



YouthLaw
Free legal help throughout Aotearoa

Annual Report

July 2014 – June 2015

**Celebrating 28 years working
for children and young people**

Acknowledgements

YouthLaw Aotearoa Inc. wishes to thank the many organisations and individuals who have provided their kind support and invaluable assistance to its ongoing achievements and success.

In particular we would like to thank the Ministry of Justice, Auckland District Law Society, New Zealand Law Society, Minter Ellison Rudd Watts, AUT Law School, Youthline, Ara Taiohi, IHC, Borderless Productions, ANZELA, the Equal Justice Project.

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YouthLaw Profile

YouthLaw Aotearoa is the national community law centre for children and young people under 25. We were established in 1987 by Robert Ludbrook and since then we have been supporting children and young people in a variety of legal areas, including education, employment, family life and interactions with the police and courts.

YouthLaw's Vision is to:

Promote, protect and advance the legal rights of children and young people in Aotearoa/New Zealand by providing a service that empowers them with legal advice, information and education and advocates for them at a national level.

We are committed to the principles of the United Nations Convention on the Rights of the Child.

We provide a range of free services for children and young people including:

Legal Advice

We offer free, confidential legal advice to anyone aged under 25 years who meets our eligibility criteria, and those assisting them. This service operates through our 0800 UTHLAW phone line between 10am and 4pm on weekdays and is staffed by practising solicitors and volunteers supervised by practising solicitors. We give information, advice and assistance on a wide range of legal matters. We also represent young people in forums such as Board of Trustee meetings, employment hearings, mediation and other tribunal hearings.

Outreach Services

We provide education sessions on our work, and about the law as it affects children and young people, to various groups including schools, alternative education providers, care residences, community organisations, social workers in schools, CABs, health providers, government departments and other organisations who interact with and provide services for children and young people. We also provide professional development training on education law through our webinars.

Resources

We produce a range of legal information accessible on our website, on the rights of children and young people and we publish pamphlets and other resources outlining key legal information, including the first YouthLaw phone app.

Law Reform

YouthLaw is involved in law reform by advocating on behalf of children and young people through submissions, offering media commentary and through involvement with other special interest groups who advocate for children and young people's interests at a national level.



Chair's Report

Jennifer Braithwaite



Tēnā koutou, tēnā koutou, tēnā koutou katoa

I would like to start my report on the 2014 / 2015 with the usual shout out to everyone who works with and for YouthLaw Aotearoa – staff, volunteers, people from our partner organisations and my fellow Board members. I am in awe of and thankful for your ideas, passion and commitment.

There are a few developments over the last year I specifically want to comment on in this year's report. First up, I am very happy to report that we now have a two year contract with the Ministry of Justice for our core services funding. Over a number of years the community law sector has faced funding uncertainties including year by year uncertainty in relation to the availability and amount of our core services funding. Having a two year contract gives us much more confidence to plan multi-year activities and be more strategic in our thinking. Over the next and coming years the Board will continue to focus on our long term financial sustainability including the potential for diversification of funding.

Secondly, we have gone through a rebranding exercise to update the YouthLaw logo and align it with the Community Law Centres o Aotearoa logo to clearly show that we are part of this national movement. We have also linked our website with the Community Law site and are in the process of updating the content on our site to make it more accessible to children and young people. This work is currently in progress but by the end of the year you will be able to log on to www.youthlaw.co.nz and check out the new content.

We have also been focusing on where we can add value to the wider community law and youth sector. For example, we have been developing the work we do to support the other twenty three community law centres around the country including providing Education Law focused webinars. As with everyone in the community sector, our resources are limited and we need to ensure that we are using them as efficiently and effectively as possible.

I also want to reflect on where we are in our planning and delivery cycle. We are just past the midway point of our 2012-2017 Strategic Plan and have recently come to the end of our two year operational plan. We are now catching our breath and reviewing what we do, why we do it and how well we are achieving our overall vision for children and young people. As part of this process we will be talking to those we work with, especially the young people we work for, to ensure that their voices are heard when we review what we are doing and develop our plans going forward.

I'll end my report with a whakatauki (proverb) that speaks to the importance of education in our work - both in terms ensuring that children and young people are able to exercise their right to education and also in relation to educating children and young people and those that work with them about the law and how it affects their lives.

Ko te manu e kai ana i te miro, nōna te ngahere

Engari, ko te manu e kai ana i te mātauranga, nōna te ao

The bird that consumes the miro berry belongs to the forest.

However, the bird that consumes knowledge will have no limitations in the world.

Noho ora mai

A handwritten signature in black ink, appearing to be 'Jennifer Braithwaite', with a long horizontal stroke extending to the right.

Jennifer Braithwaite

Chairperson



From the General Manager

Vanushi Walters

“Nothing is so fatal to the well-being of our children as remaining indifferent to the education we provide for them” – Robert John Meehan

A day in the life of a YouthLaw staff member can include advising and educating on tenancy, employment, human rights or minor criminal matters. Our work is wide and varied but there has been a consistent gravity towards helping young people in the field of education law for several years now.

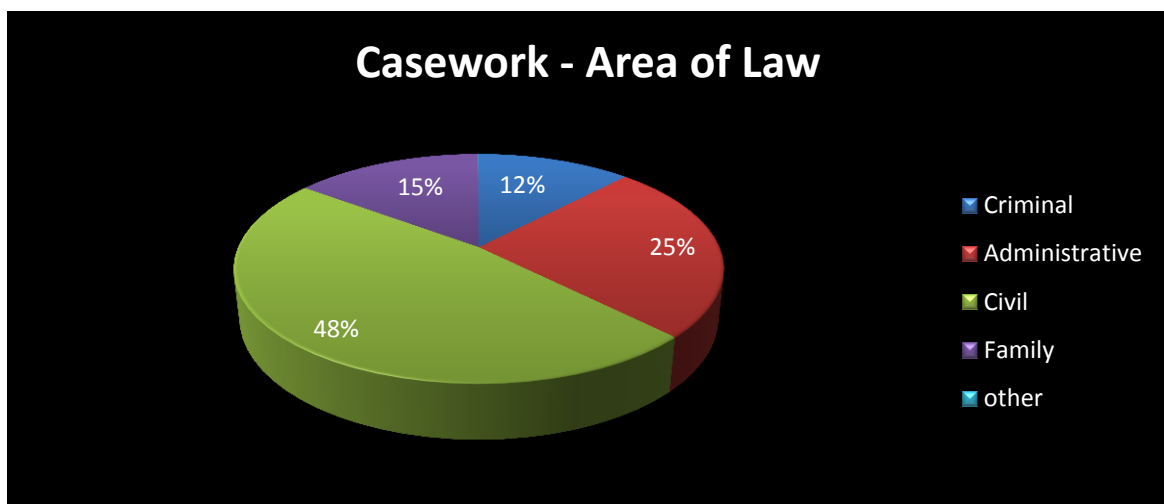
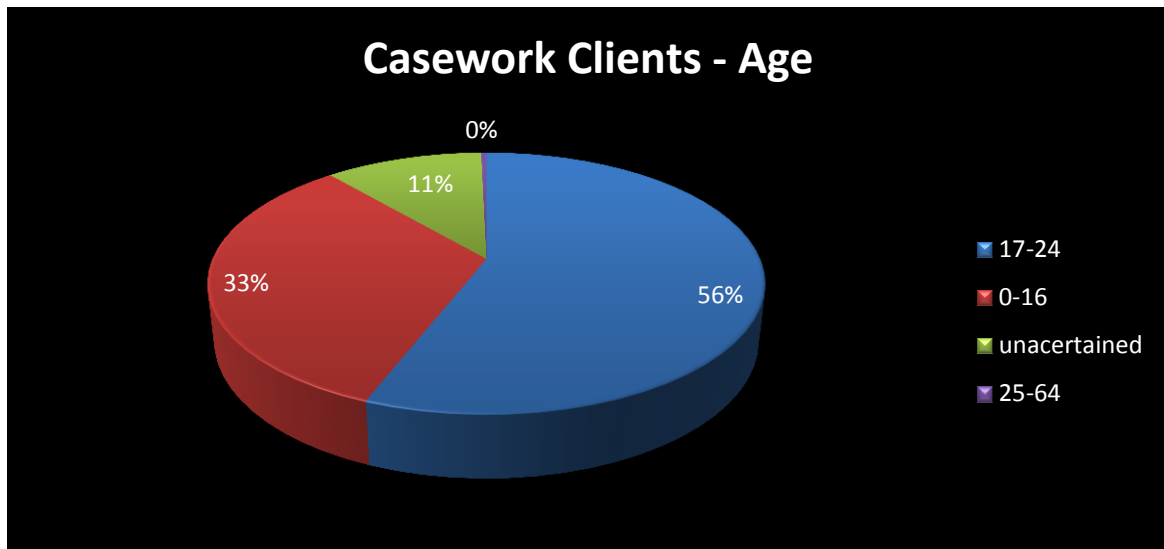
We have intentionally leant this way because we’ve seen a real need for legal support and advocacy in this area but also because we believe in the transformative value of education. Access to education can empower, inspire and unlock doors for children, young people and their families. Over the last year we’ve been impressed by committed young people determined to learn, intensely concerned for some young people who continue to struggle in a system that doesn’t always fit their needs and blown away by inspiring parents, teachers and counsellors who despite a seemingly unending journey continue to passionately advocate for this crucial right.

Of the education cases we advise on, an increasing number have involved special education needs. Access to education is about more than attendance. It’s about engaging with meaningful education or education that is tailored to needs. At a high level this requires consideration of appropriate special education funding in terms of the amount funded as well as the structure for allocation and reporting. At an individual level it means families, schools and others involved in supporting young people, planning and working together to truly give meaning to this right.

Our Work & High Level Data

In the last year our legal team has provided support to over 1,300 children and young people many of whom have raised issues relating to accessing education. The team has reflected a lot, not just on individual cases but on the big issues, funding, accountability and supporting responsive education. Our legal team have engaged in mediations, arbitrations and strategic litigation. They have drafted articles, delivered seminars and supported others to advocate for special education rights. We have also been successful in receiving two grants one from the IHC Foundation and the other from the Prader-Willi Trust, to research the funding of special education in New Zealand. This research is currently underway and we expect to publish mid 2016.

Over the last year through education work led by our Law Related Education Coordinator Mira Taitz, we have reached over 4,000 young people and those who work with young people across New Zealand. We have delivered education sessions in Youth Justice Residences, CYF residence and schools. We’ve presented to other child rights advocacy groups and have worked in collaboration with youth service delivery organisations. Our Senior Solicitor Jennifer Puah has also delivered webinars on Education Law for Community Law Centre staff and Youth Advocates nationwide.



Youth Crime Action Plan Project – Innovation Fund

A core project over the last year has been the development and testing of a series of legal and rights based education tools with young people who have come into contact or are at risk of coming into contact with the Youth Justice System.

Over the course of 12 months our YCAP Coordinator Alexandra Clark engaged with community stakeholders to build a programme that could be delivered within Youth Justice & CYF Residences that could also be adapted for delivery within Alternative Education and mainstream schools. She worked closely with Kuru Kae (co-facilitator) to develop and deliver a legal life skills programme which continued to go through a process of refinement as the project progressed.

As the project winds up, we are delighted to now have an education toolkit comprised of a professionally produced DVD (thank you to the team at Borderless Productions!) and facilitator notes. These toolkits will be distributed to schools in South Auckland as well as Community Law Centres around New Zealand with each set accompanied by an offer to support those delivering on the ground (through training and where possible ongoing partnerships).

Our Team

As I'm writing this, I'm listening to two of our lawyers on the phone. One speaking to a young person the other to a parent looking for some advice for their child, remembering what a tough job it can be! Often extremely rewarding but at times - tough. Having worked in a variety of different legal environments, I'm always struck with the unique skill set needed at Community Law Centres. They are legal advisors extraordinaire with a breadth of knowledge about the law as it applies to children and young people. Through experience on the advice line they develop a keen awareness of human relationships, emotions, distress. They counsel and guide, they support and have the patience to listen to that all important context. Similar skills are held by our amazing educators, on the front line and in many ways working where we are most needed. I always feel blessed to work beside you.

Our People

YouthLaw's Board

Jennifer Braithwaite, Chairperson
Andrew Ryan, Treasurer
Piers Davies
James Jung

Gordon Tian
David Sutton
Harvena Hudson
Nive Sharat Chandran

YouthLaw's staff

Vanushi Walters	Managing Solicitor
Karen Davis	Operations Manager
Jennifer Puah	Senior Solicitor
Joanna Maskell	Solicitor/Law Reform & Media Officer
Velda Chan	Solicitor
Manawa Pomare	Solicitor
Kenton Starr	Graduate Solicitor
Samantha Papps	Law Clerk
Mira Taitz	Legal Education Coordinator
Kuru Kae	Youth Crime Action Plan co-facilitator
Annie Tavalea	Administration Assistant



Farewells

Alexandra Clark

Youth Crime Action Project Coordinator



Alex has worked on two fixed term legal education and YCAP contracts for YouthLaw. During this time Alex has shown her ability to relate to young people from all backgrounds, in particular the education work she did with alternative education programmes and in developing and running the Youth Crime Action Plan Project. Alex received the Youth Worker “I am

Auckland” award as a result of her talented facilitation and awareness of the importance of relationship building, being nominated by young people in the community. We wish her all the best for her future.

Rhiannon Thomson

Office Administrator



Rhiannon came into YouthLaw like a human dynamo, a very talented and warm hearted person, juggling children and work impressively. She is passionate about social justice and the wellbeing of other people and this showed in her work and her concern for others. She has a great sense of humour and quickly became part of the YouthLaw family. We were sad to see her go when her own family circumstances required her to be a full time caregiver.

Greta Young

Solicitor



Greta has been a phenomenally hard working graduate lawyer at YouthLaw. She showed us what she was capable of doing and developed her skills and expertise while she was with us, including Board of Trustees advocacy, volunteer training, education presentations and performing on stage. She brought some of the Dunedin culture to YouthLaw with her easy going personality and innovations such as “Food Court Friday”. Being young and relatively carefree, Greta is now off on her travels around the world, last spotted in South America.

Welcomes

We are very pleased to welcome several new and not quite so new faces to YouthLaw over these last 12 months.



Kenton Starr

Graduate Solicitor

YouthLaw is Kenton's first role as a solicitor, but he had already spent time in India on an anti-trafficking internship. Kenton enjoys working with people and loves the diverse areas of law we work with. Kenton is a Mt Roskill local and is very involved with his local community. He sees YouthLaw as another place he can give back to the community and work with vulnerable young people.

Kuru Kae

YCAP co-facilitator

Kuru was born and raised in Otahuhu. He has degrees in criminology and Pacific studies at Auckland University and is now the co-ordinator of the Pacific and Maori student mentoring service. He is an awesome facilitator and has been working with Alex on the YCAP project. Now that the project has finished, he is staying on to help us with more education work as parental leave cover.



Sam Papps

Legal Assistant

Sam started with YouthLaw as a volunteer and has been our longest serving volunteer while completing her law degree. This year she has been working on a short term contract as a legal assistant during parental leave cover. She is very diligent and professional in her work, and she has been an asset to the team, especially with her interest in education law and enthusiasm to take on Board of Trustee advocacy. This is also a farewell to Sam as was only employed for a few months and is now focussed on finishing her law degree.

Annie Tavalea

Admin Assistant/ Education Co-facilitator

Annie started with YouthLaw as a volunteer, helping on both the AQ line and with education workshops. We were thrilled when we could offer her a part time role, while she finishes her law degree, firstly in administration and from October this year she will be helping out with legal education. Annie makes wonderful chocolate cake so our morning teas have improved greatly.



Karen Davis

Operations Manager

Karen only managed to stay away for YouthLaw for a short time. She enjoyed the break, going to Cuba on the solidarity brigade and working for a year at the PSA, and has come back to YouthLaw refreshed and ready to keep the budget on track.

Legal Related Education

Education report

What a busy year for education at YouthLaw! The 2014-2015 year saw Mira Taitz return from maternity leave and Alex Clark move to working on the YCAP project. We work to constantly improve on how we deliver workshops to make them more memorable, enlightening and fun. While most of our education sessions are delivered by one facilitator, we have been rethinking ways to enable two facilitators to present education sessions where possible, as we have found that this enhances the experience. The most common topics that we present on continue to be education law, youth rights and employment law, but we have seen a rise in demand for education about bullying and the law. We developed our skills across the team in delivering education on legal topics in new interactive ways, as well as refining our acting skills to enable us to reach larger groups through skits embedded with knowledge about the law. We don't anticipate receiving any awards for our acting prowess at this stage but watch this space!

What a great year this was for collaboration with other Community Law Centres! We delivered workshops on youth rights, education law and the youth justice system at the conveniently located new premises of **Auckland Community Law Centre** in October and March. These were open to the public and attracted staff and volunteers from Citizens Advice Bureau, Youthline and local youth councils as well as members of the public. For Youth Week in May, in an event kindly supported by Ara Taiohi, we collaborated with **Waitematā Community Law Centre** to run a full day workshop for youth on employment rights at Zeal youth space in Henderson, with games, creative participation and a guest speaker from the Human Rights Commission.



Outside of Auckland we visited Taranaki in November, where **Taranaki Community Law Centre** kindly hosted us and Mira delivered workshops to local community members and professionals at the community law centre. We even scored a guest spot on community radio hosted by none other than "The Law Lady," aka Taranaki Community Law Centre's Angela Solomon! Outside of New Plymouth, Mira and Angela co-delivered workshops on rights with police and rights in education at the Stratford marae. The trip to Taranaki was a great opportunity to connect with other local organisations too: Mira was invited to deliver a full day training workshop for local Maori development organization Tu Tama Wahine, as well as presenting five short back-to-back workshops with young people at the innovative youth development conference IRA!, where we presented alongside workshops on Te Reo Māori, 3D printing, filmmaking, first aid and hip hop dancing.



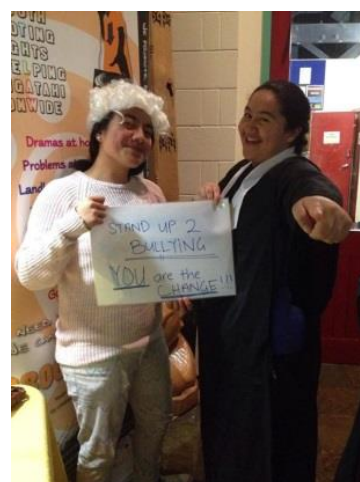
February saw YouthLaw travel to Blenheim and Nelson, with **Community Law Marlborough** and **Nelson Bays Community Law Service** as our kind hosts. Mira had great workshops in Blenheim with community professionals and school peer

support students, who constructed an awesome police car out of a small box and some pipe cleaners, decorated with key info on rights with police! Then we headed to Kaikoura for a workshop on education law with community workers and school trustees. After a day off for some sightseeing, we headed to Nelson for workshops on education law and doing law-related education with young people. We came away from all of our trips to the smaller centres impressed by the hospitality of our colleagues and the hardworking and community-minded spirit of the people we met in workshops.

We continued our relationship with **Māngere Community Law Centre**’s excellent *Law in a Nutshell* course. Run several times a year, the course allows community professionals and members of the public to get an introduction to the law by participating in the course on three hours every Wednesday. We led interactive workshops for each intake during August, November and March on youth rights, education law and the youth justice system. We also worked alongside **Māngere Community Law Centre**’s to co-deliver an interactive presentation to senior students at Māngere College on youth rights and legal ages.

Our webinar programme went from strength to strength in the 2014-2015 year, with Jen Puah delivering webinars on the Discipline of special needs students, Strategic litigation, and School donations, privacy and search and seizure in schools. These were well attended and well received, with only occasional technological hiccups with the webinar software! A large proportion of webinar attendees came from other community law centres, and attendance counted towards lawyers’ Continuing Professional Development requirements.

YouthLaw had a strong presence at professional conferences over the past year. We delivered a session at the Australia New Zealand Education Law Association meeting in September alongside **Community Legal Services South Trust** on the dos and don’ts of the school disciplinary process. We also connected with the Society of Youth Health Professionals Aotearoa New Zealand, presenting at their conference on both special education and recent law changes on searching in schools. Our session at a New Zealand School Trustees Association conference used a scenario to highlight the proper process for suspensions.



We continued our relationship with Strive Community Trust, presenting at their “Women of Worth Concert” in September which drew crowds of hundreds. This annual fundraiser is organized by a young women’s mentoring group, “The Women of Worth”. Mira and Greta did a skit on the law on bullying and cyberbullying (including a crowd-pleasing gag—unrelated to the content it must be admitted—where a whole banana was consumed on stage, skin and all).

We were honoured to be part of the event where young women in the group shared personal stories of how they had overcome challenges in their lives. We held a photo voice competition alongside our stall, where young people shared a message about standing up against bullying. Later in the year, we further connected with Strive by presenting at their end of year conference and providing a workshop for their youth leadership programme.

The annual Manurewa Youth Council Conference was another highlight, and we were lucky to be able to attend two of these as they fell in the same year. At the first, we did photo voice competition on the theme of standing up to bullying, and we also held a session that covered The United Nations Convention on the Rights of the Child and youth rights. We workshopped common problems faced by young people, with the aim of enabling the young leaders to be able to identify situations when their mates might need help from YouthLaw.

Training for youth leaders continued at other events, with Velda doing peer mediation training at Otahuhu College, and Mira running a workshop for Mount Roskill Grammar mediators and one for Kidsline phone counsellors as part of their compulsory training. We used games and interactive activities to highlight key aspects of the law and let youth leaders know when they can refer children and young people to our service. Mira also ran a workshop with a Rainbow Youth high school youth group, highly memorable for the warm atmosphere, awesome bean bag set up and, of course, lots of laughter and intense discussion.



In October we launched our YouthLaw Aotearoa Smartphone app with a half day youth rights workshop for young people. At the launch young people had a chance to download the App and played quizzes and games based on the app. We have enjoyed incorporating the app into workshops: we ran a series of interactive workshops at Northcote College where young people downloaded the app and participated in an app quiz competition to learn about their rights. Much more fun than listening to a lecture! We enjoyed our work at community expos, attending the Manurewa Community Expo in October, with a small team of keen volunteers. We ran another photo voice competition on the theme of youth, which was very popular.



The year also saw YouthLaw workshops for professionals either working or studying to work with youth. These included adults at Unitec Henderson studying to work with youth in the community, students at New Zealand Career College on a pathway to work in health, and postgraduate students at the University of Auckland studying in the area of youth health. Mira did workshops for social workers at the Otara CYFS office, staff at the Solomon Group in Manurewa, and staff at the Youth Service West office in Henderson. Alex and Manawa shared knowledge on youth rights and education law with a cluster of Manukau youth workers in a session organized by

Auckland Council. Velda ran a workshop on youth rights and education law with volunteers from the Onehunga Citizens' Advice Bureau in August. As always, advocacy training for Board of Trustees hearings was well received. October saw Greta and Kim take a trip to Gisborne to deliver a full day workshop—we would love to come back again soon

Employment law was a topic of continued demand, and we delivered workshops to MIT students, students at Skills Update Māngere as well as several workshops for clients of Youth Service West. We connected with Kaipara College senior students on this topic, sharing our top tips on rights at work for school leavers. A less popular topic for schools was Rights at School, but we did visit Auckland Girls Grammar to present on this, alongside the Foundation for Youth Development.

We continued to work with young people who might be more vulnerable, either because of a younger age or because of issues they have been facing in their lives. Mira and Alex visited Whakatakopokai Care and Protection residence in January, delivering several workshops to young residents there. Another relationship that continued was YouthLaw's participation in the Kari Centre's Youth Transitions Project for young people in the community facing mental health issues, during intakes in September and February. We are always impressed by the calm and welcoming atmosphere of this group and enjoyed discussion and games with the young people in the programme, who always also seem to have some curly questions for us up their sleeves!

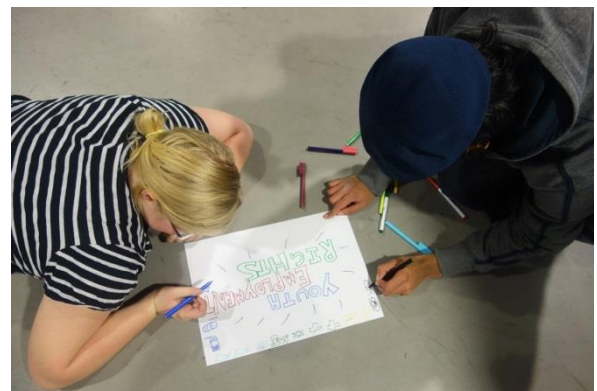
We retained a connection with younger age groups through larger group presentations, mainly to intermediate schools. We also reached a higher number of intermediate aged students, delivering a Children's Rights Gameshow presentation at the assemblies of Papatoetoe Intermediate, Wesley Intermediate, Waimahia Intermediate. We also ran an assembly quiz show on the topic of bullying for Papateotote Intermediate's Safety week. We also managed to reach a wider age group through a modified session on the United Nations Convention on the Rights of the Child to the Mangere Leisure Centre school holiday programme.



YouthLaw's education work is diverse and varied and lots of fun! Workshop participants often ask us "How can I get a job doing what you do?" It is a privilege to be able to do this work, to facilitate groups of youth and adults to be inspired and enlightened on the topic of youth rights, and armed with basic knowledge to empower youth in the future.

Feedback from YouthLaw education sessions this year:

- ✂ It was such an informative morning and the clients [young people] all gave great feedback afterwards saying “why do they not do that stuff in schools?!”
- ✂ Awesome! Wish there had been more time, could have talked for hours.
- ✂ It was very enjoyable and I felt safe to discuss topics with them.
- ✂ Speaker had great energy and passion
- ✂ Inspired, glad there is a Youth Law service as they are doing valuable work.
- ✂ The pace and structure was good. It was valuable to enhance my knowledge.
- ✂ I like how a lot of things about youth rights were made very clear, and I think the app will be really helpful.
- ✂ I felt much more warned about the future for how things turn out if I choose the wrong path
- ✂ I learned something new and liked the feeling they are willing to help if we call up - Whangarei
- ✂ I really liked the interactive games, engaging and interesting.
- ✂ I would love it to be longer
- ✂ I feel really well informed, super helpful.
- ✂ I will look on the webpage for more info now that I'm more interested
- ✂ I really liked when we were all working together and participating in the activities
- ✂ Fantastic learning and creating awareness to better support whanau at school. Really piqued my interest in this field
- ✂ I feel I gained a lot more knowledge from when I first walked in, I really enjoyed this session... I will get more information on the YouthLaw app once I download it
- ✂ I'm happy because I learnt heaps.



Case Studies-Advice Line

Education law:

A. A young person who had been doing very well in a specialist academic program via scholarship began to face some significant hurdles in his personal life. These hurdles significantly impacted on his performance, punctuality, achievement and behaviour. The young person's school wrote to his parents noting that the young man would be facing disciplinary action and would be removed from the special program given his recent behaviour. The news of this was particularly upsetting for the young person who had been thriving in the specialist program and wished to continue in the program. A YouthLaw advocate attended a meeting with the young person, their family and the school, and assisted with negotiating a plan moving forward for the young man to remain in the program and undertake mentoring and counselling. The school agreed that no further disciplinary action would be taken. The young man and his family were extremely grateful for the support provided reporting that having such as supportive advocate helped defuse the tense situation and ensure the young man's continued education.

B. YouthLaw acted for a client with Prada Willi syndrome (a disorder where people have an uncontrollable appetite, do not grow very tall, have intellectual disability and can suffer serious health complications such as Type 2 Diabetes and Heart Disease). YouthLaw's client was 15 years old and was not making progress within mainstream education. She has funding through the ORS scheme for a Teacher Aide for 11 hours per week, however her school was struggling to manage her needs. The school applied for the young person to attend at the Salisbury school, a residential school for girls with special needs. They were advised by the school that the process for enrolment had changed and the school or family now needed to apply for the Intensive Wrap Around service, which they did. They were declined three times and sought advice from YouthLaw. YouthLaw made a number of requests under the Official Information Act to the Ministry of Education, District Managers for Special Education and the client's mainstream school for the file, copies of the application for IWS and reasons the application was declined. YouthLaw was sent the client's education file. The client's mother was then informed that the panel's decision to decline the application for IWS funding had been reconsidered and funding would now be granted. Part of this would be consideration of enrolment at Salisbury school. Eventually the Ministry of Education and the client's mother were able to sign a written agreement under s9 of the Education Act that she would attend at the Salisbury school for two years and her enrolment commenced in February 2015.

C. YouthLaw advised and represented a client aged 9 years old who had been declined ORS funding. She had a number of conditions stemming from a brain injury which occurred in utero, including cerebral palsy, autism, an auditory processing disorder, dyspraxia, anxiety and communication issues. Our client is about 3-4 years behind her peers in achievement at school. YouthLaw assisted her family to obtain additional reports to provide further information to the Ministry of Education so they could reconsider their decision to decline ORS funding. The Ministry declined ORS funding again. YouthLaw prepared written submissions on behalf of the client, represented her at the hearing giving oral submissions and calling evidence from three witnesses (two Doctors and a

teacher). Unfortunately the arbitrator did not over turn the Ministry's decision to decline ORS funding. YouthLaw has continued to advocate on behalf of our client since the hearing, asking her school and the Ministry of Education to increase support and services so she can access the curriculum. The Ministry of Education have put in place an RTLB, and have also agreed that our client should have an assessment for speech/language therapy. We wait to see whether she will be given teacher aid time, assistive technology and have adaptation made to her classroom as she requires to properly access education.

Education law and strategic litigation:

A major case that YouthLaw has been involved with since 2013 came to an end in June 2015. We revisit the facts and the findings of the court below.

In 2013 YouthLaw was instructed by a young 14 year old male student "A" who was excluded after a Board of Trustees meeting from Green Bay High school ("Green Bay") on 11 July 2013.

Throughout his life the young man "A" has had a relatively complex schooling history with numerous school placements primarily attributable to diagnoses of dyslexia, Asperger's syndrome, and cognitive processing difficulties and difficulties with managing behaviour.

Prior to attending Green Bay "A" attended Glen Eden Intermediate school where he had received quite extensive wrap around support with teacher aide hours and additional assistive learning support. "A" transitioned to attend High School at Green Bay. Upon commencing schooling at Green Bay teacher aide hours for "A" were reduced and eventually scheduled for removal. As support for "A" decreased reducing mechanisms to control "A"'s behaviour, "A" was stood down both informally and informally a number of times due to incidents which culminated in his suspension on 11 July 2013.

The incident which prompted the school to suspend "A" was in incident where "A" had tried to take a skateboard from the front of the classroom and skate away, which resulting in a physical tussle between a teacher and "A" who tried to wrestle the skateboard off "A" ("the skateboard incident"). Although there had been a number of incidents leading up to the skateboard incident, the principal of Green Bay suspended "A" pursuant to Section 14 of the Education Act 1989 ("the education act") for gross misconduct.

It is noteworthy that case law has established that gross misconduct is misconduct that is 'striking and reprehensible to a high degree'. In sum, an isolated incident of sufficient seriousness that justifies taking disciplinary action against the student pursuant to section 14 of the Education act. It is also of note that the principal did not choose to suspend "A" for continual disobedience pursuant to section 14 of the Education Act where there is an established pattern of misbehaviour.

When "A" attended the Board of Trustees meeting, the Board conveyed to "A" and his mother that exclusion was being tabled as a mechanism for Ministry Funding. Following the Board meeting "A" received a summary of the Boards findings stating "After considering all the material presented at the meeting, the points raised in the discussion and the options available to it, the board of trustees decided to exclude A from school and require him to attend another school....Reasons why this option was chosen,: A has a long history of complex behavioural and learning needs requiring a significant level of support. The mainstream setting does not provide sufficient resourcing to ensure that A's educational needs are met AND ensure the safety of other students and staff in the school."

The education act and ministry of education guidelines set out that School Boards and principals have obligations to adhere to principles of natural justice and conduct Board meetings and make decisions according to obligations to be fair and reasonable. There is a focus in the Education Act in keeping children in school where possible and only taking the step of exclusion or expulsion in the most extreme circumstances.

Sections 3 and 8 and 9 of the education act set out that every child is entitled to a state sponsored education and that students with special educational needs are entitled to an education that accommodates such needs and is in all respects equal to the education that a student without such special educational needs receives. In 2008 New Zealand ratified the United Nations convention on the rights of disabled persons. This ratification prompted amendments to the Human Rights Act 1993 ("Human Rights Act") specifying that educational institutions were not able to claim immunity from the anti-discrimination provisions of the Human Rights Act where they could reasonably accommodate such student's special needs.

Importantly, with the case of A, there was no acknowledgement that support for his special needs had been removed and the reasoning of the Board decision did not appear to have considered whether there had actually been some gross misconduct on the part of A justifying the most serious step of removing A permanently from school.

The case was reflective of a number of wider issues that YouthLaw was observing through cases on the 0800 legal advice line. In order to provide some context, it is necessary to traverse the history of reform of special education funding in New Zealand.

The provision of special education in New Zealand was radically altered when the New Zealand government introduced a policy known as SE2000. The premise of SE2000 was the mainstreaming of children with special needs into the mainstream. The policy was also aimed at trying to devolve responsibility for provision of services to a local level to avoid cost through centralized administration.

The funding system introduced a hierarchy. Students with high special needs were required to apply for funding under specified criteria. The high needs scheme created was the ongoing reviewable resourcing scheme or ORS. There are 9 criterion which are quite prescriptive and detailed and example benchmarks within the criterion.

Anecdotal reports of those in the sector indicate that the estimated high needs population of students in the country is around 3%. However, support under ORS funding has been capped at 1% through government policy. There has been no real explanation as to why support for high needs funding has been arbitrarily capped. Reviews of the high needs funding system have shown that approximately half the applications fail. When a student cannot obtain high needs support, under SE2000 it is envisaged that schools then meet the needs of low to moderate needs students through a bulk fund known as a special education grant or SEG.

Crucially, the SEG fund is not based on the assessed needs of students in the school but rather the total number of students enrolled in the school and the school's decile rating. Many schools obtain reputations as inclusive schools and attract an excess of students in proportion to allocated SEG funds. This means that budgets are overstretched and they cannot adequately meet the needs of all students. Given the prescriptive criteria, a school with a stretched bulk fund may not have the resources needed to support that student and schools are increasingly resorting to discipline under section 14 of the education act to deal with special needs students with behavioural issues

The Green Bay student was a prime example of a student caught in a system where there was inadequate support for his special needs and highly reflective of a large proportion of Youth law's most vulnerable clients. YouthLaw considered that the case presented as a strategic litigation case which highlighted wider issues. YouthLaw was instructed by student A to seek judicial review of the exclusion challenging the decision making process of both the principal and the Board.

YouthLaw was extremely fortunate to have the support of a leading barrister who offered pro bono assistance on the basis of the public importance of the case. The High court heard the case at first instance in February 2014. The case was successful and the court held that the school did not fulfil its obligations under the education act when it took steps to suspend and remove student A from school. It was found that the school could have made further enquiries before taking steps to suspend the student from school given A's special needs and the fact that special educational support had been reduced. Moreover, the school board did not consider all the relevant possible options to retain the student in school rather determining that the school did not have the resources to cope with student A given his special needs.

The case generated an intense amount of media interest and provided a platform to highlight issues related to funding of special education in New Zealand. The school appealed the decision to the court of appeal and the appeal was dismissed in June 2015. Although the case did not explicitly consider whether or not the school had discriminated against A, the clear acknowledgement of obligations when dealing with special needs students was a legal precedent. Where a student lacks support due to funding, behaviour can escalate. It could be argued that such behaviour is not genuine misbehaviour but a failure to reasonably accommodate the student's special needs. If schools take disciplinary action against students it may be that such action runs afoul of obligations under the Education Act and international conventions.

More recently there has been more acknowledgement at a state level of such policy issues with the launch of a special education review by the government and also commencement of an inquiry into the needs of some special needs students.



Immigration

A. Student A is living in NZ on a residency status with her mother. Student A was living in NZ with her mother and step-father. Her step-father had been abusing her and CYFS had originally been involved. Student A then went overseas and came back thinking things would be fine. However things turned for the worse and the abuse had turned to a sexual nature which made A feel very uncomfortable and conflicted. Despite the circumstances, there was a lot of pressure to not move out due to cultural and family reasons.

After talking to YouthLaw and other support people, A has decided to move out of home. She has since moved into a safe house so she is able to continue her studies in a safe environment. She is a lot happier in her new abode.

B. Student B is living in NZ with her parents. The parents are in NZ on visas, and the family has been going through the process of applying for a new visa to extend their stay. Due to lost communication between Immigration NZ and the family's immigration advisor, B's parents' application was declined. B's parents are in the process of appealing the application; however due to the application being declined, and therefore the visas expiring, B was declined from attending school. A letter was received from Immigration NZ stating B had to be removed from the school immediately and can no longer attend school as a domestic student. With the help of YouthLaw, the Ministry of Education was contacted, requesting for the approval of B to continue their schooling as a domestic student while their visa is being appealed as the family's application was declined due to an administrative error. The Ministry met with the family swiftly and approved for B to return to school as a domestic student the next week, minimising the risk of B being out of education for an extensive period of time.

Criminal law:

A young person was convicted on several criminal traffic charges and was disqualified from driving for 6 months. They were required to drive work vehicles as part of their employment and were told they would lose their employment if they couldn't get a limited license for work. Young person's father assisted him to make a limited license application, but was rejected by the Police on several grounds – including insufficient evidence. YouthLaw got involved at this stage and assisted with gathering the required evidence, liaising with Police Prosecutions to ensure they were happy with the conditions and with drafting the application documents. YouthLaw represented the young person at the Court hearing and the limited license was granted. The young person's father said they could not have managed without the assistance they had from YouthLaw.

Employment law:

A mother called us on behalf of her son who had abandoned his employment due to workplace bullying. He had been sent an invoice for costs the employer claimed the young person owed to them including apprenticeship training fees and reimbursement for tool costs, and the family wanted some legal advice on what to do. YouthLaw first advised the young person on what they needed to do to correctly resign and minimise their liability, including getting medical coverage for

the remainder of their notice period for resignation. We then reviewed their written employment agreement and discussed their potential legal position with respect to the costs, advising them to get further information from the employer. When it became apparent that the young person was getting increasingly stressed and finding it difficult to communicate with the employer, YouthLaw stepped in to assist the young person by liaising and negotiating with the employer on their behalf. After raising a personal grievance on behalf of the young person, YouthLaw was eventually able to negotiate a final settlement with the employer which was more than what the young person was hoping to be able to walk away with.

Casework Feedback

- Hi Joanna, Thank you. Thank you for empowering us to stand up and effectively advocate for our child. The last five years have been really tough. Your advice and guidance has done more for my mental health than I can thank you for. It's been tough seeing my happy, friendly, confident little boy changed by bullying. Thank you for restoring my faith in human beings.
- I have already referred your services to a friend. Thank you very much for all your support and helpfulness
- May I take this opportunity to thank you for your support and help over the past weeks in this matter.
- Thank you so much for your time and effort on my behalf.
- Thank you so much for all your hard work and support...you are awesome and I really appreciate all you have done. :-)
- Your organisation was recommended to me by both Nan and a parent who stated how wonderful Youth Law has been in guiding their family through the Section 10 minefield. Jen Puah's name was mentioned as being an outstanding Lawyer especially in relation to declined ORS.
- I'm very grateful for the wonderful support that Youth Law gave to my son. Organizations like yours are very important for our youth as you give them a voice and make sure that fair practices and positive outcomes are reached.

Feedback from one of our young Gateway participants:

I would like to thank you and Kenton for being amazing people to work with during my visit. I also really appreciate the effort that you guys put in to making my visit informative and enjoyable.

In fact, I am thinking of taking a Bachelor of Laws conjoint with a Bachelor of Arts and I am looking forward to seeing where that will take me.

Certainly, I learnt a great deal at YouthLaw and I was shown that Law is representation, advocacy of voices and communities.

There's a quote that I really like that says in the near future we may be able to have robots, travel to space for holidays and so on, but are we really advancing if we still can't compromise, see other perspectives and respect one another.

With the work that the YouthLaw team does, I have a lot of hope that we will be able to have better futures with the encouragement of young people having their perspective respected and the help of individuals and their communities.

Thank you for the work that you do!

YouthLaw Volunteers

Volunteers have been a crucial and valuable part of our operations in the last year and their input has helped our operations become more efficient.

We have multiple volunteer programmes this year: currently our volunteer programmes include the legal assistant volunteers, MERW pro bono volunteers, Board of Trustees volunteers, law-related education volunteers and GATEWAY programme volunteers. We have trained a number of volunteers in each of these programmes in the past year and have a number on ongoing volunteers from the previous years.

Similar to last year, we currently have a large number of AUT students volunteering with us. We have found the biggest difficulty for our volunteers is the commute from university to our premises in Papatoetoe.

Our collaboration with pro bono partner Minter Ellison Rudd Watts (“MERW”) is, as it has been for several years now, an important part of how we deliver legal advice nationwide. We have made a few variations to our arrangements with MERW where we travel to MERW in the CBD every fortnight, and MERW volunteers also work in our office. In addition to legal help, we had also asked MERW to help us on a research project. We are extremely lucky to have MERW offer their time and expertise to YouthLaw, and their flexibility during this period is greatly appreciated. We would also like to thank Liz Rowe for her continuous liaison and support with us.

We are extremely fortunate to have such a dedicated and skilled group of volunteers; we would not be able to work as effectively without their help. We gain a great deal from the input of our volunteers and we are immensely grateful for all their time and effort. We hope they find their experience at YouthLaw invaluable, and hope they enjoy their time at YouthLaw as much as we have enjoyed their company.

From the survey of volunteers: “It has probably been the most useful experience I have ever had. I gained research skills, reception (interviewing) skills and more importantly skills listening to instructions and carrying out duties.”

“I liked how there is a variety of work involved - interviewing clients, research, making videos. I also liked how while working at YouthLaw, I myself learnt many things related to law.”



Law Reform

YouthLaw submitted on the Gambling Amendment Bill in January 2015 highlighting the issues faced by the local community, and also the impact of changes to legislation on young people. YouthLaw supported the aims of further stringent regulation of conflict of interest situations and further requirements around accountability and transparency. YouthLaw urged parliament to reconsider allowing venues to claim commissions on takings on the basis it incentivizes gambling in the community. YouthLaw also sought further consideration to be given to automatic extension of licenses to three years as this would minimize oversight and accountability. YouthLaw noted that the flow on effects of gambling in the community could be immense for young people. This could include foregoing basic necessities and increase in emotional neglect, loss and deceptive behaviour in families.

YouthLaw also took part in a government workshop in February 2015 which was part of the monitoring and reporting process under the United Nations Convention on the Rights of the Child. YouthLaw was able to provide feedback on key issues for young people in New Zealand and provided detailed written submissions on all aspects of law including youth justice, youth employment, and education.

We also took part in a briefing on the provision of special education in New Zealand in June 2015 with the Ministry of Education. In conjunction with other professionals working in the sector, input was provided on how special education services in New Zealand could be improved in terms of accessibility, adaptability, and availability.

YouthLaw was interviewed by the Equal Justice Project in August 2015 regarding issues relating to school disciplinary systems and how this can be improved. It is hoped that the report that the research team creates will be able to formulate recommendations for how School boards of trustees can improve in terms of ensuring that disciplinary decisions are fair and adhere to the requirements under the Education Act.

In addition to this, YouthLaw provided media commentary in respect of a number of Education law matters. In the context of the case of A v Green Bay, YouthLaw provided commentary to the media on the case and how it highlighted the plight of some special needs students in New Zealand. YouthLaw also provided commentary when the New Zealand Herald ran a series of articles detailing issues with barriers to inclusive education in New Zealand pointing out that the special education system can be arbitrary and inconsistent and advocating for the establishment of an independent education tribunal.

Special project – IHC funding

Over the past few years YouthLaw has gained a reputation for advising and representing special needs children and their families through the appeals process when ORS funding has been declined. We also get a number of calls on the advice line from parents of special needs children concerned that their children are not being supported as well as they could be in mainstream education due to the schools not being funded or resourced properly, or schools lacking an understanding of their needs or what supports are available from the Ministry of Education.

This led YouthLaw to want to examine more closely how children with special needs are funded and supported to access education within the mainstream education system.

We successfully applied for a grant from the IHC Foundation in February 2015 to research and write a report looking at this subject. We will be comparing how New Zealand supports special needs children in mainstream education with how other countries do things, and looking at whether there could be improvements or changes made to the current system in New Zealand.

The report is being completed by Joanna Maskell and Kenton Starr, and it should be available by the middle of 2016.

Funding has also been secured from the Prada Willi society and other NGOs who advocate for disabled children to launch the report in mid-2016, with the hope of effecting change in the education system for children with special needs.

Social Media

In our current age where young people spend so much time online, the best way to reach out and to stay in touch with young people is through social media. Facebook enables us to connect to New Zealanders throughout the nation and also those who are interested in youth issues in NZ and have gone overseas.

Our Facebook presence continues to be mainly through our YouthLaw page where interesting materials (including videos, articles, pictures, snippets of the law etc.) are shared with likers.

This year, we have continued to provide a Facebook page where our likers will hopefully find the content shared with them thought-provoking and informative. We aim to:

- encourage more young New Zealanders to find out about YouthLaw.
- maintain a fun, informative and relevant Facebook page.
- inform our likers of interesting NZ and global news relevant to young people in NZ.
- encourage our likers to think constructively about social issues.
- link ourselves to other relevant organisations.

Statistically, our social media has grown immensely in the last year. Our Facebook profile was unfortunately deleted by Facebook due to our profile not being a real profile; however, our friends automatically reverted to become a liker of our page. A year ago, on 8/9/14, our Facebook page had a milestone of 500 likes. On 1/7/15, the likers on our page have grown to 1018 people.

In the past year, we have started to invest our time in creating short animated clips focused on issues young people often deal with. The videos purport to spike young people's interest in legal issues they or their friends may deal with, and also simultaneously, is a marketing tool to enable more people to know about YouthLaw. These clips are shared both on Facebook and YouTube. The last two clips created both now have over 1000 views and over 50 shares.

In the upcoming year, we are planning to continue a series of helpful short animated clips with one clip each month, in order to continually spike interest, and as a means to create new legal information material.



<https://www.facebook.com/YouthLaw/videos/vb.260390517320210/1175373415821911/>

Legal Information

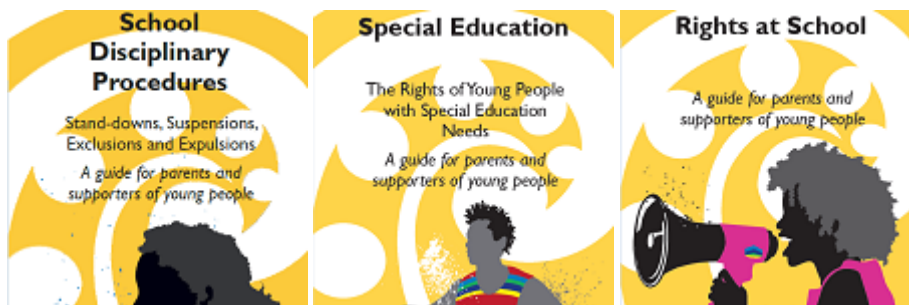


The YouthLaw free phone app was launched at our 2014 AGM. It was created by a young team of designers at Illumix and is a quick way for people to access some of the core information on youth rights. It also enables us to update the information regularly. Since the launch we have had over 100 downloads on android alone and it is also available on iTunes.

The app covers our most frequently accessed web pages and helps people to contact us quickly if they need more advice.

The app is a world first for YouthLaw – we have not found any other comprehensive youth legal rights phone app anywhere else. The only similar app for younger people is one launched by Australia's Victoria Legal Aid in 2013 - Below the Belt: Sex, Selfies and Cyberbullying - but it is currently offline for redevelopment. We look forward to seeing the new version.

The three pamphlets on Education Law for parents and supporters of young people that we developed last year have quickly run out of print, so we are looking at a redesign, incorporating our new logo and colours, and adding a couple more to the list. The pamphlets can still be downloaded from our [website](#).



Finally, we have a new website in development, linked to the Community Law website, so watch out for that over the next year. In the mean time, our current website, www.youthlaw.co.nz, has a comprehensive range of information on our main areas of work.

