



Terms of Reference

Background

In June 2025, the Minister of Education received an anonymous complaint (the complaint) which outlined serious allegations concerning the Chief Executive and other senior leaders at the Teaching Council of Aotearoa New Zealand (Teaching Council). These allegations raised concerns around procurement, conflicts of interest and recruitment, as well as broader issues including change management, management of complaints, bullying and culture.

Following an initial review of the complaint by the Public Service Commission (the Commission), the Minister of Education requested the Commissioner investigate the circumstances around one of the aspects of the complaint under clause 5, schedule 3 of the Public Service Act 2020 specifically:

How the Teaching Council identified, assessed and managed declared conflicts of interest involving its Chief Executive and their family members, as well as associated procurement processes with an advertising firm called Clemenger UnLtd (Clemenger).

The Minister for Education also agreed that the Commission should consider and decide whether to include any of the other allegations in the investigation. After considering an initial response from the Teaching Council specifically about the other allegations, the Commission has included aspects of two of the other allegations in the investigation.

Purpose

The purpose of this investigation is to support public trust and confidence and provide the Minister of Education with assurance that the Teaching Council as an organisation has followed their own internal policies and appropriate system wide guidance in relation to the matters within scope.

Scope

The investigation will consider, make findings, and report on the appropriateness of all aspects of the Teaching Council's:

- a) identification, assessment and management of conflicts of interest involving its Chief Executive and their family members with reference to the Teaching Council's applicable internal policies and the Auditor General guides: *Managing conflicts of interest: A guide for the public sector* and *Managing conflicts of interest in procurement*.
- b) identification, assessment and management of its conflicts of interests in relation to an advertising firm, Clemenger with reference to internal policies and guides above in (a).
- c) procurement of services from Clemenger with reference to the Teaching Council's applicable internal policies and the *Government Procurement Rules*.
- d) procurement of services relating to the contract for Services Lead Advisor Digital Engagement in 2024 and the contract for Services Project Lead Digital and Relationship Engagement in 2025 including the identification, assessment and management of any related conflicts of interests, with reference to the Teaching Council's applicable internal policies and the Auditor General guides: *Managing conflicts of interest: A guide for the public sector* and *Managing conflicts of interest in procurement*, and the *Government Procurement Rules*.

- e) procurement of contracted services for Te Reo instruction, Te Reo translation services and/or, Māori cultural services expertise from January 2022 to October 2025, including the identification, assessment and management of any related conflicts of interests, with reference to the Teaching Council's applicable internal policies and the Auditor General guides: *Managing conflicts of interest: A guide for the public sector* and *Managing conflicts of interest in procurement*, and the *Government Procurement Rules*.

Out of Scope

The investigation will not:

- Make findings as to criminal, civil or disciplinary liability.
- Form any views in relation to the conduct of Clemenger or any individual contractors.
- Make findings on broader issues identified in the complaint including change management, management of complaints, bullying and culture.

Process

The investigation will request and consider all relevant and available documentation from the Teaching Council. The investigation may interview relevant current and former employees of the Teaching Council and members of the Teaching Council's Governing Council, including the Chief Executive and Board Chair, as considered necessary to achieve the purpose of the review.

The investigation will provide a draft of the report to the Chair of the Governing Council of the Teaching Council before it is finalised and take into account any comments received from the organisation. The investigation will be conducted in accordance with natural justice obligations.

Public Service Commissioner's functions and powers

The Minister for Education has requested the Public Service Commissioner conduct the investigation under clause 5(2)(b) of Schedule 3 of the Public Service Act 2020.

The investigation relates to the Commissioner's general function of promoting integrity, accountability, and transparency throughout agencies in the State services (under s 44(b) of the Act) and is conducted using the Commissioner's investigatory powers as set out in Schedule 3 of the Act.

Deliverables, timeframe and reporting

The investigation will commence immediately upon the finalisation of these Terms of Reference and must be carried out as soon as practicable. The indicative reporting date is 5 December 2025. The Commission's normal practice is for the final report (or a summary of it) to be made publicly available, subject to any applicable privacy or other legal considerations. We will make the decision on publication at the conclusion of the investigation.



Rebecca Kitteridge

Deputy Public Service Commissioner

10 October 2025