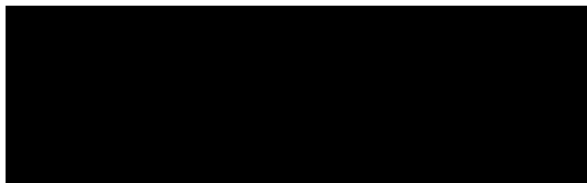




s 9(2)(a) OIA

25 OCT 2018



Dear [REDACTED]

Thank you for your email of 29 August 2018 to the Ministry of Education requesting the following information:

- *all briefings and reports provided to the Minister of Education since 1 January 2017 regarding the Education (2018 School Staffing) Order 2017 and the Education (2019 School Staffing) Order 2018.*

Your request has been considered under the Official Information Act 1982 (the Act).

There were 13 documents identified in scope of your request. The table below details the information we are able to release:

	Date	Document Type	Document Title	Decision
1	8 May 2017	Education Report	Early Notification of Significant Changes to Education (2018 School Staffing) Order 2017	Release in part. Contact details not in the public domain withheld under s9(2)(a) of the Act
2	Undated	Education Report	Amending the Education (2018 School Staffing) Order 2017	Release in full
3	17 July 2017	Education Report	Education (2018 School Staffing) Order 2017	Release in part. Contact details not in the public domain withheld under s9(2)(a) of the Act
4	17 July 2017	Aide Memoire	Subj: Education (2018 School Staffing) Order 2017	Release in full
5	24 July 2017	Cabinet Paper	Education (2018 School Staffing) Order 2017	Release in full
6	27 July 2017	Briefing Note	Education (2018 School Staffing) Order 2017	Release in part. Contact details not in the public domain withheld, s9(2)(a)
7	10 January 2018	Education Report	Education (2018 School Staffing) Amendment Order 2018	Release in part. Contact details not in the public domain withheld under s9(2)(a) of the Act
8	14 January 2018	Cabinet Paper	Education (2018 School Staffing) Amendment Order 2018	Release in full

OIA: 1150153

National Office, Mātauranga House, 33 Bowen Street, Wellington 6011

PO Box 1666, Wellington 6140. Phone: +64 4 463 8000 Fax: +64 4 463 8001

9	19 January 2018	Briefing Note	Education (2018 School Staffing) Amendment Order	Release in part. Contact details not in the public domain withheld, s9(2)(a)
10	10 July 2018	Education Report	Education (Extension of the Application Period) Order 2018 and Education (2019 School Staffing) Order 2018	Release in part. Contact details not in the public domain withheld, s9(2)(a)
11	Undated	Cabinet Paper	Education (Extension of the Application Period) Order 2018 and Education (2019 School Staffing) Order 2018	Release in full
12	27 July 2018	Briefing Note	Education (Extension of the Application Period) Order 2018 and Education (2019 School Staffing) Order 2018	Release in part. Contact details not in the public domain withheld under s9(2)(a) of the Act
13	8 August 2018	Rapid Response	None	Withheld in full under s9(2)(g)(i) of the Act, to protect the free and frank expression of opinion by Ministers of the Crown and officials

I am withholding some information under the following sections of the Act:

- 9(2)(a) - to protect the privacy of natural persons

In addition, I am withholding one document in full under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.

I have identified no public interest considerations sufficient to outweigh the need to withhold this information at this time.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Katrina Casey
Deputy Secretary
Sector Enablement and Support



Education Report: Early Notification of Significant Changes to Education (2018 School Staffing) Order 2017

Date:	8 May 2017	Priority:	High	08 MAY 2017
Security Level:	In Confidence	METIS No:	1058716	JS

Action Sought

Addressee	Action Sought	Deadline
Minister of Education	Approve planned changes to the Education (2018 School Staffing) Order 2017.	
Enclosure: No	Round robin: No	

s 9(2)(a) OIA

Contact for telephone discussion (if required)

Name	Position	Telephone	1 st Contact
John Clark	Group Manager		
Nick Risdon	Senior Manager		✓
Olivia Sawrey	Drafter		

The following departments/agencies have seen this report:

MOE

Minister to Complete (please circle)

1 = very poor

2 = poor

3 = acceptable

4 = good

5 = very good

Minister's Office to Complete:

☒ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by events

☐ See minister's notes

☐ Withdrawn

☒ Signed

Comments:

11 MAY 2017

8 May 2017

**Education Report: Early Notification of Significant Changes
to Education (2018 School Staffing) Order
2017**

Recommendations

We recommend that you:

- a. **agree** to changes to the Education (2018 School Staffing) Order 2017 referred to in paragraphs 8 to 13.

AGREE/DISAGREE



Katrina Casey
Deputy Secretary
Sector Enablement and Support



Hon Nikki Kaye
Minister of Education

11/5/17

Education Report: Early Notification of Significant Changes to Education (2018 School Staffing) Order 2017

Purpose of Report

1. This report seeks your approval to changes to the Education (2018 School Staffing) Order 2017.

Background

2. An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act and it 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 before the year in which it is to apply.
4. Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.
5. Cabinet approval is not sought for changes that are minor or fit under existing policies and legislation.

Changes to the 2018 School Staffing Order

6. This year some minor drafting changes and corrections will be made to ensure that the Order correctly sets out the staffing provided to school boards of trustees. There is also a change to cross reference to the Education Update Amendment Bill's definition of a Community of Learning.
7. There are two changes which are substantial but do not require prior approval from Cabinet:

Principals of two or more schools

8. The first substantive change relates to recent legislation changes that allow boards of trustees to appoint one person to be the principal of two or more schools (S75A of the Education Act 1989 under the Education Legislation Amendment Act 2016).
9. The proposed changes to the Staffing Order provide a resourcing framework for instances where two or more schools appoint one principal.
10. The changes will allow for the principals grade to be based on the combined rolls of the schools they are employed at. Schools with a principal who is principal of two or more schools will be entitled to an extra salary unit in addition to their salary generated entitlement.

Roll notifications

11. The second substantive change relates to clause 58 of the Education (School Staffing) Order, which makes it mandatory for schools to predict their likely roll at 1 March the following year and for the Ministry to use this prediction when setting provisional rolls.
12. This is an additional compliance burden for some schools and 41% of predictions are arbitrary. Many schools struggle to work within the timeframe, and this impacts the delivery date for provisional staffing and funding notices. A change to remove the requirement and instead make the practice of sending in a predicted roll optional provides schools with choice and will save some schools time.
13. The timing of the provisional roll notifications has also been impacted by the School Staffing Order necessitating waivers of the 28 day rule in the past. A change is planned stating the Secretary will notify schools of provisional rolls by 30 September, rather than as soon as is practicable after the commencement of the Order. This will give flexibility for the Ministry to deliver provisional rolls sooner and give schools more time to plan.

Timeline

14. Schools are notified of provisional staffing and funding in early September each year. The timeline to implement this change is:

22 May	Consultation with sector (three weeks)
9 June	Consultation period ends
27 July	Lodge Cabinet paper
3 August	Cabinet Legislation Meeting
5 September	Order in force

Risks

15. This process takes place annually and the changes are considered low risk. When the Order goes to the legislative council, all changes will have been agreed and consultation will have taken place.
16. There is risk in not making changes to accommodate principals of two or more schools since this is already provided for in the Education Act 1989 (under the Education Legislation Amendment Act 2016).

Education Report: Amending the Education (2018 School Staffing) Order 2017

Purpose

1. We seek your agreement to include in the draft Education (2018 School Staffing) Order 2017 a 0.2 FTTE mentor-time subsidy which will be paid to schools participating in the employment-based initial teacher education (ITE) programme Teach First NZ.

Recommended action

2. The Ministry of Education recommends that you:
 - a. **note** that Budget 2017 set aside funding for two further cohorts of the employment-based ITE programme Teach First NZ
 - b. **note** that this funding includes 0.2 FTTE in-school mentor time paid to participating schools
 - c. **agree** that from 2018 the 0.2 FTTE in-school mentor time be authorised for payment by the Crown through the Education (School Staffing) Order 2017
 - d. **note** that this will apply to the current cohort of 30 trainees who will finish their training at the end of 2018, the two cohorts of 45 funded through Budget 2017, and any further cohorts from 2020
 - e. **agree** to authorise instructions to Parliamentary Counsel to include the 75 0.2 FTTE in-school mentor teacher staffing entitlement in the draft Education (2018 School Staffing) Order 2017

Agree / Disagree

Agree / Disagree

Karl Le Quesne
Deputy Secretary
Early Learning and Student Achievement
Ministry of Education

Hon Nikki Kaye
Minister of Education

..... / /

..... / /

Background

3. Each year an Education (School Staffing) Order (the Order) is made under section 91H of the Education Act 1989, which prescribes the limits on the number of teachers that may be employed by schools for the following year (staffing entitlement).
4. The Order must be made in the year before the year in which it is to apply, and incorporates any new policy changes which have been either approved by the Minister, are minor, or fit under existing policies and legislation.

Teach First NZ

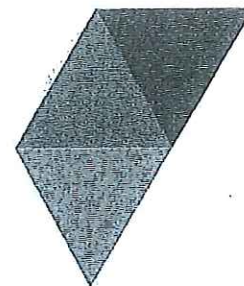
5. Teach First NZ in partnership with the Mind Lab by Unitec will offer our only schooling sector employment-based ITE (subject to programme approval). Under employment-based ITE, teacher trainees are employed by schools, as teachers, on a two year employment agreement while completing their teaching qualification.
6. To date, three cohorts of trainee teachers have completed the programme; one cohort will complete their training at the end of this year (cohort 16); and one cohort of 30 will complete their training at the end of 2018 (cohort 17).
7. Budget 2017 set aside funding for two further cohorts with 45 participants each, Cohorts 18 and 19 [CAB-17-MIN-0185.07]. This funding involves:
 - a. \$5,000 for the Living Allowance paid to Teach First NZ
 - b. \$20,200 trainee non-contact time subsidy, paid to schools in cash over two years
 - c. 0.2 FTTE in-school mentor subsidy, paid to schools each year.

Changes to the 2018 School Staffing Order

8. We seek your agreement that from 2018, the 0.2 FTTE in-school mentor subsidies be paid through an additional Staffing Entitlement for schools which employ trainee teachers. This will provide for 75 in-school mentor subsidies in 2018, 90 in 2019 and 45 in 2020, taking into account the number of participants across the three cohorts.
9. We consider it appropriate for schools to receive the in-school mentor subsidy through staffing entitlement. This will align the payment with the Beginning Teacher Time Allowance, which the payment was modelled on.
10. This is an additional drafting change to the two proposed changes in the *Education Report: Early Notification of Significant Changes to Education (2018 School Staffing) Order 2017* [METIS 1058716].
11. The Living Allowance and trainee non-contact time subsidy will continue to be paid to Teach First NZ and schools, respectively, in cash.

Next steps

12. If you agree to this amendment, it will be included in the 2018 School Staffing Order.



EDUCATION REPORT: Education (2018 School Staffing) Order 2017

Date:	17 July 2017	Priority:	High
Security Level:	In Confidence	METIS No:	1072406
Drafter:	Ollvia Sawrey	DDI:	[REDACTED]
Key Contact and number:	Nick Risdon, Senior Manager Operational Policy and Analysis [REDACTED]	Round Robin:	No

s 9(2)(a) OIA

s 9(2)(a) OIA





Education Report: Education (2018 School Staffing) Order 2017

Purpose

The purpose of this paper is to seek your agreement to submit the attached paper to the Cabinet Legislation Committee to authorise the submission of the Education (2018 School Staffing) Order 2017 to the Executive Council.


Recommended Actions

The Ministry of Education recommends that you:

- a **note** that under Part 8A of the Education Act 1989 (the Act), section 91C, the Ministry of Education is charged with the paying the salaries of regular teachers; (Noted)
- b **note** that the under the provisions of section 91H of the Act, an Education (School Staffing) Order is made to limit the Crown's financial liability with respect to the payment of teachers' salaries; (Noted)
- c **agree** to the submission of the Education (2018 School Staffing) Order 2017 to Cabinet Legislation Committee by 10:00 a.m. on 25 July 2017, to be considered at the meeting of 2 August 2017; (Agree/Disagree)
- d **sign** the enclosed paper to Cabinet recommending that Cabinet authorise the submission of the Education (2018 School Staffing) Order 2017 to the Executive Council by 25 July 2017; and
- e **sign** the attached advice sheet to the Governor-General.


Katrina Casey
Deputy Secretary
Sector Enablement and Support
Ministry of Education

12/7/2017


Hon Nikki Kaye
Minister of Education

12/7/17

Background

- 1 Under Part 8A of the Education Act 1989 (the Act), section 91C, the Ministry of Education is charged with paying the salaries of regular teachers.
- 2 Under the provisions of section 91H of the Act, an Order in Council is made each year to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries.
- 3 An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act and it prescribes the limits on the number of teachers that may be employed by schools for the following year.
- 4 The Order must be made in the year before the year in which it is to apply.
- 5 Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.

Education (2018 School Staffing) Order 2017

Changes

- 6 A change has been made to include the Budget 2017 provision for employment-based trainee teachers to generate a 0.2 FTTE mentor teacher time allowance (CAB-17-MIN 0185/07). The mentor teacher allowance has been set out in the definitions and added to the total regular staffing allowance set out in clause 29. Clause 35 has been added to set out the requirements and formula for this allowance.
- 7 Changes have been made to describe the entitlement relating to principals of two or more schools. Clauses 16 to 18 now provide for an extra salary unit for schools with a principal of two or more schools. Clause 28 now allows for the salary grade to be based on the combined roll of all the schools where the principal of two or more schools is employed as a principal. These changes align the order with Section S75A of the Education Act 1989 (Education Legislation Amendment Act 2016).
- 8 Clause 28 has been updated to clarify that principals' U grades at Residential Special Schools are determined by Schedule 7.
- 9 Changes to the operational requirements in Part 4 have also been made. Schools are no longer required to predict their roll for the following year and the Secretary is now required to give notice of estimated rolls before 30 September.
- 10 Some minor drafting changes and corrections have also been made to ensure that the Order correctly sets out dates, definitions and the staffing provided to school boards of trustees.

Risks

- 11 This process takes place annually and is considered to be low risk. All changes made have been previously agreed, and consultation has taken place internally and externally.
- 12 Not making the School Staffing Order carries the greatest risk. This would mean there would be no legislative limits placed on the number of teachers or salaries payable next year.

- 13 There are no new financial implications arising from the 2018 School Staffing Order.

Next Steps

- 14 The Cabinet Legislation Committee meeting is scheduled for 2 August 2017. The paper will need to be submitted to the Cabinet Office by 10:00 a.m. on 27 July 2017.

Released under the Official Information Act

AIDE MEMOIRE

To: Hon Nikki Kaye
Minister of Education

From: Katrina Casey

CC: John Clark, Nick Risdon

Date: 17 July 2017

Subject: Education (2018 School Staffing) Order 2017

Purpose

1. The Cabinet Legislation Committee is being asked to authorise submission of The Education (2018 School Staffing) Order 2017 to the Executive Council.

Key Messages

2. Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.
3. A change has been made to include the Budget 2017 provision for employment-based trainee teachers to generate a 0.2 FTTE mentor teacher time allowance (CAB-17-MIN 0185.07).
4. Changes have been made to describe the entitlement relating to principals of two or more schools. Clauses 16 to 18 now provide for an extra salary unit for schools with a principal of two or more schools. Clause 28 now allows for the salary grade to be based on the combined roll of all the schools where the principal of two or more schools is employed as a principal. These changes align the order with Section S75A of the Education Act 1989 (Education Legislation Amendment Act 2016).
5. Clause 28 has been updated to clarify that principals' U grades at Residential Special Schools are determined by Schedule 7.
6. Changes to the operational requirements in Part 4 have also been made. Schools are no longer required to predict their roll for the following year and the Secretary is now required to give notice of estimated rolls before 30 September.

Background

7. Part 8A of the Education Act 1989 (the Act) requires that an Order in Council be made every year to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries.

8. An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act. It prescribes the limits on the number of teachers that may be employed by schools for the following year.
9. The Order must be made in the year before the year in which it is to apply.



Katrina Casey
Deputy Secretary
Sector Enablement and Support

Released under the Official Information Act

In Confidence

Office of the Minister of Education

Cabinet Legislation Committee

Education (2018 School Staffing) Order 2017

Proposal

1. I propose that Cabinet Legislation Committee authorise the submission of the Education (2018 School Staffing) Order 2017 to the Executive Council.

Background

2. Part 8A of the Education Act 1989 (the Act) requires that an Order in Council be made every year to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries.
3. An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act. It prescribes the limits on the number of teachers that may be employed by schools for the following year.
4. The Order must be made in the year before the year in which it is to apply.
5. Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.

Comment

6. A change has been made to include the Budget 2017 provision for employment-based trainee teachers to generate a 0.2 FTTE mentor teacher time allowance (CAB-17-MIN 0185/07). The mentor teacher allowance has been set out in the definitions and added to the total regular staffing allowance set out in clause 29. Clause 35 has been added to set out the requirements and formula for this allowance.
7. Changes have been made to describe the entitlement relating to principals of two or more schools. Clauses 16 to 18 now provide for an extra salary unit for schools with a principal of two or more schools. Clause 28 now allows for the salary grade to be based on the combined roll of all the schools where the principal of two or more schools is employed as a principal. These changes align the order with Section 75A of the Education Act 1989 (S10 Education Legislation Amendment Act 2016).
8. Clause 28 has been updated to clarify that principals' U grades at Residential Special Schools are determined by Schedule 7.
9. Changes to the operational requirements in Part 4 have also been made. Schools are no longer required to predict their roll for the following year and the Secretary is now required to give notice of estimated rolls before 30 September.

10. Some minor drafting changes and corrections have also been made to ensure that the Order correctly sets out dates, definitions and the staffing provided to school boards of trustees.

Consultation

11. An opportunity to review and comment on the draft of the Education (2017 School Staffing) Order 2016 was given to: the Treasury, the Education Review Office, the Education Council of New Zealand, New Zealand Educational Institute (NZEI), New Zealand School Trustees Association, New Zealand Area Schools' Association, New Zealand Post Primary Teachers' Association, Secondary Principals' Association of New Zealand, New Zealand Association for Intermediate and Middle Schooling, New Zealand Principals' Federation, New Zealand Secondary Principals' Council, New Zealand Educational Institute Principals' Council and the New Zealand Catholic Education Office.
12. NZEI was the only agency to comment and offered support to the planned change to remove the requirement for schools to predict what their roll will be as at 1 March the following year and instead make this optional in practice. NZEI also sought clarification on some small details. No adverse comments were received.

Financial implications

13. No additional funding is being sought or is necessary to implement the changes to the Order.

Human rights

14. The proposal is in no way inconsistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Legislative implications

15. No legislative implications arise from the making of the School Staffing Order.

Regulatory impact analysis

16. Treasury confirms that an exemption from a Regulatory Impact Assessment applies to the proposals in this Cabinet paper under the no or minor impacts grounds.

Publicity

17. The wider sector will be informed of the changes in a Bulletin notice.

Recommendations

The Minister of Education recommends that the Cabinet Legislation Committee:

1. **note** that this paper seeks authorisation to submit the Education (2018 School Staffing) Order 2017 to the Executive Council;
2. **note** that the Education (School Staffing) Order is made annually to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries by prescribing the limits on the number of teachers that may be employed by Boards in the year the Order applies;

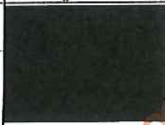
3. **note** that a policy update to the Education (2018 School Staffing) Order 2017 provides for employment-based trainee teachers to generate a 0.2 FTTE Mentor time allowance for their employing Board, and this was agreed in the Budget 2017 package;
4. **note** that all other updates are minor cost neutral drafting changes;
5. **note** that the Education (2018 School Staffing) Order 2017 will come into force on 7 September 2017; and
6. **authorise** the submission to the Executive Council of the Education (2017 School Staffing) Order 2017.


Hon Nikki Kaye
Minister of Education
24.07.19

Released under the Official Information Act



Briefing Note: Education (2018 School Staffing) Order 2017

Addressee:	Hon. Nikki Kaye		
Security Level:	In Confidence	Date:	27/07/2017
Priority:	High	Metls#:	1072406
Key Contact	Nick Risdon	DDI:	
Approved by:	Katrina Casey	DDI:	

s 9(2)(a) OIA

Summary

- The Cabinet Legislation Committee is being asked to authorise submission of The Education (2018 School Staffing) Order 2017 to the Executive Council.
- An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act. It prescribes the limits on the number of teachers that may be employed by schools for the following year.
- The Ministry of Education supports the paper because it sets limits on the number of teachers that can be employed by centrally payrolled schools.


Katrina Casey

Deputy Secretary, Secretary Enablement and Support
Ministry of Education

Background

1. An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act. It prescribes the limits on the number of teachers that may be employed by schools for the following year.
2. Part 8A of the Education Act 1989 (the Act) requires that an Order in Council be made every year to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries.
3. The Order must be made in the year before the year in which it is to apply.

Talking points

- The Order is made annually to place limits on the number of teachers that can be employed at payrolled schools.

Key Messages

4. The Cabinet Legislation Committee is being asked to authorise submission of The Education (2018 School Staffing) Order 2017 to the Executive Council.
5. A change has been made to include the Budget 2017 provision for employment-based trainee teachers to generate a 0.2 FTTE mentor teacher time allowance (CAB-17-MIN 0185.07).
6. Changes have been made to describe the entitlement relating to principals of two or more schools. Clauses 16 to 18 now provide for an extra salary unit for schools with a principal of two or more schools. Clause 28 now allows for the salary grade to be based on the combined roll of all the schools where the principal of two or more schools is employed as a principal. These changes align the order with Section S75A of the Education Act 1989 (Education Legislation Amendment Act 2016).
7. Clause 28 has been updated to clarify that principals' U grades at Residential Special Schools are determined by Schedule 7.
8. Changes to the operational requirements in Part 4 have also been made. Schools are no longer required to predict their roll for the following year and the Secretary is now required to give notice of estimated rolls before 30 September.

Next steps

9. The Education (School Staffing) Order will be publically notified in the New Zealand Gazette following authorisation from the Governor General.



Education Report: Education (2018 School Staffing) Amendment Order 2018

To:	Hon Chris Hipkins, Minister of Education		
Date:	10 January 2018	Priority:	High
Security Level:	In Confidence	METIS No:	1095459
Drafter:	Olivia Sawrey	DDI:	[REDACTED]
Key Contact:	Nick Risdon	DDI:	[REDACTED]
Messaging seen by Communications team:	No	Round Robin:	No

s 9(2)(a) OIA

Purpose of Report

The purpose of this paper is for you to:

- **Note** that an amendment to the Education (2018 School Staffing) Order 2017 has been drafted following your agreement (METIS 1094116 refers).
- **Agree** to submit the Education (2018 School Staffing) Amendment Order 2018 to the Cabinet Legislation Committee meeting of 25 January 2018.

Summary

- 1 The Ministry of Education is charged with paying the salaries of regular teachers under Part 8A of the Education Act 1989 (the Act).
- 2 The Education (2018 School Staffing) Order 2017, which was made on 7 August 2017 under the provisions of section 91H of the Act, contains an anomalous error.
- 3 An amendment to the Education (2018 School Staffing) Order 2017 has been drafted to correct this error following your agreement (METIS 1094116 refers).

Recommended Actions

The Ministry of Education recommends you:

- a. **agree** to the submission of the Education (2018 School Staffing) Amendment Order 2018 to Cabinet Legislation Committee by 10:00 a.m. on 18 January 2018, to be considered at the meeting of 25 January 2018;
- b. **sign** the enclosed paper to Cabinet recommending that Cabinet authorise the submission of the Education (2018 School Staffing) Amendment Order 2018 to the Executive Council by 18 January 2018; and
- c. **sign** the attached advice sheet to the Governor-General.

Agree / Disagree



Susan Howan
Acting Deputy Secretary
Sector Enablement and Support

10/1/18



Hon Chris Hipkins
Minister of Education

14/1/18

Released under the Official Information Act

Background

1. An annual Education (School Staffing) Order is made under section 91H of the Education Act 1989 (the Act). It prescribes limits on the number of teachers that may be employed by schools for the following year.
2. Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet. Cabinet approval is not sought for changes that are minor or fit under existing policies and legislation.
3. The Education (2018 School Staffing) Order 2017 was made on 7 August 2017 under part 8A of the Act, section 91H. The 2018 Staffing Order prescribes the limits on the number of teachers that may be employed by schools for 2018.

Community of Learning Definition Change

4. An anomalous error was identified in the Communities of Learning definition of the substantive 2018 School Staffing Order. This definition had been aligned with the definition in the Act, however no Community of Learning has been approved under section 71C of the Act to date.
5. We have worked with the Parliamentary Council Office to correct the definition as per your agreement (METIS 1094116 refers).

Risks

6. The risk is in making no change to the Communities of Learning definition. Because no Communities of Learning have been approved under section 71C of the Act, the entitlements described in the Order do not technically apply to any Community of Learning.
7. If the change is not made we would be faced with a decision to either deliver the Community of Learning entitlement to schools that do not strictly meet the definition, or fail to deliver entitlements that have already been provisionally notified.

Next Steps

8. The Cabinet Legislation Committee meeting is scheduled on 25 January 2018. The paper will need to be submitted to the Cabinet Office by 10:00 a.m. on 18 January 2018.
9. A waiver of the 28 day rule is being sought so the Amendment Order can come into force on 1 February 2018. This will ensure communities of learning are staffed correctly as early as possible in the school year.

In Confidence

Office of the Minister of Education

Cabinet Legislation Committee

Education (2018 School Staffing) Amendment Order 2018

Proposal

1. To amend the definition of Communities of Learning in the Education (2018 School Staffing) Order 2017.

Background

2. Part 8A of the Education Act 1989 (the Act) requires that an Order in Council be made every year to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries.
3. An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act. It prescribes the limits on the number of teachers that may be employed by schools for the following year.
4. Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.
5. The Education (2018 School Staffing) Order 2017 was made on 7 August 2017.

Comment

6. Late in 2017 an anomaly was identified which means the definition of Communities of Learning in the Education (2018 School Staffing) Order 2017 does not properly meet its intended function.
7. The 2018 School Staffing Order aligns the definition for Communities of Learning with clause 71C of the Act. A change has been prepared because at this stage, no Community of Learning has been approved under clause 71C of the Act.

Timing and 28 day rule

8. A waiver of the 28 day rule is being sought so the Education (2018 School Staffing) Amendment Order 2018 can come into force on 1 February 2018. This will mean Communities of Learning are staffed correctly as early as possible in the school year.
9. It is considered that the intent of the rule, that the law should be available and capable of being understood before it comes into force, is not undermined in this case because the proposed change is a correction.

Consultation

10. The opportunity to review and comment on the draft Education (2018 School Staffing) Order 2017 was undertaken prior to the principal Order being made. No further consultation was needed.

Regulatory impact analysis

11. Treasury confirms that an exemption from a Regulatory Impact Assessment applies to the regulatory proposals in this Cabinet paper on the grounds of no or only minor impacts.

Publicity

12. Relevant education bodies will be advised of the Education (2018 School Staffing) Amendment Order 2018.

Recommendations

The Minister of Education recommends that the Committee:

1. **note** the Education (School Staffing) Order is made annually and limits the Crown's financial liability with respect to the payment of teachers' salaries by setting a limitation on the number of teachers who may be employed in state schools in the year in which the Order applies;
2. **note** that the substantive Education (2018 School Staffing) Order 2017 was made on 7 August 2017;
3. **note** that an amendment to the definition of Communities of Learning has been prepared because no community of learning currently meets the definition;
4. **authorise** the submission to the Executive Council of the Education (2018 School Staffing) Amendment Order 2018.



Hon Chris Hipkins
Minister of Education

14 / 1 / 18



Briefing Note: Education (2018 School Staffing) Amendment Order

To:	Hon Chris Hipkins, Minister of Education		
Date:	19 January 2018	Priority:	High
Security Level:	In Confidence	METIS No:	1101479
Drafter:	Olivia Sawrey	DDI:	[REDACTED]
Key Contact:	Nick Risdon	DDI:	[REDACTED]
Messaging seen by Communications team:	No	Round Robin:	No

s 9(2)(a) OIA

Summary

- This paper supports the submission of a paper on the amendment to the Education (2018 School Staffing) Order 2017 to Cabinet Legislation Committee on 25 January 2018.
- The Education (2018 School Staffing) Order 2017 definition of a Community of Learning currently limits staffing entitlements to only those Communities of Learning that have entered into a statutory agreement with the Secretary for Education under section 72 of the Education Act 1989 (the Act). It should refer to all approved Communities of Learning.
- An amendment to the Education (2018 School Staffing) Order 2017 has been drafted.
- A waiver of the 28 day rule is being sought so the Amendment Order can come into force on 1 February 2018. This will ensure Communities of Learning are staffed correctly as early as possible in the school year.
- The key benefit of this correction is that we will be able to correctly deliver Community of Learning staffing entitlements.



Susan Howan
Acting Deputy Secretary
Sector Enablement and Support

19/1/18

Background

1. The Education (School Staffing) Order is made under section 91H of the Act. It prescribes limits on the number of teachers that may be employed by schools for the following year.
2. Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.
3. The Education (2018 School Staffing) Order 2017 was made on 7 August 2017 under part 8A of the Act, section 91H.

Community of Learning definition change

4. The Community of Learning definition does not apply to all Communities of Learning in practice. The 2018 School Staffing Order is currently aligned with the definition in the Act so that it is defined as a Community of Learning approved by the Minister in accordance with section 71C(1) of the Act.
5. Communities of Learning are approved by the Minister and those that wish to enter into statutory agreements with the Secretary for Education under section 72 of the Act may then be approved to do so under section 71C(1). However no Community of Learning has been approved to enter into an agreement with the Secretary for Education to date.
6. The way in which the definition is currently worded limits staffing entitlements to only those Communities of Learning with statutory agreements under the Act when it should refer to all approved Communities of Learning.
7. We have worked with the Parliamentary Council Office to correct the definition as per your agreement (METIS 1094116 refers).

Key Risks and Benefits

8. The key risk is in making no change to the Communities of Learning definition. Because no Communities of Learning have been approved under section 71C(1) of the Act, the entitlements described in the Order do not technically apply to any Community of Learning. Amending the definition in the Order will mitigate this risk.
9. If the change is not made we would be faced with a decision to either deliver the Community of Learning entitlement to schools that do not strictly meet the definition, or fail to deliver entitlements that have already been provisionally notified.

Next Steps

10. You are seeking the Cabinet Legislation Committee's agreement to submit the Amendment Order to the Executive Council. We intend to advertise the Amendment Order in the New Zealand Gazette of 1 February.
11. A waiver of the 28 day rule is being sought so the Amendment Order can come into force on the same day it is notified. This will ensure Communities of Learning are staffed correctly as early as possible in the school year.

ORIGINAL SENT TO
 10 JUL 2018
 MINISTERS OFFICE



**Education Report: Education (Extension of the Application Period)
 Order 2018 and Education (2019 School Staffing)
 Order 2018**

To:	Hon Chris Hipkins, Minister of Education		
Date:	10 July 2018	Priority:	High
Security Level:	In Confidence	METIS No:	1134014
Drafter:	Hannah Frude	DDI:	[REDACTED]
Key Contact:	Nick Risdon	DDI:	[REDACTED]
Messaging seen by Communications team:	No	Round Robin:	No

s 9(2)(a) OIA

Purpose of Report

The purpose of this paper is to seek your agreement to submit the attached paper to the Cabinet Legislation Committee to authorise the submission of the Education (Extension of the Application Period) Order 2018 and the Education (2019 School Staffing) Order 2018 to the Executive Council.

Released under the Official Information Act

Recommended Actions

The Ministry of Education recommends you:

- a. **note** that under Part 8A of the Education Act 1989 (the Act), section 91C, the Ministry of Education is charged with paying the salaries of regular teachers;

Noted

- b. **note** that section 91C of the Act provides that payment can only be made for a period of time called an application period, which expires at the end of this year;

Noted

- c. **note** that the annual Education (School Staffing) Order is made under section 91H of the Act and sets the limitations by placing a limit of the number of teachers that may be employed by schools for the following year;

Noted

- d. **agree** to the submission of the Education (Extension of the Application Period) Order 2018 and the Education (2019 School Staffing) Order 2018 to the Cabinet Legislation Committee by 10:00am 26 July 2018, to be considered at the meeting of 2 August 2018;

Agree / Disagree

- e. **sign** the enclosed paper to Cabinet recommending that Cabinet Legislation Committee authorise the submission of the Education (Extension of the Application Period) Order 2018 and the Education (2019 School Staffing) Order 2018 to the Executive Council by 26 July 2018;

- f. **sign** the attached advice sheet to the Governor-General; and

- g. **agree** that this Education Report is proactively released as part of the next publication.

Agree / Disagree


Katrika Casey
Deputy Secretary
Sector Enablement and Support

9/7/18



Hon Chris Hipkins
Minister of Education

24/7/18

Background

School Staffing Order

- 1 Part 8A of the Education Act 1989 (the Act) requires that an Order in Council be made every year to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries.
- 2 An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act and 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 before the year in which it is to apply.
- 4 Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.

Extension of the Application Period Order

- 5 The Education (Extension of the Application Period) Order is required to enable salaries to be paid centrally by the Ministry of Education for the period of time specified in that Order.
- 6 Section 91M of the Act provides for the application period to be extended by Order in Council. Since 2003, the application periods have been set for three years. The existing application period expires on 31 December 2018.

Changes to the 2019 Staffing Order

- 7 A change has been made to include the Budget 2018 provision for additional resource teachers: hearing and resources teachers: vision (CAB-18-MIN 0158.09). The total numbers of these teachers have been increased in clauses 85 and 86.
- 8 Clause 40 has been updated to reflect that classroom release time for restricted composite schools is calculated on the same basis as that of Year 7 to 13 and composite schools. This correction will not result in a change to the calculation of classroom release time for any school; the Ministry's resourcing system is calculating the correct entitlement which is now reflected in the Order.
- 9 The notional rolls for Kingslea School and regional health schools have changed for 2019. Schedules 6 and 8 have been updated to reflect the changes to the entitlement staffing, principal's grade and salary units of these schools.
- 10 In addition, some minor drafting changes and corrections have been made to ensure that the Order correctly sets out the staffing provided to schools' boards of trustees.

Risks

- 11 This process takes place annually and is considered to be low risk. All changes made have been previously agreed, and consultation has taken place internally and externally.

- 12 Not making the School Staffing Order carries the greatest risk. This would mean there would be no legislative limits placed on the number of teachers or salaries payable next year.

Financial Implications

- 13 There are no new financial implications arising from the 2019 School Staffing Order.

Next Steps

- 14 The Cabinet Legislation Committee meeting is scheduled for 2 August 2018. The paper will need to be submitted to the Cabinet Office by 10:00am on 26 July 2018.

Proactive Release

- 15 It is intended that this Education Report 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.

Released under the Official Information Act

In Confidence

Office of the Minister of Education

Cabinet Legislation Committee

Education (Extension of the Application Period) Order 2018 and Education (2019 School Staffing) Order 2018

Proposal

1. I propose that Cabinet Legislation Committee authorise the submission of the Education (Extension of the Application Period) Order 2018 and Education (2019 School Staffing) Order 2018 to the Executive Council.

Background

School Staffing Order

2. Part 8A of the Education Act 1989 (the Act) requires that an Order in Council be made every year to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries.
3. An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act. It prescribes the limits on the number of teachers that may be employed by schools for the following year.
4. The Order must be made in the year before the year in which it is to apply.
5. Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.

Extension of the Application Period Order

6. The Education (Extension of the Application Period) Order is required to enable teachers' salaries to be paid centrally by the Ministry of Education for the period of time specified in that Order.
7. Section 91M of the Act provides for the application period to be extended by Order in Council. Since 2003, the application periods have been set for three years. The existing application period expires on 31 December 2018.

Comment

8. A change has been made to include the Budget 2018 provision for additional resource teachers: hearing and resource teachers: vision (CAB-18-MIN-0158.09). The total numbers of these teachers have been increased in clauses 85 and 86.
9. Clause 40 has been updated to reflect that classroom release time for restricted composite schools is calculated on the same basis as that of Year 7 to 13 and composite schools. This correction will not result in a change to the calculation of classroom release time for any school; the Ministry of Education's resourcing system is calculating the correct entitlement which is now reflected in the Order.

10. The notional rolls for Kingslea School and regional health schools have changed for 2019. Schedules 6 and 8 have been updated to reflect the changes to the entitlement staffing, principal's grade and salary units of these schools.
11. In addition, some minor drafting changes and corrections have been made to ensure that the Order correctly sets out the staffing provided to school boards of trustees.

Timing and 28-day rule

12. A waiver of the 28-day rule is not being sought. The Education (2019 School Staffing) Order will come into force on 6 September 2018.
13. The Education (Extension of the Application Period) Order will come into force on 1 November 2018.

Compliance

14. The regulations comply with each of the following:
 - principles of the Treaty of Waitangi;
 - rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - principles and guidelines set out in the Privacy Act 1993;
 - relevant international standards and obligations; and
 - LAC Guidelines: Guidelines on Process and Content of Legislation.

Regulations Review Committee

15. There are no anticipated grounds upon which the Regulations Review Committee would need to draw the Order to the attention of the House in terms of Standing Order 315.

Certification by Parliamentary Counsel

16. The draft regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Regulatory impact analysis

17. Treasury confirms that an exemption from a Regulatory Impact Assessment applies to the proposals in this Cabinet paper under the no or minor impacts grounds.

Financial implications

18. No additional funding is being sought or is necessary to implement the changes to the Order.

Publicity

19. Education sector unions and other relevant education bodies will be advised of the enactment of the Order through its notification in the *New Zealand Gazette*. Boards of trustees will be advised of their provisional staffing in September.

Consultation

20. An opportunity to review and comment on the draft Education (2019 School Staffing) Order 2018 was given to: the Treasury, the Education Council of 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.
21. No adverse comments were received from any of the recipients.

Recommendations

The Minister of Education recommends that the Cabinet Legislation Committee:


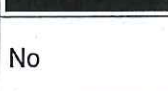
1. **note** that this paper seeks authorisation to submit the Education (Extension of the Application Period) Order 2018 and the Education (2019 School Staffing) Order 2018 to the Executive Council;
2. **note** that the Education (School Staffing) Order is made annually to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries by prescribing the limits on the number of teachers that may be employed by boards in the year the Order applies;
3. **note** that an extension of the application period is required to enable teachers' salaries to be paid centrally by the Ministry of Education because the existing application period expires on 31 December 2018;
4. **note** that the Education (2019 School Staffing) Order 2018 provides additional resource teachers: hearing and resource teachers: vision, and this was agreed in the Budget 2018 package;
5. **note** that all other updates are minor cost neutral drafting changes;
6. **authorise** the submission to the Executive Council of the Education (Extension of the Application Period) Order 2018 and the Education (2019 School Staffing) Order 2018;
7. **note** that the Education (2019 School Staffing) Order 2018 will come into force on 6 September 2018; and
8. **note** that the Education (Extension of the Application Period) Order 2018 will come into force on 1 November 2018.

Hon Chris Hipkins
Minister of Education

_____/_____/_____



Briefing Note: Education (Extension of the Application Period) Order 2018 and Education (2019 School Staffing) Order 2018

To:	Hon Chris Hipkins		
Date:	27 July 2018	Priority:	High
Security Level:	In Confidence	METIS No:	1134014 s 9(2)(a) OIA
Drafter:	Hannah Frude	DDI:	
Key Contact:	Nick Risdon	DDI:	
Messaging seen by Communications team:	No	Round Robin:	No

Summary

- The Cabinet Legislation Committee is being asked to authorise submission of the Education (Extension of the Application Period) Order 2018 and the Education (2019 School Staffing) Order 2018 to the Executive Council.
- An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act. It prescribes the limits on the number of teachers that may be employed by schools for the following year.
- The Education (Extension of the Application Period) Order is made every three years to enable salaries to be paid centrally by the Ministry of Education for the period of time specified in that Order.
- The Ministry supports the paper because it sets limits on the number of teachers that can be employed by schools and enables the Ministry to pay these salaries.



Katrina Casey
Deputy Secretary
Sector Enablement and Support

27/07/2018

Background

1. Part 8A of the Education Act 1989 (the Act) requires that an Order in Council be made every year to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries.
2. An annual Education (School Staffing) Order (the Order) is made under section 91H of the Act. It 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 before the year in which it is to apply.
4. Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet.
5. The Education (Extension of the Application Period) Order is required to enable salaries to be paid centrally by the Ministry of Education for the period of time specified in that Order.
6. Since 2003, the application periods have been set for three years. The existing application period expires on 31 December 2018.

Key Messages

7. The Cabinet Legislation Committee is being asked to authorise submission of the Education (Extension of the Application Period) Order 2019 and the Education (2019 School Staffing) Order 2018 to the Executive Council.
8. A change has been made to include the Budget 2018 provision for additional resource teachers: hearing and resources teachers: vision (CAB-18-MIN 0158.09). The total numbers of these teachers have been increased in clauses 85 and 86.
9. Clause 40 has been updated to reflect that classroom release time for restricted composite schools is calculated on the same basis as that of Year 7 to 13 and composite schools. This correction will not result in a change to the calculation of classroom release time for any school; the Ministry's resourcing system is calculating the correct entitlement which is now reflected in the Order.
10. The notional rolls for Kingslea School and regional health schools have changed for 2019. Schedules 6 and 8 have been updated to reflect the changes to the entitlement staffing, principal's grade and salary units of these schools.

Next Steps

11. The Education (Extension of the Application Period) Order 2018 and the Education (2019 School Staffing) Order 2018 will be publically notified in the New Zealand Gazette following authorisation from the Governor General.