



8 June 2022

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Tēnā koe Chuck

Thank you for your email of 19 April 2022 to the Ministry of Education requesting the following information:

- 1. How does the Ministry of Justice / Ministry of Education define "Grooming" - please provide any and all documents, resources detailing the differentiation between Grooming and the teaching of some of the topics relating to RSE namely pornography, masturbation, sexual identity and gender identify.*
- 2. Subject to the definition of grooming what is the complaints process required to the public upon knowing that their children are being taught this disgusting curriculum*
- 3. What is the Ministry of Educations policy on identifying teachers that are actively grooming students versus teachers that aren't grooming children - how is this differentiated between by the Ministry of Education*
- 4. The RSE material states that pornography should be taught to pre-pubescent students - please provide any and all legal documentation confirming that this isn't a crime teaching students about this subject at the ages of 9-11 - for example students are restricted from watching this material yet the Ministry of Education is actively promoting this - if this is in schools then why is the Ministry of Education excluded from similar standards in the broadcasting industry where R18 material would fit this criteria*
- 5. If you make throwaway comment in a workplace then this can be misconstrued as sexual harassment - given the students aren't as developed as adults above the age of 18 then how can children reasonably be expected to make a complaint if they are unknowingly being sexually exploited*
- 6. Given the students have access to devices on public school premises - what are the punishments for students if they are to broadcast, promote or send any videos to other students etc*
- 7. If students aren't able to share illicit material then how does the Ministry of Education justify educators etc being able to share, teach this material*
- 8. Please provide all the NGO's that have been consulted on this curriculum - can you also provide individual costs paid to date, any companies being retained to provide advice - ultimately list all external consultants and fees to date and ongoing in promoting this filth*

9. *Please provide and all measurable outcomes both positive and negative and how is MOE measuring these - for example if in 12 months sexual assaults, activity in schools has gone up then who can be held accountable*
10. *Please provide the "vetting" process for external consultants - ie what background checks are completed to determine if external consultants are predators*
11. *Please provide any and all "Legal Documentation" that was completed by the MOE with regard to promoting this filth to our most innocent - if no legal documentation was completed then why not?*

Your request has been considered under the Official Information Act 1982 (the Act), and the individual questions addressed in order below.

**1. How does the Ministry of Justice / Ministry of Education define "Grooming" - please provide any and all documents, resources detailing the differentiation between Grooming and the teaching of some of the topics relating to RSE namely pornography, masturbation, sexual identity and gender identify?**

I am refusing this part of your request under section 18(e) of the Act, as this information relates to the Ministry of Justice and falls within The Crimes Act: [Crimes Act 1961 No 43 \(as at 28 September 2017\)](#), [Public Act 131B Meeting young person following sexual grooming, etc – New Zealand Legislation](#)

We would recommend approaching the Ministry of Justice directly if you are seeking a response from them directly on this subject.

**2. Subject to the definition of grooming what is the complaints process required to the public upon knowing that their children are being taught this disgusting curriculum**

The Ministry has set out considerations for planning and teaching RSE within our recently released suite of resources in a safe and appropriate way. These instructions include specific considerations for teaching sensitive topics, and include information about what should and shouldn't be addressed in RSE teaching.

It is a legislative requirement for every school to consult with their community on how and what will be taught within their relationships and sexuality education component of health education. This ensures that a wide range of community opinions and voices are heard, including teachers and young people themselves.

Parents and caregivers can request that their young person is withdrawn from part or all of relationships and sexuality education teaching and learning by writing to the principal. Additional information about this legislation can be found within the Education and Training Act 2020 at: <https://www.legislation.govt.nz/act/public/2020/0038/latest/LMS170676.html>

I am refusing this part of your request under section 18(d) of the Act, as the information about making a complaint to a school is publicly available and can be found at the following link: <https://www.education.govt.nz/our-work/contact-us/complaints/>.

**3. What is the Ministry of Educations policy on identifying teachers that are actively grooming students versus teachers that aren't grooming children - how is this differentiated between by the Ministry of Education?**

Each school board is required to have up to date health and safety policies and procedures that help them to provide a safe, physical, and emotional environment for their students.

All children's workers must be safety checked before they start work and every three years. The safety check includes a police vetting process and an assessment to determine whether the person poses a risk to children.

In addition, where there are conduct or competence concerns about a registered teacher, a complaint should be taken to the Teaching Council. See: [Reporting a concern :: Teaching Council of Aotearoa New Zealand](#).

By law, schools and kura are required to have a Child Protection Policy that supports a strong culture of child protection. The Children's Act 2014 requires comprehensive measures to protect and improve the wellbeing of children. As part of its review of all schools, the Education Review Office checks that each school has a policy, and that it has been successfully implemented.

Schools are required to act on such incidents if they occur. This will include reporting to the Police and/or Oranga Tamariki where appropriate.

When the Ministry is made aware of concerns about student safety or wellbeing, we act. As a first step, we will contact the school and offer support, including co-ordinating with other agencies where needed.

**4. The RSE material states that pornography should be taught to pre-pubescent students - please provide any and all legal documentation confirming that this isn't a crime teaching students about this subject at the ages of 9-11 - for example students are restricted from watching this material yet the Ministry of Education is actively promoting this - if this is in schools then why is the Ministry of Education excluded from similar standards in the broadcasting industry where R18 material would fit this criteria**

The RSE materials do not state that pornography should be taught to pre-pubescent students.

Pornography is referenced in the years 9-13 *Relationships and Sexuality Education: a guide for teachers, leaders and boards of trustees* (2020), primarily to highlight the risks that come from the increased presence of pornography online. It is also briefly mentioned in the key learning at years 7 and 8 as one of many factors that students could consider when critically analysing what influences relationships.

In response to the increased presence of pornography online, the Ministry and the Classification Office have produced a resource for educators to have safe, non-judgemental and open conversations about what young people might be seeing online. The research behind this module can be found at: <https://www.classificationoffice.govt.nz/resources/research/>.

Detailed support and guidance for teachers can be found within the module. This includes a checklist to work through before teaching and learning can begin, including informing parents and whānau about the content of the relationships and sexuality education programme. There is also information about what not to do when teaching or having discussions on pornography – for example, teaching and learning about pornography does not discuss the specific content of pornography videos, and does not involve teachers or ākonga sharing information about their viewing of pornography.

The Ministry is not promoting the use of pornographic material.

**5. If you make throwaway comment in a workplace then this can be misconstrued as sexual harassment - given the students aren't as developed as adults above the age of 18 then how can children reasonably be expected to make a complaint if they are unknowingly being sexually exploited**

Comprehensive Relationships and Sexuality Education gives students an understanding of what is appropriate and not appropriate when it comes to friendships and relationships, including intimate ones. When delivered holistically, Relationships and Sexuality Education does not increase sexual activity, sexual risk-taking behaviour or STI/HIV infection rates.<sup>1</sup> It gives young people an understanding, and the tools they need to raise concerns about their own behaviour and the behaviour of others.

**6. Given the students have access to devices on public school premises - what are the punishments for students if they are to broadcast, promote or send any videos to other students etc**

This process, as with any disciplinary action, is managed individually by schools according to their policies and procedures.

**7. If students aren't able to share illicit material then how does the Ministry of Education justify educators etc being able to share, teach this material**

As outlined in the response to question 4, the pornography educator module has been created for educators and whānau, and provides learning on an issue that impacts their young people. Schools are not sharing pornographic material or teaching about the content of pornographic material.

**8. Please provide all the NGO's that have been consulted on this curriculum - can you also provide individual costs paid to date, any companies being retained to provide advice - ultimately list all external consultants and fees to date and ongoing in promoting this filth**

This is not a new curriculum. These are optional resources that link to *The New Zealand Curriculum* (2007), and have been developed to align with the Child, Youth and Wellbeing Strategy, the cross-government initiative Healthy Active Learning, the objectives of the cross-government Pornography Working Party (PWP) and in response to the Education Review Office report "Promoting Wellbeing Through Sexuality Education".

The following organisations have been consulted on this curriculum with their total amounts paid to date. None of these organisations have been retained to provide further advice on *Relationships and Sexuality Education* (2020).

Resource Title	Total Contract
Effective practice showcase videos for RSE – University of Canterbury	\$30,000.00
InsideOUT collection - InsideOut	\$47,680.41

<sup>1</sup> [https://www.jahonline.org/article/S1054-139X\(20\)30456-0/fulltext#:~:text=the%20final%20review.-Results,learning%2C%20and%20increased%20media%20literacy.](https://www.jahonline.org/article/S1054-139X(20)30456-0/fulltext#:~:text=the%20final%20review.-Results,learning%2C%20and%20increased%20media%20literacy.)

Resource Title	Total Contract
Ka huri i te kōrero – Pornography module – Classification Office, University of Canterbury	\$129,160.00
Te Ira Tangata – Te Whariki Takapou	\$31,595.00
Educator resource – University of Canterbury	\$220,000.00
Waiwhero by Ngāhuia Murphy (author)	\$320,830.00
<b>Grand Total</b>	<b>\$779,265.41</b>

**9. Please provide and all measurable outcomes both positive and negative and how is MOE measuring these - for example if in 12 months sexual assaults, activity in schools has gone up then who can be held accountable**

The Ministry does not gather data on sexual assaults in a centralised format so I am refusing this part of your request under section 18(e) of the Act as this information does not exist. Schools manage their own complaints process unless escalated to the Ministry of Education for support.

Teaching and learning outcomes will be measured through the Curriculum Leads initiative, providing feedback around the use of the resources, which may result in future refreshes or additions to the resources.

**10. Please provide the "vetting" process for external consultants - i.e. what background checks are completed to determine if external consultants are predators**

Providers involved in developing our various resources adhere to panel or external party requirements including the Children's Act 2014. The Ministry undertakes its own due diligence when entering into contractual agreements with providers, and includes confirmation that they have a robust vulnerable children's policy, as well as adherence to health and safety requirements.

**11. Please provide any and all "Legal Documentation" that was completed by the MOE with regard to promoting this filth to our most innocent - if no legal documentation was completed then why not?**

I am refusing this part of your request under section 18(e) of the Act, as this information does not exist. There was no legal documentation completed by the Ministry, as this material did not require it for the reasons stated above. It is a function of the Ministry to work with the sector and other agencies to develop and update curriculum materials as required.

**12. To add to this can you also provide official MOE policy on**

- a. communications on any MOE approved devices for educators and MOE staff - eg can MOE staff transmit via email/sms etc etc pornographic material freely across official MOE channels?
- b. if not why not and what are penalties, ramifications associated with transmitting this material
- c. please also provide official MOE code of conduct on sexual harassment

We have attached the following Ministry policies as **Appendix A** to your response, which includes actions that will be taken in the event that an employee breaches these policies. Please note that teachers are employed by their schools, not by the Ministry:

- Ministry of Education's Appropriate Information and Communications (ICT) Use Policy
- Ministry of Education's Code of Conduct
- Ministry of Education's Sexual Harassment Guidelines.

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 my decision on your request, in accordance with section 28 of the Act. You can do this by writing to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Pauline Cleaver  
**Associate Deputy Secretary**  
**Te Mahau | Te Poutāhū (Curriculum Centre)**