



**Briefing Note:** Timeline for tranche three of Education and Training Bill policy decisions

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	30 July 2019	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1200361
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<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Paper

This paper provides:

- a draft timeline for tranche three policy decisions for the Education and Training Bill;
- a list of the matters we currently anticipate will be included in tranche three; and
- an indication of when you can expect to receive advice from us.

### Summary

- We are aiming to have the third tranche of policy decisions ready for consideration at SWC on 25 September, to provide 4 weeks of final drafting time for PCO and 2 weeks for final Ministry review of the draft Bill, before LEG (approval to introduce) on 12 November.
- Currently we anticipate the third tranche will include decisions on Treaty provisions, online learning technical amendments, religious instruction, Ministry of Social Development proposed amendments to student loan and allowances processes, changes to reduce the use of student removals (stand downs, suspensions and exclusions), and the first phase of legislative changes from the Government's response to the Tomorrow's Schools Taskforce report.

## Proactive release

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**Agree** that this Briefing will be proactively released once the Education and Training Bill has been introduced to Parliament.

Agree / Disagree



Dr Andrea Schöllmann  
**Deputy Secretary**  
**Education System Policy**

30/07/2019



Hon Chris Hipkins  
**Minister of Education**

3/8/19

## Background

1. We are working to have the Education and Training Bill ready for you to introduce in November this year.
2. A draft cabinet paper seeking the second tranche of policy decisions (with respect to prohibiting NCEA offshore, re-naming special schools to "specialist schools", transferring special school establishment and disestablishment provisions from the 1964 Act, and specifying a right to attendance) is currently with other departments for consultation. We are working to a timeline to enable consideration at SWC on 21 August.
3. We are aiming to have the third tranche of policy decisions ready for consideration at SWC on 25 September, to provide 6 weeks of final drafting and checking of the draft Bill, before LEG (approval to introduce) on 12 November.

## Tranche three policy decisions

4. We anticipate the third tranche of policy decisions will need to include the matters listed in the table below. The items that are in response to the Tomorrow's Schools Review taskforce recommendations are shaded in blue, and are indicative only (i.e. are subject to Government decisions). We are progressing these items now to ensure we meet the timeline below in paragraph 10 for the Introduction of the Bill.
5. We hope to provide you with advice (including a draft tranche three Cabinet paper) on 28 August. Some matters (e.g. Treaty provisions) are likely to require separate advice and decisions, so Education Reports for these will be provided to you earlier (by 7 to 14 August).
6. Religious instruction is included in the list below as a part of tranche three, although drafting decisions will be progressed via a separate Cabinet paper.

Tranche 3 item	Description	Timing of initial advice to the Minister
Treaty provisions	(refer METIS 1184856) – report back on proposed approach to reflect Te Tiriti o Waitangi in E&T Bill (right to education, curriculum, NELP provision)	7 August
Student loans and allowances (administered by MSD)	Minor amendments regarding information use and laying charges	28 August
Changes to reduce the use of student removals	Advice on amendments to improve practice and school policies, and repeal the current provision to remove a child from school for being "unclean".	14 August
Online learning	Minor technical amendments	28 August
Teacher appraisal removal	To meet Accord commitment	28 August
Religious instruction	Cabinet paper being prepared for 28 August SWC.	7-14 August
Rationalisation of board provisions	Proposal to move some primary provisions into subordinate legislation	28 August

Board decisions –annual review of board decisions based on Treaty and rights of child (Taskforce rec 1a)	Advice on options	28 August
Board priorities (Taskforce rec 1b)	Assessment of whether current Board functions and duties need to be realigned to meet Taskforce recommendations on Board priorities	28 August
Removal of Board role in enrolment zone consultation (Taskforce rec 1i)	Legislative amendment advice	28 August
Enabling a Board code of conduct (Taskforce rec 1j)	Advice on options and sanctions	28 August
Enabling minimum eligibility criteria for Principals (Taskforce rec 2b)	Advice on options	28 August
Independent community-based panels (Taskforce rec 5a)	Advice on alternative options	7 August

7. There are some potential tertiary legislative amendments being developed, which are unlikely to make the timeline for tranche three. These include:
  - a. changes to academic board membership;
  - b. changes to the NZ Qualifications and Credentials Framework (consultation commenced 25 July, closes 9 September).
8. Advice is being prepared on the scope and process for refreshing the national curriculum, including curriculum stewardship. This may include proposals for legislative change. This advice will be ready in December.
9. We are also developing advice with the Teaching Council on potential changes to the restraint provisions. Initial consultation has identified diverse views, so more work is likely to be needed prior to finalising drafting changes.

## Timeline

10. This table provides the timeline for the next stages until Introduction of the Education and Training Bill:

Departmental consultation on Second Tranche	Now to 5 August
Ministerial consultation on Second Tranche Cabinet paper	6 to 13 August
Second Tranche Cabinet paper lodged	15 August
<b>Second Tranche Cabinet paper at SWC</b>	<b>21 August</b>
Education reports on third tranche items requiring early engagement with the Minister, eg Treaty provisions, student removals, complaints/disputes, and draft Cabinet paper on Religious instruction	7 to 14 August

Ministerial and departmental (concurrent) consultation on religious instruction Cabinet paper	12 to 19 August
Religious Instruction Cabinet paper lodged	22 August
<b>Religious Instruction Cabinet paper at SWC</b>	<b>28 August</b>
Draft Third Tranche Cabinet paper to the Minister's office	28 August
Departmental Consultation on third tranche Cabinet paper ( <i>minus the Tomorrow School elements, which we will not consult on until the Taskforce report and Government response is in the public domain</i> )	2 to 6 September
Departmental consultation on Tomorrow Schools elements concurrently with Ministerial consultation	10 to 17 September
Ministerial consultation on third tranche Cabinet paper	10 to 17 September
Third Tranche Cabinet paper lodged	19 September
<b>Third tranche Cabinet paper considered by SWC</b>	<b>25 September</b>
Final drafting by PCO	1 to 31 October
<b>LEG approval to introduce</b>	<b>12 November</b>
Introduction of Education and Training Bill	Late November