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**New Zealand
Teachers Council**

Te Pouherenga Kaiako o Aotearoa

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Submission on the Policing (Cost Recovery) Amendment Bill

To the Law and Order Committee

This submission is from the New Zealand Teachers Council/Te Pouherenga Kaiako o Aotearoa.

I wish to make myself available to the Committee if they require an oral submission as well.

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Kind regards

A handwritten signature in blue ink, appearing to read 'Rob McIntosh'.

Rob McIntosh
Acting Director

Overview

The New Zealand Teachers Council ('the Council') does not support the proposal in the Policing (Cost Recovery) Amendment Bill to recover the full economic cost of Police vetting including for teachers. The key reasons for not supporting the Bill are:

- police vetting of teachers carries a significant public benefit for children, young people, parents/caregivers, whānau and communities as opposed to a private benefit to individuals or organisations;
- police vetting of teachers is one of the key tools for protecting children and young people, which is a core function of Police;
- ongoing Police vetting of teachers aligns with the intent of the Vulnerable Children Act 2014 and Children's Action Plan, which is a key focus for the current Government; and
- cost recovery of Police vetting of teachers will not generate any further efficiencies across the public sector.

Police vetting benefits the general public

The Council considers that Police vetting has a significant public benefit. The aim of providing a Police vetting service is "to minimise the likelihood of the more vulnerable members of society being put at risk..."¹. Children and young people are vulnerable and should be protected from potential risks. Parents and other members of the public look for this to be provided.

Police vetting of teachers means that: our children are safer because they are only taught by teachers whose full criminal history has been disclosed; and our communities are reassured by the knowledge that people with criminal histories are highly unlikely to be employed in New Zealand's schools and early childhood education centres. Teachers who maintain a practising certificate to be employed in a teaching position are Police vetted every three years.

The Council argues that Police vetting of teachers does not "generate a largely private benefit"² and is not "inequitable to the taxpayer" because the "general public receives limited benefit."³ Vetting of teachers primarily provides public benefit rather than benefit to individual teachers or the organisations that employ them. It is for this reason that Parliament has legislated to make vetting compulsory. This legislative requirement would not be necessary if the benefits of vetting were predominantly private as individual teachers or the organisations that employ them would choose to undertake vetting voluntarily. Only an exceptionally small number of teachers have any convictions, meaning the majority of the profession will bear the cost of Police vetting although they have clear Police vets.

¹ <http://www.Police.govt.nz/vetting-guidelines>

² *Cost Recovery for Certain Police Services*, p. 13

³ Regulatory Impact Statement, Policing (Cost Recovery) Amendment Bill, October 2013, p. 3

Providing services to protect children and young people is a core function of the Police

The Council considers that Police's provision of vetting services falls within Police's public duty obligations and is not an additional service "over and above Police's core statutory functions"⁴ as stated in the *Regulatory Impact Statement: Policing (Cost Recovery) Amendment Bill*. The examples of additional services that were set out in the consultation paper titled *Cost Recovery for Certain Police Services* include dealing with lost and found property and running the Police Museum. The Council considers that most of the examples provided benefit a small number of people, whereas for the reasons set out in this submission, Police vetting benefits the general public.

In their 2014/15 to 2017/18 Statement of Intent (SOI), Police outline that their role is to protect people from incidents that could endanger their safety and state that "Police carry out vetting to minimise the opportunity for known recidivist violent, sexual and driving offenders to be in close contact, or situations of power, with the most vulnerable"⁵. This statement aligns closely with the Government's Vulnerable Children priority and the need to keep vulnerable people (particularly children) safe and support those who require it. Introducing a cost for vetting is at odds with the purpose of this work, which is to identify and protect vulnerable children by ensuring core children's workers are appropriately checked as safe to work with children.

Police vetting as part of the process for issuing practising certificates to teachers clearly contributes to the Police national operating strategy 'Prevention First' by proactively preventing the possibility of those with relevant criminal propensities entering the education sector and working with children.

The Council submits that the provision of Police vets is part of the primary functions of Police, namely:

- maintain public safety (by providing real assurance that schools and Early Childhood Education Centres are safe places)
- crime prevention (by ensuring our children and young people are not at risk from people whose criminal history makes them unsuitable teachers)
- community support and reassurance (by ensuring that communities can be certain that the convictions histories of all teachers in our schools and Early Childhood Education Centres have been checked)

Furthermore, the consultation paper stated that "the critical question is the extent to which it is reasonable for a publicly funded Policing service to subsidise the safety and security of profit-generating companies or organisations". The Council is an Autonomous Crown Entity that does not generate a profit. Therefore, the Council should not be charged for this key piece of public Policing.

⁴ Regulatory Impact Statement, Policing (Cost Recovery) Amendment Bill, October 2013, p. 2

⁵ NZ Police SOI 2014/15 to 2016/17; p.12.

Better Public Services and greater efficiency across the public sector

It appears that one of the drivers of the proposal to charge for Police vetting is to fulfil New Zealand Police's obligations to provide 'Better Public Services'. According to the Policing (Cost Recovery) Amendment Bill, the amendment to the Policing Act 2008 will help Police achieve

1. Efficiency in consumption
2. Efficiency in production
3. Resources directed to priority areas.

Efficiency in consumption

Charges which reflect the cost of services can help to incentivise efficient decisions about the utilisation of those services. This will not be the case if charging for Police vetting of teachers is introduced. Because vetting is a legal requirement, all teachers must be vetted in order to be able to teach. The introduction of charging for vetting will lead to no change in the demand for vetting of teachers. In a more general sense, current priorities relating to vulnerable children signal a desire for more rather than less vetting. Introducing a charge for vetting does not encourage this.

Efficiency in production

Charging can also incentivise efforts to find more efficient ways of delivering services, particularly where consumers of the services have alternative sources of supply. However the Council submits that the likelihood is low that further efficiencies in production of the service will be achieved by the introduction of charging for Police vetting of teachers.

The initial proposal by Police in 2006 was based on far higher costs for Police vetting than are incurred now. The reduction in costs, which has been achieved without charging, is due to the development of the QueryMe system in 2010 that enables the efficient sharing of information electronically for Police vetting. The automated QueryMe system involves the Council inputting much of the data required for a Police vet to take place. The Council was a leader and partner in the testing and development of QueryMe. The Council's and Police's processes are now streamlined, with the data-entry carried out by the Council and the actual vetting process between Police and the Council being automated. With such efficient systems in place between the Council and Police, it seems likely that the total costs of carrying out teacher vetting will be lower than carrying out a vet for agencies that do not have such streamlined processes. Given the work and cost to the Council already incurred in undertaking this work and the efficiency of the current system, the Council submits that it is not appropriate to charge for Police vetting of teachers on the grounds of improved production efficiency.

Resources directed to priority areas

The Council has already argued that Police vetting of teachers is highly aligned with current government priorities with respect to protection of children and therefore should be a priority for Police.

In addition the introduction of charging for vetting accords greater weight to Police priorities than education priorities. Police charges for vetting will be met from registration fees. Use of registration fees for this purpose will effectively mean less resource for the Council, and its intended successor the Education Council of Aotearoa New Zealand, to spend on other areas of its activities which are of high priority from an education perspective.

Summary

There should be no charge for Police vetting for teachers because:

- Police vetting has a significant public benefit;
- Police vetting is part of the primary functions of Police, not an “additional service”;
- Police vetting of teachers is one of the key tools for protecting children and young people; and
- There are few, if any, further efficiencies to be generated in the Police vetting system for teachers and charging will not reduce demand.

This submission was completed by:

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The submission is made on behalf of the New Zealand Teachers Council.

The New Zealand Teachers Council is the professional body for registered teachers and has a key function to support a high quality teaching profession with the capability to assist learners to achieve excellent educational outcomes. With registered teachers with a current practising certificate, the public can be assured that teachers are trained and qualified, appropriately inducted into the profession, receive ongoing professional development and are regularly appraised. It also deals with complaints against registered teachers and those authorised by the Council to be employed in teaching positions.