

## **HE PITOPITO KŌRERO**

### **COVID-19 UPDATE - 28 OCTOBER 2021**

28 October 2021

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#### FOREWORD

Ngā mihi o te Rāpare,

A very timely reminder overnight from Christchurch of the need to be vigilant and get tested if you're showing any symptoms at all – even if you've been tested recently.

Today's bulletin provides in-depth information on the vaccination order, which should cover the breadth of questions you've asked since the mandate was announced. Again, I'd like to thank you for your patience waiting for this guidance.

The advice we are providing to you reflects the vaccination order as it currently stands, and we have consulted with the unions representing teachers, principals and support staff when developing it. I expect that this guidance will apply to most situations you encounter with your staff.

However, I appreciate there may be a small number of cases where adjustments may be required. Your feedback on this will be important, as we have the opportunity before 16 November to further update our guidance to address your circumstances. Please contact us at [employment.relations@education.govt.nz](mailto:employment.relations@education.govt.nz) if you feel this is the case.

There will be some questions that remain regarding those staff members who have an exemption from vaccinations. We're working on health and safety detailed guidance and will provide this in the coming days.

Ngā mihi maioha,  
Iona

## **Information about the COVID-19 Required Vaccinations Order**

As at 11.59pm on Monday 25 October the COVID-19 Public Health Response Order for Mandatory Vaccinations for Education came into effect.

COVID-19 Public Health Response (Vaccinations) Amendment Order – NZ Legislation

## **What the requirements are and who they apply to**

Everyone who works for a school or kura who may have contact with children or students or will be present at a time when children and students are also present must have had a first dose of the COVID-19 vaccine by 15 November and be fully vaccinated by 1 January 2022.

From 1 January 2022, schools and kura must only allow those that are fully vaccinated to provide onsite services.

This includes:

- principals
- teachers
- relief teachers and casual staff
- administration staff
- caretakers and cleaners
- contractors and other tradespeople
- service managers
- caregivers and other staff.

It also includes unpaid workers, such as volunteers and any members of the community who are regularly on site during a time when children and students may be present. Throughout this guidance we have used the term staff member to refer to paid staff members, unpaid workers, volunteers, contractors and other workers at your school or kura.

The vaccination requirements apply wherever in person schooling occurs, such as on the school or early learning service site, but also at school camps, swimming pools, museums, or where other education outside the classroom (EOTC) programmes take place. This means that both school staff and volunteers who are involved in EOTC should have had a first vaccination by 15 November and be fully vaccinated by 1 January 2022.

## **Who the requirements do not apply to**

- The vaccination requirements do not apply to those who are performing services remotely, or who are on site only when children and students are not present (such as a contractor who is performing maintenance during the weekend or over a term break).
- The requirements also do not apply to people who are visiting your school or kura, such as for a learning conference or a parent, whānau and community evening.

## **Employer obligations**

Now the order has been made you must:

- support your staff members to be vaccinated, including during working hours. Staff members are encouraged to be vaccinated outside of their normal working hours where possible to minimise further disruption to ākonga. However, where this is not possible, staff members should be allowed time to be vaccinated and we recommend that no absence is recorded, as being vaccinated is now a normal part of a staff member's requirement to undertake their work.
- continue to actively discuss with your staff members the benefits of vaccination and explain the health and safety risks of not being vaccinated, for both the staff member, children and students, and other staff onsite. We have provided a summary of the information that has been provided through earlier bulletins to support this.
- notify (if you have not already done so) all your staff members who are covered by the order (including contractors, tradespeople and unpaid workers) of their duty to be vaccinated. We have prepared a template for this purpose.
- collect and maintain a record of the contact and vaccination information for all staff members. The usual requirements around collecting, recording, using and storing personal information will apply to the above information. Given the sensitivity of the information being collected, careful consideration will need to be given to ensuring unauthorised access to the information is not able to occur. Example privacy statements and vaccination registers are available in our bulletin on 15 October.

Information about COVID-19 vaccinations in education [DOCX, 37 KB]

Template letter for schools and kura to send to staff [DOCX, 14 KB]

Vaccine and testing register – School Bulletin 15 October

If a worker is a staff member of a service contracted to you (such as a PLD provider, cleaning company or tradesperson, canteen staff, cleaner or Ministry staff member), the worker must provide this information to their employer, not your school. Their employer is responsible for ensuring the worker has met the vaccination requirement.

You are not required by the order to record vaccination status of workers employed by another agency, but you may wish to for your own health and safety processes.

Vaccination order process for school and kura employees [PDF, 170 KB]

## **Staff member obligations**

From Tuesday 16 November, the obligation under the legislation rests with the staff member to not carry out certain work unless they are vaccinated. This would only apply if they may come into contact with children or students or if they will be on site at the same time as children or students.

Staff members must also provide or give you access to the information necessary for you to record their vaccination status. They can get this from My Covid Record.

My Covid Record – Ministry of Health

Staff members must also update you on any changes to their vaccination status as soon as practicable. If the staff member does not provide you with evidence of their vaccination, you must assume they are not vaccinated.

It is important to remember that you cannot share a staff member's vaccination status with others without their permission.

## **Medical exemptions**

If a staff member has particular physical or other needs that a suitably qualified health practitioner (in the course of examining the person) determines would make it inappropriate for the person to be vaccinated, that person will be exempt, and they can carry out work without being vaccinated. We expect the number of people who are exempted from the vaccination requirement to be very low as the Pfizer vaccination has proven to be safe for the very large majority of people.

The staff member must provide you with a copy of the exemption on or before Monday 15 November. You should then work with the affected person to determine the duties that they can safely undertake which does not compromise their safety, or the safety of ākonga or the greater schooling community.

We will provide more information about which health practitioners are able to provide a medical exemption in a future bulletin.

## **Unvaccinated staff members after 15 November**

We expect most education workers will be vaccinated. Staff members who refuse to meet vaccination requirements cannot return to work onsite from Tuesday 16 November and they will be committing an infringement offence if they do so.

In this instance you should consult with the staff member to establish why they are not vaccinated, continue to support them to be vaccinated and accommodate alternative working arrangements to the extent that this is practicable.

If you have provided reasonable notice of the instruction to be tested (such as advising them of the vaccination requirements in advance), then discretionary leave without pay may apply. If on leave without pay, the staff member cannot be expected to do any school-related work while on leave.

You may also provide discretionary paid leave at the school's cost if the school board considers this is appropriate. Your obligations under the Employment Relations Act (2000) and your staff member's employment agreement continue to apply.

Please contact NZSTA or your alternate employment adviser for support and advice.

We're aware that some of you are anxious that the number of unvaccinated staff may mean that on 16 November that you will not be able to provide a safe environment for students. We will provide further advice on how these situations may be managed in future bulletins, and we will work alongside you as necessary.

## **Questions and answers about the COVID-19 Required Vaccinations Order**

### **How do we decide which roles don't require someone to be vaccinated?**

You will need to determine which roles being carried out are covered by the order.

Remember that all roles that require the staff member to be present at a time when children or students are also present are covered, including education outside the classroom activities.

If a staff member's role means they may have contact with children or students in the course of carrying out their work, then they are also covered.

If a staff member disagrees that their work is covered by the order, you should consider their reasons with an open mind before making a decision.

### **Do all teachers, principals, support and specialist staff and volunteers whose work is covered by the Public Health Order (referred to as staff members) need to be fully vaccinated?**

Yes, unless they are medically exempt, they need to have received a first vaccination by 15 November and be fully vaccinated by 1 January 2022.

### **Do the vaccination requirements apply when we are providing education outside the classroom or education in similar settings?**

Yes, your staff members (as well as volunteers and contractors) who are providing education outside the classroom (EOTC) and may have contact with children or students in the course of carrying out their work are required to be vaccinated.

### **Can a staff member choose not to be vaccinated, but to undergo regular testing instead?**

No. All staff members who do work covered by the Public Health Order must have received their first dose of the COVID-19 vaccine by 15 November 2021 and in regions at Alert Level 3 undergo regular testing until they are fully vaccinated (no later than 1 January 2022).

### **Am I legally allowed to ask staff members for their vaccination status? What about privacy requirements?**

Yes. The Public Health Order requires you to maintain a register that includes the date(s) your staff members were vaccinated. It also requires staff members to tell you this information. If they do not provide you with this information you should assume they are not vaccinated.

However, privacy must be maintained. The usual requirements around collecting, recording, using and storing personal information will apply. Given the sensitivity of the information being collected, careful consideration will need to be given to ensure no unauthorised access to the information can occur.

## **Can I tell our parent and whānau community about the testing and vaccination status of our staff?**

Staff are welcome to share their own vaccination status at any time, however, employers cannot do so without the individual's permission.

This includes not sharing the vaccination status of groups of staff members if the vaccination status of individuals within that group is to be able to identified.

## **What proof of vaccination is required?**

You may accept any proof which assures you that the staff member is fully vaccinated. This may be an email, immunisation card, or SMS that the staff member has received from their vaccinator or medical provider, the Book My Vaccine website, or the My Covid Record website.

One easy way to provide proof of vaccination is for people to get a vaccination statement from My Covid Record.

My Covid Record – Ministry of Health

## **What if a staff member refuses to be vaccinated or refuses to share the necessary information?**

All staff members are required to be vaccinated, as above. If a staff member refuses to share information their vaccination status should be recorded as unvaccinated.

## **What if a staff member initially refused to get vaccinated, but changes their mind before 1 January 2022?**

A staff member who gets their first vaccination after 15 November can return to work on site. They must still receive their second vaccination on or before 1 January 2022.

Remember that there needs to be at least three weeks between vaccinations.

## **If I'm not going to be working on site do I have to be vaccinated?**

No. This order only applies to those who are physically on site or for EOTC and may have contact with children or students in the course of carrying out their work.



It does not apply to those who are performing services fully remotely. If services are partially on site and partially remote, then the vaccination requirements do apply.

## **What does fully vaccinated mean?**

Fully vaccinated means the person has received two doses of the Pfizer vaccine. See more in our bulletin on 15 October.

The Public Health Order also allows for some alternative vaccinations to reflect that some people may have been vaccinated overseas (see Schedule 3).

Being fully vaccinated – School Bulletin 15 October

COVID-19 Public Health Response (Vaccinations) Order – NZ Legislation

## **What if a staff member undertaking work or providing a service on site is unable to be vaccinated?**

The person must provide you with written confirmation from a suitably qualified health practitioner that they have been examined and the health practitioner has determined that vaccination would be inappropriate for the person due to physical or medical reasons.

The employer must honour this and should work with the affected person to determine the duties that they can safely undertake onsite which does not compromise the safety of ākonga or the greater schooling community.

## **Can a staff member take leave rather than be vaccinated?**

This order applies to those who are physically on site. A staff member who is on leave will become subject to the order when they return to work. The usual policies and funding settings around leave apply.

## **Clarification: Face coverings in school**

Apologies for any confusion caused by yesterday's bulletin. We can confirm that there has been no change to the requirements under the Public Health Order.

We first notified that face coverings were required to be worn when indoors for students and staff for Years 9-13 in our bulletin on 20 September. This advice was reiterated in our bulletin on 11 October.

New requirements for face coverings – School Bulletin 20 September

Alert Level 3 requirements – School Bulletin 11 October

Further, in our bulletin on 20 October, a bullet pointed list of existing mitigations at Alert Level 3 did not make it clear that the requirement to wear face coverings only applied indoors.

To clarify:

- under the COVID-19 Public Health Response (Alert Level Requirements) Health Order, it's a legal requirement that all students in Years 9 to 13 wear a face covering in an Alert Level 3 area when they are inside at school unless they have an exemption
- face coverings are not required to be worn when outside. However, as is the case for all New Zealanders, face coverings continue to be strongly recommended, especially when not able to physically distance from people you don't know.

Existing Alert Level 3 requirements that will continue – School Bulletin 20 October

## **Promoting respect for all ākonga regardless of vaccination status**

We're aware of concerns that some ākonga may be subjected to hurtful negative comments by others due to their vaccination status.

The impacts of COVID-19 are far reaching for ākonga and their whānau. Promoting and facilitating kindness and safe and respectful connections, regardless of vaccination status is essential to support ākonga wellbeing.

For more information on promoting kindness and respect regardless of vaccination status, see our website.

Wellbeing guidance for teachers – Ministry of Education

## **Prime Minister's Education Excellence Awards winners announced**

Frimley Primary School in Hawke's Bay have taken out the top prize in the 2021 Prime Minister's Education Excellence Awards.

Frimley School also won the Excellence in Teaching and Learning Award.

The other category winners are:

- Excellence in Engaging – Te Kura Taumata O Panguru, Northland
- Excellence in Leading – Hastings Girls' High School, Hawke's Bay
- Excellence in Wellbeing Education – Henry Hill School, Hawke's Bay
- 2021 Focus Prize: Excellence in Environmental and Sustainability Education – Oruaiti School, Northland.

You can find out more about the award winners how they've worked together with their tamariki and communities to achieve positive learning outcomes on the PM Awards website.

Celebrating educational excellence – PM Awards

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## **HE PITOPITO KŌRERO**

### **COVID-19 UPDATE - 11 NOVEMBER 2021**

11 November 2021

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#### FOREWORD

Kia ora koutou,

This week I heard about Te Rito Toi, which helps teachers work with children when they first return to school following life-changing events (thanks to Liam Rutherford at NZEI for the heads up).

COVID-19 alert level restrictions, of course, are among such life-changing events, and I encourage you to take a look at the resources on Te Rito Toi's website (link below), particularly as those of you in Alert Level 3 areas plan how you reopen to all students next week.

In today's bulletin, we have additional information on managing employment processes after next Monday 15 November and the risk assessment checklist we promised yesterday. Although the checklist allows for flexibility, I'd like to reassure you that if you have endeavoured to align your planning with it, you can be confident you are following public health advice and fulfilling your duties under the Health and Safety at Work Act 2015.

The significance of the coming weeks is not lost on me – deadlines for vaccinations, preparing to return to school, NCEA exams and more. I thank you for your continued positivity in these times and the steer you so ably provide your staff, your students, and your parents and whānau.

Kia ora rawa atu,

Iona

**Managing employment processes after 15 November**

As you know, workers who have not had their first dose of the COVID-19 vaccine by 15 November will not be able to work on site and will be committing an infringement offence if they do so.

## **Employment steps to be taking now**

By now, you should have advised all your employees in writing of the requirement to be vaccinated and encouraged them to get vaccinated. You should also have requested the required contact and vaccination information from all your staff.

You should now have a reasonable understanding of who has already received their first dose of the COVID-19 vaccine and who has yet to do so. You may also understand who intends to receive their first dose by 15 November.

We encourage you to continue to actively discuss with employees the benefits of vaccination and the health and safety, and other risks of not being vaccinated.

## **Employment steps to take from 16 November**

Firstly, ensure that you have received, compiled and securely stored the contact and vaccination information from all employees. If you have not received this information from an employee, you must assume that employee has not had their first dose of the COVID-19 vaccine.

If an employee is either assumed or confirmed to not have received their first dose and does not intend to, you will need to follow a process with them.

While working through this process it is important to ensure that there is no predetermined outcome. Your usual employment obligations still apply, including the duty to act in good faith, consider all reasonable alternatives, consult with the employee and take their feedback into consideration

The steps below are summarised in the flowchart we have previously provided.

Process for schools and kura [PDF, 170 KB]

1. You should advise the employee that they can no longer be on site which may mean they are unable to perform the work required of them. They will need to leave the worksite.
2. You should ask the employee why they are not vaccinated and if they are now willing to be vaccinated. This process will need to take into account that the employee will not be onsite to do this. If the employee is willing to be vaccinated, you should immediately provide them with time to be vaccinated and no absence should be recorded.

3. If the employee is not willing to be vaccinated, for any reason other than they have a medical exemption from the Ministry of Health or their doctor/nurse practitioner has applied for an exemption for them and the result isn't back yet, alternative duties should be provided where feasible. If necessary, they may be placed on discretionary special leave. Discretionary leave can be provided with or without pay at the discretion of the school board.

You will need to consult with the employee to determine whether going forward they can carry out work in a way that means that they have no contact with children and are not onsite when children are expected to be present for the rest of Term 4 and when school resumes in 2022.

You will also need to discuss alternative working arrangements such as the feasibility of alternative duties, an alternative role, working hours or working from home arrangements.

For many roles it's unlikely that alternative duties can be reasonably accommodated beyond the short term and, as a last resort, the school may need to consider terminating the employee's employment.

We strongly advise consulting NZSTA or an alternative employment adviser for support during this step and in any employment processes.

While working through this process, if you determine that:

1. the employee's work can be reasonably rearranged, to ensure that they do not have contact with children and are not on site when children are expected to be present, you should confirm with the employee their new working arrangements
2. if a longer-term period of leave is involved, you will need to confirm with the employee that they must be fully vaccinated at the end of the leave period in order to return to onsite duties
3. there are no alternatives to dismissal, you should work with NZSTA or an alternative employment advisor and move to give notice to the employee of termination of their employment. The notice period in the employee's employment agreement applies. For example, the Primary Teachers' and Secondary Teachers' Collective Agreements both require the employer to give permanent employees two calendar months' notice of the termination of their employment. This must be paid notice. If staff have been put on unpaid leave then the unpaid leave is not part of the notice period. The employee will not be able to have contact with children or work on site at a time that children are present during this notice period and therefore the employee will either need to continue with alternative working arrangements or they should be on discretionary leave during their period of notice.

## **Advertising vacancies**

It would be contrary to your employment obligations throughout this process, including not having a predetermined outcome, to start advertising the potential vacancies created by unvaccinated staff before their employment status is certain.

It would be appropriate to advertise positions to temporarily backfill the role of the person who is not performing their usual duties.

Positions can start to be advertised after staff have been given notice of termination of employment, however staff should continue to be encouraged to get vaccinated and should be given time and resources to allow them to change their mind during the notice period.

### **What if an unvaccinated staff member goes on sick leave on or before 15 November, preventing the employment consultation process from taking place?**

As per the usual requirements, you cannot contact employees for work related issues while they are on leave such as this. This means that if a staff member is on leave during a time when you were planning to start the consultation process to work through their employment options, you will need to wait until they return from leave.

The usual process concerning requests for a medical certificate for sick leave will still apply.

If a staff member's sick leave ends during a period in the school holidays, you are still able to conduct the employment process during the school holidays if necessary.

### **What if a staff member is awaiting the result of an application for a medical exemption?**

If a staff member has not had their first dose of the COVID-19 vaccine by 15 November and is seeking a medical exemption from the Ministry of Health they cannot be on site.

If the employee's doctor or nurse practitioner has applied for a medical exemption for the employee, they should provide you with a letter from the medical professional confirming that. If so, these staff should be on discretionary paid leave while waiting for the result of their application.

### **What if an unvaccinated staff member turns up on site after 15 November?**



The staff member will be committing an infringement offence if they have not had their first dose of the COVID-19 vaccine and are on site after 15 November. This means they may be liable for a fine.

If staff do turn up on site after this date, we encourage school leaders to deal with this in the usual manner you would if other inappropriate people were to turn up on site.

The staff member should be notified that they are committing an offence under the order. A conversation may be required in the first instance to work through the staff member's concerns. A school leader could also consider contacting the Teaching Council about a teacher if the situation is not resolved.

If you feel your safety or the safety of ākonga or other staff is compromised, you could consider contacting the police.

### **What if a staff member reports in sick on 16 November?**

If an unvaccinated employee reports themselves as unfit for work and on sick leave on 16 November this should be treated as sick leave through your usual process.

This can include requiring a medical certificate demonstrating illness in line with the relevant terms of your staff members' employment agreement.

### **What if an unvaccinated staff member advises they will be vaccinated with an alternative vaccine when this is available (such as the AstraZeneca vaccine)?**

The order requires that a staff member who may have contact with students or will be working at a site where children or students may be present, to have received one dose of a vaccine by 15 November.

An unvaccinated staff member may not work on site without a valid exemption or a letter from a medical professional confirming an exemption request has been submitted on the staff members' behalf and the appropriate health and safety assessment has been undertaken, and measures to ensure safety have been put in place.

We have provided guidance about how to undertake this assessment here:

Completing a health and safety assessment – School Bulletin 10 November

## **Further information on opening up to more students in Alert Level 3**

Auckland and parts of Waikato remain at Alert Level 3, but with the much greater rates of vaccination restrictions have been eased and are now at Alert Level 3, Step 2. This has supported a safe return to learning on site for all students from Wednesday 17 November, whether full-time or part-time.

The reopening information provided yesterday and today is relevant to this current alert level setting. As always, we will continue to update you should anything change in this regard.

## **Checklist and risk assessment**

In order to meet your requirements under the Health and Safety at Work Act 2015 you must manage risks and protect staff, children and young people.

This means that your leaders, staff, students and community need to understand what the risks are and what is needed to manage them. Your plans should then be detailed in your health and safety plan. We have developed a checklist and risk assessment to assist you with this process.

Checklist and risk assessment for bringing all students back on site at Alert Level 3 [DOCX, 69.7 KB]

## **Prioritising attendance on site**

Students whose parents or caregivers need to go to work and don't have an appropriate caregiver at home, should be prioritised for full-time attendance on site.

Similarly, for your staff who have young children, their children should also be able to attend school or early learning at Alert Level 3 so that your staff can go to work. The recent increase in bubble size to 20 in early learning services should support this to occur.

## **Staff can work across different sites at Alert Level 3 (with conditions)**

We recognise that we delivered a lot of information yesterday, and you may not have picked up the confirmation that staff such as relief teachers and itinerant music teachers will be able to work across different schools and groups.

However, teaching across different groups should be minimised as much as possible and in order to do so only those staff who are fully immunised (now defined as at least seven days after the second dose) and wearing face coverings can do so.

## **Managing drop offs**

As noted in yesterday's bulletin, preventing congestion will remain a priority as you bring more students on site.

Staggered pick-ups and drop-offs are most likely not going to appeal to parents and caregivers, however, will be an effective way to limit any risky behaviours that might occur at the school gate.

You may wish to remind your parents and caregivers about the Alert Level 3 settings that continue to apply, in order to keep everyone in the community as safe as possible. In the same vein, encourage them to not drop off their child too early.

## **Re-forming your existing classroom groupings**

This is possible, but we encourage you to avoid chopping and changing groups once they are re-formed.

This will limit risk of spread to households if there was a confirmed case in the group and only those groups with the confirmed case in them would likely be impacted by the requirements placed on contacts (for example self-isolation and testing).

It's important to reiterate here that school settings are considered to be low risk and we have not seen widespread transmission within the school setting, including with the Delta variant.

## **Limiting numbers in groups**

It is suggested that any group would have no more than 30 students and for the larger modern learning environments, that you do not have more than two groups of students in one room, and that they remain physically distanced from each other by a minimum of two metres (and maintain good ventilation).

Limiting numbers in a group will mean that in the event that there is someone who is deemed to be infectious while at school it will be easy to identify who has had contact with them and also to ensure not too many students or staff (and their households) are affected.

## **After-school care**

After-school care cannot operate at this current alert level setting, as it would mean mixing of groups and household bubbles, which would put too many people at risk should someone attending the programme be confirmed with COVID-19.

## Face coverings at Alert Level 3

As noted yesterday, Year 4 to 8 students and staff will **now be required** to wear face coverings when indoors as an added layer of protection. This requirement will be included in an updated Public Health Response Order soon.

From 17 November students cannot attend school if they will not wear a face covering when indoors unless they are exempted from doing so (for example some people who have a disability or health condition that would prevent them from wearing a face covering).

A face covering is defined as “a covering of any type that covers the nose and mouth of a person”.

The Unite Against COVID-19 website gives a complete list of the situations where a face covering does not need to be worn and who does not need to wear one.

Who does not need to wear a face covering – Unite Against COVID-19

Exemption cards are available only for those who have a disability or health condition that makes wearing a face covering unsuitable. While the cards are not a requirement for the individual, guidance on the Ministry of Health website notes it will make it easier to explain why wearing a face covering is unsuitable for them.

People who can't wear face coverings – Ministry of Health

Organisations which can provide this card are:

Disabled Persons Assembly – 04 801 9100 or [info@dpa.org.nz](mailto:info@dpa.org.nz)

Blind Citizens NZ – 0800 222 694 or [admin@abcnz.org.nz](mailto:admin@abcnz.org.nz)

Deaf Aotearoa – [covid@deaf.org.nz](mailto:covid@deaf.org.nz)

If you have students who are not wearing face coverings, it's reasonable for you to check with parents and caregivers whether they are exempt from doing so. It's not always obvious why a face covering is unsuitable for someone, so it's important to be kind, respect people's privacy, and not jump to any conclusions.

However, because face coverings have not been a requirement for those under 12 until now, parents and caregivers may not yet have applied for an exemption card for their child.

You will be best placed to make a pragmatic decision about enforcing the face covering requirement for those who you consider would genuinely meet the exemption criteria, while they wait for an exemption card to come through. Otherwise they may be able to provide a letter or medical certificate from a health practitioner or GP to support this.

There are many layers of protection in schools, including people who are unwell staying away, increasing rates of vaccination across the population including mandated vaccinations for staff and volunteers, good ventilation, the majority of other students and staff wearing face coverings, good cough and sneeze etiquette and more.

Therefore, where someone is exempted from wearing a face covering, they should not be prevented from attending school and nor should there be any additional measures imposed on the individual.

And a nice tip from a principal – consider rostering regular breaks outside so face coverings can come off for a while (with appropriate physical distancing in place).

## **Cases and contact tracing**

We've had a number of questions about what will happen if there is a confirmed case in your school. There was some information on this in our bulletin on 5 November, but thought it worth repeating.

COVID-19 in your school or kura – School Bulletin 5 November

When there is a confirmed case in the community, public health officials will undertake a case investigation and work closely with the confirmed case to identify any close contacts, including any connection to a school or early learning service.

Health officials will then contact either your regional Director of Education or the school directly to provide direction on contact tracing and other relevant information.

We will support with communications to the school community based on this public health advice.

If a staff member, parent or caregiver first notifies you that they or their child are a confirmed case, please contact your regional Director of Education, who will provide advice on the next steps. Their team will connect with public health services to seek advice on next steps for your school or early learning service.

In addition to the case investigation, where Health officials work very closely with the confirmed case to determine who they might have been in close contact with and locations of interest, you will be able to identify those in your school or early learning service who may also be considered contacts, through your:

- timetable (which staff were onsite with which classes, groups, bubbles)
- attendance register
- sports, cultural and other extra-curricular group lists
- visitor register.

Letter templates will be provided to you to support communications to your community, including for any person who may need to self-isolate and/or get tested.

We are also currently working with the Ministry of Health to refine the processes around case management and contact tracing for schools and early learning services and will provide detailed information as soon as this has been agreed.

In the meantime, please continue to connect with your Ministry regional office if you need any support.

## **Travelling across boundaries**

We know more children and staff will need to travel across the Alert Level 3 boundaries in order to get to and from school/work and home.

This is under active consideration and we will provide you with any updates as soon as decisions are made.

## **AstraZeneca vaccine information and availability**

Yesterday 10 November, the Director General of Health announced that an alternative to the Pfizer COVID-19 vaccine, AstraZeneca, may be available.

It's not intended that the AstraZeneca vaccine be available on the scale of the Pfizer vaccine. The Director General of Health has stated that it is intended for a relative few, and in particular for those who cannot have the Pfizer vaccine for medical reasons. It may also be the case that some may view the AstraZeneca and other possible vaccines as more palatable alternatives than the Pfizer vaccine.

Any staff member who has not had their first dose of an approved vaccine before November 16 is subject to the requirements of the vaccine mandate health order regardless of whether they need the AstraZeneca vaccine for medical reasons or otherwise.

It's possible that a staff member could apply for an exemption from having the Pfizer vaccine while waiting for the Astra Zeneca vaccine to be available. They would need to have this lodged on their behalf by a medical or nurse practitioner.

If an exemption were to be approved, it would likely be time-limited to the release of the AstraZeneca vaccine. If the staff member's exemption is approved, you will need to undertake a health and safety assessment to allow that staff member to work on site where children or students may be present, as they would for any other exempted staff member.

We have provided guidance about how to undertake this assessment in our bulletin on 10 November.

Completing a health and safety assessment – School Bulletin 10 November

The AstraZeneca vaccine is a two-dose vaccine. When it is made available, a person with either two doses of the AstraZeneca vaccine, or one dose of AstraZeneca and one of Pfizer will be considered 'vaccinated' for the purposes of the COVID-19 Public Health Response (Vaccinations) Order 2021.

## **Vaccination requirements for residential caregivers of international students**

Following the information in our bulletin on 3 November, we'd like to clarify the implications of the vaccination order for residential caregivers of international students including in homestay and designated caregivers.

Application of mandatory vaccination requirements for various roles – School Bulletin 3 November

As you're aware, the COVID-19 Public Health Response Order for Mandatory Vaccinations for Education came into effect from 11.59pm Monday 25 October.

This means that the person or people a school contracts to provide the homestay accommodation service or boarding to international students are required to be vaccinated.

If a student is in the care of a contracted residential caregiver who is not vaccinated by the dates specified in the Order, the student will need to be re-homed with a residential caregiver who has met vaccination requirements. All the obligations schools have before approving a residential caregiver apply, including police vetting.

We encourage schools with international students in homestay arrangements organised through the school to ensure residential caregivers are aware of this requirement and of what the consequences of not following the directives are.

Please note, this vaccination requirement does not extend to everyone in the household – only those who are working (including unpaid) for the school.

If a school needs to provide alternative accommodation, they must ensure that it meets all the requirements in the Code of Practice. If an urgent police vetting is needed, schools can enter 'COVID-19' into the 'Agency Reference' field of the online vetting request form.

Note, this code should only be used where alternative arrangements are required urgently as a result of the Order, and schools must enter the code into reference field exactly as "COVID-19".

Managing staff – Ministry of Education

## **Ka Ora, Ka Ako resumes in Alert Level 3 areas**

With schools and kura in Alert Level 3 areas reopening for all students, Ka Ora, Ka Ako will return to usual operations and school lunches should be served as usual.

For schools and kura using an external supplier, we have contacted suppliers to provide an update. Your supplier will contact you to confirm lunch orders and special dietary requirements.

Where not all students will be on site at the same time, it will be especially important to keep in regular contact with your supplier so they can plan ahead and make sure there are enough lunches for students at school. If you do not hear from them, please contact them directly to confirm arrangements.

Schools making their own lunches should check guidance from the Ministry for Primary Industries around food safety and coronavirus at Alert Level 3.

Food safety in Alert Level 3 – MPI

We also recommend you consider how lunches are served and where groups of ākonga will eat their lunch. Here are some examples:

- eat lunch outside if practicable, where there is good ventilation. If this is not possible, ensure your indoor areas are well ventilated
- designate areas for different groups of ākonga
- provide hand sanitiser in dining areas and other common areas
- remind ākonga about the importance of not sharing food or drinks
- serve food and drinks individually rather than having shared platters
- avoid shared utensils or limit the number of people handling and serving food.

## **Te Rito Toi: Resources for children following life-changing events**

Te Rito Toi helps teachers work with children when they first return to school following major traumatic or life changing events. It provides research-informed practical classroom activities and lesson plans to help children make sense of the present and give them tools to imagine a better future.

## **Circular 2021/02: Attendance dues accounts**



Circular 2021/02 has been published on our website and explains how state-integrated schools should prepare their 2021 attendance dues accounts to meet reporting requirements.

Circular 2021/02: Preparation of your 2021 attendance dues accounts – Ministry of Education

Circular 2021/02 replaces Circular 2020/06 issued November 2020.

## **Revised NCEA Level 1 materials published**

Following feedback from the sector and NZQA, pilot-ready materials for both New Zealand Curriculum subjects and Te Marautanga o Aotearoa NCEA Level 1 Wāhanga Ako are now available.

Revised NCEA Level 1 materials – NCEA Education

The NZC materials can be accessed from the 'Subjects' tab on NCEA Education and the TMOA materials from the 'Wāhanga Ako' tab. Materials are available for all subjects except health studies and music. These will be published in the next couple of days – we apologise for any inconvenience this may cause.

Thank you to all Subject Expert and Working Group members who have contributed their time and expertise to the development process, and to those who have contributed via public engagement opportunities, focus groups, and teacher only days.

If you have any questions, please email [RAS.review@education.govt.nz](mailto:RAS.review@education.govt.nz).

## **School bus services from Term 1 2022**

New contracts for Ministry-contracted daily and technology school bus services will come into effect from Term 1 2022.

SESTA, direct-resourced, Māori-medium and council-operated services are not affected.

Some schools will have a change of bus operator for some or all of their school bus routes from 2022. A list of the school bus operators from Term 1 2022 has been published on our website.

School bus procurement – Ministry of Education

Current bus operators will continue to operate as usual throughout 2021 under their existing contracts.

## **Communicating upcoming daily school bus changes to your parents/caregivers**

An important part of getting ready for the 2022 school bus changes is letting your parents and caregivers know early about what the arrangements are for next year.

Your 2022 school bus operator should have been in contact with you to discuss your school's daily bus routes, timetables, stop information and expected patronage for services next year.

This includes specifics of the services they will provide and how timetable and stop information will be made available to parents and caregivers. It is essential that this information is conveyed to your parents and caregivers before the end of Term 4. We will be emailing templates out to schools for this purpose.

## **Finalised school bus route maps**

The finalised school bus route maps for services from 2022 are currently available on our website. These maps have been updated from the feedback received from schools and transport service providers.

Bus route maps – Ministry of Education

These maps will be available on our website until Friday 11 February 2022.

Contact your regional transport advisor if you have any questions.

Released under the Official Information Act 1982

## **HE PITOPITO KŌRERO**

### **COVID-19 UPDATE - 18 NOVEMBER 2021**

18 November 2021

#### **IN THIS BULLETIN ISSUE**

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## FOREWORD

Ngā mihi o te ahiahi,

If you tuned into yesterday's 1pm briefing, you will have heard the Prime Minister discuss the opening of the internal borders and the shift away from alert levels to the "traffic light" system.

As we've already indicated this week, there's a lot of detailed planning underway for how the education system will operate under this system, particularly noting that schools will be deemed open for face-to-face instruction under all of colours.

I know you will want to be prepared for the new framework. Thank you for your patience as we work through the guidance.

In today's bulletin we're providing further information on employment processes under the Vaccination Order and addressing questions we have received on who needs to be vaccinated.

Ngā mihi,

Iona

## **Managing implications for staff impacted by the vaccination requirement**

By now you will have started managing the employment processes for employees who did not receive their first dose of the COVID-19 vaccine by 15 November.

While working through this process it is important to ensure that there is no predetermined outcome. Your usual employment obligations still apply, including the duty to act in good faith, consider all reasonable alternatives, consult with the employee and take their feedback into consideration.

We acknowledge that this is particularly challenging at this time of year and as you plan for your staffing requirements for 2022.

You may wish to contact NZSTA or an alternative employment advisor for guidance with these employment processes. You can also contact [employment.relations@education.govt.nz](mailto:employment.relations@education.govt.nz) for advice.

If your employee has a medical exemption, you should follow the advice we have provided on our website.

Medical exemptions – Ministry of Education

Otherwise, you will need to work through the process in consultation with your employee to determine:

- if the employee is willing to be vaccinated
- if their work can be reasonably rearranged, to ensure that they do not have contact with children or students and are not onsite when children are expected to be present (not just until the end of the 2021 school year but also in the longer term). You should confirm with the employee their new working arrangements
- if there are other options such as extended leave without pay which are appropriate in the circumstances
- for roles where alternative duties cannot be reasonably accommodated beyond the short term, notice will be given to end the employee's employment as a last resort.

We have provided a fuller overview of this process on our website and in this flowchart.

Managing employment processes – Ministry of Education

Process for school and kura employees [PDF, 170 KB]

If the employee is not willing to be vaccinated, alternative duties should be provided where feasible.

If no alternative duties are available, they may be placed on discretionary special leave while you work through the employment process. Whether that leave is with or without pay is a matter for the school board, but an employee who has chosen not to be vaccinated is arguably not "ready, willing and able to work" and therefore may not be entitled to pay.

There may be cases in which a board decides that paid leave is appropriate, for example, in the case of an employee who is waiting on the outcome of a medical exemption application submitted to the Ministry of Health by their doctor or nurse practitioner.

## **Termination of employment**

If you have found no suitable alternatives after consultation with the employee, you should move to give notice to the employee of termination of their employment. The notice period in the employee's employment agreement applies.

For example, the Primary Teachers' and Secondary Teachers' Collective Agreements both require the employer to give permanent employees two calendar months' paid notice of the termination of their employment.

If staff have been put on unpaid leave while you undertake the employment and consultation process described above, then the unpaid leave is not part of the notice period.

The employee will not be able to have contact with students or work on site at a time that students are present during this notice period. Therefore, the employee will need to continue with alternative working arrangements, or they should be on discretionary leave with pay during their period of notice.

In most circumstances you will be able to make payment in lieu of notice, and the employee's relationship with the school would be fully terminated on receipt of their final pay.

This will provide you with certainty as you plan your staffing requirements for 2022. Your employment adviser will be able to provide further information about how this would apply.

While you will already be thinking ahead about how to manage your staffing for next year, it is important that you fulfil your responsibilities as an employer, including undertaking a comprehensive consultation process with affected employees before moving to give notice of termination of their employment.

## **Advertising vacancies**

You are able to advertise positions to temporarily backfill the role of the person who is not performing their usual duties.

However, you should consider whether it would be contrary to your employment obligations throughout this process (including not having a predetermined outcome) to start advertising any potential ongoing vacancies created by unvaccinated staff before their employment status is certain.

Positions can start to be advertised after staff have been given notice of termination of employment.

However, if their notice period has not yet ended, an employee who gets vaccinated might ask to have their employment reinstated. You will need to give reasonable consideration to this and, as a general rule, we suggest that you reinstate the employee unless the ongoing role has been filled.

## **Vaccination status data collection**

Tomorrow Friday 19 November or Monday 22 November, your regional office will contact to ask you for summarised data on the vaccination status of your registered teachers, teacher aides and other paid (non-teaching) staff.

This information will be used to help us understand the national and regional vaccination status of the education workforce and to ensure we are providing you with the support you need.

# Requirements for offsite providers to be vaccinated

We've received a number of queries seeking clarification on whether the vaccine mandate applies to providers of services who are off site – for example, whether the mandate applies to staff working or volunteering for libraries, museums, public swimming pools, school camps, movie theatres and so on.

These workers (paid or unpaid) are not covered by the vaccine mandate because they are not working 'for' a school, school hostel or early learning service. While you might be receiving their services when you book or use their facilities, those staff are working 'for' the local council/owner/operator.

There is nothing to prevent you from checking on the vaccination status of offsite activity providers as part of your COVID-19 health and safety assessments, but you cannot require those offsite providers to be vaccinated under the Vaccination Order.

## Providers coming on site

However, if any provider is coming on site to a school or early learning service – and at a time where children or students are also present – then the vaccine mandate does apply.

Providers must have had at least one vaccine dose before they come on site (and be fully vaccinated from 1 January).

## Staff you 'employ' directly

The order also applies to any workers you employ directly (including any volunteers undertaking work for you) who are working off site and may have contact with children or students when carrying out their work.

The order looks to balance the safety of children and students with the implications for human and employment rights of mandatory vaccination requirements.

On balance, the provisions have been limited to workers who are carrying out work at or for an education service, which has been defined as a licensed early childhood service, registered school or a hostel. This is in part because the ability for children to choose to use these services is limited, particularly for children aged six to 16 who are required by law to attend school.

Find further information about the vaccine health order on our website.

COVID-19 Required Vaccinations Order – Ministry of Education

# Using school pools

## Guidance for swimming in Alert Level 3 Step 2 settings

At Alert Level 3 Step 2, curriculum-related physical activities can go ahead outdoors (but not indoors). This includes swimming. Therefore, outdoor school swimming pools can be used for educational purposes.

You should be able to go ahead with swimming activities, but they will need some consideration to ensure that everyone is keeping a reasonable distance from each other both in and out of the pool – a one-metre distance is recommended wherever practicable, particularly between adults.

Where you have students grouped together for Years 0 to 8, they should be the only ones using the pool at that time.

Boarders in a school hostel can also use the outdoor school pool if this is usual practice (that is, the pool is an extension of the boarding facilities).

In every circumstance, all public health requirements must continue to be adhered to.

## Guidance for swimming in Alert Level 2 settings

At Alert Level 2, you are able to go ahead with swimming activities, but they will need some consideration to ensure that everyone is keeping a reasonable distance from each other both in and out of the pool.

## Community use of school pools

In Alert Level 2 areas, both indoor and outdoor pools are allowed to be open as public recreation spaces.

If your school pool is open and you give out keys to your pool, you must ensure your community understand what restrictions apply (for example, reduced numbers to enable social distancing).

You will need to have systems in place to ensure that visitors to your pool are familiar with the public health requirements for public venues before visiting the pool and comply with public health requirements while they are there including:

- keep two metres physical distance from people you do not know
- sign in using the NZ COVID Tracer app



- wash or sanitise your hands after using shared equipment.

Consider how you will limit use of the pool so that it doesn't become overcrowded – you could do this by, for example, implementing a booking system.

A reminder that in Alert Level 3 public recreation facilities, including both indoor and outdoor pools, must remain closed.

These websites have further information:

Sports and recreation at Alert Level 2 – Unite Against COVID-19

Play, active recreation and sport at Alert Level 2 – Sport NZ

Sports and recreation at Alert Level 3 – Unite Against COVID-19

As always, anyone who is feeling unwell should be staying home and seeking advice about getting tested.

## Face covering exemptions

We're aware that in some cases, parents and caregivers are using the exemption card so that their child does not wear a face covering in class when it is unlikely their child has a disability or health condition that would prevent them from doing so.

The Delta variant is more transmissible by droplets, so face coverings are a way we can protect ourselves and each other. Those who are wearing a face covering will be better protected than those who are not.

Not wearing a face covering when required to do so is a breach of the health order and is an infringement offense under the COVID-19 Public Health Response Act 2020 and misuse of a the system designed to support those with disabilities and health conditions is more than disappointing.

COVID-19 Public Health Response Act 2020 – NZ Legislation

However, you are not required to undertake an enforcement role in this regard.

You will also know that there are many layers of protection in schools, including people who are unwell staying away, increasing rates of vaccination across the population including mandated vaccinations for staff and volunteers, good ventilation, other students and staff wearing face coverings, good cough and sneeze etiquette and more.

You may wish to focus instead (as you have been doing) on encouraging good practice.

There are some posters and resources on the Unite Against COVID-19 website which might assist you to encourage use of face coverings.

Cover for each other face coverings poster – Unite Against COVID-19

Please wear a face covering poster – Unite Against COVID-19

How to wear a face covering safely poster – Unite Against COVID-19

Face covering information in te reo Māori – Unite Against COVID-19

Posters in other languages – Unite Against COVID-19

## **Guidance for situations involving strong views and big emotions**

As part of the COVID-19 Public Health Response Order, requirements including mandatory vaccinations for people working in educational settings and the wearing of face coverings has resulted in strong reactions from some people.

Over the coming weeks there may be times when an individual and/or a group's reactions to the government's public health order requirements may impact on others.

Find guidance and ideas on how to respond to emotionally heightened situations on our website.

Responding to situations involving strong views – Ministry of Education

## **Auckland: Official Information Act (OIA) requests**

We're aware that a journalist has made an OIA request to all Auckland schools for information relating to the vaccination mandate and the systems and processes schools have in place to ensure compliance with the COVID-19 Public Health Response Orders.

We have discussed the request with NZSTA and an approach to supporting schools to address the questions asked.

NZSTA is available to provide advice and assistance to schools on how to address the request to meet the obligations under the OIA and reduce double handling. NZSTA can also provide support on how to address any privacy issues raised by the request.

NZSTA can be contacted by phone on 0800 782 435 or by email at [govadvice@nzsta.org.nz](mailto:govadvice@nzsta.org.nz).

# Summer holidays insurance cover for digital devices

We have arranged coverage for school-owned digital devices that have been provided to students for summer learning.

Please note, this only applies where the student has enrolled in summer school. We have clarified details of cover in four key areas.

## Devices covered by our risk management scheme (RMS)

The excess for handheld devices is \$100 per claim, and the risk management scheme (RMS) treats all students enrolled in summer school as a single event versus one claim per device.

As such, damage, loss or theft of devices incurred by a school in the scheme during the 2021/22 summer holidays (for example, the non-return or damage to electronic devices sent home) will be treated as a single claim with a single excess for that school.

- Excess for handheld devices is \$100 per claim (where one claim may cover multiple devices).
- RMS insurance premium costs of this scheme are deducted directly from each school's operational grant at a cost of \$10.50 per student per annum. This is deducted in four amounts from each operational grant payment and already covers handheld devices.
- Schools placing a claim can work directly with our RMS loss adjustor to help manage the process. As repairs or replacement of devices will be needed during COVID-19, claims can be submitted as required and the excess will only be applied once.

Risk management scheme – Ministry of Education

## Devices covered by a school's own insurance arrangement

We are not clear how each school's private insurer will treat electronic devices being sent home during the 2021/22 summer holidays.

However, we understand the main commercial provider used by schools is not treating the 2021/22 summer holidays any differently to normal circumstances.

We would encourage you to clarify the cover of your devices during the holidays. If unsure, we recommend you contact your insurer directly to understand what cover you have and the risk to your school.

The following questions may be useful:

- are devices covered for at-home use?
- are the 2021/22 summer holidays being treated as a single event with a single excess covering multiple devices?
- is the excess the same for theft, loss, damage, unexplained disappearance, non-return, different device types (that is, laptop vs Chromebook vs iPad/tablet), individual devices, or can they be combined into one claim with one excess?
- is there a limit on the contents sum insured?

## **Needing additional cover to make a claim**

We advise that you take the following steps:

- approach your insurance provider in the first instance to receive the cover you have paid for
- claim back the excess by contacting McLarens and provide evidence of the claim and the excess charged
- claim back a loss not covered by your policy by contacting McLarens and provide evidence of the loss and your insurer's advice of non-coverage
- the first \$100 of excess for the 2021/22 summer holiday event will apply as it does for schools in the RMS, but all further excesses or losses will be covered.

## **Changing your cover to our risk management scheme**

Following a conversation with your insurer, you may decide to transfer your cover to our risk management scheme.

Risk management scheme – Ministry of Education

To discuss the complete insurance package we offer and any additional cover, your school can call 0800 293 031 (select option 2).

If, after considering the differences between providers you decide to switch to the RMS, please complete the application form and email [RMS.mailbox@education.govt.nz](mailto:RMS.mailbox@education.govt.nz).

This form has a date from which the cover will start. Please coordinate with your current provider so that the date you leave their scheme and join the RMS is the same.

# Report: Learnings from schools on bullying prevention

You're invited to read learnings from schools that have achieved low levels of bullying in a new report, 'Tō Tātou Kura Atawhai: Our kind of school'.

Our kind of school – Office of the Children's Commissioner

We partnered with the Office of the Children's Commissioner to talk with hundreds of students, staff and whānau at a diverse group of schools with strong inclusive cultures.

The project team identified several key insights, which they hope will inspire other schools to create welcoming, inclusive environments for their students and whānau.

Common to all schools were six key characteristics:

- knowing and meeting the needs of each student
- strong and respectful school leadership which lays the foundation for a positive school culture
- commitment to tikanga and te reo Māori in the classroom, culture, and community of the school
- connecting with and including whānau and wider community in school life
- valuing and celebrating staff and student diversity
- quick and effective responses to bullying incidents.

Watch a video explanation of the project and findings:

Our kind of school – YouTube

## Get involved: Develop the new Pacific studies NCEA subject

You are invited to help us develop the new Pacific studies subject and apply to be part of the NCEA Pacific studies reference group.

Pacific studies reference group – NCEA Education

The reference group will be established to determine the scope of Pacific studies and its connection as a multi-disciplinary subject within The New Zealand Curriculum – as well as identify the big ideas of Pacific studies.

We're looking for a range of voices and want to see a balance of relevant expertise, knowledge and experience reflected across the reference group. Experienced senior secondary teachers, industry

experts, academics and community leaders across New Zealand and the Pacific are encouraged to apply.

If you are interested, send your CV and a cover letter noting your relevant experience to [ncea.review@education.govt.nz](mailto:ncea.review@education.govt.nz) by Thursday 9 December.

Released under the Official Information Act 1982

## **HE PITOPITO KŌRERO**

### **COVID-19 UPDATE - 7 DECEMBER 2021**

07 December 2021

#### **IN THIS BULLETIN ISSUE**

Changes to the Employment Relations Act around vaccinations

Minimum amount of notice

Paid time off for vaccination

Vaccinations for children aged five to 11

Using your school as a vaccination site

Insurance impacts of non-vaccination

Out-of-school care and recreation and school holiday programmes

Out-of-school care and recreation (OSCAR) programmes

Vaccination of OSCAR staff

School holiday or summer programmes

Update on ventilation

Contact from ventilation suppliers

COVID-19 resource toolkit

Fake ID cards claiming diplomatic immunity from vaccination

Life skills teaching resource now available

Official Information Act request to schools

#### FOREWORD

Ngā mihi o te ahiahi,

Year end is always hectic, and I know this year even more so. I am sure you are looking forward to some well-earned respite.

You will be as pleased as I am that the last planned bulletin for this year will be Thursday 9 December.

In today's bulletin, please note that there have been some changes made to the Employment Relations Act specifically to do with staff vaccinations. There is also an update on the plans to introduce vaccines for children aged five to 11.

Ngā mihi maioha,  
Iona

## **Changes to the Employment Relations Act around vaccinations**

There have been recent changes to the Employment Relations Act 2000 which you need to be aware of.

### **Minimum amount of notice**

There is now a minimum amount of paid notice that employers are required to give where an employee is dismissed due to not meeting vaccination requirements.

If an employee is not vaccinated as required by the Public Health Order, and after following a fair and reasonable employment process you terminate their employment, you must provide at least four weeks paid notice.

If the employee's employment agreement has a longer notice period, then the longer period applies. The notice period provided for teachers by their employment agreement is two months.

Some non-teaching staff have a one-month notice period which will continue to apply but staff in roles covered by the School Caretakers', Cleaners' and Canteen Staff Collective Agreement or the Secondary and Area School Groundstaff Collective Agreement who had a two-week notice period, will now be entitled to four weeks' paid notice.

Employment agreements – Ministry of Education

This new requirement applies to those who receive notice on or after Friday 26 November and only to those who are dismissed due to not meeting vaccination requirements.



We have previously advised that notice should be cancelled and the employee reinstated if, while the notice period is being worked, the employee becomes vaccinated. This applies unless cancelling the notice of termination would unreasonably disrupt the school's operations. This is now also a legal requirement.

Before giving notice of termination of employment, you must ensure that a full employment and consultation process has taken place, including exhausting all other reasonable alternatives. Please contact NZSTA or an alternative employment relations adviser for support.

## **Paid time off for vaccination**

Our advice has been that you should support staff to get vaccinated by providing paid time off where they were unable to be vaccinated outside of their normal hours of work.

This is now a legal requirement and an employee is now entitled to reasonable paid time off during their normal working hours to receive a dose of a COVID-19 vaccine.

Before taking paid time off, the employee must notify you of the date and time they intend to receive a COVID-19 vaccine and the amount of time they expect to take as paid time off (including any travel time).

If providing paid time off would unreasonably disrupt the school's work or the performance of the employee's duties, you can work through options with the employee for when the time off will be provided.

## **Vaccinations for children aged five to 11**

Independent safety regulator Medsafe is currently considering an application to use a child version of the Pfizer vaccine for five to 11-year-olds. We can expect a decision in mid-December.

Pending the decision made by Medsafe, Cabinet may be in a position to consider vaccinations for children before Christmas.

Health officials are therefore planning for a rollout starting early next year. Although timing has not been decided, it is expected it would begin before the end of January.

Current plans are to use the existing health sector infrastructure such as GPs, pharmacies and vaccination clinics, as well as working with iwi, DHBs, local providers, communities and the Ministry of Education to ensure a whānau-based approach.

Children and tamariki under the age of 12 can only be vaccinated with the consent of their parent or caregiver. We encourage whānau to discuss vaccination so that everyone understands the decision they are making.

## **Using your school as a vaccination site**

We're aware that some of you have been approached by your District Health Boards about the possibility of hosting vaccination clinics in 2022.

Schools are often at the centre of our communities and can provide a safe and convenient place for young people and their whānau to access good information or be vaccinated against COVID-19.

The use of school facilities remains a matter for your board to decide and we will support you in your decision.

If you wish to communicate with your community regarding COVID-19 vaccines, you can access information from the following trusted sources:

COVID-19 vaccines – Unite Against COVID-19

COVID-19 vaccines – Ministry of Health NZ

Doing it for each other – Karawhiua

Information for Pacific Peoples – Unite Against COVID-19

COVID-19 – The Immunisation Advisory Centre

## **Insurance impacts of non-vaccination**

In line with other school insurers, our Risk Management Scheme (RMS) liability insurer has notified us that it intends to apply a pandemic exclusion from renewal on 1 January 2022.

This means that any claim notified after 4pm on 1 January 2022 which has arisen from the pandemic or the Government's response to this will be excluded (that is, not covered).

We strongly advise you notify the RMS liability insurer of any circumstance that may give rise to a claim as soon as possible and no later than 4pm on 1 January 2022.

More particularly, notify the RMS liability insurer if you have circumstances involving any staff that either have been stood down since 15 November, or staff who have indicated they may not comply with the second dose deadline or that they may seek redress due to any action of the school relating to the pandemic.

Our RMS liability insurer is Lumley, a business division of IAG New Zealand. Notifications can be sent to [liabilityclaims@nzi.co.nz](mailto:liabilityclaims@nzi.co.nz).

## **Out-of-school care and recreation and school holiday programmes**

### **Out-of-school care and recreation (OSCAR) programmes**

Out-of-school care and recreation (OSCAR) programmes can open in Red, Orange and Green settings of the traffic light framework.

Providers are prohibited from requiring a My Vaccine Pass for people accessing these programmes.

### **Vaccination of OSCAR staff**

Board-employed staff and volunteers will already be covered by the vaccine mandate for education and must be vaccinated.

If not covered by the vaccine mandate, staff are not required to be vaccinated unless they are providing a close-proximity service. Providers should consider based on their service model whether they are close-proximity services and, if so, whether they can operate safely at all levels.

Public health advice indicates that it may not be feasible for OSCAR providers with unvaccinated staff to operate safely at any level.

Further information on the vaccination of OSCAR staff and guidelines for operating OSCAR programmes under Red, Orange and Green can be found on the Ministry of Social Development website.

Guidance for social service providers – MSD [PDF, 361 KB]

### **School holiday or summer programmes**

School holiday or summer programmes may also open in Red, Orange and Green settings.

These may be on school sites, however, in order to go ahead, the providers need to apply the general rules for gatherings and events.

## **Update on ventilation**

We're asking all schools to stay up to date with our guidance on ventilation and complete the ventilation self-assessment:

Ventilation in schools – Te Mahau

Ventilation self-assessment for schools [PDF, 145 KB]

Please contact your property advisor if you have concerns or need advice about ventilation.

## **Contact from ventilation suppliers**

We're aware many schools are being contacted by suppliers offering to supply CO2 monitors, portable air cleaners/purifiers or other proposed solutions. Please be aware these vary greatly in quality and performance and advice from leading international authorities is that portable air cleaners are not a substitute for good ventilation.

We are investigating how active technologies such as air treatment may supplement the management and ventilation measures already in place in schools. We are working closely with a panel of experts including the Ministry of Health and NIWA on this.

Ventilation study gets underway at three schools – Ministry of Education

## **COVID-19 resource toolkit**

The Unite Against COVID-19 Resource Toolkit (hosted by Brandkit) is the new home for all the Unite Against COVID-19 resources.

In the toolkit you can easily find and download any of the resources, including logos, templates, posters, videos and social media tiles.

Some frequently used posters that may be required in your school or kura can be found on our website.

COVID-19 Protection Framework for schools and kura – Te Mahau

If you wish to create your own posters, you can head to the COVID-19 Resource Toolkit and use the 'login/register' button to create an account.

COVID-19 Resource Toolkit – Unite Against COVID-19

## **Fake ID cards claiming diplomatic immunity from vaccination**

We've been advised that there are individuals claiming diplomatic immunity exemption from vaccination requirements and using fake ID cards as evidence.

The fake diplomatic ID cards are being sold by 'Te-Moana-Nui-A-Kiwa Embassy' and 'Avoid Vaccines | Ranger Security' organisations.

The individuals holding these ID cards do not hold diplomatic immunity in New Zealand and you should not accept these ID cards from people seeking exemption from the vaccine mandate.

The ID card presented is not a diplomatic ID card provided by the Ministry of Foreign Affairs and Trade and does not entitle the holder to any immunity under the Diplomatic Privileges and Immunities Act 1968.

It's the expectation that any spouse or dependent family member of an accredited diplomat who has been approved to work in New Zealand comply with the requirements of their profession – including any vaccination requirements.

MFAT are maintaining a log of all claims using these fake IDs which may be of assistance to New Zealand Police. Please forward any examples of claims to [protocol@mfat.govt.nz](mailto:protocol@mfat.govt.nz).

## **Life skills teaching resource now available**

The School Leavers' Toolkit (SLTK) provides information and resources to help young people gain the core skills and knowledge they need to help launch their post-school lives.

Following ongoing feedback on our SLTK resources, we've created a set of life skills lessons (unit plans) for teachers and careers advisors to support life skills programmes for senior secondary students.

Life skills lessons – School Leavers' Toolkit

These six life skills lessons (unit plans) align with the six sections of the School Leavers' Toolkit and curriculum learning areas. They can be used as is or can be adapted/built on to fit your teaching style.

## **Official Information Act request to schools**

We're aware that an OIA request has been sent to a number of schools from "Education Aotearoa" seeking information about their transgender, non-binary and gender fluid students.

As you will all be keenly aware, schools and kura are required to provide and promote a safe and inclusive environment for all students, including for transgender and gender diverse students and we know it is a responsibility you take very seriously. This responsibility also includes protecting the privacy of individual students.

Any person or organisation can request information held by a school or kura under the Official Information Act 1982. However, the Act also provides grounds to withhold information where the release would breach the privacy of an individual.

We would be very concerned about the release of any information which might identify individual students in this context or breach their privacy and we know those schools that have received this request will be considering very carefully what information (if any) is appropriate to provide in response to this request.

We would encourage any schools or kura who receive this request for information to contact NZSTA or Te Rūnanga Nui. These organisations are the appropriate bodies to provide case-specific advice and support to schools/kura on meeting their governance obligations.

Released under the Official Information Act 1982