



SPANZ

SECONDARY PRINCIPALS' ASSOCIATION OF NEW ZEALAND INC.

NZ TEACHERS COUNCIL

The New Zealand Teachers Council (The Council) was established under the Education Standard Act. The Council has recently established the Complaints Assessment (CAC) and the Disciplinary Tribunal (DT).

The CAC is a subcommittee of the Council which includes non-members of the Council. The CAC has investigative powers, as well as final powers to resolve a complaint.

The options available to the CAC for resolving a complaint are (S139APB (2))

- a. dismissing it
- b. referring the teacher for a competency review
- c. referring the teacher to the “impairment process” which may involve assistance with an impairment that affects performance

In misconduct complaints by concluding an agreement with the teacher that involves

- i. censure
- ii. imposing conditions on the practising certificate (eg requiring supervision or professional development)
- iii. suspension of practising certificate for a specified period or until conditions are met
- iv. annotate the register of teachers in a specified manner

The CAC may refer a matter to the DT at any time. The CAC must refer a matter to the DT if it is satisfied on reasonable grounds that there has been serious misconduct.

The Disciplinary Tribunal has the following powers available to it (S139AS)

- a. it may do anything the CAC could have done
- b. it may censure the teacher
- c. it may impose conditions on a practising certificate
- d. it may suspend the practising certificate for a period or until conditions are met; and
- e. it may annotate the teachers entry in the register of teachers in some way

Note: that to this point the DT’s powers replicate those of the CAC save that the DT may impose these sanctions coercively, while the CAC can only do so by agreement with the teacher.

In addition the DT has these additional remedial powers

- f. to impose a fine of up to \$3,000
- g. to require deregistration
- h. to order party and party costs; and
- i. to order costs to the Teachers Council

In terms of mandatory reporting, a school is required to notify the Council of any teacher who is dismissed from employment or resigns within 12 months of competency proceedings being innate of an investigation for serious misconduct.

The range of people who may make a complaint to the Council has widened and includes teachers, parents and members of the public. In most instances however, the complainant would be directed back to the school. The CAC also has the responsibility of vetting out frivolous and vexatious complaints about teachers and Principals.

The CAC and DT would in the cause of an investigation examine school procedures and policies particularly in relation to such things as appraisal, professional development competency misconduct and support and guidance.

There is however no authority by the Council to overturn school policy or procedure. It is not the role of the Council to usurp the role of the Board or Principal. Having said that it is important that schools have in place robust policies and procedures in relation to the above. My experience on the Council tells me that schools that have defective or poor policies and procedures create not only legal risk for themselves but it also makes it difficult for Council in its investigation and decision making.

All of the above information can be obtained from NZTC website www.teacherscouncil.govt.nz