

16 June 2021

Consultation on the Education and Training Amendment Bill (No 2)

We are pleased to provide comment to the Ministry of Education on the Education and Training Amendment Bill (No 2).

About Te Rito Maioha Early Childhood New Zealand

Te Rito Maioha Early Childhood New Zealand (ECNZ) is an Incorporated Society of members committed to high quality early childhood education for every child. Established in 1963, the organisation is an influential leader in shaping today's early childhood sector through advocacy, policy, tertiary education qualifications and professional development programmes.

We advocate for early childhood education services and the teachers|kaiako who provide education to thousands of infants, toddlers, and children|tamariki. Our members are drawn from a diverse range of community-based, privately-owned, kindergarten and homebased early childhood education services.

Te Rito Maioha is also a registered Private Training Establishment (PTE) with the highest Category One rating for a tertiary provider. We are accredited and approved by New Zealand Qualifications Authority (NZQA) to deliver a range of undergraduate, graduate, and postgraduate qualifications (levels 4-9), including specialist teacher|kaiako education, both nationally and internationally.

We are committed to achieving high-quality teaching and learning by:

- increasing teachers'|kaiako knowledge of Te Tiriti o Waitangi and Aotearoa New Zealand's dual cultural heritage;
- providing access to online blended delivery of undergraduate, graduate, and postgraduate tertiary education programmes leading to recognised and approved qualifications;
- promoting quality teaching and leadership through ongoing professional learning and development programmes;
- providing a range of unique resources and services to our members.

General Comments

Our submission concerns the following five areas of the Education and Training Amendment Bill:

- Proposed changes for Police vetting of non-teaching and unregistered employees
- Proposed changes to strengthen Teaching Council processes
- Proposed changes to how compulsory student services fees are regulated
- Proposed changes to NZQA cancellation of PTE registration for immigration breaches
- Proposed changes to amend the Education Review Office's mandate

Police vetting of non-teaching and unregistered employees

We agree with removing the two weeks that ECE services and schools have after non-teaching and unregistered employees begin work to apply for a Police vet. This current exception causes confusion for ECE services, and in most cases, it is very unlikely that staff will not have unsupervised access to children and will thus in effect be a children's worker under the Children's Act. All ECE services must have good employment processes and practices that ensure that all staff are police vetted before they begin working at the service, and it is part of the licensing requirements.

Strengthening Teaching Council processes

Proposal 1: streamline teacher disciplinary processes run by the Council

We agree that too many cases are being referred to the Disciplinary Tribunal (DT) that could be dealt with by the Complaints Assessment Committee (CAC). We also agree that the requirement for the CAC to reach agreement with parties before setting a sanction is a barrier to timely resolution of cases. Another barrier to timely resolution is the amount of time that has passed since an incident and the hearing. This means it can be difficult to involve the appropriate parties.

We agree with all three objectives of the proposed changes – they are logical and will reduce the time, cost and stress of DT cases.

In terms of the mandatory threshold for referrals to the DT, we agree that Option 3, i.e. the referral threshold where the DT may need to consider suspension or cancellation as a starting point, performs strongest against the three objectives. We do not think there are any other options that should be considered. In terms of the definition of serious misconduct, we agree with the current definition and don't believe it needs to be changed.

In terms of the powers of the CAC to resolve cases, while we agree that option 3, i.e. the power to impose a penalty without agreement, is the best option, we believe the CAC should still take reasonable steps to reach agreement.

We think both the initiator and the teacher should have a right of appeal (option 1). Giving the initiator an opportunity to appeal will mean potentially fewer judicial reviews. Including an appeal right still supports the objective to ensure a timely resolution as cases will be resolved at the lower level and cases won't be referred to the DT.

We agree that it is inappropriate for the CAC to suspend practicing certificates – this should remain at the DT decision level. If the CAC were to resolve more serious cases, we think it should publish a summary of the cases heard if serious misconduct is proven.

Proposal 2: ensure that teacher registration requirements are enforced by the Council

We note that the discussion document states that it is currently illegal for a teacher without a practising certificate to be employed as a teacher in an early learning service. This is incorrect – early learning services can employ unqualified and uncertificated teachers.

We partially agree with the proposed change in that the Teaching Council can prosecute teachers who are practising in **schools** without practising certificates.

Proposal 3: clarify how the Council is to consider the recent teaching experience of professional leaders in tertiary settings.

We agree that the Teaching Council must use its discretion when considering the recent teaching experience of professional leaders and other registered teachers in tertiary settings.

This requirement will make it easier for those working as professional leaders in TEOs to retain their teacher registration.

How compulsory student services fees are regulated

Currently Te Rito Maioha as a PTE does not charge Compulsory Student Services Fees as we do not offer such services to our students. However, we note that the new Code of Practice for Pastoral Care may mean additional compliance costs which could be passed onto students through a compulsory fee. If this is the case, then we believe the current requirements in the Education and Training Act are sufficient.

Despite ministerial direction remaining the same, the example that the Government could consider in the Proposal document, of *'distinct rules for trainees to limit what services a provider can charge trainees for'* could negatively impact a service in its ability to meet the proposed requirements of the new Education (Pastoral Care of Tertiary and International Students) Code of Practice.

NZQA cancellation of PTE registration for immigration breaches

We agree with the proposal that cancellation of a PTE's registration for immigration breaches (enrolling international students without an appropriate visa) happens at the discretion of the New Zealand Qualifications Authority (NZQA), taking into account the seriousness and extent of a breach or breaches of the Immigration Act and all relevant information and contributory factors, rather than automatically. We agree that there are other statutory actions and mechanisms that could be taken in this situation and that Immigration New Zealand should be able to exercise their regulatory function and better enforce immigration law.

Amending the Education Review Office's mandate

We note that much of the PLD undertaken by early learning services is not funded by the government. The only PLD currently funded is that which falls under either a RFP process or the SELO umbrella which is offered to a small proportion of services. We ask if it is intended that ERO would assess/review all PLD or just those which is government funded?

In the early learning sector alone, there are over 20 providers offering a wide range of PLD offerings (at least 50 topics in April 2021). ERO does not have the capacity to review the quality of the PLD accessed by early learning services, let alone schools and kura.

While we agree that professional development undertaken by kaiako should be of a high quality and having a better understanding of what is offered and how this PLD provision helps to improve teacher practice would be useful, we do not believe that ERO have the capacity to carry out this mahi. Would this sit better with the Teaching Council or Ministry of Education? They could then provide an accreditation system, to be developed, where providers apply and based on feedback from the sector decisions are made to renew their accreditation.

Including a review of PLD undertaken by a service in ERO's current early learning service assessment model will not capture all PLD offered in the marketplace – only that which has been completed by services reviewed, hence just a small proportion at any one time.

As an alternative, perhaps ERO should be evaluating the change in practice at a service as a result of PLD received.

Make submission to legislation.consultation@education.govt.nz by 16 June 2021.

Key contact for Te Rito Maioha Early Childhood New Zealand:

Kathy Wolfe, Chief Executive

kathy.wolfe@ecnz.ac.nz 04 471 6802

