Ahakoa he aha te rākau he hua kei roto[1]: Reviewing the Teaching Council's draft Inclusive Teaching Practice Guidance through a children's rights oriented lens

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KATE MCANELLY
Te Kuratini Tuwhera o Aotearoa | The Open Polytechnic of New Zealand

MICHAEL GAFFNEY
Ōtākou Whakaihu Waka | The University of Otago

ABSTRACT
In this article we review the Draft Inclusive Teaching Practice Guidance (ITPG) from the Teaching Council (2025a). This is the Council's third guidance book, after providing Tātaiako for Māori learners, and Tapasā for learners from the Pacific. The main focus of the ITPG for registered kaiako/teachers is strengthening their inclusive practice, and while it is very much about disabled learners, it also views inclusion in the broadest sense. We review the ITPG against the opportunities for supporting active participation of all learners, and where it sits alongside the revised Standards for the Teaching Profession released in 2025. The ITPG does not take an explicit rights oriented approach like many previous inclusive practice frameworks, but instead works to provide an interpretation of the Standards for kaiako working in Aotearoa New Zealand to use. However because of this lack of an explicit rights orientation, there is a very real danger that kaiako will view embedding the ITPG in practice as something they can opt in or out of doing as they feel fit, rather than this being an important professional obligation grounded in the inalienable right that all tamariki and rangatahi possess to an equitable and inclusive education. Without this obligation, it is possible for teaching practice to be overwhelmed by other institutional and policy drivers of practice. Thus in a more rights focused, mana enhancing political context, the ITPG could become a critical means for transforming inclusive practice. However, so too could it easily be made irrelevant by marginalising, discriminatory, exclusionary policy and power dynamics in play within Aotearoa New Zealand's education system, such as we collectively find ourselves navigating at the moment.

[1] The first part of this article's title is a Māori whakataukī. 'Ahakoa he aha te rākau he hua kei roto' translates as 'no matter the species of tree, each bears its own unique fruit'. Given the focus of the article and it being written by authors from Aotearoa New Zealand who are kaiako/teachers that passionately believe in inclusive education for all tamariki/children and rangatahi/young people, we felt that this was a relevant inclusion in the title.

INTRODUCTION

According to key Ministry of Education documents that guide our education system - for example, the New Zealand Curriculum (2007), Te Whāriki (2017), and the National Education and Learning Priorities (2020) - all tamariki and rangatahi in Aotearoa New Zealand should be able to enjoy a quality, equitable, inclusive education where diversity is viewed as a strength and asset, there is a presumption of competence, agency is promoted, and active participation and citizenship is a goal for all (e.g. Ministry of Education, 2007; 2017; 2020). In turn, that same education should empower tamariki, affirm and enhance their mana, and uphold, as well as amplify, their right to "education…progressively and on the basis of equal opportunity" (United Nations, 1989, Article 28). This statement comes from the United Nations Convention on the Rights of the Child, to which Aotearoa New Zealand is a signatory. While research exploring various tenets of inclusive teaching and learning emerging from Aotearoa New Zealand has become increasingly commonplace, practical guidance as to how kaiako might go about supporting inclusive education for all is much less common. This led to the Teaching Council working with "teachers, leaders, disabled people, Māori educators, inclusive education specialists, ITE providers, union reps (PPTA and NZEI), and Ministry of Education advisers" (Teaching Council, 2025b) - of which we were fortunate enough to be two - to develop a draft resource to bridge this gap, titled the *Inclusive Teaching Practice Guidance* (ITPG) (Teaching Council, 2025a).

The ITPG provides a wealth of ideas and strategies for kaiako to explore so that they can play an active role in supporting inclusive education for all. The ITPG does not adopt, however, an explicit children's rights orientation in its framing, which Florian (2007) argues will result in unintentional gaps emerging in the inclusive practices of kaiako. These gaps primarily emerge from a lack of clarity as to the knowledge, skills and values of inclusive education when understood and practiced as a human right. It is encouraging to see one reference to rights at the beginning of the document:

> All tamariki in Aotearoa New Zealand have the right to attend their local ECE service, kura and school no matter their level of need. Inclusive teaching practice is not limited to those ākonga with the highest need. It is about making sure that all people in the ECE service, kura and school are welcomed, secure in their identities and accepted to attend as their 'whole selves'. (Teaching Council, 2025a, p.2)

The concept of rights is otherwise invisible in the work. In making this statement the ITPG acknowledges societal obligations to the UN Convention on the Rights of Persons with Disabilities (UNCRPD) (United Nations, 2006) and within the Education and Training Act, 2020. Florian (2007) asserts that there is a need for explicit, ongoing mention of rights in any policies concerning inclusive education. This will be no different for the ITPG if the relational guidance that it provides is not to be swept away by institutional priorities, which force kaiako to reframe inclusion to fit narrower definitions of learning that will see the whole selves of some tamariki diminished. This is the key argument of this article, which employs a critical policy analysis lens to explore the framing, potentials and precarity of

the ITPG when the explicit right to a quality, equitable, inclusive education is rendered almost invisible in policy and practice.

WHAT ARE THE ELEMENTS OF THE FRAMEWORK

The ITPG provides a framework to support kaiako to meet the Standards for the Teaching Profession (Teaching Council, 2025b), which are a recent update of the 2017 edition (Education Council, 2017). The guidance was developed without any explicit reference to the changes in the new standards, but the new Standards are more of a revision "…preserving many of their key features" (p.2).

The approach of the ITPG is to frame inclusive teaching practice as something that kaiako will embrace with an open heart, open mind and open arms. This has its origins in the research of the late inclusive education academic Martyn Rouse, who emphasised that creating and sustaining inclusive learning environments is reliant on all kaiako being committed to, and taking responsibility for, teaching all tamariki well from the start. Rouse identified three critical elements to inclusive teaching, adopted from the 'apprenticeships' model of Shulman & Shulman (2004) and Shulman (2005), which he reframed as being about the heart (moral), the mind (cognitive), and arms (practical).

From our perspective, an open heart encompasses an ethic of caring where kaiako know tamariki and their whānau/families well. The competence of all tamariki is presumed when kaiako intentionally support their active participation and learning, with high expectations being held for their learning and development within an individualised lens of understanding. Kaiako are respectful, relaxed and unhurried in practice, purposefully checking assumptions and biases about tamariki and whānau at the door, and viewing inclusive teaching as an ethical and moral act. They also hold an image of all tamariki as capable, competent learners and multi-modal communicators, who are rich in multiple intelligences. This emerges from their steadfast commitment to teaching all tamariki well right from the start, because they believe that they can and have a moral and ethical responsibility to do so.

An open mind requires kaiako to recognise and believe in the potentials of multiple perspectives, in that there are many ways of viewing and experiencing the world, and all of them are valid. This means that kaiako actively engage with the funds of knowledge and expertise that whānau bring with them. They are intentional about adopting flexibility and adaptability within their practice rather than privileging particular universal 'truths'. Kaiako feel comfortable about being curious and asking questions in recognising it's okay to not have all the answers, and can ably differentiate practice depending on the needs of tamariki and their whānau. Understandings of inclusive teaching as being holistic, relational and trauma-informed are amplified. Kaiako are research informed as well as open to continual learning and growth. The next feature is to move from talking the talk about inclusive practice to walking the walk.

Open hearts and minds leads to open arms. Intentionality presumes practice emerges from kaiako beliefs and knowledge. The outcome is that all tamariki are supported to gain a strong sense of belonging and place, and can realise and practice citizenship as is their right. This is because kaiako will nurture and sustain inclusive learning environments where diverse identities, languages and cultures are valued and visible, and tamariki and whānau feel safe,

secure and seen. Kaiako embed a pedagogy of ~~respectful~~ listening (Rinaldi, 2021) – centred on respectful, multimodal listening using all the senses, and recognising and amplifying the inherent autonomy and rights of all tamariki - in their practice, and amplify the voice of tamariki and whānau in contributing to decision making about the things that are important to, and affect, them. Kaiako also 'set the pace' in terms of modelling inclusive ways of being, doing and knowing within the learning community, and recognise the importance of viewing disability, diversity and/or difference as a strength and asset to embrace rather than push back against and reject. Responsibility for teaching tamariki with additional learning needs is not devolved, as can often be the case, to education support workers (ESW's) or teacher aides (TA's). Instead kaiako support ESW's and TA's to work in an intentional way that does not pull tamariki out of the flow of everyday living and learning in their setting (Rutherford, 2011). Perhaps, just as importantly as anything else, kaiako support all tamariki to feel proud of who they are and what their story is.

These three elements of Rouse's mahi are embedded within the ITPG, and provide both the foundational theory and pedagogical knowledge to support inclusion. The requirement for kaiako to presume the competence of all tamariki and rangatahi, and teach them well right from the start is explicit. As is the guidance on the skills required to teach inclusively. All based on incorporating the ethical, moral and democratic considerations that underpin inclusive teaching and learning.

What stands out in the ITPG is the lack explicit kōrero about the inalienable right to education that all tamariki possess, as Rouse and his long-time colleague and collaborator Lani Florian (2009; 2010; 2014a; 2014b) considered rights as key to expansively understanding and supporting inclusive teaching. While their mahi was located in the initial teacher education reform space, we argue that this is just as important in shifting that practice of all kaiako, as does the ITPG. In Florian's (2007) *Reimagining special education* she identified three essential features of inclusive education. These were clearer thinking about the right to education, the need to challenge deterministic views about ability and development, and a shift from eliminating differences between learners to accepting diversity as normal. In applying these adjacent whakaaro/thinking to the ITPG's kaupapa/focus and messaging, it can be appreciated that while not explicit, the document as a whole is strongly suggestive of kaiako adopting a rights-focused orientation within their practice. However, it will not be sufficient for kaiako to focus only on the relational elements of inclusive practice, which is what ITPG prioritises.

SO WHY ARE THESE RIGHTS IMPORTANT?

According to the United Nations, we possess "human rights…simply because we exist as human beings…[and these] are inherent to us all" (United Nations, n.d.). The UNCRPD (United Nations, 2006) is accorded a brief, broad mention in the ITPG whereby "this guidance connects inclusive teaching practices to societal and educational obligations, such as the UN Convention on the Rights of Persons with Disabilities" (p.2). This suggests the kaupapa of the right to an inclusive education is critical to expansively understanding the framework that the ITPG provides, which Florian & Rouse (2009; 2010) also contend. Indeed, the

UNCRPD makes clear that Aotearoa New Zealand as a signatory must support disabled learners' right to a barrier-free equitable, inclusive education at all levels.

Furthermore, neither the United Nations Convention on the Rights of the Child (UNCRC) (United Nations, 1989) which outlines how "States Parties [must] recognise the right of the child to education" (article 28) nor the New Zealand Disability Strategy 2016-2026 (Office for Disability Issues, 2016) that speaks to the expectation that "all local schools and education services… provide a great inclusive education" (p.24) are mentioned in the ITPG. Both use the concept of rights to provide the foundation for 'state' action.

There has been plenty of research to show the value of a rights orientation and where problematic issues remain (see, for example, McAnelly & Gaffney, 2019; Davis, Gillett-Swan, Graham & Malaquias, 2020; Kefallinou, Symeonidou & Meijer, 2020; Rapp & Corral-Granados, 2024). This research reveals that inclusive education is construed as optional when a rights emphasis is missing from educational policies and practices, which is precisely the end result that Florian and Rouse's (2009, 2010) caution against.

The language of rights within a democracy, such as we have in Aotearoa New Zealand, is used to create a mandate for progress. This has been the basis for activism and change across various domains internationally, including disability and education. The main push for change is by showing how the state has failed to realise rights for various groups of citizens. This is despite Aotearoa New Zealand having nearly a century of tax-funded welfare provision for those in need (Mintrom & Boston, 2023). Over time there have been the political pendulum swings between the view that people should fend for themselves and the 'alternative' social democratic approach where people should collectively look after each other. However compared to many other countries the welfare system in Aotearoa New Zealand has been at the social democratic end of the spectrum (Rashbrooke, 2015), and this thinking is also reflected in the ITPG.

The concept of rights is used in different ways at each end of the rights theory spectrum as described above. At one end property rights is the lead conceptualisation, and at the other there is the state's responsibilities to support the social rights of citizens, whether as workers' rights, women's rights, children's rights through to the more current topics of disability rights, rights of indigenous peoples, rights of gender and sexual minorities and the interdependence of these are understood (United Nations, n.d.). Human rights of the latter form offer a framework by which to evaluate the progress, or the lack thereof, being made to improve the life of all New Zealanders (Human Rights Commission, 2025). These ideas of fairness and inequality are central to political expression in Aotearoa New Zealand when we discuss 'rights' (Barber, 2013) and therefore how we evaluate the appropriateness of expectations set out to make things better. In the case of this article, we are reviewing the rights of marginalised learners in Aotearoa New Zealand and why these need to be made explicit within the body of the ITPG.

EVALUATING THE ITPG

Previously, we have developed a conceptual framework, *Tūranga mō ngā Mokopuna* (McAnelly and Gaffney, 2019), which provides a useful starting point to evaluate the ITPG. The framework conceives of active participation, the

presumed essence of inclusive education, as being comprised of 4 elements: powerful learning identities/mana tuakiri akoranga, pedagogy of participation/tikanga whai wāhi, culture of inclusive contribution and belonging/ahurea kotahitanga, and environment as third teacher/whaitua kaiako tuatoru. Rights are not extensively referenced directly, but underpin the relevance of the concepts in each part of the framework, such as citizenship or participation. It answers the 'why we should behave this way' toward each other.

Individual learners are framed as competent and capable and therefore viewed as full citizens in their educational spaces as of right, in much the same way that the curriculum Te Whāriki (Ministry of Education, 2017) presumes of tamariki in early childhood settings. These educational settings draw on the Reggio idea of the environment as the third teacher (Rinaldi, 2021) so that they are responsive to and make sense to all tamariki. When this happens tamariki and rangatahi can find and make a place for themselves, co-constructed across the different participants (tamariki, rangatahi and pakeke/adults alike) where belonging and contribution are key outcomes. The kaiako take on the responsibility for giving leadership to this process in what we call a pedagogy of participation. They become mediators, facilitators and advocates within the learning process that weaves both the internal and external threads operating within and around the setting.

The framework assumes the right of all tamariki and their whānau to participate, and requires the leadership of more experienced adults to enact these rights as threads of participation, in much the same way that kaiako weave the whāriki as part of enacting the early childhood curriculum (Ministry of Education, 2017).

HOW DOES THE ITPG SUPPORT ACTIVE PARTICIPATION?

The framework allows us to begin evaluating the ITPG by asking 'how it will support the active participation of all tamariki in educational settings where kaiako are enacting it?' The obvious starting point is how the three features of open mind, open heart and open arms sit within the pedagogy of participation. There is good alignment in how an open mind supports a pedagogy of listening, and an open heart promotes positive reciprocal relationships, inclusive of family. The open arms references how kaiako are decentred in the move to centre tamariki and their learning. The ITPG describes the characteristic of effective relationships between people when kaiako adopt this approach.

The Teaching Council with its remit to support the practices of kaiako tends not to consider how institutional policies also frames the interactions between kaiako and ākonga. There has been more recent acknowledgement through this same remit to consider what the role of leaders is in demanding the best practice from kaiako (Education Council, 2018) but this also has limits in the face of wider educational policies.

This is recognized by Honneth, who we have drawn upon previously (Gaffney & McAnelly, 2024), when he describes the importance of love, rights and solidarity in seeking social justice for all. Rights are important at the institutional and societal level because it is difficult to codify or mandate love. Love is what the ITPG is describing as *open heart, open mind and open arms*, - the nature of

relationships between kaiako and learners, whereas rights are much better at setting out expectations at a legislative or institutional level.

A good example of this is that kaiako teaching in special, segregated early childhood centres and schools could still claim that they are following the ITPG even though many others (see, for example, Macarthur, 2009; Macartney & Morton, 2013; Macartney, 2014; Macarthur & Rutherford, 2016; McAnelly & Gaffney, 2017, McAnelly & Gaffney, 2019; Rights Commission, 2024) would say this can only be done when disabled learners are learning alongside their non-disabled peers.

The Teaching Council tends not to use the concept of rights in providing a rationale for setting expectations for kaiako, because codification of practice occurs through the Education and Training Act (2020). That said, it is not uncommon for other government entities to make links to government mahi where it exists so as to acknowledge the government's commitment to the various UN conventions and declarations mentioned above (e.g., Ministry of Justice, 2024; Ministry of Social Development, n.d.; Oranga Tamariki, Ministry of Children, 2019).

We write this at a time when the 2017 Teaching Council Standards have been updated in a 2025 revision where the standards are formulated in a similar fashion, but they have undergone some elaboration and update in language usage (Teaching Council, 2025b). The code remains very similar. So the next question becomes what is the link between the Standards and the ITPG?

Is the ITPG an elaboration of the standards or is it an extra layer on top? There is a slight change in terminology between standards. The 2017 version provides *elaborations* as examples of practice that would indicate the standard is being met. In the 2026 standards the elaborations have become *focus areas,* which are provided to "interpret each standard" (Teaching Council, 2025b, p.7). Within the professional practice domain there is much more reference to supporting the full range of diverse learners that kaiako might meet.

For example, the domain of professional practice standard 5 is "create and maintain supportive and safe learning environments" (p.13). Followed by four focus areas:

- "5.1 Support learners to feel safe to participate in learning."
- "5.2 Ensure the learning setting meets diverse needs."
- "5.3 Manage the learning setting and promote positive behaviour."
- "5.4 Use equipment and technologies appropriately and effectively to support learning."

The ITPG will then become an elaboration for the standards. For example, the *reflection questions* offered align well with the focus areas above.

- Open Heart: "10. What about how the ece service or class environment and my practices could be contributing negatively to the behaviour, motivation, and outcomes of our ākonga?" (p.11)
- Open Mind: "4. How do I respond to diverse cultural, linguistic, disability, rainbow perspectives in my ECE service or class?" (p.15)
- Open Arms: "7. What small 'signals' of belonging do I intentionally and unintentionally convey each day in my ECE service or class to promote cohesion and trust?" (p.19)

Likewise the *practices, examples and links* sections provide ideas calling on the voice of ākonga.

- Open Heart: "My kaiako believe in me… I recognise that ākonga are a manifestation of their environment. I focus on fixing the environment and asking what's really going on for ākonga and their whānau." (p.13)
- Open Mind: "My kaiako let me be… I avoid categorising ākonga or labelling them according to deficit notions of ability." (p.16)
- Open Arms: "My kaiako make sure I know what is expected… We collectively construct age-relevant expectations and routines… behaviour routines, such as using equipment, using physical spaces, sharing toys or resources, helping each other, using quiet spaces, and using headphones and devices." (p.21)

These are all elements of what we would expect kaiako to be doing as part of being inclusive in their teaching practice.

That said, unless there is any way to encourage, enforce or monitor the standards, it would be difficult to force people to follow the guidance. Unless kaiako were doing something totally inappropriate would anyone lose their job or face disciplinary procedures as a result?

CHALLENGES TO IMPLEMENTATION

We can look at the extra step taken when principals and early childhood leaders had to annually endorse that kaiako were continuing to practice and develop their use of te reo and tikanga Māori. The survey of endorsers - tumuaki and professional leaders - undertaken by the Teaching Council (2025c) showed that they believed there was a shift in the confidence and practise of about half of kaiako as a result of this approach. About three-quarters of the respondents thought this approach to encouraging the development of kaiako was effective. Should this strategy be adopted for the ITPG? As a point of accountability, the concern is not with those who are working hard to be inclusive, but those who in the end refuse to embrace it as a fundamental component of who they are, what they do and why as a kaiako in Aotearoa New Zealand.

There are several potential challenges to implementing the ITPG as a framework on which to 'hang' inclusive teaching practice. Firstly, because embedding the guidance in practice is optional rather than compulsory, this would likely lead to kaiako viewing the ITPG as an additional extra they could 'take or leave' with impunity. We consider that the subtle shift in wording from the developmental phase of the document, where it was referred to as an *inclusive education capability framework*, to its draft release as the *Inclusive Teaching Practice Guidance*, possesses the very real potential for kaiako to double down on a view that the document is interesting and maybe even relevant, but not required to be embedded in practice and thus has no 'teeth' in terms of making a substantive impact on inclusive teaching and learning.

Furthermore, the ITPG's lack of an explicit rights orientation means that the rationale for kaiako to understand inclusion and take up related practices is much less robust, and this is what Florian (2007) cautions against. This suggests

a shift from 'obligated to practice in this way' to something that is more about 'nice to do' (Macarthur, Berman & Carroll-Lind, 2018; Davis et al, 2020; Byrne, 2022). Furthermore, the earlier work of Shulman and Rouse is reliant on the support and affirmation of the wider social, cultural and political contexts in which inclusive teaching and learning are taking place. Ideally, these contexts value and amplify kaupapa of active participation and learning for all. The current political context in Aotearoa New Zealand is highly unlikely to support and affirm the overarching kaupapa of the ITPG given our current coalition government's determination to reify barriers to equitable and inclusive education.

CONCLUSION

The ITPG (Teaching Council, 2025a) offers a means of encouraging kaiako to grow their inclusive teaching practice in relation to the standards (Teaching Council, 2025b). However, it will be easy for other institutional and policy elements of teaching and education to overwhelm the relational elements, which the ITPG is highlighting as good practice. This will further adversely impact the realisation and practice of the right of tamariki to a quality, equitable, inclusive education for all, and in turn, create another barrier to the ITPG being appropriately supported in practice - hence the value of using rights to highlight the tensions and gaps that emerge as different social and educational elements continue to change over time.

ABOUT THE AUTHORS

KATE MCANELLY
Te Kuratini Tuwhera o Aotearoa | The Open Polytechnic of New Zealand

I'm a Regional Academic Staff Member within the Open Polytechnic's nationwide early childhood lecturing team, based in Dunedin. My research interests are varied, but coalesce around kaupapa of inclusive early childhood education, disabled children's childhood studies, children's rights, the sociology of diverse childhoods, and the politics of inclusive education in Aotearoa New Zealand.
Email: **kate.mcanelly@openpolytechnic.ac.nz**

MICHAEL GAFFNEY
Te Kura Ākau Taitoka | College of Education,
Ōtākou Whakaihu Waka | The University of Otago

I have spent the last 30 years learning about the rights of tamariki and rakatahi, firstly in relation to the UN Convention on Child Rights while at the Children's Issues Centre, and then later the UN Convention on the Rights of Disabled Peoples through collaborations with the Donald Beasley Institute, and more recently learning about the UN Declaration on the Rights of Indigenous Peoples while working in the ECE programme at the University of Otago College of Education. I have been collaborating on disability, equity, inclusion and rights-oriented research with Kate for 10 years.
Email: **michael.gaffney@otago.ac.nz**

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