

Key documents for review

This resource outlines the essential documents that supports effective governance. The documents define roles, responsibilities, and obligations. These documents form the foundation of the governance framework.

Effective governance depends on maintaining and regularly reviewing these key documents

State Integrated School Board Professional Development and Learning Series

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Key Documents for Review

Effective governance depends on maintaining and regularly reviewing essential documents that define roles, responsibilities, and obligations. These documents form the foundation of the governance framework.

- 1 Integration Agreement**
The foundational document defining special character, maximum roll, property details, attendance dues, and the partnership with the Crown. Review annually to ensure the school remains in compliance. Consider whether any variations are needed to reflect changed circumstances, these changes must be agreed to by MOE.
- 2 Trust Deed or Constitution**
The legal document establishing your proprietor entity, defining its purpose, governance structure, and operational rules. Review every 3-5 years to ensure it remains fit for purpose and reflects current best practice in governance.
- 3 Proprietor Trust Board Policies**
Including delegations, conflict of interest management, meeting procedures, and communication protocols. These should clearly articulate how the trust board operates and makes decisions. Review annually and update as needed.
- 4 School Board Strategic Plan and Policies**
While these are the school board's documents, proprietors should review relevant policies, especially those relating to special character, tagged positions, and enrolment, to ensure alignment with the Integration Agreement.
- 5 10-Year Maintenance Plan**
The rolling property maintenance plan provided by the school board. Review annually to assess whether maintenance obligations are being met and whether capital investment is needed.
- 6 Annual Reports and Financial Statements**
Review the school's annual report and audited financial statements to understand performance trends, financial health, and how resources are being deployed to support special character.
- 7 Relevant Legislation and Guidelines**
Maintain current copies of the Education and Training Act 2020 (particularly Schedule 6), Ministry of Education guidelines for integrated schools, and any denominational guidelines for special character.

Document Review Schedule: Establish a regular calendar for document review—some annually, others every 3-5 years. Assign responsibility for each review and ensure findings are reported to the full proprietor board.

The Integration Agreement

The Integration Agreement is the **foundational legal document** for every state-integrated school in New Zealand. It is a formal contract between the school's proprietor and the Crown, established under the provisions of the Education and Training Act 2020. This critical document serves as the foundation of a state-integrated school's unique status, outlining the terms and conditions under which it operates within the state education system while preserving its special character.

The Integration Agreement is the legal instrument that secures the school's integrated status and safeguards the proprietor's rights and responsibilities. It ensures that the school can deliver education in accordance with its specific ethos or special character, providing clarity and protection for both the proprietor and the Ministry of Education.



Special Character Framework

Defines and protects the school's unique religious or philosophical character, ensuring its preservation in curriculum and ethos.



Maximum Roll

Specifies the maximum number of students the school is permitted to enroll, ensuring capacity aligns with its character and resources.



Property Details

Outlines ownership, responsibilities for maintenance, upgrades, and capital works related to the school's land and buildings.



Attendance Dues

Authorises the proprietor to charge specific fees (attendance dues) to parents or guardians for property development and maintenance.



Crown Partnership

Details the ongoing partnership between the proprietor and the government, governing operational funding and educational standards.



Annual Review is Essential

Proprietors may review their Integration Agreement annually to confirm compliance and identify any necessary variations requiring agreement by MOE..



Proprietor Board Policies

Proprietor Board Policies are the internal governance documents that provide a clear framework for how the proprietor entity of a state-integrated school operates. They translate the overarching principles of the Trust Deed or Constitution into practical, day-to-day guidelines, ensuring consistency, accountability, and effective decision-making. These policies are vital for upholding the proprietor's legal obligations and its commitment to the school's special character.

Key Policy Areas

Effective proprietor governance relies on well-defined policies across several critical areas:



Delegations of Authority

Clearly defines who within the proprietor entity, and potentially the school board, has the authority to make specific decisions and authorise actions, ensuring appropriate oversight and efficiency.



Conflict of Interest

Establishes robust procedures for identifying, declaring, and managing potential conflicts of interest among trustees, safeguarding impartiality and integrity in all decisions.



Meeting Procedures

Outlines detailed protocols for board meetings, including notice requirements, quorum rules, minute-taking, and decision-making processes, promoting order and compliance.



Communication Protocols

Specifies how the proprietor will communicate with the school's Board of Trustees, staff, parents, and other stakeholders, ensuring transparency and effective information exchange.

These policies are not merely administrative; they are the operational backbone that empowers the proprietor to execute its mission effectively. They ensure that all actions are taken with due diligence, maintaining the school's unique ethos and property in alignment with its integrated status.

Policy Effectiveness: What to Look For

What Good Policies Look Like

- **Plain Language:** Easy to understand for all trustees, regardless of legal background.
- **Accessibility:** Readily available to all board members and relevant stakeholders.
- **Linked to Trust Deed:** Directly supports and operationalizes the higher-level principles in the proprietor's founding document.
- **Clear & Concise:** Avoids ambiguity and provides specific guidance without excessive detail.
- **Reflects Practice:** Accurately describes how the board actually conducts its business.

Common Gaps & Issues

- **Outdated Content:** Policies that no longer align with current legal requirements or best practices.
- **Ambiguous Delegations:** Unclear lines of authority leading to confusion or inefficient decision-making.
- **Inadequate Conflict Management:** Insufficient procedures for handling conflicts of interest, posing legal and reputational risks.
- **Lack of Review:** Policies that have not been periodically reviewed and updated.
- **Disconnect from Operations:** Policies that are theoretical but not followed in practice.



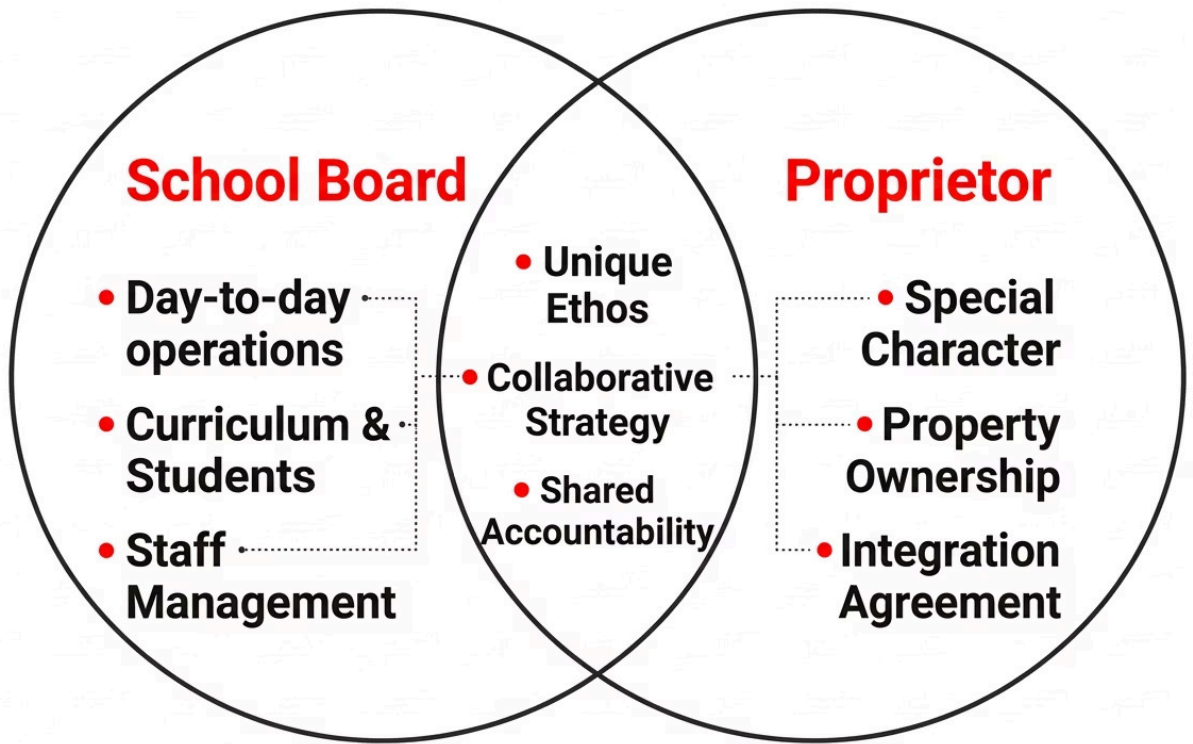
Annual Policy Review is Crucial

Proprietor board policies should be reviewed **annually** to ensure they remain relevant, compliant with legislation, and accurately reflect current operational practices. This proactive measure is essential for maintaining effective governance and mitigating risks.



School Board Strategic Plan and Policies

The school board strategic plan and policies are foundational documents that guide the day-to-day operation and future direction of a state-integrated school. While these documents are primarily developed and owned by the school's Board of Trustees (BoT), they hold significant importance for the proprietor. Proprietors must be intimately familiar with these plans and policies to ensure that the school's operational framework remains consistent with the Integration Agreement and, crucially, upholds the school's unique special character. This requires a nuanced understanding of the distinct yet interdependent roles of the proprietor and the school board.



The relationship between the proprietor and the school board is one of distinct yet interdependent roles. The school board is responsible for the governance and management of the school's operational and educational aspects, focusing on student achievement and welfare. The proprietor, however, retains oversight of the school's special character and property. A proprietor's review of the school board's strategic plan and policies is not about taking over the board's role but ensuring alignment where their responsibilities intersect, particularly concerning the Integration Agreement.

Key Policies for Proprietor Review

Proprietors should focus their attention on specific school board policies that directly impact the school's special character and the proprietor's responsibilities:



Special Character Policy

Ensures the school's unique religious or philosophical character, as defined in the Integration Agreement, is genuinely embedded in all aspects of school life, from pedagogy to environment.



Enrolment Scheme

Verifies that the school's enrolment criteria and maximum roll align precisely with the Integration Agreement's provisions, particularly regarding preference categories and ensuring special character is upheld.



Tagged Position Policy

Confirms clear procedures for the appointment of staff to 'tagged positions', ensuring they meet the required criteria to preserve and enhance the school's special character.



Curriculum Delivery

Reviews how the curriculum is delivered to ensure it reflects and promotes the school's special character, maintaining a consistent educational philosophy.

What to Look For and Best Practice

During review, proprietors should assess whether the special character is not merely stated but actively permeates the school's ethos, curriculum, and daily operations. Enrolment numbers and processes must strictly adhere to the maximum roll and preference criteria outlined in the Integration Agreement. Best practice dictates that proprietors maintain an **informed oversight role**, providing constructive feedback and raising concerns where misalignment is identified, rather than attempting to govern the school board's day-to-day operations.



Informed Oversight, Not Governance

A proprietor's role is not to micromanage the school board but to maintain an informed oversight. This ensures the school's strategic direction and policies consistently uphold the special character and property provisions of the Integration Agreement, safeguarding the school's unique identity for future generations.

The 10-Year Maintenance Plan

The 10-Year Maintenance Plan (10YMP) is a critical document for every state-integrated school in New Zealand, outlining the planned maintenance and development of all school buildings and grounds. While the school's Board of Trustees (BoT) is responsible for its creation and submission, the plan holds immense significance for the proprietor due to their direct ownership of the school's land and property. It serves as a proactive roadmap to ensure the structural integrity, functionality, and aesthetic appeal of the physical environment, directly impacting the school's ability to deliver its special character education.

For proprietors, this plan is not merely an administrative formality; it is a tangible expression of their financial and legal stewardship. Given that proprietors own the school's land and most of its buildings, the 10YMP provides essential foresight into future capital expenditure and maintenance requirements. It helps proprietors fulfill their obligations under the Integration Agreement to provide suitable and well-maintained premises, aligning property development with the school's long-term vision and special character requirements.

Key Elements of the 10YMP

A comprehensive 10YMP typically includes:

- **Scheduled Maintenance Tasks:** Routine upkeep like painting, roof repairs, and general repairs.
- **Capital Works:** Major projects such as new building construction, significant renovations, or extensive infrastructure upgrades.
- **Cost Estimates:** Detailed financial projections for each planned activity.
- **Timelines:** A clear schedule for when tasks are to be completed over the ten-year period.
- **Responsibility Allocation:** Clarification of which party (BoT or Proprietor) is responsible for funding and overseeing specific tasks.

The 10YMP Planning Cycle

- **Annual Review**
The board reviews the existing 10YMP annually, assessing completed work, current property condition, and emerging needs.
- **Proprietor Consultation**
The board consults with the proprietor to gather input, particularly on major capital works and matters impacting special character.
- **Plan Update & Submission**
The board updates the plan and submits it to the Ministry of Education for approval, incorporating proprietor feedback.
- **Implementation & Monitoring**
Approved plans are implemented, with ongoing monitoring by both the board and proprietor to ensure compliance and quality.

Reviewing the 10YMP: What to Look For

Proprietors should review the 10YMP to confirm several key aspects. This includes verifying that all maintenance obligations, especially those tied to the Integration Agreement, are being adequately addressed. The plan should be realistic in its scope and resourced with sufficient funding. Proprietors must also identify any areas requiring significant capital investment and ensure these are aligned with their long-term property strategy. This review confirms that the proprietor's property obligations are being met and that the school's infrastructure supports its educational mission and special character effectively.

Proprietor Responsibilities

- Ownership of school land and most buildings.
- Oversight of capital works and major property development.
- Ensuring property upholds the school's special character.
- Approving the long-term property strategy.

School Board Responsibilities

- Developing and submitting the 10YMP.
- Managing day-to-day property maintenance.
- Funding routine repairs and operational upkeep.
- Ensuring health and safety compliance for all premises.



Attendance Dues and the 10YMP

A vital component of the 10-Year Maintenance Plan's funding often comes from attendance dues collected by the proprietor. These dues are specifically designated for maintaining and developing the proprietor's property. This direct financial link underscores the proprietor's crucial role in ensuring the long-term viability and upkeep of the school's property, making the 10YMP a key document for financial planning and accountability.

For major reviews of the 10YMP, especially those involving significant capital projects or complex property assessments, best practice dictates that proprietors engage external expertise. A property advisor or quantity surveyor can provide an independent evaluation of the plan's feasibility, cost-effectiveness, and alignment with regulatory standards, ensuring robust and informed decision-making.



Hierarchy of Governing Documents

Understanding the hierarchy of governing documents is essential for proprietors. Each level builds on the one above, translating broad legislative intent into practical, school-level guidance.



Integration Agreement

The Integration Agreement stands as the **foundational legal document** for every state-integrated school in New Zealand. It is a formal contract between the school's proprietor and the Crown, established under the provisions of the Education and Training Act 2020.



Primary Legislation

The Education and Training Act 2020, particularly Schedule 6, forms the foundation of state-integrated schooling in New Zealand. It outlines the legal basis for integration, the rights and obligations of proprietors, and key provisions such as attendance dues and special character preservation.



Associated Regulations

Complementing the Act are specific regulations, such as the Education (School Boards) Regulations 2020, which provide detailed rules for the operation of school boards, including their composition, functions, and responsibilities, often intersecting with proprietor roles.



Ministry of Education Guidelines

The Ministry provides practical guidance, circulars, and policy documents on various aspects of school administration. These cover property management, enrolment schemes, curriculum interpretation, and ensuring compliance with special character provisions, translating legislative intent into actionable steps.

Relevant Legislation and Guidelines

For proprietors of state-integrated schools, an understanding of the legislative and regulatory framework is critical.

This framework defines the boundaries and operational parameters within which integrated schools function, encompassing everything from governance and property management to special character preservation and financial obligations. These documents serve as the authoritative roadmap, ensuring that proprietors fulfill their stewardship responsibilities diligently and effectively, safeguarding the unique special character and long-term viability of their schools within the broader state education system.

Proprietors must navigate a complex web of legal instruments and sector-specific advice, which collectively dictate how schools are managed, how attendance dues are collected and applied, and how the distinctive special character, central to integrated schools, is both maintained and preserved. This section outlines the key components of this regulatory environment and best practices for proprietors to remain compliant and informed.

Key Provisions of Schedule 6

- **Integration Agreements:**
- **Attendance Dues:**
- **Special Character:**
- **Tagged Positions:**
- **Proprietor Rights & Obligations:**
- **Property requirements**

Staying Current with Legislative Changes

- **Subscribe to Ministry Updates:**
- **Engage with Sector Bodies:**
- **Professional Development:**
- **Legal Counsel:**
- **Internal Review Cycles:**

- i** Maintaining a comprehensive legislation register, detailing all relevant Acts, regulations, guidelines, and their effective dates, is a best practice. Assigning responsibility for monitoring legislative changes and circulating updates within the proprietor body ensures that all stakeholders are consistently informed. This proactive approach not only fosters compliance but also reinforces the proprietor's commitment to robust governance and the enduring success of their integrated schools.

