



Education Report: Further to approval to dissolve the Board of Te Kura Kaupapa Māori o Waiuku and appoint a commissioner

To:	Hon Chris Hipkins, Minister of Education		
Date:	19 August 2020	Priority:	High
Security Level:	In Confidence	METIS No:	1237702
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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:

- 1 **Note** further information provided following your 8 August 2020 approval to dissolve the Board of Te Kura Kaupapa Māori o Waiuku and appoint a commissioner, at which time you requested further information about the Ministry's management of this situation.

Summary

- 2 On 8 August 2020 you dissolved Te Kura Kaupapa Māori o Waiuku (TKKM o Waiuku) Board of Trustees under section 78N (1) of the Education Act 1989.
- 3 Following your decision to dissolve the Board you asked questions about the Ministry's management of this situation.
- 4 Our management of this situation has involved complex relationship management with the Kura and with Te Rūnanga Nui (TRN) to maintain good faith with all parties. This approach unfortunately prolonged a complex situation, which in retrospect we should have resolved more urgently. We apologise for the delay that arose from this approach.
- 5 Schools are permitted to remain in the Establishment Board (EBOT) phase for prolonged periods. It is not unusual for kura to retain their EBOT, or to never move to having an elected board. We have engaged TRN to work with kura that have retained their EBOTs, and while some have successfully moved to holding elections, TKKM o Waiuku has not.

- 6 The governance of TKKM o Waiuku has deteriorated to the point where the Tumuaki is making decisions himself and then informing others (including Board members) after the fact. We are aware that within the wider context of the Kura there has been a breakdown in relationships between the Tumuaki and whānau, which has resulted in both TRN and the iwi no longer supporting the Kura.
- 7 Neither the Ministry nor TRN nor the Education Review Office (ERO) has been able to work with the Tumuaki or EBOT to successfully support the Kura.
- 8 To resolve the situation, we are working closely with the Commissioner to develop a detailed plan to remedy the issues at the Kura.

Recommended Actions

The Ministry of Education recommends you:

- a. **note** that additional information has been provided about TKKM o Waiuku; and;


Noted

- b. **agree** to proactively release this Education Report as part of the next publication

☒ **Agree** ☐ **Disagree**

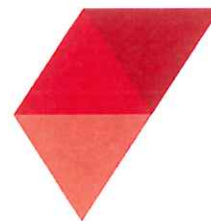

Katrina Casey
Deputy Secretary
Sector Enablement and Support

19/8/2020


Hon Chris Hipkins
Minister of Education

14/10/20

As a general principle, schools should have regularised governance in place within 12-18 months of opening, and no later than the next full BOT election cycle.



Background

- 1 On 8 August 2020 you agreed to dissolve TKKM o Waiuku Board of Trustees due to the risks to the operation of the Kura. Following your decision, you requested further information from the Ministry of Education about our management of the situation.

Time taken to resolve the situation

- 2 Our management of this situation has been impacted by complex relationship issues involving the Kura and Te Rūnanga Nui (TRN). We have focussed on maintaining good faith with all parties.
- 3 This approach unfortunately prolonged a complex situation, which in retrospect we should have resolved more urgently. We apologise for the delay that arose from this approach.
- 4 Once we decided last year that a statutory intervention was required to resolve the serious issues facing TKKM o Waiuku, we relied heavily on TRN to supply the statutory provider. This reflects our usual process for any intervention in a Kura Kaupapa Māori.
- 5 After some time it became evident that TRN was uncomfortable in this role as it was impacting its relationship with the Kura and the Tumuaki. During 2019 the relationship between TRN and TKKM o Waiuku broke down and communication ceased between them.
- 6 The Tumuaki felt it was a TRN role to support him and the Kura, and TRN had offered to supply the provider from its staff. Following the relationship breakdown between TRN and the Tumuaki, TRN reconsidered its offer and informed us that it would no longer supply a provider.
- 7 At this point we felt that, given the seriousness of the issues, the most appropriate provider to achieve the outcomes of an intervention in a Te Aho Matua setting was someone from TRN. After some negotiations, TRN reconsidered and once again agreed to supply a provider.
- 8 Unfortunately, each time we tried to progress the process, we were unable to confirm a provider. At the end of 2019 TRN suggested that the provider should be supplied from the iwi. We responded that the provider needed a high level of expertise and experience in education leadership and management and the suggested provider would not meet that criteria.
- 9 The process was further deferred as a result of COVID-19, until meetings and travel were possible and while other priorities were addressed. During this period we continued to discuss this matter with TRN, who ultimately informed us that they were not prepared to supply a provider.
- 10 We then looked for an alternative provider, but were unsuccessful as there are very few providers available outside of the TRN network who possess the capabilities needed to strengthen governance in a Kura Kaupapa Māori.
- 11 We subsequently appointed Mike King of Cognition Education Group as the provider.

Following up issues with the EBOT

- 12 Schools are permitted to remain in the Establishment Board (EBOT) phase for prolonged periods. It is not unusual for TRN to work with their kura that have retained their EBOTs, and while some have successfully moved to holding elections, TKKM o Waiuku has not.
- 13 The governance of TKKM o Waiuku has deteriorated to the point where the Tumuaki is making decisions himself and then informing others (including Board members) after the fact. We are aware that within the wider context of the Kura there has been a breakdown in relationships between the Tumuaki and whānau, which has resulted in both TRN and the iwi no longer supporting the Kura.
- 14 Neither the Ministry nor TRN nor ERO has been able to work with the Tumuaki or EBOT to successfully support the Kura.

Lack of basic accountability documentation at the Kura

- 15 We followed up on the Kura's lack of required documentation regularly with the Tumuaki. On reflection, we should have been stronger in our decision making and made the call to apply a statutory intervention at the beginning of the year.
- 16 Despite considerable efforts, we have not been able to develop a positive working relationship with the Tumuaki. More recently it has been challenging to meet with the Tumuaki at all as the Kura has not been operational and no one is on site.

Risks

- 17 The Tumuaki is likely to continue to be difficult to engage with, and the Commissioner will need to take a careful and thoughtful approach to working together.
- 18 We will support the Commissioner as he decides how to engage with the Tumuaki. TRN have also agreed to support the outcomes of the intervention, and the Commissioner may draw on TRN advice in developing his outcomes plan.

Financial Implications

- 19 We will provide financial assistance to TKKM o Waiuku to pay the statutory provider's costs.

Next steps

- 20 We will shortly be meeting with the Commissioner to develop a detailed plan for the intervention. This will include the Commissioner meeting with the Kura, financial auditors, financial service provider and creditors. These meetings will inform the Commissioner's four week scoping phase.
- 21 Once the Commissioner has completed his scoping of the issues at the Kura we will work with the Commissioner to draft and confirm the intervention outcomes plan. This will include consideration of closure.

- 22 We will monitor the intervention closely to ensure the Commissioner is working towards achieving the outcomes of the intervention. The Commissioner will provide monthly reports about progress towards completion of the outcomes.
- 23 We are strengthening our national processes to ensure regions are better supported to progress challenging governance and leadership issues where they become stalled.

Proactive Release

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