

Cabinet Paper material

Proactive release

Minister & portfolio Hon Chris Hipkins, Minister of Education
Name of package Education (2022 School Staffing) Order 2021
Date considered 9 August 2021
Date of release 9 September 2021

These documents have been proactively released:

Cabinet Paper: Education (2022 School Staffing) Order 2021

9 August 2021
Minister of Education

Cabinet Minute: CAB-21-MIN-0301

9 August 2021
Cabinet Office

Cabinet Minute: LEG-21-MIN-0111

5 August 2021
Cabinet Office

1266063 Briefing Note: Cabinet paper talking points – Education (2022 School Staffing Order 2021

29 July 2021
Ministry of Education

Some deletions have been made from the documents as the information withheld does not fall within scope of the Minister's portfolio responsibilities, and is not relevant to the proactive release of this material.

Education (2022 School Staffing) Order 2021

Proposal

- 1 I propose that Cabinet Legislation Committee authorise the submission of the Education (2022 School Staffing) Order 2021 to the Executive Council.

Background

School Staffing Order

- 2 Part 6 of the Education and Training Act 2020 (the Act) requires that an Order in Council be made every year to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries.
- 3 An annual Education (School Staffing) Order (the Order) is made under section 582 of the Act. It prescribes the limits on the number of teachers that may be employed by schools for the following year.
- 4 The Order must be made in the year before the year in which it is to apply.
- 5 Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.

Changes to the 2022 School Staffing Order

- 6 For 2022, the changes that have been made are minor drafting changes and corrections to ensure that the Order correctly sets out the staffing provided to schools.

Consultation

- 7 An opportunity to review and comment on the draft Education (2022 School Staffing) Order 2021 was provided to: the Treasury, the Teaching Council of Aotearoa New Zealand, the Education Review Office, the New Zealand Educational Institute, the New Zealand School Trustees Association, the New Zealand Area Schools' Association, the New Zealand Post Primary Teachers' Association, the New Zealand Catholic Education Office, the Secondary Principals' Association of New Zealand, the New Zealand Association for Intermediate and Middle Schooling, the New Zealand Principals' Federation, the New Zealand Secondary Principals' Council and the New Zealand Educational Institute Principals' Council.
- 8 No adverse comments were received from any of the recipients.

Timing and 28-day rule

- 9 A waiver of the 28-day rule is not being sought. The Education (2022 School Staffing) Order 2021 will come into force on 9 September 2021.

Compliance

- 10 The regulations comply with each of the following:

- 1 principles of the Treaty of Waitangi;
- 2 rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
- 3 principles and guidelines set out in the Privacy Act 2020;
- 4 relevant international standards and obligations; and
- 5 the Legislation Design and Advisory Committee, Legislation Guidelines: 2018 Edition.

Regulations Review Committee

- 11 There are no anticipated grounds upon which the Regulations Review Committee would need to draw the Order to the attention of the House in terms of Standing Order 327.

Certification by Parliamentary Counsel

- 12 The draft regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Regulatory impact analysis

- 13 The Regulatory Quality Team at the Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement on the basis that it provides solely for the commencement of existing legislation or legislative provisions.
- 14 The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Financial implications

- 15 No additional funding is being sought or is necessary to implement the changes to the Order.

Publicity

- 16** Education sector unions and other relevant education bodies will be advised of the enactment of the Order through its notification in the *New Zealand Gazette*. Boards of trustees will be advised of their 2022 provisional staffing in September.

Recommendations

The Minister of Education recommends that the Cabinet Legislation Committee:

- 1 **note** that this paper seeks authorisation to submit the Education (2022 School Staffing) Order 2021 to the Executive Council;
- 2 **note** that the Education (School Staffing) Order is made annually to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries by prescribing the limits on the number of teachers that may be employed by boards in the year the Order applies;
- 3 **note** that for 2022, only minor drafting changes and corrections have been made to ensure that the Order correctly sets out the staffing provided to schools.
- 4 **authorise** the submission to the Executive Council of the Education (2022 School Staffing) Order 2021; and
- 5 **note** that the Education (2022 School Staffing) Order 2021 will come into force on 9 September 2021.

Hon Chris Hipkins
Minister of Education

_____/_____/_____
/ /



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Legislation Committee: Period Ended 6 August 2021

On 9 August 2021, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 6 August 2021:

Out of scope

LEG-21-MIN-0111

Education (2022 School Staffing) Order 2021
Portfolio: Education

CONFIRMED

Out of scope

Michael Webster
Secretary of the Cabinet



Cabinet Legislation Committee

Minute of Decision

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Education (2022 School Staffing) Order 2021

Portfolio Education

On 5 August 2021, the Cabinet Legislation Committee:

- 1 **noted** that the Education (School Staffing) Order is made annually to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries by prescribing the limits on the number of teachers that may be employed by boards in the year the Order applies;
- 2 **noted** that for 2022, only minor drafting changes and corrections have been made to ensure that the Order correctly sets out the staffing provided to schools;
- 3 **authorised** the submission to the Executive Council of the Education (2022 School Staffing) Order 2021 [PCO 23836/12.0];
- 4 **noted** that the Education (2022 School Staffing) Order 2021 will come into force on 9 September 2021.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon David Parker
Hon Poto Williams
Hon Kris Faafoi
Hon Jan Tinetti
Hon Michael Wood
Hon Dr Ayesha Verrall

Officials present from:

Office of the Prime Minister
Officials Committee for LEG



Briefing Note: Cabinet paper talking points – Education (2022 School Staffing) Order 2021

To:	Hon Chris Hipkins, Minister of Education		
Date:	29 July 2021	Priority:	High
Security Level:	In Confidence	METIS No:	1266063
Drafter:	Susanne Schildbach	DDI:	04 463 8299
Key Contact:	Natasha Barnett	DDI:	04 463 8126
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This briefing note provides you with talking points to support any discussion about the *Education (2022 School Staffing) Order 2021* (the Order) being considered by the Cabinet Legislation Committee on Thursday, 5 August 2021. You are seeking the Committee's agreement to authorise the submission of the Order to the Executive Council.

Proactive Release

It is intended that this document is proactively released as per your expectation that information be released as soon as possible. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

- a **agree** that the Ministry of Education release this briefing in full once it has been considered by you.

☒ **Agree** ☐ **Disagree.**


Helen Hurst
Sector Enablement and Support

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Hon Chris Hipkins
Minister of Education

5 / 8 / 2021

Talking Points

- Every Year, An Education (School Staffing) Order (the Order) needs to be made under section 582 of the Education and Training Act 2020 (the Act). The Order prescribes the limits on the number of teachers that may be employed by schools for the following year. This is a requirement of the Act to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries. [para 2 and 3]
- For 2022, the following minor drafting changes were made:
 - Teacher time allowances were updated to reflect the current practice. As part of this, a new clause has been added to provide for a first-time principal release allowance for principals at grade U1 or U2.
 - The maximum number of resource teachers: vision for BLENNZ has been increased.
 - Staffing entitlement and salary units for Kingslea School have been updated.
 - Further minor corrections have been made to ensure that the Order correctly sets out the staffing provided to schools. [para 6]
- An opportunity to review and comment on the draft 2022 Order was provided. No adverse comments were received from any of the recipients. [para 7 and 8]
- A waiver of the 28-day rule is not being sought. The Order will come into force on 9 September 2021. [para 9]
- No additional funding is necessary to implement the minor changes to the 2022 Order. [para 15]