



Te Kawa Mataaho

Public Service Commission

27 August 2025

Robyn Baker ONZM
Governing Council Chair
Teaching Council of Aotearoa New Zealand
Level 11, 7 Waterloo Quay
PO Box 5326, Wellington 6140

via email: 9(2)(a) privacy

cc: Lesley Hoskin

Tumu Whakarae | Chief Executive
Teaching Council of Aotearoa New Zealand
via email: 9(2)(a) privacy

Tēnā koe Robyn,

Thank you for your assistance with our preliminary investigation into a complaint about the Teaching Council, referred to the Public Service Commission (the Commission) by Minister Stanford. I appreciate that our initial inquiries, and the time required to work through the material, may have caused some uncertainty for you and the wider Teaching Council, as your organisation responded to our initial requests.

As the Public Service Commissioner set out in his letter of 18 July, the purpose of the preliminary investigation was to undertake a document review and provide advice to the Minister on whether an investigation into the complaint was warranted. We looked at whether there were questions that could not be answered on the face of the documents, not whether any of the allegations were substantiated.

As discussed with the investigation team last Friday, we have reached the conclusion that further investigation is required into how the Teaching Council assessed and managed its Chief Executive's conflicts of interest and the procurement processes surrounding the Teaching Council's engagement with Clemenger UnLtd (Clemenger). We have provided advice to the Minister to that effect. As a result, the Minister has asked the Commission to conduct an investigation under clause 5, Schedule 3 of the Public Service Act 2020.

I will be the senior responsible manager for this investigation. Dean Rosson, Manager, Integrity and Ethics, whom you have met, will lead the investigation team and will remain your primary point of contact.

The initial scope of the investigation

Please find attached as **Appendix 1**, a copy of the complaint that the Minister received with minor redactions to protect the identity of the complainants. Whilst the complaint is not subject to the Protected Disclosures Act 2022, the Commission is taking steps to maintain the confidentiality of complainants, and we ask that you do the same.

We have identified six specific allegations in the complaint related to procurement, conflicts of interest, recruitment and complaint handling, as well as broader issues including change management, management of complaints, bullying and culture.

At this stage, we only consider it necessary to investigate the circumstances surrounding one of the allegations further. That is the allegation that:

The Chief Executive of the Teaching Council directly awarded a significant advertising contract (worth \$600,000–\$800,000) to Clemenger UnLtd, a firm where their husband was a director. In addition, it was alleged that they (the Chief Executive) failed to declare or manage the conflict of interest and retained final say and sign-off on all contracted and creative work.

We acknowledge that, from the documents we reviewed, the Chief Executive did declare this conflict of interest and that it appears she did not directly award the contract to Clemenger. However, we have questions about how the conflict was assessed and actively managed over time, and about the associated procurement processes. Having reviewed documents in relation to this allegation we also have questions about how the Chief Executive's other declared conflicts with family members were managed.

The purpose of an investigation into these matters is to provide the public and the Minister of Education with assurance that the Teaching Council has dealt with these conflicts and associated procurements appropriately.

The draft Terms of Reference for this investigation is attached as **Appendix 2** for your consideration. Please let us know if there is anything in the draft that is unclear or inaccurate.

The remaining allegations

Out of scope

Another allegation in the complaint was that:

Concerns about bullying and workplace harm were raised internally and with the Council Chair with no apparent action taken. This includes:

- *a correspondence which was sent to the Chair alleging bullying and workplace harm, which was neither acted upon nor appropriately escalated. It was handed to the Chief Executive Officer who declined to investigate, despite statutory obligations under applicable legislation requiring such inquiries.*

We have reviewed an anonymous protected disclosure made in May this year that was addressed to you, as the Council Chair. Having reviewed the related documentation we consider that it is not necessary to investigate this allegation further. We acknowledge that you have told us that you have not received any other correspondence with allegations of bullying and harassment during your tenure as Chair of the Governing Council. We would be grateful if you would confirm this in writing.

Response required

The four other specific allegations in the complaint were:

- *The Teaching Council's Deputy Chief Executive (DCE) Operational Services appointed three former Education New Zealand staff as contractors; individuals with whom they had prior*

professional relationships, outside of standard recruitment processes, to work on the ‘Stepping into Leadership initiative’.

- *The Teaching Council’s Human Resources Manager engaged a family member as a paid consultant on Māori cultural matters and/or translation services, despite limited qualifications or a demonstrated need for the services.*
- *The Teaching Council’s DCE Māori contracted family members and personal associates to deliver services including for Te Reo instruction, outside of standard procurement processes.*
- *Unredacted 360-degree survey results relating to the DCE Māori were shared by the Board Chair with the Chief Executive Officer, contrary to a breach of promised anonymity.*

We have not been able to get a sense of the circumstances surrounding any of these allegations from our documentary review.

Rather than include these matters in the investigation from the outset, we would be grateful if the Teaching Council could speak to the relevant Teaching Council staff and provide us with a written explanation in relation to each allegation. The explanation should attach any relevant documentation, as you consider appropriate.

If, having reviewed the explanation and discussed it with you, we have further questions about whether system-wide good practice has been complied with, then the allegations may be incorporated into our investigation through an updated Terms of Reference. We will consult the Teaching Council on any update. The Minister has agreed with this approach.

To assist you in gathering relevant documentation, we have attached the initial information request provided to your nominated person in **Appendix 3**.

Referral to you

In addition to these specific allegations, the complaint also raised broader concerns about a culture of bullying and harassment at the Teaching Council, as well as staff fatigue due to ongoing change processes.

We are referring these concerns to you for your consideration as Chair of the Governing Council. We have also shared a copy of the complaint with the Ministry of Education, as the monitor agency for the Teaching Council. We highlighted these broader concerns for their information.

Next steps

We would appreciate it if you could provide us with:

- Any feedback on the draft Terms of Reference from the Teaching Council, as soon as practically possible or by **5 September**.
- As discussed with the investigation team, written confirmation that you have not received any other correspondence with allegations of bullying and harassment during your tenure as Chair of the Governing Council by COB **28 August**.
- A written response from the Teaching Council in relation to the four other allegations by **10 September**.

Finally, I realise that you are coming to the end of your term as the Board Chair in the next few days, should you have any feedback on the Terms of Reference, please liaise with the incoming Board Chair to submit your feedback. I would be grateful if you could share this letter with the incoming Chair, as well as the contact details for both Dean and I. I am conscious that investigations can be stressful for everyone involved and I would be happy to meet with the new Chair to answer any questions he may have about the process.

Nāku noa, nā,

A handwritten signature in black ink, appearing to read 'Hugo Vitalis', with a long horizontal line extending from the end of the signature.

Hugo Vitalis
Tumu Whakarae Tuarua
Deputy Chief Executive, Strategy Policy and Integrity