

# Negs & Regs 1

**New NEGs on the Way ...? (You can count on it!)** NEGs (National Education Guidelines) are in effect REGS (regulations), and therein lies a fascinating contradiction which all boils down to a play on words. More on this soon. You don't need to be too bright to work out that as a consequence of the invocation of the Education Standards Act, with new requirements based on untested claims and assumptions about raising student achievement through the devices of mandatory annual planning, target setting and target reporting, the imminence of changed NEGs is a certainty. The only matter of uncertainty is WHEN! The unveiling could be quite soon if the Ministry's plans for schools' plans are going to go to plan. More on this next week! ..

To return to NEGs and REGs, let's start at the very beginning, because to understand from the beginning is to have insights that allow us to test matters of integrity, purpose and trust.

In the world of Yesterday's Schools (i.e. prior to introduction of Tomorrow's Schools under the Education Act 1989), central control and jurisdiction over the life and work of schools and their committees was decreed and directed very extensively and pervasively by REGULATION.

It's important to make distinctions between **Acts of Parliament** and **Regulations**. For an Act to come into force, it must be passed by Parliament. For a Regulation to come into force it is sufficient for the Minister of the day to Gazette the regulatory requirements after they have been signed off as an 'Order in Council' by the Governor General (a formality). Acts of Parliament give Ministers the authority and discretion to exercise such directives. Over the years Ministers have been influenced as much by the initiatives of the offices and officers of their government departments as they have by their own political initiatives when deciding regulatory decrees. Many would argue that nothing much has changed!

Now here is the interesting bit. The driving ideology behind Tomorrow's Schools was about self-management, devolution of responsibility, accountability, etc. etc. It followed, logically, that if schools were to be held accountable, then they should have the elbow space to exercise their own initiatives and commitment without being unduly tied up or constrained by red tape - that is, Regulations.

Consistent with the new ideology, the "regulatory" environment which enveloped schools prior to 1989 had to be removed, so it was necessary for the Act itself to set out the State's parameters, rather than dripping regulations. Following the 1989 reform legislation, a systematic programme of revoking regulations was followed, and the act became the key source of the State's requirements. BUT - wait on. Could the system have the self-confidence and foresight to deny itself the opportunity to regulate, direct and manipulate according its new bright ideas and latter day foresights. No! So the Education Act 1989 made provision for National Education Guidelines which allow the Minister of Education (... Ministry of Education?) to determine and mandate requirements in addition to those in the Act.

The first NEGs were gazetted in 1990 by the then Labour Minister of Education, and became the highly contested substance of the Ministry designed charter framework which tediously mirrored those Guidelines. (Remember, about 20 pages of them: Good Employer, Equal Opportunities, Treaty, Equality, Equity, Property, Finances, etc. etc.).

Next, with a change to a National Minister of Education, the 1990 NEGs were disposed of and replaced in 1993 by a highly condensed framework which arguably became more consistent with self-management, and certainly much easier to comprehend and manage.

These 1993 NEGs have remained substantially unchanged. In 1997 the then Minister of Education inserted a requirement on vocational education. In 1999, the week before the General Election, the then Minister of Education 'signed out' changes to NAGs 1 and 2 and the numbering of the NAGs. Those are the NEGs and NAGs that are currently in force. So it was the National government's policy that introduced the literacy, numeracy, Maori

achievement, strategic planning and reporting requirements as they stand - but are most certainly about to be changed because the Act has changed some of the ground rules which extend the potential power and scope of the NEGs.

In short, it is clear that NEGs are REGs - and hence the hybrid to reflect plays on words: "NEGULATIONS!"

Next week I examine what could be in store, being mindful of last week's quote from Reith Lecturer Onora O'Neill on the subject of trust:

Placing Trust Reasonably A crisis of trust cannot be overcome by a blind rush to place more trust. Our ambition is not to place trust blindly, as small children do, but with good judgement. In judging whether to place our trust in others' words or undertakings, or to refuse that trust, we need information and we need the means to judge that information. To place trust reasonably we need to discover not only which claims or undertakings we are invited to trust, but what we might reasonably think about them.

Reasonably placed trust requires not only information about the proposals or undertakings that others put forward, but also information about those who put them forward.