



27 July 2021



Tēnā koe 

Thank you for your email of 8 June 2021 to the Ministry of Education requesting the following information:

1. *A copy of the application [to become state integrated and coeducational] by Hereworth School*
2. *Any correspondence between the school and the Ministry relating to this matter*
3. *The Ministry's process to consider their application*
4. *The opportunity for me to make a submission on their application.*

Your request has been considered under the Official Information Act 1982 (the Act).

As you may be aware, New Zealand's education system allows for a range of different types of schools. The three main categories of school are: state schools; state-integrated schools; and: private schools. State-integrated Schools are private schools that have integrated into the State system, as described further below.

The process to become a state-integrated school

Upon integration, a state-integrated school continues to have the right to reflect, through its teaching and conduct, the education it delivers while retaining its special character. Schedule 6 of the Education and Training Act 2020 governs the integration of private schools. For your reference, the full schedule is available at legislation.govt.nz/act/public/2020/0038/latest/LMS176174.html.

When a private school integrates into the state system, the proprietor enters into an Integration Agreement with the Minister of Education. The Integration Agreement records the integration terms and conditions, including the details of the property to be integrated.

Attached as **Appendix A**, you will find a copy of the Ministry's full internal process to develop an Integration Agreement with the proprietor of a prospective state-integrated school, and a copy of the application form we require prospective state-integrated schools to complete as part of that process.

At present, the school's application to negotiate integration is in the beginning stages of consideration and no decisions have been made. The information provided to the Ministry in the school's application and through email correspondence will, in the near future, be used to inform advice provided to the Minister.

Therefore, I am withholding the application made by Hereworth School and the documents provided to support their application, in full under sections 9(2)(ba)(ii) and 9(2)(f)(iv) of the Act, to:

- protect information subject to an implied obligation of confidence and where release of that information would otherwise damage the public interest; and

- maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

I have identified no public interest considerations sufficient to outweigh the need to withhold this information at this time.

The Ministry has had several interactions in person, over the phone, and through email with the school to assist them in applying to negotiate integration. As allowable under section 16(1)(e) of the Act, I am providing you with a summary of the correspondence between the school and the Ministry on the subject of their application, including advice sought from the school, and the Ministry's responses. This summary is attached as **Appendix B** to this response.

As part of the process, we are going to be consulting with the local school communities in the coming weeks. To be part of this consultation, please contact Emma Bourne, Senior Advisor, via email at emma.bourne@education.govt.nz. Emma will be able to provide you with additional information about the application, so you are able to make a full submission before the application to negotiate integration reaches the Minister for his consideration.

Once a final decision is made, we will publish the key documentation online including the application and advice to the Minister. This information will be available at education.govt.nz/our-work/information-releases/issue-specific-releases/integration-agreements-for-state-integrated-schools/ and at education.govt.nz/our-work/information-releases/advice-seen-by-our-ministers/.

Additionally, the school has released some information, including a high-level summary of the key points of their application, which may be of interest to you. This information is available at hereworth.school.nz/Application-to-Integrate.

In deciding to withhold information under section 9(2)(f)(iv) of the Act, I have considered the public interest in favour of releasing this information, as required under section 9(1) the Act. On balance, I consider the withholding of the information is necessary to protect the confidentiality of advice tendered by Ministers and officials, outweighing the public interest in this information, at this time.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Helen Hurst
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