



Education Report: Dispute Resolution Scheme Gazette notice change

To:	Hon Jan Tinetti, Minister of Education		
Date:	14 February 2023	Priority:	Low
Security Level:	In Confidence	METIS No:	1303184
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

The purpose of this paper is to seek your agreement to re-issue the Gazette notice appointing the operator of the domestic student dispute resolution scheme following its change of company name, and to provide you with an update on the scheme and its evaluation. A draft Gazette notice is attached for your approval.

Recommended Actions

The Ministry of Education recommends that you:

- a. **agree** to re-issue the Gazette notice 'Appointment of Domestic Tertiary Student Dispute Resolution Scheme Operator' to reflect the operator's new name, Simply Resolution Limited.

☒ Agree / ☐ Disagree

- b. **agree** that the Ministry of Education release this briefing following the publication of the attached Gazette notice, with any redactions in line with the Official Information Act 1982.

☒ Agree / ☐ Disagree



Kieran Forde
Senior Policy Manager
Ministry of Education

14/02/2023



Hon Jan Tinetti
Minister of Education

15/02/2023

Background

1. The Domestic Tertiary Student Contract Dispute Resolution Scheme (domestic scheme) commenced operating on 1 January 2022. The domestic scheme was established under the Education and Training Act 2020, with the Education (Domestic Tertiary Student Contract Dispute Resolution Scheme) Rules 2021 made on the previous Minister of Education's recommendation for the administration of the scheme.

Operator name change

2. On 8 December 2021, the previous Minister of Education appointed Clayton & Associates Limited to be responsible for administering the Domestic Tertiary Student Contract Dispute Resolution Scheme [METIS 1272227 refers].
3. Following a change of shareholding, Clayton & Associates Limited begun the process to change its company name to Simply Resolution Limited in late January 2023.
4. While the scheme will continue to be operated under its trading name: Tertiary Education Dispute Resolution (TEDR), the Gazetted name should align with the name listed on the Companies Register and therefore the appointment notice needs to be re-issued with Simply Resolution Limited as the appointee.
5. We are satisfied that the change in shareholding and change in company name will not impact TEDR's ability to operate the scheme.
6. We have attached a draft Gazette notice (annex 1) for your approval. We note that the condition on approval of a review after 12 months in the previous Gazette notice has been amended to reflect the new appointment date. The review will be undertaken as planned, following receipt of the 2022 Annual Report.

Domestic scheme update and evaluation

7. We will complete the evaluation of the operator once we have received the 2022 Annual Report and self-review undertaken by the operator, which we expect to receive in March. We intend to assess the performance of the operator against the domestic scheme rules and requirements on the operator, the criteria used for the appointment, and the Government Centre for Dispute Resolution best-practice framework. We will provide the evaluation results to your office once this has been concluded and can provide more information on our proposed evaluation process at your request.
8. We have now received three quarterly reports from TEDR regarding the domestic scheme's operation and we are pleased with the scheme's progress since its establishment in January 2022.
9. 9(2)(f)(iv)

Provider compliance with the scheme has been high and TEDR is meeting its requirements in regard to the publicisation of the scheme and have been active in engaging with the sector.
10. TEDR has provided high-level information regarding the nature of disputes and some recurring themes it has identified while operating the domestic scheme, which we are using to inform the development of the proposed combined domestic and international scheme and our wider work. These have included:

- a. Complex disputes that sit across a range of issues and not squarely within the scope of contractual/financial disputes. Difficulties arising from this may be partially alleviated by the inclusion of issues related to the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 in the scheme's scope through amendments to the Education and Training Act in August 2022.
- b. Need for an advocacy or navigation service, particularly for those going through adjudicative processes. Support and advocacy needs are being considered as part of work on student voice to ensure support for learners and better access to justice [METIS 1294748].9(2)(b)(ii)
[REDACTED]
[REDACTED]
[REDACTED]
- c. Issues with provider internal complaints processes and awareness of scheme requirements. We intend to work with our agency partners including NZQA, and the scheme operators (TEDR and Fairway Resolution Limited, who operates the International Student Contract Dispute Resolution Scheme).

Next Steps

Combined dispute resolution scheme

- 11. We will work with your office to publish the Gazette notice and present it to Parliament according to secondary legislation requirements.
- 12. Work is progressing on the proposed combined dispute resolution scheme, with the first consultation process finishing on 19 December 2022. We intend to provide your office with draft materials for feedback ahead of seeking Cabinet policy approval and agreement to issue drafting instructions to PCO for the rules. We expect that this will be provided in mid-February 2023.
- 13. We intend to undertake an open-market process to inform a recommendation to you regarding the operator of the scheme, which will be outlined in the upcoming paper.

Annexes

Annex 1: Draft Gazette notice

Proactively Released