



1 June 2021



Tēnā koe 

Thank you for your email of 20 April 2021 to the Ministry of Education requesting the following information:

- 1) *We understand from student teachers that they are now encouraged not to refer to pupils by their gender (i.e. girls and boys). And that they are also discouraged from “hugging” pupils. I would like to request under the OIA:*
 - a) *any advice / memos/ reports/ policy documents laying out these instructions for students and / or staff and schools.*
 - b) *any advice / memos / reports / policy documents that explains the rational for those decisions.*

Your request has been considered under the Official Information Act 1982 (the Act). I will answer each of your questions in turn below.

Advice/ memos/ reports/ policy documents of instructions for students and/ or staff and schools around gender identification.

In New Zealand, there are no legislative requirements for schools to use any form of formal documentation, whether it is reports from their previous school or their birth certificate, to determine a student’s name, gender, pronouns, or sex. Students self-determine their own gender identity, including their preferred name and gender pronouns.

All schools are required to provide a physically and emotionally safe environment for, and be inclusive of, students regardless of gender identity. The Ministry of Education also provides a range of guides which set out some suggestions for doing this. The Supporting LGBTQIA+ Students guide has suggestions about using inclusive language to affirm diversity of students. You can find out more at:

<https://www.inclusive.tki.org.nz/guides/supporting-lgbtqa-students/use-inclusive-language-to-affirm-diversity>

As you may be aware, the Ministry also updated our Relationships and Sexuality Education guidelines for teachers, leaders, and Boards in 2020. Our guidance reflects best practice. We suggest avoiding using gender to group students or divide spaces (such as locker rooms or for class activities). We also recommend reflecting on practices that could be unintendedly exclusionary, such as assuming students identify as either girls and boys, and addressing a

group of students as 'girls and boys'. This guidance does not address hugging. The guidelines can be found here:

<https://health.tki.org.nz/Teaching-in-HPE/Policy-Guidelines/Relationships-and-Sexuality-Education>

The Ministry is also funding work through InsideOUT to develop advice and resources about creating inclusive school environments for rainbow ākonga (students), and this will be available to schools later this year. This is intended as guidance rather than instructions and is still being developed and has not been finalised. Once finalised it is our intention to make the material available to a wider audience.

Advice/ memos/ reports/ policy documents of instructions for students and/ or staff and schools around 'hugging'

I have interpreted your request around 'hugging' to be about providing emotional support to children, and not about physical restraint. You can find more information about the Ministry's guidelines around the use of physical restraint here:

[Support for schools to manage challenging student behaviour – Education in New Zealand](#)

The Ministry has not issued any instructions to students, staff and/or schools around "hugging". When the Education and Training Act 2020 was passed and replaced the Education Act 1989, the definition of physical restraint was amended to specify that it is 'against the student's will'. This was intended to clarify that physical contact for guiding, comforting or communicating with a student, that the student does not resist, is not subject to the same conditions as the use of physical restraint. Essentially this means that if a child falls over and grazes themselves for example, a teacher's response can include a hug if that is what the child desires.

As the Ministry has not issued any instructions to schools around referring to a student's gender identity or hugging, I am refusing your request under section 18(e) of the Act, as the requested documents do not exist.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. If you have further questions please feel free to contact our media team in the first instance at media.team@education.govt.nz. If you are unsatisfied with my response, you have the right to ask an Ombudsman to review it. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Pauline Cleaver
Associate Deputy Secretary – Curriculum, Pathways & Progress
Early Learning and Student Achievement