



## Briefing Note: Meeting with the Disability Commissioner on Tuesday 9 November 2021

<b>To:</b>	Hon Jan Tinetti, Associate Minister of Education		
<b>Cc:</b>	Hon Chris Hipkins Minister of Education		
<b>Date:</b>	5 November 2021	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1275074
<b>Drafter:</b>	9(2)(a)	<b>DDI:</b>	9(2)(a)
<b>Key Contact:</b>	David Wales	<b>DDI:</b>	9(2)(a)
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

This report provides information to support your zoom meeting with the Disability Rights Commissioner Kaihautū Tika Hauātanga, Paula Tesoriero on Tuesday 9 November 2021.

Paula is interested in discussing:

- Enrolments at the RSS and recent changes to enrolments criteria
- Restraint

We have prepared talking points about these issues for you to use (Annex 2).

### Proactive Release

- a **agree** that the Ministry of Education release this briefing once it has been considered by you, with information about potential change to the enrolment pathway (para 14) withheld due to the matter being under active consideration.

☒ **Agree** ☐ **Disagree**



Dr David Wales  
**Poutohu Matua I Te Hāpai ō Rāngai**  
**National Director Learning**  
**Support Delivery**  
**Te Pae Aronui**

05/11/2021



Hon Jan Tinetti  
**Associate Minister of Education**

06 /11/2021

## Background

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1. The Disability Rights Commissioner has asked to meet with you to discuss her concerns about enrolments at the three Residential Specialist Schools (RSS) and the use of restraint at the schools. She has provided a detailed letter outlining her concerns (Annex 1)
2. You previously met with Paula on 22 February 2021 to discuss her priorities and how learning support systems might contribute to an inclusive education system (Metis 1249984 refers).
3. Paula chairs the Independent Monitoring Mechanism for the United Nations Conventions on the Rights of Persons with Disabilities (UNCRPD), a group of key disability stakeholders that monitor and report on New Zealand's performance against the convention.

## Concerns for discussion

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### Enrolments at the RSS

4. 9(2)(ba)(i)

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### Recent changes to enrolments criteria

7. Disability organisations have raised concerns with Paula about a change to the direct enrolment process for RSS (the "RSS only pathway") which is seen by them as lowering the threshold to enrolment. Paula recently asked the Ministry for information about the rationale for the change and who was involved in the decision making.
8. This change relates to criterion 3, made in agreement with RSS in May 2021. The criterion changed from
  - Local learning support services/support have been fully utilised for the child/young person and are unable to meet need.to
  - Local learning support services have been considered or tried. However, RSS intervention is believed to be the best way of meeting the child/young person's needs.

9. The Ministry has explained to Paula that this change allowed enrolments to be considered proactively for ākonga as one of a range of possible interventions, and part of an ongoing plan of support, rather than as an action of last resort when local community interventions have not been successful.
10. This change has not resulted in a significant increase in enrolments though the RSS only pathway.

#### Restraint

11. 9(2)(ba)(i)

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#### Key Risks and Benefits

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14. You and Minister Hipkins have asked for advice on ways to increase enrolments to the RSS (Metis 1276034 refers) and this will be available for you to discuss at your Agency meeting on Monday 8 November.

#### Annexes

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9(2)(ba)(i)

9(2)(g)(i)

9(2)(g)(i)



Proactively Released