

Governance Essentials 2

Workbook 2

Learning objectives:

After attending this workshop participants will have an understanding of:

- The Legislative Framework
- Government identified priority groups of learners
- Board's key documentation



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The legislative framework – Education Act 1989

Governance and management: one vision, different roles

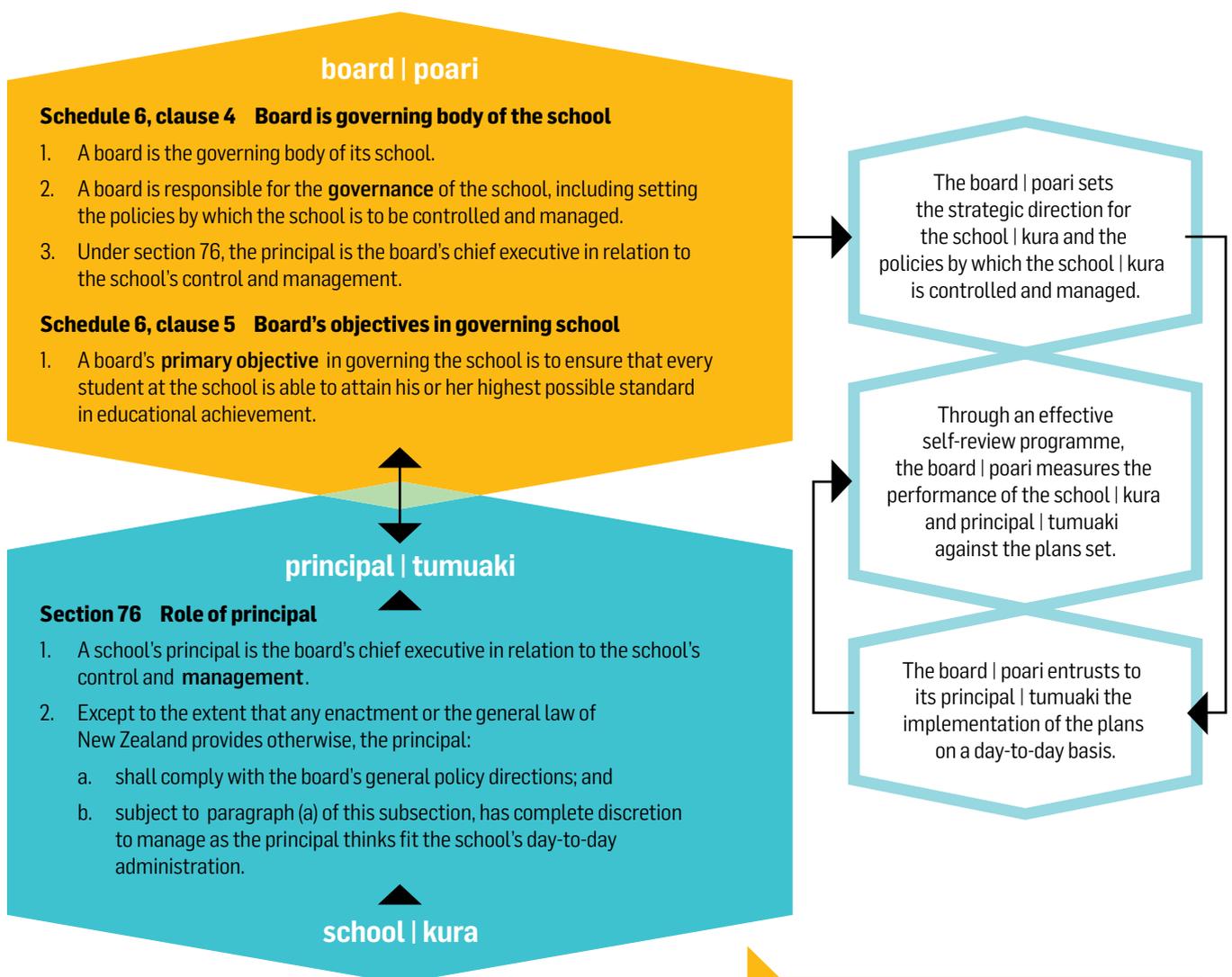
Governance and management is a partnership which may work differently from school | kura to school | kura. The legal responsibility of boards | poari and principals | tumuaki is outlined in the Education Act 1989, and allows each board | poari to define a model of governance that will best work for their school | kura.

Schedule 6 of the Education Act 1989 sets out, largely in one place, the key legal roles and responsibilities of the board | poari

in school | kura governance, whilst those of the principal | tumuaki are set out in Section 76. It is within these requirements, that each board | poari is able to define its own model of governance.

Successful schools | kura are characterised by both the board | poari and principal | tumuaki having a clear understanding of their respective roles and responsibilities whilst working toward a shared vision.

The Education Act 1989



Consider:

Has your board | poari discussed governance and management roles?

The legislative framework – Education Act 1989

In addition to the responsibilities set out in Schedule 6 of the Education Act 1989, boards need to be aware of the objectives and priorities for the education system.

Enduring Objectives Education Act 1989, section 1A(3)

The objectives for the education system are:

- to focus on helping each child and young person to attain educational achievement to the best of his or her potential
- to promote the development, in each child and young person, of the following abilities and attributes:
 - resilience, determination, confidence, and creative and critical thinking
 - good social skills and the ability to form good relationships
 - participation in community life and fulfilment of civic and social responsibilities
 - preparedness for work
- To instil in each child and young person an appreciation of the importance of the following:
 - the inclusion within society of different groups and persons with different personal characteristics
 - the diversity of society
 - cultural knowledge, identity, and the different official languages
 - the Treaty of Waitangi and te reo Māori

Statement of National Education and Learning Priorities (NELP) Education Act 1989, section 1A(1) - (2)

The Enduring Objectives provide guidance for the development of NELP. These are medium term (up to 5 year) priorities set by the Government of the day for early childhood and compulsory schooling.

The Enduring Objectives and NELP will replace previous National Education Goals (NEGs) and some aspects of the National Administration Guidelines (NAGs).

Until such time as the details of these changes are known, the existing NAGs will continue to apply.

The special character of state integrated schools provides the framework within which the school curriculum is delivered. The Education Act 1989 gives schools the right to teach, develop and implement programmes that reflect the faith or educational philosophy, as described in the Integration Agreement between the proprietor and the Crown.

Board's objectives in governing the school I kura Education Act 1989, schedule 6, clause 5

A board's primary objective in governing the school is to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement.

Schedule 6, clause 5 (2) of the Education Act 1989 states that to meet the primary objective, the board must—

- (a) ensure that the school—
 - (i) is a physically and emotionally safe place for all students and staff; and
 - (ii) is inclusive of and caters for students with differing needs; and
- (b) have particular regard to any statement of National Education and Learning Priorities issued under [section 1A](#); and
- (c) comply with its obligations under [sections 60A](#) (in relation to curriculum statements and national performance measures), [61](#) (in relation to teaching and learning programmes), and [62](#) (in relation to monitoring of student performance); and
- (d) if the school is a member of a community of learning that has a community of learning agreement under [section 72](#), comply with its obligations under that agreement as a member of that community; and
- (e) comply with all of its other obligations under this or any other Act.

The legislative framework – National Administration Guidelines (NAGs)

NAG 1

Each board of trustees is required to foster student achievement by providing teaching and learning programmes which incorporate The National Curriculum, as expressed in The New Zealand Curriculum 2007 or Te Marautanga o Aotearoa.

Each board, through the principal and staff, is required to:

- a. develop and implement teaching and learning programmes:
 - i. to provide all students in years 1–10 with opportunities to progress and achieve for success in all areas of The National Curriculum;
 - ii. giving priority to student progress and achievement in literacy and numeracy and/or te reo matatini and pāngarau, especially in years 1–8;
 - iii. giving priority to regular quality physical activity that develops movement skills for all students, especially in years 1–6;
- b. through the analysis of good quality assessment information, evaluate the progress and achievement of students, giving priority first to:
 - i. student progress and achievement in literacy and numeracy and/or te reo matatini and pāngarau, especially in years 1–8; and then to:
 - ii. breadth and depth of learning related to the needs, abilities and interests of students, the nature of the school's curriculum, and the scope of The National Curriculum, as expressed in The New Zealand Curriculum 2007 or Te Marautanga o Aotearoa;
- c. through the analysis of good quality assessment information*, identify students and groups of students:
 - i. who are not progressing and/or achieving;
 - ii. who are at risk of not progressing and/or achieving;
 - iii. who have special needs (including gifted and talented students); and
 - iv. aspects of the curriculum which require particular attention;
- d. develop and implement teaching and learning strategies to address the needs of students and aspects of the curriculum identified in (c) above;
- e. in consultation with the school's Māori community, develop and make known to the school's community policies, plans and targets for improving the progress and achievement of Māori students; and
- f. provide appropriate career education and guidance for

all students in year 7 and above, with a particular emphasis on specific career guidance for those students who have been identified by the school as being at risk of leaving school unprepared for the transition to the workplace or further education/training.

Key point:

Good quality assessment information draws on a range of evidence to evaluate the progress and achievement of students and build a comprehensive picture of student learning across the curriculum.

NAG 2

Each board of trustees, with the principal and teaching staff, is required to:

- a. develop a strategic plan which documents how they are giving effect to the National Education Guidelines* through their policies, plans and programmes, including those for curriculum, aromatawai and/or assessment, and staff professional development;
- b. maintain an on-going programme of self-review in relation to the above policies, plans and programmes, including evaluation of good quality assessment information on student progress and achievement;
- c. on the basis of good quality assessment information, report to students and their parents on progress and achievement of individual students:
 - i. in plain language, in writing, and at least twice a year; and
 - ii. across The National Curriculum, as expressed in The New Zealand Curriculum 2007 or Te Marautanga o Aotearoa, including in mathematics and literacy, and/or te reo matatini and pāngarau;
- d. on the basis of good quality assessment information, report to the school's community on the progress and achievement of students as a whole and of groups (identified through National Administration Guideline 1(c) above) including the progress and achievement of Māori students against the plans and targets referred to in National Administration Guideline 1(e) above.

*Once the Minister of Education has released a statement of National Education and Learning Priorities (NELP), boards will be required to pay special attention to ensuring that the priorities of the NELP are reflected in their strategic plan.

Consider:

With whom should the board consult when setting its strategic plan?

NAG 3

According to the legislation on employment and personnel matters, each board of trustees is required in particular to:

- a. develop and implement personnel and industrial policies, within policy and procedural frameworks set by the Government from time to time, which promote high levels of staff performance, use educational resources effectively and recognise the needs of students; and
- b. be a good employer as defined in the State Sector Act 1988 and comply with the conditions contained in employment contracts applying to teaching and non-teaching staff.

NAG 4

According to legislation on financial and property matters, each board of trustees is also required in particular to:

- a. allocate funds to reflect the school's priorities as stated in the charter;
- b. monitor and control school expenditure, and ensure that annual accounts are prepared and audited as required by the Public Finance Act 1989 and the Education Act 1989; and
- c. comply with the negotiated conditions of any current asset management agreement, and implement a maintenance programme to ensure that the school's buildings and facilities provide a safe, healthy learning environment for students.

NAG 5

Each board of trustees is also required to:

- a. provide a safe physical and emotional environment for students;
- b. promote health food and nutrition for all students; and
- c. comply in full with any legislation currently in force or that may be developed to ensure the safety of students and employees.

NAG 6

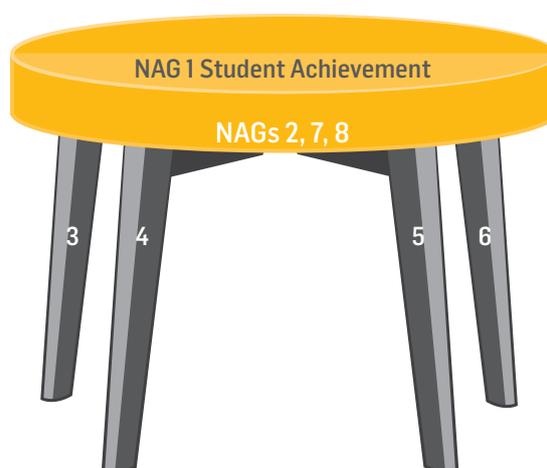
Each board of trustees is also expected to comply with all general legislation concerning requirements such as attendance, the length of the school day, and the length of the school year.

NAG 7

Each board of trustees is required to complete an annual update of the school charter¹ for each school it administers, and provide the Secretary for Education with a copy of the updated school charter before 1 March of the relevant year.

NAG 8

Each board of trustees is required to provide a statement providing an analysis of any variance between the school's performance and the relevant aims, objectives, directions, priorities, or targets set out in the school charter at the same time as the updated school charter provided to the Secretary for Education under National Administration Guideline 7.



¹ At time of print, it is expected that the requirement for a charter will change to a requirement for a strategic plan, effective from 1 January 2020.

The Legislative Framework – Government priority groups

The New Zealand Curriculum and Te Marautanga o Aotearoa set out a vision for all of our young people to become confident, connected, actively involved lifelong learners.

“Priority learners are groups of students who have been identified as historically not experiencing success in the New Zealand schooling system. These include many Māori and Pacific learners, those from low socio economic backgrounds and students with special educational needs.”

The Education Review Office (August 2012)

“Inclusive education is where all children and young people are engaged and achieve through being present, participating, learning and belonging.”

Te Kete Ipurangi - About inclusive education

The Ministry of Education has developed strategies to improve outcomes for priority groups and guidelines and tools for boards to help them understand their role.

Supporting education success as Māori	Supporting Pasifika success	Building inclusive schools
<p>Ka Hikitia Accelerating Success 2013 – 2017 *</p> <p>Realising Māori Potential 2018 – 2022 (yet to be published at time of printing)</p>	<p>Pasifika Education Plan 2013 - 2017</p>	<p>Success for All</p>
<ul style="list-style-type: none"> • Do we have a good understanding of the Treaty of Waitangi as it relates to education? • Are Māori students achieving education success while maintaining and enhancing their identity, language and culture as Māori? • Are activities to support our Māori students effective? • How do we know? 	<ul style="list-style-type: none"> • Does planning include achieving productive partnerships with Pasifika families and communities? • Are Pasifika students achieving education success while maintaining and enhancing their identity, language and culture as Pasifika? • Are activities to support our Pasifika students effective? • How do we know? 	<ul style="list-style-type: none"> • Do we understand our responsibility to enrol students irrespective of their needs and abilities? • Are students with special educational needs at their chosen school, with their friends and siblings, doing what their peers do, feeling like they belong and proud of their school? • Are parents and whānau engaged in their child’s learning? • How do we know?
<p>Hautū – Māori cultural responsiveness self- review tool for boards of trustees</p>	<p>ERO – Improving education outcomes for Pacific learners</p>	<p>ERO – Inclusive practices for students with special education needs in schools</p>

*Extended to 2018, at time of print

Consider:

Does your board have a board library or online portal where you can access these documents?

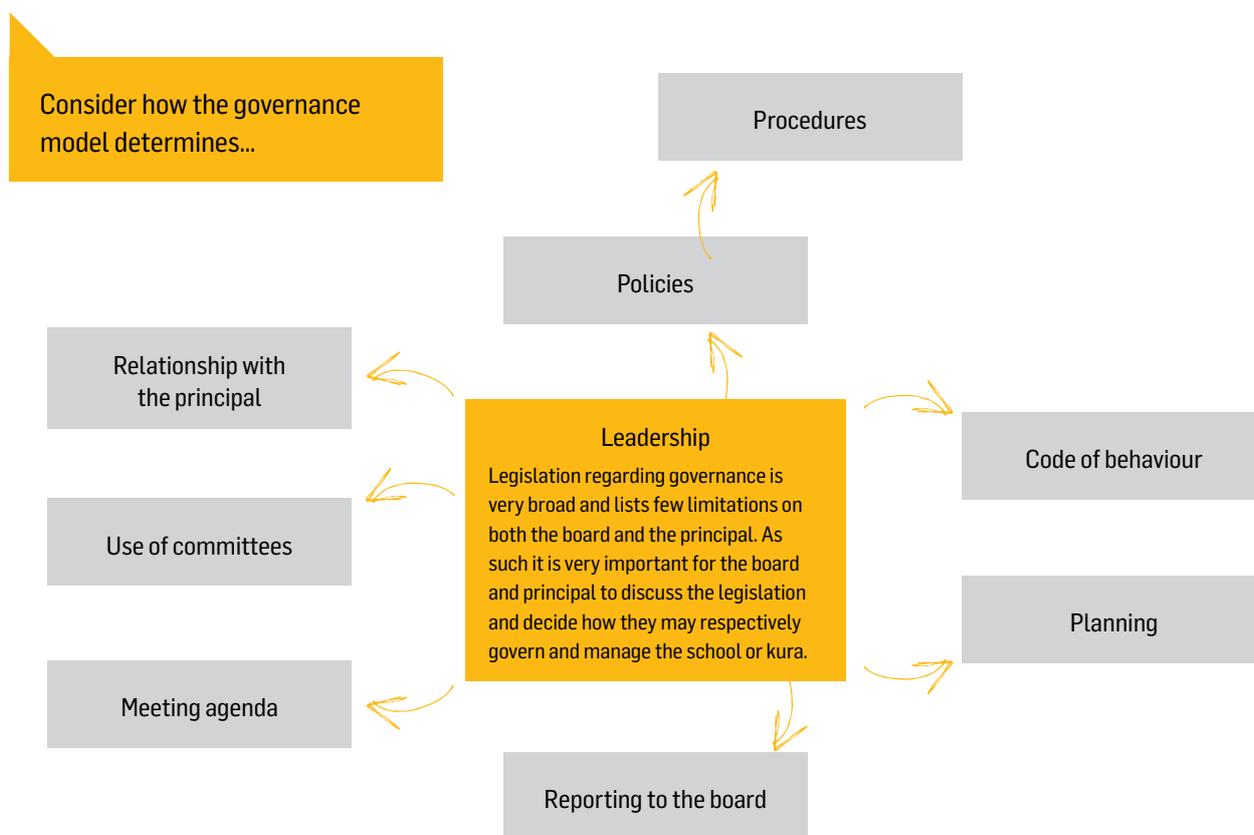
Do you know if your board has considered these strategies and what steps are being taken to implement them?

How does the board lead? – Governance model

The board needs to agree how it will, proactively, govern the school. Avoiding uncertainty and ambiguity between governance and management is critical.

When defining governance for our school we need to first understand:

- *Who are we here for?*
- *What is it we are supposed to do?*
- *How will we do this?*



Governance

The board is entrusted to work on behalf of all stakeholders and is accountable for the school's performance. It emphasises strategic leadership, sets the vision for the school and ensures that it complies with legal and policy requirements. Policies are at a governance level and outline clear delegations to the principal. The board and principal form the leadership team with the role of each documented and understood. The principal reports to the board as a whole with committees used sparingly and only when a need is identified in order to contribute to board work. The board is proactive rather than reactive in its operations and decision making and does not involve itself in the administrative details of the day-to-day running of the school. Improving student achievement, for all students, is its focus.

Management

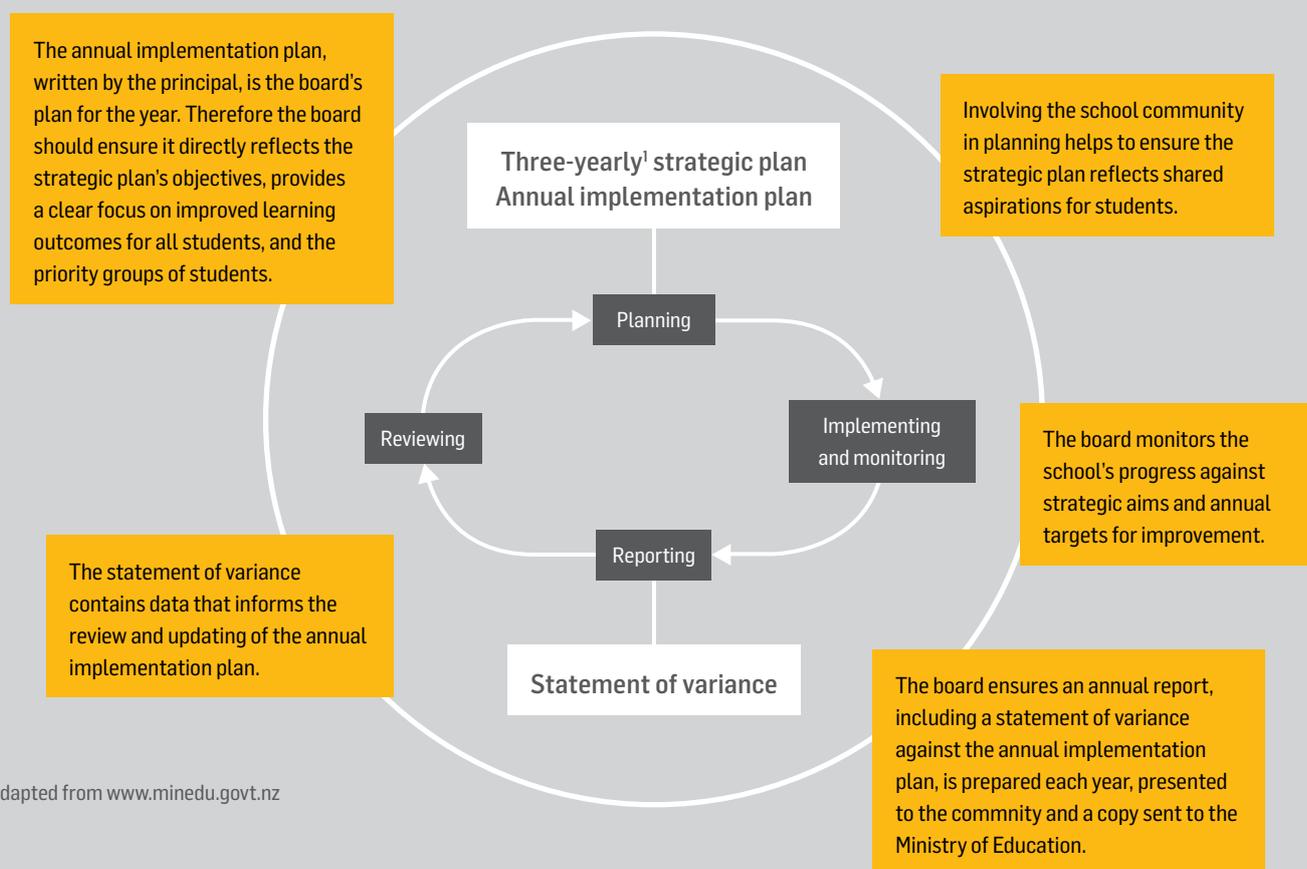
The board delegates all authority and accountability for the day-to-day operational organisation of the school to the principal who must ensure compliance with both the board's policy framework and the law of New Zealand.

Consider:

What changes need to be made to these statements so that they describe your board's governance and management delegations?

Setting direction - the planning and reporting cycle

A key role for the board is to set the direction for the school through the charter which incorporates strategic and annual sections. From 2020 charters will be replaced by three-year¹ strategic plans and annual implementation plans. Regardless of what these important planning documents are called, they play a crucial part in a school's internal evaluation (self-review) cycle, enabling the board to outline for parents, whānau, the school and wider communities what the board intends to achieve for students, how it will do this and the progress it has made.



Adapted from www.minedu.govt.nz

Consider:

- Does the board's strategic plan tell a story of the students who are not achieving as they should be, the targets set for improved progress and achievement, and the changes that will be made to teaching and learning?
- Does the board monitor implementation of the annual plan at every meeting?

¹ At time of print, it is expected that three-year strategic plans will be required, effective from 1 January 2020.

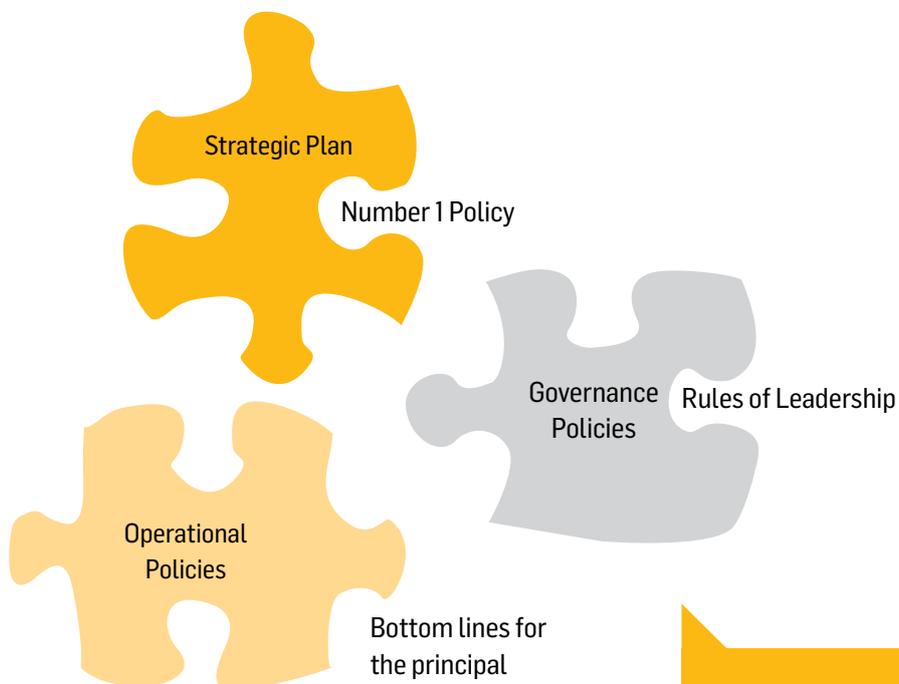
Setting direction – governance framework

The board's governance framework sets standards and performance expectations. It allows the board to monitor and evaluate performance as part of its ongoing review cycle. Ideally it will include:

- Trustee register
- Trustee delegations list
- Board annual workplan
- Board 3-year review programme/workplan
- Charter/strategic plan – the board's number one policy
- Governance policies
- Governance processes and procedures
- Operational policies

A board's policies

- Are its guiding principles, its statements of intent
- Are the rules and boundaries that provide direction for the board and principal to work within
- Must be consistent with government legislation, regulations, relevant employment agreements and the board's strategic plan



Consider:

Is your board's governance framework clearly outlined?

Does your board consult policy before making decisions?

Does policy define the areas your board does or does not discuss at board meetings?



Governance policies

Governance policies reflect the board's governance style, setting out the rules and expectations by which it governs.

4. Conflict of interest policy

Outcome statement

The board effectively manages actual, potential and perceived conflicts of interest ensuring the integrity of board decisions and reputation of board members.

Scoping

The board shall create a register of all board members detailing any interests, relationships or holdings that could potentially result in a conflict of interest. This register shall be updated whenever a board member's circumstances change or a new member joins the board. It should be reviewed at the start of each school year and following trustee elections.

Board members who have a conflict of interest shall be excluded from relevant board meetings (or relevant parts of board meetings).

Expectations and limitations

All staff and board members will effectively manage conflicts of interest between the interests of the school on one hand and personal, professional and business interests on the other. This includes managing potential and actual conflicts of interest as well as perceptions of conflicts of interest.

Any trustee who has a pecuniary interest or any other interest that may influence them in carrying out their duties and responsibilities as a trustee must be excluded from any meeting while the board discusses, considers, considers anything relating to or decides on the matter.

Any trustee who is a member of the board's staff must be excluded from any meeting while the board discusses, considers, considers anything relating to or decides on any matter relating to their own employment or a complaint received against them.

Any trustee who is a student enrolled at the school must be excluded from any meeting while the board discusses, considers, considers anything relating to or decides on any matter relating to them as an individual student.

In the course of board meetings, board members will disclose any interests in a transaction or decision where their family and/or partner, employer or close associate will receive a benefit or gain. After disclosure, the person making the disclosure will be asked to leave the meeting for the discussion and will not be permitted to vote on the question.

Procedures/supporting documentation

Disclosure of interest statements

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

Reviewed:

Next review:

Source: NZSTA Governance Framework 2018–Policy B4



Operational policies

Governance policies reflect the board's governance style, setting out the rules and expectations by which it governs.

D3 Personnel (NAG3) policy

Outcome statement

The obligations and responsibilities of being a good employer are met.

Scoping

The board recognises its responsibilities and accountabilities to its employees are achieved through its chief executive.

Delegations

The board delegates responsibility to the principal on all matters relating to the management of staff in the expectation that they will be managed in a sound, fair and respectful manner in accordance with the current terms of employment documents and identified good practice.

Expectations and limitations

The principal must ensure:

- all employment-related legislative requirements are applied
- all employees' understand their rights to personal dignity and safety and ensure that matters are resolved in an appropriate and fair manner
- a smoke-free environment is provided
- employment records are maintained and all employees have written employment agreements
- management pay units for appropriate positions are allocated in a fair, transparent manner
- employee leave is effectively managed and reported so that:
 - the risk of financial liability is minimised, operational needs are met and the needs of individual staff are considered
 - board approval is sought for any requests for discretionary staff leave with pay
 - board approval is sought for any requests for discretionary staff leave without pay of longer than 4 days
 - board approval is sought for any requests for staff travelling overseas on school business
 - the board is advised of any staff absences longer than xxx school days
- effective and robust performance management systems are in place for all staff that include performance management reviews, attestations for salary increases and staff professional development
- a suitable professional development programme, which takes into consideration the requirements of the strategic and annual plans, is provided as part of each employee's performance agreement
- the requirements of the Health and Safety at Work Act 2015 are met
- advice is sought as necessary from NZSTA advisers where employment issues arise and the school's insurer is notified.

Procedures/supporting documentation

Staff leave form

Professional development

Staff leave procedure

Storage of confidential information

Staff performance review

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

State Sector Act 1988 Employment Relations Act 2000 Privacy Act 1993

Health and Safety at Work Act 2015 Collective employment agreements

Adapted from: NZSTA Governance Framework 2018, Policy D3.

Year 20XX Board meeting dates 20xx

Review	Area for review	Feb	Mar	May	Jun	Aug	Sep	Nov	Dec
Strategic review	Charter/strategic plan	Confirm and approve charter to be submitted to MoE by 1 March					Annual aims regularly reviewed and reported to board through principals reports	Review of strategic plan Approve next year's review plan	AoV/SoV Annual plan draft
	Strategic aims						Review of strategic aims		
	Policy			Personnel	Health and safety	Governance – concerns and complaints	Curriculum	Finance	Role of the chair
	Learner progress and achievement	AoV/SoV report evaluation by board	Special education needs		Mid-year report post-parent interviews	Māori/Pasifika focus			AoV/SoV draft
	HR	Principal performance agreement process	Principal performance agreement approved	HR self-audit 1-3	HR self-audit 4-5		HR self-audit review report Provisional staffing entitlement and funding		Principal appraisal report, recommendations for performance agreement, next year's process
Regular review	Curriculum		Key competencies		English		The arts		
	Budget	Approve budget Monthly report	Monitor Monthly report	Monitor Monthly report	Mid-year review Monthly report	Monitor Monthly report	Monitor Monthly report Update/review 5YA/10YPP	Next year's draft budget Monthly report	Finalise and adopt draft budget Monthly report
	School's evaluative indicators		Responsive curriculum		Professional capability and collective capacity			Stewardship	
Emergent review	Community of Learning/Kāhui Ako								
	New government and local initiatives								
Board process compliance requirements	Elect chair		Accounts to auditor Charter, AoV/SoV submitted to MoE by 1 March	Annual report minuted and sent to MoE by 31 May	Roll return 1 July		Health curriculum consultation		
Board best practice	Role of the chair Delegations Trustee code of behaviour policy								
Board PD						Governance internal evaluation tool (IET) survey	Board self-directed learning		Board self-directed learning

Source: Governance Framework 2018: Board 3-year review programme/workplan

		Board meeting dates 20xx											
Year 20XX	Review	Area for review	Feb	Mar	May	Jun	Aug	Sep	Nov	Dec			
Strategic review		Charter/strategic plan	Confirm and approve charter to be submitted to MoE by 1 March										
		Strategic aims						Annual aims regularly reviewed and reported to board through principal's reports					
Regular review		Policy			Personnel	Health and safety	Governance – concerns and complaints	Curriculum	Finance	Role of the chair			
		Learner progress and achievement	AoV/SoV report evaluation by board	Special education needs		Mid-year report post-parent interviews	Māori/Pasifika focus	Gifted and talented		AoV/SoV draft			
		HR	Principal performance agreement process	Principal performance agreement approved							Principal appraisal report, recommendations for performance agreement, next year's process		
		Curriculum		Health and physical education		Learning languages Technology		Mathematics and statistics					
Emergent review		Budget	Approve budget Monthly report	Monitor Monthly report	Monitor Monthly report	Mid-year review Monthly report	Monitor Monthly report	Monitor Monthly report Update/review 5YA/10YPP	Next year's draft budget Monthly report	Finalise and adopt draft budget Monthly report			
		School's evaluative indicators		Responsive curriculum		Professional capability and collective capacity			Stewardship				
		Community of Learning/Kāhui Ako											
		Community of Learning/Kāhui Ako regularly reported to board through principal's reports											
Emergent review		New government and local initiatives											
Board process compliance requirements		Elect chair	Accounts to auditor Charter, AoV/SoV submitted to MoE by 1 March	Annual report minuted and sent to MoE by 31 May		Roll return 1 July							
Board best practice		Role of the chair Delegations Trustee code of behaviour policy											
Board IPD		Board self-directed learning	Board self-directed learning	Board self-directed learning	Board self-directed learning	Board self-directed learning	Board self-directed learning	Board self-directed learning	Board self-directed learning	Board self-directed learning			

Board meeting dates 20xx

Year 20XX

Review	Area for review	Feb	Mar	May	Jun	Aug	Sep	Nov	Dec
Strategic review	Charter/strategic plan	Confirm and approve charter to be submitted to MoE by 1 March						Review of strategic plan Approve next year's review plan	AoV/SoV Annual plan draft
	Strategic aims						Review of strategic aims		
	Policy			Personnel	Health and safety	Governance – concerns and complaints	Curriculum	Finance	Role of the chair
	Learner progress and achievement	AoV/SoV report evaluation by board	Special education needs		Mid-year report post-parent interviews	Māori/Pasifika focus	Gifted and talented		AoV/SoV draft
	HR	Principal performance agreement process	Principal performance agreement approved				Provisional staffing entitlement and funding		Principal appraisal report, recommendations for performance agreement, next year's process
Regular review	Curriculum		Science		Social sciences		Technology	Social sciences	
	Budget	Approve budget Monthly report	Monitor Monthly report	Monitor Monthly report	Mid-year review Monthly report	Monitor Monthly report	Monitor Monthly report Update/review 5YA/10YPP	Next year's draft budget Monthly report	Finalise and adopt draft budget Monthly report
	School's evaluative indicators								
	Community of Learning/Kāhui Ako								
Emergent review	New government and local initiatives								
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Board best practice	Role of the chair Delegations Trustee code of behaviour policy								
Board PD	Board self-directed learning		Board self-directed learning	Board self-directed learning	Board self-directed learning	Board self-directed learning	Governance internal evaluation tool (IET) survey – review of PD	Board self-directed learning	



Individual action planning

In this workshop we have discussed key documentation that will help you become an effective trustee. You may have been given a comprehensive trustee folder when you joined the board. If not, you might like to create your own including:

- Current board membership and contact details
- Trustee code of behaviour policy
- Board's triennial work-plan
- Board committee structure and delegations (if applicable)
- Board's triennial internal evaluation plan and process
- Board meeting schedule
- Minutes of last three open board meetings
- Principal's reports to last three open board meetings - including supporting documents
- Last three finance reports to the board
- Last three property reports to the board

- Latest ERO review report
- Details of any current Ministry of Education interventions/support at governance level

- Current charter/strategic and annual implementation plans
- Current budget
- Current governance (policy) framework
- Latest annual report, including analysis of variance

- School staff organisation chart

Sources of support



New Zealand School Trustees Association **Te Whakaroputanga Kaitiaki Kura o Aotearoa**

www.nzsta.org.nz
0800 782 435

NZSTA Advisory and Support Centre, Governance
govadvice@nzsta.org.nz

NZSTA Advisory and Support Centre, Employment
eradvice@nzsta.org.nz

NZSTA Professional Development
pdadvice@nzsta.org.nz

NZSTA Governance Framework
www.nzsta.org.nz/governance-framework-2018

Trustee election website
www.trustee-election.co.nz

Ministry of Education
Te Tāhuhu o te Mātauranga
www.education.govt.nz

Te Kete Ipurangi (TKI)
www.tki.org.nz

Education Review Office
Te Tara Arotake Matāuranga
www.ero.govt.nz

Education Act 1989
<http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.html>