Education Report: Tomorrow's Schools review – Independent taskforce appointments and Terms of Reference

To: Minister of Education  s 9(2)(a) OIA

Date: 14 February 2018  Priority: High

Security Level: In Confidence  METIS No: 1106627

 Drafter: Kara Isaac  DDI: 

Key contact and number: Ben O'Meara  Round robin: Yes / No

Messaging seen by Communications team: N/A

Purpose of report

1. This report provides a proposed process and timeframes for the appointments of the independent taskforce for the Tomorrow's Schools review at Appointments and Honours Committee (APH) on Wednesday, 28 February. It also asks you to note and give feedback on the candidate long list (Annex 2) and draft terms of reference (Annex 3).

Recommended Actions

The Ministry of Education recommends you:

1. Note the attached working list of potential nominations for the independent taskforce to review Tomorrow's Schools.

   Noted

2. Note that we are seeking your feedback on the list.

   Noted

3. Note the timeline outlined in Annex 1 for confirming appointments at the Appointments and Honours Committee (APH) on 28 February.

   Noted
4. **Note that we recommend** an alternative timeline for consideration of appointments at APH on 21 March.

   **Agree / Disagree**

5. **Note** the attached draft Terms of Reference for your review and feedback.

   **Noted**

---

Andrea Schollmann  
Deputy Secretary  
Education System Policy

Hon Chris Hipkins  
Minister of Education

__/__/  
__/__/
Background

1. Following Cabinet approval of the Education Portfolio Work Programme Cabinet paper, we have begun work on setting up the Tomorrow’s Schools independent taskforce, including an associated Budget Bid.

2. The immediate priorities for progressing this work are now;
   a. Appointing the taskforce for the review; and
   b. Finalising the terms of reference.

Appointing the Taskforce

Nominee list

3. A working list of nominees is attached at Annex 2 for your review and feedback. The 45 names on the longlist span Māori, Pasifika and youth representatives, sector leaders, academics, disability advocates, public service and/or governance experience.

4. Te Puni Kokiri, the Ministry for Pacific Peoples, the Ministry for Women, Treasury and the Education Review Office have been consulted. Treasury, the Ministry for Women and the Ministry for Pacific Peoples have provided nominees for the independent taskforce.

5. No one on the list has yet been contacted to gauge interest, willingness or availability.

6. In order for the taskforce to report back in December, we expect members will need to make a significant time commitment to the taskforce. In particular, we expect that the requirement for the group to consult with a large range of stakeholders will necessitate extensive commitment from members after the Education Summit in May for a number of months.

7. If a number of candidates are not available to be on the taskforce, we would need to consider how to source additional nominees, including ensuring that specific skills or representatives of priority groups are included.

Cabinet Fees framework

8. We have consulted the Cabinet Office Circular on fees frameworks for members appointed to bodies in which the Crown has an interest.

9. We believe that we are likely working at the top level of the framework for some or all of the appointees. This is because of the skills, knowledge and experience needed, the function, level and scope of authority, the complexity of issues, and the high public interest. The daily rate range is therefore likely as follows;

<table>
<thead>
<tr>
<th>Level</th>
<th>Fees range – chair</th>
<th>Fees range – members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$500-$1,062</td>
<td>$375-$800</td>
</tr>
</tbody>
</table>

10. If your preferred appointments require fees above this range, there is a separate process to seek an exemption. This would ordinarily involve writing to the Minister of State Services and seeking an exemption. In this situation you would consult with the Minister of Finance.
Timeframe for APH consideration

11. Your office has indicated that you would like to proceed to consideration of the appointments by APH on 28 February. The Annex 2 timeline outlines the process that would be needed to achieve this.

Risks

12. We consider that the timeline for consideration by APH on 28 February is very tight:
   a. Appointments would need to be made "pending" probity checks;
   b. Limited time (16 and 19 February) for consultation with Associate Ministers and other colleagues;
   c. Only two days (20 and 21 Feb) to contact preferred candidates and for them to confirm their availability and willingness to be appointed; and
   d. Only one day (21 February) to consult with the Prime Minister on the proposed appointments (if required).

Probity checks

13. Appointments will be subject to probity checks. This involves:
   a. sending preferred candidates a disclosure form which requests personal details as well as information on conflicts of interests;
   b. using the Ministry's probity agent to do a third-party probity check on preferred candidates;
   c. criminal conviction history check undertaken by our agent.

14. Once disclosure information has been received from the nominees, it usually takes around two weeks for the Ministry's agent to complete the required checks.

15. To meet the timeframes for 28 February submission, the appointments would need to be made "pending" probity checks. While a concurrent process can be run for appointing candidates at APH "pending" satisfactory probity checks, a public announcement cannot be made until probity checks have been completed for all members.

16. If any of the results of a probity check meant that any nominee could not be confirmed, then the taskforce would either need to proceed with a smaller number of appointees or a replacement appointment would need to be made by APH.

Consultation with Ministers

17. Given the significance of the work this taskforce will be carrying out, we recommend consultation with other Ministers on the appointment of members of the independent taskforce. The Cabinet Guide also states that the Prime Minister is required to be consulted on major appointments. SSC guidance on what constitutes a "major" appointment is that this is a matter of judgement for the responsible Minister.

Finalising the Terms of Reference

18. A draft terms of reference for the review is attached for your feedback as Annex 3. Treasury has been consulted.
Annexes

Annex 1:  Timeline for appointments to be considered by APH on 28 February
Annex 2:  List of candidates for Tomorrow's Schools taskforce
Annex 3:  Draft Terms of Reference
## Annex 1: Timeline for consideration at APH, 28 February

<table>
<thead>
<tr>
<th>Date</th>
<th>Required Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday, 16 February</td>
<td>Minister’s Office provides long list of candidates to Associate Ministers’ Offices for review and feedback by Monday</td>
</tr>
<tr>
<td></td>
<td>Consultation with other Ministers’ Offices, as appropriate.</td>
</tr>
<tr>
<td>Monday, 19 February</td>
<td>Short list of candidates agreed with Minister/Office (either at agency meeting or through other channels)</td>
</tr>
<tr>
<td></td>
<td>Feedback from Minister’s Office re terms of reference</td>
</tr>
<tr>
<td>Tuesday, 20 February</td>
<td>Short listed candidates contacted to test interest and availability</td>
</tr>
<tr>
<td></td>
<td>Draft Cabinet paper and revised terms of reference to Minister’s Office</td>
</tr>
<tr>
<td>Wednesday, 21</td>
<td>Final recommended appointments agreed</td>
</tr>
<tr>
<td>February</td>
<td>Next versions of Cabinet paper and Terms of Reference to Minister’s Office</td>
</tr>
<tr>
<td></td>
<td>Prime Minister’s Office consulted on proposed appointments (if required)</td>
</tr>
<tr>
<td>Thursday, 22</td>
<td>Lodgement for APH</td>
</tr>
<tr>
<td>February</td>
<td>Consideration at APH</td>
</tr>
<tr>
<td>1-21 March</td>
<td>Disclosure forms sent to nominees. Probit checks of candidates (if proposed candidates confirmed by APH)</td>
</tr>
<tr>
<td>Monday, 5 March</td>
<td>Consideration at Cabinet</td>
</tr>
<tr>
<td>Late March /</td>
<td>Public announcement of task force members and release of terms of reference</td>
</tr>
<tr>
<td>Early April</td>
<td></td>
</tr>
</tbody>
</table>
Annex 2: List of candidates for taskforce

Annex 3: Draft Terms of Reference