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# AUCKLAND DISTRICT LAW SOCIETY

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## PUBLIC ISSUES COMMITTEE

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23 May 2001

## PRECIS

### **GOVERNMENT INACTION ON TRUANCY: A BREACH OF UNITED NATIONS CONVENTIONS?**

Our government says it is committed to a world leading human rights environment. The problem of many thousands of children not receiving any /or adequate education needs to be addressed.

If legislation for compulsory schooling is not enforced we are in breach of our United Nations obligations.

The Public Issues Committee of the Auckland District Law Society calls for the Ministry of Education to establish and operate a centralised database to ensure all school age children where possible are enrolled and receiving an education. The database should collect enrolment attendance exemption suspension and truancy data and be monitored.

All appropriate steps should now be taken to ensure national uniformity in requiring attendance and implementation of enforcement systems.

Adequate tracking systems should be put in place to ensure children moving from one school either by way of relocation or by moving on to intermediate or secondary school are enrolled at a further school or have approved alternative educational arrangements.

The United Nations Convention on the Rights of the Child to which New Zealand is a signatory refers to the right of the child to education and requires primary education to be compulsory and available to all and higher education accessible to all. The Education Act 1989 provides for compulsory attendance from 6 to 16.

There are thousands of children not attending school. Some not enrolled some absconding. Without a centralised database the Ministry can only guess at the extent of the problem. The consequences to children and society are serious, short term and long term. Recent disclosure of children working as prostitutes is just one example.

It is appropriate the Government takes immediate action to identify the extent of the problem by establishing adequate recording systems, and then addresses the situation.

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23 May 2001

## **GOVERNMENT INACTION ON TRUANCY: A BREACH OF UNITED NATION CONVENTIONS?**

It is the view of this committee that in considering the needs of the most vulnerable amongst our children our Government should reconsider the recommendations of the Education and Science Committee of the New Zealand House of Representatives in 1995: viz: that the Minister of Education monitors all enrolments and implements procedures to ensure that all children are enrolled at a school between the age of six and sixteen: it establish and operate a centralised database to collect enrolment, attendance, exemption suspension expulsion and truancy data to be managed in a confidential way by one appropriate government agency with information provided by all agencies and accessible to each agency for appropriate functions only.

The report of Mick Brown raises the concern that we are "in danger of robbing children of ambitions and dreams of employment. Destroying their self esteem and denying them the prospects and dignity of earning a living and the social mobility which was a characteristic of our society" (Report to the Minister of Social Services and Employment Michael J Brown December 2000 pg 99 )

New Zealand is a signatory to the United Nations Convention on the rights of the child which was adopted by General Assembly resolution 44/25 (20th November 1989)

Article 28 of the United Nations Convention requires:

Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all: ...
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means ...

The Education Act 1989 section 20 provides for compulsory attendance at school for every child from the age of 6 years until they attain the age of 16 or attain exemption.

There is an obligation on parents/ caregivers to enrol their children (section 24). However in the absence of a suitable data record if a parent fails to do so that omission may be overlooked. Unless the child comes to public attention in some other way the child will not be known to the education authorities.

That child who is enrolled but then moves from school to school and finally ceases to attend at all may similarly lose his opportunity of learning the basic rudiments of reading and writing, the essential skills in a modern society. There can be no assurance that the records will follow from one school to the next or even any certainty that there will be followup to ensure enrolment in another school.

There is little protection for the child who has a negligent, or overly indulgent caregiver or a parent who is unable to cope.

It is the view of this committee that while legislation in this area is maintained but not enforced we are in breach of our commitment to the spirit of the United Nations Conventions.

At this time Auckland Police estimate that several thousand children are frequent absentees from school in South Auckland alone. This includes children under 10 years of age. An estimate was made some 12 months ago from the Manurewa area of an absentee figure of 1200 children on one particular day, and on another occasion of 1500 from Glen Innes Panmure and Mt Wellington. It is not possible to know the precise figures. The Education Ministry does not have reliable data of the number of children who are absentees, as there is no accurate record of those not enrolled. Such data that is available indicates that Maori and Pacific Island children are disproportionately represented among the truants. The long term implications for these communities of the loss to their children of the opportunities that arise from a basic education are of serious consequence.

The primary systems in place to deal with truancy issues have significant limitations and the size of the problem indicates they are inadequate.

The district truancy service, bodies who employ truancy officers to carry out core roles in this area are not resourced to deal with the underlying causes of truancy and the truancy officer aware of significant underlying factors for an individual child may be dependant on assistance from the clearly already stretched resources of Child Youth and Family or Special Education Services (themselves now in the course of restructuring).

Schools in the first instance have an obligation to monitor attendance and the quality of monitoring varies with the school. There appears to be wide variation of systems within individual schools for collection of data, identification and follow up for referral to the truancy officer. This committee suggests that consideration needs now to be given to imposing uniform systems on all schools and requiring accountability of senior staff in implementing these systems.

The Non Enrolment Truancy Service is essentially designed to deal with those children who are beyond the ambit of the District Truancy Service and involves a national data base of children referred. While referrals may come from schools, community organisations the public or the truancy officers the level of referral from individual schools varies and some make none. Those children whose absenteeism has not come to the attention of authority, for any number of reasons, for instance transient parents, inadequate recording systems in schools, a failure to enrol on transfer from primary to intermediate, or intermediate to secondary, will evade referral.

In the absence of a national monitored database of all children within the age of compulsory schooling it is not possible to identify the real extent of the problem.

The social costs are high both to the child and to society in general. A Christchurch School of Medicine Health and Development study found evidence of a close linkage between the severity of truancy and the risk of other forms of adolescent difficulties. The analysis suggests that as truancy increases in severity there are parallel increases in juvenile offending, substance use behaviours and mental health problems with teenagers who showed severe and recurrent truancy having much greater risk of these outcomes than those who did not truant. cf Fergusson, DM Lynskey, MT & Horwood, LJ (1995) Truancy in adolescence. New Zealand Journal of Educational Studies

Our Government has announced that it "is committed to creating and sustaining a world leading human rights environment which enables people to reach their individual and collective potential regardless of their characteristics" cf terms of reference Ministerial re-evaluation of the human rights protections in New Zealand 3/5/2000

It is the view of this committee that unless serious consideration is now given to stringent measures to combat the problems of truancy many thousands of children stand to be deprived of essential human rights guaranteed to them by our state.

It is noteworthy that the Committee on the Rights of the Child reporting to the General Assembly of the United Nations on considering the report of New Zealand in January 1997 commented " The Committee is concerned about the insufficiency of measures to collect disaggregated statistical data, including in relation to the registration of complaints from children, and other information on the situation of children especially those belonging to the most vulnerable groups. The absence of qualitative and quantitative information on the status of children makes the assessment of the implementation of the Convention difficult "

#### RECOMMENDATIONS:

- (1) That the Ministry of Education establish a centralized data base to collect enrolment attendance suspension expulsion and truancy data and monitor same to ensure appropriate particulars of all children of school age are entered.
- (2) That all appropriate steps now be taken to ensure national uniformity in requiring attendance and implementation of enforcement systems
- (3) That approved systems of monitoring attendance and reporting of truancy be required to be established in all schools with accountability

on senior staff and regular checks from an outside agency as to implementation

- (4) That adequate tracking systems be put in place to ensure children moving from one school either by way of relocation or by moving on to intermediate or secondary schools are enrolled at a further school.

23 May 2001