

8 August 2023

The Office of the Ombudsman

By email only: info@ombudsman.parliament.nz

Dear Sir/Madam,

Complaint: Ministry of Education - literacy supports for tier 3 intervention

We are writing to make an official complaint about the policy advisory and contracting **processes** followed by the Ministry of Education (“the Ministry”), and their **decision to extend contracts** for the continued public funding of the Reading Recovery® programme¹ in New Zealand.

Who we are

[Deb \(Dyslexia Evidence Based\)](#) is a support group for individuals interested in evidence-based support for people with dyslexia. Founded in 2019, Deb started as a Facebook Group. It now boasts a community of over 9,500 members and includes a website. We consist of parents and educators with a passion for providing evidence-based literacy instruction for students facing learning difficulties. We have extensive expertise in evidence-based literacy instruction practices. The Deb Working Group, a Deb sub-group, is made up of field experts including qualified dyslexia educators, literacy specialists in schools, SPELD qualified assessors and parents of children with dyslexia. This sub-group advocates for all children learning to read and write including those with dyslexia.

The basis of our complaint

We believe the processes followed by the Ministry in extending these contracts have been **unreasonable and inequitable**. They have led to, and will continue to produce, **poor outcomes**. This impacts on vulnerable learners - those with severe literacy and language learning challenges, such as students with dyslexia, second language learners, and some Māori and Pasifika learners who continue to lag behind.

Extending these contracts raises concerns about the misallocation of public funds in the vicinity of **\$25 million per year**. This funding has been committed to a programme that has proven to be ineffective for the very learners it was designed to help.

There is evidence of a clear conflict of interest for those recommending this programme within the Ministry.

¹ referred to in the contracts as: Reading Recovery and Early Literacy Support (RR&ELS)

The re-signing of this contract contradicts the Minister's stated commitment to evidence-based practices. Funding this as opposed to other available intervention programmes further contradicts the Ministry's mandate on what constitutes inclusive education. In addition, it unfairly cuts out other potential providers.

The renewal of these contracts is **symptomatic of a wider pattern of behaviour at the Ministry** that has been persistent for more than 20 years. This behaviour ignores scientific evidence; it ignores the requests of teachers and schools; and it ignores the requests by parents of dyslexic children.

The declining literacy rates of New Zealand children is well documented. The stakes are high for vulnerable learners. We cannot afford to be complacent and continue to get it wrong.

It is **imperative** and of **public interest** that the Ombudsman investigate this complaint without delay. We set out in **Appendix A** further details on the substance of our complaint.

Correspondence with Ministry

Since 2020, we, along with numerous other individuals and advocacy organisations, have sought to challenge the Ministry's approach (policy analysis and contracting for services) in relation to the funding of teacher training and the provision of Tier 2 and 3 supports for primary-level literacy learning.

Specifically, our repeated requests for response to questions and concerns regarding the most recent contract extensions, signed by the Ministry, for the provision of Reading Recovery and Early Literacy Support (RR&ELS) have gone unanswered. This is unacceptable.

See **Appendix B** for a list of those interactions. We can provide the written correspondence listed on request.

Contracts subject of complaint

There are three separate contracts in question (Auckland UniServices Limited, University of Waikato, and University of Otago) signed in December 2022. Details of these contracts are available in a release under the OIA published on the Ministry's website- refer to Appendix B for links. These vary the requirements of contracts (Statement of Works) signed in October 2020 and extend the term of those contracts by a year (from 31 January 2023 to 31 January 2024). There are also two annual rights of renewal (2024 and 2025 calendar years) set out in the variation service request. Combined, these contracts are worth \$4.1 million per year.

What is Reading Recovery?

Reading Recovery® is a proprietary educational service trademarked with the New Zealand Intellectual Property Office to the Marie Clay Literacy Trust. It was originally developed in New Zealand by Marie Clay at the University of Auckland in 1985.

Reading instruction happens at three levels within schools under a Response-to-Intervention (RTI) model. Tier 1 encapsulates universal, whole class

instruction; Tier 2 relates to targeted small group teaching (either within or withdrawn from the classroom); and Tier 3 refers to individualised, one-to-one support with a specialist 'intervention' teacher.

Reading Recovery provides intensive instruction for children lacking reading skills, including speciality teacher training and monitoring children for continued improvement. It is considered a Tier 3 intervention.

Founded in the 1970s, Reading Recovery continues to be the only taxpayer funded Tier 3 reading intervention programme in New Zealand.

Reading Recovery is delivered in New Zealand by three universities- University of Auckland, University of Otago and University of Waikato. The Ministry funding covers the costs of coordinating Reading Recovery nationally, via Auckland UniServices, as well as the costs to train new Reading Recovery teachers as provided by the three universities. In addition, the Ministry funds up to 271 FTTE for Reading Recovery teachers in schools, with schools also contributing from their own funds towards those costs. This funding totals approximately \$21 million a year. Overall, there is a total taxpayer investment of at least \$25 million per year for Reading Recovery services.

Addition of 'Early Literacy Support' to Reading Recovery

In October 2020, a new Statement of Work was signed with the three universities to provide "National and Regional Reading Recovery and Early Literacy Support Services". These were extensions made and governed under the Master Services Agreement from 2013.

The Ministry claimed that the changes to literacy supports were needed to "ensure current knowledge about effective teaching and learning is reflected, that supports are responsive of the needs of today's and tomorrow's children, and every teacher is equipped to provide high impact teaching" [para 1.3 Statement of Work, MOE08873-A].

The Ministry decided to offer current Reading Recovery providers, and their leaders, the opportunity to provide these services. The Ministry did not seek alternative providers nor tender for these services. Additionally, the Ministry decided to continue with Reading Recovery despite the clear evidence of the programme's problems and lack of efficacy. The requirements under the new Statement of Works were wider in scope than previous services provided (for example, supporting across-school and systemwide literacy teaching and learning; working with teachers of small groups and children from a broader age range; establishing and supporting a schoolwide monitoring approach; and using the Ready to Read Phonics Plus instructional series). In our view, this changed the nature of the services to be provided substantially and as consequence, an open tender should have then been used.

What we want to see happen

We would like to see the Ministry:

- 1. Investigate alternatives to RR&ELS for the training and funding of Tier 2 and 3 literacy intervention support and make that advice public by 31 October 2023.** This should include a clear requirement that training and support are fully aligned to a structured literacy approach. This should be done in collaboration with structured

literacy experts and schools who have already implemented a fully structured literacy approach schoolwide across all three tiers of intervention. Consideration should be given to allowing schools access to funding to themselves choose the training and intervention for their specific intervention teacher, rather than it be imposed by the Ministry. Additionally, the role of Resource Teachers of Literacy (RTLit) needs to be considered here.

2. **Immediately rule out extending existing contracts** with Auckland UniServices Limited, University of Waikato and University of Otago beyond the current extension (expiring 31 January 2024).
3. **Commit to an open tender process** for any future government contracting of Tier 2 and/or Tier 3 intervention supports based on advice under point 1 above.

Lifting Literacy Aotearoa and Professor Emeritus James Chapman have been advocating for the removal of Reading Recovery for several years. In support of the evidence we have provided, please refer to their recently released document [‘And + And’ rebrand won’t hide stale practice’](#).

Similarly, in 2021 the NZ Initiative published a thorough review of reading instruction in New Zealand titled [‘Reading with the Light Switched On’](#).

The Ministry has been approached regarding these issues ad nauseam without adequate response. How can the Ministry continuously promote inclusiveness and evidence-based practice, yet fund an intervention that is failing our children?

We anticipate your timely response.

Yours sincerely,

Sharon Scurr

Sharon Scurr

On behalf of the Deb Working Group.

Founder of the [Deb Dyslexia Evidence](#) Base Community

Practicing MSL Educational Specialist (IMSLE, Aus)

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ada

Australian
Dyslexia
Association



Institute for
**Multisensory Structured
Language** Education

deb

DYSLEXIA
EVIDENCE
BASED

deb
WORKING GROUP

Appendix A: Details on the Substance of Complaint

Anti competitive behaviour: contract variation and procurement rules

The Ministry claims that the extension of the contracts is allowed under the government procurement rules as there has been no change in scale or scope of the original contracts. We challenge this assertion. The contract variations include a number of requirements which go well beyond the requirements set out in the 2020 contracts and we see this as a clear extension of the scope of the services to be provided. For example, the variation requires providers to “provide services at three levels (1:1, small group, classroom and across school advice)”.

In addition, the Ministry has only ever funded Reading Recovery as the sole provider of specialist (Tier 3) literacy intervention support in schools, since at least 2013 (Master Services Agreement dates to then). Since 2013, we have learnt a lot more about effective reading intervention instruction, and more cost-effective alternatives to Reading Recovery have been developed and are available in New Zealand. We have not seen any evidence that the Ministry has considered alternative models to the training and provision and funding of specialist Tier 3 literacy intervention for New Zealand schools. At best this seems indolent practice, and at worst a deliberate decision to continually favour Reading Recovery and its providers.

We have solid evidence collected from hundreds of schools across New Zealand that they want the funding under these contracts to be opened up, so that they can fund the training and salaries of the literacy intervention approach (structured literacy) and teachers of their choice. Presently under these contracts, the only funded choice they have is Reading Recovery. This is what schools have been saying, as documented in a survey of 307 schools conducted by Lifting Literacy Aotearoa, 31 July 2023.

Conflict of interest

The Ministry of Education's Chief Scientific Advisor, Professor Stuart McNaughton, has a clear conflict of interest in his position advising the Ministry and Government. Professor McNaughton is a current, long standing trustee of the Marie Clay Literacy Trust. McNaughton has publicly supported the ongoing provision of the Reading Recovery Programme as seen in an article in 2020, where he recommends “Strengthening the three-tiered ‘Response to Intervention’ (RTI) model, especially interventions following ‘Reading Recovery’.”² The Trust is the authority responsible for both Dr. Clay’s copyrights and her Reading Recovery trademark. He is also a Professor at the University of Auckland, an educational institution that receives a large proportion of the Government funding for the implementation of the Reading Recovery Programme.

Additionally, Professor McNaughton’s daughter, Tania McNaughton, has recently been appointed as Programme Director for Literacy and Numeracy at Tui Tuia | Learning Circle, a part of Auckland University’s UniServices, providing PLD for teachers. Tui Tuia has been very vocal recently in defending and promoting Reading Recovery.

² McNaughton, S (7 August 2020). *The Literacy Landscape in Aotearoa New Zealand*.

The Minister needs advice on the best, evidence-based literacy instruction that is grounded in the science of reading regarding how the brain learns to read. We believe this conflict of interest relating to Professor McNaughton questions his suitability to provide this impartial advice.

Weak evidence regarding the efficacy of Reading Recovery

Reading Recovery claims the programme “is a proven intervention for literacy learning”. The research supporting Reading Recovery tends to be overwhelmingly ‘in-house, mostly produced by proponents of the programme. A large body of rigorous research published in established high-ranking, peer reviewed international journals has not found Reading Recovery to be beneficial for those children struggling the most with learning to read.

In short, Reading Recovery is not a programme that has been ‘proven’ to be effective in meeting the needs of those children struggling the most with learning to read. At best, some children will benefit. These are usually children who have more advanced development in terms of their alphabetic knowledge and word-level decoding skills. But far too many children do not benefit from this expensive programme. This is due to Reading Recovery’s inadequate attention to foundational literacy skills, rooted in the fact that this approach is inherently grounded in the false ideology of Whole Language with the disproven practice of solving words using cueing (known as the ‘three cueing model’).

Recent evidence highlights that not only is Reading Recovery ineffective for a large proportion of children, it has a detrimental effect on children’s long-term reading outcomes. Three cueing, which is at the heart of the Reading Recovery programme, has been proven to be damaging because it undermines the formation of the brain’s reading neural network, and specifically harms this development in children with dyslexia.

“Data from Reading Recovery annual monitoring reports and other sources indicate that Reading Recovery has had little or no impact on reducing New Zealand’s relatively large literacy achievement gap.”

“Little or no progress has been made in reducing the literacy achievement gap because the constructivist/multiple cues model of reading adopted by the Ministry of Education as the theoretical basis for its approach to literacy teaching and intervention is fundamentally flawed.”³

Another recent, very large longitudinal study in the United States found that the long-term impact of Reading Recovery on students’ reading/ELA test scores in 3rd and 4th grades is statistically significant and substantially negative.⁴

In Australia, an extensive examination of Reading Recovery in New South Wales found that participation in the programme during Year 1 was associated with lower achievement in

³ Tunmer, W., Chapman, J., Greaney, K., Prochnow, J., & Arrow, A. (2013). Why the New Zealand National Literacy Strategy has failed and what can be done about it: Evidence from the Progress in International Reading Literacy Study (PIRLS) 2011 and Reading Recovery monitoring reports, *Australian Journal of Learning Difficulties*, 18, 2, 139-180. <https://www.tandfonline.com/doi/abs/10.1080/19404158.2013.842134>

⁴ May, H., Blakeney, A., Shrestha, P., Mazal, M., & Kennedy, N. (2023). Long-Term Impacts of Reading Recovery through 3rd and 4th Grade: A Regression Discontinuity Study, *Journal of Research on Educational Effectiveness*, DOI: 10.1080/19345747.2023.2209092

Year 3 for almost all Reading Recovery children. The New South Wales State Government announced in December 2017 that Reading Recovery would no longer be funded.

Even the Minister of Education has admitted in November 2022 that the figures relating to the lack of success of Reading Recovery “were concerning”. Furthermore, the National Party’s education spokesperson, Erica Stanford, has said *“the Government needs to take a more structured approach to the programme; It’s very important that New Zealand take a look at that data and consider whether or not we continue on the reading recovery model or move to a different tier three intervention that takes into consideration the latest science around structured literacy.”*⁵

Given there appears to be bi-partisan support for terminating Reading Recovery, it begs the question- why does the Ministry continue to promote and fund this programme?

Reading Recovery is not inclusive for our most vulnerable learners

The Reading Recovery programme is inappropriate in catering for the learning needs of our learners with dyslexia and is unproven as an effective intervention for our targeted Māori and Pasifika learners.

Dyslexia is likely to be the most common literacy learning difference in New Zealand. While the Ministry does not keep statistics on the number of students identified as having dyslexia in New Zealand, the International Dyslexia Association suggests that 15-20% of the population has a language-based learning disability and dyslexia is the most common cause of reading, writing, and spelling difficulties.⁶

On the Ministry of Education’s own Te Kete Ipurangi website, under Inclusive Education⁷, it refers to the approach schools and teachers should take for teaching children with dyslexia. It advocates for a **Structured Literacy** approach, and that it is essential intervention resources use a systematic, synthetic approach to phonics:

*“A structured literacy approach is recommended for students with dyslexia and those who are having difficulty with decoding because it directly addresses phonological skills, decoding, and spelling”.*⁸

Reading Recovery pride themselves on teaching consistently as per their Reading Recovery standards set out and trademarked by The Marie Clay Literacy Trust. These standards state that Reading Recovery lessons must be taught using Mary Clay’s literacy lessons and training. This approach is not a structured literacy approach. And as described previously, the three cueing approach at the heart of the Reading Recovery approach is incompatible and detrimental to a structured literacy approach. Therefore the Ministry is not acting in accordance with its own pedagogical guidance related to students with dyslexia.

⁵ Wakefield, A (2022, November 29). Principal calls for Govt to scrap reading recovery as participation falls. 1News.

<https://www.1news.co.nz/2022/11/29/principal-calls-for-govt-to-scrap-reading-recovery-as-participation-falls/>

⁶ <https://dyslexiaida.org/>

⁷ <https://inclusive.tki.org.nz>

⁸ <https://englishonline.tki.org.nz/Media/Files/IJ-Files/Criteria-for-identifying-effective-literacy-resources-to-support-teaching-learners-with-dyslexia>

Why does the only Ministry funded intervention programme for struggling learners not align with their own recommendations on how to best teach those with the most common learning difference in our country?

In September 2022 (see Appendix B) we advised the Ministry regarding the inconsistencies surrounding what literacy programmes or approaches were being used in schools to support their Tier 3 learners under Reading Recovery.

The Ministry confirmed they do not know what kind of instructional approaches are being used by Reading Recovery teachers funded by the Ministry, nor whether they are following a Reading Recovery lesson based on ideology, a structured literacy approach, or something else. This still stands today.

There is no consistency in the approach for Tier 3 intervention being taken across the country - some schools follow a Balanced Literacy approach (pure Reading Recovery), some a Better Start Literacy Approach for Years 0 -3, others a Structured Literacy approach, and some a mixture of these. This means that any research or reports on the impact of 'Reading Recovery and Early Literacy Support' that have or will be submitted by Reading Recovery may be giving false or misleading results (i.e. it will not be possible to isolate the source of the success if a mixture of strategies are being utilised).

Reading Recovery is the only publicly funded Tier 3 intervention programme available to schools, and it is offered with the bonus of a funded teacher. Schools who reject Reading Recovery and adopt a schoolwide Structured Literacy programme and deliver Structured Literacy at Tier 3 instead do so without the funding for an additional teacher.

The Ministry had the opportunity to seek alternative provision for Tier 3 support when it put out a tender for "professional support for teaching foundational phonics based literacy" in April/May 2021. But the provision of Tier 3 support was not included in this tender. This tender was for \$10.636m and was awarded in July 2021 to the Better Start Literacy Approach (BSLA) team at the University of Canterbury.

These quotes (as published in a survey of schools by Lifting Literacy Aotearoa, 31 July 2023)⁹ from a few schools are typical of what we continually hear from schools:

"Our greatest challenge is accessing funding for our tier 2 & 3 students. With such strong tier 1 happening in classrooms, teachers can now identify those students who require tier 2 / 3 intervention. We have employed a full time teacher who teaches all our ESOL students MSL. Our ESOL students all receive 2 x MSL lessons on top of their tier 1 MSL in their class. I would like to be able to fund another full time teacher to teach all our tier 2 & 3 students."

"Really wish that Reading Recovery funding was available for all schools, not just those who have Reading Recovery, who would like to put the money towards allowing one of their MSL staff to be released to deliver tier 3 support. We don't want Reading Recovery but we want that funding."

"I would love to be able to tap into the funding offered for Reading Recovery and utilise it for SL. We have a literacy specialist that takes small groups out and works on SL approaches to give them a little boost, tier 2 kids. To be able to pay for this through

⁹ <https://www.liftingliteracyaotearoa.org.nz/blog/quarter-of-nz-schools-using-structured-literacy-approach>

teachers salaries as Reading Recovery would be great; we put in 0.2 FTTE and MOE put in 0.2 FTTE, imagine the children we could support in literacy with a specialist literacy teacher for 0.4 FTTE in a small school like ours."

"Reading recovery teachers need to be using structured literacy approach. We need to have a consistent national policy on literacy across NZ, teachers like to have a consistent approach and plans to follow."

"In registered schools - lack of teacher knowledge and support for children with learning disabilities such as dyslexia, and their families. Even though MoE stated that SL was essential for students with dyslexia, our child's school had not heard of this. They were persisting with teaching the child to guess words even when this was identified as detrimental by a specialist."

We question how the Ministry, in good conscience, can sign contracts to continue Reading Recovery (whether it is rebranded Reading Recovery and Early Literacy Support or not) when the widely available research does not back the underlying ethos and approach of Reading Recovery.

Furthermore, we want to know why the Ministry did not include a Tier 3 option in the tender for an Early Literacy programme (BSLA) and instead entered negotiations with the three incumbent providers of Reading Recovery. This implies the Ministry never planned to get rid of the current Tier 3 support, being Reading Recovery.

Not meeting the requirements under current contract - Reading Recovery and Early Literacy Support

It is extremely unclear how the universities who have been awarded the 'Reading Recovery and Early Literacy Support' contracts are meeting the requirements of those contracts that require the incorporation of elements of a structured literacy approach.

No annual plan or monitoring reports have been released by the Ministry of Education (the annual plan for 2023 was due 31 March and the initial report was due 30 June). There is no information on any of the universities or Reading Recovery websites on these matters either. We have also been hearing from schools and Reading Recovery teachers that nothing is happening.

There are a number of issues that indicate to us that we should be concerned about the ability of Reading Recovery NZ and the three universities with the contracts to have the knowledge, expertise, and desire to make those changes. The Ministry has not demonstrated that it has looked into these matters in sufficient detail.

While claims have been made about the programme's transition toward a more 'structured approach', it remains inherently grounded in the false ideology of Whole Language. There is a lack of transparency over the changes being made by the universities to Reading Recovery (or rather Reading Recovery and Early Literacy Support) and what the Reading Recovery website infers about their relationship with Better Start Literacy Approach (BSLA) run by the University of Canterbury.

The Ministry stated in October 2020 (when new Statement of Works were signed with the three universities) that Reading Recovery is being refreshed to "address the

recommendations of the Evaluation of Reading Recovery Report 2019” and “current and emerging Ministry approaches”. The services to be contracted were renamed to “Reading Recovery and Early Literacy Support”.

As part of this, the Ministry stipulated that the approach must include using the new Ready to Read Phonics Plus books. These books are a tool that were designed to be used with the Better Start Literacy Approach (BSLA). BSLA is another Ministry funded teacher training programme for early literacy for Tier 1 and Tier 2. This programme was designed by The University of Canterbury and is called a “structured approach to literacy”. It does not adhere to a strict structured literacy approach as defined by the International Dyslexia Association. This approach is critical for students with dyslexia who often require Tier 3 intervention.

We question who will be doing the training on how to use the Phonics Plus books. There is no mention in the Reading Recovery and Early Literacy Support contracts of any training with the BSLA team at the University of Canterbury, and we understand that the BSLA team are not engaging with the Reading Recovery team. We also have no evidence of any other structured literacy Professional Learning Development providers being approached for help.

The extended contacts show that Tier 1 and Tier 2 learners can be supported using whichever approach the learners' school chooses. This may be a Whole Language approach, a Balanced Literacy approach, or a structured literacy approach. However, these sources state that intervention for Tier 3 learners must be Reading Recovery - this means that the Ministry is still applying the same Reading Recovery approach to support our most vulnerable learners without any regard for the evidence showing that Reading Recovery does not help these learners.

Appendix B: List of correspondence with Ministry of Education on Reading Recovery contract, and other documents and references

Correspondence with Ministry of Education

Date	Title - Subject of Correspondence	Response from Ministry
31 May 2023	Letter from Lifting Literacy Aotearoa to Minister of Education: Sector-wide Plan	No response- still waiting.
15 November 2021	Letter from Lifting Literacy Aotearoa to Associate Minister of Education: Follow up on Literacy Strategy	No response.
7 September 2022	Letter from DEB to the Ministry of Education regarding Reading Recovery	Reply dated 22 September 2022.
22 September 2022	Reply Letter from the Ministry of Education regarding Reading Recovery	N/A

Key references

Date	Document
14 August 2021	Lifting Literacy Aotearoa Position Statement on Reading Recovery
August 2021	DEB Position on Reading Recovery
26 November 2021	Report by NZ Initiative 'Reading with the light switched on'
22 November 2022	1News 'Principal calls for Govt to scrap reading recovery as participation falls'
2022	NZCER: Developing a common practice model for literacy & communication and maths: An overview of the literature See page 13, section 2.3.1 - "Understand the potential of targeted interventions to accelerate the communication and literacy of all ākonga".
31 July 2023	Blog by Lifting Literacy Aotearoa and Professor Emeritus James Chapman 'And + And' rebrand won't hide stale practice

Documents released by Ministry - OIA requests

Date	Document
24 July 2023	Contract between Ministry of Education and Reading Recovery providers : Response · Appendix A · Appendix B
11 May 2023	Briefing Note: Learning Support Action Plan Quarterly Progress Update . Confirming Evidence of lack of funding allocated to Dyslexic Intervention and Screening and programmes.
28 March 2023	Briefing Note: Update on initiatives progressing inclusive education for neurodiverse learners.