

Report on complaints against the Chief Executive of Wintec

Public Summary

Introduction

In accordance with terms of reference dated 31 August 2018, I undertook an independent inquiry into complaints made about the conduct of the Wintec Chief Executive Mark Flowers. The complaints largely related to alleged conduct in the period 2010-2014.

The complaints were first investigated in 2015, and the process used for that investigation was peer reviewed earlier last year by Victoria Casey QC. This led to the Wintec Council requesting a fresh inquiry in August 2018.

I have provided a confidential full report into these matters to the Wintec Council. In order to respect the confidentiality and privacy of those involved, I will not publicly disclose the details of the complaints and allegations. However, a brief summary of the inquiry and my findings follows.

Process and method

I approached the questions independently and did not see the 2015 report or the 2018 review.

Over a 17 week period, I formally interviewed more than 20 people and reviewed a large number of documents including email and phone records, policies and employment files. I spoke with every person who requested or agreed to be involved, and was provided with all information and documentation that I requested. In most cases the interviews were transcribed into written form, and where appropriate I provided copies of the transcripts, or extracts from them, to affected participants for comment.

There were challenges for this Inquiry investigating events that were alleged to have occurred up to 8 years ago, but which were not investigated until much later – in some cases many years later. I acknowledge the frustration and difficulty for all participants arising from the passage of time, and from the re-opening of these questions after the 2015 investigation.

Findings

I did not find the majority of the complaints to be established on the balance of probabilities.

However, I did find instances where the Chief Executive should have better managed and dealt with a conflict of interest in relation to one employee; and where Wintec did not adequately respond to a serious complaint. I found that the absence of a specific policy to deal with the complaint at the time was a factor, and I recommended Wintec review and revise its existing policies in a number of areas.

General comments

My terms of reference invited comments on themes related to organisational culture during the relevant period. Any broader comments about Wintec must begin by acknowledging the success of Wintec under Mr Flowers' leadership – particularly in terms of its financial performance, building programme, and internationalisation. The change processes Mr Flowers led contributed to that success, and many people I interviewed described Mr Flowers as a charismatic, highly intelligent and

approachable leader who sought to foster a culture of innovation, rigorous debate, and personal development.

At the same time, a consistent theme from many I interviewed was that Wintec did not always strike the right the balance between flexibility and due process. This manifested itself in the areas described above, including a failure to manage a conflict of interest, and the absence of specific policies to deal with issues raised. It also contributed to a perception among many of the staff I interviewed that the Chief Executive could direct employment outcomes without following proper process.

Among other things these matters emphasise the importance of a strong, professional and independent HR function. My terms of reference confined me to observations about the culture at the relevant time and I made no comment on the current situation, other than to observe that there has clearly been recent progress in a number of areas. Maintaining the right balance is no doubt a matter deserving the continuous attention of senior management and Council.

Simon Mount QC