



Briefing Note: Rainbow Work Programme Update

To:	Hon Jan Tinetti, Associate Minister of Education		
CC:	Hon Chris Hipkins, Hon Kelvin Davis, Hon Aupito William Sio		
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Purpose of Paper

This paper provides an overview of the Ministry of Education's current Rainbow work programme.

Summary

- Rainbow ākonga should feel safe and valued at school, and be able to learn and thrive in education. However, many Rainbow ākonga face a range of barriers to engaging in education.
- The Ministry is committed to supporting schools to provide safe and inclusive environments for all ākonga. Work has been undertaken across various parts of the education system in relation to Rainbow ākonga as part of this commitment.
- This briefing provides an overview of the Ministry of Education's existing work to support Rainbow ākonga wellbeing.
- Our current work includes:
 - working with InsideOUT to provide support for learners and schools;
 - curriculum related work;
 - growing teacher capability around rainbow issues;
 - updating our data management approach and tools; and
 - providing guidance and support around gender neutral toilets for schools.

- a **agree** that this briefing is published at an appropriate time when we have updated our Rainbow work programme

☒ Agree / ☐ Disagree.



Tipene Chrisp
Group Manager
Te Puna Kaupapahere

08/12/2022



Hon Jan Tinetti
Associate Minister of Education

10 /12/ 2022

Background

Rainbow ākonga face a range of barriers to engaging in education

1. We define Rainbow ākonga as those learners who personally identify themselves as LGBTQIA+¹. This includes ākonga who are out to their communities, as well as those who are not.
2. All children and young people should feel safe and valued at school. However, we know that many Rainbow ākonga face barriers to their education.
3. LGBTQIA+ students report discrimination, including teacher unfairness and frequent bullying from peers². Rainbow young people are 4.5 times more likely to be hurt or bullied at school than their non-Rainbow peers. Further to this, the suicide rates for Rainbow young people are five times higher than their non-Rainbow peers³.
4. These experiences can prevent Rainbow ākonga from fully engaging in education. We also know that not all Rainbow ākonga are accepted and supported at home, which makes it even more important that their school environment is safe and inclusive.
5. Research indicates that there are further challenges for those with intersecting identities, such as takatāpui and Māori Rainbow young people, MVPFAFF+⁴ and Pacific Rainbow young people, and Rainbow ākonga of other non-white ethnicities⁵. Transgender, non-binary and intersex young people also tend to experience higher levels of discrimination than their cisgender⁶ counterparts in the Rainbow community – 21% of trans and non-binary students report being bullied on a weekly basis⁷.
6. Furthermore, there are higher rates of Rainbow people experiencing disability, chronic illness, neurodivergence and mental health challenges than non-Rainbow young people. There is a demonstrated correlation between having a Rainbow identity of any kind and having poorer physical and mental health outcomes⁸.
7. From correspondence and engagement with ākonga, whānau, Rainbow organisations, and community members, we have identified that the following education issues are of particular importance for Rainbow young people:
 - a need for professional development for teachers, kaimahi and Ministry of Education staff on Rainbow issues;
 - lack of gender/sex marker options in data systems and a lack of useful Rainbow-specific data;
 - homophobia, transphobia and violence;
 - better supporting intersex ākonga;

¹ Lesbian, gay, bisexual, transgender, queer, intersex, asexual. The + is intended to create room for other identities such as pansexual and non-binary, as well as culturally relevant sexual and gender identities such as takatāpui.

² [He Whakaaro: What do we know about discrimination in schools? | Education Counts](#)

³ InsideOUT. *Creating Rainbow-inclusive school policies and procedures*. [Creating-rainbow-inclusive-school-policies-and-procedures.pdf \(insideout.org.nz\)](#)

⁴ Mahu (Hawai'i and Tahiti), Vakasalewalewa (Fiji), Palopa (Papua New Guinea), Fa'afafine (Samoa), Akava'ine (Rarotonga), Fakaleiti (Tonga), Fakafifine (Niue). These are terms for culturally specific gender identities in the Pacific that fall outside the Western gender binary.

⁵ [He Whakaaro: What do we know about discrimination in schools? | Education Counts](#)

⁶ Cisgender refers to people whose gender identity aligns with the sex they were assigned at birth. This is in relation to transgender people, whose gender identity does not align with their assigned sex at birth.

⁷ Counting Ourselves survey report, 2019. [Counting-Ourselves Report-Dec-19-Online.pdf \(countingourselves.nz\)](#)

⁸ Health Promotion Agency. *Wellbeing and Mental Health among Rainbow New Zealanders*. [Wellbeing and Mental Health among Rainbow New Zealanders \(hpa.org.nz\)](#)

- lack of understanding of the specific needs of the students with intersecting or particularly marginalised identities; and
- lack of accessible, gender-neutral facilities at every school.

Our education settings provide a clear direction for the Ministry to work towards safe and inclusive environments for Rainbow ākonga

8. The Ministry of Education has an important role in shaping an education system that protects and promotes the wellbeing of Rainbow ākonga. This stems from our commitment to supporting schools to meet their obligations under section 127 of the Education and Training Act 2020, which requires school boards to provide safe and inclusive learning environments for all ākonga.
9. Priorities 1 and 3 of the Statement of National Education and Learning Priorities (NELP) also direct us to reduce barriers to education for all, and make places of learning safe, inclusive, and free from racism and discrimination. The Child and Youth Wellbeing Strategy (CYWS) provides further direction for all children and young people to be accepted, respected, and connected. In addition to this, section 4 of the Education and Training Act 2020 highlights the importance of Te Tiriti o Waitangi across the education system, emphasising the importance of Māori interests in the wellbeing of Rainbow ākonga.
10. The New Zealand Curriculum (2007) requires school curricula to be underpinned by the principle of inclusion, which is described as “non-sexist, non-racist, and non-discriminatory; it seeks for students’ identities, languages, abilities, and talents to be recognised and affirmed and that their learning needs are addressed”. Ngā mātauranga whānui for Te Marautanga o Aotearoa (2008) similarly puts the physical, moral, mental and emotional wellbeing of ākonga at the centre of marau ā-kura; that learning environments and experiences are inclusive and responsive to the learning needs and ways of learning of each individual learner and endorses a focus on the place of the student in their own world.
11. In recent years, the Ministry has undertaken a range of work aimed at responding to the needs of Rainbow ākonga to promote more safe and inclusive school environments.
12. Based on what we have heard from rainbow learners and their families, communities, and organisations, we have grouped our work programme to achieve four key outcomes so that Rainbow ākonga are empowered to:
 - a. explore what their gender, sexuality and bodies look like safely and openly at school
 - b. learn in ways that make sense and are relevant to them
 - c. have caring, high-trust, reciprocal relationships with their schools
 - d. have autonomy over their own realities
13. All of these outcomes equate to an environment in which Rainbow ākonga are accepted, respected, and connected, and feel sufficiently safe and included in school life to engage in their learning. This is an overarching aim that will guide our longer-term work to ensure all Rainbow ākonga are safe and included in education.

Rainbow Work Underway – Our Current Work Programme

14. The current work programme is anchored in supporting safe and inclusive learning environments for all Rainbow ākonga. There are several workstreams underway across the Ministry. These workstreams help address some of the most prominent concerns our Rainbow ākonga and stakeholders have shared with us.

15. The attached A3 (**Annex 1**) provides a basic outline of the existing actions of the Rainbow work programme.

Working with InsideOUT to provide support for learners and schools

16. InsideOUT is our key Rainbow community stakeholder. They do a wide range of work in the education sector for Rainbow young people, including providing support and advice to schools, ākonga and their whānau on Rainbow issues. InsideOUT have coordinators in every region, providing education programmes to schools and community organisations, developing resources to support the sector, administering a schools network to connect staff and students involved in Rainbow groups across the country, and running Pride events.
17. We have recently brokered discussions between InsideOUT and the Association of Proprietors of Integrated Schools (APIS) about supporting learner wellbeing in integrated schools. Both InsideOUT and APIS have indicated an interest in continuing these discussions and investigating further opportunities for collaboration.
18. InsideOUT is also providing professional development for Ministry of Education staff about issues and opportunities for Rainbow learners. This work has been led by our Education Rainbow Network.
19. 9(2)(j)
20. We are aware that there are a range of other stakeholders within the Rainbow community who are interested in education issues. We would like to expand our engagement further. We expect this work to be led by our Investing in Wellbeing Team within Te Puna Kaupapahere. A list of potential stakeholder groups is attached at **Annex 2**.

Curriculum-related work

Providing Relationship and Sexuality Education guidance and resources to schools

21. In 2020, The Ministry published a revised version of *Relationships and Sexuality Education: a guide for teachers, leaders and boards of trustees (2020)*⁹. This resource aligns with *The New Zealand Curriculum* and assists teachers, school leaders and boards to take a whole-school approach to wellbeing and sexuality education. The resource contains detailed information, including LGBTQIA+ concepts in learning programmes and encourages the development of strong positive identities. It also suggests ways schools can create safe and inclusive environments for their rainbow learners.
22. InsideOUT has developed a range of guidance and resources for schools to help them create inclusive environments for their Rainbow young people. These were funded and supported by the Ministry of Education, and printed copies are available to all schools from Down the Back of the Chair, as well as in PDF form on the InsideOUT website¹⁰. These include *Creating Rainbow-inclusive school policies and procedures*, *Making schools safer for trans, gender diverse and intersex youth*, and *Staff supporting Rainbow diversity groups*, as well as an *Anti-bullying workbook*, to be released next year.

⁹ [Relationships and sexuality education: A guide for teachers, leaders and boards of trustees](#), Ministry of Education, 2020.

¹⁰ [School resources](#), InsideOUT, 2021.

23. These resources not only cover relationships and sexuality, but issues that affect Rainbow ākonga right across the education system. They have been received positively, and we are looking to build on these in Rainbow work across the system.

Mental Health Education

24. The Ministry recognises that the Rainbow Community are more likely to experience poorer mental health outcomes than others. In September 2022, we released *Mental Health Education: A guide for teachers, leaders and school boards* that will help schools deliver safe and inclusive mental health education to young people from Year 1-13¹¹. This resource contains specific information about why high-quality mental health education is important for LGBTQIA+ young people.
25. The Health and Physical Education learning area, of which RSE is a component, is set to be refreshed during 2024 as part of the refresh of *The New Zealand Curriculum*.

New Zealand Curriculum Refresh

26. The work underway to refresh *The New Zealand Curriculum* (NZC) will allow Rainbow ākonga to see themselves reflected in the curriculum, and to have a strong sense of belonging and that their ways of being, learning and demonstrating their progress are recognised, valued and validated.
27. Young people are central to and reflected in the refreshed NZC, Te Mātaiaho. The Ministry of Education and the Office of the Children's Commissioner have come together in partnership to make space for the voices of young people throughout the refresh of the NZC. A Youth Voices Group (YVG) is being established that will enable young people to share their own perspectives, insights and lived experiences; contributing to the design of the refreshed curriculum, and how we engage with young people in a wider context. The YVG will reflect the diverse young people of Aotearoa and will include tangata whenua, Pacific peoples, resettled young people, and disabled young people. A Youth Engagement Specialist has been recruited to work across this joint project. There will be a particular emphasis on young people who identify as LGBTQIA+ and their representation across this youth voices group. Our Curriculum Voices Group (CVG) and Te Poutāhū Disability Voices group also include representatives who identify and work with the rainbow community.

Growing teacher capability around rainbow issues

28. The Ministry supports kaiako by providing different levels of capability services (self-directed, guided, and supported), which are graduated according to need and cover multiple levels of participation (individuals, groups, whole settings/clusters, and communities). Regionally based Curriculum Leads are central to our guided services.
29. We currently have a workforce of 38 Curriculum Leads (Wellbeing) who have a particular focus on working alongside schools, kura, teachers and kaiako to design local relationships and sexuality education curriculum, relevant to the schools' communities. The RSE resources mentioned above are having a strong uptake from teachers, who are using them to gain confidence around the best way to support their Rainbow ākonga, and better understand the experiences of the LGBTQIA+ community.
30. The Ministry has previously identified that there is a lack of PLD support for kaiako around Rainbow issues in our current suite of offerings. Due to the recent refresh of the regionally-allocated PLD provider panel, schools and kura in certain regions will now have access to two LGBTQIA+ providers, via the usual allocation process. However, access to this PLD is reliant on a school, kura, Kāhui Ako or cluster self-identifying Rainbow issues as a priority professional learning area need for their staff.

¹¹ [Mental health education: A guide for teachers, leaders, and school boards](#), Ministry of Education, 2022.

31. Further improvements to capability supports will be aligned to the timing and needs of the refresh of the NZC. This includes growing capability to use the refreshed inclusive framework (Te Mātaiaho), and the 2024 refresh of the Health and Physical Education learning area in 2024.

Updating our data management approach and tools

Data management and gender/sex marker options

32. The Ministry is committed to achieving compliance with the mandated Statistics New Zealand gender standard of male, female, 'another gender' and 'not stated'. When the standard was first released, we advised Ministers that the required changes to data systems could be staged and mainly delivered through system upgrades over time from within baselines [METIS 1260807 refers], however, we have found this is no longer the case.
33. One of the steps we are starting to take is to update the specifications for the School Roll Return. This is intended to bring school roll counts data in line with the mandated standard. However, this work has highlighted the risk in changing just one part of the data network in isolation. In this instance, the mitigation of risk is likely to require a number of workarounds which add to the cost and may create new risks.
34. The Single Data Return (SDR), which collects data on enrolments at tertiary education providers is partially compliant. It records one of three gender markers for each student, but does not allow a 'not stated' response. The marker codes are M, F, and D. The description for 'D' is being changed from 'Gender Diverse' to 'Another Gender' as of 2023. The Ministry reports on all three responses where there are sufficient numbers. A workaround was required to ensure the SDR could continue to work with the National Student Index. a . The Industry Training Register (ITR), which collects data on learners in work-place settings only records either M or F. Implementation of the full gender standard across all tertiary education enrolments is being addressed as part of new system development to be rolled out for the 2025 academic year.

Student Wellbeing Measurement Tool

35. The development of the Student Wellbeing Measurement project (SWM) included a comprehensive engagement phase working directly with students' parents, whānau and target community groups. Participants responded directly to a question about gender identity, in which they were provided with the options 'gender diverse' and 'non-binary', in addition to male and female. Students Year 11 and above were also asked whether they identified with the Rainbow community. This was the Ministry's first comprehensive attempt to directly collect Rainbow-specific data from students.
36. Most student participants across Year 7-13+ responded to gender identification through the male and female categories, while some identified with gender diverse or non-binary markers. Many student participants indicated identification with the Rainbow community. While this question was aimed at Year 11+ students, many students across the participant age range strongly indicated their identity as part of the Rainbow community, and made comment about the restriction on the age response range. At the same time, a number of students responded that they did not understand the question.
37. A concerning trend was noted across the responses where a notable proportion of students clearly indicated their personal disapproval of both the gender and Rainbow identity options, by writing negative and violent sentiments on their engagement papers. This evidence indicates there is still strong opposition to the acceptance of Rainbow students within schools, which is likely to negatively impact their personal experience of safety and belonging.
38. The SWM Project team is continuing to work with the Rainbow community to progress tool development. The proposed tool will provide data on the experiences of all students within their learning environment. It is intended that this information will assist schools

and school communities to prioritise and deliver supports to improve student engagement and experience in their learning environment. The costs of progressing the project and development of the tool are currently being met from operational expenditure.

Proactively Released

9(2)(j)

39. We know that a lack of useful data is a key issue for Rainbow communities, and that our approach to the overall Rainbow work programme needs to be well-informed by both quantitative and qualitative data.

40. 9(2)(j)

Commissioning Rainbow case studies in schools

41. The Ministry also intends to commission a researcher to go into specific schools and conduct interviews, to better understand Rainbow experiences in a more qualitative sense. We are currently proposing that this is focused on teachers and staff, and their enablers and barriers to supporting their Rainbow students, as well as the insights they observe from their students. This may also specifically focus on schools with Pacific Rainbow populations, faith-based schools, and regional schools, as well as schools that have been identified as particularly Rainbow-friendly.
42. We envision this work will help us to better understand the authorising environment and the parts of the system that we can influence and change, informing further actions we can take in this area. This kind of work focused on systemic barriers and those that work within the system, rather than Rainbow ākonga themselves, has not, to our knowledge, been done before in Aotearoa. These case studies will also build data on intersectional identities to help us better understand intersecting needs within the Rainbow community. We will commence fully scoping this work in early 2023.

Providing gender neutral toilets for schools

43. Funding for gender-neutral toilets has been requested by students and other concerned members of the public. A petition with 13,000 signatures has recently been presented to Parliament requesting funding for all schools to provide gender neutral bathrooms. There is also another petition relating to funding gender neutral bathrooms that was presented to Parliament on 30 June 2022.
44. The Ministry provides schools with specific guidance on bathroom design. The *Reference designs: Toilets* is guidance designed to enhance inclusivity and student safety, comfort, and privacy, among other features. Bathrooms that are consistent with this guidance are suitable to be designated as gender neutral. All new builds and redevelopments managed by the Ministry are built to these designs. Schools are also strongly recommended to adhere to Ministry reference guides for all new school buildings, or significant redevelopments of existing buildings.
45. However, schools face some barriers in retrofitting existing bathrooms consistently with the Ministry's reference designs. In response to this, we have started to develop specific guidance to schools on retrofitting existing bathrooms. The new guidance will recognise that complete adherence with the spatial configuration of the reference designs can be difficult to achieve within an existing school's physical space, budget constraints, and building code requirements. The new reference designs will help schools to upgrade existing bathrooms to improve safety, privacy, and comfort as much as possible within existing constraints. We aim to have this guidance available for schools in 2023.

Other work

Directed enrolment

46. We last updated you on 22 December 2021 (METIS 1276772 refers) about access to co-educational schools for gender diverse ākonga through the directed enrolment process. There are issues with the directed enrolment process in how it applies to gender diverse ākonga, particularly in the Tauranga, Nelson, Blenheim and Oamaru regions where there is limited access to co-educational schooling.
47. As part of our work with Oranga Tamariki on the education needs assessment report for the Oranga Tamariki Action Plan (METIS 1298665 refers), there is an opportunity to investigate ways to improve the operation of enrolment schemes and directed enrolment processes within the current legislative framework. The work would aim to ensure these enrolment mechanisms are responsive to the needs of ākonga who need to access them, including young people in care and gender diverse ākonga.
48. The education needs assessment report, which includes recommendations for action around this issue, was approved Child and Youth Wellbeing Ministers. We are due to report back to the Social Wellbeing Board on our response, including timeframes for implementation, by February 2023.

Funding to Pacific Rainbow Organisation

49. Funding has been provided through the Pacific Education Innovation Fund to an organisation called Village Collective, specifically their Rainbow Fale. This resourcing was provided for them to deliver PLD programmes to schools in South Auckland working with MVPFAFF+ and Pacific Rainbow ākonga, to enable teachers and staff to properly meet the needs of these ākonga.

Proactively Released

Our Current Rainbow Work Programme

The Ministry of Education has an important role in shaping an education system that protects and promotes the wellbeing of rainbow ākonga. The relevant education settings include:

Section 127 Education and Training Act 2020 requires school boards to provide safe and inclusive learning environments for all ākonga

Priorities 1 and 3 of the NELP direct us to: reduce barriers to access for all, learning environments are safe, inclusive, and free from discrimination

CYWS provides direction for all children and young people to be accepted, respected, connected

Given these education settings, our desire is that no person has to negotiate which parts of themselves they can safely be at school, and that rainbow ākonga are empowered to:

(1) Explore what their gender, sexuality and bodies look like safely and openly at school

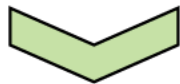
(2) Learn in ways that make sense and are relevant to them

(3) Have caring, high trust, reciprocal relationships with their schools

(4) Have autonomy over their own realities

These actions have been delivered or are in progress:

1. Work with InsideOUT to provide support for learners and schools



Provide support, advice, and resources on rainbow issues

Working with APIS and InsideOUT on faith-based schools

Improving Ministry staff Rainbow competency

9(2)(j)

2. Curriculum related work



Providing relationship and sexuality education guidance to schools

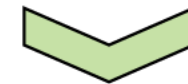
Mental Health Education

Including Rainbow needs in NZ Curriculum refresh

4. Growing teacher capability around Rainbow issues

6. Funding Village Collective to deliver Pacific Rainbow-centred PLD in Auckland

3. Updating our data management approach and tools



Reforming our data systems to implement Stats NZ gender standards

Including Rainbow ākonga in the Student Wellbeing Measurement project

9(2)(j)

Commissioning Rainbow case studies in schools

5. Providing gender neutral toilets for schools

7. Working with Oranga Tamariki around directed enrolment and Rainbow inclusion

Annex 2: Key stakeholder groups

InsideOUT has been a key stakeholder in this mahi to date, and will remain important in this space. However, there are a range of other stakeholder organisations in the Rainbow space. If we were to develop a more formalised and public-facing plan for Rainbow mahi in the future, there may be scope to partner with some of these organisations in this work.

Some key stakeholders in the Rainbow community organisation space other than InsideOUT are:

Stakeholder group name	Summary of their work
Rainbow Youth	A nationwide community organisation that is focused on providing peer support services, particularly to trans populations, developing resources and advocating for Rainbow populations
Intersex Trust Aotearoa New Zealand (ITANZ)	A group that advocates for and provides information on intersex rights
Gender Minorities Aotearoa	A nationwide organisation that provides peer support and information to trans and gender diverse people, particularly around health services
Te Ngākau Kahukura	A partnership between Ara Taiohi and rainbow communities that works to enable health, housing, education, justice and social services to better meet Rainbow people's needs
Village Collective	An organisation in Auckland aimed at empowering Pacific youth, with a Rainbow Fale within it, which provides leadership and mentoring for youth and support for diversity groups in high schools
The Manalagi Project	A group doing research focused on Pacific Rainbow communities
F'INE Pasifika Aotearoa Trust	A group that provides Whānau Ora navigation services to Pacific peoples with a particular focus on gender diverse people in the Auckland region
QTOPIA	A group that provides counselling to young people, and education and workshops on Rainbow diversity and inclusion in the Canterbury area
Rainbow Hub Waikato	A regional community organisation that provides social groups and support to access social services for Rainbow people in the Waikato
Tiwhanawhana Trust	An advocacy and cultural group for takatāpui and Māori Rainbow people
Te Whāriki Takapou	A Māori organisation that provides sexual and reproductive health services for Māori medium schools
Kahukura Pounamu	A takatāpui network based in Ōtautahi Christchurch
Ahakoia Te Aha	A takatāpui kapa haka rōpū based in Tāmaki Makaurau Auckland
Counting Ourselves	A group that runs a health survey for gender diverse people, currently in its second wave of data collection
Identify	A group that ran a survey across many facets of the Rainbow experience, including education, employment, housing and health – they are launching a community inclusion report at Parliament in December