functions explains the relationship between child poverty and emotional and behavioural disorders in children and young people – and how poverty can disrupt long-term academic success.

Poor maternal mood during pregnancy is another risk factor. Recent research has shown that a woman's mental wellbeing during pregnancy plays an important role in the development of her child's executive functions. Children whose mothers had depression or anxiety while pregnant tended to show differences in brain structure and connectivity at birth and later displayed impaired executive functions as reflected in poorer school readiness and literacy skills. A further concerning observation was that impaired executive functions were also seen in children whose mothers experienced milder depressive symptoms, suggesting a large proportion of pregnancies may be affected.

The power of acting early

What can we do to promote optimal executive functions? Early intervention is the most logical and cost-effective approach to reduce the risks of lifelong disadvantages.

The finding that development of executive functions is affected by maternal mental wellbeing means that all pregnant women should be formally screened for their mood, and those who are affected – even to a mild or moderate extent – should be given support.

IMPAIRMENTS IN EXECUTIVE FUNCTIONS PLACE A PERSON AT GREATER RISK OF NEGATIVE LIFELONG CONSEQUENCES.

Another form of early intervention is intensive pre-school intervention programmes for young children at risk, such as the High/Scope Perry Preschool Study in the United States. These have been remarkably effective and have led to increased rates of high school completion, greater levels of employment, higher income, and reduced criminal activity and welfare reliance.

Unlike specific clinical disorders that can be formally diagnosed and treated with medication, impairments of executive functions require a very different understanding. It requires a population health focus on promoting brain health so that every child reaches their maximum capacity for learning, creativity, and productivity. This requires involvement across all domains of policy development, including health, social development, education, and justice. Evidence suggests that the priority issues

to address are prevention of impairment, identification of the most at-risk children for early intervention, and development of evidence-informed policies on remediation.

EARLY INTERVENTION IS THE MOST LOGICAL AND COST-EFFECTIVE APPROACH TO REDUCE THE RISKS OF LIFELONG DISADVANTAGES.

In arguing for greater investment in early childhood development, Nobel laureate James Heckman noted that this is a rare example of public policy that can both reduce inequalities and improve society's productivity without incurring trade-offs. The benefits to children, wider society, and future generations are unequivocal, but this can only be achieved with cross-sector, whole-of-government, and whole-of-society thinking.

This article is adapted from the evidence brief Executive functions: A crucial but overlooked factor for lifelong wellbeing *by Felicia Low, Richie Poulton, and Peter Gluckman, published by Koi Tū: The Centre for Informed Futures, 2021.*

CHILDREN'S COMMISSIONER
CHALLENGES AND OPPORTUNITIES

Judge Frances Eivers

Judge Frances Eivers became Children's Commissioner on 1 November 2021. Judge Eivers is Ngāti Maniapoto and grew up in the Bay of Plenty settlement of Te Teko, the oldest of six children. She has extensive experience in the Family, Youth, Rangatahi, and Pasifika courts and most recently sat as a District Court Judge in Manukau, South Auckland. She explains what she wants to achieve and why proposed changes to her role are profoundly misguided.

I came into the role at a challenging time for mokopuna, children, and their whānau with inequality a huge issue; the ongoing impact of COVID-19 on their health, education, and social development; and the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill winding its way through parliament. (The Bill, among other things, proposes a new structure for the Children's Commissioner and would remove the single, statutory position of the Children's Commissioner.)

Before taking on this position, I considered carefully what I could bring to the role – the positive difference I could make to the lives of our mokopuna, our children. It is a huge privilege and one I feel humbled by.

> THE LOGIC OF INTERVENTION WHEN SOCIAL SYSTEMS FAIL IS CLEARER IN THE CASE OF CHILDREN THAN IT IS IN ANY OTHER AREA OF PUBLIC POLICY.

Our mokopuna

I have set out three main priorities for the next two years: improved mental wellbeing, eliminating domestic violence, and promoting good education.

I know these are important priorities. I've seen children come before the courts who, in many cases, cannot process why they are there and what is expected of them. Their own experience is often of a society that is far smaller, far more fragmented, and far more dysfunctional and brutal than the one imagined by lawmakers. I tried to make my court one where young people knew they had been listened to and where their accountability to wider society derived from their mana within it. A well-functioning justice system, as well as acting for victims, should restore the dignity, confidence, and sense of citizenship of everyone taking part.

As a mother of three boys (now young men), I can appreciate the challenges of parenthood and the importance of ensuring we are there for our kids at the tough times, as well as the good times. One of the key understandings of Māori society is that parents alone do not raise children. This is in part because parents, especially new parents, need nurturing as much as their children. I like the way many people now, when discussing public policy issues around children, use the term "our mokopuna" in Māori "ou tātou mokopuna", that is, the little ones for whom we are all responsible.

A thousand days

The Health Promotion Agency, counting health from conception, is emphasising the importance of the first thousand days of a child's life so that every child gets the strongest start possible.

A thousand days is about what I have left in my two-year term. In that time, I want to help bring to birth an improved structure and way of working for the three key supports for children that are in my current responsibilities. My success will depend on the work done by my predecessors, who were determined, creative, and focused, building up a deep understanding of the role of the child as citizen.

Children are citizens of Aotearoa. They are New Zealanders. Their rights are protected by law. The logic of intervention when social systems fail is clearer in the case of children than it is in any other area of public policy. At times, the state must intervene, must avoid further harm, and must act effectively to ensure children grow up as citizens who contribute fully to society – and to their future children.

As is the case with many statutory officers and agencies, the Children's Commissioner has a long list of responsibilities. Some are aspirational, some are functional, and some relate to the development and maintenance of a public and independent agency.

The three key roles are:

1. advocacy for all children
2. the protection, under international covenants, of children in detention
3. oversight of the services provided by Oranga Tamariki.

Removing the role of Children's Commissioner

The Bill before parliament would move responsibility for the oversight of Oranga Tamariki to a new public service agency within the Education Review Office. The role of Commissioner would no longer exist. In its place a commission of between three and six members would take up the remaining responsibilities. There would no longer be an individual with statutory authority who is able to speak for children, to government, or to anyone else.

That's why it is so important that a single voice is maintained. Take the introduction of free school lunches, a policy previous commissioners have supported. I commend the government for introducing this policy, which has had huge benefits to whānau, communities, and ultimately children and needs to be continued and expanded. Any move that seeks to stifle the capacity for this type of advocacy is hugely concerning.

There is no clear indication of how this relates to the government's Child and Youth Wellbeing Strategy issued in 2019.

I come back to my three priorities: mental wellbeing, eliminating domestic violence, and education. The Bill represents an attempt to support children in each of these areas through a change to the machinery of government. Such changes are a long, long way from children, from mokopuna living with the results of fetal alcohol spectrum disorder, from domestic violence, poverty, language loss, and from state intervention in their lives.

No family has said, "We need better organs of state to help us care for Oliver, Isla, Charlotte, Mohammed, Nikau, or Ari." They have asked for solutions, services, and support that are far closer to home.

No clear rationale has been put forward for these changes. No one has been able to articulate to me how they will lead to better decision making, stronger oversight of our international obligations, or greater agility, alacrity, and responsiveness. Many submissions have expressed a fear of a slower, less focused, less responsive, and harder-to-deal-with agency.

Equally no clear rationale has been put forward for the placement of oversight in a new departmental agency established within the Education Review Office. Its chief executive will report directly to the minister, who may or may not be the same as the minister responsible for the Education Review Office.

The rationale that has been expressed is that there is a conflict between advocacy and monitoring. Is there? If monitoring is kept within the core public service and advocacy is kept without it, who will ensure that the right things are being monitored? What will ensure that the outcome of monitoring will lead to advocacy of the right type and at the right time?

It is possible that the work of the select committee now looking at the Bill will resolve these issues. I am not arguing that there are no possible improvements to the system we have now. But departmental agencies are new. Their administrative performance is partly the responsibility of their host department. Their chief executives report to the State Services Commissioner as do the chief executives of the host department. We have little experience of how statutory functions can be carried out within such an agency.

Risking the interests of children

The interests of children should not be put at any sort of risk in developing new and experimental forms of state sector governance.

WE MUST ASK IF WE ARE SURE THE CHANGES WILL ENHANCE CHILDREN'S RIGHTS TO BE SAFE, LOVED, AND LIVING THEIR BEST LIVES.

If a new agency is needed, it should be established in a form that will allow confidence in the way it will operate, based on the experience of similar agencies. We simply don't have enough experience of departmental agencies to be sure.

And if a departmental agency is the answer, why the Education Review Office? Again there is no clear rationale. The Education Review Office reviews schools. Oranga Tamariki has a statutory role more akin to a parent than to a school.

Mokopuna need to be at the forefront of our thinking. My thinking is informed by the work of my predecessors and thirty-two years of listening to children, hearing their concerns, and amplifying their voices. In all proposals for the reform of the machinery of government, we must ask if we are sure the changes will enhance children's rights to be safe, loved, and living their best lives.

The Children's Commissioner can build relationships, stand up for what is right, and be staunch when children need it.

Without such a role, the mokopuna of Aotearoa will lose a leader and a voice. The proposed board will dilute the influence that having a named commissioner on that board would continue. I don't think New Zealand would want the All Blacks having six captains.

I will not let up in my determination to maintain the role of a strong, single, passionate advocate who can have real influence on improving the lives of children and their whānau. That is what a statutory and independent advocate must do.

BULLYING

Q&A

Steph Dyhrberg

Bullying is a problem that seems to exist everywhere, yet it is profoundly difficult to stamp it out. Shenagh Gleisner talks to employment lawyer Steph Dyhrberg about bullying and how effective organisations deal with it.

My assumption is that no workplace anywhere is immune from bullying. But how do you define or recognise it?

That is my assumption as well: anecdotally, bullying is quite common in Aotearoa and no sector is free of it. According to a 2021 survey by Diversity Works, 34 percent of private sector and 37.3 percent of public sector respondents reported being bullied at work.

There is no statutory definition of bullying – both the Employment Relations Act 2000 and the Health and Safety at Work Act 2015 are silent on it – so we rely on the WorkSafe Guidelines and case law. Bullying is usually characterised by unwarranted negative actions or behaviour that adversely impacts on an employee's ability to do their job and causes a risk to their health and safety. Bullying can be overt but is often subtle and may be made up of a series of minor but cumulatively undermining and destructive behaviours.

Are there sectors where bullying is more common, and if so, why these sectors?

Any sector, whether Crown funded; sports, recreation, and entertainment; not for profit; or corporate, will have pockets where bullying is more common. The key indicators of a culture where bullying can thrive include those with marked power imbalances, low trust in management, a lack of accountability for poor behaviour or performance, a disconnect between stated values and the real culture, high pressure with a focus on outputs, and low EQ (emotional intelligence) in leadership with little regard to the importance of health and safety. There are no particular organisations or sectors that are worse than others.

Can you tell me about any encouraging approaches to reduce bullying?

Having an organisational culture that is led from the top and genuinely involves everyone at all levels is the most effective approach. Appointing managers and senior leaders who have empathy and strong integrity, as well as technical competence, and providing solid training and education to all staff about the expected behaviour are critical. The recent sacking of James Hardie's CEO over allegations of bullying and disrespectful conduct shows there is a greater willingness to hold even very senior people to account.

> BULLYING IS QUITE COMMON IN AOTEAROA AND NO SECTOR IS FREE OF IT.

Policies that define unacceptable behaviour and set out processes for making complaints are important. However, if nobody feels safe to use them, those policies are meaningless. Safe to speak or independent channels work well if there is senior leadership commitment to them. And there must be consequences for bad behaviour. Fair, balanced, and supportive processes with safe, justified outcomes tell people the organisation lives its values.

How about the public sector? Are there particular features of the public sector that create the environment for bullying?

Bullying is widely reported in the public sector. There is huge pressure on the bureaucracy to deliver exceptional outcomes and meet demanding standards of behaviour and probity. Yet the resources seldom match the expectations ("doing more with less"). This tension creates an environment where delivery is key, but the high human toll can be invisible. Managers can often be promoted or appointed based on technical expertise, but they sometimes lack the necessary people management skills (which are often not taught). Inexperienced managers or those from different workplace cultures can struggle to adapt. Recent information suggests few people raise complaints, despite the reported prevalence of bullying in the public sector. The processes are clearly not adequate.

It has been argued that it is less productive to focus on the individuals involved in a particular complaint and instead work on the culture that enables bullying. Is this your view?

Yes and no! You have to do both, or it won't make a real difference. Dealing really well with individual complaints and, if necessary, holding people to account for bullying is critical. A process that allows the perpetrator to stay (or move on graciously) sends a negative message to the complainant (who often leaves) and everyone else who becomes aware of what happened. A leader who allows this to happen or is oblivious to the truth will lose the respect of their people. Trust will be destroyed: no one feels safe or valued. Creating a positive, healthy, and authentic culture requires leaders and managers to walk the talk and role model the way they want everyone to be treated.

You have explained to me that there is no single profile of a person who bullies, so what drives bullies?

It seems there are several drivers of bullying behaviour. One category is incivility and pettiness between work peers that causes a workplace to feel toxic. People will defend this saying they are being professional and don't have to be friendly in the workplace, yet it can be soul destroying. Unwarranted and sustained behaviour that has the potential to cause harm (or has caused harm) is the common understanding of bullying. Poor or harsh management is the other driver and is more common than unwarranted conduct. It is rare to find people who have a deliberate intention to cause others harm. To the person on the receiving end, it all feels like bullying and can cause significant harm.

FEW PEOPLE RAISE COMPLAINTS, DESPITE THE REPORTED PREVALENCE OF BULLYING IN THE PUBLIC SECTOR.

So, if there are many different types of people who tend to bully, there must be contrasting ways of helping them to reduce the harm they cause. Can you tell me more about this? How do we impact these people?

Employers must ensure the workplace is safe, and that requires the courage to identify psychosocial risks and address them. Relying on employees making complaints and having sometimes lengthy and damaging investigations is not a proactive strategy. It puts a lot of pressure on people who for good reason may be reluctant to speak up. Using independent culture reviews and doing proactive health and safety culture work has been very helpful for many of our clients. Obtaining anonymous but reliable data through a safe workplace culture review can provide a useful basis for restorative processes or, if required, formal employment processes.

In cases of interpersonal conflict, poor behaviour, and incivility, supportive management with a firm approach to unacceptable behaviour is required. Team building and mediation can be helpful, but if one person is poisoning the well, often this does not work. Managers who are inept or harsh and have limited insight into their behaviour can be helped if they are willing. Reputable coaching, professional development, and work to recognise and modify their approach may improve their management.

The rare category of people with little empathy and who don't care or actually enjoy harming others can't really be "fixed". They must be given very direct, firm instruction about the expectations of them and the consequences if they breach them. And they must be closely watched.

Are any groups of employees more vulnerable to bullying than others, and if so, what strategies can be used to make their workplace safer?

Research shows people from minorities are much more likely to experience bullying, whether it's based on gender, race, disability, or LGBTQI+ status. Simply declaring the workplace diverse and inclusive and getting a rainbow tick does not make the workplace safer for anyone who is perceived as "different". Having a genuine commitment to inclusiveness means working with people from those communities to find out what the obstacles are and implementing changes that make them feel welcome, safe, and valued.

I have often heard that when people are poor performers and a performance management process starts, managers get criticised for bullying. What is your view on this?

Fair performance management is not bullying, but for the employee, it can feel like they are being targeted. Managers need good support to ensure they conduct fair, robust processes.

Unfortunately, we do see harsh management coupled with low EQ leadership: the manager sees it as "firm but fair" management or says they are dealing with a poor performer. The people subjected to it feel micromanaged and undermined, and it can spiral rapidly. They may be driven out of the organisation. It is therefore important that managers have training about how to give feedback, coach, and run proper performance management processes.

SUPPORTIVE MANAGEMENT WITH A FIRM APPROACH TO UNACCEPTABLE BEHAVIOUR IS REQUIRED.

Is it your view that the CEs or senior managers in organisations do not know about or see the bullying that occurs? Or is it ignored or permitted if the manager is a good performer in other ways?

Rigid hierarchical structures can create a barrier between the leaders and the rest of the organisation, so the real story does not filter upwards. CEs sometimes genuinely don't know their staff are treating their subordinates (and peers) poorly. They will focus on outputs and results and accept assurances that anyone raising concerns is a poor performer or there is a personality clash. Some CEs must know the behaviour is happening but will rationalise it if they perceive the ends justify the means. Boards, CEs, and senior managers have to make genuine efforts to find out what people are really experiencing and to ensure they prioritise the health and safety of everyone in the workplace.

So, what would make the biggest difference to keeping bullying at the absolute minimum in the public sector?

Authentic leadership that's genuinely committed to providing a safe, inclusive, and empowered workforce.

NEW LEADERS IN THE PUBLIC SERVICE

Isaiah Apiata, a youth justice leader and rangatira on his Te Tii Waitangi Marae, has been named Te Hāpai Hāpori Spirit of Service Awards Young Leader of the Year. What drives him is cultural connection, service, and a commitment to Te Tiriti o Waitangi. Kathy Ombler caught up with him.

Isaiah Apiata at Waitangi (Photo credit: Te Rawhitiroa Bosch, Rowhitiroa Photography)

Isaiah Apiata's public service career began as a prison guard in Kaikohe. After eight years with the Department of Corrections, he moved to a youth justice role with Oranga Tamariki. He is currently seconded to Te Rūnganga-Ā-Iwi-Ō-Ngāpuhi as Government Relations Manager. Aged just 32, he is also a rangatira for his marae, Te Tii Waitangi, and has been appointed by Ngāpuhi as their kaikōrero (spokesman) for Waitangi Day events.

In nominating Isaiah, Oranga Tamariki said: "He has guided many people away from crime and towards positive life pathways through strengthening their cultural identity and reconnecting to whakapapa."

Pivotal moments

For Isaiah, it's been some journey.

"I came from nothing. I was born to a 17-year-old mother into a world of gangs and alcohol. When I was two, my grandmother took me into her care, and into te ao Māori. That's where I got out, and that's where it all commenced."

His grandmother was the senior matriarch of their marae, and Isaiah says that as a young boy, her mission for him was to sit in the wharenui and listen.

"I could hear my cousins outside, playing and laughing, and I was inside, listening to the stories and wisdom of my elders, to mentors and teachers like the late Kingi Taurua. People ask about my native tongue, and they assume I got it from kōhanga reo. I learned te reo from sitting in the meeting house, at the feet of Ngāpuhi giants. Now I see the blessing in what my grandmother did."

Another pivotal moment was when he was 11. "My uncle, Wiremu Wiremu, knocked on the door and said, let's go. I looked at my grandmother and she nodded. He took me to Whakatāne, along with other young Ngāpuhi men he was training in our Mātaatua wāka kinship, which we share with the Whakatāne people. Our job was to teach them this kinship and to reconnect. Wiremu was captain of the great Ngāpuhi wāka Ngātokomatawhaorua. He was a major influence.

"So cultural understanding and leadership was given to me at a young age, although I didn't understand what my destiny was until I joined Corrections. Then I realised that because of those conversations in the meeting house, I'd learned about Te Tiriti o Waitangi and our rights, but in a humble way, so I'd also learned about not being an activist but about working within the system."

> I COULD HEAR MY COUSINS OUTSIDE, PLAYING AND LAUGHING, AND I WAS INSIDE, LISTENING TO THE STORIES AND WISDOM OF MY ELDERS.

Isaiah was eighteen when he joined Corrections, and over seven years he moved through several roles related to rehabilitation. "Over time, I learned that everyone has a story and that once you get to the heart of that story, that's where you can build a relationship."

But then came another pivotal moment. "There was a great-grandfather in Corrections. He heard that one of his mokopuna was coming into jail, and he was boasting about it. The pride he had; the intergenerational acceptance that going to prison was normal for his family – that told me Corrections wasn't the career for me."

Isaiah moved his attention to Māori youth, building on a previous role with He Iwi Kotahi Tatou Trust, where he'd help run an

alternative programme for rangatahi not coping in mainstream education. “We taught them their pepeha, about paddling our traditional wāka, water safety and hunting, fishing, and diving, plus some basic numeracy and literacy. Other kids started to be naughty, just trying to get into the programme,” he smiled.

The path with youth

From there, it was a logical step to Oranga Tamariki and the role of Northland-based Youth Justice Co-ordinator. What did that look like?

“When a young person offended, my role was to take a neutral position and to discuss options. Historically, offenders were directed to do community service. My focus was about giving mana back to the offender, sowing the seeds of aspiration. One boy said he wanted to be an engineer so I set him up with the local mechanic, doing five hours a week.

“Another boy lost his father to suicide. His offending wasn’t because he was bad but because he didn’t know how to handle his emotion so I saw my role as one of constant engagement, being the older brother, sharing conversation, and planting the seeds of aspiration to give him something to aim for.”

ORANGA TAMARIKI HAS AN INTEGRAL ROLE, BUT IN PRACTICAL TERMS, THE FAMILY NEEDS TO STEP IN AND TAKE ACCOUNTABILITY.

Culture is really important for these youth, he adds. “There is a lot of disconnection for our rangatahi. With Māori offenders, the first thing I’d do was for them the hardest. I’d pick them up at 7.30 in the morning. They’d turn up with their flash hoodies and jeans and cellphones, and I’d walk them up the highest mountain of their community. On the way up, we’d talk about their offending, and what caused them to do that. By the time we got to the top, they’d be all hot and sweaty, and they’d see the beauty of that view of the far North, that ancient charm, and I’d tell them the old stories and see a gentle peace sit on that young person. The hard stuff was done on the way up, and on the way down, I’d talk about what we were going to do to support them so it was all positive, looking into the future, and at the bottom, we’d have a big feed. That’s how we’d gain the relationship and, like the pivotal moments in my own life, it would often be a milestone for that young person, integral in changing their life.”

With Pākehā youth, he would put culture aside. “It’s not my role to impose a different culture. Instead of teaching pepeha, I’d say let’s visit some places from your community and build your knowledge of where you come from. And let’s go get your driver’s licence, or first-aid certificate – lets teach you to be the best you can achieve.

“With all our rangatahi, we also looked to wrap services around their whole family because it’s their responsibility and we need to resist building a co-dependency on the government. We need to teach them how to fish, which would sustain them for a lifetime, instead of just giving them one fish.”

A mystery that benefits all

Isaiah acknowledges Oranga Tamariki faces difficulties. “We need to hold Oranga Tamariki to account, yes, but critics must also be willing to work with Oranga Tamariki to contribute to a collective change.”

Legislatively, Oranga Tamariki has an integral role, but in practical terms, the family needs to step in and take accountability. “Hapū and iwi also have an integral role in building that network around young people. Every child born into this world should have a firm foundation to stand on.”

WE DON’T WANT TO TAKE OUR HISTORY AND RUB IT ALL AROUND OUR FUTURE.

Isaiah believes Oranga Tamariki, like many government agencies, is a reactive agency. “They react to incidents, the resourcing goes into what has to be done at the bottom of the cliff. And they’re tired, always dealing with the hard, negative, reactive engagement and antisocial behaviour of the family. If we’re working at the top of the cliff and the family is a strong unit, then we can change that direction. Let’s stop being reactive.”

In 2018, Isaiah was appointed by iwi elders as kaikōrero (spokesman) to speak on behalf of all Ngāpuhi at Waitangi Day events. Now, seconded to Te Rūnunga-Ā-Iwi-Ō-Ngāpuhi, his work is about building relationships between Ngāpuhi and the Crown. He says service remains his mantra.

“I’m serving my people now. It’s a different capacity with different outcomes, but the key word is service. To continue to serve, to be accountable and to benefit my Ngāpuhi people – it’s a beautiful role.”

Core to Isaiah is Te Tiriti o Waitangi. He is delighted with the acknowledgment and adoption of Te Tiriti by Crown agencies.

“When Oranga Tamariki adopted Te Tiriti o Waitangi as a cornerstone of the organisation, that was also pivotal for me. That’s where my role developed from working with our youth to becoming the senior cultural advisor for the tamariki in Northland.

“Te Tiriti has been bashed around. There’s negativity, talk about racism and loss of land – I’m not going to disregard all that, but at its core, I think it is one of the most beautiful documents in the world.

“When my tūpuna signed that Treaty, they made a promise, an enduring promise of nationhood. Their promise was for manaaki (care), tiaki (support), and aroha (love) for all those who would come to this land. In my opinion, that was the intent – that we would nurture everybody who calls New Zealand home.”

He says that Māori have a voice, but it must be acknowledged that this is a nation for all New Zealanders. “So how do we build a relationship that encompasses all? That’s the bicultural link that we have to discuss, and we need to be bold about having those conversations.

“For the Māori who work in the public sector, it’s about how we can share or fulfil our knowledge in a mana-enhancing way.

“Although we have a voice, it should be the voice of the collective not the individual. Yes, acknowledge our pain, but also acknowledge what an aspirational future could look like. History is history, the future is mystery, we don’t want to take our history and rub it all around our future. If we can change our narrative, we can start to create a better mystery that will be beneficial for us all.”

Spiro Anastasiou

IS ENGAGING WITH THE MEDIA THE ULTIMATE PUBLIC SERVICE?

Spiro Anastasiou from Senate Communications is a communications specialist who also has around fifteen years' experience in broadcast journalism. He has some clear messages for public servants when dealing with the media.

I often hear complaints from public servants about the media and its click-bait culture, but this is no reason to stay out of public debate – in fact, it's the very reason the public service should be fully engaged.

The anti-mandate, pro-freedom protest at parliament highlighted two issues that should be of critical concern to all public servants: misinformation and the distrust of government.

IF IT'S NOT THE PUBLIC SECTOR'S ROLE TO ENSURE PEOPLE HAVE THE RIGHT INFORMATION TO MAKE INFORMED DECISIONS, THEN WHOSE IS IT?

It's very tempting to condemn the more extreme elements of the protest and use it as a rationale for not engaging with the issues they were raising, but doing so ignores issues that are not only legitimate but are shared and considered important by many.

Setting aside the more abhorrent behaviour and the dubious factions that were part of the protest, at the heart of what they were saying were the same concerns that have been raised by politicians, business operators, and the sectors struggling as a result of the COVID-19 response. Polling also suggests that these concerns are not isolated to a small fringe, even though some of the protest was.

But what has been a real eye-opener has been the kind of misinformation and misdirection that we'd only previously seen in news feeds from abroad. We can no longer sit back smugly and say that Trump-like behaviour could never happen here – the protest in Wellington shows that New Zealand is just as vulnerable, and we can only be grateful the protest stopped at parliament's lawn and didn't spread up the steps like the invasion of the United States Capitol just a year before.

While this comparison might seem a little dramatic, who would have thought the seat of our government would be surrounded by protesters and concrete bollards for more than three weeks? And is it a form of protest we could now see more often?

The question for the public service is how does it address deeper questions and wider societal challenges highlighted not only by the protests but by the transformational change that will be part

of our future when we deal with climate change and the rise of the far right? How does it combat misinformation and how does it reinforce the people's trust in government?

Perhaps another way to put it is – if it's not the public sector's role to ensure people have the right information to make informed decisions, then whose is it?

A constantly evolving information environment

The traditional role of the media has always been to provide a check on the power of government. Today's media is far more diverse and includes a far wider range of outlets and organisations than when it was given the title of "fourth estate" as a watchdog over the appropriate separation of power within government. What it does retain is enormous reach and influence, partly because technology has made it so much more accessible.

One of the features of digital media is the creation of new sources of reporting and publishing that are part of a constantly evolving information environment. While we have seen a number of credible quality subscription and free services bringing informed coverage from different perspectives, we've also seen the emergence of actors with a range of motives and agendas using digital platforms devoted to spreading disinformation.

Traditional media still has a wide reach with the public, even though access may be through a range of digital platforms and many may not read past the headline or the 280 characters of a Tweet. Even so, there is still a lot of authority and influence associated with the masthead or logo of an established news organisation. The stories they carry can deepen knowledge and understanding and influence opinion by telling people what others are thinking and providing information so they can form their own views. Most importantly, editorial content or "news" carries the implied credibility of a third-party filter with objectivity and a commitment to accuracy and balance.

How well and consistently the media fulfils its role is a legitimate question, but the new click-bait headlines and a "gotcha" culture are not excuses for the public service to stay out of the debate. It can also be argued that failure to engage in the debate is an abrogation of the responsibility to serve the public.

The public service shield

Media and communications are critical when public interest is high, and for those with a public and stakeholder focus, there is an obligation to understand the media, its needs, and how to engage with it effectively.

THERE IS STILL A LOT OF AUTHORITY AND INFLUENCE ASSOCIATED WITH THE MASTHEAD OR LOGO OF AN ESTABLISHED NEWS ORGANISATION.

Care when engaging with the media is appropriate, but worrying about risk is the wrong place to start. The media are the gatekeepers to your audience, so understanding them and how they work are key.

From the media's perspective, the public service is seen as an information filter to shield its political masters. Even simple requests for information are deliberately delayed, and access to the right people is denied, all of which is true to a greater or lesser degree.

The Privacy Act and due process are used too often, and slow responses from departments are interpreted as a lack of transparency, arrogance, or proof that they have something to hide – often reflected in the tone of the increasing trend towards advocacy journalism.

The lack of access has also seen the weaponisation of the Official Information Act and wide ranging "fishing expeditions" that in many instances could be addressed by meaningful engagement.

Brave new world

Perhaps the most significant challenge – and shortcoming – in the public sector's media engagement is its slow response to the changed media landscape and the demands it creates.

News is no longer just the domain of large organisations, who must now compete in a more crowded media landscape with such outlets as non-profit media organisations, academic centres, and self-publishing groups and networks.

The new environment allows the development of channels and forums where like-minded or single-issue groups can congregate. The risk is that balanced information essential for an informed debate gets lost in echo chambers that reinforce perspectives and which can also become the target of misinformation and even misdirection as has been discussed in the context of the Wellington protests.

Digital channels have also gutted traditional media revenue and with it the investment in recruiting, training, and keeping journalists. Not only are there fewer of them, but mainstream media reporters are likely to be young and working under pressure, and in many cases, they will be neither experienced nor well supervised. Subject-matter expertise often sits in smaller niche media outlets, and one size and type of media engagement will not meet all media needs.

This requires public service communication that is more open, transparent, and accessible, using tools such as video and social content that is not the natural medium of these new channels and their audiences.

This digital environment also has an ability to publish "live" or very close to it, and stories will not be held while a considered written response is developed, especially when there are compelling images or a willing spokesperson. Timeliness of media response is not the public sector's strong suit, and the result can see organisations caught on the back foot on an issue and left struggling to get back in the debate.

Sometimes saying nothing can be a justified response – but not often. It can and does take time to be thorough and ensure accuracy, and many public servants may distrust the media's motives or skills or may have a different view of what is news or what is important – but they must still be engaged.

The tortoise and the hare

No doubt there are many public servants who want to engage faster and more freely with media but feel constrained by multi-layered sign-off processes designed to avoid risk and political retribution. The challenge for the sector is to have the same confidence in its communication as it has in its ability to make and implement good policy.

The public sector may not be built for speed, but most of the issues it deals with have a longer-term view, and the approach to communication should be the same.

One of the biggest assets of the public service is the range and quality of the information it holds, and more often than not, that's what the media is after. There are examples where the quality and reliability of information has made officials the trusted source of information, but that was not by accident – it will always be the outcome of a planned, strategic approach that is well-executed.

Communication – and by association the media – are key in any matter of public interest, and the public sector needs to invest in those relationships and maintain them – before they're needed.

THE CHALLENGE FOR THE SECTOR IS TO HAVE THE SAME CONFIDENCE IN ITS COMMUNICATION AS IT HAS IN ITS ABILITY TO MAKE AND IMPLEMENT GOOD POLICY.

No one said it would be easy, but neither are the big transformative policy issues the public sector is charged with delivering. The associated challenges are not reasons for defensive retreat – they only reinforce the imperative for the public service to communicate professionally and credibly.

If the reluctance is the political overlay that accompanies many issues, remember that one of the most effective ways to manage political anxiety is to manage public anxiety.

WHERE DOES DEMOCRACY BELONG IN SELECT COMMITTEES?

In the light of enormous public engagement with select committees, Will Dreyer wonders if we are missing something.

Last year, a record-breaking number of submissions were made to the Justice Select Committee on the Conversion Practices Prohibition Legislation Bill: a massive 106,700 submissions. Assuming – conservatively – that each submission was on behalf of one individual, then this is equivalent to just under one out of every twenty-seven voters in the 2020 General Election submitting on this bill.

This is not an isolated event; the rate of submissions to select committees is increasing. Hundreds, thousands, tens of thousands of people are regularly engaging in the legislative process. It seems that select committees are being transformed into sites of direct and participatory democracy. As told by interest groups, our voices are powerful and if enough people submit, then MPs will have to listen to the people, to democracy. Indeed, the ability to submit has been described as a constitutional right by academics and parliamentarians alike. Providing an underlying legitimacy to legislation, submissions are a democratic act.

But are they? Select committees contain competing and often conflicting inputs – the views and decisions of our elected representatives do not always align with the views or desires of submitters. Nor are select committees required to act in line with what the majority of submitters demand. The right to submit is not the same as the right to have your way. What then, is the point of a submission? What makes a submission valuable or influential?

Submissions, when called for, are a tool for select committees to use. Primarily, their function is to educate our lawmakers – to provide and generate insight into the impact and consequences of proposed legislation, through lived experience and expertise that lawmakers do not always have. It seems to me that there is a misalignment in the understandings of submissions. To parliament, submissions are a tool; to the public, they are a democratic act, some strange version of an opinion poll or a vote. That submissions can be used as a political tool has only fuelled this misconception – for government disagreement with the majority of submissions allows opposition parties to proclaim the illegitimacy of the government regardless of broader public opinion or election manifestos. Competing views on the role of submissions risks a loss of trust in and a delegitimisation of the committee process, and in turn, a loss of trust in parliament. Submissions are not – formally – a democratic act. They are an epistemic tool. But this seems an unambitious and uninspiring model of public engagement. Should we not strive for better and more responsive forms of democracy?

At the turn of the century, parliament's engagement with the public through select committees was well-regarded. Twenty years on, little about parliament's fundamental approach to submitters has changed (beyond increased accessibility through the internet). Meanwhile, other jurisdictions have been taking steps to improve their own select committee process – by actively aiming to address the gender imbalance of witnesses, engaging with marginalised communities, and trialling innovative democratic models (such as mini-publics linked into select committee operations). Strong public engagement with select committees is an opportunity for parliament to experiment – to replicate and build on the endeavours of these other jurisdictions, embedding the public in decision-making processes in a manner that honours Te Tiriti o Waitangi and is equitable, representative, and innovative. Desire for such experimentation is hinted at in the Standing Orders Review 2020, but it needs the will of select committees to drive it, as well as visions of alternative democratic models around the committee table and within the public sector.

THE FUTURE OF WORKING
WHERE IS IT?

COVID-19 has forced us to change how we think about work and where we do it. Scott May from the Far North District Council has seen enormous benefits from changing how we approach work.

I hear conversations about the future of work all too often being reduced to a dichotomy: should we be in the office or should we be working from home? As we begin the transition to living with COVID-19, the conversation is shifting to how we retain the benefits of remote, flexible working while capturing the benefits of in-person collaboration. Again, the conversation about this transition is commonly expressed as two extremes. On one side, you will never prise me from my work jammies, and on the other side, I'm champing at the bit to finally reconnect with valued colleagues.

But what if we can have both options? You can work in the office or at home or maybe even a combination of the two! Flexible working is not a new concept; however, implementing some permanency around this model requires a significant change exercise and a willing workforce. Asking the people is the first step. Conducting a proof of concept, a test and learn process, and then constantly listening to feedback from your people gives those who are resistant to change the opportunity to experience the concept before committing to it.

At Far North District Council, I was able to lead the People & Culture stream for a project that experimented with this issue. We chose a hybrid working model that incorporated both home and the office. This accommodated people wanting to work in the office full-time and also those wanting to work from home but come into the office when they needed to. Having purposeful team spaces available for social contact between employees is critical, and all our people told us this was important to them.

The masterstroke of this initiative was asking our people "What do you need?" and making them the priority. This decision during a pandemic was both gutsy and deliberate. Wellbeing is seen as the most important word in our current climate and a driver for everything we do in local government. Aligning our values around people to an internal significant change was the key to the project's success.

As with anything, listening and measuring and being agile were the hallmarks of success, and the results speak for themselves.

What do our people say? (Sample of wellbeing survey results June 2021)

- 93% of respondents believe that hybrid working makes the Council a more attractive employer.
- 76% responded the changes to our office environment have been an improvement.
- 98% responded they had face-to-face contact with their team in the last month.
- 54% said their wellbeing had increased since hybrid working, and 8% said their wellbeing had declined.
- 81% said they felt supported by their line manager, and 5% said they did not feel supported.

Utilising technology and having more focused days in the office face to face is improving performance in the entire organisation.

With the local government sector on the verge of massive change in the coming years, having a "can do" attitude and being adaptable to change will benefit the entire sector. Putting people first is about bringing everyone with you – and it works!

Brian Yee

Jamie Tuuta

Kelvin Wright

A MODEL FOR COLLABORATION

BRINGING IWI AND LOCAL AND CENTRAL GOVERNMENT TOGETHER

Iwi, councils, and regional Crown representatives in Taranaki are working collectively to address the effects of COVID-19. MSH Consulting's Brian Yee explains how MSH worked with Taranaki iwi and local and central government to create a unified strategy. Taranaki Regional Recovery Chair Jamie Tuuta and New Plymouth District Council's Deputy CE Kelvin Wright put the success of the initiative down to respecting one another's perspectives and coming together to develop a clear strategy with the customer at its core.

Centrally enabled, but regionally led

In response to COVID in 2020, the government transitioned to what was described as a more "regionally led, centrally supported" approach. They supported local leadership in developing strategies to mitigate the economic, cultural, social, and environmental effects of COVID. This approach was refreshing as it meant those witnessing the local impacts of COVID were leading the way in their recovery.

"It's not hard to realise that iwi and local communities are best placed to understand how to effectively respond to issues facing our whānau," says Jamie. "We live in these communities; we hear the issues and therefore understand the greatest opportunities. The government recognised the importance of local voices and empowered us to develop and design our own recovery strategy."

A leadership group with a broad range of perspectives

Out of this came a Regional Leadership Group (RLG), which Kelvin describes as a collective to "prioritise the opportunities regionally and to make sure that the government was considering investing in and prioritising high-impact initiatives, while ensuring geographic and community equity through fair allocation of funding. Usually, industry, iwi, hapū, and all sorts of institutions looking for money develop individual proposals, which leads to a shotgun approach. This dilutes the pool of funding and causes inefficiencies."

Taranaki's approach to forming the RLG was to select three iwi chairs to represent the three waka that the eight iwi of Taranaki whakapapa to and the four council representatives of the Mayoral Forum. The RLG then decided to elect an iwi representative to lead it. When specialised knowledge and expertise were required, other "non-elected" leaders were brought in as advisors.

The four pillars

The RLG wanted to develop a strategy around four pillars: social, economic, rural, and cultural-iwi/Māori. The first three were allocated to the local authorities (three district councils and one regional council), and the fourth was to be developed by iwi. The iwi group designing this pillar became Ngā iwi o Taranaki.

> HISTORICALLY, COUNCILS HAVE ENGAGED IWI IN A VERY TRANSACTIONAL WAY.

Tasked with creating the cultural-iwi/Māori pillar, Jamie needed a mechanism

to bring the eight Taranaki iwi together. He engaged MSH to help him do that. Jamie says, "I had worked with Brian before and really liked the simplicity of his Outcome Strategy Framework approach as it helps align the views of a diverse range of entities. It was perfect for our challenge as we needed to quickly unify the views of Ngā iwi o Taranaki into a single collective voice."

True collaboration was critical, but difficult

Jamie acknowledges previous successes in iwi collaboration. "The eight iwi in Taranaki have a history of being able to work together, but there are always challenges to getting everyone in the room. Individually we all have limited time, and we each often have different areas of priority and emphasis."

With district and regional councils in the picture, the traditional biases, colonial ties, and historic power imbalances often created a barrier to regional action. Kelvin says, "There has always been tension between some iwi and civic leaders – the relationship hasn't been quite where it needs to be. There is also a perception that local government is just an arm of central government.

"Historically, councils have engaged iwi in a very transactional way, often related to time-bound projects and programmes that are constrained by local government planning and priorities. Our new approach worked because we went in with partnership in mind to define priorities that had mutually beneficial outcomes."

THE OUTCOME STRATEGY FRAMEWORK SAW WHĀNAU AS AN ACTIVE AND MEANINGFUL VOICE IN THE STRATEGY.

A strategy approach focusing on whānau

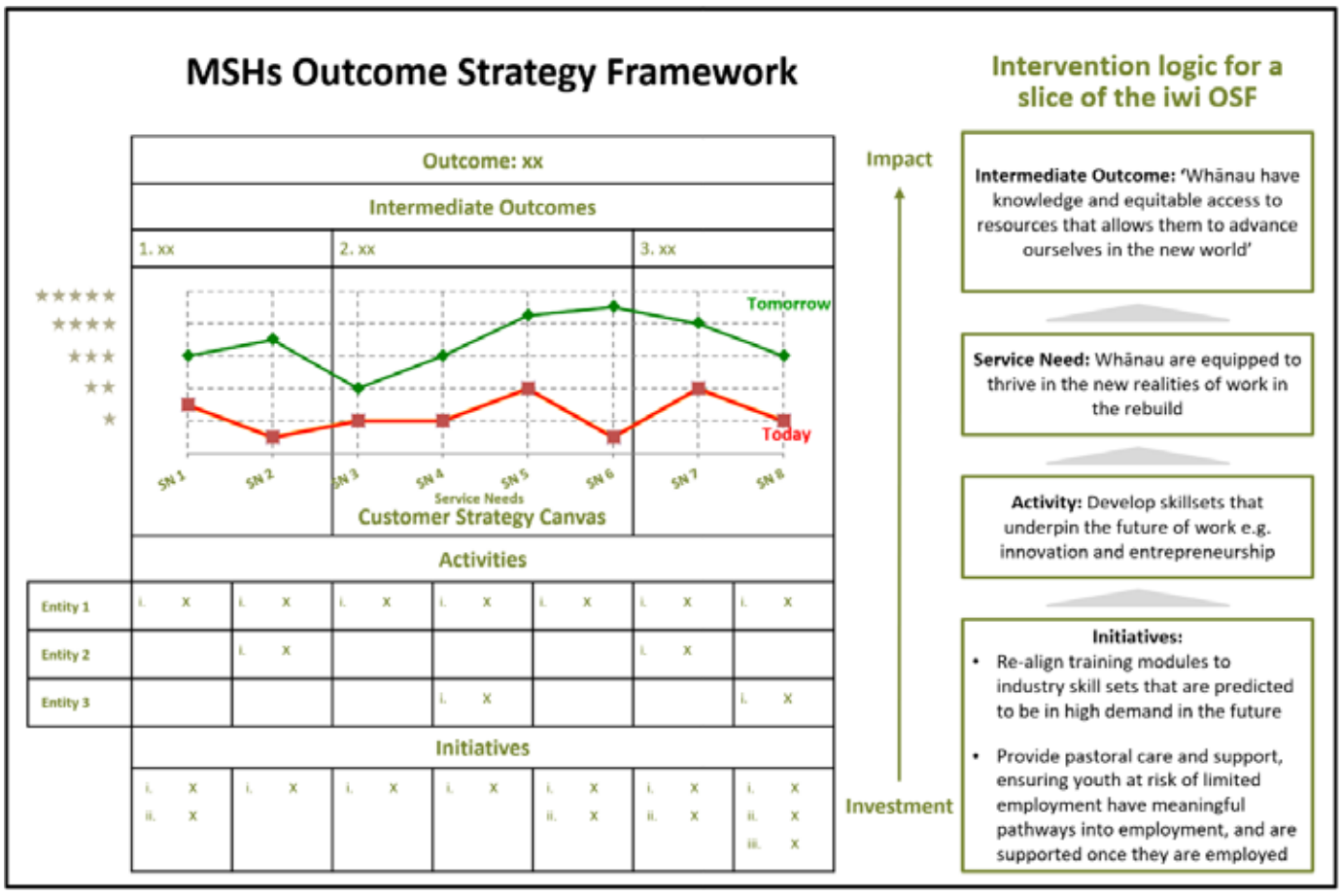
MSH knew that the challenges were complex. They decided on the Outcome Strategy Framework because it enabled Ngā iwi o Taranaki to determine how they will practically deliver on social, environmental, economic, and cultural outcomes for whānau by putting the customer at the centre.

The diagram below shows the framework. What makes it powerful is that the customer is at the heart of the strategy. This provides a clear line between activities and outcomes, allowing for sound investment decisions.

MSH and Ngā iwi o Taranaki quickly realised that they couldn't develop a holistic cultural-iwi/Māori pillar on their own. They decided to expand their strategy to include collective leadership, quality environments, future knowledge, healthy living, self-sustaining communities, connected culture, and wealth creation. The vision for this became "Accelerating a brighter future for the next generations". Jamie believed it was important to have a strategy that addressed the needs of whānau. "Taking a whānau-centred approach enables us to clearly demonstrate how we contribute to our whānau and our alignment to the government's Whānau Ora outcomes. The Outcome Strategy Framework saw whānau as an active and meaningful voice in the strategy."

Aligning a region

The region then chose to adopt the Ngā iwi o Taranaki Outcome Strategy



Framework as the foundation for the Regional Recovery Strategy. Jamie says, "We led out with the development of the iwi Outcome Strategy Framework and then everyone realised that we are actually pretty organised and have produced a cohesive strategy that the councils can incorporate and be part of. It's not even a co-design process – it's changing the whole way we operate as a region."

According to Kelvin, adopting the iwi framework "wasn't to take over the process or their plan". It was to recognise and respect the effort that had gone in, the depth and breadth of the plan, and the fact that it was appropriate for the region.

"The priorities for iwi were not too dissimilar to the priorities we were developing for the rest of the region, and on top of that, it had a focus on long-term, whānau environments and health and wellbeing, which was a more complete outlook on life.

"Adopting the strategy was very easy because it was right. It was about looking after people, more holistic health and wellbeing of families, job sustainability, and new business creation. All of those things were relevant to everybody.

"However, given that it was a piece of work that was largely created by Māori for Māori, it needed to maintain that integrity and meaning to them, and we needed to respect that and look at how some of those initiatives could be translated to be relevant to the rest of the region."

Relationships, trust, and a clear framework

Kelvin insists that success was down to putting relationships first, as both sides were clear on where they stood. He states that parallel work streams with strong connections at both the governance and operational level was key. "It was very clear during early discussions that Māori wanted to lead Māori and so that was acknowledged straight away. Given the maturity of the relationships at the time, it was likely to be more effective to just leave the two work streams alone, so we decided to have parallel work streams and parallel governance. So, through all of our discussions, there was a trust and confidence starting to build as we'd gone and made this commitment that we would stay together."

As well as a sound agreement on the intricacies of the relationships, both sides had trusting leaders. "Within Taranaki, we have leaders who are willing to work together," says Jamie. "Our aim was to create a coalition of the willing while acknowledging that iwi can do their own thing and ensuring that iwi are active participants at the local or central government table."

Kelvin emphasises how maintaining the focus on the customer was key. "MSH had the framework. This very much needed to be a focus on our community and not on politics or Treaty disputes. This was a new initiative, and it was all about what needed to happen post-COVID."

The framework allowed iwi and councils to form a collective view about the desired outcomes and priorities for the region and then cascade these into more detailed strategies.

A unified view at governance and operational levels

The strategy was signed off by the whole RLG. This meant everyone knew exactly what was required and who should do it. Jamie says, "The framework gives us a roadmap and the clarity that's required to think about how we prioritise and what we invest in."

THERE MAY BE A SILVER LINING AROUND COVID.

Kelvin says this unified view was what kickstarted the joint collective between Te Aranga o Taranaki, made up of representatives from iwi, and the Regional Recovery Team consisting of council staff who are co-responsible for the successful implementation of the strategy. "It is an operational team taking both iwi and civic representatives and co-locating them together in a neutral location."

Jamie justifies this resourcing. "We shouldn't underestimate the benefit of people working collectively at scale. It provided us with a targeted resource, driving the strategy and leveraging all of the other component parts of our system. They're working within the broader ecosystem with the focus on this recovery, but they're also able to link networks and generate efficiencies."

Enabling other action to address the region's issues

A significant focus of the Regional Recovery Strategy was housing. "One thing that popped out of the plan was housing," says Kelvin. "Taranaki house prices were escalating, demand was up, and consenting was up for the bulk of our population in New Plymouth. So clearly, we needed to start working on a housing solution."

The thread of the parallel streams continued, leading to the development of the Taranaki Regional Housing Strategy. This strategy became a platform for the wider advisory group of the eight iwi, councils, and others in the housing ecosystem (for example, Kāinga Ora and Te Puni Kōkiri).

Kelvin explains that one of the region's biggest issues was also the largest opportunity for reinvigoration. "Providing a housing solution actually can touch so many of these recovery initiatives from job and business creation, to wellbeing, lifestyle choices, to finally having that sustainable housing product available."

The clarity of the cause-and-effect linkages between the Regional Recovery Strategy's high-level aspirational outcomes and the Regional Housing Strategy's practical actions provided the confidence to investors and funders that these actions contribute directly to regional recovery and growth. Jamie explains, "The strategy enables us to secure resourcing and funding from other parties because we could demonstrate what the investment was going to deliver, with measurable outputs to achieve those outcomes. Funders love the clarity."

Conclusion

The value of this strategy, Jamie believes, is not limited to the short term. "Initially this process was all about responding to the here and now, but I think the great thing about it is that some of the strategy is going to take time and it's intergenerational. What are the steps that we can do now that will lead to better outcomes over time?" He suggests there may be a silver lining around COVID in that "it's forced people to have to work together, but in doing that, people have realised actually it's not as hard as we thought it was going to be."

The Outcome Strategy Framework has given iwi and councils the mechanism to have a common focus on a single customer. They can now move forward together and accelerate a brighter future for the next generation in Taranaki.

HOW BIG BUSINESS CAN TAKE THE LEAD IN HELPING EVERYDAY NEW ZEALANDERS

IPANZ often receives feedback that the public service would gain from stronger engagement with people outside the service. Communities, NGOs, local government, firms, and individual business people too often feel cut off when they have ideas and resources to offer. The pandemic revealed how these people and groups, which are not part of the state sector, are working effectively serving New Zealanders. This article illustrates the contribution of the private sector.

While the private and public sectors are often seen as separate worlds with very different purposes, some businesses are moving into the social sphere. Brent Chalmers, Westpac NZ Head of Public Sector, explains.

New Zealand's business community has a long history of working with the government to help solve tricky issues and support Kiwi families – but increasingly, they're taking the lead on key issues themselves.

"Our customers no longer see banks as just a place to deposit and borrow money," explains Ian Hankins, Westpac NZ General Manager of Consumer Banking and Wealth.

"They want us to partner with them through big life moments, like buying a first home or starting their dream business, and they're also increasingly vocal about demanding action on the issues that matter to them.

"We know that protecting our environment and breaking down social and income barriers are among the most serious challenges facing the country, and from talking to our customers and employees, we know they feel the same way. We need to be working with government and individuals to find solutions."

Finding financial peace of mind

Westpac was the first bank and one of the first big businesses in New Zealand to become "living wage accredited". That means all staff and workers, including contractors and suppliers, employed on a regular and ongoing basis are paid at least the living wage, currently set at $22.75 per hour.

"We estimate our ongoing accreditation is benefitting roughly 650 of our contractors who are employed through suppliers, including cleaners, guards, and mailroom staff. That's 650 families with a little extra financial security and peace of mind. They tell us that getting paid what they're worth makes them more engaged on the job too, so there are benefits for everyone," Ian says.

"We're not just helping those families – we're setting an example for other employers to get living wage accreditation. We're pleased to see so many other big businesses following our lead over the past three years." Now over 300 employers are paying Kiwis a living wage.

> OUR CUSTOMERS NO LONGER SEE BANKS AS JUST A PLACE TO DEPOSIT AND BORROW MONEY.

Loans that can change lives

Banks have the financial muscles to support initiatives that are socially and environmentally friendly, and increasingly, they're flexing them.

Joanna Silver, Westpac NZ Head of Sustainable Finance, is especially proud of two sustainable loans that the Westpac team have structured in the past year. These have raised the bar for innovative collaboration between big business and government.

"In June, we signed Australasia's first ever social loan, which aligns with new international social lending principles: a $125 million deal with Te Pūkenga – NZ Institute of Skills and Technology. Te Pūkenga has to put that loan towards improving the quality of education, reducing inequality, and creating work opportunities and economic growth," Joanna says.

"In simple terms, the loan will give disadvantaged communities better access to learning and help create jobs."

In October, Westpac agreed to an $85 million sustainability-linked loan with Pāmu, also known as Landcorp, the government-owned farming business. It's the first such loan involving a state-owned enterprise, and it means Pāmu will pay a lower interest rate if it reaches ambitious and independently reviewed sustainability targets. Conversely, it'll pay a higher rate if it falls short.

"This means Pāmu are boosting their bottom line while taking positive actions like reducing emissions, improving farm practices, reducing the rate of on-farm injuries, and providing mental health training for all of their farm managers," Joanna says.

"When you've got big businesses working with government on initiatives that help preserve our environment and ensure no Kiwi communities are left behind, the possibilities for the future are limitless."

> WE NEED TO BE WORKING WITH GOVERNMENT AND INDIVIDUALS TO FIND SOLUTIONS.

The bank is also helping homeowners reduce their carbon footprint through Westpac Warm Up, an interest-free loan of up to $10,000 that can be put towards a range of home improvements, including insulation, heat pumps, and double glazing. It's also committed to transitioning its vehicle fleet to fully electric by 2025, which will eventually see more affordable EVs make their way into New Zealand's second-hand market.

More information about all Westpac's sustainability initiatives can be found at https://www.westpac.co.nz/about-us/sustainability-community/

IPANZ is pleased to welcome Westpac as one of its principal sponsors.

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