

Our ref: LE13-01-02-360

29 September 2014

Katherine Raue

Email: [fyi-request-2018-fa230497@requests.fyi.org.nz](mailto:fyi-request-2018-fa230497@requests.fyi.org.nz)

Dear Katherine Raue

I refer to your email dated 14 September 2014 to the Education Review Office requesting, under the Official Information Act 1982, *all information held by ERO regarding the South End School.*

ERO holds information about the school relating to reviews carried out in 2010, 2011 and the current review of the school which commenced in 2013. This is an on-going review which will result in a final report after conclusion of the review process in term one, 2015.

By way of background information, ERO conducts education reviews of schools in accordance with the statutory functions and powers vested in the Chief Review Officer, under Part 28 of the Education Act 1989. Section 325 of that Act requires the Chief Review Officer to carry out reviews of the performance of schools and early childhood services and report on the results of those reviews. Education reviews of schools are conducted in accordance with standard procedures and reports are made to boards of trustees, the government and the parent communities of the school.

Education reviews, which are based on investigation, the gathering of evidence and the evaluation of that evidence, generally cover wide areas of interest in education including student achievement, the quality of teaching and learning, professional leadership, effective governance and management, the provision of a positive and safe school environment, and the involvement of families and communities in the delivery by the school of quality education to its students.

As part of the review process it is standard practice for review officers to meet with members of the board of trustees and the principal, interview individual staff members and parents of students enrolled at the school, observe the school in action, meet with board members and the board, meet with the school's senior leadership team, review the work of students, and observe individual teachers in action in classrooms. The review officers sight a range of school documentation including policies and procedures and evidence of compliance with statutory obligations. They then analyse and synthesise the information they had obtained from all these sources, record their findings and make their judgements. They then draft the 'unconfirmed report' based on the evidence and information they had gathered.

The unconfirmed report is then sent to the school board for its consideration, and following the board's response, and discussion with the board and the principal, the report is confirmed and subsequently made public.

This is the process that was followed for each of the 2010 and 2011 reviews for South End School, and is much the same process for the current on-going review at the school.

As you will gather from this background, much of the information held in ERO school review files is from individuals or about individuals in one fashion or another, given to review officers in confidence and discussed in a free and frank manner between the review officers and the persons mentioned above at the time of the review. For this reason when undertaking reviews, ERO treats all information it receives or obtains through the review process as having been provided or obtained in confidence.

In relation to the school documentation, in each of the reviews of South End School, the review officers will have sighted or taken copies of school documents – such as the school's Charter, Strategic Plan, policies and procedures, Annual Plans, Parent Information Booklets and Newsletters, among others. These are the school's documents and you should ask the school board of trustees directly if you wish to obtain copies of them.

I am declining your request for copies of all the other information held by ERO which was obtained for ERO's 2010, 2011 reviews, and which has been obtained for the current on-going review, of South End School.

In refusing your request I rely on the grounds provided in sections 9(2)(a) [protect the privacy of individuals], 9(2)(ba)(i) [likely to prejudice the supply of similar information given subject to an obligation of confidence], and 9(2)(g)(i) [maintain the effective conduct of public affairs through the free and frank expressions of opinions by or between officers and employees of any department or organisation in the course of their duty], of the Official Information Act.

For the purposes of section 9(2)(a), I am withholding the information in order to protect the privacy of the individuals concerned. The views and opinions provided to ERO contain personal information about the individuals providing the information, and those individuals who provided those views and opinions to ERO did so on the basis that their identity would remain confidential.

For the purposes of section 9(2)(ba)(i), ERO carries out reviews in terms of Part 28 of the Education Act 1989 and, as I mentioned earlier, it is the statutory role of the Chief Review Officer to review and report on the performance of schools in relation to the services they provide, in particular the quality of education and care provided for the students in those schools. I said that much of the information held in the ERO files on the school is from individuals given to review officers in confidence and discussed as such between the review officers and the school personnel. Given this information is provided in confidence, its release would be likely to prejudice the supply of similar information in future reviews. As part of the review process, it is critical that ERO is able to continue to rely on the free flow of information from individuals in schools and third parties about schools to enable it to report fairly and fully on the results of those reviews.

I am also withholding the information under section 9(2)(g)(i) of the Act, which provides that information may be withheld in order to maintain "the effective conduct of public affairs through the free and frank expression of opinions between members of an organisation and officers and employees of any department in the course of their duty".

In this case the school board members, and the principal and staff members of a school, are members of an organisation, the school, who have conveyed their opinions in a free and frank manner to officers of ERO in the course of their duty.

This is what happened in the course of each the reviews of South End School and in my view this represents good reason for withholding the information under these sections of the Official Information Act.

I do not believe the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

In your email you state that the last ERO report on the South End School is dated 7 December 2011, and your email ends with the words "ERO intends to carry out another review over the course of one-to-two years". You have asked if *another review has been done or not*, and that you advised ERO *in detail of our complaints and specifically requested to be included in the next review and that the next review needed to address the manner in which you and another member of the staff have been bullied and lied about and sacked*.

You also state that you have *made numerous complaints* to ERO about South End School and *the manner in which you and another staff member have been treated, lied about and bullied and that ERO has an obligation by law to address this*. You go on to say that ERO has refused to meet with you in addressing those concerns.

There are no details of *numerous complaints* to ERO by you in any of the South End School information that ERO holds on its files, and in fact the only references to you at all in those files are your recent email on 29 August to ERO National Office, acknowledged by Helen Hobbs and forwarded by her to the relevant ERO regional office, requesting copies of all reports regarding South End School, and raising then several concerns about the school, and your email on 14 September, to which I am now replying.

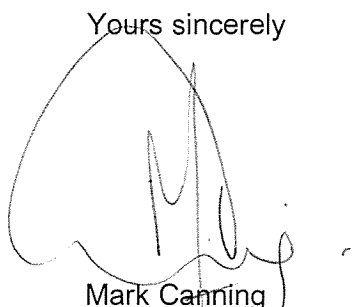
I note that Sue Watson, Acting Review Services Manager in ERO's Central Region, responded to your 29 August emailed request on 3 September. Sue Watson told you in her email on 3 September that South End School is currently part of a longitudinal review over 1-2 years. This is a process whereby ERO and the Ministry of Education support the school to address the issues highlighted in the school's last report.

The process began in 2013, after the appointment of the new principal, and ERO reviewers have been visiting the school at intervals as part of this process. The next visit is planned for later in term four, with a further visit in term one, 2015. After this a report will be completed and become a public document on ERO's website like the earlier review reports on the school. Sue Watson also, correctly, advised you to raise your concerns directly with the school board and follow the school's formal complaints process.

It is not ERO's role to investigate the concerns raised in your email of 14 September, as they refer specifically to employment matters between you, the other staff member you mention in your email and the school board of trustees. The correct way to address such matters is through your professional advisers and the school board as the employer including, if appropriate, through the Mediation Service and the Employment Relations Authority.

In relation to the information that I have decided to withhold, you have a right to complain to the Ombudsman and seek a review of my decision under section 19 of the Official Information Act 1982 to withhold this information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Canning', written over a large, faint, circular watermark or stamp.

Mark Canning  
**Manager Ministerial and Legal Services**

mark.canning@ero.govt.nz