

Kaupapa Here Mana Tāpae ā-Motu | National Delegations Policy

Mō wai me te whānuitanga | Audience and scope

This policy applies to:

- Council members
- Committees of Council
- Chief Executive
- all employees of Te Pūkenga, including contracted staff and secondees providing services for Te Pūkenga, and those on fixed-term contracts (collectively referred to as Kaimahi in this policy).

Mokamoka whakaaetanga | Approval details

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Policy sponsor (has authority to make minor amendments)	Chief Financial Officer	Policy owner	Chief Executive
Contact person	Michelle Teirney	Date of next review	1 May 2025

Ngā whakatikatika | Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
V1	1 April 2020		Initial version
V2	17 November 2022	Sinead Hart	Minor amendments to Schedule 5(e), (l) and (m) to ensure certainty around parameters of delegation during the interim phase
V3	1 January 2023	Sinead Hart	To align with the implementation of the new DCE structure at Te Pūkenga Central Office To update the document to reflect the position after dissolution of all ITP Subsidiaries and WBL
V4	1 July 2023	Michelle Teirney	To put in place a permanent delegation framework
V5	20 March 2024	Michelle Teirney	Minor amendments

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Kaupapa Here Mana Tāpae ā-Motu | National Delegations Policy

1. Kupu whakataki | Introduction

- 1.1. Te Pūkenga is a Crown Entity established under and governed by the Education and Training Act 2020 and the Crown Entities Act 2004. The Charter (as set out in Schedule 13 of the Education and Training Act 2020) sets out what Te Pūkenga must deliver in legislation and Te Pūkenga receives a Letter of Expectations from the Minister of Education, with which it must comply. As an educational institution, Te Pūkenga is also required to uphold academic freedom.
- 1.2. Council is the governing body of Te Pūkenga. All acts or things done in the name of, or on behalf of, Te Pūkenga with the authority of Council or the Chief Executive (or of a delegate) are to be treated as done by Te Pūkenga.
- 1.3. The duties and powers of Council are set out in sections 280 to 283 of the Education and Training Act 2020. The provisions that apply to delegations by Council are set out in sections 73 to 76 of the Crown Entities Act 2004¹.

2. Pūtake | Purpose

- 2.1. The purpose of this policy is to support accountability and responsibility in decision making across Te Pūkenga and confirm the scope of authority delegated by:
 - a) Council to its Committees and its Chief Executive, pursuant to section 73 of the Crown Entities Act 2004 and section 324 Education and Training Act 2020 in the context of Te Poari Akoranga; and
 - b) the Chief Executive to Kaimahi across Te Pūkenga, pursuant to section 74 of the Crown Entities Act 2004.
- 2.2. This policy sets out the parameters within which the Chief Executive must exercise its authority and the standard of oversight expected from the Chief Executive and management in relation to the exercise of sub-delegated authority across the organisational structure of Te Pūkenga.
- 2.3. The specific functions and powers delegated in accordance with this policy are set out in a separate Register of Standing Delegations.

3. Ngā Mātāpono | Principles

- 3.1. All delegations at Te Pūkenga flow from Council.

¹ These provisions apply because they are included in Part 2 of Schedule 4 of the Crown Entities Act, which sets out provisions of the Crown Entities Act 2004 that apply to Te Pūkenga and the Council.

- 3.2. Delegations may be standing or temporary.
- 3.3. Standing delegations confer authority on a position or positions to exercise functions or powers of a particular kind, as and when they arise (for example the power to incur expenses up to a budget limit). These delegations are ongoing and are delegations to the relevant position or positions within Te Pūkenga.
- 3.4. Temporary delegations may be required when there is a need to delegate powers or functions in relation to a specific matter, or between reviews of standing delegations. A temporary delegation may be made for any purpose; to any position; or to any persons. It is expected that temporary delegations would only be in place for as long as it takes to deal with the specific matter, or until the standing delegations can be updated. Where a temporary delegation is required, this may be done via a letter of delegation given by someone with authority to sub-delegate.

Standing delegations to Committees

- 3.5. Pursuant to section 73 of the Crown Entities Act 2004, Council delegates to each Committee of Council those powers and functions specified in Part A of the Register of Standing Delegations. Council may delegate authority to a Committee in relation to any additional matter by way of a resolution of Council to that effect.

Standing Delegations to the Chief Executive²

- 3.6. Pursuant to section 73 of the Crown Entities Act 2004, the Council delegates to the Chief Executive of Te Pūkenga all management powers and functions necessary for the operation of Te Pūkenga³. This includes consent to sub-delegate in the manner set out at paragraphs 5.1 to 5.6 below.

4. Te Whāititanga o tā te Kaiwhakahaere Mātāmua mana tāpae | Parameters of Chief Executive's standing delegations

- 4.1. What is necessary for the “operation of Te Pūkenga” is determined by reference to the strategic direction set by Council as documented in the current Investment Plan of Te Pūkenga and other strategic documentation (**Council's Direction**). The Chief Executive does not have any authority to undertake (or permit to be undertaken) any action or transaction that is not aligned with Council's Direction.
- 4.2. The Chief Executive does not have delegated authority in relation to:
 - a) any of the functions or powers specified in the Education and Training Act 2020 as not capable of delegation; and
 - b) any matter reserved for Council as set out in Appendix 1. This includes not having any authority to enter into:

² Delegations to the Chief Executive shall continue to have effect where: a) the Chief Executive is replaced by a new Chief Executive; or b) there is no Chief Executive for the time being, or the Chief Executive is absent from duty, as if made to the person for the time being acting in place of the Chief Executive.

³ This policy document should be read as a written notice to the Chief Executive for the purpose of section 73, Crown Entities Act 2004.

- i) any expenditure or capital commitment or arrangement exceeding the applicable annual budget for Te Pūkenga (except to the extent that Council expressly authorises the Chief Executive to do so);
- ii) any expenditure or capital commitment or arrangement exceeding any sub-limit as shown within the applicable annual budget for Te Pūkenga, in each case, unless the Council provides a separate express authority to do so; and
- iii) undertake and/or approve any action, transaction or activity where the Treasury Policy provides that the Council retains authority to approve that action, transaction or activity.

Consequence where a matter is not within the delegated authority of the Chief Executive

- 4.3. Where a matter is outside the parameters set for the Chief Executive, the matter must be referred to Council for decision making or to such Committee of Council as may have the delegated authority of Council in relation to the particular matter.
- 4.4. Any expenses relating to phone, internet or work from home needs that are outside of the Chief Executive's delegation should be approved in consultation with the Chair, and then reported to the next Council meeting.

Exercise of delegated authority

- 4.5. The Chief Executive must exercise their delegated authority in a manner that complies with all policies and procedures of Te Pūkenga and withstands internal and external scrutiny. In addition, the Chief Executive will:
 - a) keep the Chair informed of any matter within the parameters of their delegation which could have material ramifications for Te Pūkenga;
 - b) consult with the Chair in relation to the recruitment of any tier 2 kaimahi who will report directly to the Chief Executive;
 - c) seek approval from the Chair for any overseas travel by the Chief Executive; and
 - d) consult with the Chair if they are uncertain as to the scope of their delegated authority and take direction from the Chair prior to exercising the delegated authority.

5. Tō te Kaiwhakahaere Mātāmua Mana ki te Tāpae Mana | Authority of the Chief Executive to Sub-Delegate

Power to sub-delegate

- 5.1. The Chief Executive is authorised to sub-delegate to specific roles across Te Pūkenga pursuant to section 74 of the Crown Entities Act 2004. All delegates must act within the scope of their delegated authority and in a responsible manner.

Conflict of interest

- 5.2. Except with the prior written approval of Te Pūkenga Council, neither the Chief Executive nor any sub-delegate may exercise any delegated authority in relation to a matter where they have a conflict of interest.

Register of Standing Delegations

- 5.3. The Chief Executive is authorised to adopt a register of standing delegations in relation to positions within Te Pūkenga, rather than named individuals. If an individual moves from one position in the organisation to another position, the delegations relating to the initial position no longer apply to that individual. Any delegation to a specified role may also be exercised by the line manager for that role. This policy must be read in conjunction with the current register of standing delegations approved by the Chief Executive.

National versus regional scope of delegations

- 5.4. When sub-delegating to Regional Executive Directors, the Chief Executive will ensure that:
- a) the delegation relates only to the geographical and/or Business Division remit of their role noting that certain roles will have national scope;
 - b) the delegations to the Regional Executive Directors are sufficient for Te Pūkenga to meet its Charter requirement that regional representatives are to be empowered to make decisions about delivery and operations that are informed by local relationships and to make decisions that meet the needs of their communities (clause 3(b)).

Authority to amend or revoke standing delegations

- 5.5. The Chief Executive is authorised to amend or revoke any standing delegations from time to time (without recourse to Council) in so far as they relate to their sub-delegations where they consider this necessary to enhance the efficiency of Te Pūkenga operations or to reflect changes to the organisational structure.

Scope of sub-delegations

- 5.6. A delegate is authorised to take any action or sign any document within their delegated authority but subject to the following:
- a) Delegates must comply with any legal requirements and / or any applicable policies and procedures in relation to entry into the agreement / subject matter of the document (including adherence to conflicts of interest and procurement requirements).
 - b) All delegations and authorisations must promote efficiency and effectiveness and provide clear accountability.
 - c) The delegation must be exercised within the limits of the relevant approved budget and cost centre. Delegates must not approve expenditure for a cost centre for which they are not responsible, except with the prior written permission of the cost centre owner.
 - d) Delegates can further sub-delegate standing delegations where the Chief Executive (or their delegate) authorises this.

- e) Transactions must not be structured to attempt to avoid the financial limits set out in this policy (e.g. by splitting purchases over more than one purchase order, or multiple invoices for a purchase).

For the avoidance of doubt, delegations include the authority to take any other action necessary or desirable to give effect to the decision. For example, an authority to commit to expenditure includes an authority to make payment.

Breach of delegations

- 5.7. Kaimahi who breach this policy will be subject to disciplinary action. Any intentional breach may also lead to criminal charges.

Temporary delegated authorities

- 5.8. Temporary delegated authorities for leave or other purposes may be approved by the following persons:
 - a) Any temporary delegation of the Chief Executive's delegated authorities must be approved by the Chair.
 - b) Any temporary delegation of an Executive member's delegated authorities must be approved by the Chief Executive.
 - c) Any temporary delegation of any other kaimahi member's delegated authorities must be approved by the Executive member or Regional Executive Director to which they report.
- 5.9. Temporary delegated authorities will be subject to the following restrictions:
 - a) Temporary delegated authorities must be in the form of the Template Temporary Delegation Memo. The Memo should be addressed to the approver and must be signed personally by the delegator (electronic signatures may be used).
 - b) The authority may only be exercised for the purpose for which it is made.
 - c) All temporary delegated authorities will be made for a fixed period and, unless renewed, will automatically expire on the conclusion of that fixed period.
 - d) Kaimahi may grant temporary delegated authorities to kaimahi members at the same or higher delegated financial authority level, provided that kaimahi are not required to grant temporary delegated authorities to their line manager or Executive member within their reporting line.
 - e) The Chief Executive, Executive, Regional Executive Directors and Senior Leadership Team may grant temporary delegated authorities to kaimahi members at a lower delegated financial authority level. All other kaimahi may not grant temporary delegated authorities to kaimahi at a lower delegated financial authority level.

Interim working delegated authorities

- 5.10. From time to time, it may be necessary for kaimahi to grant interim working delegated authorities to kaimahi employed within business divisions, in order to facilitate approvals within IT platforms hosted by business divisions. In that circumstance, the delegator will remain responsible for the exercise of the authority and must approve any proposed actions within the relevant IT platform in writing.
- 5.11. Interim working delegated authorities must be approved by the Executive member or Regional Executive Director to which the delegator reports.
- 5.12. Interim working delegated authorities must be in the form of the Template Interim Working Delegation Memo. The Memo should be addressed to the approver and must be signed personally by the delegator (electronic signatures may be used).

Assurance in relation to exercise of sub-delegations

- 5.13. It is the responsibility of the Chief Executive and senior management to oversee the exercise of delegations under the standing delegations.
- 5.14. Those with delegated authority are accountable for their use of that delegated authority. Delegated Authority holders must comply with the standing delegations issued by the Chief Executive and all applicable policies and legislation. It is an expectation that those with delegated authority will have proper regard to any standards of accepted practice and the potential risks to Te Pūkenga as a result of each exercise of delegated authority and will seek appropriate advice where necessary and prior to using or committing delegated authority (including obtaining any advice to inform decision making such as human resources, legal and/or financial advice).
- 5.15. Line managers and/or cost centre owners are expected to:
 - a) monitor the exercise of delegations in their area.
 - b) take or recommend action where a delegate acts outside of their delegated authority or exercises that authority in a manner inconsistent with the policies and procedures of Te Pūkenga. Such conduct may be a breach of their employment agreement and may lead to disciplinary action. Any intentional breach may also lead to criminal charges.
- 5.16. Executive, Regional Executive Directors and the Senior Leadership Team are required to provide annual assurances that the policies of Te Pūkenga have been adhered to and financial controls exercised over the resources of the area for which they hold a budget. These assurances will form part of Te Pūkenga complying with its legislative compliance assurance requirements under the Public Finance Act 1989, or such other assurance as required by our external auditors.
- 5.17. The efficacy of register of standing delegations will be subject to monitoring by the Internal Audit Function in the Chief Executive's Office.

6. Ngā Haepapa | Responsibilities

Role	Responsibilities
Council	<ul style="list-style-type: none"> Remain responsible and accountable for the exercise of any delegated function or power May exercise a delegated power or function at any time Monitor the performance of their delegates Revoke any delegations granted at will
Committees of Council	Act in accordance with relevant Terms of Reference and within delegated authority set out in Part A of the Register of Standing Delegations
Chief Executive	<ul style="list-style-type: none"> Remain responsible and accountable for the exercise of any delegated function or power May exercise a delegated power or function at any time Monitor the performance of all delegates Revoke delegations at will
Kaimahi	Be aware of: <ul style="list-style-type: none"> Any functions and powers delegated to your role; The limits of your authority to act on behalf of Te Pūkenga; and The rules, policies and processes relevant to the exercise of your delegations

7. Ngā Tikanga | Definitions

Term	Definition
Committees	means such Committees as established by Council which, at the time of adopting this policy, include: Finance, Risk and Audit Committee, Wellbeing and Safety Committee, Appointment and Remuneration Committee
Executive	means the Deputy Chief Executives reporting directly to the Chief Executive, Chief Financial Officer, Chief Digital Officer, Chief People Officer and Chief of Staff
Kaimahi	employees of Te Pūkenga, including contracted staff and secondees providing services for Te Pūkenga, and those on fixed-term contracts
Regional Executive Directors	employees of Te Pūkenga who are appointed as a Regional Executive Director, Work Based Learning Director/Executive Director or Open Polytechnic Executive Director. For the avoidance of doubt, this also includes individuals appointed to the following roles: Interim Operations Lead, BCITO; Interim Operations Lead, SIT. All delegations are limited to the region/division for which their role has remit of responsibility

Senior Leadership Team	employees of Te Pūkenga who report into an Executive or to a Regional Executive Director as defined above
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8. Ngā Hononga ki Tuhinga kē | Links to Other Documents

<p>Ngā Kaupapa-Here e Hāngai ana Related policies</p> <p>Code of Conduct Conflicts of Interest Policy Koha Policy Procurement Policy Expenditure Policy</p>
<p>Ngā Tukanga me ngā Hātepe Processes, procedures</p> <p>Register of Standing Delegations Template Temporary Delegation Memo Template Interim Working Delegation Memo</p>
<p>Ture whai take Relevant legislation</p> <p>Education and Training Act 2020 Crown Entities Act 2004 Public Finance Act 1989</p>

Tāpirihanga Tahī | Appendix One – Ngā Take Mā te Kaunihera Anake | Matters Reserved for Council

Matter	Requirements
Governance	
Govern Te Pūkenga (including, without limitation, approval of the Statement of Intent and Statement of Performance Expectations)	<p>In accordance with the Education and Training Act 2020, the Crown Entities Act 2004 and all relevant legislation, having regard to the Investment Plan, the Charter and the long-term strategic direction set by Council</p> <p>Approval of Statement of Intent and Statement of Performance Expectations is subject to engaging with Council’s Advisory Committees in accordance with the requirements of the Education and Training Act 2020</p>
Approve the long-term strategic direction and Investment Plan of Te Pūkenga	<p>Engaging with Council’s Advisory Committees in accordance with the requirements of the Education and Training Act 2020</p> <p>Following interrogation and endorsement of the Finance, Risk and Audit Committee</p>
Approve the budget	Following interrogation and endorsement of the Finance, Risk and Audit Committee
Approve the Annual Report and quarterly report	Following interrogation and endorsement of the Finance, Risk and Audit Committee
Appoint / reappoint or remove the Chief Executive	On the recommendation of the Appointment and Remuneration Committee
Monitor and evaluate the Chief Executive’s performance	On the recommendation of the Appointment and Remuneration Committee and or any other feedback received from stakeholders
Set the parameters of delegated authority vested in the Chief Executive	
Recommend to the Minister that a member of Council be removed from office	
Determine Council’s annual work plan and all other matters necessary to support the business of Council	
Manage disclosures of interest from Council	In a manner that complies with the Education and Training Act 2020

Matter	Requirements
Appoint, alter, discharge and reconstitute committees of Council and delegate authority of Council to such committees.	In a manner consistent with the requirements of the Education and Training Act 2020 which requires Council engage with its Advisory Committees on matters relating to strategic direction
Attend to all matters required by Te Pūkenga as a shareholder under the Companies Act 1993 including the incorporation of any new subsidiary or controlled entity or the winding up of any existing entity.	Note: with authority delegated to the Appointment and Remuneration Committee in relation to the appointment of Directors to subsidiaries and Trustees to Trusts where Te Pūkenga has a power of appointment
Academic	
Establish an Academic Board and consider advice from the Academic Board (Te Poari Akoranga)	In accordance with the Education and Training Act 2020 (particularly section 324)
Grant (and rescind) qualifications and awards or delegate the manner in which qualifications and awards are to be granted.	Delegated to Te Poari Akoranga
Finance and Contracts	
<p>Approve any matter not within the delegated authority of the Chief Executive including approving any of the matters set out in section 282(4) of the Education and Training Act 2020 unless one of the exceptions set out section 282(5) applies. The matters set out in section 282(4) are as follows:</p> <ul style="list-style-type: none"> i. selling or otherwise disposing of property assets (land and buildings) or interests in property assets; or ii. mortgaging or otherwise charging assets or interests in assets; or iii. granting leases of land or buildings or parts of buildings; or iv. borrowing, issuing debentures or otherwise raising money 	<p>Must have regard to the thresholds determined by section 282(5) of the Education and Training Act 2020 which relates to the ability to:</p> <ul style="list-style-type: none"> v. sell or otherwise dispose of property assets (land and buildings) or interests in property assets; or vi. mortgage or otherwise charge assets or interests in assets; or vii. grant leases of land or buildings or parts of buildings where the relevant statutory thresholds are exceeded; or viii. borrow, issue debentures or otherwise raise money
Authorising capital expenditure and related contracts where the value of the expenditure exceeds \$5 million over the entire term of the proposed expenditure or contract.	Having regard to any recommendations from the Finance, Risk and Audit Committee
Approve the level of insurance coverage	Following the interrogation by and recommendation of the Finance, Risk and Audit Committee
Approve format of the common seal of Te Pūkenga	

Matter	Requirements
Subject to a valid Power of Attorney being issued by Council to a relevant delegated authority holder, execution of any deeds (which requires the signature of at least 2 members of Council)	