🗑 Te Pūkenga

Te Ohu Whakahaere Appeals - 17 April 2024

17 April 2024 01:00 PM - 03:00 PM

Agenda Topic	Presenter	Time	Page
Karakia Timatanga			4
Open Agenda			
1. Welcome mihi		01:00 PM-01:05 PM	
2. Interests Register Members must declare any agenda items where a conflict arises role they are usually employed in, or any private or other externa respect of that item.			
3. Administration		01:05 PM-01:10 PM	6
3.1 <u>Minutes of the open portion of</u> <u>meeting held on 21 February 2024</u> For approval. RECOMMENDATION:			6
THAT Te Ohu Whakahaere Appeals approved, as a tru Whakahaere Appeals meeting held 21 February 2024.	ue and accurate record, t	he minutes of the open portion	of the Te Ohu
4. <u>Terms of Reference 2024</u> RECOMMENDATION:		01:10 PM-01:20 PM	9
THAT Te Ohu Whakahaere Appeals: a. Review the proposed changes to 'Te Ohu Whakahaere Appe b. Recommend to Te Poari Akoranga to approve the revised 'Te any feedback provided.			
5. <u>Appointment of co-chair for Te Ohu</u> Whakahaere Appeals		01:20 PM-01:30 PM	16
RECOMMENDATION: THAT Te Ohu Whakahaere Appeals: a. Discuss whether to continue with a Co-Chair model; b. Discuss and nominate a Co-Chair to be appointed by Te Poa c. Acknowledge Marama Rawiri's time as co-chair of, as well as Whakahaere Appeals.			
6. <u>Workplan 2024</u>		01:30 PM-01:40 PM	17
RECOMMENDATION: THAT Te Ohu Whakahaere Academic Appeals: a. Receive the report titled '2024 workplan for Te Ohu Whakaha b. Discuss the workplan and proposed meeting dates; and c. Approve the 2024 workplan.	ere Academic Appeals';		
7. <u>Electronic Notice of Appeal Form</u>		01:40 PM-01:45 PM	25
For discussion and feedback.			

THAT 1 a) Rece	MMENDA Te Ohu W eives the	′hakahaere Appeals: report titled '1 March 2024 Te Poari Akoranga h		01:45 PM-01:50 PM	31
b) Rece	eives the	report titled '28 March 2024 Te Poari Akoranga	hui – open portion '.		
	8.1	<u>1 March 2024 hui - open portion</u>			31
	8.2	28 March 2024 hui - open portion			33
9.	<u>Resol</u>	ution to exclude the public			36
Agenc	la - Pub	lic Excluded			
10.	Admin	istration - Public Excluded		01:50 PM-01:55 PM	38
	10.1	Minutes of public excluded portion of Te Ohu Whakahaere Appeals meeting - 21 February 2024			38
	THAT T	IMENDATION: Te Ohu Whakahaere Appeals approve, as a true hakahaere Appeals meeting held 21 February 2	and accurate record, the 024.	e minutes of public excluded portion of the	Те
	10.2	Action List			41
	For upd	late and follow up as required.			
11.	Corres	spondence - Public Excluded	Appeals Officer	01:55 PM-02:05 PM	42
	11.1	Response from legal regarding Ākonga Appeals policy query			42
	11.2	In relation to Manukau Institute of Technology			44
	11.3	In relation to Open Polytechnic			48
12. Verbal	public	e on incoming and active cases - excluded	Appeals Officer	02:05 PM-02:15 PM	
	12.1	Current active cases			
	12.2	Reflection on actions undertaken since last meeting			
13.	Updat excluc	e from Te Poari Akoranga - public led	G. Brook	02:15 PM-02:20 PM	49
THAT 1 a) Rece	eives the	TION: /hakahaere Appeals: report titled '1 March and 5-6 March 2024 Te Pc report titled '28 March 2024 Te Poari Akoranga			
	13.1	1 March 2024 hui - public excluded			49
	13.2	28 March 2024 hui - public excluded			56

14. Next meeting

Karakia whakakapi

57

Karakia timatanga

Tēnā tātou here are some useful phrases you can use to introduce opening karakia next time you are asked to lead it.

Māku e huaki te wānanga nei. I'll open our shared space.

Kia huakina te wānanga nei ki te karakia.

May our shared space be opened with karakia.

Kāti anō kia karakia e manawa ora ai te wānanga nei.

It's only fitting that we begin with karakia so we may strengthen our shared space together.

Karakia tīmatanga Opening incantation

Whakarongo rā e Rongo ki Te Pūkenga te manawa nei ki te rongo taketake, te whiwhia, te rawea te whiwhi-ā-nuku whiwhi-ā-rangi i takea mai i te kāhui o ngā ariki. kia tūturu ka whakamau ai kia tina, Tīna! (everybody) Hui e? Tāiki e!

Listen o Rongo to Te Pūkenga offering gratitude for the peace and harmony that allows us to enjoy he gifts of the earth and the heavens bequests of a higher order. And bind it firmly, firmly! Do we all concur? We concur! When someone has led karakia to open a hui, it is seen as respectful for someone else to then thank them for carrying out that duty. Here are some mihi to the kaikarakia you can try next time.

Tēnā koe i tō karakia mai. Thank you for delivering karakia.

Ka nui te mihi o te manawa ki a koe, i tō karakia mai.

With heartfelt gratitude, thank you for delivering karakia.

Kia waiho mā ēnei kupu e kawe atu te whakamiha ki a koe, i tō karakia mai. Nāu oti, e manawa ora nei te wānanga.

May these words convey my sincerest appreciation to you for delivering karakia. Because of you, our shared space is now strengthened.

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Te Ohu Whakahaere Appeals Register of Interests

As at 15 March 2024

Name	Interest	Nature of Interest
Dr. Glynnis Brook Co-Chair	Te Pūkenga Committee	Ohu representative to Te Poari Akoranga.
	Ara Institute of Canterbury staff member	Executive Director – Academic, Innovation and Research
	Social Workers Registration Board	 Member Presiding member of Professional Conduct Committees as required
Vacant Co-Chair		
Sue Crossan Member	Unitec staff member	Academic Quality and Capability Partner
Julie McDonald Member	Open Polytechnic staff member	
Dell Raerino Member	Toi Ohomai staff member	Associate Dean
	New Zealand Qualifications Authority	External Evaluator
	Matara Limited	Director
Lulu Lutui Member	Competenz staff member	
Melanie Baynes Member	Open Polytechnic staff member	
	E-campus	
Adele McLean Member	Service IQ staff member	Workforce Equity Manager
Robyn McNaught Member	Southern Institute of Technology staff member	

🗑 Te Pūkenga

Minutes for Te Ohu Whakahaere Appeals - 21 February 2024

21/02/2024 | 11:00 AM - Auckland, Wellington New Zealand Standard Time Online via Microsoft Teams

Attendees (9)

Marama Rawiri; Glynnis Brook; Adele McLean; Dell Raerino; Lulu Lutui; Melanie Baynes; Robyn McNaught; Sue Crossan; Karen Kennedy

Chair:

Glynnis Brook

Minutes: Louise Courtney

Karakia timatanga

The hui opened with karakia lead by M. Rawiri at 11:02am.

1. Welcome | mihi

The Chair welcomed K. Kennedy as the new Appeals Officer and acknowledging the mahi | work achieved to date.

The Chair noted that the meeting had been called due to mahi that needed to be addressed. Co-Chair M. Rawiri tendered her resignation to the Ohu, due to changes in her role in relation to the changes in the direction for Te Pūkenga. She extended a mihi | thanks to the Ohu for their experience, mahi and willingness to have difficult conversations with particular mention of co-chair G. Brook for her leadership and guidance. The Chair stated that the resignation would be a loss for the Ohu and wished her well, noting that M. Rawiri would complete the appeals she was working on; this would be her final hui with the Ohu.

2. Interests Register

The Interests Register was noted.

3. Administration

3.1 Minutes of the open portion of meeting held on 29 November 2023

RESOLVED (A. McLean / M. Baynes)

THAT Te Ohu Whakahaere Appeals approves, as a true and accurate record, the minutes of the open portion of the Te Ohu Whakahaere Appeals meeting held 29 November 2023. **CARRIED**

4. Health, Safety & Wellbeing

The Chair noted the letters sent out to affected kaimahi | staff have unsettled kaimahi across the organisation, and that collaboration across business divisions is something that would be good to continue going forward.

The Ohu discussed the ongoing uncertainty from some kaimahi about what and who to follow in terms of policies. The Chair advised that there may be changes in delegations in the near future, however, in relation to Te Ohu, it could raise more queries from business divisions regarding process.

5. Reports from Te Poari Akoranga

The Chair advised that while there had not been a formal meeting of Te Poari Akoranga, new terms of reference had been approved by Council. Key changes are:

- There would be fewer ohu whakahaere going forward.
- The main function of Te Poari Akoranga continues to be to provide assurance to Te Pūkenga Council and the Executive Leadership Team, therefore some items on the workplan may change.
- Updates will be available to each Ohu after each Te Poari Akoranga hui | meeting.

7. Update on incoming and active cases

The Appeals Officer advised that in 2023, the Ohu dealt with 18 cases. Two of those were transferred to 2024 of which one was concluded at end of January and the other due to be concluded at the end of February. Currently there were two new cases in progress, with one more received via the Chair.

9. Resolution to exclude the public

RESOLVED (G. Brook / D. Raerino)

THAT the public be excluded from the remainder of the meeting. This resolution is made in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) (noting Te Pūkenga Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies) and the particular interests protected by section 9 of the Official Information Act 1982 (OIA) which would be prejudiced by the holding of the relevant parts of the proceedings of the meeting in public.

The general subject of each matter to be considered while the public is excluded and the reason for passing the resolution in relation to each matter are as follows:

Item	General subject of each matter to be considered	Section(s)
10.	Administration – Public Excluded	
10.1	Minutes of the public excluded portion of the meeting held 29 November 2023	Section 9(2)(a) OIA Section 9(2)(g)(ii) OIA Section 9(2)(i) OIA
10.2	Actions (confidential)	Section 9(2)(b)(ii) OIA Section 9(2)(g)(ii) OIA Section 9(2)(i) OIA
11.	Correspondence	
		Section 9(2)(a) OIA Section 9(2)(g)(ii) OIA
12.	Update on incoming and active cases	
12.1	Reflection on actions undertaken since previous meeting	Section 9(2)(a) OIA Section 9(2)(j) OIA
12.2	Current active cases	Section 9(2)(a) OIA Section 9(2)(g)(ii) OIA Section 9(2)(j) OIA

Interests

Section	Interest
Section 9(2)(a) OIA	To protect the privacy of natural persons, including that of deceased natural persons.
Section 9(2)(b)(ii) OIA	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
Section 9(2)(g)(ii) OIA	To maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.
Section 9(2)(h) OIA	To maintain legal professional privilege.
Section 9(2)(i) OIA	To enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities.
Section 9(2)(j) OIA	To enable the organisation to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Te Ohu Whakahaere Appeals moved into Public Excluded at 11:24am.

Karakia whakakapi

M. Rawiri closed the meeting with karakia at 12:11pm.

17 April 2024

Title	Te Ohu Whakahaere Terms of Reference Review 2024	
Provided by	Glynnis Brook, co-chair Te Ohu Whakahaere Appeals	
Author	Louise Courtney, Governance Advisor	
For	Review and Recommendation to Te Poari Akoranga	

Te Taunaki | Recommendation

It is recommended that Te Ohu Whakahaere Appeals:

a.	Review the proposed changes to 'Te Ohu Whakahaere Appeals Terms of Reference 2024' and provide feedback on these; and
b.	Recommend to Te Poari Akoranga to approve the revised 'Te Ohu Whakahaere Appeals Terms of Reference' subject to inclusion of any feedback provided.

Te pūtake o tēnei pūrongo | Purpose of this report

The purpose of this report is to review the Terms of Reference (TORs) for Te Ohu Whakahaere Appeals for 2024 and recommend these to Te Poari Akoranga for approval.

Te tāhuhu kōrero | Background

The Terms of Reference for Te Poari Akoranga | The Academic Board were reviewed in 2023 and changes were approved by Te Pūkenga Council on 8 February 2024. These changes align to the letter of expectations received from the Minister for Tertiary Education and Skills in December 2024. As a result, updates to the Terms of Reference for ngā Ohu Whakahaere | subcommittees are necessary.

The Terms of Reference for Te Ohu Whakahaere Approvals were last approved in January 2023 have been aligned to the new TORs for Te Poari Akoranga and ensure that they are fit for purpose in the current environment.

Ngā Kōwhiringa me Te Tātaritanga | Options and analysis

The look and feel of the Terms of Reference have been amended to align with the styles and headings for other Te Pūkenga Council committees.

While some of headings are new to Ohu terms of reference, the content and intent remains essentially the same:

- The former Purpose section keeps the same wording but is bullet pointed as it is in the Te Poari Akoranga terms of reference.

- Powers and Authority now incorporates both the Ngā Mahi and Tuku Mana sections and makes clearer the relevant delegation from Te Poari Akoranga.
- Mematanga incorporates the content in the former Mematanga, Whakaingoatia, Korama and Hui sections.

There have been a number of changes to the membership section. The number of members required has been adjusted to allow for fluctuation in membership as opposed to a static number, to ensure that te Ohu doesn't breach its TORs if a member resigns. There has also been a change to reflect the current structure with Tiriti Outcomes and Learner and Employer Experience and Attraction, and that both Deputy Chief Executives are now members of Te Poari Akoranga.

Appendix

Appendix 1: Draft Terms of Reference Te Ohu Whakahaere Appeals 2024

Pūrongo Te Ohu Whakahaere Appeals o Te Poari Akoranga | Te Ohu Whakahaere Terms of Reference Report April 2024 | Page 2 of 2

💓 Te Pūkenga

Te Ohu Whakahaere Appeals Terms of Reference

Terms of Reference

1. Whakapapa | Background

- (a) In accordance with the Te Pūkenga Delegations Policy, Te Poari Akoranga (Te Poari) may establish any ohu whakahaere (sub- committees) as are deemed necessary for the efficient and effective operation of Te Poari and make appointments to the same.
- (b) The Ohu Whakahaere (national subcommittees of Te Poari) will provide assurance and confidence that academic leadership is strengthened in its key area of focus.

2. Ngā Tikanga | Purpose / Scope

- receive unresolved learner complaints or appeals that have already been determined (in line with relevant appeals policies and processes);
- (b) support the resolution, settlement and/or withdrawal of such unresolved complaints or appeals; and
- (c) if necessary, make recommendations about policies, procedures, or the provision of services.

3. Powers and Authority

(a) In accordance with the Delegations Policy, Te Poari Akoranga (Te Poari) has sub-delegated the specific authorities listed below to Te Ohu Whakahaere Appeals (Te Ohu).

Ref	Subject	Description	Objective	Power to Sub- Delegate?
7.	Ohu whakahaere: Sub- Committees	To establish any ohu whakahaere (sub- committees) as are deemed necessary for the efficient and effective operation of Te Poari Akoranga and to make appointments to the same.	Establish and provide assurance and confidence that ohu whakahaere, (national subcommittees of Te Poari Akoranga) strengthen academic leadership in key areas of focus.	

- (b) In establishing Te Ohu Whakahaere Appeals, Te Poari Akoranga requires the ohu to:
 - i) Evaluate the themes, patterns and outcomes of academic appeals and/or complaints arising within the network and provide advice to Te Poari Akoranga on Academic Appeal policy and process, patterns, and themes.
 - ii) Receive reports for the network academic appeals committees to ensure an overview of academic appeal and complaint activity and outcomes across the network.
 - iii) Hear and determine the outcome of an escalated academic appeal and/or complaint lodged by ākonga per Te Pūkenga Ākonga Concerns and Complaints process.
- (c) In enacting the sub-delegations outlined in this section, Te Poari requires:
 - i) Any policies related to the responsibilities are approved by Te Poari Akoranga;

💓 Te Pūkenga

- ii) Decisions made by the body receiving the sub-delegation are reported to Te Poari Akoranga.
- iii) All formal sub-delegations will be included in the Academic Delegations Register which will be updated each time a power is sub-delegated.
- iv) Refer matters that constitute academic concerns or risks to the academic integrity of Te Pūkenga to Te Poari Akoranga.
- (d) All media and public comment should be considered in consultation with Te Poari Akoranga.
- (e) Any official information requests to Te Ohu should be directed to the Official Information Act (OIA) team of Te Pūkenga.

4. Mematanga | Membership, Appointments and Eligibility Criteria

- (a) Appointments to Te Ohu will be made by Te Poari following an Expressions of Interest process carried out by Te Ohu. Appointments will comprise the following:
 - i) Te Ohu Whakahaere Appeals member (Chair) (1 member)
 - ii) Kaimahi with tikanga Māori expertise (co-chair) (1-2 members)
 - iii) Kaimahi from within the Te Pūkenga network, preferably with experience in or familiar with appeals and/or complaints processes and procedures. (1-2 members)
 - iv) Learner member nominated by Te Pūkenga Interim Learner Advisory Committee (1 member)
 - v) Additional members may be co-opted to join if the appointed members feel that they do not have sufficient representation of skills or specialist criteria identified in Section 4. (b).
- (b) Membership should reflect a broad skills-based approach and be drawn from both ITPs and ITOs as appropriate, ensuring rangahau and Pacific representation. The appointment of members will be based on the following core criteria:
 - i) commitment to educational quality and learner achievement.
 - ii) ability to apply both a local and global view to academic issues.
 - iii) academic and specialist knowledge, skills, and experience.

The appointment of new members will be on the basis of gaining a balanced, inclusive and broad representation.

- (c) Members will be appointed for up to two years, with the option of renewal for one further year, to be made by Te Poari. Membership of Te Ohu may be revoked by either Te Poari or the appointed member at any time by giving four weeks' written notice in writing.
 - i) These members may resign from Te Ohu at any time by notifying the Chair with a copy to the Governance Advisor.
 - ii) A member's appointment may be terminated at any time for good reason by the Te Poari Akoranga Chair. Good reason includes, but is not limited to, failure to attend more than two consecutive Te Ohu hui (without informing the Chair), and failure to act in accordance with the Code of Conduct.

5. Kōrama | Quorum and Hui | Meetings

😸 Te Pūkenga

- (a) A quorum shall consist of a majority of Te Ohu members. No business shall be transacted at a meeting in the absence of a quorum.
- (b) Te Ohu will meet regularly during an academic year.
 - i) Meetings may be conducted by teleconference, videoconference or in person.
 - a. If a hui is held in person, members will make reasonable efforts to attend in person.
 - b. If a member is not able to attend a hui in person, a teleconference or videoconference alternative will be provided where feasible.
 - ii) Te Ohu may also need to meet on an ad hoc basis to consider Appeals requested and/or relevant matters, and/or if determined necessary by the Chair.
 - iii) Hui dates will be set annually by the Council Secretariat to align with other meetings on Te Pūkenga Governance calendar, and in consultation with members of Te Poari.
- (c) If a member is unable to attend a hui, they must provide the Chair with comments on the issues to be discussed in reasonable time prior to the hui. Members are not able to send a proxy or delegate to the hui in their place.
- (d) A Governance Advisor shall service Te Ohu meetings to provide secretariat support and resources.
 - i) Meeting agendas will be prepared and provided in advance to members, along with appropriate briefing materials. This would normally be a week prior to the date of the meeting but may be shorter as determined by the Chair.
 - Minutes of the meetings shall be prepared, retained and distributed to Te Ohu members, management and external auditors, as well being made available to Te Poari Akoranga.
- (e) Te Pūkenga is named in Schedule 2 Part 2 of the Local Government Official Information and <u>Meetings Act 1987 (LGOIMA)</u> as a particular authority to which Part 7 of LGOIMA applies. As Te Ohu has been sub-delegated authority to make decisions on behalf of Te Poari Akoranga as outlined in Section 3, the following local authority meeting rules apply:
 - Hui are required to be open to the public unless Te Ohu resolves to exclude the public from the whole or any part of the meeting where good reason for withholding disclosure of information exists under Section 9 of the Official Information Act 1982.
 - ii) The date, time and place of Te Ohu hui must be publicly notified not more than 14 days and not less than five days before the end of the month prior.
 - iii) At least two working days prior to the hui any member of the public may inspect all agendas and associated reports circulated to members of Te Ohu relating to that hui, excluding reports that the Tumuaki | Chief Executive reasonably expects the hui to discuss with the public excluded.
 - iv) Where an item is not on the agenda for a meeting, that item may only be discussed at that meeting if:
 - a. Te Ohu resolves to discuss it and the Chair explains at the hui at a time when it is open to the public the reason why the item is not on the agenda, and the

🗑 Te Pūkenga

reason why the discussion of the item cannot be delayed until a subsequent hui; or

- b. the item is a minor matter relating to the general business of Te Ohu; and the Chair explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but no resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting for further discussion.
- v) Members of the public have a right to inspect or receive copies of minutes of Te Ohu hui (except parts of a hui from which the public was excluded).

6. Responsibilities and duties

- (a) To exercise its powers and duties and oversee the areas outlined in section 3, Te Ohu Whakahaere Appeals (Te Ohu) members shall:
 - i) Review any papers prepared for Te Ohu, prepare adequately prior to each hui and participate actively in hui, contributing to actions when agreed.
 - ii) Bring matters of significance to the attention of Te Ohu and use professional perspectives to undertake analysis or prepare advice as required.
 - iii) Contribute to the development of a forward work programme for Te Ohu.
 - iv) Maintain a broad knowledge of the issues and interests that relate to the operations of Te Ohu.
 - v) Consult with and consider advice from the three Advisory Committees to Council established under section 325 of the Act on significant matters relating to the strategic direction of Te Pūkenga which are relevant to those groups represented by each Advisory Committee.
 - vi) Comply with Te Pūkenga Council and Committees Code of Conduct Policy
- (b) In addition, the Chair of Te Ohu shall:
 - i) consult with members to draft a forward work programme for Te Ohu, for agreement with Te Poari Chair;
 - ii) set agendas with the assistance of the Governance Advisor, and approve minutes;
 - chair and facilitate hui, encouraging and modelling open communication where all members contribute effectively;
 - iv) manage any conflicts of interests for other members of Te Ohu, including deciding if a potential conflict exists and determining, with assistance from the Governance Advisor, what action is appropriate;
 - v) represent the Committee in any hui with Te Poari Akoranga and/or Chair as required;
 - vi) ensure that any requests for media and public comment and any official information requests made to the Committee are escalated to the Chair of Te Poari Akoranga; and
- (c) Members are required to declare any actual or perceived interests as per national policy and procedures. <u>Conflicts of Interest Policy</u>

7. Fees and allowances

🗑 Te Pūkenga

- (a) No additional fees will be paid to employees of Te Pūkenga for their participation in Te Ohu as hui are anticipated to occur during normal working hours. Expenses related to Te Ohu should be included in each employee's usual expense cost centre.
- (b) For learner members of Te Ohu, fees will be equivalent to the learner member fees outlined in the Terms of Reference for Te Poari Akoranga. Learner members may claim reimbursement for out-of-pocket taxi, mileage or parking expenses and any expenses actually and reasonably incurred when travelling on Te Pūkenga business in accordance with Te Pūkenga policy. The standard should be modest and appropriately reflect public sector norms. National Expenditure Policy

8. Pūrongo | Reporting obligations

The Chair of Te Ohu Whakahaere Appeals will report to Te Poari Akoranga using Te Poari's agenda framework on any delegations that have been exercised and the strategic and key issues that most concern Te Poari Akoranga.

9. Accountability

Te Ohu Whakahaere Appeals shall:

- (a) self-assess its performance against these Terms of Reference on an annual basis. This selfassessment shall include feedback from Te Poari Akoranga on its perspective on the performance of Te Ohu, as provided by the Chair of Te Poari.
- (b) confirm annually that all responsibilities outlined in these Terms of Reference have been carried out.

10. Review of the Terms of Reference

Te Ohu shall, on an annual basis (or as otherwise necessary), review and, if appropriate, update these Terms of Reference for consideration and approval by Te Poari Akoranga.

Approved by Te Poari Akoranga on 28 March 2024

Kieran Hewitson

Deborah Young

Te Poari Akoranga Co-Chair

Te Poari Akoranga Co-Chair

Te Pūkenga

Pūrongo Te Ohu Whakahaere Appeals o Te Poari Akoranga | Appeals Subcommittee of the Academic Board report

17 April 2024

Title	Appointment of co-chair Te Ohu Whakahaere Appeals
Provided by	Glynnis Brook, co-chair
Author	Louise Courtney, Governance Advisor
For	Discussion and recommendation to Te Poari Akoranga

Te Taunaki | Recommendation

It is recommended that Te Ohu Whakahaere Appeals:

a.	Discuss whether to continue with a Co-Chair model;
b.	Discuss and nominate a Co-Chair to be appointed by Te Poari Akoranga (if this model is continued with); and
с.	Acknowledge Marama Rawiri's time as co-chair of, as well as her contribution to, Te Ohu Whakahaere Appeals.

Te pūtake o tēnei pūrongo | Purpose of this report

The purpose of this report is to provide a recommend to Te Poari Akoranga the appointment of a cochair to Te Ohu Whakahaere Appeals.

Te tāhuhu kōrero | Background

Te Poari Akoranga have a co-chair model which has been adopted by ngā ohu whakahaere. While the purpose of the co-chair model is to promote co-governance with preference that one co-chair is tangata whenua | of Māori descent and one co-chair is tangata tiriti | of non-Māori descent, staff acknowledge that membership and members' capacity and capability may not always make this possible.

With M. Rawiri resigning from the ohu, the role of co-chair is now vacant, specifically that of the tangata whenua co-chair.

Ngā Kōwhiringa me Te Tātaritanga | Options and analysis

The Ohu can determine whether or not they wish to continue with the co-chair model or stay with a single Chair. In having co-chairs, the workload can be shared, for example one co-chair would be the representative to Te Poari Akoranga while the other co-chair would manage the workload associate with the Ohu. If the Ohu decided to continue with one Chair, then the workload related to the Ohu and representation to Te Poari Akoranga would lie with one person.

Te Ahunga Ki Mua | Next steps

If the ohu nominates a member as co-chair, a recommendation will need to go Te Poari Akoranga for approval as outlined in clause 3 of the Te Ohu Whakahaere Terms of Reference, and as per Te Poari Akoranga's delegations to establish ohu whakahaere, which cannot be sub-delegated. If the ohu decide to continue with one chair, then no further action will be required.

🗑 Te Pūkenga

Pūrongo Te Ohu Whakahaere Appeals o Te Poari Akoranga | Appeals Subcommittee of the Academic Board report

17 April 2024

Title	2024 workplan for Te Ohu Whakahaere Appeals
Provided by	Glynnis Brook, co-chair Te Ohu Whakahaere Appeals
Author	Louise Courtney, Governance Advisor
For	Discussion and recommendation to Te Poari Akoranga

Te Taunaki | Recommendation

It is recommended that Te Ohu Whakahaere Appeals:

a.	Receive the report titled '2024 workplan for Te Ohu Whakahaere Academic Appeals';
b.	Discuss the workplan and proposed meeting dates; and
с.	Approve the 2024 workplan.

Te pūtake o tēnei pūrongo | Purpose of this report

The purpose of this report is to discuss the proposed 2024 workplan for Te Ohu Whakahaere Appeals (Ohu), including the proposed changes to the operational and governance meetings.

Te tāhuhu kōrero | Background

The Ohu was established in August 2022 to:

- a) receive unresolved learner complaints or appeals that have already been determined (in line with relevant appeals policies and processes);
- b) support the resolution, settlement and/or withdrawal of such unresolved complaints or appeals; and
- c) if necessary, make recommendations about policies, procedures, or the provision of services.

The meeting frequency for the Ohu has been monthly in the past, in order to discuss both operational and governance matters. Where appropriate, and in line with the delegated authority from Te Poari Akoranga, the Ohu will then provide reports to Te Poari Akoranga on matters approved the Ohu, matters that need to be approved by Te Poari, and matters that are pertinent to Te Poari for its information.

Ngā Kōwhiringa me Te Tātaritanga | Options and analysis

Given the volume of appeals that te Ohu considers, the Council Secretariat team recommend that te Ohu meets quarterly meetings to consider governance matters in 2024.



Option 1: Quarterly meetings (recommended)

Staff propose that quarterly hui are held for the Ohu on governance matters. The proposal is based on the Ohu meetings in 2023 having more operational, than governance, content. These meetings would be supported by the Governance Advisor and could include, but not limited to, policy amendments, trends noted from current appeals, anything related to the delegation from Te Poari Akoranga including matters to be approved by Te Poari.

The proposed dates for the quarterly meetings are:

- Wednesday 17 April
- Wednesday 3 July
- Wednesday 2 Sept
- Wednesday 30 Oct

The operational hui would be supported by the Appeals Officer and could include, but not limited to, progress updates for appeals, professional development, opportunities to workshop appeal process issues and/or questions. If any governance matters that arise between the scheduled hui dates, then an extra ordinary meeting of the ohu can be convened.

Option 2: Bi-monthly meetings

If Te Ohu feels that quarterly meetings are not sufficient its workload, the governance meetings could be held bi-monthly with operational matters considered in alternate months. The operational hui would be supported by the Appeals Officer and could include, but not limited to, progress updates for appeals, professional development, opportunities to workshop appeal process issues and/or questions. Any governance matters that arise from the operational hui, would then be reported to the governance hui the following month.

The proposed dates for bimonthly meetings are:

- Wednesday 17 April Governance
- Wednesday 1 May Operational
- Wednesday 3 July Governance
- Wednesday 31 July Operational
- Wednesday 2 Sept Governance
- Wednesday 2 Oct Operational
- Wednesday 30 Oct Governance
- Wednesday 4 Dec Operational

For both options, if a governance issue arises that requires attention before the next scheduled meeting, then an extraordinary meeting can be called.



Te Ahunga Ki Mua | Next steps

Once the Ohu approves its meeting schedule, the workplan will be amended and provided to Te Poari Akoranga to note at its meeting of 29 April 2024.

Appendices

Appendix 1: draft 2024 workplan

Appendix 2: 2024 Te Pūkenga Te Ohu Whakahaere - Appeals

Te Ohu Whakahaere Appeals	Quarterly	Wed 17 Apr	Fri 31 May	Fri 6 Sept	Fri 6 Dec
Te Ohu Whakahaere Terms of Reference review					
Develop/Review workplan for 2024					
Review Concerns, Complaints, and Appeals Policy					
2025 meeting dates					
Self assessment for 2024					
Review hearing process including relevant documentation and policies					
Review Register of Appeals					
Review governance function - role, responsibilities and parameters					
Develop a professional development plan for te ohu members specific to the					
needs for the mahi.					
Reporting and interface with regions					

2024 Te Pūkenga Te Ohu Whakahaere - Appeals

#	Item	Activities	Who	Ву	Commentary	Status
1	 Policy REVISION Concerns, Complaints and Appeals 	 Review LEEA report Set up a working group of Te Ohu members. Revise policy – future focus removing Business Units and including regional focus. Circulate draft for meeting discussion - Ohu Forward finalised draft to Te Poari Akoranga for information, to Ohu Whakahaere – Quality for approval 		End of first quarter 2024		CARRIED OVER 2023
2	Ohu meeting schedule	 Working in collaboration with Haley Passmore – schedule meetings to align with Te Poari Akoranga meetings 	H. Passmore Co-Chairs L Courtney	ASAP		07 Nov 2023. Request for confirmed dates to be provided.
3	 Appeal Request Form progress to digital format and have loaded to Te Pūkenga site. 	 Template form for final review by Ohu Digital version developed and loaded. 	All H. Passmore	By the end of March 2024		CARRIED OVER 2023 Approved by Te Poari with minor amendments. Final review required. Need access to digital developer.
4	 Co-ordinate/schedule team development 	What do we want?What do we need?Identify gaps in training	Dell Raerino	By end of Feb 2024.		In progress. Priority for 2024 now members confirmed and in role.
5	 Revise and recommend functional/operational delivery of appeals. 	 Raise at meeting. Small working group Recommendations back to the Ohu for consideration and refinement Redraft Recommend to Te Poari 	All Small working group			

1

#	Item	Activities	Who	Ву	Commentary	Status
6	Reporting and interface with regions	 A working group to be set up for this mahi. Discussion with Regional Leaders to ascertain the views and structures in respect of appeals regionally. Collaboratively develop protype. Test Amend Confirm draft for approval – Te Poari. 	ТВА	By end of first quarter 2024.		In progress – thinking and options. Consolidated effort to move forward required.
	 Process and practices on co opting members 	 Raise at meeting. Small working group Recommendations back to the Ohu for consideration and refinement Redraft Recommend to Te Poari 	All Small working group	By end of first quarter 2024.		



Meeting Type	Purpose	Attendees	Frequency	Location
Monthly Ohu hui	Standard agenda Report on appeal activity Report back from working groups on activities and progress.	ALL	Monthly: 2 hours 11am – 1.00pm To fit with Te Poari Akoranga meetings – Haley Passmore to schedule	On-line via Teams
Face-to Face hui	Standard agenda Whanautanga/ Relationship building Report on appeal activity	ALL	Annual or as required.	Determined location
Special Meetings	To discuss exceptional activity outside standard BAU	ТВА	As required.	Via Teams
Urgent Business	To allow for fast turn-around of activity and decisions	ТВА	As required.	Via email or on-line via Teams
Panel Inquiry	To hear appellant appeal and determine final Te Pūkenga decision	TBA – based on equity and Conflict of Interest	As required.	To be determined by Appellant – on-line of face-to-face

REPORTING				
Report Name	Purpose	Provided By	Responsible	Frequency
Te Ohu Whakahaere-Appeals Report to Te Poari Akoranga Region Report to Te Ohu Whakahaere-Appeals	To report on Appeal activity and regional trends, patterns and volume of concerns, complaints, and appeals and general business. Report items for approval by Te Poari. This will be established through the	Te Ohu Whakahaere-Appeals	Co-Chairs Governance Advisor	Per Te Poari meeting
Te Ohu Whakahaere-Appeals Report to Learner and Employer Experience & Attraction Division	To report on non-academic appeal themes and patterns and volume of concerns, complaints and appeals	Te Ohu Whakahaere-Appeals	Co-Chairs	As required

	ТВА	Co-Chairs	TBD
sub-committees of Te Poari Akoranga collaboration of all sub-committees			

👹 Te Pūkenga

Pūrongo Te Ohu Whakahaere Appeals o Te Poari Akoranga | Appeals Subcommittee of the Academic Board report

17 April 2024

Title	Notice of Appeal online form
Provided by	Karen Kennedy, Appeals Officer
Author	Louise Courtney, Governance Advisor
For	Feedback

Te pūtake o tēnei pūrongo | Purpose of this report

The purpose of this report is to seek feedback from Te Ohu Whakahaere Appeals for the Notice of Appeal online form.

Te tāhuhu kōrero | Background

The draft online form was presented to the Ohu at its meeting of 1 November 2023, and emailed to Te Ohu members on 29 February 2024 for feedback and comments. The feedback is attached to support the discussion.

Once the changes have been discussed and agreed, the amended form – which is an appendix to the Ākonga Appeals Policy - will be submitted to the Policy Sponsor to approve.

Appendices

Appendix 1: Feedback from Ohu members

Appendix 2: Draft Notice of Appeal Form

To: Cc: Subject: Re: Online Appeals Form (Draft for feedback) Date: Thursday, 29 February 2024 4:20:20 pm Attachments:

Kia ora all,

From:

Thanks for the PDF which I'm just looking at.

I like the cultural requirements question but how about we include an example, eg, take place in a marae ... Students might not know what they can request here.

I suggest numbering the questions so if there are any issues with the fields being filled out incorrectly, the Appeals Officer can go back to the student and ask them to provide more information for number 9 or whatever.

I suggest for the Grounds that there are drop-down boxes for students to select the grounds. This is because I find that students tend to fill in their own idea of what the grounds might be, without referring to the policy (even if they do read the policy, they don't necessarily understand that they must identify the specific ground...).

There isn't a box for the student to write down background information about the previous decision and why they are appealing. It does say in brackets that they can attach it separately, but I think provide a box as an option here.

What outcome would you like to see is an interesting question. In my experience, students have great expectations of possibilities of outcomes! At Unitec, we had one student write on the form 'the staff member should be sacked', for instance, which is not a realistic outcome.

Hope my feedback is useful We have a similar form at Unitec so my experience of using it has led to the comments above.

Apologies I can't make the next hui as I am on leave.

Subject: RE: Online Appeals Form (Draft for feedback)

Hi

Thanks for the question.

If we can resolve the issue – ie determine no grounds for appeal or go back to have an issue rectified (a phone call as we have done to sort) then we can close out these. Where there is a determination by us that there is grounds for appeal we then go to an appeal inquiry (we are calling it this not hearing as some people thought is was a highly legal process when called hearing).

So for example – R has reviewed a case and in her view (and I agre) there are grounds for appeal and so we now move to the inquiry stage.

Perhaps we add this to the agenda so we can recap. We have had only 2 panels to date and so many have yet to experience this

Looks great. Just for my own information when is it decided a panel hearing is needed? Is it where we make a decision they don't like and want a hearing?

Best regards A

From: Sent: Thursday, February 29, 2024 9:53 AM To: Subject: Online Appeals Form (Draft for feedback)

Kia ora koutou

Hope everyone is having a great week.

An "online appeals form" was an action point from Te Ohu prior to my arrival. I have drafted the form and attach it for feedback, comment and amendments (if you wish, you should be able to fill in the fields as a test). We will agenda for endorsement at our next meeting before it is uploaded to Te Pūkenga website.

Thank you for your help and support.

Hei konā

Appeals Officer Te Ohu Whakahaere - Appeals

DRAFT FOR DISCUSSION

Appeal to Te Ohu Whakahaere Appeals¹



Notice of Appeal Form

Before you complete and submit the Notice of Appeal form, we encourage you to discuss your concerns with an advisor or advocate who can assist you to complete this form. **It is essential** that you include all the important information that you want the committee to know, and that this information (to the best of your knowledge) is true and correct.

Timing to submit the Notice of Appeal: Under the <u>National Ākonga Appeals Policy</u> you have 10 working days to submit the Notice of Appeal to the Appeals Officer at <u>appeals@tepukenga.ac.nz</u>. The 10 days start from when you have received a decision about your original appeal from your local education provider.

What happens next: You will receive a reply confirming receipt of your appeal. If there is information missing that the committee requires, you will be asked to provide this. It is important that you attach a copy of the decision that has already been made about your complaint, all evidence that supports your appeal, and indicate the ground on which you are appealing (refer to the policy link above). Once all the information has been provided, your Notice of Appeal will be evaluated.

Outcome Options (there are two outcomes):

- 1) **That your appeal will not be taken any further**. If this is the case, you will be notified. This notification will include the reasons why this decision has been made. You will also be provided with contact details for external appeal authorities should you consider that the decision is unfair.
- 2) That your appeal has met the grounds for an inquiry (appeal will be heard). If this is the case, you will be contacted so that a conversation about the next steps and how you would like the process to be undertaken can be determined.

1. Your Full Name:		2. Preferred Name:		
3. Where you are studying:		4. Student ID Number		
5. Preferred Email Address		6. Phone Number		
7. How would you prefer to b	e contacted?	Email	Phone	
8. If you are a distance learne you from?	r, what region/town are			
9. What programme are you s	tudying?			
10. Do you have a support pe you with this appeal?	rson/people assisting	Yes	No	
11. If yes, please advise their	name and contact details			

Your details

¹ Te Ohu Whakahaere Appeals is the Appeal body for final Appeals within Te Pūkenga. To appeal to Te Ohu Whakahaere Appeals all other appeal options in the Business Division where you are studying must have been completed and resolution has not been able to be reached.

DRAFT FOR DISCUSSION

12. If the appeal goes to a hearing (where we meet to hear your concerns), are there any specific cultural requirements that you may need in the set up and undertaking of this meeting <u>(for example, cultural or accessibility requirements)</u>?



Details of appeal decision

It is important that we understand:

- what has happened;
- why you are appealing the decision that has been made (please attach a copy of the outcome you received); and
- on what grounds you are appealing this decision.

13. Date you received the outcome of your appeal:	
14. What is your appeal about?	[Include drop down boxes] For example an appeal against an outcome of a xxxx a decision of xxxx etc
15. Grounds on which you are you appealing to Te Ohu Whakahaere – Appeals (refer to policy – <u>click this link</u>)	 [Include drop down boxes] procedure used for xxxx flaw in the process xxxx new information xxxxx

What would you like us to know about the situation that has led to you appealing the previous decision (you may wish to do this separately and attach it to the Notice of Appeal). Please include:

- why you consider that you have grounds to appeal this decision (i.e., the process was not fair, there is new information etc.)
- supporting evidence

16. What outcome would you like to see?

DRAFT FOR DISCUSSION



I have attached to the Notice of Appeal Form:

17. A copy of the Appeal decision which I considered unfair	Please tick
18. Supporting evidence	Please tick



17 April 2024

Title	1 March 2024 Te Poari Akoranga hui - open portion
Provided by	Glynnis Brook, co-chair Te Ohu Whakahaere Appeals
Author	Louise Courtney, Governance Advisor
For	Information

Te Taunaki | Recommendation(s)

It is recommended that Te Ohu Whakahaere Appeals:

a. Receive the report titled '1 March 2024 Te Poari Akoranga hui open portion

Te Tāhuhu Kōrero | Background

Te Poari Akoranga | The Academic Board (Te Poari) met on 1 March 2024 online via Microsoft Teams. This was the first hui of the board under the new terms of reference. Warwick Pitts attended as a delegate for Andrew McSweeney, and Gus Gilmore was an apology. The summary below provides an overview of some key discussions and decisions by Te Poari during the open portion.

Te Poari Akoranga membership and meeting schedule calendar 2024

Under their delegation received from Council on 8 February 2024 to appoint one Co-Chair each from Ohu Whakahaere, the Co-Chairs of Te Poari Akoranga have appointed:

- Glynnis Brook from Appeals.
- Diane Lithgow from Approvals.
- Fiona Beals from Rangahau, Research and Postgraduate.

The Chair advised that members from business division academic committees were still being sought through the Rohe co-leads.

Te Poari Akoranga approved a recommendation Doug Pouwhare be co-opted to Te Poari. Doug, General Manager Service IQ, also co-chairs Te Ohu Whakahaere Approvals

2024 workplan

Te Poari Akoranga approved its workplan and that of ngā ohu whakahaere for 2024. It noted that Te Ohu Whakahaere Ako and Ōritetanga would be disestablished.

Ngā Ohu Whakahaere o Te Poari Akoranga

Te Poari Akoranga received reports from the recent meetings of the ohu whakahaere:

- Ako held 23 November 2023.
- Approvals held 24 January 2024 and 14 February 2024.



• Appeals held 29 November 2023 and 21 February 2024.

Key matters from these meetings are:

- An updated version of Te Kawa Maiorooro was approved by the Quality Chair. Changes were required to align with the Minister's Letter of Expectations.
- Resignation was received from Te Ohu Whakahaere Ako co-chair M. Alsford, Te Ohu Whakahaere Appeal co-chair M. Rawiri and members A. Whelan-Kopa, M. Naufahu.
- Appeals provided feedback on the 'Ākonga Concerns and Complaints Process'.
- Approvals approved a number of programmes for submission to NZQA:
 - 2303 New Zealand Certificate in Contact Centres (Level 3) (subject to incorporation of changes requested by te Ohu).
 - o 2552 New Zealand Diploma in Applied Science (Level 5)
 - o 2553 New Zealand Diploma in Applied Science (Level 6)
 - o 3715 NZQF Diploma in Computer Applications
 - 3716 NZQF Diploma in Networking
 - o 3717 NZQF Diploma in Engineering
 - o 3708-2 New Zealand Certificate in Scaffolding (General) (Level 3).
 - o 3710-2 New Zealand Certificate in Scaffolding (Trade) (Level 4).

Any Other Business

Te Poari Akoranga advised that Te Whatu Kairangi nominations would be managed by business divisions and that it would be good to celebrate nominees through Ngā Taipitopito.



17 April 2024

Title	28 March 2024 Te Poari Akoranga hui - open portion
Provided by	Glynnis Brook, co-chair Te Ohu Whakahaere Appeals
Author	Louise Courtney, Governance Advisor
For	Information

Te Taunaki | Recommendation(s)

It is recommended that Te Ohu Whakahaere Appeals:

a. Receive the report titled '28 March 2024 Te Poari Akoranga hui open portion';

Te Tāhuhu Kōrero | Background

Te Poari Akoranga | The Academic Board (Te Poari) met on 28 March 2024 online via Microsoft Teams. Glynnis Brook, Te Urikore Biddle and Andrew McSweeney provided apologies for the meeting.

The summary below provides an overview of some key discussions and decisions by Te Poari during the open portion.

Recommendation from Te Poari

Te Poari discussed an action in relation to the Concerns and Complaints policy being sent back to Te Ohu Whakahaere Appeals (ohu) to liaise with the Learner Engagement and Employer Attraction (LEEA) team before returning it to Te Poari Akoranga to approve. Te Poari Akoranga recommended that the ohu review the policy to ensure that it is still fit for current purpose. If required, the policy can then be sent to Te Ohu Whakahaere Academic Quality for recommendation to Te Poari for approval.

Te Poari also recommended that all ohu review any past work they have undertaken to assess whether it can be distributed to the Te Pūkenga network as a resource.

Te Ohu Whakahaere Academic Quality update from 7 March 2024 hui

Te Poari Akoranga received a report from Te Ohu Whakahaere Academic Quality of its meeting held 7 March 2024 and approved extending the membership of the following members for one year:

- Deborah Young
- Fionna Moyer
- Greg Durkin
- Carmel Haggerty
- Gianetta Lapsley
- Caroline Terpstra

🗑 Te Pūkenga

Pūrongo Te Ohu Whakahaere Appeals o Te Poari Akoranga | Appeals Subcommittee of the Academic Board report

• Joan Taylor

Te Poari noted that Te Ohu approved Te Pūkenga Moderation: 'Which resources do you need?' which accompanies the Moderation Transition and Implementation resource.

Te Ohu Whakahaere Approvals update from 13 March 2024 hui

Te Poari Akoranga received a report from Te Ohu Whakahaere Approvals of its meeting held 13 March 2024 and noted that the programmes currently in the process of being unified would continue to be unified and that this is supported by the relevant regulatory bodies.

Te Poari noted that the ohu approved the following programmes for submission to the New Zealand Qualifications Authority:

- 4225 New Zealand Certificate in Coachbuilding Level 3
- New Zealand Apprenticeship (Complex) in Coachbuilding (Level 3-4)
- New Zealand Diploma in Veterinary Nursing Level 6

Te Ohu Whakahaere Rangahau, Research and Postgraduate update from 21 March 2024 hui

Te Poari Akoranga received a report from Te Ohu Whakahaere Rangahau Research and Postgraduate of its meeting held 21 March 2024 and approved extending the membership of the following members for one year:

- Annemarie Gillies
- Fiona Beals
- Tepora Emery
- Suzanne Miller
- Michael Shone
- Jonathan Sibley

Te Poari appointed Jamie Smiler, Director Rangahau and Research, to Te Ohu Whakahaere Rangahau, Research and Postgraduate as per the ohu's updated terms of reference.

Extending terms of ngā ohu whakahaere membership

Te Poari Akoranga approved extending the membership of those members of Te Ohu Whakahaere Approvals whose memberships were due to expire in the next few months. These members were:

- Doug Pouwhare
- Diane Lithgow
- Kim Davies
- Harry Leder
- Liz McKenzie
- Veraneeca Taiepa



- Denise Williams
- Shelley Wilson

It was noted that no members of Te Ohu Whakahaere Appeals had memberships expiring in the next few months.

Karakia whakakapi

Tēnā tātou here are some useful phrases you can use to introduce closing karakia next time you are asked to lead it.

Māku e whakakapi te wānanga nei. I will conclude our shared space.

Kia whakakapia te wānanga nei ki te karakia.

May our shared space be concluded with karakia.

Kua pau tonu te wā, nā reira māku e whakakapi te wānanga nei ki te karakia.

We're just about out of time, therefore I will conclude our shared space with karakia.

Karakia whakakapi Closing incantation

Puritia, puritia ngā kōrero o te wānanga puritia Kia ū, kia mau puritia kia ita Unuhia, unuhia atu rā Te tapu o te kāhui o ngā ariki mauria atu rā ko te kahu ora o Rongo he rongo taketake he rongo mau tonu ka whakamau kia tina, Tīna! (everybody) Hui e, Tāiki e!

Hold fast, hold firmly the words of the academy cement them firmly fixed in the mind. Release ourselves of the decorum of formality let us take up the life giving cloak of Rongo the permanence of peace and harmony and bind it firmly, Firmly!

Our values

Manawa nui We reach out and welcome in

Manawa roa We learn and achieve together

Manawa ora We strengthen and grow the whole person

