



31/07/2024

Patrick James

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Tēnā koe Patrick

OIA: 1328253 – Residential Specialist school reports

Thank you for your email of 7 May 2024 to the Ministry of Education (the Ministry) requesting the following information:

I request all final reports and advice, created by the Ministry or under contract, relating to the 3 residential specialist schools since the start of 2023.

If any information is withheld, i would like to know what date it can be released, and a commitment by the Ministry to publicly release it on that date.

Thank you also for your emails on 20 May 2024 and 5 June 2024 from which your request was refined to the following:

Final reports and advice that has been seen within the Ministry. Can i narrow it to Ministry's top 3 management layers? Covering the following key topics:

- 1. RSS property redevelopment projects*
- 2. Funding for the three schools (Salisbury, Halswell and Westbridge)*
- 3. Research evaluation conducted by Auckland University on the experience of families and children who have attended RSS*
- 4. Responding to the recommendations from the UN Committee on the Rights of Persons with Disabilities in RSS*
- 5. School Board appointments*

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

We have identified eleven documents in scope of your request. These documents are set out in the **Appendix A Document Table** below, along with my decision on release.

As detailed in the document table, documents one, three, six, seven and eleven are refused under section 18(d) of the Act, as the information is, or in the case of document six, will soon be, publicly available. The details and links for where these documents are, or will be, available, are in the document below table. Please note that some information from documents one, seven and eleven are withheld under the following sections of the Act:

- Section 9(2)(a), to protect the privacy of natural persons.

- Section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by departments.
- Section 9(2)(h) to maintain legal professional privilege.

Please note that we are intending to publish document six in full. We do not have a confirmed date for the release as the three Residential Specialist Schools have been given the opportunity to review the research before it goes public. However, the intention is to publish this paper within the next two months.

Documents two, four, eight and ten are released in part within the attached **Appendix A**. Please note some information from these documents is being withheld under the following sections of the Act:

- Section 9(2)(a) of the Act, to protect the privacy of natural persons.
- Section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers and officials.
- Section 9(2)(b)(ii) of the Act, to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
- Section 9(2)(j) of the Act, to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

I am withholding document five in full under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

Document nine is released in full within the attached **Appendix A**.

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

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

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Michelle Ashby'.

Michelle Ashby
General Manager, Learning Support
Te Mahau | Te Pae Aronui (Operations and Integration)

OIA 1328253 Document Table

#	Date	METIS #	Title	Decision on release
1	2 Feb 2023	1299640	Education Report: Ministerial Appointments to the Combined Board for Westbridge Residential School (4157) and Halswell Residential College (522)	<p>Refused. Information has been refused under section 18(d) of the Act.</p> <p>The information requested is publicly available at: https://assets.education.govt.nz/public/Documents/our-work/information-releases/Advice-Seen-by-our-Ministers/February-2023-/4.-1299640-Ministerial-Appointments-to-Westbridge-and-Halswell-Board_Redacted.pdf</p> <p>Please note some information has been withheld from the document under sections 9(2)(a) and 9(2)(g)(i) of the Act.</p>
2	9 Feb 2023		Letters to Unsuccessful Applicants – Ministerial Appointments	<p>Release in part. Information has been withheld under section 9(2)(a) of the Act.</p>
3	17 Mar 2023	1303055	Briefing Note: Update on response to ERO Evaluation of learning in residential care	<p>Refused. Information has been refused under section 18(d) of the Act.</p> <p>The information requested is publicly available at: https://assets.education.govt.nz/public/Documents/our-work/information-releases/Advice-Seen-by-our-Ministers/March-2023/Joint-Briefing-Update-on-response-to-ERO-Evaluation-of-learning-in-residential-care.pdf</p>
4	22 Jun 2023		RSS evaluation status update and implications for advice to Ministers on RSS	<p>Release in part. Information has been withheld under sections 9(2)(a), 9(2)(f)(iv) and 9(2)(b)(ii) of the Act.</p>
5	1 Aug 2023	1303565	Education Report: Responding to the recommendations from the UN Committee on the Rights of Persons with Disabilities on Residential Specialist Schools	<p>Withheld in full. Information has been withheld under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials</p>

#	Date	METIS #	Title	Decision on release
6			Residential Specialist Schools Pathway Evaluation Report	Refused. Information has been refused under section 18(d) of the Act. The information requested will soon be publicly available at: https://www.educationcounts.govt.nz/home
7	2 Aug 2023	1315251	Briefing Note: Visit to Westbridge Residential School 4157	Refused. Information has been refused under section 18(d) of the Act. The information requested is publicly available at: https://assets.education.govt.nz/public/Documents/our-work/information-releases/Advice-Seen-by-our-Ministers/August-2023/5.-1315251-Visit-to-Westbridge-Residential-School- Redacted.pdf Please note some information has been withheld from the document under sections 9(2)(a) and 9(2)(h) of the Act.
8	3 Aug 2023		Salisbury School Space Recommendations and Build Roll	Release in part. Information has been withheld under section 9(2)(a) of the Act.
9	27 Nov 2023		Memo: Residential Specialist Schools funding for 2024	Release in full
10	14 Sept 2023		Salisbury Residential School – Revised Stage One Business Case	Release in part. Information has been withheld under sections 9(2)(a) and 9(2)(j) of the Act.
11	18 Apr 2024	1322225	Education Report: Ministerial Appointments to the Combined Board for Westbridge Residential School (4157) and Halswell Residential College (522)	Refused. Information has been refused under section 18(d) of the Act. The information requested is publicly available at: https://assets.education.govt.nz/public/Documents/our-work/information-releases/Advice-Seen-by-our-Ministers/2024/April-2024/1322225.pdf Please note some information has been/will be withheld from the document under section 9(2)(a) of the Act.