



## TAU VALA TALA MAE TAU MAMATUA

# Taofiaga fakaku (suspension), tuku kehe (exclusion) mo e fakaoti mai (expulsion) e tama aoga he aoga fakatufono mo e aoga totogi kua lalafi atu ke he aoga fakatufono

Kua talaatu he aoga kia koe kua taofi fakaku e tama haau ke ai finaatu he aoga. Ko e laupepa nei ne haha i ai e tau vala tala. To ligi manako foki a koe ke onoono atu ke he matafakatufono mo e tau poakiaga hagao ke he tukuaga ki tua, taofiaga fakaku ke ua finaatu he aoga, tuku kehe mai he falu mo e fakaoti mai mo e aoga, ne maeke ke moua mai he ulu aoga.

Kaeke kua fehagai e tama haau mo e tau akonakiaga mai he aoga, to ligi logona e ko e loto fakaatukehe poke logona e ita ke he aoga poke haau a tama. Ko e ha ni, to ligi manako ni a koe ke lago atu ke he haau a tama, poke manako a koe ke fakahala he aoga e haau a tama.

Ko e na mahuiga lahi ke logona e tau faahi ne ua ke he tala moe gahuahua mo e aoga mo e haau a tama he lali ke liuaki e tama haau he aoga.

Fakahautoka

**Tutala mo e haau a tama hagao ke he tau mena ne tutupu**

**Manamanatu ke he mahani he haau a tama mo e finaatu ke tutala ke he ulu aoga**

### Taofiaga fakaku: Ko e tau huhu kua fa logona mau

#### Ko e heigoa e taofiaga fakaku?

Ko e taofiaga fakaku ko e utakeheaga pauaki he ulu aoga e tama aoga mai he fale aoga a to fai fifiliaga mai he matakau fakatonutonu aoga he ha lautolu a fonoaga pauaki ke fakatutala ke he taofiaga fakaku ia. Ke he fonoaga nei, to maeke e matakau fakatonutonu ke:

- » lagaki e taofiaga fakaku mo e nakai fai poakiaga, poke
- » lagaki e taofiaga fakaku mo e fai poakiaga fakalatalata, poke
- » fakaloaloa atu e taofiaga fakaku mo e fai poakiaga fakalatalata, poke
- » tuku kehe mai poke fakaoti mai he aoga e tama aoga.

#### Maeke nakai e tama aoga ke taofi fakaku ha kua moumou e ia e taha poakiaga he aoga?

Nakai maeke e ulu aoga ke taofi fakaku e tama aoga ha kua moumou e ia e taha poakiaga he aoga pokua mahani keleia. To fili manatu e ulu aoga ke he tau talahauaga ke he mena ne tupu ke milino e loto mo e iloa ko e tonu ni a ia ke taofi fakaku e tama aoga.

Kua lata e ulu aoga ke fakahako e tau fifiliaga.

#### Ko hai ne maeke ke taofi fakaku e tama aoga mai he aoga?

Kua maeke ni e tama aoga ke taofi fakaku he ulu aoga he aoga poke taha tagata ne haha ki ai e pule malolo mai he matakau fakatonutonu fono he aoga ke eke mo ulu aoga (**Section 80(1) of the Education and Training Act 2020**).

#### Ko e heigoa e tau kakano ke taofi fakaku e tama aoga?

Kua lata e ulu aoga ke talia e tau kakano mo e maeke ke talitonu ko e:

- » nakai omaoma e tau fanau aoga ke he tau poakiaga (ko e tau mahani keleia ue atu) ko e taha fakiteaga he tau mahani moumou poke hagahagakelea ke he falu a tau fanau aoga he aoga (**Section 80(1)(a) of the Education and Training Act 2020**), poke
- » ka fakatumau e tama aoga ke nakai omaoma ko e taha fakiteaga he tau mahani moumou poke hagahagakelea ke he falu a tau fanau aoga he aoga (**Section 80(1)(a) of the Education and Training Act 2020**), poke
- » ha ko e tau mahani he tau fanau aoga, kua ligaliga ni ke lalahi e tau pakia ke he tama aoga poke falu foki e tau fanau he aoga kaeke ke nakai taofi fakaku e tama aoga (**Section 80(1)(b) of the Education and Training Act 2020**).

## Maeke nakai e taha tama aoga ke taofi fakaku ha ko e taha ‘mena tupu’ ka e kehe e fakahala he taha tama aoga foki ne moua ha ko e ‘mena tupu’ taha?

Ko e magaaho ka fifili he taha ulu aoga kua lata e taha tama aoga ke taofi fakaku, kua lata e ulu aoga ke manamanatu fakahala ke he tau fakamooliaga mo e tau talahauaga kehekehe. Ko e pete ni ke ua e tama aoga ne tuga mai ko e tatai e tau mena ne taute he magaaho ne fai mena tupu, ka kua tuku he ulu aoga e tau vala tala oti ke manamanatu ki ai, ti kua lata ni ke kehekehe e tau fakahikuaga kia laua e tau tama aoga nei.

## Kaeke kua taofi fakaku haaku a tama, ko e heigoa e mena ke taute he mogonei?

Kua lata he matakau fakatonutonu (poke taha komisi he matakau fakatonutonu) ke fono ke fifili e fakahikuaga ha kua taofi fakaku to oti mai e fitu e aho. To nakai maeke e tama haau ke liu atu he aoga a to moua mai e fifiliaga he matakau fakatonutonu. To liga maeke e tama haau ke finaatu ke moua e taha hatakiaga mo e taha fakatutalaaga ke he magaaho ne taofi fakaku (**Section 80(3) he Education and Training Act 2020**). To liga maeke e tama haau ke finaatu he aoga he magaaho ne taofi fakaku ka e finaatu ni ke he falu ni a tau vahega poke tau feua, kaeke kua ole a koe ke he ulu aoga mo e fili manatu e ulu aoga mo e pehe kua fai kakano mitaki (**Section 80(3) he Education and Training Act 2020**). To maeke ia koe ke huhu ko e heigoa e tau fakatotokaaga mae tama haau ke maeke ke matutaki e tau fakaokoaga mahuiga, poke taute e taha kamamatama.

Maeke ia koe ke ole ke he aoga poke Ministry of Education ke moua e taha lagaki he Education (Stand-down, Suspension, Exclusion and Expulsion) Rules 1999. Koe tau poakiaga ne toka ai ke he poko kupega hila he Ministry he: <https://education.govt.nz/school/managing-and-supporting-students/student-behaviour-help-and-guidance/stand-downs-suspensions-exclusions-and-expulsions-guidelines/appendices/appendix-2-education-rules-1999/>

Ko e tau poakiaga nei ne tokai e tau vala tala loga hagaaō ke he tuku ki tua mo e taofiaga fakaku ai finaatu he aoga.

## Ko e heigoa haaku ne kua lata ke iloa hagaaō ke he fonoaga he matakau fakatonutonu?

Ko e fono ke lata mae taofiaga fakaku ne kua lata ke fakahoko to mole fitu e aho tali he moua e poakiaga ke taofi fakaku (poke hogofulu e aho kalena kaeke kua kamata e taofi fakaku ke he tau aho ne fitu fakahiku to fakaoti e kuata aoga) (**Section 81(5) of the Education and Training Act 2020**). To fakailoa atu he ulu aoga kia koe ke he taha tohi ke fakailoa e tula mo e fale ka fakahoko e fono ki ai. To fakafano atu he ulu aoga e tau pepa na ne mui mai 48 e tula to fakahoko e fono:

- » Ko e tau fakaholoaga he tau fono ke lata mae tau fifiliaga ke he taofiaga fakaku.<sup>1</sup>
- » Ko e lagaki he tohi hokotaki he uluaoga ke he matakau fakatonutonu hagaaō ke he taofiaga fakaku.

- » Ko e tau lagaki he falu foki e tau vala tala hagaaō ke he taofiaga fakaku ne amanaki ke folafola ke he fonoaga.
- » Kua tokanoa e tau puhalo kehekehe ha ko e taofiaga fakaku ke he matakau fakatonutonu (**Section 81(1) of the Education and Training Act 2020**) mo e tau fakahikuaga ha ko e tau puhalo kehekehe nei.

Ko koe mo e haau a tama, mo e haau a tau gutu vagahau, ne maeke ke o atu he fono mo e maeke foki he taha ia mutolu ke vagahau. Kua lata ia koe ke palana ko e heigoa haau ka talahau to hoko e fekau (**Section 85 of the Education and Training Act 2020**).

## Maeke fefe a au ke finaatu ke he fonoaga taofiaga fakaku nei?

Ko e na mahani e tau fonoaga ke fehagao aki mata ke he mata ka e ka nakai maeke ia koe ke hoko-tino atu maeke ia koe ke ole ke he matakau fakatonutonu ke lalafi atu a koe ke he fonoaga he telefoni poke fakaoga ke he kupega hila (skype). Tohitohi e manako nei haau mo e fakafano ke he matakau fakatonutonu he magaaho kua logona e koe e tala ke he taofiaga fakaku - mitaki agaia ni ke fakafano e tohi hila poke tohi telefoni ke lata mae fekau nei. To liga ke nakai talia he matakau faktonutonu e haau a tohi ole kaeke ke tomui ke hoko atu kia lautolu (tuga ka moua ke he aho ka fakahoko ai e fonoaga ke he taofiaga fakaku) poke kua ai tuai fai koloa tekenolo e aoga ke fono mo koe ke tuga moe ole haau.

## Ko e heigoa ka tupu he fonoaga?

To moua he matakau fakatonutonu e tohi hokotaki he ulu aoga. To ole atu kia koe ke foaki age ke he matakau fakatonutonu e tau vala tala ne talitonu a koe kua lata ia lautolu ke manamanatu ki ai to taute e fifiliaga ha lautolu. Ko e tama haau mo e ha hukui ni ne uta e koe mo koe to liga maeke foki ke foaki age e falu vala tala ke he matakau fakatonutonu. Mailoga fakamolemole ko e na laulahi he tau matakau fakatonutonu ne manako ke feleveia mo e tama ne kua tupu e mena nei ki ai mo e logona ke he haana a faahi he tala.

Ko e magaaho ka oti e tau vala tala he folafola mo e fakatutala,<sup>2</sup> koe e tau tagata oti ne nakai ko e taha he matakau fakatonutonu ka o kehe mai he fonoaga (pihia foki mo e ulu aoga),<sup>3</sup> a to ui la he matakau fakatonutonu ke fakaata ke he tau tagata oti ke nonofo hifo. To fifili he magaaho ia he matakau fakatonutonu he fakahikuaga he taofi fakaku.<sup>4</sup>

Ko e taha fifiliaga ne kua lata ke taute ke he tuaha mitaki mo e nakai fai mahani tu kau poke eke fakakelea ha ko e tau fekehekeheaki. Ko e kakano he mena nei kua lata e fonoaga ke holo ke he taha puhalo:

- » kua logona ke he tau faahi ne ua
- » kua hafagifagi e tau loto he tau faahi ne ua, mo e nakai fai ke he tau manamanatuaga ke he tau fifiliaga kua mau tuai.
- » kua nakai mui tua e tau faahi ne ua ke he tau poakiaga poke matafakatufono ne nakai malutulutu
- » ko e uta ni e matakau fakatonutonu ke he tau talahauaga ne kua lata ni ki ai
- » ko e moua mai he matakau fakatonutonu e taha fifiliaga ne kakano mitaki, tonu mo e fakalago aki e tau vala tala mooli

<sup>1</sup> Kaeke ke nakai hoko atu a koe ke he fonoaga to fakahoko agaia ni e fono pete ni e nakai fai koe.

<sup>2</sup> Ka fai vala tala foou ne kua folafola hagaaō ke he haau a tama ke he magaaho ne fono ai, to maeke ia koe ke ole ke matakau fakatonutonu ke taofi fakaku e fono ke maeke ia koe ke manamanatu ki ai ha ko e tau vala tala foou nei.

<sup>3</sup> Ko e taha he matakau fakatonutonu e ulu aoga, ka kua nakai totou ko e taha he matakau nei a ia kaeke kua lago ke he matakau ke fifili ko e heigoa e fifiliaga kua lata ke taute.

<sup>4</sup> Ko e pete ni ke atu he matakau fakatonutonu e fifiliaga he fono, to fakailoa atu agaia e lautolu kia koe ke tohi hagaaō ke he fifiliaga mo tau kakano kua fifili pihia.

## Ka mole e fonoaga, maeke nakai haaku a tama ke liu atu he aoga?

Kaeke ke lagaki e taofiaga fakaku mo e nakai fai poakiaga, **E**.

Kaeke ke lagaki e taofiaga fakaku mo e fai poakiaga fakalatalata, **E**.

Kaeke ke fakaloaloa atu e taofi fakaku mo e fai poakiaga fakalatalata ke he taha magaaho fakalatalata, **TO LIU MAI E TAMA AOGA KE HE AOGA HE MAGAAHO KUA KATOATOA E TAU POAKIAGA POKUA OTI E MAGAAHO NE KUA FAKALOALOA KE HE TAOFI FAKAKU (KO E MENA FE NI KA HAU MUA).**

Kaeke kua tuku kehe poke fakaoti mai, **NAKAI**.

Liuaki e tama haau ke liu he aoga: Loga he tau aoga ne fai fakatokaaga ke liuaki e tama aoga ke he taha puhala kua mahani ki ai. Maeke ia koe ke lagomatai ke:

- » gahuahua mo e aoga
- » talia ke he taha fakatokaaga ne kua taute auloa
- » fakakia kua gahuahua e fakatokaaga
- » fai fakatutalaaga tumau mo e aoga.

## Ko e heigoa e mena ka tupu kaeke ke fakaloaloa e taofiaga fakaku?

To nakai maeke e tama haau ke finaatu he aoga he magaaho ne fakaloaloa e taofi fakaku a to ole a koe ke he ulu aoga mo e fili manatu e ulu aoga mo e pehe kua fai kakano mitaki (**Section 80(3) he Education and Training Act 2020**).

Kua lata he haau a tama ke omaoma ke he tau poakiaga ne kua fakatoka hifo he matakau fakatonutonu (ne poaki ke lagomatai haau a tama ke liu atu he aoga). To fai polokalama fakaakoaga pauaki e haau a tama ka foaki age he aoga. (**Section 84(2) he Education and Training Act 2020**). Kaeke ke fakaloaloa e taofi fakaku ke mole e fa e faahi tapu, to fai onoonoaga e fakaholoaga ke he tau fakaakoaga he haau a tama mai he ulu aoga mo e hokotaki atu e ia ke he matakau fakatonutonu ke he tau fono fa mahani mau ki ai. To moua e koe e tau lagaki he tau tohi hokotaki taki taha he ulu aoga.

Kaeke ke huhu e matakau fakatonutonu ke he haau a tama ke omaoma ke he tau poakiaga, mo e kaeke ke nakai omaoma e tama haau ke he tau poakiaga nei, to maeke he ulu aoga ke huhu atu foki ke he matakau fakatonutonu ke liu ke fono foki (**Section 81(3) of the Education and Training Act 2020**). Ko e fono ke liu ke fili manatu ki ai to muitua atu ni ke he tau fakaholoaga tuga he fono fakamua.

## Tuku kehe mo e fakaoti mai: Tau huhu kua fa huhu tumau ki ai

### Ko e heigoa e mena ka tupu kaeke kua tuku kehe e haaku a tama (tama aoga ki lalo hifo he 16)?

- » To nakai maeke e haau a tama ke liu atu he aoga ne kua tuku kehe mai a ia.
- » To lali e ulu aoga ke tauteute e haau a tama ke finaatu ke he taha aoga to oti e 10 e aho aoga (**Section 81(7) of the Education and Training Act 2020**).
- » Kua lata he ulu aoga ke fakailoa ke he Ministry of Education kaeke kua nakai la fakamau e higoa he haau a tama he taha aoga ka kua mole e 10 e aho aoga.
- » Kaeke ke nakai maeke e ulu aoga ke fakamau e higoa he tama haau ke he taha aoga foki, to lagomatai he Ministry ke kumi e taha aoga ke finaatu e tama haau ki ai (**Section 82(1-4) of the Education and Training Act 2020**). Kua lata ia koe ke mailoga, to ligi fai magaaho levaleva e tauteaga nei.
- » Ko e taha puhala foki, maeke ia koe ke fakamau e haau a tama ke finaatu ke he taha aoga foki. Ko e magaaho ne tuku kehe e haau a tama, to maeke e tau matakau fakatonutonu he falu aoga ke nakai talia ke finaatu a ia he ha lautolu a aoga (**Section 87(2) he Education and Training Act 2020**). (To maeke e Ministry ke fakakite foki taha aoga fakatufono ke finaatu e tama ne kua tuku kehe ki ai.)

### Ko e heigoa e mena ka tupu kaeke kua fakaoti mai e haaku a tama (tama aoga 16 e tau tau ki luga)?

- » To nakai maeke e haau a tama ke finaatu he aoga ne kua tuku kehe mai a ia.
- » Ko e pule ni e ulu aoga kaeke kua manako ke kumi e taha aoga mae tama haau ke finaatu ki ai, ka e to talaaage ke he Ministry of Education kaeke kua manako haau a tama ke matutaki atu e tau fakaakoaga.
- » Kaeke ke tuku kehe e haau a tama, to ligaliga e tau matakau fakatonutonu he falu aoga fakatufono ke nakai talia ke fakamau e higoa he haau a tama (**Section 87(2) of the Education and Training Act 2020**). Pete ia, to ligaliga ke lagomatai atu kia koe e Ministry ke kumikumi ke he taha aoga ke finaatu e tama haau ki ai. To maeke e Ministry ke poaki age ke he taha aoga fakatufono ke finaatu e tama ne kua tuku kehe ki ai.
- » Ko e taha puhala foki, maeke ia koe ke fakamau e haau a tama ke finaatu ke he taha aoga foki. Maeke e tau aoga ke ai talia e taha tama aoga ne kua fakaoti mai he taha aoga foki.

### Ko e heigoa e kakano he tau mata fakatufono hagaaao ke he tau tuku ki tua, taofi fakaku mo e tuku kehe?

Ko e kakano he mata fakatufono ke:

- » fakamooli kua igatia e tau mena tutupu ke taute ke he tau puhala kua lata ha ko e tau lali ke moua he tonu mooli
- » foaki e tau tali kehekehe ke he tau mena nei ne kehekehe e tau mamafa ne kua fuafua ki ai.
- » tukutuku hifo e tauhele atu ke he finaatu he tama aoga he aoga
- » lagomatai ke he tau mena kua lata he tama aoga ke taute ke liu he aoga, ke he magaaho kua lata tonu ki ai.

## Fano a koe ki fe kaeke ke manako a koe ke moua e taha puhala mitaki mo e tau hatakiaga?

### Student Rights Service

This service is run by Wellington Community Law Centre (wclc)

**PO Box** 24005, Wellington 6142

**Tel:** 04 499 2928

**Email:** [info@wclc.org.nz](mailto:info@wclc.org.nz)

**Web:** [www.wclc.org.nz/our-services/the-student-rights-service/](http://www.wclc.org.nz/our-services/the-student-rights-service/)

### Address:

Level 2, 15 Dixon St  
Wellington

Te Awa Kairangi  
Level 2, 59 Queens Drive  
Hutt Valley

### Ko e tau matafakatufono mae tau fuata i Aotearoa – YouthLaw Aotearoa (nationwide)

**Tel:** 0800 884 529

**Email:** [nzyouthlaw@gmail.com](mailto:nzyouthlaw@gmail.com)

**Web:** [www.youthlaw.co.nz](http://www.youthlaw.co.nz)

### Komisina mae tau fanau (Commissioner for Children)

**PO Box** 5610, Wellington 6145

**Tel:** 0800 2244 53

**Email:** [advice@occ.org.nz](mailto:advice@occ.org.nz)

**Web:** [www.occ.org.nz](http://www.occ.org.nz)

### Tau fale ne haha i ai e tau matafakatufono mae tau maaga (Community Law Centres)

Web: [www.communitylaw.org.nz](http://www.communitylaw.org.nz)

### Matakau hataki mo e fakatonutonu tagata (Citizens Advice Bureau)

**Tel:** 0800 367 222

**Web:** [www.cab.org.nz](http://www.cab.org.nz)

Manamanatu foki ke he tau tagata ne iloa mitaki e haau a tama mo e maeke ke tutala ma haana, tuga e taha tagata ne fakaako ke he tau feu, faiaoga lagomatai poke tagata hataki mo e fakatutala.

### Fakamolemole ti mailoga:

Liga ke mitaki mai ke ua ole ke he taha tagata gahua he aoga poke taha mai he matakau fakatonutonu aoga, neke nakai maeke ia lautolu ke fakatutala mae haau a tama.

## MINISTRY OF EDUCATION

[www.education.govt.nz](http://www.education.govt.nz)

Tai Tokerau	<b>Tel:</b> 09 436 8900	<b>Email:</b> <a href="mailto:enquiries.whangarei@education.govt.nz">enquiries.whangarei@education.govt.nz</a>
Auckland	<b>Tel:</b> 09 632 9400	<b>Email:</b> <a href="mailto:enquiries.auckland@education.govt.nz">enquiries.auckland@education.govt.nz</a>
Waikato	<b>Tel:</b> 07 850 8880	<b>Email:</b> <a href="mailto:enquiries.hamilton@education.govt.nz">enquiries.hamilton@education.govt.nz</a>
Bay of Plenty/Waiariki	<b>Tel:</b> 07 349 7399	<b>Email:</b> <a href="mailto:enquiries.BoP-Waiariki@education.govt.nz">enquiries.BoP-Waiariki@education.govt.nz</a>
Hawke's Bay/Tairāwhiti	<b>Tel:</b> 06 833 6730	<b>Email:</b> <a href="mailto:enquiries.napier@education.govt.nz">enquiries.napier@education.govt.nz</a>
Taranaki, Whanganui, Manawatu	<b>Tel:</b> 06 349 6300	<b>Email:</b> <a href="mailto:enquiries.wanganui@education.govt.nz">enquiries.wanganui@education.govt.nz</a>
Wellington area	<b>Tel:</b> 04 463 8699	<b>Email:</b> <a href="mailto:enquiries.lowerhutt@education.govt.nz">enquiries.lowerhutt@education.govt.nz</a>
Nelson, Marlborough, West Coast area	<b>Tel:</b> 03 546 3470	<b>Email:</b> <a href="mailto:enquiries.nelson@education.govt.nz">enquiries.nelson@education.govt.nz</a>
Canterbury	<b>Tel:</b> 03 378 7300	<b>Email:</b> <a href="mailto:enquiries.christchurch@education.govt.nz">enquiries.christchurch@education.govt.nz</a>
Otago/Southland	<b>Tel:</b> 03 471 5200	<b>Email:</b> <a href="mailto:enquiries.dunedin@education.govt.nz">enquiries.dunedin@education.govt.nz</a>

## Maeke foki ia koe ke matutaki:

### Ofisa lagomatai ke he tonuhia he tagata (Human Rights Commission)

**Infoline:** 0800 496 877

**Email:** [infoline@hrc.co.nz](mailto:infoline@hrc.co.nz)

**Text:** 0210 236 4253

**Web:** [www.hrc.co.nz](http://www.hrc.co.nz)

### Ofisa he tagata fakatonutonu tokoluga (Office of the Ombudsman)

**PO Box** 10152, Wellington 6143

**New Zealand-wide answer phone**

**Tel:** 0800 802 602

### Tau hokotaki (Complaints)

**Email:** [info@ombudsmen.parliament.nz](mailto:info@ombudsmen.parliament.nz)

**Web:** [www.ombudsmen.parliament.nz](http://www.ombudsmen.parliament.nz)