

Education Report: Education (Pastoral Care) Amendment Bill – Draft Initial Brief

To:	Hon Chris Hipkins, Minister of Education		
Date:	21 October 2019	Priority:	High
Security Level:	In Confidence	METIS No:	1209797
Drafter:	Helen Baker	DDI:	s 9(2)(a)
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Messaging seen by Communications team:	N/A	Round Robin:	No

Purpose of report

The purpose of this paper is for you to:

- **provide feedback** on the draft initial brief for the Education (Pastoral Care) Amendment Bill (the Bill).

Recommended Actions

The Ministry of Education recommends you:

- provide feedback** on the attached draft of the initial brief for the Education (Pastoral Care) Amendment Bill (the Bill) by Tuesday 22 October
- note** the indicative timetable for progressing the Bill.

Yes/No
looks good.


Julie Keenan
Policy Director
Graduate Achievement, Vocations and Careers

21/10/2019


Hon Chris Hipkins
Minister of Education

21/10/19

Background

1. The Bill was introduced into the House of Representatives on 14 October 2019 and passed its first reading on 17 October. The Education and Workforce Committee is due to report back on the Bill on 3 December 2019.

The Initial Brief

2. An advanced draft of the initial brief for the Bill is attached for your feedback. Officials are still in the process of drafting this brief and it has not yet been through quality assurance.
3. It is due with the Education and Workforce Committee by midday, Tuesday 22 October.
4. The initial brief covers:
 - the context for the Bill
 - constitutional and legal principles
 - the Bill's provisions
 - its implementation.

Timetable for progressing Bill

5. The indicative timetable for the next stages of the legislative process is:

21 October:	Draft Initial Brief to Minister
22 October	Minister's feedback to officials on the draft Initial Brief
22 October:	Written Initial Brief to Select Committee Clerk
23 October:	Presentation of Initial Brief (30 minutes)
1 November:	Submissions close
Week of 4 November:	Hearings
13 November:	Presentation of Departmental Report
20 November:	Select Committee discussion of revised text; deliberation.
3 December:	Report Back.

Request to Select Committee Chair to use external contractor to support submissions review

6. Given the tight timeframes for work on this Bill, and the existing level of legislative work in the Ministry, officials intend to seek Select Committee agreement to engage Allen and Clarke to support the review of submissions. If the Committee agrees, we intend to engage Allen and Clarke on the same limited basis as for the Reform of Vocational Education legislation.
7. We will send a final version of the letter attached as Annex 2 to the Chair of the Committee tomorrow with the initial brief.

Annexes

Annex 1: *Education (Pastoral Care) Amendment Bill - Initial Brief (draft as at 21 October)*
Find final Initial Brief here: https://www.parliament.nz/en/pb/sc/submissions-and-advice/document/52SCEW_ADV_92648_EW6355/ministry-of-education-initial-briefing-education-pastoral

Annex 2: *Request to Select Committee Chair to use external contractor to support submissions review*

Proactively Released

Parmjeet Parmar
Chairperson
Education and Workforce Committee
Parliament Buildings
WELLINGTON 6160

Dear Parmjeet

Education (Pastoral Care) Amendment Bill

Use of Allen and Clarke to tag and summarise submissions

The Ministry of Education requests the Committee's permission to contract the services of Allen and Clarke to assist the Ministry with tagging and summarising submissions to the Committee on the Education (Pastoral Care) Amendment Bill.

Subject matter experts (SMEs) within the Ministry will be under considerable time pressure to support the committee, review and analyse submissions, attend hearings, and draft the Departmental Report. This is especially the case given the simultaneous progress of the Education (Vocational Education and Training Reform) Amendment Bill.

The Ministry could attempt to employ additional staff (which we would need to try and do immediately) to tag and summarise the submissions. However given the tight labour market due to simultaneous government processes, we are not confident we can do this. Because of the compressed timeframe and unavoidable uncertainty around the number and complexity of submissions, we also don't know how many additional staff we will need. This could affect our ability to deliver a quality departmental report on time; this could in turn put pressure on the proposed commencement date of this legislation.

Using Allen and Clarke for this task would allow SMEs at the Ministry to focus on supporting the committee during oral hearings and analysing the more complex and detailed submissions. Furthermore, Allen and Clarke is able to scale the resources they apply to this task in response to the number of submissions received.

We propose providing a copy of each submission to Allen and Clarke. Allen and Clarke would then:

- read and 'tag' submission content based on a set of detailed descriptors provided by the Ministry

- produce reports for the Ministry that collate all submission comments on a particular topic (based on the tags)
- produce summary information on key themes, support and opposition to aspects of the Bill.

The Ministry of Education will conduct and be responsible for the analysis of all submissions and for any recommendations made in the departmental report.

In terms of confidentiality, the Ministry's contract with Allen and Clarke will contain a clause to the effect of:

Allen and Clarke understand and acknowledge that submissions on the Education (Pastoral Care) Amendment Bill are strictly confidential to the Education and Workforce select committee and its advisers and must not be provided or disclosed to anyone other than the Allen and Clarke staff carrying out the agreed work. Unauthorised disclosure of submissions could constitute contempt of the House.

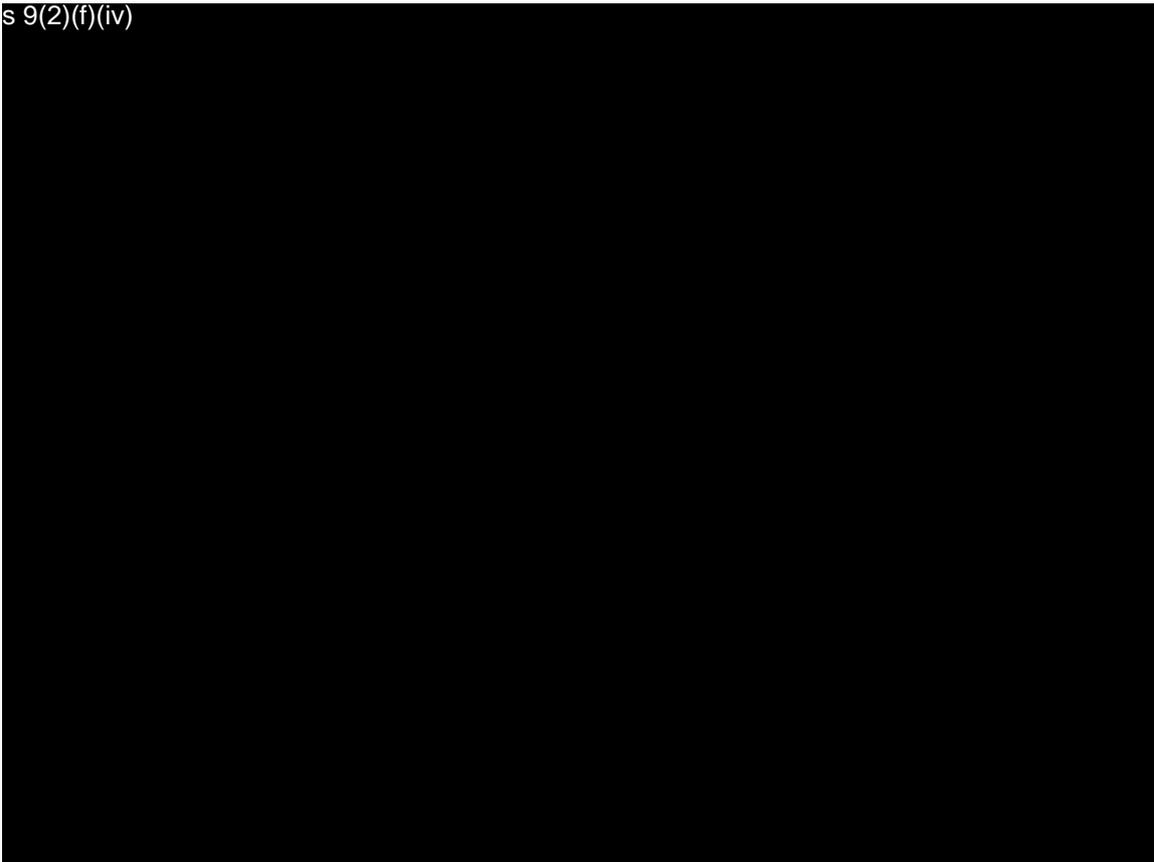
Allen and Clarke have provided their services in the support of several Bills and understand the confidentiality requirements. A summary of their previous experience is included in an appendix to this letter.

Because of the preparation needed, to begin processing submissions on 1 November we need to know as soon as possible whether we can use Allen and Clarke or need to directly hire additional resources.

Yours sincerely

Grant Klinkum
Deputy Secretary, Graduate Achievement, Vocations and Careers
Minister of Education

s 9(2)(f)(iv)



Review of the operation of the Veterans' Support Act 2014 (Veterans' Affairs, 2017)

Allen + Clarke was contracted to provide an analysis of 199 submissions on the consultation process for the review of the operation of the Veterans' Support Act 2014.

The report informed the review team's recommendations on whether any amendments to the Act were necessary or desirable, and the team's report back to the Chief of Defence Force and the Minister of Veterans' Affairs.

Analysis of submissions on the Te Ture Whenua Māori Bill (Te Puni Kōkiri, 2016)

Allen + Clarke undertook an analysis of 147 submissions on the Te Ture Whenua Māori Bill while it was at Select Committee Stage. The Bill proposed significant reform to how Māori land is managed, including reforming the role of the Māori Land Court and establishing a new Māori Land Service, and was of very high interest to the public. To analyse this broad range of submissions, Allen + Clarke used Nvivo to code each line of the submissions to the relevant theme or specific clause it referred to.

The resulting analysis provided both a breadth and depth of commentary that allowed Te Puni Kōkiri to draft a departmental report that included the high-level analysis of the submissions and the level of support and opposition to the bill, as well as technical information and specific commentary as it related to the clauses and proposed operation of the Bill.