

From: [Angelique Kerr](#)
To: [Ministerial Requests](#)
Subject: C002195
Date: Thursday, 5 April 2018 11:23:30 a.m.

For draft reply

From: Marama Kainamu-Wheeler
Sent: Tuesday, 3 April 2018 12:29 PM
To: Angelique Kerr <xxxxxxxxx.xxxx@xxxxxxxxxxx.xxxx.xx>
Subject: RE: Waitakere Area Principals Association meeting with Tracey Martin this morning

Kia ora Angelique

Will your Minister respond to this one?

Marama

From: K Davis (MIN)
Sent: Monday, 26 March 2018 11:05 AM
To: Marama Kainamu-Wheeler <xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxxx.xx>
Subject: FW: Waitakere Area Principals Association meeting with Tracey Martin this morning

Please see correspondence below.

Kind regards,

Kaitlyn de Lugt | Roving Private Secretary (Administration)

Office of Hon Kelvin Davis

Minister of Corrections

Minister for Crown/Maori Relations

Minister of Tourism

Associate Minister of Education (Maori Education)

xxxxxxxxxxxx@xxxxxxxxxxx.xxxx.xx

Parliamentary Service Te Ratonga Whare Paremata
Private Bag 18041, Wellington 6160, New Zealand
www.parliament.nz

From: Kelly Stratton **On Behalf Of** Office Davis
Sent: Monday, 26 March 2018 9:44 AM
To: K Davis (MIN) <x.xxxxx@xxxxxxxxxxx.xxxx.xx>
Subject: FW: Waitakere Area Principals Association meeting with Tracey Martin this morning

Naku noa, na

Kelly Stratton | **On Behalf of Hon Kelvin Davis**

Hon Kelvin Davis MP Te Tai Tokerau | Landline +64 9 408 4010 |
xxxxxx.xxxxx@xxxxxxxxxxx.xxxx.xx

Authorised by Kelvin Davis MP, Parliamentary Buildings, Wellington

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From: Donal Mclean [<mailto:xxxxxxxxxxxx@xxxxxxxxxxx.xxxx.xx>]

Sent: Friday, 23 March 2018 12:03 PM

To: Hon Tracey Martin <xxxxxx.xxxxx@xxxxxxxxxxx.xxxx.xx>; Hon Chris Hipkins <xxxxxx.xxxxx@xxxxxxxxxxx.xxxx.xx>; Hon Jenny Salesa <xxxxxx.xxxxx@xxxxxxxxxxx.xxxx.xx>; Hon Kelvin Davis <xxxxxx.xxxxx@xxxxxxxxxxx.xxxx.xx>

Subject: Waitakere Area Principals Association meeting with Tracey Martin this morning

Kia Ora Koutou Ministers Hipkins and Martin, Salesa and Davis
WAPA met with Minister Tracey Martin this morning 7:30 -9am

It was a very useful meeting where much was spoken that helped we as educators to get alongside our ministers.

Challenges were thrown out on both sides and respectfully dealt with by both sides. The Waitakere Area Principals Association would be more than happy to engage with the ministry in the summits and beyond these

A sea change of respectfulness and responsibility was in evidence and the 90 principals and senior leadership in the room left very heartened. .

This is in stark contrast to the previous governments approach to education.

We spoke of all topics concerning education but in short these themes were covered

Discussion Theme #1: Learning Support

1. Restraint & Seclusion guidelines, an update and next steps
2. Funding for students with Mental Health issues
3. Improving support systems to schools
4. Understanding and working with the data

Discussion Theme #2: Property

1. Managing timeframes
2. Transparency of process
3. Ensuring equity

Discussion Theme #3: System Change

1. Learning support system review, an update and next steps

2. Educanz, an update and next steps.
3. WAPA's role in the Education Summit.
4. Understanding and working with the concept of 'progress' in assessment

Discussion Theme#4: Teacher Supply & Principal Wellbeing

1. Teacher Supply, an update and next steps
2. System change will increase workloads, plans for mitigating this
3. How will we fulfil the 30 year plan without quality teachers

These themes were specifically spoken too and the ministers passion and process was evident as was her relationship to all of you inside the education port olio that hold positions of responsibility

Thank-you Associate Minister Martin.

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Donal McLean
Principal



Fruitvale School
Email: principal@fruitvale.school.nz
Phone: 09 8272752 Mob: 9(2)(a)

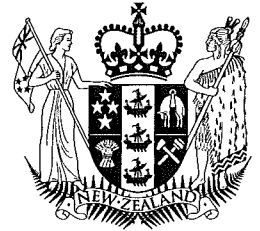
President
Waitakere Area Principals Association

"Be the change you want in the world" Gandhi

Hon Tracey Martin

Minister for Children
Minister of Internal Affairs
Minister for Seniors

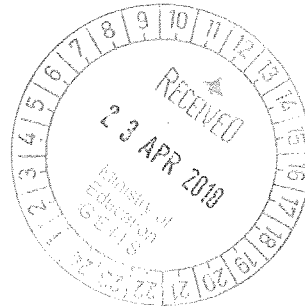
Associate Minister of Education



20 APR 2018

Donal McLean
Principal
Fruitvale School

principal@fruitvale.school.nz



Dear Donal

Thank you for your email of 23 March 2018 about the meeting between the Waitakere Area Principals' Association and myself.

I appreciated the opportunity to discuss a broad range of issues with your members. I am pleased you are supportive of our approach in engaging with educators in a collaborative way.

I want to thank the principals of Waitakere for their commitment to supporting every child to be the best they can be. The Government is committed to developing a learning support system in which children have their individual needs identified and supported early. We want to see every child in New Zealand receive a high-quality education and have the opportunity to achieve.

All education strategies require a skilled and sufficient workforce to implement them. It is important we attract the very best teachers to deliver positive change and provide ongoing development opportunities to support them throughout their careers.

It is unfortunate I was not able to attend a further meeting with you as originally planned. I hope to be able to have that conversation in the future.

I look forward to the Education Summit in May this year and the opportunity to progress a national conversation on education and establish agreed priorities across the system.

Thank you again for writing.

Yours sincerely

Hon Tracey Martin
Associate Minister of Education

From: 9(2)(a)
To: [Hon Tracey Martin](#)
Subject: Restraint guidelines
Date: Tuesday, 4 September 2018 7:45:43 p.m.

Kia Ora Tracey

With an upcoming Te Tai Tokerau Principals meeting coming up Im just wondering if there have been any developments fre

9(2)(a)

Released under the Official Information Act 1982

From: 9(2)(a)
To: [Hon Tracey Martin](#)
Subject: Oops sent before finished
Date: Tuesday, 4 September 2018 7:52:31 p.m.

... query where the Restraint of pupils request for reviewing is at. If you recall the way it is interpreted both by MOE and schools takes common sense out of the equation.

Arohanui

9(2)(a)

Released under the Official Information Act 1982

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 4 September 2018 about the review of restraint of pupils. You may know the Education (Physical Restraint) Rules 2017 are available at www.education.govt.nz/assets/Documents/News/2017-Physical-Restraint-Rules-2017.pdf.

The Act limits the use of physical restraint by teachers to situations where staff reasonably believe that the safety of the student or of any other person is at serious and imminent risk and the restraint used is reasonable and proportionate in the circumstances.

Guidelines for school and teachers have been issued under the legislation to help schools understand the legislation and follow it. They can be found at www.education.govt.nz/assets/Documents/School/Managing-and-supporting-students/Guidance-for-New-Zealand-Schools-on-Behaviour-Mgmt-to-Minimise-Physical-....pdf. They aim to address the uncertainty staff experience when faced with a student exhibiting difficult behaviour that may escalate into a dangerous situation.

The Ministry of Education is reconvening the Physical Restraint Advisory Group as the legal framework has been in place for one year. The Group will look at the guidelines in light of their use over the last twelve months.

Thank you again for writing.

Yours sincerely

Hon Tracey Martin
Associate Minister of Education

From: [Angelique Kerr](#)
To: [Ministerial Requests](#)
Subject: C004058
Date: Monday, 24 September 2018 1:40:30 p.m.
Attachments: [Chris Hipkins.docx](#)

For draft reply

From: 9(2)(a)
Sent: Saturday, 22 September 2018 5:04 PM
To: Hon Chris Hipkins <Chris.Hipkins@parliament.govt.nz>
Cc: 9(2)(a)
Subject: Child restraint regulations in schools

Dear Mr Hipkins

Please find attached a letter re child restraint practices not working at our school

This has been also shared with the Board and discussed with them throughout the year

Regards

9(2)(a)

Released under the Official Information Act 1982

9(2)(a)

22nd September 2018
Chris Hipkins
Minister of Education
Wellington
E mail chris.hipkins@parliament.govt.nz
cc 9(2)(a)

Dear Mr Hipkins

RE: Use of Physical Restraint

As a Principal I have found the implications of the legislation relating to the use of physical restraint very difficult in terms of supporting our parents. We have struggled with several cases this year.

Numerous times parents have asked for help when their 5 year olds have difficulty disengaging. Parents have also asked for help in getting the students out of the car and support getting them to school. Each time we can offer support but can't take the child from the parent even when the parent asks us to do this. Recently we have had to restrain a child who was running out on to the road after his parents.

We have a 6-year-old, and under learning support. The parents are strongly wanting us to take him out of difficult situations and put him in time out e.g. Principal's office for a short time. He has trashed the classroom, hit students, hit the teacher Aide several times..once nearly winding her and the second time throwing a metal gardening tool at her which has resulted in a head injury, possible mild concussion, 3 days away from school and then no longer willing to work with the student. We recognise that we can apply physical restraint when his own safety or the safety of others is evident but it isn't always in time before an incident. The parents recognise taking their child away from the place where he loses control is in the best interest of the safe and emotional environment for their son, other students and staff. The parents would like us to follow the way they deal with him at home e.g. restraining for a short period of time and then time out to address the issues created. They are willing to sign permission for us to use physical restraint.

We have undertaken as a staff Learning Support Ministry training called UBRS and also a group of teachers have undertaking training in applying physical restraint called MAPA training. We also have great support from the learning support team

A second case is also a special needs student enrolled for 3 years. Before the restraint laws came in we were able to support the Mother with separation. Now under the new guidelines we have been unable to offer this support for the Mum. We send a teacher Aide to the home for 2 hours a week and an outreach teacher attends 1 day a week. but she hasn't been at school since the beginning of term 1. We are implementing a requirement that she must start back at school in term 4 and stressing it is the parent's requirements to get their child to school!! Learning support have been involved the whole time

A third instance. We have another year 3 student who is really struggling to get to school. He has anxieties and so does Mum. We have had meetings and put in all sorts of strategies and there has been some improvement. However, the student knows we can't restrain him and has run off home and the mother often can't get him to school, or when she does it is for part of the day

Common sense to me would be allow restraint to also happen where parents give written consent and agree to the type of restraint and time to be restrained etc.

I look forward to changes that support parents and schools

9(2)(a)



Hon Chris Hipkins



MP for Rimutaka

Minister of Education

Minister of State Services

Leader of the House

Minister Responsible for Ministerial Services

30 OCT 2018

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 22 September 2018 sharing your experience of how legislation that limits the use of physical restraint has impacted your school. Principals and teachers are very skilled at what they do and I value the important role you play in the lives of children.

Every day, teachers and principals use their professional judgement to effectively manage challenging or complex behaviour in schools, which includes applying prevention and de-escalation techniques.

I know there are situations where de-escalation strategies are not effective or teachers are not able to intervene early. On these occasions a student may need to be physically restrained. In 2017, changes to the Education Act came into effect to protect teachers when they use physical restraint in school. The associated physical restraint guidelines outline when it is appropriate to use physical restraint, and when it is not.

Given that the physical restraint guidelines have been in place for a year, the Ministry is refreshing them to make them clearer and easier to use. As part of this, it will work through issues schools may have with practically applying the guidelines. The first step in this process was reconvening the Physical Restraint Advisory Group to discuss the best way to update the guidelines, and address concerns raised by principals and teachers. Your comments have been forwarded to the Ministry for consideration as part of this review.

Thank you for writing and sharing your concerns. I wish everyone at Glendowie School all the very best.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CH', representing Chris Hipkins.

Chris Hipkins
Minister of Education

From: [Angelique Kerr](#)
To: [Ministerial Requests](#)
Subject: C004457
Date: Thursday, 27 September 2018 2:29:21 p.m.
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)

For draft reply

From: 9(2)(a)
Sent: Thursday, 27 September 2018 10:24 AM
To: Hon Chris Hipkins <xxxxx.xxxxxxx@xxxxxxxxxx.xxxx.xx>
Subject: Response to MOE lack of understanding!

MY RESPONSE TO MR DAVID WALES NATIONAL MANAGER LEARNING SUPPORT MINISTRY OF EDUCATION

27 June 2018

Kia Ora Chris

So the ministry is monitoring even the Northland Age. See the letter below to the Editor, from a David Wales who calls himself National Manager Learning Support. Pity that he hadn't spent the time understanding our problem instead of trying to defend the indefensible...

David Wales's response, shows a total lack of understanding of our problem. Remember this is the same person who stated that if we had violent children we should call the Police, even if we were a 100km away from a Police Station.

His response misconstrues what our concerns are, and treats us like country bumpkins who don't understand how helpful his guidelines actually are for us! David also makes out that all those attending the meeting in Wellington were totally in agreement with the Ministry stance, which we know is totally untrue, and he basically laments that we at the coal face, don't understand!

Let's be clear...

I have never said that Ministry of Education prohibited teachers from physically restraining children who are behaving dangerously in school!! However, we have given at least one example of a principal following Ministry Guidelines who as a result was put through a 3.5month investigation by police and treated like a criminal with no support from Ministry.

What David Wales and his ghost writer in the Ministry fail to grasp is the unintended

consequences of the guidelines with regards dealing with children who are not being a danger to themselves or others!

The child smashing equipment or destroying a room... guidelines say remove all the other children and leave the child in room, presumably until they have destroyed everything! David do you really believe that that is what most people would consider was the best way to handle such a situation, or is it Mad Hatter territory?

The 5-year-old throwing a tantrum because they don't want mum or dad to go and leave them at school and keeps trying to run after her or him!!! A school is under the guidelines not allowed to restrain them and calm them down as we used to for years
David do you really believe that that is what most people would consider was the best way to handle such a situation, or is it Mad Hatter territory?

The child refusing to get out of a car and walk into school.... we are not allowed to pick the child up and carry them into school as we have done for years. David do you really believe that that is what most people would consider was the best way to handle such a situation, or is it Mad Hatter territory?

The child running out of the school grounds we are not allowed to stop.... we are told we cannot restrain until they put themselves in danger... so we run after them and wait till they run out on the road in front of a truck??? David do you really believe that that is what most people would consider was the best way to handle such a situation, or is it Mad Hatter territory?

I would love David and his office bound colleagues to actually deal with the daily occurrences we have to deal with in our classrooms. Then instead of spending time defending the indefensible, they just might do what they are paid to do: - actually help us!!

David Wales obviously does not understand the real need for change with regards restraint He also forgot coincidentally to mention that the Ministry responses at the meeting in Wellington were so pedantically up to expectations that it is laughable if it wasn't so sad! The Ministry refused point blank to look at an amendment to legislation, which is what really is needed...

Its cuckoo and, run by the Mad Hatters and all David has done in his response to the Editor of the Northland Age, is a film flam job to cover ineptitude and denigrate those of us actually dealing with the problem created by his Ministry.

What a pity that David could not put the same effort into actually helping schools with this problem...

9(2)(a)



From: Kathleen Stack [<mailto:Kathleen.Stack@education.govt.nz>] **On Behalf Of** David Wales
Sent: Wednesday, 26 September 2018 12:23 p.m.
To: Editor - Northland Age
Cc: Peter Jackson; Media Team Shared Mailbox
Subject: Ministry response to Northland Age editorial 25 September

Dear Editor

I would like to correct your editorial of 25 September 'We Deserve Better', regarding the guidelines for teachers using restraint in classrooms.

The Ministry of Education does not prohibit teachers from physically restraining children who are behaving dangerously in school.

Sometimes things risk getting out of control in a classroom. I think everyone would agree it is better to prevent dangerous situations developing or using de-escalation techniques to calm things down, but that's not always possible.

Sometimes, someone, usually the teacher, needs to step in. In a serious situation, that might involve physically restraining the child.

We have always recognised teachers need assistance and support to deal with these situations. To that end we worked with school leaders and representatives to develop the guidelines which help them understand when it is ok to use physical restraint, how to do so in a way that is safe for them and for the child, and what other techniques they could use when physical restraint is not appropriate.

It is important to note the guidelines recognise teachers should use their professional judgement to decide how to manage challenging behaviour.

The guidelines were written to protect and support our children – children with challenging behaviour, as well as their classmates – and also to support and protect our teachers.

While we worked with professional leaders to develop the guidelines, we understood that making these as clear and helpful as possible would also require some time being tested in (if they were only being tested why were we not told this, and why then have principals been subjected to inquisitions?? - Pat) schools. So we've always planned to listen and take on board the feedback (**BUT REFUSED TO CHANGE LEGISLATION!** - ^{9(2)(a)}) and experiences of the people who are using them. A year after introducing the guidelines that's exactly what we're doing - we have asked those professional leaders back to review the guidelines and explore any changes to them that may be needed.

The Physical Restraint Advisory Group includes representatives of the NZ Principals' Federation, NZ School Trustees Association, Secondary Principals' Association NZ, Te **a**katea NZ Maori Principals' Association, Special Education Principals' Association of NZ, NZ

Area Schools Association, NZEI Te Riu Roa, and the Post Primary Teachers' Association the Education Council, the Office of the Children's Commissioner, and the Ministry of Health. The Group met again recently, and there will be more meetings to discuss possible clarifications to the guidelines, as well as a wider opportunity for parents and others to provide feedback. (How many of them wanted changes to the legislation which the Ministry refused point blank? - ^{9(2)(a)})

The representatives on this group are people who know how challenging it can be in classrooms and who have the wisdom and experience to advise on what can be done to assist teachers in these challenging situations.

We appreciate the time these leaders are putting in to ensure teachers have the clearest advice and the best support available in these challenging situations, and that the wellbeing of all of our children and school staff is paramount.

This is important work. Our children deserve the best. Our teachers deserve the best support we can give them. (Oh I wish! - ^{9(2)(a)})

Nga mihi

Dr David Wales | National Director Learning Support
33 Bowen Street, Wellington

education.govt.nz | [Follow us on Twitter: @EducationGovtNZ](https://twitter.com/EducationGovtNZ)

We get the job done *Ka oti i a matou nga mahi*

We are respectful, we listen, we learn *He ropu manaak, he ropu whakarongo, he ropu ako matou*

We back ourselves and others to win *Ka manawanui ki a matou, me etahi ake kia wikitoria*

We work together for maximum impact *Ka mahi ngatahi mo te tuinga nui tonu*

Great results are our bottom line *Ko nga huanga tino pai a matou whainga mutunga*



Hon Chris Hipkins



MP for Rimutaka

Minister of Education

Minister of State Services

Leader of the House

Minister Responsible for Ministerial Services

26 OCT 2018

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 27 September 2018 about physical restraint. I apologise for the delay in responding.

In 2017, a new legal framework came into effect with rules and guidelines to provide greater clarity about when it is okay to use physical restraint. An important catalyst for the new framework was the need to protect teachers in an area that is legally complicated.

The physical restraint guidelines were produced to support school staff, and outline when it is appropriate to use physical restraint, and when it is not. Teachers or authorised staff members can use physical restraint if they reasonably believe there is a serious and imminent risk to the safety of the student or others. Examples are given in the guidelines where restraint can be used, such as when a student is throwing furniture, computers, or breaking glass close to others who would be injured if hit.

Teachers use their professional judgement to decide how to manage challenging behaviour in schools. This includes a good understanding of preventative and de-escalation techniques. The Ministry of Education provides a range of support to help schools manage challenging behaviour, including the *Understanding Behaviour, Responding Safely* workshop, which is available to all schools. This training intentionally focuses on prevention and de-escalation.

Given that the physical restraint guidelines have been in place for a year, the Ministry is refreshing them to make them clearer and easier to use. The first step in this process was reconvening the Physical Restraint Advisory Group to discuss the best way to update the guidelines and address concerns raised by principals and teachers. Your views have been forwarded to the Ministry for consideration as part of this review.

Thank you again for writing.

Yours sincerely

Chris Hipkins
Minister of Education