AIDE MEMOIRE

Education (Pastoral Care) Amendment Bill: Policy and Approval for Introduction – Cabinet paper

Date: 11 October 2019
To: Hon Chris Hipkins, Minister of Education
From: Andy Jackson, Group Manager Tertiary Education, Ministry of Education

Priority: High
METIS No: 1208916
Security Level: Budget sensitive

Purpose

This aide memoire provides you with talking points to support your discussion on Education (Pastoral Care) Amendment Bill: Policy and Approval for Introduction – Cabinet paper at Cabinet on 14 October 2019.

Additional information on the number of students in student accommodation is attached.

Recommendations

It is recommended that you:

Agree to proactively release this Aide Memoire once related decisions have been made.

Hon Chris Hipkins
Minister of Education

[Signature]

We get the job done Ka oti i a mātou ngā mahi
We are respectful, we listen, we learn He rōpū manaaki, he rōpū whakarongo, he rōpū ako mātou
We back ourselves and others to win Ka manawanui ki a mātou me ētahi ake kia wikitia
We work together for maximum impact Ka mahi ngātahi mō te tukenga nui tonu
Great results are our bottom line Ko ngā huanga tino pai ā mātou whainga mutunga

Aide Memoire
Talking points to support your discussion on Education (Pastoral Care) Amendment Bill: Policy and Approval for Introduction – Cabinet Paper

Summary

Recent tragic events involving tertiary students have highlighted the need for clearer expectations for student pastoral care. It is a priority to put better systems and processes in place for students, particularly for those in student accommodation, before the 2020 academic year. [3]

Today I am seeking your approval for the first step in this process, to amend the Education Act so I may issue a Code of Practice for the pastoral care of domestic tertiary education students. [2.1]

I propose to issue an interim code for 2020 which will set out a general duty of pastoral care and some interim expectations for tertiary education providers that offer student accommodation. [2.2]

With these protections in place at the start of the year, an ongoing Code of Practice will be developed with providers and students during 2020. It will set out Government’s expectations for providers across the range of pastoral care supports for student wellbeing. [2.3]

The ongoing Code will come into effect from January 2021 and will bring the domestic code and the existing international code into close alignment. This will be accompanied by a dispute resolution scheme for students who cannot resolve disputes with their providers. [2.3/28]

I propose to announce and introduce these amendments today, for enactment by the end of November, and to develop the interim code in parallel with the legislative process. There will be engagement on this change with affected providers and with Universities New Zealand after the announcement. [4]

What the Bill does

The Bill:

- addresses regulatory gaps relating to the pastoral care of domestic tertiary students, ensuring that students live in a safe environment and are supported to have a positive experience that supports their educational achievement
- ensures the consistency and effectiveness of the codes of practice for domestic tertiary and international students
- ensures that providers are accountable for pastoral care standards.

It introduces new offences for providers responsible for serious harm or death to students and pecuniary penalties for serious breaches of the code, with liability in each case up to a maximum of $100,000.

[From the General Policy Statement]

Managing risks

This Bill has been developed over a very short timeframe to ensure that protections can be in place for domestic students in 2020. This means that standard consultation processes within Government, and engagement with the sector, has not been possible. [Noting Treasury feedback, 73]
Given the urgency of this process, I will manage the regulatory risks and ensure that the sector has an opportunity to shape the development of the interim code by preparing further supporting analysis, and engaging with the sector during the design of the interim code. [4/ 31]

Managing costs

I recognise that regulation will create costs, and engagement with learners and providers will assist in assessing and managing the impact. [29]

Funding to administer an interim code is required from 2020. I expect this will cost around $1.5m. This funding will come from unspent funding in Vote Tertiary Education.

I seek authority for the Ministers of Education and Finance to approve funding for administration of the Code for 2020, up to a maximum of $1.5 million, once the interim code is developed. [64]

The current dispute resolutions scheme for international students is funded from the Export Education Levy at a cost of around $150,000 a year. [65]

I intend to explore options for cost recovery to fund administration of the ongoing code and the dispute resolution scheme for domestic tertiary students from 2021.

Additional information

Number of students in student accommodation

The TEC advises that it does not hold comprehensive information on the number of students in accommodation. It will have more accurate information later next week.

In 2016, around 12% of respondents in a NZUSA member survey reported that they lived in student accommodation.