



# NZCEO

TE TARI MĀTAURANGA KATORIKA O AOTEAROA  
NZ CATHOLIC EDUCATION OFFICE



## 2020

### Handbook for Boards of Trustees of New Zealand Catholic State-Integrated Schools

## **2020 Edition**

Published by  
New Zealand Catholic Education Office  
Te Tari Mātauranga Katorika o Aotearoa  
PO Box 12307, Wellington 6144, New Zealand

**[www.nzceo.org.nz](http://www.nzceo.org.nz)**

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> Introduction

# Introduction

This handbook is intended to help Boards of Trustees focus on those aspects of a state-integrated school that differ from a non-integrated state school. There are excellent governance guides available from the Ministry of Education and the School Trustees Association that cover aspects common to both.

## The purpose of this handbook

While this handbook is meant primarily for Proprietors' appointees, it is also applicable to trustees of Catholic state-integrated schools as well as principals and senior management teams. All share responsibility for the Catholic character of their respective schools through the contractual responsibilities set out in the Integration Agreement.

This handbook is not a legal document and should not be read as such. The online version of the handbook is available on the NZCEO Handbook website and contains links to resources and useful information, and may be printed out as a whole or in sections as needed.

## Key Resources and Information

Each section of the Handbook has a list of resources at the end. All of these forms, guides, policies and supporting information are available from the NZCEO Handbook website at [nzceohandbook.org.nz](http://nzceohandbook.org.nz). Each section of the Handbook corresponds with the same section of the website. Please visit the website to download resources as required.

## Further information

Further information is available from New Zealand Catholic Education Office at:

**Email:** [nzceooffice@nzceo.org.nz](mailto:nzceooffice@nzceo.org.nz)  
**NZCEO Website:** [www.nzceo.org.nz](http://www.nzceo.org.nz)  
**Handbook Website:** [www.nzceohandbook.org.nz](http://www.nzceohandbook.org.nz)

## The nature of Catholic state-integrated schools

Catholic state-integrated schools are state schools – not private or independent schools. They have three main distinguishing features:

- Catholic state-integrated schools are embedded in the Church; their Catholic character determines student enrolment and staffing requirements and their Catholic curriculum.
- The Proprietor, who is the Bishop of the diocese or a religious institute or Trust Board, has ownership of the school's integrated land and buildings. Responsibility for their maintenance and insurance (and the resulting health and safety obligations) is shared by the school's Board of Trustees and the Proprietor.
- Each school is governed by its Board of Trustees. The Proprietor has the right to appoint up to four members to the Board.

The state-integrated school is funded by the Government through the Ministry of Education for its day-to-day operation (including staff salaries and the maintenance of the school's integrated buildings and grounds) to the same standard as required for other state schools.

Part 33 of the Education Act 1989 sets out the general conditions of integration, and each school's Integration Agreement defines the particular conditions of that school's integration into the state system. The focus of these, of course, is the maintenance of the school's Catholic Character, which the whole Board of Trustees is required to uphold.

The Proprietor's appointees to the Board of Trustees are members of the Board in all respects. They have some additional reporting responsibilities to the Proprietor (see Governance section of the Handbook for more information).





> Integration

# Integration

## The Catholic school

New Zealand Catholic schools were founded with the primary purpose of giving a Catholic education to Catholic children. Various Church documents focusing on the Catholic school elaborate on the mission of the school.

Catholic schools were founded by dioceses, parishes or religious institutes under the authority of the Bishop who, as chief pastor of the Church in his diocese, continues to exercise his canonical authority over the Catholic nature of the school. Integration protects the authority and the rights of the Proprietor and of the Bishop over the school.

The Bishop or religious institute or Trust Board, as Proprietor, holds the school in trust for the Catholic community that originally established the school, and the Proprietor continues to be the legal owner of the property that constitutes the integrated school.

## Canon law

Those who administer Catholic schools need to keep in mind those Canons that focus on Catholic education. Some of the Canons that are relevant to the establishment of schools and the enrolment of students are paraphrased below:

- > Canon 217: All those baptised into the Catholic Church have the right to a Catholic education.
- > Canons 773 and 776: Parish priests must see to the formation of adults, young people and children.
- > Canon 774 §2: The primary obligation for catechetical formation lies with parents. The same obligation binds godparents and those who take the place of parents.
- > Canon 780: Diocesan Bishops may issue directives for catechetical formation. Catechists are to be duly trained and given opportunity for continuing formation.
- > Canon 792 §2: Teachers are to collaborate closely with parents and listen to them. Parent associations are to be set up.
- > Canon 797: Parents must have freedom to exercise choice in determining which school their children will attend.
- > Canon 798: Parents are to send their children to those schools that will provide for their Catholic education. If they cannot do this, they are bound to ensure the proper education of their children outside the school.
- > Canon 800 §2: Catholic schools are to be promoted and everything possible done must be done to help establish and maintain them.

- > Canon 802 §1: Where there is no Catholic school, one must be established.
- > Canon 805: The diocesan Bishop has the right to appoint or approve teachers of religion and to remove them or demand that they be removed, if religious or moral considerations require.
- > Canon 806 §1: The diocesan Bishop has the right to watch over and inspect the Catholic schools in his diocese and to issue directives concerning the general regulation of Catholic schools.
- > Canon 806 §2: Catholic schools are to ensure that the academic standards of the formation given in them is at least as good as that in other schools.
- > Canons 773 & 776: Parish priests must see to the formation of adults, young people and children.

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- > Catholic state-integrated schools are embedded in the Church; their Catholic character determines student enrolment and staffing requirements and their Catholic curriculum.
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- > Each school is governed by its Board of Trustees. The Proprietor has the right to appoint up to four members to the Board.

The state-integrated school is funded by the Government through the Ministry of Education for its day-to-day operation (including staff salaries and the maintenance of the school’s integrated buildings and grounds) to the same standard as required for other state schools.

Part 33 of the Education Act 1989 sets out the general conditions of integration, and each school’s Integration Agreement defines the particular conditions of that school’s integration into the state system. The focus of these, of course, is the maintenance of the school’s Catholic Character, which the whole Board of Trustees is required to uphold.

The Proprietor’s appointees to the Board of Trustees are members of the Board in all respects. They have some additional reporting responsibilities to the Proprietor (see Governance section for more information).

## The founding principles of integration

When the Proprietors of Catholic schools integrated their schools with the state system of education, they entered into a partnership with the Crown. The partnership is based on six fundamental principles:

1. The right to teach, develop and implement the Catholic programme in Christian faith and living, and to follow those religious customs that are normal in the Catholic school.
2. The right to administer staff appointments and arrange that staff composition recognises the Catholic Character of the school.
3. The right to enrol firstly, the children of Catholic parents and secondly, the children of other parents who seek a Christian environment for the education of their children.
4. The right to extend existing schools and build new ones to meet the demands of legitimate expansion and proven need, including schools with special purposes [e.g., to cater for special educational, physical or emotional needs].
5. The right to own the land, school buildings, ancillary educational buildings and facilities that make up the Catholic school system.
6. The right of the Catholic community to make a tangible financial contribution through fees towards the cost of maintaining its schools.

## Integration as set out in the Education Act

The Board of Trustees of an integrated school functions according to Part 33 of the Education Act 1989.

Part 33 of the Act:

- > takes precedence over other named statutes that govern the school, if there is a conflict between it and other legislation.
- > guarantees the school its right to continue through its teaching and conduct to reflect education with a Special Character [Section 416(1)]
- > states that integration must not jeopardise the Special Character of the school [Section 416(2)]
- > gives the Proprietor explicit rights regarding the Special Character [Section 416(3) and (4)] to:
  - > supervise the maintenance of the Special Character
  - > determine what is necessary to preserve and safeguard it
  - > take action if, in the Proprietor's opinion, the Special Character is likely to be jeopardised, or is not being maintained or preserved.

## Each school has an Integration Agreement

A school becomes integrated into the state educational system when the Proprietor and the Minister of Education approve the school's Integration Agreement. This agreement establishes a partnership between the Proprietor and the Crown. Each school has its own Integration Agreement.

The Integration Agreement imposes obligations on the Board of Trustees [referred to as the Board in this handbook]. All Board members need to be familiar with it.

The Integration Agreement:

- > defines the school's Special Character
- > sets out the rights of the Proprietor in relation to the operation of the school
- > prescribes the religious instruction and observances that are to be part of the school programme
- > specifies the lands and buildings that are to be managed and maintained by the Board
- > sets out special requirements and appointment procedures for certain key positions
- > determines the maximum roll and the maximum percentage of non-preference students who may be enrolled
- > provides for the charging of attendance dues up to a maximum amount approved by the Minister of Education
- > requires the Proprietor to insure the buildings and any chattels that are owned or held in trust by the Proprietor
- > provides for the appointment of a chaplain
- > sets out the rights of the Proprietor to have access to the school
- > sets out other matters agreed to between the Proprietor and the Minister.

## Cancellation of an integration agreement and school closure

Cancellation conditions and requirements are found in Section 427 of the Education Act. In August 2003 NZCEO and the Ministry of Education agreed on the details of the procedures to be followed in such cases.

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## Resources

- > Integration Agreement – Example
- > Education Act
  - > Schedule 6 Powers and Functions of Board
  - > Part 33 State-Integrated Schools

Downloadable resources are available from [www.nzceohandbook.org.nz/integration#resources](http://www.nzceohandbook.org.nz/integration#resources)



> Special Character

# Special Character

## What is special character?

Part 33 Section 414 of the Education Act 1989 outlines education with a Special Character as education within the framework of a particular or general religious or philosophical belief, and associated with observances or traditions appropriate to that belief

The more particular definition of Special Character is defined in each schools Integration Agreement as:

The school is a Roman Catholic school in which the whole school community, through the general school programme and in its religious instructions and observances, exercises the right to live and teach the values of Jesus Christ. These values are as expressed in the Scriptures and in the practices, worship and doctrine of the Roman Catholic Church, as determined from time to time by the Roman Catholic Bishop of the diocese.

The following phrases in the above statement are significant:

- > **Roman Catholic:** In stating that the school is Roman Catholic, the definition asserts that the fundamental motive that drives the school is religious and Catholic.
- > **School community:** The school community includes the students, their parents [who are the foremost educators of their children], the teaching and non-teaching staff and the Board. The Proprietor is pre-eminently a member of the school community. Because the school is an integral part of the pastoral ministry of the Church, its community comprises the local church led by the Bishop of the diocese. The parish school actualises the local church in the parish.
- > **General school programme:** By referring to “the general school programme” as well as the “religious instruction and observances”, the definition stresses that the religious goals of the school must not be separated from its other educational goals. Each is embedded in the other; each “exercises the right to live and teach the values of Jesus Christ”.
- > **Values:** The “values of Jesus Christ” are expressed in scripture and in living Catholic tradition. They are normally identified in the school’s charter and are unabashedly Christian being sourced from the gospels. The precept “to love God above all things and one’s neighbour as oneself” sums up the values of Jesus Christ. Values and virtues education in a Catholic school is fundamental to the life of the school. All staff in a Catholic school are expected to model these values and virtues in their behaviour and to teach and proclaim them to their students.

- **Bishop's determination:** Finally, the statement says that it is the Bishop of the diocese who has the ultimate responsibility for determining whether the practices, worship and teachings in the school are indeed Catholic. The Bishop of the diocese (in union with the Pope and all other Catholic Bishops) exercises the Church's teaching authority. In New Zealand the Bishop of each diocese acts together under the New Zealand Catholic Bishops Conference [NZCBC].

## The nature of Catholic Character

In a Catholic school the special character is also known as the Catholic Character. This is not something that is simply added on to what would otherwise be a secular state school. Nor does it merely refer to religious education, ceremonies and observances. The Catholic Character is the framework within which the whole school curriculum is delivered; it is, in fact, integral to everything that takes place in the school, or on behalf of the school and its community. Properly observed and practised, it also provides a climate of hope, inspiration and service for all members of the school community.

In 2014 the NZ Catholic Bishops Conference addressed *The Catholic Education of School-Age Children* to parents, trustees, school principals and staff, priests and chaplains, and diocesan education staff. This is the Bishops' most recent guide on the work of Catholic education in New Zealand. It includes the following quotes:

Catholic education is above all a question of communicating Christ, of helping to form Christ in the lives of others. Pope John Paul II, from his 1979 address to Catholic educators in the US

First and foremost, every Catholic educational institution is a place to encounter the living God who in Jesus Christ reveals his transforming love and truth. Pope Benedict XVI in 2008

The following examples illustrate how the scope and influence of Catholic Character permeate every aspect of school life.

## Evangelisation

As part of its role in the teaching mission of the Church, the Catholic school is an integral agent in the evangelising mission of the Catholic Church. This means that it proclaims the Gospel as a means of bringing people to Christ.

It is important not to confuse evangelisation with proselytisation. The first teaches people about Jesus Christ in the hope that they will accept him, follow his teachings and grow in relationship with him. Whether they do or not is left to their free will and conscience, guided by the working of the Holy Spirit. The second, which attempts to convert someone from one faith or Church to another, has no place in a Catholic school.

Schools are required to have a planned approach to evangelisation that allows for people to be invited into the Church, and a sacramental programme for students that involves parents and families. Evangelisation can occur quite informally, through the example set by people living Christian lives; during formal school lessons; or through organised courses made available through or by the school, outside of normal school hours, to anyone who is interested.

## **Spiritual guidance**

The Catholic school recognises that every person has a spiritual dimension. Just as our physical, intellectual and other dimensions need guidance and nurturing, so does our spiritual aspect. Catholic schools provide this through such group activities as liturgies [Mass, etc.], communal prayer [which is an important part of the daily life of a Catholic school], retreats, or through individual support in the form of counselling, youth or peer ministry, the Sacrament of Reconciliation, and so on. This guidance, nurturing and support may be provided by appropriate staff members, school chaplains or peers.

## **Pastoral care**

This term applies to the spiritual aspects of the curriculum. As in other state schools, however, it also means catering for the material, physical or emotional wellbeing of people, both within and outside the school community. Pastoral care encompasses guidance counselling as well as service to others through activities such as peer ministry, fundraising for overseas aid programmes and mission fields, and helping and 'reaching out' to groups within the local community [such as the elderly].

These service activities develop practical skills in the givers and have practical benefits for the receivers. Also, and most importantly, they are a valuable means of character training for students – a major function of Catholic education.

## Social justice

In keeping with the teachings and the example of Jesus Christ, the Catholic Church places great emphasis on meeting human needs caused by poverty, oppression, exploitation, injustice and other denials of human rights. Social justice teaching is an essential part of religious education. It is also applied in practice through the school's and students' involvement in such organisations as Caritas [the Church's agency for justice, peace and development]. As well as human rights, environmental and sustainability issues have a strong social justice component.

## Particular Catholic Character or charism

The Catholic Character of every school includes the particular religious values or charism that were identified when the school was established. These may link the school to a particular religious institute or saint. The charism may be defined in the Integration Agreement. Whether it is so defined or not, in every case the school works to maintain and develop its particular charism, which is the lens through which Catholic Character may be viewed in the school.

## Church festivals and feast days

Catholic schools recognise and celebrate certain feasts and seasons of the liturgical year [such as Christmas and Easter] and the periods leading up to them [such as the four weeks of Advent and the six weeks of Lent]. Other important days in the Church calendar are also celebrated, including the feast day of the saint or person after whom the school is named.

## Supporting documents

Catholic Character is supported by the Code of Ethics for Catholic Schools, and The Declaration which has been made available to all schools. [See Resources section for these documents at [www.nzceohandbook.org.nz](http://www.nzceohandbook.org.nz)].

The *Catholic Special Character Review and Development* Document describes the expected outcomes from the above activities.

The *Catholic Education of school aged children* is also a useful resource and found on the Resources section of the NZCEO Handbook website at [nzceohandbook.org.nz](http://nzceohandbook.org.nz).

## Philosophy of Catholic schools

Catholic schools are established to carry out the Church's mission. They provide a Catholic Faith environment that enables young people to develop the attitudes, knowledge and skills to become active and committed members of the Faith Community and to contribute positively to the world community.

The philosophy of Catholic schools in New Zealand is based on a Catholic understanding of Christianity. Catholic state-integrated schools live and teach the values of Jesus Christ, as expressed in the scriptures and in the practices, worship and doctrine of the Roman Catholic Church.

The New Zealand Catholic Bishops Conference act in unison in determining the essentials of Catholic philosophy and its underpinning values.

The following values are fundamental for Catholic schools and can be found in the "*Virtues and values in New Zealand Catholic Schools*" guide. This guide provides a framework by which teachers, trustees and leaders in Catholic schools may better understand the important role virtues play in Catholic schools. It defined virtues and values, provides examples of gospel values, puts them in the context of the Catechism of the Catholic Church and provides practical steps schools can take to adopt and embrace gospel driven values.:

- > The development of the spiritual, intellectual, moral, emotional, physical and social dimensions of students, since authentic human life and openness to God are inseparable.
- > The search for excellence as an integral part of the Christian message.
- > Evangelisation – that is, the encouragement to grow towards the vision of human life and wellbeing that God revealed in Christ, as expressed by the Church.
- > A culture of love, based on God's love for us, that enables each person to develop the inner autonomy of self-love, self-discipline and self-direction so that they can love God and others and respect the rights, freedoms and intrinsic worth of all other people.
- > Moral principles based on the teaching of Christ and the dictates of right reason and put into practice in every aspect of life.
- > Religious Education programmes that challenge each student and deepen their understanding of Catholic teaching.-
- > Education that is inclusive and that focuses on:
  - > the development of each individual's unique talents
  - > students and families with particular needs
  - > the principles of the Treaty of Waitangi
  - > multicultural issues.

- Service – the will and vision to contribute a Catholic dimension to the development of the values and wellbeing of the wider community.
- Co-operation and solidarity, as principles of right relations with all members of the school and wider community.
- Parish interaction, which builds up the community of the Church and supports parents, teachers and students.
- Social justice in the face of discrimination, and commitment to an option for the poor at the local, national and international levels.
- Leadership that enhances the life of the Church and the wellbeing of the national and international community.

## Religious Education

The NZ Catholic Bishops Conference [NZCBC] has determined that Catholic schools will follow a national curriculum for Religious Education at both primary and secondary level. The National Centre for Religious Studies [NCRS] is the agency of the NZCBC and has developed this curriculum in consultation with schools.

The amount of time schools should devote to Religious Education at various year levels has also been set down by the NZCBC [see downloadable pdf in Resources section at [www.nzceohandbook.org.nz](http://www.nzceohandbook.org.nz)]. Boards are responsible for ensuring that professional development, school budgets, staffing allocation and timetabling allow these requirements to be met.

## Drug and sexuality education

These topics are covered in all schools, usually through the health and physical education programme. However, in Catholic schools sexuality is normally part of the Religious Education programme, because of the important moral dimensions of this topic. Health educators and Religious Education teachers need to collaborate closely in these curriculum areas. It is important that Boards ensure funding for teachers to take part in *Having life to the full*, a professional development course for teachers in Catholic schools. This requirement is set out in Section 60B of the Education Act 1989.

## Counselling and health services

On behalf of all Proprietors, NZCEO has published model policies for Boards on school counselling services and school-based health services [see downloadable pdf in Resources section at [www.nzceohandbook.org.nz](http://www.nzceohandbook.org.nz)]. NCRS can provide supporting materials for the Health curriculum.

## External health educators

External health educators invited to work in the school need to be carefully scrutinised and due diligence undertaken. In addition they need to be well briefed about Catholic Character and authorised by the principal and the Board. The parameters for externally provided health education need to be defined and monitored, as some organisations may wish to teach material that is not acceptable in a Catholic school.

## Professional development for Catholic Character

All teachers in Catholic primary and secondary schools are expected to engage in professional development in Catholic Character and/or Religious Education. The NZ Catholic Bishops Conference requires teachers in primary schools to undertake 12 hours of professional development in Religious Education and spiritual formation each year [see Resources section on the NZCEO Handbook website]. The Board must ensure that the school's professional development budget meets these requirements.

Each Diocesan Catholic Schools' Office and Religious Education Centre can provide support and professional development in relation to Catholic Character for beginning teachers, teachers new to Catholic schools, principals, Boards and Proprietor's appointees.

They also offer professional development in the Religious Education curriculum, mainly to teaching staff. This may be in the form of residential, day or evening courses.

Most dioceses offer a catechetical programme that provides professional development in Religious Education, scripture and theology at a university College of Education.

The Catholic Institute provides courses and qualifications that support teachers' knowledge and understanding of Catholic Character such as NZ Certificate in Christian Studies. These courses are available throughout the country [see [www.tci.ac.nz](http://www.tci.ac.nz).]

The NZ Catholic Bishops Conference desires all teachers in Catholic schools to gain qualifications in Catholic Character and Religious Education.

## **Certification**

The NZ Catholic Bishops Conference has set up a national certification system for teachers in Catholic Character and Religious Education. The handbook for certification is available from NCRS or the diocesan office.

Each diocese runs its own professional development programme, but the certificate is awarded by NCRS. A full record of each teacher's certification is kept at the diocesan offices. Each school and diocesan office also holds a copy of the Certification Schedule.

## **Certification in Religious Education**

### **Classroom Level**

This is the minimum level for those teaching Religious Education in a primary school.

### **Leadership Level in Religious Education**

This is the minimum level required of those holding or aspiring to the positions of Principal or Director of Religious Studies, and those in other significant leadership positions in Catholic schools.

### **Graduate Level in Religious Education**

This level is for teachers, principals and DRS who have completed appropriate graduate studies.

## **Certification in Catholic Special Character**

### **Foundation Level**

This is the basic level required of all teaching staff in a Catholic school. It is achieved by attending courses for teachers new to Catholic schools that have been organised by the diocese.

### **Classroom Level**

This is the level required of all teachers holding tagged positions who do not teach Religious Education. Teachers holding non-tagged positions who do not teach Religious Education may also apply for this level.

## **Safeguards to maintain Catholic Character**

The Education Act [Section 416] protects the school's special character by ensuring that:

- > the school shall continue to have the right to reflect the special character of its education through its teaching and the conduct of its staff
- > integration shall not jeopardise the special character of an integrated school
- > the Proprietor shall continue to have:
  - > the responsibility to supervise the education with a special character
  - > the right to determine what is necessary to preserve and safeguard the special character
- > if in the Proprietor's opinion the school's special character is threatened, the Proprietor may invoke its powers under Part 33 of the Education Act.

## **Review and evaluation of the Catholic Character**

The vital importance of the Catholic character is clearly demonstrated by the fact that it is regularly audited, reviewed and evaluated. Reviews are both internal and external.

### **Annual internal evaluation**

Schools generally undertake internal self-reviews of Catholic Character in a 3-year cycle that is part of their normal review process. The national Catholic Special Character Evaluation and Development document guides Boards in conducting this process. Help and guidance is also available from the Diocesan Catholic Education Offices.

Internal evaluation also results from the obligation of the Proprietor's appointees on the Board to present the Proprietor with an annual report on special character matters [see Resources section at [www.nzceohandbook.org.nz](http://www.nzceohandbook.org.nz).] Ideally, this involves the other members of the Board to some extent, since the Board has a collective responsibility to maintain the school's special character.

The Board must also provide the Proprietor with an Annual Compliance Attestation that shows how it complies with its statutory obligations in the area of special character. The attestation form is available from the Proprietor or can be found in the National Catholic Special Character Review and Development document.

## External Evaluation

External evaluations of the Catholic Character are conducted by mandated diocesan reviewers every 3–4 years. These evaluations are based on the Catholic Special Character Review and Development document and use its format.

The Education Review Office [ERO] is legally required to monitor the special character of all state-integrated schools as part of its regular review process. Liaison between ERO and Proprietors at both national and local levels facilitates these reviews.

Schools are expected to respond to the recommendations in the evaluation reports and prepare an action plan for their implementation. The Diocesan Education Office provides support for this.

## Links with wider Church networks

As well as the networks that every state school has across the education sector and the wider community of New Zealand, Catholic schools have a network of agencies and organisations within the Church.

## Parishes

### Parish links

Every Catholic school is, by definition, part of the Church, the People of God. When the Board consults or reports to its community, it must recognise that this community includes the diocese, the deanery or pastoral area, diocesan pastoral councils and parish organisations such as parish councils.

The school's most obvious link is to the parish or parishes from which it draws its students. It is important that schools and their local parishes collaborate with and support one another. Joint school and parish celebrations of Mass and the sacraments, and school visits by the priests or pastoral leaders of the parish help forge these links, which can include a range of activities such as:

- > support for and cooperation with parish programmes that prepare students to receive the sacraments of Reconciliation, Confirmation and the Eucharist
- > as schools are a vital part of their parish communities, school representation on the parish pastoral council and parish representation on the Board
- > parish information in school newsletters [and vice versa]
- > joint fundraising ventures.

More ideas are given in the downloadable Factsheet “Fostering school-parish relationships” in the Resources section on the NZCEO Handbook website.

## **Parish priests and lay pastoral leaders**

Parish priests and lay pastoral leaders have a pastoral responsibility towards all their parishioners, including the students in the school. The school needs to give them every opportunity to fulfil that pastoral ministry. When appropriate, teachers and guidance personnel in the school may liaise with the parish priests of students in their care.

In 2009 the New Zealand Catholic Bishops Conference published A Collaborative School-Parish Approach to Evangelisation [see Resources section at [www.nzceohandbook.org.nz](http://www.nzceohandbook.org.nz)].

## **Chaplain**

The Education Act [Section 470(2)] allows for a chaplain, who is appointed by the Proprietor, not by the Board. The Bishop must endorse the appointment. The Proprietor must inform the Board of the name of the chaplain. Remuneration for the chaplain's services cannot come from the school's salary or operational grant, or any funding allocated by Parliament, but can be provided from the school's other sources of income.

The parish priest will normally act as chaplain in a parish primary school or a regional school for which he or one of his associates has pastoral responsibility. The chaplaincy of a secondary school may be undertaken by another priest or be shared among the priests of the deanery.

### **Chaplain's role**

The chaplain's role is to minister to the pastoral and sacramental needs of the students and school staff and to help develop the school as a community of faith and worship within the local Church. Ideally, the chaplain, the DRS and the principal will work together to link the Religious Education programme into the activities of the local parish and the diocese.

### **Chaplain's rights**

As an agent of the Proprietor, the chaplain has access to the school at all reasonable times. It is expected that the chaplain and the principal will have a good working relationship; the chaplain should not interrupt normal school activities or interfere in the professional work of the teachers, and the principal should not frustrate the chaplain's work. Chaplaincy teams also work closely with principals and specifically designated chaplains.

## **The chaplain as teacher**

A chaplain who is appropriately qualified may be appointed by the Board as a part-time teacher. In that capacity the chaplain is, like any other teacher, responsible to the principal.

## **Campus ministry and chaplaincy teams**

More and more secondary schools are developing different models of chaplaincy when working with students. The concept of campus ministry and chaplaincy teams that work in association with the Religious Education Department are becoming commonplace.

## **Links between area, primary and secondary schools**

Catholic schools in a particular geographical area such as a deanery or pastoral area cooperate with one another. A seamless relationship between primary and secondary schools is vital for ongoing Catholic faith education for students. Leadership is required to set up and carry through practices that support this.

## **Diocese**

Catholic schools were founded by dioceses, parishes or religious institutes under the authority of the Bishop, who has the unique role of chief pastor of the Church in his diocese.

Schools that have the Bishop as their Proprietor (i.e., all primary schools and some secondary schools) are connected to their Bishop as the owner of the school.

All Catholic schools, including those that do not have the Bishop as their Proprietor, receive support from a number of diocesan agencies. The local Diocesan Catholic Education and/or Religious Education Office is the first source of advice on Catholic Character matters. These offices support and monitor the Catholic Character and provide Religious Education advisers who help and guide the principal, DRS and other staff in areas of Religious Education and run professional development courses and seminars for staff and Board members on Catholic Character.

## **New Zealand Catholic Education Office (NZCEO)**

NZCEO is the national administrative arm of all Catholic school Proprietors and works closely with the NZ Catholic Bishops Conference. There is frequent communication between Catholic schools and NZCEO. NZCEO produces a national newsletter six or seven times a year, as well as other publications, papers, resources and information. The NZCEO website ([www.nzceo.org.nz](http://www.nzceo.org.nz)) has a wide range of information and resources.

## Other links

Catholic schools also work with other Church agencies such as the National Centre for Religious Studies, the Catholic Institute of Aotearoa, Caritas and Catholic Social Services. Schools can seek specialist support and guidance from these agencies.

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## Resources

- > Fact Sheets
  - > Professional development and spiritual formation for teachers
  - > The parish priest and New Zealand Catholic schools
  - > Code of ethics for Catholic schools
  - > A collaborative school-parish approach to evangelism
  - > Example policy for counselling and health services
  - > Some easy practical ideas to foster parish-school relationships
  - > Time allocation for Religious Education
- > The Catholic Education of School-Age Children

Downloadable resources are available from [www.nzceohandbook.org.nz/special-character#resources](http://www.nzceohandbook.org.nz/special-character#resources)



> Governance

# Governance

## Key responsibilities of Boards

### Boards govern

The Board governs the school; the Principal runs it on a day-to-day basis, in accordance with Board policies. The Board has three main sets of responsibilities. These are to:

- > ensure an overall operating framework for the school that:
  - > sets out the school's aims and values [including how it manifests the school's Catholic Character]
  - > incorporates these in policies
  - > allocates resources
  - > monitors the outcomes;
- > employ the Principal [the school's chief executive], agree on the Principal's goals and priorities, and hold the Principal accountable for the management of the school.
- > engage with the parents and the school's Proprietor.

## Make up of the board

Effective governance begins with well-defined roles and responsibilities, and clear parameters around how these relationships will work. All Board members have responsibility for the protection of the Special Character of the school as set out in the school's integration agreement and charter.

### Board of Trustees

A board is a crown entity and body corporate. It consists of between three and seven parent trustees and up to four Proprietor Appointees. There must be fewer proprietors' appointees than parent trustees. The ratio is 5:4, with change only being made with the approval of the Proprietor. The board also includes the Principal and a staff trustee. A school with year 9 students and above, will also have a student trustee. The board chair can be either an elected or appointed trustee.

### Proprietor's Appointees

Proprietor's Appointees on the Board are full members of the Board with all the same rights and obligations of other Board members. These trustees assist in preserving the Special Character and property of the school and are required to report to the Proprietor.

## Principal

The principal is the board's chief advisor and the professional leader of the school. The day to day management of the school is delegated to the principal within a clear policy.

## Proprietor

Although they do not sit around the board table it is important to know your Proprietor and understand what responsibilities they have. The Proprietor's Appointee is their appointment on the board.

## Catholic Character safeguarded and preserved

Everyone in the school community has a role to play in the safeguarding and strengthening of the Special Character. The board has key responsibilities in relation to integration and in particular must safeguard:

- > Religious Education
- > Staff Appointments
- > Property
- > Student Enrolment

In addition to these key areas the board is required to communicate any issues and report annually to the proprietor. The board ensures the charter, policies and plans reflect the philosophy of Catholic schooling.

## Safeguarding and Preserving – the key responsibilities of the Board Catholic Character

The Board ensures that:

- > the school's charter, policies and plans reflect the philosophy of Catholic schooling, and the special Catholic character that its Proprietor requires it to uphold
- > the school supports staff and Board members' professional development in Religious Education,
- > the Board shows its support of Catholic Character through its leadership of the school and its engagement with the local Catholic community
- > the school carries out an annual self-review of its Catholic Character
- > the Board communicates promptly on significant issues and reports annually to the Proprietor in relation to its legal obligations.

## **Student enrolment**

The Board ensures that:

- > preference and non-preference enrolment requirements are observed
- > the maximum roll is managed [the Board can request the Proprietor to consider increasing the maximum roll]
- > the payment of attendance dues is monitored and managed in consultation with the Proprietor; however, no student who is entitled to a Catholic education is turned away
- > the preference/non-preference ratio is maintained, including for international students.

## **Staff appointments**

The Board ensures that:

- > the school uses its entitlement to tagged Section 464 and Section 467 positions correctly [for an explanation of tagged and non-tagged positions see Employment section]
- > the process for appointing staff to tagged positions is observed
- > the requirements of 'acceptability' for tagged positions are observed
- > the legally correct processes are used for job advertisements and letters of appointment.

## **School property**

The Board works closely with the Proprietor on:

- > the condition of the school's buildings and grounds
- > joint priorities for the annual and 10-yearly maintenance plans [for an explanation of maintenance plans, go to Property section]
- > the health and safety of all persons on the school premises during Proprietor-commissioned works.

## **Role of the Chair in a Catholic school**

The Chairperson of the Board has a key role in a Catholic school. The Catholic school is an evangelising faith community; therefore, the Board Chairperson is expected to focus the Board on sustaining and developing the Catholic Character of the school.

## Responsibilities of the Chairperson

In particular, the Chairperson is expected to:

- > promote Catholic character and the particular charism of the school
- > develop a personal understanding of the nature of the school's Religious Education and evangelising functions
- > attend and promote professional development for Board members in Catholic Character
- > ensure that the Principal's performance agreement includes Catholic Character goals
- > ensure that teacher certification in Catholic Character and Religious Education] is promoted and enabled
- > ensure that the Catholic Character is a standing agenda item at Board meetings
- > ensure Catholic character is preserved and maintained. This could be through a group including members of the board whose role is to oversee, develop and promote the special character of the school.
- > work with the Proprietor's appointees to review and develop the Catholic Character of the school
- > work with the Proprietor's appointees to ensure good communications with the Proprietor
- > ensure that the school's strategic plan covers Catholic Character, and that the school conducts an annual self-review of its Catholic Character
- > when speaking on behalf of the Board, reflect the Catholic dimension of the school.

## Proprietor's appointees to the Board

The Proprietor can appoint up to four members of the Board. These appointees are full members of the Board, with all the rights and obligations of other members, including the right to be elected as Chairperson of the Board.

If a Board considers that a change in the number of Proprietor's Appointees would provide a better balance, it must request the Proprietor's formal agreement to a change. The Board does not have the right to change the number of Proprietor's appointees.

## **Special responsibilities of Proprietor’s appointees**

In general, Proprietor’s appointees are asked to:

- > ensure that the school’s Catholic Character is strengthened and enhanced, and that the school fulfils the primary objective for which it was founded
- > act as a channel of communication between the school, the Bishop and/or the Proprietor
- > ensure that the property of the school is kept in good order and repair
- > report in writing to the Proprietor on the progress of the school, at least annually [more often if requested or if the need arises]. See checklist and example report for more information
- > submit annual report to the Proprietor at the date of annual meeting or a time specified by the Proprietor
- > send copies of board minutes to the Proprietor, their agent, or Diocesan Education Office.

The Proprietor may ask the appointee to sign a statement of responsibilities on accepting the appointment. If a Proprietor’s appointee on the Board resigns, he or she must inform the Proprietor of this and then inform the Board Chairperson. The Proprietor will appoint a new Board member.

## **Consultation with the Proprietor**

If any one of the Proprietor’s appointees is concerned that some action by the Board might have a detrimental effect on the Catholic Character of the school, the matter needs to be referred to the Proprietor so that the Proprietor’s comments, advice or determination can be conveyed to the Board. In the case of diocesan schools, the Proprietor is normally contacted through the Vicar for Education or the Diocesan Education Office, as appropriate.

Similarly, any unusual matter concerning the Catholic Character of the school – for example, if it is not being maintained and preserved, or if the Proprietor’s appointees consider that there are issues that could harm the school [e.g., questionable staff appointments, poor management, enrolment issues, disharmony within the school or its community] – needs to be referred to the Proprietor for information and guidance. It is important to seek such advice early, before the situation escalates to crisis level.

In certain situations where the educational or financial wellbeing of the school or the wellbeing of its students may be at risk, the Ministry of Education has the legal right to intervene. In such a situation the Proprietor should be alerted immediately.

## Student and staff health and safety

Health and safety are concerns common to all schools. This handbook gives only a very brief overview of the two Acts Boards need to be aware of – the Health and Safety at Work Act 2015 and the Children’s Act 2014. The Ministry of Education and the School Trustees Association have both issued comprehensive guides to these Acts.

This section focuses on the features and requirements that specifically affect state-integrated schools.

### Requirements for Proprietors

For state-integrated schools the major difference is in the shared responsibility for health and safety resulting from the Proprietor’s ownership of the land and buildings. Proprietors have to ensure that their buildings, plant and grounds are constructed and maintained to a standard that is safe for all who work at or visit the school premises.

### Requirements for Boards

Under the Health and Safety at Work Act 2015 the Board has the prime duty of care to ensure that:

- > the school is safe for all who work there or visit
- > actual and potential risks are identified
- > all practical steps taken to eliminate, isolate or minimise them.

The Board should have a comprehensive health and safety policy, ensure that it is implemented in the school, and monitor its effectiveness. The Act emphasises the collective nature of responsibility for health and safety. Real engagement with health and safety is most likely to come when the whole school community has a heightened awareness and appreciation of its importance.

Under the new Act, the Board’s responsibility is broadened to keep safe all people who are at or visit the school. The Act puts greater emphasis on:

- > staff and student participation and engagement with health and safety
- > active consultation and collaboration with other organisations such as construction companies to ensure a cooperative approach to health and safety at the school, or at school events beyond the school.

The Ministry of Education advised that many aspects of the 2015 Act are similar to the former Health and Safety in Employment Act of 1992. Boards that already have effective health and safety policies and practices in place will find that the required changes are easy to accommodate. Other schools may need to carry out a full review of their current health and safety policies, practices and procedures – a process they recommend all schools undertake.

The Ministry's comprehensive practical guide to the Act is available on their website.

### **Shared responsibilities at state-integrated schools**

As in a state school, the Board of a state-integrated school has the prime duty of care for health and safety at the school. Since the Proprietors own the integrated buildings and grounds, however, they are responsible for health and safety on the school premises in relation to:

- > capital works projects undertaken by the Proprietor that involve construction and maintenance
- > the safe condition of the Proprietor's buildings, grounds and associated plant.

### **Board's responsibilities**

The Board is required to monitor health and safety at the school premises. The principal and staff are in the best position to identify risks to health and safety, both day to day and through periodic inspections. When these risks result from unsafe buildings, plant and other fixtures, the principal should act immediately to remedy this by commissioning repairs under the school's minor maintenance policy or alerting the Proprietor to the need for remedial capital works, as appropriate. However, the principal must take all reasonable steps to ensure the safety of all on the school premises while the school awaits action by the Proprietor. The Board should ensure that its health and safety policy provides appropriate guidance and delegation to the principal for such situations.

When the Proprietor commissions capital works on integrated premises, the Board or the principal must at an early stage coordinate health and safety measures with the Proprietor and with the contractors carrying out the works. The principal should ensure good overall safety standards on the school premises during the works.

There should be close collaboration between the respective 10-year maintenance plans of the Board and the Proprietor, with an emphasis on health and safety. The Ministry of Education's Policy One funding of the Proprietor's capital works must be prioritised for health and safety matters.

Board members are encouraged to walk around the school every few months to ensure that they understand the level of safety and risk management that the school is carrying out in the Board's name.

## **Proprietor’s responsibilities**

The Proprietor is responsible for maintaining the integrated buildings and the associated plant to the required code. It is also the Proprietor’s responsibility to ensure that any Proprietor-commissioned works on school premises are carried out safely.

This means that when commissioning and carrying out capital works the Proprietor must coordinate health and safety measures with the Board or the principal. Likewise, it is the Proprietor’s responsibility to require the contractors that carry out the works to coordinate their actions with the school and to monitor the safety practices of their contractors.

## **The Children’s Act 2014**

The Board is responsible for ensuring that all employees and contractors are safe and competent to work with children. From 1 July 2015 the Act placed increased responsibilities on Boards to protect students.

The Act affects all schools equally; there are no special responsibilities that relate to integrated schools. Proprietors, however, are expected to take particular interest in how well Catholic schools meet these responsibilities, in the values they promote and in their practices.

The Ministry of Education and the School Trustees Association have published comprehensive guides to the Children’s Act 2014 and these can be found on their websites.

## **Requirements of the Act for all schools**

The key requirement of the Act is the safety checking of all staff before they are appointed and Police vetting every 3 years thereafter. It is recommended that volunteers [e.g., sports coach or chaplain] are also safety checked, particularly if they are in contact with children without a school staff member being present.

From 1 July 2019 all existing non-core children’s workers must be safety checked by this date.

Anyone convicted of a specified offence cannot be employed or engaged as a core children’s worker, unless they have an exemption.

The Act requires increased safety checking of prospective staff, consisting of:

- > confirmation of the employee's identity by the school
- > Police vetting of all staff (not only teachers) and of any other person likely to have unsupervised access to children during normal school hours (e.g., contractors and the staff of other agencies)
- > risk assessment by the school, based on interviews and referee checks.

Boards are also required to adopt a child protection policy with provisions for identifying and reporting child abuse and neglect in accordance with the Children and Young Persons and their Families Act 1989.

## **Safeguarding Practices**

As part of the annual Special Character compliances, the Board must confirm the Safeguarding guidelines, adopted by the Proprietor, is reflected in the wording of the school's Child Protection Policy.

The New Zealand Bishops' Conference (NZCBC) and Congregational Leaders Conference Aotearoa New Zealand (CLCANZ) have promulgated the 'National Safeguarding Guidelines'. The National Office for Professional Standards (NOPS) oversees the Safeguarding programme in each of the dioceses. This programme raises awareness of abuse, and identifies ways in which people can actively work together to create a safe environment in our Church communities. More information can be found in the safeguarding section of the NOPS site.

## **Fundraising**

The Education Act allows both Proprietors and Boards to carry out fundraising activities on an optional basis and in accordance with the separate responsibilities of each party. Two key principles guide fundraising:

- > Proprietors may raise funds for the private interests they represent in relation to school property
- > Boards may raise funds to supplement the Crown funds they receive for the benefit of their students.

The purpose and beneficiary of any fundraising must be specified from the outset. This will determine which party should be responsible for the collection and holding of any locally raised funds.

## **Voluntary contributions by parents**

The Board needs to ensure that information provided to parents and information on the school's website complies with Ministry of Education requirements. The requirement applies to both state and state-integrated schools.

Please refer to the Ministry of Education website for information on donations. The website sets out the requirements and provides guidance for schools and parents about what schools can charge for and what parents need to pay for.

The advice includes information about fees, charges and donations and what the difference is. It also includes information about attendance dues as follows:

- These are compulsory for students attending state-integrated schools and kura, regardless of whether the school or kura has opted in to the donations scheme.
- Payment can be enforced and GST is payable. A tax credit cannot be claimed.
- State-integrated schools and kura cannot increase attendance dues without the approval of the Minister of Education.

## **Funds raised by Boards**

Funds raised by Boards are Crown funds, and therefore cannot be used to fund buildings that belong legally to the Proprietor. Any funds derived from Board fundraising activities must be deposited as soon as practicable into an account in the name of the school, which can be opened and used only by the Board.

Any funds raised by the Board cannot be used to pay for any of the responsibilities of the Proprietor.

## **Grants from community organisations**

Schools sometimes seek funding grants from community organisations for items such as the provision of an asphalt netball/basketball court. The resulting structure or infrastructure is owned by the Proprietor, not the Crown. NZCEO has a template for a formal letter explaining this situation. Boards can use this template to draft a letter to accompany their grant application.

## **Lending money to the Proprietor**

It is illegal for Boards to lend Board money [which is Crown money] to the Proprietor to help provide a school building.

## **Funds raised by Proprietors**

School communities may wish to participate in fundraising carried out by (or on behalf of) the Proprietor. Section 452 of the Education Act states that the Board, staff or students of a state-integrated school may not take part in any fundraising for the benefit of the Proprietor during normal school hours. However, the Board, staff or students of state-integrated schools may choose to participate in fundraising carried out by (or on behalf of) the Proprietor outside of school hours.

In any fundraising activity it is crucial that schools make clear to all concerned on whose behalf the money is being raised. They must follow the statutory requirements for fundraising

Money raised on behalf of the Proprietor may be used for buildings that are owned by the Proprietor, not by the Board or the community. Further advice on using money gained through fundraising activities is available from the property offices of Proprietors.

More information can be found on the Ministry of Education website.

## **Compliances**

### **Proprietor Appointee special character report**

It is a condition of appointment as a Proprietor's appointee that the appointee submit a report to the Proprietor at the date of the Annual Meeting [i.e., between 31 March and the third Tuesday in May] or at a time specified by the Proprietor. See checklist and example report for more information.

The report should:

- > cover both the strengths of the school and any weakness observed.
- > attach copies of other documents that will help the Proprietor get a good picture of the school, such as a recent ERO report, the Board's annual report, self-review findings, etc.

Please note:

- > this report is a different document from the Board's annual report, and it is good practice for the two reports to be written in collaboration.
- > the report of the Proprietor's Appointees is their own report and contain their own views, even if these are not shared by the rest of the Board.
- > Good practice would be to send a copy to the Principal and the Board, so that all members know what is being reported and can make any comments before the report is sent to the Proprietor.

## Annual Compliance Attestation

The Board must also provide the Proprietor with an Annual Compliance Attestation that shows how it complies with its statutory obligations in the area of special character. The attestation form is also available at [www.nzceohandbook.org.nz](http://www.nzceohandbook.org.nz).

## Board prayer

It is expected that Board meetings will begin with prayer, which may include a reflection. Meetings will also end with prayer.

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## Resources

### Legislative Framework

- > Education Act
  - > Schedule 6 Powers and Functions of Board
  - > Part 33 State-Integrated Schools
- > Integration Agreement – Example

### Governance Framework

- > Example Framework

### Partnerships

- > Key Partnerships, Process and System Diagram

### Catholic Character Compliance

- > Annual Report
- > Attestation Form

Downloadable resources are available from [www.nzceohandbook.org.nz/governance#resources](http://www.nzceohandbook.org.nz/governance#resources)





HESNE

> Property

# Property

Property is a key area of the Board's role and responsibilities, and the ways in which the requirements of integrated schools differ from those of state schools are:

- > legislative and regulatory requirements for ownership and property standards as laid down in Part 33 of the Education Act and the school's Integration Agreement
- > the maintenance of buildings and grounds – funding minor and major maintenance
- > new buildings – the funding of expansion and new schools
- > furniture and equipment – funding and maintenance
- > insurance – responsibility for this is shared by the Proprietor and the Board
- > other use of the school premises.

## Property Obligations

The property obligations of the Proprietor and the Crown are set out in Sections 456 to 459 of the Education Act, and in each school's Integration Agreement and are as follows:

- > the Proprietor provides the land and the buildings for the integrated school
- > the Government provides the funding for the school's ongoing maintenance.

The Integration Agreement requires the Minister of Education to maintain the integrated area of the school as for an equivalent state school. It also requires the Minister of Education to maintain the contents (furniture and equipment) of the integrated property as for an equivalent state school.

Responsibility for the upkeep of the property and for insurance is split between the Board and the Proprietor. Consequently, there is an expectation that the Board and the Proprietor will work in close consultation to ensure that school property is not neglected as a result of misunderstandings and omissions by either party. This is now even more important given the requirements of the Health and Safety at Work Act 2015.

## Ownership of land and buildings

The Proprietor is the owner of all the land, buildings and other improvements described in the school's Integration Agreement. The school site plan (which is attached to the school's Integration Agreement) shows the school's premises, clearly distinguishing the land and buildings that are integrated from those that are not. The Proprietor meets liens, mortgages and other charges (such as insurance) associated with the lands and buildings that comprise the school premises.

The Proprietor gives the Board [the school's controlling authority] exclusive right to the possession and use of the school premises, including buildings and chattels.

Unless other arrangements are made with the Board, the Proprietor is responsible for any costs associated with the non-integrated areas [such as a chapel or hostel]. The Proprietor may allow the school to use such facilities, and may require the Board to pay for their use by way of an agreed rental or other contribution.

Any building on the Proprietor's land belongs legally to the Proprietor unless, by consent of the Proprietor, it is vested in the Board. An amendment to the Integration Agreement between the Minister of Education and the Proprietor will be required before the Board of Trustees has exclusive use of a new building that is part of the school's integrated portfolio.

The Board may construct a building or other facility on the school premises using its own [Crown] funds, and own this in its own right, but only with the prior agreement of the Proprietor and the Ministry of Education. A Memorandum of Understanding is required between the Proprietor and the Board to ensure that ownership and maintenance of any building that has been constructed with any input of Board [Crown] funds, or funds from other sources [such as the school's Parent, Teacher and Friends Association], are clearly delineated.

Finally, it is possible under the Integration Agreement to put up a building that is jointly funded and jointly owned by the Board and the Proprietor. However, most Proprietors are likely to refuse such a proposal.

## School premises

A Board cannot add to the school premises, dispose of any part of the school premises, or otherwise alter its boundaries or dimensions. If a Board considers any of these desirable, it is required to approach the Proprietor with a proposal to that effect. To be implemented, such changes require a Supplementary Agreement between the Proprietor and the Minister of Education.

## Minimum property standards for state-integrated schools

Under section 456[2] of the Education Act, property covered by an Integration Agreement must meet minimum standards to ensure that it is safe, in a fit state of repair, and meets all statutory, regulatory and Ministry of Education design standards.

When a school becomes state-integrated, the Ministry may identify work required to bring the land and buildings up to minimum state standards. This work will be listed in the Third Schedule of the school's Integration Agreement.

After integration the Ministry may also ask the Proprietor to do other work to maintain minimum standards.

At a minimum, the Proprietor and the Board must be sure that:

- > buildings with specified systems have a current Building Warrant of Fitness [BWOF]
- > the school has a process for managing health and safety issues

The Board is responsible for identifying, eliminating, isolating and/or minimising risks to health and safety on the premises. The Proprietor is responsible for capital work to remedy identified risks.

- > an appropriate professional consultant, such as an engineer or architect, designs and certifies all structural additions and alterations

The Ministry requires certification for this work:

- > the Board has a long-term maintenance plan and implements it effectively in collaboration with the Proprietor. [For more information, visit the Ministry Property website ]
- > all aspects of the school's property portfolio are compliant with the Health and Safety at Work Act 2015.

## **Maintenance of buildings and grounds**

### **Ministry of Education's responsibility for funding**

The Proprietor owns the integrated school's property; the Ministry of Education provides the funding for its maintenance through two categories: minor maintenance and major [or capital] maintenance. It also provides funding for furniture and equipment, and for insuring these.

### **Funding of minor maintenance**

The Ministry funds the Board to maintain integrated school property, including buildings, furniture and equipment, on the same basis as for a state school. This funding covers all day-to-day maintenance costing under \$5,000 [excluding GST] – for example, painting, fixing broken equipment, and making minor repairs to buildings and infrastructure [such as repairing a broken water pipe].

**Please note:** This figure of \$5,000 value is not an absolute guideline for maintenance – Boards, for example, are required to make provision for the painting of all school buildings on a regular cycle. Painting is the largest maintenance cost a Board faces and can range from \$10,000 to \$70,000, depending on the size of the school. Painting associated with remodelling or modernisation capital works within the footprint of existing buildings is also the Board’s responsibility.

The Ministry of Education funds the Board directly for minor maintenance through the school’s operational grant. Each year the Ministry sends Boards an indicative and a confirmed Grant Advice Notice giving details of the school’s maintenance funding for the year. This funding is paid directly into the school’s bank account in quarterly instalments.

### **Funding of major (or capital) maintenance and modernisation**

The Ministry’s website provides further information for Boards about items eligible for maintenance funding.

The purpose of this funding is to keep existing integrated (and only integrated) school property in a state of repair comparable with that of state schools. This funding covers works costing over \$5,000 [excluding GST].

The Ministry funds the Proprietor [not the Board] quarterly through Policy One funding to cover:

- > major or capital maintenance
- > significant emergency work [other than that covered by insurance]
- > modernisation projects.

This Policy One funding must be prioritised for urgent health and safety work and for essential infrastructure work.

2010 Policy One Guidelines document sets out how the funding should be spent by Proprietors of integrated schools and the processes for managing this expenditure.

### **Board’s responsibility for minor maintenance**

The Board is responsible for all minor repairs to integrated buildings, including keeping the school premises [grounds and environment] in good order. This maintenance is funded by the Ministry of Education directly to the school through the school’s annual operating grant.

The Board’s legal responsibilities for maintenance are confined to the integrated areas.

## **The Board's 10-year property maintenance plan**

The Board is responsible for all expected maintenance of buildings and fixtures within a 10-year period. The Board is obliged to have a 10-year property maintenance plan and to set aside an adequate budget to cover maintenance when it becomes due.

The repair [such as painting, fixing broken equipment, and minor repairs to buildings and infrastructure] of damage to buildings caused by reasonable wear and tear, high-spirited student behaviour or carelessness is also a cost to the Board and is covered by the school's maintenance funding. It cannot be claimed through the Proprietor's insurance.

## **Structural changes to buildings or grounds**

The Board has no authority to make structural changes to the buildings or grounds [such as putting up or removing a dividing wall or constructing a changing shed or relocatable classroom] without first consulting the Proprietor's Property Office and obtaining the Proprietor's written authorisation.

## **Proprietor's responsibility for major [capital] maintenance and modernisation**

The Proprietor is required to keep the school's integrated school property up to the standard of equivalent state schools. The Proprietor receives Policy One funding for this from the Ministry of Education. This funding covers works over \$5,000 [excluding GST] that improve or replace an existing asset. Works valued at less than \$5,000 come into the category of minor maintenance and are paid for by the Board from operational funding.

'Major maintenance' covers any unforeseen capital work, including any property modifications needed for students or staff with special needs. The Ministry requires that Policy One funding must be prioritised for urgent health and safety work and essential infrastructure work.

The Proprietor [or their professionally accredited agent] undertakes, year by year, a plan of work that covers the works the Proprietor is obliged to implement. These include:

- > major items of maintenance [replacing roofs, boilers, etc.]
- > modernising existing facilities
- > significant emergency work other than that covered by insurance
- > major maintenance works [including fire doors and disabled access] needed to comply with the Building Act, the Health and Safety in Employment Act, etc

- altering the shape or area of any building by adding, moving or removing any structures (e.g., interior or exterior wall, partition, ceiling, floor, staircase, lift-well, etc.)
- removing any building from the site
- moving any building already on the site
- placing any building on the site
- altering the topography or shape of the grounds
- changing the surface of any part of the grounds (e.g., by asphaltting over grassed areas)
- erecting or removing fences, hedges, trees or outhouses, if the proprietor's share exceeds the \$5,000 threshold] etc.
- altering any area of the grounds so as to change its use or function (e.g., removing a line of trees to make a vegetable garden)
- building or removing a swimming pool or tennis court.

The Ministry of Education states that when deciding if a task is capital works or routine maintenance, it is useful to assess the volume or extent of the change required. For example, if a few sheets of iron on the roof need replacing, this is routine maintenance. However, if most of the iron needs to be replaced (so that, in effect, the building needs a whole new roof), this is capital replacement.

In small schools that receive relatively little funding for minor maintenance it may be necessary for the Proprietor to pay for works that cost less than \$5,000, particularly if these works improve the capital value of the property.

The Proprietor has discretion in how far to support Boards that are faced with major maintenance expenses, as happens from time to time. This applies to very small schools in particular.

### **Board's responsibility to inform proprietor**

The Board is required to bring to the Proprietor's attention any maintenance items that are in the major category. The Board and the Proprietor are obliged to coordinate their respective 10-year maintenance plans to ensure that the best use is made of the two streams of maintenance funding.

## **Proprietor’s 10-year property plan**

The Proprietor’s Property Office in each diocese (or individual Proprietors, in the case of schools owned by religious institutes outside of diocesan cooperatives) prepares a rolling 10-year property plan in which it prioritises and plans those works as funds allow. It is important that the Proprietor’s Property Office (or the Proprietor’s agent) consults with the Board on these matters, and that the two parties coordinate their respective (major and minor) 10-year maintenance plans.

## **Proprietor’s access**

Comprehensive information related to the management of property in integrated schools is found in the property section of the Ministry of Education website.

Because the Proprietor owns the land and buildings, the Proprietor’s agent has the right to visit the school, after giving reasonable notice, to ensure that the asset has not deteriorated through lack of maintenance. If the Proprietor’s appointees on the Board have cause for concern, the matter should be raised with the Proprietor’s Property Office, the Proprietor’s agent in the diocese, or the Proprietor’s Trust Board, as appropriate. In any case, the Proprietor’s appointees on the Board are required to report on the state of repair of the integrated and non-integrated buildings and grounds when they make their annual report to the Proprietor.

Areas of shared access between the Board of Trustees and the Proprietor need to be regularised by means of a written agreement between the parties. This normally is in the form of a Memorandum of Understanding.

## **New buildings**

### **Proprietor’s responsibility for new buildings**

A school may require new buildings or other additional accommodation because of changes in the state school minimum accommodation code, or approved roll increases. Such additions are the responsibility of the Proprietor. The Crown may sometimes assist through Policy Two capital funding.

### **Consequential effects for maintenance funding**

As soon as any capital works are completed, the Proprietor or the Proprietor’s agent completes a Property Maintenance Information Schedule (CPMIS) and lodges it with NZCEO. Within one month of lodgement the details supplied on the form are placed on the Ministry of Education’s Helios system, which is a computerised record of all the assets (including buildings and land) held by every state and state-integrated

school. This updated information will ensure that the school's operational funding for maintenance is adjusted to allow for the upkeep of the new accommodation.

Boards can access their details on the Ministry's website and check whether they are receiving the correct amount of property maintenance funding for their integrated school property portfolio.

### **Board-funded buildings**

The Board of a state-integrated school is a Crown entity. As legal entities, Boards have the status of body corporates as established and constituted under the Education Act 1989. This means that they can own land, enter contracts, and so on. As Crown entities (defined under Section 7 of the Crown Entities Act 2004) they are subject to rules about what they can and cannot do without resorting to the Minister of Education for approval, such as lend or borrow and enter certain investments.

While Boards can legally own land and buildings, Crown funds (including funds raised by the Board) cannot be used to fund buildings that will legally belong to the Proprietor. Any building on the Proprietor's land belongs legally to the Proprietor unless, by consent of the Proprietor, it is vested in the Board. An amendment to the Integration Agreement between the Minister of Education and the Proprietor will be required before the Board has exclusive use of the new building.

Boards need to be aware that a building funded by Crown monies will not be integrated and therefore Board funding will be needed for maintenance and insurance. The Proprietor may not wish to have an unintegrated building on Proprietor-owned land, and may therefore withhold permission for it to be built.

The Ministry accepts that it is possible to put up a building that is funded jointly by the Board and the Proprietor. However, most Proprietors are likely to refuse permission for such a proposal.

A Memorandum of Understanding is required between the Proprietor and the Board to define ownership and maintenance responsibilities for any building that has been constructed with any input of Board [Crown] funds.

## **Board-funded capital works**

Boards may wish to undertake major capital improvements to the school buildings or grounds, using Crown funds.

Major capital work funded by the Board may be undertaken only to provide facilities in excess of the code entitlement, as major capital work on facilities to bring the school premises up to code requirements is the responsibility of the Proprietor.

It is essential for the Board to consult the Proprietor at an early stage about any proposal for capital works. The Board may not undertake such works without the written permission of both the Proprietor and the Ministry of Education. A local authority building consent and, if necessary, a resource management consent are also required.

### **Planning and approval for Board-funded improvements**

It would be most unwise to begin planning or financing major projects without the written permission of both the Proprietor and the Ministry of Education. All the relevant issues need to be clarified first – for example, estimated costs; who will be responsible for what aspect of the work; who will be responsible for insurance and maintenance; whether the Ministry of Education will supply furniture and equipment; whether the project will affect any covenant or mortgage on the land; whether it meets the Ministry of Education’s health and safety requirements; whether the addition or alteration is permanent or temporary and, if so, how long it will be in place.

The Ministry of Education’s website details the process for obtaining approval from the Ministry and recording a Board’s investment in a Proprietor’s property.

If a capital work is executed without fulfilling all the Ministry of Education’s requirements, particularly those related to health and safety, the Ministry may prevent the school from using the new facility until the requirements have been completed at the Board’s expense.

If a capital work is executed without the Proprietor’s authority, the Proprietor may require a reversal of the work at the Board’s expense.

## Maintenance of Board-owned property

Boards are required to use their own funding (which can include money from fundraising or the use of surplus operational funding) to pay for the maintenance of property that has been paid for with:

- > the Board's funding, or
- > funding provided by the community.

## Furniture and equipment

### Ministry of Education funding of furniture and equipment

The Ministry provides Boards of state-integrated schools with an annual grant to replace and modernise existing furniture and equipment. This funding is paid to Boards on 1 July each year. The annual furniture and equipment grant is calculated as a fixed percentage of up to 5% of the Proprietor's Policy One funding. The percentage amount depends on the type of school.

The Ministry also provides Boards with funding for furniture and equipment for new teaching spaces at stat-integrated schools, as appropriate for the room's intended use. The funding for new teaching spaces is based on net square metres (this does not include corridors, circulation space, toilets, etc.) up to its School Property Guide (SPG) entitlement. The Proprietor makes the claim and the Ministry pays the funding to the Board.

### Board's responsibility for furniture and equipment

The Board purchases and becomes the owner of the furniture and equipment, and is responsible for insuring it. The purchase must be recorded in the school's accounting system and its property register. The Board is also responsible for the routine maintenance of furniture and equipment.

## Insurance

Responsibility for insurance is split between the Proprietor and the Board, and possibly others who use the school. It is wise for the Board to consult with the Proprietor to make sure that the cover is adequate and, if it appears advantageous, to have one cover for all risks. In most dioceses the Proprietors' Property Office can arrange a comprehensive cover that shares the costs.

Because insurance can be complex, Boards should seek information and advice on particular matters from the insurance brokers retained by Proprietors' offices (Diocesan Education Offices, Diocesan Property Offices or the Proprietor's agent) or from individual Proprietors.

## **Proprietor’s responsibility for insurance**

The Proprietor is obliged to insure the buildings against fire, earthquake, storm, flood, burglary, arson, vandalism and malicious acts. In this context ‘buildings’ includes any item fixed to the buildings or grounds [e.g., toilet pans, doors and fixed shelving]. It does not include tractors, computers, library books and so on, which are classified as contents.

Damage to buildings caused by reasonable wear and tear, high-spirited student behaviour and carelessness cannot be claimed on the Proprietor’s insurance. It is covered by minor maintenance, which is a cost to the Board.

There may be items that are, in effect, contents but are lent to the school by the Proprietor [including items listed as such in a schedule to some Integration Agreements] or are stored in the school but not owned by it [such as equipment belonging to an associated sports club]. In these cases it is the responsibility of the Proprietor or other owner of these items to make sure that they are insured.

## **Board’s responsibility for insurance**

The Board is responsible for insuring school contents – any items that meet the definition of furniture and equipment and which are on the Board’s register of assets. Contents insurance is met from operational funding.

The Board is responsible for other insurance [such as public or third-party liability, loss of cash and fidelity guarantee] and for insuring any Board-owned buildings, if any.

## **Use of school premises**

### **Other users of school premises**

The Proprietor grants the use of the school premises to the Board, subject to conditions set out in the Integration Agreement. These conditions include the following.

If the Proprietor asks the Board to make all or part of the school premises or equipment available to the Proprietor or other persons, the Board may not withhold consent without a good reason to do so. Examples may include using classrooms for parish meetings, using the school hall for church functions and parking in the school grounds during Sunday Mass. The user should pay the Board enough to recover any costs [such as heating and lighting] and make good any damage caused.

The Board may also lend or hire its facilities to other users but must have the consent of the Proprietor, who may not withhold that consent without good reason – for example, if there was danger of damage to the asset or if the proposed use was unsuitable for diocesan-owned schools.

## Access by the Proprietor

The Integration Agreement gives the Proprietor or the Proprietor’s agents (including the parish priest, the Director of Schools and Religious Education advisers) access to the school at any reasonable time to ensure that the special character is being maintained or that the property is being looked after. Normally the Proprietor’s agents would first contact the principal to make sure that by exercising this right they do not disrupt the school. The relationship between agents of the Board and agents of the Proprietor should one of cooperation and good faith.

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## Resources

- > Policy One funding for capital work at integrated schools
- > Policy One Guidelines
- > Furniture and Equipment Funding Guidelines

Downloadable resources are available from [www.nzceohandbook.org.nz/property#resources](http://www.nzceohandbook.org.nz/property#resources)





> Enrolment

# Enrolment

There are six key areas where Part 33 of the Education Act and/or the school's Integration Agreement prescribe additional requirements for integrated schools, the following relates to enrolment:

- > preference of enrolment
- > the enrolment process in Catholic schools.

Enrolment is the responsibility of the Board (normally carried out by the principal in accordance with Board policy). The granting of preference is the prerogative of the Proprietor.

## Requirements of integration

The standard clause in the Integration Agreement of Catholic Schools states:

- > Preference of enrolment at the school under Section 442 of the Education Act 1989 shall be given only to those children whose parents have established a particular or general religious connection with the special character of the School and the Controlling Authority shall not give preference of enrolments to parents of any child unless the Proprietor has stated that those parents have established such a particular or general religious connection with the special character of the school.

The above statement represents a binding agreement between the Proprietors and the Crown; it must be observed in letter and in spirit. This and the other clauses of the Integration Agreement must be interpreted in terms of:

- > the nature of the Church, which is essentially missionary and has special care for those who are deprived of God's word or of material resources
- > the importance of Religious Education
- > the responsibility of parents to educate their children into the community of the Faith
- > the nature and purpose of a Catholic school.

## Preference decisions

It is important to distinguish preference given before enrolment from actual enrolment. The Proprietor, not the principal nor the Board, decides who is to be given preference – i.e., those who are entitled to be enrolled before any non-preference students are enrolled. The criteria for granting preference are set out in the Resources section.

Subject to this decision, the Board (acting usually through the principal) enrolls students in the following order:

1. the students who have been given preference by the Proprietor
2. the number of non-preference students (if any), up to the maximum number of non-preference students allowed by the Integration Agreement – provided the maximum roll is not exceeded.

It is the prerogative of the Board to determine the selection policy to be adopted when the number of non-preference students applying to enrol is greater than allowed by the Integration Agreement.

## Appeals

An appeals process will be formalised in each diocese, with a person or a committee appointed by the Bishop being delegated this responsibility.

The Preference of Enrolment Certificate will inform families of their ability to appeal a decision not to grant preference.

A national appeals form can be found in the Resources section at [nzceohandbook.org.nz](http://nzceohandbook.org.nz). This is the agreed national appeals form and will be used by all dioceses throughout New Zealand but will include diocesan specific information.

## **Enrolment Process**

### **Parents contact the school**

Parents who wish to enrol their children will usually first approach the school principal. The principal will ensure that the parents understand the nature of a Catholic school, explaining that the curriculum has a religious dimension and that the school will need the support of the family if the child is to fully benefit by the Catholic education provided.

The principal will explain the policy on preference of enrolment and how parents who wish to claim preference can obtain a preference certificate. The principal will also explain the legal obligation to pay attendance dues and, in appropriate cases, the diocesan policy for applying for a reduction in because of circumstances of hardship. These explanations will assist the parents when they come to sign the commitments on the enrolment form.

### **Claiming preference**

When parents apply to enrol a child the principal must inform them that if they wish to claim preference and have not yet done so, they need to obtain a preference certificate. To do this they visit their parish priest, or other person designated by the Bishop [diocesan offices will let schools know who is eligible to sign this certificate]. If appropriate, arrangements for paying the attendance dues may be made at the same time. In secondary schools, arrangements about attendance dues are often made by the principal on behalf of the Proprietor.

If a preference certificate has been refused and the parents wish to appeal the matter, either directly or through the principal, the application can be referred to the Proprietors' Office (or the Diocesan Education Office). The director of the office, or whoever is the appointed appeal authority in the diocese, makes whatever investigation is necessary [including consulting the parish priest, if appropriate] and makes a ruling or seeks a ruling from the Bishop. The parish priest or delegated person who originally refused the certificate is normally informed whenever a preference certificate is issued on appeal.

No student can be enrolled as a preference student unless the principal has received a preference certificate signed by a parish priest or other approved signatory. [See Enrolment Process flowchart in Resources Section at [nzceohandbook.org.nz](http://nzceohandbook.org.nz)]

The Proprietor, not the principal nor the Board, decides who is to be given preference – i.e., those who are entitled to be enrolled before any non-preference students are enrolled. The full guidelines for granting preference can be found at [www.nzceohandbook.org.nz](http://www.nzceohandbook.org.nz).

Subject to this decision, the Board (acting usually through the principal) enrolls students in the following order:

- the students who have been given preference by the Proprietor
- the number of non-preference students (if any), up to the maximum number of non-preference students allowed by the Integration Agreement – provided the maximum roll is not exceeded.

It is the prerogative of the Board to determine the selection policy to be adopted when the number of non-preference students applying to enrol is greater than allowed by the Integration Agreement.

## Determining Preference

Proprietors of both Diocesan and Trust Board schools have agreed that preference is established if the parents or guardians have obtained a signed statement to that effect from a person (usually the parish priest) who has been delegated authority by the Bishop.

The Bishop may give the same authority as parish priests to chaplains appointed to various ethnic groups (such as Māori, Korean, Samoan etc.) or in some dioceses to special parish-based committees.

The criterion used to determine preference is that the “parents have established a particular or general religious connection with the special character of the school”, as required by the school’s Integration Agreement. (See Resources section for Guidelines and a detailed explanation of the preference of enrolment criteria, and the Preference Certificate.)

The signed statement is called a preference certificate. It is authorised by the Bishops Conference. Its text cannot be amended by individual schools. Supplies of this certificate are held by parishes and are obtainable from Diocesan Education Offices and the NZCEO website. The certificate may also be included in the school’s application form for enrolment, but it is the parish priest or other person designated by the Bishop who must sign the form.

## **Non Preference Students**

At the time of enrolment the principal is to explain to parents of non-preference students the school's programme of Religious Education and religious observance. Parents need to understand that their child will be expected to attend the ordinary Religious Education classes, but that they have the right as parents to withdraw their child from religious observances and education concerned with particular observances. [See Section 445(2) of the Education Act].

The wording of the non-preference consent form ["I/We accept that she/he will participate in the general school programme that gives the school its Special Catholic Character"] is to fulfil the requirement to be responsive to the sensitivities of students and parents of different philosophical affiliations. The wording of the consent form enables the parish priest to discuss with the parent and non-preference child seeking enrolment what it means in practice to live and work within the context of a Catholic school community. By signing this consent form the parent is acknowledging on behalf of the child that they are making an informed decision and on the basis of such an informed decision wish to apply to enrol the child as a non-preference student.

## **School Administrative Requirements**

The principal needs to ensure that the master roll of the school states whether each student has preference or not. It is important to retain the preference certificate or a photocopy of it as evidence in the school's records. Parents are required to get a new preference certificate when they wish to enrol another child at the school or when the child moves to another Catholic school.

ERO officials and Catholic Character reviewers may check the accuracy of preference of enrolment data, either of their own accord or at the request of the Proprietor.

## **Schools Facing Pressure on the Roll**

It must be clearly understood that there is an obligation on schools to accept preference students ahead of any non-preference students.

If all preference applications are unable to be accepted, the school should have a clear transparent enrolment policy, or an enrolment scheme officially approved by the Ministry of Education, specifying priorities for acceptance.

While there can be no ranking of the preference criteria, Diocesan Vicars and/ or Managers of Education, can offer schools assistance on developing enrolment policies, acceptable to the Ministry of Education, which can include priorities such as:

First priority of acceptance is preference students:

- > from within the local parish or contributing parish or parishes
- > who have a sibling attending the school
- > with some connection with the local parish or contributing parish or parishes

## School–Parish Links

At the time of enrolment the principal normally urges all parents, whether Catholic or not, to call on the parish priest of the parish where they reside. This applies whether or not they need to obtain preference of enrolment. A visit to the parish priest is a helpful way of reinforcing the connection with the Church community implied by enrolment at a Catholic school.

In the interests of good communication, shortly after the start of each school year the principal normally sends each parish priest a list of students residing in his parish who are enrolled at the school.

## Enrolment Obligations Of Parents

In view of Sections 443 and 447 of the Education Act, it is important that the enrolment form for every Catholic school contain, besides the information the school wants, a statement that:

- > the parents accept as a condition of enrolment that the student will participate in the general school programme that gives the school its special character
- > the parent’s contract, as a condition of enrolment, to pay attendance dues as determined by the Proprietor from time to time and approved by the Minister of Education, and acknowledge the right of the school to discontinue the attendance of their children if they default on payment without making proper arrangements. [Note: This occurred at a school in Auckland; the parents went to the Ministry of Education, which upheld the school’s rights to terminate the enrolment.]

Parents are required to attest by signature that they are aware of and consent to these conditions. A specimen section of the enrolment form for parental attestation is available in the Resources section; this also contains a statement on the application of the Privacy Act.

## Maximum Roll

The Integration Agreement for each school specifies the maximum roll of the school and the maximum number of non-preference students who may be enrolled. Preference students are always enrolled ahead of non-preference students, however many non-preference students are allowed in the school's Integration Agreement.

### Managing the school's maximum roll

The Board is legally responsible for managing the roll within the numbers set down in the Integration Agreement.

If the roll is expected to exceed the maximum, the Board should take the following three steps:

1. The Board must refuse further non-preference enrolments, even if the non-preference number is below the maximum allowed. If this does not solve the problem, the Board should immediately inform the Diocesan Education Office or, if the school is non-diocesan, the Proprietor's governing body.
2. The Board could discuss the setting up of a non-binding enrolment policy with a neighbouring Catholic school that has less pressure on its roll and which is convenient for applicants to attend.
3. If the Proprietor and the Board agree not to seek an increase in the maximum roll, the Board may work with the Proprietor and the Ministry of Education to set up an enrolment scheme. If preference students seeking to enrol can reasonably attend some other Catholic school that has preference places available, the Proprietor may advise the Board to apply to the Ministry for an enrolment scheme as per Section 11PB of the Education Act 1989 [as amended by the Education Amendment Act 2000].

If it still appears that the roll will exceed the maximum, the Board needs to inform the Proprietor's office immediately, recommending that the Proprietor approach the Ministry of Education to negotiate an increase in the maximum roll by means of a Supplementary Integration Agreement.

When special circumstances lead a Board to consider enrolling a non-preference student in addition to the number or percentage allowed by the Agreement, it must first seek the approval of the school's Proprietor by approaching the Diocesan Education Office or, in the case of non-diocesan schools, the Proprietor. The Proprietor will normally consult the regional office of the Ministry of Education before deciding, and then seek approval from the Ministry [See Guidelines for managing maximum roll at [nzceohandbook.org.nz](http://nzceohandbook.org.nz)].

## Availability of space for international fee-paying students

International fee-paying students can be enrolled above the school's maximum roll, if the school has sufficient capacity (physical space) to take them (Education Act, Section 4[6]). If the Board wishes to provide more capacity for the school to take such students, it will need to negotiate with the Proprietor first. However, the Proprietor is not responsible for providing capital assets for international students in excess of the maximum roll.

The Board is not entitled to enrol international students if the enrolment would exclude a New Zealand student who is entitled to be enrolled (Education Act, Section 4[3]).

Schools that may become eligible for enrolment schemes need to manage their roll prudently and allow for the number of places required for the next several years' enrolments of New Zealand students before deciding to enrol international students.

Apart from the situations outlined above, international students are normally included in the maximum roll and can be allotted a place within either the school's preference or non-preference quota. They are not eligible for Ministry of Education funding.

## Increase in maximum roll

The maximum roll can be altered only if both the Proprietor and the Minister of Education agree and sign a Supplementary Integration Agreement.

There are some general principles that govern maximum roll increases. The Minister may agree to an increase in the maximum roll if Catholic children would otherwise be deprived of education in a Catholic school.

However:

- maximum rolls will not normally be increased to cater for non-preference students who wish to enrol
- if there are other nearby Catholic schools with empty spaces, and if the additional students could conveniently attend one or other of those schools, the Ministry will need to be convinced that the roll pressure cannot be solved by establishing an enrolment scheme.

The Proprietor must agree to supply any new accommodation made necessary by the increase, but only when the actual roll requires it.

Appointments to any additional teacher positions generated by the new actual roll cannot legally be made, or the teachers paid, until the new Supplementary Integration Agreement is signed and is published in the New Zealand Gazette.

## **Process for gaining an increase in the maximum roll**

The application for a maximum roll increase is made by the Proprietor to the Ministry through NZCEO. The steps outlined here have been agreed by Proprietors and the Ministry; adhering to them will help prevent undue delay in processing any changes.

If the Board considers that a maximum roll increase is needed, it first consults the Proprietor, then completes sections 1–3 of the Request for Maximum Roll Increase form [available from regional Ministry of Education Advisers] and forwards it to the Proprietor.

The Board should consult neighbouring state schools early on to discuss the reasons for the proposed increase and procedures for dealing with the increasing roll in the integrated school.

It is also essential that the Board consults neighbouring Catholic schools or Catholic schools in its catchment area [see section 7 of the Request for Maximum Roll Increase form found in the Resources section]. Such preparation will help avoid undue delay in processing the application when the Ministry consults the neighbouring state schools.

The new maximum roll sought by the Proprietor will be the maximum number of students that can be accommodated without overcrowding. When fixing this number, the Proprietor should consider the views of the Board, the views of the Ministry of Education’s regional office and the relevant school building code.

If the Proprietor agrees that the increase is necessary, the remainder of the form is completed and sent to the Ministry of Education through NZCEO. There are two annual deadlines for these applications: 31 March and 1 September.

It takes time to prepare, consult on and negotiate an increase in the maximum roll. Boards need to plan two or three terms ahead if they anticipate an increase. Much more time will be required for applications for Policy 2 funding.

## **Enrolment Schemes**

Schools that are nearing their maximum approved rolls may be approached by the Ministry of Education to set up an enrolment scheme. The Proprietor needs to be consulted about a proposed enrolment scheme. NZCEO can provide advice on how to set up an enrolment scheme and the implications of a scheme on the waiting list for preference students. [An example of an enrolment scheme is available in the Resources section at [www.nzceohandbook.org.nz](http://www.nzceohandbook.org.nz).]

Boards may prefer to request the Proprietor to apply for an increase in their maximum roll. Depending on local circumstances, an application for an increase in roll may result in the Ministry of Education requiring an enrolment scheme.

## International Students

The Board should follow general government requirements on enrolling international students however the following concerns the particular requirements affecting state-integrated schools and Catholic schools in relation to international students.

Reasons for enrolling international students in Catholic schools

When schools think of enrolling international students, they should consider the following reasons for doing so:

- **Pastoral:** In his address to the International Congress of Catholic Schools in Europe [28 April 2001] Pope John Paul II stressed the need for Catholic schools to welcome students from other cultures: This concrete means of overcoming the fear of others without doubt constitutes a decisive step towards peace within our society.
- **Equity:** Foreign students develop New Zealand students' awareness of the global family of nations and of international, social, economic and justice issues.
- **Educational:** Through contact with students from other cultures, New Zealand students develop their understanding of world geography and cultural differences. They therefore begin to develop an international viewpoint and create friendships that promote international understanding.
- **International relationships:** By offering educational opportunities for overseas students, New Zealand will enhance its positive international standing in the long term.
- **School viability:** Schools with falling rolls, or with rolls that are under their maximum, will particularly benefit from earnings from fees paid by foreign students.

### Enrolment of international fee-paying students

The Board should consult the Proprietor when setting the number of international students to be enrolled in the school.

There are three key constraints on enrolling international students in state-integrated schools:

- ensuring that New Zealand students are not excluded by international enrolments
- providing adequate physical accommodation if the school intends to enrol international students beyond its maximum roll
- respecting the preference/non-preference ratio among the international students.

The Ministry of Education’s Pastoral Care of International Students Code of Practice 2016 and International Student Wellbeing Strategy fully covers the care of international students.

It is mandatory for the school to formally sign up to this Code with the Ministry of Education before it enrolls any international fee paying students.

### **Maintaining the preference/non-preference ratio**

Given the school’s special character, the Board needs to ensure that the preference/non-preference numbers of international students are broadly in keeping with the ratio stated in the school’s Integration Agreement, and that the special character of the school is not jeopardised.

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## **Resources**

### Preference

- > Legal obligations and criteria for granting preference
- > Claiming preference
- > Preference decisions
- > Preference appeals
- > Full Guidelines for granting preference

### Enrolment

- > Process flowchart
- > Example Enrolment form [including conditions relating to Special Character and Attendance Dues]

### Determining Preference

- > Preference of Enrolment Certificate
- > Preference Appeal form

### Enrolment Scheme

- > Example Enrolment Scheme – Primary

### International Students

- > Link to MoE – Pastoral Care of International Students Code of Practice 2016

### Maximum Roll Increase

- > Guidelines for managing maximum roll

Downloadable resources are available from [www.nzceohandbook.org.nz/enrolment#resources](http://www.nzceohandbook.org.nz/enrolment#resources)



> Employment

# Employment

This section deals with the requirements for staff positions specific to state-integrated schools. These requirements apply to appointments as well as the requirements that state schools are obliged to observe [such as the State Sector Act, Education Act, Employment Relations Act, Human Rights Act, etc.]. For an overview of the appointment process go to [nzceohandbook.org.nz/employment](http://nzceohandbook.org.nz/employment).

## Board Responsibilities for Staff Appointments

The Board of Trustees is responsible for appointing all staff, whether teaching or non-teaching. The Board may delegate responsibility for selection to the Principal or an appointment committee.

### Board Appointment Policy

Board policy should cover the appointments process, the procedure for making appointments, delegations for specific powers, the selection criteria, and so on, in the same way as any state school. However, there are additional requirements for appointments to state-integrated Catholic Schools; in particular, those relating to the criteria that uphold the school's Catholic Character. These requirements are mandated by Part 33 of the Education Act, and by the school's own Integration Agreement between its Proprietor and the Crown, which may include requirements that are specific to the particular school.

### Expectations for staff of a Catholic school

Not all employees of a Catholic school have to be Catholic. However, every teacher (and every member of staff) is obliged to uphold and support the Catholic Character in all they do and must do nothing to damage or undermine it. This requirement applies to both staff members' professional activities and their lives outside the school.

The Board needs to develop a policy to ensure that each teacher or staff member has a clear understanding of what they undertake when they accept a position at a Catholic school. Candidates can be asked if they are prepared to actively support the specific values that a Catholic School stands for, both in their teaching and in the behaviour they model. The *Expectations of Staff Factsheet* describes the expectations for staff of a Catholic school.

It is strongly recommended that the *Expectations of Staff Factsheet* is included in the application pack, and that the Board require candidates to sign this document to show that they have read it and understand what is expected of them. This may be done when the offer of employment is accepted, and the signed document may then be filed with the appointee's records.

The Board's policy document needs to specify what a tagged position requires in relation to Catholic Character [see Section 464 and Section 467 positions].

### **Determining best applicant**

When determining which applicant is best suited to a particular teaching position, the Board must balance the following requirements:

- the Board's obligation to appoint teachers so that the school will reflect the Catholic Character in its teaching and conduct
- the need to have competent teachers to fulfil the educational objectives of the school and provide for the special needs of the students
- the need to be just and equitable to all who wish to apply for the position
- the gender and ethnic balance of the staff as well as the proportion of Catholic teachers to teachers of other faiths and beliefs already in the school.

The Board needs to ensure that it appoints teachers who can contribute actively to the school's special character, or at least are sympathetic to the school's objectives, as set out in the school charter or elsewhere.

## **Process for Establishing Acceptability and Suitability**

### **Primary**

In primary schools the Board is required by Section 469 of the Education Act to consult the Proprietor before shortlisting applicants for appointment to positions tagged as Section 464 or 467. The Board may only consider those applicants who have been declared acceptable by the Proprietor for the position.

The Board then decides which of the acceptable applicants is the most suitable for the position, giving strong consideration to religious qualifications and experience.

When applications close, the principal sends the completed S464 or S467 forms together with any other information provided by applicants that is relevant to the special character requirements of the advertisement to the Diocesan Education Office, which has guidelines on what constitutes acceptability under the special character provisions that outline the legal responsibility for the special character of the school.

The Diocesan Education Office consults the referees nominated by the applicants and asks for a confidential report [preferably be writing for the positions of DRS, deputy principal and principal]. The director of the Diocesan Office, acting as the Proprietor's agent, then reports back to the Board giving the names of the applicants who the Proprietor considers are acceptable for appointment.

The Proprietor does not have a right to determine the suitability of the applicants – that is the responsibility of the Board. However, any of the Proprietor’s appointees on the Board (including at a secondary school) may seek the Proprietor’s opinion of the suitability of any of the applicants. The Board may take this opinion into account when deciding the appointment.

## **Secondary**

In secondary schools, establishing acceptability is the responsibility of the Board or those delegated by the Board to make appointments. This must include at least one Proprietor’s appointee. Boards are encouraged to seek assistance from the Proprietor or the Diocesan Office when establishing acceptability. [For details of what constitutes acceptability, see Clarifications for Catholic Schools Factsheet.]

## **Board’s Role in Establishing Suitability For Appointment**

The Board shortlists the acceptable applicants, conducts interviews, consults educational referees and appoints the most suitable applicant. The appointment must conform to the Board’s appointment policy, to section 77J(4) of the State Sector Act, and to the relevant employment contract. If no applicant comes up to the standards required by the Board, the position should be re-advertised.

## **Application Packs**

Application packs for tagged positions should include an S464 Form (an S467 Form for a deputy principal and for a primary school assistant principal, if applicable). These forms, prepared by the diocesan offices, require applicants to specify their qualifications for a tagged position and to provide special character referees.

The Section 464 and Section 467 forms are available from the Diocesan Education Office and can be downloaded from the NZCEO website.

## **Failure to Observe Prerequisites**

If the Board or its appointments committee disregards the prerequisites for acceptability for a tagged position, it is in breach of the school’s Integration Agreement. It would then be possible for the Proprietor, any disaffected Board member, another applicant for the position, or the Minister of Education (as party to the Integration Agreement) to apply to the courts for a review of the appointment.

## **Delegations To Appoint Staff**

The appointments policy for each school should specify whether or not the authority to appoint staff has been delegated and if so the person/s to whom that authority is given, i.e. the Principal or an appointment committee. The Education Act, Part 33, Section 463(2) requires that any committee set up by a Board which has the power

to appoint teachers or recommend the appointment of teachers must contain at least one of the Proprietor Appointees on the Board – even if the only other member is the Principal. This is a legal requirement. All appointments must be ratified at a full Board of Trustees meeting.

Much can be delegated if the appointment policy sets out clearly how appointments are to be managed, what the requirements are, and the precise nature of the delegations for decision making.

Good practice guidelines are available from the New Zealand School Trustees Association.

### **Delegation to appoint to senior teaching positions**

The Board's policy determines which positions are senior. The appointments committee shortlists, interviews and appoints directly, or recommends an appointment to the Board for approval. Normally the Board will accept the recommendation. It may, however, refuse the recommendation and either refer the appointment back to the committee for another recommendation, resolve to re-advertise the position, or itself appoint some other applicant it considers more suitable.

### **Delegation to appoint to other teaching positions**

For other permanent and long-term relieving teaching positions, it is usual for the appointments committee or the principal (together with a Proprietor's appointee to the Board, in the case of tagged positions) to conduct inquiries and interviews, make the appointment and report it to the Board.

### **Delegation to appoint short-term relieving and day-relief teachers**

The principal is empowered to appoint short-term relieving staff and reports the appointment to the Board.

### **Delegation to appoint non-teaching staff**

The principal is empowered to appoint non-teaching staff and reports the appointments to the Board.

## **Section 464 and 467 Positions**

When a vacancy occurs the Board of Trustees must establish whether the position has a Special Character tag or a non Special Character one. There are two categories of "tagged" position.

Section 464 positions: These positions require the applicant to be willing and able to take part in religious instruction appropriate to the Special Character of the school.

- > Principal
- > Director of Religious Studies
- > All other positions which require the successful applicant to have a willingness and ability to take part in religious instruction appropriate to the special character of the school

Section 467 position: This position requires the applicant to be capable of maintaining programmes and activities that reflect the Catholic Special Character. It is not a condition of appointment that the applicant must be Catholic

- > Deputy Principal

Before a Board makes an appointment to a tagged position,

- > it is required by the legislation to consult the Proprietor and,
- > may consider for appointment only those applicants who have been declared acceptable by the Proprietor.

### **Requirements of Section 464 And 467 Positions**

A teacher in a tagged position represents the Catholic community and is expected to be actively involved in building the Catholic Character of the school. In a primary school [but not always in a secondary school] this will probably include teaching Religious Education and will include supporting Catholic Character activities, helping in the preparation of liturgies or similar activities, assisting with staff development in the area of Catholic Character and will often include being part of the school's Catholic Character Committee. [See further examples of the requirements for tagged positions at [www.nzceohandbook.org.nz/employment](http://www.nzceohandbook.org.nz/employment).]

### **Requirements of Section 467 positions**

A Section 467 position [normally that of deputy principal] requires “particular capabilities on the part of the teacher holding it”, as prescribed by the school's Integration Agreement. Therefore the requirements of the Integration Agreement of each school must be read alongside the requirements of Section 467 of the Education Act. **Note** that the Section 467 tag is worded differently in primary and secondary school Integration Agreements.

## Deputy Principal [Section 467 position]

### Requirements of the position in primary schools

A primary school Integration Agreement normally specifies for the deputy principal that “capabilities to maintain programmes and activities that reflect the special character of the school shall be a condition of appointment”. This implies that the successful applicant needs to have a good understanding of the special character of the school, but does not necessarily have to be a Catholic. The Board cannot appoint an applicant who in the Board’s view fails to meet this requirement or is unwilling to fulfil it. The appointee must meet this requirement, not merely have the potential to do so.

If a primary school Integration Agreement specifies that the deputy principal or assistant principal have responsibility for supervising junior classes, the appointment will be tagged as a Section 464 position, requiring “willingness and ability to take part in religious instruction” [Education Act, Section 464(d)].

### Requirements of the position in secondary schools

A secondary school Integration Agreement normally specifies for the deputy principal that “capabilities to assist in planning and organising the courses and programmes at the school to ensure they reflect the special character of the school shall be a condition of appointment”.

The Integration Agreement normally requires that the person appointed be able to assist in planning and organising the school’s courses and programmes so that they reflect the special character. This implies that the successful applicant needs to have a good understanding of the special character of the school. The Board cannot appoint any applicant who in the Board’s view fails to meet these requirements or is unwilling to fulfil them.

This position must be advertised with the appropriate Section 467 tag. The deputy principal position cannot legally be tagged as both Section 464 and Section 467. If the school has two or more deputy principals, the Integration Agreement requires one deputy principal position to carry the Section 467 tag.

## Assistant principal [primary]

In some cases this may be a Section 467 position.

A primary school Integration Agreement may require the position of assistant principal of a primary school to be tagged so that it requires “Capabilities to maintain programmes and activities that reflect the special character of the school shall be a condition of appointment” if the position has responsibility for supervising senior classes at that school [Education Act, Section 467(2)]. It must in that case be advertised as a Section 467 position.

## **Special Character ‘S’ Form**

Applicants for tagged positions are required to fill in an ‘S’ Form which is to accompany their application form. This form asks the applicant to specify qualifications and experience related to Catholic Special Character and to nominate three character referees who may be consulted by the Proprietor’s Agent.

‘S’ Forms of short listed applicants should be sent to the Catholic Schools’ Diocesan Office as soon as short listing is completed. Immediately after the referees have been consulted the Consultative Advisory Group will meet to determine which applicants are acceptable in terms of Special Character. The Board of Trustees will be advised by official written confirmation, of the outcome of the meeting regarding the acceptability of the applicants. This information is confidential to the Board of Trustees and should not be conveyed to the applicant.

The Education Act and the Integration Agreement for each school require certain wording related to conditions of appointment in advertisements for Special Character positions.

## **Advertising for Tagged Positions**

The Education Act and the Integration Agreement for each school require certain wording related to conditions of appointment in advertisements for Special Character positions.

The State Sector Act 1988 requires that all permanent and long-term relieving vacancies must be advertised in such a way that all suitably qualified people can apply. Because of this requirement, teaching vacancies are advertised nationally in the Education Gazette. This does not exclude additional advertising.

### **Advertising tagged positions in the Education Gazette**

The advertisement must satisfy all statutory requirements. Detailed information about the position is provided in the job description.

### **Advertising non-tagged positions.**

This is not set out in legislation however Boards could include in advertisements that the successful applicant for a non tagged position will accept the condition to support, uphold and be positively involved in the special character of the school.

### **Statutory requirements**

The advertisement must state that the school is a Catholic school. It must also state the organisation of the school – for example, a girls’ school for new entrants to Year 6. The school’s name is to be preceded by [I] for Integrated.

The minimum that can satisfy the “willingness and ability” tag in Section 464 of the Act is:

Willingness and ability to participate in religious instruction appropriate to the special character of the school is a condition of appointment.

**This exact wording of the Act must be used.**

For a **secondary school deputy principal**, the minimum that is usually required by the Integration Agreement is:

Capabilities to assist in planning and organising the courses and programmes at the school to ensure they reflect the special character of the school shall be a condition of appointment.

For a **primary school deputy principal**, the minimum usually is:

Capabilities to maintain programmes and activities that reflect the special character of the school shall be a condition of appointment.

[Note that the particular Integration Agreement may require a Section 464 rather than a Section 467 tag.]

When the appointment is for a primary school assistant principal with responsibility for supervising senior classes, the Integration Agreement may require a Section 467 tag.

As well as the need for the Section 464 tag, appointments to DRS and principal positions have extra requirements:

- Integration Agreements usually require the DRS to “give guidance and provide effective leadership in religious education and observances throughout the school”. The Integration Agreement does not state that these words must be in the advertisement; they must, however, be contained in the job description.
- The requirement for the principal’s position is similar – the wording “The principal shall accept and recognise a responsibility to maintain and preserve the special character of the school” does not have to be stated in the advertisement, but must be contained in the job description.

### **Failure to observe advertising requirements for tagged positions**

If the advertisement of any Section 464 or Section 467 position is not worded correctly, any appointment that is made could result in a legal challenge. If these guidelines are not followed, the Proprietor of the school could also seek a declaratory judgement in the High Court. On a few occasions in recent years an appointment has been declared null and void because Boards have not followed the legal process in appointing staff to tagged positions.

The Proprietors' office (the Diocesan Catholic Education Office) can help word advertisements and prepare job descriptions and other documents relating to appointments. Its staff are also willing to assist a Board or its appointments committee as advisers while senior appointments are being made.

## **Appointment of Staff**

### **Board responsibilities for appointments**

The special-character staffing provisions of the Integration Agreement and Part 33 of the Education Act are fundamental to, and essential for, maintaining the Catholic Character of the school. The key responsibilities of the Board in relation to staff appointments are highlighted below:

- > The Board's appointments policy must ensure that the advertising of tagged positions (both S464 and S467), the selection criteria for tagged positions, and the resulting letters offering employment conform strictly to the requirements of the Integration Agreement, of Part 33 of the Education Act, and the requirements of the Proprietor.
- > The Board must ensure that the correct number and type of teaching positions are tagged, as given in the school's Integration Agreement, and that appointments to tagged positions are recorded in a formal register.
- > The Board must ensure that the job descriptions of the principal and the DRS include leadership in the Catholic Character of the school and engagement with the wider Catholic faith community.
- > The Board will maintain confidence in its appointments by ensuring that its delegations for the appointment of staff are appropriate to the circumstances of the particular school.
- > The Board's appointments policy must include the following requirements:
  - > the appointment committee must include at least one Proprietor's appointee
  - > the appointment process for all tagged positions must determine acceptability (first, before considering the applicant's overall suitability for the position (in primary schools, acceptability is determined by the Proprietor)
  - > all staff are required to uphold the school's Catholic Character.

It is recommended that as part of their regular governance review cycle Boards review how they carry out these key responsibilities.

Some appointment requirements are complex and the consequences of non-compliance can be severe. Boards are advised to consult the Diocesan Office or NZCEO for further clarification, or for general guidance and assistance.

## Conditions of Appointment to Section 464 Positions

It is the policy of the New Zealand Catholic Bishops Conference (October 2011) that the person holding a Section 464 position “must be a baptised Catholic, active in a Catholic parish or Catholic Eucharistic community, and who is an authentic witness and role model for Catholic students”.

Only a committed Catholic can fulfil the requirement to be willing and able to take part in religious instruction appropriate to the special character of the school. Any exception to this requirement can be made only with the prior approval of the Bishop. [Note that Section 467 appointees do not have to be Catholic and are not obliged to take part in religious instruction.]

Teachers in Section 464 positions are not appointed simply to teach Religious Education, although this is the specialist task of some teachers holding these positions. They are appointed to contribute to the religious instruction of the students. The term ‘religious instruction’ in the Education Act was chosen with care. It continues to be useful because it implies far more than Religious Education – it includes the school’s Catholic Character, all of which is designed to contribute to the religious instruction of the students. [See Clarifications for Catholic Schools Factsheet for more information.]

Section 464 positions provide the legal safeguard, ensuring that the school can employ a sufficient number of Catholic teachers who understand and live by the special character so that the school is truly a Catholic community. Teachers create this community by everything they say and do. The principal and DRS need the support of other Catholic teachers in order to sustain the Catholic community of the school.

For the more senior Section 464 tagged positions, especially that of principal, appointees are expected to be involved in their parish and have carried out some role within the Church community. [For the qualities sought, refer to “What is acceptability” in the 464 Information Factsheet.]

### Requirement to teach Religious Education

Section 466 of the Education Act states that no teacher can be required to teach Religious Education unless the advertisement under which the teacher was appointed states that “a willingness and ability to take part in religious instruction appropriate to the special character of the school is a condition of appointment”.

Some Proprietors' policy is that if a principal wishes to assign to a Religious Education class a teacher who does not hold a tagged position, the principal is required to contact the Diocesan Education Office for written approval to do so, supplying adequate details about the teacher's abilities and suitability to teach Religious Education classes. However, a teacher who does not hold a Section 464 position cannot be required to teach Religious Education unless they choose to do so.

### **The importance of certification and RE Qualifications**

Certification is important for Religious Education teachers as it recognises appropriate study and experience of teaching the nationally mandated programme of the NZ Catholic Bishops Conference. When making appointments particularly to tagged positions, Boards should take into account the RE qualifications and the level of certification [if any] of the various applicants.

See the Handbook for Certification, published by the NZ Catholic Bishops Conference and available from diocesan Religious Education offices or from NCRS.

### **The Number of Tagged Section 464 Positions**

The Integration Agreement requires that the positions of the principal and the DRS, plus a certain number of other positions must be advertised with the Section 464 wording, "a willingness and ability to take part in religious instruction appropriate to the special character of the school shall be a condition of appointment." The Board has a legal obligation to appoint to the correct number of tagged Section 464 positions, and must ensure that a list is kept of all teachers holding tagged positions. This is one of the items to be attested annually to the Proprietor.

### **In primary schools**

In Catholic primary schools the number of Section 464 positions (other than the principal and the DRS) is set by the Fourth Schedule of the school's Supplementary Integration Agreement of November 2000 (clause 2a and 2b). The wording is the same for all primary schools – it gives the Proprietor some flexibility in determining the exact number, which should normally be 60% of the total staffing entitlement minus 2, rounded to the nearest whole number. (The minus 2 is to deduct the principal and the DRS from the total staffing entitlement.) It is the Proprietor's right to determine or to vary the number of 'other' Section 464 positions from this general formula. (Please see table for calculating staffing entitlement in Resource section at [nzceohandbook.org.nz](http://nzceohandbook.org.nz)).

The Board can also ask the Proprietor to vary the number of 'other' Section 464 positions, based on the roll based total staffing of the school, should this be lower than the total staffing entitlement.

## In secondary schools

Secondary school example would be as follows:

|   |      |
|---|------|
| Staffing entitlement at integration (excluding principal and DRS) | 28.5 |
| The number of other tagged S464 positions at integration          | 12   |

So the ratio at integration equals the number of tagged positions divided by number of staff entitlement (excluding principal and DRS).

|                  |         |
|------------------|---------|
| So the ratio is: | 12/28.5 |
|                  | or 42%  |

### Formula for calculating current entitlement for other S464 tagged positions:

Number of other tagged positions equals the ratio at integration times the current core staffing (excluding principal and DRS) as follows:

|   |        |
|---|--------|
| Current core staffing (excluding principal and DRS) | 32.36  |
| Ratio of other S464 positions                       | x 42%  |
| Total tagged positions                              | = 13.7 |

The convention for calculation is to round up, giving 14 S464 positions in the school.

[**Note:** The deputy principal position is part of the remaining 18.36 staff]

In secondary school agreements, the number of these other tagged Section 464 positions was originally set at about 40% of what was then the staffing entitlement of the school, excluding the principal and DRS positions. Most Integration Agreements also determined a ratio to be used with the current core staffing entitlement to calculate the number of tagged positions if the staffing level changed.

To find how many of these other positions must be tagged, take the ratio from the Integration Agreement and multiply by the staffing entitlement (excluding the principal and the DRS). The result, rounded to the nearest whole number, is the number of these other tagged positions.

## Key Positions

### Principal [Section 464 Position]

The appointment of a principal is arguably the most important decision a Board has to make. The whole Board or alternatively the appointments committee (excluding the incumbent principal) shortlists the applicants, conducts interviews and inquiries, and recommends an appointment to the Board. It is helpful to have a person from

the Diocesan Catholic Education Office and a current principal (a Catholic principal, if available) as advisers and to seek advice from NZSTA. It is important that anyone involved declares any potential conflict of interest.

The Integration Agreement requires that the appointee:

- > be willing to take part in religious instruction
- > be able to do so
- > accept these requirements as a condition of appointment.

The Integration Agreement also requires the appointee to “accept and recognise a responsibility to maintain and preserve the special character of the school”. This implies that the Board must also be satisfied that the person selected accepts the responsibility to uphold the special character and recognises what that responsibility entails.

The Education Act [Section 469] requires the principal of a primary school (being a Section 464 position) to be “acceptable” to the Proprietor in terms of the special character of the school. In secondary schools, acceptability is ultimately the Board’s responsibility. It is the initial test that all candidates must meet (see Process for establishing acceptability). The Board’s decision may be subject to judicial review if acceptability is not properly established.

If in the Board’s view an applicant fails to meet any of these requirements and/or is unwilling to fulfil them, then the Board cannot appoint that applicant. The Board must consult the referees to test that all the requirements are met and must record the evidence obtained.

The principal takes up an important religious and pastoral responsibility in the Catholic community. The person appointed must therefore be a fully committed and active Catholic, committed to Catholic religious practices and to leadership of Catholic education.

In this context, the phrase “take part in religious instruction” means taking part at the level of principal. This implies being willing and having the necessary professional RE qualifications (or be committed to attaining such RE qualifications) and personal qualities to:

- > assume leadership of the religious aspects of the school
- > provide leadership in specific dimensions of Catholic Character development
- > be ultimately responsible to the Board for the religious programme of the school and for its religious observances
- > take Religious Education classes whenever the organisation of the school requires
- > be a suitable role model and Gospel witness for staff, students and parents
- > assume an appropriate leadership role in school and parish liturgies or prayer services.

The “religious instruction” referred to is that which is “appropriate to the special character of the school”. The Integration Agreement notes that the religious instruction and observances are laid down by the Bishop of the diocese. [Refer also to Bishops letter sent to each secondary schools in 2013 outlining requirements.]

It is recommended that the principal possesses leadership-level qualification and certification in Religious Education [see Certification in Religious Education]. If an appointee does not have this level of certification, the Board can request [or make it a condition of appointment] that the appointee studies to gain the qualification within an agreed timeframe and may offer to assist.

### **Director Of Religious Studies [Section 464 Position]**

In each primary school that has five or more teachers, there must be a position designated as Director of Religious Studies. In primary schools with fewer than five teachers, the Board may designate a position as DRS.

The staffing schedules of Integration Agreements for primary schools [usually the fourth schedule] include the following provisions:

- > If the staffing entitlement of the school is fewer than five teachers, the Board may appoint a DRS and may allocate one or more management units to the position.
- > If the staffing entitlement is five or more teachers but fewer than eight, the Board must appoint a DRS and may allocate one or more management units to the position.
- > If the staffing entitlement is eight or more teachers, the Board must appoint a DRS and must allocate one or more management units to the position.

### **The DRS position in secondary schools**

The Integration Agreement of every Catholic secondary school requires the school to have a DRS position as a position of responsibility. The DRS is the leader of a key department or faculty in the school and has school-wide responsibilities. The Bishops expect this position to be suitably recognised with management units and be included in senior management if possible.

Some schools have a HOD Religious Studies, as well as a DRS; in this case both would be Section 464 positions.

## **Requirements of the DRS position**

The school's integration agreement requires that the appointee:

- > be willing to take part in religious instruction appropriate to the special character of the school
- > be able to do so
- > accept these requirements as conditions of appointment
- > give guidance and provide effective leadership in religious instruction and observances throughout the school
- > undertake such teaching duties as may be required by the principal.

The Board cannot appoint any applicant who in the Board's view fails to meet any of these requirements or is unwilling to fulfil them. The Board should have evidence of the applicant's formation and level of RE qualification and certification.

The DRS is responsible to the principal for the Religious Education curriculum. The DRS is obliged to abide by the policies set out by the Board in accordance with the goals of the religious curriculum and the objectives of the school plan.

Only a committed and active Catholic in good standing who has a sound knowledge of the curriculum prescribed by the Bishop of the diocese, and who has demonstrated teaching skills in Religious Education and the ability to lead a teaching team, should be appointed to this position.

The advertisement for the position must include (in addition to the Section 464 wording) that the appointee has to "give guidance and provide effective leadership in Religious Education and observances throughout the school", as stated in the school's Integration Agreement.

## **Guidance Counsellor [May Or May Not Be S464 Position]**

The position of guidance counsellor is a sensitive one, particularly with regard to aspects of the school's Catholic character because the counsellor will, among other responsibilities, deal with students who have special needs and personal problems. Some of these personal problems and special needs will have a religious and/or moral dimension.

If the position is not tagged as Section 464, the Board must ensure not only that the person appointed is a competent counsellor but also that he or she is suitable for a Catholic school. The guidance counsellor must give advice and guidance in accordance with the principles of Catholic morality and follow the guidelines published by the Bishops of New Zealand.

The guidance counsellor is required to have a clear understanding and appreciation of:

- > the Catholic Character of the school
- > the moral teaching of the Catholic Church
- > the support that the Church can give to those coping with such problems as guilt, pregnancy, bereavement, etc.
- > the support available from various Church agencies
- > the possible sensitivity of parents with strict religious ideals.

A Proprietor's appointee should be on the appointment committee for this position.

The guidance counsellor cannot leave any student client with the impression that actions contrary to the Church's moral teaching are approved by the school. The counsellor must work to the Board's guidelines for the health services that a counsellor may deliver. If the Board does not have such guidelines, it can contact the Diocesan Catholic Education Office for assistance in establishing them.

### **Appointing to tagged positions internally**

Schools sometimes appoint a person to an untagged position and later decide that person could hold a tagged position. In this situation the position must be re-advertised with the appropriate tag. It can be advertised as a regraded or redesignated position, with no actual vacancy. Such a position can be advertised nationally in the Education Gazette, or simply advertised within the school. All teaching staff need to be alerted to the availability of the tagged position, and the normal processes of assessing acceptability [based on information in the S Form] must be followed.

### **Offers of Appointment**

Letters of appointment need special care to ensure that all the requirements are correctly stated.

Templates of appointment letters and associated documents are available on the NZCEO website.

These templates are kept up to date. They should be used to ensure that appointments are legal.

## Ongoing Responsibility of the Board

The Board's responsibilities in relation to its employees continue after their appointment. The Board must stand by the terms of the employment contracts or agreements covering its employees. It should encourage employees to improve their skills and professional status, and provide opportunities for them to do so. In fact, Catholic teaching demands that the Board of a Catholic school be a good employer and a sound model of industrial relations.

### Appraisal of staff performance

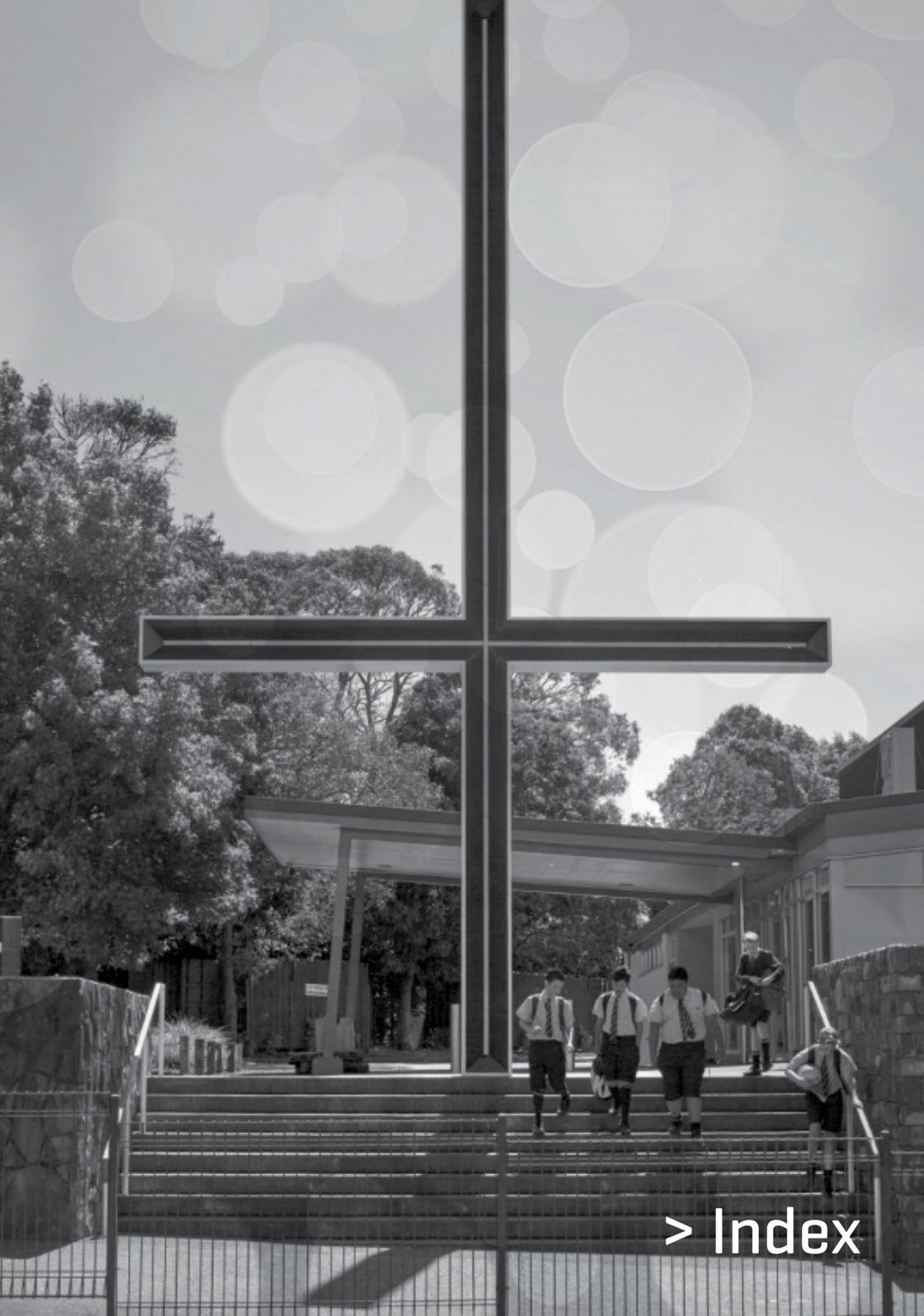
The Board should ensure that the job description for all staff in non-tagged positions, including non-teaching staff, includes some responsibility to actively support the Catholic Character culture of the school. The annual appraisal process should include a performance indicator that focuses on some dimension of the Catholic Character of the school.

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## Resources

- > S464 Form [downloadable Word document]
- > S467 Form [downloadable Word document]
- > Key steps in Employment process [pdf]
- > Statement of Expectations for staff in a Catholic school [pdf]
- > Supporting information for S464 Form [pdf]
- > Sample Job Descriptions [pdf]
- > Clarification of acceptability [pdf]
- > Clarification of purpose of tagged positions [pdf]

Downloadable resources are available from [www.nzceohandbook.org.nz/employment#resources](http://www.nzceohandbook.org.nz/employment#resources)



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