

The Code in Practice

Explore examples in practice based on different scenarios to help you identify what you think are potential breaches of *Ngā Tikanga Matatika | Code*.

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**Teaching
Council of
Aotearoa
New Zealand**

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Ngā Tikanga Matatika mō te Haepapa Ngāiotanga | Code of Professional Responsibility

1. Commitment to the Teaching Profession

I will maintain public trust and confidence in the teaching profession by:

1. demonstrating a commitment to providing high-quality and effective teaching
2. engaging in professional, respectful, and collaborative relationships with colleagues
3. demonstrating a high standard of professional behaviour and integrity
4. demonstrating a commitment to tangata whenuatanga and Te Tiriti o Waitangi partnership in the learning environment
5. contributing to a professional culture that supports and upholds this *Code*.

2. Commitment to Learners

I will work in the best interests of learners by:

1. promoting the well-being of learners and protecting them from harm
2. engaging in ethical and professional relationships with learners that respect professional boundaries
3. respecting the diversity of the heritage, language, identity, and culture of all learners
4. affirming Māori learners as tangata whenua and supporting their educational aspirations
5. promoting inclusive practices to support the needs and abilities of all learners
6. being fair and effectively managing my assumptions and personal beliefs.

3. Commitment to Families and Whānau

I will respect the vital role my learners' families and whānau play in supporting their children's learning by:

1. engaging in relationships with families and whānau that are professional and respectful
2. engaging families and whānau in their children's learning
3. respecting the diversity of the heritage, language, identity, and culture of families and whānau.

4. Commitment to Society

I will respect my trusted role in society and the influence I have in shaping the future by:

1. promoting and protecting the principles of human rights, sustainability, and social justice
2. demonstrating a commitment to Te Tiriti o Waitangi based Aotearoa New Zealand
3. fostering learners to be active participants in community life and engaged in issues important to the well-being of society.

Examples in practice

Ngā Tikanga Matatika | Code reflects the expectations of conduct and integrity that we all share; what we expect of each other and what our learners, their families and whānau, their communities, and the public can expect of us. It is a set of aspirations for professional behaviour - not a list of punitive rules. It reflects the expectations teachers and society place on the profession. Upholding the expectations in *Ngā Tikanga Matatika | Code* is the responsibility of each of us. If one of us breaches *Ngā Tikanga Matatika | Code*, it can affect us all, changing how others see us and how the profession is valued.

The [Education and Training Act 2020](#) makes it binding on all teachers and holders of Limited Authorities to Teach (LAT).

When teachers worked with us to develop *Ngā Tikanga Matatika | Code*, they told us that the discussions around different scenarios were a great way to gather different perspectives and insights into what we should expect of each other. Therefore, we have put together a number of scenarios for you to discuss with your colleagues.

What is misconduct?

Misconduct described in any of paragraphs (a) to (e) and (k) of subclause (1) (of [Rule 9](#) of the [Teaching Council Rules 2016](#)) may be:

- a single act; or
- a number of acts forming part of a pattern of behaviour, even if some of the acts, when viewed in isolation, are minor or trivial.

What is serious misconduct?

Serious misconduct is conduct that:

- adversely affects, or is likely to adversely affect, the well-being or learning of one or more learners; or
- reflects adversely on the teacher's fitness to be a teacher; or
- may bring the teaching profession into disrepute.

AND

- is of a character or severity that meets the Teaching Council's criteria for reporting serious misconduct under [Rule 9](#) of the [Teaching Council Rules 2016](#).

How would I know if the behaviour or actions of a teacher constitutes misconduct or serious misconduct?

Read through each of the following scenarios and use the [Code of Professional Responsibility information](#) to identify what you think are potential breaches of *Ngā Tikanga Matatika | Code*.

Scenario one

It's been a rough weekend for the teacher. His marriage appears to have broken down, his car won't start, and his super rugby team just lost in the final.

On Monday morning, he is feeling decidedly dusty turning up to teach his year 5–6 class. As the morning progresses, all 28 children in the class are excitedly completing an enquiry activity which involves group work discussion. The noise is starting to become too much for the teacher after a weekend which involved quite a lot of alcohol.

After using his usually effective behaviour management strategies to bring the working noise level down, one child turns to the teacher and says, 'but we ARE doing our work.' The teacher responds by yelling back, 'sit down and shut the f**k up.' The class are noticeably stunned by what has just occurred. The student who was sworn at tells the duty teacher at morning tea what happened.

An employment investigation is conducted by the principal, where student accounts of the event are completed. The teacher is asked about the incident and admits that he responded in a way that he usually wouldn't but does not remember swearing.

What do you think could be potential breaches of *Ngā Tikanga Matatika* | Code related to the scenario?

Commitment to the Teaching Profession	1.1	1.2	1.3	1.4	1.5	
Commitment to Learners	2.1	2.2	2.3	2.4	2.5	2.6
Commitment to Families and Whānau	3.1	3.2	3.3			
Commitment to Society	4.1	4.2	4.3			

What are your thoughts? Is this misconduct or serious misconduct? Think about your reasons why/why not.

Example of an outcome for this scenario:

Potential Code breach(es)	1.3	2.1
Misconduct or serious misconduct	Misconduct	
Reasons	Aggressive verbal language. One-off incident. Not directed at one child. Teacher remorseful. Not emotional abuse as not sustained. Breach of <i>Ngā Tikanga Matatika</i> Code but not a serious breach.	

Scenario two

An ECE kaiako is leading mat time and reading a story to a group of tamariki. The kaiako notices a child sitting playing with a toy truck when there is a “no toys at mat time” rule. She reminds the child of the rule and asks them to return the truck to where it belongs. The teacher continues reading the book to the group. However, when she looks over again, the child is back to playing with the truck and another child is starting to join in with loud ‘vroooooooooooooooooom’ noises.

The kaiako reaches over and tries to grab the truck out of the child’s hands. When the child refuses to give up the toy, the teacher takes hold of the child’s arm, hoists them upwards, and drags them over to the construction corner approximately five metres away. The teacher forcefully removes the truck from the child’s hands and places it back on the shelf where it belongs. The child appears in distress to the other kaiako in the room, and a red mark is appearing on the upper arm where the child had been held by the kaiako. Another kaiako in the room takes the child down to the sick bay area for a cold cloth for the child’s arm. They inform the centre manager of what just happened.

An employment investigation reveals that the other two staff members present in the room observed the kaiako pull the child by the arm and drag the child across the room. There were various accounts provided about the level of force used by the kaiako throughout the incident. The kaiako admits that the above incident occurred. However, she disputes that she dragged the child and insists that she got down to the child’s level, explained there were no toys at mat time, and led the child to the construction area to put the toy away. She admits becoming frustrated at the construction area and states she took the truck from the child, but not forcefully.

What do you think could be potential breaches of *Ngā Tikanga Matatika | Code* related to the scenario?

Commitment to the Teaching Profession	1.1	1.2	1.3	1.4	1.5	
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Commitment to Families and Whānau	3.1	3.2	3.3			
Commitment to Society	4.1	4.2	4.3			

What are your thoughts? Is this misconduct, or serious misconduct? Think about your reasons why/why not.

Example of an outcome for this scenario:

Potential Code breach(es)	1.1	1.3	2.1
Misconduct or serious misconduct	Serious misconduct		
Reasons	Physical evidence (red mark on arm). Inappropriate handling. Disrespectful behaviour towards a child. Unreasonable physical force used on a child. Damages trust in whole profession. Children are vulnerable; need protection. Expectation that all children treated with care. Lack of a high standard of professional behaviour and integrity.		

Scenario three

A long weekend is coming up. Although a beginning teacher expected no visitors for the weekend, their extended family suddenly message to say they are planning to spend two nights at the teacher's house.

The teacher's school is lucky enough to have a marae on site, complete with wharekai, wharenuī, and adjoining portable classrooms. The school principal, whose permission you would usually ask to use the marae facilities, is away, and in the lead up to the long weekend, the teacher is not sure who to ask. The keys for the marae are inside the front reception and the booking sheet shows the marae is not booked for the weekend.

The beginning teacher takes the keys and has an awesome time accommodating family for the weekend. The teacher puts the keys back at the conclusion of the weekend. Since you are meant to ask permission first, they decide not to tell the principal that they used the marae facilities.

The following month, the school receives quite a large electricity bill which shows a peak in the weekend the beginning teacher used the marae facilities. There is no booking for that weekend when the administration checks.

What do you think could be potential breaches of *Ngā Tikanga Matatika | Code* related to the scenario?

Commitment to the Teaching Profession	1.1	1.2	1.3	1.4	1.5	
Commitment to Learners	2.1	2.2	2.3	2.4	2.5	2.6
Commitment to Families and Whānau	3.1	3.2	3.3			
Commitment to Society	4.1	4.2	4.3			

What are your thoughts? Is this misconduct, or serious misconduct? Think about your reasons why/why not.

Example of an outcome for this scenario:

Potential Code breach(es)	1.3
Misconduct or serious misconduct	Outcome is No Further Action (NFA).
Reasons	<p>Breach of <i>Ngā Tikanga Matatika Code</i> is minor - using school/professional resources (e.g., premises, facilities, equipment) without permission. However, in this instance these concerns are more appropriately dealt with at employment level.</p> <p>CAC may remind teacher of responsibilities under <i>Ngā Tikanga Matatika Code</i> in NFA letter.</p>

Scenario four

It is the beginning of the school year and a pōwhiri is taking place for new staff, tamariki, and whānau.

The day before the pōwhiri, at a teacher-only day, a local kaumātua is leading the staff through the pōwhiri process and explaining appropriate tikanga. Once the kaumātua leaves the room, a teacher is audibly heard whispering to staff sitting around him, 'what a waste of time, all this Māori s***, I'll sit where I want to not, where I am told.'

What do you think could be potential breaches of *Ngā Tikanga Matatika | Code* related to the scenario?

Commitment to the Teaching Profession	1.1	1.2	1.3	1.4	1.5	
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What are your thoughts? Is this misconduct, or serious misconduct? Think about your reasons why/why not.

Example of an outcome for this scenario:

Potential Code breach(es)	2.4	4.2	1.3*	1.4*	2.3*	3.3*
	<i>*potentially</i>					
Misconduct or serious misconduct	<p>Conduct may bring the profession into disrepute (s 10(a) (iii)) but not of a character or severity to meet Rule 9.</p> <p>Breach of <i>Ngā Tikanga Matatika Code</i>, possibly not a serious breach.</p> <p>Misconduct - censure and conditions (professional development re Te Tiriti/tikanga Māori/cultural competence and mentor perhaps).</p>					
Reasons	<p>Racist comments are very inappropriate and unprofessional.</p> <p>Demonstrates a clear lack of commitment to Te Tiriti.</p> <p>Disrespectful behaviour.</p> <p>Lack of understanding about importance of cultural protocols.</p> <p>Poor role modelling.</p> <p>Not behaviour expected of a teacher.</p> <p>Factor which means not as serious: one-off remark only heard by colleagues and not students.</p>					

Scenario five

A newly enrolled learner at a high school has an extremely long name, which is not of English origin. When the whānau attend the first day, they explain the meaning behind the name and the great value they place on their culture to the principal.

The student is taken to their form class, where the teacher struggles to pronounce their name correctly. After a couple of attempts, the teacher says, 'let's just call you John, for short, OK?'

When the student returns home from school, they tell their parents what happened. The parents realise they have not shared the importance of the child's name with the teacher, just the principal. They email the teacher to explain and give suggestions of how to break the student's name up to practice the correct pronunciation.

The next day, the teacher tells the student, 'Sorry, I can't pronounce your name, you are OK with John though, right?'

Establishing the Facts

The CAC determined from the employment investigation documents and subsequent investigation report that, on the balance of probabilities, the following occurred:

- The teacher initially attempted to pronounce the name correctly.
- After being unable to pronounce the name, they called the student "John" on two occasions.

What do you think could be potential breaches of *Ngā Tikanga Matatika* | Code related to the scenario?

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What are your thoughts? Is this misconduct, or serious misconduct? Think about your reasons why/why not.

Example of an outcome for this scenario:

<p>Potential Code breach(es)</p>	<p>2.3 4.2</p>
<p>Misconduct or serious misconduct</p>	<p>No Rule 9 criteria satisfied here - not serious misconduct. Possibly (a) and (c) - consider if conduct affected, or was likely to affect, the wellbeing/learning of the learner? Did it bring the profession into disrepute? No further action OR misconduct? (Depending on whether (a) or (c) satisfied).</p>
<p>Reasons</p>	<p>Failure to respect the diversity, language, identity, and culture of all learners. Actions demonstrate a lack of cultural competence. Student was newly enrolled at school. <i>Ngā Tikanga Matatika</i> Code includes a responsibility to demonstrate a commitment to Te Tiriti. Mitigating factors - teacher made some attempts to pronounce it correctly and apologised for not being able to do so. Happened on two occasions only. Suggest teacher undertake some professional development in this area. Probably not at level for seeking conditions on practising certificate.</p>



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