



## **Press Conference**

### **Ministry of Education's Response to Ruling**

#### **Victor Scott Primary School and T. N. Tatum Middle School Judicial Review**

**The Hon. Dame Jennifer Smith, DBE, JP, DHumL, MP**

**Minister of Education**

**22 August 2012**

In his 1 August 2012 judgement, His Honour Chief Justice Ian Kawaley gave a thoughtful and erudite statement that quoted the Magna Carta; Ashes and Sparks: Essays on Law and Justice and the Commonwealth Caribbean Law and Legal Systems. With no hope of matching his learnedness, I hope to give equal deliberation to my response.

The Chief Justice has rightly determined that the Government and the Ministry of Education have made a commitment to wider consultation ever since the adoption of the 2007 *Review of Public Education in Bermuda* (commonly known as 'The Hopkins Report'); through to the 2009 *Blueprint for Reform in Education (Bermuda Public School System Strategic Plan 2010-2015)*.

In addition, the following significant comments from the ruling demonstrate that the Chief Justice also understands the realities faced by the Ministry:

1. *"The promise to engage parents and the community in the running of public schools is based on a commitment to make a paradigm shift in the management culture of Bermuda's public education system and to make it more democratic and participatory and less authoritarian and paternalistic..."*
2. *Institutional cultural shifts are notoriously difficult to implement and change can never be affected without some bumps and lumps along the way. There is an inevitable tension between the impulse to move*

*from point A to point B as quickly as possible in concrete terms and the need to ensure that less tangible but no less important objectives are also achieved along the way". And*

3. In paragraph 44, in the sentence "...*Precisely what form this heightened involvement takes will have to be worked out in the future.*" demonstrate that the Chief Justice also understands the realities faced by the Ministry.

So, while the Ministry is committed to the goals stated in the Blueprint, the promise of consultation at the time of the decisions was an aspirational one, not yet grounded in a protocol or process. That process, which has now been approved by Cabinet, is due to be unveiled next month when the Ministry embarks on a course of consultation with schools, PTA's and the wider community. This will be in addition to the Ministry's undertaking to share educational matters directly with the public through public meetings.

Chief Justice Ian Kawaley's ruling also clarified two important points:

- The decision of the COE was not unlawful, and she does have the power to transfer principals under the Act. The ruling refers to the fact that the court "*is unqualified to second-guess the professional judgment of the technical experts*"; and
- Consultation "*does not mean that the relevant decision could not have been made over the PTA's objections*". The PTA's need not have agreed with the Ministry's decision.

In conclusion, I believe that Chief Justice Kawaley's ruling sets out important points of principle which will be honoured by the Ministry of Education and, I trust, also be upheld by stakeholders as we move forward together to improve education for all children.

**Dame Jennifer Smith, DBE, DHumL, JP, MP**

**Minister of Education**

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