

Assessing teacher competency and/or behavioural issues

Issues of teacher competence and/or conduct (behaviour) should be addressed in a timely way and in a manner that maintains a positive learning-focused culture. Processes used should fully and fairly address matters in the interests of all parties. Every effort should be made to resolve issues at the lowest possible level and aim to improve the quality of professional practice.

Documents to support these processes include your school's Performance Management Policies and Procedures, the Teaching Council's "Our Code Our Standards" and "Professional Growth Cycle" as well as the provisions contained within the relevant collective agreements for primary teachers (Primary Teachers' Collective Agreement) and area school teachers (Area School Teachers' Collective Agreement). Most recent collective agreements can be found on the NZEI Te Riu Roa website.

Teaching Council Our Code Our Standards

The Code | Ngā Tikanga Matatika applies to all registered and certificated teachers and those who have been granted a Limited Authority to Teach. It is a set of aspirations for professional behaviour. It reflects the expectations teachers and society place on the profession. As part of section 387 (6) of the Education Act, it is binding on all teachers.

The Standards | Ngā Paerewa apply to all practising teachers. These are made up of six standards/paerewa that provide a holistic description of what high quality teaching practice looks like. Each standard/paerewa has an elaboration to provide depth and context and supports teachers to identify and develop high quality practices in their settings.

Professional growth cycle & annual attestation

Since 1 February 2021, participation in a professional growth cycle, which includes annual attestation against the standards/paerewa, has been required for all teachers. One of the elements of creating a professional growth cycle requires the principal to "facilitate a common understanding of the standards/paerewa in their own context and what meeting and using them in their practice looks like". This is often recorded in the Teaching Council's "Quality Practice Template" document.

For assessing and responding to teacher competency issues, this document will be critical for ensuring expectations are clear. There is an expectation that if, in the principal's judgement, the teacher does not currently meet the standards/paerewa, they will discuss that with the teacher and provide support to enable improvement.

Collective agreement provision

Many matters of discipline and competence can be resolved by discussion between the principal and the teacher concerned without the need to take the matter further.

However, if sufficient progress is not made, or if serious disciplinary or competency concerns arise, the regular annual process may need to be paused and a disciplinary or competency process followed until the particular issue is addressed.

If such concerns arise, employers will conduct their disciplinary/competency process according to the provisions in the relevant collective agreement.

Where there are unresolved matters of competency, the principal shall put in place appropriate assistance and personal guidance to assist the teacher.

If a teacher's behaviour constitutes serious misconduct, the employer may either suspend the teacher with or without pay or transfer the teacher temporarily to other duties. There is no simple test for determining what constitutes serious misconduct. Before taking any such action, the school board should contact Te Whakarōputanga Kaitiaki Kura o Aotearoa New Zealand School Boards Association (NZSBA).

- [Primary Teachers' Collective Agreement](#): Part 10 Complaints/Discipline/Competency
- [Area School Teachers' Collective Agreement](#): Part 2.3 Teacher Competence; Part 2.4 Teacher Conduct and Discipline.

Support for teachers

Questions of competence, conduct and/or discipline should be handled in a manner which, as far as possible, protects the mana and dignity of the teacher concerned. The teacher must be advised of the right to request representation at any stage and may seek whānau, family, professional and/or NZEI Te Riu Roa support in relation to such matters.

Plans agreed with the teacher to address competence or conduct matters should identify support to be provided by the school. This can include coaching and/or mentoring, Professional Learning and Development, modelling, visits to other teachers and schools, etc.

Times like this can be extremely stressful. As good employers, schools can support teachers on a personal level by providing access to counselling provided through employee assistance programmes such as EAP.

Support for Employer – NZSBA

If a board has a concern regarding competency or conduct for a teacher, it is recommended they seek advice from NZSBA before undertaking any process. Principals, acting in their employer role, have access to support from the NZSBA employment advisers.

Principals can also call the NZEI Te Riu Roa 0508PRINCIPAL helpline or their local NZEI Te Riu Roa principal support officer (PSO) for additional support and guidance.

Role of Teaching Council

The Teaching Council manages concerns about teacher competence and conduct.

One of the council's roles is to protect the safety of children and high quality of teacher practice by ensuring teachers continue their professional learning and maintain and enhance their competence to practice.

Teachers are expected to meet the *Standards for the Teaching Profession*. If there is a concern or complaint raised about an individual teacher's competence, the Teaching Council will evaluate the concern and if required, support the teacher to meet the *Standards / Ngā Paerewa* and get their practice back on track.

Making a mandatory report is a legal obligation for employers.

The employer (or former employer) must make a mandatory report about a teacher in the following situations:

- Reason to believe teacher has engaged in serious misconduct – [see the examples of types of serious misconduct that need to be reported](#).
- Any dismissal of a teacher for any reason.
- A teacher resigning 12 months or less after a conduct or competence issue raised – if a teacher resigned or their contract ends, and the school told the teacher it was unhappy with or was going to investigate the teacher's conduct or competence less than 12 months before the teacher's resignation.
- Complaints about teachers who recently left – if the school receives a complaint about the conduct or competence of their former teacher, less than 12 months since the teacher's employment ended.
- Competence – if, after taking steps to address the problem, the school believes the teacher hasn't reached the required competence level.