

MEETING SUBJECT:	Minutes from the Governing Council Ad-hoc Hui Teaching Council Matatū Aotearoa
DATE OF MEETING:	6 June 2023
TIME OF MEETING:	14.32 to 15.15
VENUE:	Teaching Council Office – Wellington and Microsoft Teams
ATTENDEES:	Robyn Baker (Tiamana Chair), Ripeka Lessels (Tiamana Tuarua Deputy Chair), Dagmar Dyck, Elg Anderson, Fiona Ell, Hongyu (Carol) Cheng, Lorraine Carr (from 14.51), Melody Stuckey, Pat Newman (from 14.33) and Patrick Walsh Lesley Hoskin (Tāhūhū CE), Clive Jones (Tātai Heke Ratonga Mahi DCE Operational Services), Pauline Barnes (Tātai Heke Ngaio DCE)
PRESENTERS:	Jayne Franklin (Manager Teacher Capability and Collaboration), Sharon Coulton (Manager Sector Engagement), [REDACTED] (Lead Lawyer), [REDACTED] (Lead Policy Analyst)
APOLOGIES:	John Tait, Karen Coutts, Mike Connor and Tamahau Rowe (Tātai Heke Māori DCE Māori)

1. Karakia

The meeting was opened at 14.32 with a karakia led by the Deputy Chair.

The Council noted that the agenda item 3, Pacific Strategy Workshop, was postponed due to the facilitator's unavailability.

2. Item for Approval

2.1. Teaching Council Rule Changes 2023: Feedback and Rule options (cont.)

The Lead Policy Analyst provided an overview of the status of the Teaching Council Rules Amendment 2023 post Council meeting on 25 May and the intent of the ad-hoc meeting to address the action GC20230525/5c relating to Rule 12 (i.e., notification to teacher and current employer of referral of report or complaint).

The Council noted that Appendix One had outlined a process of information sharing with teacher who is subject of report or complaint and noted that a key step in the process was missing from the rules—the point at which a teacher is notified that a report or complaint has been received by the Teaching Council about them.

The Council noted that in response to the May discussion about Rule 12, the Teaching Council staff proposed an amendment to Rule 11 as follows:

It was recommended Rule 11 is amended to make clear that a teacher will be notified when a report or complaint is first received by the Teaching Council and that a copy of the report or complaint will be sent to them. A letter is sent to the teacher along with a copy of the report or complaint. The letter invites the teacher to provide a response. Upon receipt of the teacher's response, both the report or complaint and the teacher's response are submitted to the Triage Committee to assess what action if any, to take (i.e., to require a referral to a professional disciplinary process or to a competence evaluation process, or if no further action is warranted).

It was proposed a new subclause under Rule 11 is included to confirm a copy of the report or complaint must be sent to the teacher when it is received, and the teacher invited to respond. The chief executive required the flexibility to not notify a teacher upon the receipt of a mandatory report or complaint under Rule 11 to accommodate situations such as advice of a police investigation which the teacher is unaware of or to meet our legislated responsibility to consider and apply the Protected Disclosures (Protection of Whistleblowers) Act 2022. The Teaching Council proposed seeking Parliamentary Counsel Office (PCO) advice about the appropriate wording to ensure the chief executive's discretion applies to this new subclause, i.e., notifying a teacher of receipt of a report or complaint and/or providing a copy of the report or complaint to the teacher and/or inviting the teacher to respond to the report or complaint.

Unless the chief executive considers that notification and/or sharing of information with the teacher is not appropriate, the chief executive must notify the teacher concerned of the receipt of a report or complaint, provide a copy of the report or complaint to the teacher and invite the teacher to respond to the report or complaint.

It was proposed the new rule 11B (1) is amended to include the referral to the Triage Committee of any response received from the teacher:

If the chief executive refers a report or complaint and any response received from the teacher to the Triage Committee, the Triage Committee must assess what further action, if any, to take.

At the point a matter is referred from the Triage Committee to a professional disciplinary process or a competence evaluation process or if a decision is made to take no further action (i.e., Rule 12), then the teacher must be notified.

The proposed wording in the consultation document allowing the chief executive not to notify under Rule 12, following a Triage Committee decision, is therefore inappropriate. It is proposed Rule 12 is amended to:

- (1) ~~Unless the chief executive considers that notification is not appropriate,~~ The chief executive must notify the teacher concerned if—
- (a) a report, complaint or other matter is referred to the Complaints Assessment Committee or a professional practice evaluator; or
 - (b) a decision is made to take no further action in respect of the report, complaint or other matter.

The Council discussed the definition of complaints and concerns, information sharing timelines and responsibilities under the Official Information Act (OIA). The Council noted that further policies would be addressing ongoing issues in more detail.

Lorraine Carr joined at 14.51.

The Council reiterated the importance of transparency and continuous review of the process to ensure the best outcome for the teachers. The Council noted robust mitigations in place to ensure no additional risk for the chief executive.

The Council thanked staff for a good summary and clarity of the process.

DECISION GC20230606/2: The Council approved the proposed amendments to Rules 11, 11B and 12, with PCO drafting advice sought to ensure the chief executive's discretion applies to notifying a teacher of receipt of a report or complaint and/or providing a copy of the report or complaint to the teacher and/or inviting the teacher to respond to the report or complaint, and to be able to continue with the process if a teacher does not respond to an invitation to a report or complaint.

The Council noted the ongoing review of the triage process will identify best practice timeframes.

The Council:

- a. noted the practice of not assigning matters to investigators or Professional Practice Evaluators (PPEs) who have considered that matter at the Triage Committee, unless there were exceptional circumstances, would be implemented immediately and discussed with key stakeholders, particularly [REDACTED] (paragraph 37 c.)
- b. noted processes were being reviewed to require redaction of private and sensitive information where appropriate, and to mark decisions as confidential under rule 64 (paragraphs 74 b. and 81 b.)
- c. [REDACTED]
- d. noted the comments received from the Survivor Advisory Group of Experts (SAGE) member would be reviewed and incorporated as appropriate into the training material for panel members and policies and processes (paragraph 120 b.)
- e. noted staff would continue to identify and engage with survivor groups and representatives who were willing to share information (paragraph 120 c.).

The staff thanked the Council for a robust discussion and decision-making and provided an update on the next steps.

3. Karakia

The meeting ended at 15.15 with a karakia led by the Deputy Chair.

Signed:

[REDACTED]

Robyn Baker, Chair

Approved by the Governing Council on 29 June 2023