



## **SCHEDULE OF DELEGATIONS**

<b>Approved by:</b> Board of Trustees	<b>Date effective:</b> Feb 2018
<b>Contact:</b> BOT Chairman	<b>Review date:</b> Feb 2019
<b>Group:</b> Board of Trustees	<b>Reviewed by:</b> Board of Trustees

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This Policy was approved and adopted by the Nelson College Board of Trustees at its meeting held on 8 February 2018 and became effective from that date.

### **Introduction**

1. This Schedule of delegations (the Schedule) was approved by the Board of Trustees (the Board) of Nelson College (the School) at its meeting on 8 February 2018 and became effective at this date. The Schedule sets out those responsibilities that can only be exercised by the Board, the responsibilities delegated to the Headmaster and those responsibilities that the Headmaster can delegate to specified staff positions.
2. The purpose of the Schedule is to ensure that the effectiveness of the governance and management of the School is maintained, to provide an agreed basis by which the School's executive management can exercise its responsibilities, and to enable the responsibilities delegated to be monitored. It is the Board's expectation that delegations made will be properly exercised and the persons who hold such delegations will be held accountable. If these principles are observed then the Board can be certain its responsibilities in terms of the Education Act 1989, the Crown Entities Act 2004 and the Financial Reporting Act 1993 will have been properly fulfilled.
3. If persons who exercise responsibilities on behalf of the Board have any doubts or concerns in the execution of a specific action the expectation is that they will check with the person or group who made the delegation in the first place. The intention of this expectation is that should doubt arise in the exercise of a delegated responsibility it is preferable to verify the bona fides of the intended action rather than make an error of judgement and be held accountable for this.
4. This Schedule does not in itself provide the right to executive management and staff to exercise the responsibilities delegated. The right to exercise these responsibilities must be set out in a Memorandum of Delegations which sets out the delegations and is signed by the parties involved.
5. The Headmaster shall ensure that a copy of each memorandum is safely retained and shall be made available to the Board, the School's Auditors and Officers of any Court hearing a case related to the School's finances.

### **Approval**

1. This Schedule was unanimously agreed by the Board and approved as a policy document at its meeting held on 8 February 2018.

2. When the Board approved this Schedule it agreed that no variations of this Schedule or amendments to it can be made except by the majority approval of those Trustees present at the Board meeting.
3. As part of its approval the Board requires the Headmaster to make available this Schedule to all staff and for a copy to be included in the School Policy Folder (copies of which shall be available to all staff). The Board requests that the Headmaster arrange for all new staff to be made familiar with this Policy and other policies approved by the Board.

#### **DELEGATIONS RETAINED BY THE BOARD**

1. The Board retains for itself and does not delegate to any executive management or staff position the following responsibilities:
  - a. Approval of all operating, capital, cashflow and property maintenance budgets and amendments to these budgets, which are outside of the Board of Trustees Financial Governance parameters;
  - b. Commitment of any unbudgeted operating expenditure for any invoice in excess of \$5,000;
  - c. The commitment or purchase of capital expenditure greater than \$20,000 or, if unbudgeted capital expenditure, \$5,000;
  - d. Approval of Board of Trustees Financial Governance parameters.
  - e. The appointment of any permanent staff and the salary and terms of conditions of positions of 4MU or higher including the Headmaster.
  - f. The disposal of fixed assets with a cost price in excess of \$20,000;
  - g. The transfer of money between any Board cheque account and term deposit for a period longer than 12 months and any investment or deposit outside of a major trading bank (ANZ, Westpac, BNZ, ASB, Rabobank and Kiwibank).
  - h. Once the Headmaster has completed an enquiry into a possible breach of discipline – in the event the issues under investigation are not resolved informally by discussion or the Headmaster is of the view that the matter should proceed to the Board, then the Headmaster may initiate formal disciplinary procedures by forwarding relevant documents to the Board for this purpose. The Board will form, by written resolution, a disciplinary committee to conduct the formal disciplinary procedures and determine the outcome. The Headmaster will be a permanent member of this Committee.
  - i. The termination of employment of any paid employee who is a direct report to the Headmaster.
  - j. Approval of all cheque signatories.

- k. Signing applications for special grants for additional buildings, agreements to build via the Ministry of Education's local office.
- l. Formal communication and agreements with the Minister of Education and any other Minister of the Crown or Member of Parliament.
- m. Responses to the Secretary of Education or any other permanent head of a Government department which was initiated by a report, written communication, request for information or required declaration received from such persons and addressed to the Board or Board Chairperson. The initiation of any legal actions and any communications in relation to these actions
- n. Approval by Board resolution of any formal or legal agreement which is in the name of the School and must involve the Board.
- o. Establish a standing committee for Student Discipline which will be composed of all elected Board of Trustee members. All elected BOT members will be members of this standing committee and the quorum at any meeting or hearing will be a minimum of two elected members.

*Note: These responsibilities are in addition to those specified in Acts and regulations by which the Board is bound.*

**BOARD DELEGATIONS TO THE HEADMASTER – WHO IN TURN MAY DELEGATE TO MEMBERS OF THE SENIOR LEADERSHIP TEAM** (any delegation of authority to a senior leadership team member needs to be for a specific role, specific timeframe and requires the signature of both the Headmaster and the senior leadership team member, according to the format set out below:

1. The Board delegates to the Headmaster the responsibilities listed below:
  - a. The day to day curriculum and resource management of the college and the achievement of the Government's key achievement areas and requirements as specified in official educational policy documents.
  - b. The implementation of any other requirements specified by Act of Parliament, the Secretary of Education, any other permanent Head of a Government Department and for individual and collective employment contracts.
  - c. Development and implementation of the Board of Trustees Financial Governance parameters.
  - d. Determination of annual CAPEX Schedule and ordering fixed assets for which the capital expenditure has the prior approval of the Board.
  - e. Performance management including disciplinary action excluding dismissal of staff.

- f. Undertaking any initial enquiry into a possible breach of discipline. In the event the issues under investigation are not resolved informally by discussion or the Headmaster is of the view that the matter should proceed to the Board, then the Headmaster may initiate formal disciplinary procedures by forwarding relevant documents to the Board for this purpose.
- g. Suspending any employee during an enquiry or following receipt of a complaint, if satisfied that the welfare and interests of any student attending the school or any employee at the school or a criminal act has been alleged and is being or to be investigated and the presence of the employee would prejudice such an enquiry.
- h. Upon completion by the Deputy Headmaster of an evaluation report regarding competency procedures in relation to teaching staff in accordance with the Secondary Teachers' Collective Employment Agreement (STCA) a recommendation will then be provided by the Headmaster to the Board for any decision as set out in Clause 3.3.5(e).
- i. Appointment of all staff, permanent, relieving and casual, provided such appointment is below a 4MU level.
- j. Mandatory report to the Education Council.
- k. Grant and/or require the following in relation to leave:
  - (i) Medical certificate for an absence on sick leave in excess of 5 days
  - (ii) Discretionary paid leave not exceeding 5 days
- l. Applying for funds, sponsorship or other monies up to the value of \$20,000
- m. Approval of any order for goods and services up to the value of \$5,000 that was not provided for in a Board approved budget. Transfers to less than 12 month deposits from cheque accounts, with those deposits being with major trading banks. Ordering fixed assets for which the capital expenditure has the prior approval of the Board or if unbudgeted, no more than \$5,000;
- n. Signature of any formal or legal agreement which is in the name of the School and has been approved by Board written resolution.
- o. Communication with parents, officials, representatives of education organisations and other firms and organisations with whom the Headmaster deals with as part of their curriculum and resource management responsibilities; and
- p. Delegation in writing to specified staff positions of responsibilities according to the format set out below.

**Notes:**

These responsibilities complement those responsibilities and achievements specified in the Headmaster's annual performance agreement with the Board.

During any absence of the Headmaster from the College for more than 5 days these delegations shall be exercised by the Acting Headmaster with the separate and prior approval of the Board Chairperson. In such an absence the Acting Headmaster shall sign a copy of this Schedule.

I have read and understood this Schedule of Delegations. I accept responsibility for the proper execution of the delegations assigned to me as Headmaster and I will exercise these in terms of the requirements set out in the Board's Schedule of Delegations.

Signed by:

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...Gary Declan O'Shea..... (full name)

...Headmaster..... (name of position)

Dated: 8th..... day of .....February..... 2018

**Headmaster's Delegations to Specified Persons – Finance Manager**

With the Board's delegation to me as Headmaster and with the Board's approval for me to delegate to a specified staff position I delegate to the position of Finance Manager the following responsibilities:

- a. Fixed Asset disposal with a cost price less than \$1,000, in consultation with the Head of Department;
- b. The transfer of money between the Board of Trustee cheque account and term deposit accounts for a period less than 12 months, requiring two Board of Trustee approved signatories (including the Finance Manager).

I accept responsibility for the proper execution of the delegations assigned to me as Finance Manager and I will exercise these in terms of the requirements set out in the Board's Schedule of Delegations. I acknowledge that I cannot further delegate those powers delegated to me by the Headmaster.

Signed by:

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Brett Mochan..... (full name)

Finance Manager..... (name of position)

Dated: ...8th..... day of .....February..... 2018

**Headmaster’s Delegations to Specified Persons – Deputy Headmaster**

With the Board’s delegation to me as Headmaster and with the Board’s approval for me to delegate to a specified staff position I delegate to the position of Deputy Headmaster the following responsibilities:

- (a) Competency procedures in relation to teaching staff in accordance with the Secondary Teachers’ Collective Employment Agreement (STCA) through to completion of the evaluation report as set out in Clause 3.3.5(d) of the STCA. The report and recommendation will then be provided to the Headmaster who will pass a final recommendation on to the Board for any decision as set out in Clause 3.3.5(e).

I accept responsibility for the proper execution of the delegations assigned to me as Deputy Headmaster and I will exercise these in terms of the requirements set out in the Board’s Schedule of Delegations. I acknowledge that I cannot further delegate those powers delegated to me by the Headmaster.

Signed by:

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Timothy Tucker..... (full name)

Deputy Headmaster..... (name of position)

Dated: ...8th..... day of .....February..... 2018