



SUBMISSION

to the

EDUCATION AND SCIENCE SELECT COMMITTEE

on the

EDUCATION (UPDATE) AMENDMENT BILL

November 2016

About PPTA

1. PPTA represents the majority of teachers engaged in secondary education in New Zealand, including secondary teachers, principals, and manual and technology teachers.
2. Under our constitution, all PPTA activity is guided by the following objectives:
 - (a) To advance the cause of education generally and of all phases of secondary and technical education in particular;
 - (b) To uphold and maintain the just claims of its members individually and collectively; and
 - (c) To affirm and advance Te Tiriti O Waitangi.

Executive Summary

3. The Education (Update) Amendment Bill (“**the Bill**”) is a Bill of contrasts.
4. At times, the government appears to be grappling with the inevitable consequences of the problems inherent in Tomorrow’s Schools – the competitive, decentralised, unsupported market model – by proposing to introduce greater interventions from the ministry and minister, combining governance across schools through shared boards of trustees, and active encouragement of collaboration through Communities of Learning.
5. The value of collaboration is explicitly recognised by the ministry in respect of these policies – for example:

“...promoting collaboration that is purposeful and evidence-driven is a feature of education systems that show sustained improvement.”¹
6. However, other proposals in the Bill will drive our education system the other way by introducing more competition and greater disparity between schools, leading to greater inequity of achievement between students and undermining access and provision of quality public education for all students. In particular, the last minute policy proposal in respect of communities of online learning (“**COOLs**”).
7. Our submission reflects our concern with these contradictions and takes a broad view of network provision and the education system as a whole.

Key Recommendations

8. We, alongside the Secondary Principals’ Council, the New Zealand Principals’ Federation, the New Zealand School Trustees Association, the New Zealand Educational Institute and the New Zealand Virtual Learning Network Community, strongly recommend that:
 - **Clause 38 of the Bill** (*inserting a new Part 3A “Communities of Online Learning” in the Act*) and all other references to COOLs **be deleted**;
 - That a cross-sector working party is established to develop a policy framework for online learning in New Zealand.
9. PPTA also makes the following recommendations in respect of other proposals in the Bill:
 - (a) **Changes to the objectives** (discussed in more detail on pages 8 to 10) to:

¹ RIS: strengthening collaborative governance, pg. 2.

- (i) better incorporate the concept of “*equity*”;
 - (ii) better align with the statements in the NZ Curriculum, including a concept of “*promoting the development of lifelong learning*” and “*to instil an appreciation of the importance of an inclusive society where all people are valued and are supported to participate in ways that honour and value diversity*”;
 - (iii) include a concept of “*promoting the development of values and skills to enable them to succeed in further education, live full satisfying lives, both personally and in the world of work*”,
 - (iv) strengthen the references to Te Tiriti so that it instead reads “*To instil an appreciation of the importance of an understanding of the Treaty of Waitangi and the bicultural foundations of New Zealand and the opportunity to acquire knowledge of tikanga and te reo Māori*”.
- (b) **The Statement** needs better transparency and accountability through parliament, and consultation requirements should be explicit in the Act (discussed in more detail on pages 8 to 10);
- (c) **Roles and responsibilities for boards of trustees of schools** – the drafting could be clearer to make it more accessible (as per the intended purpose), guidance will still be necessary, and we think that the good employer obligations under the State Sector Act 1988 should be added;
- (d) **Annual Plans:** A template plan would be useful for schools, to help reduce duplication and to ensure that the key areas are considered by each board.
- (e) **Promoting collaboration between schools:** We would like the Act to be explicit about the fact that the IES initiative and funding is ring-fenced for teachers working in the compulsory schooling sector in state and state-integrated schools, as per the requirements in the guidelines and collective agreements that were agreed in good faith. “Raising achievement” should have a broad interpretation and incorporate, for example, the pastoral needs and wellbeing of the students, and other key objectives proposed in the new section 1A of the Act.
- (f) **Closures and mergers:** Further thought should be given to whether the minister can be requested / required to review a decision, for example, if new information comes to light.
- (g) **New teacher competency body:** Clause 140 (new section 410AA) of the Bill should be amended to restrict the membership of the competency body to people who are registered teachers. We completely oppose the minister being able to appoint his or her preferred member of the public to the panel. This shows an undue level of political influence in what is purported to be an independent regulatory body. Unlike the conduct / disciplinary bodies, the competence body will not be considering issues of public morality but of professional standards. It requires people who have a working knowledge of the practising teaching criteria, the curriculum and other professional standards by being qualified and either currently practising or having recently practised as a teacher (discussed more on pages 21 and 22).
- (h) **Changes for state-integrated schools:** We support the proposal to bring state-integrated schools within the Education Act 1989, but also recognise that this is an opportunity for parliament to remove the discrepancies that exist in terms of funding, enrolment and fees. Further thought should also be given to extending

the bonding scheme as a way of supporting the newest members of our profession. (Discussed more on page).

- (i) **Careers information:** Rather than addressing the goals identified by the ministry in the RIS, the proposal to wind up Careers New Zealand and transfer it to the Tertiary Education Commission appears to have the sole objective of cost savings. We are very concerned that this proposal will undermine the quality and relevance of the careers information that is available for students in the compulsory schooling sector. This is discussed more on pages 24 to 28.
 - (j) **Statutory interventions:** We have some concerns about where the costs will fall and note the disparities in terms of cost allocation and burden for intervening compared to COOLs. Costs of interventions can be significant when schools continue to be under financial pressure and can be a disincentive for schools voluntarily seeking help in the early stages of a problem. Statutory interventions, even early ones, are still the ambulance at the bottom of the cliff that is trying to fix the inevitable gaps that emerge with the self-governing model of Tomorrow's Schools, where schools are largely left to do their own thing and there is competition for students between schools. This is discussed more on pages 19 to 21.
10. Our view is that the time has come to do a first principles review of Tomorrow's Schools. It is well overdue, this model having been in operation for 27 years. The starting point for this review must be focussed on creating a sustainable model of public education, and an education service that means that every public school is able to meet the needs of their local students. We need to keep the best of Tomorrow's Schools – local community engagement and involvement in setting the strategic direction and character of the school – while ensuring that there are consistent governance arrangements in place supported by the Ministry of Education.
11. We also recommend 'updating' the Act by repealing Part 12A of the Act and all other references to partnership schools kura hourua (charter schools). These schools are a failed model of governance and the money that is being used to prop up these businesses would be better spent on students in the state system.

Relevant legal considerations

12. Education is a right. This is recognised in both domestic law and international law that New Zealand has made a commitment to fulfil. For example:
- Section 3 of the Education Act 1989 ("**the Act**") states that: "except as provided in this Act or the Private Schools Conditional Integration Act 1975, every person who is not an international student is entitled to free enrolment and free education at any State school... during the period beginning on the person's fifth birthday and ending on 1 January after the person's 19th birthday";
 - Article 26 of the Universal Declaration of Human Rights states that "*Everyone has the right to education. Education shall be free... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace...*" -;

- New Zealand, as part of the United Nations, recently agreed on targets to achieve the sustainable development goal of “Ensuring inclusive and quality education for all and promoting lifelong learning”², including:
 - By 2030, ensure that all girls and boys complete **free, equitable and quality primary and secondary education** leading to relevant and effective learning outcomes;
 - By 2030, **eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations**;
 - By 2030, **ensure that all learners acquire the knowledge and skills needed to promote sustainable development**, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development;

[Emphasis added]

- Under Article 28 and 29 of the United Nations Convention on the Rights of the Child (“**UNCROC**”), New Zealand has agreed to the following:

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

...

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

...

² Goal 4.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

13. We would also like to draw the Committee's attention to the following relevant concluding comments that were made by the United Nations Committee on the Rights of the Child in respect of the work that New Zealand needs to do to give effect to UNCROC³:

37. Taking note of target 4a of the Sustainable Development Goals on building and upgrading education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all, and recalling its previous recommendation (CRC/C/NZL/CO/3-4 of 2011, para. 46), the Committee recommends that the State party:

- (a) **Ensure that the ongoing review of the Education Act 1989 complies with the provisions and principles of the Convention and is made in consultation with children;**
- (b) **Ensure that the budget allocated to education is adequate, sufficient and protected** in case of economic crisis or other financial factors;
- (c) **Develop and implement an adequate normative framework for alternative education** in line with the Convention and the Committee's General comment No. 1 (2001) on the aims of education and **undertake regular quality assessments of alternative educational arrangements and institutions, including the newly established partnership schools;**
- (d) **Take measures to end the over-representation of children with disabilities, Māori and Pasifika children in disciplinary processes including by providing adequate social and psychosocial support to children and only use the disciplinary measure of permanent or temporary exclusion as a means of last resort.**

³http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NZL/INT_CRC_COC_NZL_25459_E.pdf (last accessed 9/11/2016).

39. While welcoming the State party's efforts, the Committee draws the State party's attention to its general comment No 17 (2013) on **the right of the child to rest, leisure, play, recreational activities, cultural life and the arts** and recommends that the State party **strengthen its efforts to improve all children's access to rest, play and leisure and address existing inequalities in access to play and outdoor activities**, including under its Out of School Care and Recreation (OSCAR) Subsidy model.

[Emphasis added]

14. Under the Act, education is also a legal requirement. Young people are required to attend school until the age of 16.⁴ This compulsory aspect of education places a duty on the state to ensure that the education service being delivered is high quality and responsive to the needs of all students within the system.
15. As per the international obligations outlined above, this is not a duty that can be outsourced to private providers or devolved from government to local communities that are set up to fail and then left to pay the costs.

What is the background to the Bill?

16. The government commissioned the Taskforce on Regulations affecting School Performance ([the Taskforce](#)⁵) to review legislation to see how student achievement could be raised. The Taskforce reported to Cabinet in mid-2014. The Ministry of Education then released a general discussion document entitled: [Have your say about Updating the Education Act 1989](#).⁶ There were 1,854 submissions on the discussion document. The government introduced the Education (Update) Amendment Bill in parliament on 22 August 2016.
17. There are proposals in the Bill that were not part of the original consultation or did not have the support of the majority of submitters on the discussion document. In particular, the proposal relating to communities of online learning "COOLs" aka online charter schools – is a policy that has been rushed, is not supported by evidence and appears to be thinly masking ideology and business interests at the expense of the best interests of our children. It was not part of the consultation last year. This is discussed in more detail below.
18. Furthermore, we are concerned that while the Ministry of Education did not consult on the regulatory framework for online learning, claiming that this was because it was only introduced late in the piece as a result of the submission from Te Kura. This is not actually correct. In December 2014, the minister agreed to advice from the ministry that changes to Te Kura to allow open access should be explored as part of the Education Act update. As the RIS makes clear, this is the genesis of the changes to Part 3A of the Act. The minister has been considering changes along the lines of COOLs for at least two years, and the only consultation that has been undertaken is now at select committee stage. This is entirely inconsistent with Treasury's guidelines for best practice policy development, which state:

⁴ Section 20.

⁵ <http://www.education.govt.nz/ministry-of-education/specific-initiatives/taskforce-on-regulations-affecting-school-performance/> (last accessed 7/10/2016).

⁶ <http://www.education.govt.nz/assets/Documents/Ministry/consultations/Updating-the-Education-Act-1989-A-public-discussion-document.pdf> (last accessed 7/10/2016).

“Best practice policy development involves consulting with the public and/or interest groups on new proposals. Consultation is important because the people affected by a policy often have more and better information about the real world impacts of policies than the government officials who are developing them.”⁷

What are the main proposals in the Bill?

19. There are a range of proposals, discussed in more detail below, but the key subjects are:
- Changing the ways that goals, objectives and government priorities for education are set;
 - Changing / clarifying the roles and responsibilities of boards of trustees;
 - Changing planning and reporting requirements for schools;
 - Establishing a regulatory framework for online learning (“**COOLs**”);
 - New requirements for new entrants enrolling at school, including compulsory attendance for five year olds that have enrolled and cohort entry for enrolments;
 - New proposals to promote collaboration between schools;
 - New interventions / powers for the ministry in respect of schools;
 - New proposals for closures and mergers of schools;
 - New proposals for enrolment schemes for schools;
 - The establishment of a new body to consider competence issues about teachers, to sit within the Education Council;
 - Changes to state integrated schools;
 - Changes to careers information, including disestablishing Careers New Zealand and establishing a unit within the Tertiary Education Commission.

Establishing goals, objectives and Government priorities for education

NAGs

20. National Administration Guidelines (“**NAGs**”) are being repealed and replaced with “national performance measures”, which are targets against which the performance of boards can be measured.

NEGs

21. In the Bill, the government proposes to amend the National Education Goals (“**NEGs**”) and to instead have a Statement of National Education and Learning Priorities (“**Statement**” or “**the Statement**”) for early childhood and compulsory education sectors. The ability to issue NEGs remains in place but it is proposed that they are limited to be statements of government policy objectives for the school system rather than also setting standards of desirable achievements by the school system, or by an element of the school system.
22. The Statement would be issued by the minister and published in the *Gazette*. The Statement must be consistent with the following objectives outlined in the Bill:
- To focus on helping each child and young person to attain educational achievement to the best of his or her potential; and
 - To promote the development in each child and young person, of the following abilities and attributes:
 - Resilience, determination, confidence, and creative and critical thinking;

⁷ <http://www.treasury.govt.nz/regulation/regulatoryproposal/consultationrequirements>

- Good social skills and the ability to form good relationships;
 - Participation in community life and fulfilment of civic and social responsibilities;
 - Preparedness for work; and
- To instil in each child and young person an appreciation of the importance of the following:
 - The inclusion within society of different groups and persons with different personal characteristics;
 - The diversity of society;
 - Cultural knowledge, identity, and different official languages;
 - The Treaty of Waitangi and te reo Māori.
23. The Statement would provide a strategic approach and would need to be taken into account by boards of trustees setting their planning and reporting requirements.
24. Managers of private schools would also be required to ensure that the school's principal and staff have regard to any Statement when developing and delivering the curriculum.
25. There is no parliamentary scrutiny of the Statement⁸ and limited ways to challenge it once it has been published. The Statement would be subject to consultation with stakeholders in the ECE and compulsory education sector – at the discretion of the minister.
26. Once published, a Statement would remain in place for five years unless earlier withdrawn or replaced by notice in the *Gazette*. It would be made available on the ministry's website.
27. The Regulatory Impact Statement (“**RIS**”) on these proposals in the Bill states that there is currently confusion from boards of trustees about the government's strategic direction for education because there are multiple sources of information (including speeches from the minister) and the current NEGs are not currently used by boards.

PPTA Comment

28. We support proposals that would help to establish a more streamlined and long-term approach to setting the strategic direction for education in New Zealand. We also agree that the current system is confusing and that some schools find it difficult to know how to give effect to key objectives in their planning and reporting.
29. We support the objectives of education including tolerance, and personal and social development of children and young people. Too often we have seen recent government policy on education focussed on narrow results rather than taking a more holistic approach to wellbeing and development.
30. We support the following comments about the proposed objectives that were made by the Education Council in their discussion paper:

⁸ It is not a legislative instrument or a disallowable instrument. It also does not need to be presented to Parliament, limiting the ability for debate and amendments.

- *Helping each child and young person attain educational achievement to the best of their potential*: this is too narrow a focus and will not fully incorporate the aim for equity in our educational system;
 - *Aiming for equity of outcomes*: we agree that this should be added into the Bill as a new objective;
 - *Promoting the development of resilience, determination, confidence, and creative and critical thinking*: As noted by the Education Council, the statements in the New Zealand Curriculum have considerable support and we agree that some of the key concepts should be incorporated in the objectives in the Act, specifically, the concept of “*promoting the development of lifelong learners*”. Including such a concept would help when considering transition points between school and further study / work, and focuses on the capacity and skills of learning that can be transferred to future activity rather than just static results from a single test or assessment. We note that the aspiration to lifelong learning is also included in our international obligations under the United Nations sustainable development goal 4.
 - *Preparedness for work*: we agree that this is too narrow and support a slightly amended version of the Education Council’s proposed alternative so that it would instead read “*promoting the development of the knowledge, values and skills to enable them to succeed in further education, live full satisfying lives, both personally and in the world of work.*” We have omitted the word “competencies” because it is a jargon word that does not suit legislation or this context. A quick legislation search shows that this word is currently only used in relation to regulating immigration advisers in section 36 of the Immigration Advisers Licensing Act 2007 – this is occupational regulation where people receiving their services may otherwise be vulnerable to exploitation. As a result, we do not consider it appropriate in the context of setting aspirational educational objectives for students and the education system in the Education Act 1989.
 - *Inclusive society*: we support the Education Council’s recommended changes that reflect the New Zealand Curriculum, i.e. changing it to read “*To instil an appreciation of the importance of an inclusive society where all people are valued and are supported to participate in ways that honour and value diversity*”.
 - *Te Tiriti and te reo Māori*: We support the specific reference to Te Tiriti and te reo Māori in the objectives in the Bill, but agree with the Education Council that this could be improved by replacing it with “*To instil an appreciation of the importance of an understanding of the Treaty of Waitangi and the bicultural foundations of New Zealand and the opportunity to acquire knowledge of tikanga and te reo Māori*”.
31. However, the lack of scrutiny in the development of the Statement and giving the minister complete discretion as to whom they consult is worrying.
32. Setting educational policy should be clearly established through research and evidence, and working with the key professionals – such as teachers – and national representative organisations of teachers, principals, and boards of trustees in the ECE and compulsory schooling sector. We also agree with the Office of the Children’s Commissioner that children’s views should be actively sought as part of this process. We note that this is also a requirement from the United Nations Committee on the Rights of the Child (*referred to above*). Any consultation undertaken should be both public and transparent.

33. We are concerned about the proposal to allow the minister to make “minor” changes without any consultation – clause 4, new section 1A(5). Given the absence of other mechanisms, this could be used to bypass appropriate scrutiny of what may turn out to be significant changes to the key policy document in education. This clause needs to be amended so that any changes need to be consulted on first. The consultation should be with the same groups as when a new Statement is proposed.
34. We suggest that new sections 1A(4) and (5) are amended as follows:
- “(4) Before issuing or amending a statement under this section, the Minister must consult with stakeholders including but not limited to national representative organisations of teachers, principals and Boards of Trustees in the early childhood and compulsory education sector.”
- (5) *Deleted.*
35. Clause 4, new section 1A(6) of the Bill should be amended so that the Statement is a disallowable instrument for the purposes of the Legislation Act 2012, and should be required to be presented to parliament pursuant to section 41 of that Act.

Key changes proposed for the roles and responsibilities of Boards of Trustees

36. The Taskforce found that some school boards are unclear about their role and responsibilities – in particular, the distinction between governance and management.
37. The government proposes having a clear section in the Act, which sets out the responsibilities of boards, as follows:
- A board is the governing body of its school; and
 - A board is responsible for the governance of the school, including setting policies by which the school is to be controlled and managed⁹.
38. This sits alongside a clear cross-reference to section 76 and a statement that the school’s principal is the board’s chief executive in relation to the school’s control and management. Section 76 of the current Act sets out the role of the principal, and is unchanged.
39. The Bill sets out that the primary objective for a board is “to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement” – this is unchanged – but it is accompanied by a list of specific responsibilities to give effect to the objective, as follows:
- Ensuring that the school:
 - Is a physically and emotionally safe place for all students and staff; and
 - Is inclusive of and caters for students with differing needs; and
 - Have particular regard to any priorities in the Statement;
 - Comply with its obligations under sections 60A (curriculum statements and national measures)
 - Comply with its obligations under section 61 (in relation to teaching and learning programmes)
 - Comply with its obligations under section 62 (in relation to monitoring of student performance);

⁹ Clause 4 to new Schedule 6 (Schedule 2 of the Bill).

- If the school is a member of a community of learning that has a community of learning agreement under section 73B, comply with its obligations under that agreement as a member of that community; and
 - To comply with all its other obligations under this or any other Act.
40. It is very useful to have this list in one place alongside the key objective because it is easier for boards and new board members to understand their role as a governing body, to see the link with the key objectives in the statement and to see what their key areas of responsibility are.
41. The RIS on this proposal suggested that this section of the Bill would also be clear about the board's financial and reporting requirements (i.e. that the board is responsible for "setting, monitoring, undertaking internal evaluation and reporting on a strategic plan, setting policies for management to implement, and operating in a financially responsible way").

PPTA Comment

42. The problems that are arising with uncertainty about governance responsibilities are the direct result of problems with Tomorrow's Schools. It is now 27 years since this was imposed on the education system and it is time for a comprehensive first principles review of this governance model to see whether it is really meeting the needs of all of our students.
43. Despite a noble aim, the full list of requirements for boards could be clearer in the drafting. It is not plain English or all located in one place, including the need to cross-reference to other statutes. The drafting also leaves the board's requirements to consider cultural diversity, the Treaty of Waitangi and tikanga / te reo Māori when developing policies, performing its functions, etc. until a few clauses later in the Bill – this would be better incorporated / at least cross-referenced in schedule 2, part 2, clause 5 or under the same sub-heading "Functions of Board".
44. It would also be useful to refer to the board's good employer obligations under the State Sector Act 1988 and the relevant collective agreements, as this is a critical part of running a school.
45. Boards will continue to need guidance to support them to understand their legal obligations, and it is the responsibility of the government via the Ministry of Education to provide this in a clear and accessible way. However, even with this guidance, there will still be cases where these obligations are not met because the board within a particular community does not have the capacity or skills to be responsible for the governance of a Crown entity.
46. The government proposes a two to three year transition period for these changes because it sits alongside the development of a new strategic direction framework.

Proposed changes for planning and reporting by Boards

47. The government wants to change the planning and reporting requirements so that:
- Parents, whānau and communities can "hold the school to account";
 - Schools are more likely to take steps towards addressing student achievement issues; and
 - It is simpler for schools to plan and report, and to collaborate with other schools within their Community of Learning.

48. The proposal is for boards to have two new planning documents and to remove the need for a school charter. The government proposes a two to three year transition period for these changes to allow time for schools to transition over.
49. The detail of these planning documents will be set in regulations. The regulation-making power in clause 96 (new section 118A) enables the government to set the following elements of new reports:
- The development of school strategic plans and implementation plans;
 - The monitoring of and reporting on a board's performance; and
 - The monitoring of and reporting on the performance of a school's students.
50. However, the RIS suggests that the two new documents would be:

A strategic plan

51. This is a document that sets out:
- The objectives for education and the education priorities in relation to their school;
 - The current student body and its particular needs;
 - Current data about student achievement and engagement;
 - The views of parents, family, whānau, iwi and the wider community (consultation);
 - Previous targets, actions, and plans; and
 - The achievement challenges of the relevant Community of Learning.
52. In the RIS, it is proposed that the strategic plan be set every four years but in the Bill this detail appears to be left for regulations. The regulations are also likely to set out:
- The form of the plans;
 - Matters that must be dealt with in the plans;
 - When plans must be prepared, submitted, or updated;
 - Procedures for developing plans;
 - Requirements for consultation in the development and implementation of plans;
 - The information that must be included in reports on the performance of a school's students;
 - Other matters to give effect to requirements relating to monitoring student performance (new section 62), annual reports (new sections 87 to 87AB).

PPTA Comment

53. There is a question as to whether the proposed four year period is appropriate. The majority of submissions on this question in the ministry's discussion document recommended three years to align with the election of trustees to the board rather than the proposed life of a document. In the RIS on this proposal, the ministry has recommended four years to ensure "continuity" between boards.
54. There are advantages to either term.
55. A three year period would give a new board the opportunity to set their own strategic direction for the school, which may have been the basis for them choosing to run for that position and wanting to be more involved in the school governance to start with. A four year period would undermine their ability to do this, although they would be able to amend an existing strategic plan document.
56. A four year period would (in most cases) allow new trustees to get to grips with the work of the board before going through a strategic planning process. A longer period

for the length of the strategic plan would also allow time for any initiatives or changes to bed in and to assess results over a longer period.

An annual plan

57. This document is intended to be more of an operational document, for boards to track how they are performing against their strategic plan and what they plan to do in the year ahead. It would not need to be provided to the ministry but would need to be made publicly available online.

PPTA Comment

58. Annual plans appear to be a sensible tool for schools. Template plans (both annual and strategic) would be useful to help to reduce the administrative burden for schools and the inefficiency of every school having to work out what their key areas are that need to be covered off in this document.

Other documents

59. Schools will continue to be required to provide any requested data to the ministry, to provide an audited annual report and to comply with the Crown Entities Act 2004. This annual report includes “an additional short easily understandable financial dashboard”.

Establishing a regulatory framework for online learning (“COOLs”)

60. The government proposes, through clause 4 of the Bill, new Part 3A, to introduce a new regulatory regime for the provision of online learning.

PPTA Comment

61. PPTA supports the development of online learning where it:
- provides students access to subjects or particular learning opportunities at a school that they are enrolled at which may not be able to offer them in a face-to-face class;
 - provides access to education for students who are isolated or unable to attend regular school classes for other reasons, such as health or alienation from the school system; and
 - complements currently successful forms of distance and face-to-face learning.
62. However, the proposal for COOLs appears to have little basis in evidence or be at all consistent with the direction of the other policy objectives outlined in the Bill. This, coupled with a failure to consult on the proposal before it was included in the Bill, has also led to policy that is not fit for service. Our concerns are explained in more detail below.
63. **Rationale for change:** In the RIS, the basis for this proposal appears to be based on the nebulous concept of “future-proofing” the legislation. In reality this is a deliberate choice to push the provision of compulsory education in a particular competition / privatisation direction. There does not appear to be any evidence of a need for this policy – the RIS merely states “...continuing the arbitrary legislative distinction between correspondence education and face-to-face education may be constraining further development of online learning”.¹⁰ We recently met with members of the virtual learning network (“VLN”) to discuss this proposal. The key theme that emerged was not the legislative framework being a barrier but the fact that the funding for delivering

¹⁰ RIS: Establishing a regulatory framework for online learning, pg. 2.

these courses within what is effectively a community of schools is not secure and that there is no double funding available as exists for Te Kura.

64. “The Act discourages other providers from entering the market”¹¹ – this is the basis for changing the legislation to create competition for students. Our understanding of the intent of the original Education Act 1877 and subsequent legislation is that public education was not intended to be a market place but was a legal right. There is no evidence to show that competition is going to lead to better educational or social outcomes for students but there is evidence in the RIS that “online learning reduces visibility of students and may mask wellbeing concerns such as illness, abuse, and neglect”¹². Creating a system that lets our vulnerable kids slip through seems to be the antithesis of other policy decisions being progressed by this government. The RIS has noted that open access may also be a way for schools to “move on” their troublesome students.¹³ When you create a system that is driven by achievement results then this is almost certainly going to be the result. Creating open access is not going to meet the best interests of the child test that is a core principle in UNCROC.
65. **Inconsistent education policy:** Neither COOLs themselves, nor the minister in deciding whether to establish a COOL or impose any conditions, needs to give any consideration to the proposed objectives in the Bill. In particular, the need for education to also:
- Promote the development in each child and young person of the following abilities and attributes:
 - Resilience, determination, confidence, and creative and critical thinking;
 - Good social skills and the ability to form good relationships;
 - Participation in community life and the fulfilment of civic and social responsibilities; and
 - Preparedness for work.
 - Instil in the young person the inclusion within society of different groups and persons with different personal characteristics, the diversity of society, cultural knowledge, identity and the different official languages, and the Treaty of Waitangi.

There is also no need for a COOL to consider the Statement as part of its operations – what is the point of this document if it can just be ignored?

66. **Ignores the evidence about online provision:** as members of the select committee will be aware, there has been significant work in recent years looking at digital education issues in New Zealand, initiated to some extent by the 2012 Education and Science Select Committee Inquiry into 21st Century Learning Environments and Digital Literacy¹⁴. Neither that report, nor the subsequent report ‘Future Focused Learning in Connected Communities’¹⁵ identified a need for regulation of online learning or recommended creating a new category of online learning institution to introduce greater competition and privatisation into the education sector.

¹¹ Ibid, pg. 6.

¹² Ibid, pg. 10.

¹³ Ibid.

¹⁴ Available from

https://www.parliament.nz/en/pb/sc/reports/document/50DBSCH_SCR5695_1/inquiry-into-21st-century-learning-environments-and-digital

¹⁵ Available from

<http://www.education.govt.nz/assets/Documents/Ministry/Initiatives/FutureFocusedLearning30May2014.pdf>

67. **Lack of consultation:** There was no earlier consultation on this proposal other than a meeting with Te Kura, which only came to light when Official Information Act requests were sent to the minister and Ministry of Education. This is concerning because policy that is developed with the sector (i.e. the people who put it into practice) is much more likely to succeed than policy that is uninformed and imposed. When we work together on policy we achieve meaningful and lasting change in the education system, and better opportunities for learners. The opportunity to test proposals, both for practicality and palatability, is hugely worthwhile, for example with the Positive Behaviour for Learning and Investing in Educational Success Initiatives.
68. **Out-of-touch policy:** The RIS largely ignores the online provision that is already occurring within and across schools, or the damage that introducing this regime may do to either the quality of public education in New Zealand or the good practice that is already happening. NZ schools and teachers have been at the forefront of some very successful online learning innovation. This seems to have been completely overlooked in the proposed legislation. Online learning is incorporated into teaching practice in most (if not all) state schools, generally through blended learning and other initiatives such as BYOD (bring your own device). We are not aware of any state secondary schools or area schools that do not have some aspect of online learning for their students.
69. Schools also collaborate via the VLN to provide a variety of learning opportunities for students (and teachers). The VLN fills curriculum gaps for rural, isolated and urban schools, enabling learning experiences that may otherwise not be available to students who have a variety of needs. The VLN is a success story for teachers and students, education, innovation and pedagogical development; it deserves and requires far greater support to enable more schools and students the opportunity to collaborate and learn in this way. More than 2000 students access online learning through the VLNs each year.
70. **Undermining quality of education:** We have serious concerns about the quality of education being put at further risk under this proposal. In particular, there is no commitment or requirement for all COOLs to employ registered or certificated teachers, there is no requirement for all COOLs to teach the New Zealand Curriculum.
71. **Little accountability:** There is also an absence of accountability to parents and the school community under this proposal. In particular, there is no requirement for all COOLs to have a board of trustees with student, parent and teacher representatives. There is no requirement for all COOLs to be based in New Zealand or otherwise comply with New Zealand law, such as the Official Information Act 1982 or the Ombudsmen Act 1975. Where they are based off-shore they will also not be contributing to the tax revenue that goes into public education. Furthermore, ownership of student data is a potentially troublesome aspect when there are competing business interests at stake.
72. There are a limited range of interventions that may be imposed on COOLs where the minister has reasonable grounds to believe that there is a risk to the operation of the COOL or to the welfare or educational performance of its students. These interventions range from a requirement by the minister for information to a requirement that a COOL comply with a performance notice issued by the Secretary. There are no interventions that can require involvement / appointments to the governance of the COOL. There is also a brake on the minister to only apply the intervention(s) that are “reasonable” to deal with the risk “without intervening more than necessary in the affairs” of the COOL. We note that this latter control is not intended or consistent with

the early interventions proposed in the Bill for state and state-integrated schools. It is unclear why not when students' safety and public money may be at risk.

73. **Public funds:** There is an unqualified ability for the minister to give large sums of public money to private businesses (who may be offshore) via this policy, and no clear statutory obligations for those businesses to pay any of that money back if they fail as a COOL – synonymous with the farm purchased by a charter school in Northland that has been recently closed but the farm retained.
74. **Broad test for who can be a COOL:** There is a proposed test of “fit and proper person” for a COOL but no detail about what factors may be considered by the minister when making this assessment.
75. **Important detail unknown / hidden in regulations:** We are concerned about the proposed broad enabling power to establish COOLs and that most of the details are yet unknown as the Bill proposes to set out a lot of important factors in regulations, including:
 - (a) The accreditation process (and whether this varies by type of organisation);
 - (b) The criteria for enrolment as a COOL, including:
 - i. Different COOL;
 - ii. COOL of different classes or descriptions;
 - iii. ECE, primary and secondary classes at COOL;
 - (c) The categories of COOL that may charge, any the students who may be charged fees for enrolment and tuition;
 - (d) Attendance requirements; and
 - (e) Planning and reporting requirements.
76. In addition to the concerns outlined above, PPTA does not support the development of COOLs on the basis that:
 - Private providers should not be publicly funded to educate students at the expense of public education provision;
 - Increased competition, whether between private and public institutions, or between online providers and brick and mortar schools, undermines the education system;
 - Full-time online learning must have managed and restricted entry for school age students to ensure that students access the most appropriate and effective education for them; and
 - COOLs will undermine currently successful distance and online learning approaches.
77. **We strongly recommend** that:
 - Clause 38 of the Bill (inserting a new Part 3A “Communities of Online Learning” in the Act) and all other references to COOLs are deleted;
 - That a cross-sector working party is established to develop a policy framework for online learning in New Zealand.
78. These recommendations are supported by the Secondary Principals' Council, the New Zealand Principals' Federation, the New Zealand School Trustees Association, the New Zealand Educational Institute and the Virtual Learning Network Community.

Proposals to promote collaboration between schools

79. Clause 48 (new sections 75A to 75E) of the Bill would introduce a statutory basis for the Communities of Learning (“COLs”) that are being established through the Investing in Educational Success (“IES”) initiative. In particular:
- Formalising the processes for the minister to approve a COL and a requirement for the Secretary of Education to *Gazette* the membership of the COL;
 - Defining a COL as two or more state schools, with the possibility of also including ECE and approved tertiary institutes;
 - Establishing the overarching purpose of COLs;
 - Establishing statutory requirements for COL agreements, including any or all of the following (without limitation): the activities, the commitments of the schools, any resources, any data collection, and the format and content of the plans and annual reports required;
 - Noting that each member school is jointly and severally liable for the obligations and responsibilities of their COL, as per their COL agreement;
 - Requiring the COL to establish a plan to be approved by the Secretary for Education – the COL must have regard to the Statement when developing their plan;
 - Requiring the COL to provide an annual report to the Secretary outlining their performance and the progress of the activities that it agreed to undertake, and any resources provided to the COL to carry out those activities;
 - Acknowledging that the Chief Review Officer may review the performance of a COL pursuant to their normal powers.

PPTA Comment

80. PPTA took an active role in the development of the COL model to make sure that it was fit for purpose in secondary schools and built genuine career pathways for classroom teachers. We co-authored the guidance for schools establishing COLs and agreed guidance for the appointments to the positions, and helped to ensure that teachers in these positions were protected with terms and conditions in their collective agreement, including time to do the job and inquiry time for their colleagues.
81. While we see the value in formalising this initiative in the Act, and support greater collaboration in the compulsory education sector, we have some comments and concerns outlined below.
82. While ECE and tertiary providers were always permitted to be part of a COL, PPTA agreed with the ministry that any funding that was provided for the roles and initiative was ring-fenced for teachers working in the compulsory schooling sector in state and state-integrated schools. This is recorded in guidance and the conditions for the roles are outlined in our collective agreements. We would like an assurance that this would continue and be explicit in the Act.
83. When IES was being developed and agreed with PPTA, there was an expectation that COLs would be able to set their own achievement targets that they believed best met the needs of their school communities. In practice, we have heard that in fact some officials at the ministry are requiring COLs to instead refer to the government’s priorities and a narrow application of the achievement standards, for example, the Better Public Services target for 85% pass rate at NCEA Level 2 to be included in all agreements.
84. This is consistent with the information received from schools by the New Zealand School Trustees Association, which has found that:

“A typical experience for boards of trustees we have spoken with is that on-the-ground discussions between schools that have identified a genuine “community of interest” are being overridden by Ministry directives, which appear to be focussed on promoting COLs to school principals and senior staff as an administrative arrangement rather than an educational one.”

85. The Bill will simply formalise this practice by making the purpose of the COL to be “raising the achievement for children and young people”, making schools refer to the Statement when developing their plan, and giving the power to Secretary for Education to refuse a plan (or any amendments to the plan).
86. “Raising achievement” should have a broad interpretation and incorporate, for example, the pastoral needs and wellbeing of the students, and other key objectives outlined in the new section 1A of the Act, as proposed in the Bill. Such an approach would also be consistent with the government’s policy and concerns in respect of vulnerable children and the new requirements for schools under the health and safety legislation.
87. There appears to be an incorrect reference in new section 75B(2)(e) – presumably the references “sections 73C and 73D” should instead be “sections 75C and 75D”.

Proposed new interventions / powers for the ministry in respect of schools

88. The government proposes to introduce a broader range of interventions in response to boards that are struggling or perceived to be struggling in their governance responsibilities (or an aspect of those responsibilities). The basis for these changes is “to improve school performance and student achievement by providing earlier and more graduated statutory support options for schools that are experiencing difficulty or performance issues.”¹⁶
89. The Government is proposing to introduce four new intervention options:
 - Instigate a specialist audit to provide more information on complex problems, such as unauthorised computer use or possible fraud;
 - Call a case conference – clause 60, new section 78LA;
 - Issue a performance notice – clause clause 60, new section 78LC;
 - Appoint a statutory appointee to the board for a limited period of time. Such an appointee may be appointed as Chair – clause 60, new section 78LD.
90. In addition, the government is proposing to extend the existing intervention options, as follows:
 - Giving the Secretary the power to require the board to provide information and, if required, provide an analysis of that information when the Secretary has concerns about the operation of the school or the education or welfare of its students - clause 60, new section 78L;
 - Giving the Secretary the power to require the board to get specialist help, and if required, to get an independent assessment of an aspect of the school. The Secretary would have the power to require a report from the specialist adviser clause 60, new section 78LB. Note that this will also be easier as the government are proposing that it can be used at a lower threshold of when Secretary has “reasonable grounds for concern about the operation of the school, or the welfare or educational performance of its students”.

¹⁶ RIS: Better supporting schools in difficulty, pg.4.

91. There will also be a change to the thresholds for when some of the existing options can be utilised; namely, requiring the board to prepare and carry out an action plan will be easier as the Secretary will only need to have “reasonable grounds for concern about the operation of the school, or the welfare or educational performance of its students”.

PPTA Comment

92. As a general principle, we support the ability for schools to receive support and resolve issues at an earlier stage. The ministry has legal responsibilities to the students and as a party to the collective agreements that apply at those schools. Early intervention options at a lower threshold can and should be applied earlier before the difficulties become bigger problems and cause more damage.
93. We have some concerns about where the costs will fall; both with existing and proposed interventions. While the RIS suggests that the “mix of expenditure across statutory interventions would change, but overall expenditure would not significantly increase and would be met within departmental baselines”¹⁷, this analysis is only concerned with the costs to the ministry rather than schools themselves. This can be significant when schools continue to be under financial pressure, as reported by principals in the 2015 survey of secondary schools by NZCER¹⁸, when only 14% of principals said that government funding was enough to meet their needs. It can be a particular pressure when there are limited resources to draw upon and where the problem requiring intervention may be about financial management. Spending money on an intervention can be an opportunity cost for the school that has other expenses and requirements. It can also be a disincentive to schools voluntarily seeking help in the early stages of a problem.
94. Statutory interventions, even early ones, are still the ambulance at the bottom of the cliff that is trying to fix the inevitable gaps that emerge with the self-governing Tomorrow’s Schools model, where schools are largely left to do their own thing and there is competition for students between schools. Often, cracks appear in the context of a falling roll or where the community itself is struggling with wider social issues, such as unemployment and poverty. As noted earlier in this submission, proper review of Tomorrow’s Schools is needed if we are to really address the inequities and difficulties that exist.
95. Schools are currently less likely to proactively seek assistance when they are having difficulties because the competitive model of Tomorrow’s Schools creates a culture where they feel at risk of being branded as a “bad school” rather than recognised positively for trying to do better for their students. This can have a negative impact for funding for the school if student numbers drop, and can create disincentives for improving practice or sharing information with an external source, such as the ministry.

Proposal for closures and mergers of schools

96. Currently if, as a result of the area strategy process, the minister decides to close or merge a school, he or she is then required to fulfil the requirements of section 157 of

¹⁷ RIS: Better supporting schools in difficulty, pg. 11.

¹⁸ Wylie, C & Bonne, L. Secondary schools in 2015, NZCER. Available from

http://www.nzcer.org.nz/system/files/NZCER%20survey%20chapter%2010.%20School%20resources%20and%20viability_0.pdf

the Act. This section sets out consultation requirements once a decision to close or merge a school has been made.

97. The government is proposing that this second consultation requirement be removed from the process.

PPTA Comment

98. This appears to be sensible, provided that those possibilities were already raised with the community during the original consultation.
99. Further thought should be given to whether the minister can be requested / required to review a decision if, for example, new information comes to light.

Proposals for enrolment schemes for schools

100. Currently, the Secretary for Education has the power to give written notice to require a school to develop an enrolment scheme where he or she believes that there is, or is likely to be, overcrowding at the school.
101. The ministry has noted in the RIS on this proposal that in recent years there have been two schools that have not wanted to implement an enrolment scheme, and that if a school or kura is slow to implement a scheme then the ministry's only recourse is to communicate with the board and / or appoint a Limited Statutory Manager.
102. In clause 14 (new section 111A), the government proposes to give the Secretary for Education the power to develop an enrolment scheme for a school that has been served with a notice but has failed to develop their own scheme within a reasonable period. A board would then be required to implement the scheme. In developing the scheme, the Secretary has to follow the same consultation requirements that apply to schools under section 111H(3) and (4).

PPTA Comment

103. PPTA supports the change to enable the Secretary to develop an enrolment scheme with the necessary consultation requirements.
104. However, we would go further and suggest that central government needs to be responsible for ensuring that the state school network provision is effective and fair; in particular that schools are able to be responsive to the needs of their local communities first rather than competing for students with schools across town. This should be considered as part of a broader review of Tomorrow's Schools.

A new body to consider competence issues about teachers, to sit within the Education Council

PPTA Comment

105. The principle of establishing a new, specialist body to consider competency issues arising with teachers is one that we support, particularly if it will lead to these cases being progressed more speedily. There is an enormous amount of stress and anxiety that is attached to going through the formal process of a regulatory body – and the decisions that this body makes go to the heart of an individual's security and confidence at work.

106. We also agree that this function and body is appropriately positioned within a teacher registration body, notwithstanding the ongoing concerns that we have about the composition and extended functions of the Education Council of Aotearoa.
107. We do, however, have concerns about the proposal in the Bill for the composition of this body. Currently, clause 140 (new section 410AA) of the Bill states that:
- The Competence Authority must include at least 1 person who is selected from a list, prepared by the minister after consultation with the Education Council, of people who are not teachers, employers, or members of an employing body.
 - The majority of members on the Competence Authority, and on every panel of the Competence Authority, must hold practising certificates.
 - The rules must also provide for the Competence Authority to co-opt up to 2 members onto the Authority for their specialist knowledge and expertise in relation to a particular complaint.
108. We completely oppose the minister's appointment of his or her preferred member of the public to the panel. Like the changes to the composition of the Education Council generally, this shows an undue degree of political influence in what is purported to be an independent regulatory body.
109. In addition, this Competence Authority would not be considering issues of general morality or conduct that may benefit from views outside teaching. This body will instead be making decisions that require professional judgement about the competence of a person to do the job. These decisions are best made by people who intimately know what that job is: those who have done the job themselves, who have spent years becoming qualified and training, and who are held / have recently been held to the same professional standards. This requires a working knowledge of the practising teacher criteria, the curriculum and other professional standards.
110. We think that there could be some flexibility about the appointment of members to be extended to those who are registered teachers rather than just those who hold a current practising certificate. This would enable teachers who have recently retired or are involved in initial teacher education to also take up a position without disruption to a school.
111. We support the flexibility of the Competency Authority to sit in panels, as there may be specific types of cases that are better suited to particular members, such as cases involving guidance counsellors where it is appropriate for the panel members to have specialist knowledge in that area.
112. Currently it is proposed that the total number of members would be left open for the Education Council to determine and set in rules made under the Education Act 1989.
113. The timeframe for making appeals to the District Court (28 days) appears to be the same as appealing other decisions made by the Education Council, such as decisions relating to the review of a requirement to complete a TER course.
114. The RIS notes that this proposal will be cost neutral for the Council to operate. As a result, we would not expect to see any increase in registration or practising certificate fees.

Changes to state integrated schools

PPTA Comment

115. At a high-level, PPTA supports the proposal in the Bill to repeal the Private Schools Conditional Integration Act 1975 and for state-integrated schools to be brought under the regulation of the Education Act 1989.
116. However, the structural inequality that exists between these schools and other state schools needs to be removed through the Bill too. State integrated schools currently receive an advantage by being able to select students, provide free bussing (thereby increasing their roll by allowing enrolments from outside their natural catchment areas) and to charge attendance dues. This has led to the following distinguishing features, recognised by the Ministry of Education in the RIS on this proposal:
- “About 73 percent of state-integrated pupils are from decile 6 areas or above (compared to 55 percent for state schools). About 90 percent of state-integrated pupils live in urban areas compared to 83 percent of state schools. Ninety percent of state-integrated school leavers have NCEA Level 2 or above compared to 75 percent of state school leavers.”¹⁹
117. This advantage matters when Tomorrow’s Schools creates a competitive system, which is driven by a narrow definition of achievement results and parental choice for their individual child over the needs of the school network and collective good of all students.
118. The failures of our school funding system have been well documented in recent months. Many schools rely on parental donations, which have led to an inequality of outcomes and resources for mid to low decile schools, which is not addressed through the current decile funding system or the government’s latest global bulk funding proposals.
119. Allowing integrated schools to inflate their rolls through expanding beyond their natural catchment areas has implications for a system that is funded based on a student ratio. In addition, the ability to charge attendance fees and require “voluntary” donations from this group of families also provides a financial advantage for these private integrated schools at the expense of students at the local state school.
120. Reviewing these provisions has made clear a distinction between state-integrated and charter schools (partnership schools). There are clear statutory controls proposed for state integrated schools compared to charter schools in relation to Crown investment in the property of those schools.
121. We support the proposal in new section 426 (clause 144 of the Bill), which would enable the minister to require information to be provided when a proprietor or potential proprietor has applied to integrate a school, the minister holds reasonable concerns about the ability of a proprietor to meet any obligation under an integration agreement or under [the relevant] Part [of the Act] or where a proprietor or potential proprietor has submitted a specific funding request to the minister or the Secretary. This appears to be the minimum due diligence that should be engaged in.
122. There are sections in the Private Schools Conditional Integration Act 1975 that the government is not proposing to carry over through this Bill and will effectively be

¹⁹ *RIS: Implementing property funding changes and changes to regulatory settings for state-integrated schools* (22 June 2016), paragraph 12, page 4.

repealed. Ministry officials have provided us with detail on these sections and the policy rationale for not carrying them over through the Bill. Many relate to provisions in former statutes that should have been amended at the time that those provisions were repealed.

123. We note that the government is not proposing to carry over section 60 of the Private Schools Conditional Integration Act 1975 relating to bonds for entry to teaching in the Bill.
124. At different times, PPTA has supported different versions of bonding schemes that enable teachers to have their initial teacher education paid in return for being employed at a particular school (e.g. rural and isolated or low decile) afterwards or to have their student loan written off in lieu of service.
125. Supply of qualified secondary teachers continues to be a problem, and as noted above, the government has committed to meeting the target of “substantially increasing the supply of qualified teachers” as part of its international commitments under the sustainable development goals.
126. There are currently significant issues of supply / staffing in secondary teaching. This was the catalyst for forming the Supply Working Group (PPTA, the Ministry of Education and the NZ School Trustees Association), which [reported](#)²⁰ recently. Amongst its recommendations were the following relating to the recruitment and retention of graduate secondary teachers:
 - “10. That the Ministry:
 - Reviews the existing scholarship programmes to focus on lifting the status of the profession;
 - ...
 - Continues to work with NZPPTA, NZSPC and SPANZ and other interested parties to establish advice through 2016 on the optimum number, value of scholarships annually and any necessary changes to bonding requirements.

The NZPPTA view is that the value of scholarship should be set at the minimum wage in each year of study plus the reimbursement of fees; that career change scholarships be paid at appropriate untrained teacher rates; and that the number of scholarships should represent proportion of 10% of all ITE graduates and at least 1% of the number of graduates required in each subject area.

 - Ensures that scholarships are responsive to changes in secondary supply and as a priority that STEM subjects are added to the scholarship programme for 2017 as an immediate response to supply issues...”
127. Rather than simply repealing this section by not carrying it over into the Education Act 1989, this is an opportunity for parliament to revisit bonding schemes as a way of supporting the newest members of our profession.

Changes to careers information

128. There are two significant proposals to change the provision of careers advice for schools:

²⁰ <http://www.education.govt.nz/assets/Uploads/Secondary-Teacher-Supply-Working-Group-Report-9-August-2016.pdf> (last accessed 31/10/2016).

- To disestablish Careers New Zealand, the Crown entity with principal responsibility for the provision of careers information; and
 - To establish a unit relating to careers advice within the Tertiary Education Commission.
129. Careers New Zealand currently receives \$15.3million per annum and is the primary agency responsible for providing careers information and advice.
130. Careers New Zealand has the following statutory functions set out in the Education Act 1989:
- To establish and maintain a database of information about occupations and post-compulsory education and training;
 - To make information available to the public and to institutions, private training establishments, students, and other interested bodies and persons;
 - To provide:
 - Training and assistance to persons who advise about occupations; and
 - Careers advice and associated counselling relating to post-compulsory training;
 - To liaise with, and monitor the needs of, institutions, private training establishments, students, and other bodies and persons with respect to –
 - Information, training, and advice relating to occupations; and
 - Career advice and associated counselling relating to post-compulsory education and training; and
 - To provide support services for the purposes of promoting transition education that prepares students for employment, or further education and training, or both.
131. Currently, these other agencies also have some degree of responsibility for providing labour market information, tertiary study information and careers information: the Ministry of Education, the Tertiary Education Commission, NZQA, the Ministry of Business, Innovation and Employment, the Ministry of Social Development and the Education Review Office.
132. The government has stated that it intends to “improve the careers information service by increasing the effectiveness, helping to drive improvements in achievement for all learners, and by strengthening the post-study outcomes”²¹.
133. The government has been reviewing the provision of careers information since 2014, including:
- A Ministry of Education review that concluded that direct government funding to an agency was the most effective method of delivering careers advice (used in Australia and the UK) with the complete removal of government funding leading to “service delivery gaps” in Canada²²;
 - A subsequent review by KPMG looked at whether careers information should be left to the private sector to deliver or a public-private mix of delivery. KPMG concluded that there was already some private provision and that the “a wholly private market beyond this recruitment area is not viable as there are insufficient incentives to enable the commercialisation of careers information”²³.

²¹ *RIS: Options for Improving the careers information service*, pg.3.

²² *Ibid*, pg. 5.

²³ *Ibid*.

134. The government has identified the following key issues arising from the current provision of careers information and advice:
- “Fragmentation and duplication of effort and information across government agencies, which is impacting the ability of the system to provide clear and coherent advice to students”²⁴;
 - “Connections between educators and employers are not always strong enough to support successful transitions”²⁵ – leading to bad decisions by students and gaps for employers “...more employers are reporting that they are struggling to attract people with an appropriate range of both specific and transferable skills”²⁶;
 - “Students are not always being advised of the pathways available to them early enough in their education”²⁷.
135. However, it is also clear from reading the RIS on this proposal that cost savings to the Crown is the key driver motivating the changes. For example, the enhanced status quo option analysis reveals that, instead of being focussed on options that address the purpose or issues identified above, the proposed enhancements are instead focussed on how Careers New Zealand could become more “commercially self-sufficient by increasing its fee-for-services and products, and, over time, become less reliant on Crown funding”²⁸. There is no option proposed for an increase in Crown funding to enable Careers Services to enhance the products that it is providing.
136. This appears to be considered in the frame of a bigger agenda for the government to introduce cost-recovery into the public sector and, where possible, enable privatisation of public services. The analysis through the enhanced status quo and the private commissioning model options also assumes that privatisation and competition in the delivery of services will naturally lead to greater innovation in the services provided and for more tailored services to different groups, such as at-risk students. It is not clear what the basis of these assumptions is but it lacks intellectual rigour, particularly in light of KPMG’s assessment that the market is saturated and there is no demand from the private sector to actually engage in this area to start with.
137. The ministry’s preferred option that the government has accepted and incorporated into the Bill disestablishes Careers New Zealand and instead:
- Introduces a branded careers information service within TEC that would focus primarily on the provision of careers information and strengthening the education and employment connections;
 - The Ministry of Education would assume responsibility for supporting the schools-facing areas of the careers system;
 - Other agencies would continue to provide the data that underpins the careers information service; and
 - Careers Services’ staff (except the CEO) would transfer over to TEC for six months until TEC decides what to do with them – likely to be followed by restructuring and redundancies.
138. The reasons promoted by the Ministry for this proposal include²⁹:
- Consolidating all information to assist “users” to make decisions about future study and / or employment in one place, enabling a “seamless flow of information”;

²⁴ Ibid, pg. 6.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid, pg. 7.

²⁹ Ibid, pg. 16.

- The new service would retain the “Careers New Zealand” brand that is trusted by “users”;
- There would be clearer accountabilities for agencies, reducing duplication of effort and resources and it fits with TEC’s strategic direction;
- Government resources are more targeted / cost savings for the government.

PPTA Comment

139. Importantly, under this option the ministry is recommending that Careers New Zealand resources that support schools to offer career services to learners will instead be transferred to the schooling sector. It remains ambiguous as to how these resources will be produced / updated in future and what resourcing will be available to support this. While there is a place for tailored careers advice for individual students and regions, it is also important that schools and students continue to receive high quality resources that incorporate up-to-date information about trends, qualifications, etc., on a national level. There is a risk that quality will suffer if the government adopts a completely devolved model.
140. This model risks losing staff with institutional and specialist careers knowledge. This may occur at two stages: the initial transfer of staff, and second phase decisions about restructuring six months’ later. This is likely to affect the quality and consistency of the service delivered.
141. We are also concerned that, given the dominant place of cost efficiency savings in this analysis, there will be a decline of the careers information over time, as it loses focus, resources or priority within a more general organisation. There seems to have been little thought put into what support will be given to schools as this will be sorted out six months after the transfer has occurred and it’s too late to go backwards.
142. In addition, the key focus of the TEC to date has been on the tertiary education sector and there is a risk that careers advice that relates to jobs with either on-the-job training or no qualifications falls outside its scope / notice. It is also unclear how they will be able to better achieve the objective of reaching students earlier in their education than is currently happening with Careers New Zealand – this point is not explained in the RIS. TEC have limited involvement with intermediate and secondary schools to date, whereas Careers New Zealand (when it received more government funding) did useful work with secondary and intermediate schools on programmes such as Gateway, training for careers advisers and setting careers benchmarks for use by schools.
143. We support more funding and resources being made available for careers services in schools. But this should be alongside a well-resourced centralised and focused agency to deliver career services.
144. The demand is growing. The trend within schools is not only for the careers adviser in the school to be up to speed with relevant and up-to-date careers advice but for the principal to also know how the school careers service is operating and for secondary teachers to know about career pathways and tertiary courses that lead from their specialist subject. We need more support, not less, if teachers are to effectively help students make important decisions about working life after school.
145. There is little in the proposed changes that inspire confidence that this growing need will be met and that the compulsory education sector will receive the support that they need to help students with the critical transition after high school. In 2015, 9% of young

men³⁰ and 18% of young women³¹ fell within the definition of “NEETs” (i.e. not in education, employment or training), with September quarter figures from this year³² showing that there are currently 74,000 (an increase of 3,000) young people within the definition of NEETS. This is a significant number of young people that need support. The government should be investing in, rather than short-term cost cutting, of careers’ advice provision.

Oral Submission

146. We request the opportunity to appear before the select committee to present our submission.

³⁰ Aged 15-29 years.

³¹ Ibid.

³² <http://www.newshub.co.nz/business/jobless-rate-falls-to-near-eight-year-low-2016110219> (last accessed 3/11/2016).