

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	20 December 2022 by the Chief Executive under delegated authority from Council dated 12 December 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
2	1 January 2023	Sinead Hart	Updated to reflect structure as on 1 January 2023

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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 new organisational structure of Te Pūkenga. Subsidiaries have been dissolved 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 of a former Te Pūkenga Subsidiary in the period from dissolution until the new organisational structure is fully implemented.

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)¹.
- 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 **Error! Reference source not found.**, 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 is applied immediately following the dissolution of a Te Pūkenga Subsidiary but subject to the requirements of the Interim Delegations Policy of Te Pūkenga and any Operational Directive applicable to the relevant business division.
- 2.5. 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.
- 2.6. Where a gap in the policy framework of Te Pūkenga is identified, it should be notified to policies@tepukenga.ac.nz

¹ 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.

2.7. 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.

2.8. 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@tepukenga.ac.nz email portal.

3. Responsibilities

Role	Responsibilities
Employee	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
Inventory of National Policies	National Policies that are specified at the location described at paragraph 2.2, as updated or amended from time to time.
Employee	employees of Te Pūkenga, kaimahi, secondees, volunteer workers and people gaining work experience.
Former Delegations Policy	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.
Former Policy	a policy of a Te Pūkenga Subsidiary that applied to it (or to any part of the Te Pūkenga Subsidiary's business) immediately prior to it becoming a Former Te Pūkenga Subsidiary.
Former Te Pūkenga Subsidiary	a Te Pūkenga Subsidiary that is dissolved in accordance with the provisions of the Education and Training Act 2020.
Gap in the Policy Framework	a policy that Te Pūkenga considers is required but that hasn't been approved by Te Pūkenga.
Grandparenting	an exemption allowing a Former Te Pūkenga Subsidiary to temporarily continue to use a Former Policy until the implementation of National Policies.
National Policy or National Policies	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.
Te Pūkenga Subsidiary	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.

Te Whare	Te Pūkenga staff intranet (or its successor)
Tier 2 Te Pūkenga executive member	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