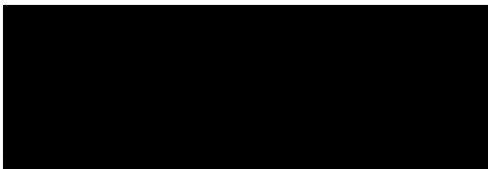




22 FEB 2017



Dear 

Thank you for your emails of 17, 20 and 31 January 2017, to the Ministry of Education (the Ministry) requesting the following information:

- 1. The ministry's first annual report into the intervention at Rangiora High School and the second, if it will be finalised within the 20 working day period.*
- 2. What the longest LSM/commissionership in a NZ school has been without an OIA I'd be interested to know that.*
- 3. a list of every instance of limited statutory management or commissionership of a New Zealand school in the last three years, the reason for the intervention, the length of the intervention and whether the intervention spurred any ERA proceedings*
- 4. I would like to OIA all the reports of this nature available from Moore's installment as Commissioner (26 Feb, 2015) to now.*
- 5. All costs absorbed by the Ministry of Education in relation to Bev Moore during her time as Commissioner of Rangiora High School (understand this includes travel costs, living expenses etc). If possible, I'd like them broken down by category of expenditure and amount spent.*

We have combined your requests, and they have been considered under the Official Information Act 1982 (the Act).

The vast majority of school boards operate successfully, but a small number sometimes encounter difficulties they cannot resolve without help. The specific circumstances and causes of those difficulties will vary between schools. Most issues come under a number of broad headings including relationships, employment, finance and curriculum among others, and the reasons for an intervention will involve one or a combination of these.

We always support school boards to resolve issues themselves, and only intervene as a last resort when we have reasonable grounds to believe that the operation of the school or the welfare or educational performance of the students is at risk.

***Question 1: The Ministry's first annual report into the intervention at Rangiora High School and the second, if it will be finalised within the 20 working day period.***

I am partially releasing the first review of the intervention (attached as **Appendix A**) to you with some information withheld under the following sections of the Act:

- 9(2)(a) to protect the privacy of individuals
- 9(2)(ba)(ii) to protect information which has been provided in confidence
- 9(2)(i) to protect commercially sensitive information

I am refusing your request for the second review of the intervention under section 18(e) of the Act, as this review has not yet occurred. Section 78R of the Education Act 1989 requires us to review the intervention annually from the date of the commencement of the intervention. The intervention was applied to Rangiora High School on 26 February 2015, so we have until 26 February to complete the annual review. We are expecting to complete it within this timeframe.

***Question 2: What the longest LSM/commissionership in a NZ school has been***

As at 19 January 2017, the longest continuous intervention period of a limited statutory manager and/or commissioner under Part 7A of the Education Act 1989 was at Westbridge Residential School (previously known as Glenburn School). The Commissioner was in place from August 2000 to January 2014.

The intervention ended when the Board of Trustees for Westbridge Residential School and Halswell Residential College were combined at the end of January 2014. The establishment of the combined board was publicly notified in the *New Zealand Gazette* on 9 January 2014.

***Question 3: A list of every instance of limited statutory management or commissionership of a New Zealand school in the last three years, the reason for the intervention, the length of the intervention and whether the intervention spurred any ERA proceedings***

Please find attached (as **Appendix B**) a table providing a list of interventions under section 78M (Limited Statutory Manager) and 78N (Commissioner) in the last three years, the reason for the intervention, and the length of the intervention.

The Employment Relations Authority (ERA) proceedings involving schools are not spurred by statutory interventions applied to school boards of trustees. Statutory interventions are only put in place when risks to the operation of a school or to the welfare or educational performance of its students are identified and are only applied after less formal support has not successfully addressed the presenting issues, or a board is unable or unwilling to continue.

People appointed to the roles of Limited Statutory Manager (s78M) and Commissioner (s78N) are selected because of the skills required and her/his compatibility with the school environment. While they are statutory appointees, and work closely with the principal and the board (except for commissioners when the board is dissolved) they are not board members. They are not employees of the Ministry and must act independently when exercising their judgement. They can seek general consultative advice from the Ministry, but in the case of employment related issues they must seek independent advice from the New Zealand School Trustees Association industrial adviser or similar, and not the Ministry.

The appointees are required to report on a regular monthly basis to both the board (except for commissioners when the board is dissolved) and the local office of the Ministry. Although these reports may sometimes include information about potential or actual mediation or ERA proceedings the statutory appointee may be involved with, the Ministry does not specifically extract and/or collate, nor report on that information. To identify reports containing such information would require substantial research and collation. For that reason, I am refusing this part of your request under section 18(f) of the Act.

Employment relationship problems that are settled at mediation will generally be confidential under section 148 of the Employment Relations Act 2000 and the Ministry, if it holds such information, will be legally prevented from releasing it. We would therefore withhold the information under sections 9(2)(a) to protect the privacy of individuals and 18(c)(i) that the making available of the information requested would be contrary to the provisions of a specified enactment. In addition, determinations made by the ERA are publicly available from the Employment New Zealand law database. You can find these at: <http://apps.employment.govt.nz/determinations>

**Question 4: All the reports of this nature available from Moore's installment as Commissioner (26 Feb, 2015) to now.**

Please find attached (as **Appendix C**) the progress reports from the Commissioner of Rangiora High School from March 2015 – December 2016. These reports are partially released to you with some information withheld under the following sections of the Act:

- 9(2)(a) to protect the privacy of individuals
- 9(2)(h) to protect information
- 9(2)(i) to commercially sensitive information
- 9(2)(j) to protect commercial negotiations
- 9(2)(ba) to protect information supplied in confidence.

**Question 5: All costs absorbed by the Ministry of Education in relation to Bev Moore during her time as Commissioner of Rangiora High School (understand this includes travel costs, living expenses etc). If possible, I'd like them broken down by category of expenditure and amount spent.**

Please find attached (as **Appendix D**) a table outlining the information you have requested.

Thank you again for your email. If you have further questions please feel free to contact our media team in the first instance at [media.team@education.govt.nz](mailto:media.team@education.govt.nz). If you are unsatisfied with my response, you have the right to ask an Ombudsman to review it. You can do this by writing to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Susan Howan  
**Acting Deputy Secretary**  
**Sector Enablement and Support**