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“It’s not where, it’s how”  
“Ehara I te wāhi ko te tino take, engari me pēhea”

**SEPANZ Executive:**

**Northern/Auckland:** [Sally Wilkinson, Blomfield Special School \(Secretary\)](#)

**Central:** [Daniel Price, Arahunga Special School, Whanganui](#)

[Diane Whyte, Fairhaven Special School \(Treasurer\)](#)

**Southern:** [Bernadette Mulcahy-Bouwman, Van Asch School, Christchurch](#)  
[Margaret Dodds, Waitaha Centre](#)

**NZEI REP:** [Barrie Wickens, Tauranga Special School](#)

**PRESIDENTS NEWSLETTER**

**18<sup>th</sup> September, 2018**

**Kia ora. Tēnā koutou katoa.**

**Dear Colleagues,**

*I expect that your term too, has “flashed by” – our working lives are certainly never dull! I trust that everyone has planned a restful non-contact, term break! There have been multiple Wellington based meetings with broad reaching agendas which I will attempt to synthesise for you. Health warning: you might like to read this newsletter in bits as it could be heavy going at times – just thought that you might want to know detail!*

**[1: Physical Restraint Advisory Group](#)**

It is a year since we have been implementing the new physical restraint legal framework (ie: Restraint Guidelines). The Ministry decided that it is time to take stock of that discussion, consolidate and move forward. Based on feedback received, the first convened meeting (14<sup>th</sup> September) was an intent to refresh the guidelines and incident reporting forms to clarify and to make them easier to use.

Data had been collated about numbers of restraint incidents and in which sector they had been used. Interestingly the Primary sector reported the larger number of restraints – however as I suggested, smaller Children are easier to restrain than at the secondary level!

It was made very clear that the working party could not recommend changes to the actual legal framework itself. The framework is as a result of the changes made to the Education Act (2017) – and is “untouchable” – except via an Act of Parliament. The Guidelines were written as a result of the Act and to ensure that Schools worked within the framework of the law.

However, as you are aware there is huge consternation across Education about the level of violence and disruption by emotionally disturbed Young People. You may have seen the programme on Channel One News (17<sup>th</sup> September). That was initiated by multiple schools reporting dissatisfaction with the Guidelines and their impact.

My response at the Guidelines “refresh” meeting followed the line that: Many schools are yet to fully understand the Guidelines. All Teachers require *ongoing training* in Positive Behaviour Support techniques and how to safely use restraint when required. My big caveat is that there is simply not the resource being made available to provide Schools with the necessary support. Children require trained professionals working alongside – not just an occasional pop in or a three-day training opportunity for Staff. The other issue that we should accept is that society has changed. Parents now have full time jobs, Children are placed with services far earlier, Families are stressed, and we are not providing sufficient support for these Young Families. In the event there are “tweaks” to the Guidelines, you will be advised.

## 2: Curriculum, Progress and Achievement reference group:

There has been a flurry of working meetings. My main contribution at the most recent was that “they” really have to heighten the awareness regarding this piece of work. It will affect every school and we should understand the intent and respond as possible (which I know many have done). Therefore, the working group and also the Advisory Group have focussed on messaging the Education sector and planning a meaningful connection.

Vision: New Zealand is committed to an education system in which all ākonga (students, learners) have the opportunities to learn; to be successful in life, learning, and work; and to contribute to society. It’s a vision that has a dual focus on equity and excellence. We believe that it requires us, as a nation, to create a system that learns. In sharing and seeking feedback you will receive an invitation (eventually) to participate in workshops that address:

### The Framework for thinking:

- ngā wero – the challenges that focus our thinking
- ngā mātāpono – the principles that guide our work
- ngā panga – the puzzles we are grappling with.

The workshop will be supported with a visual representation of how the ideas work together and a brief explanation of each of the “big” ideas.

### Participants will be asked for feedback- some basic questions might include.

\*What do you wonder about as you read this idea for the first time?

\*Is this idea similar to something that is already happening in your school or kura or somewhere else? If yes, what could we learn from that?

\*What process could work to develop this idea further and/or what would it take to implement it?

There is an Education Conversation website which will have resources to support conversations you might have about the ideas in your schools and kura, and within your community or

whānau. The conversation on the emerging ideas is open until 30 November. The feedback will shape the advice given to the Minister at the end of 2018.

### 3: Education Act Update:

The **dispute resolution process** is on the agenda. The M.O.E. does not have data to reflect how many or how often complaints are received and addressed across the schooling sector. One example given is the situation when a Child is disallowed enrolment with a school (“your Child would fit with the character of the school next door better than with our school” – type scenario!). The paper presented sets out an overview of how complaints and appeals relating to individual students are currently addressed in the compulsory schooling system, and current issues with these processes. Boards have a high degree of discretion about how they manage schools, enabling schools to reflect the values and aspirations of their community.

If a student or their caregiver has a complaint they can:

- a. Take their complaint to the board of trustees in the first instance. The board does not have an explicit legal duty to respond to the complaint. The law is also silent on how any complaint can be escalated if the complaint is unresolved, or if a student or caregiver is unhappy with the result of any board consideration;
- b. Make a complaint to the Ministry of Education. However, the Ministry takes a limited role in resolving complaints and often directs the complainant back to the board of trustees; and
- c. Pursue the complaint through institutions such as the Office of the Ombudsman, the Office of the Children’s Commissioner, the Human Rights Commission, or the courts. However, these bodies can take a long time to process complaints, involve highly formal processes, can be expensive and inaccessible, and may not result in the original board decision being overturned or the complaint resolved.

Ministry qualitative research with parents indicates that 92% of parents have had concerns with school practices and decision-making. The research also highlighted that feeling powerless can be a barrier for students, parents and whānau raising concerns with their school or kura, with many parents instead opting to move their children to another school rather than take further action against a school. This indicates a potentially significant gap between the numbers of concerns and the number that are reported.

Work by Youth Law relating to the board decisions to stand-down, suspend, exclude and expel, highlights serious issues with the framework for excluding students and the need for a process to review or appeal board decisions. It has identified that:

- “Kiwi suspensions” (schools informally suspending students) have risen;
- There is an over-representation of Māori and Pacific students subject to informal suspensions; and Students with learning support needs are ‘extremely disproportionately’ impacted by formal and informal removals from school.<sup>1</sup>
- A number of submissions were received on the Education (Update) Amendment Bill that gave examples of significant complaints and disputes regarding the decisions of boards. Concerns often related to formal school decisions, for example, on enrolment, participation, inclusion, stand-downs and exclusions. However, a number of submitters expressed dissatisfaction with school action against bullying, and in relation to the inclusion of learners with disabilities. Many of these submissions highlighted inadequate

avenues for resolving these issues and suggested that there needs to be higher levels of board accountability to students and their parents and whānau.

The next step in this project is to develop a set of principles - and then actions to support the principles.

**Planning and Reporting Regulations (the current Charter and Strategic planning set-up)** is the second aspect addressed by this reference group:

Considerations included: progress in legislation relating to school and kura board planning and reporting requirements; the broad areas that new planning and reporting regulations will need to cover and a timeframe for developing regulations.

**The MOE message presented during this workshop included:**

*The primary objective for boards of trustees is to ensure that every child and young person achieves their highest possible standard of educational achievement. This objective is supported by the delivery of teaching and learning through local curricula (which deliver the expectations of the National Curriculum and local communities), by ensuring schools are a safe physical and emotional place for learners and teachers, and ensuring that all learners are included and catered for in our schools. Planning and reporting is one of the key opportunities to operationalise these priorities in the education system.*

*As Crown entities, schools and kura need to be accountable for the choices they make, the design of their local curriculum, and the teaching and learning they deliver. Reporting against the strategic plan enables boards to formally and transparently account for their performance to parents, whānau, school communities and the Crown.*

*The Ministry has a responsibility to the Crown to ensure that funding for education is spent wisely and effectively. Through annual reporting, government agencies get the information they need to monitor school performance, check financial health, and provide targeted support to schools and kura.*

*The new planning and reporting framework is a great opportunity for schools, communities and the Ministry to work together to achieve this and focus on what can make the most difference for our children's learning, wellbeing and futures.*

*In particular, planning and reporting is one of the key ways that Government can be involved in working with schools, and getting a good view of what is working well and what needs to change in the education system. We see the changes in the Update Act as an opportunity to support quality, aspirational and meaningful planning, rather than a tick-box exercise. It's also an opportunity to identify and share good practice.*

**For your background understanding the following might assist:**

The Education (Update) Amendment Act 2017 introduced a new planning and reporting framework for State and State integrated schools and kura. This was due to come into effect on 1 January 2019. The new framework is designed to ensure that schools and kura planning and reporting is aligned to the Government's medium-term priorities (as expressed through the statement of National Education Learning Priorities), and provides a clear framework for boards to set out how they will achieve their objectives as set out in the Education Act 1989.2 The key components of the new planning and reporting framework are for boards of schools and kura to prepare a strategic plan, an annual implementation plan, and an annual report.

The changes to planning and reporting are intended to:

- Emphasise that student outcomes should be at the centre of planning;
- Ensure clear and visible alignment between statutory objectives for education and learning, Government’s medium-term priorities, parent, whānau and community aspirations, and school board strategies;
- Increase transparency to parents, whānau and community by requiring boards to consult prior to developing a strategic plan, and requiring strategic planning and reporting documents to be publicly available on an internet site;
- Focus boards on strategic outcomes rather than annual concerns; and
- Focus on the quality of the strategic plans and create a system that drives continuous improvement for schools and kura, rather than being a tick-box compliance exercise.

***What changes does the Education Amendment Bill make?***

The Education Amendment Bill, as introduced, proposes to extend the commencement date of the new strategic planning and reporting framework from 1 January 2019 to 1 January 2020. This change has been proposed to ensure that there is sufficient time to develop the regulations for the new framework, and for schools and kura to successfully implement the new system.

***Regulations will set the date for the first strategic plan, annual implementation plans and annual reports under the new framework***

Provisions are included in the Bill to enable schools and kura to move from the current school charter model to the new planning and reporting settings.

A key transitional provision is that a board’s 2019 “charter” will become its “transitional strategic plan” for 2020. The regulations will determine how long the “transitional plan” will remain in place and when the first “strategic plan” will take effect.

MOE early thinking, is that the regulations could require boards to have an approved strategic plan in place for the 2021 year. This would mean boards would be developing their first strategic plans over the 2020 year.

MOE are also suggesting that the regulations would require the first annual implementation plan to be developed and in place for 2021. This would mean the new framework would be rolled-out together.

***Strategic plans***

Clauses 8 and 9 of Schedule 6 of the Act provide for the preparation, submission and review of the strategic plan. The Secretary for Education must review each strategic plan in accordance with the regulations. The Secretary must approve a draft plan unless it does not meet the requirements of the Act and the regulations. If the strategic plan does not meet the requirements, it is returned with considerations for revision. The board must submit a revised plan. If the board fails to do so, or if it still does not meet the requirements, the Secretary may revise the plan and confirm it by notice to the board.

The strategic plan is designed to Separate out a board of trustees’ longer-term, high-level objectives from its more detailed shorter-term activities, as expressed in its annual implementation plan and provide a clear view of the board’s priorities for achieving the objectives set out in clause 5 of Schedule 6; and connect the high-level goals, and the Government’s strategic priorities for education, to the choices schools and kura make about what happens in schools and kura and in classrooms.

MOE initial thinking is that strategic plans should:

- Establish goals or objectives that are consistent with the school’s mission and local curriculum. Goals should be challenging to ensure improvements on student outcomes are being made, are focused on achieving equity for all students, and SMART - that is, specific, measurable, achievable, relevant and timely;
- Ensure the most effective use is made of the school’s resources by focusing the resources on the board’s key priorities; and
- Provide a base from which the impact of activities can be measured, and establish a mechanism for informed change when needed including what information will be used for evaluation.

In addition to the board’s priorities, plans could include any achievement challenges agreed to as part of a Community of Learning Kāhui Ako.

Because strategic plans will be reviewed and approved by the Secretary, MOE suggest it would be clearer for schools, kura and the Ministry if criteria for the approval of strategic plans were included in regulations. For instance, could strategic plans be required to detail the improvements they’ll plan to make in the school; to identify students most in need, and how they’ll address their needs; how they’ll work with students, parents, whānau, iwi and communities on improvements; and to be supported by data and evidence?

### **Annual implementation plans**

Clause 10 of Schedule 6 requires boards to prepare an annual implementation plan in accordance with regulations. Clause 11 requires a board to monitor and evaluate its performance “in implementing its strategy, in accordance with its annual implementation plan”. Clause 12 requires a board to publish its annual implementation plans on an “internet site maintained by or on behalf of the board.”

Annual implementation plans will need to reflect the objectives of the strategic plan and include more detail about how the board plans to advance towards those objectives for the coming year. The Ministry will not have a role in approving the annual implementation plans so they are a vehicle for boards to manage their school’s affairs within the context of the strategic plan.

### **Annual Report**

The majority of the annual report requirements will remain the same as for current annual reports. However, the detailed provisions of what is required in annual reports, have been removed from the Act and instead are to be “devolved” to the new regulations.

Currently the annual report is made up of an analysis of variance and audited annual financial statements. These two parts continue to make up the annual report.

The **analysis of variance** will be strengthened in the new system. It is **now called the *statement of variance*** and further detail of its contents needs to be included in the new regulations. The statement of variance should allow parents, whānau, communities, and the Ministry to clearly understand how the school is progressing towards achieving the goals outlined in its Strategic Plan.

Currently the analysis of variance is required to be provided to the Ministry twice. Once with the charter by 1 March (through the National Administration Guidelines) and once with the annual report by 31 May (through the Act). This double handling understandably frustrates schools and kura and boards.

Section 87 requires the board to provide the Secretary with a statement of variance and an annual report.

The annual report must be made up of:

- Information required by the regulations;
- The board's annual financial statements;
- The auditor's report;
- Existing requirements around the Crown Entity reporting e.g. total value of the remuneration paid or payable to the trustees; and
- The statement of variance.

The Education (Update) Amendment Act 2017 allows for the two sections of the Annual report to be required on separate dates from 1 Jan 2020 (following commencement of the Education Amendment Bill). These dates will be set by the Secretary for Education.

**\*The Ministry will be developing guidance to support schools and kura with the new regulations.**

*Phew – hope that is clearer than Pukekohe mud for everyone!!!!*

**4: Prime Minister Jacinda Adern:**

Sunday, 16<sup>th</sup> Sept. I attended on your behalf, the Governments presentation of “Our Plan – The Government's priorities for New Zealand” event. All coalition Leaders addressed the assembled! The PM spoke eloquently and passionately. Unfortunately, the detail and *pointy-business-end* was missing which left participants a tad disappointed. Tracey Martin was included – particularly to respond as the Children's Minister – she too, spoke extremely well and was applauded for her responses.

**5: SEPAnz MOOT 23<sup>rd</sup> OCTOBER 2018 James Cook Hotel, Wellington:**

**Please ensure that you are booked for this event!**

It will be followed by the NZPF Conference 24 -26 October, 2018. **At the MOOT we are asking that you think of the broad principles upon which the SEPANZ Framework is constructed and then advise whether the draft SEPANZ Strategic document illustrates that vision. We don't require “in-depth” details about what the organisation can set as Action plans – that would be a totally different conversation.**

**6: 2019 - Specialist Educators Professional Development Opportunity -Professor Barry Carpenter Saturday 22<sup>nd</sup> June - Waipuna Hotel and Conference Centre, 58 Waipuna Road, Mt. Wellington, Auckland.**

**Registration forms to be sent out during term 4, 2018.**

Very best regards,

Judith

*Judith Nel,*

*SEPANZ President, Principal, Parkside School.*