



25 March 2024

Shane Edwards
9(2)(a)

Tēnā koe Shane

Thank you for making yourself available for a new statutory appointment at Mangakōtukutuku College and for agreeing to the terms of the appointment, which were discussed with you on 25 March 2024.

As the Secretary's delegate, I am appointing you as a Limited Statutory Manager (LSM) for this school under section 180 of the Education and Training Act 2020 because of risk to the operation of the school.

The notice directing this statutory appointment has been published in the *New Zealand Gazette* and is available via the following link: <https://gazette.govt.nz/>. Your appointment takes effect from the date the Gazette notice is published.

I have enclosed a copy of the statutory intervention notice to the Board and Kevin Johnson, Lead Adviser Network, will accompany you to meet with the Board so you can discuss your new working arrangements. This letter outlines what is required from you in your role.

Scoping Period and Report

You must undertake a four-week scoping period, making as full an assessment as possible of:

- all issues facing the school (the facts)
- analysis of the severity and scope of the issues
- evidence to support the analysis
- any issues that were not apparent at the outset
- the level of risk (e.g. an assessment of whether this is lower, equal to or higher than what was originally assessed by the Ministry).

Please note that the scoping report may uncover a need to:

- amend the scope of the current intervention.
- replace the current intervention with a lower level of intervention.
- replace the current intervention with a higher level of intervention.
- add another intervention in the school alongside this one.

If any intervention changes are necessary, Kevin will develop recommendations supporting the approval of these changes and coordinate as applicable.

Intervention Outcomes and Outcomes Plan

The following outcomes are expected as a result of this intervention:

- The Board will ensure that regular monitoring, evaluation and reporting in relation to financial delegations take place.
- The Board will ensure that all operations of the school are in accordance with the school's policies and procedures.
- The Board will ensure that human resource management procedures and practices promote and support high quality education outcomes and safety.
- The Board will effectively manage the performance of the principal, linking the school's strategic direction, goals, priorities and targets, appraisal goals, and appropriate professional learning and development opportunities.

These outcomes may be amended after you have scoped the issues at the school to reflect any new information found.

After you have submitted your scoping report, Kevin will contact you to discuss how and when the Outcomes Plan will be completed. The Outcomes Plan will outline:

- the objectives to be achieved during the intervention, which will contribute to the above intervention outcomes, as agreed by the Ministry.
- the planned approach to achieve these objectives.
- the expected timeline for achieving these objectives.
- any additional support you may require.
- the intervention costs, including the agreed maximum hours per month and other agreed expenses.

You are responsible for drafting the Outcomes Plan but should do this in collaboration with Kevin and the Board. The Ministry has a Statutory Interventions Outcomes Plan template available for your use if you wish.

Monthly reports to the Board and Ministry

You must submit monthly progress reports to the Board and Ministry with details of:

- any decisions or actions made by the Board as a result of your advice (financial or otherwise)
- progress made towards achieving the agreed set of intervention objectives (outlined in Outcomes Plan)
- details of any barriers or challenges to be addressed.
- your monthly fees and expenses.

A template is available for this.

You must also report to the Board and/or Ministry (as appropriate under the circumstances) about any matters of particular concern or if you encounter any conflicts of interest as LSM.

Intervention Costs

Kevin will inform you as to whether the costs are being met by the School Board or the Ministry. Monthly invoices must be submitted to the relevant party in order for hours and expenses to be paid.

Exit from Intervention

This intervention and your appointment will be reviewed against the Outcomes Plan by the Ministry within the first year and annually thereafter. Your appointment will end when one of the following occurs:

- the Secretary or delegate is satisfied that the intervention is no longer required.

- your appointment and/or the intervention is amended to the extent that your role is no longer required.
- you resign.

As part of your exit from appointment, you will:

- provide a final report.
- manage a handover to the Board or new Statutory Provider
- ensure all relevant documentation that you have created and received in the course of your role is appropriately filed or archived at the school.

I thank you again for your willingness to support the governance of Mangakotukutuku College.

Nāku noa, nā



Marcus Freke
Director of Education, Waikato



Terms of Appointment

Limited Statutory Manager appointment for Mangakōtukutuku College Board, effective from the date specified in the New Zealand Gazette notice.

Appointee: Shane Edwards

Core Duties

1. You are expected to:
 - Apply the following functions, powers and duties of the Board:
 - As an employer (whether statutory or otherwise)
 - To establish policies and procedures (whether statutory or otherwise)
 - To manage communications (whether statutory or otherwise)
 - To manage financial operations (whether statutory or otherwise)
 - use your functions, powers and duties to achieve the [intervention objectives](#)
 - empower the Board to be able to exercise its powers effectively when the intervention ends, and
 - report immediately to the local Director of Education on any matters of particular concern relevant to the level of risk to the school or if you encounter any conflict of interest as Limited Statutory Manager
2. You must also:
 - keep an accurate record of any meetings you attend with the Board and/or the principal, including any decisions you make.
 - consult with the Board on actions you wish to take that are likely to have an impact on powers and functions that remain with the Board.
 - consider any existing delegations and work with the Principal and Board to make changes if and as required.
 - work with the Board and Principal to define responsibilities and boundaries for financial commitment/liabilities
 - work with the Board, and obtain approval where required, to implement any changes that may impact on the Health and Safety of the staff, students, or others at the school.
3. You must:
 - use your functions, powers and duties to achieve the [intervention objectives](#)

- keep an accurate record of all key decisions impacting on the governance of the school.
 - consider any existing delegations and work with the principal to make changes if and as required.
 - work with the principal to define responsibilities and boundaries for financial commitment/liabilities, and
 - work with the principal to define responsibilities and boundaries for making decisions that may impact on the Health and Safety of the staff, students or others at the school.
4. You **must** seek prior approval from the Ministry of Education (the Ministry) if you wish to contract services for the intervention that are outside the scope of costs anticipated in the Outcomes Plan. Details should be recorded in a memo signed by the local Ministry Director of Education.
5. If you will be unable to fulfil your functions, powers, or duties for any period of time, you must advise the Board, the Principal and your Ministry contact person, with reasonable notice.

Getting Started

6. Upon starting your appointment, you must:
- **contact the Board's insurer** to ensure the Board's powers vested in you are covered by the Board's insurance policy and that you are aware of any conditions required by the insurer.
 - **meet with the Board and Principal** to reach an understanding on the working arrangements, responsibilities and boundaries of your vested governance functions, powers, duties, and any conditions on those powers.
 - **meet with the principal** to clarify and reach understanding on the working arrangements, responsibilities and boundaries of your role
 - undertake a **scoping period**, in the first four weeks (unless an extension has been approved by the Ministry).

Situation Background

The basis on which we decided to place a Limited Statutory Manager into the school is based on the risk to the future operation of the school.

By placing a Limited Statutory Manager in the school, it will:

- *allow an independent scoping of the issues the school is facing.*
- *to work with the board providing direction as to how the issues the Board is facing can be resolved for the benefit of all concerned, and in particular for the children of the school.*
- *This process ensures that it is fair and equitable process for all parties.*

Scoping Period and Report

7. During the scoping period you must make as full an assessment as possible of the issues facing the school/kura and write this up in a Scoping Report.
8. The Scoping Report must include:
 - the evidence for this scoping.
 - identified strengths.
 - the issues facing the school/kura (the facts) and an analysis of the severity and scope of these issues.
 - issues not apparent at the outset of the intervention; and
 - the overall assessment of risk level.
9. The scoping report must be submitted to your Ministry of Education contact person by the end of the scoping period.
10. The Ministry of Education will use the scoping report to review the broader intervention outcomes and suitability of the current intervention level and scope. If the scoping report uncovers a need to replace the current intervention with a lower or higher level of intervention, your Ministry contact person will develop recommendations supporting the approval of this change and coordinate as applicable.
11. The Ministry of Education will provide you with a scoping report template for your use.

Intervention Outcomes Plan and Statements of Effective Governance

12. The Ministry has identified the following (Education Review Office aligned) statements that describe the areas of effective governance that are the focus of this intervention:
 - **Financial Compliance** – ensure that the school complies with financial requirements.
 - **Financial Management** – ensure that regular monitoring, evaluation and reporting in relation to financial delegation takes place.
 - **Human Resource Management** procedures and practices – ensure that human resource management procedures and practices promote and support high quality education outcomes and safety.
 - **Human Resource Compliance** – ensure that the school complies with human resource compliance.
 - **Managing Principal Performance** – ensure that school policies and procedures are coherent and fit for purpose.
 - **Policies and Procedures** – ensure that school policies and procedures are coherent and fit for purpose.
 - **Physical and Emotional Student Safety** – ensure that a physically and emotionally safe environment is provided for all students.
13. From these statements of effective governance, a tailored set of measurable and iterative objectives will be developed by you and updated during the intervention.

14. After you have submitted your Scoping Report, your Ministry Education Adviser will contact you to discuss how and when the Outcome Plan will be completed. The Outcome Plan must outline:
- the objectives to be achieved during the intervention;
 - the planned approach to achieve these objectives;
 - the indicative timeline for achieving these objectives;
 - the intervention costs, including the agreed maximum hours per month and other agreed expenses; and
 - any significant areas/items of expenditure that may be necessary to achieve the intervention objectives.
15. You are responsible for drafting an Outcomes Plan but should do this in collaboration with your Ministry contact person and the Board.
16. The Ministry of Education will provide you with an Outcomes Plan template for your use.
17. Your finalised Outcomes Plan will be attached as an addendum to this Terms of Appointment document in due course.

Fees and Hours of Work

18. ^{9(2)(a)} [REDACTED] invoices will be submitted monthly.

Your Reporting Requirements

19. After the scoping period is complete and Outcomes Plan finalised, you must submit monthly progress reports to the Ministry of Education and the Board with details of:
- any of your decisions/actions (financial or otherwise);
 - any impacts that your decisions have had or may have on the Board's other areas of responsibility.
 - a review of the agreed set of objectives outlined in the outcome plan, progress made towards them and any amendments that need to be made to them (recognising that intervention progress and environmental changes may require such changes).
 - details of any barriers or challenges to be addressed; and
 - your monthly fees and expenses.
20. All reports should **not** include:
- specific details about individuals, employment issues or complaints or
 - details about issues or problems that arise as part of the day-to-day operations of the school/kura.
21. The Ministry of Education will provide you with a monthly reporting template for your use.

Ministry Monitoring and Review and Exit from Intervention

22. This intervention and your appointment will be reviewed against the Outcomes Plan by the Ministry of Education within the first year and annually thereafter. Your appointment will end when one of the following occurs:
- the Minister of Education or delegate is satisfied that the intervention is no longer required; or
 - your appointment and/or the intervention is amended to the extent that your role is no longer required; or
 - you resign.
23. As part of your exit from appointment, you will:
- provide a final report
 - manage a handover to the Board or new Statutory Provider; and
 - ensure all relevant documentation is appropriately filed or archived at the school, including a record of decisions you made and your decision-making process.

Discussion and Acceptance of Terms Subject to Appointment

Appointee signature block

My signature below confirms that, should I be appointed to the Limited Statutory Manager role described in this document, I accept the stated terms of the appointment.

Name: Shane Edwards

Signature  **Date:** 5th April 2024

Key Intervention Contact (Ministry of Education) signature block

My signature below confirms that I have discussed the terms of appointment outlined in this document with the above appointee.

Name: Kevin Johnson, Lead adviser Network

Signature  **Date:** 5 April 2024