Te Kōhanga Reo o Ngā Kuaka (Ngā Kuaka)

**Compliance Policy (NEW POLICY)**

# Purpose:

* 1. Te Kōhanga Reo o Ngā Kuaka (Ngā Kuaka) is committed to ensuring compliance with all legislative requirements relating to the operations and governance of the Ngā Kuaka, and to the Ngā Kuaka Annual Policy Workplan.
  2. The purpose of this policy is to affirm that commitment, and to ensure a positive compliance culture through adopting the highest standards of probity and accountability in all areas of operation.

# Policy:

* 1. An effective compliance system is fundamental to the achievement of Ngā Kuaka strategic goals. It is a prerequisite for financial sustainability, effective governance and an essential element in Ngā Kuaka overall workplan to manage risk.
  2. Ngā Kuaka will adopt a compliance regime, aligned with the principles described in AS/NZS3806:2006 Compliance Programmes, in order to foster a culture which supports effective compliance outcomes. The compliance regime will encompass the following principles:

a) **Commitment:** Whānau will act ethically and with integrity. Behaviours that create and support compliance will be encouraged and behaviours that compromise compliance will be unacceptable.

b) **Transparency:** Compliance related concerns, and opportunities for improvement, will be communicated to the relevant persons. Officers of the Society, Komiti Mahi, and Kaimahi will encourage proactive reporting of compliance concerns and take appropriate action to mitigate compliance risk and continually improve the compliance system.

c) **Capability and competency:** Ngā Kuaka will support staff to comply with all relevant compliance requirements associated to their role. Where a position has significant responsibility for compliance with legislation, or oversight thereof, this will be incorporated into the job description for that role, with performance and commitment to compliant outcomes monitored as part of the aromihi process.

d) **Positive action:** Ownership and accountability for compliance obligations and management of compliance risk is understood by Whānau, along with consequences for disregarding these compliance obligations.

* 1. Ngā Kuaka policies, associated procedures, guidelines and processes must reflect not only legislative compliance requirements, but also compliance requirements applicable in respect of mandatory or voluntary codes or sector standards.
  2. Appropriate due diligence must be undertaken to ensure that Ngā Kuaka standards and commitment to compliance is not compromised when entering into contract agreements and outsourcing arrangements with third parties.
  3. All Kaimahi, Officers of the Society and Komiti Mahi members have a responsibility to ensure that their activities, on behalf of Ngā Kuaka, comply with applicable law and any related Ngā Kuaka policies and procedures. Failure to meet this responsibility may lead to disciplinary action.

# Roles and responsibility

* 1. **Officers and Members of the Society (Whānau):** The Officers of the Society has all powers, under provisions of the Incorporated Societies Act 1908, and Amendments, reasonably necessary to enable it to perform its function efficiently and effectively. The Whānau may elect to appoint committees and to delegate such powers. Whānau has all powers under the Rules of Te Kōhanga Reo o Ngā Kuaka to elect Officers of the Society and Komiti Mahi members.
  2. **Komiti Mahi:** Komiti Mahi is responsible for approving the Compliance Policy (all policies), and overseeing the Ngā Kuaka compliance with laws and regulations, reporting obligations and Komiti approved regulations and policies. Komiti Mahi will set the tone and lead Ngā Kuaka in adopting a positive compliance culture by requiring the highest standards of probity and accountability from the operations of Ngā Kuaka.
  3. **Tumuaki:** The Tumuaki has substantial responsibility for the overall operations of Ngā Kuaka, and is responsible to the Tiatangata and Komiti Mahi for the management of Ngā Kuaka compliance obligations. The Tumuaki has responsibility for recommending for approval Ngā Kuaka Compliance Policy, ensuring that the policies and practices are responsive to changes in cultural, social, economic, and legal climate and reflect the shared aspirations of Whānau, and supports Ngā Kuaka strategic and operational goals. As the most senior kaiako of the organisation, the Tumuaki will oversee the application of ‘best practice’ standards in the service delivery arena ensuring that Kaimahi provide an excellent standard of service, and ensure that all monitoring and reporting on operational compliance are in accordance with key performance indicators for Ngā Kuaka.
  4. **Pou Manaaki:** The Pou Manaaki will actively demonstrate commitment to the compliance principles, and ensure the highest standards of probity and accountability from all Kaiako and have a duty to uphold and monitor compliance within each whare. The Pou Manaaki will support kaiako to report and/or escalate compliance concerns, issues, compliance failures and opportunities for improvement, supporting a positive compliance culture. The Pou Manaaki must ensure that all kaimahi receive adequate training and instruction to keep them up to date with their legislative obligations, and sufficient resources are committed to support kaiako in meeting all compliance obligations.
  5. **Kaiwhakahaere:** The Kaiwhakahaere is responsible for implementing the Annual Policy Workplan to ensure that all Whānau and kaimahi have open and transparent access to Ngā Kuaka policies, and have the opportunity to provide feedback and/or recommendations for change. All Whānau feedback/recommendations will be reported on to the Tumuaki in a timely manner.
  6. **All kaimahi:** Kaimahi have a responsibility to ensure that their activities, on behalf of Ngā Kuaka, comply with applicable law and any related Ngā Kuaka policies and procedures. They shall report and/or escalate compliance concerns, issues, compliance failures and opportunities for improvement.
  7. **Whānau:** have a responsibility to ensure that their activities and engagement while on the premises of Ngā Kuaka or in a voluntary capacity on behalf of Ngā Kuaka, comply with related Ngā Kuaka policies and procedures. They shall report and/or escalate compliance concerns, issues, compliance failures and opportunities for improvement.

# Definitions

* 1. **Compliance:** Adhering to the requirements of laws, industry and organisational standards and codes, principles of good governance and accepted Whānau and ethical standards.
  2. **Compliance Culture:** The values, ethics and beliefs that exist throughout an organisation and interact with the organisation’s structures and control systems to produce behavioural norms that is conducive to compliance outcomes.
  3. **Compliance Failure:** An act or omission whereby an organisation has not met its compliance obligations, processes or behavioural obligations.
  4. **Compliance Programme:** A series of activities that when combined are intended to achieve compliance.
  5. **Legislation:** Statutes enacted by the New Zealand Parliament and Statutory Regulations made pursuant to those Statutes and enforced by law.
  6. **Annual Policy Workplan:** The Employment Agreements, Policies, Procedures, Guidelines, and Codes of Practice of Ngā Kuaka, and approval timelines and processes.

# Audience

5.1 This policy applies to all members of Te Kōhanga Reo o Ngā Kuaka Society, including Komiti members, kaimahi, controlled entities, and all persons engaged in Ngā Kuaka business or activities.

# Relevant legislation

6.1 As detailed at [www.legislation.govt.nz](http://www.legislation.govt.nz)

# Legal compliance

7.1 Ngā Kuaka is obliged to comply with all New Zealand legislation.

# Related procedures / documents

8.1 All Ngā Kuaka Policies, procedures, guidelines and code of practice, as detailed at [www.ngakuaka.org/policies](http://www.ngakuaka.org/policies)