



## Education Report: Enrolment at Residential Specialist Schools

<b>To:</b>	Hon Chris Hipkins, Minister of Education Hon Jan Tinetti., Associate Minister of Education		
<b>Date:</b>	14 October 2021	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1273491
<b>Drafter:</b>	9(2)(a)	<b>DDI:</b>	9(2)(a)
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<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

The report responds to your request for information on enrolment at the three Residential Specialist Schools (RSS), Halswell, Salisbury and Westbridge, including an overview of recent work to improve access to the schools, identified issues and options for a more direct approach to enrolment.

### Summary

1. Following the introduction of the Te Kahu Tōi Intensive Wraparound Service (TKT IWS), the number of enrolments to the RSS has declined. TKT IWS was set up in 2011 and makes intensive supports available in the child or young person's community.
2. A new enrolment pathway, the Residential Specialist School only (RSS only) pathway was established and implemented in December 2018 for those students who did not require an intensive wraparound service. It was hoped that this additional pathway would facilitate access to and increase enrolments at the schools. Refinements to the RSS only pathway have been made but enrolment numbers have remained low.
3. The Ministry is committed to practices that support inclusion, participation and belonging within an ākonga's local community. However, the RSS have expressed concern about reducing roll numbers and would like these to increase. They are concerned about a perceived lack of transparency in the enrolment process and that the Ministry is biased against the RSS when considering enrolments.
4. The Ministry is committed to ensuring the needs of the child or young person are at the heart of all decision making and that resources are used to best effect. There is a range of ways to ensure this. For example, strengthening pre-referral processes, adjusting criteria to allow more ākonga with very high and complex needs to enrol, or adjusting criteria so that more ākonga with moderate needs can apply, and making final decisions about enrolment at a regional rather than national level. We can provide further advice on these options if required, following initial discussion.

5. The Ministry is also working with the RSS to review how their specialist services could be more effectively utilised within their education regions. This could involve their specialist teachers being utilised to provide a broader range of programmes including short term day attendance for ākongā who have disengaged from education, supported transition back to local education and outreach support for community schools to enhance their specialist teaching skills.
6. Taking on additional roles and functions would not lift enrolments at the RSS as many of the ākongā they would support, would remain on the roll of their local school. However, enrolments numbers would not be the key driver for the ongoing viability of the schools.
7. Key stakeholders continue to have concerns about the level of investment in RSS. They are likely to take a negative view of any change that increases the number of ākongā with moderate needs enrolling at a RSS. Through the High Needs Review, we could engage stakeholders in conversations about how RSS can support a wider cohort of ākongā in local settings, which they are likely to view more positively.
8. A review of services and support for students with the highest needs (the High Needs Review) is currently underway (METIS 1268660). The High Needs Review will consider the role of the RSS within a learning support network and who should enrol.

## Recommended Actions

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The Ministry of Education recommends you:

- a. **agree** that the enrolment pathway for RSS continues to be for ākongā with high and complex needs who require intensive support  
**Agree / Disagree**
- or**
- b. **agree** that the enrolment pathway for RSS supports enrolment for ākongā with moderate needs  
**Agree / Disagree**
- c. **agree** that the Ministry explore preferred options for change with RSS and key stakeholders to provide you with further advice and updates on progress  
**Agree / Disagree**
- d. **note** that discussions are underway on the RSS funding model and we will provide further advice on this  
**Noted**
- e. **note** that we are working with the schools to explore other roles and functions they could undertake  
**Noted**

- f. **agree** that this briefing is not published at this stage as the matters discussed are under active consideration

**Agree / Disagree**



Sean Teddy  
**Hautū**  
Te Pae Aronui

**14/10/2021**

Hon Chris Hipkins  
**Minister of Education**

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Hon Jan Tinetti  
**Associate Minister of Education**

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## Background

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1. Residential Schools were established in the early 1900s to provide for students whose learning needs could not be met in their local community.
2. There are three Residential Specialist Schools (RSS) in the country for young people in year 3-10 who have social, behaviour and/or learning needs that are highly complex and challenging (and may have associated intellectual difficulty). These are Westbridge Residential School located in Auckland, Halswell Residential College located in Christchurch, and Salisbury School located in Nelson.
3. The RSS are part of a continuum of behaviour support services. Since the introduction of TKT IWS, enrolments to the RSS have been targeted to students with the most complex and challenging behaviours whose needs cannot be met in their local community.
4. The Intensive Wraparound Service (IWS) was initiated following the closure of several RSS as it was recognised a more effective, alternative service could be provided for ākonga with high and complex needs in their home community. A proposal to close Salisbury School as it was no longer required in the network, was not pursued following a judicial review. Funding from the closed schools was used to establish the IWS which can provide intensive support locally across the ākonga's home, school and community. At least five ākonga can be supported through IWS, for the same cost as one ākonga at a RSS.

## Current Issues

5. 9(2)(ba)(i) 
6. Through the current RSS only pathway, referrals for enrolment are generally for ākonga with more moderate needs for example from Resource Teachers Learning and Behaviour (RTLb). These referrals may be outside current criteria which increases expectations and is inefficient.
7. While the RSS are seeking to increase enrolments to their schools, the Ministry is committed to practices that support inclusion, participation and belonging within an ākonga's local community. The Ministry also recognises that there is a place for a residential option for ākonga for whom this is an appropriate service response.

8. 9(2)(ba)(i) 

9. Outcome data for TKT IWS shows positive change occurs for young people supported through this service. We have limited information on outcomes for the RSS only pathway. An evaluation of the RSS only pathway was commissioned in 2019. A literature review has been completed. Phase 2 of the evaluation will undertake case studies of ākongā who have attended RSS to understand their experiences and the impact of the intervention. This evaluation is due in August 2022.
10. The Ministry is concerned about the high levels of restraint of ākongā reported by two of the RSS. Review of incident reports from RSS shows that restraints are often used for behaviour management and not for reasons of safety. Use of restraint can be harmful especially for young people who may have experienced trauma. It is a priority for the Ministry to resolve this issue. It should be considered alongside consideration of increasing enrolments.

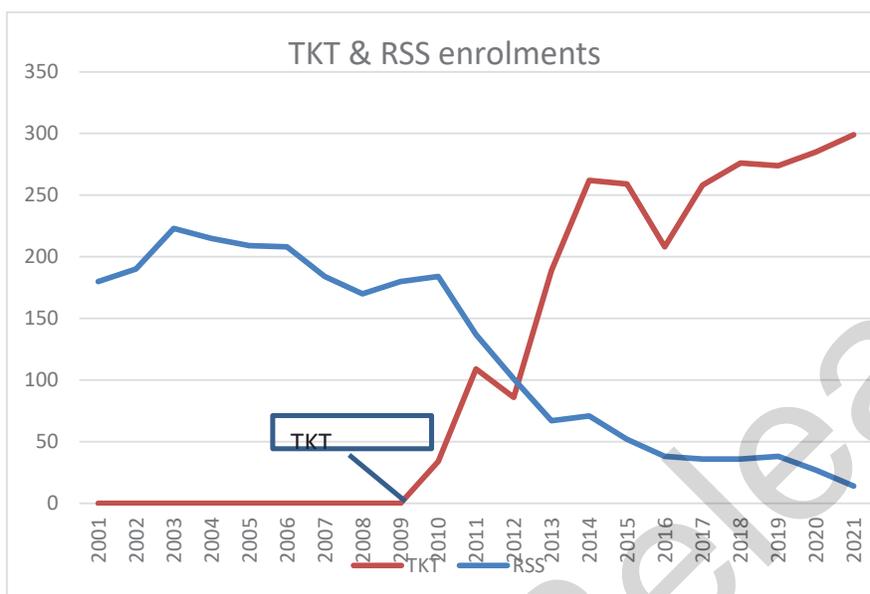
### **Funding**

11. RSS provide 24-hour, 7 day a week care. Ākongā attend day school on site and then remain on site in the residential setting. RSS receive operational grants and staffing entitlements for their day school, as for any other state school. They are staffed on a ratio of 1: 5 teachers to ākongā. They are also funded for a residential component for the additional costs associated with the 24-hour, 7 day support they deliver.
12. Funding for the RSS is based on a notional roll which provides guaranteed minimum funding for the schools. The RSS are currently funded for both residential and education services using a notional roll of 84 across the three schools. Residential funding for the three schools is currently \$7.74 million per annum.

### **Changes have been made to enrolment pathways**

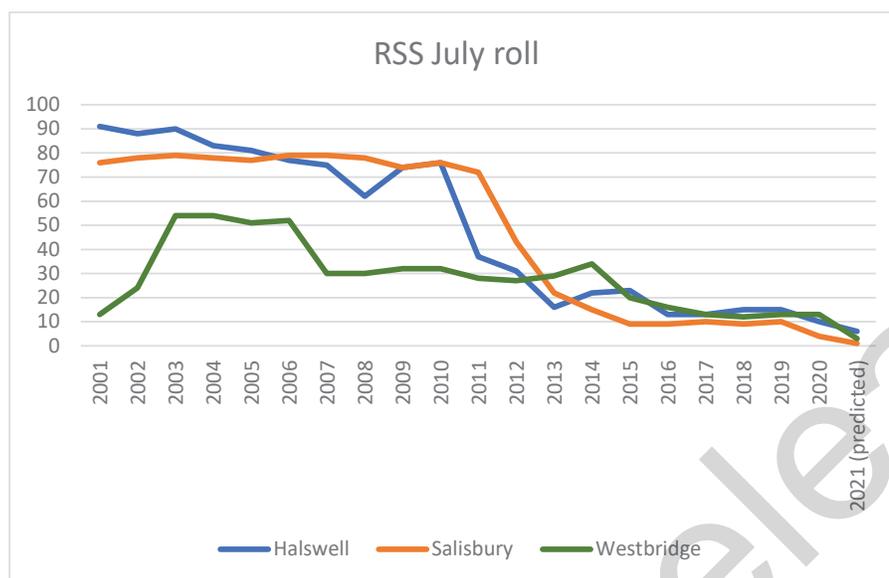
13. Prior to the implementation of the Intensive Wraparound Service (IWS), the Boards of the RSS made decisions based on entry criteria for their schools. Boards proactively went into the community to encourage enrolment and select which students they would take. While they were national schools, there was no process to ensure that this intensive support was available to ākongā with the highest needs.
14. The IWS, now known as Te Kahu Tōi Intensive Wraparound Service (TKT IWS), was set up in 2011. TKT IWS makes intensive supports available in the child or young person's community. Time at a RSS is a choice as part of the programme for ākongā supported by TKT IWS.
15. Applications for enrolment at a RSS with the support of IWS are considered against a set of clear criteria (Annex 1). Following the introduction of IWS the number of enrolments to the RSS has declined.

**Table 1: Te Kau Tōi and RSS only enrolments 2001-2021**



16. In response to RSS concerns about reducing roll numbers, the Residential Specialist School only (RSS only) pathway was established and implemented in December 2018 for those students who did not require an intensive wraparound service. The intention was to facilitate access to and increase enrolments at the schools. The Ministry worked with the schools to develop the process and criteria for enrolment through the RSS only pathway.
17. Further refinements to the RSS only pathway have been made. An enrolment panel for each school was established consisting of the RSS principal, an RTLB Cluster Manager and a Ministry representative to make decision making more transparent and place it closer to the schools.
18. At the request of the schools, the entry criteria were also adjusted to remove the requirement for the ākongā to have needs across multiple settings and to emphasise that this pathway is for ākongā who do not need a multi-agency response. This change means that ākongā with more complex needs cannot be considered for enrolment through the RSS only pathway.
19. A further change to access criteria was made in May 2021, at the request of the schools, as they believed that the previous wording was a barrier to enrolment. Rather than requiring all local services to have been fully utilised, the criteria now require local learning support services to have been considered or tried and a RSS intervention to be the best way of meeting the child or young person's needs. This change allows enrolments to be considered proactively as one of a range of possible interventions and part of an ongoing plan for an ākongā rather than as a response of last resort when local community interventions have been unable to effect change.
20. Despite the addition of the RSS only pathway and the recent changes to criteria, enrolments at a RSS remain low.

21. **Table 2: RSS July Rolls 2001-2021**



**Issues to be considered**

22. The Ministry supports the ongoing existence of the three RSS in the education network because they provide support for a specific cohort of ākonga with high and complex needs. The targeting of the service is a key issue to be resolved.
23. The following areas need to be considered
- the role of the RSS within the wider education network and the continuum of supports for ākonga with high and complex needs
  - the current enrolment criteria and process limit enrolment to specific cohorts. We want to ensure the most effective use of the government's investment in these supports
  - whether RSS should continue to provide supports for ākonga with the highest level of need or whether enrolments should be available to ākonga with moderate needs
  - whether RSS could provide a variety of additional services including support to a wider cohort of ākonga in local schools.

These areas are described in the below table.

## Options for change to the RSS only enrolment process

Focus area	Problem	Option for change	Expected benefit	Impact / Risks	Timing/ scale
Referrals	Referrals are often made in isolation meaning whānau and the educators may have unrealistic expectations.	Strengthen a more collaborative approach to referral at a local level with early discussion and consideration of the most appropriate supports and whether an RSS enrolment would be the best fit for an ākonga and their whānau.  If a robust referral process occurs locally, RSS may not need an enrolment panel.	Improved exploration of local support in line with the approach in the Learning Support Delivery Model. Issues with enrolment are surfaced earlier. Expectations are managed. Enrolment process simplified and more transparent	Improved information and solutions for whanau Better collaborative discussion of local options. No risks identified at this stage	Can start immediately but will require practice change at local level
RSS support for schools	There is growing demand from the sector through the New Zealand Principal's Federation for greater support for ākonga with complex needs.	RSS specialist services could be utilised to support schools to address the complex needs of ākonga.	Would support addressing sector concerns that available services are not currently adequate	<ul style="list-style-type: none"> <li>The RSS workforce would require additional training.</li> <li>Taking on additional roles and functions would not increase enrolments at RSS as many of the ākonga they would support would remain on the roll of their local school. However, enrolment numbers would not be the key driver for the</li> </ul>	Underway

Focus area	Problem	Option for change	Expected benefit	Impact / Risks	Timing/ scale
				ongoing viability of the schools.	
Criteria	The criteria limit enrolment to specific cohorts.	Remove Criteria 4 to allow more ākonga with high and complex needs who require multi-agency support to enrol in RSS.  <b>or</b> Make further changes to Criteria 3 to allow more ākonga with moderate needs to enrol	An increase in RSS enrolments. Makes effective use of high-cost intervention  An increase in RSS enrolments.	RSS would require support to lift their capability to work in this space.  More ākonga with moderate needs would access an intervention intended for high and complex needs.  More ākonga would be removed from their home environment  Key stakeholders will view this negatively	Requires significant practice change.  Requires engagement with RSS and stakeholders  Can start immediately
Process	Decisions made at a distance from ākonga.	Approval for the Section 37 agreement delegated to MOE Regional Offices.	The decision-making is closer to the child. Need is considered in the local context. Transitions back to community are better supported.	Lack of national consistency. Regions may not fully understand intended role of RSS.	This change can be made quickly
Length of stay	Maximum stay in RSS is two years including transition. Some	Allow longer stays at RSS.	Would increase RSS roll numbers.	Longer stays are isolating for ākonga, would run counter to the Ministry's position on	Not yet started. Requires further

Focus area	Problem	Option for change	Expected benefit	Impact / Risks	Timing/ scale
	parents are seeking a longer stay for their child.			inclusive education and may not be in the child or young person's best interest.	consideration and engagement

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## Other roles and functions for the RSS

24. The Ministry is currently working with the RSS to review how their specialist services could be more effectively utilised to reach more ākonga. This approach aligns with the scope of the review of interventions for ākonga with the highest need (High Needs Review) which includes “the need for fluid boundaries between education settings to help encourage and strengthen positive working relationships where all schools can better access the expertise held in specialist settings.”
25. There has been strong demand from the sector through the New Zealand Principal’s Federation for greater support for schools to address the complex needs of young people within their schools. RSS could play a role in providing support for schools who are working with ākonga with complex needs by providing a broader range of programmes including short term day attendance for ākonga who have disengaged from education, supported transition back to local education and outreach support for community schools to enhance their specialist teaching skills. Given the difference between actual rolls and the funded notional roll, these additional roles can be funded within the current budget.
26. The RSS workforce would require additional skills and expertise to provide leadership and support to local schools as they respond to ākonga with the highest level of need.
27. Regional Health Schools (RHS) and Sensory Schools provide examples of specialist schools that have moved away from direct enrolment for the majority of the ākonga they work with, to an increasing emphasis on supporting ākonga in or to return to their local school.
28. Taking on additional roles and functions would not lift enrolments at the RSS as many of the ākonga they would support, would remain on the roll of their local school. However, as for the RHS and Sensory Schools, enrolments numbers would not be the key driver for the ongoing viability of the schools.

## The Review of interventions for ākonga with the highest needs

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29. A review of services and support for students with the highest needs (the High Needs Review) is currently underway (METIS 1268660). The High Needs Review will consider the role of the RSS within the national network including who they should support, whether they should continue to support those ākonga with the highest needs or should allow enrolments for ākonga with more moderate needs. The review may also consider approaches that could make more innovative use of RSS so that their resources and expertise can support more ākonga. Following the review, further changes to the role and function of the RSS may be made.

## Risks

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30. Salisbury School is currently discussing enrolment processes and the Ministry’s part in these in the public arena. There has been promotional material on buses, discussion on Facebook and media interviews. We have received correspondence from stakeholders who are unhappy about this approach.
31. Stakeholders continue to have concerns about the level of investment in RSS. They are likely to take a negative view of any change that increases the number of ākonga

with moderate needs enrolling at a RSS. Through the High Needs Review, we could engage stakeholders in conversations about how RSS can support a wider cohort of ākonga in local settings, which they are likely to view more positively.

32. Ministers Hipkins and Martin announced the decision to rebuild Salisbury School on 13 November 2019. The announcement and rebuild design work to date has been based on the current notional roll of 20 ākonga. The Board and school community have invested a large amount of time developing a design based on the current notional roll. We are encouraging the Board to keep the design for the rebuilt school flexible so that it accommodates changing needs over time.
33. The Ministry has worked with the schools over four years to ensure they are appropriately funded for their services based on their actual costs. Expert advice was commissioned from Deloitte, Price Waterhouse Cooper and SageBush to support this process. As a result, a funding model has been agreed with the schools that more accurately reflects their actual costs. This funding model is still to be implemented.
34. We have been exploring whether notional rolls for the schools should be reduced given the significant difference between the actual and the notional rolls. Using the agreed RSS funding model based on actual costs, there is insufficient funding to continue to maintain the schools' capacity for 84 ākonga. We are investigating solutions to this and will provide further advice.

## Annexes

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Annex 1: Enrolment criteria for the Residential Specialist Schools

Annex 2: Current Enrolment Process

## Annex 1: Enrolment criteria for the Residential Specialist Schools

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### Criteria for enrolment through TKT IWS

#### Criteria 1

The young person is in year 3 to 10 at the time of referral.

#### Criteria 2

The child/young person has behaviour, social and/or learning needs that are highly complex and challenging (and may have associated intellectual difficulty) and requires support at school.

#### Criteria 3

Local learning support services/support have been fully utilised for the child/young person and are unable to meet need.

### Criteria for enrolment through the RSS only pathway

#### Criteria 1

The young person is in year 3 to 10 at the time of referral.

#### Criteria 2

The child/young person has behaviour, social and/or learning needs that are highly complex and challenging (and may have associated intellectual difficulty) and requires support at school.

#### Criteria 3

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.

#### Criteria 4

The young person does not need an intervention in the home or community (the child/young person does not need intensive services such as Te Kahu Tōi - Intensive Wraparound Service, Oranga Tamariki or High and Complex Needs service provision).

## Annex 2: Current enrolment process

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### Enrolment through the Te Kahu Tōi Intensive Wraparound pathway

1. Once an ākonga has been accepted for TKT IWS, parents are given the choice of an enrolment at a RSS. Families increasingly choose community-based options rather than a residential placement. Approximately 1% of parents choose to have both localised wraparound support as well as residential enrolment.
2. Access to the schools for ākonga supported by TKT IWS is through a regional prioritisation process to ensure ākonga with the highest needs are prioritised for support.

### Enrolment through the RSS only pathway

3. Applications for the RSS only pathway are considered by an enrolment group for each school made up of the Principal, a local RTLB Cluster Manager and a Ministry representative.
4. Applications for the RSS are sent to a Ministry mailbox. The Ministry Advisor sends all applications, risk assessments and all other material received to the enrolment group members. No information is withheld. If the enrolment is supported by a majority of the enrolment group members, the referrer is invited to request the National Director sign a Section 37 Specialist Education Agreement (paragraph 25 refers). If the majority do not support the enrolment, a letter is sent to the referrer from the National Director giving the rationale for the decision.

### Enrolment decisions

5. Decision making by the panel is not arbitrary. Each application must meet all four criteria and be supported by a majority of panel members. The criteria ensure residential school placements are targeted to students with the highest level of need, an enrolment is in the child or young person's best interest, the child or young person agrees with the enrolment and there are no wellbeing or safety risks that cannot be managed.
6. The application must be supported by a risk assessment to clarify whether an RSS enrolment is in the best interests of the child and enrolment can be supported where the young person is not:
  - exhibiting risk factors that may place other students at risk, including but not limited to overt violence
  - currently displaying sexualised behaviours compromising the safety of others
  - currently or recently in specialised severe behaviour support programmes
  - under treatment for or has been unresponsive to the treatment of any psychiatric illness (including suicidal ideation), or
  - under or has been unresponsive to treatment for substance abuse.
7. The enrolment must also align with Ka Hikitia- Ka Hāpaitia and the need to ensure the wellbeing of the ākonga is not adversely affected by being removed from their whānau.
8. Applications may not be supported by the enrolment group where the above conditions are not met or
  - their current supports and interventions are working well in the community, and a residential placement is not considered necessary

- the child or young person does not agree to the placement
  - the schools believe they are not able to meet the child or young person's complex needs
9. Some ākongā who are not accepted through the RSS only pathway, may subsequently be accepted for TKT IWS support and may then enrol at a RSS with that support. They may also receive other intensive supports such as High Complex Needs support (HCN).

### **Section 37 Specialist Education Agreements**

10. Once the panel has agreed to progress an application, a Section 37 Specialist Education Agreement is completed. Under Section 37 of the Education and Training Act 2020, a Specialist Education Agreement between the Secretary for Education and the parents is required for all enrolments to a day and residential specialist school. This agreement is based on an assessment of the ākongā's need. Agreements are signed at a regional level for day specialist school enrolment and by the National Director, Learning Support, for enrolments to RSS.
11. Section 37 Specialist Education Agreements give assurance that the enrolment is in the ākongā's best interests. Applications may be declined at this stage where the assessment shows that the placement is not the best fit for the ākongā. The process of reaching the agreement may uncover issues that were not immediately apparent to the panel. The National Director Learning Support also has some flexibility to consider a child or young person's needs and agree to an enrolment when they do not appear to meet the criteria. Unless the Act is changed, a Specialist Education Agreement will continue to be required for entry to a RSS regardless of other entry requirements.

### **Length of stay**

12. Enrolment at a RSS is intended to be a short-term intervention to ensure the ākongā does not become isolated and lose critical local relationships. The enrolment is for the shortest time required to achieve specific goals for the ākongā and may be up to two years, including a supported transition back to their community. Some families request longer stays and the National Director has the ability to agree to this. However, the length of stay is generally time limited to ensure there is always a focus on supporting the young person's belonging to and participation in their local community.