

Report urges private-school reforms

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Geoffrey Palmer. Photo / Mark Mitchell

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By: Jacqueline Smith

An overdue law reform will remove the ability for criminal cowboys to set up a private school.

Sir Geoffrey Palmer, president of the Law Commission, issued a report on Private Schools and the Law yesterday which found the sector had been governed by legislation that was "past its use-by date".

Some of the legislation had not been reviewed since 1921 and contained archaic provisions such as getting new teachers to sign an oath of allegiance, he said.

There were also no restrictions on who could set up a private school, as even someone with a long criminal record could do so.

Moreover there was an obligation for private schools to "inculcate in the minds of students sentiments of

patriotism and loyalty" but no obligation to look after students' welfare, he said.

The report also recommended that some of the "serious gaps" in the act be filled by giving more flexible powers to deal with situations where schools were not meeting requirements or breaking the act. Often the emphasis would be on assisting the school rather than penalising it.

But Sir Geoffrey said there also needed to be the power to take effective action where student welfare was compromised.

"It may seldom, or even never, be necessary to use such powers but they need to be there in case."

And it recommended the old laws requiring all registered private schools to have nine students be removed as Sir Geoffrey said there appeared to be no reason why that number had been chosen.

Deborah James, executive director of the Independent Schools of New Zealand, which represents 80 per cent of students in the private sector, said she agreed with this recommendation.

She said a private school may very well start with just three children but quickly grow its roll to 21.

Mrs James said it was a positive move to require details of all private schools to be listed on the Ministry of Education's website, which was another of Sir Geoffrey's requests.

The law reforms would not have a noticeable effect on the schools as there were already Ministry of Education processes and procedures in place to ensure that unsatisfactory people could not set up a

school, she said.

Sir Geoffrey commended the sector on providing parents with choice and said: "We didn't find much wrong with the private schools when we looked at them."

He said it was a small part of the law but it did need to be cleaned up.

"It's designed to preserve their position but regularise the law so it's not so silly," he said.

The report comes after a long consultative process with a host of private schools and law agencies.

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