



## Minutes of the Governing Council meeting

RĀ | DATE: 29 February 2024

WĀ | TIME: 8:30am – 2:45pm

WĀHI | VENUE: Teaching Council office, Wellington

MANATŪ KAUNIHERA | GOVERNING COUNCIL ATTENDEES:

- Robyn Baker (Pou Whakarae | Chair)
- Ripeka Lessels (Pou Whakarae Tuarua | Deputy Chair)
- Elg Anderson
- Lorraine Carr
- Carol Cheng
- Mike Connor
- Dagmar Dyck
- Fiona Ell
- Melody Stuckey
- John Tait
- Pat Newman
- Patrick Walsh

KAIMAHI | STAFF ATTENDEES:

- Clive Jones (Tumu Whakarae | Chief Executive – Acting)
- Pauline Barnes (Pou Amo Ngaiotanga | DCE Professional Services)
- Tamahau Rowe (Pou Kaiāwhā Māori | DCE Māori)
- Michael Thorn (Manager Policy and Implementation) – items 4.1–4.4, 6
- [REDACTED] (Senior Policy Analyst) – item 4.1
- [REDACTED] (Policy Analyst) – item 4.2
- [REDACTED] (Lead Analyst) – items 4.2, 4.3
- [REDACTED] (Lead Policy Analyst) – item 4.4
- Ian McEwan (Chief Financial Officer) – section 5
- Craig Hoskin (ICT Manager) – item 5.4
- [REDACTED] (Chief Education Advisor) – item 6
- [REDACTED] (Senior Governance Advisor)

MANUHIRI | GUEST ATTENDEES:

- Item 6:
- [REDACTED] (DCE, Head of Te Ihuwaka, Education Review Office)
- [REDACTED] (Senior Manager, Te Ihuwaka, Education Review Office)

WHAKAPĀHA | APOLOGIES:

- Lesley Hoskin (Tumu Whakarae | Chief Executive)
- Karen Coutts

John Tait opened the meeting with a karakia.

### 1. In-committee

The Governing Council had in-committee time.

During in-committee time, the Chair of the Human Resources and Remuneration (HRR) Committee gave an update on the performance review for the Chief Executive, covered at the HRR Committee hui the previous day and with a meeting with the Chief Executive scheduled for 4 March. The outcome of the review will be discussed at the March Governing Council hui.

### 2. Opening items

#### 2.1 Apologies

The Council noted apologies from Lesley Hoskin and Karen Coutts for the meeting.

#### 2.2 Interest Register

The Council noted the Interest Register.

## 2.3 Minutes from previous hui

DECISION GC20240229/2a: The Council approved the minutes from the hui on 30 November 2023 as a true and accurate record of the meeting.

## 2.4 Action List

The Council noted the Action List and updates on the actions.

Actions GC20231130/3a, GC20231130/3b, GC20231130/3c, GC20231130/3d, GC20231130/5a, GC20231130/5b, GC20231130/9a, GC20230223/5a were closed.

# 3. Organisational Performance

## 3.1 Chief Executive's Report

The Chief Executive's report was taken as read. The Council noted/discussed the following:

- The Chief Executive has met with both Minister Stanford and Minister Seymour, with particular focus on initial teacher education (ITE) and policy settings for charter schools.
- There was discussion about the possible qualification requirements for teachers and leaders in charter schools and the Teaching Council's involvement in any legislative and operational changes that would be necessary. Members noted that it may be necessary to circulate material out of cycle to keep in step with the Government's decision-making timeframes. The Governing Council agreed that the Teaching Council should be prepared to articulate its position on the importance of having registered teachers in the leadership team of every charter school.
- A more detailed update on leadership will be included in the agenda for the March Governing Council hui. There was discussion on the merits of a physical leadership centre.
- Minister Stanford will be reviewing the Statement of National Education and Learning Priorities (NELP) and it is likely that she will seek input from the Teaching Council on this.
- The DCE Māori reported back on engagements with Te Akatea and Ngā Puna Reo o Aotearoa.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Finalisation of the branding of the Pacific strategy is underway, and in the meantime implementation of priority items has begun. Te Rautaki Tiriti o Waitangi is due for review and will be considered in connection with the Pacific strategy.
- An update was provided about the Teaching Council's engagement with the Chief Executive of the Tongan Ministry of Education.

**ACTION GC20240229/3a: Prepare a statement about the importance of having registered teachers in the leadership team of every charter school.**

**ACTION GC20240229/3b: Provide an update on leadership at the March Governing Council hui.**

## 3.2 Health, Safety, and Wellbeing Report

The Council received the Health, Safety, and Wellbeing report.

The Council queried and received an update on vacancy numbers and how the current job market is affecting recruitment.

### 3.3 Issues Register

The Council received the Issues Register.

The Council noted recent Ombudsman investigation outcomes reflecting positively on Teaching Council processes.

### 3.4 Policy dashboard

The Council noted the Policy dashboard.

### 3.5 Performance dashboard

The Council noted the monthly performance dashboard. Points of discussion were:

- trends in non-renewal of practising certificates and whether an increase will be seen due to the aging population
- the split of new registrations between domestic and overseas applicants.

**ACTION GC20240229/3c: Include a breakdown of domestic/overseas new registrations in the performance dashboard.**

### 3.6 Communications and media

The Council noted the Communications and Media dashboards, with an updated version of the Communications dashboard (including clearer titles) tabled for members' reference.

Concern was noted at the customer sentiment/satisfaction figures from the survey conducted in May 2023. Management advised that this was the result from the TRA research in May 2023 and that the survey may be repeated in May 2024.

## 4. Items for decision

### 4.1 Strategic Plan consultation

The Governing Council Chair recapped the key discussion points from the Strategy session the previous day about the draft strategic plan:

- In relation to the vision, there was general support for 'strengthening the mana of teaching', strong consensus for dropping the word 'forever', and mixed views about the concept 'changing lives'. Alternatives were suggested. It was noted that it was important to maintain the approach of 'connecting the whys' (teachers' 'why' and the Teaching Council's 'why').
- The Council was largely happy with the proposed high-level themes, with some minor wording refinements. The 'examples in practice' were felt to resonate more than the explanatory bullet points.
- The Council wanted to ensure that the explanatory detail did not misrepresent the Teaching Council as 'doing the work' of kaiako on the frontline, with care therefore needed about the terms to be used to describe the Teaching Council's role.
- There was support for different (but consistent) products for different audiences – a more concise version to cater to the needs of busy kaiako and more detail/elaboration available for other key stakeholders. It was also agreed that the language should be kept simple and not bureaucratic.

- The proposed approach to consultation was noted, being a video introduction, short survey/written feedback, and options for stakeholders to provide a written submission and/or request a meeting to present verbally.

An updated version of the high-level themes following the previous day's discussion, including explanatory detail for peak bodies and examples in practice, was tabled for review.

In further discussion, the Council:

- Agreed that it was important to include the proposed vision as part of the consultation material, given its materiality to the organisation's strategic intentions.
- Noted that the strategic plan sets the high-level 'what' and – once that is confirmed – management can work on the more detailed 'how', which will be captured in the annual Business Plan for Governing Council approval.
- Discussed the importance of the Teaching Council being visibly present and active in supporting kaiako and advocating for the teaching profession, not just saying that it is.
- Noted and generally supported the rationale for separating out the two dimensions of leadership (in themes 3 and 4) while acknowledging the relationship between them.
- Suggested that it would be helpful to have some wording on hand to explain the connections of our Pacific work with Te Tiriti o Waitangi, as expressed by Ngā Pātū o te Whare | the Wall of Identity.

The Council noted that the next steps following this hui will be for management to prepare and finalise consultation materials in line with the feedback provided by the Governing Council.

**DECISION GC20240229/4a:** The Council agreed the high-level themes and approved proceeding to consultation once the consultation materials have been finalised by management.

The Council noted that feedback from consultation will be presented at the 2 May Governing Council hui, and approval sought for the final Strategic Plan at the 30 May Governing Council hui.

#### 4.2 Language competency policy review consultation

The Council noted that the Pacific Education Steerage Group (PESG) discussed the latest developments in the Teaching Council's language competency policy review at its meeting on 1 February 2024 and provided advice for the Governing Council's consideration. The PESG Chair reiterated the support of PESG to move forwards, with work to date having formed a good foundation for wider consultation.

The Council discussed the draft consultation document for review of the language competency policy. Points raised/discussed were:

- clarification of the benefits sought from supporting an increase in the number of Pacific teachers
- the need for Pacific teachers to feel culturally supported in school settings
- the history of language loss and wider sector/government context for revitalisation and preservation of indigenous Pacific languages
- referencing of the policy to our Tiriti commitments.

The Council noted that further changes may be required as the consultation document goes through the editing and design phase.

**DECISION GC20240229/4b:** The Council approved proceeding to consultation on the proposed approach for amending the language competency policy and agreed for the Chief Executive to approve the final version of the consultation document following editing and design work.

The Council noted that timing of consultation on the proposed policy amendments is being considered in light of the other upcoming consultation on the strategic plan.

#### 4.3 Prosecution and Warning Policy

The Council noted that the Prosecution and Warning Policy is a new Teaching Council policy, which sets out the guidelines and standards that the Teaching Council will follow when deciding whether to take prosecutions against teachers or employers for offences under section 662 of the Education and Training Act 2020 and how such prosecutions should be undertaken.

There was a query about whether the policy would apply to people misrepresenting themselves as 'registered teachers' and confirmation that the legislation already makes the term 'registered teacher' a protected term.

The Council noted that there is believed to be only a small number of people who fail to understand and/or meet their legal obligations, and most of these cases are resolved through an information and education approach.

The Council noted that supporting processes will be put in place including provisions for the Chief Executive to receive robust advice on initiating a prosecution.

**DECISION GC20240229/4c: The Council approved the Prosecution and Warning Policy.**

#### 4.4 Fee for review of CAC decisions

The Council noted that the Education and Training Amendment Act 2022 (the 2022 Amendment Act) introduced a provision allowing for decisions made by the Complaints Assessment Committee (CAC) to be reviewed by the Disciplinary Tribunal (DT).

The Council noted that the Teaching Council may, by notice, prescribe a fee to be charged for requesting such a review.

The Council discussed the three options being put forward for preliminary consideration:

- Option 1: set no fee
- Option 2: set a nominal non-refundable filing fee
- Option 3: set a non-refundable fee that reflects some of the actual and reasonable costs involved in processing a review.

It was noted that a fee could dissuade reviews from being filed without good cause, but that it was important that a fee did not become an unreasonable barrier to natural justice where there may be a genuine case for review. Clarification was provided on the difference between options 2 and 3.

The Council noted that we have received legal advice confirming that the Teaching Council is not formally obligated to consult on the setting of a fee but advising that it would be prudent to do so.

**DECISION GC20240229/4d: The Council agreed that it would be appropriate to consult on a proposed fee prior to making a final decision.**

The Council provided directions that a further paper to be brought back for decision at the March Governing Council hui should:

- provide advice on what would be an actual and reasonable fee, including supporting data
- include a consultation plan.

#### 4.5 Information and Records Management Policy

The Council noted that the Information and Records Management Policy is a Governing Council owned Policy and has been reviewed in accordance with the review cycle of the previous version.

The Council noted that the policy has been updated for the following matters:

- minor technical refresh
- updates to reflect our Te Tiriti commitments.
- updating references to iwi, hapū and Māori information to reflect data sovereignty.

The Council noted that, due to overlap in certain areas, our future work will include reviewing and merging several policies to simplify our policy documents.

The Council noted that the Risk, Audit, and Finance (RAF) Committee reviewed the proposed amendments at its meeting on 22 February 2024 and agreed to recommend that they be approved by the Governing Council.

**DECISION GC20240229/4e: The Council approved the proposed changes to the Information and Records Management Policy.**

#### 4.6 Overseas travel approval – International Forum of Teacher Regulatory Authorities (IFTRA) Conference 2024

The Council noted the information provided about this year's IFTRA Conference.

#### 4.7 Conflict of Interest Policy

The Council noted that the Conflict of Interest (COI) Policy is one of the suite of policies which is approved by the Governing Council.

The Council noted that, as set out in its Terms of Reference, the HRR Committee has a role in providing advice to the Governing Council on policies related to human resources, which the COI Policy is one of.

The Council noted that the COI Policy was last updated and approved by the Governing Council in August 2022 and its next cyclical review (on a five-year cycle) is due in 2027.

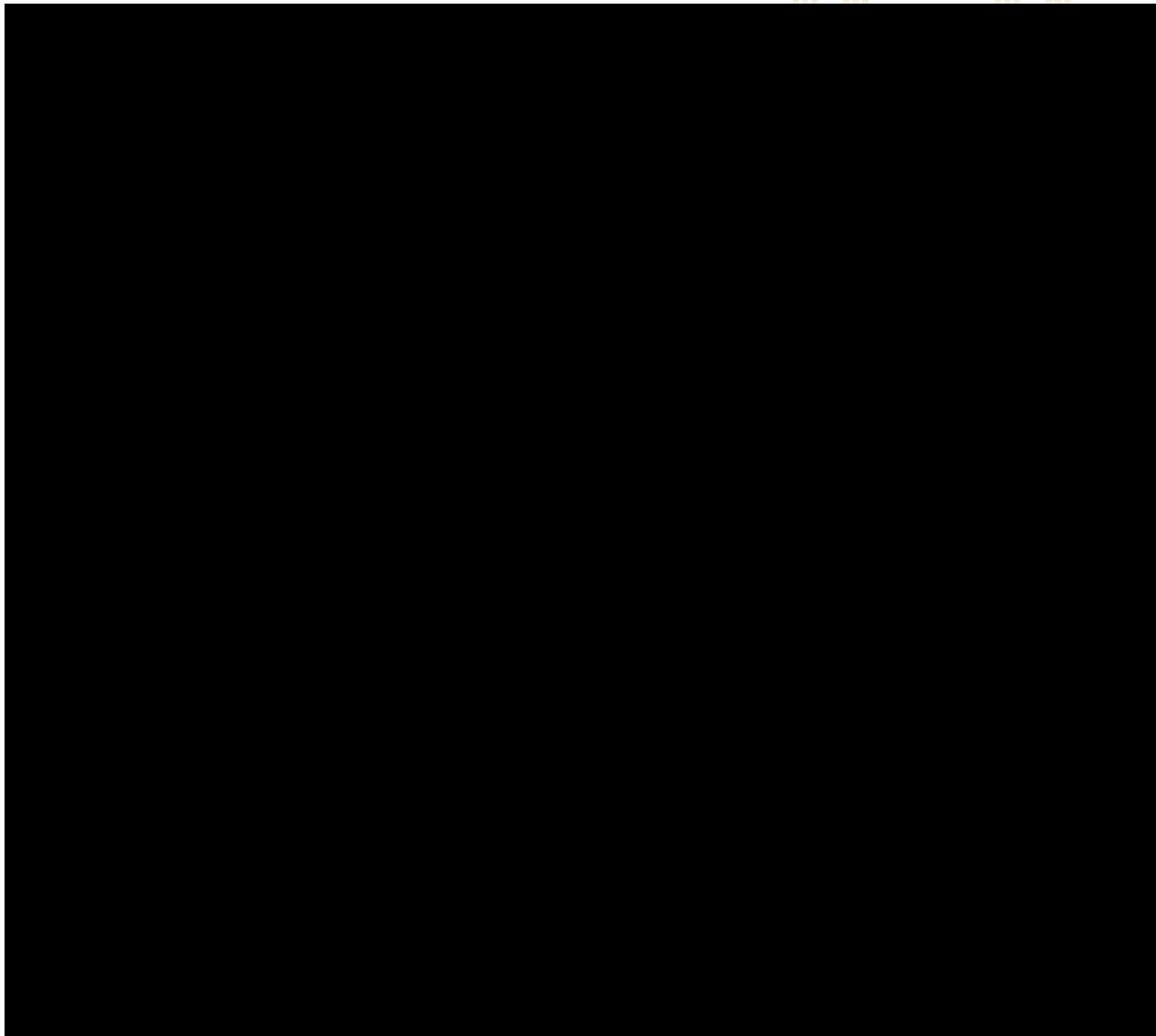
The Council noted that out-of-cycle amendments to the COI Policy are being proposed including clarification of the scope of the policy.

The Council noted that the HRR Committee reviewed the proposed amendments at its meeting on 28 February 2024. An updated version of the policy was tabled, with additional amendments recommended by the HRR Committee.

There was discussion about the 'limited activities' specified in clause 8, and assurance was given that approval would not be unreasonably withheld.

**DECISION GC20240229/4g: The Council approved the tabled changes to the Conflict of Interest Policy, subject to addition of a reference to the Governing Council Chair in clause 19.**

4.8 [REDACTED]



## 5. Finance, Audit, and Risk

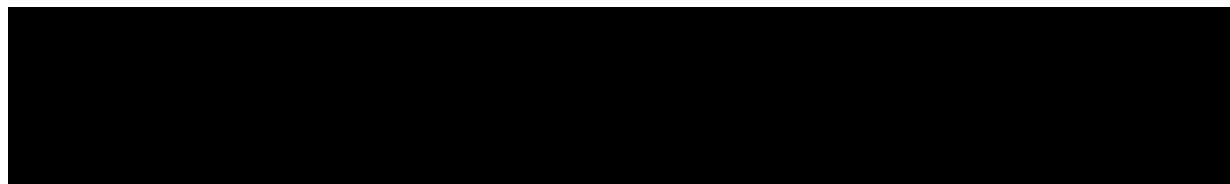
### 5.1 Levy remediation progress update

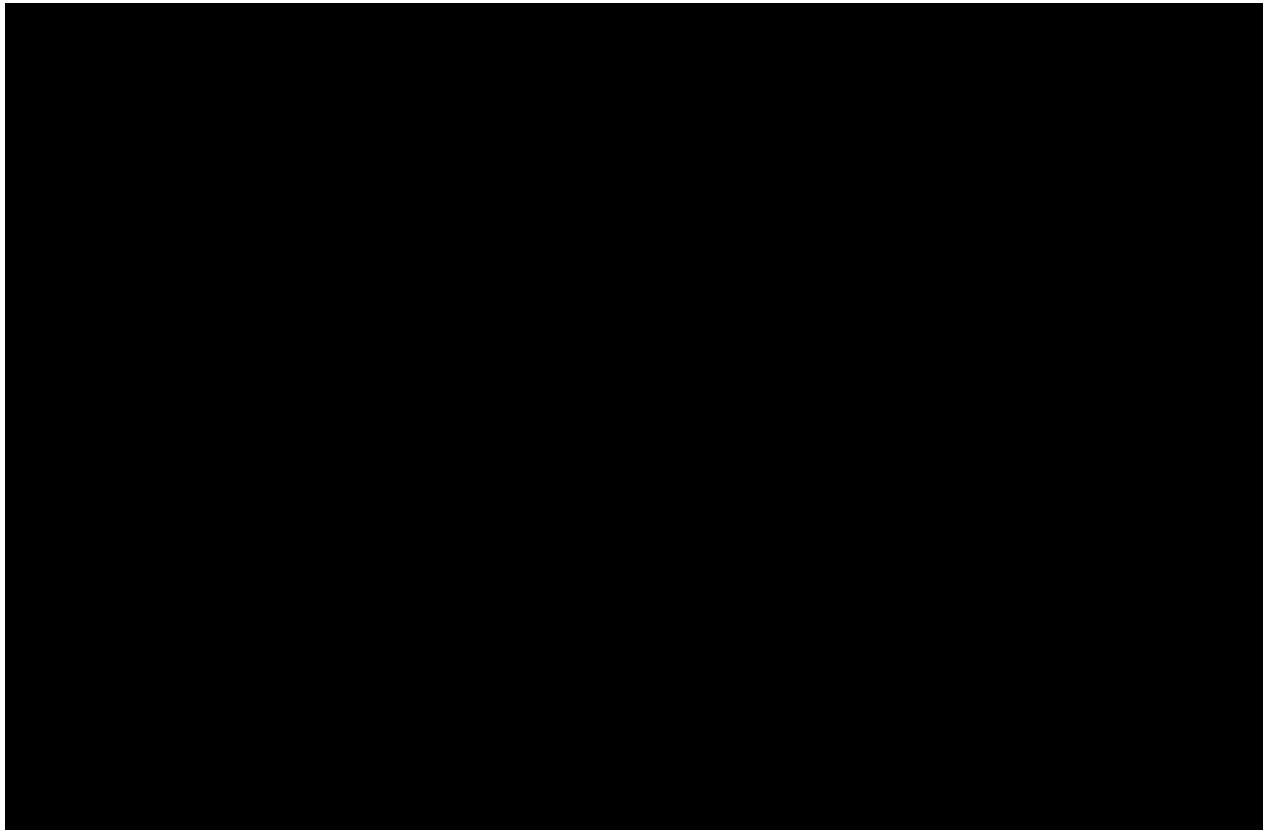
The Council noted the current status of the remediation action plan.

The Council noted that with the return of key staff from annual leave, significant further progress is expected in completing all remaining refunds by the end of March 2024.

The Council noted that the RAF Committee discussed this update at its meeting on 22 February 2024 and requested additional information on the overall number and value of outstanding repayments, which will be provided in the progress update for the March Governing Council hui.

5.2 [REDACTED]





### **5.3 Financial reports**

The Council noted the financial reports for the period ended 31 January 2024.

It was noted that there have been high volumes of applications, with fees and levies revenue being ahead of forecast as a result. A revised forecast will be provided to the April RAF Committee meeting and 2 May Governing Council hui.



### **5.4 Cybersecurity update**

The Council noted the cybersecurity update.



### **5.5 Annual review of risk register**

The Council noted that the RAF Committee commenced an annual review of the Risk Register at its meeting on 22 February 2024.

The Council noted and discussed some potential new risk themes raised by the RAF Committee:

- rapid and unanticipated changes to government education policy

- the perceived undesirability of teaching as a challenging and rewarding career
- the impact of generative AI.

There was general agreement that these areas pose risk and should be added/incorporated into the risk register. The Council noted that the RAF Committee intends to continue the review at its 18 April meeting, following (and taking into account) the discussions that the Governing Council had at its Strategy session on 28 February.

## 5.6 Revised Business Plan/Quarter 2 progress report

The Council noted that at the November 2023 RAF Committee meeting it was identified that further work needed to be done on the framing of the 2023-24 Business Plan to ensure it was well aligned with the 2022-2027 Strategic Plan.

The Council noted that the updated 2023-24 Business Plan now clearly identifies each strategic initiative for 2023-24 against the specific strategic goal and the activities listed in the 2022-2027 Strategic Plan as well as the planned ‘business as usual’ activities which contribute to the achievement of the strategic goal/activities.

The Council noted that the RAF Committee reviewed the proposed amendments at its meeting on 22 February 2024 and agreed to recommend that the updated Business Plan be approved by the Governing Council.

**DECISION GC20240229/5a: The Council approved the updated Business Plan.**

The Council noted that progress will continue to be reported on the strategic initiatives contained in the 2023-24 Business Plan on a quarterly basis, and on the listed ‘business as usual’ activities on a ‘when needed’ basis throughout the financial year with a summary included in the Annual Report.

The Council noted the progress report on the strategic initiatives for the period ended 31 December 2023.

## 5.7 Procurement Policy

The Council noted that the Procurement Policy was last reviewed in December 2021.

The Council noted that the proposed policy incorporates four primary changes related to information on sustainability, an increase to the thresholds for low/medium risk procurements, clarity on the use of exemptions to the policy, and a new section on conflicts of interest and decision making.

The Council noted that the RAF Committee reviewed the proposed amendments at its meeting on 22 February 2024 and agreed to recommend that they be approved by the Governing Council, subject to the addition of the Conflict of Interest policy to the ‘Related documents’ list (which has now been actioned). The Council noted that how risk is determined has been clarified following the RAF Committee discussion, including in the policy itself.

The Council noted – in the second table in point 8 of the cover memo – that ‘panel member’ should read ‘supplier’.

**DECISION GC20240229/5b: The Council approved the updated Procurement Policy.**

## 5.8 Any other matters from RAF Committee

## 5. Session with Education Review Office (ERO) – evaluation findings

The Council noted that ERO and the Teaching Council agreed to work together to undertake an evaluation of the readiness and confidence of new teachers.

[REDACTED] (DCE, Head of Te Ihuwaka, ERO) and [REDACTED] (Senior Manager, Te Ihuwaka, ERO) joined the hui to present the key research findings, covering:

- how prepared new teachers are when they start to teach (both professional practice and subject expertise)
- how supported they are as new teachers
- what helps them be more prepared and what support has the most impact.

The Council discussed and reflected on the implications of the findings, including:

- what is reasonable to expect of new teachers (provisionally registered) compared with those who have completed their induction and mentoring period
- the impact of (and difference between) work and life experience on readiness to teach
- resource implications for schools in supporting practicum and mentoring new teachers – consistency of use of release time
- historical practice of advisors working with new teachers on particular subject areas
- comparison with previous research and possible reasons for shifts in findings
- the undesirability of variation in preparedness related to where a new teacher studied and how that may be addressed by the new monitoring, review and moderation process.

The Council thanked ERO staff for their presentation and they left the meeting.

The Council discussed the nature of the Teaching Council's involvement in the research and agreed that it was important that this be clearly conveyed in the final report, including the understanding that ERO's recommendations are independent of the Teaching Council.

## 7. Strategy, Engagement, and Evaluation

### 7.1 Engagement action plan – progress report for 2023 and priorities for 2024

The Council noted the update on the 2023 Stakeholder Engagement Action Plan.

### 7.2 Meetings and events

This item was not discussed.

### 7.3 Any other matters from SSEC Committee

The Chair of the Strategic Stakeholder Engagement Committee (SSEC) provided a report back on items discussed at the 28 February SSEC hui.

## 8. Governance

### 8.1 Governance of disciplinary panels and competence authority

The Council received a paper discussing the responsibilities for the disciplinary and competence functions and the governance framework that enables the Governing Council to fulfil its governance role. It was agreed to defer discussion of this item to the March 2024 Governing Council hui.

## 8.2 TCIEAG update and amendment to PESG Terms of Reference

The Council noted progress on identifying new candidates for appointment to the TCIEAG and the profiles of current members.

The Council noted that the first meeting of the reconvened TCIEAG has been scheduled for 11 March.

Nominations for two new appointees to the TCIEAG were tabled at the hui: [REDACTED]

**DECISION GC20240229/8a:** The Council endorsed the appointment of [REDACTED] to the TCIEAG.

**DECISION GC20240229/8b:** The Council approved an amendment to the Pacific Education Steerage Group (PESG) Terms of Reference to expand their scope to “ensure the principles of inclusive education are delivered for Pacific learners and their families”.

## 8.3 Governing Council Charter

The Council noted that a draft Governing Council Charter has been developed to centralise key information for Governing Council members and provide both a tool for induction and an ongoing point of reference.

It was agreed to defer discussion of this item to the March 2024 Governing Council hui. Members were asked to provide any feedback to Governing Council Chair ahead of that hui, including any areas on which they feel a more substantive discussion might be useful.

## 9. Any other business

The Governing Council Chair advised members of a new online meeting evaluation form to be trialled for this meeting.

There were no other matters for discussion.

## 10. Papers for information/reference only

**10.1 Professional Boundaries research findings report – Executive Summary**

**10.2 Finalised Annual Report and Audit 2022/23**

**10.3 Principal Development Map snapshot**

**10.4 2024 Governing Council calendar**

John Tait closed the meeting with a karakia.

Signed: [REDACTED] Approved by the Governing Council on 28 March 2024

Robyn Baker, Chair