

Education Report: Request to reappoint a Ministerial Appointee to the Northland College Board (9)

To:	Hon. Jan Tinetti, Associate Minister of Education		
Copy:	Hon. Chris Hipkins, Minister of Education		
Date:	7 December 2022	Priority:	High
Security Level:	In Confidence	METIS No:	1301113
Drafter:	Kath Corby, Manager Education Te Tai Tokerau	DDI:	9(2)(a)
Key contact and number:	Hira Gage, Director of Education Te Tai Tokerau Te Mahau Te Tai Raro	Mobile:	9(2)(a)
Messaging seen by Communications team:	No	Round robin:	No

Purpose of report

This report asks that you agree to re-appoint Kelly Yakas as a Ministerial Appointee to the Northland College Board.

Summary

1. Northland College is a decile 1, co-educational, Year 9-13 state secondary school in Kaikohe, Tai Tokerau.
2. On 28 April 2015, the Minister of Education approved an alternative constitution for the Northland College (9) Board, under section 105A of the Education Act 1989 (now section 4 of Schedule 22 of the Education and Training Act 2020 (the Act)). The constitution allows up to three members to be appointed by the Minister.
3. The Northland College Board (the Board) has notified the Ministry that it would like to amend the alternative constitution to remove the Ministerial Appointees and retain the provision for one member appointed by Te Rūnanga o Ngāpuhi. The Ministry will work with the Board in 2023, to present a constitution change proposal for your consideration.
4. In the meantime, we recommend that you re-appoint Kelly Yakas (a member appointed by the Minister in 2019) to provide continuity on the Board while it considers constitution changes.

Recommended Actions

The Ministry of Education recommends you:

- a) **note** that Northland College Board currently operates under an alternative constitution which provides for 'up to three Ministerial appointed members'; and
- b) **agree** that Kelly Yakas be re-appointed as a Ministerial Appointee to the Northland College Board until the end of 2023; and

Agree / Disagree

- c) **note** that the Northland College Board intends to submit a proposal to change its constitution in 2023.

And if you agree:

- d) **sign** the attached letters to Kelly Yakas and Kohi Woodman (Presiding Member of the Northland College Board); and

you are also asked to:

- e) **agree** that this Education Report is proactively released. Any information that might need to be withheld, will be withheld in line with the provisions of the Official Information Act 1982.

Proactively release / Not release



Isabel Evans
Hautū | Deputy Secretary
Te Mahau | Te Tai Raro

07 / 12 / 2022



Hon Jan Tinetti
Associate Minister of Education
(School Operations)

11/12 2022

Background

1. Northland College is a decile 1, coeducational, Year 9-13 state secondary school in Kaikohe, Tai Tokerau. Its roll has fluctuated over the last 10 years between a low of 214 and a high of 278, with a current roll of 247 (1 July 2022). More than 95% of its students identify as Māori.
2. Following serious issues facing the school, the Board was dissolved, and a Commissioner was appointed in June 2012 under section 78N (1) and 78(2) of the Education Act (1989) (now section 181(1) and 181(2) of the Education and Training Act 2020).
3. An alternative constitution was approved in May 2015 by the then Minister of Education (*New Zealand Gazette*, Notice Number 2015-go2474). The current alternative constitution allows for the following board membership:
 - a) one parent representative.
 - b) the principal.
 - c) one staff representative.
 - d) one student representative.
 - e) up to one co-opted member.
 - f) up to one member appointed by Te Runanga o Ngāpuhi: and
 - g) **up to three** Ministerial appointed members.
4. The Board has had six Principals since the Commissioner was appointed in 2012. This frequent change of leadership, along with major property works and challenges presented by a community that struggles with a range of issues, made progressing the school to a point of strength and stability difficult.
5. During that period there have been strong Board members who have worked hard to govern the school with strength and vision. The current Principal who took up the position at the start of 2021 is working to improve the culture of the school and the educational outcomes for all students. There is a positive working relationship between the school's Senior Management Team and the Board.
6. The Board is now considering changes to its constitution and intends to submit a proposal for your consideration in 2023.

Ministerial Appointments

7. The term of office for the members appointed by the Minister in 2019, ended in October 2022.
8. As the alternative constitution allows for up to three Ministerial Appointments this can mean the Minister can appoint all, some, or none of these. Additionally, you are not required to advertise widely or conduct any particular process before appointing.
9. Only one of the three members appointed by the Minister in 2019 has expressed an interest in being re-appointed.
10. With new Board members recently elected, and the current Board membership under review, the Ministry agrees and supports the Board's request that you appoint only one

Ministerial Appointee at this time. If you were to approve a change to the alternative constitution, this could result in the Board members leaving office, so that new members can be elected, appointed, or co-opted under the new constitution. In this case, it would truncate the terms of office for all members.

11. Kelly Yakas has been a Ministerial Appointee on the Board since it was first established in 2015 and has expressed a willingness to continue filling that role for the next year, while the consultation on amending the alternative constitution is completed. Kelly brings a balance of skills, experience, and attributes to the Board. Kelly has declared that she is eligible to be a board member with respect to the ineligibility criteria set out in clause 9 and 10 of Schedule 23 to the Act. Kelly is also aware that her term of office would end if a new constitution were approved
12. To support the appointment of Kelly Yakas, the Ministry has consulted with the school's management, Board and local kaumatua. There is agreement that Kelly will continue to add value to the Board during this important period which sees a transition towards a new constitution. Kelly was previously the Presiding Member of the Board for six years, and so has a deep understanding of the context and history of the school's governance. Her professional experience, her commitment to the school, and her standing with the community will be important through the next steps of progressing the constitution change.

Risks and mitigations

13. We do not see any risks in you agreeing to appoint Kelly Yakas.

Next steps

14. If you agree to the recommended appointment, letters to both Kelly Yakas and the Presiding Member of the Board are provided for your signature (Annex One).
15. We will continue to work with the Board on the review of the constitution.

Proactive Release

16. We recommend that this Education Report is proactively released. Any information that might need to be withheld, will be withheld in line with the provisions of the Official Information Act 1982.

Annex One: Letters to Kelly Yakas and the Presiding Member of the Northland College Board.

Proactively Released

Hon Jan Tinetti

Minister of Internal Affairs
Minister for Women
Associate Minister of Education



11 December 2022

Ms Kelly Yakas

Ref: JT2311

9(2)(a)

Tēnā Koe Ms Yakas

I am pleased to advise that I have re-appointed you to the Northland College Board.

Your appointment is made in accordance with the alternative constitution for the Northland College Board as approved under section 105(A) of the Education Act 1989 (now Clause 4 of Schedule 22 to the Education and Training Act 2020). Your appointment will take effect from the date of this letter.

You have been appointed because of the balance of skills, experience, and attributes that you bring to the Board. I am confident that your experience will support sound governance practice and provide direction and support to the Principal.

Your term of office is for up to three years. However, as you are aware the Board has indicated that it will be considering changes to its constitution and intends on submitting an application for approval. Following approval, a change in constitution could result in all members of the Board leaving office, as new members are elected, appointed, or co-opted under that constitution. Therefore, your term of office may end earlier.

Thank you for your willingness to accept this appointment and continue to act in the best interests of the students attending Northland College. I congratulate you on your appointment and wish you a rewarding and successful term of office.

Nāku noa, nā

Hon Jan Tinetti
Associate Minister of Education (School Operations)

Hon Jan Tinetti

Minister of Internal Affairs
Minister for Women
Associate Minister of Education



11 December 2022

Ms Kohi Woodman

Ref: JT2312

9(2)(a)

Tēnā koe Ms Woodman

I am pleased to advise that I have re-appointed Ms Kelly Yakas to the Northland College Board.

Kelly's appointment is made in accordance with the alternative constitution for the Northland College Board as approved under section 105(A) of the Education Act 1989 (now clause 4 of Schedule 22 of the Education and Training Act, 2020). Kelly's appointment will take effect from the date of this letter.

Kelly has been appointed because of the balance of skills, experience, and attributes that she brings to the Board. You will have worked with her as a member of the Board in the past and I am sure you will be pleased she has agreed to accept this position for a short time to support the Board during the period of change.

Kelly's term of office is for up to three years. However, if there are approved changes to the Board's constitution, it could result in all members of the Board leaving office, as new members are elected, appointed, or co-opted under that constitution. Therefore, Kelly's term of office may end earlier.

Please contact Kelly to inform her about the Board's meeting schedule.

Nāku noa, nā

Hon Jan Tinetti
Associate Minister of Education (School Operations)