



Briefing Note: How schools are responding to sexual violence

To:	Hon Jan Tinetti, Associate Minister of Education		
Cc:	Hon Chris Hipkins, Minister of Education		
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Purpose of paper

This paper briefs you on how schools respond to sexual violence, including an overview of the policy frameworks schools use and the measures in place to support teachers. It responds to a request from your office following your meeting with Te Ohaakii a Hine – National Network Ending Sexual Violence Together (TOAH-NNEST) on 24 August 2022.

Summary

- The role of the education system and workforce in preventing and responding to family violence and sexual violence needs to be located within the context of their core business of teaching and learning. Schools have legislative obligations around child protection and providing a safe and inclusive learning environment. Schools also have a key prevention role in educating ākonga to make well-informed decisions about healthy relationships and their own health and safety.
- Schools and staff have a duty of care in relation to child safety and wellbeing, and a responsibility to work alongside the broader agency and community response in specific cases of sexual violence. The Ministry provides guidance and resources to support this. There are also several specialist roles in the education sector that support schools and staff to meet the ongoing learning needs and wellbeing of ākonga with their work underpinned by the Ministry's practice framework (He Pikorua).
- There may be some policy work needed to update the Ministry guidance to schools to ensure strategic alignment with Te Aorerekura, the action plan for the national strategy to eliminate Family Violence and Sexual Violence. Officials would welcome the opportunity to discuss with you how we should position support for schools around family violence and sexual violence.

Proactive Release

- a **agree** that the Ministry of Education release this briefing once it has been considered by you, with paragraphs 19 to 22 withheld to maintain the effective conduct of public affairs through the free and frank expression of opinions.

Agree / Disagree.



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15/09/2022

Hon Jan Tinetti
Associate Minister of Education

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Background

1. The Ministry of Education (the Ministry) is a member agency of Te Puna Aonui, the collective group of agencies responsible for implementing Te Aorerekura, the action plan for the national strategy to eliminate Family Violence and Sexual Violence (Te Aorerekura). The Ministry's contribution to Te Aorerekura focuses on investment in primary prevention but also contributes to multi-agency interventions such as the Integrated Safety Response initiative.
2. Schools and kura are a consistent and regular point of community contact for many children, young people, families, and whānau. Schools contribute to preventing and responding to sexual violence in line with their core business of teaching and learning, including:
 - a) Having legislative obligations around protection and providing a safe and inclusive learning environment and working alongside the broader agency and community response in specific cases of violence.
 - b) Ensuring staff understand their responsibilities and can access the resources to fulfil their duty of care in relation to ākonga experiencing family harm, sexual violence, and mental distress.
 - c) Playing a key prevention role by including teaching and learning about healthy relationships as part of their local curriculum.
 - d) Providing a range of wellbeing services and supports ākonga can either be referred to or can access themselves in school.

Schools have legislative obligations to create safe physical and emotional learning environments

3. The education sector response to child safety and wellbeing is determined by the legislative frameworks of the Education and Training Act 2020 and the Children's Act 2014 and broader health and safety legislation.¹ The Children's Act requires comprehensive measures to protect and improve the wellbeing of children and young people.
4. Under the Children's Act all schools and kura have been required to have a written child protection policy in place. Child protection policies describe the processes and procedures that schools will follow to ensure children are safe, and that incidents of suspected and potential abuse and neglect are responded to appropriately by reporting them to the Police and/or Oranga Tamariki. Policies must be reviewed every three years and compliance is monitored by the Education Review Office (ERO). The ERO checks that each school has a policy and that it has been successfully implemented.
5. The Children's Act also requires that all children's workers are safety checked every three years. The safety check includes police vetting and an assessment to determine whether the person poses a risk to children.
6. The Ministry contracts the New Zealand School Trustees Association (NZSTA) to provide a fully integrated range of services to support School Boards of Trustees (School Boards) governance and employment capability more broadly. The NZSTA have samples of policy documents for School Boards, as well as providing employment advice and professional development resources and services. Schools can contact the NZSTA

¹ S127(1)(b)(i) of the Education and Training Act 2020 states a board's key objective is to ensure the school "is a physically and emotionally safe place for all students and staff." Schools also need to meet the Health and Safety at Work Act 2015 requirements and its obligation to be a good employer. Providing a safe work environment is a core part of the legal obligations of board members.

or their local Te Mahau office at any time if they have queries about their obligations under the Act.

7. When a complaint is made about child safety or wellbeing, specialist Police Officers work alongside Oranga Tamariki to investigate concerns, assess the child's safety, and act on any concerns the investigation raises. If the local Te Mahau office is made aware of the concerns, it will contact the school through its regional team to offer support including coordinating with other agencies where needed. There is possibly some work to do ensure Te Mahau regional teams have the information and resources they need to ensure any support provided in response to sexual violence aligns with the Te Aorerekura strategy.
8. Te Mahau can also support schools through the Traumatic Incident Teams that are available on request to help respond to significant events that impact the physical and emotional welfare of ākonga and teachers. This can include support to respond to sexual violence that has occurred in schools, or off-site. Teams support schools to work through their own policies and procedures, and to identify and access appropriate supports within their community.

Measures in place to support school staff

9. Each School Board will have its own policies and procedures in place for staff to follow to ensure a safe and inclusive learning environment, and to respond appropriately to specific concerns about child safety and wellbeing.
10. The Ministry provides a number of guides for teachers, principals, and School Boards to support them to fulfil their duty of care in relation to child safety and wellbeing. One such guide² brings together education sector specific information and tools produced by the Ministry and the NZSTA. This guide provides high-level information about each key requirement of the Act, with supporting education sector specific resources and links to further information. There is possibly some work to do here to align Ministry guidance on child safety and wellbeing for schools with the Te Aorerekura strategy, or at least to assess if there are any gaps.
11. There are several specialist roles in the education sector that assist and support schools and teaching staff to meet the ongoing learning needs and wellbeing of ākonga.
 - a) **Resource Teachers Learning and Behaviour service (RTLb)**. The RTLb work with schools and teachers to support the wellbeing and educational achievement of ākonga in Years 0 to 10.
 - b) **Learning Support Coordinators (LSC)**. The LSC has a role in connecting whānau and schools with services in their local community to address specific needs that are creating a barrier to learning and education. This may include individual support needed when ākonga has experienced sexual violence.
 - c) **Special Education Needs Coordinator (SENCo)**. A SENCo is usually employed in the primary school sector to meet the learning needs of ākonga.
12. He Pikorua is the Ministry's practice framework that underpins the practice of learning support specialists and RTLb. Key principles of the framework include taking a holistic strengths-based approach that enhances the mana of the individual and their community

² Known as *The Vulnerable Children's Act Practical Guide 2014*. The name of this resource needs updating to reflect the revised Act.

and working in partnership with teaching staff and whānau to find solutions that support ākonga.

13. Receiving a disclosure of abuse may be distressing for teachers themselves. It is the responsibility of their employer (the School Board) to offer access to services such as Employee Assistance Counselling Programmes. A Te Mahau resource repository to support teacher wellbeing was also created in response to the increased pressures on the education workforce as a result of COVID-19.

Schools have a key prevention role in the teaching of the health and physical education curriculum

14. Ākonga learn about healthy relationships through *The New Zealand Curriculum* and *Te Marautanga o Aotearoa*. Advice on effective teaching and learning about this is provided in *Relationships and Sexuality Education: a guide for teachers, leaders, and boards of trustees* which focuses on consensual, healthy, and respectful relationships as being essential to ākonga wellbeing. This includes supporting teaching programmes that help educate ākonga of all ages to make well-informed and positive choices about relationships and their own health and safety, and confidence in their own identities.
15. The refresh of *The New Zealand Curriculum* and redesign of *Te Marautanga o Aotearoa* – a Ministry action in shift four of the Te Aorerekura action plan – is an opportunity for improvement and aims to strengthen the focus on teaching and learning about healthy relationships. This will support workforce development and the production of teaching and learning resources.
16. Schools can also decide to use external providers in addition to a comprehensive, teacher-led health education programme.

There are a range of wellbeing services and supports available or underway in schools that ākonga can access or be referred to

17. Most New Zealand schools will have a pastoral care programme for ākonga which relates to the systems, relationships, quality of teaching, monitoring arrangements, extra-curricular activities, and ethos within a school. Not all pastoral support will be connected with wellbeing or respond to sexual violence, but it indicates schools' ongoing focus on meeting the needs of ākonga based on individual circumstances and legal obligations under the Education and Training Act 2020.
18. There are several school-based wellbeing and mental wellbeing initiatives funded by the Ministry and other agencies that, while not specifically aimed at responding to sexual violence, provide access for ākonga to professional services and wellbeing support.
 - a) Te Whatu Ora funds school-based mental health and wellbeing support for children in primary and intermediate schools through the Mana Ake initiative. Around 10,500 children have been supported by Mana Ake since its establishment in Canterbury and Kaikōura. In Budget 2022 the Vote Health was allocated \$90m over four years to expand the initiative to Te Tai Tokerau, Counties Manukau, West Coast, Bay of Plenty and Lakes.
 - b) Te Whatu Ora also funds the School Based Health Service (SBHS) in decile 1 to 5 secondary schools, Teen Parent Units, Alternative Education, and some Activity Centres. The SBHS takes a holistic approach to supporting young people including, but not limited to, trauma-based health impacts particularly family harm, mental health, addictions, and sexual and reproductive health. SBHS nurses provide clinical primary health care, both student-requested and nurse

- c) In Budget 2020 the Vote Education was allocated \$44m over four years to fund providers to offer counselling services to mainly primary schools and some small secondary schools for the first time. Currently there are 164 participating schools in the Counselling in School's initiative with funding allocated on a needs' basis.
- d) The Ministry of Social Development and Oranga Tamariki fund school-based social work programmes in schools where social or family circumstances are causing them to struggle with their education. This includes Social Workers in Schools, Youth Workers in Secondary Schools, and Multi Agency Support Services in Secondary Schools.

[illegible]

23. Since the launch of Te Aorerekura in December 2021, the Ministry has needed to focus on other priorities for the education sector such as the response to COVID-19. Officials consider there may be some policy work needed to update the guidance provided to schools to ensure strategic alignment with Te Aorerekura.
24. Ministry officials would welcome an opportunity to discuss with you how we should position support for schools to respond to family and sexual violence within the priorities of our existing work programme.