



National Council of Women of New Zealand

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Wahine O Aotearoa

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Submission to the Education and Science Select Committee on the Education Amendment Bill (No. 2)

Introduction

The National Council of Women New Zealand (NCWNZ) is an umbrella organisation representing 43 nationally organised societies. It has 34 branches spread throughout the country to which women from some 150 societies are affiliated.

Members found it very difficult to access copies of this Bill as it does not seem to have been widely circulated either to libraries or to education institutions and Boards of Trustees. We think this is a matter which should be addressed, as legislation of this kind deserves wider consideration. Consequently the submission represents only the views of the Nucleus Committee and some corresponding members of the NCWNZ Education Standing Committee. Those who had access to the material all agreed that the Explanatory Note with the General Policy Statement, which accompanied the Amended Bill, was a very useful document.

General Comment

There was general agreement that the proposed changes, which are mainly tidying up, clarifying or elaborating, are improvements to the Principal Act. There is a clear trend that increased power will be returned to a central authority and greater centralisation may help achieve consistency in these matters. However, more cognisance is taken of Human Rights issues.

Comments on the Education Amendment Bill

The following comments are confined to suggestions for change or clarification. Where there has been broad agreement for a clause this has been stated.

PART 1 Substantive amendments to principal Act

3. *Regulating school hostels*

While applauding this move, there is still concern that the Act covers regulations which relate mainly to the premises and management. There is also the ongoing problem of harassment which needs to be addressed in the codes of practice, complaints procedures, and scope of inspections.

Human Right Acts 1993 Compliance

4. *Restriction on attendance at certain schools*

We agree that Section 3a of the principal Act should be repealed provided that there is still leeway for schools to make their own decisions about enrolments that are outside the designation of the school.

5. *Release from tuition on religious or cultural grounds*

(I)(1) Members strongly agree that students over 16 years should be able to request release in their own right.





6. ***National Education Guidelines***

Section 60A – 2 (c) (iv) Replace Maori communities with – “**The whole school community including all ethnic groups**”.

Maori and all ethnic groups are now represented in our schools. All parents have the right to have their views discovered and considered.

7. ***Health Education***

We fully support this amendment. Health Education should be mandatory for all schools, taught across all curriculums and available at all levels within schools.

8. ***School planning and reporting***

The proposed amendment, which is much more practical than the School Charter, was strongly supported. School plans will be more specific, with a good distinction between annual and long term planning. But there is a danger that the school plan will become so specific that schools will become too inflexible and not open to changes and opportunities.

The following suggestion was made:

61 (2) (c) Add “**within the budgetary constraints of a school and the ability to find a competent teacher who is a fluent speaker of Maori**”. We make this recommendation to ensure that best practice is maintained.

9. ***Police Vetting***

There were some reservations about police vetting of non-teaching staff as doubts were expressed that the police force would have the staff or time to carry out vetting requests.

63(a) *School Risk Management Scheme*

There is some confusion with this terminology as the term is already used by teachers for the safety of pupils, not property.

PART 7A Interventions in schools

NCWNZ members supported this new section which tidies up the earlier clauses and provides a sensible approach whereby the Minister and Secretary are able to intervene much earlier.

Teacher Registration

Clause 15 (2) There is complete agreement that registration should be extended to include teachers in the early childhood sector and Kura Kaupapa Maori.

Clause 19 The change to section 129 of the principal Act to read “The Education council **must** de-register ...” rather than ‘may’ is noted and supported.

PART 10A New Zealand Education Council

There was again some concern with the title of this new organisation, as it could be confused with the NZ Council for Education Research.



Members would like more details on the workload of individual members of the Council and how this would be managed by those elected members in full time employment.

The following alterations to clauses were suggested:

139 AD - Functions of the Education Council

- (a) – to provide ... Replace with – **‘To support the Principal and Senior management teams in schools and early childhood centres’**

The Principal and senior teachers provide professional leadership within each school and early childhood centre. An entity based in Wellington would not be able to provide the expertise needed in professional leadership within each individual school. The whole concept of Tomorrow's Schools is that the professional leadership required in each school varies depending on the schools needs as well as a variety of different factors.

139 AG – Advisory Groups

- (1) There was a strong recommendation that **a third advisory group be established** to advise on traumatised, severely at risk students as there is an increasing number of these young people in our schools.

139 AN – Mandatory reporting of convictions

- (1) Every teacher who is convicted etc... This is a police matter. We believe it would be a miscarriage of justice for a convicted person to be punished again for not notifying the Education Council of a conviction.

139 AP - Complaints of misconduct

- (1) A complaint of misconduct about a teacher etc.. **Replace with “A complaint of misconduct may be made by any person, and should, in the first instance, be made to the Principal. If no satisfaction is received, then a complaint may be made to the Education Council”.**

The Principal, who appointed the teacher, should have the right to hear the complaint first. The Education Council could well have to deal with a huge number of trifling complaints if there is no filtering system. Operating details need to be spelt out.

139 AQ – Interim suspension to enable investigation

- (1) **Amend as follows:** For the purpose of investigating a complain of serious misconduct about a teacher the Complaints Assessment Committee may **“suspend a teacher on full pay until such time as the outcome of the investigation is available”.**

A teacher should not be presumed to be guilty of an offence until it is proven. Suspension on full pay is the appropriate interim measure to be adopted. It would also follow that suspension of the teacher's practising certificate or authority would be inappropriate before the results of the investigation are known.

139 AS – Powers of the Disciplinary Tribunal

- (g) - require any party to the hearing to pay costs to any other party.

Comment – Judicial Tribunals are usually funded by the Government and there is no good reason for it to be different in the case of the Education Council.

139 AY – Complaints about incompetence

- (1) **Amend as follows:** - A complaint about the competence of a teacher may be made – **“in writing to the Principal at any time”** etc.

The Principal, as the manager of the school, should be given the opportunity to deal with a complaint in the first instance. It is not the function of the Education Council. Action by the



Education Council should only be necessary in cases where the Principal refuses or is unable to address the problem.

27 Data gathering

144A (1) A minor change suggested that the last line read – “and substituting the words proper administration of *this* Act.”

Members support the amendments to the principal Act on data gathering as they give guidance on clear and practical measures.

Tertiary Education Institutions

Clauses 29-33.

Proposed changes to all sections were supported, recognising that the current autonomy of tertiary institutions could be reduced.

PART 18A

NCWNZ applauds the introduction of **The Code of practice for providers who enrol international students.**

One problem was envisaged regarding the setting of an annual fee, for the purpose of meeting the costs of administering the code, to be paid by education providers. As this set fee would have to be added to the fees already met by the fee paying students, it is hoped that it would be kept as low as possible.

Conclusion

NCWNZ members strongly agreed that the proposed changes would bring additional work and responsibilities to the teaching profession. As educational institutions and Boards of Trustees do not seem to have had access to the Bill, it would be desirable to seek their opinions more widely before the final decisions are made.

NCWNZ appreciates the opportunity to contribute this submission and looks forward to seeing the amended Act when it is published.

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