



Education Report: Request to dissolve the Board and direct the appointment of a commissioner for the Zayed College for Girls (471)

To:	Hon Jan Tinetti, Minister of Education		
Date:	21 March 2023	Priority:	High
Security Level:	In Confidence	METIS No:	1303813
Drafter:	Colleen Maguiness	DDI:	9(2)(a) [REDACTED]
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

The purpose of this paper is for you to:

- **Note** that under section 181(1) of the Education and Training Act 2020 (the Act), you have the power to dissolve a school board by notice in the *New Zealand Gazette* if you have reasonable grounds to believe that there is a risk to the operation of the school or to the welfare or educational performance of its students, and that you have not delegated this power in instances where the Board has not requested this level of intervention;
- **agree** to dissolve the Zayed College for Girls (471) Board, under section 181(1) of the Act, and direct the Secretary for Education to appoint a commissioner to replace the Board because of the risk to the operation of the school;
- **(if approved) sign** the attached *New Zealand Gazette* notice; and
- **agree** that this Education Report is proactively released as part of the next publication.

Summary

1. If you have reasonable grounds to believe that there is a risk to the operation of a school, or to the welfare or educational performance of its students then you may apply an intervention in accordance with section 171 of the Education and Training Act 2020 (the Act). When applying an intervention, you must apply whichever intervention is considered reasonable to deal with the risk without intervening more than necessary in the affairs of the school.

2. Under section 181(1) of the Act, you have the power to dissolve the board of a school and direct the appointment of a Commissioner to replace it by notice in the *New Zealand Gazette*. You have not delegated this power in instances where a board has not requested this level of intervention.
3. On 27 October 2022 and 14 November 2022, the Proprietor requested that you dissolve the Zayed College for Girls' Board and appoint a commissioner under section 181 of the Education and Training Act 2020. Following the receipt of these requests the Ministry reviewed all the documentation relating to Zayed College for Girls and identified concerns regarding the Board's ability to govern effectively.
4. While the Board has received on-going and significant support from the Ministry's Regional Office and the New Zealand School Trustees Association (NZSTA), the Ministry has continued to receive complaints from the Proprietor, individual Board members, school, staff, parents and students concerning matters relating to school management, governance and dysfunctional relationships within the Board.
5. The change of Proprietor's representatives on the Board, and the election of a Proprietor's representative as Presiding Member at the beginning of 2022 resulted in concerns being raised by school management and the development of tense relationships within the Board. 9(2)(g)(i)

Recommended Actions

The Ministry of Education recommends you:

- a. **Note** that when applying an intervention you must apply whichever intervention you consider is reasonable to deal with the risk without intervening more than necessary in the affairs of the school under section 171(5) of the Education and Training Act 2020 (the Act);

Noted

- b. **note** that under section 181(1) of Act, you have the power to dissolve a school board by notice in the *New Zealand Gazette* if you have reasonable grounds to believe that there is a risk to the operation of the school or to the welfare or educational performance of its students;

Noted

- c. note that given the significant breakdown in relationships between the Board and Proprietor and the Board and Principal, the Board is no longer effectively able to govern the school. As the Board is not supportive of an intervention and working with a statutory provider, a lower level intervention is not being recommended;

Noted

- d. **agree** to dissolve the Zayed College for Girls (471) Board, under section 181(1) of the Act, and direct the Secretary for Education to appoint a commissioner to replace the Board because of the risks to the operation of the school;

☒ Agree / Disagree

- e. **(If you agree) sign** the attached New Zealand Gazette notice addressing these matters; and

- f. **agree** that the Ministry of Education release this briefing in full once it has been considered by you.

☒ Agree / Disagree



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

21/3/2023



Hon Jan Tinetti
Minister of Education

24/03/2023

Background

1. Zayed College for Girls (the College) is a state integrated, Year 7 - 13 school located in Mangere, Tāmaki Makaurau.
2. The College integrated into the state system in 2010 and the Proprietor was the Zayed Bin Sultan Al Nahyan Charitable and Humanitarian Foundation. The College was named after Sheikh Zayed bin Sultan Al Nahyan.
3. On 22 June 2020, due to a number of ongoing parent complaints, the Secretary for Education directed the Board of Zayed College for Girls to engage Specialist Help under Section 78K of the Education Act 1989, because of reasonable grounds for concern that there was a risk to the operation of the school. On 3 March 2021, the risk had reduced, and this intervention was revoked when the Board agreed to accept support from NZSTA and an experienced governance facilitator to help it develop expertise and knowledge in its governance role.
4. In May 2022, the Proprietor trustees changed, and the Proprietor changed its name to Aotearoa Charitable Foundation Trust (ACFT).
5. In August 2022, the Board and Proprietor requested a change of name for Zayed College for Girls to Aotearoa Islamic Girls' School and provided evidence of a consultation process. At this stage, the Ministry received communication from some stakeholders, including school management, staff and students, indicating dissatisfaction with changing the name of the school. The Secretary approved the name change, (as under section 192 of the Act she may not withhold consent unless satisfied that the proposed new name is inappropriate) subject to a board resolution, and informed the Presiding Member of the decision. We have not received notification of the resolution to date.

Issues

6. The Ministry has identified significant concerns regarding the governance of Zayed College for Girls and the Board's ability to oversee the management of the school.
7. While the Board has received on-going and significant support from the Ministry's Regional Office and NZSTA, the Ministry has continued to receive complaints from the Proprietor, the Board, school management, parents, staff, and students concerning dysfunctional relationships within the Board.
8. In 2021, Ministry staff advised the Board about accessing training from the NZSTA to enable it to understand its roles and responsibilities in order to govern the school effectively.
9. The current issues began in early 2022 with the new Proprietor's representatives being appointed to the Board.
10. On 18 May 2022, Ministry staff met with the Board to communicate concerns the Ministry had received about the operation of the Board, and the breakdown in relationships within the Board, between the Board and the Proprietor and between the Board and the Principal.
11. After the election of five new parent representatives on 14 September 2022, the Board elected a parent representative as the new Presiding Member at its first meeting on 19 October 2022. The NZSTA governance advisor attended this meeting.

20. Following this meeting the Proprietor again requested that a commissioner be appointed.
21. The Board has indicated that the community is concerned about the future of the school due to the on-going issues.

Rationale for intervening at this level

22. Under section 171 of the Education and Training Act 2020 (the Act), the Minister of Education may apply an intervention if there are reasonable grounds to believe that there is risk to the operation of a school, or to the welfare or educational performance of its students. When applying an intervention, the Minister must apply whichever intervention is considered reasonable to deal with the risk without intervening more than necessary in the affairs of the school.
23. The Ministry has considered non-statutory intervention or lower levels of intervention. However, as there has been an irreconcilable breakdown in the relationship between the Board and the Proprietor, neither of these options would be sufficient to address the current risk.
24. Due to the significance of the presenting issues, the Ministry recommends that the Board be dissolved under section 181(1) of the Act, and a commissioner appointed under section 181(2) of the Act.

Consultation

25. Ministry staff were in regular contact with the NZSTA governance advisor who attended most Board meetings as part of the planned support for the Board. The Ministry consulted with NZSTA between 21 October and 18 November 2022 around the current issues at Zayed College for Girls. NZSTA advised that prior to the 2022 Board elections, there were concerns amongst board members regarding board processes. NZSTA is supportive of the recommendation to dissolve the Board and appoint a commissioner.
26. On 7 December 2022, the Ministry consulted with the Education Review Office (ERO). ERO advised that the understanding between governance and management and the relationship between school leaders and the Board appeared unclear.
27. On 20 December 2022, the Ministry consulted with the Presiding Member regarding the recommendation to dissolve the Board and appoint a Commissioner. On 27 December 2022, the Presiding Member met with the Board members to discuss the recommendation.
28. On 31 January 2023, the Ministry received communication from the NZ Post Primary Teachers Association (PPTA) which has been working on staff complaints and concerns. It advised that the experience of its Field Officers from the Auckland Office over the years has been challenging.
29. On 7 February 2023, the Presiding Member reported to the Ministry that the Board was opposed to the intervention at the commissioner level. The Board believes it can now function effectively without an intervention. The Ministry has informed the Board that it will continue with the recommendation to dissolve the Board and appoint a commissioner.

Risks

30. The following risks have been identified by the Ministry as likely to arise if this intervention is approved:

Likely issues	Mitigating these issues
Divisions are created in the staff/school community.	<ul style="list-style-type: none">The appointee will need to align with the Muslim community and Zayed College for Girl's vision for girls' education.The Ministry will recommend to the appointed commissioner that a parent representative group is established.
The Principal does not accept support/direction from the Statutory Provider	<ul style="list-style-type: none">The appointee will need to build a constructive relationship with the Principal.
Negative media attention.	<ul style="list-style-type: none">The Ministry will ensure that the appointee is experienced in communication, collaboration and liaises with community members and the media.

Other Relevant Information

31. If you agree to dissolve the Board under section 181(1) of the Act and direct the Secretary for Education to appoint a commissioner to replace the Board, the Secretary must consult with the school's Proprietor and must have regard to any recommendations made before making an appointment. The appointed Commissioner will then scope the issues in greater depth and develop a scoping report within the first four to six weeks of appointment.
32. The Ministry will finalise the set of expected outcomes for this intervention based on the facts collated in the scoping report, and then the Commissioner will develop a planned approach to achieve these outcomes. The Commissioner will continue to report monthly to the Ministry on progress towards achieving these outcomes.
33. The Secretary for Education must review the intervention within twelve months of the intervention taking effect and annually thereafter. When the Secretary considers that the Commissioner is no longer required, they will ask the Commissioner to prepare for a new Board to take office.

Financial Implications

34. The financial position as of December 2022 was strong for a school of this size with a working capital of 9(2)(i) [REDACTED]
35. Therefore, at this current time the school can fund the intervention costs, however the Ministry will continue to monitor this through the duration of the intervention, if approved.

Proactive Release

36. It is intended that this Education Report be proactively released as per your expectation that information be released as soon as possible. Any information that may need to be withheld will be done in line with the provisions of the Official Information Act 1982.

Annexes

Annex 1: Notice for the *New Zealand Gazette* – Commissioner

NOTICE FOR NEW ZEALAND GAZETTE

Notice of Dissolution of Zayed College for Girls (471) Board and Direction to Appoint a Commissioner

Under section 181(1) of the Education and Training Act 2020, I hereby dissolve the Zayed College for Girls (471) Board and direct the Secretary for Education to appoint a Commissioner to replace that board.

This notice takes effect on the date of publication.

Dated at Wellington this 24th day of March 2023.



Hon Jan Tinetti
MINISTER OF EDUCATION