



Education Report: Government response to the final report of the Tomorrow's Schools Review Independent Taskforce – *Update on draft Cabinet paper, companion Cabinet paper (legislative provisions) and agency consultation*

To:	Hon Chris Hipkins, Minister of Education		
Date:	3 October 2019	Priority:	High
Security Level:	Sensitive	METIS No:	1207337
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This report provides the next version of the draft Cabinet paper *Reform of the Tomorrow's Schools system: Paper one - proposed Government position*, and the next draft of the companion Cabinet paper (legislative provisions). This report also provides you with an update on agency consultation.

Recommended actions

The Ministry of Education recommends that you:

- a. **note** that we will work with your Office to incorporate any further changes to the Cabinet papers in preparation for lodgement for SWC next Thursday, 10 October

Noted

Proactive release recommendation

- b. **agree** that this Education Report and attachments will **not** be proactively released because policy decisions are still to be made on the Government response to the Tomorrow's Schools Taskforce recommendations.

Agree / Disagree



Dr Andrea Schöllmann
Deputy Secretary
Education System Policy
03/10/2019

Hon Chris Hipkins
Minister of Education

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Update on the draft Cabinet paper

1. This version of the draft Cabinet paper *Reform of the Tomorrow's Schools system: Paper one - proposed Government position* (attached as Annex 1) incorporates additional revisions discussed with your office for your review and feedback. A revised A3 *Indicative Timeline for key components of Tomorrow's Schools reform* is also attached as Annex 2. A revised version of the companion Cabinet paper (legislative provisions) is attached as Annex 3.
2. The table below sets out the most significant changes to the draft Cabinet paper. These have been highlighted yellow in the draft Cabinet paper.

Section	Change
Monitoring and Evaluation	Removed paragraphs 62 and 68 referring to SSC and ERO, and added a new paragraph 67 with an additional report back on how to best monitor progress and the reforms progress.
Leadership College or Centre	Revised paragraphs 72 and 73 to include intention of establishment with the ESA and reinforce the need for strong connections between the Leadership Centre or College and the Teaching Council.
Leadership Advisors	This section has been moved to follow directly after the Leadership College or Centre section. Paragraphs 74 – 77 have been revised to more explicitly refer to two types of advisors (for principals and boards). It also states these roles will be established within the new Leadership Centre or College.
Disability and Learning Support	Para 113 now includes specific reference to the role of the ESA in providing better support for learners/ākonga with disabilities and/or learning support needs. Paragraph 145 has also been strengthened to make specific reference to the Government's <i>World Class Inclusive Education</i> objective for the education system and that this includes providing an inclusive education system for children and young people with disabilities.

Update on companion Cabinet paper (legislative provisions)

3. We have also received feedback specific to the draft Cabinet paper *Reform of the Tomorrow's Schools system: Paper two – legislative decisions* that we have reflected in the attached revised draft (Annex 3).
4. The table below sets out the most significant changes to the draft Cabinet paper. These have been highlighted yellow in the draft Cabinet paper.

Section	Change
Boards working in partnership with mana whenua	We have included a new paragraph (paragraph 32) which sets out the key elements of the Māori-Crown partnership as expressed in Waitangi Tribunal reports and jurisprudence. The new text is: " <i>The Waitangi Tribunal investigations and jurisprudence through the Courts have identified that partnership is derived from the need to balance kāwanatanga (the Crown's right to</i>

	<p><i>govern) and tino rangatiratanga (Māori right to self-determination and sovereignty over their lands resources and people). Partnership requires parties to act towards each other reasonably and with utmost good faith, with neither party being subordinate.”</i></p> <p>We have also set out what this would mean for boards in a new paragraph 33. The new text is: <i>“In practice this proposal will require boards to form and maintain an ongoing relationship with the local iwi and hapū that have mana whenua status. They will be required to actively work with relevant iwi and hapū in the design of their plans, policies and directions in order to ensure that those documents reflect local tikanga, mātauranga and te ao Māori. An important part of this relationship will be consensus decision-making.</i></p> <p>We have also amended paragraph 34 to make it clear that <i>“It would provide a formal role for ‘mana whenua’ rather than Māori generally. This relationship should apply even where schools Māori learners and whānau that do not identify as part of the mana whenua or where the school has no Māori learners. Māori who are not mana whenua would continue to have opportunities to be involved in school board planning as part of the school’s community”.</i></p> <p>For clarity, we have further defined mana whenua as iwi and hapū with interests in the land in the relevant area. Including this clarification will assist with drafting.</p>
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Update on Agency consultation

5. Last week you agreed to the Ministry commencing agency consultation on the draft Cabinet papers *Reform of the Tomorrow’s Schools system: Paper one - proposed Government position* and *Reform of the Tomorrow’s Schools system: Paper two – legislative decisions* [METIS 1206660 refers]. We commenced agency consultation on both papers on Friday, 27 September.
6. The following agencies received the paper for consultation:
 - State Services Commission (SSC);
 - Treasury;
 - Department of Prime Minister and Cabinet (PAG);
 - New Zealand Qualifications Authority (NZQA);
 - Education Review Office (ERO);
 - Te Arawhiti;
 - Ministry of Justice;
 - Youth Development; Ministry for Women;
 - Ministry for Pacific Peoples;
 - Te Puni Kōkiri;
 - Ministry for Business, Innovation and Employment;
 - Ministry of Social Development;

- Office of the Children’s Commissioner;
- Office of the Disability Commissioner;
- Parliamentary Council Office and
- Oranga Tamariki.

7. To date, we have received formal feedback from NZQA and the Office for Disability Issues. NZQA were very supportive of the paper while the Office for Disability Issues have made more significant comments as set out below.

Agency	Key Feedback
Office for Disability Issues	<p>There needs to be a mechanism to strengthen the purpose of the ESA, e.g. a “quasi” governance board or advisory board, representative of local stakeholders, for each ESA, to ensure that the balance between local and national accountability is maintained.</p> <p>One of the principles of redesign should be “evidence informed” encompassing the use of data, research evidence and contextual/cultural knowledge.</p> <p>The explanation of the “Code of Conduct for School Boards of Trustees” is unclear on how it would apply to principals who, although not elected to a board, are members of the board. Consideration should be given as to how the Code of Conduct for Boards covers the unique role of the principal as a member of the Board.</p>

8. We expect to receive feedback on both Cabinet papers from other agencies by the end of the week. We will work with your office on our approach to incorporating this feedback into the Cabinet papers.
9. We continue to work towards lodging the draft Cabinet papers next Thursday, 10 October for consideration by the Social Wellbeing Committee on Wednesday, 16 October.

Annexes

- Annex 1: DRAFT Cabinet paper: “Reform of the Tomorrow’s Schools system: Paper one – proposed Government position”
- Annex 2: A3 – Timeline for key components of Tomorrow’s Schools reform
- Annex 3: DRAFT Cabinet paper: “Reform of the Tomorrow’s Schools system: Paper 2 - legislative provisions”.