



INTERIM LEARNER ADVISORY COMMITTEE

September 2021

Terms of Reference

1. Scope

- 1.1. Under the Education and Training Act 2020 (**ETA**) Te Pūkenga is required to establish a Learner Advisory Committee (referred to in the ETA as a students' committee and in these Terms of Reference as the **Learner Advisory Committee**). The Council of Te Pūkenga is required to consult the Learner Advisory Committee about significant matters relating to the strategic direction that are relevant to those the Learner Advisory Committee represents and consider any advice given by the Learner Advisory Committee.
- 1.2. Te Pūkenga is in the process of developing its operating model, which will be implemented over the course of 2022 and beyond. This will provide for, among other things, a network of education provision and delivery that centres on its learners. Because of this, the manner in which the Learner Advisory Committee and learner engagement ecosystem should be constituted and governed will form part of the implementation of the operating model.
- 1.3. In the interim, Council wishes to ensure there is a real opportunity for active participation of learner voice at a governance level. To achieve this, an interim Learner Advisory Committee is being established (**Interim Learner Advisory Committee**) and these Terms of Reference are being adopted to support the Interim Learner Advisory Committee.
- 1.4. Once the long-term operating model of Te Pūkenga is clarified, the Council requires that these Terms of Reference be reviewed and/or revoked and replaced or amended, as appropriate. The intention is that the permanent Learner Advisory Committee will operate from 2023 under the amended/replaced Terms of Reference and membership will require an election process by Te Pūkenga learner body.

2. Role and Functions of the Interim Learner Advisory Committee

- 2.1. The Interim Learner Advisory Committee's statutory functions are to, on being consulted by the Council of Te Pūkenga:
 - a) give advice to the Council of Te Pūkenga on significant strategic matters relevant to learners (s 325(3)(a));
 - b) give advice on any other matters (s 325(3)(b)); and
 - c) give advice in relation to, or for giving effect to, the determination of policy that it has responsibility for (s 324(1)).



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- 2.2. In formulating its advice, the Interim Learner Advisory Committee is asked to have regard to the Charter of Te Pūkenga, its statutory functions and the resources available to Te Pūkenga.
- 2.3. In addition to the above, as part of its functions the Interim Learner Advisory Committee is also required to:
 - a) nominate/select/appoint one member to sit on Council;
 - b) develop terms of reference for the full Learner Advisory Committee, including decisions on membership consistent with the prescribed statutory framework and relevant Council decisions;
 - c) consider any specific issues delegated to it or requested by Council;
 - d) through a co-design process, draft a relationship agreement setting out specific ways of working with Council;¹
 - e) contribute perspectives of the learner voice, without replacing the need for Te Pūkenga to also engage directly with learners on significant proposals;
 - f) quarterly deliver to Council a report setting out its activities and summarising its advice on the matters that Council has consulted with it on; and
 - g) demonstrate giving effect to Te Tiriti o Waitangi in its deliberations and decision-making.

3. Membership of the Interim Learner Advisory Committee

- 3.1. Membership of the Interim Learner Advisory Committee will have a maximum of 10 members and no less than seven members appointed by the Council upon recommendation by the Deputy Chief Executive Learner Journey and Experience of Te Pūkenga. This includes the option for any co-opted members.
- 3.2. In order to recommend members for the Committee, the Deputy Chief Executive Learner Journey & Experience will form a suitable selection panel that includes representation from learners. In particular, representatives from currently underserved learner groups are desirable.
- 3.3. To be eligible for selection, learners must be currently enrolled at Te Pūkenga or a Te Pūkenga subsidiary at the commencement of their appointment, and not be a member of staff at Te Pūkenga or a Te Pūkenga subsidiary (or any Transitional Industry Training Organisation that Te Pūkenga is in discussions with regarding a transfer). Confirmation of enrolment must be provided by the relevant Te Pūkenga subsidiary the learner is enrolled with.
- 3.4. Should any Interim Advisory Committee member cease to be enrolled, they must immediately provide notice in writing of their status as unenrolled to the council

¹ As this is an interim advisory committee, there are still many aspects ((particularly as it pertains to the working relationship with Council and other advisory committees)) that are yet to be developed. This committee, , in conjunction with other interim advisory committees, ,will undertake this work during its term and will inform the final terms of reference for the Learner Advisory Committee proper (post January 2023). New developments from here will be appended to this document where appropriate.



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secretariat and Deputy Chief Executive of Learner Journey and Experience. In such circumstances, reference should be had to paragraph 5.5(e) and paragraph 5.9 below.

- 3.5. Membership of the Interim Learner Advisory Committee must include at least one representative who identifies as belonging to one or more of the following cultures/communities:
 - a) Māori
 - b) Pacific
 - c) Disabled
 - d) LGBTQI+
 - e) International
 - f) Work-based learner

4. Appointment to Te Pūkenga Council

- 4.1. The appointed co-chairs (see clause 6 below) are eligible for nomination to Te Pūkenga Council but only one of the two can be appointed. The Interim Learner Advisory Committee will decide the process for selecting the nominee to be recommended to the Council. The Council will hold the final decision on the suitability of the appointee to sit as a member of Council, to hold the role of the representative on the Council.

5. Terms and conditions of appointment

- 5.1. Members of the Interim Learner Advisory Committee are appointed via a panel selection process following a call for expressions of interest by the Deputy Chief Executive Learner Journey & Experience. The term of appointment will be for no longer than up to 31 December 2022, unless otherwise stated by the Deputy Chief Executive Learner Journey & Experience.
- 5.2. Unless a position is vacated earlier, every appointed member of the Interim Learner Advisory Committee will continue in office until their successor comes into office.
- 5.3. Any member of the Interim Learner Advisory Committee may at any time resign as a member by providing one month's written notice to the Deputy Chief Executive Learner Journey & Experience and Co-Chairs of the Interim Learner Advisory Committee. Upon resignation an Expression of Interest will go out across Te Pūkenga network seeking a replacement member. The Deputy Chief Executive Learner Journey & Experience will recommend a suitable replacement to the Council for their approval.
- 5.4. Where a Co-Chair wishes to resign, they need only advise in writing one month in advance to the Deputy Chief Executive Learner Journey & Experience and their fellow Co-Chair. Upon resignation, the Deputy Chief Executive Learner Journey & Experience will recommend a replacement for the remaining Co-Chair tenure to Council.



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- 5.5. The ILAC Council representative will be removed from office by the Council chair if they:
- a) fail to attend three consecutive Council meetings and/or attend less than seventy percent of annual meetings;
 - b) breaches the duties and responsibilities of a Council member;
 - c) underperform in his/her duty as a Council member or otherwise falls into disrepute (as determined by the chair and co-chair of council);
 - d) become ineligible for any of the reasons stated in section 320(2) of the ETA
 - e) are no longer enrolled as a learner at a Te Pūkenga subsidiary or Te Pūkenga,
- 5.6. In the context of paragraph 5.5(a), the removal will be effective from the date stipulated by the Council chair.
- 5.7. In the context of paragraph 5.5(b) and (c), the matter will first be raised with the Deputy Chief Executive Learner Journey & Experience who will engage with the Chief Executive and the committee Co-Chairs and attempt (if appropriate) to address the issue directly with the member and try to resolve by mutual agreement. If this is not possible, a recommendation for removal will be made to the Council chair that the member be removed from the committee. The removal will be effective from the date stipulated by the Council chair.
- 5.8. In the context of paragraph 5.5(d), the removal will be effective from the date the committee member becomes ineligible to be a member.
- 5.9. In the context of paragraph 5.5(e), the removal will be effective from a date determined by the Deputy Chief Executive Learner Journey & Experience, not being a date that is more than 6 months after the date on which their enrolment ends.
- 5.10. Where a member resigns or is removed from the ILAC, the Deputy Chief Executive of Learner Journey and Experience will initiate the replacement process for that member. Further, if requested by the Interim Learning Advisory Committee, the Deputy Chief Executive Learner Journey & Experience may from time to time alter or reconstitute the Interim Learner Advisory Committee or discharge any member of the Interim Learner Advisory Committee or appoint new members to the Interim Learner Advisory Committee for the purpose of decreasing or increasing the membership or filling any vacancies to ensure continuous representation of the groups listed at paragraph 3.5 above.

6. Co-Chairs

The Interim Learner Advisory Committee will agree a process to appoint Co-Chairs, representing Māori and Tangata Tiriti². The Co-Chairs will preside at every meeting of the Interim Learner Advisory Committee at which they are present.

² Māori refers to members with Māori cultural identity and Māori whakapapa. Tangata Tiriti refers to members who identify with settler populations either directly or by ancestry.

7. Duties and responsibilities of a member

- 7.1. This section sets out the expectations of Council on the duties and responsibilities of a person appointed as a member of the Interim Learner Advisory Committee. This is intended to aid members by providing them with a common set of principles for appropriate conduct, behaviour and serves to protect the Committee and its members.
- 7.2. The Interim Learner Advisory Committee must conduct its activities in an open and ethical manner and operate in an effective and efficient way within the parameters of its functions as set out in these Terms of Reference.
- 7.3. Members should have a commitment to work in the best interests of all learners and the Committee itself, having regard to the specific matters that they are consulted on and any other matters they consider Council should be made aware of in its governance role.
- 7.4. Members are expected to make every effort to attend all the Committee meetings whether in-person or video conference and devote sufficient time to become familiar with the affairs of the Interim Committee, and the wider environment within which it operates.
- 7.5. Members are expected to act responsibly with the effective and efficient administration of the Committee and the use of Committee funds, as guided by the Secretariat.
- 7.6. Members will:
 - a) be diligent, prepared and participate;
 - b) be respectful, loyal, and supportive; and
 - c) not denigrate or harm the image of the Committee.
- 7.7. The Committee as a whole will:
 - a) ensure that the independent views of members are given due weight and consideration;
 - b) ensure fair and full participation of Members;
 - c) regularly review its own performance; and
 - d) give effect to Te Tiriti o Waitangi in its conduct and deliberations.

8. Conflicts of interest

- 8.1. Members must perform their functions in good faith, honestly and impartially, and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Other than the appointed Council member, members must also be, and be seen to be, independent of Council but must respect the advice handed to Council on behalf of the Committee and be respectful of the manner in which Council considers and acts on that advice.



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- 8.2. Members attend meetings and undertake Committee activities as independent persons responsible to the Committee as a whole. Members are not appointed as representatives of student organisations or groups. The Committee should therefore, not assume that a particular group's interests have been considered because a Member is associated with a particular group.
- 8.3. Members are required to declare any actual or perceived interests to the Interim Learner Advisory Committee. The other committee members will then determine whether the interest represents a significant conflict, and if so, what action will be taken.
- 8.4. The Co-Chairs will ask members to declare any actual or perceived interests at the start of each meeting.

9. Confidentiality

- 9.1. The public has a right to be informed about the issues being considered by the Interim Learner Advisory Committee. The Committee should have procedures in place for the release of information and processing requests for information.
- 9.2. Regard should be had to the Privacy Policy and Official Information Act Policy of Te Pūkenga when considering requests for information. If there is any uncertainty over the release of information, the matter should be referred to the Privacy Officer / Director Legal and Risk for consideration.
- 9.3. Individual members must observe the following duties in relation to Committee information. These provisions ensure that the Committee as a whole, maintains control over the appropriate release of information concerning issues before it.

General meeting discussions

- 9.4. Key discussion points in meetings are recorded in the meeting minutes. Upon request, a Member's dissenting views may be recorded in the meeting minutes.
- 9.5. Members must ensure that the confidentiality of Committee business is maintained. Members must be clear about what Committee matters are permitted to be discussed with people that are not Committee members and, in doing so, should be familiar with the information that is publicly available about the Committee's work.
- 9.6. Meetings of the Committee, including agenda material and draft minutes, are confidential.
- 9.7. Members are free to express their own views within the context of Committee meetings, or as part of the general business of the Committee.
- 9.8. Members may communicate general meeting discussions with other Committee members that were not present during the meeting.



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- 9.9. At no time should members individually divulge details of Committee matters or decisions of the Committee to persons who are not Committee members. Disclosure of Committee business to anyone outside the Committee must be on the decision of the Committee, or if between meetings, at the discretion of the Co-Chairs' *'In committee' discussions*.
- 9.10. The meeting minutes will note that an 'in committee' session took place. A record of 'in committee' discussions will be kept in the Co-Chairs' notes.
- 9.11. 'In committee' discussions can be communicated with other Committee members who were not present during the 'in committee' session. This can either be done formally by the Co-Chairs or informally by another Committee member.

10. Media policy

- 10.1. Only the Co-Chairs are authorised to comment publicly on the affairs and policies of the Committee and, where appropriate, the Co-Chairs will advise Council in advance. The Co-Chairs may delegate comment to other Committee members.
- 10.2. Where the Co-Chairs have delegated comment to another Committee member, the member must publicly support a course of action decided by the Committee. If unable to do so, members must not publicly comment on decisions.
- 10.3. The Co-Chairs, members and Secretariat will not support any action or public statement that is derogatory or in any way damaging to the Committee or Council.
- 10.4. Members have the right to comment to the media on any matter in their own or representative capacity, as long as they do not attribute the comment to the Committee or imply that they are speaking on behalf of the Committee. If a Member is forewarned of being asked to comment to the media, they should advise the Committee accordingly. If a committee member is not forewarned, they should advise the Co-Chair immediately after making comment to the media.

11. Working arrangements

The Interim Learner Advisory Committee will agree on a work programme with Council.

12. Consultation

- 12.1. In providing advice to Council, the Interim Learner Advisory Committee will, where appropriate, make reasonable attempts to consult with key stakeholders and consider, stakeholder data, and feedback, such as:
 - a) student associations;
 - b) learner leaders;

- c) class representatives;
 - d) learners fulfilling learner representative functions on any of the committees of Te Pūkenga and working groups;
 - e) learner survey and feedback results; and
 - f) current and relevant insights, information and reports on learner journey, experience, and outcomes.
- 12.2. The Interim Learner Advisory Committee will ensure that stakeholders are provided with feedback following consultation, in line with good consultation practice.
- 12.3. Te Pūkenga is supportive of independent student voice. The Interim Learner Advisory Committee may therefore wish to consider its own relationships in this regard.

13. Performance measures

- 13.1. The Interim Learner Advisory Committee will be effectively meeting its tasks when it provides relevant and timely advice to Council based on research, analysis, and consultation with appropriate stakeholders.
- 13.2. The Interim Learner Advisory Committee must:
- a) recommend a representative to sit on Council;
 - b) recommend a Māori representative to sit on Te Kōmiti Māori (Māori Advisory Committee to Council);
 - c) select or delegate selection of two representatives to Te Poari Akoranga;
 - d) develop an agreed work programme with Council;
 - e) achieve its agreed work programme; and
 - f) stay within its allocated budget.

14. Meetings of the Interim Learner Advisory Committee

- 14.1. Meetings, either in-person or via video conferencing will be held six times per year prior to Council meetings.
- 14.2. A quorum will consist of five (if eight) or six (if ten) members. A quorum must include at least one of the Co-Chairs.
- 14.3. Subject to the provisions set out above, the Interim Learner Advisory Committee may regulate its own procedures having regard to these Terms of Reference and equitable outcomes.

15. Reporting

- 15.1. The Interim Learner Advisory Committee will:



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- a) keep minutes of all its meetings which outline the issues discussed and include a clear record of any decisions or recommendations made;
- b) ensure actions are followed up on and stakeholder consultation feedback loops are closed; and
- c) prepare a quarterly report to Council setting out its activities.

16. Secretariat

- 16.1. Te Pūkenga must ensure it provides support for the Interim Learner Advisory Committee to operate effectively. This will be through the provision of shared advisory and administrative secretariat support services. A relationship agreement to be developed between the Interim Learner Advisory Committee and Council will set out the provisions and ways of working in more detail³.

17. Fees and allowances

- 17.1. Members of the Interim Learner Advisory Committee are entitled to be paid fees for attendance at meetings including preparation and workshops.

Council representative

- 17.2. The ILAC co-chair appointed to the Council is a member of Council and, as such, will receive the amount payable to a Council member. This is because each of the Council members has the same powers under the Education and Training Act 2020, the same duties and accountabilities under the Crown Entities Act 2004, and the Minister of Education has the same expectations of all the Council members, regardless of the way in which they became members of the Council. The expectations will be set out in the letter of appointment issued by the Council to the Committee representative. The payment received as a Council representative is a total amount which reflects remuneration for time spent working on Council matters and time spent working as a co-chair of the ILAC.

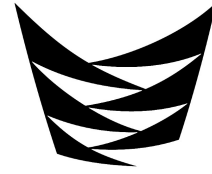
Co-Chair (not being a Council representative)

- 17.3. The other co-chair will receive \$450 per day and an allowance of five extra days per annum to cover additional professional development opportunities undertaken by those persons.

All other members

- 17.4. The attendance fee for all other members is set at \$350 per day (which includes preparation).

³ A relationship agreement between the Interim Learner Advisory Committee and Te Pūkenga Council will be appended to this document once it has been developed through workshop with the respective parties.



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- 17.5. Te Pūkenga covers the cost for actual and reasonable travel, and accommodation expenses of the Interim Committee members (any travel and accommodation to be approved in advance and booked through Te Pūkenga booking channels).
- 17.6. Requests for additional support by members to enable equitable participation and representation on the Interim Committee are welcomed, and will be considered by the Deputy Chief Executive Learner Journey & Experience on a case-by-case basis provided reasonable notice is given.⁴
- 17.7. These Terms of Reference will be reviewed prior to 1 January 2023 in accordance with clause 1.4 above.

⁴ This refers to support persons, notetakers, accessibility, easy-read documents, accommodation to alleviate mental /physical strain etc