Education Report: Request to approve Commissioner for Levin Intermediate (2887) and Taita College (258) to delegate powers under schedule 6 clause 17(1)(d) of the Education Act 1989

To: Hon Chris Hipkins, Minister of Education

Date: 30 August 2018

Security Level: In Confidence

Drifter: Doug Ferry

Key Contact: Erika Ross

Messaging seen by Communications team: No

Purpose of Report

This report requests that you:

**approve** the delegates to act for the Commissioner for Levin Intermediate School (2887) and Taita College (258) under sections 15 and 17 of the Education Act 1989 if necessary;

**sign** the attached letter to the Commissioner notifying her of your decision; and

**indicate** whether you would like to consider delegating your power under schedule 6 clause 17(1)(d) to the Secretary of Education or her delegate.

Summary

1. This report asks that you grant approval under Schedule 6 Clause 17(1)(d) of the Education Act 1989 (the Act) for Helena Barwick, Commissioner for Levin Intermediate School Board of Trustees and Taita College Board of Trustees, to delegate her powers under sections 15 and 17 of the Act to Laura Snowden and/or John Russell if necessary.
Recommended Actions

We recommend that you:

a. **note** that under Schedule 6 Clause 17(1)(d) you have the power to approve the delegates of any functions or powers of a Commissioner;

   - **Noted**

b. **approve** Laura Snowden and John Russell as the delegates for the Commissioner for Levin Intermediate School and Taia College in relation to sections 15 and 17 of the Act; and

   - **Agree / Disagree**

c. **indicate** whether you would like to consider delegating your authority under schedule 6 clause 17(1)(d) of the Act to the Secretary of Education or her delegate. If you indicate you would like to consider this, a paper will be prepared for your approval.

   - **Agree / Disagree**

d. **Proactively release / Not release**

   - **Release / Not release**

Katrina Casey  
Deputy Secretary  
Sector Enablement and Support  
30/8/2018

Hon Chris Hipkins  
Minister of Education  
7/9/18
Background

1. Taita College (258) is a decile 2, state, co-educational, secondary school situated in Lower Hutt, in the Rimutaka electorate.

2. On 26 June 2017, the Minister of Education agreed to dissolve the Taita College Board of Trustees and directed the appointment of a Commissioner because of risks to the operation of the school. The dissolution took effect on 29 June 2017 and Helena Barwick was appointed as Commissioner.

3. Levin Intermediate (2887) is a decile 2, state, co-educational, intermediate school situated in Levin, in the Otaki electorate.

4. On 22 November 2017, the Minister of Education’s delegate agreed to dissolve the Levin Intermediate Board of Trustees and directed the appointment of a Commissioner because of risks to the operation of the school. The dissolution took effect on 24 November 2017 and Helena Barwick was appointed as Commissioner.

5. Under schedule 6 clause 17(1) of the Act a Board may delegate any of its functions or powers to a limited number of specified people or groups, for example to the principal. However, where the Board membership has been replaced by a Commissioner under section 78N, the Act schedule 6 clause 17(1)(d) allows for the Commissioner to delegate any functions or powers to ‘any other person or persons approved by the Minister’.

6. Section 15 of the Act refers to the Board’s powers when a student younger than 16 has been suspended whereas section 17 of the Act refers to the Board’s powers when a student 16 years or older has been suspended.

7. A suspension ceases to have effect if the Board does not meet by the close of the seventh school day or, if the suspension occurs within 7 school days before the end of the term, the close of the tenth calendar day after the day of suspension.

8. In the case of suspension meetings the Commissioner is unable to delegate to the principal because the principal has a completely different role from the Commissioner, who independently reviews the principal’s decision to suspend.

9. Helena Barwick requests approval to delegate her powers under sections 15 and 17 of the Act to Laura Snowden and/or John Russell if she is out of town and/or unable to travel to Levin Intermediate or Taita College within the timeframe required.

10. Laura Snowden and John Russell are Wellington based. Laura is a former primary school principal and is an approved statutory provider. John is a former secondary school principal who is currently working as a mentor for first time principals. Both Laura and John have a good understanding of sections 15 and 17 of the Act and experience in working through the suspension process.

11. Schedule 6 clause 17(1)(d) of the Act is infrequently applied as usually a board is in place which can choose to delegate its functions or powers. Due to the rarity of requests under this section we have not previously asked whether you would like to consider delegating this authority to the Secretary of Education or her delegate.
Risks

12 There are no risks associated with your approval of these delegations.

Proactive Release

13 We recommend that you agree that this Education Report is proactively released as part of the next publication. If you agree, this Education Report will be proactively released as per your expectation that information be released as soon as possible. We will withhold any information which may need to be withheld in line with the provisions of the Official Information Act 1982.

Annexes

Annex 1: Letter to Commissioner
Annex 1: Letter to Commissioner
Dear Helena

I have reviewed your request that I approve delegates to act in your role as the Commissioner for Levin Intermediate School (2887) and Taita College (258) under sections 15 and 17 of the Education Act 1989 when you are unable to attend a suspension meeting within the timeframe required.

I approve your delegation of your responsibilities under sections 15 and 17 of the Act to Laura Snowden and/or John Russell as necessary.

Yours sincerely

Chris Hipkins
Minister of Education

cc: Ministry of Education, Wellington
Laura Snowden
John Russell