

COMPLAINT NUMBER	19/147
COMPLAINANT	R Fleming
ADVERTISER	The Community Schools Alliance
ADVERTISEMENT	The Community Schools Alliance Print and Digital Marketing
DATE OF MEETING	15 April 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Community Schools Alliance Print Advertisement is headed “Our Schools belong to us all.” The advertisement opposes proposed changes to the governance framework for school and said in part: “Each hub will manage up to 125 schools with a “one size fits all” approach. Communities will no longer have direct parental input into schools, with the Hub becoming the direct employer of principals and teachers.” A sponsored Facebook Post said: “Parental involvement in the governance of schools will end and bureaucrats will take over the running of our schools through the creation of new Government offices called “Hubs”.”

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, R Fleming, said: On Tuesday, the Community Schools Alliance ran full-page ads in the NZ Herald and the Dominion Post, as well as a number of targeted Facebook ads, opposing the recommendations of the independent Tomorrows Schools Taskforce.

In the print ads, the Alliance says The government is looking at a proposal to replace community leadership with new super-bureaucracies called Hubs that report to Wellington, and Communities will no longer have direct parental input into schools.

The claims are repeated in Facebook ads, where the Alliance says Parental involvement in the governance of schools will end and bureaucrats will take over the running of our schools through the creation of new Government offices called Hubs.

These claims are false. While the Taskforce does recommend the creation of Education Hubs, it does not recommend ending parental involvement in the governance of schools. In fact, the Taskforce recommends Education Hubs should support boards of trustees, (pg. 13) and that boards of trustees, which is comprised of and represents the views of parents, have the ultimate say over appointments, such as for school principals (pg. 48). It also recommends boards focus on student success and wellbeing, the goals, culture and character of the school and have the final say on the schools strategic and annual plan (pg. 48).

The Advertising Standards Code says that Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. These advertisements clearly mislead New Zealanders about the proposals of the Taskforce, impacting the publics ability to have a factual and reasoned debate about these incredibly important changes.

Newsroom have analysed the Alliances questionable claims, saying A growing group of schools across the country have launched a coordinated opposition to the Tomorrows Schools proposed changes, but the campaign is full of misinformation.

I ask the Advertising Standards Authority to consider the Alliances misleading claims against the facts, namely the Taskforces report, and seek to correct the record.

The Taskforces full report can be found here:
<https://conversation.education.govt.nz/assets/TSR/Tomorrows-Schools-Review-Report-13Dec2018.PDF>

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 2(b), Rule 2(e)

The Chair acknowledged the Complainant's concern the advertisements from the Community Schools Alliance were misleading.

The Chair said the advertisements before her fell into the category of advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code. This Rule required the identity of the advertiser to be clear; opinion to be distinguished from factual information and factual information must be able to be substantiated. The Advocacy Principles developed by the Complaints Board in previous decisions considered under Rule 11 of the Code of Ethics remain relevant. They state:

1. That section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in section 14 is not absolute as there could be an infringement of other people's rights. Care should be taken to ensure that this does not occur.
3. That the Codes fetter the rights granted by section 14 to ensure there is fair play between all parties on controversial issues. Therefore, in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.
4. That robust debate in a democratic society is to be encouraged by the media and advertisers and that the Codes should be interpreted liberally to ensure fair play by the contestants.
5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

The Chair observed that in a free and democratic society, differences of opinion about matters of public interest should be openly debated without undue hindrance or interference from authorities such as the Complaints Board, and in no way should political parties, politicians, lobby groups or advocates be unnecessarily fettered by a technical or unduly strict interpretation of the rules and regulations. Therefore, the Chair considered the complaint in conjunction with this liberal interpretation under the application of the Advocacy Principles.

The Chair confirmed the Advertiser was clearly identified as the Community Schools Alliance and several options were provided for more information including website and email addresses, and Facebook and Twitter contact details.

The Chair said the content in the advertisements reflected the views of a group of schools that were opposed to governance changes outlined in the report from the Tomorrow's Schools Taskforce. In the Alliance's view, the proposed changes would impact on the level of parental involvement in the governance of schools.

The Chair said under the Advocacy Principles, individuals and groups were able to present their views on possible policy changes.

The Chair said the advertisements did not meet the threshold to mislead consumers and they were not in breach of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.