



## Briefing Note: Engagement on improving access to Residential Specialist Schools through child-centred decision-making

<b>To:</b>	Hon Jan Tinetti, Associate Minister of Education		
<b>Cc:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	17 December 2021	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1279611
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<b>Messaging seen by Communications team:</b>	Yes	<b>Round Robin:</b>	No

### Purpose of paper

The purpose of this paper is for you to:

**Note** that phase 1 has begun on improving access to Residential Specialist Schools through more child-centred decision-making [METIS 1276987 refers].

**Note** that details of communication and stakeholder engagement for phase 1 are attached in Appendix 1.

### Summary

- On 21 November 2021, you agreed to changes regarding access to Residential Specialist Schools (RSS). This work is underway and initial engagement with key stakeholders has begun as part of phase 1 of the work.
- Targeted engagement as part of phase 1 will begin in early 2022, to seek feedback on a high-level draft process and criteria for decision-making about enrolments in RSS.
- Phase 2 of the work will finalise the draft process and criteria for Ministerial decisions. Implementation of the changes is due to begin from Term 2 of 2022.
- Initial engagement will continue through to 24 December 2021 and we will return with further information and feedback on engagement ahead of future phases of the work, including advice about possible Ministerial announcements.

## Proactive Release

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- a **agree** that this briefing is not published until the announcement on changes to the Residential Specialist Schools direct pathway is made.

☒ **Agree** ☐ **Disagree**



Sean Teddy  
Hautū | Deputy Secretary  
Te Pae Aronui

17/12/21



Hon Jan Tinetti  
Associate Minister of Education

10/01/2022

## Background

1. On 21 November 2021, you agreed to changes to the direct access pathway for Residential Specialist Schools (RSS) to move decision-making about RSS enrolments closer to the child or young person [METIS 1276987 refers]. You also agreed that the Ministry of Education will engage with stakeholders in early 2022 on how best to go about making these changes.
2. Previous advice discussed an announcement regarding these changes to be made in December 2021. We have communicated with your office and recommend that any announcement instead be made to align with phase 2 of the work. We will return to you with advice about announcements nearer to this time.
3. The changes to the RSS direct pathway aim to more carefully consider the risks and benefits of an RSS placement and remove barriers to access for children who would benefit. These changes may result in increased RSS enrolments, though this is not the primary intention.
4. The work programme to support these changes is underway and will consist of two main phases of work before implementation begins from Term 2 of 2022 (see Table 1).

**Table 1** – Timeline for phases of the work programme to support RSS changes

	Purpose	Timeframe
<b>Phase 1</b>	<b>Develop and test draft process and criteria</b>	<b>Now – March 2022</b>
Initial round of engagement	Engage with key stakeholders to outline approach to the work	– 24 Dec 2021
Development	Prepare strawman documents for proposed changes to RSS direct access pathway <ul style="list-style-type: none"> <li>• Design high-level draft process</li> <li>• Review existing criteria</li> <li>• Develop engagement materials</li> </ul>	January – February 2022
Targeted engagement	Engage with select range of stakeholders to gather feedback on high-level draft process and criteria	February – March 2022
<i>Update to Ministers</i>		
<b>Phase 2</b>	<b>Finalise new process and criteria</b>	<b>March – April 2022</b>
<i>Ministerial decision</i>		
<b>Implementation</b>	<b>Implement changes to the direct pathway</b>	<b>From Term 2 2022</b>

5. The beginning of phase 1 involves initial engagement with key stakeholders before the end of 2021, including the Disability Rights Commissioner and boards of the RSS.
6. In January 2022, we will develop a high-level draft process and review the existing criteria, to test with Managers Learning Support, Ministry of Education practice staff, and Residential Specialist Schools. This will inform development of a proposal for changes to test with stakeholders through targeted engagement, drawing on known evidence and input from initial engagement to inform the proposed approach.



7. Targeted engagement for phase 1 will gather feedback on this high-level draft process and criteria. This will involve a range of stakeholders including parent and whānau groups, Treaty partners, disabled peoples' organisations (DPOs) organisations, and other relevant agencies.
8. Further detail about the communications and stakeholder engagement plan for phase 1 can be found in Appendix 1.
9. We will return to you with an update following phase 1 of the work. Phase 2 will finalise the new process and criteria for Ministerial decisions towards the end of April 2022.
10. Implementation of the changes is due to begin from Term 2 of 2022.

#### **Engagement is underway for phase 1**

11. The initial round of engagement for phase 1 has begun, with key stakeholders including the Disability Rights Commissioner, the boards and principals of the Residential Specialist Schools, the Office of Disability Issues, and Ministry of Education regional Hautū and Education Directors. We have also approached the office of the children's commission.
12. The aim of the initial engagement is to outline the direction and timing of this work with key stakeholders and determine how best to engage with them and other groups in the disability sector. Conversations thus far indicate that the direction of this work will need to be mindful of the Government's commitments to disabled people, particularly in regard to empowering genuine choice and centring the voice of children, disabled people, and their whānau in decision-making about these changes.
13. The boards and principals of the RSS view school principals and RTLB as key in the decision-making process and they are anticipating the potential benefits of these changes for increasing enrolments. They also expressed concerns about continued bureaucracy and the historically slow pace of change.
14. The Disability Rights Commissioner has expressed concern at increasing numbers of RSS placements as opposed to improving supports for children in their whānau and community, and holds that proposals to enable more children into segregated settings is incongruous with the Government's direction towards inclusive education settings and empowering disabled people's voice in decision-making. The Commissioner views the need for RSS as a failure of disability support in the education system and that any changes will need to align with core priorities for disabled people under documents such as the UNCRPD, General Comment 4, Enabling Good Lives, and the NELP.
15. Initial engagement will continue through to 24 December 2021. The outcomes of this engagement will inform the development of the high-level draft process and review of the existing criteria.

#### **Next Steps**

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16. We will provide an update to the communications and engagement plan ahead of targeted engagement with stakeholders in 2022.
17. Following both rounds of engagement, we will provide an update about the outcomes of engagement and outline the direction of work for phase 2 to finalise the new process and criteria.

18. Ahead of implementation we will return to you to seek your agreement on the changes to the pathway. A separate engagement plan will be developed for implementation and this will be provided before the beginning of implementation from Term 2 of 2022.

#### Annexes

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Annex 1: 9(2)(f)(iv), 9(2)(g)(i)