



Briefing Note: New Zealand School Trustees Association

To:	Hon Chris Hipkins, Minister of Education		
Date:	23 November 2021	Priority:	High
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Drafter:	Kelly McMurtrie	DDI:	9(2)(a)
Key Contact:	Doug Ferry	DDI:	04 463 8262
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Purpose of Report

This paper provides background information to support your meeting with Lorraine Kerr, President of the New Zealand School Trustees Association (NZSTA). The meeting will be held on Thursday 25 November 2021 at 3:30pm via Zoom.

Agree that this briefing note is proactively released as per the expectation that information be released as soon as possible. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Agree / Disagree



Jann Marshall
Powhakarāe | Te Pae Aronui
Associate Deputy Secretary |
Network and School Delivery
23 / 11 / 2021



Hon Chris Hipkins
Minister of Education

25 / 11 / 2021

Background

1. The New Zealand School Trustees Association (NZSTA) is a membership-based national organisation that has represented the interests of its member boards, since 1989. Membership of NZSTA is open to boards of any state or state-integrated school.
2. School boards are the largest single group of crown entities in the country, accountable directly to the government and the local community for the quality of education in their school. There are approximately 18,000 people currently serving on 2,425 state and state-integrated school boards. Approximately 2,232 school boards are NZSTA members (92 percent of the total number of school boards).
3. NZSTA's mission is to lead and strengthen school governance in New Zealand. The organisation does this by providing a range of integrated services to support and enhance board capability in governance and employment in all state and state integrated schools.
4. The organisation is governed by the NZSTA Board which comprises the NZSTA President and six members. The NZSTA Board is elected every three years by NZSTA member school boards.
5. Since 2013, we have contracted NZSTA to be the main source of support, professional development, and advice to all school boards, regardless of whether they are members of NZSTA or not. The current contract runs from 1 January 2021 to 31 December 2022. The contract aligns NZSTA outcomes and activities with key Government priorities and includes:
 - provision of independent employment, personnel, trusteeship, and governance advice to boards;
 - provision of management services for school board elections;
 - increasing boards' capability in human resources management;
 - professional development for boards; and
 - quality assurance of the professional development and support.

Key People

6. Lorraine Kerr has been the President of the NZSTA since 2006. Lorraine is a Member of the New Zealand Order of Merit for her services to education. She is a former primary school teacher and has been involved in school boards since the beginning of Tomorrow's Schools.
7. Elise Adams commenced as the Chief Executive Officer in August 2019. Elise has a history of working in public, private and not-for-profit sectors. Elise also has wide experience as a school board member, most recently as the Presiding Member of the Hutt Intermediate School board for eight years.

Board's role as an employer in respect of the vaccine mandate for teachers and other staff at schools

8. The COVID-19 Public Health Response (Vaccinations) Order 2021 required education staff and workers to have received their first dose of the COVID-19 vaccine by 15 November 2021 if they carry out work at or for a registered school, and
 - may have contact with children or students in the course of carrying out that work; or
 - will be present at the relevant place of learning at a time when children or students are also present.

9. We understand that school boards, as employers have been put under considerable pressure concerning COVID-19 and especially since the introduction of the vaccine mandate for school staff. We have been working closely with NZSTA and the unions provide advice to school boards regarding the employment processes required if they have staff who are unwilling to be vaccinated. Advice has been provided by way of the School Bulletin and through NZSTA's website and advisory and support centre.
10. The board's usual employment obligations still apply including the duty to act in good faith, ensuring no predetermined outcome, considering all reasonable alternatives, consulting with the employee, and taking their feedback into consideration. The schooling sector has a number of different collective agreements that apply to staff, and boards have also had to manage the requirements of the vaccine order with their obligations and the prescribed processes in their employee's respective collective agreements.
11. As a result of staff who are unwilling to be vaccinated, there will be vacant positions in schools. Throughout the consultation process with employees, boards will be considering how the school will be staffed in the new year and positions will therefore need to start being advertised. Working through how to do this during an extremely busy time of the year whilst also upholding their employment obligations has resulted in a difficult situation for some boards. As a result, NZSTA has met very high demand for its advice and guidance services.
12. Our staff have been meeting frequently with NZSTA to discuss issues and agree on advice to schools. We have recently further strengthened this process to ensure that all NZSTA employment advice related to COVID-19 is reviewed by our staff and confirmed as suitable for release.

Board elections

13. COVID-19 related disruptions over the past year have highlighted the need for flexible, resilient board election systems to ensure democratic processes can continue. Student representative elections, which are held between August and September annually, were impacted by changes in COVID-19 alert levels. Due to lockdown restrictions, returning officers were not able to issue hard copies of nomination or voting papers, or perform other election duties over this period.
14. In October 2021, you agreed to delay the 2022 triennial elections from May 2022 until September 2022. The new range of dates will be 5 September 2022 to 23 September 2022.
15. Delaying the elections will help to relieve some of the pressure on board members, parents, and staff in the first half of the year. The delay will also provide us with enough time to see cabinet approval for the required changes to the regulations to enable electronic elections.
16. We are currently developing the draft regulations to enable electronic board elections. This is intended to help increase voter participation in board elections, by reducing barriers to access. We publicly consulted on enabling electronic elections, as well as a range of other changes to the school board election framework, such as enabling hui elections, in April and June 2021. Public submissions were supportive of the proposals.
17. NZSTA has been involved in our proposal to enable electronic elections. We formed our policy proposals in consultation with NZSTA and will be working with them as we progress this work. NZSTA will be involved in communicating with the sector about the changes and will feed into the final form of the regulations. NZSTA will need to develop new training and guidance for board members and returning officers, and we will help them with that.

The code of conduct for school boards

18. We have appreciated the support received from NZSTA on the development of a draft code of conduct for school board members since the work commenced in mid-2020. NZSTA has provided useful guidance about the minimum standard of conduct that should be expected of board members and the style of language that should be used in the code. An initial code draft has now been completed and NZSTA surveyed member boards over July and August 2021 to get feedback on this draft.
19. Since NZSTA's survey closed, the work on the code of conduct has paused due to priorities and resources being diverted to the Government's response to the COVID-19 pandemic. 9(2)(f)(iv)

9(2)(f)(iv)

Board's Te Tiriti o Waitangi obligations

21. The Education and Training Act 2020 (the Act) introduced new provisions to better reflect the Māori-Crown relationship under Te Tiriti o Waitangi to support improved outcomes for Māori learners and their whānau.
22. The Education Act 1989 had a single primary objective for boards - to ensure that it is possible for every student to attain their highest possible standard of education. However, under the new Act there are four primary objectives. In addition to ensuring that students are able to attain their highest standard of education, boards are required to ensure the school is a safe place for staff and students, is inclusive, and gives effect to Tiriti o Waitangi.
23. The new board objectives set out the minimum actions a board must take to give effect to Te Tiriti:
 - working to ensure that its plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and Te Ao Māori
 - taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori, and
 - achieving equitable outcomes for Māori students.
24. The Government has made a range of resources available to help ākonga Māori and to improve the system. This has included funding to:
 - support iwi and Māori organisations to provide facilitation and brokerage services for Māori learners and whānau to engage better with education services
 - support identity, language, and culture of Māori learners by upskilling the education workforce in te reo Māori, providing local curriculum resources, and supporting whānau
 - support educational achievement for Māori learners through Te Hurihanganui by testing what works to address cultural bias and racism in the education system
 - improve the access to quality te reo Māori localised curriculum resources to support ākonga, kaiako and Kāhui Ako learning in and through te reo Māori in both

Māori medium and English medium settings. Desired outcomes include increased availability and use of localised te reo Māori resources and increased availability and use of curriculum resources to support the teaching and learning of New Zealand histories

- support Te Ahu o te Reo Māori to contribute to system change that values and prioritises te reo Māori in education.
25. NZSTA has been working with Ministry staff to develop programmes to help board members implement the Education and Training Act 2020 requirement to give effect to Te Tiriti o Waitangi.
26. Since Term Two 2021, NZSTA has been running 'Giving Effect to Te Tiriti o Waitangi' workshops. These are dual facilitated (with iwi/hapū), bespoke two or three-part Te Tiriti workshops across the country. The workshops focus on understanding local tikanga and the implications for school governance. They vary in format and duration depending on the needs of individual schools and the requests of local iwi. There are two workshops in the series, as well as supporting resources. The first workshop focuses on an overview of Te Tiriti o Waitangi and Tikanga Māori. The second workshop looks in greater detail at the governance questions that school boards could ask to ensure the requirements of the Act are being met.
27. The workshops have been heavily subscribed and there is high demand from schools and school clusters who are seeking bespoke training for their boards. The face-to-face workshops are currently suspended due to COVID-19 restrictions.

Education workforce strategy

28. The Ministry has worked with the sector to develop an agreed set of outcomes for the Education Workforce Strategy, striving for 'a workforce that is capable, valued, connected, and supported'. Actions are already underway that support these outcomes, including actions to:
- Grow workforce diversity and capability to teach Te Reo and provide culturally responsive teaching
 - Strengthen workforce capability and capacity so every learner can gain the learning they need to succeed
 - Implement best practice pedagogy for enabling the delivery of curriculum digitally, where appropriate
 - Implement programmes, such as Talanoa Ako, that enable teachers to connect with learner whānau and communities
 - Support the education workforce to deal with the impact of Covid 19, including counselling and advice support for maintaining well-being.

Additional contracts

29. In addition to the main contract, NZSTA has two other contracts with the Ministry:
- NZSTA is contracted to manage the Emergency Staffing Scheme. This scheme provides a pool of experienced principals who can fill principal vacancies for a short period of time. These vacancies may arise from ill health or sudden resignation. Emergency principals provide experienced management until the school can secure a permanent principal.
 - In 2019, NZSTA was contracted to provide employment advice to school boards for the Teacher Aide Pay Equity Claim, which we settled in May 2020. The settlement covers 22,000 teacher aides who work in state and state-integrated schools and kura. NZSTA has continued to support schools through this process.

NZSTA 32nd Annual Conference 2022

30. NZSTA will be holding its 32nd Annual Conference for school board members, from 22 to 24 April 2022 in Christchurch at the Te Pae Christchurch Convention Centre. You have been invited to be a keynote speaker at the conference. Hon Kelvin Davis has also been invited to speak at the conference.
31. In previous years, the conference has been attended by a diverse group of up to 1,200 board members, including significant numbers of Māori representatives. The board members represent rural and urban, state and state-integrated primary and secondary schools, along with Māori medium kura from across the country. A number of principals also attend with their boards.
32. The title and focus of the 2022 conference will be 'Lead with Purpose, Partnering for Strength'.
33. Keynote speakers will include Dr Mere Berryman ONZM from Waikato University and Dr Michelle Johannson. Michelle is Kāuru Kura | Head of School at Ako Mātātupu: Teach First NZ.
34. In previous years, we have run a number of seminars at the conference and will do so again in 2022. We will also have an exhibition space at the conference.

Proactive Release

35. We recommended that this briefing note is proactively released as per the expectation that information be released as soon as possible. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Annex 1: Talking points

Proactively Released

Annex 1: Talking points

- The work relating to the code of conduct for board members is currently on hold due to urgent COVID-19 work taking priority. The Ministry will contact NZSTA once they have capacity for this again.
- Increasing participation in school board elections is very important to me. High participation in elections is an important part of the democratic process and will ensure that boards are representative of their communities. Meeting the expectations of our communities by enabling electronic will contribute to this. I also believe it is important to retain paper-based options for people who are unable to access electronic voting, and I am confident that everyone will be able to participate in the 2022 board elections.
- Moving the date range of the triennial elections was important to enable work to be done to enable electronic elections and therefore increase participation in the elections. I also think that it relieves some pressure from schools, board members, parents, and staff, in what will be a busy first half of 2022.
- The work relating boards' obligations to Te Tiriti is important to me. The changes that we made in the Education and Training Act 2020 are an important step to supporting improved outcomes for Māori learners and their whānau. The Government has increased its support for Māori learners, which will help boards to meet their obligations.
- I understand that NZSTA has been proactive in helping to support school boards to understand and meet their Te Tiriti obligations. It's good to see the sector respond to the new objectives, which for the most part reflect positive steps that schools have already been taking to support their Māori learners.
- I acknowledge the challenges and practical realities the vaccination order has presented for schools and kura and your work in supporting boards faced with these challenges.
- Further development of the workforce strategy will want to take account of lessons we have learned from our COVID experience in the education sector:
 - The need for agility and adaptiveness, to enable us to deal with changing conditions and uncertainty e.g., looking at our Initial teacher Education and recruitment to make it nimbler and more adaptive
 - the recognition the 'one size does not fit all' - local communities are a critical and creative element in supporting learning that is both excellent and equitable
 - The need for effective leadership in schools and early learning services
 - The importance of real time, reliable data in supporting decision-making.