

Community questions and answers about the COVID-19 Vaccination Mandate

Please note:

- In the following questions 'we' refers to the Taikura Management, School Board and the Proprietors Trust.
- The information which follows is as up-to-date as we can manage, but please be aware new guidance in this space is being issued daily.

How can I find out more information about the mandate or provide feedback?

Education questions and feedback:

- <https://www.education.govt.nz/our-work/contact-us/regional-ministry-contacts/>
- <https://www.education.govt.nz/covid-19/>

Health questions:

- <https://covid19.govt.nz/>
- <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus>

Are there any exemptions to the Mandate?

Currently, we understand there are two types of exemptions (both require ministerial approval).

1. A medical exemption- which is for individuals only and can only be applied for and lodged by a medical doctor or nurse practitioner on the individual's behalf.
2. A significant disruption exemption-which is for schools only and must be applied for and lodged by the school with the Regional Director of Education.

The advice we have received so far from the Ministry of Education regarding the significant disruption exemption is:

- These are individual exemptions and do not cover a group
- The exemption is only for registered schools and therefore does not cover early childhood education
- They would only be valid until January 1st 2022
- Individuals have to apply as well
- It only covers people who are still considering getting the vaccination

More information about medical exemptions is available from:

- <https://mailchi.mp/education/covid19-update-8-nov>

What is the advice from Anthroposophical institutions regarding vaccinations?

The Steiner Waldorf Education movements are at times linked to suggestions that its education centres take an anti-vaccination stance. This is incorrect.

Here are some links regarding this:

- <https://www.iva.info/latest-news/article/article/anthroposophic-medicine-statement-on-vaccination-against-sars-cov-2/>
- <https://www.steinerwaldorf.org/covid-vaccinations-advice-to-schools/>
- http://www.nna-news.org/news/article/?tx_ttnews%5Btt_news%5D=2861&cHash=febbfed39e807116689b44eae8006ac9
- <https://edinburghsteinerschool.org.uk/custom/uploads/2021/02/Anthroposophic-Medicine-Stateent-on-Vaccination.pdf>

What are the consequences of not abiding by the mandate?

From the 16 November 2021 onward, only staff who have had at least one Covid-19 vaccination will be able to come onsite and into contact with students. If not abided by the school would be fined for every reported incident of a non-vaccinated staff member being on-site and the non-vaccinated staff member could well be served an infringement notice.

The Board could also be stood down and a Ministry appointed commissioner put in place.

How do we decide which roles don't require someone to be vaccinated?

In short, the mandate dictates that all roles are covered. All roles that require the staff member to be present at a time when children or students are also present are covered, including education outside the classroom activities.

If a staff member's role means they **may** have contact with children or students in the course of carrying out their work, then they are also covered

If a staff member disagrees that their work is covered by the mandate, they should consider their reasons with an open mind before making a decision.

To assist the community with understanding who is and isn't covered by the mandate we have compiled the information in table 1 (below) based on the best information we have at this time.

Do all teachers, principals, support and specialist staff, and volunteers whose work is covered by the Public Health Order (referred to as staff members) need to be fully vaccinated?

Yes, unless they are medically exempt, these people need to have received a first vaccination by 15 November 2021 and be fully vaccinated by 1 January 2022.

Please see the table at the end of this document.

Do the vaccination requirements apply when we are providing education outside the classroom (EOTC) or education in similar settings?

Yes, staff members (as well as volunteers and contractors) who are providing EOTC and may have contact with children or students in the course of carrying out their work are required to be vaccinated.

Please see table at the end of this document.

Can a staff member choose not to be vaccinated, but to undergo regular testing instead?

No. All staff members who do work covered by the Public Health Mandate must have received their first dose of the COVID-19 vaccine by 15 November 2021 and in regions at Alert Level 3 undergo regular testing until they are fully vaccinated (no later than 1 January 2022).

Is the school required to do a risk assessment associated with the mandate?

The legal advice is that it's not something that the school is required or able to undertake, as the government mandate is now a legal requirement within all schools.

Would the school be liable for complications associated with the mandate?

Boards will not be liable for employment action if they are following the law within the guideline issued by the MoE. At the moment the major unions have expressed support of the mandate. The courts have upheld cases of dismissal in NZ where mandatory vaccinations are already in place and a proper process has been followed by the employer in implementing the health orders.

Will ACC provide cover for COVID-19 vaccination injuries?

ACC can provide treatment and support for injuries caused by COVID-19 vaccination if the criteria for treatment injury are met. This means if there is a physical injury caused by the vaccination, that's not a necessary part, or ordinary consequence, of the treatment.

Further details can be found here:

- <https://covid.immune.org.nz/faq/will-acc-provide-cover-covid-19-vaccination-injuries>

Are we legally allowed to ask staff members for their vaccination status?

What about privacy requirements?

Yes. The Public Health Mandate requires us to maintain a register that includes the date(s) staff members were vaccinated. It also requires staff members to tell us this information. If they do not provide us with this information, we are directed to assume they are not vaccinated.

However, privacy must be maintained. The usual requirements around collecting, recording, using, and storing personal information will apply. Given the sensitivity of the information being collected, careful consideration will need to be given to ensure no unauthorised access to the information can occur.

Can we tell our parents and whānau community about the testing and vaccination status of our staff?

Staff are welcome to share their own vaccination status at any time, however, employers cannot do so without the individual's permission.

This includes not sharing the vaccination status of groups of staff members if the vaccination status of individuals within that group is able to be identified.

What proof of vaccination is required?

We may accept any proof which assures us that the staff member is fully vaccinated. This may be an email, immunisation card, or SMS that the staff member has received from their vaccinator or medical provider, the Book My Vaccine website, or the My COVID Record website.

What if a staff member refuses to be vaccinated or refuses to share the necessary information?

All staff members are required to be vaccinated, as above. If a staff member refuses to share information about their vaccination status we are directed to record them as unvaccinated.

What if a staff member initially refused to get vaccinated but changes their mind before 1 January 2022?

A staff member who gets their first vaccination after 15 November can return to work on site.

They must still receive their second vaccination on or before 1 January 2022.

Remember that there needs to be at least three weeks between vaccinations.

Can a staff member take leave rather than be vaccinated?

This Order applies to those who are physically onsite. A staff member who is on leave will become subject to the Order when they return to work. The schools' usual policies and funding settings around leave apply.

If staff are not going to be working on-site, do they have to be vaccinated?

No. This order only applies to those staff who are physically onsite or for EOTC and **may** have contact with children or students in the course of carrying out their work

It does **not** apply to those who are performing services fully remotely. If services are partially on-site and partially remote, then the vaccination requirements do apply.

What does fully vaccinated mean?

Fully vaccinated means the person has received two doses of the Pfizer vaccine.

The Public Health Order also allows for some alternative vaccinations to reflect that some people may have been vaccinated overseas.

Further details can be found here:

- <https://mailchi.mp/education/covid19-update-15-oct#being-fully-vaccinated>
- https://www.legislation.govt.nz/regulation/public/2021/0094/latest/LMS573022.html?search=ts_act%40bill%40regulation%40deemedreg_health+response_reselel_25_a&p=1

Table1: Education roles and requirements under the Mandate

Type of role	Are they required to be vaccinated under the Public Health Mandate?
Teachers, teacher aides, principals, administration staff, caretakers, cooks	Yes. These staff are required to be vaccinated as they may have contact with children or students and/or will be present at a time when children and students are also present.
Learning support staff and other education agency staff (for example, Ministry of Education and ERO staff, NZQA exam invigilators)	Yes. These staff are required to be vaccinated if they are visiting early learning services or schools to deliver a service that means they may have contact with children and students and/or will be present at a time when children and students are also present.
Employees/volunteers of a contracted service attending onsite during times children or students are also present, including planned events and activities that may take place before or after normal hours (for example, cleaners, tradespeople, nurses and health workers, staff engaged to deliver a programme or for a school event)	Yes. Employees of a contracted service physically attending a school or hostel site when children or students are also present are required to be vaccinated. This is because these people are carrying out work at or for a school or hostel and they may have contact with children or students or will be present at a time when children and students are also present.
Employees/volunteers of organisations who provide a service on an education site (for example, the Life Education caravans, dental care, PLD providers, external Ka Ora, Ka Ako programme providers, social workers in schools)	Yes. Employees of a contracted service physically attending a school or hostel site when children or students are also present are required to be vaccinated. This is because these people are carrying out work at or for a school or hostel and they may have contact with children or students or will be present at a time when children and students are also present.
Employees of a contracted service attending onsite outside of school hours or when children or students are present (for example, weekend lawn-mowing service, tradespeople outside of school hours/hours of operation)	No. These staff are not required to be vaccinated. The work will not be occurring at a time when children or students are expected to be present.

Type of role	Are they required to be vaccinated under the Public Health Mandate?
Teachers who only work with students remotely, and never see their students in person	No. These staff are not required to be vaccinated if they will not have contact with children or students.
Parents, caregivers or volunteers at an education outside the classroom (EOTC), learning experiences outside the classroom (LEOTC) programme or excursion	Yes. These people are required to be vaccinated because these people are carrying out work (unpaid) at or for a school or hostel and they may have contact with children or students or will be present at a time when children and students are also present.
Employees or volunteers for providers of EOTC, LEOTC services or excursions which are offsite (for example, library, school camp, museum staff)	No. These workers (paid and unpaid) are not required to be vaccinated as they are not working “at” an education service or employed or engaged by the education service. However, schools and kura are encouraged to check on the vaccination status of offsite activity providers as part of their COVID-19 health and safety assessments.
Parents/caregivers dropping off, picking up, or settling children at a school or kura	No. As the Order only applies to workers and volunteers, not people who are visiting the school.
Parents, caregivers and members of the community who are volunteers at the school, kura, or hostel	Yes. These people onsite are required to be vaccinated as they may have contact with children or students or will be present at a time when children and students are also present. If the volunteer is working offsite and will not have any contact with children or students as part of their role, then they are not required to be vaccinated.
Parents or caregivers attending meetings or events on site (for example, parent-teacher interviews)	No. As the Order only applies to workers and volunteers, not people who are visiting the school or hostel.
General public using school facilities after hours (for example, playground, school pool)	No. The requirement to be vaccinated only applies to workers and volunteers.
After-school care services/out-of-hours music contracted by the school	Yes. Employees of a contracted service physically attending a school site when children or students are also present are required to be vaccinated.

Type of role	Are they required to be vaccinated under the Public Health Mandate?
After-school care services/out-of-hours music run by a private company on site	<p>No.</p> <p>These workers are not required to be vaccinated under this Health Order as they are not employed or engaged by a school. These after-school care providers may be covered by other requirements.</p>
Parents or caregivers coming into a playgroup that operates on a school site or site otherwise licensed for education and care (while other children are attending school or the early learning service)	<p>Yes.</p> <p>They are required to be vaccinated if they are acting as a volunteer to support the child and they are present at a school site at a time when other children are present.</p>
Parents or caregivers attending specialist early learning services with their children (for example, Champion Centre)	<p>Yes.</p> <p>They are required to be vaccinated if they are acting as a volunteer to support the child and they are present at a school site at a time when other children are present.</p>
School board members	<p>Yes and No.</p> <p>The board member is required to be vaccinated if they may have contact with children or students or will be present at a time when children and students are also present.</p> <p>Otherwise, they are not required to be vaccinated.</p> <p>The board may want to consider a working arrangement that enables an unvaccinated board member to conduct business online and/or at a time that students will not be present (such as evening board meetings).</p>
Ministry-funded school transport drivers	<p>Yes.</p> <p>Drivers of Ministry-funded school services are required to be vaccinated. This is because these people are carrying out work for an education service and they will have contact with children or students.</p>
Bus drivers (general)	<p>No.</p> <p>General transport workers such as public bus drivers (including dedicated school services funded by regional councils) or train conductors are not required to be vaccinated as they are not employed or engaged by a school or hostel.</p>
Employees/contractors/volunteers of a school who provide an educational service off site (for example, alternative education providers, activity centres)	<p>Yes.</p> <p>These people are required to be vaccinated if they may have contact with children or students or will be present at a time when children and students are also present.</p>

Type of role	Are they required to be vaccinated under the Public Health Mandate?
People who provide an educational service off site at a marae (or another significant cultural site) and are not directly employed/contracted by the school or hostel	No. People who work or volunteer at the marae but are not employed or engaged by the school or hostel are not required to be vaccinated as they are not working “at or for” the school or hostel.
Attendance advisors/kaiāwhina who work with young people to support them back into learning	Yes. These people are required to be vaccinated if they may have contact with children or students in the course of their work.
Employees/volunteers of an organisation that is not connected with the school but shares a building or campus (for example, churches, cafes)	Yes. These people are required to be vaccinated if they may have contact with children or students or will be present at a time when children and students are also present.
Student volunteers and students on placement	Yes. Those over the age of 12 are required to be vaccinated if they may have contact with children or students or will be present at a time when children and students are also present.
Union representatives	Yes. These people are required to be vaccinated if they may have contact with children or students or will be present at a time when children and students are also present.
Hostel workers (whether paid or unpaid)	Yes. These workers are required to be vaccinated as they may have contact with children or students and/or will be present at a time when children and students are also present.
Individuals living on hostel or school grounds who are not workers	No. These individuals are not required to be vaccinated under the Order as they are not working or providing a service for the school/hostel.

Type of role	Are they required to be vaccinated under the Public Health Mandate?
Residential therapeutic and respite facilities that deliver onsite education for school aged children (for example, community-based homes)	Yes. These people carrying out work at or for an early learning service, school or hostel are required to be vaccinated as they may have contact with children or students or will be present at a time when children and students are also present.
Residential facility operated by Oranga Tamariki, which includes onsite education for school aged children provided by a registered school	Yes. These people are required to be vaccinated if they may have contact with children or students or will be present at a time when children and students are also present.
Whānau who provide homestay accommodation for international or domestic students	Yes. The people the school contracts to provide the homestay accommodation service or boarding are required to be vaccinated. Otherwise, no.
Secondary-tertiary partnership providers	Yes. These people are required to be vaccinated if the service is provided onsite as they may have contact with children or students or will be present at a time when children and students are also present. This requirement does not apply if the service is delivered offsite from a school or hostel.
Unvaccinated person responding to an emergency on site (for example, burst water pipe, windows blown out)	We encourage schools to proactively engage with their regular tradespeople about their vaccination status to mitigate any possibility of unvaccinated peoples coming on to the school site in the case of an emergency.