



2 February 2023

A Robinson

[fyi-request-21141-89693585@requests.fyi.org.nz](mailto:fyi-request-21141-89693585@requests.fyi.org.nz)

Tēnā koe A Robinson,

**OIA: 1300403 – Information on the Learning Support Dispute Resolution Process (DRP)**

Thank you for your email of 17 November 2022 and subsequent clarification on 9 December 2022 to the Ministry of Education (the Ministry) requesting the following information:

- 1. I am happy to receive key memorandum and advice that is readily retrievable or held centrally.*
- 2. Can I also please have a copy of circulars that were made to the stakeholders providing information and advice re the dispute resolution process? For instance, did a circular go to relevant regional head offices, and schools.*
- 3. Please also provide the list of all stakeholders (the consultation group) involved in the dispute resolution process? [Some were listed on the website but did not appear to be a complete list]*
- 4. Can I also have a copy of all communication with the Minister of Education or his representative, in regards to the service?*

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

We have identified nine documents in scope of the **part one** your request, which I am providing in the attached **Appendix A**. My decision as to the release of these documents is outlined below in the **Appendix A Document Table**.

Some information has been withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons. Per section 9(1) of the Act, we have considered the public interest favouring release of the information and concluded that it does not outweigh the need to withhold it.

As noted in our clarification email, the dispute resolution process pilot (DRP) added independent mediation as another option for support when a dispute arose between parents and schools.

This arrangement was available through a time-limited Memorandum of Understanding with the Ministry for Business, Innovation, and Employment (MBIE). These are provided as Documents One, Two, and Three.

We worked in partnership with the New Zealand School Trustees Association (NZSTA), and with advice and guidance from the Government Centre for Dispute Resolution to establish the pilot. Input was also provided by the New Zealand Principals' Federation (NZPF), the Secondary Principals' Association of New Zealand (SPANZ) and other specialist interest groups.

The pilot was resourced from May 2018 until June 2019, as very few requests for formal dispute resolution were received. Only two cases advanced to the formal mediation stages. In other examples where the option of using the pilot programme was requested, parents decided to take other pathways, such as changing schools and/or withdrawing from the process.

Funding was time-limited to June 2019 for the MBIE-supplied mediators.

A review of the DRP was not carried out, because only two cases went to mediation. This did not allow sufficient data and information, including participant feedback, to be able to identify the pilot's strengths, weaknesses, and potential areas for improvement.

Information that was previously online regarding the Dispute Resolution Process was removed, as it was out of date.

In relation to the **part two** of your request, we have identified seven documents, which I am providing in the attached **Appendix B**. My decision as to the release of these documents is outlined below in the **Appendix B Document Table**. This includes six information sheets regarding the Disputes Resolution Process. Document Seven is a copy of the Confluence page (an internal management system) from September 2019, which is no longer live.

Some information has been withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons. Per section 9(1) of the Act, we have considered the public interest favouring release of the information and concluded that it does not outweigh the need to withhold it.

In relation to the **part three** of your request, the Ministry worked in partnership with NZSTA to develop the DRP, with advice and guidance from the Government Centre for Dispute Resolution (GCDR) based within MBIE. A wide consultation process was carried out with disabled people's organisations, parent support groups, principals' associations and teacher unions. A working group with representatives from NZSTA, NZPF, SPANZ, Parent to Parent, and Ministry regional and national office staff supported the development of the process. A consolidated list of all stakeholders does not exist, so I am refusing this part of your request under section 18(g) of the Act, as the information requested is not held by the Ministry, and we have no grounds for believing that the information is either held by or more closely connected with the functions of another department or organisation subject to the Act.

In relation to the **part four** of your request, no correspondence to the former Minister of Education or his representative has been identified. This may have been discussed in meetings at the time, but no records can be found, so I am refusing this part of your request under section 18(e) of the Act, as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

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.

Ngā mihi



Blythe Wood  
**National Director | Learning Support**  
**Te Mahau | Te Pae Aronui (Operations and Integration)**

## Appendix A Document Table

#	Date	Title	Decision on release
1	7 February 2018	Memorandum of Understanding between the Ministry of Education and the Ministry of Business, Innovation and Employment- Dispute Resolution Process	<b>Release in part.</b> Information has been withheld under section 9(2)(a) of the Act.
2	January 2019	Variation to the Memorandum of Understanding (MoU) January 2018 Dispute Resolution Process (DRP)	<b>Release in full.</b>
3	18 September 2017	Implementation Plan Dispute Resolution Process	<b>Release in part.</b> Information has been withheld under section 9(2)(a) of the Act.
4	15 February 2018	Implementation of Phase 1 of the Learning Support Dispute Resolution Process	<b>Release in part.</b> Information has been withheld under section 9(2)(a) of the Act.
5	2 May 2018	Proposed monitoring and evaluation framework for the Dispute Resolution Process	<b>Release in part.</b> Information has been withheld under section 9(2)(a) of the Act.
6	May 2018	Disputes Resolution Process – Auckland	<b>Release in full</b>
7	24 January 2019	Email: Leo Trompetter to Judy Dell Subject: Extending the DRP	<b>Release in part.</b> Information has been withheld under section 9(2)(a) of the Act.
7a	8 May 2018	Email: Judy Dell to Leo Trompetter Subject: FW: Ministry of Education [UNCLASSIFIED]	<b>Release in part.</b> Information has been withheld under section 9(2)(a) of the Act.
8	28 March 2019	For Learning Support Leadership Team meeting	<b>Release in full.</b>

## Appendix B Document Table

#	Date	Title	Decision on release
1	June 2018	The Dispute Resolution Process Information for boards of trustees	<b>Release in full</b>
2	May 2018	The Dispute Resolution Process Information for educators	<b>Release in full</b>
3	May 2018	The Dispute Resolution Process General information	<b>Release in full</b>
4	May 2018	The Dispute Resolution Process Independent Mediation Service	<b>Release in full</b>
5	May 2018	The Dispute Resolution Process Ministry Facilitation	<b>Release in full</b>
6	May 2018	Resolving problems at school Information for parents, caregivers and whānau of children and young people with additional learning needs	<b>Release in full</b>
7	September 2019	[confluence] Sector Enablement & Support Hub > The Learning Support Dispute Resolution Process	<b>Release in part.</b> Information has been withheld under section 9(2)(a) of the Act.