

14 December 2015

Education Act Update  
Ministry of Education  
PO Box 1666  
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## **REVIEW OF THE EDUCATION ACT 2015**

### **Personal Details:**

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The New Zealand Principals' Federation (NZPF) represents the interests of 2,159 Principals of Primary, Intermediate and Secondary Schools throughout New Zealand. We thank you for the opportunity to comment on the review of the Education Act 2015 through this submission process. We open our commentary with some general observations.

### **Introduction**

We have been unable to establish a transparent or convincing rationale for holding a review of the Education Act in respect of regulatory barriers, as outlined in the *Education Act Public Discussion* document. We note that the Minister, by way of offering a motivation for the review, suggests that the Act has not been changed in twenty-six years and that the discussion document proposes to focus on raising student achievement.

Our reading is somewhat different. We have witnessed a considerable number of amendments (79 in total) to the Education Act since 1989, many of which have occurred in the last decade. A list of those amendments is appended to this submission.

We also find it bewildering that 'raising student achievement' would be considered a 'new' notion to be added to or included in the Education Act. Education professionals devote their teaching lives to raising children's aspirations and progressing and lifting children's learning performance.

If the Minister is referring to raising achievement in a particular context or for a particular group of students there is no explicit definition of 'student achievement' outlined in the document to indicate that intention.

All principals share the goal of continual enhancement of children's learning and have a broad conception of what counts as success. In our role as leaders of schools, all judgements and

decision making are based on what is best for children, their welfare and their learning. In our view, what counts as 'student achievement' is broad based and includes children's context, their academic, cultural, social and emotional wellbeing. In assessing children's achievement, a 'basket-of-evidence' approach is the only acceptable mechanism.

We also note, through examination of the five strands of the public discussion document, that any proposals are already possible under current legislation.

It is with disappointment that we find certain critical initiatives have been omitted from the review. These include national standards, charter schools, the IES policy and the Education Council. All of these initiatives bring elements of deep concern to the leadership of our profession and we would welcome a review of each. Further, given that the purpose, strategic intent and goals of education are up for current discussion it may be the case that these initiatives will not fit the new direction.

We also record our disappointment at the very brief time-frame and the timing of the submission process. The month of December is the most demanding of the year for school leaders and the response time for submissions is intolerably short.

This submission separately addresses all five areas of the public discussion document on the Education Act'.

## **1 Creating a clear set of goals**

NZPF believes that the Education Act should include a 'statement of purpose' for education and intends to launch a sector debate on that topic in March 2016. *The Taskforce on Regulations Affecting School Performance* (p.18) similarly calls for a 'statement of purpose' to be developed through a wide consultation process and included in the Act.

From an agreed 'statement of purpose' it is possible to craft a strategic intent which would sit outside of the Act. Drawing on the strategic intent, a set of goals can be designed which would also sit outside of the Act as secondary or tertiary tier regulations. In this way, the goals would be consistent with the agreed direction for education yet nimble enough to respond to the exigencies of a rapidly changing world.

We envisage that the process for establishing a 'statement of purpose' for education would mirror the select committee process where all political parties are represented and all members of the education sector and the public have the opportunity to contribute to the debate.

With an over-arching 'statement of purpose', a strategic intent and agreed set of goals, the education system would have greater coherence and clarity. The 'statement of purpose' would provide the inspiration for developing a more equitable and responsive system. We envisage a system of education in which diversity is embraced and celebrated and where every student is afforded an equal chance of succeeding through high quality individualised teaching and learning. It would be a system that aims to produce respectful, tolerant, contributing citizens who are life-long learners. The system would provide the educational environment in which every school would strive to be the very best they can be and thus offer every student the opportunity to achieve at the highest level they can possibly reach.

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In our view, whilst the 'statement of purpose' for education would sit in the Education Act, the strategic intent and goals for education would not. Goals would be flexible and alter according to the rapidly changing landscape of culture and society and changing education pedagogy. They would be broad, relevant and contextual and under constant revision. It would be counter to ongoing educational quality and improvement to enshrine them in the Act.

## **2 Making Boards' Responsibilities Clear**

NZPF agrees that it is helpful to clarify the roles and responsibilities of Boards but does not agree that all of these should be enshrined in the Act. We note that at sections 75 and 76 of the Education Act there is lack of clarity in respect of whether the principal or the Board is responsible for the management of the school. NZPF would recommend deleting section 75 which '*gives a school's board complete discretion to control the management of the school as it thinks fit*' and retaining section 76 which '*gives a school's principal complete discretion to manage as he or she thinks fit the school's day to day administration.*' We would add that the role of the principal is not just administration or management. Principals lead the learning in their schools.

Beyond the deletion of section 75, in our view it is suffice to state that the responsibility of the Board is governance. This involves setting the direction for the school, ensuring the school is compliant with the provisions of the Education Act and any other Act pertaining to schools such as the Finance Act and Health and Safety Legislation, setting policy, constructing the school's charter and strategic plan and producing the annual report. The Board does not have a management role in respect of school property, managing the school budget or staffing nor does it have a role in managing the academic, social or cultural programme of the school. To maintain the integrity of the academic programme it is critical that property decisions lie with the principal so that pedagogical direction drives property decisions. In their role of policy setting it is imperative that Boards consult with their communities. To ensure that all Boards have the personnel and capability to carry out their roles and responsibilities it may be useful to establish a set of minimum standards in governance which Board candidates must demonstrate they have reached before their nominations for Board election are accepted.

The school principal, who is also a member of the Board, is responsible for carrying out the direction and policies set by the Board and is acknowledged as the educational leader on the Board. The Board has a monitoring role to ensure that policies are implemented by the principal through a set of clear, well-constructed and appropriately focused guidelines, procedures and plans. Monitoring can be achieved through regular reports and relevant evidence presented to the Board by the principal.

It is important to acknowledge that expertise in the area of teaching and learning lies with the principal and teaching staff. It would be inappropriate to suggest that Board members should have the responsibility of directing learning outcomes or pedagogical methodologies or collaborating with parents and whanau to influence and shape children's learning.

NZPF recognises the administrative burdens for small and geographically isolated schools and does not agree that the solution lies with further regulations. In our view the solution lies with the profession and further development of the Principal Leadership Advisory service, which currently operates in Northland. NZPF is advocating for an expansion of this service which is supported by the Ministry of Education and run by principals for principals. In our view it is experienced principals who can generate the best local solutions for schools, including small and rural schools, in collaboration with their own networks.

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### **Improving the way Boards Plan and Report**

NZPF believes all schools should aspire to be great high performing schools and be supported to do so. NZPF supports moves to simplify planning and reporting for all schools and does not endorse special privileges for some schools. Reducing the compliance requirements for all schools, such as introducing four-year planning cycles, is a welcome move. Further, NZPF notes that more simplification could be achieved by reporting information only once (e.g. the statement of variance is reported twice both in May and in the annual report).

NZPF agrees that the current cycle of reporting is problematic and could be simplified. The timing of certain administrative tasks needs to be addressed so that schools are not over-burdened at certain times of the year. For example currently there are too many tasks to complete in the final school term. These include end of year financials, planning the following year's tasks, analysis of data, reporting to the Board on variance, student achievement and reporting to parents, constructing the annual plan, presenting budgets for the following year, auditing, school organisation for the following year and consultation with staff and parents regarding annual goals.

Collaboration amongst professionals to facilitate the sharing of good professional practice and expertise and where appropriate, the sharing of facilities and school events, such as sporting competitions, debating and cultural celebrations, is already common practice.

NZPF believes that the strength of our schooling system lies with the way it embraces and celebrates diversity and would not support moves that could lead to a 'one-size-fits-all' or standardised approach to planning and reporting. Whilst Communities of Learning (CoLs) may be useful as a mechanism for sharing achievement data for moderation purposes and for identifying learning challenges, it is more likely that the challenges will be different according to each participating school's context. NZPF would not support any move to have CoLs report one collective set of achievement data to represent all members of that CoL. Such an approach would introduce the risk that individual schools' contexts would be over-looked.

NZPF supports the continuation and extension of the National Education Monitoring Project (NEMP) as a reliable measure of the education system's performance. We also see that the Education Review Office (ERO) has a role in interpreting individual school data through the lens of the local community's context. We believe that ERO has the maturity to help highly successful schools enhance the aspirations of their students and offer the best support for schools in a context where there is a high proportion of challenged students.

### **3 Responding more effectively to Performance**

NZPF believes that the current system of reporting to parents twice a year is quite sufficient and would not recommend any further action in this regard. Each school consults with its community in setting the strategic plan and goals for the school. In this way each school will have different targets and goals according to their local context.

It is important that this process is retained so that the school can be responsive to demographic and social changes within their community. The measures therefore will differ according to the changing nature of the challenges facing the school at any given time.

Again we emphasise that we do not support any schools being treated differently from or offered privileges over any other schools.

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## 4 Enabling Collaboration, Flexibility and Innovation

### Collaboration

Educational professionals have always embraced collaboration as a useful mechanism for professional learning development, the sharing of expertise, of school resources and of facilities and will continue to do so. NZPF welcomes the notion of funded CoLs and other network initiatives to support those activities.

As stated in the *Education Act Public Discussion* document, if appropriate, it is also possible for more than one school to collaborate in their governance arrangements. There is no appetite for this provision to change. In our view it is rare that schools would seek this arrangement, given the diversity of context surrounding school communities. We would oppose any mechanism that would lead to the practice of diminishing the power of a community to have control over the direction of their own school.

### Flexibility and Cohort Entry

Schools, in consultation with their communities, currently have the ability to enrol children in cohorts or on their fifth birthday as they see fit, with the school's Board making the final decision. We see no reason to alter this provision. NZPF supports the notion of compulsory attendance once children have started school, whether or not they have reached the age of six.

### Making Every School and Kura a Great One

NZPF supports the aspiration that every school should be a great school and is strongly opposed to issuing improvement notices or audits of schools that are facing challenges. We see this as a negative and unhelpful approach. There are currently available through the Act, six levels of interventions for the Ministry of Education to utilise when schools are struggling. To assist challenged schools, it would be useful for the Government to more effectively invest in addressing the inequities that exist in wider society.

NZPF endorses expanding the Principal Leadership Advisory (PLA) service so that all schools can have early access to support when they need it. Recommendation two of the *Statutory Intervention Review* provides for PLAs to work collaboratively with other agencies to support schools. In this way the likelihood of schools failing their children would be greatly reduced.

## 5 Making Best Use of Local Educational Provision

NZPF is opposed to any changes to the current provisions for area strategies. The system is capable of responding well to significant shifts in demographics. It might be useful for those responsible for conducting community consultation in respect of an area's school provision to sharpen their consultation processes and make current processes more transparent. Ensuring communities have all relevant information prior to consultation, and allowing all voices to be taken into account will result in more successful outcomes. Further we believe all such consultations should be fair and conducted in a timely fashion.

### Creating a Set of Guiding Principles for Opening, Merging and Closing Schools

NZPF would support the inclusion of a set of guiding principles for opening, merging and closing schools in the Act, and would contribute to their development. Already NZPF has begun work on developing such a set of principles and guidelines. We will be undertaking further research on this topic next year and we are willing to share this work with the select

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committee. We would caution against high specificity of the principles which could lead to inflexibility for decision makers.

### **Improving the Way Enrolment Schemes are Managed**

NZPF is opposed to the Ministry of Education having more powers to impose enrolment schemes. We believe that the provisions already outlined in the Act are sufficient. Schools operate under a system of self-management which allows greater innovation and responsiveness for enhancing children's learning and in collaboration with their local communities schools are capable of making the best decisions about enrolling children.

### **Summary**

The NZPF holds the view that our current system of education lacks cohesion in large part because it has neither an agreed purpose, nor strategic intent nor agreed set of goals to guide its policy decisions. NZPF would welcome a public debate on the 'purpose of education' and would support enshrining a 'statement of purpose' in the Education Act. We also support the development of a strategic intent for education and development of a set of goals which would sit outside of the Act.

NZPF notes that there is lack of clarity at sections 75 and 76 of the Act and would support the deletion of section 75. The deletion would clear the way for the Board to have a clear role in governance only. The principal should be acknowledged as the educational leader on the Board with full responsibility for all management and administrative tasks as well as the responsibility of leading learning and directing the student achievement functions of the school.

We also suggest that candidates for election to Boards should be required to give evidence of reaching a minimum training standard in governance before standing for election. We strongly oppose further regulations on small or rural struggling schools and encourage expansion of the Principal Leadership Advisory service.

NZPF believes in an equitable society where all schools should be great schools and high performing schools should be treated no differently from any other. Any schools that are struggling with higher proportions of challenged learners should be appropriately supported to become great schools.

We support changes to planning and reporting that simplify the process for all schools and reduce the burden for principals especially in the fourth term. We also support the continuation and extension of the NEMP programme as a reliable measure of the education system's performance. NZPF does not recommend changes to the current system of reporting to parents twice a year, and strongly opposes any shift to standardisation of reporting through CoLs.

NZPF supports professional collaboration through funded CoLs and other network initiatives and does not believe there is an appetite for more than one school to be governed by a single Board. It is already possible within the Act for this to occur and on rare occasion does. We see no reason to facilitate this practice further.

Schools can already enrol children in cohorts or individually from the age of five. NZPF believes this arrangement should remain and be the decision of a community in conjunction with their school Board.

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We do not support any changes to area strategies and believe that the system can respond well to shifts in demographics. We would welcome more transparency around consultation processes when new schools are proposed or for mergers and closures and would support having a set of principles and guidelines to drive these processes.

NZPF believes that schools perform at their best when empowered to do so. Where principals are appropriately supported to lead their schools they are in a much stronger position to raise student achievement. Principal support comes in the form of systemised support from an advisory service such as Principal Leadership Advisors, from collaboration with peers and networks and from Board support.

Yours sincerely

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