

Royal Commission FAQs

What is the Royal Commission about and why is the Teaching Council involved?

The Commission is looking into what happened to children, young people, and vulnerable adults in State and faith-based care in Aotearoa New Zealand between the years 1950-1999. The Commission may also listen to survivor experiences before and after the dates of 1950-1999.

To read more, please [click here](#).

The Teaching Council in its current iteration has only existed since 2018, but prior to that under previous governments was:

- The Teacher Registration Board - 1989 to 2002.
- Teachers Council – 2002 to 2015.
- Education Council – 2015 to 2018.
- Teaching Council – 2018 to present.

The Teaching Council has responsibilities for providing safety for children through high quality teaching and leadership, and past organisations (TRB and Teachers Council) have had similar responsibilities though each has had different powers. Some of the evidence gathered by the Commission relates to abuse in education settings with registered teachers. The Teaching Council's actions and processes are therefore of interest.

The Teaching Council is a regulatory and professional body designed to consider whether a person is fit to become a registered member of the profession, and whether that person continues to maintain the expected skills, knowledge, behaviours, and character to continue teaching. When the Teaching Council or its disciplinary bodies – which are quasi-judicial bodies – perform their functions and exercise their powers, all are required to act in accordance with the rules of natural justice. This includes allowing a teacher to hear and respond to allegations about their conduct and/or competence. The ultimate penalty that can be applied to a teacher is to remove them from the profession by cancelling their registration. The Council recognises that its processes are not designed as a complaint resolution process, and therefore are limited in being able to satisfy the needs and desire of some complainants, especially those who are survivors of abuse by teachers.


What else should I know about this Royal Commission?

The Commission has its own website, please [click here](#). Below are some links you might find useful.

- What the Commission is about – [click here](#)
- How the Commission works – [click here](#)
- Te Tiriti o Waitangi – [click here](#)
- Survivor Advisory Group – [click here](#)
- You can find a link to the live stream of the Royal Commission – [click here](#)

There are a range of outcomes from the Royal Commission:

- It gives survivors an opportunity to be heard and have a voice.

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- The government might change the law.
 - Recommendations to various government and non-government organisations.
 - Apology from the Crown and other organisations.
 - The opportunity for cases to be taken to the police.

The Royal Commission makes recommendations to the government about what should change, but are not binding on any party, including the government.

If you knew you had things wrong, why have you only come forward now for the Royal Commission?

The Royal Commission is looking at historic situations with a new lens. The Teaching Council has had various iterations since it was first established on 1 October 1989 by the Education Act 1989. Since that time the body serving the teaching profession has existed in a number of legal entities.

- Registration Board 1989 to 2002.
- Teachers Council 2002 to 2015.
- Education Council 2015 to 2018.
- Teaching Council 2018 to present.

The powers of these various bodies have changed over time. The powers exercised by the Teacher Registration Board are very different to those exercised by the Teaching Council as it currently exists. The Teaching Council acknowledges different powers and functions may impact on the judgements reached in the past. The current Teaching Council can't comment on the intent or thinking behind processes and decisions applied (at various times) in the past but are committed to continuing to improve our processes, and particularly to safeguard the mana of those involved in our processes.

Will you make a public apology if the Teaching Council has done anything wrong?

The Council recognises our processes have had a significant and ongoing negative impact on some individuals and wishes to engage with survivors in a genuine and well-considered way. Therefore, the Council does not feel it is appropriate to make a general apology today. We await the Commission's full findings to help us ensure that any apologies to survivors are meaningful and personalised.

Can I meet with the Teaching Council to share my story?

Yes. People can ring 0800 002 458 (+64 800 002 458). This number goes directly to our Professional Responsibility team. The number operates from 9am to 5pm, but anyone can leave a message and we will respond as soon as possible.

Does the Commission have teeth?

A Royal Commission is a public investigation, independent of government, into a matter of great importance. Royal Commissions have broad powers to hold public hearings, call witnesses under oath and compel evidence.

They provide an opportunity to clarify matters, test disputed material and ensure key evidence is discussed in public. It does not determine legal rights and responsibilities.

Royal Commissions make recommendations to the government about what should change, but are not binding on any party, including the government.

Did you get cases wrong in the past?

The Teaching Council, Governing Council Chair Robyn Baker, and Teaching Council CE Lesley Hoskin, wish to, on behalf of the Teaching Council and its predecessor bodies, acknowledge those survivors, and their whānau of abuse by teachers who have been involved in our processes. This includes where the Teaching Council has not taken appropriate care to ensure their safety, resulting in instances of harm being done which is unacceptable. The Council recognises our processes have had a significant and ongoing negative impact on some individuals and wishes to engage with survivors in a genuine and well-considered way. Therefore, the Council does not feel it is appropriate to make a general apology today as we are awaiting the Commission's full findings to help ensure that any apologies to survivors are meaningful and personalised.

The Teaching Council has had various iterations since it was first established on 1 October 1989 by the Education Act 1989. Since that time the body serving the teaching profession has existed in a number of legal entities:

Registration Board 1989 to 2002
Teachers Council 2002 to 2015
Education Council 2015 to 2018
Teaching Council 2018 to present

Powers these various bodies had were very different to the Teaching Council as it currently exists. The Teaching Council acknowledges different judgements may be made at this moment in time. The current Teaching Council can't comment on the intent or thinking behind processes and decisions applied (at various times) in the past but are committed to continuing to improve our processes, and particularly to safeguard the mana of those involved in our processes.

Can I go and talk to the Royal Commission of Inquiry? How does that work?

Yes, the Royal Commission of Inquiry can't do its work without people coming forward to share experiences. These are very sensitive topics and the Commission's role is to ensure there is a safe space for people to share. If you have information you'd like to share, please [click here](#).

It has been highlighted that in some cases that those on the Teacher Registration Board (TRB) made light of serious allegations. What has changed with the Teaching Council to ensure this does not happen again?

The current Teaching Council can't comment on the intent or thinking behind processes and decisions applied (at various times) in the past but it is committed to continuing to improve its processes, and particularly to safeguard the mana of those involved in these processes. In recent years a number of changes have been made to ensure equitable processes for all.

- In 2017 the Education Council published *Ngā Tikanga Matatika, Ngā Paerewa | Our Code, Our Standards* following an extensive period of consultation with the profession and stakeholders. The teaching profession's values and the *Ngā Tikanga Matatika mō te Haepapa Ngāiotanga | Code of Professional Responsibility* and the *Ngā Paerewa mō te Umanga Whakaakoranga | Standards for the Teaching Profession*, plus the definition of serious misconduct defined in the Act and our Rules, together set out the high standards for ethical behaviour and the expectations of effective teaching practice. These are the benchmarks used by the Teaching Council to determine if a kaiako has breached those expectations or not.
- A Triage Committee was established in 2017 which meets 3 times a week to consider all mandatory and any other reports about kaiako on behalf of the CE and determines appropriate pathways.

The Teaching Council today:

- On 29 September 2018 the then Education Council was renamed the Teaching Council which is the body that exists today with a mandate to ensure safe and high-quality leadership, teaching, and learning for children and young people in early childhood, primary and secondary schooling in English and Māori-medium settings, and settings of other languages, through raising the status of the profession.

- The Teaching Council is an independent statutory agency and is not part of the core Crown. It is funded by the fees and levy paid by members of the profession. The Governing Council comprises of 13 members – 7 are elected by the profession and the remainder are ministerial appointments. 100 employees provide the services necessary to achieve our legislated functions, supported by a contact centre, communications team, human resources, finance, IT and policy and implementation team.

The functions of the Teaching Council can be described in the form of six pou or pillars that uphold Te Whare o Te Matatū | 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 and Standards.
- Pou Here Tomua – establishing and maintaining standards for initial teacher education and undertaking Initial Teacher Education programme approvals.
- Pou Matatika – ensuring high standards of ethical behaviour.
- Pou Mataara – ensuring high quality teacher practice.

The pou that are particularly relevant to preventing or addressing abuse are:

- Pou Whai Rēhitanga (registration and certification).
- Pou Tikanga Matatika, Ngā Paerewa (Code and Standards).
- Pou Matatika (disciplinary processes to support high standards of behaviour).

Why is the Disciplinary Tribunal part of the Teaching Council, how does that make it impartial?

The Disciplinary Tribunal is an independent, quasi-judicial body that considers teacher misconduct. The Complaints Assessment Committee (CAC) and the Disciplinary Tribunal (DT) are made up of experienced teachers representing the profession. In the case of the DT, the Chairperson is an experienced lawyer. The Teaching Council plays no role in the processes or decisions of the DT.

When a matter of teacher conduct is referred to the DT by the CAC, a formal process culminating in a hearing takes place. These proceedings, including the hearings, are formal and are conducted like a court with the two parties being the teacher, and the CAC as the prosecutor. Under section 64 of the Teaching Council Rules 2016, information disclosed to, or held by, the CAC in respect of a report or complaint is confidential. As a result of this, the Teaching Council is unable to comment on individual cases to maintain confidentiality, privacy, and natural justice.

All DT decisions are published on the Teaching Council website following final decisions. You can find these here: [Disciplinary Tribunal Decisions](#).

There have been times when we have appealed DT decisions. Between May 2021 and August 2022, the Teaching Council has appealed three Disciplinary Tribunal decisions.

What future changes are likely?

On 1 August 2022, the Education and Training Amendment Act 2022 took effect. This Act provides us with an opportunity to review our disciplinary processes. Changes in the Act related to our disciplinary processes do not take effect immediately, but in 12 months.

The 12-month delay in implementation of these disciplinary process changes allows us to review the current Teaching Council Rules 2016 and to consult - as required by law - with the profession and key stakeholders about changes to the Rules to improve efficiencies within our disciplinary processes, improve natural justice for teachers, and better respect the mana of all persons involved in the processes. The review period will require us to consider and consult how the safety of learners is prioritised when determining what matters of serious misconduct are referred to the Disciplinary Tribunal.

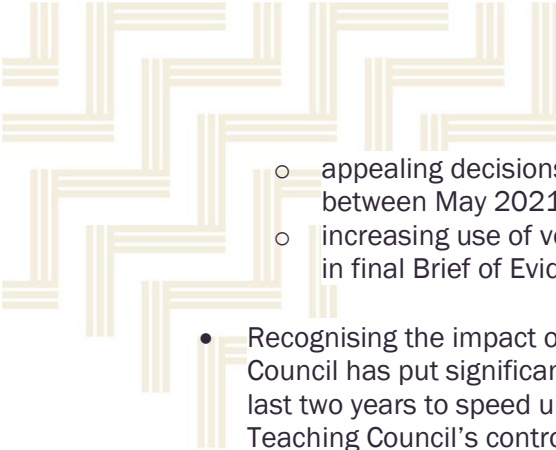
As Chair of the Governing Council, Robyn Baker has directed that the terms of reference for the Rules review includes:

- reviewing Rule 34 which relates to ensuring special protection for certain witnesses and vulnerable people
- reviewing all the cases involving teachers brought before the Royal Commission to identify issues that could inform change, and to help identify where apologies to survivors are warranted and how to engage with survivors so any apologies are well-considered, genuine, and personalised
- improving the diversity and cultural awareness of our decision-making panels.

The Council has worked hard to ensure tamariki are safe which includes:

- the 2004 introduction of a code of ethics, legislated functions, and Rules to set up disciplinary processes, and mandatory reporting
- special protections for certain witnesses and vulnerable people are now available, including the Disciplinary Tribunal considering holding some or all of a hearing in private, using video link or alternative means for the giving of evidence, and prohibiting the publication of the names or particulars of the affairs of a person
- from 1 July 2015, the Children's Act 2014 prohibiting people with specific serious convictions from being employed as Kaiako
- From 1 July 2016 prohibiting any existing kaiako with specific serious convictions continuing to be employed. In the case of a specified offence, the Council can move to immediately cancel the registration of a kaiako without the need to go through an investigation and hearing
- over the last five years the Council making process and procedural changes to better safeguard current or former ākongā who are survivors of abuse by kaiako who engage with us. Recent examples include the Teaching Council:

- training investigators in a recognised child interviewing qualification, including the use of trauma-informed interview techniques
- supporting the Complaints Assessment Committee to make own-motion referrals to the Disciplinary Tribunal. This can take place where the Teaching Council or Complaints Assessment Committee becomes aware of other conduct issues in the course of an investigation into an original complaint
- As an example of a recent own-motion referral, the Teaching Council obtained information during an investigation that a teacher had become aware that a teacher colleague had been having inappropriate sexual relationships with students and failed to bring this to the attention of a professional leader. This matter was referred to and resolved at the Complaints Assessment Committee stage;
- Another example of an own-motion referral is when the Teaching Council became aware of a professional leader endorsing the practising certificate of a teacher when the professional leader had knowledge the teacher had sexually offended against children.
- reviewing criteria and process for the selection of members of disciplinary bodies
- requiring a legal advisor to be present to ensure the Complaints Assessment Committee uses the correct legal framework/process to determine whether a matter may possibly constitute serious misconduct, is misconduct or if there should be no further action taken
- training Disciplinary Tribunal members about vulnerable witnesses
- considering the needs of vulnerable witnesses at the pre-hearing stage by communicating with witnesses who may be vulnerable prior to a hearing about the processes and the options available to them, e.g., screens
- providing written material to witnesses and people attending Disciplinary Tribunal hearings about what to expect
- setting up an 0800-abuse hotline so survivors of abuse by teachers can make direct contact with a lead investigator
- investigators referring people involved in our processes to the Learner and Whānau Support Programme if they are likely to benefit from an understanding of our processes and how to engage with these processes

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- appealing decisions of the Disciplinary Tribunal (10 appeals have been lodged between May 2021 and August 2022)
 - increasing use of voluntary undertakings not to teach. (Updated to reflect wording in final Brief of Evidence).
- Recognising the impact of disciplinary processes on those involved in the process, the Teaching Council has put significantly more resources into the professional responsibility area over the last two years to speed up the time to resolution. In many cases, the time taken is outside of the Teaching Council's control, as we wait for police processes, availability of witnesses, responses from kaiako, etc.

Changes for the future

The Teaching Council has been working for the last few years to strengthen and streamline the disciplinary regime dealing with teacher conduct. On 1 August 2022 the Education and Training Amendment Act 2022 took effect. This Act provides us with a very important opportunity to review our disciplinary processes. Changes in the Act related to our disciplinary processes do not take effect immediately but in 12 months. This provides time for us to review the current Teaching Council Rules 2016 and to consult with the profession and key stakeholders about changes to the Rules to improve efficiencies within our disciplinary processes, improve natural justice for kaiako, and better respect the mana of all persons involved in the processes.

The Chair of the Teaching Council's Governing Council has directed that the terms of reference for the Rules review include:

- reviewing Rule 34 about special protection for certain witnesses and vulnerable people
- reviewing all the cases involving kaiako brought before the Royal Commission to identify issues that could inform changes
- improving the diversity and cultural awareness of our decision-making panels
- acknowledging that our Te Tiriti journey is more developed in other parts of our functions and processes than in our disciplinary processes. The Teaching Council Rules 2016, as they relate to the disciplinary processes, have not been significantly changed for six years, apart from the 2018 Amendment to Rules to establish the Registration Panel, with some amendments to the competence process. There was also the introduction of the Code and Standards. This review provides a significant opportunity to apply a te ao Māori lenses to our processes. The Chair of the Teaching Council has directed this also forms part of the terms of reference
- starting work with other regulatory bodies to explore the options for incorporating a te ao Māori approach into our collective processes and sharing learnings from different parts of our regulatory frameworks. This mahi may identify and lead to law change in the future.