

# Cabinet Paper material

## Proactive release

|                      |                                                                           |
|----------------------|---------------------------------------------------------------------------|
| Minister & portfolio | Hon David Seymour, Associate Minister of Education                        |
| Name of package      | Attendance action plan: Second phase of initiatives for school attendance |
| Date considered      | 23 September 2024                                                         |
| Date of release      | 15 November 2024                                                          |

### These documents have been proactively released:

#### **Attendance action plan: Second phase of initiatives for school attendance**

Date considered: 23 September 2024

Author: Office of the Minister of Education

#### **Cabinet Social Outcomes Committee Minute: SOU-24-MIN-0111**

Date considered: 18 September 2024

Author: Committee Secretary

#### **Cabinet Minute CAB-24-MIN-0358**

Date considered: 23 September 2024

Author: Secretary of the Cabinet

### Material redacted

Some deletions have been made from the documents in line with withholding grounds under the Official Information Act 1982. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

The applicable withholding grounds under the Act are as follows:

Section 9(2)(f)(iv) to protect the confidentiality of advice tendered by Ministers of the Crown and officials

Section 9(2)(j) to avoid prejudice to negotiations

Some deletions have been made from the documents as the information withheld does not fall within scope of the Minister's portfolio responsibilities, and is not relevant to the proactive release of this material.

You can read the Official Information Act 1982 here:

<http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>

Office of the Associate Minister of Education

Cabinet Social Outcomes Committee

## **Attendance action plan: Second phase of initiatives for school attendance**

### **Proposal**

- 1 This paper updates Cabinet on initiatives that are underway and proposed, to address the crisis that is New Zealand's current student attendance levels in schools and seeks approval for the second phase of initiatives for school attendance. This includes seeking approval for policy proposals to be progressed in the Education and Training Amendment Bill (No 2) (ETAB2), and approval to issue drafting instructions. ETAB2 is included in the 2024 Legislation Programme with a priority of Category 6 (drafting instructions issued before the end of 2024).

### **Relation to government priorities**

- 2 This paper supports the Government's target for student attendance of 80 percent of students being present for more than 90 percent of the term by 2030. It also supports the commitments from the coalition agreement between the National and ACT parties, which states that parties will "prioritise reporting and enforcement action to reduce truancy".
- 3 Proposals in this paper also contribute to the Government's target for student achievement of 80 percent of year 8 students being at the appropriate curriculum level by 2030 because students need to attend school in order to achieve.

### **Executive Summary**

- 4 Cabinet noted in March 2024 that lifting attendance in schools is one of my main priorities and I planned to take a multi-faceted approach through an attendance action plan [SOU-24-MIN-0010]. The attendance action plan identified immediate actions and committed to investigating more systemic change.
- 5 Since then, we have made significant progress with the action plan. Actions undertaken to date are set out in paragraphs 14 to 16.
- 6 There have been encouraging early improvements in attendance numbers over the past year, however, attendance numbers remain concerning. Provisionally, in Term 2 2024, 53.2% of students met the criteria for regular attendance. This is an increase of 6.1 percentage points from Term 2 2023 (47.1%) and remains lower than Term 2 2019 (pre-COVID-19) when 57.7% of students were regularly attending.
- 7 I am asking Cabinet to agree or note the following key actions to:
  - 7.1 strengthen accountability for school boards by:

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- 7.1.1 amending section 127 of the Education and Training Act 2020 (the Act) to:
  - 7.1.1.1 include ‘attendance’ as a board objective [SOU-24-MIN-0101 refers], subject to public consultation and final Cabinet decisions;
  - 7.1.1.2 require boards to have an Attendance Management Plan;
  - 7.1.1.3 require boards to include in their Attendance Management Plans the essential components needed for a systematic and data-informed approach to attendance management, at a minimum to include specific threshold “triggers” that will be determined by secondary legislation; and the steps, processes and procedures schools will take in response responses to those “triggers”;
- 7.1.2 developing a stepped attendance response to set clear expectations about how schools respond to student absence;
- 7.1.3 ensuring that boards are aware of their obligations to be open each day for instruction and that teacher only days (TODs) are scheduled in a manner consistent with the regulatory framework;
- 7.2 strengthen accountability for parents by:
  - 7.2.1 developing a stepped attendance response to set out clear expectations about how parents and guardians work with schools to respond to their child’s non-attendance at school;
  - 7.2.2 retaining the current offence and prosecution provisions in the Act;
  - 7.2.3 the Ministry taking the lead in prosecutions to improve consistency and allow schools to maintain positive relationships with parents;
  - 7.2.4 undertaking a review of the current legislative exceptions and exemptions to attendance to ensure they support the drive to increase student attendance, and are fit for purpose, which I will report back to Cabinet on in Quarter 3 2025;
- 7.3 improving the quality of attendance data and information sharing by:
  - 7.3.1 directing the Ministry of Education (the Ministry), with the active cooperation of the Ministry of Social Development, Oranga Tamariki and Police, to scope the work required to develop clear, comprehensive information sharing multi-agency agreements and bring them into effect;
  - 7.3.2 reviewing the attendance codes used by schools; and

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- 7.3.3 directing the Ministry to explore ways to link interventions of individual students taken by a school to a student's national student number (NSN) and their attendance record in the school's Student Management System.
- 8 The Act needs to be changed to give effect to the decisions to include attendance as an objective for school boards, and to require boards to have an Attendance Management Plan. I therefore seek Cabinet's agreement to the issue of drafting instructions in relation to the Attendance Management Plan requirements and to have the delegated authority to make any necessary minor and technical changes as the legislation is being prepared. Amendments to the Act would also be supported by the introduction of regulations, which set out the technical detail for attendance management plans.
- 9 The proposals in this paper to amend the Act will be the first tranche of policy proposals for ETAB2. Proposals for changes to the Act by this Bill will be progressed in three or four tranches.
- 10 In addition to these actions, I have also directed the Education Review Office to undertake an urgent independent review of the Attendance Service, including the new Attendance Officers and other supports for addressing persistent truancy. The final report is due in September 2024. The Ministry is also evaluating the performance of its current interventions to provide attendance services and expenditure on local initiatives to address local attendance issues. Both the Ministry and ERO work will inform future investment decisions and expectations for boards and the Ministry.

**Background**

- 11 On 20 March 2024, SOU noted that lifting attendance in schools is a Government priority, and that I intend to take a comprehensive approach through the development of an attendance action plan. It also noted that the efforts of the Ministry and ERO are directed toward improving attendance and that I would report back to Cabinet with further proposals to support the attendance action plan. [SOU-24-MIN-0010]
- 12 On 25 March 2024, Cabinet agreed to new Government targets including 'Increased student attendance: 80 per cent of students are present for more than 90 per cent of the term'. [CAB-24-MIN-0098]
- 13 On 6 May 2024, Cabinet agreed to revoke the Education (School Attendance) Regulations 1951 and replace them with new attendance regulations under section 638 of the Act; and to increase the frequency at which State schools are required to provide attendance data to the Secretary for Education (Secretary) from termly to daily through new regulations for attendance. It also agreed to amendments to the Education and Training Act 2020 creating a power for the Secretary to make rules on the collection, recording and provision of attendance data to be included in the Education and Training Amendment Bill (ETAB 1). [SOU-24-MIN-0031 Revised].

## Progress to date

- 14 There have been encouraging early improvements in attendance numbers over the past year, however, attendance numbers remain concerning. Provisionally, in Term 2 2024, 53.2% of students met the criteria for regular attendance. This is an increase of 6.1 percentage points from Term 2 2023 (47.1%) and remains lower than Term 2 2019 (pre-COVID-19) when 57.7% of students were regularly attending.

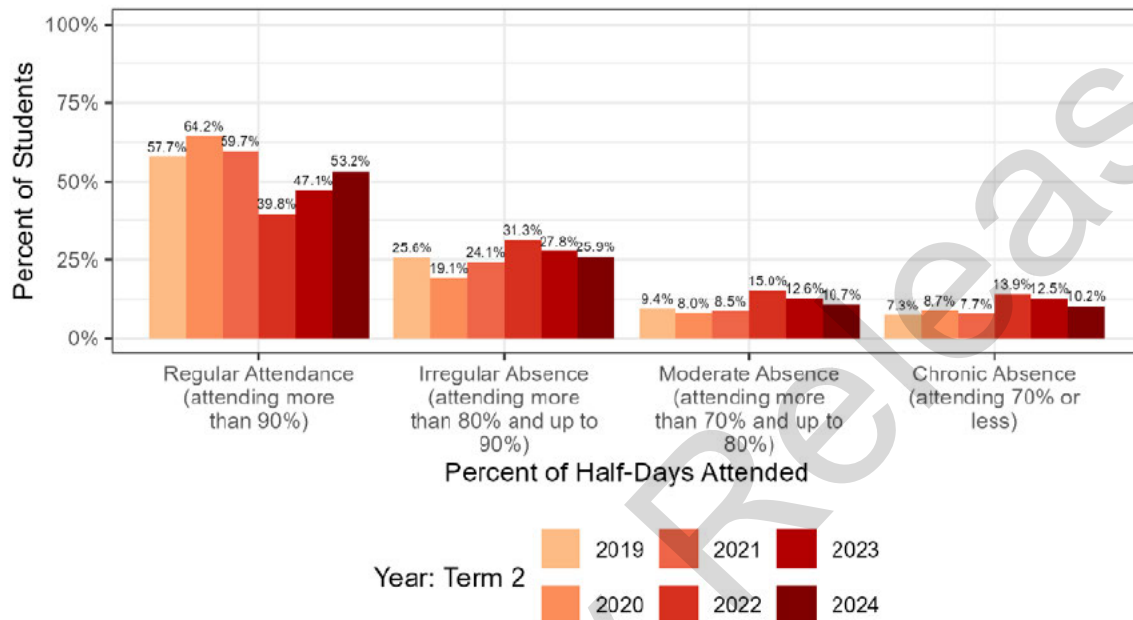


Figure 1 Provisional: In Term 2 2024, the regular attendance rate increased while the rates for irregular, moderate and chronic absence decreased compared to Term 2 2023

- 15 Since March 2024, significant progress has been made on my attendance action plan with:
- 15.1 The launch of a nationally co-ordinated, locally delivered communications campaign on the importance of attendance to modify the behaviour of parents who are not meeting their attendance obligations;
  - 15.2 The Ministries of Health and Education, together with Health New Zealand, have refreshed health guidance for parents to help them decide when to send their children to school;
  - 15.3 The Ministry has started to publish daily attendance data each week and has developed a dashboard for publishing daily attendance data;
  - 15.4 Regulations on the frequency of data collection are currently being drafted and a provision is included in the Education and Training Amendment Bill (ETAB 1) giving the Secretary the power to set rules relating to attendance records. ETAB 1 is due to be enacted later this year and new regulations and rules will be in place before the start of Term 1, 2025;
  - 15.5 The Ministry has developed guidance for schools (in the form of the stepped attendance response) to develop, guide and coordinate support and enforcement interventions aimed at returning students to regular attendance,

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including the expectations for schools, students, parents and the Ministry, with graduated interventions proportionate to the level of absence (details of the stepped attendance response are set out in paragraphs 26 to 33);

- 15.6 The Ministry of Education and Oranga Tamariki have completed and agreed an information sharing agreement, consistent with the Oranga Tamariki Act 1989, to enable the Ministry to share enrolment and attendance data with Oranga Tamariki;
  - 15.7 The Education Review Office (ERO) review of the Attendance Service, Attendance Officers and other supports for addressing persistent truancy that I commissioned early this year is due in September 2024 and will inform the final design of the Stepped Attendance Response (STAR), other actions to improve attendance, and future investment decisions;
  - 15.8 The Ministry is also evaluating its current interventions on its new attendance services, and locally led interventions funded from the Regional Response Fund to inform future investment; and
  - 15.9 Cabinet has also agreed to consult publicly on proposals to amend the Education and Training Act 2020, including a proposal to amend section 127 of the Act to introduce a new objective for school boards to take all reasonable steps to ensure the attendance of students enrolled in their school [SOU MIN SOU-24-MIN-0101 refers].
- 16 I will report back to Cabinet in Quarter 1 2025 following targeted sector consultation in my four regional engagements on attendance and the application of the STAR, receiving the results of the ERO review, and the Ministry's review of its services and supports. It will include any assessment of costs and any budget implications.

*Teacher Only Days*

- 17 As indicated in my March paper, I directed the Ministry to investigate Teacher Only Days (TODs), on the basis that in order for schools and their parents to value education and maintain a habit of attending school daily, schools should not be closing for instruction so often. I also sought advice on whether we have the right regulatory settings for TODs.
- 18 The findings are that according to the existing regulations and terms in the union contracts, TODs are only legally allowed to be held out of term time in holidays, unless authorised to do so. The regulations specify that schools can close for TODs if:
  - 18.1 the Minister of Education authorises term time TODs (e.g. all schools can close for professional development on the curriculum on specified dates); or

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- 18.2 the specific school is authorised to close by the Minister (or the Minister can delegate decisions on individual school closures to the Secretary for Education<sup>1</sup>).
- 19 If schools are authorised to close for a TOD, schools are required to make up the lost instruction time, unless agreed to by the Minister.
- 20 It is important to note that there are “call back” provisions under the collective agreements, which mean that teachers can be required to attend school when it is not open and be entitled to reimbursement of expenses. This allows boards to require teachers to attend school during term breaks or other dates that the school is not open for instruction such as weekends or evenings. Call back provisions cannot be used when staff are on annual leave and there are limitations on the number of call back days that can be used to up to ten per year<sup>2</sup>.
- 21 There should be a greater focus on how call back days are used. Schools should be open for instruction for the students to attend and learn during term time. However I note there will be fiscal implications if call back days are used.
- 22 I note that the Ministry does not currently monitor when a school is open for instruction, or if it is closed. Nor does the Ministry monitor the reason for closure—e.g., weather event, strikes, parent teacher interviews, school initiated professional development or TODs for other reasons. Also, sometimes schools appear to say they are “open for instruction”, and they technically may be, but one or two year groups are instructed to stay at home. Alternatively, some schools don’t start lessons until 9:30am or even later.
- 23 It appears the regulatory settings are fit for purpose but that school and Ministry practice are not always aligned with these settings and there is some work to do to rectify the situation in line with the Government’s intentions in regard to attendance and achievement. The Minister of Education is progressing the work to align operational practice regarding the scheduling of TODs with the regulatory settings<sup>9(2)(f)(v)</sup>  
[REDACTED]
- 24 I have asked the Ministry to collect data on when a school is open or closed for instruction during term time. This will ensure the attendance data is accurate, and we have a reliable picture of nationwide attendance on reporting dashboards. Schools closing during term time is also an issue that parents write to me about. It is critical that the entire system works cohesively to ensure education is respected and valued by students and lost instruction time is made up.

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<sup>1</sup> Regulation 11 – <https://www.legislation.govt.nz/regulation/public/2024/0053/latest/LMS954833.html>

<sup>2</sup> Primary, secondary, and area school teachers’ collective agreements limit the number of call back days to ten per year. For secondary and area school teachers, up to five days can be used for both professional development and administration. We do not collect data on how many schools use the call back provisions.

**Strengthening accountability for school boards**

- 25 School boards are required under section 36 of the Act to take all reasonable steps to ensure that the school's students attend the school when it is open for instruction. I believe schools need clearer direction on the minimum expectations required to meet that obligation, more support in place to comply and stronger accountability. Too many students are being left behind.

*Attendance as a strategic objective for school boards*

- 26 Section 127 of the Act sets out the strategic objectives for school boards. Every three years school boards must develop strategic plans for meeting the strategic objectives, and then prepare an annual plan against which boards budget. At the end of each year school boards prepare a statement of variance reporting on what they achieved and didn't achieve, and why or why not, in order to input into planning and budgeting for the following year.
- 27 Cabinet has agreed to amend section 127 of the Act to mandate attendance as a strategic objective, subject to public consultation and final Cabinet approval. [SOU-24-MIN-0101refers]. If enacted, this will drive school board attention and resourcing from a governance perspective, and support action taken within the school by staff and teachers. This amendment is proposed to progressed through ETAB2 which is category 6 (drafting instructions to be issued by the end of 2024 and to be passed by the end of 2025) on the 2024 Legislative Programme.

*A Stepped Attendance Response to guide school, parent and Ministry responses to absences*

- 28 In response to my direction, the Ministry has developed a draft Stepped Attendance Response (STAR) that sets clear expectations for school, student, parent/guardian, Ministry and system responses to student absence. This includes triggers for considering prosecution if appropriate support is offered and it is not taken up. The draft STAR is attached in Annex one.
- 29 Some emerging findings from EROs review of attendance supports are that: \*
- 29.1 school leaders, Attendance Service staff, parents and students increasingly understand the expectations for attendance but there is a lack of clarity about each person's role in ensuring these expectations are met
  - 29.2 schools have tools in place to identify when students are chronically absent, but often wait too long to intervene
  - 29.3 school leaders often make assumptions about students' needs and the barriers to their attendance that do not match what students' or parents see as their core needs.
- 30 These are all areas where I expect the STAR and Attendance Management Plans to have significant impact. Annex 2 provides an overview of emerging findings from EROs review of attendance supports and indicates how they connect with the proposals in this paper.

\*EROs findings in this cabinet paper were preliminary and final findings can be found at [evidence.ero.govt.nz](https://evidence.ero.govt.nz)

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- 31 The draft STAR outlines baseline responsibilities for attendance and has a set of thresholds for levels of absence. I have decided that the triggers for interventions should be clearly set for absence:

| <b>Good</b>                                                       | <b>Worrying</b>                                                    | <b>Concerning</b>                                                  | <b>Serious Concern</b>                                                  |
|-------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|-------------------------------------------------------------------------|
| Student has <b>up to 5 days absence</b> of any kind during a term | Student has <b>up to 10 days absence</b> of any kind during a term | Student has <b>up to 15 days absence</b> of any kind during a term | Student has <b>15 days or more of absence</b> of any kind during a term |

- 32 I recommend this approach because we need schools to engage early with students and parents or guardians to address absence and barriers to attendance and learning. Any student who reaches a specified threshold will trigger an appropriate and proportionate response from their school and the Ministry. This could be, for example, a letter to the parents/guardian, school leadership meets with parents/guardian and the student to identify barriers to attendance, developing an improvement plan or referring to services or learning support, and of course prosecution of parents could become a valid intervention in some cases.
- 33 My expectation is that the response to absence shifts with the level of absence from initially being led by the school community, to the school pastoral care team, then to school leadership, with the Ministry leading the response to students that have more than 15 days of absence during a term. Having the same set of thresholds applied across the schooling system (as required under the proposed Attendance Management Plans described below) will mean that all schools, parents and students know what the levels of absence that are unacceptable (and/or likely to impair student achievement) and that they will be triggered consistently for any student.
- 34 This approach is intended to apply to all absences. All absences should be investigated, and the underlying causes identified, as indicated by the steps in the STAR. Then the efforts of the schools, parents, and if serious enough, the Ministry, are geared towards supporting the student back to school. The approach to intervention will depend on the causes of the absence.
- 35 Supporting the student back to school also means all schools should put in place a deliberate plan to support returning students to re-integrate into the school and feel welcome and safe at school including catching up on missed learning, address bullying and social isolations and any other previous barriers to attendance.
- 36 For students who have long periods of “justified” absences, such as those with chronic health conditions, the school should actively monitor the student’s health and wellbeing and focus on supporting them to continue learning and make up for any lost learning in an appropriate way, which may involve Health School or wellbeing plans. The approach supporting a student who is absent due to ongoing road closure, or exceptional family circumstances, for example, would be quite different, even though these may also be “justified” absences, but this does not mean they shouldn’t be investigated and the underlying causes addressed where possible. The intervention/supports would be different again if the student has an “unjustified”

absence due to staying at home to play Fortnite, for example, or because they simply refuse to get out of bed.

- 37 The STAR will also set out the level of interventions expected at each threshold. School management and boards would also be able to tailor interventions to the circumstances. The critical point is that no student, regardless of race, socio-economic background or health or disability status, should be left to continue to accumulate absences without the school looking into what is causing the absence, providing an intervention, and/or calling on support from other agencies as appropriate. The STAR will also clarify the Ministry's role in managing and responding to attendance.
- 38 The Ministry is taking the attendance crisis seriously and is reorganising itself to make attendance a strategic and operational priority. I expect the Ministry to work more consistently at the local and regional level with government agencies and NGOs to support joined up responses for students with high levels of absence. The involvement of the Ministry and other organisations at a local level is critical to driving up school attendance; schools cannot do this on their own.
- 39 Early targeted engagement with the sector on the draft STAR indicates that many see a stepped approach to absence useful to strengthen the focus and consistency in relation to response to absence. There was support for the design because it enabled tailoring of the specific response to the individual circumstances, recognising the diversity of the student population.
- 40 However, it has been identified that that differences in available resourcing and funding between primary schools and secondary schools, and within secondary schools, and the scale of the challenge, particularly across the equity index, means that resourcing, supports and funding will be required to drive systemic change. Insights from Ministry regional staff also suggest that for some schools the STAR will be a minor change and for others it will be a more significant one.
- 41 I intend to apply resourcing so the Crown's investment is maximised. For example, ERO has advised me that 22 schools have ten per cent of all chronically absent students, and five schools have rates of chronic absence of 50 per cent or more.
- 42 The draft STAR will be further developed through my upcoming engagement with the sector and the reviews from the Ministry and ERO. Alongside the STAR, the Ministry is developing a suite of materials, including culturally responsive guidance, to support schools to implement the STAR and Attendance Management Plans.

*Mandatory Attendance Management Plans for each school*

- 43 Alongside the new strategic objective on attendance for school boards and introducing the STAR, I also propose to strengthen accountability by amending the Act to make it mandatory for boards to have an Attendance Management Plan. These Attendance Management Plans will have the aim of returning the student to regular attendance and will outline clear pathways to identify and respond to irregular student attendance.
- 44 Currently, the Ministry encourages school boards to have an attendance plan, and many do. However, because there is no legal requirement, the Government cannot specify what the plan must achieve or what it must contain. I am concerned that this has led to

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some schools and parents not taking action early enough or rigorously enough to support students to return to regular attendance.

- 45 I want to require all schools' plans to include the essential components needed for a systematic and data-informed approach to attendance management. I also want them to have the key components of the STAR reflected. Therefore, Attendance management plans will be required, at a minimum, to set out:
- 45.1 specific threshold 'triggers' for various school responses, linked to the number of absences a student has had over a school term – I propose that these thresholds will be determined through secondary legislation to be empowered by an amendment to the Act;
  - 45.2 processes and procedures schools will take to identify the issues that make attendance challenging for a student; and
  - 45.3 potential strategies or interventions at each threshold to respond to underlying causes of a student's non-attendance, which may vary according to level of non-attendance.
- 46 It is also desirable that schools have some flexibility in developing the details of their plans. I wish to create a requirement for school boards and principals to have regard to operational guidance published by the Secretary for Education (such as the STAR) when developing their plan. Schools will be required to consider this guidance and incorporate only the details they consider relevant to their local context.
- 47 This mixture of mandatory components and flexibility in developing detail will ensure specificity and consistency whilst enabling schools to respond to their communities. I am aware that the Government setting of specific thresholds that will be reflected in the Attendance Management Plans is a unique approach in the regulatory framework for schools. There is a risk that school boards and principals may see this as an infringement on their autonomous governance and management of schools. I intend to mitigate this by engaging with the schooling sector before taking steps to set the specific thresholds and triggers through regulation.
- 48 I am taking the Attendance Management Plans seriously, and I want to ensure that schools are following robust processes for developing and reviewing their plans. This will result in up-to-date and effective plans that will have a real impact on students' attendance rather than being a tick-box exercise. I want to create some procedural requirements to this end, including requirements:
- 46.1. to publish the Attendance Management Plan on the school website; and
  - 46.2. for the board to re-develop and adopt a new Attendance Management Plan at regular periods.
- 49 The proposal to amend section 127 of the Act to make lifting attendance a key objective for boards will, once enacted, create a requirement for schools to consult their school community when developing their strategic plans under section 139(3) of the Act. Therefore, I do not intend to impose a consultation requirement due to the risk of duplication. However, I will direct the Ministry of Education to encourage schools and

kura to work with the school community while developing their Attendance Management Plans to support community buy-in to the content and approach.

- 50 I also intend to amend the Act to create an empowering provision to make regulations specifying any additional requirements on:
- 50.1 the content and form of the Attendance Management Plans; and
  - 50.2 specific data-based thresholds and triggers to be included in plans to guide schools' response, and;
  - 50.3 the review periods for the plans, and;
  - 50.4 publication requirements for the plans, and;
  - 50.5 processes to be followed during the development of the plans, and;
  - 50.6 the commencement date for the requirement to have a plan, and any transitional provisions needed.
- 51 The empowering provision will mean that the Government has the tools to specify the core components of the Attendance Management Plans and respond as we learn more about what is helpful to include in these plans.
- 52 The Ministry is working with ERO to investigate how the two agencies can provide assurance that boards are meeting the new proposed requirements for having a three-year Attendance Management Plan and responding to it effectively. Should a school refuse to have a plan or not action its plan, the proposed new provisions under the Act would mean the Ministry would have stronger grounds for using the intervention framework set out in section 171 of the Act than currently.
- 53 My aim is to implement changes in the sector as a matter of urgency to address the truancy crisis and I am moving at pace to ensure that my proposal for mandatory Attendance Management Plans can be included in the proposed Education and Training Amendment Bill (No. 2) (ETAB 2).
- 54 I seek Cabinet agreement to issue drafting instructions to amend the Act for the proposed mandatory Attendance Management Plans and for an empowering provision to make regulations for the content and procedural requirements for the plans. I am also seeking delegation to make further minor or technical policy decisions on the Attendance Management Plans to support PCO drafting.

### **Strengthening accountability for parents**

- 55 The Act places responsibility on parents for enrolling their school-aged children at a school and for ensuring they attend. However, I have been concerned that some parents who do not comply with their enrolment and attendance responsibilities are not being held to account.
- 56 Parents commit an offence under the Act if they fail to comply with their enrolment<sup>3</sup> and attendance<sup>4</sup> responsibilities and may be prosecuted. Under section 243 of the Act,

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<sup>3</sup> Section 243, Education and Training Act 2020.

<sup>4</sup> Section 244, Education and Training Act 2020.

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parents convicted of non-enrolment offences are liable to a fine of up to \$3,000. Parents convicted of failing to ensure regular attendance of their child under section 244 can face a fine of up to \$30 for each day of absence. A fine may not exceed \$300 in the first instance or \$3,000 for subsequent offences. Anyone can lay a prosecution, including schools, attendance officers and the Secretary for Education.

- 57 Past practice has been that schools have taken responsibility for non-attendance prosecutions and the Ministry for non-enrolment prosecutions. Only nine prosecutions have been taken between 2016 and 2024 due to a combination of factors including schools' reluctance to seek to lay a prosecution and the difficulty in meeting the public interest test in the Solicitor-General's guidelines for Crown prosecutions.

*Making better use of the prosecution regime*

- 58 I have considered and rejected an option to pursue a new infringement scheme for attendance for now. Attendance infringement schemes are used in some overseas jurisdictions (for example, the United Kingdom and parts of Australia) to provide for instant fines where an offence has been committed.
- 59 Developing an infringement scheme separate to the prosecution scheme already in place has the potential for unintended consequences, including fines being issued to parents who are genuinely struggling to meet their responsibilities and the potential for further alienation from education – it would also take significant time and resource to develop. Given the attendance crisis we have in New Zealand, we cannot wait.
- 60 While evidence indicates that punitive interventions in isolation do not provide sustained positive impacts on attendance levels, success can be achieved where sanctions are used as part of a wider integrated suite of attendance supports. I have directed the Ministry to take a more active leadership role in prosecution processes under the Act. In the Ministry's engagement with schools and attendance services there has been a strong message that the Ministry should be responsible for taking the lead on prosecutions. This is possible under the current legislative settings. It will continue to be an option for schools to lay a prosecution.
- 61 I have also directed the Ministry to explore ways to standardise how the Ministry and schools gather information, share evidence, and respond to absence including through the issuing of warning notices as part of the STAR.
- 62 Currently schools can apply to the Ministry for reimbursement of the costs involved with non-attendance prosecutions up to an initial amount of \$2,000. Reimbursement by the Ministry up to and over \$2000 is considered on a case-by-case basis. As the Ministry will be taking the lead on prosecutions for both non-attendance and non-enrolment, I intend for the Ministry to also take responsibility for the costs involved with laying a prosecution. I will report back to Cabinet in Quarter 1, 2025 on the administrative and financial implications of this work.
- 63 I recognise that for many non-complying parents, prosecutions may not change their behaviours. Many face socio-economic barriers to attendance and others have a real

concern about the wellbeing of their child at school.<sup>5</sup> The Ministry needs to work alongside other agencies to ensure these issues are appropriately addressed and that schools are taking the essential steps to identify and address the causes of absence. However, parents' attitudes are also important. ERO has identified that eight percent of parents thought attending school every day was either somewhat important, not that important, or not important at all.<sup>6</sup> Some parents actively avoid, evade, and dismiss the help and supports provided to them to address barriers to school enrolment and attendance. It is in these circumstances that prosecution will be considered.

- 64 I seek Cabinet's agreement to my decision to use the existing prosecution regime and for the Ministry to take a lead role in ensuring consistent and appropriate prosecutions in relation to school attendance. I ask that Cabinet note that I have chosen not to pursue legislative change for an infringement scheme at this time.

### **Strengthening understanding of student views**

- 65 A key actor in student attendance is the students themselves. I have observed that while the government engages with members of the sector, peak bodies and third-party providers, often we fail to engage with the actual students. We need to ask the question - why are so many students not attending school regularly? What would motivate them to go to school? I will use a service station analogy; if the head office of a service station franchise wanted to survey customer satisfaction, would they survey the manager of each service station and ask how their customers are feeling about their product? Phase three of the attendance work programme will seek to better understand student perspectives, directly from the students themselves.

### **Strengthening attendance data and information sharing**

- 66 The Minister of Education and I agree that to drive improvements in attendance and achievement, social sector agencies need to work together to gather, share, analyse and use data and evidence to identify people who have the greatest needs and design interventions that meet student's needs and are delivered at the right time to make the biggest impact.

#### *Information sharing between schools, agencies and NGOs*

- 67 As part of proposals for the greater use of data and evidence in education, the Minister of Education is directing officials to explore what information needs to be shared between what people, what the people who receive the information are going to do about it and the permissions that are needed. This work will help us to prioritise the data sharing agreements that need to be established.
- 68 I have heard from people working with students and families that information sharing practices between agencies and third parties cause delays to and sometimes block the

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<sup>5</sup> ERO. In its report *Missing Out: 'Why Aren't Our Children Going to School?'* ERO noted the impact of socio-economic barriers to attendance such as stability of employment, rising accommodation costs, and affordable transport. Pp19-20.

<sup>6</sup> ERO, p22.

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multi-agency responses some students need. Emerging findings from the ERO review highlighted that schools and Attendance Services are spending too much time trying to find students, causing delays to working with students and their families. I have directed the Ministry to review its information sharing practices to reduce these delays and enable more effective use of interventions that support students to regularly attend school.

- 69 What will support schools is the Ministry facilitating multi-agency meetings in each local area, and I have signalled an intention for these to be established. These meetings will require robust information sharing agreements between the parties, for example, the Ministry of Education, the Ministry of Social Development (MSD), Oranga Tamariki and Police and schools to share appropriate information once a student has been identified by the school, the Attendance Service or another support provider as needing multi-agency support. In some cases, this may lead to MSD considering whether the “social contract” between them and a beneficiary in regard to school attendance of their children has been honoured, although any actions taken would require further consideration. I expect MSD’s response will include supporting the beneficiary to engage with supports being offered.
- 70 I seek your agreement to my directing the Ministry of Education, with the active cooperation of MSD, Oranga Tamariki and Police, to develop such agreements and bring them into effect, and to report back to Cabinet by on progress in and seeking any decisions needed for next steps by Quarter 1 2025.

*Linking interventions to National Student Numbers*

- 71 The Ministry has not historically collected data in a way that links an intervention to the individual student. This has severely limited any monitoring and evaluation.
- 72 The Minister of Education is shortly taking a paper to Cabinet on the greater use of data and evidence in education. Officials will investigate how to ensure any intervention is linked to the individual student’s National Student Number (NSN). I have directed officials to include linking attendance records and attendance interventions (whether the intervention is provided by the school or a third party) with a student’s NSN as part of this work. This will enable monitoring and evaluation of how well a specified intervention worked for various students in line with the recommendations from the Social Investment Agency Draft Social Investment Framework.
- 73 The Ministry is now investigating a solution to ensure that there are appropriate mechanisms for collecting NSN data from third parties for all agreed programmes moving forward. This includes determining the changes required to Ministry IT systems, operational policies, and providers’ existing contractual arrangements in order to collect the revised data.
- 74 These proposals are ambitious and as part of its work, the Ministry will undertake careful consideration of the associated privacy and legal implications.

*Review of the attendance codes and exceptions and exemptions for attendance under the Act*

- 75 I have instructed the Ministry to review the attendance codes and the legislative exemptions and exceptions for attendance in the Act to ensure that they support the

drive to increase student attendance and are fit for purpose. There are 26 different attendance codes, often used inconsistently. The Ministry have commenced work to review the codes to refine and rationalise them—ensuring a more consistent use of codes across schools. I expect to receive advice on the outcomes of the code review shortly, with implementation of decisions to be completed in time for the start of Term 1 2025.

- 76 The current exemptions and exceptions to the requirement to attend school under the Act are outdated and are applied inconsistently. For example, a student can be exempted from attendance if the walking distance between the student's residence and the school is more than 5 kilometres<sup>7</sup>. A principal may exempt a student from attending school if they are satisfied the absence is justified, but for only five consecutive days<sup>8</sup>. This does not allow for illness that lasts more than five days. It has been decades since these provisions were reviewed in their totality, therefore officials are progressing this review in a careful and methodical way to ensure any proposed legislative amendments are well connected with all parts of the system. This approach also means that if issues with the legislation are identified as part of the review of attendance codes, they can be considered as part of the review.
- 77 I have made no decisions on whether to progress legislative amendment. However, the timing of this review will mean that it is possible to progress any changes through the Education and Training Amendment Bill (No. 3) that is due to be enacted by August 2026. I will report back to Cabinet on this matter in Q3 2025.

*Requirements for private schools to collect, record and provide attendance data*

- 78 Officials have identified the current legislative requirement for private schools to keep attendance records will be revoked when the Education (School Attendance) Regulations 1951 are replaced by new attendance regulations that will only apply to State schools. This is expected to occur in early 2025. Under the 1951 regulations, schools (State schools and private schools) are required to keep a register of daily attendance for all students and record student attendance every morning and every afternoon. Subject to Cabinet approval and enactment, these requirements will be transferred to the proposed new attendance regulations and the Education and Training Act 2020 for State schools but not for private schools. There are operational reasons for why private schools will continue to be required to keep attendance records despite this change to the legislation. However, officials have advised that further work may be required to consider how private schools fit within the proposed regulatory framework for attendance.

**Connection with Government's achievement target**

- 79 The education targets that relate to achievement and attendance are interconnected because Governments achievement will not be met if students are not regularly attending school, and students that are engaged in learning are more likely to attend.
- 80 I recognise the importance of the Minister of Education's priority for targeting effective learning support interventions for students with additional needs, including disabled

<sup>7</sup> Section 44, Education and Training Act 2020.

<sup>8</sup> Section 45, Education and Training Act 2020.

students. I acknowledge that learning support need is often a factor affecting student attendance and the difficulties parents and students needing learning support sometimes face. Stakeholders such as IHC have raised concerns about disabled students being required to leave early from school because the school cannot provide the level of support that student needs for the entirety of the school day. Stakeholders have also reported that disabled students find school very stressful because of lack of inclusion and insufficient accommodation of their needs. This is an extremely complex area that I know it is a priority in the Minister of Education's work programme.

- 81 Improving the quality of the data that is collected about learners with additional needs, including disabled learners, is part of the learning support work programme identified above. The Ministry will engage with the disability sector and, importantly, the parents of disabled students on this data gathering. This work will help support the collection of attendance data and reasons for absence. I endorse this focus because we need better data to understand the problem and to design a stronger, systematic response.

82 9(2)(f)(iv)

- 83 Non-enrolled students require an attendance response because I want to prevent non-enrolment and return these students to school and to regular attendance. These students are the Ministry's responsibility, and it is an area of work I intend to look into, to ensure these students are not left behind.

### Building on emerging themes from the ERO review

- 84 Whilst ERO's review is not complete, it has shared the themes emerging from its work on evaluation of the supports addressing persistent absence from school. ERO has set out the key elements of a system that needs to be in place, and what this looks like when the supports and interventions are working. This is set out in Annex two alongside my proposed relevant response.

### Implementation

- 85 Implementation of the proposals for the second phase initiatives will be underpinned by a cohesive communications and implementation plan. It is critical that all affected parts of the system understand what is to be implemented, why, and when. I also intend to engage with the sector and make good use of testing and pilots to support robust implementation. A high-level summary of the implementation plan is provided in Annex 1.

- 86 The Ministry is also developing a suite of materials, training collateral for schools, and communications for parents such as templated letters explaining the expectations for attendance. 9(2)(j)

9(2)(j)

- 87 Given attendance is a priority of the government, and the achievement intentions cannot be reached if students do not attend regularly, the Ministry will continue to reorient its activities in the regions to follow this government priority. Ministry regional advisors will be required to co-ordinate multi-agency responses with schools, the Attendance Service, non-government agencies, and government agencies. The Ministry's implementation planning will also include coordination of attendance and achievement related activities. This will ensure that schools and regional staff are well supported to implement changes effectively and cohesively.
- 88 While some schools already have Attendance Management Plans, all schools will have work to do to ensure that theirs meet the proposed legislative and regulatory requirements. The Ministry intends to provide example Attendance Management Plans and provide templates to make it easier for schools to implement. While Attendance Management Plans will not be mandated until 2026, I intend to pilot early implementation of them alongside the STAR from mid-2025.
- 89 The report back to Cabinet in Quarter 1, 2025 will include the monitoring and reporting, planning and progress on implementation.
- 90 I am co-ordinating with the Minister of Education around communications on Teacher Only Days once she has determined her approach for professional development for the maths and structured literacy curriculums.
- 91 I acknowledge that these requirements may create additional work for schools, but this is necessary given the high priority attendance is for this Government and the urgency for students.

### **Cost-of-living Implications**

- 92 There are no impacts on the cost of living.

### **Financial Implications**

- 93 There are likely to be some compliance costs for schools arising from the requirement to develop an Attendance Management Plan. The direct costs of developing the plans are not significant and I expect they can be met through school operational and Ministry departmental baselines. Other proposals in this paper are providing an update on the direction of travel across the attendance work programme.
- 94 Some initiatives signalled in the paper may have financial implications, in particular supports to implement the STAR, multi-agency information sharing agreements, and NSN linking. After receiving the findings from the ERO and Ministry reviews of current services, and implementation planning has been completed over the coming months, I will decide whether to seek agreement to submit a bid into Budget 25/26.

## Legislative Implications

- 95 This paper includes proposals to amend the Education and Training Act 2020 to introduce provisions that require schools to prepare an Attendance Management Plan. I intend to progress the legislative changes needed to implement this proposal through the Education and Training Amendment Bill (No 2) (ETAB 2). The ETAB 2 holds a priority category of 6 in the 2024 Legislative Programme (drafting instructions to be issued by the end of 2024).

## Regulatory Impact Statement

- 96 The Ministry of Education's Quality Assurance Panel has reviewed the Regulatory Impact Statement produced by the Ministry of Education and dated 9 September 2024. The panel considers that it meets the Quality Assurance criteria..

## Climate Implications of Policy Assessment

- 97 There are no climate implications from this paper.

## Population Implications

- 98 Low rates of regular school attendance is a problem across all population groups. However, some groups are overrepresented in the data and this has significant ramifications for their future employment and wellbeing.
- 99 Māori students are over-represented in irregular attendance figures and regular attendance is at a greater rate of decline between 2019 and 2024. In 2019, 59.7 Māori students attended school regularly compared to the average of 72.8 percent of students overall. This has reduced to 47.4 percent in 2024 compared to the average. Māori students attending Māori medium schools attend less regularly than their peers in English medium schools; however, achievement is higher in Māori medium schools.
- 100 Pacific students are over-represented in irregular attendance and the rate of decline since 2019 is greater than average. Between 2019 (63.1 percent) and 2024 (50.6 percent) regular attendance declined by 12.5 percent. There is also a clear correlation between socio-economic barriers and attendance.
- 101 While it is clear that disabled students are disproportionately represented in irregular attendance, current data collection practices provide only a rough picture of the true situation. This is because the attendance of students, including those with additional needs, is tracked but not all disabled students receive these supports and not all students receiving supports are disabled. The proposals in this paper have been developed with the needs of students with learning support needs, including disabled students, in mind.
- 102 The proposals and initiatives in this paper seek to lift regular attendance rates across all population groups with the primary interventions being the provision of support through schools, the Ministry of Education, and other agencies. Enforcement action would be considered if the provision of appropriate support has been offered to parents and where they avoid or refuse that support.
- 103 At this point, it is not clear the extent to which the STAR would be appropriate or effective for diverse learners, including Māori, Pacific and learners with additional

needs, or school contexts, including Kaupapa Māori settings. Sector engagement will be used to assess this risk and to develop final recommendations to meet the needs of diverse learners, if necessary.

- 104 One of the reasons that I am not proposing to establish an infringement scheme is that infringement offences are usually strict liability, which means there is no way to take into account the barriers facing families or whether they have been offered sufficient support to overcome these.
- 105 As Māori and Pacific students are overrepresented in the data for non-attendance, changes to prosecution processes are also likely to impact Māori and Pacific families and whānau if appropriate support is offered and it is not taken up by the families. Issues of data sovereignty for Māori information arise in proposals for data matching and information sharing.
- 106 I will be engaging on my proposals with peak bodies and schools including those with large representation of Māori and Pasifika students, and representing kaupapa Māori learning settings, to inform the final approach.

### Human Rights

- 107 There are no human rights implications associated with this paper.

### Use of external Resources

- 108 No contracted resource has contributed to the development of this paper.

### Consultation

- 109 Department of Prime Minister and Cabinet, the Treasury, Public Service Commission, Ministry of Youth Development, Whaikaha – Ministry of Disabled Peoples, Ministry of Justice, Oranga Tamariki – Ministry of Children, Department of Internal Affairs, Ministry of Social Development, Ministry of Health, New Zealand Police, Te Arawhiti, Te Puni Kōkiri, Ministry of Pacific Peoples, Ministry for Women, Office of the Auditor General, Ministry of Ethnic Communities, Education Review Office, Office of the Privacy Commissioner and the New Zealand Qualifications Authority have been consulted or informed.
- 110 The Ministry of Education has undertaken initial engagement with targeted members of the education sector on some of the initiatives signalled in this paper, including Te Whakarōputanga Kaitiaki Kura o Aotearoa - New Zealand School Boards Association, Mātauranga Iwi Leaders Group, Te Runanga Nui o ngā Kura Kaupapa Māori and Ngā Kura ā Iwi o Aotearoa, and a small number of school leaders.

### Privacy Commissioner comment

- 111 The following comment has been provided by the Privacy Commissioner. “I agree that improving school attendance is an important policy objective, which well-considered information sharing can help to support. I am also pleased to see that the proposed approach to this work will include careful consideration of privacy issues. A student’s attendance records are their personal information and can reveal a lot about them and their whānau. It will be important that the approach to this work not only considers and

complies with legal requirements under the Privacy Act 2020, but also engages with school communities to build trust and test social licence for how this information about our young people is used.”

## Communications

- 112 I will announce the second phase of initiatives in the Attendance Action Plan as part of the Q3 plan by the end of September 2024.
- 113 I will continue to engage with the sector about the proposals in this paper to ensure they are well positioned to implement them.
- 114 I am co-ordinating with the Minister of Education around communications on Teacher Only Days once she has determined her approach for professional development for the maths and structured literacy curriculums.

## Proactive Release

- 115 I intend to release the material within this Cabinet paper within 30 days after decisions have been made by Cabinet, subject to any redactions as appropriate under the Official Information Act 1982.

## Recommendations

I recommend that Cabinet:

- 1 **note** that I have previously advised Cabinet that lifting attendance in schools is one of my main priorities and I am taking a multi-faceted approach through an attendance action plan [SOU-24-MIN-0010].
- 2 **note** that Cabinet has agreed:
  - 1.1 To the development of new attendance regulations to require schools to provide attendance data every day, rather than once per term; and
  - 1.2 To legislative change through the Education and Training Amendment Bill [SOU-24-MIN-0031 revised].
- 2 **note** that significant progress has been made on the development of an attendance action plan with:
  - 2.1 a national communications campaign and refreshed health guidelines on when children should attend school;
  - 2.2 weekly publication of attendance data, a dashboard for publishing daily attendance data, the drafting of regulations requiring daily attendance data and new power for the Secretary to set attendance data rules currently in the Education and Training Amendment Bill;
  - 2.3 development of guidance for schools (in the form of a stepped attendance response) with graduated interventions proportionate to the level of absence;

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- 2.4 the development of an information sharing agreement between the Ministry of Education and Oranga Tamariki, consistent with the Oranga Tamariki Act, to enable the Ministry of Education to share enrolment and attendance data with Oranga Tamariki; and
- 2.5 the commissioning of an Education Review Office (ERO) review of the Attendance Service, Attendance Officers and other supports for addressing persistent truancy due in September 2024 to inform future decisions.
- 3 **note** that I acknowledge that access to learning support is often a factor affecting student attendance and this is a priority for the Minister of Education.
- 4 **note** that consideration of improving the quality of the data that is collected about learners with additional needs, including disabled learners, is part of the learning support work programme
- 5 **note** the Ministry will engage with the disability sector and, importantly, the parents of disabled students to inform changes to data collection
- 6 **note** that I will seek to better understand student perspectives directly from the students themselves, and this will be part of phase three of the attendance work programme
- 7 **note** that non-enrolled students form part of the attendance response and I am starting to investigate this complex area, to ensure these students are not left behind.
- 8 **note** there is some work to do to ensure that school and Ministry practice around Teacher-Only Days aligns with the regulatory settings and the Government's intentions with regard to attendance, and the Minister of Education is taking this work forward.
- 9 9(2)(f)(iv)  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 10 **note** I have directed officials to collect data on when a school is open or closed for instruction during term time to ensure we have a reliable picture of nationwide attendance.

**Strengthening school board and parent accountabilities**

- 11 **note** that Cabinet approved public consultation on an amendment to section 127 of the Education and Training Act 2020 to include attendance as an objective for school boards [SOU-24-MIN-0101]
- 12 **note** that the Ministry has developed a draft Stepped Attendance Response to set expectations for school, student, parent/guardian, Ministry and system responses to student absence and it includes triggers for considering prosecution if appropriate support is offered and it is not taken up.

- 13 **note** the Ministry will continue to reorient its activities in the regions to follow the two government targets for education (attendance and achievement), and for attendance, regional advisors will be required to co-ordinate multi-agency responses with schools, the Attendance Service, non-government agencies, and government agencies.
- 14 **agree** to amend the Education and Training Act 2020 to:
- 14.1 require school boards to have an Attendance Management Plan that sets out processes and strategies for identifying and responding to student absence with the aim of returning the student to regular attendance and includes the following essential components:
    - 14.1.1 threshold ‘triggers’ for various school responses, linked to the number of absences a student has had over a school term; and
    - 14.1.2 processes and procedures schools will take to identify the issues that make attendance challenging for a student; and
    - 14.1.3 potential strategies or interventions to respond to underlying causes of a student’s non-attendance, which may vary according to levels of non-attendance.
  - 14.2 require school boards to ensure that during the development of their Attendance Management Plan regard is had to any operational guidance on school attendance management issued by the Secretary for Education.
  - 14.3 require school boards to ensure certain procedural requirements are followed for Attendance Management Plans including:
    - 14.3.1 publishing the Attendance Management Plan on the school website; and
    - 14.3.2 for the board to re-develop and adopt a new Attendance Management Plan as prescribed in regulations (see recommendation 6.4 below).
  - 14.4 empower the making of regulations that create more detailed requirements for school boards regarding Attendance Management Plans including:
    - 14.4.1 the form and content of plans
    - 14.4.2 essential components of plans
    - 14.4.3 specific data-based thresholds and triggers to guide schools’ actions and responses
    - 14.4.4 review periods for plans
    - 14.4.5 commencement and transitional provisions.

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- 15 **note** that these proposals will be given effect through a Bill with a priority of category 6 on the 2024 Legislation Programme subject to confirmation
- 16 **invite** the Associate Minister of Education to issue drafting instructions to give effect to the decisions in these recommendations
- 17 **authorise** the Associate Minister of Education to make decisions on any issues of detail that may arise during the drafting process without further reference to Cabinet, subject to the decisions being consistent with the policy decisions in this paper
- 18 **note** that I have directed officials to better leverage existing prosecution mechanisms in the Education and Training Act 2020 and that the Ministry will take a stronger leadership role in this process.
- 19 **note** I am not progressing with a new infringements system for attendance at this time.
- 20 **note** that I have commissioned the Ministry to undertake a review of the legislative exemptions and exceptions to the requirement to attend school to ensure student attendance is encouraged, and they are fit for purpose and this review will be informed by engagement with the sector.
- 21 **agree** to receive advice on possible amendments to the legislative exemptions and exceptions to attendance in Quarter 3 2025.
- 22 **note** that further work may be required to consider how private schools fit within the proposed regulatory framework for attendance

**Strengthening attendance data and information sharing**

- 22 **agree** that I direct the Ministry of Education, with the active cooperation of the Ministry of Social Development, Oranga Tamariki and Police, to develop multi-agency information sharing agreements so that agencies can respond appropriately to address barriers to school attendance.
- 23 **note** that I have directed the Ministry to explore utilisation of the National Student Numbers (NSN) to better record, monitor and evaluate the effectiveness of interventions by linking the students' attendance data with attendance interventions, in line with the recommendations from the Social Investment Agency Draft Social Investment Framework.
- 24 **note** that the work to progress the multi-agency information sharing agreements and linking attendance data to NSNs will require careful consideration of privacy and legal issues.
- 25 **note** that ERO has shared the themes emerging from its work on evaluation of the supports addressing persistent school absence, and ERO's final advice will inform the final Stepped Attendance Response and other actions under the attendance action plan.

## Financial Implications

- 22 **note** after receiving the findings from the ERO and Ministry reviews of current services, and implementation planning has been completed over the coming months, I will decide whether to seek agreement to submit a bid into Budget 25/26. I intend to apply resource so the Crown's investment is maximised.

## Reporting back to Cabinet on progress

- 23 **note** that I will ensure Cabinet is informed of use of my delegated authority in making minor and technical policy decisions to support Parliamentary Counsel Office drafting of proposals for mandatory Attendance Management Plans for school boards prior to the introduction of legislation.
- 24 **agree** that I report back to Cabinet in the Quarter 1 of 2025 on:
- 24.1 progress developing multi-agency information sharing agreements between agencies;
  - 24.2 the administrative implications of the Ministry taking a lead role in prosecutions;
  - 24.3 the findings of the ERO review;
  - 24.4 the Ministry's evaluation of its investment in attendance services and the use of the regional response fund;
  - 24.5 the results of the sector engagement;
  - 24.6 the final Stepped Attendance Response including include monitoring and reporting framework.
- 23 **agree** that I report back to Cabinet in Quarter 3 of 2025 for final policy decision on the exemptions and exceptions on attendance under the Act.

Hon David Seymour

Associate Minister of Education.

## ANNEX 1: STEPPED ATTENDANCE RESPONSE

# STEPPED ATTENDANCE RESPONSE - STAR



## Responding to absences

The Government's target is for **80 percent of students** to attend regularly, that is to attend school more than **90 per cent of the time**

-  **GOOD:** Good chance of success
-  **WORRYING:** Less chance of success
-  **CONCERNING:** Hard to make progress
-  **SERIOUS CONCERN:** Very hard to make progress





# STEPPED ATTENDANCE RESPONSE - STAR

## Responding to absences

### Day-to-day operations

#### Schools:

- Assess attendance history of new students
- Survey students and parents to support effective teaching practice and engagement
- School Leadership and Boards actively minimise disruptions to the school day and week e.g. use callback days, parent teacher meetings held after school
- Use the STAR and professional judgment to respond to absence as appropriate

#### Ministry of Education:

- Convene termly meetings for leaders from local schools and relevant agencies to discuss students with serious attendance concerns where a multi-agency response is required
- Prepares templated materials for schools to adapt and use to promote or respond to attendance
- Provide attendance data reports for individual schools and Kāhui Ako
- Provide schools with a regularly updated list of agencies that schools can work with to support students
- Contract supports and services that are effective at returning students to regular attendance (e.g. Attendance Service)
- Provide systems responses where students aren't able to attend every day (e.g. Health Schools)

#### PARENTS/GUARDIANS

Ensure attendance:

- Encourage good attendance habits
- Support other parents to encourage good attendance habits
- Open communication with school
- Follow school attendance management plan and associated policies and processes

#### SCHOOLS

- Clear communication to parents on attendance expectations on enrolment, at the start of school year, and each term
- Communicate to parents what steps the school will take in the event their child is absent from school
- Communicate good attendance habits to students and parents
- Monitor attendance
- Communicate to parents about every absence.
- Maintain contact details of parents.
- Provide students with regular updates on their own attendance.
- Report regularly to parents on attendance of their child.
- Support students getting to school
- Use school level approaches to promote good social and learning environment

#### MINISTRY OF EDUCATION

- Monitor that schools have their attendance policy and attendance management plan on website and it is reviewed as required
- Monitor aggregate data and attendance patterns to identify challenges and opportunities at regional and national levels
- Maintain regular contact with schools and support policy development and interventions/supports
- Support schools to be inclusive and safe

 53 % of students  
438,000

Less than 5 days absence in a school term

#### Plus previous response



#### PARENTS/GUARDIANS

- Return student to regular attendance
- Contact school to discuss reasons for absence
- Support student to catch up on missed learning
- Engage in supports offered

#### SCHOOLS

- Send formal notification and contact parent/guardian to discuss reasons for absence
- Support students to catch up missed learning where required
- Use in-school resources as appropriate to remove barriers e.g. counsellor, 2nd hand uniform shop, PB4L.

#### MINISTRY OF EDUCATION

- Support school with formal notification where required

 26 % of students  
213,000

Up to 10 days absence in a school term

# STEPPED ATTENDANCE RESPONSE - STAR

## Responding to absences



### Plus previous response

#### PARENTS/GUARDIANS

- Return student to regular attendance
- Attend meeting at the school to diagnose reason for absence and to collaborate on a support plan
- Implement strategies at home

#### SCHOOLS

- Send escalated formal notification to parents
- Hold meeting to diagnose reason for absence and to collaborate on a support plan
- Develop and implement a plan tailored to the diagnosis and circumstances around the child's absence
- Use in-school resources as appropriate to remove barriers and request support from Ministry or other agencies as needed

#### MINISTRY OF EDUCATION

- Identify schools with a significant proportion of students at amber level and offer additional support
- Facilitate multi-agency response and support school to implement and monitor improvement plan
- Promote resources and services to support schools to return students to regular attendance
- Identify and respond to localised barriers
- Monitor regional interventions
- Reprioritise regional support resources to where most needed/effective
- Develop new initiatives/policies if needed
- Support parent/guardian and school to resolve conflict if needed



11% of students  
88,000

Up to 15 days absence in a school term

### Plus previous response

#### PARENTS/GUARDIANS

- Return student to regular attendance
- Engage in improvement plan
- Participate in regular meetings

#### SCHOOLS

- Send warning notice and make contact to arrange meeting with parents
- Escalate to multi-agency response
- Participate in multi-agency response
- Implement and monitor improvement plan

#### MINISTRY OF EDUCATION

- Identify schools with a significant proportion of students at red level and offer additional support
- Facilitate multi-agency response and support school to implement and monitor improvement plan
- Provide direct support to parents where required
- Coordinate regional response where required
- Consider system-wide initiatives for high-risk attendance
- Undertake Ministry-led prosecution if supports are offered and not taken up
- Support schools to undertake school-led prosecution as and when requested by schools



10% of students  
84,000

15 days or more of absence in a school term



Te Tāhuhu o  
te Mātauranga  
Ministry of Education

DRAFT

Annex two: Emerging themes from the ERO review \*

| Effective model of services to tackle persistent non-attendance (ERO) |                                                                                                                                                                                | Relevant response                                                                                                                                                                                                      |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Set expectations</b>                                               | There are clear expectations for attendance, and everyone knows what these are.                                                                                                | PM's Attendance target<br><br>Attendance a strategic objective for school boards (s.127 amendment)<br><br>Requirement for Attendance Management Plan (AMP)                                                             |
| <b>Identify</b>                                                       | There is a clear definition of what 'poor attendance' is, students are identified as their attendance starts to decline and action is taken early to address their attendance. | Regulations set thresholds that must be incorporated into AMPs. Government. Students identified early (at 5 days absence), diagnosis occurs, action taken. If persists (10 days, 15 days) then escalated action taken. |
| <b>Find and engage</b>                                                | Students who are persistently absent from school are found, and they and their parents are engaged.                                                                            | STAR response – Parents to be engaged at each threshold.<br><br>Information sharing agreements to be made between schools, agencies and service providers.                                                             |
| <b>Plan response</b>                                                  | The student, parents, schools and other health and social services develop a plan to get the student to attend school regularly.                                               | STAR response – guides schools develop individual attendance plans to support students back to school.*                                                                                                                |
| <b>Remove barriers and enforce compliance</b>                         | The barriers to attendance are removed, and compliance with the plan by students, parents, schools and other parties is enforced.                                              | As above.*<br><br>Information sharing agreements to be made                                                                                                                                                            |

EROs findings in this cabinet paper were preliminary and final findings can be found at [evidence.ero.govt.nz](https://evidence.ero.govt.nz)

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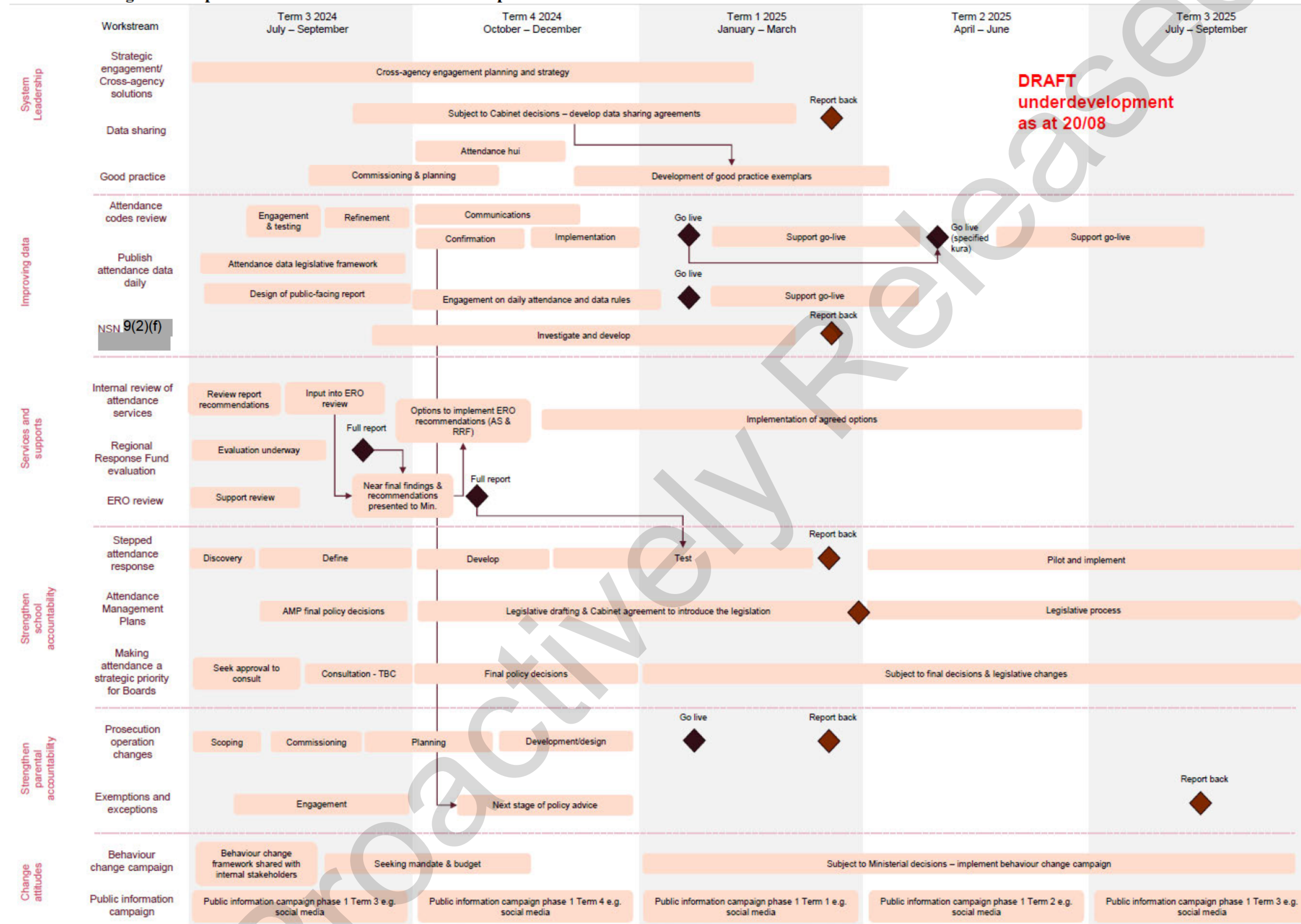
|                                              |                                                                                                                                                                                                                                                   |                                                                                  |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
|                                              |                                                                                                                                                                                                                                                   | between schools, agencies and service providers.                                 |
| <b>Return to school</b>                      | The student is returned to regularly attending school, and additional supports are scaled back.                                                                                                                                                   | To be investigated.                                                              |
| <b>Keep in school and enforce attendance</b> | The school is monitoring student attendance, the school and the parents are enforcing regular attendance, and the student is regularly attending and engaged in learning. Any indications of emerging attendance issues are immediately acted on. | AMP/STAR thresholds regularly reviewed.*<br><br>AMP's strengthen accountability. |
| <b>Enabling conditions</b>                   | There are clear roles and responsibilities for improving attendance. Accountability across the roles is clear, and the functions are adequately resourced.                                                                                        | STAR response.<br><br>Resourcing to be investigated.                             |

\*To be further investigated after ERO review completed.

EROs findings in this cabinet paper were preliminary and final findings can be found at [evidence.ero.govt.nz](https://evidence.ero.govt.nz)

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## Annex three: High-level implementation timeline attendance action plan



# Regulatory Impact Statement: Attendance Management Plans for School Boards

## Coversheet

| Purpose of Document                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Decision sought:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | This analysis is produced for the purpose of informing Cabinet decisions on legislative amendments to require school boards to develop an Attendance Management Plan and on the creation of an empowering provision to enable regulations that specify components of the plans. Such a plan would set out the Board's processes and strategies for managing attendance and identifying and responding to patterns of absence. |
| Advising agencies:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Ministry of Education                                                                                                                                                                                                                                                                                                                                                                                                         |
| Proposing Ministers:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Hon David Seymour, Associate Minister of Education                                                                                                                                                                                                                                                                                                                                                                            |
| Date finalised:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 9 September 2024                                                                                                                                                                                                                                                                                                                                                                                                              |
| Problem Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Schools have a key role in ensuring students attend school and have a legal obligation to take steps to ensure they do. However, some schools aren't effectively or consistently responding to address the diverse causes of non-attendance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Executive Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>School attendance is associated with education achievement and better life outcomes. New Zealand is experiencing low rates of regular school attendance, and the Government has made attendance a key priority through its attendance action plan.</p> <p>Schools have a key role alongside parents in ensuring students attend school and are required to do so under section 36 of the Education and Training Act (the Act). However, reports from the Education Review Office (ERO) suggest that some schools aren't effectively or consistently responding to address the diverse causes of non-attendance.</p> <p>This Regulatory Impact Statement (RIS) assesses options to increase clarity around how schools are expected to meet their obligations under section 36 of the Act, and the likelihood that schools are more effectively and consistently responding to address the diverse causes of absence. The options include creating a legislative requirement for schools to have an Attendance Management Plan (AMP) and creating a legislative requirement for schools to follow the Stepped Attendance Response which is currently being developed by the Ministry of Education (the Ministry). This analysis finds that the most practical option is a requirement for schools to have an Attendance Management Plan.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Limitations and Constraints on Analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                               |
| The need to meet the deadlines for inclusion in the Education and Training Amendment Bill No 2 (ETAB 2) has placed constraints on policy analysis for the attendance management plan (AMP) proposal. ETAB2 is Priority 6 on the 2024 Legislation Programme which means that drafting instructions be issued before the end of 2024. Given the timing for final                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                               |

decisions to be made, and the sequencing of the advice to Cabinet on the attendance action plan, there have been constraints for the Ministry's analysis including:

- **Limitations for treaty analysis** - lack of consultation has meant that the analysis does not take into account the views of Māori and the impact of the proposed options on ākonga Māori and Kaupapa Māori education settings is unclear.
- **Sector engagement:** We have not engaged with the education sector directly due to time constraints. This has created a risk that we do not to fully understand implementation implications for schools or the extent to which they would be fit for purpose for particular learners. We will continue working with the sector to ensure initiatives are fit for purpose and workable in all settings and for all learners. Some of this risk may also be mitigated through Select Committee processes and detailed implementation planning that will inform the design and content of any regulations that are introduced following enactment.

**Responsible Manager(s) (completed by relevant manager)**

Jennifer Fraser  
General Manager, Schools Policy  
Te Pou Kaupapahere  
Ministry of Education  
23 April 2024

**Quality Assurance (completed by QA panel)**

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reviewing Agency:           | Ministry of Education                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Panel Assessment & Comment: | <p>The Ministry of Education's Quality Assurance Panel has reviewed the Regulatory Impact Statement produced by the Ministry of Education and dated 9 September 2024. The panel considers that it meets the Quality Assurance criteria. It is concise and makes a clear case, on balance, for the preferred option.</p> <p>However, the time constraints under which it was prepared and the subsequent lack of information on stakeholder impacts and views on the options means that there is some uncertainty about the potential impacts of the proposal. Robust monitoring of compliance and the impact of these changes on schools' management of attendance will be crucial to the success of these proposals. The Statement clearly identifies the constraints on the analysis.</p> |

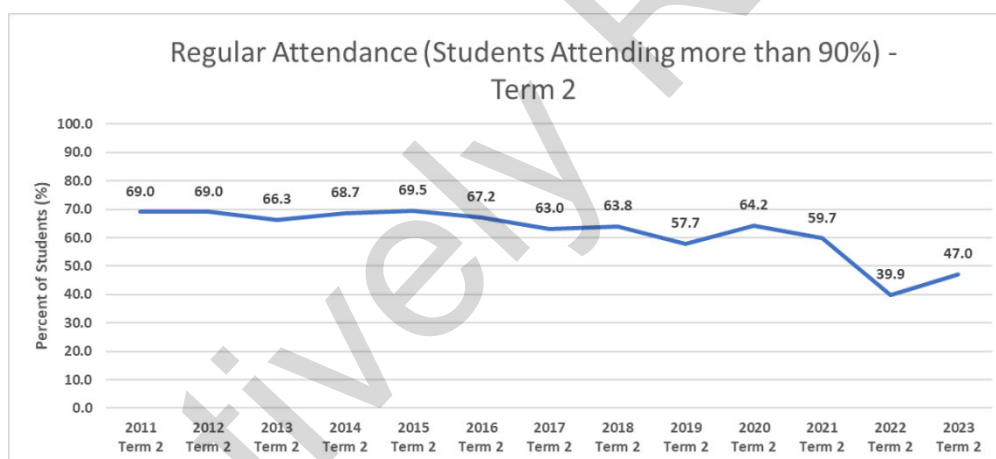
## Section 1: Diagnosing the policy problem

**What is the context behind the policy problem and how is the status quo expected to develop?**

**New Zealand has low rates of regular school attendance**

1. There is a long-standing concern that attendance rates are low in New Zealand. Between 2015 and 2019 regular attendance rates<sup>1</sup> declined from 69.5% to 57.7%. The COVID-19 pandemic has accelerated this decline due to disruptions and isolation requirements and was at 39.9% in Term 2 2022. There has been a recent recovery with regular attendance rates up to 53.6% in Term 4 2023. However, it is not back to pre-COVID levels yet and it is too early to say whether this is going to be an upward trend. New Zealand's attendance rates are lower than in other countries that use similar attendance measures such as Australia, the USA, England, and Ireland.
2. Students who are chronically absent (attending less than 70% of the time) are at risk of poor education outcomes and poor life outcomes. Some groups of students are over-represented in low attendance rates. For example, attendance rates have been lower for students in lower decile schools,<sup>2</sup> Māori and Pacific students, and secondary school students.

*Figure 1: Regular attendance in New Zealand has been declining*



**The drivers of attendance and absence are complex**

1. The reasons for New Zealand's overall decline in regular school attendance are wide ranging and interrelated. Drivers of absences include both in school and out of school factors:
  - a. **Out of school factors** include health and mental health issues, lack of resources for transport, food or school-related materials, disruptions in the family or low parental expectations, and community or system level factors like insecure housing and poverty.

<sup>1</sup> Regular attendance is defined as attending school more than 90% of the term

<sup>2</sup> The decile system, which measured the overall socio-economic mix of students at a school, was replaced with the Equity Index in January 2023.

- b. **In school factors** include bullying and discrimination, poor teacher-student or teacher-parent relationships, relaxed attitudes around attendance in the school, and the curriculum not being sufficiently engaging or culturally responsive.
- 2. Because of these wide ranging and interrelated drivers of absences, there are many groups who have responsibilities for supporting attendance, including the Ministry, schools, parents and whānau, other government agencies and the wider community.

### **Schools have responsibilities to make sure that enrolled students attend**

- 3. Schools are required under section 36 of the Act to take all reasonable steps to ensure that the school's enrolled students attend school when it is open.
- 4. To help schools to meet their responsibilities, the Ministry provides guidance on developing attendance plans and responding to absences and funds Attendance Services and local initiatives through the Regional Response Fund.<sup>3</sup> Takiwā staff have also increased their focus on attendance in recent years as part of the Attendance and Engagement Strategy published in 2022 by the previous Government.

### **Some schools are not effectively or consistently responding to address the diverse causes of non-attendance**

- 5. Reviews undertaken by the Education Review Office (ERO) in recent years suggest that some schools are not effectively and consistently<sup>4</sup> responding to address the diverse causes of absence in their sphere of influence. While most schools are providing positive educational experiences for students, there are variations in practices. For example, an ERO report published in 2022 found that not all schools have systems to identify attendance patterns, and that schools have variable expectations for regular attendance.<sup>5</sup> These findings were largely repeated in an ERO briefing provided to the Associate Minister in 2024.<sup>6</sup> This report also found that in some areas many schools were doing better.
- 6. Based on our review of these reports and feedback from takiwā staff, we have summarised the reasons for this variation in response as being that some schools:
  - a. may not be clear about what the expectations are for attendance.
  - b. are not closely monitoring students who have had low attendance, or don't have plans in place to respond quickly when there are signs that attendance is slipping.
  - c. make assumptions about students' needs and the barriers to their attendance and may not be engaging sufficiently and effectively with students and their families and whānau to accurately identify them.

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<sup>3</sup> Local initiatives funded by the RRF include supporting families to access / fund the basics needed to get students to school, assigning or appointing people to focus on attendance within schools, and raising awareness through community events and social media campaigns

<sup>4</sup> Consistency here refers both to consistent responses to absences within a school and that all schools are at a minimum using a data informed and systematised approach to monitoring and responding to absences.

<sup>5</sup> Education Review Office (2022) *Missing Out: Why Aren't Our Children Going to School?* page 111. Available at [Missing Out: Why Aren't Our Children Going to School? \(ero.govt.nz\)](https://ero.govt.nz/missing-out-why-arent-our-children-going-to-school/)

<sup>6</sup> Education Review Office (2024) *Emerging themes from fieldwork: Evaluation of supports for addressing persistent absence from school* (Briefing).

- d. are not clear about when it is appropriate to intervene. Some schools wait too long to intervene, while in other cases some schools withdraw support too early.
- e. are not clear what their roles and responsibilities are separate to those of the Ministry and other actors which leads to both gaps and overlaps in the work that different people and agencies do, as well as poor collaboration and information sharing in general.
- f. may lack the resources, capacity or capability to manage attendance effectively.

**This Government has launched the attendance action plan to respond**

- 7. In March 2024, the Government announced its attendance action plan which identified immediate actions and committed to investigating more systemic change that should have meaningful impact. One of the immediate actions included in the action plan was to develop a Stepped Attendance Response (STAR) which sets out the requirements and expectations for parents, schools, and the Ministry at different levels of a student's attendance. The guidance will specify baseline expectations for schools, parents and the Ministry and identify thresholds (numbers of days absent) at which responses are required. A more fulsome description of the STAR is provided below.

## What is the policy problem or opportunity?

8. Expectations around how schools should manage attendance and respond to absences are not clearly set out in legislation or in current guidance. This means that there are inconsistencies for some schools in how they are meeting their obligations to ensure their students attend school, and that it is difficult for the Ministry to enforce compliance.

## What objectives are sought in relation to the policy problem?

9. The key objective of this change is for expectations around how schools manage attendance and respond to absences to be more clearly set out for schools. This will mean schools will be more likely to be effectively and consistently responding to address the diverse causes of absence (within their spheres of influence). The Ministry expects schools to:
  - a. regularly monitor students' attendance and respond quickly and appropriately when there are signs that attendance is slipping.
  - b. be clear about their role and specific expectations in relation to attendance and that it should be a priority for them.
  - c. engage with students and families/whānau to identify students' needs and the barriers to their attendance.
10. This is only one aspect of a wider set of actions to improve attendance rates. We would expect that alongside other interventions, such as strengthening board objectives around attendance and mandating the provision of daily attendance data, these objectives would contribute to better and more equitable outcomes in attendance for all students.

## Section 2: Deciding upon an option to address the policy problem

### What criteria will be used to compare options to the status quo?

11. The Ministry has assessed the options based on the following criteria and compared them against the status quo. These criteria are developed to assess the overall costs and benefits of each option and the extent to which they meet the policy objectives.

| Criteria                   | Description                                                                                                                                                                   |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Effectiveness</i>       | The extent to which the options are likely to achieve the policy objectives.                                                                                                  |
| <i>Consistency</i>         | The extent to which the option encourages consistent, data-informed approaches in how schools identify and respond to attendance issues.                                      |
| <i>Flexibility</i>         | The extent to which the option allows flexibility for schools to respond to attendance issues in a way that addresses the unique needs and context of their school community. |
| <i>Costs</i>               | The extent to which the option poses fiscal costs and administrative burden on schools, and implementation costs for the Ministry.                                            |
| <i>Honouring Te Tiriti</i> | The extent to which the option honours Te Tiriti o Waitangi / The Treaty of Waitangi.                                                                                         |

## What scope will options be considered within?

12. We considered two different levels of regulatory options as well as a non-regulatory option, which is the status quo.
13. We considered a 4<sup>th</sup> option to mandate Attendance Management Plans through regulations without additional procedural requirements. This would have enabled requirements to come into effect faster. However, this option was discarded because of the desire to require school boards to have regard to operational guidance from the Secretary of Education when developing their plan and have thresholds which trigger interventions to be used. Because current regulation empowering provisions in the Act would not allow for this level of specificity, this could only be achieved through amending the Act.
14. Options that aimed to address resourcing or capability were considered out of scope for this review as they would require additional funding.

## What options are being considered?

### Option One – Status quo

15. To support schools to meet their legal obligations under section 36 (2) of the Act to take all reasonable steps to ensure that the school's students attend the school when it is open, the Ministry encourages schools to have an attendance management plan. This helps them to monitor and manage student attendance and measure the effectiveness of relevant policies, processes and procedures relating to attendance. The Ministry also provides operational guidance on developing these plans and on school responses to absence in general.<sup>78</sup>
16. Schools are not currently required to have an attendance management plan, however takiwā staff report that most schools currently have some form of an attendance policy or an attendance plan, although these are variable in quality and content.
17. Decisions have already been taken to enhance the status quo by introducing the STAR and updated guidance from Term 1 2025. This guidance will be more specific and prescriptive than currently, and implementation will be supported by takiwā. However, there will be no legal requirement on schools to use the STAR and follow guidance.
18. The STAR will outline baseline expectations for schools relating to attendance and have a set of thresholds for responding to different levels of absence. It will also clarify the Ministry's role in managing and responding to absence. Details about what will be included in the STAR have not been finalised or tested with the sector, however expectations for schools currently include:

#### a. *Baseline expectations*

There will be a number of expectations for schools' day-to-day operations that they should be taking as a preventative measure for all students. These include understanding the attendance history of new students, regularly gathering feedback from students and parents to support effective teaching practice, and actively minimising disruptions to the school term.

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<sup>7</sup> Ministry of Education (n.d.) *Attendance is a shared responsibility* (Webpage) available [here](#).

<sup>8</sup> Ministry of Education (2011) *Attendance Matters: Guidelines for implementing an effective attendance management plan*. Available [here](#).

b. *Responding to absences*

As well as these baseline requirements, schools will be expected to respond at different levels of absence. These levels include less than 5 days, up to 10 days absence in a school term, up to 15 days absence in a school term, and 15 days or more of absence in a school term. Any student who reaches a specified threshold will trigger a proportionate response from their school and the Ministry. This could include a letter to parents/caregivers, identifying barriers to attendance and developing an improvement plan, and in some cases prosecution of parents.

**Option Two – Legislative requirement on Boards to implement the STAR.**

19. As well as introducing the STAR and updated guidance, Option two would amend the Act to require boards to adopt the full content of the STAR as their response to student absence. Under this approach, the STAR will shift from recommended guidance to a prescriptive roadmap of steps and processes that schools will be required to follow.

**Option Three – Legislative requirement on Boards to have an Attendance Management Plan (AMP)**

20. As well as introducing the STAR and updated guidance as in Option one, Option three would amend the Act to require boards to have an AMP that sets out their processes and strategies for managing attendance and identifying and responding to absence with the aim of returning students to regular attendance. Schools would be required to have regard to any operational guidance on school attendance management, published by the Secretary for Education, when developing their AMP (such as the STAR).
21. Under Option three, school AMPs would be required to include the following content:
- a. threshold ‘triggers’ for various school responses, linked to the number of absences a student has had over a school term, set in regulations under the Act;
  - b. processes and procedures schools will take to identify the issues that make attendance challenging for a student; and
  - c. strategies or interventions to respond to underlying causes of absence, which may vary according to levels of absence.
22. Boards would also be required to:
- a. publish the AMP on the school website so it is available to the public; and
  - b. re-develop and adopt a new AMP as prescribed in regulations.
23. The Act would also be amended to enable the making of regulations that create more detailed requirements for school boards regarding AMPs including:
- a. the form and content of plans;
  - b. essential components of plans;
  - c. specific data-based thresholds requiring schools to act and respond;
  - d. review periods for plans; and
  - e. commencement and transitional provisions.

## How do the options compare to the status quo/counterfactual?

| Key | Significantly better than the status quo | +++ | Much better than the status quo | ++ | better than the status quo | + | About the same as the status quo | 0 | Worse than the status quo | - |
|-----|------------------------------------------|-----|---------------------------------|----|----------------------------|---|----------------------------------|---|---------------------------|---|
|-----|------------------------------------------|-----|---------------------------------|----|----------------------------|---|----------------------------------|---|---------------------------|---|

|                      | Option one – Status Quo                                                                                                                                                                                                                                                                                                                                                                                                        | Option Two – Duty to implement the STAR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Option Three – Duty to have an AMP                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Effectiveness</b> | <p>0</p> <p>There is evidence of varying practice between schools. Some schools may not be responding effectively to address the diverse needs of students.</p> <p>While there may be some improved consistency and effectiveness through the STAR, option one does not effectively meet the stated objectives as it will not be mandatory and therefore expectations will not be elevated, and fewer schools will comply.</p> | <p>+</p> <p>Option two more effectively meets the objectives as it will have detailed requirements that will increase clarity for schools and require them to monitor and respond to students' attendance. This would be more effective than the status quo as it will be required through legislation and therefore elevate the expectations for schools. However, option three would not allow schools to address the diverse causes of absence as effectively as there will be less flexibility in how they are able to respond. This may lead to unintended consequence of further alienating some students and families/whānau from the school.</p> | <p>+++</p> <p>Option three effectively meets the objectives as mandatory AMPs would push schools to more systematically consider their responses and monitor and respond to student absences. Legislated specifications around thresholds for responses being set out in legislation will clarify expectations for schools. We expect these factors to result in greater consistency in their response to absences.</p>               |
| <b>Consistency</b>   | <p>0</p> <p>There is evidence that school responses and the degree to which schools adhere to Ministry guidance varies between schools.</p>                                                                                                                                                                                                                                                                                    | <p>++</p> <p>Option two would result in greater consistency because making the STAR mandatory will increase the number of schools that follow it. The STAR will also have more detailed specifications about what schools' baseline expectations should be as well as what they must do at each threshold of absence than the AMP.</p>                                                                                                                                                                                                                                                                                                                   | <p>+</p> <p>Option three would set minimum expectations including for interventions at specific thresholds. It will also require certain processes relating to the AMPs including identifying causes of absence. This will mean schools are more likely to systematically respond to absence, and engage with students, their families/whānau and the Ministry at specific points. This will increase consistency to some extent.</p> |

|                    |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Flexibility</b> | <p>0</p> <p>There is currently a high degree of flexibility as there are no detailed requirements around how schools should respond to attendance issues.</p>                                                                                                                                                                                                                         | <p>--</p> <p>Option two has the least flexibility as it will require schools to follow uniform procedures and responses. Under this option there is less opportunity for schools to adjust their practices to suit the specific needs of their community. This could have negative impacts for groups with differing needs such as Māori, Pacific, disabled and rural students.</p>                                                                | <p>-</p> <p>Option three retains some flexibility and will also encourage schools to tailor their plans to suit their specific needs. While schools will be required to have an AMP with certain specifications around content and processes, the school will have some discretion regarding the contents of their AMPs and what the process steps would look like.</p>                                                                                                                                                         |
| <b>Costs</b>       | <p>0</p> <p>Compliance costs for schools who wish to follow the guidance would be able to be met within baseline, which includes funding for schools to meet their legal obligations. There will be minor costs for the Ministry in developing and publishing STAR guidance and updating attendance management templates, and in supporting implementation, under the status quo.</p> | <p>-</p> <p>Costs for the Ministry would be higher than the status quo as the Ministry would need to support the implementation of the STAR for more schools.</p> <p>While we don't expect costs would necessarily be significantly higher than for option three, an effective regulatory system for the level of prescription under this option would require higher resourcing for guidance, support, monitoring compliance and enforcement.</p> | <p>-</p> <p>Costs for the Ministry would be higher than the status quo as the Ministry would need to support the implementation of the AMP and STAR for more schools.</p> <p>We don't expect the creation of a plan to be costly and will be able to be met within baseline funding, which is already intended to cover attendance responses, however we haven't tested this with schools.</p> <p>Takiwā have indicated that this requirement will involve a minor change for some schools, but a bigger change for others.</p> |
| <b>Te Tiriti</b>   | <p>0</p> <p>Kaupapa Māori and Māori medium kura would continue to have a high degree of rangatiratanga as it relates to Article 2 of te Tiriti, in how they respond to absence. Autonomy for these kura is important as attendance appears to be</p>                                                                                                                                  | <p>-</p> <p>While the overall effectiveness of option two is high, it could be ineffective in kaupapa Māori and Māori Medium settings and for ākonga Māori in other schools. This is because the prescriptiveness will mean kura Māori have less flexibility to design processes that work for</p>                                                                                                                                                 | <p>-</p> <p>While the overall effectiveness of option three is high, similarly to option two it could be ineffective in kaupapa Māori and Māori Medium settings and for ākonga Māori in other schools. However, a degree of rangatiratanga may be retained as they would be able to design AMPs</p>                                                                                                                                                                                                                             |

|  |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                        |                                                                                                                            |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
|  | <p>a less significant factor for achievement in these settings than it is for ākonga Māori in English medium schools.</p> <p>However, some English medium schools do not effectively or consistently respond to address the diverse causes of absence, of which ākonga Māori are overrepresented. This issue will not be addressed by option one.</p> | <p>them, and English medium schools will have less flexibility to design processes that work for ākonga Māori. This is mitigated by the increased focus on encouraging attendance.</p> | <p>in a way that meets their priorities. This will also be mitigated by the increased focus on encouraging attendance.</p> |
|  | 0                                                                                                                                                                                                                                                                                                                                                     | -                                                                                                                                                                                      | +                                                                                                                          |

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

*We recommend option three*

24. After assessing the options against the above criteria, we consider that Option three would result in the highest net-benefit.
25. While Option one and Option three both scored the same on the options analysis table, we consider that the disadvantages associated with minor fiscal and administrative costs, reduced flexibility for schools, and a lower treaty/Tiriti scoring, are outweighed by the benefits of increased effectiveness and consistency. Requiring schools to have an AMP in legislation will elevate the expectations on schools regarding how they are to meet their obligations under section 36 of the Act. This will mean that more schools will be systematically considering their responses, and monitoring and responding to student absences. Setting threshold triggers for school responses in primary legislation will also clarify expectations for schools and when the Ministry should intervene.
26. While Option two will also increase clarity for schools and consistency in how they respond to absences, because the requirement is more detailed and prescriptive, there would be a higher compliance cost for schools, and reduced flexibility in how they manage attendance and respond to absences. This could reduce their ability to address the diverse causes of absence which would impact on Māori expression of rangatiratanga and could reduce effectiveness of approaches for students with potentially varying needs such as Māori, Pacific, disabled, and rural students. The Ministry wants to ensure the STAR works as intended and is fit for purpose before placing any legal requirement to give effect to the detailed contents.

## What are the marginal costs and benefits of the option?

27. The table below sets out the costs and benefits of Option 2 against the status quo. We expect to have more certainty around the potential costs and benefits following consultation and engagement with the sector in Term 3 2024.

| Affected groups                                                              | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Impact | Evidence Certainty |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------|
| <b>Additional costs of the preferred option compared to taking no action</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |                    |
| Regulated groups (State school boards and school principals)                 | <p>Schools and kura that do not have an AMP will need to develop one. Where the school's AMP does not currently contain the content specified in regulation, they will need to update their AMP to meet the requirements. There will also be a cost on schools to periodically review and potentially redevelop their AMP.</p> <p>We expect these costs to be minimal and to be met within baseline operational funding. Because schools and kura are already required under section 36 of the Act to take all reasonable steps to ensure their students attend, we expect operational funding to already be covering these activities. However, for some schools with bigger pressures, or very small rolls, there is a risk that this expectation will focus their resources away from operationalising attendance issues. This will be mitigated by the development of guidance and templates to support schools.</p> | Low    | Low.               |
| Regulators (Ministry of Education)                                           | <p>The Ministry will develop guidelines and templates to support schools and Ministry frontline staff will support, monitor and manage the implementation process where required. It is anticipated that this will be met through baseline departmental spend.</p> <p>The Minister may put forward a bid for Budget 25/26 following results from reviews of services and further work by the Ministry to identify costs involved with implementation of guidance by the Ministry.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    | Low    | Medium             |

|                                                                                 |                                                                                                                                                                                                                                                                                                                               |         |        |
|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------|
| Parents, students and whānau                                                    | No cost                                                                                                                                                                                                                                                                                                                       | No cost | Medium |
| Others (e.g., agencies such as ERO)                                             | ERO may have additional compliance and monitoring costs.                                                                                                                                                                                                                                                                      | Low     | Low    |
| <b>Total costs</b>                                                              |                                                                                                                                                                                                                                                                                                                               | Low     |        |
| <b>Additional benefits of the preferred option compared to taking no action</b> |                                                                                                                                                                                                                                                                                                                               |         |        |
| Regulated groups (State school boards and school principals)                    | Schools can get greater clarity around what is expected of them.                                                                                                                                                                                                                                                              | Low     | Medium |
| Regulators (Ministry of Education)                                              | There may be increased transparency from the requirement on schools to publish their AMPs. However, the extent to which the Ministry will be able to monitor this is unclear.                                                                                                                                                 | Low     | Medium |
| Others (e.g., parents, students, whānau)                                        | Schools are likely to be clearer about their expectations and therefore be likely to take better measures to prevent attendance rates from slipping and provide the help that students and families/whānau may need. There will be increased transparency as AMPs will be published for students and families/whānau to view. | Low     | Low    |
| <b>Total benefits</b>                                                           |                                                                                                                                                                                                                                                                                                                               | Low     | Medium |

## Te Tiriti o Waitangi/Treaty of Waitangi Analysis

27. The Crown has a duty to actively promote and protect Tiriti/Treaty rights and interests and to develop education settings in a way that supports Māori-Crown relationships. The following summary of Te Tiriti/The Treaty implications considers the ways in which this policy may intentionally or unintentionally impact Māori and assesses each option against articles 1-3 of Te Tiriti/The Treaty. While separate columns have not been included for the preamble and Article 4 of Te Tiriti/The Treaty, provisions relating to these, such as the extent to which options protect from harm, enable cultural customs, or recognise wairua, mauri, rongoā and tikanga, have been considered where relevant.

| Key: Each option is ranked based on the following criteria. | Poor                                                                                                                                                                                                                                                                                                                                       | Limited                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Fair                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Excellent                                                                                                                                                                                                                         |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                             | <p><b>Little or no</b> consideration of the article, principle, or outcome domain.</p> <p><b>Little or no</b> evidence can be provided to answer questions.</p> <p><b>Significantly more</b> consideration of the article, principle, or outcome domain <b>is needed</b>.</p>                                                              | <p><b>Limited</b> consideration of the article, principle, or outcome domain.</p> <p><b>Limited</b> evidence can be provided to answer questions.</p> <p><b>More</b> consideration of the article, principle or outcome domain <b>is needed</b>.</p>                                                                                                                                                                                                                                                                         | <p>A <b>fair amount</b> of consideration of the article, principle, or outcome domain.</p> <p><b>Sufficient</b> evidence can be provided to answer questions but <b>there are gaps</b>.</p> <p><b>More</b> could be done to ensure consideration is excellent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>In depth</b> consideration of the article, principle, or outcome domain.</p> <p><b>Sufficient</b> evidence is provided to answer all questions with <b>no gaps</b>.</p> <p><b>Still potential</b> for more development.</p> |
|                                                             | Article 1: Kāwanatanga                                                                                                                                                                                                                                                                                                                     | Article 2: Tino Rangatiratanga                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Article 3: Ōritetanga                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                   |
| Interpretation                                              | The Crown has the right to govern (kāwanatanga). Good governance must protect Māori interests and ensure equitable Māori engagement and/or leadership in priorities and decisions.                                                                                                                                                         | Provides Māori with tino rangatiratanga or absolute sovereignty over all their whenua, kāinga and taonga.                                                                                                                                                                                                                                                                                                                                                                                                                    | Promises to Māori the benefits of royal protection and full citizenship. This Article emphasises the rights of Māori to live as Māori in a manner consistent with whānau, hapū and/or iwi values and traditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                   |
| Relevance to problem definition                             | The Crown's Kāwanatanga commitments include engaging with Māori when making decisions that will affect them. Genuine engagement with Māori representatives on any new requirement is critical to supporting Māori-Crown relationships and meeting our partnership responsibilities. This is explicitly referenced in section 4 of the Act. | <p>Māori have rights and interests in relation to how they manage their own affairs including matters relating to attendance and achievement of their tamariki Māori in schools.</p> <p>For an option to uphold Article 2, Māori should be given flexibility to address the diverse causes of non-attendance in a way that works for them. This is particularly relevant as there is some evidence that Māori view the issue of attendance in a unique way and therefore may want to tailor their responses differently.</p> | <p>The Government has an obligation to actively protect Māori students to ensure that they have equitable learning outcomes, in this instance achievement, in the education system. Evidence shows a strong correlation between attendance and academic achievement for Māori in English medium education. While this may not be a significant factor for achievement in kaupapa Māori education settings and Māori medium schools, there is still a correlation. Effective and consistent responses to address the diverse causes of non-attendance are central to lifting attendance rates and, to varying degrees, achievement rates, for Māori.</p> <p>Māori in English medium schools may also have differing needs from other students which will need to be acknowledged, understood and taken into account by schools when dealing with their attendance.</p> |                                                                                                                                                                                                                                   |

|                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Option 1: Status quo</b>                    | <b>Limited</b>                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Fair</b>                                                                                                                                                                                                                                                                                          | <b>Limited</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                | There will be some engagement with kura peak bodies to inform the development of the STAR guidance. However, this will likely be limited due to timeframe constraints.                                                                                                                                                                                                                                                          | Currently kaupapa Māori and Māori medium education settings have a high degree of flexibility and autonomy in how they respond to attendance.<br><br>There may be instances where English medium schools are not responding to the specific needs of ākonga Māori effectively.                       | Ākonga Māori are overrepresented in low rates of attendance. This likely reflects a lack of consideration in the ways in which schools respond to the barriers to attendance for ākonga Māori. Not responding to this gap would mean the Crown is not actively protecting ākonga Māori and ensuring they have equitable achievement rates in the education system.                                                                                                                                                                                                                                                                                                                |
| <b>Option 2: Requirement to implement STAR</b> | <b>Limited</b>                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Poor</b>                                                                                                                                                                                                                                                                                          | <b>Poor</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                | Timeframes for meeting implementation by 2026 mean we would not be able to engage with Māori to inform the development of this requirement. This risk would be partially mitigated by some engagement through Select Committee processes and detailed implementation planning.<br><br>Option 2 enables more consistency than option 1 in school responses so that all students and whānau can expect a minimum response.        | Under option three, there will be more specific requirements and therefore less flexibility around the ways in which schools respond to attendance issues. This will mean that kaupapa Māori and Māori medium settings will have less flexibility to manage attendance in a way that works for them. | Because the STAR is more prescriptive and therefore less flexible than the AMP, Schools will have less flexibility to respond to the specific needs of their ākonga Māori. This could mean that this approach is less effective and could exacerbate existing inequities. However, this will be mitigated by the increased focus on encouraging attendance.                                                                                                                                                                                                                                                                                                                       |
| <b>Option 3: Requirement to have an AMP</b>    | <b>Limited</b>                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Limited</b>                                                                                                                                                                                                                                                                                       | <b>Limited</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                | Timeframes for meeting implementation by 2026 mean we will not be able to engage with Māori to inform the development of the amendments to the Act. This risk will be partially mitigated by some engagement through Select Committee processes and detailed implementation planning.<br><br>Option 3 enables more consistency than option 1 in school responses so that all students and whānau can expect a minimum response. | Under option two, kaupapa Māori and Māori medium education settings will have reduced flexibility in how they choose to manage attendance. However, there will still be some discretion regarding the contents of AMPs and what the process steps would look like.                                   | Requiring schools to develop and use an AMP could address the variation in school responses and therefore be a step towards addressing the inequities that exist in attendance and educational achievement for ākonga Māori.<br><br>However, the extent to which the approach embodied in the mandatory components of the attendance management plans would be appropriate or effective for diverse learners or school contexts is not clear. We anticipate this may be an issue in kaupapa Māori and Māori medium learning settings, and for ākonga Māori in English medium learning settings. However, this will be mitigated by the increased focus on encouraging attendance. |

## Section 3: Delivering an option

### How will the new arrangements be implemented?

28. The Ministry is in the process of developing STAR guidance and templates to support schools in their attendance management. These will be piloted in term one 2025.
29. While some schools already have attendance management plans, all schools will have work to do to ensure that theirs meet the legislative and regulatory requirements. The Ministry intends to provide example AMPs and templates to make implementation easier for schools. Takiwā staff will also work with schools during their regular visits to ensure schools have sufficient support to be successful in developing their plans.
30. The Ministry will ask schools to voluntarily develop AMPs ahead of amending the legislative framework. This will speed up the impact of the new approach and mean that many schools should have AMPs in place by the time the regulatory requirements come into effect in 2026.
31. The Ministry is also exploring possible changes to the technology schools use to monitor the implementation of the STAR and AMPs.

### How will the new arrangements be monitored, evaluated, and reviewed?

32. The extent to which schools comply with the requirement could be monitored through ERO's Board Assurance Statement, which collects information on how schools are meeting their legal obligations as well as during EROs regular review visits to schools. Timing constraints for this analysis have prevented the Ministry and ERO making a final decision on the desired approach.
33. The Ministry is currently developing a multi-year evaluation work programme to measure impacts of new initiatives across all attendance action plan initiatives. Once the framework for measuring impacts has been developed, the Ministry will begin implementation planning.



# Cabinet Social Outcomes Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Attendance Action Plan: Second Phase Initiative

**Portfolio**                      **Associate Education**

On 18 September 2024, the Cabinet Social Outcomes Committee (SOU):

#### Background

- 1        **noted** that the Associate Minister of Education (the Associate Minister) has previously advised Cabinet that lifting attendance in schools is one of his main priorities, and is taking a multi-faceted approach through an attendance action plan [SOU-24-MIN-0010];
- 2        **noted** that in May 2024, Cabinet agreed:
  - 2.1        to the development of new attendance regulations to require schools to provide attendance data every day, rather than once per term; and
  - 2.2        to legislative change through the Education and Training Amendment Bill; [CAB-24-MIN-0154.01]
- 3        **noted** that significant progress has been made on the development of an attendance action plan with:
  - 3.1        a national communications campaign and refreshed health guidelines on when children should attend school;
  - 3.2        weekly publication of attendance data, a dashboard for publishing daily attendance data, the drafting of regulations requiring daily attendance data, and new power for the Secretary to set attendance data rules currently in the Education and Training Amendment Bill;
  - 3.3        development of guidance for schools (in the form of a Stepped Attendance Response) with graduated interventions proportionate to the level of absence;
  - 3.4        the development of an information sharing agreement between the Ministry of Education (the Ministry) and Oranga Tamariki – Ministry for Children (Oranga Tamariki), consistent with the Oranga Tamariki Act 1989, to enable the Ministry to share enrolment and attendance data with Oranga Tamariki; and
  - 3.5        the commissioning of an Education Review Office (ERO) review of the Attendance Service, Attendance Officers and other supports for addressing persistent truancy due in September 2024 to inform future decisions;

- 4 **noted** that the Associate Minister acknowledges that access to learning support is often a factor affecting student attendance, and that this is a priority for the Minister of Education;
- 5 **noted** that consideration of improving the quality of the data that is collected about learners with additional needs, including disabled learners, is part of the learning support work programme;
- 6 **noted** that the Ministry will engage with the disability sector and, importantly, the parents of disabled students to inform changes to data collection;
- 7 **noted** that the Associate Minister will seek to better understand student perspectives directly from the students themselves, which will be part of phase three of the attendance work programme;
- 8 **noted** that non-enrolled students form part of the attendance response, and that the Associate Minister is starting to investigate this complex area to ensure that these students are not left behind;
- 9 **noted** there is some work to do to ensure that school and Ministry practice around teacher-only days aligns with the regulatory settings and the Government's intentions with regard to attendance, and that the Minister of Education is taking this work forward;
- 10 9(2)(f)(iv) [REDACTED]
- 11 **noted** that the Associate Minister has directed officials to collect data on when a school is open or closed for instruction during term time to ensure that officials have a reliable picture of nationwide attendance;

### Strengthening school board and parent accountabilities

- 12 **noted** that in August 2024, SOU approved public consultation on an amendment to section 127 of the Education and Training Act 2020 (the Act) to include attendance as an objective for school boards [SOU-24-MIN-0101];
- 13 **noted** that the Ministry has developed a draft Stepped Attendance Response to set expectations for school, student, parent/guardian, Ministry, and system responses to student absence, which includes triggers for considering prosecution if appropriate support is offered and it is not taken up;
- 14 **noted** that the Ministry will continue to reorient its activities in the regions to follow the two Government targets for education (attendance and achievement), and that for attendance, regional advisors will be required to co-ordinate multi-agency responses with schools, the Attendance Service, non-government agencies, and government agencies;

- 15 **agreed** to amend the Act to:
- 15.1 require school boards to have an Attendance Management Plan that sets out processes and strategies for identifying and responding to student absence with the aim of returning the student to regular attendance, and includes the following essential components:
    - 15.1.1 threshold ‘triggers’ for various school responses, linked to the number of absences a student has had over a school term;
    - 15.1.2 processes and procedures schools will take to identify the issues that make attendance challenging for a student; and
    - 15.1.3 potential strategies or interventions to respond to underlying causes of a student’s non-attendance, which may vary according to levels of non-attendance;
  - 15.2 require school boards to ensure that, during the development of their Attendance Management Plan, regard is had to any operational guidance on school attendance management issued by the Secretary for Education;
  - 15.3 require school boards to ensure certain procedural requirements are followed for Attendance Management Plans, including:
    - 15.3.1 publishing the Attendance Management Plan on the school website; and
    - 15.3.2 for the board to re-develop and adopt a new Attendance Management Plan as prescribed in regulations;
  - 15.4 empower the making of regulations that create more detailed requirements for school boards regarding Attendance Management Plans, including:
    - 15.4.1 the form and content of plans;
    - 15.4.2 essential components of plans;
    - 15.4.3 specific data-based thresholds and triggers to guide schools’ actions and responses;
    - 15.4.4 review periods for plans;
    - 15.4.5 commencement and transitional provisions;
- 16 **noted** that the decisions under SOU-24-MIN-0111 will be given effect through the Education and Training Amendment Bill (No 2), which holds a category 6 priority on the 2024 Legislation Programme (drafting instructions to be issued by the end of 2024);
- 17 **invited** the Associate Minister to issue drafting instructions to give effect to the decisions under SOU-24-MIN-0111;
- 18 **authorised** the Associate Minister to make decisions on any issues of detail that may arise during the drafting process without further reference to Cabinet, subject to the decisions being consistent with those under SOU-24-MIN-0111;

- 19 **noted** that the Associate Minister has directed officials to better leverage existing prosecution mechanisms in the Act, and that the Ministry will take a stronger leadership role in this process;
- 20 **noted** that the Associate Minister is not progressing with a new infringements system for attendance at this time;
- 21 **noted** that the Associate Minister has commissioned the Ministry to undertake a review of the legislative exemptions and exceptions to the requirement to attend school to ensure student attendance is encouraged and that they are fit for purpose, and that the review will be informed by engagement with the sector;
- 22 **noted** that the Associate Minister intends to report back with advice on possible amendments to the legislative exemptions and exceptions to attendance in quarter 3 2025;
- 23 **noted** that further work may be required to consider how private schools fit within the proposed regulatory framework for attendance;

### **Strengthening attendance data and information sharing**

- 24 **agreed** that the Associate Minister direct the Ministry, with the active cooperation of the Ministry of Social Development, Oranga Tamariki, New Zealand Police, Kāinga Ora, and Te Puni Kōkiri to develop multi-agency information sharing agreements so that agencies can respond appropriately to address barriers to school attendance;
- 25 **noted** that the Associate Minister has directed the Ministry to explore utilisation of the National Student Numbers (NSN) to better record, monitor, and evaluate the effectiveness of interventions by linking the students' attendance data with attendance interventions, in line with the recommendations from the Social Investment Agency Draft Social Investment Framework, and that this work will be done in collaboration with the Minister of Education;
- 26 **noted** that the work to progress the multi-agency information sharing agreements and linking attendance data to NSNs will require careful consideration of privacy and legal issues;
- 27 **noted** that ERO has shared the themes emerging from its work on evaluation of the supports addressing persistent school absence, and that ERO's final advice will inform the final Stepped Attendance Response and other actions under the attendance action plan;

### **Financial Implications**

- 28 **noted** that, after receiving the findings from ERO and Ministry reviews of current services, and implementation planning has been completed over the coming months, the Associate Minister will decide whether to seek agreement to submit a bid into Budget 2025/26, and that he intends to apply resource so the Crown's investment is maximised;

### **Reporting back to Cabinet on progress**

- 29 **noted** that the Associate Minister will ensure Cabinet is informed of use of the delegated authority referred to in paragraph 18, prior to the introduction of legislation;

- 30 **invited** the Associate Minister to report back to SOU in quarter 1 of 2025 on:
- 30.1 progress developing multi-agency information sharing agreements between agencies;
  - 30.2 the administrative implications of the Ministry taking a lead role in prosecutions;
  - 30.3 the findings of the ERO review;
  - 30.4 the Ministry's evaluation of its investment in attendance services and the use of the regional response fund;
  - 30.5 the results of the sector engagement;
  - 30.6 the final Stepped Attendance Response, including the monitoring and reporting framework;
- 31 **invited** the Associate Minister to report back to SOU in quarter 3 of 2025 for final policy decision on the exemptions and exceptions on attendance under the Act.

Jenny Vickers  
Committee Secretary

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**Present:**

Rt Hon Christopher Luxon  
Rt Hon Winston Peters  
Hon David Seymour  
Hon Nicola Willis (Chair)  
Hon Dr Shane Reti  
Hon Erica Stanford  
Hon Paul Goldsmith  
Hon Louise Upston  
Hon Mark Mitchell  
Hon Tama Potaka  
Hon Matt Doocey (part of item)  
Hon Nicole McKee  
Hon Casey Costello  
Hon Penny Simmonds  
Hon Chris Penk  
Hon Nicola Grigg  
Hon Karen Chhour

**Officials present from:**

Office of the Prime Minister  
Officials Committee for SOU  
Office of the Associate Minister of Education



# Cabinet

## Minute of Decision

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### Report of the Cabinet Social Outcomes Committee: Period Ended 20 September 2024

On 23 September 2024, Cabinet made the following decisions on the work of the Cabinet Social Outcomes Committee for the period ended 20 September 2024:

SOU-24-MIN-0111      **Attendance Action Plan: Second Phase Initiative**  
Portfolio: Associate Education

CONFIRMED

Out of scope

Diana Hawker  
for Secretary of the Cabinet