



3.3 LIMITED AUTHORITY TO TEACH

Approved by: Board of Trustees
Contact: Deputy Headmaster
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Reviewed by: Leadership Team

Purpose

1. The purposes of this policy are to:
 - a. identify the rationale, the requirements and the processes by which the Council approves applications for a LAT
 - b. provide public and professional confidence in the LAT approval process that it contributes to a quality learning environment and enhances the reputation of the teaching profession.

Rationale

2. The New Zealand Teachers Council Te Pouherenga Kaiako o Aotearoa (the Council) is entrusted with the responsibility of providing professional leadership to teachers and others involved in schools and early childhood education, enhancing their professional status, and encouraging best teaching practice. It is also responsible for ensuring that teachers, and other people carrying out teaching duties, meet professional standards, so they may contribute to and promote a safe and high quality teaching and learning environment for students (refer to section 139AA of the Education Act 1989).
3. The Council's view is that the best way to ensure high quality teaching and learning is to appoint fully qualified and registered teachers. Under the Education Act 1989, the Council can also authorise an unregistered person to teach on a temporary basis by issuing a Limited Authority to Teach (LAT) for a specific position, provided that the person has the necessary skills and experience.
4. The policy has been revised¹¹¹ to take account of the practical issues facing schools and centres in appointing teachers in some particular circumstances, while protecting the interests of learners where a fully qualified and registered teacher cannot be obtained.

Legislative Context

5. The Council is authorised to issue a LAT under section 130A of the Education Act 1989: *"Where any person has skills and experiences that are appropriate to advance the learning of a student or group of students in any particular institution, but who may not have a specific qualification normally associated with teaching, and provided that person meets the tests set out in section 130B of this Act, that person shall on application to the Teachers Council, be granted a limited authority to teach."*
6. Other sections of the Act relating to the granting of a LAT are 130B – H.
7. When deciding whether to grant a LAT, the Council must consider whether the applicant is:
 - a. of good character; and
 - b. fit to be a teacher; and
 - c. likely to be a satisfactory teacher (Education Act, 1989 section 130B(2)).
8. In determining whether the applicant meets these criteria, the Council must take into account the following:
 - a. the purpose of the LAT, as set out above in paragraph 5;
 - b. the views of the professional leader of the institution that has employed the applicant;

- c. the applicant's relevant skills and experience; and
 - d. any other relevant matters.
9. LATs cannot be used to circumvent the purposes of the Act or the registration requirements in the Act. For example, section 120A(1) of the Education Act 1989 states that:

“(1) No employer shall appoint to any teaching position—

[...]

(b) Any person whose authorisation has been cancelled, and who has not since—

(i) Been granted an authorisation again; or

*(ii) Been registered as a teacher.”*The Act also says, in Section 120A(2): *“No employer shall permanently appoint to any teaching position any person who does not hold a practising certificate.*

10. LATs are only to be used on a temporary basis by schools and kindergartens.

Ethical Context

11. *The Code of Ethics for Registered Teachers Ngā Tikanga Matatika* applies to both registered teachers and LAT holders (Education Act 1989, section 139A(1)). As part of accepting any LAT position, the LAT holder needs to understand the ethical principles and commitments within the code, including the professional expectation to uphold the reputation of the teaching profession.

Definition

12. ‘Limited Authority to Teach’ means authorisation to be employed in a teaching position for a limited period of time as defined in the policy, and for a specific teaching position.
13. A person who holds a LAT cannot be appointed to a permanent position as the Education Act 1989 requires that only those with a practising certificate are able to be permanently appointed.¹¹²
14. A LAT is not transferable and can only be used within the school/centre for the position for which it was granted. Those employed in itinerating roles need an endorsement and approval of the LAT for each school or centre. In such circumstances the person holding a LAT identifies a designated ‘home setting’ and other professional leaders are required to support the application.

Duration of LATs

15. LATs may be issued for one, two or three years and the Council will be guided by the following criteria:
- a. Up to Three Year LATs may be issued for people who are:
 - (i) qualified to at least a level 6 qualification on the National Qualifications Framework (NQF) in their specialist role and are:
 - part time (up to 0.5) such as a language specialist; or
 - itinerating¹¹³; or
 - guidance counsellors (who are also in a teaching role).
 - (ii) LAT holders participating in initial teacher education programmes (only until the qualification is complete).
 - b. Up to Two Year LATs may be issued for people employed in teaching positions in:
 - a. Māori medium settings.
 - b. alternative education centres / special character settings / in a school in support of secondary-tertiary partnerships
 - c. isolated or rural settings.

c. Up to One Year LATs may be issued for:

- day to day relievers.
 - other positions for which it is currently difficult to secure a registered teacher.
- (c) a professional leader (applications will be considered on a case by case basis).

Requirements

Eligibility

A LAT application is required only for a person who is to be employed in a specific teaching position.

A teaching position is partly defined in the Education Act 1989 as a position that requires its holder to instruct students. The Council further interprets 'instructs students' as having responsibility for teacher and learning. A person is considered to have responsibility for teaching and learning if their job description expects them to:

- cause learning (either as an individual or a member of a teaching team); and
- to act autonomously and without day to day supervision

Other criteria for being eligible for a LAT are that the applicant:

- meets the language proficiency requirements; and
- is of good character (has a satisfactory police vet); and
- is fit to be a teacher (as attested by the professional leader)¹¹⁴.

A person is NOT eligible to apply for a LAT if any of the following apply:

- s/he is to fulfil a role not defined as a teaching position
- the position is sole charge
- s/he is a registered teacher or has approved teaching qualifications
- s/he holds a practising certificate or is eligible to hold one
- registration is not compulsory for that position.

An employer cannot appoint a LAT holder if that person has:

- had their LAT cancelled, and has not since been granted a LAT again,
- been registered as a teacher (section 120A(1)(b)) Education Act 1989.

A person holding a LAT is subject to the same mandatory reporting rules as apply to registered teachers.¹¹⁵

Where the position involves an itinerating role, the professional leader from the home setting is responsible for the joint application and endorsement on behalf of the other participating settings. All the other settings at which the position applies are listed on the application and agreement signed by each of the appropriate professional leaders in accordance with this policy.

A person who has previously held a LAT may make a subsequent application. A person may also apply for the issue of a new LAT before the expiry of a current LAT.¹¹⁶ There are requirements on the professional leader to supply documentation to support a subsequent LAT (see requirements under the heading 'Applications for a LAT').

Language Proficiency Requirement

- LAT applicants will need to meet the conditions of the policy on *Language Proficiency Requirements for Teaching in Aotearoa New Zealand*.
- Applications made for a LAT to teach languages other than English or Māori, where the applicant is not required to teach other subjects in English or Māori, will be considered on a case by case basis.

Applications for a LAT

- An application for a LAT is the joint responsibility of the applicant and the professional leader of the learning centre. It is based on a fixed term employment offer for a specific
 - person
 - setting
 - subject or teaching position, and
 - time-frame.
- The responsibilities of the applicant are to ensure s/he:
 - (i) has been offered a temporary teaching position for a fixed period of time
 - (ii) will meet the criteria for good character and fit to be a teacher
 - (iii) meets the Council's language proficiency requirements
 - (iv) has the minimum standard of education and qualifications relevant to the role
 - (v) has the skills and experience necessary to enhance the quality of learning for ākongā
 - (vi) is prepared to abide by the Teachers Council *Code Of Ethics for Registered Teachers Ngā Tikanga Matatika*.
- (vii) The professional leader or employer has the responsibility to ensure that s/he has:
 - a. been unable to secure a qualified registered teacher for the teaching position, including on subsequent applications for a LAT for the same position;
 - b. offered the applicant a specific fixed term teaching position, compatible with her or his skills and experience;
 - c. explained to the applicant that she or he cannot be appointed to a permanent position as a LAT holder (refer to sections 120A and 120B of the Education Act 1989);
 - d. documented the term of employment and the reasons for the fixed term in writing (this is a requirement of section 66 of the Employment Relations Act 2000);
 - e. given full and informed endorsement of the applicant as a person 'likely to be a satisfactory teacher'¹¹⁷;
 - f. informed the applicant of the *Code of Ethics Ngā Tikanga Matatika*;
 - g. considered the requirements of this policy as guidance when endorsing the application;
 - (h) has in place a performance management system that will provide the LAT holder with a clear job description, regular appraisals, access to appropriate professional development and supervision from a designated fully registered teacher with a current practising certificate.

Evidence Required to Support a LAT Application

The Council requires evidence from the applicant and the professional leader / employer to support the application as specified in paragraph 27 and 28.

Appeals

Any applicant who is not satisfied with a Council decision about his or her LAT application may appeal that decision to the District Court within 28 days (or any longer period that the Court allows) of receiving notice of the decision.

Policy review

The policy may be reviewed and consulted on as required by the Council. Any change to policy will be published in the Education Gazette and on the Council website.

Related policy references

- (i) This policy should be read in conjunction with the following ECNZ policies:
 - a. Good Character and Fit to be a Teacher Policy (2007)
 - b. Likely to be a Satisfactory Teacher Policy (2012)
 - c. Language Proficiency Requirements for Teaching in Aotearoa New Zealand (2006)