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PPTA

NEW ZEALAND POST PRIMARY
TEACHERS' ASSOCIATION

TE WEHENGARUA

www.ppta.org.nz

Dear Colleagues

PPTA has been concerned for some years about the practice of recruiting overseas teachers for New Zealand secondary schools, then not providing them with the information, advice and assistance they need in settling into a new job in a new country.

At the request of Annual Conference in 2005 an Immigrant Teachers Task Force was set up to advocate for teachers new to New Zealand. As part of their activities they have prepared this handbook which, hopefully, will assist immigrant teachers.

Further copies of this document are available from PPTA and an electronic version can be found at www.ppta.org.nz.

Yours sincerely



**ROBIN DUFF
PRESIDENT**

BACKGROUND



The 2004 PPTA Annual Conference asked Executive to investigate issues relating to immigrant teachers with a view to setting up a support network.

The Immigrant Teachers Task Force met for the first time in April 2006. The task force identified a wide range of issues that affected immigrant teachers and these included:

- qualifications
- salary assessment, including the speed of assessment
- support and training, including curriculum, time for training and clear guidelines
- International English Language Testing System
- registration
- EEO appointments and promotion
- race, and
- inter-agency co-operation.

This handbook is one resource that has been initiated from the work of the Task Force. (A list of the Taskforce Members is attached as Appendix A).

PPTA MEMBERSHIP

To join PPTA or for details about membership contact membership@ppta.org.nz or phone 0800 630 400.

PPTA STRUCTURES

The PPTA is the professional and industrial association representing some 18,000 members in about 600 branches based in secondary schools, area schools, integrated schools and technology centres. Branches (schools) are grouped into 24 geographic regions which are represented on the national Executive and at Annual Conference.

There are also networks for women, young and new teachers, Māori and Pacific Island members, with the latter two groups also represented on Executive.

PPTA ANNUAL CONFERENCE

Annual Conference can be regarded as the most important event in PPTA's calendar. It occurs in the first week of the September holidays each year, and takes place in Wellington. Annual Conference is the supreme decision making body of the union. All members may offer themselves as regional delegates to conference.

NATIONAL EXECUTIVE

The National Executive of PPTA is elected annually in August each year and is the main decision making body of the union.

It meets in Wellington five times each year, in February, May, July, September (just prior to Annual Conference) and November.

Te Huarahi Māori Motuhake is the Māori executive of PPTA, and operates according to Rules 4(c), 72, 73 and 78 and the First Schedule (Te Tiriti O Waitangi) of the PPTA Constitution.

BRANCH AND REGIONAL ACTIVITIES

Every school has a PPTA Branch and branch officers whose job is to distribute and act on PPTA information, ensure the collective agreement is applied correctly in schools, organise branch meetings and liaise between the branch and the region. PPTA has 24 geographical regions each of which has its own set of regional officers and its own funding. Te Huarahi has its own regional representatives (Te Reo a Rohe) but otherwise operates on the basis of Iwi boundaries.

Regional funding is use to support local PPTA activities. Most regions are represented by one executive member but smaller regions may share an executive member and larger regions have more than one. All PPTA members are welcome to attend regional meetings where they may discuss issues with other secondary teachers. The dates and venues for regional meeting and a list of regional officers can found on the PPTA website.

NATIONAL OFFICE

The National Office is responsible for the day-to-day running of the Association. It attends to a very diverse range of matters which arise from all levels of the association as it endeavours to service (or to advise on) all aspects of the Association's activities.

The President, who for the term of office is granted leave to attend to Association matters, is based in the National Office except when visiting regions and branches.

The National Office comprises advisory, field, editorial, accounting, information technology and clerical staff working under the direction of the General Secretary assisted by two Deputy General Secretaries. It represents Association policy to Government and education agencies, and has a direct relationship with members of the National Executive.

FIELD OFFICER SUPPORT

PPTA has 14 field officers who are located in 5 field offices around New Zealand and who can provide invaluable support for members. They are full-time paid union officials whose responsibilities include:

- to assist individual members with the resolution of problems;
- to assist with branch and regional organisation and activity;
- to deliver membership education courses and seminars;
- to provide information on Association activities and policies;
- where necessary, to advocate for members in the Employment Tribunal and before the Employment Relations Authority.

Field officers support members who are faced with discipline or competence problems and contact should be made with a field officer as soon as any complaint of this nature is mentioned to a teacher.

PPTA Field Staff

For further information or for advice and guidance, consult your local PPTA Field Officer.

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COLLECTIVE AGREEMENTS / LEGAL PROTECTIONS

Pay and conditions in secondary schools and the secondary part of area¹ schools are contained in collective agreements, which are negotiated by PPTA on behalf of PPTA members. These agreements detail teachers' conditions of employment including salary, health and safety, hours of work, and class size.

The Secondary Teachers' Collective Agreement (STCA) covers about 18,000 secondary teachers, this agreement sets the salary rates that flow directly to area school teachers and primary teachers.

Other collective agreements negotiated by PPTA include the:

- Secondary Principals' Collective Agreement
- Area Teachers' Collective Agreement
- Area Principals' Collective Agreement
- Adult and Community Education Staff Collective Agreement

Clauses that may be of particular interest to immigrant teachers who are covered by the STCA include: (Note: These are summaries only. Please contact PPTA for more detail).

- *Appointments/Equal employment opportunities* 3.11 (STCA) 2.11 (ASTCA)

All employers in New Zealand State Sector (which includes schools) must make appointments fairly, impartially and on merit. The State Sector Act (1998) also requires that schools recognise the "aims and aspirations, and

¹ Area Schools cater for primary and secondary students (1 to 13) and are usually located in rural areas

employment requirements and the cultural differences, of ethnic or minority groups”.

The Human Rights Act (1993) also makes it illegal to discriminate in employment matters on the grounds of religious and ethical belief, colour, race, ethnic or national origins.

- *Overseas teacher time allowance* 3.8C (STCA) 3.1 (ASTCA)

Schools that employ overseas trained teachers in their first NZ job are entitled to 0.1 fte additional staffing for two terms (equivalent to 2.5 hours per week) by which to support those teachers. The employer must ensure that there is discussion with that teacher on how that time may best be used to provide professional advice and guidance.

- *Beginning teacher support* 3.8A (STCA) 2.10 (ASTCA)

Beginning teachers in their first year should only be scheduled to teach a maximum of 15 hours per week and during this time their HoD is entitled to the equivalent of 1 hour per week (which is in addition to any time for units) for supporting those teachers.

- *Specialist Classroom Teacher* 3.8B (STCA) 2.15 (ASTCA)

If you have difficulties in the classroom you may also seek help and support from your school's Specialist Classroom Teacher(s).

- *Workload controls*

There are three provisions where employers must endeavour to achieve further workload controls. The PPTA website has guidance on all of these to assist branches work through these with their employer.

They are:

1. Class size controls
2. Time for permanent unit holders
3. Non-contact for part timers

- *Non-Contact time* 5.2 (STCA) 4.2 (ASTCA)

Full-time teachers have a minimum of five hours non-contact time within each school week to carry out all the tasks they must do on top of classroom teaching. This basic non-contact entitlement is out of an individual teacher timetable of 25 hours.

All time-allowances provided in the STCA have a cumulative effect. For example, full time first year teachers can be timetabled for 15 hours contact per week (25 timetabled hours less 5 non-contact hours, less 5 hours advice and guidance time).

- *Study Support Grants* 6.6.6A (STCA) 5.6.9 (ASTCA)

There are 100 study support grants available for each year. They provide time release of 4 hours per week for study and a reimbursement up to \$500 of fees.

- *Study Leave* 6.6.6 (STCA) 5.6.6 (ASTCA)

There are 75 full-time equivalent paid study leave positions, available nationally each year to teachers.

Paid leave is available for pre-examination study and for time spent sitting examinations.

The collective agreements also cover:

- *Salaries* 4.1 (STCA) 3.1 (ASTCA)

Entry to the Salary Scale is dependent on qualifications and experience. A teacher with a Level 7 subject qualification on the New Zealand Register of Assured Qualifications (basically degree level) plus teacher training, normally starts on Step 7. Further salary steps may be credited in recognition of previous teaching experience and/or relevant work experience (providing it was done after the award of an appropriate vocational qualification). Progression is annual, subject to attestation of satisfactory performance by the principal.

Some teaching positions have extra responsibilities attached and receive additional payments in the form of salary units. Some units may be fixed term. Middle managers and senior managers may receive an additional allowance in recognition of their leadership roles. Teachers who do not hold units may be entitled to the service increment, (4.9 STCA) an additional payment recognising advanced qualifications.²

- *Removals* Part 8 (STCA) Part 7 (ASTCA)

Removal costs may be paid if a teacher is moving permanently to another school on promotion or moving to a school designated as high priority for recruitment purposes.

- *Sexual Harassment* 9.4 (STCA) 8.1 (ASTCA)

The agreement provides a structure for the resolution of complaints of sexual harassment.

- *Disciplinary Matters* 3.4 (STCA) 2.4 (ASTCA)

The secondary and the area schools collective agreements provide procedures for teachers who are alleged to have committed breaches of discipline. Union advocacy is provided by field staff and members need to contact their field officer immediately should any problem arise.

² Under the Area School Teachers' Collective Agreement the service increment is payable to teachers holding up to 3 permanent units (3.18)

- *Teacher Competence 3.3 (STCA) 2.3 (ASTCA)*

Field staff provide advocacy and advice for members facing competency review.

- *Health and Safety Part 12 (STCA) Part 10 (ASTCA)*

Teachers are entitled to work in an environment that is healthy and safe. Every school should have a health and safety officer and concerns should be referred to them in the first instance.

- *National Relocation Grant and Recruitment Allowance*

Although not in the collective agreement, the Ministry pays a national relocation allowance to qualified and registered teachers living in New Zealand who are moving to a new housing district to take up a new teaching position.
www.minedu.govt.nz

ADVICE, GUIDANCE AND SUPPORT

The redeveloped PPTA website (2008) contains information about PPTA collective agreements activities, news along with publications for members. You can also email PPTA contact people via the website. Many queries will be able to be answered by referring to the PPTA website www.ppta.org.nz.

Advice and guidance may also be accessed from:

- **PPTA Support Service**

The Association operates a confidential support service which is available free to members who should be encouraged to use it, particularly in times of stress in either their personal or professional life. It has been found particularly useful for teachers affected by falling rolls.

Support persons can also act as mediators in disputes between members, or between members and others they deal with professionally. Their work is totally confidential.

There are trained support persons in each region appointed on the basis of their skills and the confidence with which they are regarded by their colleagues.

Counsellors' names should be on the "Working for You" poster on the PPTA notice board in each branch.

Contact your local field officers for further information.

- **Employee Assistance Programme**

In those schools that are members of the scheme, the Employee Assistance Programme (EAP) provides the employee with direct access to an independent counsellor on a short term, confidential basis to address personal issues that

impact on the workplace. If the EAP provider recommends further sessions the employer may consider funding additional sessions.

- **Education Benevolent Society (Inc.) (EBS)**

PPTA members are entitled to join EBS Healthcare

EBS is a not for profit organisation formed in 1964, dedicated to employees in the New Zealand Education Sector. EBS sources a comprehensive range of products at competitive rates and with extra benefits, designed to protect you and your family's health, life and lifestyle.

The subscription is payable by automatic deduction from salary.

Brochures are available from EBS, phone 0800-268-3763 or download from their website <http://www.ebs.org.nz/>

- **PPTA Women's Network** (www.ppta.org.nz)

- **PPTA Komiti Pasifika Network** (www.ppta.org.nz)

Komiti Pasifika is an advisory committee to the PPTA National Executive. It has established a register of Pacific Island teachers.

- **PPTA Young and New Teachers Network (YANTs)**

This network comprises teachers of between 18-35 years and new teachers. Each region has a Young Teachers representative and nationally the network has a co-ordinator.

EMPLOYMENT RELATIONS EDUCATION

Background

The Employment Relations Act 2000 provides paid leave to eligible employees to undertake Employment Relations Education (ERE). Eligible employees are union members who are covered by, or bargaining for, collective agreements. The aim of ERE is to increase skills and knowledge of employment matters to improve relationships in the workplace and enable employers, employees and unions to deal with each other in good faith. **A special course aimed at assisting teachers new to New Zealand has been developed for 2009.** For more information contact sfarrow@ppta.org.nz.

Entitlement

Employment Relations Education Leave (ERE leave) is a collective entitlement held and administered by unions and allocated to employees. The leave can be used only for education that is approved under section 72 of the Act. This ensures that all courses provide good quality and relevant ERE.

The entitlement to employment relations education leave under the Employment Relations Act 2000 can be exercised only in respect of approved courses of ERE. These ERE courses must meet the objectives of the Act.

PPTA Courses

PPTA offers a number of ERE courses and details of these are available from your Field Officer or check the PPTA website. PPTA members, at branch, regional and national level are strongly encouraged to participate in them whenever possible.

VIOLENCE / BULLYING IN SCHOOLS

In recent years our members have expressed concern about the increasing levels of violence they experience at school, predominantly from students but also of workplace bullying from adult members of the school community. PPTA responded to the issue by mounting a strong ongoing school anti-violence campaign. This was launched in 2004 with the publication and distribution to branches of the **PPTA School Anti-Violence**. The Toolkit was updated in 2007 and continues to provide a resource for branches with:

- Information on legal rights for teachers and obligations on schools in providing a safe school environment for all members of the school community
- Discussion of the various forms of bullying and harassment between different members of the school community and of the issues that result from them for staff and schools
- Guidelines on a whole school approach to developing effective anti-violence policies which will ensure full school community commitment and participation
- Guidelines on developing effective strategies and procedures for use in preventing and/or managing incidents of violence
- Resources to assist schools in developing and implementing anti-violence policy and practice.

Copies are available through your local Field Officer or the Women's Officer in National Office, or on the PPTA website.

BULLYING IN SCHOOLS

Anti-bullying posters for schools were also developed and distributed and some are still available on request. They have sharp and graphic illustrations of both the problem and the first step of a solution, which provide simple clear messages that:

- Bullies need silence and complicity to operate; and
- Targets of bullying need support to speak out;

- Speaking out against bullying is the first step to eliminating it.

The Ministry of Education has also developed anti-bullying resources available at www.minedu.govt.nz.

For assistance or support email anti-violence@ppta.org.nz. See also Appendix B which provides a range of advice for teachers in respect of the health and safety issues in dealing with dangerous students.

SECONDARY TEACHING IN NEW ZEALAND

Getting Started

Qualifications

Secondary Teachers in New Zealand are required to have a Level 7 subject qualification (degree level) verified as such by the National Qualifications Authority (NZQA). It is necessary to complete the assessment form on the NZQA website (www.nzqa.govt.nz - click on International) and to provide original documents to receive verification. The approval process can take some time so it is best to start the process as soon as possible. **Without this formal approval salary will be held at a lower rate.**

New Zealand Qualifications Authority (NZQA)

The New Zealand Qualifications Authority's primary function is to coordinate the administration and quality assurance of national qualifications in New Zealand.

NZQA also conduct International Qualifications Assessment (IQA). This assessment is required by the Teachers' Council for your teaching registration; it also contributes to the assessment of your salary starting rate.

The IQA assesses qualifications that were gained outside New Zealand. The assessment will state, where possible, which currently offered New Zealand qualification(s) on the Register of Quality Assured Qualifications (the Register) are substantially similar to the qualification(s) you have gained outside New Zealand. The IQA also indicates the level of learning outcome your qualification represents on the Register.

If it is not possible to match your qualification to a New Zealand qualification currently on the Register, the nominated qualification will be compared to a level (and where possible credit value) on the Register.

New Zealand Teachers Council

All teachers at primary and secondary level must be registered with the Teachers Council before beginning teaching employment in New Zealand. You will need to provide them with your NZQA assessment report and other documentation. Overseas teachers who are registered will get either of two categories: provisional or subject to confirmation. To be eligible for subject to confirmation you need to supply evidence of at least two years of supervised teaching by a teacher, holding a senior position, and satisfactory appraisal material. To be recommended for full registration, you need to have completed at least three months of supervised teaching service in New Zealand, and submit a TC2 form. Application forms and information on registration are available on the New Zealand Teachers Council's www.teacherscouncil.govt.nz/ website.

Teachers with overseas qualifications need to supply evidence of their English language proficiency. If you have completed your teacher education qualification in English in a country where English is an official language, you would meet the requirement. You would need to supply written evidence from the institution. If not, you need to pass an approved English language proficiency test such as IELTS. **If you have difficulties verifying your qualifications or with getting the correct pay rate contact your field officer as a matter of urgency.**

The New Zealand Teachers Council

The New Zealand Teachers Council is the professional and regulatory body for teachers.

The Council aims to support the professional status of teachers and high quality teaching and learning through its mandated functions.

The Council:

- Registers teachers
- Approves programmes for initial teacher education
- Engages in research and other professional projects to support teachers
- Supports maintenance of professional standards through competence and discipline processes
- Processes applications for non-teacher police vetting

On their website you can find information relating to all those functions, including application forms and access to our on-line register for teachers with a current practicing certificate.

Teaching in New Zealand

Secondary Teaching in New Zealand

The Ministry of Education publishes a guide to *Schooling In New Zealand* which looks at the school system, what schools teach and how schools are run. This can be accessed on the Ministry of Education website <http://www.minedu.govt.nz/>

Secondary school teachers work regular school hours, usually between 8 a.m. and 3.30 p.m. but also work outside of these hours planning lessons or attending meetings. It is usual practice in secondary schools for teachers to assist with playground supervision by doing 'duty' once or twice a week either before school, at interval, lunchtime or directly after school.

Teachers' are seen as an integral part of the community and there is an expectation that they will become involved in school activities, such as sports coaching and with cultural groups. They may be involved in extra-curricular activities during lunchtimes, weekends, school holidays or after school.

Appendix C is a guide to involvement in extra-curricular activities prepared by PPTA.

The school year is broken into 4 terms with the major break coming over the Christmas and New Years period.

National Certificate in Educational Achievement (NCEA)

NCEA is New Zealand's national secondary qualification, officially recognised in New Zealand and internationally. NCEA has external exams as well as internal assessment and uses a national system for checking internal assessments. NCEA enables students to gain credits from traditional school curriculum areas and alternative school curriculum programmes. It is focussed on measuring learning, not ranking students (or listing them in order).

Students are assessed against preset standards, rather than the achievements of other students. This means assessment results explain or describe what students can do, not where they fit into a ranked list of 'marks'.

Standards are organised into 'levels' of increasing difficulty. Some are assessed internally, by teachers, and some externally in end-of-year exams. Most schools organise the assessment of their programmes and courses in groups of standards.

There are two types of standards - 'unit standards' and 'achievement standards'. Both are used in programmes taught at schools.

The Ministry of Education has been responsible for the development of the achievement standards and the NCEA qualifications and the scholarship standards.

Achievement standard matrices are available on the Ministry of Education website.

<http://www.minedu.govt.nz/index.cfm?layout=document&documentid=7019&data=l>
NCEA resources are available on Te Kete Ipurangi (<http://www.tki.org.nz/>) Te Kete Ipurangi (TKI) is a bilingual portal-plus web community which provides quality assured educational material for New Zealand teachers, school managers, and the wider education community.

A section of this site (NCEA on TKI) holds assessment resources and support material developed for use with achievement standards.

PROFESSIONAL DEVELOPMENT

Professional learning and support opportunities available in the collective agreement (OTTA, study awards, study grants etc) are already listed on page 8 of this document. As well, the school needs to provide teachers with specific opportunities to develop their skills.

This is required under section 3.1.1 of the STCA (2.1 ASTCA) which draws on the State Sector Act 1988 and notes that the employer shall ...

...”provide opportunities for the enhancement of the abilities of individual employees.”

In order to progress up the salary scale, teachers require an attestation from the principal of successful performance as measured against the professional standards (Supplement One STCA and ASTCA). Teachers must have access to professional support and encouragement (usually through the school’s appraisal system) to meet these requirements.

OTHER USEFUL LINKS

TeachNZ

This website provides information about teaching and delivering the New Zealand curriculum, and includes information for overseas teachers considering teaching in New Zealand. <http://www.teachnz.govt.nz/>

Immigration New Zealand

<http://www.immigration.govt.nz/>

New Zealand Education Gazette

Current teaching vacancy listings are available online.
<http://www.edgazette.govt.nz/vacancies/>

Note: You can use TKI schools search to search for New Zealand schools by region or name <http://www.tki.org.nz/e/schools/>

The Ministry of Education

The Ministry is responsible for leading the education sector to ensure the education system works for all. Their role is to make sure that government priorities are understood and followed and desired education outcomes are achieved.

The Ministry of Education is responsible for policy advice, supporting initiatives, developing curriculum, allocating resources and monitoring effectiveness across the whole of the education sector. <http://www.minedu.govt.nz>

Auckland Regional Migrant Services Charitable Trust (ARMS)

The Auckland Regional Migrant Services Charitable Trust (ARMS) is a non-profit organisation which supports migrants and refugees to settle successfully in the Auckland Region. Their services are free. <http://www.arms-mrc.org.nz/>

New Zealand Council of Trade Unions (NZCTU)

The NZCTU is the united voice for working people and their families in New Zealand.

The NZCTU brings together over 350,000 New Zealand union members in 40 affiliated unions. The role of the CTU is to promote unionisation and collectivism through programmes of active campaigns. <http://union.org.nz/>



Immigrant Teachers Taskforce

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1. Guidelines for Teachers in Dealing with Dangerous Student Behaviour

1. Beyond the limits

Teaching can be stressful and difficult occupation. There is also a level of poor behaviour, which is an inherent part of the job, given the nature of the work teachers do. However, there are situations in which the stress, the threats, and/or the demands of the job pass beyond the bounds of what can be considered normal or reasonable pressure. This may occur through a structural failure to maintain safe and healthy working conditions, or through the introduction of isolated hazards.

2. Possible Hazards

2.1 Workload

Workload levels that are affecting, or over time could affect, the health of a teacher can be identified formally as a health and safety issue, which the employer must address.

2.2 Individual students

An individual student's behaviour may be identified as a hazard if (in the opinion of the teacher) it poses a serious threat to the teacher's physical, emotional or psychological health, or to that of other students or to the student themselves.

A student with a history of physical violence, or who issues threats or intimidation or is regularly abusive or destructive to the orderly operation of the classroom, can be a threat to the immediate or long term health of others in the class. Similarly, an irregular pattern of unsafe behaviour from a student can be potentially dangerous when it occurs and can be identified as a hazard.

2.3 Individual students in specific contexts

Some students, such as those with special needs, may not in themselves necessarily present a hazard, but can present a hazard under certain conditions. For example, if students with special needs are placed in classes with inappropriate facilities and/or without adequate resourcing to support their mainstreaming then the situation may be hazardous. When they are present with the required levels of resourcing, appropriate facilities, adequate staff

training and support, and reduced class size then there may not be a hazard.

It is possible that teachers may not identify individual students as hazards, but identify the presence of those students within a defined context as being a hazard – this context may relate to the level of support staffing, the number of students, to combinations of students, or to classroom factors or the environmental conditions. This hazard may be to the teacher, to the students, or to individual students, or to a combination.

2.4 Students in groups

It is also possible that while individual students do not pose an unusual hazard, collectively they will do so when their numbers exceed the ability of the teacher to offer appropriate levels of supervision within the classroom/laboratory, playground or where the numbers place the teacher under unusual stress in their efforts to maintain control, or to sustain their teaching load.

The behaviour of students in the school grounds may also present a hazard and, in particular, times when they are present in large numbers need to be carefully managed. Schools should constantly review the practices of students and teachers at such times (including arriving at and departing from school and morning and lunch time intervals). Things to be considered include:

- Whether teachers or non-teaching staff are best placed to undertake this duty of care?
- Whether teams of teachers would more safely do duty?
- If an electronic response mechanism or mobile communication can be made available and if it has, is it effective?
- Is it appropriate for the school to operate a staggered lunch break?

2. Dealing with a Failure to Maintain a Safe and Healthy Workplace

1. The responses

The existing legislation gives the staff at the school the ability to:

- Identify workload demands as a hazard to their emotional, physical or psychological safety,
- Identify individual student behaviour as a hazard to their emotional, physical or psychological safety,
- Identify the behaviour of individuals, parental and/or caregivers or groups of students as hazardous within certain contexts, and
- Take strike or other action if there is a failure to deal with an identified hazard.

2. Legal risks

When the employer has been asked to deal with an identified hazard and fails to do so, and when the branch believes that a significant threat to the immediate or long term health and safety of individuals exists as a consequence of this inaction, it has open to it action in these areas:

- 2.1 Under the Employment Relations Act it can take strike action to highlight and protest against the threat to health and safety of in employees in the workplace.
- 2.2 Under the Health and Safety in Employment Act, the employee has the right to refuse work. Other affected members within the branch may also refuse work. The PPTA is there to support its members and either the PPTA national or regional office, or individual members can lay a complaint with OSH Inspectors. They will investigate and may in turn bring proceedings against the employer. Where the employer is found to be liable for failure to prevent harm from an identified hazard the penalty is a fine of up to \$100,000, up to one year's imprisonment or both.
- 2.3 The workplace must operate in accordance with the Health and Safety Act and should have an operative Employee Participation

Agreement*. It should have a health and safety committee and health and safety representatives who are both elected by staff and trained. These representatives can issue hazard notices and provide further help. The elected representatives will have the most intimate knowledge of their own workplace.

- 2.4 Under the Employment Relations Act, and under the provisions of the Collective Agreement, it is possible to take a dispute or personal grievance against the employer if they fail to act in the provision of a safe workplace and an employee suffers harm.

3. Branch process

- 3.1 The school should have clear policies (see pages 3 and 4) in place, agreed to by the staff and designed to protect them from physical or psychological harm arising from dangerous and disruptive student behaviour.
- 3.2 These policies should include mandatory processes for reporting and logging dangerous acts.
- 3.3 In order to constitute a 'hazard' the particular dangerous behaviour must be reported to the school management (in writing).
- 3.4 The expectation is that school management will apply school policy in such a way that the danger is removed or contained.
- 3.5 If this does not happen:
- (a) The school Health and Safety Committee should be called together to consider the issue. The PPTA Field Officer and National Office should be informed.
 - (b) Action which may contain the behaviour could include all or some of the following:
 - The student is accompanied to class by his/her parent.
 - An additional adult is present in the classroom with the teacher.
 - A counselling or restorative justice programme may be initiated.
 - The student is removed to work in a smaller study group.
 - The student is stood down or suspended.
 - The student is removed to some form of alternative education until there is evidence of changed behaviours.

* Details on establishing a health and safety committee can be found at www.ppta.org.nz under Pay and Conditions ---Health and Safety or contact your field officer.

- The student is excluded/expelled when behaviour is extreme and there is evidence that containment is no longer an option.
- (c) If an acceptable resolution is not possible a full PPTA branch meeting should be called to consider the possibility of strike action.
- (d) If a motion for strike action is passed school management should be informed immediately and given time to respond.
- (e) If the response does not secure the safety of PPTA members, strike action will be necessary.

Note: This action requires great courage from the branch but has the following benefits:

- The problem is forced out into the open rather than being concealed;
- A powerful message is sent to all schools that threatening and violent behaviour ought not to be tolerated;
- It puts the responsibility for the funding and provision of reasonable alternatives for difficult student behaviour on the government where it belongs.

3. Sample Policy

Teacher Safety in Schools

1 Background

- 1.1 Education is a fundamental right and central to the health, well being and intellectual and personal development of young people. In New Zealand, children's right to an education is protected by the Education Act, which requires that children attend school between the years of six and sixteen.
- 1.2 Children may have a right to education but this does not always translate into a willingness to learn or to be taught. Genuine alternatives must be provided for those students whose disruptive behaviour interferes with the right of others to learn.
- 1.3 As well as the rights provided for in the Health and Safety in Employment Act, teachers must be able to teach in an environment that is healthy, safe and free from threats, bullying and intimidation.
- 1.4 Regrettably this is not the reality in many New Zealand secondary schools. PPTA research (2004)³ revealed that 28% of all teachers surveyed reported experiencing or witnessing minor forms of bullying from students on a daily or weekly basis and 66% reported less frequent but more serious and significant bullying incidents from students within a school year. Violent and disruptive behaviour is regarded by teachers as one of the greatest stressors in their work environment.
- 1.5 In an environment where schools are competing for students, there is an incentive for schools to conceal dangerous behaviour out of a fear that it will affect enrolments.
- 1.6 All schools need to take violent behaviour seriously, not only because of the legal requirements to do so⁴ but also because violence, disruption and intimidation are not conducive to a positive learning environment.
- 1.7 With this in mind PPTA has developed an Anti-Violence Toolkit⁵ which guides schools to establish anti-violence policies practices and procedures.

³ **Teachers - the new targets of schoolyard bullies? PPTA paper to NZARE Conference 2004**

⁴ Health and Safety in Employment Act 1992; NAGs; NEGs; State Sector Act; Collective Agreements. See PPTA School Anti-Violence Kit. <http://www.ppta.org.nz/cms/imagelibrary/100451.doc>

⁵ <http://www.ppta.org.nz/cms/imagelibrary/100451.doc>

2 Context: Rights and Responsibilities

- 2.1 Student behaviour cannot be solely the responsibility of the teacher. Everyone in the school community, teachers, parents, principals, trustees and the students themselves have responsibilities as well as rights.
- 2.2 *Students:* As well as a right to a high-quality education provided in a safe and healthy learning environment students have a responsibility to work to the best of their ability and to show consideration for all other people on the school site.
- 2.3 *Teachers:* Teachers' responsibilities are well known and well rehearsed; they should be committed to student learning and well-being and should create a positive classroom environment which facilitates learning.
- 2.4 In contrast, discussion of teachers' rights is considerably more muted. However teachers have a statutory right to work in a safe and healthy work environment⁶ that also allows effective teaching to occur. They should be free from verbal abuse, threats, physical assaults and attacks on their property (frequently cars). They should be provided with appropriate professional development in behaviour management strategies, guidance for dealing with violent students, and should have the capacity to initiate a range of responses in respect of unacceptable behaviour including restorative justice approaches, referral to other services, detention, suspension, expulsion and curtailment of voluntary activities. When circumstances require it, teachers should have access to special security measures such as alarms, cell phones and video cameras. They should also have access to counselling and other professional support should they be the victim of violent or threatening behaviour.
- 2.5 *Parents:* Parents have a right to expect that their child will be provided with a high-quality education in a supportive environment at the local school. In return they should encourage their children to value education and to be considerate towards teachers and other students. They should not threaten or act violently towards staff. They should ensure students are physically ready to learn and are not hungry and/or tired.
- 2.6 *Boards of Trustees (Including Principals):* School boards have an absolute responsibility to provide a safe work environment for all employees, by identifying, eliminating or minimising all hazards to health and safety, including emotional health and safety, eg, stress. They have a duty to promote and contribute to the development of policies and practices that set the school climate. They should ensure that all necessary policies and procedures are in place to establish and maintain a school environment that is as far as possible free from dangerous, violent and destructive behaviour. They should ensure that appropriate sanctions are applied if policies are breached, and that support is provided to victims. They should not tolerate behaviours that undermine learning and jeopardise the health and safety of the whole school community.

⁶ Health and Safety in Employment Act 1992

3 Teacher Safety

3.1 Hazards to Health and Safety

3.2 Ongoing or periodic dangerous and intimidating behaviour from students may, in some circumstances, constitute a “hazard” under the Health and Safety in Employment Act.

3.3 If this is the case, the three actions referred to in sections 8, 9 and 10 of the Health and Safety in Employment Act 1992 (“eliminate”, “isolate”, “minimise”) need to be considered.

Note: Strike action, as allowed for by s.84 of the Employment Relations Act 2000, could be a legitimate response to such a threat.

s.84—“Participation in a strike or lockout is lawful if the employees who strike have, or the employer who locks out has, reasonable grounds for believing that the strike or lockout is justified on the grounds of safety and health”.

3.4 Process

3.4.1 The school should have clear policies⁷ in place, agreed to by the staff and designed to protect them from physical or psychological harm arising from dangerous and disruptive student behaviour.

3.4.2 These policies should include mandatory processes for reporting and logging dangerous acts.

3.4.3 In order to constitute a ‘hazard’ the particular dangerous behaviour must be reported to the school management (in writing).

3.4.4 The expectation is that school management will apply school policy in such a way that the danger is removed or contained.

3.4.5 If this does not happen:

(a) The school Health and Safety Committee should be called together to consider the issue. The PPTA Field Officer and National Office should be informed.

(b) Action which may contain the behaviour could include all or some of the following:

- The student is accompanied to class by his/her parent.
- An additional adult is present in the classroom with the student.
- A counselling or restorative justice programme is initiated.
- The student is removed to work in a smaller study group.

⁷ As set out in the PPTA School Anti-Violence Kit <http://www.ppta.org.nz/cms/imagelibrary/100451.doc>

- The student is stood down or suspended.
 - The student is removed to some form of alternative education until there is evidence of changed behaviours.
 - The student is excluded/expelled when behaviour is considered extreme and there is no evidence of behaviour modification so containment is no longer an option.
- (c) If an acceptable resolution is not possible a full PPTA branch meeting should be called to consider the possibility of strike action.
- (d) If a motion for strike action is passed school management should be informed immediately and given time to respond.
- (e) If the response does not secure the safety of PPTA members on, strike action will be necessary.

Note: This action requires great courage from the branch but has the following benefits:

- The problem is forced out into the open rather than being concealed;
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4. Advice for Teachers who have been victims of violence

Extracts from: Workplace Violence: by Dellas Clements clinical Psychologist B.A.(HONS), DIP.ED., M.AAP.PSYCH

Any act of physical, verbal or psychological intimidation, and any threats, abuse or assault on an individual that results in physical or psychological damage can be considered “Workplace Violence”.

Being a victim of workplace violence can be quite traumatic and can certainly exact a psychological or physical toll on health and wellbeing. Witnesses of violent incidents may also be affected.

Work related traumas tend to be termed critical incidents. Frequently they are outside of an individual’s normal experience or expectation. So, there are few guidelines on how to deal with the incident and the reactions that follow.

Whilst all incidents may be unique, all individuals who have or who are experiencing a traumatic event are placed under extreme stress. Everyone including witnesses has the potential to become severely distressed as a result.

How well individuals cope will depend not only on their own resources and life experiences but also on how their colleagues and the school administration deal with the situation.

Being aware of how individuals may react and providing appropriate support will assist in the process of recovering from workplace trauma.

1. Reactions

- | | |
|---------------|--|
| Shock | As a result of the traumatic incident or event you may feel dazed, immobilised, experience difficulty with your memory, or may feel your sense of time distorted. Physical reactions are not uncommon – nausea, muscle aches, pounding heart. |
| Denial | You may doubt what happened, or the effect it puts upon you. You may feel emotionally numb and wish to isolate yourself from the situation, or conversely euphoric or “wired up” and want to talk. |
| Impact | The full impact of the trauma you have experienced will begin to sink in after the initial shock and denial have subsided. Some people have nightmares, most have trouble sleeping for at least a few days. You are also likely to be preoccupied during the day with thoughts about it which are quite intrusive. You may feel as if you are going crazy – you are not. These are normal responses to abnormal events and will subside over time. You may question the role of others, or be obsessed by “what if”. |

These self-doubts are common. They are often exaggerated and unfounded. It is important that you do not give into feelings of self-blame, rage or depression by isolating yourself or using alcohol in order to cope. This will only make things worse.

Coping

“Talking it out” with friends, family and to colleagues is frequently one of the most effective ways to resolve the stress. However, for some people despite efforts, the stress will remain.

Sometimes the trauma triggers memories of events in one’s past which may also increase the distress. You would be wise to contact your doctor or counsellor if you are concerned about any of the following:

- Disorientation,
- The need to talk about the incident,
- Physiological reactions,
- Denial,
- Sleeping problems,
- Self-doubt,
- Feelings of anxiety,
- An inability to concentrate,

If your school operates an Employee Assistance Programme (EAP) seek help there or through the PPTA Support Service (www.ppta.org.nz).

If you have experienced a traumatic event your life will not be the same again. You cannot go back to where you were. However, you have the opportunity to review aspects of your life, learn new skills and forge new directions.

PPTA Members and Extra-Curricular Activities: Guidelines

1. Introduction

The purpose of these guidelines is to clarify the obligations PPTA members have in relation to extra-curricular issues. As far as possible, the guidelines endeavour to support teachers who are willingly and actively engaged in extra-curricular activities and, as well, those who wish to have no part in it.

2. Background

Extra-curricular activities have always been regarded as an essential part of the culture of secondary schools. Many teachers relish the opportunity to act as sports coaches, drama producers, international tour guides and musical directors and all teachers accept the benefits of being able to engage with students in a less formal setting than the classroom.

If teachers appear less willing to contribute to extra curricular activities than in the past it is for good reason. The establishment of a competitive regime amongst secondary schools over the last decade has resulted in schools endeavouring to expand the range and extent of extra-curricular activities as much for marketing purposes as for any other reason. The result has been pressure on teachers to increase their extra-curricular participation at the same time as curriculum, administrative and assessment demands and staffing cuts have so increased the teaching workload that teachers find themselves with neither the time nor the energy for other activities.

3. Extra Curricular/Co-curricular

As an example of the subtle transformation of voluntary extra-curricular activities into an imposed expectation, the phrase "applicants are expected to participate in the co-curricular activities of the school" began to appear in job advertisements.

For clarification, the distinction between the two is as follows:

Co-curricular:

Activities that arise from curriculum requirements that involve extension beyond the classroom.

Extra-curricular:

Optional activities that involve teacher participation outside of normal school hours.

4. Appointments

The practice of tagging advertisements with extra curricular obligations (as opposed to genuine co-curricular requirements in some subject areas) is a breach of the PPTA code of ethics which states:

"...it shall be held unethical for a teacher (a) to compel any other teacher to carry out extra-curricular activities"

However, teachers are vulnerable when applying for jobs and often not in a position to object to presumptions being made about their availability for additional work. This is particularly the case for beginning teachers who may not have the confidence to indicate that they feel they need to concentrate their energies on becoming effective in the classroom rather than on the sports field or the stage.

The strategy of using job advertisements to compel teachers to undertake extra-curricular activities may be counter-productive as shortages mean that teachers often have a choice of jobs. Schools that encourage teachers to find a work/life balance may find it easier to recruit teachers. At the same time, teachers who feel compelled to undertake extra-curricular activity are less likely to be happy in that school and more likely to leave.

Lastly, if an extra-curricular activity obligation is imposed as a condition of employment, such as the requirement to take a language class on an international trip in the holidays, the school is obliged to pay the teachers' costs. Costs incurred by teachers as a result of an extra-curricular activity that they have chosen to do (eg. A weekend ski-trip involving students) cannot normally be charged to the employer. ¹

5. Job Descriptions: Legal Responsibilities

5.1 The state does not fund schools for extra-curricular activity and these activities are not defined as part of the paid work.

PPTA policy has always been that teachers should not agree to the inclusion of extra-curricular activities in their job descriptions because they then cease to be voluntary. This is in contrast to co-curricular activities (ie the Head of Science may organise the Science Fair, the teacher in charge of Drama may agree to produce a play every year and senior Geography teachers may be expected to organise and participate in field trips.)

The exception with respect to extra-curricular activities is if the teacher is paid (ie receives a unit) to undertake the activities.

PPTA advice is for teachers to seek, where possible, to convert extra-curricular activities into co-curricular ones which can then be done largely (though not entirely) within the school programme. Alternatively, teachers should request payment for extra-curricular activities.

5.2 Secondary Teachers' Collective Agreement

¹ There are risks for teachers in arranging informal activities. See 6. Health and Safety

If an activity is done outside school hours and is unpaid then the employer cannot legitimately require teachers to do it. This position is reinforced by the Secondary Teachers' Collective Agreement which notes that (cl.5.1(d)):

"...the hours of work of individual teachers are influenced by factors such as: ...The extent to which individual teachers may participate in the extra-curricular programmes of the school."

The word 'may', in a legal sense, also implies 'may not' so indicates that participation is discretionary.

5.3 The Professional Standards

The dimension in the professional standards which refers to the "contribution to wider school activities" needs to be seen in the same context. "Wider activities" cannot be extended to include unpaid activities in the teachers' own time. The Ministry of Education Guide to the application of the professional standards (Teacher Performance Management, October, 1999) confirms this when it refers to co-curricular not extra-curricular activities in its indicators for contribution to wider school activities.

6. Health and Safety

Teachers responsible for students in situations outside the classroom need to familiarise themselves with health and safety requirements which may be read on the Ministry of Education website. (www.tki.org.nz/e/community/eotc) It notes that the legal framework requires boards to have a health and safety policy with a particular reference to EOTC. It states:

- Boards are required to ensure staff are competent, have appropriate safety training, and that adequate facilities and resources are available to meet the stated procedures.
- Staff must comply with policies set by the board. The clearest way to do this is for the board to approve procedures that comply with the policy.
- It is important that staff are aware of and understand the policies and adhere to the procedures.
- If a teacher deviates from school policy or procedures, they could be held responsible should anything go wrong.

If teachers feel pressured to participate in activities that they feel may not meet the health and safety requirements, especially in relation to teacher/student ratios and the use of adult supervisors who lack appropriate safety training, they should record their concerns in writing and give them to the principal. It would also be wise to contact the local field office.

Note: Teachers' responsibility for student safety and well-being does not end because the activity has been privately arranged. PPTA's advice to teachers is **not** to engage in activities with students that are not sanctioned by the school.

7. Good Practice Summary

The long-term solution for extra-curricular demand is additional staffing and resourcing. However, in the interim, branches can encourage schools to establish supportive practice around extra-curricular activities. Approaches used by schools include the following:

- (1) Providing units for those engaged in extra-curricular activities. (In some cases outside bodies like the Rugby Union will fund the cost of a unit).
- (2) Increasing the hours of paid sports and arts co-ordinators so they can take over the administrative tasks.
- (3) Ensuring units for extra-curricular activities are dispersed fairly across sports and cultural activities.
- (4) Providing time for teachers who take extra-curricular activities in their own time. For example a non-contact period prior to or after lunch for a teacher who takes choir, orchestra or sports practices at lunchtime. P.E. teachers also need recognition of the extra load they carry outside school hours.
- (5) Providing relief cover for school trips so other teachers are not prevailed upon.
- (6) Encouraging teachers to convert extra-curricular activities into co-curricular where possible.
- (7) Timetabling an "activity period" when teachers can organise practices and allowing students not engaged in activities to go home.
- (8) Using community volunteers for coaching.
- (9) Form a school/parent club for major activities so the workload is shared.
- (10) Ensuring teachers are reimbursed for all costs associated with extra-curricular activities (travel, meals, etc) and that any equipment required is supplied in good condition.
- (11) Releasing teachers who undertake extra-curricular activities from doing duty. Note: one Wellington School employs adults to do duty so teachers are not required to do it at all.

8. Conclusion

Participation by teachers in extra-curricular activities has become a source of conflict in schools. Stress and workload are continually identified by secondary teachers as a major reason for their decision to leave teaching. For those that remain, constantly rising expectations in respect to extra-curricular activities without adequate recompense in either time or money may result in actions under the Health and Safety in Employment Act (2000).

These guidelines outline teachers' rights in the matter but also suggest positive ways schools can encourage and support extra-curricular activities.