

28 August 2023

The Ombudsman received a complaint from Mr Simon Plumb, requesting that TVNZ release certain information pertaining to the description of the absence from work of a former *Breakfast* presenter, Kamahl Santamaria, as a ‘family emergency’. Mr Santamaria resigned from his role following that absence.

The Ombudsman agreed with TVNZ’s decision that much of the information requested by Mr Plumb was confidential and endorsed TVNZ’s decision not to provide the responsive documents to Mr Plumb.

Nevertheless, the Ombudsman has required that TVNZ provide a short timeline of events together with a statement explaining the decision to describe Mr Santamaria’s screen absence as being due to a ‘family emergency’.

This statement sets out that timeline and explanation:

On 19 April 2022, Kamahl Santamaria commenced employment with TVNZ as a presenter on TVNZ’s *Breakfast* show.

On Wednesday 18 May 2022, a matter was raised with management.

On Thursday 19 May 2022 Mr Santamaria went on leave, pending investigation of the matter.

On the afternoon of Sunday 22 May 2022, Mr Santamaria advised TVNZ that he had received several queries about his absence and was concerned about how his absence was to be explained. He requested that if TVNZ were required to explain his absence, the reason given be ‘a family emergency’.

That evening (i.e. on Sunday 22 May 2022), TVNZ agreed to this request.

The decision to agree to Mr Santamaria’s request was made because it was a fast-moving situation and the parties were in the midst of an employment process. The intention was that the explanation would protect the privacy of all parties involved until resolution of the issue. Subsequently, (on 2 June 2022), TVNZ’s then CEO told staff that “the use of the phrase ‘family emergency’ was inappropriate” and apologised for its use.

On the morning of 28 May 2022, Mr Santamaria resigned from TVNZ. All TVNZ staff were notified of Mr Santamaria’s resignation early afternoon.

On 31 May 2022, TVNZ engaged employment lawyer Margaret Robins to undertake an independent review into recruitment policies, processes and practices. The Terms of Reference for this review were publicly released on 7 June 2022, and a summary of Margaret Robin’s findings and recommendations of the independent review was released on 27 July 2022.

[Ends]