



14 February 2020

**New Zealand Principals' Federation (NZPF) Submission on**

**The Government's Education & Training Bill**

**To: The Ministry of Education**

**Personal Details:**

Agency: New Zealand Principals' Federation (NZPF)  
Designation: National Executive  
Address: National Office, PO Box 25380, Wellington 6146

The New Zealand Principals' Federation (NZPF) is the largest professional organisation for lead educators representing the interests of 2,000 Principals of Primary, Intermediate, Area and Secondary Schools. Principals are from public, integrated and independent schools and are spread throughout New Zealand. NZPF aims to be the most influential advocate for school principals to enable high quality, well supported leadership for school learners in New Zealand.

The NZPF requests an opportunity to speak to the Education & Workforce Select Committee about our submission.

**General Comments**

NZPF welcomes the opportunity to submit comments on the Education & Training Bill. We have independently sought the views and commentary of our own members, our regional presidents and those of the executive committee. The views contained in this submission are therefore reflective of the NZPF regions, membership, and the NZPF national representatives.

We recognise that the Education & Training Bill is intended to replace the Education Act 1964 and 1989 and as such is all encompassing including each sector of education from Early Childhood Education through to Tertiary Education.

We caution however, that there is a cost to the sector when Governments make policy changes. There is a cost in time, and energy, a cost to the wellbeing of staff and of leaders and when changes are major, there is, in the end, a cost to children's learning. Further there can be a financial cost if we have to consult with school communities or experts or seek expert advice on implementation of changes. We note that too much change and 'policy churn' is debilitating for schools and in the past years we have frequently voiced our objections to the volume of change imposed on schools.

This submission addresses only Part Three of the Bill covering those changes pertaining to Primary and Secondary Education. It will provide commentary on each of the eleven subparts.

### **Purpose of Part Three of the Bill**

Part three of the Education & Training Bill outlines its purpose under (31). NZPF broadly agrees with the summary presented and the nine ways to achieve supporting learners to gain skills and knowledge for lifelong learning to become fully participating citizens in our society.

We also recognise some of the challenges embedded in the statements (a) to (i) and this submission will address those in turn.

### **Background and Context**

We are aware that in the wake of the *Tomorrow's Schools* Reforms, legislation changes would be required to implement the recommendations. We applaud the Minister for taking this opportunity to review the entire Education Act 1989 with the intention of adopting a new Education & Training Act 2020 which will bring every aspect of education in New Zealand together under the one Act. In this way it is easier to see the logical links between the different sectors and recognise opportunities for collaboration between them all. In this way the exercise goes some way to helping reduce competition between and within the different sectors. This is not just economically helpful. It also promotes a collaborative and better supported culture across all sectors.

To this extent NZPF supports the structural changes and purpose of the Bill. Our hope is that the changes outlined will modernise the administration of education, make it simpler and less prescriptive, as promised. Our concern is that much of the detail is left unwritten and dependent on the Ministry to complete.

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph:+64 4 471 2338  
fax:+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)

Below we debate a selection of sections of Part Three and offer commentary that we hope will help sharpen and inform the process. It is not possible with the time constraints, to cover every subpart

## **Part Three - Education & Training Bill**

### **Subpart 1 Priorities, rights and responsibilities**

NZPF supports the right of all enrolled students to attend school when it is open, provided that necessary resources are applied to support the teachers and **every** child's learning. This has not been the case for many years.

It is the school's responsibility to keep every child and teacher safe. Schools cannot guarantee the safety of children and staff under some circumstances.

It is our belief that full-time school is not the best option to optimise every child's learning. There are children who are completely overwhelmed by the noise and volume of people in a typical school environment and who are driven to states of high anxiety as a result of having to mix with more than one or two others at any given time. These are children for whom full time 'normal school' is both inappropriate and detrimental to their health and wellbeing and learning.

There are children who, for a variety of reasons, present with highly volatile and unpredictable behaviours. The full-time presence of these children in an ordinary classroom creates on-going anxiety for the teacher, the other children and the child at issue. Learning and teaching is compromised for all in such situations which is unacceptable.

NZPF supports making enrolment into Residential Specialist Schools for children presenting with severe learning, social and behavioural problems easier so that these children can benefit from the outstanding expertise and clinical practices of expert teachers currently teaching in these schools. In this way, severely challenged young people can participate in expertly designed programmes to prepare them for returning to their local mainstream school once they are stable, safe and can function successfully.

We also believe that satellite and specialist schools are underutilised and the expertise within those options is not being maximised. There are children who

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph:+64 4 471 2338  
fax:+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)

could benefit from dual enrolment or engage in a revolving system of spending some time at their local school and some at the specialist school. Alternatively, more specialist facilities might be established on mainstream school sites, as appropriate.

Currently there are insufficient specialists and managed moves to specialist facilities and full-time mainstream education cannot be the best option for all children all of the time.

NZPF therefore supports the *Transition Attendance Plan* to vary attendance hours where it is in a student's best interest. We note that establishing such a plan requires the good will of parents, the Secretary for Education and the School principal. Whilst in an ideal world this is an optimal way to progress, realistically it may not be achievable. NZPF is of the view that in the case of non-agreement of the three parties, some alternative option would need to be available so that principals are not forced to suspend and expel students for whom they do not have the resources to accommodate.

## **47 Powers of Attendance Officers & Constables**

NZPF recognises the powerful impact attendance has on children's learning and supports all reasonable moves to improve attendance rates.

NZPF supports the appointment of Attendance Officers and Constables to (1) *...detain any person who appears to have turned 5 and not to have turned 16, and who appears to be absent from school* and question them about their absence from school.

Section (4) states that *An attendance officer, a principal, the Secretary, or any person appointed by a Board or the Secretary for the purpose may file charging documents, conduct prosecutions, and take any other proceedings, under this Part.*'

NZPF disagrees that a principal, school or Board should ever be involved in the prosecution of a parent for negligence in not sending their child to school.

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph:+64 4 471 2338  
fax:+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)

Successful learning exists in a culture of partnership between school, child and whānau. The right to prosecute a parent is not consistent with building strong and healthy partnerships with families.

NZPF suggests that the Ministry would be the most appropriate agency to bring prosecutions.

## **56 Student Attendance at Religious Instruction must be Confirmed**

We note the change in the Bill at **56 (1)** that a parent must now confirm in writing to the principal that they wish their student to take part in or attend religious instruction rather than opt out. At **(2)** we note that a parent can then withdraw that request. Similarly, **57 (1) & (2)** relating to attendance at religious observances.

Implementing such legislation would create planning difficulties for any school.

NZPF suggests that a statement be included on the school's enrolment form to the effect that if the parent wishes their child to participate in religious instruction - they simply tick the box to agree, or they don't.

Allowing parents to change their mind throughout the year would create planning chaos for schools and NZPF does not support that.

NZPF assumes that the provisions in these sections do not preclude the ability of all schools to stage powhiri and karakia and other culturally appropriate activities as they see fit.

## **Subpart 2 – Restrictions on Right to Enrol and Attend School**

NZPF supports the right of every child to have access to the form of education that best meets their educational needs. We expect this education to take place in a safe, supported environment. Realistically, this goal cannot always be met, especially when considering those children with high and complex learning and behavioural needs.

Principals are also required to ensure the safety (physical and emotional) of all who attend school, including teachers and support staff. If they cannot ensure the safety of all, they are bound to stand down, suspend or exclude those who might threaten the safety of others.

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph:+64 4 471 2338  
fax:+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)

Without the necessary expert support, teacher and teacher aide training and access to educational provision outside of the mainstream schooling system, this legislation will inevitably result in more schools suspending and excluding students under sections **74 to 84**.

NZPF does not believe that stand downs, suspensions or exclusions are a satisfactory way to deal with young people who have severe and complex mental, physical, emotional and learning needs. What these young people have a right to is educational provision that meets their needs. The mainstream school setting, for many, will not do that.

### **71 Enrolment Schemes**

NZPF seeks a fair and equitable solution to Enrolment schemes. In our view Boards should be removed from the process except for initial discussions surrounding the establishment or modification of an existing enrolment zone. We would envisage the involvement of Boards would be limited to private consultation with the Minister or Ministry only.

Establishing or altering enrolment zones frequently results in community disruption and upset, which, under this section of the Bill, Boards would continue to deal with. NZPF suggests that, excepting initial private consultation with the Minister or Ministry, the process of fielding negative commentary from school communities or others should be removed from Boards to the Ministry so that there is least disruption for the schools involved.

### **Subpart 3 – Teaching & Learning and Well-being**

#### **86 Curriculum Statements & National Performance Measures**

NZPF supports that the Minister, after full consultation with the sector, may publish the foundation curriculum policy statements concerning teaching and learning and how assessment responsibilities are to be managed in schools.

We also support the Minister publishing national curriculum statements and locally developed curriculum.

The section NZPF takes issue with is:

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph:+64 4 471 2338  
fax:+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)

## **86 (1) (c) and (2). National Performance Measures.**

NZPF strongly disagrees with the notion of introducing national performance measures, which are **targets** against which a school's performance can be measured. Even worse, is that a narrow target could be provided by a Minister simply by giving notice in the *Gazette*.

National performance measures might be no different from creating a new set of '*national standards*' which we know from experience, have no positive effect on improving children's learning and in many cases proved detrimental to children's learning and curriculum development. Further, research has revealed that **teacher appraisal** similarly had no effect on improving teacher performance and sensibly has now been removed as a requirement of the Teaching Council.

Even if the current Coalition Government is more likely to introduce performance targets that measure well-being and mental health alongside academic success, the provision in this Bill – should it be enacted into legislation – would allow a different Government to very easily introduce another set of narrow harmful national standards.

The election campaign promise of the current Labour-led government was to abolish national standards and remove all reference to them from the legislation and from administrative guidelines.

NZPF believes that allowing the setting of targets or national or school measures of performance contradicts the intention of the current Government to eliminate *national standards*.

There is no indication in section **86 (1) (c)** that any consultation with the sector would be required at all. NZPF believes that the setting of any performance measure or form of learning assessment should be left to the professionals, who are the curriculum and assessment experts, not a Minister of the Crown or the Ministry. This would also be consistent with the removal of teacher appraisals.

With changing Governments there would likely be changing targets and yet again excessive and unnecessary workloads for principals. There is no limit to the number of targets a Government could propose and no limit to the target changes they might make in a year. This is a completely unsatisfactory set of circumstances under which to run an efficient and successful school.

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph+64 4 471 2338  
fax+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)

NZPF recommends that this section be removed and in consultation with the profession, a new concept of assessment and performance measurement be developed.

## **95 - 97 Limits & Rules on the Use of Physical Force at Registered Schools & Guidelines on the Use of Physical Force at Registered Schools**

NZPF opens its commentary on Physical Force (formerly referred to as Restraint) with a cautionary note. It is our belief that the act of using physical force to contain a child in a school should be considered extremely rare. It should not in any way be common practice. If physical force is being used as common practice, one must question the efficacy of the placement of the child (or children) in a mainstream school.

The current legislation is inconsistent with the Code and standards required of teachers to maintain the safety and wellbeing of all students. This has meant that teachers are legally unable to intervene and use physical force at a lower level to de-escalate a situation. Instead they are required to wait until a situation has reached a far more serious point before intervening. These actions in turn are inconsistent with good practice which is to de-escalate as quickly as possible.

NZPF supports the continuation of provisions to prohibit corporal punishment and the use of seclusion rooms (clauses 94). We would like to see more work on the definition of a seclusion room - especially in respect of how a student understands they can freely exit a room. Further, NZPF believes we should engage in further debate about permitting schools to have low sensory spaces that would be separate from common spaces but not constitute seclusion.

We also support the relaxing of the definition of physical force (restraint) from '*serious and imminent risk*' to the safety of a person to '*the prevention of harm*' to a person. This wording also aligns with the teachers' Code and standards.

We note however that the reporting of every such incident remains an administrative burden and may get worse. Principals and teachers are already overburdened with administrative tasks and we would oppose any changes that would increase that burden.

NZPF would prefer that the Teaching Council, the body which also develops teaching codes of practice and standards, which teachers must meet, should lead the

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph:+64 4 471 2338  
fax:+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)

development of processes and procedures related to applying physical force, rather than the Ministry. Similarly, we believe that it should be the Teaching Council's role to develop the guidelines for applying physical force, not the Ministry's.

## **122 Objectives of Boards in Governing Schools**

NZPF does not believe that the role of Board members requires refocusing. We believe that in the main, Boards fulfil their legal and constitutional duties well.

We are supportive of the inclusion at **122 (1) (d)** of how schools will give effect to Te Tiriti o Waitangi by:

- (i) *Working to ensure that its plans, policies and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori*
- (ii) *Taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori*
- (iii) *Achieving equitable outcomes for Māori students*

NZPF is also supportive that under **124** Boards will continue to appoint and employ the principal.

## **153 Code of Conduct for Board Members**

NZPF supports the establishment of a Code of Conduct for Board members and supports the provision of a mechanism for the removal of any Board member failing to comply with the Code.

What is problematic with this provision is the lack of detail. Without an understanding of the Code of conduct and the conditions for removing a Board member (and presumably ensuring they cannot then stand for re-election) it is not possible to make further substantive comment.

NZPF would welcome the opportunity to contribute ideas to the establishment of the Code of Conduct and to the mechanism for removal of a Board member. We would include provision for independent mediation and arbitration services as required for resolving conflicts between principals and their Boards.

## **184 Specialist schools and special services**

NZPF supports the change from *Special School* to **Specialist Schools**. This change better reflects the specialist expertise of teachers in Specialist Schools and the part

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph:+64 4 471 2338  
fax:+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)

they can play in reaching out and supporting mainstream teachers with challenged children.

Further, it reflects the capability within the sector for these specialist teachers and leaders to set up and lead specialist satellite units and potentially to train teachers as specialist teachers.

### **Clause 584 Appointment of and Eligibility Criteria for Principals**

NZPF is of the view that principals require special leadership capability and experience to lead schools. Where inexperienced and unsupported principals have been appointed there is a much higher risk that the principal will not be successful.

At the same time, NZPF recognises that the young people in our schools come from diverse cultural backgrounds, as do our teaching staff. Ideally, we would want our diversity to be reflected in the leadership of our schools too. We therefore would not want to see the establishment of a highly prescriptive academic qualification but rather a certificate or accreditation system that ensures Boards that principal applicants are aware of their responsibilities as principals and understand the requirements of being a competent administrator and leader of learning of a school.

NZPF supports the establishment of a set of eligibility criteria that would be met before a principal may be appointed. Such a move would help strengthen the school system. We support a commitment to providing comprehensive resources to supporting Aspiring Principals and current principals to attain expected levels of expertise.

Already a capability framework and leadership strategy have been established by the Teaching Council in consultation with NZPF and others, and we would suggest these two initiatives would be useful as a basis for establishing eligibility criteria for the future appointment of principals.

We also note that the Bill introduces the notion of a Leadership Centre as recommended by the Tomorrow's Schools Report. Further it is recommended that this leadership centre would be established under the Teaching Council. We recommend that the Leadership Centre would be well resourced so as to ensure its sustainability

In our view it logically follows that setting up Eligibility Criteria for principals' appointment would sit with the Teaching Council Leadership Centre. We also

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph:+64 4 471 2338  
fax:+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)

recommend that the Leadership Advisors, currently operating with Evaluation Associates under contract from the Ministry, would in future be located within the Leadership Centre of the Teaching Council

## **Summary**

This submission has made some generic comments and examined five of the subparts of Part Three of the Bill. the NZPF has no disagreement with the general aspirations and intent of the Bill. Our concerns focus on the lack of detail, time frame for implementation and resourcing to realise the aspirations.

We have noted the issues associated with implementing full educational access for all in mainstream schools, the serious issues with the wording in the Bill on establishing performance measures and a range of other leadership issues.

NZPF would welcome participation in the development of principal eligibility, performance measures and assessment and the leadership centre and will bring expert cultural, professional leadership knowledge and capability to the discussions.

We would also bring first-hand knowledge of excellent examples of addressing culture shift in school leadership which has resulted in high rates of learning success for Māori.

We fully support a curriculum that is agile, connected to community aspirations and relevant to the future work of New Zealand students. We welcome the acknowledgement of different world views and learning pathways that reflect that.

Thank you again for the opportunity to comment on the Education & Training Bill.

Yours sincerely,

Perry Rush  
**National President**  
[perry@nzpf.ac.nz](mailto:perry@nzpf.ac.nz)

PO Box 25380  
Wellington 6146

Level 8 The Bayleys Building  
36 Brandon Street

THE MOST RESPECTED AND INFLUENTIAL ADVOCATE FOR NEW ZEALAND'S SCHOOL PRINCIPALS

ph:+64 4 471 2338  
fax:+64 4 471 2339

email: [office@nzpf.ac.nz](mailto:office@nzpf.ac.nz)  
web: [www.nzpf.ac.nz](http://www.nzpf.ac.nz)