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| Report Title: | Chief Executive, Charter School Agency: consultation on priorities and appointment process | | |
| Report No: | 2024-0128 | | |
| Date: | 2 May 2024 | | |
| To: | Hon Nicola Willis, Minister for the Public Service | | |
| Action Sought: | Forward a copy of this paper to the Hon David Seymour, Associate Minister of Education (Partnership Schools) and Hon Erica Stanford, Minister of Education. | Due Date | As soon as possible |
| | Provide feedback on matters to be taken into account for the Chief Executive Charter School Agency, via the position description enclosed. | Due Date | 7 May 2024 |
| Cc: | Hon David Seymour, Associate Minister of Education (Partnership Schools) | | |
| | Provide feedback on matters to be taken into account for the Chief Executive Charter School Agency, via the position description enclosed. | Due Date | 7 May 2024 |
| | Hon Erica Stanford, Minister of Education | | |
| | Note the enclosed appointment process and indicative timeline for the Chief Executive, Charter School Agency. | Due Date | N/A |
| Contact Person: | Thor Gudjonsson, Deputy Commissioner, System and Agency Performance | | |
| Contact No: | 9(2)(a) privacy | | |
| Encl: | Yes | Priority: | Medium |
| Security Level: | IN CONFIDENCE | | |

Executive Summary

1. Cabinet has agreed to establish a new departmental agency to support the implementation of the charter school model. The Charter School Agency will be established from 1 July 2024.
2. Deputy Public Service Commissioner, Rebecca Kitteridge, intends to shortly commence a process to appoint an inaugural Acting Chief Executive for the Charter School Agency.
3. This report provides you with information on this process, Ministerial involvement and indicative timings for making the appointment.

Acting Chief Executive, Charter School Agency Appointment Process

4. The Deputy Public Service Commissioner intends to advertise the position of Acting Chief Executive, Charter School Agency publicly once an announcement about the agency's establishment has been made.
5. We are proposing to appoint an Acting Chief Executive, to allow for greater flexibility should the form of the agency change after the 2025 review agreed by Cabinet in March (SOU-24-MIN-0018).
6. Acting chief executives are appointed under schedule 7 clause 9 of the Public Service Act. The process for appointing acting chief executives is not prescribed in the Act, but a merits-based, contestable process that mirrors the substantive process under schedule 7 clause 3 of the Act will be undertaken.
7. The Deputy Public Service Commissioner will update you at key points throughout the process, including post shortlisting and interview for the position. The key steps of the process are set out below in the 'indicative timeline' section.

Position Description

8. A position description for the role Chief Executive, Charter School Agency has been developed using the agency functions outlined in the suite of establishment Cabinet papers, and legislative requirements under the Act and the Education and Training Act 2020. We have also reflected the recent initial discussion between the Associate Minister of Education (Partnership Schools) Hon David Seymour and the Deputy Public Service Commissioner about priorities for the position.
9. In line with standard practice, the Secretary for Education, Ms Iona Holsted, has been consulted on the position description as the Chief Executive of the Charter School Agency's host department.
10. This report seeks confirmation from the Minister for the Public Service and Associate Minister of Education (Partnership Schools) that their priorities for the Chief Executive for the Charter School Agency are incorporated in the enclosed position description. Please indicate if you have any further feedback.

Interview Panel

11. The Deputy Public Service Commissioner will consult with the Associate Minister of Education (Partnership Schools) on proposed interview panel members shortly, which replicates the process for appointing chief executives set out in the Act.
12. The composition of the interview panel will be:
 - Deputy Public Service Commissioner as chairperson; and
 - An employee of the Public Service Commission; and
 - one or more persons to be appointed by the Deputy Public Service Commissioner as panellists, after consultation with the appropriate Minister.
 - The host agency Chief Executive.

Indicative Timeline

13. An indicative timeline for the acting appointment is proposed below:

| Action | Proposed Dates |
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| Commence advertising | As soon as possible after Agency announcement |
| Applications close | w/c 20 May |
| Shortlisting | w/c 20 May |
| Panel interviews | w/c 27 May |
| Update to Ministers | Immediately following |
| Probity & security clearance | Allow two weeks (early June) |
| Announcement | Late June |
| CE commences in role | 1 July |

Recommended Action

We recommend that the Minister for the Public Service:

- a **refer** this report and the draft position description to the Associate Minister of Education (Partnership Schools) and Minister of Education

Referred/not referred.

- b **confirm** your priorities for the Chief Executive, Charter School Agency (through the draft Position Description)

Feedback provided/no feedback necessary.

Hon Nicola Willis

Minister for the Public Service

We recommend that the Associate Minister of Education (Partnership Schools):

- a) **confirm** your priorities for the Chief Executive Charter School Agency (through the draft Position Description)

Feedback provided/no feedback necessary

Hon David Seymour

Associate Minister of Education (Partnership Schools)

We recommend that the Minister of Education:

- a) **note** the appointment process and timeline for the Chief Executive Charter School Agency

Noted

Hon Erica Stanford
Minister of Education

Position Description



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| Position | Chief Executive |
| Agency | Charter School Agency |

Position purpose

A new departmental agency is being created to establish, implement, operate and monitor the performance of charter schools |kura hourua in New Zealand.

Charter schools provide parents with additional choices over how their children are educated and will be run by private or NGO sponsors which will operate with considerable flexibility over their governance, management, curriculum, and staffing in exchange for reaching clear education performance measures set out in contracts. These contracts will hold education providers to account with specified performance standards, to raise overall educational achievement.

A small number of charter schools are expected to be operational by the beginning of 2025. An Establishment Board has been appointed to guide the formation of the charter school model. It will advise on the initial establishment of the charter school model and ongoing functions and management of the model. The Ministry of Education has started work with the Establishment Board that will be passed to the Charter School Agency as it becomes operational. The Charter School Agency will support the Establishment Board until an Authorisation Board is appointed.

The Authorisation Board will be responsible for considering and approving or declining applications from sponsors to establish and manage a charter school and will be able to place conditions on approvals. The Board will also be responsible for deciding on interventions to address performance concerns in schools.

The new Charter School Agency is responsible for contracting with sponsors as approved by the Authorisation Board to establish and operate schools. It will also monitor and report on the performance of charter schools and carry out the operational work for interventions with schools as determined by the Authorisation Board.

The Chief Executive will work alongside the Board, to the Associate Minister of Education (Partnership Schools) and provide advice on how the charter model is working. They will work with the Ministry of Education to support them in advising Ministers on alterations to policy settings as necessary.

The Charter School Agency will be hosted by the Ministry of Education, which will support the Agency in the delivery of its functions.

| Accountabilities | |
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| Agency | <p>The Chief Executive of the Charter School Agency is accountable for:</p> <ul style="list-style-type: none"> • Secretariat for the Establishment Board and then the Authorisation Board - providing comprehensive support to enable the Authorisation Board to make statutory decisions in respect to the establishment, disestablishment and performance of charter schools. • Contract with charter school sponsors - contracting with sponsors that are approved to establish and operate charter schools. Undertake the operational work associated with the day-to-day management of contracts. • Monitor - providing an account on what is achieved in the contracts with sponsors to the Authorisation Board, from the performance and financial information it holds. • Interventions - advising on interventions with schools as required and act on Board decisions on interventions. • Engagement with bodies – engaging at a senior level with the other agencies in the education sector on both strategic and operational matters, including engagement that is required by legislation, and advice and information to support the Ministry of Education’s policy advice. • Advice - providing advice to Ministers on the charter school model and its implementation including gathering input from relevant stakeholders and considering practical and value for money solutions. |
| Critical success priorities | <p>The Chief Executive of the Charter School Agency is expected to direct their effort and achieve success in the following areas:</p> <ul style="list-style-type: none"> • Continue to establish the Charter School Agency so that it is set up to deliver on its functions and priorities for children and families including through the first charter schools in 2025. • Develop a work programme for the Agency to deliver on the Government priorities for the agency. • Develop technical expertise in the Agency to innovate and continuously improve policy and funding settings and manage the associated risks with new approaches. • Effectively negotiate contracts for the first charter schools to be established. • Ensure the delivery of efficient and comprehensive secretariat support to the Authorisation Board. • Build and maintain constructive relationships with the Authorisation Board including establishing effective channels for regular communication. • Proactively build relationships and work collaboratively with the Ministry of Education, the Education Review Office and other organisations across the education sector. • Work with Māori to align kaupapa māori kura and the charter school model to deliver on Government priorities. • Ensure that the Agency has the governance, leadership, structure and ethos to deliver its role effectively and promote the attraction and retention of talent, in line with the Government’s commitment to the charter model. • Work with the Secretary for Education to develop and agree a departmental agency agreement and ongoing working arrangements. |

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| System | <p>As a Public Service chief executive, the Chief Executive, Charter School Agency has the responsibilities, functions and duties as set out in the Public Service Act 2020, the Public Finance Act 1989 and other relevant statutes and legislation.</p> <p>The Chief Executive is accountable for the performance of the agency to the responsible Minister.</p> <p>As a Public Service leader, the Chief Executive, Charter School Agency will:</p> <ul style="list-style-type: none"> • preserve, protect and nurture the spirit of service to the community that public service employees bring to their work. • demonstrate and uphold the values of the Public Service as set out in the Public Service Act 2020. • uphold the Public Service principles of political neutrality, free and frank advice, merit-based appointments, open government, and stewardship, and ensure that the agency also does so. • promote diversity and inclusiveness and have regard to the principle that, in order to achieve fairness in employment and a more flexible effective Public Service, it is desirable for the group comprising all public service employees to, as far as practicable, reflect the makeup of society. • uphold the general responsibilities to the appropriate Minister, as set out in the Public Service Act 2020, including ensuring the integrity and conduct of the agency's employees; and • support the Crown in its relationships with Māori under te Tiriti o Waitangi Treaty of Waitangi by developing and maintaining the capability of the agency and the wider Public Service to engage with Māori and to understand Māori perspectives. |
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Leadership Roadmap

Initially the Chief Executive will need skills and experiences required to successfully establish the Agency and deliver the first charter schools in 2025. They will need experience in establishing an agency and developing and delivering a work programme, and the credibility to quickly build relationships with stakeholders across the education sector.

Going forward the Chief Executive will need to demonstrate their experience and/or aptitude to deliver across the following priority areas:

| <i>Priority 1</i> | <i>Priority 2</i> | <i>Priority 3</i> | <i>Priority 4</i> |
|---|---|--|---|
| Sector Experience | System Leadership | Context Management | Organisational Leadership |
| Expertise in procurement and the operational work associated with the day-to-day management of contracts. | Ability to work collaboratively across the public sector to drive change and innovation. | Experience providing advice to Ministers on a range of complex issues. | Ability to lead and shape a Public Service agency and position it for strategic impact. |
| An understanding of the education system in New Zealand including funding models. | Credibility to build and maintain relationships across a broad range of stakeholders in the education system. | Experience leading engagement with stakeholders and the media. | Ability to set a fit-for-purpose organisational culture. |
| A willingness to innovate and take calculated risks in designing and implementing the charter school model. | Experience advising, collaborating and influencing at a senior level. | An understanding of the Crown's relationship with Māori. | Experience building high performing teams. |
| | | | Financial management and reporting expertise. |

Key relationships

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| Government | <ul style="list-style-type: none"> Associate Minister of Education (Partnership Schools) as the responsible Minister Minister of Education Minister of Finance |
| Public Service | <ul style="list-style-type: none"> The Charter School Authorisation Board Ministry of Education Education Review Office New Zealand Qualifications Authority |
| Local Government | <ul style="list-style-type: none"> Local government (e.g. regional councils, district and city councils, unitary authorities) |
| Iwi and wider communities | <ul style="list-style-type: none"> Treaty partners Iwi, Pacific and other communities |

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| | <ul style="list-style-type: none"> • Teaching Council of Aotearoa New Zealand • PPTA Te Wehengarua and other education sector unions • Independent Schools of New Zealand • Professional bodies and research communities |
| International | <ul style="list-style-type: none"> • Other jurisdictions which have charter school models |
| Security Clearance | Appointment will be subject to a New Zealand Government Secret security clearance. |