



SUBMISSION

**to the
Social Services Select Committee
on the**

VULNERABLE CHILDREN BILL

October 2013

ABOUT PPTA

1. PPTA represents approximately 17,000 secondary teachers, principals, and manual and technology teachers in New Zealand; this is the majority of teachers engaged in secondary education – approximately 90% of eligible teachers choose to join PPTA. PPTA is an affiliate member of the New Zealand Council of Trade Unions (“**CTU**”).
2. Under our constitution, all PPTA activity is guided by the following objectives:
 - (a) To advance the cause of education generally and of all phases of secondary and technical education in particular.
 - (b) To uphold and maintain the just claims of its members individually and collectively.
 - (c) To affirm and advance Te Tiriti O Waitangi.
3. PPTA is not affiliated to a political party and our members individually support a broad spectrum of political parties in Parliament. However, PPTA have consistently promoted policies that promote progressive economics, social policy and employment relations policy.

CONTEXT OF THE CHANGES

4. This section of the submission outlines the context in which the proposals in the Bill are being made, including our international obligations, growing inequality in New Zealand and the counter-productive changes proposed in the Employment Relations Amendment Bill.

Universal Rights of the Child: obligations under UNCROC

5. The United Nations Convention on the Rights of the Child (“**UNCROC**”) sets out the core rights of the child that the majority (191 of 193) of UN member states have declared to be intrinsic rights that all children are born with and belong to all human beings. These include a right to life, good health, education, a safe home, participation in decision-making and protection from abuse and exploitation.
6. The Convention has 54 articles and is guided by four fundamental principles:
 - Equality regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
 - The best interests of the child.¹
 - Survival, development and protection.
 - Participation in decisions which affect children.
7. UNCROC applies to all people under the age of 18 years.²
8. UNICEF was established by the UN to advance the rights, protection and healthy development of all children. UNICEF NZ is affiliated to the global organisation that

¹ Article 2.

² Article 1.

works in long-term development and emergency relief to this purpose. Its mandate comes from the member states of the UN and UNCROC.

9. UNCROC is the most widely ratified human rights treaty ever. UNICEF has noted that this “speaks decisively to the importance the world places on the development, care and protection of children. New Zealand ratified the UNCROC in 1993 and in so doing committed itself to upholding children’s rights in policy, practice and, where feasible, in law.”³
10. Given the international mandate that UNICEF has for monitoring compliance with the terms and implementation of UNCROC, we draw the following comment from UNICEF to the attention of the Committee:⁴

“A National Plan for children **cannot be developed in isolation** from factors that are the domain of the adult world. **Improving daily living conditions for families, tackling inequitable distribution of power, money and resources and measuring and understanding the problem and assessing the impact of action** are three conclusions reached to improve outcomes for children (*Closing the Gap in a Generation*; World Health Organisation, Commission on Social Determinants of Health, 2008).”

[Emphasis added]

11. The evidence supports a comprehensive approach to addressing child abuse and supporting vulnerable children. Intervention measures cannot be seen or developed in isolation from the impact of policies on adults and families. As a result, Government policies need to recognise the link between economic policy leading to inequality and the corresponding social outcomes that cause harm to children.
12. A few key statistics help to shed a sobering light on how the New Zealand Government, despite being an OECD country, is failing to meet its international obligations for our children and young people:
 - The Expert Advisory Group on Child Poverty estimates that approximately 270,000 children in New Zealand live in poverty⁵;
 - About 10 children are killed every year in New Zealand by a member(s) of their family⁶;
 - ChildYouth and Family received 49,063 reports of abuse that required further action in 2006⁷;
 - Around 1 in 4 girls and 1 in 10 boys in New Zealand have experienced sexual abuse⁸; and
 - There were 863 prosecutions for assault on a child and a further 96 prosecutions for cruelty to children in 2008⁹.

³ *Unicef New Zealand’s Submission on the Government’s Green Paper Every Child thrives, belongs and achieves* (February 2012), pg. 1.

⁴ Page 7.

⁵ <http://www.occ.org.nz/assets/Uploads/EAG/Final-report/Final-report-Solutions-to-child-poverty-evidence-for-action.pdf>, pg. 1 (last accessed 29 October 2013).

⁶ Latest statistics, http://www.areyouok.org.nz/files/Updated_Stats_Final.pdf (pg. 1 (last accessed 29 October 2013).

⁷ Ibid.

⁸ Ibid.

Inequality in New Zealand

13. Over the past 30 years, New Zealand has become an increasingly unequal society. For example, New Zealand now has:
- “The widest income gaps since detailed records began in the early 1980’s;
 - From the mid-1980s to the mid-2000s the gap between rich and the rest has widened faster in New Zealand than in any other developed country;
 - The average household in the top 10 per cent of New Zealand has nine times the income of one in the bottom 10 per cent; and
 - The top 1 per cent of adults owning 16 per cent of the country’s total wealth, while the bottom half put together have just over 5 per cent.”¹⁰

14. The continued and persistent trend in inequality can be seen in the Salvation Army’s forewords to their annual State of the Nation reports over the past five years:

2009 *“It does appear that **our recent social progress is quite fragile and might easily reverse with the deteriorating economic conditions that we and the rest of the world face.** The best example of this is the recent advances in reducing rates of child poverty. Regrettably this progress was based mainly on the prospect of growing employment with policies such as Working for Families backing up this focus.”*¹¹

2010 *“There is no denying that the recession is taking a social toll. Unemployment is at a five-year high, **gains made over the past five years in reducing child poverty have probably been lost, and there are signs of a widening income gap between the well paid and the poorly paid.**”*¹²

2011 *“This report shows that **child poverty rates have climbed back to where they were five years ago, that violence towards children and youth unemployment are as bad as they were five years ago, and that the educational disadvantage suffered by Māori children continues and may even be getting worse.**”*¹³

2012 *“We have **two clear choices** here: one is to continue the path we have been on **more or less continuously for the past three decades, concentrating wealth and influence, and driving the marginalised further into the shadows** with yet more restrictive welfare entitlements and a yet more punitive criminal justice system. The other is to act more inclusively and to work consciously and deliberately at ways of ensuring that the most marginalised New Zealanders, and in particular, many poor families and unemployed young people, feel as though they are valued and valuable members of our society.”*¹⁴

2013 *“The reality is that the New Zealand economy has crawled since the beginnings of the global financial crisis in late 2007: real per capita GDP*

⁹ Ibid.

¹⁰ Rashbrooke, Max *Inequality: A New Zealand Crisis* (Bridget Williams Books Ltd., 2013), pp 1 to 2.

¹¹ *Into troubled waters* (State of the Nation report, Salvation Army, February 2009), pg. 4.

¹² *A road to recovery* (State of the Nation report, Salvation Army, February 2010), pg. vi.

¹³ *Stalled* (State of the Nation report, Salvation Army, February 2011), pp. v - vi.

¹⁴ *The Growing Divide* (State of the Nation report, Salvation Army, February 2012), pg. viii.

has declined while total GDP on a production basis has grown by just over 3% in real terms over the past five years. In response, nearly 150,000 New Zealanders have left for Australia since late 2007—more than the population of our fourth largest city. Despite this exodus, almost 300,000 New Zealanders are jobless and official unemployment is at a 10-year high.

*Yet the alarm bells are not ringing. The media is enthusiastic about rising house prices, and the Government remains singularly focused on reducing its deficit, while refusing to consider increasing taxes even to pay for the one-off costs of the Christchurch earthquake rebuild. **Child poverty remains resolutely stuck at around 20% of New Zealand children**, despite a Ministerial Committee on Poverty being established. Auckland's housing shortage continues to grow and despite attempts to reform the effectiveness of Housing New Zealand, **many households in need of decent housing don't currently have those needs met**—resulting in too many New Zealanders living in unhealthy, unaffordable and insecure accommodation.¹⁵*

*“... **it's naïve to believe and dishonest to suggest that these solutions do not require more tax dollars**. The source of these extra tax dollars is, of course, a problem particularly considering the global economic situation. In our view the need for a society that is just and gives every citizen the right to participate economically and socially is so important, that ways must be found to find this additional tax revenue.”¹⁶*

15. As teachers in the public education system, our members have first-hand knowledge of the impact that poverty and rising inequality, through unemployment and low wages, can have on students' learning and achievement. Child poverty, and inter-generational poverty, continues to be a problem and teachers' attempts to deal with the effects of poverty are well documented (for example, the effect that poverty has on students' cognitive abilities). The PPTA recently commissioned independent research by academics Liz Gordon and Brian Easton, which found that there is a direct link between socio-economic status and achievement.¹⁷
16. It is important to remember that inequality affects all of society, not just those in poverty. In its 2011 report on inequality, the OECD had the following comments for Governments about the need to, and benefits of, tackling inequality:

“Rising income inequality creates economic, social and political challenges. It can **stifle upward social mobility**, making it harder for talented and hard-working people to get the rewards they deserve. Intergenerational earnings mobility is low in countries with high inequality such as Italy, the United Kingdom, and the United States, and much higher in the Nordic countries, where income is distributed more evenly (OECD, 2008). The resulting **inequality of opportunity will inevitably impact economic performance as a whole, even if the relationship is not straightforward**. Inequality also raises political challenges because it **breeds social resentment and generates political instability**. It can also fuel populist,

¹⁵ *She'll Be Right* (State of the Nation report, Salvation Army, February 2013), pp. 7-8.

¹⁶ *Ibid*, pg. 9.

¹⁷ *Who achieves what in secondary schooling? A conceptual and empirical analysis*. <http://ppta.org.nz/index.php/resources/publication-list/2710-who-achieves-sec-schooling> (last accessed 30 October 2013).

protectionist, and anti-globalisation sentiments. **People will no longer support open trade and free markets if they feel that they are losing out while a small group of winners is getting richer and richer.**¹⁸

[Emphasis added]

17. It should come as no surprise that low wages go hand in hand with inequality. The CTU submission on the Employment Relations Amendment Bill made to the Transport and Industrial Relations Select Committee provides ample evidence of the growing number of people with relatively low wages in New Zealand compared to our Australian counterparts. This difference is not simply the result of economic growth through exploiting mineral wealth in Australia. What matters is how the wealth is shared through the population and with those who are generating the wealth (i.e. the workers and the employer). Employment law helps to provide tools and structures (such as an entitlement for a minimum wage or an entitlement to rest breaks) and addresses the inherent imbalance in power within the employment relationship so that there is a fairer bargaining position between employers and workers.
18. Low wages persist when the law does not adequately address the inequality between employers and workers. Unlike New Zealand, Australia has maintained high employment conditions through a legal framework that supports unions and workers, alongside the rights of employers to run their businesses. The sky has not fallen down. Australian businesses remain profitable.

Challenges with the current employment law

19. The deregulation and de-unionisation of the New Zealand workforce since the passage of the Employment Contracts Act 1991 has been a major factor contributing to lower wages and employment conditions in New Zealand.
20. In its submission on the Employment Relations Bill (the forerunner to the Employment Relations Act 2000 (“**the ERA**”)), the CTU made the following comment on the impact of the Employment Contracts Act 1991:

“...unemployment, underemployment and the number of jobless [increased]. Real wages increased only marginally, and there has been a **growing gap between those on high and those on low incomes**. The quality of employment has deteriorated for many.”¹⁹

“For nine years the lack of protections for workers under the Employment Contracts Act 1991, has led to exploitation, a lack of respect for workers, and an aggressive attack on unions... At this stage we merely quote from the letter of one union member who wrote to the Labour Department about her experience.

“As soon as the Employment Contracts Act came in everything changed in this place. We were told – now he’d do it his way. First he got rid of the union, and some were threatened that if they belonged to the union they would be down the road. The contracts were never negotiated. We were called in one by one and given this printed document with a place to put your signature. Some of the young ones were not allowed to take their contracts home for their parents to read.”

¹⁸ *Divided we stand: why inequality keeps rising* (OECD, 2011), pg. 40.

¹⁹ Page 7.

The CTU acknowledges that there will be “bad” employers under any industrial law but **it is the duty of the Government to recognise the inequality of power in most employment relationships, as we have done as founding members of the International Labour Organisation, and ensure that our domestic law reflects (as a minimum) the protections required by international labour conventions** in a political climate which respects those rights. The ECA and the political climate of the past nine years, gave bad employers licence, encouragement and sustenance. Employer organisations have been slow to criticise such behaviour and attempted to ignore the growing public concern about the treatment of workers under the ECA.

The ECA has been at its most unfair in the effect on the treatment of vulnerable employees. Employees can be “vulnerable” for a number of reasons. They could be new employees. Unsure of what the job involves and unaware of their rights. They could be casual or very part-time employees, contract employees, homeworkers, pieceworkers, on a fixed-term contract, or seasonal employees unsure when the season will start or finish.

An employee could be vulnerable because they are one of many seeking a job and only too aware of how replaceable they are. Their skill levels could be low. That does not mean that they should get the same pay as more skilled employees. But it does mean that **a modern employee relations law should recognise and understand the problems faced by vulnerable employees. Their bargaining power is weaker than other employees. Under the ECA, this weakness was magnified many times. These are the workers who most need basic legal protections, fair processes, and genuine access to collective bargaining.**²⁰

21. While the ERA and its 2004 amendments removed some of the worst excesses of the Employment Contracts Act 1991 and recognised the role of unions in the workplace, casualised and low-paid work persisted in many industries. The current law continues to inadequately support unions from organising small and independent workplaces and there are heavy restrictions over the circumstances in which workers can strike.

Employment Relations Amendment Bill

22. The Vulnerable Children Bill should not be seen in isolation to other legislative changes and the impact of the current employment relations law.
23. The proposed changes in the Children’s Action Plan and the Vulnerable Children Bill are contemplated in the context of the Employment Relations Amendment Bill. This Bill will lower living standards for the majority of workers and is particularly harsh on the rights of vulnerable workers who need statutory protection.
24. The proposals in the Employment Relations Amendment Bill are:
 - (a) Likely to further entrench and deepen inequality in our society by perpetuating low wages, poverty and the further exploitation of vulnerable workers by making significant and detrimental changes to the main way that workers improve their conditions – collective bargaining;
 - (b) Inconsistent with the health and safety changes recommended by the Independent Taskforce on Workplace Health and Safety (“**the Taskforce**”);
 - (c) Inconsistent with our international obligations;

²⁰ Pages 12 to 14.

- (d) Inconsistent with fundamental principles of natural justice; and
 - (e) Inconsistent with the object of the Employment Relations Act 2000 (“**the ERA**”), in particular, it does not “acknowledg[e] and address the inherent inequality of power in employment relationships” or “promote collective bargaining”.
25. The Employment Relations Amendment Bill will not help to support vulnerable children and runs counter to the Government’s ambition of tackling the problem of child abuse in New Zealand.
26. Ultimately, the law we make should reflect the kind of society we want to live in. Not through concentrating wealth and influence in a few with a race to the bottom in employment conditions for the rest. Instead, we need to re-balance the law so that employment conditions suit the majority of people who are affected and children can grow up in a household that is safe rather than living below the poverty line.

VULNERABLE CHILDREN BILL

Introduction

27. We welcome all genuine attempts to address child poverty and harm to children. Too often, Governments forget to assess the impact of their policies on our children and young people. The PPTA is committed to reducing violence against children and it is important to get the process right for achieving that goal.
28. We have provided comments on the Ministry of Education’s draft Guidelines and, although well-intentioned, have expressed concern about the workability of the current drafting.
29. Identifying child abuse is a difficult exercise that often requires expert assessment. Although the Guidelines are being drafted as non-legislative guidance material and are intended to reflect best practice, we are concerned that the Guidelines will instead be treated as the de facto minimum standards and that schools will be publicly criticised for making judgement calls that turn out to be incorrect. The nature of the decisions made under the Guidelines is subjective and it is unclear how much funding the Government is prepared to commit for on-going training of the public sector workforce that will be required to make these decisions. This is likely to lead to perverse behaviour. Some schools may put the Guidelines in the too hard basket, spend large chunks of their operational budget on legal advice, or be overly vigilant. All of these things can undermine professionalism and collegiality.
30. There is a general assumption within the draft Guidelines that people cannot benefit from appropriate training and that the employer does not have a role in ensuring that staff and children / young people are able to maintain healthy relationships. By way of background, PPTA members agree to abide by the PPTA Code of Ethics when they

join and are also provided with general advice about maintaining safe relationships with students.²¹

General comments

31. We have been tracking the policy development as it has gone through the Government process and our submission on the Green Paper leading to this Bill is attached as an **Appendix** to this submission. Many of the comments made in that submission, such as the need for universal services and provisions for children compared with targeted services and provision for vulnerable children continue to apply to the proposals in the Bill and are the best way of ensuring that New Zealand's international obligations are met and vulnerable children are provided for. There is a significant risk that vulnerable children will otherwise not be identified and will fall through the gaps. We note that this has been raised by both UNICEF in their submission on the Green Paper and the New Zealand Council of Trade Unions in their submission on the Bill.
32. We are concerned that the Vulnerable Children Bill and the Children's Action Plan appear to do little to address the underlying causes that make children vulnerable. As teachers, our members and their schools are a core part of the community and see first-hand the impact that poverty has on students' learning and achievement. As outlined above, poverty and the growing divide in wealth in our society, are major contributors to children being at "significant risk of harm [to their well-being] now and in the future as a consequence of the environment in which they are being raised and, in some cases, due to their own complex needs"²² - which the Bill seeks to address.
33. We are also concerned that some important recommendations from the Children's Commissioner's Expert Advisory Committee on Child Poverty have not been implemented. For example, there is no plan for the Government to introduce accountability measures that will track the effectiveness of the Government's policies in addressing / reducing child abuse. This has been [identified by the Children's Commissioner](#)²³, Dr Russell Wills, as a significant gap to the extent that he has sought and obtained independent funding to research and report on the Government's performance. Without adequate information about the extent of the problem and effectiveness of the Government's solutions there can be no real appreciation of achievement in this area.
34. Although Government departments may be able to absorb the costs of these changes within their baseline budgets, there will be a disproportionate impact on schools – many of which are attempting to operate within a restricted budget.
35. We know that our teachers are currently stretched with growing workloads, and that related medical conditions caused by stress are a key health and safety concern for teachers in the education sector. Teachers will be better able to exercise their new

²¹ <http://ppta.org.nz/index.php/resources/publication-list/2227-guidance-teachers-students?start=1> (last accessed 29 October 2013).

²² Page 1 of the Explanatory Note of the Bill.

²³ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11147721 (last accessed 29 October 2013).

responsibilities under the Bill if the issue of workload for teachers and principals is considered and addressed by the Ministry of Education. Part of this will be ensuring that the introduction of any new statutory responsibilities for schools and teachers is accompanied with appropriate training and resources, including on-going support. Part of it will be ensuring that the Ministry is alive to the cumulative impact of new reporting responsibilities. This is important for the long-term sustainability and effectiveness of the teaching profession.

36. We note that this is particularly the case for teachers and schools that are based in Christchurch. There is a significant increase in the number of students in those schools exhibiting signs of harm from the stresses caused by the continued impact of the earthquakes on their students' lives and their families. This includes an increased number of students that are experiencing domestic violence and family break-up within their homes or are living in precarious housing situations. This is not unique to any one Christchurch school and does not appear to have been taken into account by the the Ministry of Education in the form of increased staffing for additional pastoral care and guidance and factoring this special need in during the Curriculum and Pastoral Needs Analysis ("**CAPNA**") process for these schools. This would prevent unnecessary pressure being put on staff and students.
37. As an affiliated member of the New Zealand Council of Trade Unions, we endorse the comments made in its submission. In particular, the problems arising with the risk assessment measure, the proposal to take away natural justice and a fair process during the disciplinary / dismissal process and the proposal to exempt compensation for unjustified actions in this area.

38. Additional comments on particular provisions in the Bill are outlined below.

Key issues

39. We have provided particular comments on the following proposals in the Bill:
 - (a) Government priorities and the vulnerable children's plan; and
 - (b) Child protection policies.

Government priorities and vulnerable children's plan

40. We support the intention of having a more joined up process for the reporting and monitoring of child abuse between agencies and the specific accountabilities for chief executives of specified agencies related to vulnerable children.
41. We recommend that the responsible Minister and responsible agencies consult with key stakeholders, including trade unions that represent workers in the children's workforce, when setting the Government's priorities for vulnerable children and setting drafting the vulnerable children's plan. To be effective, the priorities and plan need to be informed by evidence and an informed assessment of the impact that policies and changes will have and the workability of those requirements.

Child protection policies

42. As noted above, this will provide an additional workload for teachers and schools and needs to be supported with training, resources and advice from the Ministry of Education if it is to be workable. One practical example may be a model policy template that can be used and adapted for individual schools' needs.
43. The definition of "child" used in the Guidelines is limited to a person under the age of 17 rather than the age that applies to the rights in UNCROC and the age of the students at secondary schools. As a result, schools will be making child protection policies that do not apply to all students in their classes or school. This is an odd situation and should be reconsidered by the Committee. We recommend increasing the age to children under 18 years. We also recommend raising the age stated in the CYFS Act to children aged under 18 years for the same reasons.

Oral presentation

44. We would like to appear before the Committee in support of our submission.

APPENDIX: PPTA submission on The Green Paper for Vulnerable Children

Introduction

1. PPTA is the union representing around 18,000 teachers in state secondary, area, manual training and intermediate schools, as well as tutors in community education institutions and principals in secondary and area schools. PPTA represents the professional and industrial interests of its members, including those working in alternative education centres and activity centres. More than 90% of eligible teachers choose to belong to the union.
2. The constitutional objectives of the Association are as follows:
 - To advance the cause of education generally and of all phases of secondary and technical education in particular.
 - To uphold and maintain the just claims of its members individually and collectively.
 - To affirm and advance Te Tiriti O Waitangi (The Treaty of Waitangi).

Two stories from secondary schools

3. These stories are from a mid-decile secondary school in regional New Zealand. Far from unusual, these are sadly commonplace and highlight the complexity of the problems faced by adolescents in Aoteroa New Zealand today.

Carla

A 14 year old girl called Carla has truancy issues, anger management issues, both physical and mental health problems and an unstable family environment. When the pressure goes on about her poor attendance at school she is offered support but fails to improve her attendance. Shortly afterwards she becomes pregnant to a 16 year old, Mike. Mike is not at school or in employment or training and has come from an abusive family background. When he was at school he had special needs support. Carla leaves her regular school to continue her education through The Correspondence School.

Janine

Janine is a 15 year old girl. She is often truant from school. She becomes pregnant to a 15 year old boy who has serious anger management issues. He leaves school with an exemption to go to a training course, which realistically he is unlikely to be able to complete. Both young people are presently living with the Janine's mother who has just started a relationship with a new man who himself has a highly at-risk son.

What is the future for Janine and Carla and their children without intensive support?

GENERAL COMMENTS

PPTA endorses the vision

4. PPTA supports the vision for children established in this paper, and welcomes the focus on vulnerable children that this initiative signifies. Teachers have a significant role to play in realising this vision, particularly its focus on the achievement of young people.

The paper 'cops out' on funding issues

5. The initial statement that 'government funding is constrained' and the claim that the investment in vulnerable children is already high sets the scene for the paper's failure to adequately address the poor resourcing of services to young people. According to OECD data, New Zealand's government spending on children is considerably less than the OECD average.²⁴ Despite its fiscal constraints the government still finds money for sporting events, military adventures and bailing out fraudulent finance companies. Caring for our most vulnerable children is a role that the state should prioritise over all of these things.

The big picture matters more than the paper acknowledges

6. In the introduction of the paper it states that "Many things...are beyond the reach of the government – in terms of what happens in the economy and job market". Abrogating responsibility for the economy is evidence of an ideological position that has led to policies that have failed many young people by contributing to growing inequality between the rich and poor. The economy should serve the people and not the other way around. Limited interventions that shuffle resources and fail to address structural issues are no way to solve the 'wicked problem' of children at risk. A government that is committed to giving all children the opportunities that they deserve will need to actively address structural issues of income, housing and health and not simply leave it to the market to 'solve' these problems.

Teachers and schools matter more than the paper acknowledges

7. Teachers are the professional group that most often has regular contact with vulnerable young people. Dealing with the impact of the difficult lives of these children is for many teachers a troubling but unavoidable part of the job. Trying to provide a safe and supportive environment and the opportunity to change their lives for the better provides a moral purpose that motivates many teachers. However, many teachers report that they feel unable to make the difference they would like to, as a result of lack of time, expertise, resources or support. The Green Paper does not show awareness of the central roles of teachers and schools for addressing the needs of vulnerable children.

15% is too low

²⁴ New Zealand Country Highlights, OECD 2009, Doing Better for Children
<http://www.oecd.org/dataoecd/20/42/43589854.pdf>

8. The figure of 15% of children being vulnerable seems to have been arrived at somewhat mysteriously and could well prove to be too low. The reliance on the Christchurch and Dunedin longitudinal studies may not provide a realistic picture of vulnerability in Aotearoa New Zealand today – as the children in these studies are predominantly pakeha and grew up in much more benign economic times. 15% may be much too low a figure, and PPTA would prefer that the higher figure of 20% which is the proportion of children living in poverty is used. The government’s chief science advisor also uses a figure of 20% of adolescents who are at risk of social morbidity.²⁵

The paper does not have a clear definition of vulnerability

9. The lack of a clear definition of what it means to be vulnerable is a worrying omission of this paper. PPTA believes that the most crucial factor for vulnerability is poverty. The statement that ‘Poverty in itself does not determine life outcomes’ again appears to be the authors of the paper trying to skirt the state’s responsibility for the economic context of childhood vulnerability – which though not absolutely deterministic has a much higher degree of significance than is recognised in the Green Paper. The acknowledgement in the paper that childhood poverty can interfere with a child’s ability to succeed at school is significant, and PPTA would like to emphasise this point further. Helen Ladd of Sanford University points out that “Study after study has demonstrated that children from disadvantaged households perform less well in school on average than those from more advantaged households”.²⁶ If underachievement in school is a signifier of vulnerability, then addressing the causes of this, of which perhaps the most significant is poverty, is crucial. Of course the existence of poverty doesn’t mean a child can’t succeed or that schools and teachers shouldn’t do the very best they can, but the pernicious effects of poverty cannot be dismissed because the solutions are inconvenient.

RESPONSE TO SOME SPECIFIC QUESTIONS FROM THE GREEN PAPER

How can Government encourage communities to take responsibility for the wellbeing of their children?

10. Schools are an integral resource for communities, and those schools that have taken on the role of ‘hub’ for delivery of social services have often been able to reach into sectors of the community that are less likely to engage with other services. Primary schools have tended to do this more than secondary schools but there is no reason why secondary schools could not become an effective social service hub if provided adequate resourcing and support. Unfortunately, however, the removal of funding for many nurses and lack of roll-out of social workers in schools has meant that many secondary schools are now less able to be involved in their communities than previously. Resourcing schools well to deliver a wide range of social services will enable communities to take responsibility for the well-being of their children.

²⁵ Gluckman (2011) [Improving the Transition](http://www.pmcsa.org.nz/wp-content/uploads/2011/06/Improving-the-Transition-report.pdf) <http://www.pmcsa.org.nz/wp-content/uploads/2011/06/Improving-the-Transition-report.pdf>

²⁶ Helen Ladd, [Education and Poverty, Confronting the Evidence](http://sanford.duke.edu/research/papers/SAN11-01.pdf) <http://sanford.duke.edu/research/papers/SAN11-01.pdf>

The Government could develop and implement a Children's Action Plan that includes common goals, targets, and clear accountability.

- *How can an action plan improve outcomes for vulnerable children?*
- *What goals could the Government include in a plan?*
- *What actions could be included in a plan?*
- *What could be the priorities be for vulnerable children for the early years, for primary school-aged children and adolescents?"*

11. The issue of vulnerable children is a universal one as it cuts across nearly every aspect of society and is therefore the responsibility of every government department. Nearly 40 years ago, Martin Luther King understood that previous national efforts to end poverty were stymied by a fundamental misunderstanding of the problem's scope. King understood why:

"While none of these remedies [housing assistance, improved educational facilities, income assistance] in itself is unsound, all have a fatal disadvantage. The programs have never proceeded on a coordinated basis or at a similar rate of development. Housing measures have fluctuated at the whims of legislative bodies. They have been piecemeal and pygmy. Educational reforms have been even more sluggish and entangled in bureaucratic stalling and economy-dominated decisions. Family assistance stagnated in neglect and then suddenly was discovered to be the central issue on the basis of hasty and superficial studies. At no time has a total, coordinated and fully adequate program been conceived. As a consequence, fragmentary and spasmodic reforms have failed to reach down to the profoundest needs of the poor."²⁷

12. PPTA supports the development and implementation of a Children's Action Plan, as long as there is a broad and deep commitment to make it a 'total, coordinated and fully adequate programme', such as King described. It is the experience of teachers that policy makers develop many worthy plans and initiatives that are released to great fanfare and initially well supported, but wither and disappear or are even reversed within a few years. The Finnish and Singaporean experiences of turning around underperforming educational systems have shown three factors are crucial for this type of long term and profound social change: developing a consensus between the stake-holders, being informed by the best evidence available and resourcing based on genuine need rather than what is politically expedient. This may mean more legislation and policies, but if it is the only way to guarantee a level of accountability, then it becomes a necessary evil.

The Government could make changes to legislation as a way to signal a long-term commitment to achieving results for vulnerable children, create accountability for delivering results, mandate cross-agency reporting, and make any necessary policy or practice changes.

- *What do you see as the value of using legislation to underpin a Vulnerable Children's Action Plan?*
- *What other actions or principles would you like to see included in legislation?*

²⁷ Martin Luther King Jr. Final Words of Advice http://www.wealthandwant.com/docs/King_Where.htm

- *Who could legislation require to report on national progress against an Action Plan?*
13. Cooperation and coordination between government departments, ministries and agencies is often weak. An example of this is described in the Advisory Group, Conduct Problems Best Practice Report, which points out that the Ministries of Health, Education and Social Development use different criteria for identifying children with conduct problems, and have quite different sources of referral for these young people.²⁸ In the current 'siloed' structure of departments and ministries, with each solely responsible for the outcomes that they deliver for their budget, there is little incentive towards coordination and cooperation.
 14. The State Services Act and Public Finance Act requirements of accountability for quantifiable outcomes within each state agency mean that broader social outcomes, such as the goal described in the Green Paper, are lost sight of. PPTA would like to see a legislative mechanism devised that creates broader, intelligent accountability for state agencies that allows resources to be used more effectively to solve difficult problems that do not fit solely within single portfolio areas.

Government could review its spending on vulnerable children and move its investment into programmes and services that have a sound evidence base. It could also increasingly target its spending on vulnerable children.

- *Do you think Government should provide more targeted services for vulnerable children?*
15. PPTA welcomes a focus on evidence-based practice and systems level planning and implementation as methods to address gaps in education and social outcomes – in particular for young people at risk. Too many policy initiatives have been driven by ideology or political expediency. Policies, initiatives and programmes should meet criteria of effectiveness based on evidence rather than advocacy and should be exposed to rigorous evaluation in the context of Aotearoa New Zealand before being implemented widely or continued. However, evidence-based decisions still need to be based on principles and values that are strongly articulated and broadly shared, and to succeed must be developed in partnership with the people on whom they will have the most impact – in this case both young people and their families and the people who work with them.
 16. The Tomorrow's Schools policy context militates against an education system that provides fair and equal access to high quality education for all. Instead, schools compete with each other for students – especially for students from well-resourced homes. Conversely, the students with the greatest educational, social and health needs congregate in the schools with the least resources and which have the greatest difficulties recruiting staff. Decile funding does not adequately address this inequity, particularly now as school funding is adjusted quarterly by roll numbers. This has the greatest impact on low decile schools, as their students are more likely to leave during the year. Tomorrow's Schools entrenches competition between schools and means that often communities that are most vulnerable, and therefore their children, are further disadvantaged.

²⁸ Advisory Group, Conduct Problems (2011) *Effective Service for 8-12 Year Olds* <http://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/research/conduct-problems-best-practice/conduct-problems-8-12.pdf>

17. Countries with low levels of adverse outcomes for children provide universal services instead of targeting them at specific groups. There are good practical and moral reasons to do this:
- It is more equitable
 - It does not stigmatise or single-out vulnerable groups of people
 - Groups that are not identified but are still at risk do not slip through the cracks
 - There is no need to waste resources policing the provision of these services
18. Universal services backed up by strong targeted support for those identified as requiring it are both necessary and possible. Changing school funding and governance models will help the government to achieve this.

Should Government reprioritize spending to provide more early intervention, that is, more services for younger children and/or services for children that address problems as they are beginning to surface?

19. PPTA is concerned about the suggestion that resources could be redirected from older children to younger on the grounds that investment in younger children is more cost effective. Adolescence is identified in the paper as an age of vulnerability for children, and this is also identified in the Government Science Advisor's report 'Improving the Transition'.²⁹ It would be unethical and practically disastrous to further disadvantage an already under-resourced group of young people. Furthermore, interventions for children at risk need to occur both early in the life of the child and *early in the life of the problem*, which often arise in adolescence. Adolescents are particularly at risk from mental illness and the effects of drug and alcohol abuse, and according to the Government Science Advisor, specific services and capacity to address these problems is already too low.³⁰ In rural and isolated communities the adolescent specific mental health and drug and alcohol services are often woefully inadequate, and unfortunately they are often little better in the cities.
20. Early intervention with the whole family is extremely important, particularly as the parents who are going to produce the next cycle of vulnerable children are the 13-16 year olds of today, as the two stories at the start of this submission show. If resources and services are concentrated only on the young vulnerable children it will be 15-20 years before they can contribute to breaking the cycle. Vulnerable children do not create themselves!

The Government wants more vulnerable children and their families and whānau to get the right kind of support sooner. It could make changes to better monitor vulnerable children and improve information sharing practices.

- *How much monitoring of vulnerable children should the Government allow?*
- *Who should monitor vulnerable children and under what circumstances?*
- *How can the possible negative consequences of increased monitoring be minimized?*
- *What other mechanisms could be used to keep track of vulnerable children and their families and whānau?*
- *What information should professionals be able, or required to share about vulnerable children?*
- *Under what circumstances should they share information?*

²⁹ Gluckman (2011) op cit

³⁰ Gluckman (2011) op cit

- *Who should be able to share information, and with whom?*
 - *What else can Government do to make sure professionals and services have all the information they need to make the best decisions about services for vulnerable children and their families and whanau?*
21. Early identification of potential problems is likely to be even more effective than early intervention once problems emerge. Many schools throughout the country run a programme called Travellers. It uses pre-set indicators to identify those students who have the potential to be at-risk or in the vulnerable category. By identifying this potential, schools can therefore put programmes in place to build the resiliency of these young people before the situation ends in a crisis. There is little doubt that the families in society that are considered vulnerable have common indicators that put them in that position.
22. An aspect of increased monitoring and information sharing that is often discussed is mandatory reporting of suspected child abuse. PPTA does not support this suggestion, but instead would like to see training for teachers in recognition of vulnerability in young people, including mental health problems, abuse and neglect, and dedicated social workers in schools for teachers to report their concerns to without fear of recrimination or blame.

Highly skilled professionals delivering services in a co-ordinated way will provide better outcomes for vulnerable children. The Government could invest in its workforce for children.

- *What can be done to improve or promote collaboration between professionals and services?*
 - *What principles, competencies or quality standards should be included in the minimum standards for a workforce for children?*
 - *Who should be included in a workforce for children?*
 - *What other changes could be made to increase the effectiveness of those who work with vulnerable children?*
23. PPTA supports monitoring and registration to high standards of adults working with young people. Teacher registration is a robust process, and PPTA absolutely expects that all people working as teachers will have gone through it. The suggestion that Charter Schools may use un-registered teachers would expose students who are already at risk (by coming from low socio-economic status communities) to further dangers. In addition, PPTA is concerned that 'fast track' initial teacher education schemes could place people who are not well trained into classrooms, again in areas where students have the greatest needs. Instead of looking at ways to lower standards for teachers working with the most vulnerable students, the government should support high standards for all teachers and create strong supports for those working in schools which have many vulnerable young people in them.
24. Furthermore, PPTA also notes that the 2011 development in Alternative Education (AE) to offer 'pedagogical support' for centres instead of providing trained and qualified teachers to work with AE students (who are most at risk of leaving school without qualifications) completely contradicts government rhetoric about the need to support better outcomes for all our young people. AE centres will struggle to achieve better academic, as well as social, outcomes for their students until they are funded to

employ trained and qualified teachers at a ratio of one trained teacher for every 15 AE students.

OTHER RECOMMENDATIONS

Extend social worker in schools, nurses in schools and other programmes that work for vulnerable children

25. The Social Workers in Schools programme is an initiative that PPTA supports and would like to see expanded. Currently only 17 secondary schools are involved in this programme, a ridiculously insufficient response to the scale of need. Another programme that PPTA sees as a positive model for addressing the needs of vulnerable children is the AIMHI initiative. This is an evidence-based and well-resourced programme that has made a real difference. This programme made connections between leadership of the participating schools, curriculum and teaching, and the students' health and well-being and was supported by on-site health and social services. Supporting and strengthening the programmes which make a difference for these children should be a priority, including: Truancy (ROCK ON), Alternative Education, Youth transition, Alcohol and Drug Counselling, Child and Adolescent Mental Health, Sexual Health Support and Special Needs.

Extend the statutory coverage of Child Youth and Family

26. PPTA advocates extending the statutory coverage of CYF up to age 18 to take responsibility for at-risk young people. In conjunction with a case management approach and better systems to ensure connections with schools and other education providers, this would be a positive approach to the needs of young people at risk. However, our members have pointed out that too often CYF does not have access to adequate numbers of suitable placements for children who are removed from their families, meaning that sometimes schools are wary about dealing with this agency about this type of matter.

Train and support teachers to be effective in recognising and intervening to help vulnerable children

27. Often vulnerable children come to school with problems that make it difficult for them to learn, and therefore they become disengaged and regularly are 'in trouble' at school. The Advisory Group, Conduct Problems report identifies a number of actions that could be taken which PPTA supports that would allow more effective intervention for this group. This includes specific training for teachers in recognition, prevention, treatment and management of conduct disorders, supported by skilled specialists to intervene when required.³¹ Currently the provision of RTLBs and other special education services are widely reported by our members to be inadequate, and school's pastoral services are stretched.
28. Teachers have an important role to play in this area. "We see all and hear all". If government wants teachers to take an active role in the social aspects of their pupils' lives then there must be awareness of the workload implications. To accommodate this, policy makers and the Ministry of Education will need to make the other aspects

³¹ Advisory Group, Conduct Problems (2011) op cit

of the job as manageable as possible, for example by carefully evaluating the impacts of things like assessment or curriculum changes. Teachers cannot do it all.

Develop a coherent and consistent national plan

29. It is of concern to PPTA that while on one hand the government expresses its commitment to making sure every child 'thrives, belongs and achieves' on the other hand it develops strategies that undermine this. Within the education sector there are two particular policy directions which, if followed will further disadvantage poor and vulnerable children and their communities. Increasing competition between schools, with such mechanisms as league tables, further entrenches 'winners and losers' – letting schools 'fail' to prove an ideological point is morally repugnant. And establishing Charter Schools, shifting resources from schools serving vulnerable communities to profit making schools based on a dubious overseas model undermines the public system, which is always going to be the main provider of education for most New Zealand children.
30. Public discussion about vulnerable young people and what we as a society can do about this is welcomed by PPTA. Our members work with and care for young people who lead lives that are sometimes sad, dangerous and damaging, and we have been talking about this and raising our concerns with governments for years. It is welcome to see new-found commitment to make progress on this complex issue. Until now, progress has been stymied by a lack of effective political leadership and coherent planning. The nature of the electoral cycle means that politicians are more inclined to pursue single, one-off responses rather than working to develop the long-term, collaborative, multi-faceted solution that is required. A Children's Action Plan would need to follow the Finnish³² practice of garnering cross-party support so that its success would not be jeopardised by triennial political tinkering.

³²Finish Lessons <http://www.dailykos.com/story/2011/12/29/1049391/-Finnish-Lessons>