

Education Report: Highest Needs Change Programme Report Back and Programme Business Case Deferral

To:	Hon Jan Tinetti, Minister of Education		
Date:	10 May 2023	Priority:	High
Security Level:	In Confidence	METIS No:	1310069
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Messaging seen by Communications team:	NA	Round Robin:	No

Purpose of Report

1. The purpose of this paper is to seek your agreement to defer the upcoming June report-back and accompanying Programme Business Case for the Highest Needs Change Programme until December 2023, in response to the recommendations of the Gateway review of the Programme, and feedback from stakeholders.

Summary

1. Recent engagement with Agencies and sector stakeholders on the draft Programme Business Case for the Highest Needs Change Programme (the Programme) indicates that there is significant work required to build trust and confidence in the Ministry's ability to deliver on the vision developed following the Highest Needs Review.
2. 9(2)(f)(iv)
- 3.
4. The Ministry considers that pausing the development of the Business Case is required to enable the Ministry to reset the Programme. This reset will encompass establishing a new approach to stakeholder engagement; undertaking work to ensure partnership with Māori; and resetting the scope of the Programme to ensure it is clearly situated within the context of broader work to achieve an Inclusive Education system, based on the seven building blocks identified in the Highest Needs Review.

Recommended Actions

The Ministry of Education recommends that you:

- a. **note** that based on our engagement with the sector and 9(2)(f)(iv) [REDACTED] we consider that further work is required in order to deliver a Business Case which meets the intent of the Highest Needs Review and is set up for success
- Noted**
- b. **agree** to defer the upcoming report back to Cabinet and delivery of programme business case for agreement from June 2023 to December 2023
- Agree** **Disagree**
- c. **note** that the Ministry will report back to you in August 2023 with a high-level integrated plan for achieving the intent of the future system of support
- Noted**
- d. **agree** that the Ministry of Education release this paper once it has been considered by you, with information relating to future decisions withheld

Agree / Disagree



Karen Walfisch
General Manager Design
Te Pae Aronui

10/05/2023



Hon Jan Tinetti
Minister of Education

13/05/2023

Background

1. You are scheduled to report back to the Social Wellbeing Committee by June 2023 with a Business Case and the work programme to support implementation of the mixed model of supports previously agreed by Cabinet over the next two, five and ten years.
2. We previously advised you of the Ministry's proposal to take a phased approach to developing the Business Case. The business case would be developed over a number of stages, updated to reflect solutions as they are co-developed and co-designed with partners and key stakeholders [METIS 1306694 refers]. This approach follows those taken with the Curriculum and NCEA reforms, enabling a staged approach to the development and investment decision-making for what will be a significant, multi-year investment.
3. While we are establishing the Highest Needs Change Programme (the Programme) using a staged approach to the business case and design of the new system, recent stakeholder engagement and a 9(2)(f)(iv) of the programme has identified a need to consider multiple pathways to achieving the intent of the future system of support.
4. The Ministry has been developing the programme plan for the Programme and the Programme Business Case from within existing baseline, in the context of a very full Education Work Programme and during significant organisational change.

Progress to date on development of the Programme Business Case

5. In our previous advice, we outlined the work that we expected would be required to deliver the Programme Business Case in June. This included:
 - a. More fully articulating the Programme Business Case, with specific focus on the strategic and economic cases
 - b. Gaining internal buy-in across the broad range of Ministry functions which will be required to support the significant transformation
 - c. Gaining external buy-in to the Business Case from both Government Agencies, and from stakeholder groups, including the disability sector and education peak bodies.
6. Within the constraints of existing data and information, and available Ministry resourcing, we have made good progress on our early thinking that supports the development of the indicative Programme Business Case. A key action for this has been to describe at a high level the potential options for Cabinet to consider. As part of this we have worked with Whaikaha to ensure that, as per Cabinet's direction [CAB-22-MIN-0490], an understanding of what the Enabling Good Lives (EGL) principles could look like in Education is reflected in the thinking and the options for the new system. While we have started this work, there is still much to do. There are points of difference between the Ministry and Whaikaha which require work to resolve. Given the recent feedback from stakeholders, we will also need to review our approach to wider engagement on this work.
7. We have started to unpack the work that would be required to deliver the mixed model approach and address the seven building blocks of change [CAB-22-MIN-0490]. We have also identified some ways to make short to medium term improvements to the system and start to meet existing unmet needs. We need to do further work with Māori

as Treaty Partners and with sector stakeholders to ensure that we focus effort on short term changes that will have a meaningful impact.

8. As previously advised, the transformation to a mixed model approach is a large and complex work programme. There are risks around the Ministry's ability to manage all the work required to deliver the building blocks as a single programme. We consider that some of these risks are being realised, as evidenced through recent engagement with stakeholders, 9(2)(f)(iv)

Engagement with Stakeholders

9. We have begun testing our early thinking, and previously signalled that managing expectations of key stakeholders and the sector was a key risk to the delivery of the Programme Business Case and broader High Needs Review change programme.
10. A workshop with other government agencies introducing the early thinking was held on 18 April 2023, following which we provided the draft Programme Business Case to agencies for comment.
11. Agencies have noted a need for the Programme and the Business Case to more clearly:
 - a. Set out how consultation with Māori in the Highest Needs Review has informed the needs analysis and problem definition, and provide more detail on how Māori will be engaged through design and implementation of the work
 - b. Clearly articulate the scope of the Programme and how this intersects with other work that is ongoing both within the Ministry and across government
 - c. Articulate the expected benefits, and provide a stronger evidence base for the direct link between the Programme and the benefits
 - d. Reflect how engagement with stakeholders will be maintained over the long timeframe of transformation, including how to address risks around stakeholder disengagement or disillusionment.
12. Engagement with the sector on the draft Programme Business Case has been undertaken on the basis that the October 2022 Cabinet Paper was available publicly and was well understood by the sector. However, at a sector engagement hui on Friday 28 April, the Ministry received considerable feedback that attendees did not feel sufficiently engaged in the work to support the development of a business case. They raised a range of concerns that we will need to work through, including the building blocks and how they interact with a wider programme to deliver an integrated and accessible schooling system, and about a two-, five- and ten-year programme. The stakeholders felt there were immediate opportunities to effect positive change. The Ministry needs time to work through these with stakeholders to ensure we can develop a realistic programme that delivers positive change as early as possible.

9(2)(f)(iv)

Proactively Released

Partnering with Māori

18. Both agency and stakeholder feedback and 9(2)(f)(iv) highlight the critical need to partner with Māori on the development of the Business Case.
19. The October Cabinet Paper committed the Ministry to work in partnership with Māori and Iwi to develop supports and services that meet the needs of whānau. The Ministry was intending to begin this work through bringing in the key findings and recommendations that come out of the Māori Affairs Select Committee inquiry (the Inquiry) into learning support for ākonga Māori, as well as the work with Te Pae Roa and Te Matakāhuki on the Māori medium education work programme.
20. While we are still waiting for the recommendations of the Inquiry, our limited resource and priority focus on developing the Business Case, has meant that we have not progressed this. We also note that in recent stakeholder engagements, Māori commented that the October Cabinet paper was not reflective of a te Tiriti approach. This indicates that we need to invest in developing our partnership approach to ensure that we are walking in step with our Treaty partners.
21. Budget 2023 provides \$25.246 million operating and \$15.171 million capital funding to build learning support co-ordination in Kaupapa Māori and Māori medium schooling. The initiative will be implemented with iwi and Māori Education peak bodies and will provide for the Māori-led design and delivery of approaches for strengthening learning support coordination, capacity, and capability. This will help to support and develop the partnership approach with Māori for the broader programme of work to achieve the intent of the future system of support, including the Highest Needs Review Change Programme.

We need to slow down the Business Case to set ourselves up for success

We need to focus on resetting our partnerships and stakeholder engagement

22. The feedback from partnership and stakeholder engagements, along with the recommendations 9(2)(f)(iv) point to the critical importance of getting engagement right. The Ministry has been working on the business case to date within baseline resources, which has impacted our capacity to focus on other important programme activities. This includes partnership and sector engagement and maintaining effective feedback loops. Without a dedicated focus on engagement and partnering, the programme is likely to be at high risk for some time.
23. To ensure successful delivery of the High Needs Change Programme, we need to invest in resetting the relationship with partners, the sector, and stakeholders to enable constructive partnership as the work moves forward. Key feedback included:
- a. Feeling a lack of partnership as a result of the gap in engagement with the Ministry between the end of the Highest Needs Review and engagement on the Business Case
 - b. A lack of clarity about the scope of the Programme and the intersection between the Programme and other work across the education sector
 - c. A view that the voices of disabled people was not fully reflected in the October 2022 Cabinet Paper
 - d. Concern about the timeframes associated with transformational change.

24. Māori also noted a lack of partnership with Treaty partners through the Review process, and through the development of the draft Business Case.
25. We need to take the time to engage with this feedback and respond meaningfully to the sector, to rebuild trust and take a more strategic approach to partnering and engaging with key stakeholders going forward. This contributes to our advice to defer the provision of the Programme Business Case to Cabinet.

We need to more clearly situate the Programme within the context of broader work towards an inclusive education system

26. As part of ongoing engagement with stakeholders, we consider it is important to provide more clarity about how the Programme fits alongside wider education sector work to give practical effect to Te Tiriti o Waitangi and move towards a more genuinely inclusive education system in line with the Government's Response to the UNCRPD concluding observations. Following examination by the UNCRPD, the Committee provided a number of concluding observations, which included:

48 (a) Develop an inclusive education strategy that includes measures for the devolution of segregated education settings into a mainstream inclusive education system, to transition funding and resources from specialist education to inclusive education, to prioritize inclusive education in teacher training, to establish uniform, inclusive education policies and guidelines, to develop an inclusive education curriculum and to promote and raise community awareness.

27. Whaikaha has been leading on the development of advice on a Government response to the concluding observations, which will shortly be provided to Cabinet. It will be important to clearly situate the Programme within this response. Progressing the Programme is an integral part of realising the Government's vision for an inclusive education system, alongside and with strong dependencies on the successful implementation of other inclusive education workstreams.
28. Meeting our obligations under the UNCRPD requires building inclusion into the universal aspects of the education system, including curriculum, teaching methods and assessment. Work such as the refreshing *Te Mataiaho: The New Zealand Curriculum* (NZC), redesigning Te Marautanga o Aotearoa (TMOA), Literacy & Communication and Maths Strategy and Hei Raukura Mō te Mokopuna, and the NCEA Change Programme are critical to taking this forward.
29. Meeting our obligations under the UNCRPD also involves access to effective targeted and tailored supports for disabled people, where needed, to enable them to reach their full potential. Ongoing implementation of the Learning Support Delivery model, and Te Tūapapa o He Pikorua (the Ministry's practice framework for learning support) are foundational elements of developing an inclusive education context.
30. Having a better understanding of this landscape and the intersections between work will enable us to better articulate the scope of the Highest Needs Change Programme.

This requires a reset of the Ministry's approach to delivering on the Highest Needs Change Programme

31. The feedback from partners and stakeholders and the results of the Gateway review have raised critical questions that we need to respond to in order to successfully deliver on the Highest Needs Change Programme. These include:

- e. What approach the Ministry will take to developing an inclusive education strategy and delivery plan?
- f. What work/projects/programmes are already underway that will contribute towards an inclusive education system?
- g. How broader work programmes contribute to the building blocks for the new learning support system envisaged by the Highest Needs Change Programme?
- h. How do we scope the Programme to fit within this context?
- i. How do we set up engagement so that it enables genuine partnership with Māori, and effective engagement with the disability sector?
- j. How do we set up the programme to succeed, with strengthened governance and appropriate resourcing and assurance?

32. Working through these questions will require us to pause work on the Programme Business Case for a short time, while we reconsider its scope and parameters, and co-develop an integrated plan that encompasses all of the initiatives and activities that will help achieve the future system of support. This will include work that provides immediate/short term benefits to the sector, as well as medium- and long-term initiatives. We will deliver high level, integrated plan to you in August. We will then be able to finalise the Business Case to align with that plan.

Risks

33. 9(2)(f)(iv)

34.

Next Steps

35. With your approval the Ministry will revise the learning support/inclusive education work programme and work collaboratively with partners and stakeholders to establish a more integrated approach for achieving the intent of the future system of support. This will impact the scope and parameters of the Programme Business Case. We will report back to you in August with the high level, integrated plan which will include:

- a. All current initiatives that are working towards the intent of the future system of support
- b. Deliverables planned for within the next two years and the objectives they will achieve.
- c. Two- and five-year plans and how the Ministry intends to deliver on them (may be within or in parallel to the Highest Needs Review Change Programme).
- d. The revised scope of the Highest Needs Review Change Programme Business Case and how it is integrated with all Ministry and cross-agency work to achieve the intent of the future system of support.

Annexes

The following are annexed to this paper:

Annex 1: 9(2)(f)(iv) [REDACTED]

Proactively Released