

# The Dispute Resolution Process

## Information for boards of trustees

**Every child and young person has the right to be in education. The Dispute Resolution Process provides help for schools and boards of trustees, parents, caregivers and whānau to resolve issues involving children and young people with additional learning needs.**

**There might be times when parents, caregivers and whānau of children and young people with additional learning needs at your school feel their child's needs are not being met, or they're worried about something that's happening with their child at school or kura.**

When this happens, it's important they know who to talk to and what support is available to them.

Most schools will have a clear process for managing parents' issues and concerns and will provide information about this process. It may also be helpful to give parents a copy of your school's charter or strategic plan and a copy of your school's policy on meeting learning support needs.

Sometimes parents talking to their child's teacher or the school principal won't resolve the issue.

If this happens, parents, caregivers and whānau, or schools themselves, can access the Ministry of Education's Dispute Resolution Process.

The Ministry's Dispute Resolution Process supports parents and schools to come together and work through challenging issues for children and young people with additional learning needs. It aims to help everyone resolve concerns early so they don't escalate into disputes. Importantly, it builds on a school's policies and procedures; it doesn't replace them.



### Help available through the Dispute Resolution Process

If parents have spoken to their child's teacher and the principal, but can't agree on a way forward, the Dispute Resolution Process provides further support to help resolve the issue. Throughout the process, it's important that the school principal keeps their board informed on progress.

The support available includes:

#### Ministry facilitation

Schools can ask the Ministry for help from someone trained in facilitation. Facilitators help schools and the child's parents, caregivers and whānau talk and work together to find a practical solution. The facilitator won't be there to advocate or enforce; they're there to help facilitate the hard conversations.

#### Ministry review

If this doesn't resolve the issue, schools or parents can ask the Ministry's regional Director of Education to carry out a review to check that everything that should have been done has been done.

#### Independent mediation

Finally, if the Ministry thinks it would be helpful, and everyone agrees, it can arrange for independent mediation.

The mediator will hold a meeting to make sure everyone's views are heard and that all options have been looked at. They will be focused on helping everyone find a way forward.



## Accessing this support

The support available under the Dispute Resolution Process is voluntary and can be accessed by parents, caregivers and whānau\*\*, and by your school. We will help the school and parents work together to resolve the problem as quickly as possible.

Schools, parents, caregivers and whānau can access this support by contacting their local Manager Learning Support. There is no charge to schools or parents for this support.

If the Dispute Resolution Process is unable to help resolve the problem, parents can ask for the matter to be referred to the board of trustees who are the final decision makers for the school. Parents can't refer a problem to the Dispute Resolution Process if the issue has already been considered by the board of trustees and a decision made.

## How this process was developed

The Ministry developed the Dispute Resolution Process in partnership with the New Zealand School Trustees Association, and with advice and guidance from the Government Centre for Dispute Resolution.

Input into the process has also been provided by the New Zealand Principals' Federation, Secondary Principals Association of New Zealand and Parent to Parent, as well as by the education sector, disabled persons' organisations, parent support groups and teacher unions. Feedback was also given by a group of young people from People First.

*\* Rollout of the Dispute Resolution Process is being phased, with support initially being offered in three regions: Auckland, Whanganui/Manawatu and Nelson/Marlborough/West Coast.*

*\*\* A separate information sheet is available for parents, caregivers and whānau. A further sheet is available for educators.*

### Ministry of Education contacts:

#### Auckland regional office

Phone: 09 632 9400

Email: [enquiries.auckland@education.govt.nz](mailto:enquiries.auckland@education.govt.nz)

#### Whanganui/Manawatu regional office

Phone: 06 349 6300

Email: [enquiries.whanganui@education.govt.nz](mailto:enquiries.whanganui@education.govt.nz)

#### Nelson, Marlborough/West Coast regional office

Phone: 03 546 3470

Email: [enquiries.nelson@education.govt.nz](mailto:enquiries.nelson@education.govt.nz)

#### National office

Phone: 0800 622 222

Email: [learning.supportmailbox@education.govt.nz](mailto:learning.supportmailbox@education.govt.nz)



# The Dispute Resolution Process

## Information for educators

**Every child and young person has the right to be in education. The dispute resolution process provides help for schools and boards of trustees, parents, caregivers and whānau to resolve issues involving children and young people with additional learning needs.**

**There might be times when parents, caregivers and whānau of children and young people with additional learning needs at your school feel their child's needs are not being met, or they're worried about something that's happening with their child at school or kura.**

When this happens, it's important they know who to talk to and what support is available to them.

Most schools will have a clear process for managing parents' issues and concerns and will provide information about this process. It might also be helpful to give parents a copy of your school's charter or strategic plan and a copy of your school's policy on meeting learning support needs.

Sometimes parents talking to their child's teacher or the school principal won't resolve the issue. If this happens, parents, caregivers and whānau, or schools themselves, can access the Ministry of Education's Dispute Resolution Process\*.

The Ministry's Dispute Resolution Process supports parents and schools to come together and work through challenging issues for children and young people with additional learning needs. It aims to help everyone resolve concerns early so they don't escalate into disputes. Importantly, it builds on your school's policies and procedures; it doesn't replace them.



### Help available through the Dispute Resolution Process

If parents have spoken to their child's teacher and the principal, but you can't agree on a way forward, there are three further types of support available:

#### Ministry facilitation

You can ask the Ministry for help from someone trained in facilitation. Facilitators help schools and the child's parents, caregivers and whānau talk and work together to find a practical solution. The facilitator won't be there to advocate or enforce; they're there to help facilitate the hard conversations.

#### Ministry review

If this doesn't resolve the issue, schools or parents can ask the Ministry's regional Director of Education to carry out a review to check that everything that should have been done has been done.

#### Independent mediation

Finally, if the Ministry thinks it would be helpful, and everyone agrees, it can arrange for independent mediation. The mediator will hold a meeting to make sure everyone's views are heard and that all options have been looked at. They will be focused on helping everyone find a way forward.



## Accessing this support

The support available under the Dispute Resolution Process is voluntary and can be accessed by parents, caregivers and whānau\*\*, and by your school. We will help you work together to resolve the problem as quickly as possible.

You can access this support by contacting your local Manager Learning Support. There is no charge to schools or parents for this support.

## How this process was developed

The Ministry developed the Dispute Resolution Process in partnership with the New Zealand School Trustees Association, and with advice and guidance from the Government Centre for Dispute Resolution. Input into the process has also been provided by the New Zealand Principals' Federation, Secondary Principals Association of New Zealand and Parent to Parent, as well as by the education sector, disabled persons' organisations, parent support groups and teacher unions. Feedback was also given by a group of young people from People First.

*\* Rollout of the Dispute Resolution Process is being phased, with services initially being offered in three regions: Auckland, Whanganui/Manawatu and Nelson/Marlborough/West Coast.*

*\*\* A separate information sheet is available for parents, caregivers and whānau.*

## Ministry of Education contacts:

### Auckland regional office

Phone: 09 632 9400

Email: [enquiries.auckland@education.govt.nz](mailto:enquiries.auckland@education.govt.nz)

### Whanganui/Manawatu regional office

Phone: 06 349 6300

Email: [enquiries.whanganui@education.govt.nz](mailto:enquiries.whanganui@education.govt.nz)

### Nelson, Marlborough/West Coast regional office

Phone: 03 546 3470

Email: [enquiries.nelson@education.govt.nz](mailto:enquiries.nelson@education.govt.nz)

### National office

Phone: 0800 622 222

Email: [learningsupportmailbox@education.govt.nz](mailto:learningsupportmailbox@education.govt.nz)



# The Dispute Resolution Process

## General information

### About the Dispute Resolution Process

Every child and young person has the right to be in education. The Ministry of Education's Dispute Resolution Process (DRP) is about ensuring that all children and young people with additional learning needs are able to enrol, attend, participate and learn at school.

The focus is on supporting parents, caregivers, whānau and schools to come together where there are challenging issues for children and young people with additional learning needs that haven't been able to be resolved by talking to the teacher or principal. These issues and concerns might relate to the child or young person's access, presence, participation or learning. The DRP supports the early resolution of these issues and concerns, avoiding them escalating into complaints and disputes.

Rollout of the DRP is being phased. Beginning in Term 2 of 2018, it will be available in three regions: Auckland, Whanganui/Manawatu and Nelson/Marlborough/West Coast. Evaluation of the initiative will inform decisions around next steps.

### Why the process was needed

Most schools will have a clear process for managing parents' issues and concerns and will provide information about this process. However, sometimes parents talking to a teacher or the principal won't resolve the issue. If this happens, parents or schools can access the DRP which aims to get the problem solved as quickly as possible.



It's an extra tool to help parents and schools come together and solve challenging issues.

The DRP was developed in response to feedback to the Review of Special Education in 2010, the Education and Science Committee consultation on students with dyslexia, dyspraxia and autism spectrum disorder in 2015, and the Education (Update) Amendment Bill in 2017, suggesting a complaints and dispute resolution process was needed.

### The Ministry's role

The Ministry will get involved at the request of a child or young person, parent or school. We'll do this once the parent and school have discussed the issue and they have had the chance to put things right. The DRP is about building on schools' processes, not replacing them.

The Ministry can also provide parents with guidance on raising an issue with a principal or the board of trustees.

The Ministry is not there to speak on anyone's behalf (advocate) or enforce. We're there to help facilitate the hard conversations and to help parents and schools solve problems together.

The Ministry has developed clear and accessible information for parents, caregivers, whānau and schools about how to raise issues with each other in an effective way.

### Help available under the DRP

If parents have spoken to their child's teacher and principal but can't find a way forward, they, or the school, can ask for three further types of support from the Ministry under the DRP:

#### » Ministry facilitation

Help from the Ministry from someone trained in facilitation. Facilitators help schools and the child or young person's parents, caregivers and whānau talk and work together to find a practical solution.

#### » Ministry review

If this doesn't resolve the issue, schools or parents can ask the Ministry's regional Director of Education to carry out a review to check that everything that should have been done has been done.



### » Independent mediation

Finally, if the Ministry thinks it would be helpful, and everyone agrees, it can arrange for independent mediation. The mediator will hold a meeting to make sure everyone's views are heard and that all options have been looked at. They will be focused on helping everyone find a way forward and solve the problem together. For the initial rollout in three regions, mediation is being provided by the Ministry of Business, Innovation and Employment which already has experienced mediators.

Everyone has to agree to be part of the DRP, including facilitation and mediation.

*NB:* Parents, children and young people can contact the Human Rights Commission, the Office of the Children's Commissioner or other agencies for help, at any time.

### Accessing the DRP

Parents, children and young people, and schools can access the DRP by contacting the local Manager, Learning Support. There is no charge for this support.

It is also important to consider the voice of the child or young person in the DRP. They should have the process explained to them and be given the chance to be present, and take part, if everyone agrees.

The DRP can't be used if:

- » the issue has already been taken to the school's board of trustees and it has given its decision
- » a complaint has already been made to the Human Rights Commission or the Office of the Ombudsman.



### How the DRP was developed

The Ministry developed the DRP in partnership with the New Zealand School Trustees Association, and with advice and guidance from the Government Centre for Dispute Resolution. Input into the process has also been provided by the New Zealand Principals' Federation, Secondary Principals Association of New Zealand and Parent to Parent, as well as by the education sector, disabled persons' organisations, parent support groups and teacher unions. Feedback was also given by a group of young people from People First.

### Where to go for more information

The three regions involved in the initial rollout have been given DRP information sheets for parents, caregivers, whānau and schools.

If you have any questions about the DRP, please contact your local Ministry office:

#### Auckland regional office

Phone: 09 632 9400

Email: [enquiries.auckland@education.govt.nz](mailto:enquiries.auckland@education.govt.nz)

#### Whanganui/Manawatu regional office

Phone: 06 349 6300

Email: [enquiries.whanganui@education.govt.nz](mailto:enquiries.whanganui@education.govt.nz)

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#### National office

Phone: 0800 622 222

Email: [learningsupportmailbox@education.govt.nz](mailto:learningsupportmailbox@education.govt.nz)

# The Dispute Resolution Process

## Independent Mediation Service

### Introduction

Mediation is available as part of the Ministry of Education's Dispute Resolution Process (DRP). The DRP provides help for schools and boards of trustees, parents, caregivers and whānau, to resolve issues involving children and young people with additional learning needs.

If the issue has already been raised and discussed with the child or young person's teacher and principal, and it hasn't been resolved with the help of Ministry of Education (Ministry) facilitation, those involved can ask the Ministry's regional Director of Education to carry out a review. This review will check that everything that should have been done has been done.

If the Ministry thinks it would be helpful, and everyone agrees, it can arrange for independent mediation through the Ministry of Business, Innovation and Employment (MBIE). Mediation can offer a creative way to resolve a dispute through discussion and collaborative problem solving. Experienced MBIE mediators will provide this service.

Mediation is:

- » where those involved discuss their issue with the help of a mediator – a third party who is trained and has extensive experience in mediation
- » neutral and independent – mediators have no interest in a dispute other than helping those involved to reach their best outcomes

- » less formal than legal proceedings (it doesn't involve evidence, witnesses or lawyers, and meetings are held in meeting rooms rather than somewhere more formal)
- » a free and voluntary service
- » a process that encourages everyone involved to work together to resolve issues and focus on the future
- » a process that needs everyone to act in good faith – everyone needs to be committed to finding a solution that works
- » a process that ideally results in a written agreement that everyone signs
- » a process that does not stop anyone involved from taking further steps if the issue is not resolved at mediation.

### Role of the mediator

- » A mediator will not take sides and will work with everyone involved to help resolve an issue and/or improve a situation.
- » The mediator does not make a decision, but helps everyone find their own solutions.
- » The mediator will ensure the process is fair and safe and do their best to help resolve a dispute.
- » Mediators should support and build on parent, caregiver, whānau and school relationships and focus on outcomes for the child or young person. They should ensure that all relevant people are involved and that the child or young person's views have been taken into account.



## Advantages of the mediation service

It is:

- » **professional** - provided by a team that has sound mediation experience and a strong interest in education
- » **timely** - it's relatively quick and straightforward to use
- » **inclusive** - makes it possible for everyone to be heard
- » **flexible** - is flexible enough to take account of everyone's needs
- » **autonomous** - everyone makes their own decisions
- » **beneficial** - ideally results in a shared and signed agreement
- » **future focussed** - helps everyone involved to move on
- » **independent** - the mediator has no interest in the dispute other than helping those involved to reach their best outcomes
- » **free for parents, caregivers, whānau and schools** (this service is funded by the Ministry of Education).

## Who can attend mediation

Those involved can bring a support person(s) and/or advocate to the mediation, but they don't have to. An interpreter can also be arranged, if needed.

It is important to consider the voice of the child or young person in the mediation process. They should have the process explained to them and be given the chance to be present, and take part, if everyone agrees.

## What happens at mediation

### Stage 1 - Separate initial meetings

Those involved will be given separate rooms where they can meet with their support people, and/or the mediator. This room can be used throughout the mediation process. Before the mediation meeting, the mediator will meet briefly with those involved and their support people. They will explain the process and their role, the ground rules for the mediation and what will be expected of everyone during the process. The mediator will answer any questions they have and get a better understanding of the dispute from their point of view.

The mediator will then have a similar separate meeting with the others involved.

### Stage 2 - The joint meeting

The mediator will start the joint meeting with introductions and an opening statement about the mediation process. The mediator will then ask those involved to summarise the issue from their point of view (make an opening statement), usually starting with whoever asked for the mediation meeting. Those making opening statements will have uninterrupted speaking time. After opening statements have been made, the mediator will summarise the opening statements and work with those involved to agree on an agenda for the meeting, if needed.

### Stage 3 - Exploring the issues

The mediator will encourage everyone to discuss the issue in more detail and to understand each other's point of view. They will do this by summarising and reflecting what has been said and asking questions. Everyone will be encouraged to use this joint session to communicate openly with each other.

### Stage 4 - Working towards an agreement

At this point the mediator will ask those involved to think about a range of options that might resolve the dispute.

During this phase of the process, those involved might want to go into a separate session for some of the time. During separate sessions, the mediator may ask questions to help them understand the potential impact of different options. The mediator will work with everyone to help them make the best choice from the available options.

Once an agreement has been reached, the mediator will help those involved record it in a written settlement agreement. Everyone will be given a copy of this agreement.

### Stage 5 - Closure

The mediator will make a closing statement and give everyone involved a copy of the signed agreement. Further meetings can be arranged, if needed.

If no agreement has been reached, the mediator will help everyone agree on which issues are still unresolved and what the next steps could be.

The mediator will inform the Ministry whether or not the dispute has been resolved. Any other information will be shared with the Ministry only with the agreement of everyone involved.

## Collection and use of personal information under the DRP

To help the Ministry provide the right type of support under the DRP, we will need to collect personal information about those involved, including the child or young person, parent and school. We will need to share this information with the Ministry of Business, Innovation and Employment as part of the referral process. The Ministry will also use this information to review how, and how well, we provide support through the DRP.

Everyone involved will be asked to sign a form giving us authority to collect and share this information.



# The Dispute Resolution Process

## Ministry Facilitation

### Introduction

Facilitation is available as part of the Ministry of Education's Dispute Resolution Process (DRP). The DRP provides help for schools and boards of trustees, parents, caregivers and whānau, to resolve issues involving children and young people with additional learning needs.

If an issue has already been raised and discussed with the child or young person's teacher and principal, and it hasn't been resolved, those involved can ask the Ministry for help from someone trained in facilitation. It is free, informal, voluntary, locally provided and easy to access for parents, caregivers, whānau and schools.

Facilitators help schools and the child or young person's parents, caregivers and whānau talk and work together to find a practical solution. The facilitator won't be there to advocate or enforce; they're there to help facilitate the hard conversations. They support and build on parent, caregiver, whānau and school relationships and focus on outcomes for the child or young person.

They should ensure that all relevant people are involved and that the child or young person's views have been taken into account.

### Facilitation is a process that:

- » focuses on resolving issues early
- » gives those involved the opportunity to discuss the issue with the help of someone from the Ministry who has been trained in facilitation
- » gives everyone the opportunity to step back and look at how the situation can be put right, and consider their own actions, as well as those of others
- » needs everyone to be committed to finding a solution that works
- » ideally results in agreed next steps
- » does not stop anyone involved from taking further steps if the issue is not resolved.

### Role of the facilitator

- » The facilitator will not take sides and will work with everyone involved to help them find a practical solution.
- » They will not make any decisions but will help those involved to find their own solutions.
- » They should support and build on parent, caregiver, whānau and school relationships and focus on outcomes for the child or young person. They should ensure that all relevant people are involved and that the child or young person's views have been taken into account.
- » The facilitator is also there to provide information to those involved about the services and support available to them.

### Who can attend facilitation

Those involved can bring a support person(s) to the facilitation, but they don't have to. An interpreter can also be arranged, if needed.

It is important to consider the voice of the child or young person in the facilitation process. They should have the process explained to them and be given the chance to be present, and take part, if everyone agrees.



## What happens at facilitation

**Step 1** - A facilitator will contact those involved to arrange a facilitated meeting.

**Step 2** - At this meeting, the facilitator will introduce themselves and explain the purpose of the meeting. The facilitator will then ask those involved to summarise the issue from their point of view, usually starting with whoever originally asked for help.

The issue will then be discussed further - everyone is encouraged to play an active part in this discussion.

During this time the facilitator will actively listen to everyone involved and ask questions to get a better understanding of the issue. The facilitator will use a joint problem-solving approach and a range of techniques focused on helping those involved find a solution.

**Step 3** - The facilitator will record any agreed actions and provide a copy to everyone.

If those involved can't agree on a way forward or run out of time, the facilitator may suggest a second facilitated meeting, or suggest the issue is referred to the Director of Education for review.

## Collection and use of personal information under the DRP

To help the Ministry provide the right type of support under the DRP, we will need to collect personal information about those involved including the child or young person parent and school. If the issue goes to independent mediation, we will need to share this information with the Ministry of Business, Innovation and Employment as part of the referral process. The Ministry will also use this information to review how, and how well, we provide support through the DRP.

Everyone involved will be asked to sign a form giving us authority to collect and share this information.



# Resolving problems at school

## Information for parents, caregivers and whānau of children and young people with additional learning needs

**Every child and young person has the right to be in education. There might be times when you're concerned your child's learning needs are not being met or you're worried about something that's happening with your child at school or kura.**

**Start by talking things through with your child's classroom teacher. It's important that you talk to school staff as soon as any problem arises.**

**You might also like to talk to your family and whānau, a friend, a community or support organisation, a kaumatua or iwi representative, or a Learning Support staff member you're comfortable with.**

If you've discussed the problem with the staff who work closest to your child and you're still worried, the following steps might help you work towards a solution. Remember, you don't have to work through things alone and can have support people alongside you if you need them.

Each school has its own processes for handling complaints. Please keep these in mind when talking to your child's school.

### Step 1 - Know the school and who to talk to

Ask for a copy of the school's charter or strategic plan as well as the school's policy on meeting learning support needs (previously special education), and their complaints procedure.

If the issue is not resolved, find out who you should talk to next and arrange a time to meet. This person might be the principal or, if it's a larger school, another senior staff member, such as a deputy, assistant or associate principal.



Making an appointment is very important. For a problem to be dealt with, the people involved need to be able to give it their full attention. You might find a busy teacher or principal tries to get you to talk about it then and there.

Avoid this. Describe the issue in one sentence and then say "I (or we) really want to be able to discuss this without interruptions".

Making an appointment can be the most important step in the process – it makes it clear this is an important issue for you and allows people the time to be heard and to come up with positive solutions.

### Step 2 - Prepare

Gather information, making sure it's accurate (it can help to make notes). Can you describe the problem or issue clearly? Has something happened that's worrying you? Be specific.

Find someone you trust who will listen. They can suggest options and help you make a plan, and provide advice on how to approach the school, including who you might like to take with you for support.

You could also talk to specialists and people who know your child and their needs.



**Step 3 – Discuss**

When you go to the meeting, take notes. You might find it helpful to take a support person. The teacher or principal might also have someone with them.

Keep the discussion as free of emotion as possible:

- » have a positive vision for your child’s future
- » concentrate on resolving the problem
- » focus on the issue, your child’s needs and your concerns, not on the person you’re talking to
- » identify all the options and the best solutions for your child
- » listen to the school’s perspective, their needs and issues and offer positive suggestions
- » be constructive
- » take a long-term view and keep communication lines open.

**Step 4 – Resolve**

When you’ve come to an agreement, write it down and develop a plan to put things into action. You might want to organise another meeting to discuss progress of the plan.

**Step 5 - If the issue is unresolved**

If you don’t feel the problem has been solved or you’re still concerned, you might want to contact the school’s board of trustees. You could also contact a parent support group or a disability advocacy group for advice and support.

If you feel you can’t solve this on your own, you can ask the Ministry for help from a facilitator under the Ministry’s Dispute Resolution Process. They will help you and the school work through the issue.

**Using the Ministry’s Dispute Resolution Process\***

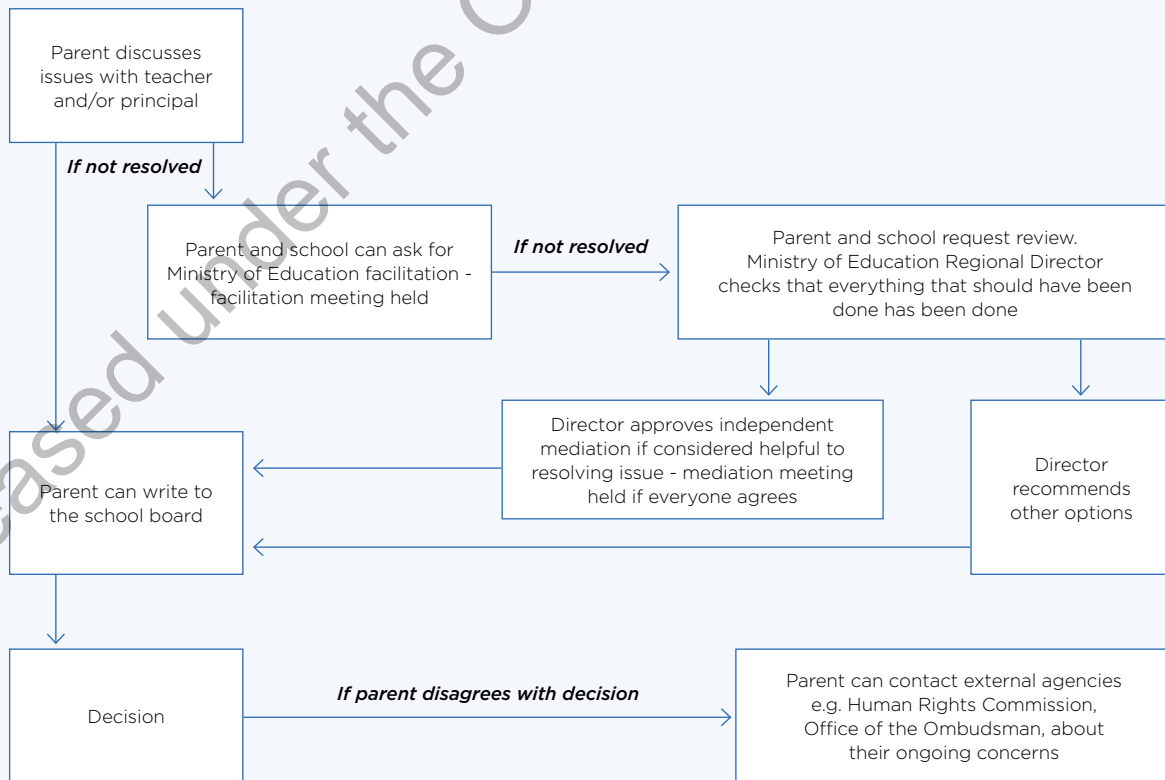
The Ministry’s Dispute Resolution Process is an extra tool to help you get a problem solved as quickly as possible. It is voluntary and there is no charge to schools or parents for this support.

You can use this process if you’ve spoken to your child’s teacher or principal, but can’t agree a way forward. You won’t be able to use it if:

- » you’ve already taken your concern to the board and it has given you its decision
- » you’ve already made a complaint to the Human Rights Commission or the Office of the Ombudsman.

**Ministry facilitation:** If you and the school agree, you can ask the Ministry for help from someone trained in facilitation. They will help you and your child’s school talk and work together to find a practical solution.

**Resolving problems at school**



**Ministry review:** If a facilitated meeting doesn't work, you or your child's school can then ask for a Ministry review. This review will check that everything that should have been done has been done.

**Independent mediation:** If the Ministry thinks it would be helpful, and everyone agrees, it will arrange for independent mediation. The mediator will hold a meeting to make sure everyone's views are heard and to help you and your child's school agree the best way forward for your child.

It's important to remember that the Ministry is not there to speak on anyone's behalf or to enforce. The Ministry is there to help you and your child's school solve problems together.

### Taking your problem to the school board

If you want to take an issue to the board, this needs to be in writing. Your request needs to be received in time to be placed on their monthly agenda.

You might be asked to come to the board meeting to discuss the issue or, in some cases, the board might form a committee to look into your complaint.

You might want to take a friend or support person along when you meet the board.

Unless your complaint is about the principal, the board will expect that you have already completed all the steps of the school's complaints procedure before bringing the matter to them.

### Making a complaint about a school

If you think the board of trustees has not followed the school's complaints process properly, or you want to challenge some part of the process, you can contact the Ministry's Director of Education for your region. You can also make a complaint to the Office of the Ombudsman. The Ombudsman can investigate the process the board of trustees used to deal with the complaint and make recommendations.

You can also contact the Human Rights Commission or the Office of the Children's Commissioner at any time.

*\*Rollout of the Dispute Resolution Process is being phased, with services initially being offered in three regions: Auckland, Whanganui/Manawatu and Nelson/Marlborough/West Coast.*



## Useful contacts

### Ministry of Education:

#### Auckland regional office

Phone: 09 632 9400

Email: [enquiries.auckland@education.govt.nz](mailto:enquiries.auckland@education.govt.nz)

#### Whanganui/

#### Manawatu regional office

Phone: 06 349 6300

Email: [enquiries.whanganui@education.govt.nz](mailto:enquiries.whanganui@education.govt.nz)

#### Nelson, Marlborough/

#### West Coast regional office

Phone: 03 546 3470

Email: [enquiries.nelson@education.govt.nz](mailto:enquiries.nelson@education.govt.nz)

#### National office

Phone: 0800 622 222

Email: [learningsupportmailbox@education.govt.nz](mailto:learningsupportmailbox@education.govt.nz)

### Student Rights Service:

Community Law

Free phone: 0800 499 488

<http://studentrights.nz/>

### Office of the Ombudsman:

Free phone: 0800 802 602

Email: [info@ombudsmen.parliament.nz](mailto:info@ombudsmen.parliament.nz)

### Office of the Children's Commissioner:

Free phone: 0800 224 453

Email: [advice@occ.org.nz](mailto:advice@occ.org.nz)

### Human Rights Commission:

Free Phone 0800 496 877

Email: [infoline@hrc.co.nz](mailto:infoline@hrc.co.nz)

# Lucy Jordan

**From:** 9(2)(a) (Confluence) <confluence-notification@education.govt.nz>  
**Sent:** Thursday, 5 September 2019 4:10 pm  
**To:** Leo Trompetter  
**Subject:** [confluence] Sector Enablement & Support Hub > The Learning Support Dispute Resolution Process

There's **2 new edits** on this page

## The Learning Support Dispute Resolution Process



9(2)(a) edited this page


Here's what changed:

The Learning Support Dispute Resolution Process (DRP) was implemented first implemented in three regions (1) Auckland, (2) Taranaki, Whanganui, Manawatu, (3) Nelson Nelson, Marlborough, West Coast from the beginning of Term 2, 2018. We Coast from May 2018, and to an additional three regions (4) Wellington, (5) Bay of Plenty, Waiakari, (6) Hawkes Bay, Gisborne from term 2, 2019. We will evaluate the DRP to inform future decision making/next steps.

Directors of Education will decide who will have oversight of the implementation of the DRP in their region.

### Definitions

1. Children and young people with additional learning needs are defined as those experiencing disability, difficulty, disadvantage, or challenges to progressing learning.

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- Disputes involving schools and parents are defined as issues, concerns and complaints being referred to the Ministry's facilitation and points beyond.

Every child and young person has the right to be in education. The Ministry of Education's Dispute Resolution Process (DRP) is about ensuring that all children and young people with additional learning needs are able to enrol, attend, participate and learn at school. Our focus is on restoring relationships so that parents, caregivers, whānau and schools can focus on their children and young people, and their potential.


The DRP does this by supporting parents, caregivers, whānau and schools to come together and work through challenging issues for children and young people with additional learning needs, where these issues have not been able to be resolved at a school level. These issues and concerns may relate to the child or young person's access, presence, participation or learning.

The DRP has been developed in partnership with the New Zealand School Trustees Association (NZSTA), with advice from the Government Centre for Dispute Resolution (GCDR), and with advice and input from other key stakeholders. Input into the process has also been provided by the New Zealand Principals' Federation (NZPF), Secondary Principals Association of New Zealand (SPANZ) and Parent to Parent, as well as from the education sector, disabled persons' organisations, parent support groups and teacher unions. Feedback was also given by a group of young people from People First.

Most schools will have a clear process for managing parents' issues and concerns and will provide information about this process. However, sometimes talking to a teacher or the principal won't resolve the issue. If this happens, parents, caregivers and whānau, or schools can access the DRP which aims to get the problem solved as quickly as possible. It's an extra tool to help parents, caregivers, whānau and schools come together and solve challenging issues. It

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<b>Name</b>	
<b>Team</b>	
<b>Business Owner</b>	Learning Support Group
<b>Phone</b>	0800 622 222
<b>Email</b>	<a href="mailto:disputeresolution.process@education.govt.nz">disputeresolution.process@education.govt.nz</a>
<b>Next review due</b>	 22 Aug 2020
<b>Updated</b>	<input type="checkbox"/>

is free, informal, voluntary, locally provided and easy to access for parents, caregivers, whānau and schools.

The DRP can't be used if:

- the issue has already been taken to the school's board of trustees and it has given its decision
- a complaint has already been made to the Human Rights Commission or the Office of the Ombudsman.

Please note that the Dispute Resolution Process follows on from the Complaints Process. For further information on the Complaints Process, please visit the [Complaints Process Service Guide](#).

### Regional contacts:

Auckland Regional Office: 9(2)(a) Roger Phillipson, Manager Learning Support Systems and Services, PB4L Auckland; 09 632 94009545;

9(2) roger 9(2)(a) phillipson@education.govt.nz

Taranaki/Whanganui/Manawatu Regional Office: Jillian Watt, Service Manager, Learning Support; 06 349 6300; [jillian.watt@education.govt.nz](mailto:jillian.watt@education.govt.nz)

Nelson, Marlborough/West Coast Regional Office: 9(2)(a) 9(2)(a) Robyn McLeary-Hooper, Manager Learning Support; 03 546 3470539 1552;

9(2)(a) robyn 9(2)(a) @education mclearyhooper@education.govt.nz

Wellington Regional Office: Andrea Williams, Manager Learning Support; 04 463 8686; [andrea.williams@education.govt.nz](mailto:andrea.williams@education.govt.nz)

Bay of Plenty/Waiakari Regional Office: Dawid de Villiers, Manager Learning Support; 07 571 7828; [dawid.devilliers@education.govt.nz](mailto:dawid.devilliers@education.govt.nz)

Hawkes Bay/Gisborne Regional Office: Shane Gregory, Service Manager, Learning Support; 06 833 8318; [shane.gregory@education.govt.nz](mailto:shane.gregory@education.govt.nz)



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- [Key Information on the Dispute Resolution Process](#)
- [DRP in Action](#)
- [DRP Outcomes](#)
- [DRP General Information \(for internal and external stakeholders\)](#)
- [DRP Information for Parents](#)
- [DRP Information for Schools](#)
- [DRP Information for Boards of Trustees](#)
- [DRP Information on Facilitation for Parents and Schools](#)
- [DRP Information on Mediation for Parents and Schools](#)
- [DRP Independent Mediation Service Standards and Timeframes](#)
- [Process for Sending out DRP Survey Questionnaires](#)
- [Ka Hikitia](#)
- [Pasifika Education Plan](#)
- [High Level Indicative Process 1: Dispute Resolution Process](#)





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Card

label Service Standards

- [Dispute Resolution Facilitation Debrief Form](#)
- [DRP Authority to Collect and Share Information Form](#)
- [DRP Mediation Intake Referral Form](#)
- [Review Checklist for Director of Education](#)
- [DRP Facilitation Meeting - Agreed Actions](#)
- [Parent Facilitation Feedback](#)
- [Parent Facilitation Follow Up](#)
- [Parent Mediation Feedback](#)
- [Parent Mediation Follow Up](#)

## Service Standards

### **Facilitator**

- I will contact those involved and organise a facilitated meeting at the earliest opportunity within 15 working days after contact.
- I will follow up with those involved to check if the issue is resolved as agreed at the meeting within 5 working days of meeting.

### **Director of Education**

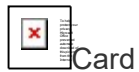
- If issues are not resolved, I will review the concern and make a decision within 5 working days of facilitation meeting.

### **Manager Learning Support**

- If mediation is approved by the Director, I will contact parents and school to check all agree to attend mediation and send the referral to mediation service within 5 working days from review.

### **Mediation Service**

- I will complete mediation and communicate outcome within 20 working days of referral by the Ministry.



label Legislative and Policy Requirements

## Legislative and Policy Requirements

There are no legislative and policy requirements for the Dispute Resolution Process.

### **Practice Guidance**

Please note that the Dispute Resolution Process follows on from the SE&S Complaints Process.

For further information on the Complaints Process, please visit the [Complaints Process Service Guide](#).



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label Practice Guidance - Minimum required actions

## Practice Guidance - Minimum required actions

Please note that the Dispute Resolution Process follows on from the SE&S Complaints Process. For further information on the Complaints Process, please visit the [Complaints Process Service Guide](#).

### **Trigger**

- If a parent or school leader contacts the MOE about an ongoing concern that they have not been able to resolve, check that the parent, teacher and school

leader have already had discussions but have been unable to resolve the issue.

- Offer a facilitated meeting between those involved, if appropriate. Provide information about DRP to those involved, and obtain their consent to be part of the process.

### **Assessment**

- BAU work with the Manager Learning Support to assess whether the DRP could help those involved.
- If parent and school agree, work with the Manager Learning Support (or delegate) to identify a facilitator and update the facilitator on issues/concerns and progress so far.
- Facilitator - Contact those involved and organise a meeting at the earliest opportunity after contact (refer to service standards above).
- Record agreed actions from meeting and send to those involved.
- If the concern is unresolved, refer the issue to the Manager Learning Support for review by the Director, if agreed by everyone, to check that everything that should have been done, has been done.
- If not resolved, and everyone agrees, Manager Learning Support initiates a review by the Director of Education.
- Director of Education undertakes review. Director reviews concern and makes a decision regarding whether to refer to mediation if this would be helpful

to resolving the issue OR recommends other options.

- If mediation approved, the Manager Learning Support contacts those involved to see if they wish to access mediation.
- If agreed by those involved, Manager Learning Support sends referral to MBIE Mediation Service

**Outcome**

- Hold facilitation meeting and communicate agreed actions/next steps
- After facilitation follow up with those involved to ensure the concern has been resolved as agreed at the meeting (refer to service standards above).
- Mediation held and MBIE communicates with the Ministry that the issue is resolved or unresolved, and any terms of settlement/next steps that those involved wish to share with the Ministry



Card

label Practice Guidance - Considerations

**Practice Guidance - Considerations**

Please note that the Dispute Resolution Process follows on from the SE&S Complaints Process. For further information on the Complaints Process, please visit the [Complaints Process Service Guide](#).

### **Trigger**

- What is the dispute/issue?
- What information will you need to carry out the facilitation, / review and mediation?

### **Assessment**

- What steps have been taken by the parent(s) and school so far? (Facilitation, mediation, correspondence and/or meetings with the school, written to the school board?)
- Who needs to be at the facilitation and/or mediation in your view?
- What information do parents and schools need about the DRP, facilitation and/or mediation?
- How are the views of the child or young person being included?
- Are there any safety issues we need to be aware of?
- Are there any health or accessibility issues we need to be aware of in order to provide parents and school the opportunity to participate effectively in facilitation and/or mediation, (e.g. hearing, vision, speech or other disabilities or needs)?
- Do any of those attending the meeting need an interpreter?

- Are there any cultural needs that need to be considered?
- Which venue would be suitable for the facilitation?
- Have arrangements been made for the facilitator to debrief with a Ministry colleague after the meeting if needed?
- Is there anything else we might need to know?
- What information does the Director need to complete a review?

**Outcome**

- Does the facilitator/mediator have the right information prior to the meeting and are they well prepared?
- Do the parents and school representatives have the right information about the DRP and facilitation and/or mediation?
- Have the views of the child or young person been taken into account?
- Have the cultural and other needs of the participants been taken care of?
- Is the process satisfactory in terms of the DRP principles?
  - Focussed on child or young person and accessible
  - objective and fair
  - effective, efficient, and accountable



Card

label Practice Guidance - Documentation

### Practice Guidance - Documentation

Please note that the Dispute Resolution Process follows on from the SE&S Complaints Process. For further information on the Complaints Process, please visit the [Complaints Process Service Guide](#).

#### **Trigger**

- Provide and ensure parents and school representative sign authority to collect and share information form
- Provide information sheets for parents and schools on DRP, facilitation and mediation
- Create DRP job in CMS and update with actions and decisions. This includes attaching summary of actions after facilitation and outcome of mediation

#### **Assessment**

- Complete referral form for mediation
- Record outcome and agreed actions after facilitation
- Send out appropriate feedback survey links to parents, schools and facilitators



### **Outcome**

- Documentation completed and filed in CMS
- Copies of relevant agreed actions following facilitation and/or mediation shared with parent and school.
- Consent to participate in DRP received from parent and school
- Send feedback survey questionnaires to parents, schools and facilitators, and three month follow up survey questionnaires to parents and schools.



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label Roles and Responsibilities

### **Roles and Responsibilities**

#### **Ministry**

The Ministry will get involved at the request of a child or young person, parent or school. We'll do this once the parent and school have discussed the issue and they have had the chance to put things right. The DRP is about building on schools' processes, not replacing them. The Ministry can also provide guidance to parents on raising an issue with a school or the board.

The Ministry is not there to speak on anyone's behalf (advocate) or enforce. We're there to help facilitate the hard conversations and to help parents and schools solve problems together. It is also important to consider the voice of the child/young person in the DRP. The child or young person should have the process explained to them and be given the chance to be present, and take part, if everyone agrees. The Ministry has:

- developed clear and accessible information for parents, caregivers, whānau and schools about how to raise issues with each other in an effective way
- provided training in facilitation for selected Ministry staff
- allocated funding for mediation, with this service being provided by the Ministry of Business, Innovation and Employment (MBIE) for the initial rollout in three regions.

#### ***Ministry Staff – Business As Usual***

The DRP formalises much of the work staff already do to facilitate challenging conversations between schools and parents. The Ministry is contacted about issues, concerns and complaints through its national and local offices. A variety of subjects are raised. Contacts can range from expressions of dissatisfaction about an issue and asking for help from the Ministry, to serious and formal complaints.

Issues, concerns or complaints from parents, caregivers, whānau and schools relating to a child or young person with additional learning needs will continue to be managed

by the local Ministry office. The DRP is not intended to replace schools' own processes so parents, caregivers and whānau are advised to first raise an issue with their child's teacher and principal. The DRP is only available where the issue or concern has already been raised.

Information about the DRP is available for parents, caregivers, whānau and schools.

***Partner Organisations (NZSTA, Parent to Parent, NZPF, SPANZ)***

National office will ensure partner organisations are kept informed of progress at a national level. The three regional DRP implementation teams supporting the rollout are expected to work with local representatives from their partner organisations to support implementation. Our partner organisations will support the DRP by ensuring information about the DRP reaches parents, caregivers, whānau and schools.

***Individuals involved in a dispute (e.g. parents, caregivers, whānau, child or young person, schools)***

Everyone involved in a dispute is responsible for ensuring that where possible the views of the child or young person is heard. They are also responsible for preparing for meetings, taking part constructively in discussions and implementing any agreed action plan. If the issues or concerns are still not resolved, a Ministry review can be requested to make sure that everything that should have been done has been done. If helpful, and everyone agrees, the Ministry will consider referral to the mediation service.

***Ministry Facilitators***

If an issue has already been raised and discussed with the child or young person's teacher and principal, and it hasn't been resolved, those involved can ask the Ministry for help from someone trained in facilitation. Facilitators help schools and the child's parents, caregivers and whānau talk and work together to find a practical solution. The facilitator won't be there to advocate or enforce; they're there to help facilitate the hard conversations. They should support and build on family and school relationships and focus on outcomes for the child or young person. They should ensure that all relevant people are involved and that the child or young person's views have been taken into account.

- The facilitation process is intended to be more informal than mediation. Ministry facilitators will generally have the following knowledge, skills, experience and personal qualities:
- An understanding of, and experience in, facilitation.
- A clear idea of the purpose and boundaries of their role.
- An ability to provide facilitation in a way that preserves relations between those involved.
- An understanding that they do not act as an advocate or support person for anyone involved.
- An ability to communicate and work effectively with others who have diverse cultural backgrounds and languages.
- Knowledge of using interpreters to communicate with those involved.
- An understanding of the education sector and learning support.

- Knowledge of the diverse and unique education, health and care needs of children and young people with additional learning needs.
- Knowledge of the services and support available, and the ability to have the right people involved.
- An understanding of relevant human rights, privacy and education law.

Facilitators use a joint problem-solving approach and a range of techniques focused on helping those involved agree a way forward. The responsibility for the implementation of any agreed actions rests with those involved. The facilitator can help to organise the facilitated meeting.

The facilitator will record any agreed actions and provide a copy to those involved. The facilitator is also responsible for recording the agreed actions and outcomes from the meeting in CMS and reporting on the issue to the Manager Learning Support (or their delegate).

If those involved can't agree on a way forward or run out of time, the facilitator may suggest a second facilitated meeting, or suggest the issue is referred to the Director of Education for review. The issue will then be referred back to the Manager Learning Support. This will be recorded in CMS.

### ***Manager Learning Support***

The Ministry's Manager Learning Support provides leadership for the DRP in their region and is responsible for making sure facilitators are allocated appropriately and the issue or complaint is recorded in CMS. The Manager

Learning Support can also initiate a review by the Director of Education to ensure that everything that should have been done has been done, if asked to do so by those involved and with their agreement. The Manager Learning Support lets those involved know the outcome of the review, which may include other options such as the Ministry working with them if more can be done to support resolution, or making a referral to the mediation service.

***Director of Education***

As above, at the request of the Manager Learning Support, the Director may undertake a review to ensure that everything that should have been done to assist the child or young person has been done. This may include looking at other options such as the Ministry working with those involved, if they feel more can be done to support resolution, or approving mediation as a next step.

***DRP Mediation Service***

If the Director has approved mediation and those involved agree, the Manager Learning Support will make a referral to the mediation service provided by the Ministry of Business, Innovation and Employment (MBIE). MBIE employs trained, skilled and experienced mediators who are members of an approved dispute resolution organisation. They have extensive experience and well-established procedures to manage dispute mediation across a range of topic areas. This experience makes it appropriate for them to be contracted to supply mediation services during phase one.



Card

label Frequently Asked Questions

### Frequently Asked Questions

Add questions to help staff understand service and use guide. Gain feedback from business owners and users around what FAQ could be useful.

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