



Introduction, with key legislative requirements, to board governance framework

The board of Malfroy School is focused on the ongoing improvement of student progress and achievement within an environment that provides inclusive education. **Refer to the** *New Zealand Curriculum, Te Tiriti o Waitangi, New Zealand Bill of Rights Act 1990, Human Rights Act 1993, New Zealand Disability Strategy and United Nations Convention on the Rights of Persons with Disabilities.* To ensure effective school performance, the board is committed to maintaining a strong and effective governance framework that incorporates legislative requirements and good practice.

Governance and management

The following are the board’s agreed governance and management definitions, which form the basis of its working relationships, policy and processes.

Governance	Management
<p>The ongoing improvement of student progress and achievement; that the school is an inclusive and safe place for all students and staff; that the school gives effect to Te Tiriti o Waitangi are the board’s primary objectives.</p> <p>The board acts in a stewardship role and is entrusted to work on behalf of all stakeholders. It is accountable for the school’s performance, emphasises strategic leadership, sets the vision for the school and ensures compliance with legal and policy requirements.</p> <p>Board policies are at a governance level and outline clear delegations to the principal. The board and principal form the leadership, with the role of each documented and understood. The principal reports to the board as a whole with committees used sparingly and only when a need is identified in order to contribute to board work.</p> <p>The board is proactive rather than reactive in its operations and decision making and does not involve itself in the administrative details of the day-to-day running of the school.</p>	<p>The board delegates all authority and accountability for the day-to-day operational organisation of the school to the principal who must ensure compliance with both the board’s policy framework and the law of New Zealand (for detail, see operational policies).</p>

Education & Training Act 2020

In developing the above definitions for Malfroy School, the board is mindful of the sections of the **Education & Training Act 2020** and the **Education (School Board) Regulations 2020** set out below.

The Education & Training Act 2020 came into force on 1 August 2020 and clarifies the governance role of the school board and its primary objectives. Most of the powers and functions of boards are now set out in the Education (School Boards) Regulations 2020, with the principal’s role as chief executive specified in section 130 of the Act.

Education & Training Act 2020 – School boards

125 Board is governing body

- (1) A board is the governing body of its school.
- (2) A board is responsible for the governance of the school, including setting the policies by which the school is to be controlled and managed.
- (3) Under section 130, the school's principal is the board's chief executive in relation to the school's control and management.

126 Bylaws

- (1) A board may make bylaws that the board thinks necessary or desirable for the control and management of the school.
- (2) Before making a bylaw, the board must consult its staff, its students (to the extent that the board considers appropriate), and the school community regarding the proposed bylaw.

127 Objectives of boards in governing schools

- (1) A board's primary objectives in governing a school are to ensure that—
 - (a) every student at the school is able to attain their highest possible standard in educational achievement; and
 - (b) the school—
 - (i) is a physically and emotionally safe place for all students and staff; and
 - (ii) gives effect to relevant student rights set out in this Act, the [New Zealand Bill of Rights Act 1990](#), and the [Human Rights Act 1993](#); and
 - (iii) takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school; and
 - (c) the school is inclusive of, and caters for, students with differing needs; and
 - (d) the school gives effect to Te Tiriti o Waitangi, including by—
 - (i) working to ensure that its plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and
 - (ii) taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori; and
 - (iii) achieving equitable outcomes for Māori students.
- (2) To meet the primary objectives, the board must—
 - (a) have particular regard to the statement of national education and learning priorities issued under [section 5](#); and
 - (b) give effect to its obligations in relation to—
 - (i) any foundation curriculum statements, national curriculum statements, and national performance measures; and
 - (ii) teaching and learning programmes; and
 - (iii) monitoring and reporting students' progress; and
 - (c) perform its functions and exercise its powers in a way that is financially responsible; and
 - (d) if the school is a member of a community of learning that has a community of learning agreement under [clause 2](#) of Schedule 5, comply with its obligations under the agreement; and
 - (e) comply with all of its other obligations under this or any other Act.

128 Staff

A board may, in accordance with the [Public Service Act 2020](#), appoint, suspend, or dismiss school staff.

129 Board has complete discretion

- (1) A board has complete discretion to perform its functions and exercise its powers as it thinks fit
- (2) Subsection (1) is subject to this Act, any other enactment, and the general law of New Zealand.

Education (School Boards) Regulations 2020

130 Delegation

- (1) A board may, by resolution and in writing either generally or specifically, delegate any of the functions or powers of the board or of a board member to any of the following persons:
 - (a) a board member or members:
 - (b) the principal or any other employee or office holder of the board:
 - (c) a committee consisting of at least 2 persons at least 1 of whom is a board member:
 - (d) a person approved by the Minister:
 - (e) any class of persons that comprises any of the persons listed in paragraphs (a) to (d).
- (2) Subclause (1) does not apply to any functions or powers specified in the Act as not being capable of delegation.
- (3) The board must not delegate the general power of delegation.
- (4) A person to whom any function or power is delegated may perform the function or exercise the power in the same manner and with the same effect as if the person were the board or board member (subject to any restrictions or conditions imposed by the board).
- (5) A person purporting to act under a delegation—
 - (a) is, in the absence of proof to the contrary, presumed to be acting in accordance with the delegation; and
 - (b) must produce evidence of the person's authority to do so if reasonably requested to do so.
- (6) A person to whom any function or power is delegated may delegate that function or power only—
 - (a) with the prior written consent of the board; and
 - (b) subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate.
- (7) A delegation under subclause (1)—
 - (a) is revocable at will by resolution of the board and written notice to the delegate (or by any other method provided for in the delegation):
 - (b) does not prevent the board or the board member performing the functions or the exercising the powers:
 - (c) does not affect the responsibility of the board for the actions of any delegate acting under the delegation:
 - (d) is not affected by any change in the membership of the board or of any committee or class of persons.

Education & Training Act 2020 - Control and management of State schools

131 Principal is chief executive of board in relation to school's control and management

- (1) A school's principal is the board's chief executive in relation to the school's control and management.
- (2) Except to the extent that any enactment, or the general law of New Zealand, provides otherwise, the principal—
 - (a) must comply with the board's general policy directions; and
 - (b) subject to paragraph (a), has complete discretion to manage the school's day-to-day administration as they think fit.

Part A: Annually updated section

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- 1. Board member register

 - 2. Calendar

 - 3. Charter/Strategic plan – our number 1 policy

 - 4. Delegations list

2. Board Calendar

Month	Type of Report	Detail	Status	Review Period	Next Review
<i>February</i>	Charter	Draft Charter / Draft Budget	Read/Provide comment	Annual	2022
	Policy Review	B5 Presiding member (chair) role description	Review/Approve	Triennial	2025
	Policy Review	B8 Principal performance management	Review/Approve	Triennial	2025
	Policy Review	C3 Board Induction	Review/Approve	Triennial	2024
	Annual Report	Final Variance Reports	Report	Annual	2022
	Special Topic	Principal's Interim Performance Appraisal	Report	Annual	2022

Month	Type of Report	Detail	Status	Review Period	Next Review
<i>March</i>	Charter	Final Draft	Approve	Annual	2022
	Policy Review	B7 Relationship between presiding member (chair) and principal	Review/Approve	Triennial	2024
	Policy Review	D3 Personnel Policy	Review/Approve	Biannual	2023
	Policy Review	D3.1 Appointments	Review/Approve	Triennial	2024
	Attestation	Finance & Property Management	Complete/Approve Principal	Annual	2022
	Attestation	Health & Safety	Complete/Approve Principal	Annual	2022

Month	Type of Report	Detail	Status	Review Period	Next Review
May	Policy Review	C2 Delegations and committee principles	Review/Approve	Annual	2022
	Policy Review	C4 and D9 Concerns and complaints	Review/Approve	Annual	2022
	Policy Review	D4.1 Financial planning and condition	Review/Approve	Biannual	2023
	Policy Review	D4.2 Asset protection	Review/Approve	Biannual	2023
	Special Character	Rūmaki	Read/Provide comment	Triennial	2023
	Strategic Priorities	Student Learning	Read/Provide comment	Annual	2022
	Monitoring of Curriculum	Learning Languages	Read and provide comment	Triennial	2024

Month	Type of Report	Detail	Status	Review Period	Next Review
<i>June</i>	Annual Review	A1 – Trustee register	Review	Annual	2022
	Policy Review	B1 Board roles and responsibilities	Review/Approve	Triennial	2023
	Policy Review	D5 Protection and sharing of intellectual property (creative commons)	Review/Approve	Triennial	2024
	Policy Review	D8 Managing challenging behaviour and physical restraint policy	Review/Approve	Annual	2022
	Monitoring of Curriculum	English	Reporting/Monitoring	Triennial	2024
	Special Character	Montessori	Read/Provide comment	Triennial	2023
	Special Topic	Principal's Performance Appraisal Annual Report	Read/Provide comment	Annual	2022

Month	Type of Report	Detail	Status	Review Period	Next Review
<i>September</i>	Policy Review	B4 Conflict of Interest	Review/Approve	Triennial	2024
	Policy Review	B6 Staff trustee role	Review	Triennial	2023
	Policy Review	D1 Responsibilities of the principal	Review/Approve	Triennial	2024
	Strategic Priorities	Connecting our Curriculum	Read/Provide comment	Annual	2022
	Strategic Priorities	Community Engagement	Read/Provide comment	Annual	2022
	Charter	Strategic Planning	Planning	Annual	2022

Month	Type of Report	Detail	Status	Review Period	Next Review
<i>October</i>	Charter	Strategic Planning	Planning	Annual	2022
	Policy Review	B2 Trustee code of conduct	Review/Approve	Triennial	2022
	Policy Review	D7 Child protection	Review/Approve	Triennial	2023
	Policy Review	C1 Meeting Process	Review/Approve	Triennial	2024
	Monitoring of Curriculum	Gifted and Talented	Reporting/Monitoring	Biannual	2023
	RMPT MOU	Review	Report/Approve	Triennial	2022

Month	Type of Report	Detail	Status	Review Period	Next Review
<i>November</i>	Policy Review	B3 Trustee remuneration	Review/Approve	Triennial	2021
		D2 Curriculum delivery		Annual	2021
		D6 Health and safety		Annual	2021
	Annual Report	Draft Variance Reports (can be via email)	Report	Annual	2021
	Strategic Priorities	Theory of Improvement	Read/Provide comment	Annual	2021

3. Charter/Strategic plan - our number 1 policy

Insert your document here

4. Malfroy School delegations list

Date of minuted delegation	Personnel Delegations can be to a person or a committee. Committees must have a minimum of 2 persons, at least one of whom must be a board member (BM).	Delegated authority See individual committee terms of reference in part C of the board's governance framework.	Term of delegation Delegation ceases at the date below or by earlier resolution of the board or, if no date, is ongoing.
28/03/2022	Student suspension committee All current board members except the principal	That all current board members except the principal are delegated authority to be members of the board's student suspension committee acting under the terms of reference for this committee. (C2)	
28/03/2022	Finance committee Ngapi Coffin (BM) Jennie McLaren (BM) Nick Brell (BM)	That the finance committee members are delegated authority to be members of the board's finance committee acting under the terms of reference for this committee. (C2, D4.1, D4.2)	Post October 2022 Election
28/03/2022	Principal's Appraisal committee Presiding Member – Margaret Metcalfe One other board member – Toby Brash	That the Principal's appraisal committee members are delegated authority to be members of the board's Principal's appraisal committee acting under the terms of reference for this committee. (C2)	In line with appraisal timeline
28/03/2022	Fundraising committee Where a board member expresses interest or is delegated for an express purpose	That the fundraising committee members are delegated authority to be members of the fundraising committee acting under the terms of reference for this committee. (C2)	Annually

28/03/2022	<p>Property committee - Management Where a board member expresses interest or is delegated for an express purpose</p>	<p>That the board member/s are delegated authority to be members of the property committee acting under the terms of reference for this committee. (C2, D6)</p>	<p>Annually</p>
238/03/2022	<p>Health and Safety committee – Management Where a board member expresses interest or is delegated for an express purpose</p>	<p>That the board member/s are delegated authority to be members of the property committee acting under the terms of reference for this committee. (C2, D6, D7, D8, D9)</p>	<p>Annually</p>
28/03/2022	<p>Deputy Principal Assistant Principal</p>	<p>That the board directs that (except where the board at its discretion otherwise determines), in the absence of the principal from duty for periods not exceeding 2 weeks and for the full period(s) of such absence, the deputy principal or assistant principal shall perform all the duties and powers of the principal.</p>	

Part B: Governance policies - how we work as a board

	Outcome statements	Approved/reviewed	Next review
1. Board roles and responsibilities policy	The board is focused on governance that; fosters and supports the ongoing improvement of student progress and achievement; ensures that the school is a safe and inclusive place for all students and staff; gives effect to Te Tiriti o Waitangi.	June 2020	June 2023
2. Board code of conduct policy	The board will act in an ethical and respectful manner.	October 2020	October 2022
3. Board remuneration and expenses policy	Remuneration and reimbursement of expenses to board members is transparent, fair and reasonable.	November 2018	November 2021
4. Conflict of interest policy	The board effectively manages actual, potential and perceived conflicts of interest ensuring the integrity of board decisions and reputation of board members.	September 2020	September 2024
5. Presiding member (chair) role description policy	The board is effectively led.	October 2018	February 2023
6. Staff representative role description policy	The staff representative brings a staff perspective to board discussion and decision making.	September 2019	September 2023
7. Relationship between presiding member (chair) and principal policy	The relationship between the chair and the principal is based on trust, integrity and mutual respect.	-	March 2024
8. Principal performance management policy	A fair and transparent performance management process recognises the professionalism of the principal and the accountabilities of the board.	-	February 2023

B1. Board roles and responsibilities policy

Outcome statement

The board is focused on governance that; fosters and supports the ongoing improvement of student progress and achievement; ensures that the school is a safe and inclusive place for all students and staff; gives effect to Te Tiriti o Waitangi.

Scoping

The board is a body corporate whose policies and decisions exist in perpetuity or until such time as they are rescinded or revoked. The board sets the strategic direction for the school and governs via its policies, which it entrusts to the principal to implement.

Delegations

Accountability rests with the whole board, with no individual board member or committee having decision-making authority unless it has been delegated and documented. All sub delegations are approved by the board, as are revocations.

Expectations and limitation

Board actions		Standards
1. Sets the strategic direction and long-term plans and monitors the board's progress against them.	1.1 1.2 1.3 1.4 1.5	The board leads the annual charter/strategic plan review process The board sets/reviews the strategic aims by 31 st March The board approves the annual plan and targets and ensures the charter/strategic plan is submitted to the Ministry of Education by 1 March each year Regular board meetings include a report on progress towards achieving strategic aims The charter/strategic plan is the basis for all board decision making
2. Monitors and evaluates student progress and achievement, including students with differing needs.	2.1 2.2 2.3 2.4	The board approves an annual review schedule covering curriculum and student progress and achievement reports Reports are received at each regular board meeting from the principal on progress against the annual plan, highlighting risk/success Information reported to the board is thoughtfully discussed, critiqued and challenged Targets in the annual plan are met, the curriculum policy is implemented and there is satisfactory performance of curriculum priorities
3. Ensures that the school is a safe place for all students and staff.	3.1 3.2	All reasonable steps are taken to eliminate racism, stigma, bullying and any other forms of discrimination Students' rights under the Education & Training Act 2020 , the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 are honoured
4. Ensures the school gives effect to Te Tiriti o Waitangi	4.1 4.2 4.3	Plans, policies and local curriculum reflect local tikanga Māori, mātauranga Māori and te ao Māori All reasonable steps are taken to make instruction available in tikanga Māori and te reo Māori Māori students achieve equitable outcomes
5. Protects the special character of the school (State integrated schools/special character schools). Protects the different character of the school (designated character schools) Protects the principles of Te Aho Matua and any special characteristics (Kura Kaupapa Māori)	5.1 5.2	Special character /different character / principle of Te Aho Matua and any special characteristics is obviously considered in all board decisions Special character / different character / principles of Te Aho Matua and any special characteristics report is included at every board meeting as part of the principal's report
6. Appoints, assesses the performance of and supports the principal.	6.1	Principal's performance management system is in place and implemented
7. Approves the budget and monitors financial management of the school.	7.1 7.2	Budget is approved by the first meeting each year Satisfactory performance of financial management against budget is in evidence

8. Effectively manages risk.	8.1 8.2 8.3 8.4	The board has an effective governance model in place The board remains briefed on internal/external risk environments and takes action where necessary The board identifies trouble spots in statements of audit and takes action if necessary The board ensures the principal reports on all potential and real risks when appropriate and takes appropriate action
9. Ensures compliance with legal requirements.	9.1 9.2 9.3 9.4 9.5 9.6	New members read and understand the governance framework including policies, the school charter/strategic plan, board induction pack and requirements and expectations of board members New and continuing members are kept aware of any changes in legal and reporting requirements for the school The board seeks appropriate advice when necessary Accurate minutes of all board meetings are approved by the board and signed by the presiding member Individual staff/student matters are always discussed in public-excluded session Board meetings have a quorum
10. Ensures board members attend board meetings and take an active role.	10.1 10.2 10.3 10.4	Board meetings are effectively run Members attend board meetings having read board papers and reports and are ready to discuss them Attendance at 80% of meetings (minimum) No unexplained absences at board meetings (three consecutive absences without prior leave results in immediate step-down – refer Education & Training Act 2020, schedule 23, clause 12 (1) (c))
11. Approves major policies and programme initiatives.	11.1 11.2	The board approves programme initiatives as per policies The board monitors implementation of programme initiatives
12. Approves and monitors human resource policy/procedures, which ensures effective practice and contributes to its responsibilities as a good employer.	12.1 12.2 12.3 12.4	The board becomes and remains familiar with the broad employment conditions that cover employees (staff employment agreements and arrangements) The board ensures there are personnel policies in place and they are adhered to The board ensures there is ongoing monitoring and review of all personnel policies The board reports annually on compliance with its personnel policy on being a good employer (including the equal employment opportunities programme)
13. Deals with disputes and conflicts referred to the board as per the school's concerns and complaints procedures.	13.1	Successful resolution of any disputes and conflicts referred is achieved
14. Represents the school in a positive, professional manner.	14.1	Code of conduct is adhered to
15. Oversees, conserves and enhances the resource base.	15.1	Property/resources meet the needs of the school's aims
16. Effectively hands over governance to new board members at election time.	16.1 16.2 16.3 16.4	New board members are provided with induction and a copy of the board's governance manual New board members are fully briefed and able to govern following attendance at an orientation programme Appropriate delegations are in place as per the Education (School Boards) Regulations 2020, regulation 8 Board and board members participate in appropriate ongoing professional development

Monitoring

Audit Schedule (Key = Due in current year)

Audit	Review Timeline	Form Team	Report Due	Next Due
Curriculum Delivery	Triennial	June	August	2024
Employer Responsibilities/Personnel	Biannual	March	May	2022
Equal Employment Opportunity (EEO)	Annual	March	May	2022
Internal Evaluation Process	Triennial	September	November	2024
Legal Responsibilities/Legislation	Biannual	November	February	2023
Presiding Member's Role	Triennial	February	March	2023
Principal's Reporting to the Board	Biannual	May	June	2023
Trustee Code of Conduct	Biannual	August	September	2022

Legislative compliance

[Education & Training Act 2020](#)

[Education \(School Boards\) Regulations 2020](#)

[Human Rights Act 1993](#)

[New Zealand Bill of Rights Act 1990](#)

[Employment Relations Act 2000](#)

[Public Service Act 2020](#)

[Privacy Act 2020](#)

Reviewed: November 2021

Next review: June 2023

B2. Board code of conduct policy

Outcome statement

The board will act in an ethical and respectful manner.

Scoping

Every member of the board will have access to the code of conduct and opportunities to discuss its expectations of their behaviour. Board business will be conducted in an ethical and respectful manner, in accordance with legislation and board policy.

Expectations and limitations

As members of an effective governance team, each member of the board shall:

- ensure the needs of all students and their achievement is paramount
- uphold the principles of Te Tiriti o Waitangi
- be loyal to the school and its mission
- maintain and understand the values and goals of the school
- protect the special character / different character / principles of Te Aho Matua and any special characteristics of the school
- publicly represent the school in a positive manner
- respect the integrity of the principal and staff
- observe the confidentiality of non-public information acquired in their role as a member of the board and not disclose to any other persons such information that might be harmful to the school
- be diligent and attend board meetings prepared for full and appropriate participation in decision making
- ensure that individual board members do not act independently of the board's decisions
- speak with one voice through board policies and ensure that any disagreements with the board's stance are resolved within the board
- in the course of board meetings, disclose any interests in a transaction or decision where they, their family and/or partner, employer or close associate will receive a benefit or gain and leave the meeting for the duration of discussion and/or voting in relation to the matter
- recognise the lack of authority in any individual board member or committee/working party of the board in any interaction with the principal or staff
- recognise that only the presiding member (working within the board's agreed presiding member role description or delegation) or a delegate working under written delegation can speak for the board
- continually self-monitor their individual performance as a member of the board against policies and any other current board evaluation tools
- be available to undertake appropriate professional development.

Procedures/supporting documentation

Board to enter own documentation.

Monitoring

Biannual audit report September.

Legislative compliance

[Education & Training Act 2020](#)

[Education \(School Boards\) Regulations 2020](#)

Reviewed: September 2020

Next review: October 2022

B3. Board remuneration and expenses policy

Outcome statement

Remuneration and reimbursement of expenses to board members is transparent, fair and reasonable.

Scoping

The board exercises its right to set the amount that the presiding member and other board members are reimbursed for attendance at board meetings. These honoraria cover the expense of attending board meetings and are not payment for work undertaken.

The principal, as a member of the board, is entitled to the same payment as all other members except the presiding member.

Any other payments or reimbursements are at the discretion of the board.

Expectations and limitations

Currently at Malfroy School:

- the presiding member receives \$70 per board meeting
- other board members receive \$55 per board meeting
- these honoraria are non-taxable within the agreed "allowed exemptions". Payments of up to \$55.00 for a board member and \$70.00 for the presiding member to attend a board meeting are defined as "expenditure incurred in the production of the payment" and are exempt from withholding tax
- there is a limit on the number of payments for attending meetings in any one year that are exempt from withholding tax. Annual "allowed exemptions" are \$605 per board member (equivalent to 11 meetings per school year at \$55.00 a meeting) and \$770 for the chair (equivalent to 11 meetings at \$70.00 a meeting).
- there is no payment for working group/committee meetings
- costs associated with attendance at professional development sessions may be met by the board but prior approval must be sought
- all other reimbursements are at the discretion of the board and must be approved prior to any spending occurring.

Procedures/supporting documentation

School reimbursement claim form

Monitoring

Board to enter own monitoring and reporting procedures.

Compliance

[Income Tax Act 2007](#)

[IRD Honoraria payments to school trustees](#)

Reviewed: November 2021

Next review: November 2024

B4. Conflict of interest policy

Outcome statement

The board effectively manages actual, potential and perceived conflicts of interest ensuring the integrity of board decisions and reputation of board members.

Scoping

- The board shall create a register of all board members detailing any interests, relationships or holdings that could potentially result in a conflict of interest. This register shall be updated whenever a board member's circumstances change or a new member joins the board. It should be reviewed at the start of each school year and following board elections.
- Board members who have a conflict of interest shall be excluded from relevant board meetings (or relevant parts of board meetings).

Expectations and limitations

- All staff and board members will effectively manage conflicts of interest between the interests of the school on one hand and personal, professional and business interests on the other. This includes managing potential and actual conflicts of interest as well as perceptions of conflicts of interest.
- Any board member who has a pecuniary interest or any other interest that may influence them in carrying out their duties and responsibilities as a board member must be excluded from any meeting while the board discusses, considers, considers anything relating to or decides on the matter.
- Any board member who is a member of the board's staff must be excluded from any meeting while the board discusses, considers, considers anything relating to or decides on any matter relating to their own employment or a complaint received against them.
- Any board member who is a student enrolled at the school must be excluded from any meeting while the board discusses, considers, considers anything relating to or decides on any matter relating to them as an individual student.
- In the course of board meetings, board members will disclose any interests in a transaction or decision where their family and/or partner, employer or close associate will receive a benefit or gain. After disclosure, the person making the disclosure will be asked to leave the meeting for the discussion and will not be permitted to vote on the matter.
- If so many board members are conflicted that a quorum cannot be formed, the board will form a committee of non-conflicted members with appropriate delegation.

Procedures/supporting documentation

Disclosure of interest statements

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

[Education \(School boards\) Regulations 2020](#)

Reviewed: September 2021

Next review: September 2024

B5. Presiding member (chair) role description policy

Outcome statement

The board is effectively led.

Scoping

- The presiding member presides over board meetings and ensures that each board member has a full and fair opportunity to be heard and understood by the other members of the board and that decisions that are in the best interest of the school, its students and staff are reached.
- The presiding member is the leader of the board and works on behalf of the board with the principal on a day-to day basis.
- The presiding member establishes and nurtures a positive professional working relationship with the principal.
- The presiding member represents the board to the broader community and works in partnership with the principal to safeguard the integrity of the board's processes.
- The presiding member often represents the board to the school and wider community and agencies such as the Ministry of Education and the Education Review Office and carries a responsibility to safeguard the integrity of the board.

Delegations

The board delegates management of the relationship between the board and the principal to the presiding member.

Expectations and limitations

The presiding member:

- is appointed by election at the first board meeting of the year except in a triennial board election year where it shall be at the first meeting of the board held after the election*
- acts within board policy and delegations at all times and not independently of the board
- works with the board to develop a cohesive and effective team
- welcomes new board members, ensures that disclosure of any conflicts of interest is made and the code of conduct is understood (and signed) and leads new member induction
- assists board members' understanding of their role, responsibilities and accountability, including the need to comply with the board code of conduct policy
- ensures the work of the board is completed
- sets the board's meeting agenda and ensures that all board members have the required information for informed discussion of the agenda items
- ensures the meeting agenda content is only about those issues that, according to board policy, clearly belong to the board to decide
- effectively organises and presides over board meetings, ensuring that such meetings are conducted in accordance with the Education & Training Act 2020, the Education (School Boards) Regulations 2020, the relevant sections of the Local Government Official Information and Meetings Act 1987 and any board policies and protocols*
- ensures interactive participation by all board members
- represents the board to external parties as an official spokesperson for the school except for those matters where this has been delegated to another person
- is the official signatory for the board, including for annual accounts*
- is responsible for promoting effective communication between the board and wider community, including communicating appropriate board decisions
- establishes and maintains a productive working relationship with the principal
- ensures the principal's performance agreement and review are completed on an annual basis
- ensures concerns and complaints are dealt with at the appropriate level, according to the school's concerns and complaints procedures
- ensures any potential or real risk to the school or its name is communicated to the board. This includes any concern or complaint.

* Legislative requirement

Procedures/supporting documentation

Governance policies and protocols

School delegations list

Monitoring

Audit – Presiding Members Role

Meeting Evaluation

Legislative compliance

[Education & Training Act 2020](#)

[Education \(School boards\) Regulations 2020](#)

[Local Government Official Information and Meetings Act 1987](#)

[Official Information Act 1982](#)

[Privacy Act 2020](#)

Reviewed: February 2022	Next review: February 2023
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B6. Staff representative role description policy

Outcome statement

The staff representative brings a staff perspective to board discussion and decision making.

Scoping

As a member of the school board, the staff representative is elected by their peers to serve the interests of the school at governance level. They have equal voice, vote, standing and accountability to any other board member.

Expectations and limitations

Staff representative accountability measures		Standard
1. To work within the board's charter/strategic plan.	1.1	The charter/strategic plan is obviously considered in board decisions.
2. To abide by the board's governance and operational policies.	2.1	The staff representative has a copy of the governance manual and is familiar with all board policies.
3. The staff representative is first and foremost a board member and must act in the best interests of the students at the school at all times.	3.1 3.2	The staff representative is not a staff/student advocate. The staff representative does not bring staff concerns to the board.
4. The staff representative is bound by the board code of conduct.	4.1	The staff representative acts within the code of conduct.
5. It is not necessary for the staff representative to prepare a verbal or written report for the board unless specifically requested to by the board.	5.1	No regular reports are received unless a request has been made by the board on a specific topic.

Procedures/supporting documentation

Board to enter own documentation.

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

Review schedule: Triennially

Next Review: September 2023

B7. Relationship between presiding member (chair) and principal policy

Outcome statement

The relationship between the presiding member and the principal is based on trust, integrity and mutual respect.

Scoping

- A positive, productive working relationship between the principal and the presiding member is both central and vital to the school.
- The presiding member and principal should act as sounding boards, both supporting and challenging, in order to hold the school to account for achieving the goals and targets that have been set.
- The presiding member has no authority except that granted by the board. The presiding member does not act independently of the board.

Delegations

Board to enter any delegations.

Expectations and limitations

- The presiding member and principal must work as a team, and there should be no surprises
- The relationship must be professional
- Each must be able to counsel the other on performance concerns
- The presiding member supports the principal and vice versa as appropriate
- Each agrees not to undermine the other's authority
- There is agreement to be honest with each other
- Each agrees and accepts the need to follow policy and procedures
- Neither party will deliberately hold back important information
- Neither party will knowingly misinform the other

Procedures/supporting documentation

Board to enter own documentation.

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

Reviewed: -	Next review: March 2024
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B8. Principal performance management policy

Outcome statement

A fair and transparent performance management process recognises the professionalism of the principal and the accountabilities of the board.

Scoping

- An annual performance agreement will be established between the board and principal and be in place at the beginning of each school year.
- The principal's performance against this agreement will be reviewed throughout the year, and a final report will be prepared and presented to the board at the end of the school year.
- The prime focus of the agreement will be that; every student at the school is able to attain their highest possible standard in educational achievement; the school is an inclusive and safe place for all students and staff; the school gives effect to relevant students' rights and gives effect to Te Tiriti o Waitangi.
- A budget for professional expenses and for professional development will be established annually in accordance with the principal's professional development plan contained in their performance agreement and be included in the budget. Spending within budget is with the approval of the board. Any overseas trips for professional development must be approved by the board at least one term in advance of the event.
- Professional development expenses may include but are not confined to continuing education, books and periodicals, mentoring and attendance at professional conferences.

Delegations

The presiding member of the board (or personnel committee of the board) will ensure an annual performance review is carried out in accordance with this policy.

Expectations and limitations

- The review process will occur annually, providing a written record of how the principal has performed as per the terms of the performance agreement and identifying professional development needs
- The principal's performance will be formally reviewed on an annual basis by duly delegated members of the board and, optionally at the board's choice, an independent consultant who specialises in education
- Those delegated or contracted to perform the review process shall have written formalised instructions specifying the responsibilities of the role
- There will be three interim reviews, one each term preceding the annual formal review, between the principal and chair or delegate(s) to discuss progress
- The principal will be reviewed on the criteria set out in the performance agreement – performance objectives, professional standards, learning and development objectives and fulfilment of additional duties that require concurrence payment
- If the principal and the board disagree on the performance objectives, the board, after considering the principal's input, will amend the disputed objectives or confirm the unchanged objectives. The board's decision will be final
- The presiding member, delegate(s) and consultant may gather information from staff, parents or any other relevant members of the larger school community who can provide feedback on how the principal has performed. Evidence may include surveys, self-review, teaching observation (if relevant), interviews, focus groups or documentary evidence
- The principal and delegate(s) will meet for a formal interview to discuss whether the performance agreement has been satisfied, with the principal given the opportunity to discuss and comment on each criterion before a rating is given. The results will then be drafted into a report by the delegate(s) and sent to the principal. The principal can accept the report or dispute the report. If the report is disputed, the delegate(s) will consider the principal's views before deciding to either amend the report in accordance with the principal's views or let the report stand with the principal's comments attached
- The presiding member/delegate(s)/consultant will present the final report/summary back to the board with the result of the review. The principal may/may not be present at the presentation and/but will have the opportunity to address the board. The principal will then exit, and further discussion may continue among the board
- The principal will be informed personally and in writing of the final outcome following the report discussion
- The performance agreement and results of the review are confidential to the principal, the board and their agents unless both parties agree to wider distribution

Procedures/supporting documentation

B7 Relationship between Principal and Presiding Member.

B8 Principal's Performance Management

D1 Responsibilities of the Principal

Monitoring

Charter

Analysis of Variance

Audit – Performance Appraisal (Interim and Annual)

Audit – Principal's report to the Board

Attestation – Finance and Property

Attestation – Health and Safety

Strategic Priorities – Connecting our Curriculum; Community Engagement; Student Learning and Theory of Improvement

Legislative compliance

[Education and Training Act 2020](#) – sections 127 & 130

Reviewed: February 2022	Next review: February 2025
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Part C: Governance processes and procedures – ways in which we ensure effective governance

	Reviewed	Next review
1. Meeting protocols	Oct 2021	Oct 2024
1.1 Public attending board meetings		
1.2 Meeting agenda		
1.3 Meeting checklist		
1.4 Evaluation of meeting		
2. Delegations and committee principles	May 2021	May 2022
2.1 Review committee terms of reference		
2.2 Student behaviour management committee terms of reference		
2.3 Finance committee terms of reference and annual calendar		
3. Board induction process	Feb 2021	Feb 2024
4. Concerns and complaints process	May 2021	May 2022
4.1 Board complaints checklist		
5. Internal evaluation process (Audit)	March 2021	Nov 2024

C1 Meeting protocols

The Malfroy School board is committed to effective and efficient meetings and, to this end, sets out the following guidelines for the conduct of board meetings.

Timing of meetings

- Dates and times of meetings will be set in the board work plan and usually held on the third Monday of the month, starting at 4.30pm and finishing no later than 6.30pm.
- A resolution for an extension of time may be moved but will not normally exceed 30 minutes.
- Any business remaining on the agenda at the conclusion of the meeting is transferred to the following meeting

Agenda and meeting papers

- The presiding member is responsible, in liaison with the principal, for the preparation of an agenda prior to each meeting
- The principal is to ensure that secretarial services are provided to the board
- Agenda items are to be notified to the presiding member 5 days prior to the meeting
- The agenda and board papers will be circulated to board members at least 4 days prior to the meeting
- The board should have access to all correspondence. Correspondence that requires the board to take some action should be photocopied/scanned and distributed prior to the meeting. Other correspondence can be listed and tabled so that board members can read it if required
- The agenda for the part of each meeting that is open to the public will be posted on the board's section of the school website at least 48 hours prior to the meeting and copies made available at the meeting place for any members of the public
- The agenda is to be collated with the items placed in order and marked with an agenda item number
- Agenda items will reference relevant strategic goals and board policies
- Late agenda items will only be accepted with the approval of the board and in rare circumstances where a decision is urgent
- All items in the agenda are to carry a recommended course of action and where appropriate be supplemented by supporting material in the meeting documentation.
- Papers requiring reading and consideration will not normally be accepted if tabled at the meeting.
- The order of the agenda may be varied by resolution at the meeting

Public participation

- The board meeting is a meeting open to the public rather than a public meeting
- Only members of the board have automatic speaking rights
- Public participation is at the discretion of the board
- Public attending the meeting, including staff members not elected as the staff representative, are given a notice about their rights regarding attendance at the meeting – see C1.1 Public attending board meetings

Exclusion of the public

- The meeting may, by resolution, exclude the public (going into committee) and news media from the whole or part of the proceedings in accordance with the Local Government Official Information and Meetings Act 1987 (LGOIMA).* The wording to be used in the motion to exclude the public is found in Schedule 2A of LGOIMA. The board must make the reasons for excluding the public clear. Excluding the public is most often used to ensure privacy of individuals or financially sensitive issues
- Persons may be asked to remain after the public has been excluded because they possess knowledge that will be of assistance in relation to the matter to be discussed. The board must pass a resolution that they may remain*

Conduct of meetings

- A quorum of more than half the members currently holding office is required for the board to be able to conduct any business*
- Meetings can be held via audio, audio and visual or electronic communication providing:
 - all board members who wish to participate in the meeting have access to the technology needed to participate, and
 - a quorum of members can simultaneously communicate with each other throughout the meeting*
- Board members will declare any conflict of interest at the beginning of the meeting
- Any board members with a conflict of interest or pecuniary interest in any issue shall not take part in any debate, deliberation or decision making on such issues. They must be excluded from the meeting for the duration of the debate, deliberation or decision

making. * A pecuniary interest arises when a board member may be financially advantaged or disadvantaged as a result of decisions made by the board (contracts, pay and conditions). A conflict of interest is when an individual board member could have or could be thought to have a personal stake in matters to be considered by the board

- The presiding member shall be appointed by election at the first meeting of the year except in the triennial election year where it will be at the first meeting of the newly elected board*
- The elected presiding member (or, in their absence, a non-school-based board member) presides at meetings
- Only apologies received from those who cannot be present must be recorded. Members of the board who miss three consecutive meetings without the prior leave of the board cease to be members. * An apology does not meet the requirement of prior leave. To obtain prior leave, a board member must request leave from the board at a board meeting, and the board must make a decision whether or not to grant it
- Points of order are questions directed to the presiding member that require an answer or a ruling. They are not open to debate and usually relate to the rules for the running of a meeting
- The board's normal meeting procedures may be suspended by resolution of the meeting

Decision-making process

- All board decisions are made in light of board policy and the board's primary objectives of ensuring that; every student at the school is able to attain their highest possible standard in educational achievement; the school is an inclusive and safe place for all students and staff; the school gives effect to relevant students' rights and gives effect to Te Tiriti o Waitangi
- All decisions are to be taken by open voting by all board members present
- In the event of tied voting on a resolution, the presiding member may exercise a casting vote in addition to their deliberative vote*
- A motion is a formal proposal for consideration. All motions and amendments moved in debate must be seconded unless moved by the presiding member and are then open for discussion
- Motions and amendments once proposed and accepted may not be withdrawn without the consent of the meeting
- No further amendments may be accepted until the first one is disposed of
- The mover of a motion has right of reply
- A matter already discussed may not be reintroduced at the same meeting in any guise or by way of an amendment
- When a matter cannot be resolved or when further information is necessary before a decision can be made, the matter can be left unresolved for future discussion

Minutes

- Board meeting minutes will be taken by a contracted, paid minute secretary who is not a member of the board
- The minutes are to clearly show resolutions and action points and who is to complete the action
- Minutes are sent to the presiding member for checking within 3 working days and distributed electronically to the board within 7 working days. Requests for corrections or amendments should be submitted by email to the presiding member as soon as possible to ensure accurate minutes can be confirmed at the next meeting
- Minutes to be tabled for approval should be included in documentation made available to all board members prior to the meeting.
- Once minutes are approved as true and correct, recordings of that meeting are to be deleted

Calling special meetings

- If the Board has adopted procedures regarding special (extraordinary) meetings, then those would apply
- In the absence of board procedures, a special meeting may be called by the presiding member. Otherwise, one third of board members currently holding office agreeing to call a special meeting would be good practice

* Legislative requirement

C1.1 Public attending board meetings

The board fosters open and transparent governance. It welcomes public attendance at and observation of board meetings. Members of the public include staff, students and parents' families and whānau of the school community who are not members of the board.

A copy of the following procedures will be provided to members of the public attending meetings so that they understand the rules that apply and are to be followed unless otherwise authorised by the board:

- Board meetings are not public meetings but meetings held in public
- If the meeting moves to exclude the public (usually to protect the privacy of individuals), members of the public will be asked to leave the meeting until this aspect of business has been concluded
- Members of the public may be given copies of the meeting agenda and associated reports
- Members of the public may request speaking rights on a particular item that is on the agenda. Preferably, this request will have been made in advance. Public participation is at the discretion of the board
- Speakers shall be restricted to a maximum of 3 minutes each per subject, with a time limit of 15 minutes per interest group
- No more than 5 speakers will be permitted on any one agenda item
- Speakers are not to question the board and must speak to the agenda item
- Board members will not address questions or statements to speakers
- Speakers shall not be disrespectful or offensive or make malicious statements or claims
- If the person presiding over the meeting believes that any of these conditions have been breached or the speaker has gone over time, they may be asked to finish

This procedure approved by the board of trustees on November 2021

C1.2 Meeting agenda

A typical agenda will be as follows:

Board of trustees meeting agenda – date			
	Reference	Led by	Time
1. Administration			
1.1 Karakia/Himene		P	4.30pm
1.2 Present		BS	
1.3 Apologies		PM	
1.4 Declaration of interests		PM	
2. Strategic discussions and decisions			
2.1			4.40pm
2.2 Policy review		PM/BS	
2.3 Audit report			
2.4			
3. Monitoring			
3.1 Curriculum report		P	5.20pm
3.2 Principal's report		P	
3.3 Finance and audit report		FC	
5. Identify agenda items for next meeting		PM	6.10pm
6. Administration		PM	
6.1 Confirmation of minutes		PM	6.15pm
6.2 Correspondence		PM	
7. Meeting closure		PM	
7.1 Comments on meeting procedures and outcomes		PM	6.30pm
7.2 Meeting evaluation		PM	

C1.3 Meeting checklist – 20xx template

Term 1 20xx	
3 February	Notes
3 March	Notes
Term 2 20xx	
3 April	Notes
3 May	Notes
3 June	Notes
Term 3 – 20xx	
3 July	Notes
3 August	Notes
3 September	Notes
Term 4 – 20xx	
3 October	Notes
3 November	Notes
3 December	Notes

Meeting checklist – 2022 example

Term 1 20xx

3 February	Notes
Elect board chair	
Review analysis of variance /statement of variance (AoV/SoV)	
Approve annual plan	
Approve annual budget	
Confirm/sign principal performance agreement	
Review reporting to parents from previous year	
Sign financial attestation	
Review and update self-review schedule	
Teacher registration and Police vetting (non-teaching) report	
Property regularly audited	
Sign annual health and safety attestation	
Plan board professional development for year	
Confirm school year dates	
3 March	Notes
March roll return	
Charter/strategic plan – aim 1 review	
Student achievement/progress report	
Sign off SUE reports (monthly)	
Monitor budget	
Review concerns and complaints procedure	
EEO policy report	
Management unit report	
Use of physical restraint report (as/when required)	
Hazard management report (termly)	
Report on international students	

Term 2 – 20xx

3 April	Notes
Charter/strategic plan – aim 2 review	
Monitor budget	
Student achievement/progress report	
Principal performance review report	
Governance policy review	
3 May	Notes
Charter/strategic plan – aim 3 review	
Monitor budget	
Student achievement and progress report	
3 June	Notes
Religious education community consultation	
Charter/strategic plan – aim 1 review	
Priority groups report: <ul style="list-style-type: none"> - Māori students - Students with special education needs 	
Monitor budget – mid-year review	

Operational policy review	
Plan 10YP	
Evacuation procedure report	
Term 3 – 20xx	
3 July	Notes
July roll return	
Charter/strategic plan – aim 2 review	
Reporting to parents mid-year review	
Monitor budget	
Student achievement/progress report	
Report on internet safety	
Principal performance review report	
Update on international students	
3 August	Notes
Charter/strategic plan – aim 3 review	
Monitor budget	
Student achievement/progress report	
Employer responsibilities policy review	
Review planning and reporting processes	
3 September	Notes
Health curriculum community consultation	
Charter/strategic plan – aim 1 review	
Community consultation ahead of planning for next year	
Monitor budget	
Student achievement/progress report	
Evacuation procedure report	
Term 4 – 20xx	
3 October	Notes
Charter/strategic plan – aim 2 review	
Monitor budget	
Present draft planning for next year	
Student achievement/progress report	
Teaching and non-teaching staff performance review report	
3 November	Notes
Charter/strategic plan – aim 3 review	
Monitor budget	
Develop budget for next year	
Confirm planning for next year	
Student achievement/progress report	
3 December	Notes
Principal performance end of year report	
Draft AoV/SoV	
Student achievement/progress report	
Budget – end of year report and approve budget for next year	
Evacuation procedure report	

C1.4 Evaluation of meeting on 28th March 2022 chaired by Margaret Metcalfe

1. How well do you think we achieved the objectives for the meeting based on the agenda?

Not at all					Very well
1	2	3	4	5	

Comment:

2. How well do you think the board works as a team?

Not at all					Very well
1	2	3	4	5	

Comment:

3. How satisfied are you with how the meeting was chaired?

Not at all					Very well
1	2	3	4	5	

Comment:

4. How satisfied are you with your participation and contribution as an individual?

Not at all					Very well
1	2	3	4	5	

Comment:

5. Is there anything that you believe could improve our meeting process?

Name: (Optional) _____

C2 Delegations and committee principles

Regulation 9 of the Education (School Boards) [Regulations](#) 2020 allows the board to appoint committees/working parties to assist it to carry out its responsibilities and due process (e.g. staff appointments, finance, property, disciplinary).

Unless specified otherwise in the Education & Training [Act](#) 2020, Regulation 8 of the Education (School Boards) 2020 gives the board the authority to delegate any of its functions or powers to a person (as specified in the regulation) or committee, except the power to borrow money.

Delegations must be made by resolution of the board and should be notified to the delegate(s) in writing, along with terms of reference.

A person who has been delegated functions or powers of the board may not sub-delegate to another person without prior written consent of the board.

Anyone to whom a sub-delegation has been made, is subject to the same restrictions and terms of reference as the original delegate.

No one may exercise any of the board's functions or powers without delegation.

Board committees:

- Are to be used sparingly to preserve the board functioning as a whole when other methods have been deemed inadequate
- Can include non-board members but at least one committee member must be a member of the board
- May not speak or act for the board except when formally given such authority for specific and time-limited purposes – such authority will be carefully stated in order not to conflict with authority delegated to the principal or the presiding board member
- Assist the board chiefly by preparing policy alternatives and implications for board deliberation
- Are intended to assist the board and not to advise or carry out the work of staff
- Must act through the board and can only recommend courses of action unless they hold delegated authority to act on the board's behalf
- Are to have terms of reference drawn up as required, usually containing information as to their:
 - purpose
 - membership
 - delegated authority
- The board will maintain a record of current delegations.
- The board of Malfroy School currently has the following standing committees
 - Principal's Performance Appraisal committee
 - Disciplinary committee
 - Finance committee
 - Fundraising committee
- Any other committees established for special purposes should conform to the above principles.

Date of approval: November 2021

C2.1 Review committee terms of reference

Purpose

To monitor, on the board's behalf, compliance with board policies and external legislation. This includes:

- Supporting the board to review the effectiveness of the board's governance processes
- Reviewing the effectiveness of systems for the assessment and management of areas of risk
- Verifying that mechanisms are in place to ensure compliance with statutory requirements, financial and other
- Commissioning reviews of specific controls and procedures (financial or non-financial) where requested by the board
- Reporting any concerns or reservations arising from the external auditor's/reviewer's work and any other matters that the external auditor/ reviewer brings to the attention of the board
- Ensuring implementation of the triennial review programme.

Committee members

At least one board member who should not be either the presiding member of the board or principal.

Meets

As required. The person presiding over this committee will report to the board as appropriate on the areas covered by the terms of reference and the triennial review programme.

Delegated authority

- The review committee is formally constituted as a committee of the board within these approved terms of reference and the delegated authority recorded in the board's delegations list.
- The committee shall be appointed by the board. The board may co-opt additional board members to the committee as and when required.
- Members of the management team shall attend meetings when requested.
- A representative of the external auditor may be requested to attend meetings when appropriate.
- The committee is authorised by the board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any board member or employee, and all members of the board and employees are requested to cooperate with any request made by the committee. The principal will be informed in advance of any such requests.
- The committee may recommend that external and independent advice is sought. If the advice is likely to incur costs, prior approval must be sought from the board.
- No individual member of the review committee can act without the directive of the committee as a whole.

C2.2 Student behaviour management committee terms of reference

Purpose

To ensure that all processes relating to the suspension of students adhere to the requirements of the [Education and Training Act 2020](#), [Education \(Stand-down, Suspension, Exclusion and Expulsion\) Rules 1999](#) and [Ministry of Education guidelines](#).

Committee members

- All members of the board excluding the principal.
- The board's presiding member shall preside over student suspension meetings or, in their absence, another non-school based board member determined by the committee.
- The quorum for the committee shall be three board members.

Delegated authority

Under Clause 8 of the Education (School Boards) Regulations 2020, certain powers of the board shall be delegated to the student behaviour management committee of the board. The committee will:

- Review the principal's decision to suspend
- If the principal's decision to suspend is upheld, make recommendations to the board or decide the outcome according to committee as delegated
- Uphold the principles of natural justice in suspension meeting procedures
- Act in fairness, without bias or prejudice and with confidentiality
- Act within legislation and the Ministry of Education guidelines and student (human) rights set out in the New Zealand Bill of rights Act 1990 and the Human Rights Act 1993
- Act only on written and agreed information, not hearsay

The board will be kept informed by the principal of the number of stand-downs, suspensions, exclusions and expulsions at each board meeting.

Review schedule: Annually

C2.3 Finance committee terms of reference and annual calendar

Purpose

The finance committee is formed to provide guidance to the principal in the financial management of the school.

Scoping

The school board has overall responsibility for the financial management of the school but delegates the day-to-day management of the school's finances and budget to the principal.

As a committee of the board, the finance committee is responsible for providing guidance to the principal on financial matters.

Delegated authority

The finance committee is responsible to the board for:

- Recommending, in association with the principal, an annual operating and capital budget, including professional development budget allocation for the principal and the staff
- Determining the level of budgetary discretion available to the principal
- Monitoring and reporting on the annual budget via the principal
- Reviewing on behalf of the board accounts passed for payment by the school
- Advising on additional funding sources
- Assisting, if appropriate, the principal's preparation of the financial report, presented by the principal at every board meeting
- Recommending changes to financial policy
- Overseeing the preparation of the annual accounts for board approval
- Assisting the principal in reporting financial performance to parents and the community
- Providing input into the school's strategic plan
- Preparing special reports for consideration by the board
- Annually reviewing the school's risk management needs and insurance cover
- Assessing and making recommendations to the board on requests for spending on individual items outside of budget

Finance committee annual calendar

Date	Action required
28 February	Finance committee self-review and plan for the year Annual budget approval
31 March	Annual accounts prepared and forwarded to the auditors
30 June	Ensure any issues raised by the auditor have been addressed Mid-year budget review
31 August	Annual review of risk management needs and insurances
30 September	Annual review of 10-year property plan completed, in accordance with the board's review plan, by the property committee and available as an input document for budgeting purposes. Note that this should also encompass normal cyclical maintenance and capital works Annual plan available as an input document for preparation of the budget
31 October	Initial annual budget recommendations submitted to the board
30 November	Revised annual budget (if required) submitted to the board for approval at start of next school year

Review schedule: Annually

C3 Board induction process

The board is committed to ensuring continuity of governance and a smooth transition when new members join the board.

New board members will receive a welcome letter on their joining the board which includes:

- Where and when they can access their governance folder
- A suggested date for induction
- An outline of what will be covered in the induction meeting
- The date of the next board meeting
- Board presiding member (chair) and principal contact details

New board members will be issued with a governance manual (either electronically or in hard copy) containing copies of the school's:

- strategic and annual implementation plans
- policies
- current budget
- last ERO report
- last annual report
- minutes of the last three open board meetings
- review calendar
- any other relevant material

New board members will be invited to attend an induction, facilitated by the presiding member or delegate, which will include:

- Introduction to the board's strategic goals, strategic plan and an explanation of their importance
- Explanation of board policy and other material in the governance folder
- Summary of any opportunities or risks facing the board
- Overview of the requirements of the presiding member role with reference to policy
- Discussion of the board's code of conduct – board members to sign and agree to work within the board's code
- Outline of current board professional development
- Overview of first board meeting including delegations

The principal and presiding member or delegate will brief all new members on the organisational structure of the school.

The principal will conduct a site visit of the school.

New board members are to be advised of the professional development that is available from NZSTA and other relevant providers.

After 3 months on the board, the effectiveness of the induction process is to be reviewed by the presiding member with the new members. The review will include the following aspects:

- Did you feel welcomed onto the board?

Very welcome	Welcome	Not very welcome
Comment:		
<hr/>		
<hr/>		
<hr/>		

- Did you receive all necessary information in a timely manner?

Very timely	Timely	Not very timely
Comment:		
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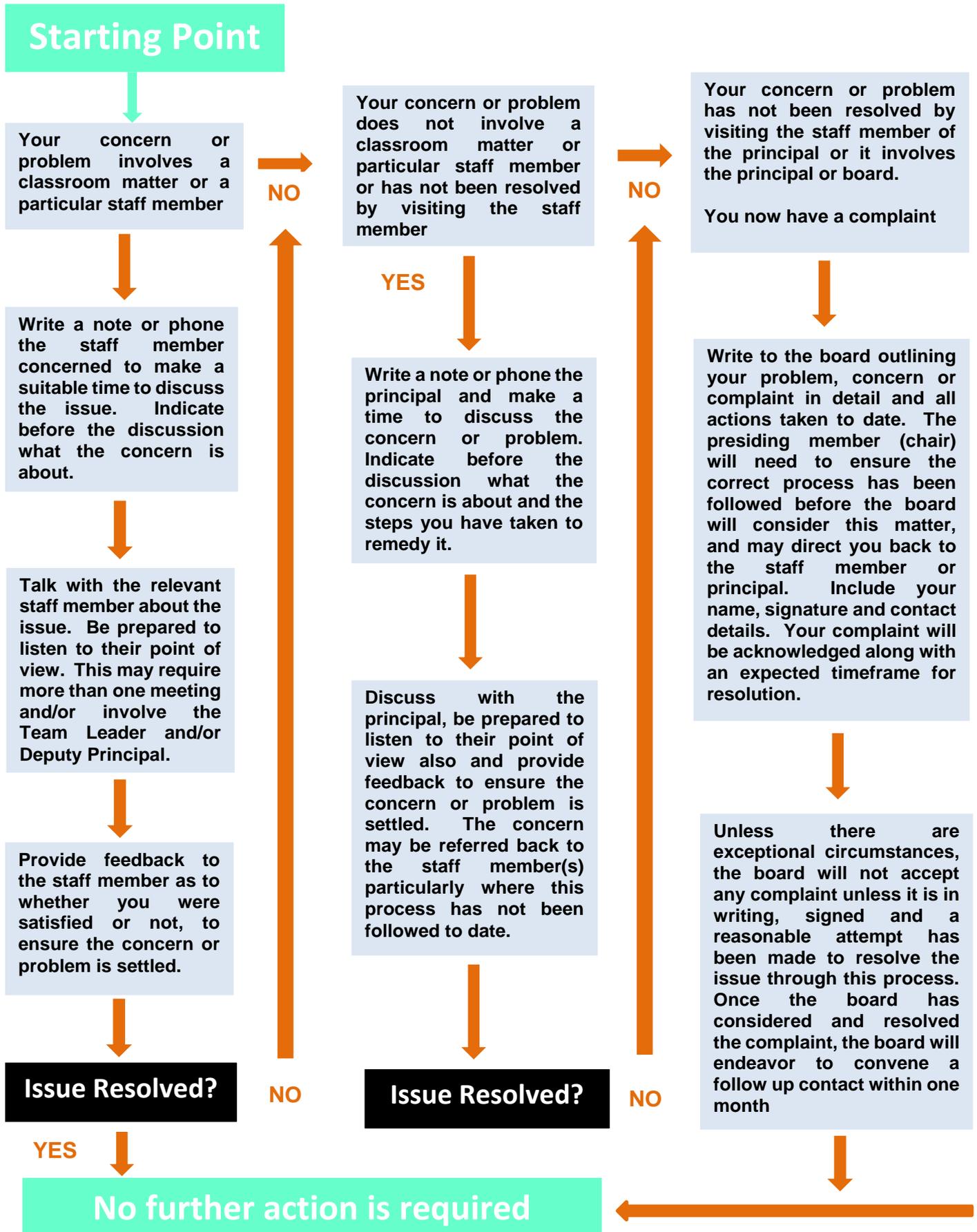
- Did you find the induction with the principal and presiding member effective?

Very effective	Effective	Not very effective
Comment:		
<hr/>		
<hr/>		

Please comment on how we could improve this induction process:

C4 Concerns and complaints process

Advice for students, staff, parents, whanau and community



C4.1 Board complaints checklist

Once a letter of complaint has been received, the board's presiding member (chair) should ensure the following process is followed:

	Notes/date completed
1. Presiding member ensures the process has been followed as outlined in the concerns and complaints procedure or is a genuine complaint against the principal or board.	
2. Presiding member verifies 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, presiding member contacts NZSTA employment advisory and support centre. For all other complaints, contact NZSTA governance advisory and support centre.	eradvice@nzsta.org.nz govadvice@nzsta.org.nz
4. Presiding member alerts the school's insurance broker.	
5. Presiding member acknowledges the letter of complaint within 7 days and advises the board process, or redirects the complainant to principal, syndicate leader or staff member as appropriate. Presiding member reports to the board without names or detail at the next meeting.	
6. Once confirmed as a legitimate complaint to the board, presiding member forwards it confidentially to all board members for consideration. Any member who has a conflict of interest should declare and take no further part in the process around this matter.	
7. Board requests principal to present full written report to the board outlining all actions taken, advice received, meetings held and justified decisions made.	
8. Board determines if the principal's report fully satisfies it 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 public excluded business, determines whether or not to formally meet the complainant and delegates responsibility to members of the board as deemed appropriate.	
10. Board delegates meet with the complainant and discuss the complaint more fully - clarifying, investigating and verifying. Support persons should be confirmed as welcome to attend this meeting.	
11. Board delegates report back to full board and recommend actions/decisions.	
12. Board considers recommendations, records and formally minutes decisions.	
13. Board advises complainant in writing of its provisional decisions and factors considered in reaching them, within 21 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.	
14. Board advises complainant of their right to apply for dispute resolution if they are dissatisfied with the outcome.	
15. Board aims to convene follow-up meeting within 1 month of step 9.	

C5 Internal evaluation process

A planned process for internal review enables continuous improvement in the governance and performance of the school.

The board's triennial review schedule is based on annually updated work plans.

A copy of the current work plan will be considered at each board meeting to ensure the evaluation cycle is on track.

Performance for each area itemised on the review schedule will be evaluated against evidence that includes but is not limited to:

- The annual report including the Analysis/Statement of Variance (AoV/SoV) and audited financial statements
- Student achievement data
- Staff and student wellbeing surveys
- Education Review Office (ERO) reports
- Board internal governance evaluation and performance review
- Feedback from parents, caregivers and staff
- Student voice
- Principal performance review
- Any other means deemed appropriate by the board.

Review schedule: Triennially

Part D: Operational policies – board expectations for the control and management of the school

	Outcome statements	Approved / reviewed	Next review
1. Responsibilities of the principal policy	Authority and accountability for the day-to-day running/operation of the school is delegated to the principal.	Sept 2021	Sept 2024
2. Curriculum delivery policy	Curriculum delivery reflects charter/strategic plan aims and meets legislative requirements.	Nov 2021	Nov 2022
3. Personnel policy	The obligations and responsibilities of being a good employer are met.	Nov 2021	March 2023
3.1 Appointments policy	The most suitably qualified persons who are best suited to the position are appointed through a fair and sound appointments process that meets the legislative requirements of a good employer.	Nov 2021	March 2024
4.1 Financial planning and condition policy	The school is financially viable, manages risks effectively and resources are targeted to where they make the most difference to outcomes for students.	Nov 2021	May 2023
4.2 Asset protection policy	Assets of the school are utilised to maximise the best outcomes for students	Nov 2021	May 2023
5 Protection and sharing of intellectual property (Creative commons) policy	The board enables and encourages sharing and collaboration between teachers by recognising and removing legal barriers that exist to the sharing of materials created by school staff in the course of their employment.	Nov 2021	June 2024
6 Health and safety policy	A safe and healthy workplace is maintained by providing the information, training and supervision needed to ensure the health and safety of all students, staff and other people in the workplace.	Nov 2021	Nov 2022
7 Child protection policy	Students at this school thrive, belong and achieve to the best of their ability. The school is committed to the prevention of child abuse and neglect and to the protection of all children.	Oct 2019	Oct 2023
8 Managing challenging behaviour and physical restraint policy	To minimise the effect of challenging behaviour, the board shall ensure that effective procedures are in place around the management of student behaviour and the use of physical restraint.	Nov 2021	June 2022
9. Concerns and complaints policy	All complaints, concerns and incidents are attended to promptly, respectfully and professionally and seek to bring effective resolution to all parties concerned.	May 2021	May 2022

D1 Responsibilities of the principal policy

Outcome statement

Authority and accountability for the day-to-day running/operation of the school is delegated to the principal.

Scoping

- The principal is the professional leader of the school and the chief executive of the board in relation to the school's control and management. The board is responsible for the governance of the school, including setting the policies by which the school is to be controlled and managed. The principal is responsible for the implementation of these policies including the charter/strategic plan.
- The relationship between the board and principal is based on mutual respect, trust, integrity and support with both parties working to ensure no surprises.

Delegations

- Authority and accountability for the day-to-day running of the school is delegated to the principal. Reference in documentation to the school, management and staff is to be read as "principal" regarding responsibility for implementation.
- Only decisions made by the board acting as a board are binding on the principal unless specific delegations to the presiding member, individual board members, members presiding over committees or committees of the board are in place.
- The board presiding member/personnel committee has responsibility for the principal's performance review.

Expectations and limitations

The principal shall not cause or allow any practice, activity or decision that is unethical, unlawful or imprudent or that violates the board's expressed values, its charter/strategic plan or commonly held professional ethic.

The responsibilities of the principal are set out in the board's operational policies and include the following:

- Meet the requirements of their current job description and employment agreement including the four areas of practice from the Professional Standards for Primary/Secondary Principals
- Participate in the development and implementation of their annual performance agreement and participate in their annual review process
- Act as the educational leader and day-to-day manager of the school within the law and in line with board policies
- Develop, seek board approval for and implement an annual plan that; is aligned with the board's strategic plan; meets legislative requirements; gives priority to improved student progress and achievement; ensures that the school is an inclusive and safe place for all students and staff; honours students' (human) rights and gives effect to Te Tiriti o Waitangi
- Use resources efficiently and effectively and preserve assets (financial and property)
- Operate within the board's approved annual budget
- Give effect to good employer policies and practices through effective procedures, instructions or guidelines
- Employ, deploy and terminate staff positions in line with board policy and legislative requirements
- Communicate with the community on operational matters as and where appropriate
- Refrain from unauthorised public statements about the official position of the board on social, political and/or educational issues that are or have the potential to be controversial
- Keep the board informed of all information relevant to its governance role and report this in accordance with the requirements set out under Monitoring below
- Act as protected disclosures officer and ensure procedures are in place to meet the requirements of the Protected Disclosures Act 2000
- Appoint, on behalf of the board, the privacy officer and EEO officer
- Ensure school procedures meet the legislative statutes and regulations as set down in the appropriate Acts, Ministry of Education circulars and Education Gazette
- Ensure systems are developed and implemented to support the smooth running of the school in regards to surrender and retention of property and searches of students. Written records and storage of items must be consistent with legislative requirements and associated rules and guidelines
- Ensure systems and procedures meet requirements set out in the Rules regarding student behaviour management and the use of physical restraint

The principal is not restricted from using the expert knowledge of individual board members acting as community experts.

Procedures/supporting documentation

- Board's governance and management definitions
- Principal's job description
- Principal's employment agreement including relevant Principal Professional Standards
- Principal's performance agreement and review report
- Annual implementation plan and budget
- Personnel-related policy and procedures including appointments and performance management

Monitoring

The board will review the principal's performance in line with its policy on principal performance review.

Evidence gathered for the review will include principal reporting to the board in line with the board's annual work plan and that addresses all matters having real or potential legal considerations and risk for the school including significant trends, implications of board decisions, issues or risk to policy compliance or changes to the basis upon which the board's strategic aims have been developed.

The principal will prepare (or, where appropriate, delegate, coordinate and approve) a report for every board meeting that:

- Is timely, accurate and presents information in an understandable form that is not too complex or lengthy
- Tracks progress and variance towards strategic aims and key performance indicators
- Includes data and analysis on curriculum delivery, student progress and achievement
- Includes data and analysis on student wellbeing
- Provides evidence of the school's giving effect to Te Tiriti o Waitangi
- Informs the board of any significant changes in staffing, programmes, plans or processes that are under consideration
- Outlines financial income and expenditure and explains any variance against budget
- Summarises and highlights any risks associated with the fortnightly staff usage and expenditure (SUE) report
- Identifies the number of stand-downs, suspensions, exclusions and expulsions during the period and highlights trends over time
- Identifies any instances of physical restraint
- Includes information of any actual or potential risks to health and safety
- Specifies current roll numbers and explains any roll variance against year levels
- Recommends changes in board policies when the need for them becomes known
- Highlights areas of possible adverse publicity or community dissatisfaction
- Addresses any other matter requested by the board within a reasonable, specified timeframe

Legislative compliance

[Education & Training Act 2020](#)

[Privacy Act 2020](#)

[Protected Disclosures Act 2000](#)

[Education \(Physical Restraint\) Rules 2017](#)

[Collective Employment Agreement for Principals](#)

D2 Curriculum delivery policy

Outcome statement

Curriculum delivery reflects charter/strategic plan aims and meets legislative requirements.

Scoping

The board's primary objectives are to ensure that; every student at the school is able to attain their educational potential; the school is a safe and inclusive environment for all students and staff; students' (human) rights are protected; the school gives effect to Te Tiriti o Waitangi.

Delegations

As the professional leader of the school, the principal is responsible for fostering quality teaching and learning outcomes.

Expectations and limitations

The principal must ensure:

- An annual plan is developed setting out how progress will be made towards the achievement of charter/strategic goals and is approved by the board
- The school local curriculum is based on the vision, values, principles and key competencies of the New Zealand Curriculum (or Te Mātauranga o Aotearoa)
- The school local curriculum reflects local tikanga Māori, mātauranga Māori and te ao Māori
- School programmes provide students in years 1–10 with opportunities to learn in all areas of the national curriculum and for students in years 11–13 to continue to learn in their specialised areas of learning
- There is a focus every child and young person:
 - attaining their educational potential
 - developing the abilities and attributes outlined in the [national education and learning priorities](#)
 - having an appreciation of the importance of; the inclusion of different groups and persons with different personal characteristics; diversity, cultural knowledge, identity, and the different official languages of New Zealand; Te Tiriti o Waitangi and te reo Māori
- Assessment practices enable the wellbeing, engagement, progress and achievement of students to be monitored and reported
- Board approval is sought before changes to the school curriculum requiring increased expenditure or significant changes to programmes or staffing are made.

Procedures/supporting documentation

Curriculum planning

Assessment cycle

Monitoring

The principal will prepare (or, where appropriate, delegate, co-ordinate and approve) a report for every board meeting that:

- Includes data and analysis on curriculum delivery, student wellbeing, progress and achievement
- Tracks progress and variance towards annual aims and key performance indicators
- Informs the board of any significant changes in staffing, programmes, plans or processes that are under consideration

Legislative compliance

[Education and Training Act 2020](#)

[New Zealand Curriculum/Te Marautanga o Aotearoa](#)

D3 Personnel policy

Outcome statement

The obligations and responsibilities of being a good employer are met.

Scoping

- The board recognises its responsibilities and accountabilities to its employees are achieved through its chief executive.
- Good employer means an employer who operates an employment policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment.

Delegations

The board delegates responsibility to the principal on all matters relating to the day-to-day management of staff in the expectation that they will be managed in a sound, fair and respectful manner in accordance with the current terms of employment agreements, school policy and procedures, relevant legislative requirements and identified good practice.

Expectations and limitations

The principal must ensure:

- all employment-related legislative requirements are applied
- all employees understand their rights to personal dignity and safety and ensure that matters are resolved in an appropriate and fair manner
- a smoke-free and vape-free environment is provided
- employment records are maintained and all employees have a written letter of offer of employment, an up to date job description and for non-union employees an individual employment agreement (IEA)
- teachers are consulted when developing a procedure to determine the use of units – units for appropriate positions are allocated in a fair and transparent manner
- employee leave is effectively managed and reported so that:
 - o the risk of financial liability is minimised, operational needs are met and the needs of individual staff are considered
 - o board approval is sought for any requests for discretionary staff leave with pay of longer than 2 days
 - o board approval is sought for any requests for discretionary staff leave without pay of longer than 7 days
 - o board approval is sought for any requests for staff travelling overseas on school business
 - o the board is advised of any staff absences longer than 7 school days
- effective and robust performance management systems are in place for all staff that include performance management reviews, attestations for salary increases and staff professional development
- a suitable professional development programme, which takes into consideration the requirements of the strategic and annual plans, is provided as part of each employee's performance agreement
- the requirements of the Health and Safety at Work Act 2015 are met
- advice is sought as necessary from NZSTA advisers where employment issues arise and the school's insurer is notified.

Procedures/supporting documentation

- Staff leave form
- Staff leave procedure
- Staff performance review procedure
- Unit allocation procedure
- Professional development procedure
- Professional development programme/plan
- Storage of confidential information

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

[Employment Relations Act 2000](#)

[Education and Training Act 2020](#)

[Privacy Act 2020 \(takes effect 1 December 2020\)](#) - repeals and replaces the Privacy Act 1993

[Health and Safety at Work Act 2015](#)

[Collective employment agreements](#)

[Individual employment agreements](#)

[Smokefree Environments and Regulated Products \(Vaping\) Amendment Act 2020](#)

[Domestic Violence – Victims’](#)

[Protection Act 2018](#)

D3.1 Appointments policy

Outcome statement

The most suitably qualified persons who are best suited to the position are appointed through a fair and sound appointments process that meets the legislative requirements of a good employer.

Scoping

To assist in the appointment of quality staff to any vacancy that may arise, appointment committees with expertise relevant to the vacancy will be selected to carry out the appropriate appointment procedures. In accordance with the regulatory requirements for safety checking under the Children's Act 2014, we demonstrate our commitment to the safety of children by adopting appropriate safety checking practices when employing school staff, whether core workers, volunteers or other. This policy is used in conjunction with Malfroy School procedures on safety checking, Police vetting and screening.

Delegations

The board delegates authority to determine the composition of the various appointment committees according to the schedule outlined below. Appointment of the principal is the responsibility of the board, which will determine the process and seek NZSTA advice.

Expectations and limitations

The principal must ensure that:

- appointment of deputy principals, head of departments/senior teachers will involve an appointment committee consisting of the principal, the presiding board member and, at the discretion of the board, a further member of the board
- appointment of all other teachers, part time teachers and non-teaching staff to a permanent position will involve an appointment committee consisting of the Principal, the presiding board member (or board delegated member), deputy principal and any other staff member deemed appropriate for the position (e.g. but not restricted to – Junior team leader for junior teaching position, executive officer for EO position)
- unless determined otherwise by the board, appointment of all other teachers, fixed-term, full-time and part-time, long-term relieving teachers and non-teaching staff will be the responsibility of the principal in consultation with the presiding board member or delegate where deemed necessary
- the executive officer will provide administrative support to any appointment process
- procedures are in place and fully implemented that meet all legislative requirements regarding safety checking, Police vetting and screening of all staff
- all safety checking is completed for all teaching and non-teaching staff prior to commencing employment, and
- safety checking documentation is kept on the new employees personal file in line with privacy and storage protocols
- Any person applying for a teaching position holds a current practicing certificate from the Teaching Council

In the case of Community of Learning I Kāhui Ako membership:

- Staff seeking the Communities of Learning I Kāhui Ako leadership role or the teacher across schools' role must seek and receive consent from their employing board before applying for the role

* For any position that is fixed term there must be a genuine reason based on reasonable grounds for it being of a fixed term nature. Ref to s 66 of the Employment Relations Act 2000 and the Court's interpretation thereof. Where the board, principal and/or committee of the board is wanting to appoint to a position believed to be fixed-term, advice will be sought from NZSTA as to whether the appointment would meet the requirements for a genuine fixed-term, based on reasonable grounds.

Procedures/supporting documentation

Police vetting procedure

COVID-19 vaccination evidence

Templates – application form, shortlisting matrix, interview matrix, reference checking matrix, letter of offer of appointment etc.

Storage of confidential information procedure/process

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

[Collective employment agreements](#)

[Employment Relations Act 2000](#)

[Education and Training Act 2020](#)

[Privacy Act 2020 \(takes effect 1 December 2020\)](#) - repeals and replaces the Privacy Act 1993

[Children's Act 2014](#)

[Public Sector Act 2020](#)

[Human Rights Act 1993](#)

D4.1 Financial planning and condition policy

Outcome statement

The school is financially viable, manages risks effectively and resources are targeted to where they make the most difference to outcomes for students.

Scoping

- The board has overall responsibility for the financial management of the school. The principal is the day-to-day manager of the school and responsible for achieving legislative requirements and charter/strategic aims and targets within board policy objectives.
- The financial viability of the school must be protected at all times, and every practicable effort is made to eliminate the risk of theft or fraud.

Delegations

- The principal, in association with the board's finance committee, is responsible for recommending an annual operating and capital budget to the board within the timelines specified in the finance committee terms of reference.
- The board delegates the day-to-day management of the school's finances and budget to the principal.
- The principal is required to ensure robust, clear procedures are in place to safeguard the integrity of financial management.

Expectations and limitations

Budgeting shall not: fail to reflect the annual plan; risk financial jeopardy; nor fail to show a generally acceptable level of foresight.

The budget should:

- Reflect the results sought by the board
- Reflect the priorities as established by the board
- Comply where the board's requirement is for a balanced budget
- Demonstrate an appropriate degree of conservatism in all estimates

The principal must ensure:

- Unauthorised debt or liability is not incurred
- Generally accepted accounting practices or principles are not violated
- Tagged/committed funds are not used for purposes other than those approved
- More funds than have been allocated in the fiscal year are not spent without prior board approval
- All money owed to the school is collected in a timely manner
- Timely payment to staff and other creditors is made
- Unauthorised property is not sold or purchased
- All relevant government returns are completed on time
- No one person has complete authority over the school's financial transactions
- When making any purchase:
 - An asset is over \$1,000 (GST exclusive) beyond which the school must seek at least two quotes before making a purchase decision;
 - An appropriate small works value of \$2,500 (GST exclusive) beyond which the school must seek at least two quotes before authorizing works to commence
 - An appropriate period for which to retain the two quotes referred to above will be for two years.
- Effective systems are in place to meet the requirements of the payroll system

Procedures/supporting documentation

Annual budget

Monitoring

The principal is responsible for financial reporting and demonstrating budget compliance. Where there is non-compliance, variances are to be reported to the board with recommendations on the actions required to meet compliance.

Legislative compliance

Refer to the Ministry of Education website for information on managing school finances and the Financial Information for Schools Handbook ([FISH](#))

D4.2 Asset protection policy

Outcome statement

Assets of the school are utilised to maximise the best outcomes for students.

Scoping

Assets may not be unprotected, inadequately maintained or unnecessarily risked.

Delegations

The principal is delegated day-to-day responsibility for ensuring that the programming and funding of general maintenance of the school grounds, buildings, facilities and other assets occurs, within budget, in order to provide a clean, safe, tidy and hygienic work and learning environment for staff and students.

Expectations and limitations

The principal must:

- Ensure all board assets are insured
- Not allow unauthorised personnel or groups to handle funds or school property
- Not subject plant and equipment to improper wear and tear or insufficient maintenance or inappropriate use
- Maintain an up-to-date asset register for all items of furnishing, plant machinery, equipment, text and library books costing more than \$1,000
- Ensure the implementation of the 10-year property maintenance plan
- Engage sufficient property maintenance staff for the school within budget limitations
- Receive board approval for maintenance contracts over \$5,000 for any one contract
- Conduct competitive tenders for all contracting
- Protect intellectual property, information and files from loss or significant damage or unauthorised access or duplication
- Not receive, process or disburse funds under controls that are insufficient to meet the board-appointed auditor's standards
- Not invest or hold operating capital in insecure accounts or in non-interest-bearing accounts except where necessary to facilitate ease in operational transactions

Procedures/supporting documentation

Board to enter own documentation.

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

Refer to the Ministry of Education website for information on managing school finances and the MoE [Financial Information for Schools Handbook](#).

D5 Protection and sharing of intellectual property (Creative Commons) policy

Outcome statement

The board enables and encourages sharing and collaboration between teachers by recognising and removing legal barriers that exist to the sharing of learning resources and other materials created by school staff in the course of their employment.

Scoping

- The Copyright Act 1994, section 21(2) recognises the copyright ownership rights of school boards of works produced by their employees in the course of their employment.
- By licensing its copyright, the board is giving permission in advance for others to copy and share learning resources developed by its employees and owned by the board.

Delegations/responsibility

The board delegates to the principal the responsibility to:

- Apply by default a Creative Commons Attribution Licence to all teaching materials and policies in which the board owns copyright
- Transfer to the original creator the copyright in created works licensed by the school under a Creative Commons Attribution or Creative Commons Share-Alike licence
- Ensure that all staff are aware of the terms of this policy and how it relates to teaching resources they develop in the course of their employment at the school

Limitations and expectations

The board:

- Does not make any claim over the ownership of copyright works produced by students – the copyright to these works remains with the creator
- Recognises that this policy only applies to copyright works and not to any other forms of intellectual property
- Recognises that the copyright in works produced by an employee other than in the course of their employment by the board remains the property of that employee – where this is unclear, the process for dispute resolution outlined below shall apply

Resolution of disputed copyright ownership

Where the first ownership of copyright in a given work is disputed or unclear, the following process will apply:

1. In the first instance, the dispute should be documented and presented to the school principal
2. If the dispute is still not resolved, the documentation should be presented to the presiding member (chair) of the board
3. If the dispute is still not resolved following steps 1 and 2, mediation with an appropriate authority will be undertaken

Definitions

Creative Commons Aotearoa: The New Zealand affiliate of an international non-profit movement that provides free open licenses that copyright holders can use to share their work.

Teaching materials: Copyright works produced by employees of the school for the purposes of teaching.

Associated legislation

[Copyright Act 1994](#)

Associated procedures

School to enter appropriate procedures.

Monitoring

Any matters or risks in relation to this policy shall form part of the principal's report to every board meeting, taking care that individual students cannot be identified. The board shall monitor the protection and sharing of intellectual property in order to identify any risks or issues that require governance action.

D6 Health and safety policy

Outcome statement

A safe and healthy workplace is maintained by providing the information, training and supervision needed to ensure the health and safety of all students, staff and other people in the workplace.

Scoping

The board is responsible for ensuring health and safety procedures are developed and implemented. However, employees need to be aware of their responsibilities and comply with the board's health and safety policy and school procedures.

Delegations

The board delegates to the principal as officer the responsibility to:

- develop and implement health and safety procedures
- ensure employees have the information and professional development they need in order to comply with policy and procedures.

Expectations and limitations

The board will, as far as is reasonably practicable,¹ comply with the provisions of legislation dealing with health and safety in the workplace by:

- providing a safe physical and emotional learning environment
- ensuring a health and safety strategy/plan is in place and engagement and consultation on the strategy occurs with workers and the school community
- ensuring there are procedures in place regarding the sale, supply and consumption of alcohol and that these are aligned with the protection of students, staff and visitors to the school procedures and comply with the [Sale and Supply of Alcohol Act 2012](#)
- providing adequate facilities, including ensuring access and ensuring property and equipment is safe to use and students and workers are not exposed to hazards
- ensuring there is an effective method in place for identifying, assessing and controlling hazards, which includes recording and investigating injuries and reporting serious harm incidents
- having a commitment to a culture of continuous improvement.

The principal, as officer, has responsibility for implementing this policy and therefore must:

- exercise due diligence in accordance with the provisions of the health and safety legislation and in particular the six due diligence obligations²
- take all reasonable steps to protect students, staff and visitors to the school from unsafe or unhealthy conditions or practices
- ensure the staff code of conduct is implemented effectively
- ensure there is zero tolerance to unacceptable behaviour, such as bullying, and that there are effective processes in place
- provide a smoke-free environment
- ensure a risk analysis management system (RAMS) is in place and carried out
- seek approval for overnight stays/camps/visits attesting first to their compliance with above
- consult with the community every 2 years regarding the health programme being delivered to students
- provide information and training opportunities to employees
- advise the presiding board member (chair) of any emergency situations as soon as possible
- ensure all employees and other workers at the school will take reasonable care to:
 - o cooperate with school health and safety procedures
 - o comply with the health and safety legislation and duties of workers
 - o ensure their own safety at work
 - o promote and contribute to a safety-conscious culture at the school

1. **Reasonably practicable** means what is or was reasonably able to be done at a particular time to ensure health and safety, taking into account and weighing up all relevant matters.

2. **Diligence obligations** -These are to:

- know about work health and safety matters and keep up to date
- gain an understanding of the operations of the organisation and the hazards and risks generally associated with those operations

- ensure the person conducting a business or undertaking (PCBU) has appropriate resources and processes to eliminate or minimise those risks
- ensure the PCBU has appropriate processes for receiving information about incidents, hazards and risks and for responding to that information
- ensure there are processes for complying with any duty and that these are implemented
- verify that these resources and processes are in place and being used.

Procedures/supporting documentation

- Staff induction
- Education outside the classroom (EOTC)
- Risk Assessment Management System (RAMS)
- Health and safety register
- Hazard register
- Hazard assessment register
- Injury and incident reporting (procedure, checklist, board report, investigation form)
- Emergency procedures, including for shut-down and evacuation
- Administering medication
- Accident management
- Alcohol, smoking and drugs
- Before and after-school care
- Behaviour management – managing challenging behaviour and physical restraint (policy and procedures)
- Civil defence and crisis procedures
- Collection, storage and access to personal information
- Concerns and complaints
- Court orders against parents/caregivers
- Cyber safety
- First aid and infection (pandemic plan)
- Healthy eating
- Parent helpers
- Adult behaviour at school (adult conduct at school)
- Playground supervision
- Police vetting
- Protected disclosures
- Sexual harassment
- Sun smart (sun safety)
- Transporting children

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

[Health and Safety at Work Act 2015](#)

[Children's Act 2014](#)

[Education and Training Act 2020](#)

D7 Child protection policy

Outcome statement

Students at this school thrive, belong and achieve to the best of their ability. The school is committed to the prevention of child abuse and neglect and to the protection of all children.

Scoping

- All staff members (including contractors and volunteers) are expected to be familiar with this policy, its associated procedures and protocols and abide by them.
- Advice will be sought through appropriate agencies in all cases of suspected or alleged abuse.
- In line with Section 15 of the [Oranga Tamariki Act 1989](#), any person in our school/kura who believes that any child or young person has been or is likely to be harmed (whether physically, emotionally or sexually), ill-treated, abused, neglected or deprived must follow school procedures and may also report the matter to a social worker or the local Police.

Delegations

Although ultimate accountability sits with the board, the board delegates responsibility to the principal to ensure that all child safety procedures are implemented and available to all staff, contractors, volunteers and parents.

Expectations and limitations

The principal must:

- develop appropriate procedures to meet child safety requirements as required and appropriate to the school
- comply with relevant legislative requirements and responsibilities
- make this policy available on the school's internet site or available on request
- ensure that every contract or funding arrangement that the school enters into requires the adoption of child protection policies where required
- ensure the interests and protection of the child are paramount in all circumstances
- recognise the rights of family/whānau to participate in the decision making about their children
- ensure that all staff are able to identify the signs and symptoms of potential abuse and neglect and deal with disclosures by children and allegations against staff members and are able to take appropriate action in response
- support all staff to work in accordance with this policy to work with partner agencies and organisations to ensure child protection procedures are understood and implemented
- promote a culture where staff feel confident they can constructively challenge poor practice or raise issues of concern without fear of reprisal
- consult, discuss and share relevant information with the board or designated person in line with our commitment to confidentiality and information-sharing protocols in a timely way regarding any concerns about an individual child
- seek advice as necessary from NZSTA advisers on employment matters and other relevant agencies where child safety issues arise
- make available professional development, resources and/or advice to ensure all staff can carry out their roles in terms of this policy
- ensure that this policy forms part of the initial staff induction programme for each staff member.

Procedures/supporting documentation

- Definitions
- Identification and reporting of child abuse and neglect
 - Four categories of abuse (emotional, physical, sexual and neglect)
 - How to respond to suspected abuse or neglect
 - How to respond to disclosures made by a child
 - Recording a disclosure
 - Reporting suspected child abuse and neglect
- Confidentiality, information sharing and recording

- Safety checking – safety checklist
- Police vetting
- Staff capability and professional development
- Safe at work practices
 - Physical contact with children
 - Working one on one with children
 - Transporting children
 - Overnight stays/camps
 - Social media and technology (internet protection, photo storage)
 - Parent help
 - Visitors on site
 - External contractors
 - Before and after-school programmes
 - Billeting
 - Socialising with children
 - Gifts and rewards
 - Intimate care – toileting
 - Application of medication and sunscreen
- Managing challenging behaviour and physical restraint policy and procedures
- Allegations against staff
- Staff induction

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

[Children's Act 2014](#)

[Oranga Tamariki Act 1989](#)

More information

[Oranga Tamariki Ministry for Children](#) – further information and sample child protection templates

D8 Managing challenging behaviour and physical restraint policy

Outcome statement

To minimise the effect of challenging behaviour, the board shall ensure that effective procedures are in place around the management of student behaviour and the use of physical restraint.

Scoping

- This policy applies throughout the school.
- All staff are required to familiarise themselves with Ministry of Education [Guidelines](#) for registered schools in New Zealand on the use of physical restraint and to undertake appropriate professional development.
- The board will ensure that any incident of physical restraint is notified to parents or caregivers and reported to the Ministry of Education.
- The board will ensure that parents or caregivers are notified if physical restraint is an element in a student's individual behaviour plan.
- Complainants with concerns regarding use of physical restraint must follow the school's prescribed concerns and complaints procedure.

Delegations

The board delegates to the principal:

- Responsibility for ensuring that adequate staff training and support is in place
- The reporting of incidents of physical restraint to parents, caregivers and the Ministry of Education
- Notification to parents and caregivers if an element of physical restraint is in a student's individual behaviour plan

Limitations and expectations

- Physical restraint is defined as using physical force to prevent, restrict or subdue the movement of a student's body or part of the student's body against the student's will and is a serious intervention
- Staff shall be well versed in prevention and de-escalation strategies used to limit the need to physically restrain a student
- Use of physical restraint is limited to teachers or authorised staff members and only where:
 - the physical restraint is necessary to prevent imminent harm to the student or another person; and
 - the teacher or authorised staff member reasonably believes that there is no other option available in the circumstances to prevent the harm; and
 - the physical restraint is reasonable and proportionate in the circumstances
- Authorised staff are employees trained and authorised by their employer (the board) to use physical restraint
- Teachers and staff members who are authorised to physically restrain students shall receive suitable training and support
- Corporal punishment and seclusion of students is prohibited. Seclusion of students is defined as placing a child or student in a room involuntarily, alone and from which they cannot (or believe they cannot) freely exit.

Associated legislation

[Education and Training Act 2020](#)

[Education \(Physical Restraint\) Rules 2017](#)

[Health and Safety at Work Act 2015](#)

Associated procedures

School to enter appropriate procedures.

Monitoring

Instances, matters or risks in relation to this policy shall form part of the principal's report to every board meeting, taking care that individual students cannot be identified.

The board shall monitor the use of physical restraint, looking for trends and any action that could be taken at governance level to support reducing such incidents.

School to enter own monitoring and reporting procedures.

D9 Concerns and complaints policy

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, responsibility lies with the board.

Expectations and limitations

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 and posted on the school website (if applicable)
- Ensure that the complainant has previously followed the school's concerns and complaints procedure before escalating to board level

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).

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 to ensure due process is followed.

The board shall advise its insurance agent of any complaint escalated to the board.

Once the dispute Resolution Scheme comes into effect, in the event that a serious dispute is not able to be resolved, the board shall advise the parent of their right to apply to the Chief Referee for the dispute to be resolved by a dispute resolution panel.

Procedures/supporting documentation

Parent and staff concerns and complaints process – C4 – NZSTA [Governance framework](#))

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

[Education and Training Act 2020](#)

Relevant employment agreements

Relevant professional standards

For further advice please contact the Advisory and Support Centre on 0800 782 435, option 1 or email govadvice@nzsta.org.nz