

*Submission*



**Education Forum**

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Submission on Phase Two of the Human Rights  
Commission Right to Education Review

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**March 2004**

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## **1. Introduction**

1.1 This submission on the Phase Two of the Human Rights Commission Right to Education Review (the Review) is presented on behalf of the Education Forum, an education policy advocacy group located in Wellington, New Zealand.

1.2 This submission addresses two policy issues that are relevant to the topic of the Review:

- reforms to the New Zealand school system that would promote improved educational outcomes for New Zealand school children; and
- reforms aimed at increasing participation in tertiary education in New Zealand.

In both cases, the submission provides a brief examination of the issues and outlines a series of policy reforms that would increase the equity, efficiency and effectiveness of government policy at the school and tertiary education levels.

1.3 The submission also comments on the consultation process that appears to have been followed by the Human Rights Commission in the development of the early phases of the Review.

1.4 In addition to the submission, we have enclosed a range of additional material (books, reports and articles) to assist the Review team in its assessment of these very important issues. These documents provide more detail on the issues raised in the submission.

1.5 We do not address the prior issue of what is a right to education and whether such a framework provides a useful mechanism for assessing policy reforms in the educational area. We have, however, enclosed a New Zealand Business Roundtable publication that addresses this question.

## **2. Structure of Submission**

2.1 Section 3 of the report describes the Education Forum. Section 4 looks at two policy issues that are relevant to the topic of the Review – school sector reforms and tertiary education level reforms. Section 5 presents a brief conclusion and recommendations.

## **3. Who We Are**

3.1 The Education Forum is an education policy advocacy group located in Wellington, New Zealand. Its membership consists of individuals who have a common concern for the future direction of New Zealand education. Its members are drawn from the early childhood, school and higher education sectors, together with leaders of industry and commerce.

3.2 The members of the Education Forum are:

- Byron Bentley, Principal, Macleans College;
- Simon Carlaw, Chief Executive, Business New Zealand;
- Alison Gernhoefer, Principal, Westlake Girls' High School;
- Dave Guerin, Director, Education Directions;
- Roger Kerr, Executive Director, New Zealand Business Roundtable;
- John Morris (Chairman), Headmaster, Auckland Grammar School;
- Roger Moses, Headmaster, Wellington College;
- Joy Quigley, Executive Director, Independent Schools of New Zealand;
- John Taylor, Director of External Relations and Development, The University of Auckland; and
- Sue Thorne, Chief Executive Officer, Early Childhood Council.

3.3 The Education Forum is a regular independent source of commentary on New Zealand education policy issues. This commentary is delivered in a variety of ways, including the publication of books and reports, distribution of a monthly electronic newsletter, publication of newspaper articles, preparation of submissions to select committees

and government departments, hosting visiting researchers, distribution of news releases, as well as television and radio appearances.

- 3.4 Articles by Education Forum members and staff have appeared in a large number of publications, both in New Zealand and overseas. These include The Guardian (UK), the New Zealand Herald, the New Zealand Education Review, the National Business Review, the Independent, the Otago Daily Times, the Press, the Waikato Times, Fraser Forum (Canada) and the Institute of Public Affairs Review (Australia).
- 3.5 The Education Forum maintains an extensive website ([www.educationforum.org.nz](http://www.educationforum.org.nz)) that contains a wide range of education policy related material. All Education Forum documents are available on its website.

#### **4. Two Policy Issues: Improving Schooling Outcomes and Increasing Access to Tertiary Education in New Zealand**

- 4.1 During the late 1980s and 1990s, successive governments introduced a range of 'market-based' policies at the school and tertiary education levels in New Zealand.
- 4.2 At the tertiary education level, these included the introduction of tuition fees, the establishment of a student loan scheme, the targeting of student allowances, the granting of greater self-management to tertiary institutions and the opening up of the tertiary education sector to private education providers.
- 4.3 At the school level, these included the removal of zoning, the devolution of governance to school boards of trustees, the introduction of bulk-funding and the introduction of the Targeted Individual Entitlement.
- 4.4 The reforms at both levels of education have been controversial and have, to varying degrees, been unwound by recent governments. These reversals have often been justified by proponents on the basis

that they would either improve education outcomes (at the school level) or increase access (at the tertiary level).

- 4.5 This submission argues that ‘market-based’ reforms, introduced in New Zealand in the 1990s – including parental choice at the school level and tuition fees at the tertiary education level - would do more for enhancing students’ right to education than the policies currently being pursued by the government.
- 4.6 In our view, the post-1999 policy reversals will neither improve education outcomes at the school level, nor increase access at the tertiary education level. They will therefore move New Zealand further away from any ‘right to education’ goals (however defined). Recent changes have not been based on public interest grounds such as broadening the right to education. Instead, they have simply been a response to lobbying by vested interests such as teacher unions and student unions.

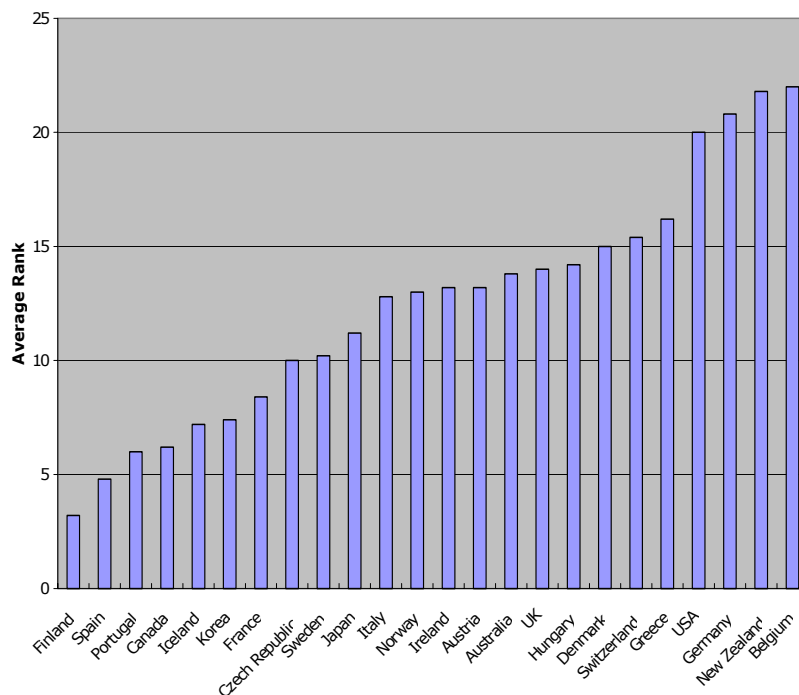
#### ***Improving Outcomes at the School Level***

- 4.7 Education is vital to the well-being and future prospects of New Zealand children and society. It is a key to individual economic opportunity and is essential to the cultural and social development of New Zealand.
- 4.8 The increasing recognition of the importance of education to the individual and society has been accompanied by the realisation that the context in which schools operate differs significantly from that of our parents’ and grandparents’ generations. Demographic shifts, changes in family structure, immigration, and technological advances present a host of new challenges for the education sector.
- 4.9 The school sector serves many New Zealand families relatively well, as evidenced by the results of the Third International Maths and Science Study (TIMSS) and the OECD Programme for International Student Assessment (PISA) survey. However, evidence suggests that those children who are most at risk – Maori, Pasifika, and low-income students – are served poorly by the school system.

- 4.10 As a result, there is a significant gap between income and ethnic groups in terms of educational opportunity. A critical challenge is therefore to ensure greater equity in educational opportunity for all New Zealand children – regardless of where they live or the socioeconomic situation into which they were born.
- 4.11 The UNICEF report *A League Table of Educational Disadvantage in Rich Nations* provides some global evidence on the extent of relative educational disadvantage in New Zealand. As Figure 1 shows, New Zealand has one of the poorest rankings for ‘bottom end inequality’ – a measure of the extent of the difference in achievement between children at the bottom and at the middle of each country’s achievement range. Only Belgium scored below New Zealand.
- 4.12 The wide gap is reflected starkly in the PISA study, which showed that New Zealand had a wide spread of scores for each of reading, mathematical and scientific literacy - with relatively large proportions of people in both the top-performing and low-performing categories.
- 4.13 Other evidence supports the view that a significant performance gap exists between different groups in society:
- in 2001, fully one-third of Maori and one-quarter of Pacific students (versus 17 percent for the population as a whole) left school without a qualification;
  - between 69 and 72 percent of Maori and Pacific adults in the mid-1990s performed at literacy levels that are inadequate for everyday work and life in a developed society (versus 46 percent for all adults);
  - fully one-third of those unemployed who have no high-school qualifications are Maori, and a further 10 percent are Pasifika; and
  - the Education Review Office has highlighted widespread school failure in South Auckland, the East Coast and Northland where there are high concentrations of Maori and Pasifika students.

- 4.14 Furthermore, surveys from the past 25 years show that New Zealand is the only country where the bottom 20 percent of students is getting worse.<sup>1</sup>
- 4.15 While there is a close link between educational performance and socio-economic status, it is our view that this link is not immutable. A number of countries, including the Nordic countries, Austria and Japan show a much weaker correlation between family wealth and student performance than does New Zealand. Similarly, results from the PISA study and from the New Zealand *Picking up the Pace* project suggest that poverty need not be a barrier to educational achievement.

Figure 1: Relative educational disadvantage, by country



*Note: Relative educational disadvantage is measured by the extent of the difference in achievement between children at the bottom and at the middle of each country's achievement range.*

Source: UNICEF (2002) *A League Table of Educational Disadvantage in Rich Nations*, Innocenti Report Card, Issue No. 4, November 2002.

<sup>1</sup> Hattie, John (2003) *Presentation to Knowledge Wave 2003 – the Leadership Forum*, Auckland, [www.knowledgewave.org.nz](http://www.knowledgewave.org.nz), p 4.

- 4.16 In order to address this educational performance gap – and indeed to lift the average level of performance in the New Zealand school sector – we recommend a comprehensive rethink of education policy and a reversal of recent trends toward greater centralisation of decision-making over education.
- 4.17 In our view, more government programmes and more add-ons cannot, on their own, change the fundamental weaknesses in the system. Fundamental and comprehensive reform is required.
- 4.18 Such a comprehensive reform of the school sector has three building blocks:
- expanding opportunity and choice for all families;
  - lifting the status of the teaching profession; and
  - increasing schools accountability to families.
- 4.19 These are discussed briefly and specific proposals are summarised below.
- 4.20 The common thread running through these proposals is a move away from a compliance-based, centrally-driven education sector to one with greater diversity, more flexibility and increased choice. The *quid pro quo* is that schools must accept more responsibility for what happens in them.
- 4.21 Under this approach, the government’s role would shift from owning schools funding and regulating schools. The government’s role should be to promote ‘public’ education rather than publicly-owned schools. Public education would be defined instead by whether it served the public interest, rather than where it took place.<sup>2</sup>
- 4.22 The first building block for reform of the school sector in New Zealand is to give families real educational choice by abolishing existing zoning legislation and introduce a new funding system in which public

money follows the student to whatever school they choose – state, private or integrated (including for-profit schools). Under this reform, artificial differences in funding and regulation between different types of schools would disappear.

- 4.23 A variety of studies shows that increased choice and competition in schooling would deliver benefits in the form of lower costs, improved quality and increased innovation and drive improvements throughout the system – for both public and private schools.<sup>3,4</sup> Competition would increase the pressure on schools to be efficient and to meet the needs of families and local communities. Those schools that do not meet this test would be reorganised, taken over by other schools, or disappear.
- 4.24 School choice policies are pursued in a large number of countries, including Sweden, Ireland, Denmark, Australia, Canada and the Netherlands. A wide variety of school regulatory and funding arrangements in place around the world provide real education choice to families.<sup>5</sup>
- 4.25 New Zealand's experience with dezoning and other 'market-based' reforms in the early 1990s shows that choice was popular, especially among Maori and Pasifika students. For example, in 1990, only 21 percent of Maori and 18 percent of Pasifika students attended 'non-local' schools. By 1995, these figures had increased to 39 percent of Maori and 38 percent of Pasifika students. In comparison, 26 percent of Pakeha attended 'non-local' schools in 1990 versus 33 percent in 1995.<sup>6</sup>

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<sup>2</sup> See for example Hill, Paul T (2001) 'What is Public about Public Education?' in Moe, T M (ed), *A Primer on America's Schools*, Hoover Institution Press, Stanford, California.

<sup>3</sup> Hoxby, Caroline (2001) *School Choice and School Productivity (or, could school choice be a tide that lifts all boats?)*, Paper prepared for the Economics of School Choice Conference, National Bureau of Economic Research, Cambridge.

<sup>4</sup> Hoxby Caroline (1994) *Do Private Schools Provide Competition for Public Schools?* NBER Working Paper No W4978, Cambridge.

<sup>5</sup> See Nesdale, Pauline (2003) *International Perspectives on government funding of non-government schools*, Education Forum Briefing Paper No 7, [www.educationforum.org.nz](http://www.educationforum.org.nz) and *Subtext: The Newsletter of the Education Forum*, March 2003, [www.educationforum.org.nz](http://www.educationforum.org.nz).

<sup>6</sup> Hughes, David *et al* (1996) *Markets in Education: Testing the Polarisation Thesis*, The Smithfield Project, Fourth Report to the Ministry of Education, p 14.

4.26 In addition, many Catholic integrated schools are expanding, new ones are being built, and others have waiting lists. The Targeted Individual Entitlement (TIE) scheme, which provided vouchers for low-income students to attend private schools, was oversubscribed and was regarded as highly successful.<sup>7</sup> Finally, Maori have made good use of alternative schooling opportunities such as Kura Kaupapa Maori.

4.27 The reform programme's key components would be:

- abolish current zoning rules and allow enrolment criteria to be set by the school;
- school funding would be tied to each student and all schools – irrespective of type – would be treated in a neutral manner;
- per-student funding amounts would be made up of a base level of funding, with equity top-ups. School funding would incorporate staffing, operating, property and capital costs; and
- all schools that received funding would need to be registered and would be subject to appropriate accountability requirements.

4.28 These reforms would help redress the lack of attention paid by governments to the rights contained in Article 26(iii) of the Universal Declaration of Human Rights (1948), which states that:

Parents have a prior right to choose the kind of education that shall be given to their children.

4.29 As United Nations analyst Larry Willmore has noted, the failure to allow freedom of choice has received little attention in international fora, “even though this human right is violated more frequently than the right to free education”.<sup>8</sup>

4.30 We also propose a range of reforms to enhance the teaching profession. These are aimed at making the teaching profession more

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<sup>7</sup> See Gaffney, M and Smith, A B (2001), ‘An Evaluation of New Zealand's Targeted Individual Entitlement Scheme’ in Hepburn, C R (ed), *Can the Market Save our Schools?*, The Fraser Institute, Vancouver.

<sup>8</sup> Willmore, Larry (2002) *Education by the State*, DESA Discussion Paper No 27, United Nations, Department of Economic & Social Affairs, New York, p 2.

attractive as a career option and raising the professional status of the teaching force. Specific reforms would include:

- introduce a more generous and flexible teacher pay system that delivers higher pay to good teachers and provides for greater salary variation across subjects, locations and schools;
- broaden the routes to teacher registration to encourage ongoing renewal of the profession;
- encourage more options in teacher training;
- review current approaches to teacher training in state institutions to ensure that they meet world-best standards; and
- give principals and teachers greater decision-making power around issues such as curriculum.

4.31 Other reforms that would complement the choice and teacher employment reforms include:

- the introduction of a system of national assessment to gauge the performance of students and the school system overall. Such a system would need to be carefully designed and administered;
- schools would be required to provide certain information to parents and the Ministry of Education as a condition of receipt of student subsidies. This information would focus on outcome measures, not inputs;
- schools would continue to be reviewed, but with a greater emphasis placed on the quality of teaching and student achievement, rather than process; and

- schools would be given increased decision-making powers. A review of all regulations pertaining to schools should be undertaken with a view to eliminating all regulations that serve no useful purpose; and
- the entry of schools should be liberalised so that new schools could be set up, or existing ones converted, to better meet the needs of the local community.

4.32 More detail on all aspects of our proposed reform programme is provided in the enclosed document *A New Deal: Making Education Work for All New Zealanders*.

### ***Increasing Participation in Tertiary Education***

4.33 During the late 1980s and 1990s, successive governments introduced a range of 'market-based' policies at the tertiary education level. These included the introduction of tuition fees, the establishment of a student loan scheme and other reforms. Since 1999, the government has been slowly unwinding many of the tertiary education financing and student assistance reforms of the 1990s.

4.34 Recent changes have included a freeze on tuition fees (fee maxima from 2004), higher across-the-board tuition subsidies for state tertiary institutions and the writing-off of student loan interest for full-time students in study. More softening appears to be on the way, with a widening of student allowance eligibility being foreshadowed by the government.

4.35 The justification offered for the government's strategy is that it will help to increase participation in tertiary education. For example, the Associate Minister of Education (Tertiary Education) argued in 2000 that: "There is no doubt that cost is a barrier to participation in tertiary education and that access has been increasingly rationed by wealth. Freezing fees in 2001, combined with the steps the Government has already taken to make the student loans scheme fairer, shows that we are serious about improving access to tertiary education".

- 4.36 In our view, there is a better way of increasing participation in tertiary education than the approach being adopted by the government. We believe the current strategy is unlikely to have much impact on tertiary education participation and any impact that it does have will come at a much higher cost than alternatives. Furthermore, changes such as the fee freeze/fee maxima could be, by limiting resourcing, a recipe for running-down the tertiary education sector.
- 4.37 A more effective strategy for increasing tertiary education participation would be to provide targeted assistance at the tertiary education level and focus on lifting the educational performance of 'at-risk' students at earlier levels of education. Such reforms could be funded via reductions in across-the board taxpayer-funded tuition subsidies.
- 4.38 The key weakness in the government's strategy is that it attempts to address the problem of under-representation in tertiary education too late in the piece. Interventions aimed at the tertiary education level are simply too late given that the key drivers of under-representation occur at much earlier education levels.
- 4.39 Another of the key recommendations in the report is that taxpayers should be relieved of some of the burden of some of the burden of paying for tertiary education and that the student contribution should be increased. A key reason for this is that students receive a healthy return on their investment in tertiary education.
- 4.40 Some argue this would be unfair to students. If that is true, then it is even more unfair to ask taxpayers to foot the bill given that students are, on average, from wealthier households than taxpayers generally and that students enjoy the bulk of the benefits from tertiary education, including higher lifetime earnings.
- 4.41 The Education Forum reform proposals have been criticised by some as a return of the 'failed' policies of the 1990s. Unfortunately, that argument is not consistent with the fact that tertiary participation rose

significantly during the period when the 'market-based' reforms were introduced. For example:

- New Zealand had nominal tuition fees before 1990, yet tertiary participation was low. Between 1989 and 2000, tuition fees went up, yet the number of EFTS places increased by 96,000 (95%);
- the number of female students enrolled in tertiary education increased four times more than the number of males between 1994 and 2000 (19.6% compared to 4.8%);
- the number of Maori tertiary education students increased 46.1% between 1994 and 2000;
- a New Zealand University Students' Association (NZUSA) study showed that the proportion of students from decile one and two schools who went on to some form of tertiary education rose from 18 to 26% between 1997 and 2000; and
- the number of postgraduate EFTS grew nearly 83% between 1992 and 1999.

4.42 Lower tuition fees, in reality, do little to increase tertiary education participation because a substantial body of research suggests the demand for tertiary education is relatively insensitive to tuition fees,. This is not surprising given:

- the biggest cost that students face in undertaking tertiary education is the earnings they forgo while studying, not tuition fees;
- the current high level of subsidy (70%+ of direct costs); and
- the existence of an income-contingent student loan scheme that provides favourable borrowing terms and sees interest payments written off if a graduate's income is too low.

4.43 It is often suggested that there is a close link between higher tuition fees and lower tertiary education participation. The NZUSA, for example, recently stated that, "fees are already too high and are a barrier to participation". But the evidence suggests that the factors

influencing tertiary education participation are more complex than simply fees. For example:

- countries such as Korea, Canada and the US have high fees *and* high tertiary education participation; and
- in the six countries with the *lowest* entry rates to tertiary-type A (higher level) education in 1999, private sources accounted for between 2 and 28% of total educational spending on tertiary institutions.

4.44 In its *Education at a Glance* 2001 report, the OECD sums up the evidence this way: “It is therefore not obvious that the participation of the beneficiaries of tertiary studies in the financing of their education creates economic barriers – provided, of course, that governments develop appropriate strategies to make funding accessible to students from all income groups.”<sup>9</sup>

4.45 While the evidence suggests that students from disadvantaged backgrounds are more sensitive to fees, it also suggests that other factors – motivation, attitudes and academic performance in high school – are as, if not more, important, in determining tertiary education participation. Access concerns for particular groups can be addressed via targeted assistance.

4.46 While capped fees are likely to have little impact on participation, they could lead to a running down of the tertiary sector by reducing the funding available to tertiary institutions. Whether or not one agreed with the introduction of fees, it has to be recognised that they allowed tertiary institutions to deal with the falling per-student government subsidies. The system will now be less flexible to deal with this as new spending pressures divert funding from the tertiary education sector. The threat posed by fee caps was put succinctly by the National Commission on the Cost of Higher Education in the US, when it said: “Tuition price controls will not work and would be destructive of academic quality in higher education”.

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<sup>9</sup> OECD (2001) *Education at a Glance: OECD Indicators 2001*, Centre for Educational Research and Innovation, Paris, p 92.

- 4.47 The reforms of the 1990s were hardly radical, as is often argued. Indeed, they were very much mainstream policy. Internationally, there is a trend towards more private financing of tertiary education, through such measures as increased fees and greater use of student loans. Between 1995 and 1999, ten out of 19 OECD countries reported an increase in private spending on tertiary education institutions of more than 30%.
- 4.48 Internationally, the trend is towards allowing tertiary institutions more flexibility to set fees. Last month, Great Britain announced reforms allowing universities to increase and set their own fee levels. During the 1990s, many Canadian provinces removed fee restrictions for professional programmes such as law and commerce and Australia has introduced greater flexibility in fee-setting (with more on the way).
- 4.49 It is important to recognise that, as a low middle income country, New Zealand's margin for error is much lower than for wealthier countries. We cannot afford to get our policies wrong. A policy of flexible fees, accompanied by targeted assistance (at both the tertiary and pre-tertiary levels) would do far more to help meet the twin challenges of broadening tertiary education participation and properly resourcing tertiary institutions.
- 4.50 The current government's policies should be reversed in this area if the objective is enhancing the right to education.

## **5. Additional Readings**

- 5.1 The enclosed books, reports and articles provide additional readings on the issue of the right to education, as well as on desirable policies in the early childhood, tertiary education and school areas.
- 5.2 These documents set out mainstream views on issues such as school reforms and access to tertiary education that are directly relevant to the Review. They provide additional detail and argumentation to what is provided in the above sections.
- 5.3 Enclosed documents include:

### **Education Rights**

*Economic, Social and Cultural Rights: Time for a Reappraisal*, by Bernard Robertson, New Zealand Business Roundtable

### **Tertiary Education**

*Who Should Pay? Tuition Fees and Tertiary Education Financing in New Zealand*, by Norman LaRocque, Report prepared for the Education Forum, January 2003

'Top-up Tales', by Norman LaRocque, *The Guardian*, September 2003

'Setting Higher Education Tuition Fees: Lessons from Down Under', by Norman LaRocque, *Fraser Forum*, September 2003

'HECS: Not the Bad Hex It Was Made Out To Be', by Norman LaRocque, Institute of Public Affairs Review, September 2003

'Student loan scheme – it's a good deal', by Norman LaRocque, *National Business Review*, 8 August 2003

'Someone has to pay', by Norman LaRocque, *New Zealand Education Review*, 12-18 February 2003

Who Should Pay? Tuition Fees and Tertiary Education Financing in New Zealand, by Norman LaRocque, Speech to Karori Lions Club, 12 February 2003

### **School Level Education**

*A New Deal: Making Education Work for All New Zealanders*, Norman LaRocque, Speech at the launch of the Education Forum Vision Piece, 14 October 2003

*Education Matters: Government, Markets and New Zealand Schools*, by Mark Harrison, Book prepared for the Education Forum, February 2004

*Education Matters: Government, Markets and New Zealand Schools*, by Norman LaRocque, Speech at the Education Forum book launch, 24 February 2004

'More red tape threatens diversity of education', by Norman LaRocque, *New Zealand Herald*, 16 February 2004

'Can parties reconcile differences for sake of education reform?', by Norman LaRocque, *The Independent*, 4 November 2003

'Good teachers deserve to be top of class', Roger Kerr, *Otago Daily Times*, 4 July 2003

'Education modernisation and school choice', Andrew J Rotherham, *New Zealand Education Review*, 18-24 June 2003

*Why School Choice Makes Sense*, Jennifer Buckingham, Speech to Education Forum function, 20 March 2003

'Teachers for a New Century', Edward P Lazear, *San Francisco Chronicle*, 23 December 2002

*Education by the State*, Larry Willmore, DESA Discussion Paper No 27, United Nations, November 2002

'Teacher pay rise not the only answer', Norman LaRocque, *New Zealand Education Review*, 21-27 August 2002

### ***Early Childhood Education***

*Does Economics Have Anything to Say About Early Childhood Education Policy?*, by Norman LaRocque, Speech to the Early Childhood Council 2003 Annual Conference, 4 April 2003

*Early Lessons for Liberal Education Policies*, by Sue Thorne, Speech to the Act Annual Conference, 15 March 2003

## **6. Consultation Process**

6.1 We have significant concerns with the nature of the consultation process followed during this Review. In particular, we are concerned that the Education Forum was neither consulted, nor even advised of the existence of the Review during the scoping and review phase.

6.2 This despite the fact that we are regular commentators on education policy issues and consistently present submissions on legislative changes to Select Committees. The discussion document would appear to suggest there was a significant programme of consultation:

Over a period of six months, the HRC held discussions with student and educator groups, education providers, policy makers, iwi authorities, non-governmental organisations (NGOs), public and private sector education groups, unions and local government authorities.

6.3 The discussion document does not provide a list of the groups that were consulted. We are concerned, however, that the consultation process to date has lacked any semblance of balance. The discussion document indicates that the NZEI, the PPTA and the NZUSA were consulted during the scoping and review process.

6.4 On the other hand, a number of large and well recognised sector representative groups were not consulted. These include:

- the Early Childhood Council ([www.ecc.org.nz](http://www.ecc.org.nz));
- Visionschools ([www.visionschools.org.nz](http://www.visionschools.org.nz));
- Independent Schools of New Zealand ([www.isnz.org.nz](http://www.isnz.org.nz));
- the New Zealand Association of Private Education Providers ([www.nzapep.co.nz](http://www.nzapep.co.nz));
- Independent Tertiary Institutions or its predecessors (<http://www.ed.co.nz/iti.htm>);
- Association of Private Providers of English Language ([www.appel.org.nz](http://www.appel.org.nz)); and
- the New Zealand Association for Gifted Children ([www.giftedchildren.org.nz](http://www.giftedchildren.org.nz)).

6.5 All of the above are seen as legitimate sector representatives and are consulted by government regularly. In addition, policy advocacy organisations such as the Maxim Institute and the Education Forum were not consulted during the scoping and review phase. Interestingly, all of the above organisations promote education choice and private alternatives to state monopoly in education.

6.6 To our knowledge, only one of the above organisations – Independent Schools of New Zealand – was even sent a copy of the discussion document (at a late stage in the first phase of the consultation process).

6.7 It is unclear whether the lack of balance in the consultation process was deliberate. But if it was not, then it was certainly careless.

6.8 The unbalanced nature of the consultation process undertaken to date is of significant concern and means that any outcomes from the Review will have no legitimacy. The results of the review will not deserve to be taken seriously by politicians or the general public. It is especially galling that such errors of process would characterise a review being carried out by an organisation such as the Human Rights Commission.

## **7. Conclusions**

- 7.1 This submission has discussed two policy issues that are directly relevant to the Review – improving education outcomes at the school level and increasing participation in tertiary education.
- 7.2 New Zealand faces some serious issues in terms of ensuring that all children have access to quality schooling and have the opportunity to undertake further or higher education – irrespective of their socio-economic background. This is clearly not the case now, nor was it the case prior to the reforms of the late 1980s and 1990s.
- 7.3 In our view, the right to education (however defined) is best advanced by adopting ‘market-based’ policies at the school and tertiary education levels. Good progress was being made during the late 1980s and 1990s under successive governments.
- 7.4 Recent government policy has been going in the wrong direction and will limit the right to education for many, especially for those from lower socio-economic groups.