



25 October 2019

Jack Thompson
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Dear Jack

Thank you for your email of 16 September 2019 to the Ministry of Education requesting the following information:

- 1. All information regarding what the Ministry of Education is doing to make schools more inclusive for rainbow (LGBTQI+) students.*
- 2. All information regarding what the Ministry of Education is doing to make schools more safe for rainbow (LGBTQI+) students.*
- 3a. All information regarding how the Ministry of Education ensures Rainbow students (LGBTQI+) are safe at school.*
- 3b. And What are these things?*

Your request has been considered under the Official Information Act 1982 (the Act).

The Department of the Prime Minister and Cabinet has developed New Zealand's first Child and Youth Wellbeing Strategy. A priority focus of the strategy is that children and young people live free from racism and discrimination. Work towards this is being co-led by the Ministries of Education and Justice. The Ministry of Education is in the process of identifying opportunities across education to address racism and discrimination. These are complex issues which impact on many learners, and positive change will require sustained efforts over a long period of time. As this work progresses, consideration will be given to the experiences of rainbow students, and what can be done to make schools more inclusive and safe.

Schools in New Zealand are self-governed by Boards of Trustees that determine the policies that underpin the school's direction. The Ministry of Education does not set specific rules for Boards to follow but assists Boards to meet their legal requirements and obligations. This means schools have a high level of autonomy when determining how to educate children and young people. Each individual school is able to make bylaws for the control and management of the school. These are the school rules that may do things such as set expectations around uniform and conduct.

The primary piece of legislation governing the New Zealand education system is the Education Act 1989. Under Section 61 of the Education Act, school boards of trustees are required to prepare and annually update a school charter setting out their school's mission, aims, objectives, directions, and targets. These must give effect to the Government's national education guidelines, including the National Administration Guidelines (NAGs), which can be accessed at <http://www.education.govt.nz/ministry-of-education/legislation/nags/>.

Schools are also subject to the Human Rights Act 1993, which prohibits discrimination on a number of grounds, including sex and sexual orientation.

The National Administration Guideline 1 (NAG 1) requires schools and kura to provide teaching and learning programmes within the framework of the New Zealand Curriculum (NZC). The principles of the NZC require that a school's curriculum be inclusive ("non-sexist, non-racist and non-discriminatory") and recognise and affirm students' identities.

Schools and kura are also expected to provide a broad education that includes health and physical education/Hauora. This is compulsory learning in years 1 to 10 and an optional subject at years 11 to 13.

To support curriculum teaching and learning for sexuality education, in 2015 the Ministry in consultation with the sector revised *Sexuality Education: a guide for principals, boards of trustees and teachers* (*Sexuality Education Guidelines*). This guide can be found at the following location: <http://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines/Sexuality-education-a-guide-for-principals-boards-of-trustees-and-teachers>.

Although not mandatory policy, this guidance aims to support school leaders and teachers to deliver effective, quality sexuality education curriculum leading to positive and holistic development and health for all students in New Zealand. The revision took account of changing social climates, recent youth health research, and broader understandings about sexuality and sexuality education. The Guide gives schools greater clarity on issues such as sexual violence, bullying and safety in intimate relationships.

Examples of learning at different year levels as suggested by the guide include:

- Ages 5-7: Questioning and discussing gender stereotypes, and learning to respect their peers.
- Ages 8-12: Students discuss their differences and feel good about themselves. They might also question messages and online social media environments related to gender, sexuality and diversity.
- Ages 12-15: students learn about the physical and emotional effects of sexual identity, and in senior secondary (age 15-18) they critically explore a wide range of issues relating to gender and cultural norms.

The Ministry is undertaking a refresh and renaming of the *Sexuality Education Guidelines*. The guidelines will be renamed and will have a greater emphasis on how relationships weave throughout the sexuality education pathway from year 1 through to year 13. As well as tying back to broader themes around wellbeing and mental health, we will also be strengthening the LGBTIQ+ content and ensuring concepts of sexuality are seen through a Pacific and Māori lens.

The Ministry has also developed the online *Inclusive Education: Guide to LGBTIQ+ students*. Schools are encouraged to use this guidance when developing their health education programme, and when creating a school wide inclusive environment for young people. This is found at the following location: <https://www.inclusive.tki.org.nz/guides/supporting-lgbtqa-students/>.

These guides were developed in consultation with the sector, education experts, principals and boards of trustees. They are guidance only, and are not mandatory for schools to implement.

The National Administration Guideline 5 (NAG 5) requires Boards of Trustees to provide a safe physical and emotional environment for students. Through School Charters, individual schools are required to be welcoming, cater for diversity, and provide appropriate learning environments that enable all students to achieve in an inclusive and supportive setting.

The Ministry ensures that all schools have free access to the *Wellbeing@School* toolkit. The *Wellbeing@School* website and survey tools are designed to support schools to engage in a self-review process. The survey tools explore how different layers of school life contribute to creating a safe and caring climate that deters bullying. The aim of the school self-review process is to support schools to engage in an ongoing journey towards building environments where all learners are safe and feel they belong, and evaluate their efforts in doing so.

The New Zealand Council for Educational Research has developed these tools (which include student, teacher and school self-review survey tools), with support from the Ministry of Education. The anonymous student surveys include three gender options and questions related to student feelings of safety and belonging, and experiences of bullying. For example, the intermediate and secondary student survey asks students whether peers treat them negatively because of their sexuality. Information from these surveys can be used by schools to understand the experiences and social wellbeing of their students (by age, gender and ethnicity), and to make informed decisions with regard to the selection and implementation of effective approaches and supports.

The Ministry works with the interagency Bullying Prevention Advisory Group to support schools to develop bullying prevention and response approaches that work for them. This includes providing a wide range of research based resources and guidance through the website www.bullyingfree.nz including a parents' pack, a guide for Boards, training modules for school staff and a dedicated Rainbow Youth informed LGBTQIA+ section (which can be found at <https://www.bullyingfree.nz/about-bullying/lgbtqia/>). This section provides specific guidance to schools around supporting the inclusion and wellbeing of LGBTQIA+ students alongside a range of useful links and resources.

The Ministry also works to ensure students have a safe online environment while they are at school. We fund NetSafe (<https://www.netsafe.org.nz/>) to provide schools with information on online safety and security and all schools are required to put in place their own Internet Safety policy. We also provide information to all schools around digital citizenship and cyber-safety through the Enabling e-Learning website (<http://elearning.tki.org.nz/Teaching/Digital-citizenship>).

The *Sexuality Education Guidelines* also suggest that schools review options around toilet facilities to ensure that students have choices of safe spaces. Some schools are introducing gender neutral bathrooms and uniforms, but as schools are self-managing, policies and practices regarding gender restrictions and how these are applied to transgender students are variable. Many schools are still learning how best to meet the needs of their rainbow students.

In November 2017 the Ministry released *Te Pakiaka Tangata Strengthening Student Wellbeing for Success: Guidelines to Assist NZ Secondary Schools and Wharekura in the Provision of Good Practice in Pastoral Care, and Guidance Counselling*. This resource includes a section which specifically addresses the needs of young people with diverse identities and backgrounds but also address the broader context of good practice in pastoral care and guidance counselling which is important in terms of providing safe and supportive school environments for all students. The document can be found at the following location: <https://www.education.govt.nz/assets/Documents/School/Supporting-students/Pastoral-Care-Guidelines-Te-Pakiaka-TangataNov2017.pdf>.

Currently, schools' Student Management Systems and our own reporting systems aren't always set up to capture all genders. Some of them can collect only female or male. The Ministry is working towards aligning with the Stats NZ standard for gender – i.e., Male (M), Female (F) and Gender Diverse (D). Our core database, the National Student Index (NSI) has already been changed to capture gender using this standard and we are now in the process of planning changes to ENROL. We expect all our systems and collections to accept gender capturing and reporting in accordance with the standard but this will take some time. In the meantime, we are able to support students, parents, whānau and schools who wish to amend a student's gender in a school's Student Management System and the ENROL system, on a case-by-case basis. For support or more information about this process, please contact information.sharing@education.govt.nz.

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

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Coralanne Child
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Sector Enablement and Support