



Education report: Revised Cabinet paper – Policy approvals for the code of practice, dispute resolution scheme rules and legislative changes

To:	Hon Chris Hipkins, Minister of Education		
Date:	1 July 2021	Priority:	High
Security Level:	In Confidence	METIS No:	1264424
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Messaging seen by Communications team:	No	Round Robin:	Yes

Purpose and summary

This paper provides finalised materials to seek Cabinet approval for the new code of practice, the dispute resolution scheme for domestic tertiary learners, legislative changes, and the proposed Government response to the Education and Workforce Committee's inquiry into student accommodation (**Annex One**). The material includes minor editing improvements to previous drafts. The Ministry has received no feedback from Ministerial consultation. Tracked change versions are also attached.

This material is ready for lodging if you have no feedback. It is due to be lodged by 10am, Thursday 1 July, to go to the Cabinet Social Wellbeing Committee (SWC) on Wednesday 7 July, and Cabinet on Monday 12 July.

After lodging, we will confidentially share the proposed code with learner and sector peak bodies for testing. This is to ensure transparency about the range of feedback received through consultation and the changes we made in response. We expect feedback by Tuesday 6 July and will brief you on progress before the SWC meeting.

Recommended actions

The Ministry of Education recommends you:

- note** the attached revised Cabinet paper *Policy approvals for tertiary and international learner wellbeing and safety: code of practice, dispute resolution scheme rules and legislative changes*, due to be lodged by 10am on Thursday, 1 July (**Annex One**)
- note** that we have provided a briefing note to your office to support your presentation of this item at SWC on 7 July [METIS 1264495 refers]

- c. **note** that, next week, we will provide you with advice on changes to the proposed code from targeted consultation with learner and sector peak bodies, as well as additional talking points for SWC summarising their feedback
- d. **note** that the Cabinet paper seeks authorisation for you to incorporate feedback from targeted consultation and then issue the new code following Cabinet consideration
- e. **agree** to forward this report to the Honourable Kelvin Davis, Associate Minister of Education (Māori Education) and the Honourable Aupito William Sio, Associate Minister of Education, for their information

Agree / Disagree

- f. **agree** to proactively release this education report within 30 days of Cabinet policy decisions being made on the final code, dispute resolution scheme, and legislative proposals, with any redactions in line with the provisions of the Official Information Act 1982.

Agree / Disagree

Julie Keenan
Policy Director
Graduate Achievement, Vocations
and Careers

___/___/___

Hon Chris Hipkins
Minister of Education

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Approach to the revised Cabinet paper and proposals

1. The attached Cabinet paper is due to be lodged by 10am, 1 July (**Annex One**). This will allow it to be considered by SWC on 7 July and by Cabinet on 12 July.
2. The paper sets out proposals for announcement in mid-late July, following Cabinet approval, to ensure:
 - a. certainty for providers regarding the code for 2022, and to enable appointment of a code administrator that will develop guidance material on the code, and work with the sector and learners to inform their planning for 2022;
 - b. timely development of Parliamentary Counsel Office (PCO)-drafted rules for the dispute resolution scheme, to inform the selection of a scheme operator, and Cabinet approval of rules, for announcements in November;
 - c. PCO drafting of law changes for inclusion in the Education and Training Amendment Bill (No 2), as policy approvals are needed before August; and
 - d. presentation to the House of the Government response to the Education and Workforce Committee inquiry into student accommodation before the 6 August deadline.

We have updated the paper and proposals following Ministerial consultation

3. We have provided clean and tracked copies of the materials for Cabinet. Key changes include (noting we received no feedback from Ministerial consultation):
 - a. editing and improvements we signalled in the last draft, including final approvals of the Regulatory Impact Statements (paragraphs 88-90 in the attached Cabinet paper);
 - b. seeking authorisation to incorporate feedback from targeted testing of the code with learner and provider peak bodies and then issue the new code following Cabinet consideration, if needed (paragraph 29 and recommendation 9 in the attached Cabinet paper); and
 - c. final inputs from agency consultation (Department of Prime Minister and Cabinet Child Wellbeing Unit, noting that they had no comments on the paper) (paragraph 101 in the attached Cabinet paper).

Next steps

4. We recommend you forward this paper to your colleagues, the Honourable Kelvin Davis – Associate Minister of Education (Māori Education), and the Honourable Aupito William Sio – Associate Minister of Education, for their information.
5. We aim to provide you with advice mid-next week on changes to the code based on feedback from targeted engagement with learner and provider peak bodies.
6. We are preparing separate advice on an approach to communicating Cabinet decisions with the sector and launching the code. We will also shortly provide your office with advice on the appointment of the code administrator for the new code [METIS 1264426 to come].

Annexes

Annex One: Revised Cabinet paper and appendices – *Policy approvals for tertiary and international learner wellbeing and safety: code of practice, dispute resolution scheme rules and legislative changes*

Proactively Released