

Memorandum of Understanding for the notification of the release or relocation of child sex offenders

Purpose

This Memorandum of Understanding (MOU) provides a framework for the Ministry of Education (the Ministry) and the Department of Corrections (Corrections) to work collaboratively when a child sex offender (CSO) is released into the community. It ensures that relevant schools and early learning services are appropriately involved in the community engagement process regarding the release or relocation of a CSO when that process involves notification.

Notification is to ensure the safety of children at schools, early learning services and playgroups in the area where the CSO is being released or relocated. Notification is based on a risk assessment of the CSO and occurs on a case-by-case basis.

The MOU sets out the CSO community engagement and notification process and our commitment to collaboration and dispute resolution. It focuses on:

- strengthening relationships nationally and regionally between the Ministry of Education and the Department of Corrections
- planning the approach when notifying schools, early learning services and playgroups
- working together to resolve issues in a timely manner.

This MOU will be managed at a national level and applied at a regional level. It is intended that this MOU will replace all existing CSO notification memoranda between Corrections and Ministry regional offices.

Note: At all times the Privacy Act 1993 will be adhered to. At no time will personal information about a CSO be shared with the Ministry of Education, schools or early learning services.

Who we are

The parties to this MOU are the Ministry and Corrections.

The Ministry shapes an education system that delivers equitable and excellent outcomes. The Ministry is the Government's lead advisor on the education system, shaping the direction for education agencies and providers and contributing to the Government's goals for education.

The Ministry has 10 education regions: Tai Tokerau, Auckland, Waikato, Bay of Plenty/Waiariki, Hawkes Bay/Tairāwhiti, Taranaki/Whanganui/Manawatu, Wellington, Nelson/Marlborough/West Coast, Canterbury/Chatham Islands and Otago/Southland (Appendix 1). Encompassed within these regions are over 2,500 schools and 5000 early learning services.

Corrections works to make New Zealand a better, safer place by protecting the public from those who can cause harm and by reducing re-offending. Re-offending is reduced by providing offenders with rehabilitation and reintegration programmes, education, job training and work experience that will turn their lives around and break the cycle of re-offending.

Corrections has 15 districts across four regions: Northern, Central, Lower North and Southern. Within these regions are a total of 106 Community Corrections sites (Appendix 2 and 3).

Scope and definitions

The MOU relates specifically to the relationship between the Ministry's national and regional offices and Corrections' national and regional offices in regard to an ongoing community engagement process and the community notification process involved during the release or relocation of pre-determined CSOs.

The community engagement and notification process applies to cases relating to an individual CSO and the addresses intended to house one or more offenders on an ongoing basis.

"Engagement" is the continuous process of building and maintaining relationships with communities. It is not specific to an offender or address.

"Notification" in this MOU is the formal process for Corrections to notify schools and early learning services about the placement of some CSOs and/or an address at which a Corrections contracted accommodation service does/will operate.

How we work together

Key points:

The district management group of Corrections will make the decision whether to undertake community engagement and notification. The Ministry is not part of this decision making process.

Information from the Ministry regarding contact details for schools and early learning services is a vital component to assist Corrections to ensure appropriate engagement with schools and early learning services.

Community engagement is a key aspect of the ongoing relationship necessary between the Ministry and Corrections' regional offices to support and inform schools and early learning services.

The notification process applies to the release or relocation of an individual CSO as identified by Corrections.

The Ministry and Corrections will both nominate a representative from their regions to support the notification process. In principle this would be either the region's Principal Adviser or Education Manager for the Ministry and the District Manager or Senior Advisor Community Engagement and Reintegration for Corrections.

Corrections is responsible for informing schools, early learning services and playgroups that a CSO will be released or relocated into the community. Personal information about CSOs will not be shared with schools, early learning services or the Ministry.

The Ministry will support Corrections informing playgroups by providing playgroup names and addresses. Corrections can then determine which playgroups require notification. The Ministry will make initial contact with the playgroups seeking permission to provide their contact details to Corrections.

Child Sex Offender Notification Process:

1. If the decision is made to notify, the District Manager/Senior Advisor Community Engagement and Reintegration from Corrections will inform the nominated Ministry regional representative and NZ Police. The Ministry will provide information about relevant schools and early learning services to Corrections to support the notification if necessary. This information will not include personal information except for the names of contact persons and their phone numbers already publicly available through the Ministry website, school websites and social media platforms.
2. Corrections will use data available from the Education Counts website to determine which schools or early learning services need to be notified.
3. Corrections will contact the Ministry if they identify any playgroups that should be notified. The Ministry is then responsible for making initial contact with the playgroup(s) to obtain permission to provide their contact details to Corrections.
4. Consideration will be given to the timing of the notification e.g. school holidays, public holidays/events and whether Ministry staff will be required to support the notification process.
5. Corrections will directly contact the appropriate schools and early learning services to inform them of an upcoming release.
6. Corrections will ensure that no personal information, such as information about a CSO, will be shared with the Ministry, schools or early learning services.
7. Following the completion of each notification process, regional representatives from the Ministry and Corrections will discuss the process and any improvements that could be made.
8. Outside of the notification process, schools and early learning services are encouraged to contact NZ Police and Corrections if they have any questions or concerns.

Engagement at a national level between the agencies

The Ministry and Corrections will raise any concerns as they arise and agree any necessary adjustments to this MOU. For the Ministry, the Associate Deputy Secretary of Sector Enablement and Support - Operational Delivery and for Corrections, the Manager of Professional practice, will be responsible for maintaining the MOU.

A national office level a meeting will occur six months after the first signing and annually thereafter, to discuss and review this MOU. The meeting will be hosted by the Ministry's Operational Delivery group. The discussions between Corrections and Ministry regional representatives will support these processes.

Dispute resolution

If a dispute arises regionally between the Parties, regional representatives will meet in good faith and attempt to resolve the issue as soon as practicable. If the issue is not resolved it will be escalated to the relevant National Office teams.

If no solution can be reached the issue will be referred to the General Manager Probation and Case Management (Corrections) and the Deputy Secretary Sector Enablement and Support (the Ministry).

Term, termination, amendments and review

This MOU will commence on the day it is signed by both the Ministry and Corrections.

Either the Ministry or Corrections may terminate this MOU at any time by giving 30 days written notice to the other party.

Either the Ministry or Corrections may make amendments to this MOU by agreement of the signatories. This MOU will then be updated to reflect any amendments agreed to.

Both the Ministry and Corrections agree that this MOU will be reviewed on an annual basis. The purpose of this review is to discuss how this MOU is operating in practice and to identify any improvements that could be made to the process.

Signatories to the Memorandum of Understanding

The Memorandum of Understanding needs to be dated (for the day it is to be signed).



Katrina Casey
Deputy Secretary
**Sector Enablement and Support
Ministry of Education**

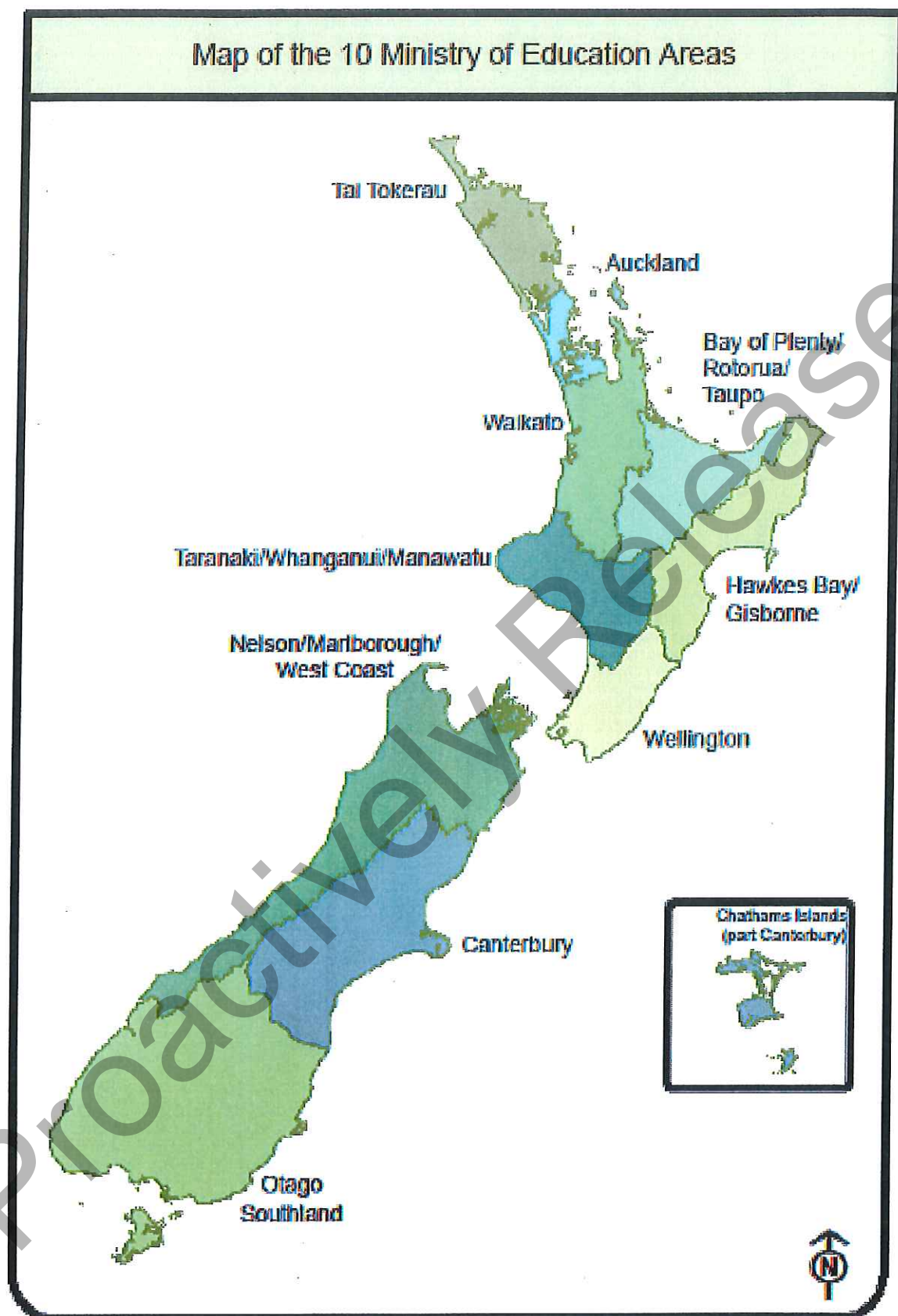
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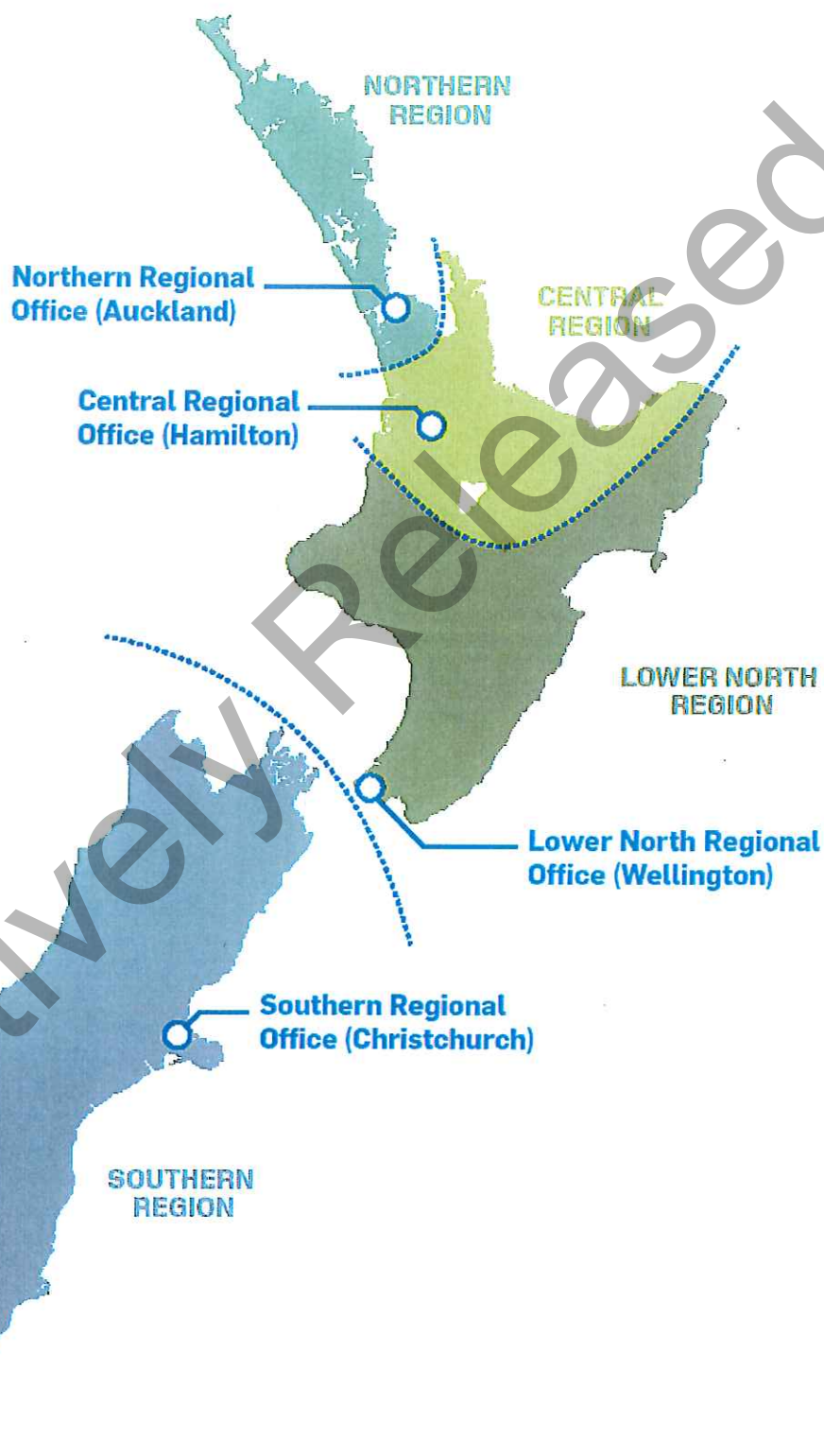
Darius Fagan
General Manager Probation and Case
Management
Department of Corrections

Date: 18/4/2019

Appendix 1 Ministry of Education regions



Appendix 2: Department of Corrections regions



Appendix 3: Department of Corrections' sites



Prisons, Corrections Facilities & Remand Centres

- A. Northland Region Corrections Facility, SH12, Ohaeawai Road, Nga Whau, Kaikohe
- B. Auckland Prison, Panmure Road, Albany, Auckland
- C. Mount Eden Corrections Facility, 1 Lauder Road, Mount Eden, Auckland
- D. Auckland Region Women's Corrections Facility, 20 Hautu Drive, Wiri, Manukau City
- E. Auckland South Corrections Facility, 21 Kiri Tamaki Road, Wiri, Manukau City
- F. Spring Hill Corrections Facility, Hampton Downs Road, Te Kaurwhata, Waikato
- G. Waikeria Prison, Waikeria Road, Te Awamutu
- H. Tongariro Prison, SH1, Hautu Road, Turangi
- I. New Plymouth Remand Centre, 52-55 Powderham Street, New Plymouth
- J. Whangarei Prison, Pauri Road, Kaitake, Whangarei

- K. Hawkes Bay Regional Prison, 139 Mangaroa Road, Bridge Pa, Hastings
- L. Manawatu Prison, Camp Road, Linton, Palmerston North
- M. Rimutaka Prison, Frayberg Road, Trentham, Upper Hutt
- N. Ararat Prison, 1 Main Road, Tawa, Wellington
- O. Christchurch Men's Prison and Matarauhi Residence (Public Probation Order Facility), 555 West Coast Road, Templeton, Christchurch
- P. Christchurch Women's Prison, Newton Road, Christchurch
- Q. Rolleston Prison, Walkers Road, Burnham, Christchurch
- R. Otago Corrections Facility, 62 Narmadale Road, Māhuru, Otago
- S. Invercargill Prison, 42 Liffey Street, Avenal, Invercargill