

Document 1

From: 9(2)(a)
To: TEC; 9(2)(a) Katrina Sutich; 9(2)(a) @vuw.ac.nz;
9(2)(a) @lincoln.ac.nz; 9(2)(a) @canterbury.ac.nz; 9(2)(a) @aut.ac.nz;
9(2)(a) @otago.ac.nz; 9(2)(a) @otago.ac.nz; 9(2)(a) ;
9(2)(a) @twoa.ac.nz; 9(2)(a) @twor-otaki.ac.nz; 9(2)(a) ;
9(2)(a) @waikato.ac.nz; 9(2)(a) @massey.ac.nz; 9(2)(a) ;
Subject: RE: MoE/TEC meeting with "critical friends group"
Date: Thursday, 28 October 2021 7:12:50 pm
Attachments: [CPF and tertiary - 28 Oct.docx](#)
[image001.png](#)

Kia ora koutou,

Many thanks for making the time tomorrow to meet with us. As a starting point for our discussion, **attached** is a 2-pager outlining some of the high-level implications of the new COVID-19 frameworks for the tertiary sector, and our early thinking on guidance, taking into account what we've heard from you already. We look forward to discussing this with you. Please do not share the document with others.

Ngā mihi,

9(2)(a) | Senior Policy Analyst | System, Regulatory and Higher Education Policy
Te Puna Kaupapahere | Policy

9(2)(a)
National Office Mātauranga House
education.govt.nz

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-----Original Appointment-----

From: 9(2)(a) @tec.govt.nz>
Sent: Thursday, 28 October 2021 10:21 am
To: 9(2)(a) Katrina Sutich; 9(2)(a) @vuw.ac.nz; 9(2)(a) @lincoln.ac.nz; 9(2)(a) @canterbury.ac.nz; 9(2)(a) @aut.ac.nz; 9(2)(a) @otago.ac.nz; 9(2)(a) @otago.ac.nz; 9(2)(a) @twoa.ac.nz; 9(2)(a) @twor-otaki.ac.nz; 9(2)(a) @waikato.ac.nz; 9(2)(a) @massey.ac.nz
Subject: MoE/TEC meeting with 'critical friends group'
When: Friday, 29 October 2021 11:00 am-12:00 pm (UTC+12:00) Auckland, Wellington.
Where: Microsoft Teams Meeting

Kia ora

This meeting is to discuss the implications of recent COVID-19 policy decisions for the tertiary sector and test our early thinking about guidance for the sector.

We hope to send you some documentation to review in advance.

Thank you again for making the time to traverse this together.

Microsoft Teams meeting

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Commission**
Te Amorangi Mātauranga Matua

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For testing with targeted stakeholders

What does the COVID-19 Protection Framework (CPF) mean for the tertiary sector?

- As part of the CPF, tertiary education will be:
 - o Open at Green
 - o Open with public health measures in place at Orange
 - o Open with a vaccination requirement for onsite delivery or closed onsite (with online provision for those who need it) at Red.
- Tertiary providers will need to undertake planning and decide, in consultation with students and staff, how they will operate at each level of the framework.
- MoE is developing high-level guidance to assist tertiary providers in their preparations for the CPF. Guidance will cover teaching and learning spaces (including for workshops, classes, labs, tutorials, meetings, noho marae, exams and assessments), libraries, student services, student accommodation, and research and related activity settings.
- On-campus events and businesses (e.g. gyms, counselling and health services, hospitality, retail) should operate in accordance with the guidance and rules for those settings which is being developed by other agencies.

Collecting and using student and staff vaccination information

- Tertiary providers would be able to verify students' CVCs on a one-time basis, and could record this in their own systems to: a) facilitate campus access at Red level (or at other times, if they implemented a mandate) and b) support the TEO's public health planning and response. (No one will be allowed to capture and store data from the CVC itself, but TEOs can record, for example, 'verified' against the student's record in their system.) *[we will need to ensure the legal position supports this]*
- At this stage, it is envisaged that workers can show a CVC to their employer (because the exemption grounds for workers for vaccination will not be more restrictive than for CVCs). However, employers will need to keep their own records of workers' vaccination status. *[to be informed by MBIE's guidance]*

Requiring vaccination for staff

- COVID-19 vaccination for workers will be mandated for early learning and health services on tertiary sites, as well as for any settings where a CVC may be required (e.g. hospitality, gyms and event venues).
- At the Red level, tertiary providers who are open onsite will need to ensure that attending students and staff are vaccinated. Tertiary providers will need to undertake planning, in consultation with students and staff, as to how they will operate at the Red level.
- Staff who will be required to work onsite at the Red level will need to be vaccinated.
- For other staff for whom vaccination is not mandatory, the Government is introducing a new risk assessment process in law for employers to follow when deciding whether they can require vaccination for different types of work. This new process will not override risk assessments that organisations have done under the existing health and safety guidelines.

Requiring vaccination for students

- Education and health workforce vaccination mandates will require students intending to undertake placements in healthcare and early childhood or school settings to be vaccinated.
- Outside of the Red level (and other CVC requirements that may be required on campus such as gyms), it is up to TEOs whether and how to impose additional vaccination requirements for students. We note the complex environment TEOs are making these decisions in, including TEOs'

human rights obligations, health and safety requirements, contractual relationships with students, student enrolment entitlements, and equity considerations.

- DPMC will be developing guidance on the optional use of CVCs where they are not mandatory (nor prohibited), which could apply to TEO education settings in the Orange and Green levels. *[to check whether use by TEOs is envisaged here – and how it connects to ‘collecting and using student and staff vaccination information’]*

OPERATING UNDER THE COVID-19 PROTECTION FRAMEWORK

Guidance that applies under all levels:

- **Contact tracing:** TEOs should have contact tracing systems in place for all staff, students and visitors onsite.
- **Face coverings:** Staff and students should wear face coverings or masks when attending on-site activities at Orange and Red levels; these are also recommended at the Green level.
- **Entry and exit procedures for teaching and learning spaces:** TEOs should have protocols in place to ensure staff, students and visitors maintain physical distancing when entering and leaving teaching and learning spaces as appropriate.
- **Close-contact courses** may resume and should operate in accordance with the public health control measures that apply to that specific occupation (e.g., hairdressing) – including vaccination requirements. This applies whether the training is conducted in the workplace, or on-site at a tertiary facility.
- **Workplace-based learning** can resume for most businesses, and should be managed within the public health control measures that apply to that workplace. Pastoral care for workplace-based learning may be delivered face-to-face, and should be managed within the public health control measures that apply to that workplace.
- **On-campus businesses** such as gyms, pharmacies, cafes, restaurant, etc., should operate in accordance with the public health control measures that apply to that type of business (including where these businesses operate on shared premises e.g. learning hubs).
- **Secondary-tertiary pathways:** TEO staff providing secondary tertiary education on a school site will need to be vaccinated in accordance with rules relating to schools. Where TEOs provide services on campus, TEOs should apply the risk assessment process to those staff.

Guidance at each level for teaching and learning spaces, libraries, etc:

- **Red:** TEOs should decide education capacity limits based on:
 - o 1m distancing requirement
 - o Ventilation and filtration of the space
 - o All staff and students being fully vaccinated
 - o Other public health measures that the TEO may implement (e.g. surveillance testing)
 - o Local community transmission.
- **Green & Orange:** TEOs should decide education capacity limits based on:
 - o Ventilation and filtration of the space;
 - o The proportion of staff and students in the campus community who are vaccinated
 - o Other public health measures that the TEO may implement (e.g. surveillance testing)
 - o Local community transmission. *[to consider how Green & Orange will be different]*

Guidance/rules will also need to be developed on:

- Secondary tertiary provision;
- The implications of student vaccination requirements on enrolment, entitlements and funding.

Document 2

From: 9(2)(a)
To: [Katrina Sutich](#)
Cc: 9(2)(a)
Subject: 2-pager
Date: Tuesday, 2 November 2021 9:47:41 am
Attachments: [CPF and tertiary - 28 Oct \(003\).docx](#)

Kia ora Katrina – rather than updating the 2-pager, we thought might be best to just send you the latest version with 9(2)(a) markups (9(2)(a) markups will require some further thought on our part).

Can discuss further at 11.15.

Ngā mihi,

9(2)(a)

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Document 3

From: 9(2)(a)
To: TEC-9(2)(a); TEC-9(2)(a) @aut.ac.nz;
9(2)(a) @auckland.ac.nz; 9(2)(a) @waikato.ac.nz; 9(2)(a) @otago.ac.nz;
9(2)(a) @massey.ac.nz; 9(2)(a) @vu.ac.nz; 9(2)(a) @canterbury.ac.nz;
9(2)(a) @lincoln.ac.nz; 9(2)(a) @teu.ac.nz; 9(2)(a) @tiasa.org.nz;
Students - President; 9(2)(a) @temanaakonga.org.nz; 9(2)(a) ;
9(2)(a) @twoa.ac.nz; 9(2)(a) @twor-otaki.ac.nz; 9(2)(a) @itenz.co.nz;
Katrina Sutich; 9(2)(a)
Subject: RE: In confidence: discussion on potential options for progressing vaccination requirements
Date: Thursday, 4 November 2021 2:05:22 pm
Attachments: [COVID-19 vaccination and workplaces.pptx](#)
[image001.png](#)

Kia ora koutou,

We'll be joined by 9(2)(a) from MBIE at the beginning of our meeting this evening to discuss MBIE's options for its risk assessment framework for COVID-19 vaccinations in the workplace (which some of you may have seen this already through other government engagement). If you're interested, it would be great if you could review the **attached** slides in advance of our meeting and come prepared with feedback or queries. We'll only spend our first 15 minutes on the MBIE framework.

Looking forward to the discussion this evening and thank you very much as always for making the time to meet with us.

Ngā mihi,

9(2)(a) | Senior Policy Analyst
Te Puna Kaupapahere | Policy

9(2)(a)

-----Original Appointment-----

From: 9(2)(a) @tec.govt.nz>

Sent: Wednesday, 3 November 2021 6:03 pm

To: 9(2)(a); TEC - 9(2)(a) @aut.ac.nz;

9(2)(a) @auckland.ac.nz; 9(2)(a) @waikato.ac.nz; 9(2)(a) @otago.ac.nz;

9(2)(a) @massey.ac.nz; 9(2)(a) @vu.ac.nz; 9(2)(a) @canterbury.ac.nz;

9(2)(a) @lincoln.ac.nz; 9(2)(a) @teu.ac.nz;

9(2)(a) @tiasa.org.nz; Students - President; 9(2)(a) @temanaakonga.org.nz; 9(2)(a)

9(2)(a) @twoa.ac.nz; 9(2)(a) @twor-otaki.ac.nz;

9(2)(a) @itenz.co.nz; Katrina Sutich; 9(2)(a)

9(2)(a)

Subject: In confidence: discussion on potential options for progressing vaccination requirements

When: Thursday, 4 November 2021 5:00 pm-6:00 pm (UTC+12:00) Auckland, Wellington.

Where: Microsoft Teams Meeting

Importance: High

Kia ora

MoE and TEC would like to meet with you to test and discuss potential options for progressing vaccination requirements in the tertiary sector.

This will replace tomorrow's peak bodies meeting (MoE will send out a cancellation for that shortly).

Please kindly do not pass this meeting invitation to others.

We look forward to this discussion and again thank you for making yourself available at such short notice.

Kind regards

9(2)(a)

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COVID-19 vaccination and workplaces

Planned law changes, November 2021

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What the Government has decided

On 26 October 2021, the Government announced law changes to:

- Create a risk assessment framework for employers to follow when deciding whether to require vaccination for different types of work.
- Mandate vaccination for work where:
 - Customers must show a COVID-19 Vaccination Certificate (CVC) to enter places, or
 - This is needed to continue exporting goods to an overseas market.
- Require employers to give employees paid time off to be vaccinated.
- Create a four-week paid notice period for unvaccinated workers whose employment is terminated because their work requires vaccination.

The Government also announced it is considering whether additional vaccination mandates are needed for other types of work, where there is strong public interest in doing so.

Process and timing

- Law changes are expected to come into effect at the end of November (around 27 – 30 November).
- Drafting is already underway for the employment law changes (paid time off for vaccination and four weeks' paid notice of termination).
- We are currently seeking feedback on details about:
 - The risk assessment process,
 - How vaccination mandates will work with CVCs,
 - How vaccination mandates will support overseas market access, and
 - Whether any additional vaccination mandates are needed, particularly for work in critical utilities or other essential services.
- We also welcome your thoughts on guidance/support needed to implement these changes.

Risk assessment framework

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Option 1 for risk assessment framework

Option 1 involves counting points relating to four factors.

No threshold has been set yet for what would require vaccination. The higher this threshold (eg 6 points compared to 2 points), the greater the risk tolerance.

Work environment			Ability to maintain physical distancing		
0	1	2	0	1	2
Mostly done outside	Mostly done in an indoor space at least 100m ²	Mostly done in an indoor space less than 100m ²	Able to maintain distancing	Able to maintain distancing of at least 1 m	Cannot maintain distancing (ie close proximity)
Nature of work			Length of time (per day) with hard-to-identify people		
0	1	2	0	1	2
No contact with public	Public-facing: people are easy to identify	Public-facing: people are not easy to identify	Brief contact (eg less than 20 minutes)	20 minutes to a few hours	More than a few hours

Option 2 for risk assessment framework

Option 2 involves a checkbox exercise based on the same factors as option 1. Similar to option 1, no threshold has been set yet for what would require vaccination (eg at least two ticks in column B).

	Column A	Column B
Work environment	Mostly outdoors	Mostly indoors
Ability to maintain physical distancing	Able to maintain at least 1 m physical distancing	Unable to maintain at least 1 m distancing
Nature of work	Not public-facing	Public-facing
Length of time (per day) with hard-to-identify people	Briefing contact with people	More than brief contact with people

Questions about risk assessment framework

About the two options:

- Which option do you prefer?
- Are they easy to use?
- Do any other factors need to be included?
- How does work in your business/sector score?
- What do you think the threshold should be for each option?

About the process for using the framework:

- How should engagement with workers happen?
- Where an organisation has health and safety representatives, is this enough for worker engagement?
- How should unions be involved in the process?

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Questions about risk assessment framework

About factors included in the framework:

- We have only included factors related to work health and safety, based on public health advice. Should the framework include any other factors, like risk of undue disruption or third-party access requirements?
- If yes, how would these be defined and measured?

About other health and safety controls:

- Should PCBU/employers be required to consider other health and safety controls as well as vaccination?
- If so, should they do this at the same time as the risk assessment, or before/after it?

Vaccination mandates and CVCs

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Vaccination mandates in CVC areas

- By “CVC areas”, we mean the five/six settings that will legally need to require CVCs to operate (or operate with fewer restrictions) under the COVID-19 Protection Framework:
 - At the Green, Orange and Red levels: hospitality, gatherings, events, close contact businesses, gyms.
 - At the Red level only: tertiary education.
- At the Orange and Red levels, work in all CVC areas requires vaccination.
 - This is even if the business has chosen to operate with more restrictions (ie contactless trading for hospitality, or lower capacity limits for gatherings).
- At the Green level, there are two options:
 - Mandating vaccination for work, similar to Orange and Red. This is our preference because it is the simplest approach.
 - Only requiring vaccination for work if a business has chosen to operate with CVCs.

COVID-19 Protection Framework and CVCs

	CVC use	Green	Orange	Red
Hospo	Yes	No limits.	No limits.	Up to 100 people based on 1 m distancing, seated and separated.
	No	Up to 100 people based on 1 m distancing, seated and separated.	Contactless operation only.	Contactless operation only.
Gather-ings	Yes	No limits.	No limits.	Up to 100 people based on 1 m distancing.
	No	Up to 100 people based on 1 m distancing.	Up to 50 people based on 1m distancing.	Up to 10 people.
Events	Yes	No limits.	No limits.	Up to 100 people based on 1 m distancing, seated and separated.
	No	Up to 100 people based on 1 m distancing, seated and separated.	Cannot operate.	Cannot operate.
Close contact	Yes	No limits.	No limits.	Public health requirements in place.
	No	Face coverings for workers, 1 m distancing between customers.	Cannot operate.	Cannot operate.
Gyms	Yes	No limits.	No limits.	Up to 100 people based on 1 m distancing.
	No	Up to 100 people based on 1 m distancing.	Cannot operate.	Cannot operate.
Tertia-ry ed	Yes	(Not applicable)		Capacity based on 1 m distancing for onsite delivery.
	No			Distance learning only.

Questions about vaccination mandate re CVCs

- Do you support our approach to mandating vaccination for work in CVC areas at the Green level?
- Would there be challenges for your business/sector be if vaccination is/isn't mandated for work in CVC areas at the Green level?
- If you are in one of the five/six CVC areas, have you decided whether you will require CVCs when operating?
 - What do your workers think of this decision?
 - If you have chosen to require CVCs, are all (or enough) of your workers vaccinated?
- When do you think the vaccination mandate for work in CVC areas should come into effect?
 - How long do you think is needed to encourage workers to be vaccinated?
 - Should there be different dates for customers vs workers?
- Any mandate will apply to all work in a CVC area (eg subcontractors, suppliers). What practical issues need to be managed as a result?

Vaccination mandates and overseas market access

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Vaccination mandates and overseas market access

- The Government will allow vaccination to be mandated for work to ensure overseas market access.
- This is to avoid situations where trading partners stop importing New Zealand food products because of concerns about COVID-19 transmission in workplaces.
- At this stage, we envisage this applying in relation to food exports.
- This is the system we are considering:
 - First, the Director-General of MPI makes a declaration about what food goods this mandate applies to.
 - Then, employers can apply to MPI for authorisation to use the mandate if their business is covered.

Questions about overseas market access

- Should the Government mandate vaccination to ensure access to overseas markets?
- What kind of employers/businesses would need to be covered by this mandate for overseas market access reasons?
- If these employers used the risk assessment process, would it produce the same outcome?
- Should employers only be allowed to rely on this mandate if exports (eg to certain markets) make up a set proportion of their business?

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Additional vaccination mandates

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Additional vaccination mandates

- The Government is considering whether additional vaccination mandates are needed.
 - So far, vaccination has been mandated for the following work: work in border/MIQ facilities, health sector, education sector (excluding tertiary), prisons.
 - Soon, vaccination will or may also be required in CVC areas and for overseas market access.
- The Government will only be able to make additional mandates if there is a public health rationale or they are in the public interest.
- Examples raised thus far have been lifeline utilities/essential services, and services that involve contact with vulnerable people.

Questions about additional vaccination mandates

- When is it in the public interest for the Government to mandate vaccination for work? What are some examples?
 - Without a mandate, would the risk assessment framework produce the same outcome?
 - If yes, should this be left to the risk assessment framework?
 - If no, why mandate vaccination if the health and safety/public health threshold isn't met?
- Should work in areas where CVC use is prohibited (eg supermarkets) require vaccination? Why, or why not?
- Is there any distinction in the threshold for mandates in the public sector and private sector?

Questions about critical utilities/essential services

- Should the Government mandate vaccination to protect critical utilities or essential services?
 - If yes, how should these be defined?
 - Would a mandate still be necessary if the risk assessment framework produced the same outcome?
 - If yes, should this be left to the risk assessment framework?
 - If no, why mandate vaccination if the health and safety/public health threshold isn't met?
 - Should the mandate differentiate between frontline work and head office/corporate work?
 - What exemptions/exceptions from the mandate would be needed (eg for urgent or critical work to be done by unvaccinated workers)?
-

Document 4

From: 9(2)(a)
To: 9(2)(a)
Cc: 9(2)(a); [Katrina Sutich](#)
Subject: RE: Key messages for 5pm
Date: Thursday, 4 November 2021 4:51:07 pm

THANK YOU 9(2)(a)

From: 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>
Sent: Thursday, 4 November 2021 3:34 pm
To: Katrina Sutich <Katrina.Sutich@education.govt.nz>
Cc: 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>
Subject: Key messages for 5pm

Hi, 9(2)(a) is just having a quick look at these but here's how they are looking. Will also have a slide for you with the options:

1. Context

This will cover a summary of what we've heard so far from the sector and what's changed in the policy space (including an update from MBIE on how their vaccination framework will work in practice)

- What we heard from you initially was that, in general:
 - o You wanted the **flexibility** to make decisions that were appropriate for your staff and student community;
 - o You had **mixed views** on a government vaccination mandate for staff and/or students – often given equity concerns;
 - o Some of you wanted **consistency** in the approach taken to tertiary education, in line with the rest of the economy, and in terms of how staff and students would be treated;
 - o You wanted a **clear government position** and **legal certainty** on vaccination requirements.
- What was announced:
 - o At the Red level, tertiary providers who are open onsite will need to ensure that attending students and staff are vaccinated. Tertiary providers will need to undertake planning, in consultation with students and staff, as to how they will operate at the Red level.
 - o Outside of the Red level (and any workforce vaccination mandates applying to students required to undertake placements, for example), it is up to TEOs whether and how to impose additional vaccination requirements for students, considering all relevant factors. These include TEOs' human rights obligations, health and safety requirements, expectations for learner wellbeing and safety systems, contractual relationships with students, student enrolment entitlements, and equity considerations.
 - o For other staff (who won't be onsite at Red level), the Government is introducing a new risk assessment process in law for employers to follow when deciding whether they can require vaccination for different types of

work – and we have an opportunity to hear from MBIE on that now.

- [MBIE to present]
- Since the release of COVID-19 Protection Framework, we are hearing from you:
 - o That there is not sufficient **legal certainty** around vaccination requirements in the tertiary sector;
 - o That you would like the **government to step further** into vaccination requirements, and provide more guidance; and
 - o Specifically, that you would like the government to impose **a sector-wide mandate**.

2. Process

This will outline the rough timing we are working to for two products:

- a. **Guidance for Auckland** when it goes to RED
 - o This is expected to occur in early Dec with the rest of the country shifting to the traffic light in January – the purpose of this guidance is to give Auckland some certainty for planning purposes for the remainder of 2021.
 - o We will aim to release this the week after next, as we will likely need Cabinet approval on some policy decisions to allow Auckland TEOs to smoothly transition into the Red level.
- b. **Detailed guidance for the traffic level framework and vaccine requirements** – expected to take effect from late Jan 2022. We aim to release this in late November.
 - o We know this is a long time to wait and that you are wanting to make preparations now.
 - o We're reluctant to provide you with interim advice while work is ongoing across government to further develop the detail of the COVID vaccine certificates, MBIE's workplace vaccination policy and the COVID-19 protection framework.
 - o However, we will be in a position to provide more clarity both on guidance for Auckland and a final decision on sector-wide mandates in the week beginning 15 November.

3. Options

- a. We note these options are still being worked through, and are subject to discussions with Legal and Health.
- b. Vaccine Mandate – the choices here are status quo (rely on traffic lights) or mandated vaccination requirements or something in between. We will be seeking reactions, thoughts on balancing equity considerations and Te Tiriti against certainty, the impact on on-line requirements.
 - o Option 1: **Risk-based framework applies to students**
 - Something similar to MBIE's workplace vaccination framework (outside of mandatory requirements (e.g. Red level or placement requirements)) that **9(2)(a)** has just spoken about would apply to students.
 - o Option 2: **Government mandate for all onsite provision**

- Government would extend the Red level requirement for staff and students to be vaccinated for onsite provision at the Red level to the rest of the COVID-19 Protection Framework. TEOs would need to provide online provision for those who were not attending on-site, where practicable.
- Which option do you think works best for the tertiary sector? Why?
- Are there other options that you think would work better for the sector?
- We have heard from you about the potential equity impacts of vaccination mandates. Which option would work best for Māori, Pasifika or immunocompromised learners? Why?
- Which option best facilitates the principles of protection and partnership under te Tiriti?
- c. **On-line or dual provision requirements** – the key choice here is who decides about dual provision – leave it up to the TEO, or rely on strong Govt guidance or requirements. Questions will focus on who misses out, and how TEOs will look after unvaccinated learners and those afraid to come on site if there are unvaccinated learners.
 - We know that, whichever way the Minister lands on vaccination mandates, groups of learners will miss out on access to in-person education – either because they are unvaccinated if we introduce a mandate, or because they are immunocompromised or live with someone who is and do not feel safe on campus.
 - We need to think about how we will ensure access to education to these learner groups. We expect TEOs to provide online provision, but this is not always possible (especially for practical courses).
 - What are your views?

Document 5

From: 9(2)(a)
To: 9(2)(a) @temanaakonga.org.nz; 9(2)(a) Students -
VP; 9(2)(a) @manukaumail.com; President@lusa.org.nz; President Victoria Students Association; President
Auckland Uni Students Association; president@saniti.co.nz; 9(2)(a) @dia.govt.nz;
president@wsu.org.nz; president@mad.ac.nz
Cc: Katrina Sutich; 9(2)(a)
Subject: Notes from Vaccine Mandate Meeting 3 November
Date: Monday, 8 November 2021 10:33:47 am
Attachments: [Notes from Vaccine Mandate Meeting 4 Nov 2021.docx](#)

Mōrena koutou

Hope you all had a lovely weekend and enjoyed some sunshine.

I've attached the notes from our meeting last week for your information.

Nā

9(2)(a) | Pouwhakarae | Associate Deputy Secretary
Te Puna Kaupapahere | Policy

9(2)(a)
National Office Mātauranga House
education.govt.nz

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Disclaimer: these notes are not Government policy and do not necessarily reflect the views of the Ministry of Education.

Attendees:

Student representatives:

9(2)(a) [redacted] NZUSA
9(2)(a) [redacted] NZUSA
9(2)(a) [redacted] Te Mana Akonga
9(2)(a) [redacted] National Disabled Students Association
9(2)(a) [redacted] Manukau Institute of Technology
9(2)(a) [redacted] Lincoln University Student Association
9(2)(a) [redacted] University of Otago Pacific Island Students' Association
9(2)(a) [redacted] AUTSA
9(2)(a) [redacted] Victoria University of Wellington Students' Association
9(2)(a) [redacted] Victoria University of Wellington Students' Association
9(2)(a) [redacted] SANITI
9(2)(a) [redacted] Auckland University Students' Association
9(2)(a) [redacted] Waikato University Students Association
9(2)(a) [redacted] Massey@Distance
9(2)(a) [redacted] – Massey@Distance

Ministry of Education:

Katrina Sutich

9(2)(a) [redacted]

9(2)(a) [redacted]

Apologies:

Students: 9(2)(a) [redacted]

About the Protection Framework:

- You can find information about the Government's COVID-19 Protection Framework here: [The COVID-19 Protection Framework | Unite against COVID-19 \(covid19.govt.nz\)](https://www.covid19.govt.nz/the-covid-19-protection-framework/)
- Government is still working out the details of how the Protection Framework should work for tertiary education – the input students provide at this meeting contributes to how the framework is developed. There is still scope for change and further development, including in guidelines for the sector. The current thinking (shared in confidence with student leaders) is as follows:
 - The big change will be at Red (when there is lots of COVID-19 circulating in the community): providers will be able to provide on-site education services, and staff and students must be vaccinated.
 - At Green and Orange, there will be no vaccination mandate and providers can operate with health measures in places (e.g. physical distancing).

1. Equity considerations for in-person delivery at RED in the traffic light framework

Understanding reasons and developing supports for vaccine-hesitant people

- It is important to understand the many reasons why students don't want to be vaccinated (e.g. religious beliefs, feeling like your family will disown/shun you). Once there is better

understanding of reasons and circumstances, it is easier to provide personalised and culturally appropriate advice and support so people can make informed decisions for themselves.

- Those who continue to be vaccine hesitant should be supported to continue learning, including through an alternative career/development progression pathway (e.g. health/teaching students whose vaccination status will impact their ability to get jobs in the healthcare/education sector).
- 9(2)(a) (MIT) and 9(2)(a) (OUSA) shared good examples of students working in partnership with local provider staff, communities, and vaccine-hesitant people:
 - MIT students and staff are working in partnership with a four-step approach: gain data on the affected people (e.g. their reasons for un/vaccination) → education → reach people in culturally appropriate and personalised ways (Māori and Pasifika health professionals are visiting people in their homes; sharing information in people's own languages; having in-person and person-centred discussions) → create career alternative pathways where needed
 - 9(2)(a) noted that you can contact DHBs for support to this approach – they have dedicated primary health care practitioners whose job is to reach and support people, including students
 - OUSA students are working to create a web platform with collated, trusted information from across the community, including information about how to reach and decision and understand which information to trust. This gives people a pathway to make an informed decision themselves (although it requires a lot of time and resourcing, which is mainly coming from the student association currently).

Equity considerations for Protection Framework

- Anecdotally, those in entry level courses (level 5 and below, often Māori and rurally-located learners) are less likely to be vaccinated (e.g. Tairāwhiti). These also tend to be learners in communities with longstanding distrust of government. There is concern that a vaccine mandate may shut entire communities out from their local education provider.
- LUSA has been encouraging their students to get vaccinated while still at university – many will return to farms over summer and may find vaccination centres harder to access when living rurally/remotely.
- Unvaccinated students who are heavily impacted by the protection framework should have the ability to drop out of courses and have reimbursement of funds. Many of these students already face inequities (e.g. if they are first in family) and will face further inequitable outcomes if they lose their course fees and also do not complete a qualification.
- Online learning should remain accessible and ongoing for all learners, regardless of vaccination status or alert level or protection framework status – this is an important equity consideration for disabled learners especially.
 - MoE clarified that this is the current intention, but it is likely that some courses (e.g. those with significant practical component) won't be able to be delivered online at any framework level.

- The burden of doing the work shouldn't fall to vulnerable communities alone (resourcing and support are important).

2. How much of a role do you think Government or individual tertiary education providers should play in outlining the vaccination policy for each provider?

- NZUSA and the National Disabled Students' Association support vaccine mandates from government as a way to make learning environments safer for everyone, especially vulnerable learners who are underserved by the system.
- NZUSA and the National Disabled Students' Association want clear and consistent instructions/guidance from government to all providers, about how vaccine mandates will work and how they should be communicated to students (including student involvement in decision-making, as required by the code of pastoral care). They are concerned about provider-by-provider approach being inconsistent and unclear for learners.
- Some associations feel that providers don't seem to be taking the code of pastoral care on board (e.g. not considering student voice when making decisions about vaccine mandates).
 - There is an opportunity for student associations to consider how learners, whānau, and communities should best have input with providers, if a vaccine mandate comes from government. Student associations can also work to profile some of the good partnerships happening (e.g. those shared by 9(2)(a)) – demonstrate how good student partnership works in practice.
- Te Mana Ākonga would like more detail on the current engagement with Māori iwi, hapū, whānau, and organisations.

3. From a student perspective, what else should Government consider to make a good vaccination policy?

- Clarify how the Protection Framework will apply to student accommodation (e.g. if students are living in student accommodation at Level Green, and we move back up to Level Orange or Red – would unvaccinated students be required to move out?). MoE has noted this for clarification in the detailed guidelines.
- Ensure vaccination certificates are accessible (e.g. not all students have internet/device access for digital certificates).
- Map out alternative career pathways for those who complete tertiary study and don't get vaccinated.
- Perhaps develop an interim paper for next year, for those students who may get vaccinated, but need time to work alongside their families to make an informed decision.

Document 7

From: 9(2)(a)
To: 9(2)(a) @aut.ac.nz; 9(2)(a) @auckland.ac.nz; 9(2)(a) @waikato.ac.nz; 9(2)(a) @otago.ac.nz;
9(2)(a) @massey.ac.nz; 9(2)(a) @vuw.ac.nz; 9(2)(a) @canterbury.ac.nz;
9(2)(a) @lincoln.ac.nz; 9(2)(a) @teu.ac.nz; 9(2)(a) @teu.ac.nz;
9(2)(a) @trasa.org.nz; Students - President; 9(2)(a) @temanaakonga.org.nz; 9(2)(a) ;
9(2)(a) @twoa.ac.nz; 9(2)(a) @twor-otaki.ac.nz; 9(2)(a) ;
9(2)(a) @itenz.co.nz; 9(2)(a) @vuw.ac.nz; 9(2)(a) @waikato.ac.nz;
9(2)(a) @auckland.ac.nz; 9(2)(a) @eit.ac.nz
Cc: COVID19 Tertiary; Katrina Sutich; 9(2)(a) ;
9(2)(a) @tec.govt.; TEC; 9(2)(a) TEC; 9(2)(a) ;
Subject: DRAFT IN CONFIDENCE: Guidelines for comment
Date: Friday, 12 November 2021 4:55:38 pm
Attachments: [DRAFT Tertiary guidance for CPF 12 Nov .docx](#)

[IN CONFIDENCE - RELEASE EXTERNAL]

Kia ora sector colleagues,

Attached in confidence is the draft guidance for the COVID Protection Framework, which we discussed with you yesterday.

The document is being shared with you in confidence, please don't distribute it more widely.

Various aspects of this draft guidance are still being tested with other agencies, for example, capacity limits requirements for Tertiary libraries in Red and Orange levels.

We have also included information about how COVID-19 vaccination verification will work for Tertiary providers. We are intending that this will go out to the sector in the next bulletin, but note we are continuing discussions on the detail of this.

Please send your feedback to the COVID mailbox covid19.tertiary@education.govt.nz. If you are able to respond by midday on Monday, we will endeavour to address your comments in the next version.

Thanks again for your willingness to engage with us on this – we appreciate this is challenging and our timelines are tight.

Ngā mihi,

9(2)(a) | Senior Manager
Te Puna Kaupapahere | Policy

9(2)(a)

[IN CONFIDENCE - RELEASE EXTERNAL]

Overarching principles for operating under the COVID-19 Protection Framework in the tertiary sector

Various aspects of this draft guidance are still being tested with other agencies. Please do not share this version of the guidelines.

- Under the COVID-19 Protection Framework, tertiary education will be:
 - o Open at Green
 - o Open with public health measures in place at Orange
 - o Open with a vaccination requirement for onsite delivery or closed onsite (with online provision strongly encouraged) at Red.
- In the COVID-19 Protection Framework, it is not possible to offer comprehensive advice on all the situations that TEOs may encounter, especially having regard to differences between TEOs, and the wide range of services they offer. This high-level guidance is intended to assist TEOs to develop protocols and policies, in consultation with students and staff, on how they will operate at each level of the Framework, and in transitions between levels.
 - o We recommend TEOs undertake a **thorough risk assessment of their campus environment** and develop proposals for operating that include clear rules as to whether students and staff are required to be onsite, systems and practices for staff and learner wellbeing and safety, practices to promote safe and healthy learning environments.
 - o We recommend TEOs **prepare for the possibility of outbreaks on campus and in their community**, including the potential for spot closures or having cohorts of staff or students self-isolating at any given time. Anyone who is unwell, self-isolating, or who has been advised by health authorities to remain at home while they wait for their COVID-19 test results must stay home.
 - o **TEOs should consider their obligations** to learners and employees under the COVID-19 Protection Framework, Health and Safety at Work Act 2015, Worksafe regulations, Education and Training Act 2020, Human Rights Act 1993, Privacy Act 2020, and relevant pastoral care Codes of Practice.
 - o TEOs are subject to requirements set out in a Health Order or in the COVID-19 Protection Framework unless specifically excluded from such requirements. TEOs may adopt additional requirements, provided they are satisfied such requirements may be justified on health or other grounds.
 - o We recommend TEOs work with their students and communities to make plans for how to operate under each level of the COVID-19 Protection Framework and ensure there are appropriate information-sharing pathways. Once decided, TEOs should **inform staff and students of their plans**, with a particular focus on those who will be required to be vaccinated (for example, to be onsite at Red). Outside of the Red level, we recommend TEOs **consider where specific vaccination requirements may apply to their staff or students and on campus generally**:
 - o These requirements could be contained in Health Orders (e.g. for staff at health services), or in the COVID-19 Protection Framework (e.g. for staff and students at gyms). Further information on this can be found at [link to CPF guidance].
 - o **MBIE's workplace vaccination framework** provides guidance on when (outside of required settings) workplaces may require staff vaccination. Further information on this can be found at [link to MBIE's guidance when available].
- Aside from the requirements for Tertiary education delivered onsite at the Red level, it is up to TEOs whether and how to impose additional vaccination requirements on staff and/or students, considering all relevant factors. Mandatory vaccination requirements may be imposed by the TEO in Green and Orange levels, if they conclude after proper consideration (which may include taking medical and/or legal advice) that such a step is justified on health (or other) sufficient grounds.

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- We note the complex environment TEOs need to make these decisions in, including TEOs' human rights obligations, health and safety requirements, expectations for learner wellbeing and safety systems, contractual relationships with students, student enrolment entitlements, relevant pastoral care Codes of Practice, and equity considerations.
- We recommend that in cases of doubt you seek appropriate health or legal advice, particularly if you are considering vaccination requirements outside of what is specifically required in the COVID-19 Protection Framework or required or permitted by Health Orders or MBIE's workplace framework. Depending on the issue it may be appropriate to seek such advice at an industry body level.
- We recommend that TEO encourage students, staff and visitors to the campus to take all sensible precautions to keep themselves safe, including vaccination.
- For the most up to date information about COVID-19 response in New Zealand, check the [Unite Against COVID-19 website](#).

	Green	Orange	Red
What the level means	Aims to allow almost 'normal' social and economic activity while continuing to build health system capability. • Case numbers are kept low through testing, contact tracing and quarantine. • Hospitalisations remain at a manageable level.	Aims to avoid exponential growth in case numbers with moderate controls in place. • Increasing community transmission and increasing pressure of the health system, or • Increasing risk to at-risk populations	Aims to protect the sustainability of the health system and the health of communities through stricter controls. • Cases are no longer contained within the original outbreak areas • Action is required to protect the health system.
Vaccination requirements	There is no mandatory vaccination requirement for tertiary education in Orange or Green. Public health measures are encouraged at Green and must be in place at Orange.		All staff and students are required to be vaccinated to be onsite in education and research settings.
Remote learning	TEOs are encouraged to ensure learning options are available for those who are unable (e.g., unvaccinated, or self-isolating) or unwilling (e.g., due to health concerns) to attend classes being held onsite.		
Teaching and learning spaces (including for workshops, classes, labs, tutorials, meetings, noho marae, exams and assessments)	TEOs can choose capacity limits in teaching and learning spaces for the Green and Orange levels, taking into account the community transmission and vaccination rates in their area and other public health measures they may impose (for example physical distancing, face coverings, ventilation and vaccination), as well as TEO's learner wellbeing and safety system, plans and goals. Face coverings are encouraged.		As at Green and Orange, but subject to a 1m capacity limit requirement . TEOs should have protocols in place to ensure staff, students and visitors maintain physical distancing when entering and leaving teaching and learning spaces. Face coverings are recommended.
Research and related activities (including activities in studios,	Most research and related activities are allowed as normal, in line with other COVID-19-	TEO research protocols for the Orange and Red levels are encouraged to utilise dedicated health and	As at Orange, but vaccination is required for onsite research and related activities.

DRAFT IN CONFIDENCE – NOT GOVERNMENT POLICY

theatres, and other spaces that creative and humanities disciplines use)	related restrictions and what would normally be required under the Health and Safety at Work Act and relevant Worksafe regulations.	safety risk assessments, controlled group sizes for onsite work (including in the field), and other public health measures as appropriate (including face coverings). In studios, theatres and other spaces that creative and humanities disciplines use, high-risk activities such as singing should be carefully managed.	
Libraries and indoor hubs	Can be open with no restrictions, and TEOs may impose capacity limits as appropriate.	TEOs may keep these spaces open without capacity limits if access is restricted to staff and students; or 1m distancing requirement where these spaces are open to the public. TEOs may impose more stringent requirements. Face coverings and physical distancing are recommended.	TEOs may keep these spaces open without capacity limits if access is restricted to vaccinated staff and students; or capacity limits of 100 (or fewer based on 1m distancing is required) where these spaces are open to the public. TEOs may impose more stringent requirements. Face coverings and physical distancing are recommended.
Workplace-based learning, including apprenticeships, practicums, internships and work placements	Workplace-based learning (including support and assessments) is to be managed subject to the policies, practices and public health control requirements that apply to that workplace, including vaccination requirements. For students intending to enrol in courses or programmes that will involve workplace-based learning in a workplace setting that requires vaccination, TEOs will need to ensure that students are aware that vaccination will be required for completion.		
Secondary-tertiary provision at tertiary sites	Vaccination requirements are likely to be prohibited for secondary students who are at tertiary education organisations to access their learning. TEOs should take special precautions in relation to these students and their teaching staff as appropriate for each level, which may include alignment with school settings [link to school guidance]. Secondary school students on a tertiary campus for other reasons (e.g. open days or outreach events) should follow the policies and processes set by the TEO.		
Operations, academic and management staff and contractors	Allowed on site, subject to their TEO's risk assessment and with relevant public health measures in place.	Working from home is encouraged. Only vaccinated staff and contractors are allowed on site (subject to their TEO's risk assessment that they should be), and with relevant public health measures in place.	

DRAFT IN CONFIDENCE – NOT GOVERNMENT POLICY

On-campus businesses and services (eg retail, hospitality, gyms, health and counselling services, student support)	These businesses and services should operate subject to COVID-19 Protection Framework guidelines and rules for the relevant settings (e.g., retail, hospitality, gyms, close proximity businesses). In some settings, vaccinations will be required for staff and may be required for those accessing the premises (e.g., gyms), and in others, vaccination requirements will be prohibited for those accessing the service (e.g. counselling and health services). See [UAC website link] for relevant industry guidelines.		
Events and gatherings that are not directly education-related, including graduation, conferences, speaking events open to the public, cultural events, social events, etc.	Allowed with no restrictions where CVCs are required. Without CVCs: - Gatherings (e.g. places of worship, marae) must have a cap of 100 (or fewer based on 1m distancing); - Events (indoor/outdoor) must have a cap of 100 (or fewer based on 1m distancing), seated and separated.	Allowed with no restrictions where CVCs are required. Without CVCs: - Gatherings (e.g. places of worship, marae) must have a cap of 50 (or fewer based on 1m distancing); - Events (indoor/outdoor) cannot be held.	Allowed with restrictions (100 cap or fewer based on 1m distancing) where CVCs are required. Without CVCs: - Gatherings (e.g. places of worship, marae) must have a cap of 10; - Events (indoor/outdoor) cannot be held.
Record keeping and contact tracing	Record keeping and scanning is required in the general settings of all levels of the CPF. TEOs should have contact tracing systems in place for all staff and students onsite. TEOs should display the official NZ COVID Tracer QR code posters in a prominent place at or near main entrances, and ensure (to the greatest extent practicable) that each person entering the facility scans the QR code or provides details to enable contact tracing.		
Student and staff travel	No education-specific travel rules: see the COVID-19 Protection Framework [link].		
Student accommodation	There is no mandatory vaccination requirement for student accommodation at any level. We suggest that providers undertake a thorough risk assessment of their accommodation and develop proposals for operating that include clear systems and practices for staff and resident wellbeing and safety at each level. As part of their risk assessment, we encourage TEOs and private providers to consider the role of vaccination of staff and residents in these operating proposals, given the difficulty of applying other public health measures (physical distancing and good ventilation, for example) and the shared facilities in student accommodation.		

Additional information:

We have had a lot of queries about how COVID-19 vaccination verification will work for tertiary providers.

Staff vaccination verification

We understand that TEOs are looking to prepare for the COVID-19 Protection Framework coming into force. When this happens, TEOs in Red level areas will need to be assured that staff working onsite have been fully vaccinated. TEOs operating outside of the Red level may also wish to collect vaccination information from their staff for public health response requirements and planning, including potentially moving to the Red level.

TEOs that wish to start collecting staff vaccination information as part of their preparations for onsite provision can ask staff members whether they have been vaccinated, and to provide proof of vaccination so long as the TEO considers there is a valid health and safety or public health purpose to obtain this information. At this stage, TEOs may accept any proof which assures them that the staff member is fully vaccinated. This may be an email, immunisation card, or SMS that the staff member has received from their vaccine or medical provider, the Book My Vaccine website or the My COVID Record website. This information needs to be collected, stored and used in accordance with the Privacy Act. More information about Privacy rights and vaccinations are available [here](#).

Staff do not have to disclose their vaccination status. If staff members choose not to disclose their vaccination status, TEOs may assume that they are unvaccinated, but should inform the staff member of this assumption. Personal information about vaccine status must be protected and cannot be shared without the staff member's or student's consent. The Privacy Commissioner's advice on the Privacy Act can be found [here](#).

MBIE will provide more information shortly on vaccination verification and record-keeping requirements in relation to staff vaccination status, and expectations for staff vaccination under the COVID-19 Protection Framework. We note that staff and student vaccination verification processes may be different: My Vaccine Passes, which will be used for student vaccination verification (discussed further below), may not be appropriate for staff.

Student vaccination verification

Once we transition to the COVID-19 Protection Framework, the official documentation for COVID-19 vaccination domestically will be the My Vaccine Pass (which we have previously referred to as COVID-19 Vaccination Certificates, or CVCs). From the end of November, vaccinated New Zealanders will be able to download their My Vaccine Pass QR code via the Ministry of Health's MyCovidRecord platform. You will be able to store your My Vaccine Pass on your personal phone, or print it out. The Ministry of Health is building a free Verifier app that anyone will be able to access and use to verify a My Vaccine Pass. The verifier allows a person to check the My Vaccine Pass is valid and relates to the person presenting it.

We have previously had concerns about the workability and practicality of the My Vaccine Pass for TEOs, especially for larger providers with thousands of students.

However, we now understand that providers should be able integrate vaccination verification processes into their student and people management software systems using the NZ COVID Pass technical specifications. This would allow students to upload their My Vaccine Pass QR codes for digital verification. Last week, the Ministry of Health has made the technical specification and other documentation on its GitHub repository to facilitate this [here](#). A demonstration of a similar use case is available from Mattr [here](#).

Alternatively, TEOs will be able to use the Ministry of Health's Verifier App to scan staff and students' My Vaccine Passes in-person, and be able to record whether or not this was verified.

Vaccination verification information (i.e. whether vaccination has been verified) can be stored as part of students' records, consistent with the Privacy Act 2020. Storing the My Vaccine Pass itself, however, will be prohibited.

My Vaccine Pass will be the only way of verifying students' vaccination status under the COVID-19 Protection Framework and includes provision for privacy protecting exemptions. TEOs that may have begun collecting information from students on their vaccination status already will need to verify students' vaccination status via My Vaccine Passes once this is available.

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We recommend that all TEOs start working now to consider how best to verify My Vaccine Passes when these become available at the end of the month. We also recommend that they inform students how they can access the MyCovidRecord platform so that they will be able to access their My Vaccines Passes when they become available. This information is available [here](#).

The Ministry of Health is looking at how those who have received COVID-19 vaccinations outside of the country can access a My Vaccine Pass and developing a process to facilitate medical exemptions.

DRAFT

Released under the Official Information Act 1982

Document 8

From: 9(2)(a)
To: 9(2)(a)
Cc: [Katrina Sutich](#); 9(2)(a)
Subject: RE: Draft tertiary guidance
Date: Tuesday, 16 November 2021 1:05:37 pm
Attachments: [DRAFT CPF guidance - How to operate for schools and kura \(tertiary input\).docx](#)

Kia ora 9(2)(a) – thanks for the chat just now.

As discussed, I've **attached** a doc which has some quick markups to your up front schooling stuff to better reflect tertiary (but done quickly so still draft), and included our full draft set of tertiary guidelines at the end (still under development).

We understand that this compiled version is just for the purposes of sending to DPMC, but ultimately we will just be preparing our separate guidance for tertiary.

Ngā mihi,

9(2)(a)

From: 9(2)(a) @education.govt.nz>
Sent: Tuesday, 16 November 2021 10:08 am
To: 9(2)(a) @education.govt.nz>
Cc: 9(2)(a) @education.govt.nz>
Subject: RE: Draft tertiary guidance

Morning.

Andy Jackson has asked that we have a copy ready for LT this afternoon. Do you think that's possible?

There is an interest in understanding where we are up to ahead of it doing to DPMC on Thursday.

Ngā mihi

9(2)(a)

9(2)(a) | Manager Implementation, Equity Index
Te Pae Aronui

9(2)(a)

From: 9(2)(a) @education.govt.nz>
Sent: Tuesday, 16 November 2021 10:06 AM
To: 9(2)(a) @education.govt.nz>
Cc: 9(2)(a) @education.govt.nz>
Subject: RE: Draft tertiary guidance

Morning,

Thanks for circulating that doc, it's looking really good.

We were going to circulate the next version of the Tertiary guidelines to internal people for

review tonight. Could you suggest some ECE/schooling people who would be well placed to have a look over the Tertiary part? (This is assuming you aren't doing another round of feedback with the working level ECE/Schooling/Tertiary people on the *CPF overall guidance and key things to think about guidance* doc).

Thanks

9(2)(a)

From: 9(2)(a)

Sent: Monday, 15 November 2021 10:10 am

To: 9(2)(a) <@education.govt.nz>

Cc: 9(2)(a) <@education.govt.nz>

Subject: RE: Draft tertiary guidance

Mōrena 9(2)(a)

We were intending to circulate a draft of the Tertiary guidelines within MOE for feedback, as well as the external agencies we work with (like NZQA and TEC). Could you let me know who the MOE contacts are in schooling and ECE that would be best placed to provide feedback on our guidelines?

Thanks!

9(2)(a) | Senior Policy Analyst
Te Puna Kaupapahere | Policy

9(2)(a)
National Office Mātauranga House
My work hours are 7:30am to 3:30pm daily
education.govt.nz

He mea tārai e mātou te mātauranga kia rangatira ai, kia mana taurite ai ōna huanga
We shape an education system that delivers equitable and excellent outcomes

From: 9(2)(a) <@education.govt.nz>

Sent: Friday, 12 November 2021 4:16 pm

To: 9(2)(a) <@education.govt.nz>

Cc: 9(2)(a) <@education.govt.nz>; 9(2)(a) <@education.govt.nz>; Katrina Sutich <xxxxxxx.xxxxxx@xxxxxxxxx.xxxx.xx>;
9(2)(a) <@education.govt.nz>; 9(2)(a) <@education.govt.nz>;
9(2)(a) <@education.govt.nz>

Subject: Re: Draft tertiary guidance

Thanks !!!

The goal is to smash something out over the weekend using all the content and keep as much as I can in tact. Hoping to get a version that looks dpmc ready and then get everyone to provide feedback on Monday morning / early afternoon , then 9(2)(a) etc so it's over late Monday / Tuesday morning

From: 9(2)(a) @education.govt.nz>

Sent: Friday, November 12, 2021 4:12:08 PM

To: 9(2)(a) @education.govt.nz>

Cc: 9(2)(a) @education.govt.nz>; 9(2)(a)

9(2)(a) @education.govt.nz>; Katrina Sutich <xxxxxxx.xxxxxx@xxxxxxxxxx.xxxx.xx>;

9(2)(a) @education.govt.nz>; 9(2)(a) @education.govt.nz>;

9(2)(a) @education.govt.nz>

Subject: Draft tertiary guidance

Kia ora 9(2)(a)

As discussed this arvo, I've **attached** a version of the draft tertiary guidance that we're sharing with a sector focus group this afternoon, seeking their feedback/comments by Monday.

I understand you'll be looking at the draft early learning, schooling, and tertiary guidance side-by-side to see if there's a way that we could have a shared 'upfront piece' about education under the CPF, and/or how the different pieces of guidance do/don't align. Let me know if there's anything in there that needs further explanation. Otherwise, good luck!

Ngā mihi,

9(2)(a)

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Document 8A

Education COVID-19 Protection Framework — ~~Advice for schools and kura~~

Operating under the COVID-19 Protection Framework (CPF).

Key messages

1. Under the CPF, schools and kura will be open at **RED**, **ORANGE** and **GREEN**. All learners and staff can be on-site.
2. Every school, ~~and kura~~ and **Tertiary provider** will face different challenges and risks. It is not possible to offer comprehensive advice on all the scenarios that you may encounter.
3. You will need to make your own assessment of the risks for your ~~school~~ community. This framework is intended to help you make decisions that are best for your **staff** and community of learners and address your specific risks.
4. We have provided guidance and checklists/toolkits that can help you to apply the framework.
5. All ~~schools, and kura~~ and **Tertiary providers** should expect that they will need to manage a potential or actual COVID-19 case or outbreak at some point.

Commented [92(a)]: Presume we'd want to refer to ECE in here as well?

Overview

Delta is here to stay now, but we have extra protection through one of the highest vaccination rates in the world.

As we achieve high levels of vaccination, New Zealand can cautiously and methodically scale back the restrictions and expand our toolkit so that we can safely navigate this next stage of the pandemic. The plan is to carefully reopen while continuing to boost vaccinations and practice good health measures.

The new COVID-19 Protection Framework will allow early childhood centres, schools and kura and tertiary organisations to stay open, year-round.

From 1 January 2022, schools, early learning services, ~~tertiary education organisations (TEO) and providers~~ will maintain a register and ensure only fully vaccinated teachers, staff, support people and people working in an education environment have contact with children and learners. Tertiary education organisations (TEOs) will require vaccines for staff and students for onsite delivery in Red level.

Protection measures, such as face coverings, contact tracing and limitations on the number of people not yet vaccinated ~~are in place~~ to minimise the spread of COVID-19

Commented [92(a)]: I thought there won't be hard requirements on face coverings etc under the CPF?

within education environments. Most importantly this will protect learners, teachers, and staff while they are there.

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What is the COVID-19 Protection Framework (CPF)?

The COVID-19 Protection Framework (CPF) introduces a new flexible 3-tiered approach to managing the risk of COVID-19 in the community:

- Green
- Orange
- Red

The framework is more flexible than the Alert Level system because we know that businesses that only open to vaccinated customers pose a lower risk. We can move up levels when needed to control an outbreak.

Setting	Summary	What does it mean for education?
Green	When there are some COVID-19 cases in the community, and sporadic imported cases. Community transmission will be limited, and COVID-19 hospitalisations will be at a manageable level. The health system will be ready to respond, including primary care, public health, and hospitals.	Business as usual. Early learning services, schools and kura and tertiary are all open with staff and students onsite.
Orange	There will be increasing community transmission that is putting pressure on our health system. The whole of health system will focus its resources, but can continue to manage primary care, public health, and hospitals. There may also be an increasing risk for at-risk people.	Early learning services, schools and kura and tertiary are all open with staff and students onsite, but some extra precautions may be needed.
Red	Action will need to be taken to protect both at-risk people and protect our health system from an unsustainable number of hospitalisations.	Early learning services, schools and kura and tertiary are all open with staff and students onsite, but that there are greater risks so extra precautions are necessary to protect our learners. <u>Tertiary is open at Red, but with vaccination requirements for onsite delivery.</u>

Localised lockdowns will still be an option if we see a rapid growth in cases. There may still be a need to use wider lockdowns, like the measures in Alert Level 3 or 4.

To shift between levels, the government will consider:

- vaccination coverage
- capacity of the health and disability system
- testing, contact tracing and case management capacity

- the transmission of COVID-19 within the community, including its impact on key populations.

For more information, please visit <https://covid19.govt.nz - COVID-19 Protection Framework>

What is mandatory for Education under the CPF?

While we are moving to a risk based approach, there are some things which are mandatory and must be followed regardless of CPF setting, or your schools individual risk assessment. These are listed below.

Mandatory requirements	
Vaccination mandate	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. For further information please visit, COVID-19 required vaccinations order <i>Note: Some medical exemptions will apply.</i>
Vaccination requirements for onsite delivery at RED within Tertiary providers	Tertiary providers are open at Red however • All staff and students are required to be vaccinated to be onsite in education and research settings. Vaccinations required for onsite delivery TEOs can choose capacity limits in teaching and learning spaces subject to a 1 metre physical distancing requirement. Note this may limit capacity.
Responsibility for managing COVID-19 cases that occur in the education entity	All Education providers are required to maintain registers of vaccination status, identify close contacts on site and provide continuity of learning programmes during isolation. <i>[tbc for Tertiary]</i> The Ministry of Health is responsible for case management, through linking education providers data with individuals health records, tracing and testing.
Masks and Face coverings	You must wear a face covering when: • on public transport • on school transport services for those aged 12 and over • on flights.

Commented ^{g(2)(a)}: Prev wording is more specific than CPF – but note we might need to amend once we agree who/where red applies to.

At red - face coverings are to be worn indoors for years 4 and upwards.]

Commented [s(2)(a)] Is this correct?

How to implement the CPF at your school, ~~or kura~~, or Tertiary provider

The main difference under the new framework is that, with a highly vaccinated population, **schools and kura will continue to be open for face-to-face delivery at all levels.** It is ok for learners and staff to be onsite.

The risks of operating will vary depending on your local community and other factors such as vaccination rates and whether you have at-risk learners attending. While there is no one-size-fits-all approach, when the risk is greater, the more health measures will be required.

There is a toolkit of guidance and resources to enable you to apply this framework. This includes:

1. A **summary of the health measures** that you can use to mitigate risks.
2. **Best practice guidance covering key issues**
3. A **risk assessment checklist** to help identify specific risks that your school or kura may face; and
4. An **action planning template** to help you identify the actions you need to take to mitigate the risks identified.

Key resources (links)

1. **Summary of the health measures** – 2-page summary (printable PDF) – in progress (covers content in table of next section)
2. **Best practice guidance** – key issues
 - a. Early Learning Services
 - b. Schools and kura (coloured table)
 - c. Tertiary Providers
3. **Risk assessment checklist** – in progress
4. **Action planning template** – in progress
5. **Managing a case or outbreak** please visit - [Schools connected to a confirmed case](#)

Understanding the public health measures

The public health measures detailed below are the same regardless of whether you are in Red, Orange, or Green. These are the things that you can do to reduce risks.

Decisions about which of these measures to apply, and how, will depend on your risk assessment. While the toolkit does identify some common scenarios where particular measures are more important, the key thing is to manage the specific risks that apply to your learners and staff, regardless of the setting level.

It may not be possible to use all these measures in all scenarios. We encourage you to consider the full suite when making decisions. You need to ensure that the measures you do apply, adequately address the risks identified and keep your learners, staff, and broader school community as safe as possible.

There may be a need to apply increasing health measures, including learning from home for at risk learners, as the risk or incidence of COVID in the community increases and regions move up the levels from Green to Orange to Red.

Public Health Requirements	
Use basic hygiene	Basic hygiene measures include good hand hygiene, cough, and sneeze etiquette, avoid touching your face, and clean surfaces. • Wash your hands with soap and water often (for at least 20 seconds) and dry thoroughly. Use an alcohol-based sanitiser and rub hands together if soap and water is unavailable. • Cough or sneeze into your elbow or cover your mouth and nose with tissues. Put them in a bin immediately. • Avoid touching your face, including your eyes, nose, or mouth if your hands are not clean. Surfaces may have infectious droplets. • Clean surfaces regularly. This includes items frequently touched like door handles and phones. • Improve ventilation. Open windows are recommended to increase fresh air in your home. If mechanical ventilation is used, ensure the ventilation system is regularly maintained.
Physical distancing	Physical distancing is an effective tool in mitigating the risks of transmission between both adults and children. Distancing of two metres is recommended for parents and caregivers on school grounds, from people they don't know. This aligns with public health measures outside the school grounds.

	• Children, young people, and staff should be far enough away from each other so that they are not breathing on or touching each other, coupled with good hygiene practices and regular cleaning of commonly touched surfaces. • There does not need to be a specific measurement for learners but where practicable and reasonable one metre can be used as a guide, particularly indoors, and when very large numbers of students are congregating (e.g., assemblies). • Consider how to manage any possible queues at your school office (for visitors). For example, one in and one out, or marking two-metre spacing on the ground. • Physical distancing is not required between staff and children in early learning services
Wear a mask or face coverings	Wearing a face covering is one of the main ways we can protect ourselves and each other from the virus. Face coverings are strongly recommended for those aged 12 and over when you're outside your home and in closed spaces where physical distancing is not always possible. Particularly when contact with other people outside your bubble may occur. In addition: • Face masks are required when on public transport, including school buses for those ages 12 and over. • While face coverings are not required for staff and children in early learning services, but it remains a choice for each individual. Read more on Use of masks and face coverings in the community

Get vaccinated	Getting vaccinated is a key step to gain more protection against the virus, which will lead to more certainty for the future. From 1 January 2022, only fully vaccinated staff and support people to have contact with children and students <u>in ECE and schooling settings</u>. This includes home-based educators, and all those support people in schools and early learning services such as teacher-aides, administration and maintenance staff and contractors. An onsite register is to be maintained. A school or early childhood service cannot stop access based on your vaccine status. This includes: • All licensed early childhood education services and registered schools (i.e. all primary and secondary schools, including private providers) for all children, students and their parents, whanau or caregivers • All school hostels • All school transport services, for all students • All OSCAR programmes • For secondary students at tertiary education organisations to access their learning However, the use of vaccine requirements is allowed for other events that occur on school grounds, e.g. fundraising fairs, concerts, community events where participants extend beyond staff, parents, and learners; or third-party users of education facilities. Note: Vaccination requirements will apply to on-site tertiary students and staff at the Red setting of the COVID-19 protection framework.
If you are sick or feeling unwell, stay home.	Stay home if you're feeling unwell. Don't go to work and keep unwell children home from school or early childhood education. If you have cold, flu or COVID-19 symptoms, stay home and call your doctor or Healthline on 0800 358 5453 for advice about getting tested. Do not go to school. Self-isolate while you wait for a negative result from a COVID-19 test By getting a test, you are helping keep your community safe. Testing is always free for everyone. Staying at home if you

	are sick is one way to stop any possible spread of COVID-19. See information about the common COVID-19 symptoms and who to contact to talk about whether you need a test.
If you get told to self-isolate – do not go to school, lectures or early learning services.	If you test positive for COVID-19, self-isolate for the time specified by a health official, you legally must do so immediately. You may also be told to isolate if you are a contact of someone who has COVID-19. Self-isolation means staying at home and taking common-sense precautions to avoid close contact with those you live with. • You should not go the pharmacy, supermarket or make any other stops in public while you are self-isolating. • Do not use public transport, taxis, or similar transport methods • You should not have visitors in your home (including tradespeople) • You should maintain a 2-metre distance from your household members and should not share a bed or bedroom with any member of your household • Minimise the time you spend in shared spaces such as bathrooms, kitchens and sitting rooms as much as possible and keep shared spaces well ventilated • If you need medical assistance or are feeling unwell such as finding it hard to breath, call 111 or your medical provider. Tell them you have COVID-19 or are a contact.
Use the COVID-19 Tracer app or record you	Scan in or record your movements. Turn on Bluetooth tracing in the app. Everyone aged 12 and over must legally keep a record of where they have been when visiting certain places such as restaurants, cinemas, concerts, churches, and close-contact businesses like hairdressers. More businesses and locations are legally required to take steps to ensure a people can easily make a record when they visit. Read about Record keeping and contact tracing

**If there is a case,
follow public
health advice**

If there is a case in your school or kura you must follow Public Health advice.

For further information about managing a case within your school or kura please visit [Schools connected to a confirmed case](#)

Released under the Official Information Act 1982

Best practice guidance – key things that schools and kura need to know

Key issues	Green – Low risk	Orange – Moderate risk	Red – High risk
Attendance on site Schools and kura are all open with staff and students onsite.	Open to all students.	Open to all students. At orange some extra precautions may be needed.	Open to all students. At red there are greater risks so extra precautions are necessary to protect our students.
Children at higher risk of severe illness from COVID-19 Those with underlying medical conditions should take extra precautions when at Red	There are no restrictions on personal movement	Parents, caregivers, and students will need to work with the school to develop a plan to manage the return to school and ensure that students can remain on site.	Children with complex medical needs, can seek advice from their health professional about whether it is appropriate to come to school. Distance learning will continue to be available to those who are advised to remain at home.
Crossing boundaries and movement between schools and kura Its ok for students and staff to travel to and from their education provider	No restrictions are placed on children, students, and parents/caregivers that prevents them from crossing between different traffic-light zones to access their education provider. All vaccinated staff, including relievers can move between early learning centres and schools and between traffic-light zones.	At orange and red - No restrictions are placed however those staff or students attending or working at multiples schools or kura should take precautions in line with the CPF zone they are in. As with all staff, they should closely monitor for symptoms, stay home if unwell, get tested if symptomatic, use the COVID-19 tracer app, and must be vaccinated.	

Managing a case within your school or kura Prepare for the possibility of a case or outbreak at any time.	Schools and kura need to prepare for the possibility of outbreaks onsite or in their community. Be prepared for localised closures or having groups of staff or students who are self-isolating at any given time. The Ministry of Education will support with communications to the school or early learning service community, based on public health advice. For more information please visit Schools connected to a confirmed case
Closing may not be required. Schools and kura may not be required to close when a case occurs.	Closing your school or kura may not be required, and should only occur in consultation with, and direction from Health or in discussion with the Director of Education. It may be possible to continue to provide onsite learning while managing a case within your school or kura.
Staff must be vaccinated Only fully vaccinated staff and support people to have contact with children and students.	Only fully vaccinated staff and support people to have contact with children and students. This includes home-based educators, and all those support people in schools such as teacher-aides, administration and maintenance staff and contractors. An onsite register is to be maintained.
Some exemptions are possible A small number of teachers, staff and students may have an exemption for face coverings or vaccination.	A small number of teachers, staff and students are able to apply for an exemption on medical ground through the Ministry of Health. An exemption will last for up to 6 months Exemptions include: - My vaccine pass - Face coverings

Face coverings (masks) Mandatory on school transport at Orange or Red Strongly recommended for year 4+ at Red to mitigate risk.		For all Ākonga aged 12 and upwards face coverings are mandatory on school transport, and when accessing public venues, student health and campus retailers – such as pharmacies, banks, food providers At red - face coverings are strongly recommended as part of mitigating risk for all Ākonga (students) aged 4 and upwards when indoors or in close contact with others.
Physical distancing While schools and kura are not considered gatherings – at Red capacity is limited to allow for sufficient physical distancing. Schools and kura may need to group students attending onsite to ensure physical distancing is possible.	Physical distancing is not a requirement but where possible or practicable is encouraged when you are around people you don't know. Where practicable and reasonable one metre can be used as a guide indoors. Parents and caregivers should be two metres from people they don't know	Capacity is limited to allow for sufficient physical distancing. Allow for one metre indoors. Parents and caregivers should be two metres from people they don't know Schools and kura to group learners for onsite and offsite learning at different times. Capacity limited until vaccination rates in their communities or regions reach a sufficient level. If vaccination rates are sufficient no capacity limits apply. Years 9-13 vaccinated students should be encouraged to attend at all times. Some parents of unvaccinated or at-risk learners may prefer them to learn from home. Large groups of students meeting indoors should be avoided including assemblies, prize giving's and performances.
Distance Learning Distance, or blended (hybrid) learning essential to ensuring	Schools and kura will need to provide distance learning for those requiring to self-isolate or waiting for a test result or choosing to remain at home because they are at higher risk of severe illness from COVID-19 and are not fully vaccinated.	

continuity of teaching and learning.			
Ventilation Well ventilated classrooms minimise the transmission of illnesses.	Well ventilated classrooms support positive engagement and minimise the transmission of illnesses. Where appropriate, open windows, doors and vents to promote cross flow of air and avoid stagnant air		
Cleaning	Regular cleaning and disinfecting of commonly touched surfaces is recommended.	Disinfect and clean all surfaces daily.	Disinfect and clean all surfaces daily. Shared supplies and equipment may be used if students and staff are undertaking regular hand washing and staying away if sick. Consider using designated bins for clean and used supplies. Shared supplies are considered high-touch and should be cleaned frequently.
Use basic hygiene	Basic hygiene measures include good hand hygiene, cough, and sneeze etiquette, avoid touching your face, and clean surfaces. - Wash your hands with soap and water often (for at least 20 seconds) and dry thoroughly. Use an alcohol-based sanitiser and rub hands together if soap and water is unavailable. - Cough or sneeze into your elbow or cover your mouth and nose with tissues. Put them in a bin immediately. - Avoid touching your face, including your eyes, nose, or mouth if your hands are not clean. Surfaces may have infectious droplets.		

	Clean surfaces regularly. This includes items frequently touched like door handles and phones.		
Contact tracing	Contact tracing registers are recommended. You are required to display QR code posters for the NZ COVID Tracer App. Please keep your visitor register for at least two months.	Contact tracing is a priority through your visitor register, timetable and attendance register. You are required to display QR code posters for the NZ COVID Tracer App. Please keep your visitor register for at least two months.	Contact tracing is a priority through your visitor register, timetable and attendance register. You are required to display QR code posters for the NZ COVID Tracer App. Please keep your visitor register for at least two months.
Examinations	Examinations can operate when a school or kura is open with public health measures in place. All exams including NCEA, Scholarship, Cambridge and International Baccalaureate exams are able to proceed at all levels but must have a range of public health measures in place. NZQA has disseminated information including a detailed checklist about managing NCEA and Scholarship exams. Please contact them if you haven't received this information. Students from other schools are able to attend onsite, in order to sit their exams.		

DRAFT Guidelines for Tertiary Education Organisations

- Under the COVID-19 Protection Framework, tertiary education will be:
 - o Open at Green
 - o Open with additional public health measures in place at Orange
 - o Open with a vaccination requirement for onsite delivery or closed onsite (with online provision strongly encouraged) at Red.
- In the COVID-19 Protection Framework, it is not possible to offer comprehensive advice on all the situations that TEOs may encounter, especially having regard to differences between TEOs, and the wide range of services they offer. This high-level guidance is intended to assist TEOs to develop protocols and policies, in consultation with students, and staff, including unions and peak bodies, on how they will operate at each level of the Framework, and in transitions between levels.
 - o We recommend TEOs undertake a **thorough risk assessment of their campus environment** and develop proposals for operating that include clear rules as to whether students and staff are required to be onsite, systems and practices for staff and learner wellbeing and safety, practices to promote safe and healthy learning environments. We encourage TEOs to undertake this process in consultation with their communities where possible.
 - o We recommend TEOs **prepare for the possibility of outbreaks on campus and in their community**, including the potential for spot closures or having cohorts of staff or students self-isolating at any given time. Anyone who is unwell, self-isolating, or who has been advised by health authorities to remain at home while they wait for their COVID-19 test results must stay home. The Ministry of Health will provide guidance for TEOs and student accommodation providers about how to deal with positive cases, including isolation requirements. [Link to Ministry of Health guidance when available].
 - o **TEOs should consider their obligations** to learners and employees under the COVID-19 Protection Framework, Health and Safety at Work Act 2015, Worksafe regulations, Education and Training Act 2020, Human Rights Act 1993, Privacy Act 2020, and relevant pastoral care Codes of Practice. MBIE has provided employment guidance for workplaces that are subject to vaccine requirements under the COVID-19 Protection Framework (eg for Tertiary onsite delivery in Red). This includes situations where an employee may be unwilling or unable to be vaccinated. [link to MBIE guidance]
 - o TEOs are subject to requirements set out in a Health Order or in the COVID-19 Protection Framework unless specifically excluded from such requirements. TEOs may adopt additional requirements provided they are satisfied such requirements may be justified on health or other grounds.
 - o We recommend TEOs work with their staff, students and communities to make plans for how to operate under each level of the COVID-19 Protection Framework and ensure there are appropriate information-sharing pathways. Once decided, TEOs should **inform staff and students of their plans**, with a particular focus on those who will be required to be vaccinated (for example, to be onsite at Red). Outside of the Red level, we recommend TEOs **consider where specific vaccination requirements may apply to their staff or students and on campus generally**:
 - o These requirements could be contained in Health Orders (e.g. for staff at health services), or in the COVID-19 Protection Framework (e.g. for staff and students at gyms). Further information on this can be found at [link to CPF guidance].
 - o **MBIE's workplace vaccination framework** provides guidance on when (outside of required settings) workplaces may require staff vaccination. Further information on this can be found at [link to MBIE's guidance when available].

- Aside from the requirements for Tertiary education delivered onsite at the Red level, it is up to TEOs whether and how to impose additional vaccination requirements on staff and/or students, considering all relevant factors. Mandatory vaccination requirements may be imposed by the TEO in Green and Orange levels, if they conclude after proper consideration (which may include taking medical and/or legal advice) that such a step is justified on health (or other) sufficient grounds.
- We note the complex environment TEOs need to make these decisions in, including TEOs' human rights obligations, health and safety requirements, expectations for learner wellbeing and safety systems, contractual relationships with students, student enrolment entitlements, relevant pastoral care Codes of Practice, and equity considerations.
- We recommend that in cases of doubt you seek appropriate health or legal advice, particularly if you are considering vaccination requirements outside of what is specifically required in the COVID-19 Protection Framework or required or permitted by Health Orders or MBIE's workplace framework. Depending on the issue it may be appropriate to seek such advice at an industry body level.
- We recommend that TEO encourage students, staff and visitors to the campus to take all sensible precautions to keep themselves safe, including vaccination.
- For the most up to date information about COVID-19 response in New Zealand, check the [Unite Against COVID-19 website](#).

	Green	Orange	Red
What the level means	Aims to allow almost 'normal' social and economic activity while continuing to build health system capability. • Case numbers are kept low through testing, contact tracing and quarantine. • Hospitalisations remain at a manageable level.	Aims to avoid exponential growth in case numbers with moderate controls in place. • Increasing community transmission and increasing pressure of the health system, or • Increasing risk to at-risk populations.	Aims to protect the sustainability of the health system and the health of communities through stricter controls. • Cases are no longer contained within the original outbreak areas • Action is required to protect the health system.
Vaccination requirements	There is no Government vaccination requirement for tertiary education in Orange or Green. Public health measures are encouraged at Green and must be in place at Orange.		All staff, students and visitors are required to be vaccinated for onsite delivery.
Remote learning	TEOs are encouraged to ensure learning options are available for those who are unable (e.g., unvaccinated, or self-isolating) or unwilling (e.g., due to health concerns) to attend classes being held onsite.		
Teaching and learning spaces (including for workshops, classes, labs, tutorials, meetings, noho	TEOs can choose capacity limits in teaching and learning spaces for the Green and Orange levels, taking into account the community transmission and vaccination rates in their area and other public health measures they may impose (for example physical distancing, face coverings, ventilation and		As at Green and Orange, but subject to a 1m capacity limit and vaccination requirement. TEOs should have protocols in place to ensure staff, students and visitors maintain

marae, exams and assessments)	vaccination), as well as TEO's staff and learner wellbeing and safety system, plans and goals. Face coverings are encouraged.		physical distancing when entering and leaving teaching and learning spaces. Face coverings are recommended.
Research and related activities (including activities in studios, theatres, and other spaces that creative and humanities disciplines use)	Most research and related activities are allowed as normal, in line with general COVID-19-related settings (eg record keeping and public health guidance) and what would normally be required under the Health and Safety at Work Act and relevant Worksafe regulations.	Most research and related activities are allowed, but TEOs are encouraged to utilise dedicated health and safety risk assessments for each activity, controlled group sizes for onsite work (including in the field), and other public health measures as appropriate (including face coverings). In studios, theatres and other spaces that creative and humanities disciplines use, high-risk activities such as singing should be carefully managed.	As at Orange, but vaccination is required for onsite research and related activities.
Libraries and indoor hubs	Can be open with no restrictions, and TEOs may impose capacity limits should they deem it appropriate.	TEOs may keep these spaces open without capacity limits if access is restricted to staff and students; or 1m distancing requirement where these spaces are open to the public. TEOs may impose more stringent requirements. Face coverings and physical distancing are recommended.	<i>[TEOs may keep these spaces open without capacity limits if access is restricted to vaccinated staff and students – TBC with MOH]; or capacity limits of 100 (or fewer based on 1m distancing is required) where these spaces are open to the public. TEOs may impose more stringent requirements. Face coverings and physical distancing are recommended.</i>
Workplace-based learning, including apprenticeships, practicums, internships and work placements	Workplace-based learning (including support and assessments) is to be managed subject to the policies, practices and public health control requirements that apply to that workplace, including vaccination requirements. This includes secondary school students undertaking formal workplace-based learning, for example, via the Gateway programme. For students intending to enrol in courses or programmes that will involve workplace-based learning in a workplace setting that requires vaccination, TEOs will need to ensure that students are aware that vaccination will be required for completion.		
Secondary-tertiary provision at tertiary sites	Vaccination requirements are likely to be prohibited for secondary students who are at tertiary education organisations to access their secondary learning. TEOs should take special precautions in relation to these students and their teaching staff as appropriate for each level, which may include alignment with school settings [<i>link to school guidance</i>]. Secondary school students on a tertiary campus for other reasons (e.g. open days or outreach events) should follow the policies and processes set by the TEO. Where TEO staff go on to school sites for delivery, these staff members will be subject to the Vaccination Order for Schooling.		

Operations, academic and management staff and contractors	Allowed on site, subject to their TEO's risk assessment and with relevant public health measures in place. TEOs may consider remote working options as part of their risk assessment.	Working from home is encouraged. Only vaccinated staff and contractors are allowed on site (subject to their TEO's risk assessment that they should be), and with relevant public health measures in place.	
On-campus businesses and services (eg retail, hospitality, gyms, health and counselling services, student support)	These businesses and services should operate subject to COVID-19 Protection Framework guidelines and rules for the relevant settings (e.g., retail, hospitality, gyms, close proximity businesses). In some settings, vaccinations will be required for staff and may be required for those accessing the premises (e.g., gyms), and in others, vaccination requirements will be prohibited for those accessing the service (e.g. counselling and health services). See [UAC website link] for relevant industry guidelines.		
Events and gatherings that are not directly education-related, including graduation, conferences, speaking events open to the public, cultural events, orientation events, etc.	In line with the COVID-19 Protection Framework rules for events, allowed with no restrictions where CVCs are required. Without CVCs: - Gatherings (e.g. places of worship, marae) must have a cap of 100 (or fewer based on 1m distancing); - Events (indoor/outdoor) must have a cap of 100 (or fewer based on 1m distancing), seated and separated.	In line with the COVID-19 Protection Framework rules for events, allowed with no restrictions where CVCs are required. Without CVCs: - Gatherings (e.g. places of worship, marae) must have a cap of 50 (or fewer based on 1m distancing); - Events (indoor/outdoor) cannot be held.	In line with the COVID-19 Protection Framework rules for events, with restrictions (100 cap or fewer based on 1m distancing) where CVCs are required. Without CVCs: - Gatherings (e.g. places of worship, marae) must have a cap of 10; - Events (indoor/outdoor) cannot be held.
Record keeping and contact tracing	Record keeping and scanning is required in the general settings of all levels of the CPF. TEOs should have contact tracing systems in place for all staff and students onsite. TEOs should display the official NZ COVID Tracer QR code posters in a prominent place at or near main entrances or any other place that people may enter through and ensure (to the greatest extent practicable) that each person entering the facility scans the QR code or provides details to enable contact tracing.		
Student and staff travel	There are no education-specific travel rules. Travel follows the general COVID-19 Protection Framework rules [link].		
Student accommodation	There is no Government requirement of mandatory vaccination for student accommodation at any level. We suggest that providers undertake a thorough risk assessment of their accommodation and develop proposals for operating that include clear systems and practices for staff and resident wellbeing and safety at each level. As part of their risk assessment, we encourage TEOs and private providers to consider the role of vaccination of staff and residents in these operating proposals, given the difficulty of applying other public health measures (physical distancing and good ventilation, for example) and the shared facilities in student accommodation.		

Additional information:

We have had a lot of queries about how COVID-19 vaccination verification will work for tertiary providers.

Staff vaccination verification

We understand that TEOs are looking to prepare for the COVID-19 Protection Framework coming into force. When this happens, TEOs in Red level areas will need to be assured that staff working onsite have been fully vaccinated. TEOs operating outside of the Red level may also wish to collect vaccination information from their staff for public health response requirements and planning, including potentially moving to the Red level.

TEOs that wish to start collecting staff vaccination information as part of their preparations for onsite provision can ask staff members whether they have been vaccinated, and to provide proof of vaccination so long as the TEO considers there is a valid health and safety or public health purpose to obtain this information. At this stage, TEOs may accept any proof which assures them that the staff member is fully vaccinated. This may be an email, immunisation card, or SMS that the staff member has received from their vaccine or medical provider, the Book My Vaccine website or the My COVID Record website. This information needs to be collected, stored and used in accordance with the Privacy Act. More information about Privacy rights and vaccinations are available [here](#).

Staff do not have to disclose their vaccination status. If staff members choose not to disclose their vaccination status, TEOs may assume that they are unvaccinated, but should inform the staff member of this assumption. Personal information about vaccine status must be protected and cannot be shared without the staff member's consent. The Privacy Commissioner's advice on the Privacy Act can be found [here](#). Add <https://privacy.org.nz/resources-2/privacy-and-covid-19/covid-19-information-for-employers-and-employees/>.

MBIE will provide more information shortly on vaccination verification and record-keeping requirements in relation to staff vaccination status, and expectations for staff vaccination under the COVID-19 Protection Framework. We note that staff and student vaccination verification processes may be different: My Vaccine Passes, which will be used for student vaccination verification (discussed further below), may not be appropriate for staff.

Student vaccination verification

Once we transition to the COVID-19 Protection Framework, the official documentation for COVID-19 vaccination domestically will be the My Vaccine Pass (which we have previously referred to as COVID-19 Vaccination Certificates, or CVCs).

People who have received their vaccination in New Zealand will soon be able to download their My Vaccine Pass QR code via the Ministry of Health's MyCovidRecord platform (and the Ministry of Health is looking at how those who have received COVID-19 vaccinations outside of the country can access a My Vaccine Pass and developing a process to facilitate medical exemptions, which is expected to be available at the end of this month).

You will be able to store your My Vaccine Pass on your personal phone, or print it out. The Ministry of Health is building a free Verifier app that anyone will be able to access and use to verify a My Vaccine Pass. The verifier allows a person to check the My Vaccine Pass is valid and relates to the person presenting it.

My Vaccine Pass will be the only permitted way of verifying students' vaccination status under the COVID-19 Protection Framework. (MBIE will provide more information shortly on vaccination verification and record-keeping requirements in relation to staff vaccination status, and expectations for staff vaccination under the COVID-19 Protection Framework. We note that staff and student vaccination verification processes may be different: My Vaccine Passes, which will be used for student vaccination verification (discussed further below), may not be appropriate for staff.)

We have previously had concerns about the workability and practicality of the My Vaccine Pass for TEOs, especially for larger tertiary providers. Some providers have asked whether it may be possible to verify staff and student vaccination status through data-matching student information with the Ministry of Health's COVID-19 Immunisation Record. At this stage, this is not possible.

Instead, providers will need to integrate vaccination verification processes into their student software systems using the NZ COVID Pass technical specifications. This would allow students to upload their My Vaccine Pass QR codes for digital verification. Alternatively, TEOs will be able to use the Ministry of Health's Verifier App to scan students' My Vaccine Passes in-person, and be able to record whether or not this was verified.

For digital verification, the Ministry of Health has recently made the technical specification and other documentation on its GitHub repository to facilitate this [here](#). A demonstration of a similar use case is available from Matt [here](#).

Vaccination verification information (i.e. whether vaccination has been verified or the date) can be stored as part of students' records, consistent with the Privacy Act 2020. Storing the My Vaccine Pass itself, however, will be prohibited.

TEOs that may have begun collecting information from students on their vaccination status already will also need to verify students' vaccination status via My Vaccine Passes once this is available. **We recommend that all TEOs start working now to consider how best to verify My Vaccine Passes when these become available.** We also recommend that they inform students how they can access the MyCovidRecord platform so that they will be able to access their My Vaccines Passes when they become available. This information is available [here](#).

Document 9

From: 9(2)(a) [DPMC]
To: 9(2)(a) [DPMC]; 9(2)(a)
Cc: 9(2)(a) [DPMC]; 9(2)(a) [DPMC]; 9(2)(a) Katrina Sutich
Subject: RE: Guidance for TEOs on what steps to take to check CVCs
Date: Friday, 19 November 2021 5:28:29 pm
Attachments: [image002.png](#)
[image003.png](#)

Thanks 9(2)(a) – yes we think this will most likely be in the version circulated for Ministerial consultation on Monday.

Ngā mihi

9(2)(a)
Principal Solicitor
Strategy, Governance and Engagement Group
Department of the Prime Minister and Cabinet
9(2)(a)

M 9(2)(a)
E 9(2)(a) [@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)
[seemail]



DEPARTMENT OF THE
PRIME MINISTER AND CABINET
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

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Sent: Friday, 19 November 2021 5:21 pm
To: 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) 9(2)(a) @education.govt.nz>
Cc: 9(2)(a) @education.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) @education.govt.nz>; 9(2)(a) @education.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) @education.govt.nz>; ^EDU: Katrina Sutich <Katrina.Sutich@education.govt.nz>
Subject: RE: Guidance for TEOs on what steps to take to check CVCs

Kia ora 9(2)(a)

Thanks so much for coming back to us today, and for this solution.

What you're suggesting looks good to us -- we'll take a look in the next version of the draft order (or more likely the following version?) and provide feedback via 9(2)(a)

Have a good weekend.

Ngā mihi,

9(2)(a) | Senior Policy Analyst
Te Puna Kaupapahere | Policy

9(2)(a)

From: 9(2)(a) [DPMC] 9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>

Sent: Friday, 19 November 2021 4:40 pm

To: 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>; 9(2)(a)

9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>

Cc: 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>; 9(2)(a) [DPMC]

9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>; 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>; 9(2)(a)

9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>; 9(2)(a) [DPMC]

9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>; 9(2)(a) [DPMC] 9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>;

9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>

Subject: RE: Guidance for TEOs on what steps to take to check CVCs

Kia ora 9(2)(a)

9(2)(h)

Thanks,

9(2)(a)

From: 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>

Sent: Friday, 19 November 2021 1:25 pm

To: 9(2)(a) [DPMC] 9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>; 9(2)(a)

9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>

Cc: 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>; 9(2)(a) [DPMC]

9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>; 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>; 9(2)(a)

9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>; 9(2)(a) [DPMC]

9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>; 9(2)(a) [DPMC] 9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>;

9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>

Subject: RE: Guidance for TEOs on what steps to take to check CVCs

Thanks for letting us know, and for the chat earlier, 9(2)(a). As discussed, the advice we've put up to the Minister on this (alongside other education system changes) is attached. Key paras are 13, and 20-27. The relevant rec is in Annex 1. Happy to discuss further, too.

Ngā mihi,

9(2)(a) | Senior Policy Analyst
Te Puna Kaupapahere | Policy

9(2)(a)

From: 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>
Sent: Friday, 19 November 2021 11:05 am
To: 9(2)(a) @education.govt.nz>
Cc: 9(2)(a) @education.govt.nz>; 9(2)(a) 9(2)(a) @education.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) 9(2)(a) @education.govt.nz>; 9(2)(a) @education.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) @education.govt.nz>
Subject: RE: Guidance for TEOs on what steps to take to check CVCs

Thanks 9(2)(a)

9(2)(h)

As I said on the phone, we're working through a number of issues like this today – we'll consider the DPMC policy position and get back to you as soon as possible.

Ngā mihi,
9(2)(a)

From: 9(2)(a) @education.govt.nz>
Sent: Friday, 19 November 2021 10:58 am
To: 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>
Cc: 9(2)(a) @education.govt.nz>; 9(2)(a) 9(2)(a) @education.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) 9(2)(a) @education.govt.nz>; 9(2)(a) @education.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) @education.govt.nz>
Subject: RE: Guidance for TEOs on what steps to take to check CVCs

Thanks 9(2)(a), and for the chat just now.

As discussed, we haven't included guidance on CVC use in the version that has gone to DPMC as we wanted to check on the policy position first. But it sounds like guidance will be the place that elaborates on the meaning of "reasonably practicable" for relevant sectors.

On that basis, we're going to proceed on the understanding that we have some flexibility to make our guidance work for the sector. As discussed, for your purposes, it may mean that we give some guidance to the tertiary sector that may not be applicable to other sectors where CVCs are required (recognising that tertiary education is a very different setting to most other business environments and the current mandatory CVC settings – in particular, not having a single entrance point, and attendees being students rather than customers). An example of our approach to guidance would be something like:

Tertiary education providers should consider whether it is reasonably practicable to:

- link CVC status to their student ID / staff ID to prevent access to unvaccinated students or workers at Red where swipe card access is required
- undertake spot checks for tertiary delivery or services covered by the vaccine requirements

to check those onsite meet CVC requirements

- display CVC scanning devices at entrance to close contact courses or other settings where there is a heightened public health risk (in line with their risk assessments)
- implement other privacy-preserving methods of checking attendance at Red level (subject to OPC guidance).

We'll aim to send you a markup of our guidance with how this is looking later this morning.

Ngā mihi,

9(2)(a)

From: 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>
Sent: Thursday, 18 November 2021 5:39 pm
To: 9(2)(a) @education.govt.nz>; 9(2)(a) [DPMC]
9(2)(a) @dpmc.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>
Cc: 9(2)(a) @education.govt.nz>; 9(2)(a)
9(2)(a) @education.govt.nz>; 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a)
9(2)(a) @education.govt.nz>; 9(2)(a) @education.govt.nz>
Subject: RE: Guidance for TEOs on what steps to take to check CVCs

Kia ora 9(2)(a)

As I understand it, DPMC is doing a mass review of guidance across agencies over the next couple of days. Could you maybe try and get this included with other guidance MoE are providing us for review? We've had a lot of queries like this from agencies and we're trying to respond in a systematic way.

We're not doing a CVC cab paper. There is a cab paper on the Covid-19 Protection Framework as a whole, but I'm not across the detail of what's included.

Ngā mihi,

9(2)(a)

From: 9(2)(a) @education.govt.nz>
Sent: Thursday, 18 November 2021 5:32 pm
To: 9(2)(a) [DPMC] 9(2)(a) @dpmc.govt.nz>; 9(2)(a) [DPMC]
9(2)(a) @dpmc.govt.nz>; 9(2)(a) [DPMC]
9(2)(a) @dpmc.govt.nz>
Cc: 9(2)(a) @education.govt.nz>; 9(2)(a)
9(2)(a) @education.govt.nz>; 9(2)(a)
9(2)(a) @education.govt.nz>; 9(2)(a) @education.govt.nz>
Subject: RE: Guidance for TEOs on what steps to take to check CVCs
Importance: High

Kia ora koutou – just following up on 9(2)(a) email below with some additional context:

9(2)(h)



Separately, OPC mentioned that there's a CVC Cab paper intended for Monday? Be great if you could loop us in on that as well.

Ngā mihi,

9(2)(a)



From: 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>

Sent: Thursday, 18 November 2021 11:02 am

To: 9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>; 9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>;

9(2)(a) <[9\(2\)\(a\)@dpmc.govt.nz](mailto:9(2)(a)@dpmc.govt.nz)>

Cc: 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>; 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>;

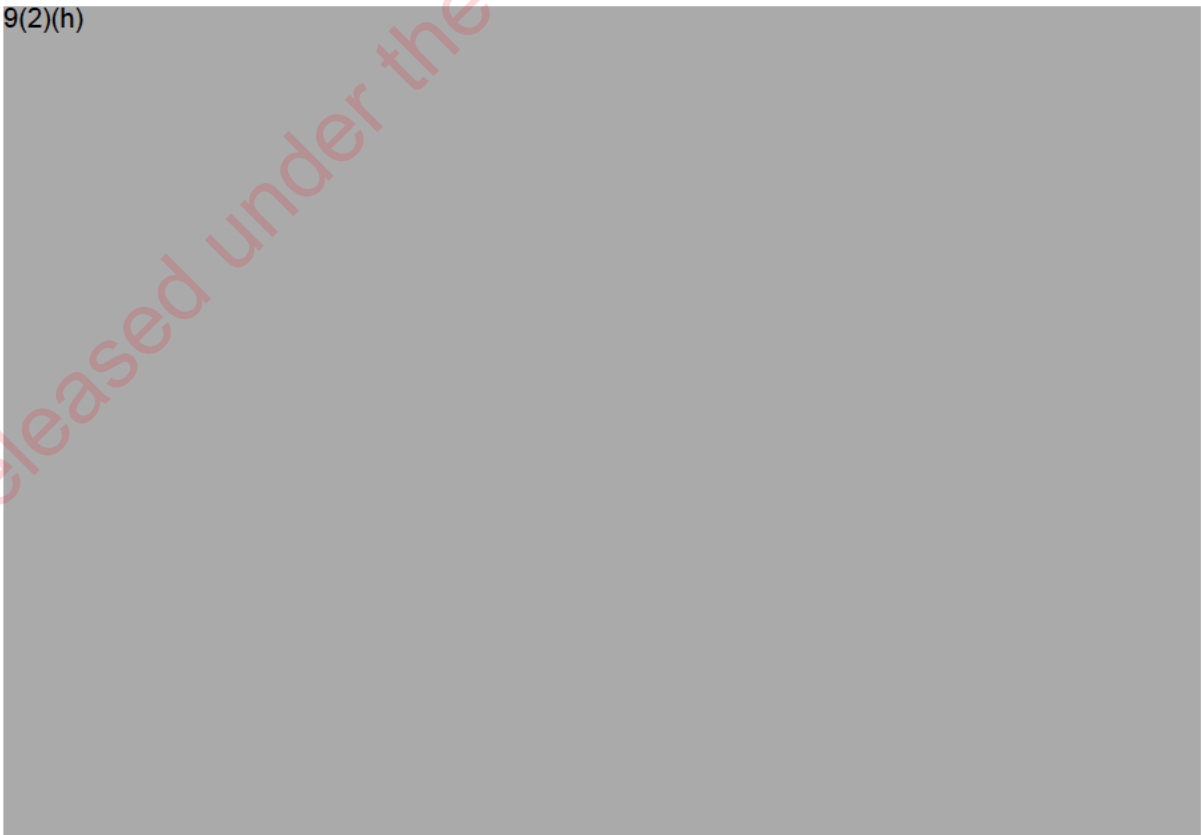
9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>; 9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>;

9(2)(a) <[9\(2\)\(a\)@education.govt.nz](mailto:9(2)(a)@education.govt.nz)>

Subject: Guidance for TEOs on what steps to take to check CVCs

Kia ora koutou,

9(2)(h)



We're happy to set up a time to discuss this if easier. We're already getting questions from the sector on these sorts of issues and will likely get many more when the Order is put in place.

Ngā mihi nui,

9(2)(a)

9(2)(a) | Kaitatari Kaupapa Tuakana | Senior Policy Analyst
Funding and Fees Policy, Tertiary Education
Te Puna Kaupapahere | Policy
Ministry of Education

9(2)(a)
National Office Mātauranga House
education.govt.nz

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Document 10

From: 9(2)(a)
To: [Katrina Sutich](#); 9(2)(a)
Cc: 9(2)(a); [Stephanie Melville](#)
Subject: case management media + vaccination rates
Date: Friday, 3 December 2021 2:53:17 pm
Attachments: [image001.png](#)

Kia ora

On covid case management and media management. I've had a chat to Steph our chief media person and the general direction things are moving makes sense (roughly that Health has overall numbers, and big institutions manage cases with health direct and PTE's work with NZQA) and would allow for fairly straight forward media processes. The theory would be that Health responds to sector wide queries and providers understand that they are likely to get media queries that they will need to deal with.

Eg. – "How many covid cases in tertiary?" = MoH response. "How is 'name of institution' managing covid cases?" = institution response.

Steph also managed yesterday's media statement release re: vax numbers relating to the mandate [Ministry of Education vaccination survey shows education workforce lead by example – Education in New Zealand](#).

Given there is a similarly positive story in tertiary it may be useful to produce a similar statement for the tertiary workforce and the Red setting requirement that people onsite must be vaxxed. Perhaps in the new year when the data is available???

I suggest we continue to discuss these two points at the daily tertiary covid catch-ups, and I've looped in 9(2)(a) and Steph in case I've missed something from the media side.

Nā

9(2)(a)

9(2)(a) | Principal Business Partner
Te Puna Rangatōpū | Corporate

9(2)(a)
National Office Mātauranga House
[education.govt.nz](https://www.education.govt.nz)

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