



## **NOTICE OF MEETING 2022**

**A meeting of the Pukekohe High School Board of Trustees  
will be held at 6pm, 19 December 2022 in the staff room**

# **AGENDA**

## **OPEN MEETING**

### **Welcome from Principal and Karakia**

- |            |  |               |
|------------|--|---------------|
| <b>1</b>   | <b>Apologies</b>   | <b>2 min</b>  |
| <b>2</b>   | <b>Declaration of Conflict of Interest</b>   | <b>2 min</b>  |
| <b>3</b>   | <b>Confirmation of Previous Minutes</b><br><i>Minutes of the Pukekohe High School Board of Trustees dated 21 November 2022 have been circulated to all Trustees.</i>   | <b>3 min</b>  |
| <b>4</b>   | <b>Correspondence</b><br>Nil   | <b>2 min</b>  |
| <b>5</b>   | <b>Extraordinary Business</b><br>Nil   | <b>2 min</b>  |
| <b>6</b>   | <b>Standing Items</b>  | <b>20 min</b> |
| <b>6.1</b> | <b>Financial Report</b>  |               |
| <b>6.2</b> | <b>Principal's Report</b><br>Recommendation:<br><i>'That the Pukekohe High School Board of Trustees accepts the proposed Board Meeting dates for 2023'</i>   |               |
| <b>6.3</b> | <b>Property, Health and Safety Report</b>  |               |
| <b>6.4</b> | <b>Staff Representative Verbal Report</b>  |               |
| <b>6.5</b> | <b>Student Representative Verbal Report</b>  |               |
| <b>7.0</b> | <b>Items for Decision</b>  | <b>30min</b>  |
| <b>7.1</b> | <b>Governance Plan for 2023</b><br>Recommendation<br><i>'That the Pukekohe High School Board of Trustees endorses the proposed governance plan for 2023.'</i>  |               |
| <b>7.2</b> | <b>Policy Review Cycle</b><br>Recommendation:<br><i>'That the Pukekohe High School Board of Trustees endorse the attached policy structure and request that School management ensure that any policy highlighted as requiring staff consultation is discussed with staff and their feedback recorded, analysed and reported to the Board.'</i> |               |

### **7.3 Complaints Policy**

Recommendation:

*'That the Pukekohe High School Board of Trustees adopts the Complaints Policy and Procedures.'*

### **7.4 Critical Incident Report**

Recommendation:

*'That the Pukekohe High School Board of Trustees*

- Support management's recommendation that an independent review of the incident is conducted by an external expert.*
- Request that management work with the following appointed Trustees (TBC at the meeting) to confirm terms of reference for the review.*
- Request that management appoint a reviewer, support conduct of the review and report back with findings and recommendations for actions required.'*

### **7.5 Staff Member's Leave Request**

Recommendation:

*'That the Pukekohe High School Board of Trustees supports the staff member's request for a year's leave to foster mana whenua and iwi relationships'*

## **8 Items for Information**

Nil

**2 min**

## **9 Meeting Closes approx.**

**8.00pm**

**Next Meeting: 20 February 2023**

## 6 Standing Items

### 6.1 Financial Report

#### Commentary on the November 2022 Financial Statements

1. Below is the November 2022 income & expenditure statement, balance sheet and 3 graphs showing surplus vs budget, working capital vs budget and the staff banking figure as at 30 November 2022.
2. In summary the month's YTD surplus is \$15,008 (October \$93,244) against budgeted deficit of \$12,825. There is a budgeted deficit as at 30 November because this month is a 3 pay month (one of two each year) as opposed to the normal 2 pays per month.

#### Variances

3. Variances to budget worth noting are:

##### **Income**

##### **Government Grants**

These are up on budget by just under \$1m due to 3 factors:

- -teacher's salary grant up by \$420k but matched by salaries below
- -admin equity funding adding an extra \$201k to date covering increased admin equity salary costs
- -general operating grant up by \$360k.

##### **Sports net income.**

Still behind as we chase income. We will be reviewing our sports department's financial operation in the new year as we believe there are systemic issues involved.

##### **Expenditure**

Teaching staffing costs are over budget by \$750k soaking up most of the extra government grant money above. Of that Strategic Planning costs i.e. HR legal expenses are \$56k above budget with more to come.

##### **Staff banking.**

Staff banking is now down to \$51,160 in our favour and on target to be zero by year end.

#### 4. **Balance Sheet**

Working capital has dropped further due to \$80k in asset purchases and the November month's deficit of \$68k. The extra than anticipated asset purchases are caused by a lot of old equipment/computers "giving up the ghost" and having to be replaced. This is particularly so of our computer stock. In one example we had to replace 10 desktop computers in one classroom which were 13 years old. We've also had to replace security cameras, upgrade the security alarm system and replace the small run around buggy the property team use for rubbish collections.

#### 5. **2023 budget**

- a) Since we presented the draft 2023 budget at the November meeting, we have received additional information from MOE who have declined our proposal to lease the Glasgow Rd land. One of the reasons is that the lessee is unknown and therefore not guaranteed. We argued that the purpose of going to market was to get the best deal but that didn't convince them. MOE have stated disposal (sale) is preferable (see Principal's report for additional detail).
- b) More significantly, the decile system of categorizing schools has been replaced with the Equity Index, which appears to have resulted in Pukekohe High School having our teaching staff entitlement reduced by 6 FTE (full time equivalent) staff members - 108 down to 102, despite a rising student roll. This would make running the school untenable. We are trying to obtain answers from MOE Resourcing in Wellington but as yet to no avail. We note a number of schools of similar decile rating to PHS have lost between 5 - 10% of their current teacher staffing entitlement. We will keep the pressure on to challenge this situation. However, if we take the conservative view that no change will result from our

efforts then the following steps are suggested as a potential solution for the board's consideration:

- c) We have been carrying one staff member's salary for 9 months due to an unresolved HR issue, but this is expected to end by the start of next year. That and significantly reduced legal fees in 2023 should reduce the total cost of at least 2 FTE staff members.
- d) This would then mean 4 teaching staff over entitlement at an average cost of \$62,000 each or approximately \$250,000 annually. We believe another 0.5 FTE staff member could be saved with reduced reliever costs on the assumption that Covid related illness will be significantly reduced.
- e) We have already budgeted for 12 new international students and cannot expect more than that in the first year since borders have been reopened. Most other areas in the 2023 budget have been trimmed as much as possible so the only thing remaining is to increase grant applications. A figure of \$120,000 was included in the first draft budget but that have would need to increase to \$340,000 to cover the cost of the remaining 3.5FTE over to achieve a break-even budget.
- f) An alternative that was discussed in the previous meeting is to consider a deficit budget at some agreed figure.

## Income and Expenditure Report

### For the 11 months ended 30 November 2022

	Actual Nov \$	Actual YTD \$	YTD Budget \$	Variance Actual \$	Variance %
<b>Income</b>					
<b>Government Grants</b>					
Operations Grant	479,474	4,780,831	4,220,359	560,472	13
Teachers Salary Grant	1,231,289	9,281,983	8,861,542	420,441	5
Use of land & buildings	266,687	2,933,337	2,933,337	-	-
	<b>1,977,450</b>	<b>16,996,151</b>	<b>16,015,238</b>	<b>980,913</b>	<b>6</b>
<b>Locally Raised funds</b>			-		
Donations/Fundraising/Activities	10,365	15,516	3,916	11,600	296
Sport Income/exp	(281)	(31,953)	5,299	(37,252)	(703)
Other activities inc/exp	9,496	149,978	153,276	(3,298)	(2)
	<b>19,580</b>	<b>133,541</b>	<b>162,491</b>	<b>(28,950)</b>	<b>(18)</b>
<b>International Students</b>	<b>(11,526)</b>	<b>8,973</b>	<b>55,798</b>	<b>(46,825)</b>	<b>(84)</b>
<b>Investment income</b>	<b>1,000</b>	<b>6,928</b>	<b>4,587</b>	<b>2,341</b>	<b>51</b>
<b>Total Income</b>	<b>1,986,504</b>	<b>17,145,593</b>	<b>16,238,114</b>	<b>907,479</b>	<b>6</b>
<b>Less expenses</b>					
<b>Learning Resources</b>					
Staff Expenses	255,554	2,203,375	1,781,298	422,077	24
Teachers Salary-MOE funded	1,231,289	9,208,750	8,879,998	328,752	4
Curricula	39,239	470,427	504,668	(34,241)	(7)
Curricular Other	8,738	59,468	46,368	13,100	28
	<b>1,534,820</b>	<b>11,942,020</b>	<b>11,212,332</b>	<b>729,688</b>	<b>7</b>
<b>Administration</b>					
Staff expenses	113,599	768,194	631,183	137,011	22
ICT	14,955	229,368	218,724	10,644	5
General/Consumables/Legal	5,676	32,689	31,669	1,020	3

BOT Expenses	565	25,333	30,642	(5,309)	(17)
Communication	2,345	32,062	37,037	(4,975)	(13)
Risk Management	76	22,624	19,393	3,231	17
Audit/Accounting	1,751	3,647	11,261	(7,614)	(68)
	<b>138,967</b>	<b>1,113,917</b>	<b>979,909</b>	<b>134,008</b>	<b>14</b>
<b>Property</b>					
Use of land & buildings	266,667	2,933,337	2,933,337	-	-
Caretaking/Cleaning	18,338	195,052	178,376	16,676	9
Staff expenses	25,582	181,172	189,426	(8,254)	(4)
R&M/Cyclical Maintenance	12,055	139,406	149,028	(9,622)	(6)
Heat, Light and Water	12,168	136,706	114,950	21,756	19
Grounds	2,367	43,656	45,936	(2,280)	(5)
Security	5,744	20,243	16,995	3,248	19
	<b>342,921</b>	<b>3,649,572</b>	<b>3,628,048</b>	<b>21,524</b>	<b>1</b>
<b>Finance Costs</b>	-	<b>9,823</b>	<b>6,776</b>	<b>3,047</b>	<b>45</b>
<b>Depreciation</b>	<b>38,763</b>	<b>415,253</b>	<b>423,874</b>	<b>(8,621)</b>	<b>(2)</b>
				-	
<b>Total Expenditure</b>	<b>2,055,471</b>	<b>17,130,585</b>	<b>16,250,939</b>	<b>879,646</b>	<b>64</b>
				-	
<b>Surplus/(Deficit)</b>	<b>(68,967)</b>	<b>15,008</b>	<b>(12,825)</b>	<b>27,833</b>	<b>(217)</b>

## Pukekohe High School

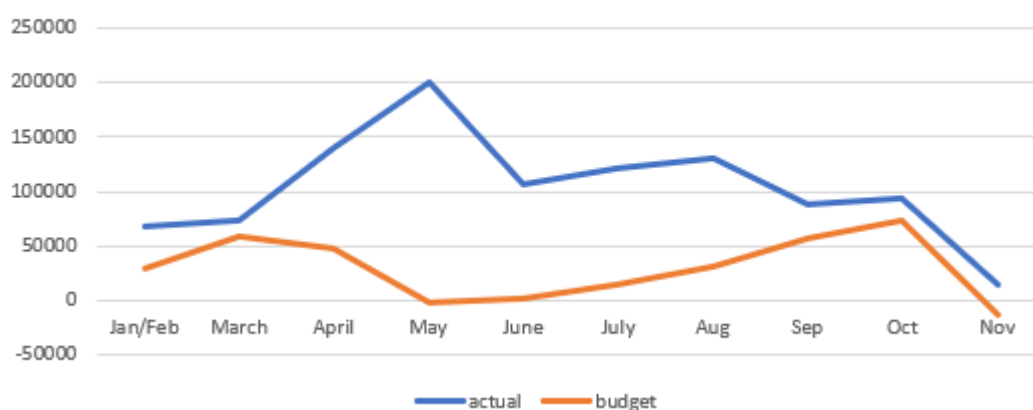
### Statement of Financial Position

As at 30 November 2022

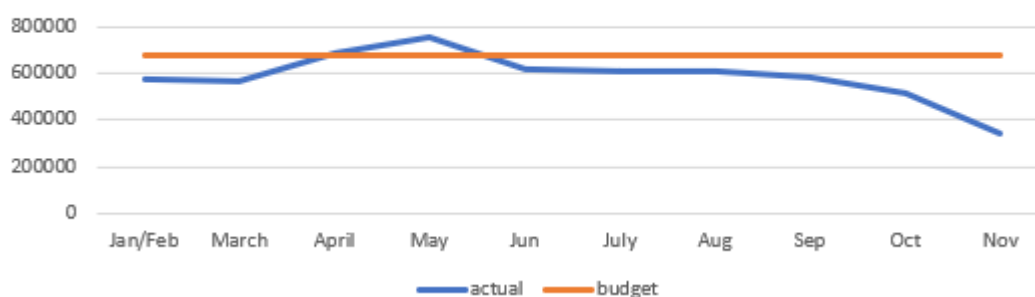
	2022 Actual \$	2022 Budget \$	Oct Actual \$
<b>Current Assets</b>			
Cash and Cash Equivalents	197,059	817,201	1,880,131
Accounts Receivable	183,873	140,938	117,668
Investments	786,377	85,573	85,357
Receivables salary grant	73,233	-	73,233
Prepayments	13,387	10,032	13,386
GST	56,095	28,758	0
Inventories	3,797	3,797	3,797
	<b>1,313,821</b>	<b>1,086,299</b>	<b>2,173,572</b>
<b>Current Laibilities</b>			
Govt Grants in Advance	304,445	-	719,070
Accounts Payable	150,258	51,509	152,944
GST payable	-	-	143,387
International Student Funds	78,395	149,993	81,635
Student Funds received in Advance	37,504	22,646	37,410
Provision for Cyclical Maintenance-Current	97,087	80,102	91,799
Finance Lease Liability - Current	96,849	92,327	100,983
MOE Property Projects	166,840	(20,267)	333,639

Wages leave accrual/leaving account/Banked staffing	37,770	37,771	37,771
	<b>969,148</b>	<b>414,081</b>	<b>1,698,638</b>
<b>Working Capital Surplus/(Deficit)</b>	<b>344,673</b>	<b>672,218</b>	<b>474,934</b>
<b>Non-current Assets</b>			
Property, Plant and Equipment	2,471,682	2,126,142	2,430,513
	<b>2,471,682</b>	<b>2,126,142</b>	<b>2,430,513</b>
<b>Non-current Liabilities</b>			
Provision for Cyclical Maintenance	190,812	190,706	190,706
Finance Lease Liability	106,842	172,481	117,804
	297,654	363,187	308,510
<b>Net Assets</b>	<b>2,518,701</b>	<b>2,435,173</b>	<b>2,596,937</b>
<b>Equity</b>			
Accumulated Funds	2,344,340	2,381,820	2,344,340
Furniture Grant	159,353	50,000	159,353
Surplus/(deficit)	15,008	3,353	93,244
	<b>2,518,701</b>	<b>2,435,173</b>	<b>2,596,937</b>

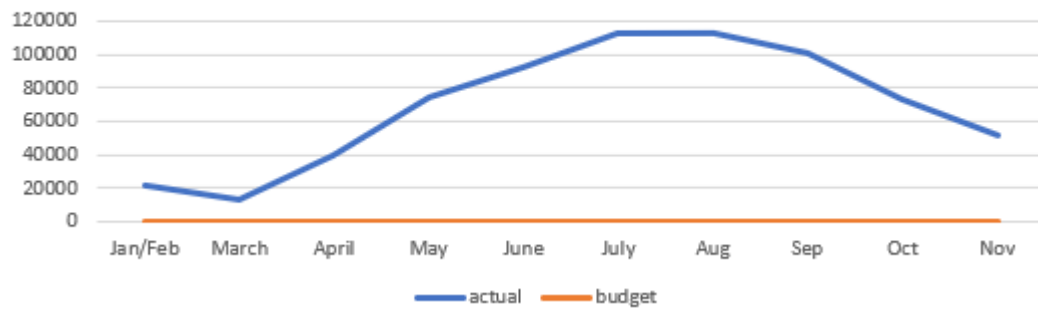
Surplus/Deficit



Working Capital



## Staff Banking



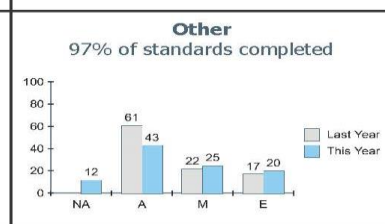
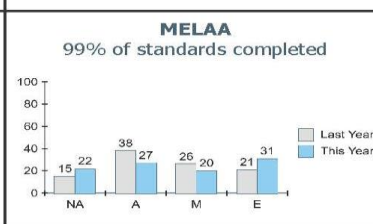
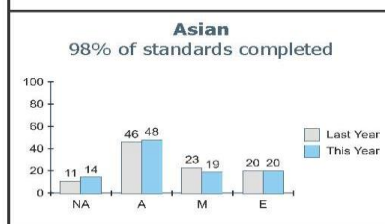
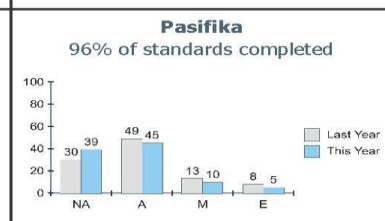
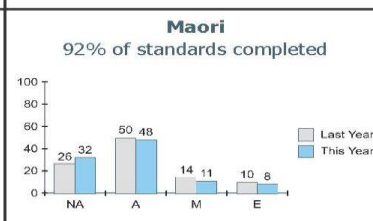
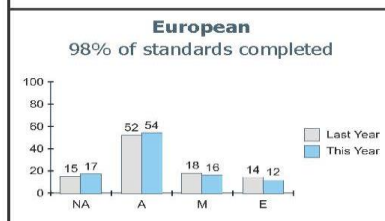
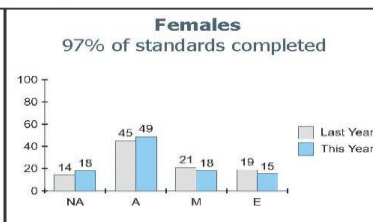
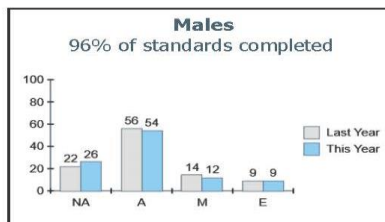
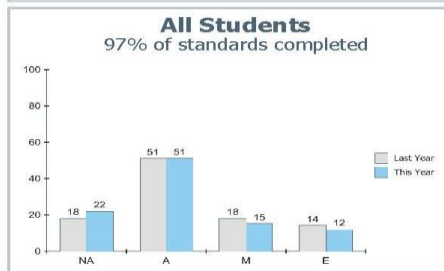
## 6.2 Principal's Report

### NCEA achievement data

A successful intervention to support Māori students through Ngati Te Ata, Te Kopu Inc, has been trialled since the November Board meeting.

Please note that NCEA results will be released on 17 January. The school has until 28 February to submit additional internal assessment results to NZQA, which will support individual students in achieving their respective level of NCEA.

### NCEA Data Analysis 2022 Internals





## **Education Review Office (ERO)**

The Associate Principal and I met online with our ERO school liaison reviewer, Neil Harray, on Wednesday 16 December. This is the first meeting since May though we have been in email contact. The meeting was positive and constructive in all areas. The next stage in our ERO working partnership will be a school visit during Term 1 for Neil Harray to see classes and the completion of a Profile report, which will be co-constructed between the school and ERO.

## **Roll growth new build**

We have held a pre-start meeting with representatives from MOE, Beca (Project Manager), Astley (Construction) and DCA architects. Work on the new 10 teaching space block is due to begin on 16 January, preceded by a ground-breaking ceremony with support from Nga Hau E Wha and Ngāti Tamaoho. We will advise trustees of the date of this ceremony once it is known.

At issue is the completion date of the new build, which was to have been 28 February 2024. The school needs access to the new building from the start of the 2024 school year because of the current shortage of teaching spaces. MOE have made clear that relocatable classrooms will not be available. Discussions are ongoing.

## **Glasgow Road school property update**



The Business Manager and I have had a recent discussion with the school's MOE property adviser regarding Third Part Occupancy (TPO) of the Glasgow Road land. The MOE view is that they would not support use of the land as a car park because:

1. Of the difficulty of reinstatement of the land at the end of the lease period
2. The TPO team at MOE look for educational benefits of a leasing arrangement, which a car park would not fulfil in their view

The MOE would support disposal (sale) of the land. Net proceeds from disposal would then come back to the school via the 5 Year Agreement and could be used to support property enhancements for teaching and learning.

The MOE property adviser is looking into this further.



## Discipline Summary for Term 4

Stand downs and suspensions since the last board meeting.

Action	Total	Female	Male	Year Level	Ethnicity
Suspension	0	0	0		
Stand-down	2	1	1	9 (2)	NZ European (1) Fijian (1)

## Proposed 2023 Board Meeting Dates

- Monday 20 February
- Monday 20 March
- Monday 24 April (First day of term 2)
- Monday 22 May
- Monday 19 June
- Monday 24 July
- Monday 21 August
- Monday 18 September
- Monday 16 October
- Monday 20 November
- Monday 18 December

## 6.3 Property, Health and Safety Report

### PROPERTY

#### New courts project.

Still waiting for remedial work to be completed.

#### Massey Block Roof Project.

As per previous months we are still waiting for final payment for this.

#### New 10YPP.

- Massey Block toilets. We are meeting with the architect shortly to look at concept designs.
- Electrical upgrade. We are having trouble with power supply in one of the science blocks and also the power supply then runs the gas supply in science as well. We are working with the electrical engineer on this problem.

#### New classroom block.

We recently met with MOE officials, project manager, architect and the builders to discuss work on the new block. The builders will start in January 2023 and all deliveries will be made through the gate at the western end of Harris St. The building will actually be sited at the main gate end of the courts. We will meet with builders reps weekly in the first instance to discuss any H&S concerns etc

#### Foyer & hall

We intend to smarten up the foyer and hall over the next couple of months with new flooring and autex.

### HEALTH & SAFETY.

There have been no major injuries since the last report but there were two incidents in the last week. One was a small fire in the bush area banking on to Manukau Rd which may have been started by our students. The second was an EOTC incident-see the Critical Incident Report.

## 7.1 Governance Plan for 2023

<b>Title</b>	<b>Governance Plan 2023</b>
<b>Date</b>	<b>16 December 2022</b>
<b>Prepared By</b>	<b>Ben Stallworthy, Richard Barnett, Principal</b>
<b>Approved By</b>	<b>Ben Stallworthy, Chair</b>
<b>Recommendation</b>	<b>That the Pukekohe High School Board of Trustees:</b> <ul style="list-style-type: none"><li>• <b>Endorses the proposed governance plan.</b></li></ul>

### Introduction

Every year the Board of Trustees (the Board) needs to undertake a set of governance processes. This report is to list them and to provide some thoughts about strategy.

### Analysis

Broadly speaking, the Board's governance role includes two categories of work;

- Duties that are required under legislation; and
- Strategic programmes generated by the Board.

The School enters 2023 having been through a period of significant cultural change and having dealt with the impacts of COVID 19. Further, most Trustees were involved in the development and endorsement of the School's strategy; '*Learning without Limits*' in 2020.

This term it is the opinion of the Board Chair and Principal that the School is reaching a level of maturity in which cultural change amongst staff is progressing, a strong and effective Senior Management Team is in place, business and financial operations are effectively managed and there is clear strategic direction. Leadership has been well tested during COVID and in dealing with a variety of other critical incidents.

Essentially, it is time for the Board to consider 'pivoting' away from directly supporting management; towards providing more strategic direction and supporting future planning. This said there are a variety of obligations that the Board must fulfil and it is good to have a plan so that Trustees are prepared for; and able to input effectively into conversations.

### Duties required under legislation

The following list of key governance action is taken from NZSTA and are the actions required to fulfil the Board's legislated roles:

- **December 2022** – Discuss 2023 Annual Budget.
- **February 2023** – First meeting.
  - Confirm Chair, Deputy Chair, committee membership and co-opted membership.
  - Confirm the 3-year charter/strategic plan – '*Learning without Limits*'
  - Review the annual implementation plan provided by the School to deliver the strategy.
- **March 2023** – Confirm 2023 Annual Budget. Confirm annual implementation plan.
- **April/May 2023** – Confirm annual report to the Ministry of Education.
- **December 2023** – Discuss 2024 Annual Budget. Discuss draft annual plan for achieving '*Learning without Limits*' from School.
- **Policy Programme** – School boards are required to maintain a cycle of review for all policies and a policy review plan was approved in November 2022.

## Strategic Programmes

The following list are the work programmes that although not required by legislation are either being worked on by the Board or School and should continue to be reported upon and be considered next year:

- **Continue to foster iwi relationships.** The Associate Principal, Rachel Hamlin leads this work and will continue to update the Board as the year progresses.
- **Property development.** Continue to focus on the Ministry of Education's plan for development of the school's infra-structure.
- **Revenue stream development.** At this time two programmes are underway that will increase School revenue:
  - **Glasgow Road lease:** In October 2022, The Board authorised the School to seek legal advice and develop a plan for leasing the Glasgow Road section of the School's property. An update on this project will be provided at the meeting.
  - **International Student Programme.** Post-COVID, the School aims to work together with Pukekohe Intermediate to develop new relationships and attract fee paying international students that can contribute financially to the School. The Business Manager, Dennis Murphy and the Finance Lead, Lincoln Sharp will update the Board throughout the year.
  - **Grants.** The School appointed a 'Grants Officer' this year who is taking a strategic approach to attracting charitable funding. This work has been discussed previously with the Board and will be reported again in the New Year.

## 7.2 Policy Review Cycle

<b>Title</b>	<b>Policy Review Cycle</b>
<b>Date</b>	<b>16 December 2022</b>
<b>Prepared By</b>	<b>Simon Williams</b>
<b>Approved By</b>	<b>Ben Stallworthy, Chair</b>
<b>Recommendation</b>	That the Pukekohe High School Board of Trustees endorse the attached policy structure and request that School management ensure that any policy highlighted as requiring staff consultation is discussed with staff and their feedback recorded, analysed and reported to the Board.

### Introduction

Good governance is a key objective of the Pukekohe High School Board (the Board) and last month the Board approved a policy review schedule. However, requested by resolution that Simon Williams identify the policies requiring staff consultation.

### Analysis

The following schedule lists the policies requiring consultation with staff.

# Pukekohe High School -Policy Review Cycle

*Procedures in italics are to be reviewed annually*

	Term 1	Term 1	Term 2	Term 2	Term 3	Term 3	Term 4
	Annual	Self Review / Curriculum	Personnel	Property & Finance	Health and Safety	Legislative	Reporting to board of trustees
<b>2023</b>	-Job descriptions -Appraisal process -Performance agreements -Strategic/Annual plan	<b>Planning &amp; Reporting</b> (2021)  <b>Curriculum delivery</b> (2020)	<b>Personnel</b> (2021)	<b>Asset Protection</b> (2020)  <b>Financial Planning &amp; Condition</b> (2020)  <b>Theft &amp; Fraud prevention</b> (2020)  <b>Credit card</b> (2020)  <b>Sensitive Expenditure</b> (2020)	<b>Child Protection</b> (2020)  <b>Health &amp; Safety</b> (2020)	<b>Uniform</b> (2021)	-Analysis of variance -Budget -Governance Kaupapa
	Annual	Self Review / Curriculum	Personnel	Property & Finance	Health and Safety	Legislative	Reporting to board of trustees
<b>2024</b>	-Job descriptions -Appraisal process -Performance agreements -Strategic/Annual plan	<b>Staff Devices</b> (2021)  <b>Student Devices</b> (2021)	<b>Appointments</b> (2021)  <b>Principal Responsibilities</b> (2022)	<b>Protection and sharing of intellectual property (Creative Commons)</b> (2021)  <b>Conflict of Interest</b> (2021)	<b>Protected Disclosures</b> (2021)  <b>Anti Bullying &amp; Anti Harassment</b> (2021)	<b>Enrolment</b> (2021)  <b>Attendance</b> (2021)	-Analysis of variance -Budget -Governance Kaupapa
	Annual	Self Review / Curriculum	Personnel	Finance	Health and Safety	Legislative	Reporting to board of trustees
<b>2025</b>	-Job descriptions -Appraisal process -Performance agreements -Strategic/Annual plan	<b>Planning &amp; Reporting</b> (2023)  <b>Curriculum delivery</b> (2023)	<b>Performance management &amp; Professional Growth</b> (2022)  <b>Timetable</b> (2022)		<b>Concerns &amp; Complaints</b> (2022)  <b>Manakitanga</b> (2022)  <b>Education Outside the Classroom</b> (2022)	<b>International Students</b> (TBC)	-Analysis of variance -Budget -Governance Kaupapa

**Staff and Community consulted**

**Staff consulted**

## 7.3 Complaints Policy

<b>Title</b>	<b>Complaints Policy and Procedures</b>
<b>Date</b>	<b>16 December 2022</b>
<b>Prepared By</b>	<b>Simon Williams</b>
<b>Approved By</b>	<b>Ben Stallworthy, Chair</b>
<b>Recommendation</b>	That the Pukekohe High School Board of Trustees adopts the attached Complaints Policy and Procedures

### Introduction

Good governance is a key objective of the Pukekohe High School Board (the Board) and in November 2022 the Board approved a policy review schedule.

### Analysis

The attachment Complaints Policy and Procedures, is for the Board to review.

At the meeting the Board will consider adopting the policy.

When a policy is adopted by the Board it comes into force within the School, superseding previous policies.

# Complaints Policy & Process

Policy to support NAG 5 Health & Safety

## Outcome statement

All complaints, concerns and incidents are attended to promptly, respectfully and professionally and seek to bring effective resolution to all parties concerned.

## Scoping

In order to maintain a safe and comfortable environment for all students, staff and visitors, an accessible procedure for handling complaints and grievances will be implemented and maintained to provide an open and fair way of resolving issues and will comply with all relevant legislation.

## Delegations

The board delegates to the principal full responsibility of ensuring processes are in place and operating effectively and adequately. In the event of a complaint or grievance concerning the principal, the responsibility lies with the board.

## Expectations and limitations

In the course of dealing with a concern / complaint, the principles of natural justice will apply at all times. In complying with the policy, the principal shall not fail to:

- implement and maintain robust procedures to meet the policy requirements
- ensure that the process for complaints or grievances is clearly communicated
- Communicate throughout the process that a support person/s welcome to attend at any point in the concern / complaint process.
- report to the board as follows:
  - o When receiving a complaint, the board must ensure that the complainant has previously followed the school's concerns and complaints procedure and that the complaint has been escalated to board level correctly.
  - o Should the board receive a complaint regarding the principal or determine that any policy violation may have occurred, the board in the first instance will consider whether this may be dealt with in an informal manner (as per the employment agreement provisions that apply to the principal).
  - o Where the board considers the degree and seriousness of the concern or any violation sufficient to

warrant initiating a disciplinary or competency process, the board shall seek the support and advice in the first instance from an NZSTA adviser or other legal advice to ensure due process is followed.

## **Procedures/supporting documentation**

Parent/whānau concerns and complaints  
procedure  
Staff concerns and complaints  
procedure  
Board investigation process and guidelines

## **Monitoring**

The principal shall maintain a register of complaints and resolutions and report to the board at least quarterly per annum outlining numbers of complaints, resolution success figures and any areas of concern for board deliberation.

## **Legislative compliance**

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Reviewed: <i>March 2019</i>	Next review: <i>March 2022</i>
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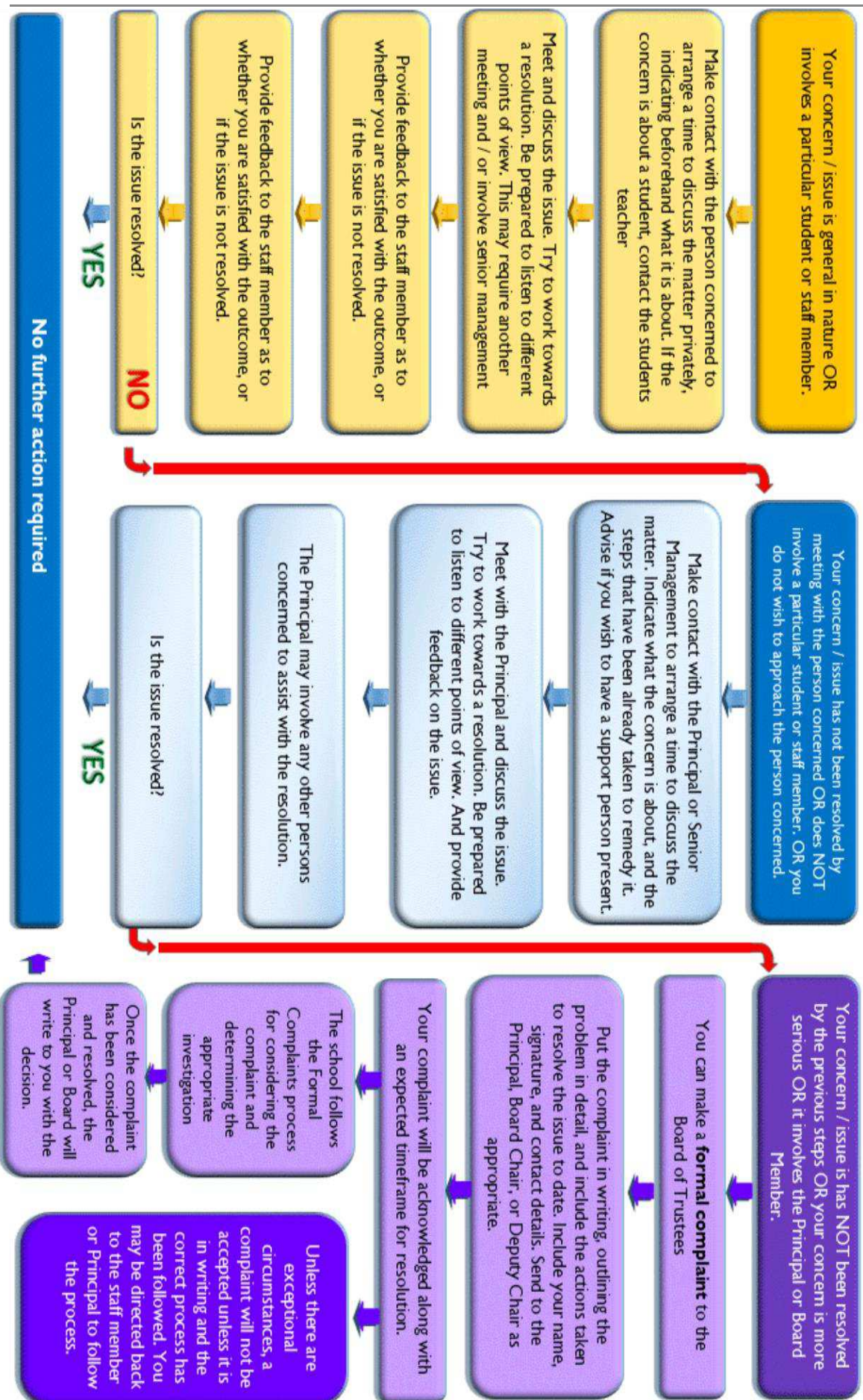


## Stage 1: Resolution Between Parties - Flow Chart

### Pukekohe High School Concerns & Complaints Process

Most concerns can be resolved informally by discussions with people concerned.

A support person / people may be brought into this process for either party at anytime



# Stage 2: Resolution through the Board- Board Checklist

Once a letter of complaint has been received, the board chair should ensure the following process is followed:

Board Process	
1.	Ensure the process has been followed as outlined in the concerns and complaints procedure or is a genuine complaint against the Principal or board.
2.	Verify with the Principal that any staff (or others) identified in the complaint are aware of the situation and that there has been discussion and attempts to reconcile.
3.	If the complaint or action is employment related or has potential industrial relations implications, contact the NZSTA employment advisory and support centre. For all other complaints, contact the NZSTA governance advisory and support centre. Additional legal advice should also be sort to clarify expected actions.
4.	Alert the school's insurance broker.
5.	Acknowledge the letter of complaint within 7 days and advise the board process, or redirect the complainant to principal, syndicate leader or staff member as appropriate. Report to the board without names or detail at the next meeting.
6.	Once confirmed as a complaint, forward it confidentially to all trustees for consideration & decision regarding the possible need for formal investigation through <b>Board of Trustees Investigation Process</b>
7.	Board request to principal to present full written report outlining all actions taken, advice received, meetings held and justified decisions made.
8.	Board determines whether the above fully satisfies them of full and fair process. If so, the board supports the principal and advises the complainant.
9.	If not satisfied, the board meets and discusses in committee, determines whether to formally meet the complainant and delegates responsibility to trustee(s) as deemed appropriate.
10.	Board delegates meet with the complainant and discuss the complaint more fully, verifies, investigates and clarifies. Support persons should be confirmed as welcome to attend.
11.	Board delegates report back to full board and recommend actions/decisions.
12.	Board takes appropriate actions, records and formally minutes decisions.
13.	Board advises the complainant in writing of its provisional decisions and factors considered in reaching them, within 15 school days of complaint receipt, unless otherwise agreed by all parties. Complainant is given opportunity to comment before the board's final decision is reached and given.
<b>Note:</b> Issues of a serious matter, eg allegations of physical abuse, may require a special meeting of the board to be called. All letters addressed to the chairperson of the board are for the <b>whole board</b> . The chairperson cannot decide independently as to what action will be taken. Resolution or dismissal of the complaint must not be discussed before all the information is to hand. Conflict of interest will be determined on a number of issues, including whether the complaint involves the actions of any trustee. The board must exercise caution when dealing with complaints regarding staff, particularly in relation to confidentiality and processes to ensure the principles of natural justice are met. It is advisable to contact the regional NZSTA personnel/industrial adviser or other legal advice in such cases. The board will need to consider the relevant staff disciplinary policies, employment contracts, and expert advice from the NZSTA adviser or other legal advice.	

# Board of Trustees Investigation Process- Board Checklist

Not all complaints require a Board led formal investigation but, all written complaints will be disclosed to the person concerned at the earliest opportunity, either as part of a preliminary or informal process or together with an explanation of

the process for investigation and resolution of the complaint.

- If the formal complaint does not justify a formal investigation, the principal or board will consider the issues raised and all of the relevant information, and provide the complainant with a written response.
- If the Principal and Board decides that the formal complaint does justify a formal investigation, then subject to the privacy of the person or people concerned, they will be informed about the investigation process and the expected timeframes, and provided with written confirmation when the matter is concluded.

Relevant collective employment agreement provisions for dealing with complaints about staff members must be observed, including protecting the staff member's dignity and mana, advising them of their right to seek support and representation before responding to complaints, and giving them a reasonable opportunity to take that advice.

The NZ School Trustees Association (NZSTA) or legal counsel will be contacted for advice before proceeding to investigate. The school's insurer should be notified early in the process and kept informed of progress. Consultation with external agencies will be undertaken as appropriate (e.g. Oranga Tamariki – Ministry for Children, and/or police) to ensure any actions do not undermine other investigations.

The Employment Relations Act provides for confidential resolution of employment disputes in certain circumstances, the terms of which are usually recorded in a settlement agreement.

The school will not include in any settlement agreements any terms which would be inconsistent with the school's statutory obligations, including the Teaching Council's mandatory reporting requirements, or when they would be contrary to a culture of child protection, such as when the conduct at issue concerns the safety or wellbeing of a child.

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Board members with a potential conflict of interest will not take part in the investigation. If the complaint is against the principal or the principal has had significant involvement in the alleged events giving rise to the complaint, the principal will not take part in the investigation process.

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The following general guidelines will assist in conducting an investigation. They are directed at complaints made against staff members, but can be adapted as appropriate to apply to any complaints about students, parents, the principal, board member, or any other person, and to reflect the nature of the matters under investigation.



Board Investigation Process		
Step	Actions	Responsibility
1.	<p>Conduct a preliminary assessment of the complaint, which may include hearing from the party complained of, and determining whether a formal and/or informal investigation is appropriate.</p> <p>If the complaint is serious and relates to matters which could justify the staff member's suspension, take advice from NZSTA or the school's lawyer and follow the contractual suspension process.</p> <p>Determine the scope of the investigation, and level of board involvement (if any).</p> <p>If the principal will not be responsible for investigating the complaint, consider appointing a board member or board subcommittee to investigate the complaint and determine the facts; and whether to delegate (by board resolution) the responsibility to make decisions as to the outcome to that board member or subcommittee.</p> <p>Consider, depending on the seriousness of the issue or any potential conflicts of interest, whether an independent or specialist investigator should be appointed to make preliminary fact findings for the board's consideration.</p> <p>Consider carefully if any investigator or other person involved in the investigation or decision making (including any staff member or student representative) has a potential conflict of interest or potential for bias. Consider and decide how to best manage or mitigate that conflict or potential for bias, including where necessary removal from the investigation or decision-making process.</p> <p>Note that the board cannot delegate decision-making responsibility to non-board members. It is prudent to provide the investigator with clear terms of reference including that you are not looking for any recommendations on what you have to do next, just fact-finding, including, on the balance of probabilities, the investigator's view of disputed factual issues. Be aware of school policy and legislative requirements, including that if the complaint involves a child, permission to interview the child must be obtained and consideration should be given to appointing an investigator with some expertise in interviewing children and young people.</p>	Principal and/or the Board Chair
2.	<p>Inform the school's insurance company of the complaint and steps taken to resolve it. This is a strict insurance policy requirement to maintain cover in any matter that might involve a claim on the school's insurance. The school's insurers will usually require boards to follow advice from NZSTA or the school's lawyer in dealing with any matters which could lead to disciplinary action against a staff member.</p>	
3.	<p>Inform the staff member involved that an investigation is planned, and the scope of the investigation. Include, if applicable, the identity of any independent investigator, and confirm (in writing) that they are entitled to seek union or legal advice and representation. Remind them that they may also bring a support person or whānau member to any meeting. Consider the vulnerability of a person subject to a complaint and offer them practical support.</p> <p>Continue to ensure the complainant is kept informed of progress in the process, without disclosing any details or findings.</p>	

<b>4.</b>	<p>Provide the staff member complained about with a letter explaining the specific concerns, attaching all of the relevant information, and outlining any potential disciplinary outcome. Give the staff member a reasonable opportunity to consider the allegations and take independent advice before they provide their written and/or oral response to the complaint.</p> <p>Seek NZSTA or legal advice in preparing your correspondence with the staff member and about running any meetings.</p>	
<b>5.</b>	<p>Complete and take comprehensive notes on relevant inquiries and interviews. Meeting and interview notes should be provided to the interviewee for their comment and confirmation. Note that taping of meetings and interviews is permitted, provided you advise the other party of your intention to do so and make a copy available to them.</p> <p>Be aware that employees are entitled to copies of all information relating to them personally. Seek legal advice if unsure about the disclosure of information, or contact the Privacy Commission or Ombudsman's Office</p>	Investigator/ investigating committee
<b>6.</b>	<p>Make detailed notes of all discussions, interviews, questions, and answers. The notes should record the facts related to the investigation rather than opinions or comments which could be taken to suggest the outcome had been predetermined. Disclose the notes to the other party.</p>	
<b>7.</b>	<p>Consider the staff member's responses and all other relevant information, reach a determination on the balance of probabilities about any disputed facts, and decide whether or not the complaint has been substantiated.</p> <p>Prepare a draft report for the staff member's comment if required to do so by the terms of reference, and then finalise the investigation report.</p>	
<b>8.</b>	<p>Brief the board in-committee on the scope and outcome of the investigation and its findings.</p>	Investigator (If they do not have delegated authority to make the decision as to outcome)
<b>9.</b>	<p>Determine any next steps including whether any disciplinary action may be appropriate.</p> <p>Provide the staff member with a copy of the investigation report and a letter either concluding the process or explaining the next steps, including identifying the specific concerns, and the options being considered with regard to any proposed disciplinary action together with the reasons those options may be appropriate in the circumstances. Invite the staff member (through their representative if applicable) to respond at a meeting and/or in writing to the report's findings and to the specific concerns, and to comment on any disciplinary options being considered.</p> <p>If a meeting is held, ask any relevant questions but confine them to issues already identified. This is not an opportunity for either party to raise any new matters. Appoint a good note taker.</p>	Decision maker (Board investigator or sub-committee, the full board, or the principal)
<b>10.</b>	<p>Following the meeting, or on receipt of the staff member's written response, consider whether any further investigation may be required, then make your decision as to factual matters (recording how you arrived at the decision) and the reasons for any disciplinary consequences.</p> <p>Depending upon the seriousness of the situation you may need to take a day or two to consider all of the relevant information before making a final decision. Inform the staff member of the decision. If this is done at a meeting rather than by letter it must be confirmed in writing.</p>	

<b>11.</b>	Report to the board in-committee.	Investigator (if they do not have delegated authority to make the decision as to outcome)
<b>12.</b>	Report back to the complainant(s), reassuring them as far as possible while considering confidentiality and any requirements of collective agreements, of the steps undertaken to resolve their concern, and facilitate any further steps which may be required to provide satisfactory closure. Ensure ongoing support for the complainant and the person being complained about during and after the investigation. If the complainant is not satisfied, the board chair should advise the complainant of further avenues, e.g. Human Rights Commission, Ombudsman, Ministry of Education, ERO, Privacy Commissioner.	
<b>13.</b>	File in a register of complaints and concerns about in and out of school behaviour and keep for 'in-committee'. Hold all recorded minutes securely	
<b>14.</b>	Determine whether a report needs to be made to the <u>Teaching Council</u> , in compliance with the mandatory reporting requirements.	

## 7.4 Critical Incident Report

<b>Title</b>	<b>Critical Incident Report</b>
<b>Date</b>	Friday 16 December
<b>Prepared By</b>	Richard Barnett, Principal
<b>Approved By</b>	Ben Stallworthy, Chair
<b>Recommendation</b>	<p>That the Pukekohe High School Board of Trustees:</p> <ul style="list-style-type: none"> <li>• Support management's recommendation that an independent review of the incident is conducted by an external expert.</li> <li>• Request that management work with the following appointed Trustees (<i>TBC at the meeting</i>) to confirm terms of reference for the review.</li> <li>• Request that management appoint a reviewer, support conduct of the review and report back with findings and recommendations for actions required.</li> </ul>

### Aim

Update the Board about the Critical Incident, that happened on Thursday 8 December 2022 and actions taken by school management to respond.

### Background

During a Year 9 activities day at the Jubilee Pools on Thursday 8 December, a student spent some time under water and was rescued by other students. Lifeguard performed CPR and the student was stabilised by emergency services before being taken to hospital by ambulance.



The student has now made a good recovery and is released from hospital.

### **Summary of Response Actions**

School management responded immediately both to look after the student, other people affected by the incident and to make sure information about the event was protected. This work included communication with the wider school community.

Key points about response are summarised below:

- A relationship has been established with other PCBU (*Person Conducting a Business or Undertaking under the Health and Safety at Work Act, 2015*) involved at the Jubilee Pools.
- The families of all directly impacted students were contacted by the Principal and communication channels established.
- Ministry of Education's Traumatic Incident Team supported the school's internal response.
- A Worksafe report was submitted on the morning of 10 December 2022.
- The school's insurer has been notified and is supporting the school.
- An EAP (*Employee Assistance Programme*) support was provided to staff including a counsellor on site on Monday 12 December 2022.

With regards to the Board the incident was communicated as follows:

- The Chair was informed immediately, who requested the school send an email to Trustees.
- Board crisis management protocols were initiated and Trustees requested to communicate with school via the Chair / Deputy Chair.
- The next day Friday 9 December 2022, a more detailed written report was provided to Trustees.
- On Monday, 12 December 2022 a teleconference was held with Trustees.

### **Planned Activities**

The School plans the following activities in coming weeks and months:

- **Internal Review** - Management will continue its internal review of the situation to ensure that information is preserved and any initial corrective actions taken ASAP. This process also provides detailed information to help generate Terms of Reference for a more detailed external review.
- **External Review** - Management recommends that an external provider is contracted to conduct an independent review and provide advice about corrective actions required by the School.
- **Immediate Actions** - At the February Board meeting, management will provide a report outlining any immediate actions identified as required during the internal review. This meeting will also provide an opportunity to review the external review's terms of reference.
- **Report on External Review and Actions** - Later in the year, at a time to be confirmed, management and its external expert advisors will present a report outlining the reviews' findings including recommended actions to prevent similar incidents.

## 7.5 Staff Member's Leave Request

Title	<b>Staff leave request report</b>
Date	Friday 16 December
Prepared By	Richard Barnett
Approved By	Ben Stallworthy, Chair
Recommendation	That the Pukekohe High School Board of Trustees: Supports the request for a year's leave in 2023 by a staff member to foster mana whenua and iwi relationships

Monique Henry has written to the Board to request a year's leave in 2023 to enable her to work full time with Ngāti Tamaoho and Ngāti Te Ata, to continue to foster effective and sustainable mana whenua and iwi relationships.

Monique has worked with Ngāti Tamaoho in a part time capacity in 2022 for one day per week. The school has continued to develop an effective relationship based in part on her mahi.

Her roles as Kaiaki and Kaitiaki Ākonga can be adequately covered for 2023. A whole year's leave is easier to manage and has less impact on students than requests for a term's leave.

The letter requesting leave from Monique Henry is included under Correspondence.