

Regulatory Impact Statement: Changes to Teaching Council organisational arrangements

Decision sought	This analysis is produced to inform Cabinet decisions on changes to the Teaching Council's organisational arrangements for inclusion in the Education and Training (System Reform) Amendment Bill.
Agency responsible	Ministry of Education
Proposing Ministers	Hon Erica Stanford, Minister of Education
Date finalised	25/03/2026

Description of the Minister's regulatory proposal

This regulatory impact statement sets out the Minister's proposal to apply changes to the Teaching Council's organisational arrangements.

The proposal aims to improve the performance and accountability of the Teaching Council as it carries out its role as the key regulator of teacher education, conduct and competence and provide strong alignment of the Council's teaching workforce regulation and operations functions with broader government education policies and priorities.

The proposal contains a package of changes that would:

- alter the Governing Council arrangements: this includes removing elected member appointments and changing removal threshold,
- amend the legislative purpose of the Council to focus more on child and youth safety,
- specify a higher level of responsiveness by the Council to Government policy,
- set out Chief Executive appointment conditions that limit appointment duration similar to statutory Crown entities, and
- set enhanced monitoring and oversight requirements on the Council covering planning, reporting and review.

The proposal will be enabled through an amendment paper to be introduced at the Committee of the Whole House stage of the Education and Training (System Reform) Amendment Bill (the ERB) and to be passed as part of the final Bill.

Summary: Problem definition and options

What is the policy problem?

The Teaching Council is not performing as well as is needed to deliver on its purpose and functions and to contribute to government's system improvement objectives. Two recent external reviews, one by Debbie Francis and the other by the Public Service Commission have found serious organisational performance and direction issues within the Council.

The Francis Review particularly found that the Council is not delivering its core functions effectively. It raised strong concerns about the Council's response to, and focus on, child safety. The Review recommended broad and deep culture change at the Council and better strategic focus and leadership.

The reviews suggest the Council is not currently well-placed to influence quality workforce outcomes. Better performance is needed to build the trust and confidence of teachers and the public in the Council. This includes using its regulatory powers better to ensure teachers have the attributes, skills and knowledge required to deliver excellent student outcomes and to keep students safe from harm

What is the policy objective?

The Teaching Council is an entity with statutory independence from government that has a critical role in protecting the public interest in the provision of a safe and effective education system. It does this by regulating entry to the profession and enforcing established standards.

The Council needs to perform well in order to deliver on its purpose and functions including aligning its priorities and focus with broader system improvement settings from Government.

The proposal therefore seeks to improve the quality of teaching through changes to the Council's organisational design that:

- **improve performance and accountability** of the Council in its role as the key regulator of teacher education, conduct and competence
- **strongly align** the Council's teaching workforce regulation and operations functions with broader government education policies and priorities to support quality teaching.

What policy options have been considered, including any alternatives to regulation?

The Minister's proposal builds on reforms to the Council (and workforce settings more generally), firstly through an Education and Training Act amendment passed in 2025 and, more recently, changes contained in the ERB already in the House.

The RIS treats the changes in ERB as the status quo, which include changes to Council membership and purpose and function. They seek to directly improve the regulatory performance of the Council in delivering its functions.

The Ministry has also considered non-regulatory alternatives. There is some scope for non-regulatory intervention (mainly of an advisory and review nature) to strengthen the performance and oversight of the Council. Non-regulatory intervention is likely to be insufficient to raise the performance of the organisation as much as is desired. Furthermore, some strengthening measures can only be undertaken as regulatory change due to the

Council being created in statute. We note that regulatory measures will occur alongside non-regulatory intervention rather than instead of.

Besides the status quo, the RIS presents two other options. These are:

- a. Option 1:** Retaining statutory body form with changes to organisational arrangements to address the problem definition and objectives. These changes involve:
- a. Altering the purpose of the Teaching Council to emphasise child and youth safety
 - b. strengthening performance monitoring of the Council by reflecting planning and reporting provisions drawn from the Crown Entities Act 2004
 - c. requiring the Council to give effect to any Statement of Government Policy
 - d. confirming the Minister may not intervene or give direction in relation to specific registration, competence, conduct and disciplinary cases before the Teaching Council, Complaints Assessment Committee, Competence Authority or Disciplinary Tribunal
 - e. changing the threshold for removal of appointed members so the Minister may, at any time and entirely at his or her discretion, remove a member from office
 - f. removing the requirement for elected members to be on the Council
 - g. setting out that the Minister's appointed members of the Council must include three members each with at least five years' teaching experience
 - h. limiting the Teaching Council's chief executive term, to not more than five years, but with the ability to be reappointed

Option 2: Transition to Crown entity form with attendant organisational arrangements as in option 1 but with the full Crown entity framework applying as per the Crown Entities Act 2004.

What external consultation has been undertaken?

The Minister has asked that this proposal be progressed through the ERB, which has now completed its consideration by the Education and Workforce Select Committee. Therefore, the only option for including this proposal in ERB is via an Amendment Paper at the Committee of the Whole House stage.

Given these timelines, we have not been able to undertake any public or sector consultation and the sector will not be aware of the proposal at the time of its inclusion in the ERB.

Previous consultation on related change proposals involving the Teaching Council (such as on existing ERB proposals) indicates that many stakeholders strongly support the idea of independence of the Teaching Council. This means that any changes moving closer to government oversight of the Council, such as removing elected members, are unlikely to be widely supported.

Te Kawa Mataiaho Public Service Commission, the Department of the Prime Minister and Cabinet, the Treasury, Education Review Office, Ministry for Regulation, and the Ministry of Justice were consulted on the Cabinet paper proposals. These agencies have not been consulted on this RIS.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

The preferred option in the RIS is largely aligned with the option presented in the Cabinet paper. The key difference is that the preferred option in the RIS places requirements on the sectors to be represented (ECE, primary, secondary) and need for a current practising certificate, whereas the Cabinet paper only requires appointed sector representation to be a minimum of three people with at least five years' experience as a teacher.

Costs

Description of costs and where they fall

There is likely to be a low level of non-monetary cost brought about by changes that make the Council all Ministerially appointed. 9(2)(g)(i)



Lessening requirements to have teachers sitting on the Council will reduce availability of teacher expertise.

There may be a low level of financial cost created if the Council is required to increase its planning and reporting capacity. Similarly, the Ministry's existing Crown entity monitoring function will undertake the additional monitoring alongside policy and operational teams. This cost will be absorbed within existing baselines.

Benefits

Description of benefits and where they fall

The longer-term benefit likely from the package of changes is a Council that evolves into a coherent body working to a clear plan and purpose and providing information on what its work is achieving. This will benefit both the Council and its membership from the contribution the changes make to improving the quality of teaching.

The Council makes low monetary savings from not conducting elections for Council members (this was about \$60,000 in 2025). Any reduction in the Council's costs may be reflected in the level of fees and levies it charges teachers.

Balance of benefits and costs

Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?

Overall, we assess an overall net benefit from the Minister's preferred option. This is due to the likelihood of greater oversight and engagement with government leading to an organisation that works more effectively, is better able to quality assure the conduct and competence of teachers and downstream helps to improve student outcomes. Alongside this is the near absence of monetary costs associated with the package of proposals. There is some risk to the relationship with the sector but this is in the context of a low engagement base between the sector and Council currently. However, the prospective reduction in teacher expertise on the Council risks there being an ongoing reduction in teacher viewpoint

being included in decision-making. This is balanced with the benefits of greater strategic governance expertise and reduction in the advocacy positioning of the Council, as was identified in the Francis Review, which has contributed to the current situation.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

Changes outlined for the preferred option will be drafted as an amendment paper for the ERB. This will amend the Education and Training Act 2020 accordingly. The amendment paper will be introduced at the Committee of the Whole House stage of the ERB and will be passed as part of the final Bill.

Following Royal Assent, the Minister will inform elected representatives that they will cease to be Council members once a new set of members are appointed by the Minister under new requirements in the ERB. An appointment process for expected vacancies is underway following normal procedure and requirements.

Implementation of other changes to organisational arrangements depend on the particular change.

- Planning and reporting instruments and ministerial expectations around their content and form will be confirmed by the Minister to the Chair. The Ministry will undertake monitoring and oversight on behalf of the Minister and will manage this within its baseline resourcing. The new legislated requirements will mean the Council must promulgate and table the instruments and respond to ministerial requests.
- The requirement to give effect to the Statement of Government Priorities will fall on the Council to meet once the ERB comes into force as will changes to the Council's purpose and removal threshold changes for appointed members.
- Requirements for appointment of a Chief Executive for a time-limited period will also apply from Assent.

Limitations and constraints on analysis

This proposal has been developed in response to Ministerial direction to make organisational changes that respond to recent reviews raising concerns about Teaching Council performance. The intention is to provide it with more oversight and focus, on top of previous legislative amendments that advance options to improve transparency and accountability of the Teaching Council, and to improve the effectiveness of delivery of its regulatory functions. Separate regulatory impact statements have assessed these options with changes progressed through the Education and Training Amendment Act 2025 and the ERB, with the latter still before the House.

The Minister has been particularly interested in legislative change. Furthermore, the proposal has been developed at pace following Ministerial direction that changes be incorporated into the ERB via an amendment paper post select committee consideration. Because of these timeframes, the proposal was not consulted on with the sector, and the sector will not be informed about the proposal until it is introduced as part of an amendment paper to ERB.

The timeframe limited our scope for evidence gathering and options analysis. However, we consider the analysis undertaken enables us to reasonably assess whether the options considered will support the Council to more effectively undertake its functions and duties and to contribute to progressing government education system objectives.

I am satisfied that, given the available evidence, this RIS represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:



Paul Aitken
Senior Policy Manager
25/03/2026

Quality Assurance Statement

Reviewing: Ministry of Education

QA rating: Partially meets

Panel Comment:

The Ministry of Education QA Panel has reviewed the regulatory impact statement *Changes to Teaching Council organisational arrangements* prepared by the Ministry of Education. Given the time constraints on the analysis and consultation, the Panel has assessed the statement as partially meeting the QA criteria. Despite the constraints the statement provides clear and concise analysis that can support Ministerial decision on the proposed changes.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

It is important the Teaching Council is seen as, and acts as, a strong, competent workforce regulator to keep learners safe and assist them to achieve

1. This regulatory impact statement is related to earlier ones prepared by the Ministry in June 2025.¹ Those analyses focused on options to strengthen the role of the Council to address the high variability, inequity and unacceptable levels of achievement within, and between, schools as well as students leaving school without the skills or qualifications they need.
2. As the professional body for, and regulator of teachers, the Teaching Council has a significant role in influencing improvement in teacher quality. The earlier regulatory impact statements cited evidence of the significant impact teacher quality has on

¹ See [RIS Changes to the teacher workforce regulation model.pdf](#) and [Regulatory-Impact-Statement-Changes-to-the-Teaching-Councils-governance.pdf](#)

student performance.² Teaching Council influence occurs through both its oversight of the practice and capability exhibited by teachers and of those who teach the teachers.

3. There is a public interest in robust regulation of the education workforce. This is because the public should be confident that teachers have the attributes, skills and knowledge required to deliver excellent student outcomes. Even more importantly, the public should also be assured that children and students are being kept safe from harm caused by poor teaching practice or inappropriate teacher behaviour.
4. Decisions by Cabinet on options covered by the June 2025 regulatory impact statements are now reflected in a package of workforce regulatory reform being applied to the Teaching Council. These form part of proposals in the Education and Training (System Reform) Amendment Bill (ERB). The ERB forms part of a comprehensive Government work programme to raise the quality of teaching.
5. The key ERB changes to the Teaching Council centre on the following. Some of these changes overlap with proposals considered in this RIS:
 - a. Reducing the size of the Teaching Council's membership to 7-9 members, with three of these being elected members.
 - b. Narrowing the purpose statement and legislated functions of the council by removing its focus on raising the status of the profession from the purpose statement and removing the functions of:
 - i. Providing directions for teachers
 - ii. Enhancing the status of teachers
 - iii. Identifying and disseminating best practice in teaching and fostering the teaching profession's continued development.
 - c. Removing the following functions and transferring them to the Secretary of the Ministry of Education:
 - i. establishing and maintaining—
 1. the criteria for teacher registration:
 2. standards and criteria for qualifications, ongoing practice, and practising certificates:
 3. the code of conduct for teachers:
 - ii. performing reviews of the above criteria, standards, and code of conduct every 7 years or at shorter intervals:
 - iii. amending or replacing the criteria, standards, and code of conduct following reviews.
 - d. Amending the Council's existing function to approve teacher education programmes by including the ability to monitor and review providers' delivery of approved programmes, place conditions on new or existing programme approvals, and to cancel approvals

² Evidence shows that up to 59% of variance in student performance is attributable to differences between teachers and classes: Quality Teaching for Diverse Students in Schooling: Best Evidence Synthesis Iteration (BES) | Education Counts

6. The Teaching Council's regulatory role is important because its activities provide a strong lever for making sure that teachers have the attributes, skills and knowledge required to deliver excellent student outcomes and to keep students safe from harm.
7. The changes that are being made by the ERB and other recently passed legislation alter the core legal framework of the Teaching Council. The framework encompasses matters such as composition of the Governing Council, the legislated purpose and functions of the Council, levels of responsiveness to Government policy and reporting on activities that the Council is planning or has completed.
8. The changes re-focus the Council's role onto teacher education quality assurance, discipline and competence, and give the Minister additional levers to intervene to improve teacher capability by making changes to the teaching standards, teacher education standards and requirements for registration and certification.
9. The framework changes shift the levels of independence, representativeness and accountability of the organisation. One of the regulatory impact statements from last year characterised the Council as an independent profession-led regulatory body. Because the Council is a statutory body, its degree of independence is ultimately dependent on Parliament's decisions on organisational form and structure.
10. The level of independence of professional regulatory bodies in New Zealand varies depending on the entity and the decisions made by Parliament over time. The independence of the Council can be placed on a continuum. Recent changes, including those yet to be passed in the ERB, lessen the Council's independence as Parliament has confirmed higher levels of Government oversight (for example, by increasing the Council's obligations to report on how it has had regard to the Government's policy direction).

What is the policy problem or opportunity?

Recent evidence has identified additional challenges to the Council's performance to deliver on its purpose and functions

11. In late 2025, the recently appointed Chair of the Teaching Council commissioned an independent, external reviewer (Debbie Francis) to conduct a short, future-focused review (the Francis Review) of the Council's organisational performance and culture.³ This was to ensure that the Council would be well positioned to execute successfully on its strategy and required outcomes over a five-year horizon.
12. The Francis report identified serious organisational performance and direction issues within the Council. The report found the Council is not delivering its core functions effectively. It raised concerns about the Council's response to, and focus on, child safety. The Review recommends broad and deep culture change at the Council. In particular, the Review found that the Council needs to have:
 - a. a focused Governing Council membership with the ability to draw on a range of skills and expertise
 - b. a clear understanding of Governing Council member responsibilities and the conduct required
 - c. improved internal staff dynamics and staff make-up and capability

³ [Teaching Council Five Year Excellence Horizon](#)

- d. a specific, fit-for-purpose statement of Council functions (especially with a priority focus on child safety)
 - e. mechanisms to focus the Council on strategic delivery of specific objectives.
 - f. improved quasi-judicial processes (case management/timeliness)
 - g. better Disciplinary Tribunal / Complaints Assessment Committee decision quality
 - h. greater and deeper use of data in Council work
 - i. improved communications to the sector
 - j. improved relationships with education bodies.
13. This report and an investigation by the Public Service Commission into conflict of interest and procurement practices⁴ at the Council drives the case for considering organisational changes to the Council. The latter report found serious and repeated failures in the Teaching Council's procurement and conflict of interest processes between late 2018 and early 2025. These flaws in governance and internal processes reflected poor oversight and under-developed organisational controls, particularly in relation to conflict-of-interest management.
14. Organisational changes would look to improve accountability and monitoring and the ability for Government to steer Council activities, where needed. Some of the changes in the ERB already align with this. However, the shifts in Council functions and changes to governance arrangements for the Council were agreed by Cabinet on the basis of evidence and information about the Council's organisational health and culture at the time. They were made ahead of the findings of the Francis Review and Public Service Commission investigation becoming available.
15. The legislative changes in train enable the Council to have a more positive impact on the quality of teaching, especially through its role as a regulator of initial teacher education (ITE). There is evidence of weaknesses in teacher training that has been found by ERO in its review of ITE⁵ and New Zealand's results in the 2024 Teaching and Learning International Survey (TALIS).⁶ This is alongside ongoing concern from schools as teachers' employers about the capability of graduates from ITE.
16. The findings, from the Francis Review particularly, provide new information on the state of the Teaching Council. They suggest it is an entity that is not well-placed to influence quality workforce outcomes. Good performance is needed to build the trust and confidence of teachers and the public in the Council.
17. The proposals considered in this RIS build on the ERB's regulatory changes to address the limitations that have now been found with the Council. These can then ensure the safety of students is adequately protected and that the public interest in the quality of the teaching workforce is met. Without consideration of further intervention, there is a risk that the performance of the Council continues to be weak and matters such as child and youth safety are not adequately targeted. To this end, the Minister of Education has indicated that she wishes to pursue changes that lead to sufficient oversight and influence on the Council's activities.

What objectives are sought in relation to the policy problem?

⁴ [Report: Investigation into the Teaching Council of Aotearoa New Zealand](#)

⁵ Ready, set, teach: How prepared and supported are new teachers? Education Review Office (2024)

⁶ [Results from TALIS 2024 Country notes: New Zealand](#)

18. There are two objectives or outcomes sought from this work, which are:
- a. **improved performance and accountability** of the Teaching Council in its role as the key regulator of teacher education, conduct and competence in order to protect children and young people better from harm, raise student achievement, and maintain public trust and confidence in the teaching profession and the Council itself
 - b. **strong alignment** of the Council’s teaching workforce regulation and operations functions with broader government education policies and priorities, particularly curriculum goals and workforce requirements to support quality teaching
19. The first objective arises from the recent reviews into the performance, mission and accountability of the Teaching Council. The latter objective reflects the ongoing need for the Teaching Council to work closely with Government and related agencies to deliver quality teaching and learning outcomes.

What consultation has been undertaken?

20. The change options set out in the next section have not been consulted on. This is a result of the narrow window between the Minister receiving reports on Teaching Council performance and the remaining time left to use the ERB as a legislative vehicle to progress changes. Because changes agreed by Cabinet will be in an Amendment Paper introduced just before the Committee of the Whole House stage, there will be no further opportunity to consult, including via the usual select committee submission process.
21. There has been consultation on related change proposals involving the Teaching Council. These consultation findings provide insight into the views some stakeholder groups are likely to hold. These findings include content from very recent (2026) submissions on the ERB. However, this information does not necessarily provide specific feedback on all the changes each option covers.
22. In general, previous consultation indicates that many stakeholders strongly support the idea of independence of the Teaching Council. This means that any changes moving the Council closer to government oversight are not typically widely supported. This includes opposing the shift in composition of the Council away from majority elected sector representation made through the ERB.
23. Te Kawa Mataiaho Public Service Commission, the Department of the Prime Minister and Cabinet, the Treasury, Education Review Office, Ministry for Regulation, and the Ministry of Justice were consulted on the Cabinet paper proposals. These agencies have not been consulted on this RIS.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

24. The Ministry has used the following criteria to assess the stated options in comparison to the status quo. Higher scoring against these criteria would denote that options are more likely to meet the objectives of the regulatory change.

Criteria	Description
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Improved oversight and quality of Council governance	Higher scoring on this criterion is achieved by options that better support the Council to hold the right mix of skills, capability and be motivated to deliver on the Council's purpose and functions.
Improved transparency of Council operation and direction	Higher scoring on this criterion is achieved by options that support the Council to communicate its planned activities for the near future and report on past performance.
Increase alignment with system priorities	Higher scoring on this criterion is achieved by options that strengthen the relationship between the Council's work and the Government's vision for system settings to improve child and youth safety and the quality of teaching and leadership
Ease of implementation and achieving a reasonable balance of administrative load and cost	Higher scoring on this criterion is achieved by options that minimise cost, time and disruption which can negatively impact on the effectiveness of the Council to deliver its regulatory functions.
Degree of sector representation and independent voice	Higher scoring on this criterion is achieved by options that support sector representation and therefore a more independent voice for the sector. It is common practice for professional bodies to require a minimum level of representatives from the profession to provide on the ground expertise and views.

What scope will options be considered within?

25. The Minister seeks to have a Teaching Council that is capable of showing strong leadership, displays a positive culture and focuses on its regulatory purpose and priorities.⁷ The Ministry has been tasked with identifying further regulatory changes that would support these features and could be included in the ERB currently in the House. The Minister has indicated interest in what benefits a 'Crown entity' model offers and how this compared to the Council remaining as a statutory body.
26. Making the Council into a Crown entity involves categorising it as one of the three types of statutory entities in Schedule 1 of the Crown Entities Act 2004. A range of generic requirements from that Act's framework would then apply to the Council. The three types of entity are a Crown agent, autonomous Crown entity (ACE) or independent Crown entity (ICE). These types are increasingly independent of government control.
27. The idea of changing the status of the Council from independent statutory body corporate to a Crown agent was raised previously as an option in one of the June 2025 RISs cited earlier (regarding which agencies ought to hold which legislative functions currently held by the Teaching Council). That RIS indicated that the effect of a change to a Crown entity would be to have the Council monitored by the Ministry of Education and for it to be required to 'give effect' to government policy, rather than 'have regard' to this policy.

⁷ [Teaching Council reviews highlight need for change | Beehive.govt.nz](https://www.beehive.govt.nz/teaching-council-reviews-highlight-need-for-change)

28. The two options described below are in a similar context. There is also some, albeit limited, scope for non-regulatory change to strengthen the performance and oversight of the Council. We regard non-regulatory change as an adjunct rather than an alternative to consideration of regulatory changes. Non-regulatory interventions would take place to support the regulatory changes being canvassed.
29. Non-regulatory changes will not suffice on their own as some of the Council's organisational arrangements, which impact performance and direction of the organisation, can only be amended by regulation. For example, because the Council is created through legislation, any change to formally reshape its purpose must be carried out as a legislation change. Similarly, requiring the Council to align more closely to Government direction or system priorities can only be achieved through legislation – if not specified in the Act, the Council is under no obligation to respond to government policy.
30. Nonetheless, there is a range of supports that government can apply to improve the Council's functioning such as:
 - a. Targeted reviews to assist with identification of solutions in specific problem areas eg, how complaint processes about teachers can be improved
 - b. Support for the Chair, such as providing advice on CE appointments and the skills and experience needed to lead a work programme
 - c. Carefully considered Governing Council appointments to ensure members have specific skills and expertise to support the Chair while undertaking a change and improvement work programme
 - d. Use of external oversight groups and monitoring agreed in conjunction with the Council.
31. These non-legislative supports still provide an important lever for change and are necessary but not completely sufficient to achieve the change sought by the Minister.

What options are being considered?

32. In addition to the status quo, we have considered two other options that seek to meet the objectives of the work. One of these applies the Crown entity legislative framework while the other does not.
33. The composition of the options (including the status quo) consists of changes to levers that:
 - a. alter the Governing Council arrangements: this includes changes to the methods of member appointment and removal
 - b. set out Chief Executive appointment conditions
 - c. state the legislative purpose of the Council
 - d. specify the level of responsiveness of the Council to Government policy
 - e. apply accounting and monitoring on the organisation ie, through planning, reporting and review requirements.
34. There is also overlap between the options with the status quo approach assumed to be incorporated as part of the other options (unless clearly altered by those options).

Option One – Status Quo

35. The status quo would assume legislative changes already made and proposals now before the House to improve the Council’s performance and direction. We have outlined these changes already for the ERB but, in brief, they do the following:
- a. Shift responsibility for all standard setting functions to the Ministry
 - b. Strengthen the Council’s powers and focus on quality assurance of ITE
 - c. Narrows the purpose statement by removing its focus on raising the status of the profession
 - d. Reduce the overall size of the Governing Council (to between 7-9 members) and increase the proportion of appointed members comprising the Council (by reducing elected representatives).⁸
36. Other changes pertinent to the objectives of this work were made through the Education and Training Amendment Act 2025, which passed into law in November 2025. The changes directly relevant to this RIS are:
- a. the requirement that the Council report on how it has had regard to any Statement of Government Policy (SoGP), and
 - b. making the Governing Council majority ministerially-appointed but retaining three elected members.⁹
37. Besides these recent or impending changes, relevant aspects of the status quo would also remain, namely that:
- a. the basis for removal of Council members varies according to whether they are elected by the sector or ministerially-appointed (the respective tests being just cause and in consultation with the Council members versus just cause only)
 - b. the Chief Executive is appointed indefinitely by the Governing Council
 - c. existing planning and monitoring requirements placed on the Teaching Council. (ie, producing a 5-year report of strategic direction every three years, and an annual report for Parliament which includes reporting on compliance for the year against any Statement of Government Policy issued.
 - d. the Minister is able to request information from the Council in relation to the performance of its functions, which links to the Minister’s power to commission an independent audit of the conduct of the Teaching Council’s functions to assess if it is complying with its legislative functions
 - e. the Council must have regard to Government policy as set out in the statement of government priorities.

Option Two – Retaining statutory body form with changes to organisational arrangements

38. Option 2 would be a package of changes to the status quo incorporating the following:
- a. Amending the purpose statement to signal an elevated focus for the Council on child safety.
 - b. A more comprehensive set of planning and monitoring regulatory requirements:

⁸ 4-6 Ministerially appointed, 3 elected

⁹ This made the Governing Council 7 Ministerially appointed (increase of 1), and 6 elected (decrease of 1).

- i. Requiring the Council to prepare a consistent set of planning and reporting instruments similar to those required by entities falling under the Crown Entities Act – statements of intent and annual reports with associated statements of performance expectation and performance.
 - ii. Ministerial powers relating to these instruments covering matters such as the content they need to cover and ministerial power to comment on or require content changes.
 - iii. Powers which enable communication of Ministerial expectations of operating and priorities and confirming substantive powers to require information or undertake review both by the Minister or the Ministry.
 - c. A requirement for the Council to give effect to the Statement of Government Policy
 - d. Removing elected members and only having ministerially appointed Council members (as specified by the Minister)
 - e. Including a minimum level of teacher representation among the appointed Council membership from each of the three main sectors (early childhood, primary and secondary) in addition to these members holding a current practising certificate.
 - f. Reducing the bar for removal of [appointed] members to be at the Minister's discretion rather than just cause.
 - g. Limiting the term of the Chief Executive to five years with the possibility of reappointment. This is usual practice for statutory Crown entities and is set out in s 117 of the Crown Entities Act. Other statutory bodies also reflect this approach such as district councils.
39. A final component of this Option involves explicitly confirming the independence of the Council's decision-making from government in individual cases and doing the same for the competence and disciplinary entities within the Council set up under the Act (the Complaints Assessment Committee, Competence Authority and Disciplinary Tribunal).

Option Three – Transition to Crown entity form with attendant organisational arrangements

40. Option 3 would involve placing the Council into the Crown Entity Act framework. Under this option, we assume the Council would be categorised as a 'Crown agent',¹⁰ as this places it closest to government control of all the three statutory Crown entity types.
41. Option 3's package reflects changes that are very similar to that of Option 2. This is because Option 2 in part seeks to emulate key planning and monitoring elements of the Crown entity framework. In addition, there are features of Option 2 that we have also placed in the Option 3 package because they are unique to the governing Act ie, the Education and Training Act 2020, and not dependent on transition to a Crown entity. At the same time they relate to the objectives sought by the Minister. In summary, the following core elements would be included in this package:
- a. An amended purpose statement to signal an elevated focus for the Council on child safety

¹⁰ The Council was previously an autonomous Crown entity from 2005-2016.

- b. An enhanced set of planning and monitoring regulatory requirements covering statements of intent, annual reporting and associated statements of performance expectations and reporting on subsequent performance and associated ministerial powers of involvement in those documents.
 - c. Appointment arrangements for Council members governed by provisions applied from the Crown Entities Act for Crown agents. This includes the ability to remove appointed members entirely at the Minister's discretion.
 - d. Removing elected membership and only having ministerially appointed Council members (having elected members on the Council is covered under the Education and Training Act).
 - e. Including a minimum teacher representation requirement among appointed Council membership as per Option 2.
 - f. A requirement for the Council to give effect to Government policy as per s 103 of the Crown Entities Act, which would replace the current requirement for the Council to have regard specifically to any Statements of Government Policy for the Council
 - g. limiting the term of the Chief Executive to five years with reappointment possible.
 - h. Specifying independence of the Council's decision making in individual cases.
42. Because Option 3 moves the Teaching Council into government, there are some provisions in the Crown Entities Act that would create changes to the Council's organisation and processes over and above those set out in Option 2. In general, these requirements are either not related to the issues being dealt with by this RIS (eg, level of Parliamentary scrutiny of spending) or are relatively indirect in their ability to impact on the issues raised in the reviews.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Retaining statutory body form with changes to organisational arrangements	Option 3 - Transition to Crown entity form with attendant organisational arrangements
Improved oversight and quality of Council governance	0	<p>++</p> <p>Gives the Minister greater ability to play an enhanced role in Council strategic planning using powers that enable communication of priorities and allow the Minister to influence Council strategic intentions.</p> <p>Provides incentives for Council governors and executive leadership to work closely together and towards achieving the expectations on the Council (removal thresholds, potential for re-appointment, clearer emphasis on safety)</p> <p>Shift in oversight held more by government will create a perception that the Council is being remodelled as a quasi-government body with limited independence.</p> <p>Only tailored accountability changes seen as needed to make a difference to Minister’s objectives are included in this option. The option also provides an ability to create bespoke oversight provisions which may be more pragmatic at times.</p>	<p>+</p> <p>This option also gives the Minister scope to play an enhanced role. Generally, it provides a similar set of levers to incentivise and provide oversight of the Board and executive leadership.</p> <p>More likely to produce a perception of Government control of an organisation due to Crown entities being placed in the State Sector.</p> <p>Application of the Crown entity model will enable somewhat more oversight and involvement than is needed by government in areas not directly related to the problem issues. This will create added complexity and effort.</p>

<p>Improved transparency of Council operation and direction</p>	<p>0</p>	<p style="text-align: center;">++</p> <p>The new instruments and ministerial powers will allow more visibility of Council business, objectives and direction. The planning and reporting requirements support closer Ministry monitoring and help the public and government understand what the Council’s activities are delivering.</p> <p>Option provides scope to tailor directions and requests to fit the Teaching Council’s system role and mandate</p>	<p style="text-align: center;">++</p> <p>The effect of changes from this option is likely to be similar to Option 2, due to similarities in approach.</p> <p>Some Crown entity requirements are not necessarily directly relevant to objectives of the work. While they will create extra administration, they may be beneficial to the government or public for other reasons (eg, employees coming under the public sector code of conduct).</p>
<p>Increased alignment with system priorities</p>	<p>0</p>	<p style="text-align: center;">+</p> <p>Strengthening of direction on Government policy clarifies obligation for Council to work in line with Government’s directions.</p> <p>Purpose statement clarifies what the overriding priority for the Council needs to be (and other decision-makers such as the Disciplinary Tribunal).</p> <p>ERB changes reduce the policy areas that the Council sets and must therefore give effect to.</p>	<p style="text-align: center;">+</p> <p>As with Option 2, places a stronger obligation on the Council to follow Government’s direction on its system priorities.</p> <p>Conveying of formal direction to give effect to Government policy relies on slightly more involved process compared to retaining the Teaching Council as a statutory body as in Options 1 and 2.</p>
<p>Degree of sector representation and independence</p>		<p style="text-align: center;">--</p>	<p style="text-align: center;">--</p> <p>Similar effect on sector representation as Option 2</p>

		<p>Confirms independence of Council and related bodies in individual decision-making although this essentially legislates convention.</p> <p>Removal of elected members considerably reduces profession representation and independent voice.</p> <p>Lessens level of teacher expertise on the Council through lower minimum teacher requirements for membership.</p> <p>Stronger Ministerial appointment powers can help fill specific skill-sets and reflect particular groups.</p> <p>Small savings (approx. 60k p.a.) would result from removing the need for the Council to run elections for teacher representatives.</p>	<p>Likely to have an even greater perception of reduced independence compared to the effect of changes made by Option 2, due to clear placement of the organisation in the State Sector.</p> <p>Categorisation as a Crown agent would add requirements and processes on the Council that more clearly mark it out to be part of government (eg, compulsory Public Finance Act reporting requirements).</p>
<p>Ease of implementation</p>	<p>0</p>	<p>-</p> <p>The changes made by Option 2 are generally neutral for the Council with the cost of running three yearly elections for some members being offset with the possibility of heightened reporting and monitoring demand for the Council to respond to over time.</p> <p>Similarly, the monitoring load on the Ministry will be elevated. This is unlikely to be significant and able to be met within existing resourcing.</p>	<p>--</p> <p>Transition to a Crown entity over a short period, as would be likely in this work, presents multiple challenges. Common implementation risks include satisfactorily dealing with:</p> <ul style="list-style-type: none"> - Transfer of information held by the Council to the new entity - Transfer of property, assets, liabilities and debts - The impact of actions already taken by the Council continuing to have effect as if performed by the new entity.

			<ul style="list-style-type: none"> - current disciplinary matters that need to carry on and transfer over - Employee transfer issues - In addition, a shift to a Crown entity can increase cost in the long-term as expectations are raised that enduring part or full funding must come from the Crown.
Overall assessment	0	<p style="text-align: center;">++</p> <p>This option contains changes that should allow for greater oversight and transparency while also further raising expectations on the Council as to where its focus should lie.</p> <p>As with Option 3, the trade-off being made is a loss of perceived independence and expertise by parts of the sector.</p>	<p style="text-align: center;">0</p> <p>This option is not favoured mainly because of the additional implementation costs and transition issues that need to be worked through.</p> <p>The option also tends to add more requirements onto the Council than are strictly necessary for addressing problems with the culture, direction and leadership identified by the Francis Review. At the same time, the shift to a Crown entity risks further reducing teachers' connection with their professional organisation.</p>

- ++ much better than doing nothing/the status quo/counterfactual
- + better than doing nothing/the status quo/counterfactual
- 0 about the same as doing nothing/the status quo/counterfactual
- worse than doing nothing/the status quo/counterfactual
- much worse than doing nothing/the status quo/counterfactual

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

- 43. Option 2 best meets the criteria as it achieves the most net benefit from implementing legislative changes to the Council’s organisational design to create culture change, improve transparency and reward good leadership.
- 44. As indicated in the analysis above, both of the change options provide for quite similar and sometimes identical changes, which, as a package, are likely to improve performance and accountability and strengthen alignment of the Council’s teaching workforce regulation and operations functions with broader government education policies and priorities. However, the significant amount of work needed to confirm arrangements in a transition to a Crown entity and the prospect of additional cost to government tilt the Ministry’s preferred option being to change the Council’s organisational arrangements while still in its current statutory body form.

Is the Minister’s preferred option in the Cabinet paper the same as the agency’s preferred option in the RIS?

- 45. Option 2 is both the Ministry and Minister of Education’s preferred option, although the Cabinet paper deviates from that option in that it proposes different criteria for appointed sector representation (a minimum of three people with at least five years’ experience as a teacher but not necessarily a current practising certificate) and specifies that Council appointments must have a collective skillset that reflects governance, finance and risk, and regulatory compliance and disciplinary processes.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Regulated groups (teachers and teacher education providers)	Impact from changes proposed do not present a monetary cost to regulated groups. These groups are likely to view the overall impact of the changes as being quite adverse because they create a cost to the independence of the Council and limit scope for teachers’ views to be conveyed. This may reduce engagement with the Council and lessen potential levels of trust and influence.	Low (non-monetised) - Should place no monetised costs on those within the Council’s regulatory reach. - Past voting rates suggest a low engagement base to begin with as evidenced by low voter turnout (8% at last elections).	Low-medium based on submissions about perceptions of independence and influence received from submissions on the ERB.

Regulators (Teaching Council, the Ministry)	The changes covered by this option are primarily inward-facing and may create short-term uncertainty as transition to different Council membership occurs.	Low level of financial cost created by Council adding investment in planning and reporting capacity. Ministry: Low level of additional monitoring cost but this would likely be absorbed by existing staffing resource.	Medium certainty of cost impacts from shifts in planning and reporting capacity and cessation of elections.
Others (parents, schools/ECE services, education leaders)	No or negligible impact on those not directly affected by the work of the Teaching Council.	Low	High
Total monetised costs	Low	Low	High
Non-monetised costs	Low	Low	Medium
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Longer-term benefit of regulated groups seeing that the package of changes mean the Council is a coherent body working to a clear plan and purpose and providing information on what its work is achieving.	Low-Medium (non-monetised)	Low-medium level of certainty about effect of changes until more time has elapsed.
Regulators (Teaching Council, the Ministry)	The Council benefits from a focused, skill-based membership and clear direction of travel in its work. Council makes low monetary savings from not conducting elections for Council members (this was about \$60,000 in 2025 according to the Council's Annual Report).	Low (mix of monetised and non-monetised)	Low-medium There is still some uncertainty about how much impact the changes will have.
Others (parents, schools/ECE services, education leaders)	A higher performing and focused Teaching Council should contribute downstream to the benefit of higher	Low-medium (non-monetised)	Medium Benefits of changes likely to be evident over time alongside

	quality teaching outcomes leading to positive effects for schools, students and communities.		other government initiatives to improve teacher quality.
Total monetised benefits	Low	Low	Low
Non-monetised benefits	Low-medium (largely from improved accountability, focus and performance of the Council flowing through to better support good teaching quality)	Low-medium	Low-medium

Section 3: Delivering an option

How will the proposal be implemented?

46. Changes outlined for the preferred option will be drafted as an amendment paper for the ERB. This will therefore amend the Education and Training Act 2020 to:
- a. Alter the purpose of the Teaching Council, as set out in section 478 of the Education and Training Act
 - b. strengthen performance monitoring of the Council by amending the Act as necessary to incorporate planning and reporting provisions drawn from the Crown Entities Act 2004
 - c. amend section 482 of the Act to require the Council to give effect to any Statement of Government Policy
 - d. amend the Act to confirm that the Minister may not intervene or give direction in relation to specific registration, competence, conduct and disciplinary cases before the Teaching Council, Complaints Assessment Committee, Competence Authority or Disciplinary Tribunal
 - e. change the threshold for removal of appointed members in Schedule 19 of the Act so that the Minister may, at any time and entirely at his or her discretion, remove a member from office
 - f. remove the requirement in section 475 of the Education and Training Act 2020 for elected members
 - g. amend section 475 of the Act to set out that the Minister's appointed members of the Council must include a minimum number of members with education sector experience
 - h. amend the Act so that the Teaching Council's chief executive term, would be for not more than five years, but with the ability to be reappointed
47. The amendment paper is to be introduced at the Committee of the Whole House stage of the ERB and will be passed as part of the final Bill.

48. Following Royal Assent, the Minister is expected to inform elected representatives that they will cease to be Council members once a new set of members are appointed by the Minister under new requirements in the ERB. The Minister will commence the appointment process for new members following the normal appointments procedure. This includes new requirements for sector representation contained in the preferred approach package.
49. Ongoing implementation of other changes to organisational arrangements will depend on the particular change. These are described as follows:
- a. The delivery of planning and reporting instruments and ministerial expectations around their content and form (over and above that specified in legislation) will be confirmed through written communication from the Minister to the Chair. The Ministry will play a role in the monitoring and oversight requirements on behalf of the Minister. This role will be shared between the Ministry's Crown entity monitoring team, which will assist with the additional monitoring load in conjunction with the Ministry's Schools policy group. This cost will be absorbed within existing staffing resource. There will also be legislated requirements on the Council to promulgate and table these instruments.
 - b. The intention of giving effect to the Statement of Government Priorities will take effect automatically once the ERB comes into force as will changes to the Council's purpose and removal threshold changes for appointed members.
 - c. Requirements for appointment of a Chief Executive for a time-limited period will also apply from Assent (to new appointments from that date).
50. Further consideration will be needed of the minor monetary impacts noted in the previous section. We expect the Council will conduct work to determine whether no longer needing to run elections results in a decrease in required fee and levy revenue and therefore a potential reduction in fees and levies it charges (which may lead to reduced cost for government as it is covering these until 2028). The Council will also need to weigh up whether additional administrative staffing is needed and how this offsets reduced election process costs – and the consequent flow-on this may have on fees and levies. We have not been able to consult with the Council on how costs and savings will balance out.

How will the proposal be monitored, evaluated, and reviewed?

51. The regulatory impact statements from last year referenced earlier in this paper outline the nature of monitoring and evaluation of changes in this area. For example, the impact of the proposal and wider teacher quality initiatives will be collected through the Council's initial teacher education programme monitoring and government's periodic surveying of employers' views of the quality of graduates entering the workforce.
52. We do not plan formal research to gauge the impact of the proposed changes alone. Instead, we anticipate effects will be made apparent through:
 - a. Planning and reporting instruments being tabled in Parliament and made public online, which provide a mechanism for enabling transparency about the performance of the Council. Reporting will include how the Council is giving effect to Statements of Government policy as well as providing an indication of how amendment to the Council's purpose is being reflected in the Council's operations and intent.
 - b. Ministerial feedback on the degree to which the Council is contributing to the direction sought by Government and Ministry assessment of changes in the organisational health of the Council.
53. Overall, any contribution of changes in this RIS to improved system performance and student outcomes is likely to be hard to disaggregate from other system changes and will likely take effect over a medium to long term timeframe.