

## **Education Report:     Consideration of the Future of Hato Petera College (33)**

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### **Executive Summary**

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1.     This report provides you with a summary analysis of the consultation feedback received about the proposed closure of Hato Petera College in Auckland's Northshore.
2.     In December 2015, the Proprietor (Bishop Patrick Dunn of the Diocese of Auckland) wrote to you requesting the cancellation of the integration agreement for the College. We continued to provide support to the Proprietor and Board of Trustees. The Proprietor wrote to you again in March 2016, to say he still had concerns about the ongoing viability of the College. He advised that the College was in breach of its integration agreement.
3.     The school has a current roll of 47 students, its hostel is not currently operational and this will have an impact on the 2017 roll. The College is on a 1-2 year ERO review cycle (and has been since 2009). While ERO has identified some improvement over this time, concerns still remain. The school's finances are in a poor state (they are in a situation of negative equity). The Board has limited financial management skills and has recently requested some support from the Ministry in this area.
4.     Because of the low number of students at the College it is difficult to highlight trends in achievement. Despite this, improving trends can be seen in regards to Year 12 students attaining NCEA Level 2, and Year 13 students attaining NCEA Level 3, since 2012. The school is above the national average, and decile band (deciles 1-3) average, in both measures. A worsening trend can be seen in regards to the percentage of Year 13 students meeting University Entrance requirements, since 2012. In this area the school is now below both the national average and decile band average.
5.     You wrote to the Bishop in June 2016 agreeing to his request to begin consultation on the future of the College, including possible closure. You also asked for him to consider how he would ensure a strong future for Māori Catholic education in the Diocese. This is important as Māori students are a priority group within education and students attend Hato Petera from Tai Tokerau, which is a priority area.
6.     The Proprietor's consultation ended on 7 September 2016. He held six public hui in the North Island, and four key stakeholder hui. At the conclusion of this process he wrote to you requesting that the Integration Agreement be cancelled, and advised that should this happen, the College would close.
7.     We also undertook consultation. The majority of submissions opposed the proposal. We received substantial submissions from the Board of Trustees and the PPTA, both opposing the closure. Other submissions were received from a number of interested groups, individuals and agencies.

8. We have taken time to carefully analyse the submissions received from consultation. We have also met with the Proprietor and have spoken to his Diocesan staff throughout this process. We are aware of the historical importance of Hato Petera College and recognise the serious implications that the cancellation of the Integration Agreement would have on all parties involved, including the wider Hato Petera whānau. Because of this we have taken due time to ensure that all arguments have been considered through this complex process. We are also mindful of the Board and Proprietor's significant differing opinions about the future of the College.
9. The consultation process has shown widespread and dedicated commitment to the future of the College from a range of groups. While for some this stems from the strong history of the school, others consider that it continues to offer the education that they want for their children.
10. We are also aware that there are fractious relations between some of the groups (in relation specifically to the College and the hostel) and that this has resulted in a breakdown of relationships. We continued to hold concerns about the ability of the hostel management and staff to provide a safe environment for boarders and meeting licensing requirements under the Education (Hostels) Regulations 2005 (Regulations). Hato Petera Limited was given an opportunity to provide, evidence and assurance that it was compliant with regulation 61 of the Regulations by Friday 16 September 2016. Hato Petera Limited failed to provide that assurance, and a notice of intent to cancel the licence was issued on 20 September, which took effect on Friday 7 October 2016.
11. The College is in a situation where its future viability is of concern. As the hostel is no longer operational, the number of enrolments is likely to be low, and the Proprietor considers it is no longer able to provide an education that is able to serve the interests or needs of the students. On the other hand the consultation has shown that the whānau is committed to support their children at the College and there is wide support for it remaining open.
12. While the Proprietor has given some indicative means for how, should the College close, the Diocese will support Māori Catholic education into the future (for students such as those at Hato Petera), he has not presented a vision or plan that instils confidence that these current and future priority students will be well supported in their learning pathway. For this reason we recommend you consider declining the Bishop's request that the College's Integration Agreement be cancelled under section 11C of the Private Schools Conditional Integration Act (PSCI Act), that is by mutual agreement.
13. After considering all the submissions, we are providing two options for your consideration:

**Option 1 (Ministry's Preferred Option)**

- decline the Proprietor's request to cancel the integration agreement under section 11 C of the PSCI Act and close the College.

Or

**Option 2**

- agree with the Proprietor's request that the integration agreement be cancelled under 11C of the PSCI Act and the College close;
- agree to inform the Board of Trustees of the College that it has 28 days to provide you with any further arguments it may wish to make.




If this is your decision then we will provide you with a timeline for this process, (taking into account school holidays etc) and letters to the Board and Proprietor.

## Recommended Actions

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### We recommend that you:


- a.  **note** the Proprietor's recommendation to cancel the integration agreement and close the College; and the information provided in this report; and


### EITHER

#### Option 1 (Ministry's Preferred Option)

- b. **decline** the Proprietor's recommendation to cancel the integration agreement and close the College under 11C of the PSCI Act;

 AGREE/DISAGREE

- c.  **note** that the Proprietor may invoke the powers of section 11B of the PSCI Act at any time and cancel the Integration Agreement (and close the College) without needing your agreement, if he chooses; and

- d.  **sign** the attached letters to the Board and Proprietor informing them of the decision.

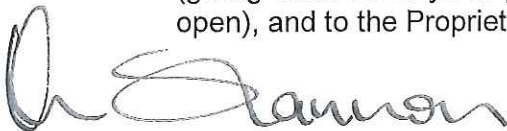
### OR

#### Option 2

- e. **agree** to the Proprietor's recommendation and make an interim decision that the Integration Agreement will be cancelled; and

 AGREE/DISAGREE

- f. **note** that if this is your decision then a timeline and letters to the Board of Trustees (giving them 28 days to provide any further reasons why the school should remain open), and to the Proprietor will be developed for your signature.



Kim Shannon  
Deputy Secretary  
Sector Enablement and Support

Encls



Hon Hekia Parata  
Minister of Education

16/11/16

## Education Report: Consideration of the Future of Hato Petera College (33)

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### Purpose of Report

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1. This report provides you with a summary analysis of the consultation feedback received about the proposed closure of Hato Petera College in Auckland's Northshore.
2. It also provides recommendations about the possible next steps you may decide to take.

### Background

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3. Hato Petera College (the College) is a state-integrated, co-educational, decile 3, secondary school, situated in the Northcote electorate, Auckland.
4. The College's maximum roll is 245 students. Its 1 July 2016 roll of 48 was comprised of students who all identified as Māori.
5. The College was established in 1928 by the Roman Catholic Bishop of the Diocese of Auckland (the Diocese) and ran as a private school until 1981 when it was integrated into the state school system. The College was integrated as a school for boys, principally but not exclusively of Māori descent. The College had a roll of 215 on 1 March 1980 and it opened with a maximum roll of 225 students.
6. Private schools may integrate into the state system under the Private Schools Conditional Integration Act 1975 (the PSCI Act). Under the PSCI Act, the Minister of Education (on behalf of the Crown) and the Proprietor enter into an Integration Agreement, which, together with the PSCI Act, sets the terms and conditions for the parties. An Integration Agreement is a legally binding contract between the Crown and the Proprietor.
7. The Integration Agreement relating to Hato Petera College is dated 23 February 1981 and contains the following relevant provisions:
  - a. Special Character - as a *Roman Catholic Secondary School established principally but not exclusively for Maori boys and girls, in which Maori language, culture and traditions are promoted and attached to which is a boarding establishment operated by the Proprietor as an essential element in the life of the school*
  - b. Roll – the College's opening maximum roll was 225 students. This roll increased to 245 students through a supplementary agreement dated 26 November 1985. It's 1 July 2016 roll was 48 students (less than 20 per cent of the maximum roll)
  - c. Tagged Positions – the positions of Principal, Director of Religious Studies and four other teaching positions shall be *positions of importance carrying a responsibility for Religious Instruction*



- d. the maximum amount of non-preference students to be enrolled at the College is limited to five per cent of the maximum roll.
  - e. Māori language culture and traditions shall continue to form part of the general school programme in accordance with section 31 of the PSCI Act 1975.
8. The College became a day school for boys in 1991, and then became co-educational in 1993. The Hostel is the responsibility of the Proprietor, the Roman Catholic Bishop of the Diocese of Auckland (the Proprietor). The Crown bears no financial responsibility for the management or maintenance of the Hostel.

#### **Issues at the Hostel**

9. The Hato Petera Society Incorporated, the sole shareholder of the limited liability company (Hato Petera Limited) was the licensee of the hostel, and immediately prior to the licence's cancellation, had a verbal agreement with the Diocese that included the operation of the hostel. The Diocese is the owner of the hostel facilities.
10. In November 2014, an Education Review Office (ERO) report highlighted some areas of concern about the conditions of the hostel. In December 2014, we commissioned a building inspection of the hostel and requested that the then licensee (Te Whānau o Hato Petera Trust) address maintenance works highlighted in the inspection report. The building report outlined that the hostel had some areas of non-compliance in terms of the Education (Hostels) Regulations 2005 (the Regulations).
11. It was also at this time that we discovered that the relationship between members of the Te Whānau o Hato Petera Trust and the Board of Trustees of the College had deteriorated.
12. In August 2015, we wrote to you advising that we had ongoing concern about the areas of non-compliance identified in the January 2015 building report. We issued two formal notices of non-compliance to Te Whānau o Hato Petera Trust directing remedial work be undertaken (Metis 947351 refers). At this time, there were approximately 70 boarders in the hostel.
13. In October 2015 we facilitated a meeting between the Diocese, Te Whānau o Hato Petera Trust and the College Board of Trustees (the Board). The purpose of the meeting was to provide a forum for the parties to share information and collaborate on education goals for the College and hostel environments. At this meeting the Proprietor shared his concerns about the condition of the hostel buildings and the breakdown of working relationships between key parties. He also announced his intent to close the hostel facilities for students from 2016.
14. During November and December, a group from the Hato Petera community met with the Proprietor to discuss the re-opening of the hostel facilities. The Proprietor agreed to open the hostel for students from 2016, subject to maintenance work being completed on the buildings and the establishment of a new entity to operate the facilities.
15. During the 2015/2016 summer holidays significant work was undertaken by the Hato Petera community to fix the issues identified in the report. The hostel's licence was re-instated and it re-opened in January 2016.

16. There has been ongoing concern from the Ministry, whānau, Board and Hostel Licensee(s) in regard to the suitability of accommodation provision at the Hato Petera hostel.
17. In August 2016, Hato Petera Society Incorporated publically announced its Executive Board and operating arm, Hato Petera Limited, to govern and manage the hostel facilities at Hato Petera College.
18. Relationships between individuals within Hato Petera Society Incorporated, Hato Petera Limited, and the Hato Petera College community deteriorated to a level that individuals and groups expressed concern about the impact of this on students.
19. The executive of The Hato Petera Society Incorporated, became concerned about the management of the hostel and made the decision to evacuate the hostel over the weekend of 27 and 28 August 2016 with students being due to return to the hostel on the weekend of 3 and 4 September 2016.
20. Ministry staff continued to hold concerns about the ability of the hostel management and staff to provide a safe environment for boarders and meeting licensing requirements under the Regulations therefore a notice of suspension of the hostel licence was issued on 4 September 2016 to Hato Petera Limited, the hostel licensee.
21. Hato Petera Limited was given an opportunity to provide, evidence and assurance that it was compliant with regulation 61 of the Education (Hostels) Regulations 2005 by Friday 16 September 2016. (This regulation relates to supervision, staffing and security issues for the boarders at the hostel.)
22. Hato Petera Limited failed to provide that assurance, and a notice of intent to cancel the licence was issued on 20 September, to take effect on Friday 7 October 2016. Due to the suspension of licence, students did not return to the hostel. Hato Petera Limited did not provide any evidence or assurance that it was compliant with regulation 61 and so we cancelled the hostel licence on Friday 7 October 2016. The Proprietor has since advised us that currently no person, body or group has an occupancy agreement for the hostel land or buildings and that the Diocese will not grant any party rights of occupancy. If the Diocese is unwilling to grant any occupancy rights to the hostel it will remain closed.
23. As at 7 October 2016, the roll of Hato Petera College was 42 with 31 of those students enrolled as boarders in the hostel. Since August 2016 these students have been boarding in private accommodation. The remaining 11 students are day students.
24. Accommodation for students has been found at a nearby motor camp in Northcote, at private homes and at 59 2(a). Parents and whānau from outside of the area, including from Northland are also staying at the motor camp and the 59 2(a) to help support the students. This is not ideal in the long term. However, parents have determined that this is the best option to avoid disruption for students studying for exams in Term 4. Parents have approached the Diocese to request that it consider leasing some of the hostel buildings to enable parents to care for the students. The Diocese has declined the request. We are not aware of any students having yet left the College because of this situation.



25. The College Board initiated a new student enrolment strategy this year and has said that it has 61 enrolments for 2017 pending availability of hostel accommodation. Should the hostel not re-open the impact on the roll of the College is unclear, given that there are likely to be some private boarding options available, and the commitment shown by the parents and the College Board to date. However, longer term we expect it could have a negative impact on the roll.

#### **Background to the Proprietor's Proposal to Cancel the Integration Agreement**

26. In December 2015, the Proprietor wrote to you requesting the cancellation of the Integration Agreement for Hato Petera College. He advised that the College has enjoyed a successful history and tradition in the provision of Catholic Māori education, but regrettably this was no longer true.
27. Throughout 2016, we have worked closely with the Board of Trustees, the Proprietor and Te Whānau o Hato Petera Trust (and its successor Hato Petera Limited) to improve working relationships in the best interests of the students.
28. The Proprietor wrote to you again in March 2016 with an update on the situation at the College (METIS 998132 refers). He advised that he still held serious concerns about the hostel. He also advised that the College was in breach of the Integration Agreement in the following ways:

#### ***Number of students with preference of enrolment***

- Section 29(1) of the PSCI Act states that parents who have a particular or general philosophical or religious connection with an integrated school shall have preference of enrolment for their children at an integrated school. These students are known as preference students, and they account for the majority of the school roll. It is the Proprietor's responsibility to determine preference of students.
- Section 7(6)(h) of the PSCI Act states that an integration agreement may limit the number of students not given preference of enrolment at a state-integrated school. These students are known as non-preference students, as they do not identify with the special character of the school. These students usually make up a small percentage of the maximum roll, such as five or ten per cent.
- Having a larger number of preference students means that the Proprietor can carry out its responsibility of maintaining and preserving the special character of the school. As set out above, both the maximum roll and maximum non-preference students are terms of the Integration Agreement, and must be adhered to.
- The Proprietor raised concerns about the College's ability to uphold the special character of the school, after an audit carried out by the Proprietor found that 33 out of the 47 students enrolled at that time (circa March 2016) were non-preference. The College's Integration Agreement states that no more than five per cent of the maximum roll shall be non-preference (12 students). This placed the College in breach of the Integration Agreement.

- In August 2016, the Board of Trustees in its consultation submission advised that 100 % of students now meet the preference requirements. This has not been confirmed by the Proprietor but we note that it is the Proprietor (and not the Board) that has the discretion to determine who is a preference student under section 3 of the PSCI Act.

#### ***Tagged positions***

- Section 65C of the PSCI Act allows the Proprietor of a state-integrated school to 'tag' a proportion of the total teaching spaces as carrying a responsibility for religious instruction. These tagged positions support the special character of the school. The College's Integration Agreement states that four teaching positions at the College must be tagged, but the Proprietor advised that it was again in breach of the Integration Agreement as only three teaching positions were tagged.
  - The Board of Trustees has advised that the College is now compliant with the requirements of tagged positions.
29. The Proprietor also raised concerns about the high staff turnover, and significant financial risk to the Board of Trustees given the low roll of the College. He notes that the Te Whānau o Hato Petera Trust (which previously managed the hostel) advised that a financial break-even figure for the hostel was 54 students. At that time the roll was around 47 students with the number of boarders being 32.
  30. The Proprietor expressed disappointment that the Ministry had not applied a statutory intervention to the Board of Trustees, as he had requested in December 2015. However, the Board of Trustees requested that they be given to the end of Term One 2016 to reset their own working relationship and their relationship with the community. We continued to assess the situation and provided support to the Board throughout this time.
  31. As a new Board of Trustees had recently taken office following the triennial Board of Trustees elections, and the Proprietor had appointed two new representatives onto the Board of Trustees, the Board requested if it could have some time to develop its governance plan. We agreed to this request and an LSM was not appointed to the Board. We continue to meet with the Board, through meetings, telephone calls provide support and guidance to the Board.

#### **Initiating Consultation on the Future Viability of the College**

32. Section 11C of the PSCI Act provides for the cancellation of an Integration Agreement by mutual agreement between you and the Proprietor, following consultation with other interested persons or groups as both you and the Proprietor consider appropriate.
33. You wrote to the Proprietor on 9 June 2016 noting the concerns he had raised about the difficulties he was facing in upholding the special character of the College. You agreed that the low roll was of concern, given that it was less than 20 per cent of the College's maximum roll.
34. You agreed to his proposal to initiate consultation. As the College provides education for Māori students, you asked the Proprietor to also consider how he could ensure a strong future for Māori Catholic education in his Diocese.



35. The Proprietor wrote to you on 1 July 2016 to request an extension to the consultation process until 23 September 2016. On 10 July 2016, you declined his request, as consultation finishing at that time would have meant pushing the process out further toward the end of the year. We have taken time to carefully analyse the submissions received from consultation. We have also met with the Proprietor and have spoken to his Diocesan staff throughout this process. We are aware of the historical importance of Hato Petera College and recognise the serious implications that the cancellation of the Integration Agreement would have on all parties involved, including the wider Hato Petera whānau. Because of this we have taken due time to ensure that all arguments have been considered through this complex process. We are also mindful of the Board and Proprietor's significant differing opinions about the future of the College.

## Analysis of Consultation Feedback

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### Proprietor's Consultation

36. On 28 July 2016, the Proprietor announced that he was initiating consultation on the long-term viability of the College including possible closure. He advised in his announcement that he had not made a final decision about the College and encouraged everyone to submit feedback through the consultation process. The Proprietor's consultation finished on 7 September 2016 and we received his report on 13 September 2016.
37. The Auckland Catholic Diocese contracted three independent consultants to facilitate the consultation process, and consider any submissions received. Two of these consultants are fluent in Te Reo Māori, and submissions were accepted in Te Reo Māori and English.
38. The Proprietor held six public hui in Takapuna, Northland, Rotorua and Auckland City. He also held separate hui with the Board of Trustees, staff, students and the Hato Petera Society Incorporated (the sole shareholder of Hato Petera Limited; the former hostel licensee). An email address and a telephone number for submissions were also made publically available.
39. The Proprietor also advises that all whānau and other interested parties, such as Tauria Tawhito (Old Boys' Association), were invited to make submissions.
40. In the Proprietor's letter to you following his consultation (dated 12 September 2016) he advises that he believes the Integration Agreement should be cancelled. He states his concerns about the long-term viability of the College remain as:
- low roll
  - impact of the low roll on the breadth of curriculum
  - financial position of the school
  - breaches of the Integration Agreement
  - breakdown of relationships between the Board of Trustees and Hato Petera Limited.
41. The Proprietor advises that he feels these concerns have not been alleviated during the consultation process and, whilst many of the submitters wished for the school to remain open, he does not see this as a viable option given the issues facing the school.

42. He states that schooling provision and education is rapidly changing in the 21st Century. He feels that all students should have an opportunity to excel to the best of their abilities, and this includes Māori students being able to achieve education success as Māori.
43. The Proprietor advises that the 1850 Deed of Grant concerning the land the school is situated on was provided for the support of a school for the education of children of our subjects of both races and of children of the poor and destitute. The Proprietor also advised that the property should continue to be utilised for this purpose but it is premature to provide any firm options given that a final decision has not yet been reached. If the final decision is to close the College, we will continue to provide support to the Proprietor with a future educational plan.
44. A copy of the Proprietor's consultation report is attached as Appendix 1, and the main points contained in it are summarised below:
- a large number of participants would like the College to remain open
  - the breakdown in relationships between the Board of Trustees, the Proprietor and the Hostel licensee(s) was a clear issue highlighted in the consultation feedback. This is evidenced by submissions from whānau, staff, and students, who all reference the raruraru between the hostel and school. The students went so far as to say *adults should get their act together*.
  - hostel management was raised as a concern, and in particular the lack of investment in the hostel buildings
  - participants felt there was a lack of a Diocesan strategic plan to meet the needs of Catholic Māori students and prospective students
  - other issues that emerged from the Proprietor's consultation included the low roll (sustainability issues); poor student achievement; and the place of Māori boarding schools when there are other more accessible options for whānau, such as local kura and wharekura.
- The Proprietor's Plan for Māori Education in the Auckland Diocese***
45. You also asked the Proprietor to inform you of how he would ensure a strong future for Māori Catholic education in the Diocese. The Proprietor responded that:
- he wants to ensure the history of the school is not forgotten, should it close. He intends to ensure that Te Kamaka Marae on the College site continues to be made available for use by the Catholic Māori community and in particular for past pupils of the College
  - he may consider opening a hostel at Whangarei (for students to attend Pompallier College)
  - he is committed to considering how he might include a Catholic Māori education strategy within its broader strategy for education in the Diocese.
46. A fact sheet that the Proprietor used as part of the information provided during the consultation period was drafted by the Diocese. The fact sheet included that the College's low roll reflects the low number of Māori secondary students living on Auckland's North Shore, and also that many Catholic Māori whānau prefer to send their children to local state schools or local state-integrated Catholic schools.
47. The Proprietor has attached a list of 15 state-integrated Catholic secondary schools in Auckland and what each offers in terms of Te Reo Māori.



48. The Proprietor notes that in his Diocese (which includes Northland) the two schools with the largest number of Māori students enrolled are Sacred Heart and Pompallier Colleges (18% and 10% respectively). He notes that the Diocese has indicated a willingness to consider establishing a hostel facility at Pompallier Catholic College (Whangarei).

#### **Ministry Comment**

49. We consider that the key issues in need of consideration are:

#### ***Breakdown in relations between Hato Petera Limited and the Hato Petera College community***

50. We can confirm that there has been a significant breakdown in relationships between members of Hato Petera Limited and the Hato Petera College community, which has placed considerable strain on the functioning of the hostel alongside the College. Should the hostel not reopen then Hato Petera could only have local students attend (or those with private board) and this is unlikely to result in a viable roll for 2017. The Board has proposed plans to the Diocese and the Ministry to include Year 7 and 8 local students from 2018. The Board has confirmed that there have been three recent new enrolments, and that there are 61 pending new enrolments for 2017. However, these enrolments are boarders and therefore are likely to be contingent on the hostel being operational.

#### ***Te Reo Provision***

51. Hato Petera is currently funded for Māori language Levels 3 and 4.<sup>1</sup> The other 15 state-integrated Catholic schools in the Auckland Diocese either offer Level 4 provision or are English medium only. Therefore, if Hato Petera were to close it would leave a gap in level 3 Māori Medium provision within the Catholic context in Auckland. Further information about these schools is attached as Appendix 2.

#### ***The Proprietor's Plan for Māori Education***

52. You asked the Proprietor to consider how he could ensure a strong future for Māori Catholic education in the Diocese. The Proprietor states that the overarching plan for the development of Catholic schools in his Diocese is contained in the *Strategic Plan for Development of Catholic Schools Within Auckland City June 2016* (the Strategic Plan) which is attached as Appendix 5. The Strategic Plan however does not consider education specifically for Māori students, or te reo provision. We acknowledge that we cannot require the Proprietor to provide education specifically for Māori Catholics in his Diocese. However, in considering the possible closure of Hato Petera College, we would expect the Proprietor to consider the welfare of Catholic Māori students in relation to their language, culture and identity, particularly given the significant role that the College has played for Māori rangatahi over its history.
53. The Strategic Plan acknowledges the need for a new secondary school at Silverdale as students are finding it more difficult to access Catholic secondary education due to roll pressure at Carmel College and Rosmini College (situated four and three kilometres away from Hato Petera respectively).<sup>2</sup> The Strategic Plan states that the establishment of this school is contingent on the approval, and availability of Policy 2 funding.

<sup>1</sup> There are four levels of te reo Māori language funding provided by the Ministry, with Level 1 being the highest (learning in Te Reo Māori for 81 to 100% of the time) and Level 4 being the lowest (learning in Te Reo Māori for 12 to 30% of the time or teaching of Māori as a separate subject for at least three hours per week.)

<sup>2</sup> Page 44, *Strategic Plan for Development of Catholic Schools Within Auckland City (June 2016)*

Dated 24 November 2016: Note the Ministry wrote to Ngāti Whatua o Ōrakei Whai Maia Ltd; Te Runanga o Ngāti Whatua and Ngāti Whatua. A response was received from Te Kahu o Taonui which represents nine iwi entities in Te Taitakerau, including Ngāti Whatua

### Ministry Consultation

57. We carried out consultation on your behalf. These are attached as Appendix 3. The table below shows the groups consulted and if a response was received:

Table 1: Groups consulted with by the Ministry of Education

Group Consulted	Response Received
Board of Trustees of Hato Petera College	Yes
Hato Petera Limited	No
Board of Trustees of Te Aute College	Yes (from Proprietor)
Board of Trustees of Hukarere College	Yes (from Proprietor)
Board of Trustees of Hato Paora College	No
Board of Trustees of St Joseph Māori Girls' College	No
Association of Proprietors' of Integrated Schools (APIS)	Yes (from NZCEO)
New Zealand School Trustees Association (NZSTA)	No
Post Primary Teachers Association (PPTA)	Yes
New Zealand Educational Institute (NZEI)	No
Ngāti Whatua o Ōrakei (refer to note above)	Yes (from Te Kahu o Taonui)
Ngāti Wai	Yes
Ngāpuhi	Yes
Te Runanga o Te Rarawa	Yes (from Te Kahu o Taonui)
Te Māra o Hineāmaru	No
Ngati Hine Education	No



58. To ensure the educational community had the opportunity to make submissions on the future of Hato Petera College we also published a notice in the Ministry Bulletin for School Leaders/ He Pitopito Kōrero, a fortnightly publication to school leaders across New Zealand. We advised that the Proprietor of Hato Petera College had announced he was undertaking consultation on the long term viability of the College, which could include possible closure. We provided contact details and encouraged people to get in touch with any comments on the proposal.
59. The Principal of Wesley College responded that he had made a submission to the Proprietor of Hato Petera, advising that in the event of closure, Wesley College could provide an option for students seeking a faith based education, with boarding facilities. Wesley College is a state-integrated secondary school located in Pukekohe, Auckland. Its special character is based on the Christian (Methodist) traditions and practices.
60. We received substantial submissions from the Board of Trustees of Hato Petera College, the teaching staff at the College and the PPTA.

### **Summary of Submissions**

#### ***Board of Trustees***

61. The Board opposes the proposed closure. It states that it has recently completed an enrolment recruitment drive.
62. The Board proposes a change of class application to include Years 7 and 8 from 2018 as day students, with an opportunity to board from Year 9. The Board anticipates that it could enrol Māori students from nearby schools in Auckland into Years 7 and 8. The Board has expressed an interest in finding out more about becoming part of the Community of Learning|Kāhui Ako that includes schools in the Birkdale and Beachhaven communities. Some of these schools have bilingual units and the Board believes this CoL resonates more with its vision for the College than being part of the North Shore Catholic CoL.
63. The Board states that the College is now compliant with all aspects of the College's Integration Agreement. The Proprietor's Report (at page 23) indicates some level of scepticism of this.
64. The Board states that as Hato Petera is the only Māori boarding school in urban New Zealand; it can provide a unique opportunity for students and whānau. It expressed disappointment and frustration with the operation of the hostel in 2016. The Board commented that it has recently taken positive steps to bridge the relationship between the Board and Hato Petera Limited. It offered to take over the hostel license for an interim period to support its students for the remainder of 2016 (this is not possible without the consent of the Diocese to the Board's occupation of the hostel however).
65. The Board has attached plans for a rebuild of Hato Petera, drawn up by Hume Architects. The Board advises that it is seeking sponsorship for rebuild, and hopes to work with the Ministry and the Diocese to develop this plan.

### **Staff and PPTA Submission**

66. The teachers of Hato Petera and the PPTA also oppose the proposed cancellation of the Integration Agreement and closure of the College. Staff highlight that there has not been an adequate, well-researched and consulted policy framework on Catholic Māori Education produced or provided by the Auckland Diocese. It is evident that staff members feel that the Diocese has not fulfilled its duties, as Proprietor of College, based on the state of repair of buildings and the non-existence of an active policy statement that outlines a commitment by the Diocese toward Māori education.
67. The submissions state that there has been a lack of practical support or interest from the Diocese; and staff would like the Diocese to develop a plan for Māori Catholic students. Staff members advise that Hato Petera should remain open until this happens; the Diocese appears to propose that Māori students do not need a Māori school, and that their *educational and cultural needs as Māori can be met by our neighbouring schools*.
68. Staff members see the hostel as the biggest issue, namely; the sub-standard state of the hostel buildings, the lack of clarity around who managed the hostel and the then on-going management crisis, and the sudden decisions to close the hostel with little notice. They feel that the issues at the hostel have impacted negatively on enrolments at the College.
69. Staff members support the Board's proposal to change the class of the College to include Year 7 and 8 to grow the roll of the College. Staff members feel that investing in the buildings would help attract students to the College.
70. The submission made by the PPTA echoes a similar theme to the staff submission. It states that the consultation facilitators were asked to provide a document which showed the Diocese's commitment to Catholic Māori education, but this document never materialised. The PPTA feel that the consultation process and proposed closure seeks to remove our place in the world of Catholic Education with no discussion or engagement about what might replace it, if anything.
71. The PPTA notes that during the consultation hui, community members expressed disquiet about the lack of practical support or interest from the Diocese.

### **Ministry Comment**

72. We have received feedback from some parents of current students that they feel that their voice was not heard during the Diocese's consultation process because consultation hui were dominated by the voices of a small number of individuals.
73. The low roll of the College is concerning given its urban location. However, we also recognise the special character, and acknowledge the rolls of the other Māori boarding schools which range from 70 students to 243. We also recognise that Hato Petera is currently the only Catholic Māori co-educational Boarding School in New Zealand, and should the College close, Catholic Māori students could no longer access this choice.
74. While the Board has made efforts to demonstrate its future property plans for the boarding hostel, at this stage they are speculative and based on future fundraising efforts. As such, at this time it would be premature to rely on this as a measure within our assessment of the Proprietor's request for cancellation of the Integration Agreement.



75. As this is a state-integrated school, any applications to change the terms of the Integration Agreement (such as a change to the year levels) must be received from the Proprietor, as a party to the Integration Agreement. The Auckland Diocese has indicated that should the school remain open the Proprietor may consider applying for it to become a day, Year 7 to 13 College.
76. On 17 October 2016 the General Manager of the Diocese advised that the Diocese will not issue a licence to occupy the hostel to any other group – meaning at this time, it is unlikely that the hostel would re-open. Various parties, including the College Board and parents of current students continue to approach the Diocese to request a lease agreement for the hostel buildings
77. The majority of students enrolled at the College are boarders. Should the Bishop not agree to re-open the boarding facilities, then this could significantly impact on the viability of the College. Its current roll is made up of approximately 30 boarders and 13 day students. The hostel is also an integral part of the College and is instrumental to maintaining the special character as set in the Integration Agreement where it specifically states the hostel is an essential element in the life of the school.
78. In its submission the Hato Petera Society Incorporated outlined that the hostel is significant in supporting students to develop Catholic Māori values, and that most of the religious events took place in the hostel, rather than on school grounds.
79. There appears to be a gap in the Diocese's planning for the future of Māori Catholic Education. As part of the process to initiate consultation you requested the Proprietor consider how he could ensure a strong future for Catholic Māori education in the Diocese. The Bishop has responded advising he wishes to ensure the history of the school is not forgotten and that the Te Kamaka Marae will continue to be available for use by the Catholic Māori community and in particular for past pupils, he may provide boarding facilities at Pompallier College, and that he wishes at some point in the future to again have education provision on the Hato Petera site.
80. We consider this planning is limited and does not give confidence in a comprehensive and effective vision for implementation regarding the future of Māori Catholic education in the Auckland Diocese. We cannot require the Bishop to undertake this work, but will continue to work with, encourage and support the Bishop in this area.
81. We consider that the submissions presented by the teachers and the PPTA were well considered. Whilst the heart of the arguments centred on Māori education and the Diocese's role in providing that education, a common concern raised was the condition of the hostel and the direct effect of that on enrolments at the College. This is outside the scope of the consultation as the hostel is a separate entity from the school.

#### ***Other Submissions Received***

82. Te Aute Trust Board (Proprietor for Te Aute and Hukarere Girls' Colleges) responded advising it is saddened by the possible closure...when the Government is making available significant new funding to new partnership schools. The Trust Board noted the financial contribution it has recently received from the Anglican Church to support Te Aute and Hukarere Colleges.
83. The Ngātiwai Trust Board responded that it hopes any future decision is considered fairly, equitably and positively, taking into account that the problems haven't happened over night, they have been accumulating over a long period of time. They acknowledge that it would be difficult to resurrect the College if it closed, and that they support any option that ensures the life of kaupapa Māori Catholic education.

84. Te Rūnanga a Iwi o Ngāpuhi responded with a worry that the closure of yet another Māori boarding school reduces the opportunity for tamariki to succeed in environments that have been purpose built with them in mind. It also states that closing the hostel may be detrimental for students sitting final year exams in 2016. Ngāpuhi do not support the closure of the College and would like it to remain open and for the Board of Trustees' proposals to take effect. Te Rūnanga a Iwi o Ngāpuhi also noted its concern that a number of iwi entities from within Tai Tokerau had not been written to as part of the Ministry's consultation process.
85. Te Kahu o Taonui (the Chairs of the nine iwi entitled in Te Taitokerau) responded saying it is aware of the issues faced by the College, and that a number of measures are in place to support the College remaining open. As such, it does not support closure of the College. Te Kahu o Taonui also expressed concern regarding the lack of consultation directly with all the other iwi in Te Taitokerau; however it responded on behalf of the nine iwi.
86. We received an individual submission from the S92(a). He recommends that the Board of Trustees take over the hostel license and that the Proprietor and Ministry of Education support the Board's strategy for a change of class application.
87. The New Zealand Catholic Education Office responded saying that while it recognises the history and the important role that Hato Petera College has played, it feels the College is no longer able to meet the needs of its communities and therefore is supportive of the closure proposal.

## Educational Achievement

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### NCEA

88. Due to the small number of school leavers from Hato Petera College, the percentage of school leavers attaining NCEA Level 2 or above is not stable across years. We note that in 2014 the school met the 85% target (with 13 students) and in 2015 they are within 10 percentage points of meeting the target. Achievement data is attached as Appendix 4.
89. Despite the low numbers, improving trends can be seen in regards to Year 12 students attaining NCEA Level 2, and Year 13 students attaining NCEA Level 3, since 2012. The school is above the national average, and decile band (deciles 1-3) average, in both measures.
90. A worsening trend can be seen in regards to the percentage of Year 13 students meeting University Entrance requirements, since 2012. It is a concern, as the school is now below both the national average and decile band average. However, these figures also reflect the small cohort size, which makes it statistically difficult to determine.
91. The trend for Year 11 students attaining NCEA Level 1 is unclear, and this could be due to the small cohort size.



### Services Academy

92. Hato Petera is currently operating a Services Academy. This year-long programme is targeted at Year 12 and 13 students who are at risk of disengaging and would benefit from a military style programme. Ministry funding is provided with the expectation that 20 students will take part. The College is responsible for hiring a Director to manage the programme day to day.
93. Presently there are eight students in the Hato Petera Services Academy programme. The College does not currently have a specified Director for the programme, but has a dedicated member who is supported by the Service Academy Director for Glenfield College.
94. All of these current students are in Year 12. Integration of the students into the Glenfield Services Academy is a possibility for 2017, should the College close.

### Education Review Office

95. The College is on a one-to-two year Education Review Office (ERO) review cycle. The latest confirmed ERO report is dated 5 November 2014. The ERO has put its progress review on hold pending the outcome of the consultation process.
96. The 2014 ERO report stated:
- *Since 2012 the principal and staff have worked hard to improve student learning and welfare. Significant progress has resulted in a curriculum that raises student achievement. Unfortunately, a lack of agreement with the Catholic Diocese about property and personnel matters, are impacting negatively on the board's ability to continue improvements.*
  - *ERO has significant concerns about one of the hostel facilities.*
  - *The conditions for students and staff in one of the kainga need to be addressed with some urgency. Showers and rooms are below current standards for school hostel accommodation.*
  - *A historic building in poor condition and close proximity to this kainga could be a potential safety hazard for students and staff in the event of a fire.*
97. The school has been on an ERO 1-2 year cycle since 2009. While ERO has identified some improvement over this time, concerns still remain. In its 2012 report ERO notes:
- *This is ERO's fourth early return to the school. It finds the school to be again in a period of transition. The board have experienced many challenging issues since the 2010 ERO review, and trustees have worked diligently to address the challenges they have faced.*
  - *ERO recommends that the board of trustees seek external support to address the concerns identified in this report, particularly those relating to improving governance, student achievement and the sustainability of the school.*

## Legal Process

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98. Section 3(4) of the PSCI Act allows for the Proprietor to invoke the powers conferred by the Act if it considers the special character of a school has been or is likely to be jeopardised.
99. The process for the cancellation of a school's Integration Agreement is determined by section 11 of the PSCI Act. While there is provision in the PSCI Act for cancellation of a school's Integration Agreement by one party (either initiated by the Minister or the Proprietor), the Proprietor is seeking that this decision be made by mutual agreement with you (as provided for by Section 11C of the PSCI Act).
100. If you agree to cancel the Integration Agreement, then we recommend that you provide the Board of Trustees a further 28 day period to provide any additional arguments to you as to why the College should not close. There is no specific provision for this under the PSCI Act, but the PSCI Act must be read alongside the Education Act 1989 to the extent that it is appropriate and reasonable to do so. The Education Act requires that a Board be given a 28 day period to provide further arguments once you have decided a school should close.
101. If you decide to decline the Proprietor's request to cancel the Integration Agreement by mutual agreement the Proprietor may elect to invoke section 11B of the PSCI Act.
102. Section 11B provides that where it appears to the Proprietor on reasonable grounds that the special character of the school has been or is likely to be jeopardised; or the Board of Trustees or Minister is not carrying out the functions or obligations accepted by them under the PSCI Act or the Integration Agreement then the Proprietor may give notice of an intention to cancel the Integration Agreement.
103. The Proprietor must first consult with you, the Board of Trustees and such other interested persons or groups as the Proprietor considers appropriate. A notice of intention to cancel from the Proprietor will take effect four months after the date of the notice. It is the Proprietor's prerogative to initiate this process.

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## Options

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105. After considering all the submissions, we are providing you with two options for your consideration:

**Option 1 (Ministry's Preferred Option)**

- decline the Proprietor's request to cancel the Integration Agreement under section 11 C of the PSCI Act (by mutual agreement) and close the College.

Or

**Option 2**

- agree with the Proprietor's recommendation that the Integration Agreement should be cancelled and the College close.

If this is your decision then we will develop a timeline of the process (taking into account the school holidays and Christmas break) for your information.

We will also develop letters to the Board of Trustees of the College (giving it 28 days to provide you with any further arguments about the school's integration agreement being cancelled and the school closed), and to the Proprietor, for your signature.

## Option Analysis and Risk

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**Option 1: Decline the Proprietor's request to cancel the Integration Agreement and close the College.**

106. This would demonstrate a robust consideration of the submissions which mostly oppose the closure, and take into account the Proprietor's limited planning for the future of Māori education provision in the Auckland Diocese. It is also important to consider the special character of this school, being an historic Māori boarding school.
107. If you decline the Proprietor's request to cancel the Integration Agreement, this would mean that the consultation process would end, and the College would remain open. In this event, the Proprietor could invoke section 11B of the PSCI Act and cancel the Integration Agreement and close the College at any time, without needing your agreement.
108. It is now late in the year and should the Proprietor immediately begin a process of cancelling the integration agreement under section 11B of the PSCI Act, and give a notice of intent to close, then the closure could occur during 2017. Should this be the case the Ministry will continue to pay the salaries of the permanent teachers that are covered by the Secondary Teachers' Collective Agreement until January 2018. This is required as the Collective Agreement is written on the premise that closure of a secondary school will only take place in January.
109. We are concerned, however that should the College become a day school (without boarding facilities) the low roll would bring its viability into question and would impact on its ability to deliver a wide breadth of curriculum.

**Option 2: Agree to the Proprietor's request to cancel the Integration Agreement**

110. A decision to support the Proprietor's request would acknowledge that the College's low roll and future viability is challenged, particularly without a hostel. The breakdown in relationships among groups associated with the college is unlikely to be resolved and the Proprietor unlikely to re-open the hostel.

111. Whilst there are not identical schooling options available for students at the College, there are alternatives. These are detailed in Appendix 2.
112. In choosing this option we recommend that you inform the Board of Trustees of the College that it has 28 days to provide you with any further arguments it may wish to make. Some parents and whānau raised concerns that they felt their views were not taken into account during the Proprietor's consultation process. The provision of the 28 day period would allow further submissions from those affected to the Board, and would also allow the Board to present any additional evidence it believes would be pertinent to a decision.
113. As the hostel is currently closed, the only Catholic secondary school in Auckland with boarding facilities is Sacred Heart College. This is a single sex boys' school which means that female students would no longer have a (Catholic) boarding option in Auckland, unless Sacred Heart were to apply to become co-educational. The Proprietor has not mentioned this possibility during this process. In the meantime, we are working with the Proprietor to explore other options for these students; however, these would likely be outside of Auckland.
114. Should the hostel close then female students could decide to attend another boarding school outside of Auckland. St Joseph's Māori Girls' College, Hukarere College, Solway College and Wanganui Girls' College all have boarding facilities. We acknowledge that none of these facilities have the same kaupapa as Hato Petera College. We also acknowledge that the Proprietor may open a hostel at Pompallier College in Whangarei which would offer co-educational facilities (Pompallier is a co-educational Catholic school).

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## Conclusion

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122. After considering all the consultation feedback we are aware that there is considerable support from groups associated with the College for it to remain open. The Proprietor has requested it be considered for closure and this is supported by the New Zealand Catholic Education Office.
123. The current and future operation of the College is challenged by the low roll (particularly following the closure of the hostel) and the reduced resourcing which fewer enrolments generate. The roll may be as low as 20-30 students in 2017 if the hostel remains closed.
124. There is also concern about the governance of the College (this has been raised by the Proprietor for some time) and we have been in discussions with the Board about the level and area of support it considers is appropriate. Most recently the Board has requested support from someone to look at its finances and help with its strategic planning. We are in the process of accessing this for them.
125. When you wrote to the Proprietor agreeing to the consultation process you asked him to consider how he could ensure a strong future for Māori Catholic education in the Diocese. This was because the students at Hato Petera College are priority students and a many of them come from the Far North, which is a priority area.

126. In response to this request the Proprietor has given some indicative means for how, should the College close, Catholic Maori education would be provided. We consider that the Bishop has not presented a vision or plan that instils confidence that these current and future priority students will be well supported in their learning pathway. This means that if Hato Petera College is closed, there will likely be no Catholic school for these students to enrol at as a cohort, and nowhere for them to learn in an environment that upholds their Catholic Māori language, identity and culture.
127. For this reason we recommend you consider declining the Bishop's request that the school's integration agreement be cancelled under section 11C of the Private Schools Conditional Integration Act (PSCI Act), that is by mutual agreement.
128. We note section 3(4) of the Private Schools' Conditional Integration Act (PSCI Act) allows for the Proprietor to invoke the powers conferred by the PSCI Act if it considers the special character of a school has been or is likely to be jeopardised.

## Next Steps

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129. Should you agree with our preferred recommendation, you are asked sign the attached letters to the Proprietor and Board of Trustees informing them of your decision.