

Matatū Aotearoa | Teaching Council of New Zealand

NZSTA Annual Conference

8/9 June 2024

Mose Pio - Manager Professional Responsibility

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Matatū. Tū Mataora.
Stand tall. Shape the future.

MANAAKITANGA

WHANAUNGATANGA



PONO

WHAKAMANA

Te Whare o te Matatū Aotearoa | The House of the Teaching Profession.



Pou Aro Whakamua – steering the future direction of teaching



Pou Whai Rēhitanga – becoming registered and certificated as a teacher



Pou Tikanga Matatika, Ngā Paerewa – establishing and maintaining the Code of Professional Responsibility and Standards for the Teaching Profession



Pou Here Tōmua – establishing and maintaining standards for initial teacher education and undertaking Initial Teacher Education



Pou Matatika – ensuring high standards of ethical behaviour



Pou Mataara – ensuring high-quality teacher practice



Pou functions

Overview of: Pou Matatika – *ensuring high standards of ethical behaviour*

- Code of Professional Responsibility Examples in Practice
- Mandatory reporting
- Self-reports
- Complaints
- Complaints Assessment Committee
- Disciplinary Tribunal



Ngā Tikanga Matatika | The Code of Professional Responsibility

Ngā Tikanga Matatika | the Code reflects the expectations of conduct and integrity that we all share; what we expect of each other and what our learners, their families and whānau, their communities and public can expect of us

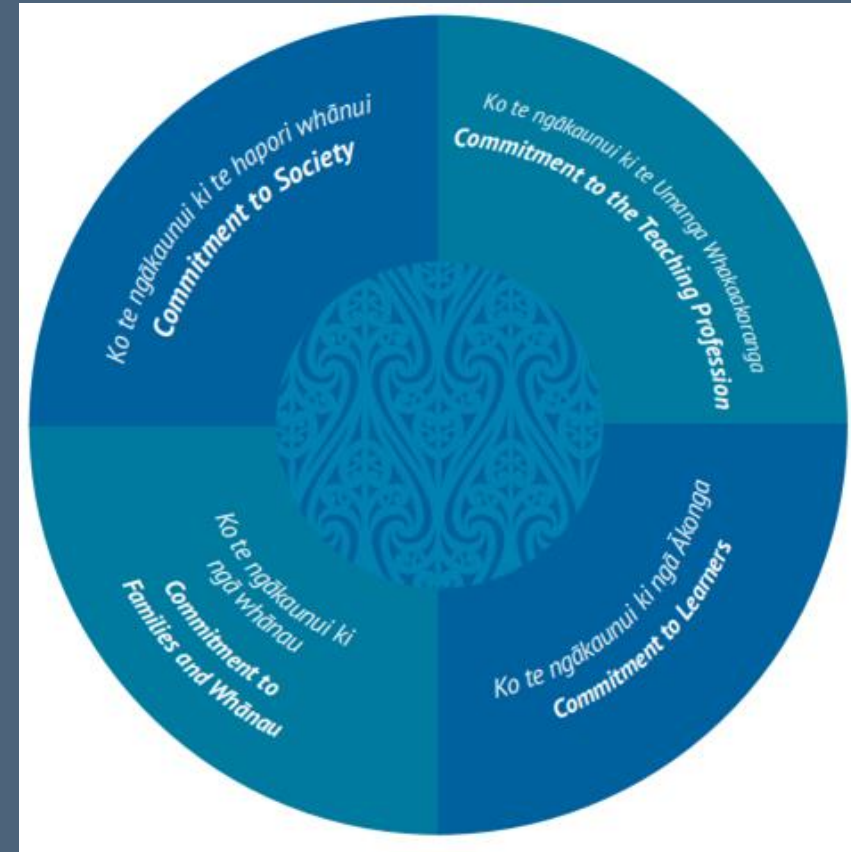
It is a set of aspirations for professional behaviour - not a list of punitive rules. It reflects the expectations kaiako | teachers and society place on the profession

Upholding the expectations in the Code is the responsibility of each teacher, if one teacher breaches the Code, it can affect all kaiako | teachers, changing how others see them and how the profession is valued

The Education and Training Act 2020 makes it binding on all kaiako | teachers and holders of Limited Authorities to Teach (LAT)

Ngā Tikanga Matatika | The Code of Professional Responsibility

1. Commitment to the Teaching Profession
2. Commitment to Learners
3. Commitment to Families and Whānau
4. Commitment to Society



When are employers legally obligated to make a Mandatory Report?

- Dismissed for ANY reason.
- Fail to meet the required level of competence.
- Complaint about a teacher's conduct or competence within 12 months prior to resignation.
- Complaints about teachers who recently left

Alleged serious misconduct:

*A teacher's employer must immediately report to the Teaching Council in accordance with section 491 of the Act if the employer **has reason to believe** that the teacher has committed a serious breach of the Code of Professional Responsibility, including (but not limited to) 1 or more of the following:*

Criteria for reporting serious misconduct:

Rule 9 of the Teaching Council Rules 2016:

- (a) using unjustified or unreasonable physical force on a child or young person or encouraging another person to do so:
- (b) emotional abuse that causes harm or is likely to cause harm to a child or young person:
- (c) neglecting a child or young person:
- (d) failing to protect a child or young person due to negligence or misconduct, not including accidental harm:

Criteria for reporting serious misconduct:

Rule 9 of the Teaching Council Rules 2016 :

(e) **breaching professional boundaries** in respect of a child or young person with whom the teacher is or was in contact as a result of the teacher's position as a teacher:

(f) viewing, accessing, creating, sharing, or possessing pornographic material while at a school or an early childhood education service, or while engaging in business relating to a school or an early childhood education service:

(g) acting dishonestly in relation to the teacher's professional role, or committing theft or fraud:

Criteria for reporting serious misconduct:

Rule 9 of the Teaching Council Rules 2016 :

- (h) being impaired by alcohol, a drug, or another substance while responsible for the care or welfare of a learner or a group of learners:
- (i) permitting or acquiescing in the manufacture, cultivation, supply, offer for supply, administering, or dealing of a controlled drug or psychoactive substance by a child or young person:
- (j) an act or omission that may be the subject of a prosecution for an offence punishable by imprisonment for a term of 3 months or more:
- (k) an act or omission that brings, or is likely to bring, the teaching profession into disrepute.

Kaiako | teachers face complex ethical dilemmas and professional tensions every day.

The overarching expectation is that every kaiako | teacher will apply high professional standards and sound ethical decision making in all their work.

In doing so, they will act in a way that upholds the reputation of the teaching profession, and maintain the trust and confidence of learners, their families and whānau and the public.

Focus on: Professional Boundaries

Ngā Tikanga Matatika | The Code of Professional Responsibility

COMMITMENT TO LEARNERS

I will work in the best interests of learners by:

engaging in ethical and professional relationships with learners that respect professional boundaries

The Teaching Council want to provide guidance to kaiako | teachers to safely identify and assert professional boundaries that recognises the values of the profession from a tangata whenua and tangata tiriti lens.

Professional Boundaries in Teacher-Learner Relationships:

Kaiako | teachers hold an exclusive position of trust, care, authority, and influence with their learners and their whānau.

There is a line that kaiako | teachers need to draw between professional and personal relationships: *professional boundary*.

Professional boundaries help discriminate between behaviour that is professionally appropriate and behaviour that is inappropriate and are formally defined as:

“the limits of a relationship in which one person entrusts their welfare and safety to a professional, often in environments of power imbalance”.

Professional Boundaries in Teacher-Learner Relationships:



A professional boundary is breached when a kaiako | teacher exploits the power imbalance in the teacher-learner relationship.

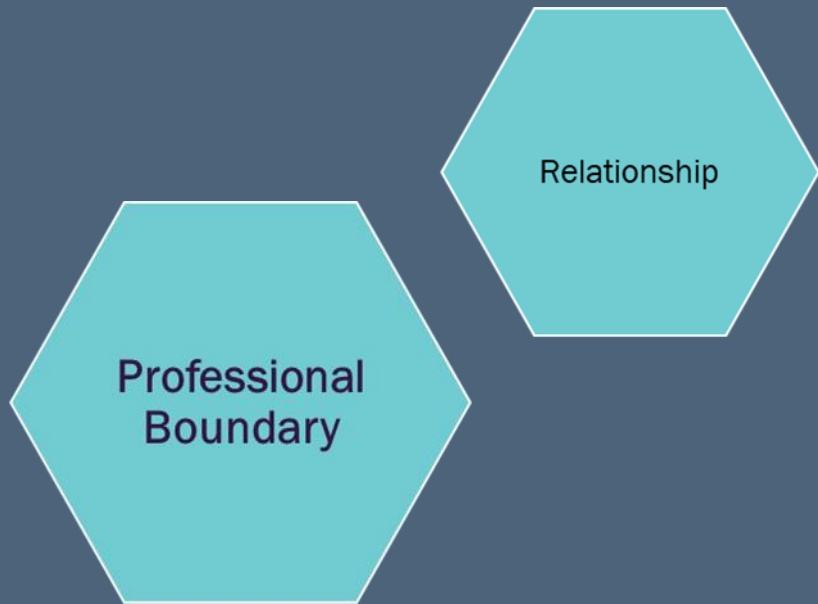


Teachers engage in emotional self-regulation to use appropriate levels of emotion in interactions with learners' and to cope with the emotions of others in teaching settings

Teachers must recognise that their role is a teacher and not a friend, counsellor, parent, or a learner

Encouraging a learner to develop an inappropriate emotional dependency on them. This can include humiliation, name calling, making jokes or innuendo of a sexual nature toward a learner or making inappropriate comments about their physical appearance



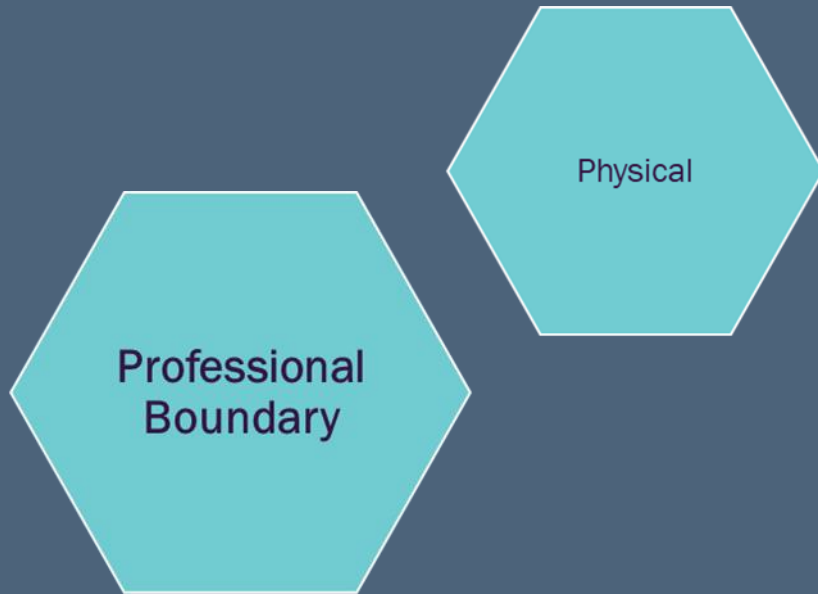


Professional learner-teacher relationships do not involve intimate relationships, flirtatious behaviour or meeting the learner alone outside of school without a valid context or taking them for an unauthorised outing

Engaging in a romantic relationship or having sexual or intimate contact with a learner or with a recent former learner

Engaging in sexual misconduct which includes behaviour, physical contact, speech or other communication of a sexual nature; inappropriate touching; grooming type behaviour; and voyeurism





Teachers must understand appropriate physical contact and ensure they do not engage in inappropriate physical contact.

Teachers may touch and be touched by students in certain circumstances only

Being present when students dress or undress, when not in an authorised supervisory role.

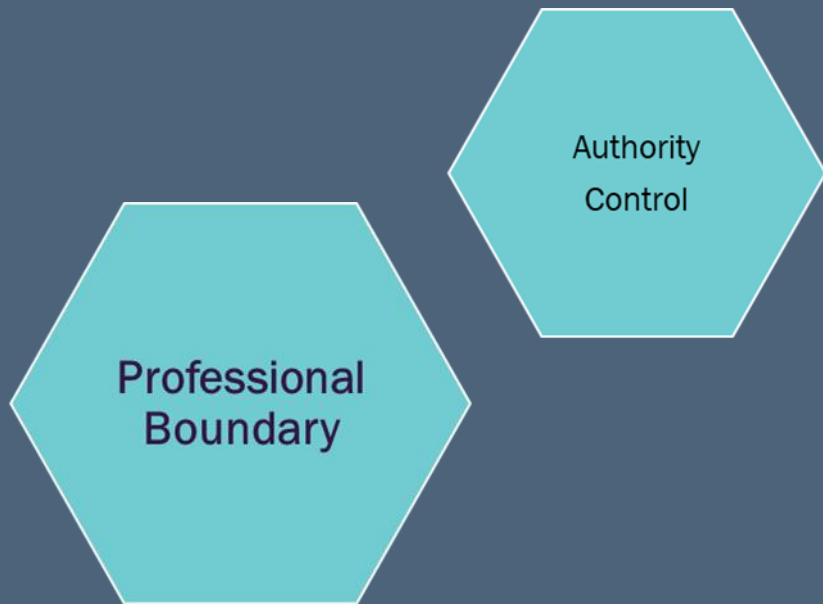
Initiating or permitting inappropriate physical contact by or on a learner e.g., massage or tickling games





In a professional teacher-student relationship, the teacher does neither accept large gifts or favours nor does the teacher give a gift to a learner





Rewarding or punishing a learner based on a teacher-learner relationship, or using the learner to gain a personal benefit

Withholding information from a learner to manipulate the student, e.g., to be alone with the learner

Favouring a learner based on what the learner does for the teacher





Teachers' communication with learners should focus on learners' educational needs.

Problems in maintaining boundaries often relate to issues of self-disclosure by teachers to learners

Fostering online connections with a learner outside the teaching context (for example, 'friending') or privately meeting with them outside the education setting without a valid context

Communicating with them about very personal and/or sexual matters without a valid context



Case Study: A kaiako | teacher meets a former learner, who has now graduated, at a private event. They start a romantic relationship.

Q1: Has the teacher breached a professional boundary/boundaries?

Yes

Q2: What type of professional boundary or boundaries are breached in this scenario?

Q3: Does the kaiako | teacher's behaviour require a disciplinary response from the Teaching Council?

No

Q2: Do you think the behaviour involves any of the professional boundaries?

Depends on circumstances

Q2: Do you think one or more of professional boundary/boundaries are involved in this scenario?

How does:

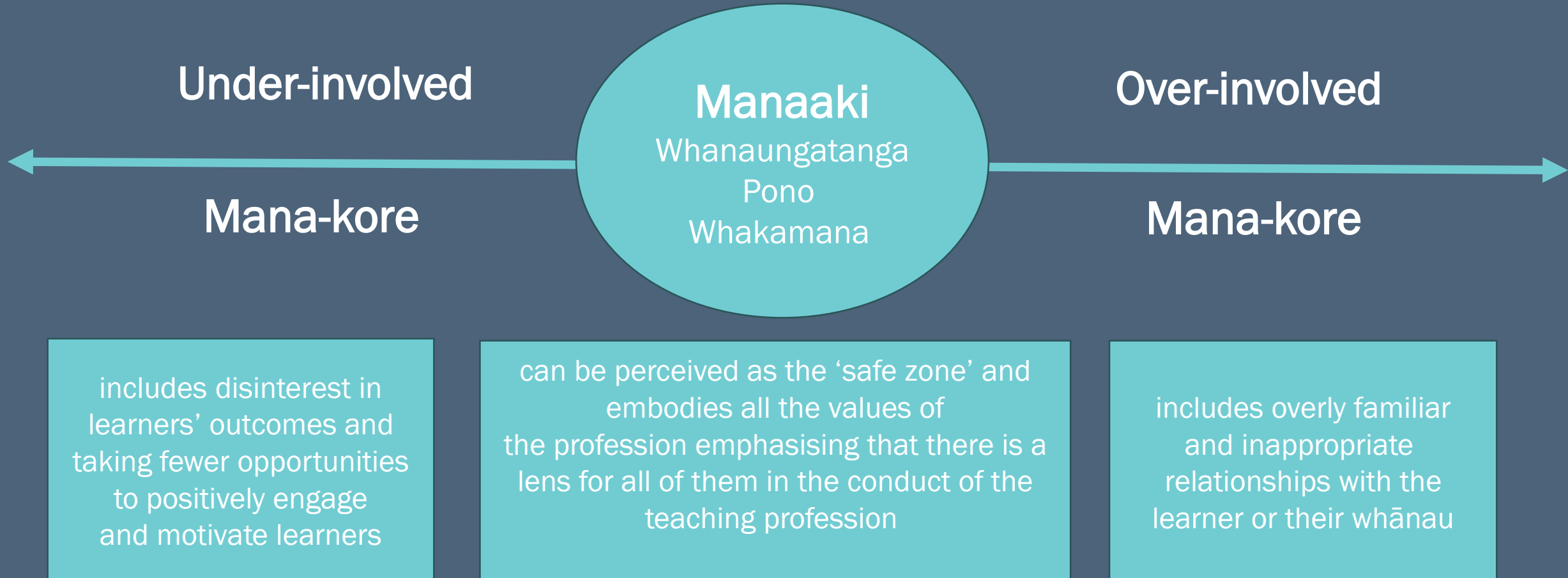
The length of the previous teaching relationship...

The age difference between kaiako | teacher and former learner...

The length of time between the learner's graduation and start time of the relationship...

INFLUENCE IF THE ROMANTIC RELATIONSHIP IS A BOUNDARY BREACH?

Continuum approach to professional boundaries guidance:



Proposed self-reflection questions:

- To what extent would these questions enable assessment of situations within the continuum approach to professional boundaries guidance?
- To what extent would these questions help you to determine whether the actions/activities within a teacher-learner relationship are appropriate or inappropriate?
- Are there any other questions we should include?

Hei whakakapi



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