



Briefing Note: Meeting with NZEI Te Riu Roa

To	Hon Jan Tinetti, Associate Minister of Education		
Cc	Hon Chris Hipkins, Minister of Education		
Date	2 December 2020	Priority	Medium
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Purpose of Briefing

You are meeting with NZEI Te Riu Roa on Tuesday 8 December 2020 to discuss:

- Pay equity in the education sector
- Learning support resourcing
- School entry assessment, and
- Data governance.

This briefing provides you with background information and relevant issues that may be discussed.

Proactive Release

We recommend that this Briefing 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.

Agree / Disagree


Katrina Casey
Deputy Secretary
Sector Enablement and Support

2/12/2020


Hon Jan Tinetti
Associate Minister of Education

11/12/20

Background

1. You are meeting with Liam Rutherford, President/Te Manukura, and Stephanie Mills, Director of Campaigns from NZEI Te Riu Roa on 8 December 2020.
2. The purpose of the meeting is to discuss:
 - Pay equity in the education sector
 - Learning support resourcing
 - School entry assessment, and
 - Data governance.
3. The Ministry meets with NZEI Te Riu Roa regularly to discuss employment issues such as workload, pay and workforce planning, because some of our frontline learning support practitioners are NZEI members.
4. At our most recent meeting on 5 November 2020, NZEI Te Riu Roa stated that they want to see a comprehensively connected system which prioritises the needs of children with learning support needs. They considered this to be key in addressing other issues in the system, namely:
 - a. Pressure on teacher workloads
 - b. Job security for teacher aides
 - c. Initial teacher education.

Pressure on teacher workloads

5. The Ministry is mindful of workload issues for teachers. Recently a significant amount of investment has been made in improving workload, including eight additional teacher only days, changes to teacher appraisals and new roles such as Learning Support Coordinators and Curriculum Leads to provide more front-line support. Signed in June 2019, an Accord among the Ministry of Education, NZEI Te Riu Roa and PPTA Te Wehengarua is giving effect to building a high trust environment where the teaching profession is highly regarded, sustainable, and is fit for now and the future of learning. One of the issues the Accord parties are working on is workload.

Job security for teacher aides

6. Following the agreement to form the Accord, and the issues raised during the teacher aide pay equity claim the Ministry began work on a review of how schools are funded for teacher aides. This initial work established that there are a range of potential options. The review focuses on how schools are funded for teacher aides, and aims to develop a fairer, streamlined and more equitable system, and improve schools' resourcing to be more predictable, and better reflect the level and extent of need within the school.

7. However, the review will not consider funding policy such as the overall level of teacher aide funding in the education system. The review will also aim to reduce precarity of employment and remove systemic barriers to help develop and support a well-trained and secure workforce of teacher aides.

Initial teacher education (ITE)

8. The Teaching Council sets the standards for ITE and approves and reviews ITE programmes. The Council issued new ITE programme approval requirements in April 2019, following extensive sector consultation. Key elements of the new requirements include strengthened requirements for te reo, literacy and numeracy competency, strengthened expectations for partnerships with schools and early learning services, and increased requirements for practicum placements.

9. In Budget 2019, the Government provided increased funding for ITE programmes across the board, to enable them to meet these strengthened expectations, particularly in relation to the increased practicum requirements and the partnership expectations.

Pay equity in the education sector

10. NZEI Te Riu Roa has made multiple pay equity claims where the Ministry has some role or function:
- Two claims which are currently under investigation (Administration support staff and Kaiārahi i te Reo). Good progress is being made on these claims and we anticipate we may be ready to enter settlement negotiations in the second half of 2021.
 - Three claims for kindergarten administrators, kindergarten cooks, and kindergarten teacher aides. The Ministry is not a party to these claims, but we have a role providing oversight as agreed by Cabinet in August 2020 with its Framework for Oversight and Support of Funded Sector Pay Equity Claims [CAB-20-MIN-0366].
 - Seven new claims, made on 6 November 2020, for staff in the education service¹, and for staff employed directly by the Ministry.
11. The table below summarises these claims, and includes a claim for psychologists made by APEX, which will be consolidated with NZEI Te Riu Roa's claim, in accordance with the Equal Pay Act 1972. All the union claims have been accepted by the Ministry as valid under the Act.

Table 1 Pay equity claims in the education sector, received 6 November 2020

	Claim	Claimant	Other unions with members	Approx. workforce size
1	Service Managers	NZEI		85
2	Education Advisors	NZEI	PSA	180
3	Psychologists	NZEI	APEX	130
4	Psychologists	APEX	NZEI	As above
5	Therapists	NZEI	APEX	450
6	Schools Librarians	NZEI	PSA	900
7	Science Technicians	NZEI	E tū PSA	Incomplete workforce data; current estimates range from 125 to 350 employees, with high proportion of women.
8	Teachers: Kindergarten Teachers Early Intervention Teachers	NZEI	PPTA SPANZ	~15,000 early childhood teachers; up to 100 000 teachers if the whole education service is included.

¹ The Education and Training Act 2020 defines the education service as "service in the employment of: a State school; or an institution; or any other place of education for which a separate employer for the purposes of this Act is designated by any enactment or by the Minister; service as a registered teacher in the employment of any free kindergarten association that controls a free kindergarten; service as a teacher in the employment of the Secretary under section 614."

12. The Ministry has a 45 working day deadline (to 19 January 2021) to determine its response on the arguability of each claim, or to seek an extension on reasonable grounds. Once arguability has been assessed, work can begin to investigate the claims in accordance with the Equal Pay Act.
13. The Ministry is also contributing to the investigation of the PSA Administration and Clerical claim which affects Ministry staff, but NZEI is not involved in this claim.
14. With the addition of the new claims, just over a third of the Ministry's staff are covered by pay equity claims.

NZEI Teacher Claim

15. The largest and most complex of the new claims is NZEI Te Riu Roa's multi-employer claim for teachers. It covers those employed as part of the Education Service, and early childhood teachers employed by a range of community, NGO and private employers. Six hundred employers are affected and NZEI Te Riu Roa estimates the claim covers approximately 15,000 employees.

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Learning Support

Resourcing and delivery of Learning Support

22. We have recently provided you with a briefing on Learning Support and the Learning Support Action Plan 2019-2025 [METIS 1245009 refers].
23. Learning support is the additional support that ākonga/ learners need to fulfil their learning potential. It encompasses the range of practices, systems, supports and services that help ākonga/ learners with diverse strengths and needs to experience success in their learning and relationships.
24. Learning support includes around 85 different programmes/services provided by the Ministry, schools and contracted providers. Some are for one-off needs, others for medium term, others long term and ongoing support across the education pathway.
25. Learning support is conceptualised as a tiered model, with supports that may be
 - universal, focused on whole learner communities,
 - targeted, to groups with a similar support need,
 - individualised, specifically tailored to the needs of an individual.
26. In 2019/2020 more than \$1.1 billion was spent on learning support. Since then Budget 2020 has allocated \$283 million in new funding over five years for learning support.
27. The table below shows expenditure in 2019/20 by the tier of intervention.

Table 2 Learning Support expenditure by tier of Intervention, 2019/20

Tier of Intervention	Expenditure 2019/20 (GST excl)
Universal	\$289,303,212
Targeted (delivered by the Ministry of Education, resourced schools and contracted providers)	\$338,139,056
Individualised (delivered by the Ministry of Education, resourced schools and contracted providers)	\$ 480,305,792
Total	\$1,107,748,060

Learning Support Action Plan

28. The Learning Support Action Plan 2019-2025 has six priorities which we are continuing to progress, subject to funding. We briefed you recently on progress to date [Metis 1245009 refers.]

Learning Support Coordinators (LSCs)

29. In November 2018 the Government announced \$217 million in operating funding over four years to implement the first tranche of 623 LSCs, and \$95 million in capital expenditure to create suitable working spaces in schools for this first tranche.
30. The LSC role was implemented in January 2020, as part of the Learning Support Action Plan. The LSC role is a dedicated, fully funded, full-time role based in schools. While LSCs must hold a current Teaching Certificate to be appointed to the role, they are not an add-on to existing classroom teaching and have no teaching or management responsibilities.
31. During the General Election, one of the top priorities for NZEI TE Riu Roa was for more resourcing to support children with additional learning needs, and specifically, for Learning Support Coordinators for all schools.
32. The Government remains committed to implementing the LSC role across the country. Planning for future tranches will be informed by experience with schools and kura implementing the first tranche and the findings of the LSC evaluation. Subsequent tranches will be subject to future budget processes.

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School Entry Assessment

38. The School Entry Assessment kete is the major output for priority 2 of the Learning Support Action Plan (LSAP). We are developing an inclusive and consistent set of tools at school entry to recognise and respond to learner strengths and learning support

needs, including the early identification of dyslexic-type traits, dyspraxia and giftedness.

39. Five major areas for assessment at school entry were agreed at an April 2019 meeting with sector representatives, including NZEI. These were: literacy, oracy, numeracy, and social, and emotional capabilities.
40. In 2021, we will commence a trial of the literacy and oracy assessments developed by University of Canterbury. We will also continue development of numeracy and social and emotional tools, along with an additional communication tool. We are also exploring the inclusion of a tool to capture ākongā and whānau voices.
41. We have taken account of feedback from a range of sources which sought to emphasise the development of a mana-enhancing 'learner profile', to minimise deficit theorising and negative labelling.

Data Governance

42. Data governance is the decision-making rights over the collection, use, management and access to data, whether it is personal identified or deidentified data or aggregated data at group or system level.
43. Personal data is owned by the people whose data it is. In the case of learners, their parents and whānau exercise guardianship over learners' data, and schools play a proxy role in that decision-making. The Ministry and other government agencies also have a system role to play in data governance, as policy makers, regulators and public service providers.
44. Generally, there is low maturity among all groups, from individuals to government agencies in data governance and decision making.
45. Trust within and between participants in the system is low. There is mistrust of what future administrations may do with system held data. National Standards and league tables are often cited as examples of perceived misuse. To be clear, the Ministry has not developed league tables, but data obtained from various sources has been compiled by groups such as the media into lists that can be described as league tables.
46. Digital provision of education is extending the collection of data; however, we are still operating in a system where information does not flow safely or easily to those who need it. Digital platforms can solve the technical barriers, but it is vital that we prioritise and solve the confidence and trust barriers.
47. At a system level, several initiatives have identified the need to localise decision-making as much as possible. An Education Report approved by Cabinet in 2019 directed the Ministry to continue to work collaboratively with the sector, students, parents and whānau to provide advice on:
 - establishing an independent Education Data Protection and Use Governance Group
 - developing and consulting on an education data protection and use policy
 - developing a high trust model for information sharing, which includes data services for schools and kura.
48. Additionally, in early 2020 Cabinet approved the Data Protection and Use Policy developed by the Social Wellbeing Agency. The Ministry has engaged with the sector to explore how to implement the Data Protection and Use Policy (DPUP) in the

Education sector, and to understand what else would be needed to build trust in information sharing.

49. This engagement revealed a willingness to introduce the DPUP into the education sector, but that more would be needed to address historical issues with trust.
50. More recently demands for Māori data governance have gathered pace. Iwi Māori seek decision rights over the collection, use and management of Māori data as taonga, and they call on all government departments to give effect to Te Tiriti o Waitangi with respect to Māori data.
51. However, the decision-making powers that can be devolved and the implications of investing decision-making rights to devolved groups need to be considered in relation to the powers invested in the Secretary for Education in the Education & Training Act 2020.
52. The Privacy Act protects individual decision-making in relation to the collection and use of personalised information, but this is not integrated into a wider system decision-making and trust framework.
53. The development of Te Rito, a data sharing capability where learner data follows the learner through their education, provides a timely and relevant opportunity to address the growing need for data governance and data decision rights at all levels in the system.
54. An early step is to pilot procedures and processes for oversight of data and information protection and use through a Te Rito governance group (Te Rito Kaitiakitanga), with a particular focus on the needs of Māori ākonga, Pacific learners, and learners with disabilities or learning support needs. The aim of this approach is to co-create and learn together how effective data decision rights can and should work at various levels in the education system.
55. The oversight work of Te Rito Kaitiakitanga, will be supported by implementation of the Data Protection and Use Policy (DPUP) principles and guidelines within Ministry practices and procedures. We are working with the Social Wellbeing Agency on a toolkit to support implementation of the DPUP in the education sector in 2021. As part of this toolkit we are exploring whether a memorandum of understanding that sets out expectations for releasing and publishing data at the school level would protect against harmful use of learner information.
56. We are working together with StatsNZ and their initiative with the Data Iwi Leaders Group to address Māori Data Governance. This work will inform how the interim Te Rito Kaitiakitanga group integrates Māori data governance principles and practices into data decision making.

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