



## EDITORIAL – National Standards of Ministerial Conduct

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Education policy goals typically strike a pragmatic compromise somewhere between the heart-rending statistical predictability of poor children's life chances in a highly inequitable economic structure and a risibly implausible Lake Wobegon political ideal where every teacher and learner can achieve above average.

In a complex social system like public education, Ministers of Education must make carefully calibrated political decisions throughout their tenure about when and how to change the status quo. The state education status quo is typically a hard-won accommodation between the desirable and the affordable, between control and education, and between local interpretation and central prescription. Accommodations form a necessary educational 'settlement', one which provides important continuities of practice over time in what is valued by the educational community as a whole. At its best, an educational settlement creates sufficient democratic space and opportunity for incremental innovation in learning based on careful trial and evaluation in educational settings.

Policy change affects learners, teachers, institutions and communities in material ways. Policy that is focused on changing the relational nuances of classroom pedagogy invariably has both predictable and unpredictable concrete effects. This is why the principle of non-maleficence – 'first do no harm' – is just as important in education as it is in medicine. Applied to education policy, the principle requires that Ministers and officials should have good evidence not only that a proposed policy change will secure major educational benefits, but also that it will cause no significant harms, particularly to children. In the absence of such evidence, the only principled course of action is to do nothing.

At the end of their term, some Ministers of Education are judged to have taken more beneficial and fewer harmful actions than others, and to higher standards – whether these are standards of stewardship, contribution, style or just plain common sense. Some politicians go down in history for having enhanced state funded education provision through their Ministerial conduct, others for having diminished it.

How, then, might teachers reasonably judge the conduct of their Minister of the day? Teachers will agree or disagree with the political decisions made by their Minister. They do so for philosophical, ideological, educational or political reasons. The appropriate test of conduct, though, is surely whether Ministers may be judged to have carried out their warrant of appointment with integrity. In other words have they conducted themselves lawfully *and* ethically while in their positions of considerable power?

The role, duties, responsibilities and accountabilities of Ministers of the Crown are closely prescribed. The *Cabinet Manual 2008* states that: ‘Ministers decide both the direction and the priorities for their departments. They should not be involved in their departments’ day-to-day operations. In general terms, Ministers are responsible for determining and promoting policy, defending policy decisions, and answering in the House on both policy and operational matters’ (3.5). Officials, meanwhile, are required to support Ministers, serve their aims and objectives, and ‘implement the decisions of the government of the day’ (3.5).

The Minister’s principal point of contact with a Ministry is through its CEO, one of whose key responsibilities is ‘tendering advice to their Minister’ (3.7). Each Minister’s priorities and expected performance for his or her Ministry are expressed in various accountability documents, for example, one year Estimates of Appropriations with associated outcomes, and Statements of Intent generally covering a three year period (3.9). Such documents permit the CEO to be held accountable by the Minister, and the Minister by the House.

With regard to day to day relations, the Cabinet Manual acknowledges that ‘the style of the relationship and frequency of contact between Minister and department will develop according to the Minister’s personal preference’ (3.16). The Manual permits Ministers to take advice from political and personal advisers as well as officials (3.19 & 3.20). The possibility that Minister or CEO might exert undue influence is recognised and guidance is provided on the clarification and separation of their respective responsibilities (3.16). Appropriate conduct by each is essential to the development, implementation and adoption of sound education policy. In theory, each provides a check and balance against the possible abuse of power by the other.

Public servants are duty bound to be politically neutral; politicians are incapable of being so. This fundamental difference is also recognised in the Cabinet Manual. Ministers’ conduct is defined in terms of Ministerial (or executive), political (or constituency) and personal capacities; these three capacities are ‘different’ (2.52), which implies the possibility for conflicts of interest between them. Nevertheless, ‘in all these roles and at all times, Ministers are expected to act lawfully and to behave in a way that upholds, and is seen to uphold, the highest ethical standards’ (2.53). Officials, as employees in the state sector, are more specifically obligated to act according to the principles of public service: to act in a spirit of community service, to conduct themselves impartially, to provide honest, free and frank advice, not to comment on clearly political topics and to avoid conflicts of interest (3.50-3.56). The purpose of providing free and frank advice is ‘so that Ministers can take decisions based on all the facts and appreciation of all the options’ (3.52).

On appointment, incoming Ministers receive a written briefing (BIM) from the CEO of the department. This ‘includes an account of major outstanding policy issues and the implementation of current programmes’ (3.10). In November 2008, for example, under the heading ‘Policy Choices and Challenges’ the Ministry of Education’s BIM advised that:

The incoming government has indicated an intention to establish national standards for reading, writing and numeracy. As part of the Crusade for Literacy and Numeracy, schools will be required to use assessment programmes and provide regular reports to parents about their child's progress. Some important building blocks in terms of assessment tools and literacy progressions are available to support this policy. However, further work will be needed to consider how existing assessment tools can be standardised and benchmarked against national standards. *The ministry also advises that engagement with the sector in order to seek support for the proposed standards would be desirable.* [emphasis added]

(Ministry of Education, 2008, p.20)

In the 1980s, towards the end of a long parliamentary career in Britain, Dennis Healey famously advised fellow politicians to 'Follow the rule of holes: when you are in one, stop digging'. Most sensible advice (official, political, academic and community) suggests that the community at large has yet to be convinced that National Standards will add anything of educational value, or do more good than harm: either to children's learning or to national assessment policies that by and large are regarded with considerable envy overseas.

This begs the question whether Ministerial decisions are indeed being taken based on all the facts and an appreciation of the options. Even on the limited evidence and careful language of the BIM, it would appear that Ministry officials may have discharged their obligation to provide advice that is honest, free and frank. That the current Minister of Education still appears obstinately to be trying to reach bedrock on the issue of National Standards, without the support of the sector, implies at the very least a lack of personal assuredness and political acumen; whether it also reveals a lack of Ministerial integrity remains to be judged. It is not too late to stop digging, Minister.

## REFERENCES

- Department of the Prime Minister and Cabinet (2008). *The Cabinet Manual 2008*. Retrieved from: <http://cabinetmanual.cabinetoffice.govt.nz/summary>
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