

28 March 2023

Ranjit Toor

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**Teaching  
Council of  
Aotearoa  
New Zealand**

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## Official Information Act Request – Discretionary Pathway Process

Tēnā koe Ranjit,

Thank you for your email dated 2 March 2023 requesting information as follows

- 1. What is the total number of applications the Teaching Council received from Indian origin applicants under the discretionary pathway for registration (all sectors). I would require a breakdown of numbers by year between 2019-now and also sectorwise. I want to understand the number of applications submitted, approved and declined for each sector.*
- 2. How many applications were approved and declined from the total number of applications? Please use the same timeline (2019-now) and please provide a breakdown of numbers.*
- 3. Does Teaching Council have any minimum experience requirements for overseas applicants to be eligible under the discretionary pathway to get teacher's registration.*
- 4. Please provide the official policy/ process document/ workflow chart that registration officers follow when assessing an application under discretionary pathway for teacher's registration.*
- 5. There is a list of documents given on teaching council's website in order to assess an application for discretionary pathway. Educational systems around the world are different so all the documents listed on website may not be available with the applicant. What if the applicant is not able to provide 1-2 documents listed, for example evidence of mentor support or evidence of professional growth. How unavailable documents can impact the decision of the application.*
- 6. If an application under the discretionary pathway is declined by a registration officer then what rights does the applicant have to challenge the decision or get it reviewed by a senior official or court? Please advise how many decisions since 2019 have been challenged and what was the outcome breakdown after reviewed by a senior official.*

We have considered your request under the Official Information Act 1982 (OIA) and can advise as follows.

- 1. What is the total number of applications the Teaching Council received from Indian origin applicants under the discretionary pathway for registration (all sectors). I would require a breakdown of numbers by year between 2019-now and also sectorwise. I want to understand the number of applications submitted, approved and declined for each sector.*

Between January 2019 and March 2023, there have been 32 applications for registration considered through the Discretionary Pathway where the applicant provided an Indian qualification, including undergraduate qualifications. 28 of the applications had qualifications with a teaching element to them. Of these 28 applicants, 19 applications were declined teacher registration. 9 applications have been approved.

2 of the 9 applications that were approved received an ECE sector endorsement. The Council cannot provide any further information on the sector of the applications as a teacher is not limited to teach in

one particular sector when they gain registration. It is therefore not information the Council collects or holds.

*2. How many applications were approved and declined from the total number of applications? Please use the same timeline (2019-now) and please provide a breakdown of numbers.*

Since January 2019 the Council has considered a total of 375 applications through the Discretionary Pathway Process. Of these, 227 applications have been approved and 148 have been declined.

*3. Does Teaching Council have any minimum experience requirements for overseas applicants to be eligible under the discretionary pathway to get teacher's registration.*

The Discretionary Pathway Panel considers qualifications, teaching experience, appraisal material, and professional development as a package to determine whether an individual meets the Council's requirement of "satisfactorily trained to teach". The *Discretionary Pathway Decision Making Framework* outlines that a "significant amount" of relevant recent teaching service of the country of origin.

*4. Please provide the official policy/ process document/ workflow chart that registration officers follow when assessing an application under discretionary pathway for teacher's registration.*

Please find the *Discretionary Pathway Decision Making Framework* attached to this response.

*5. There is a list of documents given on teaching council's website in order to assess an application for discretionary pathway. Educational systems around the world are different so all the documents listed on website may not be available with the applicant. What if the applicant is not able to provide 1-2 documents listed, for example evidence of mentor support or evidence of professional growth. How unavailable documents can impact the decision of the application.*

Applications considered through the Discretionary Pathway require additional information to be provided as these items are considered as a package. The Panel has the discretion to consider whether the information the applicant is able to provide meets the Council's requirement of "satisfactorily trained to teach". If an individual is unable to provide evidence of mentoring support, they may be required to complete a two-year induction and mentoring programme in New Zealand if their application is successful.

*6. If an application under the discretionary pathway is declined by a registration officer then what rights does the applicant have to challenge the decision or get it reviewed by a senior official or court? Please advise how many decisions since 2019 have been challenged and what was the outcome breakdown after reviewed by a senior official.*

When making decisions on applications considered through the Discretionary Pathway Process, the Council observes relevant legislation in addition to the Education and Training Act 2020. This includes the Children Act 2014, the Human Rights Act 1993, the Privacy Act 2020, and the Teaching Council Rules 2016. The Council also adheres to the principles of fairness and natural justice.

The Council is mandated to make a judgement on applications and to be satisfied that an applicant has met the criteria to be granted registration, a practising certificate, or a Limited Authority to Teach (LAT). Where the Council is considering not granting registration or issuing or renewing a practising certificate or LAT, the teacher will be given the opportunity to be heard before the decision is made. Where an individual does not meet the requirements for a practising certificate, the Council will advise them if there are any alternative options available, such as a LAT.

If an individual is not satisfied with the Discretionary Pathway Panel decision, they can request an appeal. An internal peer assessment review will then be undertaken by a staff member that has not previously been involved in the individual's application.

If the internal review upholds the original decision of the Panel, the individual may appeal that decision to the District Court within 28 days of receiving the decision or any longer period that the Court allows.

The internal peer assessment review process was introduced in 2021. Since it began, there have been 8 appeals. 2 decisions were overturned and 6 were upheld.

If you wish to discuss this further, please feel free to contact Senior Advisor, Privacy, Government, and Information who may be able to provide assistance. You can contact her via [information@teachingcouncil.nz](mailto:information@teachingcouncil.nz)

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā



Clive Jones

Tātai Heke Ratonga Mahi | Deputy Chief Executive – Operational Services