

15 March 2024

Ursula Edgington
u.edgington@gmail.com

Tēnā koe Ursula

Your request for official information, reference: HNZ00030952

Thank you for your email on 11 October 2023, asking Health New Zealand | Te Whatu Ora for the following under the Official Information Act 1982 (the Act):

"The above OIA response that I was sent 29/09/22 presented 6707 as the total number of exemptions granted to healthcare and related staff. It also provided a breakdown of the regions/roles etc.

However, a 2nd August 2023 OIA ref HNZ00023978 from another New Zealander presented over 11,005 as the number of total exemptions.

Q1: Is this discrepancy between the totals (approx 5000 staff) the result of subsequent exemptions being granted between the two dates of the OIAs, or another reason? Please outline the explanation in full and with a breakdown of the numbers involved by month and region and role as per the original table provided, thank you.

Q2: Please also provide the procedure involved in the exemptions, who authorised and recorded the exemption applications and the numbers of persons who had access to and editing rights to the database or similar platform that was used to record the applications and exemptions under scrutiny here - including these people's location within the old DHB regions - physically or virtually.

Q3: How many non-disclosure legal agreements or similar employment 'record of settlement' type agreements were created and how many were signed/agreed upon by those staff who applied for who were denied or who were awarded the exemptions during the period Nov 21 to present day?

Q4: How much in total did the DHB/Ministry spend/forward budget on those NDAs or similar since the inception of the exemptions?

I look forward to hearing from you - as a matter of urgent priority about Q1 as this could be an error on your part that needs an immediate correction?"

Response

For the sake of clarity, I will address each question in turn.

The above OIA response that I was sent 29/09/22 presented 6707 as the total number of exemptions granted to healthcare and related staff. It also provided a breakdown of the regions/roles etc.

However, a 2nd August 2023 OIA ref HNZ00023978 from another New Zealander presented over 11,005 as the number of total exemptions.

Q1: Is this discrepancy between the totals (approx 5000 staff) the result of subsequent exemptions being granted between the two dates of the OIAs, or another reason? Please outline the explanation in full and with a breakdown of the numbers involved by month and region and role as per the original table provided, thank you.

This number differs to the number provided in the response to you on 29 September 2022 (H2022009529) and in the response to HNZ00023978 for two reasons. Firstly, because the original date of reporting was before the Vaccine Order was revoked, so did not include total figures covering the entire period exemptions were active. The new figures include all data over the life of the Vaccination Order.

More importantly, a review of exemption data conducted recently found an error in the recording of application data that inflated the figures previously reported. The new data is in the attached table. It shows that 5,216 workers were covered by SSD exemptions granted to DHBs, not 6,706 as reported on 29 September 2022.

The figure of 11,005 has been revised to 8,051 after the same review. Note that these figures relate to the total number of workers covered by SSD exemptions granted, not just those granted to DHBs.

Table 1: Local hospital area (previously known as DHB) workers covered by approved Significant Service Disruption exemptions by role.

| Local Hospital Area | Administration- Management | Care and Support | Nurse - Midwife | Doctor - Surgeon - House Surgeon - Registrar - Medical Officer - Consultant | Allied Health - Technical - Science - Other |
|------------------------|-------------------------------|---------------------|--------------------|---|---|
| Auckland | 145 | 74 | 177 | 40 | 82 |
| Bay of Plenty | 78 | 55 | 167 | 15 | 39 |
| Canterbury | 56 | 83 | 141 | 35 | 70 |
| Capital & Coast | 46 | 49 | 116 | 30 | 12 |
| Counties Manukau | 40 | 106 | 120 | 18 | 32 |
| Hawkes Bay | 52 | 81 | 87 | 13 | 30 |
| Hutt Valley | 13 | 26 | 47 | 11 | 11 |
| Lakes | 23 | 35 | 45 | <5 | 8 |
| Mid-Central | 31 | 11 | 51 | 6 | 21 |
| Nelson- Marlborough | 41 | 51 | 58 | 6 | 20 |
| Northland | 72 | 105 | 187 | 26 | 97 |
| South Canterbury | 9 | <5 | 21 | <5 | <5 |
| Southern | 97 | 110 | 206 | 65 | 78 |
| Tairāwhiti | 15 | 14 | 16 | <5 | 14 |
| Taranaki | 33 | 62 | 82 | 11 | 23 |
| Waikato | 127 | 90 | 221 | 36 | 120 |
| Wairarapa | <5 | <5 | 7 | <5 | 0 |
| Waitematā | 78 | 113 | 175 | 19 | 97 |
| West Coast | 18 | 16 | 16 | 6 | 14 |
| Whanganui | 15 | 17 | 44 | <5 | 17 |

Please note, this data is not part of regular reporting and has been collated to the best of our ability. However, there is always the possibility of human error and as such the data is provisional.

Q2: Please also provide the procedure involved in the exemptions, who authorised and recorded the exemption applications and the numbers of persons who had access to and editing rights to the database or similar platform that was used to record the applications and exemptions under scrutiny here - including these people's location within the old DHB regions - physically or virtually.

In the application, the PCBU had to outline their plan to avoid Covid-19 transmission and confirm that no alternate service delivery option was possible. An application was either declined or delayed until the criteria were met.

The criteria for the SSD exemption were that a critical health service would not be able to be provided if the workers were unavailable and the organisation had done all they could to mitigate the risk of Covid-19 illness for consumers, colleagues and the general public.

SSD exemptions were decided by the Minister for COVID-19 Response upon recommendation by the Significant Service Disruption Panel. The SSD Panel was established on November 12, 2021, by the Ministry of Health.

Three groups had access to the SSD database:

- Applications were recorded by a small number of administrative staff. All these staff worked in the national office in Wellington.
- Several management staff had access who also worked in the national office in Wellington.
- The five Panel members had access. The locations of Panel members were both in national office in Wellington and in DHB regions.

Staff and managers with access changed over time. The exact total of people with access is not known, but would not have been more than about fifteen, including Panel members, over the period the Vaccine Order was active.

Please note, the COVID-19 Public Health Response (Vaccinations) Order 2021 (the Order) ended at 11.59pm on 26 September 2022.

Q3: How many non-disclosure legal agreements or similar employment 'record of settlement' type agreements were created and how many were signed/agreed upon by those staff who applied for who were denied or who were awarded the exemptions during the period Nov 21 to present day?

No such agreements were created.

Q4: How much in total did the DHB/Ministry spend/forward budget on those NDAs or similar since the inception of the exemptions?

As above, no such agreements were created, therefore, no money has been spent on this.

I look forward to hearing from you - as a matter of urgent priority about Q1 as this could be an error on your part that needs an immediate correction?

See response to Q1.

How to get in touch

If you have any questions, you can contact us at h.nzOIA@health.govt.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

As this information may be of interest to other members of the public, Health New Zealand | Te Whatu Ora may proactively release a copy of this response on our website. All requester data, including your name and contact details, will be removed prior to release.

Nāku iti noa, nā



Alana Ewe-Snow

Director, Prevention

National Public Health Service