

Memorandum of Understanding

**Between Child, Youth and Family and
the Ministry of Education 2012**



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1. Background

In June 2011, the Cabinet Social Policy Committee agreed that a Memorandum of Understanding between Child, Youth and Family and the Ministry of Education could help schools, kura and early childhood services identify and assist vulnerable children and young people and strengthen the working relationship with relevant agencies.

2. Parties

The parties to this Memorandum of Understanding are Child, Youth and Family, a service of the Ministry of Social Development, and the Ministry of Education.

3. Introduction

The parties wish to formalise their working relationship and specify the terms and conditions under which this relationship will occur.

Child, Youth and Family and the Ministry of Education share the common goal of ensuring children and young people are safe and achieve educational success. The agencies frequently work alongside each other supporting the same children and young people.

The Memorandum of Understanding provides the overarching framework for how the agencies will work together. Detail will be included in the schedules and associated documents attached to the Memorandum of Understanding.

Both parties recognise that it is essential for New Zealand's future economic and social well-being that we improve and enhance the educational performance of our children and young people. We need to strengthen our response to Māori and Pasifika children and young people, those who have special education needs and those from low socioeconomic communities.

The agencies recognise there are significant benefits to be gained by working more effectively together. These benefits include:

- Educational success for vulnerable children and young people.
- Care and protection of vulnerable children and young people.
- Positive life outcomes for children and young people and positive long term outcomes for the community.
- Optimal use of public funds.
- Delivery of key government priorities.
- Effective prevention and response to reports of child abuse.
- Efficient transitions where children or young people are changing their education setting due to care placement changes.
- Reduced offending.

4. Purpose

This Memorandum of Understanding sets out the mutual commitment of the parties to a collaborative working relationship to ensure safety well-being, education and other positive outcomes are met for children and young people.

The Memorandum of Understanding aims to provide a framework:

- to strengthen the working relationship between the Ministry of Education and Child, Youth and Family
- for the Ministry of Education and Child, Youth and Family to work together at local, regional and national levels in the interests of children and young people.

The detail included in the schedules and associated documents attached to the Memorandum of Understanding establish how the two agencies will:

- work together on areas of agreed mutual interest such as policy development and initiatives that will impact either party
- share information about children and young people:
- where there are care and protection concerns
- where children or young people are in the care of or receiving the services of Child, Youth and Family
- where schools have concerns about a child or young person's safety
- in conjunction with Police, manage child abuse investigations involving a school or education facility
- record all agreements, schedules and protocols established between the parties and ensure they are abided by
- apply the paramountcy principle to ensure the safety of children and young people
- share training
- resolve issues between Child, Youth and Family and the Ministry of Education staff at a local, regional or national level.

5. Government priorities

Both agencies will use this memorandum as a vehicle to meet government priorities, and their respective agency priorities as, outlined in key strategic documents.

6. Guiding principles

The parties agree that the following principles will guide them:

- the safety, education and wellbeing of children and young people is the first and paramount consideration. This will find expression in all agency activity from the policy development process through to service delivery
- children and young people's needs will be at the centre of decision-making about their education, safety and well-being
- families/whānau will be involved in decision-making about their children and young people

- children and young people will be consulted about decisions concerning their education and well-being
- collaboration between Child, Youth and Family and the Ministry of Education will positively influence the outcomes of children, young people and their families/whānau
- the language, culture and identity of each family/whānau is significant. The development and maintenance of links with Iwi, Pasifika and other cultural and community agencies is essential for client wellbeing and best practice
- all support for a child or young person will balance the emotional and disability needs of that child or young person (for example, access to caregivers, family or whānau) with the need for safety
- all children and young people involved with Child, Youth and Family between the ages of 5 and sixteen will attend school or kura everyday. The Ministry of Education and Child, Youth and Family will strengthen the way they work together with children and young people, caregivers, families/whānau, schools and kura to get greater participation in education
- all children aged 5 and under involved with Child, Youth and Family will have the opportunity to participate in early childhood education.

7. Roles and responsibilities

Child, Youth and Family is the government agency responsible for making sure children and young people up to age 17 are safe and protected from abuse and neglect.

Child, Youth and Family works with families/whānau and organisations in the community and has responsibility, as defined in the Children, Young Persons, and Their Families Act (1989), to protect, support and care for children and young people and, where children or young people have committed offences, to support them to accept responsibility and provide them with opportunities to enhance their lives.

Section 4 (g) of the Act encourages and promotes cooperation between organisations engaged in providing services for the benefit of children and young persons and their families/whānau.

The Ministry of Education is the Government's lead advisor on the New Zealand education system, shaping direction for sector agencies and providers and contributing to the Government's goals for education. The Education Act (1989) defines its role.

The Ministry of Education develops strategic policy for the education sector, provides leadership and a range of supports for improvement, undertakes education research and analysis and monitors education sector capability and viability.

The Ministry of Education delivers resources and services focused on student's participation in education which include targeted interventions, specialist support services, funding and other resources and special education services to children and young people with special learning and developmental needs.

Schools and kura are responsible for their own decision-making. Boards of Trustees are Crown entities responsible for the governance of schools and kura.

Early Childhood providers are privately owned and operated and to be licensed as an early childhood education service must meet the Early Childhood Regulations (2008) or 1998.

8. Information sharing when managing allegations of abuse or concerns involving an adult in an education setting

Child, Youth and Family and the Ministry of Education agree to work together with New Zealand Police and the New Zealand Teachers Council to ensure a prompt and effective response to allegations of abuse or concerns involving adults working in or associated with schools / kura, early childhood and other education facilities.

The agencies will apply the paramountcy principle and follow the agreed process which defines roles and responsibilities to ensure the safety of children and young people.

In cases, where either party receives information about alleged abuse or concerns involving a school employee that it considers necessary to share in order to protect the safety and wellbeing of children and young people, Child, Youth and Family and the Ministry of Education will contact the other party, New Zealand Police and the New Zealand Teachers Council, as appropriate. The parties will collectively develop an interagency management plan.

- The plan will set out the process for working collaboratively at national and local levels. It will map the end to end process, including:
- agreed actions for each agency within agreed timelines
- identifying key national and local participants
- determining lead roles
- developing a joint communication strategy
- determining each agency's respective responsibilities and accountabilities.
- In line with the interagency management plan, the Ministry of Education will advise the New Zealand School Trustees Association.

The specific detail and procedures for the process will be incorporated in a schedule attached to this Memorandum of Understanding and signed by the parties, New Zealand Police and the Teachers Council.

Quarterly process review meetings will occur at senior management level between the four parties.

9. Relationship principles

Formal procedures, particularly around effective communication and a clear understanding of the roles and responsibilities of each agency, and a positive working relationship between the parties are necessary to work collaboratively together.

The parties agree to:

- consult early and often to ensure appropriate decisions are made to enable effective management and/or investigation and assessment
- communicate regularly in an open, honest and timely way, including responding promptly to requests by the other parties
- notify each other, at an early stage, of any actions taken, or proposed to be taken, of which the other parties might reasonably expect to be advised, for example notifications for children and young people for whom there are care and protection concerns

- inform each other about relevant work programmes, strategic developments, policy developments or initiatives, media campaigns or any operational developments that may affect or involve the other party
- share information with any party to help to keep a child or young person safe and well, in a manner that complies with the Privacy Act and Children, Young Persons, and Their Families Act 1989
- keep processes for sharing information as simple as possible and build on existing systems
- deliver child protection training collaboratively, where practicable
- respect, acknowledge and utilise the roles, responsibilities and expertise of the other parties
- determine the lead agency for each case through early consultation
- maintain comprehensive documentation of planning, actions and outcomes by each party
- refrain from using the media as the forum to address any disagreements between the parties.

10. Relationship process

The parties recognise the benefits of describing how relationships will occur at national, regional and local levels to discuss matters of mutual interest.

National Level

The parties have equal interest in maintaining a strategic relationship to support good service delivery and policy development to ensure children and young people are safe, attend and participate in school/kura and achieve educational success.

Deputy Chief Executives

A biannual meeting will be held between nominated members of Child, Youth and Family and the Ministry of Education's Deputy Chief Executives.

The meetings will:

- agree and review a joint programme of work between the agencies
- discuss strategic initiatives and policies
- recommend and oversee the process for reviewing this Memorandum of Understanding
- discuss any other matters as necessary.

General Managers

A quarterly meeting will be held between nominated General Managers from Child, Youth and Family and the Ministry of Education.

- The meetings will:
- provide governance for a joint agency work programme to determine responsibility for programme and service development and delivery
- undertake risk management with regard to the work programme
- undertake risk management with regard to service delivery
- include the review and management of disputes

- discuss any other matters as necessary.

Significant interagency issues of a strategic nature may require a special meeting of the parties, either at a district/regional or national level.

Regional and district levels

The parties recognise the benefits of local managers meeting regularly to build relationships at regional and district levels with respect to particular service areas.

The representatives involved will be determined by the service setting and they will configure meetings on this basis. In most instances these meetings will be led by the Child, Youth and Family operations manager and Ministry of Education regional managers.

These meetings will occur as required to discuss operational matters relating to programme and service development and delivery.

These meetings may include discussion on:

- joint training initiatives
- joint initiatives to promote the principles of this Memorandum of Understanding
- processes to enable the sharing of client information while operating within existing law
- identification and escalation of risk on a case by case basis
- processes for review and the management of disputes
- any other matters as necessary.

11. Working with schools, kura and early childhood education services

The parties recognise the benefits of working collaboratively with schools, kura and childhood education services to ensure young people are safe. Child, Youth and Family and the Ministry of Education will ensure:

- the Ministry of Education supports processes to strengthen the relationship between Child, Youth and Family and schools, kura and early childhood education services
- schools, kura and early childhood education services are encouraged to work in accordance with the principles of the Memorandum of Understanding.

12. Schedules to the Memorandum

There are currently a number of protocols and initiatives between Child, Youth and Family and the Ministry of Education. This Memorandum of Understanding will act as an overarching agreement with existing and future agreements attached as schedules or associated documents. There are many occasions when a more specific agreement or set of procedures is required between the parties, or between the parties and other organisations. These agreements assist in the smooth running of operations and ensure that processes are agreed, clear and nationally consistent.

All agreements will be listed as a schedule to this Memorandum of Understanding and be consistent with the requirements of this Memorandum of Understanding.

All local, regional and national agreements made between the parties will be approved in accordance with Clause 16 of this Memorandum of Understanding.

New agreements may supersede existing agreements. Reviews, modifications or terminations of existing agreements may be undertaken by mutual agreement of the signatories. All such changes must be notified to the parties' representatives, and the schedule updated.

Agreements made between the parties will include the following sections:

- a) Purpose
- b) Objectives
- c) Outcomes for children, young people and their families/whānau
- d) Service or policy context
- e) Reference to any agreement being replaced
- f) Agreed process
- g) Agreement on any information sharing, including provisions to ensure privacy and safety are preserved as required by law
- h) Definitions, if required
- i) Parties' representatives (owners of agreement)
- j) Signatory and date
- k) Provision for monitoring
- l) A review date and review process (including review of effectiveness).

All new or updated agreements between the parties, or between the parties and other organisations, will be accompanied by an implementation plan. The implementation plan must consider the following for each organisation:

- m) Responsibility
- n) Staff training requirements
- o) IT system requirements
- p) Policy changes
- q) Communications plan
- r) Documentation of procedures
- s) Budget for implementation
- t) Human resource implications.

13. Implementation

Implementation of this Memorandum of Understanding and associated schedules will be in conjunction with the policies, procedures and legislation relevant to each party.

An implementation plan will be developed when the Memorandum of Understanding is signed or whenever a variation to the Memorandum of Understanding is agreed by the parties.

14. Media Strategies

A request for a media comment in relation to a case or issue of mutual interest may be made of either party. Neither party will comment when it is not in the best interest of a child, young person or their family/whānau.

Neither party will comment when a matter is:

- under investigation by the Police
- under investigation or assessment by Child, Youth and Family
- before the Court
- under investigation by the Teachers Council.

Before making comment, senior staff of both parties will make best efforts to consult, taking into account that:

- in particular cases, a joint comment would be appropriate, and both parties will agree the content of that comment
- in particular cases, it is appropriate for one agency to take the lead in providing a comment, and both parties will agree the content of that comment
- in particular cases individual agency comment would be appropriate, the commenting party will share the content with the other party
- Each party will take into consideration its own organisation's media policy.

15. Memorandum of Understanding not legally binding

The parties agree that this Memorandum of Understanding does not limit any party in the provision of services.

Any statements of intention in this Memorandum of Understanding are subject to the discretion of each party to act as necessary to perform its legal functions or obligations and to exercise any statutory powers.

The provisions in this Memorandum of Understanding are to be subject to any chief executive, ministerial or cabinet directives, and any enactment.

Where there are changes to Government policy which affect the purpose and functions of this Memorandum of Understanding, each party agrees to inform the other of those changes at the earliest possible time, and agrees to meet to re-negotiate if necessary any aspects of this Memorandum of Understanding.

Only the signatories can approve changes to this Memorandum of Understanding.

16. Term

The Memorandum of Understanding will commence on the day of signing by the parties and will remain in force until a party withdraws.

Either party may withdraw from this Memorandum of Understanding by giving three months notice of their intention to withdraw.

Both parties will review the Memorandum of Understanding two years after signing and every two years thereafter. Either party may initiate an additional review by giving three months notice addressed to the signatory of the other party.

17. Variation of the Memorandum of Understanding and attached schedules

The parties agree that the persons authorised to sign this Memorandum of Understanding on behalf of the parties may be amended or varied by written agreement.

The persons authorised to sign this Memorandum of Understanding may review, modify or terminate the schedules to this Memorandum of Understanding by written agreement with the other party.

All changes as described above must be notified to the parties' staff who will be directly impacted by such changes.

New schedules may supersede existing agreements between the parties.

18. Parties representatives

Signatories

Signatories to the Memorandum of Understanding will be:

Child, Youth and Family

Title Chief Executive, Ministry of Social Development (for Child, Youth and Family)

Address
Ministry of Social Development
Bowen State Building
Bowen Street
Wellington

Telephone 04 916 3300

Ministry of Education

Title Secretary for Education and Chief Executive, Ministry of Education

Address
Ministry of Education
St Paul's Square
Pipitea Street
Wellington

Telephone 04 463 8000

Signed on this day,

2012

Brendan Boyle
Chief Executive
Ministry of Social Development

Lesley Longstone
Secretary for Education and Chief Executive
Ministry of Education

In the presence of

Honourable Paula Bennett
Minister for Social Development,
Employment and Youth Affairs

Honourable Hekia Parata
Minister for Education

19. Persons authorised to sign on behalf of the parties

Changes to schedules can be agreed by:

Child, Youth and Family

Title Deputy Chief Executive Child, Youth and Family

Address Child, Youth and Family
Bowen State Building
Bowen Street
Wellington

Telephone 04 916 3300

Ministry of Education

Title Deputy Secretary Early Years and Learning Support

Address Ministry of Education
St Paul's Square
Pipitea Street
Wellington

Telephone 04 463 8000

20. Appendix A: Schedules

The following table lists relevant national policy documents or agreements between the parties.

Current interagency agreements

Document	Status
High and Complex Needs Interagency Guidelines	Current (2001)
Non-Attendance of Children and Young People at School	Current (2003)
Joint Agency Initiative – Enhancing educational engagement and achievement opportunities for children and young people in the care of Child, Youth and Family (Student Aide)	Current (2008)
New Zealand Trustees Association, the Ministry of Education and Child, Youth and Family Reporting of Suspected or Actual Child Abuse and Neglect	Current (2009)
Ministry of Education, Early Childhood Services 2012 National Child Abuse Reporting Protocol	Current (2010)
Working together to keep children and young people safe; an interagency guide 2011	Existing (2011)
Social Workers in Schools Service Specifications	Current (2012)
Gateway assessments – Education Profiles (Interagency Guide to Gateway Assessments)	Current (2012)
Kōhanga Reo and Child, Youth and Family: Protocol for Protection of Mokopuna 2009	Current (2009)