



SUBMISSION

to the

Education and Science Select Committee

on

Supplementary Order Paper 176, Education Legislation Bill

10 June 2016

1. About PPTA

2. PPTA represents over 17,500 secondary teachers, principals, and manual and technology teachers in New Zealand; this is the majority of teachers engaged in secondary education.
3. Under our constitution, all PPTA activity is guided by the following objectives:
 - 3.1. To advance the cause of education generally and of all phases of secondary and technical education in particular;
 - 3.2. To uphold and maintain the just claims of its members individually and collectively; and
 - 3.3. To affirm and advance Te Tiriti O Waitangi.

4. General comments

- 4.1. PPTA welcomes the opportunity to submit on this Supplementary Order Paper (SOP). The creation of a new class of teacher, which this SOP does, is a significant change, which the Select Committee is right to recognise that we have an interest in.
- 4.2. This submission addresses only the proposed changes to the Education Act relating to the creation of „trainee teacher“ positions, and does not address the amendments to the legislation governing the New Zealand Council for Educational Research.
- 4.3. We are pleased to note that this proposal upholds the principles of openness and transparency in appointments as required by the State Sector Act and the collective agreements.
- 4.4. We wish to make an oral submission on this SOP.

5. Rationale

- 5.1. We are concerned that the rationale for this change has not been publicly released. Neither the policy documents which led to this SOP nor the Regulatory Impact Statement are available, which means that we are relying for our understanding on discussion with Ministry of Education officials.
- 5.2. The reason that we have been given for this change is that some leaders in the sector have made the argument that that there should be more field-based initial teacher education. We are intrigued who these sector leaders are who apparently hold such sway.

6. Field based and employment based initial teacher education

- 6.1. There also appears to be some confusion between “field-based” and “employment-based” initial teacher education. New Zealand initial teacher education contains substantial elements that are field-based already, without necessarily being employment-based. The new Masters of Teaching and Learning programmes all involve a large proportion of the students’ time being spent in schools, but they are there as students, supervised by carefully selected mentor teachers, not as employees. Even the more traditional programmes are

required by the Education Council to include at least 14 weeks teaching practice in schools within a one-year programme.

6.2. This SOP is solely to allow for **employment**-based initial teacher education.

7. Research into field based initial teacher education

7.1. While there may be some evidence to suggest that employment-based initial teacher education can be advantageous in certain situations, the evidence has not been presented as part of the rationale for this SOP. In fact, we would argue that the evidence base for employment-based initial teacher education producing good outcomes for the system is mixed. In 2011, PPTA commissioned Murdoch University to do a review of such programmes across the world and they were unable to find evidence of any consistent advantage for such programmes over the more traditional university-based models of teacher education.¹ The evaluation of the pilot Teach First New Zealand/Auckland University employment-based programme is still continuing, but the results from this are not overwhelmingly positive. There is evidence that without considerable expenditure on selection into the programme, and on close monitoring of the students during their two years placement, the outcomes will not be positive. A critical factor is the capacity to support them of the school in which they are placed, and in some cases the lower-decile hard-to-staff schools eligible for the pilot have had limited capacity, especially in the shortage subjects for which they are selected.²

8. Current initial teacher education

8.1. Furthermore, this rationale seems to be ignorant of some of the realities of initial teacher education as it currently exists. There already is a mechanism for people employed as teachers in schools, on a Limited Authority to Teach under section 365 of the Education Act (1989), to undertake initial teacher education during their employment so that they can become fully qualified teachers and move into permanent positions. This is an area which could be enhanced, for example with more support to schools which have had to employ LATs to fill vacancies so that they can enable these people to do initial teacher education in mixed mode programmes (online with some block courses) and become fully qualified teachers. This support could be in the form of some staffing to release them for study and a contribution to their fees on successful completion. This is one of a number of supply initiatives which could be addressed in the Supply Working Group (see below, paragraph 13.2.2) without requiring this SOP.

9. Good faith

9.1. This leads us to assume that there is in fact another reason for this SOP, which relates to the agreement that PPTA, Auckland University, Teach First NZ and the

¹ <http://www.ppta.org.nz/resources/pptanews/2168-fast-track-teacher-ed>

² <http://www.educationcounts.govt.nz/publications/schooling/2014-annual-evaluation-report-for-the-teach-first-nz-programme> and <http://www.educationcounts.govt.nz/publications/schooling/146589>

Ministry of Education reached earlier this year about the Teach First NZ programme. This agreement followed a determination from the Employment Relations Authority that the employment-based positions that Teach First NZ participants held, were in fact covered by the provisions of the State Sector Act. The Teach First NZ positions would be covered by the provisions of this SOP, and therefore this legislative change establishes a unique position for the one existing employment-based initial teacher education programme. Furthermore, while the positions would still nominally be covered by the State Sector Act, since they would be „trainee positions“ they would to a certain extent be exempt from the open advertising and appointment processes that the existing agreement (and the State Sector Act) requires, in that only trainees would be eligible to apply for them. In short, the timing of this SOP and its effect show that its likely intent is to cut across an agreement reached in good faith to resolve a legal dispute.

10. Process

- 10.1. Furthermore, the policy position seems to have been arrived at with minimal consultation with the sector which will be affected by it. A ten day window to prepare a submission to an SOP is not adequate consultation.

11. Delaying commencement

- 11.1. PPTA believes that the Select Committee should firstly consider recommending against this SOP. If the Committee is unable to agree to that, then introducing a clause to the SOP delaying its commencement until the end 2017 would at least go some way to addressing our concerns about timing and process. These provisions are not required for the one existing employment-based initial teacher education programme to continue, because under the terms of the agreement between the parties the Teach First New Zealand 2017 cohort and any subsequent cohorts will still be able to commence their course and be employed in schools.
- 11.2. Delaying commencement would also mean that there would be an even playing field for the other initial teacher education providers to work with the Ministry, Education Council and the wider sector on the development of employment-based initial teacher education courses, should they wish to. A delayed commencement could at least mean that the implementation would be more orderly and many potential challenges could be addressed.

12. Coverage of the State Sector Act (1988) and the relevant collective agreements

- 12.1. It is our understanding that, as the SOP is silent on the status of trainee positions with regards to the State Sector Act (1988), Parts 7 and 7A (relating to the education service) will apply, as for all other positions of employment in state and state integrated schools. PPTA supports this being the case. This will mean that section 77F, the duty of the employer to act independently, will apply, which

means that the previous practices by the Teach First New Zealand/Auckland University programme around placement of their students in schools which led to the industrial disagreement will not be able to happen, in that the employer (i.e. the school Board) will need to make the decision about taking a particular „trainee teacher“ rather than simply having them placed by the initial teacher education provider.

- 12.2. Furthermore, as the intent of the SOP appears to be that holders of these positions must be employed by a board of trustees to teach in state and state integrated schools, they will be eligible for coverage by the appropriate collective agreement. This is also welcome, as it would provide protection for these new employees and surety around their employment terms and conditions.

13. Particular sections of the Supplementary Order Paper

13.1. 13B

13.1.1. PPTA is concerned that the term „trainee teacher“ in this clause would cause confusion in the education sector. The term is commonly used to refer to initial teacher education students from any kind of programme, not just employment-based programmes, and to use it for just students on these kinds of programmes is problematic. This could be rectified by changing the term to „employment-based trainee teacher“ or „apprentice teacher“; the latter may be particularly appropriate to recognise the employment relationship that this category of trainee is in. This would necessitate changes to subsequent sections.

13.1.2. Furthermore, the definitions of trainee teacher and trainee teaching position to be inserted in Section 91A(1) leave room for confusion, as they do not establish that the „period of employment by a board“ is in a teaching role. Boards of trustees employ teacher aides and other ancillary staff who are not covered by the same conditions regarding registration and certification as teaching staff. These roles are not covered by Part 31 of the Act relating to teacher registration, which is where a teaching position is defined. Potentially this could lead to employment of trainee teachers as non-teaching staff in schools, which does not seem to be consistent with the intent of field or employment based initial teacher education. While it might be assumed that such matters will be covered by the Education Council's approval of the programme which must pre-date the Secretary's nomination of positions as „teacher trainee“ positions, it is of such importance that it should also be stated here in the primary legislation.

13.2. 13C

13.2.1. This section relates to the payment of the salaries of „trainee teachers“, and creates a significant risk. Currently the cost of initial teacher education is borne centrally, through the TEC and the Ministry of Education, but by setting up a mechanism in the Act for school boards of trustees to pay trainee teachers directly that shifts the cost to schools. This would create a potentially significant inequity, as there are schools which have millions of dollars a year above their government funding as a result of international students and other income, and they will, if permitted by the Secretary, be

able to employ significant numbers of „trainee teachers“, while less wealthy schools will struggle to do so. This highlights a problem with the current Teach First New Zealand/Auckland University employment-based programme, that while in the first year of the pilot the government picked up the full cost of these positions, in subsequent years the scheme has relied on the low-decile schools in which these „trainee teachers“ are placed to cover the bulk of the salary cost.

13.2.2. The Teach First New Zealand/Auckland University employment-based programme has been positioned as a way of improving supply of teachers in hard-to-staff subjects in low-decile schools. Doing that by requiring such schools to fund the salary costs of „teacher trainees“ who learn to teach while placed in such schools seems a very inequitable solution to this problem. PPTA and the Ministry of Education are currently working in good faith in a Supply Working Group, considering solutions to such problems of supply. It is premature, given that the Supply Working Group has not yet completed its task, to introduce legislation like this which places the cost of initial teacher education onto schools that struggle to find suitable teachers.

13.2.3. And while the amendment to Section 91G of the Education Act does not allow payment of trainee teachers from schools“ entitlement staffing (i.e. payment must be either directly from the Ministry if allowed by an Order in Council, or from operational funding), this can easily be avoided. A school wanting to get around this could simply understaff for a year, pay the trainee from the operational funding, and cash up their unused extra staffing at the end of the year, having filled the classes with a (much cheaper) trainee teacher. This demonstrates one of the risks of „enabling legislation“ like this.

13.3. 13E

13.3.1. It is critical that guides or regulations about the Secretary’s power to create trainee positions under the new section 91O are comprehensive and developed in consultation with the sector. There are a number of groups that will need be properly engaged with to do this well:

- Education Council, in relation to their role granting approval of training programmes that include an employment-based component
- ITE providers who will be delivering these programmes
- Schools which will be employing the „trainee teachers“
- Relevant unions in relation to the collective agreement provisions that apply to trainee teaching positions and employment generally in schools

14. Summary

14.1. While there may be some advantages in creating more opportunity for employment-based teacher education, this is not widely accepted in the sector and there are potential downsides and unexplored problems that are not addressed in this SOP. We urge the committee not to support this SOP, and

instead to encourage the Minister to return with a Bill that has gone through a comprehensive policy development process, consistent with the process recommended in the Cabinet Manual. If the Committee does not agree to this, we recommend you consider inserting a delay in commencement for the trainee teacher provisions.