

**TEU****TERTIARY EDUCATION UNION**
TE HAUTŪ KAHURANGI

Submission of

**Te Hautū Kahurangi | Tertiary Education
Union**

to

Te Pūkenga

on

**Tāraia te Anamata | Creating Our Futures:
Change Proposal**

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CONTACTS**Julie Douglas**

Te Tumu Whakarae

m: +64 21 659 739

e: julie.douglas@teu.ac.nz**Sandra Grey**

Te Pou Ahurei | National Secretary

m: +64 21 844 176

e: sandra.grey@teu.ac.nz**Jared Commerer**

Te Pou Tūhura

m: +64 21 221 6433

e: jared.commerer@teu.ac.nz

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Te Tīmatanga | Introduction

Te Hautū Kahurangi | Tertiary Education Union (TEU) welcomes this opportunity to respond to *Tāraia te Anamata / Creating Our Futures: Change Proposal*.

The TEU is the largest union and professional association representing 12,000 academic and general/allied kaimahi in the tertiary education sector (in universities, institutes of technology/polytechnics, wānanga, private training establishments, and rural education activities programmes).

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 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. The TEU supports references in the Charter of Te Pūkenga, Schedule 22 of the Education Amendment Bill, in relation to a requirement for Te Pūkenga to operate in a way that reflects Māori-Crown partnerships by ensuring its governance, management, and operations give effect to Te Tiriti o Waitangi.

The TEU expresses its commitment to Te Tiriti by working to apply the four whāinga (values) from our *Te Koeke Tiriti* framework to advance our TEU Te 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 *Tāraia te Anamata / Creating Our Futures: Change Proposal*.

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

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

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

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

Our response to the *Tāraia te Anamata / Creating Our Futures: Change Proposal* 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.

Our submission incorporates feedback from TEU members who carry out the day-to-day work that ensures the delivery of high-quality vocational education and training across Aotearoa, as well as our members who support the kaiako and ākonga in on-job, on-line and on-campus settings, and the promotion of our vocational education and training system among Iwi, communities, and industry. We would like to thank the TEU kaimahi that facilitated numerous hui and the TEU members that took time out of their schedule to attend and contribute to the views outlined in this submission.

The first part of our submission outlines feedback relating to general aspects of the consultation process. The second part outlines our feedback on the proposals specific to each of the five groups.

Our submission responds directly only to the information that was included in the formal consultation material that was released on Thursday 15 June. We are aware that additional information has been provided during Deep Dive sessions and the FAQs section of What Say You, and we anticipate formal consultation will be undertaken on many of these issues in future.

Summary of recommendations and requests

SUMMARY OF RECOMMENDATIONS AND REQUESTS		
General Feedback	<i>Response</i>	We request a formal response directly to the issues, recommendations, and requests outlined in this submission, as distinct from a general response to all kaimahi about the consultation feedback
	<i>Lack of information</i>	We request the right to review decisions made in relation to <i>Tāraia te Anamata / Creating Our Futures</i> in light of feedback provided during future rounds of consultation We recommend an improved consultation process is developed in conjunction with TEU and agreed upon ahead of future rounds of consultation

<i>Industrial Issues</i>	<i>Access to information and roles proposed to be disestablished</i>	We request a list of all roles proposed to be disestablished, including information about the divisions within which such roles are placed
Tiriti Outcomes	<i>Delivering on Te Tiriti o Waitangi</i>	<p>We recommend an explicit connection between Tiriti Outcomes and People, Culture, and Wellbeing in order to ensure appropriate resourcing for Māori cultural capability across Te Pūkenga</p> <p>We recommend moving beyond a paternal consultation process to genuine co-creation practices with kaimahi Māori, Pou Ārahi, and Regional Leads who are willing to understand the barriers that kaimahi face in implementing best practice for positive ākonga Māori outcomes</p> <p>We request further information about how Tiriti Outcomes will connect with Ako Delivery given there are no Pou Ārahi roles proposed within the latter group</p>
Ako Delivery	<i>Regional Ako Delivery – Learning Delivery</i>	<p>We recommend work is done to better understand the nature of the work that front-line kaiako carry out and that the structures are designed to reflect the integral role that these kaimahi play in all aspects of teaching, research, and development (etc.)</p> <p>We recommend that the Ako Delivery structure is conducive to research excellence being recognised and supported as a key part of the work that front-line kaiako carry out</p> <p>We request further information about the rationale for determining the configurations and coverage of the various Regional Domain Heads</p> <p>We recommend that the structure is conducive to front-line kaimahi being able to raise academic delivery and support issues with someone based at their particular location</p> <p>We request more information about how Work-Based Learning kaimahi will fit under functional groupings and regional domains</p>
	<i>Pacific Outcomes Director</i>	We recommend greater emphasis is given to supporting outcomes for Pacific learners by creating additional roles that report directly to the Pacific Outcomes Director
	<i>Online Distance Learning Delivery</i>	We recommend that the structure genuinely reflects clause 3(a) of the Charter in a way that avoids relying on the online mode to meet the needs of rural locations cross the regions
	<i>National Operations Director</i>	We recommend an explicit connection between Ako Delivery and People, Culture, and Wellbeing in order to ensure kaimahi capability, needs, and well-being are understood and appropriately addressed
	<i>Foundations and Pathways</i>	We request more information about how the Foundations and Pathways directorate will work with ACLS and LEEA
	<i>Operations</i>	We recommend that appropriate background knowledge is required for the Learner Services Manager role, particularly

		when this role is proposed to be combined with the Site Operations role
	<i>Engagement</i>	<p>We recommend that the structure must be conducive to front-line kaimahi being able to maintain and develop pre-existing relationships across their respective locations and regions</p> <p>We recommend that the Regional Engagement directorates are mandated to connect with relevant Regional Skills Leadership Groups</p> <p>We request further information about the proposals for Trades Academies</p>
LEEAA	<i>Equity</i>	<p>We recommend that the place of the equity function is reconfigured so that it is situated within Ako Delivery</p> <p>We recommend the establishment of a fourth Equity Lead position charged with taking an intersectional approach to the “equity advancement for all” (p.47) component of the Te Pūkenga equity focus</p>
	<i>Customer Experience (Learner and Employer)</i>	<p>We request a list of equity groups and information about how the three Equity Lead and the single Equity Advisor role will cater to them</p> <p>We recommend, following the views of Pasifika and Whaikaha groups of kaimahi (and given the absence of Pacific roles and structures throughout the proposals), that a specific Equity lead be assigned as a Pacific Equity Lead</p>
	<i>Marketing</i>	<p>We request contextual information about current and/or comparable marketing structures</p> <p>We recommend the structure avoids a ‘one-size-fits-all’ approach to marketing and, instead, accounts for local needs and differences</p>
	<i>Brand and Creative Services</i>	We recommend that more than 1 Māori Graphic Designer role is established
ACLS	<i>National Ako Network Directors</i>	<p>We request further information about the co-ordination of the communities of practice</p> <p>We recommend that the structure reflects the integral role front-line kaiako play in curriculum design and development (etc.) by ensuring Ako Delivery and ACLS operate in an integrated way</p>
	<i>Ako Solutions</i>	<p>We request further information about how Ako Solutions and Ako Delivery will operate in an integrated way</p> <p>We recommend that Ako Solutions also connects with Regional Skills Leadership Groups in order to understand the needs unique to their respective regional coverage</p> <p>We request further information about the rationale for separating learning designers across Ako Solutions and the Open Polytechnic and SIT2LRN teams in Ako Delivery</p>

		<p>We request more information about plans to integrate subsidiary organisations (e.g., Learning Works; OP Auckland International College) into the new structure</p> <p>We request further information about the rationale for this ratio of designers</p>
OCE	Office of the Chief Executive	We request contextual and comparable information regarding the proposed OCE structure

- **We request** a formal response directly to the issues, recommendations, and requests outlined in this submission, as distinct from a general response to all kaimahi about the consultation feedback

PART I: GENERAL FEEDBACK

Lack of information

The lack of detail provided in the consultation document has perpetuated uncertainty among kaimahi across Te Pūkenga. In a survey of TEU members, 86% of respondents either ‘agreed’ or ‘strongly agreed’ that kaimahi have struggled to understand, comment on, and support the full implications of the change proposals.¹

We acknowledge that additional information was provided during Deep Dives on each of the group’s proposals. In retrospect, however, it is apparent that this additional information was presented in a piecemeal, inconsistent way across these sessions. It also appears that some of the information provided across the Deep Dives by different members of ELT is contradictory. Members of the TEU in former ITOs, incorporated into the WBL division, have stated that they left the Deep Dive sessions feeling anxious and concerned that Te Pūkenga leaders did not understand how on-job training works in practice. As such, kaimahi across the organisation have struggled to understand – let alone support – the full implications of the proposals. As one member has noted:

Overall, this process has been completely inaccessible. Sharing information in private or restricted forums such as What Say You and Teams meetings that are not recorded or shared is completely inequitable. Information is gatekept by ELT and given out to us in breadcrumbs. This inevitably leads to misinformation and more staff disruption, as people share information they were told on a Teams meeting which contradicts what’s in the document (etc.). ELT preach ‘relentless equity’ for all and that they are here to support their staff. There is no evidence of this in the consultation process.

¹ The survey was disseminated to TEU members in Te Pūkenga and was open from Monday 17 July to Wednesday 19 July. There were 343 respondents.

This issue is most apparent in the Ako Delivery proposals, where little information beyond the tiers designated as Regional Domain Heads has been included. As survey respondents stated:

The presented structure leaves many details unanswered [...]. Nobody can expect a full, comprehensive response if not all facts and details are present and given to the staff.

Lack of detail. Can't see where most of us fit. Without having the full picture, it is difficult to make meaningful comment.

Although the tiers within which front-line kaimahi are situated are proposed to simply involve a shift in reporting line for the time-being (p.20),² it is difficult to see how this aligns with the notion that Te Pūkenga is “not aiming to change the fundamentals of *what* we do, but rather *how*” (p.21). Where front-line kaimahi are integral to *how* Te Pūkenga operates, changing these fundamental elements of Te Pūkenga inevitably also requires a substantial change in the way kaimahi work (even a shift in reporting line can have significant impacts on the dynamic, direction, and focus of kaimahi and their teams).

Yet, kaimahi have been left guessing. For TEU members, these factors demonstrate a lack of understanding on the part of Te Pūkenga leadership about the integral role front-line kaimahi play in the success of our vocational education sector. Indeed, members in the WBL division have stated that it is problematic that there is little information about the day-to-day operations of the majority of kaimahi. Similarly, Pasifika members of the TEU have stated:

We need effective structures ‘underneath’ this structure, which ‘points upwards,’ as knowledge lies with kaimahi, their communities and ākonga. Therefore, relationships with Pacific staff ‘on the ground’ need to be cultivated and maintained. We need to be able to work alongside our Pacific colleagues for cultural safety and Pacific leadership needs to be developed. We need direct communication with leaders that can be a cloak of protection over us.

Linked to this issue is the lack of detail provided about how the different group structures will operate in an integrated way *in practice*. Although there are various allusions to the intention that the groups will work closely with each other, it is not clear how, for example, the communities of practice coordinated by ACLS will connect with kaimahi situated in Ako Delivery (and at which tiers), or how the equity function situated in LEEA will integrate with learner services in Ako Delivery (we elaborate on these points below).

The indication that further consultation will occur in Phase II and beyond has not only perpetuated uncertainty across the network, it has significantly raised the stress and anxiety levels that kaimahi are already experiencing – the constant possibility of

² Page numbers refer to the PDF version of the consultation materials.

restructuring and job losses continues to have a negative impact on kaimahi morale and, by extension, the quality of educational experience for ākonga. TEU members across Aotearoa, in former polytechnics and former ITOs and in academic and general kaimahi roles, have stated there has been significant attrition as kaimahi leaving have not been replaced. As well as this being a concern in regard to workloads, there is further concern that ongoing uncertainty will drive people away. Our members are suffering from significant 'change fatigue.' This issue also demonstrates the importance of providing Te Pūkenga kaimahi with certainty in light of changes – perceived or actual – that began when the Reform of Vocational Education was announced. Members are concerned about the effect constant changes have on the *image* of Te Pūkenga, and how employers, communities, and ākonga perceive the training programmes offered on-job, on-line, and on-campus.

We acknowledge that there is no ideal time to undertake a large-scale consultation process, but it needs to be recognised by Te Pūkenga leadership that this process – from the technical (in)accessibility issues at the outset through to the inconsistent approach to providing updated information – has only exacerbated pre-existing problems surrounding unwieldy workloads, kaimahi morale, and low engagement with consultation processes. Indeed, many members have explicitly noted their despondent attitude to the consultation which has transpired as an unwillingness to engage in the feedback process – an issue that was compounded due to the consultation coinciding with a two-week mid-semester break meaning that many kaimahi were on leave. As survey respondents indicated:

The consultation period was at the end of the semester when kaimahi were strongly focused on processing results and student outcomes, and then most went on leave. It was a difficult time to attend meetings and engage in such a lot of confusing documentation.

I lost interest after giving feedback months and months ago. I don't understand the implications and those I can envisage myself don't seem to be happening.

Members have also told the TEU it feels like Te Pūkenga has taken a “change it as you go” approach and, instead of this being an approach that could be considered responsive, it has been considered disorganised and under-prepared.

Lastly, the consultation material includes little contextual information about how the proposals relate to current structures, nor the rationale for the decisions that underpin the proposals. This means that kaimahi have found it hard to determine the difference the proposals will make, understand the suitability of the number of proposed tiers and roles in some groups, or gauge how effective the proposed structures will be in relation to realising the requirements of the Te Pūkenga Charter.

- **We request** the right to review decisions made in relation to *Tāraia te Anamata / Creating Our Futures* in light of feedback provided during future rounds of consultation

The problems raised here illustrate a disconnect between, firstly, Te Pūkenga leadership and front-line kaimahi, and, secondly, between the Te Pūkenga values that ostensibly underpinned the approach to consultation (p.8) and the way in which the consultation has actually unfolded. In the lead-up to the consultation period, there was an offer from Te Pūkenga to provide TEU leadership with embargoed information via briefing sessions with members of ELT. However, these sessions never happened. This, in conjunction with the decision to withhold the consultation documentation from TEU and affected kaimahi during the period in which they were being advised of the 'comparable' or 'disestablished' status of their employment, has only given rise to additional stress, suspicion, and perceptions of non-transparency.

We raise these issues both in order to clearly iterate how the consultation has impacted TEU members and, where applicable, ensure that necessary changes are made to improve future consultation processes and protocol.

For a detailed account of how the consultation process impacted TEU members based at Te Pūkenga | Otago Polytechnic, see Appendix One and Appendix Two.

- **We recommend** an improved consultation process is developed in conjunction with TEU and agreed upon ahead of future rounds of consultation

Industrial Issues

The approach to consultation has also given rise to a number of industrial issues that remain unresolved at the time of writing this submission. TEU has raised these issues with Te Pūkenga CE, Peter Winder, and Te Pūkenga Chief People Officer Keri-Anne Tane. Please see Appendix Four for relevant correspondence.

It is in the interests of Te Pūkenga to establish an agreed procedure for organisational change with the TEU regardless of whether or not our members are currently covered by a collective agreement. The Kirimana Tōpū Kaimahi TEU | TEU Kaimahi Collective Agreement has an agreed process. Additionally, there are legal obligations under the Employment Relations Act. The proposed procedure for this consultation process has raised concerns for current members and could influence the approach Te Pūkenga may take in further change proposals. We expect the process in the Kirimana Tōpū Kaimahi TEU | TEU Kaimahi Collective Agreement to be followed for TEU members in coverage of the Collective Agreement when final decisions are made on the number of surplus kaimahi or any impact on our members' roles and the redeployment positions available within the network.

Access to information and roles proposed to be disestablished

There has been a lack of information in the proposal to determine which positions are proposed to be "*disestablished*" – a term that TEU rejects. Note, we have only used this term in the submission to reflect the language used by Te Pūkenga in the consultation document. Nowhere in the proposal is there a list of all "proposed positions to be *disestablished*" which clearly identifies the number of positions and where they sit within the current structure.

As stated previously, kaimahi have not had access to full information regarding this change proposal and further information has been requested through the consultation period by the TEU and our members. Section 4 of the Employment Relations Act 2000 requires an employer who is proposing to make a decision that will or is likely to, have an adverse effect on the continuation of employment of one or more of their employees with access to information about the decision to continue, or not, with an employee's employment, and an opportunity for employees to comment on the information utilised by the employer before the decision is made. For our members who are covered by the TEU Te Pūkenga Kaimahi Collective Agreement there are similar requirements.

Te Pūkenga has determined which roles it considers to be central to delivery and support services and has taken these out of scope. With all other roles being proposed as "disestablished" across the 24 divisions. The information used by Te Pūkenga has come from payroll data from each of the 24 divisions. This data has not been definitive, as acknowledged by Te Pūkenga, resulting in inconsistencies throughout the network. There are academic and allied/general kaimahi positions, which affect our members that are proposed to be disestablished in some divisions but are not proposed to be disestablished elsewhere. Notwithstanding that on the 19th of July, in response to TEU correspondence, Te Pūkenga has stated it is in the process of correcting this, and proper consultation on the criteria used to propose roles for disestablishment should have taken place.

Te Pūkenga was obliged to inform employees not only that the roles are proposed for disestablishment, but also why they are proposed for disestablishment. Further, where a role is proposed to be changed, employees are entitled to information about the nature of the change. They should be informed, where applicable, about what aspects of the role are proposed to be changed. To allow for meaningful feedback, they should be informed, for instance, whether the role is disestablished in its entirety or whether parts of it will be incorporated into the new structure. Where the latter applies, they need to know how this is proposed to occur.

- **We request** a list of all roles proposed to be disestablished, including information about the divisions within which such roles are placed

Redeployment and fixed term kaimahi

Once a final determination is made as a result of the consultation process, Te Pūkenga has a legal obligation to seek redeployment for any kaimahi in positions that are identified as surplus/"disestablished" positions. The process of the closed redeployment pool is supported by the TEU as this is what a fair and reasonable employer is required to do in all circumstances. The Collective Agreement has a requirement to minimise the use of redundancy.

In the Q&A shared with kaimahi during the consultation process, in response to a question regarding whether fixed term kaimahi could participate in the redeployment process, Te Pūkenga answered as follows:

Fixed term kaimahi who are impacted by this change will have the opportunity to participate in the recruitment process alongside other impacted kaimahi for new open roles (p.93).

It is unfair to permanent employees to suggest that all kaimahi on fixed term appointments are entitled to be included in the open or closed process for redeployment or new roles. This widens the pool and may lead to permanent kaimahi being displaced by kaimahi who are currently on a fixed term which is non-compliant with S 66 of the Employment Relations Act 2000.

Selection process

The change proposal states the following:

This process applies to kaimahi where it is proposed that there will be a reduction in the number of roles like theirs or roles that are substantively similar to their role in the new structure.

TEU's view is that if, as a result of the consultation process, there is still a requirement to reduce roles then the process of calling for voluntary severance must be applied before any redeployment or selection process occurs, and this is consistent with the agreement terms in the TEU Te Pūkenga Kaimahi Collective Agreement clause 11.10.3.

The proposed selection criteria should not include any performance criteria as no redundancy decision should be based on the performance of a current role or the potential performance in the new role. TEU's view is that kaimahi are already in those roles and the process outlined reads as if kaimahi will be expressing interest in roles they already perform.

New positions

The TEU Collective Agreement states in Sections 4.2.6 and 4.2.7 that coverage of the Collective Agreement can be amended by agreement of both parties where there is ambiguity around whether a role falls into coverage of the Collective Agreement. Where new roles are being created by Te Pūkenga, we request that Te Pūkenga and the TEU assess whether the role is within coverage.

Equity

TEU acknowledges and supports the explicit distinction between Te Tiriti- and equity-related issues and that, throughout the proposals, "their treatment differs because their obligations are distinct" (p.15) (see below for our commentary on Tiriti Outcomes). We also support the notion that equity "will be everyone's responsibility at Te Pūkenga" (p.16). However, despite claims of a "relentless focus on equity" (p.43) and the principles of

equity being presented as “central to our purpose and our future focus” (p.16), members have identified a number of issues and questions relating to this area of the proposals.

Firstly, although we support the identification of priority groups within the focus on equity – Māori, Pacific, and disabled learners (p.47) – there is a notable absence regarding the equity issues that other groups face (gender; Rainbow; refugee background; etc.). Moreover, even within the scope of the priority groups, there is a lack of detail about provisions for Pacific and disabled learners. As one Pacific member wrote:

The new Te Pūkenga proposed structure shows the organisation's disrespect for the Pacific people and culture, as there is minimal Pacific representation. One of the Charter's priority learners is Pacific ākonga. However, in Te Pūkenga's proposed structure there is one Pacific lead and representative: Pacific Outcomes Director, in the Ako Delivery leadership team. Is that a fair and equitable outcome for the Pacific people, to have one nationwide Pacific lead role in the structure? Pacific people require Pacific leaders and domains that provide support to Pacific ākonga, kaimahi, and the community.

For those outside of the priority groups, it is completely unclear how Te Pūkenga intends to understand and support their unique needs. Without further detail about, for example, the scope and responsibilities of the Equity Leads and Equity Advisor roles (p.47), it is difficult to provide feedback on what is being proposed. In general, we advocate for an intersectional approach to these issues, responsibilities, and roles in order to realise clause 4(c)(iv) of the Charter (“Te Pūkenga must operate in a way that allows it to [...] work towards equity for learners and kaimahi of different genders, ethnicities, cultures, and abilities”).

Secondly, the rationale for including the equity function within LEEA is not clear. If the intent is to understand and support the unique needs of ākonga throughout Te Pūkenga and its regions, situating the equity function within Ako Delivery is likely a more appropriate structural configuration. This is because front-line teaching kaimahi work most closely with ākonga on a day-to-day basis, thereby being in a better position to understand and address unique needs pertaining to the educational experience, academic success, and equity support needs of ākonga. Moreover, kaimahi who teach already take on significant pastoral care, and members do not believe Te Pūkenga understands the significant lack of resourcing to support ākonga, and specific equity groups that has either been lost or become generalised from specialist positions that had supported Māori, Pasifika, or ākonga whaikaha to positions that support all ākonga.

We elaborate on these points throughout the remainder of the submission.

PART II: FEEDBACK ON GROUPS

Tiriti Outcomes

In general, TEU supports the emphasis placed on honouring Te Tiriti o Waitangi as per clause 4(d)(i) of the Te Pūkenga Charter. We also support the proposal for a dedicated

Tiriti Outcomes group, including the way in which this group is intended to integrate with other groups through the establishment of the Pou Ārahi roles.

Delivering on Te Tiriti o Waitangi

For TEU members, Te Pūkenga presents an opportune moment to initiate real change with regard to honouring Te Tiriti o Waitangi, valuing Mātauranga Māori, and ensuring equity for ākonga and the empowerment of kaimahi Māori across our vocational education sector. Yet, it is also clear that for Te Pūkenga to “meaningfully deliver on Te Tiriti o Waitangi” (p.12) requires more than detailed diagrams, descriptions, and structures.

For real change to occur, Te Pūkenga must ensure it has the capacity and capability to enact culturally authentic leadership and partnerships. Inherent to this is the need for robust cultural capability combined with measures that ensure cultural wellbeing and safety whilst recognising the values of whanaungatanga and manaakitanga that our kaimahi Māori uphold in supporting ākonga from a cultural perspective – all of which requires appropriate funding, consistent resourcing, and an explicit integration of the People, Culture, and Wellbeing group across the Te Pūkenga structure.

Te Pūkenga must avoid perpetuating current practices that lead to inequity for kaimahi and ākonga Māori. An example of this to be aware of with the role-out of a nationwide structure is that there are differences in tikanga and kawa within rohe across the country. A one-size-fits-all approach needs to be avoided when it comes to supporting kaupapa Māori, our Māori members have stated that they hold relationships within Iwi, Runanga/Runaka, and Māori businesses within their rohe.

TEU supports current attempts at addressing unconscious bias and the practices that perpetuate this. However, kaimahi are tired of approaching leads that have no understanding of Māori ways of knowing and being. This creates a glass ceiling through which they cannot break. Without a direct connection to Tiriti and Mātauranga directors it appears then, to kaimahi Māori, that Te Pūkenga has not gone far enough in dismantling structures that perpetuate power and equity imbalances for kaimahi Māori. This will inevitably result in power and equity imbalances for ākonga Māori.

Kaimahi are confused and concerned about the possible splintering of kaimahi Māori whānau/teams (e.g., Mārae teams; kura teams). This only creates barriers resulting in lack of action, cultural integrity, and increased frustration. Members have spoken at length about the strength and comfort they derive from working in kaimahi Māori teams with colleagues who understand and share their perspectives and worldview.

Kaimahi Māori are often treated as the ‘go to’ people for issues and solutions pertaining to honouring Te Tiriti o Waitangi within the context of vocational education. TEU members have consistently highlighted the detrimental effects such practices continue to have on the wellbeing and morale of kaimahi Māori, particularly when they are put in situations which compromise their integrity as Māori.

These issues also have flow-on effects: many kaimahi Māori TEU members have indicated they feel compelled to seek employment outside of the vocational education sector because of the current lack of cultural capability and the associated impacts. If such attrition transpires, the likelihood of Te Pūkenga embedding Te Tiriti in a meaningful way will be significantly constrained.

TEU supports the intention to ensure Tiriti Outcomes is integrated throughout other groups through the establishment of Pou Ārahi roles. However, it is not clear why there is no Pou Ārahi role proposed as part of the Ako Delivery group. If the intention is to have each Māori Executive Director and Regional Tiriti Outcomes Director in Ako Delivery connect via a dotted reporting line to DCE Tiriti Outcomes, outlining this explicitly will help highlight the way in which Te Tiriti will be integrated across regions, domains, and locations.

Additionally, the proposals do not make clear the degree of separation between front-line kaimahi Māori and the appropriate person through which they can raise work-related issues unique to Māori.

- **We recommend** an explicit connection between Tiriti Outcomes and People, Culture, and Wellbeing in order to ensure appropriate resourcing for Māori cultural capability across Te Pūkenga
- **We recommend** moving beyond a paternal consultation process to genuine co-creation practices with kaimahi Māori, Pou Ārahi, and Regional Leads who are willing to understand the barriers that kaimahi face in implementing best practice for positive ākonga Māori outcomes
- **We request** further information about how Tiriti Outcomes will connect with Ako Delivery given there are no Pou Ārahi roles proposed within the latter group

Ako Delivery

Regional Ako Delivery – Learning Delivery

As noted in Part I, the lack of detail provided in the Ako Delivery proposals has meant that front-line kaimahi are left unsure about the implications of the proposals for their daily work.

This is particularly problematic in relation to how the function of Regional Ako Delivery has been framed in the consultation document: “This function is responsible for the delivery of learning and assessment, ensuring the effective distribution of learning resources and technical services to ākonga, and the successful implementation of regional learning strategies” (p.24).

Te Pūkenga leadership need to recognise that the work of front-line kaiako involves more than the 'delivery,' 'distribution,' and 'implementation' of learning content.³ The close connection they hold with ākonga means they have valuable insight into what needs to be included in the development of teaching and learning resources to ensure ākonga success and account for regional needs. TEU members have noted that their roles as front-line kaiako involve first-hand experience of the ways in which ākonga struggle, learn, and grow throughout the duration of their studies, often over a number of years. Front-line kaiako develop a 'big picture' perspective on the needs of ākonga and are able to respond by providing support, directing ākonga to appropriate support provisions when required, and connecting ākonga with local business and industry through the relationships they hold. Similarly, our members in WBL have stated that their work involves developing resources and assessment materials that are flexible to the learner needs of apprentices and their employers while meeting NZQA requirements. Added to this, members have questioned the decision to keep research and rangahau out-of-scope for this consultation. The reason for this is that research and rangahau are intrinsic to the work of many front-line kaiako, particularly those teaching on bachelor's degree, postgraduate qualifications, or Level 6 courses that are pathways to bachelor's degrees. For members, separating research and rangahau from the proposals for Ako Delivery also indicates a lack of understanding on the part of ELT about the nature of the work they carry out on a day-to-day basis.

Without further detail about tiers below the Regional Domain Heads or how Ako Delivery and ACLS will work in an integrated way, the description quoted above points to the possibility that the proposed structure will result in a system where front-line kaiako are expected to deliver 'lessons in a box' which have been developed by a team in ACLS who are wholly disconnected from ākonga and distanced from teaching kaimahi and their knowledge, expertise, and understanding of what ākonga in specific regional and local contexts need. Whether on-job, on-line, or on-campus, our front-line kaiako need to remain involved in every aspect of teaching, including development, research, moderation, and other aspects central to the role. Otherwise, this type of structure and system will fail to realise the Te Pūkenga Charter and may lead to worse outcomes for ākonga.

- **We recommend** work is done to better understand the nature of the work that front-line kaiako carry out and that the structures are designed to reflect the integral role that these kaimahi play in all aspects of teaching, research, and development (etc.)

³ 92% of survey respondents either 'agreed' or 'strongly agreed' that the work of front-line kaimahi involves more than the 'delivery,' 'distribution,' and 'implementation' of learning content, and that they should be involved in the development of curriculum, course design, assessment, moderation, and connecting with communities and industry in their regions.

- **We recommend** that the Ako Delivery structure is conducive to research excellence being recognised and supported as a key part of the work that front-line kaiako carry out

The structure must facilitate a system where the development and delivery of teaching and learning material will be an integrated process involving a direct connection between relevant teams in ACLS and teaching kaimahi in Ako Delivery so that the needs of ākonga are genuinely understood and met. Front-line kaiako undertake considerable pastoral care duties, as student support systems are currently under-resourced, and also because teaching kaimahi are often the ‘face’ of the institution for ākonga and having that direct connection and relationship with them. The components of Te Pūkenga cannot operate in isolation, and the development of new structures needs to acknowledge and recognise the work that is currently being undertaken, officially and unofficially, in each area. On this note, TEU Pasifika members have talked about the importance of creating community between kaimahi and ākonga. Ākonga and kaimahi feel safest to share experiences and support each other where relationships have been built.

Regarding the different ways in which the coverage of Regional Domain Heads have been configured, we think that in addition to the number of kaimahi at a given location, educational factors need to be taken into consideration when determining if a single Regional Domain Head is appropriate for more than one disciplinary area (e.g., a single Regional Domain Head is proposed in Region 1 for [1] Sport and Recreation and [2] Hairdressing and Beauty). In addition to pre-existing kaimahi numbers, there may be educational and strategic reasons underpinning these configurations. Without contextual information about the Regional Domain Head roles and the current number of kaimahi working in these disciplinary areas across the regions, it is difficult to determine whether the proposed configurations are appropriate. Members have seen gaps in the Learning Delivery Functional Groupings proposed, and the way they are configured on a region-by-region basis under differing Regional Ako Network Directors. Anecdotally, members have wanted to see where environmental, conservation, or manufacturing programmes would be placed.

- **We request** further information about the rationale for determining the configurations and coverage of the various Regional Domain Heads

Regarding reporting lines, there is concern that in instances where domain teams are required to report to a Regional Domain Head, this will mean that there will be no channel through which academic delivery and support issues can be raised with someone at each local campus. Again, because there is a lack of information pertaining to the tiers below the Regional Domain Heads, it is difficult for front-line kaiako to assess whether the proposals will “enable quick decision making and information flows” (p.11) or if there is the appropriate level of expertise for decision making.

- **We recommend** that the structure is conducive to front-line kaimahi being able to raise academic delivery and support issues with someone based at their particular location

Members in Work Based Learning want to ensure that while Ako Delivery will be the 'home' for delivery, whether on-job, on-line, or on-campus, that there continues to be specialisation for each area. The Charter sets this out in clause 3(a) as a requirement to be met at a regional level. It is unclear how Work-Based Learning kaimahi will fit under functional groupings and regional domains, and our members want to hear how they will fit under these areas, while maintaining their delivery mode specialisation.

- **We request more information about how Work-Based Learning kaimahi will fit under functional groupings and regional domains**

To emphasise this, a member in Work Based Learning pointed to the TEC's *Plan Guidance: For Providers Submitting Plans for Funding from 1 January 2024*. The document clearly states:

Work-based learning can require different skills, processes and staff Work-based learning requires providers to support employers to deliver training on-the-job. This function, previously known as arranging training, requires different skills, relationships, and resources to provider-based learning where the learning is delivered directly by the provider.

Our members are concerned that if kaimahi who are experts on a particular mode of delivery become generalised and are required to work across other modes of delivery, employers and ākonga may lose access to the experienced and specialised educators, assessors, and workplace mentors. Similar concerns have been raised by kaimahi who teach on-line and on-campus. As well as this being a concern in and of itself, there is a risk that this could lead to Te Pūkenga not meeting requirements put forward by the TEC.

Pacific Outcomes Director

TEU supports the inclusion of a Pacific Outcomes Director. However, given the broad scope of this role, there is concern that a single director with no direct reports will not be sufficient if the aim is to "support outcome improvements for our Pacific learners" (p.23), particularly when our Pacific community is made up of diverse groups, cultures, and nationalities. We must avoid a structure which conflates this diversity and the respective equity needs therein; such a structure would go against clause 4(e) of the Charter ("hold inclusivity and equity as core principles, recognising and valuing the diversity of all of its learners, and providing the unique types of support different learners need to succeed"). Our members are concerned that this role will be "set up to fail." They have stated that Pacific kaimahi are part of, and intimately involved in, Pacific communities and businesses; however, the role does not set a clear connection with Pacific kaimahi within Te Pūkenga. Pacific kaimahi need spaces for them and for their ākonga to develop communities of learning where life-long educational goals can be explored for ākonga and their Pacific whānau. There are many Pacific communities – a single role will not be able to be representative of them. Moreover, forming relationships and meeting face-to-face is culturally important, and members feel this role will not be able to fulfil this.

It is also not clear how the Pacific Outcomes Director is expected to connect with other relevant 'equity' roles in other groups in order to improve the outcomes of Pacific learners who are identified as priority learners.

- **We recommend** greater emphasis is given to supporting outcomes for Pacific learners by creating additional roles that report directly to the Pacific Outcomes Director
- Also see Appendix Three for recommendations put forward by Pacific members at Wintec | Te Pūkenga

Our members suggest that as well as a Pacific Director, there should be four advisor roles that report to the Pacific Director, one for each rohe of Te Pūkenga. These roles will be able to form relationships with Pacific kaimahi and ākonga, and their communities, in person. The roles can then also aim to be more representative of the breadth of Pacific cultures in Aotearoa, and will share responsibilities with the Pacific Outcomes Director.

We also recommend that the equity function as a whole is situated within Ako Delivery (see below for detail) – if this recommendation is realised, it would be important for the Pacific Outcomes Director and its direct reports to work closely with the Equity Director, Equity Leads, and Equity Advisor, as well as the Pacific Learning Support teams that already operate throughout the network.

Finally, our members wanted to highlight that there are Pacific kaimahi groups across the ITP sector of Te Pūkenga that already set strategy and direction, from a kaimahi side. This group is called Te Pūkenga Moana Pasifika.

Online and Distance Learning Delivery

The decision to “lift and shift” (p.29) Open Polytechnic and the SIT2LRN team into the Online and Distance Learning Delivery Directorate has perpetuated uncertainty for members in these areas of the network. It is also not clear what the intention is regarding how the Learning Designers (etc.) listed under Ako Solutions within ACLS (p.72) will work with those with the same or similar role already in Open Polytechnic. See our commentary on ACLS below for more detail.

Additionally, clause 3(a) of the Charter states that “To meet the needs of the regions throughout New Zealand, Te Pūkenga must offer in each region, including on-the-job, face-to-face, and distance delivery that is accessible to the learners of that region and meets the needs of its learners, industries, and communities” – it will be vital to avoid a system which relies on online modes of delivery to ostensibly meet the needs of the regions and, importantly, remote rural locations throughout the regions. One member elaborated on this issue:

I cannot overstate the importance of this for our WHK and Eastern Bay community which has over the years gradually lost face to face offering here to the point that currently several hundred students from our 'region' (more than the number of students as is left ON campus, I believe) is now forced to travel to distant urban areas

at considerable time and financial cost or learn remotely online to access their chosen areas of personal development and further education, against their preferred styles of learning and support. In many cases this is setting learners up for failure, or placing undue pressure on them and their families, and further sliding them into student debt without something to show for it at the end. All I can say is EQUITY, EQUITY, EQUITY?! We need locally based accessible delivery options and local learning support needs to be assured for our remote & rural locations.

- **We recommend** that the structure genuinely reflects clause 3(a) of the Charter in a way that avoids relying on the online mode to meet the needs of rural locations cross the regions

There are other on-line delivery platforms that exist outside of the Open Polytechnic and SIT2LRN learning systems. The TANZ E-Campus and the multiplicity of online platforms utilised by Work-Based Learning have been ignored in the proposal. Our members in Work-Based Learning are concerned that their platforms, specifically focused on on-job training, may disappear in favour of Open Polytechnic and SIT2LRN platforms. This has a staffing implication, and it also will have an effect on how ākonga are supported in the workplace.

National Operations Director

Where part of the proposed role of the National Operations Director is to drive kaiako capability and meet kaiako capability needs (p.24), we think it will be important to ensure a close connection with relevant roles within the People, Culture, and Wellbeing group.

Related to this, there appears to be a sole focus on “keeping ākonga wellbeing at the heart of all we do” (p.21) despite the claim that “we do our best work when our kaimahi and ākonga learn and achieve together and when our teaching and training is done with generosity” (p.21). For TEU members, the well-being of ākonga is intrinsically linked to the well-being of kaimahi (which is, in turn, linked to the broader quality of working conditions within which they carry out their day-to-day work).

If Te Pūkenga is to meet the requirements of clause 4(a) of the Charter (“empower students and staff on academic, non-academic, and well-being matters and matters relating to the organisation’s practices and services”), it will be necessary to ensure the organisational structure fosters a strong connection between Ako Delivery (in particular, the National Operations Director) and the People, Culture, and Wellbeing group when it comes to understanding and addressing kaimahi capability, needs, and well-being.

- **We recommend** an explicit connection between Ako Delivery and People, Culture, and Wellbeing in order to ensure kaimahi capability, needs, and well-being are understood and appropriately addressed

Regional Ako Delivery: Tiriti Outcomes

Although we support the Pou Ārahi roles proposed in Tiriti Outcomes, it is not clear why there is no such role within Ako Delivery. It will be essential to ensure a strong connection between Ako Delivery and Tiriti Outcomes – if the intention is for the Māori Executive

Directors and Regional Tiriti Outcomes Directors to connect with DCE Tiriti Outcomes in a similar way as the Pou Ārahi, then this needs to be explicitly outlined in descriptions of the structure moving forward (see our commentary on Tiriti Outcomes above for more detail).

Regional Ako Delivery: Foundation and Pathways

Although we support the inclusion of this directorate, further information is required about how this role will connect with relevant roles and teams within ACLS and LEEA before being able to assess its suitability in relation to the Te Pūkenga Charter.

- **We request** more information about how the Foundations and Pathways directorate will work with ACLS and LEEA

The proposed amalgamation of teams into the Foundation and Pathways directorate has been questioned by members because of the range and difference of programmes within it. The directorate would include programmes for ākonga who are migrant non-English speakers (i.e., ESOL programmes), ākonga who have low-school or educational achievement (i.e., Foundation and Bridging programmes), ākonga who have been in the workforce and who benefit from Recognition of Prior Learning (RPL) programmes, ākonga who are in short courses such as Adult Community Education courses or STAR courses, and others including the Capable programme based in the Otago Division. The leadership and structure of this role is critical to ensure the range of programmes covered in this proposed division are not diluted. While national scale is positive, the kaimahi in each of the areas within the Directorate would benefit from the opportunity to share resources, insights, and programme documentation with colleagues nationwide.

Regional Ako Delivery: Operations

Although it is apparent that the different ways in which the Site Operations and Learner Services Manager roles have been configured is based on the size of any given campus, we think that, where these two roles are proposed to be merged, it will be essential to ensure the appointee has the necessary background knowledge and skills to guide the Learner Services team. This is because the functions that come under this role – learning advisory; learning support and equity; etc. – require specialist knowledge; knowledge that is distinct from that required to fulfil the requirements of the Site Operations role.

- **We recommend** that appropriate background knowledge is required for the Learner Services Manager role, particularly when this role is proposed to be combined with the Site Operations role

Additionally, where it is proposed that Site Operations works closely with LEEA and Learning Delivery, the lack of detail surrounding how this will happen in practice means that it is difficult to foresee whether such a structure will facilitate “timely support for Ako Networks” (p.31).

Regional Ako Delivery: Engagement

Where the function of this role is to foster engagement with businesses, communities, schools, whānau, and regional and local employers, it is important to recognise that many

front-line kaiako already maintain strong relationships with the above stakeholders across their regions. Similarly, kaimahi in the WBL Division hold relationships with their industry and communities.

If the aim of the proposed Ako Delivery structure is to change *how* (not *what*) Te Pūkenga does (p.21), the structure must realise the Charter (in particular, clauses 3 and 4) by recognising the stakeholder relationships kaimahi already have whilst fostering the ongoing flourishing of those relationships. For example, at Te Pūkenga | NMIT, the Programme Lead for Construction is frequently contacted by building companies throughout the region seeking recommendations for ākonga to fill open positions in their businesses. This dynamic points to the high quality of the programme and the significance the relationships held by teaching kaimahi have for both ākonga and local businesses.

- **We recommend** that the structure must be conducive to front-line kaimahi being able to maintain and develop pre-existing relationships across their respective locations and regions

Additionally, if the intention is for Regional Engagement to contribute to “the region’s economic growth, educational success, training outcomes, skill development, and overall well-being” (p.32), it will be critically important that, in addition to the stakeholders listed, there is also a connection with relevant Regional Skills Leadership Groups (RSLGs).

- **We recommend** that the Regional Engagement directorates are mandated to connect with relevant Regional Skills Leadership Groups

Lastly, the information about Trades Academies (p.32) is not clear and requires further elaboration before we can comment on, or support, this aspect of the proposal. Some kaimahi have suggested Trades Academies may be placed within Foundation and Pathways.

- **We request** further information about the proposals for Trades Academies

Learner and Employer Experience and Attraction (LEEA)

Equity

TEU supports the equity focus outlined in the proposals, including the identification of priority equity groups – Māori, Pacific, and disabled ākonga. However, beyond this identification, the proposed structures do not reflect meaningful equity provisions for, in particular, Pacific and disabled ākonga (see our recommendations in Part I of this submission).

Members have questioned the suitability of having the equity function situated in LEEA. Where this function is described as being “accountable for developing and delivering strategies and system-level change to improve the experience of underserved ākonga [...]” (p.43), it is not clear which aspects of ākonga experience relate to other parts of LEEA.

Although it is important to understand the experience of ākonga in relation to marketing, attraction, and induction (etc.), the central experience of ākonga is constituted by their engagement with vocational teaching and learning, whether on-campus, on-job, or online.

Given that front-line kaiako work most closely with ākonga within the context of their educational experience, it will be crucial that there is a connection between the equity function of LEEA and those kaimahi in Ako Delivery working with ākonga on a daily basis.

- **We recommend** that the place of the equity function is reconfigured so that it is situated within Ako Delivery

Added to this, it is not clear what the mandate of the three Equity Leads and Equity Advisor is – more detail is needed on these roles. As noted earlier, the proposals do not account for the needs of ākonga outside of the priority groups. If the intention for the 3 Equity Leads is to cover the 3 areas of equity for Māori, Pacific, and disabled learners:

- **We recommend** the establishment of a fourth Equity Lead position charged with taking an intersectional approach to the “equity advancement for all” (p.47) component of the Te Pūkenga equity focus

Customer Experience (Learner and Employer)

Within the Customer Experience (Learner and Employer) Directorate the Ako Relationships role is “responsible for relationship management with key ākonga groups” (p.48). However, it is not clear who comprises this particular group of ākonga. Although there are references within the equity function to Māori, Pacific, and disabled ākonga as traditionally underserved, there appears to be no acknowledgement regarding how equity issues pertaining to, for example, gender or Rainbow communities are going to be handled.

- **We request** a list of equity groups and information about how the three Equity Lead and the single Equity Advisor role will cater to them.
- **We recommend**, following the views of Pasifika and Whaikaha groups of kaimahi (and given the absence of Pacific roles and structures throughout the proposals), that a specific Equity lead be assigned as a Pacific Equity Lead⁴

Marketing

Without contextual information pertaining to current marketing structures within Te Pūkenga or examples from comparable national-scale organisations, it is difficult to assess the suitability of what is being proposed under the Marketing Directorate.

⁴ See also our recommendations on the equity function within LEEA

- **We request** contextual information about current and/or comparable marketing structures

It is also not clear that the structure allows for local marketing teams as the detail included on page 54 does not go beyond the proposals for regional marketing.

- **We recommend** the structure avoids a 'one-size-fits-all' approach to marketing and, instead, accounts for local needs and differences

Members have expressed concern that Marketing teams have been disestablished in some divisions but not others.

Brand and Creative Services

The proposed structure outlined on page 52 includes 9 Graphic Designers and 1 Māori Graphic Designer. Given the place of Te Tiriti and Mātauranga Māori in Te Pūkenga:

- **We recommend** that more than 1 Māori Graphic Designer role is established

Academic Centre and Learning Systems (ACLS)

National Ako Network Directors

The National Ako Network Directors will “develop and facilitate national communities of practice focused on each of the domains” (p.66). However, the relationship between this component of ACLS and kaimahi in Ako Delivery is not clear.

Information pertaining to the communities of practice is important as it is an area within which teaching kaimahi can see themselves and their capacity to contribute to the development of learning design. By being asked to consider a proposed structure without this information means that there is the potential for kaimahi to support a structure which ends up constraining their capacity to teach in a way which upholds s318 of the Education and Training Act 2020 (Academic freedom of Te Pūkenga) and genuinely meets the needs of ākonga at a regional and local level. As a general principle, we assert that the structure of Te Pūkenga must avoid a network of provision wherein teaching resources are predominantly developed in one group (i.e., ACLS) and delivered by another (i.e., Ako Delivery). Although the consultation document notes that the intention is to strike a balance between national consistency and meeting regional needs, detail around how this will be achieved in practice is not reflected in the proposed structure. If Te Pūkenga is to meet the requirements outlined clause 3(a)-(e) of the Charter, it is our position that the structure must avoid a system involving the development of ‘lessons in a box’ which front-line teaching kaimahi are expected to deliver. TEU members held very strong views in support of this point:

[...] As professionals we MUST be involved in the preparation of the content we teach, otherwise a large disconnect opens up that disadvantages the learner. ALSO it is very important that teaching resources are developed to allow for regional diversity and the students. From experience, we had a L5 course that was ‘pre-prepared’ for one of

the new common degrees arrive on our desks, and it was unfit for purpose and we needed to completely re-write it. We are professionals and must be treated – and regarded – as such. In my field a number of those that deliver the courses are experts in their field, with years of professional and corporate experience as well as their academic experience. This would all be lost to the students, if they were expected to teach pre-prepared courses that had been written by someone with far less experience and knowledge.

Development, design, and delivery are intricately connected stages of production that cannot be effectively separated. Development informs design by aligning goals with instructional strategies, while design influences development by shaping content and resources. Delivery is influenced by both development and design, ensuring effective implementation and learner engagement. The seamless integration of these stages allows for a cohesive and holistic approach to resource creation, optimising the educational experience and maximising the impact of teaching resources.

- **We request** further information about the co-ordination of the communities of practice
- **We recommend** that the structure reflects the integral role front-line kaiako play in curriculum design and development (etc.) by ensuring Ako Delivery and ACLS operate in an integrated way

Ako Solutions

The proposed responsibility for Ako Solutions is to “develop products and provide learning systems that anticipate ākonga and kaiako needs [...]” (p.70). The knowledge, insight, and expertise of teaching kaimahi is essential to understanding ākonga needs. Yet, despite the intention to “collaborate with LEEA to ensure our products are designed and delivered with ākonga at the centre” (p.72), it is not clear how or if Ako Solutions will connect with kaimahi in Ako Delivery.

- **We request** further information about how Ako Solutions and Ako Delivery will operate in an integrated way

In addition to working closely with Workforce Development Councils and NZQA to develop programmes, credentials, and other products (p.72):

- **We recommend** that Ako Solutions also connects with Regional Skills Leadership Groups in order to understand the needs unique to their respective regional coverage

It appears that learning designers responsible for blended learning and online learning creation will be situated with Ako Solutions, yet online delivery teams from Open Polytechnic and SIT2LRN are being “lifted and shifted” in to the Online and Distance Learning Delivery Directorate within Ako Delivery (p.29). The reason for this separation is not clear and more information is needed before TEU members are able to provide feedback on this aspect of the proposals. Also note that other teams within the network who currently work wholly online (e.g. Legal Exec out of Windermere) appear to be completely excluded from this directorate with no explanation or rationale for why.

Likewise, it is not clear how kaimahi in, for example, Learning Works (a subsidiary of Wintec) or OP Auckland International College sit within the proposed structure.

- **We request** further information about the rationale for separating learning designers across Ako Solutions and the Open Polytechnic and SIT2LRN teams in Ako Delivery
- **We request** more information about plans to integrate subsidiary organisations (e.g., Learning Works; OP Auckland International College) into the new structure

The proposed structure outlined on page 71 includes a Mātauranga Māori Medium and Equity Development Manager under which are 4 different roles: Mātauranga Māori Medium Advisor (x4); Māori Graphic Designer; Graphic Designer (x2); Editor (x4). Members have questioned why there are 2 Graphic Designers and 1 Māori Graphic Designer under the Mātauranga Māori Medium and Equity Development Manager.

- **We request** further information about the rationale for this ratio of designers

Office of the Chief Executive (OCE)

It is difficult to assess the OCE proposals without contextual information pertaining to current structures or examples from comparable national-scale organisations. Without this information, members have found it difficult to understand the rationale for what appears to be a very “top-heavy” management structure with excessive tiers and roles, possibly disconnected from the unique needs of an education institution. As one member stated:

The design of this structure appears to be based on a generic corporate structure design and not connected well and purposefully with specific needs relevant to tertiary education. Actually, the whole re-design and proposed structure does not appear to have improvement of learners’ experience at its core, but rather a cost-cutting exercise in generic corporate design.

For front-line kaimahi, numerous layers of management only result in a lack of empowerment and their voice from on-the-ground being lost, thereby going against both clause 4(a) of the Te Pūkenga Charter and the design criteria premised on creating “responsive, agile teams” and structures that “enable quick decision making [so] information flows rapidly through clear function/role accountabilities” (p.11).

- **We request** contextual and comparable information regarding the proposed OCE structure

APPENDIX ONE: TEU MEMBER ACCOUNT OF CONSULTATION PROCESS #1

WEEK ONE	
Monday 12th	This is the date we were told that we would receive the consultation document. Instead we received an email from our CEO saying they were in Wellington attending a Leader's Hui with other Business Division Leads to have the document explained to them by ELT. He then confirmed we would receive the document on Thursday.
Tuesday 13th	Returning from a meeting into the office, my team asked about 'the email'. I hadn't received one. Everyone in my team, except one other events staff member and staff member on a fixed term contract, received an email. This was informing them about a meeting on Wednesday 14th they would attend. Our manager had been told as the emails were sent out. She was told that day that her role was disestablished and she wasn't mapped into the new structure.
Wednesday 14th	<p>I still had not been told anything. Two other team members had their letters revoked. I attended the team meeting as a support person. At this meeting, the team were told their roles were proposed disestablished and were handed letters with their 'comparable roles'. Within this meeting they were told that my job was being 'lifted and shifted' elsewhere, as well as the other events staff and the two who had their letters revoked. The team was told that the majority of their questions would be answered with the document coming out on Thursday.</p> <p>After attending this meeting I returned to my desk where I was told People and Culture were looking for me. I went to their department and was taken into a room and told my role was 'lifted and shifted' and that it was business as usual for me. My team had been told about my job before me.</p> <p>The team who were mapped into comparable roles for Marketing were sent a link to a Teams call for Wednesday afternoon. A large amount of information was shared on this call and wasn't recorded or shared widely with staff members. The team only knew it was happening as one person was personally invited and the invite was then passed forward to the team. Whilst in this meeting I was sent another meeting invite to an Ako Delivery hui, which had been sent forward by another member of staff in a different team. Despite my role being mapped into Ako Delivery I had not been sent any information. Again, this is where plenty of information was shared with no recording or sharing. Comments, videos and mics were disabled so people couldn't ask questions. We were told they wanted "everyone to find out together tomorrow." Additionally, these two meetings clashed, meaning one was on my laptop and another on my phone so I could try and gather information from both as I am currently in one team but mapped to another.</p>
Thursday 15th	Office of the Chief Executive hosted a Teams meeting on Thursday morning, which again was only sent to a selected number of staff members. This is where they, again, explained the new proposed structure and did not record or share further. Following this was the first ELT Consultation Overview Hui – which was broadcast as a video over Teams rather than a regular call, meaning there was no ability to ask questions. We were told the consultation document would be 102 pages and would be released at 3pm. The only accessible way for us to access the document would be through What Say You – an independent platform. Te Pūkenga originally used 'Your Voice', however it allowed comments to be public and conversation threads to be created so was swapped for a more 'private' platform. There were approx. 10,000 staff members wanting access to this document so, inevitably, the website crashed at 3pm. Staff members could not access the website or document until the evening. Peter Winder

	<p>sent an email at 5pm stating that they were working with 'the vendor' on the problem and in recognition of the delay the consultation would be extended by a day. The issue was resolved at 6:30pm. There was no pdf file. This was added to the platform at 11:30am on the Friday.</p> <p>At 10am, as the ELT Consultation Overview Hui began, I was sent a letter from P&C outlining that I had a "Proposed Minor Change" and would be moved into Ako Delivery, Site Operations, Region 4. It stated "there are no changes proposed to your current position description at this time.... Any further proposed changes to your role will be discussed with you at the relevant time."</p>
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WEEK TWO	
Monday 19th	<p>The first of Gus Gilmore's "Deep Dive" hui – the chat was enabled, however questions were not being answered. People became frustrated and continued to flood the chat with questions. Meeting invites were put through Te Whare and presentation was not recorded. Information was shared that they later denied such as – they used pay bands and job titles to decide who would be redeployed and where your comparable roles exist, local PCW departments decided on disestablishments that were too complex for Te Pūkenga to decide etc. This was the explanation for the inequity across disestablishments across the country. For example, I was 'lifted and shifted' while other events staff elsewhere were disestablished. By being mapped into a comparable role they would then be able to apply for the new roles in the structure while I wouldn't as I am moved to another department (which isn't correct in alignment to my job). People with the same role on different sites were not given the same information. Gus continued to provide information that was not in the document and staff in the chat were asking if they would need to come to every hui to get all of the information. For example – adding in team leaders. This was the first mention of the roles.</p> <p>An email was sent with information of a pdf being added to the Appendices on What Say You.</p>
Tuesday 20th	<p>The second 'Deep Dive' hui – after logging it we realise that it had now been changed to a Q&A. Again, not recorded. The chat was disabled as Gus claimed the sound of the notifications in his headphones was distracting. Instead they enabled the Q&A function. This means staff submit questions, which are then vetted by the Team administrator, and published if approved.</p>
Thursday 22nd	<p>OCE Hui was the only department that had a single opportunity for staff to attend, with this one meeting. At the end there were plenty of comments for more – a further two hui were added after this on Te Whare. Gus's third 'Deep Dive' was again a Q&A. Again, not recorded or shared with staff that couldn't attend. Information shared that wasn't in the document and questions being answered through the Q&A function. Mics, camera and chat disabled. Events has now been added into the slide information, in the middle of a list as if it has always been there. It hasn't.</p>
Friday 23rd	<p>LEEA Hui in the morning. Again, not recorded or shared with staff that couldn't attend. Information shared that wasn't in the document and questions being answered through the Q&A function. Mics, camera and chat disabled. However, questions in Q&A don't need to be approved like in Gus's hui. Te Tiriti Outcomes hui in the morning also. The meeting wasn't recorded, but the chat was on, allowing staff to speak directly with the DCE and see each other's comments and concerns.</p>

WEEK THREE

Wednesday 28th	In a meeting a staff member asked us all to refer to page 89 in the document that included something they were confused on. When looking for said page that information was not present. All staff members had access the pdf from What Say You and it wasn't clear that any changes had been made to the document. How many other changes are being made and we don't know? How can we give feedback when we are all working from different versions of the document?
Thursday 29th	<p>ELT visit to Dunedin. Originally announced at the LEEA hui last week to those in attendance, all staff received an email at the beginning of the week informing them of the visit. This would include presentations from 11am and Q&A sessions with DCE's. These were designed to be face to face and 'drop in' style, and would not be recorded or shared. The ELT staff had a mihi whakatau in the Atrium, which was followed by kai. Staff waited in the rooms for the presentation from 11am as we were originally told it would start then. It was then pushed back to 11:30am. At 11:45am a staff member came in informing us that the welcome hadn't finished yet and the food was still covered so they would probably be late. At 12pm another staff member came in to tell us that ELT have a lunch meeting together at noon so they won't be coming. Not only were there staff waiting in the room, but there was an online link for the morning presentation and staff were waiting online for it to be broadcast. The EA to the CEO then came in and told us that they would send out a new meeting invitation and that the presentation had been cancelled but the Q&A would continue as scheduled for 12:30pm.</p> <p>Later that afternoon, Andrew McSweeney met with the Marketing and Comms team to answer any questions. He apologised for how we found out about the proposed disestablishments as he believed we had already been told and knew the whole team was being cut.</p> <p>We received an email at 4pm stating Peter Winder had "joined the Prime Minister's trade delegation to China, visiting Beijing and Shanghai" so he wouldn't be available for any ELT visits. This email also stated "In the first week, we already had 3801 people register [to What Say You]. 1400 pieces of feedback and 497 emails."</p>
Friday 30th	FAQ's were added to What Say You and we were told they would be regularly updated.

WEEK FOUR	
Tuesday 4th	<p>Graham Bethune, Head of Marketing, attends OP to speak to the Marketing and Comms team and answer questions. These were specifically relevant to our team, and it was a private meeting. Despite being about the wider LEEA structure, International were not invited. They are also part of our team. This meeting was scheduled at the same time as the first hui on the Selection Process, run by Te Pūkenga.</p> <p>FAQ on What Say You were updated again. As of 11 July, they have not been updated again.</p>
Thursday 6th	Second Selection Process hui – managed by Keri-Anne. The chat was disabled and all questions had to go through the Q&A function. None of the questions were published and were asked by the administrator as they could see all of the unpublished questions. Mics were enabled so people could ask questions there too – this was the first hui to do so. In this hui they mentioned that some mapping had been wrong and if it was you would receive a letter of proposed disestablishment as they made changes, and that some staff had already been re-issued with letters. They also clarified that the 'ring-fencing' for jobs has been made broader, so if you were mapped into one team in LEEA you can also apply for wider LEEA jobs. I am currently in the

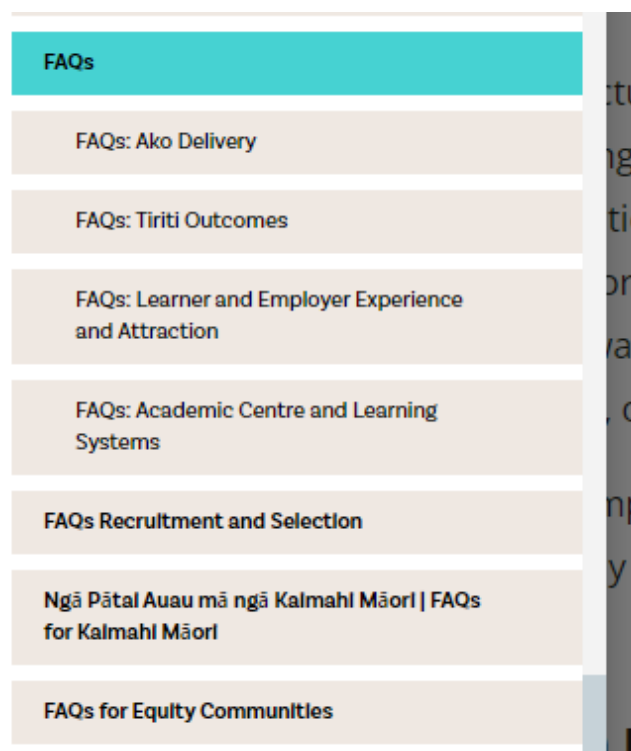
	<p>Marketing team, but have been mapped into Ako Delivery, therefore I can't apply for any LEEA jobs as they are 'ring-fenced'. However, other events staff across the country that have been disestablished can, as they have been mapped into LEEA. This is also where we learned that recruitment will be staggered so they can employ the leaders first.</p> <p>Email from Peter Winder 4pm: "Nothing beats ki te kanoahi (face-to-face) kōrero and that was part of my reason for accepting the Prime Minister's invitation at a time when Te Pūkenga is going through its own very important transitions.... The trip also provided me with the opportunity to personally explain what we are doing with Tāraia te anamata Creating our futures consultation to the top 25 business leaders in Aotearoa New Zealand who were part of the delegation, including the likes of Air New Zealand, Alliance, Silver Fern Farms, and Fonterra... On a personal level one of the highlights for me was a banquet in the Great Hall of the People with the Prime Minister and Chinese Premier Li Qiang." A great example of how out of touch ELT is with their staff.</p>
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APPENDIX TWO: TEU MEMBER ACCOUNT OF CONSULTATION PROCESS #2

I feel that the way Communications staff have been treated during this consultation process has been very different to other groups. I don't feel that we have had the same opportunities as other groups and that senior leadership has been very absent from discussions.

For example:

- Initially, DCE OCE only had one Deep Dive scheduled when other DCEs had 3-4 during the Deep Dive session week (19-23 June). It wasn't until a later date that she added two more Deep Dives (one on Monday 26 June and the other on Wednesday 12 July). I feel that she only did this after pressure was put on her to do so
- DCE OCE did not attend the Otago Polytechnic ELT visit when all other DCEs did on Thursday 29 June. In fact, DCE OCE was not scheduled to attend any Rohe 4 or Rohe 1 ELT visits
- I have submitted around 30-40 questions through the ODC feedback channel. For any questions re: selection and recruitment process, they have pointed me in the direction of Keri-Anne's hui (fair enough). For any LEEA questions, Andrew McSweeney and Graham Bethune fronted up in person to answer questions I had. I'm still waiting on any answers to questions relating to the communications directorate
- I have noticed today that they have started to break down the questions in What Say You into appropriate groups (e.g., Ako Delivery; LEEA; etc.). There is not a group for OCE and this is where communications sits (see screenshot below).



I do not believe staff in Communications (or in OCE for that matter) are being treated in a fair and equitable way.

APPENDIX THREE: RECOMMENDATIONS FROM PACIFIC MEMBERS AT WINTEC | TE PŪKENGĀ

We continue to experience bias, racism, bullying, and a lack of respect for our culture in the workplace. And Pacific people relate best with Pacific people.

To reassure the Pacific ākonga, kaimahi, and community that Te Pūkenga care about the Pacific people, and gain our trust, we proposed the following:

1. We encourage nationwide Pacific representatives hired in leading roles in the new Te Pūkenga proposed structure
2. To support Pacific ākonga and kaimahi, we encourage and propose Pacific representatives are hired in the following areas:
 - i. Ako Delivery > Executive Director > Pacific Outcomes Director (nationwide Pacific representatives to support Pacific Outcomes Director) pg. 4⁵
 - ii. Ako Delivery > Online and Distance Learning Delivery (nationwide Pacific representative here) pg. 4
 - iii. Ako Delivery > National Operations > Functions: Kaiako Capability Research (Pacific representative here and, or above) pg. 5
 - iv. Ako Delivery > Executive Director (Region ...) > Regional Ako Network Director > Regional Heads (Pacific representatives here and, or above) pg. 6-39
 - v. Ako Delivery > Executive Director (Region ...) > Regional Operations Director > Managers (Pacific representative here and, or above) pg. 6-39
 - vi. Deputy Chief Learner and Employer Experience and Attraction > Director roles (Pacific representatives here) pg. 44-45
 - vii. Marketing > Marketing Leadership Team (Pacific representatives here and throughout structure e.g., Graphic Designer, etc.) pg. 45-51
 - viii. International Business Director > Business Development Managers – Pacific Region inclusive (Pacific representatives here, above and across International Business) pg. 51-55
 - ix. Equity > Leads and Advisors (Pacific representatives here and above) pg. 57
 - x. Customer Experience (Learner and Employer) and Employer and Industry Business Development Director > Head, Managers, and Leads, etc. (Pacific representatives here, above and across Customer Experience (Learner and Employer) and Employer and Industry Business Development) pg. 58-61
 - xi. Ako Network: Foundations and Pathways (including Trade Academies) > Leads, Coordinator, Advisors, and Administrator (Pacific representatives here, above and across the network) pg. 63
 - xii. Ako Network (Pacific representatives here, above and across the network) pg. 63-69
 - xiii. Ako Solutions (Pacific representation here, above and across the network) pg. 70-74
 - xiv. Ako Solutions > Learning and Development Leads > Roles TBC pending next phase of organisational design (Pacific representatives here, above and across the network) pg. 70-74

⁵ Page numbers in Appendix Three refer to *Proposed Organisation Charts – For Consultation June 2023*

- xv. Ako Excellence (Pacific representatives here, above and across the network) pg. 74-76
 - xvi. Directorate: Communications > Head, Managers, and Leads, etc. (Pacific representatives here, above and across Communication) pg. 79
 - xvii. Polytechnic level > People and Culture (Pacific representatives here). Experience has proven People and Culture and the system, have failed to support the Pacific ākonga and kaimahi.
3. The 4 jobs proposed to meet this unmet inequity are insulting to our Pacific communities. The structure proposed lacks consultation with Pacific communities.
 4. We proposed that each region has its own Pacific Lead with its own team (see above)
 5. To get on board, we need professional training for kaimahi who are not aligned with Mātauranga Māori and Mātauranga Pacific
 6. The values of Māori and Pacific culture and knowledge are not reflected in the current organisation approach to disseminating devastating news for some of our colleagues
 7. Hire more Pacific experts
 8. Invest in Pacific community initiatives
 9. Invest in Pacific academics – create career pathway opportunities for potential Pacific ākonga, allied, and academic kaimahi
 10. Invest in Pacific research and projects – for example:
 - i. Environmental and sound construction of homes in the Pacific and New Zealand – e.g, environmental practices and materials of homes to resist the impact of nature
 - ii. Self-sustaining practices and projects:
 - i. Renewable energy: wave and solar power (expensive in the Pacific)
 - ii. Production of fresh water
 - iii. Food production
 - iv. Safe, environmentally-friendly disposal of waste

APPENDIX FOUR: INDUSTRIAL ISSUES AND CORRESPONDENCE

From: [Keri-Anne Tane](#)
To: [Irena Brorens](#)
Cc: [Daniel Benson-Guiu](#)
Subject: RE: Clarification questions
Date: Monday, 26 June 2023 10:49:00 am
Attachments: [image001.png](#)

Kia ora Irena

Please note that we have set up a weekly connect – Peter and I have coordinated this through Sandra, so perhaps she can forward the invite on.

Disestablished – these roles were determined based on the new structure presenting the roles that meet our new organisation change. So although not a term within the TEU Collective, I could refer to them as roles that are ‘surplus to our requirement’ in the proposed new structure. Comparable – we’ve endeavoured to demonstrate a line of redeployment that helps kaimahi recognise that there are directly new roles that their skills and experience align too. We have come to realise that we have likely identified this narrowly – and are currently looking at the feedback received to assess whether we can soon share an intent to alter this. This is absolutely not intended to disadvantage kaimahi, but to recognise the prioritisation of capability for certain roles/ groups of roles.

Open roles – as you’ll know redeployment provisions might suggest we could do more of the comparable as above with all our roles – but particularly in Ako, this becomes highly complex and we knew we would risk increased disadvantaged. So we have to rely on an open recruitment process to appoint into these roles. The big gap we recognise is that we haven’t stipulated what is comparable / what is open. Our kaimahi are clearly wanting to see those new opportunities. We are working on this now.

Fixed term and impacted/inscope kaimahi – The proposal sets out currently that only kaimahi impacted by this proposal can apply for open roles. Our proposal does currently allow for fixed-term kaimahi to be included.

We are working on a piece to help with clarification so hope to have that available in the next day or so.

Thanks
KA

From: Irena Brorens <Irena.Brorens@teu.ac.nz>
Sent: Tuesday, June 20, 2023 3:21 PM
To: Keri-Anne Tane <Keri-Anne.Tane@tepukena.ac.nz>
Cc: Daniel Benson-Guiu <daniel.benson-guiu@teu.ac.nz>
Subject: Clarification questions

Kia ora Keri Anne

TEU is seeking clarification on two matters as noted below:

1. **Disestablished/comparable roles**

Following my question on Friday about the process used by Te Pūkenga to identify which roles were proposed to be disestablished (a term TEU has previously advised is not used in the collective agreement) and disestablished/comparable roles.

As you know, there is a legal and contractual obligation to provide data/information on what selection/process was undertaken to select these positions identified as either disestablished/comparable roles in the change proposal. In the newly ratified collective agreement, Part A Section 11 sets out the process that must be followed during a change proposal. TEU does have some concerns about how the selection process and criteria within the change proposal may not comply with the collective agreement , and I will send a separate email about that later this week.

In the change proposal document, Appendices /Glossary (pg 100) the following wording is used.

Disestablished position - If a position is proposed to be disestablished, this means we are proposing the position will not exist in the new structure. A position may be proposed to be disestablished because we no longer need it or because the work of the position has changed so significantly the position is no longer the same.

Also noted in Affected Kaimahi – Kaimahi are considered affected when a decision is made that their position is to be disestablished.

And again in the Hei aha tēnei mōku | What does this mean for me? Section – (pgs 90-91) refers to disestablished positions or disestablished roles

This information does not inform the impacted members or the TEU as the authorised representative how these positions were selected for this process and there is a lot of confusion around some people working in similar roles not being impacted. In addition, we have members already comparing their current positions with the proposed new roles by viewing the job descriptions. There appears to be very little difference, and this will bring into question the selection process.

TEU requests on behalf of our members, whose positions have been identified, that we are provided with the data that determine this selection, so we can provide advice on whether the process used was fair and transparent.

2. New Roles

Can you please provide a list of the new roles that are in the “closed “ selection/redeployment process and the roles that are in the “open” recruitment process?

This is not clear in the consultation document, and members are telling us that all fixed-term staff and other staff who are not impacted can express an interest in all new roles?

I think we need to set up a weekly catch-up again, it would be good to include other members of your team who are working on the change management process with you.

I look forward to hearing back from you soon and the updated list of TEU members impacted.

Ngā mihi

Irena

Irena Brorens

Te Pou Ahurei Takirua – Ahumahi
Assistant National Secretary Industrial

+64 021 770 843

Visit:



<http://www.teu.ac.nz>

Important Notice: This is an e-mail from Te Pūkenga. Any opinions stated reflect those of the individual and not necessarily the view of Te Pūkenga. We do not accept responsibility for any changes to this email or its attachments made by others after we have transmitted it.

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**TEU****TERTIARY EDUCATION UNION**
TE HAUTŪ KAHURANGIwww.teu.ac.nz

+64 4 801 5098

PO Box 11767

Wellington, NZ

10 July 2023

Peter Winder
Chief Executive Officer
Te Pūkenga

Provision of information

Tēnā koe Peter

The consultation document refers several times to the proposed disestablishment of roles. It does not, however, provide any reference to the criteria used to justify proposed disestablishment.

There is also a lack of information about the process of determining “comparable roles.”

Section 4 of the Employment Relations Act 2000 requires employers proposing to make a decision that will or is likely to have an adverse impact on the continuation of the employment of one or more employees to provide access to all information relevant to the decision and an opportunity to comment on the information before a decision is made.

The same obligation is imposed by Part A, Section 11, of the collective agreement.

S103 of the Employment Relations Act requires objective determination on whether the employer’s actions and how it acted were what a fair and reasonable employer could have done in all the circumstances.

TEU, by email from Irena Brorens to Keri-Anne Tane (20 June 2023) which is attached for background requested the information referred to above. Ms Tane replied:

... these roles were determined based on the new structure presenting the roles that meet our new organisation change. So, although not a term within the TEU Collective,

Tertiary Education Union | 178 Willis St, Te Aro, Wellington 6011

I could refer to them as roles that are 'surplus to our requirement' in the proposed new structure.

We do not accept this reply. Te Pūkenga has a contractual and statutory obligation to provide the requested information. A fair and reasonable employer could (and would) do so.

In the interests of statutory and contractual compliance as well as transparency and fairness, we now require Te Pūkenga to rectify the situation by doing the following by no later than close of business on Monday 17 July:

1. Provide TEU with full information on the criteria used to determine which roles are proposed for disestablishment.
2. Provide TEU with full information of the process used to determine which roles are deemed "comparable".

If Te Pūkenga does not comply with our request, we will consider seeking legal appropriate remedies.

Nga mihi

A handwritten signature in dark ink, appearing to read 'Irena Brorens', with a stylized flourish at the end.

Irena Brorens
Assistant National Secretary – Industrial



Te Pūkenga

Level 2, Wintec House
Cnr Anglesea and Nisbet St.
Hamilton 3204

info@tepūkenga.ac.nz
tepūkenga.ac.nz

19 July 2023

Irena Brorens
Assistant National Secretary - Industrial
Tertiary Education Union
By email: irena.brorens@teu.ac.nz

Tēnā koe Irena

I am in receipt of your letter dated 10 July 2023 that requests Te Pūkenga

1. Provide TEU with full information on the criteria used to determine which roles are proposed for disestablishment.
2. Provide TEU with full information of the process used to determine which roles are deemed “comparable”.

Criteria used to determine which roles are proposed for dis-establishment

Our Tāraia te anamata | Creating our futures change proposal sets out a substantial organisational change dis-establishing the structures of the 24 divisions and establishing a ‘one’ Te Pūkenga structure. To achieve this, we have set out the proposed new structure and, how we aim to appoint kaimahi into this structure by either transfer with minor impact (such as reporting line change) or redeployment, following recruitment and selection processes.

The roles listed below are those we have identified for transfer with minor impact. These are considered central to our delivery and support services for ākonga and employers at local level, thereby, ensuring minimal disruption to our ākonga and customers as well as ensuring continuity of delivery:

- Front facing delivery and training positions (such as Academic staff, Training advisors)
- Academic administrators
- Site operations such as cleaners, security, childcare, catering kaimahi, site trades, administration such as reception, gym kaimahi
- Open Polytechnic and SIT2LEARN (excluding the enabling functions of PCW, Digital and Finance)
- Student Services such as student advisors, student support, pastoral care
- Timetabling
- International and Domestic enrolments
- Academic Registry
- Halls of Residence kaimahi
- Assessors
- Kaiako capability

- Library kaimahi.

All other roles throughout the 24 divisions are proposed to be dis-established; noting many of the kaimahi impacted by this, are well suited to be appointed into the new roles of the proposed structure, reflecting our regional or national operations.

In addition, I note of relevance an email exchange between Gus Gilmore and Jared Commerer dated 7 July 2023. Within this email Jared refers to a specific point of confusion regarding roles proposed dis-established while supposedly equivalent roles in other divisions, have not. We acknowledge that there has been some variance applied with roles that effectively have 'team leadership' responsibilities. We intended within our proposal to include first level line managers in the transfer of essential delivery roles. During consultation we have had feedback that we have been inconsistent in how we have determined some of these roles. Please note, this was not intentional, but a result of our data not being as definitive as we would have liked and the fact many kaimahi roles have evolved from their job titles. We are in the process of correcting this identification, which will result in some roles currently proposed to be dis-established being reclassified as proposed for transfer into the new structure. We aim to clarify this in the decision document, if not before in communications.

Process used to determine which roles are deemed comparable

We acknowledge that the process of dis-establishment and then participating in a recruitment and selection process to enable redeployment, is unsettling for our kaimahi. To give greater understanding of our commitment to redeployment and how this process will be applied, we sought to align our kaimahi in-scope of this change proposal to the relevant five distinct groups being established in the proposed new structure.

Where this alignment is clear, we have proposed this as the comparable group, such as current Marketing & Communications roles are comparable to the new roles within Marketing (Learner and Employer Experience and Attraction) and Communications (Office of the Chief Executive).

The following table sets out the alignment of comparable redeployment we have proposed. We have done this to establish expectations of who has reasonable redeployment to what roles, however, it is not our intent to disadvantage kaimahi in the new opportunities that will be available. If kaimahi consider they have a current role comparable to a new role, then they will be welcome to apply for that role.

Group	If your current role or team is in	The comparable opportunities open to you are...
Academic Centre and Learning Systems (ACLS)	The following functions: <ul style="list-style-type: none"> • Ako Excellence • Ako Solutions • Portfolio and Performance 	The following proposed ACLS functions: <ul style="list-style-type: none"> • Ako Excellence • Portfolio and performance • Ako Solutions <p>Note: This excludes roles in the Ako Network Directorates and in the Ako Solutions Mātauranga Māori Medium and Equity Development function.</p>
Learner and Employer Experience and Attraction (LEEA)	Marketing	<ul style="list-style-type: none"> • All marketing roles in LEEA (domestic and international) • Communications roles (in OCE)
	International	International
	All other roles mapped to LEEA	All other LEEA roles Note: the Equity roles are proposed to be open to all kaimahi impacted by the proposal.
Office of the Chief Executive (OCE)	Communications	<ul style="list-style-type: none"> • Communications (in OCE) • Māori Engagement (in OCE) • Marketing (in LEEA) • OCE Operations Advisor
	All other roles mapped to OCE	All OCE roles
Executive Assistant (EA) roles	EA roles	All EA roles Other administration/coordination roles
Analyst roles across all groups	Business analyst, insights or similar roles	All analyst or insights roles across all groups

I hope that the outline provided here assists with the clarification sought. If there are further questions or discussion points on this matter, I welcome responding to these in our regular meeting to enable an open dialogue and timeliness in response.

Ngā mihi



Peter Winder
Tumuaki | Chief Executive

**TEU****TERTIARY EDUCATION UNION**
TE HAUTŪ KAHURANGI

www.teu.ac.nz
+64 4 801 5098
PO Box 11767
Wellington, NZ

27 July 2023

Peter Winder
Chief Executive
Te Pūkenga

Via email

Tēnā koe Peter

This letter responds to your letter dated 19 July 2023 and explains the collective agreement and the TEU's expectations as to compliance.

We comment that although you have used the word "disestablished", there is no such word or concept in the collective agreement. In the absence of an agreed scheme "disestablishment" is not automatically permissible – see *McCulloch v New Zealand Fire Service Commission* [1998] ERNZ 378 at 386.

The employer obligation is to notify the National Secretary of the TEU of any review "as early as practicable". This occurred. The employer must also ensure that any potentially affected employees are clearly identified.¹

The employer also has an obligation to minimise the serious consequences of loss of employment through the provisions of section 11 of the collective agreement.

Where possible the employer must use its national reach and scope to provide employment and "make every attempt" to minimise the consequences of loss of employment through surplus staffing situations. The aim of the provisions is to enable placement of as many surplus employees as possible in alternative positions and to minimise the use of compulsory redundancy.

Under the terms of the collective agreement there is (as yet) no surplus staffing situation. The agreement states this "may arise" following consultation with employees where the employer

¹ Clause 11.1

establishes a requirement to either reduce the number of positions or substantially change the nature of the work undertaken by employees.²

The employees must be informed of the review³; and the employer is required to provide the union with an opportunity to be involved in it.⁴ The minimum consultation period is 28 days, unless otherwise agreed. The employer must take all practical steps to provide information requested by the union.

If the issue of selection arises, the employer is obliged to consult with both the union and the employees about those. Employees are also required to be given a copy of the selection process outcome and to correct any information prior to the selection being confirmed. Once specific position are identified as surplus, notice of final date of employment is given and work begins on a number of options so that compulsory redundancy is minimised (attrition, redeployment, voluntary redundancy, retraining, redundancy and seeking new employment).

In addition to the above the Employment Relations Act 2000 also requires that before making a decision that will or may have an adverse effect on the continuation of employment, the employee must be given access to information and an opportunity to comment before the decision is made.

Our concern is that you appear to have made numerous decisions (for example which positions are within scope and which are not) without complying with the above obligations.

The information you are required to provide to us is not only which positions are within scope or otherwise but also *why* that is said to be the case.

If a position is to be changed, the proposed reasons must be made available for comment.

You have acknowledged that there has been “inconsistency” in the manner in which some positions with team leadership responsibilities have been selected for “disestablishment”. Inconsistency, even if unintentional, will lead to challenges based on lack of transparency, targeting and unfair treatment.

You also say that “We are in the process of correcting this identification, which will result in some roles currently proposed to be dis-established being reclassified as proposed for transfer into the new structure.” The aim, you say, is to clarify this in the decision document, if not before in your communications. This statement underlines the proposition that proper consultation on the criteria used to disestablish roles has not taken place.

² Clause 11.4.

³ Clause 11.5.1

⁴ Clause 11.5.2.

The same considerations apply in relation to our request for full information on the process used to determine which roles are deemed “comparable”.

You say you sought to align the employees within scope of the change proposal to the relevant five distinct groups being established in the proposed new structure. This approach lacks the precision we require and has made it very difficult to give meaningful feedback on this part of the proposal.

The absence of specificity also makes it difficult for employees to exercise the rights under both the collective agreement and s4(1A)(c) and may result in challenge.

Please take appropriate steps before any further advancement towards any determination of these issues.

Ngā mihi

A handwritten signature in dark ink, appearing to read 'Irena Brorens', with a stylized, flowing script.

Irena Brorens
Assistant National Secretary- Industrial