

Giving students a say in their own education

SUBMISSION FROM THE OFFICE OF THE CHILDREN'S COMMISSIONER ON THE EDUCATION
(UPDATE) AMENDMENT BILL

11 NOVEMBER 2016



MANAAKITIA A TĀTOU TAMARIKI

**Children's
Commissioner**

Contents

Giving students a say in their own education.....	1
<i>Summary of our recommendations</i>	1
Taking a child-centred approach to this Bill.....	2
Our comments and recommendations on the Bill.....	3
<i>Children need to be consulted on the update of the Act</i>	3
<i>Enhance the ‘Goals of Education’</i>	4
<i>Increase accountability of boards to students</i>	7
<i>Missing element: an Independent appeal process for board decisions</i>	8
<i>Other issues that affect student wellbeing</i>	9
<i>National performance measures for schools</i>	9
<i>Flexible entry to school</i>	9
<i>Online learning framework</i>	10
Conclusion	12
Appendix A: Collecting the views of New Zealand students.....	14
Appendix B: Perspectives on education and achievement from a survey of children aged 8 to 18 years.....	15
Appendix C: Perspectives on starting and attending school from students in kindergarten, as well as students in year two and three....	20
Appendix D: OCC 2015 Submission on Education Act Review:.....	25

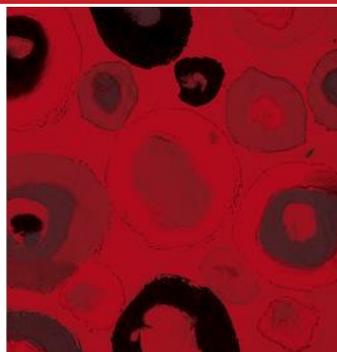
Giving students a say in their own education

The education system exists *for* children, and they are its most important stakeholders. Changes to the Education Act should be grounded in their best interests and informed by their views.

While an update to the Act is welcome after 25 years, the proposals in this Bill have *not* been developed with children's rights, experiences and views in mind. As a consequence, many of the Bill's provisions require reconsideration or amendment.

SUMMARY OF OUR RECOMMENDATIONS

- Rec 1:** Defer the Bill until there has been proper consultation with students
- Rec 2:** Include principles in the purpose section that reflect children's rights and agency (for example, that the best interests of the child should be a primary consideration in all matters relating to their education, and that they have the right to an opinion about matters that affect them, and for that opinion to be heard).
- Rec 3:** Make the following amendments to the purpose statement:
- > Amend (a) to provide a more holistic view of achievement as follows:
(a) to focus on helping each child and young person to achieve to the best of his or her potential;
 - > Add to (c) [support a child to develop an appreciation of the importance of]:
(v) the natural environment
- Rec 4:** Include "students" in the stakeholders that must be consulted when developing the 5-yearly National Education and Learning Priorities
- Rec 5:** Accountabilities for Boards of Trustees should include requirement that the Board:
- > consult with students in their five-year planning
 - > engage with students and report back to them regularly
 - > ensure student voices are heard by the Board, including proactively supporting student representatives to undertake their role
- Rec 6:** Establish a timely and affordable appeal mechanism by which disputed board decisions can be reviewed independently
- Other recommendations to consider:**
- Rec 7:** Performance measures should be based on measuring holistic progress of students
- Rec 8:** Regardless of the new entrant scheme, schools should have plans for students' transition to school (such as settling-in visits in advance of starting school)
- Rec 9:** Defer including the COOLs in the legislation until more concrete policy intent and regulatory proposals are available.



The Children's Commissioner represents the **1.1 million people** in Aotearoa New Zealand under the age of 18, who make up 24 percent of the total population.

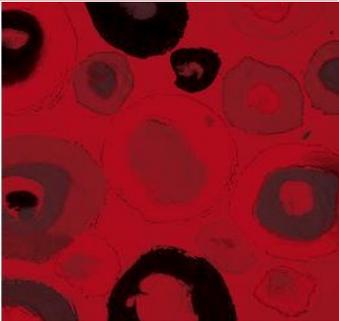
The Commissioner has the statutory role to advocate for their interests, ensure their rights are upheld, and help them have a say on issues that affect them.

For more information, contact:

Dr Kathleen Logan
Senior Advisor
k.logan@occ.org.nz
04 495 7804

Taking a child-centred approach to this Bill

We have focused our comments and recommendations on aspects of the Bill where we have greatest expertise, and where the views of children can best inform decisions.



when we refer to 'children', we include everyone under the age of 18.

OUR CHILD-CENTRED APPROACH

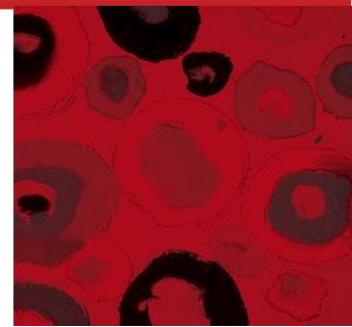
- 1 The Office of the Children's Commissioner has undertaken a child-centred analysis of the Bill.
- 2 We have focused our submission on the key elements of the Bill that can be improved by taking a child-centred approach and by taking into consideration the views of children and young people. Specifically, this analysis includes three considerations:
 - > what children say
 - > what is in best interests of the child
 - > how this supports the right for all children to have equitable education outcomes.
- 3 To inform our submission, we engaged directly with a limited number of children and young people as follows:
 - > an online survey in late October and early November 2016, that received 554 responses from students aged 8-18 at 9 schools.
 - > one focus group with 4 year olds soon to enter school and a second focus group with 7 and 8 year olds at school.
- 4 This child-centred approach is summarised in the following box.

A way of ensuring your decisions will support the wellbeing of children, uphold their rights and avoid unintended negative consequences, is to answer the following questions, then apply your professional judgement alongside expert advice, and knowledge of child development to make child-centred decisions:

- 1 How will the decision (about legislation, policy or service design) affect children?
- 2 What are the differential impacts (i.e. on children from different groups, or between children and other groups in society)?
- 3 What do children say? – Collect children's views and listen to their voices on a subject.
- 4 What changes could be made to enhance the outcomes for children?

- 5 The remainder of this submission applies this tool to sections of the Bill. A key theme across our recommendations is the importance of listening to children and considering their views.

Our comments and recommendations on the Bill



STOP! Defer the Bill until students' voices have been heard and taken in to account.

CHILDREN NEED TO BE CONSULTED ON THE UPDATE OF THE ACT

7 The development of a purpose statement for governing legislation would not take place in other sectors without pro-active consultation with the stakeholders who will be most affected. Yet, in developing the proposals in this Bill, there has been no systematic consultation of children that we are aware of.

Children are active participants in their own education

8 Of all the areas of government policy, education has the greatest direct impact on children. Education directly affects children's daily lives, because they spend such a large proportion of their time in educational settings. As the daily users of the system, children know it intimately. The education system is also important to children because it affects their future lives and outcomes.

9 All children are entitled to an education which helps them to develop to their full potential (UN Convention on the Rights of the Child, Articles 28 and 29). The extent to which they receive this has a significant bearing on their lives long into adulthood.

10 Children are 'experts' in how they learn best, and can provide insightful information about how policy intent is translated into lived experience in the education system.

11 The philosophies underpinning our education system have evolved over time. Whereas in the past, education has been understood as a process by which children receive and absorb information conveyed to them by teachers, modern educational philosophy and curricula understand children as active agents in their own learning. The Education Act should reflect this.

Students have the right to have a say in their own education

12 Children are entitled to an opinion on issues that affect them, and for that opinion to be listened to (UN Convention, Article 12). As key users and stakeholders in the education system, children should be systematically involved in significant changes to education policy and legislation.

13 In the first round of consultation on the update of the Education Act (December 2015), we recommended that the Ministry of Education undertake a broad engagement with students before progressing with the update (see appendix D). To our knowledge this recommendation was not acted upon.

Recommendation 1

14 Our primary recommendation is that the Select Committee defer this Bill until there has been substantial consultation with children that is meaningful, and enables their voices to influence the proposals in this Bill. This should include both early childhood education (ECE) attendees and compulsory school students, and those in alternative education or who have been disengaged from the education system. In particular, students who rarely get a chance to be heard should be targeted for consultation.

Rec 1: Defer the Bill until there has been proper consultation with students.

ENHANCE THE 'GOALS OF EDUCATION'

What is proposed

15 The Bill aims to set an enduring purpose statement for the education system that schools will be required to fulfil. It will make student achievement and learning central to the early childhood education and compulsory schooling parts of the Act. This involves an enduring purpose statement enshrined in the Act, and 5-yearly National Education and Learning Priorities set by the Minister.

A child-centred analysis

Enduring purpose statement

16 We broadly support the new purpose statement. However, we believe it can be strengthened by including principles for the goals and objectives, ensuring a holistic view of education is included, and making some wording changes that align with children's rights in education.

17 In the initial consultation, it was intended that the purpose statement would be 'student-centred'. We are disappointed to see that this language has been omitted from the Bill. The purpose statement can be made more student-centred by including principles that reflect:

- > children are active agents in their own learning
- > the education system should be grounded in their best interests, and
- > their voices should be heard and taken into account.

18 There is precedent for this in other child-related legislation. For example, section 6 of the Child, Young Persons and their Families Act 1989 sets out that the best interests of the child should be the first and paramount consideration in all matters relating to the administration or application of the Act. There is also an educational precedent. Section 6 of the Vulnerable Children Act 2014 requires that the best interests of the child must be considered in relation to the education of vulnerable children. We strongly believe there should be such a provision for all children in the Education Act.

19 Regarding the objective focused on achievement, we caution against using a narrow definition of 'achievement' in education. Last year in our submission to the Ministry of Education, we reported that 'achievement' is important to students, and they have a holistic view of what achievement means, i.e. more than just good grades but also social and life skills too, such as confidence, resilience and relationships. This is consistent with the broad societal benefit achieved through educating our population.

20 In our November 2016 online survey we tested the draft purpose statement to find out how well it resonated with students. (See Appendix A for the methodology of our online survey.) The table on page 6 shows which five elements of the draft statement children identified with most strongly.

21 It also shows a range of quotes relating to what other things students thought were important to learn about in school. Their responses confirmed a previous (2015) consultation that education has a wider purpose than just academic achievement, and includes developing social skills and resilience, and to have an inclusive society.

22 Our survey does not reflect a statistically representative sample of New Zealand students. Although the draft purpose statement aligns reasonably well with what this group has identified as the purpose of education, it may not be used to represent the voices of New Zealand children broadly. We recommend a more comprehensive consultation is undertaken.

What else is important to learn about at school?

"To prepare us for a part in society"
(student age 14)

- 23 That said, we note the draft purpose statement appears consistent with providing an education to all without discrimination. It is also reasonably consistent with the items in the UN Convention that state what it means to fully develop a child's talents and skills, except for one notable omission relating to *development and respect in each child and young person of the natural environment*. Finally, the purpose statement is also consistent with what is generally expected as the societal benefits from education.
- 24 However, the key fact that the purpose statement has not been exposed to scrutiny by students, *including* priority learners (i.e. students who are Māori, Pacific, disabled, or of low socio-economic status) means the child's right to have a say has not been addressed.

Recommendation 2

Rec 2: Include principles in the purpose section that reflect children's rights and agency (for example, that the best interests of the child should be a primary consideration in all matters relating to their education, and that they have the right to an opinion about matters that affect them, and for that opinion to be heard).

Recommendation 3

Rec 3: Make the following amendments to the purpose statement:

- > Amend (a) to provide a more holistic view of achievement as follows:

(a) to focus on helping each child and young person to achieve to the best of his or her potential;

- > Add to (c) [support a child to develop an appreciation of the importance of]:

(v) the natural environment

National Education Learning Priorities

- 25 The Bill proposes a second tier of goals to be set by the Minister of Education every five years, reflecting priorities of the government of the day. These priorities will be clear, applicable to all schools that receive government funding, and will require consultation. These will set the goal-posts for school performance measures and heavily influence the education that students receive. However, there is currently no explicit mention of students' input to the Minister's five-yearly priority-setting process.

Recommendation 4

- 26 Our recommendation is the Bill should be drafted to *require* the Minister of Education to consult children when developing the National Education and Learning Priorities. This is consistent with children's rights (see paragraph 12) and would ensure the priorities are fit for purpose for the major stakeholders – current students.

Rec 4: Include "students" in the stakeholders that must be consulted when developing the 5-yearly National Education and Learning Priorities.

Table 1 How did students react to the draft Purpose Statement?

Current purpose statement in Bill	Student respondents' top five chosen purpose of education
The draft purpose statement is as follows:	1 st = To achieve to the best of my ability (a)
The objectives of the system for early childhood and compulsory education are:	1 st = To be ready to get a job when I'm older (b)(iv)
(a) to focus on helping each child and young person to attain educational achievement to the best of his or her potential; and	3 rd To become confident and able to overcome challenges (b)(i)
(b) to promote the development, in each child and young person, of the following abilities and attributes:	4 th = To make friends and build relationships (b)(ii)
(i) resilience, determination, confidence, and creative and critical thinking:	4 th = To learn how to be responsible (b)(iii)
(ii) good social skills and the ability to form good relationships:	What else is important to learn about in school?
(iii) participation in community life and fulfilment of civic and social responsibilities:	<i>Learn how to be a well-rounded citizen of the modern world</i>
(iv) preparedness for work; and	<i>To understand others</i>
(c) to instil in each child and young person an appreciation of the importance of the following:	<i>To use tech correctly</i>
(i) the inclusion within society of different groups and persons with different personal characteristics:	<i>How to have a Happy and Healthy Life</i>
(ii) the diversity of society:	<i>To find a way to solve problems that works for me</i>
(iii) cultural knowledge, identity, and the different official languages:	<i>To learn different things you might need in the future</i>
(iv) the Treaty of Waitangi and te reo Māori.	<i>Learning how to ask good questions and be independent</i>
	<i>Maths, science, making friends, learning respect and that you're not the biggest fish</i>
	<i>To discover what my abilities are and what I'm good at</i>
	<i>To learn to think in various different ways</i>
	<i>To prepare us for a part in society</i>
	<i>To learn how to learn</i>
	<i>The history of your culture and country</i>
	<i>To learn sign language</i>
	<i>To be able to talk about important stuff that you don't feel comfortable talking about</i>
	<i>Learning and not giving up</i>
	<i>How to deal with stress and pressure</i>
	<i>To have fun, oh wait we can't :(</i>
	Even our youngest students (ECE) have an understanding of the purpose of education, and that schooling involves transitions:
	<i>So you can grow up and make lots of money</i>
	<i>You go to school when you can't go to kindergarten anymore</i>

INCREASE ACCOUNTABILITY OF BOARDS TO STUDENTS

What is proposed

- 27 The Bill aims to strengthen the efficiency, effectiveness and accountability of individual schools and the New Zealand schooling network.
- 28 It proposes to align the Government's strategic direction-setting and priorities with strong accountability through defined roles and responsibilities for school boards, and meaningful planning (including a requirement to consult communities) and reporting.
- 29 It emphasises collaboration, and continual improvement.

What do students say about school boards and whether schools value their opinions?

- 30 We asked students what they know about school boards. Of the 463 students who answered this question, about half didn't know, about a third were unsure and only 18% were confident they knew what the board of trustees does.
- 31 Students made diverse comments about their understanding of boards, a selection of which are reported in Appendix B to this submission.
- 32 We also asked students about schools consulting with them:
 - > 62% of students who responded felt that they, their families, or both should be asked about school rules, or how the school is run.
 - > 42% of students who responded felt that the school valued their opinion, 20% didn't think that their opinion was valued, and 39% didn't know.

[The board] "Organizes what the school should spend its money on. The board is usually formed by a group of parents. Sometimes they talk to students to accept their ideas." (Student, 12)

A child-centred analysis

- 33 Planning and reporting that is more aligned with the purpose of education is a positive aspect of this Bill. Enabling schools to focus on the goals and priorities of the education system will ensure students receive the best education possible. Clarifying roles and responsibilities of boards may empower boards to focus on holistic student achievement.
- 34 Whether the proposed accountability regime improves the education children receive will depend on many things including:
 - > the ability of schools to focus on students,
 - > the performance measures chosen, and
 - > the engagement schools have with family/whānau to support holistic student development.
- 35 The Bill proposes that board responsibilities will include consulting communities on the school planning documents, but it does not explicitly include a responsibility to consult with students. It should.
- 36 To be effective at strategic planning for students' education, school boards need to increase their engagement with students, and understand their needs and desires. Students are the key stakeholder group. They have valid things to say, and they have right to say them.
- 37 Consultation with students will provide key insights as to what is needed to ensure their learning is optimal. Students know how they learn best, they can say how they experience the school environment, and they can express their expectations for their futures. They should be consulted at all times that schools make strategic planning decisions. Otherwise, there is a risk that the school could make fundamental

"A bunch of old guys that have never taught in a class making decisions for kids they have never met." (Student, 15)

"I think the [school] rules should be reviewed by parents and students at the end of each year" (Student, 17)

mistakes that result in disengaged students. It is particularly important for schools to consult priority learners and students most likely to disengage.

- 38 When only half of the students who responded to our survey reported knowing what a board does, we conclude that current communications between boards and students are insufficient.
- 39 The roles and responsibilities of school boards should include providing support for student representatives on boards (for secondary schools), and ensure the voice of students are heard by the board. Boards should also be required to report back to the student body as this will provide another mechanism to improve communication and knowledge transfer between them.

Recommendation 5

40 We recommend the following additions to the school's proposed accountability processes:

Rec 5: Accountabilities for Boards of Trustees should include requirement that the Board:

- > consult with students in their five-year planning
- > engage with students and report back to them regularly
- > ensure student voices are heard by the Board, including proactively supporting student representatives to undertake their role

MISSING ELEMENT: AN INDEPENDENT APPEAL PROCESS FOR BOARD DECISIONS

What is missing from the Bill's proposals?

- 41 A major omission from the current Act, and this Bill, is an appeal process for students or parents to challenge board decisions. Currently, the only routes by which board decisions can be challenged are: review (by the school board), the Ombudsman, and the High Court (which is prohibitively expensive and protracted).
- 42 There is a lack of any timely, affordable and independent appeal process for school board decisions. There should be an independent mediation or review opportunity for parents and children who are unhappy or disagree with the board's disciplinary decisions or other policies – for example, regional appeal panels chaired by a lawyer with a senior teacher, Board of Trustees member and parent representative.
- 43 The Office of the Children's Commissioner has a Child Rights Line to provide advice to callers about children's rights, and to help people navigate the various systems of services for children, including getting redress for their problems.
- 44 Half of the education-related enquiries to the Child Rights Line are about children being excluded by boards and other board disciplinary decisions that families feel were unfair. Natural justice demands an appeal process should be available that is: timely and accessible to all regardless of wealth or income, available locally, and independent from board influence.

Recommendation 6

Rec 6: Establish a timely and affordable appeal mechanism by which disputed board decisions can be reviewed independently

OTHER ISSUES THAT AFFECT STUDENT WELLBEING

National performance measures for schools

45 The proposed accountability framework includes the Minister setting national performance measures for schools. This would enable the Ministry to scrutinise how well schools are achieving the goals and priorities set for education. These would inevitably be made public.

A child-centred analysis

46 All schools want students to achieve to the best of their abilities. Improving accountability of how well schools do this should be good for children.

47 Measuring progress of each student's holistic learning is an important way to understand their holistic development. We think it is important to include non-academic measures.

48 However, currently, education is measured by academic scores such as national standards and exam pass rates (e.g. NCEA Level 2). This only measures the average academic pass rates and not teaching quality, extent of family/whānau engagement or efficacy of school policies.

49 We are concerned that this narrow view of achievement may have unintended consequences for students, individual schools and the education system.

Recommendation 7

50 We recommend that performance measures be chosen carefully, to avoid harm to children from the negative consequences of narrowly measuring achievement, and avoid disadvantaging or stigmatising communities by reporting measures that mainly reflect their socioeconomic status.

Rec 7: Performance measures should be based on measuring holistic progress of students

Flexible entry to school

What is proposed?

51 The Bill proposes to increase flexibility for schools in deciding how their new entrants start school (entry policies). It also enables a school to establish compulsory attendance requirements once a child has started school (enrolled).

52 What this means is a school could implement a policy of 'cohort entry' (in consultation with the community including ECEs and parents). Children would be required to attend daily even if they are not yet 6 years of age.

What do children say about starting school?

53 In focus groups held in late October 2016, we asked four year olds about their expectations of starting school and seven and eight year-olds about their recollections of starting school. (See appendix C for results.)

54 Moving from ECE to school is currently seen as a rite of passage for most children on their 5th birthday. That said, there was a marked difference between the expectations of 4 year olds about to start school, who were very excited by the prospect, and the reflections of children who were already at school, who remembered their first day as one filled with trepidation and anxiety. Children who had become familiar with their

What do you remember about starting school?

My parents had to stay with me for ages because I was scared

I was very, very, very, very, very, very scared

It was scary standing up in front of the class to say my name

I was excited

The first day I was scared, but then I made one friend, and the second day I made another friend, and I felt happier

future school and its practices (typically achieved through ‘settling in’ visits) seemed to be more confident about starting school.

A child-centred analysis

- 55 Starting school is a significant moment in every child’s life – something they often remember long into adulthood. Understanding how children experience this key milestone is necessary to making good policy decisions about it.
- 56 We found from talking to ECE and new entrants’ teachers that it could be confusing for children if local schools have different entry policies. For example if some 4-year olds at an ECE can go to school when they turn 5, while others have to wait until the next term (depending on the school they go to), some 5 year olds may be teased or feel disadvantaged. Therefore, we recommend consultation among local schools to align local policies.

Recommendation 8

- 57 We recommend schools should consult widely, including other local schools, and particularly feeder ECEs when deciding on school entry policies – not just the parents. In addition, schools should consider how their entry processes will reduce anxiety for children (e.g. settling in visits before they start school).

Rec 8: Regardless of the new entrant scheme, schools should have plans for students’ transition to school (such as settling-in visits in advance of starting school)

Online learning framework

What is proposed?

- 58 The Bill will establish a future focused regulatory framework for online learning, including renaming Te Aho o Te Kura Pounamu (Te Kura) – the New Zealand correspondence school – as an ‘online school’ and creating new communities of online learning (COOLs). The latter would need to be accredited.
- 59 The regulations for COOLs will be established by Order in Council, but they have not been outlined in the preparation for this Bill. COOLs were not in the 2015 consultation on the Education Act update.

I like teacher helping:

Because the teacher can help us with things we don't know. (Student, 15)

What do children say about learning?

- 60 We did not specifically ask students about online learning. We asked them about how they learn best (three options) and why (open-text answer). The options were
- > I learn best when I work on my own, and am good at managing my own time
 - > I learn best when I have a teacher to make sure I'm on track
 - > I learn best when I can work with my friends
- 61 445 students answered this question. 41% identified that they learn best when they work on their own, and are good at managing their own time, and a common theme among their comments was that working with others was distracting. 29% believe they learn best when they have a teacher to make sure that they’re on track, with the main theme being needing teacher’s help. 28% thought they learnt best when they could work with friends, with common themes being that it was more fun, and peer pressure made them work more.
- 62 The diversity of learning preferences and comments indicated to us that students value learning without distractions, teacher support, and learning with peers.

I like working on my own

I may not be very good at time management but I definitely work better without the distraction of other students. (Student, 15)

A child-centred analysis

- 63 Student education can be enhanced through collaborative use of online learning. For example it benefits students at schools that are too small to support all subjects, or rural schools far from particular resources.
- 64 Online learning is already happening through Te Kura, through blended learning in schools (as teachers choose to use and share online resources in their classrooms), and through courses schools choose to offer through virtual online networks.
- 65 Given so many students are accessing online learning already, there is little evidence legislation is needed at this time.
- 66 We have concerns that the COOL policy, as it stands, poses a risk to the welfare of students, and risks the quality of the excellent education to which all students have the right. These concerns include:
- > lack of police vetting
 - > overly dependent on a student's self-motivation
 - > removal of the important regular contact between a student and his or her teacher
 - > inconsistency with the Bill's proposed purpose statement, b) ii "to promote the development, in each child and young person, of the following abilities and attributes: good social skills and the ability to form good relationships"

I learn best when I can work with my friends:

Being with friends drives me to push harder and achieve higher (Student, 13)

I like working on my own

"I do like working on my own, but I like to have a teacher to tell me and explain when I get things wrong"
(Student, 14)

Recommendation 9

- 67 It is too risky to enshrine the general policy in legislation without also enshrining details about the formulation of the regulations or an obligation for consultation on them. Given the uncertainties about COOLs, we think that what is proposed is too premature to be a part of this Bill.

Rec 9: Defer including the COOLs in the legislation until more concrete policy intent and regulatory proposals are available.

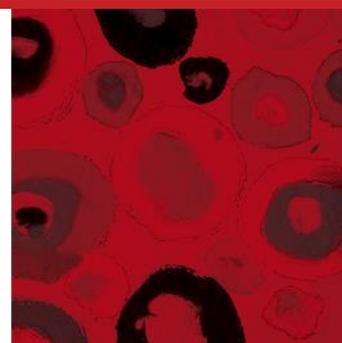
CONCLUSION

- 68 The update of the Education Act is an opportunity to make the system work better for all students, and especially for priority learners. It is an opportunity to progressively implement the UN Convention on the Rights of the Child. In particular, to ensure that relevant Convention principles are at the heart of the Act, that it reflects that children are active agents in their own learning, and the education system should be grounded in their best interests.
- 69 We strongly recommend the progress of the Bill be suspended until students have been included properly in a systematic consultation.
- 70 The Office of the Children’s Commissioner has developed resources on how best to engage with children of all ages (see www.occ.org.nz/listening2kids), and is willing to provide assistance. It is particularly important to consult those for whom the system is not working sufficiently well – priority learners should be targeted for consultation.
- 71 An education system that meets the needs of all kiwi kids must ensure that:
- > their voices are heard and
 - > they are considered properly
 - > their best interests are at the heart of decisions, and
 - > children’s talents and skills are developed to their fullest extent, without discrimination.
- 72 In doing so, we will be providing an excellent education to all children.

SUMMARY OF OUR RECOMMENDATIONS

- Rec 1:** Defer the Bill until there has been proper consultation with students
- Rec 2:** Include principles in the purpose section that reflect children’s rights and agency (for example, that the best interests of the child should be a primary consideration in all matters relating to their education, and that they have the right to an opinion about matters that affect them, and for that opinion to be heard).
- Rec 3:** Make the following amendments to the purpose statement:
- > Amend (a) to provide a more holistic view of achievement as follows:
(a) to focus on helping each child and young person to achieve to the best of his or her potential;
 - > Add to (c) [support a child to develop an appreciation of the importance of]:
(v) the natural environment
- Rec 4:** Include “students” in the stakeholders that must be consulted when developing the 5-yearly National Education and Learning Priorities
- Rec 5:** Accountabilities for Boards of Trustees should include requirement that the Board:
- > consult with students in their five-year planning
 - > engage with students and report back to them regularly
 - > ensure student voices are heard by the Board, including proactively supporting student representatives to undertake their role
- Rec 6:** Establish a timely and affordable appeal mechanism by which disputed board decisions can be reviewed independently
- Other recommendations to consider:**
- Rec 7:** Performance measures should be based on measuring holistic progress of students
- Rec 8:** Regardless of the new entrant scheme, schools should have plans for students’ transition to school (such as settling-in visits in advance of starting school)
- Rec 9:** Defer including the COOLs in the legislation until more concrete policy intent and regulatory proposals are available.

Appendix A: Collecting the views of New Zealand students



The Office of the Children’s Commissioner is required to consider the views of children when making submissions. Children are the main stakeholders in education, are experts in their experience of the education system, and their perspectives are essential when considering systemic changes.

BACKGROUND

The Office of the Children’s Commissioner used our network of schools through our Child and Youth Voices project to gather feedback from children and young people on the education system and the proposed changes. We used their voices to inform our submission.

METHODOLOGY

The main survey was delivered using an online platform. A total of 32 schools from a broad range of decile rankings and located throughout New Zealand were invited to participate in this Education Act Review survey. Of these schools nine chose to take part, with a total of 554 students submitting answers in the survey, aged from 8 to 18 years.

We also undertook two focus groups to gather feedback about entering school from very young students. These included asking specific questions to one group of students in years 2 and 3 (age 7) from a primary school, and one group of students in a kindergarten who were about to transition into primary school (age 4). The focus groups enabled us to gather views from younger students for whom the online survey method would not have been suitable.

QUESTION SELECTION

We focused on a few key elements of the Bill where children’s views would be most valued.

The survey questions were chosen to support this submission knowing there was little time for analysis, so the majority of the questions were closed-ended choices and rankings, with some allowing comments. We previously engaged with young people for the 2015 Ministry of Education consultation, which had responses from more open ended questions.

The questions were designed to be answered by a wide age-range of students.

LIMITATIONS OF THE SURVEY METHOD

We had to design the survey when the consultation materials had only just been released. While some questions were closely guided by the proposal document (e.g. purpose of education) other areas of this submission are not perfectly supported by the survey questions (for example Communities of Online Learning) mainly because we had not fully analysed the proposal.

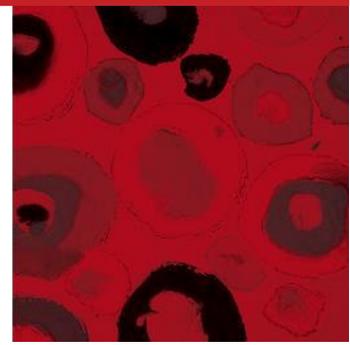
The online survey method can be a barrier to schools with limited access to online devices for students. This can particularly affect participation by students at low decile schools.

The voluntary nature of the Child and Youth Voices project means that we have limited control over which schools complete each survey. In this survey, the majority of schools that chose to participate were from the Wellington region. Further, a decile 10 boys’ college was very active in encouraging its students to complete the survey, therefore our survey results include more boys than girls, and more students from high decile schools than from low. Given this, the survey is not intended to be ‘representative’ of children across Aotearoa.

CONCLUSION

Despite the shortcomings, the online survey method remains the most cost- and time-effective way to gather the perspectives of a large number of students. We were able to gather the views of 554 students in a short time period of three weeks. We would rather see the views of children and young people included in an ‘imperfect’ format, than exclude consultation with children and young people completely because of the possibility that the results may not be perfectly statistically representative of the population.

Appendix B: Perspectives on education and achievement from a survey of children aged 8 to 18 years



In term 4, 2016, we received perspectives and feedback about schooling and the education system from 554 primary and secondary school students from nine schools.

The responses were collected via an online survey delivered by schools engaged with The Office of the Children's Commissioner's 'Child and Youth Voices' project. The students who responded to our survey identified with a wide range of ethnicities:

- > 61% identified as NZ European
- > 22% identified as Asian
- > 21% identified as Maori
- > 12.5% identified as Pacific Island
- > 4% identified as Middle Eastern, Latin American or African
- > 8% identified as 'other'.

Significantly more boys than girls completed this survey (77% male respondents). This was due to one boys' college being particularly proactive in supporting its students to complete the survey. The survey was offered to 32 schools throughout New Zealand. The voluntary nature of the Child and Youth Voices project means we are limited in our ability to achieve statistically representative responses.

Students had the option to skip any question that they did not wish to answer, so not every student answered every question in the survey. Students were able to select more than one response on some of the questions, so the total percentages for those questions add up to more than 100%.

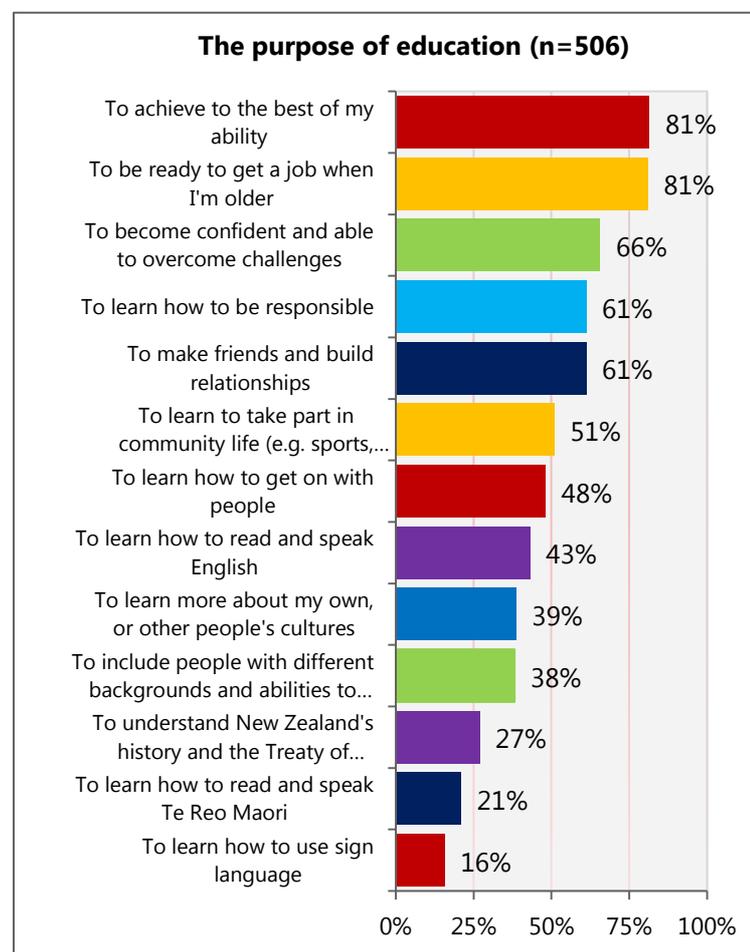
The perspectives gained in this survey were used to inform the Office of the Children's Commissioner's November 2016 submission to Select Committee on the update of the Education Act 1989.

WHAT IS THE PURPOSE OF EDUCATION?

506 students answered this question.

We provided students with a number of elements derived from the draft purpose statement in the Education Act Review document. We asked them to select all the responses they felt applied to the question "what is the purpose of education?". The most common responses were "To achieve to the best of my ability" and "To be ready to get a job when I'm older" (both 81%).

The full responses to the survey question are shown in the graph below.



Some of the perspectives of students about the purpose of education were:

- > *"Life lessons", Maths, Work Ethic, How to be an adult e.g paying bills tax returns etc" (15 year old student)*
- > *"To learn how the world works. In a geo-political sense." (15 year old student)*
- > *"To help New Zealand be better" (10 year old student)*
- > *"Learn how to be a well rounded citizen of the modern world" (17 year old students)*

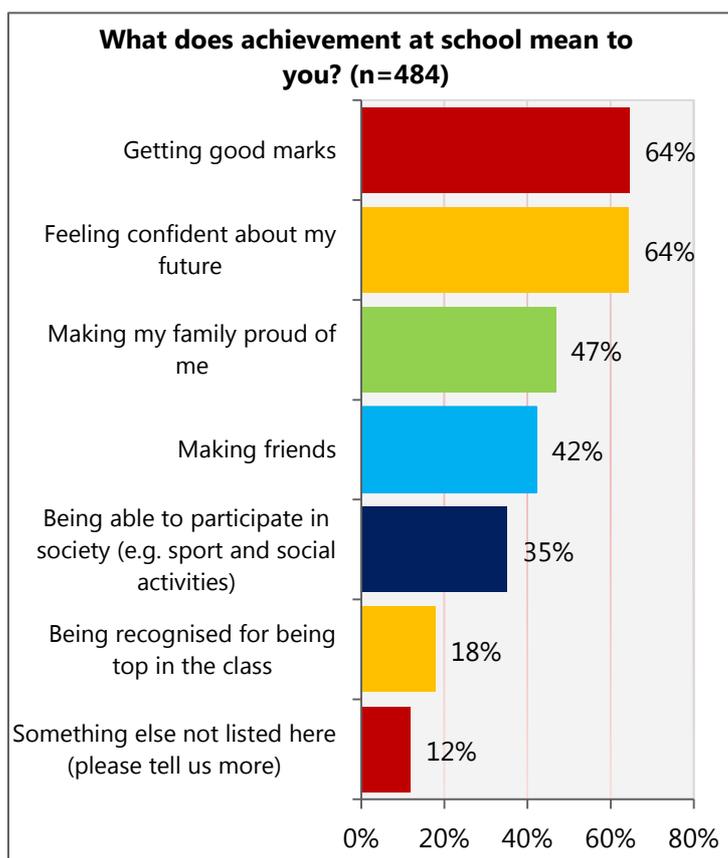
We also asked students their perspectives on the single most important reason for education. Again, the two most common responses were, *"To be ready to get a job when I'm older"* (39%) and *"To achieve to the best of my ability"* (35%).

The third most common response (at 10% of all respondents) was *"To become confident and overcome challenges"*

WHAT DOES 'ACHIEVEMENT' MEAN TO STUDENTS?

484 students answered this question

We asked students to choose from a list of responses for this question. Many of the options for this question were based on



responses students gave in previous engagements on the same topic, when the questions were open-ended and they could give their own response.

"Getting good marks" and *"Feeling confident about my future"* were the two equal highest responses, each selected by 64% of respondents.

Students were able to respond by selecting the option 'something else not listed here' and give their own perspectives of what achievement at school meant to them. Some of the responses to this were:

- > *"Gaining knowledge about myself, others, and the world around me" (13 year old student)*
- > *"Knowing that you are more than capable to achieve the highest of your abilities."(15 year old student)*
- > *"Working to the best of my ability and also being confident about if my life is going the right way" (14 year old student)*
- > *"Learn how to work" (13 year old student)*
- > *"Do well in sports" (14 year old student)*

HOW CAN SCHOOLS SUPPORT STUDENTS TO ACHIEVE THEIR GOALS?

471 students answered this question

The majority of students who answered the question thought that having teachers who can explain things to them in a way that they can understand was the most important way that schools could help them achieve their goals (83% of respondents).

Some comments from students about this topic included:

- > *"Teachers who guide and teach how to learn rather than teach material, keeping high achieving kids motivated to keep learning." (15 year old student)*
- > *"It sounds bad but not having a uniform because for me I feel like I work far better when I'm comfortable and in my own clothes" (14 year old student)*
- > *"Have smaller class sizes"(15 year old student)*

> "Create a good school environment"(13 year old student)

OPPORTUNITIES AT SCHOOL

419 students answered this question

We asked students how confident they were that the school could offer them subjects to meet their needs for the future. The majority (59%) who answered this question believed that the school offered them all the subjects that they needed for the future.

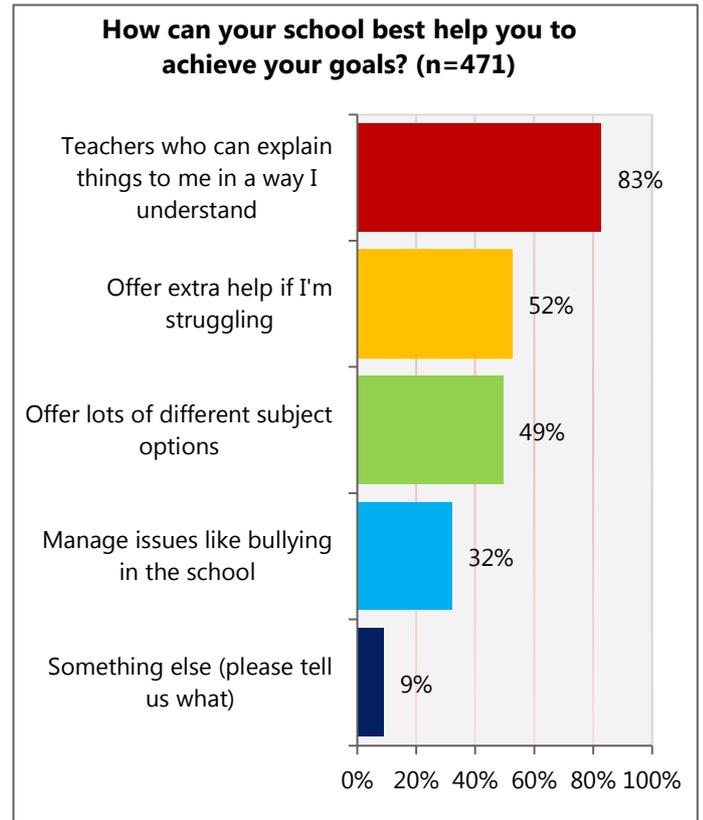
A number of students added additional comments about this topic. Some of these comments follow:

- > "I am interested in things like coding and computers and right now I have options which I have to choose that I don't really want to learn about" (14 year old student)
- > "There's no psychology subject offered for NCEA, my sister can do this for the IB programme" (15 year old student)
- > "I think that language opportunities are limited. I also think that more emphasis should be put on more important subjects (maths, English, science etc.)" (14 year old student)
- > "I think that schools should make more 'life courses' classes like managing money or parenting" (14 year old student)

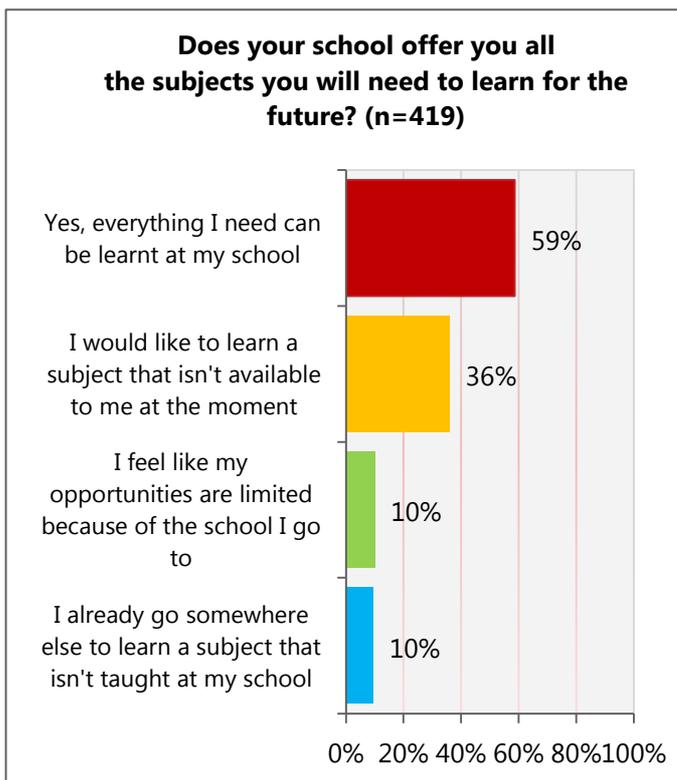
> "I would like to take both physics and chemistry next year (instead of choosing one) but I'm fine with waiting until level 2 to be able to take both" (14 year old student)

> "Maybe not EVERYTHING, but the range of subjects is superb" (14 year old student)

> "My school offers me everything I need at this point in time, but classes I want to take aren't available as I'm only a year 9"

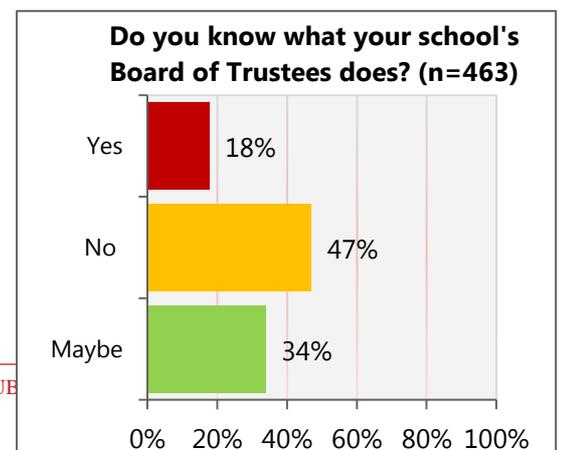


(13 year old student)



STUDENT UNDERSTANDING AND PARTICIPATING IN GOVERNANCE OF THE SCHOOL

We asked students if they knew what their school's board of trustees does. Less than half of the 463 respondents answered yes to this



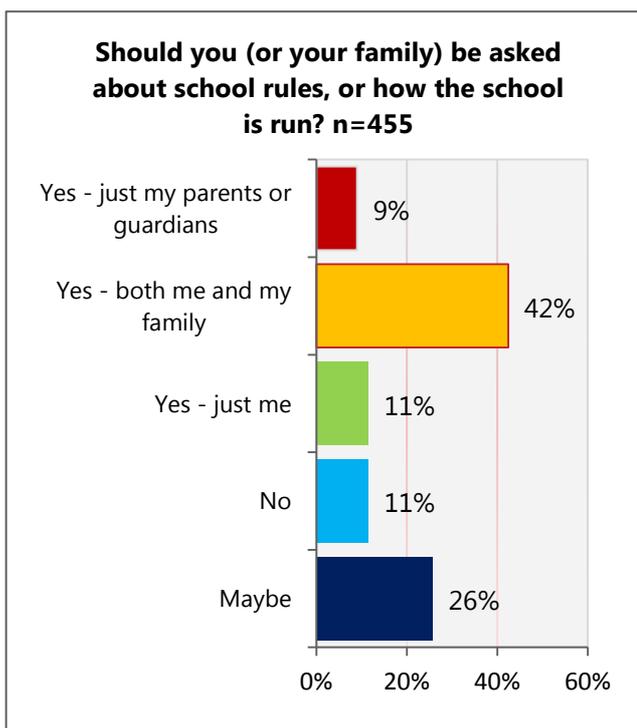
question (47%).

We invited students to tell us more about what they thought the role of the Board of Trustees was. Some of their responses were as follows:

- > *“They try to make school better (but to be honest all their ideas never work)”(11 year old student)*
- > *“They make decisions about the school”(14 year old student)*
- > *“Organise things and control the principal”(11 year old student)*
- > *“Decides what to fund, manages the business side of the school, stops the school being sued: (15 year old student)*
- > *“A bunch of old guys that have never taught in a class making decisions for kids they have never met”.(15 year old student)*
- > *“Sort out the money and what they should do to make it a better school”(12 year old student)*

STUDENT INVOLVEMENT IN SCHOOL DECISIONS

The students we surveyed had clear expectations that they and their whānau should be consulted on decisions affecting them or the school. The majority of the 455 students who answered this question expected either them and/or their whānau to be consulted, as can be seen in the graph below. Only 11% responded 'no' to the question.

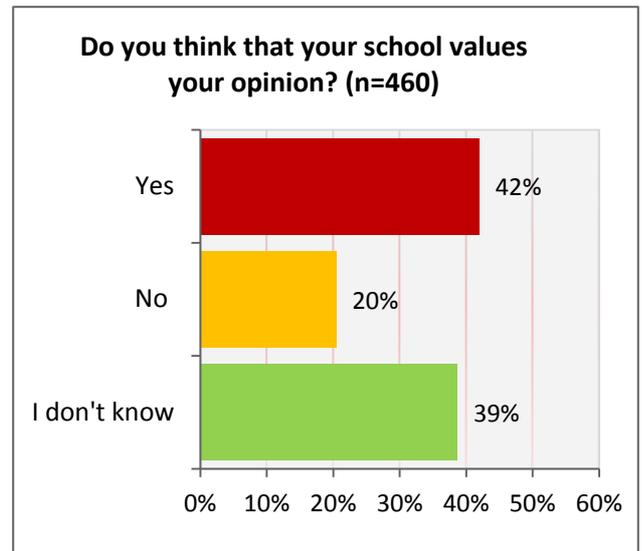


Students were invited to tell us more about what they thought on the topic. Some of the comments included:

- > *“This helps the parents be more engaged in our school life and they then can help us get better” (10 year old student)*
- > *“I think the rules should be reviewed by parents and students at the end of each year” (17 year old student)*
- > *“So that me and my family both know what to do and so that we can be safe” (10 year old student)*

We also asked students if they felt that the school valued their opinion. Of the 460 students who answered this question, less than half of the students answered that they felt their school valued their opinion, with the remainder selecting either 'no' or 'I don't know' as responses.

Some extra comments that students offered



included:

- > *“I think that the biggest decisions are made by people we have never met and they have never met us so they can't know whether it is the right decision for us”(15 year old student)*
- > *“Some teachers listen and take in our ideas and its really cool”(13 year old student)*
- > *“I think that they would like to value everyone opinion but that is difficult with the huge number of students.”(15 year old student)*
- > *“They focus on what they want you to learn rather than what you want to learn” (11 year old student)*

STUDENT LEARNING STYLES

We asked students to tell us more about their learning style and 445 students answered the question. Students who responded were also asked why they responded the way they did.

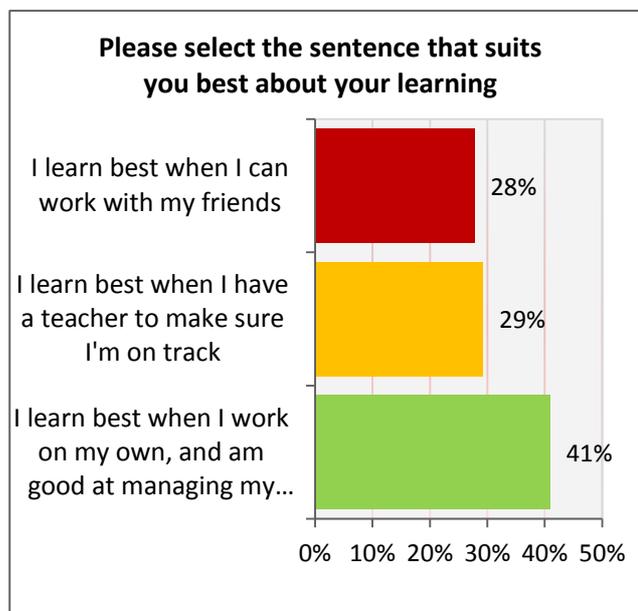
Some of the comments that students provided follow:

- > *"I am a really good at doing stuff by myself" (14 year old student)*
- > *"I can self-manage, but having friends working with me can help me get more involved" (13 year old student)*
- > *"I do like working on my own, but I like to have a teacher to tell me and explain when I get things wrong" (14 year old student)*
- > *"I feel teachers need to steer me into the right direction" (14 year old student)*
- > *"I tend to get wander off my work when I work alone but when I work with friends I get distracted by them. A teacher helps me stay on track whilst not distracting me." (13 year old student)*
- > *"Me and my friends can work together and still get our must dos done" (11 year old student)*

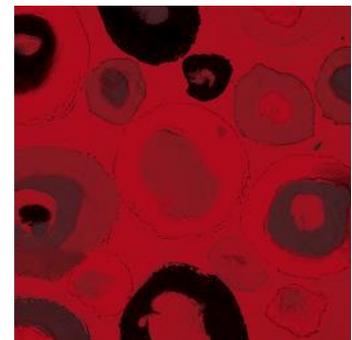
CONCLUSION

This report shows that students have valuable perspectives about their experiences with education. They have a holistic view about what achievement means at school, and many would like to be more active participants in the management and governance decisions made at the school.

We strongly encourage more consultation with children to take place before major changes are made to the Education Act. Children and young people are the expert users of the education system and should be treated as such.



Appendix C: Perspectives on starting and attending school from students in kindergarten, as well as students in year two and three



Below are selected responses from two focus groups held in October 2016. The first focus group consisted of six Year 2 and 3 students at a co-educational, full primary school in Wellington, and the other with five four year olds from a kindergarten in Upper Hutt.

WHAT SEVEN-YEAR OLDS TOLD US

The school is decile 6 and has students who identify as follows: 51% Pākeha, 14% Māori, 7% Pacific and 17% Asian. The focus group comprised of Māori, Pacific, Asian and Pākeha students.

Their comments have been used to inform the Office of the Children's Commissioner's submission on the update of the Education Act 1989. These child voices are intended to illustrate the value of engaging children in the review of the Education Act, and because it was a small engagement it is not intended to replace a proper consultation by the government of children who will be most affected by the update of the Act.

What is the purpose of education?

The children who took part understood that education serves multiple, related purposes. At its core, they think it should prepare them for their future lives and equip them with the skills and knowledge they will need to gain employment and thrive in their adult lives.

- > *It's important to get ready for university*
- > *You need to learn how to read to get a job*
- > *It's where you make friends for a lifetime*

Reflections on their first day at school

Almost all of the children in the focus group started school when they turned five and started on their own, with the exception of one child whose December birthday meant that they started in a small group at the beginning of the next school year. While most of the children had attended some 'settling in' visits at the school prior to their first day, the

general theme of the responses were feelings of nervousness and uncertainty.

- > *My parents had to stay with me for ages because I was scared*
- > *I was very, very, very, very, very, very scared*
- > *It was scary standing up in front of the class to say my name*
- > *I was excited*
- > *The first day I was scared, but then I made one friend, and the second day I made another friend, and I felt happier*

WHAT FOUR-YEAR OLDS TOLD US

The kindergarten is located in Upper Hutt, and has children who identified as follows: 74% Pākeha, 14% Māori and 11% 'other' according to the last ERO visit in 2013.

Why do you go to school?

Children involved in the focus group were very much of the opinion that school is something to be done as a rite of passage; that once you reach a certain age it's where you go to next.

- > *You go to school when you can't go to kindergarten anymore*
- > *So you can grow up and make lots of money*

Children's understanding of what they would learn at school was based around maths, reading and writing. They also noted that they'd need to know where their bags were and to bring their lunch box along to school (the kindergarten involved provides lunch for the students, with children eating together in a dining room).

EXPECTATIONS ON THEIR UPCOMING FIRST DAY AT SCHOOL

The children all spoke of their excitement about going to school. They all knew which school they would be attending, and some had started going along to 'settling in' visits to get to know the school and their new classrooms. They felt that they would be happy at their new schools. A few of the children had siblings, cousins or other family friends already attending the school in senior years, and felt this would be a good support for them.

The kindergarten we spoke to was a feeder site for six local primary schools. The teachers reinforced the view that moving on to school was a rite of passage for children when they turned five, and mentioned that children who stayed at the kindergarten beyond their fifth birthday were sometimes teased by their peers. The teachers were concerned that a change in the public psyche relating to the way children started school would only occur if all schools (or at least all the schools that children from one ECE were likely to attend) had the same entry policy.

The ECE teachers also reflected on the experiences of one boy who had recently transitioned to primary school. The school he attended had an extended settling in schedule and the teachers commented on how they noticed his confidence and enthusiasm for starting school grew with each 'settling in' session at his new school.

CONCLUSIONS

There was a marked difference between the expectations of the four year olds who hadn't yet started school, and the reflections from the children who were already at school. While the kindergarten children we spoke to were excited by the prospect of starting school, the reality of children's first day of school was often one of fear and anxiety. We support enrolment schemes (including provision for settling in) that would work towards achieving an increased comfort level of children on their first day of school.

There was a marked difference between the expectations of the four year olds who hadn't yet started school, who were very excited by the idea of starting school, and the reflections from the children who were already at school, who tended to remember their first day as one filled with trepidation and anxiety. Children seemed to feel more confident when they were familiar with their upcoming school and its practices (typically achieved through the use of 'settling in' visits). Moving from ECE to school was seen as a rite of passage for most five year olds, and care would need to be taken to manage a change of societal expectations.

Appendix D: 2015 Submission on Education Act Review: Children at the centre of the education system

The education system exists for children. This needs to be reflected in the Education Act and should be the driving force behind any changes.

The Children's Commissioner has a responsibility to ensure children's rights are respected and to advocate for their interests. A child is anyone in New Zealand under the age of eighteen.

THE ACT NEEDS UPDATING

The Office of the Children's Commissioner (OCC) welcomes the update of the Education Act, which is due for a review and refresh after more than 25 years. We are pleased to see that a central plank of the update is developing a student-centred purpose statement for the education system. We agree that the education system exists *for*

children. This needs to be reflected in the Act and should be the driving force behind any changes to the Act resulting from the update.

The discussion document poses a number of specific questions, but makes clear the update of the Act is limited in scope. In our view this is a missed opportunity and could mean that the impact of any changes is limited in scope.

We are also disappointed that, as far as we can ascertain, children have not been systematically involved in the update. One of the best ways of determining the best interests of a child is to ask them directly. The timing of the consultation, coming at the busy end of the school year, is a barrier to children and young people getting involved, as is the lack of a child-friendly version of the discussion document and the fact that little face to face engagement with children has been planned.

In preparing this submission, we have attempted to address this gap by gathering the views of a diverse group of children and young people about the education system. Their views are central to this submission, and full summaries of one focus group and two surveyed groups are attached as appendices.

Our engagement with children – while producing rich results – was limited in scope, and is not intended to take the place of more comprehensive engagement by the Ministry

of Education. Rather, we include their voices here to illustrate the kind of information that can be readily gathered by engaging with children, and to demonstrate its potential value to answer questions explored in the update.

We recommend the Ministry of Education undertakes pro-active and comprehensive engagement with children and young people in the next stage of the update.

The OCC is available to assist with expertise and support to carry out such engagement.

With this in mind, this submission focuses on three things:

- > Making the case for involving children in the next stage of the update;
- > Answering several of the questions in the discussion document from a child-centred perspective; and
- > Highlighting issues not raised in the discussion document that will help to achieve a child-centred education system.

THE CASE FOR ENGAGING CHILDREN

In this section, we make the case for pro-actively engaging children in the later stages of the Education Act update.

Why engage with children

They will be the beneficiaries of any changes

The development of a purpose statement for governing legislation would not take place in other sectors without pro-active consultation with the stakeholders who will be most affected. A fairly comprehensive programme of consultation meetings open to Principals, teachers, Boards of

We provide quality, independent advice to our stakeholders and report on matters that relate to the welfare of children.

For more information, please contact:

Holly Walker
Principal Advisor
(Advocacy)
h.walker@occ.org.nz
04 470 8716

“[The purpose of the education system is] for the teachers to teach us about what we will need to know for the rest of our life.”

- Survey respondent

Trustees, and members of the public has been held around the country during the public consultation period of the Education Act update. Yet these have not been child-friendly, and no parallel programme of child engagement has been attempted.

“School helps you to find something you’re enthusiastic about. Then it can help you find activities related to that subject and get really good at those. The more you can participate, the more you can achieve.”

- Focus group participant

If we imagine for a moment that major reform of the health sector would be attempted with the only active consultation being with doctors and District Health Boards, without making any consultation material or meetings directly open to patients and consumers we can begin to see what a significant oversight it is not to systematically involve children in the consultation process.

When the Act is updated and amended, it is children who will be impacted by the changes that are introduced. The intention expressed in the discussion document is that they are placed more clearly at the centre of the education system, that all schools, Boards, teachers and parents have a clear sense of what they are there to achieve with and for children, and that children’s education and social outcomes improve as a result. If children are not actively engaged in setting this purpose, there is a real risk that it will miss the mark.

It’s their right

The best interests of the child should be a primary consideration in all decisions that affect them.¹ One of the best ways of determining what is in the best interests of a child is to ask them about their views.

“[The role of the Board of Trustees is] to ensure that no rights of children are being breached and work towards governing the school in an equal and fair manner.”

- Save the Children Youth Ambassador

The education system exists for children. It is clear from the discussion document (and the report of the Taskforce on Regulations Affecting School Performance, which prompted it) that the Minister and Ministry of Education understand the importance of amending the Education Act to reflect this. Yet as the key stakeholders in the

education system, children have so far not

been actively included in the update. Children will be the most affected stakeholders of any changes. They have a right to have a say on the future of the education system, and to have their views considered and taken into account by decision makers.

They are experts and can offer views that won’t be gleaned elsewhere

In addition to having the right to be heard, children have a great deal to offer. Children know the education system inside out. They spend six hours a day, five days a week living and breathing it, and they can offer a user perspective that cannot be found elsewhere. It is important that this user perspective is gathered and included if changes to the Education Act are to achieve the purpose of placing students at the centre.

Their views are insightful and valuable

Children have important and insightful views to share. When consultation is done well, and when concepts are translated into child-friendly language and appropriate methods are used, these views can be gathered and shared to shed considerable light on the questions posed in the discussion document, and offer valuable opinions on the way forward.

“More laughter and smiles in the schools. [Make sure] it’s not all serious, so we can make mistakes.”

- Focus group participant

Children have clear views about the purpose of education and their own ideas about what achievement means to them. They also have clear ideas about how teachers, Principals, and Boards of Trustees can support them to achieve their goals that should be taken into account when making decisions about the future roles and responsibilities of Boards and Principals.

Engaging with “hard to reach” children

Engaging with those excluded from the education system

As well as engaging with children currently engaged in the school system, it is important that the Education Act update takes into account the views of children and young people for whom the current arrangements have not worked well. The discussion document (and the Taskforce that prompted it) both point towards the importance of inclusive support for all learners, especially those who have traditionally been poorly

¹ As stipulated in Article 3 of the United Nations Convention on the Rights of the Child, to which New Zealand is a signatory. See: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

served or struggled to engage. In order to make changes that will successfully support these groups, their views need to be considered and taken into account.

Researchers at Massey University have for the past several years been engaged with a large research project on Pathways to Resilience for young people who are users of multiple social services. Many of their participants have been

excluded or withdrawn from formal education at a young age. As part of the project, researchers interviewed young people about their experiences navigating the education system, and produced a valuable report on the findings in 2014.²

The young people's voices in this report provide powerful testimony about doing everything that can be done to keep them engaged in the education system, even when the circumstances in their lives out of school and their often challenging behaviours make it difficult.

Hearing from children and young people with unconventional experiences of the education system, including those excluded from it offers the best chance

of improving outcomes for this often poorly-served group.

Engaging with disabled children and those with special education requirements

Likewise, it is important to explicitly seek the views of children with disabilities and special education needs, both physical and learning impairments. While our focus group included some children with special needs, the questions they engaged with were of a general nature, and did not explore in any depth their experience of inclusiveness in the education system. We know that there are real issues here that need to be addressed from the Education and Science Committee's

current inquiry into the identification and support for students with the significant challenges of dyslexia, dyspraxia and autism spectrum disorders in primary and secondary schools.

The need for the Education Act to ensure the education system meets the needs of *all* learners and enables them to achieve their full potential is emphasised in the discussion document and was a strong theme in the consultation meeting attended by OCC staff in Wellington. Again, for this to be given effect in any changes to the Act as a result of the update, the voices and experiences of children with special education needs should be sought and taken into account.

CHILD-CENTRED PERSPECTIVES ON THE DISCUSSION DOCUMENT

This section draws on the results of consultation carried out by the OCC and Save the Children New Zealand to answer some of the questions posed in the discussion document from a child-centred perspective. We have not addressed all questions; some lend themselves better to children's perspectives, and we did not have the time or resources to consult on all elements of the discussion document.

To gather these views, the OCC conducted a focus group with year 8 and 9 students at a Decile 1 full primary school in Porirua. Save the Children surveyed a class of year 9 students at a Decile 10 secondary school in Christchurch. Save the Children also surveyed 10 Youth Ambassadors aged 14-18 from a range of backgrounds. Full reports of all three consultations are attached as appendices.

We were particularly interested in gathering students' views about the purpose of the education system, and understanding what "achievement" means to them, since a stated goal of this update is to produce a student-centred purpose statement for the act that is focused on raising achievement. Likewise, children can also offer useful insight on some of the more detailed aspects of the update.

"Treat disabled people better."

- Focus group participant

"Maybe the teachers could have asked me 'why are you wagging, do you need more help?' ... and I could have said ... 'I go to class and I sit through it just to get through it but that's it' and they could have said 'well we can give you that extra help, 'cause we believe you know you're on the path' or something. 'Cause at the end of the day I wish I had passed ... like it would have been cool to be sitting here right now going through all my school years and like got NCEA level one, two and three and you know, like I had something out of it. But now everything's like a lot harder."

- Pathways to Resilience participant

² Pathways to Resilience Research Project (New Zealand): Navigating the Education System (Technical Report 8), 2014: <http://www.youthsay.co.nz/massey/fms/Resilience/Documents/Navigating%20the%20Education%20System.pdf>

Question one: What should the goals for education be?

The children who took part in our consultation understand that education serves multiple, related purposes. At its core, they think it should prepare them for the future and equip them with skills and knowledge they need to thrive as adults. Future preparedness was not only defined in terms of employment, but also in terms of gaining skills, fulfilling potential, and learning to learn.

“To help students in the best way to learn and to help them achieve their goals and dreams.”

“[Education is] important for your brain so you can learn in the future.”

“[Education] helps prepare for the future and for life situations, and you get a better chance of getting a job. And it helps you to be confident and avoid conflict.”

“To teach children life skills and knowledge that they can use for life.”

“So you can get a job and be able to succeed in life.”

“To turn the students into young people who can take over.”

- Various respondents

These answers suggest that a student-centred purpose statement for the Education Act needs to be sufficiently holistic to capture the wide range of expectations children have of the education system. The discussion document anticipates a purpose statement that is framed around “achievement.” This is not a theme that emerges strongly from the students’ responses, but it is not inconsistent with their views, as long as achievement is defined widely enough to encapsulate their diverse expectations.

Anticipating that this might be the case, we asked the students to tell us what “achievement” meant to them. It was clear that they all aspire to achieve and succeed, but this is not defined in terms of attaining particular qualifications or standards. Rather, the most common thread in the children’s responses defined achievement in terms of setting and completing of goals. It was generally expressed as an intrinsic value, rather than something externally bestowed, and something which produces a state of happiness or satisfaction.

We conclude from these responses that a wide definition of achievement that

“[Achievement is] when you’re really happy because you were determined to do something, and you reach it. And then you set another goal and work hard.”

“It means knowing you can do whatever you want. You know it inside even if others don’t know it.”

“To complete something that makes me happy to the best of my abilities.”

“The completion of doing something well.”

- Various respondents

incorporates concepts of wellbeing, goal-setting, and fulfilment of individual potential will be important for setting an achievement-related purpose statement for the Education Act that resonates with children.

Question two: What process should be used for setting a national priorities statement for early learning and schooling?

National education priorities should reflect what children themselves want from the education system.

We asked children what skills and knowledge they thought they would need by the time they left school, to give a sense of the kinds of issues children would like to see prioritised in their schooling. Answers ranged from core literacy and numeracy skills to self-confidence and civic participation.

It would be great to see a set of national education priorities emerge that draw on students’ own ideas about what they need from their education and reflect their own aspirations and goals. This will require consultation with children to be built into the process for setting and reviewing national education priorities.

By the time I leave school I will need...

“Maths, reading, social skills, how to write.”

“Self-determination and social competence.”

“To be able to read, write, communication skills, and being able to get along with everyone.”

“Team work. Negotiation. Responsibility. Being fair. Respect.”

“Knowing about taxes, money, jobs and what life is REALLY like.”

- Various respondents

Question three: What should the roles and responsibilities of a school or kura board be?

It was clear when we asked children what the role of Boards of Trustees should be in supporting them to achieve their goals that there is limited understanding of the role of Boards among children in the schools they govern.³ Many students either skipped or answered the question about the role of Boards of Trustees with a version of “don’t know,” including one powerful statement about the disconnection some students feel from these bodies with significant influence in their school.

“Quite frankly I don’t even know what the role of the Board of Trustees is. All I know is that they have so much power and control over our school when in fact they have no relationship with the students who are attending the school. It’s stupid.”

- Save the Children Youth Ambassador

If schools are to focus on a set of child-centred goals and priorities, it will be critical that Boards of Trustees understand the needs and views of their students so that they can make decisions that maximise students’ interest and achievement.

The role of the Board of Trustees is...

“To help the school become better keeping in mind the voice of the students and teachers.”

“To listen to what students want and try and help them achieve their goals.”

- Various respondents

The students’ responses clearly illustrate a need for Boards of Trustees to more actively engage with students and inform the student population about their role and decision-making.

The discussion document suggests the Education Act could be updated to give greater clarity about the roles and responsibilities of Boards, including spelling out that it is the role of Boards of Trustees to consult with the community over guiding policies and practices. Based on these responses, we suggest an obligation to engage with children is also written into the

expected roles and responsibilities of Boards of Trustees.

Some other responses about the responsibilities of Boards to ensure a school environment that meets children’s needs and helps them to reach their potential provide useful insight.

Question six: How should schools and kura report on their performance and children and young people’s achievement to parents, family, whānau and communities?

When asked how they thought schools should engage with parents and families, students suggested a range of options including conventional parent teacher interviews and emails, to more innovative ideas such as informal social gatherings, daily updates, and involving parents in all aspects of school operations. Telling parents how they can support their children’s learning was an important factor in many responses. One student said they didn’t think schools should have to engage with parents “unless the child was being bad,” while another summed up the importance of good engagement.

“Help parents and families be interactive with the students’ learning, give them the tools they need to understand what kind of education they need, and the schools using the parents and families to understand what kind of education the child needs.”

- Save the Children Youth Ambassador

MATTERS NOT RAISED IN THE DISCUSSION DOCUMENT

We wanted to raise some issues for consideration that were not explicitly canvassed in the discussion document. These emerged from the limited consultation we undertook, as well as from our current advocacy and policy work on vulnerable children.

³ We also asked children about the roles of teachers and Principals in supporting them to achieve their goals. Their answers were to these questions were also insightful and are summarised in Appendices B and C.

Additional matters arising from children's concerns

A strong theme emerging from the children's responses to our questions was the impact of what are sometimes termed "out of school factors" on their ability to learn.

This was also a key finding of the Paths to Resilience work on education, which noted that "the young people who were facing significant challenges in their life outside of school were more likely to focus their attention on managing those challenges than on engaging in the classroom."

The researchers concluded that "education providers could benefit from ensuring that young people have access to support to meet those needs within the school environment."

This is an important message for the Education Act update. As the Taskforce on Regulations Affecting School Performance noted, "high performing school systems are equitable. They have developed systems that compensate for disadvantage, allowing all students an equal

opportunity to succeed."

Education is one of the most effective long-term routes out of poverty and disadvantage. It can not only mitigate the immediate negative effects of deprivation, but it can lead to reduced poverty in the next generation.

If we are to achieve a high-performing, student-centered education system that maximises the achievement of all children, the role of schools in mitigating against disadvantage should be acknowledged and signaled in the Act.

This could be acknowledged in the goals and purpose statement for the education system, and also expressed in

more specific ways. Some examples are discussed below.

Schools as community hubs

One example of how schools can help mitigate against disadvantage and support children to fulfill their potential at school is by developing themselves as community hubs.

This approach recognises that schools alone cannot solve the myriad of social and health problems experienced by children living in disadvantaged circumstances but can achieve significant results by partnering with social service and health resources.

There are some examples of New Zealand schools successfully developing innovative community hub models, such as Victory School in Nelson, which hosts a community centre that offers a range of community services and is used by Plunket, midwives, hearing tests and cervical screening for students and their families to access.⁴

Working out governance arrangements for such community hubs currently requires complex negotiation of what is and is not permitted under the Education Act. The Act could be amended to make clear that such arrangements are possible and indeed encouraged.

The role of the Board of Trustees is...

"To make their school a safe and joyful environment."

"To make sure the Principal is doing things right."

"To manage the school's money."

"To understand what students are needing to be able to stay focused and love learning."

- Various respondents

There is international precedent for this: The Education Act (England and Wales) 2002 gives governing bodies the power to extend the range of services that schools provide, working in partnership with other providers, to become a resource centre for the whole community.⁵ We recommend this possibility is explored as part of the next stage of the Education Act update.

This relates to the theme of enabling collaboration, flexibility and innovation in the discussion document. In our view, enabling Boards of Trustees to collaborate with other community organisations and develop community hubs with shared governance arrangements is at least as important as enabling collaboration between Boards, if not more so.

⁴ See: <http://www.victory.school.nz/community.html>

⁵ See: <http://www.legislation.gov.uk/ukpga/2002/32/contents>

"[It's important to go to school] to get away from your parents, because if you're together with your family all the time that's when things can happen. Drinking parties can explode."

- Focus group participant

"If poor people can't afford lunch, provide lunch."

- Focus group participant

Early Childhood Education onsite

Similarly, several recent reports, including those of the Taskforce on school regulation, and the Children's Commissioner's 2012 Expert Advisory Group on Child Poverty have identified on-site Early Childhood Education as one potential way to ensure effective transitions to school and support a positive start to primary school for children living in poverty and disadvantage.⁶

Boards of Trustees are currently prohibited in the Act from running ECE centres themselves, or using school funds for this purpose (although independent ECEs may lease school land from the Crown). Consideration should be given to amending the Act to allow Boards of Trustees to run ECE centres on school sites to support effective transitions.

Additional matters arising from our wider advocacy and policy work

Vulnerable children

There are significant changes underway across the social sector regarding how government agencies align services and supports for vulnerable children. For example:

- > The Children's Action Plan and the roll-out of Children's Teams to more local communities;
- > The review of Child, Youth and Family and the move towards a more child-centred approach to supports and services for children in the care and protection and youth justice systems;
- > The Social Sector Board Investment Change Programme, reviewing cross-agency investment planning.

The education system has a significant role to play in all of these areas. The way in which this role is translated or mandated to local schools, as a front-line delivery system for vulnerable children, is an important consideration.

In our view, the Education Act update needs to consider what levers will be required to ensure that the education sector, and especially individual schools, are an effective part of collective efforts to better meet the needs of our most vulnerable children.

⁶ See: <http://www.occ.org.nz/assets/Uploads/EAG/Working-papers/No-16-Education-solutions.pdf>

Fully inclusive schools

The OCC operates a Child Rights Line to which parents and children can call for advice about situations in which they feel children's rights are not being upheld. A significant proportion of the inquiries we receive pertain to two issues: the fairness and availability of special education support and the current complaints process.

We hear of many cases where children with special education requirements are not having their needs met at their local schools.

We are aware that a review of Special Education is taking place concurrent with the Education Act Update. We think the two processes should be combined. Crucially, the update of the Education Act needs to include an analysis of the extent to which schools are required to be genuinely inclusive and accessible to all students (including what incentives and disincentives exist for schools to do this), and the level of funding and criteria for accessing special education support.

We also hear from many parents unable to resolve issues with their child's school, and frustrated at the lack of a disputes resolution mechanism independent of the Board of Trustees (other than appealing to the High Court). An accessible and timely complaints system for children and their parents is an element that should be considered as part of the Education Act update.

CONCLUSION AND NEXT STEPS

In this submission we have made the case for greater involvement of children in the remaining stages of the Education Act update, and drawn on the results of our engagement with children to demonstrate the valuable responses they can offer to the questions posed in the discussion document.

We have also drawn on our engagement with children, knowledge gleaned from our wider advocacy functions, to make the case for the Act to be amended to send a clear message that schools can and should be engaged in mitigating the impact of poverty and disadvantage on children's educational outcomes.

This is not something that can be achieved by schools alone, of course, but as the place that

children spend six hours a day, five days per week, schools have a vital role to play in addressing disadvantage and enabling ALL children to achieve their goals and fulfill their potential.

Assistance with the next steps of the update

If the Ministry of Education acts on our recommendation to involve children in a more comprehensive consultation in the next stages of the update, the OCC is available to assist and advise on the best ways to do this.

Generic guidance on engaging with children, including information on why it is important, and practical advice about a number of proven methods of engagement is available on our website in a new section entitled *Listening2Kids*.⁷

At minimum, as the new purpose statement for the Education Act is drafted and developed, it would be useful to test the proposed goals with children directly, in order to ensure that the results are fit for purpose.

Ideally this would take place before policy options are selected and legislation drafted. While engaging children in the eventual Select Committee process will be valuable, children's views will have more impact if the Ministry engages with them during the development of policy options.

In addition, staff at the OCC are available to participate in any working groups and detailed consultations the Ministry of Education undertakes in the next phases of the update

⁷ <http://www.occ.org.nz/listening2kids/>