



Student Safety in Schools:  
Recruiting and Managing Staff →

January 2014

## Foreword

The Education Review Office (ERO) is an independent government department that reviews the performance of New Zealand's schools and early childhood services, and reports publicly on what it finds.

The whakataukī of ERO demonstrates the importance we place on the educational achievement of our children and young people:

Ko te Tamaiti te Pūtake o te Kaupapa  
The Child – the Heart of the Matter

In our daily work we have the privilege of going into early childhood services and schools, giving us a current picture of what is happening throughout the country. We collate and analyse this information so that it can be used to benefit the education sector and, therefore, the children in our education system. ERO's reports contribute sound information for work undertaken to support the Government's policies.

In 2013 ERO evaluated schools' approaches to ensuring student safety when recruiting and managing staff. This report presents the findings of that evaluation. It was initiated by ERO following recent cases where board employment practices had created risk for children.

This ERO report shows that some schools need to increase their commitment to students' safety when employing and managing staff, and education agencies need to actively support schools in this focus. The report includes recommendations for schools and education agencies, as well as surveys and self-review tools that schools may find useful.

Successful delivery in education relies on many people and organisations across the community working together for the benefit of children and young people. We trust the information in ERO's evaluations will help them in their work.

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Chief Review Officer (Acting)

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## Overview

This report presents the findings of an evaluation of schools' approaches to ensuring student safety when recruiting and managing staff. The evaluation was undertaken in response to a request by the State Services Commission and the Ministry of Education (Ministry) after recent inquiries into the employment of sex offenders in New Zealand schools.

ERO gathered data for this evaluation in Term 1, 2013. Information was gathered from online surveys completed by principals and boards of trustees' chairpersons, investigations during scheduled education reviews of 173 schools with Years 1 to 8 students, and focused reviews on recruiting and managing staff in 27 schools with Years 9 to 13 students.

### **Key findings**

This report affirms the findings from recent reports and investigations into the employment of sex offenders in schools. *The Ministerial Inquiry into the Employment of a Convicted Sex Offender in the Education Sector*<sup>1</sup> (*Ministerial Inquiry*) and the *Report to the Commissioner of Pamapurua School on Review of the Employment and Offences of James Parker*<sup>2</sup> (*Parker Report*) identified how important it is for schools to design, manage and administer employment practices to provide the utmost protection for students in their school and wider community.

ERO's evaluation found that two-thirds of schools had robust practices to ensure student safety when appointing and managing staff. In the schools with very robust practices they:

- proactively developed a coherent and connected focus on student safety across all procedures, with policies containing enough detail to guide actions
- were vigilant so practices followed policies and procedures and were reviewed in a timely and reflective manner
- robustly checked potential employees' backgrounds, experience, qualifications and identities
- consistently accessed and used the resources that were available to guide decisions about employing and managing staff.

Schools that ERO has judged to be high performing in other aspects<sup>3</sup> were more likely to have made student safety paramount and have robust procedures and practices to support this.

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<sup>1</sup> Smith, M., and Aitken, J. (2012), *Ministerial Inquiry into the Employment of a Convicted Sex Offender in the Education Sector*.

<sup>2</sup> Arthur, R. (2012), *Report to the Commissioner of Pamapurua School on Review of the Employment and Offences of James Parker*.

<sup>3</sup> There are three options for the timing of the next ERO Education Review: over the course of one-to-two years, in three years, or in four-to-five years. With reference to ERO's *Framework for School Reviews - The Six Dimensions of a Successful School* and *Evaluation Indicators for School Reviews*,

One-third of the schools reviewed had practices that meant they were unlikely to recognise situations when students are at risk from some staff and respond appropriately. In these schools little attention had been paid to the recent lessons learnt in other communities in New Zealand. Boards and leaders need to acknowledge that unless they develop, manage and administer more robust employment systems, students in their school or community could be harmed in the future.

### ***Ensuring student safety***

Trustees, leaders and teachers in all the schools reviewed agreed that student safety is paramount. Most schools had broad policies and procedures about student safety, provided age-appropriate health education programmes, consulted with parents about the health curriculum and attested teachers' suitability for registration. Boards were generally knowledgeable and experienced about employment matters and sought advice when necessary.

These aspects are essential but not sufficient on their own for ensuring student safety. Some schools still need to increase their commitment to students' safety when employing and managing staff.

While undertaking this review ERO became aware of concerns about misconduct where teachers were dismissed and the New Zealand Teachers Council (Teachers Council) was not informed. Schools, and those advising them, need to put the safety of students by ensuring they meticulously comply with legislation.

ERO's findings highlight the need for urgent action across the school sector and within education agencies to improve practices found in one-third of schools. Education agencies need to provide a coherent professional foundation (including regulation and advice) that actively supports schools to focus on student safety as part of their employment practices.

This report should be considered alongside the *Ministerial Inquiry's* 35 recommendations<sup>4</sup> to understand the depth and breadth of change required by education agencies and many schools to ensure students are safe at school. The Vulnerable Children's Bill suggestion of changes to vetting and screening<sup>5</sup> is in response to the same reports that were the impetus for this review.

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ERO will next review the school in four-to-five years where it finds that the school's curriculum is consistently effective in promoting student learning – engagement, progress and achievement. High quality performance will be evident and ERO will have no material concerns about the education and safety of students. See [www.ero.govt.nz/Review-Process/Criteria-for-Timing-Decisions](http://www.ero.govt.nz/Review-Process/Criteria-for-Timing-Decisions)

<sup>4</sup> Smith, M., and Aitken, J. (2012), *Ministerial Inquiry into the Employment of a Convicted Sex Offender in the Education Sector*.

<sup>5</sup> See [www.childrensactionplan.govt.nz/](http://www.childrensactionplan.govt.nz/)

## **Next steps**

ERO's recommendations are divided into four parts. The first part outlines recommendations for the Ministry and other education agencies. The other three parts are recommendations specifically for the New Zealand School Trustees Association (NZSTA), the Teachers Council, and all schools.

### ***Next steps for the Ministry and other education agencies***

#### ***Legislation***

ERO recommends that a review is undertaken to consider some form of early intervention related to particular serious employment misconduct that carries high risks for students and the school, so that schools can delegate the responsibility for the particular issue.

#### ***Published resources***

ERO recommends that education agencies ensure student safety is paramount in all resources about school employment.

Each agency should regularly make clear to boards, particularly new trustees, that:

- they are responsible for ensuring the safety of all students as part of their employment responsibilities
- staff employment is one of the board's key responsibilities
- their principal must inform boards of key safety and employment information so that trustees can effectively carry out their responsibilities
- resources with specific information about trustees' responsibilities are available to guide their actions.

Clear and consistent resources and guidelines about board employment responsibilities should be available in one easily accessible place. This should include all protocols and memorandums of understandings between government agencies to ensure student safety is paramount.

#### ***Professional development***

ERO recommends that all principals, including new and aspiring principals, undertake professional development that ensures they are familiar with safety and employment advice and support. This should include:

- how to promote and monitor student safety as part of employment responsibilities, including knowledge of relevant legislation
- the importance of professional responsibility to the wider education sector, and not just the current school when employing and managing staff, and when providing professional references.

The Ministry and NZSTA should extend their board training programmes so that boards understand:

- their responsibility for safety and employment
- the Teachers Council's mandatory reporting requirements.

### ***Specific advice and guidance***

ERO recommends that when dealing with concerns about school staff, the Ministry and NZSTA should recognise the importance of ensuring student safety is paramount in the guidance and support they provide for schools by:

- providing employment advice that includes how to ensure students are safe during and after an actual incident
- ensuring schools understand their responsibility to meet the requirement for mandatory reporting to the Teachers Council, when this needs to occur and the process
- encouraging schools to consider building their capability in safety and employment when ERO's review has signalled a one-to-two year return time.

### ***Next steps for NZSTA***

ERO recommends that NZSTA should:

- consider developing a human resource database application for schools to monitor and update police vetting of non-teaching staff
- frequently remind schools about the requirement for, and application of, police vetting every three years.

ERO recommends that the NZSTA employment application form template be modified to include asking applicants:

- whether they have been the subject of any concerns involving student safety
- for permission to access any information held by the Teachers Council, including being under investigation
- for land-line phone numbers for referees to check that the person does hold the position stated, is employed in the stated organisation, and is appropriate for providing a reference
- for a signed statement about any reason why they are not suitable to work with children/young people.

### ***Next steps for Teachers Council***

ERO recommends that the Teachers Council should:

- expand the registration information available to the public to include notes on any convictions and Disciplinary Tribunal findings, current school and the school where registration was last confirmed
- develop a system where potential employers can access information about concerns relevant to student safety
- clarify what is already thoroughly checked as part of registration and what schools need to find out themselves in carrying out qualification and police checks
- ensure registration is based on robust processes that employers can rely on
- provide greater clarity to schools about the purpose of, and when and how to use, the Registered Teacher Criteria for the renewal of teachers' practising certificates
- consider modifying the national registration system so both boards and teachers are notified when teacher registrations are due for renewal.

## ***Next steps for Boards***

### ***Balancing the needs of students and staff when dealing with concerns about staff (pp 14-22)***

ERO recommends that boards recognise that students may be at risk from some staff and students must be kept safe while boards meet their obligation to be a ‘good employer’.

Boards should:

- recognise the importance of student wellbeing and carefully consider the implications for student safety when developing and reviewing policies and procedures associated with the National Administration Guideline 3 (employment and personnel matters)
- regularly review school policies, procedures and practices with the school community to ensure student wellbeing is effectively managed
- undertake school reviews after an incident at the school or at another school
- develop a definition with the school community about what ‘serious misconduct’ means
- keep a register of complaints and concerns about both in- and out-of-school behaviour in one place that can be considered by the board in committee.

Boards should ensure that the school has clear guidelines for students, teachers, parents, family and whānau so that they can see and understand both the preventative actions that ensure students are not put in risky situations, and the processes to ensure the student complainant’s welfare is the priority. The guidelines need to be clear about:

- safe out-of-school contact between students and staff
- the support that will be provided to students, parents, family and whānau after disclosure and while a complaint is being investigated
- actions, and a timeline for such actions, so the person who laid the complaint knows what will happen next and when
- how to support students when they return to school after making an allegation against a staff member (whether true, untrue or retracted).

### ***Recruitment and appointment processes that emphasise keeping students safe (pp 23-34)***

ERO recommends that key information about the background and suitability of applicants is collected as part of schools’ processes for appointing all staff (principals, teachers, and non-teaching staff).

Boards should ensure that their school’s appointment process includes:

- using the guidelines and application template from NZSTA
- asking applicants about convictions, any possible pending charges and any complaints concerning student safety
- asking applicants for consent to seek information from a wide range of people beyond the named referees



- ensuring that the referees are appropriate to provide the information the school is seeking
- a clear process when checking applicant's background and performance by contacting more people, asking searching questions such as about any concerns related to student safety and reasons for leaving, and documenting responses
- formally checking people are who they say they are, such as through photo identity
- verifying qualifications.

***Beyond the appointment: robustness of attestation, registration and police vetting (pp 35-40)***

ERO recommends that schools develop rigorous and effective performance management practices around the use of the Registered Teacher Criteria to ensure the safety of their students.

ERO recommends schools review the risks associated with their range of volunteers who support school activities, and make active decisions about which roles need to be police vetted.

***Boards' knowledge and preparation for their role as employer (pp 41-47)***

ERO recommends that principals and trustees have a shared understanding of what key information the principal will report to the board so the board can meet its responsibilities regarding employment and student safety.

This information should include:

- concerns raised about staff and the actions taken
- how the school will care for students during any investigation
- how parents will be involved during the complaint or incident investigation
- what is reported to the Teachers Council
- reviews of procedures, actions and outcomes.

For boards to be assured that suitable people work with students they should be provided with annual information related to registration, attestation and police vetting about:

- which teachers are due for registration (provisionally registered and registered teachers)
- teachers who have not met requirements for registration or attestation, the support being provided for these teachers, and outcome of the support
- the number of non-teaching staff and the number of school volunteers due for police vetting.

Information about appointments reported to the board should include:

- verification checks for the successful applicant
- the number of applications received, referee checks made, and costs for the process

- review of the process and any recommendations for improving the appointment process.

***Resources to support trustees and principals (pp 48-49)***

ERO recommends that schools meticulously and consistently follow the guidelines provided by the education agencies for recruiting and managing staff (listed in Appendix 1).

ERO recommends that boards collate employment related resources so that all trustees can easily access all relevant information.

## Introduction

This national evaluation report focuses on the important connections between school policies, procedures and actions that ensure a relentless focus on student safety when recruiting and managing staff.

It includes information on how schools use resources, expertise and regulations to support this focus and outlines areas where improvements are necessary.

### ***Who is responsible for employment in schools?***

The school's board of trustees has overall responsibility for ensuring a school provides a safe environment and high quality education for all students. Boards include community representatives as well as the principal and a staff representative. In secondary and area schools there is a student representative and in integrated schools there are representatives of the proprietors. The principal is a full board member as well as the chief executive of the board.

Recruitment, performance management, and managing complaints about staff all contribute to student safety and the quality of education provided. As teachers are the most significant in-school influence on students' learning, boards have high interest in the quality of the teachers employed. The extent of each board's involvement in staff recruitment, performance and management is determined by board policy. The board, as employer, has overall responsibility for all employment decisions.

Boards are advised by the NZSTA and the Ministry to have clear policies and procedures that define expectations, including reporting to the board about actions, decisions, and reviews of effectiveness. Such processes assure board members that policy and procedures are followed and improvements are made when necessary. The Ministry has contracted NZSTA to provide most of the support to boards in their role as employer. Boards are supported by the Teachers Council processes of teacher registration (police vetting at the provisional registration stage, and at the three-yearly renewal of registration) and can request further support from NZSTA's industrial advisers.

Regulatory and legislative requirements, and a range of resources, support schools to ensure students are safe at school and that student safety is the priority when dealing with a complaint about a staff member.

### ***What was the impetus for this ERO review?***

This review was prompted by two recent reports on the employment of sex offenders in schools: *the Ministerial Inquiry into the Employment of a Convicted Sex Offender in the Education Sector*<sup>6</sup> (*Ministerial Inquiry*) and the *Report to the Commissioner of*

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<sup>6</sup> Smith, M., and Aitken, J. (2012), *Ministerial Inquiry into the Employment of a Convicted Sex Offender in the Education Sector*.

*Pamapurua School on Review of the Employment and Offences of James Parker*<sup>7</sup> (Parker Report).

The *Ministerial Inquiry* stated that:

*It is essential to ensure that the law, and all practices and procedures, including recruitment and hiring, are designed, managed and administered to provide the utmost protection for children within the education system as well as the wider community environment. It is perhaps even more important that people involved throughout the education system, no matter in what capacity, see beyond the system itself, and its processes, and recognise that the safety and welfare of the children in the education system transcend all else. (p. 5)*

The *Ministerial Inquiry* acknowledged that *although Miki*<sup>8</sup> *is certainly an extreme case, many of the opportunities he exploited remain open to others* (p. 90). The key findings from the *Parker Report* confirm this.

*The report makes it clear that James Parker is completely responsible for his actions. He was clever at manipulating people and created a lot of victims in the process.... The Pamapurua experience highlights how important it is for schools to be constantly aware of the connections between what is required in documentation and what is actually happening in reality. The extent of the disconnect was a key factor in the systemic failure that occurred at Pamapurua. (Commissioner Pamapurua School)*<sup>9</sup>

The State Services Commission and the Ministry asked ERO to complete a national review of schools' approaches to recruiting and managing staff, including the quality of appraisal.

This ERO report is one of a series of reports which presents findings of ERO's national evaluation.

This report, *Student safety in schools: Recruiting and managing staff*, discusses boards of trustees' effectiveness as employers; in particular how schools keep students safe when investigating concerns about staff, appointing teachers and principals, attesting teacher registration, and applying for police vetting of non-teaching staff.

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<sup>7</sup> Arthur, R. (2012), *Report to the Commissioner of Pamapurua School on Review of the Employment and Offences of James Parker*.

<sup>8</sup> Miki was the convicted sex offender employed in the education system that led to the *Ministerial Inquiry*.

<sup>9</sup> Retrieved from 13 November 2012 [www.scoop.co.nz/stories/ED1211/S00088/release-of-independent-review-into-james-parker-offending.htm](http://www.scoop.co.nz/stories/ED1211/S00088/release-of-independent-review-into-james-parker-offending.htm)

## **Methodology**

### ***Key evaluative questions***

The overarching question ERO sought to answer was ‘How well do schools ensure student safety when recruiting and managing staff?’ This was explored through five questions with their own set of ratings and indicators.

- How effectively does the school balance the needs of students and staff when dealing with concerns about staff?
- How appropriate are the school’s recruitment and appointment processes?
- How robust are the checks carried out by the school? (for example, a wide range of checks on suitability for working with students)
- How robust are the attestation and registration processes?
- How well prepared and knowledgeable are boards and principals for their role as employer?

### ***Sources of information***

Information for this report was drawn from four sources:

- an online survey of a sample of board chairpersons who had appointed a principal in 2011-2012 (148 chairpersons, 68 percent response rate)
- an online survey of a random sample of principals about appointing staff and student safety (199 principals, 67 percent response rate)
- an investigation into performance management practices in 27 selected secondary schools in Term 1, 2013
- an investigation into performance management practices in 173 primary schools in Term 1, 2013.

### ***Online surveys***

The online surveys gathered detailed information from schools about their documented policies and procedures, sources of information and advice, recent appointments, involvement of other people, reference checking, and confidence in making appointments.

Boards were also asked about their background and experience. Principals answered questions about policies and procedures for managing staff issues while ensuring student safety, and actions taken to support student wellbeing.

The demographic characteristics of responding schools were generally similar to those of all schools nationally. The few differences that were statistically significant are described in Appendix 2.

Appendix 3 and Appendix 4 present the survey questions and responses of board chairpersons and principals.

## ***Investigations in schools***

The investigations in primary and secondary schools enabled reviewers to interview trustees and staff and review documentation so that they could make judgements in relation to the key evaluative questions. Appendix 5 shows the indicators for each evaluative question.

Safety and appointments in 173 primary schools were evaluated as part of their regular education reviews. The investigations did not include any schools with an early return of one-to-two years signalled in their previous ERO review report<sup>10</sup> or any schools where the previous ERO review stated that their next review would be within four-to-five years because these schools were not due for a review in 2013.

As only a few secondary schools were scheduled for review in Term 1, a sample of 27 secondary schools was selected for an onsite investigation by an ERO team who visited solely to review employment responsibilities. Analysis of the most recent ERO review report of these 27 schools showed that their overall performance tended to be more effective than secondary schools overall. The previous review reports of these secondary schools visited had signalled a return after four-to-five years for one-third compared with 15 percent nationally. It is therefore probable that the secondary schools visited are more effective than all secondary schools nationally, and the secondary school figures presented in this report give a more positive picture than would be true for all schools.

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<sup>10</sup>Nationally, approximately 15 percent of schools will be reviewed within two years and 15 percent will be reviewed again in four-to-five years.

# Findings

## Overall findings

ERO evaluated four key elements of how schools ensure student safety, particularly in relation to appointments and ongoing monitoring of teacher competence through attestation and registration. These elements were:

- how effectively schools balanced the needs of students and staff when dealing with concerns about staff
- how appropriate appointment processes were
- how robust identity and qualification checks were
- how robust processes for both attestation and registration were.

### Key finding:

Two-thirds of schools had robust practices for ensuring student safety when recruiting and managing staff.

ERO found that one-third of schools had **very robust** practices for all four elements. A further one-third had **very robust** practices for three of the four elements.

Without robust practices, the remaining one-third of schools could be vulnerable and either not recognise if they are employing a staff member who may not be safe with students, or not have enough guidance to deal with a concern about staff while keeping students safe. There was little difference between primary and secondary schools as shown in Figure 1.

Figure 1: The percentage of schools that had robust practices for key aspects necessary for ensuring student safety when recruiting and managing staff

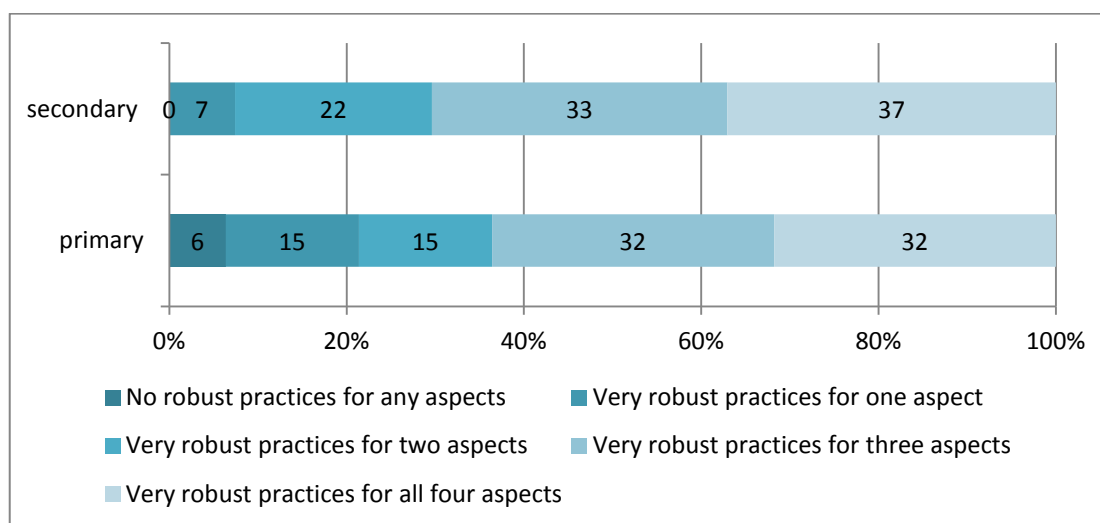
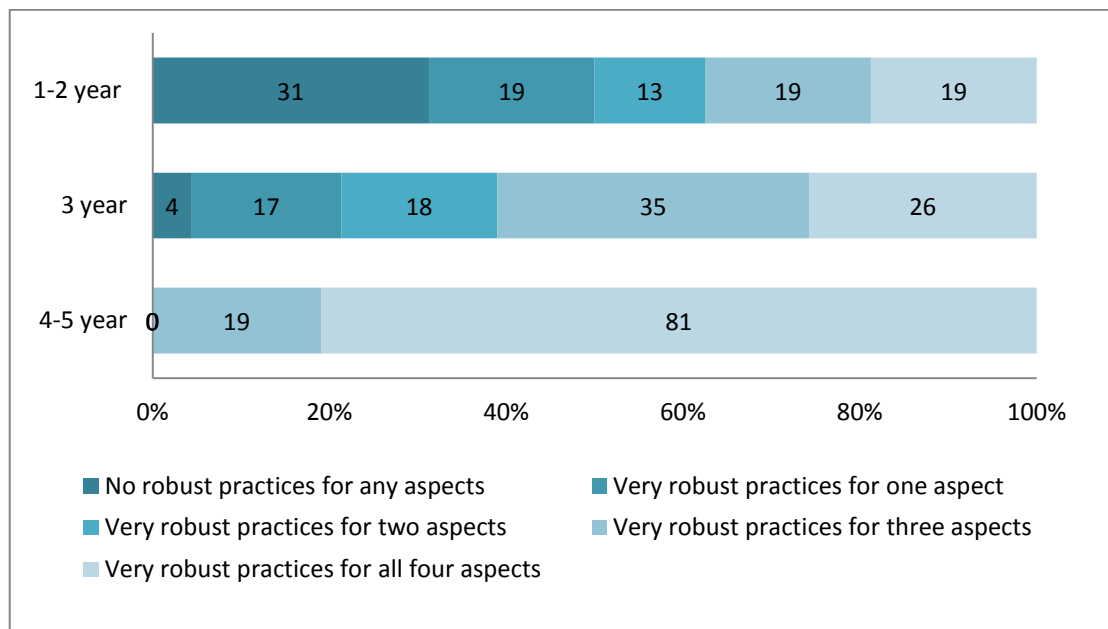


Figure 2 shows a strong relationship between the timing for the next ERO review and ERO's judgements about the robustness of practices in the four aspects in the primary schools reviewed. All schools with a Term 1 2013 review report that stated their next review would be in four-to-five years had robust practices for either three or four aspects.

Schools whose next review was to be in one-to-two years demonstrated variable quality across the four aspects. Thirty-eight percent had robust practices for three or four aspects and 31 percent did not have robust practices for any aspects.

Figure 2: ERO return time by overall quality of appointments and safety for primary schools



Comparable information was not available for the secondary schools as the investigation was not part of a regular review. However, analysis of the return time stated in their previous review reports show that schools with a four-to-five year return were twice as likely to have robust practices for all four aspects as schools with a three-year return.

## Organisation of the findings

The findings presented in this report, *Student Safety in Schools: Recruiting and Managing Staff*, are organised into five sections.

1. Balancing the needs of students and staff when dealing with concerns about staff
2. Recruitment and appointments that emphasise keeping students safe
3. Beyond the appointment: robustness of attestation, registration and police vetting
4. Boards' knowledge and preparation for their role as employer
5. Resources to support trustees and principals.

Each section sets the context for the findings, including the relevant background information, and highlights why the findings are important. A discussion about school policies, procedures and practices provides the basis for examples of good school practice and identification of improvements needed across the system and within schools.



# 1. Balancing the needs of students when dealing with concerns about staff

## **Background**

The *Parker Report* found that the school's policies, procedures and practices resulted in teacher protection being prioritised over student safety. The *Ministerial Inquiry* recommended that principals and boards of trustees critically consider the issue of risk management associated with students' safety, protection and educational wellbeing.

The State Sector Act makes it clear that a school needs to be proactive in its actions around student safety. Section 77A(3) of the State Sector Amendment Act states:

*Each employer shall ensure that all employees maintain proper standards of integrity, conduct, and concern for the public interest and the wellbeing of students attending the institution.*<sup>11</sup>

ERO's guidelines for board assurance statements<sup>12</sup> note that:

*Compliance with legislative requirements on its own is not enough. Schools need to take a proactive approach to safety and develop high safety standards and expectations in consultation with parents and the school community. They need to consider the safety implications of all their decisions and continually review the steps they are taking to ensure safety. Principals and teachers play an important role in promoting a safe culture. (p. 13)*

## **What ERO evaluated**

ERO evaluated whether a school had a good understanding about balancing students' needs when dealing with concerns about staff by investigating:

- how well the policies and procedures reflected the importance of student safety
- the way the trustees, principal, teachers and students talked about student safety
- the actual stories of experiencing a situation that included a complaint about a staff member and where student safety was at risk.

Schools do not really know whether their policies and procedures stand up, whether people's actions follow the guidelines, or whether people's beliefs and prejudices get in the way, until they have had to work through a complaint about a teacher's serious misconduct. Generally schools had not experienced an incident that really tested them so ERO evaluated how prepared these schools were to recognise and respond to any employment situation that may put students at risk.

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<sup>11</sup> Available at [www.legislation.govt.nz/act/public/1988/0020/latest/DLM129110.html](http://www.legislation.govt.nz/act/public/1988/0020/latest/DLM129110.html)

<sup>12</sup> ERO (2013) *Guidelines for Board Assurance Statements and Self Audit Checklists* available at [www.ero.govt.nz/](http://www.ero.govt.nz/)

## **Findings**

### **Key findings:**

- Although the majority of schools expressed a commitment to student safety, more than one-quarter of schools need to recognise that students may be at risk from some staff.
- At least half of the schools still need to strengthen their policies, procedures and practices to reflect this commitment. These schools need to provide more guidance in documents and be vigilant and proactive in their actions.

### **School policies and procedures**

All schools surveyed had policies and procedures about student safety. Most schools' policies and procedures had general guidelines about both the preventative actions needed to ensure students are not put in risky situations, and the investigative process needed to ensure student welfare is the priority. However, many guidelines lacked detail.

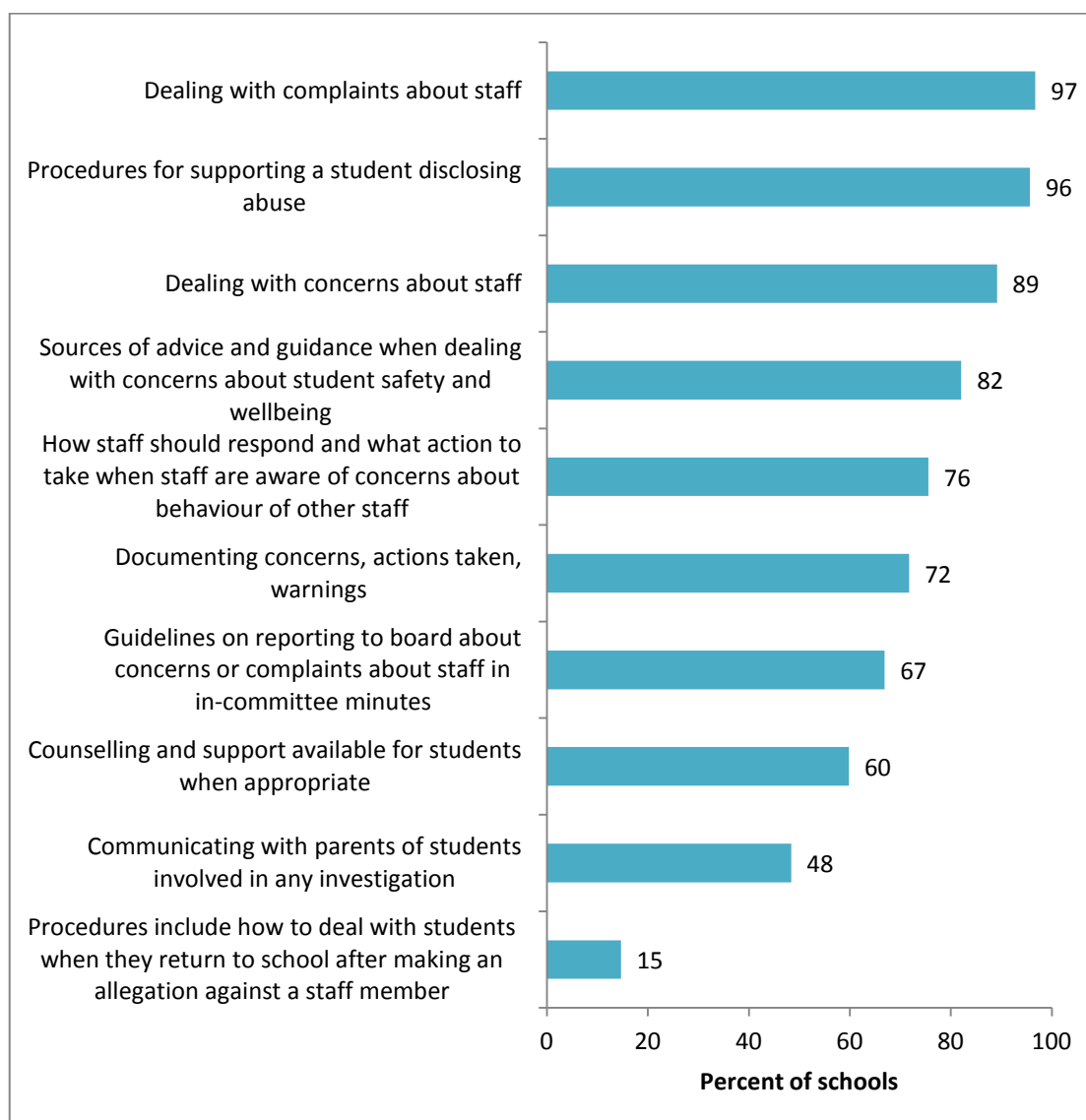
#### *Do schools have enough detail in their policies and procedures to guide practice?*

Two examples of this lack of detail were found in schools' statements about education outside of the classroom (EOTC) and teacher/student out-of-school behaviour.

- Sixty-nine percent of schools had a statement about student/staff contact during EOTC events, but only 58 percent had details about the type of contact.
- Sixty-one percent of schools had statements about staff recognising that they have status and authority in the community because they are a teacher, but only 35 percent of schools had guidelines about how teachers should behave, and only 13 percent had statements about students staying over in teachers' homes.

This lack of specificity is also reflected in the procedures associated with meeting students' needs once a complaint has been made or a concern raised (see Figure 3). For example, 96 percent of schools had general procedures about supporting a student disclosing abuse, but only 48 percent described the requirements for communicating with parents, family and whānau. Only 15 percent described procedures for supporting the student when they return to school. Secondary schools were more likely to have counselling available for the student.

Figure 3: The percentage of schools with guidelines in policies and procedures to ensure student welfare is the priority



The *Ministerial Inquiry* was concerned that many schools may be misinterpreting the Privacy Act. The survey information could not show whether there was widespread misinterpretation. However, 78 percent of schools had statements about the Privacy Act and its implications for action. In contrast, only 55 percent of schools surveyed had written guidance about balancing the obligations of being a good employer with ensuring students are safe.

Many schools' procedures described the expected actions following a complaint about serious misconduct but not what made the conduct serious in the first place. The advice from the Ministry is that serious misconduct, if proven, 'would have the effect of wholly destroying the trust and confidence that the board has in that employee'.<sup>13</sup> It

<sup>13</sup> Ministry of Education (2012) *Effective governance - Recruiting and managing school staff*. Page 12. [www.minedu.govt.nz/Boards/EffectiveGovernance/PublicationsAndResources/RecruitingAndManagingSchoolStaff.aspx](http://www.minedu.govt.nz/Boards/EffectiveGovernance/PublicationsAndResources/RecruitingAndManagingSchoolStaff.aspx)

is up to each board to identify what actions would lead to this outcome and articulate this in the school's code of conduct, policies and employment agreements.

### ***School practices***

In the Term 1, 2013 school reviews ERO found that nearly 75 percent of both primary and secondary schools had a good understanding of how to ensure student safety was paramount when dealing with a complaint about a staff member. These schools had a coherent and proactive focus on child advocacy. However, even some of these schools still had a few key aspects of policy, procedures and/or practices that needed improving.

Two of the most common actions undertaken by schools over the last year associated with student safety policies and procedures were:

- the provision of age-appropriate programmes in health education that provide the necessary concepts, knowledge and language of who to talk to, most often Keeping Ourselves Safe<sup>14</sup>
- consultation with parents about the health curriculum.

Primary schools were more likely to have involved students in personal safety programmes, while secondary schools were more likely to have surveyed students about whether they feel safe at school. Many schools reviewed had what they described as an open culture, where teachers were available and students knew who to talk with.

These three factors: age-appropriate health programmes; parent consultation about the health curriculum; and an open culture are essential but not sufficient for ensuring student safety.

### ***What are ERO's concerns over schools' lack of response to publicity?***

Eighty-two percent of boards had reviewed their policies associated with National Administration Guideline 5 (NAG 5)<sup>15</sup> about student wellbeing. Sixty-four percent of schools had reviewed the effectiveness of their policy, procedures and practices in promoting student safety and wellbeing over the last year. It is concerning, that in spite of so much publicity about inappropriate teacher behaviour with students, some schools had not taken the opportunity to review their policies and practices. Results from the survey showed that:

- more than 40 percent of schools had not discussed health and safety policies and practices with teachers or how to teach in a safe manner

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<sup>14</sup> Keeping Ourselves Safe (KOS) is a positive personal safety (child protection) programme that aims to provide children and young people with the skills to cope with situations that might involve abuse. See [www.police.govt.nz/advice/personal-community/school-community-services/keeping-ourselves-safe](http://www.police.govt.nz/advice/personal-community/school-community-services/keeping-ourselves-safe)

<sup>15</sup> Available at - [www.minedu.govt.nz/theMinistry/EducationInNewZealand/EducationLegislation/TheNationalAdministrationGuidelinesNAGs.aspx](http://www.minedu.govt.nz/theMinistry/EducationInNewZealand/EducationLegislation/TheNationalAdministrationGuidelinesNAGs.aspx)

- 65 percent of boards had not provided training for teachers in how to recognise signs of child abuse and respond appropriately
- very few had talked about the potential risk of people grooming students.

### *How did schools investigate serious misconduct?*

Schools had a range of procedures for investigating general complaints. These ranged from full involvement of boards to little involvement until presented with the outcomes' report after completing the investigation (although the board chair may have been involved earlier). Because many large schools delegate responsibility for dealing with concerns about staff to various senior managers it is possible that patterns of behaviour and concerns were missed by the principal and board. Schools with a strong focus on student advocacy kept good records of any concern and had a clear plan if a serious issue did arise. The examples below describe what this looks like.

*The principal keeps a running record of concerns or complaints by students and parents. Documents show concerns are taken seriously by senior leaders and dealt with in a timely manner. (Primary school)*

*The board chair said that should any issue arise about serious child safety (with regard to inappropriate adult behaviour) there would be a meeting of trustees and relevant staff within 24 hours and the board and principal would seek external advice from appropriate people immediately. (Primary school)*

The issue of timeliness in investigating a complaint was identified at several schools during this evaluation. For example, two students complained about a teacher to a guidance counsellor on a Monday in one school during a visit by ERO. By the end of the week no action had been taken despite the fact that the guidance counsellor spoke to the principal immediately. Much later when action was taken the principal recognised the need to improve their systems so they would respond more promptly in the future. As a result the school reviewed its policy and procedures to provide more guidance about timeliness and appropriate responses.

### *Did schools understand the requirements for mandatory reporting?*

When investigating cases of serious misconduct, schools actively sought advice from a range of people including NZSTA, their insurance companies, lawyers, teacher unions and regional Ministry staff. Although most principals and trustees said they were aware of the employer's requirements for mandatory reporting to the Teachers Council this did not always happen.

When ERO pointed out to principals and boards that a particular case should have been reported there was genuine concern that they had not realised this. There appears to be confusion among schools, and those that advise them, about when to inform the Teachers Council.<sup>16</sup>

### **Good practices**

Schools with a good understanding of how to ensure that student safety is paramount:

- undertook a range of preventative actions
- ensured students, family and whānau understand school policies and procedures
- had strong self review of policy and practices.

### *What preventative actions did schools take?*

The main preventative actions by schools were having a system that included an explicit emphasis on values and ways of working, pastoral care, including support for students at risk, and providing education about health and wellbeing.

*Table 1: Examples of preventative actions*

<p>Explicit values systems, including restorative justice, as a process for discussing concerns and win-win resolutions</p>	<p><i>Positive guidance is positioned in restorative practice, self responsibility and responsibility to others. This is an expectation for both adults and students. (Primary school)</i></p> <p><i>The school's values programme provides clear expectations for teachers and students on how to effectively relate to each other and respond appropriately. These are shared with parents and the wider community. (Primary school)</i></p>
<p>Guidance to teachers in staff handbooks including codes of conduct (to be formally signed), and descriptions of practices and behaviours to be avoided</p>	<p><i>The Staff Handbook and school Code of Conduct contain very specific and clear statements about staff-student relationships including the consequences for staff of improper conduct. (Secondary school)</i></p> <p><i>The principal has met with all male staff members and</i></p>

<sup>16</sup> All employers must report to the New Zealand Teachers Council when:

- a teacher is dismissed for any reason (s139AK(1), Education Act 1989); a teacher resigns from a teaching position if, within the 12 months preceding the resignation, the employer had advised the teacher that it was dissatisfied with, or intended to investigate, any aspect of the conduct of the teacher, or the teacher's competence (s139AK(2), Education Act )
- a teacher ceases to be employed by the employer, and within the following 12 months, the employer receives a complaint about the teacher's conduct or competence while he or she was an employee (s139AL, Education Act)
- they have reason to believe that the teacher has engaged in serious misconduct (s139AM, Education Act)
- they are satisfied that, despite undertaking competency procedures with the teacher, the teacher has not reached the required level of competence (s139AN, Education Act).

	<i>together they brainstormed a variety of situations and ideas to work with students and in doing so keeping themselves safe. They discussed what was acceptable and then developed strategies to use in situations. (Primary school)</i>
Pastoral care systems with trained student mentors and a team of key adults	<i>Counsellors visit students in each teaching team. They are introduced to students as their advocates and monitor student safety in the school. This is considered to be a wrap around approach that can include home visits. (Primary school)</i>
Training for teachers to develop the knowledge and skills necessary to ensure students are safe, such as PB4L, <sup>17</sup> restorative justice, and whānau leaders	<i>The school has a restorative approach to dealing with concerns. Half of the teachers are trained in restorative approaches which are becoming embedded school-wide. (Secondary school)</i>
Buildings designed for safety e.g. open plan	<i>The architecture of the school is recognised as a positive factor in keeping students (and staff) safe. Open plan spaces mean that there are groups of students with several adults during tutor time and for classes. Offices have been designed as communal spaces. (Secondary school)</i>

### *How did schools ensure students, family and whānau understand school policies and procedures?*

Policies and procedures were shared in a range of ways to ensure students, parents, family and whānau were informed about their rights and responsibilities, and about procedures for complaints. Rather than rely on students, parents, family and whānau reading the information, schools incorporated the policy and procedures into induction processes.

*Table 2: Examples of effective sharing of policies and procedures*

Posters in public places, guidance on the school website, and details in school diaries given to each student	<i>There are anti-intimidation posters on the walls round the school. These provide clear information about positive, expected behaviours and definitions of intimidation. Suggested actions and a list of support people are provided. Students are encouraged to report problems. (Secondary school)</i>
Information for parents provided in newsletters, hui/meetings, and highlighted	<i>Some potential issues are discussed in newsletters to engage parents in supporting positive and expected behaviours of students and teachers. (Primary school)</i>

<sup>17</sup> Positive behaviour for learning available at - [www.minedu.govt.nz/theMinistry/EducationInNewZealand/EducationLegislation/TheNationalAdministrationGuidelinesNAGs.aspx](http://www.minedu.govt.nz/theMinistry/EducationInNewZealand/EducationLegislation/TheNationalAdministrationGuidelinesNAGs.aspx)

on the school website	<i>The complaints policy is regularly reviewed and updated as required and published each year in the school newsletter, as well as being accessible on the school website. (Primary school)</i>
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### *What are some key aspects of rigorous self review?*

The rigorous review of the effectiveness of policies and procedures around the care for students was both regular and responsive in schools with a good understanding of how to ensure student safety is paramount. These responsive reviews were triggered by incidents at the school or at other schools. A key aspect of the review process was that the system improved every time. For example:

*The school promptly advised Police when dealing with a serious incident involving children, and were later praised by Police and the crisis intervention team for the procedures they followed. Staff now will always take a copy of Child Protection Policy and Procedures when they go on an excursion. (Primary school)*

*Table 3: Examples of rigorous review processes*

Student surveys about pastoral care and safety	<i>Student voice is very apparent in the school. The principal meets weekly with student leaders, including a Māori student group to listen to their suggestions for how the school could be a better place. (Primary school)</i>
Feedback from parents about the ease in using the complaints process	<i>The review of policies is rigorous. For example, the school reviews the effectiveness of the support for children during an interview about the complaint. In response to this some family group conferences have been held on the marae. (Primary school)</i>  <i>The principal is concerned that some parents are reluctant to make formal complaints and is working to change perceptions that students would suffer recriminations if a parent were to complain. The principal has initiated a new process to invite feedback, following a concern related to a sporting event. (Secondary school)</i>
Teacher appraisal including pastoral care goals	<i>The appraisal process has clear expectations about teacher interactions with children. (Primary school)</i>  <i>The whānau/house system exemplifies this priority. The house system enables the school to develop closer and more effective relationships with students. A key aspect of the appraisal system is teachers' pastoral care, relationships with students and extracurricular commitment. House leaders are specifically appraised on their pastoral care responsibility. (Secondary school)</i>
Reports to the board about	<i>The 2012 pastoral report to the board includes a</i>



progress towards the school's  
pastoral goals

*description of the developmental programmes at each  
year level, an analysis of the student evaluation of the  
programmes and the changes to be implemented as a  
result. (Secondary school)*

## 2. Recruitment and appointments that emphasise keeping students safe

### **Background**

A key task for any board is appointing the principal. A Ministry resource<sup>18</sup> acknowledges that boards do not undertake this task very often and therefore most seek advice and guidance from various sources. The NZSTA guidance to boards notes that while most boards delegate some responsibility for other appointments to the principal, the actual and extent of the delegation must be *by way of resolution, recorded in writing to the person concerned, and should form part of the board's appointment policy.* (p. 26)<sup>19</sup>

The *Ministerial Inquiry* noted that boards had the right to rely on the State's statutory, role-specific registration agency.

*[boards] should be able to take comfort from the fact that if a person presents with evidence of official Teachers Council registration, that person will have had a clean police vet and met the minimum requirements for good character and fitness to teach. (p. 34)*

Nevertheless, the *Ministerial Inquiry* found there was over-reliance on the assurance provided by New Zealand Teachers Council registration. Many boards did not carry out additional checks of applicants' suitability, performance, identity or qualifications.

*Even where the Council's registration data and associated documentary information are reliable, responsibility for validation, verification and authentication of all material supplied by an applicant still rests with the board. (p. 34)*

### **What ERO evaluated**

ERO evaluated whether a school had a good understanding about recruitment and appointment processes that emphasise student safety. To do this ERO evaluated:

- how well the recruitment and appointments policies and procedures reflected the importance of student safety
- the way the trustees, principal and teachers handled appointments, especially checking applicants' suitability for the role
- the situations where the checking had not been thorough.

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<sup>18</sup> Ministry of Education (2012) *Effective governance. Recruiting and managing school staff: A guide for boards of trustees*, available at - [www.minedu.govt.nz/Boards/EffectiveGovernance/PublicationsAndResources/RecruitingAndManagingSchoolStaff.aspx](http://www.minedu.govt.nz/Boards/EffectiveGovernance/PublicationsAndResources/RecruitingAndManagingSchoolStaff.aspx)

<sup>19</sup> NZSTA (2013) *Trusteeship a guide to school trustees*. 5th Edition.

## **Findings**

### **Key findings:**

- Most schools had documented policies and practices for employing teachers and principals, but the amount of detail in policies varied.
- Most boards sought external professional education expertise when they appointed a principal.
- Approximately one-third of schools did not have appropriate appointment processes
- Checking needs to be more robust, particularly related to matters concerning student safety. This includes verifying identity, checking background and experience, and police vetting.
- Some principals and appointment committees relied on applicant's honesty, their own ability to judge character or trusted professional and local networks.

### **School policies and procedures**

Almost all schools surveyed said they had policies and procedures for appointing staff, but the content and detail varied. Most schools included information about:

- board involvement with appointing leaders or senior staff (97 percent)
- delegation to the principal for any staff appointments (90 percent)
- delegation to an appointment committee for any staff appointments (83 percent).

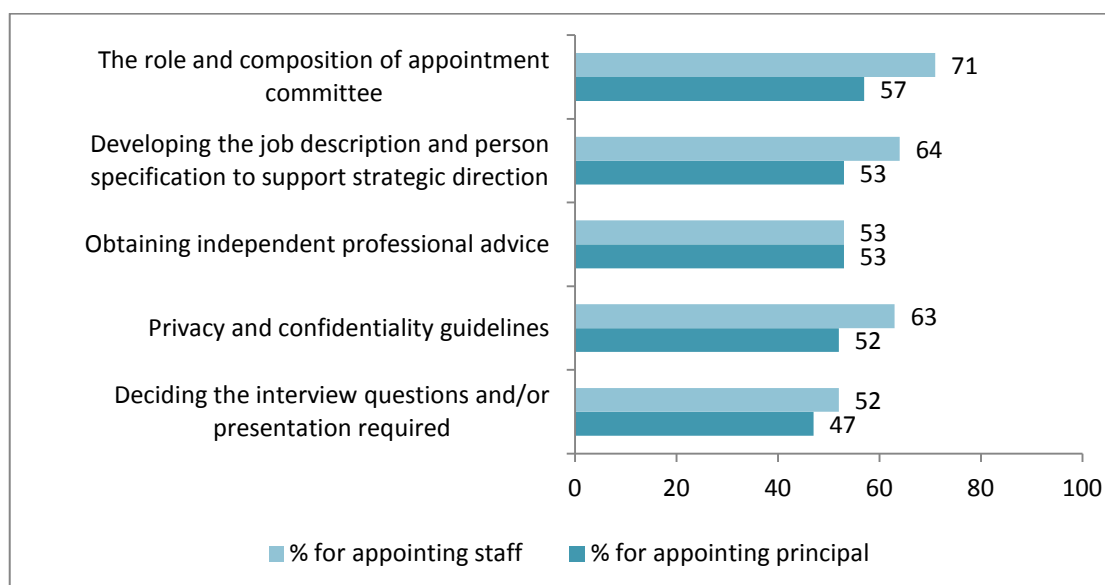
Schools were least likely to describe procedures for some key aspects that may impact on student safety, such as asking whether applicants have been the subject of a complaint concerning student safety, and the importance of thorough background checks.

#### *What guidelines do boards have for setting up the appointment process?*

About half the schools included key information in their procedures related to setting up the appointment process (see Figure 4). Boards make themselves vulnerable if they do not establish clear expectations through their policies and procedures for recruitment.

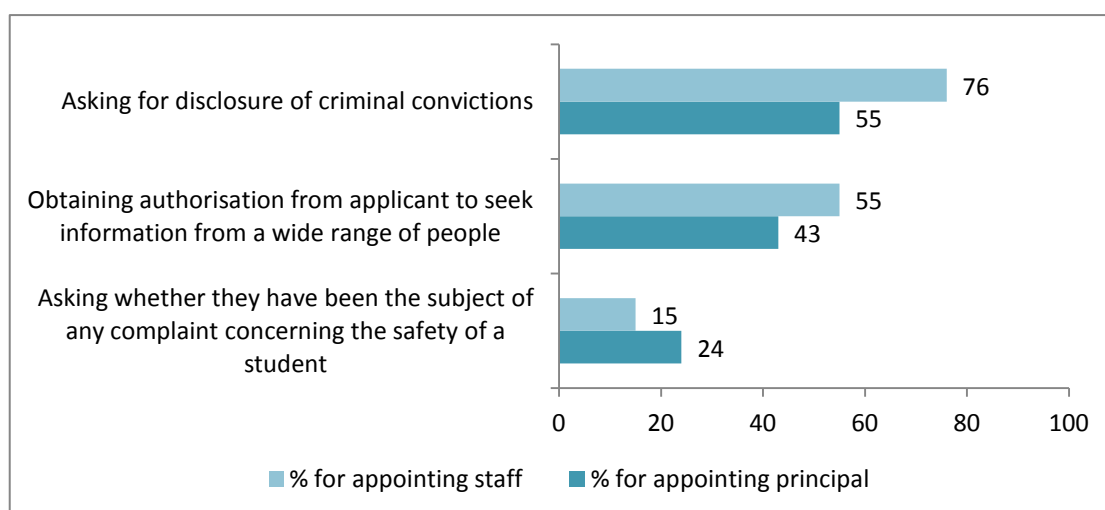
Policies and procedures for appointing principals generally provided less detail than those for appointing staff. This was especially true for checking background and performance of applicants and asking for disclosure of criminal convictions. This lack of guidelines may be because most boards use an external professional in the principal appointment process and expect they will get advice from that person.

*Figure 4: Percentage of schools with policies and procedures that describe particular tasks associated with appointing staff and the principal*



Three-quarters of the application forms for staff positions and over half the application forms for principal positions asked for disclosure of criminal convictions. However, Figure 5 shows that far fewer asked whether applicants had been the subject of a complaint about student safety (15 percent for staff positions and 24 percent for principal positions).

*Figure 5: Percentage of schools with application forms for staff and principal positions asking for particular information*

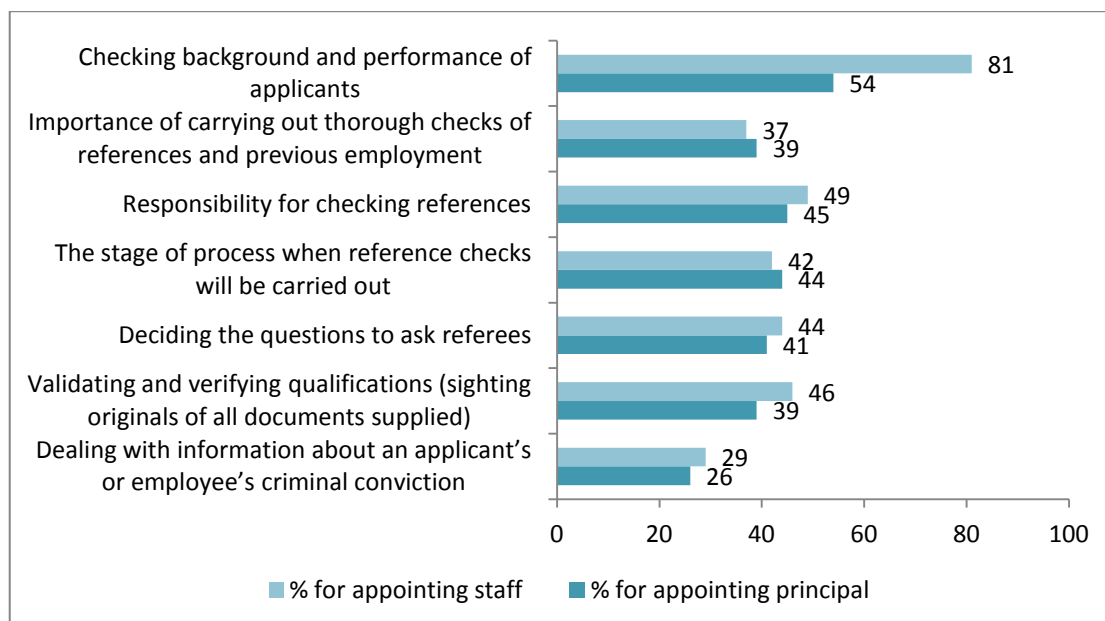


### *What guidelines do boards have for checking applicants' suitability?*

Figure 6 shows that although schools reported in the survey that their procedures usually included statements about checking applicants' background and performance (81 percent for appointing staff and 54 percent for appointing principals), fewer schools had details about how various checks would be carried out (37 to 49 percent for appointing staff and 39 to 45 percent for appointing a principal). Approximately,

one-quarter included how the school would deal with information about a criminal conviction.

*Figure 6: Percentage of schools with procedures for checking background and performance for staff and principal positions*



### **School practices**

When ERO looked at policies while onsite ERO found that about:

- 80 percent of primary schools and 74 percent of secondary schools had appropriate recruitment and appointment processes
- 70 percent of primary schools and 90 percent of secondary schools carried out all or most checks robustly.

Two-thirds of the schools used appropriate processes and also carried out robust checking of suitability. Approximately 30 percent of schools had:

- effective appointment processes, but did not undertake robust checking; or
- carried out robust checks, but did not have effective appointment processes.

Six percent of schools were not effective in either aspect. This means one-third of schools are vulnerable to making appointment decisions that could put their students at risk.

### **Did schools have suitable applicants applying for roles?**

The *Ministerial Inquiry* was concerned that schools made appointment decisions when there was no suitable applicant due to teacher shortages. ERO found only 19 of the 148 schools surveyed reported instances of a lack of suitable applicants. Appendix 6 provides information from the board and principal surveys about applications for staff and principal positions, re-advertising, and costs involved in appointing a principal.

### *What reference and background checking is done for staff appointments?*

Boards need to be satisfied that the verification process is robust. Gathering information and views from a range of people is likely to result in more effective assessment of suitability and selecting the person with the best fit for the school. About half the schools surveyed said their application form asked for consent to approach people, other than those named, to gather information and advice on suitability.

Almost two-thirds of schools surveyed involved people other than the board and principal in the appointment process. Half the primary schools and 70 percent of secondary schools involved senior staff. Some involved staff or syndicate/department leaders for teacher and senior positions, and some involved another principal for deputy principal positions. A few schools involved parents or students. These people were most often involved in the interviews, shortlisting, on the appointment committee, or in deciding who to select.

Ninety percent of schools contacted the nominated referees, 60 percent contacted the current school and 45 percent contacted previous schools. Reference checks were usually carried out by phone, although a few schools used email or letter.

### *Whose references do schools value?*

Schools placed a lot of weight on checking with the current school. Some noted they always checked the current school or did not shortlist applicants who had not nominated their current school. The following comment is an example of this practice.

*Although not written in our policy and procedures the principal contacts referees. The school also has a clause in the application form that permits the school to ascertain information about the applicant from previous employers who may not be listed as referees. The applicant signs this approval on the application form. If it is not signed we cannot take this further. Based on this survey we will insert a clear statement with regard to complaints concerning the safety of students. Up to this point of time we have focussed on the criminal conviction aspect. This survey is timely as we are revising our school appointments policy. (Primary school)*

Principals made the contact with referees in 87 percent of schools surveyed, and/or senior staff did so in 22 percent of schools. Seventy-one percent of schools carried out reference checks to confirm the shortlist and thirty-three percent of schools used reference checks to confirm appointment. Some schools used reference checks at both stages – to finalise the shortlist and then to follow up particular areas or verify information provided; or to contact one referee to decide on the shortlist and then other referees to finalise the selection.

### *How robust are the checks?*

ERO found that while most schools carried out a wide range of checks, some checking was not sufficiently robust to provide assurance for boards as illustrated in the example below.

*One of the recent appointments was a provisionally registered teacher, who had been long-term relieving in the school. His Curriculum Vitae had gaps, and he was unable to provide evidence of what he did in these years. Alongside this was the knowledge that he had graduated in 1999 but was still not fully registered. The board assumed that there was nothing untoward, because the Teachers Council would have done the police checks. However, the principal said she did question him about the 'gaps' and accepted his reasons so did no further checking beyond his previous employer. (Primary school)*

In appointing teachers, schools generally checked current registration on the assumption that this guaranteed that the Teachers Council had checked police records, qualifications and backgrounds. Principals contacted referees, and assumed that this provided a check on identity as well as suitability. The *Ministerial Inquiry* report showed that these assumptions are not necessarily valid. The examples below show less robust checking.

*Consideration for assessing risks is carried out more from 'gut feeling' rather than predetermined processes. Usually only one referee is contacted by phone. There is little exploring of background in depth and qualifications are taken at face value. There is a reliance on the current teacher registration process to ensure the person is fit for teaching and their qualifications are authentic. (Primary school)*

*The board accepted that they had not, to date, had specific discussions of what alarm signals would trigger more extensive checks of a person's identification or qualifications. In addition, the board agreed that, in future, at the time of ratifying appointments, they would now make a specific mention of the fact that the required background checks had been done. (Primary school)*

Some primary schools relied on local knowledge. They sometimes appointed non-teaching staff without advertising or checking (for example, teacher aides, caretakers) because they were parents of current students. These people are in close contact with students and the *Ministerial Inquiry* report showed they can take advantage of this to groom students. One school was still waiting for, and had not followed up on, a police vet for someone who began working at the school four months previously. The following example illustrates that once people are aware of the requirements they take action.

*There are gaps in ensuring that all necessary steps related to employment are undertaken as this is a small community and everyone is related. A significant gap in understanding was evident in that the male board member who was covering until a new teacher could be employed had no police vet or Limited Authority to Teach. The caretaker has no police vet and says he sometimes takes kids into the bush with him in the holidays on his pest control beat. ERO raised these potential risks as matters of urgency with the principal and board who responded promptly. (Primary school)*

About half the schools surveyed asked for an open consent to approach a range of other people to check suitability for the particular role, although some schools believed the Privacy Act meant they could not contact anyone that was not specifically named. As mentioned earlier, 78 percent of schools had statements about the Privacy Act but it was not clear whether their practices were based on correct interpretation of this legislation.

### *How accurate is the information?*

Some principals told anecdotes about principals not providing objective information depending on whether they wanted to get rid of a teacher or keep them. The following are examples of principals giving misleading references to prospective employers.

*Referees are asked searching questions. The board chair spoke about following up on what isn't being said. He also spoke about receiving a very positive written referee's report, which he followed up with a phone call. The referee then gave him an opposite picture and said he had felt obliged to write a positive statement. This has made the board chair very wary of written referee statements. (Primary school)*

*The principal gave an example of a referee check where a principal gave a lukewarm reference for a teacher and that he subsequently found out the principal did not want to lose this staff member. (Secondary school)*

### *What external advice and support did schools use when appointing a principal?*

When appointing a principal, approximately 80 percent of schools surveyed involved someone else in the process - 46 percent involved an external professional, and 30 percent another principal.<sup>20</sup> A few schools involved parents, whānau, retired principals, Ministry staff, kaumātua, Catholic schools' advisors or proprietor's representatives.

These people were usually involved because of their professional experience or knowledge of employment processes. Others had knowledge of the school or special character requirements. Some of them provided advice only; some guided the whole process; while others helped with specific aspects, such as preparing job descriptions, making a shortlist of applicants, interviewing, setting questions, background checks, and giving feedback on applicant's strengths and weaknesses.

The following comments illustrate the recognition by two boards of the benefits of accessing advice and support.

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<sup>20</sup> Research has found that almost all boards use additional expertise when they appoint a principal. For example, Wylie (New Zealand Council for Educational Research, 2009) reported that 48 percent of schools had used private consultants (often former principals), 34 percent another current principal, 13 percent School Support Services advisers, 11 percent the school's current principal, and 21 percent other sources.



*We felt as a board that we knew the kind of person we wanted, and what skills we were looking for, and designed a very robust selection process. But we lacked confidence in the checks and balances and processes that are specific to principal recruitment because of our complete lack of experience in doing so. Recognising this we engaged the external (and highly recommended from another board chair) advisor who was familiar with the process and knew what was required. (Primary school chairperson)*

*Having now been through it, it is a very onerous task but one that is critical. We can see the benefit of having the board, as community members, responsible for the recruitment but at the same time I feel it is important that the board is able to navigate through the process confidently. I would strongly urge any other board contemplating such recruitment, and having never been through it before, to engage an advisor to help them through it. (Secondary school chairperson)*

Some boards were confident in their own abilities and felt they did not need external advice. The response from one board chairperson illustrates this.

*We spent a lot of time up front consulting and getting input from our own board members, the proprietors, staff, and parents. So the job description, selection criteria and then interview questions went through the whole board and we had meaningful discussions before the time. We thus obtained a good alignment of our decision-making process with the values expressed in the documents. We put the effort into the preparation up front, and then it was plain sailing for us afterwards, and everyone was happy with the outcome. We based our recruitment around three sets of documents: the Professional Standards for Primary Principals, our own Strategic Plan, and our existing recruitment policies. We felt that the Professional Standards really were an exemplary document, being so useful in setting out the default expectations that we could expect from any applicant at this level. We just adopted those as they were. They were so good. We just added our own special character requirements, and some things relevant to our strategic plan, and it was all done. (Primary school chairperson)*

### *What reference and background checking is done for principal positions?*

Seventy percent of schools surveyed asked applicants for their consent to gather information on suitability from people other than those named.

Board chairs did the referee checking in half the schools. In other schools, the checks were carried out by a consultant or advisor, a board committee, or the whole board. Schools were more likely to carry out the checks to confirm the shortlist (65 percent) than to confirm the appointment (37 percent). Nine percent contacted referees at both stages. Sometimes this was to follow up on information provided at interviews and sometimes it was to consult more widely.

Eighty-five percent of schools contacted the referees nominated by the applicant, 71 percent contacted the board or principal at the current school, and 53 percent contacted previous schools. This is a similar pattern to referees for staff positions (90 percent, 60 percent and 45 percent respectively). Referee checks were usually made by phone, although one-fifth of boards said they emailed referees. It is concerning that 15 percent of boards did not contact nominated referees.

### ***Good practices for appointing staff other than the principal***

The next section describes the comprehensive practices seen in some schools that promote consistency, transfer, and fairness when selecting the most appropriate staff, along with consideration of student safety. These practices include actions taken before advertising the position, actions throughout the selection process, and checking the suitability of the selected applicant.

#### *What did schools do to ensure consistency, transparency and fairness?*

A few schools had developed templates with instructions to guide various aspects of the process and to ensure consistency, transparency and fairness. The templates were for:

- developing the job specification
- developing a shortlist based on the job description and specifications
- discussions with referees based on job specifications or interview responses, including explaining the ethical behaviour of referees
- the interview, including questions to ask, criteria and responses, the reasons to support the recommendation, and explaining the ethical behaviour of interviewers
- the review of the process and suggestions for improvements.

Before advertising for staff, the following actions ensured schools had carefully considered the procedures they would follow and the specific qualities they sought for the position. These actions were:

- developing and following clear detailed documentation of appropriate procedures when recruiting and appointing staff
- linking processes to legislation and using NZSTA checklists
- developing detailed job descriptions, sometimes linked to the Registered Teacher Criteria, the appropriate Collective Agreement professional standards or Tataiako<sup>21</sup>
- seeking external advice, especially for principal and senior positions (for example, a human resource professional, another principal, NZSTA)
- asking for authorisation from applicants to contact widely to check background and suitability
- asking applicants to attest they did not have any convictions, including any charges pending.

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<sup>21</sup> Available at [www.teacherscouncil.govt.nz/content/registered-teacher-criteria-english](http://www.teacherscouncil.govt.nz/content/registered-teacher-criteria-english), [www.minedu.govt.nz/NZEducation/EducationPolicies/SchoolEmployment/TeachersPrincipals/PrimaryPrincipals/CollectiveAgreement/ScheduleTwo.aspx](http://www.minedu.govt.nz/NZEducation/EducationPolicies/SchoolEmployment/TeachersPrincipals/PrimaryPrincipals/CollectiveAgreement/ScheduleTwo.aspx); [www.minedu.govt.nz/theMinistry/EducationInitiatives/Tataiako.aspx](http://www.minedu.govt.nz/theMinistry/EducationInitiatives/Tataiako.aspx)

### *What did robust assessment of suitability look like?*

After applications were received, schools with robust appointment processes systematically assessed the applicants against their requirements and checked their suitability by:

- using the job description and criteria as the basis to shortlist applicants by rating the relevance of their skills and experience
- checking referees' job titles, place of employment and work land-line to ensure referees are who the applicant says they are
- contacting a range of referees, including the principal at their current school, and asking searching questions about background, performance, suitability for the particular position, reason for leaving, and whether the referee would re-employ them
- informally seeking out information through professional networks such as principal groups, professional networks, and trustee networks
- asking a wide range of questions during the interviews to explore applicants' fit with the criteria for the particular position and with the school, that covered:
  - background
  - qualifications and experience
  - attitude to teaching and teaching in multi-level classrooms
  - relationships with students and engaging students in learning
  - catering for diverse needs
  - managing difficult behaviour
  - how particular situations or scenarios would be handled
  - reasons for leaving job
- shortlisted applicants spending a day at the school, or making a formal presentation to staff or the interview panel as to how they meet the job description criteria
- selecting the teacher who best fits the school's identified needs, priorities, philosophy or community.

The appointment process in some schools involved applicants teaching or interacting with students in some way, either formally or informally, to provide robust information about their relationships with students, and their teaching ability. These included shortlisted candidates:

- teaching a short lesson
- taking a tutorial for a small group of senior students
- being observed teaching at their current school.

Students were involved in appointments in a variety of ways. These included:

- providing input to the criteria for the position
- contributing to the appointments process through questions they developed for the shortlisted applicants
- interviewing the shortlisted candidates and compiling a list of their ordered preferences (with guidance from the staff representative on the board).

Information about beginning teachers was obtained by consulting the training provider or practicum teacher, or by observing their teaching.

One school consulted the local iwi when they were appointing to a position that relied on Māori cultural knowledge.

In addition to checking with a range of appropriate referees, the schools reviewed carried out a range of checks including:

- checking Teachers Council registration
- police vets of teaching staff
- police vets of non-teaching staff
- verifying qualifications
- identity checks through photo ID such as passport or driver's licence.

The following is an example of a robust appointment process.

*The principal is knowledgeable about entitlement, advertising and the appointment process. He uses the NZSTA website, resources, and templates, and regularly asks for support. Using the NZSTA application form gives consent for the principal to contact previous employers. He checks references and then shortens the shortlist. Checking before short-listing assures him of the quality of the applicants. He usually interviews with a panel of three (to avoid impasse). The principal requests that teaching applicants reflect on the school's mission and vision statement and how they will give effect to this in the school for reading, writing and mathematics. Successful candidates get an offer of position (again using NZSTA templates). Agreements are signed. Registration information is checked. For a final check the principal requires proof of identity such as passport or driver's licence that is then matched with the teacher registration card, and original qualifications. An offer of appointment subject to the applicant meeting requirements is made. This appointment process has been followed for six new staff members this year. (Primary school)*

### **Good practices for appointing a principal**

Only 26 primary schools and five secondary schools visited by ERO reviewers had appointed a principal recently. This meant limited information was found about the robustness of the processes schools used to appoint a principal.

#### *How did schools ensure the appointment matched the school vision?*

Good practice associated with principal appointment included having a strong link to the community vision for the school.

Some boards sought parent views when developing the criteria for the position. The following is an example of a school involving its community when selecting a principal.

*When the board knew a new sole-charge principal was to be sought they took the opportunity to consult fully with their wider community, including students, to find out what everyone wanted for the future of the school. This included the curriculum and charter being reviewed. The community articulated clearly what they wanted for the future, as well as the personal specifications they wanted for their principal. All the trustees were on the appointments panel. (Primary school)*

The following comprehensive process occurred in one secondary school.

*The board got advice from another principal and NZSTA about the process to appoint the principal. The long-serving former chair, who had recently resigned, assisted with the appointment process. The whole board was involved in clarifying what they wanted for the school. The Professional Standards for principals were used to draw up criteria. A detailed job application form provided guidance for the curriculum vitae format, included permission for a wide range of people to be contacted, and asked about convictions. The interview process included a presentation to staff and meeting with senior students. A board member attended the meeting with students and gave their feedback to the board. The staff representative on the board provided staff feedback. The board looked carefully at those given as referees and consulted all of them accordingly. (Secondary school)*

### 3. Beyond the appointment: Robust attestation, registration and police vetting

#### **Background**

Both the *Ministerial Inquiry* and the *Parker Report* commented on the lack of robustness in processes associated with making decisions about a teacher being of ‘good character and fit to be a teacher’. One way for schools to be confident about whether a person is of good character is through police vetting. Registered teachers are police vetted when they apply for registration or are renewing their practising certificate. Applicants for limited authority to teach are police vetted at the time they apply which may be every one, two or three years depending on the role they are employed for.<sup>22</sup>

#### **Legislation**

The Education Act places restrictions on the appointments and continued employment of teachers. Section 120B(2) states that *No employer shall continue to employ in any teaching position any person who holds neither a practising certificate nor an authorisation, if that person is not under the general supervision of a person who holds a practising certificate.*<sup>23</sup> All teachers seeking to gain and maintain a practising certificate with full registration are required to meet the Registered Teacher Criteria. Practising certificates are renewed every third year. Principals recommend beginning teachers for initial full registration and attest that teachers applying for renewal of their practising certificate meet the criteria. Observations, discussions, and documentary sources are used as evidence in the judgement that a teacher has met the criteria.

Attestation that teachers meet the required Collective Agreements’ professional standards,<sup>24</sup> including justifying the annual increment, is undertaken by principals.

The Ministry Circular Number 2010/09<sup>25</sup> states that the following people need to be police vetted:

- every person who is appointed to a position at a school, who is not a registered teacher or holder of a limited authority to teach, and who works at the school during normal school hours
- every contractor or employee of a contractor, who has or is likely to have unsupervised access to students at the school during normal school hours, must be police vetted.

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<sup>22</sup>

[www.minedu.govt.nz/NZEducation/EducationPolicies/Schools/PublicationsAndResources/Circulars/Circulars2010/Circular201009.aspx](http://www.minedu.govt.nz/NZEducation/EducationPolicies/Schools/PublicationsAndResources/Circulars/Circulars2010/Circular201009.aspx)

<sup>23</sup> Available at [www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.html](http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.html)

<sup>24</sup> The Ministry has negotiated collective agreements for the following groups: primary school teachers, secondary school teachers, area school teachers, primary school principals, secondary school principals and area school principals. They are available at

[www.minedu.govt.nz/NZEducation/EducationPolicies/SchoolEmployment/TeachersPrincipals](http://www.minedu.govt.nz/NZEducation/EducationPolicies/SchoolEmployment/TeachersPrincipals)

<sup>25</sup>

[www.minedu.govt.nz/NZEducation/EducationPolicies/Schools/PublicationsAndResources/Circulars/Circulars2010/Circular201009.aspx](http://www.minedu.govt.nz/NZEducation/EducationPolicies/Schools/PublicationsAndResources/Circulars/Circulars2010/Circular201009.aspx)

All vetting must be repeated at least every three years unless the person concerned is no longer in a role that requires them to be vetted. Schools may choose to police vet other adults who could have unsupervised access to students. For example, they may choose to have police vetting carried out on volunteers or parent helpers in the classroom or attending a school camp.

### ***What ERO evaluated***

ERO evaluated whether a school had robust employment practices beyond the appointment that emphasise student safety. ERO focused specifically on:

- how well employment policies and procedures reflected the importance of student safety
- the way the trustees, principal, teachers carried out registration, attestation and police vetting of non-teaching staff
- the situations where the police vetting had not been thorough or the school had identified a teacher of concern.

### ***Findings***

#### **Key findings:**

- Just over half of the schools had robust processes for both teacher attestation and registration. There was a strong relationship between the rigor of attestation and registration processes and the quality of appraisal processes.
- There was confusion by some schools about the purpose of, and when and how to use, the Registered Teacher Criteria, and the relevant Collective Agreement professional standards.
- Some schools were not aware of the requirement for three-yearly police vetting of non-teaching staff.

### ***School policies and procedures for teacher registration and attestation***

The appraisal policies in 90 percent of schools surveyed included statements signalling that processes were in place to assure the board that teachers are meeting relevant professional standards. In 83 percent of schools, principals said the school provided guidelines for teachers to link their appraisal goals to the Registered Teacher Criteria. Eighty-two percent of primary school principals said their appraisal documentation linked to relevant Collective Agreement professional standards, whereas only 54 percent of secondary principals said their guidelines had such a link.

### ***School practices for teacher registration and attestation***

ERO evaluated the robustness of systems for registration and attestation by taking into account:

- the clarity of process and whether this process was actually followed
- the quality of the observation, mentoring, and documentation to support the registration application and attestation
- whether there was a system for knowing when registrations are due.

Forty-nine percent of primary schools and 59 percent of secondary schools were judged as having robust processes for both attestation and registration. In most of these schools the processes were embedded in the appraisal system, so there was a strong relationship between the quality of the appraisal system and the robustness of decisions about registration and attestation. The schools that did not have robust processes to support registration and attestation decisions did not link these decisions to appraisal.

Teacher and principal appraisal intends to:

- support the improvement of individual capability
- support the school to meet its goals
- provide accountability about quality to the wider education sector.

This ERO report focuses on accountability. Schools use of appraisal to promote improvement is discussed in other ERO reports.

Approximately 80 percent of principals surveyed felt the school's appraisal system was either effective or very effective in determining whether both sets of teaching standards (Registered Teacher Criteria and Collective Agreement professional standards), were being met. Secondary principals were more confident about the processes associated with provisionally registered teachers than primary principals were.

### *How did schools use both the Registered Teacher Criteria and the Professional Standards?*

Many principals said the confusion about the purposes of the Registered Teacher Criteria and Collective Agreement professional standards hindered the appraisal process's effectiveness. These principals talked about the large range of criteria as each set is quite large in itself, the different time periods that each set of teaching standards is applied to, and the different language used in the two sets of teaching standards.

Principals surveyed were asked about their training in using either the Registered Teacher Criteria or the Collective Agreement professional standards. Leaders in 45 percent of schools had training about the Collective Agreement professional standards, 56 percent about the Registered Teacher Criteria and 42 percent in both. More secondary schools than primary schools had undertaken training about the Registered Teacher Criteria.

### *Who has responsibility for ensuring registrations are up to date?*

It is the principal's responsibility to attest that teachers meet the Registered Teacher Criteria. Boards often delegated the responsibility for ensuring all teacher registrations were up to date to the principal or a senior manager.

Most of the principals in schools where registrations and attestations were up to date reported this information to boards. In a few cases boards were pro-active and asked for assurance that all teachers working with students were registered. In the schools where the policy and procedures for registration and attestation were not followed there was no accountability system to check that the processes were carried out.



## **Good practice**

Robust processes for registration generally included the following within an appraisal system:

- opportunities for reflection and self assessment about practice
- targeted observations and feedback
- goals and evidence linked to the Registered Teacher Criteria
- a formal discussion about the evidence/documentation that the Registered Teacher Criteria were being met.

The following two examples show robust final sign-off processes.

*A Self-Assessment Tool encourages self analysis and reflection against a set of professional learning goals. One of the goals is based on an inquiry into current teaching practice, and the other on the Registered Teacher Criteria. There is professional learning evidence, including from teaching as inquiry. At least four lessons are observed. Records of professional reflection are considered with a mentor/appraiser. The principal interviews all teachers at this stage. (Secondary school)*

*Team leaders do appraisals of teachers in their team. They discuss the findings with the principal and put forward recommendations for attestation. The principal reads the file and makes the final decision. (Primary school)*

Schools with robust systems understood the purpose of both sets of teaching standards and connected them in ways that linked accountability with improved teacher capability and improved school outcomes within the appraisal system, as shown in the two examples below.

*The school integrated the Registered Teacher Criteria and the Collective Agreement professional standards for secondary teachers into a single document which makes the process of deciding whether to attest or not easier. (Secondary school)*

*The principal, with senior leaders and teachers, has developed a matrix that aligns Registered Teacher Criteria, Collective Agreement professional standards and Catholic Character dimensions in one document. Each dimension has an overarching reflective question for teachers to self reflect and discuss with their appraiser (the principal). (Primary school)*

The schools that had robust systems for attestation and registration also kept a register, and actively monitored teacher registration status.

### *How did schools identify teachers of concern?*

The principals of schools with robust systems did not attest that the teaching standards had been met for teachers of concern. Poor practices, and practices that put students' safety at risk, were noticed in a variety of ways including, but not limited to, the

appraisal process. ERO was told by some principals that concerns about teacher practices were more often raised by other teachers, teacher aides, parents or students, and that these concerns were followed up.

*The school raises safety issues for discussion with staff each term. They stress the importance of maintaining trust and for all staff to be vigilant with their observations of each other. They encourage staff to notify others of any impropriety they observe or are concerned about. This approach is used to promote staff awareness of student safety, and their own safety, when dealing with vulnerable students.*  
(Primary school)

In some schools, it was students who identified the inappropriate behaviour. For example:

*One teacher in the school is working with a team leader to improve her relationships and interactions with students. This support was implemented after a concerned student captured inappropriate interactions on their cell phone video and shared it with parents.*  
(Primary school)

#### *What did robust processes for initial registration look like?*

Robust processes to support provisionally registered teachers to become fully registered included:

- well-designed provisionally registered teacher programmes with regular meetings, discussion, reflection, and mentoring
- observations focused on particular aspects of classroom practice agreed in advance and feedback provided
- provisionally registered teachers feeling well supported with opportunities to raise concerns.

Many schools that had robust systems for initial registration did not have equivalently robust systems for the ongoing registrations.

#### **School practices for police vetting of non-teaching staff and school volunteers**

School policies, procedures and practices need to reflect the regulations around the ongoing need for police vetting of non-teaching staff or contractors. There was some confusion about who needed initial and ongoing police vets (some schools were unaware that they needed to police vet all non-teaching staff), when the ongoing police vets needed to be undertaken, who was responsible for them, and what the actual process was to obtain them.

Sometimes when the non-teaching person belonged to another organisation schools were unsure about who was responsible for the ongoing police vetting, as illustrated below.

*A tutor working in the school has not been police vetted – he works in several schools and it is believed he has been vetted elsewhere.*  
(Primary school)

*There is a disconnect between the parish and the school. Some parish members have been on the school site without formal checks. Also a tutor has just arrived at the school to teach French (part time) and the principal is not sure what organisation he is attached to. No police checks were made.* (Primary school)

In most schools a particular person was delegated the responsibility of renewing police vets, but in some of the larger schools the delegation was not clear to everyone. Delegated responsibility needs to be detailed in the appointment process of non-teaching staff. The example below illustrates how one large school assures that all non-teaching staff were police vetted.

*The Executive Officer has the contracts for all coaches, technical support and grounds people. She also checks and signs off police vets. She said she often needs to remind teaching staff about the process.*  
(Secondary school)

Many schools that did not have robust systems around student safety, or effective systems for renewal of teacher registration, were those that needed to ensure all non-teaching staff members are police vetted every three years.

Schools need to decide whether volunteers for particular roles need police vets. It appears many do not request this vetting. If volunteers are not police vetted, the board must assure the community that students will not be put in risky situations. This may mean schools need guidelines about the roles of non-teaching staff and volunteers in their student safety and personnel policies and procedures.

## 4. Board knowledge and preparation for their role as employer

### **Background**

Both the *Ministerial Inquiry* and *Parker Report* were concerned about boards' over-reliance on the principal's decisions and the information provided by the principal. The *Parker Report* identified that the limited information that the principal provided to the board meant the board was unaware of the extent of the issue and this hindered trustees from meeting their responsibility for student safety. The *Ministerial Inquiry* raised concerns about boards' capability in employment matters.

A recent study of secondary schools<sup>26</sup> reported that:

- half the trustees had a degree
- half had previously been on a primary school board
- nearly 70 percent of boards had experience and skills in strategic planning and education
- fifty-seven percent had experience in human resources.

The study also noted that only 33 percent of trustees viewed employing the principal as a key element of their responsibilities, and that many boards relied on the principal to inform them about personnel matters.

### **What ERO evaluated**

ERO evaluated whether a board was well prepared for their role as employer by investigating:

- trustees depth of experience and training in employment matters
- trustees confidence in key employment tasks
- trustees use of external support and guidance in employment matters
- the way employment matters were discussed at board meetings.

### **Findings**

#### **Key findings:**

- Sixty percent of boards of trustees were knowledgeable about employment matters.
- These boards had a range of relevant knowledge and experience and readily sought advice when needed.
- Boards were confident in their role.
- Boards and principals need guidance about what information needs to be reported to boards to enable them to meet their responsibilities as employer.

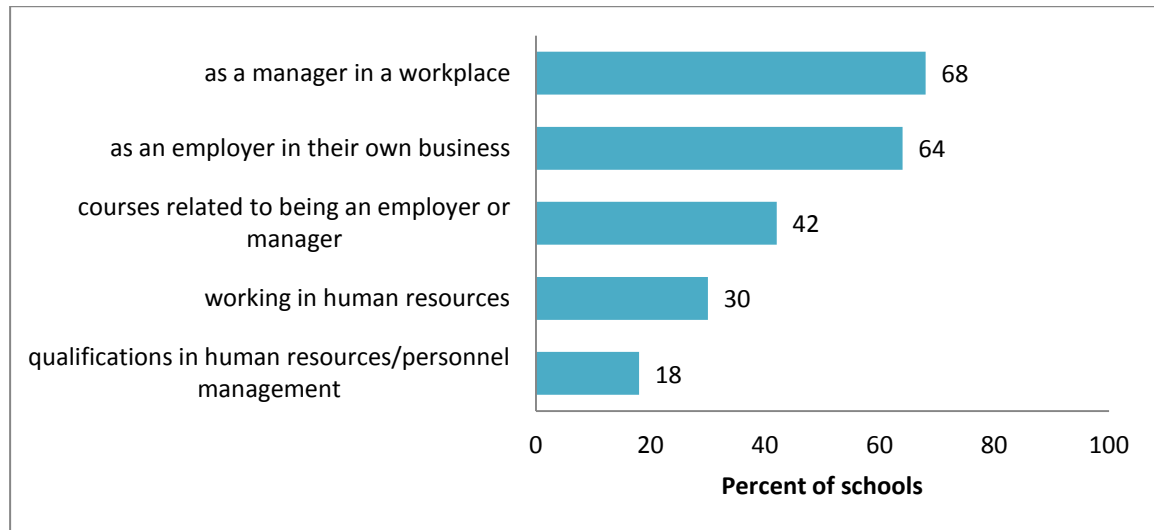
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<sup>26</sup>Wylie, C., (2013), *Secondary schools in 2012*, Wellington: NZCER.

### **Board knowledge and experience**

Eighty percent of school boards surveyed had trustees with some employment experience. Two-thirds of boards had trustees with experience as either an employer in their own business or as a manager in a workplace (see Figure 7). For example, being a chief executive office of a large organisation (public or private), owning a business, being a principal, or being responsible for human resources in a medium-sized organisation. This is consistent with the NZCER study cited previously.

*Figure 7: Trustees' experience in employment-related areas*



Although boards in small schools were less likely than those in larger schools to have had most types of experience, the differences were small. Sixty-two percent of small schools had trustees with experience as an employer, 60 percent as a manager, 43 percent had attended courses related to being an employer or manager, 22 percent had worked in human resources, and 12 percent had qualifications in human resources.

#### *What training have boards had for their role as employer?*

Boards, including principals, had participated in online and face-to-face training provided by NZSTA and Ministry accredited board consultants. A small percentage of schools commented on the variability in the quality of training to meet particular strengths and needs. Almost 60 percent of boards had received training related to their employment responsibilities. Half had received training on their role as employer in schools, and nearly one-third in appointing a principal. Boards in small schools were close to this average, with 50 percent having had training on their role as employer in schools and 29 percent having had training on appointing a principal.

The 20 percent of boards with no relevant experience or training covered the full range of school types, size, location and decile.

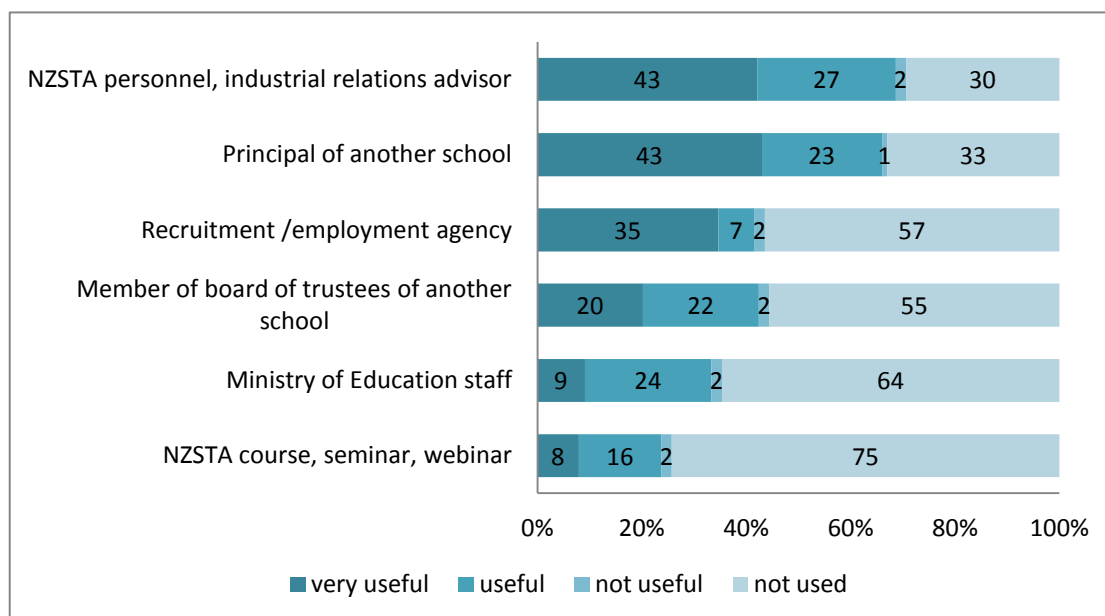
#### *Where did boards get external support and advice for appointing a principal?*

Most boards sought support when they appointed a principal. ERO found 86 percent of boards surveyed had received useful information and advice from at least one person. Figure 8 shows that boards most often obtained useful information and advice

from principals of other schools and/or a NZSTA adviser<sup>27</sup> when appointing staff. Primary schools also used NZEI and New Zealand Principals' Federation (NZPF) staff.

In 2010, Robertson<sup>28</sup> found similar results and reported that 90 percent of board chairpersons said that the advice they received was either essential to their making an appointment or very useful.

Figure 8: External support and advice used by boards when appointing a principal



### How confident were boards in appointing a principal?

Most boards surveyed felt confident about appointing a principal. As shown in Figures 9 and 10, almost all boards were confident about each of the aspects included in the questionnaire.

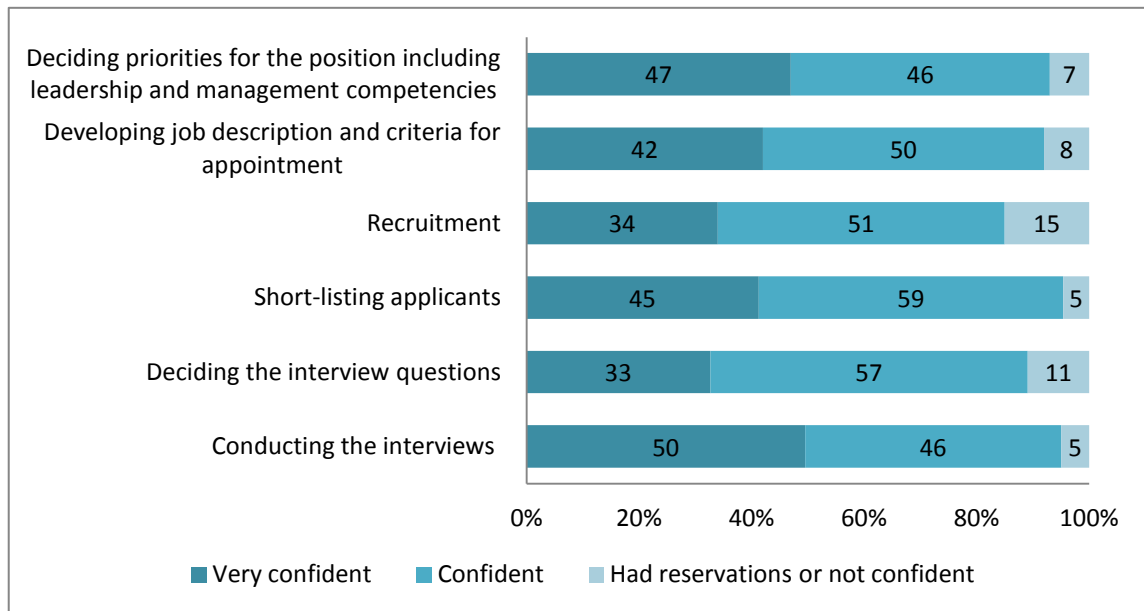
Seven percent of schools (11 schools) were not confident on half of the aspects listed. These schools covered a range of school types. Boards of smaller schools tended to be less confident, even though 60 percent had experience as an employer or manager, and half had training on their role as employer.

Many boards said they were happy with the process and their selection. Fifteen percent of boards reported that their challenge in appointing a principal was selecting the best person for the job and ten percent indicated that it was their lack of professional knowledge. Other challenges identified included the lack of suitable applicants and the time trustees were involved in the process.

<sup>27</sup> This is consistent with the 2012 NZSTA survey (STANews, January/February 2013) that reported 68 percent of boards had used NZSTA personnel/industrial advisers in the past 12 months, and 79 percent were highly satisfied or more than satisfied with the usefulness of the advice.

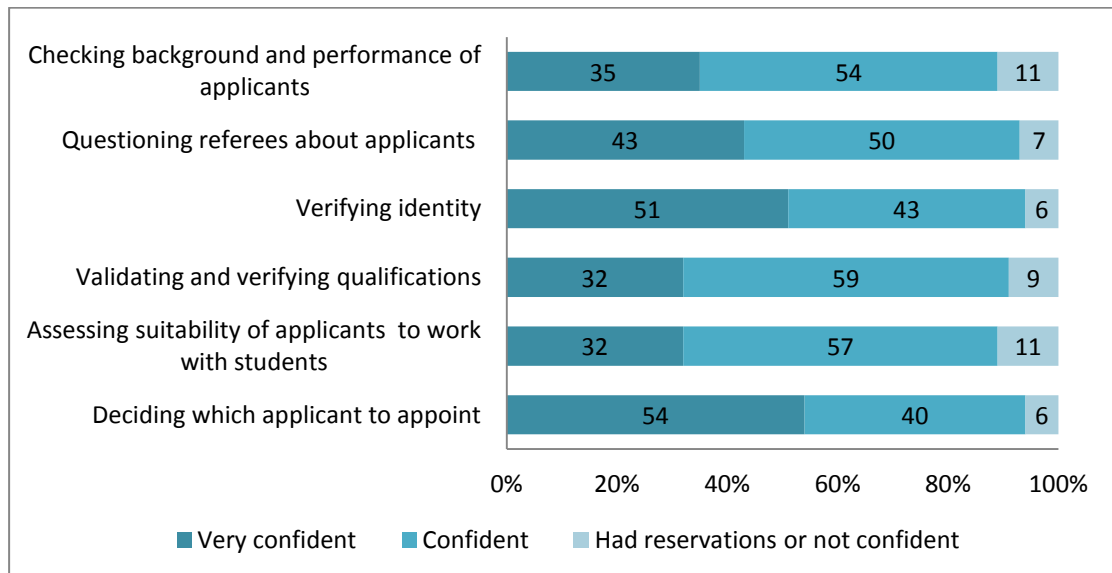
<sup>28</sup> Robertson S, (2011). *Principal vacancies and appointments 2009-10*. Wellington: NZCER.

Figure 9: Board level of confidence in preparing to appoint a principal



Fewer boards were very confident about deciding the interview questions, checking background, verifying qualifications, and assessing applicants' suitability to work with young children.

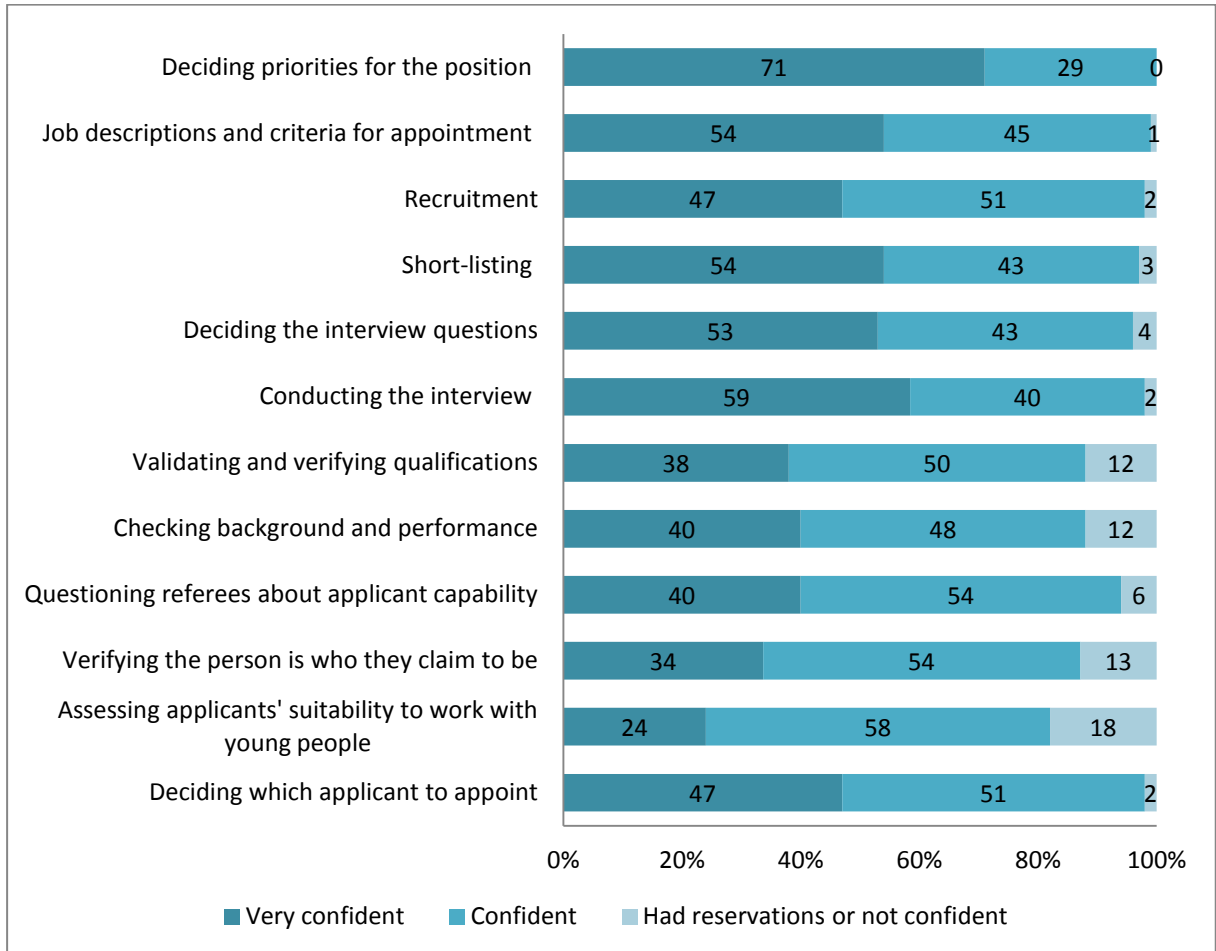
Figure 10: Board level of confidence in checking applicants' background and suitability for a principal role



### How confident were principals in appointing staff?

A large majority of principals surveyed felt confident about carrying out the processes for appointing teachers, as shown in Figure 11. They were least confident about assessing suitability, checking applicants' background, and verifying identity and qualifications.

Figure 11: Principals' level of confidence in aspects associated with appointing teachers



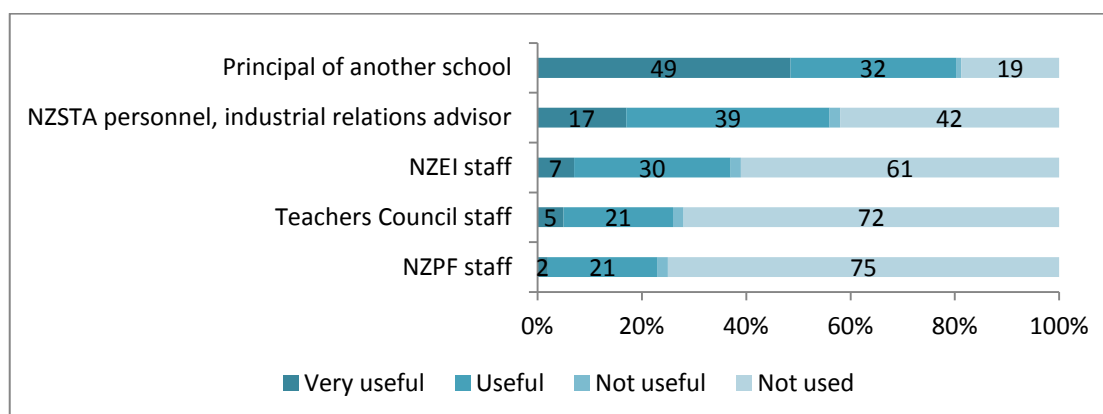
The least confident principals were usually from primary schools and tended to be from smaller schools. Principals who were less confident were also less likely to have documented checking processes in their appointment procedures, to check references, and to have found useful sources of advice and information.

### Where did principals get external support and advice for appointing staff?

Figure 12 shows the main sources of information and advice for principals when appointing staff were another principal, and personnel from NZSTA and the Teachers Council. Primary school principals also used NZEI and NZPF staff, while secondary school principals were more likely to have used Secondary Principals' Association of New Zealand (SPANZ) and New Zealand Post Primary Teachers' Association (PPTA) staff.



Figure 12: Usefulness of sources of information and advice for principals appointing staff



### Board preparedness

ERO found that boards in more than half of the schools were knowledgeable about most key employment information, such as relevant legislation, employment, and NZSTA guidelines and their implications. ERO identified far more strengths in board knowledge and skills than gaps or weaknesses.

Fewer than five percent of boards were not well prepared for their role as employer. The following gaps were identified for these schools:

- not documenting procedures
- not reporting appointments and registrations to the board
- relying on the principal for information
- having an inexperienced principal, lacking knowledge of relevant legislation
- not being sure when mandatory reporting was required.

A few of these schools had not had regular training on employment.

As this evaluation was undertaken one term before national board elections most board chairpersons had been in their role for three years. Many secondary school trustees also had experience as primary school trustees. A few schools had first time principals who were engaged in learning about employer responsibilities as part of their First Time Principal<sup>29</sup> professional learning. The following illustrates the knowledge and experience of a board.

*The board demonstrates most of the knowledge required of an employer. The trustees are experienced and confident in this role. They have a succession plan to ensure the board retains the key information about the school's employment policies and procedures. The trustees talked knowledgeably about the school's appointment process, including recruitment, police vetting and induction*

<sup>29</sup> [www.firstprincipals.ac.nz/](http://www.firstprincipals.ac.nz/)

*procedures, and other performance management processes such as staff appraisal. The board understands the importance of professional development to further increase effective teaching practice and to lift student achievement, and resources it appropriately. (Primary school)*

### **Reporting to the board about employment matters**

Boards were less likely to be knowledgeable about their role as employer where principals did not report to them on personnel matters such as appointments, teacher registration, complaints and concerns about staff, and changes to legislation.

Some principals had limited knowledge and understanding of employment responsibilities, as illustrated below.

*Whilst the board (especially the chairperson) was knowledgeable about their responsibilities as an employer, the principal's understanding of some aspects about employer responsibility was not as strong. This first time principal has not had formal training about employment matters. (Secondary school)*

Some principals did not understand the need to report to the board on employment matters so that the board could carry out its required responsibilities. It is boards' responsibility to ensure that practice follows policy but sometimes this does not happen as illustrated below.

*School policy in relation to the delegation is not adhered to as written. The principal does not report appointments, teacher registration, outcomes of professional development to the board. The principal expressed the view to ERO that appointments were not the business of the board. (Secondary school)*

Some reviewers noted that their discussion with trustees had resulted in boards clarifying what they expect the principal to report about personnel matters.

## 5. Resources to support trustees and principals

### Background

The Ministry, NZSTA and other education agencies provide many resources and tools to support trustees in their role as employer. Key resources are described in Appendix 1.

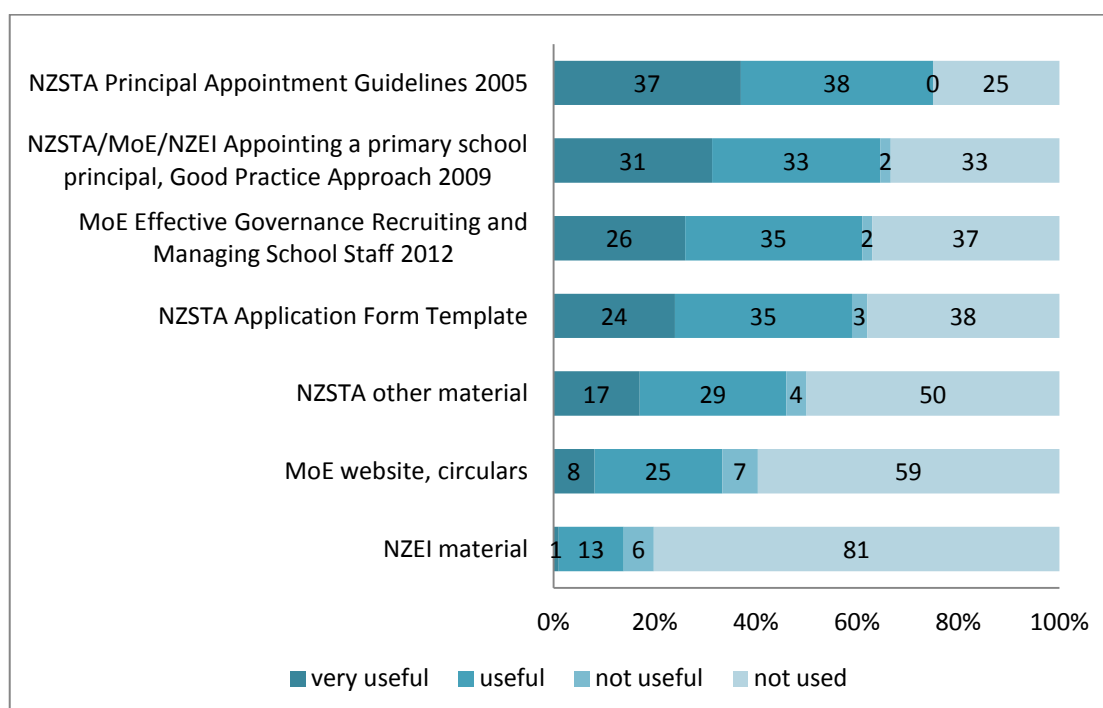
### Findings

#### Key findings:

- The education agencies provide detailed resources for boards and trustees about their role as employer.
- Many schools do not know about these resources or use them.

Approximately 60 percent of board chairpersons and half the principals surveyed had used the Ministry publication *Effective Governance: Recruiting and Managing School Staff: A Guide for Boards of Trustees* (2012) and the NZSTA *Application Form Template* as shown in Figures 13 and 14. Boards also used the NZSTA publications about appointing a primary principal (2005 and 2009), and other NZSTA material.<sup>30</sup>

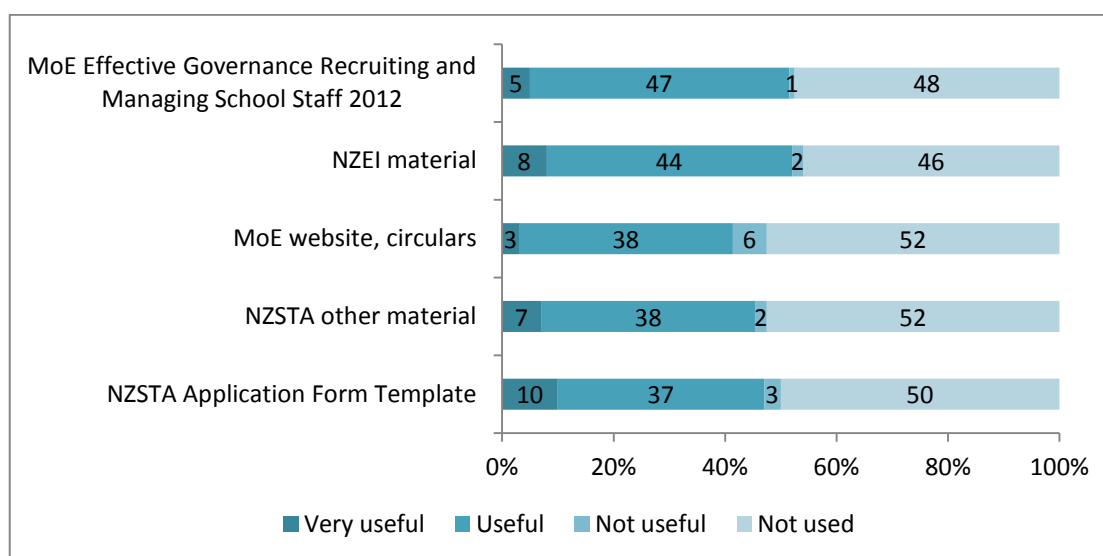
Figure 13: Resources boards found useful for appointing a principal



Other useful sources of information and advice for principals included: NZEI material, NZPF material, and the Catholic Education Office handbook.

<sup>30</sup> NZSTA (2013) reported that 57 percent of secondary school boards were highly satisfied or more than satisfied that NZSTA publications/guidelines (i.e. principals' appointment, performance review etc) met their needs and 40 percent were satisfied. STANews, January/February 2013.

Figure 14: Resources principals found useful for appointing staff



A recent study of secondary schools<sup>31</sup> reported that the main sources of advice and support for boards were NZSTA website resources, the principal, NZSTA helpdesk, Ministry website resources, and the NZSTA industrial advisory service. The study also found that only about half the schools could look at archives or records of previous board papers and access information online. This suggests that some boards are not able to access resources online and that resources distributed in earlier years to a previous board may not be readily available.

The following comment illustrates the importance of having easily accessible and identifiable guidelines on good practice.

*I think as long as there is a set of documents showing best practice from beginning to end and a checklist then it's a much safer process. These should be informed by schools that have gone through the process and are able to share do's and don'ts. Some frequently asked questions would also help. We found some good stuff but in more than one document/place. It is a big responsibility, by a group of well meaning volunteers/parents, so some time and effort put into providing a decent handbook would be appreciated.*  
(Secondary school chairperson)

<sup>31</sup> Wylie, C., (2013). *Secondary schools in 2012*. Wellington: NZCER.

## Conclusion

One-third of schools reviewed had very robust systems to ensure they focused on student safety as part of their employment practices. However, it is concerning that another third of schools may not be able to recognise or respond to occasions when students may be at risk of abuse by staff. The remaining third had some robust practices but had policy, procedures or managements gaps in one of the four employment areas ERO investigated.

Our education system must provide the utmost protection for every child and young person in every school. It is vital that every board ensures the students in its care are safe when recruiting and managing staff.

Two principles that should guide boards when reviewing and improving their policies and practices are:

- students may be at risk from some staff
- students must be kept safe while schools meet their obligation to be a ‘good employer’.

Boards need to demand a commitment to all students’ safety from school staff and the education agencies they are reliant on for support. Education agencies are there to support schools to put these principles into practice. These agencies have produced many resources to guide school practices. However, agencies should align the resources in a way that gives coherent and consistent information to boards and is easy to access.

Legislation and regulations are also there to support school policies and practices. The Vulnerable Children’s Bill suggestion of changes to vetting and screening<sup>32</sup> in response to the same reports that were the impetus for this review. ERO suggests that the legislation for boards’ responsibilities about teacher serious misconduct also needs reviewing as it appears that there are times when the Teachers Council is not informed about such misconduct. Schools and their advisors need to put the safety of students first when dealing with teacher misconduct.

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<sup>32</sup> See [www.childrensactionplan.govt.nz/](http://www.childrensactionplan.govt.nz/)

## Appendix 1: Useful resources for safety and employment

*Effective governance Recruiting and managing school staff: A guide for boards of trustees.* 2012. Ministry of Education.

This series of resources is comprehensive and **designed to help boards review current practice**. It refers readers to the NZSTA site and the NZSTA industrial advisers for the details of what to do.

[www.minedu.govt.nz/Boards/EffectiveGovernance/PublicationsAndResources/RecruitingAndManagingSchoolStaff.aspx](http://www.minedu.govt.nz/Boards/EffectiveGovernance/PublicationsAndResources/RecruitingAndManagingSchoolStaff.aspx)

NZSTA provides **guidance for boards on employment matters**. The association provides a comprehensive and very practical check list to work through with templates and documents to support appointment actions and decision-making in its section 'Board as employers'.

[www.nzsta.org.nz/board-as-employers/appointment-process/](http://www.nzsta.org.nz/board-as-employers/appointment-process/).

The **NZSTA application form template** provides comprehensive questions for applicants, and prompts employers in the actions they need to take such as updating job descriptions, developing specifications for the role, police vetting, and sighting of qualifications.

NZSTA, NZEI and MOE have developed specific guidelines to support boards when they **appoint principals**. These are on the NZSTA website and include:

- NZSTA/MoE/NZEI *Appointing a primary school principal, Good Practice Approach* 2009
- NZSTA *Guidelines for boards of trustees: Principal Appointment* 2005.

The 2005 publication refers to the Privacy Act and recommends including authorisation to contact past employers in addition to the named referees. However, the 2009 Good Practice resource refers only to named referees. Therefore these resources need to be read together.

The Ministry provides notes about advertising and the requirements around registration, police vetting, collective agreements, and individual employment agreements. It also provides a short checklist of recommended behaviours.

[www.minedu.govt.nz/NZEducation/EducationPolicies/SchoolEmployment/Employers/EmployingStaff/GeneralRecruitment.aspx](http://www.minedu.govt.nz/NZEducation/EducationPolicies/SchoolEmployment/Employers/EmployingStaff/GeneralRecruitment.aspx)

NZSTA has developed a **Code of Conduct template for boards**. This describes a process schools can use to develop their own Code of Conduct.

[www.nzsta.org.nz/board-as-employers/code-of-conduct/](http://www.nzsta.org.nz/board-as-employers/code-of-conduct/)

*Safe not Sorry* (Child Matters, 2012) has been developed as a **guide for organisations in which adults are involved with children and young people**, such as schools. It includes sample application forms, checking forms and more, to help keep child abusers out of organisations responsible for children. It is available from [www.childmatters.org.nz/88/resources-info-centre/resources](http://www.childmatters.org.nz/88/resources-info-centre/resources)

*Guidelines for Board Assurance Statement (BAS), Whānau Assurance Statement (WAS) and Self-Audit Checklists.*

As part of the Minister of Education's response to the Ministerial Inquiry, ERO has amended the **Board Assurance Statement**, Whānau Assurance Statement, and its *Guidelines* for completing these checklists. Since Term 4 2012, ERO has sought assurance from schools and kura about the quality of their employment practices.

The *Guidelines* (Section 4 – Personnel Compliance Guide) include a brief discussion of what best practice looks like in making staff appointments, and check points in the Self-Audit Checklists (Section 4 – Personnel) drawing from the *Personnel provisions in relation to the education service* contained in the State Sector Act 1988, National Administration Guideline 3, and Ministry and NZSTA guidance papers.

[www.ero.govt.nz/Review-Process/For-Schools-and-Kura-Kaupapa-Maori/Review-Documentation-for-Schools](http://www.ero.govt.nz/Review-Process/For-Schools-and-Kura-Kaupapa-Maori/Review-Documentation-for-Schools)

PPTA has developed guidelines for the appraisal process and the use of Professional Standards and Registered Teacher Criteria for secondary schools *Appraisal using the Standards and Criteria. How to use the Professional Standards and Registered Teacher Criteria and make them useful, reasonable and meaningful.*

[www.ppta.org.nz/.../1414-teacher-appraisal-and-attestation-guidelines](http://www.ppta.org.nz/.../1414-teacher-appraisal-and-attestation-guidelines)

**A range of agencies have signed agreements about the way they will work together:**

In 2004 NZSTA and the Department of Internal Affairs (DIA) signed a Memorandum of Understanding on processes to promote co-operation and co-ordination between the parties to ensure the safety of children in schools. See [www.nzsta.org.nz/board-responsibilities/internet-safety/mou-between-dia-and-nzsta/](http://www.nzsta.org.nz/board-responsibilities/internet-safety/mou-between-dia-and-nzsta/)

The Ministry of Education, NZSTA, and Child, Youth and Family (CYF) are committed to ensuring a safe and supportive learning environment for all students. The following protocol and guidelines assist boards of trustees, principals and school staff in dealing with child abuse and neglect, and the management of child abuse allegations against board employees.

The Memorandum of Understanding between the Ministry and CYF sets out in detail how the two agencies will work together to ensure the safety and education of vulnerable children. Child protection training for identifying at-risk children and potentially dangerous situations is included along with who to work with and what action to take. [www.cyf.govt.nz/working-with-others/mou-with-education.html](http://www.cyf.govt.nz/working-with-others/mou-with-education.html)

## Appendix 2: Sample and schools responding to surveys

### Sampling

An online survey about appointing a principal was provided for boards that had advertised for a principal between September 2011 and August 2012. A separate random sample of schools was selected for an online survey of principals about appointing staff.<sup>33</sup>

Responses were received from board chairpersons at 148 schools (68 percent response), and 199 principals (67 percent).

Table 2: Schools visited and schools responding to the surveys

	Primary schools visited	Secondary schools visited	Number of trustees surveyed	Number of principals surveyed	National percentage
	N=173	N=27	148 responses	199 responses	N=2430
<b>School type</b>			%	%	%
Full primary	99		45	38	44
Contributing	48		28	43	32
Intermediate, middle school	14		3	7	5
Special	2		1	0	2
Composite (Years 1-15, Years 1-10)	7	1	3	3	5
Secondary (Years 7-15)	3	7	4	2	4
Secondary (Years 9-15, Years 11-15)	0	19	17	9	9
<b>Location of school</b>					
Main urban	80	19	51	51	53
Secondary urban	13	1	5	9	7
Minor urban	18	5	15	12	12
Rural	62	2	30	28	29
<b>Size of school</b>					
Very small	17	0	10	6	10
Small	43	2	29	19	25
Medium	72	12	37	38	37
Large	28	9	18	23	19
Very large	13	4	5	14	9
<b>Decile grouping</b>					
Low decile (deciles 1-3)	40	6	28	24	31
Medium decile (deciles 4-7)	83	10	39	44	40
High decile (deciles 8-10)	50	11	33	32	29

Note: percentages do not always add to 100 because of rounding.

Differences between the responding schools and the national distribution of schools were tested using chi square tests. Differences that were statistically significant ( $P < 0.05$ ) are described below.

<sup>33</sup> The sample error for the samples was six percent for primary schools and 14 percent for secondary schools.



The primary school evaluation included seven composite schools, three Years 7 to 15 secondary schools, and two special schools. More of the primary schools included were full primary schools (Years 1 to 8) than nationally (61 percent compared with 54 percent), and fewer were contributing schools (Years 1 to 6) – 30 percent compared with 39 percent. The sample also included slightly fewer low decile and more medium decile schools than nationally. This is consistent with the exclusion of longitudinal reviews which occur more often in low decile schools.

The boards responding to the Board of Trustees' Survey came from a similar range of schools to the national distribution.

The principals responding to the Principal's Survey slightly under-represented full primary schools and small schools.

***Note***

Characteristics of schools tend to be linked. For example, most rural schools were small and secondary schools tend to be larger and in main urban areas.

## Appendix 3: Appointment of principals, 2011-2012 (Board of trustees' survey)

(148 responses: 111 primary, 31 secondary, 4 composite, 1 special, 1 Year 7-10)

### **Purpose of the survey:**

- to find out about how boards recruit and appoint principals
- to obtain information that can be used to support boards in their role as employer
- for schools to use as an audit tool.

### **Policies and procedures documentation includes information about:**

	% primary schools	% secondary schools	% all schools
The role and composition of appointment committee	57	61	57
Developing the job description and person specification to support the school's strategic direction	54	55	53
Obtaining independent professional advice	55	48	53
Obtaining authorisation from the applicant to seek information from a wide range of people	44	45	43
Asking for disclosure of criminal convictions	56	55	55
Asking whether they have been the subject of any complaint concerning the safety of a student	26	23	24
Validating and verifying qualifications (sighting originals of all documents supplied)	38	45	39
Checking background and performance of applicants	53	58	54
Who is responsible for undertaking reference checks	47	35	45
The stage of process when reference checks will be carried out	45	43	44
How reference checks will be carried out / importance of carrying out thorough checks of references and previous employment	38	42	39
Privacy and confidentiality guidelines	54	45	52
Deciding the interview questions and/or presentation required	49	42	47
Deciding the questions to ask referees	42	39	41
Dealing with information about an applicant's or employee's criminal conviction	28	23	26
Preparing an employment agreement	43	29	39

### **Usefulness of sources of information and advice when appointing the principal**

	Very useful or useful (%)	Not used or not aware of (%)
NZSTA personnel, industrial relations advisor, helpdesk	70	30
Principal of another school	66	33
Member of board of trustees of another school	42	55
Recruitment /employment agency	42	57
Ministry of Education staff	33	64
NZSTA course, seminar, webinar	24	75
NZEI staff	8	90

PPTA staff	8	92
NZ Principals' Federation staff	7	92
University /PLD providers	6	94
Teachers' Council staff	5	95
Iwi Education Authorities	3	95
Employers association	3	97
SPANZ staff	2	97
NZ Secondary Principals Council staff	1	97

Note: a small number of 'not useful' responses (1-2 percent) are not shown in the table.

	% primary schools	% secondary schools	% all schools
Another principal	30	27	29
Ministry of Education	5	7	5
Parents, whānau	10	20	12
Kaumātua	3	10	4
Pasifika communities representative/s	0	3	1
External professional	46	47	46

	Primary	Secondary	All schools
Other (n=65)			
Education consultant/advisor	25	3	28
Retired principal	7	5	12
Catholic education office/diocese/proprietor	5	5	10
Limited Statutory Manager	3	1	4
Students		3	3
Senior staff/staff	2	3	5
Board members	2	1	3
NZSTA	2		2

#### Why other people were involved, e.g. the expertise they brought

(n=120)	Primary	Secondary	All schools
Professional knowledge/experience	19	6	25
Knowledge of appointment process/employment	27	7	34
Expertise	11		11
Expertise/retired principal	16	5	21
Independent	8	4	12
Knowledge of school	9	3	12
Special character	5	4	9
Knowledge of candidates	2	2	4
Surveys of staff, students and community	2	3	5

### How others were involved and their role

(n=118)	Primary	Secondary	All schools
Advice/guidance	24	7	31
Whole process	24	0	24
Developing candidate profile/job description	13	1	14
Advertisement	12	2	14
Information packs/admin	15	0	15
Short listing	22	11	33
Background/referee checks	17	5	22
Setting/designing the questions	16	7	23
Interviewing	16	16	32
Attended interviews	8	2	10
Feedback on education strengths and weaknesses, fit of applicants to school	13	5	18
Community feedback	5	1	6

### Referee checks made

	% primary schools	% secondary schools	% all schools
Referees nominated by applicant	87	81	85
Current school	71	71	71
Previous school/s	55	45	53

### How referee checks were made

	% primary schools	% secondary schools	% all schools
Phone	87	81	85
Email	24	13	21
Letter	8	7	8

### Records kept

(n=117)	Primary schools	Secondary schools	All schools
All destroyed	23	4	27
Successful applicant only	19	6	25
Notes	15	3	18
Process	12	4	16
All kept	6	3	9
Minutes of meetings	2	4	6
Short listed only	4	0	4
With consultant	3	0	3
Letters	1	1	2
Some information	2	0	2

### Board member experience and training in employing staff

	% primary schools	% secondary schools	% all schools
As an employer in their own business	62	71	64
As a manager in a workplace	69	71	68
Working in human resources	30	36	30
Qualifications in human resources/personnel management	18	16	18
Courses related to being an employer or manager	43	42	42

### Training received by board members

	% primary schools	% secondary schools	% all schools
Their role as employer in schools	50	61	52
Appointing a principal	29	29	29
Developing the principal's performance agreement	34	45	37

### Challenges for the board in appointing a principal

(n=102)	Primary schools	Secondary schools	All schools
Lack of professional knowledge	15	0	15
Deciding what is needed	2	2	4
Lack of suitable applicants	15	4	19
Selecting the right person/fit	16	6	22
Time involved	12	5	17
Meeting the timeline	6	0	6
Sensitivity with internal applicant	3	1	4
Cost	3	0	3
Ensuring confidentiality in small community	3	0	3
Long standing principal leaving, board not experienced in process	3	0	3
Involvement of staff representative	2	0	2
Rural location	2	0	2

### Confidence of the board in appointing a principal

	Very confident (%)	Confident (%)	Had reservations (%)	Not confident (%)
Deciding priorities for the position and the balance between competencies, leadership style and management ability	47	46	6	1
Developing job description and criteria for appointment	42	50	5	3
Recruitment	34	51	13	2
Short-listing applications	45	59	5	0
Deciding the interview questions	33	57	9	2

Conducting the interviews/Interview process	50	46	5	0
Validating and verifying qualifications	32	59	6	3
Checking registration or checking background and performance of applicants	35	54	9	2
Checking references or questioning referees about applicant capability	43	50	6	1
Assessing the risks that applicants may be dishonest, emotionally unstable, or unsuited to work with children and young people	32	57	9	2
Deciding which applicant to appoint	54	40	6	0
Verifying the person was who they claimed to be	51	43	6	0
Negotiating performance agreement	33	52	12	3
Identifying and developing appropriate indicators	27	56	13	5

**For boards that do not feel confident about any aspect, what would help them to feel more confident**

(n=6)	Primary schools	Secondary schools	All schools
Knowledge/experience	3	1	4
Training	4	2	6
Advice, support	6	0	6
Resources readily available	3	0	3
Help from Ministry	3	0	3
Reference checking	3	1	4
Wider pool of applicants	2	1	3
Having a consultant meant felt confident	5	0	5

**Aspects of the process that could be improved**

	Primary schools	Secondary schools	All schools
None, happy with process and outcome	37	10	47
Short-listing	5	0	5
Referee checks	4	0	4
Performance agreement	3	0	3
Developing job description, requirements of position	3	0	3
Being fair to internal applicants	2	0	2

### Other comments about appointing a principal

	Primary schools	Secondary schools	All schools
Good to have professional advice and support	16	2	18
Result good, pleased with principal	10	3	13
Involves lots of time and hard work	6	6	12
Key role for board	6	1	7
Be clear what you're looking for, fit with strategic plan	4	2	5
Process used worked well	5	0	5
Ministry should provide more help and support	4	0	4
Positive, rewarding experience	2	2	4
STA was great	3	0	3
Although follow a robust procedure can still get it wrong	3	0	3

## Appendix 4: Appointing and managing teachers (Principals' survey)

[199 responses: 173 primary schools, 21 secondary, 5 composite]

### **Purpose of this survey:**

- to find out about the current processes for appointing and managing staff
- to obtain information that can be used to support boards and principals in their role as employer
- for schools to use as an audit tool.

### **Staff appointments**

**Policies and procedures for recruitment and appointment include information about:**

	Primary (%)	Secondary (%)	All schools (%)
Board involvement with appointments of leaders or senior staff	97	100	97
Delegation to the principal for any staff appointments	90	95	90
Delegation to appointments committee for any staff appointments	84	76	83
Role and composition of appointment committee	72	62	71
Developing the job description and person specification	66	57	64
Obtaining independent professional advice	56	24	53
Obtaining authorisation from applicants to seek information from a wide range of people	57	43	55
Asking for disclosure of criminal convictions	76	81	76
Asking whether applicants have been the subject of any complaint concerning the safety of a student	13	24	15
Validating and verifying qualifications (sighting originals of all documents supplied)	46	52	46
Checking background and performance of applicants	81	86	81
Who is responsible for undertaking reference checks	47	62	49
The stage of process when reference checks will be carried out	45	19	42
How reference checks will be carried out / importance of carrying out thorough checks of references and previous employment	38	33	37
Privacy and confidentiality guidelines	62	71	63
Developing the interview questions and/or presentation required	54	48	52
Deciding the referees/reference questions	45	43	44
Dealing with information about an applicant's or employee's criminal conviction	25	52	29
Preparing an employment agreement	46	48	46



### People involved in the appointment process other than board of trustees

	Primary (%)	Secondary (%)	All schools (%)
Senior staff	50	71	52
Another principal	4	10	4
External professional, please state	3	0	3
Whānau, parents	2	0	2
Kaumātua	1	0	1
Pasifika communities representative/s	1	0	1

### How others were involved

(n=113)	Primary	Secondary	All schools
Short listing	35	4	39
Interview	50	6	56
Deciding who to select	19	3	22
On appointment committee	22	0	22
Reference checks	10	1	11
Whole process	7	0	7
Job description, criteria, interview questions	5	1	6
Discussion with colleagues	6	2	8
Students involved in interviews	1	2	3
Supervised tasks/asked scenarios	2		2
Trial lesson/tutorial		2	2

### Who carried out the reference checks

	Primary (%)	Secondary (%)	All schools (%)
Principal	88	86	87
Senior staff	20	29	22
Syndicate leader/ head of department	2	10	3

### Stage when reference checks were carried out

	Primary (%)	Secondary (%)	All schools (%)
To confirm shortlist	70	76	71
To confirm appointment	33	38	33

### Checks made

	Primary (%)	Secondary (%)	All schools (%)
Referees nominated by applicant	92	95	92
Current school	61	71	61
Previous school/s	45	52	46
Any check	95	95	95

### How checks were made

	Primary (%)	Secondary (%)	All schools (%)
Phone	82	95	84
Email	7	14	8
Letter	2	5	2

### Records kept

(n=162)	Primary	Secondary	All schools
None kept, all destroyed	25	5	30
CV	42	4	44
Application	27	3	30
Referee information kept	33	6	39
Notes of referee info made but not kept	7	1	8
Successful applicant only	22	1	23
Notes (no additional info)	15	2	17
Interview notes	21	3	24
Interview notes destroyed later	3	0	3
Notes on appointment decision	12	1	13
Notes on process	3	1	4

### In hindsight, aspects of the process to improve

(n=101)	Primary	Secondary	All schools
Sound process	21	3	24
Consent to approach wide range of refs, more checks	17	3	20
Better records, especially referee checks	17	1	18
Document process	7	1	8
Application form including disciplinary actions or complaints regarding students	5	0	5
Review procedures	4	0	4
Developing interview questions	3	1	4
Opportunity to see applicants in current roles	3	0	3
Validating qualifications	1	1	2
Important to get it right	0	2	2

Note: 29 commented that nothing needs improving

### Useful sources of information and advice when appointing staff

	Very useful or useful (%)	Not used or not aware of (%)	Not useful (%)
People/organisations			
Principal of another school	81	19	1
NZSTA personnel, industrial relations advisor, helpdesk	56	42	2
NZEI staff	37	61	2
Teachers' Council staff	26	72	2
NZ Principals' Federation staff	23	75	2

Other courses, seminars	20	77	3
University papers	19	77	5
Course, seminar for first time principals	17	76	7
Member of board of trustees of another school	16	81	2
NZSTA course, seminar, webinar	14	84	3
Ministry of Education staff	14	81	4
Course, seminar for experienced principals	12	86	2
University/PLD providers	11	87	2
Recruitment/employment agency	10	88	2
PPTA staff	6	94	1
SPANZ staff	6	92	1
Employers association	5	94	1
NZ Secondary Principals Council staff	4	95	2
Iwi Education Authorities	4	95	1

### Confidence in carrying out the processes for appointing teachers

	Primary		Secondary	
	Very confident (%)	Confident (%)	Very confident (%)	Confident (%)
Deciding priorities for the position	68	32	90	10
Job descriptions and criteria for appointment	54	45	60	40
Recruitment	47	51	55	45
Short-listing	54	43	55	35
Deciding the interview questions	53	42	60	40
Conducting the interview	57	41	75	25
Validating and verifying qualifications	37	51	45	45
Checking background and performance of applicants	39	49	45	45
Questioning referees about applicant capability	40	55	50	45
Assessing the risks that applicants may be dishonest, emotionally unstable, or unsuited to work with students and young people	23	59	35	45
Deciding which applicant to appoint	47	51	50	45
Verifying identity	33	54	37	53

### If you do not feel confident about any of these, what do you need to feel more confident

(n=53)	Primary	Secondary	All schools
Nothing, not applicable	6	1	7
More information about background, experience, strengths of applicants	4	2	6
TC verifying identity, photo on ID card	3	1	4
Referees being honest	3	1	4
Verifying qualifications, especially overseas	4	0	4
Being better informed re processes	3	0	3
Developing interview questions	3	0	3
Questions for referees	2	0	2

## Managing staff issues and complaints and ensuring students safety and wellbeing

### Policies and procedures cover:

	Primary (%)	Secondary (%)	All schools (%)
Guidelines about safety of students	91	91	91
Keeping students safe, including reporting child abuse	92	90	91
Dealing with complaints about staff	90	90	89
Procedures for supporting a student disclosing abuse	90	76	88
Dealing with concerns about staff	83	86	82
Sources of advice and guidance when dealing with concerns about child safety and wellbeing	77	71	76
Privacy Act and its implications for taking action	72	81	72
How staff should respond and what action to take when staff are aware of concerns about behaviour of other staff	69	76	70
Guidelines about safe contact in school between students and staff	66	71	67
Documenting concerns, actions taken, warnings	67	62	66
Guidelines about contact between staff and students during EOTC events	63	76	64
Guidelines on reporting to board about concerns or complaints about staff in in-committee minutes	60	81	62
The need for staff to recognise their position as teacher gives them status and authority in the community that means it is important their behaviour outside school is appropriate	55	71	57
Counselling and support available for students when appropriate	50	90	55
EOTC guidelines include requirement that teachers not be alone with a student or be the only adult sleeping with a group of students /include guidelines about safe sleeping and transport arrangements for school camps and trips	53	67	53
Importance of balancing obligation to be a 'good employer' with ensuring students are safe	53	48	51
Communicating with parents of students involved during any investigation	44	48	45
Guidelines about safe out of school contact between students and staff	31	43	33
Procedures include how to deal with students when they return to school after making an allegation against a staff member (whether true or untrue or retracted)	13	14	14
Protocols stating clearly that staff should not have students staying over at their homes	9	29	12

### Actions taken in 2012-2013 to support the safety and wellbeing of students

	Primary (%)	Secondary (%)	All schools (%)
Regular board review of NAG 5	76	81	76
Consulting parents about health curriculum	70	76	71
School involvement in personal safety programmes such as Keeping Ourselves Safe that provide strategies for students and strengthen self-esteem	73	24	67
Regular staff review of effectiveness of policy, procedures, and practice in promoting student safety and wellbeing	58	67	59
Staff discussion about how to practice in a safe manner	52	52	52
Raising awareness among staff of the policies, guidelines and procedures for child wellbeing and implications for teacher practice	51	48	51
Surveying students about whether they feel safe at school	46	71	49
Surveying parents about safety and wellbeing of students at school	36	33	35
Training of staff in how to recognise signs of child abuse and respond appropriately	33	24	33
Information or training about potential risk of people grooming students	12	14	13

## Appendix 5: Evaluative questions and indicators

<b>1</b>	<p>How effectively does the school balance the needs of children and staff when dealing with concerns about staff</p> <ul style="list-style-type: none"> <li>• School staff recognise the importance of keeping children safe when concerns are raised about staff</li> <li>• Policies, guidelines and procedures give priority to children’s safety and wellbeing</li> <li>• Children know what to do /who to talk to if they are being harmed, feel uncomfortable or disclose abuse</li> <li>• Children feel safe</li> <li>• School participates in personal safety programmes such as Keeping Ourselves Safe</li> <li>• Concerns are dealt with in timely manner – children can’t wait</li> <li>• When concerns are raised multiple sources of evidence are used to investigate – parents, children, staff, community</li> <li>• Children are supported while concerns are being investigated</li> <li>• The board is kept informed constantly</li> <li>• Legal advice is sought that includes meeting the rights of the child</li> </ul>
<b>2</b>	<p>How appropriate are the school’s recruitment and appointment processes?</p> <ul style="list-style-type: none"> <li>• Positions advertised in appropriate places</li> <li>• Job descriptions and person specifications appropriate</li> <li>• Reliable professional advice obtained</li> <li>• Application form includes authorisation to seek information from referees as well as other people such as former colleagues and employers</li> <li>• Appropriate short-list developed</li> <li>• Interview questions enable assessment of applicants against criteria</li> <li>• Interview questions explore background, qualifications, experience, reasons for leaving jobs</li> <li>• Questions include screening questions such as how the person would deal with children’s difficult behaviour, understanding of the emotional life of children, attitudes to physical discipline, reasons for leaving previous jobs (Source: Simcock A, <i>Safe not Sorry</i>, Child Matters 2012 )</li> </ul>
<b>3</b>	<p>How robust are the checks carried out by the board/school e.g. a wide range of checks on suitability for working with students?</p> <ul style="list-style-type: none"> <li>• Verifying the person is who they claim to be</li> <li>• Qualifications validated and verified</li> <li>• Checking referees are appropriate</li> <li>• Reference checks - referees asked searching questions</li> <li>• Criminal records and police checks carried out [Yes/No]</li> <li>• Range of background checks carried out [Yes/No]</li> </ul>
<b>4</b>	<p>How robust are the attestation and registration processes?</p> <ul style="list-style-type: none"> <li>• Clearly understood processes are in place for supporting a teacher to full registration</li> <li>• Attestation processes in the school are clear and followed</li> <li>• Appropriate and ongoing observation and mentoring contribute to attestation and registration processes</li> <li>• Registration processes are well documented to support the teacher’s registration application</li> </ul>

5 How well-prepared and knowledgeable are boards and principals for their role as employer?

- Experience as employers (at school or elsewhere)
- Relevant training or qualifications
- Familiar with relevant legislation and its implications – Privacy Act, Human Rights Act, State Sector Act
- Familiar with documentation, guidance, advice from MoE, NZSTA, NZEI, principal groups, Child Matters, etc
- Advice sought from appropriate sources
- Consideration given to assessing the risks that applicants may be dishonest, emotionally unstable, or unsuitable to work with children and young people
- Aware of requirements for mandatory reporting of dismissals, resignations, complaints about former employees, possible serious misconduct, failure to reach required level of competence
- Board chair has suitable qualifications and training or support for professional component of principal's appraisal
- Principal's appraisal (or summary) reported to board (in committee)
- Board assured that relevant professional standards are being met
- Reports to board on staff appointments, teacher registration, appraisals, outcomes of PLD programme,
- Board notified about any staff reported to Teachers Council under mandatory reporting requirements

## **Appendix 6: Number of applications for teacher and principal positions**

### ***Number of applications for teaching positions***

The *Ministerial Inquiry* was concerned that some schools were not as rigorous in their recruitment and appointment practices because of the short supply of teachers in particular areas, such as teachers with competent te reo.

Over 90 percent of schools surveyed had appointed staff in the last two years. Three-quarters of secondary schools and one-third of primary schools identified one or more positions that had been difficult to fill over the last few years. These schools covered the full range of locations, size and decile. The key curriculum areas were te reo, bilingual or immersion positions. Secondary schools found mathematics positions difficult to fill.

Positions received a median of 16 applications, with 14 percent receiving 50-170 applications. Five percent of positions were re-advertised. Secondary schools tended to have fewer applicants and were far more likely to re-advertise than primary schools. Senior positions tended to receive fewer applications and were more likely to be re-advertised.

### ***Number of applications for principal positions***

The Inquiry report noted that schools are more likely to make risky appointments when they have only a few suitable applicants.

Responses from boards surveyed for this evaluation were similar to those reported elsewhere,<sup>34</sup> namely:

- there was a median of 12 applications for principal positions, ranging from one to 60
- similar numbers applied for primary and secondary positions – a median of 12 for primary and 13 for secondary schools
- applications tended to be higher for main urban, large and high decile schools (medians of 15, 15 and 12 respectively), and lower for rural, small, and low decile schools (medians of 8, 7, and 10 respectively)
- schools with fewer than 10 applications included a range of types, sizes, and locations - none were high decile.
- eleven percent of schools needed to re-advertise the principal's position

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<sup>34</sup> For example, Wylie 2010, NZCER 2009, Robertson 2011 *Principal vacancies and appointments 2009-10* New Zealand Council for Educational Research (2011). About one-quarter of schools had appointed a principal in the previous three years with small and rural schools having higher principal vacancy rates; almost all boards used additional expertise, most commonly private consultants (97 percent in 2009, and 98 percent in 2010); there were a median number of 8-10 applicants for each position although the range was large; few schools needed to re-advertise; and decile was not associated with any marked differences in vacancy rates.



- secondary, low decile and smaller schools were more likely to have re-advertised (15 percent, 21 percent, and 18 percent respectively)
- rural schools tended to have fewer applicants but were not the most likely to re-advertise
- Even some schools with a large number of applicants felt they needed to re-advertise. Six of the 15 schools that re-advertised had 12-24 applications. These schools included a range of types, sizes, and locations.

### ***Cost of recruiting and appointing a principal***

The cost to the school of recruiting and appointing a principal varied considerably across schools, ranging from minimal to \$20,000. The median costs were \$2,000 for primary schools and \$8,000 for secondary schools. Using a consultant/advisor was a main item of expenditure, along with advertising and travel costs for those interviewed.

Expenditure varied with school size from \$1,000 for very small schools, \$1,800 for small schools, \$3,000 for medium-size schools, \$4,000 for large schools and \$10,000 for very large schools. Expenditure also varied with decile from \$1,000 for low decile, \$2,500 for middle decile and \$3,500 for high decile schools.