

Governance support resources

Board delegations

Board of trustee delegations are covered in under Clause 17 of Schedule 6 of the Education Act 1989.

Delegations can only be given by way of board resolution and by written notice to the person or persons concerned detailing the nature of the delegation. It is recommended that boards keep a current delegations folder. Delegations remain in place until revoked by the board, unless a specific date of duration is specified. While delegations to committees can remain in place with changes of committee personnel, delegations to individuals should cease when that person leaves their position (unless the delegation is to the position rather than the individual). Examples would be a trustee or staff member resigning. If the delegation is continuing, new committee personnel, or an individual, should be given a copy of the current delegation. Although all trustees should be aware of current delegations there is no need to approve these on a yearly basis, however they can be revisited. This is a common misconception. Boards and delegates should retain written notice of a delegation while it remains in force.

Delegations may be given to the following:

- (a) a trustee or trustees
- (b) the principal or any other employee or employees, or office holder or office holders of the board
- (c) a committee consisting of at least two persons, at least one of whom must be a trustee
- (d) any other person or persons approved by the Minister
- (e) any class of persons comprised of any of the persons listed in paragraphs (a) to (d)

A board cannot delegate the general power of delegation. The delegate may only sub-delegate with the prior written consent of the board and within the same conditions outlined in the original written notice of delegation.

A board cannot delegate the power to borrow money.

The board can invite anyone to be a member of a committee, but disclosure of any financial interest (as outlined in section 103A of the Education Act 1989) is a condition of appointment to a committee of the board.

Board quorum and the use of delegations

A board must have a quorum before it can conduct business. A quorum is more than half the trustees presently holding office.

On occasion a meeting quorum may be destroyed by one or more trustees declaring a conflict of interest. We suggest before the trustee/trustees declaring the conflict leave the meeting, the board resolves to form a committee of the board with the delegated authority to complete the business under discussion. This would avoid having to set another meeting date to finalise the matter if it can be appropriately dealt with by the remaining trustees.

Where do I get advice?

For further advice please contact the governance Advisory and Support Centre 0800 782 435 (option 1) or govadvice@nzsta.org.nz