



TEU

TERTIARY EDUCATION UNION
TE HAUTŪ KAHURANGI

Submission of

Te Hautū Kahurangi | Tertiary Education Union

to the

Education and Workforce Committee

on the

EDUCATION AND TRAINING BILL

14 February 2020

CONTACTS

Michael Gilchrist

Te Tumu Whakarae | National President

m: +64 27 899 4256

e: michael.gilchrist@teu.ac.nz

Sharn Riggs

National Secretary

m: +64 27 443 8768

e: sharn.riggs@teu.ac.nz

1. Introduction

- 1.1. Te Hautū Kahurangi | Tertiary Education Union (TEU) welcomes this opportunity to respond to the Education and Training Bill.
- 1.2. The TEU is the largest union and professional association representing nearly 10,000 academic and general/allied staff in the tertiary education sector (in universities, institutes of technology/polytechnics, wānanga, private training establishments, and REAPs).
- 1.3. The TEU actively acknowledges Te Tiriti o Waitangi as the foundation for the relationship between Māori and the Crown. We recognise the significance of specific reference to Te Tiriti o Waitangi in the Education Act and the emergent discourse resulting from this. We also accept the responsibilities and actions that result from our nation's signing of the UN Declaration on the Rights of Indigenous Peoples.
- 1.4. The TEU expresses its commitment to Te Tiriti o Waitangi by working to apply the four whāinga (values) from our *Te Koeke Tiriti* framework as a means to advance our TEU Tiriti relationship in all our work and decision-making – with members and when engaging on broader issues within the tertiary sector and beyond – such as our response to this Bill:

Tū kotahi, tū kaha: We are strong and unified; we are committed to actions which will leave no-one behind; we create spaces where all people can fully participate, are fairly represented, and that foster good relationships between people.

Ngā piki, ngā heke: We endure through good times and bad; we work to minimise our impact on the environment; we foster ahikā – the interrelationship of people and the land, including supporting tūrangawaewae – a place where each has the right to stand and belong.

Awhi atu, awhi mai: We take actions that seek to improve the lives of the most vulnerable; we give and receive, acknowledging that reciprocity is fundamental to strong and equitable relationships; and we work to advance approaches that ensure quality public tertiary education for all.

Tātou, tātou e: We reach our goals through our collective strength and shared sense of purpose, which are supported through participatory democratic decision-making processes and structures.

- 1.5. Our response to the Education and Training Bill stems from our commitment to the values expressed above and our wish to see these enacted in the tertiary education sector and in our society and communities.

2. Private training organisations

Clause 323: Minister may recognise community tertiary education provider

- 2.1. We believe that privatisation has been a key factor in undermining both the efficacy of New Zealand's vocational education system and the viability of polytechnics. Private providers of vocational education and training:

- ➔ Add significantly to competition for students and the (shrinking) funding that comes with them;
- ➔ 'Cherry pick' provision, competing particularly in the most profitable areas; and,
- ➔ Undercut public providers in the training they deliver to students, in their operations and facilities, and in the terms and conditions of staff.

- 2.2. There needs to be more clarity in this part of the Bill regarding the requirements for registration of PTEs under NZQA. What process involving NZIST and WDCs must be satisfied in establishing a PTE?

- 2.3. Recommendations:

- ➔ Establishing a PTE cannot solely be a decision by an ITO – or by an ITO with the guidance and approval of TEC in the transition phases set out for ITOs in the Education (Vocational Education and Training Reform) Amendment Bill (the VET Reform Bill) currently before parliament. Nor should the registration of a PTE be entirely in the hands of NZQA – although NZQA should itself be mandated to impose conditions on PTEs, as under clause 329, that reflect the new vocational education and training environment being created by the current reforms.

- Further, in the collaboratively designed and co-produced tertiary education environment there needs to be a broader decision that a PTE is needed in some area for particular reasons. The structural mechanism for this decision would need to involve the relevant regional institutions and those affected by the decision.
 - Transitional ITOs must not be allowed to have an interest in, or operate PTEs – as is the case in the law (Apprenticeship and Training Act 1992) as it currently stands. The proposal from select committee to include the new clause Schedule 1 (47)(3) of the VET Reform Bill should be rejected and not included in the Education and Training Bill.
- 2.4. We also urge parliament to ensure that PTEs are required to meet the same standards for programmes and courses, for operations, for the treatment of students and for the engagement and wellbeing of staff, as those set out in the Charter for NZIST.
- 2.5. Specifically, a mechanism that should be incorporated in the Bill is one that is analogous to clause 325 (2)(i), requiring an institution that intends to enrol international students to become a signatory to a code of practice. A code containing all the substantive provisions of the NZIST Charter, as per Schedule 22 of the VET Reform Bill (Schedule 13 of this Bill), should be established under this Bill. Any new PTE should be required to be a signatory to this code, and existing PTEs should be required to become signatories and compliant with the code following a transition period (but without undue delay) if they are to continue to be registered.
- 2.6. Technical adjustments required in translating the NZIST Charter into such a code are minimal and appear to be limited to parts of subclauses 2 and 3 of the Charter requiring NZIST to meet the needs of all regions in New Zealand. PTEs may be more geographically specialised. The remaining provisions of the Charter form unarguable desiderata for all tertiary education providers, particularly as they take on a larger role in the future with regard to workplace training and relationships with industry and employers. The onus is on those who oppose such a code for PTEs to explain why they think PTEs should not be required to meet each of these desiderata or be exempt from any of the relevant standards required of NZIST.

- 2.7. Complementary to this mechanism, another way to require that PTEs meet the same standards as those required of NZIST is via WDCs, utilising their power to endorse programmes and the requirement that they work collaboratively with providers.

3. Clause 485

- 3.1. We recommend the following amendment be inserted into the Bill at clause 350:

→ 485 (2) In performing its functions, a workforce development council –

c) must, to the extent that is necessary or desirable in the circumstances, work collaboratively with –

- (i) providers and, with regard to all providers, require the observance of all elements of the NZIST Charter (Schedule 22 of the Act)
- (ii) wānanga, and respect the special character of wānanga under section 162(4)(b)(iv)

4. Clause 347: Functions of workforce development council and subsequent clauses

- 4.1. WDCs still have the right to override the professional expertise of staff in NZIST. We think it is important to ensure that the rights given to WDCs are appropriate – setting graduate attributes, the core curriculum to be covered in broad terms, and capstone assessments in cases where appropriate. But how teaching and learning is enacted on-campus, on-line, and on-the-job is something that those providing training (including those arranging and supporting training and providing other support services to ākonga/learners) must have sufficient power to determine. This is vital to ensure ākonga/learners acquire the skills of an active and resilient citizen, including vocational training that is broader based and more future oriented than just the skills needed by employers in a particular place at a particular time. We understand that transmission of those latter skills is also vital and that WDCs will be designed in part to ensure that transmission occurs. However, some pedagogical decisions, including the mix of provision, must be entrusted to our teaching staff to establish in collaboration with learners and employers.

- 4.2. We have two recommendations:

- Ensure that appropriate structures and processes are in place in the VET system so that current teaching/learning/support staff are central in teaching/learning decisions, including those made by WDCs. The current call for participation from all parts of the VET system in the design of WDCs is a step in the right direction, provided there is sufficient participation by those involved in teaching and learning. There need to be provisions that ensure this collaborative input is ongoing.
- The Bill should explicitly limit the oversight and rights of WDCs to **core vocational training at L3 to L6**. We believe that limitation is already implicit in the VET reform Bill and the reforms more generally, but it is nowhere stated in the legislation.

5. Tertiary education and the climate crisis

- 5.1. The issue of climate change and the goals of the Government's Climate Change Response (Zero Carbon) Amendment Act 2019 have not previously been canvassed in submissions on the new Tertiary Education Strategy or the current Reform of Vocational Education. However, we contend that it is both timely and appropriate to include this issue in the kaupapa of both these aspects of our tertiary education system.
- 5.2. We recommend the following be added to NZIST Charter (Schedule 22 of the Education (Vocational Education and Training Reform) Amendment Bill):
 - "To solve the problem of climate change we need all our ākonga/learners and kairanagahau/researchers to be aware of the issue, to be up to date with current knowledge and best practice, and to be capable of contributing to the ongoing development of climate change solutions."
 - "NZIST will make climate change an active consideration in all its teaching and learning as well as in its other decision making, working towards keeping the global temperature increase under 1.5°C, as set out in the Climate Change Response (Zero Carbon) Amendment Act 2019."

6. Further recommendations

- 6.1. Amendment to Clause 485:

teu@teu.ac.nz | 04 801 5098 | 178 Willis St, Te Aro, Wellington 6011

→ 485 (2) In performing its functions, a workforce development council –

(b) must take into account the needs of employers and employees in the 1 or more specified industries covered by the workforce development council **and** [delete 'but'] in doing so **must** [delete 'also'] consider national and regional interests, **including those identified in the objectives of the Tertiary Education Strategy issued under section 159AA, with regard to the Future of Learning and Work.**

6.2. Amendment to Clause 485:

→ 485 (2) In performing its functions, a workforce development council –

c) must, to the extent that is necessary or desirable in the circumstances, work collaboratively with –

- (i) providers and, with regard to all providers, require the observance of all elements of the NZIST Charter (Schedule 22 of the Act)
- (ii) wānanga, and respect the special character of wānanga under section 162(4)(b)(iv)