

Education rights for tamariki in care



All children have the right to education. Under the United Nations Convention on the Rights of the Child, a child's right to education is universal, regardless of a child's background, location, or personal circumstances.

NEW ZEALAND'S EDUCATION AND TRAINING ACT

Sections 33 and 34 of this Act state the right of all enrolled students, including those with special education needs, to attend school during all the hours the school is open for instruction.

While it is preferable to support the child in your care to attend school full-time, provisions can be made for temporary reduced hours with the school if necessary.

Section 42 of the Act enables a student's parent (or full-time caregiver where appropriate), the school Principal and the Secretary for Education to agree to vary hours as part of a transitional attendance plan when the student's circumstances require this. As caregiver, there are some important things about varied hours you should know:

- The plan must be requested by the child's parents only. This request can be provided in writing via a text or an email.
- It must be considered to be in the child's best interests by all parties involved.
- Evidence is required from a medical professional for reduced hours.
- The plan can be up to six months in duration, and renewed once only for a further period of up to six months.
- The renewal must be initiated by the parent, and must be agreed by them, the school Principal and the Secretary to be in the best interests of the child.
- Evidence from a medical professional is not required for the renewal.

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LEARNING SUPPORT

If you are worried about the academic progress of the child in your care, talk to the child's teacher or health care provider, who can let you know if more support is needed and help you with next steps.

Every school will have a dedicated team responsible for learning support, including:

- a Special Education Needs Coordinator (SENCO) and/or a Learning Support Coordinator
- a team of Teacher Aides, who provide support either in-class, in small groups or one-to-one.

There are additional specialist services and roles to be aware of too, who work across the education sector, such as:

- Early Intervention Teachers (from birth to end of Year 1)
- Speech Language Therapists
- Kaitakawaenga | Māori Cultural Advisors
- Education Support Workers
- Advisers on Deaf Children
- Resource Teachers: Learning and Behaviour (RTLb)

Schools can request an informal or a formal review of the Teacher Aide resource allocated to a student in the Ongoing Resource Scheme (ORS) or the School High Health Needs Fund (SHHNF).

We can help you navigate the learning support journey for the child in your care. You might also find the following links helpful:

- [If you are worried about your child's learning - Ministry of Education](#)
- [Learning support when your child moves to school - Ministry of Education](#)
- [Your rights to state-funded education \(disabled and deaf students\) - Community Law](#)

STAND DOWNS, SUSPENSIONS, EXCLUSIONS & EXPULSIONS

If the child in your care has been stood-down, suspended or excluded from school, we recommend informing the child's social worker, who can legally advocate for the child. You can find information about the way the process should be handled here:

- [Stand downs, suspensions, exclusions and expulsions - Ministry of Education](#)

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MAKING A COMPLAINT

If you think the school is treating your child unfairly, or is not meeting its obligations, the easiest and most effective way of dealing with the problem is to talk to someone at the school about it. You can make an appointment with the Principal to discuss your concerns, or write a formal letter of complaint.

If talking to the principal does not help with your concerns, you can also communicate directly with the school Board of Trustees. To complain to the Board of Trustees formally, you should put your complaint in writing and make sure that the Board Chairperson receives it. You should find an email address for the Board on the school's website.

If you are unable to resolve the problem by talking to the school, you might need to get help from somewhere else. This could include:

- Ministry of Education (for general issues with the school)
- YouthLaw Aotearoa
- The Education Review Office (if the issue affects a group of people)
- The Human Rights Commission (if there has been illegal discrimination)
- The Ombudsman (if you believe that the school has made a decision using the wrong process).

For some practical guidance on easing the transition to school, or a move to a new school for the child in your care, please refer to our [Navigating School](#) information sheet.

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Caring Families Aotearoa (formerly Fostering Kids New Zealand) supports the thousands of children in care in Aotearoa, by supporting their caregivers.

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