



NSW Education Standards Authority

Submission to the National Review of Teacher Registration

Table of contents

Introduction3

The NSW context3

Recommendations.....6

Areas for Discussion7

How is the national teacher registration framework working across Australia?7

Elements of registration7

Should early childhood teachers be part of a national approach to teacher registration?..... 12

What role does teacher registration play for VET teachers in school settings?..... 13

How does teacher registration support entry into the teaching profession? 14

Pre-registration of ITE students 15

How can we ensure that registered teachers satisfy the fit and proper person requirement? 16

Introduction

In 2011 the National Framework for Teacher Registration (the Framework) resulted in an historic transformation in the preparation and the registration of teachers in Australia. The two major pillars of the agreement were the *Australian Professional Standards for Teachers* and the *Accreditation of initial teacher education programs in Australia: Standards and Procedures*. The implementation of these two pillars meant that for the first time Australian teachers should meet the same requirements in their initial teacher education preparation and meet agreed standards of classroom practice for registration.

The critical role of the *Australian Professional Standards for Teachers* (the Standards) cannot be underestimated. The Standards provide a framework to assess the effectiveness of a teacher's practice. They make explicit the skills, knowledge and practice required to be an effective teacher.

The adoption of the Standards as a core element of teacher registration means that all Australian teachers should have a common understanding of what constitutes teacher quality. The Standards underpin processes to make decisions at full registration and are used to support teachers' ongoing proficiency and renewal of registration.

The review provides an opportunity for all teacher regulatory authorities to review their compliance with elements of the framework. The registration processes in each jurisdiction are now sufficiently mature to consider processes of national moderation at full registration.

In recent years an increasing number of jurisdictions have registered early childhood teachers. Lack of national consistency in this area has led to inconsistencies in the way each jurisdiction has approached registration of these teachers. In addition, the unresolved registration status of people delivering vocational education and training in schools requires a nationally consistent approach.

NESA proposes thirteen recommendations to improve and strengthen the Framework.

The NSW context

The NSW Education Standards Authority (NESA) is committed to a federated approach to consistency of teacher registration. The Commonwealth has a legitimate role to negotiate agreements with states and territories to support consistency in teacher registration. States and territories are best placed to implement and be accountable for monitoring this consistency.

The Reform of the Federation White Paper¹ published in 2014 proposed a set of design principles to be applied when allocating roles and responsibilities between different levels of

¹ 2014:Commonwealth of Australia

government. These principles comprise:

1. accountability for performance in delivering outcomes;
2. subsidiarity;
3. national interest considerations;
4. equity, efficiency and effectiveness of service delivery;
5. durability; and
6. fiscal sustainability.

The key principle of subsidiarity is helpful when considering the respective roles of the Commonwealth and states and territories. Broadly speaking the principle of subsidiarity means that responsibility for services should rest with the organisation or level of government most capable of performing the function effectively.

Teacher regulatory authorities are best placed to manage and be accountable for teacher registration functions. States and territories employ teachers and are accountable for teacher quality and expenditure on salaries. Similarly, teacher regulatory authorities are best placed to manage and be accountable for the preparation of teachers. The approval of teacher education programs is intimately and directly related to the responsibility for delivering school education and the employment of teachers within a jurisdictional context.

In NSW, the relationship between employers and the regulatory authority, NESA is particularly acute. In 2015, the Government employer in NSW implemented a standards-based industrial award. Teacher salaries are linked to registration milestones defined by career stages of the Australian Professional Standards for Teaching. The award is designed to drive improvements in teacher quality as well as ensuring teachers meet consistent standards of practice. Importantly, it provides tangible incentives for teachers to meet registration milestones including higher levels of certification. There are also equivalent agreements for school teachers working in the non-government sector.

AITSL has played a critical role in negotiating agreed national accreditation standards for initial teacher education programs. The standards impose a regulatory framework to ensure there is a consistent approach in the approval of teacher preparation across the nation. However, this framework presents accreditation standards that in some respects are a minimalist approach that does not take account of the specific needs of NSW teacher employers.

NSW has a long history of working effectively with initial teacher education providers and employers to ensure that NSW graduates are given high quality and relevant teacher preparation to be "classroom ready" for NSW schools. In particular, NSW has imposed specific requirements such as rigorous academic entry standards, subject content knowledge requirements, and professional experience components that provide a NSW-specific elaboration of a number of the national program standards.

The relationship between employers, teachers and the regulatory authority is critical to providing a level of accountability to children, students and the community. The regulatory authority works directly with employers to ensure that teachers meet professional standards of practice and students and children are taught by qualified teachers.

A key role for teacher regulatory authorities is the protection of children. In NSW, the Office of the Children's Guardian administers a rigorous scheme designed to ensure all people in child related roles, including teachers, have their suitability to work with children assessed. This involves a national criminal history check and a review of findings of workplace misconduct before a teacher is granted a Working with Children Check clearance. This clearance is a pre-requisite to be registered to teach and a condition of ongoing registration. NESA works closely with this Agency and is notified immediately of any change in a teacher's working with children check status.

Recommendations

- Recommendation 1.** AITSL to co-ordinate a moderation process with teacher regulatory authorities to establish benchmarks for decisions at full registration.
- Recommendation 2.** All jurisdictions agree to review their processes to support consistent application of the fixed period of registration.
- Recommendation 3.** AITSL to co-ordinate a moderation process with teacher regulatory authorities to establish benchmarks for renewal of full registration
- Recommendation 4.** Consider replacing the alternative authorisation to teach in the framework with a form of limited approval to accommodate VET practitioners.
- Recommendation 5.** Consider categorising conditional registration as a form of initial registration.
- Recommendation 6.** ATRA to undertake an audit and analysis of the sanctions that can be applied to a teacher's registration in each jurisdiction.
- Recommendation 7.** ATRA to undertake an audit of the type of information that can be shared between jurisdictions.
- Recommendation 8.** ATRA to undertake an audit and analysis of the criteria to assess suitability in each jurisdiction.
- Recommendation 9.** ATRA to use the work from recommendations 6, 7 and 8 to develop a position on suitability and information sharing. This position is used to support the Council of Australian Governments (COAG) work to implement the recommendations of the Royal Commission on Institutional Responses to Child Sexual Offences.
- Recommendation 10.** ACECQA, AITSL and ATRA undertake work to harmonise the two systems of program approval for school and early childhood initial teacher education.
- Recommendation 11.** AITSL co-ordinate a review to consider the adequacy and appropriateness of the current English Language Proficiency tests
- Recommendation 12.** All jurisdictions use the Framework to register early childhood teachers.
- Recommendation 13.** AITSL to work with jurisdictions to establish a nationally consistent form of approval for qualified VET trainers

Areas for Discussion

How is the national teacher registration framework working across Australia?

Elements of registration

Initial period of registration

Each state and territory has adopted a specific process to enable teachers to move from provisional to full registration. The outcomes of these processes may be different.

There is a need for a national review of the consistency of processes and judgements made by regulatory authorities at the point of full registration. There is currently no moderation of the assessments made of teachers as they move from provisional to full registration and how their teaching practice is measured against the Standards

AITSL could coordinate moderation across jurisdictions to establish consistent benchmarks for renewal of full registration. This would give jurisdictions more confidence that teachers moving from other states and territories are meeting equivalent standards. This could also include identifying common evidence requirements for teachers applying for full registration.

Accreditation at proficient teacher is a condition of employment in NSW and a teacher's registration ceases if they do not meet Standards within the specified period.

Recommendation 1: AITSL to co-ordinate a moderation process with teacher regulatory authorities to establish benchmarks for decisions at full registration

Fixed period of registration

The requirement for a fixed period of registration is to ensure that teachers with full registration are required to show that they continue to meet the Standards.

The fixed period of registration is applied differently across jurisdictions. This element was implemented to ensure teachers continued to maintain (at a minimum) their teaching practice at Proficient Teacher.

In NSW teachers must show that they continue to meet the Proficient Teacher Standards and they must complete 100 hours of professional learning on a rolling 5 year cycle.

NSW does not currently have a suitability to teach requirement on appointment other than the requirement for teachers to maintain a current Working with Children Check (WWCC) clearance (see below for further information on suitability to teach). Teachers must apply for a

new check every 5 years. However teachers dismissed for misconduct can have their registration reviewed by NESAs and be subject to conditions, suspension or revocation of their registration.

In line with Recommendation 1, there is no consistency of judgement at the point of renewal. It may be possible to establish benchmarks for renewal, or common evidence requirements to assist in this process, for full registration decisions.

Recommendation 2: All jurisdictions agree to review their processes to support consistent application of the fixed period of registration

Recommendation 3: AITSL to co-ordinate a moderation process with teacher regulatory authorities to establish benchmarks for renewal of full registration

Alternative authorisation to teach

Category 1 – to address workforce shortages, where a qualified and registered teacher is not available

This area requires further exploration. The “Permission to Teach” option is used to support staff shortages and the delivery of vocational education and training programs.

The pathway potentially enables an unqualified or less qualified person to undertake the roles and responsibilities of a registered practitioner. Given the efforts to establish national minimum qualification and quality requirements for teaching over the last decades, the dilution of such requirements would undermine the quality agenda and be strongly opposed by the teaching profession. It would be rare that an unqualified person was able to practise in another profession.

It is debatable as to whether “alternative authorisation to teach” should be included in the elements of the Framework. It is not a form of teacher registration; it is a mechanism to exempt a person from the requirement to be registered. Two strategies are proposed to address this element:

1. expand the conditional pathway (see below) into other jurisdictions. Outside of VET provision, it is usually possible to find a person with a Bachelor’s degree to fill a teacher shortage. The conditional pathway enables a person with a Bachelor’s degree (or a partially completed postgraduate or undergraduate teaching qualification) to commence teaching and be placed on a pathway to full registration, and
2. establish a form of approval for suitably qualified trainers. These trainers are able to deliver and assess VET programs under a limited set of circumstances (this issue is

considered in more detail below).

Recommendation 4: Consider replacing the alternative authorisation to teach in the framework with a form of limited approval to accommodate VET practitioners

Category 2 – to provide pathways to registration for individuals who are working towards an accredited initial teacher education qualification within a specified period of time

This pathway is only used in NSW. NESAs has legal advice confirming that conditional registration is a form of registration under the *Mutual Recognition Act 1992*. Conditional registration should be included in the initial period of registration element. Currently teachers with Conditional Accreditation in NSW who have not yet completed their qualification and who move to another jurisdiction may not be entitled to registration in that state.

The conditional pathway can seldom be applied to address shortages of suitably accredited VET trainers. The pathway relies on teachers having a Bachelor's degree as a minimum qualification and this is rarely the case in most industry areas.

Recommendation 5: Consider categorising conditional registration as a form of initial registration

Sanctions including withdrawal of registration

Each jurisdiction applies sanctions according to the requirements described in their legislation. Although there is consistency in the reasons that a teacher can have their registration cancelled, there are differences in the sanctions that can apply to a teacher's registration. In addition, there is inconsistency in the type of information that is shared between jurisdictions in relation to withdrawal or cancellation of accreditation.

Concern about this inconsistency is described in the recommendations of the Royal Commission on Institutional Responses to Child Sexual Offences. The Council of Australian Governments (COAG) is responsible for working to support consistency in the type and detail of information shared between jurisdictions. The Australasian Teacher Regulatory Authorities (ATRA) is also working collaboratively on this issue.

Recommendation 6: ATRA to undertake an audit and analysis of the sanctions that can be applied to a teacher's registration in each jurisdiction.

Recommendation 7: ATRA to undertake an audit of the type of information that can be shared between jurisdictions.

Suitability

NSW has limited capacity to apply a teacher suitability check as a condition of accreditation. NESA does not have access to the criminal history of teachers and does not have any criteria (with the exception of the WWCC clearance) to assess suitability for accreditation.

This issue has been canvassed in light of the recommendations from the Royal Commission into Institutional Responses to Child Sexual Offences. The Council of Australian Governments (COAG) has specific responsibility for harmonising and strengthening these requirements.

Recommendation 8: ATRA to undertake an audit and analysis of the criteria to assess suitability in each jurisdiction.

Recommendation 9: ATRA to use the work from recommendations 6, 7 and 8 to develop position on suitability and information sharing. This position is used to support the Council of Australian Governments (COAG) work to implements the recommendations of the Royal Commission on Institutional Responses to Child Sexual Offences

Qualifications

All teacher regulatory authorities approve initial teacher education programs that qualify graduates to work in schools delivered by institutions based in their jurisdiction in line with national program accreditation standards. A number of these programs also prepare teachers to work in prior to school settings. Examples of these are Bachelor of Education (Early Childhood and Primary) programs. The program approval process undertaken by NESA only takes into account the components of the program that relate to preparation to teach in a primary school. The component of the program that relates to early childhood settings is separately approved by the Australian Children's Education & Care Quality Authority (ACECQA).

NESA accepts all ACECQA approved or recognised Birth to Age 5 qualifications for the purpose of provisional registration.

There has been some concern expressed by early childhood stakeholders that the ACECQA

approval process is not underpinned by the Graduate Teacher Standards. In addition, graduates of a Birth to Age 5 qualification do not have to complete the National Literacy and Numeracy Test for Initial Teacher Education Students which is a program requirement for K-12 teachers.

Recommendation 10: ACECQA, AITSL and ATRA undertake work to harmonise the two systems of program approval for school and early childhood initial teacher education.

English Language Proficiency

There should be a review of the English Language Proficiency test options. The International English Language testing system (IELTS) Academic is the most commonly used test in NSW. There are three issues associated with the application of this test:

(i) Fit for purpose

English language proficiency is a fundamental skill for teachers. Students can miss fundamental concepts and suffer significant setbacks if they have a teacher who they cannot understand. IELTS Academic is not designed specifically to assess the communication demands of the teaching profession.

(ii) The reliability of results

NESA has seen a significant degree of variation in results for the same skill area across for candidates assessed across testing centres. For example, where an applicant has completed two or three tests within a relatively short time frame there can be a high variation in results for a particular component.

(iii) The adequacy of the current exemptions

The agreed exemptions are too restrictive and do not consider the range of experiences presented to NESA for accreditation. The exemptions must enable flexibility so that the policy can be applied in a common sense way. For example, the current requirements mean that teachers who migrate from English speaking countries in Africa and who have been educated in English, or teachers who grow up in an English speaking country but who complete all or part of their qualification in a non-English speaking country are required to undertake a test.

Recommendation 11: AITSL to co-ordinate a review to consider the adequacy and appropriateness of the current English Language Proficiency tests

Mutual Recognition

NSW became subject to the requirements of the *Mutual Recognition Act 1990* (MR Act) and the *Trans-Tasman Mutual Recognition Act 1997* from 1 January 2018.

This means that for the first time, fully registered NSW teachers can have their registration status automatically recognised when they move interstate.

Prior to 1 January 2018, NSW was unable to comply with the MR Act as teaching was not an occupation carried out only by a registered person. An occupation for the purpose of the MR Act is one where there is a requirement for universal registration.

There is some concern from other jurisdictions that NSW does not have a comprehensive fit and proper person check. Under the deeming provisions of the MR Act, other jurisdictions believe that there is a small risk that they will register a person who is not a ‘fit and proper person’. This risk is mitigated by the strength of the working with children check in NSW.

Should early childhood teachers be part of a national approach to teacher registration?

NESA supports a nationally consistent approach to the registration of early childhood teachers. A standards-based registration system is central to developing and maintaining teaching practice from early childhood through to the senior secondary certificate. The Standards provide a common language for early childhood, primary and secondary teachers across Australia.

NESA does not support the adoption of a separate register for early childhood teachers. NESA began accrediting early childhood teachers on 18 July 2016 and does not delineate between the registration of teachers working in early childhood settings and teachers working in primary or secondary schools. The registration requirements apply across the teaching profession in NSW.

There is no evidence in NSW that teachers with early childhood qualifications (Birth to Age 5) are applying to teach in primary schools. Indeed, NESA provides subject content advice for all teachers and does not see evidence of teachers using their registration status to teach in early childhood, primary or secondary settings where they do not hold appropriate qualifications.

A nationally consistent approach to teacher registration would align with other nationally consistent approaches across the early childhood sector including: curriculum through the Early Years Learning Framework and service delivery through the National Quality Framework.

Currently, there is no consistency in the way jurisdictions move early childhood teachers (ECTs) from initial to full registration. ECTs require access to quality support to enable them to meet and maintain the Standards. In the short term, the cost of providing support to accredit early childhood teachers is high as the sector does not have the equivalent infrastructure to schools.

NESA has linked the teacher standards to mandatory registration and higher levels certification. The Standards and associated registration policies have been adapted to support an equivalent approach to registration in early childhood services. For example, NSW has worked closely with early childhood stakeholders to develop a range of ECT specific resources including:

- early childhood specific policies and procedures
- early childhood resources, including evidence guides for Proficient, Highly Accomplished and Lead Teacher.

NESA is working with existing networks of experienced ECTs to support the registration of provisionally registered teachers to meet the standards. In addition NESA is working collaboratively with the early childhood regulator to integrate the legislated requirement for teaching registration into the assessment and ratings visits under the National Quality Framework.

Recommendation 12: All jurisdictions use the Framework to register early childhood teachers

What role does teacher registration play for VET teachers in school settings?

A qualification benchmark for entry into the teaching profession is critical to improving the status and standing of teachers in the community. Reducing barriers to employ vocational education and training (VET) teachers should not result in a diminution of the qualification benchmark for entry into the profession.

Over two decades, NSW has retrained accredited teachers to support VET delivered to secondary students. This represents a significant investment in the teaching workforce. As a result, the majority of VET delivered to secondary students is undertaken by registered teachers.

While teachers are preparing students to gain an industry qualification, they are also preparing students to meet the demands of the senior secondary certificate. The importance of quality teaching practice when preparing students to meet the demands of both the VET and senior secondary certificates cannot be underestimated.

The rigour of the teacher registration system ensures that teachers meet and maintain standards of practice in their subject area. This contrasts with the requirement expressed in some Training Packages for recent industry experience. There is no mechanism to evaluate the usefulness of recent industry experience as a measure of quality teaching practice. It is

more helpful to use the Teaching Standards to measure the teacher's knowledge and proficiency in delivering the VET curriculum to their students.

There are some circumstances where schools are unable to employ a registered teacher to deliver the VET program.

To accommodate this, NSW does enable industry trainers to deliver VET programs in schools under limited circumstances. This is infrequent and occurs in industry areas where it is difficult to find trainers who have a Bachelor's degree (in NSW a person with a Bachelor's degree may be conditionally accredited and start teaching while they complete their initial teacher education qualification).

Approval for an individual is given for a three year period. After that period is complete, the Teacher Accreditation Authority must reapply to NESAs for a further exemption. The individuals are restricted to the delivery of the VET qualification. They cannot deliver any other subject within the school. This approval is not a form of registration.

The trainer is flagged on the database as being exempt from the requirement to be accredited. They have no registration status and have a three year approval period flagged on their record. The trainer is not required to pay an accreditation fee. They are required to hold a Working with Children Check clearance.

VET delivery is regulated by the Australian Skills Quality Authority (ASQA) with trainer and assessor requirements forming part of compliance for delivery of training packages. All Registered Training Organisations are required to demonstrate that they meet all compliance standards. There is a wide range of VET providers including technical and further education (TAFE) institutes, adult and community education providers and agricultural colleges, as well as private providers, community organisations, industry skill centres, and commercial and enterprise training providers. There is no intention in NSW to extend teacher registration to cover trainers working in the vocational education and training sector.

Recommendation 13: AITSL to work with jurisdictions to establish a nationally consistent form of approval for qualified VET trainers

How does teacher registration support entry into the teaching profession?

In NSW, beginning teachers are responsible for initiating and actively working towards Proficient Teacher accreditation. Once they start working in a school/service they work with their principal/service director and other more experienced teachers to collect evidence of their teaching practice against the Standards. This evidence is drawn from their everyday teaching practice. NESAs provides evidence guides and examples of practice to support this process.

A key strength of this process is the strong link between employers and NESAs. All decisions are made in the workplace based on the Standards and using the Evidence Guide for Proficient Teacher Standards. The Evidence Guide provides information about the types of evidence that can be used to demonstrate the Proficient Teacher Standards. The guide is used by teachers and their supervisors.

Conditional registration provides a pathway that enables appropriately qualified people in areas of shortage to be registered and start teaching while they complete their initial teacher education qualification. In NSW there are two conditional pathways:

- (i) a person has completed a substantial portion of their initial teacher education program. This is the most common pathway and most teachers provide evidence that they have completed their ITE qualification to NESAs within 12 months of their conditional accreditation. A teacher can move from conditional to provisional accreditation if they provide their completed transcript to NESAs within 12 months of their conditional decision.
- (ii) a person has a relevant degree covering the discipline knowledge in the area in which they are to be employed to teach. These teachers must complete an approved program of initial teacher education within a set timeframe.

This pathway is generally used in niche subject areas.

NSW provides extended registration timeframes for those teachers who are working casually or in a part time capacity.

The capacity for pre-service teachers to gain accreditation and begin working in the later part of their ITE degree has been in operation in NSW for over a decade. This allows high performing ITE students to be employed on a full time basis and for ITE students to be employed on a casual basis and gain valuable experience while they complete their qualification.

Pre-registration of ITE students

The pre-registration of ITE students was raised by the TEMAG report which recommended that:

The Advisory Group considers that providers should be required to pre-register initial teacher education students with their regulatory body on entry to their program. Pre-registration of initial teacher education students would enable the collection of student data, including specialisations, which will contribute to better national workforce planning and enable better anticipation and management of professional experience requirements.

However, in the list of 'Key directions' near the beginning of the report, teacher pre-registration is described as 'enabling entrants to initial teacher education to be recognised as members of the teaching profession from the beginning of their program'.

Student pre-registration is not explicitly mentioned in the Government's response. In relation to workforce planning, the response states:

The Government will work collaboratively with states and territories and their teacher regulatory authorities to build on existing data sources, such as the Staff in Australia's Schools Survey and the National Teaching Workforce Dataset. AITSL will be tasked with coordinating these efforts to enable universities and teacher employers to better manage workforce needs.

So, there are two possible intentions for the notion of student pre-registration in this context:

- (i) gathering of data to be used for workforce planning
- (ii) facilitating the enculturation of student teachers into the profession from the beginning of their ITE program

If the main intention is (i) above, there may be alternative means of achieving this and student pre-registration by teacher regulatory bodies may not be the most appropriate or cost effective option.

Currently none of the Australian TRAs pre-registers ITE students, nor does their legislation provide for this to happen. Without a legislated requirement that ITE students register with their respective authority it is unlikely that accurate data could be gathered on ITE students.

The Australian Teacher Workforce Data (ATWD) work already underway will gather data on ITE student enrolments and graduations from ITE providers as well as link data on individual ITE students with workforce data on them throughout their teaching career. This will provide information on that can be used for workforce planning without the need for pre-registration.

Given the ATWD and the attrition rate for ITE students in at least the early years of undergraduate ITE programs the potential expense to regulatory authorities of managing the registration of all commencing ITE students is likely to outweigh the benefit.

If (ii) is the intention, then considerations other than data for workforce planning come into play. These include assessment of ITE students' suitability to teach and suitability to work with children (and other factors involved in eligibility for registration). Suitability to teach is discussed elsewhere in this submission.

ITE students who have completed a substantial portion of their ITE can apply to NESA for Conditional Accreditation and seek work in a school prior to graduation.

NESA has for some time worked with ITE providers to provide information that can be incorporated into their ITE programs and delivered sessions to ITE student on teacher accreditation.

How can we ensure that registered teachers satisfy the fit and proper person requirement?

Each jurisdiction has a different assessment for a fit and proper person to be a teacher. However, there are broad commonalities in the decisions made in each jurisdiction.

NSW has limited capacity to apply a teacher suitability check as a condition of accreditation.

NESA does not have a fit and proper person requirement in the *Teacher Accreditation Act 2004*. The sole determinant of teacher suitability is the Working with Children Check clearance. However, NESA has the responsibility to review a teacher's accreditation upon dismissal for misconduct and may impose conditions on ongoing accreditation, suspend or revoke the teacher's accreditation to teach where it determines the conduct reflects adversely on the teacher's professionalism, integrity, suitability or competence to teach.

The Working with Children Check clearance is managed through a central agency, the Office of Children's Guardian (OCG). All teacher employers and NESA are required to log on to the OCG portal to verify the clearances of each teacher. The verification provides proof that the teacher has a valid clearance. Importantly, the verification means that the OCG immediately notifies NESA if the teacher has been barred from working with children.

In relation to broader matters of teacher suitability it is anticipated that NESA will recommend to Government amendments to *Teacher Accreditation Act* include a fit and proper person test.