

Bargaining and Pay Equity Governance Group
Terms of Reference

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0.10	21/02/21	Cathy de Jongh	Incorporating changes from People Capability

Document Approval

Endorsed by	Signature	Date
Deborah Kent Associate Deputy Secretary, Education Workforce		
Kate Tibbitts Chief People Officer, BE&S		

Authorised by	Signature	Date
Ellen MacGregor-Reid Deputy Secretary, ELSA		
Zoe Griffiths Deputy Secretary, BE&S		

1.0 Executive Summary

Background

The Ministry of Education (the Ministry) operates in a complex industrial relations environment. Collective agreements set the conditions of employment for most education sector roles, while the number, scale and complexity of pay equity claims to be managed by the Ministry is increasing. Pay equity claims can relate to two distinct workgroups – education sector employees and staff employed by the Ministry. Additionally, the Ministry now has a role to provide support and oversight for pay claims in the Early Childhood Education sector via the Funded Sector Pay Equity Framework [CAB-20-MIN-0366].

Standard business processes and systems are in place to manage both collective bargaining and pay equity claims. Pay equity claims have previously been successfully settled for Ministry staff (Education Support workers) and in the Education Workforce (Teacher Aides). Two claims are currently being investigated by Education Workforce for Administration Support Staff and Kaiārahi i Te Reo. Additionally, there is the multi-agency PSA Administration and Clerical Workers claim being coordinated by Te Kawa Mataaho which covers Ministry staff.

On 6 November 2020 the Ministry received new pay equity claims when the Equal Pay Amendment Act 2020 came into force. While this legislation formalises the approach the state sector was already taking, it includes time bound actions which need to be completed when a claim is first raised and a requirement to notify all staff who are doing same or similar work once arguability for a claim is reached.

These Terms of Reference have been updated to reflect that additional pay equity claims have been received by People Capability and Education Workforce, and that the Bargaining and Pay Equity Governance Group will provide governance across the programme of work as it develops, including collective bargaining and providing oversight for union relationships.

This provides an opportunity for alignment, oversight and considering how we effectively manage the Ministry's pay equity claims, including ensuring:

- Bargaining and pay equity decisions are represented appropriately to central agencies in line with statutory delegations relating to the setting of conditions for collective agreements and the Central Agency Pay Equity Governance Group
- Governance and management are fit for purpose to manage the significant fiscal, political and reputational risk represented by collective bargaining, pay equity, and other employment relations matters for the Ministry

- The impact of bargaining and pay equity decisions and settlements on other Programmes in the Ministry of Education are considered in conjunction with the wider needs of the organisation
- Greater clarity and transparency in decision making and increased confidence in the appropriate approval pathways

The Terms of Reference recognise the wider state sector pay equity governance processes, including the role of the Gender Pay and Pay Equity Taskforce (the Taskforce), the Central Agency Pay Equity Governance Group, and the Ministerial Oversight and Governance of State Sector Employment Relations (MOGSSER).

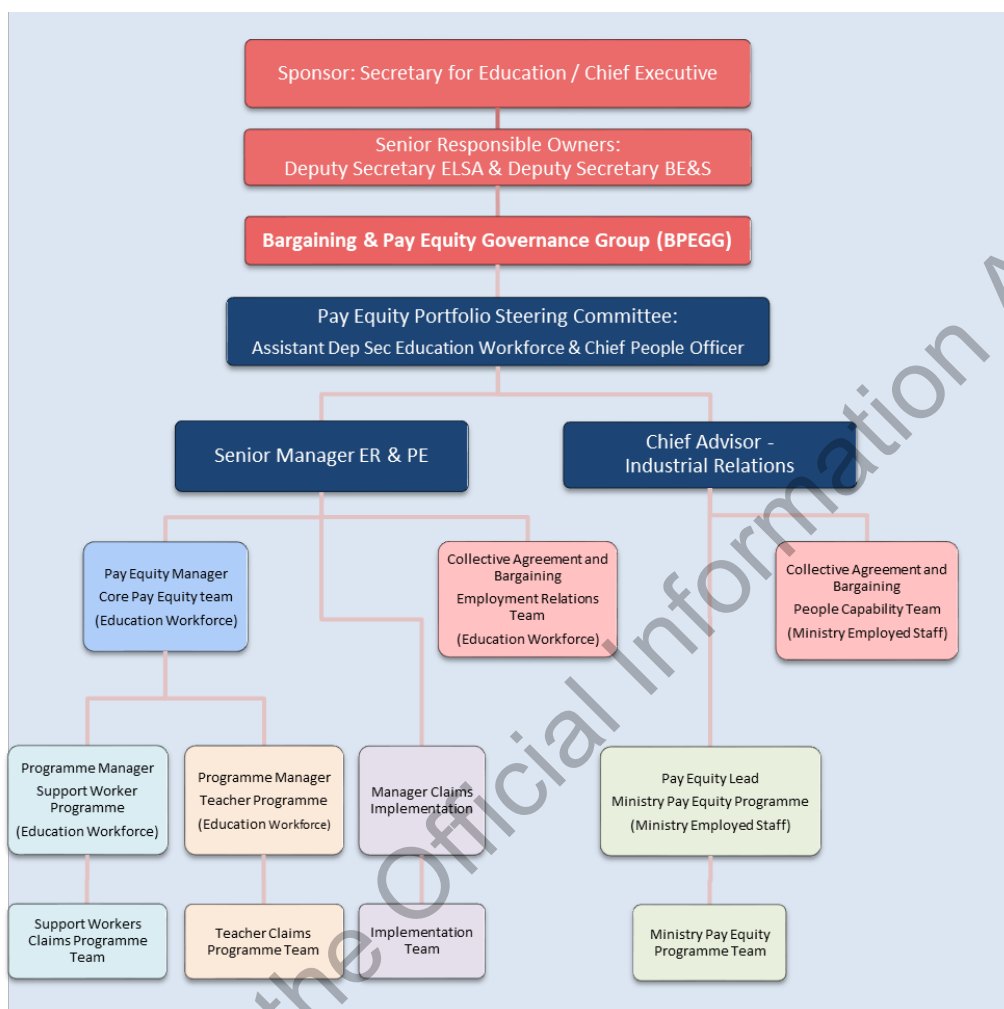
2.0 Document Purpose

The Purpose of this document is to:

- Define the governance arrangements for the Ministry's Bargaining and Pay Equity Governance Group
- Define the roles and accountabilities of the Ministry's Bargaining and Pay Equity Governance Group, its members and its attendees
- Ensure the members and attendees of the Bargaining and Pay Equity Governance Group understand and accept their assigned roles and accountabilities.

3.0 Structure of Governance and Management

The Bargaining and Pay Equity Governance Group is part of a broader Bargaining and Pay Equity governance and management framework that reflects the level of oversight and collaboration required.



3.1 Governance Group Purpose

The Ministry's Bargaining and Pay Equity Governance Group comprises the senior leadership group who will be key decision makers and whose purpose is to oversee the progress of bargaining, collective agreements and pay equity outcomes for the Ministry of Education and Schooling Sector Employed Staff.

This group will provide a gateway for acceptance of Pay Equity claims, manage reputational risk associated with bargaining, collective agreements and pay equity outcomes and ensure settlement of claims are considered in conjunction with the wider needs of the organisation and the sector.

3.2 Governance Group Members

The Ministry's Bargaining and Pay Equity Governance Group will comprise the following people:

Name	Position	Governance Role
Ellen MacGregor-Reid (Co-Chair)	Deputy Secretary Early Learning and Student Achievement	Senior Responsible Owner (Co-Chair)
Zoe Griffiths (Co-Chair)	Deputy Secretary Business Enablement and Support	Senior Responsible Owner (Co-Chair)
Jan Breakwell	Chief Legal Advisor	Member
Katrina Casey	Deputy Secretary Sector Enablement and Support	Member
Alex Brunt	Deputy Secretary Evidence Data and Knowledge	Member
Kim Shannon	Head of Education Infrastructure Service	Member
Andrea Schollmann	Deputy Secretary Education System Policy	Member

The Senior Responsible Owners (SROs) will also act as Co-Chairs.

Deborah Kent, Associate Deputy Secretary Education Workforce and Kate Tibbitts, Chief People Officer, Business Enablement and Support will be the Programme Executive Sponsors. They will represent the Ministry at the Central Agency Pay Equity Governance Group.

Members may provide delegates as they consider appropriate.

Central Agencies including MBIE, Te Kawa Mataaho Public Service Commission, DPMC and Treasury may be invited by the Executive Sponsors, through the Central Agencies Governance Group, to attend the Bargaining and Pay Equity Governance Group as "Interested Advisors".

4.0 Governance Group Principles

The Senior Responsible Owners are the co-chairs of the Governance Group and appoint the members of the Governance Group. The SROs may from time to time reconstitute the Governance Group as appropriate to meet the requirements of collective bargaining and the Ministry's overall pay equity programme of work.

Membership of this group will be governed by the following principles:

- Members are collectively responsible for decisions; the SROs are accountable. The SROs seek to obtain consensus but may determine a position.
- Members may request guidance from subject matter experts in decision-making.

5.0 Accountabilities

5.1 Bargaining and Pay Equity Governance Group

The Governance Group is a high-level decision-making, assurance and monitoring body whose role is to advise the SROs in delivering bargaining outcomes and investigating and settling pay equity claims.

The Governance Group will:

- Authorise /Endorse Bargaining and Pay Equity Programme mandates, within statutory delegations for collective bargaining and pay equity
- Participate in preparing for milestone reviews and approving progression to the next stage of the programme or project monitoring overall progress and output quality
- Make strategic decisions and recommendations
- Provide executive leadership in decision-making, escalated risks and issue resolution so that programme objectives are efficiently met
- Report on pay equity claims to the Central Agency Pay Equity Governance Group and other executive stakeholders as appropriate
- Use influence and delegated authority to assist the programme to achieve outcomes.
- Create an environment where employment relations matters and pay equity claims are resourced and managed effectively
- Provide clear direction on the work to be progressed on the Ministry's behalf

- Resolve strategic and directional issues between programmes or other operational activities which need the input and agreement of executive stakeholders to ensure progress of the changes
- Advise and support the Senior Responsible Owners for the bargaining and Pay Equity programmes of work
- Authorise delivery and sign off at the closure of the Programme
- Ensure that conflicting priorities are effectively managed and prioritised
- Ensure appropriate assurance activities are undertaken so that robust and informed decisions are made
- Provide guidance on business direction and business sensitivities when necessary
- Closely monitor progress and output quality
- Approve or reject changes to the scope of the programme
- Authorise changes to the Programme in a controlled fashion and ensure changes are effectively communicated to executive, central agencies and key stakeholders
- Communicate and champion the initiative (Programme) with the relevant stakeholder groups (internal and external).

6.0 Role Definitions

6.1 Sponsor

The Secretary for Education is ultimately accountable for representing the Ministry of Education in Bargaining and Pay Equity matters and is the ultimate decision maker.

It is noted that for Ministry-employed staff accountability lies with the Secretary for Education, as Chief Executive, with the approval of Te Kawa Mataaho for bargaining and pay equity matters.

The Sponsor appoints the Senior Responsible Owner(s) and delegates authority within agreed tolerances / parameters to the Senior Responsible Owner(s).

6.2 Senior Responsible Owners

The role of the Senior Responsible Owners (SROs) is to ensure that the Bargaining and Pay Equity Programme is focused on achieving objectives and delivering the outcomes required.

The SROs ensure that the programme of work is managed in a way that provides value for money, manages reputational risks and is aligned with central agency expectations.

The SROs are responsible for formally signing out major deliverables that commit the Ministry of Education to a course of action and decide how responsibility for Programme Assurance will be met, e.g. by delegation to a suitably skilled individual or external provider.

6.3 Members

The members of the Bargaining and Pay Equity Governance Board provide an executive viewpoint. They are responsible for ensuring that appropriate representatives from their part of the organisation provide support to the Sponsor and SROs.

The members role is to represent the interests of those who will be impacted by bargaining and pay equity outcomes.

6.4 Attendees

Attendees are appointed by the SROs to provide subject matter expertise to the Governance Group and to complement the skills and experience of the Programme Executives. Attendees are responsible for providing advice of best practice to the Governance Group to inform decision making. Attendees may be invited for specific meetings. Attendees to the Governance Group have no decision-making authority and do not form part of the quorum.

7.0 General

7.1 Review Timeframe

A review of the Governance Group may be undertaken at the direction of the Bargaining and Pay Equity Programme SROs to determine if the Bargaining and Pay Equity Governance Group is working effectively and has met the Sponsors' expectations.

7.2 Frequency of Meetings

Meetings will be held monthly on the third Wednesday of the month, unless alternative arrangements are required with reasonable notice to all members.

7.3 Quorum

The quorum at any meeting shall consist of a majority of the appointed members of the Governance Group. The Governance Group is not a democracy controlled by votes. The SROs are the ultimate decision makers and are supported in the decision making by the Members, or their delegates.

7.4 Minutes and Meeting Papers

The Senior Manager Employment Relations and Pay Equity, Education Workforce, as the functional business owner, will circulate to the Governance Group at least three days prior to meetings:

- An agenda
- The minutes from the previous meeting
- Any documentation that has been approved by one or both of the Senior Responsible Owners (as applicable)
- Relevant summary status reports

All Governance Group meetings will have minutes documented and circulated no later than three working days following the meeting.

Released under the Official Information Act 1982

Employment Relations and Pay Equity Delegations

Schedule of Powers Delegated Under The Education And Training Act 2020

Description of power or duty	Further delegation	Education and Training Act 2020 section
<p>Negotiations of conditions of employment</p> <p>The power to negotiate under the Employment Relations Act 2000 every collective employment agreement applicable to employees in the education service (except tertiary education institutions)</p>	<p>Deputy Secretary, Early Learning and Student Achievement</p> <p>Associate Deputy Secretary, Education Workforce</p> <p>Senior Manager, Employment Relations and Pay Equity</p> <p>Chief/Principal/Senior Employment Relations Advisers</p> <p>Employment Relations Advisers</p>	<p>586</p>
<p><i>Public Service Commissioner's powers when collective agreements are negotiated</i></p> <p>The power, during negotiations for a collective agreement that is to bind any employees of a board, to exercise all the rights, duties and powers of an employer under the Employment Relations Act in respect of those employees, including the power to lockout or suspend employees, and the power to issue directions in respect of remuneration.</p>	<p>Deputy Secretary, Early Learning and Student Achievement</p> <p>Associate Deputy Secretary, Education Workforce</p> <p>Senior Manager, Employment Relations and Pay Equity</p>	<p>587</p>
<p>Strikes in schools to be notified</p> <p>The function of receiving notification of a strike by employees of a board.</p>	<p>Deputy Secretary, Early Learning and Student Achievement</p> <p>Associate Deputy Secretary, Education Workforce</p> <p>Senior Manager, Employment Relations and Pay Equity</p>	<p>589</p>
<p><i>Boards to notify Public Service Commissioner about participation in strikes</i></p> <p>The function of receiving from boards the information referred to in this section about participation of employees in strikes.</p>	<p>Deputy Secretary, Early Learning and Student Achievement</p> <p>Associate Deputy Secretary, Education Workforce</p> <p>Senior Manager, Employment Relations and Pay Equity</p>	<p>590(1)(a)</p>
<p>The power to issue a written direction to a board to provide information about the conduct of a strike to which a notice under section 589 relates.</p>	<p>Deputy Secretary, Early Learning and Student Achievement</p> <p>Associate Deputy Secretary, Education Workforce</p>	<p>590(2)</p>

Description of power or duty	Further delegation	Education and Training Act 2020 section
	Senior Manager, Employment Relations and Pay Equity	
The power to require a board to provide information by a specified date about the board's compliance with this section or any directions given under it.	Deputy Secretary, Early Learning and Student Achievement Associate Deputy Secretary, Education Workforce Senior Manager, Employment Relations and Pay Equity	590(4)
The power to report to the Minister, where believed on reasonable grounds, that a board has failed to comply with this section, or any directions given under it.	Deputy Secretary, Early Learning and Student Achievement Associate Deputy Secretary, Education Workforce Senior Manager, Employment Relations and Pay Equity	590(5)
Personal grievances and disputes The power, despite section 586, in relation to a dispute about the interpretation, application or operation of any collective employment agreement, to require an employer to act together, or in consultation, with the Commissioner.	Deputy Secretary, Early Learning and Student Achievement Associate Deputy Secretary, Education Workforce Senior Manager, Employment Relations and Pay Equity	591(b)
Actual conditions of employment The power to declare that all or any part of the conditions of employment fixed under a collective agreement for persons employed in the education service (excluding employees of institutions) are to be the actual conditions of employment.	Deputy Secretary, Early Learning and Student Achievement Associate Deputy Secretary, Education Workforce Senior Manager, Employment Relations and Pay Equity	595(1)
The power to approve further conditions of employment for an individual employee employed in the education service under a collective agreement (excluding employees of institutions), in addition to the actual conditions declared under subsection (1), if the conditions are mutually agreed by the employee and their employer and are not inconsistent with the conditions of the collective agreement.	Deputy Secretary, Early Learning and Student Achievement Associate Deputy Secretary, Education Workforce Senior Manager, Employment Relations and Pay Equity Chief/Principal/Senior Employment Relations Advisers Employment Relations Advisers	595(2)

Description of power or duty	Further delegation	Education and Training Act 2020 section
The power to give concurrence to conditions of employment determined by agreement between the employer and employees employed in the education service who are not bound by a collective agreement (excluding employees of institutions).	Deputy Secretary, Early Learning and Student Achievement Associate Deputy Secretary, Education Workforce Senior Manager, Employment Relations and Pay Equity Chief/Principal/Senior Employment Relations Advisers Employment Relations Advisers	595(3)
The power to promulgate to employers, either generally or specifically, the conditions of employment for persons who are to have their conditions of employment determined in accordance with subsection (3).	Deputy Secretary, Early Learning and Student Achievement Associate Deputy Secretary Education Workforce Senior Manager Employment Relations and Pay Equity Chief/Principal/Senior Employment Relations Advisers Employment Relations Advisers	595(4)

Schedule of Powers Delegated Under The Under The Equal Pay Act 1972

Condition specified: Delegations are to be exercised only within the delegate's areas of responsibility AND subject to compliance by the designated officers with the schedule of conditions attached to the instrument of delegation dated 9 November 2020

Description of power or duty	Proposed further delegation	Equal Pay Act 1972 section
Pay equity claims by employees in education service The Commissioner's functions and powers under s 13ZZG of the Equal Pay Act 1972.	Deputy Secretary, Early Learning and Student Achievement Associate Deputy Secretary, Education Workforce Senior Manager, Employment Relations and Pay Equity Manager, Pay Equity Chief Employment Relations Adviser	13ZZG
Pay equity claims by employees in education service – pay equity bargaining process	Deputy Secretary, Early Learning and Student Achievement Associate Deputy Secretary, Education Workforce	13ZZG(2)

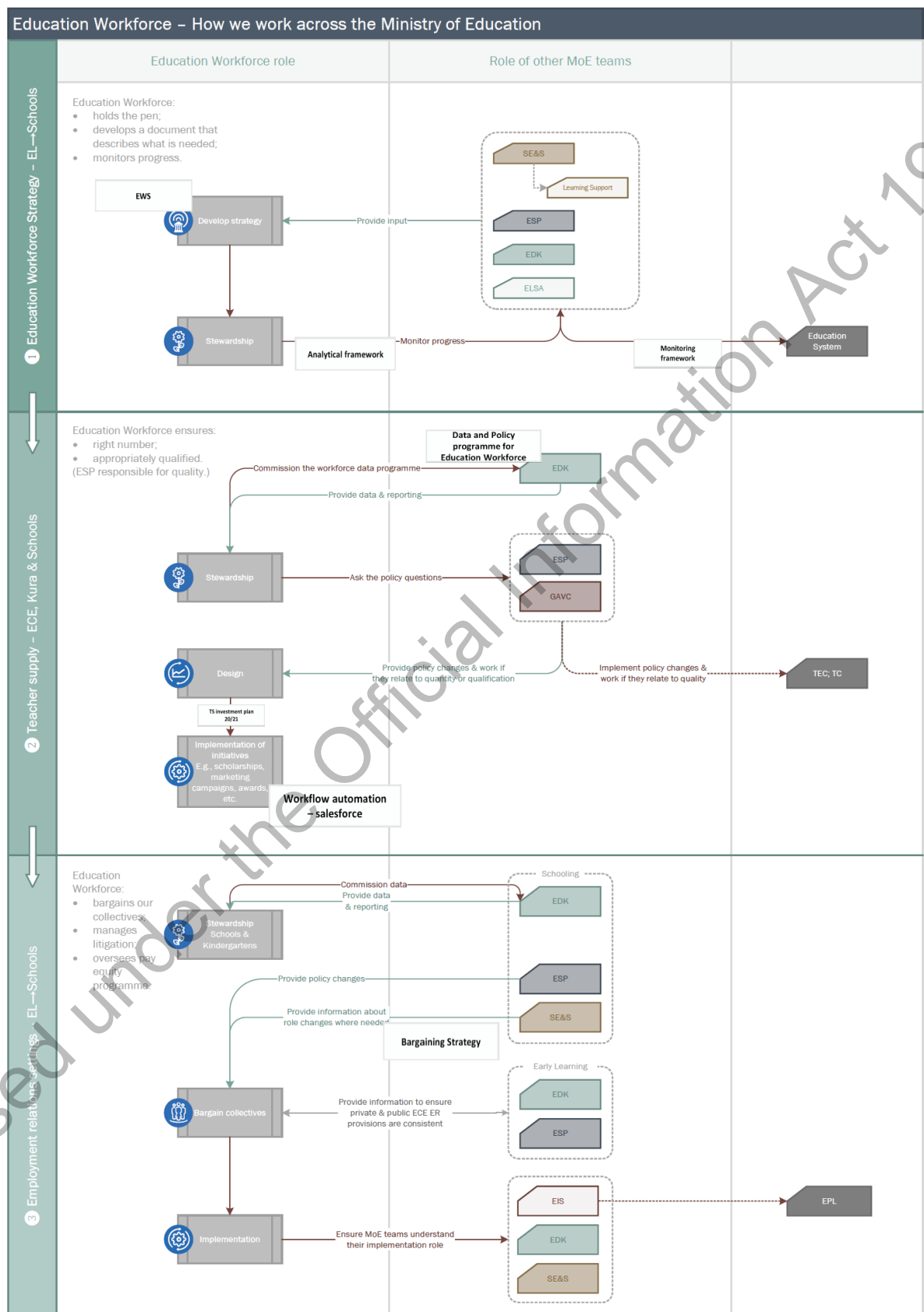
Description of power or duty	Proposed further delegation	Equal Pay Act 1972 section
The Commissioner's functions and powers under s 13ZZG(2) of the Equal Pay Act 1972 to enter into the pay equity bargaining process	Senior Manager, Employment Relations and Pay Equity Manager, Pay Equity Chief/Principal/Senior Employment Relations Adviser Employment Relations Advisers	

Additional Employment Relations delegations

The following additional delegations also apply to the Education Workforce Group

Section in Education and Training Act 2020	Minister or Secretary power or duty	Description of power or duty	Delegation
614(1)	S	Power of Secretary to employ teachers The power to employ persons to work in State schools as teachers.	No delegation from Secretary
615(1)	S	<i>Employment-based trainee teaching positions</i> The power, on receipt of a request from the board of a school, to, by written notice to the board, establish an employment-based trainee teaching position for the school.	Deputy Secretary Associate Deputy Secretary Manager
616(1)	M	Agreements with trainee teachers The power to enter into an agreement under this section with any person who undertakes teacher training.	Secretary Deputy Secretary Group Manager Manager
616(2)	M	The duty if making an agreement to ensure that the agreement provides for the matters specified in this subsection.	Secretary Deputy Secretary Group Manager Manager
616(3)	M	The power to require that the agreement be signed by a guarantor for the person, in which case the guarantor is jointly and severally liable with the person under the agreement.	Secretary Deputy Secretary Group Manager Manager

Schematic of Education Workforce working relationships with other Ministry groups¹



¹ Reflects existing groups pre-4 October 2021

EDUCATION WORKFORCE FUTURE-STATE ORGANISATIONAL CHART



PURPOSE	ROLE	MEMBERSHIP & MEETING MANAGEMENT
<p>The Education Workforce Leadership Team (EWLT) provide a joined-up approach across the Group to work towards achieving the Education Workforce Value Proposition -</p> <p><i>We promote teaching as a career of choice and work to ensure that the education workforce system attracts, develops, and retains motivated and capable teachers and leaders who work cooperatively to improve teaching practice.</i></p> <p>Who we are and what we do?</p> <p>We are the stewards of the education workforce system (Aotearoa New Zealand’s education workforce is made up of teachers, principals, support, and other roles in schools, kura and early learning services) and contribute significantly to shape and enable Aotearoa NZ to have a strong, culturally competent education workforce that is capable, valued, connected and supported in delivering a world-leading, learner-focussed education system.</p> <p>We work to ensure the right people with the right skills are attracted to join and stay in the education workforce. We design and deliver a suite of national level measures needed to address both the immediate and future projected gaps between the demand and supply of the education workforce. We work closely with other Ministry teams to understand what can be done meaningfully at regional, local and sector levels when there is a teacher supply challenge.</p> <p>All our work is underpinned by fostering quality employment relation practices including collective bargaining, an equitable pay system and delivering an innovative mix of awards, grants, and scholarships to continuously lift the capability of the education workforce.</p>	<div data-bbox="795 247 2089 651" data-label="Diagram"> </div> <p>The EWLT will –</p> <p>LEAD</p> <ul style="list-style-type: none"> • Agree the desired expectations, behaviours and standards which will build a strong EW team culture, and lead by example. • Lead the EW strategic direction, funding and value for money, and overview of engagement with key stakeholders for the Education Workforce function. • Share information that will enable the EW LT and the wider EW team to deliver enhanced services, engage effectively with stakeholders and develop customer focussed products within Ministry frameworks • Lead a collaborative culture within the EW Group, and between the Group and other Ministry colleagues. • Promote change in the education sector, by advocacy and influencing our stakeholders as well as being responsive to their expectations. <p>MANAGE</p> <ul style="list-style-type: none"> • Develop, maintain and work to an annual EW high level plan. Review progress against the Plan at least quarterly, and re-prioritise or re-baseline the plan to acknowledge factors which - <ul style="list-style-type: none"> ○ have or are impacting its achievement ○ are new and need inclusion into the plan. • Take an overview of the budget and resourcing position across the Group; ensuring money and people are allocated to where they are most needed, that is, evaluate risk and opportunities throughout the year, and shift funds to meet critical need; ensuring targeted budget allocations are not compromised. • When advising Ministers ensure they have the information needed to make informed decisions. • Resolve significant operational service delivery issues or challenges. <p>GOVERN</p> <ul style="list-style-type: none"> • The EW LT will provide a governance function for programmes and projects within the Group which are not governed elsewhere. This includes- <ul style="list-style-type: none"> ○ Approving the initiation documents for new programmes and projects for which the Associate Deputy Secretary is the Sponsor, or the SRO is a member of EW LT; and agreeing major stage-gates and programme / project closure. ○ Ensuring governance products are in place, fit for purpose, maintained, and regularly reviewed– including for example status reports, risk and issue registers, financial reports, stake-holder engagement plans, and benefits realisation. ○ Monitoring progress against milestones. • Initiate IQA or other assurance mechanisms on matters of concern, approve response plans and monitor performance. <p>CONNECT</p> <ul style="list-style-type: none"> • Identify matters where experience and knowledge across the group will add value to recommendations and decisions to be made by the Associate Deputy Secretary, Deputy Secretary, or Minister; and ensure these are on the agenda with sufficient time to consider prior to being signed out. • Receive a weekly report on upcoming papers to the Minister and meetings with other key stakeholders (for which EW has a key interest) ensuring timely visibility and identifying where EW LT input will add value, and by when. • Provide oversight to ensure connectivity across and between programmes /projects/other initiatives in which EW has a stake. 	<p>The Education Workforce Leadership Team shall comprise the following members:</p> <p>Associate Deputy Secretary, Education Workforce – Chair</p> <ul style="list-style-type: none"> • Chief Adviser • Chief Adviser, Maori Medium • Chief Adviser, Communications and Marketing • Senior Manager, Business Services • Senior Manager, Contracts & Implementation • Senior Manager, Employment Relations & Pay Equity • Senior Manager, Strategic Design • Senior Manager, Teacher Supply <p>Accountability of the Associate Deputy Secretary, Education Workforce – The Associate Deputy Secretary will seek to obtain consensus on decisions but may at times determine a position.</p> <p>Attendance – The quorum at any meeting shall be five members, which includes the Chair.</p> <p>Members may attend via video or teleconference with the prior approval of the Chair.</p> <p>An absent member may inform the Chair of their position or opinion on any given topic; or may submit such in writing for the record. In this instance an absent member’s opinion may be taken into account during discussion and in formulating decisions. Otherwise, members can nominate others to represent them subject to approval by the Chair. Unless they are formally Acting for the member, they will not have decision rights.</p> <p>Members may request guidance from subject matter experts in decision making & subject matter experts may be invited to meetings where appropriate. They will not have decision rights.</p> <p>The meetings will be attended by the Secretariat.</p> <p>Frequency of Meetings – The Education Workforce Leadership Team shall meet weekly. The Chair may call interim meetings. Or, fast track consultation can be used in between scheduled meetings, depending on the nature of the subject matter.</p> <p>Meeting papers and Minutes – The Agenda, Minutes and any papers will be circulated electronically two business days in advance of each meeting. Late papers must be approved by the Chair. The Minutes shall be circulated as soon as practicable following each meeting, and no longer than five business days after the meeting. The minutes shall be in the form of a record of decisions and actions, not as an exact record of the discussions and positions taken at the meeting. Material issues raised or conditions set by members will be recorded.</p> <p>Ensuring Effective Meetings – Members will support effective and efficient administration of meetings by -</p> <ul style="list-style-type: none"> ▪ Being on time & providing papers to the Secretariat on time. ▪ Devoting sufficient time before the meeting to consider matters raised. ▪ Providing constructive and informed advice on their areas of expertise and experience. ▪ Challenging assumptions constructively. ▪ Making decisions and recommendations based on relevant and appropriate information.
<p>OPERATING PRINCIPLES</p> <p>EW LT will</p> <ul style="list-style-type: none"> ▪ Commit to working to common goals. ▪ Work on the business, not in the business ▪ Operate in an open and transparent manner while maintaining confidentiality when this is required. ▪ Take collective responsibility for all decisions and support the implementation of decisions; ensuring that stakeholders can trust the integrity of decisions. ▪ Operate within the Ministry of Education’s accountabilities and reporting lines. ▪ Model the “new ways of working” described in the Ministry Decision Document (May 2021), namely: <ol style="list-style-type: none"> 1. Taking practical action to give effect to te Tiriti o Waitangi. 2. Giving priority to regional and local voice. 3. Delivering greater responsiveness, accessibility and integrated services and support. 4. Improving feedback loops and information flows. <p>Approved</p> <p>Deborah Kent, Associate Deputy Secretary, Education Workforce Date:</p> <p>Endorsed</p> <p>Ellen McGregor-Reid, Deputy Secretary, ELSA Date:</p>		

Appendix 8: The Education Accord

Accord between the Ministry of Education, NZEI Te Riu Roa and PPTA Te Wehengarua

Purpose

The purpose of this Accord is to give effect to building a high trust environment where the teaching profession is highly regarded, sustainable, and is fit for now and the future of learning.

Context

In 2018 this statement was agreed to by the Minister of Education, PPTA and NZEI at the Education International/OECD International Summit of Teaching Profession. This being the only global forum between unions and government to pursue partnership in education policy.

“New Zealand is about to embark on a significant phase of public engagement to identify what we as a country are looking for from the education system, from the early years and throughout life.

The New Zealand delegation is committed to working openly and constructively to jointly lead this conversation in a positive way, without a predetermining outcome, for the benefit of the social, economic and cultural wellbeing of the country. Further to this, the delegation is committed to co-constructing with the profession the design and implementation of change that affect the profession.” ISTP March 2018, Portugal

Joint approach to solving issues.

An interest based approach allows the parties to:

- Identify and deal with issues and reach consensus to resolve them
- Identify the decisions the parties to the accord can jointly or separately take, and which matters need to be recommended to the Government
- Actively support and recommend consensus decisions to the respective decision making bodies of the parties

The Issues

Teacher and Principal Workload

While teachers and principals value autonomy and report high levels of self-efficacy, the roles are also complex with growing intensity and high expectations.

How do we create enough time and space within the system to support teachers and principals to deal appropriately with the growing demands on them including personalisation of learning, leadership roles, connect to whanau/family, responding to students with complex needs, assessment, and professional development to ensure effective educational outcomes and an improved working environment and well-being

For Workload we have already agreed...

The roll out of changes to NCEA and, as yet uncompleted, curriculum work changes are intended to positively impact on workload over time. There will be 8 days¹ allowed for teacher only days during the term of the collective to work on these priorities. These 8 days will not extend the school year.

Evidence shows that performance appraisal as an accountability instrument does not demonstrably lift teacher quality and contributes to a low trust high workload environment. As part of the accord implementation process the parties, NZSTA and the Teaching Council will work together to remove performance appraisal.

The Minister has committed to bringing forward legislation to remove the relevant requirements in legislation.

Further Work

What can we do to have in place a sustainable Education workforce that meets the needs of learners in a rapidly changing world?

We will consider pathways into and out of teaching, career opportunities within teaching and the wider education sector.

New models of learning, for example provided by new technologies (within and beyond the classroom) present opportunities and challenges to the workforce. Within this context the issues of class sizes and related formula will be considered.

How do we develop and deploy a para-professional workforce employed by Boards that supports teaching and learning?

The Ministry and the NZEI are currently involved in detailed work to resolve pay equity issues with these staff. That work will continue. In addition, the roles paraprofessionals may hold, their career pathways and how they are funded (e.g. staffing entitlement or operations grant) will be considered.

Collective agreements

Current collective agreements in education are complex and can be administratively burdensome and inconsistent in their application.

How do we resolve this?

The 2019 offer for settlement included a unified pay scale for teachers covered by the PTCA, STCA and ASTCA.

The extent to which an UPS relates to Principals will be a matter for future discussion.

A joint pre-bargaining process with NZEI and PPTA will begin four months before the expiry of the first collective agreement to discuss the UPS and any other matter relating to bargaining (this will be included in terms of settlement).

Union Negotiated Fees

How do we ensure that non-union members do not gain undue benefits from the efforts of unions including member only benefits, bargaining fees and other legislative mechanisms?

Change management

How do we ensure changes are well managed?

Ways of more effectively managing change in education will be explored e.g. the change management tool kit and improved implementation planning.

Governance group**Sponsor**

The sponsor will be the Minister of Education.

Independent Chair

An Independent Chair will be appointed.

Membership and substitutes

The membership of the governance group will consist of for:

- the Ministry of Education - the Secretary for Education and the Deputy Secretary ELSA
- the PPTA - President and Secretary
- the NZEI - President and Secretary.

No substitutes will be provided for.

Resolving issues where consensus not achieved

Where consensus cannot be achieved then unless otherwise directed by the Minister then work will be suspended and third party assistance being sought to assist the parties to reach consensus.

Reporting to Minister

The parties will provide a progress report to the Minister of Education every three months.