

Organisational Change – Māori Crown Relations

Consultation proposal for the Māori Crown Relations group

Consultation document

Released under the Official Information Act 1982



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Message from Te Tumu Whakarae / Chief Executive

Kia ora tātou

Toitū Te Whenua is committed to being a respected and honourable Treaty partner, with strong and enduring relationships. Ensuring we deliver an enterprise Māori Crown Relations work programme is one of our organisational priorities.

One of the design principles we applied through the Organising Ourselves change process was Toitū Te Whenua actively organises itself to deliver on its partnership with Māori as tangata whenua under the Treaty of Waitangi. The principle called for integrated capability across our functions, and organisational ability to engage with Māori to deliver an effective Māori-Crown relationship.

The work done in the Māori Crown Relations group is a vital part of achieving our commitment of being a respected and honourable Treaty partner. The kaimahi in Māori Crown Relations are committed and doing good work. Since establishing this group in 2021 we have made significant advances in improving our relationships with iwi and increasing our organisational confidence and capability in engaging effectively with Māori.

While progress has clearly been made, Toitū Te Whenua still has challenges with delivering on Treaty obligations, maintaining strong relationships with iwi while navigating through sometimes difficult processes, and continuing to foster and grow our organisational confidence and capability. We are not yet where we need to be.

No single functional group can solve these challenges on its own. We all need to be committed to being an honourable and respected Treaty partner. Everyone who works at Toitū Te Whenua, and every part of our organisation has a role to play. We must be integrated and co-ordinated in our approaches and processes, and supported by a structure that enables and supports us to deliver.

Kathy Mansell, as Kaihautū Māori Crown Relations, and I have worked together to develop this proposal. It has been developed to ensure Toitū Te Whenua is better set up to succeed, with a structure that supports integration and helps to facilitate teamwork.

I want to hear your thoughts on this proposal, alternative suggestions, and where you see opportunities for the future.

Ngā mihi nui



Dr Richard Hawke, Te Tumu Whakarae / Chief Executive

How to provide feedback

We are consulting you before any decisions are made and we ask for your feedback by 5pm, Tuesday 2 July 2024. We welcome individual and group feedback. We are only seeking feedback from our people in the Māori Crown Relations group, key internal stakeholders, and the PSA.

You can provide feedback by emailing orgchange@linz.govt.nz. Your feedback will remain anonymous unless you specifically ask for your details to be shared with decision-makers.

If you have questions relating to your own personal circumstances, we encourage you to reach out to the People function or you send an email to the Organisational Change inbox orgchange@linz.govt.nz

Where to go for support

People can respond to change in different ways, and our individual response can be different at different times. This is normal.

Your wellbeing is important, and support is available. If you feel at any point that you need support, please reach out. You can talk to your leader or the Head of People. If you are a PSA member, you can approach a PSA delegate. The PSA has a copy of the consultation document, and we have briefed our PSA organiser on the proposals before starting this consultation.

EAP is also available at any time.

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Māori Crown Relations – case for change

1. Toitū Te Whenua is committed to being a respected and honourable Treaty partner with strong and enduring relationships. We are committed in our obligations to iwi and Māori, building enduring relationships to achieve shared aspirations, and ultimately achieving better outcomes for New Zealand, Toitū Te Whenua and Māori.
2. Phase One of Organising Ourselves recognised this commitment with the decision to expand the Office of the Chief Executive to include a strengthened team, led by a Kaihautū Māori Crown Relations, to help us strengthen our internal capability, enhance our Māori Crown relations, and our contribution to the Crown's role as a Treaty Partner.
3. Following Phase One decisions and the establishment of the Māori Crown Relations team, changes were made to help strengthen the team and bring together work from across the organisation that focused on Māori Crown relations, in particular Treaty settlement work.
4. In late 2021 the Treaty settlements team based in Crown Property was moved to Māori Crown Relations. This was an interim arrangement whilst the Organising Ourselves programme continued, and reflected the need to focus on challenges within the Treaty settlement work programme.
5. Organising Ourselves Design Phase Part Two, addressed these interim arrangements through the design for both Crown Property and Māori Crown Relations. Through each area's design, the roles and responsibilities in relation to the Treaty settlement work programme were confirmed:
 - a. Māori Crown Relations is accountable for managing our relationships with iwi partners before, during and post Treaty settlement, and with this a new Tumuaki Momo Mahi / Head of Function role has been established. Māori Crown Relations acts as the connector between iwi, external stakeholders (Te Arawhiti, Te Puni Kōkiri, and other Crown agencies) and the relevant parts of the business who deliver Treaty settlement commitments. A key component of Māori Crown Relations is to provide the central planning and coordination of Treaty settlement work programme, working with and alongside relevant areas of the business to ensure the work programme reflects priorities.
 - b. The Crown Property design consolidated its functions and moved to an integrated model to ensure knowledge, experience and expertise was maximised to deliver on enhancing the Crown estate. Under this model, no one team was responsible for delivering relevant Treaty settlement work,

rather this would fall to the relevant team depending on the Treaty settlement property.

6. Alongside this, it was confirmed that Māori Crown Relations would continue in its role in strengthening Toitū Te Whenua internal capability and continue to deliver against our Whāinga Amorangi plan.
7. Our role as a respected and honourable Treaty partner is an organisational priority. This includes understanding Māori and iwi aspirations, developing strong and enduring relationships, enhancing our internal capability, and meeting our Treaty settlement obligations.
8. Our role in delivering Treaty settlements is crucial. Treaty obligations work is complex and requires careful relationship partnering, planning and integrated delivery to ensure we deliver within the expected timeframes and avoid any potential breaches.
9. The work we have done over the past two years to enhance our Māori Crown relations and lift our internal capability, has had a positive impact on our relationships with Māori and the delivery of settlement obligations. Our people working in the Māori Crown Relations function are committed, skilled, and delivering improved relationships and partnerships.
10. Toitū Te Whenua continues to face challenges with meeting our obligations to Māori through our Treaty settlement work, and we know that the workload will continue to grow in volume and complexity. We need to reconsider arrangements for the Māori Crown Relations function and take a more joined-up approach, so that Toitū Te Whenua can meet its obligations in an efficient and timely way.
11. The current configuration of a separate centralised group does not provide us with the ability to effectively deliver on our commitments in a way that is integrated, prioritised, and maximises our capability and capacity.
12. Our Organisational Design Principle 5 is:
 - a. **Toitū Te Whenua actively organises itself to deliver on its partnership with Māori as Tangata Whenua under the Treaty of Waitangi.** A senior strategic voice, integrated capability across our functions, and organisational ability to engage with Māori drives an effective Māori-Crown relationship that recognises the special significance of whenua, moana and arawai.
13. The proposals outlined below are guided by this principle and our desire to continuously grow and improve our capability and delivery of this important mahi.

The following section describes the changes we are proposing for the Māori Crown Relations function.

Change proposals

14. We are proposing to move from a centralised to an integrated model for our Māori Crown Relation function. This would mean that we would no longer have a separate Māori Crown Relations group. The group's, functions would be delivered in and alongside the business (particularly the Crown Property function).
15. We will continue to deliver our three core functions:
 - a. Continuing to strengthen our capability and confidence to engage meaningfully, and work in partnership with Māori.
 - b. Building and maintaining constructive relationships with Māori and iwi.
 - c. Delivering on our Treaty settlement obligations.

Strengthening our capability and confidence as an organisation

16. To continue to strengthen our capability and confidence to engage and partner with Māori, we are proposing that one of our current Kaitohutohu Mātāmua / Principal Advisors stays within the Office of the Chief Executive and has a change of reporting line to the Ringatohu / Director of the Office of the Chief Executive. This will also help us build and maintain constructive relationships with Māori and iwi.
17. This proposal follows the original design and intent from Phase One of Organising Ourselves where we sought to enhance our internal capability and the direct advice and support to our Kaihautū and the organisation on te ao Māori, tikanga / kawa, Te Tiriti, as well as advance our Māori-Crown relations strategy.

Delivering on our Treaty settlement obligations

18. To successfully deliver on our Treaty settlement obligations requires careful planning, engagement, prioritisation, and integrated delivery. Crown Property is a key delivery partner for Treaty settlement work, and therefore we are proposing that the Tumuaki Momo Mahi / Head of, and team of Hoa Kōtui Hononga / Relationship Partners move to sit alongside Crown Property as the key delivery partner for our Treaty settlement work programme in the Customer Delivery group.
19. This would allow greater integration and alignment across work programmes, more flexibility in how we deliver the work, and greater opportunities to enhance capability and upskill our people. This would mean our Kaihautū Customer Delivery would be accountable for the overall delivery and integration across Customer Delivery functions.

20. We are proposing that one of the current Kaitohutohu Mātāmua / Principal Advisors move to report to the Tumuaki Momo Mahi / Head of Relationships. This will ensure that along with the Hoa Kōtui Hononga / Relationship Partners in this team, the Kaitohutohu Mātāmua / Principal Advisor can provide leadership and advice on Māori Crown relations and Treaty settlement obligations.

Additional capability and capacity

21. We want to ensure that we have the resources we require to deliver on our obligations. We are therefore proposing an additional Kaitohutohu Mātāmua / Principal Advisor role.
22. This role would report to the Tumuaki Momo Mahi / Head of Relationships and would provide another senior strategic voice focused primarily on work leadership of the Treaty settlement work programme.

Senior leadership of Māori Crown Relations

23. These proposed changes would mean we would no longer have a [s 9(2)(a)] [s 9(2)(a)] Originally this role was established to focus on supporting our strategic Māori Crown relations, helping Toitū Te Whenua meet our obligations as a public service agency to operate as a Treaty Partner, and provide a Māori-Crown perspective [s 9(2)(a)]
24. As an organisation we have grown in our capability and understanding of our obligations to iwi and Māori, ensuring we are delivering on our commitment of being a respected and honourable Treaty Partner. This is a responsibility on us all and should not sit solely with one role. We are therefore proposing to disestablish the [s 9(2)(a)] role.
25. In summary, the change proposals would move the current centralised functions of the Māori Crown Relations group to be integrated within the business as follows:
- a. Move the current Relationships team to Customer Delivery, with the Tumuaki Momo Mahi / Head of Relationships having a change in reporting line to Kaihautū Customer Delivery, and change in title to Tumuaki Momo Mahi / Head of Māori Crown Relations.
 - b. Change reporting lines for the two current Kaitohutohu Mātāmua / Principal Advisors:
 - i. One to remain in the Office of the Chief Executive, with a change in reporting line to the Ringatohu / Director of the Office of the Chief Executive.
 - ii. One to move to the Relationships team, reporting to the Tumuaki Momo Mahi / Head of Māori Crown Relations.

- c. Establish a new Kaitohutohu Mātāmua / Principal Advisor role reporting to the Tumuaki Momo Mahi / Head of Māori Crown Relations.
- d. Disestablish the [s 9(2)(a)] role.

26. We acknowledge that these proposals may have implications for other people across Toitū Te Whenua, particularly our kaimahi in Organisational Effectiveness who provide support to the Māori Crown Relations group. We will consider what arrangements, if any, are needed following consultation and final decisions.

Change process

27. We want to make sure we treat our people with fairness and respect. Our proposed change process is set out in Appendix 4. The proposed process is drawn from our commitments under our employment agreements and is consistent with other change processes.

Next steps

- 28. Thank you for engaging with this consultation document. All feedback on the proposal can be provided via email to the Organisational Change team orgchange@linz.govt.nz The consultation period ends at 5pm on Tuesday 2 July 2024.
- 29. Following consultation, the Chief Executive will read and consider all the feedback.
- 30. As the proposed change affects the [s 9(2)(a)] role, the Chief Executive will be the decision maker on this change proposal.
- 31. All feedback will be responded to in summary form in the decision document.
- 32. Details on the timeframe for decisions and next steps will be shared once the consultation period has closed. We aim to make and share decisions as quickly as possible.
- 33. Following the announcement of final decisions, we will formally notify people by letter of the impact the decisions have on their substantive position, and the implications for them individually.

Appendix 1 – Proposed changes to roles

Māori Crown Relations

Māori Crown Relations leadership

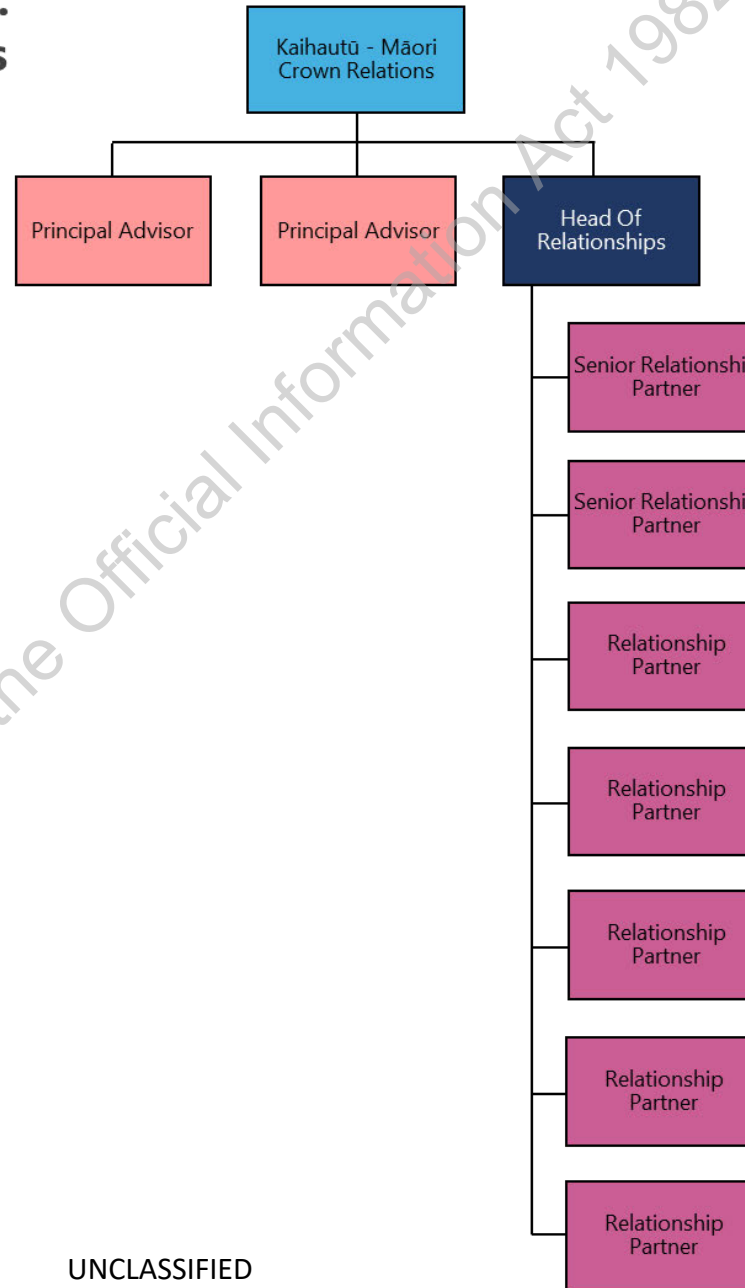
Role	Proposed status of the role	Proposed reporting line
[s 9(2)(a)]	Propose to disestablish	N/A
Tumuaki Momo Mahi / Head of Relationships	Change in title to Head of Māori Crown Relations	Change of reporting line to Kaihautū Customer Delivery
Kaitohutohu Mātāmua / Principal Advisor (primarily focused on enhancing organisational capability)	No change	Change of reporting line to Ringatohu / Director of the Office of the Chief Executive
Kaitohutohu Mātāmua / Principal Advisor (primarily focused on Treaty settlement and iwi engagement)	No change	Change of reporting line to Tumuaiki Momo Mahi / Head of Māori Crown Relations








Relationships

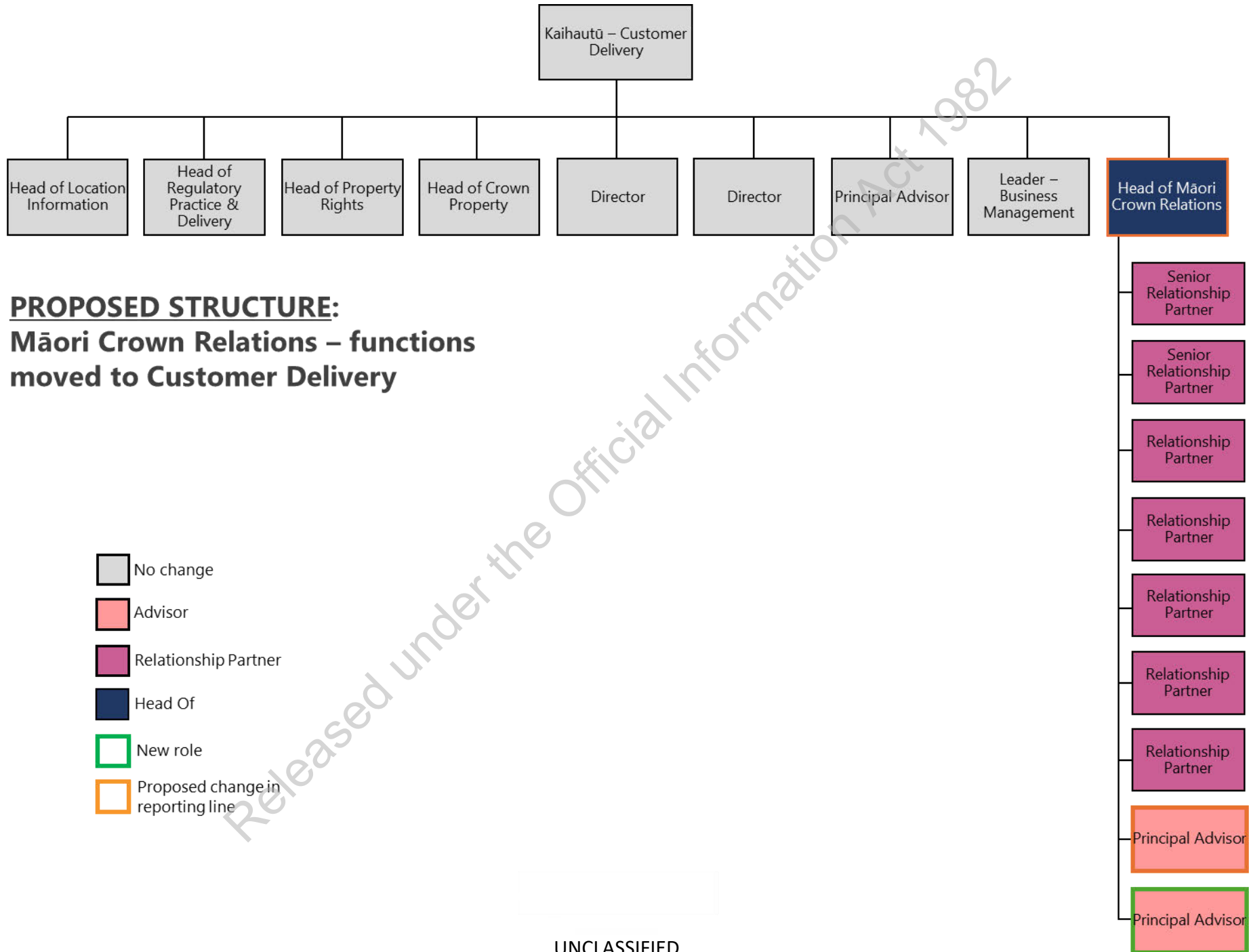
Role	Proposed status of the role	Proposed reporting line
Hao Kōtui Hononga / Relationship Partner x 5	No change	Continue reporting to Tumuaiki Momo Mahi / Head of Māori Crown Relations (proposed to be moved to Customer Delivery group)
Hao Kōtui Hononga Matua / Senior Relationship Partner x 2	No change	Continue reporting to Tumuaiki Momo Mahi / Head of Māori Crown Relations (proposed to be moved to Customer Delivery group)

Appendix 2 – Current and proposed structure

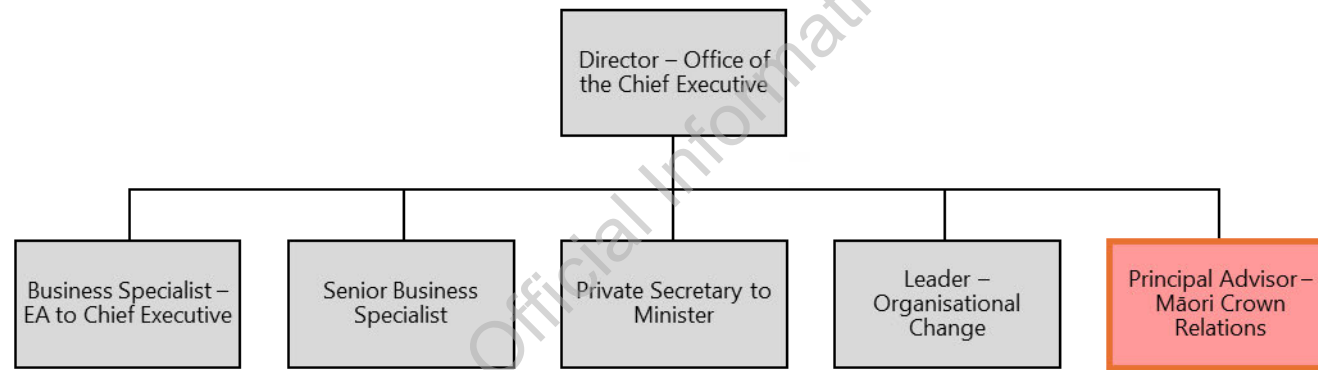
CURRENT STRUCTURE: **Māori Crown Relations**



-  No change
-  Kaihautū
-  Advisor
-  Relationship Partner
-  Head Of
-  New role
-  Proposed change in reporting line



PROPOSED STRUCTURE:
Māori Crown Relations – Office of the Chief Executive



-  No change
-  Advisor
-  Relationship Partner
-  Head Of
-  New role
-  Proposed change in reporting line

Appendix 3 – Proposed new role

Role	BBR level	Proposed reporting line	Key focus of the role
Kaitohutohu Mātāmua / Principal Advisor – Māori Crown Relations	4	Tumuaki Momo Mahi / Head of Māori Crown Relations	The Principal Advisor would work alongside the existing Principal Advisor, Relationship Partners, and the wider Customer Deliver to provide Treaty subject matter expertise, capability uplift and system-level support including support for the range of ministerial accords with iwi.

Appendix 4 – Proposed change process

The change process set out below has been developed in line with our Collective and Individual Employment Agreements and discussed with representatives from our union, the PSA. **This document should be read alongside the relevant Employment Agreement.** If a provision in your employment agreement is more generous, then the contractual obligation will apply.

We are focused on being fair, unbiased, transparent, and consistent, and are committed to giving you the information and support you need. We will work through these changes with you, treating everyone with respect and dignity.

Coverage

This process applies to all open and fixed-term employees of Toitū Te Whenua, including those on all forms of paid leave, parental leave and secondment to other agencies.

This process does not apply to contractors or employees working at Toitū Te Whenua on a casual basis, or through a consultancy or recruitment agency.

Where any conflict arises between this process and an employment agreement, then the provisions of the employment agreement will prevail.

Support

Organisational change can be unsettling and disruptive, and we have put support in place as part of working with you in good faith and enabling a fair process.

The Employee Assistance Programme (EAP) provides employees with free, confidential counselling services at any time. The contact details for EAP providers are on Whatukura.

Leaders will be available throughout the organisational change process to manage any issues that arise and support our people through the transition. If any other additional support is required, people should speak with their manager or People Partner.

Terms relating to change process:

Change to roles:

Minor change: minor change to an existing position may include a change:

- In position title

- In direct reporting line
- In function or business group
- To work practices
- A change of tier but no change to salary band or to the functions of the position.

Significant change: change above the level of minor change

Disestablished position: an existing position that is not required in the proposed new structure.

Same or similar (comparable): generally similar to the old position however it may have some change to the job functions, a title change, a change in reporting line

Suitable alternative: a position that is in keeping with the skills, qualifications, and experience. May require some retraining (e.g. for new technology or way of working). Is the same location and maintains pay rate (with no intention to reduce later)

Significantly different: the position is new or is different to the job that an employee is currently doing.

Status of employee in change process:

Affected: If an employee's substantive position is proposed to be subject to significant change or disestablished

Impacted: where an employee's substantive position is proposed to be subject to a minor change

Surplus: where an employee's substantive position is no longer required due to a reduction in number of employees; or employees can no longer be employed in their current position, at their current pay band or work location.

Change Process Outcomes:

Following consultation and final decisions, the following sets out the change process that may be used.

Reconfirmation

Reconfirmation places an impacted or affected employee in a position which is the same or similar to their existing substantive position.

To determine if reconfirmation is appropriate, the process starts with a comparison being made between the current work carried out by the employee(s) in their current position, and the work that would be required to be carried out in any available position(s).

Where the comparison shows there is only one impacted or affected employee who could be reconfirmed in a position, that reconfirmation will occur without a need for any appointment process.

If the comparison shows there are more impacted or affected employees who could be reconfirmed than the number of same or similar positions available, then we propose to run an appointment process by way of expression of interest to determine who will be reconfirmed.

Employees will be advised in writing that they have been reconfirmed. Once an employee has been reconfirmed, the process for them ends at this point.

Affected employees who are not reconfirmed would be considered for reassignment in the first instance.

Reassignment

Reassignment is the process of appointing an affected employee to any available position which is not considered the same as or similar to their existing substantive position, but is considered a suitable alternative position for them.

In determining the parameters for reassignment, we will engage with employees on an individual basis (and with the PSA for employees covered under the CEA). Reassignment will look to place as many employees as possible by matching individual skills with available positions which require similar skills. This will take into account the employee's skills and abilities; and may involve individuals undertaking some on-the-job training or attending training courses.

The terms and conditions of the reassignment position would be no less favourable, and the location would typically be the same. If the location changes, then reassignment would only be made with the employee's agreement.

Where an affected employee is considered suitable for reassignment, the reassignment will be confirmed in writing. If they do not wish to take up the reassignment, they would not be eligible for redundancy/severance compensation, and if they do not secure another position in the organisation they will be regarded as having resigned.

Once an employee has been reassigned, they are no longer affected, and the process for them ends at this point.

Surplus situation

A surplus situation arises where an affected employee has not been placed into a position by way of reconfirmation or reassignment. At this point the affected employee will be declared surplus.

Should an affected employee be declared surplus, and the employee is covered under the Collective Employment Agreement (CEA), Toitū Te Whenua and the PSA will meet to reach an agreement on the options set out in the CEA which are appropriate to the circumstances of the employee.

Where an affected employee is declared surplus, and the employee is covered under an Individual Employment Agreement (IEA), Toitū Te Whenua will look to redeploy the employee to another role within the organisation, or take steps to support the employee in securing employment in another agency (including within the Public Service). This is referred to as redeployment.

Redeployment

Redeployment occurs where an alternative role within Toitū Te Whenua is offered to the affected employee which is significantly different to their current position.

The alternative position may require different skills, knowledge, experience, and abilities. The employee would need to be able to demonstrate that they have the required skills, knowledge, experience, and abilities to undertake the position, as well as the potential for retraining on any new or unfamiliar aspects of the position (generally not exceeding three months duration).

The position may have different terms and conditions of employment, including remuneration and location. In this situation, where an employee is offered redeployment, their terms and conditions of employment may be subject to negotiation between themselves and Toitū Te Whenua, and in consultation with the PSA for those covered under the CEA.

The option of redeployment within the Public Service would be discussed with employees on an individual case-by-case basis, and with the PSA for employees covered under the CEA.

The timeframe for identifying and confirming any redeployment opportunity would be four weeks from date of final decisions. Following this date, if no redeployment has been secured then the affected employee would be eligible for redundancy/severance compensation.

Where an affected employee is offered redeployment to a position that is significantly different and chooses to decline the offer, they may remain eligible for redundancy/severance compensation.

Redundancy

For affected employees who are deemed surplus, if no other suitable role is able to be found through redeployment, then employment would be terminated by reason of redundancy.

In the event that an affected employee's employment ends by reason of redundancy, the employee will receive redundancy payment in line with the provisions within their employment agreement, and any other entitlements specific to the employee's circumstances (including grand parented entitlements).

Under section 88 of the Public Service Act, an employee who has received notice of termination by reason of redundancy will not be entitled to a redundancy payment if, before their employment with Toitū Te Whenua has ended, they are offered and accept another position, or are offered an alternate position in the Public Service, provided:

- employment begins before, on, or immediately after their Toitū Te Whenua employment ends;
- is on terms and conditions of the new employment are no less favourable; and
- is on terms that treat service within the State services as if it were continuous service.

Voluntary redundancy

Where a surplus staffing situation is identified, affected employees may be asked to express an interest in voluntary redundancy. Toitū Te Whenua will consider any expressions of interest. Agreement is at the discretion of Toitū Te Whenua.

For the avoidance of doubt, expression of interest in voluntary redundancy will only be made available to affected employees (those whose roles have been confirmed to be disestablished) following consultation and final decisions on any change proposals.

Review process

If an impacted or affected employee disagrees with their reconfirmation or reassignment once they have received a letter notifying them of final decisions, they are entitled to have the process reviewed.

In the first instance the employee is asked to discuss their concerns with their leader. Following this initial discussion, if the employee is not satisfied that their concerns have been adequately resolved then a more formal review may be requested.

The employee must advise the Head of People in writing within ten working days of receiving notification of their reconfirmation/reassignment, setting out their reason(s) for requesting a review.

Each request will be considered individually, by a panel made up of leaders from Toitū Te Whenua and representatives from the PSA if the employee is a PSA member. The review panel will make a recommendation which will be considered by the Chief Executive (or their delegate).

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