

Statutory Interventions Scoping Report

Key Intervention Details

Statutory Intervention: Limited Statutory Manager appointed under section 180 of the Education and Training Act 2020

Board: Mercury Bay Area School Board

Intervention Effective From: 22 September 2022

Name of Person Engaged: Val Wenham

Statutory Provider to Date and Sign

Physical signature or printed name: Val Wenham

Date: 26th October 2022

Note to Statutory Providers: All information produced in this document (and any other document relating to this intervention including emails) may be accessible by the public under the Official Information Act 1982. Personal information about individual employees at the kura/school may also be accessible under the Privacy Act 1993. You may seek advice from New Zealand School Trustees Association Advisory and Support Centre¹ and/or look at the Ombudsmen Guidelines² to understand what can be withheld.

Situation Background

The school has previously been supported with specialist advice for financial matters however this was increased to LSM with the powers of employment, property and board systems and processes, and advising on finance.

The school has a long history of poor financial practices and has ignored advice from both the Ministry's Senior Financial Advisor and Property Advisor. As a result, the school has been on the Auditor General's Report for 2 years regarding concern over the lack of the schools operating capital.

In addition to this there are a number of issues which have surfaced pertaining to personnel/human resources, property concerns and parental complaints. Additional support is needed to assist the new trustees in understanding their current roles and responsibilities and understanding and implementing Board policies and procedures within these areas. A new Principal is also to be appointed beginning Term 1 2023 requiring support.

The Evidence for this Scoping

A meeting was held at the school on 25 August 2022, with Cameron Frethey the main intervention contact, Alison Harold (Manager Education), Principal John Wright, and Chairperson Dr Dan Asquith and members of the Board.

¹ NZSTA Advisory and Support Centre: For governance advice contact 0800 782 435 (option 1) and for employment advice contact 0800 782 435 (option 2).

² Ombudsmen Guidelines: <http://www.ombudsman.parliament.nz/resources-and-publications/guides>.

During my visits to the school I have spent time going through school policies and board minutes and have met a number of staff and board members to gather information and perspectives to shape up this scoping report. I have had numerous meetings with the Principal to gain an understanding of the school and all of its functions.

I have looked at the school policies and Support Staff employment contracts and have had meetings with the Support Staff to understand their roles, skill sets and responsibilities. As a result, I have made suggestions to the staff around cost savings which they have actioned. A review of the support staff requested earlier in the year by the Ministry had still had not been undertaken increasing the risk to the school's financial viability. Currently Support Staff are without up-to-date contracts and the Principal was notified that this area was over staffed and utilised too much of the operational grant funding – yet nothing was actioned. I will address the lack of current employment contracts and I will prioritise this before the new Principal begins.

The Ministry raised concerns about the support and training for the new Board members to deal with the range of complex personnel issues before the Board currently including recent appointments which have not followed a robust process, and managing a personal grievance matter alongside supporting and inducting a new Principal to lead the school. Complaints to the Board about a range of matters are regularly received.

During the scoping phase I was advised of concerns how the school's property portfolio is managed. After meeting with the Ministry's Property Adviser (Noeleen Ross), it was highlighted that there are often multiple changes to decisions and agreements. The size of the school means there are multiple projects requiring oversight, and it appears that not enough time has been spent on understanding Ministry requirements and processes – increasing risk to the Board. Examples include: Wharenui (and carving), solar panel installation, building removal etc.

Identified Strengths

The Executive Officer (EO) has very good understanding of the school's financial situation and has made progress in addressing the school's financial concerns with the support of the Finance Committee.

The Board have formed an employment sub-committee which has been following the employment process regarding criteria and candidate selection. Given the significance of this appointment and the sensitivity it is critical that the employment committee follow my advice and guidance. I have requested that they are supported by other experienced Principals during this process, selection and interview stage.

To address a long-standing complaint, an independent investigator was employed by the Board which I approved. As a result of the shared findings and subsequent meetings between the complainants, Principal and Board Chairperson the complaint was resolved to a satisfactory conclusion.

A new Board has recently been appointed and are showing a willingness to learn and are supportive of the school and are excited about the incoming new Principal.

Issues Analysis

Issues Not Apparent at Outset of Intervention

No further issues have been identified.

Overall Assessment of Risk Level

Given the risk analysis, the risk level remains the same.

Any Further Comments

It is recommended to the Board that they may consider having the executive officer as part of the school senior leadership team. The executive officer provides an in-depth monthly report to the Principal on cash flow and financial concerns.

Another issue that was raised by the Ministry was the number of complaints received by the Ministry. To assist the Board with addressing complaints in a timely manner, training will need to be provided by me.

The new Board will benefit from training on systems and processes. The Board will have a shared understanding of individual roles and responsibilities and distribution of tasks. The Board will ensure that school policies and procedures are coherent and fit for purpose.

It is expected that the new Board will be attending up and coming NZSTA workshops.

The Board Chair has advised me that he will in Europe during the months of December and January.

Additional information for Statutory Providers is available in the Further Guidance Document

Released Under the Official Information Act 1982