



# Teacher ownership or government takeover?

## A PAPER FROM THE PPTA NATIONAL EXECUTIVE

### 1 Rationale

- 1.1 This paper is largely a reiteration of longstanding existing PPTA policy on the Teachers Council. PPTA's policy, established over many years of debate at Executive and Annual Conference, provides an excellent basis for a principled position on what a truly representative Teachers Council would look like.
- 1.2 The government claims that its goal in the latest phase of reforms is to create a Council that engenders a sense of ownership by the teaching profession, but their process and policy positions so far appear instead to be about a government takeover of the Council.
- 1.3 This is not the time for PPTA to be seeking radical change to the Teachers Council, but it is instead the time for PPTA to be holding existing ground in the face of a major assault on the profession.

### 2 Background

- 2.1 In 2010, the government set up an Education Workforce Advisory Committee, whose report included a set of recommendations about "refocusing" the Teachers Council as the professional body for the teaching profession. That particular report showed stunning ignorance of the current work of the Teachers Council.<sup>1</sup>
- 2.2 A subsequent consultation process and forum resulted in virtually no change to the original recommendations, and might as well not have happened.
- 2.3 In 2012, the government initiated a review of the Teachers Council, and appointed a panel led by Judith Aitken, former Chief Review Officer. This committee reported to government in November 2012, but their report only reached the light of day in May 2013 with the announcement of yet another stage in the review.
- 2.4 This stage involved yet another Ministerial Advisory Group, this time led by Graham Stoop, the current Chief Review Officer. This Group was given a short timeframe, eight weeks, to consult around some of the issues raised by the Review Committee. At the same time as announcing this latest

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<sup>1</sup> <http://www.minedu.govt.nz/theMinistry/Consultation/WorkforceAdvisoryGroup.aspx>



consultation, the government released the Review Committee's report and the Cabinet paper containing government decisions on the recommendations of the Committee.<sup>2</sup>

- 2.5 For the purposes of this paper, the term "Teachers Council" is used to refer to the future professional body. The various government documents are far from clear about whether the intention is to create a new professional body or to reform the current Council, with the language ranging across "the transformed body", "reform" and "change" through to "the new professional body", and "a new body" with "a new identity".

### **3 PPTA submissions**

- 3.1 PPTA made a submission on the recent consultation, as had been done on the original review. Both submissions are able to be downloaded from PPTA's website.<sup>3</sup>
- 3.2 In both submissions PPTA argued for the legislative basis of the Teachers Council to be changed from an autonomous crown entity to that of a statutory authority, as had been called for at PPTA Annual Conference in 2010.
- 3.3 We also argued for the Council to have a teacher majority, while at the same time accepting that some non-teacher members of the Council can provide a useful balance.
- 3.4 PPTA submissions have also continued to defend the need for elected teacher representatives on the Council, and in fact have argued for an extension of these elected positions to include a position for a secondary sector principal on the basis that the current single position for a principal always results in a primary principal being elected because of their greater weight of numbers.
- 3.5 We also argued for an elected initial teacher education representative, who must be a registered teacher, on the grounds that this sector is currently unrepresented on the Teachers Council and yet has a considerable interest in the work of the Council in approving and monitoring initial teacher education programmes.
- 3.6 PPTA also advocated for the continued right for PPTA to nominate a representative to a reserved position on the Council. While this right to nominate has always meant that the Minister, theoretically, could reject the union's nomination, this has never happened.
- 3.7 Under the current arrangement, should PPTA submit a nomination for someone who appears to lack credibility as a member of the Council, the Minister could respond questioning the nomination and perhaps requesting a

<sup>2</sup> <http://www.minedu.govt.nz/theMinistry/Consultation/NZTCReviewProposals.aspx>

<sup>3</sup> <http://ppta.org.nz/index.php/-issues-in-education/tc-review>



new nomination. PPTA is satisfied that the current arrangement places a reasonable expectation on the union to nominate only people who have the skills and knowledge needed for the role.

- 3.8 The suggestion in the consultation document that there might be “a process for inviting nominations from the sector as a whole, or from groups within the profession” does not ensure that particular positions on the Council are to be filled by nominees from particular groups, such as PPTA.

#### **4 The issue of ownership**

- 4.1 In the PPTA submission on the recent consultation process, we strongly criticised the government’s opting for speed of decision-making over engagement with the profession.
- 4.2 It is absolutely contradictory for the government to claim that their goal is to establish a professional body which is “owned by the profession” but at the same time rush to legislate because of an election commitment to implement the recommendations of the Education Workforce Advisory Group (2010).
- 4.3 This latest phase of consultation has a grubby history, as revealed in various secret Ministry of Education and Treasury documents obtained by PPTA using the Official Information Act.
- 4.4 These documents indicate that the government’s intention is in fact to change the Teachers Council into a body whose primary role is to control teachers to a much higher level of minutiae than currently, and for which teachers will have to pay higher fees. “Ownership” will rest much more firmly with the government than it does now.
- 4.5 There is much talk in the Cabinet paper and the consultation document of “governance” being required in members of the Teachers Council. This is used to justify a shift to a smaller Teachers Council that is entirely appointed by the Minister.
- 4.6 Governance here sounds more like the board of a corporate entity than a body which contains a range of voices that reflect the teaching profession as a whole. In fact, the consultation document gives this away in its use of the word “board” in question 4: “What skills, knowledge and experience should be required on the board governing a professional body for education?”
- 4.7 There is simply no possibility that teachers will develop a sense of ownership of a Council which is led by a board of this kind.

#### **5 The issue of leadership**

- 5.1 The Minister, in her Foreword to the consultation document, talks of wanting the Council to provide “professional leadership”. Yet what has typified all of



the government's work on the Teachers Council is a deliberate refusal to acknowledge the professional leadership already provided by other organisations, including the teacher unions. This is reflected in:

- 5.1.1 The use of hand-picked Ministerial advisory groups made up of individuals with no elected accountability to any group;
  - 5.1.2 The constant references to unions as “industrial advocacy groups”, which ignores the long history of PPTA, for example, in working towards high quality public education for New Zealand young people;
  - 5.1.3 The clear intention to remove from the membership of the Teachers Council any elected positions or any right for unions to nominate a member to positions reserved for union nominees.
- 5.2 This flies in the face of the evidence that the most successful education systems are those where the teacher unions are respected by the government as having a valid and beneficial leadership role in the interests of quality education.
- 5.3 It is ironic that a government which has committed to hosting here in March 2014 an international summit organised by Education International and the OECD, which is predicated on equal participation by ministers and union officials, would propose to deliberately remove union participation in the country's professional body for teachers.

## **6 The current state of play**

- 6.1 At the time of finalising this paper, early August, the latest phase of consultation has ended and we can assume that the Ministerial Advisory Group will be pulling together their recommendations for the Minister or will have already submitted them. The Cabinet paper notes that the Minister will report back to Cabinet “to confirm final policy decisions in September 2013”.
- 6.2 This means that by the time Annual Conference meets, in early October, it is likely that Cabinet will have made its decisions. Whether the legislation enacting those decisions will have been tabled is uncertain, however. The Cabinet paper declares an intention to introduce legislative amendments in an Education Amendment Bill in 2013, and that Bill has been given Priority 3 status by the government, which means that it is to be passed if possible in the 2013 legislative programme.



## **7 The recommendations**

### **7.1 Key elements of a body owned by the profession**

- 7.1.1 Recommendation 2 is a reiteration of existing PPTA policy on the Teachers Council. It highlights four key elements which PPTA has prioritised in all its representations.
- 7.1.2 The first three date right back to the initial 1999 Labour Government moves to create an Education Council, and PPTA's representations as a member of the reference group that developed it. The right of teacher unions to nominate teacher representatives to positions reserved for them was almost lost in the final stages of writing the legislation, but a last-minute lobbying campaign from PPTA retrieved those positions.
- 7.1.3 The fourth element, statutory authority status, was referred to in two Annual Conference papers, in 2006 and 2010. In 2006, the decision was: "That PPTA push for a review of the legislative basis of the Teachers Council, with a view to shifting to an organisation genuinely owned by the profession". In 2010, this was taken further, to: "That PPTA seek an amendment to the Education Act to change the legal status of the Teachers Council from Crown Entity to statutory authority."
- 7.1.4 The Review Committee only implicitly referred to a shift from autonomous crown entity to statutory authority, by recommending that the professional body "be independent of ministerial direction". The Cabinet Paper signals this as a matter for the consultation process; however there was no question in the discussion paper that directly asked about this, although the Medical Council, a statutory authority, was given as an example.
- 7.1.5 In fact the only professional body in New Zealand that is a crown entity is the Teachers Council, and PPTA's latest submission argued that a shift to the status of an authority was vital for teachers to have a sense of ownership of the body, saying: "Why teachers need to be overseen by a crown entity, when other professionals who work in publicly funded systems such as the health system are overseen by statutory authorities, is far from clear."

### **7.2 Codes of Conduct**

- 7.2.1 Recommendation 3 refers to a recommendation of the Review Committee that a Code of Conduct be developed "for all those employed in the early childhood education and school sectors". The Cabinet Paper supports this in principle, and says that the



Minister supports current work by the Ministry of Education and the School Trustees Association to extend the practice of boards developing codes of conduct for their staff.

- 7.2.2 PPTA has opposed these Codes of Conduct wherever they have appeared, and advised members not to sign them.
- 7.2.3 Teachers are already bound by a Code of Ethics which is a much more comprehensive document and reflects the full complexity of the teacher's role. This Code of Ethics is one of the major reference points for the Teachers Council's Complaints Assessment Committees and Disciplinary Tribunal. Teachers are also expected to meet the Registered Teacher Criteria and the professional standards.
- 7.2.4 Codes of Conduct are usually minimalist documents which grossly understate the teaching role. If Boards of Trustees wish to negotiate Codes of Conduct with non-teaching staff, who are not bound by such a range of codes and standards, that is a separate issue. However, such Codes have no place with teachers.

### **7.3 Māori representation and culturally appropriate practices**

- 7.3.1 Recommendation 4 reflects views strongly expressed at the recent PPTA Māori Teachers Conference. It has been a well-established principle since the beginning of the Teachers Council that there must be Māori representation on the Council. At least one of the Ministerial appointees has always been Māori, and this recommendation endorses the continuation of this practice.
- 7.3.2 In addition, the Council has established practice about the right of Māori teachers and their support people to be able to use Māori language and tikanga in hearings involving them.
- 7.3.3 Recommendation 4 restates PPTA's support for this position.

### **7.4 A plan of action**

- 7.4.1 Recommendation 5 provides for the fact that it is highly unlikely that at the time of Conference members will know what the government plans to introduce in legislation. It empowers Executive to develop a draft plan of action for members to consider, should legislation be introduced that is completely unacceptable to PPTA.
- 7.4.2 This paper is deliberately silent on what such action might consist of, given that the scale of the attack on teacher professionalism is not yet known. It is possible that the submissions on the



consultation document have been of such persuasive force that the government rethinks its intentions. Pigs might also fly, of course.

- 7.4.3 It will be very important for Executive and the members to keep in mind what the target of any plan of action should be. The current Teachers Council itself has taken a courageous position on this review, given its status as an autonomous crown entity. It has kept its constituents, registered teachers, informed about its own submissions on the various stages of review.
- 7.4.4 The Review Committee's report provided a summary of the Teachers Council's submission to it.<sup>4</sup> In that submission, the Council called for a majority of elected members on the Council.
- 7.4.5 The Council also made available on its website its submission on the 2013 consultation process. This is consistent in many respects with PPTA's position: for example the Council advocates for a body of much the same size as now with a teacher majority that is widely representative of the profession; for it to be a statutory authority with greater independence from government; and it argues against any need for an increase in teacher registration fees.
- 7.4.6 The target for any plan of action will therefore need to focus clearly on the government, which is calling the shots with this review, rather than the Council itself.

## **7.5 Building a coalition for a future teacher-owned Council**

- 7.5.1 Recommendation 6 is predicated on the assumption that nothing good will come out of the present government's policies with regard to the Teachers Council.
- 7.5.2 The kinds of groups with whom PPTA might work would be opposition political parties, other professional organisations, lobby groups such as Quality Public Education Coalition, and the like. Just because this government appears bent on a takeover of the Council, it does not mean that under a future government this cannot be changed.

## **8 Conclusions**

- 8.1 It would be dangerous for members to be complacent about the government's intentions for the Teachers Council. For many members, the Council is not a huge feature of their professional lives except for the triennial

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[http://www.minedu.govt.nz/~media/MinEdu/Files/TheMinistry/NZTCReviewProposals2013/NZTC\\_FinalReviewReportDec2012.pdf](http://www.minedu.govt.nz/~media/MinEdu/Files/TheMinistry/NZTCReviewProposals2013/NZTC_FinalReviewReportDec2012.pdf), pp.121-122.



renewal of practising certificates, and perhaps because of their schools' use of the Registered Teacher Criteria as the focus for performance appraisal.

- 8.2 However, a Council reformed/remade in the way that the government appears to intend would rapidly become a much more prominent and pernicious feature of teachers' working lives. This is no time for complacency, while there still may be a chance to avert that.

## **9 Recommendations**

1. That the report be received.
2. That this conference endorses current PPTA policy that a Teachers Council which is owned by the profession requires the following elements as a minimum:
  - a. A majority of registered teachers;
  - b. Elections for teacher representatives;
  - c. The right of teacher unions to nominate representatives; and
  - d. Statutory authority status.
3. That PPTA rejects the proposal for a Code of Conduct developed by NZSTA and the MOE.
4. That the current Teachers Council practice of including Māori representation on the Council, and using culturally appropriate practices in discipline and competence procedures, be continued in any new or reformed body.
5. That in the event of government legislation on changes to the Teachers Council being unacceptable to PPTA, Executive be empowered to initiate a round of Paid Union Meetings to consider a plan of action in response.
6. That PPTA continue to work with interested groups towards the development of a truly representative Teachers Council in the future.