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MINISTRY OF EDUCATION ▲▲▲ SUBMISSION COVER SHEET

IMMEDIATE / REGULAR SUBMISSION NUMBER 399/0551

GROUP *Smith* Section National Operations

SUBJECT *Te Kura Hauora (Rotorua Health Camp School); consideration of dissolution of board and appointment of commission*

Briefing Note Request No (if relevant) File Ref:

Submission Type:

- B = Briefing Note N = Speech Notes D = Draft Speech
 - P = Cabinet Paper Submission* S = Submission = Parliamentary Petition
- Requested by (Tick box and fill in details where appropriate)
- Minister Associate Minister Cabinet
 - Cabinet Committee Ministry of Education Other
- *CAB 100 completed and attached? Yes/NA

Quality Assurance Processes for Policy Submissions Completed Yes/No/NA
Signature of responsible Senior Manager

CONSULTATION (Please record which of the following divisions have seen the final draft):

Name (Please print) Signature

- Communications Unit
- Management Accounts
- Other Divisions/Agencies (please list)
 - Legal* *Sym Kohler* *16/10/99*
 - School Support* *Mary Smeaton* *16/10/99*
 - Her office* *Wen Steiner* *16/10/99*



SUBMISSION DRAFTED BY: *Murray Cair + Margaret Hobbs* Name (Please print) *Murray Cair* Signature

SIGNING OFFICER TO COMPLETE THIS SECTION: (This is not to be the drafting officer)
Responsibility Centre Code: *4817* Output e.g. 2.10 (Multiple Outputs may apply) *Smith*

Action required of the Minister/Associate Minister (enter name)

Note See Approve

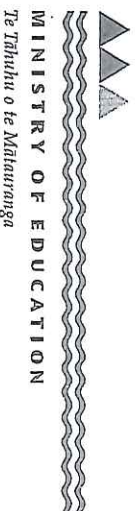
Other (specify) *decide*

CLEARED BY SIGNING OFFICER (Please print name) *Anne Devonskare*

SIGNATURE OF SIGNING OFFICER *Anne Devonskare* Date cleared: *19-10-99*

AND CERTIFICATION THAT ACTION HAS BEEN TAKEN AS STATED ABOVE

19 October 1999



MINISTRY OF EDUCATION
Te Tihuhu o te Mātauranga

Minister of Education

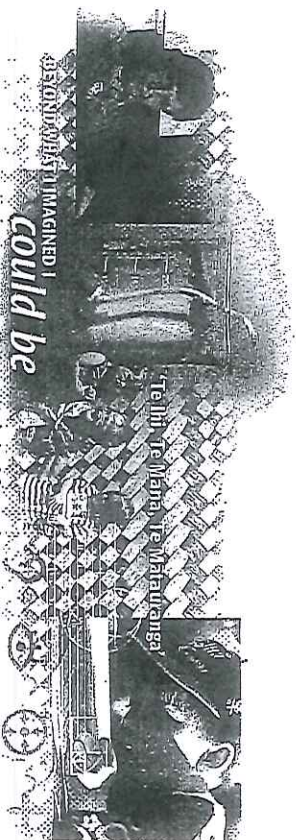
**TE KURA HAUORA (ROTORUA HEALTH CAMP SCHOOL):
CONSIDERATION OF DISSOLUTION OF BOARD AND APPOINTMENT OF
A COMMISSIONER**

INTRODUCTION

- 1 The Education Review Office (ERO) has recommended that you dissolve the Ministerially appointed board of trustees of Te Kura Hauora, the Rotorua Health Camp School (Discretionary Review Report dated September 1999).
- 2 Under s107 of the Education Act 1989 you have the authority to dissolve a board of trustees and direct the Secretary for Education to appoint a commissioner.
- 3 The ERO report contains many examples of board mismanagement and inaction both of which are grounds for dissolution of the board under section 107 (Appendix 1).
- 4 The Ministry proposes that you advise the board that you are considering dissolving it on the grounds of mismanagement and lack of action and invite the board to respond to you within ten days.

BACKGROUND

- 5 Te Kura Hauora provides education for primary students while they are attending the Rotorua Health Camp. The school has a notional roll of 50 and a teacher enrolment of 4.2.
 - 7 The latest ERO report is the fifth in three years because of serious problems with the governance and management of the school.
- The report states "Despite ongoing training and Ministry of Education support, the board is not fulfilling many of its governance obligations. The board lacks vision and strategic direction and does not have adequate systems for monitoring its own performance. Personnel systems are not being effectively implemented, and the board is continuing to experience serious financial problems."



AS GOOD AS UNMAGINED!

Te Kura Hauora

could be

GROUNDS FOR DISSOLVING THE BOARD

(1) *Mismanagement*

8 Some examples, from the ERO report, of mismanagement on the part of the board are:

- *".. the board lacks vision and strategic direction ..."* (section 2, pg 2);
- *"Personnel management systems are not being effectively implemented"* (section 2, pg 2);
- *"... initiatives [undertaken by the board] have not improved the board's performance, as they have not been translated into a rational governance framework"* (section 3.1, pg 3);
- *"... the board is experiencing serious financial management difficulties and is currently operating from a position of negative public equity."* (section 3.1, pg 5). The auditors also draw attention to this last year but the board has been unable to rectify the situation (section 3.4, pg 5);
- *"The 1998 appraisal of the principal's performance lacked performance indicators and was not sufficiently specific to enable assessment of the extent to which objectives had been achieved ... consequently, the board's not in a position to monitor the performance of the principal or to establish ongoing development priorities for the school"* (section 3.3, pp 5-6).

(2) *Lack of action*

9 Some examples, from the ERO report, of lack of action on the part of the board are:

◦ *"The board ... does not have adequate systems for monitoring its own performance"* (section 2, pg 2);

◦ *"The board's development plan lacks clear objectives, lines of responsibility, costings, timeliness, and reporting schedules"* (section 3.1, pg 3).

SUPPORT PROVIDED TO THE BOARD

Financial management

10 The Ministry's financial adviser, property and liaison officers have met with the board on a number of occasions in 1999 (January and April), and 1998 (April, May and October). The meetings have been about the school's financial position – cashflows, deficit budget, additional funding, the employment of too many staff (teachers, administration, and teacher aide) and the contracting of cleaners over holiday periods when not required. Many recommendations made at these meetings have not been implemented by the board and up-to-date financial information has often been difficult for the Ministry to obtain.

11 The Ministry arranged for an advance of the school's 1999 Operations Grant of \$14,400 in November 1998 to meet a deficit situation.

12 In July 1999, the Ministry twice offered funding for a financial manager to be appointed but the board declined. Under section 64(A) of the Education Act, on 29 September 1999, the Secretary for Education directed the board to appoint a financial manager. The financial manager is required to assess the current and projected financial position of the board by 15 November. When the Ministry has information about the actual financial position of the school it will consider whether any additional financial support is required and if necessary make appropriate recommendations to you.

Board training

13 In 1998 and 1999, trainers contracted by the Ministry met with the board to offer assistance. Governance and management, performance management, financial policy, and policies in general were identified as areas needing to be addressed.

14 At the first training session only the chairperson and principal turned up. Attendance was better at the next two sessions. The trainers felt that although board members were sincere and willing, the tasks set by for completion between meetings were not carried out.

Personnel assistance

15 The School Trustees Association's personnel/industrial officer has been actively involved with the board since 1997.

BOARD PROGRESS

16 Despite recommending the board be dissolved, ERO reports that students attending Te Kura Hauora receive education programmes of an adequate quality and that the following progress has been made since the 1998 ERO report:

- Relationships between the health camp school and the health camp have improved recently with more regular communication between school and camp staff;
- The board and the health camp have recently developed common protocols for managing student behaviour;
- The board has reviewed its charter to incorporate the National Education Guidelines; appropriately classified its policies and procedures to reflect the National Administration Guidelines; and developed an annual cycle of policy review;
- The board has developed personnel management policies and procedures consistent with Ministry of Education requirements;
- The principal operates a number of accountability mechanisms within the school;
- Classroom programmes are monitored and the principal, in consultation with staff, has produced a staff professional development schedule for the year.
- Staff have started to report to the board on curriculum implementation.

RESIGNATION OF BOARD MEMBERS

17 The board resolved at a meeting on 6 September 1999 to write to the Minister of Education requesting the appointment of a Commissioner for the good of the school.

18 The Chairperson and five other members of the board resigned as from 4 October 1999. These board members believed that they were clearing the way for the immediate appointment of a Commissioner. However, two board members have decided not to resign and therefore a board is still in place comprising these two members, as well as the principal and staff representative.

OPTIONS

19 There are two options now:

- (a) dissolve the board of trustees on the grounds of mismanagement, and inaction and direct the Secretary of Education to appoint a commissioner in its place; or
- (b) appoint a further four people to the board.

<p><i>Option (a) dissolve the board of trustees on the grounds of mismanagement and inaction and direct the Secretary of Education to appoint a commissioner in its place</i></p>	<p>Comment: If you chose this option, the Ministry's Legal section advises you to inform the board that you are planning to dissolve it and ask the board for any comments or arguments which you would take into account before making your decision.</p>
<p>Advantages (strong)</p>	<ul style="list-style-type: none"> • There is enough evidence to enable you to dissolve the board on the grounds of mismanagement and disharmony; • A commissioner would be able to address the issues of concern promptly; • This option would give a fresh start in the governance of the school; • ERG has recommended this option; • Once governance of the school is on a sound footing, a new board would be appointed.
<p>Risks (low)</p>	<ul style="list-style-type: none"> • As long as the commissioner is in place, the principal and staff representative are no longer part of the governance structure of the school and may feel disenfranchised.

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Option (b): appoint a further four people to the board

Comment: The gazetted composition of health camp school boards enables the Minister to appoint up to five people onto the board. Only one of the remaining board members is a Ministerial appointment so you could appoint a further four. The Health Camp Committee could also appoint a further one or two members as it is entitled to do. (NZ Gazette 13 April 1992, No 57, page 1167).

<p>Advantages (strong)</p>	<ul style="list-style-type: none"> • New members would be chosen for their skills and willingness to work co-operatively with health camp staff; • Fresh board members would be more likely to address the board issues raised by ERO; • This option would acknowledge the progress the board has made since the 1998 ERO report; • This option would bypass the interim step of appointing a commissioner.
<p>Risk (medium)</p>	<ul style="list-style-type: none"> • Current board members may not work co-operatively with new members.

MINISTRY COMMENT

20 The Ministry recommends that you consider dissolving the board of trustees. Governance and management difficulties have been a hallmark of this school for some time. With a commissioner in place, issues of immediate concern can be addressed. With a new board it would take some time for members to become familiar with their role and make the necessary changes.

21 The Ministry is likely to commission a viability report on the school in order to inform thinking on the long term future of the school and the best way to use the resource in the light of Government's social policy directions.

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RECOMMENDATIONS

22 It is recommended that you:

Either: OPTION (a)

- a decide that there are grounds to consider dissolving the board; and
- b sign the attached letter to the board inviting it to give reasons within ten days why you should not exercise your power to dissolve the board;

Or: OPTION (b)

- c agree to appoint up to four further Ministerial members to the board to replace those who have resigned;
- d note that if you choose this option, the Ministry will prepare a further submission with the names of potential board members.

Anne Devons

Anne Devons
Acting Senior Manager
National Operations

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SECRET/ APPROVED MINISTER OF EDUCATION
<i>[Signature]</i>
27100 179

OFFICIAL INFORMATION ACT / OFFICIELLEMENT INFORMÉ

Flip (7)

28 October 1999

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Ron Turner
Executive Director
Children's Health Camps Board
PO Box 12-547
WELLINGTON

Dear Ron

Thank you for your letter of 23 September 1999 advising that you have met with Ministry staff to discuss the at risk situation at Te Kura Hauora and that you are keen to discuss and agree on, policies and procedures for the future provision of education services associated with health camps.

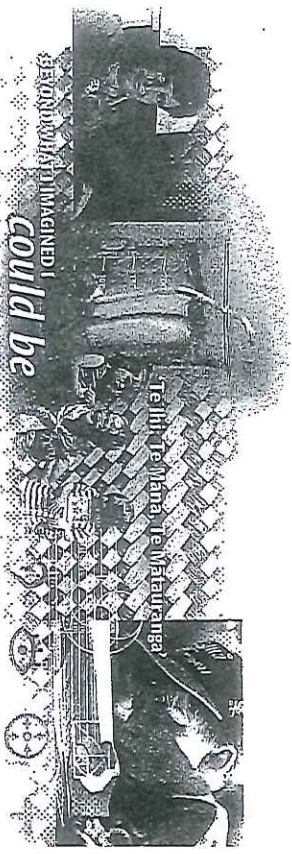
In respect of the situation at Te Kura Hauora, the Ministry expects to be in a position to advise the Minister of Education this week on the options available to him in relation to the Board of Trustees. In the interim, we have directed the board to engage a financial manager and Ministry staff are in regular contact with the remaining board members to ensure education services continue to be delivered satisfactorily. We will inform you of the Minister's decision as soon as practicable.

In respect of issues raised by the Education Review Office about the relationships between health camps and health camp schools I have agreed that as we work our way through the longer term viability issues associated with Te Kura Hauora, we should also work with you, and other key parties, on future education provision for children attending health camps.

Margaret Hobbs, Senior Adviser and responsible for operational policy in respect of the 'Strengthening Families' initiative, in consultation with Mary Sinclair, Manager Schools Support, will lead this work for the Ministry of Education.

You can expect the Ministry team to make contact with you following the Minister's decision on the options for resolving issues at Te Kura Hauora.

Kathy Smith
Group Manager



RECEIVED 3 DEC 1999

Murray Carr

TO : Howard Fancoy
Secretary for Education

FROM : Kathy Phillips
Senior Manager
National Operations

DATE : 30 November 1999

SUBJECT : Te Kura Hauora (Health Camp School) Rotorua
Appointment of a Commissioner

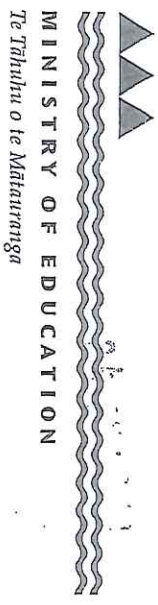
- 1 Following a recommendation by ERO the Minister of Education has decided to dissolve the Te Kura Hauora (the Health Camp School, Rotorua) board of trustees on the grounds of mismanagement and lack of action.
- 2 He has written to you directing you to appoint a Commissioner to act in place of the board.
- 3 Heather Colby, Manager National Operations, Hamilton, has contacted Mrs Judy Keaney who has indicated her willingness to serve as Commissioner. Mrs Keaney is current Chairperson of the Education Committee of the Rotorua Energy Charitable Trust and a former Mayor of Rotorua. She has a training background in education as a speech language therapist and has been an active member of a secondary school board of trustees. She was the Chairperson of the Ministerial Working Party which reported to the Minister of Education recently on the future schooling arrangements for the Rotorua District.
- 4 Attached for your signature are:
 - a the notice of appointment of Mrs Judy Keaney as Commissioner to Te Kura Hauora, which we hope can be published in the *New Zealand Gazette* this week;
 - b a letter to Mrs Judy Keaney.

Please contact Lizzy Taramai, x6047, for collection of these documents once they have been signed.

Kathy Phillips
Senior Manager
National Operations

ehcs

Submission Cover Sheet



Date: 24 August 2000
Sensitivity: In Confidence
Submission Type: Submission
Subject: Initiating Consultation regarding the possible closure of Te Kura Hauora, the Special School on the Rotorua Health Camp Site

Submission Number: S00/0399
Output No: 2

Recipient	Action Sought	Deadline
Minister of Education	Direct - Ministry to consult	31 August 2000

Contact for Telephone Discussion (if required):

Name	Role	Telephone Direct	Telephone After Hours	Suggested First Contact
Jim Matheson	Operational Policy Manager	04 472 5544	x17-6970	✓

This paper meets the performance measures for Output as set out in the current Departments Forecast Report, page, subject to the specific context in which the paper was completed, as set out below and also covers Closing the Gaps as indicated on the check sheet:

Ready for forwarding to the Minister

SIGNATURE: *[Signature]* Date cleared: 24.08.00

(Please print name here) *Kathy Phillips*

Minister's Office to Complete

- Noted
- Seen
- Approved
- Needs change
- Referred to
- Withdrawn
- Not seen by Minister
- Overtaken by events

Comment

CHG 6/9

Paul Rehnke/this is getting from US came Dalgi

SUBMISSION CHECK SHEET (For MOE Use)

Submission number: _____

File No: _____

Implications for Closing the GAPS (to be completed by drafter)

This submission has addressed Implications for improving Maori education outcomes:

- Improving the responsiveness of education providers and education services to Maori
- Improving the involvement of Maori in design and delivery of education – Kaupapa Maori /Mainstream
- Improving relationships between education providers and Maori
- Maori education policy template applied (for policy review and development)

This submission has addressed implications for improving Pacific education outcomes:

- Improving the responsiveness of education providers and education services to Pacific peoples
- Improving the involvement of Pacific peoples in design and delivery of education.
- Improving relationships between education providers and Pacific peoples
- Contributes to the goals of Ko e Ako 'a e Kakai Pasifika

CONSULTATION (Please record which of the following have been consulted)

- Maori (specify) Pacific Education (specify)
- Policy Implications (specify) Resourcing Implications (specify)
- Implementation Implications (specify) Property (specify)
- Research Division Industrial Relations
- Finance Central Forecasting Unit
- Communications Legal
- Treasury Other Departments (specify)
- Sector Representatives (specify) Other (specify)

Space for comment

School Support
SE 2000

Settings have been checked by:

(or NA)

Name _____

Position _____

Signature _____

Date _____

Peer Review: This paper meets the performance measures for Output as set out in the current Departmental Forecast Report, page subject to the specific context in which the paper was completed. Completed by:

Name M. Hobbs Position Senior Adviser Signature M. G. Hobbs Date 24.8.00

SUBMISSION DATA for the MCR (For MOE use)

Drafter to complete this page

Briefing Note Request No (if relevant)

Policy Work Programme No (if relevant)

Responsibility Centre Code 4817 Policy Work Programme Reference

Requested by (Tick box and fill in details where appropriate)

- Minister Associate Minister Cabinet
- Cabinet Committee Ministry of Education Other

*CAB 100 completed and attached? Yes/NA

Copies Required: Original plus 7 copies for Submissions to Minister

Original plus 8 copies for Submissions to Associates

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MINISTRY OF EDUCATION
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Wellington
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24 August 2000

MINISTER OF EDUCATION

**INITIATING CONSULTATION RE THE POSSIBLE CLOSURE OF THE KURA
HAUORA, THE SPECIAL SCHOOL ON THE ROTORUA HEALTHCAMP SITE**

ISSUE

1. Ministry is seeking your agreement to initiate consultation about whether or not to close Te Kura Hauora. The grounds for considering closure would be the way the school "is being conducted" (s98 of the Education Act 1964) (there are problems with governance and management, structure, staffing and the relationship between school and camp).

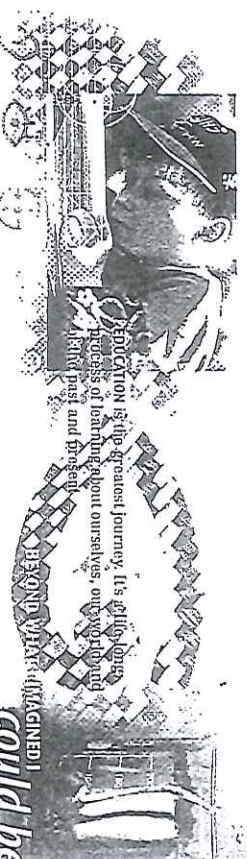
SCHOOL/CAMP DIFFICULTIES

2. The ongoing and severely dysfunctional relationship between the Rotorua Health Camp and the small, special school on-site Te Kura Hauora, is preventing a holistic health and education service from being provided to the children admitted to camp.
2. Governance and management problems at the school have been severe enough to warrant the dissolution of the board and the appointment of a commissioner at the end of last year. The relationship between the camp and the school has been non-collegial for over a decade and have now reached crisis point with the school principal and camp manager hardly speaking to each other. Various attempts to resolve these difficulties and put in place an effective protocol have failed.

3. Both the Health Camp Foundation and the Ministry of Education are very concerned and are investigating a variety of strategies to ensure effective services are provided to children and their families.

HEALTHCAMP ACTION

4. The Health Camp Foundation is taking an active role in resolving issues in the camp itself. Part of this has involved closing the camp for six weeks this term due to "staff resource issues" and to "reshape the children's services in response to a recent resource review" commissioned by the Foundation. The camp manager has recently opted for early retirement to take effect mid-September.



SCHOOL COMMISSIONER'S VIEW

- 5. In relation to the school, the commissioner's view is that "the issues cannot be resolved under the present structure with the present staff" (email of 27 July 2000).

MINISTRIES OF HEALTH AND EDUCATION'S REVIEW

- 6. The Ministries of Health and Education are reviewing the health camp initiative to ensure it is an effective interagency initiative. The reporting deadline for this review is November this year. In the meantime, the Ministry of Education must take steps to ensure a more effective link between health and education at the Rotorua health camp site. The structural separation of the camp and school make resolving staffing and relationship issues incredibly difficult to achieve. The only way forward appears to close the school and develop a model that provides a holistic intervention for the children referred for support and assistance.

FUTURE PROVISION

- 7. If Te Kura Hauora closes, the Ministry with ensure education is provided to children attending camps during term time. It is the aim of both the Ministry and the Health Camp Foundation that education and health staff will work in collaboration and that education and health will be components of holistic services provided to the children at camp.

THIS SUBMISSION

- 8. This submission provides information on health camp schools, problems with Te Kura Hauora, actions taken to resolve governance and management issues, options, the power to close a special school, consultation process and action plan.

RECOMMENDATIONS

- 9. The Ministry recommends you:

- a. direct the Ministry to initiate consultation about whether or not Te Kura Hauora should close;
- b. agree to the wording of the draft letter of consultation attached for your consideration (Appendix 4);

note the draft press release attached in case you need it (Appendix 5).

Kathy Phillips

Kathy Phillips
Senior Manager
National Operations

SEEN / APPROVED MINISTER OF EDUCATION	<i>[Signature]</i>
	5/9/00

encls:

BACKGROUND

1. There are seven health camps in New Zealand run by the New Zealand Foundation for Child and Family Health and Development (the Foundation) under contract to the Health Funding Authority (HFA) to provide health care to primary school children. On each of these health camp sites there is a small stand-alone special school that is part of the education sector. The role of the school is to provide education to the children who attend 4-6 week camps during school terms.
2. The school and the camp are each covered by different governing bodies, accountabilities, and legislative, policy, and operating frameworks. The collaboration and synergy that exists on some sites is due to the personalities and determination of the local school and camp staff who manage to overcome the constraints under which they operate, rather than to an operating structure conducive to providing the best cohesive arrangement for children at camp.
3. The HFA has recently carried out an audit of health camps and has identified a need to investigate the "full integration of health camps and health camp schools to maximise the potential for synergies in service delivery". The Ministry of Health is leading an interagency policy project on health camps. The Ministry of Education is a key participant in this project and is working with health camp school principals and the Health Camp Foundation to identify ways of improving education for the types of primary school students who are being referred to health camps.
4. Unfortunately the situation in Rotorua at Te Kura Hauora on the Princess of Wales Health Camp site, is too dysfunctional to delay action until the wider policy issues are resolved. Specific detail about the school is attached (Appendix 1).

PROBLEMS WITH TE KURA HAUORA

5. At Te Kura Hauora, there are problems with governance and management, structure, staffing and the relationship between school and camp.

Governance and Management

6. In September 1999, the Education Review Office (ERO) reviewed Te Kura Hauora for the fifth time in three years because of "serious problems with the governance and management of the school". ERO recommended the board be dissolved and a commissioner appointed. In November 1999 the previous Minister of Education dissolved the board of trustees and the Secretary for Education appointed a commissioner in its place.

Structure

7. The structural differences between health camps and health camp schools makes it difficult to achieve cohesion when relationships are tenuous. The September 1999 ERO report stated that key factors underpinning the difficulties at the school included "a lack of specific guidelines or common contractual arrangements through which camp managers and school principals are held accountable for their performance. The differential legislation, accountability and purchase agreements under which health camps and health camp schools operate further exacerbates these co-ordination difficulties." (pg 4)

Staff

8. Of the four teachers at the school, both the principal and the deputy principal have been on sick (stress) leave for some time, the deputy principal since 3 March 2000. A third teacher took sick (stress) leave last term and then resigned.

Relationship between school and camp

9. Tensions and lack of effective communication between the camp and school have been identified in most ERO reports since 1991 as an issue to be addressed.
10. The commissioner of the school believes that "under the present leadership and staffing situation, together with management issues within the Health Camp itself" it is impossible for the school to be a "functional, vibrant place of learning for special needs children". The commissioner reports this is caused in part because:
- The school does not respect the camp management;
 - Lack of communication with camp management;
 - Lack of co-operative practices in dealing with the children between school and camp;
 - The school leaders have a negative attitude to the programmes run by the camp;
 - The history of conflict between the camp and the school makes it difficult to obtain relievers;
 - The camp manager is not willing to negotiate, disregards the school's professional knowledge, undermines the work of the school.
11. In August this year, the Rotorua Principals' Association has expressed 'grave misgivings' about the 'current viability of the camp and school and the lack of faith the association members have about the current staff and situation'. The President of the Association, the Principal of Glenholme Primary School, reports that after his last referral to the camp he would not refer any more children there until there has been a big change in quality of programme and care. He reports that rather than helping the child and family, the child's time at camp had made things more difficult for the child's school and family".
- ACTIONS TAKEN TO RESOLVE THE PROBLEMS WITH TE KURA HAUORA**
12. The September 1999 ERO report stated that "despite ongoing training and Ministry of Education support, the board is not fulfilling many of its governance obligations". (pg 2)
13. The Ministry arranged specialist training for the board of trustees on a range of matters such as financial, relationships with personnel, counselling, management and governance and the School Trustees Association has been giving management and personnel advice to the board / commissioner for several years. The Ministry also funded supervision support for the principal and mediation to develop school / camp protocols.

14. The school has also been able to access the following financial assistance through School Support since the end of 1999:

- In December 1999 a further capital injection of \$25,000 to cover the 1999 financial deficit and enable the school to pay for the services of a s64A financial manager to 30 June 2000.

- In 2000 a further \$6,000 was advanced to pay the Commissioner for extra duties such as to establish more co-operative arrangements between the school and the Health Camp, to develop acceptable protocols to manage the children's behaviour between the two sites, and to investigate the standard of plant and equipment and the impact that any upgrading would have on the financial position of the school.

- Also in 2000, a further \$42,250 is also available for additional teacher aides, a facilitator for student selection processes, professional development of staff, furniture and equipment, and additional support for the financial manager).

OPTIONS

15. There are two options for enhancing education provision at the Rotorua Health Camp site:

- continue to assist the school in the short term under School Support, or
- close the school and provide education under a different mechanism until wider issues concerning health camps are resolved.

Option 1: continue to work with the school in the short term under School Support

16. The Ministry does not favour this option because the attitudes between the camp and the school are so entrenched and various attempts in the past have not been able to achieve a positive working and professional relationship between the two organisations. This view is shared by the commissioner who has been governing the school since the end of 1999.

Option 2: close the school and provide education under a different mechanism until wider issues concerning health camps are resolved

17. If Te Kura Hauora closes, the Ministry would want to ensure education is provided on-site at least in the meantime until decisions are made following the interagency policy review on health camps being led by the Ministry of Health.

18. There are various mechanisms under which this could be done such as:

- lessons provided through the Correspondence School; or
- as a unit attached to another school; or
- via a contract with the Health Camp Foundation; or
- via a contract with another provider

19. If you direct the Ministry to initiate consultation about possible closure of Te Kura Hauora, the Ministry will explore these four possibilities in greater detail to determine which would ensure effective, collaborative health and education services to the children attending camp.

POWER TO CLOSE A SPECIAL SCHOOL

20. Special schools are established and closed by the Minister of Education under section 98 of the Education Act 1964. The grounds for closure include dissatisfaction with the manner in which the school is being conducted.
21. Because health camp schools have been in place for many decades, it is unclear under what provision they were established. As they were under Education Boards before 1989, they were "deemed to be primary schools" and therefore it could be argued they should be closed under section 154 of the Education Act 1989.
22. To ensure there is no possibility of legal challenge, it would be advisable to close a health camp school under both the sections outlined above. In either case, the consultation process would be the same.
23. The closure process is outlined in more detail in Appendix 2.

CONSULTATION PROCESS

24. If you agree that the Ministry should consult on your behalf about the possible closure of Te Kura Hauora, the following stakeholders would be consulted: the board of Te Kura Hauora, the boards of schools whose students access the service offered by the special school, relevant Māori groups, the local Specialist Education Services, the local Health Camp Manager and Committee, Health Camps Foundation, Health Funding Authority, the Ministry of Health. A consultation action plan is attached in Appendix 3 and a draft consultation letter is attached in Appendix 4.

25. The consultation will ensure those consulted have a clear understanding of the reason for considering closure and of what will be put in place to ensure students admitted to the health camp will receive a good education.

IMPLICATIONS OF CLOSURE

26. If Te Kura Hauora closes, the Ministry will ensure education is provided to children attending camps during term time. This education will be developed and delivered in collaboration with health camp staff and will be a component of the holistic services provided to the children at camp.

27. On the date of closure, remaining staff at the school will be entitled to surplus staffing provisions as outlined in their employment contracts.
28. If a decision is made to close the school, the Ministry of Education will negotiate with the Health Camp Foundation about the ownership, use¹, and maintenance² of the school buildings. The land is owned by the Foundation.

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¹ Use of the premises is restricted under the lease to the conduct of a state school associated with the health camp unless prior written consent is obtained from the Children's Health Camp Board. Consent must also be obtained if adding to, removing or altering any of the school facilities.

² The Ministry is responsible for all insurance, maintenance and repairs required by the school facilities including the cost of utility services such as grass cutting, cleaning, insurance premiums and rates.

DETAILS RE TE KURA HAUORA

APPENDIX 1

Roll and Staffing

Name	Inst No.	Notional Roll	Staffing entitlement	Principal's grade	Salary Units
Te Kura Hauora, Rotorua	1901	50	4.2	U1	2

Information from Education (2000 Special School Staffing) Order 1999 and Steer as at February 2000

Provisional Staffing and Operations Costs 2000

School Number	School	Entitlement FTTE	Units	Highest Staffing Cost	Entitlement Units	Salary Allowances	Operations Grant	TOTAL
1901	Rotorua	4.2	2	\$198,360	\$5,500	\$1,990	\$68,113	\$273,963

Property

The Ministry of Education owns the school buildings at each health camp and leases land from the Children's Health Camps Board. The Ministry is responsible for all insurance, maintenance and repairs required by the school facilities including the cost of utility services such as grass cutting, cleaning, insurance premiums and rates.

The Ministry has an agreement in place with each school board to reflect this leasing arrangement and provide security of tenure. Each school also has a property occupancy document and is thus no different from other state schools in terms of property management responsibilities.

Property Related Expenditure By Financial Year

School number	School	93/94	94/95	95/96	96/97	97/98	98/99	Total
1901	Rotorua		54,422.22	104,855.57	72,129.48	4,912.64	1,217.43	237,537.34

The school buildings at Rotorua are valued at around \$200,000.

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PROCESS TO BE USED TO CLOSE A HEALTH CAMP SCHOOL

A health camp school would be closed under section 98 of the Education Act 1964, and under section 154 of the Education Act 1989.

Initiating Consultation: Obtain the Minister's agreement to initiate consultation about possible disestablishment / closure

Determine the reason for considering school closure, ie which of the two reasons given in section 98 applies:

- o The Minister is dissatisfied with the manner in which the school is being conducted, or
- o The Minister considers that sufficient provision is made by another similarly established special school, class, clinic, or service, or by any other school or class in or reasonably near to the same location.

The evidence and argument for considering closure is presented to the Minister to see if he wishes consultation to commence about possible disestablishment (closure).

If the Minister directs the Ministry to initiate consultation, the following groups will be consulted: the board of the school itself, the boards of schools whose students access the service offered by the special school, relevant Maori groups, the SES, local Health Camp Manager and Committee, Health Camps Foundation, NFA, Ministry of Health, local organisations that refer students to the special school.

Consultation will ensure those consulted have a clear understanding of the reason for considering closure and of what is / will be in place to ensure students will be no worse off without the special school services. Consultation will ensure adequate timelines for responses.

The board (or Commissioner) of the school will ensure consultation with staff and relevant unions.

Steps of the Closure Process: As the decision maker, the Minister will -

- a consult with the board of the school affected
- b consult with the boards of schools and organisation affected if he decides to close the school
- c consider the evidence following consultation
- d decide whether he is satisfied the school should be closed or not
- e ask the board to provide him with any arguments within 28 days in favour of the school staying open
- f consider those arguments and decide whether or not to close the school
- g if he decides to close the school, sign a notice for publication in the NZ Gazette closing the school
- h publish the notice.

Section 154(2A) of the Education Act 1989 enables the process to be shortened when the board agrees with, or does not oppose, the closure of its school, and the Minister decides not to continue the consultation.

APPENDIX 3

PROPOSED CONSULTATION ACTION PLAN

- 1 September Minister directs Ministry to consult about possible closure
 5 September Letters of consultation sent
 12 October Responses to consultation received by Ministry
 26 October Submission to Minister
 2 November 28 day letter to commissioner
 6 December Final submission to Minister
 14 December Minister's decision announced

Group to be consulted	By whom	How
Board (commissioner) of Te Kura Hauora	Hamilton M C C	Letter (mtg if nec)
BOP / Waikato schools that have/may have children in camp	Hamilton M C C	Newletter
Te Arawa Maori Trust Board	Hamilton M C C	Letter (mtg if nec)
4 BOP / Waikato SES offices	Hamilton M C C	Letter
Rotorua Health Camp Manager / Committee	Hamilton M C C	Letter
Health Camps Foundation	National Office	Letter (mtg if nec)
Health Funding Authority	National Office	Letter (mtg if nec)
Ministry of Health	National Office	Letter (mtg if nec)
Child, Youth, & Family	National Office	Letter (mtg if nec)

Hamilton M C C Hamilton Office of the Ministry of Education
 National Office National Office of the Ministry of Education

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DRAFT LETTER OF CONSULTATION

APPENDIX 4

POSSIBLE CLOSURE OF TE KURA HAUORA, ROTORUA

Dear

The ongoing and severely dysfunctional relationship between the Princess of Wales Health Camp in Rotorua and the special school on-site, Te Kura Hauora, is preventing a holistic health and education service from being provided to the children admitted to camp. Both the Health Camp Foundation and the Ministry of Education are very concerned and are investigating a variety of strategies to ensure effective services are provided to children and their families.

Various interventions have been tried with the school but with little success. The Ministry is now consulting on behalf of the Minister of Education about the possible closure of Te Kura Hauora. The grounds for considering closure are the way the school is being conducted: there are problems with governance and management, structure, staffing and the relationship between school and camp.

At the end of 1999, the board of trustees was dissolved and a commissioner appointed. There are deep and longstanding divisions between the camp and the school. This is particularly unfortunate given that the positioning of education and health services on the same site provides an opportunity for a collaborative, interagency intervention focussed on supporting and assisting children in need who are referred to the camp.

If Te Kura Hauora closes, the Ministry will ensure education is provided to children attending camps during term time. It is the aim of both the Ministry and the Health Camp Foundation that education and health staff will work in collaboration and that education and health will be components of holistic services provided to the children at camp.

We are writing to you to seek your views as to whether or not the school should close so that a more collaborative model of health and education services can be put into effect.

If you have any comments, please respond to me by Thursday 12 October 2000.

Yours sincerely

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August 2000

Media Statement

Consultation about Closure of Health Camp School

Education Minister Trevor Mallard said today that he wants to put an end to years of bitterness between the Rotorua Health Camp and the school on the health camp grounds.

He has asked the Ministry of Education to undertake a consultation, on his behalf, to consider whether the school, Te Kura Hauora, should close.

"There are deep and longstanding divisions between the camp and the school, and this situation is untenable," said Trevor Mallard.

"This is particularly unfortunate, given that the positioning of education and health services on the same site provides an opportunity for a collaborative, inter-agency intervention focussed on supporting and assisting children in need who are referred to the camp.

The grounds for considering closure of the school cover problems with governance and management, structure, staffing, and the relationship between school and camp.

"If Te Kura Hauora closes, the Ministry will ensure that education is provided to children who go to the Rotorua Health Camp during term time," said Trevor Mallard.

"It is the aim of both the Ministry and the Health Camp Foundation that education and health staff will in future work in collaboration, and that education and health will be components of holistic services provided to the children who need them."

Contact: Moerangi Versoe (Press Secretary) 04 471 9080 or 025 270 9194

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