

**NZEI TE RIU ROA SUBMISSION  
ON THE  
NEW ZEALAND TEACHERS COUNCIL  
(COMPETENCE) AMENDMENT RULES 2005**

400.15

**1. Introduction**

- 1.1 NZEI is the 120 year old professional and industrial union representing 43,500 members working as:
- teachers in the early childhood, primary and composite education sectors
  - support staff in kindergartens, primary and secondary schools
  - Group Special Education staff in the Ministry of Education
  - advisers and reading recovery tutors in the teacher support services.
- 1.2 The main object of NZEI is to advance the cause of education generally while upholding and maintaining the just claims of its members individually and collectively.

**2. Summary**

- 2.1 NZEI is very aware of the importance of the teaching profession as a whole having confidence in the Council's decisions and processes. Such confidence is significantly influenced by the profession's reaction to the appearance and structure of those processes.
- 2.2 NZEI does not object to the amendments to the Teachers Council Rules proposed in the draft *New Zealand Teachers Council (Competence) Amendment Rules 2005*.
- 2.3 However NZEI does have some concerns about the potential effects of the amendments, and seeks assurances from the Council that appropriate administrative measures will be implemented to address these concerns.

**3. NZEI Concerns**

- 3.1 The amendments will enable the Council to exercise its statutory powers (under s 139AZC *Education Act 1989*) directly on the recommendation of the Competence Assessor, those powers being to impose conditions on a teacher's practicing certificate; to refer a teacher to an "impairment process"; or to consider whether to de-register a teacher. Review by a Competence Review Team would remain a possibility, but not a requirement, as it is under the current Rules.
- 3.2 NZEI has been impressed by its experience of the current Competence Assessor. However confidence in the Council's processes should not depend solely on the

calibre of individuals at one point in the process. The teachers comprising the Competence Review Teams are to be experienced teachers, familiar with the context in which the teacher under inquiry has been practicing. Their experience, insight, credibility, and currency as practitioners, is a real assurance to the teaching profession that adverse recommendations will not be made about teachers without a sound professional basis.

- 3.3 Council decisions to de-register a teacher explicitly require a hearing: *s 129 Education Act 1989*. That requirement is not explicit in relation to the imposition of conditions or a referral to an impairment process, although in NZEI's view, natural justice would still require an adequate opportunity to be heard.
- 3.4 However, regardless of such opportunities to formally challenge recommendations made to the Council, the requirement to first have the case considered by a Competence Review Team is a valuable "check and balance" in the process. The diminution of that "check and balance" increases the potential (or the *apparent* potential) for teachers to end up before the full Council on the basis of unsound recommendations.
- 3.5 NZEI is aware of the existing Rule requiring the Competence Assessor to give teachers the opportunity to comment on a draft report to the Council before it is finalised. NZEI asks what other avenues to seek review of the Competence Assessor's recommendations (either by way of process or substance), are envisaged ?
- 3.6 The amendment also leaves it unclear when a Competence Review Team might be called upon. NZEI expects that clear Council policy on that matter will be developed and published, to retain clarity and transparency of process.
- 3.7 NZEI is, as always, happy to engage in further discussion about the matters raised in this submission.

#### **4. Certificate**

- 4.1 I certify that this submission reflects the view of NZEI Te Riu Roa, and that I am authorised to sign this submission on behalf of NZEI Te Riu Roa.

Dated

2005

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Lynne Bruce  
National Secretary

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