



**Reform of Vocational
Education (RoVE)**

**Health, Community and Social
Services
Workforce Development Council**

**Kaunihera Whakawhanake
Ohu Mahi**

Order in Council proposals

Consultation background document

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Te Pānui - How to read this document

The purpose of this document is to:

- Support the ‘Consultation proposal document’, which sets out the Order in Council proposals; and
- Provide readers with the detailed background information to understand how the Order in Council proposals were developed.

How the Order in Council proposals were developed

Health, Community and Social Services Workforce Development Council

Proposed name* : *Community, Health, Education and Social Services Workforce Development Council*

For more information about the Health, Community and Social Services Workforce Development Council, please visit the TEC website:

<https://www.tec.govt.nz/rove/workforce-development-councils/health-community-and-social-services-wdc-ieb/>

* Please note this is a proposed name, and that it is subject to the current consultation. As a result, in the consultation proposal document and the consultation background document, we refer to Health, Community and Social Services Workforce Development Council.

Appointing the Health, Community and Social Services WDC interim Establishment Board

The Health, Community and Social Services WDC interim Establishment Board (subsequently in this document referred to as “HCSS iEB” for short) is one of six interim Establishment Boards appointed by the Tertiary Education Commission (TEC) in June 2020 following an Expression of Interest process.

For more information about the make up of the HCSS iEB, please visit the Health, Community and Social Services WDC page on the TEC website and click on ‘*interim Establishment Board members*’.

Developing and engaging on the draft Order in Council proposals

Following its appointment, the HCSS iEB developed its draft Order in Council proposals, which included a proposed name, coverage area and governance arrangements.

As part of the Order in Council development process, the iEB engaged with its industries, to test and seek initial feedback on its draft proposals, and to start building connections across the new WDC industry groupings. The HCSS iEB carried out its engagement in September-October 2020, via several channels:

Table 1 Overview of engagement channels

Channel	Description	Participation
Online feedback form	An online feedback form, which requested feedback from participants on the key elements of the draft Order in Council.	74 responses

Direct engagement with iEB members	Direct engagement by iEB members with stakeholders through meetings, including one-on-one and sector meetings.	111 engagements
Written submissions	Written submissions via email.	9 submissions

The HCSS iEB also engaged with industry stakeholders on the Order in Council proposals via email.

In addition to the targeted industry engagement undertaken by each iEB during the engagement period, the iEBs, the Kāhui Ahumahi (made up of the Māori members across the six iEBs) and government officials are also engaging with Māori industry bodies, and Māori and iwi groups on the Order in Council proposals, as a part of the wider RoVE programme.

Incorporating feedback and preparing the Order in Council proposals for consultation

Following the engagement period, the HCSS iEB incorporated the feedback it received during its engagement, and worked closely with government officials from the Tertiary Education Commission and the Ministry of Education to prepare the Order in Council proposals for consultation. The iEBs and officials aimed to ensure the Order in Council proposals are drafted in a manner that reflects the intent of the iEB and its industries, and are appropriately framed for consultation and subsequent legal drafting. As part of this exercise:

- some provisions in the proposals were clarified and/or refined.
- the preamble was transformed into a purpose statement, with corresponding accountability arrangements, which captured the intent of the preamble but also fit into the Order in Council framework.
- iEBs and officials explored how the Orders in Council could honour te Tiriti o Waitangi, in accordance with section 4 of the Education and Training Act 2020. All six iEBs adopted a proposed framework in their Orders in Council as part of their purpose statements to honour te Tiriti o Waitangi. Each iEB also considered other provisions to this effect, and included the provisions they thought were appropriate for their respective WDC and for the industries within its coverage area. Examples include provisions with regard to council composition, co-chair arrangements, industry stakeholder mechanisms, appointment of council members. In addition, the TEC will consider funding and monitoring mechanisms that would require WDCs to honour te Tiriti o Waitangi.
- some provisions in the proposals (such as some of the story behind the name of the WDC, the establishment plan and aspects of the preamble) were identified that could not be included in an Order in Council, but could be used in other governance or strategy documents of the WDC, e.g. a constitutional document, a vision statement, etc.

The redrafting and refining of proposals is part of the normal process for drafting legislation, and will continue throughout the Order in Council process, until the Orders in Council are finalised and signed into law.

The table below provides a high-level overview of the feedback received by the HCSS iEB during its engagement activities, and how this feedback shaped its Order in Council proposals. It also outlines changes that were introduced to the Order in Council proposals during the redrafting and refining process.

Table 2 High-level overview of engagement feedback

Topic	Feedback received during engagement	How the feedback was incorporated
<p>Purpose statement / preamble</p>	<p>There was general agreement on the inclusion and the content of the preamble (which was subsequently transformed into a purpose statement).</p> <p>Some feedback was received that by including the proposed statements in the preamble, the WDC would not necessarily meet the obligations of the Crown to Māori.</p>	<p>The iEB took much of the language from the preamble and transformed it into a purpose statement which captured the intent of the preamble but also fit into the Order in Council framework.</p> <p>The iEB updated the purpose statement to state that:</p> <ul style="list-style-type: none"> - The council must consult with Māori before issuing a statement on its strategic direction. This is to strengthen partnership and ensure it is meaningful. - The WDC will contribute to an education system which honours te Tiriti o Waitangi to help ensure equitable outcomes. <p>Accountability mechanisms were added during the drafting process to support the intention of the purpose statement, and to support consistency across WDCs.</p>
<p>WDC legal name</p>	<p>There was general support for the proposed name.</p> <p>Feedback included that the name did not reflect the breadth of the industries the WDC will cover and a name that is more inclusive of all industries would be more appropriate.</p> <p>Feedback also included that Hauora is overused and too focused on health.</p>	<p>The iEB decided to not to continue with the te reo name “Hauora”, and is now proposing the name “Community, Health, Education and Social Services Workforce Development Council”.</p> <p>The rationale for this decision is that the iEB wants a name that is more inclusive of all industries within the WDC’s coverage, and which captures the three pillars of the WDC – gaining knowledge, community safety and community health.</p> <p>The iEB decided that a te reo name will be worked through after the statutory consultation, but as a result this name will not be included in this first Order in Council. The iEB has been working with TEC to set up a framework for developing a te reo name.</p>
<p>Coverage</p>	<p>There was some concern that the coverage of the HCSS WDC was (too) broad, and that that this could mean that the voice of smaller industries or groups could be lost.</p>	<p>Aside from using ANSZIC codes in its Order in Council, the iEB decided to also use high level descriptors to ensure that all relevant industries are captured in the Order in Council.</p>

Topic	Feedback received during engagement	How the feedback was incorporated
	Several industries indicated they felt like they weren't reflected through ANZSIC code grouping.	
Partnership with Māori	<p>While overall feedback indicated that the provisions included in the draft proposal were adequate, there were also calls for a stronger model of partnership with Māori through representation.</p> <p>The iEB was asked to consider a model with 50/50 Māori and non-Māori representation or a co-chair model.</p>	The iEB decided on a 50/50 partnership (Māori and non-Māori) model where possible. This is also reflected in the composition of the appointments committee – the committee must also be reflective of 50/50 representation.
Appointments	<p>There was general support for the proposals, but some concern that the Council will not be entirely representative of all industries.</p> <p>Other feedback indicated that there was no strong desire from industry to have a two phase process (i.e. Establishment Council then a WDC Council).</p>	<p>The iEB noted that the council is not meant to be representative but skills based, and that advisory group mechanisms will allow for industry voice.</p> <p>The iEB chose to remove the establishment phase and propose a transitional council arrangement.</p>
Council composition	<p>Most participants agreed to the proposals, however some stakeholders were concerned that a council comprised of 7-9 members would not be representative of all industries, and did not reflect the breadth of industries covered by WDC.</p>	<p>The iEB made the following changes to the proposed council composition:</p> <ul style="list-style-type: none"> - Council comprised of 8-10 members (8 members with the option to co-opt 2 additional members); - 50/50 partnership (Māori and non-Māori) model; - Advisory groups will also be established to ensure all industry voices are heard.
	There was some feedback from a range of stakeholders that there needed to be more Māori represented in the Council.	
Representation of Māori employers	Participants agreed with what was proposed, but raised questions about who constituted a Māori employer.	<p>The iEB noted the legislative requirement for representation of Māori employers.</p> <p>The iEB noted that additional work needs to happen to clearly understand the definition of a Māori employer within their industries.</p>
Collective representation	There was general support for the proposals, however some participants had concerns about having only one “worker voice” on a council which otherwise comprises of employers.	<p>The iEB noted the legislative requirement for collective representation.</p> <p>No changes made to collective representation specifically but Council composition has increased. Advisory groups will be established to ensure all industry voices are heard.</p>

Topic	Feedback received during engagement	How the feedback was incorporated
Additional functions	No significant feedback was received.	During the drafting process the additional functions were taken out because some of them were already included in the Act under the current WDC functions. Other functions can be considered for inclusion later, so that the WDC can focus initially on its core functions.
Advisory group mechanisms	Feedback from participants highlighted the need for all industries to be heard, including smaller industries, as well as disabled people. This could be achieved via advisory panels for each industry.	The iEB proposes that advisory groups will be established to ensure all industry voices are heard.
Other comments	A number of people expressed concerns that the voice of particular industries, especially smaller and/or less vocal ones could be lost in the new structure.	<p>The iEB discussed ways to ensure that initiatives and good practice weren't lost during the creation of the WDC. The detail of how this will happen will be developed as part of the establishment planning process.</p> <p>The iEB agreed that they would like the WDC to engage with organisations that already exist within industry on an ongoing basis as part of industry engagement.</p>