

# Meeting of the Gulf Harbour School Board of Trustees



Wednesday 13th March 2019

Responsibility - Tū tika . Resilience - Tū kaha . Kindness - Atawhai . Respect - Manaaki

Meeting start time **6.30pm**

**Present: Dave Saunders, Mel Crosbie, Tony Naidu, Doug Muller, Rachel McDonald, Dagmar Goodall,**

**Visitors: Fiona Southgate, Roger Taylor, Victoria Neale, Gareth Cooke, Matt Pederson, Zane Bryhn, Hamish Mahuru, Miriam Davis, Nina Fourie, Emily Taylor**

Plan on a Page Reminder *(has been updated)*

Welcome/Karakia (All say together) followed Board and visitor introductions -

Reminder of meeting etiquette - visitors do not have speaking rights but owing to the large number of visitors, the board will make time for questions at a number of points throughout the meeting.

Conflicts of Interest : None

PB4L Meeting Matrix - The Respect and Responsibility of everyone attending the meeting

Minutes of the previous meeting - Moved Dave Approved Rachel

Action Register - nothing urgent and moved to next Board meeting

Correspondence - this will be covered by the items later in the agenda

BoT Site Dashboard - went to the dashboard - Mel gave an overview of the dashboard - only one key issue for discussion:

Property Plan - - Tony explained the 10Y and 5Y property plan where the school works alongside the ministry and architect teams to manage the needs of the school property updates. There are 5 priority areas that the money gets spent on and this cannot be used for other resourcing or spending in the school. 2 projects that will go ahead in the near future:

1. Double block toilets upgrade and refurbishment over the next two holidays (first the bottom set and then the top set.)
2. Secret garden overhaul -  
Plans are available to anyone who would like to see these.

## Items to Discuss:

- Activity (Donation) Update -  
Number of Students at GHS: 479  
Number who are paid for the full year: 339  
Number who are paying in termly instalments: 130  
Number who have received financial assistance: 7
- History of events - There was a review of school donations over the previous years ( the cost benefit was low as % uptake was poor) - so after a process and board discussion there was an approval to stop donations. Simultaneously, in an effort to reduce administration for the school and hassle for parents, a one off collective annual activity fee was to be introduced replacing the individual activity by activity fee payment that the school

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previously used .The idea was to forward plan what activities the school would offer over the whole year which would create certainty and budgeting options for parents. There are options to pay this were for the whole year, term by term and due to feedback from parents an auto payment option. GHS has run activities for as long as can be remembered and hardship funds have always been available for those who need it. This was an option also given to parents so that no child should be left out for this financial hardship reason. The board investigated the legitimacy of this suggestion and the sites they use for advice said this could be done. Annual collective activity fees were invoiced to parents at the start of 2019 for the coming year.

- Then we had a complaint about the fee.
- 4th Feb - the complaint was sent to the school office but Mel didn't receive this at the time.
- Mel responded to a second version of the complaint on the 19th Feb with an apology about not receiving the first complaint and from then there have been multiple email exchanges and documentation requests from the complainant.
- [Timeline of events](#)
- Feb 22nd a meeting was suggested to discuss the issue so the Board could offer an explanation of the ideology behind the fee, (the child being at the centre of all we do; offering multiple experiences to students; for parents to spread cost and budget across the year if necessary and to reduce the administration time, so teachers could teach and students could learn, instead of chasing up payments). However the complaint was contesting the legality of asking for a fee. The ministry were contacted by the complainant and Mel spoke to the ministry who said they would get back to the school. At this point, the Ministry of Education deviated from the school complaints procedure, as the complainant had refused to meet with the School.
- A board committee was then formed to investigate the issue (Tony, Dave and Rachel) and a letter was drafted to the ministry asking for clarification concerning: asking for fees for curriculum activities and which activities would be considered standard curriculum and what would be considered extra enhancements to standard curriculum delivery.
- At this point 338 students had paid and nearly all others had either received financial support from the school or had arranged payment plans. 1 had refused to pay and the remaining 2 were still away on holiday.
- [BoT letter to the Ministry](#)
- The Ministry requested a meeting and this was arranged with Kirsty Ross and Corrine Gillum on 6th March - the Ministry discussed the following issues that were raised with the MOE by the complainant:

Issue 1. The 2016 Board election and process was questioned. The issue was a conflict of interest with the returning officer and a candidate being related. The board had checked with NZSTA at the time when this potential conflict had arisen and NZSTA had informed the board of the time, that this was ok. The board voted about whether to change the returning officer to lessen the conflict but voted this was not needed. The candidates were invited to attend the count but only one of the

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candidates took up this invitation at the time. During the meeting, the Ministry representatives indicated that in their opinion, the Board had taken appropriate action. Further to this, on 13th March, confirmed that as the complaint is after 60 days from that said election that the ministry can not be involved and the complaint is closed from their perspective.

Issue 2. The 2017 secondment of a board electee. This process occurred due to the resignation of the Board chairman at the time. The Board followed the process as recommended by NZSTA - they placed an advert in paper about the need to hold an election - (there is a threshold number of responses that dictate an election - this number was not met) and after a skills matrix evaluation of the other board members skills and knowledge it became apparent there was a need for finance and accounting support/skills. Dave Saunders was seconded for this purpose. Again, the Ministry representatives indicated that the process followed sounded appropriate. Subsequently it has been confirmed that as this complaint is over 60 days from the process the Ministry can not be involved and the complaint is closed from their perspective.

Issue 3. A Conflict of Interest complaint was conveyed to us from the Ministry about our use of Northern Arena who do our swimming programme. One of the directors from Northern arena has the surname Saunders ( the same name as a board member) - there is no connection whatsoever. The ministry representatives agreed that this was frivolous. This complaint is also closed.

Issue 4. A Conflict of interest with the performance art company who are currently working with our students who are also a family at the school. The ministry were informed that we have had a huge discount from this family to run the programme and we like to support our local business community wherever possible. As above, The Ministry saw no need to pursue this as there was no conflict of interest.

The complainant had not been directed by the Ministry of Education with each of these separate issues to follow the school's complaint process.

### Board questions to the Ministry

1. The board wanted to note that the process and procedures for complaints of the school was not followed and the complainant had previously gone through the process and knew the proper process. The Board feels the Ministry should have checked that the complainant had followed the due process before it was raised to them and since it wasn't they should not have got involved early in the process.
2. The board asked if it was the lump sum introduced in 2019 or user pay that was in place 2018 and earlier was the problem with the fee - the ministry informed them that neither are ok, as in the opinion of the Ministry representatives present, the fees are for curriculum activities and the use of Curriculum enhancement makes no difference. The rule of thumb used by the Ministry representatives was; if they occur during the school day, then they are considered curriculum. Anything that is part of curriculum, all students are entitled to access with or without payment. The board pointed out that various sources had been checked regarding the validity of how we charged fees, and those sources confirmed that

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we were able to do so. The ministry representatives questioned the accuracy of these sources.

3. The Board asked for further clarification as to 'What is curriculum activity and what is not?' Particularly when talking about EOTC and Camp. The ministry have said that if it is in school time it is curriculum - including Camp. The board asked for a legislative reference or even a published interpretation, but none was provided by the Ministry representatives.
4. Why can other schools do this? - [Evidence from other schools](#) the ministry answer to queries about other schools compulsory fees were that they do not investigate the charging of fees by schools unless there is a complaint directly to the Ministry. We would need to make a complaint against any other school that we know of to be charging fees compulsorily, in order for the Ministry to investigate them.
5. The Board questioned why the Ministry ERO audit (ours is currently every 3 years) does not ask about activity charges and what is curriculum at every school. This is a mechanism the Ministry has to ensure schools deliver on the curriculum and surely this should be included. Answered simple - it does not.
6. What if we provide the activities and parents pay then they want the money back ? ie camps cost \$47,000 - The Ministry agreed this would be a financial risk for the school which the board is accountable for, but that a user-pays system should not be used, as every student has a right to attend and go to the activities if we do them during school time.

The ministry advised the board that they would look no further at the 2019 fee set up but recommended amendments would need to be made for 2020. Due to the financial risk to the school, and the lack of clarity as to what the appropriate course of action was, the Board was forced to commence rectifying the issue immediately. The following letter was received from the Ministry [Ministry reply to the BoT](#)

**NEXT STEPS** - The board took the decision to write a letter to parents about camp and activities to ensure that we can mitigate the financial expense. This was sent to the ministry for approval with the change the wording from fee to donation.

(The Board were then informed by the Ministry that the parents are entitled to a tax credit if the fee is now a donation. Based on IRD publications, this is allowable.)

The Ministry approved of the wording of the letter. [Letter to community.](#)

Following the letter being sent out to parents, a complaint about this letter was then made to the the ministry by a the same complainant.

The Ministry response included the following:-

Our attempts on refunding were recognised.

Can we offer cheaper camps?

The ministry questioned the tick box option on the camp letter about not wanting to go to camp as this was not being totally inclusive.

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The Ministry has advised us for 2020 that our camp forms should list the total cost involved, and ask the parents what they would be prepared to pay as a donation. The Ministry has also confirmed the school has done nothing illegal in this process and any further complaints about the school will be vetted to check they have followed the school procedure and process.

Further to the Ministries latest update The Board still have the question “How can we mitigate financial risk as a school due to the ‘donation’ wording?”

If a large cohort of parents want camp but don’t wish to pay then we would be at financial risk.

The board want to confirm they back camps 100% but have decided that parent feedback will dictate the final decision on whether camps can continue or not.

The responses to the recent camp letter will be published after Friday 15th March as the community has made it clear that they want to know the outcome. A grace period will be communicated to get in any outstanding forms once we get to Friday. ( dates to be agreed)

It was highlighted by Mel, and the committee charged with responding to the numerous complaints, that have been raised by the complainant just how time consuming and resource draining this has been for the school. The school is obligated to respond to complaints irrespective of whether they are well grounded or vexatious and due to the volume, this has cut into time that would have otherwise been used to educate students or further develop the school.

### Activity Donation update at 13th March 2019

Termly payment - Concern that the termly payment can’t be guaranteed for the 130 students from Term 2 onwards at this stage.

Community feedback was acknowledged that the termly fee costs more than the Automatic payment option. The Board proposes to offer an AP after Term 1 to those parents paying termly with no additional cost. Moved Tony and second Dave and all Board supportive of this.

Activities will go ahead from the data as of 13th March 2019

- Formal Complaint and [Request for Information under the Official Information Act 1982](#)

Further to the above complaints, a request for information under the official information act has been made by the same complainant, and that parent advised that they have also contacted the Office of The Auditor General. Tony has responded. We are currently getting the documentation together that has been requested but this is taking away form the core business of teaching and learning. This request was made whilst the ministry was answering the initial complaints.

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Board agreed that Rachel will draft response to Official Information Act request and ensure it is sent by school by the deadline as per the Official Information Act. With regards to specific requests:

- 2016 Election - Minutes of Board Meetings in 2016 sufficient.
- 2017 Election - Minutes of Board Meetings in 2017 sufficient.
- Activity Fees - Minutes of Board Meetings 2018 and 2019 sufficient.

Providing the Minutes from these meetings should be sufficient to satisfy the requirements of the Official Information Act. Given each issue has been subject to official complaints made to the Ministry of Education and have each been dealt with, any further information requests are frivolous in the opinion of the Board and do not warrant the extra expenditure of resources. If this is not satisfactory, the requester will be advised of their rights as per the Official Information Act, to appeal this decision.

### Social Media posting -

In the Boards opinion, no breach of confidence was made regarding this issue in posts on social media recently. However, for the sake of clarity, the course of action in the future would be not to feed the post, even with a positive post, and to ask the admin to remove the post. A statement on the social media site should be made by the board chair - ie the board cannot comment on social media at this time however if you have any questions please direct them to the school itself. (Further discussion within the board is necessary to draft the appropriate wording.

**AOB** None (Please put comment in at least 24 hours before meeting for any other business you would like discussed)

### **Agenda for the next meeting - Action register**

Karakia/ Closure

**End time** 8.35pm

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