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'TO TAKE ALL REASONABLE STEPS'

**WHAT DOES THIS MEAN FOR
SCHOOL BOARDS OF
TRUSTEES?**

**A thesis presented in partial fulfillment
of the requirements for the degree of
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ABSTRACT

This thesis explores the meaning of the legal phrase contained in s63 of the Education Act 1989, 'to take all reasonable steps'. It questions how Boards of Trustees in New Zealand schools view it and if and how it influences the ways they control their schools. The restructuring of education resulted from the adoption of neo-liberal economic theory by the Labour government in 1984. These reforms had the effect of devolving power to Boards of Trustees through a charter that acted as an undertaking by boards to implement community derived goals and objectives within a legislative and regulatory framework. The 1989 Act introduced the legal requirement 'to take all reasonable steps' that legislatively describes the wide discretion Boards have to control their schools within the parameters of that framework.

No prior research into this specific legal requirement exists, and therefore this study extends into the domains of reasonableness in law, education and law, aspects of neo-liberal theory, concepts of power and empowerment, decision-making, and compliance. These domains informed the research approach, which explored the narratives of the members of school boards.

The research demonstrates tensions between the intent of the NPM model of self-governing schools and the reality of self-governance for New Zealand schools. The study reveals a generally poor understanding of the legal requirement 'to take all reasonable steps' and the consequently minimal direct impact the requirement had on the ways the participating Boards governed and managed their schools.

Further investigations revealed widely differing opinions over the meaning of this legal requirement and, in particular, the strong influence of government agencies on the ways these Boards attained assurance that their governance and management practices were reasonable. The research demonstrates that alternative influences, such as common sense and altruism were informing Boards' decision-making practices. The research concludes that the complexity of the legal concept of reasonableness and the seeming reluctance of the law to define its meaning in special circumstances limits its effectiveness as a tool for devolving power and discretion to Boards of Trustees.

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*“What is life...
but for the getting of wisdom?”¹*

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¹ Trapido, Barbara, 1998, (2nd ed.) p. 147

TABLE OF CONTENTS

Title page	
Abstract	ii
Acknowledgements	iii
Table of contents	iv
List of abbreviations	vi
Introduction	2
PART ONE	3
Chapter One	
Historical perspectives	4
1.1 Ideological basis behind the reforms of the late 1980s	4
1.2 The government policy document <i>Tomorrow's Schools</i>	6
1.3 Devolution, decentralisation and issues of power	7
1.4 Contractualism and the notion of charters	13
1.5 Accountability	15
1.6 The legal requirement 'to take all reasonable steps'	17
1.7 Two agencies at the centre of the education reforms	18
1.8 Accountability, compliance and the Education Review Office methodology	20
1.9 Two national issues impinging at local level	30
Conclusion	33
Chapter Two	
Literature review	34
2.1 The objective standard of reasonableness	34
2.2 Education and law	41
2.3 Concepts of power and empowerment	43
2.4 Decision-making	48
2.6 Compliance	52
Conclusion	54
Chapter Three	
The research methodology and the research journey	55
3.1 Research approach	56
3.2 Research design	58
3.3 Research process	62
3.4 Limitations of the study	70
Conclusion	72

PART TWO	73
Chapter Four	
Looking inwards: internal assurance processes	75
4.1 Discretion and taking all reasonable steps	75
4.2 Knowledge about the legal requirement ‘to take all reasonable steps’	78
4.3 Ways of knowing about reasonableness	80
4.4 Decision-making and taking all reasonable steps	81
4.5 What does influence the work of Boards of Trustees?	87
Conclusion	90
Chapter Five	
Looking outwards: External assurance processes	91
5.1 “Default” position	91
5.2 Ministry of Education	93
5.3 Education Review Office	94
5.4 Setting the standard of reasonableness in schools	100
5.5 Conflicting advice	101
5.6 External themes in general	102
Conclusion	103
Chapter six	
Looking between: governance issues	105
6.1 Education reforms	105
6.2 Power and devolution issues	109
6.3 Power, knowledge and external agencies	111
6.4 Power within boards and school communities	112
6.5 Context	120
Conclusion	125
Chapter seven	
Conclusions	126
7.1 Summary	126
7.2 Conclusions drawn from the research	128
Appendices	137
Bibliography	154

LIST OF ABBREVIATIONS

BAS	Board Assurance Statement and Self-Audit Checklist (ERO)
BOT	Board of Trustees
CEO	Chief Executive Officer
EEO	Equal Employment Opportunities
ERO	Education Review Office
HMCI	Her Majesty's Chief Inspector
HMI	Her Majesty's Inspectorate
MOE	Ministry of Education
NAG	National Administration Guidelines
NEG	National Education Goals
NPM	New Public Management
NZSTA	New Zealand School Trustees Association (may be referred to as STA)
OECD	Organisation for Economic Co-operation and Development
OFSTED	Office for Standards in Education (England and Wales)
PD	Professional Development
RAMS	Risk Analysis Management System
STA	See NZSTA