

BRIEFING FOR JOINT MINISTERS



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<b>Priority</b>	<input type="checkbox"/> Urgent	<input type="checkbox"/> Time-Sensitive	<input checked="" type="checkbox"/> Routine
<b>Subject</b>	All-of-Government COVID-19 Compliance Response		
<b>Date</b>	1 May 2020	<b>Ref</b>	BR/20/39

**Recommendations**

It is recommended that Ministers:

- a) **Note** that on 28 April an All-of-Government Compliance Response was implemented to deal with breaches of COVID-19 public health guidelines.

**Minister's comments and signature**

.....  
Hon Stuart Nash  
Minister of Police  
/ / 2020

  
.....  
Hon Dr David Clark  
Minister of Health  
14/ 5/ 2020

.....  
Hon Iain Lees-Galloway  
Minister for Workplace Relations & Safety  
Minister of Immigration  
/ / 2020

.....  
Hon Phil Twyford  
Minister for Economic Development  
/ / 2020

Proactively released

## BRIEFING FOR JOINT MINISTERS

### All-of-Government COVID-19 Compliance Response

#### Purpose

1. This briefing provides information on the All-of-Government COVID-19 Compliance Response (ACCR), which has been established to support the Government's measures to prevent the spread of COVID-19.

#### Background

2. During Alert Level 4, compliance activity and enforcement was concentrated on Police. Police applied a graduated response (Engage, Encourage, Educate, Enforce) to compliance situations, and applied a common-sense approach commensurate with the restrictions placed on everyone in the community.
3. Enforcement agencies agreed to develop a new approach to respond to compliance breaches to ensure a level of consistency across multiple agencies. This will help to maintain the public's trust and confidence in the compliance response.

#### An All-of-Government Compliance Response has been established

4. The ACCR provides a single online channel for reports of COVID-19 breaches by the public, enabling them to be reviewed, prioritised and passed to the appropriate agency for action. Implementation of the ACCR took place on 28 April 2020, in line with the commencement of Alert Level 3.
5. The ACCR currently involves five primary enforcing or regulating agencies: the Ministry of Health, Police, the Ministry of Business, Innovation and Employment, WorkSafe, and the Ministry for Primary Industries (the participating agencies). The ACCR is summarised in the attached diagram.
6. The public can report breaches using Police's 105 online reporting system, which has been branded with a COVID-19 'skin' to ensure it is recognised as an all-of-government reporting process. This information will come into, and be actioned from, the newly-established COVID-19 Compliance Centre (CCC), which is staffed by members of the participating agencies.
7. Types of COVID-19 non-compliance within scope includes:
  - individuals not complying with public health guidelines
  - groups (e.g. mass gatherings)
  - organisations (e.g. businesses operating without appropriate health measures)
  - locations (e.g. areas with high occurrences of non-compliance).
8. The CCC will capture all reports from the online form, and will assess and triage them. Through the triaging process, all complaints are reviewed and

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compared against a range of risk factors. Some complaints may be closed at this stage if they are minor in nature or not a specific offence. Cases are then referred or distributed to agency partners, with recommendations, for response or follow-up. Results are recorded by that agency in a case management system.

9. All cases are considered through an intelligence-led model to give increased situational awareness of common themes, locations and individuals. This ensures that agencies have good oversight of levels of compliance and are more agile in responding to trends. Appropriate plans to manage repeated breach behaviour or locations will be put in place.
10. The advantages of this fully integrated compliance approach and centralised tasking function are:
  - Resources are leveraged collectively to deliver a timely response
  - Consistency in the compliance response across participating agencies
  - An aligned source of data and enhanced awareness of individuals, organisations and locations (including repeats)
  - Agencies can focus resource on the response as opposed to the filtering and synthesis of breach reports
  - Shared understanding of key priorities and risks across agencies.
11. Agencies have committed to resourcing the implementation and ongoing operation of the ACCR, and to meeting the ICT costs of the fully integrated system.

### **A graduated response is used**

12. Responses will be consistent with the overarching objective of the ACCR, with a focus on engaging the public on why compliance is important, encouraging the right compliance behaviour, and providing education as to what "good compliance" looks like. Where advice is repeatedly or seriously ignored a warning is issued. Where warnings are ignored, enforcement action can be taken drawing on each agency's regulatory powers or those provided specifically for COVID management. Any breaches identified as high risk or constituting a law and order issue are dealt with by Police. There may be circumstances that justify moving up the progressive response model more rapidly.

### **The Compliance Response processes are functioning well**

13. Overall, the COVID-19 compliance process has been successfully implemented and is supporting the delivery of prioritised, cross agency compliance responses. Initial improvement activities are underway to adjust the process in line with user feedback. Any improvement activities will be aligned and centrally approved to ensure they do not lead to inconsistencies in the process.
14. Individual agencies have confirmed processes are in place for managing allocated compliance cases and have identified points of contact for allocating

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and managing response action. Data on breach reports and actions in response are collected and analysed for insights relating to patterns of risk, and repeat breaches relating to individuals, businesses, locations.

15. As at 2300hrs on 30 April 2020, 2,101 complaints had been made using the online notification. Of these, the triaging process identified 1,886 as being minor in nature or not a specific offence. 380 have been tasked to an agency for response (which represents an overall 18% deployment rate).
16. 39% of deployment activities are currently being managed by MBIE, 36% by Police, and 17% by WorkSafe. Common breach themes since the ACCR was introduced include:
  - the majority of breaches are related to businesses (47%), then individuals (37%).
  - mass gatherings (15% of reports) have been reported at local parks, sports courts, beaches, and parties at homes
  - Business breaches by patrons and staff
  - Safe operating practices at food outlets, including lack of PPE and hygiene practices
  - Recreational activities, such as kayaking.

### Case study

On 29 May 2020 a number of separate online reports were submitted through the online form reporting breaches involving the same fast food retailer at different locations in the North Island.

The complaints were triaged and assessed by the Multi-Agency Team to determine the appropriate response. Due to the nature of the breaches, it was decided that WorkSafe would lead the response, with MPI supporting at one of the sites where the primary issue identified concerned food safety rather than person-related infection control.

WorkSafe contacted every franchisee who were the subject of a report and discussed requirements of operating under the Level 3 restrictions. All franchisees engaged constructively and stated they had been overwhelmed by the public response to fast food outlets reopening and they had not anticipated the queues of people who had lined up. In at least one case, Police attended the premises to manage physical distancing and ensure compliance.

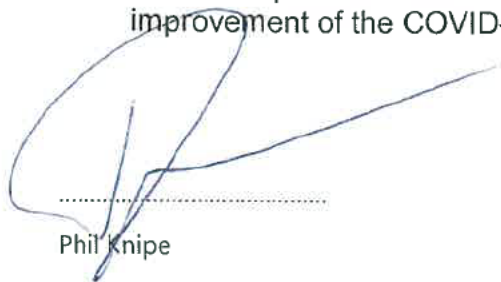
WorkSafe provided advice regarding the level of infection control that was required at their stores, and warned the fast food retailer of the consequences of non-compliance. The national office was contacted to discuss the overall plan in every store for infection control.

Subsequent reporting back from WorkSafe shows that the fast food retailer were addressing the level of infection control measures in place. The Compliance team has worked with the appropriate agencies to reinforce public messaging for maintaining a two metre physical distance for people outside their business.

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**A multi-agency governance structure oversees compliance activity and the use of powers**

- 17. An Operational Steering Group has been established to ensure compliance activity is operating effectively, and reflects the current national situation and data coming from the CCC.
- 18. A Compliance Governance Group, chaired by the Ministry of Health, will oversee the work of the Operational Steering group, to ensure consistency with the COVID-19 strategy and policy and to manage any emerging risks.
- 19. Both the Steering Group and the Governance Group meet regularly (bi-weekly and weekly respectively) to monitor and manage the effectiveness and progress of the implementation and manage any risks.
- 20. There is planned work to ensure ongoing lessons learnt and continuous improvement of the COVID-19 Compliance Response.



Phil Knipe

Chief Legal Advisor

Ministry of Health

Chair, AoG Compliance Response Governance Group

Representing the AoG COVID-19 Compliance Response Governance Group:

Stephen Vaughan, General Manager: Verification & Compliance, Immigration NZ

Bronwyn Turley, Acting General Manager: Regulatory Effectiveness & Legal, WorkSafe

Tusha Penny, Assistant Commissioner: Response & Operations, NZ Police

Jeremy Wood, Executive Director: Policy & Partnerships, NZ Police

<b>First contact</b>	Phil Knipe, Chief Legal Advisor, Ministry of Health	s. 9(2) (a)
<b>Second contact</b>	Tusha Penny, Assistant Commissioner: Response and Operations, NZ Police	

# COVID-19 AOG Compliance Response

COVID-19 will have long lasting impacts. To address them, we must plan for the future together.

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## OUR NEW, INTER-AGENCY OPERATING MODEL

**Our Mission:** "To achieve compliance to prevent the spread of COVID-19, while maintaining trust and confidence"

### Graduated response

1. Engage, encourage, educate
2. Warn
3. Enforce, arrest, prosecute

The Graduated Response Model underpins our compliance activities and is used to focus on prevention and lessen the need for enforcement.

It also helps to identify how agencies can play roles across the full range of compliance responses.

### Operating model and structure

The structure is supported by cross-agency resources and a shared technology platform, enabling:

- A greater focus and collaboration on prevention activities across multiple agencies.
- An intelligence-led approach to deployment priorities based on trends and data insights.

Go-live was at 07:00 on Tuesday 28 April.



### Compliance process

Case management underpinned by collaboration and shared platforms.

- COVID-19 online breach report submitted (developed using the Health matrix prioritisation).
- Safety scan from Police for rapid deployment if required.

1. Capture and Assessment: Information is assessed and converted into a case.
2. Allocation: The case is allocated from the Centre to the responsible agency.
3. Treatment: The case is treated by the agency.
4. Submit: Case sent back to the Centre result coded and matter filed.

## EXPECTED BENEFITS



### Coordinated response

Closer inter-agency collaboration will enable compliance reports to be prioritised for action by the agency with the regulatory or enforcement powers to best manage the situation.



### Centralised data

Centralised compliance data will enable the identification of individuals, locations and organisations of interest, for example repeat offenders.



### Enduring structure

The structure and process developed can be adapted to changing situations (e.g. spikes in non-compliance) by flexing resourcing and prioritisation criteria.



### Innovation in ways of working

This response has seen the adaptation of existing systems and processes to rapidly mobilise an inter-agency response, which could be a template for future collaborations.