



Education Report: Government response to the final report of the Tomorrow's Schools Review Independent Taskforce – *Update on Cabinet paper drafting and Agency Consultation*

To:	Hon Chris Hipkins, Minister of Education		
Date:	29 August 2019	Priority:	High
Security Level:	In Confidence	METIS No:	1204009
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This report provides a fifth draft of the Cabinet paper that sets out a proposed Government response to the final report of the Tomorrow's Schools Review Independent Taskforce (the Taskforce), for discussion at your agency meeting on 2 September 2019.

Recommended actions

The Ministry of Education recommends that you:

- a. **forward** this report and draft Cabinet paper to your Associate Ministers of Education for discussion at your agency meeting on 2 September
- b. **indicate** your preference for progressing the form and editing of the final Government response document through **either**:
 - i. seeking that Cabinet delegate authority to nominated Ministers to approve the Government response document to the Tomorrow's Schools Independent Taskforce final report for public release (recommended);

Agree / Disagree

Preferred option

Or

- ii. delaying lodging the Cabinet paper until the Government response document has been finalised (including design work) and seek Cabinet's approval of the response document and its public release;

Preferred option

- c. **agree** that when the Tomorrow's Schools Review Independent Taskforce final report and Government response document is released, it will be done with supporting accessible communication materials;

Agree / Disagree

- d. **agree** work can commence immediately on translating a summary of the Taskforce's report into a range of languages and accessible material with service providers under strict confidentiality conditions; and

Agree / Disagree

- e. **agree** that the Government response document will be translated into the same languages and accessible formats as the summary document of the Taskforce's report

Agree / Disagree

Proactive release recommendation

- f. **agree** that this Education Report and attachments will **not** be proactively released because policy decisions are still to be made on the Government response to the Tomorrow's Schools Taskforce recommendations.

Agree / Disagree



Dr Andrea Schöllmann
Deputy Secretary
Education System Policy

29/08/2019



Hon Chris Hipkins
Minister of Education

1/9/18

Update on the draft Cabinet paper

1. Work is progressing on drafting the Cabinet paper that sets out the proposed Government response to the Taskforce's recommendations.
2. This report provides a fifth draft of the Cabinet paper (attached as Annex 1) that incorporates agency feedback (see Update on agency consultation below).
3. It is no longer possible for the paper to be considered at the Social Wellbeing Committee (SWC) on 11 September 2019. Subject to your feedback, we could aim to lodge the draft Cabinet paper on 12 September 2019 for it to be considered by SWC on 18 September 2019. Consideration by SWC later than 18 September will impact on the timing for Tranche 4 Cabinet decisions on the Education and Training Bill.
4. The revised timeline for consideration by SCW on 18 September is:

Tuesday, 3 September – Monday, 9 September	Ministerial consultation
Tuesday, 10 September	Final amendments to Cabinet paper agreed with your office
Wednesday, 11 September	Final Cabinet paper to your office
Thursday, 12 September	Lodged for SWC (including printed copies of Taskforce final report)
Wednesday, 18 September	Consideration by SWC
Monday, 23 September	Consideration at Cabinet

Update on agency consultation

5. We provided version three of the draft Cabinet paper to agencies that opted into the agency consultation process on 19 August 2019.
6. The following agencies opted into consultation and have provided feedback: Te Arawhiti, Ministry of Business, Innovation and Employment (MBIE), Ministry of Social Development (MSD), the Office of the Children's Commissioner (OCC), the Office of the Disabilities Rights Commissioner, and Oranga Tamariki. The Ministry for Pacific Peoples opted into consultation but have not yet provided feedback.
7. Overall, these agencies supported the high level priorities and the direction of the Government response set out in the draft Cabinet paper. The table below sets out the key suggestions made by each agency.
8. We note the concerns expressed by the Ministry of Social Development and the Office of the Children's Commissioner about boards retaining the right to expel, suspend, and stand down students and the need for greater appeal rights. These are addressed by our 14 August 2019 Education Report *Advice on the Independent Taskforce's Option to resolve disputes in the compulsory schooling system* [METIS 1200361 refers].
9. We have incorporated some agency feedback into this draft of the Cabinet paper (attached as Annex 1). We seek your direction on some of the more substantive changes agencies have raised.

Agency	Key suggestions
Te Arawhiti	<p>Te Arawhiti sought clarification around how the Ministry will work with Māoridom to improve outcomes for Māori ākonga/learners.</p> <p>Given the implications for Māori of the advice relating to proposed action points 1e – mana whenua representation on boards, and 4a – autonomous governance body for Kaupapa Māori settings, Te Arawhiti suggested the Ministry should engage with Māori broadly, and early on options.</p>
Ministry of Business, innovation and Employment	<p>That a statement about the importance of this work to the Government's broader strategic intentions for the education system, the skills and employment system and wellbeing should be included.</p> <p>The Cabinet paper should emphasise how the proposed changes (in particular around the Education Support Learning Networks, the Curriculum Centre and the Leadership Centre) can better support schools to connect young people to the world of work, jobs and the post school training and education system.</p>
Ministry of Social Development	<p>That outcomes for children with disabilities and learning support needs are integrated into all four priority areas.</p> <p>The Cabinet paper should emphasise that the Learning Support Action Plan will be only part of what is required to achieve outcomes for children with disabilities and/or learning support needs and that the Ministry of Education must work across the whole system.</p> <p>That high level priority four 'develop and support Māori education' should stress the importance of better support for Māori ākonga/learners in both Māori medium and English medium education.</p> <p>The Government response should consider additional safeguarding and assurance processes if, as the Taskforce recommend, boards retain the powers to suspend, expel and exclude students.</p>
Office of the Children's Commissioner	<p>OCC is keen and willing to provide advice on student and young peoples' participation in kura/school governance (proposed action point 1f). They have indicated that undertaking best practice child and youth consultation for this work may have some resourcing implications.</p> <p>OCC expressed disappointment that the Government response does not accept the Taskforce's proposal to establish an Education Support Agency. OCC considered this proposal would be "a tool to reduce the difference between 'rich' schools and the rest."</p> <p>OCC suggest the Government response should address school exclusions and consider ways to better enable ākonga/learners to appeal board decisions.</p>
Oranga Tamariki	<p>OT support strengthening front-line services in education, and the goal of having an interdependent and connected system which would benefit children and young people who can sometimes "fall between the cracks".</p>

	<p>The Cabinet paper could point out that we need respond to the specific needs of children and young people involved in the care and youth justice systems.</p> <p>The proposed Leadership Centre or College should have a strong focus on creating inclusive schools, which support children and young people that need help to engage and achieve at school.</p> <p>The Government response should include proposals for changes to education legislation to give effect to the Treaty of Waitangi and the United Nations Convention on the Rights of the Child (UNCROC), to promote equity and inclusion for disadvantaged and disengaged children and young people.</p> <p>The Cabinet paper should signal what the Education and Training Bill will cover.</p>
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Managing the form of the final Government response document

10. The content of the Government response document is critical to ensuring that the education sector and New Zealand public have clarity on what the Government is agreeing to progress, in what timeframes, and how this work fits into the wider Education Work Programme.
11. We seek your direction on the process for managing the final form and editing of the Government response document when it is considered by Cabinet. The two options are:
 - a. Cabinet agrees to delegate authority of the final Government response document to yourself and another Minister to approve, provided it is consistent with the content of the Cabinet paper, proposed Government response annex and recommendations agreed to; or
 - b. You delay lodging the Cabinet paper in order to allow time for the content of the proposed Government response to be agreed with you and taken through a design process. The response document would then be considered by Cabinet as final and agreed by Cabinet for public release.
12. We recommend option a. This allows time for the supporting content of the Government response document to be more fully considered and for any feedback from Cabinet to be incorporated into the final response document.

Provision of Taskforce final report summary and Government response in other languages and accessible formats

13. The Taskforce's Secretariat have produced a summary of the Taskforce's final report, containing the recommendations and action points, and excerpts from key sections (attached as Annex 2).
14. To meet the all of government accessibility obligations, we recommend that the summary should be translated into the following formats: Te Reo Māori, Cook Island Māori, Niuean, Samoan, Tongan, Tokelauan, Korean, Simplified Chinese, and Hindi. This is consistent with the languages that the summary of the Taskforce's interim report

was provided in. The Department of Internal Affairs translation services have advised they require approximately 4 – 6 weeks to complete this work.

15. We also recommend translation of the summary document into New Zealand Sign Language, E-Text and audio. This is also consistent with the formats that a summary of the Taskforce's interim report was provided in. These services are able to be provided in 2 – 4 weeks.
16. We do not recommend that the summary is translated into an Easy Read format. This is because we have been advised that the nature of the report, its recommendations, and the language used, makes it very difficult to translate into this format. We also do not recommend that the summary is translated into Braille. While we provided this format for the Taskforce's interim report there was little demand for it (less than five copies requested). People who are visually impaired can access the summary through the E-Text or audio versions.
17. The report summary document is based on the Taskforce's final report and therefore not subject to change. We recommend that translation processes commence immediately given the lead time required by providers for work to be completed. Providers will be advised that strict confidentiality is required.
18. We also recommend that the Government response is translated into the same languages and accessible formats as the Taskforce's report summary document.

Annexes (attached separately)

- Annex 1: (Draft) Cabinet paper – Government response to the Tomorrow's Schools Independent Taskforce final report v5, together with:
- Appendix 2 to the Cabinet paper (Detailed Government response to the Tomorrow's Schools Taskforce Report)
- Annex 2: Summary document of the Tomorrow's Schools Independent Taskforce's final report