



# Te Kawa Mataaho

## Public Service Commission

21 May 2024

Mr Dave Samuels  
Te Tumu Whakarae mō Te Puni Kōkiri | Secretary for Māori Development

By email: [Dave.Samuels@tpk.govt.nz](mailto:Dave.Samuels@tpk.govt.nz)

Tēnā koe Dave

### Looking into a TPK appointment process

Earlier this year you asked me to look into the appointment of a Senior Advisor Māori Capability (the appointment) at Te Puni Kōkiri (TPK) in Ōtautahi, Christchurch. I consequently appointed Ms Pania Gray as an external expert to work with staff from Te Kawa Mataaho Public Service Commission (the Commission) to carry out this work.

Pania and the team have now completed their assessment of the integrity of TPK's processes, including the decision-making process related to the appointment of the individual (the employee)<sup>1</sup> and the requests for review during the employee's provisional period. The team has now provided me with a memorandum of their findings, which I have shared with you.

As some of the findings in the memorandum raised concerns about TPK's process, I appreciated you meeting with me in-person to discuss the findings and next steps for TPK arising out of this work.

### Findings and next steps

As you are aware, integrity and ethical behaviour are core Public Service values that must be reinforced through our recruitment processes. Asking me to independently look into the appointment when you identified a perceived conflict of interest between you and the individual appointed (the employee) was the right thing to do. You assured me at the outset of this process that you were not involved in the employee's recruitment process. Pania's work has confirmed you were not inappropriately involved in the decision to appointment the employee and you took no role in considering the requests for a review of the applicant's appointment.

As we discussed, the Commission's team has found that the Senior Advisor Māori Capability recruitment process that led to the employee being recommended for appointment was conventional and largely sound. TPK sought to act in a fair and unbiased manner, so as to not pre-emptively preclude the employee's appointment due to a finding of previous professional serious misconduct.

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<sup>1</sup> Despite the fact that the name of the employee has been widely reported, the employee (or any other individual in insolation) is not the subject of this work - consequently they are not named in this letter.

However, there were a number of findings that have caused me concern, including how TPK dealt with professional serious misconduct on the part of the employee and shortcomings with policies and procedures, as outlined below:

1. TPK did not consider the implications of the employee's factual background, that is the relationship between his professional serious misconduct finding and his new role at TPK, and the mitigations required in sufficient detail during the recruitment process.
2. On promulgation of the employee's provisional appointment, TPK received eight requests for review. The process that led to the decisions to decline the review requests was not consistent with either the TPK Review of Appointment policy or the system-wide guidance. Ultimately, TPK should have carried out a review of the appointment. TPK should also have notified the employee about the review requests prior to the employee starting their employment at TPK.
3. TPK's policies for reviews of appointment are internally inconsistent and do not align with the relevant system-wide guidance.

I also reiterate that you retain ultimate responsibility for all appointments and requests for reviews within your agency, even if you are not involved in specific decision-making.

When we met to discuss these findings and my concerns around the issues identified by Pania's work, you assured me that you would put in place a plan to address my concerns. Accordingly, I would be grateful if you could reply to me setting out the actions you intend to take. I would also appreciate it if you could keep your Assistant Commissioner, Sandra Preston, updated as you implement that plan. I have asked Sandra to discuss progress on these matters with you at your regular catch ups.

Nāku noa, nā



Heather Baggott (she/her)  
Te Tumu Whakarae mō Te Kawa Mataaho  
Acting Public Service Commissioner | Head of Service