



EDUCATION COUNCIL SUBMISSION ON THE EDUCATION (PROTECTING TEACHER TITLE) AMENDMENT BILL

Education and Workforce Committee

13 April 2018

EXECUTIVE SUMMARY

1. The statutory purpose of the Education Council of Aotearoa New Zealand (**the Education Council**) set out in section 377 of the Education Act 1989 (**the Act**) is “to ensure safe and high-quality leadership, teaching and learning... through raising the status of the profession”.
2. We have a duty to our members, who are registered teachers, and from whom we receive fees, to draw the attention of the Select Committee to any aspects of the Education (Protecting Teacher Title) Amendment Bill (**the Bill**) that may impact on our members and on our ability to operate “efficiently and effectively”.¹
3. The functions of the Education Council under the Act include “to establish and maintain standards for qualifications that lead to teacher registration” (Section 382), and determine whether a person is satisfactorily trained to teach taking into account the persons qualifications (Section 354).
4. The Education Council has considered the Bill within the context of our role and functions. We have drawn on our significant experience as the Education Council, particularly in the implementation of the current legislation, to make recommendations in relation to the Bill.
5. We do not support the Bill as drafted because it will:
 - impede the Education Council from undertaking its functions “efficiently and effectively”
 - adversely impact members of the teaching profession
 - lead to outcomes inconsistent with its stated purpose.
6. We see promotion of the term “registered teacher” as the appropriate mechanism to enable the intent of the Bill to be realised. Given the Act already has an offence to inappropriately use this title, the Bill cannot achieve this. However, we wish to voice support for any future policy or legislative opportunities to raise the status of our members who are “registered teachers”.

We support opportunities to raise the status of our members who are “registered teachers”.

On matters likely to impede efficient operations of the Teaching Council

Clause 4 fails to recognise approved teaching qualifications that lead to teacher registration

7. In undertaking its functions pursuant to sections 354 and 382 of the Act, the Education Council, in

¹ Education Act 1989, schedule 21: clause 7.



conjunction with quality assurance agencies, recognise a range of qualifications as approved “teacher education programmes” and “as suitable for people who want to teach”.

8. Clause 4 identifies three qualifications necessary for an individual to be qualified as a teacher. However, this clause excludes many recognised and approved qualifications registered teachers hold including:
 - historically approved teaching qualifications which are no longer taught but held by registered teachers
 - current Initial Teacher Education (ITE) qualifications approved by the Education Council alongside the New Zealand Qualifications Authority (NZQA) or the Committee on University Academic Programmes (CUAP)
 - overseas teaching qualifications that have been subject to an International Qualifications Assessment report by NZQA and contain core components of an approved New Zealand ITE qualifications
 - overseas teaching qualifications that are exempt from assessment, including Australian qualifications recognised pursuant to the Trans-Tasman Mutual Recognition Act 1997.
9. Appendix A contains a (non-exhaustive) list of qualifications held by registered teachers that are not listed in clause 4 of the Bill.

Clause 4 impedes the Council’s ability to approve teacher education programmes and recognise qualifications that lead to teacher registration

10. The Bill limits the Education Council’s ability to perform its Section 382 function of approving teacher education programmes. The Education Council will need to limit its approvals of teacher education programmes to the three listed qualifications. This means not granting approval to any of the qualification types listed in Appendix A such as postgraduate qualifications.
11. The Bill limits the Education Council’s ability to perform its Section 354 function of assessing qualifications as suitable for people who want to teach. This could adversely affect the supply of overseas teachers who hold a teacher qualification not listed in clause 4. This may also jeopardise mutual recognition agreements with overseas jurisdictions.

Adversely affecting the supply of overseas teachers will not benefit the education sector.

RECOMMENDATION

12. The Education Council does not support clause 4 of the Bill. Nor does the Education Council recommend amending the wording of clause 4 of the Bill to reflect every qualification that is (or could potentially in future) be accepted as an approved teaching qualification. Such a list may:
 - create confusion as it would include historically acceptable ITE qualifications registered teachers hold but are no longer approved qualifications. For example, a Diploma in Teaching
 - require frequent amendments, as approved qualifications in New Zealand or overseas change, or when an overseas teacher with a non-listed teaching qualification wishes to teach in New Zealand. In the future this may include bespoke qualification arrangements such as qualifications to grow Kaiako within an iwi organisation.

Clause 5 duplicates a current offence

13. The Education Council grants teacher registration to applicants who are satisfactorily trained to teach taking into account, amongst other criteria, the person’s qualification (Section 354(2)(a)).
14. Therefore, the proposed amendment in clause 5 to hold a qualification listed in clause 4, **and** be a “registered teacher”, is superfluous because a suitable qualification is already required for registration. It is already an offence to claim to be a “registered teacher” when one is not (Section 374, 1B).



Clause 5 impedes the Education Council's ability to undertake registration functions and grant limited authority to teach

15. The Bill may require the Education Council to make significant amendments to the register of people registered as teachers under section 359(2) of the Act to avoid committing an offence. The register may need to be split to identify registered teachers who can be referred to as “teachers” and registered teachers who would need another title.
16. The Education Council grants Limited Authority to Teach (LAT) to enable those with specialist skills but not a teaching qualification to teach (section 365 of the Act). LATs are employed in “teaching positions” as defined in section 348 of the Act and are referred to as “teachers” in subsequent sections of the Act.
17. There are over 600 references to “teach”, “teacher” and “teaching” in the Act and as with the LAT case above, subsequent amendments to the Act may become necessary to address significant confusion this clause could create.

RECOMMENDATION

18. The Education Council does not support cause 5 in the Bill because:
 - It is superfluous, as section 353 of the Act already adequately determines who can and cannot call themselves a “registered teacher” and an offence in relation to the inappropriate use of this title exists in the Act
 - It may create significant confusion and impede the function of the Education Council in relation to teacher registration and granting Limited Authority to Teach.

On matters likely to impact on members of the teaching profession

Clause 5 will create an offence for registered teachers to call themselves teachers

19. The Bill would adversely affect many current registered teachers in New Zealand who do not have one of the three qualifications listed in clause 4. These teachers have all satisfactorily completed a teacher education qualification (and met additional registration requirements) in order to gain teacher registration.

We cannot support a Bill that would negatively affect registered teachers.

RECOMMENDATION

20. The Education Council does not support the Bill for practical reasons outlined above.

On matters inconsistent with the stated purpose

The bill does not contribute to lifting the status of teachers

21. The Education Council supports postgraduate ITE qualifications as they send an important signal about raising the status of the profession. By only listing undergraduate and graduate level qualifications the Bill sends the opposite message.
22. The Education Council, along with NZQA or CUAP, has approved a range postgraduate programmes as ITE qualifications, as listed in Appendix A. The Bill proposes graduates with these higher qualifications will commit an offence if they refer to themselves as teachers.



Public perception of the title “teacher”

23. The legislation and regulations that establish the requirements to become a registered teacher, and to maintain a practising certificate, set high expectations and provide the public with confidence about the capability, integrity and professionalism of a registered teacher. We are aware parents may not be able to immediately differentiate between “registered teachers” and non-registered teachers in early childhood education settings. We support any future policy or legislative opportunities to strengthen this distinction and raise the status of our members who are “registered teachers”.

RECOMMENDATION

24. The Education Council does not support this Bill as it may lead to outcomes inconsistent with its stated purpose.



APPENDIX A: QUALIFICATIONS HELD BY REGISTERED TEACHERS NOT LISTED IN CLAUSE 4

Approved teaching qualifications not listed in section 4 of the Bill

- Master of Teaching and Learning offered by Auckland University of Technology, Massey University, University of Waikato, Toi-Ohomai Institute of Technology, University of Canterbury, University of Otago and Victoria University of Wellington
- Postgraduate Diploma of Teaching and Learning offered by Massey University.
- Master of Teaching offered by University of Auckland
- Postgraduate Diploma in Teaching (Secondary) Field-based offered by Auckland University
- Bachelor of Physical Education (4 year) offered by University of Canterbury

Teaching qualifications (no longer taught) not listed in Section 4 of the Bill

- Diploma of Teaching
- Postgraduate Diploma of Teaching
- National Diploma of Teaching
- NZ Free Kindergarten Union Diploma
- Postgraduate Diploma of Education (Teaching)
- Bachelor of Physical Education

Recognised overseas teaching qualifications not listed in Section 4 of the Bill

- Qualifications subject to an International Qualifications Assessment report (assessed by NZQA) which show they contain core components of an approved New Zealand ITE qualification
- **Australia:** Qualifications recognised pursuant to the [Trans-Tasman Mutual Recognition Act 1997](#). Evidence of current registration from:
 - Queensland College of Teachers
 - Teachers Registration Board of South Australia
 - Victoria Institute of Teaching
 - Teachers Registration Board of Tasmania
 - Teacher Registration Board of Western Australia
 - Teachers Registration Board of the Northern Territory
 - ACT Teacher Quality Institute.
- [Qualifications that are exempt from assessment](#) including:
 - **Canada:** 1-2 year and 4-year Bachelor of Education programmes
 - **Fiji:** Postgraduate certificate in Education
 - **Ireland:** Bachelor of Education (Hons), Baccalaureatus in Educatione with a class of Honours stated, Professional Master of Education, Bachelor of Science (Baccalaureatus Scientiae) Sport Studies and Physical Education, Bachelor of Technology in Education (Materials and Engineering Technology)
 - **England and Wales:** Bachelor of Education degree with Honours, Bachelor of Arts with Honours, Bachelor of Science with Honours, Professional Graduate Certificate in Education, Post Graduate Certificate in Education
 - **South Africa:** Postgraduate Certificate in Education

