

# Transitioning (Grandparenting) Former Subsidiary 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.

## Approval details

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Approval authority	Te Pūkenga Council	Date of approval	9 May 2022
Procedure sponsor (has authority to make minor amendments)	Director Legal and Risk	Procedure owner	Chief Executive
Contact person	Sinead Hart	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

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## Transitioning (Grandparenting) Former Subsidiary Policies

### 1. Purpose

The purpose of this Policy is to bridge any gaps in the policy framework that arise between the date a Te Pūkenga Subsidiary is dissolved and the date Te Pūkenga approves and adopts an applicable National Policy. National Policies are being designed to support the functions and processes of the Operating Model across Te Pūkenga. Subsidiaries may be dissolved before this work is complete. Bridging these gaps will minimise operational, financial and other risk or disruption to continuing operations, activities and matters of a former Te Pūkenga Subsidiary in the period following dissolution.

### 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. 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>.
- 2.3. 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; and
  - b) the Former Te Pūkenga Subsidiary had a Former Policy to address such a matter,then, subject to paragraph 2.5, 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).
- 2.4. The general position is that the Former Delegations Policy of a Former Te Pūkenga Subsidiary must not be applied. Immediately following the dissolution of a Te Pūkenga Subsidiary, the Delegations Policy of Te Pūkenga (as communicated to a Former Subsidiary) must be applied.
- 2.5. In the context of early movers, it is accepted that the delegations policy of the Former Subsidiary may be applied where the Chief Executive of Te Pūkenga authorises this in writing. Any application of the delegations policy of the Former Subsidiary is subject to adjustments to reflect the change in legal status of the operations. This will be communicated to the early mover via an Operational Directive approved by Council.

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<sup>1</sup> As early movers staff may not have access to Te Whare from the dissolution date, Te Pūkenga will provide the business divisions in advance with copies of the National Policies for uploading onto the business divisions webpage and ensure that the business division is informed of any amendments or additions.

- 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 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@tepukenga.ac.nz](mailto:policies@tepukenga.ac.nz)
- 2.8. This policy will be revoked when Te Pūkenga has a complete policy framework that supports the Operating Model 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 of a Former Te Pūkenga Subsidiary, 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@tepukenga.ac.nz](mailto:policies@tepukenga.ac.nz) email portal.

### 3. Responsibilities

Role	Responsibilities
Employee	Refer to Te Whare Inventory 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 to at section 5 of this policy and/or 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, contractors, volunteer workers and people gaining work experience.
<b>Former Delegations Policy</b>	a document of a Te Pūkenga Subsidiary that had 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 had applied to it 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>Operating Model</b>	the model describing how Te Pūkenga will operate, including what Te Pūkenga will do and how the organisation will be organised to deliver on its vision, the intent of the Reform of Vocational Education (RoVE) and the Charter, as approved by Te Pūkenga Council.
<b>Te Pūkenga Subsidiary</b>	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.
<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 May 2022

<p><b>The following policies apply nationally:</b></p> <ul style="list-style-type: none"> <li>• Official Information Policy</li> <li>• Privacy Policy</li> <li>• Whistleblowing Policy – effective 1 July 2022</li> </ul> <p><b>The following procedures apply nationally:</b></p> <ul style="list-style-type: none"> <li>• Privacy Procedure</li> <li>• Risk Management Framework</li> </ul>
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