

Impact Summary: Advice for grandparenting clauses in enrolment schemes

Section 1: General information

Purpose

- The Ministry of Education is solely responsible for the analysis and advice set out in this Impact Summary, except as otherwise explicitly indicated. This analysis and advice has been produced for the purpose of informing: Final decisions to proceed with a policy change to be taken by or on behalf of Cabinet

Key Limitations or Constraints on Analysis

There are limitations on quantitative data available for reviewing current grandparenting provisions as this is not collected nationally. Key evidence has arisen from engagement with Ministry regional offices which are currently implementing grandparenting provisions. Evidence used in this analysis:

- Ministry regional offices have knowledge of implementation considerations that can be used to inform analysis and mitigate potential risks
- Ministry-held data demonstrating trends in enrolment scheme development and forecast growth catchments

There are a number of constraints to the analysis:

- Consultation: There were time constraints for this analysis which meant public consultation did not take place for the proposal. This was mitigated through engagement with regional offices currently implementing grandparenting and their feedback from schools directly involved, and from previous survey engagement from the Tomorrow's Schools Surveys.
- Scope of work: Grandparenting sits within the wider legislative framework relating to the creation and amendment of enrolment schemes. Therefore there is an assumption that the current principles and purposes of enrolment schemes and how they operate in practice is fit for purpose.
- Timing: This is part of advice commissioned by Cabinet in October 2019, as part of the Tomorrow's Schools reforms [SWC-019-MIN-0153 refers]. There were some time constraints to enable legislative change through a Supplementary Order Paper to the Education and Training Bill.

Responsible Manager (signature and date):

Kara Isaac

System Policy

System and Schooling Policy

Education System Policy

Ministry of Education

To be completed by quality assurers:

Quality Assurance Reviewing Agency:

The RIA was reviewed by the Ministry of Education's review panel on 14 May 2020.

Quality Assurance Assessment:

The review panel assessed the RIA as partially meeting the RIA assessment criteria.

Reviewer Comments and Recommendations:

The RIA was assessed as partially meets, primarily on the basis that there was not adequate time to undertake consultation, however we note that the engagement that MOE has had through implementing grandparenting schemes to date provides valuable insights.

Section 2: Problem definition and objectives

2.1 What is the policy problem or opportunity?

Grandparenting provisions act as transition arrangements when an enrolment scheme is amended and the home zone is changed as a result, or if an enrolment scheme is implemented for the first time. This operational approach is based on previous Ministry advice to the Government in 2006.

These grandparenting arrangements provide for the siblings of current students (i.e. those enrolled at the time the enrolment scheme home zone amendment is being developed) to retain the right to enrol at the school when the new home zone amendment is adopted. Grandparenting provisions are a pragmatic, useful tool to alleviate community concerns when an enrolment scheme is implemented or amended.

They are used by the Ministry (delegated to regional offices) on a case by case basis to manage local communities' expectations and concerns during an enrolment scheme change process.

While their use is becoming more common, they are not provided for by legislation.

2.2 Who is affected and how?

Key stakeholder views and impacts are identified below:

- Families/whānau: A grandparenting provision ensures that families/whānau who have one or more learners/ākonga at a school will still be able to attend the same school, if their remaining children will be out-of-zone after the new home zone is adopted. Families/whānau are supportive of keeping siblings together as it supports their wellbeing, not needing to engage and establish a connection with multiple schools, reducing school-related expenses by being able to hand uniform items down from one child to the next, and reducing transport costs or commuting times.*
- Schools/principals and boards of trustees: Schools are supportive of keeping siblings together as it can support their education pathways and wellbeing, i.e. it is easier on students during transitions to new schools if their sibling is already there. Grandparenting may create capacity issues at the school over the short term. This is because of the delayed impact on school rolls as grandparented students pass through the school.*
- Local communities: Some families/whānau may have recently moved into a school's home zone for the purposes of enrolment, and due to a subsequent enrolment scheme amendment, no longer be eligible for enrolment at that school.*

2.3 What are the objectives sought in relation to the identified problem?

The primary purpose of enrolment schemes is to ensure children are able to attend a local school while at the same time avoiding overcrowding within the schooling network. The objective of the policy options assessed in this RIA is to ensure a smooth transition for families and whānau when enrolment scheme changes occur. Other sub-objectives for considering this policy change include:

- Alleviating community concern when an enrolment scheme home zone is reduced; and*
- Allowing enrolment schemes to be implemented more quickly. By giving certainty to families/whānau, to avoid significant community opposition, leading to poorer management of school capacity.*

Section 3: Options identification

3.1 What options have been considered?

The status quo

The status quo is the continual use of grandparenting provisions at the Ministry's discretion without explicit provision of their use set out in legislation.

Option 1: Provide for the use of grandparenting provisions for siblings of current students in legislation (preferred option)

This option provides for the use of grandparenting provisions for siblings of current students explicitly in legislation. Placing grandparenting in legislation would make it clear to schools and their communities that it is a provision that can be used when setting enrolment zones. It also gives the Secretary for Education (through the Ministry's regional offices) the ability to utilise grandparenting provisions at their discretion and to apply a consistent approach when setting them.

Under this option, legislation would be amended to provide that the Secretary for Education could use grandparenting provisions at their discretion, where their use was considered to be consistent with the purpose and principles of enrolment schemes as set out in S11A of the Act and clause 69 of the Education and Training Bill.

Further details about the operation of grandparenting provisions would be provided in the Secretary's Guidelines for the development and operation of enrolment schemes.

While there is variability in how grandparenting provisions have been implemented to date, there are a number of design considerations being utilised operationally in the status quo that would remain unchanged under this option:

- The Ministry would have discretion to use grandparenting provisions when it considers it is in the school and local community's best interest and can be managed within the school's capacity and schooling network. They would not be utilised in all enrolment scheme implementations and amendments;*
- The option would apply to families/whānau living at a given address; if these families/whānau decide to move elsewhere, they would no longer be eligible to be grandparented.*

Legislating the use of grandparenting provisions provides legal certainty that grandparenting can be used when implementing and amending enrolment zones.

Option 2: Provide for the use of grandparenting provision on any basis the Secretary considers needed in the situation

Option 2 is the same as option one except that option 2 provides for the use of grandparenting provisions in a wider set of circumstances, rather than just for siblings of current students. For example option 2 would be able to consider including a grandparenting provision in an enrolment zone for children who are under the age of 5 with no siblings at the school.

Option 3 : The Ministry no longer approves any grandparenting provisions

Under option three the Ministry would no longer approve any further requests for including grandparenting provisions when a new enrolment zone is being set. With this option, we also considered:

- Removing all existing grandparenting provisions.*

- *Allowing existing grandparenting provisions to continue, but refuse the use of grandparenting on future amendments.*

3.2 Which of these options is the proposed approach?

Option one is the proposed approach. Our review concludes that the benefits outweigh the costs, and that any risks are manageable.

In comparing option 1 and 2 the main consideration was who should be included in grandparenting provisions and when they should be applied. The key difference between these options is that having open-ended grandparenting would limit the effectiveness of enrolment scheme changes, lack transparency for families and whānau about what grandparenting arrangements the Ministry may approve, and lead to inconsistent grandparenting practice.

Extending grandparenting provisions to these families/whānau is contrary to the original policy intent of the balloting criteria, where the strength of a family's/whānau's day-to-day connection with a school is the basis for their priority for enrolment, as opposed to a geographic connection.

We conclude that only siblings of current students should be included and the Secretary for Education should have the discretion to use grandparenting both when an enrolment scheme is being implemented for the first time and when there is an amendment to an existing scheme.

Option 3 would allow for enrolment schemes to reduce the school's roll over a shorter period of time as these siblings would need to enrol as out-of-zone applicants. However, it was not favoured as it may result in some families/whānau being separated as a result of not gaining enrolment through the ballot. Potential resistance to enrolment scheme changes from local communities may actually delay the implementation of new enrolment schemes if this option was to be adopted. This is again contrary to the original policy intent and as a result option 3 was discarded.

We therefore consider that there is a case for change and we recommend provision for grandparenting of siblings of current students in enrolment schemes in legislation, at the Secretary's discretion on a case by case basis.

It also means that the system has a pragmatic tool for both the Ministry and schooling communities to manage what can be a very challenging and unsettling process. While we have not consulted on this option directly, it will likely be favoured by families/whānau and the communities affected.

Section 4: Impact Analysis (Proposed approach)

4.1 Summary table of costs and benefits

Affected parties (identify)	Comment: nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks	Impact \$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts
Additional costs of proposed approach, compared to taking no action		
Regulated parties: <i>Families/whānau</i> <i>Schools, principals and boards of trustees (BOTs)</i> <i>Local communities</i>	Some communities may not understand the legislation or not feel empowered to seek grandparenting provisions, leading to inequity in their application. Some schools may experience increased overcrowding issues in the short term following a grandparenting provision being put in place. This may lead to increased lobbying for additional school property. Other families might have less opportunity to get on a ballot if taken up by siblings on a grandparenting clause.	Low
Regulators: <i>The Ministry of Education</i>	An increase in applications for grandparenting. There may be increased pressure from communities even in instances when these provisions may not be appropriate. Due to the increased number of grandparenting provisions, there may be a lag in seeing benefits (i.e. we won't be able to manage network costs as effectively) of an enrolment scheme or amendment in the short term.	Low
Wider government	Nil	
Other parties	Nil	
Total Monetised Cost	Low	Low
Non-monetised costs	Low	Low
Expected benefits of proposed approach, compared to taking no action		
Regulated parties: <i>Schools, principals and boards of trustees (BOTs)</i> <i>Local communities</i>	Ensures that families/whānau who have one or more learners/ākonga at a school, but their remaining children will be out-of-zone after a home zone change, will still be able to have their other children attend the same school. This supports transitions through their educational pathway and wellbeing.	Low

	Clarifying grandparenting in legislation means that there is more certainty and more consistency in the application of grandparenting provisions for families/whānau, schools and BOTs, and communities.	
Regulators: <i>The Ministry of Education</i>	Clarity for the Ministry on the rules and ensures consistency in the application of grandparenting provisions.	Low
Wider government	Nil	
Other parties	Nil	
Total Monetised Benefit	Low	Low
Non-monetised benefits	Low	Low

4.2 What other impacts is this approach likely to have?

Potential equity implications: These clauses have been used to alleviate community concern, however there is the potential that less empowered communities will not voice their concerns throughout the consultation process. This may mean that grandparenting provisions are not utilised in these cases. This can be mitigated through Ministry regional offices' consultation and engagement practices.

Section 5: Stakeholder views

5.1 What do stakeholders think about the problem and the proposed solution?

The key stakeholders are schools, their local communities, and family/whānau living in the area. They may have a number of concerns about where their child/ren will go to school.

As noted in Section 1, public consultation has not taken place. This was mitigated to some degree through engagement with regional offices currently implementing grandparenting and their feedback from schools directly involved. Further, previous survey engagement from the Tomorrow's Schools Surveys showed that respondents supported the idea of keeping siblings together when there is a change in enrolment scheme status.

Key stakeholder views are identified below:

- Families/whānau: A grandparenting provision ensures that, for families/whānau who have one or more learners/ākonga at a school, their remaining children who will be out-of-zone after the new home zone adoption, will still be able to attend the same school. Families/whānau are generally supportive of keeping siblings together as it supports their wellbeing.*
- Schools/principals and boards of trustees: Schools are generally supportive of keeping siblings together as it supports their wellbeing, i.e. during transitions to new schools.*
- Local communities: Some families/whānau may have recently moved into a school's home zone for the purposes of enrolment, and due to an enrolment scheme amendment, no longer be eligible for enrolment at that school. These families are would be likely to support a broader grandparenting option that would enable their oldest child to attend the school, despite being out of the new zone. Allowing families/whānau that have bought or rented property within a school's home zone to qualify for out of zone enrolment when a home zone changes gives little visibility of the potential new entrant students a school may receive, making it more difficult to manage overcrowding issues.*
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Section 6: Implementation and operation

6.1 How will the new arrangements be given effect?

The preferred option reinforces current practice and will come into effect when the Education and Training Bill is enacted. It will allow the Secretary for Education to use grandparenting at their discretion and clarify the terms of their use in legislation.

Specific operational guidelines will be set out in the Secretary's Guidelines for the development and operation of enrolment schemes for state schools. These guidelines will be reviewed on a regular basis to ensure they remain fit for purpose and can be applied consistently across the country.

The Ministry regional offices will continue to work with schools in their area to develop grandparenting provisions where they deem appropriate. Once implemented, ongoing day-to-day management will remain the responsibilities of schools.

As a result of legislating and clarifying grandparenting use, there will be greater understanding across the Ministry, schools, and their communities.

Section 7: Monitoring, evaluation and review

7.1 How will the impact of the new arrangements be monitored?

Once a grandparenting provision has been agreed with the Ministry, the day-to-day operation of the provision resides with the school. Students enrolled under the provision are recorded as in-zone, and the Ministry does not have visibility of how many children are accepted under these arrangements.

There is no nationally-held data on schools currently operating grandparenting or transitional arrangements, due to decisions being made at a regional level on a case by case basis.

This proposal provides an opportunity to collect more data at a national level and provide more detail for network planning and management, i.e. the number of students enrolling under these provisions, or which schools are seeking grandparenting provisions.

7.2 When and how will the new arrangements be reviewed?

Grandparenting provisions are not reviewed, as they are time bound, they only apply to certain families/whānau who meet the strict criteria. These provisions will become inactive once all eligible learners/ākonga have been enrolled in the school.

Providing for these arrangements in legislation will allow the Secretary for Education to use grandparenting at their discretion, and when their use is considered to be consistent with the purposes and principles of enrolment schemes as set out in the Education Act 1989 and the Education and Training Bill. Specific operational features of grandparenting can be regularly reviewed and updated in the Secretary's Guidelines for the Development and Operation of Enrolment Schemes.

Schools, families/whānau and local communities will have an opportunity to feed into grandparenting arrangements as part of the enrolment scheme consultation process when a proposed home zone or home zone amendment is being developed. Over time, there may be opportunities to review the number of applications for grandparenting provisions and the feedback from stakeholders to inform our practice and their impact on the overall schooling network.