

# Te Pūkenga Operational Directive For ITP Business Divisions

**Effective Date: 1 January 2023<sup>1</sup>**

**Note: this document must be read in conjunction with the Grandparenting Policy and section 6 and Appendix 5 of the Interim Delegations Policy of Te Pūkenga**

## 1. Purpose

The purpose of this document is to provide direction to each ITP Business Division Lead and their executive team as to how Te Pūkenga intends each Business Division to operate within Te Pūkenga. This operational directive may be revoked, replaced or amended as Te Pūkenga advances towards finalizing the design and implementation of the overall organisational structure of Te Pūkenga.

## 2. Key Operational Requirements

- 2.1. **Business Division:** Dissolution of the ITP Subsidiaries predated the full implementation of the organisational structure. The transition of the operations of each ITP Subsidiary into Te Pūkenga is based on a 'business as usual' approach in the short term. The activities of the former entity are carried out within separate Business Divisions of Te Pūkenga. Consolidation of Te Pūkenga activities will take place later as part of the wider organisational restructure of Te Pūkenga.
- 2.2. **Management:** As of close of the date of dissolution of each ITP Subsidiary, the Chief Executive role at the former subsidiary no longer exists. The Business Division Lead will perform this role with the support of Te Pūkenga management and Te Pūkenga Council and having regard to the Grandparenting Policy, this Operational Directive and the matters specified in Appendix 5 of the Interim Delegations Policy (with the process outlined in in paragraph 2.6 below).
- 2.3. **Interim Governance Framework:** In the context of the ITP Business Divisions, the interim governance framework consists of three pillars:
  - a) the matters specified in Appendix 5 of the Interim Delegations Policy (where the approval of the relevant holder of delegated authority / committee of Council (as identified in the Appendix 5) must be sought in relation to any Matter for Central Decision Making.
  - b) this Operational Directive; and

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<sup>1</sup>Amends the 1 October 2022 version to reflect the 1 January 2023 position of Te Pūkenga.

- c) Transitioning (Grandparenting) of Former Subsidiary Policy (**Grandparenting Policy**)
- 2.4. **No-harm:** Each Business Division must operate in a manner that ensures a no-harm approach to kaimahi/staff, Ākonga/learners, iwi partners and other stakeholders; pragmatic steps need to be taken to ensure existing operations continue as seamlessly and relationships are effectively managed and maintained as they were before dissolution and actively developed where possible.
- 2.5. **Taonga Māori Project:** Te Pūkenga has engaged specialists to assist in the development of a mātauranga Māori and taonga Māori Protection, Use and Benefit Mechanism. This legal mechanism, and the agreement and transition plan that gives effect to it for each Business Division, will be a foundational aspect for the protection of taonga identified during the Taonga Māori Project. Relevant teams in Te Pūkenga will continue to engage with each Business Division as part of this project. Any issues or queries relating to taonga Māori or any related matter that arise in the Business Division should be referred to the Chief Executive in the first instance.
- 2.6. **Delegations:** Until dissolution of a Business Division as a result of the full implementation of the new organisational structure, the operations of each former subsidiary will continue to operate under their pre-existing (pre-dissolution) delegation policies subject to the following:
- a) The **Matters for Central Decision Making** set out in the Appendix 5 to the Interim Delegations Policy. This replaces the requirements of the former Operational and Financial Parameters Direction, incorporates the expectation from the supplemental letter of expectations in relation to international agreements and provides further particulars of the matters that need to be referred to Te Pūkenga for central decision making.
  - b) The approval of the relevant holder of delegated authority / committee of Council (as identified in the Appendix 5) must be sought in relation to any Matter for Central Decision Making.
  - c) All contracts and agreements entered into by the Business Division from the date immediately following its dissolution date will be in the legal name of Te Pūkenga which is **Te Pūkenga – New Zealand Institute of Skills and Technology**. Until directed otherwise, the Business Division should use the trading name **Te Pūkenga trading as [trading name of ITP subsidiary]**.
  - d) Where pre-existing delegation policies refer to the ‘Board’ as the authority for approval, this should be read as requiring approval from Te Pūkenga Chief Executive where the matter is within their delegated authority or Te Pūkenga Council where Council approval is required (or a Committee of Council where Council has so delegated).
  - e) There is a strong principle of acting in good faith and no surprises. Where it is unclear where delegated approval rests for any matter, clarification should be sought from the Chief Executive of Te Pūkenga.
  - f) Management in the Business Division will have the delegated authority that they had immediately prior to the dissolution subject to paragraphs 2.7 to 2.17 below. Matters that were formerly within the delegated authority of the Chief Executive of the ITP Subsidiary will vest in the Business Division Lead subject to the terms of this Operational Directive and the Interim Delegations Policy.
- 2.7. **Policies and Regulatory Frameworks:** please refer to the Transitioning (Grandparenting) of Former Subsidiary Policy for direction on the appropriate policies and procedures to adopt in the Business

Division. In summary, this provides that if a national policy has not been applied by Te Pūkenga in relation to a particular matter, the pre-existing policy applied by the former ITP subsidiary should continue to apply.

- 2.8. **Procurement and Contracts:** Until Te Pūkenga adopts a national procurement policy, each Business Division will continue to apply the procurement policy that applied immediately prior to dissolution. However, in so applying, each Business Division is asked to:
- a) consider whether the service / goods being contracted for is one for which there is an All of Government contract (noting that entry into any new All of Government agreements is a Matter for Central Decision Making);
  - b) have regard to the All of Government agreements that Te Pūkenga is a party to (list to be maintained by Te Pūkenga Procurement);
  - c) test the procurement option against the All of Government framework where Te Pūkenga is not already a party;
  - d) consider whether the nature of the services / goods being acquired is such that there is an opportunity for syndicated purchasing across the Business Divisions and Te Pūkenga leveraging off its size to create efficiency. Any such opportunity should be referred to Te Pūkenga Procurement after receiving approval from the relevant Business Division Lead.
- 2.9. **OIA:** Approval of the Chief Executive of Te Pūkenga (or a delegate) must be sought in relation to the disclosure or non-disclosure of information under the Official Information Act 1982. Reference should be had to Te Pūkenga Official Information Act policy. The Chief Executive may delegate authority to the Business Division Lead for an OIA request to be managed wholly within the relevant Business Division. In making this determination regard will be had to whether the risk of non-compliance with the OIA could result in an adverse impact to the reputation or standing of Te Pūkenga. Non-compliance would include: a material misstatement, omission of information that was required to be disclosed, or disclosure of information for which there were grounds to withhold. Notice of all OIA requests must be made to the Chief Executive Office via the [OIA@tepukenga.ac.nz](mailto:OIA@tepukenga.ac.nz) email address.
- 2.10. **Media:** Any questions from media that could have adverse implications for Te Pūkenga, or which require a national approach to be taken in response, should be directed to Te Pūkenga Communications and a collaborative approach taken in crafting the response. This is to ensure consistency in messaging.
- 2.11. **Consistency with Charter and Letter of Expectations:** Te Pūkenga must give effect to its Charter. All parts of the Charter are relevant and need to be considered in the decisions of the Business Division together with any strategic direction set by Te Pūkenga in relation to particular matters (for example, activity in the international market) and with regard to the Letter of Expectations issued by the Minister to Te Pūkenga in 2020 and any subsequent Letter of Expectations.
- 2.12. **Recruitment:** Subject to paragraph (p) of the Matters for Central Decision Making in Appendix 5 to the Interim Delegations Policy, all recruitment by a Business Division must be approved by the relevant Business Division Lead.
- 2.13. **Wellbeing and Safety:** The wellbeing and safety obligations of the Business Division will be managed by the Business Division management team in the first instance. In line with the expected

behaviours set out below, relevant information will be shared with the Chief Executive of Te Pūkenga to ensure that the wellbeing and safety of kaimahi, ākongā, visitors to our workplaces and people affected by our work activities are at the centre.

2.14. **Pastoral Care Code:** Te Pūkenga is developing an implementation plan for national application of the Code. This will be shared with the Business Division leads and their respective teams in early 2023, if not prior. In the meantime, each Business Division will continue to apply the Code in accordance with its former policies and procedures, leveraging off best practice from other Business Divisions where possible.

2.15. **Risk:** For the purpose of the risk management framework of Te Pūkenga, each Business Division will be required to prepare a risk report for its Business Division in accordance with Te Pūkenga Risk Management Framework. The Business Division will report risk through Protecht, which aligns to the Risk Framework. The level of financial, reputational and other risk that is associated with the decision, or type of decision, the appetite for risk, and who is best placed to identify and manage different types of risk is a matter for the Business Division Lead to consider with support from Te Pūkenga Risk team and the Risk Champion within the Business Division.

2.16. **Privacy:** The Business Division will apply Te Pūkenga Privacy Policy. The Privacy Officer of the former subsidiary shall become the Privacy Lead for the Business Division and will address privacy matters that arise within the Business Division in the first instance. However, any matter that is:

- not routine (including any data breach);
- is likely to become contentious;
- that requires determination of policy/procedure;
- that may broadly affect organisational approach, operational activity or procedures; or required to be addressed by or escalated to Te Pūkenga Privacy Officer under Te Pūkenga Privacy Policy

must be discussed and confirmed by the Privacy Officer for Te Pūkenga prior to any particular course of action being taken (including any notification to the Privacy Commissioner). The contact details for the Privacy Officer are kept current on Te Pūkenga website. All breaches of the Privacy Act must be reported to the Privacy Officer to ensure the Privacy Breach Register is updated ([privacy@tepukenga.ac.nz](mailto:privacy@tepukenga.ac.nz)).

2.17. **Trusts and Subsidiaries within the Te Pūkenga network:** Where a former ITP subsidiary had a subsidiary company, or where the former subsidiary was associated with one or more charitable trusts (or a charitable incorporated society), regard has been had to the governing documentation for the company or trust. Where the Board of the former ITP subsidiary had the power to appoint a director or trustee, this power now vests in Te Pūkenga Council (who has delegated authority to the Appointment and Remuneration Committee). Any appointments of new directors or trustees must be referred to Te Pūkenga legal team before being submitted to the Appointment and Remuneration Committee.

### 3. Key Academic Requirements

#### 3.1. Conferring of Qualifications:

- a) **Graduation Ceremonies:** The operations of each former ITP subsidiary have their own practice and traditions in relation to graduations. In broad terms, general practice for graduation ceremonies has been for the Chief Executive to award qualifications below degree level and the Chair of the Board to award qualifications of degree level and above. To accommodate the continuation of this practice, all references to the Chief Executive in any documentation that relates to graduation ceremonies in a Business Division should be read as references to the Business Division Lead. References to the Chair of the Board (or Council) should be read as references to the Chair of the Council of Te Pūkenga or his delegate. From an operational perspective, it is expected that significant advance notice of graduation dates will be given to ensure that where the Chair of Council can attend, he has ample notice. Where he is not in a position to attend, he will appoint a delegate to attend in his place.
- b) **Signing of qualifications:** where the awards statute of a Business Division assigns the Chief Executive as signatory, the signature of the Chief Executive of Te Pūkenga will be applied.

3.2. **Regulatory Frameworks and Unification:** Te Kawa Maiororo is the Educational Regulatory Framework of Te Pūkenga. This sets out the overarching regulations that apply to learning and delivery across all business divisions of Te Pūkenga from 1 January 2023 (except learners that commenced courses in 2022 where those continue into 2023, in which case the existing academic regulatory framework will continue to apply).

3.3. The current iteration of Te Kawa Maiororo is appropriate to where Te Pūkenga is at in our transformation journey. A grandparenting policy has been adopted to support Te Pūkenga business divisions throughout the transition. This applies to all policies and procedures of a former Te Pūkenga subsidiary and provides that they will continue to apply until there is a national regulation or policy in place that supersedes it. Te Kawa Maiororo is a national governing educational regulatory framework. That means that all business divisions are required to follow it. However, where a specific situation is not addressed within the national framework, the relevant business division policy or process will apply.

3.4. Similarly, the dissolution of an ITP subsidiary will not affect the delivery of courses that a learner is already participating in. Programmes that have already commenced will continue to be delivered until their conclusion and it is acknowledged that 'teach out' may occur over a number of years. Learners who have enrolled in programmes that are affected by programme unification will be notified of that and given opportunity to consider whether they wish to participate in the unified programme.

### 4. Review of Operational Directive

The efficacy of this Operational Directive is a matter that will be kept under review by a working group of Business Division Leads. Any identified issues will be raised with the Deputy Chief Executive Ako Delivery and the Deputy Chief Executive Academic Centre and Learning Systems . If an amendment to the Operational Directive is required, a recommendation to this effect will be made to the Risk and Audit Committee, which has delegated authority from Council to make amendments.