



Review of MIQ First Security Incident

Ministry of Business, Innovation and Employment

May 2021

[kpmg.com/nz](https://www.kpmg.com/nz)

Contents

1. Executive summary	3
2. Timeline	5
3. Detailed observations and opportunities for improvement	7
Appendix 1: Scope (extract)	21
Appendix 2: FSG documents sighted by KPMG	22

Disclaimers

Inherent Limitations

This report has been prepared in accordance with our Consultancy Service Order (CSO) dated 20 April 2021 between ourselves and the Ministry of Business, Innovation and Employment (MBIE) and for no other purpose. The services provided under our CSO ('Services') have not been undertaken in accordance with any auditing, review or assurance standards. The term 'Audit/Review' used in this report does not relate to an Audit/Review as defined under professional assurance standards.

The information presented in this report is based on that made available to us during our work for MBIE. KPMG believes that the information provided was reliable, complete and not misleading and has no reason to believe that any material facts have been withheld. Unless otherwise stated in this report, we have relied upon the truth, accuracy and completeness of any information provided or made available to us in connection with the Services without independently verifying it. KPMG did not speak directly to Case B to verify information. KPMG viewed documents made available to it but did not receive the actual documents or copies of them.

The statements and opinions expressed in this report have been made in good faith and on the basis that all relevant information for the purpose of preparing this report has been provided by MBIE, Ministry of Health (MoH) and First Security Group (FSG) and that all such information is true and accurate in all material aspects and not misleading by reason of omission or otherwise. Accordingly, neither KPMG nor its partners, directors, employees or agents, accept any responsibility or liability for any such information being inaccurate, incomplete, unreliable or not soundly based, or for any errors in the analysis, statements and opinions provided in this report resulting directly or indirectly from any such circumstances or from any assumptions upon which this report is based proving unjustified.

No warranty of completeness, accuracy or reliability is given in relation to the statements and representations made by, and the information and documentation provided by MBIE and FSG as part of the process.

The report was prepared based on the information available at the time. KPMG is under no obligation in any circumstance to update this report, in either oral or written form, for events occurring after the report has been issued in final form.

Third Party Reliance

This report is solely for the purpose set out in the Description of Services in the CSO and is not to be used for any other purpose or copied, distributed or quoted whether in whole or in part to any other party without KPMG's prior written consent.

Other than our responsibility to MBIE, neither KPMG nor any member or employee of KPMG assumes any responsibility, or liability of any kind, to any third party in connection with the provision of this report. Accordingly, any third party choosing to rely on this report does so at their own risk. KPMG expressly disclaims any and all liability for any loss or damage of whatever kind to any person acting on information contained in this report.

Internal Controls

The information provided has been evaluated through analysis, enquiry and review for the purpose of this report. KPMG does not warrant that these enquiries have identified or verified all of the matters which an audit, extensive examination or due diligence investigation might disclose. Due to the inherent limitations of any internal control structure, it is possible that errors or irregularities may occur and not be detected. Our procedures were not designed to detect all weaknesses in control procedures and, consequently, we do not express an opinion on the effectiveness of the internal control structure.

1. Executive summary

Background

New Zealand's defence against an outbreak or spread of COVID-19 relies, in part, on individuals and businesses doing the right thing. This report is about an incident where it was alleged the right thing did not happen.

The incident occurred in early April 2021. Shortly after a cleaner at a Managed Isolation Facility (MIF) returned a positive result for COVID-19, another border worker tested positive.¹ This second case - known subsequently as Case B - was a security guard working for First Security Group (FSG). Allegations were made that Case B had not undergone their required tests for a period of approximately four months before their positive test result on 7 April 2021.²

The obligation for border workers, such as Case B, to 'report for, and undergo, testing and medical examination for COVID-19' is a critical element in New Zealand's COVID-19 defence strategy and is clearly stated in the COVID-19 Public Health Response (Required Testing) Order 2020 (the Required Testing Order).³ The onus is placed on border workers to understand when and where to get tested and to arrange time to get their tests completed. They must also provide their employer(s) with certain information, including contact details and the dates on which they got tested.⁴

The employers of border workers also have a role to play.⁵ Under the Required Testing Order, employers must tell their border workers of the requirement to get tested and the testing period which applies to them. For instance, Case B was informed their testing period was 14 days. Additionally, employers must not prevent their border workers from getting tests and must keep and maintain records of specific information related to the worker, including when the border worker underwent a test. Information about the results of the tests is not recorded by employers, as health information of this nature is confidential to the employee under the Health Information Privacy Code 2020.

Also relevant to the border workforce testing environment are provisions in the Health and Safety at Work Act 2015 (HSWA), as well as employment obligations and practices.

The incident specifically called into question Case B's compliance and integrity around testing requirements. It queried the adequacy of FSG's processes to check that its border workers were complying with the Required Testing Order and whether it had managed this health risk, so far as reasonably practicable. Also questioned was the robustness of border workforce testing - as one of New Zealand's four 'key lines of defence' - to assist in keeping the population safe.

To help answer these questions, the Ministry of Business, Innovation and Employment (MBIE) commissioned KPMG to undertake an independent review of the incident.

Objectives

The objectives of the review were to:

- Establish the facts of the incident and the circumstances and actions leading up to the incident.
- Assess the adequacy of FSG's internal processes to facilitate compliance with testing for its workers at Managed Isolation and Quarantine Facilities (MIOQFs).
- Investigate the underlying issues as to why this incident was not identified as non-compliance.
- Examine whether there were any internal and external factors beyond FSG's control leading up to, or contributing to, the incident.

See Appendix 1 for more detail on the scope and approach.

¹ Our use of the term 'border worker' in this report is consistent with the definition of 'affected person' in clause 4, COVID-19 Public Health Response (Required Testing) Order 2020, 25 November 2020.

² We have used the third person pronoun to help preserve Case B's anonymity.

³ COVID-19 Public Health Response (Required Testing) Order 2020, cl 7.

⁴ COVID-19 Public Health Response (Required Testing) Order 2020, cl 11(3)(a,b).

⁵ Our use of the term 'employer' in this report is consistent with the term 'relevant PCBU's' in the COVID-19 Public Health Response (Required Testing) Order 2020.

Conclusions

Our assessment and analysis of the evidence led us to conclude, on the balance of probability, that:

Case B

- Case B did not report for, and undergo, all of their required tests in the testing period corresponding to their MIQ-related employment.
- Case B provided inaccurate information to FSG stating that they had undergone each of their required tests in accordance with their testing period.
- Except for a period of five days (10 - 15 March 2021), the Border Workforce Testing Register (BWTR) showed Case B as being compliant with required testing until late March 2021. The five-day, non-compliance period was attributed to data issues in the BWTR system.

FSG

- FSG developed systems and processes to keep and maintain records of border workforce testing and ensured resources were in place to operate the system. The system and processes were aligned to the relevant duties in the Required Testing Order and duties under HSWA to protect workers from harm.
- FSG used the information available in the BWTR to validate the employee self-declarations recorded in the FSG internal system. FSG was able to perform validation checks if and when there was an indication of non-compliance with required testing and when the information became available in the BWTR. This external corroboration strengthened the confidence FSG had in its employees' self-declarations and alerted it to any discrepancies.
- FSG may have identified that Case B had falsely stated they had undergone nine tests between 11 December 2020 and 24 March 2021 by running a detailed reconciliation check in March 2021. However, there was no pretext for doing so because Case B was not showing as being non-compliant on the BWTR 'chase list'.
- FSG was made aware on 8 April 2021 of Case B's non-compliance with testing.

Wider internal and external factors (MIQ)

- The BWTR was a voluntary system until 27 April 2021 and was in a trial stage. Because there were delays in uploading data, and delays and inaccuracies in the linking of National Health Index (NHI) numbers with Person Profiles, FSG could not view test dates for each and every one of its over 600 employees working at

MIQFs. At the time of writing, FSG did not have visibility over test dates for around 60 employees because their NHI numbers had not been linked.

- The WhosOnLocation (WOL) system introduced in early February 2021 may not accurately reflect attendance of border workers due, in part, to inconsistent use by individual workers and lack of enforcement at work sites. It is the WOL system that triggers the testing cycle and the dates on which tests are to be undergone.
- Access to testing is especially problematic for shift workers, particularly those with limited time and means and on irregular rosters. These factors can lead to tests not being taken within specified periods. Although DHBs work with employers to organise testing schedules that suit the realities of shift work, there may be occasions when these schedules do not align.

Opportunities for improvement

We have not stated any opportunities for improvement for Case B. We understand Case B is subject to a current employment investigation and this investigation is outside the scope of this review.

We acknowledge that FSG carried out an internal review following this incident and has already instituted improvements to its processes and practices. These improvements are designed to address weaknesses in the BWTR and strengthen its compliance with the Required Testing Order and HSWA.

Opportunities for improvement in Section 3 relate predominantly to system and process improvements for employers (in a general sense) and the operation of MIQ border testing.

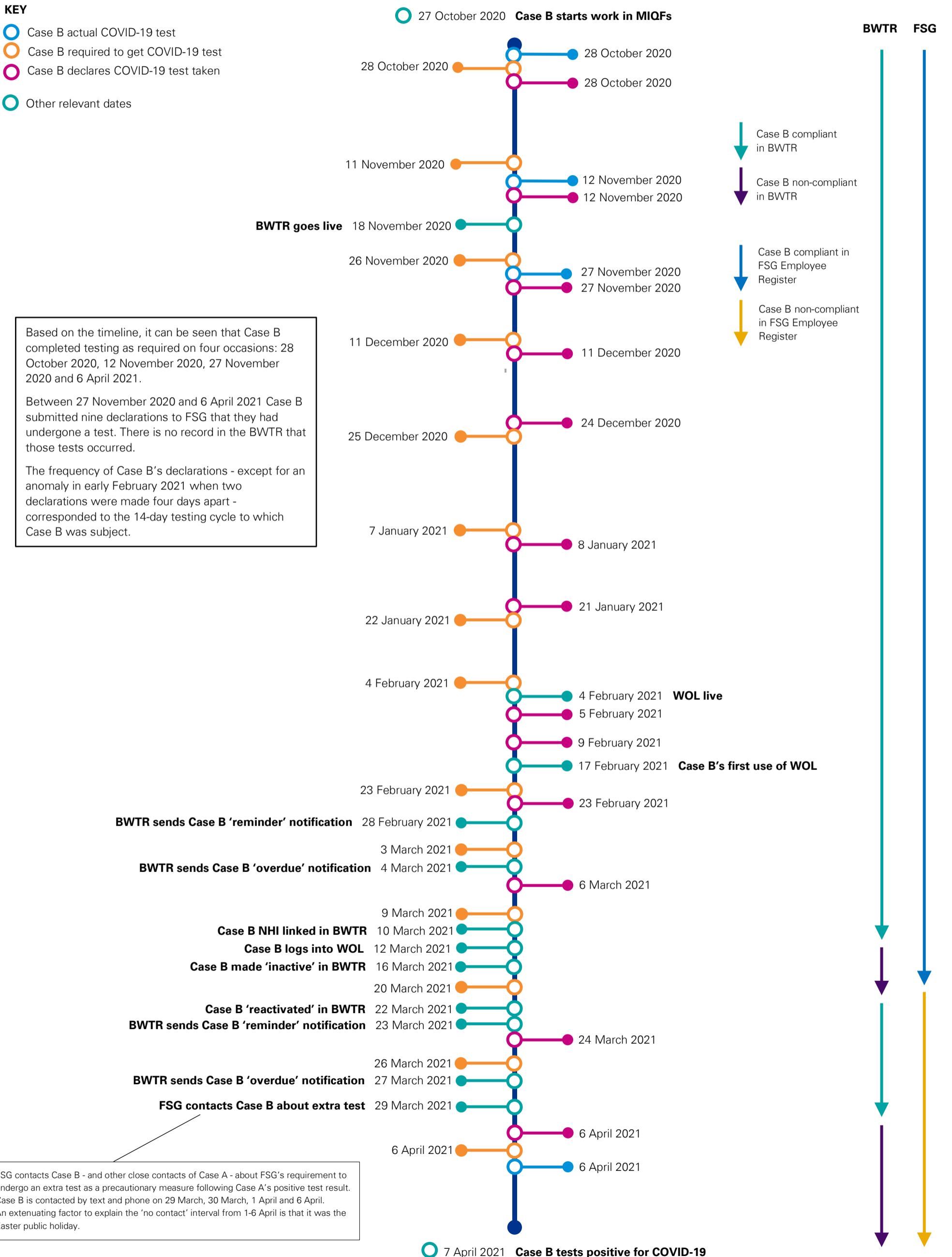
This incident presents a timely reminder of the need to reinforce Governmental and societal expectations around border workforce testing. Testing remains a key component in New Zealand's defence against COVID-19.

Acknowledgement

KPMG would like to acknowledge and thank everyone at FSG, MBIE and MoH, who made themselves available for this review.

2. Timeline

Below is a visual representation of the pertinent dates and events relating to the incident. The timeline covers the period from when Case B was employed by FSG to work at MIQFs until the date a positive COVID-19 test was communicated. Incident details and associated issues are captured in Section 3 of this report.



This page is intentionally left blank

3. Detailed observations and opportunities for improvement

The following table outlines the actions taken by FSG and Case B in relation to the incident and, where possible, a summation of any underlying issues or extenuating circumstances. Opportunities for improvement are provided to strengthen processes and practices.

A key observation is that FSG believed Case B was compliant with testing requirements from late October 2020 through to late March 2021. FSG trusted its employees to do the right thing, that is, comply with the Required Testing Order and conform to the company’s expectations. It was confident that expectations and obligations around testing and other means of keeping safe from COVID-19 had been sufficiently communicated by not only itself but other parties, such as the New Zealand Government, site managers and other businesses with which Case B was interacting.

FSG’s confidence was underpinned by its processes and practices that managed the various activities related to working in the MIQF environment. An example was FSG requiring its border workers to provide information in the form of a declaration that they had undergone required testing. It was one way in which FSG, and its border workers, ensured compliance with clause 11(3) of the Required Testing Order.

	FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
Internal systems	Central, online monitoring systems	<p>First Security built its own systems (in the absence of a Government-developed or endorsed solution) that could, among other things, keep and maintain testing records. It is a bespoke, cloud-based application - the 'MBIE Management Portal' - and is used to record relevant operational information relating to its MIQF workers.</p> <p>Within this Portal is FSG’s MBIE Employee Register, which monitors and reports on employees’ COVID-19 testing. It records the dates of last test and the date of the next test. The system relies heavily on the accuracy of each employee’s self-declaration.</p> <p>Non-compliance matters, such as employees being overdue for a test, are followed up daily. Since November 2020, FSG has used these systems in conjunction with the BWTR.</p>	<p>Case B declared tests were carried out at prescribed times.</p> <p>These self-declarations were uploaded into FSG’s 'MBIE Employee Register'.</p>	<p>The FSG system was largely reliant on Case B’s self-declarations before 10 March 2021 (the date when Case B’s NHI number was 'linked' in the BWTR and previous test dates - or lack thereof - were visible in the BWTR).</p>	<p>1 Provide employers with daily reports that outline which employees had COVID-19 tests in the preceding 24-hour period.</p>

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
<p>Third-party testing provider</p>	<p>In August 2020, FSG engaged with a third-party provider (Green Cross Health) to independently administer tests and to monitor and manage the schedule of tests.</p> <p>The aim was to remove the issue of reliance on employee self-declarations and the logistical challenges of employees arranging tests outside of the limited time periods for testing at the work sites.</p> <p>MoH rejected the initiative. We understand there were concerns expressed around the risks of data security and testing protocols.</p>	<p>N/A</p>	<p>FSG border workers work 12-hour shifts that do not always align with the times when testing is available at the work site. Thus, border workers, particularly those on night shift, can face challenges in organising tests outside of work hours.</p> <p>We note that MoH does not set the timing of testing availability.</p> <p>We acknowledge there have been many occasions of DHBs and other parties working together to provide testing windows at accessible times.</p>	<p>2 Allow an approved third-party provider to test border workers and manage (on behalf of the employer and within all relevant legislative bounds) the administration associated with required testing. If this action is not feasible, DHBs should organise testing windows that cater for the range of shift patterns.</p>
<p>FSG MIQ Compliance Team</p>	<p>FSG resourced an internal team to track and monitor employee compliance with COVID-19 testing. Employee declarations are linked to FSG identifiers, primarily their security licence number (COA number). The Compliance Team matches attendance records to testing cycles and categorises employees as being 'compliant', 'warning' or 'overdue'.</p> <p>FSG contacts the employees marked as 'warning' or 'overdue' and prompts them to get a test or declare that a test has been taken.</p> <p>Following an internal review of the Case B incident, FSG improved its processes, namely:</p> <ul style="list-style-type: none"> — Cross-referencing the BWTR with its own system each day. 	<p>Case B provided the requisite declarations and, therefore, showed as compliant in FSG's system until 10 March 2021. As a result, FSG had no reason to contact Case B about matters of non-compliance.</p> <p>FSG contacted Case B on 10 March 2021 because Case B was marked as non-compliant in the BWTR.</p> <p>This non-compliance status was moved to 'inactive' for five days from 16 March 2021, then 'active' on 22</p>	<p>When the BWTR was first introduced, there was a lag time for uploading employees. Lag times have reduced but remain.</p> <p>There were delays in MoH's linking of NHI numbers to Person Profiles in the BWTR. At the time of writing, there remain around 60 FSG border workers who do not have a linked NHI.</p> <p>The fluctuating workloads at MIQFs and high turnover rate of security guards add to the administrative burden for FSG's Compliance Team.</p>	<p>3 Reduce the amount of time associated with loading of employee profiles and the linking of NHI numbers into BWTR.</p>

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
	<ul style="list-style-type: none"> — Operating a seven-day compliance programme. (Until mid-April 2021 the Compliance team operated from Monday to Friday.) — Requiring evidence of testing above and beyond a self-declaration from border workers showing as non-compliant or without test data in the BWTR. Examples include copies of testing records from testing centres and time-stamped photographs. 	<p>March 2021 due to a data issue.</p> <p>Case B's testing schedule was triggered on 12 March 2021 through their use of the WOL system. A test date of 26 March 2021 was consequently established, that is, 14 days from the login date on WOL.</p>		
Mobile phones	FSG supplied Android mobile phones to its employees to provide a secure, direct means of submitting self-declarations of tests. These phones also enable FSG to be assured it can contact its employees when necessary.	Case B was provided with, and showed use of, a configured, FSG mobile phone. The phone had the WOL app installed.	N/A	N/A
Employees	FSG developed an interview script for use during its recruitment process. It prompts the FSG 'recruiter' to inform candidates about particular obligations related to MIQ work. One item discussed is that there are legislative requirements to complete periodic testing. Candidates are asked whether they are comfortable with undertaking the testing requirements. If the answer is in the affirmative, the recruitment process (as it relates to border workforce roles) continues to the next step in the process.	<p>We were informed that Case B said they understood the obligation to get the required tests.</p> <p>Case B continued to the next step of the FSG employment process and, in due course, was presented with an Offer of Employment.</p>	N/A	4 Consider replicating the FSG 'MIQ interview script' as a resource to assist other relevant PCBUs.
Offer of Employment letter and Individual	Health and safety clauses and statements are contained in the Offer and IEA. They outline work-related health and safety obligations in a general sense.	Case B accepted the Offer and signed their IEA. They attested that they had read and understood the contents of the document.	N/A	N/A

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
	<p>Employment Agreement (IEA)</p> <p>To further limit risks of infection, FSG requires its border workers to not hold secondary occupation.</p>	<p>Furthermore, the attestation confirmed that Case B had had time to consult with someone about the material in the document.</p> <p>Case B started working at MIFs on 27 October 2020. Their employment at MIFs continued to 7 April 2021.</p>		
	<p>MIQ Professional Behaviour learning modules</p> <p>FSG developed four, online learning modules to assist employees in their comprehension of COVID-19 and MIQ obligations. The modules include a declaration that the employee understands the requirement to be tested at least once in a 7-day or 14-day period according to which facility they are working at.</p> <p>Employees receive a text message(s) reminding them to complete the modules and complete a questionnaire, which includes a declaration regarding comprehension of obligations.</p>	<p>Case B completed all assigned modules.</p>	<p>N/A</p>	<p>5 Consider replicating the FSG learning modules, or a variation thereof, as a resource for all MIQ workers.</p>
Documentation	<p>Safety Stand Down Policy</p> <p>This policy clarifies minimum requirements for site infection prevention control clearance for employees. It is designed to be read in conjunction with the COVID-19 Public Health Response Order and other FSG standard operating procedures.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
	<p>Staff COVID-19 Testing Process</p> <p>FSG developed a business process diagram to outline the testing compliance process.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
MIQF Standard Operating Procedures	This document covers all aspects of MIQ operations. Section 4.5.2 outlines testing requirements of employees and the relevant testing frequency.	N/A	N/A	N/A
Government guidance	<p>Information from Government entities, such as MBIE and MoH, is made available at work sites and presented to MIQ employees as part of site inductions.</p> <p>This guidance was used, and continues to be used, to inform FSG’s operating procedures.</p>	<p>Based on our understanding of the operation of MIQFs, we are of the opinion that there would have been information about COVID-19 and required testing at Case B’s work sites.</p> <p>We were unable to verify whether Case B saw and read the information.</p>	N/A	N/A
Confirmed and Suspected Case Infection Plan	The Confirmed and Suspected Case Infection Plan is a part of wider FSG pandemic planning arrangements. This document outlines the process to follow when an employee or contractor is confirmed or suspected of being infected with COVID-19.	N/A	N/A	N/A
Testing	<p>FSG allows its border workers to get COVID-19 tests during work hours and follows up with workers if a test has not been taken.</p> <p>If employees are non-compliant or unwilling to comply with this requirement, they are stood down and subject to an employment process.</p>	<p>We were unable to verify whether Case B had sufficient time and means to report for, and undergo, testing.</p> <p>We were unable to verify the testing time windows at Case B’s MIQF work sites and whether guests at the</p>	<p>On-site testing for border workers can be difficult to access because of the timeframes available.</p> <p>We were informed that on-site testing can sometimes be prioritised towards the guests staying at the MIQF. When testing time windows are short, it can lead to border workers not being tested and needing to</p>	See Opportunity for Improvement #2.

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
		<p>MIQF took precedence over border workers for testing.</p>	<p>reschedule a test for the following testing time window.</p> <p>Community Testing Centres and general practice surgeries have limited testing time windows, which may not align with workers on 12-hour shift patterns.</p> <p>Attendance at a pop-up testing site can involve long wait times.</p>	
<p>Recording of site attendance</p>	<p>FSG border workers receive a temperature and health check at the MIQF entrance or chokepoint from MoH staff members. They are asked whether they have had a recent test for COVID-19.</p> <p>These checks act as an entry control but we were informed they are not consistently documented or recorded. The answer to the question about having undergone a recent test is accepted, generally without an external verification using the BWTR.</p>	<p>We were unable to verify whether Case B received a temperature and health check every time they entered a MIF at the start of a shift.</p> <p>We were unable to verify whether Case B was asked about testing every time they entered a MIF at the start of a shift.</p>	<p>FSG has limited control over its workers when they are working at a MIQF. The responsibility for compliance with legislative and other obligations at the site rests with the Crown-appointed Site Manager.</p> <p>We were informed that verification of recent testing through use of the BWTR is not always conducted by DHB staff members, Site Managers or other designated persons. The declaration about receiving a recent test is taken as verbatim, despite DHB staff members having access to records in the BWTR.</p>	<p>6 Require authorised persons to access the BWTR at the work site to substantiate the border worker's most recent test date.</p>
<p>Sick leave</p>	<p>FSG employees are provided with ten sick days from the commencement of employment. This allowance contrasted with the normal practice of</p>	<p>Case B was provided with ten days of sick leave.</p>	<p>N/A</p>	<p>N/A</p>

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
	<p>five days sick leave available after six months of employment.</p> <p>This provision is to assist with:</p> <ul style="list-style-type: none"> — instances where an employee is required to stand down to await test results — if an employee is overdue for a test and are stood down from the roster until a test has been taken and a negative result received. <p><i>We note the Holidays (Increasing Sick Leave) Amendment Bill is currently at Second Reading stage. It proposes to increase the availability of employer-funded sick leave.</i></p>			
<p>Assurance</p>	<p>Self-declaration</p> <p>FSG required its border workers to submit declarations on when they had undergone COVID-19 tests.</p> <p>In some cases, FSG requested and received additional evidence that a test had been carried out. Some employees produced notes from medical examiners, screenshots of text messages from the BWTR and photographs of them being tested when there were instances of doubt or confusion. But these were isolated instances.</p> <p>The Required Testing Order does not require border workers to provide evidence of testing to their employer(s) nor for an employer to request and sight evidence. It does require border workers to provide information to their employer(s) about the dates on which they underwent a test.</p> <p>The Required Testing Order allows for certain border workers to be exempt from testing.</p>	<p>Case B was required to complete tests on a 14-day cycle from 27 October 2020.</p> <p>Case B submitted 13 declarations to FSG during their MIQ employment.</p> <p>Case B was not asked for additional evidence because, for most of Case B's employment period, no doubts were raised.</p> <p>FSG became aware of discrepancies between Case B's self-declarations and actual COVID-19 testing records on 8 April 2021.</p> <p>Case B was not exempt from testing.</p>	<p>FSG trusted - and continues to trust - its employees to tell it the truth about undergoing tests. But for high-consequence risks, such as the spreading of COVID-19, it could be argued that high-trust models need to be counter-balanced by additional, objective and external controls.</p> <p>To that end, FSG could have requested a higher standard of information or evidence from its employees than a self-declaration. On occasion it did. However, in our opinion, asking employees to supply extra information could introduce a risk of eroding that foundation of trust.</p>	<p>7 Encourage employers to communicate to their border workers that test dates are visible to them in the BWTR.</p>

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
Site audits	<p>FSG employs supervisors, who work during the same working hours as the day shift and night shift border workers. They are responsible for groups of MIQFs.</p> <p>FSG supervisors conduct spot checks and audits on the work and workers at MIQFs. One check is the 'Employee QA Assessment'. Question 17 in this assessment asks border workers to declare whether they have had a COVID-19 test within the last testing period. This question was introduced before the advent of the BWTR and remains in the assessment. We were informed that issues around the credibility of the BWTR to provide an accurate record of testing history mean that this question - and ones like it - are still used to check on test completions.</p> <p>Assessment results are uploaded in real-time via FSG's custom application (MBIE Site Managers App), which is also used to record issues and report incidents.</p>	<p>Case B participated in four 'Employee QA Assessments' during the period of their MIQ employment.</p> <p>Case B declared, as part of the above assessments, that they had completed a COVID-19 test on or close to the dates corresponding to their 14-day testing schedule.</p>	<p>The BWTR should be the primary, external source that is used to validate testing, with internal systems used as a secondary control.</p> <p>As the BWTR develops - and, in our view, gets more accurate and complete - questions in spot checks about testing can get more nuanced and provide employers with richer information. Spot checks need not ask, 'Have you had a test?' because a check in the BWTR by the employer should quickly supply that answer (provided the BWTR demonstrates high levels of credibility and ease of use).</p> <p>Instead, employers can ask their border workers whether there are any barriers or frustrations with the testing regime, what is working well, what the employer could improve in terms of facilitating testing opportunities, and so on.</p>	<p>N/A</p> <p>From 27 April 2021, employers must use the BWTR.⁶</p>
External performance review	<p>FSG commissioned an external health and safety services provider to carry out an independent assessment of its standard operating procedures, training practices and governance processes</p>	<p>We were unable to verify whether Case B participated in, was made aware of, or received the feedback and</p>	N/A	N/A

⁶ See COVID-19 Public Health Response (Required Testing) Order 2020, Reprint as at 27 April 2021, clause 11(2)(a), that requires records to 'be entered on a register kept, maintained, and monitored by, or on behalf of, the Ministry of Health.'

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
	<p>relating to COVID-19 and MIQ work. The assessment occurred in September 2020. FSG's Christchurch operation was added to the assessment in February 2021. The assessment covered all relevant work sites. Frontline FSG workers were interviewed, among other things, about their understanding of, and conformance to, required testing.</p> <p>The results of the assessment were positive. Each one of FSG's 24 sites scored 100% conformance to FSG's expectations and requirements around border worker testing.</p>	<p>results of the external health and safety performance review.</p>		
<p>WhosOnLocation system (WOL)</p>	<p>MBIE administers the WOL system. It is used to record attendance of border workers at MIQFs. The WOL system, like the NZ COVID Tracer app, relies on individuals doing the right thing and logging in every time they start work.</p> <p>The WOL system allocates its own reference number that requires linking to a border worker's NHI number and Person Profile in the BWTR.</p> <p>Before the WOL system was introduced in early February 2021, MIQFs used a manual, paper-based system to record attendance.</p> <p>Logging into the WOL system triggers the testing cycle and schedules test dates. This data appears on the border worker's record in the BWTR.</p> <p>Following an internal review of the Case B incident, FSG reiterated the requirement for its border workers to use the WOL system at the start of each shift.</p>	<p>Case B's first use of the WOL system was on 17 February 2021.</p> <p>Based on our understanding of Case B's employment pattern at MIFs, Case B's subsequent use of the WOL system would indicate that they did not log their attendance in WOL for every shift at a MIF.</p>	<p>We were informed there can be inconsistencies between an employer's attendance records, which are generated by rostering and payroll systems, and the attendance data captured by WOL logins. A reason for the inconsistency is that using the WOL was not always enforced by Site Managers or other designated persons, particularly when manual sign-in sheets were also being used.</p>	<p>8 Require Site Managers (or other designated persons) to confirm border workers have used the WOL to log in their attendance.</p> <p>9 Conduct proactive monitoring, such as spot checks, of WOL use.</p> <p>10 Have same-day data uploads for COVID-19 tests and attendance records.</p>

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
<p>Border Workforce Testing Register (BWTR)</p>	<p>The BWTR was implemented in November 2020, three months after the COVID-19 Public Health Response (Required Testing) Order 2020, which commenced on 29 August 2020. The Required Testing Order required mandatory, ongoing surveillance testing of border workers, as well as placing obligations on employers to facilitate testing and keep records of testing.</p> <p>The BWTR was a voluntary system trialled from November 2020. It was designed, in part, to help employers meet their duty of keeping and maintaining records of tests and medical examinations.</p> <p>In November 2020, FSG was provided with an introduction to the BWTR via video and then a one-hour remote training session. User manuals were available in April 2021.</p> <p>Before the WOL system was introduced, FSG sent the BWTR team CSV files and emails about employees who would be working in the MIQ environment. FSG could not directly upload employee data to the BWTR.</p> <p>The BWTR created a Person Profile for Case B.</p> <p>FSG had visibility over Case B's test dates in the BWTR from 10 March 2021. On that date Case B's Person Profile and NHI number were linked, which meant that Case B's testing history was retrospectively uploaded to the BWTR. FSG could then substantiate whether Case B had undergone tests.</p> <p>FSG checked Case B's testing status on 10 March 2021 because Case B was showing as non-</p>	<p>Case B's Person Profile in the BWTR was linked to their NHI number on 10 March 2021.</p> <p>From 10 March 2021 to 5 April 2021, Case B's testing status in the BWTR showed three completed tests on 28 October 2020, 12 November 2020 and 27 November 2020.</p> <p>Case B did not have more than one NHI number.</p>	<p>Before Case B's Person Profile and NHI number were linked, FSG was unable to independently verify that Case B had undergone periodic testing.</p> <p>We were informed that some people in New Zealand can have more than one NHI number. This situation, although rare, can cause data matching errors and delays. At the time of writing, we were informed that FSG still had approximately 60 of its border workers not linked. Therefore, visibility over verified testing records for these employees is limited or non-existent.</p> <p>Employers cannot directly amend minor errors, such as misspelt names, transposed numbers and incorrect contact details, in the BWTR. Instead, employers must submit change requests to the BWTR team. This requirement causes delays.</p>	<p>See Opportunity for Improvement #3.</p> <p>11 Expedite the uploading of COVID-19 tests and attendance records into the BWTR.</p> <p>12 Provide border workers with an identification card that includes their NHI number.</p> <p>13 Allow employers to have limited ability to update staff details in the BWTR.</p>

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
	<p>compliant. The reason for this non-compliance was a lack of attendance data, not because Case B had not actually undergone tests. When Case B had their attendance logged through the WOL system on 12 March 2021, and when this data was uploaded, Case B's testing status changed to compliant. FSG's internal system also recorded Case B as being compliant due to Case B's self-declaration on 6 March 2021.</p> <p>The BWTR sends two notifications by text and email to border workers. The first is a reminder sent three days before the scheduled test date. The second is sent one day after the scheduled test date and informs the border worker that they are now overdue for a test. The employer does not have visibility over these notifications.</p> <p>Information about an employer notification function is included in the 'user manual' for the BWTR.⁷ A text or email says, '...you have team members who still need to complete a mandatory COVID-19 test in the next few days.' FSG reported it was not aware of this function and, furthermore, had not seen a copy of the 'user manual' nor any information about employer notifications. We were informed this employer notification function was not 'made live' until April 2021 and after the Case B incident surfaced.</p> <p>The BWTR does not hold the results of tests. It is expected that border workers would contact their employers if a positive test result was returned.</p>			

⁷ New Zealand Government, 'Border Workforce Testing Register (The Register) Employer Contact Users', version 3, last updated 30.03.2021, p. 43.

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
<p>Positive test result</p>	<p>Incident response</p> <p>Following notice from MBIE of Case B's positive test result at approximately 1100 hrs, 8 April 2021, FSG initiated the escalation process as outlined in its Confirmed and Suspected Case Infection Plan. The process involved:</p> <ul style="list-style-type: none"> — Contacting Case B to confirm when their last test was taken and whether their declarations were correct. — Confirming whether Case B was vaccinated. — Confirming whether Case B had a secondary occupation. — Identifying and interviewing close contacts of Case B. — Initiating stand-down procedures and an employment process with Case B. — Investigating BWTR records to identify Case B's test dates and contacting the BWTR team to understand the discrepancies between the BWTR results and FSG's internal system. — Requesting CCTV footage of Case B's primary MIF from MBIE. <p>FSG provided the above confirmations to MBIE, along with a copy of the Grand Millennium Hotel site roster for the previous two weeks. It worked to identify other employees who may have had contact during this time with Case B. Close contacts were instructed to self-isolate from 8 April 2021 until further notice.</p> <p>FSG informed us that it did not suspend Case B while Case B was in isolation at the Managed Quarantine Facility (MQF), as it preferred to wait for the opportunity to engage personally with</p>	<p>Case B received a text on 7 April 2021 after their test returned a positive result.</p> <p>Case B did not immediately inform FSG of the positive result.</p> <p>FSG contacted Case B by telephone at approximately 1120 hrs, 8 April 2021 and it was during this call that Case B confirmed they had received a positive test result.</p> <p>Case B self-isolated on 8 April 2021 and was then transferred to a MQF.</p> <p>Case B left the MQF on 17 April 2021.</p>	<p>As part of FSG's internal review, it was identified that FSG's border workers were being asked by Site Managers and others to complete additional tasks beyond the scope of their duties. These additional tasks included cleaning down high-touch, common areas, such as lifts. Such tasks potentially exposed these workers to greater risk of infection.</p>	<p>14 Reinforce expectations to Site Managers (and others) that they are not to request MIQF workers perform duties outside of their scope of work.</p> <p>15 Reiterate to border workers that they are not to perform duties outside of their scope of work.</p>

FSG	Summary	Case B	Issues and comments	Opportunities for improvement (MIQ)
	<p>Case B after the isolation period. An employment investigation is underway at time of writing.</p> <p>In response to the Case B incident, FSG introduced several process and control improvements. These improvements include:</p> <ul style="list-style-type: none">— Daily audits of the BWTR against FSG attendance records.— Requiring evidence of testing for border workers who show as non-compliant or non-tested in BWTR.— Increasing the FSG compliance monitoring resources.— Reiterating the importance of using the WOL system.			



Appendices

Appendix 1: Scope (extract)

Background

In April 2021, it was identified that one of three workers to test positive at a Managed Isolation and Quarantine Facility (MIQF) in Auckland (the Grand Millennium hotel) had not received a COVID-19 test in the legally required 14-day surveillance cycle, and may not have had one for some time ('the incident'). This worker was an employee of First Security, a company that is contracted by MIQ to provide security guards to MIQFs.

Under the Health and Safety at Work Act 2015 (HSWA), agencies or organisations operating a MIQF are a Person Conducting a Business or Undertaking (PCBU). As a PCBU, First Security has a responsibility to ensure the health and safety of its own workers. It is also required to ensure its employees are notified of the requirement to undergo testing and the testing period required, in accordance with the COVID-19 Public Health Response (Required Testing) Order 2020. Up until now, there has been no requirement of the PCBU to inform MBIE of its workers' compliance.

There are two other reviews being undertaken in response to this incident. A rapid review has been commissioned by the Border Executive Board and aims to assess testing arrangements for workers at MIQFs and at the wider border. There is also a joint review between Ministry of Health and MBIE to review the circumstances surrounding positive cases at the Grand Millennium Hotel and determining what, if any, improvements can be made to the MIQ system to reduce the likelihood of cases occurring in MIQ workers in the future.

In order to avoid duplication and overlap in assurance cover, this review specifically looked into the incident and identify whether there are any systemic problems or compliance issues.

Objective

The objective of this review was to establish the facts of the incident, circumstances and actions leading up to the incident and assess the adequacy of First Security's internal processes to ensure that their workers at Managed Isolation and Quarantine Facilities (MIQFs) completed their periodic testing regime for COVID-19.

Internal Audit Scope

The scope of this review included the following:

- a. Establish the facts of the incident, circumstances and actions leading up to the incident by independently verifying the 'facts as MIQ currently understand them.'
- b. Assess the adequacy of First Security's internal processes to ensure that its employees have been getting tested for COVID-19 in accordance with the COVID-19 Public Health Response (Required Testing) Order 2020 and its PCBU obligations. This should include how First Security facilitates compliance with employees' COVID 19 testing and maintain the testing record as well as how they manage non-compliance of the testing requirement.
- c. Investigate the underlying issues as to why this incident was not identified as non-compliance.

It was also expected that this review would examine whether there were any internal factors (e.g. organisation culture or people factor) and external factors beyond First Security's control leading or contributing to the incident.

Appendix 2: FSG documents sighted by KPMG

MBIE MIF Safety Stand Down Policy 100321

Q1 HR MIF Screening Form - phone interview script

First Security Offer of Employment letter

Q1 New 2021 WAGED MIF Fixed Term IEA

FINAL Staff Guide (MoH) - section 12 page 19 COVID-19 Testing

MIF SOP Master v6.1 Ref 4.5.2 Staff COVID-19 Testing

MIF Professional Behaviour v1 3

MIF Staff Declaration 2020-08

Overview of proposed engagement with Green Cross

- Appendix A1 - email to FSG from Green Cross confirming provision of services
- Appendix A2 - email Providing confirming availability
- Appendix A3 - email from Northern Regional Alliance

Email – plan for Grand Millennium staff testing

Grand Millennium Day 5 swab result 22.3.21

First Security Confirmed or Suspected Case Infection Plan v6 (003)

Overview of interaction with BWT team

- Appendix 1a - email BTWR request
- Appendix 1b - FSG reporting that only 15 staff uploaded to date
- Appendix 1c - FSG asking to upload their staff directly
- Appendix 1d – email 28 Jan confirming that all workers being uploaded into system
- Appendix 1e - FSG still have one third of employees not in BWTR

QA Assessment Q17 Example of following-up of test (for non-compliance)

Health, Safety and Welfare Report v2 2020 October.pdf - independent review

QA Assessment - example of spot check by roaming supervisor - exception report email - Tuesday 6 April 2021

Case B QA Assessment - responses to questions from supervisors

Emails – initial information to MBIE re. Case B

Emails – re. CCTV requests

Emails – recruitment of security officers

Email – security scope clarification

Copies of Case B self-declarations

Contact us

Souella Cumming
Partner, Risk Consulting

T +64 4 816 4519

E smcumming@kpmg.co.nz

Rachel Scott
Partner, Risk Consulting

T +64 4 816 4850

E rachelscott@kpmg.co.nz

Garth Gulley
Senior Manager, Risk Consulting

T +64 4 816 4797

E ggulley@kpmg.co.nz

Grace Nunn
Manager, Risk Consulting

T +64 4 816 4528

E gnunn@kpmg.co.nz