



Education Report: Cancellation of the Integration Agreement for San Antonio School (Eastbourne) (2986)

To:	Hon Jan Tinetti, Minister of Education		
Date:	17 March 2023	Priority:	High
Security Level:	In Confidence	METIS No:	1305112
Drafter:	Luka Velebit, Education Adviser	DDI:	9(2)(a)
Key Contact:	Roy Sye, Director of Education Wellington	DDI:	04 463 8668
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This report provides you with consultation feedback about the proposed cancellation of the Integration Agreement for San Antonio School (2986), Eastbourne.

This paper also seeks your decision on whether you agree with the proprietor, the Archbishop of Wellington, that the Integration Agreement for San Antonio School should be cancelled as the school is no longer viable and its roll is unlikely to grow. The cancellation would be under clause 11(1)(c) of Schedule 6 to the Education and Training Act 2020.

Clause 14 of Schedule 6 to the Act provides for the Minister and proprietor to cancel the Integration Agreement of a state integrated school by mutual agreement, after consultation with other interested persons or groups as they consider appropriate. We have undertaken this consultation on your behalf [METIS 1299825 refers].

Summary

1. San Antonio School (2986) is a state integrated, Roman Catholic, co-educational Year 1-8 full primary school located in Eastbourne, Wellington. The proprietor is the Archbishop of Wellington, Cardinal John Dew.
2. On 19 October 2022, the proprietor contacted you to propose cancelling the Integration Agreement for San Antonio School by mutual agreement, due to the decline in the school roll.
3. On 18 December 2022, you agreed to initiate consultation on the possible closure of San Antonio School [METIS 1299825 refers]. We have now completed this consultation on your behalf.

4. Consultation has been undertaken with the Board of the school concerned, and the boards of all state schools whose rolls might be affected. There were no objections to the proposed closure of San Antonio School and the Board and community support the closure of the school.
5. There are currently no students enrolled at San Antonio School and there is a fixed term acting principal.
6. Under clause 11(1)(c) of Schedule 6 to the Education and Training Act 2020, an Integration Agreement may be cancelled by agreement between you and the proprietor, subject to completing consultation with other interested parties or persons as they think under clause 14 of Schedule 6 to the Act.
7. Under clause 11(2)(c) of schedule 6 to the Education and Training Act 2020, when cancelling an Integration Agreement, in the absence of an agreement to the contrary, the school is to be treated as a provisionally registered private school.
8. We recommend you agree with the proprietor that upon cancellation, the school will not become a provisionally registered private school, as the proprietor has indicated that if you agree to the cancellation of the Integration Agreement, the school will close.

Recommended Actions

The Ministry of Education recommends you:

- a. **note** the proprietor of San Antonio School (Eastbourne) has proposed cancellation of the school's Integration Agreement by mutual agreement under clause 11(1)(c) of Schedule 6 to the Education and Training Act 2020.
- b. **note** the consultation feedback and consider it within the context of the proprietor's proposal to cancel the school's Integration Agreement;
- c. **agree** to cancel the Integration Agreement for San Antonio School by mutual agreement with the proprietor, under clauses 11(1)(c) and 14 of Schedule 6 to the Education and Training Act 2020, with effect from 23 April 2023.

☒ Agree / ☐ Disagree

- d. **note** that under clause 11(2)(c) of schedule 6 to the Education and Training Act 2020, when cancelling an Integration Agreement, in the absence of an agreement to the contrary, the school is to be treated as a provisionally registered private school;
- e. **note** that the proprietor of San Antonio School intends to close the school, should you agree to cancellation of the Integration Agreement;
- f. **agree** with the proprietor that upon cancellation of the Integration Agreement, the school will not become a provisionally registered private school and the proprietor will close the school.

Agree / Disagree

If you agree, you are asked to:

- g. **sign** and have witnessed the attached Agreement to Cancel Integration Agreement for San Antonio School, which also provides that the school will not be treated as a provisionally registered private school upon cancellation;
- h. **sign** the attached *New Zealand Gazette* notice; and
- i. **sign** the enclosed letters to the proprietor, the Presiding Member of the Board, and the local Members of Parliament informing them of your and the proprietor's decision to cancel the Integration Agreement San Antonio School, Eastbourne.

We also recommend you:

- j. **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.

Proactively release / Not release

Nancy Bell
Hautū | Deputy Secretary
Te Mahau | Te Tai Runga

17/03/2023

Hon Jan Tinetti
Minister of Education

24/03/2023

Background

1. San Antonio School is a state integrated, Roman Catholic, co-educational, Year 1-8 full primary school located in Eastbourne, Wellington.
2. The proprietor is the Archbishop of Wellington, Cardinal John Dew. The school first opened in 1932 and was integrated into the state system in 1982.
3. The Board asked to meet with the Ministry and the proprietor in August 2022 and advised that it was seeking voluntary closure of the school. The Board considered that while it was a tough decision, it was in recognition of a falling roll with low numbers of families living in Eastbourne with school aged children, who support the special character.
4. As of October 2022, the roll was 20 students, however, there are currently no students enrolled to attend this school.
5. The community was aware of the proprietor's intent to seek cancellation of the Integration Agreement and closure of the school.
6. There is existing capacity within the school network around San Antonio School which includes one Year 1-8 full primary state school and two Year 1-8 full primary state integrated Catholic schools.
7. The proprietor has reluctantly accepted the Board's advice and proposes the cancellation of the Integration Agreement, and the closure of the school. We agree that the school is no longer viable due to the diminishing roll numbers at this school.

Cancelling the Integration Agreement

8. Clause 14 of Schedule 6 to the Education and Training Act 2020 (the Act) allows for the Minister and the proprietor to cancel an Integration Agreement under clause 11(1)(c) of Schedule 6 of the Act by mutual agreement, after consultation with other interested persons or groups as they see fit.
9. Under clause 11(2)(c) of Schedule 6 to the Act, when cancelling an Integration Agreement, in the absence of an agreement to the contrary, the school is to be treated as a provisionally registered private school.
10. The proprietor has indicated that if you agree to the cancellation of the Integration Agreement, they wish to close the school. To enable this, we recommend you agree that upon cancellation, the school will not become a provisionally registered private school. The proprietor can then close the school.

Consultation

11. The Ministry has undertaken consultation on the possible cancellation of the Integration Agreement and school closure, on your behalf. We consulted with schools whose rolls might be affected by the closure.
12. On 23 January 2023, consultation letters were sent out to the following schools.

Name of school	School type
San Antonio School	Year 1-8
Muritai School	Year 1-8

Gracefield School	Year 1-6
Our Lady of the Rosary (Waiwhetu)	Year 1-8
Randwick School	Year 1-8
Wilford School	Year 1-8
Petone Central School	Year 1-8
Sacred Heart School (Petone)	Year 1-8

13. We also consulted with the education sector about the application. Letters were sent to the New Zealand Educational Institute (NZEI), the New Zealand School Trustees Association (NZSTA) and the Association of the Proprietors of Integrated Schools (APIS).
14. These schools and organisations acknowledged the consultation letters but none made further comment about the proposal to cancel the Integration Agreement for San Antonio School.

Financial Implications

15. If you agree to the cancellation of the Integration Agreement, the estimated operational savings to the Crown in the first year after cancellation is approximately \$86,165 (GST excl). Over ten years, the cancellation will save the Crown approximately \$861,650.
16. If the school closes, the Education Development Initiative (EDI) cash grant generated will be \$190,500. This amount is based on the school's 2022 July roll of 21 students and is to be used by the schools where the students from San Antonio have enrolled, to support their transition and learning.
17. The Ministry will negotiate an EDI memorandum of agreement with the Board. This will detail where the Crown's assets and EDI funding will be distributed following the closure.

Arrangements if you agree to cancel the Integration Agreement

Staffing

18. San Antonio School has a present staffing entitlement of 1.35 Full Time Teacher Equivalents. The current acting principal is due to finish at the end of Term 1, 23 April 2023.

Property

19. As San Antonio School is a state integrated school, once the Integration Agreement is cancelled, the property (land and buildings) will remain the full responsibility of the proprietor. The ongoing use of the land and buildings will be at the proprietor's discretion.

Risks

20. There are no identified risks with the proposal to cancel the Integration Agreement for San Antonio School.

Conclusion

21. It is recommended you agree to cancel the Integration Agreement and that this takes effect on 23 April 2023. You are asked to sign the attached cancellation agreement (Annex 1).
22. The school would also close on this date.

Next steps

23. If you agree to cancel the Integration Agreement for San Antonio School, please sign the agreement between the Crown and the proprietor agreeing that the integration will be cancelled and that upon cancellation, the school will not become a provisionally registered private school (Annex 1), the attached letters (Annex 2) and the *New Zealand Gazette* notice (Annex 3).
24. We will work with the Board and proprietor to implement the closure of the school.

Proactive Release

25. It is intended that this Education Report is proactively released. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Annexes

Annex 1: Agreement to Cancel Integration Agreement

Annex 2: Letters to proprietor, Presiding Member and local Members of Parliament

Annex 3: *New Zealand Gazette* notice

Proactively Released

Proactively Released

Hon Jan Tinetti

Minister of Education
Minister for Women
Minister for Child Poverty Reduction



Cardinal John Dew
Proprietor
PO Box 1937
Wellington
6140

Tēnā koe Cardinal Dew

Thank you for your letter proposing the cancellation of the Integration Agreement for San Antonio School and your advice that if I agreed to your proposal, you would subsequently close the school.

After considering all the information provided to me, I am satisfied the Integration Agreement for San Antonio School should be cancelled by mutual agreement, as provided for in clause 11(1)(c) of Schedule 6 to the Education and Training Act 2020.

I have enclosed the Agreement to Cancel the Integration Agreement of San Antonio School, which I have signed. I have also agreed that upon cancellation of the Integration Agreement, the school will not become a provisionally registered private school.

As you are aware, the cancellation of the Integration Agreement will be gazetted and take effect on 23 April 2023.

I have also written to the Presiding Member of the Board, thanking board members for their service, and acknowledging that the members of the current and previous board, and staff, have given significant time and effort to San Antonio School and the education of its children.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'J. Tinetti'.

Hon Jan Tinetti
Minister of Education

cc. Dr Kevin Shore, CEO, Association of Proprietors of Integrated Schools

Hon Jan Tinetti

Minister of Education
Minister for Women
Minister for Child Poverty Reduction



Luke Mathieson
Presiding Member
San Antonio School
PO Box 411314
Eastbourne
Lower Hutt
5013

Tēnā koe Luke

I have received a letter from your proprietor, Cardinal John Dew, advising me that he wishes to cancel the Integration Agreement for your school. No feedback was received from the formal consultation process that the Ministry undertook on my behalf.

After considering all the information provided to me, I am satisfied the Integration Agreement for San Antonio School should be cancelled by mutual agreement, as provided for in clause 11(1)(c) of Schedule 6 to the Education and Training Act 2020. The cancellation of the Integration Agreement will be gazetted and take effect on 23 April 2023. I note that the proprietor will also close the school on this date.

I appreciate that the closure of San Antonio School will not be easy for the Board and the school community. I would like to take this opportunity to thank you for the service that board members and staff have given to San Antonio School, its community and to the education of its children.

Nāku noa, nā

Hon Jan Tinetti
Minister of Education

Hon Jan Tinetti

Minister of Education
Minister for Women
Minister for Child Poverty Reduction



Hon Ginny Andersen
Member of Parliament for Hutt South
Parliament Buildings

Tēnā koe Ginny

On 19 October 2022, the proprietor for San Antonio School, Cardinal John Dew, proposed that we cancel the Integration Agreement for San Antonio School, by mutual agreement. The proprietor has indicated that following the cancellation of the agreement, he will close the school.

On my behalf, the Ministry of Education has consulted with the Board of San Antonio School and the boards of state and state integrated schools whose rolls might be affected if the school closes.

After considering the information provided to me, including that the school currently has no students, I am satisfied that the Integration Agreement for San Antonio School should be cancelled by mutual agreement. This will take place on 23 April 2023. The Ministry will work with the school to support the closure process.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'J. Tinetti'.

Hon Jan Tinetti
Minister of Education

Hon Jan Tinetti

Minister of Education
Minister for Women
Minister for Child Poverty Reduction



Hon Rino Tirikatene
Member of Parliament for Te Tai Tonga
Parliament Buildings

Tēnā koe Rino

On 19 October 2022, the proprietor for San Antonio School, Cardinal John Dew, proposed that we cancel the Integration Agreement for San Antonio School, by mutual agreement. The proprietor has indicated that following the cancellation of the agreement, he will close the school.

On my behalf, the Ministry of Education has consulted with the Board of San Antonio School and the boards of state and state integrated schools whose rolls might be affected if the school closes.

After considering the information provided to me, including that the school currently has no students, I am satisfied that the Integration Agreement for San Antonio School should be cancelled by mutual agreement. This will take place on 23 April 2023. The Ministry will work with the school to support the closure process.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'J. Tinetti'.

Hon Jan Tinetti
Minister of Education

Cancellation of Integration Agreement for San Antonio School (2986)

Under clause 17 of Schedule 6 to the Education and Training Act 2020, I hereby give notice that the Minister of Education on behalf of His Majesty the King in right of New Zealand, and the proprietor, the Roman Catholic Archbishop of the Archdiocese of Wellington have mutually agreed to cancel the Integration Agreement for San Antonio School, Eastbourne (2986) with effect from 23 April 2023.

This agreement was signed on 29 March 2023, by the Minister of Education on behalf of His Majesty the King in right of New Zealand, and by the proprietor.

Dated at Wellington this 29th day of March 2023.



Hon Jan Tinetti
Minister of Education

Annex 1 – Agreement to cancel integration agreement

AGREEMENT TO CANCEL INTEGRATION AGREEMENT

This agreement is made on the day of 20

Between:

His Majesty the King in right of New Zealand acting by and through the **Minister of Education, Hon Jan Tinetti**

and

The Proprietor, Cardinal John Dew

together **the Parties**

in relation to **San Antonio School**.

Background

- A By an Integration Agreement dated [DATE], between the Minister and the Proprietor ("Integration Agreement"), the School was established as a State integrated school.
- B The proprietor considers that the school is no longer viable due to a continuously falling roll over the last few years.
- C The Parties now wish to cancel the Integration Agreement under Schedule 6, clauses 11(1)(c) and 14 of the Education and Training Act 2020.

Agreement

1. Under Schedule 6, clauses 11(1)(c) and 14 of the Act the Integration Agreement is cancelled with effect from 23 April, 2023 and the school shall cease to be an integrated school upon that date. The respective rights and obligations of the parties that arise owing to the integration agreement cease to have effect on that date.
 2. Despite Schedule 6, clause 11(2)(c) of the Act the School will not be treated as provisionally registered as a private school upon cancellation of the Integration Agreement.
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Execution

Signed on the 22 day of February two thousand and twenty three (2023) for and on behalf of

Cardinal John Dew

John A. Dew

and its Common Seal affixed in the presence of:

Trustee: *T L Halliday*

T L Halliday
Secretary
Wellington 6021



Trustee: *H. Ren*

Vicar for Education
PO Box 1937
Wellington 6140

Signed on the 29th day of March [2023] for and on behalf of

His Majesty the King in right of New Zealand by:

Jan Tinetti

Hon Jan Tinetti

Minister of Education,

in the presence of:

Melissa Webster

(Signature)

Name: Melissa Webster

Occupation: SFS

Ordinary place of residence: Wellington, N.Z
(town/city)