Education Report: Alternative Constitution for the Haeta Community Campus (704) Board of Trustees

To: Hon Chris Hipkins, Minister of Education

Date: 5 April 2019
Priority: High

Security Level: In Confidence
METIS No: 1121404

Drafter: Deborah Tenet

Key Contact: Coraleanne Child, Director of Education for Canterbury

Messaging seen by Communications team: No
Round Robin: No

Purpose of Report

This paper asked you to approve an alternative constitution for the Haeta Community Campus Board of Trustees, which will support the school as it transitions from an Establishment Board of Trustees at this year’s triennial board elections.

Summary

1 Haeta Community Campus is a decile 1, co-educational, Year 1-13 composite, state school in the Aranui/Wainoni area of Christchurch.

2 Haeta was established on 6 March 2014 as part of the greater Christchurch redevelopment process following the 2011 Canterbury earthquake.

3 It was initially known as Aranui Community School. In December 2015 the school sought and was granted consent to change its name to Haeta Community Campus. The name change took effect in January 2016.

4 In May 2014 five members were appointed to the establishment board (EBOT) by the then Minister of Education.

5 The school opened for instruction in term one of 2017, following the closure on 27 January 2017 of four local schools, Aranui, Wainoni and Avondale primary schools, and Aranui High School.

6 The four schools that were closed had a history of challenges with governance, including difficulty in gaining numbers of parent elected board of trustee (board) members, and financial management. The populations that these schools drew from, and which Haeta now draws from, is one of the most challenging in Christchurch, and includes many of Christchurch’s most vulnerable families. The school’s community has been impacted particularly hard by trauma from the 2011 earthquakes, and some are still experiencing housing issues.
In most cases, an EBOT is replaced by a Board of Trustees (board) six months to a year from a school's opening. In the case of Haeata, we decided to extend the EBOT due to the history of governance issues in the four closed schools and the complexity of the challenges faced by the school community.

The EBOT has overseen the development of the new school and two of the current board members have served on the EBOT for the last four years.

There is a statutory requirement under section 101 of the Act that the first elections for and first meetings of boards of schools established or integrated after the commencement of this Act shall be held on days fixed by the Minister by notice in the Gazette. The Minister of Education's authority under section 101 has been delegated down to the level of regional Education Manager. Unless you advise otherwise, we intend transitioning the school to its first elections to coincide with the triennial elections during May and June 2019.

We are proposing an alternative constitution for the board during this transition, to support the school's vision of being a community campus. The intention is to harness the strength of the school's local and wider community, to support effective and stable governance and to promote community engagement with the school. An alternative constitution would also support the school's emphasis on having strong Māori and Pacific representation.

It is proposed that an alternative constitution for the Haeata Community Campus board be made up of the following members:

- Five parent representatives;
- Up to three trustees appointed by the Director of Education for Canterbury;
- The Manukura (Principal) of Haeata Community Campus;
- One staff representative;
- One student representative;
- Up to two co-opted trustees, co-opted by the board on the basis of particular experience, perspective, expertise, skill and/or leadership.

Following the elections, we will work alongside the new board when it takes office to support the new governance model and monitor its effect.
Recommended Actions

The Ministry of Education recommends you:

a. **approve** an alternative constitution for the Haeata Community Campus Board of Trustees under section 98A of the Education Act 1989;

   **Agree / Disagree**

b. **sign** the attached notice for publication in the *New Zealand Gazette*;

c. **sign** the attached letters to the establishment board's presiding trustee, and the school's members of Parliament, Poto Williams and Rino Tirimakene, advising them of the alternative constitution; and

d. **agree** to proactively release this Education Report as part of the next publication.

   **Agree / Disagree**

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Katrina Casey  
Deputy Secretary  
Sector Enablement and Support

Hon Chris Hipkins  
Minister of Education

\[11/4/19\]
Background

1 Haeata Community Campus is a decile 1, co-educational, Year 1-13 composite, state school in the Aranui/Wainoni area of Christchurch. The school was established on 6 March 2014 as part of the greater Christchurch redevelopment process following the 2011 Canterbury earthquake.

2 The school opened for instruction in the first term of 2017 following the closure that month of four local schools: Aranui, Wainoni and Avondale primary schools, and Aranui High School.

3 It was initially known as Aranui Community School. In December 2015 the school sought and was granted consent to change its name to Haeata Community Campus. The name change took effect in January 2016.

4 The four schools that were closed had a history of challenges with governance, including difficulty in gaining numbers of parent elected board of trustee (board) members, and financial management. The populations that these schools drew from, and which Haeata now draws from, is one of the most challenging in Christchurch, and includes many of Christchurch’s most vulnerable families. The school’s community has been impacted particularly hard by trauma from the 2011 earthquakes, and some are still experiencing housing issues.

5 The school’s roll declined from 902 to 744 in the year to 1 July 2018. The July 2018 roll was comprised as follows:

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>#</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Māori</td>
<td>355</td>
<td>47.7</td>
</tr>
<tr>
<td>Pākehā/ European</td>
<td>236</td>
<td>31.7</td>
</tr>
<tr>
<td>Pacific</td>
<td>122</td>
<td>16.4</td>
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<tr>
<td>Asian</td>
<td>29</td>
<td>3.9</td>
</tr>
<tr>
<td>Other ethnicities</td>
<td>2</td>
<td>0.3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>744</td>
<td>100%</td>
</tr>
</tbody>
</table>

6 Haeata Community Campus has a unique approach to teaching and learning. This involves highly individualised learning plans and innovative pedagogy within large teaching hubs. This innovative approach is challenging for the community to understand and accept. Strong governance, which includes deep pedagogical understanding, is essential to the school’s effective implementation of this unique approach.

7 The Haeta Campus

7 The school was built as a Public Private Partnership. It has flexible learning spaces including large open spaces and smaller break out rooms. It is organised into four hāpori / communities, including a Year 1-5 Māori Medium (Reo Rua / Level 2) hāpori.

8 The school also runs a Service Academy, a military-focused programme designed to engage Year 12 and 13 ākonga at risk of disengaging from school.

9 Ferndale Special Education School has a satellite unit for its secondary students located within the Haeata school campus. The E Tipu e Rea Early Learning Centre is also co-located on the school site.
Evaluations of the school's performance

The ERO undertook a New School Assurance Review in April 2018. The purpose of this review are to provide assurance to the community that the school is well placed to provide for students and operating in accordance with the vision articulated by the board of trustees. The ERO Report concluded that:

The board, leaders and staff of Haeata Community Campus have a strongly-shared philosophy for the school and its students. After a very challenging first year the school has begun to put in place improved systems and practices aimed at supporting students to achieve positive outcomes within the framework of the school's approach to learning.

A strong and effective emphasis on wellbeing has been established. The focus must now be on ensuring that the academic outcomes for all students are consistently addressed through schoolwide systems, understandings and practices. Effective systems must be in place to ensure that the progress and achievement of learners in both wellbeing and learning are rigorously monitored and assessed. ERO's evaluation shows that:

- the school is operating in a manner consistent with the intent and values of the establishment board and leaders
- in order to achieve positive outcomes for learners, the planned consistency of expectations and more cohesive practices and systems must now be implemented with progress regularly reported to the board.

ERO is likely to conduct its first full review of the school at the end of 2019 or beginning of 2020, at the end of its first three years of operation.

We are working with the board and through the Governance Facilitator, Student Achievement Function practitioners, Principal Adviser Secondary-Tertiary, and Learning Support to provide advice and support as the school continues to develop in the areas recently agreed on with ERO.

The Haeata Community College Establishment Board of Trustees (EBOT)

In May 2014 five members were appointed to the school's EBOT by the then Minister of Education and the board was assigned a governance facilitator.

The transition from the EBOT to electing a board usually takes place within six to twelve months of a school opening. Haeata opened in term 1 of 2017, meaning that the first elections would have usually occurred by early 2018.

Under section 101 of the Education Act 1989 (the Act), the first elections for and first meetings of boards of schools established or integrated after the commencement of this Act shall be held on days fixed by the Minister by notice in the Gazette. The Minister of Education's authority under section 101 has been delegated down to the level of regional Education Manager.
The Haeata EBOT has remained in place for an extended period to allow for the development of an alternative constitution. The new school is still transitioning out of the establishment phase and requires a board with a particular skill set and commitment to the special nature of the campus. The innovative pedagogical approach also makes it essential that the school's governance can work effectively with the senior leadership team.

The EBOT has overseen the development of the new school and two of the current board members have served on the EBOT for the last four years.

Due to the history of governance issues in the closed schools and the challenges the school faces around its’ community and its’ innovative pedagogical approach, we consider that additional support is still required through the ability to appoint some members of the new board, alongside elected members.

An alternative constitution would also support the school’s vision of being a community campus by harnessing the strength of the school’s local and wider community to support effective and stable governance and promoting community engagement with the school.

Unless you advise otherwise, we intend transitioning the school to its first board at this year’s triennial elections during May and June, regardless of whether the board has a standard constitution under section 94 or whether you approve this alternative constitution.

Maintaining Māori and Pacific community representation

The EBOT has a strong focus on acknowledging the role of mana whenua (Ngāi Tuahuriri) and the wider Māori community in the school, and has agreed that strong Māori and Pacific representation is important for effective and stable governance.

Initially the board looked to ensure Māori and Pacific representation would be guaranteed on the board. During the process of consultation, the EBOT decided not to pursue this option due to the complexity of implementation.

The board has decided to rely on strong engagement with its community and co-option to ensure diverse representation. As far as reasonably practicable, the ability to co-opt and appoint trustees will also be used to ensure that board membership reflects the diversity of the community it serves, particularly Māori and Pacific peoples.

Proposed alternative constitution for the Haeata Community Campus Board of Trustees

Under section 94 of the Act, the standard constitution of a Board of Trustees is:

- no more than 7 and no fewer than 3 parent representatives (the default number is 5); and
- the Principal; and
- except where the Principal is the only member of the school staff, 1 staff representative; and
a number (determined by the board) of trustees either:

i. co-opted by the board; or

ii. appointed by bodies corporate approved by the board for the purpose; and

a student representative (where students are enrolled full-time in classes above year 9).

26 It is proposed instead that the Haeata Community Campus Board of Trustees will be made up of the following members:

a. Five parent representatives;

b. Up to three trustees appointed by the Director of Education for Canterbury;

c. The Manukura (Principal) of Haeata Community Campus;

d. One staff representative;

e. One student representative;

f. Up to two trustees co-opted by the board on the basis of particular experience, perspective, expertise, skill and/or leadership that is considered necessary, for a period of time not exceeding the current board’s term of office, except where the effect of co-option would be that the total number of co-opted and appointed trustees would be equal to or greater than the number of parent representatives.

27 If you approve this alternative constitution, a constitution approved under section 98A would apply instead of a constitution under section 94.

28 We consider that supporting parent representation with strong governance modelling from Director of Education appointees will provide a smooth transition from the EBOT. Board members appointed by the Director will have governance experience and understanding that will strengthen the new board, including a strong understanding of the pedagogical approach being taken at the school.

Board of Trustee’s triennial elections

29 On 19 September 2018, the Associate Minister of Education, Hon Tracey Martin specified the period from 17 May 2019 until 21 June 2019 as the range of dates for the Board of Trustees Triennial Elections to be held in 2019.1 This notice was provided in accordance with section 101(4)(a)(i) of the Act.

30 A common election date of Friday 7 June 2019 has been suggested by the New Zealand School Trustees Association.

31 Should the EBOT choose to hold its first elections under the alternative constitution on the earliest date in the range, it must select a returning officer by Wednesday 10 April 2019. If the EBOT chooses to hold its first elections on the suggested common election date, it would need to make this selection by Wednesday 1 May.

32 The new board will not be able to take office until seven days after the election date. The term of office of the first trustees under the new constitution will end with the 2022 triennial elections.

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1 https://gazette.govt.nz/notice/id/2018-go4706
Legislative requirements for an alternative constitution

33 Under section 98A of the Act you have the authority to approve an alternative constitution for a school's board of trustees if the alternative constitution is the successor constitution of an EBOT that was appointed or elected under section 98(1) of the Act. You may not approve an alternative constitution for a board unless you have reasonable cause to believe that an alternative constitution is in the best interest of the school.

34 Sections 98A(1) and 98B(1) of the Act require that your approval for an alternative constitution is published in the New Zealand Gazette. The notice must establish a board comprising one or more persons who are to be elected or appointed as trustees in the manner specified in the notice, and the notice may (without limitation):

- set out a procedure for any election, appointment, or co-option of trustees;
- set out the manner in which vacancies are to be filled;
- provide for the appointment of returning officers and set out their functions; and
- set out other formal and procedural provisions for the purposes of any election, appointment, or co-option of trustees.

35 A notice for the New Zealand Gazette addressing these matters is attached for your signature.

36 Where an alternative constitution is in force, section 98B of the Act provides that a number of listed sections of the Act will not apply to the board. However, if a board wishes to have staff, student or parent representatives or the ability to co-opt members, the relevant sections must be specifically included in the constitution. The attached notice therefore reapplies some of those sections and requires that the constitution will operate as if the following sections apply where relevant:

- s96 (Parent representative criteria)
- s97 (Staff and student representative criteria)
- s99 (Criteria for selecting co-opted and appointed trustees)
- s101 (Elections of Trustees)
- s102 (Term of office)
- s104 (When casual vacancies arise), and
- s105 (Filling casual vacancies of elected trustees).

Risks

37 There is a risk that some of the parent community may feel concerned about continued Ministry involvement in board appointments and the time it has taken to move from an EBOT to elections.

38 The EBOT has mitigated these risks by co-opting three parents onto the EBOT to assist with the transition to elections. It has also involved any parents raising concern about the time it has taken to move to elections in focus group and one to one discussions. This pro-active communication has assisted the board to manage community expectations and plan for succession as they look towards elections.
Although the Act does not specifically require consultation for an alternative constitution following an EBOT, we have provided advice and support to the EBOT to discuss the alternative constitution proposal with its community.

The EBOT has held parent focus groups and led discussion with senior leaders of the school and with representatives from Ngāi Tahu about the proposal. The discussion has been supportive of the idea of an alternative constitution to ensure consistent good governance occurs, particularly regarding finance, assurance and compliance aspects.

Community and staff have been generally supportive of the alternative constitution discussed. There was no opposition to the alternative constitution and most supported the need for appointees to provide expertise in governance and finance. There was also interest in ensuring that the board is representative of the diversity of the community, particularly Māori and Pacific peoples.

Next Steps

If you approve the alternative constitution it will take effect immediately once your signed notice is published in the New Zealand Gazette. The EBOT will begin planning for implementation of the new constitution following publication of the notice in the New Zealand Gazette.

The local Ministry office will convene and facilitate a selection panel for the representatives to be appointed by the Director of Education for Canterbury. The composition of the panel will be set out in the Gazette notice and will include a representative of Ngāi Tahu and the current Haerata board chairperson or their delegate. The panel will recommend candidates to the Director based on a skills and experience matrix agreed between the Director, the EBOT and the selection panel members.

A new board will not take office until the board’s 2019 triennial election has occurred. The Ministry will work alongside the new board when it takes office to support the new governance model and monitor its effect.

Proactive Release

It is intended that this Education Report is proactively released as per your expectation that information be released as soon as possible. Any information which may need to be withheld will be redacted in line with the provisions of the Official Information Act 1982.
NEW ZEALAND GAZETTE NOTICE

Alternative Constitution for the Haeta Community Campus (704) Board of Trustees

Pursuant to Section 98A of the Education Act 1989 (the Act), I hereby approve the following constitution for the Board of Trustees of Haeta Community Campus.

1. The Board of Trustees of Haeta Community Campus ("board") will be made up of the following members:
   a. Five parent representatives;
   b. Up to three trustees appointed by the Director of Education for Canterbury;
   c. The Manukura (Principal) of Haeta Community Campus;
   d. One staff representative;
   e. One student representative;
   f. Up to two trustees, co-opted by the board on the basis of particular experience, perspective, expertise, skill and/or leadership that is considered necessary, for a period of time not exceeding the current board’s term of office, except where the effect of co-option would be that the total number of co-opted and appointed trustees would be equal to or greater than the number of parent representatives.

2. For the first election of trustees under this constitution a returning officer will be appointed by the Establishment Board of Trustees and will carry out their duties in accordance with the Education (School Trustee Elections) Regulations 2000.

3. Consequences of approval of alternative constitution
   i. Under section 98A of the Act, while this alternative constitution is in force, sections 94, 94A, 94B, 95, and 98, do not apply and all other sections and any schedules of the Education Act 1989 relating to boards must be read subject to (and subject also to all modifications necessary to give effect to) section 98A and to this section.
   ii. Sections 96, 97, 99, 101, 102, 104 and 105 of the Act will apply in respect of the board.

4. Appointment of trustees
   The appointment of trustees under clause (b) of this constitution shall be by the following process:
   i. The local Ministry of Education Office will convene and facilitate a panel for appointed trustees. The panel will include, but is not limited to:
      • A representative of Ngāi Tahu;
      • A representative from the local Ministry of Education office; and
      • The current Haeta board chairperson or their delegate.
ii. The Panel should:
   • Have an understanding of, and support, the future focused nature of the school and the learning it represents.
   • Understand the diverse needs of the school, especially Māori and Pacific communities.

iii. The panel shall determine the criteria for appointments, with regard to section 99 of the Act. The panel shall determine the process and timeline for appointments, in consultation with the Haeata Community Campus Board of Trustees. The timeline for appointments should align with the triennial election of parent representatives.

iv. Expressions of interest for appointed trustees shall be publicly advertised, listing the criteria for the positions. In addition the following organisations will be specifically notified of the vacancies: The Aranui Community Trust Inc Society (ACTIS), Ngā Hau e Wha, and any other community groups relevant to Haeata Community Campus.

v. The panel will assess the candidates against the agreed criteria and determine those that are the best fit. From the applicants the panel may choose up to three candidates to recommend for appointment to the Director of Education for Canterbury, who will make the final decision.

5. Changes to the constitution of the board will be subject to the approval of the Minister of Education and must be notified in the New Zealand Gazette.

This notice shall come into force on the day after its publication in the New Zealand Gazette.

Dated at Wellington this 11th day of April 2019.

Chris Hipkins
Minister of Education

Explanatory Note
This explanatory note is not part of the notice but is intended to indicate its general effect.

The Haeata Community Campus’ vision is for a future focused school that connects with its local and wider community to provide extraordinary opportunities for the ākonga it serves.

This alternative constitution is designed to support the vision of being a community campus by harnessing the strength of the school’s local and wider community to support effective governance and promoting community engagement with the school.

The board acknowledges the role of mana whenua (Ngāi Tuahuriri) and the wider Māori community in the school.

The ability to appoint trustees shall be used to support strong governance.

As far as reasonably practicable, the ability to co-opt and appoint trustees will also be used to ensure that board membership reflects the diversity of the community it serves, particularly Māori and Pacific peoples.
Cheryl Doig
Haetaa Community Campus, Establishment Board of Trustees
PO Box 15071
Aranui
CHRISTCHURCH 8643

Dear Cheryl

Thank you for your request seeking my approval for an alternative constitution for the Haetaa Community Campus Board of Trustees.

I am pleased to be able to tell you that, after considering all the information available to me, I have approved the board's alternative constitution under section 98A of the Education Act 1989. Once the approval notice is published in the New Zealand Gazette the alternative constitution will take immediate effect but a new Board of Trustees will not take office until seven days after the election date gazetted under s101 of the Education Act 1989.

The membership of the board will be:

a. Five parent representatives;
b. Up to three trustees appointed by the Director of Education for Canterbury;
c. The Manukura (Principal) of Haetaa Community Campus;
d. One staff representative;
e. One student representative;
f. Up to two trustees, co-opted by the board on the basis of particular experience, perspective, expertise, skill and/or leadership that is considered necessary, for a period of time not exceeding the current board's term of office, except where the effect of co-option would be that the total number of co-opted and appointed trustees would be equal to or greater than the number of parent representatives.

I encourage you to use the resources and support available from the New Zealand School Trustees Association (http://www.trustee-election.co.nz or call 0800 353 284) for the election of the parent and staff trustees and getting the school and community ready to participate in the elections.

I would like to congratulate you and the establishment board members the work that has been done to encourage and support the community's interest in the governance of the school. I thank you for your commitment to the school and wish you and the Haetaa Community Campus community well for the future.

Yours sincerely

Chris Hipkins
Minister of Education
Dear Poto

I am pleased to tell you that I have approved an alternative constitution for the Haeata Community Campus Board of Trustees, Christchurch. My approval is pursuant to section 98A of the Education Act 1989.

The membership of the board will be:

a. Five parent representatives;
b. Up to three trustees appointed by the Director of Education for Canterbury;
c. The Manukura (Principal) of Haeata Community Campus;
d. One staff representative;
e. One student representative;
f. Up to two trustees, co-opted by the board on the basis of particular experience, perspective, expertise, skill and/or leadership that is considered necessary, for a period of time not exceeding the current board’s term of office, except where the effect of co-option would be that the total number of co-opted and appointed trustees would be equal to or greater than the number of parent representatives.

The alternative constitution of the board will take effect from a date to be notified in the New Zealand Gazette.

Yours sincerely

Chris Hipkins
Minister of Education
Rino Tirikatene
Member for Te Tai Tonga
Parliament Buildings
WELLINGTON

Dear Rino

I am pleased to tell you that I have approved an alternative constitution for the Haeata Community Campus Board of Trustees, Christchurch. My approval is pursuant to section 98A of the Education Act 1989.

The membership of the board will be:

a. Five parent representatives;

b. Up to three trustees appointed by the Director of Education for Canterbury;

c. The Manukura (Principal) of Haeata Community Campus;

d. One staff representative;

e. One student representative;

f. Up to two trustees, co-opted by the board on the basis of particular experience, perspective, expertise, skill and/or leadership that is considered necessary, for a period of time not exceeding the current board’s term of office, except where the effect of co-option would be that the total number of co-opted and appointed trustees would be equal to or greater than the number of parent representatives.

The alternative constitution of the board will take effect from a date to be notified in the New Zealand Gazette.

Yours sincerely

Chris Hipkins
Minister of Education