



**Te Tāhuhu o
te Mātauranga**
Ministry of Education

Spencer Jones
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14 May 2026

Tēnā koe Spencer

OIA: [GEMS- 47721] – OIA Follow-Up to previous requests GEMS-47428 & GEMS-47429

Thank you for your further correspondence of 15 April 2026 to the Ministry of Education (the Ministry) regarding our response of 15 April 2026 to your requests about the use of trespass notices in state schools, references GEMS-47428 and GEMS-47429.

Your full request is included as **Annex A** below and has been considered under the Official Information Act 1982 (the Act).

The Ministry needs to extend the timeframe for responding to your request, pursuant to section 15A(1)(b) of the Act, as consultations necessary to make a decision on the request are such that a proper response cannot reasonably be made within the original time limit. You can now expect to receive a response to your request on or before 28 May 2026, which is an extension of 10 working days.

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 or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'T Firth'.

Tess Firth
**Senior Advisor Official and Parliamentary Information
Government, Executive and Ministerial Services**

Annex A – Inwards Email

I refer to your response dated 15 April 2026 to my request regarding the use of trespass notices in state schools.

Your response states that:

- The Ministry does not issue guidance, policies, or templates*
- The Ministry does not collect data or complaints*
- The Ministry does not hold reports or briefings*
- The Ministry does not verify compliance or seek assurance*
- The request was refused under s18(g) on the basis that the information is not held and “there is no reason to believe it is held by another agency or more closely connected”*

Part 1 – Search Adequacy (s13 duty to assist)

Please confirm the following regarding your decision:

1. Search Scope

- What systems, repositories, and record classes were searched (e.g. email systems, Ministerial servicing records, policy units, legal team records)?*
- Which business units were consulted (e.g. School Governance, Legal Services, Regional Offices)?*

2. Search Methodology

- What keywords or search parameters were used?*
- Were searches conducted across:*
- Ministerial correspondence*
- Briefing trackers / registers*
- Risk or incident reporting systems*
- Complaints escalation channels*

3. Staff Consultation

• Which roles or positions (not names) were consulted before concluding the information is not held?

4. Record Existence Threshold

- Please confirm whether the Ministry is asserting:*
- (a) No records exist; or*
- (b) Records may exist but were not located*

Part 2 – Decision Chain & Governance Responsibility

Your response asserts no policy, oversight, or assurance role.

Please provide:

5. Any documents (including Cabinet papers, RIS, internal memos, or legal advice) that define or confirm:

- The Ministry’s position on trespass notices in schools*
- The boundary of responsibility between:*
- School Boards*

- Ministry of Education
 - Any other agency (e.g. NZSTA, Teaching Council, Police)
6. Any internal discussion, analysis, or advice (since 2015) regarding:
- Risks associated with use or misuse of trespass notices
 - Impacts on students, parents, or access to education
 - Potential need for guidance, monitoring, or intervention

Part 3 – Oversight Gap Confirmation (Critical)

Your response implies a complete absence of oversight in this area.

Please confirm whether the Ministry:

7. Has ever considered introducing:
- Guidance
 - Monitoring
 - Reporting mechanisms
 - Complaint pathways specific to trespass use
8. Holds any risk assessments, issue logs, or escalations relating to:
- School exclusion practices
 - Parent access restrictions
 - Use of legal mechanisms (including trespass) within school environments

Part 4 – “No Other Agency” Assertion (Challenge to s18(g))

You stated there is “no reason to believe the information is held by another agency or more closely connected with another agency’s functions.”

Please provide:

9. The basis for this conclusion, including:
- Whether any consideration was given to:
 - New Zealand School Trustees Association (NZSTA)
 - Teaching Council of Aotearoa New Zealand
 - Ministry of Justice (trespass legislation interface)
 - New Zealand Police (enforcement context)
10. Any internal record (email, memo, or note) documenting:
- The decision not to transfer the request under s14

Part 5 – Recordkeeping & Public Records Act Interface

Given the Ministry’s role in the education system, please provide:

11. Any record retention / disposal authority references relevant to:
- School governance issues
 - Legal or disciplinary actions involving parents or caregivers
12. Confirmation whether the absence of records reflects:
- (a) No function exists

- *(b) A function exists but is not recorded or monitored*
- *(c) Records exist but are held outside Ministry systems*

Clarification of Refusal Grounds

If any information falling within the above scope is held, this request serves as a refinement of scope and should be treated accordingly.

If you maintain reliance on s18(g), please ensure your response complies with:

- *Ombudsman guidance on search adequacy*
- *Duty to assist under s13*
- *Proper consideration of transfer under s14*

Purpose of Request

This request seeks to clarify whether the Ministry's position represents:

- *A genuine absence of information, or*
- *A systemic governance gap in oversight, monitoring, and accountability*

*Kind regards,
Spencer Jones*