Education Report: Consultation process on the Statement of National Education and Learning Priorities and the Tertiary Education Strategy

To: Hon Chris Hipkins, Minister of Education

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Purpose of report

This paper seeks your agreement to our planned approach to consultation on the Statement of National Education and Learning Priorities (NELP) and the Tertiary Education Strategy (TES).

In addition to the organisations specified for consultation on the NELP and the TES, you are required to consult any other organisations or groups you feel should be consulted. This paper therefore asks you to indicate any other key stakeholders you would like to include in the consultation.

Summary

1. The Education Act 1989 (the Act) sets out requirements for consultation on both the NELP and the TES.

2. To meet these requirements, and to be consistent with the Te Arawhiti guidelines for engagement with Māori, we propose to contact a range of national representative organisations and peak bodies across early learning, schooling, and tertiary education; iwi, hapū, and urban Māori organisations; employers and organisations representing employees; and the disability and learning support communities to invite them to meet with us and/or provide a submission on the draft NELP and TES. We will use the opportunity provided by the Pacific Education fono to engage with Pacific communities.

3. We will contact the organisations that supported our initial targeted engagement on the NELP to seek opportunities to have the voice of a range of children and young people heard in this consultation. We will also contact the stakeholders we heard from in the earlier engagement to inform the TES, to ensure they have the opportunity to provide feedback on the draft.

4. As far as possible, we will run the consultation process as joint consultation on both the NELP and the TES. At the same time, where stakeholder organisations clearly have an interest in one of the draft strategies but not the other, we will accommodate that.
5. In addition to the groups listed in section 1A of the Act, you are required to consult with any other organisations or groups in the early learning and schooling sectors you consider should be consulted. Similarly, section 159AA requires you to consult any other tertiary education stakeholders you consider should be consulted on the TES. We therefore seek your indication of any other groups you consider should be included in the consultation.

**Recommended Actions**

The Ministry of Education recommends you:

a. **agree** that the Ministry of Education will release the draft NELP and TES priorities for consultation on 17 September, subject to Cabinet approval being obtained on the 16th September  

   Agree / Disagree

b. **agree** to the proposed consultation approach for the NELP and the TES  

   Agree / Disagree

c. **agree** to share this briefing with your Associate Education Ministers  

   Agree / Disagree

d. **Indicate** if there are any other groups you consider should be included in the consultation process and if yes provide these below  

   Yes / No

   *Ethnic communities*

**Proactive Release Recommendation**

e. **agree** that this Education Report is proactively released as part of the next publication.  

   Agree / Disagree

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Ben O' Meara  
Group Manager  
Education System Policy  
28/06/2019

Hon Chris Hipkins  
Minister of Education  
3/9/19
Background

1. The *Shaping a Stronger Education System with New Zealanders* draft discussion document will be considered by Cabinet on 16 September. This document will be the basis for consultation on the NELP and TES.

2. The NELP and the TES are both enabled by the Education Act 1989 (the Act), and the Act includes requirements about who must be consulted before you issue either.

3. We propose joint consultation on the draft NELP and the TES, culminating in a 9 week consultation period for the NELP with a shorter consultation period for the TES ending at 6 weeks.

Legislative requirements for consultation on the NELP

4. Before you issue a statement of National Education and Learning Priorities, s1A of the Education Act 1989 requires you to make reasonable efforts to consult:
   
a. children and young people; and

b. national bodies representing the interests of teachers; and

c. national bodies representing the interests of principals; and

d. national bodies representing the interests of governing bodies of schools; and

e. national bodies representing the interests of early childhood services; and

f. national bodies representing the interests of parents; and

g. national bodies representing the interests of the disability community; and

h. national bodies representing the interests of support staff in schools and early childhood services; and

i. national bodies representing the interests of Māori education organisations; and

j. national bodies representing the interests of Pacific education organisations; and

k. national bodies representing the interests of proprietors of State integrated schools; and

l. national bodies with a particular role in respect of the character of designated charter schools; and

m. any other stakeholders in the early childhood and compulsory education sectors that you consider ought to be consulted.

Legislative requirements for consultation on the TES

5. In regards to the TES, s159AA of the Education Act 1989 requires that before issuing the Tertiary Education Strategy, you must consult with the Tertiary Education Commission, and any stakeholders in the tertiary education section you consider ought to be consulted. Once Cabinet has agreed to consultation on the draft discussion document, we recommend that you write to the Chair of the TEC Board. Officials will
prepare a draft letter. We also recommend further consultation with the NZQA, which is required to have regard to the TES in exercising its functions.

Proposed consultation approach

How we plan to consult

6. In order to promote a wide-ranging conversation regarding the NELP and the TES, the draft priorities (outlined in the discussion document, which provides the context of the strategic objectives for education) will be made available on the Ministry’s website and emailed directly to relevant stakeholders.

7. We propose a combination of online-feedback and face-to-face engagements including:
   a. online surveys which will be available in te reo and English;
   b. invitations to key stakeholder organisations and to iwi and hapū to meet with us and/or provide a written submission;
   c. making use of peak bodies’ meetings and events, and other engagements occurring during the consultation period (for example, the Pacific fono), and further engagements on the Reforms of Vocational Education;
   d. engagements facilitated by the Department of Corrections;

8. We recognise that you may wish to meet with some key stakeholders in this time, and will support any Ministerial meetings.

Consultation materials

9. We propose to make the material supporting the consultation broadly available, and as accessible as possible:
   a. the discussion document will be translated into te reo Māori;
   b. the executive summary of the discussion document will be translated into: te reo Māori, Cook Island Māori, Fijian, Niuafo’ou, Samoan, Tokelauan, Tongan, Tuvaluan, Hindi, Chinese, Korean, Easy Read, e-text and New Zealand Sign Language (NZSL).

Who we intend to consult

10. As far as possible, we will integrate the consultation processes for the NELP and TES.

11. There may be some instances where integration is not useful or efficient, due to the need to speak to sector specific audiences. We will supplement joined up consultation activity with separate consultation with specific groups on the NELP and the TES. This will take in the groups detailed below.

Approaching iwi and hapū

12. We have considered the framework and guidelines for engagement with Māori made available to agencies by Te Arawhiti – the Office of Māori Crown Relations (CAB-18-MIN-0456 refers).
13. Taking the guidelines into account, we will inform a wide range of national Māori organisations about the upcoming consultation on the NELP and TES, and will seek their preference for how to engage and provide feedback. We will do the same for the iwi authorities, organisations representing hapū, and urban Māori organisations listed on Te Puni Kōkiri’s Te Kāhui Māngai website.

Consultation groups for the NELP

Children and young people whose voices are not usually heard in our engagements

14. In late 2018, we carried out targeted engagement to inform the development of the NELP, focusing on children and young people, particularly those who have been underrepresented in other consultation exercises (for example, the Kōrero Mātāuranga). You have received a summary of the outcomes of this engagement in May 2019 (METIS 1176618 refers), and a full report will be published shortly.

15. We have committed to seek further input from the groups of children and young people that we engaged with in 2018, to test whether the draft NELP is effectively responding to the concerns they raised.

16. The groups included:

- a. Māori children and young people;
- b. Pacific children and young people;
- c. Asian children and young people;
- d. Middle Eastern, Latin American and African (MELAA) children and young people;
- e. Children and young people in alternative education;
- f. Youth NEETs;
- g. Children and young people in the youth justice system;
- h. Children in care and protection;
- i. Children in health schools;
- j. Children under the age of 5;
- k. Children with disabilities and learning support needs;
- l. LGBTQIA+ children and young people;
- m. Children and young people in rural areas;
- n. Refugee children and young people;
- o. Children and young people with a non-English Speaking Background;
- p. Children and young people engaging with English for Speakers of Other Languages (ESOL) services;
- q. Children and young people from digitally excluded communities;
- r. Children and young people accessing community and social support.
National bodies

17. Along with the above, we will be writing to the peak bodies listed in Annex 1, offering them the opportunity to meet with us to discuss the draft NELP (and TES, if they wish).

18. These include bodies representing Māori and Pacific educational organisations, the disability community, principals, teachers, and others.

Consultation groups for the TES

19. We have ongoing conversations with the key stakeholders in the tertiary education sector, and have already engaged with them on the TES. You will receive a summary of these engagements. We will also consult employees and their representatives as well as employers and industry, as well as tertiary staff and unions, TEOs, REAPs and ACE providers.

20. These stakeholders include the members of your Tertiary Consultative Group:
   a. ACE Aotearoa
   b. Ako Aotearoa
   c. Business New Zealand
   d. Independent Tertiary Education New Zealand
   e. Industry Training Federation
   f. New Zealand Institutes of Technology and Polytechnics
   g. New Zealand Union of Student Associations
   h. Quality Tertiary Institutions
   i. Tertiary Education Union
   j. Te Mana Ākonga – National Māori Students' Association
   k. Te Tauihou Ngā Wānanga
   l. Tertiary Institutes Allied Staff Association
   m. Universities New Zealand
   n. New Zealand Council of Trade Unions.

Any other groups you consider should be consulted

21. As noted above, the Act requires you to consult any other stakeholders that you consider ought to be consulted, in addition to the groups listed, on both the NELP and the TES.

22. We seek your indication of any other groups you wish to consult.

Consultation and publication timeline

23. We intend to launch the consultation as soon as possible after Cabinet approval, on the 17th September.

24. There will be a 6 week consultation for the TES, to ensure a new instrument is in place for when the current TES expires at the end of this year.
25. There will be a longer period of approximately 10 weeks for consultation on the NELP, finishing in November 2019.

26. Following the respective consultation periods, we would seek Cabinet approval for the final TES in December, and for the NELP in February 2020. We would then publish the final NELP and TES jointly in February 2020.

Risks

27. The Ministry has engaged in a number of consultation exercises over the last year, and the NELP and the TES are just two parts of your Education Work Programme. We will work to mitigate the risk of ‘consultation fatigue’ by ensuring we are coordinating with any engagement on other parts of the Education Work Programme where possible. For example, we will be making use of the forum being led by the Pacific Education team to consult with Pacific communities on the NELP and TES.

28. This is the first time that we have consulted on a combined NELP and TES discussion document. Some stakeholders may find it difficult to understand which parts of the document are relevant to them. We will provide clear supporting materials to ensure that early learning, schooling and tertiary priorities can be identified, within the context of the wider system objectives.

29. The shorter consultation period for the TES may be perceived negatively. This will be mitigated with clear communications and a careful balancing of groups and organisations to ensure visible and genuine consultation. If we receive feedback through consultation which requires significant changes, there is a risk that the TES may not be finalised this year. We have recently provided advice to you about this and options to mitigate this risk (METIS 1191616).

Next steps

30. We will work with your office about a possible event for you to launch the discussion document and consultation process. There may also be further opportunities for you and your Associate Ministers to continue to promote the consultation over the next two months.

31. We will work with your office to confirm the communications plan and range of additional material to support consultation over the next two weeks.

Annexes

Annex 1: Peak bodies proposed to consult on the NELP
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a. Sign Language Advisory Group
b. Early Childhood Advisory Committee (ECAC)
c. New Zealand School Trustees Association Te Whakaruputanga Kaitiaki Kura O Aotearoa (NZSTA)
d. New Zealand Pasifika Principals Association (NZPPA)
e. New Zealand Principals’ Federation Ngā Tumuaki o Aotearoa (NZPF)
f. Post Primary Teachers Association Te Wehengarua (PPTA)
g. New Zealand Educational Institute Te Riu Roa (NZEI)
h. Secondary Principals’ Association of New Zealand (SPANZ)
i. Business New Zealand
j. Office of the Children’s Commissioner
k. The Coalition of Disabled People’s Organisations
l. New Zealand Association of Intermediate and Middle Schools (NZAIMS)
m. Education Subcommittee of Intermediate and Middle Schools (NZAIMS)
n. Education Subcommittee of the Iwi Leaders Group
o. New Zealand Area Schools Association
p. Association of Proprietors of Integrated Schools
q. Independent Schools of New Zealand
r. Special Education Principals’ Association of New Zealand
s. Te Kohanga Reo National Trust
t. Te Akatea | New Zealand Māori Principals’ Association of New Zealand
u. Te Rūnanga Nui o Ngā Kura Kaupapa o Aotearoa
v. Ngā Kura a Iwi o Aotearoa
w. Teaching Council of Aotearoa New Zealand