Request to approve person for Commissioner for Te Aute College and The Terrace School to delegate powers

To: Hon Chris Hipkins, Minister of Education

Date: 6 November 2019

Security Level: In Confidence

Drifter: Fay Wooster

Key Contact: Natasha Kiwara

Messaging seen by Communications team: No

Round Robin: No

Purpose of Report

The purpose of this paper is for you to approve Annie King, Commissioner for Te Aute College (232) and The Terrace School (2702), to delegate her powers under sections 15 and 17 of the Act to Kathryn Lynskey 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 delegate for any functions or powers of a Commissioner;

b. approve Kathryn Lynskey as the delegate for the Commissioner for Te Aute College (232) and The Terrace School (2702) in relation to sections 15 and 17 of the Act;

c. sign the attached letter to the Commissioner notifying her of your decision;

d. agree to proactively release this Education Report.

Katrina Casey
Deputy Secretary
Sector Enablement and Support

Hon Chris Hipkins
Minister of Education

6/11/2019

13/11/19
Background

1. Te Aute College (232) is a decile 3 state integrated Anglican Māori College for boys in Pukehou, in the Tukituki electorate. On 21 October 2019, you agreed to dissolve the Te Aute College Board of Trustees and directed the appointment of a Commissioner because of risks to the operation of the school and the welfare and educational performance of the school’s students. The dissolution took effect on 22 October 2019 and Annie King was appointed as Commissioner.

2. The Terrace School (2702) is a decile 2, state school in Waipukurau, in the Wairarapa electorate. On 19 February 2018, the Deputy Secretary – Sector Enablement and Support, with delegated authority, directed the appointment of a Commissioner because of risks to the operation of the school and the welfare and educational performance of the school’s students. The dissolution took effect on 20 February 2018, and Annie King was appointed as Commissioner.

Delegation of Commissioner’s powers

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 However, where the Board membership has been replaced by a Commissioner under section 78N, the Act schedule 6 clause 17(1)(d) allows for a Commissioner to delegate any functions or powers to “any other person or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”.

Requirement for Board to meet regarding suspensions

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 after the day of the suspension; or
   • the suspension occurs within seven school days before the end of the term, at 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.

Request to approve person to delegate powers if required

7. Annie King has indicated that she may not be able to attend suspension meetings between 11 and 30 November 2019. Therefore, Annie requests approval to delegate her powers under sections 15 and 17 of the Act to Kathryn Lynskey if she is out of town and/or unable to travel to Te Aute College or The Terrace School within the required timeframe.

8. Kathryn Lynskey is a Hawkes Bay-based practitioner, with a record of successful statutory intervention provision. Kathryn has a good understanding of sections 15 and 17 of the Act and experience in working through the suspension process.
Risks

9. There are no risks associated with your approval of this delegation

Proactive Release

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

11. 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.

Annex

Annex 1: Letter to Commissioner
Dear Annie,

I have reviewed your request that I approve a delegate to act in your roles as Commissioner for Te Aute College (232) and The Terrace School (2702), 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 Kathryn Lynskey as necessary.

Yours sincerely,

Chris Hipkins
Minister of Education

cc: Director of Education for Hawkes Bay/Tairāwhiti, Ministry of Education
Claire Hague