



Education report: Revised Cabinet paper – Consultation on tertiary education learner wellbeing and safety: code of practice, dispute resolution and legislative change

To:	Hon Chris Hipkins, Minister of Education		
Date:	25 March 2021	Priority:	High
Security Level:	In Confidence	METIS No:	1254619
Drafter:	Mary Kuepper	DDI:	9(2)(a)
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Messaging seen by Communications team:	No	Round Robin:	Yes

Summary

This paper provides finalised materials to seek Cabinet agreement to consult on the new code of practice for pastoral care, the dispute resolution scheme and legislative changes (**annex 1**). The material reflects your feedback and editing improvements to the last draft. There was no feedback through Ministerial consultation. Tracked changes are also attached. This paper is due to be lodged by 10am, Thursday, 25 March, to go to the Cabinet Business Committee (CBC) on Monday, 29 March, and Cabinet on Tuesday, 6 April.

Public consultation will occur in April and May for six weeks, ahead of Cabinet decisions by early July. To ensure these timelines, we recommend launching the consultation during the week of 6 April, to allow six weeks of consultation to finish by 21 May. We are discussing your involvement in a launch with your office.

Recommended actions

The Ministry of Education recommends you:

- note** the attached revised Cabinet paper *Consultation on tertiary education learner wellbeing and safety: code of practice, dispute resolution and legislative change*, due to be lodged by 10am on Thursday, 25 March;
- note** that we have provided an aide memoire to your office to support your presentation of this item at CBC on 29 March [METIS 1254830 refers];
- agree** to launch public consultation in the week of 6 April for a period of six weeks;

Agree / Disagree

- d. **agree** to forward this report to the Honourable Kelvin Davis, Associate Minister of Education (Māori Education) and the Honourable Aupito William Sio, Associate Minister of Education, for their information;

Agree / Disagree

- e. **agree** to proactively release this education report within 30 days of Cabinet policy decisions being made on the final code, dispute resolution scheme and legislative proposals with any redactions in line with the provisions of the Official Information Act 1982.

Agree / Disagree



Julie Keenan
Policy Director
Te Ara Kaimanawa

25/03/2021

Hon Chris Hipkins
Minister of Education

___/___/___

Approach to the revised Cabinet paper and consultation materials

1. The attached Cabinet paper is due to be lodged by 10am, 25 March (**annex 1**). This will allow it to be considered by CBC on 29 March and by Cabinet on 6 April.
2. The paper seeks agreement to publicly release the consultation materials, setting out:
 - a. the draft code of practice for pastoral care for tertiary learners and international school students (part 3 of the consultation materials and draft code attached);
 - b. draft rules for the legislated scheme to resolve contractual and financial disputes between domestic tertiary learners and providers (part 4 of the consultation materials and draft rules attached); and
 - c. an approach to legislative change to support and reinforce the focus on wellbeing and safety and to improve alignment between this policy intent and the regulatory system that gives effect to it (part 5 of the consultation materials).
3. We recommend you launch public consultation in the week of 6 April, for a period of six weeks. This timeline is necessary to allow for Cabinet decisions by early July. This is important to ensure providers know the scope of the code and dispute resolution scheme for 2022 in time to feed into planning and budgeting, and to meet timeframes for the Education and Training Amendment Bill (No2) drafting [METIS 1249009 refers]. We are working with your office on a launch and communications approach to the consultation.

We have updated the paper and consultation materials following Ministerial consultation and have made further revisions in preparation for consultation

4. We have provided clean and tracked copies of the materials for Cabinet. Key changes include:
 - a. edited Government priorities section, in response to your office's feedback (noting that there was no feedback through Ministerial consultation); and
 - b. editing and improvements we signalled in the last draft, including final inputs from agency consultation (DPMC National Security Group) and from legal review.

Next steps

5. We recommend you forward this paper to your colleagues, the Honourable Kelvin Davis – Associate Minister of Education (Māori Education), and the Honourable Aupito William Sio – Associate Minister of Education, for their information.
6. We will keep your office informed of progress and key feedback throughout consultation. After consultation we will provide advice on key themes and potential changes to proposals, for Cabinet agreement by early July [METIS 1249009 refers].

Annexes

- Annex 1:** Revised Cabinet paper and consultation materials – *Consultation on tertiary education learner wellbeing and safety: code of practice, dispute resolution and legislative change*

Comment: Consultation material is publicly available here: <https://conversation.education.govt.nz/conversations/wellbeing-and-safety/>