

Coversheet: Education and Training Bill – Giving Better Effect to Te Tiriti o Waitangi

Advising agencies	<i>Ministry of Education</i>
Decision sought	<i>Approve inclusion of proposals to reflect Te Tiriti o Waitangi in the Education and Training Bill</i>
Proposing Ministers	<i>Hon Chris Hipkins Minister of Education</i>

Summary: Problem and Proposed Approach

Problem Definition
What problem or opportunity does this proposal seek to address? Why is Government intervention required?
<p>There are some gaps and a lack of specificity in the Education Act 1989 (the Act) on the Crown’s obligations in relation to Te Tiriti o Waitangi (Te Tiriti). There is an opportunity through the Education and Training Bill to better reflect the Crown’s education related obligations in respect of Te Tiriti in legislation.</p> <p>The existing Act does not include a Tiriti clause. Current provisions which seek to give effect to the Treaty are scattered throughout the Act augmented with requirements in secondary legislation and administrative guidelines. They are therefore hard to find, to read together and to get a sense of how the Crown’s Tiriti obligations are reflected in the Act.</p> <p>The Act does not include any specificity on how the Ministry of Education, New Zealand Qualifications Authority, the Education Review Office, or the Tertiary Education Commission must give effect to Te Tiriti. There is also a lack of specificity on what ‘giving effect’ to Te Tiriti might look like.</p> <p>The Act specifies some requirements in relation to school boards compliance with Te Tiriti, however, they are not sufficiently clear or strong enough to ensure that boards manage their schools in a manner that gives effect to Te Tiriti.</p>

Proposed Approach
How will Government intervention work to bring about the desired change? How is this the best option?
<p>It is proposed that the Education and Training Bill include:</p> <ul style="list-style-type: none"> • a Tiriti clause that sets out in one place all of the provisions in the Bill which relate to Tiriti-related functions, duties and powers • a provision to enable the Ministers of Education and Crown Māori Relations: Te Arawhiti, after consultation with Māori, to jointly issue and publish a statement to specify what education agencies must do to give effect to the Public Service Bill expectations, with the objective of providing equitable education outcomes for all students • new objectives for school boards of trustees including a requirement that boards give effect to Te Tiriti by: <ul style="list-style-type: none"> ○ working to ensure that their plans, policies and local curricula reflect local tikanga, mātauranga Māori and te ao Māori; ○ taking all reasonable steps to provide instruction in tikanga Māori and te reo Māori, and

- achieving equitable outcomes for Māori students.

Legislative change alone will not achieve the desired improvements to ensure equitable outcomes for Māori students. The Ministry will continue to support boards and their schools to implement these obligations through guidance and other assistance programmes. The Ministry will monitor boards' compliance with the new provisions, as they are given effect through planning and reporting requirements, and will continue to develop programmes and other supports to assist boards to do so. It is also anticipated that the impact of the proposed changes will be monitored through ERO's evaluations and reports.

Many boards will be required to change their practices by working more closely with school communities, including Māori communities, so that schools' plans, policies and local curricula better reflect Māori culture, identity, and values and to give greater prominence to providing instruction in te reo Māori. Boards will also be explicitly required to give effect to te Tiriti through achieving equitable outcomes for Māori students. The enhanced Tiriti requirements will be reflected in boards' planning and reporting.

The proposals are based on evidence of what contributes to the success of Māori and other students. The Ministry will support boards to better reflect Te Tiriti through its existing programmes and by developing new programmes and support to meet any gaps in capacity and capability. This approach is preferred because it is the only approach that would require boards to change their practices to give effect to Te Tiriti, is practicable to implement, and contributes to meeting the Crown's Te Tiriti obligations in education legislation.

Section B: Summary Impacts: Benefits and costs

Who are the main expected beneficiaries and what is the nature of the expected benefit?

- Education legislation better reflects the Crown's Tiriti obligations
- Benefits to individual Māori students' educational outcomes and wellbeing
- Benefits for other students
- Benefit to the New Zealand economy – increased productivity and reduced fiscal cost to the Crown

Where do the costs fall?

Costs for boards

- developing new relationships with school communities, including Māori communities– extends existing requirements
- developing new plans and policies as they arise
- providing opportunities to teach te reo and tikanga Māori

Costs for Māori

- assisting with the development of information on tikanga, mātauranga and te ao Māori to be reflected in plans, policies and local curricula
- being consulted on the development of a Ministerial statement of expectations

Costs for the Crown

- Ministry providing additional supports for boards and Māori
- Ministry and other government education agencies strengthening processes to work with, and consult, Māori.

What are the likely risks and unintended impacts, how significant are they and how will they be minimised or mitigated?

The key risks with the status quo are that education legislation will continue to not give full effect to Te Tiriti, and the education outcomes for Māori students will continue to be inequitable. There is a risk, even with the proposals becoming law, that:

- uptake by boards is variable and therefore not effective in all schools;
- it may take time and resources for Māori, school boards of trustees and

- government education agencies to develop working relationships;
- current resourcing is insufficient to meet potential demand for the teaching of te reo and tikanga Māori which may lead to concern by school boards that compliance is not reasonable or practicable; and
- non-Māori communities may consider there is undue influence by Māori on the education system and the management of schools.

Boards' compliance to the new proposals will be monitored through the planning and reporting system. New planning and reporting regulations are intended to be developed in 2022 (to have effect in 2023) and would include requirements for boards to report against their Tiriti obligations.

The Ministry proposes a continuous improvement approach to stewardship of these requirements. Its focus will be on supporting school boards to meet the new requirements rather than using its intervention powers to enforce compliance. The proposal to retain the current requirement that school boards 'take all reasonable steps' to provide instruction in te reo and tikanga Māori is to enable boards to move from a current level of provision towards progressively increased provision, while still complying with the statutory requirement. As resources are developed, and boards have greater capacity and capability to provide instruction in te reo and tikanga Māori, the expectations on what is considered 'reasonable steps' will change.

Guidance material and existing support programmes will be evaluated to ensure they are fit-for-purpose. New supports will be considered and developed where there are gaps.

Identify any significant incompatibility with the Government's 'Expectations for the design of regulatory systems'.

There is no significant incompatibility between the proposals, the proposed approach to regulatory stewardship and the Government's expectations for the design of regulatory systems.

Section C: Evidence certainty and quality assurance

Agency rating of evidence certainty?

There is strong and consistent evidence that education outcomes for Māori students are inequitable and that that situation often leads to negative life outcomes. It is also clear that this situation reduces New Zealand's productivity and has fiscal costs for the Crown. Research, and messaging from Māori educationalists and stakeholders has for many years shown that education outcomes are enhanced for Māori students when:

- Māori have agency and authority in their education decision-making
- their language, culture and identity are reflected in their education
- they are free from racism, stigma and other forms of discrimination
- whānau are involved and have an active decision-making role at the school, and
- Māori are physically and emotionally safe.

These factors also align with what Māori stakeholders believe would make a difference in Māori students achieving educational success. Similarly, there is clear evidence that non-Māori students have better outcomes when these conditions are met.

To be completed by quality assurers:

Quality Assurance Reviewing Agency:

Ministry of Education

Quality Assurance Assessment:

Partially meets

Reviewer Comments and Recommendations:

The panel commented that although the RIA is complex, the problem is clearly set out. However, the proposed changes have not been consulted with the impacted parties, including Māori and Boards of Trustees, and the direct impact on these groups, including implementation costs, are uncertain.

Impact Statement: Education and Training Bill – Giving Better Effect to Te Tiriti o Waitangi

Section 1: General information

Purpose

The Ministry of Education is solely responsible for the analysis and advice set out in this Regulatory Impact Statement, except as otherwise explicitly indicated.

This analysis and advice has been produced for the purpose of informing key policy decisions to be taken by the Cabinet Social Wellbeing Committee on the proposed content of the Education and Training Bill to reflect Te Tiriti o Waitangi (Te Tiriti).

Key Limitations or Constraints on Analysis

This Regulatory Impact Assessment relates to the policy proposals in the paper: *Reform of the Tomorrow's Schools system: Paper 2 - legislative provisions*. There were no constraints to the assessment of the Crown's Tiriti obligations in education legislation or on the assessment of whether the Education Act 1989 gives effect to those obligations. The analysis was based on the Ministry's Māori Education Strategic Framework and principles articulated by the Waitangi Tribunal.

The extent and impact of inequitable education outcomes for Māori students is also clear, as are the factors which contribute to educational success.

The Ministry considered only those options which would be practicable to implement under the current education system. For the purpose of the proposals discussed in this paper, we did not consider options where significant structural change would need to be made to the system or where capital investment significantly above current levels would be required. There were no limitations on the criteria the Ministry used to assess the options.

The Ministry is aware of variable practice in meeting current requirements, we do not know the extent to which individual school boards will need to change their current practices; what the cost will be to the system overall; and whether costs will be borne by school boards and Māori and/or whether some or all of the costs will be met by the Crown.

Over the past two years the Ministry has conducted intensive consultation with New Zealanders generally on the future of education, including through Wānanga conversations. Those consultations reiterated many years of consultation with Māori indicating the changes that needed to be made to improve outcomes for Māori learners.

Responsible Manager (signature and date):

Dr Andrea Schöllmann



Deputy Secretary

Education System Policy

Ministry of Education

11/ 10 / 2019

Section 2: Problem definition and objectives

2.1 What is the context within which action is proposed?

Education and Training Bill

The Ministry is developing an Education and Training Bill (the Bill). The Bill provides the opportunity to change education settings to better reflect Te Tiriti in education legislation and to respond to inequitable education outcomes for Māori students.

Māori Education Strategic Framework

The Ministry has developed a Māori Education Strategic Framework to analyse policy proposals from a Tiriti perspective. The framework was developed from, among other things, Māori Development and Māori Education theory, Waitangi Tribunal jurisprudence, feedback from whānau, hapū and iwi through Māori Education Wānanga, and Māori education experts.

The rights to education, based on the Māori Education Strategic Framework and Waitangi Tribunal findings include:

- Education settings regarding what is taught, how it is taught and how success is measured should be made in partnership between Māori and the Crown
- The Crown should facilitate and resource opportunities for iwi, hapū and whānau to provide education for ākonga throughout early childhood, primary secondary and tertiary education. Ākonga Māori should have a choice in whether they attend English or Māori medium schools
- Whānau have an active decision-making role in all aspects of ākonga Māori education including what is being taught, how it is taught and how success is measured
- All educational services promote and protect the use of te reo, tikanga, mātauranga and te ao Māori as taonga
- The system is free from institutional racism and discrimination, and participants within the system are aware of, and mitigate the risks of intentional or unintentional discrimination
- The wellbeing, engagement and achievement of Māori learners, as defined by whānau, is equitable with other population groups.

Some of these rights are absolute, such as the right to be free from discrimination, and some need to be considered in the context of the Crown's kāwanatanga role under Article 1 of Te Tiriti – the right to govern.

In considering Tiriti rights in education, the Ministry also considered the June 2019 Waitangi Tribunal report on Health Services and Outcomes Inquiry (WAI 2575). In its report, the Tribunal notes that “in our report we explore whether the persistent inequitable health outcomes suffered by Māori are indicators of a Treaty breach”. In its enquiry, the Tribunal articulated four principles that should apply to consideration of the social sector and for State policy generally. The principles are partnership, active protection, equity and choice. Many of the Waitangi Tribunal's findings could be equally applied to the education sector as to the primary health sector.

Inequitable outcomes for Māori students

A driver for giving better effect to Te Tiriti is to ensure better education outcomes for Māori students. New Zealand is ranked 33 out of 38 developed countries for its overall educational inequality. The education system is key to ensuring that all New Zealanders understand, appreciate and honour Te Tiriti. Whilst a focus has been placed on providing Māori parents and students with the opportunity of being part of a Māori medium school, this has not

addressed the issue of Māori students being underserved by English-medium schools. Around 80% of Māori students attend such schools¹, but “Māori educational aspirations, Māori-preferred approaches to learning and teaching, and Māori perspectives on educational research, are barely visible within mainstream New Zealand education.”²

Schools formally stand down, suspend and exclude more Māori students than any other ethnic group (stand-downs: 37.7 per 1000 for Māori to 15.7 for Pākeha and 24.8 for Pacific students), (suspensions: 7.6 per 1000 for Māori to 2.3 for Pākeha and 4.3 for Pacific students), (exclusions: 3 per 1000 for Māori compared to 0.9 for Pākeha and 1.9 for Pacific students).

Among the population lacking school qualifications, Māori have nearly double the incidence of people lacking school qualifications as Pākeha/Europeans and quadruple those of Asian students, and conversely they show much lower rates of tertiary attainment. Whereas Māori and Pacific tertiary attainment rates have been rising, they are not catching up to those of other ethnicities³. Māori and Pacific young people are overrepresented in ‘not in employment, education or training statistics’⁴.

Research is clear that higher achievement is strongly correlated with a stronger sense of belonging. Students who are treated unfairly by their teachers or experience bullying at school are more likely to have a weaker sense of belonging and lower average academic achievement. New Zealand students report unacceptably high rates of bullying and racism; 26% of 15 year-olds reported experiencing at least one type of bullying behaviour a few times a month or more⁵. Students who identified as Māori had highest reported exposure to bullying among the four main New Zealand ethnicities⁶. The majority of racism and ethnic discrimination comes not from bullying by peers, but most frequently from teachers, with between 10% and 15% of students with non-European ethnicities reporting being unfairly treated by their teachers due to their ethnicity⁷.

Research found that some teachers demonstrate unconscious bias towards Māori and Pacific children and young people and expect them to underachieve⁸. There is evidence that teachers in New Zealand display negative bias, particularly towards Māori and Pacific children and young people, in relation to their identity, language and culture. This bias impacts on every aspect of children and young people’s learning, and means that they are less likely to have opportunities to learn at early learning services and schools, and are less likely to feel good about themselves as people, and as able learners⁹.

¹ Read (2014). Why bother learning and teaching te reo Maori?

² Glynn (1997) Bicultural challenges for educational professionals in Aotearoa. Waikato Journal of Education.

³ OECD (2013) OECD Economic Surveys New Zealand.

⁴ Ministry of Business, Innovation. 2018. *Māori Labour market: Not in education, employment or training*. Accessed from: <http://www.mbie.govt.nz/info-services/employment-skills/labour-market-reports/maori-labour-market/maori-in-the-labour-market/maori-mar-2017/neet>; Ministry of Business, Innovation and Employment. 2018. *Pacific Peoples Labour Market: Not in employment, education and training*. Accessed from: <http://www.mbie.govt.nz/info-services/employment-skills/labour-market-reports/pacific-peoples-labour-market-trends/march-2017/neet>

⁵ Ministry of Education (2017) PISA 2015: New Zealand Students' Wellbeing Report.

⁶ Ministry of Education (2017) PISA 2015: New Zealand Students' Wellbeing Report.

⁷ Ministry of Education (2019) Education Insights: What do we know about discrimination in schools?

⁸ Blank, Anton, Houkamau, Dr Carla and Dr Hautahi Kingi. 2016. *Unconscious Bias and Education: A comparative study of Māori and African American students*. Oranui; Timperley, Helen and Sarah Mayo. 2016. *Accountability*. Accessed from: <http://www.treasury.govt.nz/downloads/pdfs/oia/oia-20170044.pdf>.

⁹ Alton-Lee, Adrienne. 2017. *Walking the talk' matters in the use of evidence for transformative education*. Accessed from: https://www.educationcounts.govt.nz/_data/assets/pdf_file/0010/183574/Alton-Lee-Walking-the-talk-matters-in-the-use-of-evidence-for-transformative-education-invited-paper-UNESCO-2017.pdf

2.2 What regulatory system, or systems, are already in place?

There is currently no Tiriti clause in the Education Act 1989. The proposal to include a Tiriti clause in the Education and Training Bill is intended to overcome this gap.

There are also no requirements in the Act specifying how government education agencies should give effect to Te Tiriti. Cabinet has agreed that the Public Service Bill will include a prominent clause that affirms the role of the public service in supporting Māori-Crown relationships, with reference to Te Tiriti. The Public Service Bill will also include a number of expectations of the public service leadership to ensure that the public service is well positioned to fulfil this role effectively (CAB-19-MIN-0250 refers). It is proposed that this gap be addressed by including a provision to enable the Ministers of Education and Crown Māori Relations: Te Arawhiti, after consultation with Māori, to jointly issue and *Gazette* a statement specifying what education agencies must do to give effect to the Public Service Bill expectations, with the objective of providing equitable education outcomes for all students.

School boards are the main governance entities in the compulsory education system. Boards are responsible for the governance of the school, including setting the policies by which the school is to be controlled and managed. School boards have complete discretion to perform their functions and exercise their powers as they think fit, subject to the general law of New Zealand.

The primary objective of school boards is to “ensure that every student at the school is able to attain his or her highest possible standard in educational achievement”. Sub-objectives include ensuring the school is a physically and emotionally safe place for all students and staff, and is inclusive of, and caters for, students with differing needs. It is intended that these objectives will be retained but augmented with a new Tiriti-related objective that boards give effect to Te Tiriti.

With respect to Te Tiriti, boards must currently take all reasonable steps to:

- ensure that the policies and practices for its school reflect New Zealand’s cultural diversity and the unique position of the Māori culture;
- act in a manner that is consistent with the principles of the Treaty of Waitangi, and
- provide instruction in tikanga Māori (Māori culture) and te reo Māori (the Māori language) for full-time students whose parents ask for it.

The main accountability mechanism for boards is the planning and reporting framework. Boards are currently required to develop an annual charter and to report on their performance against the charter in their annual reports. All draft annual charters are sent to the Ministry of Education for assessment. A charter has effect as an undertaking by the board to the Minister to take all reasonable steps (not inconsistent with any enactment, or the general law of New Zealand) to ensure that the school is managed, organised, conducted, and administered for the purposes set out in the charter, and the school, and its students and community, achieve the aims and objectives set out in the school charter. Charters must establish the mission, aims, objectives, directions, and targets of the board that will give effect to the Government’s national education guidelines and the board’s priorities. They must also include sections to reflect Te Tiriti requirements outlined above. Annual reports, including an analysis of the variance between targets set out in charters and actual performance, must be provided to the Secretary for Education and to the Auditor General. This includes reporting against how they have performed in achieving their Tiriti responsibilities.

A new planning and reporting framework is due to come into effect on 1 January 2023. The key change with the new framework is that boards will be required to develop three-year strategic plans and an annual implementation plan. They will also need to comply with regulations which may specify any matters boards would be required to plan for and report against. Both the current planning and reporting framework and the new provisions will provide opportunities for the Ministry of Education to assess compliance to Te Tiriti.

The Government sets the regulatory framework for school boards, including setting educational achievement, wellbeing and other objectives. The Government also funds school boards operating costs of State schools and provides capital investment. Private interests do not set the regulatory framework nor do they monitor compliance or have enforcement powers.

The system has recently been assessed by the Tomorrow's Schools Independent Taskforce and it recommended significant change to boards' objectives, including recommending that more emphasis be placed on boards meeting their Tiriti obligations.

2.3 What is the policy problem or opportunity?

There are some gaps and a lack of specificity in the Education Act 1989 (the Act) on the Crown's obligations in relation to Te Tiriti. There is an opportunity through the Education and Training Bill to better reflect the Crown's obligations in respect of Te Tiriti and its principles.

Issue 1

The Act does not include a Tiriti clause. Current provisions which seek to give effect to treaty are scattered throughout the Act augmented with requirements in secondary legislation and administrative guidelines. They are therefore hard to find, to read together and to get a sense of how the Crown's Tiriti obligations are reflected in the Act. A Tiriti clause is proposed that sets out in one place all of the provisions in the Bill which relate to Tiriti related functions, duties and powers. This has been Parliamentary Counsel's preferred approach to developing Tiriti clauses in recent years.

Issue 2

The Act does not include any specificity on how the Ministry of Education, New Zealand Qualifications Authority, the Education Review Office, or Tertiary Education Commission must give effect to Te Tiriti. There is also a lack of specificity on what 'giving effect' to Te Tiriti might look like. This is likely to change when the proposed Public Service Bill, being developed by the State Services Commission, is enacted. Cabinet has agreed that the Public Service Bill will include a prominent clause that affirms the role of the public service in supporting Māori-Crown relationships, with reference to Te Tiriti. The Public Service Bill will also include a number of expectations of the public service leadership to ensure that the public service is well positioned to fulfil this role effectively. The Bill provides the opportunity to include a provision to enable the Ministers of Education and Māori Crown Relations: Te Arawhiti, after consultation with Māori, to jointly issue and publish a statement made and gazetted under the new Education and Training Act to specify what education agencies must do to give effect to the Public Service Bill expectations, with the objective of providing equitable education outcomes for all students. This change will reinforce that the education system has an objective of ensuring equitable outcomes for Māori and other students. It would ensure that education agencies' approach to Te Tiriti are aligned with each other and with the rest of the public sector. It would also provide a clear statement to Māori, and the rest of New Zealand about how education agencies will give effect to their Tiriti responsibilities.

Issue 3

The Act specifies some requirements in relation to school boards compliance with Te Tiriti, however, they are not sufficiently clear or strong enough to ensure that boards manage their schools in a manner that gives effect to Te Tiriti.

The Act and subordinate legislation contain a number of requirements specifying the importance of Te Tiriti for school boards, as agents of the Crown, undertaking their functions. For example, clause 16 of Schedule 6 requires boards to take all reasonable steps to:

- a. Ensure that the policies and practices for its schools reflect New Zealand's cultural diversity and the unique position of the Māori culture;
- b. Act in a manner that is consistent with the principles of the Treaty of Waitangi;

- c. Provide instruction in tikanga Māori and te reo Māori for full-time students whose parents ask for it.

Section 61 of the Act specifies that school charters must include a section with the aim of:

- a. Developing, for the school, policies and practices that reflect New Zealand's cultural diversity and the unique position of the Māori culture; and
- b. Ensuring that all reasonable steps are taken to provide instruction in tikanga Māori and te reo Māori for full-time students whose parents ask for it.

Based on the Māori Education Strategic Framework, the Ministry considers that board objectives need to be clarified and strengthened. It is proposed that the Bill specify that the actions a board must take to comply with Te Tiriti include:

- working to ensure that their plans, policies and local curriculum reflect local tikanga, mātauranga and te ao Māori;
- taking all reasonable steps to provide instruction in tikanga Māori and te reo Māori; and
- achieving equitable outcomes for Māori students.

The proposed new requirements are based on the current board responsibilities, however, they would be clearer, stronger and would better reflect the Māori Education Strategic Framework. The proposal for boards to ensure that their plans, policies and local curriculum reflect 'local tikanga' rather than 'the unique position of the Māori culture' would emphasise the importance of local Māori history and practices. The objective of the proposed change around the teaching of tikanga and te reo Māori is to challenge boards to improve these aspects of education for their students. The proposed wording would:

- remove the current requirement that tikanga and te reo Māori availability is for full-time students only – under the new provision it would be available to any student;
- remove the requirement that parents must first request instruction on tikanga and te reo – under the new provision, boards would need to take reasonable steps to provide such instruction at any time; and
- strengthen the expectation that students will learn tikanga Māori and te reo Māori at school.

The proposal would not require boards to ensure that all learning areas in the New Zealand curriculum are taught in te reo Māori. The requirement is that boards provide instruction about tikanga and te reo Māori at the school. Retaining the requirement for boards to take 'all reasonable steps' to ensure tikanga and te reo are taught at their school provides the flexibility for boards to improve how their school provides such instruction, without the concern that they must meet an absolute legal requirement. Given the status of te reo as a taonga and one of our national languages, it is incumbent on the Crown to ensure that education legislation recognises this and provides impetus for system transformation. Such a change would also contribute to meeting the Crown's duty to actively protect tino rangatiratanga rights.

2.4 Are there any constraints on the scope for decision making?

The proposals are intended to be given effect through the Bill. The Ministry therefore has only proposed options for giving better effect to Te Tiriti that could be developed, approved and drafted in time for the Bill's intended introduction date in November 2019. Further work needs to be undertaken to assess all education legislation against Tiriti principles. This work is intended to be carried out over the next two to three years. We have not included proposals that would require restructuring of the education workforce or significant new capital investment.

There are interdependencies with the proposed new board objectives which are intended to change boards' focus from educational achievement alone to include Te Tiriti and student wellbeing.

The proposal to enable the Ministers of Education and Crown-Māori relations to issue a statement of expectations for chief executives of government education agencies compliance with Te Tiriti is closely linked to decisions on the proposed Public Service Bill. It is intended that any statement of expectations be linked to the Public Service Bill's Tiriti expectations of public service chief executives.

2.5 What do stakeholders think?

The proposals in this paper are consistent with what stakeholders have told the Ministry during numerous consultations, such as the Fono, Wānanga and engagement on the development of a draft NELP. Children and young people, their parents and whānau told the Ministry that they continue to be impacted by racism, discrimination and stigma and bullying when they are at school. During the engagement on the NELP, many children and young people reported that racism is one of the key reasons for not liking to be at school and one of the main things they would change about school. They also told us about how both verbal and physical bullying negatively impact them and their schooling experiences.

These comments are similar to what we heard during Wānanga. Some of the main points made at these wānanga included:

- Māori want tino rangatiratanga – agency and authority – over the education of Māori learners. This means there needs to be a genuine partnership approach across the education system, with leaders who believe in Māori and understand te ao Māori.
- Racism and bias continue to impact Māori learner confidence, achievement, and outcomes.
- A sense of belonging is crucial for Māori to succeed as Māori. Teaching and learning need to better reflect and foster Māori identity, culture and values in all their diversity.
- Māori learners need to be engaged in the context of their whānau.
- The revitalisation and normalisation of te reo Māori needs to occur.
- Education to support the holistic wellbeing of ākonga and their whānau with physically, culturally, emotionally, and spiritually safe environments
- Māori thrive in Māori Medium Education settings. Access to Māori medium pathways across sectors needs to be improved
- The workforce needs to be representative of, and responsive to, Māori.

The results of the Wānanga consultation were used to develop a set of priorities now central to the Ministry's Māori Education Strategic Framework. This Framework has, in turn, been used to assess our legislative options for better giving effect to Te Tiriti.

The Tomorrow's Schools Review Independent Taskforce heard similar concerns as part of its extensive consultation which included over 300 meetings with stakeholders and the public as well as over 5,000 online survey responses and over 2,000 written submissions. On the basis of the feedback it received, one of the Taskforce's initial recommendations was aimed

at addressing issues of board performance by reorienting the role of boards to focus more on student wellbeing and success. This proposal received support from stakeholders during the Taskforce's second phase of consultation, which led the Taskforce to recommend refocusing the role of boards on the things that matter to learners. This included the requirement that boards review their decisions to ensure they're compliant with the rights of the child and Te Tiriti.

While no public consultation was undertaken on these specific proposals, they are closely linked with what stakeholders told us during the Ministry's and Taskforce's engagements and consultations. Schools and communities will have the opportunity to provide their views on this proposal as part of the Select Committee process on the Bill.

Section 3: Options identification

3.1 What options are available to address the problem?

The Education Act 1989 does not fully reflect the Crown's obligations to give effect to Te Tiriti in education. Legislative change is necessary to fill the current gaps. While non-regulatory approaches were considered for improving outcomes for Māori students, these approaches would not address legislative gaps and to date have not been successful in addressing inequitable outcomes for Māori students.

Proposals

Three changes are proposed to better reflect Te Tiriti in the Education and Training Bill and to improve outcomes for Māori and other students:

- including in the Bill a Tiriti clause that references all of the provisions in the Bill which relate to functions, duties and powers relating to Te Tiriti;
- enabling the Ministers of Education and Māori Crown Relations: Te Arawhiti, after consultation with Māori, to jointly issue and publish in the *Gazette* a statement specifying what education agencies must do to give effect to expectations set out in the Public Service Bill, with the objective of providing equitable education outcomes for all students; and
- amending school board objectives to include giving effect to Te Tiriti¹⁰ by requiring boards to:
 - work to ensure that its plans, policies and local curriculum reflect local tikanga, mātauranga Māori and te ao Māori;
 - take all reasonable steps to provide instruction in tikanga Māori and te reo Māori;
 - achieving equitable outcomes for Māori students.

Are the proposals/options mutually exclusive or do they work in combination?

The three sets of proposals are intended to work in combination. The proposed new Tiriti clause will help frame all other functions, duties and powers exercised under the new Act. The proposed Ministerial statement of expectations will provide more specificity on how government education agencies will undertake their functions, duties and powers to comply with Te Tiriti. The new requirements on boards to ensure that their plans, policies and local curriculum reflect local tikanga, mātauranga Māori and te ao Māori recognises the importance of reflecting all students' culture, identity and values within school life. This proposal also recognises that te reo, tikanga, mātauranga and te ao Māori are taonga and that the Crown has a duty to actively protect Māori tino rangatiratanga rights in respect of taonga. The requirement that boards seek to achieve equitable outcomes for Māori reflects the risks for those students, their whānau and communities and New Zealand's social and economic

¹⁰ Discussed in the paper - Education and Training Bill – fourth tranche of policy approvals

wellbeing of inequitable education outcomes.

Have non-regulatory options been considered? If not, why not?

Non-regulatory options will not address gaps in the legislation with respect to Te Tiriti. The inclusion of a Tiriti clause and the Ministerial statement of expectations will require legislation.

Some improvement in board performance and outcomes for Māori is expected to result from non-regulatory interventions such as greater guidance, sharing best practice, and programmes such as Te Ahu o te reo Māori; Māihi Karauna (the Crown's Strategy for Māori language revitalisation, and Te Hurihanganui (a programme designed to eliminate racism and bias in teaching and learning). However, this approach has not been successful to date in changing outcomes in all schools. In the Ministry's view, legislative change is necessary to drive change through the system.

Consideration of overseas experience

There has been no assessment of the Tiriti rights in education from the perspective of overseas jurisdictions, because it is not appropriate in this case.

3.2 What criteria, in addition to monetary costs and benefits, have been used to assess the likely impacts of the options under consideration?

The key criteria were the extent to which the proposal:

- gives effect to the Crown's Tiriti responsibilities by filling current gaps in our legislation
- will contribute to achieving equitable outcomes for Māori students
- is practicable to implement, and
- reflects stakeholder feedback.

The criteria on the Crown's Tiriti responsibilities and the matters which have been identified as improving Māori educational outcomes are complementary.

3.3 What other options have been ruled out of scope, or not considered, and why?

The status quo was rejected because it would not resolve the current weaknesses in the Education Act 1989 in respect of the Crown's Tiriti obligations. Options which did not comply with Te Tiriti responsibilities or which are impracticable for boards to implement have not been pursued.

There are options which could both increase the extent to which Te Tiriti is given explicit effect in education legislation and improve Māori educational outcomes. For example, the evidence is clear that Māori students achieve educational success in Māori medium schools. If all Māori students had the opportunity to attend Māori medium schools, it would contribute to the Crown meeting its obligations to enable Māori to have agency and authority over the education of Māori students and would be likely to improve educational achievement for those students. However, over 85% of Māori students are currently in the English Medium schooling system rather than in Kura Kaupapa or other Māori medium settings. It would therefore not be practicable, at this time, to provide all Māori students the opportunity to attend Kura Kaupapa or schooling in other Māori Medium settings, as it would require significant capital investment and there are currently insufficient teaching staff to deliver on this approach.

Section 4: Impact Analysis

Marginal impact: How does each of the options identified at section 3.1 compare with the counterfactual, under each of the criteria set out in section 3.2?

Tiriti clause for the Bill

Criteria	Status Quo	Proposed statement of expectations
Gives better effect to Te Tiriti by filling gaps in education legislation	- Not including a Tiriti clause in the Bill may be seen by some educators and Māori as a Tiriti breach	+ Recognises importance of Te Tiriti and transparently sets out the Crown's commitment to Te Tiriti.
Improved outcomes for Māori (and other) students	0 No impact	+ Increased transparency of Tiriti provisions in the Bill will have a modest, indirect contribution to equitable outcomes for Māori students.
Practicable to implement	0 No impact	0 There are no implementation issues. The Tiriti clause will replicate in one place provisions otherwise disbursed throughout the Bill.
Reflects stakeholder feedback and evidence	0 Not discussed in feedback	0 Not discussed in feedback, however, Māori Crown partnership and promoting equitable educational outcomes for Māori students is consistent with stakeholder views.
Overall assessment	0 No impact	+ Reinforces Government's commitment to Te Tiriti in education legislation.

Ministerial Statement of Expectations

Criteria	Status Quo	Non-regulatory approach (through guidelines or strategic planning channel)	Proposed statement of expectations
Gives better effect to Te Tiriti by filling gaps in education legislation	0 Currently no requirements for Education agencies to comply or give effect to Te Tiriti	+ Minister could express expectations through statement of intent or another non-regulatory mechanism. This would not provide a transparent statement as to how education agencies will give effect to the responsibilities under the Public Service Bill.	++ Reinforces Government's commitment to Te Tiriti in education settings. It will enable Minister's to specify what steps Government education agencies must take to meet Ministers Tiriti-related expectations on matters such as promoting participation and partnership with Māori; delivering services and results that are responsive Māori and whānau to improve results, developing a culturally competent and responsive workforce, and promote leadership to deliver with and for Māori reinforce the Crown's commitment to Te Tiriti.
Improved outcomes for Māori students	0 No impact on Māori education outcomes	+ May strengthen how Government education agencies work with Māori; how services are delivered to reflect Tiriti commitments; and how the teaching profession is developed. Likely to result in improved education outcomes for Māori students.	++ Highly likely to strengthen how Government education agencies work with Māori how services are delivered to reflect Tiriti commitments; and how the teaching profession is developed. It is therefore highly likely to result in improved education outcomes for Māori students.
Practicable to implement	0 No implementation	+ This approach would be practicable for both Minister (through Ministry) and government education agencies to implement. Minister could express expectations through statement of intent or other non-regulatory mechanism. Government education agencies could have regard to the expectation to work with Māori with the objective of providing equitable education outcomes for all students.	+ This approach would be practicable for both Minister (through the Ministry) and Government education agencies to implement. It will require agencies to assess how they operate and work with Māori. The Ministry (on behalf of Minister) would issue letters of ministerial expectations and monitor compliance.
Reflects stakeholder feedback and evidence	0 Not discussed in feedback	0 Not discussed in feedback	0 Not discussed in feedback
Overall assessment	0 No impact	+ Some of the benefits could be achieved through non-regulatory approaches.	++ Reinforces the Government's commitment to give effect to Public Service Bill expectations in education settings.

Board Functions

	Status Quo	Non-regulatory approach	Proposed new Tiriti objectives
Gives better effect to Te Tiriti by filling gaps in education legislation	0 Currently the legislative settings do not reflect or give effect to Tiriti responsibilities	+ Legislative settings do not reflect or give effect to Te Tiriti. Non-regulatory approaches will not address this.	++ Moving towards greater explicit reference and effect to Te Tiriti. New legislation will drive change in developing Government supports and other programmes.
Improved outcomes for Māori (and other) students	0 Will not result in improved outcomes.	+ Some improvement would be anticipated as support and other programmes developed and teacher capacity and capability improves.	++ Will strengthen and clarify board obligations. Greater emphasis on Māori identity, culture, values and language will lead to improved outcomes for Māori.
Practicable to implement	0 – no implementation issues	0 Would require development of new programmes or strengthening of existing programmes.	- Will require boards to improve service delivery. Potential costs to boards but this may be offset by Government through support and other programmes. The Ministry will need to develop and provide assistance to boards through existing and new programmes.
Reflects stakeholder feedback and evidence	- Would appear as if the Government has not reflected stakeholder feedback in decisions	+ Non-regulatory support for boards would partially assist to resolve identified problems.	++ Proposals aimed at giving effect to Māori stakeholders' views and evidence on educational achievement for Māori students.
Overall assessment	0 No objectives met	+ Would assist to improve service delivery	++ Meets objectives to the extent that change is practicable

Key:

- ++** much better than doing nothing/the status quo
- +** better than doing nothing/the status quo
- 0** about the same as doing nothing/the status quo
- worse than doing nothing/the status quo
- much worse than doing nothing/the status quo

Section 5: Conclusions

5.1 What option, or combination of options, is likely best to address the problem, meet the policy objectives and deliver the highest net benefits?

Tiriti clause

The proposal to include in the Bill a Tiriti clause which sets out in one place all of the provisions in the Bill that relate to Tiriti related functions, duties and powers would provide transparency and greater clarity on the functions, duties and powers of organisations and officers in relation to Te Tiriti.

Ministerial statement of expectations

The proposal to enable the Ministers of Education and Crown Māori Relations: Te Arawhiti to jointly issue a statement to specify what education agencies must do to give effect to the Public Service Bill expectations in relation to Te Tiriti, is intended to ensure that education agencies' approaches to complying with Te Tiriti are aligned with each other and the rest of the public service. The requirement that the Ministers develop such a statement after consultation with Māori is intended to better give effect to Te Tiriti, described above.

Requirement for boards to give effect to Te Tiriti

This proposal is also intended to lead to better outcomes for Māori learners. Evidence is clear about the positive impact of educationally powerful connections and relationships with parents, whānau, and Māori communities on student outcomes. Such relationships help schools to access communities' great range of knowledge, expertise and resources¹¹. This will enable boards to reflect and respond to the strengths, aspirations and values of their students which research indicates contributes to an enhanced sense of belonging for students and improved educational outcomes.¹²

The requirement for school boards to take all reasonable steps to provide instruction in te reo Māori and tikanga Māori is intended to give effect to the Crown's duty of active protection of taonga, of which te reo Māori is one, under Article Two of Te Tiriti.

This requirement is also intended to contribute to improved outcomes for Māori learners. There is a vast body of evidence which shows that when students' identity, language and culture are valued and reflected as part of school life, their wellbeing and sense of belonging are enhanced. Learners do better when "what and how they learn reflects and positively reinforces where they come from, what they value and what they already know. Learning needs to connect with students' existing knowledge."¹³

While achieving equitable outcomes may currently be an implied priority for boards (for example, through boards' primary objective, which requires them to ensure that all students are able to attain their highest possible standard in educational achievement) that requirement would be made explicit. This would give effect to Article Three of the Treaty which confirms that Māori have all the rights and privileges of British subjects. The Waitangi Tribunal found that this article not only guarantees Māori freedom from discrimination but also obliges the Crown to positively promote equity.¹⁴ By making this requirement explicit, boards will have to make this part of their decision-making. This is intended to positively impact Māori learners' outcomes as schools will be focused on addressing aspects of learners' educational experiences which can contribute to inequitable outcomes, such as racism, discrimination and stigma or a failure to value and reflect learners' identity, language and culture.

¹¹ <https://www.ero.govt.nz/assets/Uploads/ERO-Educationally-Powerful-Connections-FINAL.pdf>

¹² <https://www.educationcounts.govt.nz/topics/bes/school-leadership-for-improvement-in-primary-mathematics-education-russell-school-best-evidence-in-action-implementation-exemplar/9.-family-and-community-partners-in-change>

¹³ <http://minedu.cwp.govt.nz/our-work/overall-strategies-and-policies/ka-hikitia-accelerating-success-2013-2017/the-maori-education-strategy-ka-hikitia-accelerating-success-2013-2017/introduction-to-ka-hikitia-accelerating-success-2013-2017/the-guiding-principles-of-ka-hikitia/identity-language-and-culture-count/>

¹⁴ <https://www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/health-services-and-outcomes-inquiry/>

5.2 Summary table of costs and benefits of the preferred approach

Affected parties (identify)	Comment: nature of cost or benefit (eg ongoing, one-off), evidence and assumption (eg compliance rates), risks	Impact \$m present value, for monetised impacts; high, medium or low for non-monetised impacts	Evidence certainty (High, medium or low)
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Additional costs of proposed approach, compared to taking no action

Regulated Parties – School boards	<p>There are likely to be additional costs, such as time commitment and resources, associated with schools ensuring that their plans, policies and local curriculum reflect local tikanga, mātauranga Māori and te ao Māori. The bulk of the costs will be in the initial implementation. Once plans, policies and local curricula have been revised to reflect local tikanga, mātauranga Māori and te ao Māori, ongoing costs are likely to be low. Costs are likely to vary for schools, as some are already working with school communities, including Māori communities to reflect local tikanga, mātauranga Māori and te ao Māori in their plans policies and local curriculum, while others are not.</p> <p>Schools are already required by the Education Act 1989 to take all reasonable steps to provide instruction in tikanga Māori and te reo Māori for full time students whose parents ask for it. The extent to which boards currently provide such instruction is unknown and therefore the removal of the requirements that parents must ask, or that only full time students can receive instruction in te reo Māori and tikanga Māori is also unclear. For some boards there will be additional costs from this proposal; for other boards it is anticipated any cost increases will be minor. The retention of the requirement that boards ‘take all reasonable steps’ will enable boards to make this transition while still being compliant. This will enable schools to better prioritise their available resources but does impose a minimum standard for the provision of instruction on te reo Māori and tikanga.</p> <p>The requirement for schools to seek to</p>	Low to Medium	Medium
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	<p>achieve equitable outcomes for Māori students is expected to have minor to moderate costs for boards. Ensuring equitable outcomes for all students is already an implicit requirement of boards' primary objective. Some boards will need to make significant changes to the ways their school operates to better reflect tikanga, mātauranga and te ao Māori in their school while for others significant change will not be necessary.</p>		
<p>Regulated Parties – Māori</p>	<p>There may be low to moderate time commitment required from local iwi and other Māori individuals and organisations to assist in developing plans, policies and local curriculum. Some iwi are already developing relationships with schools within their rohe. The Ministry has some supports to assist iwi to participate within the schooling system. The proposed change may require the extension of existing supports or the creation of new supports.</p> <p>There will be a time commitment for some iwi, hapu, whanau, and other Māori organisations participating in the development of a Ministerial statement of expectations for Government education agencies on how they will meet their Tiriti obligations.</p>	<p>Low to Medium</p>	<p>Medium</p>
<p>Regulators- Ministry of Education</p>	<p>Monitoring school compliance with the Bill (including requirements under the board objectives) is already carried out by the Ministry through the school planning and reporting framework. Monitoring compliance with these new requirements will continue to be part of the Ministry's business as usual work.</p> <p>There may be additional costs for the Ministry providing support for schools under the new requirements. The Ministry may be required to create new supports to enable schools to provide instruction in tikanga Māori and te reo Māori. While the Ministry already provides some guidance material and programmes to assist with the teaching of te reo Māori and tikanga Māori, the proposed change may require the extension of existing supports or the creation of new supports.</p> <p>The proposal to include an enabling provision for joint Ministers to issue a statement of expectation on how the Ministry and other government education</p>	<p>Medium</p>	<p>Medium</p>

	agencies perform their functions, duties and powers will have minor costs for the Ministry associated with the provision of advice in the development of the statement, and ensuring that the organisations meet the requirements.		
Wider government	There will be minor additional costs for Te Arawhiti providing advice in the development of any Ministerial statement of expectations. There will be low-level costs for the Ministry of Education, Education Review Office, New Zealand Qualifications Authority, and the Tertiary Education Commission changing their operating model to ensure that they comply with any Ministerial statement of expectations.	Low	High
Other parties	Nil	NA	NA
Total Monetised Cost		Likely to be low/medium	
Non-monetised costs	There will be costs in terms of time spent by Māori communities which may not be accounted for as a monetary transaction (and therefore met through any Ministry support programmes).	Low	Medium

Expected benefits of proposed approach, compared to taking no action			
Regulated Parties – School boards	The proposals will help schools add more value to their plans, policies and local curricula by making them more relevant, responsive and fit-for-purpose.	High	High
Regulators- Ministry of Education	The proposed changes will contribute to the Ministry's overall objective of delivering equitable and excellent educational outcomes for all students. Greater emphasis and clarity on Tiriti objectives for boards will result in clearer reporting on how they have given effect which will assist the Ministry to monitor compliance.	High	Medium
Wider government	It is anticipated that the proposals will result in better education outcomes for Māori students resulting, in the longer term, in improved wellbeing. As a consequence, it is anticipated costs to government will be reduced. The proposed changes will help the government better deliver its responsibilities under Te Tiriti.	Medium	High
Other parties	Improved education and wellbeing outcomes for Māori will contribute to the economic prosperity of all New Zealanders.	High	Medium
Total Monetised		High	Medium

Benefit			
Non-monetised benefits	<p>The proposed changes will contribute to an increase in educational achievement and wellbeing for Māori students and whānau. Evidence shows the benefits of educational success in terms of employment, income and health, resulting in improved wellbeing for Māori. This will contribute to New Zealand's productivity.</p> <p>There is clear evidence that schools which reflect the culture, identity and values of their communities result in better outcomes for all students. These benefits are also anticipated.</p>	Medium to high	Medium to high

5.3 What other impacts is this approach likely to have?

None.

5.4 Is the preferred option compatible with the Government's 'Expectations for the design of regulatory systems'?

The preferred option is compatible with the Government's 'Expectations for the design of the regulatory systems'.

Section 6: Implementation and operation

6.1 How will the new arrangements work in practice?

Legislative vehicle

The proposals will be implemented through the Education and Training Bill.

Communications

There will be a communications strategy publicly announcing the commencement of the new Bill that will give effect to this proposal. This will include communicating the key changes directly to iwi organisations, to all schools through the School Bulletin and informing relevant peak bodies, such as the NZSTA, PPTA, NZEI etc. The Ministry's social media platforms will also publicise the law change. As part of our communications strategy the Ministry will also individually write to the education agencies impacted by the ministerial statement of expectations explaining the change and what it may mean for them. Part of the messaging, particularly with iwi organisations, will be highlighting the Government's commitment to Te Tiriti, and the commitment to continue working with Māori to assess how further changes to education legislation could give better effect to Te Tiriti.

Implementation of the new arrangements

Boards will be responsible for implementing changes relating to board objectives. They will have to ensure that their plans, policies and local curricula reflect local tikanga, mātauranga Māori and te ao Māori. They will also be responsible for providing instruction in te reo and tikanga Māori and achieving equitable outcomes for Māori. Schools already have either explicit or implicit obligations that go some way to giving effect to these obligations. However, the level of confidence for schools to implement the proposed changes will vary. Some schools may already be working closely with Māori communities and taking active steps to achieve equitable outcomes, while for others such relationships and behaviours would need to be developed. The same level of variability would apply to the provision of instruction in te reo and tikanga Māori. The Ministry's role is to support schools to comply with these proposed new obligations.

The Ministry, on behalf of the Minister, expects to work together with the education

agencies to which the ministerial statement of expectations would apply. The Ministry would be responsible for the implementation of this proposed change.

Crown education agencies would be required to consult Māori in the development of any Ministerial statement of expectations. Most education agencies have some experience working with Māori and iwi but this more formalised requirement may require education agencies to develop new, more formal, processes.

Commencement of new arrangements

The proposed Tiriti clause and the Ministerial statement of expectations are intended to come into effect on the commencement of the Bill. It is proposed that the new requirements for boards to give effect to Te Tiriti will have a delayed commencement and only come into effect on 1 January 2021. This way schools will have sufficient time to become familiar with the changes and prepare to give effect to them. The delayed commencement will also enable the Ministry to better prepare any support that might be required for boards.

6.2 What are the implementation risks?

The key implementation risk relates to boards' ability to give effect to Te Tiriti. Schools are likely to be at different stages of building their relationships with their Māori communities. For those schools that have already created such relationships, this requirement may not be onerous. However, some schools may have no, or a very limited, link to their Māori communities. It is likely that it would be most difficult for those schools to implement this requirement and that they will require a greater level of support.

The qualification of taking "all reasonable steps" to provide instruction in te reo and tikanga Māori has been retained to acknowledge that schools are at different stages of their ability to deliver on this requirement. However, it is possible that some schools' ability to give effect to this requirement is overestimated and a greater level of support, than anticipated, would be necessary. It is intended that this implementation risk will be mitigated through the Ministry's provision of support and guidance.

Section 7: Monitoring, evaluation and review

7.1 How will the impact of the new arrangements be monitored?

The impact of the new arrangements relating to board requirements would be primarily monitored through the school planning and reporting system. Schools are required to set out in their charters their aims and objectives for the next 3-5 years and have an annually updated section that clarifies how they're going to achieve this for that specific year. The Ministry approves schools' charters. From 1 January 2023 a new planning and reporting regime will come into force which will require schools to submit their strategic plans for approval to the Ministry. These new planning and reporting requirements are intended to be developed throughout 2022, in consultation with the sector.

In addition to the planning and reporting system, the impact of the new arrangements will also be monitored through regular and ongoing relationships between education providers and the Ministry, as well as regular meetings with a range of advisory groups and peak bodies, which are both topic and sector specific, and are used to collect feedback on the impacts of regulatory changes. It is also anticipated that the impact of the proposed changes will be able to be monitored through ERO's evaluations and reports.

The impact of the ministerial statement of expectations will be monitored by the Ministry through the Crown Entities Monitoring Team and through the Ministry's ongoing and regular relationships between the Ministry and other education agencies. This is also how compliance with, and the impact of, Te Tiriti clause will be monitored.

7.2 When and how will the new arrangements be reviewed?

Any issues with proposed arrangements will become apparent as part of the school planning and reporting regime and the Ministry's role in approving charters, and from 1 January 2023, school strategic plans. Issues and concerns can also be raised through regular and ongoing relationships between schools and the Ministry. Issues with the proposals relating to Te Tiriti clause or the ministerial statement of expectations will be able to be raised through regular and ongoing relationships between the Ministry and other education agencies. The Ministry will also be able to raise issues through internal channels, if it experiences any difficulties in giving effect to its new obligations.

If, as a result of monitoring and feedback, it becomes apparent that there may be unintended or unexpected consequences as a result of the new arrangements, this would prompt a review of the arrangements. We would also expect to hear from boards, as part of our ongoing relationships with them whether the existing support is adequate or whether more support is needed to help them give effect to the new arrangements.