



## Briefing Note: Background and talking points for your meeting with the Tertiary Education Union

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	1 December 2021	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1271506
<b>Drafter:</b>	Sarona Moresi	<b>DDI:</b>	04 4637959
<b>Key Contact:</b>	Katrina Sutich	<b>DDI:</b>	04 4637638
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

This briefing provides you with background information and talking points to support your meeting with the Tertiary Education Union (TEU) on 1 December.

### Proactive Release

We recommend you:

- agree** that the Ministry of Education release this briefing in full once it has been considered by you and following your response to the correspondence.

☒ **Agree** ☐ **Disagree**



**Katrina Sutich**  
Group Manager  
Te Puna Kaupapahere - Policy  
01/12/2021



**Hon Chris Hipkins**  
Minister of Education

1 / 12 / 2021

## Background

---

1. You are meeting with the TEU on 1 December at 3:15pm to 3:45pm via zoom. You will be supported by Katrina Sutich, from the Ministry of Education and Gillian Dudgeon from the Tertiary Education Commission (TEC).
2. You have received two separate requests for a meeting with the TEU to discuss the impacts of COVID-19 on the work of its members:
  - a. On 6 September 2021, you received a letter from the TEU raising concerns and proposing a number of measures be taken to remove unnecessary pressures on TEU members resulting from the COVID-19 lockdown.
  - b. On 22 September 2021, you received further correspondence from the TEU seeking an urgent meeting to discuss issues that are impacting heavily on the wellbeing of its members.
3. The TEU have also advised they would like to discuss with you updates regarding Te Pūkenga, pay equity issues and workload matters.
4. This briefing provides you with information addressing the concerns for each request respectively as well as talking points to support your meeting with them on 1 December.

### Discussing pay equity issues with the TEU

5. To date, there has been limited discussion between the TEU and government agencies around pay equity issues for its members. We understand the TEU has requested to meet with the TEC to discuss this topic further and a meeting is going to be set up in the new year for this discussion.

### Responding to the 6 September 2021 letter

6. The TEU noted proposals in its letter, including some proposals to remove unnecessary pressures on TEU members resulting from the COVID-19 lockdown. The TEU's concerns included that:
  - a. The Performance-Based Research Fund (PBRF) not go ahead in the time frame required because of the major disruptions caused by COVID-19.
  - b. There needs to be a relaxing of auditing and financial compliance for our institutions.
  - c. There needs to be a nationwide conversation about how we can better deal with these disruptions and in a more collaborative way in future.

*The TEU is concerned that the PBRF cannot go ahead in the relevant timeframe because of the disruptions caused by COVID-19*

7. The TEU did not make a specific request in relation to PBRF in their letter, but we assume that it is looking to have the next PBRF Quality Evaluation (QE) delayed.
8. The next PBRF QE has already been delayed. In 2020, the PBRF QE was delayed by the previous Associate Minister of Education (Hon Jenny Salesa) for one year (from 2024 to 2025) in recognition of the disruption caused by the pandemic [METIS 1234894 refers].

9. The TEC is also mindful of the potential impacts of COVID-19 on the PBRF process. One of the questions being considered by the PBRF Sector Reference Group (convened by the TEC) is how the assessment exercise can appropriately recognise the impact of the pandemic on individual academics' research activities.
10. The TEC has recently consulted with the sector on approaches to the operational design of the Quality Evaluation 2025. As part of this consultation, feedback was invited on the proposed list of issues the Sector Reference Group will consider when advising the TEC on operational design changes to the Quality Evaluation Guidelines, as well as the sequencing of those issues, and on any other issues the sector wished to raise.
11. The TEC received submissions from across the sector, including from six of the eight universities, Te Pūkenga, Private Training Establishments (PTEs), and from individual academic staff. The TEU also made a submission.
12. The TEU's submission repeated its position that if the QE 2025 were to go ahead, it should be delayed at least until 2026 due to the ongoing impacts of COVID-19.  
9(2)(ba)(i)
13. The TEU submission also recommended that consideration of the impacts of COVID-19 on researcher activity should be brought forward (from the proposed mid-2022 date) to ensure consideration of COVID-19 impacts informed the remainder of the consultation issues. A number of other institutions requested instead that the consideration be postponed until the end of the process to ensure all impacts had been fully understood and reflected in the QE Guidelines.
14. Outcomes of this consultation process are still confidential, and will be released on Friday 10 December. The Sector Reference Group has taken the view that there will be specific consideration of the impacts of COVID-19 on academics' research activities in the near term, as well as undertaking a whole of QE COVID-19 impact assessment toward the end of the process, before the draft guidelines are issued. This two-prong approach will help to ensure early consideration of the impacts informs other consultation issues, and that there is an opportunity to consider other COVID-19 impacts that may arise later.
15. The TEC is satisfied that the current measures remain sufficient to mitigate against the ongoing impacts of the pandemic, and has not seen anything that would lead it to believe that a further delay to the 2025 QE would be necessary at this point.

*The TEU request a relaxing of auditing and financial compliance for our institutions*

16. The TEU have requested a relaxing of auditing and financial compliance for Tertiary Education Institutions (TEIs). We assume that this refers in particular to financial performance expectations.
17. The TEC has previously written to TEIs in 2020 regarding its expectations of financial performance over 2020 and 2021, particularly in relation to achieving a 3% surplus. Under usual circumstances, the TEC expects institutions to achieve a 3% surplus (among other targets) to ensure TEIs can fund capital works and are well-placed to manage any adverse shocks – such as that presented by COVID-19. However, this is an expectation only, and not an essential requirement. The TEC has been clear that it does not require a 3% or higher surplus to be achieved in 2020 or 2021, and there will be no penalties for not achieving this target.

18. We note that TEI Councils are expected to fulfil their duties under the Education and Training Act 2020 to ensure their institutions operate in a financially responsible manner that ensures the efficient use of resources and maintains the institution's long-term viability. This should include minimising the negative financial impact in the short-term alongside developing plans to return to a 3% surplus over the medium-term, acknowledging there is currently ongoing uncertainty. All TEIs have autonomy to determine how they best respond to the negative impacts caused by COVID-19, and it is expected that each TEI will consider the full range of options available to them.
19. The TEC is monitoring the financial performance of the tertiary sector closely, including regular engagement with institutions on how they are managing the uncertainty caused by COVID-19 and what impact this is having on staff and students. A flexible approach is being implemented with regards to auditing and financial compliance. The TEC will continue to monitor the situation closely, and balance the need to effectively monitor the tertiary sector and risks to the Crown alongside the operational position of TEIs.

*The TEU request a nationwide conversation*

20. The TEU have requested a nationwide conversation about how we can better deal with COVID-19 and other potential disruptions more collaboratively in the future. The TEU has not provided much detail on exactly what it seeks from you here. You may wish to ask if the TEU has had this conversation with its members, and what types of collaboration they would like to see.
21. In terms of the government's approach to addressing COVID-19 disruptions and concerns, we are committed to doing all we can to support staff, students and TEOs to navigate through this challenging time. The Ministry, in collaboration with education agencies and wider government agencies, has provided ongoing support and feedback loops to help Tertiary Education Organisations (TEOs) respond to higher Alert Levels, meet the needs of their students, and prepare for the COVID-19 Protection Framework. Our sector guidance and Q&As on the COVID-19 Protection Framework were released last week.
22. Ministry officials host regular check in meetings with the tertiary sector (including TEOs, peak bodies, student representatives and staff unions) to ensure information is communicated in a timely fashion, and to respond to questions from the sector. A regular meeting is also held with the TEU and other staff and student unions to ensure information is communicated effectively and officials are able to hear the concerns shared by unions.

**Responding to correspondence received on 21 September 2021**

23. You received an email from the TEU on 21 September 2021, seeking an urgent meeting to discuss the issues that are now impacting heavily on the wellbeing of staff. These issues include:
  - a. the health and safety of its members, with a focus on policies for COVID-19 vaccination; and
  - b. the workload of its members and TEO requirements for staff to 'catch up' on things that could not be done through online learning under lockdown restrictions.

### *Health and safety policies for TEOs, including a standardised approach to vaccinations*

24. In its correspondence to you, the TEU has drafted a COVID-19 Vaccination Health and Safety Policy that calls for standardisation across the tertiary education sector regarding vaccinations and other health and safety measures pertaining to COVID-19.
25. The Ministry has communicated to the sector and the TEU that no government vaccination mandates will be made specifically for the tertiary sector, outside of the vaccination requirements at the Red setting of the COVID-19 Protection Framework. However, TEOs will also need to be aware of wider vaccination mandates and requirements which may affect them, including where health workforce mandates might apply, and where affected businesses operate on campuses (e.g. food and drink services). As noted above, we have issued the first iteration of our COVID-19 Protection Framework guidance to the tertiary sector, which includes a recommendation that tertiary education providers undertake a thorough risk assessment of their wider premises and develop proposals for operating at each setting of the Framework – including clear rules as to whether students and staff are required to be onsite, systems and practices for staff and learner wellbeing and safety, and practices to promote safe and health learning and work environments.

### *The TEU has proposed an Assessment and Research Protocol for the sector, to address the workloads of its members*

26. The TEU has also shared with you its proposed Assessment and Research Protocol, which seeks government agencies and institutional managers to apply the proposed considerations and principles. The protocol proposes that institutions adopt a number of measures in response to COVID-19 to address the changing time frames, modes of assessment, and expectations on teaching staff, including employing additional qualified staff to account for the increased workload that will occur.
27. The Ministry and the TEC have communicated to the sector that TEOs must be enabled to continue to exercise their institutional autonomy and manage these workload issues independently. We expect that tertiary education providers will be working alongside staff and students as we move to the COVID-19 Protection Framework. Our first iteration of sector guidance notes that tertiary education providers should consider their obligations to learners and employees under the COVID-19 Protection Framework, Health and Safety at Work Act 2015, WorkSafe regulations, Education and Training Act 2020, Human Rights Act 1993, Privacy Act 2020, and relevant pastoral care codes of practice.

## **Annexes**

---

### **Annex 1: Talking points**