

A Matter of Ethics The board's Code of Conduct

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NZSTA
e tipu e rea

Preparing our minds for the session

Whakataka te hau ki te uru

Cease the winds from the west

Whakataka te hau ki te tonga

Cease the winds from the south

Kia mākinakina ki uta

Let the breeze blow over the land

Kia mātaratara ki tai

Let the breeze blow over the ocean

E hī ake ana te atakura

Let the red-tipped dawn come with a sharpened air

He tio, he huka, he hau hū

A touch of frost, a promise of a glorious day!

Tīhei mauri ora!



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Whakawhanaungatanga

Is the process of establishing links, making connections and relating to others.

Let's get to know each other!



What is Governance?

Governance **controls** the way an organisation operates by:

- **setting** objectives
- **establishing means** to meet objectives
- **monitoring** performance

School boards

- **determine** the school's strategy and **oversee** its delivery
- **role model** an effective culture
- **manage** risk
- **ensure** legislative compliance

What are ethics?

eth·ics

[ɛθɪks]

NOUN

- moral principles that govern a person's behaviour or the conducting of an activity
- A system of moral principles that affect how people make decisions and lead their lives.
- Standards of right and wrong that prescribe what we ought to do



Ethical Governance

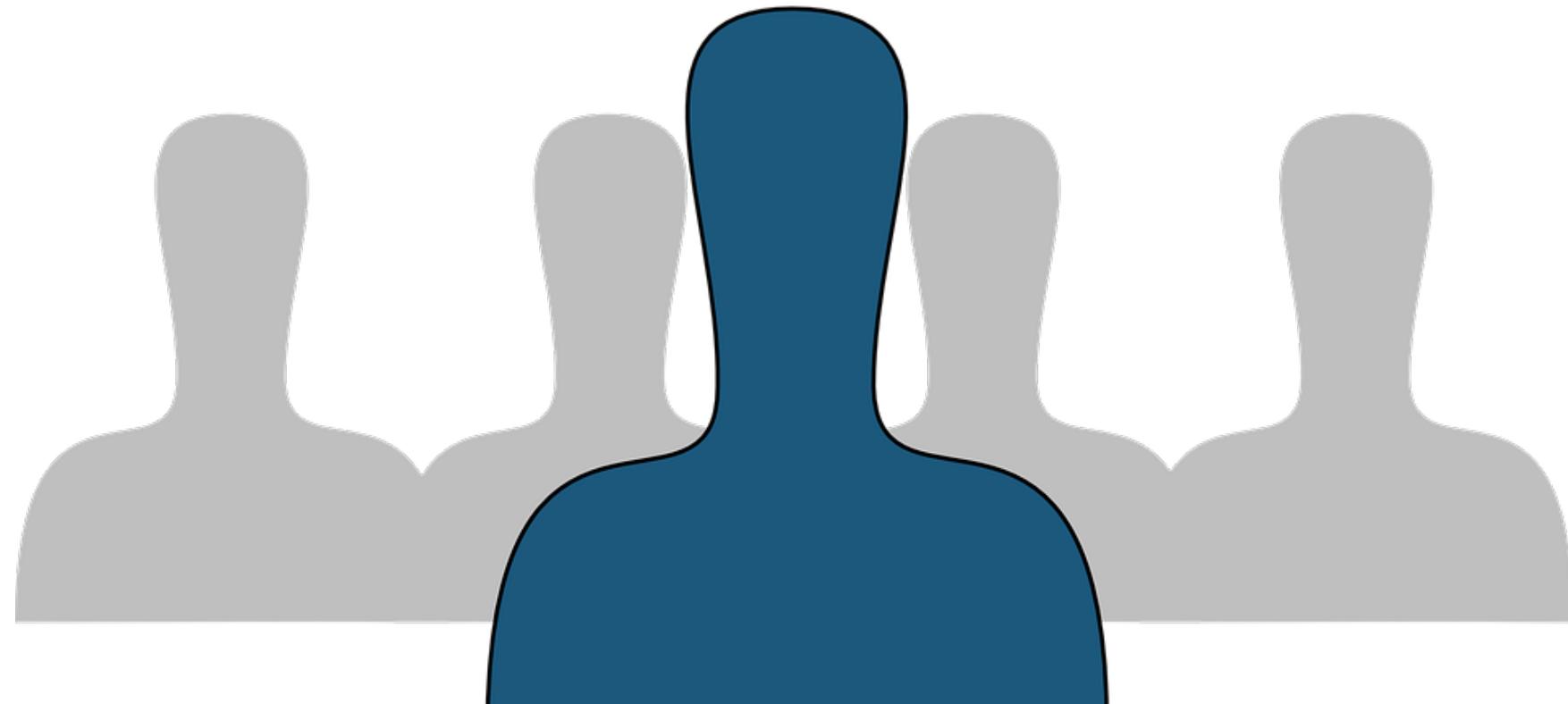
Governance that is guided by a set or system of moral principles governing the behaviour of the individual board members AND the board, and that positively affects the board's decision-making.

Good governance matters:

- foundation for long-term sustainability
- robust decision making
- systematically managing risk
- Compliance with legal, ethical and professional obligations

Collective Responsibility

Individual members of a group are accountable for the actions or decisions of the group as a whole. . .



Board primary objectives

To ensure that the school or kura:

- enables every student to attain their highest possible standard in educational achievement,
- is a physically and emotionally safe place for students and staff, gives effect to relevant student human rights, and takes all reasonable steps to eliminate discrimination,
- is inclusive of and caters for students with differing needs, and
- gives effect to Te Tiriti o Waitangi.

NELP (National Education Learning Priorities)

1. Ensure places of learning are safe, inclusive, and free from racism, discrimination, and bullying.
2. Have high aspirations for every ākonga (learner), supported by partnerships with their whānau and communities to design and deliver education.
3. Reduce barriers to education for all.
4. Ensure every ākonga gains sound foundation skills, including language, literacy and numeracy.
5. Meaningfully incorporate te reo Māori and tikanga Māori into everyday life.
6. Develop staff to strengthen teaching, leadership, and learner support capability.
7. Collaborate with industries and employers to ensure ākonga have the skills, knowledge, and pathways to succeed in work.

Code of Conduct

- Section 166 of the Education and Training Act gave the Minister of Education the authority to issue a code of conduct.
- This came into effect on 21 June 2023 and sets **minimum** standards for conduct for each **individual** board member.
- The board, as a group, must meet the primary objectives as outlined in section 127 of the Education and Training Act 2020 and all other legal obligations placed on the board.
- Individual school boards can decide to add to the minimum standards, as long as any additions do not go against the code issued by the Minister.



What's in the code

Acting to achieve our objectives

The purpose of all school boards is to govern the school. As board members, we share the common objectives, as outlined in section 127 of the Education and Training Act 2020, including ensuring the school gives effect to Te Tiriti o Waitangi. These objectives are not achieved alone, but in partnership with parents/caregivers, whānau, iwi, hapū, communities, and students/ākonga.

We act and behave in a manner that demonstrates and promotes these common objectives.

What's in the code

<p>1. I act with integrity</p>	<p>I act with high standards of professional and personal integrity, including being honest, open, transparent, and trustworthy.</p>
<p>2. I am culturally responsive and fair</p>	<p>I do not act or advocate in a way that discriminates against, nor act in a way that unjustifiably favours, particular individuals, groups, identities or interests.</p>
<p>3. I actively promote a safe school environment</p>	<p>I speak up when I see unethical behaviour. I treat all concerns raised seriously. I encourage an open culture where all staff, communities and students feel safe speaking up.</p>
<p>4. I am respectful of my fellow board members and act consistently with the designated or special character of my school</p>	<p>I follow the board's policies and procedures. I work with my fellow board members in a respectful way, even when we disagree. If I am a board member of a designated character school or state-integrated school I act consistently with the school's character. I act consistently with Te Aho Matua where the school is a Kura Kaupapa Māori Te Aho Matua.</p>
<p>5. I respect the process of collective decision-making</p>	<p>I recognise that only a member authorised by the board to do so may speak on behalf of the board. I do not act independently of the board's decisions.</p>

What's in the code

6. I treat school staff, students and members of the school community with respect	I treat the principal, staff, students, and school volunteers, and members of the school community with courtesy and respect.
7. I take responsibility for ongoing development in my role	I make myself available to undertake appropriate professional development, including a focus on Te Tiriti o Waitangi and good governance.
8. I engage with our community in sensitive and appropriate ways	I work with my fellow board members to authentically engage with all people in our school community, including whānau, local Māori communities, iwi and hapū, fairly, impartially, promptly, and sensitively to help inform the decisions we make.
9. I speak up for all students	I put students' wellbeing, progress and achievement first and foremost, unaffected by my personal beliefs or interests.
10. I come prepared	I come to board meetings prepared to fully participate in decision-making.

What's in the code

11. I use my position responsibly

I maintain confidentiality when I receive non-public information gained in the course of my duties and use it only for its intended purpose. I publicly represent the school in a positive manner and do not publicly disclose information that may be harmful to the school. I do not pursue my own interests at the expense of the school or community's interests.

12. I do not seek gifts or favours

I follow our board policy procedures in relation to any offers of gifts or hospitality. I never seek gifts, hospitality or favours for myself, members of my family or other close associates.

13. I am politically impartial in my role as a board member

I do not endorse or campaign for a political party or candidate in my capacity as a school board member.

14. I meet statutory and administrative requirements

I act in accordance with all statutory and administrative requirements relevant to the role of the school board (including as an employer) and will seek guidance and support if and where required.

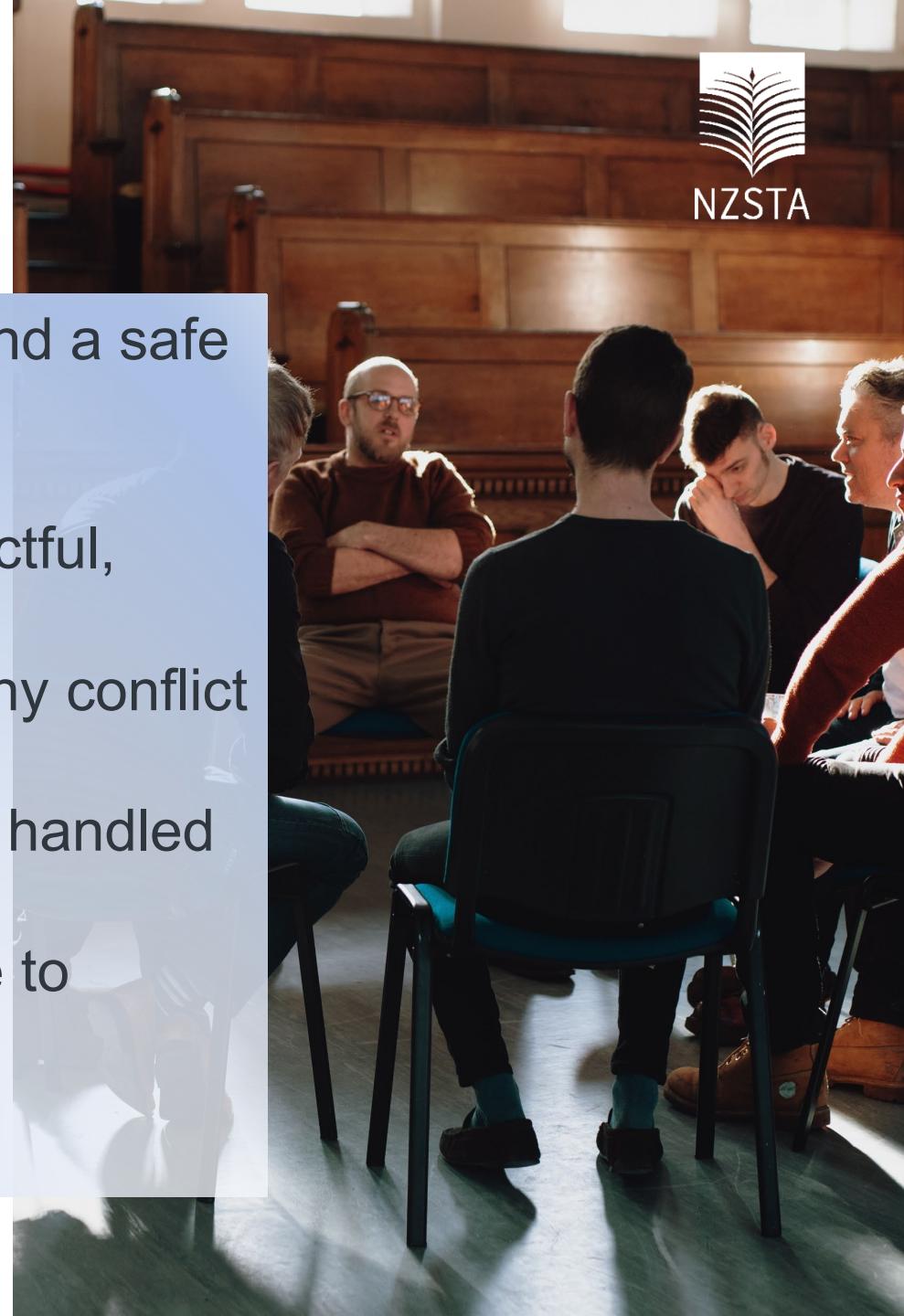
15. I identify and manage conflicts of interest

I identify, disclose, manage and regularly review all interests. I become familiar with, and follow, all conflicts of interest requirements, including those of the board, the school, and all statutory requirements.

Board Culture

Spend time on building a positive board culture and a safe environment for robust discussion

- Welcome different views and encourage respectful, robust debate.
- Have measures to minimise or prevent unhealthy conflict before it affects board effectiveness.
- Conflict is not always a bad thing, provided it is handled appropriately.
- Resignation or removal of a board member due to conflict should be an absolute last resort.



Establishing a positive culture

- Induction – understanding roles and responsibilities
- Policies
- Team building
- Reflection – what works well, what is not working.



When there is conflict...

- **Identify and understand** the reason or source of the conflict before taking any action.
- Consider the perspective of the board member causing conflict
- The presiding member should address situations with individual board members (with board's knowledge)

BUT

- the board has a **collective responsibility** to deal with any internal disputes or behaviour that cause unhealthy conflict.



Addressing conflict

- Try and resolve at the **lowest** level possible
- Informal “over a coffee” discussion with presiding member
 - Discuss concerns with member
 - Suggest appropriate ways to raise concerns
 - Identify potential risks for board member and board
- Informal board discussion – use the code of conduct as a basis for the discussion.
- CLARIFY EXPECTATIONS
- Feedback opportunities
- NZSTA involvement



Risk

"A board member is not personally liable for any act done or omitted by the board, or any loss to the board arising out of any act done or omitted by the board member **only if** the act or omission (as far as the board member's involvement is concerned) was in good faith in the performance or intended performance of the functions of the board."

A board member acting in bad faith creates risk for themselves and for the board.



Sanctions

- Board may censure a board member for a breach(es) of the code.
 - Internal board process
 - By resolution of the board
 - Formally recorded in minutes
- Board may request in writing that the Education Minister remove a board member for persistent or high level breaches
- Code applies to Principal – sanctions do not. Addressed through employment processes.



Natural Justice

The board must apply principles of natural justice:

- Act FAIRLY and REASONABLY
- Board member must know what behaviour the proposed sanction is for
- Board member has the right to respond to allegations
- A fair decision-making process must be followed



SCENARIOS

What would you do?

A board member makes disparaging comments about the principal's performance in board meetings and regularly emails the principal between meetings, accusing him of being incompetent.

At her first meeting, a new board member asks about specific documents, including the board's strategic plan and annual report from the previous year. The board agrees that the principal will compile the documentation and it will be made available to board members prior to the next board meeting. The following day, the principal receives a strongly worded email from the same board member formally requesting the documents immediately.

A traumatic incident has occurred at the school. Rumours are circulating on social media and within the school community. A board member comments on a facebook post to “put the story right”.

At the first post-election meeting, a board member is giving her pepeha. Another board member interrupts and says “speak English”. The board member raises a concern with her presiding member, explaining that she feels culturally unsafe as a result of this.

A board member is unhappy with the school's mathematics data and approaches classroom teachers, saying they need to do better.

The board are informed by the principal, in a public-excluded session, that the school's caretaker has terminal cancer. The caretaker has asked that his diagnosis is not shared with the school community while he comes to terms with it. Two days later, the wife of a board member sets up a Givealittle page to raise money to help him and his family.

A board member is running as an electorate MP for the region.

The board regularly attend NZSTA workshops, with the exception of one board member who is “too busy”.

The board has appointed a new principal. One board member disagrees with the appointment and has been talking in the community, making it clear that they don't think the new principal is the right choice and that they preferred the other candidate interviewed (an internal applicant).

The board opens their meetings with a karakia. A newly co-opted board member comments that, as no-one on the board is Maori, they don't need to make use of karakia.

A college board discuss an employment matter in a public-excluded session at its meeting. A senior student has disclosed to a teacher that another teacher is having an inappropriate relationship with a student. The next day, on a community facebook page, an anonymous post names the teacher and describes them as a paedophile and a groomer and warns parents to keep their children away from the school.

The principal has appointed a new teacher to a fixed term position and requests that the board ratifies the appointment. The board is subsequently informed that the teacher is the principal's wife – the couple have different surnames. The principal did not declare a conflict of interest and carried out the entire appointment process.

The board needs to consider an employment matter relating to a teacher. The principal advises the board that he has told the student representative not to attend the meeting.

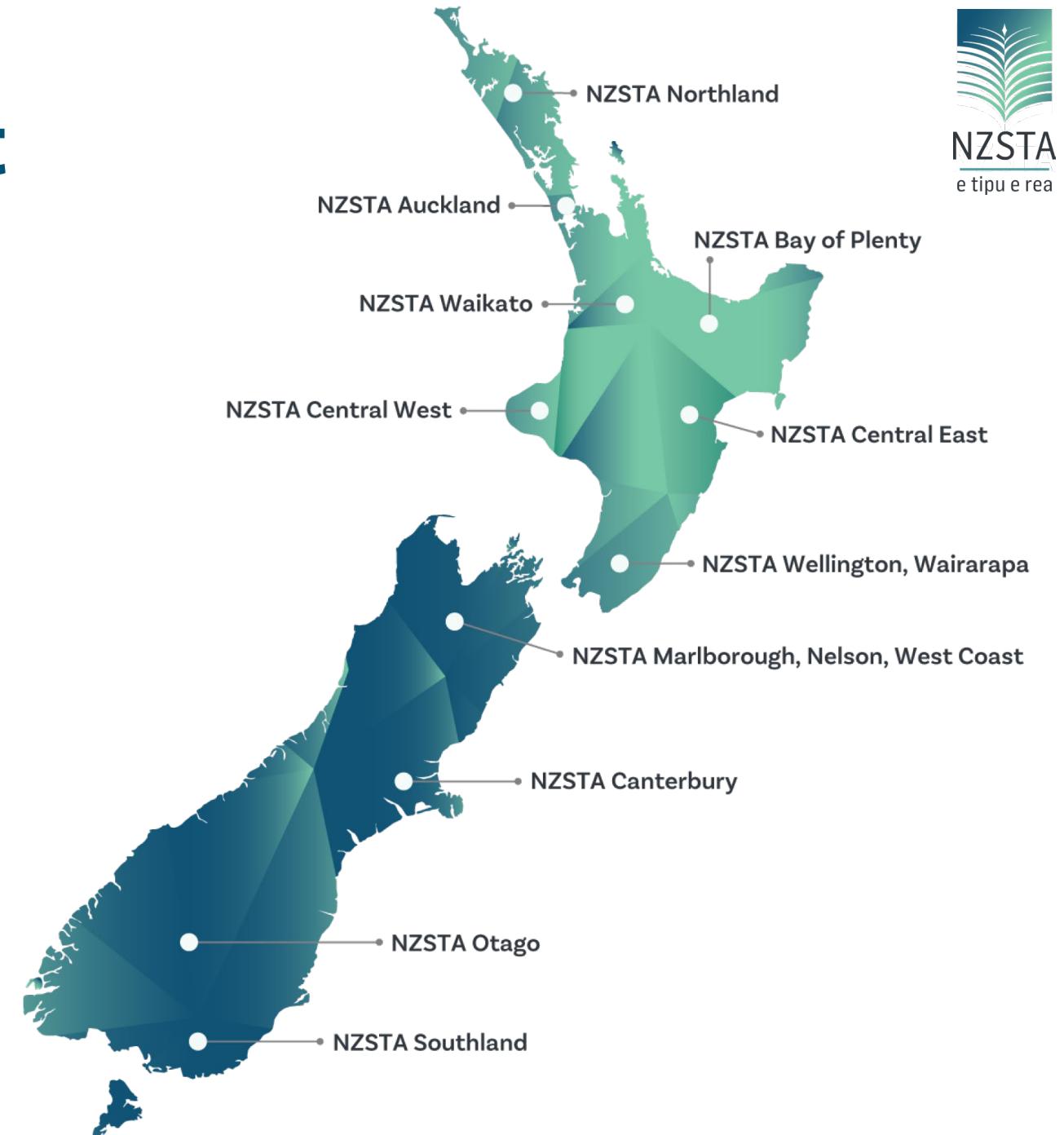
Advice and Support

Advisory Support Centre

0800 782 435

For employment matters:
eradvice@nzsta.org.nz

For governance matters:
govadvice@nzsta.org.nz



Closing the session

Ka whakairia te tapu

Restrictions are moved aside

Kia wātea ai te ara

So the pathway is clear

Kia turuki whakataha ai

To return to everyday activities

Haumi e. Hui e. Tāiki e!

Enriched, unified and blessed!