



Education Report: Draft Cabinet paper – Education and Training Bill:
Fifth Tranche of Policy Approvals

To:	Hon Chris Hipkins, Minister of Education		
Date:	24 September 2019	Priority:	Medium
Security Level:	In Confidence	METIS No:	1204420
Drafter:	Warren George	DDI:	s 9(2)(a)
Key Contact:	Ben O'Meara	DDI:	
Messaging seen by Communications team:	N/A	Round Robin:	No

Purpose of Report

This paper seeks your agreement to begin departmental consultation on the attached draft Cabinet paper *Education and Training Bill: Fifth Tranche of Policy Approvals*.

Summary

1. Proposals related to the following policy areas are included in the draft tranche five Cabinet paper (attached at **Annex 1**):
 - a. Non-Tomorrow's Schools related provisions regarding giving better effect to Te Tiriti o Waitangi/ The Treaty of Waitangi;
 - b. Proposed changes to the physical restraint framework;
 - c. Licensing of early learning services;
 - d. Proposed International Education Regulations.
2. The proposed changes to the physical restraint regulatory framework reflect our discussion with you at yesterday's agency meeting (METIS 1175955 refers).
3. We propose that you lodge the Cabinet paper on 10 October 2019 for consideration at Cabinet Social Wellbeing Committee on 16 October 2019.

Recommended Actions

The Ministry of Education recommends you:

Policy proposals previously provided in separate Education Reports

- a. **note** that the attached draft Cabinet paper contains proposals previously detailed in separate advice relating to:
1. the form of a Te Tiriti o Waitangi clause to be included in the Bill and a proposal to enable the Ministers of Education and Māori Crown Relations: Te Arawhiti to issue a statement of expectations to education agency chief executives. Proposals relating to how school boards give effect to Te Tiriti are included in the Tomorrow's Schools Review legislation Cabinet paper
 2. improving the regulatory framework for physical restraint in schools [Metis 1175955 refers]
 3. converting provisions relating to the Code of Practice for the Pastoral Care of International Students and the International Disputes Resolution Scheme into new Regulations (refer Education Report "Moving detailed provisions to Regulations alongside the Education and Training Bill" [Metis 1200361])

Noted

Licensing of early learning services as proposed in the draft Cabinet paper

- b. **note** the attached draft Cabinet paper contains proposals relating to the licensing of early learning services, as requested by you following the Strategy session of 21 August 2019

Noted

- c. **note** that the Ministry of Education is not permitted to decline a licence application for an early learning service when the applicant has a history of low quality provision or there is an oversupply of centres already within a community

Noted

- d. **agree** to propose amendments to the current legislation through the Education and Training Bill to:

1. allow the Minister of Education to approve or decline applications to open a new early learning service based on the following criteria:
 - 1.1. capacity of the network,
 - 1.2. the suitability of the applicant; and
 - 1.3. the licensing history of any existing services owned, or operated, by the applicant;

Agree / Disagree

2. give the Minister of Education the ability to request further information from applicants if an application is deemed to contain insufficient information to enable a decision to be made

Agree / Disagree

3. change the penalty associated with a service provider operating without a licence from '\$200 for every day or part of a day on which the offence took place' to '\$2000 for every day or part of a day on which the offence took place';

Agree / Disagree

4. amend the regulation making power to give the Ministry of Education the ability to decline a licence application to operate if a service cannot meet the licencing criteria;

Agree / Disagree

Next steps

- e. **agree** to the Ministry beginning departmental consultation on the draft tranche five Cabinet paper

Agree / Disagree

Proactive Release Recommendation

- f. **agree** that this Education Report is proactively released once the Education and Training Bill is introduced.

Agree / Disagree

to be reviewed

Ben O'Meara
Group Manager, System & Schooling Policy
Education System Policy

24/09/2019



Hon Chris Hipkins
Minister of Education

29/9/19



Background

Education and Training Bill – five tranches of policy proposals

1. Cabinet papers for tranches four and 5 of policy decisions for the Education and Training Bill are due to be considered at SWC on 16 October. These two tranches are separate because Tranch 4 is the vehicle for the legislative proposals that arise from the Government's response to the Independent Taskforce's review of Tomorrow's Schools, whereas Tranch 5 proposals arise from other policy processes.

Licensing of early learning services

2. On 16 August 2019 we provided you with advice on a more active approach to network management in early learning [Metis 1201536 refers]. You asked the Ministry to progress enabling provisions to establish a two-stage licensing framework for early learning services to ensure any new services meet the needs of the network while also ensuring the applicants do not have a history of low quality provision.
3. We have developed a set of criteria for the first stage of a new licensing process for early learning services, set out in the draft Cabinet paper. The criteria relate to the network of existing services in the area that the licence application relates to, the background of the people who will be involved with the service and the applicants history in running early learning services.

Next steps

4. With your agreement, we will begin departmental consultation on the tranche five Cabinet paper, followed by providing you with a version for Ministerial consultation. We are working towards enabling you to lodge the paper on 10 October for consideration by SWC on 16 October 2019.
5. This timing should ensure that Parliamentary Counsel Office has enough time to finish drafting the Bill so it is ready for introduction by late November 2019.

Annexes

- Annex 1: Draft Cabinet Paper – Education and Training Bill: Fifth Tranche of Policy Approvals *(attached separately)*