



Have your say about protecting the public interest in the work of the Education Council

Background

The Education Council plays an important role in the New Zealand education system

The purpose of the Education Council of Aotearoa New Zealand (the Council) is to ensure safe and high quality leadership, teaching and learning for children and young people in early childhood, primary and secondary schooling in English medium and Māori medium settings through raising the status of the profession.

The functions of the Council are set out in s382 of the Education Act 1989. They include providing leadership to teachers and direction for the education profession, setting standards for initial teacher education programmes and practising standards for teachers, and performing disciplinary and competence functions.

These functions give the Council a critical role in the New Zealand education system. It influences the quality of teaching through its professional leadership function and power to set standards for initial teacher education programmes and practising standards for teachers. Through its disciplinary and competence function, it protects the safety of children and young people in schools and early childhood centres. In setting criteria for teacher registration, it can significantly influence teacher supply and diversity in the flow of new teachers into the profession.

The breadth of the Council's influence creates a substantial public interest in the Council's work. This public interest needs to be protected through some ability for government to influence the Council's work on behalf of all New Zealanders, and, in particular, children and young people.

Current situation

The Education (Teaching Council of Aotearoa) Amendment Bill proposes changes to the composition of the Education Council's board

The current Education Act 1989 gives the government two key levers for protecting the public interest in the work of the Council:

- the Minister's ability to appoint all nine members of the Council's governing board
- the requirement that the Council set out its strategic direction regularly (at least every three years), following consultation with teachers, the government and the public.

Of these two levers, the Minister's ability to appoint members of the board is considered the stronger. It allows the Minister to assess the collective skills mix of board members, to ensure that the Board is a cohesive body and that all appointments meet competency standards.

The Education (Teaching Council of Aotearoa) Amendment Bill, which was referred to Select Committee earlier this year, proposes changes to the composition and appointment process for the Council's board, increasing the number of members to 13, with seven members elected by the profession and six appointed by the Minister of Education.

This delivers on the Government's commitment to introduce a democratic process for electing the Council's board in order to increase the status of teaching. It is intended to give teachers more ownership of the Council, and build the profession's trust, confidence and constituency in the Council's work.

In making this change, the Education (Teaching Council of Aotearoa) Amendment Bill will reduce the government's ability, through the board appointments process, to protect the public interest in the work of the Council. We are therefore consulting on two changes to the Education Act 1989 to strengthen how the government can continue to express the public's interest in the Council's work.

Proposals for change

Requirement for the Council to consult with government on decisions relating to teacher education and registration

The Council's function of setting the standards for initial teacher education and teacher registration give it the power to determine the entry requirements for the profession, and therefore an important role in relation to the current and future supply of teachers. For example, if the Council were to decide to make postgraduate qualifications a requirement for entry to the teaching profession, this would be likely to have significant impacts on teacher supply and workforce diversity, as well as creating additional costs for the government as the funder of tertiary education and the employer of most teachers.

The Council is already required to consult with stakeholders including the government when setting out its strategic direction. We propose that this requirement should be strengthened by including a specific requirement for the Council to consult with government when considering changes to teacher education or registration requirements.

While this would give government the ability to contribute to the Council's policies regarding initial teacher education and teacher registration, it would not limit the Council's ultimate decision-making power.

Power for the Minister of Education to issue a Government Policy Statement on matters relating to the teaching profession to which the Council must have regard

In an effective education system, the policies and processes that shape the teaching workforce align with the government's intentions for the wider system. We propose to establish a power in the Education Act 1989 for the Minister of Education to issue a Government Policy Statement on matters relating to the teaching profession, to which the Council must have regard in discharging its functions.

The legislation would include a requirement that the Minister must consult with the Council and other relevant stakeholders before issuing a Government Policy Statement. This would give the Council an opportunity to comment on, and contribute to, the content of the statement prior to its publication.

How to have your say

We are seeking your views on the two proposed changes, before the government makes a decision on including them in a Bill.

You can email your submission to consultation@education.govt.nz or write to:

Education Consultation
Ministry of Education
PO Box 1666
Wellington 6140
New Zealand

Submissions close on **13 April 2018**.

Personal information and confidentiality

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Please clearly indicate in your submission if you do not want your name to be included in any summary of submissions that we may publish.

Further information

If you have any questions about making a submission, or would like more information, please email consultation@education.govt.nz.

Information on the Education (Teaching Council of Aotearoa) Amendment Bill can be found at <http://education.govt.nz/ministry-of-education/legislation/education-teaching-council-of-aotearoa-amendment-bill/>



Have your say about establishing the College of Educational Leadership

Background

The quality of educational leadership is a significant influence on student outcomes.

Evidence is clear that quality educational leadership is second only to quality teaching as an in-school influence on student outcomes.

Effective professional learning and development (PLD) is a key tool for building and supporting quality teaching and leadership practices.

The best education systems have the structures and processes to enable them to respond to PLD needs, so that teachers and leaders receive the development and support they need, when they need it, in order to lift teaching and leadership quality and student outcomes.

The Government made a pre-election commitment to establish an education advisory service (the Service) and a College of Educational Leadership (the College). The Service will oversee all centrally-funded PLD while the College will set minimum qualifications required for those applying for leadership positions and ensure that quality professional development programmes are available for new and existing educational leaders.

Both the Service and the College will have the power to second excellent teachers and leaders to act as mentors and trainers. These teachers and leaders will work closely with the schools to provide expert curriculum support and PLD.

Establishing the College of Educational Leadership

The Government is considering where in the education system to establish the College of Educational Leadership (the College), in order to maximise the benefits the College has the potential to deliver.

The proposed functions of the College overlap with some of the Education Council's (the Council's) current functions. If the College sits outside the Council, it may be necessary to make changes to the Council's legislative functions to ensure that the respective roles of the College and the Council are clear.

These changes could be progressed through an education bill, which is why we are seeking your views on whether the College should be established as part of the Council through this consultation process.

This work will also be informed by the Tomorrow's Schools Review, which will be considering, among other things, the environment in which schools operate and the roles of different organisations in the system in supporting schools. This will include the roles of both the College and the Service, alongside the roles of the Ministry of Education, the Education Review Office, the New Zealand Qualifications Authority, the Education Council and the New Zealand School Trustees Association.

Establishing the College in the Education Council

The functions envisaged for the College overlap with the Council's current functions, which are set out in s382 of the Education Act 1989. These include functions relating to educational leadership, such as enhancing the status of education leaders (s382(1)(b)) and identifying and disseminating best practice in leadership (s382(1)(c)).

The Council has been undertaking work in a number of areas relating to leadership since its establishment in 2015. This includes establishing a Centre for Leadership Excellence, focused on supporting Community of Learning | Kāhui Ako leaders, and developing a leadership strategy, on which it is currently seeking feedback.

The Council's functions also include setting expectations for ITE qualifications (s382(1)(f)), and setting practising standards for the teaching profession (s382(1)(h)). These functions align with the proposed ability of the College to set minimum qualifications for leadership positions.

Establishing the College as part of the Council would make use of the Council's existing expertise and enable the work programmes for the two bodies to be integrated, so that the College could build off the work undertaken by the Council to date.

No legislative change would be required to establish the College in the Council.

Establishing the College outside the Education Council

Quality teaching and leadership are key to government's responsibility to provide an education system that enables all children and young people to achieve their full potential. The Council is an independent body, and is not accountable to government. Establishing the College in the Council would therefore reduce the government's ability to deliver PLD for educational leaders within other work programmes across the education system.

The Council's remit covers all registered teachers and leaders, including those in private schools. This contrasts with the scope of government funding for PLD, which supports teachers and leaders in state and state-integrated schools only.

The expert teachers and leaders seconded into the College will also need to be able to work closely and in a sustained way with individual schools, principals and other educational leaders. The Council does not currently have a regional presence that would support these sorts of relationships.

If the College is established outside the Council, the Council's functions would need to be amended to remove the overlap between the two bodies. In this case, we would need to consider whether the Council should retain a reduced role in the Education Act regarding educational leadership, or whether the College should be responsible for all functions related to educational leadership in the system.

How to have your say

We are seeking your views on whether the College of Educational Leadership should be established in the Education Council, and, if not, how the Council's role in relation to educational leadership should be redefined.

You can email your submission to consultation@education.govt.nz or write to:

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Information on the Tomorrow's Schools Review, which will explore the environment within which schools operate, including the roles of the Ministry, ERO, NZQA, Education Council and NZSTA in supporting schools (and the yet to be established Education Advisory Service and the Leadership Council) is available here: www.education.govt.nz/ministry-of-education/consultations-and-reviews/tsr/



Have your say about potential changes to private school registration criteria

Background

We know that the safety and wellbeing of students is the highest priority for managers of private schools. But the minimum student welfare standards expected of State schools, State integrated schools and early childhood education centres (ECEs) don't currently apply to private schools.

All State, State integrated schools and early childhood education providers are required to ensure that there is a safe physical and emotional environment for students.

Currently, private schools are subject to the Health and Safety at Work Act 2015 and, under the Education Act 1989, are required to have suitable premises and equipment, as approved by the Secretary for Education. In certain circumstances, a private school's registration may be suspended by the Secretary for Education, if the welfare of the students is at risk.

However, the Education Act 1989 does not permit the Secretary for Education to consider students' physical and emotional welfare when registering a private school. Nor does the Act allow the Secretary to deregister a school if it fails to provide a safe environment for its students.

Proposed change

The Government is considering adding a new registration criterion for private schools, requiring the provision of a safe physical and emotional environment for students.

This change would allow the Secretary for Education to consider the ability of a private school to provide a safe physical and emotional environment for students when making decisions about school registration.

It would also mean that, where safety standards are not being met in an existing private school, the Secretary could cancel registration based on risk to student welfare. At present this power is not available to the Secretary.

This proposed change is intended to provide more certainty for private school students, and their families/whanau, that they can expect the same standards of physical and emotional safety at private schools as students in other educational institutions.

How to have your say

We are seeking your views on the proposed change to the registration criteria.

You can email your submission to consultation@education.govt.nz or write to:

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Further information

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Have your say about proposed changes to vetting requirements for schools and home-based early learning services

Background

The safety of children and young people must always come first. However, the current requirements for safety checking of people across schools, kura and early learning services vary, giving children in some environments more protection than children in others.

There are two issues regarding the safety checking of people who are often in environments where children are:

- The standard of safety checking considered necessary for people who live where home-based early learning is provided, and
- The requirements to police vet contractors, such as tradespeople, who enter schools and early learning services.

The standard of safety checking for people who live where home-based early learning is provided

The Education Act 1989 and the Vulnerable Children Act 2014 (VCA) have different requirements for safety checking people who have access to children. The checking requirements of the VCA are more extensive than those in the Education Act, but they only apply to children's workers.

The Vulnerable Children Act 2014 (VCA) introduced a definition for people who work with children – 'children's workers'. A children's worker is anyone whose work involves regular, or overnight, contact with children, takes place without parents or guardians being present, and is paid or undertaken as part of an educational or training course.

Children's workers are required to undergo comprehensive safety checks that involve more than a police vet, in order to reduce the risk of harm to children.¹

Most staff at a school or in early learning settings will be children's workers, and are therefore required to be safety checked under the VCA. People who live where home-based early learning is provided, but are not working for the early learning service, are required to obtain a police vet only.²

¹ The safety check under the VCA must include: confirmation of the identity of the person being safety checked; consideration of information gathered through a Police vet, a chronological work history, an interview and a referee check; disclosure of any professional organisation, licensing authority or registration authority of which the person is currently a member; a risk assessment that assesses the risk the person would pose to the safety of children if employed or engaged as a children's worker.

² See <http://www.education.govt.nz/early-childhood/running-an-ecce-service/employing-ecce-staff/police-vetting/>.

This means that people who live where home-based early learning is provided, but who are not children's workers, are subject to a lower standard of checking, despite potentially posing similar risks to children.

The requirements to police vet contractors who enter schools and early learning services

Boards of trustees are required to obtain a police vet for every contractor and sub-contractor, including their employees, who "has, or is likely to have, unsupervised access to students at the school during normal school hours".³

Tradespeople, who often work across multiple schools, kura and early learning services, are required to be police vetted under the Education Act 1989 each time they enter a new education environment, despite a police vet being valid for three years.

School boards of trustees and early childhood education providers must meet these costs. Sector groups have indicated this is an expensive and time consuming process, adding to the waiting times for police vetting.

Questions

1. Do you think that people who live where home-based early learning is provided, but are not children's workers, should be subject to greater safety checking requirements than a police vet?
2. If you think it is appropriate to have a more comprehensive safety check of these people, who should undertake the safety check?
3. Could the police vet for contractors and tradespeople be streamlined or shared between education environments to ensure that unnecessary costs can be minimised or avoided?
4. What systems would need to be in place to support a more streamlined process that reduces duplication, while also ensuring our children and young people are safe in their education environment?

How to have your say

We are seeking your views on the vetting requirements for people who are not children's workers.

You can email your submission to consultation@education.govt.nz or write to:

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³ See [78CA Police vetting of contractors and their employees who work at schools](#).

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Have your say about the skills leadership role of Industry Training Organisations

Background

The Government wants to restore the skills leadership role of industry training organisations

Industry training organisations (ITOs) are responsible for arranging traineeships and apprenticeships, and setting skill standards for an industry.

From 2004 to 2014, legislation required ITOs to have the ability to undertake skills leadership for their respective industries. This included identifying current and future industry needs, developing training plans to meet those needs, and promoting training to employers and employees.

In 2014, the Industry Training and Apprenticeships Act 1992 was amended to remove 'skills leadership' as a statutory function of ITOs. The previous Government intended ITOs to focus mainly on arranging training and setting standards, with other industry groups taking a bigger role in skills leadership alongside ITOs. ITOs have continued some skills leadership functions as directed by industry or required for their other functions.

The Government is now proposing to re-introduce ITOs' skills leadership role. There is also an opportunity to clarify how ITOs should demonstrate skills leadership for an industry, including through ITO recognition and quality assurance processes.

This proposed change is part of the wider education portfolio work programme. As announced in February, the Government has initiated a programme of work for the next three years that will champion a high quality public education system for all New Zealanders. This includes work on a programme of change for the institutes of technology and polytechnics (ITP) subsector and vocational education more broadly. The work programme for vocational education will take account of this more specific change to re-establish a skills leadership role for ITOs in legislation.

Proposals for change

The Government intends to reinstate a skills leadership role for ITOs. We seek your views on the nature of this role and how ITOs can best contribute to skills leadership.

Strengths ITOs bring to skills leadership include:

- industry employers and employees must be represented in their governance
- their role as standard setters requires keeping up-to-date with skills needs
- regular contact with employers (of all sizes) and employees through their role of arranging training
- understanding skills requirements and the broader tertiary education sector.

Potential skills leadership roles for ITOs include:

- communicating industry, employer and employee views on skills policy to government
- anticipating labour market changes and the effect of this on the quantity and type of skills required by the industry they represent
- influencing the practices of other industry bodies and employers (eg encouraging employers to train more employees)
- influencing other tertiary education organisations.

Government, iwi, industry peak bodies, occupational peak bodies, employee representatives, tertiary education providers and ITOs can all contribute to aspects of skills leadership. Their relative contributions vary by industry and occupation.

There is now an opportunity to identify more clearly, in legislation, the leadership role ITOs should play, taking account of the interests and contributions of others.

Questions

1. Should the skills leadership role be a legal requirement for ITOs?
2. What should be the skills leadership functions of ITOs? Whose behaviours should ITOs seek to influence, and how? Whose interests should they consider?
3. What other organisations should ITOs be partnering with to effectively deliver a skills leadership role?
4. How should ITOs ensure that the needs and interests of other stakeholders are represented?

How to have your say

We are seeking your views on the skills leadership role of industry training organisations.

You can email your submission to consultation@education.govt.nz or write to:

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Further information

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Have your say on the proposed repeal of Communities of Online Learning, and changes to correspondence education

Background

In 2017 the previous Government passed legislation relating to online distance learning, called Communities of Online Learning (COOL). The COOL legislative provisions are not due to come into effect until 31 December 2019. Under the provisions, any school, tertiary institution, or private entity could apply to become a COOL. Te Aho o Te Kura Pounamu (Te Kura) was to become a COOL. Any school-aged student would be able to study at any COOL, including Te Kura, on a full time or part time basis.

The education sector were not consulted when the COOL policy was developed. Thus, when the changes were before Select Committee, people and organisations that provided feedback raised a number of concerns.

The Government agrees with the concerns raised, including: the ability of private sector bodies, who are not education bodies, to become accredited as COOL; that tertiary and other private sector bodies would not be required to teach the national curricula or to employ registered teachers; that online learning could become an option for any student who chooses it (open enrolment) even if it is not the best option for them; and that schools could use COOL to 'off-ramp' at-risk students.

Online learning is already taking place in schools across the country and is continuing to grow. Virtual Learning Networks (VLNs) deliver significant learning opportunities to primary and secondary school students. These students enjoy all of the benefits of being enrolled in a school, such as being able to access teaching expertise and pastoral supports, while at the same time accessing additional opportunities to learn, online.

In addition, non-school organisations, like universities, are already supporting schools to provide parts of the curriculum in areas where there is a shortage of teaching expertise. This is taking place without the need for a legislative framework.

This approach is consistent with the findings of research commissioned by the Ministry of Education, where students describe online learning as an integral part of their learning, utilised as and when it's required. Students see the availability of online learning as the education system's ability to respond to their learning needs, and to different learning contexts.

The Government is of the view that the development of online learning can be better supported through the curricula, the funding system, and by supporting capability development in the teaching workforce. The Government considers that the contribution of online learning is better positioned within a strategic discussion with the education sector.

Proposals for change

The Government is proposing to:

- repeal the COOL legislation
- consider the approach to online learning within a broader strategic discussion with the education sector, such as through the 30 year vision for the education system
- redevelop the legislative framework for distance education, to modernise it, including returning Te Aho o Te Kura Pounamu as a school that enrolls students who cannot access a face-to-face school, and provides supplementary tuition to students enrolled in schools, for various reasons (such as where a teacher is not available)
- enable full-time students who would otherwise only be able to access Te Kura, to be able to access their online learning with any state school (or network of schools). This would give students who are distance education students, some choice in the system.

The Ministry is now consulting with stakeholders on the above proposals.

Questions

1. What are your views on the repeal of COOL?
2. What should the Government consider to support the effective development of high quality online learning?
3. What do you see as the opportunities and barriers to enabling any state school to provide distance education, if they have the infrastructure to do so?
4. How can online learning, and in particular, online distance learning, be used to improve education outcomes for children and young people at risk of disengaging or in need of additional learning support?

How to have your say

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