

Education New Zealand
Manapou ki te Ao
Level 5, Lambton House
160 Lambton Quay
PO Box 12041
Wellington 6144
New Zealand

P: +64 4 472 0788
E: info@enz.govt.nz

www.enz.govt.nz
www.studyinnewzealand.govt.nz

7 March 2024

s9(2)(a)

Dear s9(2)

**Official Information Act 1982 request – correspondence regarding
fiscal sustainability, change management or employment relations**

I refer to your official information act request (OIA), received by Education New Zealand Manapou ki te Ao (ENZ) on 9 February 2024, seeking information as below:

Kia ora,

We are making a request under the Official Information Act. We would be grateful if you can provide us with copies of:

1. Any correspondence received by you between 1 December 2023 and today from your agency's responsible minister, the Minister of Finance, Treasury, or any other Minister or Agency regarding the fiscal sustainability programme, including any savings required by your agency.

2. Any letters of expectation or guidance from Te Kawa Mataaho received by you between 1 December 2023 and today regarding change management or employment relations.

I will answer each of your requests in turn below.

This information is being partially released to you, subject to the following withholding grounds of the OIA.

- Section 9(2)(f)(iv) – the confidentiality of advice tendered to Ministers and officials.

- 1. Any correspondence received by ENZ between 1 December 2023 and today from ENZ agency's responsible minister, the Minister of Finance, Treasury, or any other Minister or Agency regarding the fiscal sustainability programme, including any savings required by ENZ**

| Title | Comment |
|--|---|
| FW_ Budget sensitive - Letter from Secretary for Education | A letter attached to the email has been withheld under s9(2)(f)(iv). |
| Treasury template for costs Savings Programme – to be completed by ENZ | One sentence in the email has been withheld as it is outside the scope of this request. |

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| Title | Comment |
|--|---|
| | A letter and a template attached to the email have been withheld under s9(2)(f)(iv). |
| Baseline savings – comms guidance for agencies | Released in full. |
| RE: Treasury template for costs Savings Programme – to be completed by ENZ | One sentence in the email has been withheld as it is outside the scope of this request. |

2. **Any letters of expectation or guidance from Te Kawa Mataaho received by you between 1 December 2023 and today regarding change management or employment relations.**

| Title | Comment |
|--|---|
| Meeting minutes: Wider Public Service Heads of HR 7 December | Released relevant sections in full but the rest of the minutes are outside the scope of this request. |
| Meeting minutes: Wider Public Service Heads of HR 18 January | Released relevant sections in full but the rest of the minutes are outside the scope of this request. |
| Key principles of managing change – fiscal sustainability programme 2024 | Released in full. |

Information about how to make a complaint is available at <https://www.ombudsman.parliament.nz/> or freephone 0800 802 602.

Please note that it is our policy to proactively release our responses to official information requests, where possible. Please contact us if you have any questions about this.

Yours sincerely



Di Solomon
General Manager
Government Relations

From: [Sophie Wilson](#)
To: [Tracey Bridges](#)
Cc: [Linda Sissons](#)
Subject: FW: Budget sensitive - Letter from Secretary for Education
Date: Wednesday, 24 January 2024 8:12:48 pm
Attachments: [image001.png](#)
[Budget Sensitive Letter ENZ.pdf](#)

CAUTION: This email originated from outside of Education NZ. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Kia ora Tracey

Please find attached a letter from Iona (Resending as there was a typo in your email address)

Ngā mihi

Sophie Wilson

Director | Te Tari o te Tumu Whakarae mō te Mātauranga | Office of the Secretary for Education

DDI +6444637005 | Mobile +64275630613

From: Sophie Wilson

Sent: Wednesday, January 24, 2024 8:09 PM

To: tracey@porchester.co.nz

Cc: linda.sissons@enz.govt.nz

Subject: Budget sensitive - Letter from Secretary for Education

Kia ora Tracey

Please find attached a letter from Iona.

Ngā mihi

Sophie Wilson

Director | Te Tari o te Tumu Whakarae mō te Mātauranga | Office of the Secretary for Education

DDI +6444637005 | Mobile +64275630613

National Office Mātauranga House

education.govt.nz

He mea tārai e mātou te mātauranga, kia rangatira ai, kia mana taurite ai ōna huanga

We shape an education system that delivers equitable and excellent outcomes

[Te Tari o te Mātauranga](#)



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From: [Luisa Favero](#) on behalf of [John Brooker](#)
To: [Linda Sissons](#); [Matt Penney](#)
Cc: [Fiona O'Leary](#); [Kosal Kong](#); [Rion Crozier](#); [Andy Jackson](#); [Stuart Adamson](#)
Subject: Treasury template for costs Savings Programme - to be completed by ENZ
Date: Monday, 5 February 2024 2:33:16 pm
Attachments: [s9\(2\)\(f\)\(iv\)](#)
[2023_15 - Budget 2024 Savings Template agencies - simplified .docx](#)

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Kia ora kōrua,

My apologies that you are getting another request from me today. We have now received the guidance and template from Treasury for you to complete which also needs to be provided to us by the close of day **Thursday 8th of February**. **Out of scope**

Given the tight timeframe on this, I have reached out to the Budget team, and they have confirmed that while it is preferable to receive the template on Thursday that it is not doable you can:

- Fill out section one of the template and send this to us by the end of day Thursday 8th February and
- Provide the completed template by close of the day on Wednesday 14th of February.

We can work with you to populate the template [s9\(2\)\(f\)\(iv\)](#) if that is helpful, and Fiona and the team will be available to support you in any way you need.

Once again, I appreciate your support on this.

Ngā mihi nui,

John

John Brooker | General Manager Early Learning and System Policy
Te Pou Kaupapahere | Policy

DDI +6444630912 | Mobile +64275122600

Mon-Wed, and Thurs/Friday until 3pm

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From: Myrah Walters [TSY] <Myrah.Walters@treasury.govt.nz>

Sent: Monday, February 5, 2024 5:32 PM

Subject: Baseline savings - comms guidance for agencies

CAUTION: This email originated from outside of Education NZ. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[IN-CONFIDENCE]

Kia ora koutou,

We are aware that agencies continue to get questions on their baseline savings targets and are finding it challenging to navigate what can or cannot be released under the budget process. As requested, we have been working on some additional guidance for agencies to use in responses where queries cannot be transferred to the Treasury.

In the attached document, you will find key messages and FAQs. These are intended to support your agencies' internal stakeholder engagement and external responses to media queries, parliamentary questions and annual review hearings. We've written messaging with recent media coverage in mind and in a way that can be tailored to meet your own agencies and spokespeople.

Any questions that relate to the actual process or savings target in general should be transferred to The Treasury.

As always, please get in touch with our team if you have questions about a response or budget-sensitive information. We're happy to provide further guidance or support where needed, especially if you're unsure about who is best placed to respond. You can contact our media inbox here: media@treasury.govt.nz

Hope you all have a lovely Waitangi Day.

Ngā mihi,

Myrah



Myrah Walters | Senior Communications Advisor | Te Tai Ōhanga – The Treasury

Ph: +64 21 243 9145 | Email: myrah.walters@treasury.govt.nz

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The information in this email is confidential to the Treasury, intended only for the addressee(s), and may also be legally privileged. If you are not an intended addressee:

- a. please immediately delete this email and notify the Treasury by return email or telephone (64 4 472 2733);
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Baseline savings exercise

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External communications

For agencies

These key messages and FAQs have been written to support agencies with external media queries, parliamentary questions and annual review select committee hearings.

Key messages

- [Agency name] is committed to supporting the Government's priorities and the savings exercise.
- The Government is looking to find \$1.5 billion per annum in savings to deliver on policy commitments and address critical cost pressures.
- The target percentage for [Agency name] is X%.
- [Agency name] are currently working on our proposal to be considered by X Minister.
- Ministers and Cabinet will make decisions on final savings as part of Budget 2024.
- No final decisions have been made.
- [Agency name] respects the budget process and confidentiality needed for budget sensitive information.
- We will make further announcements in due course.

FAQs

How are you making up your target? What is in scope?

- We are currently working on our savings proposal to be considered by X Minister.
- Decisions on our final savings package will be made by Cabinet during Budget 2024.

How does this savings exercise impact your FTE/staff numbers?

- [Agency name] are currently working on our savings proposal to be considered by X Minister.
- This baseline reduction savings exercise is part of the Budget 2024 process and Ministers will need to consider and make decisions in due course.

[if pushed]

- Any further information, including the initiatives or options being considered, are budget-sensitive and not for release at this time.

Your agency/Crown entity wasn't on the table released by Treasury, are you in scope?

And if so, how much are you being asked to save?

- The agencies on the table are responsible for identifying options to meet the savings target, which may include entities they are responsible for.
- Savings from both departmental and non-departmental expenditure may be considered in order to identify options to meet monitoring agencies savings target.

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[if pushed]

- We are considering options to support our monitoring department savings target.

How does the agency savings target affect vote appropriations? (For example, does X agency need to find 6.5% from Vote A and 6.5% from Vote B?)

- All agencies have been asked to find savings options and this is based agency to agency, not Vote to Vote.
- Where an agency administers multiple votes, it is for ministers (with advice from their agency) to decide on where proposed savings options should be found.

Are Crown-owned entities/ Crown-owned companies in scope?

- Savings targets applied to an eligible spend base may include departmental and non-departmental funding.
- Agencies are responsible for identifying options to meet the savings target which may include entities for which it is responsible for.
- Decisions on our final savings package will be made by Cabinet during Budget 2024.

Are the Courts / RNZ / NZ on Air/ [Crown-funded organisation here] expected to find savings too?

- Savings targets applied to an eligible spend base may include departmental and non-departmental funding.
- Decisions on our final savings package will be made by Cabinet during Budget 2024.

Some agencies have been publicly reported as offering voluntary redundancies, have you been asked to consider this as part of your savings?

- Agencies have been encouraged to look at low value programmes, non-essential functions, and contractor and consultant spend in the first instance.
- The Government has not mandated any workforce changes.
- [Agency name] are currently working on our savings proposal to be considered by X Minister.
- This savings exercise is part of the Budget 2024 process and Ministers will need to consider and make decisions in due course.

Do the required public sector savings risk undermining constitutional functions?

- Savings targets have been communicated to all public sector agencies, except for the Offices of Parliament who hold the executive to account and have separate funding arrangements outside of the Budget process.
- [Agency name] are currently working on our savings proposal to be considered by X Minister.
- Ministers and Cabinet will make decisions on final savings as part of Budget 2024.

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Who does this savings exercise apply to? All agencies/departments or those highlighted in National's pre-election tax proposal?

- We will refer you to Treasury on this question as I understand they have a table of agencies and some contextual information.
- You can get in contact with the Treasury media team at media@treasury.govt.nz

Will the savings targets lead to redundancies in the public sector / your agency?

- [Agency name] are currently working on our savings proposal to be considered by X Minister.
- The Government has not mandated any workforce changes.
- Ministers and Cabinet will make decisions on final savings as part of Budget 2024.

Guidance on other questions

Your agency may receive a query on a more specific or technical part of the Budget 24 savings programme.

For any further guidance and advice on other topics, or to discuss whether Treasury could be best placed to respond, please get in touch our media team:

media@treasury.govt.nz

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Internal communications

For all agencies

The following key messages and FAQs have been created for engaging with internal stakeholders (e.g. leadership teams, staff) at public sector agencies.

Key messages

- The Government is looking to find \$1.5 billion per annum in savings across the public service, to deliver on policy commitments and address critical cost pressures.
- Agency savings targets have now been released publicly by the Treasury.
- Our agency percentage target is X%.
- We are committed to supporting the Government's priorities and the savings exercise.
- We are working to identify credible savings options, and ministers will consider these alongside our rationale, risks and trade-offs required to reach our target.
- We want to reassure staff that looking after your well-being during this process is our top priority.
- Once we have finalised our savings proposal, we will put forward advice to the Minister.
- Any details about our savings proposals remain budget sensitive.
- Ministers and Cabinet will make decisions on final savings as part of Budget 2024.
- We'll share more information, including consultation details, with staff soon/ X date.

What will be included in the savings exercise

- Agencies have been encouraged to look at low value programmes, non-essential functions, and contractor and consultant spend in the first instance.
- Savings may include non-departmental and departmental spend. The targets set for agencies include the 1-2% reductions set by the previous government.

Protecting budget sensitive information

- Protecting budget sensitive information is important for the integrity of [Agency name] and our role as public servants.
- Any details about what savings options [Agency name] and our Minister are considering remains budget sensitive.
- Within [Agency name], budget sensitive information should be shared with people on a need-to-know basis.
- If you have any concerns or questions about what you can share, please get in touch with [Agency internal contact].

Change management processes

- We want to reassure staff that looking after your wellbeing is our top priority.
- All agencies will be making their own prioritisation decisions through the Budget 2024 process.
- Engaging on any change process is the responsibility of agencies and their Chief Executives.
- The Public Service Commission has guidance for please get in touch with them directly for further guidance.

Supporting staff and engaging with unions

- [Agency name] leaders have committed to engaging with our people and [union name] on savings options.
- We recognise that you may have concerns about this process and encourage you to engage with your union delegates throughout the budget process.
- Please don't hesitate to reach out to [people leader/ manager/ HR team/ EAP] for questions or support.

Facilitating inclusive consultation

- We value our people's input to inform decision making and business planning.
- We want to know where you see opportunities for us to do things differently and more efficiently. Your ideas help us to think about options and implications from all angles.
- Our [agency] values should help to guide our decision making.

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From: [Fiona O'Leary](#)
To: [John Brooker](#); [Linda Sissons](#); [Matt Penney](#)
Cc: [Kosal Kong](#); [Rion Crozier](#); [Andy Jackson](#); [Stuart Adamson](#)
Subject: RE: Treasury template for costs Savings Programme - to be completed by ENZ
Date: Thursday, 8 February 2024 8:43:46 am

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Kia ora Matt,

I just wanted to check in on behalf of John to see how you are placed to get the Treasury cost savings template to us by the end of day today. I am here to help you if you need me or to navigate any queries you may have.

Thanks so much.

Ngā mihi nui,

Fiona

Fiona O'Leary | Director, Monitoring and Appointments
Te Pou Kaupapahere | Policy

DDI +6444630910

From: Luisa Favero <Luisa.Favero@education.govt.nz> **On Behalf of** John Brooker
Sent: Monday, 5 February 2024 2:33 pm
To: linda.sissons@enz.govt.nz; [Matt Penney <matt.penney@enz.govt.nz>](mailto:matt.penney@enz.govt.nz)
Cc: [Fiona O'Leary <Fiona.OLeary@education.govt.nz>](mailto:Fiona.OLeary@education.govt.nz); [Kosal Kong <Kosal.Kong@education.govt.nz>](mailto:Kosal.Kong@education.govt.nz); [Rion Crozier <Rion.Crozier@education.govt.nz>](mailto:Rion.Crozier@education.govt.nz); [Andy Jackson <Andy.Jackson@education.govt.nz>](mailto:Andy.Jackson@education.govt.nz); [Stuart Adamson <Stuart.Adamson@education.govt.nz>](mailto:Stuart.Adamson@education.govt.nz)
Subject: Treasury template for costs Savings Programme - to be completed by ENZ

Kia ora kōrua,

My apologies that you are getting another request from me today. We have now received the guidance and template from Treasury for you to complete which also needs to be provided to us by the close of day **Thursday 8th of February**. **Out of scope**

Given the tight timeframe on this, I have reached out to the Budget team, and they have confirmed that while it is preferable to receive the template on Thursday that if it is not doable you can:

- Fill out section one of the template and send this to us by the end of day Thursday 8th February and
- Provide the completed template by close of the day on Wednesday 14th of February.

We can work with you to populate the template **s9(2)(f)(iv)** if that is helpful, and Fiona and the team will be available to support you in any way you need.

Once again, I appreciate your support on this.

Ngā mihi nui,

John

John Brooker | General Manager Early Learning and System Policy
Te Pou Kaupapahere | Policy

DDI +6444630912 | Mobile +64275122600

Mon-Wed, and Thurs/Friday until 3pm

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Wider Public Service Heads of HR

Thursday 7 December 2023

Actions and Key Points

- [Redacted]

Out of scope

- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

Released under the Official Information Act 1982

3. Employment Relations update

In the last couple of months we've spoken about fiscal sustainability, particularly engaging with your people and their representatives on ways for meeting the expected fiscal challenges. As we see changes being implemented across the sector, it's timely to highlight the issue of re-employing someone that had recently received a redundancy payment.

A high-level overview of restrictions on redundancy payments - [Section 88 of the Public Service Act](#) notes the restrictions:

1. *A public service employee who has received a notice of termination by reason of redundancy is not entitled to a redundancy payment if, before the employee's employment has ended, the employee—*
 - a) *is offered and accepts another position as an employee in the State services (either in the employee's current department or interdepartmental venture or elsewhere in the State services) that—*
 - i) *begins before, on, or immediately after the date on which the employee's current position ends; and*
 - ii) *is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and*
 - iii) *is on terms that treat service within the State services as if it were continuous service; or*
 - b) *is offered an alternative position as an employee in the State services (either in the employee's current department or interdepartmental venture or elsewhere in the State services) that—*
 - i) *begins before, on, or immediately after the date on which the employee's current position ends; and*
 - ii) *is a position with comparable duties and responsibilities to those of the employee's current position; and*
 - iii) *is in substantially the same general locality or a locality within reasonable commuting distance; and*
 - iv) *is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and*
 - v) *is on terms that treat service within the State services as if it were continuous service.*

There are some simple actions that can be taken:

- **The current employer** – during the change management process, educate staff about the provisions in the Act. If an employee is at risk of redundancy, they can be advised that if they receive an offer from another employer from the State services prior to their last day, they must advise the HR team. HR staff can meet with the employee and discuss the offer in relation to the Act.
- **The prospective employer** – during recruitment, likely at preferred candidate stage, can ask any applicant who is currently employed in the public sector, if they have received notice of redundancy, or left employment with a redundancy payment. During reference checks, they should also ask if under notice of redundancy.
- **The employee** - be transparent about job offers, the timing and conditions of employment offers.

We have seen that the Public Service Association (PSA) has produced material for their members that refers to these restrictions, so it likely that your staff are already aware of this legislation. As always, where agencies have concerns about any particular issues they are facing, they may wish to seek their own legal advice.

■ Out of scope

[Redacted text block]

■ [Redacted text block]

■ [Redacted text block]

■ [Redacted text block]

[Redacted text block] and other entities
in the wider State sector, local government, and the community sector.

Released under the Official Information Act 1982

Out of scope
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Released under the Official Information Act 1982



Wider Public Sector Heads of HR

Thursday 18 January 2024

Actions and Key Points

■ [Redacted]

Out of scope [Redacted]

| | |
|------------|------------|
| [Redacted] | [Redacted] |
| [Redacted] | [Redacted] |
| [Redacted] | [Redacted] |
| [Redacted] | [Redacted] |

[Redacted]

■ [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Released under the Official Information Act 1982

Out of scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

3. ER Update from Charlie Busby, Manager Workforce and Employment Relations

Change principles

The Public Service Association (PSA) union has approached the Public Service Commission seeking more explicit guidance for public service agencies. To manage expectations in a way that should be achievable for all agencies, we have worked on some principles in consultation with a group of Heads of HR, over the last week. These will be part of a broader range of support for management of change.

While these are aimed at Public Service Departments, we are sharing these with the wider Heads of HR group as a resource you may find useful. The principles, which have been endorsed by the PSA, are attached in this email.

Out of scope

[Redacted]

Out of scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

- [Redacted]

[Redacted]

Released under the Official Information Act 1982



The following does not constitute legal advice. Legal advice should be sought in individual cases as required.

The Commission notes that whilst there is no ‘one size fits all’ approach to change management, each agency should have a clear vision of the purpose of change and commit to a process that follows legislation and their existing policies, treating people with respect and taking into account agency context and employee engagement structures:

- **Agencies should follow their management of change policies and** procedures, noting that these should reflect individual and collective employment agreements and other contractual commitments (see footnote below). Change processes need to be transparent.
- **People doing the work are well placed to identify efficiencies or improvements** that may improve effectiveness and minimise the extent of redundancies. Proposals for changed staffing arrangements should be developed and discussed with the potentially affected staff and their union/s, prior to any final decisions being made.
- **Agencies will commit to a meaningful consultation** with sufficient time for potentially affected staff and their representatives to provide input to proposals and provide feedback on the final draft of proposals. Appropriate release time for employee representatives should be provided.
- **Retention of skilled public servants in employment is preferable to the extent possible** and options to enable this are actively developed and considered through the consultation process. Approaches should consider attrition, reconfirmation, reassignment, redeployment or retraining into alternative roles in the agency, or redeployment into (suitable alternative) vacancies across the system.
- **Agencies should support individual development** to assist redeployment or appointment of people at risk of redundancy and build public service capability to deliver effective, efficient and responsive services.
- **Where reductions in staffing occur, this should not simply result in sharing the same work across remaining employees**, but agencies will need to explore whether different, improved or more efficient ways of working will be needed to maintain public services.
- **Voluntary redundancy from a pool of affected employees, can be considered** as a selection criterion, at the employer's discretion. Agencies that intend to use voluntary redundancy as part of a change programme should consider carefully the retention of key public service skills, the point at which volunteers are sought and the criteria for approval of requests.
- If staff are likely to be released by reason of redundancy, then agencies should be aware of, and discuss with impacted individuals, the **restrictions on redundancy payments** as set out in Public Service Act 2020 [ss88](#).



- **Staff are engaged and supported** whilst the management of change is continuing, including the post-implementation phase of the process as the organisation moves into business as usual. This may include post-implementation review of the change.
- **Agencies should engage the Public Service Commission's Mobility Hub**, which can act as a broker to support matching of Public Service vacancies with those seeking redeployment.
- **Effective communication** with staff and their representatives is vital throughout the process.
- Agencies should also **note the heightened good employer obligation** that public service agencies are expected to meet under the Public Service Act 2020 and any commitments under tikanga¹ and agencies should ensure that their staff understand their obligations under the Code of Integrity and Conduct for Public Servants – [He Aratohu](#)

¹ <https://www.employmentcourt.govt.nz/assets/Documents/Decisions/2023-NZEmpC-101-GF-v-Comptroller-of-Customs-Judgment.pdf>