

AIDE MEMOIRE

Consultation on a package of provisions for tertiary learner wellbeing and safety (CBC 29 March 2021)

Date:	25 March 2021	Priority:	High
To:	Hon Chris Hipkins, Minister of Education	METIS No:	1254830
From:	Julie Keenan, Policy Director, Te Ara Kaimanawa, Ministry of Education	Security Level:	In Confidence

Purpose

This Aide Memoire provides you with talking points to support a discussion on your paper at Cabinet Business Committee on Monday 29 March 2021 and Cabinet on 6 April 2021.

The Cabinet paper:

- **seeks Cabinet approval to consult** on a new code of practice for the pastoral care of domestic tertiary and of international learners, a dispute resolution scheme, and supporting legislative changes [1, 3, **recs 4 & 5**]; and
- notes **you intend to report back to Cabinet in July** seeking agreement to the new code and dispute resolution scheme rules as informed by the public consultation and on a package of proposed amendments to the Act, **9(2)(f)(iv)** [5, 26, **rec 6**].

Recommendations

The Ministry of Education recommends this Aide Memoire is proactively released within 30 days of Cabinet policy decisions being made on the final code, dispute resolution scheme and legislative proposals. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

We get the job done Ka oti i a mātou ngā mahi

We are respectful, we listen, we learn He rōpū manaaki, he rōpū whakarongo, he rōpū ako mātou

We back ourselves and others to win Ka manawanui ki a mātou me ētahi ake kia wikitoria

We work together for maximum impact Ka mahi ngātahi mō te tukinga nui tonu

Great results are our bottom line Ko ngā huanga tino pai ā mātou whāinga mutunga

Talking points to support your discussion of the Cabinet paper

Summary

As you will know in late 2019, we urgently put in place an interim code of practice to improve the welfare of domestic tertiary learners in student accommodation and reinforce learner wellbeing more generally. The interim code expires on 1 January 2022 [6, 8].

Today, I am seeking your approval to consult on: [1, 3, recs 4 & 5]

- a new code of practice for the pastoral care of domestic tertiary and international learners, to take effect by 1 January 2022, as required under the Education and Training Act 2020;
- draft rules for the dispute resolution scheme, also to start by 1 January 2022; and
- legislative change to support and reinforce the focus on student wellbeing and safety.

We want a more accessible, culturally responsive, effective, and equitable system of supports for learner wellbeing and safety, through one clear set of rules and expectations that providers can tailor to their learners' needs. This work will also support our Government's overall focus on wellbeing and creating a fairer New Zealand and strengthens the role that the education system plays in this shift [2, 4, 10-11].

A new code

I seek to consult on combining expectations for domestic tertiary and international learners in a single code of practice, replacing the two existing codes. A new combined code will improve clarity for providers and learners, while retaining the strengths of the existing codes. This draft code incorporates feedback from submissions to the current select committee inquiry into student accommodation, and the committee's report will inform our decisions on a final code [4, 14, 15]. For example, submitters wanted more clarity around the types of wellbeing practices in student accommodation. We have now included an expectation for providers to have this information on their websites (e.g. the ratio of residents to residential assistants).

A key change to existing provisions is that there is more focus on providers involving learners, as well as whānau, staff, local communities, and iwi. By working together, learners and their families and communities will be able to have confidence that learner wellbeing and safety will be promoted and supported in the learning environment [15].

The new code continues to spell out the expectations that apply now for providers regarding the specific needs of international learners. However, I do not intend to make changes to requirements for schools that host international students at this stage [15-16].

Dispute resolution scheme (the scheme)

The scheme is separate to the code but complements its aims of improving outcomes for learners and strengthening student voice [17].

While international students have a bespoke tertiary education dispute resolution process, domestic tertiary students do not. The scheme fills this gap, drawing on good dispute resolution practice. It will be designed to address the inherent power imbalance between learners and providers [17, 18].

Legislative changes

I consider legislative changes are needed to ensure we can deliver the learner wellbeing and safety outcomes we are seeking, minimise provider compliance and administration costs, and ensure that the provisions are fit-for-purpose [19-21].