



## Education Report: Advice on the Independent Taskforce's option to resolve disputes in the compulsory schooling sector

To:	Hon Chris Hipkins, Minister of Education		
Date:	14 August 2019	Priority:	High
Security Level:	In confidence	METIS No:	1200361
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Messaging seen by Communications team:	No		

### Purpose of report

This report provides advice on giving effect to the draft government response to the Independent Taskforce's proposed action to establish panels to resolve disputes in the compulsory schooling system. s 9(2)(f)(iv)

### Summary

1. The Independent Taskforce (the Taskforce) has recommended that panels be established to resolve issues that have not been resolved at the school level. Panels are intended to be community based, have an advisory/support role only, and contribute to improved policies, practices and engagement with schools (recommendation 5 relating to equitable learning, and associated action point 5a relating to panels). The Taskforce recommended panels because ākongā and their whānau 'are not always able to exercise their legal right to a free state education and have few options to raise concerns or issues for resolution at a local level.'
2. We are providing our initial advice on panels to you now, in advance of the broader advice on the government response to the Taskforce's report, so enabling provisions can be included in the Bill.
3. We consider that the Taskforce option provides a new pathway for ākongā and their whānau to raise some issues and complaints that sits alongside existing pathways. It provides for localised knowledge and potentially more accessible and culturally appropriate avenues.
4. However, there are gaps in the Taskforce option. Because panels are intended to have an advisory/support role only, many complaints and disputes could go unresolved, with continued reliance on existing pathways which are too slow, too expensive and inaccessible, and often unfriendly and intimidating. Solely localised panels could result

in inconsistent approaches across the country, and could fail to provide an opportunity for learning including improved policies and practices.

5. We have an opportunity to consider how to improve the proposed model by seeking speedy resolution at the earliest possible level, determine the optimal mix of local knowledge and expertise, ensure whānau are central to the process and resolution, and focus primarily on the rights of the child.
6. We recommend including enabling provisions in the Bill to:
  - a. allow the Minister to establish independent disputes resolution panels, with membership to include both local community members and members from a central pool to ensure local representation and a consistent and systemic view, and the required expertise;
  - b. provide for these panels to have either a mediation service role, an adjudication function with appropriate remedies, or both;
  - c. provide for the creation of a code of student rights (which would provide the basis for any decisions to be made by the panels); and
  - d. provide a regulation-making power to cover detailed membership and requirements for processes and procedures.
7. Planning and business case development is required to support a new complaints process. There will be costs for both the panels themselves, and for the Ministry to administer them. Additional establishment and operational funding will be required. If you agree, we will develop a business case to inform a potential budget bid.

## Recommended Actions

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The Ministry of Education recommends you:

- a. **note** that the Taskforce recommended the establishment of local panels to resolve issues that have not been resolved at the local level because ākonga and their whānau are not always able to exercise their right to education, and there are few options for resolution. These panels would have an advisory/support role only  

**Noted**
- b. **note** that the draft government response to the Taskforce report [METIS reference 1201823] categorises this recommendation 5a as 'Agree with the intent and consider further alongside alternative options'. The opportunity for including an empowering provision through the Bill is covered in the proposed response, with further advice proposed by March 2020  

**Noted**
- c. **agree** that broad enabling provisions be included in the third tranche of policy decisions for the Bill so the legislative framework is in place  

**Agree / Disagree**
- d. **note** that further work will be needed to develop the detailed requirements and costings for panels  

**Noted**

e. **agree** to seek Cabinet's approval for legislative amendments to:

(i) enable the Minister to establish statutory panels

**Agree / Disagree**

(ii) set out the panel's main functions, powers, procedures and broad membership provisions

**Agree / Disagree**

(iii) enable the establishment of a code of student rights and specify the scope of disputes panels would hear

*- The legislation is the basis of student rights.*

**Agree / Disagree**

(iv) add a new empowering section to authorise the making of regulations providing detail for membership, functions, powers and procedures

**Agree / Disagree**

f. **agree** that panels would only consider more serious matters, ~~based upon a code of student rights that we would develop~~. Service delivery decisions, such as class placements, will continued to be resolved at the school level and using existing pathways

**Agree / Disagree**

g. **agree** that panels:

**EITHER**

(i) provide mediation services that would give parties an agreed pathway to resolve their disputes

**Agree / Disagree**

**AND/OR**

(ii) have an adjudicative function and make binding decisions, and allowing for remedies including ordering an apology, upholding, over-turning or modifying the board's decision, referring parties to mediation (if they have not already been to mediation) and making a declaration

**Agree / Disagree**

h. **agree** that we can consult with the Ministry of Justice officials who have requisite authority to discuss the Taskforce's report immediately, to ensure our advice to Cabinet is well informed, including on appropriate remedies for panels

**Agree / Disagree**

i. **agree** that members of the panel would be a mix of local community representatives and experts from a central pool, to provide local membership, the right mix of skills and national consistency in decisions

**Agree / Disagree**

j. **agree** that we undertake further work on:

- (i) developing additional advice, s 9(2)(f)(iv) as appropriate

☒ Agree / Disagree

- (ii) whether an advocacy service independent from panels to support ākonga and their whānau to pursue resolution of their complaints is required, other potential initiatives to prevent issues occurring in the first instance, and whether opportunities exist to improve the Ombudsman pathway for resolving complaints

☒ Agree / Disagree

#### Proactive Release Recommendation

- k. **agree** that this Education report is not proactively released until the Education and Training Bill is introduced in Parliament.

☒ Agree / Disagree



Dr Andrea Schöllmann  
Deputy Secretary  
Education System Policy

14/08/2019



Hon Chris Hipkins  
Minister of Education

2/9/19



## The case for change

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### **The Taskforce has recommended a panel to resolve disputes between schools and ākonga and their whānau**

1. In its report *Our Schooling Futures: Stronger Together*, the Taskforce recommended the establishment of independent parental and student advocacy and complaints resolution panels, with the following features:
  - a. the panels are community based, independent and established locally to resolve issues that have not been resolved at the school level;
  - b. the panels would provide ākonga and their whānau with solutions-focused advice and advocacy;
  - c. panels would have an advisory/support role only;
  - d. any unresolved issues or complaints would need to be pursued through the existing legal frameworks;
  - e. panels would follow national guidelines and share their learnings from their work across localities to improve policy and practice; and
  - f. reviewing the nature of issues raised by ākonga and their whānau on a regular basis will be useful learning to improve engagement with schools.
2. The Taskforce made this recommendation because ākonga and their whānau 'are not always able to exercise their 'legal right to a free state education and have few options to raise concerns or issues for resolution at a local level.'
3. We discussed a line by line government response to the Taskforce report with you on 15 July and a draft Cabinet paper setting out a proposed response on 12 August [METIS reference 1201823]. The draft response categorises this particular action (5a) as 'Agree with the intent and consider further alongside alternative options'. The opportunity for including an empowering provision through the Bill is covered in the proposed response, with further advice proposed by March 2020.
4. We broadly agree with the problems the Taskforce has identified. We agree that evidence indicates the education system shows institutional bias against Māori and Pacific ākonga. Māori and Pacific ākonga are being removed from school more than another other ethnic group, and many children and young people experience racism and are treated unequally because of their culture. In addition, there is a need for processes and procedures to be inclusive of the diverse range of ākonga, for example LGBTQIA+, disabled and neuro-diverse ākonga also face bias.
5. We also agree that ākonga and their whānau are not always able to challenge decisions that affect their education. We have been undertaking work on the underlying issues and how these issues can be resolved. This work can be summarised as:
  - a. *There is a gap in the current system* - Ākonga in the compulsory school sector do not have the same voice to resolve disputes about them as other ākonga. Early childhood education and international and tertiary ākonga have their own disputes resolution process.<sup>1</sup> In the compulsory schooling sector, ākonga and their whānau are encouraged to resolve disputes at the school level. If ākonga and their whānau are unhappy with the decision of the principal or the school board, there are limited

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<sup>1</sup> In the ECE sector, each licenced ECE service is required to have a formal complaints process and the Ministry has an obligation under the Education (Early Childhood Services) Regulations 2008 to investigate a complaint if a regulatory breach is alleged. The Education (Pastoral Care of International Students) Code of Practice 2016 sets minimum standards for education providers to ensure that all international students are well-informed, safe and properly cared for. Tertiary education organisations must have processes for receiving and responding to student complaints. International students can complain to the New Zealand Qualifications Authority, the Tertiary Education Commission or Student Allowance Review Panel.

options available. They can only seek a review from an Ombudsman or a judicial review in the High Court;<sup>2</sup>

- b. *The current pathways often do not deliver an effective or speedy outcome* – Schools are not required to have formal procedures for dealing with complaints. If ākonga and their whānau wish to pursue a complaint, the general options available are the Ombudsmen and judicial review in the High Court.<sup>3</sup> These pathways are inaccessible, ineffective, too slow, and intimidating for ākonga and their whānau to pursue their complaint. There is a lack of information, guidance and advocacy for those wishing to resolve complaints. Any outcomes will likely be too late to provide ākonga and their whānau with an effective remedy. The Ombudsmen only make non-binding recommendations which schools can choose to ignore. Judicial review is expensive and time consuming, and in the event a party is successful, the remedy is usually directing that the decision be remade by the original decision maker following a better process;
- c. *Existing pathways do not address disadvantage* – when assessed against the Māori Education Strategic Framework, the existing system fails to involve whānau, acknowledge diversity and address issues in culturally appropriate ways. We know that Māori and Pacific ākonga are over-represented in removal statistics, which shows institutional racism and unconscious bias. Other minority ākonga (such as neural-diverse and LGBTQIA+ ākonga) are also disadvantaged; and
- d. *Resolving disputes effectively is important* – in the education sector, unresolved issues, or issues that are not resolved in a timely manner, may lead to increased alienation from education and a failure to support the right to education. Speedy resolution is important to ensure fundamental rights to education are not denied for any length of time. Even a month's delay would have a significant impact on the life of ākonga.

The Taskforce option addresses some of the issues we have identified, but not all

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- 6. The Taskforce option has some advantages. It provides ākonga and their whānau with some support as they seek to resolve their dispute. It lends itself to faster consideration and engagement on issues and greater involvement of all parties, including whānau, and helps to create an environment where ākonga and their whānau may feel more comfortable seeking a remedy. For example, the practices and processes could be flexible enough to meet on marae or incorporate restorative practices if the panel chooses to do so.
- 7. However, the Taskforce option only goes part way towards addressing the problems we and the Taskforce have identified. We have identified some issues with the Taskforce option:

***The Taskforce option would not resolve disputes***

- 8. Panels only have an advisory/support role rather than provide a resolution for ākonga and their whānau under the Taskforce option. While this option may be appropriate for some types of disputes, more serious disputes require a resolution that is clear for both parties. This is especially true if the dispute relates to a stand-down, suspension, expulsion or exclusion from school.

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<sup>2</sup> The Ministry administers the Dispute Resolution Process for ākonga with learning support needs and NZSTA is setting up a pilot to resolve disputes about removals from schools. Both of these processes have limitations in relation to geographical coverage, availability and funding. In addition, both are voluntary processes and rely upon existing pathways if the parties are unsatisfied with the outcome.

<sup>3</sup> There are specific options available depending upon the issues raised in the complaint, for example the Office of the Privacy Commissioner and the Human Rights Commission.



***The Taskforce option would likely lead to inconsistent localised approaches***

9. Under the Taskforce option, the advisory/support role of the panel, combined with local membership, would allow localised approaches, and potentially different outcomes depending upon geographical locations. Panels would not create precedents for schools to follow, and it would be difficult to collate learnings to improve policies, practices and engagement with schools if clear decisions are not issued.

***The Taskforce option relies upon existing pathways***

10. As panels do not provide a resolution, ākonga and their whānau must pursue their complaint using existing pathways if they are unsatisfied. As discussed above, we do not consider that the existing pathways deliver an effective outcome.

***Panels may not be able to focus on more serious complaints relating to rights of the child in a timely manner***

11. In order to be effective, panels would need to be able to consider the more serious disputes in a timely manner, especially those that focus on the education rights of the child. Under the Taskforce option, panels could hear all types of disputes, and therefore may be unable to focus on the more serious complaints in a timely manner.

***Alternative options to address the issues we have identified***

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12. We consider that we can build on the foundation provided by the Taskforce option to create a more effective dispute resolution mechanism.
13. Under the Taskforce option, panels provide a service that looks similar to facilitation as they provide support and guidance but do not make decisions. We consider that the Taskforce's option can be improved by giving the panels additional functions. We have set out options for these additional functions below. These options are not mutually exclusive and can build on each other.
14. Under both options, panels only consider disputes based upon a code of rights that we would develop. The code of student rights would be similar to the Code of Health and Disability Services Consumers' Rights, and would codify existing rights that are currently found in the Education Act 1989, such as the right to a free education. Service delivery complaints, such as class placements, would continue to be resolved at school level, with recourse to existing pathways.
15. We recommend that panels should only facilitate rights based disputes, regardless of whether they also have additional functions as set out below. This would ensure panels are able to focus on more serious disputes in a timely manner.
16. The Government Centre for Dispute Resolution has provided some initial advice that panels could provide these additional functions at the same time as facilitation, with appropriate safeguards such as keeping the functions separate.
17. We are seeking your directions on whether you would like to pursue any of these additional options. The alternative options will require additional funding to establish and operate.

***Option One: Panels also provide mediation services***

18. Under this option panels provide a mediation service for all complaints, in addition to a facilitation service. This option differs from the Taskforce option because under this option the parties agree on recommendations for a pathway forward, with the help of an independent third party (a mediator). This is a consensual model of decision making.

19. The advantages and disadvantages of this option are set out in the below table.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• The intended informal, flexible and consensual atmosphere of the panels is retained, so ākonga and their whānau would still feel empowered to seek resolution of their dispute</li> <li>• Matters may be resolved in a more timely manner, without recourse to existing pathways</li> <li>• Mediation can provide a certain outcome that is binding on both parties and is enforceable in court if both parties agree to this</li> <li>• Parties feel in control of the process</li> <li>• The outcomes of mediation would be bespoke, but would provide some national consistency as there would be consistent trends that can contribute to guidelines and best practice</li> </ul>	<ul style="list-style-type: none"> <li>• Some, if not all, members would need to be trained mediators as a different set of skills is required. This may make it more difficult to retain a local and community focus for the membership of panels</li> <li>• A separation is required between this function and the adjudicative function (see below)</li> </ul>

#### Option Two: Panels have an adjudication function and make binding decisions

20. Under this option, panels would make binding decisions under an adjudicative function. The main difference between this and option one is that under this option, a third party would make the decision rather than the parties themselves.
21. An effective disputes resolution mechanism includes both a mediation and adjudicative function. This allows parties to resolve matters between themselves, with an escalation pathway if this is not possible. This option is compatible with a mediation function under option one, but mediation services do not have to be provided by the panel. The additional work and the potential budget bid will explore the best way to provide mediation services along with adjudication if this is your preferred option.
22. Legislation would specify that panels would make binding decisions. If one party chooses this pathway to resolve their rights based dispute, it would be compulsory for the other to participate in the process.
23. Under this option the panel would be able to impose remedies if they find a breach of legal rights. We will need to consult with the Ministry of Justice, but initial thinking is that panels would be able to:
  - a. order an apology;
  - b. uphold, over-turn or modify the board's decision;
  - c. refer the parties to mediation (if they have not already been to mediation); and
  - d. make a declaration.
24. This option could become a catalyst for positive change. The code of student rights would be used as a mechanism to determine the pathway to resolve rights based disputes, but it would also have a wider impact as schools change their operating model and culture to meet the standards set out in the code.



25. The advantages and disadvantages of this option are set out in the below table.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides an escalation pathway for more serious complaints</li> <li>• Establishes a body of precedent that would promote national consistency, development of guidance and best practice</li> <li>• Certainty of outcome for all parties</li> <li>• Binding decisions could be backed by remedies</li> <li>• Resolution would be more timely than relying upon existing pathways</li> </ul>	<ul style="list-style-type: none"> <li>• More formal processes and procedures would be required for binding decisions, which may be more intimidating for ākongā and their whānau</li> <li>• The determinative decision making function would have to be kept separate from the consensual decision making function, which may include different members performing different functions, which would add complexity</li> <li>• Additional training would be required to ensure members make better decisions, at a greater cost</li> </ul>

#### Independence of panels is important to ensure credibility

26. Regardless of your preferred option/s for the role and function of panels as discussed above, in order for all parties and the broader community to buy-in to the panels, they must be seen to be independent.
27. Independence can mean different things depending upon the circumstances, and can range from someone making the decision who has no previous involvement in the dispute, up to institutional independence. We are seeking your directions on two matters to ensure panels have sufficient independence.

#### *The status of the panels*

28. The Crown Entities Act 2004 provides a model for institutional independence. We do not consider that this model is necessary for panels as it is more suited to more complex and stand-alone agencies.
29. We consider that sufficient independence is guaranteed for panels by including in legislation broad enabling provisions allowing the Minister to establish statutory panels, and setting out the panels' main functions, powers and procedures, with a regulation making power to provide additional detail. These enabling provisions work in combination with the membership of panels, as discussed below, to provide the required level of independence to ensure the panels are credible.

#### *The membership of the panels*

30. The Taskforce recommended that all members are local and community representatives. We have identified an alternative option. Under this option, some of the members are local and community representatives, and some members would be experts from a central pool. This option provides a combination of local representation and a consistent and systemic view, along with ensuring expertise that might not be available locally.
31. We recommend the alternative option, particularly if the panel are to make rights based decisions, as this option provides a mix of local and community representation, with the central pool member to support local membership and provide national consistency and a greater mix of skills and diversity.

32. We recommend that primary legislation set out broad membership provisions, and regulations be passed to provide additional detail.
33. We are assuming that there will be at least one panel operating in each region to ensure national coverage. However, as we do not know how many complaints the panels would hear,<sup>4</sup> and therefore how many panels would be required to ensure timely resolution across the country, this provision will by necessity be broad and enabling. Regulations would provide additional detail such as appointment provisions of members and a Chair, how many members per panel, and qualifications of members/Chair.
34. The below table sets out advantages and disadvantages of the two options.

Option	
<b>1. All members are local</b>	
<b>Advantages</b> <ul style="list-style-type: none"> <li>• Reflect the school community</li> <li>• Could contribute to early resolution in some cases</li> </ul>	<b>Disadvantages</b> <ul style="list-style-type: none"> <li>• Lack of national consistency</li> <li>• A significant administrative task to recruit and train members with the right skills</li> <li>• May not provide diversity of panel members</li> <li>• May not have the expertise needed to analyse rights</li> </ul>
<b>2. Experts from a central pool</b>	
<b>Advantages</b> <ul style="list-style-type: none"> <li>• Easier to recruit and train members with the rights skills</li> <li>• Easier to ensure diversity and the right mix of skills for better decision making, for example tangata whenua or gender and ethnic minority representation</li> <li>• Easier to deploy panels, for example central or regional coordination would enable a more nimble response to a spike in need in certain areas</li> <li>• Some local membership to reflect the school community, combined with the expert pool member ensuring national consistency</li> </ul>	<b>Disadvantages</b> <ul style="list-style-type: none"> <li>• Perceptions of a lack of independence of the expert pool members</li> <li>• Would have less local representation</li> <li>• May have greater travel costs for expert pool members</li> <li>• May make the process less responsive as central pool members may not be able to travel at short notice</li> </ul>

### Other options to consider for the future

35. We have identified three other options that could be pursued in the future. All of these options are complementary to panels. We are seeking your direction on whether you would like us to pursue these additional options. All options would require additional funding, further analysis and consultation.

#### **An advocacy service**

36. The Taskforce recommended that panels also have an advocacy function. We consider that it is not best practice for panels to provide advocacy and also be involved in resolving disputes between the parties.

<sup>4</sup> The Ministry does not collect data on the number of complaints made to boards. We do keep a register of the number of people who have contacted the Ministry about a complaint. Between mid-2016 and 19 June 2019 the Ministry has received 2476 complaints.

37. However, we do see some advantages in ākonga and their whānau having access to advocacy services. Advocates can provide guidance, information and support to help ākonga and their whānau pursue a resolution. An advocacy service may also help ākonga and their whānau resolve service delivery disputes.
38. Under this option, an advocacy service would be developed to assist ākonga and their whānau pursue their complaint. The Office of the Children's Commissioner already provides an advocacy service. It may be that this function can be improved and expanded with additional resources, rather than a new service created.

***New and/or improved operational initiatives to prevent issues from occurring***

39. Under this option, the Ministry would explore implementing new and/or improved existing operational initiatives at the school level to prevent issues from occurring, for example increasing the use of restorative practices and culturally appropriate processes, and providing additional information and guidance.

***The Ombudsmen pathway could be improved to make it better for ākonga and their whānau to resolve complaints***

40. Under this option, we would improve information and guidance on how ākonga and their whānau can seek reviews by the Office of the Ombudsman.<sup>5</sup> We would also consult the Office of the Ombudsman on whether improvements could be made to their processes and procedures to ensure they are a more effective resolution mechanism. For example, with additional funding the Office of the Ombudsman may be willing to appoint additional staff to ensure timely consideration of complaints from the education sector, and/or nominate an Ombudsman who has responsibility for education complaints.
41. Cabinet has recently agreed to increase the role of the Ombudsmen in relation to complaints about Oranga Tamariki. We will continue to work with officials from the Ministry of Social Development to see whether and how the Ombudsmen's increased focus on children in care can be extended to improve pathways for ākonga and their whānau to resolve education disputes.

***Next steps***

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42. Panels will require additional establishment and operational funding, and we will need to develop a business case and associated budget bid. While this work is progressing, we can ensure the required legislative framework is in place. The framework will be made up of enabling provisions inserted into the Bill, and a regulation making power so that regulations can be passed to provide additional detail.

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<sup>5</sup> Currently Ministry guidance is focused on how schools respond to disputes, rather than on supporting parents and whānau to seek reviews by the Ombudsmen.



43. The below table sets out what we consider needs to be progressed via primary legislation (included in the Bill), regulations or the business case and budget bid.

	Provisions in the Bill	Regulations	Business case and budget bid
Establishment	<ul style="list-style-type: none"> <li>Broad enabling provision for the Ministry to establish statutory panels</li> <li>A regulation making power to enable the passage of the required regulations</li> </ul>		<ul style="list-style-type: none"> <li>General establishment costs</li> <li>Localised support staff</li> <li>National staff to support panels</li> <li>ICT costs</li> <li>Any implications for existing pathways (for example more ākonga and their whānau may bring complaints, which may place additional pressure on the Ombudsmen)</li> <li>A mediation service</li> </ul>
Membership	<ul style="list-style-type: none"> <li>Broad appointment provisions</li> </ul>	<ul style="list-style-type: none"> <li>Providing detail, for example               <ul style="list-style-type: none"> <li>Appointment and removal provisions</li> <li>How many members are required to sit on a panel</li> <li>Qualifications of members</li> <li>Appointment of a Chair</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Payment</li> <li>Training</li> <li>Travel and accommodation</li> </ul>
Powers and functions	<ul style="list-style-type: none"> <li>Specifying the role of panels</li> <li>Ability to request information and/or require attendance</li> <li>Powers such as reporting to the Ministry and recommending the use of existing Ministry interventions</li> <li>Depending upon Ministerial decisions;               <ul style="list-style-type: none"> <li>Binding decisions</li> <li>Remedies</li> <li>Ability to establish a code of student rights</li> <li>Scope of complaints that could be heard by panels</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Providing detail, for example               <ul style="list-style-type: none"> <li>How complaints could be made to panels</li> <li>Options the panel has once a complaint is made (for example rejecting frivolous complaints)</li> <li>Enabling flexible procedures (for panels to sit on marae for example)</li> <li>A code of student rights</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Costs for remedies</li> <li>Costs for establishing the code of student rights (for example consultation hui, focus groups)</li> <li>Costs for developing guidance and best practice</li> </ul>

44. The business case will need to consider a number of matters, including:

- a. *The complexity of disputes in the education sector* - many disputes in education are complex and touch on other sectors, such as health and welfare. The business case will explore how the panel would access information, investigate and resolve complex complaints;

- b. *The interface between panels and existing pilots* - the Ministry supports a disputes resolution process for learning support, and NZSTA is working on a pilot to review removal decisions. We will need to identify how we can build on, and incorporate what we have learnt from, these pilots;
  - c. *Remedies* – the business case will explore what remedies are appropriate for panels to impose, for example whether a panel could direct a board to amend its policy on hair length. We are seeking your agreement to discuss appropriate remedies for panels with those in the Ministry of Justice who have the requisite authority to discuss the Taskforce's report;
  - d. *Resourcing implications of panel decisions* – any matters over which the panels have a decision making role will need to be included in the business case. For example, if a panel made a decision that a student should be able to attend a particular school, and that student required support such as transport or a teacher aide to do so, then the system would need to be resourced to implement that decision made by the panel; and
  - e. *Restorative practices* – we know that the use of restorative practices in dispute resolution mechanisms encourages resolution and helps to maintain relationships between the parties. We will identify opportunities for panels to include restorative practices and more culturally appropriate processes in their procedures.
45. If you agree, we will include proposals for primary legislation in the third tranche of policy decisions for the Bill, which will be with your office shortly. s 9(2)(f)(iv)
46. Once the Taskforce report is made public, we will consult with, the State Services Commission and the Government Centre for Dispute Resolution (MBIE) which may clarify our proposals in this paper.