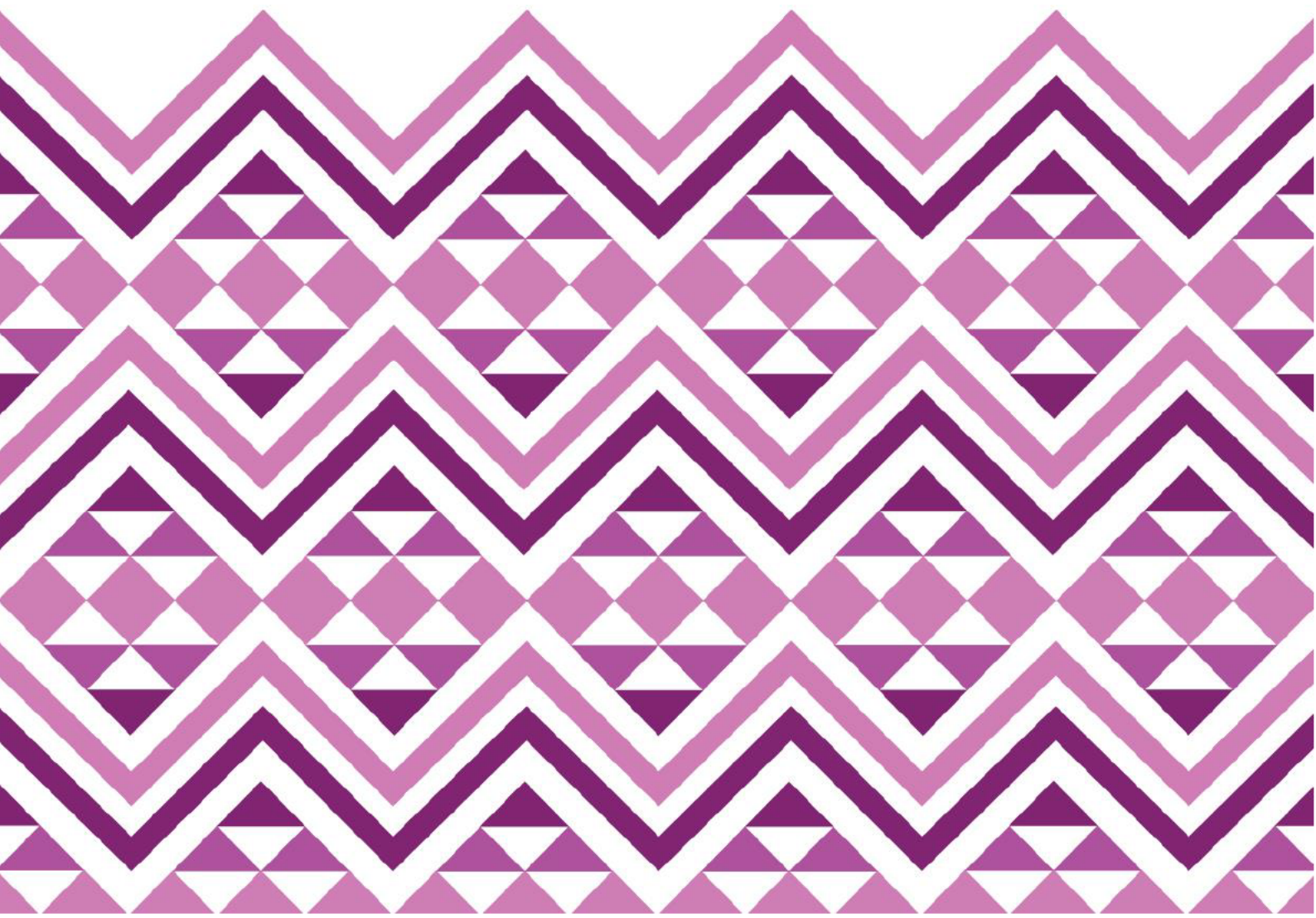


The education experiences and needs of children and young people in care or youth justice

Oranga Tamariki Action Plan

In-depth needs assessment



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Executive summary

Through the Oranga Tamariki Action Plan, Ministers and Chief Executives of children's agencies have made a commitment to prioritise the populations of interest for Oranga Tamariki

The Oranga Tamariki Action Plan and Implementation Plan set out how children's agencies will advance this commitment.

Oranga Tamariki is just one of many agencies that are jointly responsible for meeting wellbeing needs and improving outcomes for our priority populations. The Oranga Tamariki Action Plan underscores the importance of collectively prioritising the needs and wellbeing of these children, young people, and their whānau and families.

To provide a foundation for this work programme, the Oranga Tamariki Action Plan includes the action for Oranga Tamariki to lead a series of in-depth assessments focused on the housing, health and education needs of our populations of interest, including our priority populations (Māori, Pacific, disabled children and young people, migrant and refugee groups and SOGIESC¹ communities).

The purpose of the assessments is to close gaps in our understanding about the experiences of our populations of interest, and to set out where further work needs to be done by Government agencies.

This assessment addresses gaps in our understanding about the needs of children in care when they are in the education system

This document is the first in a series of education-focused assessments. It provides an overview of the education needs and experiences of children and young people in care or youth justice.

Children and young people in care or youth justice often have additional learning needs, and may need support in engaging with and achieving their education goals. These challenges are compounded for the Oranga Tamariki Action Plan priority population groups.

Children and young people in care are not always having their needs met in the education system, and want to learn

The education system does not always meet the specific needs of children and young people in care. Children and young people in care are more likely to be excluded and have adverse education experiences, which can lead to poorer life outcomes.

Children and young people who are in care, especially those who are Māori, Pacific, and/or disabled, are more likely to experience multiple layers of inequity.

¹ Sexual Orientation, Gender Identity and Expression, and Sex Characteristics

Children and young people in care have told us that they want to learn, and they want to be supported to learn and achieve in the education system.

The education system must respond to the specific needs of children in care if they are to have better experiences and equity in outcomes

Children and young people, whānau caregivers and Oranga Tamariki staff have told us what children and young people in care need in order to have better educational experiences and outcomes. We have heard that:

- the education system's role is to meet the education needs of children and young people
- Oranga Tamariki and the Ministry of Education have overlapping responsibilities to meeting the education needs of children and young people in care or youth justice
- children and young people in care or youth justice need stable, supportive learning environments that support them through transitions
- the stigma experienced by children and young people in care or youth justice means that they do not always recognise their achievements
- education is not always culturally responsive for tamariki and rangatahi Māori and Pacific children and young people in care or youth justice
- there is not enough support for the additional learning needs of children and young people in care or youth justice
- caregivers need additional support to ensure that the education needs of children and young people in their care are met.

To help achieve equity in outcomes and galvanise collective effort through the Oranga Tamariki Action Plan, this assessment identifies four key focus areas

The Ministry of Education and Oranga Tamariki will work together to:

- ensure that children and young people in care or youth justice are supported to be included in the education system through agencies better working together
- support whānau, and iwi, and Māori organisations to support children, young people in care or youth justice, and their whānau on their education journeys
- support children and young people in care or youth justice and their whānau who need additional support to actively participate in education
- support children young people and their whānau through transitional phases of their care, youth justice and/or education journeys.

Agencies are required to report back within three months on their response to the outcomes of the needs assessment

Oranga Tamariki and the Ministry of Education will report back to the Social Wellbeing Board within three months of the report being accepted by Child, Youth and Wellbeing Strategy Ministers to set out how they will respond to these four focus areas, ensuring real improvements to the educational experiences and outcomes of children and young people in this population group.

Progress towards improving the educational experiences and outcomes for the Oranga Tamariki Action Plan priority populations will be monitored through dashboard indicators, as part of action four (building an evidence-based picture of need).

Part A: Purpose and context

Purpose of the assessment

1. To deliver on action three of the Oranga Tamariki Action Plan, this document assesses the education needs and experiences of children and young people in care and youth justice². It sets out what further work needs to be done by government agencies to improve education experiences and outcomes for this population group.³
2. As specified in the Oranga Tamariki Action Plan implementation plan, agencies will report back to the Social Wellbeing Board within three months from the report being received by Child, Youth and Wellbeing Strategy (CYWS) Ministers on how they will respond to the findings of this assessment. The report back will include a work programme with targets, timelines and indicators.

Advancing the Oranga Tamariki Action Plan

3. Through the Oranga Tamariki Action Plan and Implementation Plan, the Ministry of Education and Oranga Tamariki are committed to working together to prevent harm to, and promote the wellbeing of, Oranga Tamariki priority populations.⁴
4. The focus on education through the Oranga Tamariki Action Plan supports the Child and Youth Wellbeing Strategy, which includes the outcome that children and young people are learning and developing. This means that children and young people:
 - are positively engaged with, progressing, and achieving in education
 - develop the social, emotional and communication skills they need as they progress through life
 - have the knowledge, skills, and encouragement to achieve their potential and enable choice around further education, volunteering, employment, and entrepreneurship
 - can successfully navigate life's transitions.

² This assessment uses the definitions of children and young people in care or youth justice (children and young people) that are used in the Oranga Tamariki Action Plan and Children's Act 2014. Further information can be found in Part B of this assessment.

³ This assessment focuses on the education services and supports that are delivered by the Ministry of Education and Oranga Tamariki. Separate work would be required to explore options in the non-government support space.

⁴ Oranga Tamariki Action Plan is a statutory accountability mechanism that requires the Chief Executives of children's agencies to set out how they will work together to improve the wellbeing of the core populations of interest to Oranga Tamariki. It is a requirement of the Children's Act 2014.

5. The Implementation Plan for the Oranga Tamariki Action Plan sets out steps that agencies will take over the short and medium term to promote the wellbeing of our priority populations. Through the Implementation Plan, the Ministry of Education has committed to ensuring that children and young people in the priority populations are positively engaged with and achieving in education. The first steps are to:
 - develop an Engagement in Learning Strategy which addresses the barriers children and young people, including children and young people in care, face in attendance and engagement in schools
 - support iwi and Māori social service providers to facilitate and broker educationally powerful relationships between priority learners (including those in care) and their whānau, and education services.
6. In addition, the Ministry of Education has a significant and measurable result under the Implementation Plan. This is:

‘following notification of a child or young person being placed in a care and protection residence or serving a sentence in a youth justice residence, local Ministry of Education staff will be engaged in transition planning for that child or young person no later than 30 days before their planned exit out of residence’.
7. Oranga Tamariki will also initiate a review of the Gateway assessment process, and will report to the Ministers of Health, Education and Children on the scope and approach for a review in mid-2023.
8. The Ministry of Education and Oranga Tamariki are also jointly responsible for the following actions in the Oranga Tamariki Action Plan:
 - **Action 7: Learning in residential care.** The Ministry of Education and Oranga Tamariki will continue to progress a joint work programme to respond to the Education Review Office (ERO) *Evaluation of Learning in Residential Care*.
 - **Action 8: Education high needs review.** As a part of the Highest Needs Review, the Ministry of Education is working with other agencies, including Oranga Tamariki, to consider how to align services and supports to ensure children and young people with the highest learning support needs, and their families and whānau, have access to the right support for learning to occur.
9. This assessment is the first in the series of education-related needs assessments as part of Action Three in the Oranga Tamariki Action Plan. It focuses on the education experiences of children and young people who are in care or youth justice. Subsequent education assessments will focus on:
 - young people who are transitioning to independence from care or youth justice placements, who are eligible for the Oranga Tamariki Transition Support Services, or who are care-experienced (delivery in early 2023)

- children and young people who come to the attention of Oranga Tamariki, including their whānau (delivery in mid-2023).

Methodology and approach to the assessments

10. In undertaking these assessments, Oranga Tamariki brought together and synthesised information. A thematic analysis was then undertaken to identify the key areas for action.
11. This approach included reviewing relevant literature, data, and documents, and conducting focus groups with specialist regional staff. We drew heavily on research that had been conducted with, and which emphasised, the voices of children and young people in care or youth justice.⁵ The insights gathered from research supports agencies in working together to meet the needs of the priority populations.
12. In addition, we also consulted with key government agencies as part of each assessment. For this assessment, we consulted with the Ministry of Education and Oranga Tamariki national and regional staff.
13. The Oranga Tamariki Action Plan is focused on how children's agencies – and other government agencies providing services to, for, and that impact on, the populations of interest to Oranga Tamariki – will work together to achieve the outcomes set out in the Child Youth Wellbeing Strategy for those core populations of interest. These assessments are designed to highlight areas of need, and where further work is needed by government agencies.
14. As the action areas identified in each assessment are progressed, especially where the action relates to service provision, agencies, including Oranga Tamariki, will work with external partners and stakeholders (such as providers and children and young people) as appropriate to progress that action. There may be overlaps between action areas identified in each assessment, particularly in response to system-level issues.

Context for this assessment

Oranga Tamariki and the Ministry of Education have responsibilities to meet the educational needs of children and young people in care

15. These roles and responsibilities are set out in legislation and international obligations, including the United Nations Convention on the Rights of the Child and article 24 of the United Nations Convention on the Rights of Persons with Disabilities.

⁵ This includes Oranga Tamariki research: *Experiences of Education for Children in Care* (2019), and the University of Auckland's research: *What should be changed to support young people? The voices of young people involved with Oranga Tamariki* (2021)

16. The Education and Training Act 2020⁶ is the primary vehicle setting out a child or young person's right to education in New Zealand, and the Oranga Tamariki Act 1989 (the Oranga Tamariki Act) supports this. In addition, the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (the National Care Standards) and the Oranga Tamariki (Residential Care) Regulations 1966 (the Residential Care Regulations) have some express provisions in relation to children and young people in care, and children and young people in residences. Further details on the legislative responsibilities of Oranga Tamariki and the Ministry of Education, and relevant international obligations, can be found in Appendix One.
17. Under the National Care Standards, a needs assessment must be carried out when a child or young person enters care or youth justice.⁷ A Gateway assessment may also occur, in order to build a picture of the child/young person's needs (including health, education and wellbeing), and ensure that they have access to the right services and support. A review of Gateway will occur in 2023 as part of the Oranga Tamariki Action Plan Implementation Plan.

Colonisation impacts on Māori, mātauranga Māori and educational achievement

18. Colonisation has an ongoing impact on the educational achievement of tamariki and rangatahi Māori, whānau, hapū and iwi.⁸ The Crown has obligations under Article Two of te Tiriti o Waitangi ('te Tiriti') to actively protect the interests of Māori, and their right to exercise tino rangatiratanga over their affairs, including whānau, hapū and iwi. This includes recognising te reo Māori and tamariki and rangatahi Māori as taonga, and supporting whānau, hapū and iwi to exercise agency and authority in education.
19. Enabling active protection means providing education systems that recognise the place of tamariki Māori within whānau, hapū, and iwi structures. Education systems should prioritise the revitalisation of te reo Māori, and support ākongā Māori and their whānau to pursue their individual and collective aspirations.
20. The Crown has obligations under Article Three of te Tiriti to support Māori to participate in all aspects of education and te ao Māori, and ensure that Māori have options to pursue Māori aspirations in education. To support this, services and supports for Māori should be properly resourced, delivered in a culturally responsive way, and promote equitable outcomes.
21. The principle of active protection, and Article Three of te Tiriti, require the Crown to rectify inequities experienced by Māori, and provide adequate

⁶ Most of the Education and Training Act 2020 (the Education Act) came into effect on 1 August 2020 (a few provisions are still to come into effect early in 2023). It incorporates and replaces the Education Acts 1964 and 1989 and implements changes from the Education Work Programme.

⁷ Section 7 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018.

⁸ Waitangi Tribunal. (2021). *He Pāharakeke, he Rito Whakakikīnga Whāruarua Oranga Tamariki Urgent Inquiry*. Wellington: New Zealand.

resources to address the cause of those inequities.⁹ This means that the Crown has an obligation to ensure equitable educational outcomes.

22. Oranga Tamariki has specific legislative obligations under section 7AA of the Oranga Tamariki Act 1989 in relation to te Tiriti. Section 7AA requires Oranga Tamariki to ensure that its policies, practices and services:
 - have regard to mana tamaiti and the whakapapa of tamariki and rangatahi Māori, and the whanaungatanga responsibilities of their whānau, hapū, and iwi
 - that impact on the well-being of children and young persons have the objective of reducing disparities by setting measurable outcomes for tamariki Māori and rangatahi Māori who come to the attention of Oranga Tamariki.
23. The Education and Training Act 2020 also provides reference to te Tiriti.¹⁰ In particular, section 4 of that Act provides that the purpose of the Act includes establishing and regulating an education system that honours te Tiriti o Waitangi and supports Māori-Crown relationships.

The Ministry of Education has a focus on ensuring inclusive education for all children and young people

24. Under section 5 of the Education and Training Act 2020, the Minister of Education can set out the National Education and Learning Priorities (NELP). The NELP includes the Government's priorities for education that will ensure the success and wellbeing of all children and young people. While the NELP is a statutory document, it is designed to guide early learning services, ngā kōhanga reo, schools, and kura. Early Childhood Education services (ECEs) are required to regard the NELP as part of their Governance, Management and Administration Standards. Boards of schools and kura must pay particular regard to the NELP when developing or renewing their charters.
25. The NELP is intended to support the delivery of education and learning objectives for early childhood education, primary education, and secondary education. The key learning objectives include helping the child or young person to attain their educational potential and promoting the development of the child and young person. The current NELP priorities, which could benefit children and young people in care, are found in Appendix One.
26. The Ministry of Education's Te Tūāpapa o He Pikorua (Te Tūāpapa) provides a framework for identifying learning supports which increase in intensity, depending on the needs and context of children, young people and their

⁹ Waitangi Tribunal. (2021). *He Pāharakeke, he Rito Whakakikīnga Whāruarua Oranga Tamariki Urgent Inquiry*. Wellington: New Zealand.

¹⁰ Section 9 of the Education and Training Act 2020 lists the main provisions of that Act that recognise and respect the Crown's responsibility to give effect to te Tiriti o Waitangi.

whānau.¹¹ Learning supports are supports which aim to enable ākongā to fully participate, engage, and achieve in education.

27. Te Tūāpapa provides a focus on understanding the strengths, aspirations and needs of children and young people in their different settings, and planning for meaningful and successful education pathways. It consists of Te Matua (universal), Te Kāhui (targeted) and Te Arotahi (tailored) practices.
28. There are around 85 different supports provided by the Ministry of Education, schools, and contracted providers through programmes, interventions and, services, and support. Some supports are available for particular ages or year levels while others are available for children and young people throughout the duration of their schooling. These supports can be under any combination of the three tiers.

Education is a protective factor that supports wellbeing and promotes better life outcomes

29. Evidence shows that engagement in education is a protective factor that contributes to good life outcomes. There is an association between achieving NCEA Level 2 and better life outcomes, which can be seen across different wellbeing model indicators.¹² Children and young people in care have highlighted the importance of learning, and having an education that is inclusive, affordable, and relevant. They stated that education can help to set them up for success in life and achieve their aspirations.¹³
30. Engagement in ECE and schooling can be a protective factor, particularly for children who are at risk of harm. Teachers, and ECE professionals, including kōhanga reo kaiako, play a vital role in identifying, preventing and responding to child abuse. No other professionals have such close, continuous and daily contact with children who are victims of child abuse on a long-term basis or have such an extensive knowledge of the children.¹⁴
31. Education can have a significant impact on the lives of children and young people in care. Education is critical for wellbeing and development, and supports children and young people to succeed. Poor experiences in education can follow students, trigger anxiety or exacerbate mental health issues, and lead to poor lifelong outcomes.¹⁵

¹¹ See: <https://hepikorua.education.govt.nz/how-we-work/flexible-tailored-model-of-support>

¹² Oranga Tamariki – Voices of Children and Young People. (2019). *Experiences of Education for Children in Care – Part 2: Review of New Zealand Government Data*. Wellington, New Zealand: Oranga Tamariki – Ministry for Children. See: <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Educational-experiences-of-children-in-care/Experiences-of-Education-Part-2-Data-Review.pdf>

¹³ Oranga Tamariki – Voices of Children and Young People. (2019). *Experiences of Education for Children in Care – Part 2: Review of New Zealand Government Data*. Wellington, New Zealand: Oranga Tamariki – Ministry for Children.

¹⁴ F Briggs (2020). *Child Protection: A guide for teachers and child care professionals*. Routledge, New York.

¹⁵ 2021 engagement with Senior Advisors Education and Health.

Part B: Focus of this assessment

This assessment examines the specific educational needs of children and young people in care or youth justice

32. This assessment uses the definitions of children and young people in care or youth justice (children and young people) that are used in the Oranga Tamariki Action Plan and Children's Act 2014.¹⁶ Where possible, this assessment differentiates between children and young people in community-based care,¹⁷ and children and young people in residential placements.¹⁸ The education-related needs may differ depending on where the child or young person is placed (for example, in a school in the community, compared to a school operating within a residence). Depending on the level of need, and the urgency of a child's or young person's situation, different responses may be required of government.
33. As of 30 June 2022, there are 4,722 children and young people in care, and 134 were subject to youth justice proceedings or orders.

¹⁶ Children in care is defined as children who are subject to a custody order, an order appointing a person specified in section 110(1)(a) to (e) of the Oranga Tamariki Act 1989 as their sole guardian, or an agreement for care, under Part 2 of the Oranga Tamariki Act 1989. Children subject to youth justice proceedings or orders is defined as children who are subject to proceedings or orders under Part 4 of the Oranga Tamariki Act 1989 (which relates to youth justice), or who are remanded in the custody of the chief executive of the department under section 173 or 174 of the Criminal Procedure Act 2011.

¹⁷ Community-based care refers to children and young people who are not in care and protection or youth justice residences.

¹⁸ Residential placements are where children and young people are in care and protection or youth justice residences.

34. As recorded in administrative data, the following demographic characteristics of the care and youth justice populations are:¹⁹

Table 1 Demographic characteristics of children and young people in care or youth justice

Age group	Care (%)	Youth justice (%)
0-5	23	-
6-9	23	-
10-16	47	70.5
17-18	7	29.5
Gender	Care (%)	Youth justice (%)
Male	53	87
Female	46	13
Gender diverse	0.4	-
Ethnicity	Care (%)	Youth justice (%)
Māori	57	78
Māori and Pacific	11	13
Pacific	6	5
Pākehā or other	26	4

35. Tamariki and rangatahi Māori, Pacific, and those who identify as both Māori and Pacific, are currently over-represented across the priority populations, due the enduring presence of colonisation.²⁰ Tamariki and rangatahi Māori have the highest rates of leaving school early across all types of care experience (41% of Māori and 38% of Māori and Pacific young people with any care experience have left school by age 15/16, compared to 32% of non-Māori / non-Pacific young people). These rates were higher than for young people with no care experience (21% of Māori, 19% of Māori and Pacific and 7% of non-Māori / non-Pacific young people who had no care experience left school at the age of 15/16).²¹

¹⁹ Note that the age ranges are in accordance with CYRAS data of children and young people in care.

²⁰ Waitangi Tribunal. (2021). *He Pāharakeke, he Rito Whakakikīngā Whāruarua Oranga Tamariki Urgent Inquiry*. Wellington: New Zealand.

²¹ Oranga Tamariki – Voices of Children and Young People. (2019). *Experiences of Education for Children in Care – Part 2: Review of New Zealand Government Data*.

Children and young people in care and youth justice are more likely to have adverse educational experiences in their lifetime

36. Children and young people between the ages of 5-13 have comparable rates of enrolment to the general population.²² However, between the ages of 14-17 years, children and young people in care and youth justice are less likely to be enrolled in school.²³ This may be due to young people being able to leave school at 16. The next education needs assessment will explore how Oranga Tamariki supports young people who are transitioning out of care, including those who are care-experienced. Through these assessments, we will explore how we support the 14-17 year-old cohort to be on a pathway to learning, whether that is through school-based education or other training pathways.

Children and young people in care or youth justice are more likely to change or leave school early, be stood down and/or have lower achievement levels than their peers

37. Children and young people in care and youth justice are more likely to change schools three or more times over their lifetime.²⁴ Just under two percent (1.8%) of the general population has moved school three or more times over their lifetime, compared to 25% of the in-care population. Three percent (3.4%) of the general population has moved school three or more times over their lifetime compared to 58% of the youth justice custody population. Fifty-four percent of the youth justice population have been in alternative education in their lifetime, compared with 0.24% of the comparable general population.²⁵
38. In addition, children and young people in care are more likely to be stood down, suspended or truant.
- Twenty-seven percent of the in-care population have been stood down in their lifetime, compared to 1.8% of the general population. Eighty percent of the youth justice custody population have been stood down compared with 4.5% of the general population (of comparable ages).
 - Eleven percent of the in-care population have been suspended in their lifetime, compared to 0.26% of the general population. Fifty-one percent of the youth justice custody population have been suspended, compared with 0.76% of the general population (of comparable ages).
 - Twelve percent of the in-care population have had truancy days in the last year,²⁶ compared to 0.99% of the general population. Fifty-four percent of the

²² The Integrated Data Infrastructure (IDI) data is from March 2020, as this is the period in time with the best available data across all sectors. There is no notable change in the measures used between March 2020 – June 2021 data, so for simplicity and accuracy, we have used the March 2020 data.

²³ 94% of the general population is enrolled in school as at March 2020 compared to 88% of the in-care population, and 94% of the general population is enrolled in school as at March 2020 compared to 60% of the youth justice custody population (this difference may be due to children and young people moving into remand).

²⁴ This measure excludes mandatory school changes (e.g., moving from primary school to intermediate school).

²⁵ Note that the in-care population is compared to the general population (5-17 year olds), and the youth justice population is compared with the general population (14-17 year olds).

²⁶ The past year refers to data up until March 2020.

youth justice custody population have had truancy days in the past year, compared with 1.4% of the general population.

- 39. Te Kura plays a significant role in the education system by enrolling students who have been disengaged from school. In 2021, students referred by the Ministry of Education and Oranga Tamariki made up 72% of enrolled students at Te Kura.²⁷
- 40. Young people with any care experience have lower achievement levels in NCEA, compared with those with no care experience.²⁸

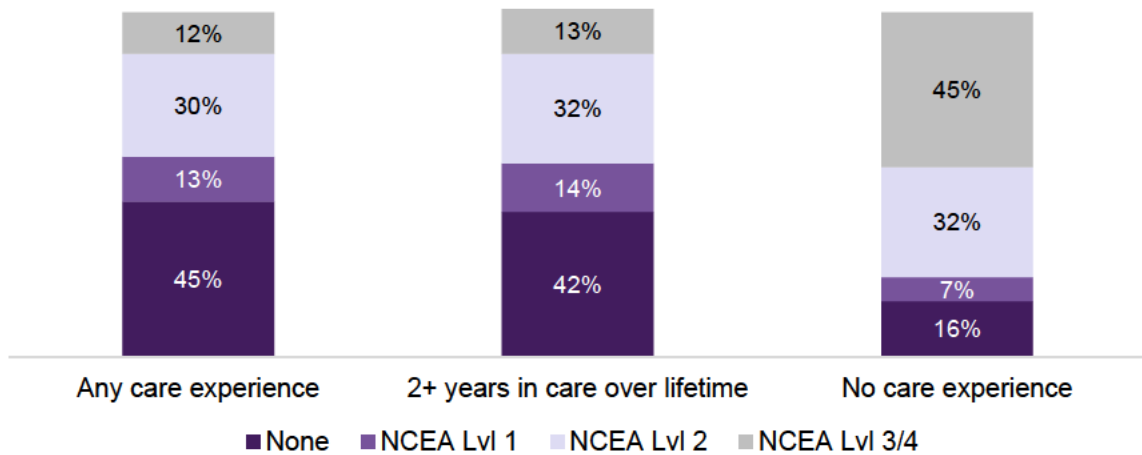


Figure 1: Secondary school education achievement among 18 to 19-year-olds, by care experience

- 41. Young people with care experience are four times more likely to leave school early, compared to young people with no care experience. Māori and Pacific young people are most likely to leave school early.²⁹

²⁷ Education Review Office. (2021). Te Aho o te Kura Pounamu: Education Review Report 5 November 2021. Wellington: New Zealand.

²⁸ Oranga Tamariki – Voices of Children and Young People. (2019). *Experiences of Education for Children in Care – Part 2: Review of New Zealand Government Data.*

²⁹ Ibid.

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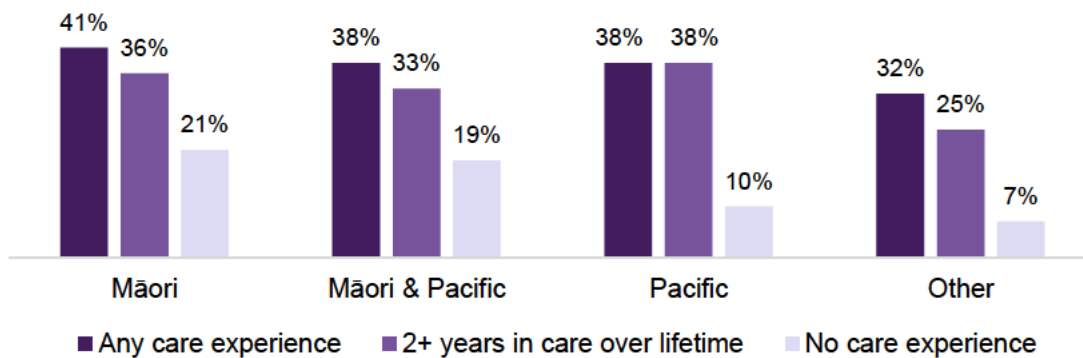


Figure 2: Proportion of 18 to 19-year-olds who left school at age 15 or 16, by ethnicity and care experience

Raising the age of children and young people in care and youth justice has improved education outcomes

42. From April 2017, the age at which young people can remain or return to a care placement increased from 17 to 18 years. The maximum age of young people in youth justice placements was also raised to 18. Since this change, improvements have been seen with higher pass rates of NCEA Level 2 or above and educational qualifications gained by age 19 at the whole cohort level.³⁰ Some providers are adapting their curriculum to offer increased options for vocational learning, in collaboration with external partners.³¹

Children and young people in care are more likely to be disabled

43. The Oranga Tamariki Action Plan estimates that between 10-25% of children and young people in care are disabled. This is a conservative estimate. Current disability measures significantly undercount the prevalence of disability among children in care. They are based on a medical diagnosis and aligned to narrow criteria which are then marked using specific and limited critical information flags in Oranga Tamariki systems. The flags, and procedures around using those flags, have not been changed since 2011.
44. Disabled children and young people are more likely to have adverse educational experiences.³² This can be exacerbated if they are also Māori and/or Pacific. There is a higher rate of disability amongst Māori. At least 14% of tamariki and rangatahi Māori are disabled, compared to 11% of all disabled children and young people.³³ Based on this, we estimate that a large number of tamariki and rangatahi Māori in care, are also disabled.
45. Disabled children and young people in care are more likely to have experienced exclusionary discipline at school, including standdowns and suspensions, and have poorer life outcomes.³⁴
46. Disabled children and young people involved with Oranga Tamariki also show lower rates of NCEA level achievement compared to the general population. Around 20% of young people with Disability Support Services (DSS) funding and Oranga Tamariki involvement achieved NCEA Level 2 or higher, compared with 57% of other young people with Oranga Tamariki involvement.³⁵

³⁰ Apatov, E. (2022). *Raising the age of care: A technical analysis*. Wellington, New Zealand: Oranga Tamariki—Ministry for Children. See: <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Raising-the-Age-of-Care-A-technical-analysis-report/Raising-age-of-care.pdf>

³¹ Education Review Office (2021). *Learning in residential care: They knew I wanted to learn*. Wellington: New Zealand.

³² Education Review Office (ERO). (2022). *Education for Disabled Learners in Schools*. Wellington, New Zealand: New Zealand Government.

³³ Health and Disability System Review. (2020). *Health and Disability System Review – Final Report – Pūrongo Whakamutunga*. See: www.systemreview.health.govt.nz/final-report

³⁴ Oranga Tamariki—Ministry for Children. (2020). *Children and young people with impairments*. Wellington, New Zealand: Oranga Tamariki—Ministry for Children.

³⁵ Oranga Tamariki—Ministry for Children. (2020). *Children and young people with impairments*. Wellington, New Zealand: Oranga Tamariki—Ministry for Children.

Part C: Current state

The education system's role is to meet the education needs of children and young people

47. The education system consists of three levels of education provision, as set out in Figure 4. There are around 190,000 children in early learning, 826,000 learners in primary and secondary education, and over 530,000 learners in tertiary education.

Education level	Age range
Early childhood education	From birth to school entry age (5-6 years of age)
Primary and secondary education (school)	From 5 to 19 years of age. <i>Note: Schooling is compulsory from age 6 to 16</i>
Further education (tertiary education)	Higher and vocational education (16+)

Figure 3: Levels of education in the New Zealand education system

48. The education system is also relatively complex, consisting of approximately 4,600 licenced ECE services, over 2,500 schools and over 200 tertiary education providers. These have a high degree of autonomy – and some are Crown entities in their own right. Within the education system there are a range of universal, targeted and individual learning support services, which some children and young people in care may access.³⁶
49. This section identifies key system gaps that prevent children and young people in care from having good educational experiences and outcomes. These system gaps are grouped into themes, which will drive change by flowing through to the focus areas and actions under the Oranga Tamariki Action Plan. The themes are explored below.

Oranga Tamariki and the Ministry of Education have overlapping responsibilities to meeting the education needs of children and young people in care or youth justice

50. The Ministry of Education and Oranga Tamariki have overlapping responsibilities for the achievement of outcomes for children and young people. The Ministry of Education's role, for example, is to be a steward for the education system, set the policy, legislative frameworks and regulations, and provide infrastructure that enables the education system to perform. At the same time, Oranga Tamariki has a statutory obligation to a child or young

³⁶ Due to the complexity of the education system, it is not possible to quantify exactly what education services and supports children and young people in care receive.

person in State care.³⁷ While the day-to-day care of the child can be provided by a person or organisation that a child or young person is placed with,³⁸ the chief executive of Oranga Tamariki remains ultimately responsible for the care of the child or young person.³⁹

51. This results in a complicated interface between the Ministry of Education and Oranga Tamariki, as well as between frontline staff and schools. Caregivers, children, families and whānau are engaging with multiple processes and a number of different staff across both Oranga Tamariki and the Ministry of Education systems to access educational support. Challenges navigating this system are compounded when the child or young person has additional learning needs that require more interaction with the system.
52. There is a lack of clarity about what information and responsibilities should be shared (as well as how and for what purposes), and confusion of the boundaries of day-to-day care for the child or young person. This creates multiple levels of responsibilities for caregivers, families and whānau, where for example:
 - the guardian of the child is responsible for deciding which school to enrol at, and for giving consent for the child to take part in extracurricular activities
 - the caregiver of the child is responsible for taking the child to the school, picking the child up if they are sick, and being involved in supporting their learning
 - the school or early education provider provides aspects of day-to-day care and needs to be informed of who to contact about educational engagement or achievement.

Children and young people in care need stable, supportive learning environments that support them through transitions

53. Children and young people in care are more likely to experience unplanned transitions in education, and need better support through transitional phases of their care and/or education journey. While it may be beneficial for schools to be informed that a child or young person is in care, knowledge of care status can lead to stigma and bullying from the child or young person's peers based on their care status.⁴⁰

³⁷ The chief executive can have the care, custody, or sole guardianship of a child or young person. Under section 105 of the Oranga Tamariki Act 1989, the chief executive has the authority to decide where to place children or young people in their care or custody. This could be with parents and guardians; a member of the child's or young person's family, whānau, hapū, iwi or family group; a caregiver; with an organisation, or in a residence.

³⁸ In accordance with Section 2, 104 (and 80), 114(2) and 148 of the Oranga Tamariki Act 1989. In some cases, this may be delegated to a section 396 provider who has the day-to-day care of the child or young persons.

³⁹ This connection is maintained by visits by social workers, and other support provided to assist the child or young person. Oranga Tamariki is still actively involved with the child or young person, even if they have been placed with another person or organisation.

⁴⁰ Oranga Tamariki – Voices of Children and Young People. (2019). *Experiences of Education for Children in Care – Part 1: Voices of children in care and key adults in their lives*. Wellington, New Zealand: Oranga Tamariki—Ministry for Children.

54. Children and young people in care are more likely to change schools more often over their lifetime, than their peers. This trend generally increases with age, even when compulsory school changes are adjusted for (such as the move from primary school to intermediate or secondary school).⁴¹ Moving schools can impact learning, relationships, supports and achievements.⁴² Children and young people in care who move schools during the school year may miss out on having their work assessed and/or credited.⁴³ Children and young people in care can also experience a sense of loss and severing of relationships with peers when they move schools.⁴⁴ Children and young people in care highlighted the importance of friendship and connecting with others, especially their peers.⁴⁵
55. Some children and young people in care also expressed that teachers sometimes do not fully support their learning needs. They noted that for teachers to better support students, they needed to be patient and provide extra detail while teaching. Doing so would help students to understand what they are learning.⁴⁶
56. Children and young people in contact with Oranga Tamariki have a lower sense of safety and sense of belonging in the education system compared to the general population. In a study of over 6,000 children and young people across New Zealand, 76% indicated they felt safe in school.⁴⁷ Only 67% of those in care indicated they felt safe at school.⁴⁸ Sixty-six percent of all children and young people surveyed felt they belonged at school.⁴⁹ In contrast, only 46% of those in care felt they belonged.⁵⁰
57. In a study of 65 students within the education system currently involved with Oranga Tamariki, students were asked what one thing would make their school or course better.⁵¹ Students raised issues such as teachers being fair to them and teaching them; feeling safe at school (especially preventing bullying), being warm and fed; and friendship and connection with others.⁵²
58. Eighty-one percent of disabled learners had teachers who were kind, helpful and cared about them. However, a quarter of disabled students do not feel accepted for who they are, and a third feel that they do not belong in school. Disabled children and young people with higher needs had poorer educational

⁴¹ Oranga Tamariki – Voices of Children and Young People. (2019). *Experiences of Education for Children in Care – Part 1: Voices of children in care and key adults in their lives*. Wellington, New Zealand: Oranga Tamariki—Ministry for Children.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Office of the Children's Commissioner & Oranga Tamariki. (2019). *What makes a good life?* Retrieved from www.occ.org.nz/publications/reports/what-makes-a-good-life/

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Fleming, T., Neems, O., King-Finau, T., Kuresa, B., Archer, D., & Clark, T. (2021). *What should be changed to support young people? The voices of young people involved with Oranga Tamariki*. The Youth19 Research Group, The University of Auckland and Victoria University of Wellington, New Zealand.

⁵² Ibid.

experiences and outcomes in general.⁵³ This has implications for children and young people in care, given the high prevalence of disability.

59. Disabled children and young people in schools serving lower socio-economic communities reported better outcomes than those at higher decile schools. Disabled children and young people at schools with high numbers of Māori students tend to feel more included, and more satisfied with how the school responded to learning needs.⁵⁴

The stigma experienced by children and young people in care or youth justice means that they do not always recognise their achievements

60. In New Zealand, 65% of children and young people worry about what people think of them when they fail in education. Girls expressed greater fear of failure than boys, and this gender gap was considerably wider amongst top-performing students.⁵⁵
61. Teachers' perceptions around ability can influence whether children and young people fulfil their potential to achieve. In a study of 1,500 children and young people, the Office of the Children's Commissioner found that having a good teacher or teachers was one of the biggest factors impacting their ability to achieve.⁵⁶ For some, the lack of a teacher's belief in their abilities was linked to their ethnicity – that is, they were seen as going to fail because they were Māori or Pacific.⁵⁷
62. Children and young people in care often experience stigma and judgement from their peers and teachers at school. Children and young people showed strong feelings of responsibility or judgements about their own work. They commonly expressed the need to improve their skills or to study hard.⁵⁸
63. Children and young people in care can also find it difficult to identify anything they are achieving at or minimise their successes when their achievements are pointed out to them.⁵⁹ Some children and young people do not recognise or celebrate their achievements or don't know what achievement looks like, and feel like they are not going to achieve at school, or that they must work harder than their peers to be recognised for their achievements.⁶⁰

⁵³ Education Review Office (2022) *Education for Disabled Learners in Schools*. Wellington: New Zealand

⁵⁴ Ibid.

⁵⁵ OECD. (2018). Programme for International Student Assessment (PISA) – New Zealand. Retrieved from https://www.oecd.org/pisa/publications/PISA2018_CN_NZL.pdf

⁵⁶ Office of the Children's Commissioner (2018). *Education matters to me: Key insights*. Retrieved from www.occ.org.nz/publications/reports/education-matters-to-me-key-insights/

⁵⁷ Ibid.

⁵⁸ Oranga Tamariki – Voices of Children and Young People. (2019). *Experiences of Education for Children in Care – Part 1: Voices of children in care and key adults in their lives*.

⁵⁹ Ibid.

⁶⁰ Ibid.

Education is not always culturally responsive for tamariki and rangatahi Māori and Pacific children and young people

64. Most children and young people in care are Māori and/or Pacific, and may not always have their cultural needs met in education. Schools and early learning services should deliver a curriculum that is culturally sustaining and engaging for all children and young people. Where needed, education services need to work with whānau, iwi, Māori and Pacific providers to support the education needs of Māori and Pacific children and young people in care.
65. Tamariki and rangatahi Māori, Pacific, or both, are currently over-represented across the priority populations for the Oranga Tamariki Action Plan. Some tamariki and rangatahi Māori in care may be being cared for away from their culture and whānau. Connection with identity, language and culture has significant impacts on the educational outcomes of these tamariki and rangatahi – for example, research shows that those outcomes improve when the education system enhances the mana, mauri and tapu of ākonga Māori.⁶¹ This benefit may in part be due to the creation of culturally safe environments that are free from low expectations and damaging stereotypes.

There is not enough support for the additional learning needs of children and young people in care

66. Children and young people in care (many of whom are disabled) can have additional learning needs which may not be identified early (potentially due to their care experience), and which need to be supported better. Children and young people in care sometimes do not receive tailored support in the education system, and their needs can be higher and more acute than the general population.
67. Oranga Tamariki staff and caregivers have raised that there is not enough support for children and young people's additional learning needs, including behavioural support.⁶² School staff need to understand how to further support students that have experienced trauma and/or have high levels of need. It can be difficult for staff to manage behaviour if they are not adequately supported or trained.⁶³
68. Caregivers stated that the need for learning difficulty-related support, and support in general, was higher when children or young people had poor wellbeing. These children and young people generally needed support with

⁶¹ Ministry of Education. (2020). *The importance of identity, language and culture for ākonga Māori*. Retrieved from https://www.educationcounts.govt.nz/_data/assets/pdf_file/0003/198642/He-Whakaaro-Importance-of-Maori-identity-language-and-culture-for-akonga-Maori.pdf

⁶² Oranga Tamariki has funding provision for tamariki and rangatahi who need student aide support, which cannot already be accessed through other agencies. The student aide support is provided with the rationale that children and young people in care have often experienced trauma and may need additional behavioural support, especially as some behaviour may pose a risk to themselves and others.

⁶³ Oranga Tamariki – Voices of Children and Young People. (2019). *Experiences of Education for Children in Care – Part 1: Voices of children in care and key adults in their lives*.

emotional and mental health, or behaviour. If the child or young person was Māori or Pacific, caregivers also wanted support to meet their cultural needs.⁶⁴

69. Examples of the support that children and young people in care need can include behaviour support, boundary setting and building their self-esteem. The number of children and young people in care who have higher needs is greater than initially envisaged when student aide support⁶⁵ was developed in the early 2000s.
70. Teachers, particularly those at secondary school, generally lack confidence in teaching disabled learners, particularly when tailoring the curriculum and assessment to disabled students or students with higher learning needs. In addition, some schools can be reluctant to include disabled children and children in care.⁶⁶
71. There are limited education options in some regions. This is particularly the case for alternative education and specialist schools. Availability of learning support services changes depending on the region. Where other education options are available, it can be difficult to access due to enrolment and transport barriers.⁶⁷

Caregivers need additional support to meet the needs of children and young people in their care, so that their education needs are met

72. In a 2019 survey of Oranga Tamariki caregivers, the majority (85%) of caregivers wanted help with some aspects of support for the child they were caring for over the past 12 months. The most common need was help with the child's education, whether childcare or schooling (49%). The survey found that the need for support for schooling and education is greater than average among Māori caregivers than non-Māori caregivers (62% cf. 54%) and children aged between 5 and 12 years compared with other age ranges (63% cf. 57%).⁶⁸
73. The most common types of additional support caregivers commented on in relation to education were:
 - money for transport so that they can collect children from school or take them to after school activities, or someone who can transport the child to and from school so the caregiver can work

⁶⁴ Nielsen. (2019). *How well is Oranga Tamariki supporting its caregivers? A survey of Oranga Tamariki caregivers*. Wellington, New Zealand: Oranga Tamariki—Ministry for Children.

⁶⁵ Student Aide Support was provided by Oranga Tamariki to ensure that children and young people in care remain engaged in education, and support their behavioural needs. It was called student aide in order to differentiate from teacher aides and different programmes run by Oranga Tamariki and the Ministry of Education. Over time and since funding devolved to sites, student aide support became colloquially known as teacher aide.

⁶⁶ Education Review Office (2022) *Education for Disabled Learners in Schools*. Wellington: New Zealand

⁶⁷ 2021 engagement with Senior Advisors Education and Health.

⁶⁸ Nielsen. (2019). *How well is Oranga Tamariki supporting its caregivers? A survey of Oranga Tamariki caregivers*.

- support to access before- and after-school care/activities
- holiday care, for example, support to help the child attend holiday activities so both the caregiver and child can get a break, or the caregiver can continue to work
- learning support to help the child do better at school, which could include better access to teacher aides
- extra tuition, and help for the child to complete homework
- behavioural management support to help the child participate at school
- information about the child's past and present educational situation.

74. In 2021, Oranga Tamariki caregivers were again asked which of the 12 areas of support they have needed for the child in the last 12 months. Around two-thirds (61%) of caregivers responding told us that their child needed support with their formal education, childcare or other aspects of schooling, up from 48% in 2019.

Part D: Driving change through the Oranga Tamariki Action Plan

There are several key initiatives underway in the Ministry of Education to improve the educational experiences and outcomes for all children and young people in New Zealand

75. The Government has put in place a major work programme to transform and improve the education system to better support children and young peoples' outcomes and wellbeing. The Ministry of Education has several strategies underway, which support the National Education Learning Priorities (NELP), and which aim to shape an education system that is high quality and delivers equitable outcomes. The strategies and action plans are intended to support priority populations, including Māori, Pacific and disabled children and young people. There is also a strong focus on improving the cultural capability of teachers and kaiako and refreshing and redesigning the National Curriculum to ensure it is relevant and culturally sustaining.
76. Some of the additional strategies and action plans include:
- *Ka Hikitia*, which sets out how the Ministry of Education will work with education services to achieve system shifts in education, and support Māori learners and their whānau, hapū and iwi to achieve excellent and equitable outcomes
 - the *Action Plan for Pacific Education 2020-2030*, which aims to have diverse Pacific learners and their families feel safe, valued and equipped to achieve their education aspirations
 - the *Learning Support Action Plan 2019-2025*, which sets out priority actions that will make the most difference, to ensure that children and young people get the right support, at the right time
 - the *Attendance and Engagement Strategy*, which sets out expectations of learners and whānau, schools, communities, and government agencies in addressing the long-term decline in regular attendance and engagement in schools.
77. However, the system needs to be more flexible and tailored, and collective effort is required in some areas to meet the specific education-related needs of children and young people in care (over and above their learning needs). This

will enable aspirational and equitable experiences and outcomes for children and young people in care.

In addition to work already underway, this assessment has identified four focus areas to drive collective effort and change through the Oranga Tamariki Action Plan

78. The Oranga Tamariki Action Plan drives shared accountability and monitoring between children's agencies (including Oranga Tamariki and the Ministry of Education), in order to improve the wellbeing of children and young people in care.
79. As specified in the Oranga Tamariki Action Plan Implementation Plan, the Ministry of Education and Oranga Tamariki will report back to the Social Wellbeing Board within three months from the report being received by Child, Youth and Wellbeing Strategy Ministers. The report back will detail how they will respond to the four focus areas identified in this needs assessment, to improve the educational experiences and outcomes for children and young people in care. The Ministry of Education and Oranga Tamariki will work together to:
 - ensure that children and young people in care or youth justice are supported to be included in the education system through agencies better working together
 - support whānau, and iwi, and Māori organisations to support children, young people in care or youth justice, and their whānau on their education journeys
 - support children and young people in care or youth justice and their whānau who need additional support to actively participate in education
 - support children young people and their whānau through transitional phases of their care, youth justice and/or education journeys.
80. The focus area actions aim to improve the education experiences and outcomes for children and young people in care. There is a strong emphasis on improving the operational relationships between the Ministry of Education and Oranga Tamariki so that children and young people receive educational services, assessments and support in a timely manner.
81. These actions complement the education-related actions already underway through the Oranga Tamariki Action Plan and the Implementation Plan. All actions are intended to work together to address the system issues that were identified in the current state. Further detail on these actions can be found in Appendix Two.
82. The focus areas, as a whole, intend to improve the experiences and outcomes for population groups (including tamariki and rangatahi Māori, Pacific and/or disabled children and young people). One of the focus areas highlights the response for tamariki and rangatahi Māori, who are over-represented in the care and youth justice population. This is due, in part, to the ongoing presence

of colonisation, and its impact on tamariki and rangatahi Māori, whānau, hapū and iwi.⁶⁹ There are also specific legislative responsibilities of Oranga Tamariki and the Ministry of Education in relation to giving effect to te Tiriti o Waitangi, and for Oranga Tamariki to reduce disparities in outcomes for tamariki and rangatahi Māori.

Children and young people in care or youth justice are supported to be included in the education system through agencies better working together

83. This needs assessment highlights the complexities of the care and education systems in supporting children and young people in care to participate and achieve in education.
84. In order to support children and young people in care in the education system, the Ministry of Education and Oranga Tamariki need to work together to ensure that Oranga Tamariki and Education staff, ECE services, and schools have the appropriate information to support decisions involving children and young people in care. In addition, the Ministry of Education and Oranga Tamariki need to articulate responsibilities about steps in relation to supporting children and young people in care to attend, engage and achieve in education.
85. The Ministry of Education and Oranga Tamariki will investigate, develop, and implement solutions to the information sharing challenges between Oranga Tamariki, the Ministry of Education and the school sector. This will ensure that agencies share relevant information in a timely manner, facilitate better working relationships between ECE services, schools, and social workers, and improve planning for children and young people in care to participate in education, especially those who require additional support for their learning and wellbeing.
86. The Ministry of Education and Oranga Tamariki will also work together to improve existing operational processes and practices. Doing so will support children and young people in care having better access to services currently available. It will also ensure that decisions made about children and young people in care (including how their information is used) are made with the input of the child and their whānau and carers, using up-to-date, relevant, information.

Whānau, and iwi and Māori organisations support children and young people in care or youth justice, and their whānau on their education journeys

87. Agencies will engage with whānau, and iwi and Māori organisations to identify how best to address education needs, including how to protect the right of Māori to have tino rangatiratanga in education and over education services and supports. Whānau, and iwi and Māori organisations know the needs of tamariki

⁶⁹ Waitangi Tribunal. (2021). *He Pāharakeke, he Rito Whakakikīnga Whāruarua Oranga Tamariki Urgent Inquiry*. Wellington: New Zealand.

Māori and rangatahi Māori, and how best to provide support to meet those needs. There may different approaches needed across different communities.

88. Examples of how whānau, and iwi and Māori organisations support services being provided to priority learners (including children and young people in care) may include identifying specific support needs which are met by iwi and Māori service providers, including options for kaupapa Māori services. We will work with whānau, iwi and Māori organisations to explore and develop what agency support would look like in action.
89. This links to the Ministry of Education's short-term priority action under the Implementation Plan to support iwi and Māori social service providers to facilitate and broker educationally powerful relationships between priority learners (including those in care) and their whānau, and education services.

Support children and young people in care or youth justice and their whānau who need additional support to actively participate in education

90. Oranga Tamariki and the Ministry of Education will work together to develop and implement operational policies to assist both agencies' frontline workforces to ensure that the additional learning support needs of children and young people in care are understood. In addition, Oranga Tamariki and the Ministry of Education will work together to ensure that specialist learning support follows the young person when they move to a different school or transition between early learning, primary, intermediate and secondary schooling to ensure consistency of support.
91. The purpose and provision of student aide support⁷⁰ will be reviewed to assess whether this support is fit for purpose. Consideration will be given to what day-to-day support is appropriate for children and young people to participate and engage in education.
92. The Ministry of Education and Oranga Tamariki will ensure that staff are informed of the appropriate person to give informed consent for children and young people in care, to enable them to gain initial and/or ongoing consent for learning support. Children and young people in care will be involved in decision-making on their learning support.
93. Oranga Tamariki will review the adequacy of financial support for whānau caregivers to meet the reasonable education-related needs of children. This may include support for school equipment, transport, and extra-curricular activities.
94. These actions will be complemented by the Ministry of Education's Highest Needs Review, which has further work underway to support children and young

⁷⁰ Oranga Tamariki has funding provision for tamariki and rangatahi who need student aide support, which cannot already be accessed by other agencies. This is separate from the Ministry of Education's learning supports.

people with the highest needs in the education system, which can include children and young people in care.

Support children, young people and their whānau through transitional phases of their care, youth justice and/or education journeys.

95. School-aged young people in care who have unexpected transitions between schools (for example, as a result of being excluded from school or moving between placements) will be prioritised when joint Ministry of Education and Oranga Tamariki operational policies are implemented.
96. The Ministry of Education, with support from Oranga Tamariki, will undertake a gap analysis and review, refresh and re-promote existing guidance to ensure it accounts for and responds to the experiences of young people in care and their barriers to education.
97. Oranga Tamariki and Ministry of Education will investigate, and identify opportunities to improve, the impact of moving between care placements and the operation of enrolment schemes on young people in care.
98. These actions are supported by the Ministry of Education's Significant Result Area, and the Ministry of Education and Oranga Tamariki joint response to the Education Review Office *Learnings in Residential Care* report.

Appendix One: Key legislative responsibilities of Oranga Tamariki and the Ministry of Education⁷¹

Oranga Tamariki Act 1989	
Oranga Tamariki Act 1989 Section	Detail
4(1)	<p>to promote the well-being of children, young persons, and their families, whānau, hapū, iwi and family groups by a range of measures, including (as set out in section 4(1)(a)(ii)) establishing, promoting, or co-ordinating services that advance positive long-term health, educational, social, economic, or other outcomes for children and young persons.</p> <p>There are other purposes of the Oranga Tamariki Act that could be relevant to education and the educational achievement of children and young people. However, section 4(1)(a)(ii) specifically mentions education.</p>
4A	In all matters relating to the administration or application of this Act, the wellbeing and best interests of the child or young persons are the first and paramount consideration, having regard to the principles set out in sections 5 and 13.
5	<p>Any court that, or person who, exercises any power under the Act must be guided by the following principles:</p> <p>5(1)(b)(vi)(B) – a holistic approach should be taken that sees the child or young person as a whole person which includes, but is not limited to, the child or young person’s educational and health Needs</p> <p>5(1)(d)(i) – the child or young person’s place within their community should be recognised, and, in particular how a decision affects the stability of a child or young person (including the stability of their education and the stability of their connections to community and other contacts), and the impact of disruption on this stability should be considered.</p>
7	it is the duty of the chief executive of Oranga Tamariki to take such positive and prompt action and steps as will in the chief executive’s opinion best ensure that the purpose of the Act in section 4 are attained and that they are attained in a manner that is consistent with the principles set out in sections 4A and 5 of the Oranga Tamariki Act.
7AA	reinforces the duty of the chief executive of Oranga Tamariki in respect of ensuring that the policies, practices and services of Oranga Tamariki have regard to mana tamaiti (tamariki). Part 4(1)(a) of the Oranga Tamariki Act 1989 provides the framework to establish, promote or coordinate services that advance positive educational outcomes for children and young people. Section 7AA reinforces the obligations of Oranga Tamariki in relation to the Treaty of Waitangi / Tiriti o Waitangi including to reduce disparities in outcomes for Māori children, and to have regard to mana tamaiti, whakapapa and whanaungatanga responsibilities.
13	<p>In addition to the principles in section 5, the court or person must be guided by the following principle:</p> <p>13(2)(j)(i)(D) – a child or young person who is in the care or custody of the chief executive or a body or an organisation approved under section 396 should receive specific protection and assistance designed to address their particular needs, including material needs relating to education, recreation and general living.</p>

⁷¹ Note that there may be other legislative provisions also required in an educational context.

Oranga Tamariki (Residential Care) Regulations 1996	
Regulation	Detail
13	<p>Every child or young person shall, where practicable, have:</p> <ul style="list-style-type: none"> • for school age children and young persons, access to educational training for no less than five hours a day (on days where State schools in the district are normally open). The educational activities may be available both inside and outside the residence, and the vocational training outside the residence (however, this does not apply to any child or young person who is enrolled at and attending any school outside the residence, or attending any education institution (other than a school), or any other educational or vocational training activity, outside the residence for an equivalent period of time); or <ul style="list-style-type: none"> ○ access to vocational training opportunities outside the residence for no less than five hours a day (on days where State schools in the district are normally open); or ○ the right to regular, structured, learning activities facilitated by residence staff, if educational and vocational activities are not available. • shall have the right to participate in regular social, recreational, sporting and cultural activities for two or more hours each day.
The Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018	
Regulation	Detail
7,11,15	<p>as part of the needs assessment that must be completed for each such child or young person (which are then followed by plans and support to meet the assessed needs), the educational or training needs of the child or young person must be assessed and when doing so, the assessment process must involve:</p> <ul style="list-style-type: none"> • identifying and considering the child's or young person's educational or training goals (that is, what they want to achieve); and • considering and planning how: <ul style="list-style-type: none"> ○ their educational needs will be addressed; and ○ the achievement of their goals will be supported through both formal and informal educational settings.
36 - 42	<ul style="list-style-type: none"> • enrolling a child or young person in a licensed early childhood service, a certified playgroup, or a registered school (depending on the age of the child) • consulting with the parents or guardians of the child in respect of which educational option (ECE, playgroup or (if applicable) school) is most appropriate for the child for children aged five years and younger and the length of time that the child should be enrolled for (for children aged 1 to 4). • taking steps to resolve any disputes that may arise from enrolling a child or young person in a particular school. • ensuring that a young person aged 16 years and over is assisted to be enrolled in school or a tertiary organisation, or to obtain employment. • taking reasonable steps to ensure that the child or young person attends school at the required times • providing assistance to support the child or young person's education and training needs • monitoring the education progress of the child or young person, ensuring that regular contact with the education provider is maintained and support, in co-ordination with other relevant agencies, educational achievement by the child or young person.

The Education and Training Act 2020	
Section	Detail
4	<p>The purpose of the Education Act is to establish and regulate an education system that –</p> <ul style="list-style-type: none"> (a) provides New Zealanders and those studying in New Zealand with the skills, knowledge, and capabilities that they need to fully participate in the labour market, society, and their communities; and (b) supports their health, safety, and well-being; and (c) assures the quality of the education provided and the institutions and educators that provide and support it; and (d) honours Te Tiriti o Waitangi and support Māori – Crown relationships. <p>There are priorities, rights and responsibilities for children and young people in primary and secondary education. Some of these include:</p> <ul style="list-style-type: none"> • right to free enrolment and free education at State schools (including entitlement to attend full-time) • students with special educational needs have same rights to education at State schools as others • domestic students aged between 6 and 16 years must be enrolled at registered school <p>Students enrolled or required to be enrolled at a registered school are required to attend whenever schools are open (except as otherwise provided in the Education Act).</p>
41	<p>A child or young person can be exempt (by the Secretary of Education, on application from the Chief Executive of Oranga Tamariki) from being enrolled in a registered school, if they have been:</p> <ul style="list-style-type: none"> • placed in a residence established under section 364 of the Oranga Tamariki Act 1989; or • placed in a residential programme instituted by, and operated under contract with, the chief executive of Oranga Tamariki, and the student would otherwise be in a residence established under section 364 of the Oranga Tamariki Act 1989; and • the child or young person is to receive education services which are appropriate to their needs.
National Education Learning Priorities (NELP)	
Priority	Detail
1	Ensure places of learning are safe, inclusive and free from racism, discrimination and bullying
2	Have high aspirations for every learner/ākonga, and support these by partnering with their whānau and communities to design and deliver education that responds to their needs, and sustains their identities, languages and cultures
3	Reduce barriers to education for all, including Māori and Pacific learners/ākonga, disabled learners/ākonga and those with learning support needs
4	Ensure every learners/ākonga gains sound foundation skills, including language, literacy and numeracy
5	Meaningfully incorporate te reo Māori and tikanga Māori into the everyday life of the place of learning
6	Develop staff to strengthen teaching, leadership and learner support capability across the education workforce

7	Collaborate with industries and employers to ensure learners/ākonga have the skills, knowledge and pathways to succeed in work.
New Zealand Bill of Rights Act 1990	
Section	Detail
19	Everyone has the right to be free from discrimination on the grounds set out in the Human Rights Act 1993 in respect of acts done by Government or any person or body in the performance of any public function, power, or duty (which includes State schools).
The United Nations Convention on the Rights of the Child	
Article	Detail
28	Every child has a right to education
29	Education shall cater to the individual's traits, talents, mental and physical abilities, and should also cater to their family, cultural identity, language and values
The United Nations Declaration on the Rights of Indigenous Persons	
Article	Detail
14	Indigenous people have the right to establish and control their educational systems and be free from discrimination
The United Nations Convention of the Rights of Persons with Disabilities	
Article	Detail
24	Persons with disabilities have a right to education and States should enable full and equal participation.
The Beijing Rules (UN Standard Minimum Rules for the Administration of Juvenile Justice)	
Rule	Detail
13.5	While in custody, juveniles shall receive care, protection and all necessary individual assistance-social, educational, vocational, psychological, medical and physical-that they may require in view of their age, sex and personality.
26.1	The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society.
26.2	Juveniles in institutions shall receive care, protection and all necessary assistance-social, educational, vocational, psychological, medical and physical-that they may require because of their age, sex, and personality and in the interest of their wholesome development.
26.3	Juveniles in institutions shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.

Appendix Two: Further details on actions

Focus Area	Action	Flow on actions (indicative)
<p>Children and young people in care or youth justice are supported to be included in the education system through agencies better working together</p>	<ul style="list-style-type: none"> • This needs assessment highlights the complexities of the care and education systems in supporting children and young people in care to enrol and achieve in education. • In order to support children and young people in care in the education system, the Ministry of Education and Oranga Tamariki need to work together to ensure that Oranga Tamariki and Education staff, ECE services, and schools have the appropriate information to support decisions involving children and young people in care. In addition, the Ministry of Education and Oranga Tamariki need to articulate responsibilities about steps in relation to supporting children and young people in care to enrol, engage and achieve in education. • The Ministry of Education and Oranga Tamariki will investigate, develop, and implement solutions to the information sharing challenges between Oranga Tamariki, the Ministry of Education and the schooling sector. This will ensure that agencies share relevant information in a timely manner, facilitate better working relationships between ECE services, schools, and social workers, and improved planning for children and young people in care to be enrolled in education, especially those who require additional support for their learning and wellbeing. • The Ministry of Education and Oranga Tamariki will also work together to improve operational processes and practices. Doing so will support children and young people in care having better access to services currently available. It will also ensure that decisions made about children and young people in care (including how their information is used) are made with the input of the child and their whānau and carers, using up-to-date, relevant, information. 	<p>The Ministry of Education will:</p> <ul style="list-style-type: none"> • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] <p>The Ministry of Education and Oranga Tamariki will:</p> <ul style="list-style-type: none"> • develop and implement agreed operational processes and policies between regional staff, and nationally, to facilitate better working relationships and planning for young people in care who require additional support for their learning and wellbeing • consider how and when a young person’s care status can and should be shared with their school and/or the Ministry of Education where it is necessary to better support for the young person’s learning and other wellbeing needs • leverage the implementation of the Significant Result Area to progress further transition planning approaches, prioritising those young people transitioning between schools due to a care placement change, exclusion or expulsion • deliver regular joint professional development information seminars for regional education and Oranga Tamariki staff about information sharing, including the information sharing provisions under the Oranga Tamariki Act and how these can be used • explore developing an agreed process between Education and Oranga Tamariki to ensure tamariki- and rangatahi-centric decision making at a national and regional level is underpinned by up to date and relevant information • develop and implement agreed operational processes and policies between Te Mahau takiwā staff, Oranga Tamariki social workers and site managers and appropriate school staff (for example, Learning Support Coordinators, Resource Teacher: Learning & Behaviours, Special Education Needs Coordinator (SENCOs) to facilitate better working relationships and planning for young people in care who require additional support for their learning and wellbeing • deliver regular joint information seminars with Te Mahau Takiwā and Oranga Tamariki staff to improve understanding about the rights of young people in education and care, the obligations/responsibilities of each agency, how the early childhood and schooling systems operate, etc.

Focus Area	Action	Flow on actions (indicative)
<p>Whānau, and iwi and Māori organisations support children and young people in care or youth justice, and their whānau on their education journeys</p>	<ul style="list-style-type: none"> • Agencies will engage with iwi and Māori to identify how best to address education needs, including how to protect the right of whānau, iwi and Māori organisations to have tino rangatiratanga in education and over education services and supports. Whānau, hapū, iwi and Māori organisations know the needs of tamariki Māori and rangatahi Māori, and how best to provide support to meet those needs. • Examples of how whānau, iwi and Māori organisations support services being provided to priority learners (including children and young people in care) may include identifying specific support needs which are met by iwi and Māori service providers, including options for kaupapa Māori services. We will work with whānau, iwi and Māori organisations to explore and develop what agency support would look like in action. • This links to the Ministry of Education’s short-term priority action under the Implementation Plan to support iwi and Māori social service providers to facilitate and broker educationally powerful relationships between priority learners (including those in care) and their whānau, and education services. 	<ul style="list-style-type: none"> • The Ministry of Education and Oranga Tamariki share information, at regional and national levels, about <ul style="list-style-type: none"> ○ whānau engagement and brokerage services provided by iwi and Māori Social Services to whānau and education services (education); and, ○ Oranga Tamariki contracts with iwi and Māori Social Services • Sharing information will provide line-of-sight about services being provided to priority learners and whānau by iwi and Māori Social Services and support streamlining of contracting and reporting arrangements. • Oranga Tamariki, with support from the Ministry of Education, will continue to survey and engage with whānau caregivers on their needs to support children on their education journey
<p>Support children and young people in care or youth justice, and their whānau who need additional support to actively participate in education</p>	<ul style="list-style-type: none"> • Oranga Tamariki and the Ministry of Education will work together to develop and implement operational policies to assist both agencies’ frontline workforces to ensure that the additional learning support needs of children and young people in care are understood, and that specialist learning support follows the young person when they move to a different school or transition between early learning, primary, intermediate and secondary schooling to ensure consistency of support. • The purpose and provision of student aide support will be reviewed, to assess whether this support is fit for purpose. Consideration will be given to what day-to-day support is appropriate for children and young people to participate and engage in education. • The Ministry of Education and Oranga Tamariki will ensure that staff are informed of the appropriate person to give informed consent for children and young people in care, in order to enable them to gain initial and/or ongoing consent for learning support. Children and young people in care will be involved in decision-making. • Oranga Tamariki will review the adequacy of financial support for whānau caregivers to meet the reasonable education-related needs of children. This may include support for school equipment, transport, and extra-curricular activities. • These actions will be complemented by the Ministry of Education’s Highest Needs Review, which has further work underway to support children and young people with the highest needs in the education system, which can include children and young people in care. 	<p>This will be further developed for the three-month report back to the Social Wellbeing Board.</p>
<p>Support children, young people and their whānau through transitional phases of their care, youth</p>	<ul style="list-style-type: none"> • School-aged young people in care who have unexpected transitions (e.g. as a result of being excluded from school or moving between placements) between schools will be prioritised when joint Ministry of Education and Oranga Tamariki operational policies are implemented. • The Ministry of Education, with support from Oranga Tamariki, will undertake a gap analysis and review, refresh and re-promote existing guidance to ensure it accounts for and responds to the experiences of young people in care and barriers to education. 	<ul style="list-style-type: none"> • Guidance the Ministry of Education will review and refresh where necessary includes: <ul style="list-style-type: none"> ○ Guidelines for the development and operation of enrolment schemes for State and State Integrated Schools ○ Guidance for Te Mahau Takiwā and Oranga Tamariki social workers about the operation of directed enrolment provision under s76 of the Education and Training Act

Focus Area	Action	Flow on actions (indicative)
justice and/or education journeys	<ul style="list-style-type: none"> Oranga Tamariki and Ministry of Education investigate, and identify opportunities to improve, the impact of moving between care placements and the operation of enrolment schemes on young people in care. These actions are supported by the Ministry of Education's Significant Result Area, and the Ministry of Education and Oranga Tamariki joint response to the Education Review Office Learnings in Residential Care report. 	<ul style="list-style-type: none"> Supporting Children in Care guide