

In Confidence

Office of the Minister of Education

Chair, Cabinet Business Committee

## **Education (Teaching Council of Aotearoa) Amendment Bill**

### **Proposal**

- 1 This paper informs Cabinet about proposals in the *Education (Teaching Council of Aotearoa) Amendment Bill*. This Bill proposes to:
  - 1.1 change the name of the Education Council of Aotearoa New Zealand to the Teaching Council of Aotearoa; and
  - 1.2 change the composition of the Teaching Council of Aotearoa to seven members elected by the profession and six members appointed by the Minister of Education.

### **Background**

- 2 The purpose of the Education Council of Aotearoa New Zealand (the Council) is to ensure safe and high quality leadership, teaching and learning for children and young people in early childhood, primary and secondary schooling in English medium and Māori medium settings through raising the status of the profession.
- 3 The functions of the Council, set out in s382 of the Education Act 1989 (the Act), include providing leadership to teachers and direction for the education profession, setting standards for initial teacher education programmes and practising standards for teachers, and performing disciplinary and competence functions.

### **Comment**

#### *Name of the Council*

- 4 The Education Council was created in 2014, following a review of the New Zealand Teachers' Council. Sector engagement to inform the design and functions of the new body was carried out by a Ministerial Advisory Group. An overwhelming majority of those involved in the engagement expressed strong ownership of the terms 'teacher' and 'teaching'. Reflecting this, the Ministerial Advisory Group recommended that the new body should be named 'The Teaching Council of New Zealand'. Fewer than 1% of the submissions supported the name 'Education Council'.
- 5 The Council has responsibility for raising the status of teaching, and it is important that the name reflects this role. I consider that the name of the Council should be changed to 'The Teaching Council of Aotearoa'.

### *Composition of the Council*

- 6 Under the current provisions in s380 and Schedule 21 of the Act, there are nine members of the Council, all of whom are appointed by the Minister of Education. This gives the teaching profession less control over its affairs than other comparable professions such as nurses. The Nursing Council includes a mix of members appointed by the Minister and members directly elected by the profession, and this has historically been the practice for the education sector as well.
- 7 I consider that the Council will be more effective at raising the status of the profession if teachers have more ownership of the Council. Electing their peers onto the Council will build trust, confidence and constituency for the Council's work.
- 8 These changes represent my longstanding views that the name of the Council should reflect the central role teaching plays in quality education, and that the governance of the Council should be directly elected by, and representative of, the teaching profession.

### *Education (Teaching Council of Aotearoa) Amendment Bill*

- 9 During the last Parliament, I introduced a Private Member's Bill, the Education (Teaching Council of Aotearoa) Amendment Bill, which seeks to make these changes. On 11 December 2017, this Bill was adopted as a Government Bill. I anticipate that the Bill will have its First Reading early in the new Parliamentary session.
- 10 The Bill proposes changes that would increase the number of members of the Council to thirteen, to provide a mix of teacher members directly elected by the teaching profession and representatives appointed by the Minister of Education.
- 11 The Bill provides that the majority (seven) of the members should be registered teachers with a current practising certificate, elected by their peers. This will build teachers' ownership of the organisation that leads their profession.
- 12 To ensure that the composition of the Council reflects the diversity of the sector it represents, the Bill provides that the elected members should comprise:
  - 12.1 an early childhood sector teacher, elected by early childhood teachers;
  - 12.2 a primary sector teacher, elected by primary teachers;
  - 12.3 a secondary sector teacher, elected by secondary teachers;
  - 12.4 a representative from the fields of initial and ongoing teacher education, elected by registered teachers working in those fields;
  - 12.5 a principal representing the primary sector, elected by principals from that sector;
  - 12.6 a principal representing the secondary sector, elected by principals from that sector;
  - 12.7 a head teacher, senior teacher or supervisor representing leadership in the ECE sector, elected by leaders from that sector.
- 13 This will ensure that the three parts of the system – early childhood, primary and secondary schools – are all represented at both the practice or teaching levels and at the leadership level.



- 14 The Bill proposes that the Minister of Education should retain the power to appoint the remaining six members of the Council, with one member being appointed after consultation with representatives of parent and community interest groups in relation to schools and ECE services. This will enable the Minister of the day to assess the collective skills mix on the Council and ensure that there is sufficient expertise in areas such as governance, finance and understanding of the partnership principles of the Treaty of Waitangi.
- 15 The chair of the Council would be appointed by the Minister from amongst either the elected or appointed members.

#### *Future changes*

- 16 The Council plays a critical role in our education system. Its professional leadership function and power to set standards for initial teacher education programmes and practising standards for teachers influence the quality of teaching in New Zealand, which is the biggest in-school influence on student achievement.
- 17 Through its disciplinary and competence function, the Council protects the safety of children and young people in schools and early childhood centres. In setting criteria for teacher registration, it can have a significant influence on teacher supply and diversity in the teaching workforce.
- 18 All these functions create a substantial public and Government interest in the Council's work. The Minister's ability to appoint the governing board of the Council was designed to protect this interest. I consider it important, for the reasons outlined in this paper, that teachers have a substantive say in electing the Council. If alternative mechanisms are needed to protect the public and Government interest in the work of the Council, I propose that these should be made through other Bills planned for later in 2018.
- 19 I also intend to undertake further work on our manifesto commitments in relation to the establishment of an Education Advisory Service and College of Educational Leadership, which have the potential to impact on the functions of the Council. The accountability mechanisms Government needs to establish for the Council will depend in part on how the new Service and College are developed and where we determine they are best located.

#### **Consultation**

- 20 The Treasury, the State Services Commission and the Education Review Office have been consulted on the proposals in this paper.

#### **Financial Implications**

- 21 These proposals have financial implications for the Education Council associated with establishing and running an election process. The level of cost will depend on the design of the process, which will be for the Education Council to determine and implement through rules made under s388 of the Education Act 1989. There will also be costs for the Council associated with the increase in the size of the Council from nine to thirteen members.
- 22 The Education Council is funded by teachers' fees, and has recently consulted the sector on a proposal to increase fees to meet the costs of the services it provides. The Council

will need to consider the costs associated with the proposals in this paper and the wider set of changes discussed in paragraphs 16-19 above in determining a new fee level.

## **Human Rights**

- 23 This proposal is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

## **Legislative Implications**

- 24 Legislative change is required to give effect to the changes outlined in this paper. These changes will be achieved through the Education (Teaching Council of Aotearoa) Amendment Bill that I introduced as a Private Member's Bill on 29 June 2017, and which was adopted as a Government Bill on 11 December 2017.
- 25 The proposed amendment to the Education Act will not be binding on the Crown, as the principal Act (the Education Act 1989) is itself not binding on the Crown.

## **Regulatory Impact Analysis**

- 26 Regulatory impact analysis requirements do not apply, because the Education (Teaching Council of Aotearoa) Amendment Bill has already been introduced.

## **Recommendations**

- 27 The Minister for Education recommends that the Committee:
- 1 **note** that the purpose of the Education Council is to ensure safe and high quality leadership, teaching and learning for all children and young people in early childhood, primary and secondary schooling by raising the status of the teaching profession
  - 2 **note** that, on 11 December 2017, the Private Member's Bill, the Education (Teaching Council of Aotearoa) Amendment Bill was adopted as a Government Bill
  - 3 **note** that the Bill proposes that the name of the Education Council should be changed to the Teaching Council of Aotearoa, to better reflect the centrality of teaching to its role
  - 4 **note** that the Education Council currently has nine members, all of whom are appointed by the Minister of Education
  - 5 **note** that the Bill proposes to increase the number of members on the Teaching Council of Aotearoa to 13
  - 6 **note** that the Bill provides for six members to continue to be appointed by the Minister of Education, who will also appoint the chair
  - 7 **note** that the Bill provides that one member must be appointed after consultation with representatives of parent and community interest groups in relation to schools and early childhood services
  - 8 **note** that the Bill provides for the remaining seven members to be elected by the profession

- 9 **note** that the seven elected positions will represent each part of the sector to ensure that the Teaching Council of Aotearoa is representative of the profession, including:
- 9.1 an early childhood sector teacher, elected by early childhood teachers
  - 9.2 a primary sector teacher, elected by primary teachers
  - 9.3 a secondary sector teacher, elected by secondary teachers
  - 9.4 a representative from the fields of initial teacher education and ongoing teacher education, elected by registered teachers working in those fields
  - 9.5 a principal representing the primary sector, elected by principals from that sector
  - 9.6 a principal representing the secondary sector, elected by principals from that sector
  - 9.7 a head teacher, senior teacher or supervisor representing leadership in the early childhood sector, elected by leaders from that sector
- 10 **note** that only registered teachers with a current practising certificate will be able to hold an elected position on the Teaching Council of Aotearoa
- 11 **note** that there will be financial implications for the Education Council associated with increasing the size of the Council from nine to thirteen members and establishing and managing an election process
- 12 **note** that the Council will need to consider the costs of an election process as part of its proposal to increase teachers' fees.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education

