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

To: Hon Chris Hipkins, Minister of Education
Date: 4 September 2019
Priority: High
Security Level: In Confidence
METIS No: 1263385

Drafter: Deborah Tennet
DDI: S 9(2)(a)

Key Contact: Jim Greening, Manager Education, Wellington
DDI: S 9(2)(a)

Messaging seen by Communications team: No
Round Robin: No

Purpose of Report

This report requests that you:

approve Sandra McCallum to act for the Commissioner for Levin Intermediate School (2887) 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 for 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 to delegate her powers under sections 15 and 17 of the Act to Sandra McCallum if necessary.
Recommended Actions

The Ministry of Education recommends 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 Sandra McCallum as the delegate for the Commissioner for Levin Intermediate School 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 for 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
5/9/2019

Hon Chris Hipkins
Minister of Education
7/9/19
Background

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

2 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.

3 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 a Commissioner to delegate any functions or powers to ‘any other person or persons approved by the Minister’.

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

5 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.

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

7 Helena Barwick requests approval to delegate her powers under sections 15 and 17 of the Act to Sandra McCallum, if she is out of town and/or unable to travel to Levin Intermediate School within the timeframe required. We understand Helena may not be able to attend suspension meetings between 10 September 2019 and 18 October 2019.

8 Sandra McCallum is a Wellington-based former Principal, with a record of successful leadership as the Principal of Mount Cook School, a diverse, inner city multicultural school in Wellington with 35 ethnicities in a population of 280 students. Sandra has a good understanding of sections 15 and 17 of the Act and experience in working through the suspension process.

9 Schedule 6 clause 17(1)(d) of the Act is infrequently applied because usually a Board is in place that can choose to delegate its functions or powers. Due to the rarity of requests under this section, on 30 August 2018 we asked whether you would like to consider delegating this authority to the Secretary for Education or her delegate and you disagreed (METIS 1148332 refers). If you indicate now that you would like to consider this, a paper will be prepared for your approval.

Risks

10 There are no risks associated with your approval of this delegation.
Proactive Release

11 We recommend that you agree that this Education Report is proactively released as part of the next publication.

12 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
10 SEP 2019

Helena Barwick
Commissioner
Levin Intermediate School
67 Wilton Road
Wilton
WELLINGTON 6012

helena@barwick.co.nz

Dear Helena,

I have reviewed your request that I approve a delegate to act in your role as the Commissioner for Levin Intermediate School (2887), 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 Sandra McCallum as necessary.

Yours sincerely,

[Signature]

Chris Hipkins
Minister of Education

cc: Director of Education for Wellington, Ministry of Education
    Sandra McCallum