



TEU

TERTIARY EDUCATION UNION
TE HAUTŪ KAHURANGI

Submission of

**Te Hautū Kahurangi | Tertiary Education
Union**

to the

Tertiary Education Commission

on the

WDC Order in Council Proposals Consultation

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1. Introduction

- 1.1. Te Hautū Kahurangi | Tertiary Education Union (TEU) welcomes this opportunity to respond to the Tertiary Education Commission's *WDC Order in Council Proposals Consultation*.
- 1.2. The TEU is the largest union and professional association representing 10,000 academic and general/allied staff in the tertiary education sector (in universities, institutes of technology/polytechnics, wānanga, private training establishments, and rural education activities programmes).
- 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 the *WDC Order in Council Proposals Consultation*:

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.

Awahi atu, awahi 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 *WDC Order in Council Proposals Consultation* stems from our commitment to the whāinga expressed above and our wish to see these enacted in the tertiary education sector and in our society and communities.
- 1.6. We would like to acknowledge and thank the TEU members that contributed to the views outlined in this submission.

2. Preamble

- 2.1. The Reform of Vocational Education (RoVE) seeks to create a unified, collaborative, and cohesive vocational education system. For TEU, working toward a coherent network of vocational education which places education and the needs of learners at the centre of the system is a wholly positive – if not long overdue – shift in direction. However, COVID-19 has also illustrated the need for a vocational education system that is responsive, meets the *changing* needs of learners and their whānau and communities, and avoids the layers of bureaucracy which, as the past demonstrates, have only served to constrain those working across the tertiary education sector and their capacity to adapt and provide quality vocational education to all learners throughout Aotearoa.
- 2.2. The six Workforce Development Councils (WDCs) will play an important role within the new vocational education network. As such, it is imperative that principles of *collaboration*, *consistency*, and *cohesion* underpin the WDCs as a whole. It is only through a co-ordinated and consistent approach that the new network will be conducive to realising the core objectives of vocational education, our definition of which is:

Vocational education and training provides the comprehensive foundation and ongoing innovation needed in broad fields of practice for professions and lifelong vocations. It does so through developing an awareness of self and culture, knowledge of practice, the technical base of practice, and the attributes needed for the integration of students into both professional life and society. This can be provided in all levels of education and includes research-based vocational bachelors and postgraduate degrees taught in institutes of technology and polytechnics.

TEU definition of vocational education

- 2.3. Taken as a whole, the six WDC Order in Council proposals include many positive points, and we commend the emphasis on recognising the significance of Te Tiriti o Waitangi, te ao Māori, te reo Māori, and mātauranga Māori, as well as principles of inclusivity and diversity as they appear throughout the proposals.
- 2.4. However, when comparing each of the WDC Order in Council proposals, it is clear that there is greater scope for consistency across the board. We think that the best aspects of each of the proposals need to be applied to each of the six WDCs.
- 2.5. Our recommendations involve outlining, for example, a *single* purpose statement or set of criteria which synthesises the ideal elements from each of the proposals. We think this is a plausible approach as many of the factors being addressed in our submission are not necessarily industry specific.
- 2.6. We put forward these recommendations in the interest of achieving the aims of the Reform of Vocational Education through greater consistency, cohesion, and collaboration across the new network. We do not comment on either the 'name' or 'coverage' aspects of the proposals.

3. Purpose of the WDCs

- 3.1. We recommend a single purpose statement based on a synthesis of the various purpose statements as they are currently outlined in each Order in Council proposal. With several additions (see the bold text in 3.2 below), this purpose statement could be applied to each of the six WDCs.

3.2. Suggested purpose statement:

The purpose of the Council is:

- to contribute to an education system that honours Te Tiriti o Waitangi in order to help ensure fair and equitable outcomes for all and support Māori-Crown relationships
- to use its industry voice to contribute to the creation of a sustainable, globally engaged, adaptive, **and genuinely bi-cultural** Aotearoa New Zealand, including Aotearoa me Te Waipounamu and all territories
- to contribute to an education system which provides opportunities for all people to reach their full potential and capabilities, **as workers, employers, and citizens**, including those who have been traditionally underserved by the education system
- to work with learners, industry (including, without limitation, employers, employees, self-employed people, volunteers, industry associations, and unions), tāngata whenua, stakeholders, and other Workforce Development Councils and organisations to give effect to the Council's strategic direction
- to plan, implement, and support the responses to Aotearoa New Zealand's current and future workforce needs, taking into account:
 - the transition to a low-emissions and climate resilient Aotearoa New Zealand;
 - global challenges;
 - emerging technologies;
 - global sustainability goals;
 - the changing nature of work;
 - the skills, knowledge, and qualifications learners need in future to achieve success for themselves and their communities; **and**
 - **the need for gender and other equity**
- actively collaborate with all other partners in the vocational education system toward common goals and priorities

4. Accountability arrangements

Performance of functions

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- 4.1. As part of their functions, WDCs, in their advisory and representative roles, are to, firstly, provide employers with brokerage and advisory services approved by TEC (s366(1)(i) of the Act) and, secondly, advise TEC on (i) its overall investment in vocational education and training and (ii) on the mix of vocational education and training needed for the 1 or more specified industries covered by the workforce development council in the manner required by the TEC (s366(1)(j) of the Act).
- 4.2. Regarding the brokerage and advisory services of WDCs, we agree that it is important that employers have access to robust information pertaining to education and training programmes. However, if the true needs of learners and their whānau, communities, and employers are to be met, transparent information relating to, among other things, careers advice and the full range of provision available across the new vocational education system – i.e., information beyond that endorsed by WDCs under s366(1)(g) of the Act – needs to be made available.¹ Without this information, graduates will be potentially relegated to lower paid jobs and impeded career progression opportunities.
- 4.3. Regarding WDCs and their advisory roles to TEC on overall investment and the mix of vocational education provision, it needs to be made clear that the advice from WDCs is intended as only one component of the information that TEC considers in its decision-making. The TEC also draws on its own data, and the advice of Regional Skills Leadership Groups, other government departments, and tertiary education providers.
- 4.4. On the above points, see 6.1 for our recommendations on ‘Mechanisms for engagement.’

¹ See, for example, the information available at the TEC’s [careers advice service](#) and Obvious’ [StudySpy](#) service which provides a searchable database of every course, scholarship, and provider in Aotearoa.

- 4.5. Regarding the performance of its functions, the Primary Industries WDC Order in Council proposal includes several factors (see 4.7 below) which do not appear in the remaining WDC Order in Council proposals.
- 4.6. We consider these factors as important additions that are key to the accountability arrangements of WDCs and, by extension, ensuring a quality vocational education system.
- 4.7. As such, we recommend the following sub-bullet points (taken from the Primary WDC Order in Council proposal) are included under the 'Performance of functions' for each of the six WDC Orders in Council (see also 4.9 below):

The Council in the performance of its functions must give effect to:

- *[Ka Hikitia – Ka Hāpaitia](#)* or subsequent Māori education strategies that relate to vocational education and training.

The Council in the performance of its functions must:

- act in a manner which is consistent with the goals and objectives of the vocational education system as a whole;
- work collaboratively with providers, including work-based trainers and employers, to ensure that qualifications, standards, and learning packages, enable successful outcomes for all learners; and
- advocate for, and contribute to, policies that meet the needs of industries covered by the Council, particularly as they relate to vocational education, career promotion and planning, and the funding of education and training.

Statement of strategic direction

- 4.8. We recommend that WDCs must publish their respective strategic directions every 2 years (as opposed to the current requirement of every 3 years). As such, bullet-point 1 under 'Statement of strategic direction' should be amended accordingly for each WDC (see 4.9 below).
- 4.9. Additionally, following the recommendation in 4.7 above, each WDC's published strategic direction statement should also reflect how the Council intends to give

effect to *Ka Hikitia – Ka Hāpaitia* or subsequent Māori education strategies that relate to vocational education and training. For example (see bold text):

- At least every **two** years the Council must publish on an Internet site maintained by, or on behalf of, the Council a statement setting out its strategic direction for the next 5 years, including how the Council intends to give effect:
 - to the purposes of the Council;
 - to relevant parts in the Tertiary Education Strategy; **and**
 - **to *Ka Hikitia – Ka Hāpaitia* or subsequent Māori education strategies that relate to vocational education and training.**

4.10. Regarding consultation prior to a WDC issuing a statement on its strategic direction, we recommend Te Pūkenga, relevant Centre(s) of Vocational Excellence, and Regional Skills Leadership Groups be included in this consultation. As such, bullet-point 2 under ‘Statement of strategic direction’ should be amended accordingly for each WDC. For example (see bold text):

- The Council must consult with the specified industries, the Minister, vocational education providers, **Te Pūkenga, relevant Centre(s) of Vocational Excellence, Regional Skills Leadership Groups**, and with persons or bodies the Council considers on reasonable grounds represent Māori, before issuing a statement on its strategic direction.

5. Governance arrangements

Council membership provisions

5.1. The parameters pertaining to the size, make-up, and mandatory membership requirements of the Councils should be consistent for each of the six WDCs whilst allowing for flexibility within those parameters. In order to ensure alignment with the educational and training provision context within a relevant sector or industry domain, it is essential that the Council membership includes 1 member from Te Pūkenga nominated by subsidiary employees.

5.2. We suggest the following configuration:

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- The Council comprises 8, 9, or 10 members, as determined by the Council, made up as follows:
 - 1 member nominated by Māori employers in the specified industries, to represent them;
 - 1 member nominated by Māori employees in the specified industries, to represent them;
 - 1 member nominated by employees, the Council of Trade Unions, and unions representing employees in the specified industries, to represent them;
 - 1 member nominated by the employers in the specified industries, to represent them;
 - 1 member from the Pacific community;
 - **1 member from Te Pūkenga involved in the provision of education in the specified industries nominated by subsidiary employees, to represent them.**
 - The remaining members appointed by the Council to bring the total membership of the Council up to 8, 9, or 10 members as determined by the Council
- The Council as a whole must have approximately an even balance between members of the Council who are Māori and non-Māori
- When seeking nominations for an employee representative, the Council or the appointments committee must:
 - take all reasonable steps to notify employees in the specified industries about the process for nominating members;
 - ensure that the persons nominated for appointment have the support of a sufficient number of employees in the specified industries; and
 - not specify who is eligible to be nominated for appointment as a member except as provided for in the Order, or in any rules.
- The Council may co-opt up to 2 persons for no more than 3 years to be a member if necessary or desirable:
 - to ensure that the Council has an appropriate mix of skills, leadership, and experience, provided that the Council comprises in total no more than 10 members;
 - to provide opportunities for people of different age, ethnicity, ideas, and gender to develop the knowledge, skills, and experience in

governance necessary to be appointed as a member of a professional governing body;

- to increase opportunities for participation at a governance level by Māori, Pacific peoples, and people living with disabilities;
- to draw on the experience, knowledge, and views of learners; and
- to ensure that over the long-term there is adequate representation of Māori, with the aim of contributing towards an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relationships.

Criteria for the appointment of members

- 5.3. We recognise that part of the function of WDCs is to give voice to industry within the new vocational education system. However, it is essential to keep in mind that the needs of industry are just one component of a multifaceted system; at its heart, the new network is ultimately about *education*. This means that it must be a system which facilitates lifelong learning and is conducive to learners developing an awareness of self and culture, as well as the 'soft skills' required for the successful and meaningful integration of learners into wider society. It is important that Council members have expertise not only of the vocational education and training system in an abstract sense, but pedagogical expertise in teaching, learning, and pastoral care.
- 5.4. We recommend that, at a minimum, each of the Orders in Council should include the following criteria for the appointment of members to the Council:

As a whole, the Council must have:

- a deep understanding of, and commitment to, the principles of Te Tiriti o Waitangi
- strong knowledge and networks within te ao Māori
- a sufficient number of members with skills in te ao Māori, including te reo Māori and mātauranga Māori, to ensure that the Council is able to give proper consideration to Māori perspectives in undertaking its duties functions
- experience in Māori business within specified industries
- strong experience in, or engagement with, the vocational education and

training system, **including pedagogical expertise in teaching, learning (including adult teaching and learning), and pastoral care**

- an understanding of, and commitment to, inclusion, eliminating inequality, and understanding the needs of underserved learners, including but not limited to Māori, Pacific peoples, and people living with disabilities
- diversity of age, ethnic background, ideas, and gender, with particular regard to representation of Māori, Pacific peoples, and people living with disabilities
- a commitment to act with impartiality, honesty, integrity, and manaakitanga
- representatives from both large and small and medium enterprises within the specified industries
- the support of, in the case of the employee representatives, the Council of Trade Unions or unions representing employees in the industry
- sufficient knowledge of community organisations
- leadership experience in at least one of the specified industries covered by the Council
- knowledge, skills, and experience relevant to the strategic direction of the Council
- experience in governance and public administration
- experience in financial analysis and management

6. Mechanisms for engagement

6.1. Meaningful engagement with stakeholders – particularly education professionals and small and medium enterprises – will be key to the success of the work of the WDCs and the performance of their functions. Currently, each Order in Council proposal outlines varying mechanisms for engagement with industry. In order to ensure consistency in approach across the WDCs, we recommend a single set of mechanisms and principles which can apply to each of the six WDCs:

The engagement model must:

- describe the arrangements or opportunities for regular interaction between the specified industries and the Council, including at least one annual meeting with representatives of the specified industries;

- establish a process for co-ordinating its activities with other WDCs in relation to complementary industries;
- establish a process for engagement with unions regarding the performance or exercise of its functions, duties, and powers;
- establish a process for engagement with industry peak bodies to understand and contribute to strategies developed by industry peak bodies;
- ensure the Council reports regularly to the specified industries and national advisory groups on the performance of its functions, **including, specifically, on its engagement with small and medium enterprises;**
- ensure the Council makes arrangements (for example, by establishing industry stakeholder groups) for ensuring that employers and Māori employers, industry bodies, employees, independent earners, iwi/hapū partners, learners, unions, **Te Pūkenga, Centres for Vocational Excellence, Regional Skills Leadership Groups**, and other parties with an interest in the specified industries, as determined by the Council, have an adequate opportunity to provide input to the Council in support of the performance of its functions including, without limitation, to:
 - gain deeper understanding of the breadth of the specified industries;
 - provide information and views on current, emerging, and future skills and knowledge requirements of employees working in the specified industries;
 - identify and maximise the opportunities of particular groups of learners, including Māori, Pacific peoples, women, and people living with disabilities, whether specific to the coverage of the Council or as part of a wider group of learners coming within the coverage of other WDCs;
 - provide information and views that will assist the Council in formulating its advice to the Tertiary Education Commission on investment in vocational education and workforce planning for the specified industries;
 - provide information and views on reviews of industry qualifications;
 - provide information and views on career pathways into and within the specified industries;
 - provide information and views that will assist the Council to undertake strategic workforce leadership research, advice, and support to all

specified industries;

- enable industry **and providers** to raise issues and concerns about the governance, management, and operation of the Council.

7. Additional functions of the Workforce Development Councils

- 7.1. The Primary Industries WDC includes ‘additional functions’ pertaining to [1] the promotion of opportunities that are conducive to learners reaching their full potential and [2] addressing the needs and aspirations of priority learners including Pacific learners and people living with disabilities.
- 7.2. We consider these functions as integral to a quality vocational education system – as stated in the TEU’s third whāinga: *awhi atu, awhi mai*, “we take actions that seek to improve the lives of the most vulnerable [...] and we work to advance approaches that ensure quality public tertiary education for all.”
- 7.3. As such, we recommend that the ‘additional functions’ included on page 21 of the Primary Industries Order in Council proposal are extended to each of the six WDCs.

8. Conclusion

- 8.1. TEU appreciates the opportunity to partake in the consultation on the proposals to establish the Workforce Development Councils.
- 8.2. We commend the work done so far, particularly the emphasis on Māori-Crown partnerships, inclusivity, and diversity.
- 8.3. However, if the Reform of Vocational Education (RoVE) is to achieve its aims, genuine collaboration and cohesion will be essential across the new network, including between the six WDCs.
- 8.4. Our recommendations reflect the endeavour to achieve the aims of RoVE through greater consistency, cohesion, and collaboration across the vocational education sector.