

Between the profession and the state:

Between the
profession

A Postscript

whakaako me te kāwanatanga:
He kupu tuku iho a te Pouherenga Kaiako o Aotearoa



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A history of the Education Council of Aotearoa New Zealand

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Introduction

This paper was commissioned by the Teaching Council of Aotearoa New Zealand (Teaching Council) to provide a record of the work and achievements of the Education Council, New Zealand's third professional body for teachers, established in 2015.

The professional status of teachers has been problematic and contested for the best part of a century. In New Zealand, the First Labour government, elected in 1935, heeded international advice to enhance the freedom of teachers from rigid curricula and testing. By the 1980s, there was expressed concern over the quality of teaching and claims of provider capture.¹ One initiative canvassed was the establishment of a body to register and discipline qualified teachers, set standards for entry to the profession and develop a Code of Ethics. This would mirror the work of other professional bodies such as the Medical Council, the Institution of Engineers, the Midwifery and Nursing Councils, and the Institute of Chartered Accountants. The General Teaching Council for Scotland provided an exemplar. The Teacher Registration Board (TRB) was established in 1989 as part of the Tomorrow's Schools reforms. Its key function was registration. In 2002, this body was disestablished and the New Zealand Teachers Council set up with wider powers. However, the NZTC was a Crown Entity which hampered its ability to speak on behalf of the profession. It was disestablished in 2015 and replaced by the Education Council of Aotearoa New Zealand (Education Council).

The Education Council was given a broad legislative mandate. It was to be independent from Government and exercise the following functions:

- Provide leadership to teachers and direction for the education profession
- Enhance the status of teachers and education leaders
- Identify and disseminate best practice in teaching and leadership and foster the education profession's continued development in light of research, and evidence of changes in society and technology.²

Although the Education Council was envisaged as a voice for the profession, the members of the Board were to be appointed by the Minister, drawing on nominations from the wider profession, rather than elected by teachers. This led to widespread opposition from teacher organisations, some of whom also queried the breadth of its mandate. There was particular opposition to the development of a Code of Conduct to replace the existing Code of Ethics developed by the NZTC.

Any professional body for teachers has to negotiate a path between the profession and the state. It has to balance opportunities to speak out in public, win the trust of the profession, be forward looking but aware that its stakeholders hold a range of viewpoints, and ensure funding for its legislated activities. Its environment can alter suddenly. Changes of government can bring changes in direction. In 2017 a new Coalition Government took office in New Zealand. The Minister of Education had publically championed the need for a partially elected Board. He had legislation passed to effect this and change

1 Education and Science Select committee Report, 1986; Treasury Brief to the Incoming Government: Education, 1987.

2 Education Amendment Act (No 2) 2015



the Council's name yet again to Teaching Council of Aotearoa New Zealand (Teaching Council). The Education Council Board, which had overseen major changes in direction and operation, was to be dissolved at the end of June 2019 when a new Board would take office.³ Changes in function have also been signalled in the context of a major systemic review. The new Teaching Council will face its own significant challenges.

Over the four years of its existence, the Education Council has increasingly sharpened its focus on achieving its goals, transformed its internal organisation and established strong and focused Board governance. The quality of its leadership at Board and management levels has been notable. The Education Council has challenged professional thinking and raised the level of debate on key issues through genuine consultation and co-construction, demonstrating trust. It has completed a new *Code of Professional Responsibility and Standards for the Teaching Profession*, a new *Leadership Strategy* which widened and enriched thinking, initiated debate about Initial Teacher Education (ITE). Its new digital portal will make teacher interaction with the Council simpler, faster and more straightforward. It leaves a strong legacy for its successor. Its achievements and challenges are detailed in this paper.

Background

The genesis of the Education Council of Aotearoa New Zealand can be traced to a 2012 review of the New Zealand Teachers Council (NZTC)⁴ commissioned by Minister of Education Hekia Parata. The review followed the publication of an Education Workforce Advisory Group report in 2010⁵ which recommended post-graduate entry into initial teacher education (ITE), greater recognition and rewards for teaching skill and expertise, and greater professional leadership “distinct from government or industrial bodies”.⁶ It recommended a re-focusing for the NZTC as the professional body for teachers on three key issues: entry to the profession; continuing professional development in the profession; and the ethical accountability for teachers.

The NZTC had a major responsibility for addressing issues of competence and conduct reported to it.⁷ In 2010 two high profile cases were pursued in the media, one so serious that the new Minister of Education ordered a Ministerial Inquiry and used the interim findings as part justification for a review of the NZTC. The affair was damaging for the public image of the NZTC even though the findings of the inquiry⁸ noted that the offender was a devious fraudster who had stolen the identity of another person in applying for employment. It also found systemic weaknesses across education, social welfare, police and justice, including an inability to share data about children at risk, failure of school Boards of Trustees to check references and other documents, and failure of schools to make mandatory reports when teachers left after conduct issues.

3 The new Board will have 13 members, seven of them elected by teachers. The Education Council had nine members.

4 Review of the New Zealand Teachers Council: A teaching profession for the 21st century. Report to the Hon. Hekia Parata, Minister of Education. Crown copyright. November 2012.

5 Education Workforce Advisory Group. A Vision for the Teaching Profession. Report to the Minister of Education, April 2010.

6 Ibid, p. 2

7 Penalties could range from mandatory professional development, to censure or cancellation of registration.

8 Smith & Aitken, Ministerial Enquiry into the employment of a convicted sex offender in the education sector, 2012.



The review of the NZTC made a number of recommendations, the core of which was that the existing body, established in 2002, should be disbanded and replaced by a new body “independent of ministerial direction, but informed by public education policy and best professional teaching practice”.⁹ This new body should be governed by a Board with members appointed directly by the Minister, after opportunities for nomination from members of the teaching profession. Alternatively the Minister could ensure that every person appointed to the Board “be knowledgeable about education and have successful governance experience in other fields”.¹⁰ Its statutory requirements should be broad. It should:

- Be capable of identifying key public policy issues and lead professional and public debate on their implications for high-quality teaching practice
- Be capable of publicly representing the voice and face of the teaching profession on education matters.¹¹

The new body should have as its primary purpose the promotion of the public interest and the interests of children and students.

After briefing Cabinet in May 2013 the Minister set up a Ministerial Advisory Group (MAG), chaired by Chief Review Officer and Chief Executive of the Education Review Office, Dr Graham Stoop, to consult with the sector on the proposed changes. She had rejected the advice of the Review committee that evolutionary change over three years would be most effective, as she was anxious to effect change with a sense of urgency. Over a period of eight weeks, Stoop’s committee met with more than 90 groups comprising over 2000 individuals and received more than 900 submissions.

The MAG reported back on 30 July 2013. It supported many of the Review committee’s recommendations including the establishment of a new body at arms’ length from the government to develop leadership capacity within the education sector. Its Board, appointed by the Minister after a nominations process, should comprise at least six with teaching experience with nominees being assessed against published criteria including knowledge of the sector, a bicultural perspective and governance experience. They suggested that including feedback on the practical application of the reforms “could help to stimulate the sector ownership that is necessary for successful reform”.¹² They warned that the move to an appointed Board “will be the biggest hurdle to overcome in order to achieve your vision of a transformed profession”.¹³

This warning was echoed by the Ministry of Education’s Schooling Policy Group in a paper examining options for creating a new professional body for teaching.¹⁴ This paper had two major concerns: changes to “improve the structure, governance and functions of a professional body for the regulation

9 Review of the Teachers Council, p. 4.

10 Ibid.

11 Ibid.

12 Memo from MAG to Minister, undated, p. 4.

13 Final Report of the MAG, 30 July, para 103.

14 Regulatory Impact Statement, <https://treasury.govt.nz/sites/default/files/2014-02/ris-minedu-ocn-mar14.pdf>



of teaching”¹⁵ and options to improve the registration and practice of teachers. Its conclusion, after examining the options in detail was:

Given the contested nature of leadership within the sector, and considering the feedback from the consultation led by the MAG, sector support will be a critical element of the success of a new professional body. Accordingly, option 3; disestablishing the NZTC and establishing a new bespoke statutory body, is assessed to have the greatest chance of meeting the specified objectives and addressing the identified policy problems.¹⁶

The paper also supported the separation of registration which would occur once only and the renewal of a practising certificate at three yearly intervals.

Cabinet agreed in principle to the disestablishment of the NZTC on 5 August 2013 and approved a more detailed plan for a new body with aspirational goals in November 2013. The Minister did not accept the recommendation that the new organisation should be called the Teaching Council, a name supported during the consultation, and preferred what she considered a broader title: Education Council. She reduced the mandated number of qualified teachers on the Board to a maximum of five, and introduced new clauses which had not been subject to consultation. Her requirement for the new body to produce a Code of Conduct for teachers was expected to provoke sector resistance as most felt the existing Code of Ethics was sufficient and were wary of the term “conduct”. She introduced the legislation into the House in 2014 and it passed its third reading and gained royal assent in February 2015.

The vision for the new Education Council was broad and aspirational but the Select Committee stages of the Bill revealed strong opposition from existing professional groups and individuals who wrote and spoke to their submissions. The New Zealand Educational Institute Te Riu Roa (NZEI), The Post Primary Teachers Association (PPTA), and the New Zealand Principals Federation (NZPF) consulted members and campaigned against the proposed governance structure. The PPTA, after surveying members, passed motions at its annual conference agreeing not to engage with the functions of the new body while there was no elected representation. The annual conference mandated that no members should be nominated for the Board. The union took the unusual step of writing to all Members of Parliament to express their anger at the proposed lack of representation.

This bill is unjust and undemocratic. The government is using its legislative powers to set up an unelected quango with no accountability to the profession whatsoever and then giving it almost unfettered powers to impose extra taxes on teachers. There is no possibility of EDUCANZ¹⁷ meeting its stated purpose of “raising the status of the profession” when teachers can have no confidence in either its legitimacy or independence.¹⁸

¹⁵ Ibid, p. 2.

¹⁶ Ibid, p. 21.

¹⁷ EDUCANZ was the abbreviated name of the transition body. The new Council, once formed in July 2015, never used that abbreviation. It preferred Education Council, in part to differentiate itself from the transition authority.

¹⁸ PPTA News, November/December 2014, p. 16.



The Transition

The Minister and her advisers were anxious that the transition to the new board would be a smooth one. Bridging finance was made available for a Transition Board, to work on rebranding and strategy. It was chaired by John Morris of Auckland Grammar School who had been a member of the 2012 Review of the NZTC. Its members were expected to raise public awareness of the difference between the proposed new body and the NZTC. The Transition Board was supported by interim Chief Executive, Julian Moore, and worked out of the Ministry of Education (Ministry). The group identified and rated a series of risks for the new Education Council and drew up a strategic plan. They provided detailed analyses of issues like leadership and ITE, canvassing research and practice in a variety of other jurisdictions. A number of papers were prepared for the new board's induction pack. However, there was no face to face contact between the Transition Board and the new Education Council Board, as the former had hoped. Morris was invited to attend the welcome dinner but spoke only to individuals. No member of the Transition Board was appointed to the new Board. Continuity was provided by Moore, who stayed as interim Chief Executive until a permanent appointment was made in November 2015. The Transition Board had almost no contact with the staff of the NZTC who were progressing work on issues like practising certificates, conduct and ITE, though the Interim Chief Executive worked with the Acting Director of NZTC. In addition, two members of the NZTC Board, Claire Amos (elected 2014) and Lynda Stuart (nominated 2015) were appointed to the Education Council Board.

The new Education Council

Membership of the new Board was announced in early June 2015 after an exhaustive selection process where an initial 145 nominations were whittled down to a shortlist of 20 and then the final nine.¹⁹ They met together for the first time in July 2015. All report that they gelled as a group very quickly and settled to their governance tasks. Members interviewed spoke highly of Chair, Barbara Ala'alatoa, principal of a large Auckland primary school, for her warm, inclusive style, and Deputy Chair, Tony Mackay, whose facilitation could raise the discussion to a new level. They faced a range of tasks; appointing a Chief Executive; setting strategy and goals to help them achieve their legislated mandate, coming to terms with the financial position of the Board; working with the staff, all of whom had previously been employed by the NZTC.

A sub-committee was established to oversee the search for a Chief Executive. With the help of the interim Chief Executive the Board approved a job description, drawing on the work of the Transition Board. The specifications were demanding. Among other tasks the person appointed would need to "build a presence for the Education Council at senior government official and ministerial levels, professional and interest groups both national and international, unions, the news media and public education forums".²⁰ Knowledge of "the machinery of government" was noted as important. The position was advertised and interviews held in October 2015.

¹⁹ The appointed members, in addition to the Chair, Barbara Ala'alatoa and her Deputy, Tony Mackay, were Claire Amos, Simon Heath, Ripeka Lessels, Ivo Ropata, Linda Stuart, Helen Timperley, Clare Wells. Six of them were registered teachers and practising principals and another had wide experience in ECE. All except Mackay were appointed from the list of nominations.

²⁰ Interim CE to board, 1 July 2015.



The outstanding candidate was Dr Graham Stoop, who had long experience in education as principal of one of New Zealand's largest secondary schools, Chief Executive and principal of Christchurch College of Education where he oversaw the merger with the University of Canterbury, a Pro Vice Chancellor at the University of Canterbury, Chief Executive and Chief Review Officer of the Education Review Office (ERO), and a Deputy Secretary of the Ministry. Owing to the hostile climate in which the board was forced to operate initially they had to consider carefully whether their outstanding preferred candidate would be able to win the trust of the profession or whether he would be seen as a Ministry plant. Stoop, like some members of the Board, was the target of a range of vituperative personal attacks on social media and elsewhere, for choosing to work with the new Education Council. He took up the appointment in November 2015, committed to the concept of a professional rather than a regulative body.

In spite of the careful planning the staff of the Education Council were apprehensive and confused about the future. The interim Chief Executive had noted low morale in some areas because of uncertainty. A week after the new Chief Executive took up his role, he reported to the Board on his first impressions. Two key questions were raised by staff: First, What does our new independent status really mean? Secondly, What is the new positioning and new work that is expected of us? He observed that "in terms of orientation the staff are very much focused on the existing work: registration processes, competency and conduct and disciplinary processes, ITE reviews and so on".²¹ They were doing a fine job and preventing any loss of confidence in the Council and they had also embraced the changes to existing processes needed because of implications of the Education Amendment Act 2015 and the Vulnerable Children Act of 2014. However, he continued:

What I am not seeing is these issues being framed up as Education Council work as opposed to the former Teachers Council work. . . . What I am not seeing is a sense of the future; a sense of the centrepiece role that the Council is to play in the current reforms from the government of the day. . . . I am well aware that it is my task to assist you to make the transition. It is very early days for the Council and the work that you have commissioned on leadership and other aspects provides a firm foundation for us.²²

He proposed to do some work on a stocktake of education and work with the Board to encourage the government to review certain approaches.

This is independence. It's not about giving the government of the day a gratuitous blood nose: rather, it is about using our independence to encourage policy makers to head in a certain direction - sometime the current one, sometimes a different one - but always based on evidence and what is good for a fair society.²³

Stoop, an experienced Chief Executive, was surprised at the lack of business processes in the organisation. It appeared to him to lack financial, human resources, organisational and IT systems.

21 CE to Board 25 November 2015, p. 1

22 Ibid.

23 Ibid. p. 2.



There was no records management. This needed to be remedied urgently. With the approval of the Chief Executive of the Ministry, he arranged for the secondment on contract for a year of two senior staff: Pauline Barnes, as General Manager, would take responsibility for the major professional work with which the Education Council was tasked and Lesley Hoskin, as Deputy Chief Executive, would help to develop business processes, and later an IT business case, and liaise with Treasury and other government agencies. Together with the Chief Executive they would make up the senior management team, a team well versed in the machinery of government and working with government agencies. This senior support would free the Chief Executive to spend more time on external relations. A Chief Financial Officer and Lead Lawyer were appointed. At the same time, a series of internal workshops for staff was held on new policy work, the strategic plan, new work areas and agreed staff behaviours. Plans for appointing new staff were advanced.

By the beginning of 2017 the two secondments had been made ongoing appointments and Stoop was able to inform the Board of a new management structure which had already been discussed with staff and with the Ministry, in light of Ministry-sourced transition funding. Both Hoskin and Barnes had a number of direct reports, some of them new positions. Next tier team managers were appointed. In June 2017 the Chief Executive informed the Board of progress.

With the new management team now in place, we have started the work to design the structure of the teams that will support them. During the month we brought all of professional services together to share thinking on the characteristics of a professional body, and the implications for what we do, how we serve our profession and how we become a learning organisation. There was very good participation and feedback from the session, and a number of good ideas for things we need to do immediately. One of the key actions was to pay attention to how we communicate with teachers and to personalise that communication where we can.²⁴

In August 2017 the first of a series of monthly all staff hui was held. At this meeting a 24 month challenge Tā Tātou Wero was launched to focus collective attention on “making teachers happy to pay their fees” by July 2019.

A key aim of the Chief Executive and management was to ensure absolute focus on the wider aspects of the work in which they were engaged and a sense of how an individual’s work was integrated into a wider purpose. The Education Council has made use of engagement surveys over a period of several years. These show a steady increase in a sense of belonging and ownership and an increase in employee satisfaction and purpose. The most recent Gallup engagement survey at the beginning of 2018 produced outstanding results.²⁵

²⁴ CE to Board, 21 June 2017, p. 9.

²⁵ A grand mean of 4.15 and percentile rank of 85 in December 2017, compared with a grand mean of 3.53 and a percentile rank of 7 in February 2016.



The *Code of Professional Responsibility and Standards for the Teaching Profession* lay particular emphasis on the need for all teachers to understand the implications of Te Tiriti o Waitangi for their practice and for teachers to continue to demonstrate their own growth towards linguistic competence and cultural responsiveness. The Chief Executive reported to the Board in August 2017:

There is a growing sense in the profession that the time is right to lift our profession's commitment and capability in Te Reo and cultural intelligence, on the back of the new Standards. There is fresh energy being sparked by the hope that the Council will be brave and make some forward looking decisions for the future.²⁶

The Education Council has tried to mirror these Standards in its own work, with increasing use of Māori language in signage (including the staff kitchen), and conversation, the establishment of a Māori Staff Network and a waiata group. In February 2019 the Board endorsed a strategy document *Te Rautaki Tiriti o Waitangi*, written by Education Council staff with the help of Te Amokura Consultants. It sets out a longer term vision which allows for annual reviews of progress until Te Tiriti is “embedded and is part of our DNA” by 2030. As well as increasing capability it expects that Council policies, systems and practices reflect Te Tiriti, and that it is also reflected in decision making.

At Board level there was a desire to concentrate on high level strategy and governance without becoming mired in management and operational issues. A finding of the 2012 Review was that NZTC Board members were dealing with management matters and that there was not always a delineation between governance and management. The new Board was conscious of this criticism. After a first meeting designed to give them an understanding of the organisation²⁷ and allow them to meet the Minister of Education and the Education Council's leadership team, the Board settled to grapple with the issues confronting it. At the second meeting they were presented with contracted leadership think pieces, met with stakeholders and considered an engagement strategy prepared by the interim Chief Executive. Priority areas for strategic development for the profession were identified as leadership, ITE and Professional Learning and Development (PLD) but they also needed to be aware of ongoing mandated developments and changes in areas like conduct and registration and take steps to update them. The Education Council had also to define its place in ongoing work programmes at wider system level. As the Interim Chief Executive warned the Board in a briefing on the Education Sector Performance Improvement Framework “the challenge for the Council is to ensure that it is an active player in the system without compromising its independence”.²⁸

For the new Chief Executive and his Chair defining the different responsibilities of governance and management was crucial. The understanding they quickly reached enabled each to concentrate on their work: defining strategy for the Board and progressing the legislated functions for the staff. Detailed reports from the Chief Executive ensured that the Board was always informed of Council work and could expect no surprises. An early issue on which they agreed was that the legal responsibilities of the Board should not include final hearings and sign off on competence cases. For the first few

26 CE to Board, 15 August, 2017, p. 1.

27 The induction pack developed by the Interim Board ran to over 250 pages, with thorough coverage of all areas of the Council's responsibilities.

28 Interim CE to Board, 27 October, 2015.



meetings the Board had to spend a whole day each month hearing cases. The required reading was onerous and Board members felt they were not qualified to make judgements and were re-litigating cases which had already been investigated. Additional expense was incurred if the teacher concerned wished to appear with lawyers and sometimes union representatives. Stoop agreed this should not be a Board function. Plans for a Competence Authority, which mirrored the existing conduct statutory bodies, were developed and rules drawn up and tested in practice. They were enacted when the Education (Update) Amendment Bill became law in May 2017. At that point the Board was able to switch to one day meetings.

The Board took its governance role seriously and continued to engage in professional development to enhance this. From their early induction on, they took a range of opportunities to test and evaluate their own performance. A facilitated strategic planning day on 13 December 2016 revealed they had few illusions about the magnitude of their mandate.

We have to focus on a future state for the profession (without scaring the horses) at the same time as having a business as usual approach with our regulatory work. Those two aspects of our work don't always sit comfortably together. No other country has combined regulation (the here and now) with a professional future state. It's quite tricky territory.²⁹

An external facilitator challenged them to move their documentation from strategic intent to stating what would be done to achieve each goal. They felt they should do more work on unpacking the word "success" in relation to students. The Board also adopted the Governance Lighthouse model developed by the Auditor General in New South Wales to track their progress on a regular basis. They scheduled workshops on areas such as risk management, governance, communications. They endeavoured to keep abreast of international trends that might impact on New Zealand. This included participation in the bi-annual conferences of IFTRA³⁰ and hosting the 2018 conference. In preparation for engaging with the work of the Tomorrow's Schools Review, they studied and discussed the recently published Australian Gonski report, *Through Growth to Achievement: Report of the Review to Achieve Educational Excellence in Australian Schools (2018)*.

At the beginning of what would be its final year, the Board scheduled a workshop and discussion on working as an outgoing board. The focus would be on the achievements of the Board, the learning and insights of its members, and a consideration of how the Board could help support an effective transition. It presented a submission championing teachers, and the cultures and processes that support effective teaching, to the Independent Taskforce for the Tomorrow's Schools Review.

29 Notes of the council Strategic planning day, 13 December 2016, p. 1.

30 International Forum of Teacher Regulatory Authorities.



Engaging with the sector

If the new Education Council was to “raise the status of teachers” it needed to become visible and credible to the profession, the Minister and the Ministry, and the wider public. The Minister had high expectations tied to a timeframe. The bulk of the teaching profession was indifferent, engaging mainly when they needed to renew registration. Many teachers found this process stressful and time-consuming and were fearful of making mistakes. Some overcompensated by providing more detail about their appraisal than was needed and looked backwards rather than forwards. The unions and principals’ associations were angry that the Board had no elected members. NZEI held internal elections to make nominations for the Board. PPTA laid a ban on its members standing for nominations and did not initially take part in formal consultations. The Ministry was uncertain of the Council’s capacity. Media interest was focused on disciplinary matters and continued to seek educational comment from other bodies. The Transition Board had identified engagement as a significant priority.

For the newly appointed Chief Executive communication and engagement were central. He had to engage with staff and convince them of the need to widen their thinking and see the connections across the organisation. He had to move the focus from regulation to assisting professional growth and development. He faced an enormous task in working with unions and peak bodies to win their trust. The appointment of a management team early in 2016 was partly to free him for the external work which took him around the country. Another key area was working with government agencies to ensure the professional expertise and advice of the Council was heard and respected. Regular meetings between the management team and relevant Ministry staff ensured two-way communication – something that had not existed under the NZTC. Knowledge of the machinery of government was crucial here. The Chief Executive continued to hold monthly breakfast meetings with NZEI and PPTA to build trust and relationships and to brief them on developments. In 2016 PPTA began to engage with the Education Council on policy issues, beginning with the Code, and to accept nomination to working parties.

To engage with the wider profession the Education Council made use of social media, engaged in-house communication expertise and carefully monitored media references to the Education Council and teachers in general. The Board took an ongoing interest in this. The website was re-developed, and more recently a series of podcasts on topical issues or addressing myths about topics like appraisal have been well received.

The Education Council management and the Board were adamant that lifting the status of the profession depended on listening to the profession, engaging representatives in discussion, co-constructing policies and processes. Draft documents developed by representative working parties were sent out for wider consultation and the feedback carefully analysed. Every effort was made to interact with others respectfully. At the same time the Council continued to acknowledge and honour the diversity of the teaching profession and gave special attention, as did the NZTC, to early childhood and Māori medium settings. It has been staunch about the centrality of Te Tiriti o Waitangi.

The Education Council tried to provide leadership and direction for the education profession not only through its major work programmes but also through its representations at select committees,



submissions on proposed changes to legislation, regular briefings to the Minister, and inclusion on interdepartmental working parties developing education policy. At times its advice has differed from that of the Ministry an example being its stance on the physical restraint of children.³¹ In doing so it tried to build its case on professional consultation.

Who should pay for professionalism: Funding the Education Council

Financial analysis and planning loomed large. The Education Council had double the functions of the NZTC and over the next three years would double its staff and extend its premises to an additional floor. 16 functions were listed in the legislation, some of them, such as the development of a Code of Conduct to replace the existing Code of Ethics, had specified timetabled milestones. Major changes were needed in registration to embed the new separation between gaining registration and renewing a practising certificate. The Transition Board identified and warned of the danger of the organisation becoming insolvent in late 2017 without a fees increase and without determined action. The Minister had expressed her view that teachers themselves should bear the entire cost of the new functions, though this view was vehemently opposed by teacher unions and the NZPF. The interim funding to which the Minister agreed would run out in 2016. Fees payable for registration had not been raised since 2010.

In spite of the gravity of the financial situation, with deficits posted in the final two years of the NZTC, the Transition Board, concerned over the vocal opposition to the new Education Council, recommended that no fee change be made in the first year. However, current fee setting would not allow the Education Council to operate sustainably or to address its widened functions. Planned efficiencies would not be sufficient. The Education Council Board tasked the senior management team with the responsibility for preparing a consultation document for the sector. They discovered that its fees of \$220.80 over three years were lower than those of any similar New Zealand regulatory bodies such as nursing. Taking into account the range of activities for which it was now responsible, the Board suggested an substantial increase in this three-yearly fee would be needed to carry out its mandated functions.

Negotiations and financial modelling resulted in a Cabinet decision to provide transitional funding to support the new Education Council as it worked towards self-sufficiency. An agreement with the Ministry was signed in November 2016. This provided for a one-off investment of \$21.43 million in transitional funding to expire in July 2019. Strict milestones for the delivery of statutory functions were imposed. The Council was required to appoint an independent financial advisor, develop a business plan for achieving self-sufficiency and financial sustainability, undertake any required processes including consultation on proposed revenue sources, report quarterly to the Ministry, and Gazette new revenue sources, including fees, by February 2019. All milestones have been met except for the Gazetting of new revenue sources which was extended for a further year. The change in Government and the subsequent breadth of the Review of Tomorrow's Schools had the potential to change Council functions, and therefore the cost structure on which revenue sources, including fees, would be based.

³¹ Education Council submission on the Supplementary Order paper 250 regarding seclusion and restraint - Education (Update) Amendment Bill. Education and Science Committee, January 2017.



Consultation with the sector was urgent and vital; the agreement with the Ministry stipulated that it should be completed by 30 June 2017. The level of the proposed fee increase had to be fully justified and cost-based. Before the documents were approved for distribution to teachers the Education Council undertook a pre-consultation process with a Steering Group attended by representatives from NZEI, PPTA and Te Rito Maioha in a effort to increase clarity and ensure sufficient relevant information. The 43 page document, complete with tables and graphs, was detailed and informative though not designed for busy teachers, stretched for time, to read and consider. The Education Council was intensely aware of the possibility of legal challenge and sought expert legal advice. They were reminded that consultation is not negotiation. During the consultation period in April/May 2017 over 10,000 responses were received, most of them opposed to the increase. PPTA's lengthy response acknowledged that a modest increase to cover registration could be justified. However, the union argued, the proposed fees appeared to be designed to cover the "professional leadership" role which the union contested.

The consultation document makes it clear that the bulk of the cost the Council is seeking to recover through registration fees is to fund what the paper describes as its expanded "statutory remit". PPTA has challenged, since the early days of the Teachers Council, the concept that the profession needs its registration body to "lead the profession".³²

Education Council staff analysed the responses and prepared summaries for the Board, which considered fee setting at its July and August meetings, on both occasions opting to defer their decision because of the need to make sure that all options, opinions and legal issues had been covered off. The situation was complex and the Board needed to consider the matter carefully and in accord with its legal responsibilities. While most teachers believed that paying for registration and the renewal of practising certificates was justified even if an increase was not welcome, many were unhappy about other proposed costs. The development of the new Code and Standards was a clear mandate, but the Education Council's work on leadership, on professional development for appraisal, were queried. It did not help that these processes were justified by the Education Council as their legislated mandate; the profession had not asked for them. Some thought the government should at least share the costs of the disciplinary process since the Ministry was responsible for the overall quality of education. The Board made a decision on 27 September 2017 but the following day determined not to announce it until it had confirmed with the Minister of Education "that the facts on revenue sources as in the consultation document (April 2017) and the funding Agreement with the Ministry (21 October 2016), remained accurate."³³

The confirmation was needed as the General Election on 23 September 2017 had delivered an inconclusive result. It was some weeks before a new Coalition government was formed on 19 October 2017, bringing with it the prospect of significant policy changes. In the interim the Ministry received the report from an independent review by PWC of the Council's proposals as part of its ongoing advice to government. The Secretary for Education said "the review supports the Ministry's view that the

³² PPTA, Submission to the Education Council on consultation on possible change to Education Council fees, May 2017, p.2.

³³ Chronology of Education Council Action relating to the fees proposal, p. 3.



Education Council is on track to be financially sustainable by 1 July 2019, subject to the implementation of the proposed fee increase”.³⁴ The Education Council prepared its own briefing for the new Minister, on its purpose, functions and financial position.³⁵ Several meetings were held with him and his office.

During December 2017, further political decisions were made that potentially impacted on the Education Council’s functions and therefore its finances and fees structure. In December 2017 the Minister sought Cabinet approval to stop the transfer of PLD which was due to become the responsibility of the Education Council though funded by the Crown. This was a particular blow to the Education Council since, although it had been mooted since the Council’s inception, confirmation by newly appointed Minister Nikki Kaye³⁶ had not been made public till July 2017. This proposal would have added \$70 million a year to the Education Council’s budget and allowed it to integrate ongoing professional support for teachers into a seamless process which started with ITE. Two days later, a Bill which had been introduced to the House earlier as a Private Members Bill, became a Government Bill. It proposed to change the name of the Council from Education Council to Teaching Council and to increase the number of Board members to 13, seven of whom would be elected by the profession. These changes would increase the costs of the Council and fundamentally shift its governance structure.

The new Minister, Chris Hipkins,³⁷ sought further funding information from the Education Council. He was interested in the analysis of responses to the fees consultation document, a comparison of the proposed fees with those of other New Zealand professional bodies, and more widely in the functions and fees of teacher professional registration bodies in other states and countries. In New Zealand the proposed fees would still have been the second lowest of the other professional bodies studied, though its functions are wider. On the international front its professional functions are wider than most and its proposed fees would be higher than average though not the most expensive.

In the light of this uncertainty, in July 2018 the Education Council began to negotiate a further extension of transitional funding till mid 2020. In December 2018 the Funding Agreement was extended for a further year providing \$9.6 million in additional funding until 1 July 2020. The issue of a fee increase is still unresolved. While some members of the Board may express private regret that they did not grasp the opportunity to announce their proposed solution, the situation is still uncertain and provides no firm basis for the announcement of new fee. The Taskforce for the Review of Tomorrow’s Schools is due to report back after consultation on its first draft at the end of June 2019. Its first report supported the continuance of the Leadership Centre within the Teaching Council. In the interim, the Teaching Council has needed to absorb the cost of Board elections and rebranding with its new name. In spite of wide and targeted publicity only 6% of registered teachers voted for the positions on the new Board.

34 Letter from the Secretary of Education, 15 November 2017.

35 Briefing for the Incoming Minister, 2017.

36 Kaye was a member of the National Party as was Parata.

37 Hipkins was a member of the Labour Party in the Labour-led Coalition government.



Determining the Teaching Council's financial future, including teacher fees and other sources of income, will be a major task for the new Board. The Education Council avoided insolvency and ensured its financial viability through securing additional transitional funding and reassuring Minister and Ministry of the soundness of its financial stewardship. While resistance to the higher fees proposed by the Education Council was in part linked to its enlarged role, the NZTC had faced similar if more muted reactions. Convincing the profession to accept the need to pay more money for Council services will be an ongoing and challenging task.

The Code of Professional Responsibility and Standards for the Teaching Profession

When Minister Parata was considering the establishment of a new professional body, one of the key tasks she envisaged was drawing up a Code of Conduct for teachers.³⁸ The existing Code of Ethics, launched in 2004 by the NZTC after wide consultation, was a deliberately aspirational document. A series of workshops for teachers helped those who attended explore ethical behaviour through scenarios and case studies. Later the NZTC developed further guidelines in the *Registered Teacher Criteria and Graduating Teacher Standards*. However, media coverage of two serious conduct breaches questioned the adequacy of the NZTC's regulatory systems. The Minister believed a Code of Conduct was needed and the legislation establishing the new professional body mandated that it must promulgate this Code by 30 June 2017, two years from its establishment.³⁹ From the beginning the Education Council agreed that the process would be one of co-construction from initial ideas to a first draft, further consultation and revision and a final document, due to be presented to the Board by April 2017 to allow time for polishing and publication.

By May 2016, with a new management team in place, the Chief Executive was able to report to the Board that good progress was being made. The Working Group charged with development had agreed that the Code should be aspirational as well as setting out clearly unacceptable behaviours which could lead to complaints. He asked the Board to approve the Working Group's wish to rename the work *Code of Professional Responsibility* rather than Code of Conduct. Referencing the *Code of Professional Responsibility* as the Code of Conduct specified in the Act, would satisfy the legislative requirements. This was an important step in gaining teacher acceptance. A timeline for the work, allowing for several iterations and consultations had been developed and consultation with the State Services Commission (as required by the legislation) had been encouraging. The Working Group was relieved that the Commission felt that Public Service rules of political neutrality were largely not applicable to teachers.

The leadership team and the Working Group were anxious to ensure there was a clear understanding of the differences between the Code and the Standards. The Code dealt with issues of behaviour (conduct) whereas the Standards addressed issues of professional practice (competence). The idea of the Code was still being challenged however. Labour Member of Parliament, Ruth Dyson, prepared a Private Members bill to remove the Code of Conduct and revert to a Code of Ethics in July 2016.

38 Education Amendment Act No 2, 2015, Clause 387.

39 Education Amendment Act (No 2), 2015, Clause 387 (i).



The key theme that emerged from the consultative process was a desire for the status of the profession to be strengthened, and engender a sense of pride. Teachers wanted the Code to be aspirational but supported by guidance material to help define unacceptable conduct and inform ethical dilemmas in teaching. Those involved with the Working Group hoped for a Code that was succinct, readable and accessible and focused on expectations of conduct. Consultation took a variety of forms. The Education Council used its own website, the *Highlighter*,⁴⁰ social media (facebook and twitter), survey monkey, working through professional bodies and Education Gazette notices. Targeted focus groups were held with diverse groups of teachers, teacher educators and teacher education students, involving different sectors and geographical areas. The PPTA encouraged its members to take part in the consultation⁴¹ even though the ban on accepting nomination for the Education Council was still in place. The *Highlighter* reported that feedback was generally supportive of the aspirational nature of the Code which built on the 2004 Code of Ethics and maintained its four key areas but provided clear guidance on behavioural expectations. The focus groups often provided a catalyst for comprehensive conversation about aspects of professional behaviour and the Education Council hoped to build on this momentum. Members of the Disciplinary Tribunal indicated at a training day that the Code would help them in their decision making about alleged breaches of professional conduct.

A report to the Board provided detail.

The Working Group spent the day (June 9) identifying behaviours along the continuum from aspirational to unacceptable for four key stakeholder groups (learners, parents/guardians and family/whānau, society and the profession). The group tested its draft assumptions with scenarios describing real conduct issues. These exercises highlighted some challenges in gaining consensus as to what constitutes unacceptable behaviour (which should lead to disciplinary action) vis-a-vis less serious but still concerning behaviour which nevertheless requires addressing.⁴²

Stoop noted that the Working Group was keen to progress discussion around members' own networks and that they requested a group photo at end of day. They agreed key elements for the preamble, setting out the purpose of the Code, who it was for and how it was to be used. This would be useful in working with focus groups.

Work on the Standards was also progressing though the timetable was tight. The July 2016 report to the Board noted that the ability to leverage off previous work by the NZTC in *Practising Teacher Criteria*, and *Tātaiako*,⁴³ and by the Ministry in *Kiwi leadership* would be a help. The Chief Executive continued to work with PPTA to ensure they were comfortable with the work approaches. The PPTA formally joined the standards working group in August 2016 .

40 The Educational Council's online newsletter for teachers, now called Matatū.

41 PPTA Collective News to branch chairs, 2017.

42 CE to Board, 20 June 2016, p. 2.

43 Tātaiako: Cultural Competencies for Teachers of Māori Learners. NZTC and MoE, 2011.



A small working party drawn from the wider Working Group was set up to identify an initial set of values to test with the profession. Each concept was labelled on a four-point scale as aspirational, desirable and expected, of concern and needing action or unacceptable. A consultant was appointed⁴⁴ to draft the Standards which were reported back to the Working Group in November 2016. The 12 standards of the Practising Teacher Criteria had been reduced to six, a move welcomed by those teachers who responded to the consultation. The Standards were broad, designed to be applicable to teachers from early childhood through to tertiary educators in ITE, principals, and specialists like Resource Teachers of Learning and Behaviour.

At its May 2016 meeting the Board received a summary of responses from the six week consultation on the draft Code and Standards. 2,110 written submissions were received, 64% from classroom teachers. Over two thirds considered the commitment statements described “the expectations of ethical practice in Aotearoa New Zealand either completely or almost completely.”⁴⁵ There was also strong support for the examples. However, there was still concern that the examples of inappropriate behaviour in the guidance section tended to dominate the whole Code and detracted from the inspirational tone, suggesting low trust. The Working Group agreed that most concerns would be met if the supporting guidance was separated from the Code. Additional guidance, such as scenarios, case studies, ethical dilemmas and further reading could be developed for the website.

In September 2016 the Education Council held focus groups on the Code in Canterbury and Wellington. These too showed support for a Code that set an inspiring vision for the profession, while being clear about standards and unacceptable behaviours but expressed concern about possible punitive use of the Code. Clearly this concern was a matter for the Education Council to address. Before the end of the year three online surveys had been held with good response rates. The Working Group agreed to a set of principles to guide the writing of the Code, building on the Code of Ethics with feedback on the completed draft to take place in February 2017. The Board agreed to a final version in May 2017 following further feedback from the Working Group and from consultation.

The final document, published in Māori and English, lists four areas of commitment: to the teaching profession, to learners, to families and whānau, and to society. These mirror the commitments of the old Code of Ethics. Each area was framed as a personal statement. For example, “I will maintain public trust and confidence in the teaching profession by ...”⁴⁶ The document also listed the six Standards: Te Tiriti o Waitangi partnership, professional learning, professional relationships, a learning focused culture, design for learning, and teaching. A second document, The Code of Professional Responsibility: Examples in practice, provided examples of behaviour that did and did not meet expected guidelines. The publications were launched on schedule in June 2017, signed by the Board Chair and notified in the Gazette, ready to take effect on 30 June 2017.

44 The two major unions and Ngā kura iwi were involved with the Council in the selection process to enhance transparency.

45 Paper from CE to Board, 15 May, 2017, p. 1.

46 Our Code, Our Standards, p. 10.



The development of the Code illustrates the consultative and collegial way in which the management of the Education Council chose to work, supported by the Board. This approach was valued by teachers involved with the process as respondents, members of focus groups, peak bodies and those involved in piloting. The Chief Executive was able to report to the Board in November 2016:

We have received overwhelmingly positive feedback from teachers about the engagement processes to date and the iterative co-construction approach we are taking on drafting the code. A potentially divisive initiative is landing softly.⁴⁷

Nevertheless there was still educative work to do. In October 2017 the General Manager Pauline Barnes met with the NZEI/Ministry Governance group leading the development of the Career Pathways Framework. She highlighted the importance of not trying to break down the Standards into rubrics or levels to make high stakes salary decisions. She reported that NZEI was very responsive to the message.

The Leadership Strategy

Providing leadership to the profession was another major function outlined in the Act and was an early priority for the new Board. By November 2015 the Education Council had published a draft position paper⁴⁸ announcing its intention to provide a leadership hub, virtual and face to face.

The intention is for the Council to work with the leadership community and provide the context for the collaborative development of a leadership development strategy, initially for the new leadership roles but over time for leadership development more widely.⁴⁹

In preparation for this paper, the Education Council commissioned five think pieces on leadership⁵⁰ and held a two-hour international teleconference facilitated by Deputy Chair Tony Mackay, who held a number of management and governance roles around leadership and education on a global scale. The three experts⁵¹ involved in this conversation made suggestions which were passed on to the writer contracted to write the draft position paper. This in turn was submitted to the Board for comment and any agreed changes. Mackay reminded the Board of the “need to demonstrate thought leadership in this space”⁵² which he regarded as a priority to help establish the Education Council’s credentials.

The draft position paper⁵³ took an interesting stance, with Mackay noting it was unique in an international context. Rather than focusing on principal leadership as many New Zealand programmes to date had done, it suggested that all teachers had leadership needs. Instead of focusing on leadership

47 Paper from CE to Board, 23 November 2016.

48 Leadership for Communities of Learning, November 2015. Written by Robyn Baker.

49 Ibid, p. 6.

50 The writers were Dr Linda Bendikson, Sir Mason Durie, Professor Jane Gilbert, Dr Jan Robertson, Derek Wenmouth.

51 Professor Viviane Robinson, Professor Michael Fullan, Margery Evans.

52 Deputy Chair, Memo to Board, 19 October 2015.

53 Written under contract by Robyn Baker.



of individual schools or early childhood centres, it stressed the need for system leadership across schools. In particular it focused on the leadership of the still relatively new Communities of Learning: Kāhui Ako (Kāhui Ako). It raised systemic questions, suggesting that Kāhui Ako leaders, for example, were not the only system leaders and that regional managers from the Ministry had not generally been included in thinking about collective leadership. The system as well as the leaders of the Kāhui Ako would need to step up. Mackay asserted: “It is a challenging and independent policy position that we are adopting with this paper and will then advocate for and seek to influence and support its adoption and implementation”.⁵⁴

A number of peak bodies took a keen interest in these developments. The NZPF, the Secondary Principals’ Association of New Zealand, and the Auckland Primary Principals’ Association (APPA) all wrote to members of the Board in September 2015. The NZPF reminded the Education Council that 80% of New Zealand principals were members of their organisation which spanned public, private and integrated schools at primary, intermediate and secondary levels. They believed it “critical that the functions of the Council reflect the profession’s concerns, values, ideals and high ethical standards”.⁵⁵ The letter listed a number of expectations. Two of these focused on leadership. The NZPF expected the Education Council to be “a strong advocate for supporting school leadership initiatives developed with the profession to build high quality, high status, well supported school leadership for the future”.⁵⁶ It also expected that the Education Council would listen to and support their ideas about the delivery of leadership development programmes. The APPA was supportive and willing to work with the Education Council. However, it warned that at a recent Cross-Sector Forum meeting in Auckland, the Minister had referred to “the list” of things she had asked the Education Council to undertake. “The statements – whether made lightly and in jest or more seriously, create a tension for the Council in being seen to be objective and at arms-length from the Minister, whoever that may be at the time”.⁵⁷

A Centre of Leadership Excellence was set up in June 2016. Between its establishment and the end of September 2016 the Centre delivered 12 forums at national and regional level, funded by the Ministry at the Minister’s request, to help the Education Council establish its profile. The forums focused on nurturing leadership in Kāhui Ako, as there was little other support available for these new developments. Three themes were emphasised: Leading a 21st century learning system; collaborating for excellence and navigating 2017. Feedback from the roughly 1000 people who took part, as well as monitoring by NZCER, indicated that the forums provided quality experiences, respected the profession and changed discussion about leadership. While there was support for this series to continue, a change of focus was made for 2017 as the Ministry was now providing a leadership support package that prioritised Kāhui Ako. As a result, only one Kāhui Ako forum was offered by the Education Council in 2017. Instead the focus shifted to early childhood education (ECE), a challenging sector with a mix of public, private and not for profit centres. In preparation Education Council staff met with ECE stakeholders, including national bodies, and experts to help design the series and explore alternative methods of delivery to forums such as digital networks.

54 Memo from Deputy Chair to Board, 27 October 2015, p. 2.

55 Letter from NZPF to Chair of EC, 1 September 2015, p. 1.

56 Ibid, p. 2.

57 Letter from APPA to Council Chair, 7 September, 2015, p. 2.



At the same time work continued on the development of a leadership strategy or map. Key experts were briefed to help with the design which was then presented for Board feedback before a series of workshops with the profession, the Ministry and critical stakeholders. The design brief was an ambitious one: the strategy needed to be both coherent to a public audience and credible to an expert audience, as well as culturally responsive to New Zealand. It should “tell a compelling story to the profession about the capabilities and competencies identified for 21st century leadership” through a framework of indicators that aligned with the recently developed Standards, include measures and indicators for success criteria, and fit within the Cabinet’s fiscal boundaries for the project. Most importantly it should focus on both the current state and the future, the individual and the profession, the local and the global.

A forum with a group of New Zealand academics, chaired by Tony Mackay, was held in February 2017, aimed at drawing on their knowledge of local and international evidence about what constitutes effective leadership. Feedback from the academic forum⁵⁸ was positive, particularly for the Education Council’s plan that the strategy should be co-constructed and owned by the profession. Participants identified six essential elements for the strategy. It should be guided by a clear vision of Te Tiriti o Waitangi, take account of the wider education system while planning to reshape the leadership ecosystem, connect research, policy and practice, draw on evidence and be open to new evidence, provide clarity about key leadership capabilities needed for a future-oriented profession, and provide an ecosystem that promotes and supports leadership learning. This first gathering was followed by one with ten agencies and another with a range of 28 professional peak bodies.

Frances Nelson, a former President of NZEI and well-known Auckland principal, was recruited as Director of the Centre. She undertook a series of regional visits in April/May 2017 to gather responses from the field to the content developed so far. The groups were varied: ECE, professional, Māori medium and community. Digital surveys allowed a wider reach. Nelson found the work stimulating,⁵⁹ noting that this was the first time that any group had had such a broad concept. She believed this was a rare opportunity to provide a professional body for the whole of the profession. Most professional groups were limited to the particular sectors who comprised their membership. Of paramount importance was the council’s open stance, respectful listening and inclusive approach. Nevertheless, the Ministry, in its briefing to the new Minister about the strategy, noted it did not refer to instructional leadership “or to the dimensions of leadership that have been shown to have the greatest impact on student outcomes”.⁶⁰

The final version of the *Leadership Strategy*,⁶¹ along with the *Educational Leadership Capability Framework* developed by the New Zealand Council for Educational Research (NZCER) for the Education Council, was launched in August 2018 by Minister of Education Chris Hipkins, who also provided a foreword. Its stated purpose was to “guide and inform a system-level approach to the development of leadership capability for teaching professionals”.⁶² The vision was that every teacher should have the

58 Leadership Strategy: Synthesis of views from the academic forum, March 2017.

59 Phone interview, 17 May, 2019.

60 Briefing note on Education Council Leadership Strategy, Ministry of Education to Minister, 5 December 2017, p. 1.

61 The Leadership Strategy for the teaching profession of Aotearoa New Zealand: Enabling every teacher to develop their leadership capability.

62 Leadership Strategy, p. 4.



opportunity to develop their own leadership capability so that “through principled and inspirational leadership, a culturally capable, competent and connected teaching profession achieves educational equity and excellence for all children and young people in Aotearoa New Zealand”.⁶³ The Minister himself stated that he was sure “the ground-breaking ideas and guidance presented in this Leadership Strategy will be an essential component of teachers’ success”.⁶⁴

The future of the Leadership Centre, however, is still uncertain. The election of a new government in October 2017 brought a number of changes to the Education Council. As discussed earlier it underwent another name change from Education Council to Teaching Council. The new Minister also reversed the policy that the administration of PLD would move to the Education Council in 2018 since he wished to reinstate a centrally funded Advisory Service as stipulated in the Labour Party Manifesto. The Minister appointed an independent Taskforce to review the school system, including the functions of the Education Council. This body in its preliminary report recommended that the Leadership Centre remain within the Teaching Council. It noted that “the Teaching Council’s Leadership Strategy and Leadership Capabilities Framework provide a sound basis for developing and improving effective leadership”.⁶⁵ A final report, following national consultation, is due at the end of June 2019 as a basis for ministerial decision making. In the interim, the Education Council has gifted the *Strategy and the Leadership Framework* to the profession.

Give Nothing to Racism

A further example of the Education Council’s leadership and commitment to help teachers explore the implications of the *Code of Professional Responsibility* was the development of a new resource, *Give Nothing to Racism*. The Human Rights Commission (the Commission) published a major report⁶⁶ in July 2012 examining structural discrimination in public services. The education system was a key area for scrutiny. The report argued that the Treaty of Waitangi offers a framework for discussing structural racism and the sometimes unconscious bias towards pākehā as the norm by which all students should be measured. Such a bias leads to deficit thinking. In 2017 the Commission initiated a national campaign, *Give Nothing to Racism* fronted by a range of prominent New Zealand entertainers and sportspeople, to create spaces for conversation around racism in Aotearoa New Zealand. The Education Council determined that as the professional body for teachers, it would join the Commission’s campaign for conversations about racism that would strengthen teachers’ individual and collective commitment to behaviours and practices set out in the *Code of Professional Responsibility* and the *Standards for the Teaching Profession*.

63 Ibid, p. 4.

64 EC Media release, 28 August 2018.

65 Taskforce, *Our Schooling Futures: Stronger together*, p. 18.

66 *A Fair Go for All? Addressing Structural Discrimination in Public Services*, HRC, 2012. Retrieved from https://www.hrc.co.nz/files/2914/2409/4608/HRC-Structural-Report_final_webV1.pdf



The Board approved a proposal in July 2018 for the Council to develop a resource for teachers “to empower the profession to have safe and productive conversations about racism, that result in changes to behaviour and practice as set out in *Our Code, Our Standards*”.⁶⁷ Reports from the Office of the Children’s Commissioner,⁶⁸ had revealed that many students experience racism at school, some of it from teachers. The Ministry had spoken of racism as an issue before a Select Committee. There was general agreement that “racism is a societal issue, complex, multi-layered and embedded”.⁶⁹ The planned resource would be developed through co-construction with the profession, both expert thought leaders and teachers, would involve consultation and feedback loops and would take time. Depending on the consultation process it could focus on structural racism, individual racism or teaching practices.

Considerable progress had been made by the end of the year. During October 2018, a workshop with “expert thought leaders” was held, 18 teachers from a list of volunteers took part in hour-long individual interviews and an online survey of teachers took place. A report, which also incorporated findings from a literature review, was presented to senior management in November and circulated for comment.

The scope of the work was widened in February 2019 with a second expert workshop to which representatives of other key agencies were also invited: the Office of the Children’s Commissioner, Te Puna Reo, the Ministry of Justice, the Human Rights Commission, and the Department of Prime Minister and Cabinet. Leaders from the Commission, the Ministry and the Office of the Children’s Commissioner spoke of insights gained from work on the issue in their organisations.

Ten days after the tragic shootings at two mosques in Christchurch on 15 March 2019, the Interim Chief Executive of the Council and the Chief Human Rights Commissioner published an open letter to the profession, outlining the *Give Nothing to Racism* project and providing some initial resources from the Commission as the basis for conversation among teachers. It also provided a link to the *Code of Professional Responsibility*. The letter stressed teachers’ powerful influence.

The teaching profession of New Zealand is in a unique position; as leaders and change-makers of society we know that you are committed to ensuring our tamariki and rangatahi are supported to feel, think, and behave in inclusive ways.⁷⁰

The next step will be to develop a digital resource for teachers. In doing so, the Council discussed the challenging issue of helping teachers acknowledge they may (often unwittingly) be part of the problem. But it also acknowledged their power to influence wider societal change.

Society has already taught our learners that some of them are less valued. That some cultures aren’t worth honouring. That different people deserve different levels of respect. If our teachers

67 General Manager Professional Services to Board, 23 July 2018, p. 1.

68 Education Matters to Me: Key Insights. Retrieved from https://www.occ.org.nz/publications/reports/education-matters-to-me-key-insights/28_June_2019.

69 General Manager Professional Services to Board, 23 July 2018, p. 2.

70 Open letter to the teaching profession, 25 March, 2019.



challenge these beliefs, it paves the way for learners, parents, and other teachers to believe something different. Teachers can shape what our society learns; teachers are the ones with the power to lead the change.⁷¹

The unifying concept for the digital resource will be Unteaching Racism. This will provide a common starting point, and help make it safe to participate. As they come to understand how racism, particularly structural racism, is learned, teachers will be encouraged to explore ways in which it can be unlearned and challenged, both in their own classrooms and schools and in the wider community. In doing so they will deepen their understanding of the *Code of Professional Responsibility*, the basis on which teacher registration rests.

Initial Teacher Education (ITE)

The sixth and seventh listed functions in the Act for the Education Council were to “establish and maintain standards for qualifications that lead to teacher registration” and “to conduct, in conjunction with quality assurance agencies, approvals of teacher education programmes”. This was a similar but less broad responsibility to that faced by the Teacher Registration Board (TRB), and the NZTC and an area in which significant work and a plethora of reviews had already been done.⁷² Since the establishment of the TRB, the ITE landscape had changed fundamentally. Until 1996 all teacher education programmes were offered in stand-alone colleges of education⁷³ with a long tradition and close links with the profession and until 1990 tightly controlled by the Department of Education. In 1996, as the schooling sector was still grappling with the changes brought by the Tomorrow’s Schools legislation, the field was deregulated and opened to new providers during a period of teacher shortage. The TRB was forced to devise ways of approving new programmes, determining standards and supporting new providers. It needed to work with other academic approval agencies such as the Committee on University Academic Programmes (CUAP) and the New Zealand Qualifications Authority (NZQA), and establish its authority to insist on professional as well as academic criteria. The NZTC developed the *Graduating Teacher Standards Aotearoa New Zealand* (2007) and refined the approval processes on how programmes were designed to enable students to meet these standards. The NZTC commissioned research into teacher education⁷⁴ and worked on induction and mentoring for newly qualified teachers. In the process NZTC staff consulted widely with teachers and ITE providers. The NZTC also had to cope with changing policy directions in the Ministry around length and funding of programmes. Throughout this period it insisted on research evidence, the importance of the practicum, raising entry standards, and professional input. However, the approval processes could cause strain in provider institutions which were forced to prepare quantities of written materials, and undergo site visits. The cost of these processes was charged to the institutions but there was no resulting increase in government funding for the programmes.

71 Presentation to Council, July 2018.

72 Standards for Qualification that lead to teacher registration, 2002; Graduating Teacher Standards, 2007.

73 Hamilton Teachers College and the University of Waikato had amalgamated in 1991.

74 Aitken et al, 2008; Cameron, 2004, 2007; Cameron and Baker, 2004; Cameron et al, 2007; Kane, 2005; Kane and Mallon, 2007.



Initial teacher education was an early priority for the Education Council. It had already been a focus for the Transition Board and a meeting of stakeholders at the August 2015 Education Council Board meeting unanimously supported work on raising standards. By October 2015 the Education Council was ready to contract writers of a think piece which would be “thought-provoking, innovative and offer a number of different perspectives for consideration”.⁷⁵ The brief, which was a collaborative initiative between the Ministry and the Education Council,⁷⁶ noted that better workforce planning was an important issue to address. The contractors received comment on drafts from various sources and an Education Council convened stakeholder discussion in February 2016 identified desired graduate options in professional knowledge, professional practice and professional attributes.

The resulting document, *Strategic Options for Future Focused ITE*, was clear and comprehensive. It was insistent that ITE should not be discussed in isolation but as part of a wider perspective which included ongoing professional learning and professional leadership. It addressed issues of entry requirements, supply, and the existing wide network of providers and made recommendations about areas where decision making about change might occur. Significantly, it recommended consideration of the case for an increase in the per student funding rate for ITE to support the quality of programmes needed and possible changes. It examined calls for a shift to a post-graduate profession and training for associate teachers in schools who worked with teacher education students. The role of the Education Council was spelled out.

The Education Council believes the time is right for it to exercise its leadership role on behalf of the profession, in overall management of the ITE system. This does not mean the Education Council should do everything in the system but it believes that its role is to facilitate the development of a coherent vision as to how the system should move forward and to co-ordinate the actions of the different players to achieve that vision.⁷⁷

By July 2016 the Education Council was ready to begin on the next phase of the process.

A stakeholder working group meeting held in early August 2016 agreed the Council had a mandate to lead this ITE strategy. In September 2016 the Council issued a general progress report to the sector that work had begun on reviewing standards for ITE graduates, lifting entry requirements, including literacy and numeracy, enhancing assessment and moderation processes between programmes, streamlining approval and review processes. Attention would also be given to working with other agencies, including the Tertiary Education Commission (TEC), to develop a more efficient and coherent network of provision across the country.

Progress was outlined in a briefing for Board members in February 2017. Design workshops had been held with ITE providers, and an additional hui with Māori medium and bilingual providers to discuss areas of particular concern to them. An ITE Advisory Group was established. The Education Council also studied evaluations from the exemplary Masters programmes which had been piloted since 2014. At this stage the Education Council was envisaging a move to a post-graduate profession with a first

75 ITE Brief, p. 2.

76 Interim CE to Board, Update on Priority Area: ITE, 19 October, 2015.

77 Strategic Directions, p. 08.



degree needed for entry to an ITE programme of 18 months to two years, benchmark requirements for literacy, numeracy and statistics, and assessment of students against the new *Standards for the Teaching Profession* being developed, with an expectation that they met these standards (in a supported environment) on registration. A professional development and accreditation system for mentors and associate teachers was also mooted.

More detailed documentation was presented to the Board in March 2017 when Education Council staff sought approval to consult the ITE sector on the changes. NZCER had been contracted to complete a literature review on the features of quality practicums, a copy of which would be included in consultation packs as an aid to discussion as this work was expected to inform local practice. The consultation pack detailed each proposal, giving the status quo, the reason for change and questions. In addition to post-graduate level programmes the Education Council envisaged some programmes that prepared graduates to teach across multiple ages and learning stages and which would equip them to move across institutions in Kāhui Ako. Providers had suggested this could require a longer time frame for study. Some concerns had been expressed that the proposed changes might make ITE less attractive and affordable and reduce student diversity while some providers, especially those in ECE and Māori medium, might not be able to make the transition.

In April 2017 the Board received a briefing on the approval process for ITE programmes. The Education Council felt the current process was cumbersome and intended to set up a working party with other approval agencies and ITE providers to reduce duplication. As requested by the Board, the Education Council also provided an overview of the employment based *Teach First New Zealand* programme. In May 2017 the contents of a new consultation pack were shown to the Board. This proposed a four-year undergraduate degree as well as the postgraduate option. Feedback was solicited on six questions. A paper on positioning teaching as a postgraduate profession⁷⁸ and both full and summary versions of the NZCER literature reviews on practicums were included. Consultation via the website was open from 8 June to 7 July 2017 and around 190 submissions were received by the closing date.⁷⁹ During this period meetings were also held with a range of organisations. In response to Māori medium providers, the Education Council ran a separate hui, co-hosted with the Ministry, for Māori medium providers and kura leaders to scope a way forward that would respond to sector needs. A separate but connected Māori medium work programme was established and is continuing to develop Māori medium specific approval processes and guidance.

78 Advice paper: Positioning Teaching as Postgraduate Profession, EC with advice from Professor Roger Moltzen 2017.

79 There were 90 submissions to the short general survey, 70 to a detailed ITE stakeholder survey and 30 written submissions, mainly from organisations.



An analysis of responses was provided to the Board in July 2017 with the proviso that the Council needed to engage with the Māori medium sector and develop Māori solutions. This was a feature of the Ministry response as well. There was strong support for:

- Raising literacy and numeracy entry requirements though the Ministry thought providers should also strengthen their ITE programmes in these areas.
- Strengthening practicum arrangements – though a number of practical issues were raised including the unwillingness of schools to partner unless there was more support especially for associate teachers.
- Setting clear standards for graduates to meet. This would require more resourcing for schools.

There was medium strong support for:

- Expanding post graduate qualifications. The Ministry supported this but did not see it as a necessary step to increase teacher quality.
- Flexible programmes that prepared teachers to teach across age ranges.

Moving to a postgraduate profession received only 40% support. There was particular concern in the ECE sector where not all teachers need to be qualified and where pay rates are not equal to those in other sectors. Affordability and the effect on diversity were cited as concerns.

Draft recommendations for new, higher quality ITE programmes from 2020⁸⁰ were submitted to the Board for discussion at its August 2017 meeting. Though the report still spoke of “transformation” and “lift” there were choices to be made. Raising standards could impact on supply at a time of teacher shortage. The Education Council would continue to work on the programme approval processes and managed pathways from graduation to full certification. Better matches between graduate supply and workforce needs were anticipated. In late November 2017 the Education Council published its vision for the new ITE system and detailed decisions. In November 2018 the Chief Executive reported that the (now) Teaching Council was still working with the Ministry to ensure it was comfortable with the new policies. Notwithstanding the Teaching Council’s legislative mandate in this area, the Ministry had an overarching policy role including responsibility for teacher supply. The policy sphere was complex and intersecting with a range of other agencies – the TEC, universities, and politicians – also holding interests.

The concept of a capstone assessment, which would ensure every graduate met the Standards but allow flexibility in ITE programme design, became attractive to the Education Council. Further work on the issue, including moderation to build consistency over time, was commissioned from the University of Auckland. While the Ministry supported the capstone assessment, its preferred model was more prescriptive than some professionals had recommended and showed little faith in existing quality assurance processes:

80 Memo from CE to Board, 23 August, 2017.



They are looking for us to provide greater assurance that the ITE graduates are ready to teach by: prescribing core/curriculum/mandatory subjects, increasing the minimum periods of practicum, and mandating a capstone assessment at or near the end of a programme.⁸¹

From this point on assessment of student teachers to ensure they could meet the Gazetted teaching Standards (in a supported environment) became the focus of the Council's ITE work. The Council believed that all learners are entitled to teaching of the quality indicated by the Standards and consequently expectations of both experienced and beginning teachers should be no different. As a result

Teaching Council decisions about approval to deliver ITE programmes are best made with reference to evidence about the quality of assessments used to determined graduates' achievement of the standards (in a supported environment).⁸²

A chart provided an overview of the new requirements. In future providers would be expected to provide a conceptual framework for each programme detailing how the Standards were unpacked, covered with rigour and assessed, description of the variety of assessment opportunities, approaches and modes, and how different contexts of teaching are reflected in these assessments. Providers would need to explain how practitioners were involved in assessment design and processes. Finally, there would be a description of a culminating integrative capstone assessment, based on an unstructured authentic practice situation demanding complex decision making and synthesis of learning. All students must complete this successfully to be eligible for registration.

A final document *ITE Programme Approval, Monitoring and Review Requirements* was published in April 2019. It was 65 pages long, plus appendices. A shorter, more accessible document outlining key changes for providers was also launched. Additional changes included:

- Literacy and numeracy levels must be tested before entry and be no lower than University Entrance requirements.
- Programmes must be designed and delivered in partnership with schools and iwi.
- Providers must provide graduate information to the Council in an agreed format.
- High quality experiences must be evident in professional experience placements which had additional days added to them.
- Providers must develop (in conjunction with key partners) a set of 10-15 key teaching tasks that graduates can carry out from day one on the job.
- All students must have te reo Māori assessment soon after entry.

81 CE to Board, 21 November, 2018, p. 2.

82 Draft paper, December 4 2018, p. 1.



Surprisingly, after the rhetoric which placed stress on raising standards of entry earlier in the process, flexibility was preferred to prescription. Issues of supply – and the needs of Māori medium and ECE groups – prevailed. Given the complexity and intersecting nature of the ITE policy/funding and delivery sphere, some compromise with political and other agency views was inevitable if disappointing. The new requirement would “enable flexible pathways for candidates aged under 20 years or younger without University Entrance (UE) to enter programmes if they can demonstrate to the satisfaction of the provider that they have the ability to study at tertiary level”. Similar flexibility would be exercised for entry to graduate and postgraduate programmes. There were caveats that such programmes must be designed to offer support.

For established providers who already had strong professional relationships with local schools, involved associate teachers in the assessment of final practicums and measured their students against the *Graduating Teacher Standards* there would be little change except to increase the emphasis on developing te reo and tikanga Māori skills, as inquiry was already part of most ITE curricula. However, they faced the necessity to once again review and redesign approval documentation. Multiple pathways into the profession had replaced higher standards of entry as a guiding principle.

Registration

For the majority of New Zealand’s more than 100,000 teachers, registration and the issue or renewal of a practising certificate is their major contact with their professional body. Registration was a new concept in 1989 when the TRB was established, was made voluntary by an incoming government in 1991, and since 1996 has been mandatory. Before 1990, Inspectors visited all new teachers in their classrooms and together with the school principal attested their suitability for certification after a probationary period. The TRB decided on a common register for all teachers. Existing staff in schools and those graduating from a teachers’ college were eligible to apply for registration. Processing these applications was a massive task. By March 1991, over 50,000 teachers had been placed on the register. As renewal was required every three years, this initial surge meant there would be a peak renewal at regular intervals.

In 2002, the TRB was dissolved and the NZTC with a partly elected Board and wider powers was set up. This body had to cope with a peak renewal with limited resources and increased requirements such as police vets and scrutiny of evidence around induction and professional development. The resulting chaos soured relations with the new NZTC which took Ministry intervention and five to six years hard work to repair. Teachers, frustrated with lengthy delays, requests for further information and a rise in registration fees, lost confidence in the system. A new manager appointed in 2005 was tasked with ensuring greater efficiencies and customer service. She also faced a growing teaching force as registered teacher numbers grew from 50,000 in 1991 to 103,000 by 2014. Helping teachers to understand the requirements for renewal was a major task, tied to the NZTC’s work on induction and mentoring. When the Education Council in turn took responsibility it still faced a major battle in making the process understandable, quick and efficient.



The Act specified that a percentage of the appraisals in schools and early childhood centres should be audited and moderated. The Education Review Office (ERO) was contracted to carry out this work. A meeting was held on 13 October 2016 to discuss findings and consider the next step. ERO had carried out over 4,000 audits across the three education sectors, exceeding the requirement of 10%. Its brief was to examine evidence on appraisal and endorsement by professional leaders and rate it as satisfactory or unsatisfactory. ERO was testing for consistency across the country and evidence that judgements were made using the *Practising Teacher Criteria* developed by the NZTC. ERO found principals took their responsibilities in this area seriously and rated 77% of full certification decisions and 65% of renewal decisions satisfactory. Those least likely to have meaningful appraisal tended to be part-time or relief teachers.

The Education Council was focused on separating governance and management particularly as the 2012 Review had found the NZTC wanting on this issue. The Board did not wish to be involved in making decisions about registration. Most registration decisions were made under delegations to staff, except when applicant's character or fitness to teach was called into question. Applicants with unsatisfactory Police Vets or whose registration had previously been cancelled by the were referred to the Board. The Board considered that these difficult cases could be also be addressed under delegation by Education Council staff. The new Chief Executive, Graham Stoop, supported this view and in December 2015 sent an email memo to Board members outlining the background and proposed solution.⁸³

In February 2017 the Board agreed to the establishment of a Registration Panel,⁸⁴ the members of which would be appointed by the Chief Executive and comprise one Education Council manager, one layperson, and two registered and certificated teachers. A legal officer of the Education Council could advise. The Registration Panel would consider those cases previously referred to the Board. As there was no legislated authority for this the Registration Panel was initially established under the Education Council's ability to delegate powers and make rules as it sees fit.⁸⁵ A pilot hearing of three cases took place in December 2016 and the change was approved by the Board in February 2017. Following consultation with peak bodies, the Education Council began work to include the Registration panel in the Education Council Rules and made changes to align its structure to the Competence Authority, including appointment of members by the Board. In September 2017 the Chief Executive informed the Board that 80 nominations for teacher members and 22 nominations for lay members had been received. Recruitment exceeded the Education Council's expectations and indicated willingness from teachers and the public to engage with the Education Council.

In 2019 major changes to the registration policy were finalised. From 2015 the Education Council had been operating under an interim policy for registration while the Council itself was becoming established and the Code and Standards developed. A Working Group, initially with the same membership as the Standards design group, shaped the work over an 18 month period. A draft summary of key changes to the policy was tabled at the Board meeting in February 2018 prior to

83 CE to Board, 8 December 2015. Delegating Power to make decisions to grant and to decline to grant registration, practising certificates and limited authorities to teach.

84 Under sections 388 and 389 of the Education Act 1989.

85 Section 388 Education Council to make rules.



consultation with the sector. The eight week consultation period produced 493 online surveys and 11 written responses. Most proposals were supported. The feedback was then shared with the Education Council's registration team, advisory groups and the Standards Working Group.

The new document more accurately reflected the legislation, including clearly separating registration and practising certificates and articulating the requirements for issuing and renewing practising certificates. It was titled *Teaching in Aotearoa New Zealand. Te Whakaako Aotearoa: Requirements for Teacher Registration, Practising Certificates and Limited Authority to Teach* to reflect that the policy was about how to enter and move through the profession. Changes included:

- Those seeking registration would need to declare a commitment to the *Code of Professional Responsibility* and have a satisfactory police vet. This would streamline the definition of good character.
- Fit to be a teacher was redefined as someone capable of carrying out the responsibilities of teaching.
- Applicants for registration must also signal a commitment to develop capability in te reo me ngā Tikanga Māori (Māori language and culture) and demonstrate ongoing development for all certificate renewals.
- Those seeking certification types other than a full practising certificate would need to show they were likely to meet the *Standards for the Teaching Profession*. New graduates must have completed their teacher education within the last five years while those seeking renewal must have completed two years of uninterrupted teaching over the past five years.

In presenting the policy to the Board, Education Council staff listed four key themes for change:

- Leveraging the *Code and Standards*.
- Strengthening bicultural capability.
- Introducing greater flexibility.
- Making sure knowledge is current for beginning and experienced teachers.

A summary of the feedback showed there was strong support for the use of the Code and Standards and for the bicultural requirements, though written responses from peak bodies raised resourcing issues in that regard. In June 2018 the Board approved the changes, in principle, and work on publication began. Implementation has been delayed pending the completion of the online project due to go live in mid-2019.

The Council also aimed to make the registration process less stressful and time consuming for teachers. In October 2016, individual staff in the contact centre began to spend a day in a school or early childhood centre to see what life was like for a certificated teacher in their day to day work. They took with them a simple questionnaire. Responses covered practical issues (Can we have a text reminder for practising certificates? Why is there a 12 page guide for a 5 page form? Can we have a



checklist at the front of applications?). There were also wider questions (Can there be more promotion of the profession as a desirable career choice?). Some teachers wanted more professional development on meaningful appraisal and advice on how much evidence is needed.⁸⁶

Coping with the volume of applications for renewal was challenging. Although the Education Council processing was coping with heavy volumes there was still a substantial backlog and teachers complained about processing times. There were ongoing delays with police vetting because of legislative changes. To combat this the Education Council hired additional temporary staff, undertook process improvement initiatives, contracted Police for a priority service, and started the huge task of moving the paper applications online. In April 2017 around 50 teachers took part in a trial of a new online renewal process (EC30 trial) with generally favourable feedback. 65% were able to complete the process in ten minutes or less. The online application launched in January 2018 allowing all teachers with an Education Sector Logon (ESL) from the Ministry to renew their full practising certification though at this point ECE teachers did not have access to Logon. The Education Council pushed for ECE teachers to be able to secure ESLs but this was not achieved till October 2018. By then, almost 40% of full practising certificates renewals were completed online with an average processing time of approximately seven days (compared to approximately 22 days on average for paper applications). Other efficiencies were introduced: upfront assessments, fast tracking applications with all required information, direct communication with teachers where information was missing. The Registration team also developed writeable PDF forms with smart logic. Teachers who used these were less likely to miss sections or leave out information. All these initiatives were a precursor to moving the entire registration and certification processes online.

A further complication was that the changes to the Act that established the Education Council meant the 38,000 practising certificates the NZTC had issued in the year before its disestablishment would have a shorter than normal expiry period in anticipation that there would be new teaching standards and a new practising certificate structure in place by July 2017. On legal advice the Education Council created an interim practising certificate which would take these teachers to their normal expiry date.⁸⁷ The Council also took steps to separate competence cases and practising certificate renewal – a complex issue.

A further issue which came under the auspices of the registration team was the NZTC's Teacher Education Refresh (TER) programme, designed to ensure teachers who had not moved to a full practising certificate after six or more years, and those returning from years away from teaching, were still current in their practice. The Education Council and its stakeholders agreed that the policy was sound: teachers should not be able to stay on a provisional practising certificate indefinitely and those without recent teaching experience should refresh their knowledge. The TER programme also provided a mechanism for teachers who did not meet the 2015 Act requirement to demonstrate satisfactory PLD in the past three years for renewing practising certificates.

⁸⁶ CE Report to Board, 22, November 2016.

⁸⁷ General Manager to Board, 16 November, 2016.



Wanting to be responsive to the profession, the Education Council sought feedback on the TER. Complaints from teachers required to take a TER programme were not the requirement itself but the provision. There were only three providers, the course was of 12 weeks duration and cost up to \$4,000 with no student loans allowed. The programme included a practicum experience which could be completed at a teacher's place of employment but many would need to travel to complete the programme. Some teachers, such as relievers and itinerant music teachers found it difficult to meet the teaching service requirements needed to receive induction and mentoring support, which would enable them to move to a full practising certificate. Many, such as mothers wanting to return to work as relievers, found the cost difficult to meet. Teachers and principals claimed the rules and messages were confusing and the Council received complaints both directly and on social media, though NZEI acknowledged a certain amount of scaremongering had taken place. In most cases, there was ignorance with respect to the requirements of the Act. Senior Education Council staff spent a good deal of time explaining what the Act specified.

A working group, including the PPTA, NZEI, and principal representatives, was put together to explore options. It developed two work streams: ways to support more teachers to meet the requirements for full practising certificates and more flexible, and less expensive, options for TER provision. A pilot was developed to help part time, itinerant and relief teachers access induction and mentoring support by counting their teaching service across settings. The Education Council would fund the cost of the mentor. The Council was able to secure less expensive TER options, including an online programme and one specifically for itinerant teachers of music. Much of the pressure disappeared at the end of 2017 when the Government announced an allocation of \$1.25 million for TER in the first six months of 2018. When this was oversubscribed further money was allocated though there was still a cap. The 2018 budget continued the free access to the course for the next four years.

Early in 2018 the Council noted that over 1,100 New Zealand teachers had completed the programme since mid 2015 with a further 400 currently enrolled. Around 800 overseas teachers had also completed and achieved registration and provisional certification. In August 2017, the Government agreed to fund the Education Council led mentoring programme for provisionally certificated teachers for the next two years to help those without other access to support to qualify for full certification. The Education Council extended its original in-setting pilot to providing external mentoring support for those unable to access it in their settings. By the end of 2019, the mentoring programme will have helped 48 teachers move to a full practising certificate. Further, the TER programme has enabled over 1,500 teachers to remain or re-enter in the profession.

The work on registration is an example of the ways in which the Education Council sought to integrate professional and regulatory functions, at the same time developing the new processes in an iterative and consultative manner. Seeking to make the process as fast and efficient as possible was also a key aim though this will not be fully realised until the new online system is fully in place and operational. This is planned to occur in July 2019.



Competence and Discipline

Concern over a small number of cases of serious misconduct by teachers was one of the drivers behind the establishment of the Education Council. Its predecessor, the NZTC, had refined its processes, established rules, set up a Complaints Assessment Committee (CAC) and a Disciplinary Tribunal (DT). From 1 July 2014 published decisions named the respondent and hearings were held in public⁸⁸. Nevertheless a higher than desired number of media enquiries over the first 18 months of the Education Council were concerned with alleged misconduct and the Education Council needed to be proactive in addressing this.

The 2015 Act required the Education Council to make changes to the rules for its disciplinary processes and police vetting by the end of June 2016 to reflect the new legislation. The Council took the opportunity to streamline and simplify the processes in the Rules. Key changes were the establishment of a Competence Authority (as a parallel body to the other disciplinary bodies) and the employment of in-house investigators to take the burden away from the CAC. The Competence Authority had the effect of removing the requirement for Board members to adjudicate on competence matters. Feedback from the sector revealed only reluctant support for this last change, as some saw it as a guarantee of the Board's rigorous oversight of disciplinary processes. The new rules would come into force on July 1 2016 with any complaints received before then being heard under the old rules. In May 2016 the Council made appointments to the Competence Authority, the Complaints Assessment Authority and the Disciplinary Tribunal and carried out training days for the new appointees. By September the Chief Executive informed the Board that initial feedback from the CAC on the new process was favourable. Free from the need to carry out investigations themselves the CAC members were able to concentrate on decision making.

The Council had also to identify and deal with all teachers with convictions for specified offences since the 2015 Education Amendment Act precluded such teachers from holding registration unless they were granted a core worker exemption. This was consistent with the changes in the Vulnerable Children's Act 2014. Fourteen teachers in this category were identified and advised to seek an exemption. Four were granted an exemption with no conditions, four with conditions and six had their registration cancelled.

With new in-house lawyers in place the Education Council refined its process of receiving reports and complaints. A triage committee was set up to make an initial consideration of mandatory reports and complaints and determine where they should be dealt with. Some could be sent back to the initiator, or to the employer; others would go to an investigator or a competence assessor. At the same time the Education Council developed a competence framework to ensure consistency for decision making under the new rules. The Competence Authority had the power to impose conditions but cancellation of a practising certificate needed Board approval. This changed after the passage of the Education (Update) Amendment Bill in May 2017 which gave legislative authority for the new committee to cancel registration, practising certificates and Limited Authorities to teach. From then on it would also need

⁸⁸ Unless the Tribunal makes a contrary order on specified statutory grounds.



to appoint lay members. The legislation necessitated a further review of the Rules to ensure their consistency – a complex process, involving the Parliamentary Counsel Office and requiring consultation with the sector. Rule changes took around a year to complete.

The new Chair and Deputy Chairs of the Disciplinary Tribunal, which is independent from the Education Council, had decisions to make about the nature of serious misconduct since the new Education Act required all cases of “possibly serious misconduct” to be referred to the DT. A sensitive issue was defining the extent of professional boundaries between students and teachers. An important precedent setting decision in 2017 found a relationship between a teacher and her former student (whom she married during the CAC negotiation) to be serious misconduct warranting the cancellation of registration. However, the judgement also asserted that “there is not, and cannot be, a blanket prohibition on intimate relationships between teachers and former students”.⁸⁹

Towards the end of the year a need for further Disciplinary Tribunal Deputy Chairs was reported to the Board, mainly because of the higher rate of referrals resulting from the “possibly serious misconduct” rubric. Council staff met with NZEI and PPTA to reassure them about the increased rate of referral. Public awareness and publicity about historic abuse and the Royal Commission of Enquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions could also lead to further cases being referred to the Education Council. Some proactive initiatives to contact and reassure peak bodies were taken.⁹⁰

The centrality of the *Code of Professional Responsibility* was felt in this area of the Council’s work as well. In August 2017 a training day was held for members of all three disciplinary bodies: the DT, the CAC and the Competence Authority, the first time they had all met together. The primary aim was to consider how the Code would affect their decision making. Feedback from the new DT Chair and her deputies was that it would provide useful benchmarks and guidance in considering behavioural issues. Early in the next year the Council’s Teacher Practice Team was renamed as the Professional Responsibility team, another reinforcement of the Code.

The needs of Māori medium and Early Childhood sectors

The NZTC was required by legislation to establish advisory committees for ECE and Māori Medium Education to provide guidance, make suggestions and act as a sounding board. There was no such legislative requirement for the Education Council but the Board agreed that reconstituting the groups would be valuable, as part of its overall commitment to equity for Māori and early childhood learners. Each advisory group would be chaired by a Board member to ensure direct contact with the high level strategy making of the Education Council. Ripeka Lessels became Chair of the Māori Medium group and Clare Wells of the ECE Advisory Group. In January 2017 the Chair wrote to current members of the

89 CE to Council, 18, July 2017.

90 CE to Board, November 2018.



committees thanking them for their work and informing them that the Education Council had agreed to reconstitute the advisory groups and call for expressions of interest. They were encouraged to reapply. General nominations for each committee were called for in February 2017 through social media, *Highlighter*, the website, letters to leaders of organisation and personal approaches via email and hui. Membership of the groups was confirmed at a Board meeting in April 2017.

The two groups met for a joint induction meeting in June 2017 in Wellington. The Chief Executive, Graham Stoop, explained the working of the Education Council and its relationships with other bodies, a presentation some present thought should be made more widely available as the role of the Council was often misunderstood because of the way it was established.⁹¹ His focus was on the expanded functions of the new body which needed to establish relations with government, government departments and the education sector. Its focus was to ensure safe and high quality leadership, teaching and learning through raising the status of the profession but its regulatory functions should not be seen as separate from the leadership function. Later the two advisory groups addressed issues specific to their sectors arising from the Council's work in leadership, ITE and registration. Both had concerns about the proposed raising of entry standards which could disadvantage students who might otherwise do well. Both queried the cost of postgraduate programmes and enquired about workplace training. The importance of language for Māori Medium education was stressed.

The ECE group met again in August 2017 where they engaged in a leadership workshop with Frances Nelson and met the Chief Executive to discuss planning for an ECE theme in the 2018 IFTRA⁹² conference to be held in Wellington. They deliberated over the ITE proposals expressing concern that the complexity of the sector and inconsistency among ITE providers could lower the bar. They felt that if the proposal to prepare teachers to teach across sectors went ahead it should entail a longer programme. Meeting English language proficiency standards was another complex and problematic issue. They met twice in 2018, sharing insights from practice and learning more about the Council and Ministry of Education workstreams. There was valuable sharing of feedback from other groups such as Māori responses to the leadership strategy.

The Māori Medium group meet in Here-turi-kōkā (August) in Rotorua when they focused on proposals for future-focused initial teacher education. Māori Medium schools were already facing a teacher shortage and it might be time to look at broader criteria, and skills outside of literacy/numeracy. Some people develop their passion and skill for teaching while on the job so finding pathways for them to grow was important. Thinking of LATS as part of the profession with defined pathways could be valuable. The Committee expressed interest in already available employment based pathways and at its next meeting in Wellington in Hakihea (December) were given a presentation on the Teach First NZ initiative.

91 Minutes of the Advisory Group induction day, 20 June 2017.

92 International Forum of Teacher Regulatory Authorities.



They went on to focus on the Māori language requirement in the Code and Standards, attempting to define what “good” might look like for meeting the Te Tiriti o Waitangi partnership standard (with support) and agreeing it must be contextual. They also identified difficulties for kura with the current PLD model and suggested that community members could also be involved in the leadership strategy. Two further meetings were held in 2018. The Council sought their feedback on what an ideal ITE system for their sector would look like, how supply could be increased, and what a collaborative and coherent network of provision to meet the needs of the Māori Medium education could look like.

Online Services Project

The Education Council from its inception was anxious to digitise much of its work. A key focus for this was registration where backlogs continued to accumulate in spite of efforts to reduce them and piles of paper on the floor remained a visible reminder of the fact. Senior staff were aware of the Ministry’s proposed five to ten year strategy for a digitally enabled education system. The Council was in danger of looking outmoded rather than exercising leadership. Lesley Hoskin, the Deputy Chief Executive, had come to the Council with considerable experience in IT, e-learning and managing major change. During time at the Ministry of Education she had led the teacher payroll recovery project from which important lessons had been learned. At the Council she was a catalyst for ambitious change to modernise the way the business systems operated while focusing on security and accessibility.

The Online Services project, first reported to the Board in September 2016, and supported actively by the Ministry, was an ambitious plan. Its aim was to work collaboratively to not only meet the needs of the Education Council but also to extend online functionality to other education sector agencies working with the education workforce. A project governance board comprising senior managers from the Education Council, the Ministry, Education Payroll, NZQA and the Department of Internal Affairs was meeting fortnightly. In December 2016 Ministers Bill English and Hekia Parata approved drawdown of tagged contingency funding approved in the 2016 budget and operating over a four year timeframe. By July 2017 the project governance board had viewed and evaluated proposals received in response to an RFP for a supplier to support the end to end business processes. Salesforce was the successful procurement solution, via tender from Davanti Consulting Limited, which then began work on a discovery and design process.

For the Education Council the project would provide a technology platform for four key business functions: Registration and certification, conduct and competency, customer services, and professional services. It would provide an online community space for teachers to access and update their profile information, interact with the Teaching Council through web chat, book into seminars and workshops, collaborate with colleagues, track progress of activities like registration and renewals and make payments for fees. Initial work focused on customer services to allow the Council to provide email and phone support through the contact centre. Teacher enquiries would be automatically logged on their teacher record.

Essentially the online services project would provide a portal to which all teachers had individual access and where, with individual teacher approval, teacher data could be shared between agencies. It



was important that the services provided should be teacher-centric. To this end consultation took place during 2018 with members of the Online Services Teacher Advisory Group to gain insights into the way teachers think about and use online communication and collaboration tools and what topics and resources could be useful for them to access. The Education Council showcased work in progress at education conferences and met with some of its peak bodies. At this point because of delays in delivery of some online services components it appeared that the project would take longer and cost more than originally anticipated in the business case. Commercial discussions were underway and options for funding some final work would be investigated.⁹³

On 28 August 2018 the Council was able to launch its own staff digital workspace, *Kupe*. Over 90% of staff logged on in the first week and continued to do so. Staff could view profiles and contact details, keep updated with Council news and general information, access policies and process documents, and access knowledge articles to support them in answering customer enquiries and other tasks. Confidence gained through use of this tool would be valuable experience for helping members of the profession.

The Online Services Project is now scheduled to go live on July 1 2019. The Teaching Council will implement first and the Ministry has its development underway. One of the internal benefits is that the Teaching Council will be able to decommission its aging legacy system for registration, teacher conduct and competence. The Council envisages opportunities for fostering secure online discussion spaces for teachers as part of its leadership role.

Final summary

The Transition Board tried to define what would indicate that the new body was successful.

If EDUCANZ is successful we will see wide and robust dialogue about excellence and equity led by the profession itself. Teachers and educational leaders will be highly respected for their professional expertise and teaching will be seen as a desirable profession. Most important, every child attending our schools and early childhood services will experience learning success.⁹⁴

Their vision was a lofty and long-term one and the Education Council had only a brief four-year existence. Yet over that period it accomplished a great deal and established a way of working that was consultative with both the profession and other education agencies. Like its two predecessors, the Teacher Registration Board and the NZTC it was subject to political decision-making which changed its legislated mandate drastically and ultimately removed its Board. And while its style of working with other groups was widely appreciated, union opposition to the Board's constitution never abated. Like its predecessors it has had a difficult time convincing the profession that it should pay for leadership and professional development activities and even for disciplinary processes.

⁹³ CE Report to Board, 31 July, 2018, p. 5.

⁹⁴ Interim Board Draft Strategic plan . p. 2.



The vision for the Education Council was that it should be transformative in lifting the status of teachers in New Zealand. The Board and the staff accepted this responsibility, aiming to work with teachers as they did so. It was an enormously broad mandate. In developing its core documents, the Council has been staunch in insisting on a particularly Aotearoa New Zealand approach to the Code and Standards, ITE and the Leadership Strategy, one that acknowledges Te Tiriti o Waitangi and the need for New Zealand teachers to develop bi-cultural competence that is ongoing. Overseas teachers seeking registration here will need to undergo targeted professional development in this area.

Some of the Council's successes are tangible.

- It completed and gazetted a new *Code of Professional Responsibility* and a new set of *Standards for the Teaching Profession*.
- It completed the development of a new Leadership Strategy and Leadership Capabilities Framework which widened and enriched concepts of educational leadership.
- It completed the development of the Online Services Project which should both increase efficiency and revolutionise teacher interaction with the Teaching Council for both regulatory and professional issues.
- It initiated debate about ITE and formulated new requirements for ITE providers to satisfy for programme approval.

The future of the new Teaching Council is uncertain. The anticipated transfer of PLD from the Ministry has been stopped as a comprehensive education advisory service is proposed in the Tomorrow's Schools Review. The Tomorrow's Schools Independent Taskforce has yet to submit its final report. Its initial report praised the Leadership Strategy and supported the Leadership Centre remaining in the Education/Teaching Council but it focused on the role of the principal rather than the wider approach of the Strategy. While his performance was widely admired, the Chief Executive did not seek a second three year term, believing that the new Board should have the opportunity to appoint its own Chief Executive. His loss will be keenly felt. While the Minister assured the Board Chair in January 2018⁹⁵ that he anticipated making decisions during 2018 they are yet to be finalised. Inevitably a change of function and of governing body will lead to a loss of momentum, even temporarily. Although it has engaged constructively with Education Council working groups, PPTA still perceives that the role of the professional body should remain regulatory.

The new Teaching Council will face a range of challenges and tensions. Some of them are inherent to any professional body. Others are more local. It will still need to walk a tightrope between the profession and the state, one seeking greater professional freedom and the other more focused on control. For this it needs independence but it will be required to take account of Ministry policy directions and workstreams. It will need to find a place to stand and assert its right to be considered a leader of the profession. It will need to continue to win trust.

95 Letter from Minister of Education to Barbara Ala'alatoa, received January 5, 2018.



It will need to determine, and negotiate with the state, sources of revenue, including fees, that will enable its work to continue after 1 July 2020 and work to convince the profession of the necessity for any fees. It will need to establish a balance between leadership and ongoing co-construction. The larger size of its Board may make agreement and focus more challenging.

Over the four years of its existence, the Education Council has increasingly sharpened its focus on achieving its goals, transformed its internal organisation and established strong and focused Board governance. The quality of its leadership at Board and management levels has been notable. The Education Council has challenged professional thinking and raised the level of debate on key issues through genuine consultation and co-construction. It leaves a strong legacy.

Endnotes

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