Briefing Note: Rainbow Work Programme Update

To:	Hon Jan Tinetti, Minister of Education
Cc:	Hon Kelvin Davis, Associate Minister of Education Hon Jo Luxton, Associate Minister of Education

Date:	31 May 2023	**Priority:**	Medium
Security Level:	In Confidence	**METIS No:**	1310344
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Messaging seen by Communications team:	N/A	**Round Robin:**	No

Purpose of Report

This paper updates you on the Ministry of Education's (the Ministry) Rainbow Work Programme.

Summary

1.   This Ministry's Rainbow Work Programme aims to address some of the most prominent concerns Rainbow ākonga face in education [METIS 1297814 refers]. This work programme is underpinned by the Ministry's commitment to supporting schools to provide safe and inclusive environments for all ākonga, including Rainbow ākonga.[1]

2.   In December 2022, you received the Ministry's Rainbow Work Programme. Key work that has progressed in the last 6 months includes:

   - Working with InsideOUT to provide support for ākonga and schools;
   - Curriculum related work;
   - Updating our data management approach and tools; and
   - Building cross government relationships to improve outcomes for Rainbow children and young people.

3.   The table provided in Annex One reports on each area of the Ministry's Rainbow Work Programme. This incorporates updates on work that was set out in the December briefing. It also provides information about new areas of work.

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[1] Education and Training Act (2020), Section 127: A board's primary objectives in governing a school are to ensure that— (a) every student at the school is able to attain their highest possible standard in educational achievement; and (b) the school— (i) is a physically and emotionally safe place for all students and staff; and (ii) gives effect to relevant student rights set out in this Act, the New Zealand Bill of Rights Act 1990, and the Human Rights Act 1993; and (iii) takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school; and (c) the school is inclusive of, and caters for, students with differing needs; and (d) the school gives effect to Te Tiriti o Waitangi, including by— (i) working to ensure that its plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and (ii) taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori; and (iii) achieving equitable outcomes for Māori students.

4.   **agree** that the Ministry of Education release this briefing in full once it has been considered by you.

Agree Disagree

Jen Fraser
Group Manager
Learner Success and Te Tiriti
Te Pou Kaupapahere

31/05/2023

Hon Jan Tinetti
Minister of Education

11 /06/2023

Working with InsideOUT to provide support for ākonga and schools

1. The Ministry facilitates the relationship between the Association of Proprietors of Integrated Schools (APIS), the Association of Integrated Schools (AIS), and InsideOUT. On 12 May 2023, we met with these organisations to discuss Rainbow ākonga wellbeing in state integrated schools. This relationship is continuing to build positively, and the organisations' next step is for InsideOUT regional coordinators to work directly with state integrated school principals.

2. Since May 2022, InsideOUT have been providing professional development for Ministry kaimahi about issues and opportunities for Rainbow communities. As of May 2023, 89 Ministry kaimahi have participated in "Toward Rainbow Inclusivity" over 5 sessions, and 81 kaimahi have participated in "Enhancing Rainbow Inclusivity" over 4 sessions.

    9(2)(j)

3. 9(2)(f)(iv)

Curriculum-related work and growing teacher capability around Rainbow issues

Ending Rainbow-focused bullying

4. On 15 May 2023, InsideOUT released a workbook titled [Ending Rainbow-focused bullying and discrimination](#) [METIS 1309196 refers]. The workbook was released to coincide with Pink Shirt Day (19 May 2023) and Bullying-Free New Zealand Week (15 – 21 May 2023).

5. This workbook is the final of a suite of resources that were funded by the Ministry and developed by InsideOUT to support the Relationships and Sexuality Education guidance.[2]

6. Sections of the workbook include understanding experiences of Rainbow ākonga, preventing and responding to Rainbow focused bullying, and implementing a whole school approach to Rainbow focused bullying. Curriculum Leads have worked through the workbook with InsideOUT, to ensure they know how to use it to best support schools to address Rainbow-focused bullying.

7. A PDF version is downloadable on the Ministry's Inclusive Education TKI website, the InsideOUT Kōaro website, and the Bullying Free NZ website, and the Ministry has funded 6,500 copies for distribution. In early June, the resource will be distributed to all schools, as well as Resource Teachers: Learning and Behaviour clusters, Activity Centres, Alternative Education Providers, Teen Parent Units, Special Schools, Curriculum Leads, and School-Wide Practitioners. Additional copies can also be ordered from Down the Back of the Chair.

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[2] The other resources in this suite are Creating rainbow-inclusive school policies and processes; Making schools safer for trans, gender diverse and intersex youth; starting and strengthening rainbow diversity groups.

Mental Health Education

8.   ***Like Bodies, Like Minds***, a project with the YWCA and New Zealand Health Education Association (NZHEA), is in the final stages of completion. This resource will support a strengths- and rights-based approach to mental health and relationships and sexuality education in senior secondary learning. It is planned for printing and distribution to all secondary schools using the New Zealand Curriculum in the second half of 2023. This resource focuses on mental health and body image and will include Rainbow experiences.

New Zealand Curriculum Refresh

9.   The implementation of the Curriculum Refresh is continuing to progress within the expected timeframes. Te Mātaiaho | the Curriculum Framework is currently draft, and the final version will be released in Term 3, 2023.

10. The Curriculum Refresh will allow Rainbow ākonga to see themselves reflected in the curriculum, and feel recognised, valued, and validated. The Health and Physical Education learning area, of which Relationships and Sexuality Education is a component, is set to be refreshed during 2024. During this refresh, the Ministry will be undertaking wide consultation with other government agencies, health and physical education experts, universities, non-government organisations, teachers, and young people, including Rainbow young people, to ensure a range of voices are heard.

Updating our data management approach and tools

Data management and gender marker options

11. On 1 March 2023, additional gender identity options were added to the School Roll returns for the first time, to bring school roll counts data in line with the updated Statistics New Zealand mandated standard for gender markers. The four categories are Male, Female, Another Gender, and Not Stated.

12. It will take time for the data collected in the School Roll Return to provide an accurate picture of ākonga that identify with Another Gender for several reasons:

     a. Ākonga and their whānau may not be aware that their school can now record and report this information in their Student Management System and report it to the Ministry.

     b. Data is often only updated by ākonga and their whānau when they start school or change schools, e.g., primary to secondary school.

     c. One Student Management System vendor has not implemented the two additional gender values as they are waiting for their enrolment system ENROL to be updated.

     d. The overwhelming majority of Another Gender and Not Stated responses came from schools who use one major secondary school School Management System (KAMAR). These schools have had the ability to record multiple genders for several years, but the Ministry now has the ability to accept this information.

13. We are still working through guidelines on the publication and use of this data so that ākonga's data is protected, particularly where reporting of small numbers within a school may risk unintentionally outing someone.

Gender data for Ministry kaimahi

14. We are looking at opportunities to improve the way we collect gender data for Ministry kaimahi to be more inclusive. Work is in progress to update gender marker options and pronouns to the Ministry's internal-facing platforms.

Gender neutral toilets for schools

15. The Ministry is developing specific guidance to schools on retrofitting existing bathrooms. The new guidance will recognise that complete adherence of the reference designs can be difficult to achieve within an existing school's physical space, budget constraints, and building code requirements. The new design guidance will help schools to upgrade existing bathrooms to improve safety, privacy, and comfort – and therefore be more suitable for gender neutral use – as much as possible within existing constraints. We are in the final stages of preparation of the guidance.

16. The Ministry presented to the Petitions Select Committee in February 2023 on the Petition of Maggie Ross: Provide funding for all schools in to have gender-neutral bathrooms. The Ministry's submission:

    • acknowledged that gender-neutral bathrooms can provide a safe, more comfortable and dignified means for using bathroom facilities for many Rainbow ākonga;

    • emphasised that school boards are responsible for their capital works projects and day-to-day polices regarding use of bathrooms, but that the Ministry supports the schools in their property planning; and

    • outlined the work to develop guidance on retrofitting existing school bathrooms.

17. The Committee has not yet published its report.

Directed enrolment

18. Access to co-educational schools in zone remains an issue in the regions of Tauranga/Rotorua, Ōamaru and Nelson. This affects trans and non-binary people as they are limited to attending single-sex schools. This can be harmful to these ākonga unless they are able to get through the rigorous process of obtaining a directed enrolment.

19. We are working with Oranga Tamariki and other teams within the Ministry around the issue of directed enrolment. Consideration is being given to directed enrolment for young people in care and mana whenua enrolment out of zone. These considerations will determine how trans and non-binary issues related to directed enrolment might best fit in with this work, and what the best course of action is.

Building cross government relationships to improve outcomes for Rainbow children and young people.

20. The Ministry is building cross government relationships to create a more coordinated and strategic approach to addressing the inequitable outcomes and negative experiences Rainbow people face. It will enable agencies to join up work and investment; develop a shared evidence base and repository of knowledge around best practice; and streamline engagement with communities and community organisations.[3] The mandate and reporting lines of the group will be an ongoing discussion.

21. The Organisation Development (OD) Team and Ministry Education Rainbow Network (ERN) are connected to the Cross-Agency Rainbow Network CARN.[4] OD team and ERN representatives attend and contribute to monthly CARN meetings.

Other Matters

Increasing anti-inclusion sentiment

22. As stated previously [METIS 1308591 refers], the Ministry has concerns about the rise of anti-trans sentiment in school communities, and the impact this may have on Rainbow ākonga, kaimahi and whānau. Many teachers and school communities are excited about the positive difference that Rainbow inclusion is making for their settings and ākonga wellbeing and belonging. However, InsideOUT has reported they have seen an increase in negative Rainbow sentiment in school communities. We have also received an increase in public correspondence criticising Rainbow inclusion in schools, and note the spread of disinformation in relation to Rainbow inclusion, including the Ikura product initiative, and the content of the Relationships and Sexuality Education guidelines.

23. We are developing communications to be shared through the Ministry's various channels to ensure that different parts of the education system receive high quality, accurate information within their context. We are also working to develop positive social media messaging on various platforms in relation to key Rainbow events and issues. Our response to these issues will continue to develop, including through working with InsideOUT and other community stakeholders to understand the key issues. We also publish stories on our intranet site that reinforce and strengthen our position of inclusion for all Rainbow kaimahi at Te Tāhuhu o te Mātauranga.

Risks

24. This work programme may continue to generate media and sector interest. We will continue to manage correspondence and media queries that we receive and will utilise proactive communications to support this work.

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[3] Involved agencies include the Ministry of Education, Oranga Tamariki, Social Wellbeing Agency, Manatū Hauora, Ministry of Social Development, Whaikaha, ACC, Manatū Wāhine, Te Puna Aonui, Ministry of Housing and Urban Development, Ministry of Youth Development, and the Department of the Prime Minister and Cabinet.

[4] CARN aims to create a wide, deep, and sustainable shift in strengthening the participation, representation and respect of people with diverse sexual orientation, gender identity and expression, and sex characteristics throughout the public sector (CARN Annual Report 2022).

25. The Ministry has confidence that the evidence base and legislative context present a robust rationale for the Rainbow Work Programme and Rainbow inclusion measures in schools. We are also confident that this work makes a positive contribution to the wellbeing of Rainbow ākonga and kaimahi in Aotearoa New Zealand.

Next Steps

26. 9(2)(f)(iv)

Proactive Release

27. It is recommended that this Briefing Note is proactively released, with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Annexes

The following are annexed to this paper:

Annex 1:   Rainbow Work Programme Progress Summary

Annex 1: Rainbow Work Programme Progress Summary

Working with InsideOUT to provide support for ākonga and schools[5]	
Relationship between InsideOUT APIS, and AIS regarding State-integrated schools supporting ākonga wellbeing	The organisations are arranging InsideOUT regional coordinators to work directly with State integrated school principals.
9(2)(j)	
9(2)(f)(iv)	

Curriculum related work and growing teacher capability around Rainbow issues	
Revised version of Relationships and Sexuality Education, a guide for teachers, leaders, and boards of trustees (2020).	There is no further update on this work.
Suite of Resources developed by InsideOUT	The Ending Rainbow Focussed Bullying Workbook was released in May 2023. This was the fourth and final resource to be released by the Ministry and InsideOUT.
Mental health education	There is no update on the Mental Health Education guide.
New Zealand Curriculum refresh generally	The implementation of the Curriculum Refresh is continuing to progress within the expected timeframes. The Health and Physical Education learning area, of which RSE is a component, is set to be refreshed during 2024.
Like Bodies, Like Minds	This resource is in the final stages of development. This resource focuses on mental health and body image, and will include Rainbow experiences.
Curriculum leads	Curriculum Leads, who have a specific focus on wellbeing, are available to support schools in developing a Rainbow inclusive curriculum.
Update our data management approach and tools	
Data Management and gender marker options (School Roll Return and tertiary Single Data Return)	In March 2023, the first school roll return was completed consistent with the updated Statistics New Zealand mandated standard of gender identity options (being Male, Female, Another Gender, and Not Stated). There is no update on the Single Data Return work.
Student Wellbeing Measurements Tool (SWMT)	This work is progressing. The next phase will be identifying tool design requirements.
9(2)(f)(iv)	

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[5] InsideOUT continues to be our key Rainbow community stakeholder. They engage in a wide range of work in the education sector for Rainbow ākonga including providing support and advice for ākonga, whānau, schools, providing education programmes, and developing resources, administering a schools' network, and running events.

Commissioning case studies in schools	This work has not been progressed this financial year but will be considered from 1 July 2023 onwards.
Gender data for Ministry kaimahi	Work is in progress to update gender marker options and pronouns to the Ministry's internal-facing platforms.
Gender neutral toilets for schools	
Guidance for schools	We are working through the final details of the design guidance for retrofitting existing bathrooms, which will be available to schools later in 2023.
Other work	
Directed enrolment	We are exploring options to make enrolment in schools for non-binary and trans ākonga that align with gender easier in regions where they are not in zone to co-ed schools.
Funding pacific rainbow organisation	The Village Collective runs the 'Mafutaga Rainbow Fale' in South Auckland, which provides holistic support to Rainbow and MVPFAFF+ Pacific ākonga aged 16-19 years old.[6] This includes mental health and one on one support for students and sometimes their families, support around intersectionality of identities and discrimination, and free clothing to help ākonga express themselves and their identities.

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[6] MVPFAFF+: An acronym used to encompass the diverse gender and sexuality expressions and roles across Pacific cultures. The acronym stands for mahu, vakasalewa, palopa, fa'afafine, akavai'ne, fakaleiti (leiti), fakafifine, and more.