

Te Pūkenga Operational Directive For WBL Business Divisions

Effective Date: 1 January 2023

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 WBL Business Division Lead and their executive team as to how Te Pūkenga intends each Business Division to operate within Te Pūkenga following the dissolution of Te Pūkenga Work Based Learning Limited (WBL). This operational directive may be revoked, replaced or amended as Te Pūkenga advances towards finalising the design and implementation of the overall organisation structure of Te Pūkenga.

2. Key Operational Requirements

- 2.1. **Business Division:** Dissolution of WBL is occurring parallel to the organisation structure of Te Pūkenga starting to be implemented. However, the transition of the operations of each Business Division of WBL into Te Pūkenga is based on a 'business as usual' approach in the short term. The activities of each former Business Division of WBL will be 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 WBL:
 - a) the Chief Executive role at WBL no longer exists. Instead, the former Chief Executive of WBL will be referred to as the WBL Business Divisions Managing Director;
 - b) the Business Division Directors will continue as Business Division leads with the title of Business Division Executive Director of Te Pūkenga;
 - c) the former WBL Executive team will report to the relevant Te Pūkenga ELT member but with a dotted line to the WBL Business Divisions Managing Director.

Te Pūkenga management and Te Pūkenga Council will support the performance of the above roles (having regard to the interim governance framework that applies) from dissolution of WBL until staff are mapped from the business division structure into the new organisational structure.

2.3. **Interim Governance Framework:** In the context of the WBL 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
- c) Transitioning (Grandparenting) of Former Subsidiary Policy (**Grandparenting Policy**)

2.4. **Delegations:** Until dissolution of Te Pūkenga Business Divisions as a result of the full implementation of organisational structure, the operations of each former Business Division of WBL will continue to operate having regard to the following tier of delegations:

- a) **WBL Delegations Policy:** pursuant to the Grandparenting Policy, the WBL Delegations Policy that applied immediately prior to dissolution will continue to apply subject to:
 - i. references to the Operational and Financial Parameters Direction being read as references to the Matters for Central Decision Making referred to at 2.3.a) above;
 - ii. all references to a member of the WBL Executive Team (such as the CFO) being read as references to the former WBL members who now have a dotted line to the WBL Business Divisions Managing Director. The WBL CFO will be read as the finance executive who is the lead finance business partner to the WBL Business Divisions Managing Director, and the role will retain the same delegations as immediately prior to dissolution;
 - iii. any funds held by a WBL Business Division which are classified as a “**Cash Reserve**” or a “**Ring-Fenced Amount**” under the terms of a transfer agreement that was entered into by the former WBL as part of the TITO Transition Project must only be accessed in accordance with the process set out in the relevant transfer agreement.
- b) **WBL Business Divisions:** the WBL Business Division Leads will each retain the same delegated authority as under the WBL Delegations Policy and under their pre-existing (pre- dissolution) delegation policies.
- 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 business division]**.

- 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 sodelegated).
 - 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 the terms of this Operational Directive and the Interim Delegations Policy.
- 2.5. **No-harm:** Each Business Division must operate in a manner that ensures a no-harm approach to kaimahi/staff, Ākonga/learners, employers, iwi partners and other stakeholders; pragmatic steps need to be taken to ensure existing operations continue seamlessly and relationships are effectively managed and maintained as they were before dissolution and actively developed where possible.
- 2.6. **Policies and Regulatory Frameworks:** please refer to the Grandparenting 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 WBL Business Division should continue to apply.
- 2.7. **TEC Funding:** Following dissolution of WBL, Te Pūkenga will be the “provider” for the purpose of meeting TEC Funding Conditions for all funding received by business divisions. Until consistent national policies and a compliance framework is developed for the network in relation to such matters, Business Division Leads will be responsible for ensuring their division policies and compliance procedures remain adequate and under review to ensure the use of Government funds meets the Tertiary Education Commission conditions.
- 2.8. **Pastoral Care Code:** Te Pūkenga is developing an implementation plan for national application of the Code which will include learners within WBL Business Divisions. This will be shared with the Business Division leads and their respective teams in 2023.
- 2.9. **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.

2.10. **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 email address.

2.11. **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.

2.12. **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.

2.13. **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.

2.14. **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,

ākonga, visitors to our workplaces and people affected by our work activities are at the centre.

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. It is acknowledged that risk is being reported in the ITP business divisions through Protecht. Currently within WBL, the business divisions report risk to the WBL risk champion who consolidates the reporting and submits a single return to Te Pūkenga which aligns to the Risk Framework. This process will continue in the interim with support provided by the central Risk function at Te Pūkenga. 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:** Each Business Division will apply Te Pūkenga Privacy Policy. The Privacy Lead of the former WBL Business Division shall remain the Privacy Lead for the Business Division in Te Pūkenga 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).

2. Engagement with Learners

- 2.1. **Regulatory Frameworks and Unification:** Following the dissolution of WBL, the tripartite agreement between employers, WBL business divisions and trainees / apprentices will be assumed by Te Pūkenga and so the same enrolment terms that applied to a learner prior to dissolution will continue to apply immediately thereafter.
- 2.2. Te Kawa Maiooro 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. From 1 January 2023, Te Pūkenga Educational Regulatory Framework (Te Kawa Maiooro) will apply to all learners of Te Pūkenga, including those trainees / apprentices enrolled in a WBL Business Division. However, WBL Business Divisions should note that Te Kawa Maiooro expressly provides that should there be an inconsistency between the tripartite training agreement with their learners and Te Kawa Maiooro, the training agreement will prevail.¹
- 2.3. As soon as possible after 1 January 2023, each WBL Business Division is directed to update its tripartite agreement to incorporate by reference Te Pūkenga Educational Regulatory Framework (Te Kawa Maiooro) for all apprentices / trainees who enrol from 1 January 2023, with it being noted that Te Kawa Maiooro applies only as between the learner and Te Pūkenga and does not affect the substance of what it is agreed with the employer.

3. Review of Operational Directive

The efficacy of this Operational Directive is a matter that will be kept under review. Any identified issues should be raised with the WBL Business Divisions Managing Director who will elevate matters as appropriate. 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.

¹ Refer paragraph 1.3(1) [Te Kawa Maiooro | Educational Regulatory Framework](#)