

Office of the Minister of Education

Chair, Cabinet Business Committee

## **APPOINTMENT OF THE MINISTERIAL ADVISORY GROUP ON CHARTER SCHOOLS**

### **Proposal**

- 1 This paper outlines my intention to:
  - 1.1 establish the Advisory Group on Charter Schools (Advisory Group)
  - 1.2 appoint Bruce William Adin QSO as Chair of the Advisory Group
  - 1.3 appoint Bernardina Josina Maria Vester as Deputy Chair of the Advisory Group
  - 1.4 appoint, Murray [REDACTED] Jack (FCA), Te Rauma Whitu Kupenga, Caroline Henrietta Eliza Milne (known as Moe Milne) ONZM and Jason Paul Swann as members of the Advisory Group;

each for an initial term of about one year, commencing from the date of appointment to 30 April 2019.

### **Background**

- 2 Section 158C(1) of the Education Act 1989 (Annex One) states (in respect of Partnership Schools Kura Hourua, commonly referred to as charter schools) that the Minister of Education “must appoint an advisory group, consisting of at least five, but no more than nine, members for the purpose of advising the Minister in relation to:
  - a) The approval of sponsors under section 158B; and
  - b) The educational performance of partnership schools kura hourua”.
- 3 The previous advisory group, called the Partnership Schools’ Kura Hourua Authorisation Board, had eight members whose terms of appointment came to an end on 1 March 2018. None of these members put their names forward for re- appointment.
- 4 I have introduced a Bill to remove the charter school model and to repeal the parts of the Education Act which enable charter schools. However, until this legislation is repealed in full, the Education Act will require me to retain an advisory group on charter schools. I also anticipate that I will continue to need advice on the education performance of those character schools which are still in operation.

- 5 I do not anticipate that I will require advice from an advisory group on the approval of sponsors of charter schools, as I do not intend to approve any further sponsors and have no plans to run further application rounds.

## Comment

- 6 To meet these revised needs and to comply with the Education Act, I propose to reconstitute the Authorisation Board to better support my current needs regarding charter schools. I propose to rename the group as the Advisory Group on Charter Schools, which would:

6.1 Advise me on the education performance of charter schools still in operation

6.2 Advise me on the approval of sponsors under section 158B, were I to decide to do so (noting that I have no intention to run any further application rounds).

- 7 In accordance with the anticipated reduced level of activity (due to no need to consider any new sponsors), I intend the membership of the Advisory Group will comprise six members (one more than the minimum required under the Education Act 1989), including:

7.1 A Chair appointed by the Minister of Education

7.2 A Deputy Chair appointed by the Minister of Education

7.3 Four ordinary members appointed by the Minister of Education.

- 8 I intend to:

8.1 establish the Advisory Group, for an initial term of about one year, commencing from the date of appointment to 30 April 2019

8.2 appoint Bruce Adin QSO as Chair of the Advisory Group

8.3 appoint Bernardine Vester as Deputy Chair of the Advisory Group

8.4 appoint Murray Jack, Te Rauma Kupenga, Moe Milne NZNM and Jason Swann as members of the Advisory Group.

- 9 Organisation form and CVs for these appointees are at Annex 1. In summary, the rationale for appointing each of these individuals is that:

9.1 Bruce Adin has significant management and governance experience in education, having been Northern Regional Manager for the Ministry of Education from 2004-16, overseeing compulsory schooling in the Northland and Auckland regions as well as acting as principal of five schools between 1976-2004.

9.2 Murray Jack is the former Chair (2011-14) and Chief Executive (2005-11) of Deloitte and has twenty-five years of consulting experience within the public

sector, healthcare and energy industries. He has been involved in a number of independent reviews for Ministers and government agencies. He is Chair of Chartered Accountants Australia and New Zealand, and a member of the Board of the Financial Markets Authority.

- 9.3 Te Rau Kupenga has a long history of consultancy work on a wide array of topics ranging from treaty settlement negotiations to strategic planning. He has worked as Raukara/Chief Advisor for Te Ao Māori for the Ministry of Education, and was Deputy Secretary Treaty Negotiations and Relationships at the Ministry for the Environment. He is a barrister and solicitor with extensive legal experience.
- 9.4 Moe Milne has worked in health, education, and social services in northland and has a significant profile in Te Ao Māori and Te Ao Tauīwi with strong Māori skills and ties. She is fluent in te reo me ona tikanga. She brings skills from her role as an adviser and contractor for Te Rau Matatini and Te Pou o te Whakaaro nui – mental health workforce development
- 9.5 Jason Swann is the current president of the New Zealand Pasifika Principals Association and has a long history of working with Pasifika students and in the management and administration of schools. He has been Principal of Otahuhu primary school since 2009 and has served on Ministry of Education sector reference groups on professional learning and Development and Tapasā Cultural Competencies framework for Teachers of Pasifika Learners
- 9.6 Bernardine Vester provides deep experience as a chair and governance member of education sector and contemporary arts organisations. She currently Chairs Teach First New Zealand and has been a chair and member of three new school establishment boards in the Flat Bush area of South Auckland. She has also worked as a governance facilitator with schools.

### **Representativeness of appointment**

- 10 I am satisfied with the appointment of Bruce William Adin as Chair of the Advisory Group, together with the other suggested appointees will provide for a well-balanced Advisory Group in terms of gender, age, ethnicity and geographic representation, and an appropriate mix of skills and experience relevant to the above functions.

### **Remuneration**

- 11 The Board is classified as a Level 2 Group 4 body under the Cabinet Fees Framework. The fees paid to members, Deputy Chair and Chair will be within the level 2 band of the Cabinet Office Circular (12) 6, consistent with the Fees Framework.

### **Appointment process and consultation**

- 12 I can confirm that an appropriate process has been followed in selecting the proposed appointees, in terms of the State Services Commission appointment guidelines. In summary, that process comprised of identifying a list of appropriate candidates, shortlisting based on personal expertise and appropriate representation

(with a particular focus on expertise in areas of education related to charter schools and educational achievement and/or reviewing educational performance of schools or kura and/or the ability to manage the contractual and financial performance elements of reporting), using information provided by nomination agencies to develop the final list of candidates, and reviewing the candidates' CVs.

- 13 The following nomination agencies were consulted and provided lists of potential candidates: The Treasury, Ministry for Women, Te Puni Kōkiri and Ministry of Pacific Peoples. The Department of the Prime Minister and Cabinet was informed.
- 14 This process was appropriate because the Advisory Group will play a significant role in providing me with advice on the educational performance of charter schools, but will not control a budget or otherwise exercise independent powers (i.e. its role is confined to providing advice).
- 15 Probity checks are currently underway for all proposed appointees, and membership is conditional on no adverse findings.

### Conflicts of interest

- 16 The following possible conflicts of interest have been identified:

	<b>Conflicts (actual/potential/perceived )</b>	<b>Proposed Management</b>
Bruce Adin	No conflicts identified	N/A
Te Rauma Kupenga	No conflicts identified	N/A
Murray Jack	No conflicts identified	N/A
Moe Milne	Ms Milne is a member of the ASB Community Trust and reports that as a member she has participated in decision making by that trust to fund charter schools in the Auckland Northland region over the past five years.	The interest will be notified to the Chair. It is unlikely that membership of the Advisory Group will conflict with this interest. Should the Advisory Group deal with a matter which causes a potential conflict with the members interests, the member will refrain from discussion or voting.
Jason Swann	No conflicts identified	N/A
Bernardine Vester	No conflicts identified	N/A

### Timing and Publicity

- 17 A press statement will be issued once the Advisory Group has been formed, the appointments have been approved, and the appointees have been notified.

## Recommendation

18 It is recommended that the Committee:

- 18.1 **note** the intention to appoint Bruce William Adin QSO as Chair of the Advisory Group on Charter Schools;
- 18.2 **note** the intention to appoint Bernardine Josina Maria Vester as Deputy Chair of the Advisory group on Charter Schools;
- 18.3 **note** the intention to appoint Murray Jack, Te Rauma Whitu Kupenga (known as Te Rau Kupenga), Caroline Henrietta Eliza Milne (known as Moe Milne) ONZM and Jason Paul Swann, as members of the Advisory Group on Charter Schools;

each for an initial term of about one year commencing from the date of appointment and expiring on 30 April 2019.

Authorised for lodgement

Hon Chris Hipkins

Minister for Education