

# Transitioning (Grandparenting) Former Subsidiary and Business Division Policies

## Audience and scope

This Policy applies to those seeking to rely on the policies of a Former Te Pūkenga Subsidiary (including academic policies, student regulations and statutes).

This policy provides that a Former Policy of a Former Te Pūkenga Subsidiary will generally continue to apply to the ongoing operations and activities of the Former Te Pūkenga Subsidiary unless there is an applicable National Policy.

Over the course of 2023, the organisational structure of certain functions of Te Pūkenga will be implemented and ‘go live’ before national policies and procedures have been adopted to support those functions at a regional / national level. This policy is extended to apply to those circumstances.

## Approval details

Version number	3	Issue date	21 March 2023
Approval authority	Te Pūkenga Council	Date of approval	21 March 2023 by the Chief Executive under delegated authority from Council dated 12 December 2022
Procedure sponsor (has authority to make minor amendments)	Director Legal	Procedure owner	Chief Executive
Contact person	Kara Hiron	Date of next review	1 June 2023

## Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1	1 June 2022	Sinead Hart	Initial version
2	1 January 2023	Sinead Hart	Updated to reflect structure as on 1 January 2023
3	21 March 2023	Sinead Hart	To confirm the policies and procedures that apply as Te Pūkenga commences implementing the new structure before the national / regional suite of policies and procedures are in place.

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## Transitioning (Grandparenting) Former Subsidiary Policies

### 1. Purpose

1.1. The purpose of this Policy is to bridge any gaps in the policy framework that arise between:

- a) the date a Te Pūkenga Subsidiary is dissolved and the date Te Pūkenga approves and adopts an applicable National Policy; and
- b) the date the organisational structure for a function of Te Pūkenga is implemented and the date Te Pūkenga approved and adopts a National Policy and / or Regional Procedures or directives that support the operations of that function.

1.2. National Policies are being designed to support the functions and processes of the new organisational structure of Te Pūkenga. Subsidiaries have been dissolved and functions in the new organisational structure of Te Pūkenga are being implemented before this work is complete. It is necessary to bridge the gaps to minimise operational, financial and other risk or disruption to continuing operations, activities and matters in the periods identified in paragraph 1.1.

### 2. Principles

- 2.1. A Former Te Pūkenga Subsidiary will apply the policies and procedures that applied to its operations and activities prior to dissolution until Te Pūkenga adopts an applicable National Policy.
- 2.2. Regional roles that are appointed in the roll out of functions of Te Pūkenga over 2023 will have oversight over the operations of 3 or more Former Te Pūkenga Subsidiaries (i.e. Business Divisions) in the context of the relevant function. Such roles will be required to have regard to the relevant policies and procedures of the Business Division that apply under this Grandparenting Policy until such time as Te Pūkenga has standardised the procedures that apply across the region and the applicable National policies.
- 2.3. The National Te Pūkenga policies are published on *Te Whare* (or subsequent intranet site) and must be followed by all Employees, ākonga and visitors to Te Pūkenga premises (where applicable)<sup>1</sup>.
- 2.4. Where Te Pūkenga does not have a National Policy to address a matter that:
  - a) has arisen within the operations or activities of a Former Te Pūkenga Subsidiary (or in the case of Te Pūkenga Work Based Learning Limited, the former business division of Te Pūkenga Work Based Learning Limited); and

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<sup>1</sup> Where kaimahi do not have access to Te Whare across all business divisions, Te Pūkenga will provide the business divisions with copies of the National Policies for uploading onto the business divisions webpage and ensure that the business division are informed of any amendments or additions.

- b) the Former Te Pūkenga Subsidiary (or in the case of Te Pūkenga Work Based Learning Limited, the former business division of Te Pūkenga Work Based Learning Limited) had a Former Policy to address such a matter which continues to be applied by the now Business Division,

then, subject to paragraph 2.6, regard should be had to the Former Policy in the context of that matter. This position applies in relation to all academic policies, student regulations and statutes of a Former Te Pūkenga Subsidiary which will continue to apply until a unified national set of documents is approved and adopted by Te Pūkenga for national application (it being noted that there may still be some grandparenting for an interim period in relation to academic matters to address any teach out obligations).

- 2.5. The general position is that the Former Delegations Policy of a Former Te Pūkenga Subsidiary (or in the case of Te Pūkenga Work Based Learning Limited, the former business division of Te Pūkenga Work Based Learning Limited) is applied immediately following the dissolution of a Te Pūkenga Subsidiary but subject to the requirements of the Interim Delegations Policy of Te Pūkenga (or replacement) and any Operational Directive applicable to the relevant business division.
- 2.6. Where a Former Te Pūkenga Subsidiary does not have a policy in relation to a particular matter but there is a Te Pūkenga policy (although not adopted as a National Policy) then the Former Te Pūkenga Subsidiary should refer to that Te Pūkenga policy for guidance.
- 2.7. Where a gap in the policy framework of Te Pūkenga is identified, it should be notified to [policies@tepukenza.ac.nz](mailto:policies@tepukenza.ac.nz)
- 2.8. This policy will be revoked when Te Pūkenga has a complete policy framework that supports the new organisational structure or at such other time as Te Pūkenga Council considers appropriate.
- 2.9. Where there is any conflict or inconsistency between any Te Pūkenga National Policy and a Former Policy, then the Former Policy will be disregarded to the extent of that inconsistency. Clarification as to next steps where an inconsistency is identified should be sought via the [policies@tepukenza.ac.nz](mailto:policies@tepukenza.ac.nz) email portal.

### 3. Responsibilities

Role	Responsibilities
<b>Employee</b>	Refer to Te Whare / webpage list of National Policies in the first instance. Where this is no National Policy, the Former Policy will apply.

### 4. Definitions

Term	Means
<b>Inventory of National Policies</b>	National Policies referred that are specified at the location described at paragraph 2.2, as updated or amended from time to time.

<b>Employee</b>	employees of Te Pūkenga, kaimahi, secondees, volunteer workers and people gaining work experience.
<b>Former Delegations Policy</b>	a document of a Te Pūkenga Subsidiary that applied to it immediately prior to it becoming a Former Te Pūkenga Subsidiary, which described the extent and limits of any authority of kaimahi to legally bind the entity.
<b>Former Policy</b>	a policy of a Te Pūkenga Subsidiary that applied to it (or to any part of the Te Pūkenga Subsidiary’s business, for example, a business division of Te Pūkenga Work Based Learning Limited) immediately prior to it becoming a Former Te Pūkenga Subsidiary.
<b>Former Te Pūkenga Subsidiary</b>	a Te Pūkenga Subsidiary that is dissolved in accordance with the provisions of the Education and Training Act 2020.
<b>Gap in the Policy Framework</b>	a policy that Te Pūkenga considers is required but that hasn’t been approved by Te Pūkenga.
<b>Grandparenting</b>	an exemption allowing a Former Te Pūkenga Subsidiary to temporarily continue to use a Former Policy until the implementation of National Policies.
<b>National Policy or National Policies</b>	any policy or policies that are specified within the Inventory of National Policies or that are widely communicated to be categorised as a “National Policy” and that must be applied by Te Pūkenga, either to the exclusion of or in precedence of any Former Policy, as specified within this policy.
<b>Te Pūkenga Subsidiary</b>	Either a Te Pūkenga – New Zealand Institute of Skills and Technology subsidiary as defined at Schedule 14, paragraph 1 of the Education and Training Act 2020 or Te Pūkenga Work Based Learning Limited.
<b>Te Whare</b>	Te Pūkenga staff intranet (or its successor)
<b>Tier 2 Te Pūkenga executive member</b>	Te Pūkenga roles that report directly to the Chief Executive.

## 5. Inventory of National Policies as on 31 December 2022

**The following policies apply nationally:**

- Official Information Policy
- Privacy Policy
- Protected Disclosures (Whistleblowing) Policy
- Interim Delegations Policy
- Diversity, Equity and Inclusion (Equal Employment Opportunities) Policy
- Recruitment Policy
- Remuneration Policy
- Treasury (Group) Policy
- Expenditure Policy
- Fraud and Corruption Policy

**The following procedures apply nationally:**

- Privacy Procedure
- Risk Management Framework
- Protected Disclosures (Whistleblowing) Procedure
- Document Development Framework