**Education Report:** Tomorrow’s School Reform – inviting the Children’s Commissioner to review young people’s participation in school/kura governance

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<th>Hon Chris Hipkins, Minister of Education</th>
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<td>5 December 2019</td>
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<td>Security Level:</td>
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<td>Drafter:</td>
<td>Veronica Adams</td>
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<td>Key Contact:</td>
<td>Kara Isaac</td>
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<td>Messaging seen by Communications team:</td>
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**Purpose of Report**

The purpose of this paper is for you to sign the attached letter to the Children’s Commissioner, Judge Andrew Becroft. Following from Cabinet decisions on the reform of Tomorrow’s Schools, this letter requests he undertake a review of the requirements for children and young people’s participation in school/kura governance.

**Summary**

1. On 16 October 2019, Cabinet agreed as part of the Tomorrow’s Schools reforms that the Minister of Education invite the Children’s Commissioner to review the requirements for children and young people’s participation in school/kura governance and provide recommendations on what improvements could be made, if any [SWC-19-MIN-0153 refers].

2. This recommendation was categorised as ‘Priority A’ and is to be progressed within the next 18-24 months.

3. The Office of the Children’s Commissioner has advised us that the Commissioner is willing to undertake this work, and is aware that you will be writing to him requesting this review.
Recommended Actions

The Ministry of Education recommends that you:

a. **agree** to sign the letter attached at Annex 1 to the Children's Commissioner
   
   Agree / Disagree

b. **agree** to send Hon Carmel Sepuloni, as the Minister responsible for the Children's Commissioner, a copy of this briefing and the letter for her information
   
   Agree / Disagree

Proactive release recommendation

c. **agree** to proactively release this Education Report, with any appropriate withholdings under the Official Information Act 1982.
   
   Agree / Disagree

Dr Andrea Schöllmann
Deputy Secretary
Education System Policy

5/12/2019

Hon Chris Hipkins
Minister of Education

11/12/19
Background

1. The Tomorrow's Schools Review Independent Taskforce (the Taskforce) delivered its final report, *Our Schooling Futures: Stronger Together / Whirimā Ngā Kura Tūāhitinitini* (the Report) on 2 July 2019. The Report provides important insights into the governance, management, and administration of the schooling system and highlights many of the system's current strengths and challenges in delivering equitably for all children and young people.

The Taskforce's recommendation on student voice in school governance

2. During its review, the Taskforce examined issues relating to student participation in school governance. The Taskforce noted that currently secondary schools/kura are required to have one learner/ākonga representative on the board of trustees. This means that school boards of trustees (at secondary-level) are comprised of the principal/tumuaki, other adults, and only one learner/ākonga. There are no requirements for learner/ākonga voices to be included in primary school boards of trustees.

3. The Taskforce considered this showed only a minimal commitment to learner/ākonga voice in school governance and advised there is a need for a more comprehensive, imaginative and transparent approach to including learners/ākonga in the governance and operation of all schools/kura.

4. To address these issues, the Taskforce recommended (action 1f) that the Children’s Commissioner should review and update the requirements for learner/ākonga participation in school/kura governance, taking into account the United Nations Convention on the Rights of the Child (the Children’s Convention).¹

The Government's response to the Taskforce's recommendation

5. On 16 October 2019, Cabinet agreed that the Minister of Education should invite the Children's Commissioner to review the requirements for children and young people's participation in school/kura governance and provide recommendations on what improvements could be made, if any [SWC-19-MIN-0153 refers].

6. This work has been categorised as ‘Priority A’ and is to be progressed within the next 18-24 months.

Inviting the Children's Commissioner to undertake the review

7. The Office of the Children’s Commissioner were consulted on the Cabinet paper which set out the Government position on the reform of Tomorrow's Schools, and stated that they were willing to undertake this work. The only issue highlighted during the consultation was the resourcing implications for the Office, given their other competing priorities.

8. 

¹ Article 12 of the Children's Convention states that “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”
9. The Children’s Commissioner, Judge Andrew Becroft, is aware of Cabinet’s decision and is expecting an invitation from you to commence this work.

10. The Hon Carmel Sepuloni is the responsible Minister for the Children’s Commissioner and, in this capacity, will have Ministerial oversight of this review. We recommend that you provide Minister Sepuloni with a copy of this briefing and attached letter for her information.

Risks

11. No specific risks have been identified with regard to this review being undertaken. The Office of the Children’s Commissioner have advised that undertaking this review using best practice child and youth consultation may have some resourcing implications given their other priorities.

Next steps

12. We recommend that you sign the letter attached at Annex 1, inviting the Children’s Commissioner, Judge Andrew Becroft, to undertake a review of the requirements for children and young people’s participation in school/kura governance.

Proactive Release

13. We recommend that this Education Report should be proactively released. Paragraph 8 will be withheld under the Official Information Act 1982 as it is classified as Budget sensitive.

Annexes

Annex 1: Draft letter to the Children’s Commissioner, Judge Andrew Becroft
Judge Andrew Becroft  
Children’s Commissioner  
PO Box 5610  
WELLINGTON 6145

Dear Andrew

Invocation to review children and young people’s participation in school/kura governance

As you know, the Government has recently released the final report of the Tomorrow’s Schools Independent Taskforce, along with the Government’s decisions on the reform of the Tomorrow’s Schools system.

During its review, the Taskforce examined issues relating to student participation in school governance. One of the Taskforce’s recommendations was that the Children’s Commissioner review and update the requirements for learner/ākonga participation in school/kura governance.

The Government is committed to lifting up the voices of children and young people on matters that affect their lives. In response to the Taskforce’s recommendation, on 16 October 2019 Cabinet agreed that I invite you to review the requirements for children and young people’s participation in school/kura governance and provide recommendations on what improvements could be made, if any. Cabinet classified this work as Priority A – to be progressed in the next 18-24 months.

I am advised that your office was consulted about this recommendation and that you are willing undertake this review, while noting that you have a number of significant priorities in your work programme that also need to be progressed over that same time period.

As you may be aware, Cabinet has also commissioned the Ministry to progress further advice on school governance which may have shared areas of interest with your review. The Ministry contact for this work is Kara Isaac, Senior Policy Manager – System Policy, kara.isaac@education.govt.nz or s 9(2)(a) O1A

I would like to thank you for your engagement with the Tomorrow’s Schools Independent Taskforce during the review period and look forward to hearing from you about this important work.

Yours sincerely

Chris Hipkins  
Minister of Education

Cc Hon Carmel Sepuloni, Responsible Minister for the Children’s Commissioner