

# ANZELA



## AUSTRALIA AND NEW ZEALAND EDUCATION LAW ASSOCIATION

### **ANZELA NZ Update June 2018**

#### **From the Chair**

Dear Members - welcome to winter!

#### **ANZELA education or research grants**

In 2018 the New Zealand Chapter introduced a grant for New Zealand Members of ANZELA and we are delighted to announce the first two grants awarded as a result of this initiative. We congratulate the following members whose applications were successful.

##### **Genevieve Brown MBA GDipBus (Dispute Resolution)**

Genevieve completed her MBA through Massey University and developed a strong interest in dispute resolution. She went on to complete the Graduate Diploma in Dispute Resolution, became a member of ANZELA and further explored her interest in law and education.

Genevieve is currently a secondary school teacher, teaching Business, Economics, Biology and Science, and is the school careers adviser. She has been inspired by attendance at the 2017 ANZELA conference and her involvement with mediation education has also motivated her to increase her mediation skills and experience through targeted training.

Genevieve has received a grant to support her participation in the NZ Law Society CLE Mediation for Education Disputes course in Wellington in August and intends to put that into practice in the area of school mediation and as the basis for contributing to ANZELA seminars and journal publications in the future.

##### **Dr Mary Redmayne PhD, Dip Env Stud, Dip Teach, BA**

Mary is an independent researcher and educator on health-related issues associated with screen use, with a strong interest in young people. Her experience includes several years as a primary school teacher, as school arts teacher (music and art) and in relief teaching at a wide range of schools and ages.

Mary has received a grant to support her attendance at the 2018 ANZELA conference in October to present a paper titled "Screen-centred schools: The new Wild West".

The last few years have seen a headlong rush into screen-centred learning in schools, along with the installation of WiFi in most schools in Australasia. This new frontier in education has occurred with sparse evidence of educational benefits, or examination of potential drawbacks. Personal screens are now the main tool used for on-line work in a majority of schools in Australasia, while some students are already relying on personal screens for off-line work too.

There are several health challenges becoming apparent concomitant with extended screen use. These include challenges to development of language; increased risk of short-sightedness; increasing loneliness, depression and suicidal thoughts in line with increasing social networking; and addiction.

Suggestions will be made on how to provide for the rights of those whose health, and therefore their education, is affected and to generally minimise exposure for staff and students.

In addition to the conference paper Mary plans to contribute items to the ANZELA Journal and the NZ Chapter newsletter.

There will be a further grant round in October but the Chapter committee may consider earlier applications for 2018.

### **2018 Conference Update**

Preparation for the Cairns conference is well underway and the programme is now available on the conference website - <http://anzela.edu.au/registration-and-program/program/>

There is a wide range of interesting and challenging topics and it is great to see so many New Zealand presenters appearing at this conference. There will be three sessions running simultaneously throughout the two full days of the conference providing plenty of choice for the delegates. For most of these sessions there will be a New Zealand paper as one of the options.

A link to accommodation at the venue (Rydges on the Esplanade) is also on the website <https://www.rydges.com/private-page/anzela/> and there is a special conference rate. One current registrant is interested in sharing a double room, and the cost, with another single woman delegate. If anyone would like to follow up on this, please contact Jane and she will put you in touch with each other.

### **Massey University and NZ Law Society CLE - *Mediation in Education Disputes***

This course will run in Wellington on 24-26 August. It provides an opportunity for those interested in this field to increase their experience and understanding of mediation in education disputes and to practise mediation skills on specific problems that arise in the education sector. Participants will also take part in a moderated assessed exercise. This assessment involves reflection and a written report from the assessor. Further information about the course can be found on the [NZLS CLE website](#).

### **ANZELA seminars for 2018**

We will be holding seminars on current topics of interest in the North Shore (Orewa College) and South Auckland (One Tree Hill School) in the coming months. Full details to follow. We are also looking at possible seminars in the Kapiti Coast and Otago regions. If you would be interested in attending one of these seminars or in a seminar in your area please contact Jane Battersby.

Warm regards



Virginia

## **Case notes**

### **Teacher forges registration documents ...**

The Disciplinary Tribunal has cancelled the registration of a teacher who, when she was renewing her practice certificate, forged the signature of her former principal and also forged a letter from the principal stating that the principal endorsed the teacher's renewal of her practising certificate. Staff of the Education Council followed up on the endorsement and discovered that it was not real. The teacher was prosecuted by the police and convicted of charges of making a false document and forgery.

The Disciplinary Tribunal found that the teacher's conduct was intended to mislead the Education Council and that undermined the registration process and brought the teaching profession into dispute. The Council must be able to trust the documentation submitted by teachers. It therefore cancelled her registration.

### **Teacher's registration cancelled for creating fraudulent documents ...**

The New Zealand Teachers Disciplinary Tribunal has cancelled the registration of a teacher who created fraudulent documents to deceive a colleague into participating in a non-existent study about the use of corporal punishment. The documents created by the teacher described a university study that directed the teacher to act out corporal punishment on a colleague by swotting her on the bottom with a school paddle and vice versa. When the teacher asked a colleague to assist him with the study, she advised the principal, who notified the police. The teacher was charged with forgery and upon conviction was ordered to pay emotional harm reparation to the victim.

The Disciplinary Tribunal found that the behaviour of the teacher breached the standard of honesty expected of teachers, reflected adversely on his fitness to work and brought the teaching profession into disrepute. The teacher was censured and had his registration cancelled.

### **Conditions imposed after assault ...**

The New Zealand Teachers Disciplinary Tribunal has found a teacher guilty of serious misconduct after she struck an adult family member with a steel vacuum cleaner pipe approximately five times during an argument. The family member complained to the police and the teacher was charged and pleaded guilty to assault with a weapon. The teacher was discharged without conviction on the basis that a conviction would deprive her of the right to teach.

The Education Council became aware of the criminal offence when renewing the teacher's practice certificate. The teacher agreed that her conduct amounted to serious misconduct and the Disciplinary Tribunal decided to impose conditions on her practice rather than deregister the teacher.

For 18 months the teacher must work under a mentor to ensure the teacher is rehabilitated into the profession and the teacher must provide a copy of the Tribunal's decision to any prospective employer. The Tribunal held that although the use of violence placed the teacher's registration in danger, in the circumstances it was satisfied that a rehabilitative approach was the right course of action.

### **Inappropriate behaviour leads to deregistration of teacher ...**

The New Zealand Teachers Disciplinary Tribunal has deregistered a teacher following many instances of inappropriate behaviour in relation to students. Those instances included showing a video of a sexual nature to students when it was not relevant to any of the topics being studied by the

students. The teacher also took photographs of students and sent text messages to her students during an assembly. On a different occasion the teacher drove a student home without notifying senior staff or getting permission from the student's parents. The teacher also had students to her house and lied to the school about that incident. The final matters involved the teacher swearing at one student and hitting another student.

The teacher admitted that her conduct amounted to serious misconduct and the Disciplinary Tribunal had no trouble finding that it reflected on her fitness to be a teacher and brought the profession into disrepute. The teacher's registration was cancelled.

#### **Teacher's aggression leads to conditions on practice ...**

The New Zealand Teachers Disciplinary Tribunal has censured a teacher and put in place conditions to ensure the safety of children in the teacher's care as well as the teacher's own health and wellbeing.

The teacher was charged with acting aggressively towards children, speaking inappropriately to them and assaulting a child. The teacher was also charged in relation to seeking emotional support from parents. Each of these matters was found to be proven and to amount to serious misconduct. The Disciplinary Tribunal has allowed the teacher to continue teaching on condition that they have a mentor who regularly reports to the Education Council and that the teacher's health practitioner is also to report regularly to the Education Council. If the teacher changes health practitioners that health practitioner must be approved by the Education Council Manager of Teacher Practice.

Reports from the mentor must specifically address aspects of the teacher's practice and any instances of aggressive behaviour towards children must be reported immediately. The Manager of Teacher Practice may require the teacher to cease work immediately if they consider the teacher is unable to teach safely. Any new employer must be advised of the decision of the Disciplinary Tribunal. These conditions remain in place for three years.

#### **Child neglect leads to censure of teacher ...**

The Teachers Disciplinary Tribunal has censured a teacher who inadvertently left a child locked in a van for several hours. The teacher was dropping children off at their homes and should have used a sign in, sign out form for each drop off, but on the day in question did not complete the form. The teacher thought that she had dropped all of the children at their homes and then parked the van and went to a funeral. Unfortunately one of the children was still in the van and remained in the van for several hours. Luckily, although the child was distressed, they were otherwise unharmed by the incident.

The Disciplinary Tribunal decided that a censure and a requirement that for two years the teacher notify any prospective future employer about the decision and that every future employer during those two years has to supply written confirmation that it has sighted the decision of the Tribunal.

In this case the Tribunal was able to conclude that the teacher did not represent a continuing danger to children because the teacher had accepted responsibility, was mortified by their error and had fronted up to the child's family about the incident.

*Alan Knowsley, Rainey Collins Lawyers, Wellington – editor of the ANZELA Update*