

21 August 2024

File Ref: OIA 49279

Tēnā koe [REDACTED]

Official Information Act request

Thank you for your information request dated 31 July 2024. Your request has been considered in accordance with the Official Information Act 1982 (the Act). Your questions and our responses are set out below.

1. *“Any internal guidelines, policies, or procedures this department has that relates to neurodiversity, disability, or accessibility.”*

Te Puni Kōkiri’s *Flexible Working Arrangements Policy* has been identified as in scope of this part of your request and is released to you in full as Attachment One. This policy aims to support our agency to build a more diverse and inclusive workplace, including for kaimahi who identify as neurodiverse and/or disabled.

2. *“Any records of any recent audits or assessments undertaken to evaluate workplace accessibility and inclusivity for disabled and/or neurodivergent individuals.”*

No recent official audits or assessments have been undertaken to evaluate workplace accessibility and inclusivity for disability and/or neurodivergent individuals. In accordance with the Act, this part of your request is refused under section 18(e) as the information requested does not exist.

In terms of accessibility, we ensure we comply with the building code and the Building Act 2004, which require us to consider accessible fit outs that work with physically disabled bodies.

3. *“Any reports, assessments, or strategic plans developed by your agency that discuss goals or future initiatives aimed at improving disability and neurodiversity inclusion and accessibility.”*

Te Puni Kōkiri’s *2024 Diversity & Inclusion Priorities* document has been identified as in scope of this part of your request and is released to you in full as Attachment Two.

Improving disability and neurodiversity inclusion and accessibility are articulated in these priorities through:

- improving our kaimahi feedback loops, enabling us to have a greater understanding of the kaimahi experience and identifying where further efforts should be considered

- creating greater diversity and inclusion learning and development resources for kaimahi, to which disability and neurodiversity will be embedded where possible
- building stronger organisational structures, partnership and increasing visibility for our Employee-led Networks (ELNs), supporting future networks to grow
- our establishment of an ELN intranet presence this year for greater kaimahi accessibility and linking our organisation's ELN page to the wider public service ELN opportunities, which includes the 'We Enable Us' and recently established INDIGO networks
- building and implementing leadership programmes with inclusion principles and practices embedded, aiming to strengthen inclusive leadership behaviours across the organisation and grow leaders who are responsive to the diversity of needs of their kaimahi
- our goal to establish a reasonable accommodation policy to help remove barriers and promote fair opportunity for all kaimahi to be able to do their best. While this policy is under development, an employee could raise a reasonable accommodation request with their manager at any time during their employment with Te Puni Kōkiri. Requests were considered on a case-by-case basis to meet an employee's needs in accordance with the Employment Relations Act 2000.

I trust my response satisfies your request.

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

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at uia@tpk.govt.nz.

Ngā mihi



Manaia King
Hautū, Te Puni Rangatōpū | Deputy Secretary, Corporate

Kaupapa Mahi Whakaritenga Ngāwari

Flexible Working Arrangements Policy



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Why we have this policy | Ko Te Pūtake o tēnei Kaupapa Here

The purpose of this policy is to provide guidance on the application of flexible working arrangements to ensure all kaimahi are aware and have a consistent understanding of their ability to request a change in their working arrangements (hours and/or location). This policy is separate to any Business Continuity Planning which may include the requirement to work flexibly.

Background | He Kupu Whakamārama

The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 took effect from 1 July 2008. This gave employees providing care for another person an entitlement to request flexible working arrangements. This right was extended to all employees by the Employment Relations Amendment Act 2014.

Since 2019, employees affected by family violence have had statutory rights to request a short-term (2-month or shorter) variation of their working arrangements to assist them deal with the effects of family violence.

All these matters have been incorporated into the Employment Relations Act 2000.

Additionally, in 2020 Te Kawa Mataaho (the Public Service Commission) provided guidance and resources to support agencies to introduce flexibility practices. Flexible Working Arrangements are an acknowledged mechanism to create more diverse and inclusive workplaces.

For the purpose of clarity, flexible working arrangements refer to one or more of the following: hours of work, days of work, place of work. Examples of flexibility are outlined in the table below:

Flexi-time	Flexi-place	Flexi-role/career
<p>Options that allow kaimahi to vary their work hours or from time to time</p> <ul style="list-style-type: none"> • Flexible start and finish times - variable start and/or finish times are worked on a regular or needed basis • Swapping workdays or hours with non-work hours or days (useful for part-time kaimahi) • Part-time hours 	<p>Options that allow kaimahi to work from locations other than their designated workplace</p> <ul style="list-style-type: none"> • Remote working - working from another office or from home, regularly or from time to-time (this requires confirmation of a suitable workstation and suitable availability of technology including connectivity) 	<p>Options that allow kaimahi to manage their roles and careers more flexibly</p> <ul style="list-style-type: none"> • Phased return to work i.e. kaimahi gradually increase their hours on returning from long-term leave • Phased retirement i.e. kaimahi gradually reduce their hours as they approach retirement • Job sharing - splitting a role with another kaimahi

At Te Puni Kōkiri there is an established practice of enabling kaimahi to work flexibly; this policy outlines how the intent to allow flexible working is to be applied.

Policy | Kaupapa Here

Kaimahi of Te Puni Kōkiri can engage with their manager at any time about flexible working arrangements.

This Policy applies to all flexible arrangements, regardless of whether it is a permanent/long term or temporary arrangement.

There are two ways of accessing a flexible working agreement:

1. Application for a formal flexible working arrangement (making a request under the Employment Relations Act 2000 (“the Act”))
2. Application for an informal flexible working arrangement

An arrangement agreed under the Act provides a high degree of certainty for both kaimahi and the employer and should be considered when requiring an ongoing, regular change to your normal pattern of work. A formal arrangement allows kaimahi to, for example, commit to care arrangements for an elderly parent with the certainty of knowing that the flexible arrangement is fixed (longer than 3 months) and not subject to change.

An informal arrangement is more appropriate when the changes required are for a short time (less than 3 months), or when there might be frequent changes to the arrangement. They are also appropriate when trialling or testing how an arrangement might work or utilising the flexi-time arrangement.

Kaimahi should review the information below, to determine which situation suits their needs best and discuss with their manager.

Managers should work with their Human Resources Business Partner when considering an application and before making a decision.

Requests under the Employment Relations Act 2000

All kaimahi have a statutory right to make a written request to vary the terms and conditions of employment relating to their *working arrangements*.

Working arrangements, in relation to an employee, means one or more of the following:

- (a) hours of work
- (b) days of work
- (c) place of work (for example, at home)
- (d) if the employee is affected by domestic violence, additional terms that need variation

The written request to their manager must state the following:

- employee’s name
- the date on which the request is made
- that the request is made under Part 6AA (the general flexible working) or Part 6AB (family violence short-term flexible arrangements) of the Act
- specify the variation of the working arrangements requested
- whether the variation is permanent or for a period of time
- the date on which the employee proposes that the variation take effect

- if the variation is for a period of time, the date on which the variation is to end
- explain, in the view of the employee, what changes, if any, Te Puni Kōkiri may need to make to business arrangements if the request is approved

Once an application is received the manager must notify the kaimahi of the decision as soon as possible. The recommended timeframe to respond would be one week but no later than two.

Refusal of a request to access a flexible working arrangement

A request can be refused if the manager determines that the employee is not eligible to make a request and/or the request cannot be accommodated on one or more of the grounds specified below. In refusing the request, the manager must notify the employee of the ground for refusal and provide an explanation of the reasons for that ground:

- (a) inability to reorganise and reallocate work among existing kaimahi
- (b) inability to recruit additional kaimahi
- (c) detrimental impact on quality of work
- (d) detrimental impact on work performance
- (e) Detrimental impact on the wider team
- (f) lack of work during the periods the employee proposes to work
- (g) planned structural changes
- (h) burden of additional costs
- (i) detrimental effect on the ability to meet the demand needs of customers.

A manager must refuse a request if the proposed new working arrangement is inconsistent with the provisions of the employee's collective agreement if the request were approved.

Requesting an informal flexible working arrangement

Kaimahi may request an informal flexible working arrangement by approaching their manager.

To prepare for a discussion with a manager, kaimahi should be able to answer the following questions:

- Why is the request being made?
- What length of time will the arrangement be in effect? e.g. is it a one-off instance or for a few weeks?
- What specific changes are being requested? e.g. starting or finishing work at different times, changing the location of where your work is performed.
- What impact, if any, might your arrangement have on your work? your team? your wider colleagues? your customers?

The manager will consider the request, considering, amongst other things, the reason for the request, the workload of the team, customer and colleague interaction, health and safety considerations and equipment requirements.

The decision as to whether or not to approve the informal request remains with the manager. If the request is declined the manager will provide an explanation and the opportunity for the employee to submit any further requests that take into account, the feedback.

Managers should genuinely consider the request and its impacts and should aim to respond to the informal flexible working arrangement within one week.

Informal arrangements can be reviewed at any time in response to changing circumstances, work demands etc

Responsibility and Enforcement | Ko Ngā Haepapa me Ngā Uruhi

All kaimahi and managers either making or considering a request for flexible working arrangements are expected to comply with this Policy.

Managers approving flexible working arrangements under this Policy are responsible for ensuring they have the required delegation.

Managers should consult with their People and Capability Business Partner for advice on any aspects of this Policy. Any breach of this Policy may constitute misconduct and will be dealt with in accordance with Te Puni Kōkiri's [Misconduct and Poor Performance Policy](#).

Informal arrangements can be reviewed at any time.

Policy Approval | Ko Te Whakaaetanga o te Kaupapa

This Policy is owned and updated by:	It was approved by:	On the date of:	It is due for revision by:
People & Capability	Deputy Secretary Organisational Support	19 May 2022	May 2024

This policy replaces the previous policy titled Flexible Working Arrangements Policy approved by the Deputy Secretary, Organisational Support on 11 April 2018.

Related Documents | Ko Ētahi atu Kaupapa Here

- [Te Kawa Mataaho Flexible-Work-by-Default Guidance and Resources](#)

Relevant Legislation

- [Employment Relations Act 2000](#)

Contact | Whakapā Mai

Please see your Human Resources Business Partner for assistance.

2024 Diversity and Inclusion Priorities

Papa Pounamu Areas	Priority Areas	Benefits
Te Urupare i te Mariu Addressing Bias	<ul style="list-style-type: none"> ➤ Improve D&I data collection ➤ Kaimahi feedback loops and data-driven analyses are strengthened ➤ Greater D&I learning and development resources are made available 	<ul style="list-style-type: none"> ➤ Te Puni Kōkiri has improved data collection, organisational processes, and individual / collective learning solutions that encourage and support greater understanding of our kaimahi experience
Hautūtanga Ngākau Tuwhera Inclusive Leadership	<ul style="list-style-type: none"> ➤ Implement suite of leadership programmes to increase inclusive behaviours / practice across all levels of leadership ➤ Build and promote inclusive leadership tools and resources to support and grow inclusive leadership culture 	<ul style="list-style-type: none"> ➤ Te Puni Kōkiri leaders have a shared understanding of inclusive leadership knowledge, skills, and practices ➤ Growth of inclusive leadership skills and practice, aligning kaimahi behaviours with Te Puni Kōkiri values and ways of working
Ngā tūhononga e kōkiritia ana e ngā kaimahi Employee Led Networks	<ul style="list-style-type: none"> ➤ Increase partnership and information flow between organisation and ELNs ➤ Improve organisational sustainability of ELNs ➤ Improve kaimahi awareness and visibility of ELNs 	<ul style="list-style-type: none"> ➤ Greater partnership supports Te Puni Kōkiri in building more equitable solutions to kaimahi barriers and challenges ➤ Contributes to a more inclusive workplace community where kaimahi feel a greater sense of belonging ➤ More robust organisational supports and structures provide networks a more sustainable operating environment where they can grow and thrive
Te āheinga ā-ahurea Cultural competence	<ul style="list-style-type: none"> ➤ Implement Māpurapura TPK Māori cultural capability work programme 	<ul style="list-style-type: none"> ➤ Kaimahi are better able to deliver policies, services, and leadership to the communities we serve ➤ Te Puni Kōkiri is seen as public service leaders in building Māori cultural capability
Hautūtanga Kākano Rau Fostering Diverse Leadership	<ul style="list-style-type: none"> ➤ Create process to enable internal leadership nominations to Te Pae Aramahi Leadership Development Boards 	<ul style="list-style-type: none"> ➤ We are actively contributing to building Māori leadership across the Public Service, supporting better outcomes for Māori across the motu