



Creating a more graduated range of interventions

The Ministry of Education has an important role, on behalf of all New Zealanders, in supporting schools that are experiencing difficulties to get back on track. The previous statutory intervention system had a limited range of responses and didn't allow the Ministry to provide effective early support to schools and kura.

There are two thresholds that need to be met for a statutory intervention by the Minister of Education or Secretary for Education in a school:

1. The Secretary must have reasonable **grounds for concern** about the operation of the school, or the welfare or educational performance of its students; or
2. The Secretary must have reasonable **grounds to believe there is a risk** to the operation of the school, or the welfare or educational performance of its students.

Under the previous intervention system all except one intervention needed to satisfy the higher threshold.

Changes have been made to the interventions framework so schools can get quicker and more tailored support from the Ministry to get back on track when they are struggling.

What are the changes?

There are four main changes:

1. Introducing four new intervention options:
 - › A **case conference**, which would be a meeting between board representatives, school representatives, the principals and other relevant people. Decisions made at the case conference would be recorded in writing and become binding on the people present. The lower threshold for intervention applies to this intervention.
 - › A **Specialist Audit**, where a school, kura or board is assessed by a third party, with specific skills. The lower threshold for intervention applies to this intervention.
 - › Issuing a **Performance Notice**, which would require the board to remedy a breach of performance by a certain time. The lower threshold for intervention applies to this intervention.
 - › A **Statutory Appointee to the Board** appointed by the Minister of Education, who could provide a managed transition back to self-governance as there would be experienced guidance for the board. The higher threshold for intervention applies to this intervention.
2. Moving two of the existing intervention options from the higher threshold to the existing lower threshold:
 - › requiring the board to procure or access specialist help or advice. Any person(s) engaged are to provide a report to the Secretary and the board at a time nominated by the Secretary
 - › requiring the board to prepare and carry out an action plan.
3. Extending two existing interventions to be more comprehensive:
 - › requiring the board to provide information is being extended to require a board to provide an analysis of that information, if necessary
 - › requiring the board to procure or access specialist help or advice is being extended to require any person engaged in specialist help to provide a report to the Secretary and the board.
4. Enabling the Secretary to waive the fees and costs associated with the more serious and ongoing interventions. These include:
 - › Specialist help
 - › Specialist audit
 - › Limited statutory manager
 - › Commissioner.



Who will these changes effect?

These changes will affect schools and kura assessed by the Ministry as needing statutory support.

Will this increase the Minister or Ministry's power to intervene in schools?

The changes increase the number of intervention options available to the Minister of Education and the Ministry.

The Act requires that an intervention only be used if it is reasonable to deal with the risk without intervening more than necessary in a school. This requirement protects the principle of self-managing schools, and means that interventions will only be used to the extent necessary to return a school to good governance.

What is a case conference?

A case conference is a meeting between board representatives, school representatives, the principal and other relevant people. Decisions made at the case conference will be recorded in writing and become binding on the people present.

If no decision is reached, the Secretary of Education will be able to decide on a course of action and require those present at the case conference to follow the course of action.

What is a Specialist Audit?

A Specialist Audit will be where a school, kura or board is assessed by a third party, with specific skills, such as accountancy.

What is a Performance Notice?

A Performance Notice will require the board to remedy a breach of performance by a certain time. This will be useful where there are breaches of the law or obvious issues that the board needs to address - for example, when school property needs urgent remedial action.

What will a Statutory Appointee to a Board mean?

A Statutory appointee to a Board will be a person appointed to a board by the Minister of Education. The Minister will appoint someone when a board is lacking specific skills or needs help with governance.

A Statutory Appointee could provide a managed transition back to self-governance as there would be experienced guidance for the board.

Where is the interventions framework located in the Act?

The interventions framework is located in Part 7A.

When do the changes take effect?

These changes took effect on 19 May 2017.

Links to key provisions

For Part 7A, see: <http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.htm>

For the new case conference intervention, see section 78LA:

<http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM7268500.html>

For the new specialist audit intervention, see section 78LB:

<http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM7268501.html>

For the new performance notice intervention, see section 78LC:

<http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM7268502.html>

For the new power of the Minister of Education to appoint an additional trustee, see section 78LD:

<http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM7268503.html>