



# EDUCATION COUNCIL SUBMISSION ON THE EDUCATION (UPDATE) AMENDMENT BILL

## EDUCATION AND SCIENCE COMMITTEE

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11 NOVEMBER 2016

### ABOUT THE EDUCATION COUNCIL

The Education Council of Aotearoa New Zealand is the independent professional body for teachers, representing all teachers from early childhood education through to primary and secondary schooling in English and Māori medium schools. There are currently around 101,000 practising teachers in New Zealand.

We aim to maximise the success of every learner through supporting and developing highly effective leadership and teaching.

We act in the interests of teachers to:

- enable and support leadership to teachers and direction for the education profession, including teacher education, continued professional and leadership development
- establish and maintain criteria for teacher registration, standards for ongoing practice and criteria for the issue of practising certificates of different kinds
- monitor and maintain the requirements relating to teacher conduct, competence and impairment
- establish and maintain a code of professional responsibility for teachers.

### EXECUTIVE SUMMARY

We generally support of the objectives of the Education (Update) Amendment Bill (the Bill). We believe children and young people should be at the heart of an education system that is coherent, enhances collaboration between education providers and is fit for the 21st century.

This submission focuses on the proposals that have the biggest impact on the teaching profession and on their ability to provide high quality teaching and leadership to maximise the success for every learner.

We cover the proposals in the order they appear in the Bill and have noted the relevant clauses of the Bill, or proposed new sections of the Education Act 1989 (Act), for clarity. We have not commented on all proposals in the Bill.

We request an opportunity to speak to the Education and Science Committee in person about our submission.

## We represent the teaching profession

Our views are informed by a survey we conducted with the teaching profession in October on a number of the proposals outlined in the Bill. We received 714 responses to our survey representing teachers from across early childhood, schooling, kura and other education roles. Most respondents supported the position statements we put forward. We have included the voice of some of these teachers as quotes throughout this submission.

We have also had face-to-face discussions with teachers and professional leaders about the proposals contained in the Bill at the various events we attended with the wider profession.

## Summary

### 1. Issuing a statement of National Education and Learning Priorities

We support the intent of this proposal, however we recommend a minor change to remove the provision in sub-section (5)(a), which enables the Minister to make 'minor' changes to the statement without consultation.

### 2. Establishing enduring objectives of the system for education and learning

We support the intent of this proposal, however we consider the proposed wording of the objectives needs tightening and we have recommended some alternative phrasing. We also recommend adding a review period of five years to ensure the objectives remain relevant over time.

### 3. Cohort entry

We support the proposal to introduce cohort entry to enable a successful transition from early childhood services to schooling/kura.

### 4. Clarifying boards of trustees' roles and responsibilities

We support the intent of this proposal, however we recommend amending the Bill so one of the board's roles is expanded to include the concept of being a 'good employer' (Schedule Two, Part 2, section 6).

### 5. Career services

We support the proposal in the Bill to transfer the functions and employees of Careers New Zealand to the Tertiary Education Commission (TEC).

### 6. Establishing a regulatory framework for online learning

We support the intent of this proposal to reflect a 21st century learning environment, however we recommend a further section is added to Part 3A, 35T (3) and to 35X (2) of the Act that specifies an additional requirement for accreditation: "that those leading the teaching and learning are required to hold a practising certificate".

### 7. Strengthening the legal framework for managing teacher competence issues

We support the establishment of a Competence Authority, however we recommend the Bill is amended to:

- remove the requirement for the Competence Authority to include at least one lay person (s410AA(3))
- change s410AA(4) to require all members of the Competence Authority, and every panel of the Competence Authority, to hold practising certificates.

## DISCUSSION

### 1. Early childhood and compulsory education: statements of National Education and Learning Priorities (clause 4)

We support the proposal which authorises the Minister of Education to issue a statement of National Education and Learning Priorities to give direction to both the early childhood and compulsory schooling sectors.

We understand from the Ministry of Education cabinet paper on the proposed amendments that the purpose of the statement is “to make the Government’s priorities clear and more visible, and to gather them together in one place”. Currently the Education Act 1989 provides for five statements of priorities for the schooling system which are communicated through third tier legislation such as The New Zealand Gazette notices. These are called the National Education Guidelines and include: National Education Goals (NEGs); foundation curriculum policy statements; national curriculum statements; National Standards; and National Administration Guidelines (NAGs).

#### **We agree the current system is confusing.**

We agree that the current system is a confusing mix of high-level goals and administrative requirements and centres/schools find it difficult to know how to give effect to them in their planning and reporting. We support the proposal to pull the NEGs together into a clear statement that provides direction to the early childhood and compulsory schooling sector and is reviewed at five year intervals. We support the suggestion that the statement of National Education and Learning Priorities is modelled on the Tertiary Education Strategy.

#### **We support having a framework that sets the overall direction for the education sector for 0-18 year olds.**

We agree with the proposal to have policy settings which focus on learners aged 0-18 encompassing early childhood education as well as compulsory schooling settings. This places learners at the centre of the system and will better enable whole-system collaboration.

#### **We agree that content of the statement should not be enshrined in the Act.**

Clause 4 of the Bill (Part 1AA (1A)) enables the Minister of Education (the Minister) to issue a statement of National Education and Learning Priorities. However this is not specific about what the statement would include other than it must be consistent with the objectives of sub-section (3) which refer to the enduring objectives of education, and that it may include statements of the diversity of education provision. The Regulatory Impact Statement for this proposal suggests it “could include indicators of success, reflect the objectives for education and be linked to regulations setting out planning and reporting requirement for schools”. We agree that Act would enable a “mechanism” for setting the priorities, that is, to authorise the Minister to issue a statement of National Education and Learning Priorities. We agree that the content of the statement should not be enshrined in the Act.

#### **We recommend that when the statement is drafted that it encompasses a broad view of indicators of success.**

When the statement is being developed we would encourage a focus on a broad range of success indicators. In our view it should steer away from solely using measures of academic achievement such as national standards in literacy and numeracy, or NCEA.

“I think the Minister should consult on any changes – minor or not – to ensure that changes are driven by research and experience not political ideology.”

EDUCATION COUNCIL SURVEY COMMENT

“The fear from teachers is that this legislation is providing too much authority to the Minister to act alone and decide matters without seeking the voice of those affected. A central aspect of a democracy is that of the people’s voice. In our professional setting, I believe this MUST include consultation and collaboration with all those representing the education sector.”

EDUCATION COUNCIL SURVEY COMMENT

**We strongly support the statement being developed through a consultative process.**

We strongly support the intention for the statement to be developed through a consultative process with the education sector. The proposed wording of the Act (Part 1AA (4)) states “before issuing a statement under this section, the Minister must consult with those stakeholders in the early childhood and compulsory education sectors that he or she considers ought to be consulted”. We understand this wording is consistent with other strategies (i.e. Tertiary Education Strategy, New Zealand Health Strategy). We appreciate that it is not appropriate for primary legislation to include a long list of who should be included in this consultation process. However, as the professional body for teachers in New Zealand, we would expect the Education Council would be one of the parties the Minister would consult with.

In our online survey, most respondents (95.6 per cent) agreed with us. Other views indicated that the Education Council should be one of many organisations consulted along including teacher unions (PPTA and NZEI).

**We recommend the provision enabling the Minister to make ‘minor’ changes to the statement without consultation be deleted.**

The Bill includes a provision [Part 1AA 1A 5(a)] that allows minor changes to the statement to be made without fulfilling consultation requirements. It is unclear what the definition of “minor” is. There is potential for what the Minister might regard as minor changes to have major implications. We recommend this provision is removed from the Bill.

In our online survey, most respondents (97.4 per cent) agreed with us. They were very clear that all changes to the National Education and Learning Priorities should be consulted on.

**Recommendation**

We support the intent of this proposal, however we recommend a minor change to remove the provision in subsection (5)(a), that enables the Minister to make ‘minor’ changes to the statement without consultation.

## 2. Establishing enduring objectives of the system for education and learning (clause 4)

### **We support the proposal to establish enduring objectives for education and learning.**

We support the proposal to have an overall vision for New Zealand's education system for early childhood and compulsory schooling. It is important that as the modes of education become more varied they have a common goal (COOLs, Partnership Schools, Trade Academies). This goal should go beyond academic success and reflect the aim of developing confident, connected, well rounded individuals equipped with the skills to lead satisfying lives who contribute to the wellbeing of our communities and New Zealand.

We are pleased to see some of the proposed objectives include aspects of the vision statements from our national curriculum documents. These vision statements have been comprehensively consulted on and receive considerable support across the education sector and the teaching profession.

### **We recommend a review period.**

While we acknowledge these are to be "enduring objectives", we recommend a provision is included in this legislation to allow for a review period after five years to ensure the objectives remain relevant. Over 98 per cent of respondents to our online survey agreed with this suggestion.

### **We recommend changes to the proposed wording of these objectives.**

We consider the objectives to be rather lengthy and there is value in having a shorter, more memorable statement, such as in the New Zealand Curriculum with the vision of: "Young people who will be confident, connected, actively involved lifelong learners".

If the longer format of the objectives is kept, we propose further refining of the wording. We recommend:

*As set out in the Bill:*

- (3) (a) to focus on helping each child and young person to attain educational achievement to the best of his or her potential; and

*Our recommended wording:*

- (3) (a) to provide learning experiences which support children and young people to reach their potential and a system which aims to achieve equitable outcomes for all; and

Rationale: We recommend a more ambitious statement for our education system. This should not just focus on helping each child and young person to attain educational achievement to the best of their potential it should also aim to achieve equity of outcomes.

We also suggest the gender inclusive term "their" is used instead of "his" or "her" in this sentence.

*As set out in the Bill:*

- (3) (b) to promote the development, in each child and young person, of the following abilities and attributes:

- (i) resilience, determination, confidence, and creative and critical thinking

*Our recommended wording:*

- (i) resilience, determination, confidence, creative and critical thinking, and to become lifelong learners”

Rationale: We recommend the inclusion of “life-long learners” in this sentence. “Promoting life-long learners” is a phrase drawn from the New Zealand Curriculum and was a favoured concept in the submissions to the Ministry of Education on the consultation for the update on the Education Act.

*As set out in the Bill:*

- (ii) good social skills and the ability to form good relationships

*Our recommended wording:*

- (ii) strong social skills and the ability to form positive relationships with others.

Rationale: We support the intent of this statement but suggest it needs to be more aspirational.

*As set out in the Bill:*

- (iii) participation in community life and fulfilment of civic and social responsibilities

*Our recommended wording:*

- (iii) active participation in community life, fulfilment of civic and social responsibilities and contribution to building a strong and just New Zealand – socially, culturally, economically and environmentally.

Rationale: We consider this phrase needs to be broader than just ‘responsibilities’ which is too passive. We suggest it is aligned more with the vision of the New Zealand Curriculum (p.8) which sets out a similar statement with “Active participation in community like, fulfilment of civic and social responsibilities and contributing to the wellbeing of New Zealand – social, cultural, economic and environmental”.

*As set out in the Bill:*

- (iv) preparedness for work

*Our recommended wording:*

- (iv) preparedness for life and the world of work

Rationale: We consider this phrase needs to be broadened to include preparedness for ‘life’ which can encompass building the skills to support a learner’s physical, emotional and social wellbeing. We propose the term “world of work” is used. This incorporates a broader concept of the skills and attributes for work, rather than implying training for a specific job. Alternative phrasing would be:

***“the knowledge, values and competencies to enable them to live full satisfying lives, both personally and in the world of work”.***

*As set out in the Bill:*

- (c) to instil in each child and young person an appreciation of the importance of the following:
  - (i) the inclusion within society of different groups and persons with different personal characteristics

*Our recommended wording:*

- (i) an inclusive society where all people are valued and are supported to participate in ways that affirm and value diversity

Rationale: The proposed wording in the Bill is awkward. The New Zealand Curriculum (p.9) describes inclusion as being “Non-sexist, non-racist and non-discriminatory; it ensures that students’ identities, languages, abilities, and talents are recognised and affirmed and that their learning needs are addressed”.

*As set out in the Bill:*

- (i) the diversity of society.

Our recommendation is to remove this statement as our suggested wording in (2(i)) addresses the concept of affirming and valuing diversity.

*As set out in the Bill:*

- (ii) cultural knowledge, identity and the different official languages;

*Our recommended wording:*

- (iii) cultural knowledge, identity and the different official languages of New Zealand.

Rationale: We support this statement but suggest the addition “of New Zealand”.

*As set out in the Bill:*

- (iv) the Treaty of Waitangi and te reo Māori

*Our recommended wording:*

- (iv) the Treaty of Waitangi, understanding the bicultural foundations of New Zealand and having knowledge of tikanga and te reo Māori.

Rationale: We support the intent of the statement but recommend that it is strengthened. Our proposed wording is in line with the New Zealand Curriculum (p. 9).

### **Recommendation**

We support the intent of this proposal, however we recommend adding a review period of five years, and a number of changes to the proposed wording of the objectives as set out below:

Our recommended changes to the wording of the objectives:

- (3) The objectives of the system for education and learning that is provided for in the specified parts (that is, early childhood and compulsory education) are –
  - (a) to provide learning experiences which support children and young people to reach their potential, and a system that aims to achieve equitable outcomes for all; and
  - (b) to promote the development, in each child and young person, the following abilities and attributes:
    - (i) resilience, determination, confidence, creative and critical thinking, and to become life-long learners;
    - (ii) strong social skills and the ability to form positive relationships with others;
    - (iii) active participation in community life, fulfilment of civic and social responsibilities and contribution to build a strong and just New Zealand – socially, culturally, economically and environmentally;

(iv) preparedness for life and the world of work.

(c) to instil in each child and young person an appreciation of the importance of the following:

- (i) an inclusive society where all people are valued and are supported to participate in ways that affirm and value diversity;
- (ii) cultural knowledge, identity and the different official languages of New Zealand;
- (iii) the Treaty of Waitangi and having knowledge of tikanga and te reo Māori.

### 3. Cohort entry: Increase flexibility in enrolment and attendance requirements for the first years of learning (clauses 9 and 10)

We support the introduction of cohort entry and extension of compulsory attendance upon starting school to children under the age of six.

We support the introduction of cohort entry as it encourages greater collaboration between early childhood services and schooling and will strengthen the transition to schooling for all learners and their whānau/families (clauses 9 and 10).

Research shows entry to school in a cohort is valuable in helping children build relationships. Cohort entry is also likely to help children and whānau/families feel more comfortable in the school setting. This in turn can lead to an increase in attendance .

Early childhood services and kura/schools will need to work together to consider new ways of supporting a positive transition experience, with the needs of individual children in mind. This collaborative approach is also consistent with emerging Communities of Learning.

Nearly 90 per cent of respondents to our survey agreed with our position on the introduction of cohort entry.

**We believe the needs of each child must be at the heart of the decision on cohort entry to ensure an effective transition, rather than any potential organisational or administrative benefit.**

The Bill stipulates that board of trustees must consult with parents, employees at the school, early childhood services in the community and parents of prospective students at the school when developing a cohort entry policy (clause 10, s5C). We believe this consultation is crucial to change the long established tradition of children beginning school on, or around, their fifth birthday, and to ensure an effective transition to school.

Respondents to our survey were concerned about the impact of cohort entry on individual children and their readiness for school, particularly if children started school before they were five, or had additional needs.

We encourage the Ministry of Education to undertake further research and develop guidance resources to support families, whānau, early childhood services and schools to create effective transitions for learners. Rather than a large cohort once a term, the research should consider whether there is benefit in smaller cohorts across a term (e.g. for Māori or Pasifika children, or children with additional needs).

“It is long overdue that there is an opportunity for open and collaborative planning between families, ECE and schools on transition to school...”

EDUCATION COUNCIL SURVEY COMMENT

“Some flexibility needs to be provided for those students who are unable to be fully enrolled in school, or for those students with additional learning needs...”

EDUCATION COUNCIL SURVEY COMMENT

“Families are the community and whanāu participation and gaining parent aspirations for their child’s learning will assist transition – not just for the child, but the whole family. Relationships are central to teaching and learning. Communication between sectors will further support transitions and there are limited processes for this”.

EDUCATION COUNCIL SURVEY COMMENT

“The Board is the employer (of staff), like other employers they should be a good employer, so let’s put it in writing so we are all aware of it.”

EDUCATION COUNCIL SURVEY COMMENT

#### 4. Clarifying boards of trustees’ roles and responsibilities (Schedule 2 of the Bill)

**We support the proposal to clearly set out the roles and responsibilities of boards of trustees in the Act.**

At present the roles and responsibilities of boards of trustees are scattered over different sections of the Act and the NEGs. Some wording in the Act creates ambiguity in the governance and management of schools (the distinction between the roles of boards and principals). Setting out all the roles and responsibilities of boards of trustees clearly in one place ensures trustees can access them easily and minimise any risk of misinterpretation.

We also agree the proposed list of roles and responsibilities is closely linked to student achievement as research shows a positive association between effective school governance and student achievement.

**We suggest the board of trustees’ role includes the concept of being a ‘good employer’.**

The Bill sets out the functions of the board, including two roles relating to staff. These are:

- being the employer of staff (an existing requirement) (see Schedule 2, Part 2 section 6), and
- ensuring a safe physical and emotional environment for staff and students (see Schedule 2, Part 2 section 5 (2) (a)).

We support these roles but would like to see an additional reference to a board being a ‘good employer’ as described in S77A of the State Service Act 1988. Being a ‘good employer’ encompasses a range of responsibilities generally accepted as necessary for the fair and proper treatment of employees. This includes ensuring teachers and principals have access to quality professional development and learning opportunities, acting fairly in all employment related-matters such as remuneration and recruitment, and having quality employee appraisal processes.

In our online survey, most respondents (98 per cent) agreed that the roles and responsibilities of board of trustees should be set out in one place and clarified, and should encompass the concept of being a good employer.

#### **Recommendations**

While we support setting out board of trustee roles and responsibilities clearly and in one place in the Act, we recommend amending the Bill so one of the board’s roles is expanded to encompass the concept of being a ‘good employer’ (Schedule Two, Part 2, section 6).

#### 5. Improving the provision of career services (clauses 117-123, 145(2))

**We support the proposal to transfer the Careers New Zealand functions and employees to the Tertiary Education Commission (TEC).**

We agree with the intent of the careers service review and the Government’s vision for “a student-focussed education system, underpinned by high quality information and with strong links to the world of work”. The current system is fragmented and there is duplication of effort. Young people require quality information and advice to help them make the best possible decisions about future study and employment options. Teachers play a pivotal role in this system as they support children and young people to think about career options from a young age.

“I agree... we need to streamline the information received and reduce confusion around available opportunities”.

“The council should be involved in any discussion that affects the members of the profession whether it be major or minor, and share the thoughts, wishes and aims of the profession”.

“Online learning can open up doors for students...at schools across the country who have limited subject choices”.

EDUCATION COUNCIL SURVEY COMMENT

We agree with the proposal in the Bill to transfer Careers New Zealand employees and functions to the Tertiary Education Commission (TEC). The TEC is well-positioned to work with tertiary education organisations (TEOs) to provide better and more consistent careers advice to schools, Communities of Learning and the general public. We also support providing the TEC with the ability to use careers services funding to improve the quality and co-ordination of information about further education and employment pathways. We are pleased the Bill provides for the experience and knowledge of Careers New Zealand staff to be retained as this will enable TEC to provide continuity of careers information services for schools and learners.

In our online survey, respondents strongly supported our view. Over 92 per cent agree with the transfer of the Careers New Zealand functions to the TEC.

**We support consultation with the schooling sector and other key stakeholders about future changes to better utilise careers services resources.**

We support the Ministry of Education’s plan to consult about the future transfer of career services resources to the schooling sector. However we need to consider the impact this may have on teachers’ roles, workloads, the way they deliver the curriculum, and their professional development opportunities.

We support more collaboration across schools and Communities of Learning with the proviso that teachers are well supported to provide careers services and advice. We encourage the Minister to consult with the Education Council and other key stakeholders about these changes.

**6. Establishing a regulatory framework for online learning (clause 38, new Part 3A of Act)**

**We support a future education system that is not limited by the physical restrictions of the classroom.**

Digital teaching and learning is already a recognised part of modern education. The Bill’s proposal to enable new partnerships between schools and online learning providers, Communities of Online Learning (COOLs), activates a more robust legal framework to support what is already happening in schools.

**We strongly believe qualified leaders and teachers should lead all learning – regardless of the mode of delivery.**

Effective teaching is the biggest in-school influence on children’s learning. Online learning will be a critical element of learning in the future – but the mode of education delivery is less important than how the learning environment is structured. The Bill needs to give more priority to ensuring learning is led by the teaching profession.

A skilled practitioner is the key to enabling learning to happen. Teachers work together to design the local curriculum – implementing it in a way that reflects the aspirations and context of the community they serve. They understand the learning needs of individual students, design learning that meets those needs, work effectively with students and families to implement learning strategies, and monitor progress to refine learning strategies to enable a young person to learn successfully. This requires effective initial training and ongoing professional development that you would expect from a certificated teacher.

Teachers understand how to develop the learning environments to enable the learning our children need to equip themselves for a productive future. Research from the OECD report, *The Nature of Learning*, (The Nature of

“Quality teachers have been proven to lift the quality of education and learning. They are an essential component of any learning programme regardless of delivery method”.

EDUCATION COUNCIL SURVEY COMMENT

Learning, Centre for Educational Research and Innovation Dumont, Istance and Benavides) outlines the following principles for a developing a learning environment for the future:

- Learners at the centre: The learning environment encourages their active engagement, and develops in them an understanding of their own activity as learners.
- The social nature of learning: The learning environment is founded on the social nature of learning and actively encourages well-organised co-operative learning.
- Emotions are integral to learning: The learning professionals within the learning environment are highly attuned to the learners' motivations and the key role of emotions in achievement.
- Recognising individual differences: The learning environment is acutely sensitive to the individual differences among the learners in it, including their prior knowledge.
- Stretching all students: The learning environment devises programmes that demand hard work and challenge from all, but without excessive workload.
- Assessment for learning: The learning environment operates with clarity of expectation using assessment strategies consistent with these expectations; there is strong emphasis on formative feedback to support learning.
- Building horizontal connections: The learning environment strongly promotes “horizontal connectedness” across areas of knowledge and subjects as well as to the community and the wider world.

And to these principles, we would add one more:

- The importance of teachers having sound knowledge of the content areas they are teaching.

Most of our survey respondents (96 per cent) agreed with us that teachers should lead the learning experience, regardless of whether the learning takes place online or face-to-face. Three quarters (76 per cent) agreed that the learning environment is more important than the mode of delivery.

### Recommendations

We support the intent of this proposal to reflect a 21st century learning environment, however we recommend a further clause is added to Part 3A, 35T (3) and to 35X (2) of the Bill that specifies an additional requirement for accreditation: “That those leading the teaching and learning are required to hold a practising certificate.”

## 7. Strengthening the legal framework for managing teacher competence issues (clauses 132-143)

### We support the establishment of a Competence Authority and its power to order cancellation.

We support the overall proposal to establish a Competence Authority in the Education Council. It will speed up the competence complaint resolution process and allow the governing council to focus on its strategic governance function.

The number of competence cases has increased significantly over the last few years. The increased number of cases has meant the governing board of Education Council has been detracted from its core business. A specialist body is better suited to consider teacher competence matters and its establishment will allow the governing board of the Education Council to focus on governance.

“It is a professional field that is specialised – the ‘lay’ person must have an understanding of the education system. They need to have an understanding of what happens in a classroom...”

EDUCATION COUNCIL SURVEY COMMENT

“...to deal with teacher competence, a person must understand pedagogy and classroom dynamics, and have experience of teaching”.

EDUCATION COUNCIL SURVEY COMMENT

“It is imperative this body has the credibility with the profession. This starts with having a practising certificate”.

EDUCATION COUNCIL SURVEY COMMENT

Extending the Competence Authority’s powers to cancellation of registration, practising certificates and limited authorities to teach is also consistent with the powers of our Disciplinary Tribunal, which makes decisions on teachers’ conduct.

**We disagree that the Competence Authority must include at least one lay person.**

We disagree with the proposed constitution of the Competence Authority as proposed in clause 140:

“The Competence Authority must include at least one person who is selected from a list, prepared by the Minister after consultation with the Education Council, of people who are not teachers, employers, or members of an employing body (s410AA(3)).”

We do not believe it is appropriate to have people who are not teaching professionals determining whether teachers are professionally competent. They do not have the knowledge or experience to make a judgement.

Although it can be appropriate for disciplinary authorities to include lay people, as is the case for our own disciplinary bodies (the Complaints Assessment Committee and the Disciplinary Tribunal which consider teachers’ conduct), we do not believe this is an appropriate role for the Competence Authority.

The competence investigation process and the Competence Authority are not disciplinary in nature. Our competence investigation process is primarily rehabilitative. Teachers are assessed using a set of specialised criteria developed to describe the essential knowledge and capabilities required for quality teaching in New Zealand (the Practising Teacher Criteria). As such, it is appropriate that only teachers with practising certificates are on the Competence Authority, as only these people have the expertise required to properly assess a teacher’s competence.

Over 90 per cent of respondents agreed with us that the Competence Authority should not include at least one lay person.

**We believe that all Competence Authority members must hold a current practising certificate.**

In line with our reasoning above that all members of the Competence Authority need to be certificated teachers, then all members of the Competence Authority, and on every panel of the Competence Authority, must hold a current practising certificate – and not the majority of members as outlined insertion of s410AA(4) in the Act.

Over 85 per cent of respondents agreed with this stance, while others believed that experienced teachers with expired practising certificates would also be valuable members (e.g. retired teachers or other educators).

**Recommendation**

We recommend that section 410AA is amended to:

- remove the requirement for the Competence Authority to include at least one lay person (s410AA(3))
- change s410AA(4) to require all members of the Competence Authority, and every panel of the Competence Authority, to hold practising certificates.