



## QUEENSLAND COLLEGE OF TEACHERS

### RESPONSE TO AITSL'S MARCH 2018 CONSULTATION PAPER: NATIONAL REVIEW OF TEACHER REGISTRATION

MAY 2018

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#### Summary

The QCT believes all eight elements of the national framework are relevant and appropriate. However, they are not being implemented consistently across Australia.

Currently there is considerable rigour and moderation at the graduate and the latter two teacher career stages, but a lack of rigour and consistency at the middle (Proficient) career stage.

Mutual recognition legislation assumes consistency in standards and processes across jurisdictions. However, in practice the proper working of mutual recognition provisions is challenged by factors such as inconsistent use of conditions on registration, various inconsistencies in terminology and categories, differences in legislative provisions applying to criminal history checks and in the use of powers to suspend registration, a lack of information sharing among jurisdictions, and the adoption of different practices by different registration authorities each acting on differing legal interpretations.

The QCT believes approaches to the registration of early childhood teachers should be nationally consistent – in the interests of both mutual recognition provisions and quality improvement. For this to be comparable across jurisdictions, there first needs to be a common, nationwide definition of an 'early childhood teacher'.

The QCT supports the notion of some form of pre-graduation registration of ITE students and suggest some factors to be considered in implementing this

Teacher registration cannot be seen in isolation. Just as a registration system alone cannot guarantee teacher quality, TRAs cannot *ensure* teachers are 'fit and proper' persons. Character and criminal history checks must be supported by efforts to build professional identity, including an understanding of professional boundaries, as early in a teacher's career as possible, and by appropriate school cultures.

To end, we suggest some ways to improve the operation of the national framework for teacher registration, ensure alignment with the principles of national consistency and thus enhance the quality of Australia's teachers.

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## Background: The Queensland College of Teachers

The Queensland College of Teachers ('the QCT') was established in January 2006 under the *Education (Queensland College of Teachers) Act 2005* ('the Act') and *Education (Queensland College of Teachers) Regulation 2016* ('the Regulation') as the body responsible to the Queensland Minister for Education for a range of functions associated with the regulation of the teaching profession in Queensland. Its purposes (the objects of the Act) are 'to uphold the standards of the teaching profession, to maintain public confidence in the teaching profession, and to protect the public by ensuring education in schools is provided in a professional and competent way by approved teachers'. This reflects the reason for the establishment of registration and associated regulatory activities – namely, to put strict eligibility requirements (such as meeting professional standards) in place for entry to, and retention in, the profession to ensure that only properly qualified, 'fit and proper' persons can call themselves teachers and be employed in schools. This protects school children from unqualified or unsuitable practitioners and protects the good name of the profession.

The QCT's functions include registration and disciplining of teachers, approval of preservice/initial teacher education programs, development and implementation of professional standards for teachers, development and implementation of a continuing professional development framework, and the promotion of the teaching profession to the public.

Queensland has the longest history in Australia of teacher registration and the use of professional teaching standards and is currently the only Australian state or territory where the teacher regulatory authority (TRA) is undertaking the full range of elements of the national framework for registration and implementing all four career stages of the Australian Professional Standards for Teachers (APST). The QCT is widely recognised as a leader in teacher regulation in Australia, due both to its legislation and the way it is implemented.

Particular strengths of the Queensland teacher regulatory system are:

- 'Suitability to teach' assessments – the QCT has a very rigorous framework in place (e.g. regarding the types of offences affecting suitability)
- Disciplinary processes – robust assessment of evidence received, stronger position taken (compared to TRAs in other jurisdictions) on professional boundaries (e.g. in relationships between teachers and former students)
- Practice and Conduct agreements – this alternative means of resolving disciplinary matters reduces the number of matters needing to be referred for a formal disciplinary process, thus reducing time and costs for all concerned
- Health assessments – allows for behaviour due to mental or physical impairment to be dealt with outside the normal disciplinary process
- Alternative means of assessing eligibility for registration for applicants without a prescribed qualification – the QCT's legislation allows for a holistic, standards-based assessment of eligibility for persons without prescribed qualifications
- Support for provisionally registered teachers – the QCT provides extensive assistance (e.g. through workshops, webinars, videos, and written resources) for beginning teachers and their mentors
- Returning to Teaching programs – the QCT requires teachers returning after a lengthy absence from the classroom to undertake a professional development program designed to bring them up-to-date with current teaching requirements
- Emphasis (in all workshops etc and through the provision of resources such as digital portfolios) on the use of the APSTs, to embed the use of the standards in teachers' everyday work and the concept of a continuum of the standards across career stages
- Use of contemporary technology for business transactions and communications with teachers – online applications for registration, extensive use of social media
- Transparency of policies and processes – the QCT website is highly informative and instructive for registered teachers and potential applicants
- Strong relationships with external stakeholders – the QCT meets regularly with, and enjoys widespread support from, all major stakeholder groups in education in Queensland
- Congruence with community expectations – the QCT has tested its positions on the acceptability of various types of teacher conduct against the views of parent/community representatives and school principals
- Internal audits – the QCT has sought and undergone regular internal audits of policies, practices and processes across a range of its functions.

## Response to Consultation Paper

Our comments are organised according to the areas for discussion identified in the Consultation Paper.

### **1. How is the national teacher registration framework working across Australia?**

The QCT believes all eight elements of the national framework are relevant and appropriate. However, they are not being implemented consistently across Australia.

Currently there is considerable rigour and moderation in assessing the meeting of standards (the APST) at the Graduate teacher career stage and at the Highly Accomplished teacher and Lead teacher stages, but a lack of rigour and consistency at the middle (Proficient) career stage. This includes processes for the transition from provisional to full registration, and for periodic renewal of registration. In these, there is variation both between and within jurisdictions.

Regarding the **transition to full registration**, a QCT desktop audit of information on their websites in June 2017 found that the Australian teacher regulatory authorities differ in at least the following respects:

- the maximum time allowed to move to full registration (before having to re-apply for registration) varies from two to six years
- the minimum time in which a provisionally registered teacher can progress to full registration varies from 80 days to 200 days
- whether support and/or assessment of the provisionally registered teacher (PRT) is by a school-based panel or a single supervisor and a single reviewer/evaluator
- the range of types of educational settings where the teaching experience can be undertaken varies (e.g. as to whether early childhood settings are included)
- whether there is a specified amount of professional learning to be completed
- whether all the descriptors of the APST must be met

Most Australian jurisdictions have not yet undertaken quality assurance of evidence and decisions relating to provisional registration and the transition to full registration<sup>1</sup>. The wide dissemination of decision-making across educational or school contexts within a particular jurisdiction and the relatively infrequent engagement of decision-makers with the process minimises the effectiveness of quality assuring evidence and the decisions made about that evidence.

An analysis<sup>2</sup> of a range of data available through the Queensland register of teachers showed considerable variation across school contexts in the average time taken for provisionally registered teachers to transition to full registration: for example, teachers in the State and Catholic sectors transitioned significantly earlier than those in the Independent school and non-school (early childhood and tertiary) sectors; teachers in regional areas transitioned significantly faster than those in South-East Queensland. The analysis also revealed wide variations in the number of evidence types selected by the reviewer as a basis for their assessment, and gaps in reviewers' comments regarding the full breadth of focus areas and descriptors for each standard.

This research suggests a need to: add rigour to the assessment processes used to determine readiness to transition to full registration, particularly to ensure coverage of the full intent of the standards across all descriptors; ensure that a negotiated or moderated judgement of professional readiness is undertaken by more than one reviewer in making a recommendation for full registration; ensure that reviewers are using at least the minimum compulsory evidence types and are aware of all of the focus area descriptors when making a judgement; and diversify training provided to schools and systems about induction and transition for early career teachers to

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<sup>1</sup> Alexander, C. (unpublished, 2018) 'From provisional to full registration: quality assurance of transitioning policies and practices', Queensland College of Teachers, Toowong.

<sup>2</sup> See footnote 1.

promote quality practice in these areas. It is recognised that efforts designed to increase rigour need to be balanced with the implications for the workload of school authorities.

Regarding processes for **renewal of registration**, while requirements about the amount of continuing professional development (CPD) are largely consistent, there is some variation across the TRAs in degree of prescriptiveness about the nature of the CPD and in the amount of guidance provided to teachers on CPD for renewal purposes. There are also inconsistencies across jurisdictions regarding requirements for teachers returning to teaching after an extended absence. The Queensland model is more flexible than those used in other states and does not negatively impact the labour market: there are several pathways available for teachers to meet the 'returning to teaching' professional development requirements and the requirements also vary according to the amount of teaching undertaken.

**Mutual recognition** legislation and the principle on which it is based rely heavily on an assumption of consistency in standards and processes across jurisdictions. In addition to differences noted above, the inconsistent use of conditions on registration and the use in NSW of 'conditional accreditation' for persons who have less than four years of higher education poses challenges to the proper working of mutual recognition provisions.

This is of particular concern regarding child protection. For example, some TRAs are more reluctant than others to exercise their power to suspend the registration of teachers suspected of causing harm to a child. There is also a lack of information sharing among jurisdictions: other states have been reluctant to enter into information sharing agreements with Queensland (despite various approaches by the QCT) and at present such agreements exist only with New South Wales, Northern Territory and Victoria.

Because of the differences among jurisdictions in the legislative provisions applying to criminal history checks, registration authorities in some jurisdictions can obtain more information than others through police checks. Provisions differ regarding the type of offences revealed and whether and to what extent 'spent' convictions are revealed.

Unlike other jurisdictions, the QCT has in place with the Queensland Police Service (QPS) daily monitoring of any changes in Queensland criminal history of all teachers registered in this state. In the QCT's view this reinforces the need for each jurisdiction to undertake both initial and on-going criminal records checks to ensure a high level of rigour in child safety considerations.

The QCT sees it as a problem that there is no central agency which can advise on interpreting and applying mutual recognition legislation and that it is therefore up to each jurisdiction to obtain its own legal advice on these matters. This can result in different practices being adopted by different registration authorities each acting on differing legal interpretations.

The QCT acknowledges that sometimes the only way to overcome the problem of the existence of differing policies is to adopt a 'lowest common denominator' approach. This can be undesirable in that it means some jurisdictions adopting lower standards than they would like.

The QCT considers that the current scheme allows for teachers to move easily between states and territories and does not believe that teacher workforce mobility is hindered under the scheme.

## ***2. Should early childhood teachers be part of a national approach to teacher registration?***

The QCT believes that approaches to the registration of early childhood teachers (ECTs) should be nationally consistent – in the interests of both mutual recognition provisions and quality improvement.

For this to be comparable across jurisdictions (and therefore meaningful for mutual recognition), there first needs to be a common, nationwide definition of an 'early childhood teacher'. At present the states that require registration of ECTs differ as to the range of teachers (in terms of the age span of children taught) to whom registration requirements apply.

In Queensland mandatory teacher registration applies only to schools (i.e. Preparatory year to Year 12). Teacher registration for ECTs working in early childhood education and care services is

voluntary. To be registered, ECTs must meet general teacher registration requirements. Whilst registration is not compulsory, teaching practice delivering or overseeing the delivery and implementation of a Queensland Curriculum and Assessment Authority (QCAA) developed or accredited kindergarten guideline is recognised by the QCT for transitioning from provisional to full registration and meeting ongoing recency of practice requirements. The QCT has developed an evidence guide for provisionally registered teachers and their mentors to assist the transition to full registration in an early childhood service.

Mandatory teacher registration for ECTs varies across the other Australian jurisdictions. Whilst registration has been compulsory for ECTs in South Australia since the inception of teacher registration, recent legislation change in Western Australia, New South Wales and Victoria has seen the introduction of ECT registration in those states. The remaining jurisdictions do not mandate ECT registration. However, in Tasmania, the Northern Territory and the Australian Capital Territory the preschool (kindergarten) year sits within the schooling sector. Registered teachers must be employed in these school-based settings. Effectively, this leaves Queensland as the only jurisdiction that does not require teacher registration for teachers teaching children in the year prior to the Preparatory year (kindergarten).

### **3. *What role does teacher registration play for VET teachers in school settings?***

The QCT's view is that, ideally, VET practitioners delivering training programs in schools should be registered, although the requirements for such registration may be different from those applying to teachers of educational programs. However, caution would be needed in introducing such a requirement, due to the additional burden it would place on VET practitioners and the potential implications for workforce supply.

### **4. *How does teacher registration support entry into the teaching profession?***

The QCT supports the notion of some form of pre-graduation registration of ITE students. Such registration would incorporate a 'fit and proper' person check and would thus subsume or replace a 'working with children' check (Blue Card).

Potential benefits would include those identified in the Consultation Paper (encouraging earlier identification by the student with the profession, earlier building of a relationship with the TRA, enabling collection of data about the incoming workforce profile). Perhaps the major potential benefit would be enhanced child protection and earlier identification of persons who may not be of appropriate character to be teachers. At present (in Queensland at least) a higher education institution (HEI) preparing teachers has no legal authority to advise the QCT, employing authorities or other HEIs if a preservice teacher has been found to have engaged in inappropriate behaviour. Similarly, employing authorities have no legal avenue to advise the QCT if a student on professional experience transgresses professional boundaries. Nor are preservice teachers required to comply with the mandatory reporting of suspected child abuse.

With the increasing popularity of online ITE programs, preservice teachers residing in one state/territory, who are likely to wish to undertake professional experience in that jurisdiction, and to subsequently seek employment there, can be enrolled at any of several interstate institutions. State authorities (the TRA and employing bodies) currently have no way of knowing the numbers of such students or their characteristics. Requiring preservice teachers to register in the jurisdiction where they intend to undertake their professional experience would enable such information to be captured and used to assist workforce planning.

Potential risks or disbenefits of pre-graduation registration would include:

- Further reduction in the number of entrants to ITE programs due to the perceived additional impost on students in terms of financial cost (if the registration required students to pay a fee) and time spent on application and compliance
- Pragmatics of ensuring students comply: there may be a reluctance on the part of HEIs to require students to comply (additional administrative burden, perceived market disadvantage)

- In the early childhood sector, some services may try to take advantage of pre-graduation registration as a way of complying with the requirement to have ‘registered teachers’ on staff

The issue of costs could be addressed by charging students a relatively small fee (e.g. an annual fee but not an initial application fee) and subsidising or defraying any additional costs to TRAs by levying a charge to employing authorities to obtain access to data held about preservice teachers (where these teachers have given permission for their data to be accessed by certain employers).

The question is also raised of the most appropriate time for such registration to occur. At the beginning of an ITE program may be too early as some students entering programs decide early in their program that teaching is not for them after all. The time of the first professional experience may be more appropriate for any form of registration to occur.

The above issues would need careful consideration and consultation if it was decided to pursue the development of such a system.

### **5. How can we ensure that registered teachers satisfy the fit and proper person requirement?**

Teacher registration cannot be seen in isolation. Just as a registration system alone cannot guarantee teacher quality, TRAs cannot *ensure* teachers are ‘fit and proper’ persons: they can only put checks and support mechanisms in place to reduce the likelihood of inappropriate persons being registered as teachers. No currently available measures (e.g. criminal history and psychometric testing) can reliably predict future behaviour. A recent analysis by the QCT of data pertaining to disciplinary matters it has dealt with since 2006 found that teachers were more likely to transgress professional boundaries early in their careers (the first ten years or so) rather than later. This suggests the desirability of building professional identity, including an understanding of professional boundaries, as early in a teacher’s career as possible (and thus reinforces an argument for pre-graduation registration). As is acknowledged in the report of the Royal Commission, organisational culture is a major factor in determining whether or not transgressions occur, and here school leadership is extremely important.

The recommendations of the Royal Commission and (in Queensland) the review of the Blue Card System that are accepted by relevant governments will impact on processes in this area.

### **Ways forward**

The QCT considers the following are needed to improve the operation of the national framework for teacher registration and ensure alignment with the principles of national consistency, and thus enhance the quality of the Australian teacher workforce:

- Consistency across jurisdictions in:
  - terminology, categories and definitions relating to teacher registration; this could be achieved through the adoption by all jurisdictions of mirror legislation for their TRAs
  - high-level legislation affecting teacher regulation, e.g. information privacy acts
  - the application of the Mutual Recognition Act; this may require the Australian Government to obtain legal advice as to a definitive interpretation of relevant provisions and all jurisdictions to adopt this interpretation
  - risk appetites regarding the various regulatory functions
- Nationwide moderation of judgements (e.g. on readiness of teachers to transition to full registration)
- Better information sharing among jurisdictions, particularly regarding ‘suitability to teach’ assessments
- Better sharing of workforce data among all stakeholders within a jurisdiction
- Clarification within jurisdictions of the respective roles of all parties (e.g. employing authorities, TRA, teachers, schools) in relation to matters such as new teacher induction and ongoing professional development of teachers

- Implementation in all jurisdictions of elements in the *Education (Queensland College of Teachers) Act 2005* which are effective in supporting and improving teacher quality, but which currently exist in few or no other jurisdictions
- Encouragement (e.g. through legislative requirement and enhanced liaison) and facilitation (e.g. through digital technology) of reporting by registered teachers and their employers as to teachers' current teaching positions and locations

A first step might be to reach national agreement on the adoption by all TRAs of the ten preconditions for the success of a teacher regulator identified in the report of the Review of the Victorian Institute of Teaching (December 2017).

Any specific proposals need to be assessed before adoption to ensure that potential benefits in terms of public value outweigh potential costs. Assessment needs to consider factors such as privacy concerns, feasibility in terms of ensuring compliance, and the appropriate role of regulators.

The QCT suggests that in the interests of achieving a more nationally consistent approach, an oversight body be established which has national interests at its core while recognising that education is constitutionally a state responsibility in Australia. The membership of the body should have a balance of state/territory and Commonwealth representation and should be drawn from the state/territory TRAs (as the authorities on teacher regulation) and AITSL. It should be funded by the Commonwealth government and supported by a Commonwealth secretariat.

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