



Report: Cabinet paper: Attendance action plan - second phase initiatives

To:	Hon David Seymour, Associate Minister of Education		
Cc:	Hon Erica Stanford, Minister of Education		
Date:	10 September 2024	Deadline:	12 September 2024
Security Level:	In-Confidence	Priority:	High
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Position:	Senior Policy Manager	METIS No:	1335316

Why are we sending this to you?

- You are receiving this because we have incorporated agency and Ministerial feedback into the Cabinet paper, *Attendance action plan – Second phase initiatives for school attendance*.
- The revised Cabinet paper and associated regulatory impact statement are attached and we have provided a summary of agency feedback, key changes made to the paper and next steps.

What action do we need, by when?

- We are seeking your agreement to lodge the final Cabinet paper and regulatory impact statement, by 10.00 am on Thursday 12 September to be considered by the Social Outcomes Committee on Wednesday 18 September.
- Please return the signed paper by close of play on Wednesday 11 September.

Alignment with Government priorities

- 1 This report aligns with Government priorities by progressing Cabinet decisions for implementing actions in the attendance action plan. This policy 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.

Background

- 2 Following your March¹ and May² papers to Cabinet on school attendance, you directed the Ministry to draft a Cabinet paper to:
 - a. inform your Cabinet colleagues of progress in implementing the attendance action plan
 - b. signal the direction of travel for attendance action plan initiatives underway, including the Stepped Attendance Response (STAR)
 - c. seek agreement to amend the Education and Training Act 2020 (the Act) to:
 - i. create a requirement for school boards to have an Attendance Management Plan (AMP) (METIS 1323266 refers), and;
 - ii. empower regulations to set detailed content and process requirements, including specific thresholds for school responses (METIS 1329944 refers)
 - d. seek agreement to develop multi-agency information sharing agreements between the Ministry, Police, Oranga Tamariki and the Ministry of Social Development.
- 3 The draft Cabinet paper, *Attendance action plan – second phase initiatives for school attendance, Approach to improving attendance in schools* was circulated for agency feedback from 26 to 30 August and for Ministerial feedback from 30 August to 6 September. A revised version is attached as Annex 1 which incorporates changes in response to the feedback received. A regulatory impact statement (RIS) that has been approved by the Ministry quality assurance panel is attached in Annex 2.
- 4 For the paper to be considered by your Cabinet colleagues on 23 September as planned, your office will need to lodge a final paper and RIS with the Cabinet Office by 10 am on Thursday, 12 September.

Key changes made to the Cabinet paper

- 5 Key issues raised and changes made due to Ministerial and agency consultation are outlined below.

Financial implications of proposals

- 6 Treasury asked that an estimate of costs arising from the proposals (including departmental and compliance costs) be included in the draft paper. Changes have been made to clarify that:
 - a. attendance management plans (AMPs) are the main substantive proposal and these would not have significant direct costs
 - b. you may seek to submit a bid into Budget 25/26 after outcomes of Ministry and ERO service reviews are available and detailed implementation planning has progressed.

¹ *Approach to improving attendance in schools*

² *Mandatory daily provision of school attendance data*

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- 7 Oranga Tamariki, the Ministry of Social Development and Treasury asked about the financial implications of the proposed multi-agency information sharing agreements. We will aim to work with agencies to clarify potential costs and scope of the agreements. The paper has been changed to note that Cabinet may be presented with advice in early 2025 on further decisions to progress the information sharing agreements.

Information sharing and data linking

- 8 The Office of the Privacy Commissioner (OPC) noted that the information sharing and data linking proposals would need to comply with the Privacy Act 2020. This would include establishing robust information sharing agreements and testing and establishing a social licence for any new type of information sharing. Proceeding without social licence would risk distrust and disengagement of those the attendance action plan aims to help. For data linking proposal, it would be important to consider impacts on privacy and mitigations. The draft paper has been changed to include a statement from the Privacy Commissioner.
- 9 Due to feedback from the Minister of Education, changes have been made to highlight links between the data and information sharing initiatives and the Minister of Education's broader work programme on Priority 6: Greater use of data and evidence.

STAR approach for students with illness and disability

- 10 Several agencies³ were concerned about how the Stepped Attendance Response (STAR) would be applied when students are legitimately unable to attend school. The Ministry of Justice was concerned about implications for rights of families and rights to health, which are protected under international human rights treaties⁴.
- 11 Changes have been made to the draft paper (and minor changes to the STAR) to clarify that:
- STAR interventions for justified absences, including chronic health conditions, will support students to continue learning and make up for lost learning well as raising attendance.
 - the STAR approach may include moving students onto well-being and transition plans or to health schools where appropriate.

Circumstances in which a prosecution will be considered

- 12 Several agencies⁵ had concerns about the prosecution component of the STAR. Many thought that sanctions on parents would not be effective in changing attendance when barriers were caused by socio-economic factors and that prosecution should be a last resort. The Ministry of Social Development was concerned that some families could be fined through prosecution and have their welfare benefit sanctioned for the same situation. New content has been added to clarify that use of prosecution is intended for when parents actively evade their legal responsibilities and do not engage with supports.

Culturally responsive approaches to supporting attendance

- 13 Te Puni Kōkiri and the Ministry of Pacific Peoples called for approaches to lifting attendance that are known to work for Māori and Pacific, as these groups are overrepresented in the chronic absence data. Te Puni Kōkiri has called for input from Māori and Pacific cultural experts in developing guidance materials for schools around the STAR and AMPs. We have changed the paper to clarify that the suite of materials for schools to support implementation of the STAR and AMPs will include culturally responsive guidance.

Linking attendance to learning support

- 14 Due to feedback from the Minister of Social Development, changes were made to acknowledge the links between learning support and attendance. These included an intention

³ Oranga Tamariki and the Ministries of Health, Social Development, Justice and Pacific Peoples

⁴ The International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

⁵ The Ministries of Social Development, Pacific Peoples, Social Development, Whaikaha and Te Puni Kōkiri

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to to improve the quality of data collected about learners with additional needs, including disabled learners.

Next Steps

15 A timeline setting out the lodging process for the final Cabinet paper and RIS is in the table below. We will provide your office with talking points by 13 September 2024 to support your discussion of the paper at Social Outcomes Committee on 18 September 2024.

Proposed timeline for lodging of the Cabinet paper

Deliverable	Due
Cabinet paper and RIS to be lodged for Social Outcomes Committee	12 September 2024
Social Outcomes Committee (SOU) consideration	18 September 2024
Cabinet confirmation	23 September 2024

Recommended Actions

The Ministry of Education recommends you:

- a. **note** that departmental consultation on the draft attendance action plan Cabinet paper and discussion document was undertaken from 26 – 30 August 2024
Noted
- b. **note** that Ministerial consultation on the draft attendance action plan Cabinet paper and discussion document was undertaken from 30 August to 6 September 2024.
Noted
- c. **note** that the attached attendance action plan Cabinet paper incorporates feedback received through agency and ministerial consultation
Noted
- d. **agree** to lodge the final Cabinet paper and regulatory impact statement before 10:00am 12 September 2024 to be considered at the Social Outcomes Committee on 18 September 2024

Agree / Disagree

Proactive Release:

- a. **agree** that the Ministry of Education release this paper **in full** once Cabinet has made final policy decisions, subject to any redactions required under the Official Information Act 1982.

Agree / Disagree



Clare Old
Senior Policy Manager
Te Pou Kaupapahere | Policy

10/09/2024

Hon David Seymour
Associate Minister of Education

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Annexes

The following are annexed to this paper:

Annex 1: Draft cabinet paper, *Attendance action plan – Second phase initiatives*

Annex 2: Regulatory Impact Statement - *Attendance Management Plans for school boards*

Annex 1 and 2 withheld in full under section 9(2)(f)(iv) of the Act. Final versions published on [Education.govt.nz](https://www.education.govt.nz)