



**PPTA submission on
Education Amendment Bill (No 2)**

to

Education and Workforce Select Committee

November 2018

1. About PPTA

- 1.1 PPTA represents the majority of teachers engaged in secondary education in New Zealand, including secondary teachers, principals, and manual and technology teachers.
- 1.2 Under our constitution, all PPTA activity is guided by the following objectives:
 - (a) To advance the cause of education generally and of all phases of secondary and technical education in particular;
 - (b) To uphold and maintain the just claims of its members individually and collectively; and
 - (c) To affirm and advance Te Tiriti O Waitangi.
- 1.3 This submission is from the PPTA Executive, and is on behalf of all of our members.

2. General comment

- 2.1. This submission will concentrate on two aspects of the Education Amendment Bill (No 2) (the Bill), protecting the public interest in Teaching Council decision-making and the repeal of the COOL legislation.

3. Protecting the public interest in Teaching Council decision-making

3.1. Ministerial intervention

In the build-up to the introduction of the Education (Teaching Council of Aotearoa) Amendment Bill the government went to great lengths to point out that it wanted to retain the Teaching Council as an independent statutory body.

- 3.1.1. Now, according to the notes of the Education Amendment Bill (No 2) changing the composition of the Council's Board from nine ministerial appointments to six ministerial appointments and seven elected teachers will put public interest at risk.
- 3.1.2. PPTA does not accept that view. Furthermore we believe that changing the Act, thus requiring the Council to have regard to government policy actually undermines the Teaching Council's independent status.
- 3.1.3. We believe that the public can have full confidence in the present, majority elected, make-up and the functions of the Council's Board.

- 3.1.4. Firstly, the elected representatives and the ministerial appointees are bound by the collective and individual duties of members of the Teaching Council as set out in clauses 7 and 8 of Schedule 21 of the Act.
- 3.1.5. The purpose of the Council is clearly set out in s377 of the Act, namely, to ensure safe and high quality leadership, teaching, and learning for children and young people in early childhood, primary, secondary, and senior secondary schooling in English medium and Māori medium settings through raising the status of the profession.
- 3.1.6. Section 382 of the Act further sets out these functions in detail, summarised by the Regulatory Impact Statement¹ as:
- enhancing the status of teaching
 - setting standards for initial teacher education (ITE) and improving ITE programmes
 - setting criteria for and carrying out functions relating to teacher registration, including police vetting
 - setting criteria for practice and monitoring adherence to them
 - establishing, monitoring and enforcing standards of conduct
 - undertaking disciplinary and competence functions
 - providing professional leadership, including dissemination of best practice and fostering the continued development of the profession.
- 3.1.7. In addition to the legal responsibilities, the seven elected teacher representatives will be registered teachers, with practising certificates, who are all bound by the Code of Professional Responsibility².
- 3.1.8. The first Commitment Statement of the Code—the Commitment to the teaching profession, addresses this exact issue. In 1.3 it states that the teacher “will maintain public trust and confidence in the teaching profession by demonstrating a high standard of professional behaviour and integrity”. All seven elected teacher representatives are required to uphold the Code, which in itself should give the public assurance. In addition, PPTA has confidence in the democratic process and believes that those elected will act responsibly. Even in the unlikely scenario of an elected representative abusing their position, this would still not threaten

¹ <http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/education-amendment-bill-2018-no-2/>

²

<https://www.educationcouncil.org.nz/sites/default/files/Our%20Code%20Our%20Standards%20web%20booklet%20FINAL.pdf>

the democratic decision making and governance role of the Council, because of the number of appointed members.

- 3.1.9. So, the public interest in the Council's decisions is safeguarded by both the makeup of the Council's Board, the Code which governs the elected members, and the legislative basis and functions of the Council.
- 3.1.10. The amendment bill proposes two main changes
- 1) it gives the minister the power to issue a government policy direction relating to the Teaching Council's functions, and
 - 2) it requires the Council to have regard to it.
- 3.1.11. So, this Bill allows the Minister to issue a government policy direction in relation to the Council's functions and to make the board have regard to it. This subtle change threatens the independent nature of the Council.
- 3.1.12. The Council's functions are governed by the legislation. The elected representatives and the ministerial appointees have a clear brief—uphold the law as set out in Act. With this amendment, however, the Board is put in a compromising situation if minister's policy directions and the legal requirements of the Act are in conflict.
- 3.1.13. If the Minister disagrees with the way the Teaching Council is functioning s/he can raise this with the Board, as happens now. If the Council's functions clash with government policy the Minister has a clear option: change the legislation. The legislative process then ensures that this process is clear and transparent and public confidence in the Teaching Council will be maintained.

3.2. Teaching Council ability to amend rules

- 3.2.1. The PPTA is also concerned about another aspect of the Bill. Clause 12 allows the Teaching Council, at any time, to vary, delete, replace, substitute, or add criteria for teacher registration and the standards for qualifications, after consultation with the Minister.
- 3.2.2. The Association believes that the Council should be able to review and amend these areas but believes that this should be done as part of a regular cycle of review. This review should involve input from the minister, sector and other stakeholders. An open, transparent periodic

review of teacher registration criteria and standards for qualifications will provide the public additional confidence in the Council.

- 3.2.3. PPTA does not believe that the replacement of the word “maintain” in 1 (e) (relating to criteria for teacher registration) or 1 (f) (relating to standards for qualification) with the longer phrases described above is desirable or necessary.
- 3.2.4. In our view, maintenance of the criteria and standards clearly encompasses the power to regularly review and refresh them, as required.
- 3.2.5. Furthermore, this insertion would appear to establish inconsistent powers for the Minister to intervene in relation to certain aspects of the Council’s functions for no apparent reason. For example, the function of establishing and maintaining standards for ongoing practice, and a code of conduct would continue unchanged, while the initial teacher education and initial registration functions would require consultation with the minister.

4. Repeal of COOL legislation

- 4.1. PPTA supports repealing the legislation creating Communities of Online Learning and the reinstatement of existing provisions, especially around Te Kura.
- 4.2. The legislation was rushed, un-consulted and poorly conceived, with little awareness shown of the impact on the wider school sector or the students involved. The PPTA’s policy position on COOL is set out below.
- 4.3. *PPTA does not support the creation of COOLs on the basis that:*
 - a. *private for-profit providers do not have a good track record of educational provision*
 - b. *competition between online providers and brick and mortar schools is not a sound basis for improvement of the education system*
 - c. *full time online learning must have managed and restricted entry for school age students.*
- 4.4. *PPTA supports the development of online learning in order to:*

- a. *provide students access to subjects or particular learning opportunities at a school that they are enrolled at which may not be able to offer them in a face-to-face class*
 - b. *provide access to education for students who are isolated or unable to attend regular schools*
 - c. *provide access to education for students who are unable to attend public schools for other reasons, such as health or alienation from the school system*
 - d. *support teachers to teach their specialist subjects*
 - e. *support teachers to access PLD*
 - f. *enrich and supplement face-to-face learning for all students.*
- 4.5. *In all cases online education which is part of the compulsory schooling sector, whether full time or blended should:*
- a. *be delivered by New Zealand registered teachers*
 - b. *be free to students/parents, ie. fully funded by the government*
 - c. *be based on the NZC/Te Marautanga*
 - d. *ensure the physical and emotional well-being of students.*
 - e. *be fully accountable via ERO and subject to the Official Information Act.*
 - f. *be funded on the basis of actual costs incurred in delivering an education that meets the above tests, and recognises schools' fixed costs.*

4.6. The future of online learning

4.6.1. PPTA believes that digital technologies and online learning have a place in the future of education. The repeal of this legislation will have two benefits. Firstly, it will allow time for proper consultation and research into the development of policy around this important area. Secondly, the policy can be developed in the light of the education reviews, in particular the Tomorrow's School review.