



## Education Report: Proposal to merge Te Kāpehu Whetū (Teina) (869) and Te Kāpehu Whetū (Tuakana) (870)

<b>To:</b>	Hon Kelvin Davis, Associate Minister of Education (Māori Education)		
<b>Cc:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	8 September 2022	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1293804
<b>Drafter:</b>	Lyndsay Whitehead – Senior Education Adviser	<b>DDI:</b>	09 4368036
<b>Key Contact:</b>	Hira Gage – Director of Education for Ta Tokerau	<b>DDI:</b>	09 436 8914
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

This report seeks your approval to merge Te Kāpehu Whetū (Teina) (869) with Te Kāpehu Whetū (Tuakana) (870) under section 206 of the Education and Training Act 2020.

In December 2021, Minister Hipkins agreed to consult with the boards of all state schools whose rolls might be affected by this change [METIS 1276882 refers]. The Ministry has now completed this consultation.

### Summary

1. Established in 2018, Te Kāpehu Whetū (Teina) (869) and Te Kāpehu Whetū (Tuakana) (870) are state, designated character schools situated in Whangārei. Te Kāpehu Whetū (Teina) is a Year 1-8 kura and Te Kāpehu Whetū (Tuakana) is a Year 9-13 kura. The two kura share the same different character.
2. The two kura were established with a combined board and alternative constitution.
3. Together, the two kura aim to provide a full pathway for ākonga from Year 1-13 within the same designated character. Te Kāpehu Whetū (Teina) teaches at Level 1 te reo Māori immersion (at least 80% of the time), and Te Kāpehu Whetū (Tuakana) has taught at Level 2 (51-80% of the time) but is currently teaching at Level 4 (up to 30% of the time). Currently each school has an acting principal (Pouhere) both of whom were appointed in 2022.

4. The combined board has applied to merge the two kura under section 206 of the Education and Training Act 2020 (the Act). The request is supported by both kura and whānau.
5. On behalf of Minister Hipkins, the Ministry undertook consultation on this proposal as required under section 209 of the Education and Training Act 2020 (METIS 1276882 refers) and we consulted, on his behalf, with schools and kura whose rolls might be affected, as well as community groups. This consultation has now closed, and responses were received from two of the schools, Hurupaki School and Kamo High School.
6. The two kura operate on leased sites with leased buildings approximately three kilometres from each other. They are situated on different sides of a tributary of the Hātea River in Whangārei. The current leased spaces may not be a long-term option to support the merged kura due to site constraints.
7. The Ministry recommends you agree to the merger, as it would simplify the management of the two existing kura and would provide a Year 1-13 pathway for ākonga within the same designated character.
8. If you agree, the Ministry recommends that the merger take effect on 1 January 2023. For a 1 January 2023 date to be achievable, it would require the merger to be gazetted before Term 4 starts (before Friday 14 October 2022). This is because the legislation requires at least one full term's notice between the approval and implementation of a school merger.

## Recommended actions

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The Ministry of Education recommends that you:

- a. **agree** to merge Te Kāpehu Whetū (Teina) and Te Kāpehu Whetū (Tuakana) under section 206 of the Education and Training Act 2020, and for the merger to take effect on 1 January 2023;

☒ Agree ☐ Disagree

- b. **agree** that Te Kāpehu Whetū (Tuakana) (870) will be the continuing kura under section 206 of the Education and Training Act 2020;

☒ Agree ☐ Disagree

If you agree, you are asked to:

- c. **sign** the attached letters to the presiding member of the combined Board of Te Kāpehu Whetū (Teina) and Te Kāpehu Whetū (Tuakana) and the local Member of Parliament informing them of your decision; and
- d. **sign** the attached *New Zealand Gazette* notice;


And, you are asked to:

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

☒ Agree ☐ Disagree



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



Hon Kelvin Davis  
Associate Minister of Education  
(Māori Education)

08/09/2022

18/09/2022

## Background

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1. Te Kāpehu Whetū (Teina) is a Year 1-8 designated character kura in Whangārei. Te Kāpehu Whetū (Tuakana) is a Year 9-13 designated character kura in Whangārei.
2. The two kura were replacement state schools for the Partnership Schools | Kura Hourua sponsored by He Puna Marama Trust which closed in 2018. The two kura were established as designated character kura in July 2018, with an alternative constitution and a combined Board (*New Zealand Gazette*, notice number 2018-go3696). The alternative constitution for the combined board was approved in October 2019 (*New Zealand Gazette*, notice number 2019-go4932) and allowed He Puna Marama Trust to appoint up to five members to the Board.
3. The two kura share the same different character:

*The designated character of Te Kāpehu Whetū (Tuakana) and Te Kāpehu Whetū (Teina) reflects tikanga o Ngāpuhi-nui-tonu and our adherence to Te Tiriti O Waitangi and the rights accorded us, with particular reference to Article three which grants us our rights of citizenship which were affirmed by the men of the 28 (Māori) Battalion who paid the ultimate price of citizenship.*

*This serves as a korowai for the kura. The designated character cements our unique educational approach of providing a tikanga Māori-based programme of learning that includes and supports ākonga to achieve their aspirations within the Kura and beyond.*

*It builds on three pou:*

- *Kia Māori – an education and an environment that validates Māori knowledge and ways of learning*
- *Kia Mātau – encouraging innovation, inquiry and the development of specialised knowledge and skills*
- *Kia Tū Rangatira ai – the development of strong character and personal excellence, living with mana.*

*“Tu ki te marae...Tu ki te Ao”*

4. The two kura aim to provide a full pathway from Year 1-13 for ākonga within the same designated character. Te Kāpehu Whetū (Teina) teaches at Level 1 te reo Māori immersion (at least 80% of the time), and Te Kāpehu Whetū (Tuakana) has taught at Level 2 (51-80% of the time) and is now operating at Level 4 (up to 30% of the time).
5. Currently both kura have an acting principal (Pouhere) each of whom were appointed in 2022.

6. The roll of the Teina has remained steady since its establishment as a state school, and the roll for the Tuakana has declined (as depicted in the tables below)

**Teina roll (Primary)**

Year	2019	2020	2021	2022
July roll	130	133	143	124

**Tuakana roll (Secondary)**

Year	2019	2020	2021	2022
July roll	109	82	71	46

7. The combined Board has asked that you merge the two kura under section 206 of the Education and Training Act 2020 (The Act).
8. The Ministry recommends you agree to the merger, as it would simplify the management of the two existing kura and would provide a Year 1-13 pathway for priority ākonga within the same designated character.

## Legislation

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9. The below paragraphs set out the relevant legislative requirements and restrictions, before approving a merger. If you approve a merger, the notice giving effect to your decision requires that you specify details in relation to the continuing school and governance arrangements. When two or more schools merge, one school is named as the continuing school, with the others being referred to as the merging school(s).
10. Under section 206(1) of the Act, you may, by notice in the Gazette, merge one or more state school if you are satisfied that:
- the Board has made reasonable efforts to consult the parent of students enrolled at each school,
  - the consultation that has taken place has been adequate in all the circumstances, and
  - the creation of the single school by the merger is appropriate in the circumstances.
11. In addition to the consultation undertaken by the Board, under section 209 of the Act, the Minister must consult the boards of all the State schools whose rolls might, in the Minister's opinion, be affected before approving a merger.
12. Under section 207(3) of the Act, a designated character school may not merge or be merged with another designated character or other school unless the schools involved in the merger have the same aims, purposes, and objectives which are different from an ordinary state school. The kura share the same designated character, which is different from an ordinary state school, so meet the requirements under this section.

13. If you agree to merge the schools, under section 206 of the Act, a notice in the New Zealand Gazette state schools must:
- specify a day on which the merger takes effect. The effective date cannot be earlier than the end of the term after the term during which the notice is published. This means that in order for this change to be implemented from Term 1, 2023, should it be approved, a notice would need to be published in Term 3, 2022 (that is before 14 October 2022). We would work to try to achieve this timeline if this proposal is approved, and
  - specify the continuing school and give notice of whether the Board of the continuing school is to remain. The Board has opted to continue with the combined Board they are currently operating, and
  - specify the classification and year levels of the school.

## Consultation

14. Whānau of ākonga attending the two kura have been made aware of the intention of the Board to request a merger since 2019, with some expressing surprise that they are separate kura. The two communities have been kept informed of the progress of the proposal through whānau hui and kura events and are supportive of the application. A timeframe of engagement with whānau is attached as Annex 1. The combined Board has consulted with the whānau of the ākonga of both kura and there was wide support for the merging of the two kura.

### **Consultation with boards of schools whose rolls might be affected**

15. The Ministry undertook consultation under section 209 of the Act, with the boards of nine state schools whose rolls might be affected by the merger of the two kura (METIS 1276882 refers). We received responses from two schools, Hurupaki School and Kamo High School.
16. The Hurupaki School Board confirmed that it had no objection to the application.
17. Kamo High School objected to the increase of capacity in the education sector for Whangārei if this merger was approved. They were also concerned about the impact this merger may have on improving the facilities of existing kura and schools. The response noted that the merger would strengthen Te Kāpehu Whetū's request for permanent facilities.
18. The Ministry is undertaking an analysis into the Whangārei schooling network to inform our network planning (including enrolment schemes). Once the analysis for this has been completed, we will be working with kura and schools, including Kamo High School, to share the information and work with them as we plan for future schooling provision within Whangārei.
19. Property for designated character schools is the responsibility of the Ministry. If the proposed merger is approved, then the Ministry would work with the kura and the Board regarding its aspirations for a site for the merged kura.

## **Iwi consultation**

20. The Ministry also undertook consultation with iwi associated with the Whangārei area and no responses were received. The iwi the Ministry consulted with included:
- Te Rūnanga-ā-iwi o Ngāpuhi
  - Ngāti Wai Trust Board
  - Ngā Hapū o Whangārei representing Te Parawhau, Ngāti Kahu ki Torongare, and Ngāti Hau.
21. Iwi have been aware of the intention of the Board to request a merger since 2019. Iwi have been kept informed of the progress of the proposal through panui (letters), hui, whānau hui and kura events.

## **Ministry consultation with the Combined Board**

22. The Ministry has met regularly with the combined Board since 2019 regarding its proposal to request a merger of the two kura and provided information about the process.

## **Property implications**

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23. The two kura operate on leased sites with leased buildings approximately three kilometres from each other, on different sides of a tributary of the Hātea River in Whangārei. These properties were initially leased by the He Puna Marama Trust for their partnership schools. The Ministry took over the leases in 2018 when the state schools were established.
24. Te Kāpehu Whetū (Teina) operates at 78 Tarewa Road, Whangārei. The Ministry has a deed of variation of the (head) lease between the Landlord and He Puna Marama Trust who directly lease the site from the Whangārei City and Districts Rugby League Incorporated (the Rugby Club). He Puna Marama Trust owns the infrastructure onsite, including teaching spaces and administration facilities.
25. Te Kāpehu Whetū (Tuakana) operates from a combination of leased properties in Lower Dent Street and the nearby Herekino Street, Whangārei. These are refurbished industrial premises in central Whangārei, owned by the Whangārei District Council. The Ministry directly leases part of the facilities from the Council and sub-leases the remainder from a third party.
26. The Te Kāpehu Whetū (Teina) complies with the Building Act 2004, however Te Kāpehu Whetū (Tuakana) still has outstanding Building Act compliance works. A local consultant has been engaged to remedy this.
27. Should the kura be merged, a single site suitable for the two kura would be sought. The current leased spaces are not a long-term option to support the merged kura due to site constraints at the Tarewa Road site and the industrial nature of the Lower Dent and Herekino sites.

28. In the 2018 establishment report, the Ministry advised that establishment of the Tuakana and Teina kura would require funding in future budgets. The initial estimate was that it would require around \$21m to construct a kura catering for 250 Year 9-13 ākonga for the Tuakana kura, and an estimated cost of \$8m to add classrooms to the Teina's Tarewa Road site. These cost estimates are likely to have increased since the initial estimates were done.
29. A business case is being developed for seed funding to complete a Master Plan for the Teina and Tuakana sites.

### Financial implications

30. There have been no significant financial concerns identified with the two kura. As of 31 December 2021, Te Kāpehu Whetū Teina and Te Kāpehu Whetū Tuakana reported an unaudited consolidated net operating surplus of \$87,163 and positive working capital of \$1,821,832.
31. If the kura are merged, it is anticipated that the Board would receive an additional \$55,000 in funding compared to the current combined calculation for each kura. This includes split site funding and Māori Medium Education funding. The combined total is \$2,795,650 which includes funding and staffing costs.
32. If the kura are merged, based on the roll information for both kura, including MME Level 1, the staffing for the merged kura would be 16.3 Full Time Teaching Equivalent (FTTE), 23 Units and four Middle Management Allowance.
33. If the merger is approved the cost to the Crown for the Educational Development Initiative (EDI) funding would be \$432,500. This is in line with the Ministry's EDI policy (and based on the 1 July 2021 roll of 71 at the Tuakana).
34. If this merger is approved, ākonga would continue to attend their current kura location from the beginning of 1 January 2023. Transport assistance would be provided for eligible ākonga within policy.

### Staffing

35. The merged kura would be led by one Pouhere. If you were to agree to merge the kura, the Board will advertise nationally for that position. A process would also be undertaken for staff for the merged kura. The Ministry would provide specialist support to the Board through this process.

### Governance at the merged kura

36. If you approve a merger, you must specify whether the board of the continuing school is to be either:
- the board of the continuing school plus co-opted members representing each merging school, or
  - a board appointed by you.
37. As the two kura are currently governed by a single combined board, you can specify that it remains the Board of the continuing school in the interim period between an announcement of the merger and when it would take effect.



38. The combined Board has requested that if the two kura are merged, the Board's current alternative constitution is retained. However, as there will no longer be two schools, the board, following the merger taking effect, would only have one principal (Pouhere).
39. A subsequent paper will be provided if you approve the merger, seeking your approval of the minor changes to the constitution to reflect the single board and single school.

## Risks

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40. There is a risk with a combined Board already in place that separate meetings for kura governance and merger processes will not be observed. This risk would be mitigated by the appointment of a Change Manager on approval of the merger. The Education Review Office (ERO) would also undertake a readiness review to ensure the Board is developing and implementing effective processes for the kura during the merger process.
41. While the merged kura remains split across two sites, there is a risk to the continuity of the teaching and learning programme due to all strategic resourcing including staffing being split across two sites (please note there is a 3km distance between each of the sites). The Ministry would proactively work with the Board and staff to minimise this disruption for ākonga and whānau and continue to work on a property solution with the Board.
42. There is a risk that, if you approve this decision, but that it is not gazetted before the beginning of term 4 (starting Monday 17 October) that this decision would not be able to take effect for term 1 2023. There are also implications regarding staff redundancies as per the collective agreements, if the staffing process is not completed before 27 January 2023.

## Ministry Comment

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43. The Ministry considers that the requirements under section 206(1) have been met, in that the Board has made reasonable efforts to consult the parent of students enrolled at each school, that the consultation has been adequate in all circumstances and that the created of a single school by the merger is appropriate in the circumstances. As the kura share the same designated character, you can approve a merger in line with the restrictions noted in section 207(3) of the Act.
44. The requirements to consult under section 209 of the Act with the boards of all the State schools whose rolls might, in the Minister's opinion, be affected has been completed by the Ministry.
45. The Ministry recommends you merge these two kura, as it would simplifying the management of two existing kura and provide a Year 1-13 pathway for ākonga within the designated character. If you agree, we recommend the date for the merger to take effect be 1 January 2023.
46. If you agree to merge the two kura, a notice giving effect to your decision and specifying the arrangements under section 206 of the Act, is attached for your signature.

## Next steps

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47. If you agree to merge the two kura, letters to the Presiding Member and local Member of Parliament are attached for you to sign (Annex 2). A draft *New Zealand Gazette* notice is attached for your signature, to give effect to this change (Annex 3).

## Proactive release

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48. It is intended that this education report is proactively released in line with your expectations. Any information which may need to be withheld will be redacted in line with the provisions of the Official Information Act 1982.

## Annexes

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Annex 1: Consultation with the community

Annex 2: Letters to board chairperson and local Member of Parliament

Annex 3: *New Zealand Gazette* notice

## Annex 1: Consultation with the community

Te Kāpehu Whetū			
Date	Event	Action	Notes
16/06/2021	Navigating Māori Futures - Careers Evening	Merger discussed with individual whānau during the evening	Supportive responses, some surprise expressed that TKW (Tuakana) and TKW (Teina) are separate kura.
21 – 23 /06/2021	ERO visit	Discussion about moving towards merging TKW (Tuakana) and TKW (Teina).	Sharing information with ERO about future planning.
24/06/2021	Parent-Teacher Conference	Individual discussions with whānau	Some conversations included merger information sharing.
25/10/2021	Whānau hui, all school whānau invited.	<p>Whānau updated on Staffing for 2022 and management of the staffing situation.</p> <p>Merger will be prioritised in 2022, for a possible 2023 start.</p> <p>Whānau can give us any ideas, feedback.</p>	Whānau awareness of possible merger is widespread.
23/11/2021	Whānau hui, all school whānau invited.	Staffing and merger both part of information shared with whānau. Merger to be worked through in 2022. Whānau input welcomed.	No whānau response.

08/02/2022	Whānau hui, all school whānau invited.	<p>Progress on merger part of information sharing at the hui.</p> <p>9(2)(j) [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>Whānau invited to feedback on merger progress.</p>	No whānau comments.
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N.B. Some planned events had to be cancelled because of Covid restrictions.

Proactively Released

# Hon Kelvin Davis

MP for Te Tai Tokerau

Minister for Māori Crown Relations: Te Arawhiti

Minister for Children

Minister of Corrections

Associate Minister of Education (Māori Education)



Ms Kaye Taylor  
Presiding Member  
185 Lower Dent Street  
Whangārei 0110

9(2)(a)

Tēnā koe Kaye

Thank you for your proposal asking me to merge Te Kāpehu Whetū (Teina) and Te Kāpehu Whetū (Tuakana) kura.

After considering all the information provided to me, I have decided that Te Kāpehu Whetū (Teina) will merge with Te Kāpehu Whetū (Tuakana) to become one kura. The merger will take effect on 1 January 2023. The current combined Board will be the Board of the continuing school, Te Kāpehu Whetū (Tuakana) during the interim period until the merger takes effect on 1 January 2023.

During the merger process, it is important that separate meetings and processes are followed for kura governance and the merger process. To assist the Board with the merger process, a Change Manager will be appointed. Please also ensure you follow the staffing processes regarding the kura merger that are outlined in the relevant collective agreements.

If you have any questions about this process and the next steps, Hira Gage, Director of Education, Te Tai Tokerau | Te Tai Raro | Te Mahau at [hira.gage@education.govt.nz](mailto:hira.gage@education.govt.nz) is available to support you.

Heoi anō

**Hon Kelvin Davis**  
Associate Minister for Education (Māori Education)

cc: Hira Gage | Director of Education for Tai Tokerau

# Hon Kelvin Davis

MP for Te Tai Tokerau

Minister for Māori Crown Relations: Te Arawhiti

Minister for Children

Minister of Corrections

Associate Minister of Education (Māori Education)



Dr Emily Henderson  
Member of Parliament for Whangārei  
Parliament Buildings  
Wellington

Tēnā koe Emily

I have received an application from the combined Board of Te Kāpehu Whetū (Teina) and Te Kāpehu Whetū (Tuakana) proposing that I merge the two kura together.

After considering all the information provided to me, I have decided that Te Kāpehu Whetū (Teina) will merge with Te Kāpehu Whetū (Tuakana). The merger will take effect on 1 January 2023.

Heoi anō

A handwritten signature in blue ink, reading 'Kelvin Davis'.

**Hon Kelvin Davis**  
Associate Minister for Education (Māori Education)

## ***New Zealand Gazette Notice***

Pursuant to section 206 of the Education and Training Act 2020, I hereby merge **Te Kāpehu Whetū (Teina)** (869) and **Te Kāpehu Whetū (Tuakana)** (870) with effect from 1 January 2023.

Te Kāpehu Whetū (Tuakana) (870) will be the continuing school and the combined Board of Te Kāpehu Whetū (Teina) and Te Kāpehu Whetū (Tuakana) will be the Board of the continuing school during the interim period, which shall begin on the day after this notice is published in the *New Zealand Gazette*.

The continuing school will be a composite designated character school providing Year 1-13 education.

Dated this    day of    2022.



**Hon Kelvin Davis**

Associate Minister for Education (Māori Education)