



NEW ZEALAND SECONDARY PRINCIPALS' COUNCIL  
OF THE POST PRIMARY TEACHERS' ASSOCIATION

## Submission from Secondary Principals' Council on the Education Amendment Bill (No 2) 2014

28 April 2014

The New Zealand Secondary Principals' Council (NZSPC) welcomes the opportunity to submit on this bill.

## **1. Introduction**

1.1. The New Zealand Secondary Principals' Council (NZSPC) represents secondary and area school principals who are members of PPTA. It is made up of regional representatives from all around New Zealand along with representatives for Maori principals, women principals and area school principals. As well as negotiating the Secondary Principals' Collective Agreement, SPC acts as the voice of secondary and area school principals in New Zealand.

### **1.2 Background**

SPC strongly supports the notion of a professional body for teachers, one that is charged with upholding and maintaining the quality of the teaching profession and which provides assurance to parents that their children will be effectively-taught and well cared for in a safe environment.

## **2 Comments on the Bill**

### **2.1 Purpose of the Education Council (s.377)**

2.1.1 SPC concurs with the purpose statement in s377 to the extent that it focuses on ensuring the safety and well-being of students. However, we suggest that for clarity and comprehension the non sequitur at the end of the purpose statement "... through raising the status of the profession" be removed.

2.1.2 As principals of secondary schools we would also like to see the artificial distinction created between "secondary" and "senior secondary" removed as it implies the existence of an arbitrary hierarchy that does not exist in New Zealand schools. Our secondary schools strive to be genuinely comprehensive and to provide a seamless educational experience for all

students regardless of whether they are in year 7, 9 or 13. As the description doesn't seek to define any other school types (such as intermediate, or kura or whare kura) the reference to "senior" secondary is inconsistent.

S377 should read:

*The purpose of the Education 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.*

## 2.2 Composition of the Council; "The voice of the profession." (s380)

If, as is hoped, this new body is to be "owned by the profession" then it must genuinely reflect the profession's interests and concerns. The removal of democratic representation and its replacement with political appointees is inconsistent with this aim.

SPC favours retaining the composition of the current Teachers' Council but with the addition of a specific representative for secondary principals who, currently, have no direct voice on the body. Without the certainty of secondary principal representation, secondary principals cannot be confident that the Council will adequately factor in their perspective.

## 2.3 Functions of the Council (s382)

2.3.1 SPC is concerned at the extensive range of additional functions proposed for EDUCANZ. It would be better if the Council was like the Nursing Council and the Medical Council, strictly focussed on its core role - registration, deregistration and control over entry to the profession. The range of extra functions clearly signal the likelihood of a significant lift in the cost to teachers and poses the risk that the council will begin dabbling in fields where it does not have expertise or credibility thus endangering its key quality assurance role.

2.3.1 The agenda set for the council is overly-ambitious and probably unachievable. For example, charging the Council with “enhancing the status of teaching” assumes that such an outcome is a realistic possibility when the evidence that a compliance-focussed, non-representative low-trust body, as proposed in this Bill, can positively influence the status of teaching is singularly lacking. In fact educationalists such as Andrew Hargreaves and Michael Fullan in their study on the importance of professional capital<sup>1</sup> explicitly warn against policies that “can be too pushy, and what started as a push for people’s own good can turn into a shove that is enforcing compliance for its own sake“. They recommend that jurisdictions that wish to raise both the status and of teachers and the quality of teaching develop the workforce’s “professional capital”. This means actively encouraging collaboration, inquiry and openness, providing effective and meaningful professional development and ensuring teachers (as in Finland) have the time to reflect on their practice.

2.3.2 A number of the new functions proposed for EDUCANZ including that it is to “provide leadership... and direction” [s382(1) (a)]; that it is to (somehow) raise the “status of teaching” [s382(1) (b)]; that it must replace the current collaboratively-developed code of ethics with a code of conduct [s382(1) (j)], and that it must conduct regular audits of schools [s382(1) (i)] place it squarely in the compliance box and not the professional capital container.

2.3.4 SPC does not support the proposal to reduce the Teachers Council Code of Ethics to a much less aspirational, “code of conduct”. It is also concerned by the instruction in the legislation that the current code of ethics should be relabelled a “code of conduct” as it indicates confusion about the difference between the two. A code of conduct (or more often, a code of misconduct) is a prescriptive list of “thou shalt nots” whereas a code of ethics describes the nuanced values and attitudes that bind a profession together.

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<sup>1</sup> Hargreaves Andrew and Fullan Michael. *The power of professional capital*. JSD June 2013 Vol. 34 <http://www.michaelfullan.ca/wp-content/uploads/2013/08/JSD-Power-of-Professional-Capital.pdf>

The call for a code of conduct arose from the Ministerial inquiry into the employment of a convicted sex offender in the education sector<sup>2</sup> which is a regrettable example of the unfair practice of using the unacceptable behaviour of a single member of the profession to tarnish all other members of it. Interestingly the report itself, while calling for a code of conduct, acknowledges that in the case under investigation, a code of conduct would have made no difference.<sup>3</sup>

It is completely inconsistent to claim, on the one hand, that the proposals in this bill are designed to raise the status of the profession while replacing the code of ethics, which the profession was actively involved in developing and does “own”, with a negatively-focussed code of conduct. The Teachers Council has already developed a list of what constitutes serious misconduct and that can stand perfectly well as a clear signal of the bottom line.

2.3.5 The legislation continues its unwarranted faith in the capacity to change and control behaviour by writing more “rules” in s282 (1) (h). It seems that the popular and well understood Registered Teacher Criteria are to be subject to a re-write. SPC is not convinced that it is necessary to develop new sets of standards/criteria.

2.3.6 SPC is also opposed to the additional function which mandates the Council to audit and moderate at least 10% of practising certificates annually. This proposal indicates a lack of trust in the competence of principals to make judgements about registration. This is a very serious charge. If it is truly the case that principals and boards cannot perform this most basic of employer tasks honestly and effectively, a far-reaching investigation is required to determine the extent of the problem, the reason for it and possible solutions. Imposing increased bureaucratic accountabilities on all schools as a substitute for genuinely analysing and addressing the nature

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<sup>2</sup> Ministerial inquiry into the employment of a convicted sex offender in the education sector Report to the Minister [http://beehive.govt.nz/sites/all/files/Ministerial\\_Inquiry\\_Report\\_to\\_the\\_Minister\\_of\\_Education.pdf](http://beehive.govt.nz/sites/all/files/Ministerial_Inquiry_Report_to_the_Minister_of_Education.pdf)

<sup>3</sup> Ibid see point 7

and scale of the problem is seriously ill-judged and likely to breed resentment.

2.3.7 It is notable that nowhere is there any attempt to quantify the cost of a moderation exercise as proposed here. Secondary principals are well aware of how expensive NCEA moderation is and are greatly concerned at the expectation that principals and teachers will accept the increased fees required to fund such a low trust exercise.

### **3 Registration Charges**

3.1 It is very clear that the raft of extra responsibilities proposed for EDUCANZ must result in a substantial increase in charges to teachers and principals - sooner or later. Moreover, additional regulation requiring that the Council, for example, “identify and disseminate best practice” and “foster the education profession’s continued development...” suggest that functions currently performed by other agencies and funded by the taxpayer are set to become a charge on the profession.

3.2 It is all very well to observe that teachers’ registration costs are low by comparison with other professions but it must be acknowledged that unlike other professions, teachers cannot transfer the costs to their clients or defray costs against taxes. Moreover, registration fees in publicly-funded medical institutions are usually paid by the employer, something most boards of trustees cannot afford to do. There will inevitably be pressure on boards to pay and it is likely that only schools in wealthier areas will be able to do so leaving teachers and principals in poorer areas carrying an unfair burden.

3.3 SPC believes the proposed functions of EDUCANZ need to be severely pared back so that it is able to focus solely on its key tasks, prudently and frugally.

## **4 Registration/Practising Certificates and Limited Authority to Teach**

- 4.1 SPC supports the proposal to separate registration from the practising certificates but is concerned by the proposal in s265 to extend the definition of Limited Authority to Teach to include “those with specialist skills but not a teaching qualification”. This reflects a complete failure of workforce planning on the part of the ministry of education which schools are expected to manage by making room for untrained practitioners. It is difficult to imagine any other profession accepting that there should be a category especially reserved for people who do not have the required qualifications to do the job.
- 4.2 The effect of this proposal is to completely devalue teaching qualifications in contradiction to the other parts of the proposed legislation that claim to be about enhancing the teaching profession.
- 4.3 Section 367 of the Bill, which requires the council to publish the list of people whose LATs have been cancelled, will be welcomed by principals because it provides a means of checking the safety of prospective employees.

## **5 Discipline and competence functions.**

- 5.1 SPC is not opposed to the minor changes to the discipline and competence procedures which assist the Council to fulfil its most important role of quality assurance.

## **6 Democratic processes**

- 6.1 SPC wishes to put on record its disappointment at the disregard shown for the democratic process as evidenced, firstly by the removal of teacher representation from their own professional body, secondly by the removal of stakeholder representation from tertiary councils and thirdly by the pre-emptive process of establishing the EDUCANZ Transition Board prior to the parliamentary process that formally establishes the Council.

## 7 Summary

As noted at the outset, this Bill runs the risk of overreaching. As it stands it is an unfortunate mismatch of sensible provisions designed to improve quality assurance along with proposals to “enhance the profession” that are little more than puffery. There is a real risk that not only will teachers and principals feel no sense of ownership of this body but that they will become actively hostile to it.

SPC urges the Select Committee to:

- Address concerns about the lack of appropriate professional representation on the Council;
- Delete from s.382 (1), sub clauses (a), (b), (c), (i), and (j).