



Education Report: Ministerial appointments to the Tai Wānanga (632) Board of Trustees

To:	Hon Chris Hipkins, Minister of Education		
Date:	4 August 2020	Priority:	High
Security Level:	In Confidence	METIS No:	1234907
Drafter:	Andrea Thomson (Senior Advisor)	DDI:	04 463 8254
	Alison Harold (Manager Education, Waikato)	DDI:	07 858 7311
Key Contact:	To 7 August 2020: Paula Rawiri (Director of Education Waikato)	DDI:	07 850 8924 s 9(2)(a)
	From 8 August 2020: Rowan Brickell (Director of Education Waikato)		07 8373129 s 9(2)(a)
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

The purpose of this paper is for you to:

- **Note** that the current alternative constitution of Tai Wānanga Board of Trustees (the Board) provides for up to three trustees appointed by the Minister of Education. The Ministry undertakes the process to provide you with recommended candidates for your consideration.
- **Agree** to reappoint David Hood and Rangimarie Parata-Takurua to the Tai Wānanga (632) Board of Trustees through to 3 May 2021; and if you agree;
- **Sign** the attached letters to the successful candidates confirming their re-appointments; and
- **Agree** to not exercise your powers to appoint a third trustee at this time;
- **Agree** to proactively release this report with appropriate redactions.

Summary

- 1 Tai Wānanga (632) was established with a designated character in November 2010 (New Zealand Gazette, Notice Number 2010-go8857). The Kura is a decile 4, co-educational secondary school (Year 9 to 13), with two campuses located in Hamilton and Palmerston North.
- 2 The designated character of Tai Wānanga is described as having a special and deliberate focus on education through a tikanga-based programme. The education is delivered in English, within a uniquely Māori environment, providing an inclusive, interactive and nurturing learning experience to ensure health in body, mind and spirit.
- 3 While Tai Wānanga has a special and deliberate focus on Māori students, the Tai Wānanga Board of Trustees (Board) believe its philosophy, culture of caring and sharing, and its emphasis on success and excellence will attract other students who are looking for choice beyond mainstream schooling.
- 4 On 22 August 2013, the then Minister of Education approved an Alternative Constitution for Tai Wānanga Board of Trustees, under section 105A (now section 98A) of the Education Act 1989 (the Act). The alternative constitution was published in the New Zealand Gazette on 29 August 2013 (notice number 2013-go5470).
- 5 The Board is currently reviewing its alternative constitution under section 98A of the Act to align more closely with the designated character of the school. Proposed amendments would require new processes to select and appoint people to the Board, including removing the requirement for up to three appointments to be made by the Minister of Education.
- 6 The Board's application to review its alternative consultation is on hold, pending further consultation.

Ministerial appointments

- 7 The current constitution of the Board provides for up to three trustees appointed by the Minister of Education. The Ministry undertakes the process to provide you with recommended candidates for your consideration.
- 8 In December 2019, we recommended that you invite the three then current Ministerial appointed trustees to continue for an interim period until the end of June 2020 [METIS 1199146 refers]. This was to ensure that the Board members who are primarily driving the constitutional review can continue to have oversight of the proposed changes in the interim. It would also provide continuity during the Ministry's ongoing consultation on the Board's proposed constitutional changes.
- 9 You agreed to re-appoint these three members for an interim period of approximately six months, with a term of office ending 30 June 2020.
- 10 Due to numerous complaints received by staff and the school community in 2019 and disruptions caused by COVID-19, the work surrounding consultation on the alternative constitution has been delayed.

- 11 The Ministry has consulted with the Board and we are requesting that you re-appoint two trustees, David Hood and Rangimarie Parata-Takurua through to the 3 May 2021. Matt Sword, the other of the three Ministerial appointed trustees resigned from the Board in May 2020.
- 12 The Ministry anticipates that this timeframe which is through to beginning of term 2 2021, will allow for further consultation on the alternative constitution to take place and submit a request for your consideration.

Recommended Actions

The Ministry of Education recommends you:

- a. **note** that you have the ability to appoint up to three trustees to the Tai Wānanga (632) Board of Trustees;

Noted

- b. **agree** to reappoint David Hood and Rangimarie Parata-Takurua to the Tai Wānanga (632) Board of Trustees until May 2021;

David Hood

☒ Agree ☐ Disagree

Rangimarie Parata-Takurua

☒ Agree ☐ Disagree

and if you agree:

- c. **sign** the re-appointment letters attached asking David Hood and Rangimarie Parata-Takurua to remain on the Board until 3 May 2021, and letter to the Board Chair informing them of your decision.

and

- d. **agree** not to exercise your authority to appoint a third trustee Tai Wānanga (632) Board of Trustees;

☒ Agree ☐ Disagree

- e. **note** that if you disagree, the Ministry will seek suitable candidates for your consideration.

Noted

You are also asked to:

- f. **agree** that this Education Report is proactively released

☒ Release ☐ Not release


Katrina Casey
Deputy Secretary
Sector Enablement and Support

4/9/2020


Hon Chris Hipkins
Minister of Education

12/9/2020

Background

- 1 Tai Wānanga is a decile 4, co-educational, designated character secondary school (Year 9 to 13). It is categorised as a 'national school' with two initial sites in Palmerston North (Tai Wānanga Tu Toa 2011) and Hamilton (Tai Wānanga ki Ruakura 2012). The 'national school' status allows for multiple sites in different regions across New Zealand. Tai Wānanga's March 2020 roll was 113 students, over 95% of whom are Māori (final ethnicity breakdown not yet available).
- 2 Tai Wānanga aims to provide a qualifications pathway from secondary education to tertiary-level education and employment and a tikanga-based environment in which learners will enjoy learning, and will retain and achieve success.
- 3 The designated character of Tai Wānanga is a secondary school with a special and deliberate focus on education through a tikanga-based programme. The education is delivered in English, within a uniquely Māori environment, providing an inclusive, interactive and nurturing learning experience to ensure health in body, mind and spirit.

Proposed Amendments to the Alternative Constitution

- 4 The Board of Trustees for Tai Wānanga (the Board) currently has an alternative constitution approved under section 105A of the Education Act 1989 (now section 98A). The current constitution, approved in August 2013 (*New Zealand Gazette*, notice number 2013-go5470) is made up of the following members:
 - Up to three trustees appointed by the Minister of Education;
 - up to two trustees appointed by the Council of Te Wānanga o Aotearoa;
 - two parent representatives;
 - the Principal / Tumuaki; and
 - up to two trustees co-opted by the board.
- 5 The Board has been reviewing its alternative constitution under section 98A of the Education Act 1989 (the Act) to more closely align it with the designated character of the school. Proposed amendments involve establishing new processes to select and appoint people to the Board, including removing the requirement for up to three appointments to be made by the Minister of Education.
- 6 In addition, the Board has indicated it also intends asking you to name a yet-to-be established charitable trust as a body under section s156AA of the Act, "that has a special affiliation with the school or has responsibility for the different character of the school".
- 7 The Board are working towards finalising their revised constitution that is in the best interests of the school community.

Ministry support

- 8 In 2019, in response to a number of complaints we sought two independent reports, to determine the best course of action to support the Board to resolve the issues. We previously briefed you about these complaints [METIS 1210359 refers].

- 9 In response to the issues raised by the complaints and reports, we required the Board to engage a Specialist Adviser under section 78K of the Act. The Specialist Adviser was appointed 21 November 2019, to advise on employment related matters, curriculum management, relationships with the school community, and financial processes.
- 10 In July 2020, the Ministry undertook a review of the intervention, following which there was a change to the statutory provider and the scope of the intervention. The scope was broadened to advise on Board roles and responsibilities, including the review of the Alternative Constitution.
- 11 The Ministry has also provided non-statutory support. There are two providers, one of which has undertaken investigation of the school's financial processes and identified a number of areas for improvement. The Board has since employed the provider to assist with reviewing and redesigning many of its financial policies and practices to ensure that it is following best practice. The other provider has facilitated hui with whānau members as a means of addressing the breakdown in relationships between the school and its community. As a result of the hui with whānau it became apparent to the Board that further engagement and consultation should be undertaken in relation to the Alternative Constitution to ensure that it more accurately reflects the wishes of the community.

Ministerial appointments

- 12 The current constitution of the Board provides for up to three trustees appointed by the Minister of Education. The Ministry of Education (the Ministry) undertakes the process to provide you with recommended candidates for your consideration.
- 13 In December 2019, we recommended that you invite the three Ministerial appointed trustees to continue for an interim period until 30 June 2020. This was to ensure that the Ministerial appointed trustees, who are primarily driving the constitutional review, could continue to have oversight of the proposed changes in the interim. It also provided continuity during the Board's development of a revised constitution [METIS 1199146 refers].
- 14 You agreed, and the three candidates David Hood, Rangimarie Parata-Takurua and Matt Sword, accepted their appointments through to 30 June 2020. The Board remains constitutional following the expiry of the terms of office of these trustees, as the current alternative constitution for the Board states "Up to three trustees appointed by the Minister of Education".
- 15 Due to matters discussed above and disruptions caused by COVID-19, the Board's work surrounding consultation on the alternative constitution has been delayed. The Board must undertake further work before the proposal is ready to present for your consideration.
- 16 The Ministry has consulted with the Board, which is supportive of re-appointing trustees to the board so that they can continue the work on the updated alternative constitution. We understand that David Hood and Rangimarie Parata-Takurua are willing to continue on the Board. Matt Sword resigned from the Board in May 2020.

- 17 The interim reappointments will enable the Board to finalise its proposed changes to the constitution, undertake consultation and present the constitution for your consideration.
- 18 Both David Hood and Rangimarie Parata-Takurua have completed a declaration stating they are eligible to be reappointed as a trustee in terms of the ineligibility criteria in section 103 of the Act. Rangimarie Parata-Takurua has been a member of the Tai Wānanga Board since it was established in December 2010, and David Hood has been an appointed member since 2011. It is the view of the Board and Ministry that both of these Ministerial appointed trustees understand the Tai Wānanga kaupapa; and remain crucial to the development of the Board's alternative constitution.
- 19 The Ministry has not commenced the process of seeking a third candidate for your consideration.
- 20 As the current alternative constitution for the Board states "Up to three trustees appointed by the Minister of Education", the trustee position previously held by Matt Sword is able to remain vacant.
- 21 You are not required exercise your authority to appoint a trustee to fill this role and the Board remains constitutional if a replacement trustee is not appointed.

Options considered

- 22 We have considered three options to resolve the status of the Ministerial appointed trustees on the Board. These are described below:

	Ministry Comment and risks
Option one - Recommended option <ul style="list-style-type: none"> Re-appoint David Hood and Rangimarie Parata-Takurua to continue for an interim period until 3 May 2021; and <ul style="list-style-type: none"> Agree not to exercise your powers to appoint a third candidate at this time. 	<p>The Act does not require any appointing body or person (including the Minister) to run a full contestable process before making a Board appointment. Therefore, you may simply reappoint the original members if you consider it appropriate.</p> <p>There is a low risk with the decision to re-appoint David Hood and Rangimarie Parata-Takurua to the Tai Wānanga Board of Trustees, as the Board is supportive of their re-appointment.</p> <p>There is no risk with the decision not to appoint a third trustee as the Board remains constitutional if a replacement trustee is not appointed. The Ministry believes there is sufficient support for the Board with the specialist help and financial advisor alongside the two nominated trustees.</p>

	Ministry Comment and risks
<p>Option two:</p> <ul style="list-style-type: none"> Re-appoint David Hood and Rangimarie Parata-Takurua to continue for an interim period until 3 May 2021; <p>and</p> <ul style="list-style-type: none"> Direct the Ministry to seek suitable candidates for the third position, for your consideration. 	<p>There are higher levels of risk associated with a decision not to re-appoint candidates to the Board</p> <p>These two options are unlikely to appeal to the Board because it would put additional pressure on the remaining members, during the Ministerial appointment process and ongoing discussions about the proposed changes to the governance model. Without Ministerial appointments the current board lacks sufficient depth to operate fully.</p>
<p>Option three:</p> <ul style="list-style-type: none"> Do not re-appoint David Hood and Rangimarie Parata-Takurua. The Board would then operate without the Ministerial appointed trustees while you consider the Board's constitutional proposals or a new long-term Ministerial appointment process is started. 	<p>These options could be interpreted as signalling a lack of confidence in the performance of the Ministerial appointed trustees or pre-empting any decision about the Board's proposed constitutional changes.</p> <p>The Minister may also wish to consider the relatively short period that new appointed trustee(s) could hold office, to when the proposed new constitution may be in place. There is a limited timeframe for an appointment, and a significant portion of which could be taken up with the process of seeking and appointing into a temporary position.</p> <p>The Ministry understands that the Board wishes to remove the ability for the Minister to appoint members to the Board, in the revised alternative constitution and therefore these trustees terms of office would end if a revised alternative constitution is approved.</p>

Risks

- 23 There is a low risk with Option one- the decision to re-appoint David Hood and Rangimarie Parata-Takurua; and decision not to appoint a third trustee. The appointment of a Specialist Adviser with specific responsibilities for advancing the Alternative Constitution provides additional capability to support the proposed governance arrangements.
- 24 There are higher levels of risk associated with a decision not to re-appoint candidates to the Board.

Recommended option and next steps

- 25 We recommend that you approve option one and invite David Hood and Rangimarie Parata-Takurua to be reappointed for an interim period until May 2021. This will ensure that the Ministerial appointed trustees, who are primarily driving the constitutional review, can continue to have oversight of the proposed changes in the interim. It will

also provide continuity during the Ministry's ongoing consultation on the Board's proposed constitutional changes.

- 26 The Ministry anticipates that this timeframe, which is through to beginning of term 2 2021, will allow for further consultation on the alternative constitution to take place and submit a request for your consideration.
- 27 The Ministry has not commenced the process to seek a third candidate for your consideration. The Ministry is not recommending seeking or appointing a third trustee at this time, due to the following reasons:
- a. The Board remains constitutional without the appointment of a third trustee;
 - b. The Ministry believes there is sufficient support for the Board with the specialist help and financial advisor already in place alongside the two recommended candidates;
 - c. The Board is supportive of re-appointing these two candidates, who have been long-standing board members, understand the Tai Wānanga kaupapa, and remain crucial to the development of the Board's alternative constitution;
 - d. There is a limited timeframe for an appointment of a trustee, before a revised alternative constitution may be in place. A significant portion the time remaining, will likely be taken up with the process of seeking and appointing a candidate.
- 28 Therefore the Ministry recommends that you do not exercise your powers to appoint a third trustee at this time. However, if you disagree the Ministry will commence the process to seek candidates for your consideration immediately.
- 29 Information about each of the candidates is provided at Annex One.

Next steps

- 30 If you agree, letters offering short-term re-appointment to David Hood and Rangimarie Parata-Takurua are attached for your signature at Annex Two.
- 31 If you do not agree, the Ministry will commence the process to seek candidates for your consideration, for longer-term appointments to the Board.

Proactive Release

- 32 It is recommended that this Education Report is proactively released.

Annexes

Annex 1: Biographies for the proposed trustees

Annex 2: Letters to successful candidates

Annex 3: Letter to Board Chair

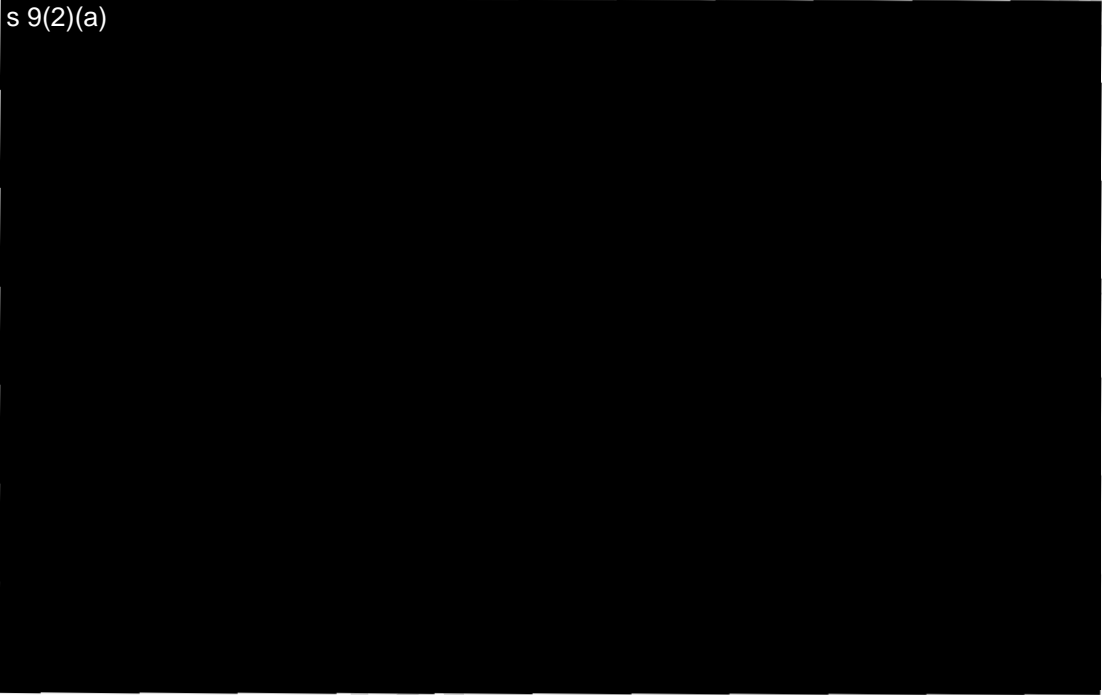
Annex 1: Biographies for the proposed trustees

The following statements detail the background, skills and experience of the proposed reappointed trustees:

Mr David Hood

David has been a member of the Tai Wānanga Board since February 2011.

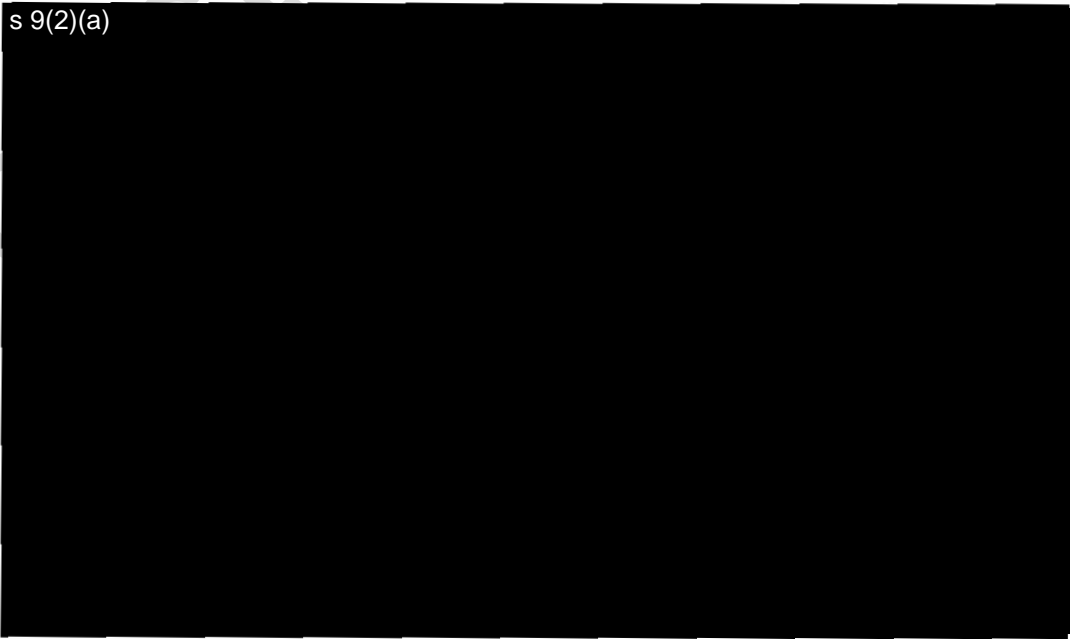
s 9(2)(a)



Ms Rangimarie Parata-Takurua

Rangimarie has been a member of the Tai Wānanga Board since it was established in December 2010.

s 9(2)(a)



Annex 2: Letters to appointees

Proactively Released

Hon Chris Hipkins

MP for Remutaka

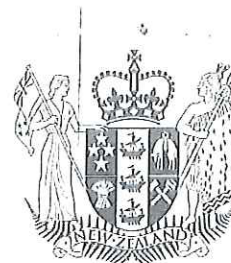
Minister of Education

Minister of Health

Minister of State Services

Leader of the House

Minister Responsible for Ministerial Services



Mr David Hood

s 9(2)(a)

Email: s 9(2)(a)

Dear David

The Ministry of Education has advised me that the term of your appointment to the Tai Wānanga Board of Trustees has ended. I want to thank you for your contribution to the governance of the school during your term of office.

I would like to invite you to serve as a Ministerial appointed trustee for a further term until May 2021.

If you agree, your appointment will commence from the date of this letter. Your term of office for this appointment would end on 3 May 2021.

I have also invited Rangimarie Parata-Takurua to consider a further term of appointment to the Board.

If you would like to accept this invitation, please contact Doug Ferry, Manager School Governance, Ministry of Education, within seven days of this letter to confirm your decision. Doug can be contacted at doug.ferry@education.govt.nz.

I also request that you notify Laurie Hakiwai as the current Board Chair of your decision.

Thank you for your willingness to consider this reappointment.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CH'.

Chris Hipkins
Minister of Education

Hon Chris Hipkins

MP for Remutaka

Minister of Education

Minister of Health

Minister of State Services

Leader of the House

Minister Responsible for Ministerial Services



Ms Rangimarie Parata-Takurua
s 9(2)(a)

Email: s 9(2)(a)

Dear Rangimarie

The Ministry of Education has advised me that the term of your appointment to the Tai Wānanga Board of Trustees has ended. I want to thank you for your contribution to the governance of the school during your term of office.

I would like to invite you to serve as a Ministerial appointed trustee for a further term until May 2021.

If you agree, your appointment will commence from the date of this letter. Your term of office for this appointment would end on 3 May 2021.

I have also invited David Hood to consider a further term of appointment to the Board.

If you would like to accept this invitation, please contact Doug Ferry, Manager School Governance, Ministry of Education, within seven days of this letter to confirm your decision. Doug can be contacted at doug.ferry@education.govt.nz.

I also request that you notify Laurie Hakiwai as the current Board Chair of your decision.

Thank you for your willingness to consider this reappointment.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CH', over a large, faint 'Private' watermark.

Chris Hipkins
Minister of Education

Annex 3: Letter to Board Chair

Proactively Released

Hon Chris Hipkins

MP for Remutaka

Minister of Education

Minister of Health

Minister of State Services

Leader of the House

Minister Responsible for Ministerial Services



Laurie Hakiwai
Chairperson of the Board of Trustees for Tai Wānanga
s 9(2)(a)

Email: s 9(2)(a)

Dear Laurie

I am pleased to confirm that I have invited David Hood and Rangimarie Parata-Takurua to serve as a Ministerial appointed trustee for a further term until 3 May 2021, in accordance with the Board's alternative constitution under section under section 105A (now section 98A) of the Education Act 1989.

I have sent letters to David and Rangimarie to let them know of their offers of re-appointment. I have also requested that they make contact with you as the Board Chair and Doug Ferry, Manager School Governance, Ministry of Education within seven days of this letter to confirm their decision.

I recommend that the Board continue to work with the Ministry's Hamilton and Palmerston North offices and the New Zealand School Trustees Association

I would like to take this opportunity to thank you and the Board for your contribution to the governance of Tai Wānanga. Your service to the schools and their communities has made a difference for students and their whānau.

I congratulate the appointees and wish the Board well in your future endeavours.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CH'.

Chris Hipkins
Minister of Education