

Education Council

Conduct and Competence

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Teacher Practice

Conduct (including convictions)

- Complaints Assessment Committee (CAC)
- Disciplinary Tribunal

Competence

- Competence Assessors
- Competence Authority
- Council



Numbers

Number of teachers in New Zealand with a current practising certificate:

- **101,000**

Number of teachers reported for conduct:

- **386**

Number referred to the Disciplinary Tribunal:

- **36**

Number of teachers reported for competence:

- **153**



Purpose

What role does the Education Council play with conduct and competence cases?

Why should the Education Council deal with conduct and competence?



Employer & Profession

Employment



Teacher and school

Professional



Teacher and
Education Council



Reporting



Reporting to the Education Council (1)

Mandatory reports for teachers if:

- Dismissed for any reason (s 392(1))
- Resigns, or fixed term position expires, and in preceding 12 months the employer advised dissatisfied with, or intended to investigate, conduct or competence issues (s 392(2))



Reporting to the Education Council (2)

Mandatory reports for teachers if:

- Despite undertaking competence procedures, the teacher has not met the required level of competence (s 395)

Teachers and Court Registrars must report if:

- Conviction with a possible three month or more prison sentence (s 397)
 - Teachers and Court Registrars to report
 - This includes drink driving convictions



Reporting to the Education Council (3)

Mandatory reports for teachers if:

- Within 12 months after employment, the employer receives a complaint about conduct or competence (s 393)



Reporting to the Education Council (4)

Mandatory reports for teachers if:

- **Reason to believe** the teacher has engaged in serious misconduct (s 394)

Memorandum of Understanding between the Education Council and the New Zealand School Trustees Association:

*“Generally, an employer will have **reason to believe** a teacher has engaged in serious misconduct if the employer is notified and an initial assessment indicates there may be a case to answer in relation to Rule 9 criteria.”*



Criteria for reporting serious misconduct

Rule 9 of the Education Council Rules 2016

- Physical, sexual or psychological abuse of a child
- Inappropriate relationship with a student or anyone under 16
- Neglect or ill treatment of any child or young person
- Neglect or ill treatment of any animal

- Theft or fraud
- Manufacture, cultivation, supply, dealing or use of controlled drugs
- Pornography on school premises or engaged on school business
- Pornography involving children or young persons



Criteria for reporting serious misconduct (cont'd ...)

- Breaching school standards concerning alcohol
- Any act or omission that could be the subject of a prosecution for an offence punishable by 3 months' imprisonment
- Any act or omission that brings, or is likely to bring, discredit to the profession



Complaints (s 399)

Complaints generally to be directed to the teacher's employer

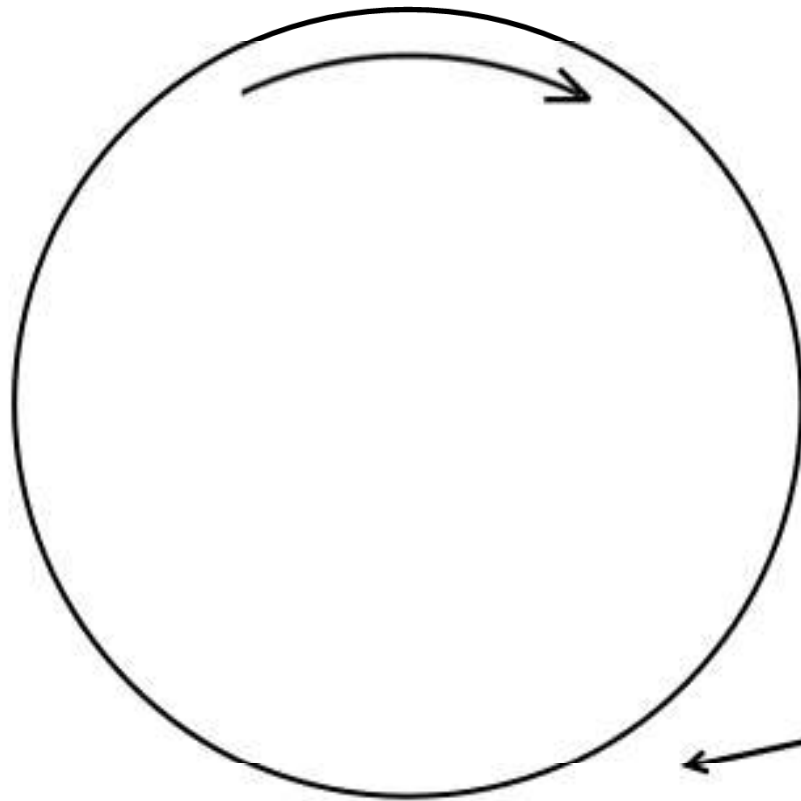
Exceptions:

- If the teacher is not employed
- Complainant considers on reasonable grounds the employer cannot deal with the issue
- Employer has dealt with the complaint but the complainant is not satisfied
- Other exceptional circumstances

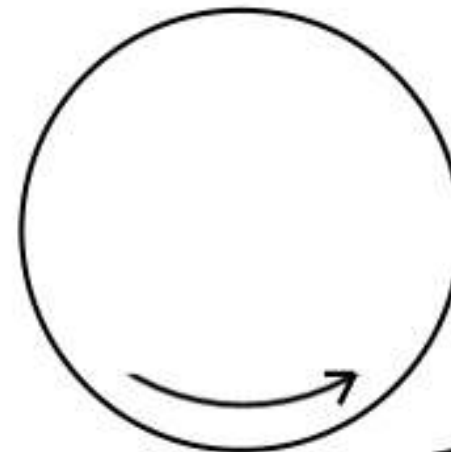


Competence

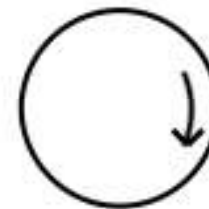
School's Performance Management System



Competence process in the Collective



Council's competence process



Out of the profession

Competence Assessors

- Experienced professional leaders and senior teachers
- Investigate competence report
- Teacher has opportunity to respond
- Assessor makes a recommendation
- No further action
- Attempts to reach agreement with teacher
- Restrict practice
- Annotation of register
- Reports to Council for cancellation
- Reports to Competence Authority to impose conditions

Evidence

- Relevant documented evidence is critical to the investigation
- Employers required to provide requested evidence

Evidence Specific to Concerns

- Evidence that shows how they failed to follow the RTLB toolkit practice and principles
- Complaints – teachers, parents, professional leader/s
- Documented communications including emails, meeting minutes, letters of concern
- Collaborative intervention plan
- Planning and assessment
- Case documentation
- Mentor and/or Cluster Manager and professional leader/s reports
- Advice and guidance programme

Evidence Specific to Concerns (cont.)

- Prescribed RTLB qualification
- Professional learning and development
- Performance Appraisals
- Teacher reflections
- Independent appraisals if relevant
- Specialists reports if relevant, such as counselling and/or medical reports

Ensuring Success

- Clear and achievable expectations about the role – what is satisfactory practice?
- Employing process – align skills with the role, due diligence
- Leaders of pedagogy – credibility with staff as expert teachers
- Prescribed practice aligns with Practising Teacher Criteria
- Performance management issues – follow employment agreement
- Well documented evidence