



Briefing Note: Draft Second Tranche Education and Training Bill Cabinet paper for Ministerial consultation

To:	Hon Chris Hipkins, Minister of Education		
Date:	6 August 2019	Priority:	Medium
Security Level:	In Confidence	METIS No:	1179 86
Drafter:	Rachel Voller	DDI:	s 9(2)(a)
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Paper

This paper provides you with a draft Cabinet paper for consultation with your colleagues, s 9(2)(h)

Summary

- The attached revised draft Cabinet paper has been updated to include comment received from Departmental consultation.
- We recommend you undertake consultation with your colleagues, so that the paper can be lodged next week (15 August) for consideration at SWC on 21 August.
- The Ministry of Social Development, Oranga Tamariki, Te Puni Kōkiri, ERO and NZQA have commented on the paper. These agencies all support the proposals in the paper. Minor changes have been incorporated in the attached draft.
- s 9(2)(h)

Proactive release

Agree that this Briefing will be proactively released after the Education and Training Bill has been introduced to the House.

Agree / Disagree



Dr Andrea Schöllmann
Deputy Secretary
Education System Policy

06/08/2019

Hon Chris Hipkins
Minister of Education

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Departmental consultation

1. Oranga Tamariki, the Ministry of Social Development and Te Puni Kōkiri provided specific comment on the paper, which is detailed below. ERO and NZQA provided comment that they support the paper.

Oranga Tamariki comment

2. Oranga Tamariki supports affirming the right of all children and young people to attend schooling, but note there are barriers to attendance. They have requested inclusion of text in the Cabinet paper stating that limited attendance is an issue for the children Oranga Tamariki work with. We have included their proposed text in the attached draft Cabinet paper.
3. Oranga Tamariki has also asked us to consider incorporating the implications of the proposals for tamariki and rangatahi Māori. This is something we're considering for our advice on the Treaty implications related to the right to education, and we will provide you with separate advice on this issue.
4. Oranga Tamariki suggested we discuss the use of statutory interventions and why their use has been limited. We consider this discussion has already been appropriately considered in both the text and our earlier advice to you. While the Ministry does not actively monitor compliance, when we receive notice of an issue or a complaint we investigate and determine appropriate actions to address the issues. Sometimes this involves making use of our statutory intervention framework.
5. Finally Oranga Tamariki has recommended we consider referencing the United Nations Convention on the Rights of the Child in the Education Act. We consider there are risks of directly referencing the United Nations Convention in our legislation before we understand the resourcing implications and support required to ensure full participation for all students in mainstream education settings.

Ministry of Social Development comment

6. The Ministry of Social Development supports the paper's proposals. They suggest we consider further consulting the groups and individuals who do not support the name change from special schools to specialist schools. They have also suggested we further consider a disputes resolution mechanism for the schooling sector. We are developing separate advice for you on this.
7. The Ministry also queried whether the term "special classes" are no longer used. We have confirmed there are no special classes in existence.
8. Finally the Ministry provided some minor typo corrections which we have addressed in the attached draft.

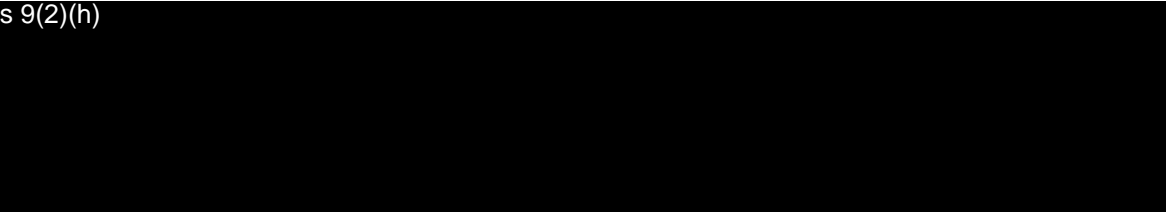
Te Puni Kōkiri comment

9. Te Puni Kōkiri indicated there is an opportunity to ensure the policy proposals ensure a whanau centred approach is applied. We agree and we're considering this in both our advice on student removals (stand-downs, suspensions, exclusions and expulsions) and disputes resolution.

s 9(2)(h)

10. s 9(2)(h)

11. s 9(2)(h)



12. s 9(2)(h)



Annexes

Annex 1: Draft Cabinet Paper – Education and Training Bill second tranche of policy approvals