

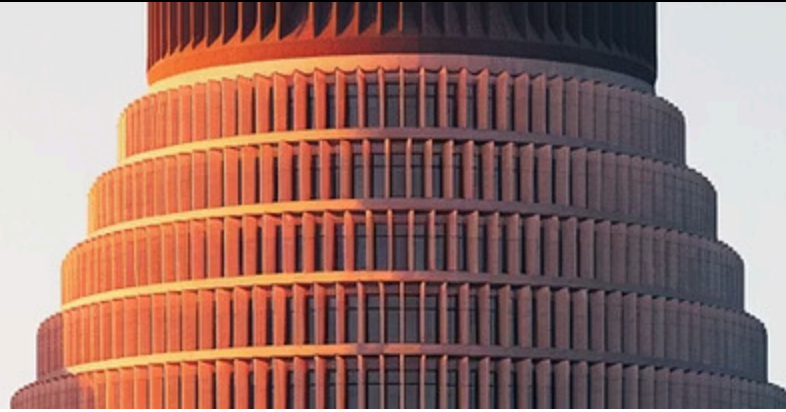


Proprietor Rights and Responsibilities

The Education and Training Act provides state integrated schools with specific legal rights that protect their special character and ensure proprietors maintain appropriate oversight of key school functions.

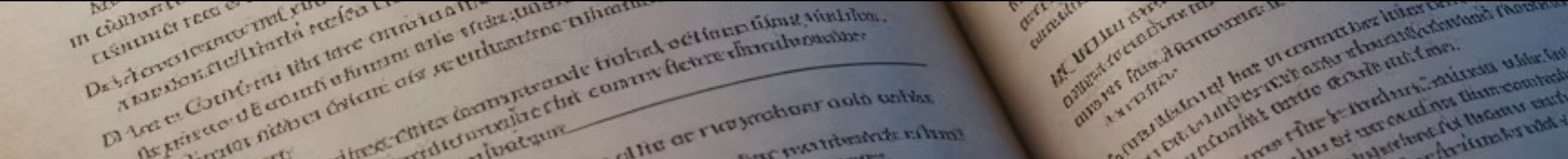
State Integrated School Board Professional Development and Learning Series





Legislative Framework & Key Relationships

Understanding the legal foundation of your role is essential for effective governance. The Education and Training Act 2020 establishes the rights, responsibilities, and relationships that define how state integrated schools operate within New Zealand's education system.



Legislative Framework: Rights and Responsibilities of the Proprietor

The Education and Training Act 2020, particularly through **Schedule 6**, establishes a unique partnership between proprietors, the Crown, and school boards. This framework preserves the special character of integrated schools while ensuring they meet national education goals and provide equitable access to quality education. Schedule 6 specifically defines these relationships, outlining the practical implications for all parties.

Integration Agreement The foundational document, strengthened by Schedule 6, that defines your school's special character and establishes the terms of partnership with the Crown	Statutory Rights Legal protections for tagged positions, enrolment preferences, and special character preservation, as detailed in Schedule 6	Governance Partnership Clear delineation of responsibilities between proprietors and school boards, precisely outlined within Schedule 6
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Key Provisions from Schedule 6

Schedule 6 of the Education and Training Act 2020 details critical provisions that guide the operation of integrated schools:

1 Clause 1: Preservation of Special Character Ensures the religious or philosophical beliefs on which the school was established are maintained and protected, underpinning its unique identity.	2 Clause 26: Preference of Enrolment Grants integrated schools the ability to give preference in enrolment to students who identify with the school's special character, within set limits.
3 Clause 39: Powers and Responsibilities of Proprietors Defines the specific rights and duties of proprietors, including managing property, appointing staff for special character roles, and ensuring the special character is upheld.	4 Clause 47: Religious Instruction Appointments Empowers proprietors to appoint or approve staff members who will provide religious instruction or uphold the school's special character, ensuring alignment with foundational beliefs.

Proprietor Rights Under the Education & Training Act

The Education and Training Act provides state integrated schools with specific legal rights that protect their special character and ensure proprietors maintain appropriate oversight of key school functions.

1

Tagged Position Consultation

The proprietor must be appropriately consulted by the school board on the establishment of, and appointments to, tagged positions requiring staff who are "willing and able" to provide religious instruction or uphold special character.

Legal Reference: E&TA Schedule 6, CI 46 & 52

2

Enrolment Preference Criteria

Proprietors determine the criteria for preference of enrolment, which must be reflected in the school's enrolment procedures. This ensures families aligned with the special character receive priority access.

Legal Reference: E&TA Schedule 6, CI 26 & 27

3

Attendance Dues Authority

With ministerial approval, proprietors may require attendance dues, the payment of which is a condition of enrolment.

Legal Reference: E&TA Schedule 6, CI 30(1)

 **Important Note:** While the school board is the governing body of the school (E&TA Schedule 6, CI 24), proprietors retain specific rights and responsibilities that cannot be delegated. Understanding these boundaries is critical for effective governance.

All boards must operate within the framework of [Section 5 \(Statement of National Education and Learning Priorities\)](#), [Section 127 \(Objectives of Boards in Governing Schools\)](#), and [Section 130 \(Principal as Chief Executive of Board\)](#).

Understanding the Different Roles

Effective governance requires understanding not just *what* needs to be done, but *who* is responsible for doing it. This section clarifies the distinct roles of proprietors, school boards, and management, helping prevent the overlap and confusion that can undermine organizational effectiveness.

Proprietor Role

Sets core purpose and special character direction through the Integration Agreement. Exercises specific statutory functions around employment, property, enrolment, and special character. Appoints representatives to the school board.
Maintains strategic oversight of special character preservation.

1

Principal/Management Role

Serves as chief executive of the board. Manages day-to-day operations and staff. Implements board strategy and policies. Reports to the board on performance. Ensures special character is embedded in daily school life and practice.

2

3

Board Role

Governs the school as the controlling authority under the Education and Training Act. Sets strategic direction for educational performance. Manages resources, monitors risk, and ensures compliance. Employs and manages the principal.
Works in partnership with proprietor to maintain special character.

The key to effective governance is maintaining these distinctions while ensuring seamless collaboration. Each party must respect the others' boundaries while communicating openly about shared concerns.

Four Key Functions: Employment & Property

The proprietor role encompasses four distinct functional areas defined by legislation and the Integration Agreement. The first two, employment and property, relate to ensuring the school has the right people and appropriate facilities to deliver its special character mission.



Employment Function

Certain teaching positions in the school will be "tagged" for staff who are "willing and able" to provide religious instruction or uphold special character. This is a critical mechanism for special character preservation.

Key Requirements:

- For secondary schools, acceptability must be established by an appointments committee that includes a Proprietor's Appointee
- Legislation sets out specific requirements for advertising tagged positions to ensure transparency
- Proprietors must be appropriately consulted on establishment of new tagged positions and appointments to existing ones
- The balance between tagged and non-tagged positions is set out in the Integration Agreement.

Governance Implication: Proprietor boards should maintain clear protocols for consultation, ensure appointees understand their role, and regularly review whether the number and type of tagged positions remain appropriate.



Property Function

The proprietor is the legal owner of all land, buildings, and other improvements described in the school's Integration Agreement. This ownership carries both rights and significant responsibilities.

Key Requirements:

- Property must meet minimum standards ensuring it is safe, in a fit state of repair, and meets all statutory, regulatory, and Ministry of Education design standards
- Boards must annually prepare and deliver a rolling 10-year maintenance plan to assure the proprietor obligations are being met
- Proprietors remain ultimately responsible for property condition even though day-to-day maintenance is delegated to boards
- Major capital works may require proprietor approval and investment

Governance Implication: Proprietor boards should review maintenance plans carefully, conduct periodic site inspections, ensure adequate insurance coverage, and plan for long-term capital needs.

Four Key Functions: Enrolment & Special Character

The remaining two functions, enrolment and special character are closely interconnected. Together, they ensure the school community is aligned with its founding purpose and that special character remains vibrant and authentic.



Enrolment Function

The proprietor determines the criteria for preference of enrolment, which is a key mechanism for ensuring the school community shares commitment to its special character.

Key Requirements:

- Proprietor establishes the preference criteria, typically based on connection to the education philosophy or religious community
- Proprietor and board must have absolute clarity around these criteria and how preference is determined in practice
- The delegation of day-to-day enrolment decisions should be clearly documented
- The school must manage its roll to ensure it does not exceed the maximum roll number agreed in the Integration Agreement
- Enrolment procedures must be transparent, fair, and legally compliant

Governance Implication: Regular review of enrolment data, preference ratios, and waiting lists helps proprietors assess whether preference criteria are working as intended and whether the school community profile supports special character.



Special Character Function

This is the heart of the proprietor role, maintaining and preserving the distinctive character that makes the school unique. The Integration Agreement describes the principles that guide how special character will be reflected in school life.

Key Requirements:

- The Integration Agreement defines special character which is the foundational reference point
- Special character must be evident in curriculum, pedagogy, pastoral care, and school culture
- Both proprietors and boards share responsibility for special character preservation
- Regular evaluation and review ensures special character remains authentic
- Professional development and formation opportunities support staff in delivering special character

Governance Implication: Proprietor boards should establish clear indicators of special character health, conduct regular reviews with school leadership, ensure special character tagged staff receive appropriate support, and address any concerns about special character diminishing promptly.

These four functions; **employment, property, enrolment, and special character** form an interconnected system. Effective proprietor governance requires attention to all four areas and understanding how they support each other in preserving the school's special character.

Toolkit for Proprietor Trust Boards

Translating governance theory into practice requires practical tools and frameworks. Here are the essential elements every effective proprietor board should have in place.

Governance Model and Definitions

Document your chosen governance approach clearly. Define what strategic versus operational decisions look like in your context. Establish decision-making authority matrices that clarify who decides what. Create role descriptions for proprietor board members, board appointees, and key committees.

Board Culture and Conduct

Establish clear expectations for board member conduct, meeting preparation, confidentiality, and conflict of interest management. Develop a code of conduct that reflects your organisation's values. Foster a culture of constructive challenge, respect, and focus on strategic priorities rather than operational details.

Chair and Presiding Member Relationship

The chair of the proprietor board and the presiding member of the school board are critical connection points. Establish regular communication protocols, clarify respective roles, and build a relationship of mutual trust and transparency. This relationship is key to preventing and resolving issues early.

Monitor and Review Systems

Implement regular reporting frameworks for the four key functions. Establish KPIs for special character health, property condition, enrolment patterns, and tagged position effectiveness. Conduct annual reviews of the Integration Agreement compliance. Schedule periodic governance effectiveness reviews to ensure continuous improvement.

Train Proprietor Appointees

Your appointees to the school board are your eyes and ears on the ground. Invest in their training and development. Ensure they understand their dual role—contributing to board governance while representing proprietor interests. Provide regular briefings and maintain open communication channels.

 **Best Practice:** Review these tools annually and update them as your governance practice matures. What works for a small, relatively new proprietor board may need adaptation as the organisation grows or as the school landscape changes.

Key Documents for Review

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

1	Integration Agreement Your 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.
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 Board Policies Including delegations, conflict of interest management, meeting procedures, and communication protocols. These should clearly articulate how your 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.

More Information and Resources

Your governance journey doesn't end with this workshop. APIS and our partner organizations provide ongoing support, resources, and professional development to help you govern effectively.

APIS Support Services

APIS offers governance training, advisory services, and advocacy on behalf of proprietors. We provide templates, toolkits, and guidance on best practices. Contact us for support with Integration Agreement variations, property matters, or governance challenges.

Website: www.apis.org.nz

NZCEO Resources

The New Zealand Catholic Education Office provides extensive resources on Catholic special character, religious education curriculum, and formation for leaders and teachers in Catholic schools.

Website: www.nzceo.org.nz

Ministry of Education

The Ministry provides operational guidelines, property standards, and regulatory information for state integrated schools. Their website includes templates and guidance on Integration Agreements and compliance matters.

Website: www.education.govt.nz

Governance Development

Consider engaging APIS or attending professional development programs specifically designed for school board members and proprietors.

Next Steps

1. Regularly review your current governance documents
2. Identify any gaps in your governance framework
3. Develop an action plan to address priority governance improvements
4. Schedule regular governance reviews to ensure continuous improvement
5. Reach out to APIS for support with specific challenges or questions

Thank you for your commitment to effective governance. Strong proprietor boards are essential to maintaining the distinctive character that makes state integrated schools special. Your leadership ensures the school continues to serve the communities while preserving their founding mission.

Questions? Contact Karen Raitt, Deputy CEO, APIS/NZCEO