



## Education Report: Education (2023 School Staffing) Order 2022

<b>To:</b>	Hon Jan Tinetti, Associate Minister of Education		
<b>Cc:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	1 July 2022	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1286548
<b>Drafter:</b>	Kate O'Meeghan	<b>DDI:</b>	04 463 8517
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<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

The purpose of this paper is for you to:

**Agree** to submit the attached paper to the Cabinet Legislation Committee, to authorise the submission of the Education (2023 School Staffing) Order 2022 to the Executive Council.

### Recommended Actions

The Ministry of Education recommends that 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. **consult** with the Minister of Education, Hon Hipkins, and seek his agreement to submit the attached paper to the Cabinet Legislation Committee;

**Consulted**

- d. **agree** to submit the Education (2023 School Staffing) Order 2022 to the Cabinet Legislation Committee by 21 July 2022, to be considered at the meeting on 27 July 2022;

**Agree / Disagree**

- e. **sign** the enclosed paper to Cabinet, recommending that the Cabinet Legislation Committee authorise the submission of the Education (2023 School Staffing) Order 2022 to the Executive Council;
- f. **sign** the attached advice sheet to the Governor-General; and
- g. **agree** that the Ministry of Education release this briefing in full once it has been considered by you.

☒ **Agree** ☐ **Disagree**



Helen Hurst  
**Chief Operating Officer**  
**Te Pae Aronui | Operations and Integration**

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Hon Jan Tinetti  
**Associate Minister of Education**

10/07/2022

## Background

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- 1 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, which arises 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. The Order 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 prior to the year in which it is to apply.
- 4 Each annual Order is based on the Order from the previous year and incorporates any new policies or policy changes that have been approved by the relevant Minister, as well as the Minister of Finance where appropriate, and agreed by Cabinet.

## 2023 School Staffing Order

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- 5 There are only minor updates required to the 2023 School Staffing Order.
- 6 We have amended clause 42(2)(a)(ii)(A), so that the calculation for the Classroom Release Time allowance includes reference to Technology Education. The reference to Technology was removed by mistake from a previous Order. The calculation has always included Technology so including this reference in the Order will not have any material impact on the calculation in practice.
- 7 We have amended clause 81(2)(b), to increase the number of Resource Teachers Learning and Behaviour (RTLb) Managers from 40 to 41. You agreed to the change to enable the Ministry to progress work in this space and, if necessary, implement a change for 2023 following consultation with the sector [METIS 1286948 refers]. The increase in the number will be funded from within existing baselines.
- 8 We have amended Schedule 4 to update the name of the Lower North Youth Justice Unit, which is now known as Te Au rere au te Tonga (Te Au rere). We have also amended the entitlements for Te Au rere which increased in 2020 to reflect an increase in bed capacity, however these had not been updated in the Order.
- 9 The notional rolls for the Regional Health Schools have changed for 2023. Schedule 8 has been updated to reflect the changes to their entitlement staffing and units.

## Consultation

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- 10 An opportunity to review and comment on the draft Education (2023 School Staffing) Order 2022 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.

- 11 The New Zealand Educational Institute (NZEI) provided comprehensive and broad feedback on the draft Education (2023 School Staffing) Order 2022<sup>9(2)(g)(i)</sup>

[REDACTED]  
[REDACTED] we will respond to the NZEI once we have discussed their feedback with our colleagues in Te Puna Kaupapahere | Policy and Te Puna Ohumahi Mātauranga | Education Workforce.

- 12 No adverse comments were received from any of the other recipients.

## Risks

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- 13 This process occurs annually and is low risk. For 2023, 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.
- 14 Not making the Order would carry the greatest risk. This would mean that there would be no legislative limits placed on the number of teachers or salaries payable for 2023.

## Financial implications

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- 15 There are no additional financial implications arising from the Education (2023 School Staffing) Order 2022.

## Next steps

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- 16 The process of making the Order annually is an operational matter. However, before you can submit the Cabinet paper, you must consult with the Minister of Education, Hon Chris Hipkins, and seek his agreement to lodge the paper.
- 17 The Cabinet Legislation Committee meeting is scheduled for 27 July 2022. The Cabinet paper must be submitted to the Cabinet Office by 21 July 2022.

## Proactive release

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- 18 It is intended that this Education Report and the associated Cabinet Paper are released as per the expectation that information is released as soon as possible after it has been considered. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

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<sup>1</sup> *Pūaotanga - Realising the potential of every child: An independent review of staffing in primary schools*. Published by NZEI Te Riu Roa in June 2021