



SUBMISSION

to the

EDUCATION COUNCIL

on

**Draft Code of Professional Responsibility and
Standards for the Teaching Profession**

April 2017

About PPTA

1. PPTA represents the majority of teachers engaged in secondary education in New Zealand, including secondary teachers, principals, and manual and technology teachers.
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.
3. This submission is from the PPTA Executive, and is on behalf of all of our members. At the same time, we have encouraged our members to make individual submissions as well, because the Code and the Standards are of such significance to all teachers.

Equal status of the Code and the Standards

4. We are concerned that the presentation of the draft Code of Professional Responsibility and draft Standards in one document for consultation purposes may be leading some people to see the Standards as in some way subservient to the Code rather than of equal standing. This is partly caused by the Code forming a much larger part of the total document, being a lot more detailed, and being placed first.

We were horrified to see the Minister herself, in Parliament, saying the following: “The draft code, underpinned by standards, will also provide employers with a strengthened disciplinary framework to better ascertain what types of behaviour would be determined a breach.” (Hansard, Tuesday 21 March 2017)

The Standards Working Group talked at length about how these two documents stood in relation to each other, and were quite clear that they serve different purposes and one is not subservient to each other. That message needs to be conveyed very clearly to the public and the profession. We strongly urge that all future publications of the Code and the Standards be as separate documents, to avoid the kind of confusion that the Minister was demonstrating in her comment.

The draft Code of Professional Responsibility

5. **Order of the commitments**

PPTA believes that the order of the sections in the Code gives a wrong impression of the profession’s priorities. **We recommend** the following order: learners, parents/guardians and family/whanau, profession, society. This is actually stated in the current Code of Ethics, where it says, “The primary professional obligation of certificated teachers is to those they teach”.
6. **Formatting and syntax of Code**

These comments in this section of our submission might initially be considered trivial, but we would argue they are not which is why we turn to them first. The formatting, voice and syntax of the Code of themselves convey subtle messages which may well not be consistent with the intention of the authors. **We recommend** that detailed attention be given to these technical aspects of the Code before final publication.

Formatting

There are a number of different levels in each commitment, which is quite confusing:

- There is an overall heading, e.g. 'Commitment to the teaching profession',
- There are "sub-commitments" for each heading, e.g. "1.1 Demonstrating a high standard of professional and personal behaviour",
- Each of these "sub-commitments" is further explained, e.g. "We recognise that we hold a trusted position as teachers and that we have considerable influence over learners... reputation of the profession",
- For each "sub-commitment" there are lists of examples, for which the headers are not consistent even within a "sub-commitment". For example in 2.1, the header for the positive examples is "Examples of behaviour that promotes learners' wellbeing and protects them from harm include..." whereas for the negative examples, wellbeing has disappeared, and it is just "Examples of behaviour that may cause learners harm include..." Should this header not be "Examples of behaviour that does not promote learners' wellbeing and may cause them harm"? In 1.3, the positive header is "Examples of engaging in professional, respectful and collaborative relationships with colleagues.." whereas the negative header is "Examples of behaviour which suggests relationships with colleagues are not ..." which is a completely different syntactical structure from the header for the positive examples. There needs to be consistency between headers, both within a sub-commitment and also across all the commitments, and they could be much less wordy.

In addition, sometimes the positive and negative examples fit on one page, and on others they run on to two pages, and in those cases it is not clear that they are all examples of the one commitment.

Furthermore, there is a lot of duplication of examples across commitments, especially in the sections on commitment to learners, e.g. between 2.1 and 2.2.

There is also inconsistency about whether the examples provided are of actual behaviours or not. In some cases, it appears that the drafters have lost courage and not been able to bring themselves to provide real examples of bad behaviour by teachers. One section that stands out in this respect is both the positive and the negative examples for 1.1. "Any action which might reduce the trust or confidence that learners, their family/whanau, colleagues or others may have in me as a teacher" is not an example of behaviour, it is just a further description of the negative side of the commitment. Even the references to social media here are far too general. Either the Code is going to provide useful examples for teachers to look at and discuss in PLD or it is not; it can't do this for some commitments and not for others.

The first thing a member of the public sees of the Code must not be the whole document as currently presented, with all the examples. This would be counter to the Education Council's function in the Act to "enhance the status of teachers and education leaders". While the details of the Code, including the examples, will have to be available on the Council's website with the educational material, a member of the public going to the Council just wanting to know what the Code says should not come to that level of detail immediately.

We recommend that the formatting be done differently:

- There should be one form of the Code, the one that is prepared for display, e.g. as posters, which is just the commitments and their supporting explanations. One poster should be in Māori, one in English.
- There should be a more detailed form of the Code, for use in teacher PLD, which is formatted with a group of commitments, e.g. the commitments to learners, and then a set of do's and don't's, rather than broken down under each sub-commitment. Alternatively, there could be a significant pruning of the examples to eliminate all duplication and to make it very clear through the examples what the difference is between the "sub-commitments".

Syntax

There is a syntactical problem with the Code as it is currently written, with regards to the lack of a consistent "voice". The "voice" of the Code needs to be clear and consistent. Is it a Code to which each individual teacher commits, or is it a Code to which the whole profession commits?

Most of the Code, including the examples, is written in the first person, but even there it varies between first person singular and first person plural, e.g. "I will maintain public trust ..." but "**We** recognise that **we** hold..." In principle we would prefer the collective pronoun "we" as reflecting the profession's ownership of the Code, but we recognise that for some of the examples this would not work because they are very individual actions, e.g. "misusing my position for personal gain" would not work as "misusing our position for personal gain". That being the case, perhaps the whole code should use first person singular.

In one case the first person plural, which has usually been confined to the sub-commitments, pops up in an example, e.g. 2.6 "maintaining professional objectivity and when this is not possible, discussing it with **our** professional leader". In one place the voice of the Code shifts to third person, e.g. in 1.2 under negative examples, "failing to speak out if **they** are aware..."

Also, under the examples "they", "them" and "their" are used usually for students/learners, and sometimes for families/whanau. We found ourselves constantly having to check back to the statement to work out to whom the pronoun was referring. **We recommend** that the examples not use pronouns in this way, but use the relevant word, e.g. "making discriminatory or derogatory comments about **a learner's** [instead of their] heritage, language, identity or culture".

A further syntactical problem is that while the examples mostly follow a consistent syntactic pattern, in one case, 4.1, this suddenly shifts in “understanding of the rights...” which is using ‘understanding’ as a noun, not a participle. It should be written as “understanding the rights...” for consistency.

We now turn to the Commitments and supporting material in detail.

7. Commitment 1: To the teaching profession

1.1

The sub-commitment reference to “behaviour ... in a ... private capacity” has generated very significant discussion among our members. We accept that there are many actions in the private sphere that would validly raise questions about fitness to be teacher, such as repeated drink driving offences to the extent that they suggest a pattern of disregard for the law and human life, or violence to a partner or children, and that these have come before the Council in real cases. However, teachers have concerns that their behaviour might be considered offensive to a particular BOT and/or staff, even though it is perfectly legal and acceptable to the wider society, e.g. living openly in a same-sex relationship, and that they could become subject to complaints under this part of the Code. Although we recognise that the Council’s procedures would be likely to triage the complaint away early in the process, it would still be a painful experience for the teacher.

We do agree with the wording of the commitment and the sub-commitment, despite the above reservations. But what would help would be some specific examples which demonstrate that this commitment does not expose teachers to discriminatory behaviour. As noted above, the examples here are not actually examples at all.

We also believe that this aspect of the Code, and the Council case law behind it, is not well understood by a number of teachers, especially younger ones. The absence of good examples here, both positive and negative, is unfortunate. Teachers need to have some examples to discuss that are of private behaviours which are not against the criminal law per se, but which have resulted in negative consequences for teachers.

With reference to the last negative example, “sharing inappropriate information on social media”, our ICT Advisory Committee is concerned that this terminology is not future-proofed, nor is it sufficiently broad. We live in a world where people are constantly “connected”, and this might include through phone conversations on a bus or some other place where others might hear information that is private. We need better examples here, with a view to making it clear what makes information “inappropriate” to share.

1.2

The commitment here is fine, and the examples are much more specific than those for 1.1.

1.3

The commitment here is fine, and the lists of examples are generally pretty good. The one about conflicts of interest will need quite a lot more explanation for some teachers, however. We can think of quite a few examples of conflicts of interest that have occurred, such as principals appointing their spouses, a teacher having an affair with another teacher over whom they are in a position of authority, etc. However, some young teachers struggle with the concept that there could be conflicts of interest in schools, so this would be a good area for PLD. Such PLD should cover the requirement to disclose a potential or real conflict of interest so that appropriate decisions can be made. Teachers also need to know the principle: “when in doubt, disclose”.

The first negative example, “refusing to work cooperatively or collaboratively” is too vague, and could be used against someone who was being bullied. **We recommend** it be removed because it just reiterates the code statement, and is not really an example.

1.4

The commitment is fine, but the positive examples are vague. Aspirational statements don’t create a picture of what commitment to tangata whenuatanga and bicultural partnership actually look like. The negative examples are more problematic. The first one needs rewording to clarify that it is referring to PLD that meets an individual’s needs. A major problem for teachers is that they are often subjected to “one size fits all” PLD that may be way below some people’s level of competency or knowledge, and this can certainly be true in this area. Many teachers have used their own resources and time to build their Māori cultural competency, and then found themselves being forced to spend their very limited time in unproductive PLD covering things they already knew. The word “build” in here is critical. A pronoun would help, e.g. “to develop my Māori cultural competency”, or perhaps addition of “relevant” e.g. “failing to engage in relevant professional development opportunities”.

The other two negative examples are far too vague. How in practice does a teacher display this disrespect? How in practice does a teacher deliberately fail to support their students’ educational aspirations? We need some real examples provided.

1.5

The commitment is fine.

However positive example 1, “meeting the Standards for the Teaching Profession ...” has no place here, in the same way that the Standards Working Group recognised that “meet the Code of Professional Responsibility” had no place in the Standards.

The positive example “engaging in professional development opportunities...” needs “relevant in front of “professional”, for the reasons explained above under 1.4.

The positive example “engaging in appraisal processes and acting on feedback from others” should be phrased as “engaging in appraisal processes and **responding to** feedback from others”. The Code should not portray teachers as acting unthinkingly

and uncritically when faced with feedback. Teachers need to engage with and respond to feedback they receive, but not all feedback is useful or relevant.

The last positive example, “contributing to the development of sound, evidence-informed educational policy”, should be removed. Very few teachers have the opportunity to do this. Alternatively it could be rewritten to convey a more school-based policy development, for example “contributing to the development of sound, evidence-informed approaches in one’s own school”. Even then, many teachers work in positions in school environments where they have very little opportunity to contribute in this way. We understand that the examples are not a checklist that teachers must work their way through, but the examples should still not include actions that are unattainable by many teachers.

Looking at the negative examples, “refusing to take up or fully engage in professional learning opportunities” needs “relevant” too, “fully” is really not needed in most of these at all, although the appraisal one could use “genuinely” instead of “fully”. The appraisal example would read better as “refusing to genuinely engage in appraisal processes or to respond to feedback from appraisal”.

We wonder about the value of the critical inquiry example, given that inquiry is invariably part of appraisal processes and is covered elsewhere. The fourth example, about collaborative problem-solving etc, is also problematic. We can see it becoming a weapon in a bullying environment, because the danger is that what is being presented as “collaborative problem solving” and “learning-focussed, collegial discussions” may not actually be that at all. We believe the Council could provide some better examples of what this would look like.

7. Commitment 2: To Learners

2.1

We commented on formatting earlier, but it merits reiteration here. Because of the number of examples for this commitment, the material runs across two pages and the positive and negative examples are not alongside each other. There are also two different sub-commitments here, unlike in other places. One is for the positive examples, “We understand that their wellbeing is vital to their learning and achieving the best of their potential”, and one is for the negative examples. The negative one is actually a definition of “harm” and should be a footnote rather than placed in this position.

Further, this is the only part of the document where footnotes appear – why here and nowhere else? Are they all needed? Should they be here or as Endnotes?

Footnote 4 is a lengthy note about what constitutes inappropriate relationships. This kind of material, which is really useful, should be part of the educational material that is published along with the code to be used in PLD and ITE.

There is also unnecessary crossover between the examples here and in 2.2, contributing to the unusual length of the lists. Some of the positive examples are vague, e.g. “treating them with respect”. Teachers would like to see examples that

describe what this actually looks like, e.g. in tone of voice, showing an interest in students as individual learners, learning names quickly, etc.

The negative example “taking, publishing or sharing images or recordings of them without required consent, or when not authorised to do so” has provoked a lot of discussion among our members. We note that members in almost all teaching areas have occasion to take images or recordings of students for teaching, assessment, or moderation purposes or as part of the teacher’s own professional development or appraisal. The school – not the individual teacher – must be held responsible for obtaining consent for such legitimate and often routine recording and must have robust procedures in place to do so. Some schools ask parents to sign a general consent which specifies what photos might be used for, and then specific consents for other more specialised purposes.

There is a need for more support for schools about what that “relevant and appropriate policy” should look like. Questions of teacher misconduct should only arise where a teacher has taken, published or shared images or recordings in ways that are not permitted by the relevant and appropriate policy.

This is a complex area. All three actions, taking, publishing and sharing of images, might be unacceptable in certain circumstances, but the particular levels of consent or authorisation required for them might differ. If a teacher asked students if they might take photos of them working on a task for the sole purpose of including those photos in their appraisal portfolio or in material for NZQA moderation, then that informal level of consent/authorisation might be sufficient. But if a teacher wanted to put photos of students up on a teaching website, e.g. alongside a unit of work they were sharing, they would require a higher level of consent/authorisation to do so.

This is another area where PLD is required. There is some good material on the Council’s Teachers and Social Media web pages, but more could be added and that material could updated and be given more prominence.

2.2

We think this commitment is in most respects a duplication of 2.1. Certainly the similarity of many of the examples would tend to suggest that. For example, what really is the difference between “creating and fostering learning environments that are safe and which promote their dignity and emotional wellbeing” and “taking active steps to establish and maintain positive and professional relationships focussed on their learning and wellbeing”? Both 2.1 and 2.2 seem to be about relationships really.

The positive examples for 2.2 are quite good, although “active” in the first one is not needed, nor is “always” in the third one.

The negative examples include a lot of duplication with 2.1.

2.3

The commitment here is fine. On the examples, there should be an equivalent of the negative example about sexual orientation and gender identity in the positive list as well to give teachers some idea of what this would look like, e.g. “using the correct pronoun for a student’s preferred gender identity”.

2.4

The commitment here is fine. In the positive examples, “having high expectations for their learning and achievement potential” should be changed to “demonstrating high expectations for their learning and achievement”. You can’t prove or disprove that someone has in their head “high expectations”, but you can recognise it when they are demonstrating it. Having changed it to “demonstrating”, there is no need for “potential”, it becomes a tautology.

2.5

We struggle with the sub-commitment “We strive to meet the needs of every learner providing them with the support they need to reach their full potential”. To make sense there needs to be a comma after “learner”. However, that makes it even clearer that this sub-commitment is asking teachers to do something that may be impossible because the resourcing to provide that support is simply not there. What might be acceptable would be “We strive to ensure that every learner has the support they need to be able to reach their full potential”. Schools and individual teachers do strive to ensure that the support is available, but if the Ministry’s staffing and funding is inadequate, e.g. to supply enough teacher aide time, or to provide release time for a SENCO to support teachers to work with students with high learning support needs, then striving will be all we can do. Schools cannot conjure resourcing out of thin air.

The positive examples here are fine, but we would like to see more negative examples, e.g. “refusing to enrol a student with special needs on the pretext that another school is better able to meet their needs”, “refusing to accept a student into a class despite adequate support being provided”.

2.6

The first negative example could be used vexatiously against teachers. It could be used against a teacher who ran a faith group in a school in lunch hours or after school, or a teacher who set up a feminist group, or a Rainbow group. These are quite common activities in schools, but could be construed as a teacher promoting their personal beliefs, even though the groups were entirely voluntary for students and there was no evidence that the teacher was using them for proselytising, or “recruiting” (which has been an accusation levelled at LGBTI teachers providing support to students who are LGBTI).

There is a difference between a teacher instructing students in a particular belief system as fact, and sharing their beliefs as one way to view the world. The issue of Intelligent Design in Science is an example. There are Science teachers who believe in Intelligent Design rather than evolution; they are entitled to explain what they believe, but this should not be at the expense of teaching evolutionary theory. But how are certificated teachers working in fundamentalist Christian schools where

Intelligent Design is a fundamental part of the religion's belief system and they deny the theory of evolution placed under this commitment?

This is an area for which it would be useful to provide teachers with some precedents and further guidance.

8. Commitment 3: To Parents/Caregivers and Families/Whanau

It would be more concise to head this section "Commitment to Families/Whanau/Caregivers". The word "parents" is implied in "families/whanau" but has a narrower meaning which is not useful here.

3.1

The commitment here is fine.

It is problematic however that there are so many examples here compared with most other commitments. We suggested earlier (Section 6) that grouping the examples under the category heading rather than under individual commitments would help with this.

The positive examples are fine. The sixth negative example, "deliberately using language or jargon that alienates or excludes them from their child's learning" is a problem. It would be very difficult to prove that the language/jargon was used deliberately. The use of inappropriate language could simply be accidental. Education is rife with jargon, and also what would seem like jargon or alienating language to one family would not seem that to another. It can be particularly difficult to explain some curriculum content to some family members, e.g. in Maths the language has changed hugely over the years, and children may understand the terms but their families not. Even the word "algebra" could be impenetrable for some!

The second positive example, "Using language, tone and processes that are conducive to a positive professional relationship" is a far better encapsulation of the commitment, because it makes it clear that this is about establishing a relationship with each family member. We don't believe that the negative example is necessary here.

3.2

Some of the examples here are very similar to those for 3.1, further demonstrating the problem of too much crossover between some of these commitments. For example, in 3.1 we have "Using language, tone and processes that are conducive to a positive professional relationship", and in 3.2 we have "Using clear, accessible language to help them to engage in their child's learning". Surely the positive professional relationship referred to in 3.1 is all about engaging families in their children's learning?

In the negative examples, we like the fact that the interests of the child are paramount and there is a recognition that sometimes parents' wishes are not in the

interests of the learner. The first negative example, “dismissing their views and preferences regarding their child’s care or learning”, is tricky. We realise that the word “dismissing” has been chosen because of its connotation of arrogantly ignoring, but secondary teachers are likely to have experienced situations where families think their child should not be doing a particular subject about which the child is passionate, e.g. music (“it won’t get them a job”) or technology (“I want them to go to university”). The element of discretion in the interests of the child that is in the other examples should be here too. The phrasing could be “disregarding their views and preferences regarding their child’s care or learning (unless this is deemed to be in the best interest of the learner)”.

3.3

We agree with this commitment and the examples.

9. Commitment 4: To society

4.1

The word “strong” in the sub-commitment reference to “a strong and just Aotearoa New Zealand” is problematic. “Strong”, when used for nations, can have a connotation of aggressive nationalism, which is absolutely not what we want teachers to foster. An acceptable alternative would be “a just and sustainable Aotearoa New Zealand”. By “sustainable”, we mean a cohesive society that is economically and environmentally sustainable, globally connected, and has the wellbeing of its people at its heart.

Some examples of what “sustainability” has come to mean:

“A process of change in which the exploitation of resources, the direction of investments, the orientation of technological development and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations.” (The World Commission on Environment and Development)

“In essence sustainable development is about five key principles: quality of life; fairness and equity; participation and partnership; care for our environment and respect for ecological constraints – recognising there are ‘environmental limits’; and thought for the future and the precautionary principle.” (From Making London Work by Forum for the Future’s Sustainable Wealth London project)

“A sustainable future is one in which a healthy environment, economic prosperity and social justice are pursued simultaneously to ensure the well-being and quality of life of present and future generations. Education is crucial to attaining that future.” (Learning for a Sustainable Future – Teacher Centre)

(Downloaded from <http://www.globalfootprints.org/sustainability>)

The positive examples already provided would fit such a rewording well. The first negative example, which appropriately uses the word “discriminating”, should say “Discriminating **against** or excluding people...”

4.2

There is a disjuncture between the commitment itself, “Behaving lawfully and demonstrating high standards of integrity” and the sub-commitment, “We understand that we are role models and appreciate the importance of being responsible, honest and just.” The two don’t quite fit with each other. The word “just” is the problem; “fair” would mean more to teachers.

The concept of “behaving lawfully” pops up again in the first example, which really doesn’t need stating, that teachers are expected to obey the law.

The first negative example is slightly worrying. How would the Council treat someone who was very committed to a cause such as Greenpeace, or fighting animal cruelty, and on a number of occasions took protest action that was on the edge of the law, or even illegal, in the interests of that cause? Would this be considered to be “a pattern of behaviour which suggests a disregard for the law”? We note that former Green Party Co-Chair Russel Norman has just been charged with protest action for Greenpeace. If he were a teacher, could this be in breach of the Code? Surely teachers should be modelling activism for a better world to their students?

The fifth negative example “plagiarism or falsifying appraisals or assessment of a learner’s work” is problematic because it combines too many ideas. Plagiarism of what? How does one “falsify appraisal”? Is this in the context of developing an application for a new job? What is the qualifier with “assessment of a learner’s work”? It reads as if there is something unethical about assessing a learner’s work per se! Does it mean plagiarising or falsifying assessment of a learner’s work? We’re not sure how you would do that. Perhaps it means by rewriting a learner’s work so they get a better grade, or providing inflated grades to NZQA or on reports, but we’re not clear. This example needs a substantial rewrite.

The tenth negative example, “failing to inform relevant authorities...” etc. is highly problematic in a number of respects. Who exactly is “authorities” referring to? The Council? One’s employer? Someone else? The problem here is with the example including a mix of situations where different “authorities” might be involved, though the only two “relevant authorities” we can think of are the Council and one’s Board of Trustees. A prospective employer is not exactly an “authority”.

A teacher must inform both the Council and their current employer if they have been **convicted** of a criminal offence. They are not required to self-report before then, so the reference to being charged must be removed.

The fact that they have been dismissed, or resigned for reasons of competence or conduct might come up if they are applying for a new practising certificate and can’t get an endorsement from a previous school, although the previous employer should have already informed the Council about this under the mandatory reporting

requirements so this would be on record and the Council would take it into account in deciding whether to issue a new practising certificate without that endorsement.

A teacher is certainly **not** required to notify the Council if they have been suspended by their school, because they may be exonerated by the school's investigation and no report is required to be made to the Council by the school or the teacher.

It would be ethical for them to inform a prospective employer if they have been dismissed or resigned during a competence or conduct process at their previous school, and in fact falsifying information in a job application is fraudulent. However, it is also the responsibility of a prospective employer to follow up references, something some of them fail to do with disastrous consequences.

The solution would be to itemise all of these situations separately, but is that really necessary here? Almost all of this is covered in various other Council documents.

4.3

We are fine with all this.

The Standards for the Teaching Profession

10. The name

Although in this submission we have used the term “standards” because it is what the draft uses, PPTA has a strong preference for these to be called “Practising Teacher Criteria”, as the current standards are. We don't believe that teachers will have any difficulty with this; we think for a time they will be known as “the new criteria”, but eventually they will just be **the** Practising Teacher Criteria.

One advantage of using the term “criteria” is that it helps to distinguish these from the professional standards in the collective agreements. While those standards may at some stage be replaced by these criteria, the reality is that for the foreseeable future both sets will remain, at least in the STCA.

A second advantage would be that using the same name would reiterate to teachers that these criteria are very similar to their current PTCs, but there has been a consolidation that will be very welcome to teachers.

Thirdly, the meaning of “criterion” (and its plural “criteria”) makes it the most appropriate word: “a principle or standard by which something may be judged or decided”(Oxford English Dictionary, <https://en.oxforddictionaries.com/definition/criterion>). That is fundamentally the purpose of these criteria, a set of principles or standards to assist professional

leaders to make the decision whether a teacher should become or remain certificated.

Lastly, in our experience teachers are much more comfortable with the term “criteria” than “standards” in this context. Secondary teachers work with assessment standards all the time, and these standards are used for making summative judgements, not for developmental purposes. The same, we presume, would apply to primary teachers with their use of National Standards.

If the term “Practising Teacher Criteria” is retained, as we recommend, the Council needs to do some further publicity for teachers, at the time that these are launched, about why we now talk about certification rather than registration, and why they are now called “Practising Teacher Criteria” rather than “Registered Teacher Criteria”.

At the time that the Education Council replaced the Teachers Council, there was a lot happening and many teachers were unaware that one of the consequences of the Education Amendment Act was that registration and holding a practising certificate were separated, leading to the terminology “registration” being replaced by “certification”, and the Criteria becoming Practising Teacher Criteria for the issuing of practising certificates, not for registration per se. Many teachers still talk about registration as what they renew every three years, and about the criteria as Registered Teacher Criteria. This would be a good opportunity to communicate about this again.

11. Number of standards and status of indicators

PPTA strongly supports the reduction in the number of criteria to six from the current twelve. This brings together Practising Teacher Criteria that were closely linked. It is probably the case that schools could have seen them in this way all along, but the fact is they largely did not.

We see the six standards as forming a coherent whole that describes the whole act of teaching. They are not sequential, in our view, but they are holistic and encompass everything necessary. The reduction in number will be much more manageable for schools, and should help to reduce the over-engineering of appraisal that has been happening in some schools.

The status of the indicators, as helping to flesh out a picture of what each standard looks like in practice, must be emphasised in all material produced to support the standards. It would be disastrous if the indicators were turned into checklists, in the way that they were in a few places initially when the Registered Teacher Criteria were first launched.

At the time that the Registered Teacher Criteria were being developed, the profession was quite clear that in order to write a set of criteria that could be used in all of the wide diversity of settings and contexts from ECE to tertiary, and for teachers at all stages of their careers, the criteria must be at a broad generic level. The view was

that the profession must be trusted to apply these broad criteria appropriately for their particular situations. It is our view that this has worked fine, and that schools and ECE have proved they can be trusted to do this application of the criteria. Of course this has not been perfect, and some schools and centres have needed extra help to understand the task. But the alternative, to write a multiplicity of standards for a multiplicity of situations, minutely detailed, is simply not viable and would not treat the teaching profession as the professionals that we are.

We are therefore pleased that the issue of minutely specific versus broad generic standards is not being relitigated, as it was at the beginning of the development of the Registered Teacher Criteria. It is our view that the fact that the Council feels able to put forward six standards to replace criteria is a demonstration of its faith in the maturity of the profession.

12. The standards themselves

Standard 1: National context

We strongly support the wording of the standard, and recognise that the criteria are very similar to the current. The one part that is new is the use in indicator (a) of the phrase “so Māori achieve educational success as Māori”. We suspect that while this phrasing has become common usage in the policy realm, there will be many teachers who don’t really understand what it looks like in practice. As with some other aspects of these standards, we can see a need for PLD for some teachers, but by no means all. The trouble is, one PLD programme that did assist teachers in this area, Te Kotahitanga, got translated into “Te Kotahitanga Lite” i.e. He Kakano, and this He Kakano got absorbed into Kia Eke Panuku i.e. “He Kakano Lite”, and now this has disappeared with the latest wave of reforms. The profession needs reliable access to the PLD required in this, and many other areas.

Standard 2: Professional learning

The standard itself requires the word “positively” after “impact” to ensure that there can be no confusion about what kind of impact we want. We like the fact that the standard emphasises “learning and achievement” rather than the recent heavy emphasis on “outcomes”.

In terms of the indicators, we have some concerns about indicator (e), “Seek and act on feedback from colleagues...” Teachers are professionals, and sometimes they will need to exercise discretion about their response to feedback. For example, they may be being bullied, or they may be working with a colleague who lacks knowledge and understanding about new and evidence-informed approaches to teaching. The words “act on” should be replaced by the words “respond to”, to allow for a thoughtful response which could include a well-informed and wise decision not to act on the feedback.

Standard 3: Professional relationships and behaviours

We are pleased to see that learning and wellbeing are here in the same standard. It helps to remind everybody that the two are inextricably linked; if a student is not experiencing wellbeing, their learning will be negatively impacted.

Standard 4: Learning-focussed environments

PPTA is very happy with the wording of this standard. We think it articulates a 21st century view of learning, particularly in the choice of “collaborative” and in the fact that the emphasis is on the processes of **learning** rather than **outcomes**. We also like the use of the words “inclusive and safe”.

We have no problems with the indicators here. Some of them, i.e. (d), (e), and (g), are familiar from the current Practising Teacher Criteria. Others contain similar ideas from the indicators in the PTCs but are better phrased. Together they comprise a full picture of a high quality learning-focussed environment.

Standard 5: Design for learning

We are interested in the choice of phrase here, “Design for learning”. This has connotations of the body of educational theory about Universal Design for Learning. While this body of theory may have considerable value in terms of its focus on pedagogies for diverse learners including the use of ICT, it is not well known among New Zealand teachers. We prefer the usage in the standard itself which omits the “for”, i.e. “Design learning based on ...” Rather than have the heading imply that this standard is about a particular educational approach, Universal Design for Learning, completely different words should be used in the heading, or alternatively simply omit the “for” and use “Design learning” as the heading.

The indicators combine ones from PTCs 9 and 11, with the addition of new ones. Indicator (c) is good because it provides clearer guidance as to how to enact biculturalism in the classroom.

The one we are troubled by is (e), “Be informed by national policies and priorities”. The words “Be informed by” are very important here, and we would not want to lose them in favour of something like “Follow national policies and priorities”. Our reason is that some national policies are quite problematic at the classroom level. Secondary teachers, for example, find the government’s Better Public Service target of 85% of 17 year olds achieving NCEA Level 2 becomes problematic as it is operationalised at school level. It can result in teachers being pressured to “credit shop” for standards they know students can achieve rather than to set more challenging learning goals for them. It can even result in pressure on teachers to reassess and reassess until a student achieves, even though NZQA rules do not allow this. This leads to “empty” qualifications which do not represent real learning.

The words “Be informed by” recognise that teachers are professionals and sometimes will make well-informed decisions in the interests of the individual learner that may be in conflict with a strict interpretation of national policies and priorities. These words need to remain here.

Standard 6: Teaching

This is an intriguingly concise title for the standard, but one with which we are comfortable, given the wording of the standard itself.

We like the use of the word “repertoire” in indicator (a) as conveying a picture of teachers as knowledgeable and evidence-informed professionals who choose carefully from a range of approaches to suit the individual learner and the context. We also like the use of the word “increasing” here because it reminds us that teachers are constantly learning new approaches to bring to bear in particular situations.

Indicator (c) needs some slight tweaks to improve the clarity and grammar, i.e. the addition of a comma after “collaborate” and of the word “to” in front of both “self-regulate” and “develop”. This would change it to: “Enable learners to collaborate, to self-regulate, and to develop agency over their learning”.

13. Implementation – Code and Standards

We note the questions in the submission template regarding resources to support the introduction of the new Code and Standards. Items suggested there, a discussion pack, online learning modules, webinars, a handbook, and posters would all be useful. What is important with these is that they not be generic, however, but designed for particular audiences. For the Code especially, that audience includes BOT members, families/whanau and the wider community and for these audiences material should be at a relatively general level.

For the profession, there will be a need for the materials listed and more, and directed at the different audiences within the profession: ECE, primary and secondary, beginning teachers, experienced teachers, middle and senior leaders, and people in specialist roles. For example, some very good material was produced in conjunction with NZAC to show counsellors how their work would provide evidence against the current Practising Teacher Criteria. This will need to be revised for the new standards/criteria.

There will also need to be work done to revise the extensive material on appraisal on the Council’s website, to bring it into line with the new standards/criteria. This would be an opportunity for the Council to reiterate that the “over-engineering” of appraisal which we observed during the work of the Workload Working Group in 2016, to which the Council was a party, is not necessary or useful.

In relation to education about the Code, we reiterate that the examples need extensive refinement to eliminate duplication and to ensure that they are all genuine examples rather than just re-statements of the commitments, and that consideration be given to a different way of presenting them, possibly grouped under each category of commitments, e.g. to learners, to the profession, etc.

The examples need to be presented in such a way that no-one will be able to conclude that they are an exhaustive list, and that if something is not on the list, it is acceptable. There is a huge risk in providing examples that they will be seen as the whole story rather than what they are, some examples to set teachers thinking about what the commitments mean in practice.

Ethical decision-making in teaching is sometimes a matter of a teacher having to make a choice that is least harmful. The Code recognises that, for example, where it provides, under Commitment 3.2, that sometimes families/whanau will have to be excluded from significant decisions affecting their child because that exclusion is in the best interests of the learner. Sometimes a choice will have to be made that what might be best for one learner cannot be prioritised because it will not be in the best interests of a larger group of learners. These kinds of decisions are the reality of teaching.

This means that educational material around the Code needs to be of particularly high quality and designed for all the different audiences.

At the time of the launch by the Teachers Council of the current Code of Ethics, although there was a small pilot project conducted by Massey University on behalf of the Council, there was never funding available for comprehensive face to face PLD about the Code. Many of our members are passionate about the Code and its importance, and demonstrated this in their submissions to the Select Committee on the Education Amendment Bill that introduced the Education Council.

However, many younger teachers were not in the profession at the time the Code was introduced, and there has been no systematic PLD for them about it. Teacher educators say that they devote as much time in their courses as they can to educating students about the Code and about teaching as an ethical profession, and our Field Officers, when they are invited to speak to ITE students always talk about ethical issues. However, this is not enough. It is when teachers are actually in their positions and beginning to encounter real ethical dilemmas in their daily work that they need PLD about it. We do not believe that much time is spent in most beginning teacher induction programmes on ethical issues. No doubt specific ethical issues are discussed within mentoring relationships, but there is little material around currently to support this work.

The quality of implementation of this Code will have far more influence on its impact than the actual words used in the commitments or the nature of the examples. We believe that this is an area where online and written materials will not be enough. There needs to be a comprehensive programme of face to face PLD offered to the profession. This needs to be of very high quality, targeted at the different audiences, and widely available. It needs to be the kind of PLD that reminds teachers of the power and influence that they hold over young lives, and gets them talking with excitement about the complex ethical issues that they face in the profession today. It must not, under any circumstances, be PLD that “talks at” or “talks down” to teachers.

