



Report: *Automatic Triggering Responses to Schools of 'Serious Concern'* updated for Cabinet SOU

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| To: | Hon Erica Stanford, Minister of Education | | |
| Date: | 13/08/2025 | Deadline: | 13/08/2025 |
| Security Level: | In-Confidence | Priority: | High |
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Why are we sending this to you?

- The attached Cabinet paper seeks Cabinet agreement to legislative changes to set clear expectations for identifying and responding swiftly to schools of 'serious concern' via the Education and Training Act System Reform 9(2)(f)(iv) Amendment Bill (ERB).
- We are providing this final draft Cabinet paper for your agreement to finalise and lodge on 14 August in time for Cabinet Social Outcomes Committee (SOU) on 20 August 2025.

What action do we need, by when?

- We are seeking your agreement to finalise the Cabinet paper for lodging.
- Please return the signed paper by close of play 13 August 2025.

Key facts, issues and questions

- The report summarises the feedback received during agency consultation. Where appropriate, we have incorporated the feedback in the attached draft Cabinet paper.
- Talking points and Questions and Answers are attached to this report to support your discussion at SOU.

Alignment with Government priorities

1. This report aligns with Government priorities of lifting student achievement and closing the equity gap by clarifying the roles and responsibilities of education agencies so as to improve the system's responsiveness to school performance. The proposals in this paper seek to improve the timeliness and consistency of the response when ERO identifies a school is of 'serious concern'.

Background

2. On 25 July we provided you with a draft Cabinet paper which seeks Cabinet agreement to amend the Education and Training Act 2020 to set clear expectations that ERO and the Ministry respond swiftly, consistently and effectively to schools of 'serious concern'.
3. You agreed to the Ministry undertaking Ministerial and agency consultation from 1 – 8 August 2025.
4. The consultation period has now ended. Feedback was received from the Ministry for Regulation and the Public Service Commission (see below).

Feedback from Consultation

Ministry for Regulation

5. The Ministry for Regulation questioned the need for legislative change, suggesting that the outcomes could be achieved through non-regulatory means such as a Ministerial direction. It also asked why statutory deadlines for ERO and Ministry actions were proposed, given there was no associated penalty for non-compliance. It considered the proposed statutory deadlines risk being symbolic or ineffective.
6. No changes were made to the paper as a result of this feedback. We advised the Ministry for Regulation that in our view the paper adequately covers off the non-regulatory option (making improvements to operational processes) and why this option is not preferred.

Public Service Commission

7. The Public Service Commission agreed with the intent of providing a clearer, stronger link between identifying serious issues in an ERO review and the actions and interventions that the Ministry and the Minister might undertake to address them. It saw this as providing a useful tension in the education system.
8. The Commission suggested that more information be provided in the paper on what a school 'of serious concern' could look like. In addition, it asked that ERO monitors the potential for schools to 'game' the review process to avoid having statutory interventions applied (noting that ERO already had existing mitigations).
9. We have amended the paper to clarify that ERO and the Ministry will be working on a refreshed, clearer definition of 'serious concern' and reporting back to the Minister of Education on this (refer paras 21 and recommendation 2). The paper has also been amended to refer to the current mitigations in place that help to ensure that schools do not 'game' reviews to avoid statutory interventions being applied (refer para 24.3). The Commission was happy with the amendments.

Talking Points

10. Annex 2 provides you with talking points to support your discussion of the Cabinet paper *Automatic Triggering Responses to Schools of 'Serious Concern'* at SOU on 20 August 2025.

Next Steps

11. We are now providing you with the finalised Cabinet paper (Annex 1) which seeks Cabinet agreement to amend the Education and Training Act 2020 to set clear expectations that ERO and the Ministry respond swiftly, consistently and effectively to schools of 'serious concern'.
12. We propose the following timeline as set out below.

| Date | Activity |
|----------------------------|------------------------------|
| 14 August 2025 | Cabinet paper lodged for SOU |
| 20 August 2025 | SOU |
| 25 August 2025 | Cabinet |
| 26 August – 7 October 2025 | Drafting by PCO |

Annexes

The following are annexed to this paper:

Annex 1: Final draft Cabinet paper - *Automatic Triggering Responses to Schools of 'Serious Concern'* (attached separately)

Annex 2: Talking points to support SOU on 20 August 2025.

Annexes withheld in full under section 9(2)(f)(iv)

Recommended Actions

The Ministry of Education recommends you:

- a. **agree** to lodge the attached finalised Cabinet paper: *Automatic Triggering Responses to Schools of 'Serious Concern'*, on 14 August 2025

Agree / Disagree

Proactive Release:

- b. **agree** that the Ministry of Education release this paper in full once final Cabinet policy decisions have been made, with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Agree / Disagree



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13/08/2025

Hon Erica Stanford
Minister of Education

___/08/2025