



– 8 MAR 2018

Marama Henare-Waho
fyi-request-6917-3aa21dfb@requests.fyi.org.nz

Dear Marama

Thank you for your 26 January 2018 email to the Ministry of Education requesting the following information:

... I am interested to know if there is documented information that outlines the rationale behind the decision at the time to broaden the LSM's powers. And if there is, would I have to make a new request for it?

Your request has been considered under the Official Information Act 1982 (the Act).

We have identified five documents within the scope of your request. Of these, three documents are notes from the Ministry panel's review of the Limited Statutory Manager's (LSM's) *Statutory Intervention Scoping Report*, the document released to you in response to your 30 November 2017 request relating to the statutory intervention at Te Wharekura o Maniapoto.

One document is an update, providing an overview of the support in place at the kura. The final document is a 'key messages' briefing to support the Director of Education for Waikato, Paula Rawiri, in a meeting held with representatives of mana whenua, of which I understand you are a member. All five documents discuss the rationale behind the decision to broaden the LSM's powers.

Please note that documents 1, 2 and 3 are draft documents prepared for internal use, and at the date of your request had not been reviewed by hui attendees and finalised. In the interest of transparency however, I am also releasing the final versions of these three documents. As such, I am releasing documents 1, 1a, 3a and 5 to you in full, and documents 2, 2a, 3 and 4 in part withholding information under section 9(2)(a) of the Act to protect the privacy of natural persons. Information that is out of scope of your request has been removed.

You will note that these documents are not "a formal response to the LSM's recommendations", and as such, are outside the scope of your 30 November 2017 request.

Thank you again for your email. If you have further questions please feel free to contact the Ministry's Acting Official and Parliamentary Information Manager, Mike Scott at mike.scott@education.govt.nz or on 04 463 8764.

Under section 28(3) of the Act, you have the right to refer this response to an Ombudsman. You can do this by writing to info@ombudsman.parliament.govt.nz.

Yours sincerely



Katrina Casey
Deputy Secretary
Sector Enablement and Support

cc: Paula Rawiri, Director of Education Waikato



NOTES

Internal Review of the Scoping Report for Te Wharekura o Maniapoto

Date: 30 October 2017
Venue: Ministry Office - Hamilton
Attendees: Brad Totorewa, Strategic Advisor Māori, Freda Wilson, Education Advisor, Karen Crowe, Student Achievement practitioner.

Topic	Actions/Discussion
1. Background	<p>Missy invited Karen and Freda to the review team for their expertise. It's important that the Ministry provide the right support for Te Wharekura o Maniapoto.</p> <p>The scoping report was reviewed and discussed.</p>
2. Initial Intervention Outcomes Identified (page 2)	Based on the scoping report, the review team agreed that the initial intervention outcomes identified are still relevant and remain within the LSM scope.
3. Human Resource (page 3)	<p>The issues listed under 'communication' fits within the scope of leadership/employment (governance/management)</p> <p>Staff wellbeing listed on page 4 fits within the scope of leadership/employment (management)</p> <p>Leave procedures listed on page 4 fits within the scope of leadership/employment (management)</p> <p>Registration of teachers listed on page 5 fits within the scope of leadership/employment (management).</p> <p>Recruitment listed on page 5 fits within the scope of employment (governance)</p>
4. Tumuaki Performance (page 6)	Principal appraisal goals, plans and process listed on page 6 fits within the scope of leadership (governance)
5. Relationships (page 7)	The issues relating to relationships listed on pages 7 and 8 fit within the scope of leadership (governance and management).
6. Issues Not apparent at Outset of Intervention (page 9)	Leadership and Management is a reiteration of the statements made within the scoping report (pages 4-7)

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Internal Review of the Scoping Report for Te Wharekura o Maniapoto, 30 October 2017 **Error! No text of specified style in document.**

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The LSM has estimated about 200 people contributed to the scoping process. The Ministry do not have this evidence nor do we require it.

The LSM strongly states the issues the community have with the lack of leadership within the kura (governance and management)

The LSM states that a call was made for a commissioner at one of the hui she attended. No evidence of this was provided to the Ministry.

Written complaints from two staff members were received by the LSM. No evidence of this was provided to the Ministry.

Page 10: the major theme of the scoping report is one of no faith and confidence in leadership (management/governance).

7. Recommendation to Paula Rawiri (Director of Education) and Jean Paterson (Manager Education)

Based on the scoping report provided by the LSM, the Internal review team agreed that:

1. The major issues outlined in the scoping report fits within the powers of Employment;
2. The intervention continue under s78M (LSM);
3. The LSM continue to have the powers of Employment;
4. The Ministry provide graduated support to address the other matters outlined in the scoping report, communication, relationships, student achievement.
5. The Ministry to review the purpose of the Ohu Hāpai.



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Internal Review of the Scoping Report for Te Wharekura o Maniapoto with the Director of Education, Waikato

Date: 4 November 2017
Venue: Ministry Office - Hamilton
Attendees: Brad Totorewa, Strategic Advisor Māori, Jean Paterson, Manager Education, Paula Rawiri, Director of Education, Missy Lord, Education Advisor

Topic	Actions/Discussion
1. Chairperson s 9(2)(a) OIA	The Ministry received a copy of the resignation letter by ██████ ██████ tendering his full resignation as a trustee. This leaves a gap in leadership for the board of trustees. NZSTA are supporting the board.
2. Recommendation of the scoping report.	<p>A summary to how the outcome was reached by the internal review team was provided (see internal review notes attached). Given the chairperson holds the communication portfolio on the Board, it was recommended all communications relating to the intervention be included in the scope of the LSM.</p> <p>Based on the scoping report and the notes by the internal review team, Paula accepted the recommendations with the addition powers of Communication.</p>

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Internal Review of the Scoping Report for Te Wharekura o Maniapoto with the Director of Education, Waikato

Date: 23 November 2017

Venue: Ministry Office - Hamilton

Attendees: Brad Totorewa, Strategic Advisor Māori, Jean Paterson, Manager Education, Paula Rawiri, Director of Education, Missy Lord, Education Advisor

Topic	Actions/Discussion
1. Community Hui (22 November 2017)	<p>At the request of the community, Ministry (Brad, Missy) and LSM (Keriana) presented the outcome of the scoping report. The Ministry confirmed that the intervention would continue at LSM level with Employment and Communication powers.</p> <ul style="list-style-type: none"> Community protested the decision and recommended the Ministry reconsider their decision and escalate the intervention to Commissioner. They lack confidence in school leadership (Management and Governance) and believe the decisions made by the Board have put student and staff welfare at risk. The scoping report also indicated the lack of confidence in the leadership of the kura (governance/management). A parent representative requested curriculum be included in the LSM scope should the Ministry decline the escalation to commissioner.
2. Ministry Internal Scope	<ul style="list-style-type: none"> The Ministry met with NZSTA (Grant) and ERO s 9(2)(a) OIA ██████████ to triangulate evidence. Substantial evidence has not been found to meet the reasonable grounds to believe there was/is a risk to student welfare, which would warrant the escalation of commissioner. the National School Governance team (Deborah) has clearly indicated the Ministry will only agree to a commissioner if the Ministry can clearly show a risk to the operations of the school and or risk to student welfare. The evidence gathered does support the concerns around curriculum for the wharekura students. The

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community (parents) indicated their tamariki are being disadvantaged with the current programme on offer. SAF (Robyn) has supported the kura in student achievement NCEA and identified the curriculum to be an issue.

- The three remaining trustees have not resigned and are prepared to continue as the board.
- NZSTA (Kirsty) is meeting with the board tonight (29/11) to provide support and guidance to a by-election.
- The by-election may attract strong members of the community which consequently will strengthen the board/governance of the kura. If the process doesn't attract interest, then the Ministry will have grounds to review the intervention.
- Mana Whenua have nominated a representative from their collective as required by NKAI affiliation tikanga. This will be a co-option to the board.

out of scope

4. Recommendation

Given the internal scope and the lack of evidence to suggest escalating the intervention to commissioner, it is agreed that the:

1. Intervention continue under s78M (LSM) with the inclusion of Curriculum.
2. The amended notice will include the following:
3. All functions, powers and duties for the board as an employer (whether statutory or otherwise);

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Internal Review of the Scoping Report for Te Wharekura o Maniapoto with the Director of Education, Waikato, 23 November 2017

4. All functions, powers and duties of the board in curriculum management including teaching and assessment practices (whether statutory or otherwise); and
5. All functions, powers and duties of the board to manage communications (whether statutory or otherwise)

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Internal Review of the Scoping Report for Te Wharekura o Maniapoto with the Director of Education, Waikato

Date: 23 November 2017
Venue: Ministry Office - Hamilton
Attendees: Brad Totorewa, Strategic Advisor Māori, Jean Paterson, Manager Education, Paula Rawiri, Director of Education, Missy Lord, Education Advisor

Topic	Actions/Discussion
1. Community Hui (22 November 2017)	<p>At the request of the school community, Ministry (Brad, Missy) and LSM (Keihane) presented the outcome of the scoping report. The Ministry confirmed that the intervention would continue at LSM level with Employment and Communication powers.</p> <ul style="list-style-type: none"> Some community members protested the decision and recommended the Ministry reconsider their decision and escalate the intervention to Commissioner. They lack confidence in school leadership (Management and Governance) and believe the decisions made by the Board have put student and staff welfare at risk. The scoping report also indicated the lack of confidence in the leadership of the kura (governance/management). A parent representative requested curriculum be included in the LSM scope should the Ministry decline the escalation to commissioner.
2. Ministry Internal Scope	<ul style="list-style-type: none"> The Ministry met with NZSTA (Grant) and ERO to discuss possible intervention and the level of that intervention. While leadership and governance were identified issues, ERO's review report (June 2017) also identified concerns regarding the quality of education and curriculum at both primary and secondary levels. the MoE National School Governance team (Deborah) has clearly indicated the Ministry will only agree to a commissioner if the Ministry can clearly show a risk to the operations of the school and or risk to student welfare.

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- The evidence gathered does support the concerns around curriculum for the wharekura students. The community (parents) indicated their tamariki are being disadvantaged with the current programme on offer. SAF (Robyn) has supported the kura in student achievement NCEA and identified the curriculum to be an issue.
- The three remaining trustees have not resigned and are prepared to continue as the board.
- NZSTA (Kirsty) is meeting with the board tonight (29/11) to provide support and guidance to a by-election.
- The by-election may attract strong members of the community which consequently will strengthen the board/governance of the kura. If the process doesn't attract interest, then the Ministry will have grounds to review the intervention.
- Mana Whenua have nominated a representative from their collective as required by NkA affiliation tikanga. This will be a co-option to the board.

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3. All functions, powers and duties for the board as an employer (whether statutory or otherwise);
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5. All functions, powers and duties of the board to manage communications (whether statutory or otherwise)

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Update for Te Wharekura o Maniapoto

A one page overview outlining range of supports currently being provided to support the school/kura to return to full governance and stability

School: **Te Wharekura o Maniapoto**

Date: 29 November 2017

Indication:

Manager Education **Jean Paterson**

Serious Concern

Improved situation

Senior Adviser

Missy Lord

Significant improvement, minimal concern

Current Situation:

LSM Employment and Communications.

Root Causes:

Professional Leadership (Management/Governance)

Issues:

At the request of the community, Ministry (Brad, Missy) and LSM (Keriana) presented the outcome of the scoping report. The Ministry confirmed that the intervention would continue at LSM level with Employment and Communication powers.

- Community protested the decision and recommended the Ministry reconsider their decision and escalate the intervention to Commissioner. They lack confidence in school leadership (Management and Governance) and believe the decisions made by the Board have put student and staff welfare at risk.
- The scoping report also indicated this.
- The Ministry met with NZSTA (Grant) and PRU [REDACTED] to triangulate evidence, however substantial evidence has not been found to meet the reasonable grounds to believe there was/is a risk to student welfare.
- The evidence that we have gathered does support the concerns around curriculum for the wharekura students. The community (parents) indicated their tamariki are being disadvantaged with the current programme on offer. SAF (Robyn) has supported the kura in student achievement, NCEA and identified the curriculum to be an issue.
- the National School Governance team (Deborah) has clearly indicated that the Ministry will only agree to a commissioner if the Ministry can clearly show a risk to the operations of the school and or risk to student welfare.
- The three remaining trustees have not resigned and are prepared to continue as the board.
- NZSTA (Kirsty) is meeting with the board tonight (29/11) to provide support and guidance to a by-election.
- The by-election may attract strong members of the community which consequently will strengthen the board/governance of the kura. If the process doesn't attract interest, then the Ministry will have grounds to review the intervention.
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out of scope

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	<p style="text-align: center;">Out of scope</p>
<p>1. Leadership</p>	<ul style="list-style-type: none"> • An experience external appraiser will be appointed to complete a summative tumuaki appraisal by the end of term 4. The LSM is working with NKAI to appoint an appropriate appraiser. • All employment policies, procedures and plans will be reviewed to ensure they are coherent and fit for purpose. • Two parent reps have resigned from the board, one of which is the chairperson. • NZSTA (Kirsty Sanson) are supporting the board through the by-election process to fill the vacancies left by two parent reps who recently resigned. • Mana whenua have nominated a rep as a co-option to the Board • LSM, NZSTA, PPTA and the four staff members are still engaged in mediation. • The LSM will hold communication powers until the two casual vacancies are filled and/or a new chairperson elected.
<p>2. Communications</p> <p>3. Curriculum</p>	<p>Based on the evidence we have collated through the SAF process, the parents' concerns that their children are being disadvantaged, and the confirmed ERO report, I would like to recommend that <i>curriculum</i> is added to the powers of the LSM. [REDACTED] has advised that ERO would endorse the inclusion of curriculum. s 9(2)(a) OIA</p> <p>I would also like to recommend the intervention be reviewed at 6 months.</p>
<p>Appendices attached:</p>	

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Te Wharekura o Maniapoto
Key Messages
(for internal use)

Background

- The Board requested support and discussed the engagement of a Limited Statutory Manager to help with Employment matters.
- Ministry engaged an LSM to complete a scoping report.
- The scoping report confirmed the employment risk
- The scoping phase attracted 200 respondents with 95% concerned with Leadership (Governance & Management)
- The scoping report recommended the intervention be escalated to Commissioner.
- The Ministry was unable to find enough evidence to warrant the escalation.
- The Ministry presented the outcome of the scope to the SLT team, Board of Trustees, staff, whānau and mana whenua.
- No objections were received by the SLT, BoT or Staff.
- The parents asked why curriculum was excluded from the LSM powers.
- The Community recommended the Ministry review its decision and reconsider the level of the intervention and/or include curriculum to the LSM powers.

Internal Review

- The Ministry triangulated the review with ERO and NZSTA.
- Evidence from SAF documentation and ERO supported the inclusion of Curriculum management including teaching and assessment practices.

out of scope

out of scope

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