



## Education Report: Education (2022 School Staffing) Order 2021

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	9 July 2021	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1264297
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<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

The purpose of this report is for you to:

**Agree** to submit the attached paper to the Cabinet Legislation Committee to authorise the submission of the Education (2022 School Staffing) Order 2021 to the Executive Council.

### Recommended Actions

The Ministry of Education recommends you:

- a. **note** that under Part 6 of the Education and Training Act 2020 (the Act), section 579, the Ministry of Education is charged with paying the salaries of regular teachers;

**Noted**

- b. **note** that the annual Education (School Staffing) Order is made under section 582 of the Act and places a limit on the number of teachers who may be employed by schools during the next year;

**Noted**

- c. **agree** to submit the Education (2022 School Staffing) Order 2021 to the Cabinet Legislation Committee by 29 July, to be considered at the meeting on 5 August 2021;

**Agree / Disagree**

- d. **sign** the enclosed paper to Cabinet recommending that the Cabinet Legislation Committee authorise the submission of the Education (2022 School Staffing) Order 2021 to the Executive Council;

- e. **sign** the attached advice sheet to the Governor-General; and
- f. **agree** that the Ministry of Education release this briefing in full once it has been considered by you.

☒ Agree / Disagree



Helen Hurst  
Tumu Te Hāpai ō Rāngai | Te Hāpai ō Rāngai  
Deputy Secretary  
**Sector Enablement and Support**

09/07/2021



Hon Chris Hipkins  
**Minister of Education**

12/7/2021

## Background

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### School Staffing Order

- 1 Part 6 of the Education and Training Act (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.
- 2 The annual Education (School Staffing) Order (the Order) is made under section 582 of the Act and prescribes the limits on the number of teachers that may be employed by schools for the following year.
- 3 The Order must be made in the year before the year in which it is to apply.
- 4 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

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- 5 Corrections for which we sought your prior approval [METIS 1254736]. These include:
  - Clarify the minimum management time allowance to be 0.30 FTTE for schools with a roll of 28 or less.
  - Provide for a support time allowance of 0.05 FTTE per FTTE for attached units and attached teacher staffing.
  - Require the calculation of salary units to round the figure derived from each subclause to whole numbers prior to adding the figures from the sub-clauses together.
  - Allow a staffing allowance for teen parent units that are not based at high schools.
  - Enable staffing and management allowances for specialist education itinerant teachers who operate within a cluster to be transferred to the provider school.
  - Provide for the additional management staffing allowance for large area schools to be paid if the confirmed roll exceeds 750 students when the provisional roll did not.
- 6 Clause 33 has been added to provide for a first-time principal release allowance for principals at grade U1 or U2. This allowance is already being allocated and is now reflected in the Order.
- 7 Clause 34, 38 and 40 have been updated to reflect that beginning, retrained and overseas teacher need to have been appointed for at least 10 weeks or 1 term to receive the respective time allowances.
- 8 Clause 89 is amended to increase the maximum number of resource teachers: vision that may be employed by BLENNZ [METIS 1254604].
- 9 The notional roll for Kingslea School has changed for 2022. Schedules 6 has been updated to reflect the changes to their entitlement staffing and salary units.
- 10 In addition, some minor drafting changes and corrections have been made to ensure that the Order correctly sets out the staffing provided to schools' boards of trustees.

## Consultation

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- 11 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.
- 12 No adverse comments were received from any of the recipients. We did receive feedback from the PPTA and the Teaching Council of Aotearoa New Zealand in relation to teacher time allowances.
- 13 PPTA expressed concerns that beginning teachers in short-term appointments will be disadvantaged. We do not provide beginning teacher time allowances for appointments of less than 10 weeks/1 term. PPTA is concerned that schools will try not to provide the release time to those teachers. Our response to PPTA explained that we believe beginning teachers benefit more from advice and guidance provided continuously from one school. As a result, we do not count a series of short-term appointments towards the support.
- 14 The Teaching Council expressed disappointment about the continuing misalignment of the overseas teacher time allowance and their requirements for teacher registration, practicing certificate and limited authority to teach policy. The Ministry is continuing to work with them on how the policies can be better aligned, noting that any policy change will be subject to future budget priorities.

## Risks

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- 15 This process occurs annually and is considered to be low risk. For 2022, all changes are consistent with our annual review and updating of the content of the Order. An opportunity to review and comment on the content of the Order has taken place internally and externally.
- 16 Not making the Order carries the greatest risk. This would mean there would be no legislative limits placed on the number of teachers or salaries payable for 2022.

## Financial Implications

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- 17 There are no additional financial implications arising from the Education (2022 School Staffing) Order 2021.

## Next steps

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- 18 The Cabinet Legislation Committee meeting is scheduled for 5 August 2021. The paper needs to be submitted to the Cabinet Office by 29 July 2021.

## Proactive Release

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- 19 It is intended that this Education Report 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.

Proactively Released