

Teaching Council submission on the Education and Training (Early Childhood Education Reform) Amendment Bill

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Committee Secretariat
Education and Workforce Committee
Parliament Buildings
Wellington

Phone: 04 817 9520
ew@parliament.govt.nz

Introduction

About Matatū Aotearoa | Teaching Council of New Zealand

Matatū Aotearoa | Teaching Council of New Zealand is the independent professional body for teachers | kaiako from early childhood education through to primary and secondary schooling in English and Māori medium and settings of other languages. The statutory purpose of the Teaching Council is “to ensure safe and high-quality leadership, teaching and learning ... through raising the status of the profession.”¹

The Teaching Council’s role is to create and uphold the standards of conduct and competence of the teaching profession. Our mandate includes registered teachers in early childhood education services and schools | kura, as well as holders of limited authorities to teach (LATs) which give schools | kura the flexibility to employ people with specific technical skills into teaching roles.

The Teaching Council has statutory obligations to (among other things):

- establish and maintain:
 - criteria for teacher registration
 - standards for ongoing practice and criteria for the issue of practising certificates
 - a code of conduct for teachers
- monitor and enforce the requirements related to mandatory reporting of conduct and competence matters
- set criteria for the reporting of serious misconduct
- perform disciplinary functions related to teacher misconduct and convictions
- co-ordinate a system providing for the vetting by the Police of all teachers.

¹ Education and Training Act 2020, s 478.



Process

The Teaching Council acknowledges this submission will become public information.

Oral submission

The Teaching Council does not wish to speak to this submission.

General comment

The Teaching Council understands that the Bill establishes a new statutory role – the Director of Regulation - to oversee licensing, compliance and enforcement in the early childhood education (ECE) sector, hosted within the Education Review Office.

We see that there is an overlap of regulatory roles between our respective agencies. The Director of Regulation will be responsible for regulating ECE services but has no authority over the regulation of teachers – as this is the Council’s role. The Council’s independent role in determining who is appropriately qualified and suited to be a registered teacher is a critical factor in ensuring the quality of ECE services.

It is also our role to uphold the professional standards and conduct of teachers, through our registration, competence and disciplinary processes.

Specific concerns and proposed additional requirements

1. Referral of concerns over teacher conduct or competence

The new purpose of Part 2 of the Act states that regulation will “set and implement minimum standards for quality early childhood education that allows children to establish strong foundations for learning, well-being, and life outcomes”. A critical factor for this is clearly quality teachers, and it is the Council that is responsible for upholding the quality and conduct of teachers.

Therefore, we recommend that it be made clear that the new Director of Regulation should work closely with the Council where it has or is aware of any concerns about a teacher’s professional behaviour, as investigation and management of such an issue falls within our remit.

We therefore recommend the insertion of a new section to the effect that if the Director receives or uncovers information that calls into question the professional competence or conduct (or qualifications) of a teacher then they must promptly forward that information to the Council.

Section 64 of the [Health Practitioners Competence Assurance Act](#) includes a section that does something similar:

64 Complaints about practitioners

- (1) Whenever the responsible authority receives a complaint alleging that the practice or conduct of a health practitioner has affected a health consumer, the authority must promptly forward the complaint to the Health and Disability Commissioner.
- (2) This section does not apply to a complaint that an authority receives from the Health and Disability Commissioner.
- (3) In subsection (1), **health consumer** has the same meaning as in the [Health and Disability Commissioner Act 1994](#).



Such a provision would ensure that the Council could receive and investigate concerns about the competence or conduct (or qualifications) of a teacher in an ECE centre. We are concerned that without an explicit link there could be a gap in this critical regulatory process.

It is equally important that any concern or complaint is addressed quickly and thoroughly so that all parties have confidence in the process and outcome of any investigation.

2. Flexibility of qualifications

We are also concerned that the Bill potentially introduces “flexibility in qualifications” as a guiding principle by ‘recognising’ the role of parents and caregivers in early childhood education (27D(c)), based on Recommendation 10 of the Ministry for Regulation’s ECE review. This includes reconsidering what counts as a “recognised qualification” for regulatory and funding purposes.

Although this does not appear to affect teacher registration or certification directly, we have a concern about the vagueness of the principle and therefore its potential to dilute professional standards.

The Council believes that there is value in investigating how consistency and quality in non-teaching roles can be improved through the introduction of standards and limited forms of regulation and registration.

3. Omission of Teaching Council in Regulatory Design

The Bill does not mention the statutory role of the Teaching Council in registration, certification and setting of standards. This potentially risks marginalising the Council’s role in shaping the ECE workforce and could lead to fragmented regulation where service-level compliance is prioritised over professional integrity.

Our respective roles should work together to uphold the quality and integrity of ECE services, the backbone of which is made up of teaching professionals. This would better uphold the intent of the Bill that the Director must consider a range of principles including “the learning and development of ...children is essential and supports their readiness to transition to school” (new section 27D (c)).

We therefore recommend that the Bill should require the Director of Regulation to consult with the Teaching Council when developing licensing criteria that affect teacher roles, qualifications or responsibilities.

Thank you for providing us with this opportunity to comment.

Ngā mihi,

Clive Jones
Pou Kaiāwhā | Deputy Chief Executive