

AT A GLANCE

Why the public record matters in curriculum reform



The Official Information Act, transparency, and accountability in education

The *Official Information Act 1982* (OIA) applies to information that an agency holds, whether or not it has been written down. But in practice a request can reach only what can be located, and where advice and feedback on the curriculum are not recorded, it may later be difficult to establish how a decision was reached, what evidence was considered, who contributed, or why it changed. These gaps can weaken the visibility and accountability of curriculum decisions and are one of the issues informing NZPF's proposal for a permanent, statutory Curriculum and Assessment Council.

A note on scope. Two matters are before the Ombudsman: a complaint by a teacher, described below, and an investigation by Chief Ombudsman John Allen, launched after *The New Zealand Herald's* coverage of a leaked video from an internal Ministry of Education meeting. The video reportedly showed a senior official telling staff not to put certain information shared with the Minister's office in writing. The investigation will examine the Ministry's administrative conduct, including compliance with the OIA and the *Public Records Act 2005*. It will not consider the substance of curriculum advice or decision-making.

The reporting does not establish that information was deliberately withheld or that the law was breached. NZPF makes no comment on the conduct of individuals or the Ministry's handling of these matters. Our focus is the broader question: **how well does the system keep curriculum decisions open to scrutiny and accountable over time?**

What this means for school leaders

For school leaders, understanding why a curriculum change has been introduced matters as much as knowing what is changing. Principals need to explain new requirements to teachers, parents, and communities and decide how best to implement them. A full record of the evidence, rationale, and feedback behind significant changes helps provide that context.

Schools should not have to rely on informal accounts or institutional knowledge to understand why major curriculum decisions were made.

1. What the OIA is, and why it exists

The OIA came into force on 1 July 1983, replacing the *Official Secrets Act 1951*, under which secrecy was the default. Its purpose is to make official information more freely available, enabling people to participate more effectively in shaping and administering laws and policies, and promoting the accountability of ministers and officials.

Information must be released unless there is good reason to withhold it. Agencies must respond as soon as reasonably practicable and within 20 working days, and requesters can complain to the Ombudsman if information is withheld. The OIA is therefore more than an administrative process. It is part of the machinery of democratic accountability.

2. How records and information requests connect

The OIA works alongside the *Public Records Act*, which requires public offices to create and maintain full and accurate records of their activities, including work undertaken by contractors. Transparency depends not only on the right to request information, but on the information having been recorded in the first place.

Curriculum decisions generate two important records. The published curriculum shows the outcome. The account of how it was developed (drafts, advice, feedback, and the reasons for changes) makes it possible to understand how a decision was reached. That second record exists only if the relevant information is captured.

A recent case shows how an information request can end in refusal. In October 2025, teacher Bevan Holloway asked for details of the verbal feedback Education Minister Erica Stanford gave on the draft Year 7-13 English curriculum in the week of 10 February 2025, including what changes she requested. In her response of 18 November 2025, Minister Stanford confirmed that she had discussed the curriculum's content with officials, but said her office held no documentation of the changes discussed. She refused that part of the request under section 18(g) of the OIA, which applies to information that is not held. Mr Holloway has complained to the Ombudsman.

The Ombudsman's guidance, *The OIA for ministers and agencies: A guide to processing official information requests (2019)*, says the OIA can extend to information that has not been recorded in writing, including information held in an official's or minister's memory. Whether that applies to the matters outlined here is ultimately a matter for the Ombudsman, and NZPF draws no conclusion. The broader concern is that when significant advice or discussion is not documented, a search may find nothing, leaving the public without a record of the reasoning behind a decision.

Concerns about record-keeping at the Ministry have since widened beyond the leaked video. Radio New Zealand reported that nine people with knowledge of different parts of the Ministry had contacted it with accounts of alleged practices discouraging written records. Several said the practices pre-dated the change of government in late 2023, although some said they became more pronounced afterwards. These accounts have not been tested. The Ministry has said the comments in the video did not meet its expectations and has declined to comment on the additional claims. It has also emphasised the importance of staff creating and maintaining appropriate records as work develops.

In March 2025, outgoing Chief Ombudsman Peter Boshier said he had heard allegations of officials being pressured not to make records, and called the suggestion that officials and ministers may keep matters off the written record to avoid discoverability 'deeply troubling'. His comments were general rather than directed at the Ministry of Education, but they indicate that the issue is not confined to one department.

3. Why the public record matters for curriculum

Curriculum development requires professional expertise, research, consultation, and judgements about what knowledge is worth teaching. When the reasoning behind decisions is not captured, Parliament and the public cannot properly assess them, and confidence can suffer regardless of the merits of the outcome.

Two consequences stand out:

- **Institutional knowledge can be lost.** Reasoning held only in conversation leaves when the people who hold it leave. The *Independent Workplace Review of Te Poutāhū* | *The Curriculum Centre* reports that participants described high turnover, particularly among contractors, as affecting institutional knowledge. A durable written account preserves knowledge beyond individual staff and allows later scrutiny. (See our companion *At A Glance* on the Te Poutāhū review.)
- **Participation can become less meaningful.** Consultation can establish that people were asked for their views. Where the process is documented, it can show what was heard, what changed as a result, and why.

The Te Poutāhū review records participants' concerns about how work is commissioned. Some participants described work being commissioned verbally, often through an intermediary, as a concern because it could lead to unclear instructions and limited transparency and tracking. They understood the practice to have followed recent leaks and saw it as a sign of a low-trust environment. These are participants' perceptions and were not tested, and the review makes no findings about legal obligations under the OIA or the *Public Records Act*. It identifies written work-commissioning protocols as an opportunity for improvement, and the Secretary for Education's response commits the Ministry to reviewing and strengthening Te Poutāhū's communications and commissioning processes, within a three to six month timeframe.

This does not mean every internal conversation should be disclosed. The OIA recognises legitimate grounds for withholding information, including the protection of personal privacy. Informal discussion also has a valuable place in policy development. Confidentiality and documentation are not the same thing. A discussion can be confidential and still be properly recorded.

For significant curriculum decisions, there should be an accurate account of what was proposed, what evidence was considered, what feedback was received, what changed, and why.

What this means for a Curriculum and Assessment Council

NZPF's proposed permanent, statutory Curriculum and Assessment Council would build greater openness and continuity into the long-term stewardship of curriculum and assessment. It would be co-designed with iwi and Māori education partners, recognising existing constitutional relationships.

The *Public Records Act* already requires public offices to keep full and accurate records. A Curriculum and Assessment Council could build on that with:

- traceable advice and commissioning, with the Council's recommendations kept distinct from the Minister's final decisions
- documented evidence and rationale behind significant changes
- public reporting on consultation, showing how feedback shaped proposals
- lasting record-keeping responsibilities, so the record builds across changes of government instead of depending on the practices of individual teams.

Governments would still set the policy direction, and the Minister would retain final approval of curriculum and assessment specifications. A Council would not remove political authority. It would make the exercise of that authority easier to see, understand, and hold to account.

The issue is bigger than an OIA request

When curriculum decisions shape the education of future generations, how they are reached matters as well as the outcomes. A reliable public record allows them to be examined, explained, and learned from over time. A permanent, statutory Curriculum and Assessment Council could help provide the institutional foundation for that transparency and continuity.