

## Governance in the New Zealand schooling system

### Scope

1. To support the Taskforce’s initial thinking, this paper focuses on the compulsory school and kura governance structures in the New Zealand schooling system. It provides an overview of current governance configurations, and also an overview of the suggestions that commentators have made regarding how governance could be configured in the future. Whole-of-system governance is out of scope.

### What does governance do?

#### *Defining governance*

2. Governance is relevant across the whole of society, not just in education. This section considers governance in terms of its broad definition in the literature. A Systems Thinking definition of governance is “seeing to it that the organisation achieves what it should and avoids unacceptable situations.”<sup>1</sup> Under this theory, governance is the beginning of a systemic pattern of accountability in an organisation.
3. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) defines governance as referring to “structures or processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment and broad-based participation.”<sup>2</sup>
4. Governance is often defined by considering what it is not. In particular, it’s useful to be clear about the boundaries between governance and management. The boundaries are not clear cut and may vary with context. At a high level, governance can be defined as strategic and management as operational.

Table 1 – Governance vs management.<sup>3</sup>

Governance	Management
<ul style="list-style-type: none"> <li>• Set strategic vision and direction and formulate high-level goals and policies.</li> <li>• Direct and oversee management and organisational performance to ensure that the organisation is:                             <ul style="list-style-type: none"> <li>○ working in the best interests of the stakeholders achieving the desired outcomes</li> <li>○ acting efficiently, effectively, ethically and legally.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Run the organisation in line with the broad goals and direction set by the governing body.</li> <li>• Implement the decisions within the context of the mission and strategic vision.</li> <li>• Make operational decisions and policies, keep the governance bodies informed.</li> </ul>

#### *Differing models of governance*

##### *Governance from a Te Ao Māori worldview*

<sup>1</sup> Sommers, K., and Radwan, S. (2011) *Effective Governance Using the Systems Thinking Approach*. San Diego: Hanes Centre for Strategic Management.

<sup>2</sup> ‘Education: Concept of Governance.’ Retrieved from <http://www.unesco.org/new/en/education/themes/strengthening-education-systems/quality-framework/technical-notes/concept-of-governance/>. Accessed on May 28 2018.

<sup>3</sup> Table adapted from <http://www.unesco.org/new/en/education/themes/strengthening-education-systems/quality-framework/technical-notes/concept-of-governance/>.

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5. Māori governance models often involve collective responsibility and decision making. This has been described as the “whānau governance model”.
6. Te Puni Kōkiri provides information on governance in Māori organisations, mostly targeted to entities formed following, or as part of, a Treaty of Waitangi settlement.<sup>4</sup> They state that in Māori organisations the objectives of governance may take into account the way in which Māori relate to the assets and what they are used for. In some instances, although an organisation operates commercially, commercial objectives may be balanced with the need to safeguard assets for future generations.
7. Tikanga principles are often put into practice in the board of a Māori organisation alongside general governance principles, with many Māori organisations explicitly driven by tikanga, kawa and values that take account of the aspirations of whanau, hapu and iwi. There may be a Māori dimension in procedure, such as the use of Te Reo, mihi, karakia, koha, manaakitanga, whanaungatanga, consensus decision-making and regular consultation hui.

### *Governance and Pacific values*

8. Pacific values that have implications for governance include a consensus approach to decision making, and respect for elders, authority and status.<sup>5</sup> The diversity within New Zealand’s Pacific population is vast and a large proportion of Pacific peoples in New Zealand have more than one ethnicity<sup>6</sup>. This can have implications for the representation of Pacific communities on boards. Different Pacific ethnic groups have different approaches to governance, for example, Samoa has the matai system.<sup>7</sup>

### *Public sector management*

9. The State Services Commissioner’s role is to provide leadership and oversight of the State Services. The State Services Commission has outlined three themes in the application of New Public Management (NPM) principles which are: (1) an emphasis on public sector values and ethics; (2) strengthening the centre of government and (3) application of the principles of good corporate governance to State Services. Corporate governance is identified as operating on the following key principles:
  - a) Clear distinction between governance and management;
  - b) Clear objectives in place;
  - c) Specific performance objectives;
  - d) Accountability; and
  - e) Transparency.<sup>8</sup>

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<sup>4</sup> ‘What is governance.’ *Te Puni Kōkiri*. Retrieved from <https://www.tpk.govt.nz/en/whakamahia/effective-governance/what-is-governance>.

<sup>5</sup> Effective governance: Supporting Pasifika success’. *Ministry of Education*. 2013. Retrieved from <http://www.nzsta.org.nz/media/192052/supportingpasifikasuccess-1.pdf>.

<sup>6</sup> ‘Contemporary Pacific Status Report.’ *Ministry for Pacific Peoples*. 2016. Retrieved from <http://www.mpp.govt.nz/assets/Uploads/Contemporary-Report-Web.pdf>.

<sup>7</sup> ‘Matai: A Complicated System of Chiefs.’ *One Samoana*. 2010. Retrieved from <http://1samoana.com/matai-a-complicated-system-of-chiefs>.

<sup>8</sup> ‘Post-NPM Themes in Public Sector Governance.’ *State Services Commission*. 2003. Retrieved from [http://www.ssc.govt.nz/upload/downloadable\\_files/Post-NPM\\_Themes\\_In\\_Public\\_Sector\\_Governance.pdf](http://www.ssc.govt.nz/upload/downloadable_files/Post-NPM_Themes_In_Public_Sector_Governance.pdf).

*Stakeholder vs skills based governance models*

10. Two useful models of governance to consider are the stakeholder model and the skills-based model. The stakeholder model focuses on the range of stakeholders being involved and represented. This model defines governance as strategic leadership of institutions by individuals who are representative of, and from, the groups that have an interest in them. According to the skills-based model, governance membership is based on the expertise of individuals and not their personal interest in the institution.<sup>9</sup>

## **Governance in education**

### ***1989 – The Tomorrow’s Schools reforms***

11. A key component of the Tomorrow’s Schools reforms was the establishment of boards of trustees as the school governance structure. Prior to the 1989 reforms, primary and secondary school governance had evolved separately. The Department of Education supervised primary schools through boards of education. Secondary schools had boards of governors made up of parents, appointees of the local boards of education and community representatives. As secondary school education became more common, these boards generally surrendered much of their independence to the Department in return for financial and other support.
12. The Tomorrow’s Schools reforms set each school as the ‘basic unit’ of education administration. The overall policy control was shifted to sit with a board of trustees and the principal became responsible for implementing the board’s policies.
13. In response to the Picot report’s finding of consumer dissatisfaction in the education system, one of the central aims of the Tomorrow’s Schools reforms was to empower communities and parents to run their schools. The primary mechanism for this was through boards of trustees. Parents could nominate and elect board members who would be responsible for governing that school or kura. Board elections would be held every three years (with an optional additional mid-term election) and parents could choose not to vote for existing members at the next election if they were unhappy with how the school was being governed.
14. Boards were to be responsible for the broad policy objectives and the effective and efficient running of schools. Boards would be expected to be responsive to their communities within national guidelines set by the Ministry of Education (the Ministry).
15. A school charter would provide a platform for communities, parents, staff and the principal to set the overall direction for a school – within national guidelines. It would also reflect the knowledge, skills, attitudes, and values of the institution, and the standards to be achieved within the national guidelines. The charter of each school would be approved by the Minister on the recommendation of the Ministry and the charter would then provide a contract between the state and the institution, and between the institution and the community.
16. Where the Crown owned education property, responsibility for maintenance and capital works would be split between the Board and a property unit from the Ministry. The board would be able to hire administrative services as required. Education Service Centres were set up to provide full administrative services for boards if required, but became unviable.

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<sup>9</sup> An Analysis of the Stakeholder Model of Public Boards and the Case of School Governing Bodies in England and Wales. Connolly, Michael; Farrell, Catherine; James, Christopher. Educational Management Administration & Leadership, v45 n1 p5-19 Jan 2017

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17. Boards became the legal employers of staff, and would appoint the principal and approve appointments of teaching staff on the recommendation of the principal. All funding would come to institutions as a bulk grant. The bulk grant would have two main components – teaching salaries and operational activities – and each was based on its own separated funding formula. Final responsibility for funding allocation would lie with boards.
18. There are elements of the Tomorrow's Schools reforms that do not still exist today. Alongside the Board of Trustees mechanism, the *Tomorrow's Schools* reforms included the Parent Advocacy Council as another mechanism to enable parent influence in school governance. The Parent Advocacy Council, empowered through section 49 of the Education Act 1989, was intended to be a forum for parents to raise and address issues. It was abolished in 1991 because it was considered that many of the functions could be fulfilled by other agencies such as the Ombudsman and Human Rights Commission.
19. The Tomorrow's Schools reforms also included the establishment of Community Education Forums. These were intended to be informal and advisory forums, set up on the initiative of the community, and a route through which communities could express their views. These did not prove widely popular with communities and families and the community and partnership forum that was supposed to emanate from the forums was subsumed by a dynamic of competition between schools. Fewer than half a dozen forums were convened.
20. The intention of Tomorrow's Schools reforms aligns with the stakeholder model (outlined above). School governance in some other jurisdictions subscribe more strongly to the skills based model. For example, England has shifted to a skills-based model in recent years, largely driven by the significant increase in the number of schools that are academies and are directly accountable to central government.<sup>10</sup>
21. Underpinning the Tomorrow's Schools reforms was an assumption that a school is, and should be, a physical structure at one location.

### ***The current situation***

22. The New Zealand School Trustees Association (NZSTA) has defined governance in schooling as focusing on what the institution wants to achieve (ends), and management as how to get there (means).

### **Role of a Board**

23. Boards of Trustees as the basic unit of governance, as implemented through the *Tomorrow's Schools* reforms, remains intact today. Boards of Trustees are responsible for strategic management, school self-review, and employment of staff, appraisal of the school principal, and developing and implementing the local curriculum.
24. The Education Act (Clause 4 of Schedule 6) states that a board is the governing body of its school, and is responsible for the governance of the school, including setting the policies by which the school is to be controlled and managed. The Act sets out the school's principal as the board's chief executive in relation to the school's control and management and as a member of the board itself.

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<sup>10</sup> An Analysis of the Stakeholder Model of Public Boards and the Case of School Governing Bodies in England and Wales. Connolly, Michael; Farrell, Catherine; James, Christopher. Educational Management Administration & Leadership, v45 n1 p5-19 Jan 2017.

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25. Boards are still expected to operate within national frameworks. The Education Act sets out the board's objectives in governing schools. They include ensuring a physically and emotionally safe place, and an inclusive environment.
26. The National Education Guidelines were issued in 1993 and introduced national educational goals and national administration guidelines.
27. We are currently in a time of transition in terms of national frameworks. In recent years the Education Act has been updated with resulting implications for board responsibilities:
- The Act enables the Government to set a statement of National Education and Learning Priorities (NELP) for early learning and schooling. The NELP replaces the National Education Guidelines.
  - The Act updated the planning and reporting framework. From 1 January 2020 Boards of Trustees must develop a strategic plan in consultation with the school community every four years; this will replace school charters. The plan must reflect the NELP and must plan for different groups of learners, including those not progressing as expected or at risk of underachievement.
  - The update further clarifies boards of trustees' roles and responsibilities, particularly by further focusing the board's work on raising student achievement. This includes a more explicit obligation on boards to act consistently with the principles of the Treaty of Waitangi.
  - The update also introduced a more graduated range of interventions so that schools can get quicker and more tailored support when they need it.
28. The update to the Act introduced a set of enduring objectives for early childhood and compulsory education. The Act enables the Minister to issue a statement of National Education and Learning Priorities for the early childhood and compulsory education sectors which must be consistent with the enduring objectives.
- Helping each child and young person attain educational achievement to the best of their potential.
  - Promoting the development of:
    - resilience, determination, confidence and creative and critical thinking;
    - good social skills and the ability to form good relationships;
    - participation in community life and fulfilment of civic and social responsibilities;
    - preparedness for work.
  - Instilling an appreciation of the importance of:
    - the inclusion within society of different groups and persons with different personal characteristics;
    - the diversity of society;
    - cultural knowledge, identity and the different official languages;
    - the Treaty of Waitangi and te reo Māori.
29. The objectives were developed out of the most common themes that emerged from the consultation on updating the Act in late 2015. They also draw on the goals and purposes set out in the national curricula but do not replace the national curricula.

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### Board Constitution

30. As at 1 December 2017 there were 19,125 people serving on boards of trustees in New Zealand.<sup>11</sup>
31. Section 94 of the Act gives the following requirements for the constitution of boards of schools:
- (1) Subject to sections 94A, 94B, 95(1), and 100, the board of a State school shall comprise—
    - (a) no more than 7 and no fewer than 3 parent representatives; and
    - (b) the principal of the school or, in the case of a combined board, the principal or principals of the schools administered by the board; and
    - (c) except where the principal is the only member of the school staff, 1 staff representative; and
    - (d) a number (determined by the board) of trustees either—
      - a. co-opted by the board; or
      - b. appointed by bodies corporate approved by the board for the purpose; and
    - (e) in the case of a board that administers any State integrated school, not more than 4 trustees appointed by the school's proprietors; and
    - (f) in the case of a board that administers a school where students are enrolled full-time in classes above form 3, 1 student representative.
  - (2) Notwithstanding subsection (1), but subject to section 95(1), except to the extent that a board has decided otherwise, it shall have—
    - (a) 6 parent representatives, in the case of a board that administers more than 2 schools; and
    - (b) 5 parent representatives, in every other case.
32. There are some non-standard school governance options also available for boards. These are as follows:
- a) Alternative constitutions. This option gives flexibility where the standard constitution is not the most effective governance structure for a school. The Minister can approve an alternative constitution if they believe it is in the school's best interests. A request may be triggered by the parent community, recommendations from the Education Review Office (ERO) or a request from the board. New provisions that took effect on 19 May 2017 also allow the Minister of Education to require a new board to have an alternative constitution, when the boards of four or more schools have been combined. There are examples of alternative constitutions be used to provide a more representative and culturally appropriate model of governance in some schools.<sup>12</sup>
  - b) Combined boards of trustees. Boards of two or more schools may combine. Boards must consult with their parent communities and the Minister must agree. A combined board may have an alternative constitution. There are currently 13 combined boards involving 26 schools.

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<sup>11</sup> 'Boards of Trustees.' *Education Counts*. [http://www.educationcounts.govt.nz/statistics/schooling/board\\_of\\_trustees/](http://www.educationcounts.govt.nz/statistics/schooling/board_of_trustees/).

<sup>12</sup> For example the alternative constitution for the Board of Trustees for Te Wainui a Rua School, details at <https://www.gazette.govt.nz/notice/id/2014-go1520>. Another example is the alternative constitution for the Board of Trustees of Te Wharekura o Mauao, details at <https://www.gazette.govt.nz/notice/id/2013-go3333>.

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- c) Co-option of trustees is a mechanism that can be used to address concerns around either representation or expertise and experience in management. In 2017 there were 68 co-opted chairpersons, and 1,138 co-opted members of boards.<sup>13</sup>

33. Governance for schools with unique characteristics has some distinct features:

- a) Trustees on the board at state-integrated schools have special responsibilities related to protecting the special character of their school. The proprietor determines the special character. The board can have up to four proprietor's representatives.
- b) Designated character schools define their special character through a notice in the Education Gazette. It's also reflected in the schools charter, and boards need to consider how they foster the special character through the learning programmes and ethos of their schools.
- c) Governance of Kura Kaupapa Māori schools is typically undertaken by predominantly Māori boards with strong elements of Māori governance dynamics. The role of the board of Te Kura Kaupapa Māori is to ensure that the kura acts in accordance with the principles of Te Marautanga o Aotearoa, the national curriculum framework.
- d) The composition of the boards of special institutions are determined by the Minister by notice in the Gazette.<sup>14</sup>

### **Board composition**

#### **The Role of the Principal**

- 34. Primarily, the board governs the school or kura, providing general direction and control of the school, while the principal – as the school's chief executive – manages school operations.
- 35. The board depends on the principal to provide much of the information it requires to be fully informed of all important matters relevant to the management of the school.
- 36. The board may delegate some of its authority to the principal. The principal then has complete discretion to manage the day-to-day administration as he/she thinks fit, so long as it complies with the board's general policy decisions. In turn, the principal may delegate some of that authority to other members of staff.
- 37. The principal is ultimately an employee of the board, as well as being a member of it. The board is expected to hold the principal accountable for effective performance as the board's chief executive and professional adviser, and the school's educational leader.
- 38. The board cannot delegate its ultimate accountability for the school's performance. It remains responsible for all the decisions it makes and those made by others on its behalf.

#### **Communities of Learning | Kāhui Ako**

- 39. Communities of Learning | Kāhui Ako were introduced in 2014 to enable schools and education providers to work collaboratively to raise the progress and achievement of children and young people across their full learning pathway.

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<sup>13</sup> This information is compiled from self-reported returns sent to the Ministry by Boards of Trustees.

<sup>14</sup> As per section 95 of the Education Act 1989.

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Participation in a Kāhui Ako is voluntary. As at May 2018, there were 214 Kāhui Ako involving 612,325 children and young people and 1,760 schools and kura, 529 early learning services and 11 tertiary providers.

40. Once Kāhui Ako agree to form they seek approval from the Minister of Education (enabling them to appoint a Kāhui Ako Leader and access expert partners as well as inquiry time). Kāhui Ako work together to analyse their shared evidence and data on student progress and achievement to identify their community's achievement challenge, which are approved by the Secretary of Education. As Communities of Learning are not legal entities and do not have a legally binding governance structure, resource entitlements enabled by Kāhui Ako membership are paid to each individual school in that Community of Learning directly, through their individual staffing entitlements and operations grants.
41. To enable greater collaboration *the Education (Update) Amendment Act 2017* introduced the ability for Community of Learning to be formally approved by the Minister of Education for the purposes of entering into a statutory agreement with the Secretary for Education. Entering into a statutory agreement is voluntary, and provides Kāhui Ako a legally binding structure to undertake different types collaboration if they choose to.
42. Boards of Trustees are integral to the functioning of the Community of Learning. The board of each school:
  - Needs to agree to their school's involvement in a particular Kāhui Ako.
  - Must decide who will represent the board on the Community Steering Group/Oversight group.
  - Influences and monitors the strategic development and progress of the Kāhui Ako, ensuring that it aligns with the vision and future focused development of their school.
  - Ensures ongoing consultation and communication with their school community about the Kāhui Ako.
  - Approves the applications and appointments of staff from their school for leadership roles within the Kāhui Ako.
43. The intent of Kāhui Ako was primarily to enable the teaching profession to work together collaboratively to lift teaching and leadership, and create new career pathways. While the school remains the primary unit of interaction between the Ministry and other education agencies, Kāhui Ako undertake some of the tasks performed by the "middle or intermediary layer".
44. Specific middle layer functions Kāhui Ako perform, as identified by McKinsey & Company in sustaining high performing education systems, are encouraging inter-school collaboration and to some extent providing targeted support to schools (through shared external PLD and PLD as part of teachers day-to-day practice), buffering community resistance to change, and to a lesser extent facilitating communication between schools and the centre.

### **Governance as a lever**

45. Effective governance is integral to the ability of an institution to achieve its objectives. A well governed system has the power to reduce disparities and improve outcomes for those who are typically disadvantaged (Schmold 2011).<sup>15</sup>

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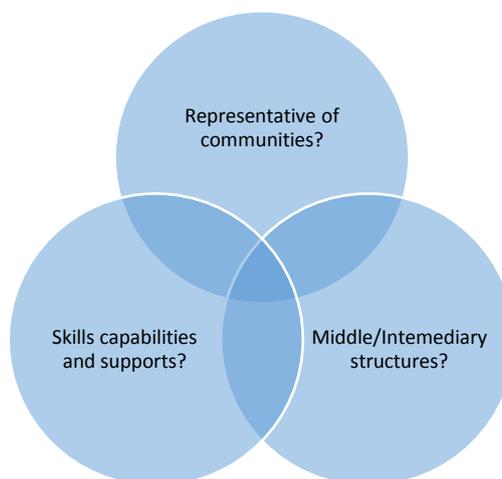
<sup>15</sup> Schmold, S. (2011). 'Ensuring First Nations, Métis and Inuit Student Success: Leadership through Governance.' *Alberta School Boards Association*. Retrieved from [http://www.asba.ab.ca/wp-content/uploads/2014/07/inuit\\_success\\_report.pdf](http://www.asba.ab.ca/wp-content/uploads/2014/07/inuit_success_report.pdf).

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46. In many instances of an institution needing external support or intervention, this can be traced to or was caused by a failure of governance.
47. The statutory interventions framework is set out in part 7A of the Education Act 1989 as the mechanism for intervening at the governance level of a school or kura. The Ministry also provides more informal support to schools and kura.
48. If there is reasonable grounds for concern or to believe there is risk to the operational, welfare or educational performance of a school or kura, the Minister or Ministry may apply specific statutory interventions at the governance level.
49. Statutory interventions vary in the level of support and intervention provided and range from the board retaining its powers but being required to provide specific information, to engaging specialist help, to a Limited Statutory Manager taking control of specific governance powers and duties, to the board being dissolved and replaced with a Commissioner. The recent update to the Act has introduced a more graduated range of interventions.
50. Withheld under section (9)(f)(IV) of the Official Information Act 1982.

### Identified possible challenges and solutions

51. Possible challenges and issues that have been identified through various evidence, research and academic analysis are as follows:
  - 1) Could boards of trustees be more representative of their communities?
  - 2) Could school governance have better skills, capabilities and supports?
  - 3) Should there be a middle or intermediary layer between schools and government in the schooling system?
52. These possible challenges and issues are interlinked, as the below diagram represents:



### Question 1) Could Boards of Trustees be more representative of their communities?

53. The Education Act (Section 99 (1) (a)) stipulates that it is desirable, so far as it is reasonably practicable, that every board should reflect the ethnic, socio-economic and gender diversity of the student body of the school or institution. It should also reflect the character of the institution it administers and the community it serves. Once elected trustees are required to govern on behalf of the whole community, not just represent the people who voted them in to office. Despite this, questions

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have been posed as to the extent that boards are incentivised to serve the majority, rather than the entire community.

54. The intention of the *Tomorrow's Schools* reform was that boards would represent the voice of their communities. Since the reform, however, there has been concern that they are not always representative. Boards sometimes lack diversity and fair representation of the local population, including balanced ethnicity, gender, socio-economic status, disability and LGBTQIA+ representation. Boards consist of a relatively small number of individuals, making it challenging for them to be fully representative of the multiple facets of a community.
55. Concerns have also been raised that boards are not representative enough in terms of their student populations with disabilities and additional learning needs. Submitters on the Education (Update) Amendment Act 2017 wanted to see a representative from the disability sector on schools boards to help to achieve this.
56. In 2017, the number of Māori parent representatives on the board fairly reflected the Māori student numbers in four out of every 10 schools.<sup>16</sup> Fair Māori representation was more common in secondary schools (52.6%) than in composite schools (50.9%) or primary schools (39.2%). For those schools where there should be Māori representation on the board in order for it to be representative, decile 1 schools were the most likely to have fair representation (52.2%).
57. Four out of 10 boards fairly reflect Pacific representation. Fair Pacific representation was more common in secondary schools (48.8%) than in primary schools (41.1%). For those schools where there should be Pacific representation on the board for it to be representative, decile 9 schools were the most likely to have fair representation (66.7%).
58. The 2009-2012 Pasifika Education Plan (PEP) set a target of the proportion of Pacific Trustees on a school board being at least the same as the proportion of Pacific students at a school. The 2013-2017 PEP Implementation Plan included an action led by NZSTA around professional development support for Pacific trustees.
59. In some schools, the expectation for fair representation (based on the number of students and the number of available board positions) is one Māori or one Pacific representative. It may still be challenging for a single voice to be heard even when there is fair representation.
60. Submitters to the 2014 Select Committee inquiry into engaging parents in the education of their children raised concerns that board members may not be able to represent their communities effectively because of work commitments, transport issues and lack of access to electronic information. In some cases, these factors can lead to the board membership being less representative.
61. The current election processes may tend to create structural limits to fair representation on boards. The voting process (first-past-the-post) may also impact on board diversity. When a particular representative is only one voice on a 7-8 member board, it may also be challenging to have meaningful influence. The question of whether the governance model typically used by boards may also disenfranchise certain groups has also been raised.
62. Boards are able to use the mechanisms of co-option to alleviate distortions caused by the election process, including a lack of diversity. There are also instances of

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<sup>16</sup> 'Māori parent representation on the boards of trustees.' *Education Counts*. 2018. Retrieved from <http://www.educationcounts.govt.nz/statistics/indicators/main/quality-education-provider/2015>.

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alternative constitutions (which must be approved by the Minister of Education) providing a more representative model of governance for a particular community.

### *Remuneration*

63. Questions have been posed around whether trustees should be remunerated, and whether this is a barrier to people taking on the role and therefore affecting the representativeness of boards. Boards have the right to decide how much their members are paid. Currently, most boards pay trustees \$55 and the chair \$75 per meeting. This amount has remained stable in recent years. This is tax-free up to \$605 per annum for trustees and \$825 for the chair (presiding trustee). The 2015 NZCER secondary schools survey showed that 18 percent of trustees would like more remuneration for their role.<sup>17</sup>

### **Question 2) Do Board of Trustee members have the right skills, capabilities and supports?**

64. The NZSTA trustee election website states that “trustees are active leaders in their schools and need a balance of skills and experiences. They need to work well in a team, be able to put plans in place for the school's future, ask challenging questions and have good communication skills. It helps to have an understanding of financial matters and the education sector, and experience in managing people”. This requires the knowledge, confidence and skills to navigate and meet their strategic leadership, fiscal and legal responsibilities.

65. Boards must also govern on behalf of the entire community. In this sense, boards need to achieve a balance between skills and stakeholder perspectives.

66. Boards also need to be aware of, and have the knowledge and skills to meet, their responsibilities to create a safe and inclusive environment that caters for all children and young people.<sup>18</sup>

67. Some boards face challenges in securing sufficient numbers of trustees. If a board has equal or fewer candidates than positions available an election is not held. In 2016 42% of triennial elections did not go to a voting election (meaning they did not have more candidates stand than positions available).

68. Trustees are volunteers and may undertake full-time employment in addition to their board duties. This may limit their availability and capacity to take up professional development opportunities to develop their skills and capabilities.

### *Cultural capability*

69. Boards need the right skills, capabilities and supports to create culturally responsive and responsible environments. The entire board is responsible for outcomes for Māori learners (and all learners generally). If Māori parents feel disenfranchised by the election process, it is possible they may lack confidence in the ability of the board to engage them.

70. NZSTA and the Ministry of Education have developed Hautū, a tool for boards of trustees to self-review their Maori cultural responsiveness. This tool applies a traditional concept to school governance.

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<sup>17</sup> Wylie, C. & Bonne, L. (2016) 'Secondary schools in 2015.' *New Zealand Council for Educational Research*. [http://www.nzcer.org.nz/system/files/NZCER%20Secondary%20Survey%202015\\_%20Full%20report\\_0.pdf](http://www.nzcer.org.nz/system/files/NZCER%20Secondary%20Survey%202015_%20Full%20report_0.pdf)

<sup>18</sup> 'Education (Update) Amendment Bill: Revised Report to the Education and Science Committee.' *Ministry of Education*. 2017. Retrieved from [https://www.parliament.nz/resource/en-NZ/51SCES\\_ADV\\_00DBHOH\\_BILL69778\\_1\\_A548390/6ab633561cfec3252a81cf620538c1d4904932ec](https://www.parliament.nz/resource/en-NZ/51SCES_ADV_00DBHOH_BILL69778_1_A548390/6ab633561cfec3252a81cf620538c1d4904932ec).

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71. The Ministry of Education has published information providing approaches for building Board of Trustee Pacific cultural capacity.<sup>19</sup>

### *Support available for Boards*

72. NZSTA has a contract with the Ministry to deliver a fully integrated range of services free to all boards to support and enhance boards' capability in governance and employment.

73. ERO is responsible for evaluating and reporting on the education and care of students in schools and early childhood services. ERO reports are used by parents, teachers, early childhood education managers, school principals and trustees, and by government policy makers. ERO provides information to support trustees to fulfil their role. They also have undertaken evaluations focused on the board's role.

74. In 2012, the Organisation for Economic Co-operation and Development (OECD) suggested that more training and development is provided to board members to support them to use information effectively to carry out evaluation and school self-review, and to optimise opportunities to improve.<sup>20</sup> They observed that boards are highly variable in their preparedness and capacity to fulfil their planning, reporting and self-review role. Many trustees have no background or expertise in data analysis and/or education. Since this review the Ministry has invested in further board training through NZSTA.

### *Primary and intermediate schools - governance experiences*

75. The 2016 New Zealand Centre for Educational Research (NZCER) national survey of primary and intermediate schools found that there was an association between school decile and identified needs for more board experience and skills. Low decile schools were more likely to identify needs relating to strategic planning and finance (41%), the employer role (35%), links with local iwi or hapū (28%), Pacific networks (21%), and leadership (14%). Trustees in low decile schools were most interested in having more support from parents and whānau.<sup>21</sup>

### *Secondary schools – governance experiences*

76. The 2015 NZCER national secondary schools survey found that there were decile-related differences in trustee experiences and views. The proportion of trustees with a tertiary degree was higher in high decile schools. Differences in experience, skills and capabilities were also related to location. Metropolitan trustees had more business board experience. For urban areas, prior experience was 31%, compared with 15% in small cities and in towns.

77. The 2015 NZCER secondary schools survey showed that some trustees would like to change the following things about their role, relating to skills, capabilities and supports:

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<sup>19</sup> 'Effective governance – Supporting Pasifika success.' *Ministry of Education*. 2013.

<http://www.nzsta.org.nz/media/192052/supportingpasifikasuccess-1.pdf>.

<sup>20</sup> Nusche, D., Laveault, D., MacBeath, J. & Santiago, P. (2012) 'OECD Reviews of Evaluation and Assessment in Education – New Zealand.'

<sup>21</sup> Stevens, E. & Wylie, C. (2017). 'The work of school boards- trustees' perspectives.' *New Zealand Council for Educational Research*. Retrieved from [http://www.nzcer.org.nz/system/files/National%20Survey\\_Trustees-report%202017.pdf](http://www.nzcer.org.nz/system/files/National%20Survey_Trustees-report%202017.pdf).

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- 35% of trustees reported that they would like to improve their knowledge or training.
- 23% said they wanted more guidance on how to use achievement data to inform board decision making.
- 22% wanted more support and advice from independent education experts.
- 19% wanted more support/advice from the Ministry.
- 5% wanted more support and advice from NZSTA.<sup>22</sup>

78. Low decile schools were the most interested in changes, with 63% wanting to improve their knowledge and training. Rural trustees also showed more interest in this (50%).

### **Question 3) Should there be intermediary structures between schools and government in the schooling system?**

79. Currently, the basic components of the New Zealand schooling structure are the education agencies,<sup>23</sup> 2,530 self-managing schools and the recently introduced Kāhui Ako. The level of devolution introduced by Tomorrow's Schools, and sustained within the system is unique when compared to education systems internationally. There is a growing body of literature that recognises the importance of autonomy balanced by the appropriate levels of support or intermediary structures that would sit between these components.

80. McKinsey and Company (2007) research explores what factors drive high-achieving school systems globally. They conclude that systemic gains have been attributed to:

- The way people in schools and across schools work together.
- The way an 'intermediary layer' navigates between national education system policy and local school leadership.
- The way the system grows its leaders.<sup>24</sup>

81. Wylie (2012) proposes a network of education authorities that sit between the Ministry and individual school boards. The authorities would focus on equitable access and educational success that reflect local dynamics. Wylie draws on evidence found in the McKinsey report to assert that, without middle layers providing support and challenge, and encouraging collaboration and sharing between schools, it would be difficult to have the integration needed to sustain system-wide improvement.

82. Vester (2016) proposes a middle layer that is broader in scope, with a cross-agency focus that links community, central and local government agencies together - working towards broader, place-based, socio-economic objectives.

83. Most jurisdictions comparable to New Zealand have a middle or intermediary layer. For example:

- Ontario has a middle layer comprised of school boards;

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<sup>22</sup> Wylie, C. & Bonne, L. (2016). 'Secondary schools in 2015.' *New Zealand Council for Educational Research*. Retrieved from [file:///C:/Users/WyattA/Downloads/NZCER%20Secondary%20Survey%202015%20Full%20report\\_0.pdf](file:///C:/Users/WyattA/Downloads/NZCER%20Secondary%20Survey%202015%20Full%20report_0.pdf).

<sup>23</sup> The Ministry of Education - Te Tāhuhu o Te Mātauranga, Education Council, Education New Zealand, Education Review Office (ERO) - Te Tari Arotake Mātauranga, New Zealand Qualifications Authority - Mana Tohu Mātauranga o Aotearoa, Careers New Zealand, and Education Review Office (ERO) - Te Tari Arotake Mātauranga.

<sup>24</sup> Barber, M. & Mourshed, M. (2007) 'How the world's best-performing school systems come out on top.' *McKinsey & Company*.

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- Singapore has a middle layer comprised of clusters; and
  - England has a middle layer comprised of local government authorities and boroughs.
84. The introduction of Kāhui Ako has been a system level step to embed collaborative practice to lift teaching and leadership practice in the New Zealand education system. Kāhui Ako can be seen to, or have the potential to, operate as an intermediary layer in the system. However, as membership to Kāhui Ako is voluntary and that they are not legal entities, the individual self-managing schools remains the core unit of governance and key point of contact between schools and the education system agencies. The role of collaboration and the intermediary layer will be discussed in more depth in subsequent papers.