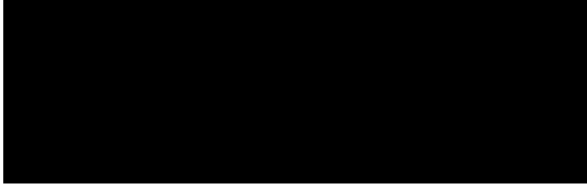




21 AUG 2018



Dear 

Thank you for your email of 25 July 2018, to Oranga Tamariki—Ministry for Children (Oranga Tamariki) requesting the following information under the Official Information Act 1982 (the Act):

- *What assessment(s) have been done by your organisation (including but not limited to assessments for the purpose of reporting to the SSC and or any other governmental authority) to check that women legal staff are not being paid less and are not less likely to get promotions than male legal staff because of gender discrimination?*
- *If any assessment has been done:*
  - *What type of tool or analysis was used to make the assessment?*
  - *What were the results of the assessment?*
  - *What steps have been taken by your organisation to remedy any differences that were identified in pay or promotion opportunities? Eg have you made any adjustments in pay for women legal staff?*
  - *What steps have been taken by your organisation to monitor the setting of pay and giving of promotions to ensure gender discrimination (including unintentional discrimination) does not impact on these processes in the future?*
- *If no such assessment has been done, the reasons for this.*
- *What policies or processes does your organisation have in place to assist to prevent gender discrimination?*
- *What provision does your organisation have for flexible work arrangements for legal staff (both men and women)?*

OIA 18-18528

Page 1 of 6

- *What numbers of men and women (please identify both groups separately) have had flexible work arrangements for the purpose of looking after children in the past 5 years?*
- *What steps have been taken by your organisation to ensure that gender discrimination does not negatively impact on women legal staff returning to work after having a baby and/or who work flexibly?*
- *What training has been given to managers in your organisation to assist them to ensure that processes they implement and decisions they make do not, even unintentionally, discriminate against women legal staff.*
- *What steps has your organisation put in place to ensure that gender discrimination does not impact on recruitment decisions?*
- *If no particular steps have been put in place, the reasons for this.*

You advised that you are interested in the above information in respect of staff:

- *who have a practising certificate*
- *whose role involves giving legal advice*
- *who may still have or have had a practising certificate in the past and who are now responsible for managing legal staff*
- *who are legal executives*

For the purpose of this response, we have limited our response to staff within the Legal Services Team. There may be other staff across Oranga Tamariki who hold or have held practicing certificates and provided secondary advice as a part of their role, but who are not within the Legal Services Team. Our new legal team delivers all our legal needs, including litigation and advice, and supports the frontline as well as National Office. This includes, but is not limited to, progressing care and protection applications through the Family Court, assisting with youth justice proceedings, assisting on adoption applications, advising on complex privacy or official information matters, and supporting and guiding major policy or legislation relating to Oranga Tamariki.

Oranga Tamariki was established on 1 April 2017. We were formed from Child, Youth and Family, the Children's Action Plan, Community Investment and other parts of the Ministry of Social Development (MSD), bringing all these services for children together in one Ministry with a single focus.

When Oranga Tamariki was established legal services were provided through the shared services agreement with MSD. In January 2018 it was agreed that each agency was best served by establishing separate legal teams. In June 2018, the regional legal teams within MSD that focused on care and protection and youth justice work, transitioned to Oranga Tamariki.

The establishment of the dedicated legal service within Oranga Tamariki will help us achieve our vision that New Zealand values the wellbeing of tamariki above all else. Our values and how we work together are an important part of achieving our vision and success for our tamariki.

On 1 April 2017, two Senior Solicitors (one female and one male) transferred from MSD to Oranga Tamariki on their existing terms and conditions. Since that time, we have created a legal team in the National Office with a Chief Legal Officer (female), a Deputy Chief Legal Officer (female), six additional Senior Solicitors (4 female, 2 male) and three Solicitors (2 female, 1 male). In summary, including managing lawyers, we have eight female lawyers and 3 male lawyers in the National Office team.

On 14 June 2018, the litigation function relating to Care and Protection and Youth Justice transitioned from MSD to Oranga Tamariki. The staff in the function transferred on their existing terms and conditions. Currently there are 52 lawyers in that part of the legal team comprising: four Regional Litigation Managers (1 female, 3 male), 17 Senior Solicitors (12 female, 5 male), and 31 Solicitors (26 female, 5 male).

- *What assessment(s) have been done by your organisation (including but not limited to assessments for the purpose of reporting to the SSC and or any other governmental authority) to check that women legal staff are not being paid less and are not less likely to get promotions than male legal staff because of gender discrimination?*

Oranga Tamariki has not undertaken any assessments of gender discrimination specific to legal staff since its establishment in April 2017. As noted above, the full legal services was only transitioned to Oranga Tamariki in June 2018.

Staff who have been recruited by Oranga Tamariki into the National Office team were hired using 'blind recruitment' meaning that the parts of their applications which identified gender, ethnicity or age were redacted before being shown to the short-listing panel. Once interviewed and selected, the remuneration assessment was made by the Chief Legal Officer after receiving Human Resources advice and comparing with Government Legal Network data. This recruitment was recently done and those involved were aware of and considering gender bias, therefore, there has not yet been a need for gender-gap assessments. There have not yet been promotions within the team since the National Office team was established.

For the staff who transitioned to Oranga Tamariki from MSD on 14 June 2018, they transitioned on their existing salaries. There is work currently being undertaken to consider whether the job descriptions for these roles need to be amended to meet the needs of Oranga Tamariki. If significant changes are made, the roles will be re-sized and an exercise will be undertaken to assess whether people are being fairly remunerated. As part of this we will consider gender pay comparisons.

- *What policies or processes does your organisation have in place to assist to prevent gender discrimination?*

Oranga Tamariki is currently using policies established under MSD as we transition all corporate services functions to Oranga Tamariki. We will be reviewing these prior to transitioning them to Oranga Tamariki policies to ensure they are aligned to our values and fit for purpose.

The following shared policies are in place and all address matters of discrimination, including gender discrimination:

- recruitment policy and related procedures;
- Code of Conduct;
- Equal opportunities policy;
- Delegation Policy; and
- Workplace bullying/harassment policy.

In addition to the provisions within these policies, Oranga Tamariki is reviewing the Law Society Gender Equality Charter with a view to adopting this in the future.

- *What provision does your organisation have for flexible work arrangements for legal staff (both men and women)?*

The Flexi Work Options policy sets out the types of flexible arrangements employees may seek and guides decision making around flexible working arrangements. Flexible arrangements may relate to working time, opportunity, place or structure.

The National Office legal team at Oranga Tamariki offers, promotes and encourages flexible working. Most of the team work flexibly in some way. It may be working variable hours to suit other life events, working part-time, working from home or working remotely from other locations.

While we are aware there are flexible working arrangements in the team that transitioned from MSD on 14 June 2018, we have not yet assessed the degree to which flexible working is used.

- *What numbers of men and women (please identify both groups separately) have had flexible work arrangements for the purpose of looking after children in the past 5 years?*

There are eight female lawyers in the National Office legal team. Six of these lawyers have childcare responsibility and all have utilised flexible working for childcare purposes. We have three male lawyers in the National Office legal team. Two of these have childcare responsibility and both have utilised flexible working for childcare purposes.

As above, we have not yet fully assessed the adoption of flexible working in the transitioned team. We held our first National Conference on 1 and 2 August and began to gain more understanding about the practices in this part of the team.

- *What steps have been taken by your organisation to ensure that gender discrimination does not negatively impact on women legal staff returning to work after having a baby and/or who work flexibly?*

As the legal team has only recently transitioned to Oranga Tamariki, there have not yet been any returns from parental leave. The Flexi Work Options policy in place provides a number of options to support flexible work arrangements. Any staff member may apply for flexible work arrangements to accommodate their needs; this includes those returning to work after having a baby. This may include working from home or working flexi hours to fit with child care arrangements.

- *What training has been given to managers in your organisation to assist them to ensure that processes they implement and decisions they make do not, even unintentionally, discriminate against women legal staff.*

Staff training is recorded on individual staff member's records. We do not centrally record what training has been provided and we would need to review individual staff files to provide a response. Your request is therefore declined under section 18(f) of the Act, as providing a response would entail substantial collation and research. I have considered imposing a charge or extending the timeframe, however, I do not believe either would enable a response and the greater public interest is in staff being available to support tamariki.

While we cannot respond specifically to this question, we can confirm that the policies of Oranga Tamariki are explained to managers and they are supported by Human Resources Advisors to ensure understanding of and adherence to them.

- *What steps has your organisation put in place to ensure that gender discrimination does not impact on recruitment decisions?*

As above, we have recently run a blind recruitment process for the expansion of our legal team. Further, our policies set out obligations in respect of discrimination and all staff are expected to adhere to these policies.

*If no particular steps have been put in place, the reasons for this.*

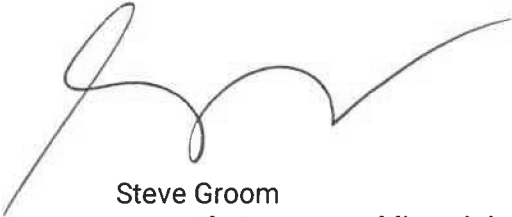
As noted, Oranga Tamariki has provisions in place, through blind recruitment practices and entrenched in our policies, to ensure a workplace free from all forms of discrimination.

Oranga Tamariki intends to make the information contained in this letter available to the wider public shortly. We will do this by publishing this letter on our website. Your personal details will be deleted and we will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@ot.govt.nz](mailto:OIA_Requests@ot.govt.nz).

If you are not satisfied with this response, you have the right to ask an Ombudsman to review this decision. Information about this is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by contacting them on 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Groom', with a long, sweeping horizontal stroke extending to the right.

Steve Groom  
**General Manager Public, Ministerial and Executive Services**