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29 May 2026

Tēnā koe Spencer

**OIA: GEMS- 47721 – OIA Follow-Up to previous request GEMS-47429**

Thank you for your further correspondence of 15 April 2026 to the Ministry of Education (the Ministry) regarding our response of the same date 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 Official Information Act 1982 (the Act). I will respond to each part of your request in turn.

**Part One – search adequacy**

In responding to your original request, and to this request, the Ministry undertook reasonable searches proportionate to the scope of the request, including consultation with relevant business areas. The following business areas and information systems were searched or queried:

- School Operations team
- Te Mahau | Education Services – Operational Standards and Support
- Government, Executive and Ministerial Services
- The Ministry-wide project management and issue-tracking tool
- Outlook mailboxes
- Microsoft SharePoint
- Team folders
- Shared drives
- Archived and legacy records systems (including historical filing and storage repositories)
- Online content
- Ministry Bulletins
- Ministry media logs.

No additional record classes were identified as reasonably likely to hold information matching the specific subject matter of your request.

Searches were undertaken using a keyword search and manual reviews informed by business-area knowledge. Search terms included combinations of “trespass” and “trespass notice”.

Consultation occurred with staff in the following roles:

- Principal Advisor – School Operations, Operational Standards and Support, Te Mahau | Education Services
- Group General Manager Operational Standards and Support, Te Mahau | Education Services
- Principal Advisor to the GGM, Operational Standards & Supports, Te Mahau | Education Services
- Principal Advisor, Government, Executive and Ministerial Services

No records were identified that constitute Ministry-issued guidance, policy, advisory material, oversight, monitoring, or assurance relating to the use of trespass notices by schools.

These consultations confirmed that the Ministry does not issue or hold any operational or governance guidance relating to the use of trespass notices in schools. Accordingly, we maintain that it was appropriate to refuse your request under section 18(g) of the Act, as the information requested is not held by the Ministry and there is no reason to believe it is held by, or more closely connected with the functions of, another department or organisation subject to the Act.

## **Part Two– Decision Chain & Governance Responsibility**

The Ministry does not hold any documentation that defines or confirms the Ministry’s position on trespass notices in schools, the boundary between the Ministry and school boards, or any other agency.

This part of your request is therefore refused under section 18(g) of the Act, as above.

The Ministry does hold information regarding individual cases involving trespass notices and the impact on specific students’ right to attend school. However, I am withholding this information in full under section 9(2)(h) of the Act, to maintain legal professional privilege.

As required under section 9(1) of the Act, I have considered the public interest in releasing the information withheld. I do not consider that the public interest considerations favouring the release of this information are sufficient to outweigh the need to withhold it at this time.

### **Part Three - Oversight**

The Ministry has not formally considered or progressed the provision of guidance, monitoring, reporting mechanisms, or complaint pathways specific to trespass use in this area as this is provided by the New Zealand School Boards Association (NZSBA).

Issue logs and/or escalations will be held by NZSBA and not the Ministry, including in relation to school exclusion practices, parent access restrictions, and the use of legal mechanisms within school environments. This reflects the legislated governance model, under which school boards are responsible for school-level decisions, and the Ministry does not exercise direction or approval authority over such matters.

### **Part Four - “No Other Agency” Assertion (Challenge to s18(g))**

In considering whether transfer of the request under section 14 of the Act was required, the Ministry considered the statutory roles of the agencies you identified.

- NZSBA provides advisory services to school boards, but is not subject to the Act.
- The Teaching Council of Aotearoa New Zealand is the professional body for teachers, responsible for setting teaching standards, issuing practicing certificates, and upholding professional conduct. It does not oversee board governance decisions, including providing advice or guidelines about issuing trespass notices
- The Ministry of Justice does not provide guidance, policies, or templates to schools on the use of trespass notices
- New Zealand Police may enforce trespass notices operationally, but do not set school governance or policy direction.

The decision not to transfer the request was made as part of our standard assessment process. The Ministry did not consider that the information requested would be held by, or more closely connected with the functions of, another department or organisation subject to the Act.

### **Part Five - Recordkeeping & Public Records Act Interface**

The Ministry’s obligations under the Public Records Act 2005 apply to records that relate to its own functions. School-level governance decisions involving parents or caregivers are records of individual school boards, not Ministry records. Accordingly, these records would not fall within Ministry retention or disposal authorities.

The appropriate description is that no Ministry function exists in relation to issuing, oversight, or monitoring of trespass notices used by schools.

The absence of records does not reflect a failure to record Ministry activities, but rather the absence of a Ministry role in this area.

## Conclusion

Having reconsidered your request in light of your refinement, the Ministry maintains that the information described is not held. The refusal under section 18(g) of the Act therefore continues to apply.

We confirm that the Ministry has taken reasonable steps to identify whether such information is held, has met its duty to assist under section 13, and has properly considered whether transfer under section 14 was required.

You may be interested to know that the Ministry responded to a similar request for official information on this topic in June 2023, which sought Ministry guidelines to schools and early childhood education providers regarding process and best-practice considerations for the use of trespass notices. That request was refused under section 18(e) of the Act, as information did not exist. As outlined above, there have been no material changes to the Ministry's role or record holdings in this area since that time.

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.

Ngā mihi



Helen Hurst

**Group General Manager Operational Standards and Support**  
**Te Mahau | Education Services**

## **Annex A – Inwards**

*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*