

**NZEI Te Riu Roa individual submission to
the Office of the High Commissioner Human
Rights: Universal Periodic Review
January/February 2014**

Country: New Zealand

May 24, 2013

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Introduction

1.0 NZEI Te Riu Roa (“NZEI”) is the professional organisation and industrial union that represents the rights, interests and issues of its 51,500 members. Its main objective is to advance the cause of education generally, while upholding the rights and just claims of its members individually and collectively. Our members include teachers in the early childhood and primary sectors (including Kura Kaupapa Māori and Whārekura), support staff in the primary, intermediate, and secondary sectors, school advisers, and special education staff employed by the Ministry of Education.

1.1 NZEI supports an education system where every child in Aotearoa New Zealand has access to high quality education regardless of their family's ability to pay and where they live. In this respect, NZEI fully supports Article 28 of the UNCROC: The right to education.

1.2 NZEI contends that for education to be provided equitably and universally, it must be provided and funded by the State. The increasing pressure by some for-profit providers for Government support in early childhood, the compulsory sector and tertiary education threatens to undermine a universal state education system based on inclusive human rights values.

Issue: Child poverty - the impact on educational achievement

2.0 It is a cause of national shame that in a country of four million people, three hundred thousand (1 in 4) children are living in poverty and believed to be living in conditions where they are at risk of being placed in care¹. Recent reports and submissions² show clearly that if the government is serious about wanting to lift these children out of poverty and enable them to achieve educational success, this appalling level of child poverty must be addressed.

2.1 NZEI knows there is no ‘silver bullet’ to cure the systemic nature of educational underachievement of children in poverty. However, there is clearly a need to focus on developing a strategy that addresses factors both in and outside of the education system.³ Eliminating child poverty requires a bold approach that includes fair and universal programmes and policies to support all children to participate fully in society.

NZEI Te Riu Roa recommendations for remedy:

2.2 That government:

- develop and implement a coordinated and audited cross-party/cross-agency approach that targets child poverty and audits the impact of all government policy on children.
- develop and resource of an overall Action Plan for All New Zealand Children, supported by the appointment of Minister for Children, legislation, robust and sustained funding, and including an audit of Government legislation and policy to ensure there are not hidden negative consequences for children.

Issue: Privatisation of public schools

3.0 There are a number of New Zealand school policy developments that have the potential to reinforce social inequalities and the effects of poverty on education. These developments include the increased government funding to private schools, building schools using public–private partnerships, changes to zoning laws to give preference to family connections, contracting out of support and advisory services, the mandatory reporting of aggregate data (National Standards) that is neither valid or reliable as the basis for any decision-making, and the development of charter schools.⁴ International research into the negative impact of these policies on inclusive education gives reason for concern.⁵

¹ Statistics NZ. (2013). *Vulnerable children and families: Some findings from the New Zealand General Social Survey*. Retrieved on May 22, 2013 from http://www.stats.govt.nz/browse_for_stats/people_and_communities/Children/vulnerable-children.aspx

² NZEI Te Riu Roa. (2012). *Submission to the Ministry of Social Development green paper on vulnerable children*. NZEI Te Riu Roa: Wellington. Office of the Children’s Commissioner. (2012). *The green paper on vulnerable children: Position of the children’s commissioner*. Office of the Children’s Commissioner: Wellington.

³ Ibid

⁴ Carpenter, V. (2011). *Teaching New Zealand’s children of the poor*. In Carpenter, J Jesson, P Roberts & M. Stephenson (Eds.), *Ngāa kaupapa here; connections and contradictions in education*. South Melbourne: Cengage Learning Australia Pty Limited.

⁵ O’Neill, J. & Snook, I. 2012. Education policy response group report. Retrieved on September 11, 2012 from http://www.massey.ac.nz/massey/about-massey/news/article.cfm?mnarticle_uid=99ECCBA0F99C-337A-9F7D-3F1200747B89

Charter schools

3.1 International experience⁶ suggests that charter schools and the public private partnership model will not provide the context to support community led education because their first priority is their own viability as a commercial enterprise. Moreover, charter schools perform no better and often worse than mainstream public schools to eliminate under-achievement.⁷

3.2 Persisting with the ‘failed experiment’ of privatising public schools by encouraging the development of charter schools is an example of government policy that has the potential to exacerbate the effects of poverty. Recent studies⁸ into child poverty in New Zealand indicate that socio-economic factors have the greatest influence over the learning and achievement of children living in poverty; these children are over-represented in New Zealand’s so-called *tail of under-achievement*. It is critical that rather than directing resources and funding to support for-profit provision and overseas investment in, and control of, public schools, investment must be made in programmes to address the socio-economic factors that have the highest impact on children’s learning and achievement.

3.3 Existing schools are a partnership between the staff and the boards that represent the parents, whanau and communities – charter schools will be a partnership between the Crown and sponsor. The New Zealand government either directly or through policy is pushing forward with the development of charter schools, despite evidence⁹ that rather than supporting engagement and participation, charter schools have increased inequity for students already disadvantaged by special education needs, race or socio-economic status, and undermine the public schools most children attend.

3.4 The NZ government has demonstrated a willingness to resile from its responsibility to provide quality public education in an effort to reduce costs. While many schools and early childhood education services struggle to keep fees and costs to parents at a minimum, the 2013 New Zealand budget allocated \$19-million to charter schools over the next four years. Money spent on charter school and public-private partnership arrangements would be better spent addressing the wider socio-economic issues and could provide greater benefit to children who are struggling.

NZEI Te Riu Roa recommendations for remedy

3.5 That government:

- re-examines its charter school policies in light of international research indicating the failure of this experiment in other jurisdictions
- redirect the funding set aside for charter schools and the reporting of aggregate data (National Standards) to existing programmes to ensure all children can participate in inclusive quality public education
- fulfil its obligations to enable the right to inclusive quality public education by ensuring funding to enable a quality inclusive public education system that
 - is staffed by appropriately qualified and registered teachers
 - provides access for local communities
 - ensure accountability to the families and whanau of the children who attend these facilities.

Issue: Barriers to the provision of quality community-based Early Childhood Education (ECE)

4.0 The National Equal Opportunities Network (NEON), a partnership between the Human Rights Commission and the EEO Trust, argues that the provision of high-quality, affordable, available ECE benefits both young children and their parents, and ultimately the community.¹⁰

⁶ Ibid

⁷ O’Neill, J. & Snook, I. (2012). *Education policy response group report*. Retrieved on 11 May 2013 from http://www.massey.ac.nz/massey/about-massey/news/article.cfm?mnarticle_uid=99ECCBA0-F99C-337A-9F7D-3F1200747B89

⁸ Office of the Children’s Commissioner. (2012). *The green paper on vulnerable children: Position of the children’s commissioner*. Office of the Children’s Commissioner: Wellington.

Office of the Children’s Commissioner. (2012). *Solutions to child poverty in New Zealand*. Office of the Children’s Commissioner: Wellington

O’Neill, J. & Snook, I. (2012). *Education policy response group report*. Retrieved on 13 May 2013 from

http://www.massey.ac.nz/massey/about-massey/news/article.cfm?mnarticle_uid=99ECCBA0-F99C-337A-9F7D-3F1200747B89

⁹ Carpenter, V. (2011). *Teaching New Zealand’s children of the poor*. In V. Carpenter, J. Jesson, P. Roberts & M. Stephenson (Eds.), *Ngaa kaupapa here; connections and contradictions in education*. South Melbourne: Cengage Learning Australia Pty Limited.

¹⁰ National Equal Opportunities network (NEON). 2013. *Parenting and dependent care*. Retrieved on May 21, 2012 from <http://www.neon.org.nz/nationalconversationaboutwork/onthejobissueswhatnext/parentinganddependentcare/>

4.1 Government statistics are limited to a bald measure of participation. However, while most children participate in at least some ECE,¹¹ there is a persistent gap in take-up of ECE between children from European and higher socio-economic status backgrounds and others. The reasons for this lower level of participation are complex and likely to relate to the supply of, and demand for (including ability to access and afford), ECE services.¹²

4.2 Opportunities for pre-school children to attend a local ECE centre are unevenly distributed throughout New Zealand. As a general pattern, wealthier communities have higher rates of access to ECE places, although not all poorer communities have relatively poor provision of ECE services.¹³ There is an increasing trend for services to be provided by for-profit business. Current government policy presents barriers to not-for profit, community responsive ECE establishment in communities where for-profit services have gained a foothold.

4.3 Policies that define early childcare education as a commodity to be bought and sold undermine equity and quality.¹⁴ The market approach to planning and provision negatively affects opportunities for all children to access quality ECE that caters for family circumstances.

4.4 In New Zealand, the ECE sector has seen a shift towards incorporating new ways of working to enable ECE services to play a central role in building democratic communities, family resilience and wellness and inclusion. ECE services are pivotal places for communities and the families within those communities. Unfortunately, government policy encourages the development of profit-driven ECE services; thus creating an environment where there is often little accountability to the families or communities who use these services or to service staff.

Quality and qualifications

4.5 International research clearly demonstrates that an important indicator of quality in the early childhood education sector is the employment of fully qualified and registered teachers.¹⁵

4.6 The New Zealand ECE sector was moving towards a staged goal of 100% fully qualified and registered teachers. It is disappointing that government chose to ignore this research and abandoned the 100% fully qualified and registered ECE teacher targets; reducing funding accordingly. This government policy demonstrates the low value it places on ECE services and the lack of esteem for ECE teachers, and government's lack of understanding of the importance of quality ECE to the child's current and future health, and economic and social well-being.

4.7 As well as ensuring an overall increase in early childhood education participation, it is critical that the government ensure families and whanau have access to quality local providers, preferably those who are accountable to the community through public or community based governance.

NZEI Te Riu Roa recommendations for remedy

4.8 That government:

- establishes a model of ECE provision that is more intentional in terms of who it serves, where it is located and what it provides to support parents and families
- commits to the reinstatement of a 100% fully qualified and registered teachers target in all ECE centres supported by a robust funding
- commits to reducing reliance on private sector provision of ECE as a long-term objective, aligning the early childhood sector with primary education in terms of accepting responsibility for both quality and access
- supports the development of quality not-for-profit community-based early childhood education provision through:

¹¹ Ministry of Education. 2013. Education counts. Retrieved May 20, 2013 from Education Counts <http://www.educationcounts.govt.nz/statistics/ece2/participation>

¹² ECE Taskforce Secretariat. (2010). Overview of the New Zealand Early Childhood Education (ECE) System. Introductory Briefing. Retrieved from <http://www.taskforce.ece.govt.nz/wp-content/uploads/2010/11/1-Overview-of-the-NZ-Early-Childhood-Education-System.pdf>

¹³ Child Poverty Action Group. 2011. Left Further Behind. Retrieved on May 17, 2013 from <http://www.cpag.org.nz/assets/sm/upload/jq/66/v2/dv/WEB%20VERSION%20OF%20LFB.pdf>

¹⁴ Lloyd, E. & Penn, H. (Eds.). (2012). Childcare markets: Can they deliver an equitable service? Chicago: The Policy Press.

¹⁵ Early Childhood Sector Advisory Group (2012)

- ensuring regulation recognises the conflicting priorities between childcare by for-profit entrepreneurs and not-for-profit providers
- establishing an affirmative action quota system to ensure not-for-profit ECE providers have the opportunity to develop quality, community responsive ECE in areas of identified need
- enables adequate and sustainable funding to ensure that all children can attend a quality early childhood education service staffed by fully qualified and registered teachers and appropriately qualified staff
- requires ratios of teachers to children and facility sizes to be maintained in accord with quality guidelines.

Issue: Gender-based pay discrimination for Education Support Workers

5.0 The New Zealand gender pay gap is the biggest it has been in 10 years; New Zealand women have higher rates of under-employment than men.¹⁶ The World Economic Forum's most recent annual Global Gender Gap Report¹⁷ ranked New Zealand sixth in the world for closing the gender gap on several key measures

5.1 In 2006/2007, NZEI and the Ministry of Education conducted a pay and employment equity review in response to the Government's five-year plan of action to address pay and employment equity (PaEE) for women in the state sector.

5.2 Education support workers employed by the Ministry of Education Special Education are a female dominated workforce that enable participation of children with high special education needs in early childhood education settings. The PAEE review found that education support workers had specific pay and employment equity issues including low pay rates, little access to training and development, no career pathways, precarious employment status with a high level of part-time and fixed term positions, and working arrangements that precluded full employee participation. The review recommended that high priority be given to a pay investigation for these workers.

5.3 As result of the 2008 pay investigation, NZEI and the Ministry of Education recommended a significant pay increase for education support workers to bring them into alignment with work of equal value. Unfortunately in 2009, a new government discontinued the Cabinet decisions related to remediating the review findings and disestablished the agency that supported and monitored the pay and employment equity reviews.¹⁸ In 2013, education support workers remain employed in a precarious, low-paid, low status environment in the Ministry of Education.

NZEI Te Riu Roa recommendations for remedy

5.4 That the government:

- honour the findings of the pay investigation for Education Support Workers and increase their rates of pay to those at or about the median of the public sector market
- address the significant pay equity issue of the appallingly low rates of pay for female dominated workforces by:
 - re-establishing a Plan of Action to Achieve Pay and Employment Equity for Women in New Zealand
 - re-establishing an agency to monitor progress, encourage and implement policy and practice, including binding pay investigations, to close the gender-based pay gap
 - enabling legislation to introduce a framework to ensure transparency around equal pay and inform process.

¹⁶ Statistics New Zealand. 2013. Introducing new measures of unemployment. Retrieved on May 20, 2013 from http://www.stats.govt.nz/browse_for_stats/income-and-work/employment_and_unemployment/introducing-new-measures-underemployment.aspx#title6

¹⁷ World Economic Form. 2013. Global gender gap report. Retrieved May 20, 2013 from <http://www.weforum.org/issues/global-gender-gap>

¹⁸ New Zealand Cabinet. 2009. Cabinet economic growth and infrastructure committee: Minute of decision. EGI(09) 16/12. Wellington: New Zealand