

Under The Inquiries Act 2013

In the matter of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

Brief of Evidence of Iona Holsted for Te Tāhuhu o te Mātauranga | the Ministry of Education – Accountability Hearing

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1 Introduction

1.1 Tēnā koutou, tēnā koutou, tēnā koutou katoa.

1.2 My name is Iona Holsted. I am the Secretary for Education and Chief Executive of Te Tāhuhu o te Mātauranga/the Ministry of Education (**Te Tāhuhu**). I commenced my role at the Te Tāhuhu on 8 December 2016. Prior to that, I was the Chief Executive of the Education Review Office from July 2014. Between 2009 and 2014, I was the Deputy Secretary at the Ministry of Social Development. I have been a public servant for nearly 30 years, but began my career as a teacher, and later working for a trade union and a health service.

1.3 The following employees of Te Tāhuhu are here with me today to assist the Commission:

- (a) David Wales, National Director Learning Support;
- (b) Rachael Vink, Manager National Service Support and Guidance (Learning Support/Special Education);
- (c) Hira Gage, Director Education Tai Tokerau (Operational); and
- (d) Tipene Chrisp, Group Manager Policy (Policy / Māori Education).

2 Acknowledgement

2.1 I would like to acknowledge the courage and strength of all the survivors who have written and spoken about their experiences in this Inquiry and I acknowledge the ongoing impact those experiences have had on their lives including the pain of reliving their experiences.

2.2 I have heard survivors describe of terrible experiences at school including how they were subjected to physical and sexual abuse, including how they were improperly restrained and secluded. I have listened to the experiences of suffering and trauma, in particular how these have impacted on Māori, Pacific and children with disabilities.

2.3 Abuse of any kind is unacceptable, especially when it involves vulnerable young people and is committed by someone who has been entrusted to care for them.

2.4 It is my job as Secretary for Education to build a system that responds and learns from the failures which have been exposed. We all have a responsibility to all children to do everything that we can to eliminate the risk of harm children in the education system and to provide a safe environment, conducive to social inclusion, progress and achievement.

2.5 In my brief, I set out protective measures brought in place over time to create places of learning that are safe, inclusive and free from racism, discrimination

and bullying. Amongst other matters these include changes to the Education Act to prohibit the use of corporal punishment and seclusion, the introduction of mandatory police vetting and reporting, safety checking of staff and the requirement for schools to adopt child protection policies which must contain provisions on how staff handle the identification and reporting of child abuse and neglect.

- 2.6 I also outline more recent changes signalled in the Education and Training Act 2020 and policy documents such as Statement of National Education and Learning Priorities and Ka Hikitia – Ka Hapaitia, the education system’s Māori education strategy which provide a clear signal on the expectation that places of learning are safe. Alongside this, Te Tahuhu has a significant work programme to support schools to develop caring and inclusive cultures¹. We have also contributed to initiatives that require collective input such as the Oranga Tamariki Action Plan to achieve outcomes that support the wellbeing of children in greatest need and the joint work programme to respond ERO’s findings of its evaluation of learning².
- 2.7 Te Tahuhu is committed to making improvements in the education system and what we have heard will inform our policies, procedures, and practices into the future.

3 Scope of evidence

- 3.1 My evidence supplements the information provided by Te Tāhuhu on the topics identified by the Commission in its Table entitled “Topics for each agency for the Institutional Response Hearing” as follows:
- (a) Te Tiriti;
 - (b) Priority Groups;
 - (c) Monitoring, Oversight, Safeguarding;
 - (d) Staff and caregivers;
 - (e) State and Faith;
 - (f) Provision of Care;
 - (g) Intersection with provision of health care to those with special health and education needs;
 - (h) Complaints, Referrals and Criminal Justice;
 - (i) Funding and resources; and
 - (j) Lessons learned.
- 3.2 Each of these topics is the subject of substantial comment as part of Te Tāhuhu’s response to NTP 422 dated 10 June 2022 and NTP 468 dated 7 July 2022, copies

¹ [Wellbeing in education – Education in New Zealand, Bullying-Free-NZ](#),- provides a range of resources to schools.

² See footnotes 21 and 22.

of which are attached as Tabs 1 and 2. I refer to the information contained in those responses in my brief of evidence.

- 3.3 The purpose of my brief is to provide information about Te Tāhuhu, its role and operations pertinent to this hearing. To the extent that it contains matters I have not been directly involved in, I have relied on the information made available to me including the documents provided to the Royal Commission. I would like to acknowledge some limitations to my evidence. With respect to historical information, there may be gaps in information provided, or the document provided may not be sufficient as a standalone document because it does not capture other relevant interactions, operational practice or relevant contextual material.

4 Te Tāhuhu o te Mātauranga, the Ministry of Education

- 4.1 Te Tāhuhu, is the Government's lead advisor on education from Early Childhood Education (early learning), primary and secondary schooling through to tertiary. Te Tāhuhu oversees the implementation of approved policies, administers the education legislation and ensures optimal use of resources allocated to education.
- 4.2 Te Tāhuhu works with other government agencies which have specific roles and responsibilities such as:
- (a) The Education Review Office/Te Tari Arotake Mātauranga (**ERO**) which is the government department that evaluates schools and early learning services and reports publicly on these matters. ERO also reviews school hostels to evaluate whether students are living in a safe emotional and physical environment that supports their learning;³
 - (b) The Teaching Council of Aotearoa New Zealand/Ngā Tikanga Matatika, (**Council**) (formerly the Teacher Registration Board and Teachers Council) is the professional body for the New Zealand teaching profession.⁴ The Council is responsible for registering teachers and issuing practicing certificates. The Council also manages and investigates complaints about teacher conduct and competence. From 2004, disciplinary matters have been referred to the independent Teachers' Disciplinary Tribunal;⁵
 - (c) The New Zealand Qualifications Authority/Mana Tohu Matauranga o Aotearoa (**NZQA**) which is responsible for quality assurance functions such as overseeing the setting of standards for qualifications in secondary schools and post school education and training; developing a framework for national qualifications in secondary schools and in post

³ Education Review Office 'How ERO reviews school hostels' (31 March 2021) at <https://ero.govt.nz/how-ero-reviews/how-ero-reviews-school-hostels> (accessed 5 October 2021). See Education Act 1989, ss 328E and 328G inserted under the Education Standards Act 2001 (No 88), s 63.

⁴ Established under the Education Act 1989 (as enacted), Part 10. See subsequently Education Act 1989, Part 10A inserted under the Education Standards Act 2001 (No 88), s 37 and Part 31 inserted under the Education Amendment Act 2015 (No 1), s 40. Now Education and Training Act 2020, Part 5, subpart 4.

⁵ Education Act 1989, ss 139AQ to 139AZB as inserted under the Education Standards Act 2001 (No 88), s 37. Now see Education and Training Act 2020, ss 494 to 504.

school education and training; establishing policies and criteria for the courses of study and training at institutions and Private Training Organisations; establishing policies and criteria for the registration of private training establishments; and

- (d) The Tertiary Education Commission/Te Amorangi Mātauranga Matua (TEC) which invests in the tertiary education and careers system, monitors the performance of tertiary education organisations and advises Government about tertiary education. It invests over \$3 billion into tertiary education and supporting the tertiary and careers system to ensure New Zealanders are equipped with the knowledge and skills they need for lifelong success.

Education strategic direction

4.3 Te Tāhuhu's goal is to shape an education system that delivers equitable and excellent outcomes. Te Tāhuhu's Statement of Intent 2021-2026 confirms five objectives:

- (a) learners at the centre - Learners with their whānau are at the centre of Education;
- (b) barrier free access - Greater education opportunities and outcomes are within reach for every learner;
- (c) quality teaching and leadership make a difference;
- (d) future learning and work - learning needs to be relevant as we meet changing opportunities and challenges of future work; and
- (e) world class inclusive public education – that meets the needs of our diverse population now and in future.

Education system

4.4 The New Zealand education system is complex. It has a number of Crown entities with specific roles and responsibilities including kura/schools and early learning services that have a high degree of autonomy.⁶ Te Tāhuhu and its partner agencies have a key role to play in giving effect to the objectives and delivering on priorities for education. The education sector needs to work together to shape the system for better outcomes.

4.5 Education is delivered through a range of private, public and community-based education providers, some of whom (such as the Boards of state schools) are Crown entities in their own right.⁷ There are state schools, private schools and state integrated schools and within this broad classification, there are different types of schools such as specialist schools and Kura Kaupapa Māori.

4.6 Between 1950 and 1989, state schools were controlled by regional Education Boards and secondary schools were controlled by Boards of Governors. These statutory bodies were responsible for schools in their areas and they were the employing authorities for teachers. They disbursed grants received from the

⁶ Statement of Intent 2021-26, page 12.

⁷ S124 of the Education and Training Act 2020, s5 Crown Entities Act 2004.

Department of Education for teacher salaries, the building and maintenance of schools and classroom equipment.⁸

- 4.7 The Tomorrow's Schools Reforms in 1989 saw responsibility for the administration, management and governance of state primary and secondary schools shift to independent Boards of Trustees (**Boards**) with local elected members.
- 4.8 Within the context of this regulatory framework, and through a devolved system of functions administered by different agencies, Te Tāhuhu has some oversight but few direct influences on what happens day-to-day in schools. Within this model lies an uneasy tension between local autonomy and central control. In 2019, an independent review was commissioned to take a fresh look at the framework and whether current arrangements are working for education services.
- 4.9 In response to the schooling review, the Government signalled changes Te Tāhuhu needed to make to the organisational design of Te Tāhuhu. What was required is a more responsive, accessible and integrated local support function for the whole sector. Te Tāhuhu is currently making shifts in how it works with the Education Sector. A new organisational structure (**Te Mahau**) has been implemented to improve and strengthen our operating model and how we work with the sector, communities iwi, ākonga and whanau. The design is intended to work across four substantive areas:
- (a) taking practical action to give effect to Te Tiriti o Waitangi;
 - (b) give priority to regional and local voice;
 - (c) delivering greater responsiveness, accessibility and integrated services and support; and
 - (d) improving feedback loops and information flows.
- 4.10 Te Mahau is made up of three frontline regional offices as well as a curriculum centre and operations and integration. Te Mahua will deliver new supports and services to schools and early learning services subject to budget decisions.

5 Te Tiriti o Waitangi

- 5.1 Te Tāhuhu is committed to upholding and honouring Te Tiriti o Waitangi (**Te Tiriti**) and giving it expression and practical effect.⁹ Knowledge and comfort with Te Tiriti varies widely across Te Tāhuhu and the education sector. Our intention is to strengthen the education sector's capability by building our ability to partner with Māori to build a culture and environment that reflects te ao Māori for the benefit of Māori and all New Zealanders. We do this by partnering with Māori and imbedding Māori and Te Tiriti perspectives into policy, programmes and services, support schools to understand the rights, interests and perspectives of Māori and engage in meaningful relationships and partnerships with Māori¹⁰.

⁸ S.26 Education Act 1964.

⁹ Statement of Intent 2021-26, page 8.

¹⁰ NTP 422 dated 10 June 2022, response to questions 4-6.

- 5.2 Te Tāhuhu has led policy and strategy work intended to support Māori students to enjoy and achieve educational success as Māori. This is the vision of Ka Hikitea, Ka Hāpaitia - the Māori Education Strategy and Tau Mai Te Reo - the Māori Language Strategy. In addition, requirements highlighting the importance of Te Tiriti have been brought in through the Education and Training Act 2020 and other work of Te Tāhuhu.

The Education and Training Act 2020

- 5.3 The Education Training Act 2020 (**ETA**) requires the education sector to acknowledge and give practical effect to Te Tiriti:
- (a) Section 4(d) of the ETA specifies that its purpose is to establish an education system that “honours Te Tiriti o Waitangi and supports Māori-Crown relationships”.
 - (b) Section 9 sets out in one place the main provisions in relation to the Crown’s responsibility to give effect to Te Tiriti, including obligations in relation to Te Tiriti for school boards, tertiary education institutions and education agencies.
 - (c) Section 6 of the ETA enables the Ministers of Education and Māori Crown Relations/Te Arawhiti, to jointly issue a statement specifying what education agencies (for example, Te Tāhuhu, NZQA, ERO, TEC) must do to give effect to public service objectives that relate to Te Tiriti. Consultation with Māori must be undertaken before the issuing of a statement.
 - (d) Section 127 gives direction to school boards regarding student rights and broadens the Board's objectives so that educational achievement is joined by three other key objectives:
 - (i) the school must ensure the physical and emotional safety of students and staff (including the elimination of racism, stigma, bullying, and any other forms of discrimination within the school);
 - (ii) the school must be inclusive and cater for students with differing needs; and
 - (iii) the school must give effect to Te Tiriti by:
 - (A) working to ensure the school's plans, policies and local curriculum reflect local tikanga Māori, mātauranga Māori and te ao Māori;
 - (B) that all reasonable steps are being taken to make instruction available in te reo Māori and tikanga Māori; and
 - (C) achieving equitable outcomes for Māori students.
- 5.4 I address the issue of Board accountability later in this brief in paragraph 7.

The Statement of National Education and Learning Priorities

- 5.5 The Statement of National Education and Learning Priorities (**NELP**) was issued under section 5 the Education and Training Act 2020 to guide those who govern licensed early learning services, ngā kōhanga reo, schools and kura. The NELP must be consistent with the objectives for education: helping children and young people to attain their educational potential; preparing young people for participation in civic and community life and for work, promoting resilience, determination, confidence, creative and critical thinking, good social skills, and the ability to form good relationships; and helping children and young people to appreciate diversity, inclusion, and Te Tiriti.
- 5.6 In 2023, the National Education Goals (**NEGs**) and National Administration Guidelines (**NAGs**) will be replaced by a new strategic planning and reporting framework. This framework will have a clear link to the NELP, and governing bodies will have to report on their engagement with the priorities in their strategic plans.

NATIONAL EDUCATION AND LEARNING PRIORITIES (NELP)	
OBJECTIVE 1 – LEARNERS AT THE CENTRE	
Priority 1	Ensure places of learning are safe, inclusive, and free from racism, discrimination, and bullying.
Priority 2	Have high aspirations for every learner/ākonga, and support these by partnering with their whānau and communities to design and deliver education that responds to their needs, and sustains their identities, languages, and cultures.
OBJECTIVE 2 – BARRIER FREE ACCESS	
Priority 3	Reduce barriers to education for all, including for Māori and Pacific learners/ākonga, disabled learners/ākonga and those with learning support needs.
Priority 4	Ensure every learner/ākonga gains sound foundation skills, including language, literacy, and numeracy.
OBJECTIVE 3 – QUALITY TEACHING AND LEADERSHIP	
Priority 5	Meaningfully incorporate te reo Māori and tikanga Māori into the everyday life of the place of learning.
Priority 6	Develop staff to strengthen teaching, leadership, and learner support capability across the education workforce.
OBJECTIVE 4 – FUTURE OF LEARNING AND WORK	
Priority 7	Collaborate with industries and employers to ensure learners/ākonga have the skills, knowledge, and pathways to succeed in work.

The Tertiary Education Strategy (TES)

- 5.7 The TES shares priorities with the NELP for early learning and schooling. This interrelationship recognises that learners change and grow as they move through their education and that the education system needs to listen to them, adapt to their needs, and empower them to achieve their aspirations, whatever their age or stage of learning.

- 5.8 The TES comprises eight priorities which ask tertiary education organisations to focus on:
- (a) the achievement and wellbeing of all learners;
 - (b) ensuring that places of learning are safe and inclusive and free from racism, discrimination, and bullying;
 - (c) reducing barriers to success and strengthening the quality of teaching to give learners the skills they need to succeed in education, work and life;
 - (d) taking account of learners’ needs, identities, languages and cultures in their planning and practice;
 - (e) incorporating te reo Māori and tikanga Māori into their everyday activities; and
 - (f) collaborating more with whānau, employers, industry and communities to support learners to succeed in work.

Ka Hikitea, Ka Hapaitia (Māori Education Strategy) and Tau Mai Te Reo (Māori Language Strategy)

- 5.9 Ka Hikitia, Ka Hapaitia - the Māori Education Strategy and Tau Mai Te Reo - the Māori Language Strategy are critical strategies in the provision of education. Ka Hikitia, Ka Hāpaitia and Tau Mai Te Reo set out the goals the education system is seeking to achieve for Māori success in education and Māori language in education. Together, the strategies provide frameworks for giving practical effect to Te Tiriti o Waitangi.

	Outcome Domains	Measures
Te Whānau	Education provision responds to learners within the context of their whānau.	<ul style="list-style-type: none"> • Māori learners have high levels of attendance and participation in our education services. • Māori whānau have regular and positive engagements with our education services.
Te Tangata	Māori are free from racism, discrimination, and stigma in education.	<ul style="list-style-type: none"> • Māori learners and whānau feel a strong sense of belonging in our education system and are free from racism.
Te Kanorautanga	Māori are diverse and need to be understood in the context of their diverse aspirations and lived experiences.	<ul style="list-style-type: none"> • Māori learners are achieving excellent and equitable education outcomes. • Our education workforce looks more like the population that it serves. It is skilled in engaging with Māori learners and whānau.
Te Tuakiritanga	Identity, language, and culture matter for Māori learners.	<ul style="list-style-type: none"> • Māori learners and whānau tell us they see and feel their identity, language, and culture on a daily basis in our education services.

	Outcome Domains	Measures
Te Rangatiratanga	Māori exercise their authority and agency in education.	<ul style="list-style-type: none"> Whānau, hapū, iwi and Māori are participating in and making decisions about the education of Māori learners.

Tau Mai Te Reo: Outcome Domains	
Mihi mai te reo	Education services will support learners to value and acquire and use te reo Māori words, phrases, and other forms (for example, waiata and haka) that are used on a regular basis in Aotearoa New Zealand.
Kōrero mai te reo	Education services will provide te reo Māori to support learners to develop the ability and confidence to talk about a range of things.
Tau mai te reo	Education services will ensure learners can access Māori-medium education services in order to develop high levels of te reo Māori proficiency and use.

The National Curriculum

- 5.10 The National Curriculum is comprised of the New Zealand Curriculum and Te Marautanga o Aotearoa which set the direction for student learning and provide guidance for schools as they design and review their curriculum.
- 5.11 Although both come from different perspectives, each start with a vision of young people developing the competencies they need for study, work, and lifelong learning, so they may go on to realise their potential.

The New Zealand Curriculum

- 5.12 The current New Zealand Curriculum acknowledges the principles of Te Tiriti o Waitangi, and the bicultural foundations of Aotearoa New Zealand. All ākonga have the opportunity to acquire knowledge of te reo Māori and tikanga Māori.¹¹
- 5.13 Te Tiriti o Waitangi is one of the eight principles in the New Zealand Curriculum that provides a foundation for a school's decision-making. Te Tiriti calls for schools to deliver a curriculum that:
- acknowledges the principles of Te Tiriti;
 - recognises Aotearoa New Zealand's bicultural foundations; and
 - enables students to acquire knowledge of te reo Māori and tikanga Māori.

Te Marautanga o Aotearoa

- 5.14 Te Marautanga o Aotearoa is the Curriculum for kura and Māori-medium schools. The centre post of this Curriculum is founded on the aspiration to

¹¹ Schedule 1, clause 7 (1)(b) of the Education and Training Act, requirements of a school charter under S61(3)(1).

develop successful learners, who will grow as competent and confident learners, effective communicators in the Māori world, healthy of mind, body and soul and secure in their identity, and sense of belonging. They will have the skills and knowledge to participate in and contribute to Māori society and the wider world.

- 5.15 Te Marautanga o Aotearoa identifies how this vision links to the learning environment for children in Māori-medium schools. This needs to start with the learners, their knowledge, skills, values, and attitudes, as an addition to the learning experiences at school. This Curriculum emphasises the socio-cultural aspects of teaching and learning. The home, the community, the culture and hapū of the learner all contribute to the education provided by schools. For learners to succeed, the school, the home, hapū, iwi and community must work together effectively and consistently. This Curriculum upholds the cultural identity and heritage of learners and their families.

Supports and tools to assist Boards

- 5.16 Te Tāhuhu also provides a range of support and tools to assist School Boards to assist them on how they can give effect Te Tiriti and meet their legislative and policy obligations. The various initiatives funded by Te Tāhuhu include assisting schools to:
- (a) build their local curriculum in accordance with the NELP, National curriculum and curriculum for immersion education;
 - (b) provide professional learning and development of teachers and building cultural competencies;¹²
 - (c) funding the New Zealand School Trustees Association to provide contracted services to help support boards including providing advice, professional development and guidance about cultural competence;
 - (d) strengthen the network of Māori medium schooling provision;¹³
 - (e) build effective partnerships (including iwi relationship agreements to encourage iwi and whanua engagement and involvement) and support learner outcomes; and
 - (f) support the Kura and Māori education workforce through various grants, scholarships and support packages.¹⁴

Early Learning

- 5.17 Early Learning Services operate under a framework set out under Part 2 of the ETA, the Education (Early Childhood Services) Regulations 2008 and various regulatory criteria prescribed under the ETA. Services must be licensed to receive government funding.¹⁵

¹² NTP No 422, 10 June 2022, page 23.

¹³ NTP No 422, 10 June 2022, response to questions 4-6.

¹⁴ NTP No 422, 10 June 2022 response to questions 4-6, page 23.

¹⁵ s 548(1)(a) of the Education and Training Act 2020.

- 5.18 The Licensing Criteria give effect to these regulations by:
- (a) providing the opportunity for children to develop knowledge and an understanding of the cultural heritages of both parties to Te Tiriti;¹⁶
 - (b) having a curriculum that respects and supports the rights of each child to be confident in their own culture, and encourages them to understand and respect other cultures;¹⁷
 - (c) requiring Services to have an Annual Plan describing how they will have regard to the NELP.¹⁸

National Education and Learning Priorities

- 5.19 All licensed Early Childhood Education Services must show how they will have regard for the NELP. This must be done via the Service's Annual Plan. The NELP encourages all places of learning to focus on:
- (a) ensuring safety and inclusivity, free from racism, discrimination, and bullying;
 - (b) collaborating more with whānau;
 - (c) taking account of learners' needs, identities, languages, and cultures; and
 - (d) incorporating te reo Māori and tikanga Māori into everyday activities.

Te Whāriki – He whāriki mātauranga mō ngā mokopuna o Aotearoa: Early Childhood Curriculum

- 5.20 Te Whāriki provides the curriculum framework that all New Zealand licensed Early Childhood Services are required to implement.¹⁹ Te Whāriki also builds on the framework, providing guidance to support implementation.
- 5.21 Underpinning Te Whāriki is the vision that children are competent and confident learners and communicators, healthy in mind, body and spirit, and secure in their sense of belonging and in the knowledge that they make a valued contribution to society. This vision implies a society that recognises Māori as tangata whenua, assumes a shared obligation for protecting Māori language and culture, and ensures that Māori are able to enjoy educational success as Māori. The most recent update of Te Whāriki was developed and framed using concepts drawn from te ao Māori.

Kōhanga Reo

- 5.22 Te Tāhuhu has an active relationship with the Kōhanga Reo National Trust and contributes to the outcomes and cultural framework that fosters the active protection and revitalisation of te reo Māori and tikanga Māori, and protection

¹⁶ C5, Licensing Criteria for Early Childhood Education and Care Services 2008.

¹⁷ C6, Licensing Criteria for Centre Based Education and Care Services 2008.

¹⁸ GM6, Licensing Criteria for Centre Based Education and Care Services 2008.

¹⁹ The curriculum for kōhanga reo is now a document in its own right: Te Whāriki a te Kōhanga Reo.

of mokopuna and whānau. The Trust maintains its own guidance and is funded by Te Tāhuhu.

6 Priority Groups - tāngata whenua, Pacific peoples, disabled people

- 6.1 Te Tāhuhu is committed to an education system that allows all children and young people to access an equitable and excellent education, and gives all learners, regardless of their circumstances, the opportunity and support they need to succeed. However, Te Tāhuhu knows the system has not served all learners equally. Te Tāhuhu acknowledges that racism, ableism and bias have impacted some learners and the Te Tāhuhu continues to seek ways that it can reduce these barriers to education.
- 6.2 Te Tāhuhu has learned that where schools connect to the identity, language and culture of ākonga, including building strong connections between educators and those outside the 'school gate' such as parents, whānau, communities, hapū, iwi, employers, learning outcomes for children and young people are significantly improved.
- 6.3 Expectations that places of learning are safe, inclusive and free from racism, discrimination and bullying are also outlined in legislation and policy documents such as:
- (a) section 34 of the Education and Training Act makes clear that *"people who have special education needs (whether because of disability or otherwise) have the same rights to enrol and receive education at State schools as people who do not"*;
 - (b) section 127(1) requires school boards to ensure that the school takes all reasonable steps to eliminate racism and discrimination and is inclusive and gives effect to Te Tiriti; and
 - (c) expectations that places of learning are safe, inclusive and free from racism, discrimination and bullying are also outlined in the NELP, the Learning Support Action Plan, Ka Hikitia, Ka Hāpaitia (Māori Education Strategy), and the Action Plan for Pacific Education.
- 6.4 Te Tāhuhu has an ongoing and significant work programme to support schools to embrace increasing student diversity. At the heart of this work, Te Tāhuhu wants to affirm the identities, cultures and languages of every learner, and build educationally powerful connections and relationships with learners, families, and communities. Te Tāhuhu is supporting whole school communities to develop caring and inclusive cultures that engage Māori, Pacific, migrant, disabled and rainbow learners and their families.²⁰ Amongst other initiatives this includes professional learning and development for teachers and Kaiako, a challenging racism toolkit, Te Hurihanganui, and Tu'u Mālohi which supports Pacific learners in years 9 to 13.
- 6.5 Te Tāhuhu also has a significant work programme to support inclusive education for diverse learners, including those who may be disabled, to ensure that every child can participate, belong and achieve. Te Tāhuhu is applying the principles of

²⁰ Response to NTP 422, page 7-19.

the United Nations Convention on the Rights of Persons with Disabilities throughout several of its major education reform programmes, including the Learning Support Action Plan, the Reform of Vocational Education, NCEA Change Programme, Curriculum Refresh, as well as in other work that impacts on disabled learners. Amongst other initiatives this includes draft standards for curriculum resources and materials that specifically identify the impacts and benefits for disabled ākonga, updated design standards to make school property more accessible, and work to design NCEA achievement standards and resources to give equitable opportunities for all learners.

- 6.6 Disabled children and young people with learning support needs are supported at school in their every-day context. When teaching staff need additional support they can access a range of resources and advice through Resource teachers and specialists. Students can also spend time in an alternative setting if they need more intensive support.
- 6.7 Te Tāhuhu works closely with Oranga Tamariki to support access to education for children and young people in care. Engagement in education is recognised as a protective factor for children in care and plays an important role in building social, cultural, emotional and cognitive competencies as well as resilience and critical thinking skills. Te Tāhuhu supported a project to better understand the experiences of mainstream education for children and young people in care, with the reports released in 2019.²¹ These findings continue to inform how the Te Tāhuhu and Oranga Tamariki work together to best support children and young people in care.
- 6.8 Te Tāhuhu is also committed to working with Oranga Tamariki through initiatives such as the Oranga Tamariki Action Plan (**OTAP**) which is a collective commitment by children’s agencies to work together to achieve the outcomes in the Child and Youth Wellbeing Strategy and the wellbeing of children and young people with the greatest need.²²
- 6.9 In July 2021, ERO published the findings of its evaluation of learning in residential care.²³ Te Tāhuhu has established a joint work programme to respond to those findings.

7 Monitoring, oversight, safeguarding

- 7.1 Education in New Zealand has been regulated since 1877 and over time has been periodically reviewed, most recently in 2018 by an Independent Taskforce and is currently undergoing change with a five-year programme to refresh the New Zealand Curriculum and redesign Te Tāhuhu.

²¹ [The educational experiences of children in care](#), published in July 2019 by the Oranga Tamariki Voices of Children and Young Persons team.

²² The [Oranga Tamariki Action Plan \(OTAP\)](#) and the practical steps that agencies will take to give effect to OTAP are set out in the [OTAP Implementation Plan](#).

²³ The Education Review Office (ERO) published its [Evaluation of Learning in Residential Care](#) in July 2021. A joint work programme with Oranga Tamariki and ERO is underway with most actions due to be completed by December 2022 and the remaining actions by July 2023.

Regulation of Education – 1950 – 2020

- 7.2 In its response to Notice to Produce 422 dated 17 June 2022, Te Tāhuhu sets out background to the education landscape between 1950 and 1989.²⁴ During this time, the Department of Education oversaw the administration of the primary and secondary schooling systems under the Education Acts 1914, 1964 and 1989.
- 7.3 Different schools were subject to different legislative and regulatory frameworks. State schools were, and continue to be, fully funded by the State. They were governed by independent Boards, established in various School Districts. The Board of each District had the power to establish, maintain and control state schools within the District.
- 7.4 The management structure differed among schools, but in general, the Principal was responsible to the Education Board for management of the school and either an Assistant Principal or Head Teacher oversaw the daily running of the school. Where schools were attached to residences operated by other agencies (Health or Department of Social Welfare (**DSW**)), the residential facility would be managed by the responsible agency. For example, institutions run by the DSW would be managed by DSW staff.

School Governance

- 7.5 Before 1989, State Primary Schools (which included Māori Schools and any special schools established under the Act) were required to follow the requirements under the Organisation and Inspection of State Primary Schools Regulations 1963. Under these regulations, Principals of the school were responsible for the day to day organisation and administration of the school including ensuring staff carried out the duties required of them, ensuring that pupils were making satisfactory progress according to their abilities in all parts of the curriculum, maintaining a register of Attendance, the register of Progress and Achievements, the primary school record and any other records prescribed by the Director²⁵ and ensuring the health and wellbeing of students while they were at the schools. At school, staff assumed responsibility for the total welfare of the student.
- 7.6 In 1989, there were major reforms in the administration of education under which administration, management and governance of State primary and Secondary schools shifted to locally elected Boards of Trustees (**Boards**). Under the Tomorrow's Schools Reforms, there was a desire to give school Boards real but accountable autonomy within a system that retained certain minimum controls. Central to these reforms was the balance between local autonomy and central prescription and control.
- 7.7 Under the 1989 reforms an independent agency, the Education Review Office, was set up to review the performance of schools.
- 7.8 Boards also have reporting requirements including the requirement to submit its annual report to the Secretary and to develop and submit planning and reporting documents to Te Tāhuhu every year. The key focus of this is to

²⁴ Response to Notice to Produce 422 at p 4-5.

²⁵ Reg. 8 Organisation and Inspection of State Primary Schools Regulations 1963.

improve student progress, achievement and well-being particularly for students at risk of not achieving.²⁶

Intervention Powers

- 7.9 The Education Act 1989 brought in three powers to intervene in the control and management of a school in trouble. The first empowered the Secretary for Education to take proceedings against the Board to enforce its charter - the central document of accountability between the school, government and community.²⁷ The second set of powers under s 106 allowed intervention if there were problems in the election of the Board. The third set of powers and arguably the most significant, were contained in s 107. This allowed the Minister to dissolve the Board and appoint a commissioner:

107. Minister may dissolve Board for cause, and direct appointment of a commissioner –

- (1) If satisfied that-
- (a) By reason of mismanagement, dishonesty, disharmony, incompetence, or lack of action (either generally or in relation to a particular matter or matters); or
 - (b) Because it has taken or intends to taken an unlawful action, or has failed or refused or intends to fail or refuse to take an action required law,-

a Board should not continue in existence as then constituted, the Minister may, by notice in the *Gazette*, dissolve the Board and direct the Secretary to appoint a person to act in its place (a Commissioner).

- 7.10 Over time, with growing awareness and experience of the complex mix of factors that contribute to school failure, changes were made. In recognition that problems in schools could be the result of a range of factors such as geographical isolation, difficulties in implementing the national curriculum, serious financial management, governance and management and health and safety issues, Te Tāhuhu started the Schools Support Project in the mid 1990's. Other schooling improvement initiatives followed.
- 7.11 Over time, the roles of Te Tāhuhu and other agencies were refined to improve standards across the Education Sector. The ETA was amended to include new powers in a risk management framework which provided a range of interventions that may be used to address risk to the operation of individual schools or to the welfare or educational performance of students.²⁸ The current range of intervention powers include a requirement on the Board to provide information, engage specialist help, carry out an action plan, appoint a limited statutory manager and in the most serious cases dissolve the Board and appoint a commissioner. When applying the intervention, the Secretary or the Minister is required to apply whichever intervention they consider is reasonable to deal

²⁶ <https://www.education.govt.nz/school/schools-planning-and-reporting/>, Also see schedule 1, clause 7 ETA; s134, ETA.

²⁷ Section 64(2) of the Education Act 1989.

²⁸ S171-188 Education and Training Act 2020, compare s78I Education Act 1989, no 80.

with the risk without intervening more than necessary in the affairs of the school.

- 7.12 Alongside this, other changes were made to legislation to increase the degree of state oversight of schools, including in relation to the safety and wellbeing of students:
- (a) Each school Board is required to have up-to-date health and safety policies and procedures that help them to provide a safe, physical, and emotional environment for their students.²⁹ Te Tāhuhu contracts the School Trustees Association (**NZSTA**) to provide a fully integrated range of services to support the governance and employment capability of Boards;
 - (b) All schools must comply with the prohibition on the use of corporal punishment since 1990,³⁰ and the use of seclusion since 2017,³¹ as well as limits placed on the use of physical restraint since 2017;³²
 - (c) In 1990, new provisions were introduced into the 1989 Act which granted Te Tāhuhu extensive powers of entry and inspection in all registered schools;³³
 - (d) A further amendment in 1998 granted authority for Te Tāhuhu to enter and inspect a private school which was suspected of operating whilst unregistered;³⁴
 - (e) *Mandatory Police vetting and reporting on criminal convictions* – three-yearly Police vetting was introduced for teachers in both State and private schools in February 2002.³⁵ From April 2002, non-registered school staff and contractors were required to be Police vetted every three years,³⁶ with equivalent requirements introduced for employees of

²⁹ Education and Training Act 2020, s127.

³⁰ Education Act 1989, s 139A inserted into the principal Act by the Education Amendment Act 1990 (1990 No 60). Now contained in the Education and Training Act 2020, s 98.

³¹ Education Act 1989, s 139AB (inserted into the principal Act under the Education (Update) Amendment Act 2017 (2017 No 20)). Now contained in the Education and Training Act 2020, s 98.

³² Education Act 1989, ss 139AC and 139AE (inserted into the principal Act under the Education (Update) Amendment Act 2017 (2017 No 20). Now contained in the Education and Training Act 2020, ss 99 to 101.

³³ Education Act 1989, ss 78A and 144A inserted under the Education Amendment Act 1989 (No 156), s 12(1) and Education Amendment Act 1990 (No 60), s 30. Now see Education and Training Act 2020, ss619 and 628.

³⁴ Education Act 1989, s 78B inserted under the Education Amendment Act (No 2) 1998 and later Education Act 1989, s 35S inserted under the Education (Update) Amendment Act 2017, s 37. Now see Education and Training Act 2020, s 629.

³⁵ Education Act 1989, ss 124B(1), 130(6), 139AE(k) and 139AZD(1)(a) introduced under the Education Standards Act 2001 (No 88). Subsequently Education Act 1989, Parts 31 and 32, introduced under the Education Amendment Act 2015, s 6. Now see Education and Training Act 2020, Schedules 3 and 19.

³⁶ Education Act 1989, ss 78C, 78CA introduced under the Education Standards Act 2001, s 18 and subsequently Education Act 1989, s 78CC introduced under the Education Amendment Act 2010 (No 25), s 21. Now see Education and Training Act 2020, s 104 and Schedule 4.

contractors from May 2010.³⁷ All children’s workers must also be safety checked under the Children’s Act 2014;³⁸

- (f) Licensed hostels and early learning services are reviewed by ERO³⁹ to evaluate whether students are living in a safe emotional and physical environment;
- (g) The Education (Hostels) Regulations 2005 came into force on 1 March 2006.⁴⁰ The purpose of these Regulations is to ensure the safety of students who board at hostels, which covers hostels at all registered schools including private schools and residential special schools.⁴¹ The Regulations brought in minimum requirements for pastoral care, including a code of practice, as well as a mechanism for direct intervention when serious safety concerns are identified;
- (h) *Adherence to NELP*– From 2017 the managers of a private school and the school’s principal and staff were required, like State schools, to have regard to NELP.⁴² The NELP sets out the government’s priorities for all schools (including State, State-integrated, and private), kura, early learning services, me nga kōhanga reo, and Communities of Learning (Kāhui Ako). Those who govern schools use these priorities, alongside their own local priorities, to help every child and young person to progress and achieve to their potential;
- (i) Obligations to adopt a written child protection policy were introduced under the Children’s Act 2014.⁴³ These policies must be reviewed by the school’s managers every three years, and must contain provisions about how school staff will handle the identification and reporting of child abuse and neglect under the Oranga Tamariki Act 1989;⁴⁴
- (j) Obligations to ensure as far as reasonably practicable, the health and safety of students, staff and other visitors to the school under the Health and Safety at Work Act 2015; and
- (k) Duties on Principals when students are stood down or suspended from school including the Principal’s obligation to notify Te Tāhuhu of about the suspension or expulsion of a student and to provide Te Tāhuhu with a written reason for the action.⁴⁵

³⁷ Education Act 1989, s 78CC introduced under the Education Amendment Act 2010 (No 25), s 21. Now see Education and Training Act 2020, s 104 and Schedule 4.

³⁸ Children’s Act 2014, Part 3.

³⁹ Education Review Office ‘How ERO reviews school hostels’ (31 March 2021) at <https://ero.govt.nz/how-ero-reviews/how-ero-reviews-school-hostels> (accessed 5 October 2021). See Education Act 1989, ss 328E and 328G inserted under the Education Standards Act 2001 (No 88), s 63.

⁴⁰ Education Act 1989, s 144C – E inserted under the Education Standards Act 2001 (No 88), s 39. Now see Education and Training Act 2020, s 643.

⁴¹ Education (Hostels) Regulations 2005, r 5.

⁴² Education Act 1989, s 35GA inserted under the Education (Update) Amendment Act 2017 (No 20), s 35. Now see Education and Training Act 2020, Schedule 7, cl 7.

⁴³ Children’s Act 2014, ss 15(1) and 18.

⁴⁴ Children’s Act 2014, s 19. See also Oranga Tamariki Act 1989, s 15.

⁴⁵ Education and Training Act 2020 s84 and 88, previously 1989, No80, s 17A and 18.

- 7.13 Guidelines are provided to schools to help them understand the legal framework regulating the use of restraint and follow it. They aim to strengthen good practice of responding to student behaviour and distress and minimise the need to use restraint. New guidelines will be finalised in February 2023, and new training, webinars and resources for school staff to support effective practices and strategies are being developed. Te Mahau staff are available to support schools to safely respond to student distress. Te Tāhuhu is also supporting residential specialist schools to eliminate restraint.
- 7.14 Te Tāhuhu also supports schools to develop their bullying prevention and response approaches that work for them and their communities. With the support of the Bullying Prevention Advisory Group (BPAG), Te Tāhuhu has developed the Bullying-Free NZ website guidance and resources to support Boards of Trustees, school leaders, teachers, parents and whānau, and students to work together to do this. Te Tāhuhu also uses the annual nationwide Bullying-Free NZ Week held in conjunction with the Mental Health Foundation's Pink Shirt Day, to raise awareness of how to prevent and respond to bullying in schools.
- 7.15 Guidance is also provided to school boards, principals, and teachers so that they understand their legal options and duties and meet their obligations under statutory requirements with respect to stand-downs, suspensions, exclusions and expulsions. The Stand-downs, Suspensions, Exclusions and Expulsions (SSEE) Guidelines (2009) are currently being updated and will focus on inclusive principles which give practical effect to Te Tiriti, emphasise a range of options for early intervention and support the reduction and/or prevention of SSEE.

8 Staff and caregivers

Regulation of staffing in schools

- 8.1 Under the 1914 Act, Public schools were classified into grades and sub-grades, largely based on the number of pupils on the school roll. It was the duty of each school Board to determine the grade and sub-grade of the schools under their control, in accordance with regulations supplementing the 1914 Act.⁴⁶ 'Native' schools (a system of schools set up in Māori communities) were required to be staffed to the same level as Public schools.
- 8.2 Under the 1964 Act, teachers were appointed by Appointments Committees for each District. All teaching appointments were required to be made in accordance with regulations supplementing the 1964 Act.⁴⁷ The regulations were amended and updated from time to time.⁴⁸ Staffing levels were generally determined by the number of pupils on each school's roll⁴⁹ and could be increased if the roll increased during the year.⁵⁰
- 8.3 In 1974, the regulations were updated to introduce a new system of classification and appointment. Teachers were classified depending on their

⁴⁶ 1914 Act, at s 75.

⁴⁷ Education (Assessment Classification And Appointment) Regulations 1965.

⁴⁸ The Education (Salaries And Staffing) Regulations 1957 (Reprint 1981) is a reprint of the Education (Salaries and Staffing) Regulations 1957, as amended by enactments between 1960 and 1981.

⁴⁹ Education (Salaries And Staffing) Regulations 1957 (Reprint 1981) at s 30.

⁵⁰ Education (Salaries And Staffing) Regulations 1957 (Reprint 1981) at s 34.

experience into groups eligible for provisional or permanent appointments. Teachers would become eligible for permanent appointments after four years of service under a provisional appointment. Teachers holding permanent appointments could be relegated to a provisional appointment if they were deemed to be inefficient or incompetent.

Special Schools

- 8.4 From 1976, the number of teachers to be employed for any special class was determined by the Director-General.⁵¹ School Boards were empowered to employ teachers or other people with appropriate qualifications in physical education, art and crafts, science, music or other approved subjects to teach special education classes.⁵²
- 8.5 From 1993, the Crown enacted Special School Staffing Orders which prescribed limitations and entitlements on numbers and types of teachers to be employed at special schools in any specified year.⁵³ Earlier orders had Schedules setting out basic staffing entitlements based on the number of students at schools with allowances for intellectual and physical disabilities and further allowances for support staff such as speech language therapists, special education assistants and occupational therapists. Later orders set out how the limitations are calculated and the circumstances in which the Secretary of Education may grant exemptions from the limitations.
- 8.6 Limitations and allowances in Full Time Teacher Equivalents (**FTTEs**) were calculated based on complex formulas, taking into account each school's curriculum delivery allowance, additional guidance allowance, management time allowance and the number of high needs and very high needs classified students at each school.
- 8.7 From 2006 these regulations were incorporated into Education (School Staffing) Orders, along with other school staffing regulations.

Teacher Registration

- 8.8 The Education Act 1914 (**1914 Act**) provided that all teachers in State schools (referred to as Public Schools) must have a teacher's certificate or licence.⁵⁴ The 1914 Act did allow for appointments of persons without those qualifications in cases where a certificated or licenced teacher could not be obtained for a position, however those appointments were made on a temporary basis. Appointments were made by the regional Education Board in consultation with the Senior Inspector and the School Committee.
- 8.9 Boards were empowered under the 1914 Act to suspend or summarily dismiss any teacher for immoral conduct or gross misbehaviour.
- 8.10 The Education Act 1964 (**1964 Act**) similarly required teachers to hold a relevant certificate or licence.⁵⁵ Teachers were also required to be registered.⁵⁶ The

⁵¹ Education (Salaries And Staffing) Regulations 1957 (Reprint 1981) at ss 31(d) and 44.

⁵² Education (Salaries And Staffing) Regulations 1957 (Reprint 1981) at s 45.

⁵³ Education (1994 Special School Staffing) Order 1993.

⁵⁴ Education Act 1914, s 71(1).

⁵⁵ Education Act 1964, s 142.

⁵⁶ 1964 Act, s 131.

Teachers Register was kept by the Director-General of Education and was published.⁵⁷

- 8.11 Teachers charged with offences carrying sentences of imprisonment for not less than two years could be suspended by the School Board and could be dismissed.⁵⁸ Boards could also determine to temporarily transfer a teacher facing charges to other duties. The 1964 Act also set out behaviour constituting disciplinary offences and the process that was to be taken where a disciplinary offence was alleged.⁵⁹
- 8.12 The Teaching Council is currently responsible for registering teachers and issuing practicing certificates as well as investigating complaints about teacher conduct and competence. Teachers are also subject to safety checking and Police vetting requirements and there are mandatory reporting requirements on Boards to report all teacher competence issues to the Teaching Council.
- 8.13 A range of initiatives are in place to recruit and provide career opportunities for of Māori and Pacific people in Te Tāhuhu to increase diversity and representation by these groups.⁶⁰

9 State and faith

- 9.1 Private schools have always been owned and operated by private entities, rather than the State. As set out in the evidence of Helen Hurst dated 7 October 2021, the Department and later Te Tāhuhu has always had considerably less involvement in private school settings by comparison to the State school system. In governing private schools, proprietors must act with the confines of the law including through the relevant provisions of the education legislation, but otherwise adhere to their own internal rules, canons and constitutions and applicable statutes.⁶¹ They receive some funding from Te Tāhuhu and can additionally charge school fees. Private schools must be registered but otherwise have considerable flexibility in choosing their own curriculum and assessment methods.
- 9.2 The existence and operation of private schools with minimal interference by the State provides children and their parents with a variety of options in relation to education. Many private schools are able to cater for specific linguistic, cultural and religious needs of their students. The autonomy afforded to parents and students by the private school system is underpinned by the fundamental principles of:⁶²
- (a) freedom of thought, conscience and religion;
 - (b) freedom of expression; and
 - (c) the rights of ethnic, religious and linguistic minorities to enjoy their culture, profess and practice their religion, and use their language in community with others.

⁵⁷ 1964 Act, ss 132 and 133.

⁵⁸ 1964 Act, s 157.

⁵⁹ 1964 Act, ss 158 – 159.

⁶⁰ Response to NTP 422, pages 7-19.

⁶¹ Helen Hurst BOE dated 7 October 2021, paragraph 5.3.

⁶² See New Zealand Bill of Rights Act 1990, ss 13, 14 and 20.

- 9.3 State-integrated schools were originally private schools who voluntarily integrated into the State education system following the Private Schools Conditional Integration Act 1975 (**PSCI Act**).
- 9.4 The PSCI Act was introduced following lobbying from church authorities and came at a time when many faith-based schools were experiencing financial difficulties which threatened their viability. The difficulties resulted from a number of factors, including a significant change in the composition of teaching staff. For example, in Catholic schools, as the number of priests, brothers and nuns in teaching roles declined, Catholic schools were having to employ lay teachers and this introduced significant new costs for these schools.
- 9.5 While the proprietors of an integrated school retained ownership of the land and buildings, and were responsible for bringing the facilities up to State standard and for subsequent capital works, in all other respects they were funded like State schools, receiving the same general operating grants.
- 9.6 State-integrated schools receive government funding, as State schools do. State-integrated schools must teach the New Zealand Curriculum, however the teaching can reflect their special character.
- 9.7 ERO reviews private and state-integrated schools and their hostels to evaluate whether students are living in a safe emotional and physical environment that supports their learning.⁶³

10 Provision of care

- 10.1 In 2018, Te Tāhuhu undertook Kōrero Mātauranga (Education Conversation) and reached out to all New Zealanders as part of a korero on the future of education in New Zealand. Te Tāhuhu received over 43,000 submissions and heard from those whose voices have not been traditionally heard in discussions about the future of education, such as children and young people, parents, Māori, Pacific people and people with learning support needs, including those with a disability.
- 10.2 We know that priority groups and their whanau have high aspirations regarding education, and that our education system has an intergenerational history of underserving them. This experience is compounded for priority groups who also have additional learning support needs.
- 10.3 In the Kōrero Mātauranga, ākonga Māori and their whānau, hapū and iwi highlighted the issue of cultural bias, racism, discrimination, and low expectations of tamariki Māori from teachers and schools. These factors contribute to Māori being more likely than non-Māori to experience barriers to learning as well as facing obstacles to accessing learning support. Submitters reported a lack of Māori in the learning support workforce and discussed the challenges of providing learning support in Māori medium settings. A lack of cultural competency was reported as a barrier to access with concerns regarding support services often being led by Pākehā processes and culture. Despite the shifts that have occurred and the focus on better inclusion, this kōrero provided a clear message that there is still much that needs to be done.

⁶³ Education and Training Act 2020, ss 470 – 473.

- 10.4 On a universal level, we need to reduce the level of racism and ableism in the system, such as through the professional learning and development priority on cultural capability and programmes like Te Hurihanganui in schools. Te Tāhuhu acknowledges that the pace and scale of developing resources in te reo and underpinned by te ao Māori lags behind where it needs to be.
- 10.5 There has been increasing work with ākonga and their whanau to help inform the changes needed to create an inclusive and equitable education system. Te Tāhuhu uses key government strategies to measure the required system improvements against. This includes the Statement of National Education and Learning Priorities and Ka Hikitia – Ka Hapaitia, the education system’s Māori education strategy.
- 10.6 Workforce capability and capacity is a critical enabler of the provision of culturally appropriate learning support and recognise that there are issues with the supply of both teaching workforce and specialist workforce with the appropriate skill sets across English and Māori medium. This includes not only the capability to linguistically develop relationships with whānau and ākonga, but also ensuring that professional practices are embedded in mātauranga Māori. Te Tāhuhu has a range of work underway relating to building cultural capability across the education workforce, including within Te Tāhuhu.
- 10.7 Te Tāhuhu acknowledges that one of the key shifts we need to make is to improve our feedback loops and information flows. We are developing systems across Education Workforce to partner more effectively with Māori, and ensure we are responsive to the needs and ambitions of iwi, that it is embedded in mātauranga Māori and mātauranga-ā-iwi and work together to consider what that workforce needs look like and what responses will best suit each situation.
- 10.8 Cultural capability has been a professional learning and development (**PLD**) priority since October 2020. All existing PLD providers who wanted to deliver PLD in cultural capability had to submit a proposal that indicated that they met criteria in the following four areas:
- (a) Tiriti o Waitangi;
 - (b) Kaupapa Māori;
 - (c) Critical Consciousness; and
 - (d) Inclusion.
- 10.9 Once approved as an organisation, PLD providers have to attest that individual facilitators meet the criteria and supply a professional endorsement. This process is essential, as prior to October 2020, around 80% of facilitators had indicated that culturally responsive pedagogy was a personal professional specialisation.
- 10.10 In early 2021, Te Tāhuhu opened the provider panel for new providers who wished to deliver PLD in cultural capability. Through this process a number of new providers, including iwi and hapū, became part of the provider network. Te Tāhuhu is currently undergoing another review/moderation process for new providers in cultural capability and the other six professional learning and development priorities. This work will be completed in June 2022.

- 10.11 Te Tāhuhu is progressing work in partnership with iwi in an attempt to address learning in a manner that recognises the importance of culturally competent systems and professionals, such as:
- (a) Huakina Mai – building a positive school culture based on a Kaupapa Māori world view;
 - (b) Te Mana Tikitiki – a pilot programme to uplift the mana of young ākonga Māori;
 - (c) Strengthening Learning Support for mokopuna and their whānau at Ngā Kōhanga Reo – delivering a campaign to raise the awareness of mokopuna with learning support needs; and
 - (d) Introduction of He Pikorua (a digital, culturally enhancing practice framework that provides guidance to all Te Tāhuhu and learning support practitioners in their day-to-day work) to provide better collaboration for better support.

Learning support

- 10.12 Learning support has evolved significantly from the early 20th century where those with special education or disability needs were separated from mainstream education to a move towards an inclusive education system and a present-day recognition that many ākonga need support at some point through their education pathway.
- 10.13 Learning supports are provided as part of the broader education system. Factors which may contribute to ākonga requiring learning support (or other wellbeing supports) are multi-faceted, requiring responses that require collaboration within the sector, with whānau, and across government agencies. Te Tāhuhu is also aware that the system has not supported ākonga Māori with learning needs as well as it should. This points to the necessity of developing educationally powerful relationships with whānau, ākonga, kura and specialists, which the establishment of Te Mahau, Te Tāhuhu's new way of operating, aims to foster through the provision of responsive and local support and resource.
- 10.14 The Learning Support Action Plan 2019 – 2025 (**LSAP**) outlines the current direction for learning support and identifies six strategic priorities that will improve how the education system supports all learners to learn, make progress, and have their wellbeing safeguarded and promoted. The principles of Ka Hikitia – Ka Hapaitia are being embedded into Te Tāhuhu's work on the LSAP as part of Te Tāhuhu's commitments under Te Tiriti to ensure equitable opportunities and outcomes for all ākonga Māori.
- 10.15 The Learning Support Delivery Model (**LSDM**) was developed following consultation with parents, whānau, teachers and other educators, and representatives from the disability sector. It was successfully piloted in clusters of schools and kura in early 2017. The LSDM supports local groups to work collaboratively to respond to needs of the local population of children and young people, to ensure they receive the right support, at the right time and at the right place. Te Tāhuhu continues its work to support effective implementation.

- 10.16 Students are supported through an integrated model of learning support (**Te Tūāpapa o He Pikorua**). Schools provide learning support through universal and inclusive, school or cluster-wide systems and practices, as well targeted support for those who need it. When more significant needs are identified, schools and kura can draw on external services including services provided by Te Tāhuhu of Education specialists, Te Tāhuhu contracted provision of Resource Teachers Learning and Behaviour, community organizations, other health and social services.
- 10.17 There are around 85 different programmes, services, and supports provided by schools, Te Tāhuhu contracted providers, or directly by Te Tāhuhu.
- 10.18 The learning support workforce is made up of around 1,041 FTE⁶⁴ Learning and Behaviour Resource Teachers and 1000 FTE Te Tāhuhu specialists. The Ongoing Resource Scheme (ORS),⁶⁵ specialist teachers, resource teachers, teacher aides and learning support coordinators are employed by schools. Specialist schools will also employ learning support specialist staff.
- 10.19 The foundations of learning support start at the universal level, so that all teaching staff are confident and skilled to support diverse learners. Having a good quality curriculum including strengthening local curriculum to engage diverse learners is a critical foundation and work is underway to strengthen the New Zealand Curriculum and ensure it is inclusive.
- 10.20 Both the general teaching workforce and learning support specialists play a critical role in the experience of ākonga and their whānau as they move through the education system and access learning support.
- 10.21 Te Tāhuhu actively supports the strengthening of the Learning Support workforce in a number of ways. Te Tāhuhu funds study awards for post graduate specialist teaching qualifications delivered by Massey University, including a specific endorsement for Kaiako working in Kohanga Reo and for Resource Teachers Learning and Behaviour. Education to support inclusive education and building understanding of neurodiverse learners is included in the curricula for all the specialist qualifications. In addition to the study awards for teachers, a number of scholarships are provided for specialists such as Educational Psychologists, Speech and Language Therapists and Sign Language Interpreters.
- 10.22 From January 2020 there have been 623 new Learning Support Coordinator (**LSC**) roles in the education system. Our work to build the capabilities of the existing workforce includes professional leadership and development. Initiatives include the LSC network of expertise and the development of Te Rourou Whai hua which support LSCs and Special Education Needs Coordinators (**SENCOS**) with comprehensive access to information and guidance. Examples of this include Tilting the Seesaw for LSC and the recent Tāonga Takiwatanga wānanga series support increasing capabilities for supporting learners with Autism.

⁶⁴ Full time equivalent.

⁶⁵ ORS provides support for students with the highest levels of need for specialist support.

11 Intersection with provision of health care to those with special health and education needs

Education for children with Learning Support Needs

- 11.1 Special Education was historically conceptualised in terms of funding linked to particular disabilities, such as physical, intellectual, sensory or communication-based disabilities. The government established a number of State special schools, units and classrooms to cater for children with special educational needs. The Department employed a national service of educational psychologists, while Regional Education Boards employed specialists such as speech language therapists to assist children with special education needs who were enrolled in schools.
- 11.2 Under the 1914 Act, it was the duty of the parents of any children deemed to be blind, deaf, “feeble-minded” or epileptic to ensure their child received “efficient and suitable education”. If parents failed to do so, the Minister was empowered under the 1914 Act to direct that a child be sent to a suitable special school where the Principal of that school would be granted exclusive custody and control of the child.
- 11.3 During the 1980’s, most children with complex learning needs continued to learn in special schools. There was increasing interest in mainstreaming children in their local school or special classes attached to their local school, however schools were not well supported to do this with resourcing and services.
- 11.4 The door to inclusive learning opened with the Education Act 1989 when key provisions concerning special education were changed. Sections 8 and 9 gave children with special needs the same rights to enrol in a state school and receive education as other students. The Special Education 2000 (**SE 2000**) policy allowed supports and funding to follow the child regardless of setting. Funding lines introduced around this time included the Special Education Grant, the Ongoing Resourcing Scheme and the introduction of Resource Teachers Learning and Behaviour (**RTL**B).
- 11.5 The main environments that a student with a disability or additional learning needs may learn in are:
- (a) at a local school or Kaupapa Māori setting, or
 - (b) at a specialist school, or
 - (c) a satellite class of a specialist school, based in another school or Kaupapa Māori setting, or a Board of Trustees established specialist provision.
- 11.6 Most children and young people with learning support needs attend a local school. Section 37 of ETA requires a formal agreement between the Secretary and the student’s parent to enrol in a specialist school. Parents and Te Tāhuhu, as the Secretary’s delegate, must agree that the child or young person requires specialist education and an enrolment at a specialist school is in their best interests. Parents request enrolments, and agreements should be for a finite period so that Te Tāhuhu and parents can review whether the placement is still in the child’s best interests.

12 Complaints, referrals and criminal justice

- 12.1 Complaints about teachers or other school staff are generally directed, in the first instance, to the school's Board of Trustees as the employer. Te Tāhuhu records all complaints it receives in separate systems for schools and early childhood services, including any relating to specialist schools or other specialist settings where learners with disabilities are enrolled. If Te Tāhuhu is made aware of concerns about student safety or wellbeing, it contacts the school to offer support, including coordinating with other agencies where needed. Specialist Police Officers work alongside Oranga Tamariki to investigate concerns, assess the child's safety, and act on any concerns the assessment raises. Te Tāhuhu helps schools and early learning services to prepare for, manage and respond to traumatic events, including suspected abuse.
- 12.2 A Board may, in accordance with the Act, appoint, suspend, and dismiss school staff. Schools are required to act on incidents if they occur.⁶⁶
- 12.3 The Board must immediately report the dismissal of a teacher to the Teaching Council and if it has reason to believe that the teacher has engaged in serious misconduct.⁶⁷ Mandatory reporting to the Teaching Council is also required if, within 12 months after a teacher ceases to be employed by the employer, the employer receives a complaint about the teacher's conduct or competence while he or she was an employee.⁶⁸ Failure to make a mandatory report is an offence under the Act.⁶⁹
- 12.4 The New Zealand Schools Trustees Association (**NZSTA**) supports schools to investigate serious complaints and manage any employment process that results, including disciplinary measures and dismissal. The ETA requires the Teaching Council to cancel a teacher's registration if that teacher has a conviction for a specified offence and does not have an exemption.
- 12.5 When Te Tāhuhu becomes aware that a complaint has not been sufficiently managed by the school, or if the complainant is not satisfied with the outcome of the school's complaints process, Te Tāhuhu will work with the school and family to support a resolution.
- 12.6 Where education providers are contracted by Te Tāhuhu to deliver an educational programme for students with learning support needs, the terms and conditions of the Outcome Agreement sets out a process to be followed if the Agreement is breached, including requiring the provider to notify Te Tāhuhu if any of their staff are being investigated for, have been charged with, or convicted of any criminal offence, and to work with the Te Tāhuhu to agree an appropriate response. Depending on the nature of the breach, a contract may be terminated.

Early Learning Services

- 12.7 The Licensing Criteria for Early Childhood Education Services includes a requirement⁷⁰ for all Services to have a procedure people should follow if they

⁶⁶ Education and Training Act 2020, s127 and 128.

⁶⁷ S 489 and s491 Education and Training Act 2020.

⁶⁸ S490 Education and Training Act 2020.

⁶⁹ S542 Education and Training Act 2020.

⁷⁰ GMA1 for centre-based services.

wish to complain about non-compliance at the Early Learning Service. This criterion needs to include the option to contact the local Te Tāhuhu office and also includes a requirement for Services to prominently display this procedure.

- 12.8 Complaints about ECE Services can come from a range of people, including parents, whānau, early learning staff and members of the public. Te Tāhuhu assesses each complaint, investigates against the regulations, and if necessary, acts on the findings when intervention is required.
- 12.9 All complaints received by Te Tāhuhu are assessed to determine the most appropriate action. Some complaints require investigation by another agency. When this occurs, Te Tāhuhu informs the complainant of the other agency's involvement. Complaints can result in a wide range of action, depending on the outcome of the investigation, for example, from a simple acknowledgment of the complaint through to a suspension of the Service.

13 Funding and resources

- 13.1 School boards are responsible for the financial governance of their schools, including determining how operational funding is allocated. Boards must comply with the National Administration Guidelines, among many other contractual, legislative and reporting requirements.
- 13.2 Te Tāhuhu collects financial data from schools annually to monitor the levels of funding and resources each school may require. The ETA stipulates that every school must prepare an Annual Report, which is submitted to Te Tāhuhu. The Auditor-General audits the financial statements produced as part of the Annual Reports. The financial statements must comply with generally accepted accounting practice, which means it must follow the accounting framework which is set out by the external reporting board and follow the accounting reporting standards.
- 13.3 The Auditor-General prepares an Audit Report which sets out a reflection on the financial statements and the school's financial position at the end of the year. The Audit Report is a public document and should be published on the school's website along with the school's financial statements and Annual Report.

Learning Support resourcing, including for Specialist Schools (day and residential)

- 13.4 Approximately \$1.2 billion a year is spent on learning support. Schools receive operational funding from Te Tāhuhu to support the needs of their students, including special education funding and equipment grants. Schools also receive learning support funding, for example, to support students verified for the Ongoing Resourcing Scheme (**ORS**) for students with the highest ongoing levels of need for specialist support, School High Health Needs Fund and In-Class Support, Behaviour teacher aide and Communication teacher aide and ESOL funding. Teacher aide support can also be funded through ACC and other government sources. Resources are allocated based on the individual needs of the student identified through an Individual Education Plan. Each student gets a unique mix of resources.
- 13.5 Te Tāhuhu holds and administers the ORS funding for most students. Specialist schools and other ORS fundholder schools hold the funds for their enrolled

students or students in the fundholding cluster. This funding is used to employ specialists, additional teachers, teacher aides and purchase resources to support the student in their learning.

- 13.6 Residential specialist schools also receive additional funding for residential services.

14 Lessons learned

- 14.1 In 2019, in response to an independent review of the Tomorrow's Schools system, the Government tasked us to *'establish a more responsive, accessible and integrated local support function for early learning services and schools by substantially rebalancing the Ministry of Education towards more regional and local support.'*
- 14.2 In June 2021, Te Tāhuhu established Te Mahau, previously referred to as the Education Service Agency, within a redesigned Te Tāhuhu. These changes create a new leadership team with more frontline membership and create organisational design that helps Te Tāhuhu provide more support to the whole education sector. Te Mahau will deliver new supports and services to schools and early learning services in stages over time and subject to Budget decisions.
- 14.3 The NELP, Ka Hikitia and section 127 of the Education and Training Act all provide clear signposting and expectations of the sector to meet the needs of ākonga and their whānau.
- 14.4 The SE 2000 review helped shape a special education system that enshrined resourcing to support ākonga who need it. Many of the current core supports for ākonga with more complex learning needs were introduced as a result. SE 2000 also saw the introduction of a tiered model of support which recognises the varying types of supports ākonga need.
- 14.5 This widened scope and more inclusive approach involved a shift from a biological categorisation of ākonga with special education needs to an ecological model with more focus on how social and physical environments can be adapted to help their learning. This resulted in more ākonga being identified as needing support for their learning. Special Education Services became an arm of Te Tāhuhu as part of SE 2000, bringing all practitioners into Te Tāhuhu as employees. This became the largest part of Te Tāhuhu, shifting its role from a predominantly policy focused one to an operational one.

15 Conclusion

- 15.1 This hearing highlights the opportunities and challenges we face in delivering education in a way that serves the needs of all children. The education sector needs to work together to shape the system for better outcomes. Te Tāhuhu and its partner agencies have a key role to play in giving effect to the objectives outlined in this brief and delivering on priorities for education. Our challenge continues to be to seek ways we can strengthen our practices so that we may achieve our objectives within the confines of competing demands and resources available.



Signed:

Iona Holsted
Chief Executive and Secretary
Te Tāhuhu o te Mātauranga/the Ministry of Education

Date: 8 August 2022

Under the Inquiries Act 2013
In the matter of the Royal Commission into Historical Abuse in State Care and in
the Care of Faith-based Institutions

Ministry of Education Response to Notice to Produce 422

17 June 2022

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Education Landscape between 1950 and 1989

Between 1950 and 1989, the Director of Education (and subsequently the Director-General of Education) oversaw the administration of the primary and secondary schooling systems through the Department of Education, under the Education Acts 1914, 1964 and 1989.

Different types of schools were subject to different legislative and regulatory frameworks, and can generally be distinguished as follows:

- (a) Since 1877, State schools have been established and funded by the State. Prior to 1989, State primary schools were maintained and controlled by Education Boards and School Committees, set up as independent bodies reporting to the Department of Education. Secondary schools were controlled by Boards of Governors. Under the *Education Act 1989*, responsibility for the administration, management and governance of State primary and secondary schools shifted to individual school Boards. School Boards continue to have responsibility for the governance and administration of State schools today.
- (b) New Zealand's first schools were private, established by missionaries to teach Māori and the children of missionaries from the 1820s. Once State schools were established from 1877, churches began to establish their own network of schools. Private schools have always been owned, run and operated by private persons and organisations rather than the State. They have a wide variety of ownership and management structures, but are often owned by a charitable trust, incorporated society or private company, and managed by their proprietors. They receive some funding from the Ministry of Education, but they are not fully funded like State schools. In addition, private schools may charge school fees. Private schools have considerable flexibility in choosing their own curriculum, qualifications, frameworks and assessment methods, and they may offer education within an educational environment of their design.
- (c) State-integrated schools were originally private schools. The *Private Schools Conditional Integration Act 1975* facilitated the voluntary integration of private schools into the State education system. State-integrated schools receive government funding, as State schools do. However, they retain their special character and, although they must teach the New Zealand Curriculum, teaching can reflect their special character.

Functions of the Department of Education

The Department of Education controlled the inspectorate, supervised the internal organisation of schools, issued the syllabuses on which the school curriculum was based, administered regulations governing teachers' colleges, the staffing of schools, and salaries of teachers; and conducted the School Certificate examination for secondary school students and examinations for teachers. The Correspondence School was administered directly by the Department.

Duties of Inspectors

Inspectors of schools were officers of the Department of Education, attached to Education Boards. Inspectors visited and reported on all primary and secondary schools (both

private and State). They also gave assistance and guidance to teachers, organised in-service training courses, and assessed teaching efficiency for the promotion and appointment of teachers in State controlled schools.

Education Boards and Committees

A considerable amount of local regional control was vested in controlling authorities, which were statutory bodies (i.e., education boards administering State primary and intermediate schools and district high schools, and governing bodies of secondary schools). These statutory bodies were responsible for the schools in their areas; they were the employing authorities of the teachers; and they disbursed the grants received from the Department of Education for teachers salaries, the building and maintenance of schools, and classroom equipment.

Education Landscape after 1989

The Tomorrow's Schools reforms, brought into effect in the *Education Act 1989*, significantly changed the way schools were governed, with the shift of decision-making from central government agencies to school communities.

Every State and State-integrated school or kura in Aotearoa New Zealand has a Board that governs it. The Board is the employer of all staff, including the principal, and sets the overall strategic direction for the school or kura. The principal is the Board's 'chief executive' and manages the day-to-day operations of the school or kura in line with the Board's direction and policies.

The roles of the key government agencies, which were established to oversee both the State and private schooling system under the 1989 Act, are summarised below.

Ministry of Education

The Department of Education was abolished under the 1989 Act and was replaced with a smaller Ministry of Education. Te Tāhuhu o te Mātauranga | the Ministry of Education is the Government's lead adviser on education, from early learning, primary and secondary schooling through to tertiary education. The Ministry is led by the Secretary for Education.

The Ministry of Education has a stewardship role that encompasses creating, designing, managing, regulating, fostering, and leading New Zealand's education system so that children and young people gain the skills, knowledge, and ability they need to be competent, confident lifelong learners.

From 1989, functions previously performed by the Department of Education were taken on by newly established regulatory agencies, relevantly including the Ministry of Education, the Education Review Office, and the Teaching Council. The Ministry works with those regulatory agencies, in the following way.

The Education Review Office (ERO) / Te Tari Arotake Mātauranga

The Education Review Office (ERO) is an independent Government agency with the responsibility for evaluating and publicly reporting on the education and care of children and young people in early childhood services and schools. The majority of its reviews are regular, although on occasion ERO will complete a review on a particular matter of concern or as directed by the Minister of Education.

Specialised education settings such as residential special schools, regional health schools, teen parent units, schools in Stand Villages (formerly known as health camps), disability school settings, alternative education classes, and activity centres also fall within ERO's review mandate, as do boarding/hostel facilities in schools.

New Zealand Qualifications Authority | Mana Tohu Mātauranga o Aotearoa

The services of the New Zealand Qualifications Authority (NZQA) span the secondary and tertiary education sectors. NZQA is tasked with administering educational assessment and qualifications (for example, the National Certificate of Educational Achievement (NCEA) and the New Zealand Scholarship for secondary school students). It is also responsible for the quality assurance of non-university, tertiary training providers, the New Zealand Register of Quality Assured Qualifications, and the National Qualifications Framework.

Teaching Council of Aotearoa New Zealand / Matatū Aotearoa

The Teaching Council of Aotearoa New Zealand is the professional body for the New Zealand teaching profession. The Council is responsible for registering teachers and issuing practicing certificates. The Council also manages and investigates complaints about teacher conduct and competence. From 2004, disciplinary matters have been referred to the independent Teachers' Disciplinary Tribunal.

From 1997, the legislation explicitly required private schools to employ only registered (or provisionally registered) teachers. In granting registrations, the Teaching Council must be satisfied that a teacher is of good character, fit to be a teacher, satisfactorily trained to teach, and have satisfactory recent teaching experience. The Teaching Council, or the Teachers' Disciplinary Tribunal in disciplinary proceedings, can cancel a teacher's registration if it is satisfied a teacher does not (or no longer) meets these requirements.

RACISM, ABLEISM AND BIAS

3. From 1950 until present day, please describe:
- (a) The lessons the Ministry has learned about how racism, ableism, and bias impacts on accessing education in state and faith-based care, and how did the Ministry address these learnings.
 - (b) What strategies, policies, processes, and practices have been established to detect and address racism, ableism or bias within the Ministry's structure, operations, and decision-making (please detail specific steps that have been taken).
 - (c) The lessons the Ministry has learned in respect of the approach to the recruitment of staff within the Ministry, specifically with the need for a diverse staff to adequately engage with Māori, Pacific and disabled communities, and to make decisions with and on behalf of those communities at a leadership level.
 - (d) The extent to which the Ministry's policies, practices and guidelines have been monitored and reviewed for effectiveness in relation to Māori, Pacific and disabled peoples in care (including how this is done today).
 - (e) The extent to which the Ministry has sought to understand Māori and Pacific cultural approaches to education, and how these have been applied to children, young people, and vulnerable adults in educational care.
 - (f) The extent to which Māori or Pacific employees, Māori or Pacific people receiving education, Māori whānau, iwi and hapū, Māori national and urban organisations, and Pacific communities have been involved in developing the Ministry's policies, processes and guidelines that relate to the education of Māori or Pacific children, young people, and vulnerable adults in educational care.

The lessons the Ministry has learned about how racism, ableism, and bias impacts on accessing education in state and faith-based care, and how did the Ministry address these learnings.

The Ministry of Education is committed to an education system that allows all children and young people to access an equitable and excellent education, and gives all learners, regardless of their circumstances, the opportunity and support they need to succeed. However, the Ministry knows the system has not served all learners equally; in particular, Māori, Pacific, and children and young people with disabilities and learning support needs. While the Ministry acknowledges racism, ableism and bias have impacted access to education for some learners, improvements have been made and the Ministry of Education continues to seek ways that it can reduce barriers to education.

The Ministry has learned that where schools connect to the identity, language and culture of ākonga, including building strong connections between educators and those outside the 'school gate' (parents, whānau, communities, hapū, iwi, employers), learning outcomes for children and young people are significantly improved.

Inclusive education is founded in the *Education and Training Act 2020*, which states "people who have special education needs (whether because of disability or otherwise) have the same rights to enrol and receive education at State schools as people who do not" (s34).

Under the *Education and Training Act 2020* (s.127(1)), school boards must ensure that the school:

- Takes all reasonable steps to eliminate racism and other forms of discrimination within the school.
- Is inclusive of and caters for students with differing needs.
- Gives effect to Te Tiriti o Waitangi.

Expectations that places of learning are safe, inclusive and free from racism, discrimination and bullying are also outlined in the National Education and Learning Priorities (NELP), the Learning Support Action Plan, Ka Hikitia, Ka Hāpaitia (Māori Education Strategy), and the Action Plan for Pacific Education. A range of work is underway to support schools to meet these expectations.

As part of the work programme to develop current education system settings and strategies, the Ministry of Education has learnt from engagements with communities and other findings. In recent years, the Ministry has heard from children and young people, Māori, Pacific peoples, parents, people with learning support needs and others, through Kōrero Mātauranga, a series of education conversations. As part of the NELP engagement process in 2018, consultations specifically targeted a range of ākonga/students from backgrounds the Ministry does not often succeed in engaging with. This included children and young people in alternative education settings and specialist schools, including ākonga/students in a teen parent unit, in the youth justice system (either on probation or in prison), in health schools, and attending a school for the deaf or with other disabilities. Racism, discrimination and marginalisation were discussed through these engagements, particularly by students requiring learning support. These experiences helped to shape the NELP and to inform broader work to support schools and communities.

The Ministry of Education has an ongoing and significant work programme to support schools to embrace increasing student diversity. At the heart of this work, the Ministry wants to affirm the identities, cultures and languages of every learner, and build educationally powerful connections and relationships with learners, families, and communities. The Ministry is supporting whole school communities to develop caring and inclusive cultures that engage Māori, Pacific, migrant, disabled and rainbow learners and their families. Some examples of how the Ministry supports this are included below.

The Ministry of Education recognises the important role of educators to support inclusive learning environments, and the Ministry offers Professional Learning and Development (PLD) to assist schools to strengthen their understanding of culturally and linguistically diverse students and families. Strengthening cultural capability is a national priority for regionally-allocated PLD for teachers and kaiako. This supports teachers and kaiako to recognise diversity of identities (including culture, gender, sexuality and ability) and to take action to amplify the views of those and their communities who have been marginalised.

A Challenging Racism Toolkit for Years 9 and 10 students is currently being piloted. This supports students to investigate the catalysts, people and events that have influenced the challenging of racism.

Te Hurihanganui was established to support communities to work together to address racism and inequity so that they can accelerate the achievement and wellbeing of ākonga Māori and their whānau. In 2022, Te Hurihanganui will be implemented in six communities across Aotearoa New Zealand.

Tu'u Mālohi is a pilot programme supporting the wellbeing of Pacific learners in Years 9 to 13. The programme aims to strengthen Pacific wellbeing for parents, learners, families, and communities, including opportunities to understand racism, and to learn skills and strategies to minimise its impact.

The Ministry of Education understands that interaction with the care and protection system is related to educational success and outcomes for children and young people. The Ministry is using this to inform its equity index, which can be used when considering funding and targeting initiatives to ensure students are better supported to access and succeed in education.

The Ministry works closely with Oranga Tamariki to support access to education for children and young people in care. Officials supported a project to better understand the educational experiences of children and young people in care, with subsequent reports released in 2019. These findings continue to inform how the Ministry of Education and Oranga Tamariki work together, including through initiatives such as Social Workers in Schools, to best support children and young people.

What strategies, policies, processes, and practices have been established to detect and address racism, ableism or bias within the Ministry's structure, operations, and decision-making (please detail specific steps that have been taken).

Student participation and achievement across the education system and over time shows that the education system continues to under-perform, particularly for Māori and Pasifika students. Research identifies that teacher bias and low expectations of Māori and Pasifika students are significant issues. More than 10 years of *Ka Hikitia* (the Māori education strategy), cross-government effort and significant investment have produced mixed results. The Ministry of Education has some clear evidence about what does and doesn't work to lift Māori student achievement at a school level, and incremental improvements over time at a system level have been attained, but achieving equity remains a central system performance challenge.

In 2018, the Office of the Children's Commissioner and the New Zealand School Trustees Association (NZSTA) released the report *Education Matters To Me: Key Insights*, which included the statement "*People at school are racist towards me ... Many children and young people told us they experience racism at school and are treated unequally because of their culture.*"

Appearing before a Select Committee in 2018 for the annual review of the Ministry, the Secretary for Education highlighted the systemic nature of racism and an issue of some schools not responding to the identity, culture and language of Māori in their classrooms.

To lead system-wide change, and be both individually and collectively accountable for improvements, the Ministry's Leadership Team committed to the Te Ara Whiti work programme, and the framework it provided, to think about organisational and professional development and change. A Racial Equity Office was established in the Ministry of Education by the Secretary to lead and manage the Te Ara Whiti work programme.

Focusing on the Ministry's own cultural capability first is in line with the whakatauki for Te Ara Whiti: *Matua whakapai i tō whare, kia pai ai te whare o te tangata* (Ensure your own house is in order so that you can help others take care of theirs).

**Te Ara Whiti Programme:
Building a culturally responsive organisation and education system**

The Ministry of Education needs to lead the transformation of the education system so that it is inclusive. A significant barrier to inclusivity is an inbuilt, often unconscious, bias. Te Ara Whiti, which commenced in early 2018, is a Ministry-wide professional development

programme that supports staff to recognise and address personal and systemic biases, gain a better understanding of Te Tiriti, and ensure there are multiple perspectives informing the Ministry's work.

Te Ara Whiti's overarching strategy is to lift the Ministry's cultural competency as an organisation by actively supporting staff to participate in high quality learning opportunities, including formal workshops and on-the-job learning.

Beyond Diversity Workshop

Beyond Diversity, a nationwide two-day tailored workshop, assists the Ministry of Education workforce to increase their understanding of how race and racism impacts on their lives and their work, especially as it relates to the culture and climate within the Ministry. The objective is to upskill and increase the knowledge and cultural competency of staff to explore and address, in a different way, issues such as race, Te Tiriti, and culture within the Ministry's organisation and work.

Through the workshop, Ministry staff are supported to be self-reflective and provided with practical tools, to change conversations and act within their work to counter conscious, unconscious and systemic racism and bias. From 2018 to May 2022, 3,349 Ministry staff members have undertaken this workshop.

Racial Equity Coaches

In addition to their existing Ministry of Education roles, 19 staff members have undertaken additional training as Racial Equity Coaches. These roles support Ministry staff, post the Beyond Diversity Workshops, to incorporate what they have learnt into their work.

Understanding and Implementing Te Tiriti o Waitangi Workshop

A two-day Ministry of Education tailored workshop, delivered nationwide, builds on, extends, and improves knowledge and understanding of the ongoing relevance of Te Tiriti o Waitangi to Aotearoa New Zealand, and specifically to work in the public sector and participation in communities. This knowledge and understanding supports staff to identify organisational and personal actions to embed the implementation of Te Tiriti o Waitangi within the work of the Ministry (a key part of making shifts to how the Ministry works is about building the understanding needed to take practical action to give effect to Te Tiriti). From 2018 to May 2022, 2,596 Ministry staff have undertaken this workshop.

Online Modules in the Ministry of Education's Learning Management System (Ako)

Online modules are available to Ministry of Education staff to further build cultural competency, including:

- Te Rito o te Harakeke (Māori cultural capability learning modules).
- Te Tiriti o Waitangi (module to support staff to understand the Ministry's Tiriti Policy Statement).
- Ka Hikitia (Māori Education Strategy) and Tau Mai Te Reo (Māori Language in Education Strategy) online module.

Te Ara Whiti Speaker Series

As part of regular forums about racial equity and Te Tiriti o Waitangi, the Ministry of Education brings in external subject matter experts and Māori rangatira to further understanding of

challenges being experienced, progress, and how the Ministry can better partner to be inclusive, equitable and culturally responsive to tamariki, whānau, and communities.

Previous speakers have included the Polynesian Panthers, Professor Rangi Mātāmua (winner of the 2020 Prime Minister’s Science Award), Abbas Nazari (Tampa refugee), Tupe Solomon-Tanoa’i (writer and creator of the web series *Misadventures of a Pacific Professional*), and Dr Eruera Tarena (Māori Career Pathways).

Resources

In 2021, the Ministry of Education launched *Kia pakari ai tā tātou mahi | Strengthening our Practice* (an online resource library). These resources aim to strengthen understanding and practice in race and racial equity, which assists in the Ministry’s commitment to honour Te Tiriti o Waitangi and to shape an education system that delivers equitable and excellent outcomes.

In addition, ARANUI, an easy-to-use app designed by the Ministry’s Te Tuarongo (formerly the Māori Education Group), was launched to help staff build their confidence and capability in te reo and tikanga Māori. ARANUI features include:

- Audio guides to support correct pronunciation.
- Guidance on tikanga.
- Words for key waiata, mōteatea, karakia, greetings, speeches, and farewells.
- Iwi maps to show different iwi boundaries.
- Pepeha builders for Māori and non-Māori.
- Glossaries and recording functionality.

The lessons the Ministry has learned in respect of the approach to the recruitment of staff within the Ministry, specifically with the need for a diverse staff to adequately engage with Māori, Pacific and disabled communities, and to make decisions with and on behalf of those communities at a leadership level.

Diversity and inclusion is a key priority for the Ministry of Education. The Ministry has had a diversity and inclusion framework and work programme in place since 2017. By actively embracing a diverse and inclusive culture, the Ministry can better serve the diverse communities it represents. Attracting and nurturing people with a range of different perspectives and experiences enhances the Ministry’s capability to achieve its strategic outcomes.

The Ministry is continuing with the growth and expansion of its Early in Career Programme, particularly Summer Internships. Over the past four years, the Ministry has interwoven culture and bias mitigation in the attraction and selection process for summer interns. This was co-developed with the Ministry’s Te Tuarongo | Māori Education Group and employee network groups. The Ministry has consistently achieved a highly diverse cohort of interns (over 50 percent Māori and Pacific, with, on average, 10 percent of interns identifying as having a disability). Refer table below. The Ministry of Education retains over 50 percent of its interns, with the remainder returning to their studies or joining the wider Public Service.

	Pākehā	Māori	Pacific	Asian	MELAA	Other	Total
2018	8%	17%	67%	0%	8%	0%	12
2019	39%	17%	39%	5%	0%	0%	18
2020	30%	22%	22%	11%	15%	0%	27
2021	32%	28%	23%	8%	6%	3%	35

The Early in Career Programme's employer branding on social media, online, and at onsite career fairs, promotes various professional pathways into the Ministry of Education (including internships and the Policy Graduate Programme). Targeted at Māori, Pacific and young people, this has resulted in an increase in Māori and Pacific ethnic representation for new hires who are 25 years and under (a 2.2 percent increase for Māori and 2.5 percent increase for Pacific new hires (25 years and under), between June 2019 and December 2020).

The Ministry of Education has assessor orientations with its Summer Internship recruitment that helps assessors to mitigate bias, offer accessibility, identify and assess cultural competence, and calibrate what a holistic talent profile looks like for the Ministry. The Ministry also runs manager, buddy, mentor orientations for teams who will have interns, so they understand the importance of culture and whakawhanaungatanga (the process of establishing relationships), and are supported to create an inclusive environment.

The Ministry has been applying diversity and inclusion recruitment practices and piloting them for key recruitment projects (such as Curriculum Leads, where 55 percent of 20 hires identified as Māori or Pacific). The Ministry has similarly applied diversity and inclusion recruitment practices in its executive recruitment for a chief procurement officer, eight senior leadership positions, and Pou Ārahi roles.

In the 2020 Curriculum Leads Project, the Ministry applied diversity and inclusion in:

- Screening criteria used Tātai Pou (framework of Māori cultural competencies), along with te reo and evidence of building relationships with local and diverse communities.
- Tātai Pou in interview questions, selection criteria, and cultural scenario case study.
- Diverse panels, with representation from Māori colleagues and local iwi representatives.

To apply culture, diversity and inclusion, and bias mitigation across the Ministry of Education's recruitment, and make it part of business as usual, a Recruiting For Representation Work Programme is underway to strengthen the Ministry's commitment to recruiting a workforce representative of the population of Aotearoa New Zealand, and capable of delivering equitable outcomes. The Ministry will be producing a kete of recruiting tools, templates, and communication resources, along with orientation sessions for hiring managers. For example, the Ministry is enhancing its Interview Guide to include culture, whakawhanaungatanga, and motivational questions, to produce a holistic evaluation and scoring of candidates. This has been piloted and is undergoing further iteration / enhancements. Tātai Pou questions are being refreshed and tailored to suit the different levels required for roles.

The extent to which the Ministry's policies, practices and guidelines have been monitored and reviewed for effectiveness in relation to Māori, Pacific and disabled peoples in care (including how this is done today).

The Ministry of Education's policies and practices are reviewed by a range of external agencies, including the Office of the Auditor-General, Waitangi Tribunal, Education Review Office, and the New Zealand Qualifications Authority, together with internal review processes.

Office of the Auditor-General's Audit Programme on Māori Education

In 2012, the Office of the Auditor-General commenced a five-year programme of work to find out how well the education system supported Māori students to achieve their full potential. This work programme resulted in five reports, including a final summary report that brought together what had been learnt and what the education system had done to improve Māori student achievement, together with what lessons and challenges remained. The other four reports in the series were:

- Education for Māori: Context for proposed audit work (2012).

- Education for Māori: Implementing Ka Hikitia: Managing for Success (2013).
- Education for Māori: Relationships between schools and whānau (2015).
- Education for Māori: Using information to improve Māori educational success (2016).

Two of the reports contained specific recommendations for the Ministry of Education, including:

- Applying what it learnt from the introduction of *Ka Hikitia: Managing for Success* (the Māori Education Strategy, 2008-2012) to ensure that the next phase of implementation is effective through improved engagement with those that are expected to deliver *Ka Hikitia*. This could be achieved with adequate resourcing, clear leadership and management of responsibilities for embedding *Ka Hikitia* into day-to-day business in the Ministry and throughout education agencies.
- Better coordination of efforts to support improvements in schools, including building understanding of, commitment to, and action on the aims of *Ka Hikitia* in schools, and schools setting up and sharing teaching practices that are effective in improving Māori students' educational success.
- Assisting those schools that do not have enough understanding about what Māori enjoying educational success as Māori means, by providing better guidance and information that could be used to measure Māori enjoying educational success as Māori.
- Having a more joined-up and strategic approach that transforms how information is collected, used, and shared within the Ministry. This would enable it to become more data-driven and show where to place resources to have the biggest impact on outcomes.

Waitangi Tribunal Reports

The Waitangi Tribunal has made a number of recommendations for Māori education, both at a sector and geographical region. These recommendations have often specifically critiqued Ministry of Education policies, practices and guidelines. For example:

- Te Reo Māori Claim Report (Wai 11) (1984).
- Wānanga Capital Establishment Report (Wai 718) (1999).
- Aotearoa Institute Claim Concerning Te Wānanga o Aotearoa Report (Wai 1298) (2005).
- Ko Aotearoa Tēnei Report (Wai 262) (2011).
- Matua Rautia: The Report on the Kōhanga Reo Claim (Wai 2336) (2012).

Further information on these reports is provided in Question 5.

Evaluation of Individual Programmes

Individual programmes are often formally evaluated. For example:

- *Evaluation of Te Kotahitanga (2004-2008)*.
In 2007, Victoria University was contracted by the Ministry of Education to produce an external evaluation of the effectiveness of *Te Kotahitanga*.
From 2004 to 2007, *Te Kotahitanga* was introduced in 33 secondary schools, with the aim of developing culturally responsive pedagogies designed to enhance Māori student achievement, based on the Effective Teaching Profile concept.
The summary report outlined the key findings of the evaluation of *Te Kotahitanga* in 22 schools, from phase three and four of the programme. Substantive findings from the evaluation report concluded that *Te Kotahitanga* was a sound and effective process for improving classroom teaching and learning for Māori students.
- *Evaluation of Te Ahu o Te Reo Māori*.

In 2019, the Ministry of Education engaged Te Paetawhiti Ltd & Associates to evaluate *Te Ahu o Te Reo Māori*.

A programme funded by the Ministry of Education to develop teacher competency in te reo Māori (specifically pronunciation and use of te reo Māori), tikanga Māori, and the improved understanding of local stories, *Te Ahu o Te Reo Māori* was piloted in four regions. Each provider developed their own delivery approach, including weekend noho, evening classes, day classes, kura reo and wānanga. In the programme's first year of implementation, there were approximately 700 participants across the four regions.

The key objective of the evaluation was to test the implementation of *Te Ahu o Te Reo Māori* and understand the extent to which the kaupapa had impacted teaching practice. The evaluation, to inform the future rollout of the programme, found that the intended outcomes of the programme were met. Participants experienced significant improvements in their pronunciation; they also felt more confident to use te reo Māori (kupu and phrases) as part of their everyday teaching.

- *Evaluation of Te Kauhua Māori Mainstream Pilot Project.*

In 2004, *Te Kauhua*, a professional development pilot project providing schools with opportunities to address Māori student achievement in mainstream settings, was evaluated.

The evaluation looked at the impact of *Te Kauhua* in 10 clusters of schools (seven secondary and 10 primary from a range of deciles and rural/urban locations, with varying proportions of Māori students). All clusters made substantial progress in reframing the mainstream school experience for Māori students.

A key theme to emerge from the collected data was the importance of constructive learning partnerships or relationships of teachers with other adults in the school community (specialist resource teachers, Resource Teachers of Māori (RTM), Resource Teachers of Learning and Behaviour (RTLb), other teachers, Te Kauhua facilitators, Māori parents/caregivers, kaiawhina, etc).

Monitoring of Māori Education

The establishment of Māori education strategies include the monitoring of Māori education. For example:

- *Ngā Haeata o Aotearoa: Ka Hikitia 2019 Report and Ngā Haeata o Aotearoa: Tau Mai Te Reo 2019 Report.*
- *Ka Hikitia* (the Māori Education Strategy) is a cross-agency strategy for the education sector that sets out how the Ministry of Education will work with education services to achieve system shifts in the education and support of Māori learners and their whānau, hapū and iwi to achieve excellent and equitable outcomes. It provides an organising framework for the actions the Ministry will take to ensure equitable outcomes for Maori.
- The *Ngā Haeata o Aotearoa: Ka Hikitia Report* provides a national picture of how well the education system is performing for Māori learners and their whānau against the five outcome domains of *Ka Hikitia*.
- *Tau Mai Te Reo* (the Māori Language in Education Strategy) is a companion strategy to *Ka Hikitia* that focusses on supporting Māori language in both Māori-medium and English medium-education. It sets out goals for the growth of Māori language:
 - By 2040, 85 percent (or more) of New Zealanders will value the Māori language as a key part of national identity.
 - By 2040, one million (or more) New Zealanders will have the ability and confidence to talk about at least basic things in the Māori language.

- By 2040, 150,000 Māori aged 15 years and over will use the Māori language at least as much as English.
- The *Ngā Haeata o Aotearoa: Tau Mai Te Reo Report* provides a national picture of how well the education system is supporting Māori Language in Education against the Tau Mai approach.

Monitoring of the Pacific Education Plan

Since 1987, regular monitoring reports on the Ministry of Education's Pacific Education Plans have reported on aspects of the participation and achievement of Pacific learners (online reports are available from 2006).

Assessing performance against the Pasifika Education Plans 2009-2012 and 2013-2017, and the Action Plan for Pacific Education (2020-2030), the monitoring reports provide a national and regional picture of how Pasifika learners are progressing.

The *Action Plan for Pacific Education 2020-2030: Supporting Research and Community Voice* assisted in shaping the following five key focus areas for change and the measurement framework in the Action Plan:

- Work reciprocally with diverse Pacific communities to respond to unmet needs, with an initial focus on needs arising from the COVID-19 pandemic.
- Confront systemic racism and discrimination in education.
- Enable every teacher, leader and educational professional to take coordinated action to become culturally competent with diverse Pacific learners.
- Partner with families to design education opportunities, together with teachers, leaders and educational professionals, so aspirations for learning and employment can be met.
- Grow, retain and value highly competent teachers, leaders and educational professionals with diverse Pacific whakapapa.

Reports on Education for Pacific Learners

A number of published reports contribute to the Ministry of Education's monitoring and review of education for Pacific learners. For example:

- *Ministry of Education: Best Practice for Teaching Pacific Learners (Pacific Evidence Brief 2019)*.
Peer-reviewed research reports with a focus on Pacific learners, as well as some earlier landmark studies, were selected and synthesised, identifying evidence-informed good practice, as well as practices not supported by the evidence, and some key gaps in the Ministry of Education's knowledge and understanding. The report was externally reviewed and revised to give the most current views on best practice and evidence to support Pacific learners in Aotearoa New Zealand.
- *Education and Pacific Peoples in New Zealand – Pacific Progress 2010*.
A joint Statistics New Zealand and Ministry for Pacific Peoples series of reports, the *Education and Pacific Peoples in New Zealand* report detailed Pacific peoples' experience of the education system, and the most important factors for educational success. The report provided context for policymakers and for those delivering education services.
- *Making a Difference to Pasifika Student Achievement in Literacy (2012)*.
Auckland UniServices (on behalf of the Ministry of Education) examined classroom and school-related factors associated with improvements in the literacy achievement and

progress of Pasifika students, beyond expected levels in schools participating in the Literacy Professional Development Project.

The Literacy Professional Development Project (LPDP) provided professional development nationwide from 2004 to 2010. Its goal was to improve literacy outcomes for all students in participating schools, while reducing disparity between the highest and lowest achievers. The project had considerable success. On average, students in LPDP schools made double the expected national rate of progress, with the greatest shifts occurring for those who began in the lowest 20 percent of their cohort. These students achieved up to six times the expected rate.

Although the project was not specifically targeted at Pasifika students, the achievement data for the second cohort (2006-2007) showed that, on average, Pasifika students made more rapid progress than any other ethnic group in both reading and writing. The LPDP Pasifika Study was established to investigate the reasons why. Information was collected from 10 schools with Pasifika student populations of between 24 percent and 80 percent. The study closely examined the learning journey of 20 teachers and 20 literacy leaders, identifying the nature of the professional development support that facilitated these outcomes.

Other Education Agencies with Reviewing and Auditing Functions

The Ministry of Education uses information provided by other education agencies with reviewing and auditing functions. For example:

- *Education Review Office | Te Tari Arotake Mātauranga.*
The Education Review Office (ERO) evaluates and reports publicly on the education and care of learners in state, state-integrated, private, and independent schools, kura, kohanga reo, puna reo, and early childhood services. ERO also publishes national reports on current education topics. Recommendations from ERO's review programme can be directed to Ministers of the Crown, other education agencies (such as the Ministry of Education or NZQA), or individual institutions and service providers.
- *New Zealand Qualifications Authority | Mana Tohu Mātauranga o Aotearoa.*
The services of the New Zealand Qualifications Authority (NZQA) span the secondary and tertiary education sectors. NZQA is tasked with administering educational assessment and qualifications (for example, the National Certificate of Educational Achievement (NCEA) and the New Zealand Scholarship for secondary school students). It is also responsible for the quality assurance of non-university, tertiary training providers, the New Zealand Register of Quality Assured Qualifications, and the National Qualifications Framework.
- *Tertiary Education Commission | Te Te Amorangi Mātauranga Matua.*
The Tertiary Education Commission (TEC) is responsible for government-funded post-compulsory education and training offered in Aotearoa New Zealand (including full-time academic study, on-the-job and work-related training, tertiary research and development, and part-time study).

The extent to which the Ministry has sought to understand Māori and Pacific cultural approaches to education, and how these have been applied to children, young people, and vulnerable adults in educational care.

In education there is clear evidence that when student identity, language and culture are recognised and supported in teaching and learning, and in relationships with students and their whānau, student learning can be accelerated (Te Kotahitanga and Building Communities

of Mathematical Enquiry are good examples of initiatives that have delivered accelerated achievement for both Māori and Pasifika learners – refer Questions 6-8).

For several decades now, the importance of valuing students’ culture, identity and language has been recognised as key in ensuring all learners have a positive educational experience. To combat the impact of racism, schools have been encouraged to promote cultural diversity and ensure ongoing communication and mutual respect between different groups in the school community. Accelerated improvement for Māori and Pasifika in education occurs when very deliberate design, tailoring and targeting occurs. Examples include:

Tu’u Mālohi

Since the 1980s, the Ministry of Education has had Pacific education plans in place to address some of the issues impacting Pacific learners. In 2020, the Government released the *Action Plan for Pacific Education 2020-2030*, which outlines commitments to achieving change for Pacific learners and their families. Focus areas include confronting racism and discrimination in the education system, working together with diverse Pacific communities to design educational opportunities, and enabling educators to become culturally competent with diverse Pacific learners.

In 2022, Tu’u Mālohi, a pilot programme supporting the wellbeing of Pacific learners in Years 9 to 13, commenced. Tu’u Mālohi, meaning to stand strong (physically, mentally, and emotionally) in the Tongan language, aims to strengthen Pacific wellbeing for learners, parents, families, and communities. The topics covered in this programme include identity and cultural challenges, racism, and goal setting.

Tu’u Mālohi also provides a talanoa/talanoaga session for schools in the specific Pacific communities it rolls out in. The objective of this session is to build understanding and critical consciousness of cultural bias and racism within a school context.

Te Hurihanganui: A Blueprint for Transformative System Shift

Budget 2018 included funding to co-design an approach to address bias, strengthen equity and accelerate the educational achievement and wellbeing of ākonga Māori, with a particular focus on English-medium education from early learning to secondary school.

In June 2018, the Ministry of Education, working alongside a group of 10 mātanga (experts), co-designed *Te Hurihanganui: A Blueprint for Transformative System Shift*. The Ministry recognised the need for the co-design process to include Māori leadership and a balance of expertise and experience of what works for ākonga Māori from across the education system. Building on the lessons learnt from *Te Kotahitanga* and subsequent programmes, while also considering new system settings, the following six interdependent design principles, critical for transformative education system reform, were developed.

Te Hurihanganui Design Principles	
<p>Te Ao Māori <i>Validating Māori knowledge.</i></p>	<p>Rich and legitimate knowledge is located within a Māori worldview. Under Te Tiriti o Waitangi, the education system must create and hold safe spaces for this knowledge to reside and thrive, supporting Māori to live and learn as Māori.</p>
<p>Tino Rangatiratanga <i>Growing Māori leadership.</i></p>	<p>Māori exercise authority and agency over their mātauranga, tikanga, and taonga. In order to access this knowledge, Māori leadership is essential. Through decolonisation of the education system, Māori potential will be realised.</p>

<p>Whanaungatanga <i>Building positive relationships through mutual trust & respect.</i></p>	<p>Whānau relationships are an exemplar for authentic, meaningful and transformative relationships in education. These relationships are based on mutual trust and respect from which shared understandings and reciprocal benefits can arise.</p>
<p>Te Ira Tangata <i>Believing in the unlimited potential of all people.</i></p>	<p>Every person is a taonga: born of greatness and imbued with inner potential and conscious awareness. This brings with it the responsibility to be critically aware of ourselves, our world, and each other.</p>
<p>Mana Ōrite <i>Achieving equity throughout the system.</i></p>	<p>Te Tiriti o Waitangi is the foundation for equal, reciprocal, respectful and interdependent relationships between Māori and non-Māori.</p>
<p>Te Hāngaitanga <i>Taking collective responsibility for success.</i></p>	<p>We must take collective responsibility for ensuring Māori can enjoy and achieve educational success as Māori.</p>

Te Hurihanganui seeks to address inequity, racism, and bias for ākonga Māori by:

- Embedding kaupapa Māori in English-medium education spaces to support a cultural shift in the education system (recognising the validity and legitimacy of Māori language, culture, philosophy, and principles).
- Improving Māori engagement, leadership and design in early learning and school settings.
- Building critical consciousness (equipping whānau, learners, teachers, leadership, governance) to identify and respond to racism and inequity.

Importantly, *Te Hurihanganui* is also about mobilising communities. *Te Hurihanganui* acknowledges that addressing racism and inequity is everybody’s responsibility; and that whānau, hapū, iwi and communities have a role to play.

From October 2020, the Ministry of Education launched *Te Hurihanganui* in six communities across Aotearoa New Zealand, with a commitment to support participating early childhood services and schools to reflect on and improve their practice for Māori learners (e.g., individual and collective professional development for teachers and other staff; local curriculum development) over a three year period.

The extent to which Māori or Pacific employees, Māori or Pacific people receiving education, Māori whānau, iwi and hapū, Māori national and urban organisations, and Pacific communities have been involved in developing the Ministry’s policies, processes and guidelines that relate to the education of Māori or Pacific children, young people, and vulnerable adults in educational care.

In 2018, the Minister of Education (Hon. Chris Hipkins) started a series of education conversations to help build an education system that worked for all children and young people. All New Zealanders were invited to participate, and especially those whose voices had not traditionally been heard in discussions about the future of education. Approximately 50,000 New Zealanders, including educators, parents, children and young people, Māori, Pacific communities, people with disabilities and those needing learning support, took part in the Kōrero Mātauranga | Education Conversation.

A Summit, which encompassed two events in May 2018, focused on engaging with citizens directly, as well as engaging with representative organisations. These events brought together around 1,400 individuals from diverse backgrounds with different perspectives.

Māori comprised 2,122 (12 percent) of the 16,466 people who responded to an online Kōrero Mātauranga survey. The results of the survey endorsed earlier findings that teaching and learning needed to be culturally responsive, and the education system needed to reflect and foster Māori identity, culture and values.

In addition, over 2,000 Māori learners, whānau and communities discussed, through a series of national wānanga, what mattered most in the education of Māori learners. The information gathered was used to inform the Ministry of Education's refresh of *Ka Hikitia* (the Māori Education Strategy) and *Tau Mai Te Reo* (the Māori Language in Education Strategy), along with the overall Education Work Programme.

Some of the main points made at these wānanga included:

- Learners and whānau must be at the heart of Aotearoa New Zealand's education system.
- Māori learners must be free from racism, discrimination and stigma.
- Māori are diverse and need an education workforce with the right skills and capability to respond to all Māori learners.
- Identity, language and culture matter for Māori learners.
- Māori want tino rangatiratanga (agency and authority) over the education of Māori learners.
- Māori want growth in te reo Māori for both Māori and non-Māori learners. To do this, Māori want to be active partners with education services in Māori language learning.

Between June and August 2018, the Ministry of Education hosted eight pan-Pacific fono across Aotearoa, as well as a series of smaller ethnic-specific and target group fono in Auckland. This included fono with parents of children with learning support needs and/or disabilities, with young people who identified as LGBTQIA+, and with a small group of learners in alternative education and/or Not in Education, Employment or Training (NEET). The purpose was to have a broad conversation about what was important in education, what success looked like, and what some of the ongoing challenges were. This included speaking to approximately 2,000 people with Pacific heritage across Aotearoa New Zealand.

The voice gathered was not only used to guide the development of the Action Plan for Pacific Education (2020-2030), but was drawn on for the wider Education Work Programme (including the Early Learning Action Plan 2019-2029, the National Certificate of Educational Achievement (NCEA) Review, and the Tomorrow's Schools Review).

Through the 2019 fono, held to have a more focused conversation on the design of the Action Plan, Pacific learners, families, teachers, leaders, and communities shared what mattered to them in education – an education system free from racism; that valued Pacific children, young people, and families as leaders of learning; and supported them to feel safe, valued and equipped to achieve their educational aspirations.

The Guardians of the Education Conversation, an eight-member Ministerial Advisory Group, chaired by the Children's Commissioner, oversaw how the views expressed in Kōrero Mātauranga | Education Conversation were to be reflected in education policy. The Group provided:

- Guidance and oversight to the Ministry of Education on the narrative and kaupapa of the overall Education Work Programme.
- Input and insight for the Government's 30-year vision for education, reflecting the voices and kaupapa that had emerged from Kōrero Mātauranga | Education Conversation.
- A high-level overview perspective so particular focus areas could be identified.

TE TIRITI

- 4. What commitment has the Ministry made to giving effect to the Treaty of Waitangi in respect of the educational care of children, young people, and vulnerable adults?
How is this demonstrated?
How do you know if this is working?**

The Ministry of Education commits to give effect to Te Tiriti. There is an expectation that this commitment is embedded in all of the Ministry's work, that the Ministry works in partnership with Māori, and that the cultural capability of the education system is actively lifted. Expectations around Te Tiriti commitments are clear in the *Education and Training Act 2020*, which directs that school boards must give effect to Te Tiriti and achieve equitable outcomes for Māori learners. The Act also contains a number of other provisions and directives related to Te Tiriti, which are detailed below.

The commitment to Te Tiriti in education also includes supporting the growth of te reo Māori, along with a national curriculum that acknowledges the principles of Te Tiriti and recognises Aotearoa New Zealand's bicultural foundations.

Ministry of Education – Giving Practical Effect to Te Tiriti o Waitangi

The Ministry of Education commits to uphold, honour and give practical effect to Te Tiriti o Waitangi to help shape an education system that delivers equitable and excellent outcomes.

The Secretary for Education expects all Ministry business groups to prioritise and give effect to Te Tiriti, centred on three work programmes:

- Embedding the Ministry of Education's commitment to Te Tiriti o Waitangi in the Ministry's work (strategy, policy, practices, behaviours, actions, services, resourcing).
- Working in partnership with Māori as individuals, whānau, hapū, iwi, mana whenua, Māori communities, Māori education organisations, or a combination of these.
- Actively lifting the leadership practice and cultural capability of the education system to effectively partner with Māori to contribute to Tiriti-honouring relationships.

Te Tiriti o Waitangi Clause in the *Education and Training Act 2020*

With legislative change in the *Public Service Act 2020*, and more specifically in the *Education and Training Act 2020*, Parliamentary expectations around Te Tiriti o Waitangi are clear. As a partner to Te Tiriti o Waitangi, the Crown has a duty to actively promote and protect Tiriti rights and to develop educational settings in a way that reflect Māori-Crown relationships. The Act provides that any statement of national education and learning priorities issued by the Minister of Education must be consistent with instilling in each child and young person an appreciation of the importance of Te Tiriti o Waitangi and te reo Māori.

The *Education and Training Act 2020*, which came into effect on 1 August 2020, brought all key legislation on early learning, schooling and tertiary education into a single statute. The objective was to establish a simpler, more user-friendly, and less prescriptive legislative framework.

Section 4 specifies that the purpose of the Act is to establish an education system that "honours Te Tiriti o Waitangi and supports Māori-Crown relationships". Section 9 sets out in one place the main provisions in relation to the Crown's responsibility to give effect to Te Tiriti

o Waitangi, including obligations in relation to Te Tiriti for school boards, tertiary education institutions and education agencies.

School Boards to give effect to Te Tiriti o Waitangi

The *Education and Training Act 2020* (s. 127) gives direction to school boards regarding student rights and broadens the Board's objectives so that educational achievement is no longer the only primary objective. Instead, it is joined by three other key objectives:

- The school must ensure the physical and emotional safety of students and staff (including the elimination of racism, stigma, bullying, and any other forms of discrimination within the school).
- The school must be inclusive and cater for students with differing needs.
- The school must give effect to Te Tiriti o Waitangi by:
 - Working to ensure the school's plans, policies and local curriculum reflect local tikanga Māori, mātauranga Māori and te ao Māori.
 - That all reasonable steps are being taken to make instruction available in te reo Māori and tikanga Māori.
 - Achieving equitable outcomes for Māori students.

Ministry of Education supports and tools to assist School Boards include:

Rapua Te Ara Tika Local Curriculum Design Tool	Supports communities to build a shared marau ā-kura / local curriculum across the education pathway. Te Whāriki and The New Zealand Curriculum underpin this online toolkit.
Tātaiako: Cultural Competencies for Teachers of Māori Learners	Helps teachers personalise learning for, and with, Māori learners.
Professional Learning and Development (PLD)	PLD on cultural capability, local curriculum design, and assessment for learning in English-medium.
Te Hurihanganui	Assists participating schools and communities to build effective partnerships to support learner outcomes.

Statement of Expectations

To provide “equitable outcomes for all students”, section 6 of the *Education and Training Act 2020* enables the Ministers of Education and Māori Crown Relations: Te Arawhiti, to jointly issue a statement specifying what education agencies (e.g., the Ministry of Education, NZQA, ERO, TEC) must do to give effect to public service objectives that relate to Te Tiriti o Waitangi. Consultation with Māori must be undertaken before the issuing of a statement.

In addition, there is:

- Provision for Māori contribution to decision-making in tertiary education and vocational education and training (sections 278(2)(a), 320(1)(c), 325(1) and (3), 326(2) and 363(3)(b)).
- A directive that councils of institutions have a duty, in the performance of their functions and the exercise of their powers, to acknowledge the principles of Te Tiriti o Waitangi (section 281(1)(b)).
- A directive that Te Pūkenga (New Zealand Institute of Skills and Technology) improves outcomes for Māori learners and Māori communities in collaboration with Māori and iwi partners and interested persons or bodies (section 315(f)).

- A directive that TEC members be appointed in accordance with section 28(1)(a) of the *Crown Entities Act 2004*, after consultation with the Minister for Māori Development (section 402).
- A directive that, when considering whether to appoint a person as a member of the Teaching Council, the Minister of Education is to have regard to the collective skills, experience, and knowledge making up the overall composition of the Teaching Council, including understanding of the partnership principles of Te Tiriti o Waitangi (section 476(4)(b)(v)).
- A directive that a good employer in the education service is an employer who operates an employment policy containing provisions requiring recognition of the aims and aspirations of Māori, the employment requirements of Māori, and the need for greater involvement of Māori in the education service (section 597(2)(d)).

The Statement of National Education and Learning Priorities (NELP)

The Statement of National Education and Learning Priorities (NELP) was issued under the *Education and Training Act 2020* to guide those who govern licensed early learning services, ngā kōhanga reo, schools and kura. The NELP must be consistent with the objectives for education – helping children and young people to attain their educational potential; preparing young people for participation in civic and community life and for work, and promoting resilience, determination, confidence, creative and critical thinking, good social skills, and the ability to form good relationships; and helping children and young people to appreciate diversity, inclusion, and Te Tiriti o Waitangi.

In 2023, the National Education Goals (NEGs) and National Administration Guidelines (NAGs) will be replaced by a new strategic planning and reporting framework. This framework will have a clear link to the NELP, and governing bodies will have to report on their engagement with the priorities in their strategic plans.

NATIONAL EDUCATION AND LEARNING PRIORITIES (NELP)	
OBJECTIVE 1 – LEARNERS AT THE CENTRE	
Priority 1	Ensure places of learning are safe, inclusive, and free from racism, discrimination, and bullying.
Priority 2	Have high aspirations for every learner/ākonga, and support these by partnering with their whānau and communities to design and deliver education that responds to their needs, and sustains their identities, languages, and cultures.
OBJECTIVE 2 – BARRIER FREE ACCESS	
Priority 3	Reduce barriers to education for all, including for Māori and Pacific learners/ākonga, disabled learners/ākonga and those with learning support needs.
Priority 4	Ensure every learner/ākonga gains sound foundation skills, including language, literacy, and numeracy.
OBJECTIVE 3 – QUALITY TEACHING AND LEADERSHIP	
Priority 5	Meaningfully incorporate te reo Māori and tikanga Māori into the everyday life of the place of learning.
Priority 6	Develop staff to strengthen teaching, leadership, and learner support capability across the education workforce.
OBJECTIVE 4 – FUTURE OF LEARNING AND WORK	
Priority 7	Collaborate with industries and employers to ensure learners/ākonga have the skills, knowledge, and pathways to succeed in work.

Supporting the Growth of Te Reo Māori Capability in the Education Workforce

As a Tiriti partner, the Government has an obligation to protect and promote te reo Māori as a taonga guaranteed under Te Tiriti o Waitangi. *Te Ture mō Te Reo Māori 2016 (Māori Language Act 2016)* recognises te reo Māori as a taonga of iwi and Māori, highlighting the Crown's commitment to work in partnership with iwi and Māori to continue actively protecting and promoting this taonga for future generations.

The Government is committed to growing the number of kaiako teaching in Māori-medium settings. The Ministry of Education is investing to increase te reo Māori teacher numbers to match student demand. This is being realised through:

- The provision of 465 TeachNZ scholarships per annum, 220 of which are scholarships specifically focused on growing the Māori-medium and te reo teaching workforce.
- A Māori education workforce support package for teachers.
- The Employment Based Initial Teacher Education Programme, including a teacher training programme with Ngā Kura ā Iwi.
- The Recruitment, Retention and Responsibility National Fund initiative, designed to support schools/kura that have struggled to attract a qualified teacher/kaiako.
- A National Beginning Teacher Induction Grant supporting eligible schools/kura to fund the recruitment and structured mentorship of a beginning teacher. This scheme is available for schools/kura that are Decile 1-5, or are severely isolated, or require teachers for priority subjects (including te reo Māori teachers).
- Voluntary bonding and voluntary bonding expansion programmes that incentivise and encourage teachers to teach in areas of need, such as Māori-medium kura (nationwide) and for defined subjects such as te reo Māori.

In addition, initiatives implemented to develop te reo teaching skills include the provision of:

- Funding of \$108.474m to expand the delivery of Te Ahu o Te Reo Māori for up to 40,000 teachers, to grow and strengthen the education workforce to be able to integrate te reo Māori into the learning of all learners/ākonga in Aotearoa New Zealand.
- Forty-two Māori-medium education study awards (for up to two years of study), which contribute towards accommodation, travel, or relocation costs.

The New Zealand Curriculum

The current New Zealand Curriculum acknowledges the principles of Te Tiriti o Waitangi, and the bicultural foundations of Aotearoa New Zealand. All ākonga have the opportunity to acquire knowledge of te reo Māori and tikanga Māori.

Te Tiriti o Waitangi is one of the eight principles in the New Zealand Curriculum that provides a foundation for a school's decision-making. The Treaty principle calls for schools to deliver a curriculum that:

- Acknowledges the principles of Te Tiriti o Waitangi.
- Recognises Aotearoa New Zealand's bicultural foundations.
- Enables students to acquire knowledge of te reo Māori and tikanga Māori.

Following strong calls through the Kōrero Mātauranga | Education Conversation, and as part of the broader five-year overhaul of the national curriculum, there is a shift to the authentic understanding and valuing of Te Tiriti o Waitangi, and ākonga will start learning Aotearoa New Zealand’s histories in social sciences from 2023.

In developing Aotearoa New Zealand’s Histories and Te Takanga o Te Wā, the Ministry of Education worked with history and curriculum experts, iwi and mana whenua, Pacific communities, ākonga, parents and whānau, and other groups with a strong interest in shaping how Aotearoa New Zealand’s histories could be taught.

Aotearoa New Zealand’s Histories is based on four key concepts:

- Māori history is the foundational and continuous history of Aotearoa New Zealand.
- Colonisation and settlement have been central to Aotearoa New Zealand’s histories for the past 200 years.
- The course of Aotearoa New Zealand’s histories has been shaped by the use of power.
- Relationships and connections between people and across boundaries have shaped the course of Aotearoa New Zealand’s histories.

Schools and kura can decide on what histories to include from their local area, in partnership with whānau, iwi, mana whenua and local communities. This will ensure their marau ā-kura / local curriculum is reflective of the people, places and events that are important within their communities.

More broadly, the New Zealand Curriculum is being refreshed to make sure every child experiences success in their learning, and that their progress and achievement across the full educational pathway, from Years 1-13, is responded to and celebrated. To ensure this happens, the goals for the refresh are to:

- Honour the Ministry’s mutual obligations to and through Te Tiriti o Waitangi.
- Create curriculum that is inclusive so that all ākonga see themselves and succeed in their learning.
- Ensure the New Zealand Curriculum is clear about the learning that matters.
- Make sure the New Zealand Curriculum is easy for teachers and kaiako to use.

Ka Hikitia, Ka Hāpaitia (the education system’s Māori Education Strategy) and Tau Mai Te Reo (the Māori Language in Education Strategy)

The Ministry of Education has produced and recently refreshed Ka Hikitia and Tau Mai Te Reo, two cross-agency strategies for the education sector. Ka Hikitia, Ka Hāpaitia and Tau Mai Te Reo set out the goals the education system is seeking to achieve for Māori success in education and Māori language in education. Together, the strategies provide frameworks for giving practical effect to Te Tiriti o Waitangi.

	Outcome Domains	Measures
Te Whānau	Education provision responds to learners within the context of their whānau.	<ul style="list-style-type: none"> • Māori learners have high levels of attendance and participation in our education services. • Māori whānau have regular and positive engagements with our education services.
Te Tangata	Māori are free from racism, discrimination, and stigma in education.	<ul style="list-style-type: none"> • Māori learners and whānau feel a strong sense of belonging in our education system and are free from racism.

Te Kanorautanga	Māori are diverse and need to be understood in the context of their diverse aspirations and lived experiences.	<ul style="list-style-type: none"> • Māori learners are achieving excellent and equitable education outcomes. • Our education workforce looks more like the population that it serves. It is skilled in engaging with Māori learners and whānau.
Te Tuakiritanga	Identity, language, and culture matter for Māori learners.	<ul style="list-style-type: none"> • Māori learners and whānau tell us they see and feel their identity, language, and culture on a daily basis in our education services.
Te Rangatiratanga	Māori exercise their authority and agency in education.	<ul style="list-style-type: none"> • Whānau, hapū, iwi and Māori are participating in and making decisions about the education of Māori learners.

<i>Tau Mai Te Reo: Outcome Domains</i>	
Mihi mai te reo	Education services will support learners to value and acquire and use te reo Māori words, phrases, and other forms (for example, waiata and haka) that are used on a regular basis in Aotearoa New Zealand.
Kōrero mai te reo	Education services will provide te reo Māori to support learners to develop the ability and confidence to talk about a range of things.
Tau mai te reo	Education services will ensure learners can access Māori-medium education services in order to develop high levels of te reo Māori proficiency and use.

Early Childhood Education

There are currently no specific requirements for Early Learning Services to give effect to Te Tiriti. However, there are some provisions that require or promote the consideration and incorporation of the culture and identity of children and their families, particularly Māori tamariki and their whānau.

Education (Early Childhood Services) Regulations 2008 and Associated Licensing Criteria

- Regulation 43 requires Services to plan, implement, and evaluate an appropriate curriculum, ensure collaboration with parents/caregivers, and obtain information and guidance from agencies with expertise in early childhood learning.
- Regulation 47 requires Services to give regard to the National Education and Learning Priorities (NELP), effectively manage the Service, collaborate with parents/caregivers and teachers, and keep appropriate records and documentation.
- The Licensing Criteria give effect to these regulations by:
 - Providing the opportunity for children to develop knowledge and an understanding of the cultural heritages of both parties to Te Tiriti o Waitangi.
 - Having a curriculum that respects and supports the rights of each child to be confident in their own culture, and encourages them to understand and respect other cultures.
- The Licensing Criteria also require Services to have an Annual Plan that describes how they will have regard to the Statement of National Education and Learning Priorities (NELP).

National Education and Learning Priorities (NELP)

As noted above, all Early Childhood Education Services must show how they will have regard for the National Education and Learning Priorities (NELP). This must be done via the Service’s Annual Plan. The NELP encourages all places of learning to focus on:

- Ensuring safety and inclusivity, free from racism, discrimination, and bullying.
- Collaborating more with whānau.
- Taking account of learners’ needs, identities, languages, and cultures.
- Incorporating te reo Māori and tikanga Māori into everyday activities.

**Te Whāriki – He whāriki mātauranga mō ngā mokopuna o Aotearoa:
Early Childhood Curriculum**

Te Whāriki provides the curriculum framework that all New Zealand Licensed Early Childhood Services are required to implement¹. Te Whāriki also builds on the framework, providing guidance to support implementation.

Underpinning Te Whāriki is the vision that children are competent and confident learners and communicators, healthy in mind, body and spirit, and secure in their sense of belonging and in the knowledge that they make a valued contribution to society. This vision implies a society that recognises Māori as tangata whenua, assumes a shared obligation for protecting Māori language and culture, and ensures that Māori are able to enjoy educational success as Māori. The most recent update of Te Whāriki was developed and framed using concepts drawn from te ao Māori.

Kōhanga Reo

The Ministry of Education has an active relationship with the Kōhanga Reo National Trust, and contributes to the outcomes and cultural framework that fosters the active protection and revitalisation of te reo Māori and tikanga Māori, and protection of mokopuna and whānau. The Trust maintains its own guidance and is funded by the Ministry of Education for this.

<p>5. From 1950 until present day, please describe how the findings of the Waitangi Tribunal covering Māori models of education, access to tikanga me ona te reo Māori and tino rangatiratanga have been considered and have impacted on the policies and practices of the Ministry.</p>
<p>6. From 1950 until present day, please describe what the Ministry has done to consider and implement “by Māori for Māori” models of education, what lessons have been learned about the effectiveness of these models (including in relation to exclusions and achievement outcomes), and how has this changed the Ministry’s policies and practices?</p>

It was recognised in the early 1960s that the education system was not working for Māori and the physically and intellectually disabled. For Māori learners, this recognition resulted in the formal reintroduction of Māori language and culture in schools, the abolition of the separate Māori school system, and increased recognition of the need to accept and respect biculturalism in education over the next decades. In the early 1990s, funding and operational support for kōhanga reo, kura kaupapa Māori, and wānanga was developed and in 1999 the first Māori Education Strategy was launched. Since 2000, the approach has focused on supporting Māori to succeed as Māori in education and has included the updated Māori education strategy Ka Hikitia and Tau Mai Te Reo, the Māori language in education strategy.

The key archival documents located, plus a chronology of events/actions, are listed below.

¹ The curriculum for kōhanga reo is now a document in its own right: Te Whāriki a te Kōhanga Reo.

1955:**National Committee on Māori Education established**

In 1955, the Minister of Education (Hon. R. Algie) appointed a National Committee on Māori Education, with a majority Māori membership, to report on the future control and administration of the 166 Māori schools. Putting forward 15 resolutions and 14 recommendations, the Committee agreed that the long-term policy of Government should be the development of a uniform system of education for Māori and Pākehā (one system of State schooling). The Committee was reconstituted as the National Advisory Committee on Māori Education in 1956, reporting annually to the Minister of Education.

1962:**Report of the Commission on Education in New Zealand (Currie Report)**

The Government-appointed Commission's 886-page report made 328 recommendations for improvements to the national education system and future directions. It identified four groups the system was not working for – Māori, the physically and intellectually handicapped, children in rural areas, and those in the new (working class) urban suburbs. Drawing attention to the education gap between Māori and non-Māori in terms of retention rates and achievement levels, the *Currie Report* rejected the view of a difference in intellectual potential between Māori and Europeans, instead regarding Māori students as “the greatest reservoir of unused talent in the population”². Māori language and culture were formally reintroduced into schools when the *Currie Report* included in its recommendations the teaching of te reo Māori as an optional subject at the secondary level. The release of the *Currie Report* also started a debate over literacy and numeracy standards in State primary and secondary schools, raising concerns about the poor level of Māori student achievement in these areas.

1969:**Separate Māori school system abolished**

From 1945, with an expanding Māori population and increasing urbanisation, the number of Māori students in mainstream schools began to surpass those in Māori schools (where teaching and learning was in English). Acting on the advice of the National Advisory Committee on Māori Education, the separate Māori school system administered by the Department of Education was abolished. Management of the remaining 105 Māori primary schools was transferred to the control of the local education boards from 1 February 1969. Māori district high schools were also transferred to education board control in 1969. These schools had been closing or transferring to education boards since the mid-1950s (by 1968 they had a combined total of 321 students).

1970:**National Advisory Committee on Māori Education Report to the Minister of Education**

Minimal rates of examination passes and low school leaving ages among Māori students prompted calls for the inclusion of Māori culture and language in school curricula. Advancing the concept of bicultural education, the National Advisory Committee on Māori Education's 1970 report to the Minister of Education called for the need to understand, accept, and respect cultural differences; the inclusion of an understanding of Māoritanga (and te reo) in the school curriculum; and special measures to achieve the goal of equality of opportunity.

1972:**The Māori Language Petition Delivered to Parliament**

² Commission on Education in New Zealand. (1962). *Report of the Commission on Education in New Zealand (the Currie Report)*. Wellington: Government Printer.

The Māori language petition, delivered to Parliament in 1972, asked for active recognition of te reo Māori, becoming the starting point for a significant revitalisation of te reo. The principal aim of the petition was to see Māori language offered in all schools as an integral part of the curriculum, beginning at primary school level.

1973:

Māori Studies Courses at Teachers’ Colleges

By 1973, all seven Teachers’ Colleges had established courses in Māori studies. In 1974, a one-year teaching training scheme for te reo speakers was established in response to the challenge that there were insufficient teachers to introduce the language into schools nationwide.

1980:

He Huarahi – Report of the National Advisory Committee on Māori Education

The National Advisory Committee on Māori Education had met each year since its formation in 1955 to advise the Minister of Education on all aspects of Māori education. Under the chairmanship of the Assistant Director-General of Education, the Committee undertook several thorough reviews and produced reports containing recommendations for improvements in education to meet the changing needs of Māori children and young people throughout the country.

In 1969, the Committee was reorganised to include wider representation of Māori interests and to ensure that the majority of members were Māori. The 1970 report of that committee contained the recommendations on which the improvements in Māori education of the early 1970s were based. However, in 1976 the Committee expressed its concern that more needed to be done and set up a Working Party, which began its work in 1977. The Committee considered reports from the Working Party during 1978 and 1979 and *He Huarahi*, a guideline for the education of Māori students in the 1980s, was the result of these deliberations. *He Huarahi* (a pathway) highlighted that the demise of te reo Māori was imminent if nothing was done to reverse the loss of the spoken language.

Excerpts from <i>He Huarahi</i>	
Report of the National Advisory Committee on Māori Education	
Changes in the Education System (Page 7)	“It is clear that if we are to meet the educational needs of Māori, our education system requires improvement. The community and teachers alike need to make sure that the system is not simply striving to do the wrong things more efficiently. We need to examine closely our educational philosophy, and our classroom strategies, the organisation and climate of our schools, and, where necessary, change them.”
Māori in Education Decision Making (Page 14)	“The Committee feels that advice about the education of Māori, and decisions about their education, should come from Māori. As far as possible, Māori people should have a stake in their own education and that of their children. In all aspects of education there is a need to be open, innovative, and flexible, and to look for alternative ways of providing educational services.”
The Need for Special Measures (Page 14)	“The Committee reemphasises the need to take measures that are in themselves unequal in order to meet special needs – a point made in its last report. Nothing could result in greater inequality than providing the same treatment for all in education. While we naturally accept the concept of equality of educational opportunity,

	we would like to make it clear that special measures must sometimes be taken to give extra help to those who need it.”
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1984:**Waitangi Tribunal Te Reo Māori Claim Report (Wai 11)**

In 1984, Nga Kaiwhakapūmau i te Reo and one of its founders, Huirangi Waikerepuru, lodged a claim with the Waitangi Tribunal, stating that te reo Māori should be recognised as an official language of Aotearoa New Zealand. Allocated the ID ‘Wai 11’ (as the 11th claim lodged with the Waitangi Tribunal), the claimants alleged that the Crown had failed to protect the language as required by Article II of the Treaty of Waitangi and proposed that it be made official for all purposes, enabling its use as of right in Parliament, the courts, Government departments, local authorities, and public bodies.

The Tribunal released its findings in a report published in 1986. It agreed with the claimants that te reo Māori was a taonga that the Crown had to actively protect. The Tribunal did not recommend that te reo Māori be a compulsory subject in schools, nor that all official documents be published in both English and Māori at that time, “for we think it more profitable to promote the language than to impose it”.

The Report made five recommendations. Recommendation 3 stated: “That an enquiry be instituted forthwith into the way Māori children are educated, including particular reference to the changes in current departmental policies which may be necessary to ensure that all children who wish to learn Māori should be able to do so from an early stage in the educational process, in circumstances most beneficial to them and with financial support from the State”. While an enquiry was not undertaken, the *Education Amendment Act 1989* gave recognition to kura kaupapa and wānanga.

The *Māori Language Act 1987* recognised te reo Māori as an official language of Aotearoa New Zealand, and Te Taura Whiri i te Reo Māori (Māori Language Commission) was established to promote the use of Māori as a living language.

1984:**A Review of the Core Curriculum for Schools – Aspects of Māori language and culture (taha Māori) included in school programmes**

Taha Māori (described as ‘the Māori side’) was officially recognised in 1984 when the *Review of the Core Curriculum for Schools* (Chapter 8: Biculturalism, Multiculturalism and Māori Education) formally promoted the concept of biculturalism as a springboard for the study of other cultures. It was thought taha Māori would provide Māori students cultural recognition, thereby potentially contributing to a positive self-image and educational achievement. Taha Māori remained a vague term as it had no set syllabus, objectives or frameworks like other curriculum areas, and there were no structural guidelines or accountability for its implementation and its operation. The Department of Education presented taha Māori as the inclusion of a Māori dimension in the philosophy, organisation, and content of schools.

1990:**Te Kōhanga Reo transferred from the Department of Māori Affairs to the Ministry of Education**

In April 1982, a pilot kōhanga reo (focusing on total immersion in Māori language and values for pre-school children) was opened at the Pukeatua Kokiri Centre, Wainuiomata. The pilot was followed by four more, all supported by a Department of Māori Affairs seeding grant. Within 12 months, Māori communities had established an additional 107 kōhanga reo. By

1985, there were 377 kōhanga reo, catering for approximately 5,800 children. Two-thirds of the growth of childcare numbers from 1981 to 1985 was in licensed kōhanga reo.

By 1989, Te Kōhanga Reo was the fourth largest provider of early childhood care, catering for 11 percent of under five-year-olds attending an early childhood service.

The terms of reference for a review of Te Kōhanga Reo were finalised in 1987, with a report completed in 1988. However, the report was overtaken by the release of the Government's blueprint for the wider reform of educational administration, resulting in the transfer of Te Kōhanga Reo from the disestablished Department of Māori Affairs to the new Ministry of Education.

1990:

Financial and operational support provided to Kura Kaupapa Māori (Māori language immersion schools)

To provide ongoing te reo Māori schooling for students from te kōhanga reo, the first independent Māori immersion primary school (Kura Kaupapa Māori) was established in 1985. Six Kura Kaupapa Māori were operating 'privately' outside the mainstream by 1989, extending the principles of te kōhanga reo into school-aged programmes.

The *Education Act 1989* formally recognised Kura Kaupapa Māori as educational institutions designed to provide Māori language immersion and culturally responsive curriculum and pedagogy. From 1990, the Ministry of Education provided financial and operational support in the further expansion of Māori-medium education.

1993:

Wānanga established

Wānanga, iwi-initiated education organisations, were recognised under the *Education Act 1989* (Part XIV, Section 162) as a new tertiary institution (grouped with colleges of education, polytechnics, and universities). The Minister of Education was given the power to recommend to the Governor-General that a wānanga be established (Te Wānanga o Raukawa and Te Wānanga o Aotearoa were established in 1993, and Te Whare Wānanga o Awanuiārangi in 1997).

Wānanga are distinguished by their educational provision within a Māori cultural paradigm and their focus on Māori as members of whānau, hapū and iwi. Wānanga are different to other tertiary education institutions, not just in what they teach, but in how they teach. Te Tauihu o Ngā Wānanga (Te Tauihu) notes the wānanga role and functioning is characterised by the pursuit of the empowerment of Māori people generally, and the communities they serve specifically, through the delivery of education services; and the advancement of mātauranga Māori.

1996:

Te Whāriki – He whāriki mātauranga mō ngā mokopuna o Aotearoa: Early Childhood Curriculum

In 1996, Te Whāriki was the first bicultural curriculum statement developed in Aotearoa New Zealand. It contained curriculum specifically for Māori immersion services in early childhood education and established, throughout the document, the bicultural nature of curriculum for all early childhood services. (Kōhanga reo had their own *Te Whāriki* and *Te Korowai* documents that guided their curriculum and operations.)

The Kōhanga Reo National Trust supported the development of *Te Whāriki*, which drew upon traditional Māori concepts underpinning the philosophy of kōhanga reo. It was noted that in early childhood education settings, all children should be given the opportunity to develop knowledge and an understanding of the cultural heritages of both partners to Te Tiriti o Waitangi. *Te Whāriki* reflected this partnership in text and structure. The document recognised the distinctive role of an identifiable Māori curriculum that protected Māori language and tikanga, Māori pedagogy, and the transmitting of Māori knowledge, skills, and attitudes through using te reo Māori.

Te Whāriki (meaning ‘a woven mat for all to stand on’) had four overall principles – empowerment, holistic development, family and community, and relationships. The whāriki was woven from these four principles, and from five strands (essential areas of learning and development) – Mana Atua (wellbeing), Mana Whenua (belonging), Mana Tangata (contribution), Mana Reo (communication), and Mana Aotūroa (exploration).

1999:

Education (Te Aho Matua) Amendment Act 1999

Amending section 155 of the *Education Act 1989*, the *Education (Te Aho Matua) Amendment Act 1999* required all Kura Kaupapa Māori to make te reo Māori the principal language of instruction and to adhere to the foundation principles of Te Aho Matua o Ngā Kura Kaupapa Māori (Te Aho Matua) – a holistic Māori worldview focusing on te ira tangata (the human essence), te reo (the language), ngā iwi (the people), te ao (the world), āhuatanga ako (circumstances of learning), and ngā tino uaratanga (essential values).

1999:

First Māori Education Strategy launched

Developed from extensive consultation in 1997 and 1998 by the Ministry of Education and Te Puni Kōkiri with Māori, the 1999 *Māori Education Strategy* focused on three core goals – to raise the quality of mainstream (English-medium) education for Māori, to support the growth of high-quality Kaupapa Māori Education, and to facilitate greater involvement and authority of Māori in education.

In 2000 and 2001, further policies and programmes were introduced to support the goals of the strategy. They included:

- Investing in Māori teacher supply.
- Promoting participation in early childhood education.
- Investing in school student engagement programmes.
- Investing in effective teaching and high-quality schooling programmes.
- Investing in Māori language education programmes and increasing operational funding for kura teina.
- Introducing Special Supplementary Grants (Māori) for tertiary education institutions.
- Increasing the investment in the development of Iwi Education Partnerships.
- Supporting the Hui Taumata Mātauranga process.

1999:

Waitangi Tribunal Wānanga Capital Establishment Report (Wai 718)

In 1999, the three wānanga, established as tertiary education institutions under the *Education Act 1989* (as amended by the *Education Amendment Act 1990*), made a claim to the Waitangi Tribunal against the Crown. The claim concerned the failure of the Crown to recognise the right of Māori, in terms of the Treaty of Waitangi, to receive capital funding to provide for the education of Māori through programmes and in an environment designed to enhance their

tertiary educational opportunities. The claim was brought by Rongo Herehere Wetere on behalf of Te Tauihu o nga Wānanga Association, which represented the three claimants (Te Wānanga o Raukawa, Te Wānanga o Aotearoa, Te Whare Wānanga o Awanuiārangi). Urgency was accorded the hearing of this claim because two of the wānanga were at serious risk of financial collapse due to a lack of capital funding.

The Waitangi Tribunal supported the claim that wānanga did not get capital funding from the Government equivalent to other public tertiary providers and, as a result, the three wānanga and their students were disadvantaged.

In 2010, Tertiary Education Minister Steven Joyce and Māori Affairs Minister Dr Pita Sharples signed a deed of settlement with Te Whare Wānanga o Awanuiārangi that recognised the unique contribution it made to tertiary education, and provided the wānanga with funding to develop its Whakatāne campus. It was noted that, in 2004, Te Wānanga o Awanuiārangi was accredited to teach courses to PhD level, which was a world first for an indigenous tertiary education institution. Te Wānanga o Aotearoa and Te Wānanga o Raukawa settled their respective claims under Wai 718 in 2001 and 2008.

2001:

Hui Taumata Mātauranga held to consider a framework for Māori education aspirations

Between 2001 and 2004, four Hui Taumata Mātauranga (national Māori education summits) took place, hosted by Ngāti Tūwharetoa in partnership with the Ministry of Education. At the first Hui Taumata in 2001, Professor Mason Durie presented a framework for considering Māori aspirations for education in a broader context of Māori development – enabling Māori to live as Māori; to actively participate as citizens of the world; and to enjoy good health and a high standard of living. By the fifth and final hui (2005), common themes included the exercise of control, the transmission of worldviews, participation in decision-making, and multiple benefits.

2001:

Te Kotahitanga Project

Funded by the Ministry of Education (2001-2012), Te Kotahitanga is a University of Waikato evidence-based Kaupapa Māori programme to support Māori succeeding as Māori. Developed through five phases, the overall aim of the project was to investigate how to improve the educational achievement of Māori students in mainstream secondary schools. Through interviews with students, teachers and whānau, the quality of relationships and interactions between teachers and students were determined as a key factor in improving Māori student achievement. The characteristics of teachers who made a difference were identified, from which an Effective Teaching Profile was developed.

The Effective Teaching Profile formed the basis of the Te Kotahitanga professional learning and development (PLD) programme that supported teachers to create a culturally responsive context for learning, based on evidence of Māori performance and understandings; and enabled school leaders and the wider school community to focus on changing school structures to support teachers more effectively.

Schools can participate in the continued professional development associated with this programme, through their PLD budgets.

2002:

First Ngā Haeata Mātauranga: Annual Report on Māori Education released

Published annually, Ngā Haeata Mātauranga provides an overview of Māori education, from early childhood to the tertiary sector.

Linking together strands of work occurring across the Ministry of Education that were of both a strategic and operational nature, the *Ngā Haeata Mātauranga: Annual Report on Māori Education 2000/2001* included initiatives specifically directed to Māori, those focusing on te reo Māori and Māori immersion education, and initiatives that were intended to support Māori students as part of broader education strategies aimed at raising their achievement. Statistical analysis was also included.

The *Ngā Haeata Mātauranga: Annual Report on Māori Education 2000/2001* was divided across eight key areas:

- Increasing Māori participation in early childhood education.
- Better teaching for Māori students.
- Improving the resources available for Māori learners.
- Lifting the quality and supporting the growth of Kaupapa Mātauranga Māori.
- Valuing the role that parents and the community can play.
- Lifting Māori participation and achievement in tertiary education.
- Strengthening the role and increasing the involvement and authority of Māori in education.
- Raising the Ministry of Education's responsiveness to Māori.

2003:

Teachers' Council Strategy to Improve the Quality of Teacher Education for Teaching Māori Students Effectively

Te Puni Kōkiri's 2001 audit on teacher training concluded that most teacher education providers had yet to develop adequate programmes for teachers who would teach Māori students. In 2003, an interagency working group (Teachers' Council, Ministry of Education, Te Puni Kōkiri, Tertiary Education Commission, New Zealand Qualifications Authority, Education Review Office) commenced the development of a strategy based on four expectations that Māori educators considered to be an integral part of a teacher education programme effective for teaching Māori students. The strategy was progressed alongside the Teachers' Council programme to develop standards for qualifications leading to teacher registration.

2005:

The 1999 Māori Education Strategy republished

In 2005, the Ministry of Education reported that Māori students were showing some improvements in educational performance. It was confirmed that new initiatives (such as research projects and evaluations) had been developed and were providing more information on student achievement and the Ministry's iwi partnerships. The 1999 *Māori Education Strategy* was republished, reaffirming the Ministry of Education's commitment to Māori education.

In 2006, the first stage in the redevelopment of the *Māori Education Strategy* was published as an internal document within the Ministry of Education, setting out the proposed priorities for Māori education over the next five years.

2005:

Waitangi Tribunal Report on the Aotearoa Institute Claim Concerning Te Wānanga o Aotearoa (Wai 1298)

In 2005, the parent body of Te Wānanga o Aotearoa (TWOA), the Aotearoa Institute Te Kuratini o Nga Waka Trust Board, made an urgent claim to the Waitangi Tribunal against the Crown. The claim alleged that the Crown had breached its Treaty of Waitangi obligations to the wānanga by undermining its rangatiratanga and effectively taking control of the institution.

The Wai 1298 claim arose after allegations were made early in 2005 about poor quality assurance in the education provided by TWOA, along with deficiencies in its governance and financial management. The allegations of financial mismanagement were later the subject of a report by the Office of the Auditor-General, and the Waitangi Tribunal's Report did not deal with these charges.

The Waitangi Tribunal found that a wānanga is a uniquely Māori teaching institution that preserves and imparts the values of its founding iwi to all who wish to learn in this way. As such, it had responsibilities to its iwi and other stakeholders for providing the kinds of education needed by the communities it served. Being recognised as a Tertiary Education Institution under the *Education Act 1989*, TWOA also had responsibilities to the Crown for the proper use of public funds given to it to deliver quality education to its students.

The Tribunal found that the Crown had failed to conclude a partnership agreement that was prepared as part of the settlement of the Wai 718 inquiry. The agreement would have provided multi-level forums for early participation by wānanga in discussions and negotiations on major policy changes and funding issues, and facilitated the resolution of any differences between the parties as they arose. The failure to complete the agreement was a breach of the principles of the Treaty of Waitangi. In addition, the Tribunal found that the Crown had formed an unduly limited conception of the nature and range of education that could be provided by a wānanga under the *Education Act 1989*. The Crown's attempt to impose its limited view on TWOA was also considered a breach of Treaty principles.

The Tribunal's recommendations focused on better practice for the future, and on ways to ensure that the relationship between TWOA and the Crown could be conducted in a respectful and supportive manner on both sides, as required by the principles of the Treaty of Waitangi.

2007:

Revised New Zealand Curriculum / Te Marautanga o Aotearoa released

The revised *New Zealand Curriculum* reflected a shift in emphasis from a rigid prescriptive national curriculum to a broad-based design that school/kura leaders could use as a framework for their specific school curriculum design. A parallel document, *Te Marautanga o Aotearoa*, served the same function for Māori-medium schools.

Eight principles underpin curriculum decision-making in New Zealand	
High Expectations	The curriculum supports and empowers all students to learn and achieve personal excellence, regardless of their individual circumstances.
Treaty of Waitangi	The curriculum acknowledges the principles of the Treaty of Waitangi and the bicultural foundations of Aotearoa New Zealand. All students have the opportunity to acquire knowledge of te reo Māori me ōna tikanga.
Cultural Diversity	The curriculum reflects New Zealand's cultural diversity and values the histories and traditions of all its people.
Inclusion	The curriculum is non-sexist, non-racist, and non-discriminatory; it ensures that students' identities, languages, abilities, and talents

	are recognised and affirmed and that their learning needs are addressed.
Learning to Learn	The curriculum encourages all students to reflect on their own learning processes and to learn how to learn.
Community Engagement	The curriculum has meaning for students, connects with their wider lives, and engages the support of their families, whānau, and communities.
Coherence	The curriculum offers all students a broad education that makes links within and across learning areas, provides for coherent transitions, and opens up pathways to further learning.
Future Focus	The curriculum encourages students to look to the future by exploring such significant future-focused issues as sustainability, citizenship, enterprise, and globalisation.

Te reo Māori was included in Learning Languages, which was one of the eight learning areas in *The New Zealand Curriculum*. This learning area provided the framework for the teaching and learning of languages that were additional to the “language of instruction” (page 24), and emphasised the inseparable links between language, culture, and identity.

2008:

Ka Hikitia – Managing for Success: The Māori Education Strategy (2008-2012)

Reframing the 1999 *Māori Education Strategy*, the 2008 policy framework *Ka Hikitia: Managing for Success* set out specific outcomes, priorities for action, and targets over a five-year period (2008 to 2012) to realise Māori potential. *Ka Hikitia* specifically emphasised improvements in teaching and learning through the establishment of culturally responsive contexts, where language, culture and identity counted, as did productive relationships with whānau and iwi. Underpinning *Ka Hikitia* was the Māori Potential Approach (developed by Te Puni Kōkiri as a cross-agency strategy focusing on the potential of all Māori to succeed). Moving from problems and disparities to opportunities and potential, the objective was to change how educators approached Māori students, focusing on success rather than failure.

The Strategy identified the need for accelerated system transformation, at both a macro and micro level, to mitigate the impact of the continued under-performance of Māori learners. Channelling Government investment and effort into the areas of the education system where Māori learners were most vulnerable, *Ka Hikitia: Managing for Success* identified four strategic areas where coordinated activity would have the most impact:

- The foundation years: early learning and the first years at school.
- Young people engaged in learning: particularly in Years 9 and 10.
- Māori language in education: setting and resourcing priorities.
- Organisational success: the Ministry of Education’s guiding principles, priorities and behaviours supporting all Māori learners to achieve.

In 2013, the Office of the Auditor-General published the results of an audit on how effectively *Ka Hikitia: Managing for Success* had been introduced. The Auditor-General was positive regarding the intent and potential of *Ka Hikitia*, noting that “overall, I found reason to be optimistic that Ka Hikitia will increasingly enable Māori students to succeed” (Office of the Auditor-General, 2013, p. 7). The Auditor-General concluded that *Ka Hikitia* held the potential for making a difference for Māori because it effectively reflected the interests and priorities of Māori, was based on sound educational research and reasoning, was widely valued throughout the education system, and had Māori support.

Highlighting the Ministry of Education's poor planning and ineffective communication with schools, the Auditor-General concluded that the Ministry's introduction of *Ka Hikitia* had not been as effective as it could have been. The Auditor-General observed, however, that *Ka Hikitia* was helping to create the conditions for improved Māori student education success. "It is clear that *Ka Hikitia* has contributed to schools sharpening their focus on improving outcomes for their Māori students ... Although there has been only modest improvement overall in Māori students' academic results since *Ka Hikitia* was launched, schools are increasingly recognising their responsibility to raise the achievement levels of their Māori students" (Office of the Auditor-General, 2013, p. 7).

2009:

**Te Aho Arataki Marau mō te Ako i Te Reo Māori – Kura Auraki:
Curriculum Guidelines for Teaching and Learning Te Reo Māori in English-medium Schools
(Years 1-13)**

Curriculum guidelines were produced to support the teaching and learning of Māori language in schools. Under the *Education Act 1989* [s 61 (3) (ii)], all schools/kura were required to provide Māori language programmes to learners if requested by parents, and to state in their school charter how these programmes were to be delivered.

Supporting *Ka Hikitia: Managing for Success*, the Curriculum Guidelines provided teachers with a basis for planning programmes for students learning te reo Māori in kura auraki (English-medium schools). It described, in broad terms, the knowledge and understandings that students needed to acquire and the levels of proficiency that they were expected to achieve. Eight levels of achievement provided a framework for progression and allowed continuity of language learning from year to year.

2011:

**Whakapūmautia, Papakōwhaitia, Tau ana – Grasp, Embrace and Realise:
Conducting excellent education relationships between iwi and the Ministry of Education,
with the shared goal of 'Māori Achieving Education Success as Māori'**

The first iwi and Māori education partnerships were established during the period 1998 to 2002. The relationships arose primarily in response to an Education Review Office report on the lack of quality education in schools on the East Coast and in the Far North, and an audit by Te Puni Kōkiri citing the Ministry of Education's lack of responsiveness to Māori education. An approach by Tūhoe to work with the Ministry of Education on strengthening education in its rohe added further impetus for establishing iwi relationships.

The Ministry of Education recognised that a new and different approach to the design of education solutions was needed, and that iwi had an important contribution to make towards this. In 1999, the first *Māori Education Strategy* recognised iwi education partnerships as central to realising the goal of supporting greater Māori involvement and authority in education.

Current and past iwi education partnerships covered a wide range of education-based activities, although the successes achieved through these investments had limited impact on Ministry of Education policy processes, decision-making and activities. Emphasising the power of collaboration for achieving common interests, together with the need for effective engagement that more closely reflected the partnership principles under the Treaty of Waitangi, the aim of *Whakapūmautia, Papakōwhaitia, Tau ana* was to build on relationships between iwi and the Ministry to fulfil a common goal of educational success, for and with, Māori learners.

Articulating the Ministry of Education's commitment to change, with concepts drawn from a waiata that captured the ideas of co-construction and co-production, *Whakapūmautia, Papakōwhaitia, Tau ana* outlined how iwi could actively participate in the design and delivery of Ministry policies, programmes, and services to further realise Māori potential, with the shared goal of Māori achieving educational success as Māori. It acknowledged the importance of these relationships for ensuring that the education system better reflected the aspirations, culture, and values of Māori

2012:

Waitangi Tribunal Report on the Kōhanga Reo Claim (Wai 2336)

In 2012, Te Kōhanga Reo National Trust made an urgent claim to the Waitangi Tribunal against the Crown. Prompted by the 2011 Report of the Early Childhood Education Taskforce, the claimants alleged the Taskforce had not consulted with them, that the report had seriously damaged their reputation, and that the report, and Government policy based on it, would cause irreparable harm to the kōhanga reo movement.

The Waitangi Tribunal found that the Crown's early childhood education system, in particular its funding formula, quality measures, and regulatory regime, had failed to adequately sustain the specific needs of kōhanga reo as an environment for language transmission and whānau development. These failures constituted breaches of the Treaty principles of partnership and equity. The Tribunal concluded that significant prejudice to the claimants had occurred as a result of the Crown's breaches of Treaty principles. It considered that as a result the claimants had suffered, and were likely to continue to suffer, significant prejudice. The Tribunal accordingly adjudged the claim to be well founded.

The Tribunal called on the Crown to make a formal acknowledgement and apology for the Treaty breaches that had occurred. It recommended that the Crown appoint an interim independent adviser, based in the Department of Prime Minister and Cabinet, to redevelop the engagement between Government agencies and the Trust, and to ensure early progress on resolving outstanding issues – the funding regime for sustaining quality in language transmission, the regulatory and performance reviewing framework, research on the effectiveness and educational outcomes of the kōhanga reo model, and information for Māori whānau on the linguistic and educational benefits of early childhood te reo immersion.

The Crown, through the Ministry of Education and other agencies, has been working through the issues identified by the Waitangi Tribunal. Budget 2019 included a \$32 million support package for kōhanga reo to lift wages (including paying voluntary help), update ICT capacity, and undertake a building stocktake.

2013:

Ka Hikitia – Accelerating Success: The Māori Education Strategy (2013-2017)

Refreshed in 2013, with an additional five-year phase, *Ka Hikitia: Accelerating Success (2013-2017)* identified focused goals, actions, targets, and measures so that all Māori students had the opportunity to gain the skills, qualifications, and knowledge they needed to realise their potential, while affirming their individual identity, language, and culture. The Ministry's *Ka Hikitia: Accelerating Success* Measurable Gains Framework rubrics specifically defined what success looked like in terms of Māori students, the education sector, and for Ministry of Education staff.

The strategy's core principle affirmed that all Māori students had the potential to excel and be successful. Two key areas were identified as being necessary to achieve this principle: (1) quality provision, leadership, teaching and learning, supported by effective governance, and (2) strong engagement and contribution from students and those best placed to support them

(parents, whānau, hapū, iwi, Māori organisations, communities, businesses). Other essential elements for educational success were identified as (1) the importance of supporting Māori students during times of transition in their educational journey (for example, moving from primary school to secondary school, secondary to tertiary, Māori-medium to English-medium schooling), and (2) creating strong educational pathways (Māori students supported to plan clear education pathways to achieve their aspirations).

Accompanying *Ka Hikitia* was *Tau Mai Te Reo*, a Māori language education strategy that was initiated in 2013. *Tau Mai Te Reo* informed and supported the expression and implementation of te reo Māori-related elements within *Ka Hikitia: Accelerating Success*.

Ka Hikitia was renewed in 2019 as part of the overall Ministry of Education Work Programme.

2013:

Tau Mai Te Reo – The Māori Language in Education Strategy (2013-2017)

A Ministry of Education and education sector agencies' strategy, *Tau Mai Te Reo* provided a framework for coordinating programmes and services that supported te reo Māori in Māori-medium and English-medium education. Underpinning the Māori Language in Education focus area of *Ka Hikitia: Accelerating Success*, *Tau Mai Te Reo* endorsed a staged approach to ensure that Māori language in education activity was deliberate, comprehensive and that information was gathered and reported on appropriately.

Tau Mai Te Reo detailed the Ministry of Education's and education sector agencies' responsibilities, as Crown agencies, to actively protect te reo Māori as a taonga guaranteed under the Treaty of Waitangi, and as part of the whole-of-government Māori Language Strategy (*Te Rautaki Reo Māori*), which outlined the Crown's support for a strong, healthy, thriving Māori language in Aotearoa New Zealand (kia māhorahora te reo – everywhere, every way, for everyone, every day).

Identifying that line of sight to the student and the quality of the Māori language in education experience were fundamental to success, *Tau Mai Te Reo* confirmed that high quality te reo Māori in education would:

- Support identity, language, and culture as critical, but not exclusive, ingredients for the success of all learners.
- Provide all Māori learners the opportunity they needed to realise their unique potential and to succeed as Māori.
- Give expression to the national curriculum documents for early learning, primary and secondary schooling, which recognised the importance of te reo and tikanga Māori for Aotearoa New Zealand.
- Support community and iwi commitments to Māori language inter-generational transmission and language survival.

Tau Mai Te Reo was renewed in 2019 as part of the overall Ministry of Education Work Programme.

2017:

Te Whāriki – He whāriki mātauranga mō ngā mokopuna o Aotearoa:

Early childhood curriculum

Te Whāriki sets out the curriculum to be used in New Zealand early childhood education settings and provides guidance for its implementation.

Te Whāriki was first published by the Ministry of Education in 1996. The document sought to unify a diverse sector around a shared aspiration for children and an agreed framework of principles, strands, and goals that teachers, educators and kaiako, children, families and whānau would use to weave their own unique curriculum whāriki.

The first revision in 20 years, *Te Whāriki* recognises and reflects societal changes, shifts in policy and considerable educational research around curriculum, assessment, pedagogy, and practice. Like the original, it has been developed and framed using concepts drawn from te ao Māori.

Underpinning *Te Whāriki* is the vision that children are competent and confident learners and communicators, healthy in mind, body, and spirit, secure in their sense of belonging and in the knowledge that they make a valued contribution to society. Located in Aotearoa New Zealand, this vision implies a society that recognises Māori as tangata whenua, assumes a shared obligation for protecting Māori language and culture, and ensures that Māori are able to enjoy educational success as Māori.

The curriculum for kōhanga reo is now a document in its own right (*Te Whāriki a te Kōhanga Reo*). The print editions of *Te Whāriki: He whāriki mātauranga mō ngā mokopuna o Aotearoa Early Childhood Curriculum* and *Te Whāriki a te Kōhanga Reo* are published in a single volume, formatted as a flipbook. Both curriculums share a common framework, while describing alternative curriculum pathways of equal status.

2017:

Te Aho Ngārahu

Te Aho Ngārahu was established in 2017 as an initiative to improve access to quality te reo Māori local curriculum resources, for use in both Māori-medium and English-medium settings. Te Aho Ngārahu sought ideas through a 'Request for Stories' application process, with selected storytellers then working with a Ministry of Education te reo Māori curriculum and resource developer to co-design the stories into te reo Māori education resources (for example, a large picture book about the taniwha of Ngāti Manawa, an interactive website recounting the Battle of Orākau).

2020:

Ka Hikitia – Ka Hāpaitia: The Māori Education Strategy and Tau Mai Te Reo: The Māori Language in Education Strategy

Included in *He Tirohanga Whāroa* (the Government's 30 year vision and objectives for the education system), the Ka Hikitia and Tau Mai Te Reo strategies were updated in 2019 following a series of wānanga with Māori.

Ka Hikitia (the Māori Education Strategy) sets out how the Ministry of Education will work with the education sector to achieve system shifts in the education and support of Māori learners and their whānau, hapū and iwi to achieve excellent and equitable outcomes.

As a cross-agency strategy, *Ka Hikitia* includes an organising framework for the actions to be taken to achieve the goal: 'Māori are enjoying and achieving education success as Māori, as they develop the skills to participate in te ao Māori, Aotearoa and the wider world'. The framework's five outcome domains are:

	Outcome Domains	Measures
Te Whānau	Education provision responds to learners within the context of their whānau.	<ul style="list-style-type: none"> • Māori learners have high levels of attendance and participation in our education services. • Māori whānau have regular and positive engagements with our education services.
Te Tangata	Māori are free from racism, discrimination, and stigma in education.	<ul style="list-style-type: none"> • Māori learners and whānau feel a strong sense of belonging in our education system and are free from racism.
Te Kanorautanga	Māori are diverse and need to be understood in the context of their diverse aspirations and lived experiences.	<ul style="list-style-type: none"> • Māori learners are achieving excellent and equitable education outcomes. • Our education workforce looks more like the population that it serves. It is skilled in engaging with Māori learners and whānau.
Te Tuakiritanga	Identity, language, and culture matter for Māori learners.	<ul style="list-style-type: none"> • Māori learners and whānau tell us they see and feel their identity, language, and culture on a daily basis in our education services.
Te Rangatiratanga	Māori exercise their authority and agency in education.	<ul style="list-style-type: none"> • Whānau, hapū, iwi and Māori are participating in and making decisions about the education of Māori learners.

As a companion document to *Ka Hikitia, Tau Mai Te Reo (the Māori Language in Education Strategy)* outlines the goals the Ministry of Education is seeking to achieve and provides a framework for coordinating the Ministry's programmes and services that support Māori language in education for all learners.

2021:

Redesign of Te Marautanga o Aotearoa

In 1988, the first Māori-medium curriculum framework was developed by the Ministry of Education. This was a translated version of the English-medium curriculum areas and content. Following calls for the curriculum to better fit the Māori-medium context, a redeveloped *Te Marautanga o Aotearoa* was implemented in 2008-2009.

In 2018, the Ministry of Education conducted Kōrero Mātauranga on the future of education in New Zealand. As part of the kōrero, ākonga, kura, whānau and communities identified a need to expand indigenous knowledge within *Te Marautanga o Aotearoa* to ensure a holistic and ākonga focused approach, where ākonga and whānau could see themselves in their learning and education pathways.

The Ministry of Education confirmed a five-year programme in February 2021 to refresh the New Zealand Curriculum and redesign *Te Marautanga o Aotearoa* to reflect a more authentic indigenous ākonga-centred curriculum, through the integration of the Te Tamaiti Hei Raukura conceptual framework. The redesign approach will include equity, trust and coherence for a curriculum grounded in te ao Māori, which is fit for purpose in te reo Māori educational pathways.

Te Marautanga o Aotearoa will be redesigned in a phased approach (with Māori, by Māori, for Māori), beginning with engagement hui to ensure whānau, hapū, iwi, and kura across the regions are involved. Then, during larger national design hui, working groups will be formed

to continue through the redesign project to develop and test content for *Te Marautanga o Aotearoa*. All phases will include cycles of communication, opportunities for feedback, and review.

2021:

Te Kura Huanui: The Treasures of Successful Pathways

The Education Review Office-Ministry of Education 2021 *Te Kura Huanui: The Treasures of Successful Pathways* research report identified conditions that support ākonga Māori to enjoy and achieve educational success as Māori, including through local curriculum/marau ā-kura, which reflect the vision and aspirations of whānau and are relevant to ākonga, local contexts, and surrounding hapū and iwi. Through a research project, the Ministry of Education is testing the efficacy of Te Tamaiti Hei Raukura as a framework for designing marau ā-kura. This will inform the redesign of *Te Marautanga o Aotearoa*, which will guide the development and ongoing review of marau ā-kura.

2022:

Professional Development Programmes for Māori Leaders

From January 2022, two new Ministry of Education-funded Māori leadership programmes commenced. The two-year programmes are designed to champion kaupapa Māori leadership founded on mātauranga, te reo and tikanga Māori. Authentic Māori leadership is an important component for addressing and responding to the needs of tangata whenua and delivering sustainable positive outcomes for all kura/school community members, including staff, ākonga and whānau.

Delivered by the Te Akatea Māori Principals' Association, the Emerging Māori Leaders' and Māori First Time Principals' programmes are run by Māori, for Māori. The programmes deliberately prioritise Māori leadership skills and identify Māori cultural development and support as fundamental to leadership success.

The Māori First Time Principals' Programme targets Māori Principals in their first two years of principalship, regardless of the school setting (e.g., kura kaupapa Māori, kura a iwi, English-medium, dual-medium, bilingual and rumaki reo and reo rua, rural, urban). The programme focuses on leadership responsibilities, strategies, and professional community partnerships, while developing the adaptive expertise required for principalship and supporting evolving leadership philosophy and practice over time – as Māori.

Providing emerging Māori leaders in schools with a strong foundation to build further leadership experiences, together with extensive networks of support, the Emerging Māori Leaders' Programme focuses on the knowledge, skills and understanding necessary to be a successful, long-term school leader. An important component of the professional and personal development is support for participants to grow their own level of te reo Māori knowledge and confidence in tikanga Māori.

2022:

Māori-Medium and Kaupapa Māori Pathways Programme

The Associate Education Minister (Māori Education), Hon Kelvin Davis, has received Cabinet approval to develop a work programme to grow Māori-medium and kaupapa Māori education in early learning, schooling, and tertiary education. The objective of the Pathways Programme is to reconnect more Māori tamariki with their language and culture.

Supporting *Ka Hikitia – Ka Hāpaitia* and *Tau Mai Te Reo*, the work programme will be developed by the Ministry of Education, in conjunction with an independent Māori Education

Oversight Group (Te Pae Roa). The programme aims for a target of 30 percent of Māori learners participating in Māori-medium and kaupapa Māori schools and early learning services by 2040, and to grow the kaupapa Māori workforce.

CULTURAL SUPPORT AND CONSIDERATIONS

7. From 1950 until present day, what has the Ministry done to ensure children, young people and vulnerable adults in educational care had access to education that reflected their culture and language (including New Zealand sign language)? Has the Ministry altered its policies and practices in this regard over this period? If yes, please detail how.

8. Between 1950 and 1999, what did the Ministry do to ensure that all teaching staff had sufficient cultural capability to effectively support Māori and Pacific learners? What lessons were learned and how has this changed today's practice?

A focus on cultural capability encourages teachers and kaiako to recognise diversity of identities (including culture, gender, sexuality and ability) and to take action to ensure that all learners feel valued and have equitable opportunities to learn within an environment that is responsive and inclusive of their culture. To improve engagement, a learning environment where students' identity, language and culture is respected and valued is needed. In 2021, the Ministry of Education made cultural capability a national professional learning and development (PLD) priority, seeking PLD providers to deliver training grounded in Te Tiriti o Waitangi, critical consciousness, kaupapa Māori, and inclusive practices.

2021:

Te Ahu o te Reo Māori (the future pathway of te reo Māori)

Te Ahu o te Reo Māori supports the growth of te reo Māori and mātauranga Māori across the education sector. The objective of the programme is to provide opportunities for te reo Māori to be normalised, and for Māori identity and culture to be shared and embraced. The initiative aims to support early learning to secondary school leaders, kaiako, and support staff to increase their capability and confidence in using and integrating te reo Māori into the learning of all ākonga.

Based on a seven-level te reo Māori competency framework (Ngā Taumata o Te Ahu o te Reo Māori), the 120-hour programme covers the use of local dialect, practice of reo use for a classroom setting, grammar and writing conventions, curriculum development, and language planning for the school / early learning service / classroom.

A total of 5,191 participants have enrolled in the 2021-2022 provision to date (2,439 participants enrolled in the first intake in 2021 and 2,752 in the second intake, which commenced in March 2022). Following the first intake, an evaluation found participants experienced considerable improvements in their pronunciation and were confidently using a range of language features. Participants indicated the content was relevant and the programme was well implemented, with skilful facilitators and te reo Māori experts.

2022:

Professional Learning and Development (PLD)

The Ministry of Education funds several initiatives to build the capability of the education workforce to support Māori and Pacific learners to achieve their potential, secure in their identities, languages, and cultures.

Schools and kura applying for professional learning do so against the PLD priorities which were reset in 2020 to focus on core curriculum capabilities to enable a more responsive and equitable education system. PLD opportunities aligned to the priorities are designed to raise critical consciousness and empower people to act to eliminate racism, discrimination and bias, return rangatiratanga, and strengthen equity.

The new PLD priorities were informed by engagement with people from across New Zealand's education system through Kōrero Mātauranga and the engagement led by the Curriculum Progress and Achievement Ministerial Advisory Group. These PLD priorities equip teachers and kaiko with the self-awareness, connections, knowledges and competencies that they need to develop so that their learning designs reflect the languages, identities, and cultures of the ākonga in their contexts.

The new priorities for English-medium settings are cultural capability, local curriculum design, and assessment for learning. The new priorities for Māori-medium and te reo Māori settings are mātauranga Māori and te reo Māori, marau ā-kura, and aromatawai. Digital fluency remains a priority in all settings.

Approximately 52 percent of English-medium schools participate in regionally allocated PLD each year. As of April 2022, 596 schools, kura and Kāhui Ako have had PLD approved, for which cultural capability is one of the PLD priorities. Some of these schools or kura have received this PLD more than once, so a total of 721 applications including this priority have been approved.

There are a range of national PLD programmes aimed to build the sustainable culturally capable workforce and leadership required to deliver equity and excellence for all learners.

2022:

Overseas-Trained Teachers Professional Learning and Development

Included in the Ministry of Education's support for early careers teachers and kaiako is a programme of development for overseas-trained teachers. The programme supports overseas-trained teachers to develop effective teaching practices for diverse learners in a New Zealand teaching context, while they work towards gaining full (Tūturu) certification.

Workshops and online modules focus on te reo Māori, tikanga Māori, and culturally responsive teaching, in conjunction with developing understanding of the New Zealand Curriculum and supporting documents (e.g., Tātaiko, Tapasā, local curriculum guides).

2022:

Tapasā: Cultural Competencies Framework for Teachers of Pacific Learners Professional Learning and Development

The first strategy for lifting the achievement of Pacific learners began in 1996, through a process that created a Pasifika framework. In 2001, government strategies and policies emerged to support the *Pasifika Education Plan*. In recognition of outcomes from the *Pasifika Education Plan*, the Ministry of Education developed, through consultation with Pacific teachers, academics, experts, families, and communities, a Pasifika Competency Framework, which evolved into *Tapasā*.

Launched in September 2018, *Tapasā* provides a framework and tools to help teachers and leaders build cultural competency and develop effective teaching practices that engage Pacific learners in early learning, primary and secondary education. It is designed to support teachers to become more culturally aware, confident, and competent when engaging with Pacific

learners and their parents, families, and communities. It aims to contextualise quality teaching and planning within a Pacific learner setting by providing a Pacific lens to the *Standards for the Teaching Profession* and the *Code of Professional Responsibility*.

Aligning with the *Action Plan for Pacific Education 2020-2030*, three competencies form the basis of the *Tapasā* framework – (1) demonstrates awareness of the diverse and ethnic-specific identities, languages, and cultures of Pacific learners; (2) establishes and maintains collaborative and respectful relationships and professional behaviours that enhance learning and wellbeing for Pacific learners; and (3) implements pedagogical approaches that are effective for Pacific learners.

As part of ongoing support to help teachers and leaders build their cultural competency, Budget 2021 provided \$5m (over a four-year period) to deliver Professional Learning and Development (PLD) using *Tapasā*. Auckland Uniservices and Tautai o le Moana Trust have been contracted by the Ministry of Education to deliver *Tapasā* PLD. The first cohort of teachers and leaders will begin the programme in Term 2, 2022. It is estimated that up to 1,000 teachers and leaders will benefit from *Tapasā* PLD between 2022-2024.

2022:

Tautai o le Moana: Wayfinders of the Ocean Professional Learning and Development

Tautai o le Moana (a collaboration between the Ministry of Education, New Zealand Pasifika Principals' Association, and the New Zealand Principals' Federation) is a professional learning and development initiative designed to support effective leadership for Pasifika learners, focused on transforming educational outcomes and systems to sustain and revitalise Pacific knowledge systems, leading to Pasifika educational success as Pasifika

Tautai o le Moana promotes high-impact culturally and linguistically sustainable practices to address the discrimination, racism and bias some students and their aiga experience, and works to build the confidence of Tautai (navigators – the participating principals) to move comfortably within different cultural spaces or vā.

The Ministry of Education has contracted Tautai o le Moana Trust to deliver and expand the Tautai o le Moana Network until 30 June 2024.

2022:

Pacific Bilingual and Immersion Education Professional Learning and Development

As part of the national Professional Learning and Development (PLD) priorities approach to shift teacher practice and behaviours, in a way that improves learner experiences with systemic racism and discrimination in the classroom, and education settings more generally, the Pacific Bilingual and Immersion Education PLD programme supports both current Pacific bilingual education teachers and leaders, and teachers who want to teach in Pacific bilingual education units. The initiative will support Pacific learners to achieve success through growing and strengthening teaching staff capability and autonomy in bilingual and immersion teaching.

Budget 2021 provided \$7.8m (over a four-year period), and the Ministry of Education has contracted Va'atele Education Consulting to deliver the Pacific Bilingual and Immersion Education PLD programme. The first cohort of teachers and leaders will commence the programme in Term 2, 2022.

Historical Information

There are gaps in the historical documents located. Key information found is listed below.

1971:

Department of Education Publication *Māori Children and the Teacher*

Efforts were made by the Department of Education's Māori and Island Division to assist teachers of European descent to gain an understanding of Māori culture (to improve educational outcomes for Māori learners). In 1971, the Department of Education's *Māori Children and the Teacher* encouraged "every teacher of Māori children [to] be in some degree a self-effacing student of Māori history and culture" (p. xi). However, there was no compulsion for teachers to acknowledge or incorporate Māori culture in the curriculum or their classroom practices.

1975:

**Department of Education Circular 1975/124 –
Advisers on the Education of Māori and Pacific Islanders**

Provided with a new title (Advisers on the Education of Māori and Pacific Islanders), the responsibilities of the advisers in the education of Māori and Pacific peoples were clarified. These duties included:

- Supporting primary and secondary school principals and teachers with the development of programmes in te reo Māori and Māori studies topics within the social studies syllabus and other curriculum areas.
- Conducting in-service training courses for primary and secondary teachers, aimed at developing their understanding of Māori and Pacific students.
- Helping schools liaise with Māori and Pacific communities.

1984:

**A Review of the Core Curriculum for Schools –
Aspects of Māori language and culture (taha Māori) included in school programmes**

Following a review of the core curriculum by Māori and Pākehā working parties set up by the Director-General of Education, a clear directive was announced in the Review of the Core Curriculum for Schools that all state schools were expected to implement 'taha Māori'. Officially described as the Māori dimension, the Department of Education stated:

"In the education process, Taha Māori is the inclusion of aspects of Māori language and culture in the philosophy, the organisation, and the content of the school. In the curriculum it is not a separated-out compulsory element. Pupils should not go to a classroom to 'do' taha Māori. Aspects of Māori language and culture should be incorporated into the total life of the school – into the curriculum, buildings, grounds, attitudes, organisation. It should be a normal part of the school climate with which all pupils and staff should feel comfortable and at ease" (p. 1).

2011:

Tātaiako – Cultural Competencies for Teachers of Māori Learners

In 2010, the project Cultural Competence in the New Zealand Teaching Workforce was established as a joint venture between the Ministry of Education and the New Zealand Teachers' Council. One of the project's initiatives was *Tātaiako: Cultural Competencies for Teachers of Māori Learners*, developed as a resource for teachers to stimulate thinking and discussion about how responsive their practice was to the specific learning and cultural needs of Māori learners, and with their whānau and iwi. Designed as a starting point for schools and early childhood education services developing cultural competence, *Tātaiako* aligned closely

with the Teachers' Council's Standards for the Teaching Profession and the Graduating Teacher Standards.

Tātaiako Framework (five competencies required when engaging with Māori learners)	
Wānanga	Participating with learners and communities in robust dialogue for the benefit of Māori learners' achievement.
Whanaungatanga	Actively engaging in respectful working relationships with Māori learners, parents and whānau, hapū, iwi, and the Māori community.
Manaakitanga	Showing integrity, sincerity and respect towards Māori beliefs, language, and culture.
Tangata Whenuatanga	Affirming Māori learners as Māori. Providing contexts for learning where the language, identity, and culture of Māori learners and their whānau is affirmed.
Ako	Taking responsibility for their own learning and that of Māori learners.

2013:

Kia Eke Panuku: Building on Success

Kia Eke Panuku: Building on Success, a three-year (2013-2016) Ministry of Education-funded professional learning and development (PLD) programme, supported English-medium secondary and area schools to enact the principles within *Ka Hikitia: Accelerating Success* (the Ministry's Māori Education Strategy). Emphasis was placed on the importance of the Treaty of Waitangi and valuing Māori language, culture, and identity in education to enable Māori students to not only reach their full potential and to achieve and succeed as Māori, but to excel.

Building on insights gained from earlier and existing Ministry-funded PLD approaches (Te Kotahitanga, He Kākano, the Starpath Project for Tertiary Participation and Success, and the Secondary Literacy and Numeracy Projects), the objective was to build sector capability and capacity to increase Māori student engagement and achievement outcomes in secondary education.

Using a strategic change management approach that required participants to self-review their evidence of Māori students' participation and achievement, the *Kia Eke Panuku* programme was delivered in three phases. As schools opted in, kaitoro (facilitators) worked with the school leaders to undertake profiling activities. These activities identified the level of intervention that each school required. This evidence provided the basis for working and then for measuring future change. A range of *Kia Eke Panuku* resources were developed, which are still available online.

To ensure support and expertise in Māori language and culture, *Kia Eke Panuku* encouraged school leaders to work with whānau, hapū, iwi, and Māori organisations to develop a culturally responsive pedagogy of relations across all levels of the school.

2013:

Māori Achievement Collaboratives (MAC)

The objective of Māori Achievement Collaboratives (MAC), a professional learning and development service, is to build culturally capable leadership. The underlying premise of the

learning and development programme is that “schools won’t change unless the principal does”. Established in 2013, MAC is a kaupapa emerging out of collaboration between the Ministry of Education, Te Akatea Māori Principals’ Association, and the New Zealand Principals’ Federation.

The service builds culturally capable leadership through a ‘by principals for principals’ model, focused on changing educational outcomes for Māori students. The intention is to equip principals with the knowledge, skills, and expertise needed to exercise the leadership required for Māori to achieve educational and cultural success as Māori.

MAC aims to build the capability of schools to inquire into, recognise and delete barriers impeding improved outcomes for Māori, in partnership with students, whānau, hapū and iwi. The focus is on “changing the hearts and minds of principals” through a process of deep learning, mentoring, coaching, critical conscientisation and collaboration. The goal of the change is to become sustainable and enduring, impacting on all members of a school community (staff, students, parents, whānau).

2015:

Developing Mathematical Inquiry Communities (DMIC)

Developing Mathematical Inquiry Communities (DMIC) is a model of ambitious mathematics teaching founded in equity, which is co-led by Professor Bobbie Hunter and Associate Professor Jodie Hunter. The DMIC programme was developed in the early 2000s through collaboration with a group of teachers in a low-decile urban school in Auckland. The students were predominantly Māori or of Pacific nations heritage (this group of students have a long history of underachieving in mathematics in New Zealand classrooms, caused by the many structural inequities they had encountered in previous mathematics programmes).

The DMIC approach is about raising the achievement of Pasifika and Māori students through culturally sustaining pedagogy and enabling students to succeed while maintaining their cultural identity in the classroom (for example, using traditional Pacific practices like tivaevae (Cook Island quilt making) and ta’ovala (Tongan weaving) to provide cultural contexts for mathematics).

The Ministry of Education has funded DMIC Professional Learning and Development since 2015. Subsequent iterations of the research gradually increased the number of schools, as the teacher educators and researchers (as mentors) deepened the focus on culturally responsive pedagogy and ambitious teaching. A gradual rollout of schools involved in DMIC has resulted in the current participation of 180 schools. Altogether, approximately 1,400 teachers are formally included in the project, although throughout New Zealand many other schools have informally joined.

2017:

Networks of Expertise (NEX)

In 2017, the Ministry of Education piloted the Networks of Expertise (NEX) initiative to support subject associations and other peer-to-peer networks to deliver support for teachers and kaiako to build their capability.

The Networks of Expertise grew significantly in 2018, with the Ministry of Education allocating NEX funding to over 40 kaiako and teacher-led associations across a range of subject areas. Some Networks of Expertise are specifically funded to support the National Certificate of Educational Achievement (NCEA) Change Programme, and/or, the implementation of the Aotearoa New Zealand Histories Curriculum. Included in each Networks of Expertise contract

is the requirement that all NEX be connected to and engaged with iwi Māori, who are essential for the development of local curriculum informed by mātauranga Māori.

Teacher Development Aotearoa | Whanaketanga Kaiako Aotearoa, funded by the Ministry of Education to support the Networks of Expertise, assists network leaders to build their capability to engage with mana whenua and iwi through their plan He Whakaruatapu Mana Whenua Ki Te Taha o Te Tira Mātanga.

- 9. Between 1950 and 1999, what actions did the Ministry take to recruit more teaching staff of Māori and Pacific descent?
What lessons were learned and how has this changed today's practice?**

There are gaps in the historical documents located. Key information found is listed below.

1974:

Pacific Island Trained Teachers (PITT) Course

In 1974, the Minister of Education (Hon. P. Amos) approved a scheme where teachers from specified Pacific countries, who had completed a course of training in their Pacific homeland and had subsequently migrated to New Zealand, could enter a supplementary course of teacher training in New Zealand to improve their English communication skills and their knowledge of the New Zealand Curriculum. The course was up to two years in duration, contingent on the individual teacher's needs. Selection was undertaken by the Wellington and Auckland Education Boards, who employed the same selection procedures used for Division A Teacher Training.

Following concerns expressed by the Pacific education community and the Department of Education about the 1988 intake, an investigation was undertaken into the course content and the selection procedures. The Department of Education's Teacher Education Division, working with the Auckland College of Education and Christchurch Teachers' College, subsequently revised the Pacific Island Trained Teachers Course. A new programme (Division P) was implemented in 1989.

1976:

Special Māori Language Teacher Education Programme

With an urgent need for more Māori language teachers, a special one-year training programme was established by the Department of Education in 1976 to recruit fluent te reo Māori speakers. It began with 41 trainees. However, the programme was criticised by principals and the Post-Primary Teachers' Association (PPTA) as it did not adequately prepare Māori teachers for the demands of secondary schools (intended as Māori language specialists, they were expected to teach other subjects which they were not qualified or trained to do so). By 1980, the numbers of Māori opting into this special Māori language teacher education programme had declined to 13 teacher-trainees, and shortly after the programme came to an end.

1985:

Māori Education Kaiārahi Reo (Language Assistants)

A key focus of the 1985 Budget was the development of bilingual education in both primary and secondary schools. Included in the package was approval to employ fluent te reo Māori Language Assistants from the community to help junior class teachers in schools receiving

children from kōhanga reo. Thirty-five kaiārahi reo began working in schools at the start of the 1986 school year, with a further 25 appointed in 1987 and 15 in 1988.

The Māori Language Assistant scheme was principally introduced to ensure continuity of learning for the increasing number of children from kōhanga reo enrolling in primary schools. The kaiārahi reo would bring to the school “a depth of knowledge and expertise in things Māori, as well as fluency in the language”. Other changes necessitating the provision of kaiārahi reo included the development of taha Māori in the school curriculum for both primary and secondary schools, and an increasing demand from parent groups for the establishment of a bilingual class or group within their schools. The scheme was seen as a stop-gap measure, and the need for Language Assistants was expected to diminish as more bilingual teachers graduated from training courses.

1987:

Te Atakura: Secondary Teacher Trainees

In an official notice in the 14 August 1987 *New Zealand Education Gazette*, noting that the Minister of Education (Hon. R. Marshall) had stated “that children and young people achieve more highly in schools where their culture is respected ...”, it was reported that the new Te Atakura programme, established by the Department of Education, enabled fluent te reo Māori speakers to be trained as secondary school teachers and then placed in the State school system.

Te Atakura (the new dawning) allowed Marae Committees and Trustees to attest to an applicant’s competence in Māori language and culture and suitability for secondary teaching. The attestation (He Tohu Mātauranga mo te Ao Māori) provided a Group III qualification for secondary teaching. Forty-one graduates from the one-year teacher training courses developed for candidates with attestation at the Whangarei Outpost, Auckland College of Education, Palmerston North Teachers’ College, and Christchurch Teachers’ College, were available for secondary teaching positions in 1988.

The Department of Education urged school boards and principals, when looking at their 1988 staffing needs, to consider the specialised skills Te Atakura graduates offered, not only in Māori language teaching, but also taha Māori, liaison with the school’s Māori community, and support for Māori students.

The opening up of teacher education courses to private providers after 1989 undermined the qualification and five years later, the Ministry of Education closed the scheme.

1989:

Admission of Māori and Pacific peoples to Teachers’ Colleges

Minimum Māori and Pasifika selection targets were set for primary teacher training courses in 1989. The policy’s objective was to increase the proportion of Māori and Pasifika in the teaching service to a level comparable with the proportion of the school population that these groups comprised in each region. The process provided for offers to be made to lower ranked, but suitable Māori and Pasifika applicants, following refusals of initial offers from higher ranking applicants.

No selection targets were set for early childhood and secondary teacher training courses, but the general process was applied whenever possible.

In 1989, of the total intake of 2,381 new entrants to Teachers' Colleges, 356 (15 percent) were Māori and 174 (7.3 percent) were Pacific.

2000:

TeachNZ Scholarship Programme

A new scholarship programme, TeachNZ, was introduced in 2000 to increase the number of qualified Māori and Pasifika early childhood education teachers (nearly half of the Pacific Services did not have a teacher with a qualification). The uptake of TeachNZ scholarships by Pasifika candidates increased from 35 in 2000 to 140 in 2004. Complementing this growth was the registration of the Diploma in Teaching (Early Childhood Education, Pasifika) on the National Qualifications Framework in 2002.

**10. Between 1950 and 1999, what actions did the Ministry take to develop staff of Māori and Pacific descent in management and leadership roles?
What lessons were learned and how has this changed today's practice?**

The Ministry of Education supports the growth and development of its employees, equipping them for the requirements of their current roles, as well as preparing them for the future and potential roles or responsibilities that could arise. Examples of programmes to develop staff of Māori and Pacific descent include:

Te Pae Tawhiti, a targeted leadership programme, focuses on Māori staff to engage, assess, and develop their leadership skills, build confidence, and prepare them for their next role as leaders.

The Te Aratiatia Programme, which the Ministry supports each year, assists Māori and Pacific staff to prepare for their first management or leadership role. Up to 16 people in total from the Ministries of Education, Social Development, and Inland Revenue are accepted each year to participate in this programme.

The Ministry of Education also supports Māori and Pacific staff to attend other external programmes (for example, the Te Kawa Mataaho Rangatahi Māori Emerging Leaders Programme, a Public Service Commission programme supporting the development of Māori to develop the skills and confidence to move into leadership and governance roles).

The Ministry is currently working on procuring an inhouse targeted Pacific leadership development programme aimed at encouraging and growing Pacific staff.

Historical Information

The first Māori to take up the position of Assistant Officer for Māori Education was appointed in 1962. By the mid-1970s, the number of Māori personnel had increased to eight (of the 16 staff in the Māori and Island Division of the Education Department). An increasing number of Māori students, Māori teachers, and students learning te reo Māori in secondary schools aligned with a greater number of Māori appointments made within the Department of Education. In 1983, the first senior Māori appointment to the Department of Education was made when Wiremu Kaa was selected as Director of Māori and Island Education.

11. Describe the extent to which the Ministry has sought to understand:
- (a) Māori and Pacific cultural views of rainbow identities; and
 - (b) Delivery of services / interventions in line with those cultural views.

2020:

**Ministry of Education Relationships and Sexuality Education Guide:
A refreshed guide for teachers, leaders, and boards of trustees**

First published in 2002 and revised in 2015, the Ministry of Education’s updated *Relationships and Sexuality Education Guide* focuses on consensual, healthy, and respectful relationships as an essential component of student wellbeing. Designed to help schools adopt a whole-school approach to strengthening their programmes in relationships and sexuality education, the Guide, split into two books (one for Years 1 to 8, the other for Years 9 to 13), considers the impact of social media, shifting societal norms in relation to sexuality and gender diversity, and the increasing availability of confronting and explicit online content. The Guide also outlines ways that schools can put in place policies and systems that promote diversity and inclusion, including for transgender and non-binary learners.

The Guide reflects feedback received from the Government’s 2018 Kōrero Māturanga | Education Conversation on the future of education, which called on schools to take more action against bullying, violence, and child abuse, for schools to be more inclusive, and for schools to help students recognise the importance of diversity and respect in relationships. From the feedback received, Māori and Pacific views of sexuality, and the importance of respecting cultural and family dynamics in relationships, have been strengthened in the updated Guide, as has information about relationships and sexuality education for disabled learners.

Learning about relationships and sexuality is part of the New Zealand Curriculum and is one aspect of health education (within health and physical education). Many schools and kura have teacher-led and/or student-led support groups relating to gender and sexuality, including gay-straight alliances, queer groups, rainbow groups, peer sexuality support groups, feminist groups, and school health councils. The *Relationships and Sexuality Education Guide* provides a list of resources on how to set up and support such groups.

2022:

Ministry of Education resources to support relationships and sexuality education

New resources were developed by the Ministry of Education’s Te Poutāhū | Curriculum Centre to support wellbeing and the effective, safe, and inclusive teaching and learning of relationships and sexuality education in schools and kura. Supporting the 2020 *Relationships and Sexuality Education Guide*, the suite of resources contains material specifically designed for Māori-medium and English-medium settings. This includes resources in te reo Māori that complement the content of the *Relationships and Sexuality Education Guide*, sourced, and aligned with Te Marautanga o Aotearoa (also referencing Te Aho Matua o Ngā Kura Kaupapa Māori).

The Ministry of Education worked with providers and stakeholders, including universities, government departments, non-government organisations, teachers, and young people to develop the resources. Consultation with Māori and Pacific sector groups was managed independently by each provider for the different resources, and some resources were developed by Māori sector groups themselves. For example, *Te Ira Tangata*, developed by Te Whāriki Takapou, is a te reo Māori resource designed to meet the needs of kura, covering

topics such as puberty, responsibility, body sovereignty, attraction and romance, and respectful relationships. Drawing on mātauranga Māori, including iwi, hapū and whānau knowledges as foundational for learning about sexuality, this hard copy resource is being distributed to kura with Year 9 and 10 students.

ACCESS TO AND ACHIEVEMENT IN EDUCATION

12. From 1950 until present day, please describe what lessons the Ministry has learned about ensuring access to education for children, young persons and vulnerable adults living in state or faith-based care.

What has been done to address these learnings, and what is the current approach of the Ministry?

In your response, please refer to:

- (a) The particular learning needs of children, young persons and vulnerable adults in state and faith-based care compared to those who are not, and the steps taken by the Ministry to recognise and provide for those needs, including with reference to the prevalence of:

 - (i) Challenging behaviours.**
 - (ii) Neurodiversity and learning disabilities.**
 - (iii) Remedial education needs.**
 - (iv) Other unique needs, for example due to psychological trauma.****
- (b) Approaches to compulsory attendance for children and young people up to school leaving age.**
- (c) Specific approaches to compulsory attendance for disabled persons and persons with mental health conditions.**
- (d) Approaches to monitoring and ensuring that all children, young persons and vulnerable adults in state and faith-based care attended education classes on a full-time basis, and that the education provided adhered to the standards and policies of the day.**
Please specifically address access to education by disabled people and people with mental health conditions, and the Ministry's view on whether the standards and policies of the day met the learning needs and life potential of disabled people and people with mental health conditions.
- (e) Approaches to the breadth of education provided, including core subjects (for example, English, maths, science, and social studies), to all students in state and faith-based care, including specific approaches for disabled students.**
- (f) How the Ministry has minimised, and minimises, disruption to education and access to education as a result of multiple placements in state and faith-based care settings.**

Several documents provide background information about the development of Special Education and its role in the New Zealand education system over the last 50 years (for example, refer documents provided in response to the section 20 Notice To Produce No. 331 (Schedule B), 20 January 2022). In searching Department of Education archived material prior to 1980, no specific documents were located describing what lessons the Ministry of Education had learnt about ensuring access to education for children, young persons and vulnerable adults living in State or faith-based care.

Review of Schools and Teaching Services in Department of Social Welfare Homes (the Rolfe-Doolan Report)

In late 1981, the Departments of Education and Social Welfare's *Review of Schools and Teaching Services in Department of Social Welfare Homes* (the Rolfe-Doolan Report) was released. All the Department of Social Welfare Institutions with schools attached were visited by the Review team. Teachers, residential social workers and other staff of the institutions, as well as Inspectors of Schools, Psychologists and Officers of the Department of Social Welfare were consulted. Representatives of the teacher organisations also participated. Some of the children and young people in care presented their point of view, verbally or through observable behaviour.

The terms of reference included reviewing existing services and making recommendations, with particular reference to:

- The needs of the children in care, their cultural backgrounds, and levels of attainment.
- The recruitment, appointment, training and retention of teachers, who were suitably qualified professionally and temperamentally to deal with children who exhibited behaviour difficulties.
- The teaching programme implemented, considering the high turnover of children in many of the institutions, and the short period of time many were in residence.
- The availability of professional and collegial support by inspectors, advisers, psychologists, and Department of Social Welfare staff.
- The professional isolation of teaching staff.
- Any other matters relevant to such a review, with the objective of increasing the quality of care for the children in residence.

The Review found many examples of effective teaching and healthy working relationships between teachers and residential social workers. However, it was identified that the quality of some services was "a matter of deep concern", with the most striking impression gained during the review process being "the extreme variation in the quality of the relationships and of the delivery of education services in the Homes". It was considered that this was inevitable with the varying professional backgrounds and attitudes that were common, the uncertainties of procedures to recruit teachers, and the lack of clearly defined and understood purposes and objectives.

The Rolfe-Doolan Report concluded that the onus was on the Social Welfare and Education Departments to take appropriate action and create the conditions essential for optimum care and education. "No longer should it be acceptable for educational services to develop haphazardly or to be less than totally effective. Too much at present is left to chance."

The 65-page Report made 72 recommendations, including the urgent updating of the *Handbook for Teachers in Department of Social Welfare Institutions*, a greater emphasis on the teaching of basic skills, and better professional support for teachers.

The following points were made in the Report's Section 6: Educational Programmes:

6.2: Identifying common elements in well-balanced programmes

"There is agreement on the personal qualities that both residential social workers and teachers should have for effectiveness in an institution. There is agreement that teachers have a 'counselling role' and that social workers have a 'teaching role'. In fact, there is agreement that everyone, whether, for example, a social worker, a gardener, a cook, or a teacher, is an

educator in an institution and agreement that everyone has a 'counselling', in the sense of helping, role."

"There is no agreement, nationally, however, on either the precise objectives of residential care and education, or the programmes and approaches that will achieve those objectives. Most short-term institutions faced with the rapid turnover of clients talk about 'assessment' without any common agreement on what is meant; others, with an even more impossibly high turnover, find it difficult to do anything more than 'holding' and 'processing'. Medium and long-term institutions are better placed to determine general objectives and to develop programmes accordingly. In these institutions, two purposes for educational programmes are paramount:

- Preparation for return to school and community.
- Vocational training and preparation for return to the community."

"As mentioned before, there is no agreement on the role that the school and teachers should play in all of this. This indecision may be attributed to the fact that the schools, generally, have never been able to contribute fully. In spite of all this, whatever the nature of the institution, national or regional, short-term or long-term, certain elements common to all programmes are identifiable:

- The building of self-esteem, a positive self-image.
- The development of positive attitudes to learning and to authority.
- The remedying of deficits, especially in reading, communication, computation and living skills.
- The development of understanding about personal health and hygiene, together with physical and recreational development.
- The development of interpersonal relationship skills.
- The identification and encouragement of creative talents in arts and crafts.
- The building of coping strategies for anger, stress, frustration and so on.
- The preparation for living in a community away from the security of an institution."

"Age differences mean that emphasis must be given in programmes, for the 8-13 year-olds, to preparation for a successful return to ordinary schools. For the 14-17 year-olds, the main thrust must be towards successfully seeking, obtaining and holding employment in the community. For the academically-inclined, there must be opportunity for more advanced study. Girls should have opportunities for needlework, for cooking, budgeting and the planning of meals; boys need some of this, also. Boys need practical experiences to learn how to use tools and to develop elementary 'handyman' skills; girls, too, need elements of these."

6.4: Some Particular Issues

Able Pupils:

"A frequent criticism heard was that pupils with ability were neglected. It seems self-evident that these children and young persons, of whatever age, must be identified as early as possible and encouraged to pursue their lines of strength with vigour. For some this would include attendance at an ordinary school, for some enrolment at the Correspondence School.

Each of the institution schools should be required to develop a definite programme to identify and cater adequately for everyone in care who has special abilities."

Liaison with Local Schools:

"Throughout this report, liaison with local schools is advocated. Apart from any other reason, there are some children in every Home who could benefit from attendance at a local school. Teachers and residential workers, together, should develop an appropriate management strategy and study programme for the individual child. It should then be a teacher from the

Institution, rather than a social worker, who discusses this with teachers at the local school and monitors progress from the time of enrolment.

It cannot be stressed too strongly that the present practice, in several Institutions, of decisions being made by the [Department of Social Welfare] principal and residential workers about a child's attendance at school, either within the institution itself, or in the community, without consultation with the Head Teacher and his staff, is unacceptable. It could be argued that the opinions of teachers should be the most important in the making of such decisions."

Maoritanga:

"Hokio Beach places considerable emphasis on a Māori cultural programme. Other Institutions vary from no provision at all, to providing a significant programme. There are wide differences of opinion on how important any form of Māori studies might be.

The question as to whether or not Māori studies should be included in programmes is too important an issue to be left solely to the schools to answer. If it is deemed to be essential for one group, then it should be essential everywhere. In the building of a teaching team this would need to be recognised."

Pacific Islanders:

"Children and young persons in care, who have ethnic links with the Pacific Islands, are very much in the minority. No special efforts are made to strengthen their cultural identity. Major programmes are probably out of the question and not warranted, anyway. Some units and studies could, however, be developed as part of the programme to build positive attitudes."

Pupils Over 15 Years of Age:

"It was disappointing to find that in several Institutions, boys and girls over 15 years old could too easily drop out of 'educational' programmes. Many of these youngsters would have missed, altogether, several years of formal schooling between the ages of five and 15 years. It seems desirable that in the Homes a special effort is made to show that learning can be enjoyable, successful and profitable.

Many educational programmes for the over-15-year-olds need revitalising. This calls for some drastic action to ensure that residential workers and teachers agree on policies and cooperate fully in providing suitable programmes. It also calls for some drastic action to change the attitudes and directions of some teachers."

Remedial Teaching:

"Nearly all who come into care need some special remedial help. This must be in a 1:1 situation for most of the time; 1:2 or 1:3 occasionally. Because of the numbers involved and this very individualised teaching, remedial programmes have implications for staffing.

More needs to be done to help residential workers reinforce the remedial teaching begun in the classrooms. This is but one aspect of the mutual help that social workers and teachers should be giving each other to develop useful skills."

Vocational Training:

"Again, the need for coordination of programmes is stressed. One person, whether teacher or social worker, should be the coordinator. This coordinator would indicate needs for teaching programmes, maintain liaison with employers and other Government Departments, and, above all, ensure that the training programme was planned systematically."

Young Children:

"Children in care may be as young as eight years in one Home and 10 years in others. These children must not become swamped or lost in the larger numbers of older children. The implications for staffing and programming are obvious."

**Department of Education / Department of Social Welfare:
A Handbook on Education in Department of Social Welfare Institutions**

The 1986 Handbook on Education in Department of Social Welfare Institutions provided guidelines for the education of children and young people in care. It was recognised that all those in care had positive characteristics and needs, and it was stated that it was from this base that programmes should be developed. The broad principles outlined in the Handbook were considered applicable to educational policies in all Department of Social Welfare Institutions.

In noting that the objective of residential care was to successfully return the child or young person to the community, it was considered that education, and the expertise of educators, was the means through which that goal could be achieved.

The philosophy was:

- All educational programmes must have the students’ identified needs as the basis for planning.
- Educational programmes seek to extend essential skills, including those of literacy and numeracy, and to provide aesthetic and enriching experiences. Provision for success should be built into these programmes to promote esteem, confidence and dignity.
- Relevant individual programmes to assist specific educational needs should be developed in consultation with the learner.

A.9.1: Programmes

“The teacher’s role must have a significant emphasis on diagnosis of needs and promoting conditions for learning to occur. The encouragement of pupil responsibility, rather than teacher direction, should be the essence of the teaching method. It is the teacher’s responsibility to create an environment which stimulates learning and encourages pupil responsibility.”

“Following initial assessment and consultation with the residential social worker, the pupil, and other relevant persons, a programme most suitable to meet the identified needs of the pupil must be developed. Following is a list of some of the areas that could be included in an individual programme. This list is by no means comprehensive and is simply suggestions of what could be considered for part, or all, of a pupil’s programme. An individual programme may incorporate several different aspects.”

Mainstream Placement	A student who has no school problems in either attendance, attitude or academic progress, should be placed in a community school, regardless of home area, wherever practical. It may also be appropriate for a pupil to attend a community school for only part of their education programme. Other aspects may be covered in the Institution school or other educational programmes.
Correspondence School	An application for enrolment for Correspondence School courses should be considered for students: <ol style="list-style-type: none"> 1. For whom a return to mainstream education is totally inappropriate, but who are capable of, and desire to maintain, academic performance in a community placement. 2. Who are residing in an institution on a long-term basis and who wish to sit public examinations, but for whom mainstream school attendance is not practical. Correspondence schooling must be seen as part of a long-term plan before it can be used appropriately for a pupil.

<p>Developmental Reading, Language, Mathematics</p>	<p>Following identification of the skills a student has acquired, a programme, set at the readiness level of the individual, may develop further basic skills in these areas. Teaching individuals who require basic skills development should be a regular part of the daily programme. Further assistance, with teacher guidance, may be available from the social work, domestic and general staff, or through the use of volunteers.</p>
<p>Survival Reading</p>	<p>All children and young persons in care should be assisted in learning a basic survival vocabulary.</p>
<p>Home Economics, Home Management</p>	<p>All children and young persons in care would benefit from basic training in budgeting, food selection and preparation, and other home management skills. Cooperation with both social work and domestic staff is essential in planning and implementing these programmes, and for the sharing of resources and personnel. The expertise of domestic staff is a resource that should be used for these programmes where appropriate.</p>
<p>Pre-Employment</p>	<p>It is essential that programmes emphasise skill development, rather than repetitive task completion. Class programmes can be specifically developed to teach employment skills, but many are developed as part of normal classroom procedures (e.g., arriving on time, working to set hours).</p>
<p>Work Exploration</p>	<p>Placement of 1-2 days per week with an employer in the community allows pupils to obtain some skills and experience in employment. Placements must offer meaningful experiences. Goals should be set with the student and employer, and regular reporting of the student's progress should occur. Coordination of this programme between residential and teaching staff is essential.</p>
<p>Sport and Recreation</p>	<p>This could be structured so all pupils are involved in some area of sport and recreation; it may be part of an options period where all children are involved in a variety of choice programmes; or it may be a rotational period where some children are involved in other educational programmes, while a group participates in sport and recreation. Programmes should assist children to become aware of leisure time resources available in the community involving very little or no financial outlay. Sport and recreation are an excellent avenue for the development of self-esteem.</p>
<p>Living Skills</p>	<p>Education for successful community living is of vital importance for children and young persons in care. Some of the pupil's learning of social skills will occur informally in general interaction with staff. Formal teaching is also essential and may be jointly undertaken by residential and teaching staff. The development of programmes and satisfactory resources may be undertaken by teaching staff, but implementation of these programmes should also be a responsibility of social work staff. Cooperation in planning will allow a coordinated programme to operate throughout the Institution, and therefore better serve the needs of the children.</p>
<p>Arts and Crafts</p>	<p>Development of programmes within the Institution, use of community facilities, and joining existing community-operated programmes should all be considered when designing an art and craft programme. Liaison with residential staff in designing programmes is essential so the best use can be made of facilities and staff. Art and craft programmes operated by free-for-service staff, residential staff, or teaching staff should be planned to complement each other. Opportunities should be taken to introduce students to a wide range of activities, with some</p>

	guidance on continuing these activities on the return to the community.
Education Outside the Classroom	Outdoor education is a means of providing for personal growth and development by presenting new situations which require new skills and responses. School camps should be taken at regular intervals. Camps will require joint involvement of both residential and teaching staff. Camps should have a purpose other than merely living outdoors.

Ministry of Education Learning Support Action Plan 2019-2025

Learning support is a broad concept. It encompasses the range of practices, systems, supports, and services that help children and young people with diverse strengths and needs to experience success in their learning and relationships. Around one in five children and young people will need learning support at some time during their years at school. This might be because of disability, learning difficulties, disadvantage, physical or mental health, or behaviour issues. It includes support for children and young people with mild-to-moderate needs (for example, neurodiverse learners and learners at risk of disengaging from education). Some learners require support throughout their education, while others may need short-term support (for example, at transition points).

In 2019, the Ministry released its Learning Support Action Plan 2019-2025, which sets out six key priorities for improving the scope and effectiveness of learning support. The Action Plan prioritises the early identification of learning support needs, so that learners get the help they need as quickly as possible. There is also an emphasis on improving transitions across education settings and into life beyond compulsory education.

The six Learning Support Action Plan priorities are:

- Implementation of a new learning support coordinator role in schools and kura.
- Strengthening screening and the early identification of learning support needs.
- Strengthening early intervention.
- Flexible supports and services for neurodiverse children and young people.
- Meeting the learning needs of gifted children and young people.
- Improving education for children and young people at risk of disengaging.

Following publication of the Action Plan, the first tranche of 623 Learning Support Coordinators (registered teachers employed by Boards of Trustees) were allocated. The Learning Support Coordinators, who started working in 1,052 schools and kura from January 2020, make sure that children and young people with mild-to-moderate, neurodiverse, or high-and-complex learning support needs receive appropriate help when required. The role has been established in response to consistent requests over many years for a dedicated, funded, full-time learning support role in schools. The role does not replace any other learning support positions, such as Special Educational Needs Coordinators (SENCOs), that are already in place.

Children and Young People in Oranga Tamariki Residential Care

Education in Oranga Tamariki residential care is funded at a 1:5 teacher-student ratio, which is the highest possible ratio under current parameters. Oranga Tamariki manages the residences and assesses the level of care needed while children and young people are in residence. Learning Support is available for those in residential care, which is assessed on a case-by-case basis, in consultation with the education provider and Oranga Tamariki, to ensure the appropriateness of the support.

The aim is that when children and young people leave residential care, they can access education settings that meet their learning needs in their local community.

Children and Young People in State Care Attending a Local School

For children and young people in State care, the Ministry of Education and Oranga Tamariki have agreed that the priority is for them to be able to access educational settings that are in, or connected with, their local community. The Ministry recognises that those in State care are likely to require additional learning support as a result of a disability or adverse life experience.

The Ministry of Education funds providers who work with children and young people in State care settings to deliver the supports required, through learning programmes that are tailored to the individual student’s needs.

An Ongoing Resourcing Scheme (ORS) is available to support learners with high or very high learning needs, regardless of their educational setting. To meet the ORS criteria, students must have either ongoing extreme or severe difficulty in any of the following areas – learning, hearing, vision, physical, and/or language use and social communication. Students are eligible when they meet one or more of the nine ORS criteria.

The Ministry of Education is a significant provider of learning supports and services. It employs a range of specialists who provide support to children, young people, and their whānau. As well as offering some individualised support, these specialists help to build capability and understanding among those who are supporting learners. Children and young people in State care can access these services and support if they meet the criteria, which includes:

Current Ministry of Education-Funded Learning and Specialist Services	
Ongoing Resourcing Scheme (ORS)	ORS funding provides services and supports in a local or independent school, specialist school, Te Kura, or through home education. ORS funding includes specialists, specialist teachers, teacher aides, and a grant for consumables, for children and young people, aged 5 to 21 years, with the highest level of need.
Day Specialist Schools	There are 27 Day Specialist Schools that support ORS-funded students in Years 1 to 13, whose needs cannot be met in a local school. Day Specialist Schools may have satellite classes that are based in regular schools and/or a Specialist Teacher Outreach Service.
Other Fundholder Schools	There are 20 State schools and one independent school that manage the ORS funding, and provide services and supports for enrolled children and young people.
Sensory Specialist Schools	Most children and young people who are deaf or hard of hearing, or blind or have low vision, are supported in their local school, but with a national network of services provided by Ko Taku Reo: Deaf Education New Zealand and the Blind and Low Vision Education Network (BLENNZ). The level of support required in school varies. Some children and young people will have a high level of need and be supported by ORS funding, while others will have moderate needs.
Regional Health Schools	Three Regional Health Schools provide a service and support for children and young people who are unwell and unable to learn in their local school.

School High Needs Health Fund	This fund provides short-term funding for teacher aide support, to help students, with health needs, develop independence in managing their health conditions.
Te Kahu Tōi Intensive Wraparound Service (IWS) and Te Awa Unit	The IWS supports children, aged 5 to 14 years, who have highly complex learning and social and behavioural needs, in their home, school and community. The children’s needs are assessed, and a wraparound plan developed. A short stay at a Residential Specialist School may be part of the wraparound plan. At the Te Awa Unit in Auckland, the IWS also supports children and young people in State care, usually aged 11 to 15 years, who have high needs at home, in school and in the community.
Behaviour Support Service	This service provides specialist support in schools for children and young people, in Years 1 to 10, who have challenging behaviours.
Residential Specialist Schools	There are three Residential Specialist Schools that support children and young people with social, behavioural, and learning needs: Westbridge Residential School (Auckland), Salisbury School (Nelson), and Halswell Residential College (Christchurch). Children and young people may enrol at one of these schools as an identified intervention within an Intensive Wraparound Service Plan, or through the Residential Specialist Schools only enrolment pathway, which has been established for those who do not want or require the Intensive Wraparound Service. The maximum period of enrolment in a Residential Specialist School is expected to be 18 months.
Resource Teacher: Learning and Behaviour (RTLB) Service	The RTLB Service works alongside schools and kura, other agencies, and service providers, to deliver learning support when it is needed. This includes system-wide, targeted, or individual support, so that all children and young people with learning support needs are supported to participate and progress in their education.
In-Class Support	In-Class Support contributes funding towards providing a teacher aide for children and young people with continuing high learning needs who are not funded through the Ongoing Resourcing Scheme. The In-Class Support funding is for students, in Years 1 to 13, who are identified by schools, the Ministry of Education Learning Support teams, or the RTLB Service, as having significant learning needs.
Special Education Grant	The Special Education Grant is allocated to a school or kura to support students with moderate special education needs (such as learning and behaviour difficulties). The Special Education Grant is made up of a base amount, plus per-student funding.
Special Education and Assistive Equipment Grants	Students with special learning needs are eligible to be considered for equipment grants if they are supported through any special education initiative. If funding is approved, a school or kura can access specialised equipment and assistive technology relating to the student’s disability or learning needs.

Approaches to School Attendance

Every student, between the ages of five and 19 years, is entitled to free education in any State school. Students with special educational needs have the same rights to attend school as other populations (*Education and Training Act 2020*, ss33-36). For students with special education needs, this may be extended to 21 years of age under section 37 of the Act.

The Ministry of Education funds the Attendance Service, which is a national service that primarily works with children and young people from six to 16 years.

Attendance Service providers are contracted to:

- Assist schools to effectively manage attendance.
- Reduce unjustified absence rates and non-enrolment.
- Reduce the time taken to return students to education.

Schools, along with parents and caregivers, are legally responsible for ensuring all children and young people, including those in care, attend school. Sections 36, 48, 49 and 242 of the *Education and Training Act 2020* govern the steps Boards of Trustees must take to ensure students attend when schools are open.

School responsibilities for attendance include:

- Having an attendance management policy.
- Communicating attendance rules to students and their parents, caregivers and whānau.
- Following up on absences.
- Recording and monitoring attendance and absence data.
- Working to improve attendance (which may include working with families and whānau to help students return to school).

Schools are required to be inclusive under the *Education and Training Act 2020*, and the expectation is that schools are resourced to meet the education and learning needs of all children and young people in school.

Where an education provider working with children in care is funded through an Outcome Agreement, the Agreement will contain a service description, with delivery hours and reporting and monitoring requirements.

Approaches to the Education Provided

The Board of a school must ensure that the school's principal and staff develop and implement teaching and learning programmes that give effect to any foundation curriculum policy statements and national curriculum statements made under section 90 of the *Education and Training Act 2020* (s.164). The only providers excluded from this requirement are private schools (they are able to choose an appropriate curriculum and do not have to follow The New Zealand Curriculum or Te Marautanga o Aotearoa). However, private schools must have regard to the Statement of National Education Learning Priorities (NELP) in the operation of the school and when developing and delivering the curriculum.

Minimising Disruption to Learning

Multiple placements in care can disrupt learning and access to education. Communication between parents/caregivers, social workers, schools, and local Ministry of Education offices, and understanding roles and responsibilities, is integral to minimising disruption to learning for children and young people in care. However, the required level of communication and information sharing to minimise disruption can vary.

The Ministry of Education and Oranga Tamariki are aware that improved communication and processes are required to strengthen access to education for children and young people in care, regardless of whether the child or young person is the subject of multiple placements or not, and this will be addressed in the Oranga Tamariki Action Plan.

13. From 1950 until present day, has the Ministry faced any difficulties or issues in attempting to ensure access to education for children, young persons and vulnerable adults living in state or faith-based care (for example, with regard to the regular movements of individuals between residences or placements, and/or the adequacy of staffing levels, funding, training, and resources)?

Please describe any difficulties and issues, and whether, and if so how:

- They have been addressed.
- They have affected the nature and quality of the education received by those children, young persons, and vulnerable adults.

Review of Schools and Teaching Services in Department of Social Welfare Homes (the Rolfe-Doolan Report)

As highlighted in the 1981 *Review of Schools and Teaching Services in Department of Social Welfare Homes* (the Rolfe-Doolan Report), the schools faced several challenges, among them constant staff shortages and an inability to attract teachers who could cope with the nature of residential care and the generally low level of academic achievement of their students. Teachers sometimes felt professionally isolated.

The interruptions to learning presented by the students' low motivation and challenging behaviour also affected the educational achievement within the institutions. School programmes were often necessarily remedial in nature. Some schools experimented with different learning styles, such as an activity-based programme with pre-set objectives to engage the students in learning. There was also a focus on 'social re-education' and, in many cases, individual learning programmes were created for each student.

The student's length of stay within a residence also had an impact on learning programmes.

Relationships between the school and the residence often fluctuated. As might be expected, only the polarised states (i.e., very good and very bad) were mentioned by principals in the Annual Reports. When relationships were not good, the effects were profoundly felt in both the school and in the rest of the institution. The following points were made in the Rolfe-Doolan Report's Section 7: Professional and Collegial Support:

"Special Education, for the most part, brings together for special help, severe cases in various categories of educational handicap. For some (e.g., the hearing-handicapped and the speech-handicapped), teachers who are specially qualified are usually available to work with these children. Not so for the children and young persons whose behaviour has brought them into the residential care of the State. In these Department of Social Welfare Homes are congregated some of the most severe cases of instability, of aggression and anti-social behaviour. Suitable training for those involved in their education is minimal."

"Teachers, though an increasing number have attended the one-year *Education of the Handicapped Course* at either Auckland or Christchurch Teachers' College, are usually appointed to these positions with no experience of residential care, no special training and little guidance. Effective support for these teachers should be a top priority. In practice, few teachers have, on first appointment, received any support that might be classed as adequate."

"The question might well be asked, 'Who is competent to give this support?'. A close study shows that most Inspectors of Schools, Curriculum Advisers and others who might be expected to give support, are themselves, on first association with the Homes, like the

teachers, ‘thrown in at the deep end’ to learn the finer points of residential care and education ‘on the job’. On the positive side, they bring a wide knowledge of child and curriculum development. It is to their credit that they usually provide fine moral support through encouragement and advice on administration and resources. Gradually, they build on their deep knowledge of child management and programming in an ordinary school to acquire an understanding of child management and programming in an institution.”

“It might be expected that the Department of Education’s Psychological Service would provide all the support necessary. This does not happen, either. All psychologists, presumably, have extensive theoretical knowledge about the management and education of these children. Their individual orientations, interests, personalities and conflicting commitments often obviate against providing the service that is required. Psychologists, no less than the others, lack too the experience of residential care that is desirable.”

Correspondence from the Department of Education Director, Special and Advisory Services) to the ASSD

Earlier, in 1977, correspondence from the Department of Education’s Director of Special and Advisory Services to the Assistant Secretary, Schools & Development expressed concern about a confused pattern of staffing within Institution schools.

The Director noted:

- Some schools were staffed only by primary teachers, some only by secondary, and some by a mixture of the two.
- Difficulties in some schools in integrating primary and secondary teachers into an effective teaching unit.
- Separate appointment procedures for primary and secondary teachers.
- Divided administrative responsibilities between District Senior Inspectors of Primary and Secondary Schools and Inspectors Supervising Special Education.
- Difficulties in resolving whether the Senior Teacher in Charge should come from the primary or secondary service.
- Problems in some institutions caused by different conditions of service (e.g., different salary structure, secondary teachers observing primary holidays).

“The present confused situation indicates many anomalies and inequalities in the staffing of various institutions which need to be cleared up. The age groups of a number of institutions have changed with policy changes in the Departments to which they are attached, yet the staffing has remained unchanged over the last few years in the expectation that a comprehensive review would be made.”

“The difficulties mentioned above are real. In the judgement of the Inspectors Supervising Special Education, they have clearly undesirable effects on the teaching programmes provided in the schools and hamper their development. There would be substantial advantages in developing an administrative framework and staffing pattern which avoided the present primary/secondary dichotomies.”

Special Schools and Classes with both Primary and Secondary Pupils (1977)		
In Department of Social Welfare Institutions		
School	Age Range	Teachers
Weymouth Girl’s Training Centre	13-16	4 Primary, 2 Secondary
Owairaka Boys’ Home	14-17	3 Primary

Bollard Avenue Girls' Home	11-16	2 Primary
Allendale Girls' Home	11-16	1 Primary
Hamilton Boys' Home	10-17	2 Primary, 1 Secondary
Hokio Beach School	12-15	3 Primary, 2 Secondary
Fareham House	11-14	2 Primary
Miramar Girls' Home	11-16	2 Primary
Epuni Boys' Home	10-17	2 Primary
Strathmore Girls' Home	11-16	1 Primary
Christchurch Boys' Home	10-17	1 Primary
Kohitere (Levin)	14+	6 Secondary
Kingslea (Christchurch)	13-16	5 Primary, 2 Secondary
Holdsworth (Wanganui)	7-12	5 Primary
In Psychiatric Institutions		
Edward Seagar (Christchurch)	12-16	1 Primary, 1 Secondary
Kenepuru (Porirua)	11-16	2 Primary
Lake Alice (Bulls)	12-16	3 Primary
In Department of Education Special Schools		
Kelston School for Deaf Children	5-18	All Primary Teachers except manual training staff and teachers in secondary school deaf units
Sumner School for Deaf Children	5-18	
Campbell Park School of Backward Boys	11-17	9 Primary
Salisbury School for Backward Girls	11-17	6 Primary
Others		
Homai College (Visually Handicapped)	5-18	24 Primary, 2 Secondary
Bethany Hospital (Auckland)	13+	1 Secondary
Special Classes in Public Hospital Enrolling both Primary and Secondary Pupils		
Middlemore (Auckland)	5-16	5 Primary, 2 Secondary
Auckland Hospital	5-16	4 Primary
Wakari (Dept of Psychological Medicine)	12-16	1 Primary

Correspondence from the Epuni Boys' Home School Head Teacher to the Department of Education's Central Regional Superintendent of Education

Staffing issues within Institutions were again raised in 1986 correspondence between the Epuni Boys' Home School Head Teacher and the Department of Education's Central Regional Superintendent of Education.

"We have had only one primary age pupil and relatively few intermediate pupils enrolled at the school. By far the majority of enrolments are of secondary school age. With the recent change in the Criminal Justice Act, we can expect an even greater percentage of secondary school pupils attending our school. It appears that our primary function is at present (and will be more so in the future) catering for the needs of pupils of secondary school age. It is, therefore, quite inappropriate that we are classified as a Special Primary School. A more appropriate classification would be as a secondary school, similar to Kingslea."

“At present our primary classification causes many problems. Some of these are outlined below.”

“Primary teachers who are trained for and use to teaching children from the ages 5 to 12 years are reluctant to apply for jobs at our school, realising that they will be teaching boys from the age of 13 to 15 plus. Secondary trained teachers, on the other hand, are either prohibited from applying or, if not, are reluctant to return to primary conditions of service.”

“The teaching staff we do have are unable to attend such secondary in-service days as the Jumbo Day, etc. Thus, our teachers have little or no contact with secondary teachers dealing with a similar age group presenting similar problems to the boys attending our school. Primary in-service courses are often totally inappropriate. Our teaching staff are not kept informed, nor invited to participate in the rather rapid changes taking place in the secondary school curriculum. As a primary school, such changes are seen to have little immediate effect on us.”

“Many secondary schools have initiated programmes to meet the needs of the type of student we receive. These programmes include the use of the community at large as part of the educational experience. They also include such subjects as woodwork, manual work, cooking, sewing. Although we are able to provide the community involvement, we are unable, through a lack of resources and teaching staff, to provide manual training and secure education. This in effect means that the boys attending our school are receiving special education in word only, and are in many instances disadvantaged in the experiences that we can offer. These pupils also suffer a form of loss of self-esteem. The fact that they have come from a secondary school to a primary school has had the effect of reinforcing this self-concept of themselves as educational failures.”

“Several years ago, the Rolfe-Doolan Report [*Review of Schools and Teaching Services in Department of Social Welfare Homes*] highlighted the need for more resources to be placed in our institution schools. The Human Rights Commission Report and the Bishop Johnson Report also commented on school matters. Such areas as teaching in the Secure Unit cannot be considered at all at the present time.”

“The school, in association with the Epuni Boys’ Home, has an obligation to provide a stimulating and varied educational programme for all the boys admitted. Some initial steps towards achieving this goal would be for the Department of Education to admit (1) that we are in fact a secondary school, (2) reclassify Epuni Boys’ Home School as a secondary school, and (3) provide the resources, including extra teaching staff, which would enable the school to more fully meet the needs of those boys admitted.”

Correspondence from the Epuni Boys’ Home Principal to the Department of Education’s District Senior Inspector of Primary Schools

A year earlier (1985), the Epuni Boys’ Home Principal corresponded with the Department of Education’s District Senior Inspector of Primary Schools, noting that “all boys of school age admitted must be enrolled in the school programme as soon as possible after admission. It is very rare for these boys not to have experienced some difficulties in their previous schools. Often schooling is one of the areas that they are having greatest difficulty in coping. It is not unusual to find that these boys have faced suspension in the past because of their disruptive behaviour.”

“I believe it would be fair to say that the teachers at Epuni are dealing with the most difficult and disturbed group of schoolboys in this age range (12-16 years) in the Wellington Region. The various social work and school reports that we receive would support this. These boys come from the Region’s schools, and in the main they will be returned back to their communities. Therefore, it is in the best interests of all concerned to do as much as we possibly

can to help them overcome their schooling problems, wherever possible. The Head Teacher and her two staff are doing an excellent job; they are hampered, however, by a lack of adequate resources.”

“I personally believe there should be four Teachers at the Epuni Boys’ Home School, and that the Teacher Aide hours need a substantial increase. There is also no provision for woodwork, metalwork or cooking – our boys have no access to such activities, as do the schools in the community. Māori studies is another area which is neglected, yet 70-80 percent of our admissions are Māori. If we do not make greater effort to make the school programme more interesting and meaningful to these boys whilst they are here, we are missing the opportunity to get them returned to community schools as more settled and able to be assimilated back into the school’s programme.”

Education Review Office (ERO) Reports on Education Services Provided in Residential Schools

In September 2010, the Education Review office (ERO) published its first national evaluation report on Child, Youth and Family (CYF) residential schools. This report found that the quality of education provided by the CYF residential schools was generally sound or good. The report suggested that CYF schools needed to make greater use of students’ ideas and provide more authentic teaching and learning activities. The report also found that more could be done to manage the exit transitions of students, in particular better use should be made of the teachers in CYF schools to support students transitioning to new education or training destinations.

In the 2013 Education Review Office report on the education services provided within care and protection secure residences, it was concluded the quality of education across most of the schools was “not of a consistently high standard”, and that “the quality of education at the residential schools needed to be improved”. Of the nine residential schools, two were considered by ERO to be effective, four were considered somewhat effective, and three considered as being of limited effectiveness. Key features of the two residential schools deemed to be effective were the strong relationships between staff and students, well-developed curriculum, and good levels of cooperation between teachers and CYF. However, most residential schools were found to require either “moderate or significant improvements in the delivery of the curriculum, the planning and programme design for individual students, and the processes to transition students to further education, training, or employment”.

Current Practice: Children and Young People in State Care Attending a Local School

There can be an issue with access to education for children and young people when they enter State care and they need to enrol in a new school or re-enrol in their previous school.

These difficulties relate to:

- The social worker engaging with the school to enrol the child or young person, but the local Ministry of Education office not always being included to support the enrolment process, which may result in a delay in enrolling.
- Some schools may be reluctant to enrol children or young people in care because they believe they need more support and school resource. The involvement of the local Ministry of Education office to support the enrolment process can help address these concerns.

While the Ministry of Education can direct the Board of Trustees of a State school to enrol a child or young person, this is a last resort. It is considered that working with the school, parents/caregivers and social worker to facilitate enrolment is generally more effective.

As part of the Oranga Tamariki Action Plan, the Ministry of Education will work with Oranga Tamariki to develop a process to address the issue of access to education.

Current Practice: Children and Young People in Oranga Tamariki Residential Care

For children and young people in Oranga Tamariki residential care, the quality of education and education provision can vary between residence and education providers. There is also an issue with improving access to education when children and young people leave residence and return to school.

These issues were identified in the Education Review Office's (ERO) *Evaluation of Learning in Residential Care* (published in July 2021), and a joint Ministry of Education and Oranga Tamariki work programme has been developed to respond to the ERO recommendations.

- 14. From 1950 until present day, has the Ministry monitored educational achievement of children, young persons and vulnerable adults in state and faith-based care, including Māori, Pacific and disabled learners, and how their achievement compared to students not in state and faith-based care.
If the Ministry has undertaken this monitoring, please describe what it has found.
If this monitoring has not occurred, please explain why.**

The Ministry of Education's Evidence, Data and Knowledge Group was unable to identify, within its educational achievement data, those who are/were in State or faith-based care.

As the Ministry of Education is unable to provide data for those in State and faith-based care, the Ministry cannot provide a comparison to those not in State and faith-based care.

Statistics on school leaver achievement are available and published on Education Counts at <https://www.educationcounts.govt.nz/statistics/school-leavers>.

Earlier statistics were published in the annual Education Statistics of New Zealand reports. Copies can be found on Education Counts at https://www.educationcounts.govt.nz/publications/ECE/2507/edstats_nz_05.

- 15. From 1950 until present day, please describe (on an annualised basis) how many children, young people, and vulnerable adults in state and faith-based care sat School Certificate, and what proportion of those passed.
Please describe how that compares to the proportion of children, young people, and vulnerable adults in educational care (but not in state and faith-based care) who sat and passed School Certificate.**

The Ministry of Education's Evidence, Data and Knowledge Group was unable to identify, within its educational achievement data, those who are/were in State or faith-based care.

As the Ministry of Education is unable to provide data for those in State and faith-based care, the Ministry cannot provide a comparison to those not in State and faith-based care.

The school examination system transitioned from School Certificate to the National Certificate in Educational Achievement (NCEA) at the beginning of the 2000s.

Statistics on students leaving school with School Certificate and higher can be found in the annual Education Statistics of New Zealand reports, found on Education Counts at https://www.educationcounts.govt.nz/publications/ECE/2507/edstats_nz_05.

- 16. From 1950 until present day, what lessons have been learned and changes made to the way the Ministry has used education exemptions in educational care, including:**
- (a) What criteria has been used for education exemptions?**
 - (b) Who was responsible for recommending and granting exemptions?**
 - (c) How has the approach changed over time?**

In 1950, schools were subject to the regulatory framework prescribed under the *Education Act 1914*. The 1914 Act required every child between the ages of seven and 14 years to be enrolled in, and attend, a registered school. A parent could apply for an exemption under certain conditions, including serious illness and the distance a child would be required to walk from his/her place of residence to school. The exemption would be in place for one year or for a shorter period named in the certificate (s60).

The *Education Act 1964* (s109, s117) carried this requirement through, with some changes. Children were required to be enrolled in, and regularly attend, a registered school, from the age of six years until the age of 15 years. Parents could obtain an exemption from the enrolment and attendance requirements of the Act if their children were receiving instruction elsewhere (e.g., at home) that was as regular and efficient as that provided in a registered school (s111). Unless they obtained such an exemption, failure to comply with these requirements rendered them liable to be charged with an offence and fined (s116, s120). These provisions had originated with New Zealand's first education statute, the *Education Act 1877* (s89-s93). Persistent and unreasonable failure of children to attend school could lead to the making of a complaint against the parents under section 27 of the *Children and Young Persons Act 1974*, and possible removal of the children from their custody and control (s31, s49 of the *Children and Young Persons Act 1974*).

Parents of special education students were bound by the requirements listed above. That is, they had to ensure the enrolment and attendance of their children at a registered school (or a special educational facility approved by the Department of Education), unless they obtained an exemption from the enrolment and attendance requirements (s111, s117). Section 111 of the *Education Act 1964* allowed the granting of an exemption in respect of students with a physical or mental disability that rendered them "unable to attend school regularly" (including the Correspondence School) or "unable to be educated by reason of physical or mental handicap".

Education Amendment Act 1910 imposed a legal obligation upon the parents of special education students to ensure that their children were in fact receiving an education suitable for them. This obligation, originally limited to the parents of blind or deaf children (*School Attendance Act 1901*, s21) and then extended to the parents of epileptic or defective (feeble-minded) children (*Education Act Amendment Act 1907*, s15), was imposed on the parents of all children requiring special education following the passage of section 115 in the *Education Act 1964*.

Current Practice

Application for an early leaving exemption (i.e., leaving school before the age of 16 years)

Enrolment in school is compulsory for all students aged between 6 and 16 years. However, under section 39 of the *Education and Training Act 2020*, parents of 15-year-old students may apply to the Ministry of Education for an exemption from schooling on the basis of educational problems, conduct, or if the student may not benefit from attending available schools. Parents are required to give details about training programmes or employment that the student would move on to in the event of an early leaving exemption being granted.

However, no exemption will be granted to any student who has made insufficient progress in terms of any curriculum statement for Year 8, or has not enrolled for a Year level above Year 8. The Secretary for Education must tell the Chief Executive of Oranga Tamariki the name and address, and any other available contact details, of every student exempted under section 39.

Applications for early leaving exemptions are actioned at the local level. This ensures direct contact between parents or caregivers and Ministry of Education staff at the first stage of the early leaving process, to actively discourage early leaving and to support parents/caregivers to find ways of keeping their children engaged in learning. This also provides the opportunity for Ministry of Education staff to promote alternatives to early leaving, such as a combination of school and work-based learning.

Application for long-term exemptions

Any child or young person aged six to 16 years requires an exemption from the Ministry of Education to be educated at home (s38(1) of the *Education and Training Act 2020*). An application is considered by a designated officer at the local Ministry of Education office. It needs to show that the parent or caregiver is willing and able to be responsible for an appropriate programme of education for the child (i.e., that the child will be taught at least as regularly and as well as they would be at a registered school).

In the application form, the parent or caregiver is asked to demonstrate learning regularity (when and how often and for how long their child will be taught), and to describe the:

- Home education approach, philosophy, and/or curriculum.
- Intended learning areas and/or subjects.
- Resources and reference materials that will be available to teach their child, and an explanation of how they will be used.
- Short and long-term educational goals for their child.
- Provision of a special project or topic plan, covering learning goals, resources, teaching methods, progress, and achievement measures.
- Measurement and recording of progress and achievement in relation to learning goals.

Applications for home education usually take four to six weeks to process and consider. The child or young person must remain enrolled in and attending school while the application is being considered.

The exemption certificate must state why it was granted (s4). It expires when the person to whom it is granted turns 16 years or enrolls at a registered school, whichever occurs first (s7). The certificate may also be revoked for reasons set out under s38(5) and (6).

Application for exemption for a person placed in residence or programme under the *Oranga Tamariki Act 1989*

Section 41 of the *Education and Training Act 2020* allows the Chief Executive of Oranga Tamariki to apply for a certificate (from the Secretary for Education) for an exemption of a person placed in residence or a programme under the *Oranga Tamariki Act 1989*.

The criteria is that the child or young person:

- Has been placed in residence established under s364 of the *Oranga Tamariki Act 1989*, or in a residential programme established by Oranga Tamariki, and
- Will receive education services that are appropriate to the student's needs.

A certificate for exemption continues in force until it is revoked or expires.

**17. From 1950 until present day, has the Ministry kept records of the number of children and young persons in state and faith-based care who were exempted from mandatory education?
If so, please provide the numbers on an annualised basis, broken down by care setting (for example, care and protection residences, foster care, disability care, state boarding schools, faith-based boarding schools, etc).
Please also provide data on the number of Māori, Pacific and disabled children and young people who were exempted.
If these records are not held, please explain why not.**

The Ministry of Education's Evidence, Data and Knowledge Group was unable to identify those who are/were in State or faith-based care and exempted from mandatory education.

As the Ministry of Education is unable to provide data for those in State and faith-based care, the Ministry cannot provide a comparison to those not in State and faith-based care.

Statistics on students with early leaving exemptions can be found at <https://www.educationcounts.govt.nz/statistics/early-leaving-exemptions>.

**18. From 1950 until present day, has the Ministry kept records of the number of children, young people and vulnerable adults in state and faith-based care stood down, suspended, or expelled from the formal education system?
If so, please provide the numbers of people in these categories on an annualised basis, including analysis based on gender, ethnicity and disability or mental health status.
If these records are not held, please explain why not.**

The Ministry of Education's Evidence, Data and Knowledge Group was unable to identify, within its stand-downs, suspensions and exclusions data, those who are/were in State or faith-based care.

As the Ministry of Education is unable to provide data for those in State and faith-based care, the Ministry cannot provide a comparison to those not in State and faith-based care.

Statistics on stand-downs, suspensions or expulsions can be found at <https://www.educationcounts.govt.nz/statistics/stand-downs,-suspensions,-exclusions-and-expulsions>.

19. From 1950 until present day, what lessons has the Ministry learned and what changes have been made to support children, young persons and vulnerable adults in state and faith-based care to remain in educational care?

From an education perspective, 'at-risk' children and young people include those who have disengaged, or are at high risk of disengaging, from education. Disengagement from education can have a long-term impact on a learner's wellbeing and life outcomes. Providing a range of adaptable, flexible supports to prevent disengagement and assist with re-engagement is a priority in the Ministry of Education's *Learning Support Action Plan 2019-2025*.

Support is provided through a range of practices, systems, supports and services. Question 12 sets out the supports and services available to children, teachers and schools. Of the more than \$1.2 billion spent on Learning Support annually, schools and local providers make decisions about access and allocation for around two-thirds of the investment. The Ministry of Education makes decisions around one-third of funded supports, most of which support students with moderate to very high levels of need.

Engagement with education and educational achievement are important predictors of better life outcomes. The Education Review Office's (ERO) *Evaluation of Learning in Residential Care* (published 1 July 2021) established that children and young people in Oranga Tamariki care or custody enjoy learning and achieving when the conditions are right, and when they have the right support. However, they are more likely to have experienced challenges with school attendance and are often disengaged from learning when compared with the general population. The ERO Evaluation highlighted that education could help change that, by reconnecting these young people to their learning, identity and culture. The Ministry of Education is committed to supporting learning and education in Oranga Tamariki's future model of care, and is working with Oranga Tamariki to address the issues raised by the Evaluation.

Historical Information

Limited historical information was located on this subject. The 1986 Department of Education/ Department of Social Welfare *Handbook on Education in Department of Social Welfare Institutions* discussed the following point.

Education for 15+ year-olds

"The Department of Social Welfare acts in a parental role for children in care. The residential and field social worker, the parents, and other parties involved in setting casework goals for the child in care, would need to consider whether attending school was to be part of the casework plan. If so, then schooling must be provided, either within the institution or through a community school."

"School attendance, therefore, is not the decision of either the Head Teacher or the child, although they must be involved in the initial consultation to set casework goals."

"Children for whom school attendance is not desired, as part of the casework goal, should be involved in other educational programmes relevant to the desired goals."

"The Head Teacher (Department of Education-appointed) should assist the Principal (Department of Social Welfare-appointed) who has responsibility to develop educational programmes for those children not enrolled in school."

“In developing programmes, the following could be considered:

- Part-time school attendance on a contract basis (e.g., half-day attendance).
- Access to programmes through the Correspondence School.
- Teachers are a resource for residential social workers to assist in planning programmes within the Home.
- Facilities should be shared for the development of all children in care. This could involve use of school facilities outside of teacher contact hours, or use of school programme resources during the day by residential social workers, under the control of the Head Teacher.
- Use of volunteers to meet educational needs.
- Placement on structured, useful work exploration programmes.
- Involvement of young persons in community vocational schemes.
- Use of fee-for-service provisions.”

“The child or young person in care should be involved in planning and educational programmes that will best suit their needs.”

“Children over 15-years-old could be encouraged to participate in school programmes. The Head Teacher should consider removing factors that deter 15-year-olds to attend school (e.g., uniform, loss of smoking privileges).”

20. From 1950 until present day, regarding the Correspondence School:

- (a) To what extent has distance learning been the method by which children, young persons and vulnerable adults in state and faith-based care engaged in education, including disabled learners and Māori and Pacific learners?**
- (b) Has the Ministry monitored the appropriateness of distance learning for these learners?**
- (c) What lessons have been learned and what changes, if any, have been made?**

The Correspondence School was established in 1922, under the Department of Education, for primary-aged children unable to attend school due to isolation or illness (expanding into secondary education in 1928 and early childhood education in 1976). The first course in te reo Māori was launched in 1949, with a separate Māori Language Department established in 1989.

From 1936, provision was made within the Correspondence School for separate classes of physically disabled students (usually referred to as ‘invalid’ or ‘crippled’). In 1941, these classes became a separate section (the Special Section) and their scope was widened to include slow learners and intellectually handicapped children.

In response to parental pressure, individual programmes for children whose needs were not being met were started in 1951. This was the beginning of the Home Training Section, which was formally established in 1955. In 1971, the Special Section was renamed the Individual Programme Section, and in 1980 the Home Training Section became the Special Needs Section.

The Individual Programme Section enrolled students of primary or secondary level who, in one or several areas of learning, were unable to keep up to the standard expected of their age group. They were either full-time students, enrolled for reasons of distance or because of a

medical condition which inhibited their educational progress; or they were enrolled at a local school and received supplementary assistance from the Correspondence School (a system known as 'dual enrolment'). These students could be classed as 'slow learners', who would possibly be placed in a special class within a school if available. They had to be referred through the Department of Education's Psychological Service, and enrolments had to be authorised by the District Senior Inspector of Schools. Other areas within the Individual Programme Section assisted students of primary level for whom English was a second language.

From the 1950s, the Correspondence School was used by residential institutions to provide study options. For example, in 1950, Burwood Girls' Training Centre noted that through the services of the Education Department's Correspondence School, girls were studying, in addition to general subjects, commercial art, horticulture, poultry-keeping, biology, hygiene, homecraft, clothing, and typing.

At the Kohitere Boys' Training Centre, selected boys in the senior section were enrolled with the Correspondence School for School Certificate or apprenticeships. By 1953, this form of study had developed to the stage where a certificated teacher was appointed as a tutor housemaster to provide supervision to this part of the Centre's training programme.

It was recorded in the 1984 Inspection Report on Kenepuru Special School:

"Much is demanded of these teachers in understanding the individual's medical problem and making decisions as to their needs educationally. To this end, the teachers attend in-service courses held by the Hospital, as well as local in-service courses for teachers. Because of the wide range of ages this school is expected to cater for, namely 11-18 years, use is made of Correspondence School courses for those pupils who are exam orientated."

Likewise, the 1996 Education Review Office's Assurance Audit Report on the van Asch Deaf Education Centre noted:

"A range of strategies is used to enable secondary-aged students to study as wide a range of courses as possible, within the limits of existing teaching resources. These strategies include enrolling students in courses provided by the Correspondence School and involving most of the older students in a structured transition programme."

In addition, the Correspondence School was used at times by the residential institutions to cover gaps in the provision of education due to difficulties in filling teaching positions.

In 1985, the emphasis on mainstreaming, or integration, produced an upsurge in the numbers of dual enrolments (47 percent of the Special Needs Section roll). In accepting a student for enrolment, the main criterion was that the student had a special educational need that was not being fully or appropriately met already. In 1985, Special Needs students on the roll included those with Down's Syndrome, cerebral palsy, epilepsy, spina bifida, visual and hearing impairment, muscular dystrophy, and autism, while approximately 14 percent were termed 'intellectually handicapped' (the cause not always being identified). By far the largest group (41 percent) were classified under the general term 'developmental delay', a syndrome generally manifested by lack of speech and/or by uncoordinated movement.

All enrolments had to come through the Department of Education's Psychological Service, although the initial referral might be made by someone recognising that a child or young person had a problem (e.g., parent, district nurse, doctor, speech-language therapist, teacher). The recommendation from a Psychologist, usually attached to a Psychological Report, and a Correspondence School enrolment form signed by a parent or guardian or, for a dual enrolment, by the school principal, were sent to the District Senior Inspector for approval. The application then had to be approved by the Correspondence School before enrolment could proceed.

Current Practice

The Correspondence School's (renamed Te Aho o Te Kura Pounamu (Te Kura) in 2009) role continued to evolve in response to the changing needs and trends of the education system. Provision of distance education to ākongā in isolated and rural communities no longer defines the school's primary purpose, although the school remains an important access point for geographically isolated ākongā.

The priority is for children and young people to attend school with face-to-face learning, through enrolment in a school in their local community or onsite where a child or young person is in Oranga Tamariki residential care.

However, Te Kura is playing a significant and increased role in the education of at-risk and disengaged ākongā, many of whom are Māori. At the core of this shift are rising rates of student disengagement and alienation from the education system. Education agencies are placing greater reliance on Te Kura as a place of enrolment for non-enrolled and high needs ākongā whose requirements are not being met elsewhere.

Dual tuition can be used to extend or adapt the curriculum available for students who are enrolled with a dual provider school or organisation. Children or young people in the care or custody of Oranga Tamariki are more likely to meet this gateway criteria (e.g., Curriculum Adaptation, Curriculum Capability).

A dual provider can be a:

- Primary or Secondary School
- Alternative Education Centre
- Activity Centre
- Teen Parent Unit
- Health School
- Ara Poutama Aotearoa / Department of Corrections facility.

Students may be eligible for dual tuition either through a government-funded enrolment gateway or a fee-paying gateway.

Most private schools access dual tuition through the fee-paying gateway. However, there are three private schools that have retained government-funded access due to the schools' character and role in supporting vulnerable children and young people. They are Ambury Park Centre, Odyssey House, and Hohepa School.

Te Kura is the education provider for some of the Youth Justice Remand Homes, working with the Home provider to ensure the young people in the Homes can access education. An education service in Community-Based Youth Justice Residential Remand Homes is required as Oranga Tamariki transition young people, aged 14 to 17 years, out of Youth Justice Secure Residences. The aim of the education service is to achieve a bespoke community-based education partnership between the Home and education providers that support learning. The average time spent in a Youth Justice Remand Home is 17 days.

The funding by the Ministry of Education-provision in Youth Justice Remand Homes has been applied since late 2019, and aligns with Oranga Tamariki's move to the provision of community-based care. The aim is for local schools to support education delivery in Youth Justice Remand Homes, but it has been challenging to make this happen. The Ministry of Education is currently evaluating education provision in Youth Justice Remand Homes. The evaluation findings will inform future changes to this service.

The 2015 Education Review Office (ERO) review of Te Aho o Te Kura Pounamu (Te Kura) evaluated the quality of provision and outcomes for ākonga/learners within Te Kura. ERO has reported that Te Kura made good progress against many of the recommendations in the 2015 report.

ERO's 2021 review included recommendations for the Ministry of Education to effect improvements in promoting equity and excellence for ākonga/learners at Te Kura, and to fully use the potential of Te Kura's resources and expertise within the education system. Work already underway will address some of the issues raised. For example, the Ministry has started talking with its regional staff on how to achieve greater consistency of practice across the country.

Other work being undertaken by the Ministry includes:

- Reviewing support for children and young people with the highest level of learning support needs. The review is specifically looking at how children and young people can access support, regardless of where they are learning (which includes settings such as Te Kura). The review is due to report back in late 2023.
- Redesigning alternative education to improve schooling for ākonga/learners at risk of disengagement, through the delivery of an end-to-end system of support. This includes considering how ākonga/learners can be best supported while they attend an alternative education setting (including Te Kura).
- Working with Te Kura (and the Virtual Learning Network) on a review of blended and distance learning, through which ERO's recommendation regarding the long-term role of Te Kura as part of the wider education system will be addressed.

INSTITUTIONALISATION, SPECIAL EDUCATION & DISABILITY EDUCATION

21. The Education Act 1914 refers to the education of “blind, deaf, feeble-minded and epileptic children” and defines an “epileptic child” and a “feeble-minded child”, in part, as “not an idiot or imbecile or otherwise a proper person to be sent to an institution under the control of the Mental Hospitals Department”. There is no definition for idiot or imbecile in the 1914 Act.

In relation to this, between 1950 and the coming into force of the *Education Act 1964*, how did the Ministry determine whether a child was either an educable “epileptic” / “feeble-minded” or a non-educable “idiot” / “imbecile” / “person to be sent to an institution”?

The *Mental Defectives Act 1911* consolidated and amended the law relating to the care and control of ‘mentally defective’ persons. This was in response to pressure from medical and educational authorities who wanted legislation to bring people described as ‘sub-normal’ under control (influenced by the 1908 British Royal Commission on the Care and Control of the Feeble-Minded, which considered sub-normal people responsible for many of society's problems, including alcoholism, prostitution, poverty and crime).

The *Mental Defectives Act 1911* provided an official definition of ‘mentally defective’, with seven categories of classification, ranging from ‘persons of unsound mind’ to ‘feeble-minded’, on a scale of perceived ability to function intellectually and socially. The categories ‘idiot’, ‘imbecile’ and ‘feeble-minded’ were officially recognised in the Act.

An idiot was “unable to guard themselves against common physical dangers and therefore [would] require the oversight, care and control required to be exercised in the case of young children” (s2). The higher-grade imbecile could guard against physical dangers but was incapable of “earning their own living by reason of mental deficiency existing from birth or from an early age” (s2). The feeble-minded could be “capable of earning a living under favourable circumstances” but, due to their deficiency, they were incapable of “competing on equal terms with their normal fellows, or of managing themselves and their affairs with ordinary prudence” (s2).

The *Education Amendment Act 1910* and *Mental Defectives Act 1911* meant, that with regard to minors, the Department of Education was responsible for ‘feeble-minded’ children (the so-called ‘educable defectives’), while the Mental Hospitals Department took responsibility for those that were deemed uneducable (the ‘idiots’ and ‘imbeciles’).

The School Medical Service was founded to identify ‘defective’ children so they could be sent to the appropriate institutions, and the 1914 Education Act made it obligatory for parents, teachers, and police to report ‘mentally defective’ children. School Medical Officers (doctors who worked for the School Hygiene Division of the Health Department) ensured that the medical profession’s claim to authority over ‘mental defectives’ was maintained.

The 1914 Education Act made clear that the Department of Education was also responsible for one of the groups of ‘mentally defective’ children excluded from the *Education Amendment Act 1910* definition, the ‘merely backward’. Backward children, who had dropped below the average standard for their age as a result of absence or physical illness, were to remain in ordinary schools, in special classes (although few such classes were established before the First World War).

The Department of Education, noting the increased use of “psychological testing of educable capacity” in the United Kingdom and the United States, decided in early 1924 to “make an experiment in their use”. The Terman Group Test, designed for testing ‘educability’, was administered to all students at secondary, technical and district high schools.

While the Department of Education did not test ‘mental defectives’ specifically, placing these tests within the context of the increased debate over mental deficiency highlighted concerns over the ‘fitness’ of individuals and their contribution to New Zealand society, together with the need to strengthen the physical and moral qualities of society. Labels such as high functioning, low functioning and mental age all added to the taxonomy and helped to classify and assign those assessed.

In the periodical *Education* (published by the Department of Education), teachers were kept informed about the ‘Subnormal Child’:

“By a subnormal child, I mean one who deviates so far below the mental level of the average child of his age as to require special attention and provision ... To discover the dull or backward, we may rely principally on standardised tests” (Burt, 1948, p. 39).

Applying these tests produced a numeric measure of an individual’s adaptation to social and educational requirements, which was considered to be a uniform, accurate and scientific means of separating the ‘backward’ from the ‘defective’.

22. Under the *Education Act 1914* and the *Education Act 1964*, it was the duty of the parent to ensure that their disabled child was provided with an efficient and suitable education.

However, under both Acts the Minister could, through whatever means he/she saw fit, satisfy him/herself that every school-aged disabled child, who was not in special education but was receiving education privately, was receiving an efficient and suitable education.

In relation to this:

What was the standard for an efficient and suitable education for a disabled school-aged child?

How did the Minister satisfy him/herself that disabled school-aged children were receiving efficient and suitable education privately?

From 1950 until 1999, what involvement did the Ministry have in setting the curriculum for disability education?

How has the Ministry's involvement changed (if at all) since 1999?

From 1950 until 1999, how did the Ministry ensure disability education was meeting the education needs of disabled children and children with mental health conditions?

Since 1999, how has the Ministry ensured that disability education systems are meeting the education needs of disabled persons and persons with mental health conditions, including their compliance with the United Nation Convention on the Rights of Persons with Disabilities (UNCRPD)?

'Special Education' was historically conceptualised in terms of funding linked to particular disabilities, such as physical, intellectual, sensory or communication-based disabilities (refer *Education Act 1964* (as enacted), s2). The Government established a number of State special schools, units and classrooms to cater for children with special educational needs. The Department of Education employed a national service of educational psychologists, while regional Education Boards employed specialists, such as speech language therapists, to assist children with special education needs who were enrolled in schools.

From 1917, the establishment of the first special class ushered in a slow but steady integration of the administration of special education services with that of ordinary schools – a pattern which had a major influence on the development of the teaching programmes provided for children and young people with disabilities. These children and young people benefited, sometimes immediately and sometimes after some delay, from the steady upgrading of the State school system as a whole. This upgrading saw the evolution of school curricula more closely related to the lives and interests of children and young people, and teaching methods which encouraged their active participation in learning and which allowed for their individual differences in ability. It involved, also, substantial improvements in the training of teachers, the standards of school buildings, and the provision of teaching equipment.

The Curriculum for Disability Education

During 2015, the Ministry of Education undertook a detailed analysis of the provision of learning support, of system-wide funding arrangements, and international evidence on what worked in practice to raise the achievement of diverse learners. At the core of this update was recognition that no two children were the same and that the support provided should reflect each child's uniqueness, rather than providing support on the proviso that children fit criteria set by an arbitrary category.

The Ministry of Education has the responsibility for the development of a national curriculum for all learners, including disabled learners. To respond to the needs of their students, schools and their communities work from the national curriculum to develop programmes of study based on local context.

The New Zealand Curriculum is currently being refreshed to ensure that it is Te Tiriti-honouring and inclusive of all learners, including disabled learners. There will be a more explicit focus on New Zealand's obligations to the United Nations Convention on the Rights of Persons with Disabilities, as reflected in the New Zealand Disability Strategy. This expectation will be woven through the refreshed content, including each of the Learning Areas.

This means that the refreshed New Zealand Curriculum will be more responsive to diversity, including disability, and will fit the strengths, interests, and aspirations of every learner; centring on creating positive and inclusive relationships, a connectedness, and a sense of belonging. Disabled people, including disabled young people and their whānau, are now more involved from the outset in contributing to the work that is underway to refresh the New Zealand Curriculum, and this will continue to be a priority.

Compliance with the United Nations Convention on the Rights of Persons with Disabilities

Since 2011, the Ministry of Education's compliance with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) has been monitored by the Independent Monitoring Mechanism (composed of the Human Rights Commission, the Ombudsman, and the Disabled People's Organisations Coalition). The Ministry reports its progress against the Disability Action Plan (the Government's plan for implementing the UNCRPD) to the Independent Monitoring Mechanism every six months.

The Education Review Office (ERO) monitors the performance of individual schools and early learning services, including aspects relating to inclusion and provision for students with learning support needs. ERO also periodically undertakes system-wide evaluations of inclusion and support for disabled learners. For example, the 2014 *Inclusive Practices for Students with Special Needs in Schools* evaluation found that schools were generally successful at providing for the presence and participation of students with special education needs. The evaluation focused on their enrolment, participation, engagement, and achievement, and included students with both high and moderate needs.

The report contained specific recommendations for the Ministry of Education to consider and a range of approaches to action, including:

- Support schools to enhance achievement and improve progress of students who are likely to learn long-term within Level 1 of The New Zealand Curriculum.
- Assist schools to develop their capability to review how well their strategies and initiatives improve outcomes for their students with special education needs.
- Support school Boards in asking questions about the progress and achievement of students with special education needs, and the effectiveness of their provision.

The Ministry of Education monitors the quality of its core learning support services (Early Intervention, Ongoing Resourcing Scheme (ORS), Communication Service, and Behaviour Services) using an Outcome Measurement Tool (which measures impacts on a child's presence, participation, wellbeing, and learning/achievement) and the Learning Support Satisfaction Survey (a survey to gather feedback on Learning Support service delivery from parents/caregivers and educators of children and young people receiving these services). The Learning Satisfaction Surveys are published annually on the Ministry's Education Counts website.

Historical Information

A large amount of the following information was obtained from two archived files:

- Education System in New Zealand: History of New Zealand Department of Education (1906-1983).
- Centennial History of State Education in New Zealand: People, Policies and Programmes (1978-1987).

Administration

From 1953, the Department of Education appointed an Officer for Special Education (from 1977 designated Director, Special and Advisory Services). The Officer for Special Education was responsible to the Director of Education for the coordination and expansion of special education, which in 1955 was officially defined as “the work of the schools, classes, and services provided for children handicapped by some disability of mind and body, or who have social or emotional difficulties”.

In a 1981 presentation, the Department of Education’s Director of Special and Advisory Services provided a brief outline of the tradition of special education in New Zealand. He noted that the segregation of children into special schools and classes had taken place for reasons which today were becoming less necessary.

“First, children were placed in special educational settings to obtain physical resources not easily obtainable in home schools. A second reason was the provision of specialised teaching for say slow learning or disturbed children, and a third was simply that we did not know how to deal with them in the regular classroom. Furthermore, the increasingly complex curriculum seemed less applicable to those children, as teachers struggled to master the new curriculum that emerged in the 1950s.”

“Unlike many other countries, however, the very nature of our scattered population ensured that not all children with special needs could be transferred to special classes or schools. This fact, combined with a reluctance on the part of teachers, psychologists and parents to segregate children from their fellows, and a rapidly developing technology of special education, has forced us to recognise that it is not only possible to educate most children with special needs in their own classrooms, but it is also more effective in many cases because of the social interaction with their peers.”

“Today we are beginning to redefine our policy in the light of these developments. We do not accept that there is an unqualified need to educate all children in the mainstream of schooling. At least for the present, it appears necessary to withdraw some children with severe or complex handicaps and teach them in parallel with their fellows. It is our intention, however, to keep this group as small as possible as we improve our skills in teaching them, and as we develop our resources to support teachers who accept handicapped children into their regular classrooms. At the same time, we must continue to make provision for special groups of children, such as those in hospitals, Social Welfare institutions, Health Camps and the like.”

“I must not give the impression that there is complacency in the Department of Education about the provision of services for children with special needs. We recognise there is still some way to go to complete a national coverage of the existing types of special education services and that gaps in provisions for children with special needs still remain.”

The Establishment of Special Classes

Although the 1914 Education Act established the principle of equal provisions of educational opportunities for children, it restated the philosophy that parents of “blind, epileptic, deaf or feeble-minded children” were deemed responsible for the provision of effective and suitable education programmes for their family member. The 1914 Education Act did acknowledge and establish a specified learning support opportunity in the form of special classes for ‘backward children’. The term ‘backward’ was applied to children whose intelligence was perceptibly below normal but who, nevertheless, had a chance of becoming self-supporting and independent adults if they received an education adapted to their mental limitations, and were given understanding and help in adjusting to social problems.

In 1917, the introduction of special classes attached to regular schools was the first education practice that enabled children with special education needs to attend school while still living with their family within their community. Although these students may have received the majority of their education programmes in their own classroom with a specialist teacher, they were part of the school community and were included, to a greater or lesser extent, in the wider school environment. Over a period of time, these day ‘special classes’, together with their secondary school equivalent (work experience classes) remained within the education system until the implementation of the Special Education 2000 (SE2000) policy in 1996.

The appointment of a teacher as Supervisor of Special Classes in 1928 enabled the Department of Education to exercise some control over the selection of pupils for these classes and to provide their teachers with some guidance on suitable teaching programmes. This work paved the way for the later development of the Department’s Psychological Service.

Between 1917 and 1952, the number of special classes for backward children in State primary schools increased from one to 55. By 1977, there were 246 classes with a total of 2,575 pupils.

In increasing the number of special classes for ‘backward children’, the first essential was to attract and hold suitable staff. For many years little had been done to help teachers with their specialised task, beyond arranging for a new appointee to spend a short period observing an experienced teacher and, from 1944, appointing a few Area Organisers to assist the Supervisor of Special Classes in applying psychological tests to decide whether or not a child should be taught in a special class. But in 1953, a handbook, “enlightened in method and full of practical suggestions”, was prepared by a Working Party of Special Class Teachers and Area Organisers, and two years later a classified guide to suitable reading for backward children was issued.

The number of Area Organisers was also gradually increased (there was one in each education district by 1960), and they gave help to individual teachers and arranged some local in-service courses. Another advance during the 1950s was that various long-established voluntary after-care organisations, concerned with finding suitable employment for school-leavers who had been educated in the special classes, began to receive practical cooperation from members of the New Zealand Educational Institute, and from Senior Inspectors in all districts.

In 1958, the whole field of special education was ruled to be a “major immediate responsibility” of one of the Primary School Inspectors in each district (Inspectors Supervising Special Education), and the Minister of Education reported that “the work is clearly benefitting from this arrangement”. At in-service courses, ways of improving evaluation of pupils’ progress and behaviour, and of making more practical use of findings, were discussed. Better provision for special training “at the point where general teachers transfer to special class work” was recognised as an outstanding need. This was met in 1963 and 1964 when six-week residential courses were held at Ardmore Teachers’ College for recently-appointed special class teachers. Similar courses were held at intervals in some subsequent years.

For ‘backward children’ in secondary schools, the first special classes were established in 1962. A feature of these classes was that they arranged for ‘children of low intelligence’, 14 years

old and over, to have some experience of work in the community. In 1968, by which time there were 36 'experience classes' in 20 secondary schools, a six-week-in-service residential course provided the first opportunity for teachers "to consider, in some detail, the special educational, vocational, and social needs of older 'backward pupils'. In 1977, 1,141 secondary school children were being taught in 85 experience classes, which were now officially recognised as supplying "a small but important segment of the education provided by secondary schools for their less able pupils".

A special one-year course, with an annual intake of 20, was begun in 1974 at Christchurch Teachers' College for primary or secondary teachers of children with particular learning difficulties, and provided a new source of professional training for teachers of special classes.

The Education of the Physically Disabled

For children who were physically disabled to the extent that they could not go to school, but who were capable nevertheless of profiting from education, nothing of an official educational nature was done until the first hospital classes, administered by Education Boards, were established in 1919. These classes included many children whose disability was only temporary. Then, in February 1922, the Correspondence School was opened. In 1944, *Education Today and Tomorrow* reported: "There are [physically disabled] children ... who have their whole education up to the University Entrance standard from the Correspondence School, and who have gained from it far more than a bare academic training".

In 1948, at the invitation of the Government, and with financial and practical help from the Crippled Children Society, Dr Earl Carlson, Director of the School of Corrective Motor Education, New York, came to survey and report on the problem of cerebral palsy in New Zealand, where there were an estimated 660 cases up to the age of 21 years. During the next few years, day schools for cerebral palsy children were established by the Department of Education in Auckland, Wellington, Christchurch, Dunedin and Invercargill, and a school was also opened in the Cerebral Palsy Unit of the Queen Elizabeth Hospital at Rotorua. All these schools were administered by District Education Boards. There were also Education Board schools at the Wilson Home for Children in Auckland, at the Sir Thomas and Lady Duncan Trust Hospital for patients of all ages in Wanganui, and at Pukeora Home for the Disabled at Waipukurau, which catered for young people between the ages of 12 and 30 years.

The minimum staffing at each school was a Head Teacher, an Assistant Teacher, a Physiotherapist, a Speech Therapist, an Occupational Therapist, and an Attendant. An amendment to the Education Act made it possible for children to be enrolled when they reached the age of three. With the exception of the Christchurch school, which moved to a specially designed new building in 1957, the cerebral palsy schools were accommodated in existing buildings, adapted to serve their new purpose. Associated with each school were two committees: the first representative of parents, the Crippled Children Society, and the Education Board concerned, and having the same functions as an ordinary school committee; and the second, an advisory committee of educational and medical personnel. The Head Teacher and a visiting doctor planned a suitable education programme and the necessary therapies for each child.

In the early 1970s, the Dunedin and Invercargill cerebral palsy day schools were closed and the children from these schools were transferred to special units attached to State primary schools. Under the new arrangements, the children had the same therapy as before, but there was also opportunity for them to participate in normal classroom work and some forms of play. The remaining three schools were rehoused in buildings adjacent to primary schools and were renamed schools for physically handicapped children, enrolling pupils with a range of serious physical disabilities.

The trend in the education of the physically disabled can be determined from the following extract in the Report of the Department of Education (for the year ending 31 March 1976). "During 1975 a definite policy was established whereby all new schools should as far as practicable incorporate provisions for access by handicapped persons. In addition, special arrangements are being made at existing schools, especially where a need is shown to exist. The special access provisions were in accordance with those set out in the Standards Association of New Zealand's Code of Practice for Design for Access by Handicapped Persons. They included ramps and toilets suitable for use by pupils or staff confined to wheelchairs."

The Education of the Intellectually Disabled

In August 1951, acknowledging that the needs of the intellectually disabled might not be best served within the confines of the residential institution, the Minister of Education (Hon. R. Algie) established a Committee of Inquiry to report back on the state of New Zealand's 'mental defective colonies'. The Consultative Committee on Intellectually Handicapped Children was charged with investigating and making recommendations for the educational needs of children termed 'imbecile: lower-grade mental defectives who, when older, would be incapable of earning their own living by reason of a mental deficiency existing from birth or an early age'.

The Committee's findings (the Aitken Report) were released in February 1953. The Report rejected the use of the definition 'intellectually handicapped', instead using the term 'mentally subnormal', and advocated for an expansion of the residential institutional model.

A further investigation (led by Dr C. Burns) was undertaken by members of the New Zealand branch of the British Medical Association, which rejected the Aitken Report findings. Advocating for small scale facilities and services within the community, the Burns Report (published in 1958) suggested, in line with the Intellectually Handicapped Children's Parents' Association, that separation from the family at an early age, rather than benefitting the family and the individual, often retarded intellectual development because the child missed the stimulation of the family environment.

The Intellectually Handicapped Children's Parents' Association (IHCPA) petitioned the State in 1952 to acknowledge and accept young people with intellectual handicaps into the education programmes within their communities, as an alternative option to the two Department of Education residential facilities. Challenging the ideology articulated in the Aitken Report, by July 1953, a total of 13 Occupational Centres were established by IHCPA branches, providing community-based care for over 100 children.

In 1956, the responsibility for the IHCPA-founded Occupational Centres was transferred to the control of regional Education Boards. These Centres became Day Special Schools under the management of the State. Students with special learning needs had the opportunity to enrol in programmes of learning that were fully funded and managed within the education system.

Many children who had attended day programmes organised by voluntary organisations were transferred to the special schools. Support networks were established between mainstream and special education providers. Government financial support was also made available to the IHC Occupation Workshops catering for the needs of adults with intellectual handicaps.

A notable advance was the Government's decision in 1962 to authorise Education Boards to staff and equip small regional Occupational Groups in the same way as they were already staffing and equipping the larger Occupational Centres. Early in the 1970s the names were changed to Special Schools and Special Groups. By 1977, there were 39 schools in which 172 teachers were responsible for 1,544 children, and 10 Groups with 20 teachers and 81 children.

Like the schools for physically disabled children, each special school had its own advisory committee and its own school committee.

An intellectually disabled child was not automatically eligible to join a Special School or Special Group. Enrolment depended on suitability for training in 'social habits' and simple tasks, as assessed by a member of the Department of Education's Psychological Service. The enrolment of suitable children below school age was agreed to by the Government in 1973. The upper age limit remained at 18 years.

Staffing presented many problems. It was mandatory for the Head Teacher of a Special School to be certificated, but at the time of their appointment, certificated teachers seldom had any special training, while in the schools and groups as a whole, not more than one in three was certificated. A brief period of training was sometimes arranged at an established school in order to help a newly-appointed teacher.

From 1965, when a Senior Adviser with national responsibilities for both backward and intellectually handicapped children was appointed, the Area Organisers (17 at that time) of Special Classes for Backward Children began to give individual help to teachers in the Centres, and also to arrange short in-service courses dealing with suitable programmes for intellectually handicapped children.

In 1968, a handbook for teachers in Occupational Centres and Groups, which had been available in draft form for a number of years, was published by the Department of Education, and in 1973, as an extension to in-service training, a course for uncertificated teachers, for which there was a large enrolment, was available from the Correspondence School.

22. From 1950 until 1999:

- **What involvement did the Ministry have in setting the curriculum and teaching policies, including in relation to] teaching and Total Communication, for Deaf education providers?
How has the Ministry's involvement in setting the curriculum and teaching policies for Deaf education providers changed since 1999?
What is its involvement today?**
- **What actions did the Ministry take to ensure that Deaf education providers were providing an equal standard of education to other education providers?**
- **What performance measures did the Ministry require Deaf education providers to report on?
Were Deaf education providers required to meet the same performance measures as other education providers?**

At the Second International Congress on the Education of the Deaf (the Milan Congress), held in 1880, the same year State education for Deaf children in Aotearoa New Zealand was established in Sumner, Christchurch, a declaration was made that oral education was better than manual (sign) education. Gerrit van Asch, a professor of the German oral system, was appointed Sumner's founding director, strengthening the oral method of teaching into New Zealand Deaf education. After the Milan Congress, New Zealand, like other countries, largely followed an oral philosophy, referred to as 'oralism', which meant students were instructed solely by hearing teachers using aural/oral communication methods (focusing on acquiring spoken language skills through speech therapy and lip-reading). Signing was seen as an indicator of one's Deafness and was therefore stigmatised.

In 1940, Herbert Pickering, trained at Manchester University in the education of the Deaf, was appointed Principal of the Sumner School. Recognising the importance of starting the education of Deaf children at as early an age as possible, a small group of pre-school hearing-impaired children began receiving assistance from the school. The new Principal also arranged to have the traditional 'on-the-job' training of teachers of the Deaf replaced by an organised training programme. It operated until 1950, when a course, open both to students who had just completed general teacher training and to experienced teachers, was introduced at the Christchurch Teachers' College. Official policy was slow to develop, but by 1957 both the Christchurch and Auckland Schools for the Deaf had official pre-school classes.

Educationalists in New Zealand had for many years been guided by the principle that wherever possible all types of disabled children should remain in a normal social environment, living with their families and going to the local school where, depending on the seriousness of their disability, they either received individual help within an ordinary class or were taught, with others similarly disabled, in a special class attached to the school. The difficulty of pursuing such a policy for profoundly Deaf children, whose teachers had the complex task of developing language skills for a wide ability range, was commented on in the Annual Report of the Director of Education in 1959:

"Because of the small number of Deaf children in any one town, it is necessary in New Zealand to continue with residential schools as the principal means of educating Deaf children. We should, however, look for opportunities of associating the special education required for Deaf children more closely with that of normal pupils."

Throughout the 1960s, services for Deaf children expanded to include an Itinerant Teacher of the Deaf Service and Advisors on Deaf children. This change coincided with the introduction of Deaf units, based in mainstream schools, and staffed by qualified teachers of the Deaf.

Although the inspection reports over the years contained statements in general terms about the conduct and efficiency of the two schools for the Deaf, they also highlighted the provision of programmes that addressed the wider and varied interests and experiences of the children and young people. As early as the 1952 Inspection Report on the Sumner School for the Deaf, matters connected with the general wellbeing of the students were reported on, along with the educational aspects of the school. In 1954, the two assigned Inspectors of Schools reported that "major emphasis must, of necessity, be placed on the speech and language development of pupils, but a large measure of success has attended the constant endeavours of the Principal and staff to broaden the basis of education, and to adapt modern methods to the special needs of the Deaf."

Total Communication

By the mid-1970s, it became apparent, both in New Zealand and internationally, that an exclusively oral/aural approach was not educationally appropriate for a significant portion of severely and profoundly Deaf students. In the late 1970s, the philosophy of Total Communication was introduced. This philosophy involved using all available means to communicate with Deaf children, including speech, lip-reading, sign language, gesture, reading, writing, and listening.

In a Department of Education (10 July 1978) briefing to the Minister of Education (Hon. L. Gandar), it was noted there was worldwide controversy over the respective merits of oral or manual systems of communication. There was concern among oralists that the use of signs could isolate Deaf people from 'normal' society. Advocates of Total Communication considered the use of signs helped Deaf children develop language concepts more easily, eventually assisting oral communication. The briefing pointed out there was some division

among 'Total Communication enthusiasts' regarding which of the many sign systems they should use and when they should be introduced.

A Departmental Committee was established in September 1977 to review teaching techniques used in Deaf education, particularly the technique of Total Communication. The Committee comprised the Department of Education's Director of Special and Advisory Services and other Senior Departmental Officers, the Inspectors Supervising Special Education in Auckland and Canterbury, the Principals of the Kelston and Sumner Schools for Deaf Children, and the Senior Lecturers in Education of the Deaf at Christchurch and Auckland Teachers' Colleges.

To assist the Committee, the views of a wide range of individuals and associations concerned with Deaf children and adults were sought. The Committee also spent time studying international research and the evaluation of projects in various countries.

As a result of the review, the Department of Education agreed to the Kelston School Principal's proposal to set up experimental Total Communication classes in his school from the beginning of 1978 (to be evaluated during 1979), comprising three groups (Junior School, 5-6-year-olds; Intermediate, 10-11-year-olds; Senior, 13-year-olds). The senior group was composed of students who had been taking part in a Total Communication programme since 1976, introduced by a senior teacher in the school. The groups were made up of students who were profoundly deaf and had made only limited progress in language and speech acquisition to date.

It was also agreed that the specialist courses in the education of the Deaf at Christchurch and Auckland Teachers' Colleges would introduce trainees to a variety of teaching methods, including both oral and Total Communication techniques, and provide an impartial analysis of their respective merits and limitations.

In August 1979, the Department of Education's Director of Special and Advisory Services issued a circular advising that "New Zealand has a long-standing commitment to a strong oral emphasis in its education of Deaf children. There is ample evidence to justify retaining this emphasis as basic in teaching communication skills to the Deaf, but there is now also sufficient evidence to justify supplementing it by manual communication methods. These methods can be particularly valuable for those Deaf persons who cannot, for some reason, develop effective speech and/or speech reading."

The Director advised that the approach now recognised for use in New Zealand was "inherent in the statement on Total Communication issued by the Conference of Executives of American Schools for the Deaf Committee, New York, in May 1976". The Executives described Total Communication as "a philosophy incorporating appropriate aural, manual, and oral modes of communication with, and among, hearing impaired persons. These modes include the use of any residual hearing through amplification, speech, speech reading, a sign system, finger spelling, gesture, reading and writing."

Teachers were reminded that before introducing Total Communication techniques into special class programmes, they should consult with their Inspector Supervising Special Education, the Adviser on Deaf Children, and the Principal of the School for the Deaf.

New Zealand initially adopted the *Dictionary of Australasian Signs*. Shortly afterwards, a joint New Zealand and Australian initiative developed and expanded this further to become the *Revised Dictionary of Australasian Signs*. Many resources were developed, but eventually the use of Australasian-signed English as part of the Total Communication model declined.

New Zealand Sign Language

In 1992, a report to discuss the development of a New Zealand languages policy, commissioned by the Ministry of Education, acknowledged that New Zealand Sign Language was a complete visual-spatial language and a community language in its own right. This raised the question as to whether there was a need for the continued use of a sign system to represent English as a teaching device.

By the early 1990s, bilingual-bicultural programmes for Deaf students were being developed internationally, and from 1995, New Zealand Sign Language (NZSL) was introduced as a language of instruction at both Kelston and van Asch Deaf Education Centres in pilot bilingual (NZSL and English) programmes. The use of NZSL in deaf education, and the introduction of bilingual/bicultural education for Deaf students, created a demand for new resources, skills, and personnel. One change was the introduction of Deaf teachers of the Deaf, Deaf Sign Language Assistants, and Deaf mentors working alongside hearing professionals in the State education sector.

The *New Zealand Sign Language Act 2006* recognised New Zealand Sign Language as an official language of Aotearoa New Zealand. NZSL is important to some Deaf and Hard of Hearing people's ability to learn, communicate and participate in society.

Within the education system there are approximately 1,000,000 ākonga (200,000 in early learning and 800,000 of school age). Around 180 families with pre-school children are receiving NZSL support for children in their early years, and this will grow to 280 whānau per year when the Budget 2022 initiatives are fully implemented. There are around 250 ākonga of school age for whom NZSL is their first or preferred language, and they are being supported to access their learning in NZSL.

The breadth of the range of supports funded by the Ministry of Education reflects the diversity of the learning support needs of the Deaf and Hard of Hearing population of children and young people in education.

The supports include students whose first or preferred language is NZSL. Deaf and Hard of Hearing ākonga are a small proportion of all ākonga and they are spread throughout Aotearoa New Zealand. These supports include residential programmes in Auckland and Christchurch for around 55 children and young people (29 of these are Deaf and Hard of Hearing, and the others are children of deaf adults and siblings of Deaf and Hard of Hearing ākonga).

The supports and services funded by the Ministry of Education specifically aim to support and promote identity, culture, connection and community for NZSL users, to the extent possible within available resources.

Ministry of Education-funded supports and services ensure that those using NZSL to access the curriculum can do so, up to Year 13. Due to the small numbers of ākonga using NZSL, it is not feasible for the Ministry to fund an NZSL first language provision in every Centre (this is currently available to Year 13 in two regions, and at primary level in four regions). Access to NZSL@School is available to all NZSL-using eligible ākonga to ensure they can access the curriculum in NZSL.

The provision of these supports and services is consistent with the principle of reasonable accommodation under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which requires that learners with disabilities receive support within the general education system. Through Learning Support Delivery, Deaf and Hard of Hearing ākonga can have their individual learning needs assessed to determine what supports will best assist them to meet their learning outcomes. Schools, which are responsible for students' day-to-day care and education, can access the appropriate supports and services on behalf of their students.

Deaf education is provided in satellite units at local schools, which are specialist deaf and NZSL classrooms attached to local schools, and at specialist schools. Because such a small number of students use NZSL to access the curriculum, it is considered a mix of targeted and individualised supports is the best approach for providing support to Deaf and Hard of Hearing ākongā with a diverse range of support needs.

In summary, these targeted services consist of:

- Early Childhood Services, for children 0-5 years.
 - First Signs, a service for families of Deaf and Hard of Hearing children (providing support around NZSL Deaf culture and Deaf identity) delivered by Deaf Aotearoa.
 - Early intervention support from the Ministry of Education's 45 Advisors on Deaf Children, for children (and their families) who have permanent hearing loss.
- Cochlear implant habilitation programmes to maximise the ability of a child with a cochlear implant to develop receptive and expressive language.
- Services provided by Ko Taku Reo, including:
 - NZSL@School for students whose primary language is NZSL, to strengthen the use and frequency of using NZSL, for ages 5-18 years.
 - Deaf Education Centres, including residential programmes in Auckland and Christchurch for around 55 children and young people, and satellite programmes in Dunedin and Wellington.
 - Outreach Services from Resource Teachers of the Deaf, for students with significant learning needs related to hearing loss, aged 3-18 years; and from ASSIST Specialist Teachers for children and young people with moderate communication and learning needs, their families and their schools, for ages 9-18 years.
 - Immersion learning hubs in the Wellington, Otago/Southland and Waikato regions, to support ākongā learning, social networks, and Deaf identity, language and culture.
- Early Learning Services in Auckland and Christchurch.
- Interpreting services for Deaf teachers, and for Deaf parents.

Advisors on Deaf Children

The Ministry of Education employs around 45 Advisors on Deaf Children, who support Deaf and Hard of Hearing ākongā and their whānau as part of the Learning Support service.

Advisors on Deaf Children work closely with parents, caregivers, teachers, deaf education providers and specialists to identify needs and help children with a hearing loss (from birth to Year 3 at school) to learn and develop. They also help children with hearing needs (and their families) to prepare for, start and settle into early childhood centres and schools, to ensure that Deaf and Hard of Hearing ākongā are receiving the right support at the right time.

Ko Taku Reo

The merger in 2019 of the two Deaf Education Centres (van Asch Deaf Education Centre and Kelston Deaf Education Centre) into a single national school has provided the focus, leadership and structure needed to progress towards a single national network for deaf education. This was an intentional and important step towards the provision of a strong, consistent and coherent network of services. The merger process was extensively and actively supported by the Ministry of Education.

Ko Taku Reo has a focus on making *Te Whāriki*, *Te Marautanga o Aotearoa* and *The New Zealand Curriculum* accessible for all Deaf and Hard of Hearing students, and provides services to promote the use/access of NZSL (NZSL@School services). The Immersion Hubs also support NZSL use and access.

In addition to 114 students directly enrolled at Ko Taku Reo, in 2020 there were 148 students enrolled at their local school receiving NZSL@School. The Ministry of Education invested \$3.8 million in NZSL@School in 2021 and \$4.3 million in 2022 so that Ko Taku Reo can provide daily access to quality NZSL at school.

The purpose of NZSL@School is to:

- Strengthen provision of NZSL for Deaf ākonga whose primary language is NZSL.
- Strengthen the delivery of the curriculum in NZSL.
- Strengthen the use and frequency of use of NZSL by these ākonga.

The aim is to raise or maintain the educational achievement and wellbeing of Deaf ākonga to the equivalent, or above the level, of their hearing peers.

The Ministry of Education has recently had an independent evaluation of NZSL@School conducted. High level findings demonstrate that all eligible students are getting support. The Ministry is working with Ko Taku Reo, as the provider of NZSL@School, on the actions they will take in response to the evaluation findings.

Other services offering NZSL, provided by Ko Taku Reo, include:

- Day and residential schools in Auckland and Christchurch.
- Satellite classrooms across New Zealand.
- Resource Teachers of the Deaf for all Deaf and Hard of Hearing ākonga in mainstream schools across Aotearoa New Zealand.
- Early Learning Services:
 - A childcare centre in Auckland and in Christchurch.
 - A trial establishing play groups in up to three new sites, within the Immersion Hubs.
 - Residential courses for young children and their families.
- Resource Teachers of the Deaf services, for children aged 3-5 years enrolled in an early childhood facility, where they are referred by an Advisor on Deaf Children.
- NZSL Immersion Hubs:
 - Budget 2019 provided additional funding for the establishment of three new hubs, which have been set up in Wellington, Otago/Southland and Waikato regions. The hubs are open to whānau, including siblings and parents.
- Play Groups:
 - Deaf Aotearoa, The Hearing House, Ko Taku Reo and Ministry of Education staff are collaborating to establish family/whānau-friendly play groups for Deaf and Hard of Hearing young children and their families to learn and use NZSL.
- Working with local schools:
 - Ko Taku Reo is trialling the Beacon Schools Project – a collaborative approach that provides Deaf and Hard of Hearing ākonga an environment where they can learn alongside other Deaf and Hard of Hearing ākonga, and to have the opportunity to integrate with their hearing peers. Deaf and Hard of Hearing ākonga enrol in the local school and Ko Taku Reo provides the teaching component to support access to the curriculum in NZSL.
- Supporting a bilingual pathway for Deaf and Hard of Hearing ākonga:
 - Ko Taku Reo has established a deaf immersion class at Linden School in Wellington. This project trials a bilingual pathway in education for Deaf and Hard of Hearing ākonga and has the same features as the Beacon Schools Project. It is intended that the pathway through to Year 13 will be provided for these ākonga as they progress through their education.
- Resource development, professional learning and development, and technical services provide Deaf and Hard of Hearing students with support for ongoing access to assistive

listening services (including hearing aids and RMHA systems), plus the related fitting, repair and maintenance, and technical support.

- Curriculum support and extension resources for students and providers.
- Residential and in-service training for providers of support services to Deaf and Hard of Hearing.
- Creating a digital school to increase equity in access to specialist teaching and services.

First Signs

The First Signs service was co-developed by the Ministry of Education and Deaf Aotearoa to support whānau and families of Deaf and Hard of Hearing children, aged 0-5 years, to learn NZSL and support early language acquisition. First Signs encourages a network among families of Deaf children and the wider Deaf community. Since the development of First Signs in 2014, Deaf Aotearoa has been contracted to deliver the service.

Budget 2022 delivered investment to address cost and demand pressures, so that the number of families supported will increase from 180 up to 280 each year, by 2025/2026.

The Development Map for NZSL in Education

The Ministry of Education and the NZSL Sector Advisory Group established a Development Map to provide a pathway of actions to progress NZSL in the education system. The Map was developed in consultation with the NZSL Board and is aligned with the Board's 2018-2023 Strategy for the long-term promotion and maintenance of NZSL.

The Development Map progresses the National Education and Learning Priorities (NELP) to raise the educational potential of ākonga who have NZSL as their first or only language. In particular, it progresses the first three NELP objectives: (1) ākonga at the centre, (2) barrier-free access, and (3) quality teaching and leadership.

The Development Map has guided, and continues to guide, the Ministry of Education's work programme, actions and advice to Ministers and others about how to progress NZSL in education.

23. Many Deaf people now consider that oralism education policies were inherently harmful by preventing them using their own language and accessing their culture; and had a detrimental effect on their ability to communicate and obtain an education in general. What is the Ministry's position now relating to oralism education policies?

There are several communication pathways available to ākonga who have been identified as Deaf or Hard of Hearing, including NZSL, bimodal-bilingual, oral-aural, and auditory verbal. Ministry of Education Advisers on Deaf Children provide impartial information around all communication pathways for ākonga and their parents/caregivers and whānau.

The Advisers on Deaf Children use a process of informed choice to ensure ākonga, parents/caregivers and whānau have a good understanding of all options in order to make the right choice for their unique contexts. Advisers on Deaf Children review communication pathways with ākonga, parents/caregivers and whānau regularly to ensure they are supporting the expected outcomes for their children and their learning.

- 24. From 1950 until 1999, what were the Ministry's specific policies and practices for the education of blind and low vision children and young persons? What lessons were learned and how have those policies and practices changed from 1999 until the present day?**

The education of blind children was provided by the School for the Blind (Auckland), operated by the New Zealand Institute for the Blind. Under a new policy enacted at the beginning of 1953, the Institute received from the Department of Education a grant covering the full costs of the maintenance and education of school-age children, and of trade training, higher education, and occupational therapy.

The New Zealand Institute for the Blind was one of several institutions constituted by Part II of the *Hospitals Act 1926*. In 1955, the *New Zealand Foundation for the Blind Act* provided for the constitution of the New Zealand Foundation for the Blind (effective 1 April 1956). Ministerial responsibility for the Foundation was transferred from the Minister of Health to the Minister of Education. The Foundation for the Blind was the controlling authority of the School for the Blind, but the full cost of the education of the children was met by the Department of Education. Pre-school and primary school children were educated within the Foundation itself, and post-primary students attended Auckland secondary schools while living at the Foundation.

The national character of the Foundation was stressed in the *New Zealand Foundation for the Blind Amendment Act 1959*. The Act allowed the Minister of Education to appoint four representatives to the School's Board of Trustees, plus the Director of Education or his deputy. The Board was empowered to form advisory committees in relation to its various functions, one being an Educational Advisory Committee. This Committee was concerned with managing the Foundation's school and recommending plans for the education of blind children.

Because of its national and public functions and its full financial support by the State (including the cost of the new residential school at Homai), the status of the Foundation School was similar in some respects to that of a public school and the Board had much of the character of a public education authority. Under both the Education Act and the Foundation for the Blind Act, the Department of Education had substantial responsibilities towards the children in the Foundation's school, particularly in connection with the staffing of the school, its methods and equipment, the policy of selection of children, and the coordination of the work of the school with that of partially sighted classes attached to ordinary primary schools. The Department supplied equipment, decided the staffing ratio, and was responsible for the school's inspection.

Homai College (Manurewa, Auckland), the new residential and day school operated by the New Zealand Foundation for the Blind, opened in the third term, 1964, with a roll of 43 blind and 52 partially seeing pupils, in a new building jointly designed by the Department of Education and the Foundation for the Blind, and erected by Government grant. Pre-school children were accommodated in cottage homes, primary children had small bedroom units within a dormitory, and each senior boy or girl had a separate bedroom.

For pre-school blind children, up to 12 resident at any one time, a short-term educational programme was available at Homai, in a pre-school unit which also accepted a few day pupils. Elsewhere in New Zealand no special education was provided for pre-school blind children unless arrangements were made locally for a suitable programme under adequate supervision. Primary school blind children who lived at the Foundation were taught, as aids to their general education and in preparation for their needs when they would leave school, to type, to use tape recorders and Dictaphones, to read Braille and also to write it. By the time

they were ready for secondary school, Homai students had in many cases reached a stage where, while continuing to live at the Foundation, they could be taught along with sighted children at the Manurewa High School. Like Deaf children enrolled at ordinary State schools, they were helped by a specialist teacher, and divided their time between regular classes and their own resource room at the school. The total number of residential pupils at Homai in 1977 was 117, with 25 teachers.

In 1964, a centre to provide special tuition for the visually handicapped (both educationally blind and partially seeing) was established at Elmwood Normal School, Christchurch. As well as further developing the practice of integrating the visually impaired in classes of seeing children, an itinerant service to children in primary, intermediate, and secondary schools was instituted and for the first time educationally blind children were provided for in a regular primary school setting. By 1977, there were three teachers at Elmwood with responsibility for nearly 70 children. A similar Visual Resource Centre was opened in 1977 in the Wellington district. Two totally blind and four visually-handicapped children were based at the Centre, whose two specialist teachers also visited more than 40 partially-sighted children being taught in ordinary classes.

From the mid-1970s, a formalised assessment procedure, developed by the National Assessment Unit based at Homai College, had a considerable effect on programmes for visually impaired children throughout New Zealand. A feature of this procedure was the operation of a multi-disciplinary team, which included a coordinator, two ophthalmologists, a paediatrician, a psychologist, a speech therapist, a physiotherapist, and various specialist teachers.

The first full-time, one year training course for educators of the visually handicapped was established at the Auckland College of Education in 1984. For a number of years, professionals in the field of visual disability had been pressing for the establishment of such a course. Before 1984, teachers were responsible for their own training via a correspondence course organised by the Australian and New Zealand Association for Educators of the Visually Handicapped, by training overseas, or by participating in in-service training based at Homai College.

In 1998, the range of educational placement options included integration at local schools, with support from specialist itinerant resource teachers from Visual and Sensory Resource Centres; mainstreaming attachment to a Visual Resource Room; Special School or Special Unit placement, with support from itinerant teachers; and campus-based programmes at the Homai Vision Education Centre. A range of early childhood options existed, with some children dual enrolled in specialist visual education programmes and their local early childhood facility.

For students in a regular education setting, the itinerant resource teachers from Visual and Sensory Resource Centres were principally responsible for developing and implementing the special education programme (there were 11 Visual and Sensory Resource Centres, which operated on a regional basis and were staffed by specialist itinerant resource teachers). The Centres' educational services were generally available to students from birth to tertiary level. Services were multi-faceted and included direct teaching programmes; involvement in Individual Educational Plans, considered by parents to be a prime means of accountability for their children's education; advisory support to families and teachers; the provision of in-service training; advocacy; and liaison with relevant agencies and medical and other educational professionals. Support to students encompassed environmental adaptations; adaptive teaching and learning approaches; curriculum adaptation; the provision of special format materials; and delivery of the expanded core curriculum, such as Braille reading and writing, the development of visual efficiency, the use of low vision aids, orientation and mobility, daily living skills, social skills training, and the use of adaptive technology. Whilst the growth in Resource Centres offered parents a range of options for their children, the uneven distribution of resources remained problematic. The geographical nature of New Zealand,

along with the uneven population distribution, contributed to difficulties in the provision of adequate services, with students in remote rural areas poorly served.

In the 1990s, the Homai Vision Education Centre, once primarily the residential school, continued to play a leading role in the education of students with visual impairments. It had the capacity for a 24-hour programme for students whose needs required such intensive input and it had diversified in its development as a central resource centre. A strong emphasis of its services was the support to students in regular education settings, their families and educators. The services provided by Homai were focused on four areas: assessment and training; model services, the campus-based and resource room teaching programmes; residential services; and itinerant services. Transcription Services and the provision of other alternative format materials were also located on site.

The Homai Campus School became a State school in 2000 when the Royal New Zealand Foundation of the Blind agreed to transfer responsibility for the school to the Ministry of Education.

The focus for services and support for people who are blind, deaf-blind, or have low vision is now on supporting independence, self-determination and full inclusion.

The Blind and Low Vision Network New Zealand (BLENNZ) was established as a State specialist school in 2005, when the funding and resources allocated for the regional centres were aggregated under a single Board of Trustees.

BLENNZ provides educational programmes and specialist support services to children and young people who are blind or have low vision. National assessment and specialist developmental orientation and mobility services, together with the Years 1-13 Homai Campus School, are based at the national hub in Manurewa, South Auckland. The national network comprises 14 regional Vision and Resource Centres and includes residential facilities on the Homai campus.

Over 1,500 students across Aotearoa New Zealand receive services from BLENNZ. Of these, 37 students, many with complex learning needs, currently attend the Homai Campus School. Others are enrolled in mainstream schools, attached units, special schools, and satellite classes. A wide diversity of staff (including Resource Teachers Vision, teacher aides, clinicians, residential youth workers, and centre managers) are employed by the school Board of Trustees.

BLENNZ is funded by the Ministry of Education as a State specialist school and is resourced in accordance with the principles that guide the resourcing of all schools.

25. From 1950 until 1999:

- **What involvement did the Ministry have in setting the curriculum and teaching policies, including in relation to teaching braille and the use of echolocation, for blind and low vision education providers?
How has the Ministry's involvement in setting the curriculum and teaching policies for blind and low visions education providers changed since 1999?
What is its involvement today?**
- **What actions did the Ministry take to ensure that blind and low vision education providers were providing an equal standard of education to other education providers?**

- **What performance measures did the Ministry require blind and low vision education providers to report on?
Were blind and low vision education providers required to meet the same performance measures as other education providers?**

As noted in the answer to Question 24, the Blind and Low Vision Network New Zealand (BLENNZ) provides educational programmes and specialist support services to children and young people who are blind, deaf-blind, or have low vision. As with other State schools, BLENNZ is responsible for designing and implementing a curriculum that meets the needs of its students. Through its regional teams, the Ministry of Education can provide advice and guidance to support this process.

The BLENNZ Expanded Core Curriculum has been developed over a number of years through a process of consultation and research. It draws on learning dispositions from *Te Whāriki* (the Early Childhood Curriculum), key competencies from *The New Zealand Curriculum*, and expectations of learners at tertiary levels.

The curriculum connects to BLENNZ's vision for lifelong learning and recognises that the majority of students have a long-term relationship with the Network, from early years to the age of 21 years. Transition points from early childhood, through primary and secondary schooling and beyond are inherent in the curriculum. Critical components of the curriculum include the variety of orientation, mobility and digital learning skills that students require to access learning programmes and gain independence. The specialist staff based at the Homai campus, who deliver these programmes, work closely with teachers and parents to ensure that students develop these skills from a young age.

The BLENNZ curriculum offers learners a number of flexible pathways. For the majority in mainstream schools and attached units, serviced by skilled Resource Teachers Vision, it complements the New Zealand Curriculum and National Qualifications Framework Guidelines. For those with more complex learning needs attending the Homai school campus and other special schools, the curriculum provides a focus for teachers and parents to collaborate in supporting student's learning progress.

As a State school, BLENNZ is subject to review by the Education Review Office (ERO), which includes a focus on curriculum delivery and learning. In the last review in 2017, ERO noted that BLENNZ was an effectively managed national network, providing high quality educational services to blind, deaf-blind, and low vision learners.

BLENNZ is also a fundholder for the Ongoing Resourcing Scheme (ORS) and is subject to a Specialist Service Standards Review once every three years to ensure the specialist support it provides meets agreed standards.

Ministry of Education funding is used by the Board of Trustees to utilise resources to effectively support educational outcomes for the students it supports. The resourcing notice provided to the school Board explains the payment and reporting processes, and its accountabilities. The Ministry of Education meets regularly with the Board to discuss progress and the use of resources, and the Board reports twice yearly to the Ministry through an interim milestone report and its annual report.

ENTRY INTO CARE

26. From 1950 until present day, please describe the Ministry's policies and practices regarding the role of staff in educational care settings to raise concerns about home arrangements and safety/wellbeing concerns for children, young people, and vulnerable adults to the Police, the Ministry of Social Development, and/or Oranga Tamariki, including supporting any recommendations for children, young people, and vulnerable adults to enter into state and faith-based care settings.

The *Education and Training Act 2020* sets out that the Board is the governing body of its school and is responsible for governance, including setting the policies by which the school is to be controlled and managed. Boards are required to comply with their obligations under the *Education and Training Act 2020*, and any other Act, such as ensuring that the school is a physically and emotionally safe place for all its students.

Guidance for educators on child safety is available on the Ministry of Education's website. All education providers must meet the requirements set out in the *Children's Act 2014*, which includes safety checking of children's workers, and child protection policies. The *Children's Act 2014* requires all schools and kura to have a child protection policy in place. The Ministry provides guidance to schools/kura on developing a child protection policy.

The Ministry also provides guidance to educators on reporting suspected abuse of a child to Oranga Tamariki and/or the New Zealand Police, who are able to investigate allegations and hold offenders accountable. The Ministry of Education can help schools and early learning services to prepare for, manage and respond to traumatic events, including suspected abuse, and can assist others to raise matters relating to suspected abuse with an early learning service, school or other education facility.

The Ministry of Education (along with other State services and organisations providing government-funded services to children and families) is also required to have a Child Protection Policy. The Ministry's Child Protection Policy is for all employees, contractors and volunteers working for the Ministry's national and regional offices.

The Ministry of Education's child protection principles are to:

- Make the safety and wellbeing of children the primary concern, with the child at the centre of all decision-making when responding to suspected abuse or neglect.
- Promote a culture where staff feel confident to challenge poor practice and raise issues of concern.
- Recognise the importance of the family/whānau and their right to participate in decision-making about their children unless this would result in an increased risk to the child.
- Know that suspected child abuse and neglect can be reported to Oranga Tamariki and/or the New Zealand Police.

Historical Information

The following relevant information was located in archival records, in particular:

- Education System in New Zealand: History of New Zealand Department of Education (1906-1983).
- Centennial History of State Education in New Zealand: People, Policies and Programmes (1978-1987).

The Visiting Teacher Service

The Visiting Teacher Service was established in 1943 in response to deteriorating school attendance and the progress of some children in large centres whose home life was affected by wartime social dislocations. The Government considered that experienced teachers with suitable personal qualities, who were freed from classroom duties, could develop useful liaison between these children, their families and their schools.

The trial was considered worthwhile and led to a steady expansion of the Service, so that by 1970, the urban and larger regional centres were served by a total of 35 Visiting Teachers. Initially they were all women who had had considerable teaching experience, and they were appointed to the staff of a primary or an intermediate school, which became their headquarters (by 1978, about one-third of Visiting Teachers were men). In 1975, it was considered advantageous to appoint Visiting Teachers in smaller centres, and consequently their number rose to 63 (by 1985, the number of Visiting Teachers was 74).

The role of Visiting Teachers was to assist teachers in their liaison with parents and other interested persons when a child's progress at school seemed impeded by home or community difficulties. Visiting Teachers worked closely with child welfare officers, psychologists and medical officers of health.

Until the 1970s, Visiting Teachers were required to work only with State primary schools, though most of them also linked with interested private primary schools, some with secondary schools which valued their help, and a few with pre-school groups. In 1976, they were given formal responsibility for serving State secondary schools (a development in response to a 1971 working party recommendation that field workers outside the schools should provide liaison with homes and community agencies). During the 1970s, the Service extended to integrated primary and secondary schools, established working links with early childhood services, and became available to the remaining private schools on request.

Visiting Teachers were not required to keep any formal records until 1976, when they were asked to keep a brief work diary and short notes on their casework.

The responsibility for the Visiting Teacher Service rested with the Department of Education, through the District Senior Inspector of Primary Schools associated with each of the 10 Education Boards. One-third of Visiting Teachers were located in the Department of Education's Psychological Service, the others being based at schools.

The Psychological Service

Established in 1945, the Department of Education's Psychological Service was the main broadly-based assessment and guidance service available to assist children from birth to their late adolescent years, their parents and their teachers. Assisting children was of primary importance, whether they had been placed in special education facilities or had been referred for other purposes (such as behaviour management or difficulty in learning). There was open referral to this service from schools, parents, child welfare officers, doctors, and government and voluntary agencies concerned with the welfare of children and young people. Referrals were accepted only with the consent of the parent or guardian of the children, or from young people themselves if they were 16 years of age or over.

The Psychologist's role was that of a consultant who examined children and young people on request, reported as fully as possible on their educational, emotional and social needs, and advised teachers, parents/caregivers, and others responsible for the care of children on ways of helping them. In carrying out examinations, Psychologists worked in their own centres, in

schools, and in child health clinics administered by the Department of Health. In 1970, Psychologists and Organisers of Special Classes examined nearly 12,000 children.

In 1971, the Psychological Service operated from 20 centres, with a staffing establishment of 48 Psychologists, 11 Assistant Psychologists receiving supervised training, and 23 Organisers of Special Classes. By 1985, there were 161 Psychologists working from 38 offices throughout the country.

**27. What obligations does the Ministry have under te Tiriti when designing and implementing these policies and practices, and how have those obligations impacted the design and implementation?
What lessons have been learned since 1950 and what changes have been made as a result?**

The Ministry has learned that where schools connect to the identity, language and culture of ākonga, including building strong connections between educators and those outside the 'school gate' (parents, whānau, communities, hapū, iwi, employers), learning outcomes for children and young people are significantly improved.

For example, the Ministry of Education's Learning Support Coordinators help teachers and school/kura leaders to enact Te Tiriti's principles by promoting inclusive environments that are welcoming for ākonga with learning support needs and their whānau:

- Through strong partnerships, educators and whānau share their expertise and plan and work together to ensure that barriers to education success are addressed.
- When whānau are welcomed as active participants in the co-construction of inclusive, culturally sustaining support, the identity, language, and culture of Māori tamariki, rangatahi, and whānau are valued and promoted.
- When the wellbeing and cultural identity of Māori tamariki are authentically supported and strengthened, the principle of protection is enacted.

Question 4 provides full details of how the Ministry of Education commits to give effect to Te Tiriti.

PROVISION OF CARE

28. From 1950 until 1999, please describe the Ministry's policies and practices relating to the use of corporal punishment in educational care settings.

In your answer, please include:

- **Whether the Ministry monitored the use of corporal punishment prior to July 1990; and if so, how.**
- **The Ministry's knowledge of the nature and extent of the continued use of corporal punishment in faith-based schools after it became illegal in July 1990, and any actions taken by the Ministry to respond to this.**

29. From 1950 until 1999, what were the Ministry's policies and practices relating to the punishment of children, young persons, and vulnerable adults in disability educational care?

**Have there been changes to these policies and practices since 1999?
If so, why, and what are they today?**

Little detail on the methods of discipline applied in residences (including disability educational care) was found on file. Removal of privileges was a common form of discipline, including loss of pocket money, smoking privileges, movies and TV time. In residences that used progressive systems, demotions or loss of credit points were used as punishments.

Some residences showed low use of corporal punishment and most required the approval of the principal before it could be applied.

From 1970 onwards, the Department of Education began urging schools to find other options to physical punishment. In 1975, the Minister of Education (Hon. Phil Amos) called corporal punishment an "abomination". Ten years later, at its 1985 Annual General Meeting, the Post-Primary Teachers' Association (PPTA) voted overwhelmingly to abolish it.

Although corporal punishment in New Zealand schools was stopped in 1987, it was not abolished legislatively until 23 July 1990. Section 139A of the *Education Amendment Act 1990* prohibited the use of force (by way of correction or punishment) by anyone employed by a board of trustees, or supervising or controlling children, in an early childhood service, home-based care service or registered school, unless that person was a guardian of the child.

All registered schools, including private schools, have had to comply with the prohibition on the use of corporal punishment since 1990.

As part of an Education Review Office (ERO) evaluation, which takes place on average every three years, school Boards attest that they take all reasonable steps to meet their statutory obligations. School Boards are provided with a self-audit checklist to help them in this process. A section of the checklist covers the management of health and safety. This is based on the guidelines provided by the Ministry of Education and Work Safe New Zealand, including those specified by the New Zealand School Trustees Association.

Review teams use a Board's completed self-audit checklist to check, and discuss with key personnel, specific details with respect to the following:

- Emotional safety of students (including prevention of bullying and sexual harassment).

- Physical safety of students.
- Teacher registration.
- Processes for appointing staff.
- Stand-downs, suspensions, expulsions and exclusions.
- Attendance.
- (Where relevant) school hostels and provision for international students.

If significant issues or risks arise, these are discussed during the review process and referred to other agencies, as appropriate.

Historical Circulars/Guidelines/Correspondence

There are gaps in the historical information located. Key documents found are listed below.

1954:

Canterbury Education Board Circular Memorandum (No. 30/54) to Head and Sole Teachers

“From time to time, the Board receives complaints regarding excessive corporal punishment. Head and Sole Teachers are reminded of the Board’s Bylaw No. 13, which reads as follows:

Though it does not prohibit corporal punishment, the Board takes a serious view of its misuse and regards its frequent practice as reprehensible. The Board expects teachers to understand and observe scrupulously its appropriate place in enlightened school government.

The Board cannot approve of the infliction of corporal punishment for minor misdemeanours, for slowness of comprehension, or for actual inability to do schoolwork of any kind. If inflicted at all, it should be beneficial. It should not be more severe than necessary, and should never be inflicted in anger, but only after due consideration.

Punishment must be with a leather strap, of reasonable nature and proportions, and should be administered on the palm of the hand. Punishment with any other instrument, and such practices as tapping or striking with a stick or ruler, are expressly forbidden.

While not prohibiting the corporal punishment of girls, the Board views this with disfavour, except in extreme cases. Older girls should not be so punished, except when, after special consideration, it is deemed unavoidable, and then only by the Head Teacher or an experienced woman Assistant.

The Head Teacher, upon whom rests full responsibility for the observances of these regulations, may entrust to, or withhold or withdraw from, any or all of his Assistants the authority to inflict corporal punishment.”

“Head Teachers are also asked to draw the attention of Assistant Teachers to this bylaw.”

1960:

Department of Education’s Submission to the Commission on Education in New Zealand

In its evidence to the 1960 (Currie) Commission on Education in New Zealand, the Department of Education discussed corporal punishment “in the context of the corporate life and school discipline in primary and secondary schools”.

The Department referred in its submission on primary education to changes that had taken place, over a long period, in the nature of the relationship between teachers and pupils, noting

that “one of the distinguishing marks of the present-day classroom is the increase in trust between teachers and children and a friendlier kind of personal relationship”.

“The study of children, of their interests and of how they grow, develop, and learn, which is a major part of the teacher training course, helps young teachers in their relationships with children. These topics are also discussed frequently at in-service courses. As a result, corporal punishment (or strapping), although permitted, has decreased considerably over the past quarter century. Dependence in teaching on corporal punishment is regarded as a serious professional weakness, and most Head Teachers keep a careful eye on the amount of corporal punishment in their schools. Education Board bylaws set limitations to its use.”

“Corporal punishment is still permitted in most post-primary schools, though its use is much less common than it once was. The law plainly allows teachers to administer corporal punishment within the limits which the Courts regard as reasonable in the circumstances. Controlling authorities of schools may themselves issue instructions either limiting or prohibiting punishment of this kind. That corporal punishment has diminished very substantially over the years and is now not considered appropriate for minor offences, is not simply the result of a generally more humane attitude to children on the part of adults; there is now a more friendly relationship between teachers and pupils, which has made control more natural. It would be unrealistic, however, not to admit that there are cases, particularly in cities, where teachers must contend with a very difficult type of adolescent.”

“As has been stated, it is for controlling authorities of schools to lay down rules on all matters of discipline within their schools, including the use of corporal punishment. The Department of Education itself cannot direct what is to be done, but its general attitude is quite clear. It believes that in almost every case of indiscipline, a more appropriate form of punishment than corporal punishment can be found.”

1964:

The Department of Education’s Handbook on School Administration

The Department of Education’s 1964 *Handbook on School Administration* (for primary and intermediate school head teachers) discussed corporal punishment in the section on the mental and emotional welfare of children.

“Although the Department of Education has a fairly definite general attitude towards corporal punishment, there is no official policy in the sense of specific instructions binding on inspectors or teachers. The main reason is that jurisdiction over school discipline lies largely in the hands of Head Teachers and their employing Boards. What is permissible in a public primary school is determined by the general law, by the bylaws of the local Education Board, and by such directions as may be issued by the Head Teacher to his staff.”

“The Head Teacher himself has full responsibility for formulating, within the framework of the Board’s bylaws, the school’s policy on corporal punishment. He will naturally consult with his staff, but the final decision is his. He may entrust to, or withhold from, his Assistants the authority to inflict corporal punishment. Where the teacher has this authority, he is assumed in law to be ‘in loco parentis’ to his pupils, and to have the parent’s authority delegated to him so far as is necessary for the child’s education and welfare. This gives the teacher the right to administer corporal punishment within the limits that the Courts regard as reasonable in the circumstances.”

“Teachers are often faced with a dilemma when considering whether corporal punishment is justified. They know that the more serious the offence, the less likely it is to be corrected in this way. This same problem led the Commission on Education to express the hope that the time would arrive when a serious misdemeanour would be regarded not as an occasion for

summary punishment, but as an event calling for prompt consultation with parents. ... Meanwhile, there are many teachers who believe that corporal punishment achieves nothing that cannot be achieved better by other means.”

1970:

Department of Education Circular No. B/70/8 – Corporal Punishment

In March 1970, the Director-General of Education issued *Circular No. B/70/8 – Corporal Punishment*, highlighting the professional and legal responsibilities of primary and secondary school principals, teachers and controlling authorities.

“You will probably know that Parliament was petitioned last year on the subject of corporal punishment. The petition sought an amendment to the *Education Act 1964*, to make it illegal for corporal punishment to be administered in infant classes and in fifth and sixth forms. In the petitioner’s opinion, such an amendment would be in line with Recommendations 30 and 31 of the Report of the Commission on Education (1962). The petition was supported by 2,194 signatures.”

“The petitioner was heard by the Education Committee of the House, which also received oral and written submissions from various other groups and individuals. The Education Committee reported to the House, which referred the petition to the Government for favourable consideration.”

“After due consideration, the Government decided that any attempt to achieve the petitioner’s objective through legislation would be inadvisable. In reaching this decision, it took note of the Report of the Commission on Education which, while it supported the abolition of corporal punishment as a long-term objective, did not recommend abolition by legislation. The Commission’s view was that ‘persuasion is better than coercion, and that abolition does not necessarily mean disappearance’. Its recommendations were intended to achieve a further reduction in the use of corporal punishment, through agreed action by the teaching profession and controlling authorities. The Government was also aware that with the inclusion, in the bylaws of Education Boards, of a standard bylaw on corporal punishment, action on Recommendation 31 of the Commission’s Report had been completed.”

“The recent petition on corporal punishment reflects larger shifts in the social climate within which schools work and to which they in turn make their own contribution. But it is, as well, a reminder that teachers hold positions of special trust and responsibility, and that, particularly in matters of discipline and punishment, they are accountable, through their controlling authorities, to parents and the public generally.”

“The Department of Education is satisfied that the schools and their controlling authorities act in these matters with a very proper regard to their responsibilities. I thought it would be as well, however, within the context of the discussion engendered by the recent petition to Parliament, to draw attention to the professional and legal responsibilities of principals, head teachers, teachers and controlling authorities, and to take the opportunity to restate the Department of Education’s position in the matter of corporal punishment.”

9 February 1973:

Correspondence from the Department of Education’s Inspector Supervising Special Education (Dunedin) to the Campbell Park School Acting Principal re Corporal Punishment

“As far as I can gather, Campbell Park is the only Special School under the control of the Education Department using corporal punishment consistently. I know that the Department would be pleased if some more effective and positive control techniques could be adopted.”

"I am enclosing an analysis of the punishment returns for the last three months of 1972, which shows that 49 names are listed, and that one boy's name appears nine times. In cases such as this, it is doubtful if corporal punishment is achieving the desired result and perhaps a case study by senior staff is required, to seek some other method of control."

"I hesitate to mention this because I know the policy of the school is to use corporal punishment only as a last resort, but the school tone has improved to such an extent, and the staff are so much more confident, that perhaps the time has come when they can dispense with or at least reduce its use to the absolute minimum. The fact that I mention this at all is my expression of confidence in a grand lot of fellows for whom I hold much respect and who, I believe, have reached a stage where they could study the psychology of behaviour and come up with their own conclusions."

"If you think the time is right to attempt this and I can help by arranging a seminar on this, let me know."

1986:

Department of Education Residential Schools: A Handbook for Principals

The Handbook offered guidelines to principals for the administration and management of the Department of Education's seven Residential Special Schools.

Section 2.4.2: Corporal Punishment:

"Corporal punishment is one of the least effective forms of discipline. It can be considered as indicative of the failure of other more constructive methods which should normally be employed. Consequently, corporal punishment will not be used in these residential schools."

1986:

**Department of Education / Department of Social Welfare:
A Handbook on Education in Department of Social Welfare Institutions**

Section C.5.7: Discipline:

"A consistency in discipline is important for the children and young persons in care. Principals should develop an overall behaviour management programme for the Institution. Discipline in the school is the responsibility of the Head Teacher, but policies must take into consideration the rules, requirements and discipline procedures of the residential staff to ensure that this consistency develops."

"Where possible, any restrictions placed on a child as punishment, should not interfere with the programme of other staff."

"Corporal punishment is not to be used in any Institution school. Other procedures can be developed that have positive and long lasting effects on behaviour."

"Teaching staff must be aware of the procedures for having a child placed in secure or timeout areas within their particular Institution."

1 October 1986:

Correspondence from the Department of Education's District Senior Inspector of Primary Schools (Auckland)

In response to questions raised during a debate at the September 1986 meeting of the Auckland Education Board, the District Senior Inspector of Primary Schools provided the following information on corporal punishment.

“For some time now the Department of Education has wished to see corporal punishment abolished from schools. As far back as 1970, it was stated that ‘dependency in teaching on corporal punishment is regarded as a serious professional weakness’. As well, the Department must follow the policy of the Minister of Education. The position of the Department of Education is therefore to encourage schools to look at alternative forms of discipline.”

“I quote from the Principals Handbook: ‘discipline involves keeping a delicate balance between control and freedom at every stage. This balance limits a child’s freedom in order to protect him from severe consequences of his own experience and yet gives him the freedom for his own development’. The use of corporal punishment is not seen as necessary in the above context. The emphasis is on self-discipline, positive reinforcement, success, a positive school tone, and positive teacher-pupil relationships.”

“Because the Department of Education implements the policies established by the Minister of Education, the Inspectorate would like Education Board policy to be supportive of the abolition of corporal punishment in schools and the use of alternative forms of discipline.”

“Under Education Board Bylaw 32 (Section E), principals are required to keep records of corporal punishment for a period of six months. Such records shall be treated as confidential, but on request they shall be made available to the Education Board or any Inspector of Schools.”

“The school’s punishment record is sighted, signed (and may be commented upon) at the time of an E12/1 school inspection. At other times it may be looked at as a result of a Ministerial enquiry, a parental complaint, if an Inspector believes the record is not being kept as required, or if the tone of the school is questionable.”

“An Inspector may gain the following information from an examination of the punishment register – the nature of an offence, the dates corporal punishment was administered, the frequency of corporal punishment, who administered the corporal punishment, the severity of the punishment (number of times administered), and the reasons for it being administered. Inspectors can also see if certain children are being excessively punished.”

“Inspectors consider there has been a marked decrease in the use of corporal punishment over recent years. The incidence is generally low overall, particularly in contributing schools.”

“Most schools now have a punishment policy and defined procedures for dealing with children who otherwise may have been ‘strapped’. The best of these involve advising parents initially, with later parent consultation and a joint parent-school decision on the appropriate form of punishment.”

“Teachers and principals tend to consult parents much more than was the case in the past where children were causing concern. This leads to closer school-parental relationships. Teachers are looking more at children causing concern, with a view to finding the causes of the difficulties, finding solutions, and implementing strategies of a more positive nature to change behaviour. Schools are working more on teacher effectiveness training to improve management and control in classrooms, and, in some instances, schools work with Psychologists to develop effective programmes to obviate inappropriate behaviour in the classroom. The guidelines in the health syllabus and in peace education, with a strong emphasis on building self-esteem and resolving difficulties through non-violent means, are being increasingly employed by teachers.”

“There is a range of resources being developed which will assist teachers in employing strategies in the management of children, which do not include corporal punishment. This

year so far nine seminars have been run for principals and deputy principals, a booklet is being prepared to send to all schools, booklets on the role of the Visiting Teacher and the Child in Need have been produced, and the West Auckland Education Centre has produced an exceptionally good kit on alternatives to corporal punishment (the main thrust being behaviour management strategies). Further materials are being produced by the Head Office of the Department of Education.”

“At the seminars conducted this year there is evidence that most schools have moved away from corporal punishment and initiated school-wide strategies for dealing with disruptive children. The most effective principals have strong school-community links and have a school development plan for increasing teacher effectiveness.”

**30. From 1950 to 1999, what were the Ministry’s policies and practices on the use of seclusion in state and faith-based care and in all educational care settings, including specifically in disability education?
Have there been changes to these policies and practices since 1999?
If so, why, and what are they today?**

As with corporal punishment, little detail on the use of seclusion in residences (including disability educational care) was found on file. Historical records indicate that lockable timeout was generally practised in the 1950s and 1960s, and less so in the 1970s and early 1980s. Its use varied and seemed largely dependent on the experience and judgement of individual staff members, along with the policies and practices adopted by the school. It is likely that the policies and practices were influenced by societal norms and expectations at the time, plus evolving viewpoints on child management.

Timeout involved the removal of the child or young person for a brief period of time until they regained self-control. By removing the child or young person, the intention was to remove the source of reinforcement that might be maintaining the behaviour, with isolation providing an opportunity to self-regulate. Timeout could involve sitting in a corner of the room or confinement in a separate room.

All registered schools, including private schools, must comply with the prohibition on the use of corporal punishment since 1990, and the use of seclusion since 2017; as well as the limits placed on the use of physical restraint since 2017.

Historical Guidelines / Chronology

There are gaps in the historical information found. The key archival documents located, plus a chronology of events/actions, are listed below.

1986:

Department of Education Residential Schools: A Handbook for Principals

The Handbook offered guidelines to principals for the administration and management of the Department of Education’s seven Residential Special Schools. Developed in consultation with the principals of the schools, it was issued on the basis that conditions and responsibilities changed, and it should be regularly updated with appropriate circulars and memoranda outlining these changes. Section 2.4.3 dealt with two basic types of timeout (exclusion and seclusion).

2.4.3: 'Timeout' Procedures

"Where 'timeout' facilities are used, both the facilities and the procedures must have the prior approval of the school's Professional Advisory Committee, the District Senior Inspector of Schools, and the child's parents or guardians. The Psychological Service should be called upon for advice in the management of the facilities. The Principal may delegate to, or withhold from, any of his teachers or residential social workers the discretion to place pupils in 'timeout' facilities. Reference should be made to *Appendix 2 – Guidelines on the Use of Timeout.*"

Appendix 2: Guidelines on the Use of Timeout

"Definition: Timeout is the stopping (for a specified time period) of an individual's probability of obtaining reinforcement in usual and desired settings."

"Timeout is implemented following the display of an undesirable behaviour. The purpose of timeout is to decrease unacceptable behaviour."

"It will not teach appropriate behaviour. Therefore, whenever you use a timeout programme you should also implement a positive reinforcement programme to teach appropriate behaviour."

"There are two basic types of timeout: (1) exclusion, (2) seclusion."

"In timeout exclusion, the child is excluded from the activity and reinforcement, but remains in or near the same environment in which he displayed the undesirable behaviour (e.g., on display of the undesirable behaviour, the child is prevented from undertaking the activity he was involved in)."

"In timeout seclusion, the child is removed from the environment. This usually is reserved for severe/aggressive behaviour and involves a special timeout area."

"For timeout seclusion to be successfully implemented, the following factors should be noted:

- The environment from which the child is removed must be highly reinforcing and the child must be moved to a non-reinforcing environment. Removing the child from an environment that is non-reinforcing may strengthen rather than weaken the misbehaviour.
- The behaviours most suitable for timeout are those that require a response from others to maintain them (e.g., aggressive physical acts, inappropriate verbal behaviour, temper outbursts, non-compliance).
- Timeout is not effective for self-stimulatory behaviours (such as daydreaming, masturbation).
- Timeout is most effective with behaviours that occur very frequently.
- The procedure is most suited to children aged between 2 and 12 years. If the child refuses to go to timeout, you can physically remove him/her to timeout. Older children may refuse to go to timeout, and the energy expended in putting the child into timeout may render the procedure ineffective. For a similar reason, timeout may not be a suitable means of modifying the behaviour of a very aggressive child. If physical force has to be used each time a child is put into timeout, then timeout is unlikely to affect behavioural change.
- Duration of timeout. Beyond a certain duration, timeout has little effect on the reduction of target behaviour. Long periods of exclusion can in fact be counterproductive, as the individual adapts to and finds new means of attaining reinforcement in the isolated environment.

Release from timeout should therefore occur within 3-4 minutes of entry. If the child is not quiet at the end of the 3–4-minute period, then he/she should not be released until 15 seconds of quiet has elapsed.

It should be noted that if the child is being kept in seclusion for long periods (greater than 10 minutes) because he/she is not being quiet, then timeout seclusion is not a suitable method for modifying that child's behaviour and may in fact be counterproductive.

- The Management of the School must ensure that when a child is placed in an isolated environment there are staff available to observe the child.

If timeout is to be used as a technique to modify behaviour, then the behaviour to be altered should be specified and measured before the programme is implemented. Guidance in the development of individualised programmes should be sought from advisory services (e.g., the Psychological Service).

Staff and the pupil concerned should be aware of what behaviours will lead to timeout. Care should be taken that the conditions outlined in this paper have been met.”

“Timeout is a management technique for decreasing behaviour. To be successfully implemented, the conditions outlined in this paper should be met. It should be part of a well-managed and documented intervention strategy. Responsibility for the use of timeout as an intervention strategy for individual pupils should be at the senior management level of the schools.”

“It should be noted that the mere placement of a child in an isolated environment does not in itself constitute timeout and may be counter-productive in its long-term effects on the behaviour of the child.”

1998:

Release of Ministry of Education Guidelines: *Managing Extreme Behaviour in Schools*

In 1998, the Ministry of Education developed guidelines, primarily for classroom teachers, on managing extreme behaviour in schools.

The *Managing Extreme Behaviour in Schools Guidelines* were revised in 1999 and 2005, and were effective until the release of the 2016 *Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint*.

The *Managing Extreme Behaviour in Schools Guidelines* did not refer to seclusion, but did comment on the use of timeout rooms as:

- Timeout is when a student is removed from other students for a specified period of time. Sometimes special timeout rooms are used. Timeout is often misused and misunderstood.
- Timeout rooms should not be used. They are not necessary and can result in teachers and schools being accused of using inhumane and cruel punishments.
- A major disadvantage of timeout is that it does not teach the student alternative appropriate behaviours. Use Mini Timeout (a planned procedure where a student removes themselves to a specified space nearby for a brief period of time, usually less than a minute; students choose to use mini timeout) or Easy Change (a planned alternative activity in which students can be motivated to walk unassisted (but accompanied) to engage in an alternative previously practised activity which has a calming effect).

2007:

Ministry of Education (internal use) *Timeout and Physical Intervention Practice Guidelines*

In October 2007, the Ministry of Education developed *Timeout and Physical Intervention Practice Guidelines* for internal use by Ministry Special Education staff working with children and young people who presented with challenging behaviour in an early childhood or school setting.

The 2007 *Timeout and Physical Intervention Practice Guidelines* stated:

Isolation (Seclusion):

- Sometimes when teachers refer to timeout, they are referring to a procedure, which involves removing the child/young person to a 'timeout room'. This is one type of timeout and is discussed in these guidelines under the heading of isolation. Isolation involves placing the child/young person in an environment such as a room, by him or herself, for a specified period. [...]
- The Ministry of Education (Special Education) does not recommend any form of timeout procedure in an early childhood / school setting, which involves a child/young person being shut in a room, or screened area, by him or herself without any way of getting out unless someone comes to release them. This is a form of isolation (seclusion) and is not an appropriate practice in an early childhood/school setting.

2015:

Preparation of Two Sets of Guidelines by Cross-Sector Agency Group – *Physical Restraint and Transitional Guidelines as we Move Towards the Elimination of the Use of Seclusion in New Zealand Schools*

Following the Ministry of Education's investigation into a complaint about seclusion at Ruru Specialist School (Invercargill), an Advisory Group was convened in June 2015 to consider the use of seclusion and restraint in schools. The Group included representatives from the New Zealand School Trustees Association, education unions, principals' groups, the Ministries of Health and Education, and Child, Youth and Family's High and Complex Needs Unit. The Advisory Group met monthly between June and October 2015 to consider a range of best practice models.

By October 2015, two sets of guidelines had been prepared: (1) *Physical Restraint* and (2) *Transitional Guidelines as we Move Towards the Elimination of the Use of Seclusion in New Zealand Schools*. The draft guidelines were submitted to the Ministry of Education to be finalised. A Working Group was set up to develop a training package to support schools with the guidelines. Further stakeholder consultation was undertaken and, from late July 2016, the Ministry of Education began trialling the training package to support schools to work towards the elimination of seclusion.

2016:

Ministry of Education Survey of Schools

In October and November 2016, the Ministry of Education undertook a survey of all 2,529 state, state-integrated, partnership, and private schools in New Zealand, to identify which schools were using seclusion and to work with those schools to eliminate its use.

Stage 1 of the survey involved schools self-identifying as using or potentially using seclusion. Stage 2 involved Ministry of Education staff visiting the schools that had self-identified using seclusion in 2016 and discussing current practice.

Of the 36 schools that self-identified as potentially using seclusion, five had not used seclusion in 2016; 14 were considered to have used appropriate timeout behaviour management practices that did not constitute seclusion; and 17 were considered to have used seclusion in 2016 (five of the 17 schools were special schools, i.e., schools for students with high needs).

The Ministry of Education acknowledged that in relying on schools to self-report, there was a risk that some schools might not have reported the use of seclusion. The Ministry noted this could have occurred for a variety of reasons, including the lack of clarity that existed in the terminology used.

By the end of November 2016, the Ministry of Education confirmed that all of the schools that had self-reported using seclusion in 2016 had ceased the practice and were using appropriate behaviour management techniques.

2016:

Chief Ombudsman Investigation

On 14 October 2016, the Chief Ombudsman commenced an investigation into the use of seclusion in schools, including the actions of Miramar and Ruru Schools, the extent of the practice, and any related actions or omissions of Government agencies. This investigation was undertaken in accordance with section 13(1) of the *Ombudsmen Act 1975*, which made it a function of Ombudsmen to investigate the administrative conduct of agencies, such as school boards of trustees, the Ministry of Education, and the Education Review Office, which affect anyone in their personal capacity.

In response to a request from the Chief Ombudsman, the Ministry of Education issued an advisory requiring that the use of seclusion in schools be discontinued, pending the outcome of the investigation.

In late 2017, the Chief Ombudsman released his Final Opinion in the use of seclusion at Ruru Specialist School and Miramar Central School. The Chief Ombudsman's findings included that:

- The Ministry of Education had acted unreasonably in not providing schools with up-to-date and unambiguous guidance on the definition and use of seclusion.
- The Education Review Office needed systems for checking the use of rooms used for 'timeout' or managing challenging student behaviour.

2016:

Apology from the Ministry of Education

On 21 October 2016, the Acting Secretary of Education issued a statement apologising for the Ministry of Education's handling of the Miramar Central School complaint. The Acting Secretary commented that the Ministry had not acted with the urgency it should have to stop the use of seclusion, and that it should have acted much more decisively when it first received the complaint about Miramar Central School.

2016:

Release of Ministry of Education Guidelines:

Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint

In October 2016, the Minister for Education directed the Ministry of Education to work on ending the use of seclusion in schools as soon as possible. The two sets of draft (2015) guidelines were combined into one document and amended to reflect the change in approach.

On 3 November 2016, the Ministry of Education advised schools that the use of seclusion was no longer acceptable. To support this notification, the Ministry issued *Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint*. The Ministry also advised that a legislative change was being proposed to reinforce the prohibition on the use of seclusion in schools (and to provide schools with further certainty regarding acceptable practice in relation to the use of restraint).

Prior to the release of the 2016 Guidelines, the Chief Ombudsman noted there was a lack of clarity as to what constituted seclusion, how it differed from timeout, and acceptable practice for the management of challenging student behaviour, including that which posed a risk to students and staff.

The Ministry of Education's 2016 *Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint* defined seclusion as:

- When a student is involuntarily placed alone in a room, at any time and for any duration, from which they cannot freely exit. The door may be locked, blocked, or held shut.
- This may occur in any room that is lockable or, even if not locked, where a level of authority or coercion leads to a student believing that they must not or cannot exit the room in which they are confined.

The 2016 Guidelines also stated that seclusion was not the use of timeout, such as:

- When a student is asked to leave an activity or area because of their behaviour and go to another specified area where they must stay until told they can return.
- When a student voluntarily takes themselves to an agreed space or unlocked room (part of a planned intervention to de-stimulate or calm down).
- When they take themselves, or are asked, to go to a quiet place in the classroom to calm down.

2017:

Banning seclusion and creating a legal framework for physical restraint

On 15 May 2017, the *Education (Update) Amendment Act 2017* was enacted, prohibiting the use of seclusion in early childhood services, ngā kōhanga reo, schools and kura. The Act also provided a legal framework for the appropriate use of physical restraint by teachers and authorised staff members (allowing physical restraint only where there was a serious threat to an individual's safety; and the restraint used was reasonable and proportionate in the circumstances).

Section 139AB:

"A person to whom this section applies must not seclude any student or child who is enrolled at or attending a registered school or an early childhood service. To seclude, in relation to a student or child, means to place the student or child involuntarily alone in a room from which he or she cannot freely exit or from which the student or child believes that he or she cannot freely exit."

2017:

Release of Ministry of Education Guidelines:

Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint

The 2016 Guidelines were reviewed to align with the changes to the *Education (Update) Amendment Act 2017* and the *Education (Physical Restraint) Rules 2017*, and in September 2017, the Ministry of Education's *Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint* were released.

The Guidelines, which outlined good practice in using physical restraint, and monitoring and reporting on the use of physical restraint, provided a resource to help principals, boards of trustees, and managers of private schools, understand their responsibilities under the legislation, and to support staff to safely manage potentially dangerous behaviour where the safety of students, staff, or any other person was threatened.

The Guidelines also referred to the legislative ban on the use of seclusion in schools, early childhood services, and *ngā kōhanga reo*, and the availability of further information about seclusion on the Ministry of Education's website.

The principles on which the Guidelines were built included:

- Physical restraint is a serious intervention.
- If there is an alternative to physically restraining a student, the alternative should be used.
- All schools are required to provide a safe physical and emotional environment for students and staff.
- Students' rights are protected under the *Bill of Rights Act 1990*.
- The *Education Act 1989* provides for the circumstances when teachers and authorised staff members may physically restrain a student. In exercising these powers, teachers and authorised staff members must act reasonably and proportionately in the circumstances to achieve a safe environment for students and staff.

The Ministry of Education's training workshop, *Understanding Behaviour, Responding Safely*, was offered to all schools. It focused on prevention and de-escalation strategies and was run by experienced behaviour management specialists (who also offered ongoing support).

2020:

Education and Training Act 2020: Updating the Physical Restraint Framework

Part 3, sub-part 3 of the *Education and Training Act 2020* included several changes to the Physical Restraint Framework to make it clearer that teachers and authorised staff members must not physically restrain unless it is necessary to prevent imminent harm to the health, safety or wellbeing of a child, young person or to another person, and the teacher or staff member reasonably believes there is no other option available in the circumstances. Any restraint used has to be reasonable and proportionate in the circumstances. These changes applied only to the schooling sector, as the early childhood sector had a separate framework regulating similar conduct in early childhood settings. The Act maintained the ban on seclusion.

The *Education and Training Act 2020* defines physical restraint as "physical force to prevent, restrict, or subdue the movement of the student's body or part of the student's body against the student's will". The addition of "against the student's will" clarifies that physical contact for guiding, comforting, or communicating with a student, that the student does not resist, is not subject to the conditions set out in section 99 of the Act.

The Act specifies that physical restraint must be used only when necessary to prevent imminent harm and the person using restraint reasonably believes there is no other option in the circumstances to prevent the harm. The previous legislation did not specifically state that use of restraint should be only when it was reasonably believed there was no other option. The addition of this requirement recognises that exercising physical restraint against a student can risk injury to the student and/or to the staff member. It aligns with the expectation that the use of physical restraint in schools should be minimised.

The Act also specifies that staff members who are authorised to use physical restraint have to be trained.

Section 99 alters the threshold for the use of restraint from when safety is “at serious and imminent risk” to when it is necessary to prevent imminent harm and the person using restraint reasonably believes that there is no other option in the circumstances to prevent the harm. This brings the language of the Act into line with the language in the Code of Conduct for the Teaching Profession (*Our Code, Our Standards*). Intervening to prevent harm can include harm to the health, safety or wellbeing of the student or any other person, including harm caused by significant emotional distress.

The Secretary for Education has the power to make rules and guidelines relating to the use of physical restraint. The Act carries across these powers, and expands on the content that has to be covered by the Guidelines to ensure that they also provide examples of best practice in assessing significant emotional distress, a framework for prevention and de-escalation, and advice on assessing behaviour escalation levels. It also introduces a requirement for the Secretary for Education to consult with children and young people (particularly those who are Māori, and those with disabilities or learning support needs), parents, whānau and caregivers, and organisations representing the interests of teachers, principals, governing bodies of schools, parents, and the disability community.

2020:

Physical Restraint Advisory Group

The Physical Restraint Advisory Group was established in September 2020 to assist the Ministry of Education in updating the rules and guidelines relating to the use of physical restraint, following changes made in the *Education and Training Act 2020*.

The Advisory Group includes representatives of parents, caregivers and whānau, the education sector, disability communities, and children and young people.

The jointly agreed purpose of the Group is to develop workable and sustainable rules and guidelines on physical restraint in schools that:

- Uphold the rights of children, whānau and school staff.
- Prevent the use of physical restraint, except as a last resort to avert imminent harm.
- Provide clarity and support as to when and how physical restraint can be used.

The *Education and Training Act 2020* requires the guidelines for the use of physical restraint and behaviour management at registered schools to include:

- Best practice examples of how to use physical restraint safely; how to assess significant emotional distress; and how to understand and respond safely to behaviour.
- A framework for decision-making and problem-solving to prevent, de-escalate, and safely respond to disruptive or assaultive behaviour.
- Advice on assessing behaviour escalation levels that precede imminent harm to health, safety, or wellbeing.

31. From 1950 to 1999, how did the Ministry monitor the use of seclusion, restraint, or punishment in disability educational care?

Punishment returns were made to the Department of Education as early as 1946. From 1982, schools, including disability educational providers, were required to provide the Department of Education with formal records of all disciplinary measures taken.

From 2017, schools have been required to notify the Ministry of Education on the use of physical restraint. This provides a clear picture of how schools are managing and enables the Ministry to follow-up with schools and provide appropriate support.

**32. Is the Ministry aware of the continuing existence of seclusion rooms in educational care settings today, including disability education?
If so, please provide details of the education providers who have seclusion rooms, and why.
Please include in your answer specific reference to any disability education providers.
Please explain how these seclusion rooms are permitted to still exist.**

The *Education and Training Act 2020* states that schools, early learning services and ngā kōhanga reo are prohibited by law from using seclusion.

33. Since 2017, the use of seclusion and restraint has been prohibited in schools. However, the use of ‘timeout’ and physical restraint continues to be used in certain circumstances.

How does the Ministry monitor to ensure:

- **That schools are no longer using seclusion?**
- **That schools are using timeout appropriately?**
- **That schools are using physical restraint appropriately?**

The Education Review Office monitors and reports on schools’ compliance with the law.

If anyone has a concern or complaint about the use of seclusion in a school, they are asked to contact the Ministry of Education immediately, so that the Ministry’s regional office can follow up and investigate the allegation. An investigation could lead to a range of interventions, including providing advice to the school to ensure it is complying with the law, and working with the school to verify that appropriate processes and supports are in place for the management of challenging behaviour.

New Zealand schools are self-governing through their school Boards. Parents/caregivers may complain to their school or the Ministry of Education about any concerns, including the use of timeout and/or physical restraint. Complaints may be escalated to Boards of Trustees, or the Ministry of Education, or to the Office of the Ombudsman, as appropriate.

Physical restraint is now regulated via the *Education and Training Act 2020*, which incorporates and replaces the Education Acts of 1964 and 1989. Part 3, sub-part 3, of the *Education and Training Act 2020* includes several changes to the previous physical restraint framework to make it clearer that teachers and authorised staff members must not physically restrain, unless it is necessary to prevent imminent harm to the health, safety or wellbeing of a child, young person or to another person, and the teacher or staff member reasonably believes there is no other option available in the circumstances.

The *Education and Training Act 2020* defines physical restraint as “physical force to prevent, restrict, or subdue the movement of the student’s body or part of the student’s body against

the student's will". The addition of "against the student's will" clarifies that physical contact for guiding, comforting or communicating with a student, that the student does not resist, would not be subject to the conditions set out in section 99. Any restraint used must be reasonable and proportionate in the circumstances.

The Ministry of Education is committed to ensuring the safety of both students and staff in schools. The Ministry provides a range of supports to assist schools to manage challenging behaviour. This support includes whole-school approaches such as emergency management support, Positive Behaviour for Learning (PB4L) School-Wide framework supports, Understanding Behaviour Responding Safely (UBRS) workshops, through to class and individual supports from specialist Learning Support practitioners. These supports focus on prevention and de-escalation strategies.

The *Education and Training Act 2020* and the *Education (Physical Restraint) Rules 2017* (the Rules) set out what schools must do, while the *Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint* (the Guidelines) outline good practice in using, monitoring and reporting physical restraint.

Under the Rules, promulgated in August 2017, registered schools must report every instance of physical restraint to the Ministry of Education using the Incident of Physical Restraint Form (IPR Form) provided in the Rules. The information recorded in the completed IPR Form is recorded in a Ministry database. The Guidelines explain the purpose of gathering this information as follows:

- The Ministry will use the information to provide appropriate support to schools when there are instances of physical restraint on students.
- The Ministry will use this information to update the Rules and Guidelines to reflect evolving practice or address areas of concern.

Situations involving physical contact happen in schools every day. Under the existing Rules and Guidelines, examples of situations that do not constitute physical restraint, and do not have to be reported to the Ministry, include:

- Temporary physical contact (such as a hand on the arm, back or shoulders to remove a student from a situation to a safer place).
- Holding a student with a disability to move them to another location, or help them get into a vehicle or use the stairs.
- The practice of harness restraint, when keeping a student and others safe in a moving vehicle, or when recommended by a physiotherapist or occupational therapist for safety or body positioning.
- Younger students, especially in their first year of school, sometimes need additional help. For example, placing a hand on a younger student's back to guide them from one place to another does not need to be reported to the Ministry.
- Staff may hold the hand of a young student who is happy to have their hand held for a brief period of time.

The Ministry of Education, supported by the Physical Restraint Advisory Group, is consulting on updating the Rules and Guidelines following the physical restraint modifications in the *Education and Training Act 2020*. Changes to the Rules would include requiring schools to develop support plans for students who are at greater risk of physical restraint; requiring schools to provide parents with a reasonable opportunity to attend a debrief after an incident of physical restraint, requiring that physical restraint incident reports include information detailing who reported the incident of physical restraint and if the student has learning support needs, and allowing future reporting via schools' Student Management Systems.

- 34. From 1950 to 1999, what were the Ministry’s policies and practices relating to the use of children, young people, and vulnerable adults for labour in state and faith-based care? What knowledge did the Ministry have of the nature and extent of these practices? What monitoring of these practices in state and faith-based care occurred?**

For many years, vocational preparation, in the widest sense, was part of the school programme of students in special classes for backward children. The introduction of work experience schemes involved students in the practical situations met in the working world and provided motivation for their work at school. These schemes, which operated with the approval of the Departments of Education and Labour, permitted students in official special or experience classes, who were 14 years of age and over, to go to work for up to one day a week. No payment was received by the students and, provided they were members of an official special class, they were insured against accident.

In Hogben School’s 1984 Annual Report, the Principal reported on the continuation of the Marylands’ Work Experience Programme, noting that 25 boys were on external work experience, with a further 12 on internal placements in the gardens, kitchen, and laundry. The Principal acknowledged that in the laundry and to a lesser extent in the gardens, boys in the past had been used to supplement a shortfall in labour.

Due to concern about the legal status of boys working in the school laundry, the Principal had sought a legal opinion from the Department of Education. He noted that the response had suggested pupils in residential schools were not eligible for work experience, therefore placing the Work Experience Programme into question. The Principal advised that it had been decided only boys aged 15 years and over would work in the laundry; while internal work experience in the gardens and kitchen would be extended, with more adequate supervision and appropriate teaching programmes.

MONITORING AND OVERSIGHT

- 35. From 1950 until present day, describe the lessons the Ministry has learned about safeguarding children, young persons, disabled persons, and persons with mental health conditions from being abused and neglected whilst in state and faith-based care. What has been done to address these learnings and what is the current approach of the Ministry?**

In your answer, please refer to:

- (a) All monitoring systems used by the Ministry.**
- (b) The wellbeing of children, young persons, disabled persons, and persons with mental health conditions.**
- (c) The risk factors that contribute to abuse and neglect of children, young people, disabled people, or people with mental health conditions, including their care needs.**
- (d) Compliance with laws and Ministry policies and practices.**
- (e) Protection from abuse and neglect by staff, peers, and visitors to education settings.**

What further may be needed to protect these children, young persons and vulnerable adults from abuse and neglect in education settings today.

What teaching staff can do to protect children, young persons and vulnerable adults from abuse and neglect.

Schools

Schools are self-governing through school boards of trustees. Each board is responsible for its school's governance and day-to-day operations, including setting health and safety policies and procedures that ensure a safe physical and emotional environment for students. Any school's health and safety policies must align with the *Health and Safety at Work Act 2015*. Schools must also have a Child Protection Policy in place that supports a strong culture of protection for all children and young people.

The *Children's Act 2014* states that:

- All children and young people have the right to feel safe at school.
- All school boards and kura must have a Child Protection Policy in place.
- Schools are responsible for ensuring students are safe at school and must have policies set up to protect students from any physical or emotional harm.
- A school's Child Protection Policy should support staff to identify and respond to the needs of vulnerable children whose wellbeing is of concern, including making referrals where needed to Oranga Tamariki or the New Zealand Police.
- The Child Protection Policy must be written down and in use, and say how suspected neglect and abuse will be identified and reported. It must be available on the school's website or on request.

The Ministry of Education contracts the New Zealand School Trustees Association (NZSTA) to provide a fully integrated range of services to support the governance and employment capability of boards of trustees. NZSTA supplies samples of policy documents, as well as employment advice to Boards.

The Ministry provides advice and guidance to schools, through its regional teams, to support adherence to a range of legislation, including the *Children's Act 2014*, the *Health and Safety at Work Act 2015*, and the *Education (Hostels) Regulations 2005*.

The Ministry of Education's guidance (*Vulnerable Children Act 2014: A Practical Guide for Early Childhood Education Services, Ngā Kōhanga Reo, Playgroups, Schools and Kura*) encourages Boards to involve a wide range of people, including ākonga, when developing their Child Protection Policies. The Oranga Tamariki resource (*Safer Organisations, Safer Children: Guidelines for Child Protection Policies to Build Safer Organisations*) is another useful resource to support safer schools.

If a parent/caregiver has any concerns about the safety and wellbeing of their child because of behaviours happening at school or in the school community, they are asked to contact the school immediately. Schools should provide clear channels and processes for students, whānau and communities who want to raise concerns or report behaviour of concern in a protected environment.

Schools must have a policy in place for managing complaints and a copy of this should be available from the school office. Complainants can escalate their concerns to the School Board and if they remain unsatisfied with the response, they can contact the Office of the Ombudsman. The local Ministry of Education office can also be contacted to support the complaint process.

Schools have a responsibility to act on a complaint or report of concern, and, depending on the incident, report it to the New Zealand Police, Oranga Tamariki, and/or the Teaching Council of Aotearoa New Zealand. A complaint or report to a school enables the school to act

and work with the appropriate authorities. The Ministry of Education encourages anyone that wants to speak directly with the New Zealand Police to do so.

The Ministry of Education's Traumatic Incidents Team can help schools prepare for, manage, and respond to traumatic incidents, including allegations of abuse. This includes directing schools to services that can help individuals if necessary.

In addition to the support the Ministry of Education provides to schools to fulfil their statutory responsibilities to support student safety and respond to allegations of abuse, the Ministry supports student voice and agency through *The New Zealand Curriculum* and *Te Marautanga o Aotearoa*, specifically through the teaching of the healthy relationships and sexuality curriculum. The Ministry of Education's *Relationships and Sexuality Education: A Guide for Teachers, Leaders, and Boards of Trustees* focuses on consensual, healthy and respectful relationships as being essential to student wellbeing. This includes supporting teaching programmes that increase a student's ability to make well-informed and positive choices about relationships and their own health and safety, and confident in their own identities.

Early Childhood Education

Early childhood education is provided by private entities. The Ministry of Education is responsible for the regulatory oversight of the early childhood education sector. The Ministry also provides training and guidance, receives and manages complaints and incident reports, and works with other Government agencies during investigations.

The licensing framework for Early Childhood Services is provided for by section 28 of the *Education and Training Act 2020* (which requires all Service providers to be licensed), the *Education (Early Childhood Services) Regulations 2008* (which outline the requirements of licensing), and the Licensing Criteria (which prescribe minimum standards that Services must meet).

A Service must meet a number of conditions before it can be licensed and, once licensed, it must continue to meet requirements, including those designed to safeguard children from being abused and neglected. This includes (but is not limited to):

- s24 prohibits corporal punishment and seclusion in Early Childhood Services.
- s25 requires Services to obtain Police vetts for an array of adults who will be present in a Service (s315AA, s319D, s319E, s319F, and s319FA in the *Education Act 1989*).
- s27 grants parents right of entry and outlines the limitations of this right (s319A in the *Education Act 1989*).
- s29 creates an offence for someone who obstructs a parent exercising their right of entry.
- R7 and R8 require those applying for a licence to be fit and proper and to make a statutory declaration to this effect.
- R30 grants the Ministry of Education the power to immediately suspend a licence if the health and safety of children is at risk.
- R46 creates a health and safety practice standard Services must meet (the detail is provided in the Licensing Criteria).
- R56 outlines how Services must act when someone from the Service is believed to have harmed a child.
- R57 outlines how Services must act when someone from the Service poses a risk of danger to children.
- Child Protection Criteria require Services to have a policy that meets the requirements of the *Children's Act 2014* and to take steps to protect children from exposure to inappropriate material. The Criteria also prohibits anyone on the premises of the Service from using or being under the influence of certain substances (for example, illicit drugs and alcohol).

The Ministry of Education uses a number of methods to monitor Early Childhood Services. These include, but are not limited to, a complaints procedure, notification of incidents, assessment of applications to amend a licence, and identifying Services as high risk.

The Ministry of Education contracted an external agency in 2020 to investigate whether the Ministry had any contracts with individuals who had their teaching registration cancelled (or other censure applied) by the New Zealand Teachers Disciplinary Tribunal. This investigation resulted in a number of recommendations, including strengthening the fit and proper person test for Early Childhood Education Licensing.

In 2021, the Ministry of Education, alongside Te Rito Maioha: Early Childhood New Zealand and Safeguarding Children, developed a digital child protection resource specifically for the early learning sector. This resource helps build awareness and confidence in:

- Recognising, responding to, and reporting suspected child abuse and neglect.
- Working with whānau and tamariki in a culturally responsive way.
- Implementing policies to embed a culture of child protection.

Professional learning and development opportunities are made available to Early Learning Services. For example, a child protection expert (Eric Hollis) provides child protection advocacy training to services via Strengthening Early Learning Opportunities (SELO).

The Ministry of Education works with other agencies when issues relating to the safeguarding of children arise, including the New Zealand Police, Oranga Tamariki, and the Teaching Council of Aotearoa New Zealand. There is also a requirement (HS34) in the Licensing Criteria for Services to notify the Ministry of Education when they are required to inform another agency following an incident of serious injury of a child.

Hostels

The *Education (Hostels) Regulations 2005* came into force on 1 March 2006. The purpose of these Regulations is to ensure the safety of students who board at hostels, which covers hostels at all registered schools, including private schools and residential special schools. The Regulations brought in minimum requirements for pastoral care, including a code of practice, as well as a mechanism for direct intervention when serious safety concerns are identified.

The *Education (Hostels) Regulations 2005* make it mandatory for school hostels to be licensed by the Ministry of Education (the Hostel Licensing Authority) and comply with the minimum standards specified in the Regulations. The Regulations include the licensing of hostel owners and checks on people who operate the hostel, minimum standards for hostel premises and a code for management practices, and direct intervention options where serious safety concerns in a hostel are identified.

Why are the Regulations needed?

“While most hostels are well run and provide safe physical and emotional environments for students, serious safety concerns have been identified in some hostels. During the development of the regulations, consideration was given to issues of student safety in hostels that have been raised over several years in reports by the Commissioner for Children, the Education Review Office (ERO), and others. Issues raised include bullying, sexual abuse, harassment, physical assault, and the related failings of hostel management.”

“The regulations particularly help to address gaps in other legislation (refer Appendix A) in terms of:

- Consistent, appropriate, and well-understood pastoral care standards and procedures for domestic students in increasingly diverse Hostel environments. [...]
- Enforcement mechanisms that enable direct intervention where serious safety concerns are identified. Prior to the regulations, the Government, which also has an interest as a contributor of funding for hostel services (for example, through boarding bursaries), had no ability to intervene decisively to prevent or resolve safety concerns.”

“Reporting regimes (including ERO reviews) and other information initiatives can encourage and inform good practice. These options, however, are not adequate where the risks of harm (particularly emotional harm) to boarders are unacceptable and hostel operators are not willing or able to address them. Not preventing or resolving unsafe situations in hostels will interfere with students’ abilities to learn and achieve. In extreme circumstances it could lead to serious harm. Consultation informing the development of the Regulations emphasised the necessity to ensure compliance with minimum standards and for a relatively broad interpretation of the term ‘safe’.”

Abuse, harassment, or serious neglect of boarders

Under Regulation 58, if the hostel owner believes on reasonable grounds that a person (whether staff member or boarder or not) has, among other things:

- Harmed (whether physically, emotionally, or sexually) or ill-treated a boarder; or
- Subjected the boarder to discrimination, solitary confinement, physical restraint; or
- Otherwise abused, harassed, or seriously neglected a boarder.

The hostel owner must (1) ensure that the person does not come into contact with the boarder concerned, so far as practicable, and (2) require the person to stay off the hostel premises if the owner regards that it is necessary to ensure that no boarder is ill-treated.

The owner must give written notice of the matter to the Ministry of Education within 24 hours of forming the belief, and to at least one of the following – the parents of the boarder concerned, or the Department responsible for administering the *Oranga Tamariki Act 1989*, or the New Zealand Police; as well as any other of them as the owner considers appropriate.

The Ministry of Education may cancel the licence if satisfied that the hostel’s owner has abused, harassed, or seriously neglected a boarder.

To help ensure that students who board at hostels are provided with a safe physical and emotional environment, the current regulatory regime for school hostels, as set out by the *Education and Training Act 2020* (s470-473; s630-632; s643; s664) and the *Education (Hostels) Regulations 2005* (these Regulations continue to apply under clause 4, schedule 1 [Legislative instruments continued] of the *Education and Training Act 2020*), includes:

- The monitoring and reporting on school hostels by the Education Review Office (ERO).
- A list of individuals authorised under the Act to inspect school hostels. This enables Ministry of Education staff (such as Regional Advisers and Managers) to inspect hostels for the purpose of monitoring compliance with minimum standards, codes of practice, licences, or licence conditions.
- Licensing requirements which give the Ministry of Education, as the designated Hostel Licensing Authority under the Act, oversight of the hostel’s governance, management, operations, policies, and procedures.
- Regulations relating to complaints against hostels that require hostel owners to respond in a manner that promotes safety, transparency, and accountability.

36. From 1950 until present day, please explain whether communities have been involved in establishing best practices for safeguarding children, young persons, and vulnerable adults in educational care, and/or in consultation or engagement in monitoring and oversight of the work of the Ministry; in particular, the Māori, Pacific, disabled and mental health communities, and if so, the nature and extent of their involvement.

The search undertaken of the archived records did not identify the level to which communities were involved in policymaking, including establishing best practices for safeguarding children, young persons, and vulnerable adults in educational care, and/or in consultation or engagement in the monitoring and oversight of the work of the Ministry.

The Ministry involves the early childhood education sector when establishing or amending the rules and requirements that impact upon the safety of children in early childhood education.

The Regulations require the Minister of Education to consult with affected organisations before changes can be made to the criteria used to assess compliance with the health and safety regulations. The Ministry of Education also consults with the sector (mainly service providers and teachers) and parents when considering large policy programmes (for example, the 2002 Pathways to the Future: Ngā Huarahi Arataki (10-year Strategic Plan for Early Childhood Education), the Early Learning Action Plan (2019-2029), and the 2021 Early Learning Regulatory Review.

It is of note that one of the four principles of Te Whāriki (the Early Childhood Curriculum) is Family and Community (Whānau tangata). The wider world of family and community is an integral part of the early childhood curriculum.

37. From 1950 until present day, according to Ministry documents, inspections of primary schools are routinely carried out at three-year intervals and secondary schools at four-year intervals. However, documents also suggest that inspections of schools within psychopaedic hospitals were only inspected a handful of times, and that other special schools (like van Asch) were inspected at almost 10-year intervals. Please explain the reasons for different inspection intervals for these settings and detail the current practice in these settings.

As described in 1971 by the Department of Education's Acting Director-General, there were two types of school inspections undertaken. The purpose of a personal inspection was to study the effectiveness of a teacher's work and provide feedback and advice. In a school inspection, emphasis was placed on making sure adequate standards of teaching and effective learning were being achieved. This included ensuring the "sympathetic and enlightened treatment of children". Inspection reports contained a statement in general terms regarding the conduct and efficiency of the school, together with other matters the Inspector considered should be brought to the notice of the controlling authority.

After each school inspection visit, a report was provided to the controlling authority – for a public primary school to the Education Board, and to the School Board of Governors for a secondary school. Another copy was filed with the Department of Education.

In a 1972 Department of Education memorandum from the Director of Primary Education to the District Senior Inspector of Primary Schools, it was noted that District Senior Inspectors, despite repeated requests over several years, were not providing Head Office with copies of their E.12 Inspection Reports on all Special Schools in their district.

The schools where Inspection Reports had not been forwarded to Head Office included:

- Schools for visually, deaf, backward, intellectually, physically and maladjusted students, including the Department's Special Schools and Homai College.
- Schools in Department of Social Welfare Institutions, Psychiatric Hospitals, Psychopaedic Hospitals, and Health Camps.
- Prison education services in Department of Justice institutions.

Other than tardiness in providing inspection reports to Head Office, there was no indication in archived material to suggest that the inspections of these schools did not occur as required. One frustration highlighted in researching for Royal Commission section 20 requests has been the discovery of E.12 Inspection Reports in unrelated files (i.e., they were incorrectly filed at the time they were being preserved).

Since 1989, all State and State-integrated schools, kura, early learning services and te kohanga fall under the Education Review Office's (ERO) mandate for review on a determined schedule based on their performance. ERO also reviews private schools and, on request from the Ministry of Education, children and young people who are home schooled.

Specialised education settings such as residential special schools, regional health schools, teen parent units, schools in Stand Villages (formerly known as health camps), disability school settings, alternative education classes, and activity centres also fall within ERO's review mandate, as do boarding/hostel facilities in schools.

38. From 1950 until present day, what are the Ministry's policies and practices on monitoring the safety and wellbeing of learners in state and faith-based care who are home-schooled or in remote locations?

For children and young people enrolled in a registered school, the school's Board of Trustees is responsible for the safety of students and staff. Each school Board is required to have up-to-date health and safety policies and procedures to provide a safe environment for students and staff, and a Child Protection Policy that supports a strong culture of child protection.

Where an exemption from enrolment in a registered school has been granted, the parent or legal guardian is responsible for the safety of a child in home education. A parent or legal guardian undertaking home education of their child is not required to have the same health and safety policies or child protection policy that a school Board has in place.

The parent or legal guardian must complete a declaration twice a year (in April and October) to:

- Advise the Ministry of Education that home education of the child continues.
- Ensure the Certificate of Exemption is valid.
- Allow the parent or legal guardian to be paid the supervision allowance.

Under the *Education and Training Act 2020*, the criteria for granting an exemption from enrolment in a registered school is:

- The student is to be taught at least as regularly and well as in a registered school; or
- The student is to be taught at least as regularly and well as in a specialist school or a special service (if the ākongā/student is likely to need special education).

The Secretary for Education may revoke a Certificate of Exemption, but only if the Secretary:

- Has made reasonable efforts to get all of the relevant information; and

- Has considered a report on the matter from the Chief Review Officer; and
- Is not satisfied that the criteria to grant an exemption has been met.

Please refer to Question 39 for details on current processes and practice relating to complaints of abuse and neglect.

COMPLAINTS

- 39. From 1950 until present day, in respect of complaints of abuse and neglect of children, young people and vulnerable adults in state and faith-based care, please describe the lessons that the Ministry has learned, and what the current approach is relating to:**
- (a) Protective measures while a complaint is being investigated (e.g., protection of the complainant from the risk of reprisal, suspending staff/caregivers, separation of the complainant and alleged perpetrator in cases of peer-on-peer abuse.**
 - (b) Action taken when a complaint is upheld, including disciplinary action and dismissal of staff found to have abused people in care, and/or any actions taken when the complaint relates to peer-on-peer abuse.**
 - (c) Any Ministry position on the transfer, promotion, demotion, or re-hiring of staff accused of abuse and/or neglect.**

Schools

Each school Board is required to have up-to-date health and safety policies and procedures that help them to provide a safe, physical, and emotional environment for their students (s.127, *Education and Training Act 2020*). The Ministry of Education contracts the New Zealand School Trustees Association (NZSTA) to provide a fully integrated range of services to support the governance and employment capability of Boards. NZSTA provides samples of policy documents, as well as employment advice to Boards.

The *Children's Act 2014* requires comprehensive measures to protect and improve the wellbeing of children. By law, schools and kura are required to have a Child Protection Policy that supports a strong culture of child protection. As part of its review of all schools, the Education Review Office checks that each school has a child protection policy, and that it has been successfully implemented.

Schools are required to act on incidents if they occur. This will include reporting to the Teaching Council, Police and/or Oranga Tamariki where appropriate. The employer of a teacher must immediately report to the Teaching Council if it has reason to believe that the teacher has engaged in serious misconduct. The report must be in writing, include a description of the conduct of the teacher that the employer believes to be serious misconduct and a description of what action, if any, the employer has taken in relation to it (s.491, *Education and Training Act 2020*). A Board may, in accordance with the Act, appoint, suspend, and dismiss school staff (s.128). Mandatory reporting to the Teaching Council is also required if, within 12 months after a teacher ceases to be employed by the employer, the employer receives a complaint about the teacher's conduct or competence while he or she was an employee (s.490). Failure to make a mandatory report is an offence under the Act.

When the Ministry of Education is made aware of concerns about student safety or wellbeing, it contacts the school to offer support, including coordinating with other agencies where needed.

- (a) Specialist Police Officers work alongside Oranga Tamariki to investigate concerns, assess the child's safety, and act on any concerns the assessment raises.
- (b) The Ministry of Education helps schools and early learning services to prepare for, manage and respond to traumatic events, including suspected abuse.
- (c) Section 16 of the *Children, Young Persons and their Families Act 1989* protects people, who notify concerns of abuse in good faith, from civil and criminal proceedings.
- (d) School Boards, as the employer, are responsible for investigating concerns about the conduct of teachers or other school staff. Schools must make a mandatory report to the Teaching Council of Aotearoa New Zealand if they believe a teacher has engaged in serious misconduct.
The New Zealand Schools Trustees Association (NZSTA) supports schools to investigate serious complaints and manage any employment process that results, including disciplinary measures and dismissal.
The *Education and Training Act 2020* requires the Teaching Council to cancel a teacher's registration if that teacher has a conviction for a specified offence and does not have an exemption.
- (e) All children's workers must undergo a safety check prior to commencing employment. The safety check must include confirmation of the identity of the person and an assessment of the risk the person would pose to the safety of children if employed or engaged as a children's worker.
Further safety checks must be carried out within three years of the last check. Workers who have been convicted of specified offences, outlined in Schedule 2 of the *Children's Act 2014*, may not be employed to work with children unless granted an exemption under Section 35 of the *Children's Act 2014*.

Early Childhood Education

In Early Childhood Education (ECE), complaints and incidents refer to complaints made about, or incidents that occur in, independently-run Early Learning Services. The Ministry of Education is responsible for ensuring Early Learning Services meet the minimum requirements set out in law, including those that relate to the safety and welfare of children, but the Ministry is not directly responsible for the day-to-day care of those children.

The Licensing Criteria for Early Childhood Education Services includes a requirement (GMA1 for centre-based services) for all Services to have a procedure people should follow if they wish to complain about non-compliance at the Early Learning Service (this needs to include the option to contact the local Ministry of Education office). This criterion also includes a requirement for Services to prominently display this procedure.

Complaints about ECE Services can come from a range of people, including parents, whānau, early learning staff and members of the public. The Ministry of Education assesses each complaint, investigates against the regulations, and, if necessary, acts on the findings when intervention is required.

Complainants can request a matter they have complained about (to the Ministry of Education) to be treated confidentially, so that they remain anonymous to the ECE Service. Ministry staff endeavour to provide Service providers with as much detail as possible about the complaint

to support resolution, while ensuring the complainant's confidentiality is respected and maintained. If Ministry staff do not think this is possible, the complainant is informed of this.

All complaints received by the Ministry of Education are assessed to determine the most appropriate action. Some complaints require investigation by another agency. When this occurs, the Ministry informs the complainant of the other agency's involvement. Complaints can result in a wide range of action, depending on the outcome of the investigation (e.g., from a simple acknowledgment of the complaint through to a suspension of the Service).

The Ministry of Education's power to sanction lies with Early Learning Services only. The Ministry has no power to sanction a specific staff member, as this is the responsibility of the Early Learning Service and other Government agencies (such as the New Zealand Police and the Teaching Council of Aotearoa New Zealand).

As child protection policies are not always well understood by everyone in Early Learning Services, the Ministry of Education continues to educate the sector and provide visibility to what abuse looks like. The importance of agencies working together in a connected way, and understanding their respective legal responsibilities, is recognised. Problems have been noted when agencies 'just do their bit', hand-over their findings, and are not involved in a follow-up process.

**40. From 1950 until present day, how has the Ministry recorded complaints about abuse or neglect in disability educational care?
If the Ministry has not recorded such complaints, please explain why.
How does the Ministry ensure that disability education providers are improving or resolving issues that are raised in complaints?**

Ministry of Education: Complaints Policy (and accompanying Guidelines)

The Ministry of Education's Complaints Policy confirms the process for receiving a complaint, of any level, from an external source (a member of the public or an organisation) about a Ministry of Education person (all employees and contractors), process, policy, practice, or an education sector provider or service (including early childhood education, a school or teacher complaint (once it has been addressed through the school and there has not been a satisfactory resolution), or a statutory appointee working at a school). The policy does not cover complaints about other education organisations (such as the Education Review Office, New Zealand Qualifications Authority, Tertiary Education Commission). The policy provides the minimum standards for a complaints process that must be followed when a complaint is received. Any relevant information raised through the investigation of a complaint will be used to improve the way the Ministry of Education undertakes its work.

Schools

Complaints about teachers or other school staff are generally directed, in the first instance, to the school's Board of Trustees as the employer. The Ministry of Education records all complaints it receives in separate systems for schools and early childhood services, including any relating to specialist schools or other specialist settings where learners with disabilities are enrolled.

When the Ministry of Education becomes aware that a complaint has not been sufficiently managed by the school, or if the complainant is not satisfied with the outcome of the school's complaints process, the Ministry will work with the school and family to support a resolution.

Please refer to Question 39 regarding how the Ministry of Education supports schools to manage complaints.

Where education providers are contracted by the Ministry of Education to deliver an educational programme for students with learning support needs, the terms and conditions of the Outcome Agreement sets out a process to be followed if the Agreement is breached, including requiring the provider to notify the Ministry of Education if any of their staff are being investigated for, have been charged with, or convicted of any criminal offence, and to work with the Ministry to agree an appropriate response. Depending on the nature of the breach, a contract may be terminated.

Early Childhood Services

Abuse or neglect complaints that relate to children with disabilities are recorded in the same way as other types of complaints. All complaints are captured via a workflow in the Ministry of Education’s Knowledge Base System (Kbase). The complaint will go through a number of ‘states’ to ensure all information is accurately recorded and correct operational processes are followed.

Ministry of Education Knowledge Base System (Kbase)		
State	Process	Action Taken
0	Complaint Logged	Summarise the complaint and propose the actions the Ministry of Education will take to resolve it (if any).
1	Under First Peer Review	All complaints must undergo Peer Review.
2	First Escalation	Some complaints will need to be escalated to a Manager. Managers must indicate if they endorse the record of the complaint and proposed actions, including any proposed unannounced visits.
3	Acting on Complaint	Log all information about what actions the Ministry of Education took to resolve the complaint and any outcomes and final actions of the investigation.
4	Under Second Peer Review	If the Peer Reviewer has concerns, or the complaint had previously been escalated, the complaint should be moved to the ‘Second Escalation’ state. If there is no reason to escalate, the complaint can be moved to the ‘Complaint Completed’ state.
5	Second Escalation	If the complaint had previously been escalated, or concerns have been raised during the peer review process, the workflow should be escalated to a Manager.
6	Complaint Completed	All complaints and incidents must reach this state. It is possible to re-open a complaint/incident in the future, even if it has been closed.

The Ministry of Education assesses all complaints to determine the most appropriate course of action and whether the Service could be in breach of regulated standards. The Ministry will engage with the Service provider when a complaint has been received. An investigation into a complaint can involve one or a combination of the following:

- A review of relevant policies, practices, and records to ensure the Service has followed their procedures, as well as compliance with regulatory requirements.
- A visit to the Service to inspect the premises and observe teaching practices. The Ministry may also ask staff members for information to help inform observations.
- Participation in a multi-agency investigation.

If it is identified that a Service is failing to meet one or more regulatory requirement, the Service may be placed on a provisional licence, potentially leading to a cancellation of their licence. In more serious cases, a Service's licence could be suspended immediately.

An investigation will be closed when the Ministry of Education is satisfied that:

- Areas of non-compliance related to the complaint or incident have been rectified; or
- The investigation finds no evidence of regulatory non-compliance.

In the case of a multi-agency investigation, the Ministry of Education may need to first await the outcome of another agency's investigation before the complaint can be closed. The Ministry will inform the Early Learning Service and complainant of the investigation outcome.

The Ministry of Education began recording and collating complaints data, at a national level, from 2013, and incidents from 2016, and publicly reporting on this, together with the actions the Ministry took following the complaint/incident. Prior to this, there was no national database to support analysis and reporting. The analysis of complaints and incidents directly feeds into the consideration of improvements that may be needed to licensing requirements and cross-agency protocols.

**41. Since 1999, has the Ministry received complaints about the use of seclusion in state and faith-based care?
If so, please explain the nature of the complaints and the Ministry's response, including the outcome of the complaint and any changes made to policies, procedures, and processes.**

Schools

The Ministry of Education does not hold aggregated information related to seclusion being used in schools prior to the practice being banned in May 2017.

In December 2014, the Ministry of Education received a complaint about seclusion at Ruru Specialist School (Invercargill). Following the Ministry's review into the incident, a Working Group was established to develop a Guide to eliminate the use of seclusion and reduce physical restraint in schools.

In July 2016, a complaint made to the Miramar Central School Board of Trustees by a parent, regarding her son's confinement in a small dark room at the school, was copied to the Ministry of Education. The Ministry immediately contacted the school and commissioned an independent investigation into the complaint, with the agreement of the school.

Since May 2017 when seclusion was banned, there has been one complaint of possible seclusion in a residential specialist school. This complaint, in 2020, was unsubstantiated.

Early Childhood Education

In 2015, two complaints were received about seclusion at an Early Childhood Education Service. One investigation resulted in the Service being required to review its Child Protection Policy. The other investigation led to the Service undertaking Government-funded professional development and revising its Positive Guidance Policy.

A complaint was received in 2017 about an early childhood teacher's use of seclusion as a behaviour management approach. During the Service provider's investigation, the teacher was excluded from any contact with children. Following the investigation, the teacher resigned and a mandatory report was made to the Teaching Council of Aotearoa New Zealand. Another teacher was given a written warning and required to follow a performance improvement plan.

In 2018, five complaints were received about the use of seclusion. Responses to these complaints included:

- A mandatory report to the Teaching Council of Aotearoa New Zealand and the teacher leaving the Service.
- The teacher being excluded from coming into contact with children and the Service placed on a provisional licence, which was subsequently cancelled.
- Immediate suspension of the licence and subsequent cancellation after a multi-agency investigation.
- A review of supervision and sleep policies, and a supervision plan put in place for one of the teachers at the ECE Service.
- Child protection training provided to the ECE Service staff.

42. Since 1999, has the Ministry received complaints about the use of children, young people, and vulnerable adults for labour in state and faith-based care? If so, please explain the nature of the complaints and the Ministry's response, including the outcome of the complaint and any changes made to policies, procedures, and processes.

The Ministry of Education's national database does not hold any complaints about the use of children, young people, and vulnerable adults for labour in State and faith-based care since 1999. To date, a search within the regional offices of the Ministry has also not identified relevant information on this matter.

FUTURE IMPACTS / OUTCOMES OF ABUSE IN CARE

43. From 1950 until present day, please set out the lessons the Ministry has learned in respect of how it tracks and monitors future outcomes for people who have been in state and faith-based care, and how it can prevent and improve these outcomes? What is the current approach?

In your answer, please refer to:

- **Addiction rates**
- **Suicide rates**
- **Criminal offending**
- **Health outcomes**
- **Education outcomes**
- **Poverty rates**
- **Future experience of abuse**
- **Intergenerational care.**
- **Employment rates.**

In 2015, the Expert Advisory Panel on Modernising Child, Youth and Family reported that children and young people who came into contact with Child, Youth and Family (CYF) often

struggled with their education, with higher rates of disengagement and lower levels of achievement than other children and young people. The Expert Advisory Panel found that differences in educational engagement were small for younger children with or without care experience, but there were bigger discrepancies for young people.

Following the Expert Advisory Panel's report, Oranga Tamariki published a qualitative study in 2019 on the education experience of children and young people in State care, to be used to inform policy and practice change within Oranga Tamariki, as well as support and inform Ministry of Education work.

Key findings from the qualitative study indicated that children and young people in care can:

- Often experience exclusion and disciplinary action, which appears to increase with age, and is often connected with difficulties with peer relationships or exhibiting challenging behaviours.
- Find academic achievement more difficult.
- Experience frequent changes of school, which negatively impacts on their learning, social skills, and relationships.
- Experience learning difficulties, which require access to learning support.
- Encounter stigmatisation from peers and adults, which can lead to bullying and wanting to manage how information about them is shared.
- Gain from the opportunity to engage in extracurricular activities, but need support to access these activities.
- Benefit from relationships with adults who have high aspirations for their learning and who are involved in their education (e.g., teachers, social workers, caregivers).

The education system focuses on education for all. The Statement of National Education and Learning Priorities (NELP) sets out the Government's priorities for education that will ensure the success and wellbeing of all learners. It is a statutory document, issued under the *Education and Training Act 2020*, that directs government and education sector activities towards the actions that will make the biggest difference, and to strengthen the education system to deliver successful outcomes for all ākongā/learners.

The New Zealand Curriculum and Te Marautanga o Aotearoa require that all students' identities, languages, cultures, and abilities are recognised and support student voice and agency. The Ministry of Education's curriculum documents are non-prescriptive and allow for a flexible learning approach, rather than expecting students to fit around a fixed system of teaching and learning. Schools and Early Learning Services are responsible for developing the curriculum for their school or service to best respond to and serve the needs of their students and communities.

Under the current school system, a key aim of school Boards of Trustees is keeping students in education so that they can reach their highest possible standard in educational achievement. Ensuring the school is a physically and emotionally safe place for all students and staff, and that it is inclusive of students with differing needs, helps to make this happen. Through its governance role, the Board carries out work around planning, resourcing, monitoring, reporting and consultation to manage students and their individual education and learning needs.

Oranga Tamariki is moving towards a community-based approach to care, including for those on remand in the youth justice system. This will eventually include transitioning out of care and protection residences over time and replacing them with community-based options. Under a community-based approach to care, the way the Ministry of Education provides education to children and young people, who would otherwise be in care and protection residences, will need to change.

The Ministry of Education and Oranga Tamariki have agreed the following approach to education:

- Where a child or young person is able to stay in their enrolling school, this will be the priority. In some cases, a supported move to a new local school could be a good way to re-engage a child or young person in education.
- However, in some instances, a local school will not be the best fit for a child or young person, or be able to respond to their needs. In these instances, the Ministry already has a range of settings in the schooling system which may better meet the needs of these students. This includes, for example, alternative education, residential specialist schools, or regional health schools.

The shift to a community-based approach to care will mean more children and young people in State care are able to be educated with their peers in school/kura settings across the education system.

For children and young people in State care who are unable to attend a local school setting, the Ministry of Education funds education provision in residence, and in youth justice remand homes. However, the aim is that when children and young people leave a residence or remand home, they can enrol in a school (or other education setting, if required) in their local community, in line with the agreed approach to education.

Related to making improvements for children and young people in State care in respect of educational outcomes, the Education Work Programme is focused on addressing systemic issues within the education system. The Education Review Office (ERO) is the Government's external evaluation agency that evaluates and reports on the education and care of learners in the education system. There are also other external agencies that specifically monitor how children and young people in State care are being cared for, including the Independent Children's Monitor and the Office of the Children's Commissioner.

For children and young people in Oranga Tamariki residential care, the quality of education and education provision can vary between residence and education providers. There is also an issue with improving access to education when children and young people leave residence and want to return to school. These issues were identified in ERO's evaluation of learning in residential care (published in July 2021), and a joint Ministry of Education and Oranga Tamariki work programme has been developed to respond to the ERO recommendations.

A wider focus on the access to services and supports for Oranga Tamariki priority populations is also within scope of the Oranga Tamariki Action Plan, which children's agencies are committed to.

In terms of the wider focus on improving outcomes for children and young people in State care, this requires a whole of government response. The Government's Child and Youth Wellbeing Strategy sets the direction of short and longer-term Government policy and action. There are a range of agency and cross-agency initiatives under the Child and Youth Wellbeing Strategy to ensure an integrated response to improving the lives of children and young people and their families and whānau. The Strategy has a strong focus on reducing child poverty and mitigating the impacts of socio-economic disadvantage, improving the wellbeing of children and young people with greater needs, and reducing inequity of outcomes.

VETTING / SAFEGUARDING

- 44. From 1950 until present day, in relation to staff responsible for the care of children, young persons, disabled persons and persons with mental health conditions in educational care settings, please describe the lessons the Ministry has learned about training and monitoring of staff to ensure they have an appropriate understanding of safeguarding and the needs of those in their care.**

In your response:

Please describe any staff training for responding to complaints or disclosures of abuse and/or neglect.

Please explain what changes have been made as a result of lessons learned and the approach today.

Schools

School Boards of Trustees are the legal employer of all school staff and are responsible for setting the strategic direction and governance of the school. They have responsibilities under section 127 of the *Education and Training Act 2020*, which delineates that a Board must ensure that every student is able to attain their highest possible standard in educational achievement, that the school is a safe place for all students and staff, and that the school is inclusive of and caters for students with differing needs.

In this context, the Board is responsible for setting and monitoring policies and procedures that align to and support its statutory responsibilities and the strategic direction of the school. Under the *Children's Act 2014*, each school Board of Trustees is required to have a Child Protection Policy in place, and be responsible for completing safety checks for new and existing children's workers.

The Board oversees, among other things, the employment and management of staff and is responsible for implementing and regularly reviewing all policies and procedures to ensure they are fit for purpose, including those relating to curriculum delivery, child protection, and student safety. The Board is also responsible for ensuring staff have the training and support needed to safeguard students.

The Ministry of Education contracts the New Zealand School Trustees Association (NZSTA) to provide a fully integrated range of services to support the governance and employment capability of Boards of Trustees. NZSTA provides samples of policy documents, as well as employment advice to Boards. Regionally based Ministry of Education staff work closely with schools when advised that serious abuse or neglect may have occurred, including to ensure that the school makes reports to the New Zealand Police, Oranga Tamariki, and the Teaching Council, as appropriate. The Ministry of Education's regional staff have close working relationships with these agencies, and the Ministry works together to support schools to keep students safe.

The Ministry also provides comprehensive guidance on safety checking for Ministry of Education staff working in children's worker roles.

Early Childhood Education

As independent entities, Early Learning Services are responsible for creating their own child protection policies and procedures. They are also responsible for providing training to their staff. The Ministry of Education's regional offices can provide Government-funded

professional development to Early Learning Services that require additional support to shift towards high-quality management, teaching, and learning. This can include strengthening their child protection policies, procedures, and practices. The Ministry of Education also provides a list of free resources that Services may utilise.

Ministry of Education Policies

Ministry of Education staff have a mandatory 'Child SAFE' learning module on the Ministry's Ako Learning System that must be completed. In addition, the Ministry of Education's Child Protection Policy is applicable to all staff.

Under the provisions of Part 2 of the *Vulnerable Children Act 2014*, the Ministry of Education (along with other State services and organisations providing government-funded services to children and families) is required to have a Child Protection Policy setting out its commitment to building a culture of child protection and providing information on how staff are expected to respond when they have concerns about the safety and wellbeing of children.

The Ministry of Education Child Protection Policy applies to all staff employed, contracted to, or people volunteering with the Ministry of Education's national and regional offices. While some staff may have limited or no direct contact with children, they may interact with schools and kura, early childhood education services, other child-related services, families, whānau and the wider education and/or social sector community in their role. As a consequence of this interaction, staff may be in a position to identify actual (or be suspicious of) abuse or neglect. In addition, staff may be able to identify systemic opportunities or weaknesses in the protection of children, and/or to promote a culture where the child, and child protection, is at the centre of all procedures, processes and decision making.

The Ministry of Education's policy does not apply to schools, kura, kōhanga reo or early childhood education services, who are required to develop and maintain their own child protection policies (as are all service providers contracted by the Ministry of Education).

Historical Information

The following Department/Ministry of Education Circulars and Guidelines were located in archival records.

1984:

Circular 1984/48 (The Sexual Abuse of Children and Adolescents)

On 20 July 1984, the Department of Education issued *Circular 1984/48 (The Sexual Abuse of Children and Adolescents)*, which provided guidance to principals and teachers on what actions should be taken when they had "cause to believe that a pupil was the subject of sexual abuse". Action sheets providing principals with discussion points for three different scenarios were appended to the Circular. Principals and teachers were reminded that they had an "unequivocal responsibility to safeguard the welfare of their pupils".

The Circular noted that there was "irrefutable evidence available to indicate that a significant number of children and young people were victims of some form of sexual abuse". As teachers or guidance counsellors were among those most likely to notice the changes in the behaviour of the sexually abused child or adolescent (e.g., hostility, depression, poor concentration, low self-image), and to be one of the adults most likely to be confided in by them, they were advised to listen attentively, gaining as much information as possible. Pupils were to be assured that assistance would be given.

In addition, teachers and guidance counsellors were cautioned that they were vulnerable to accusations of interference and to legal action, such as defamation and malicious prosecution, if they wrongfully suggested that a pupil had been abused. Schools were advised that their prime concern was to refer, in confidence, the allegations to those best able to investigate and to act in the pupil's best interests (e.g., parents, police, social workers).

Fourteen general guidelines were provided, including:

- All staff should be advised that they were to bring to the attention of the principal all cases of suspected sexual abuse of pupils.
- The validity of the allegations should be investigated by the principal through careful discussion with the reporting teacher, followed by consultation with other teachers, including senior staff and guidance counsellors who had contact with the pupil. The principal would need to determine whether an interview with the pupil was necessary before taking appropriate action.
- If there was clear evidence that there was some truth in the allegation, the principal should report the allegation of sexual abuse to parents (unless the parents were directly implicated) and to the Police and/or Department of Social Welfare (and/or the local Child Protection Team).
- Neither the principal nor any of the teachers should confront the person identified as allegedly responsible for the assault. If this person was a member of the school staff, the principal might need to discuss possible actions with the District Senior Inspector or controlling authority.

1987:

Keeping Ourselves Safe: Getting Help Programme

In 1987, the personal safety and child abuse prevention programme for children, teachers, and parents/caregivers, *Keeping Ourselves Safe: Getting Help*, was jointly developed by the Department of Education and the New Zealand Police, specifically for use in primary schools.

The programme defined sexual abuse as unwanted touching – children were to be taught to use their feelings to help them differentiate between “touching they liked” and “unwanted touching”. The programme stressed that the decision as to whether a touch was acceptable or not was to be made by the child. This was based on the premiss that children would be left open to abuse if they had to rely on adults to instruct them as to what was and wasn't appropriate.

1989:

Circular 1989/5 (The Sexual Abuse of Children and Young People)

Circular 1984/48 was replaced in 1989 by *Circular 1989/5 (The Sexual Abuse of Children and Young People)*, to assist schools in the development of appropriate policies for dealing with suspected cases of sexual abuse.

Schools were reminded that they had “certain ethical and professional responsibilities”, and that it was important that school personnel presented good role models in their dealings with children and young people. “A school should develop clear policy statements on professional conduct, which emphasise the need for staff to be supportive and non-abusive in their management of students.”

Issues highlighted included:

- The reporting of suspected sexual abuse was to be made to an agency that had statutory responsibility to act.

- When establishing procedures to deal with sexual abuse, schools were to try to involve people who had credibility with the appropriate cultural group.
- Within the school there was to be one person with a clearly established responsibility for coordinating action on the suspected sexual abuse of students.
- The importance of a school keeping accurate records.
- If outside agencies were allowed to interview students at school, the interview was to proceed in accordance with a clearly established school policy.
- A school's procedures were to be capable of handling the situation where a staff member was implicated in an allegation of the sexual abuse of a student.

1989:

Sexual Abuse and the School

To support principals and teachers in the implementation of the recommendations in Departmental Circular 1989/5, a booklet (*Sexual Abuse and the School*) was developed.

Written by a working party (including teachers, specialists, and teacher union representatives), with input from the Departments of Social Welfare and Health and the New Zealand Police, the booklet's primary objective was to provide background information for schools to consider before establishing procedures to deal with suspected sexual abuse. Schools were encouraged to recognise the information and training needs of staff, and to seek help and expertise from local resource people. The goal was to develop an effective procedure that focused on the safety and wellbeing of all students.

The Department of Education's Schools Division Acting Director noted that the booklet dealt specifically with sexual abuse: "The scope is deliberately narrow because of the sensitive nature of this abuse. Teachers will be aware that it is often difficult to separate sexual abuse from other forms of abuse and may wish to consider all forms at the one time."

1997:

Circular 1997/12

(The Responsibility of Boards of Trustees for the Personal Safety of Students in Schools)

On 13 March 1997, the Ministry of Education issued *Circular 1997/12 (The Responsibility of Boards of Trustees for the Personal Safety of Students in Schools, including when they are in residential facilities associated with schools and in off-site programmes)* to principals of state and integrated schools, chairpersons of boards of trustees, and principals and proprietors of private schools.

Developed in consultation with a wide range of interests, both within and beyond the education sector, the Circular outlined the responsibilities and liabilities of Boards for the personal safety of children and young persons, including when they were in residential facilities associated with schools (including boarding schools, hostels, homestays, school camps, or off-site courses or trips).

The Circular reminded Boards they were required to implement policies and processes to ensure:

- All children and young persons were treated with respect and dignity, and that they had their rights and needs met in a safe environment.
- Staff were aware of the relevant laws and regulations enacted to protect children and young persons from abuse.
- Staff were familiar with ways to prevent, recognise and respond to abuse.
- Procedures were in place to protect students and staff from unwarranted allegations of abuse.

- Procedures were in place to meet the special personal and educational safety needs of Māori students.

In addition, in all instances of alleged personal or physical abuse of children or young persons by a staff member, the Circular pointed out that it might be appropriate to remove the staff member from the school during the investigation. “The Board must ensure the staff member is treated fairly, according to the terms and conditions of the relevant employment contract, and that the principles of natural justice are adhered to. Close contact should be kept with the Children, Young Persons and their Families Service, and the Police, so the school does not inadvertently undermine or frustrate investigations.”

Boards were also issued with the 1996 ***Breaking the Cycle: Interagency Protocols for Child Abuse Management***, which included a national protocol (Part 5-1 to 5-10) agreed by the Ministry of Education, the New Zealand School Trustees Association and the New Zealand Children, Young Persons and their Families Service (NZCYFS) for general situations of child abuse and neglect (including provisions for ensuring the immediate safety of the child, staff training to recognise and respond to child abuse, and procedures for managing child abuse allegations against employees in schools). Boards were strongly advised to follow the policies and procedures for the voluntary reporting of child abuse, as recommended in the interagency protocols. Part 6-1 to 6-8 covered a national protocol agreed by the Ministry of Education, Early Childhood Education Services and NZCYFS.

1998:

Providing Positive Guidance: Guidelines for Early Childhood Education Services

The Ministry of Education’s *Providing Positive Guidance* detailed the legal responsibilities for all early childhood education centres and home-based networks set out in the:

- *Education Act 1989 (Section 139A)*
- *Education (Early Childhood Centres) Regulations 1998*
- *Education (Home-Based Care) Order 1992 and Amendment Order 1998*
- *Early Childhood Education Charter Guidelines: A Statement of Desirable Objectives and Practices 1990*
- *Revised Statement of Desirable Objectives and Practices 1996* (effective August 1998).

The Ministry’s Guidelines highlighted practices that could not be used within any early childhood education setting (i.e., children could not be subjected to any form of physical ill-treatment, solitary confinement, immobilisation, or deprivation of food, drink, warmth, shelter, or protection; verbal abuse was specifically prohibited under the *Education (Home-Based Care) Order 1992*).

The Guidelines presented a range of effective strategies for adults to use when working with children. It was noted that although reasonable physical punishment of children by parents (e.g., smacking) was acceptable under Section 59 of the *New Zealand Crimes Act 1961*, this did not mean it was allowable within early childhood education settings, or in playgroups and unlicensed or unchartered early childhood education services.

2012:

Schedule 1 to the 2012 Memorandum of Understanding between Child, Youth and Family and the Ministry of Education (reviewed and amended November 2015)

In June 2011, the Cabinet Social Policy Committee agreed that a Memorandum of Understanding between Child, Youth and Family and the Ministry of Education could help schools, kura and early childhood services identify and assist vulnerable children and young people and strengthen the working relationship with relevant agencies.

Schedule 1 detailed the agreement between Child, Youth and Family, the Ministry of Education, the New Zealand Police, and the Teaching Council of Aotearoa New Zealand in relation to the management of allegations of abuse involving an adult working in, or associated with, an education setting. The schedule was attached to the 2012 Memorandum of Understanding between Child, Youth and Family and the Ministry of Education, and was intended to be read and implemented in conjunction with this memorandum. The parties agreed to reflect the terms of the agreement in their own policies and procedures.

2014:

Vulnerable Children Act 2014:

A Practical Guide for Early Childhood Education Services, Ngā Kōhanga Reo and Playgroups [Services], and Schools and Kura [Schools]

The Ministry of Education's *Vulnerable Children Act 2014* Guide brought together education sector specific information and tools produced by the Ministry and the New Zealand School Trustees Association to support Services and Schools, with links to further resources in the Ministry of Social Development's Children's Action Plan Guidelines.

On 1 July 2014, the *Vulnerable Children Act 2014* passed into law. The Act introduced the requirement for agencies to develop and implement more comprehensive child protection policies and safety checking. It also introduced a definition for people who worked with children ('children's workers'). Workforce restrictions were introduced that prohibited people with certain criminal convictions from working in core children's worker roles (unless they had an exemption). The responsibility for child protection was extended beyond Child, Youth & Family, and the Police, to include all Government-funded children's services.

There were two key requirements for the education sector under the *Vulnerable Children Act 2014* – (1) to safety check all those who worked regularly with children and whose work was paid (or unpaid as part of an educational or vocational training course), and (2) to have child protection policies in place, to review them, and to report on these requirements regularly.

Child protection policies are living documents that describe the processes and procedures that Services and Schools follow to keep children safe, ensuring that potential abuse and neglect, along with general concerns about child wellbeing, are identified and appropriately responded to.

Safety checks are required for all children's workers – someone who is funded by a state agency, who works with children, and whose work may involve regular or overnight contact with a child or children. The work takes place without a parent or guardian present. Children's workers are classified as either core workers or non-core workers. Core workers are either in sole charge or have primary responsibility or authority over the child or children in their care. Non-core workers have regular but limited child contact and are never alone with children. Safety checking requirements are the same for each group and need to be undertaken every three years. Volunteers are not subject to safety checking under the *Children's Act 2014* or the *Education and Training Act 2020*.

The requirements of the Act for safety checks came into effect in stages:

- 1 July 2015 for all core children's workers starting in a new role.
- 1 July 2016 for all new, non-core children's workers.
- 1 July 2018 for all existing, core children's workers.
- 1 July 2019 for all existing, non-core children's workers.

The *Vulnerable Children Act 2014* also allowed for the introduction of the *Vulnerable Children (Requirements for Safety Checks of Children’s Workers) Regulations 2015* under section 32, which provided detail on the various components of a safety check. [The *Vulnerable Children Act 2014* was renamed the *Children’s Act 2014* in December 2018.]

**45. When did the Ministry implement mandatory police vetting for all prospective staff, caregivers, and volunteers in educational care settings?
Does the Ministry monitor compliance with this mandatory requirement?
If so, how, and how frequently?**

Mandatory, three-yearly police vetting was introduced for teachers in both State and private schools in February 2002. From April 2002, non-registered school staff and contractors were required to be police vetted every three years, with equivalent requirements introduced for employees of contractors from May 2010. All children’s workers must also be safety checked under the *Children’s Act 2014*.

***Education Standards Act 2001:*
New Police vetting requirements**

The *Education Standards Act 2001*, amending the *Education Act 1989*, provided for mandatory police vetting every three years for all teachers, non-teaching employees, and contractors and their employees who worked regularly in schools during the hours of instruction. The New Zealand Teachers’ Council was responsible for coordinating all vetting. The Act also required employers to report to the Council when a complaint about a former teaching employee’s conduct or competence was received within 12 months of the teacher ceasing employment, an employer had reason to believe a teacher had engaged in serious misconduct, or a teacher had failed to reach the required level of competence, despite competency proceedings having been undertaken.

***Education Amendment Act 2015:*
Separation of the teacher registration function from the issuing of practising certificate function**

The *Education Amendment Act 2015* separated teacher registration (recognition that a person was qualified and fit to be a member of the profession) from the issuing of practising certificates (recognition of the competencies and experience required to work as a teacher). The separation reinforced the practising certificate renewal as a means to assess the continued competence of teachers, as well as providing an opportunity to align appraisal processes consistently with the standards required for endorsing practising certificates. The Education Council had to ensure appraisals made by professional leaders for the issue and renewal of practising certificates attained a ‘reasonable and consistent’ standard. To achieve this, appraisals for at least 10 percent of the practising certificates issued or renewed each year had to be audited and moderated (the Education Council contracted the Education Review Office to undertake this audit and moderation function).

***Teaching Council Rules 2016:*
Teaching Council Rule 9 (Criteria for Reporting Serious Misconduct)**

The Criteria for Reporting Serious Misconduct, also known as Rule 9 of the *Teaching Council Rules 2016*, specified the circumstances where an employer (e.g., board of trustees, early childhood provider) had to immediately report to the Teaching Council of Aotearoa New Zealand if they have reason to believe a teacher had engaged in serious misconduct (including

physical, sexual or psychological abuse of a child; an inappropriate relationship with a student or anyone under the age of 16 years; neglect or ill-treatment of any child or young person).

2017:

Code of Professional Responsibility and Standards for the Teaching Profession (*Our Code, Our Standards*)

In 2017, the Teaching Council published the Code of Professional Responsibility and Standards for the Teaching Profession (*Our Code, Our Standards*), which applied to all certified teachers and those who had been granted a Limited Authority to Teach, in every role and teaching context. The Code (binding on all registered teachers and on all authorised persons) set out the high standards of integrity and ethical behaviour expected of all members of the teaching profession, while the Standards described the essential components of effective teaching practice. *Our Code, Our Standards* replaced both the Practising Teacher Criteria document and the Code of Ethics for Certified Teachers document.

Schools

All children's workers need to be police vetted. This includes staff employed and other children's workers engaged (whether they're contracted or not) at a State or Private school or kura, whose work involves regular or overnight contact with children.

The Board of a State school or the Managers of a Private school must request a Police vet for anyone employed or contracted (including the contractors' employees) to work during normal school hours, and for contractors and their employees who have or are likely to have unsupervised access to children.

A school or kura is not required to request a Police vet for a teacher (including a principal or relief teacher) who has been issued a current Practising Certificate or Limited Authority to Teach by the Teaching Council. The Teaching Council is responsible for completing the Police vet as part of deciding whether the individual is of good character and fit to hold a Practising Certificate or Limited Authority to Teach.

CHECKS THAT NEED TO BE UNDERTAKEN FOR ADULTS COMING INTO A SCHOOL/KURA		
What is the person's relationship with the school/kura?	<i>Education and Training Act 2020</i> Police Vetting Requirements	<i>Children's Act 2014</i> Safety Checking Requirements
They are employed or engaged by the Board as a member of staff (e.g., teacher, teacher aide, support staff, caretaker, music or arts tutors)	A Police vet is required. The <i>Education and Training Act 2020</i> specifies that the Teaching Council requires a satisfactory Police vet to issue a Practising Certificate for a Registered Teacher. (This meets the requirement for the Police vet under the <i>Children's Act 2014</i>). The <i>Education and Training Act 2020</i> also specifies that a Police vet is required for non-teaching and unregistered employees.	All core and non-core children's workers are required to be safety checked.
They are a student on practicum	No requirement.	Boards are legally responsible under the <i>Children's Act 2014</i> to ensure students have been safety checked.

<p>They are engaged as a contractor to work in the school/kura, but they do not work with children (e.g., plumber, electrician, carpenter, construction worker, other contractor)</p>	<p>The <i>Education and Training Act 2020</i> specifies that a Police vet is required if the person is likely to spend unsupervised (as defined in the Act) time with children during normal school hours.</p>	<p>No requirement.</p>
<p>They work in the school/kura with children but are not employed by the school/kura (e.g., dental therapist, speech language therapist, RTLB, RTLit, PLD provider, Court appointed lawyer, private tutors or agency staff such as SWiS, ERO, Ministry of Education or Ministry of Health staff)</p>	<p>No requirement.</p>	<p>People who work in the school/kura but who are employed or engaged as a children’s worker by another organisation should be safety checked by their employing organisation. The school/kura should confirm with the person’s employer that a safety check has been completed, in line with the requirements and timelines of the <i>Children’s Act 2014</i>, for people who do work in the school/kura.</p>
<p>They are a volunteer (e.g., canteen worker, breakfast club, parents, camp volunteers)</p>	<p>No requirement.</p>	<p>No requirement. Volunteers don’t need to be safety checked under the <i>Children’s Act 2014</i> or the <i>Education and Training Act 2020</i>. The school/kura can choose whether to safety check their volunteers (or complete components of a safety check such as a Police vet). This may be guided by their own child protection and/or health and safety policies.</p>
<p>They don’t fit into any of the categories above (e.g., parents or visitors on site (with the Board’s consent), etc)</p>	<p>No requirement.</p>	<p>No requirement.</p>

Early Childhood Education

Safety checking (which includes Police vetting as one of the seven components) is required for all Children’s Workers (Licensing Criterion GMA7A (for Centre-Based and Hospital-Based Services and Kōhanga Reo), GMA6A (for Home-Based Services), /MA6 (for Playgroups). Police vetting is required for anyone else appointed to work during normal opening hours who may, or is likely to, have unsupervised access to children. This includes contractors and employees of contractors (Schedule 4, clauses 2-4 of the *Education and Training Act 2020*). Adults living in a home where a Home-Based Service operates must also be police vetted (schedule 4, clause 5 of the *Education and Training Act 2020*).

Initial compliance against the minimum standards, including safety checking and Police vetting requirements, is checked when the Ministry of Education assesses a new Service application (i.e., when deciding whether a probationary licence can be granted). The next assessment is

near the end of the 12-month probationary licence period, when the Ministry assesses whether a full licence will be granted. Once a full licence has been granted, there are various reasons why the Ministry of Education may need to complete further assessments as to whether a Service is compliant with the minimum standards. However, as a full assessment of all the requirements is not always necessary, licensing staff may only conduct a partial assessment. As such, the Ministry of Education may not always assess compliance with safety checking/police vetting requirements if it is not considered an area of concern. Reasons for further compliance checks include:

- Notification of an incident or receiving a complaint which warrants investigation.
- Assessing an application to amend a licence, including change to identity of Service providers/sale or change of management.
- Identification of non-compliance by the Education Review Office (ERO).
- Assessing compliance against any conditions imposed on a Service.
- A Service reopening after voluntary temporary closure or temporary relocation.
- A Service identified as high risk by the Ministry of Education’s risk indicator tool.

When assessing compliance with safety checking/police vetting requirements, the Ministry of Education checks whether this was conducted before the children's worker started work, before someone (i.e., a contractor) has unsupervised access to children, or before a home-based service begins to operate.

It is up to each Early Learning Service to decide what impact the information contained in the Police vet will have on a person’s recruitment or engagement. However, there is an exception to this, if the Police vet shows that a person has been convicted of an offence specified under Schedule 2 of the *Children's Act 2014*. In this case, the person cannot be employed or engaged, unless they have an exemption. When assessing a Service, the Ministry of Education will check that the Service has undertaken a risk assessment for any information that appears in the Police vet, and that those with a specified offence have not been employed/engaged, unless exempt.

The Ministry also has a ‘fit and proper’ test for Service providers to ensure that they do not have a previous conviction for any offence involving harm to children, violence, or fraud, as well as other criteria relating to health, financial state, and/or previous management issues (section 8 of the *Education (Early Childhood Services) Regulations 2008*).

As noted in response to Question 35, the Ministry of Education contracted an external agency in 2020 to investigate if the Ministry held any contracts with individuals whose teaching registration had been cancelled (or other censure applied) by the New Zealand Teachers Disciplinary Tribunal. This investigation resulted in a number of recommendations, including strengthening the fit and proper person test for Early Childhood Education licensing.

46. Prior to the implementation of mandatory police vetting:

- **What were the Ministry’s policies, practices and/or guidelines for vetting of staff, caregivers and volunteers in state and faith-based educational care settings?**
- **How did the Ministry ensure that applicants who had previously offended against children, young persons and vulnerable adults were not employed again in educational settings?**

Prior to 1989, the obligation to check suitability, including vetting staff, was the responsibility of the 10 regional Education Boards.

The Tomorrow's Schools reforms, brought into effect in the *Education Act 1989*, significantly changed the way schools were governed. The school's Board of Trustees has various obligations as employers under relevant pieces of legislation, including Education legislation, the Public Service Act, and the State Sector Act

From 1996, Court Registrars have had a mandatory obligation to report to the Teaching Council if a person currently or previously employed as a teacher has been convicted of an offence with a term of three months' imprisonment or more. From 2004, this obligation was imposed on teachers themselves.

Since 1997, managers of private schools have also been required to report to the Teaching Council in relation to all dismissals and resignations, complaints, possible serious misconduct of teachers, and matters relating to their competence.

**47. From 1950 until present day, what requirements do faith-based institutions have in respect of vetting staff, caregivers and volunteers working in faith-based educational care settings?
How are these monitored by the Ministry?**

Safety checking/police vetting requirements apply to all types of schools and early learning services (i.e., there are not different requirements based on a school's or service's personal philosophy or religious affiliation).

FUNDING

**48. From 1950 to present day, what is the annual funding formula for the education of children, young persons and vulnerable adults in state and faith-based care settings?
How did this differ from the funding formula for the education of children, young persons and vulnerable adults in non-state and faith-based care education settings?
Is pastoral care support included in funding?**

There are a number of components which make up each State and State-integrated schools' funding, including both staffing entitlements and operational grant funding. Each component is allocated to schools based on various factors, such as school roll, school type (e.g., primary or secondary school, full-immersion Māori schools, residential special schools), year levels, whether the school is rural, and decile (which is set to be replaced by an equity index in 2023). Private schools receive a small amount of Government funding through a per-student subsidy.

Faith-based schools can span a range of these factors. For example, faith-based schools can be State, State-integrated or private schools, and vary in roll size, school type, year level and decile. The Ministry of Education's funding formula for schools is not based on the special character of a school. Schools are resourced to meet the pastoral needs of their learners. For example, in secondary schools, guidance staffing is a discrete component of their overall staffing, while for primary schools, this is included in their base staffing. Recent Government investments have also provided additional resourcing for access to guidance and counselling support in schools.

Operational grants are a core part of all State and State-integrated schools' funding. This funding is intended for schools to use where needed, and to align with the Statement of National Education and Learning Priorities (NELPs), which encourage schools to focus on several key objectives based on the pastoral care of students.

Historical Information

Prior to the introduction of the *Public Finance Act 1989*, appropriations were made on a 'cash for inputs' basis. Accordingly, appropriations consisted of a long list of input items (e.g., salaries and wages; payments to the Post Office; heat, light and power). Subsequently, the list of input items was shown as Part D of each Vote, while Part C showed expenditure by 'programme'.

Following the passing of the *Public Finance Act 1989* (Departments had up to two years to migrate from a cash-based system to an accrual accounting system), appropriations have been on a 'full accrual costs of outputs' basis, including outputs, transfers, other expenses, capital expenditure, and (more recently) multi-category appropriations.

In 1987, Associate Professor Prue Hyman, in a study of the economics of special education in New Zealand, noted that it was difficult to identify total or per capita costs of special education. "Attempts to do so are probably somewhat artificial, particularly in view of the moves towards normalisation and integration, while the residential nature of some special education makes the separation of educational and living costs a further problem. Nevertheless, some points can be made.

"The Vote for Special Education in 1983/84 amounted to \$32.565 million, 1.9 percent of the total Education Vote, but this is an under-estimate of the total costs. The largest items are \$17.885 million for Education Board-run special classes and schools, \$8.865 million for Education Department special schools, \$3.180 million grant to the Royal New Zealand Foundation for the Blind (RNZFB), and \$1.628 million for schools in Social Welfare Institutions. Despite constituting the largest category, the Education Board figures are incomplete since they include mainly teaching salaries, other costs being absorbed with general primary school expenditure."

While the grant for the running of Homai College for the visually handicapped is included, that part of the IHC's grant for teaching costs is not. Several hundred children with severe intellectual and other handicaps are not taught under the state system and a considerable proportion of these are residents in the special care centres of the Society, with salary subsidies included in the Social Welfare Vote. It has recently been announced that the Department of Education will, over the next few years, take over responsibility for their education. Resources devoted to the area will probably increase, although part of this increase in the education vote will be matched by decreased expenditure by Social Welfare and IHC. Allowing for these omissions, it appears that the 2.2 percent of children receiving some sort of special education absorb, as would be expected, more than that proportion of educational spending."

"Pupil-teacher ratios give an alternative, probably superior, indication of relative resource use. In 1983, the average pupil-teacher ratio in New Zealand state primary schools was 22.5:1 and in secondary schools 15.3:1, giving an overall average of about 20:1. Variation in the ratio is considerable within special classes and schools, depending on type and severity of handicap and associated needs. In recent years, extra teaching positions have been created in a number of areas of special education, with associated improvements in the approved staffing schedules, which now vary among the larger groups from 7.1 for children with hearing impairments, 8:1 for maladjusted children, 9:1 for intellectually handicapped children to 16:1 for those classed as backward. Consequently, it would be a reasonable approximation that on

average about double the teaching resources per child are available in special education compared with the general system, with transport costs an additional item applicable to special education.”

“It should be noted that to make more definitive statements on economic aspects of special education programmes additional research is needed based on better data than that currently available. For example, comparisons with regard to the provision of special education in special schools, special classes or ordinary classes would need careful evaluation of outcomes in each case and detailed breakdown of costs.”

One programme for which a cost benefit analysis has been undertaken is the education provided for visually impaired children at Homai College. The following summary is based on this study by Hyman (1981, pp. 28-39). In the mid-1970s when the study was undertaken, 93 children were resident at Homai, with 65 taught there and 28 attending secondary and intermediate schools outside. Education was provided at Homai for the 65 residents mentioned and for 30 Day pupils. Educational running costs per pupil were some five times higher than in the state system because of the more favourable pupil-teacher ratios and costly teaching aids needed. In spite of this, the study showed that on realistic assumptions about their future working lives, the present value of the earnings from employment, which the intensive education system made possible, exceeded the present value of the costs involved in the education of this group. A Royal New Zealand Foundation for the Blind survey of the occupations of their registrants at that time showed a great variety, including physiotherapy, computer programming, industrial process work, farming, piano tuning, and telephonist work. It was estimated that 70 to 90 percent of those available for work were in fact in employment, with only about one-fifth of those in sheltered workshops.

49. From 1950 until present day, please provide a breakdown of the Ministry’s funding for disability education. Please also explain:

- (a) How was this funding calculated?**
- (b) What considerations did the Ministry take into account when making funding decisions?**
- (c) How did the Ministry ensure this funding was sufficient in light of the learning needs of the students?**
- (d) Did this funding include funding for in-home tutoring? If so, how much was allocated for this option?**

The Ministry of Education is committed to an inclusive education system that supports the progress and achievement of all children, including those who need additional support to learn. Every school receives Special Education Grant funding through their Operational Grant. The Special Education Grant is made up of a base amount, plus a per-student component which is weighted using a school’s equity index (from 2023, currently decile is used). The intention of the Special Education Grant is to provide support to schools for furthering the inclusion of students who may be living with moderate special education needs (such as learning and behaviour requirements). The Special Education Grant began being allocated to schools from the 1997 school year, replacing an earlier form of special education resourcing.

There are a range of services available for children and young people with a physical disability or illness. Many of these are funded through Learning Support, which aims to ensure all children get the right support they need, at the right time.

The prevalence of Learning Support needs and demand for services is growing. The baseline for Learning Support expenditure increased from an estimated \$972.6 million in 2017/18 to \$1,227.7 million in 2020/21. New funding has been invested across a range of Learning Support services to address cost pressures, demand pressures, service gaps and priorities in the *Learning Support Action Plan 2019-2025*. However, it is important to note that funding for most Learning Support services is capped and there is no mechanism to automatically adjust funding in response to demand.

The Ministry is unable to provide the funding for individual services in the current financial year (2020/21). Learning Support has received an increase to funding in the last two years, and work is underway to reconcile the amount received and understand this in terms of the different cost components attributed to services. However, the following table sets out the budget investment over four years, between Budget 2017 and Budget 2020, in the Learning Support categories that relate to children and young people with disability need. Note this excludes capital investment.

Budget Investment in Learning Support by Category (Budget 2017-Budget 2020)	
Category	\$m
Support for children and young people with high needs (ORS, School High Health Needs Fund, Intensive Wraparound Service, Residential Specialist Schools, In Class Support) and Behaviour Services.	362.3
Sensory Schools and New Zealand Sign Language	40.1
Cost and demand adjustments (e.g., for the Special Education Grant (SEG) component of operational grants and cost adjustments for early learning subsidies)	158.3

A list of Learning Support services and supports is included in the answer to Question 12, but a description for those services that include children and young people with disability needs is included here.

Ongoing Resourcing Scheme (ORS)	ORS funding provides services and supports in a local or independent school, specialist school, Te Kura, or through home education. ORS funding includes specialists, specialist teachers, teacher aides, and consumables grant for children and young people aged 5 to 21 years with the highest level of need.
Day Specialist Schools	There are 27 Day Specialist Schools that support ORS-funded students in Years 1 to 13, whose needs cannot be met in a local school. Day Specialist Schools may have satellite classes that are based in regular schools and/or a Specialist Teacher Outreach Service.
Other Fundholder Schools	There are 20 State schools and one independent school which manage the ORS funding and provide services and supports for enrolled children and young people.
Sensory Specialist Schools	Most children and young people who are deaf or hard of hearing, or blind or have low vision are supported in their local school, but with a national network of services provided by Ko Taku Reo: Deaf Education New Zealand and the Blind and Low Vision Education Network (BLENNZ). The level of support required in school varies. Some children and young people will have a high level of need and be supported by ORS funding, while others will have moderate need.

Regional Health Schools	Three Regional Health Schools provide a service and support for children and young people who are unwell and unable to learn in their local school.
School High Needs Health Fund	This fund provides short-term funding for teacher aide support to help students with health needs develop independence in managing their health condition.
Residential Specialist Schools (RSS)	There are three Residential Specialist Schools (RSS) that support children and young people with social, behaviour and learning needs: Westbridge Residential School (Auckland), Salisbury School (Nelson), and Halswell Residential College (Christchurch). Children and young people may enrol at one of these schools as an identified intervention within an Intensive Wraparound Service plan or through the RSS-only enrolment pathway, which has been established for those who do not want or require the Intensive Wraparound Service.
Te Kahu Tōi Intensive Wraparound Service (IWS) and Te Awa Unit	The Intensive Wraparound Service (IWS) supports children aged 5 to 14 years-old who have highly complex learning, and social and behavioural needs in their home, school, and community. The children’s needs are assessed, and a wraparound plan developed. A short stay at a residential school may be part of the wraparound plan.
In-Class Support (ICS)	The In-Class Support (ICS) contributes funding towards providing a teacher aide for children and young people with continuing high learning needs who are not funded through ORS. The ICS funding is for students in Years 1 to 13 who are identified by schools, the Ministry of Education’s Learning Support teams, or the RTLB Service as having significant learning needs.

50. From 1950 until present day, in relation to third party providers:

- (a) What is the total amount given to non-faith-based and faith-based third party providers for the provision of education?
Please include alternate education, teen parent units, and kaupapa Māori providers.**
- (b) How is this funding monitored?
Was funding contingent on meeting standards or metrics?
How is the safety of children included in the monitoring of these services?**
- (c) What is the total amount paid for truancy services annually?**

**What is the total amount given to non-faith-based and faith-based third party providers for the provision of education?
Please include alternate education, teen parent units, and kaupapa Māori providers.**

Alternative Education

Alternative education provides educational and pastoral support for students who have disengaged from mainstream schooling.

Managing schools are contracted by the Ministry of Education to provide alternative education. The managing school holds the contracted funds and manages any sub-contracted third parties to deliver alternative education.

Enrolling schools refer students to alternative education. The enrolling school maintains educational and pastoral responsibility for students while they are enrolled in their school and are attending alternative education, as per the National Education Guidelines (NEGs) and National Administration Guidelines (NAGs). The enrolling school is responsible for the student's educational success, including their achievement results.

A *provider* may be sub-contracted by the managing school to deliver alternative education on their behalf, and is responsible for supporting students to achieve their Individual Learning Plan goals.

In the 2021/22 financial year, the budget for alternative education was \$23.374m.

Teen Parent Units

Teen Parent Units are units run by State schools for young people who are parents or pregnant. They are considered a part of the managing (or host) school, and are not provided by third parties. The operational funding for the Teen Parent Units is paid directly to the managing school. Teen Parent Units generate staffing entitlement. The managing school receives the staffing allocation, and is responsible for employing staff to work in the Teen Parent Unit.

In the 2021/22 financial year, the budget/spend on Teen Parent Units was \$3.972,106m.

Kaupapa Māori Providers

Māori-medium schools are generally funded the same as English-medium schools are. However, Māori-medium schools are funded for better curriculum delivery allowance ratios (as measured by students per full-time teacher equivalents) compared to English-medium schools, to reflect the additional workload of kaiako, which is in addition to core curriculum in these schools. Schools with Māori language programmes also receive additional funding, based on both the number of students receiving te reo Māori lessons and the level of immersion. There are also a number of other components that are in part calculated based on whether the school is a Kaupapa Māori provider.

How is this funding monitored?

Was funding contingent on meeting standards or metrics?

How is the safety of children included in the monitoring of these services?

Where providers are contracted by the Ministry of Education to deliver an educational programme or service for students, the terms and conditions of the Outcome or Funding Agreement set out details of the funding amount, monitoring by the purchasing agency, reporting requirements by the provider, and the process to be followed if the Agreement is breached. The Agreement also sets out the provider's responsibilities under the *Children's Act 2014* and the *Health and Safety at Work Act 2015*.

School providers may be funded through the operational grant to deliver a service. As noted in the answer to Question 44, school Boards of Trustees are responsible for setting and monitoring policies and procedures that align to and support the school's statutory responsibilities and the strategic direction of the school. The Ministry of Education contracts the New Zealand School Trustees Association (NZSTA) to provide a fully integrated range of services to support the governance and employment capabilities of Boards.

The Education Review Office (ERO), as the Government's external evaluation agency, evaluates and reports on the education and care of students in the education system. ERO

reviews schools and early learning centres on average once every three years. A review will occur more frequently where the performance of a school or early learning centre is poor and/or education and safety risks to students have been identified.

For contracted services (such as alternative education), monitoring is undertaken as part of the business as usual monitoring of contracts and memorandums of understanding with managing schools. The Ministry of Education receives regular reporting from managing schools on the performance of alternative education.

What is the total amount paid for truancy services annually?

The Ministry of Education contracts with providers nationally for the Attendance Service, which primarily works with students aged from six to 16 years. The Attendance Service may also work with any child, older or younger, who is enrolled but has not been attending school.

The Ministry aims to support schools to:

- Effectively manage attendance.
- Reduce unjustified absence rates and non-enrolment.
- Reduce the time taken to return students to education.

In the 2019/20 and 2020/21 financial years, the budget for Attendance Services was \$10.143m per annum. In the 2021/22 financial year, the budget for Attendance Services is \$15.010m.

Additionally, in October 2021, the Government provided a package of supports to get students in Auckland back on track with their learning. This included one-off funding of \$649,000 for the Attendance Service in Auckland.

HUMAN RIGHTS UNDER INTERNATIONAL LAW / INSTRUMENTS

**51. What consideration has the Ministry given to its obligations under Article 15 of the International Covenant on Economic, Social and Cultural Rights, and Article 27 of the International Covenant on Civil and Political Rights, relating to the right to culture for children and young people in educational care?
How have these obligations been implemented?**

The Ministry of Education reflects the obligations within Article 15 of the International Covenant on Economic, Social and Cultural Rights and Article 27 of the International Covenant on Civil and Political Rights through education settings, specifically the *Education and Training Act 2020* and the Statement of National Education and Learning Priorities (NELP), which is issued under the Act and considered in all policy development and advice. The rights under these articles are affirmed through the NELP and other key education strategies.

Section 4 of the *Education and Training Act 2020* sets the purpose of the Act, which includes providing New Zealanders, and those studying in New Zealand, with the skills, knowledge and capabilities that they need to participate fully in the labour market, society and their communities, and support their health, safety and wellbeing. Section 33 states that all children in Aotearoa New Zealand have the right to enrol, attend and receive free education at a State

school. The Act also states that one of the education and learning objectives for early childhood, primary, and secondary education is to instil, in each child and young person, an appreciation of the importance of the inclusion of different groups and persons with different personal characteristics; diversity, cultural knowledge, identity, and the different official languages; and Te Tiriti o Waitangi and te reo Māori (s.5(4)(c)(i-iii)). Further, Section 133 of the Act sets out that school Boards of Trustees must take all reasonable steps to ensure that the policies and practices for their school reflect Aotearoa New Zealand's cultural diversity.

The NELP was developed through extensive public consultation and underpinned by evidence briefs that took stock of how the system was performing in relation to the Act's Objectives for Education. Two of these evidence briefs:

- *Children and young people appreciate the diversity of our society and the importance of their culture, and*
- *All children and young people are present, safe and included in their learning environments so that they realise their full potential*

highlight the importance of children and young peoples' cultures, ethnicities, languages, identities, backgrounds and values being reflected and valued in their learning community. This includes supporting Māori children and young people to achieve as Māori in a genuinely bicultural education system. Being culturally responsive for and with Māori is key to the education system honouring Te Tiriti o Waitangi.

Priority 2 of the NELP states that education providers need to have high aspirations for every learner/ākonga, and support these by partnering with their whānau and communities to design and deliver education that responds to their needs, and sustains their identities, languages and cultures. The *Education and Training Act 2020* also places obligations on the Board to ensure that the school gives effect to relevant student rights, as set out in the Act (section 127), the *New Zealand Bill of Rights Act 1990*, and the *Human Rights Act 1993*, and takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school.

Ka Hikitia and the Action Plan for Pacific Education, the Ministry of Education's cross-agency strategies that set out how the Ministry will work with education services to achieve system shifts in education for Māori and Pacific ākonga and their whānau, also reflect the priorities of the NELP. Both strategies highlight the need for recognising the value of identity, culture, and language, developing cultural competency, and confronting racism, discrimination and stigma in education.

The Māori language petition, delivered to Parliament in 1972, asked for active recognition of te reo Māori and became the starting point for a significant revitalisation of te reo. This was supported by Government and in the 1980s kōhanga reo were established (Māori language early childhood centres), followed by kura kaupapa Māori (primary schools where the whole school is taught in te reo Māori). The idea of a Māori immersion curriculum has grown and been nurtured through kōhanga reo. It is now established for school-age children in kura kaupapa and in bilingual units and classes. This is one of the most important developments in Aotearoa New Zealand education and it has created a strong demand for speakers of te reo Māori at all levels of the education system. In February 2022, the Government announced a refresh of Māori-medium education pathways, including the aim to see 30 percent of Māori learners participating in Kura Kaupapa or other Māori-medium education by 2040.

52. How has the Ministry implemented within its policies and practices its obligation to comply with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

The right to education

The right to education is enshrined in legislation. The *Education and Training Act 2020* explicitly includes the right to attend school during all the hours the school is open for instruction. Section 33 of the Act sets out the rights of children and young people in Aotearoa New Zealand to enrol, attend and receive education at a State school, and Section 34 clarifies that these rights apply equally to students with learning support needs (whether because of disability or otherwise).

Obligations on education providers to deliver inclusive education have been increased

The *Education (Update) Amendment Act 2017* placed legal obligations on school Boards to ensure that their school was a physically and emotionally safe place for all students and staff; and was inclusive of and catered for students with differing needs. The *Education and Training Act 2020* elevated these to a Board's primary objectives (s127).

In 2020, the Government issued its Statement of National Education and Learning Priorities (NELP). These priorities include ensuring that places of learning are safe and inclusive, and free from racism, discrimination, and bullying; and reducing barriers to education for all, including for Māori and Pacific learners, disabled learners and those with learning support needs. Early Learning Services and School Boards are required to have regard to the NELP.

As well as setting these expectations, the Ministry of Education funds a broad range of initiatives to ensure education provision is inclusive, including:

- All school building projects must comply with legal and Ministry of Education-design standards and should follow best practice standards. This includes accessibility design standards. The Ministry also makes funding available for modifications to school buildings to respond to the accessibility needs of students and staff.
- The Ministry is refreshing the National Curriculum over the next five years so that it is bicultural, inclusive and easier to use, including for learners who are disabled or have other learning support needs.
- The *Learning Support Action Plan 2019-2025* sets out six priorities for Learning Support to drive progress towards an inclusive education system, where every child feels a sense of belonging, is present, makes progress, has their wellbeing safeguarded and promoted, where learning is a lifelong journey, and those with learning support needs get the right support at the right time.
- The baseline for Learning Support expenditure increased from an estimated \$972.6 million in 2017/18 to \$1,227.7 million in 2020/21.

Every school also receives Special Education Grant funding through their Operational Grant, with the aim of supporting schools for furthering the inclusion of students who may be living with moderate special education needs (please refer to Question 49 for more information).

A broad range of Deaf Education and New Zealand Sign Language supports in the education system are funded

New Zealand Sign Language (NZSL) has been an official language of Aotearoa New Zealand since 2006. NZSL is essential to some Deaf and hard of hearing people's ability to learn,

communicate and participate in society. The Ministry of Education has a key role in the acquisition and access of NZSL for all ākongā, particularly for Deaf ākongā.

The Ministry funds a range of Deaf Education and NZSL supports in the education system. For example:

- Ko Taku Reo: Deaf Education New Zealand (KTR) has a range of flexible options to support Deaf and hard of hearing ākongā/students, including 11 satellite classrooms across Aotearoa New Zealand. The Ministry of Education funds Ko Taku Reo to deliver several regional services.
- NZSL@School (delivered by Ko Taku Reo) is a service for Deaf and hard of hearing ākongā/students, whose primary language is NZSL. The objective of NZSL@School is to strengthen the use and frequency of NZSL by Deaf and hard of hearing ākongā/students, through the daily access to quality NZSL in schools (with the assistance of Communication Education Support workers and NZSL interpreters), and to support the in-school education workforce through the Resource Teacher for Deaf (RTD) service.
- NZSL interpreters for deaf parents, with the purpose of allowing Deaf parents to participate fully in their child's education.
- Budgets 2018 and 2019 provided additional funding of more than \$36 million to strengthen the place of NZSL in the education system, and to support Deaf and hard of hearing ākongā.

Strengthening understanding of the demand and supply of specialist teachers, including NZSL teachers

This includes developing a work programme to strengthen the Ministry of Education's ability to forecast future need, and working to increase the NZSL content in post-graduate programmes and qualifications to assist ākongā with learning support needs.

Budgets 2018 and 2019 provided an increase in the total number of Ministry of Education Learning Support Study Awards and Scholarships for those wanting to teach NZSL or gain interpreter qualifications.

53. What actions has the Ministry taken to implement the recommendations made by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in its 2014 concluding observations on the initial report of New Zealand?

In its 2014 concluding observations on the initial report of New Zealand, the United Nations Committee on the Rights of Persons with Disabilities recommended that further work be undertaken to increase the provision of reasonable accommodation in primary and secondary education, and to increase the levels of entry into tertiary education for persons with disabilities. The Committee encouraged the State party to implement anti-bullying programmes and to establish an enforceable right to inclusive education. In response to this, the Ministry of Education has:

Increased actions to make education services more accessible for children with disabilities

The right to education is enshrined in legislation. The *Education and Training Act 2020* explicitly includes the right to attend school during all the hours the school is open for

instruction. Section 33 of the Act lays out the rights of children and young people in New Zealand to enrol, attend and receive education at a State school, and Section 34 clarifies that these rights apply equally to students with learning support needs (whether because of disability or otherwise). Section 127 of the Act specifies the primary objectives of a school Board, including to ensure that the school is a physically and emotionally safe place for all students, takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school, and that the school is inclusive of, and caters for, students with differing needs.

The *Learning Support Action Plan 2019–2025* sets out priority actions that will make the most difference and help ensure that children and young people get the right support at the right time. The six priorities of the *Learning Support Action Plan* are:

1. Implementation of a new Learning Support Coordinator role in schools and kura.
2. Strengthening screening and the early identification of learning support needs.
3. Strengthening early intervention.
4. Flexible supports and services for neurodiverse children and young people.
5. Meeting the learning needs of gifted children and young people.
6. Improving education for children and young people at risk of disengaging.

Information on increasing accessibility to education for children, young people and vulnerable adults living in State or faith-based care is included in the response to Question 12.

Undertaken work to facilitate increased participation of disabled learners in tertiary education

The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, published in July 2021, sets out the expectations that tertiary education organisations and schools enrolling international learners must meet for learners' wellbeing and safety, including disabled learners. By creating environments that are more inclusive and where all learners can thrive, more learners (including disabled learners) will be able to access, participate, and do well in tertiary education.

The new code brings together the previous codes for domestic and international learners, and will, for example:

- Make providers more accountable to disabled learners and other learners, and their families and communities. The Code expects tertiary providers to work with disabled and other learners, including when developing, reviewing, and improving their strategic goals, plans and practices.
- Increase transparency for learners about providers' wellbeing structures, strategies, practices and performances.
- Increase clarity for learners and providers, so everyone understands what expectations learners can have of providers about their wellbeing and safety.
- Ensure providers are fostering safe, inclusive, supportive, and accessible physical and digital learning environments.

The Unified Funding System is a key workstream of the Reform of Vocational Education work programme. Once it commences from 2023, the Unified Funding System will streamline the funding across the vocational system, making it easier for all learners (including disabled learners) to access and participate in vocational education and training. The 'learner component' of funding will substantially increase funding to providers to support learners, especially those who are 'underserved' by the system, including disabled learners.

Committed to supporting inclusive learning environments that prevent and reduce bullying

Creating safe and inclusive environments that prevent bullying in the first place and responding quickly to resolve bullying when it does happen are the most powerful ways the Ministry of Education can address this problem. Inclusive environments that value diversity can greatly reduce the risk of disabled students experiencing bullying and support effective redress when it does occur.

Section 127 of the *Education and Training Act 2020* sets the primary objectives of School Boards, which includes that schools are physically and emotional safe places for all students and teachers, and that schools take all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school.

The Government supports schools to strengthen their inclusive practices through a tiered model of support and provision of resources, including:

- Resources and guidance (e.g., inclusive education guides).
- Initiatives that support the development of a positive and inclusive school ethos (e.g., Positive Behaviour for Learning (PB4L) School-Wide and Restorative Practice).
- A range of specialist roles that support schools to tailor supports to meet the needs of all learners and embed inclusive practices (e.g., Learning Support Coordinators, Psychologists, Resource Teachers: Learning and Behaviour).
- Free access for schools to the online Wellbeing@School (W@S) survey tools, which help schools understand the level and type of bullying that might be happening, the extent to which known protective and risk factors are present, and where improvements can be made).

Some schools use anti-bullying programmes as part of their approach. However, evidence suggests that programmes alone are unlikely to prevent bullying. These often do not include a focus on all the social and environmental aspects needed to successfully prevent bullying. The diversity within and between New Zealand schools and the communities they serve means that one programme will never meet the needs of everyone.

Since 2014, the Ministry of Education has worked with the cross-agency Bullying Prevention Advisory Group to develop and strengthen resources to help reduce bullying in schools. These resources are made available on the BullyingFree.NZ website. The website's content is underpinned by the evidence-informed Bullying-Free NZ School Framework, which contains nine core components for effective whole-school bullying prevention and response approaches.

In 2020, the Ministry of Education partnered with the Office of the Children's Commissioner to learn from good practice. This project involved hearing from students, staff and whānau at five schools, including a kura kaupapa Māori. The experiences of disabled children and/or those receiving learning support were a focus of the engagement. Findings from this work were shared in the Our Kind of School Report (published November 2021) and will be used to inform the direction of further work to address bullying in Aotearoa.

Established an enforceable right to inclusive education

The right to inclusive education is currently a key element of the legislative framework and is enforceable in a practical sense. Section 33 of the *Education and Training Act 2020* sets out the rights of children and young people in New Zealand to enrol, attend and receive education at a State school (including the right to attend for all the hours the school is open). Section 34 clarifies that these rights apply equally to students with learning support needs.

If a student and their whānau believe that a school's Board has failed to meet its legal obligations, such as that set out under sections 33 and 34 of the *Education and Training Act 2020*, they can make a complaint to the Ministry of Education, seek a review by the Ombudsman, or a judicial review in the High Court. The Ministry works with schools to support them to meet their obligations under the Act and has a range of interventions it can use if necessary, including requiring a Board to carry out a specified action by a specified date.

DATA COLLECTION / RECORD KEEPING / ACCESS TO RECORDS

54. From 1950 until present day, please describe the lessons the Ministry has learned about data collection practices in relation to people in educational care. What has been done to address these learnings and what is the current approach today? Please include reference to the following data collection practices:

- (a) Ethnicity, including:**
 - (i) Māori people and their iwi and hapū**
 - (ii) Pacific peoples**
 - (iii) People with multiple ethnicities**
- (b) Disability status**
- (c) Mental health condition**
- (d) Sexuality**
- (e) Gender**
- (f) Records of iwi or whakapapa**
- (g) Records of birth parents, and/or**
- (h) Care or support needs.**

55. If the Ministry does not or has not collected this data, please explain why.

Paper-based to electronic

The data collection practices of the Ministry of Education have changed and expanded over time. This has been enabled by digitalisation.

When record-keeping was paper-based, the Ministry collected and published basic information for early childhood, primary and secondary schooling and tertiary education. As record-keeping was digitalised, the Ministry was able to collect data at a student level, which allowed for:

- The publication of a wider range of aggregate information.
- Research and evaluation on the impact and outcomes of education policy and interventions.
- Design funding and operational policy that could more accurately target groups of students (e.g., equity index).

Increased digitalisation facilitated two important systems related to the care of students – ENROL and the Case Management System (CMS).

- ENROL is a register of student enrolments. It lets schools update enrolments as students enrol, change schools, or leave the education systems. ENROL also enables the identification of students who have disengaged from education.

- CMS is the Case Management System which holds Learning Support client information.

Privacy

The Ministry of Education now has a centralised Information Management Team providing specialist privacy and information sharing advice, covering all the areas referred to in this question. In addition to the provision of Privacy by Design-focused advice and guidance, over the past 18 months the Information Management Team has started to provide targeted privacy and information sharing workshops for Ministry of Education regional staff and service providers (e.g., Learning Support, Education Advisors, Resource Teachers of Learning and Behaviour) to improve privacy maturity, including the collection, use and disclosure of learner information held in Ministry systems such as ENROL and CMS. Most new Ministry data collections are now reviewed by the Information Management Team to ensure that the collection is lawful and appropriate, and that the individuals are correctly informed of the collection and how their information will be used and protected by the Ministry.

In 2020, the Ministry of Education adopted the Data Protection and Use Policy (DPUP) and committed to implement and embed the DPUP principles into its approach to collection, use and disclosure of education sector data. This adds an additional lens to the privacy-enhancing approach the Ministry has adopted. The Ministry of Education has also established an Ethics Committee to ensure all research and statistical use of Ministry-held data is appropriate and has tangible benefits to and for the education sector.

The Information Management Team has worked to develop safe processes for transgender learners and their whānau to ensure the data held by the Ministry reflects the learner's gender appropriately. Advice and support are provided directly to learners, parents, schools, and internal business teams to ensure consistency of practice, where the privacy and identity of the learner is the priority.

Ethnicity

Early data collection practices included information on Māori. For example, the *1964 Education Statistics Booklet* has tables on Māori primary and post-primary education.

In the 1980s, an ethnic group breakdown of European/Pākehā, Māori, Pacific Islander, Asian and Other was commonly used. For example, the *1989 Education Statistics Booklet* published an ethnic group breakdown of School Certificate and Sixth Form Certificate Candidates.

Most Ministry of Education data collection practices today use the Statistics New Zealand ethnicity classification.

Statistics New Zealand defines ethnicity as 'the ethnic group or groups that people identify with or feel they belong to' and 'a measure of cultural affiliation, as opposed to race, ancestry, nationality or citizenship'. Statistics New Zealand categorises ethnicities into four levels, allowing for collecting and reporting ethnicity data at higher or lower levels of detail.

All enrolment forms for schools and early learning services should allow students to identify with up to three ethnic groups. Similarly, up to three ethnic groups are accepted in Student Management Systems used by the education sector and by most Ministry of Education information systems.

In the past, Ministry of Education data collections and systems required schools to report a student as being in one ethnic group only. A student with more than one identified ethnicity was assigned to a 'prioritised ethnicity' group based on Statistics New Zealand rankings.

Prioritised ethnicity has now been largely phased out in core Ministry reporting in favour of 'total response ethnicity', which counts a student in all ethnic groups they identify with.

Disability Status

In the 1970s, information was collected and published on special education and disability (for example, the *1979 Education Statistics Booklet*).

Currently, the Ministry of Education does not routinely collect or report on the disability status of a child or young person referred for core Learning Support services. Access to core services is based on need, to ensure a child can achieve the best outcomes in any learning setting. The Ministry has a Case Management System (CMS), which holds a description of a child's learning support need and is used by Learning Support practitioners and Ministry of Education staff involved in the process as a record of support provided.

Mental Health Condition

The Ministry of Education is currently undertaking a co-design process with students in Years 7-13, to design a set of measures of student wellbeing and a tool for collecting, storing and use of the measures. Mental wellbeing is an important component for consideration; however, this work aims to take a holistic wellbeing focus, which will allow the Ministry to support schools to meet the intent of the *New Zealand Child and Youth Wellbeing Strategy* and gives due consideration to aspects of wellbeing able to be primarily impacted in an education context.

Gender

Information on gender has always been collected by the Ministry of Education. The Ministry is working towards improving data collection practices by providing at least three gender options, in line with the recently released Statistics New Zealand standard. This includes working with education institutions to ensure their systems can capture this additional data.

Records of Iwi or Whakapapa

The Ministry of Education implemented the collection of the iwi affiliation of students in early learning services, schools and tertiary organisations in the 2000s. An early adopter of collecting this information, the Ministry has worked closely with Statistics New Zealand to ensure their classification remains as accurate as possible and is able to be used by other government agencies. The Ministry has also worked with iwi to ensure the information it receives is used appropriately.

Records of Birth Parents

This information has not been collected by the Ministry of Education.

Care or Support Needs

Access to core Learning Support services is based on need, to ensure a child can achieve the best outcomes in any learning setting. The Ministry has a Case Management System (CMS), which holds a description of a child's learning support need and is used by Learning Support practitioners and the Ministry of Education staff involved in the process as a record of support provided.

- 56. If this data is collected, please advise whether this information (including ethnicity information) is recorded in respect of those:**
- In educational care.
 - Who have reported or been the victim of abuse in educational care.
 - Who have made claims for redress for abuse that occurred in educational care.

In early 2021, the Ministry of Education's Sensitive Claims Team began using a Claim Lodgement Form, which requests the following information:

- Ethnicity (claimants are invited to disclose their ethnicity and where they identify as Māori, their iwi).
- Disability status (although not specifically asked for, some claimants disclose a mental health condition under this section. When the Ministry invites claimants to advise how they can be best supported through the claims process, some disclose mental health concerns at this point).

Information about a claimant's sexuality and/or gender is not requested.

The Sensitive Claims Team does not specifically search for a claimant's records of iwi or whakapapa, or records of birth parents. However, this information can be captured in a claimant's special education/school files, where the Ministry of Education holds these records. Claimants are offered a copy of any records the Ministry holds about them.

57. How does the Ministry use this information and data, including ethnicity information?

Improving educational outcomes for Māori is the focus of the Ministry of Education's strategic priorities, and Māori data is used to support most policy or operational decisions to achieve that goal.

The Ministry produces numerous reports by ethnicity on primary, secondary and tertiary education (www.educationcounts.govt.nz). The progress of Ka Hikitia (the Māori Education Strategy) and Tau Mai Te Reo (the Māori Language in Education Strategy) is largely informed by this data.

The Ministry of Education has worked closely with iwi to co-design an education iwi data dashboard (Te Mataaho-a-Iwi) to enable iwi to access data that is relevant to them.

58. What, if any, barriers exist for the Ministry to record or collect this data?

The collection of personal data usually requires the agreement of the individual. As such, individuals may choose not to provide data (such as gender or ethnicity) and the Ministry of Education cannot require it.

59. If the Ministry does not collect data relating to disability, mental health conditions or a person's care or support needs, please explain why not. If there is an absence of this data, how is the Ministry able to measure progress in its implementation of New Zealand's human rights obligations, with respect to disabled people and people with mental health conditions, including those set out in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The Ministry of Education uses the concept of learning support. Learning support needs may be due to a range of factors, including, but not limited to, disability and mental health conditions. The provision of learning support is based on the strengths and needs of the learner within the context in which they learn, rather than a diagnosis. The Ministry has work underway to improve system level data on learning support needs through the development of a standardised learning support register. This work is dependent on having a secure platform for storing and sharing learner information.

The Ministry is able to look at educational outcomes for disabled learners at an aggregate level by combining education data with other datasets held within Statistics New Zealand's Integrated Data Infrastructure.

For example, the Ministry of Education's 2020 publication *He Whakaaro: The educational experiences of disabled learners* used Statistics New Zealand's Integrated Data Infrastructure to combine the 2013 Disability Survey with data collected from early learning services and schools. This data provided one of the first systematic descriptions of the experiences and outcomes of disabled learners in the New Zealand education system.

The Ministry can also measure progress in terms of changes to its policies and practices.

Under the Inquiries Act 2013
In the matter of the Royal Commission into Historical Abuse in State Care and in
the Care of Faith-based Institutions

Ministry of Education: Notice to Produce No. 468

7 July 2022

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SELECTED SCHOOLS				
Name	Proprietor	Type	Authority	Open?
Dilworth School (Auckland) Education Institution No. 66	Dilworth Trust Board	Composite Y1-15	Private	Yes
Gloriavale Christian School (Greymouth) Education Institution No. 1587		Composite Y1-15	Private	Yes
Hato Pāora College (Feilding) Education Institution No. 199	Society of Mary Catholic Church	Secondary Y9-15	State-Integrated (1983)	Yes
Hato Pētera College (Auckland)	The Roman Catholic Bishop of the Diocese of Auckland	Secondary Y9-13	State-Integrated (1981)	No Closed 2018
Hukarere Girls' College (Hawkes Bay) Education Institution No. 435	Te Aute Trust Board	Secondary Y9-15	State-Integrated (1995)	Yes
Queen Victoria School (Auckland)	General Trust Board, Diocesan Office of the Anglican Church	Secondary	State-Integrated (1978)	No Closed 2001
St Joseph's Māori Girls' College (Napier) Education Institution No. 222	The Institute de Notre Dame des Missions Trust Board Catholic Church	Secondary Y7-15	State-Integrated (1982)	Yes
St Peter's School (Cambridge) Education Institution No. 141		Secondary Y7-15	Private	Yes
Te Aute College (Hawkes Bay) Education Institution No. 232	Te Aute Trust Board Anglican Church of Aotearoa	Secondary Y9-15	State-Integrated (1999)	Yes
Wesley College (Paerata, Pukekohe) Education Institution No. 104	The Board of the Wesley Training College Methodist Church of NZ	Secondary Y7-15	State-Integrated (1977)	Yes

FAITH-BASED SCHOOLS

3. Please briefly describe:

- (a) The relationship between the Ministry and faiths associated with establishing and operating schools in Aotearoa New Zealand, and how that has changed over time.
- (b) How the Ministry gives effect to Te Tiriti in the context of its relationship with those faiths, and how that has changed over time.

(a) *The relationship between the Ministry and faiths associated with establishing and operating schools in Aotearoa New Zealand, and how that has changed over time.*

Education Amendment Act 1921

Historically, faith-based institutions were active players in the provision of education in Aotearoa New Zealand through their operation of private schools. The registration of private schools became compulsory under the *Education Amendment Act 1921*. The notion of ‘efficiency’ (the standard a registered private school had to attain) meant that “the premises, staff, equipment, and curriculum of the school are suitable; that the instruction afforded therein is as efficient as in a public school of the same class; that suitable provision is made for the inculcation in the minds of the pupils of sentiments of patriotism and loyalty” (s 7).

Explaining the requirement for private schools to be registered, the Minister of Education (Hon. J. Parr) advised in 1921: “The Government feels that it is not sufficient that we should allow any person to open a school in any sort of building and with any sort of instruction. To the children who attend these private schools, the Government owes some duty to see that the schools are reasonably efficient; just as in the case of nursing homes, private hospitals, dentists, and plumbers, we insist upon registration to protect the public and to secure efficiency.”

Section 7 of the *Education Amendment Act 1921* determined that a private school could not be established unless an application for registration was made to the Director of Education. Following receipt of an application for registration, the Director would have the school inspected to assess whether it was ‘efficient’. If the school met this standard, it could be approved for registration. The Director of Education was required to publish a list of registered private schools in the *New Zealand Gazette* each year.

The 1921 Act also required every private school to be inspected annually, with a copy of the inspection report sent to the school’s head teacher or managers. A private school could be removed from the register if the Director of Education considered it was no longer ‘efficient’. Section 7(8) of the 1921 Act created an offence against managers of private schools that failed to apply for registration.

A registered private school had to keep records of attendance and “such other records as may be prescribed” (s 7(9)). *Education (School Attendance) Regulations 1951* prescribed that the Head Teachers of all schools, including private schools, were responsible for keeping accurate records of admissions and daily attendance registers for students at their school. A return of attendance had to be provided to the Department of Education, and subsequently the Ministry of Education, at the end of each term. These requirements remain in force today.

Education Act 1964

The requirement for private schools to reach an 'efficiency' standard remained unchanged under section 186(1) of the *Education Act 1964*. In correspondence (8 August 1967) to the District Senior Inspector of Schools about the registration and inspection of private schools under the 1964 Act, the Director of Primary Education stated that "... To be 'efficient', the premises, staffing, equipment, and curriculum of the school must be suitable. There is nothing laid down in the Act, or in regulations under the Act, as to what are suitable premises. There are, however, certain minimum requirements for buildings and grounds, set out in various building codes applying to State schools. There would seem to be a presumption that buildings and grounds at a private school would need to meet these minima, if they were to be considered 'suitable'."

The letter went on to explain that "... this is an uncertain field. Increasingly, we are applying the same general standards to private schools that we apply to State schools. Our criteria of the time must be of teaching efficiency".

One change under the 1964 Act (s 186) was that reviews and inspections of private schools were reduced to a three-yearly cycle, rather than annually. Section 183 stated that during inspections of both State and private schools, the Department of Education's District Senior Inspectors, in conjunction with other Inspectors, had a duty "to give such assistance and guidance to the teachers as may promote the good conduct and efficiency of the schools, to advise the Principal of each school on matters pertaining to its welfare and development, and to report on each school to its controlling authority and to the Director-General".

Private Schools Conditional Integration Act 1975

The *Private Schools Conditional Integration Act 1975*, which took effect from August 1976, provided for the conditional and voluntary integration of private schools into the State education system, on a basis that would preserve and safeguard the special character of the school's education (s 3) ('special character' defined in section 2(1) as "education within the framework of a particular or general religious or philosophical belief; and associated with observances or traditions appropriate to that belief").

As with State schools, schools integrated under the 1975 Act were required to instruct their students in accordance with curricula set under the *Education Act 1964* and regulations made under that Act (s 31).

The legislation was introduced at a time when many faith-based schools were experiencing financial difficulties which threatened their viability. The difficulties resulted from a number of factors, including a significant change in the composition of teaching staff. For example, in Catholic schools, as the number of priests, brothers and nuns in teaching roles declined, Catholic schools were having to employ lay teachers and this introduced significant new costs for these schools.

Under the legislation, one of the conditions placed upon a private school wanting to integrate was that its property had first to meet State property guidelines, or the school's owner had to have established an agreed plan for upgrading the school. In order to upgrade the property, a proprietor was permitted to take out loans, or finance the necessary improvements by other means. A proprietor was also able to charge students attendance dues to raise money that could be used towards the repayment of loans taken out to finance improvements to, or provision of, school property.

Key features of the *Private Schools Conditional Integration Act 1975* were:

- A private school could become part of the State education system while having the assurance that its special character, reflected through its teaching and conduct, would be 'protected' and 'safeguarded'.
- State funding was extended to a private school that integrated.
- An integrated school could continue to teach religious education. This overruled the *Education Act 1964* that required schools to be secular.
- Preferential entry was provided to those students whose parents subscribed to a school's special character.
- The proprietor of an integrated school could charge 'attendance dues' to meet capital costs of improvements and to meet loans associated with property.
- Key teaching positions (including Principal, Deputy Principal, and Director of Religious Studies) in an integrated school could be 'tagged'. A key criterion in the appointment process to a tagged position was an applicant's suitability in terms of the special character of the school.
- The proprietor owned the school and was responsible for setting and maintaining the school's special character.
- In certain circumstances, a proprietor could withdraw from the school's integration agreement. If such action was taken, the school could revert back to being a private school.
- An integration agreement was written in perpetuity.

The 1975 Act had the impact of substantially reducing the number of private schools (by 1983, 249 Catholic and nine non-Catholic private schools had integrated).

Some significant amendments were made to the 1975 Act in the *Private Schools Conditional Integration Amendment Act 1998*. A key change was that the Minister of Education was granted the discretion to decline an application from a private school to integrate. Before this, the Act did not allow the Minister to prevent any private school that wished to negotiate an integration agreement from doing so. This amendment followed a period when the integration of some private schools had raised concerns about the unspecific manner in which 'special character' was defined in the Act. When making decisions on an integration proposal, the Minister of Education had to consider the nature, character and capacity of the existing network of schools.

Cabinet approved further guidelines in 2001 to ensure that proposals for integration met quality and financial criteria. Considering applications on a case-by-case basis, the Minister of Education looked at the cost of each proposal and the expected effectiveness of the school. Between 1998 and 2003, 18 schools were integrated and six applications were declined.

Education Amendment Act (No 2) 1982

Section 186 of the *Education Act 1964* was amended in 1982 (*Education Amendment Act (No 2) 1982*, s 14), so that greater detail was set out in relation to the registration process. A framework for the provisional registration of private schools was established, prior to the authorisation of full registration. Provisional registrations could be granted with no prior inspection and were to expire after six months. The managers of a private school granted a provisional registration could then make a further application to the Director-General of Education for full registration. Inspection was required prior to the granting of full registration. Thereafter, inspections would continue to take place every three years.

The *Education Amendment Act (No 2) 1982* (s 14) also expanded the offence provision, stating that it was an infraction for the managers of a private school to either:

- (a) Commence operations of a private school without applying for registration.

- (b) Continue operating a private school after the school's registration had been revoked.
- (c) Cease operations of a private school without first informing the Director-General of Education of the date of closure.

Further amendments to the registration process in 1987 allowed the Director-General to cancel a private school's registration if its manager "prevented or hindered the school's inspection" (*Education Amendment Act (No 2) 1987, s 28*).

Education Act 1989

The Tomorrow's Schools reforms, brought into effect in the *Education Act 1989*, significantly changed the way schools in Aotearoa New Zealand were governed. The governance of private schools remained with private proprietors under the 1989 Act. The standard of 'efficiency' stayed substantively unchanged when the 1989 legislation was introduced (*Education Act 1989, s 35A(1)*, inserted under the *Education Amendment Act 1989, s 9*). Other than extending the period for provisional registration from six to 12 months, the process of applying for registration of a private school, including the requirement for inspection prior to the granting of full registration, remained the same (s 9).

The *Education Act 1989* made the following changes to private schools:

- There was no longer a requirement to publish an annual list of registered private schools in the *New Zealand Gazette* (this information is now available through *Education Counts 'Schools Directory Builder'*, and is updated nightly).
- A private school could no longer be deregistered on the basis that its managers had 'prevented or hindered' a review of the school. However, the absence of a pre-registration review prevented a private school from becoming fully registered. Once a school was fully registered, under the 1989 Act, the Secretary for Education could still cancel a private school's registration if, after having taken all reasonable steps to get all relevant information and having considered an Education Review Office report on the school, the Secretary was not satisfied the school was 'efficient' (*Education Act 1989, s 35(11)*, inserted under the *Education Amendment Act 1989, s 9*).

As under previous legislation, there was no limit on who could apply to register a private school under the Act, and no requirement for owners or managers of private schools to be police-vetted or meet other eligibility criteria.

When reviewing private schools, the new independent accountability and assurance Government agency (Education Review Office) reported on whether schools were meeting the 'efficiency' criteria for registration. Under the *Education Act 1989 (s 35A(7)-(9))*, the Education Review Office was required to examine:

- Private schools applying to be registered, between six to 12 months after the school had been granted a provisional registration, unless agreed earlier with the school's managers.
- Existing registered private schools, either (1) before 1 January 1993, or the third anniversary of the school's registration (whichever was the later), and (2) thereafter, at intervals of no more than three years.

The requirement for three-yearly reviews of private schools was removed under section 15 of the *Education Amendment Act (No 25) 2010*. Under the *Education and Training Act 2020*, ERO continues to review private schools against the 'efficiency' criteria, prior to the granting of full registration, and thereafter on its normal review cycle (s 7).

Education Amendment Act (No 3) 2010

The 'efficiency' standard required of private schools was significantly expanded under section 11 of the *Education Amendment Act (No 3) 2010*, to include having:

- Staffing that was suitable to the age range and levels of its students, the curriculum taught at the school, and the size of the school.
- A curriculum of teaching, learning and assessment, and making details of the curriculum and its programme for delivery available to parents.
- Tuition of a standard no lower than that of the tuition given to students enrolled at State schools of the same year levels, with reference to the mode of curriculum delivery and regularity of instruction.
- Managers who were fit and proper persons, considering matters including any prior convictions for serious criminal activity, any previous cancellations of a private school's registration, and any serious breach of the managers' statutory duties under the education legislation.

The 2010 amendments also expanded the Secretary for Education's powers in relation to private schools that were suspected of not meeting their criteria for registration, whose managers were thought to be breaching their statutory duties, or where there were reasonable grounds to believe serious criminal activity was occurring. Enforcement options included the issuance of compliance notices, notification to parents, imposing conditions, or suspending or cancelling a school's registration. A specific provision allowed for the suspension of a private school's registration where there were reasonable grounds to believe the welfare of students was at risk.

Education and Training Act 2020

The State's oversight of private schools was further strengthened in 2019 with the addition of a further 'efficiency' standard applicable to the registration criteria. "That the school is a physically and emotionally safe place for students" was inserted by section 9 of the *Education Amendment Act 2019* (now see *Education and Training Act 2020*, schedule 7, cl 2). Refer to the response to Questions 5(a) and 5(b) below for further details.

The *Education and Training Act 2020*, which came into effect on 1 August 2020, incorporates and replaces all major existing education and training legislation, including the 1964 and 1989 Education Acts and the *Private Schools Conditional Integration Act 1975*. Bringing all key legislation on early learning, schooling and tertiary education into a single statute, the 2020 Act distinguishes between State, State-integrated, and private schools.

(b) How the Ministry gives effect to Te Tiriti in the context of its relationship with those faiths, and how that has changed over time.

**A Review of the Core Curriculum for Schools –
Aspects of Māori language and culture (taha Māori) included in school programmes**

Taha Māori (described as 'the Māori side') was officially recognised in 1984 when the *Review of the Core Curriculum for Schools* (Chapter 8: Biculturalism, Multiculturalism and Māori Education) formally promoted the concept of biculturalism as a springboard for the study of other cultures. It was thought taha Māori would provide Māori students cultural recognition, thereby potentially contributing to a positive self-image and educational achievement. Taha Māori remained a vague term as it had no set syllabus, objectives or frameworks like other

curriculum areas, and there were no structural guidelines or accountability for its implementation and its operation. The Department of Education presented taha Māori as the inclusion of a Māori dimension in the philosophy, organisation, and content of schools.

Revised New Zealand Curriculum / Te Marautanga o Aotearoa released

In 2007, the revised New Zealand Curriculum reflected a shift in emphasis from a rigid prescriptive national curriculum to a broad-based design that school leaders could use as a framework for their specific school curriculum design. A parallel document, Te Marautanga o Aotearoa, served the same function for Māori-medium schools.

Eight principles underpin curriculum decision-making in New Zealand	
High Expectations	The curriculum supports and empowers all students to learn and achieve personal excellence, regardless of their individual circumstances.
Treaty of Waitangi	The curriculum acknowledges the principles of the Treaty of Waitangi and the bicultural foundations of Aotearoa New Zealand. All students have the opportunity to acquire knowledge of te reo Māori me ōna tikanga.
Cultural Diversity	The curriculum reflects New Zealand’s cultural diversity and values the histories and traditions of all its people.
Inclusion	The curriculum is non-sexist, non-racist, and non-discriminatory; it ensures that students’ identities, languages, abilities, and talents are recognised and affirmed and that their learning needs are addressed.
Learning to Learn	The curriculum encourages all students to reflect on their own learning processes and to learn how to learn.
Community Engagement	The curriculum has meaning for students, connects with their wider lives, and engages the support of their families, whānau, and communities.
Coherence	The curriculum offers all students a broad education that makes links within and across learning areas, provides for coherent transitions, and opens up pathways to further learning.
Future Focus	The curriculum encourages students to look to the future by exploring such significant future-focused issues as sustainability, citizenship, enterprise, and globalisation.

Te reo Māori was included in Learning Languages, which was one of the eight learning areas in the New Zealand Curriculum. This learning area provided the framework for the teaching and learning of languages that were additional to the “language of instruction”, and emphasised the inseparable links between language, culture, and identity.

Te Tiriti o Waitangi legislation in the *Education and Training Act 2020*

Section 4 of the *Education and Training Act 2020* states that the purpose of the Act is to establish and regulate an education system that provides learners with the skills, knowledge, and capabilities that they need in order to fully participate in the labour market, society, and their communities; supports their health, safety, and wellbeing; assures the quality of the education provided and the institutions and educators that provide and support it; and honours Te Tiriti o Waitangi and supports Māori-Crown relationships.

With changes in the *Public Service Act 2020*, and more specifically in the *Education and Training Act 2020*, legislative expectations around Te Tiriti o Waitangi are clear. As a partner to Te Tiriti, the Crown has a duty to actively promote and protect Tiriti rights and to develop educational settings in a way that reflect Māori-Crown relationships.

At the system level, section 9 of the *Education and Training Act 2020* makes it easier for those in the education sector to understand their rights and obligations under Te Tiriti by locating in one place the key provisions that recognise and respect the Crown's responsibility to give effect to Te Tiriti.

Section 6 of the 2020 Act also enables the Minister of Education and the Minister of Māori Crown Relations: Te Arawhiti, after consultation with Māori, to jointly issue and publish a statement specifying what education agencies (e.g., Ministry of Education, Education Review Office, New Zealand Qualifications Authority) must do to give effect to public service objectives that relate to Te Tiriti o Waitangi, with the objective of providing equitable education outcomes for all students. The intention is a formal and publicly accessible statement that provides greater specificity around what education agencies must do to comply with Te Tiriti.

At the school level, changes to Board objectives are the primary means of providing in legislation for Boards to give better effect to meeting their obligations under Te Tiriti.

School Boards to give effect to Te Tiriti o Waitangi

The *Education and Training Act 2020* (s 127) gives direction to school Boards regarding student rights and broadens the Board's objectives, so that educational achievement is no longer the only primary objective. Instead, it is joined by three other key objectives whereby the school must:

- Ensure the physical and emotional safety of students and staff.
- Be inclusive and cater for students with differing needs.
- Give effect to Te Tiriti o Waitangi, including by:
 - Working to ensure the school's plans, policies and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori.
 - Taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori.
 - Achieving equitable outcomes for Māori students.

Ministry of Education supports and tools to assist school Boards include:

- *Rapua Te Ara Tika | Local Curriculum Design Online Tool*: Supports communities to build a shared local curriculum across the education pathway.
- *Tātaiako: Cultural Competencies for Teachers of Māori Learners*: Helps teachers personalise learning for, and with, Māori learners.
- *Professional Learning and Development (PLD)*: PLD on cultural capability, local curriculum design, and assessment for learning in English-medium.
- *Te Hurihanganui*: Assists participating schools and communities to build effective partnerships to support learner outcomes.

The Statement of National Education and Learning Priorities (NELP)

The Statement of National Education and Learning Priorities (NELP) was issued under the *Education and Training Act 2020* to guide those who govern schools (State, State-integrated, private) and early learning services. The NELP must be consistent with the objectives for

education – helping children and young people to attain their educational potential; preparing young people for participation in civic and community life and for work, and promoting resilience, determination, confidence, creative and critical thinking, good social skills, and the ability to form good relationships; and helping children and young people to appreciate diversity, inclusion, and Te Tiriti o Waitangi.

Refreshing the New Zealand Curriculum

Te Tiriti o Waitangi, one of the eight principles in the New Zealand Curriculum, calls for schools to deliver a curriculum that:

- Acknowledges the principles of Te Tiriti o Waitangi.
- Recognises Aotearoa New Zealand’s bicultural foundations.
- Enables students to acquire knowledge of te reo Māori and tikanga Māori.

The New Zealand Curriculum is currently being refreshed. As part of the broader five-year overhaul of the national curriculum, there is a shift to the authentic understanding and valuing of Te Tiriti o Waitangi, and students will start learning Aotearoa New Zealand’s histories in social sciences from 2023. Aotearoa New Zealand’s Histories is grounded in four key concepts:

- Māori history is the foundational and continuous history of Aotearoa New Zealand.
- Colonisation and settlement have been central to Aotearoa New Zealand’s histories for the past 200 years.
- The course of Aotearoa New Zealand’s histories has been shaped by the use of power.
- Relationships and connections between people and across boundaries have shaped the course of Aotearoa New Zealand’s histories.

Schools can decide on what histories to include from their local area, in partnership with whānau, iwi, mana whenua and local communities. This will ensure their local curriculum is reflective of the people, places and events that are important within their communities.

Ka Hikitia, Ka Hāpaitia (the education system’s Māori Education Strategy) and Tau Mai Te Reo (the Māori Language in Education Strategy)

The Ministry of Education has produced and recently refreshed Ka Hikitia and Tau Mai Te Reo, two cross-agency strategies for the education sector. Together, the strategies provide frameworks for giving practical effect to Te Tiriti o Waitangi.

Ka Hikitia includes an organising framework for the actions to be taken to achieve the goal: ‘Māori are enjoying and achieving education success as Māori, as they develop the skills to participate in te ao Māori, Aotearoa and the wider world’.

As a companion document to *Ka Hikitia, Tau Mai Te Reo (the Māori Language in Education Strategy)* outlines the goals the Ministry of Education is seeking to achieve and provides a framework for coordinating the Ministry’s programmes and services that support Māori language in education for all learners.

- 4. Please expand on the following areas arising from paragraphs 3.4 to 3.7 of the Brief of Evidence of Helen Hurst for the Ministry of Education – Redress, dated 27 January 2020 (Brief of Helen Hurst) in relation to residential special schools:**
- (a) The role of the Ministry in the establishment and disestablishment of residential special schools established by faith-based institutions.**
 - (b) The extent to which, if at all, the Ministry provided monitoring and oversight of residential special schools established by faith-based institutions.**

(a) The role of the Ministry in the establishment and disestablishment of residential special schools established by faith-based institutions.

The statutory requirements for registering faith-based residential special schools were the same as for the registration of private schools, as described in Question 3(a) above. For example, it was noted in a 1955 Cabinet Memorandum from the Minister of Health that the Brothers Hospitaller of St John of God, an Order within the Roman Catholic Church, planned to accommodate boys aged between 7 and 16 years, with a cognitive level above that of intellectually handicapped children (as defined in the *Mental Health Amendment Act 1954*), at Marylands Special School (Christchurch). At this level, it was not necessary for Marylands to be licensed under the Mental Health Act, but it did need to be registered under the Education Act as a Special Residential School.

On 26 September 1956, the Department of Health's Deputy Director-General advised the Director of Education that Cabinet had approved payment of a special grant to the Order of St John of God to assist in the establishment of the 'Marylands Home for Mentally Retarded Boys'. This grant was subject to certain conditions, including "confirmation being given by the Education Department of Marylands' registration as a private school".

Marylands Special School had been granted tentative registration in November 1955. After a further Department of Education inspection, in which the Christchurch Senior Inspector of Schools reported favourably on the facilities available for the delivery of suitable training and on the qualifications of the teachers, the Director-General of Education granted Marylands full registration as a 'Private Special Residential School for Backward Boys' on 7 December 1956. It was noted that the school would be inspected regularly, as required by the Education Act.

Following the school's relocation to new premises in 1967, the Order of St John of God applied for the registration of a portion of Marylands as a 'Private Special Residential School for Intellectually Handicapped Boys'. Following Department of Education inspection, it was confirmed that Marylands had been registered as a 'Private Special Residential School for Backward Boys' (24 April 1967) and as a 'Private Special School for Intellectually Handicapped Boys' (24 August 1967). The 13 April 1967 registration inspection report, prepared for the Southern Regional Superintendent of Education by the Christchurch District Senior Inspector of Schools, included information on the buildings and site, types of students attending the school, staffing, curriculum, and equipment.

(b) The extent to which, if at all, the Ministry provided monitoring and oversight of residential special schools established by faith-based institutions.

Residential Special Schools were required to be registered. As noted in a Department of Education briefing to the Minister of Education (24 April 1979), “Marylands is a registered private residential school for backward and intellectually handicapped boys, run by the Roman Catholic Order of St John of God. As Marylands is a registered private school, with full autonomy over its affairs, the Department of Education does not interfere with the conduct of the school.” See previous information provided concerning the inspection and review of private schools (Question 3A).

The statutory oversight regime for private schools (including residential special schools established by faith-based institutions) was restricted to the concept of ‘efficiency’, meaning that the Department of Education’s oversight was more focused on the adequacy of curricula, staff numbers and qualifications, and school property.

From 1990, new provisions were introduced into the 1989 Education Act which granted the Ministry of Education extensive powers of entry and inspection in all registered schools (*Education Amendment Act (No 60) 1990, s 30*) (now see *Education and Training Act 2020, ss619 and 628*). A further amendment in 1998 granted authority for the Ministry to enter and inspect a private school which was suspected of operating whilst unregistered (*Education Amendment Act 1998 (No 2), s 25*) (now see *Education and Training Act 2020, s 629*).

The *Education (Hostels) Regulations 2005* came into force on 1 March 2006. The purpose of these Regulations is to ensure the safety of students who board at hostels, which covers hostels at all registered schools, including private schools and residential special schools. The Regulations brought in minimum requirements for pastoral care, including a code of practice, as well as a mechanism for direct intervention when serious safety concerns are identified.

More recent changes to legislation, as outlined in the response to Questions 5(a) and 5(b) below, have increased the degree of State oversight of private schools, including in relation to the safety and wellbeing of students.

5. Please expand on the following areas arising from paragraphs 3.18 to 3.19 of the Brief of Helen Hurst in relation to private and integrated schools:

- (a) The suitability criteria for establishing a school and how this criterion is applied.**
- (b) The role of the Ministry in the establishment and disestablishment of private or integrated schools.**
- (c) What support, including funding, the Ministry can and does provide to faith-based schools.**
- (d) Why, in practice, there is little interaction with faith-based schools and whether there is a gap in monitoring, oversight and safeguarding of children at these schools.**
- (e) Provide examples of issues experienced with faith-based schools and the Ministry’s response.**

(a) The suitability criteria for establishing a school and how this criterion is applied.

Criteria for Registration as a Private School

EDUCATION AND TRAINING ACT 2020 (schedule 7, clause 2)	
The criteria for registration as a Private School are that the school:	
2(a)	Has premises that are suitable for a school of its description and the number of students at the school (as described in clause 3).
2(b)	Usually provides tuition for nine or more students aged five years or over but under 16 years.
2(c)	Has staffing that is suitable to the age range and level of its students, the curriculum taught at the school, and the size of the school.
2(d)	Has equipment that is suitable for the curriculum being delivered or to be delivered at the school.
2(e)	Has a curriculum for teaching, learning and assessment, and makes details of the curriculum and its programme for delivery available for parents.
2(f)	Has suitable tuition standards, which must include a standard no lower than that of the tuition given to students enrolled at State schools of the same year levels (as described in clause 5).
2(g)	Has managers who are fit and proper persons to be managers of a private school (as described in clause 6).
2(h)	Is a physically and emotionally safe place for students.

The Chief Review Officer has a statutory duty to report on the performance of private schools throughout Aotearoa New Zealand.

Education Review Office evaluations of private schools are different in process and more limited in scope and reporting than those for State and State-integrated schools, with a principal focus on the Criteria for Registration set out in clauses 2 to 6, Schedule 7 of the *Education and Training Act 2020*. Following the review process, the Education Review Office is required to report to the Secretary for Education on whether each school continues to meet the criteria for registration (cl 9).

When an Education Review Office examination identifies an area within the registration criteria that is not meeting the standard at the time of the review, the Ministry of Education is informed and follows up the issue with the school.

(b) *The role of the Ministry in the establishment and disestablishment of private or integrated schools.*

Private (independent) schools

All private schools operating in primary and secondary education levels are required to be registered with the Ministry of Education under the *Education and Training Act 2020* (s 214). Applications must be made to the Secretary for Education by a proprietor (body corporate), along with any information on past convictions, health issues, or bankruptcy. The criteria that need to be fulfilled to be considered for a provisional license, which is valid for 12 months, includes suitable premises, management, staff, and curriculum. The school must additionally have staffing that is suitable to the age range and level of its students, the curriculum taught at the school, and the size of the school.

If satisfied, the Secretary for Education must inform the Chief Review Officer of the provisional registration. The Education Review Office is responsible for evaluating the school within the next 6-12 months and sending a written report to the Secretary to be considered for an official license (full registration). If all criteria are fulfilled to the satisfaction of the Secretary for Education, the school receives an official license to operate.

If the private school managers are found to be breaching any statutory duties or the Education Review Office has reasonable grounds to believe that serious criminal activity is occurring in the school, the Secretary for Education must issue a notice to the school requiring the manager to comply and on final measure cancel the school's registration if no improvement is made. Moreover, if the school is found to have not complied with the guidelines set out in the *Education and Training Act 2020*, the Secretary has the authority to impose conditions and cancel a school's registration as a final measure.

If any private school is found to be operating without a license, the owner will be liable upon conviction to a fine. In addition, if the school ceases to operate without informing the Secretary for Education, the proprietor will be liable upon conviction to a fine of up to \$200 for every day the offense took place.

State-integrated schools

If a private school or proprietor (body corporate) wishes to establish a State-integrated school, they must apply to the Minister of Education to enter into negotiations for integration under Schedule 6 of the *Education and Training Act 2020*. Integration must not jeopardise the special character of the school, with the proprietor continuing to have responsibility for supervising the maintenance of the special character. The Minister signifies approval for the first step in the process by entering into an integration agreement between the Crown and the proprietor of the private school to be integrated. Schedule 6 of the *Education and Training Act 2020* sets out the general conditions of integration, and each school's integration agreement defines the particular conditions of that school's integration into the State system.

The Minister of Education must give notice in the *New Zealand Gazette* of an integration agreement, and the Secretary for Education must retain a copy of the integration agreement and make it available for inspection on the Ministry of Education's website (cl 9). Each integration agreement sets out the school's particular special character (defined as education within the framework of a particular or general religious or philosophical belief and associated with observances or traditions appropriate to that belief).

The Secretary for Education may fix the maximum student enrolment and ensure the school complies with the average class size policy and teacher-student ratio. On integration, the school becomes part of the State education system, subject to most regulations applicable to State schools.

Following consultation with the proprietor, the school Board, and other interested persons or groups, the Minister of Education may cancel an integration agreement under clause 11(1)(a) of Schedule 6 of the *Education and Training Act 2020* if the school is not sufficiently carrying out its functions and obligations under the Act or under the integration agreement.

The proprietor has the right and the responsibility to supervise the maintenance and preservation of the education with a special character provided by the school, and to determine what is necessary to preserve and safeguard that special character. If the proprietor (body corporate) believes that the special character of the school has been, or is likely to be, jeopardised, it can exercise various powers under the *Education and Training Act 2020*, including a power to cancel the integration agreement with the Crown (but it must consult with the Government before doing so).

(c) What support, including funding, the Ministry can and does provide to faith-based schools.

Private (independent) schools

Registered private schools receive a small amount of Government funding through an annual per-student subsidy, but most of their support is provided by student fees and endowments.

Subsidy funding is provided at a set rate per student, which is established by taking the fixed Government appropriation and dividing it by the likely demand. The likely demand is the mid-point between the actual roll and the school’s predicted roll for the following year.

The per-student rates are set at four levels to recognise operational costs at different year levels. The table below shows the per-student subsidy rates for the 2022 year.

PER-STUDENT SUBSIDY RATES FOR 2022		
Year Level	2022 Funding Rate (GST exclusive)	2022 Funding Rate (GST inclusive)
Years 1-6	\$912.21	\$1,049.04
Years 7-8	\$998.92	\$1,148.76
Years 9-10	\$1,278.39	\$1,470.15
Years 11-15	\$1,941.57	\$2,232.80

The Minister of Education may make grants to the managers of private schools out of money appropriated by Parliament for the purpose (*Education and Training Act 2020*, Schedule 7, cl 13). If the grant is conditional, private schools are required by law to comply with any conditions set by the Minister and to keep records of any financial transactions, to be available for inspection at any reasonable time by any employee of the Ministry of Education approved by the Secretary for Education for the purpose (Schedule 7, cl 14(4)(b)).

Private schools also receive funding for students verified as having high or very high ongoing learning needs, through the Ongoing Resourcing Scheme (ORS). This is equivalent to the ORS staffing entitlement for State and State-integrated schools. For example, Hohepa School (Napier) is a fully registered private school catering for students aged from seven to 21 years, who have special requirements for their care and education. All students are on the Ongoing Resourcing Scheme, which funds extra support through therapy programmes and teacher aides to assist teachers in the classroom.

State-integrated schools

The school's proprietor (body corporate) owns or leases the land and buildings used by the school and is liable for any loans or funding in relation to the land and buildings. Proprietors are responsible for capital work at their schools (a requirement under cl 39, Schedule 6, *Education and Training Act 2020*).

State-integrated schools are funded by the Government, through the Ministry of Education, for their day-to-day operation (including staff salaries) to the same standard as required for other State schools. In addition, the Ministry provides funding (the Property Maintenance Grant) to the Boards of integrated schools to maintain their integrated school property, including buildings, furniture and equipment.

The components making up each State and State-integrated schools' funding are allocated to schools based on various factors, such as school roll, school type (e.g., primary or secondary school, full-immersion Māori schools), year level, whether the school is rural, and decile (which is set to be replaced by an equity index in 2023).

Faith-based schools can span a range of these factors. For example, faith-based schools vary in roll size, school type, year level and decile. The Ministry of Education's funding formula for State and State-integrated schools is not based on their special character. Schools are resourced to meet the pastoral needs of their learners.

State and State-integrated schools must provide free education. This means they may not charge compulsory school fees. The only exception is that proprietors of State-integrated schools may charge a mandatory fee called 'attendance dues'. As the Crown does not own the school land or buildings, and does not fund their capital costs, proprietors are permitted to charge attendance dues to keep the school up to the standard of an equivalent State school and to help pay off any debt accrued by the school before it was integrated. Proprietors cannot charge attendance dues for more than the amount set for their school and published in the *New Zealand Gazette*.

Matters related to setting, collecting, applying, and accounting for attendance dues by a proprietor of a State-integrated school are governed by Schedule 6 of the *Education and Training Act 2020*, which states that "revenue received by the proprietor from attendance dues must be used solely for the purpose of paying, in respect of the school or group of schools in respect of which it is received, for improvements to the State-integrated school or schools' buildings and associated facilities that are required by any integration agreement or integration agreements under clause 39(2)(c), or for any capital works that may be required by the Minister under clause 39(2)(d), or for meeting debts, mortgages, liens, or other charges associated with the land and the buildings that constitute the premises of the State-integrated school or schools" (cl 30).

Some examples of the unlawful use of attendance dues include:

- Hostels and Chapels: The Crown does not integrate hostels or chapels, therefore expenditure of attendance dues on any matter associated with a hostel or chapel is unlawful.

- Building new schools / acquiring land: Attendance dues can be spent on integrated land and buildings only.
- Special character-related costs: These are not charges that are directly associated with the integrated land and buildings that constitute the premises of the school, or the cost of collecting, applying, and accounting for attendance dues.

The Ministry of Education is a significant provider of learning supports and services. It employs a range of specialists who provide support to children, young people, and their whānau. As well as offering some individualised support, these specialists help to build capability and understanding among those who are supporting learners. Current Ministry of Education-funded learning and specialist services for State and State-integrated schools include:

- The Ongoing Resourcing Scheme (ORS) is available to support learners with high or very high learning needs, regardless of their educational setting. ORS funding includes specialists, specialist teachers, teacher aides, and consumables grant for children and young people aged 5 to 21 years with the highest level of need. To meet the ORS criteria, students must have either ongoing extreme or severe difficulty in any of the following areas – learning, hearing, vision, physical, and/or language use and social communication. Students are eligible when they meet one or more of the nine ORS criteria.
- The Behaviour Support Service, which provides specialist support in schools for children and young people, in Years 1 to 10, who have challenging behaviours.
- The Intensive Wraparound Service supports children, aged 5 to 14 years, who have highly complex learning and social and behavioural needs in their home, school, and community. The children’s needs are assessed, and a wraparound plan developed.
- In-Class Support (ICS) contributes funding towards providing a teacher aide for children and young people with continuing high learning needs, who are not funded through the Ongoing Resourcing Scheme. The ICS funding is for students, in Years 1 to 13, who are identified by schools, the Ministry of Education Learning Support teams, or the Resource Teacher: Learning and Behaviour (RTL B) Service, as having significant learning needs.

State and State-integrated schools receive Special Education Grant funding through their Operational Grant. The Special Education Grant is made up of a base amount, plus a per-student component, which is weighted using a school’s equity index (from 2023, currently decile is used). The intention of the Special Education Grant is to provide support to schools for furthering the inclusion of students who may be living with moderate special education needs (such as learning and behaviour requirements).

There are school transport assistance schemes available for students enrolled in State and State-integrated schools. To become eligible for this scheme, the school must be the closest suitable school the child can enrol in with no suitable public transport option. The Government also provides Specialised School Transport Assistance to assist children and young people with safety and/or mobility needs that prevent them from travelling independently to a school, which similarly applies to State and State-integrated schools (but not to private schools). If a student is struggling to attend a school due to remote location or other difficulties (e.g., poor participation at school, poor relationships, behavioural issues, low educational achievement), the Government may also provide a boarding allowance for attending a boarding school or private boarding arrangement. Boarding allowances include access barrier and multiple barrier allowances.

(d) Why, in practice, there is little interaction with faith-based schools and whether there is a gap in monitoring, oversight and safeguarding of children at these schools.

The legislative requirements are different for privately owned schools from those for State and State-integrated schools. Private schools are in effect an educational business and can charge fees. Enrolment at a private school is governed by a private contract (an agreement) between the persons paying for the tuition of the child at the school (generally the parents) and the school's proprietor.

The proprietors of private schools, including individuals, bodies corporate and religious organisations, have always been and continue to be separate legal entities from the Ministry of Education. In governing private schools, the proprietors must adhere to their own internal rules, canons and constitutions and applicable statutes. They must also act within the general confines of the law, including through relevant provisions of the education legislation. For example, private schools must have regard to the Statement of National Education Learning Priorities (NELP) in the operation of the school, and when developing and delivering curriculum (*Education and Training Act 2020*, Schedule 7, cl 7). In addition, the *Children's Act 2014* requires private schools to have a Child Protection Policy that protects and improves the wellbeing of students.

Within the context of the regulatory framework, and through a devolved system of functions administered by different agencies, the Ministry of Education has some oversight but few direct influences on what happens day-to-day in private schools.

As with Boards in State and State-integrated schools, the managers of private schools set the strategic direction for their schools and adopt internal policies and procedures that align with this strategic direction. Similar to State and State-integrated school Boards, they oversee the management of staff, finance, property, curriculum, and administration of the school. The principal is responsible for the day-to-day management and operation of the school, in line with the strategy, policies and procedures set out by the school's managers. Staff are responsible for the day-to-day provision of the curriculum to all students, under the professional leadership of the principal.

The structure and nature of New Zealand's education policy settings, in particular the high level of autonomy afforded schools and early learning services, necessitates a robust accountability and assurance mechanism. The Education Review Office (ERO), an independent Government agency, was established in 1989 to perform this function, at both the institutional and national level. ERO's independence from schools and early learning services, as well as from agencies that set policy, funding and standards, enables it to provide assurance to the Minister of Education, the Government, parents, whānau and the broader community on the quality of the system and of education provision within Aotearoa New Zealand.

Following the Government's introduction of new criteria relating to the physical and emotional safety of students (*Education and Training Act 2020*, s 127), ERO updated its reporting format for registered private schools: (1) a safe place is one in which risks to student safety are regularly assessed and evaluated with a view to eliminating, or at least reducing, harm; (2) a safe place is one where clear policies exist and are acted upon to eliminate or minimise harm. In its assessments, ERO's judgement is based on the quality, intent and regular review of the school's policies and procedures.

The New Zealand Qualifications Authority (NZQA) accredits all national qualifications (for example, National Certificates of Educational Achievement). All schools providing these national qualifications must be NZQA accredited. NZQA does not have any role in assessing private schools that do not offer national qualifications.

In addition, the Teaching Council of Aotearoa New Zealand, the professional body for the teaching profession, is responsible for registering teachers, issuing practicing certificates, and managing and investigating complaints about teacher conduct and competence. From 1997, legislation explicitly required private schools to employ only registered (or provisionally registered) teachers. In granting registrations, the Teaching Council must be satisfied that a teacher is of good character, fit to be a teacher, satisfactorily trained to teach, and have suitable recent teaching experience. The Teaching Council, or the Teachers' Disciplinary Tribunal in disciplinary proceedings, can cancel a teacher's registration if it is satisfied a teacher does not (or no longer) meets these requirements.

(e) Provide examples of issues experienced with faith-based schools and the Ministry's response.

Pacific Christian School

The Pacific Christian School was a Year 1-8 private school located in Mangere, Auckland. Over time, the Ministry of Education, Education Review Office (ERO), Police, and the Children, Young Persons and their Families Service had concerns for the safety of children at the school. This included the school managers being unable to assure ERO that they had effective systems in place for managing all aspects of providing a safe environment. This was evidenced in a 2014 incident where a student was stabbed by another student, and none of the staff at the school knew how to manage it. They instead went to the Early Childhood Education (ECE) Service next door and help was provided by the ECE staff.

This incident, and concerns about physical punishment at the school, resulted in the Police undertaking a Mass Allegation Investigation (MAI). The school Board, together with many families and staff, refused to cooperate with the investigation process. Following the investigation, the Police issued formal warnings to four staff members at the school for assault on children.

On 25 September 2015, the Ministry of Education suspended the school's registration (under section 35K of the *Education Act 1989*). Simultaneously, the Ministry also issued the Proprietor with a Notice to Comply (which related to the failure to meet registration criteria and breaches of statutory duties). The Notice required the school Board to report to the Ministry about any actions and plans made to achieve compliance.

While the school's registration was suspended, the Pacific Christian School could not operate. The Ministry of Education worked with the new schools the students were enrolled in for the start of Term 4, along with the students' families, to ensure that the students were well supported. This included providing funding for uniforms and stationery, and additional learning support (e.g., English for Speakers of Other Languages).

The Pacific Christian School Board provided Ministry of Education officials with their work in the areas of concern, and these were assessed by the Ministry and ERO. It was noted that the Board had gone to considerable effort to try to address the issues that had been raised. ERO acknowledged the material showed 'significant improvement', compared to what had been provided in the school's previous review. However, ERO still had concerns about the ability of the Pacific Christian School Board to translate the policies it had adopted into practise; in particular, the health and safety policies.

The Ministry of Education again provided the school Board with a period of time to respond to these concerns. During this timeframe, the Ministry received a letter from the Pacific Christian School Board requesting that its registration as a private school be cancelled.

6. In relation to paragraph 3.20 of the Brief of Helen Hurst in relation to the selected schools, please:
- (a) Confirm whether the Proprietors of the residential facilities at the selected schools were the relevant faith-based institutions who established and operated these schools.
 - (b) Briefly explain the relationship between the Ministry and the Proprietors of these schools and how, if at all, this has changed over time.
 - (c) Explain the extent to which, if at all, the Ministry provides monitoring and oversight of residential facilities at private and integrated schools.

(a) *Confirm whether the Proprietors of the residential facilities at the selected schools were the relevant faith-based institutions who established and operated these schools.*

MINISTRY OF EDUCATION DATABASE (HOSTELS)				
School Name	Licensed Hostel Name	Proprietor recorded on Integration Agreement	Current recorded Licensee (Licence Holder)	Number of Houses / Gender
Dilworth School (Auckland) PRIVATE	Dilworth School Senior Campus	Dilworth Trust Board	Dilworth Trust Board (Body Corporate)	11 (Male)
Gloriavale Christian School (Greymouth) PRIVATE	NO BOARDING FACILITIES			
Hato Pāora College (Feilding) STATE-INTEGRATED	Hato Pāora College Hostel	Society of Mary Catholic Church	Hato Pāora College Trust Board (Body Corporate)	5 (Male)
Hato Pētera College (Auckland) STATE-INTEGRATED	CLOSED 2018	The Roman Catholic Bishop of the Diocese of Auckland		
Hukarere Girls' College (Hawkes Bay) STATE-INTEGRATED	Hukarere Girls' College Hostel	Te Aute Trust Board Anglican Church of Aotearoa	Te Aute Trust Board (Body Corporate)	4 (Female)
Queen Victoria School (Auckland) STATE-INTEGRATED	CLOSED 2001	General Trust Board, Diocesan Office of the Anglican Church		

St Joseph's Māori Girls' College (Napier) STATE-INTEGRATED	St Joseph's Hostel	Institute de Notre Dame des Missions Trust Board Catholic Church	St Joseph's Māori Girls' College Trust Board (Body Corporate)	3 (Female)
St Peter's School (Cambridge) PRIVATE	St Peter's School (Cambridge)		St Peter's School Trust Board (Body Corporate)	8 (Combination)
Te Aute College (Hawkes Bay) STATE-INTEGRATED	Te Aute College	Te Aute Trust Board Anglican Church of Aotearoa	Te Aute Trust Board (Body Corporate)	4 (Male)
Wesley College (Pukekohe) STATE-INTEGRATED	Wesley College	The Board of the Wesley Training College Methodist Church of New Zealand	Wesley College Trust Board (Body Corporate)	6 (Combination)

(b) Briefly explain the relationship between the Ministry and the Proprietors of these schools and how, if at all, this has changed over time.

Prior to 2001, while school residential facilities were subject to general legislation and regulations regarding safety aspects (such as fire prevention procedures and building codes), there were no regulations that focused specifically on the welfare of students in these establishments.

The Government included an enabling provision in the *Education Standards Act 2001* (s 39) that allowed for regulations to be made relating to the safety of students in school boarding facilities. This step was taken in response to concerns about the 'emotional' safety of students in school residential facilities that had been raised over several years in reports by the Education Review Office, Office of the Children's Commissioner, and others, prompted by some cases involving bullying, harassment and abuse and the related failings of hostel management.

In November 2001, in consultation with a sector advisory group (comprising representatives of the Association of Proprietors of Integrated Schools, New Zealand Boarding Schools' Association, Independent Schools' Council, Paerangi Limited (Māori boarding schools), the Office of the Commissioner for Children, and Special Residential Schools), the Ministry of Education undertook a survey of schools with student boarding establishments. The purpose of the survey was to obtain information which would assist in decisions about what regulations might be necessary in respect of the safety and wellbeing of students in school boarding accommodation. In this study, student 'wellbeing' incorporated not only the concept of 'emotional safety', but also students being able to learn and achieve well while in the school boarding environment.

All New Zealand schools with boarding establishments were surveyed. The largest proportion of these schools were State schools (52, including eight special residential) or State-integrated schools (34), with the remainder being private schools (22). Responses to the survey were received from 88 of the 108 schools with boarding facilities.

Although reporting procedures (including Education Review Office examinations) and other information campaigns could encourage and inform good practice, it was recognised these

steps were not adequate for the ongoing safety and wellbeing of boarding students. Discussions on the development of regulations emphasised the need to ensure compliance with minimum standards and for a relatively broad interpretation of the term 'safe'.

The *Education (Hostels) Regulations 2005* were established pursuant to section 144C of the *Education Act 1989* (section 643 of the *Education and Training Act 2020*). The Regulations came into effect on 1 March 2006, covering hostels at all registered schools, including private schools and residential special schools. The Regulations make it mandatory for school hostels to be licensed by the Ministry of Education (the Hostel Licensing Authority) and to comply with the minimum standards specified, including a code for management practices, along with direct intervention options where serious safety concerns in a hostel are identified.

(c) Explain the extent to which, if at all, the Ministry provides monitoring and oversight of residential facilities at private and integrated schools.

To help ensure that students who board at residential facilities are provided with a safe physical and emotional environment, the current regulatory regime for school hostels, as set out by the *Education and Training Act 2020* (ss 470-473; ss 630-632; s 643; s 664) and the *Education (Hostels) Regulations 2005* (these Regulations continue to apply under Clause 4(1)(d), Schedule 1 [Legislative Instruments Continued] of the *Education and Training Act 2020*), includes:

- The monitoring and reporting on school hostels by the Education Review Office.
- A list of individuals authorised under the 2020 Act to inspect school hostels. This enables Ministry of Education staff (such as Regional Advisers and Managers) to inspect hostels for the purpose of monitoring compliance with minimum standards, codes of practice, licences, or licence conditions.
- Licensing requirements which give the Ministry of Education, as the designated Hostel Licensing Authority under the 2020 Act, oversight of the hostel's governance, management, operations, policies, and procedures.
- Regulations relating to complaints against hostels that require hostel owners to respond in a manner that promotes safety, transparency, and accountability.

7. From 1950 until present day, please advise whether the Ministry had/has any involvement and/or knowledge of internal redress processes between the selected schools and survivors of abuse and neglect in their care. If yes, please provide detail of the role the Ministry has taken in these redress processes.

Schools are not required to advise the Ministry of Education if they receive a sensitive claim. If they do advise the Ministry of a claim, the Ministry suggests they connect with the New Zealand School Trustees Association (NZSTA) for support.

The Ministry of Education has been contacted by a small number of people in relation to alleged abuse at Wesley College and Te Aute College. These claims do not fall within the scope of the Ministry's redress process, and so the Ministry works with the claimants to refer them to the Colleges.

DEAF OR DISABLED CHILDREN

8. Please outline any steps taken by the Ministry to ensure deaf and/or disabled children were cared for at each of the selected schools, including whether this differed between State wards and children subject to supervision.

An extensive file and record search was undertaken, but no information was located on this matter.

CORPORAL PUNISHMENT IN FAITH-BASED SCHOOLS

9. Referring to paragraph 3.37 of the Brief of Helen Hurst:
- (a) State the Ministry's position on the use of corporal punishment in faith-based schools.
 - (b) Provide evidence of any correspondence between the faiths associated with the selected schools and the Ministry in relation to the use of corporal punishment in schools, as well as any correspondence in reply (before the 1990 law change and as part of the law change).
 - (c) Explain the Ministry's understanding of the nature and extent of the continued use of corporal punishment in the selected schools after it became illegal in 1990.
 - (d) List any responses from the Ministry in relation to specific instances or suspicions of corporal punishment in the selected schools since 1990, including any reports from the Ministry to Oranga Tamariki, the Police or the Teaching Council of Aotearoa New Zealand (Teaching Council). Include the following information:
 - (i) The age and ethnicity of the alleged victim.
 - (ii) Their deaf and/or disability status (if applicable) of the alleged victim.
 - (iii) The name, age, gender of the person alleged to have used corporal punishment.
 - (iv) The school.
 - (v) The response of any of the State agencies.

- (a) State the Ministry's position on the use of corporal punishment in faith-based schools.

Although corporal punishment in New Zealand schools was stopped in 1987, it was not abolished legislatively until 23 July 1990. Section 139A of the *Education Amendment Act 1990* prohibited the use of force (by way of correction or punishment) by anyone employed by a board of trustees, or supervising or controlling children, in an early childhood service, home-based care service or registered school, unless that person was a guardian of the child.

All registered schools, including private schools, have had to comply with the prohibition on the use of corporal punishment since 1990.

However, a legal loophole enabled parents, provided they were not school staff, to still discipline their children on school grounds. In early 2007, it was revealed that Drury Christian

School (a small, private, co-educational school in South Auckland) was using this loophole to discipline students by corporal punishment, by having the students' parents administer the punishment.

The *Crimes (Substituted Section 59) Amendment Act 2007* effectively closed this loophole in May 2007 by abolishing the use of parental force for the purpose of correction.

As specified by the *Education and Training Act 2020* (s 98), corporal punishment is strictly prohibited by law in all registered schools (including State, State-integrated, and private schools) by any person employed or managing the school, or supervising students.

(b) Provide evidence of any correspondence between the faiths associated with the selected schools and the Ministry in relation to the use of corporal punishment in schools, as well as any correspondence in reply (before the 1990 law change and as part of the law change).

An extensive file and record search was undertaken, but no information was located on this matter.

(c) Explain the Ministry's understanding of the nature and extent of the continued use of corporal punishment in the selected schools after it became illegal in 1990.

Following an extensive file and record search, no information was located on the continued use of corporal punishment in the selected schools after it became illegal in 1990. The Ministry of Education is therefore unable to answer Question 9(c).

(d) List any responses from the Ministry in relation to specific instances or suspicions of corporal punishment in the selected schools since 1990.

An extensive file and record search was undertaken, but no information was located on this matter.

THE REPORTING OF SUSPECTED OR ACTUAL CHILD ABUSE AND NEGLECT PROTOCOL

10. Please explain:
- (a) What work has been undertaken by the Ministry to implement the Reporting of Suspected or Actual Child Abuse and Neglect Protocol, and communicate expectations around this to Boards of Trustees?
How frequently has this been communicated to the relevant Boards of each selected school?
 - (b) How frequently is the protocol reviewed? When was the date of the last review?
 - (c) How is the effectiveness of the implementation of the protocol reviewed and understood? How could it be improved?
 - (d) Does the Ministry expect the Boards of the selected schools to have specific policies and procedures to support the implementation of the protocol?
If so, how does the Ministry monitor this.
 - (e) Does the Ministry expect engagement to occur for all personnel at each selected school, to ensure everyone is familiar with the protocol and child protection policies? If so, how does the Ministry monitor this.

The following section provides information about the procedures implemented over the last 25 years in relation to the responsibilities and processes for the reporting of suspected or actual child abuse and neglect within the school setting. During this time, protocols were developed between agencies to assist in this process. However, the 2014 legislative measures (detailed below), requiring that schools ensure students are safe and protected from any physical or emotional harm, have largely replaced the earlier protocols.

1996: Breaking the Cycle: Interagency Protocols for Child Abuse Management

To assist in the reviewing of responsibilities and procedures on the reporting of child abuse and neglect, the 1996 *Breaking the Cycle* document gathered together the agreements that had been developed between various community and government agencies and the New Zealand Children and Young Persons Service (NZCYPS).

Part five of *Breaking the Cycle* contained a national protocol agreed by the Ministry of Education, the New Zealand School Trustees Association (NZSTA), and the New Zealand Children, Young Persons and their Families Service (NZCYFS) for responding to child abuse and neglect. It included provisions for:

- Ensuring the immediate safety of the child or young person.
- Staff training to recognise and respond to child abuse.
- Procedures for managing child abuse allegations against employees in schools.

The Acting Secretary for Education, noting the protocol had been developed with the help of a working party and wide consultation within the education sector, agreed “to support the use of this protocol in schools as an interagency guide to the voluntary reporting of child abuse, in accordance with the *Children, Young Persons and their Families Act 1989*.”

Part six of the document covered a national protocol agreed by the Ministry of Education, Early Childhood Education Services and NZCYFS.

Circular 1997/12:

The Responsibility of Boards of Trustees for the Personal Safety of Students in Schools

On 13 March 1997, the Ministry of Education issued *Circular 1997/12 (The Responsibility of Boards of Trustees for the Personal Safety of Students in Schools)* to principals of State and State-integrated schools, chairpersons of boards of trustees, and principals and proprietors of private schools.

The Circular outlined the responsibilities of schools for the personal safety of children and young people (including when they were in residential facilities associated with schools, or at school camps, off-site courses or trips). In emphasising the need to act immediately on complaints of alleged abuse, schools were reminded that they were required to implement policies and processes to ensure:

- All children and young persons were treated with respect and dignity, and that they had their rights and needs met in a safe environment.
- Staff were aware of the relevant laws and regulations enacted to protect children and young persons from abuse.
- Staff were familiar with ways to prevent, recognise and respond to abuse.
- Procedures were in place to protect students and staff from unwarranted allegations of abuse.
- Procedures were in place to meet the special personal and educational safety needs of Māori students.

Schools were “strongly advised” to follow the policies and procedures for the voluntary reporting of child abuse, as recommended in *Breaking the Cycle: Interagency Protocols for Child Abuse Management* (1996) and *Breaking the Cycle: An Interagency Guide to Child Abuse* (1995). Both publications were appended to the Circular.

2009: Reporting of Suspected or Actual Child Abuse and Neglect

In 2009, an updated protocol between the Ministry of Education, the New Zealand School Trustees Association (NZSTA), and Child, Youth and Family (CYF), for the reporting of suspected or actual child abuse and neglect, was developed. This protocol was in accordance with the National Administration Guideline 5 (NAG 5) requiring the school Board of each State and State-integrated school to provide a safe physical and emotional environment for their students.

The purpose of the protocol was to establish an agreed approach to the reporting of child abuse and neglect by those working within the school environment. To meet this objective, the protocol provided guidelines and an easy-to-follow reporting process for suspected or disclosed child abuse. Schools were reminded to also make use of the interagency *Working together to keep children and young people safe* guidelines, which provided more in-depth information.

2012: Children’s Action Plan

The 2012 Children’s Action Plan was a cross-sector programme, resulting from the Government’s public consultation on protecting children from abuse and neglect. A key component of the Plan was the establishment of a new integrated service model: the multi-disciplinary Children’s Team approach, which was built on the understanding that the issues facing the most vulnerable children and their families were complex and could not be solved by a single agency. Bringing together practitioners and professionals from iwi, education,

health, justice and social services, local Children's Teams created a single plan to help children who were at risk of abuse or neglect.

Chief Executives from the Ministries of Education, Health, Justice, and Social Development and the New Zealand Police were jointly accountable for developing, implementing and reporting against the cross-agency plan to protect children from harm. Implementation of the Children's Action Plan concluded in 2017 (superseded by the Oranga Tamariki Action Plan).

2014: Vulnerable Children Act 2014: A Practical Guide for Schools and Kura

The Ministry of Education's *Vulnerable Children Act 2014* Guide brought together information and tools, produced jointly by the Ministry of Education and the New Zealand School Trustees Association (NZSTA), to support schools (with links to further resources in the Ministry of Social Development's Children's Action Plan Guidelines).

On 1 July 2014, the *Vulnerable Children Act 2014* passed into law (it was renamed the *Children's Act 2014* in December 2018). The Act introduced a requirement for agencies to develop and implement more comprehensive child protection policies and safety checking. It also introduced a definition for people who worked with children ('children's workers'). Workforce restrictions were introduced that prohibited people with certain criminal convictions from working in core children's worker roles (unless they had an exemption) (*Children's Act 2014*, s 35). The responsibility for child protection was extended beyond Child, Youth & Family, and the Police, to include all Government-funded children's services.

By law, all State, State-integrated and private schools are required to have a Child Protection Policy that supports a strong culture of child protection. Child protection policies are living documents that describe the processes and procedures that Services and Schools follow to keep children safe, ensuring that potential abuse and neglect, along with general concerns about child wellbeing, are identified and appropriately responded to. As part of its review of all schools, the Education Review Office checks that each school has a child protection policy, and that it has been successfully implemented.

The child protection policy, reviewable every three years, must be written down and in use, and say how suspected neglect and abuse will be identified and reported. It must be available on the school's website or on request (*Children's Act 2014*, s 18).

All children's workers must undergo a safety check prior to commencing employment. The safety check must include confirmation of the identity of the person and an assessment of the risk the person would pose to the safety of children if employed or engaged as a children's worker. Further safety checks must be carried out within three years of the last check.

As the legal employer of all school staff, Boards are responsible for ensuring staff have the training and support needed to safeguard students. Refer to Questions 11-13 below for further details.

11. What professional development is there available for training personnel at the selected schools in child protection?

What has been the uptake of this professional development, by year, for the past 20 years for each of the selected schools?

How does the training take account of culturally informed approaches to child protection?

12.	What work is required, individually and collectively, to enable all personnel at each selected school to understand the protocol and child protection policies?
13.	Do senior leaders at each selected school undertake comprehensive child protection training?

The ‘Tomorrow’s Schools’ reforms, brought into effect in the *Education Act 1989*, significantly changed the way schools were governed. Under ‘Tomorrow’s Schools’, the governance of State primary schools passed from regional Education Boards, supported by public servants, to elected parent representatives on Boards of Trustees. The governance of State secondary schools passed from Boards of Governors to Boards of Trustees. There was no longer a body between the school and the central organisations, and a broad range of functions and duties were devolved to individual school Boards of Trustees. These included the employment of staff (including the appointment of principals), use of staffing and funding on a day-to-day basis, management of school property, and other administrative duties, as well as oversight of the education of all students. The Board of Trustees’ model of an elected board governing a school has remained relatively unchanged since 1989.

The Board of a State-integrated school operates in largely the same manner as the Board of any other State school, but has special responsibilities related to protecting the special character of the school. The Board of a state-integrated school can have up to four representatives of the proprietor (body corporate). This ensures all members of the Board share a common understanding of the school’s special character and its implications for the administration of the school.

Private schools are governed by their own independent boards. As private schools are independent in terms of school ownership, management, and operation, they adhere to their own internal rules, canons and constitutions, and applicable statutes. They must, however, also act within the general confines of the law, including through relevant provisions of the education legislation. While a State school board is a Crown entity, made up of members of the school community, the school principal, and staff and student representatives, a private school board usually bears a closer relationship to that of a business Board of Directors, with the Directors chosen for specific skills relevant to that business.

The *Education and Training Act 2020* (s 125) sets out that the Board is the governing body of its school and is responsible for governance, including setting the policies by which the school is to be controlled and managed. Boards are required to comply with their obligations under the *Education and Training Act 2020*, and any other Act, such as ensuring that the school is a physically and emotionally safe place for all students and staff (s 127).

School Boards (including private schools) are responsible for setting and monitoring policies and procedures that align to and support their statutory responsibilities, including setting health and safety policies and practices that ensure a safe physical and emotional environment for students. Any school’s health and safety policies must align with the *Health and Safety at Work Act 2015*.

Under the *Children’s Act 2014* (s 18), all education providers are required to have a written child protection policy in place, and be responsible for completing safety checks for new and existing children’s workers. The child protection policy must be reviewed by the school every three years, and must contain provisions about how school staff will handle the identification and reporting of child abuse and neglect under the *Oranga Tamariki Act 1989*. As the legal

employer of all school staff, Boards are responsible for ensuring staff have the training and support needed to safeguard students.

The Ministry of Education contracts the New Zealand School Trustees Association (NZSTA) to provide all State and State-integrated school boards and principals with free advice, guidance and training through:

- An 0800 contact centre for Board members and principals to seek specific advice on any matters, including child safety.
- The provision of resources and guidance on child protection policies, reference checking when recruiting, safety checking and police vetting, and the overall responsibility of Boards for child safety.

The Ministry provides guidance to schools, through its regional teams, to support adherence to a range of legislation, including the *Children's Act 2014*, the *Health and Safety at Work Act 2015*, and the *Education (Hostels) Regulations 2005*.

Regionally based Ministry of Education staff work closely with schools when advised that serious abuse or neglect may have occurred, including to ensure that the school makes reports to the New Zealand Police, Oranga Tamariki, and the Teaching Council, as appropriate. The Ministry of Education's regional staff have close working relationships with these agencies, and the Ministry works together to support schools to keep students safe.

As part of an Education Review Office evaluation, school Boards attest that they take all reasonable steps to meet their statutory obligations. School Boards are provided with a self-audit checklist to help them in this process. A section of the checklist covers the management of health and safety. This is based on the guidelines provided by the Ministry of Education and Work Safe New Zealand, including those specified by the New Zealand School Trustees Association.

Review teams use a Board's completed self-audit checklist to check, and discuss with key personnel, specific details with respect to the following:

- Emotional safety of students (including prevention of bullying and sexual harassment).
- Physical safety of students.
- Teacher registration.
- Processes for appointing staff.
- Stand-downs, suspensions, expulsions and exclusions.
- Attendance.
- (Where relevant) school hostels and provision for international students.

If significant issues or risks arise, these are discussed during the review process and referred to other agencies, as appropriate.

HEALTH AND SAFETY: REPORTS OF ABUSE OR NEGLECT

- 14. Referring to paragraphs 3.28 to 3.31 of the Brief of Helen Hurst, please provide a list of all reports of suspected abuse or neglect in relation to the selected schools and how they were dealt with by the Ministry, Oranga Tamariki and the Teaching Council.**

This list should identify:

- (a) The date or period the alleged abuse or neglect is said to have occurred and when it was reported.**

- (b) **The nature of the alleged abuse or neglect.**
- (c) **The age and ethnicity of the person who was alleged to have suffered abuse or neglect.**
- (d) **The deaf and/or disability status (if applicable) of the person who was alleged to have suffered abuse or neglect.**
- (e) **Whether the person alleged to have suffered abuse or neglect was a member of a rainbow community.**
- (f) **The name, age, and gender of the person who is the subject of the report of abuse or neglect.**
- (g) **The name of the school where the abuse or neglect allegedly occurred.**
- (h) **How the report of abuse was resolved.**
- (i) **Whether the incident of alleged abuse or neglect was categorised as traumatic and why.**
- (j) **Identify staff members who were removed (as described in paragraph 3.31 in the Brief of Helen Hurst).**

As the employer of all staff in a State or State-integrated school, the Board of Trustees is responsible for employment and disciplinary matters. Boards are also responsible for setting their school's strategic direction, in consultation with parents, staff and students, and for ensuring their school is a physically and emotionally safe place for students and staff. Boards of Trustees are legally responsible for ensuring that their schools are properly managed and comply with health and safety requirements. Residential facilities attached to State-integrated schools were not subject to integration and continue to be run privately by proprietors.

The proprietors of private schools, including individuals, bodies corporate and religious organisations, have always been and continue to be separate legal entities from the Ministry of Education. In governing private schools, the proprietors must adhere to their own internal rules, canons and constitutions and applicable statutes. They must also act within the general confines of the law, including through relevant provisions of education legislation.

Gloriavale Christian School, Greymouth

The Ministry of Education works with other agencies, including the Police and Oranga Tamariki, around allegations of abuse. In relation to Gloriavale Christian School, the Ministry has been informed of allegations of abuse through investigations led by the Police.

In January 2018, the Ministry of Education was informed by the Police that they, along with Oranga Tamariki, were investigating an alleged inappropriate sexual contact by a teacher with a student at Gloriavale. The Ministry contacted the Gloriavale Christian School's Acting Principal, who confirmed the teacher had been stood down while the investigation was underway and would not be in contact with students at the school. The Ministry advised the Acting Principal of the Teaching Council's mandatory reporting requirements, and worked alongside other support agencies to identify what supports the school would need to minimise the disruption to students' learning during this time.

During February 2018, the Ministry of Education continued to be kept informed by the Police and the Teaching Council's lead investigator about the alleged indecent assault of the student

(while the investigation proceeded, the teacher voluntarily put his practising certificate on hold). The assistance of a Ministry of Education Traumatic Response Team was extended to the school. After the first Court appearance, the Ministry was aware there were bail conditions that required the accused to be located outside of the Gloriavale community. This reduced the risk of the person's contact with students. The former teacher (Just Standfast) was convicted in March 2019 for indecently assaulting a child.

The Education Review Office (ERO) is required by law to review private schools and to report to the Ministry of Education on whether a school meets the criteria for registration. The latest ERO report on Gloriavale Christian School was published on 19 June 2020. This report stated that at the onsite phase of the review, there was one criterion for registration with aspects that were not met. This was around having regularly reviewed policies and procedures in areas related to the provision of a physically and emotionally safe place for students. Following the onsite phase, the report stated that the school leaders had provided evidence to show the aspects identified for improvement had been addressed and that the school met registration requirements.

The Ministry of Education is part of a multi-agency Steering Group, established in June 2020, to respond to allegations related to child protection in the Gloriavale Community. Through this Group, the Ministry is kept informed about what relevant agencies are doing to support the children, young people and their families within the Gloriavale community.

In 2020, the Ministry of Education was advised of continued Police investigations and kept informed through interagency meetings. In August 2020, the Ministry understood from Police that no evidence of abuse within the school had been uncovered. However, there were reports of bullying and grooming behaviour. At the request of the school leaders, the Police ran a safety programme for senior students. The Ministry of Education provided a Traumatic Incident Response Team for the school and early childhood service, and continued to engage with other agencies to coordinate supports.

In July and August 2021, the Ministry of Education was informed by the Police of further investigations into allegations of abuse. The Ministry was guided by the Police regarding required action, and it was agreed that the Ministry of Education, together with other agencies, would work with the Police in a combined approach (taking care not to impede any Police-led investigation).

The Gloriavale Christian School's Principal also informed the Ministry of Education that school leaders had been approached by the Police and Oranga Tamariki in relation to allegations of physical assault against students by teachers in the school setting, and that the Police had requested the named adults be removed from the school. The Ministry discussed requirements relating to child safety and teacher registration, and remained in contact with the school (for example, providing support around reporting to the Teaching Council and the need for all current teaching staff to understand behaviour management and the requirements around the non-use of physical discipline).

In August 2021, the Police outlined a plan on actions to be taken, including a requirement that the Principal make immediate contact with the Ministry of Education and report to the Teaching Council of Aotearoa New Zealand.

The Ministry was subsequently notified by the Gloriavale Christian School's Principal that the school leaders had been approached by the Police and Oranga Tamariki regarding allegations of physical assault against students by teachers in the school environment. The Principal reported that two named adults (a teacher and teacher assistant) were alleged to have engaged in physical assault against students at a level where the Police and Oranga Tamariki requested they be removed from the school. A further 10 adults were named as interested

parties in further planned investigations by the Police. The Principal advised that contact had not yet been made with the Teaching Council.

The Ministry of Education discussed with the Gloriavale Christian School Principal what was needed to satisfy the Ministry in relation to child safety and teacher registration. The Principal followed up by confirming that two named adults and 10 additional adults of interest had been stood down from the school. The Principal also clarified that all current teaching staff understood the requirements around behaviour management and the non-use of physical discipline. The Ministry continued to connect with the school on their plan, and to link with the Teaching Council's lead investigator.

Following the May 2022 Court findings on employment practices at Gloriavale, the Ministry of Education contacted the Gloriavale Christian School to remind them of their obligations under the Act to provide an education programme for children and young people under the age of 16 years.

On 1 July 2022, the Ministry of Education met with two teachers who had worked at the Gloriavale Christian School. They were assisted at the meeting by a representative from the Gloriavale Leavers' Support Trust. The teachers raised concerns about the current teaching staff. The Ministry is currently considering next steps in relation to the quality of teaching, physical and emotional wellbeing, and 'fit and proper' leaders and staff at Gloriavale Christian School.

Hato Pāora College, Feilding

Hato Pāora College is a State-integrated Catholic boys' school, located in a rural setting near Fielding. The school caters for students from Years 9 to 13. The Education Review Office's 2019 report noted that the current roll of 123 was almost entirely Māori and that nearly all students boarded in the school hostel.

The Ministry of Education's regional office records confirm that Hato Pāora College has contacted the Ministry on four separate occasions to provide information about alleged incidents. All incidents were dealt with by the school's Proprietor and Board of Trustees through meetings between the school, whānau and students. Notes from telephone conversations between the school and the Ministry of Education's regional office make up the Ministry's records of the incidents described below.

In March 2004, a student (ethnicity: Māori) boarding at the school's residential facilities complained about a staff member (no details are recorded about the nature of the complaint). Counselling was organised by the school for both the student and staff member. The school Board agreed it needed an independent review of its policies, procedures and the handling of the complaint. The file note indicates that the Human Rights Commission and the Education Review Office (separately) undertook reviews at the request of the school.

In August 2007, two students (ethnicity: Māori) came forward with allegations of sexual abuse by the school's Principal (Elvis Dobson Shepherd, also known as Tihirau). The Ministry of Education's regional office notes of a telephone conversation with the Acting Principal record that the school's Complaints Assessment Committee had activated procedures to review the complaint. Following an investigation, involving the Police and Child, Youth and Family, it was agreed there was "no case to answer". The whānau of the two complainants advised they were comfortable with the investigation's outcome.

In 2010, the Principal (Elvis Dobson Shepherd) was found guilty of sexually abusing students while he had been a teacher at Hato Pētera College in the 1990s.

On 22 July 2019, the College's Principal contacted the Ministry of Education to advise that a non-teaching female staff member, employed at the school's hostel, was the subject of a police investigation following a complaint of alleged sexual misconduct with a student. The Principal advised that the Hostel's Trust Board had sought legal advice and was following that advice in relation to the employee, who had been suspended from her duties and trespassed from the school grounds (the employee resigned on 11 July 2019).

In 2021, three students were excluded from Hato Pāora College after a Police investigation into inappropriate sexual behaviour. The alleged incident involved a group of boys in a school dormitory in mid-June 2021. After being made aware of the incident, the school immediately notified the students' parents, the Police, Oranga Tamariki, and the Ministry of Education. Following notification, the College implemented its hostel disciplinary process. Support for the victims was provided by the school and Oranga Tamariki (the lead agency). The assistance of a Ministry of Education Traumatic Response Team was extended to the school.

Hato Pētera College, Auckland

From 30 October 2000, students at Hato Pētera College (a State-integrated, co-educational Māori boarding and day school in Northcote, Auckland) disclosed allegations of sexual abuse by a staff member (Kaperiere Patera Leef), who later self-disclosed to the Police that he was HIV positive. Te Tohu Ara (a group formed by the College's Trust Board and the Board of Trustees) was kept briefed with updates by the Police and the school. The Ministry of Education was informed on 10 November 2000 and established support processes to help the school manage the situation.

Due to the serious nature and complexity of the allegations, the Ministry of Education set up a cross-sector team from Government agencies and relevant organisations including the Ministry of Health, Police, and the Department of Child, Youth and Family Services to support the school and its Board to act in the best interests of the students. The support was designed to assist the management and Board of the school to respond effectively to meeting the welfare of students, while also assisting them to address issues relating to privacy and employment law.

The immediate focus of the support put in place was to ensure that all students and their whānau were able to access quality information and any assistance they might need. The Ministry of Education worked closely with the school to ensure relevant support staff were available on site at the school and provided up to 0.5 FTTE (full-time teacher equivalent) for counselling services until the end of the 2001 school year.

In addition to the College's review of its own policies and procedures, the Ministry of Education reviewed the overall response from Government, other agencies and the school, and prepared a report – *School Crisis Management: A case study summary of the review of responses to an incident at Hato Pētera College*. The Ministry also developed guidelines for all schools on crisis management, which were distributed in Term 4, 2001.

In February 2015, a student was assaulted by other students in the boarding facility. The student was taken to hospital and the incident was investigated by the Police. The student's parents were not initially contacted about the injury and communication surrounding the matter was not disclosed, which led to Ministry of Education involvement. A restorative marae-based meeting was proposed. Additional documentation on this matter was not located in the regional office records.

The Hato Pētera College Hostel was the responsibility of the Proprietor, the Roman Catholic Bishop of the Diocese of Auckland. The Diocese was the owner of the Hostel facilities. The Hato Pētera Society Incorporated, the sole shareholder of the limited liability company (Hato Pētera Limited) was the licensee of the Hostel, and had a verbal agreement with the Diocese that included the operation of the Hostel.

In November 2014, an Education Review Office report highlighted some areas of concern about the conditions of the Hostel. In December 2014, the Ministry of Education commissioned a building inspection of the Hostel and requested that the then licensee (Te Whānau o Hato Pētera Trust) address maintenance works highlighted in the inspection report. The building report outlined that the Hostel had some areas of non-compliance in terms of the *Education (Hostels) Regulations 2005*.

The Ministry of Education issued two formal notices of non-compliance to Te Whānau o Hato Pētera Trust, directing remedial work be undertaken. At this time, there were approximately 70 boarders in the Hostel.

In October 2015, the Ministry of Education facilitated a meeting between the Diocese, Te Whānau o Hato Pētera Trust, and the College Board of Trustees. The purpose of the meeting was to provide a forum for the parties to share information and collaborate on education goals for the College and Hostel environments. At this meeting, the Proprietor shared his concerns about the condition of the Hostel buildings and the breakdown of working relationships between key parties. He also announced his intent to close the Hostel facilities for students from 2016.

During November and December 2015, a group from the Hato Pētera community met with the Proprietor to discuss keeping the Hostel facilities open. The Proprietor agreed to open the Hostel for students from 2016, subject to maintenance work being completed on the buildings and the establishment of a new entity to operate the facilities.

In the 2015-2016 summer holidays, significant work was undertaken by the Hato Pētera community to fix the issues identified in the report. The Hostel's licence was reinstated and it reopened in January 2016.

In May 2016, a student suffered a serious assault when the perpetrator broke into the student's room. The perpetrator was referred to Child and Adolescent Mental Health Services and the Ministry of Education provided intensive support.

The Ministry of Education advised the school Board to put a plan in place to mitigate safety risks for students and staff. The Ministry worked with the school to establish a support plan (including a risk register to monitor the wellbeing of students), negotiated support from another secondary school to release a senior leader to lead the resetting of the Positive Behaviour for Learning (PB4L) Programme in the school over Term 3, and provided ongoing education support for the student who had been assaulted.

Wesley College, Auckland

Wesley College is a State-integrated school affiliated to the Methodist Church of New Zealand. The College is located in Pukekohe, Auckland, and caters for boys from Years 9 to 13 and girls from Years 11 to 13. It offers both boarding and day school provision.

In April 2008, a parent contacted the Ministry of Education about the alleged sexual abuse of their 12-year-old son by two students at Wesley College's boarding facility. The Ministry

notified Child, Youth and Family Services about the complaint and contacted the College's Principal. The Ministry's Student Support Team provided support for the parent.

After receiving the incident report, the Principal suspended the two perpetrators from both the hostel and the school. The Wesley College Trust Board (Proprietor) and Board of Trustees met and formalised the disciplinary process.

On 16 September 2008, the Education Review Office (ERO) released its report on the Wesley College April 2008 review visit. ERO found serious levels of theft, abuse and bullying in the College's boarding accommodation. The review noted two serious assaults had occurred in Term 1, 2008, one involving sexual harassment among a group of students. The report stated that the Wesley College Trust Board was not complying with Regulations 54 (policies and operating procedures) and 58 (abuse, harassment, or serious neglect of boarders) of the *Education (Hostels) Regulations 2005*.

The Ministry of Education's Northern Regional Manager, along with the Ministry's Hostel Advisor, provided support and guidance to the Wesley College Principal, Trust Board (Proprietor), and the Board of Trustees Chair. A report on Wesley College was provided to the Ministry of Education's Deputy Secretary and the Associate Minister of Education.

Due to ongoing concerns about compliance and a culture of bullying and abuse, the Ministry of Education's regional office support and monitoring continued until the end of 2008. The Education Review Office undertook a further examination 12 months later to review compliance and progress on the recommendations made in its 2008 Report.

In July 2019, the Police received a complaint from a parent that their son had disclosed that he had been sexually assaulted over an 18-month period by an older boy also in the school's boarding establishment. The Principal was informed (the school was not aware of the issue until the Police notification was received).

The College worked with the Police to identify/verify the offender. Following the College's review of their boarding establishment, a report was copied to the Ministry of Education. A community meeting was held with the Police to discuss the matter.

The Ministry of Education provided support to the school through attendance at multi-agency, community, and Board of Trustees meetings. Funding assistance was given to the school to provide interim assistance in the homework school-student supervision ratio.

In the same period, the Ministry of Education received an application for exemption from school for two students enrolled at Wesley College. The correspondence attached to the application for exemption claimed the two male students had been sexually and physically assaulted at Wesley College over a prolonged period by older students, resulting in the students having missed 60 days of school through fear and anxiety.

The Ministry of Education contacted the two students' caregiver, who confirmed that the students, now enrolled in a hospitality course, had been bullied and would not be returning to the school. The Ministry's Regional Manager contacted the Wesley College Principal regarding concern about the wider context of bullying at the school. A meeting with representatives from Wesley College and the Ministry of Education, Police, and Oranga Tamariki resulted in a full boarding establishment review being undertaken.

15. In relation to the selected schools, please answer the following questions also arising from paragraphs 3.28 to 3.31 of the Brief of Helen Hurst:
- (a) Have there been any instances where there have been disagreements between the Ministry, Oranga Tamariki, Police and the Teaching Council about suspected or known abuse? If so, please identify them.
 - (b) What has been the response to any instances identified and how these were resolved to ensure the safety of the children affected?
 - (c) Can one agency act alone to immediately remove a staff member subject to allegations of abuse or neglect?
 - (d) Can one agency prevent another agency from removing a staff member subject to allegations of abuse or neglect?
 - (e) Does collaboration between these agencies rely on trust or regulatory oversight?
 - (f) Is it possible for one agency to agree with a school to remove a staff member subject to allegations of abuse or neglect without the Ministry or the Police becoming aware?
 - (g) Is the Ministry aware of any instances where staff members subject to allegations of abuse or neglect have been removed from a school without disciplinary or Police action being taken?

The Ministry of Education is not aware of instances where there have been disagreements between agencies about suspected or known abuse.

The Ministry of Education has a protocol for reporting suspected child abuse and neglect. It has policies and processes, including a Memorandum of Understanding and agreements with other agencies, to address these reports. Where the Ministry considers an alleged offender may be putting children at risk (for example, if the Ministry knew the alleged offender is still working with children), the Ministry of Education will report the complaint to the appropriate authorities, which may include the Police, Oranga Tamariki, the Teaching Council of Aotearoa New Zealand, and the relevant Board of Trustees.

Information sharing between Crown agencies

A Memorandum of Understanding (MoU) is in place between the Ministry of Education, the Teaching Council of Aotearoa New Zealand, Oranga Tamariki, and the New Zealand Police. The MoU establishes connections between the agencies and sets out that the agencies will share information in accordance with the *Privacy Act 1988* and agencies' statutory powers to require information.

Procedures, particularly around effective communication and a clear understanding of the roles and responsibilities of each agency, along with a positive working relationship between the parties, are integral in ensuring the agencies work collaboratively together.

At a national level, the Ministry of Education meets regularly to maintain a good working relationship. This is an opportunity to discuss how the MOU is working, and to ensure connections between the organisations are being made at the appropriate levels and with the right people.

Agencies also hold regional meetings on a case-by-case basis to coordinate a response to specific issues.

The following information provides details of each agency's role.

Crown roles and responsibilities

Ministry of Education regional offices work with school Boards, Police, Oranga Tamariki and the Teaching Council when there are allegations of abuse or neglect. The Ministry's primary role is to provide support to affected schools via a Traumatic Incident Response and by ensuring the schools are aware of the support available from the New Zealand School Trustees Association (NZSTA).

The Teaching Council of Aotearoa New Zealand has responsibility for investigating allegations made against registered teachers as part of their role in registering teachers, setting and maintaining professional standards, and ensuring teachers are competent and fit to practice.

The Police investigate and respond to allegations of criminal offending. Oranga Tamariki is involved in investigations with a focus on child safety, to provide support to children and young people (including those who may be witnesses to, or victims of, abuse).

The role of schools

Schools operate independently of the Ministry of Education. State schools are separate Crown Entities (legal entities in their own right). All schools are governed by Boards, who are responsible for ensuring child safety while at school, in accordance with the *Children's Act 2014*. The requirements set out in the 2014 Act are in place for State, State-integrated, and private schools.

Schools are expected to report any potential criminal offending to the Police, and any potential or actual child abuse or neglect to Oranga Tamariki.

Each school Board is required to have up-to-date health and safety policies and procedures that help them to provide a safe physical and emotional environment for their students (*Education and Training Act 2020*, s 127). The Ministry of Education contracts the New Zealand School Trustees Association (NZSTA) to provide a fully integrated range of services to support the governance and employment capability of Boards. NZSTA supports schools to investigate serious complaints and manage any employment process that results, including disciplinary measures and dismissal.

The *Children's Act 2014* requires comprehensive measures to protect and improve the wellbeing of children. By law, schools are required to have a Child Protection Policy that supports a strong culture of child protection. As part of its review of all schools, the Education Review Office checks that each school has a child protection policy, and that it has been successfully implemented.

Schools are required to act on incidents if they occur. This will include reporting to the Teaching Council, Police and/or Oranga Tamariki where appropriate. The employer of a teacher must immediately report to the Teaching Council if it has reason to believe that the teacher has engaged in serious misconduct. The report must be in writing, include a description of the conduct of the teacher that the employer believes to be serious misconduct and a description of what action, if any, the employer has taken in relation to it (*Education and Training Act 2020*, s 491). A Board may, in accordance with the Act, appoint, suspend, and dismiss school staff (s 128). Mandatory reporting to the Teaching Council is also required if, within 12 months after a teacher ceases to be employed by the employer, the employer

receives a complaint about the teacher's conduct or competence while he or she was an employee (s 490). Failure to make a mandatory report is an offence under the Act.

If allegations are made against a person working at the school who is not a registered teacher, the school must act in accordance with its Child Protection Policy (likely to include the removal of the person who is the subject of the allegation, while any investigation is underway).

The role of the Ministry of Education

The Ministry of Education is alerted to suspected or actual abuse occurring at a school (both current and historic) by an agency (Police, Oranga Tamariki, Education Review Office, Teaching Council), by the school, or by a member of the public (generally parents or whānau).

Schools are not required to advise the Ministry of Education if allegations are raised, but they often do alert the Ministry. If the Ministry of Education learns about an issue but has not heard from the school, the Ministry will contact the school to check that it has the support it needs to respond appropriately.

The Ministry of Education registers all schools, including private schools. The Education Review Office (ERO) reviews private schools to ensure that they meet the registration criteria. If ERO is concerned that a private school is not meeting registration criteria or has breached its statutory duties, the issue is raised with the Ministry of Education. The Ministry will then discuss the issue with the school to ensure they understand and are responding appropriately. If the school does not meet requirements, the Ministry of Education is able to cancel the school's registration.

SURVIVORS

- 16. In relation to each of the selected schools, please provide details of:**
- (a) The nature and extent of Ministry records identifying victims or survivors of abuse or neglect as Māori, Pacific, deaf and disabled, having a mental illness, or as a member of a rainbow community.**
 - (b) The measures taken by the Ministry to ensure those individuals would be cared for in faith-based care.**
 - (c) Any engagement with or support provided to victims, survivors and their families.**
 - (d) The extent to which te Tiriti and tikanga Māori were applied by the Ministry in providing that support.**
 - (e) The extent to which cultural expertise relevant to the victim or survivor was used (for example, Fa`a Samoa-based support).**

The administration of all State schools passed from regional Education Boards (for primary schools) and Boards of Governors (secondary schools) to self-governing Boards of Trustees in 1989.

After 1989, matters concerning a secondary school's Board of Governors were transferred to the school's Board of Trustees, or to the Minister of Education if the school had closed (the

debts and liabilities of Board of Governors passed to Boards of Trustees under the *School Trustees Act 1989*, and if the school closed, to the Minister of Education under the *Education Act 1989*, s 154).

Residential facilities attached to State-integrated schools were not subject to integration and continue to be run privately by proprietors.

Please refer to Question 14 regarding support provided by the Ministry of Education to the schools, students and whānau following an incident. Limited ethnicity data, and no disability status or sexuality data, was documented in the Ministry of Education's Regional Office records.

INFORMATION SHARING AND RECORD KEEPING

17. Provide any information-sharing practices adopted by the Ministry, in relation to the abuse in the selected schools, with both survivors reporting abuse and reporting to Police.

In June 2011, the Cabinet Social Policy Committee agreed that a Memorandum of Understanding (MoU) between Child, Youth and Family (a service of the Ministry of Social Development) and the Ministry of Education would be implemented to help schools, kura and early childhood services identify and assist vulnerable children and young people, and strengthen the working relationship with relevant agencies.

In November 2015, the 2011 MoU was reviewed and broadened to include Child, Youth and Family (now Oranga Tamariki), the Ministry of Education, the New Zealand Police, and the Education Council of Aotearoa New Zealand (now the Teaching Council).

Please refer to Question 15 for details on information sharing practices.

FUNDING AND PAYMENTS

18. Please describe the contractual or funding relationships the State has had with the selected schools to deliver services since either 1950 or the establishment of the selected school.

SELECTED SCHOOLS				
Name	Region	Type	Authority	Open?
Dilworth School	Auckland	Composite Y1-15 Boys	Private	Yes
Gloriavale Christian School	Greymouth	Composite Y1-15 Co-educational	Private	Yes
Hato Pāora College	Feilding	Secondary Y 9-15 Boys	State Integrated (1983)	Yes
Hato Pētera College	Auckland	Secondary Y9-13	State Integrated (1981)	No (Closed 2018)
Hukarere Girls' College	Hawkes Bay	Secondary Y9-15	State Integrated (1995)	Yes
Queen Victoria School	Auckland	Secondary	State Integrated (1978)	No (Closed 2001)
St Joseph's Māori Girls' College	Napier	Secondary Y7-15	State Integrated (1982)	Yes
St Peter's School Cambridge	Cambridge	Secondary & y-15	Private	Yes
Te Aute College	Hawkes Bay	Secondary Y9-15	State Integrated (1999)	Yes
Wesley College	Auckland	Secondary Y7-15	State Integrated (1977)	Yes

Private (independent) schools

Private schools are independent in terms of school ownership, management, and operation, and are free to develop their own learning programmes (they are not required to follow the New Zealand Curriculum). However, the managers of a private school, and the school's principal and staff, must have regard to the Statement of National Education and Learning Priorities (NELP) in the operation of the school and when developing and delivering curriculum (*Education and Training Act 2020*, Schedule 7, cl 7). Private schools are governed by their own independent boards, but must meet certain standards in order to be registered. They charge fees, but also receive some subsidy funding from the Government.

The *Education Act 1877*, which created a national system of public primary schools, made no provision for aid to faith-based schools, and it expressly required instruction in State primary schools to be "entirely of a secular character" (s 84). Neither the 1877 Act, nor its 1914 successor, were amended to make religious instruction part of the State school curriculum, or

to provide aid to private schools. But while no early twentieth century Government signalled a major policy change through legislation, successive Governments made a series of ad hoc decisions to supply private schools with goods and services already provided to State schools (for example, school milk, free textbooks, subsidies on teaching equipment, access to advisory services).

In 1962, an effective faith-based lobby group, the Interdenominational Committee of Independent Schools, was established. By 1969, Government aid to private schools had been extended to include grants for general operating expenses (including non-teaching staff salaries), furniture and equipment for new schools, art and craft supplies, and infant apparatus.

Late in 1970, the Government announced that private schools would receive a 20 percent subsidy on teachers' salaries, abated when a private school was staffed, or its teachers paid, above the State scale. This subsidy increased to 50 percent in 1975, but was then progressively removed from 1985 to 1990, and then reinstated in 1991 at 20 percent. This subsidy was in addition to grants existing before 1970.

Briefing the new Government's Minister of Finance on 7 March 1973, Treasury advised what schools were entitled to under the Government's State Aid to Private Schools' policy (general school and classroom expenses, ancillary school staff, minor building maintenance and administrative costs, contribution towards teachers' salaries, furniture, and art and craft and infant apparatus), along with the Department of Education's boarding bursary for eligible students.

At a meeting with the Department of Education (14 June 1974), the Marylands School Accountant enquired if there was a list of subsidies available to gauge the extent of assistance available to faith-based schools. The Director of Finance advised there were three main grants:

Grant A related to running expenses based on a per capita cost in the State system according to the size of the school. In the case of Marylands, it would receive the equivalent of a State school and the grant was updated per the cost price index.

Grant B was a contribution towards the cost of administration (clerical assistance, caretakers, accountancy fees and building maintenance).

Grant C covered the cost of teacher salaries. It was based on a certain percentage of the State salary costs per pupil. For primary children, for example, it worked out at about \$70 per head. Where a private school paid higher average salaries to its teachers and employed above the scale establishment than the State, the grant was abated.

A new method of State funding for private schools, introduced in 1995, was based on a percentage of the average cost of educating a child in the State system. The subsidy was to increase over time with any increases in average State costs per student for each school year group. The new funding formula was implemented in the 1996 school year.

The level of the subsidy progressively increased, until it reached 25 percent of total State costs per pupil for students in years 1-10, and 40 percent of State costs per pupil for senior secondary students (Years 11 to 13) in the 1998 school year.

By 1999, private schools received 30 percent of the State cost of educating a Year 1-10 student, and 40 percent of the cost of a Year 11-13 student. These arrangements remained in place for 2000, when the incoming Government capped the amount of the subsidy at the 2000 year level.

Private School Subsidy Rates (1996-2000)				
School Year	Years 1-6	Years 7-8	Years 9-10	Years 11-13
1996	17%	17%	17%	17%
1997	22%	22%	22%	25%
1998	25%	25%	25%	40%
1999	30%	30%	30%	40%
2000	30%	30%	30%	40%

Today, fully registered private schools receive a Government subsidy from a fixed pool of funding. Each year the fixed pool is divided up into per-pupil rates and the funding is paid to schools according to the number and year levels of the students enrolled. Funding is paid quarterly in advance, at the beginning of each funding period.

The table below shows the per-student subsidy rates for the 2022 year.

PER-STUDENT SUBSIDY RATES FOR 2022		
Year Level	2022 Funding Rate (GST exclusive)	2022 Funding Rate (GST inclusive)
Years 1-6	\$912.21	\$1,049.04
Years 7-8	\$998.92	\$1,148.76
Years 9-10	\$1,278.39	\$1,470.15
Years 11-15	\$1,941.57	\$2,232.80

State-integrated schools

In May 1973, following a three-day conference on State aid to private schools, chaired by the Minister of Education (Hon. P. Amos), a working party was established. The State Aid to Private Schools Working Party Report recommended that the integration of private schools into the State system should proceed, subject to a guarantee that the ‘special character’ of private schools would be preserved (defined as education within the framework of a particular or general religious or philosophical belief, and associated with observances or traditions appropriate to that belief). This recommendation was incorporated within the *Private Schools Conditional Integration Act 1975*, which took effect from August 1976.

An integrated school was required to instruct its students in accordance with the curricula prescribed by the *Education Act 1964* and by regulations made under that Act. While the proprietors of an integrated school retained ownership of the land and buildings, and were responsible for bringing the facilities up to State standard and for subsequent capital works, in all other respects they were funded like State schools, receiving the same general operating grants.

Today, funding is provided to State and State-integrated schools as:

Staffing Entitlement, in full-time teacher equivalents (FTE). This entitlement is a number of teachers calculated using formulae set out in the annual *Education (School Staffing) Order in Council* (made under section 582 of the *Education and Training Act 2020*). The Order establishes the entitlements and limitations on staffing for schools. Teachers' collective agreements also help determine some staffing provisions. The major formulaic components of the staffing entitlement for most State and State-integrated schools are the Curriculum Delivery Allowance, the Management Time Allowance, and the Additional Guidance Allowance. These are collectively known as entitlement staffing.

The Crown is obligated to pay the salaries for regular teachers, however much those salaries might be. Salaries are governed by the relevant teacher or principal collective agreements. More detailed information about school staffing is located on the Ministry of Education's website – [School staffing – Education in New Zealand](#)

Operational Funding, in cash. Section 550 of the *Education and Training Act 2020* authorises the Minister of Education to determine grants paid to school Boards from public money appropriated by Parliament for the purpose. Operational funding is comprised of over 20 core components, mostly determined by formula which has been decided in advance through a policy process. Funding is paid quarterly in advance, at the beginning of each funding period.

School Boards are responsible for the financial governance of their schools, including determining how operational funding is allocated. Boards must comply with the National Administration Guidelines (NAGs), among other contractual, legislative and reporting requirements (the NAGs are due to be repealed on commencement of the new strategic planning and reporting framework on 1 January 2023). More detailed information about operational funding can be found on the Ministry of Education's website – [Operational funding – Education in New Zealand](#)

In September, State and State-integrated schools are advised of their provisional roll for the coming year. The provisional roll sets their projected entitlement staffing and operational funding for the coming year.

19. From 1950 until present day, please explain:

- (a) **What was the funding allocation by year, and percentage of funding allocation by year, for each of the selected schools?**
- (b) **What monitoring and oversight existed for the delivery of these services (including monitoring for child safety) and how did/do the policies, processes and procedures of services impact on the children and young people in their care?
Please include detail on what percentage of the selected schools actively reported on this, per annum.**
- (c) **What actions were taken to ensure the safety of those attending the selected schools, including early intervention and prevention of abuse?**
- (d) **How did the Ministry determine the level of payments to the selected schools (as compared to other schools)?**
- (e) **What steps were/are taken to ensure payments were sufficient for the needs of children in the selected schools?**
- (f) **What was/is the total amount of money paid?
Please provide this information in tabulated form by year and decade, for each of the selected schools.**

(g) What evidence exists of contractual arrangements between the Ministry and the selected schools for the provision of education?

Prior to the introduction of the *Public Finance Act 1989*, appropriations were made on a 'cash for inputs' basis. Accordingly, appropriations consisted of a long list of input items (e.g., salaries and wages; payments to the Post Office; heat, light and power). Subsequently, the list of input items was shown as Part D of each Vote, while Part C showed expenditure by 'programme'.

Following the passing of the *Public Finance Act 1989* (Departments had up to two years to migrate from a cash-based system to an accrual accounting system), appropriations have been on a 'full accrual costs of outputs' basis, including outputs, transfers, other expenses, capital expenditure, and (more recently) multi-category appropriations.

The *Education Act 1989* gave effect to the Tomorrow School's reforms, which marked a significant change to the way schools were governed. Tomorrow's Schools moved responsibility for the administration, management and governance of individual schools away from regional Boards to individual Boards of Trustees. Individual Education Boards and Boards of Governors (for secondary schools) were abolished and replaced with individual and elected local Boards of Trustees. Each school Board was established as an independent legal entity (*Education Act 1989*, schedule 6, pt 1).

Every financial year, Parliament grants public money to Boards of Trustees for the purpose of running their schools. Boards of Trustees are responsible for the management of this money and are also publicly accountable for how the money is spent (*Education and Training Act 2020*, s 550).

All State and State-integrated schools are required to prepare an annual report each year. The annual report must include audited annual financial statements prepared in accordance with generally accepted accounting practice. It is the responsibility of the Board to approve the financial statements, but it is the responsibility of the Principal to ensure they are presented to the Board (*Education and Training Act 2020*, s 134).

Prior to 1989, the inspection and review of school accounts was undertaken annually by the Department of Education's Chief Inspecting Accountants.

APPENDIX 1 contains funding allocation by year for each of the 10 selected schools, between 2000-2022.

The Ministry of Education provides funding for schools by way of operational funding, salary funding for teachers, and property funding.

Operational funding is the financial resources received by Boards of Trustees from the Government for running the day-to-day operations of schools. Salary funding is defined as gross salaries paid by the Government to teachers employed in schools.

Information has been provided for the period 2000-2022 due to the availability of reliable funding data (property funding has been excluded from the data in Appendix 1).

Government Grant figures from the Financial Information Database for Schools (FIDS) Income for the seven State-integrated schools has also been provided. This data is available from 1994. Information in FIDS reflects information as recorded by schools in their audited financial statements.

Operating Grant and Teacher Salaries Entitlement Funding to Schools 2000-2022

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
State-Integrated Schools																						
(33) Hato Pētera College	\$ 820,492	\$ 907,140	\$ 911,496	\$ 1,101,784	\$ 1,225,912	\$ 1,351,155	\$ 1,513,811	\$ 1,484,803	\$ 1,593,293	\$ 1,780,595	\$ 1,834,900	\$ 1,857,670	\$ 1,518,694	\$ 1,606,171	\$ 1,553,040	\$ 1,495,408	\$ 1,141,826	\$ 848,716	\$ 697,610	\$ 163,904	\$ -	\$ -
(56) Queen Victoria School	\$ 850,931	\$ 1,200,053	\$ 253,916	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
(104) Wesley College	\$ 1,939,131	\$ 1,960,743	\$ 2,047,163	\$ 2,223,960	\$ 2,223,381	\$ 2,520,169	\$ 2,676,830	\$ 2,729,117	\$ 2,907,369	\$ 2,953,215	\$ 2,918,717	\$ 2,831,532	\$ 3,046,547	\$ 3,005,373	\$ 3,098,313	\$ 3,159,488	\$ 3,284,435	\$ 3,348,916	\$ 3,574,261	\$ 3,799,078	\$ 4,375,494	\$ 4,420,916
(199) Hato Pāora College	\$ 917,624	\$ 1,029,592	\$ 1,196,926	\$ 1,267,857	\$ 1,580,347	\$ 1,824,616	\$ 1,933,935	\$ 2,091,060	\$ 2,361,493	\$ 2,364,522	\$ 2,177,436	\$ 1,811,732	\$ 1,450,998	\$ 1,183,688	\$ 1,154,641	\$ 1,283,838	\$ 1,355,946	\$ 1,624,052	\$ 1,782,245	\$ 1,798,355	\$ 1,968,543	\$ 2,054,075
(222) St Joseph's Māori Girls'	\$ 1,162,919	\$ 1,267,144	\$ 1,337,072	\$ 1,490,020	\$ 1,638,486	\$ 1,803,528	\$ 1,950,256	\$ 1,992,034	\$ 2,183,165	\$ 2,178,044	\$ 2,248,210	\$ 2,123,200	\$ 2,019,882	\$ 2,273,046	\$ 2,482,166	\$ 2,560,260	\$ 2,472,453	\$ 2,585,275	\$ 2,513,807	\$ 2,654,967	\$ 2,772,490	\$ 2,635,268
(232) Te Aute Boys' College	\$ 1,147,202	\$ 1,538,108	\$ 1,427,732	\$ 1,421,267	\$ 1,283,000	\$ 1,285,812	\$ 1,360,695	\$ 1,540,807	\$ 1,531,902	\$ 1,456,367	\$ 1,348,526	\$ 1,271,721	\$ 1,345,181	\$ 1,345,100	\$ 1,408,991	\$ 1,435,740	\$ 1,526,183	\$ 1,657,366	\$ 1,669,014	\$ 1,719,385	\$ 1,595,168	\$ 1,543,305
(435) Hukarere Girls' College	\$ 583,789	\$ 669,286	\$ 762,690	\$ 748,812	\$ 961,296	\$ 1,099,321	\$ 1,089,228	\$ 1,220,997	\$ 1,206,884	\$ 1,241,695	\$ 1,254,650	\$ 1,347,778	\$ 1,288,013	\$ 1,241,665	\$ 1,236,714	\$ 1,180,004	\$ 1,387,532	\$ 1,370,892	\$ 1,277,844	\$ 1,359,252	\$ 1,416,293	\$ 1,431,124
All State-Integrated Schools	\$ 286,425,969	\$ 298,122,737	\$ 312,593,545	\$ 336,500,617	\$ 365,240,097	\$ 396,802,612	\$ 428,407,028	\$ 448,409,899	\$ 499,598,607	\$ 519,186,332	\$ 538,156,353	\$ 556,879,039	\$ 561,506,659	\$ 579,689,376	\$ 588,465,559	\$ 599,954,575	\$ 611,578,670	\$ 624,967,441	\$ 644,107,162	\$ 671,931,327	\$ 757,058,802	\$ 774,891,833
Private Schools																						
(66) Dilworth School	\$ 849,010	\$ 788,793	\$ 787,616	\$ 742,540	\$ 729,028	\$ 704,092	\$ 693,211	\$ 677,584	\$ 663,382	\$ 656,098	\$ 861,272	\$ 890,206	\$ 917,289	\$ 970,957	\$ 1,039,386	\$ 1,039,282	\$ 1,066,042	\$ 1,009,271	\$ 975,221	\$ 972,359	\$ 907,223	\$ 867,579
(141) St Peter's School, Cambridge	\$ 1,225,010	\$ 1,276,188	\$ 1,350,580	\$ 1,388,932	\$ 1,361,860	\$ 1,469,818	\$ 1,483,856	\$ 1,454,775	\$ 1,497,851	\$ 1,439,188	\$ 1,825,177	\$ 1,852,916	\$ 1,840,250	\$ 1,846,547	\$ 1,862,993	\$ 1,879,429	\$ 1,819,860	\$ 1,812,815	\$ 1,783,099	\$ 1,840,401	\$ 1,798,653	\$ 1,932,034
(1587) Gloriavale Christian School	\$ 166,967	\$ 157,731	\$ 166,253	\$ 142,028	\$ 134,304	\$ 139,499	\$ 144,863	\$ 143,557	\$ 144,011	\$ 137,137	\$ 156,521	\$ 169,286	\$ 174,455	\$ 181,976	\$ 199,316	\$ 219,751	\$ 216,888	\$ 215,980	\$ 239,531	\$ 239,955	\$ 240,134	\$ 241,000
All Private Schools	\$ 38,969,039	\$ 38,960,606	\$ 39,012,015	\$ 38,166,454	\$ 37,060,616	\$ 39,382,410	\$ 36,297,933	\$ 36,734,843	\$ 35,580,195	\$ 34,975,454	\$ 41,949,467	\$ 44,965,340	\$ 41,655,975	\$ 41,167,459	\$ 42,342,570	\$ 42,243,139	\$ 42,392,146	\$ 42,677,087	\$ 40,390,370	\$ 43,029,928	\$ 42,816,211	\$ 43,296,825

Notes:
 The Ministry provides funding for schools by way of operational funding, salary funding for teachers, and property funding. **Numbers above exclude property funding.**
 Operational funding is the financial resources received by Boards of Trustees from the Government for running the day to day operations of schools.
 Salary funding is defined as gross salaries paid by the government to teachers employed in schools.
 Figures are on an entitlement basis.
 Funding above should be interpreted in co-ordination with rolls on which funding is based.
 Dollars are GST Exclusive

Sheets for each school provide breakdowns between Salary and Operational funding.
 For State-Integrated Schools, income figures from the Financial Information Database for Schools (FIDS) income database are also included. Information in FIDS reflects information as recorded by schools in their audited financial statements.

System Funding for Integrated and Private Schools (GST exclusive in thousand dollars)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Operational Funding in State Integrated schools	72,440	81,568	83,603	87,436	92,009	99,409	105,608	110,356	115,219	123,400	128,100	132,379	135,097	149,660	153,482	158,252	160,479	159,495	165,612	168,632	197,125	197,658
Teacher Salaries in State Integrated schools	213,986	216,555	228,991	249,065	273,231	297,394	322,799	338,054	384,380	395,786	410,056	424,500	426,410	430,029	434,984	441,702	451,100	465,472	478,495	503,300	559,934	577,233
Operational Funding in Private Schools	38,969	38,961	39,012	38,166	37,061	39,382	36,298	36,735	35,580	34,975	41,949	44,965	41,656	41,167	42,343	42,243	42,392	42,677	40,390	43,030	42,816	43,297

Financial Information Database for Schools Income

Year	Government Grants	Investment Income	Local Funds	Other Income	Total
1994	897,641	10,846	149,553	0	1,058,040
1995	1,050,903	19,242	68,665	0	1,138,810
1996	1,177,702	28,341	62,200	0	1,268,243
1997	1,006,060	26,268	223,438	278	1,256,044
1998	985,425	32,601	55,218	0	1,073,244
1999	972,884	15,747	87,641	0	1,076,272
2000	943,181	25,823	93,234	0	1,062,238
2001	947,720	20,689	163,753	0	1,132,162
2002	943,680	12,600	124,614	0	1,080,894
2003	1,180,216	7,316	183,448	0	1,370,980
2004	1,268,278	7,278	115,867	0	1,391,423
2005	1,369,576	9,721	153,467	0	1,532,764
2006	1,548,167	12,469	171,491	0	1,732,127
2007	1,591,544	28,404	282,031	204,299	2,106,278
2008	1,650,528	36,526	265,809	565,952	2,518,815
2009	1,981,227	10,093	170,348	565,952	2,727,620
2010	2,051,877	8,072	207,939	565,952	2,833,840
2011	1,948,430	5,879	152,899	649,121	2,756,329
2012	1,632,461	2,392	184,674	649,121	2,468,648
2013	1,746,202	4,706	222,657	649,121	2,622,686
2014	1,626,000	5,811	182,559	520,456	2,334,826
2015	1,535,269	3,410	174,876	423,088	2,136,643
2016	0	0	0	0	0
2017	0	0	0	0	0

**Education Management Information System (EDUMIS)
Funding Entitlements**

Year	Total Operational Funding	Total Salaries Funding	Combined
2000	\$ 272,630	\$ 547,862	\$ 820,492
2001	\$ 307,291	\$ 599,849	\$ 907,140
2002	\$ 308,051	\$ 603,446	\$ 911,496
2003	\$ 324,022	\$ 777,762	\$ 1,101,784
2004	\$ 352,009	\$ 873,902	\$ 1,225,912
2005	\$ 379,530	\$ 971,625	\$ 1,351,155
2006	\$ 429,489	\$ 1,084,322	\$ 1,513,811
2007	\$ 398,712	\$ 1,086,091	\$ 1,484,803
2008	\$ 407,277	\$ 1,186,016	\$ 1,593,293
2009	\$ 448,860	\$ 1,331,735	\$ 1,780,595
2010	\$ 524,411	\$ 1,310,488	\$ 1,834,900
2011	\$ 499,629	\$ 1,358,041	\$ 1,857,670
2012	\$ 385,672	\$ 1,133,022	\$ 1,518,694
2013	\$ 407,789	\$ 1,198,383	\$ 1,606,171
2014	\$ 436,246	\$ 1,116,794	\$ 1,553,040
2015	\$ 473,010	\$ 1,022,399	\$ 1,495,408
2016	\$ 407,110	\$ 734,716	\$ 1,141,826
2017	\$ 287,854	\$ 560,862	\$ 848,716
2018	\$ 156,188	\$ 541,423	\$ 697,610
2019	\$ -	\$ 163,904	\$ 163,904
2020	\$ -	\$ -	\$ -
2021	\$ -	\$ -	\$ -

Financial Information Database for Schools Income

Year	Government Grants	Investment Income	Local Funds	Other Income	Total
1994	814,238	6,114	22,491	158	843,001
1995	831,454	9,748	14,574	0	855,776
1996	851,596	10,960	12,811	0	875,367
1997	915,165	9,361	36,590	0	961,116
1998	1,065,670	9,564	10,995	0	1,086,229
1999	989,438	4,759	34,318	0	1,028,515
2000	0	0	0	0	0
2001	1,237,593	4,269	54,546	0	1,296,408

Education Management Information System (EDUMIS) Funding Entitlements

Year	Total Operational Funding	Total Salaries Funding	Combined
2000	\$ 269,748	\$ 581,184	\$ 850,931
2001	\$ 222,625	\$ 977,428	\$ 1,200,053
2002	\$ 234,462	\$ 19,454	\$ 253,916
2003	\$ -	\$ -	\$ -
2004	\$ -	\$ -	\$ -
2005	\$ -	\$ -	\$ -
2006	\$ -	\$ -	\$ -
2007	\$ -	\$ -	\$ -
2008	\$ -	\$ -	\$ -
2009	\$ -	\$ -	\$ -
2010	\$ -	\$ -	\$ -
2011	\$ -	\$ -	\$ -
2012	\$ -	\$ -	\$ -
2013	\$ -	\$ -	\$ -
2014	\$ -	\$ -	\$ -
2015	\$ -	\$ -	\$ -
2016	\$ -	\$ -	\$ -
2017	\$ -	\$ -	\$ -
2018	\$ -	\$ -	\$ -
2019	\$ -	\$ -	\$ -
2020	\$ -	\$ -	\$ -
2021	\$ -	\$ -	\$ -

Financial Information Database for Schools Income

Year	Government Grants	Investment Income	Local Funds	Other Income	Total
1994	1,450,828	72,774	317,515	0	1,841,117
1995	1,475,609	37,717	504,318	0	2,017,644
1996	1,508,973	67,650	562,017	0	2,138,640
1997	1,608,867	79,988	617,429	0	2,306,284
1998	1,681,428	77,520	509,454	0	2,268,402
1999	1,863,819	63,382	559,337	0	2,486,538
2000	1,795,574	88,780	533,183	0	2,417,537
2001	1,898,779	75,727	212,791	0	2,187,297
2002	2,075,783	71,715	284,859	185	2,432,542
2003	2,309,860	70,134	307,729	0	2,687,723
2004	2,222,997	57,816	186,845	0	2,467,658
2005	2,542,042	43,553	140,329	55,170	2,781,094
2006	2,706,251	29,210	169,953	0	2,905,414
2007	2,800,338	27,532	203,659	901,584	3,933,113
2008	2,850,603	27,080	96,156	969,360	3,943,199
2009	3,989,473	15,561	47,510	0	4,133,942
2010	3,030,116	15,083	117,177	698,574	3,860,950
2011	3,028,169	14,013	208,226	735,987	3,986,395
2012	3,134,045	11,312	120,946	802,540	4,068,843
2013	3,081,300	11,140	143,788	735,987	3,972,215
2014	3,151,621	14,278	176,907	806,860	4,149,666
2015	3,229,249	10,726	224,054	806,860	4,270,889
2016	3,413,400	7,324	286,315	806,860	4,585,342
2017	3,454,470	6,492	358,913	994,946	4,898,037
2018	3,678,453	6,205	319,580	940,973	5,032,255
2019	3,919,988	6,245	355,347	940,973	5,262,229
2020	4,445,319	4,664	413,508	940,973	5,845,985
2021	5,019,962	2,142	357,200	656,937	6,069,455

Education Management Information System (EDUMIS) Funding Entitlements

Year	Total Operational Funding	Total Salaries Funding	Combined
2000	\$ 506,205	\$ 1,432,926	\$ 1,939,131
2001	\$ 638,583	\$ 1,322,160	\$ 1,960,743
2002	\$ 600,256	\$ 1,446,907	\$ 2,047,163
2003	\$ 673,279	\$ 1,550,681	\$ 2,223,960
2004	\$ 619,887	\$ 1,603,493	\$ 2,223,381
2005	\$ 712,278	\$ 1,807,891	\$ 2,520,169
2006	\$ 726,721	\$ 1,950,110	\$ 2,676,830
2007	\$ 737,177	\$ 1,991,940	\$ 2,729,117
2008	\$ 766,945	\$ 2,140,424	\$ 2,907,369
2009	\$ 718,527	\$ 2,234,688	\$ 2,953,215
2010	\$ 813,459	\$ 2,105,258	\$ 2,918,717
2011	\$ 707,811	\$ 2,123,721	\$ 2,831,532
2012	\$ 774,436	\$ 2,272,111	\$ 3,046,547
2013	\$ 857,348	\$ 2,148,025	\$ 3,005,373
2014	\$ 913,038	\$ 2,185,275	\$ 3,098,313
2015	\$ 974,648	\$ 2,184,840	\$ 3,159,488
2016	\$ 1,067,400	\$ 2,217,035	\$ 3,284,435
2017	\$ 1,048,374	\$ 2,300,542	\$ 3,348,916
2018	\$ 1,129,948	\$ 2,444,313	\$ 3,574,261
2019	\$ 1,220,136	\$ 2,578,942	\$ 3,799,078
2020	\$ 1,339,936	\$ 3,035,558	\$ 4,375,494
2021	\$ 1,473,051	\$ 2,947,866	\$ 4,420,916

Financial Information Database for Schools Income

Year	Government Grants	Investment Income	Local Funds	Other Income	Total
1994	1,106,988	8,338	26,601	0	1,141,927
1995	1,176,433	11,516	51,449	0	1,239,398
1996	1,222,348	10,727	38,115	0	1,271,190
1997	1,224,900	12,178	73,841	0	1,310,919
1998	1,259,394	8,523	31,029	0	1,298,946
1999	983,031	7,033	20,034	0	1,010,098
2000	1,031,399	10,188	38,807	0	1,080,394
2001	1,113,955	11,169	71,250	0	1,196,374
2002	1,356,841	9,434	99,497	0	1,465,772
2003	1,351,667	12,873	90,213	2,421	1,457,174
2004	1,655,960	12,896	117,812	0	1,786,668
2005	1,938,222	24,927	137,111	22,763	2,123,023
2006	2,021,552	34,635	144,371	8,356	2,208,914
2007	2,182,985	36,736	90,065	482,365	2,792,151
2008	2,611,609	23,175	111,276	0	2,746,060
2009	2,433,975	4,159	178,542	225,743	2,842,419
2010	2,279,796	2,277	208,632	219,258	2,709,963
2011	2,005,923	1,858	206,010	233,876	2,447,667
2012	1,501,731	1,305	361,203	233,876	2,098,115
2013	1,168,542	863	103,549	237,335	1,510,289
2014	1,246,645	2,181	127,176	233,876	1,609,878
2015	1,287,810	2,832	109,114	233,876	1,633,632
2016	1,431,257	3,465	92,673	196,019	1,723,414
2017	1,713,431	1,627	58,490	223,202	1,996,750
2018	1,746,014	1,761	275,200	223,202	2,246,177
2019	2,103,918	1,675	156,227	0	2,261,820
2020	2,029,210	391	88,927	245,425	2,363,953
2021	2,151,218	334	118,148	153,401	2,423,101

Education Management Information System (EDUMIS) Funding Entitlements

Year	Total Operational Funding	Total Salaries Funding	Combined
2000	\$ 305,068	\$ 612,556	\$ 917,624
2001	\$ 386,521	\$ 643,071	\$ 1,029,592
2002	\$ 406,230	\$ 790,696	\$ 1,196,926
2003	\$ 428,956	\$ 838,901	\$ 1,267,857
2004	\$ 507,309	\$ 1,073,038	\$ 1,580,347
2005	\$ 553,107	\$ 1,271,509	\$ 1,824,616
2006	\$ 591,835	\$ 1,342,100	\$ 1,933,935
2007	\$ 649,708	\$ 1,441,352	\$ 2,091,060
2008	\$ 662,023	\$ 1,699,469	\$ 2,361,493
2009	\$ 684,182	\$ 1,680,339	\$ 2,364,522
2010	\$ 598,688	\$ 1,578,748	\$ 2,177,436
2011	\$ 479,427	\$ 1,332,305	\$ 1,811,732
2012	\$ 373,157	\$ 1,077,841	\$ 1,450,998
2013	\$ 372,809	\$ 810,879	\$ 1,183,688
2014	\$ 397,780	\$ 756,861	\$ 1,154,641
2015	\$ 462,625	\$ 821,213	\$ 1,283,838
2016	\$ 501,158	\$ 854,788	\$ 1,355,946
2017	\$ 577,590	\$ 1,046,462	\$ 1,624,052
2018	\$ 625,068	\$ 1,157,178	\$ 1,782,245
2019	\$ 661,994	\$ 1,136,361	\$ 1,798,355
2020	\$ 767,185	\$ 1,201,358	\$ 1,968,543
2021	\$ 772,760	\$ 1,281,314	\$ 2,054,075

Financial Information Database for Schools Income

Year	Government Grants	Investment Income	Local Funds	Other Income	Total
1994	977,650	20,277	16,597	0	1,014,524
1995	899,639	32,212	39,725	-2,527	969,049
1996	950,450	41,159	43,893	0	1,035,502
1997	1,002,685	44,021	31,238	0	1,077,944
1998	1,127,643	40,986	28,942	0	1,197,571
1999	1,058,626	24,102	25,520	62,975	1,171,223
2000	1,224,882	35,656	14,649	0	1,275,187
2001	1,286,012	40,234	13,783	0	1,340,029
2002	1,455,266	34,776	14,724	-525	1,504,241
2003	1,533,602	42,448	19,339	0	1,595,389
2004	1,701,753	48,428	28,031	0	1,778,212
2005	1,796,333	62,833	24,515	0	1,883,681
2006	1,978,909	73,114	23,641	0	2,075,664
2007	2,013,208	84,411	22,232	497,606	2,617,457
2008	2,114,642	90,710	311,514	0	2,516,866
2009	2,192,888	47,647	25,725	283,288	2,549,548
2010	2,377,229	50,838	33,460	283,288	2,744,815
2011	2,201,516	52,651	24,001	298,304	2,576,472
2012	2,102,699	49,357	24,156	311,981	2,488,193
2013	2,357,461	48,162	36,166	311,981	2,753,770
2014	2,840,032	49,140	81,869	0	2,971,041
2015	2,865,129	64,850	41,119	0	2,971,098
2016	2,549,386	46,159	30,551	370,770	2,996,866
2017	2,599,600	42,552	31,579	449,716	3,123,447
2018	2,568,132	42,418	417,443	449,716	3,477,709
2019	2,608,063	46,089	48,465	449,716	3,152,333
2020	2,886,012	30,256	31,911	509,146	3,457,325
2021	2,842,488	13,734	29,850	318,881	3,204,953

Education Management Information System (EDUMIS) Funding Entitlements

Year	Total Operational Funding	Total Salaries Funding	Combined
2000	\$ 365,248	\$ 797,671	\$ 1,162,919
2001	\$ 407,696	\$ 859,448	\$ 1,267,144
2002	\$ 373,887	\$ 963,185	\$ 1,337,072
2003	\$ 417,382	\$ 1,072,639	\$ 1,490,020
2004	\$ 469,339	\$ 1,169,147	\$ 1,638,486
2005	\$ 524,712	\$ 1,278,815	\$ 1,803,528
2006	\$ 530,921	\$ 1,419,336	\$ 1,950,256
2007	\$ 553,423	\$ 1,438,612	\$ 1,992,034
2008	\$ 560,817	\$ 1,622,348	\$ 2,183,165
2009	\$ 559,874	\$ 1,618,171	\$ 2,178,044
2010	\$ 568,023	\$ 1,680,186	\$ 2,248,210
2011	\$ 532,452	\$ 1,590,748	\$ 2,123,200
2012	\$ 527,845	\$ 1,492,037	\$ 2,019,882
2013	\$ 627,840	\$ 1,645,206	\$ 2,273,046
2014	\$ 756,962	\$ 1,725,204	\$ 2,482,166
2015	\$ 787,437	\$ 1,772,822	\$ 2,560,260
2016	\$ 708,300	\$ 1,764,154	\$ 2,472,453
2017	\$ 795,284	\$ 1,789,991	\$ 2,585,275
2018	\$ 742,130	\$ 1,771,677	\$ 2,513,807
2019	\$ 773,368	\$ 1,881,599	\$ 2,654,967
2020	\$ 753,692	\$ 2,018,798	\$ 2,772,490
2021	\$ 705,693	\$ 1,929,575	\$ 2,635,268

Financial Information Database for Schools Income

Year	Government Grants	Investment Income	Local Funds	Other Income	Total
1994	1,155,666	4,416	62,121	0	1,222,203
1995	1,163,285	8,530	58,430	1,950	1,232,195
1996	1,197,485	9,485	51,937	4,200	1,263,107
1997	1,171,061	7,784	43,752	0	1,222,597
1998	1,117,692	9,442	46,313	77	1,173,524
1999	1,015,969	5,381	127,345	93,073	1,241,768
2000	1,195,472	6,275	50,057	68,000	1,319,804
2001	1,733,912	2,671	60,564	0	1,797,147
2002	1,615,626	3,250	91,627	0	1,710,503
2003	1,591,225	4,497	86,372	803	1,682,897
2004	1,465,944	3,417	138,523	0	1,607,884
2005	1,268,910	1,328	146,610	0	1,416,848
2006	1,511,217	1,303	160,574	0	1,673,094
2007	1,597,445	1,765	133,717	469,519	2,202,446
2008	1,610,924	4,054	181,613	326,925	2,123,516
2009	1,621,028	1,038	211,050	326,925	2,160,041
2010	1,712,046	433	134,328	15,188	1,861,995
2011	1,439,913	4,251	54,329	326,925	1,825,418
2012	1,387,651	6,097	130,783	408,758	1,933,289
2013	1,527,300	3,284	121,952	365,683	2,018,219
2014	1,825,731	5,947	134,171	22,296	1,988,145
2015	1,842,115	4,447	222,772	0	2,069,334
2016	1,673,721	1,644	157,618	344,739	2,177,722
2017	1,739,089	1,383	224,444	343,000	2,307,916
2018	1,764,202	2,774	202,513	382,200	2,351,689
2019	1,752,011	3,144	219,385	109,021	2,083,561
2020	1,628,090	682	171,702	109,021	1,909,495
2021	0	0	0	0	0

Education Management Information System (EDUMIS) Funding Entitlements

Year	Total Operational Funding	Total Salaries Funding	Combined
2000	\$ 368,688	\$ 778,514	\$ 1,147,202
2001	\$ 530,530	\$ 1,007,578	\$ 1,538,108
2002	\$ 441,084	\$ 986,648	\$ 1,427,732
2003	\$ 364,463	\$ 1,056,804	\$ 1,421,267
2004	\$ 280,974	\$ 1,002,026	\$ 1,283,000
2005	\$ 337,908	\$ 947,903	\$ 1,285,812
2006	\$ 355,192	\$ 1,005,503	\$ 1,360,695
2007	\$ 459,858	\$ 1,080,949	\$ 1,540,807
2008	\$ 406,648	\$ 1,125,253	\$ 1,531,902
2009	\$ 358,570	\$ 1,097,797	\$ 1,456,367
2010	\$ 373,094	\$ 975,432	\$ 1,348,526
2011	\$ 266,224	\$ 1,005,497	\$ 1,271,721
2012	\$ 404,416	\$ 940,765	\$ 1,345,181
2013	\$ 464,296	\$ 880,805	\$ 1,345,100
2014	\$ 552,456	\$ 856,536	\$ 1,408,991
2015	\$ 630,939	\$ 804,802	\$ 1,435,740
2016	\$ 650,732	\$ 875,451	\$ 1,526,183
2017	\$ 603,982	\$ 1,053,383	\$ 1,657,366
2018	\$ 627,244	\$ 1,041,770	\$ 1,669,014
2019	\$ 697,054	\$ 1,022,331	\$ 1,719,385
2020	\$ 615,109	\$ 980,060	\$ 1,595,168
2021	\$ 646,945	\$ 896,359	\$ 1,543,305

Financial Information Database for Schools Income

Year	Government Grants	Investment Income	Local Funds	Other Income	Total
1996	313,258	5,385	37,879	0	356,522
1997	327,152	2,922	9,049	0	339,123
1998	395,354	2,855	17,207	78	415,494
1999	452,117	1,867	21,207	50,598	525,789
2000	589,922	10,388	92,771	135,133	828,214
2001	676,331	12,304	93,906	14,416	796,957
2002	744,730	11,866	97,119	0	853,715
2003	896,303	4,964	128,839	0	1,030,106
2004	999,058	1,620	185,830	0	1,186,508
2005	1,153,402	6,873	132,061	185	1,292,521
2006	1,152,040	6,607	149,491	0	1,308,138
2007	1,256,407	7,772	190,566	106,800	1,561,545
2008	1,354,627	6,640	167,741	106,800	1,635,808
2009	1,415,204	2,392	208,155	0	1,625,751
2010	1,445,529	2,299	155,352	0	1,603,180
2011	1,529,800	3,178	249,663	0	1,782,641
2012	1,494,525	3,100	186,232	0	1,683,857
2013	1,429,950	4,081	203,799	434	1,638,264
2014	1,424,778	4,227	252,710	2,959	1,684,674
2015	1,295,633	3,939	252,590	0	1,552,162
2016	1,446,299	3,118	177,044	132,868	1,759,329
2017	1,508,149	3,264	177,303	133,165	1,821,881
2018	1,357,510	821	171,954	134,135	1,664,420
2019	1,425,180	2,170	104,767	133,165	1,665,282
2020	1,446,255	1,831	98,972	132,060	1,679,118
2021	0	0	0	0	0

Education Management Information System (EDUMIS) Funding Entitlements

Year	Total Operational Funding	Total Salaries Funding	Combined
2000	\$ 232,111	\$ 351,678	\$ 583,789
2001	\$ 268,651	\$ 400,635	\$ 669,286
2002	\$ 286,327	\$ 476,363	\$ 762,690
2003	\$ 205,841	\$ 542,971	\$ 748,812
2004	\$ 304,278	\$ 657,018	\$ 961,296
2005	\$ 309,191	\$ 790,130	\$ 1,099,321
2006	\$ 332,275	\$ 756,953	\$ 1,089,228
2007	\$ 368,596	\$ 852,401	\$ 1,220,997
2008	\$ 232,454	\$ 974,430	\$ 1,206,884
2009	\$ 359,821	\$ 881,874	\$ 1,241,695
2010	\$ 344,982	\$ 909,669	\$ 1,254,650
2011	\$ 360,764	\$ 987,014	\$ 1,347,778
2012	\$ 327,338	\$ 960,675	\$ 1,288,013
2013	\$ 407,253	\$ 834,412	\$ 1,241,665
2014	\$ 403,051	\$ 833,663	\$ 1,236,714
2015	\$ 406,074	\$ 773,930	\$ 1,180,004
2016	\$ 498,248	\$ 889,285	\$ 1,387,532
2017	\$ 394,741	\$ 976,151	\$ 1,370,892
2018	\$ 380,060	\$ 897,784	\$ 1,277,844
2019	\$ 495,522	\$ 863,730	\$ 1,359,252
2020	\$ 493,593	\$ 922,699	\$ 1,416,293
2021	\$ 545,262	\$ 885,862	\$ 1,431,124

**Education Management
Information System (EDUMIS)**

Funding Entitlements

Year	Total Operational Funding
2000	\$ 849,010
2001	\$ 788,793
2002	\$ 787,616
2003	\$ 742,540
2004	\$ 729,028
2005	\$ 704,092
2006	\$ 693,211
2007	\$ 677,584
2008	\$ 663,382
2009	\$ 656,098
2010	\$ 861,272
2011	\$ 890,206
2012	\$ 917,289
2013	\$ 970,957
2014	\$ 1,039,386
2015	\$ 1,039,282
2016	\$ 1,066,042
2017	\$ 1,009,271
2018	\$ 975,221
2019	\$ 972,359
2020	\$ 907,223
2021	\$ 867,579

**Education Management
Information System (EDUMIS)**

Funding Entitlements

Year	Total Operational Funding
2000	\$ 1,225,010
2001	\$ 1,276,188
2002	\$ 1,350,580
2003	\$ 1,388,932
2004	\$ 1,361,860
2005	\$ 1,469,818
2006	\$ 1,483,856
2007	\$ 1,454,775
2008	\$ 1,497,851
2009	\$ 1,439,188
2010	\$ 1,825,177
2011	\$ 1,852,916
2012	\$ 1,840,250
2013	\$ 1,846,547
2014	\$ 1,862,993
2015	\$ 1,879,429
2016	\$ 1,819,860
2017	\$ 1,812,815
2018	\$ 1,783,099
2019	\$ 1,840,401
2020	\$ 1,798,653
2021	\$ 1,932,034

