

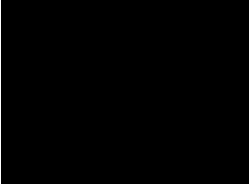


**EDUCATION REVIEW OFFICE**  
Te Tari Arotake Mātauranga

**NATIONAL OFFICE**  
LEVEL 1, 101 LAMBTON QUAY  
PO BOX 2799  
**WELLINGTON 6140**  
SX10166  
T 0-4-499 2489  
F 0-4-499 2482  
info@ero.govt.nz  
www.ero.govt.nz  
NZBN 9429041901809

Our Ref: OIA21 - 5

26 February 2021



Email: [REDACTED]

Dear [REDACTED]

**Official information Act request – Complaints made to the Education Review Office by students in primary or secondary schools and/or those acting on their behalf**

I refer to your letter dated 17 February 2021 to the Education Review Office requesting *information relating to any complaints made to the Education Review Office by students in primary or secondary education and/or those acting on their behalf for each year from 2010 to date including:*

- 1. The number of complaints made by students or those acting on their behalf disaggregated by the age, ethnicity, gender and area of residence of the student;*
- 2. The subject matter of complaints made by students or those acting on their behalf;*
- 3. The action taken in relation to complaints disaggregated by the age, ethnicity, gender and area of residence of the student;*
- 4. The time taken to resolve any complaints; and*
- 5. Any internal policies, principles, rules or guidelines relating to the management of complaints.*

By way of background information, the Education Review Office is responsible for the review of performance of schools and early childhood services in the delivery of the education service.

ERO's functions are set out under Part 5, subpart 3 and Part 6, subpart 6 of the Education and Training Act 2020. You may also refer to ERO's website under [How ERO reviews](#).

ERO does not have powers to investigate individual complaints from students or from persons acting on their behalf and to resolve such complaints. When ERO receives a complaint, mainly from the parent(s) or caregivers of students from any school, we inform them to refer the complaint to the school board in the first instance and to follow the school's complaints policy and procedures. School boards are responsible for the governance of the school, including setting the policies by which the school is to be controlled and managed under the Education and Training Act.<sup>1</sup> If parents are dissatisfied with the outcome of the complaint they can complain to the Ministry of Education, the Office of the Ombudsman or the Children's Commissioner for further investigation.

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<sup>1</sup> [Board is governing body](#)

You may also wish to refer to new provisions under Part 3, subpart 9 of the Education and Training Act which establish a dispute resolution scheme to facilitate and promote the resolution of serious disputes between students and State schools in an effective, flexible, and timely manner.<sup>2</sup> Please contact the Ministry of Education for details about the new provisions.

In relation to your requests under points 1 and 2, ERO keeps a copy of the complaint in the relevant school file to ensure during the next review of the school that it has appropriate policies and procedures to manage complaints. ERO will not raise details of the complaint with the school, unless the parent or caregiver consents or it is a serious complaint that requires involvement by the NZ Police, Oranga Tamariki, the Teaching Council and the Ministry of Education.

ERO does not hold the information in the specific form that you have requested, as some of the information such as age, ethnicity or gender may not be provided and it would require substantial research or collation to identify the relevant school files. In addition, please note all information in school files are managed by ERO in accordance with the retention and disposal of information and records consistent with the Public Records Act, and Archives New Zealand standards and guidance. Under the Retention and Disposal of Records policy all information in the school files older than the last 6 years are disposed.

In accordance with sections 18 (e) and (f) of the OIA, I am refusing your requests for the information under points 1 and 2 as some of the information may not exist and also it would require substantial research or collation. As a small agency with few resources this would have a significant impact on ERO's ability to carry out its other operations.

ERO does not hold the information in relation to your requests under points 3 to 5 for the reasons noted above. I am therefore refusing your request under [section 18\(e\) of the OIA because the information does not exist](#).

You have the right to seek an investigation and review by the Ombudsman of this decision.

Yours sincerely



Jeremy France  
Deputy Chief Executive Corporate Services  
Education Review Office | Te Tari Arotake Mātauranga  
National Office | Tari Matua

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<sup>2</sup> [Resolving serious disputes](#)