



**Guidelines for the Regulation of
Teacher Accreditation Authorities
for
Non-government Schools and
Early Childhood Education Centres**

Draft as at March 2018
(incorporating changes from 2015 to 2017/2018)

Please note: Amendments to the TAA Guidelines are noted, as they take effect, in the Official Notices of the *Education Standards Bulletin*. The most up-to-date TAA Guidelines at any time are available on the NSW Education Standards Authority website <educationstandards.nsw.edu.au>.

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The NSW Education Standards Authority reserves the right to make amendments to the TAA Guidelines at any time where additional information/clarification regarding policies or procedures is required. The current version of the TAA Guidelines will be maintained on the NSW Education Standards Authority website. Schools will be advised of significant changes when they occur.

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1. Introduction

The *Guidelines for the Regulation of Teacher Accreditation Authorities for Non-government Schools and Early Childhood Education Centres* ('the TAA Guidelines') contain the rules of the NSW Education Standards Authority ('NESA') for regulating teacher accreditation authorities under the *Teacher Accreditation Act 2004* ('the TA Act').

Under the TA Act, a teacher accreditation authority ('TAA') is approved to accredit persons in accordance with Part 4 of the TA Act. Specifically, approval authorises a TAA to accredit, in accordance with Part 4 of the TA Act, persons at such levels of accreditation as may be determined by the Minister.

Accreditation means that a teacher has met the [professional teaching standards required by the TA Act including the Australian Professional Standards for Teachers](#) ('the Standards') at one of the key stages of Graduate, Proficient Teacher, Highly Accomplished and Lead Teacher.

The TAA Guidelines provide NESA's requirements and process to be approved as a TAA under the TA Act.

The TAA Guidelines apply to TAAs for non-government schools and early childhood education centres ('ECECs') for making accreditation decisions at Proficient Teacher level. In the future, additional guidelines will be issued by NESA with regard to the approval of TAAs for the higher levels of accreditation.

With regard to government schools, the TA Act provides that the Secretary of the NSW Department of Education is the TAA, or such other person or body as may be approved for the time being by the Secretary under the TA Act. For this reason, the TAA for government schools is not subject to the approval processes described in the TAA Guidelines although similar requirements apply.

The TAA Guidelines provide details about:

- the responsibilities of the Minister for Education and NESA in relation to the approval of TAAs
- the responsibilities of TAAs under the TA Act with regard to accreditation decisions at Proficient Teacher level
- the legislative basis for the approval of TAAs and the NESA regulatory framework
- the requirements to be complied with in order to be approved as a TAA
- the procedures for applying to be approved as a TAA
- the regulatory processes in relation to TAA approval
- refusal of an application for approval, conditions of approval, suspension and revocation of approval of a TAA
- internal review of a recommendation to refuse, suspend or cancel the approval of a TAA
- other relevant information and a glossary.

The TAA Guidelines should be read in conjunction with the TA Act, the NSW *Education Standards Authority Act 2013* ('the Education Standards Act') and the *Education Act 1990* ('the Education Act'). These statutes are collectively referred to as the education and teaching legislation.

The education and teaching legislation and the TAA Guidelines may be amended from time to time. TAAs need to be aware that they must abide by the current legislation and TAA Guidelines at all times.

NESA's TAA Guidelines are published on NESA's website <educationstandards.nsw.edu.au>. The TAA Guidelines published on NESA's website are always the most up-to-date version.

Provisions of the education and teaching legislation cited in the TAA Guidelines are up to date at the time of publication. The most up-to-date legislation at any time is available on the NSW Government's NSW legislation website <www.legislation.nsw.gov.au>.

Transitional arrangements

The regulatory process described in these Guidelines commenced on 1 January 2016.

Existing TAAs that were in operation prior to 1 January 2016 will transition to the new regulatory process so as to align with the registration cycle of the TAA's school(s) under the Education Act.

For example, schools with registration periods that expire at the end of 2018 that are seeking to renew their registration beyond 2018 will be required to have a TAA approved under the TAA Guidelines with approval, if granted, to commence from 1 January 2019.

Applications for the approval of new TAAs for schools and ECECs received by NESA on or after 1 January 2016 will be assessed in accordance with the requirements and processes detailed in the TAA Guidelines.

At the end of 2020, these transitional arrangements will expire. From 2021, all TAAs will be subject to approval and the requirements detailed in the TAA Guidelines.

2. Legislative basis for the approval of TAAs

2.1 Responsibilities of the Minister for Education

Under Part 1, sections 4(4) and 4(5) of the TA Act, the Minister for Education ('the Minister') has the functions to approve, impose conditions on such approval, suspend or revoke the approval of a TAA.

The Minister has delegated the authority for these functions with regard to TAAs for non-government schools to NESAs and NESAs' School Registration Committee ('the Committee').

2.2 Responsibilities of NESAs

NESA is a body corporate pursuant to the Education Standards Act with functions provided by that Act and the education and teaching legislation.

In 2014, the NSW Parliament passed changes to the TA Act effective on and from 5 January 2015 that included NESAs having a greater role in the regulation of TAAs and teacher education programs and providers.

In 2016, the NSW Parliament passed further changes to the TA Act effective on and from 1 January 2017 regarding the role of NESAs, including that only NESAs may suspend or revoke a teacher's accreditation.

Under sections 4(5A) and 4(5B) of the TA Act, NESAs have the functions to approve, impose conditions on such approval, suspend or revoke the approval of a TAA for ECECs. NESAs have delegated the authority for these functions to the Committee.

The provisions of the education and teaching legislation and the delegation to NESAs, provides that NESAs' functions and powers, among other things, are to:

- (a) monitor the teacher accreditation process across all schools and ECECs
- (b) ensure that the Standards are applied fairly and consistently
- (c) under delegation from the Minister, approve, impose conditions on such approval or suspend or revoke the approval of a person or body to be a TAA in relation to a non-government school
- (d) approve, impose conditions on such approval or suspend or revoke the approval of a person or body to be a TAA in relation to an ECEC
- (e) conduct inspections in relation to its functions
- (f) make rules in relation to its functions.

Under the Education Standards Act, NESAs may make rules for the exercise of its functions under the TA Act.

The TA Act also provides that NESAs' rules may specify conditions in relation to teacher accreditation and the approval of TAAs. NESAs' rules require the approval

of the NESAs Board ('the Board') and then the Minister. The rule-making process is open and transparent and subject to broad consultation with key stakeholders.

The TAA Guidelines have been approved as rules of NESAs. They provide:

- (a) NESAs rules specifying the requirements for approval of TAAs for non-government schools and ECECs to make teacher accreditation decisions under the TA Act at Proficient Teacher level
- (b) an elaboration of the requirements under the TA Act for TAAs, and references to other relevant legislation, conditions, policies, procedures and guidelines and any applicable NESAs rules for TAA compliance
- (c) the evidence of compliance that an Inspector will require that demonstrates the prospective compliance of a new TAA or the continuing compliance of an existing TAA
- (d) a description of the processes that will apply to the approval, imposition of conditions on such approval or the suspension or revocation of approval of a TAA.

2.2.1 Associated functions of NESAs

The TAA Guidelines are specific to NESAs regulation of TAAs. The rules and procedures for other aspects of the teacher accreditation process are published by NESAs in other documents on NESAs website <educationstandards.nsw.edu.au>.

NESAs School Registration and Accreditation Directorate is responsible for regulating TAAs and making recommendations to the Committee regarding the approval of a TAA and the suspension and revocation of TAA approval.

NESAs Teaching Standards Directorate advises NESAs Quality Teaching Committee ('the QTC') regarding the Standards and monitors the accreditation decisions within and across TAAs.

NESAs Teacher Accreditation Directorate accredits teachers at conditional or provisional level, maintains the roll of teachers and oversees the process of suspension and revocation of accreditation.

NESAs Initial Teacher Education Directorate recommends, monitors and evaluates initial teacher education courses and programs for accreditation purposes.

NESAs Professional Learning Directorate recommends, monitors and evaluates continuing teacher education courses and programs for accreditation purposes.

Detailed information about teacher accreditation is available on NESAs website <educationstandards.nsw.edu.au>.

For specific inquiries, refer to the contact details below:

- for inquiries about applications for initial approval or renewal of approval of a TAA, NESAs may be contacted on 02 9367 8111 or by email to <TAAapproval@nesa.nsw.edu.au>

- for all other inquiries about teacher accreditation, refer to NESA's website <educationstandards.nsw.edu.au> or email to <contactus@nesa.nsw.edu.au>.

With regard to NESA's regulation of TAAs, the TAA Guidelines provide the rules of NESA. Should a difference in the rules identified in the TAA Guidelines and those described elsewhere be identified, the rules of the TAA Guidelines apply.

2.3 Responsibilities of the QTC

The QTC is established by Part 2, Division 4 of the TA Act with the function to advise NESA in relation to the exercise of NESA's functions under the TA Act. This includes advice in relation to rules regarding the regulation of TAAs.

2.4 Responsibilities of TAAs

Section 4 of the TA Act provides that TAAs:

- (a) are authorised to accredit teachers in accordance with Part 4 of the TA Act at the accreditation level for which the TAA is approved
- (b) must comply with:
 - (i) the accreditation procedures and guidelines set out in the Standards provided under the TA Act, and
 - (ii) the conditions imposed by or under the TA Act, and
 - (iii) such other conditions as the Minister thinks fit to impose.

In exercising the authority of a TAA under the TA Act, a TAA must have regard to all relevant provisions of the TA Act, in particular the following sections.

Section 21(1) of the TA Act provides that the TAA for a school or ECEC may accredit any person who is employed to teach in the school or ECEC (including any person who has applied for a position as a teacher in the school or ECEC) at the accreditation level for which the TAA is approved.

Under section 25A(1) of the TA Act, a TAA cannot accredit a person unless the person holds a working with children check clearance under the *Child Protection (Working with Children) Act 2012*.

Section 32(1) of the TA Act provides for a TAA to accredit teachers at the accreditation level for which the TAA is approved if the person:

- (a) is provisionally accredited under section 30, or
- (b) is conditionally accredited under section 31 and has completed an approved course, or
- (c) satisfies any requirements for accreditation that are prescribed by the regulations or specified in the rules of NESA,

and the TAA is satisfied that the person meets the requirements for accreditation at the relevant accreditation level.

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Section 32(2) provides for a TAA to refuse an application to accredit a person at the accreditation level for which the TAA is approved.

Under section 27(1)(a) of the TA Act, a person may apply to the NSW Civil and Administrative Tribunal ('the Tribunal') for an administrative review under the *Administrative Decisions Review Act 1997* ('the ADR Act') for the refusal or failure by a TAA to accredit the person under Part 4 of the TA Act.

Under section 42B(3) of the TA Act, a TAA is required to notify NESAs if it becomes aware of any information that is or may be relevant to any of the grounds for which a teacher's accreditation may be suspended or revoked by NESAs.

In exercising the authority of a TAA under the TA Act, a TAA must have regard to all relevant teacher accreditation policies of NESAs.

To be approved to accredit teachers at the level of the Standards for which the TAA is approved, a TAA for non-government schools and/or ECECs must comply with the requirements of the TA Act and the rules and policies of NESAs, as detailed in the TAA Guidelines, at all times.

NESAs' teacher accreditation policies are available on NESAs' website <educationstandards.nsw.edu.au>.

3. NESA's regulatory framework for monitoring and approving TAAs

The education and teaching legislation provides for NESA to be responsible for regulating TAAs.

NESA also regulates school systems and individual non-government schools pursuant to the Education Act. The school regulatory model encompasses registration and accreditation processes.

The regulatory model for monitoring and approving TAAs complements the school regulatory model to include the TA Act requirements for TAAs. There are significant administrative efficiencies and synergies for TAAs, schools and NESA in adopting this approach.

NESA has a similar regulatory model for the approval of TAAs for ECECs.

The key features of the regulatory model for the regulation of TAAs are:

- (a) a five-year review cycle that, in the case of TAAs that are also the proprietor of a non-government school(s), will be aligned to the registration period of the TAA's school(s) as relevant
- (b) approval of new individual TAAs will be for an initial period of 12 months and, subject to an application and approval process, for renewable periods of up to five years
- (c) approval of systemic TAAs that perform the role of TAA for a number of associated schools and/or ECECs
- (d) systemic TAAs will be subject to a review of the teacher accreditation process for a sample of associated schools/ECECs annually
- (e) separate approval will be required for each of the different levels of teacher accreditation (note: Further guidelines for the approval of TAAs for the higher levels of accreditation will be developed and become effective in the future.)
- (f) an internal review process in relation to recommendations to refuse an application for approval or to suspend or revoke approval as a TAA
- (g) the Committee will approve, impose conditions on such approval or suspend or revoke the approval of a corporation or legal entity to be a TAA.

3.1 Types of TAAs eligible to be approved

Under the TAA Guidelines, a TAA must be a corporation or an approved legal entity. Forms of legal entities approved to be a TAA, other than a corporation, are registered companies and trusts including religious bodies. While an individual person has legal status as a 'natural person', an individual will not be an approved legal entity for the purpose of being a TAA.

In order to function as a TAA, a legal entity may delegate all or part of the functions of being a TAA to an authorised delegate including the authority to act on behalf of

the TAA by making decisions in relation to the accreditation of teachers at Proficient Teacher level under the TA Act.

An **'authorised delegate'** of a TAA may be an officer of the TAA, such as a member of the governing board of the TAA or the chief executive officer, director or other executive role within the TAA, or a position within the school or ECEC such as a Principal (or equivalent). The **'prime authorised delegate'** is the role/position that has been delegated by the TAA to be the TAA's primary authority to exercise the functions of the TAA including to make decisions regarding the routine operation of the TAA and the accreditation of teachers.

A TAA may delegate authority to make accreditation decisions to more than one role/position but it must have one prime authorised delegate.

The person appointed by the legal entity as an authorised delegate of the TAA (an **'authorised person'**) must be an accredited teacher or eligible to be accredited under the TA Act or currently employed as a teacher in a non-government school or ECEC.

3.1.1 Individual and systemic TAAs

Approved individual TAAs exercise the authority of a TAA under the TA Act for an individual school and/or ECEC.

Approved systemic TAAs are identified as TAAs that are:

- the proprietor of a number of schools and/or ECECs, and/or
- have a formal written agreement that provides for the TAA to exercise the authority of a TAA under the TA Act for a number of associated schools and/or ECECs.

The requirements to be approved as a TAA are the same for individual TAAs and systemic TAAs.

3.2 The role of the NESAs in regulating TAAs

In order to exercise its functions in relation to regulating TAAs, NESAs are responsible for setting the regulatory and accountability requirements to be approved as a TAA for non-government schools and ECECs and oversight of compliance with these requirements. These requirements represent the minimum standards to be met for a TAA to be approved by the Committee to make accreditation decisions at Proficient Teacher level.

The requirements assist TAAs by stating the range of policies and procedures that need to be in place in order to demonstrate compliance with the TA Act and the requirements described in the TAA Guidelines.

The monitoring process involves dialogue between TAAs and personnel at NESAs including Inspectors. The Education Standards Act provides for Inspectors to have

a role to inspect TAAs for the purpose of determining whether there has been compliance with or a contravention of the TA Act and the requirements described in the TAA Guidelines.

In summary, NESA's regulation of TAAs includes:

- making recommendations to the Committee about the approval of a TAA for a non-government school or ECEC to accredit teachers at Proficient Teacher level
- issuing rules for TAAs in the form of NESA's TAA Guidelines
- inspecting TAAs to determine compliance with or a contravention of the TA Act and the requirements described in the TAA Guidelines based on a risk management approach
- investigating and reporting in relation to matters concerning the approval of TAAs to accredit teachers at Proficient Teacher level including matters identified by NESA in relation to the fairness and consistency of a TAA's reporting and decision making.

In carrying out its responsibilities in relation to regulating TAAs, NESA is committed to complying with the *Privacy and Personal Information Protection Act 1998* (NSW). It is also mindful of confidential matters related to the business affairs of TAAs. The Information Protection Principles detailed in sections 8 and 9 of the *Privacy and Personal Information Protection Act* set the privacy standards that NESA is required to follow when dealing with personal information. NESA's *Privacy Management Plan* describes how NESA complies with the Information Protection Principles in relation to personal information supplied by TAAs in complying with the requirements. The Privacy Management Plan is available on NESA's website <educationstandards.nsw.edu.au>.

3.2.1 The role of Inspectors for monitoring TAAs

NESA appoints Inspectors for the purposes of exercising its functions under the education and teaching legislation, including the TA Act.

For the purposes of approving and monitoring a TAA, an Inspector may have access, at all reasonable times, to:

- educational premises including having full and free access to any educational premises, and
- any documents that are on the premises and may remove, or make copies of, any such document.

3.3 The TAA approval process

NESA's process for the approval of TAAs contains the following key features:

- applications for initial and renewed approval
- specified periods of approval
- inspections of TAAs by Inspectors
- recommendations to and decision making by the Committee
- routine monitoring of TAA compliance with the requirements for approval as a TAA
- provisions for conditions of approval, suspension and revocation of approval as a TAA
- systemic or individual TAAs.

TAAs seeking initial or renewed approval as a TAA must make an application in a form and at a time as determined by NESA. NESA's processes for assessing applications include:

- each application for initial and renewed TAA approval will be assessed by an Inspector by documentation review and inspection in accordance with NESA's risk management approach
- based on assessment of the available evidence, an Inspector will prepare a report and make a recommendation relating to approval
- the Committee will consider the Inspector's report and recommendation and make a decision relating to approval of the TAA
- a procedurally fair internal review process for a recommendation to refuse approval of a TAA.

3.3.1 Initial approval of a TAA seeking approval

Proposed individual or systemic TAAs seeking approval as a TAA for the first time, must make an application for initial approval in a form determined by NESA. Applications for initial approval are made not later than 31 March in the year preceding the calendar year in which the TAA intends to commence accrediting teachers at Proficient Teacher level.

The maximum period for which initial approval may be granted is one (1) year.

3.3.2 Renewal of approval of a TAA

TAAs seeking renewal of approval must make application for renewal of approval in a form determined by NESA.¹ NESA requires that applications for renewal of approval be submitted at least nine months before existing approval is due to expire, or at a later date decided by NESA and communicated to the TAA in writing.

An individual or systemic TAA applying for renewal of approval must demonstrate:

- whether or not the TAA continues to satisfy the requirements of approval

¹ Note: Existing TAAs that were in operation prior to 1 January 2016, may apply for renewal of approval. All other proposed TAAs must seek initial approval.

- whether or not, since the TAA's approval was granted or last renewed, the TAA has complied with the conditions of approval.

Under authority of the TA Act, NESAs may impose conditions on any renewed period of approval.

NESA has determined that the maximum period for which approval may be renewed is five years. The period of renewal of approval for TAAs for non-government schools will align with the period of renewal of non-government school registration. The period of renewal of approval for TAAs for ECECs will be based on a maximum period of five (5) years for renewed approval.

The TA Act makes provision for NESAs to reduce the period of a TAA's approval if at any time before the expiry of the period of approval of the TAA, the Committee is not satisfied that the TAA is complying with the requirements for approval described in section 4 of the TAA Guidelines.

3.3.3 Monitoring systemic TAAs

NESA's process for inspecting a systemic TAA that is also the authority for a system of non-government schools under the Education Act (a registration system) will be integrated within NESAs' annual monitoring of the registration system.

The process for inspecting other systemic TAAs will be based on a risk management approach having regard to the context of the TAA and the agreement between the TAA and associated schools and/or ECECs. The process will be similar to the annual monitoring of a registration system, including the sampling of associated schools and/or ECECs annually.

If a systemic TAA has five or fewer associated schools and/or ECECs, NESAs may agree to a monitoring schedule that is less frequent than every year, subject to NESAs' risk management approach. For example, NESAs may review the TAA's implementation of its policies and procedures in associated schools and/or ECECs at the time non-government school registration of each school is renewed, if relevant.

3.3.4 Conditions of approval

Under section 4 of the TA Act, the approval of a TAA is subject to the requirement that the TAA complies with:

- the accreditation procedures and guidelines set out in the Standards, and
- the conditions imposed under the TA Act, and
- such other conditions as the Committee, under delegation from the Minister and NESAs, thinks fit to impose.

The TA Act makes provision for the Committee, under delegation, to impose conditions on the approval of a TAA. These conditions include:

- that an approved TAA complies with the requirements detailed in the TAA Guidelines at all times
- a specified period of approval
- the level of teacher accreditation decision the TAA is approved to make
- that a TAA be approved to make decisions to accredit teachers at Proficient Teacher level only
- that a TAA be approved to make decisions relating to maintenance of accreditation at Proficient Teacher level only.

The Committee, under delegation, may impose other conditions on the approval of a TAA including that a TAA's period of approval be reduced or that a renewed period of approval be limited to less than the maximum period of five years. The Committee, under delegation, may impose such conditions based on the recommendation of an Inspector and a determination that the Inspector is not satisfied that the requirements for approval are being complied with by the TAA.

3.3.5 Refusal of approval

Under the TA Act, the Committee, under delegation, may refuse an application from a proposed or currently approved TAA on the following grounds:

- that the applicant has not furnished such further information in relation to the application as NESA requires
- that the applicant for a proposed new TAA has not demonstrated to the satisfaction of an Inspector a capacity to comply with the conditions of approval
- that the applicant for a renewed period of approval has not demonstrated to the satisfaction of an Inspector that the TAA is complying with the conditions of approval.

3.3.6 Suspend or revoke approval

The Committee, under delegation, may suspend or revoke the approval of a TAA under the TA Act, based on the recommendation of an Inspector.

An Inspector may recommend that a TAA's approval be suspended if the Inspector is not satisfied that the requirements for approval are being complied with by the TAA.

An Inspector may recommend that a TAA's approval be revoked if the Inspector is satisfied that the TAA is not complying with the requirements to be approved.

If the approval of a TAA is suspended or revoked, the TAA must provide written notification that it is not approved or is suspended and is no longer able to operate to each school and/or ECEC associated with the TAA and the teachers of each school and/or ECEC undertaking accreditation processes with the TAA.

It is the responsibility of the proprietor of each school and/or ECEC to ensure that an arrangement is in place with an approved TAA for the accreditation of teachers at the school and/or ECEC.

3.3.7 Appeal for review of certain decisions

A TAA may seek an internal review from NESAs for a decision by the Committee to refuse, suspend or revoke approval or to reduce a period of approval (refer to section 9 of the TAA Guidelines).

4. Requirements for approval of teacher accreditation authorities for Proficient Teacher level

This section of the TAA Guidelines details the requirements that all TAAs approved to accredit teachers at the Proficient Teacher level of the Standards must meet. It also details the evidence of compliance that TAAs must maintain at all times during any period of approval and the records to be maintained as evidence of the TAA implementing its policies and procedures.

The requirements to be approved as an individual or systemic TAA relate to:

- the structure and governance of the TAA
- policies and procedures that are consistent with NESAs’s teacher accreditation policies for:
 - accrediting teachers at Proficient Teacher level
 - making decisions regarding maintenance of teacher accreditation at Proficient Teacher level
 - notifying NESAs when grounds exist for recommending that the accreditation of a teacher be suspended or revoked
- policies and procedures for notifying NESAs in specified circumstances
- provisions for sharing information with employers and other approved TAAs.

The requirements to be approved as a TAA must be met by all TAAs, including both individual and systemic TAAs. Within the totality of a TAA’s policies and procedures, all requirements must be addressed. The specific title and scope of each TAA’s policies and procedures will vary according to the particular context of the TAA.

The following provides an overview of the requirements.

Requirement	
4.1	Structure and governance of the TAA
4.2	Policies and procedures for accrediting teachers at Proficient Teacher level <ul style="list-style-type: none"> 4.2.1 Policies and procedures for providing an orientation to the TAA’s processes 4.2.2 Policies and procedures for enacting the functions of a TAA accreditation 4.2.3 Policies and procedures for reporting and decision making
4.3	Policies and procedures for making decisions regarding maintenance of teacher accreditation at Proficient Teacher level
4.4	Policies and procedures relating to suspension or revocation of teacher accreditation
4.5	Policies and procedures for notifying NESAs in specified circumstances
4.6	Provisions for sharing information with employers and other approved TAAs

4.1 Structure and governance of the TAA

An approved TAA must be an approved legal entity with policies and procedures for governance of the TAA's operation.

A TAA must be a corporation or an approved legal entity.

A legal entity is an individual or organisation that is legally permitted to enter into a contract and be accountable for its contractual obligations. Forms of legal entities approved to be a TAA, other than a corporation, are registered companies and trusts including religious bodies. While an individual person has legal status as a 'natural person', an individual will not be an approved legal entity for the purpose of being a TAA.

The authority of a legal entity that is approved to be a TAA is specific to the purpose of making teacher accreditation decisions under the TA Act. This authority, and the obligations that accompany this authority, are separate to other authorities or obligations that the legal entity may have as an employer or a proprietor of a non-government school or ECEC. The governance of an approved TAA must provide for the TAA to exercise its authority as a discrete process in accordance with the TA Act.

A TAA may delegate all or part of the functions of being a TAA to an authorised delegate. Typically, a legal entity that is an approved TAA will need to appoint an officer to act on its behalf including authorising the officer to make teacher accreditation decisions, under the TA Act, on behalf of the TAA in relation to accreditation at Proficient Teacher level.

An '**authorised delegate**' may be an office holder of the TAA, such as a member of the governing board of the TAA or the chief executive officer, director or other executive role within the TAA, or a position within the school or ECEC such as a Principal (or equivalent). The '**prime authorised delegate**' is the role/position that has been delegated by the TAA to be the TAA's primary authority to exercise the functions of the TAA including to make decisions regarding the routine operation of the TAA and the accreditation of teachers. A TAA may delegate authority to make accreditation decisions to more than one role/position but it must have one prime authorised delegate. The person appointed by the legal entity as an authorised delegate of the TAA (an 'authorised person') must be an accredited teacher or eligible to be accredited under the TA Act or currently employed as a teacher in a non-government school or ECEC.

Any person with a role in making a recommendation to the TAA to accredit a teacher at Proficient Teacher level or in relation to an internal review on behalf of the TAA must be an accredited teacher or eligible to be accredited under the TA Act or currently employed as a teacher in a non-government school or ECEC.

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To be approved, a TAA must have documents to describe the structure and governance of the TAA including details of the TAA's type of legal entity, how the TAA's operation is governed and how the functions of the TAA are implemented including a delegation schedule for any delegated authority to the TAA's authorised delegate(s) and any other person with a role in making a recommendation to the TAA to accredit a teacher at Proficient Teacher level.

To be approved, a TAA must have and implement policies and procedures for:

- mitigating the risk of conflict of interest in the TAA's processes and decision making and for managing any conflicts of interest that arise in exercising the TAA's authority
- complaints and grievances, with specific reference to processes for raising and responding to concerns raised about the TAA's accreditation process by teachers and other stakeholders in the accreditation process.

If a TAA is not the legal entity that is the proprietor of the non-government school(s) and/or ECEC(s), for which the TAA makes teacher accreditation decisions, the TAA must have and implement documented arrangements with the legal entity that is the proprietor of the school(s) and/or ECEC(s) to provide for the TAA to exercise its authority under the TA Act.

Evidence of compliance

An approved TAA must maintain documentation in relation to the structure and governance of the TAA including:

- the TAA's type of legal entity including evidence of the legal entity
- evidence of whether the legal entity operates for-profit or not-for-profit
- an overview of the organisational structure of the TAA
- how the authority and functions of the TAA under the TA Act are implemented including a delegation schedule
- a description of the responsibilities of each role related to the TAA's authority and functions including processes for managing and supervising all persons undertaking these roles.

An approved TAA must have in place and implement policies and procedures for:

- mitigating the risk of conflict of interest in the TAA's processes and decision making and for managing any conflicts of interest that arise in exercising the TAA's authority
- complaints and grievances, with specific reference to processes for raising and responding to concerns raised about the TAA's accreditation process by teachers and other stakeholders in the accreditation process

If a TAA is not the legal entity that is the proprietor of the non-government school(s) and/or ECEC(s), for which the TAA makes teacher accreditation decisions, the TAA must maintain evidence of the written agreement that:

- documents the arrangements between the TAA and the proprietor (legal entity) of the non-government school(s) and/or ECEC(s) for making teacher accreditation decisions under the TA Act
- identifies the respective roles and responsibilities of the TAA and the school(s) and/or ECEC(s)
- provides for the TAA to notify NESAs if the contract or agreement between the TAA and a school or ECEC is terminated by the TAA or the school or ECEC prior to the expiry of the term of the contract or agreement and the reasons for that termination

Records

An approved TAA must maintain, for the current period of approval, records of:

- documentation used to determine the suitability of the TAA's authorised delegate(s) to make teacher accreditation decisions on behalf of the TAA including evidence that any authorised delegate:
 - is an accredited teacher or eligible to be accredited under the TA Act or currently employed as a teacher in a non-government school or ECEC
 - has a current working with children check clearance
 - has the necessary skills, experience and expertise to accredit teachers fairly and consistently as required by the TA Act
- managing any conflicts of interest that have arisen in accordance with its policies and procedures if relevant, handling complaints and grievances raised with the TAA about the TAA's teacher accreditation processes, in accordance with its policies and procedures.

If a TAA is not the legal entity that is the proprietor of a non-government school or ECEC, the TAA must maintain evidence of the written agreement that:

- documents the arrangements between the TAA and the proprietor of the non-government school(s) and/or ECEC(s) for making teacher accreditation decisions under the TA Act
- identifies the respective roles and responsibilities of the TAA and the associated school(s) and/or ECEC(s)
- provides for the TAA to notify NESAs if the contract or agreement between the TAA and a school or ECEC is terminated by the TAA or the school or ECEC prior to the expiry of the term of the contract or agreement and the reasons for that termination
- identifies the school(s) and/or ECEC(s) for which the TAA makes teacher accreditation decisions.

4.2 Policies and procedures for accrediting teachers at Proficient Teacher level

TAA's are responsible for developing and implementing policies and procedures for exercising authority under the TA Act to accredit teachers at Proficient Teacher level in accordance with Part 4 of the TA Act.

A TAA's policies and procedures must be consistent with the accreditation procedures and guidelines set out in the Standards provided under the TA Act, all relevant rules and policies published by NESA and the requirements detailed in the TAA Guidelines.

In order to be approved, a TAA must have policies and procedures for:

- providing an orientation for teachers to the TAA's teacher accreditation process under the TA Act
- [making decisions in accordance with Part 4 of the TA Act in relation to the accreditation of persons at Proficient Teacher level enacting the functions of a TAA](#)
- fair and consistent reporting and decision making.

Sections 4.2.1 to 4.2.3 detail the required policies and procedures.

4.2.1 Policies and procedures for providing an orientation to the TAA's processes

An approved TAA must have policies and procedures for providing an orientation to the TAA's accreditation process.

An approved TAA must provide an orientation to the TAA's teacher accreditation process for teachers who are seeking accreditation. The orientation is to be specific to the TAA's processes for exercising its authority under the TA Act and must set out the respective roles and responsibilities of the TAA and teachers in the TAA's teacher accreditation process.

The requirement for orientation to the TAA's accreditation process is specifically for the purpose of providing teachers newly employed by school(s) and/or ECEC(s) of the TAA with information about the TAA's process and expectations for accrediting teachers. The orientation provided by a TAA for this purpose must be a discrete element of any other orientation provided by an employer or another organisation for other purposes.

The orientation must be provided within three (3) months of a teacher commencing employment with a school/ECEC associated with the TAA and must include providing each teacher seeking to be accredited by the TAA with a copy of the TAA's teacher accreditation policies and procedures, including the policies and procedures specified in 4.2, 4.3, ~~and~~ 4.4 [and 4.6](#) of the TAA Guidelines.

Evidence of compliance

An approved TAA must have in place and implement policies and procedures for providing an orientation for teachers seeking accreditation at the Proficient Teacher level, including:

- an orientation program that will assist each teacher to understand the TAA's teacher accreditation processes including:

- the respective roles and responsibilities of the TAA and the teacher seeking accreditation
- requirements for accreditation that are consistent with Part 4 of the TA Act, the Standards and all relevant rules published by NESAs
- an overview of the key stages of the TAA's accreditation process and expected time frames for each stage to be conducted and concluded in order to make an accreditation decision within the time frames provided by the TA Act and all relevant rules published by NESAs
- the reasons for which the TAA will decide to accredit a teacher and the reasons for which the TAA will decide not to accredit a teacher in accordance with the TA Act and NESAs policies
- a description of the mentoring and support services available to teachers seeking accreditation, as relevant
- provisions for an internal review of certain decisions
- complaints processes
- processes for providing an orientation program that is delivered within the first three (3) months of a teacher commencing employment with a school/ECEC associated with the TAA
- processes for providing a copy of the TAA's policies and procedures specified in 4.2, 4.3, ~~and 4.4~~ and 4.6 of the TAA Guidelines to each teacher newly employed by a school or ECEC of the TAA seeking teacher accreditation with the TAA
- processes for maintaining records of the orientation provided for each teacher.

Records

An approved TAA must maintain for each teacher seeking accreditation with the TAA during the current period of approval, records, as relevant, of the orientation to the TAA's teacher accreditation processes including:

- maintaining a register of the TAA's orientation process identifying the following details for each teacher newly employed by a school or ECEC of the TAA seeking accreditation:
 - name of teacher
 - date of commencing the teacher accreditation process
 - details of completing the TAA's orientation process including (date(s) and person(s) who conducted the orientation)
- a record of each teacher newly employed by a school or ECEC of the TAA seeking accreditation receiving a copy of the TAA's policies and procedures specified in 4.2, 4.3, ~~and 4.4~~ and 4.6 of the TAA Guidelines.

4.2.2 Policies and procedures for accreditation enacting the functions of a TAA

An approved TAA must have policies and procedures for accreditation enacting the functions of a TAA for teacher accreditation purposes.

To be approved, a TAA must have and implement policies and procedures for making decisions in accordance with Part 4 of the TA Act in relation to the accreditation of persons at Proficient Teacher level ~~enacting the functions of a TAA and inform the teacher accreditation decision to be made by the TAA under the TA Act.~~

The TAA's policies and procedures must:

- ~~provide for accreditation practices that are consistent with the authority of the TAA under the TA Act and all relevant rules and teacher accreditation policies published by NESAs~~
- have regard to the Standards and not matters that are extraneous to the Standards
- must be applied fairly and consistently.

~~The TAA's policies and procedures must be fairly and consistently applied.~~

Evidence of compliance

An approved TAA must have in place and implement policies and procedures for accreditation that teachers seeking accreditation at the Proficient Teacher level, including:

- ~~processes that are~~ evidence based, procedurally fair and consistent with the authority of the TAA under Part 4 of the TA Act and all relevant rules and policies published by NESAs
- ~~evidence based and procedurally fair processes~~
- ~~identify~~ identification of the key roles and responsibilities ~~within the accreditation process~~
- provide an overview of key stages of the accreditation process to ensure that decisions are made within the time frame provided by the TA Act for achievement of accreditation at Proficient Teacher level
- ~~identify processes for making an accreditation decision including~~ the type of records the TAA will maintain and have regard to in determining whether a teacher's practice demonstrates the Standards
- ~~processes for~~ provide for monitoring the progress of each teacher undertaking the accreditation process and ensuring the early identification of and notification to teachers 'at risk' of not being accredited within the time frame provided by the TA Act for achievement of accreditation at Proficient Teacher level.
- ~~monitoring the progress of each teacher undertaking the accreditation process and maintaining relevant records to support accreditation decisions.~~

Records

The TAA must maintain records, for the current period of ~~the TAA's~~ approval, of implementing its policies and procedures the accreditation process for each teacher undertaking teacher accreditation including records of:

- each teacher being provided with details of the teacher's supervisor and the supervisory process
- any formal notice to a teacher that the teacher is 'at risk' of not being accredited at Proficient Teacher level.

Where relevant, the maintenance of these records in eTAMS meets the requirement.

4.2.3 Policies and procedures for reporting and decision making

An approved TAA must have policies and procedures for fair and consistent reporting and decision making in relation to teacher accreditation.

To be approved, a TAA must have and implement policies and procedures for preparing teacher accreditation reports and making accreditation decisions with specific reference to:

- reporting and decision making practices that comply with the TA Act and all relevant rules and policies published by NESAs
- decision making that is fair and consistent having regard to the Standards and not matters that are extraneous to the Standards
- processes to inform a teacher of the right to apply for an internal review and the provision, under section 27(1)(a) of the TA Act, of the right to apply to the Tribunal for an administrative review of the TAA's decision to not accredit the teacher under Part 4 of the TA Act.

Evidence of compliance

An approved TAA must have in place and implement policies and procedures for:

- evidence based and procedurally fair decision making in relation to accreditation against the Standards
- reporting and decision making practices that comply with the TA Act and all relevant rules and policies published by NESAs
- provisions for a recommendation made to the TAA to accredit or not to accredit a teacher to be made by a person who is an accredited teacher or eligible to be accredited under the TA Act
- an overview of the TAA's reporting and decision making process including notice of the TAA's decision within twenty-eight (28) days of the teacher's acknowledgement of having read the report written by the teacher's supervisor
 - making a decision within twenty-eight (28) days of the teacher's acknowledgement of having read the report written by the teacher's supervisor
 - identification of the evidence to be gathered by the TAA and the teacher for inclusion in the teacher accreditation report
 - ensuring that providing a copy of the teacher accreditation report is provided to the teacher prior to the report being considered by the TAA for the accreditation decision

- ensuring that the teacher is provided with ing an opportunity ~~for the teacher~~ to respond to the report prior to the accreditation decision being made
- providing formal notice ~~by the TAA~~ to a teacher of the TAA's accreditation decision
- notifying NESAs of the accreditation decision within 21 days of making the decision
- issuing the certificate of teacher accreditation generated by NESAs to teachers granted accreditation at the Proficient Teacher level by the TAA
- ~~issuing the certificate of teacher accreditation generated by NESAs to teachers granted accreditation at the Proficient Teacher level by the TAA~~
- addressing any feedback received by the TAA from NESAs in relation to the fairness and consistency of the TAA's reporting and decision making
- maintaining records of the reporting and decision making process, as relevant to the TAA's policies and procedures.

An approved TAA must have in place and implement procedurally fair policies and procedures in relation to making a decision to not accredit a teacher at Proficient Teacher level, including:

- ensuring that twenty-eight (28) days written notice is given to a teacher of the ~~TAA's~~ intention to not accredit a teacher at Proficient Teacher level identifying the reasons for the intended decision
- if a decision to not accredit a teacher is made, a statement in the written notice of the decision that the person concerned may make a written submissions request to the TAA for an internal review of in relation to the ~~proposed~~ decision ~~to not accredit the teacher~~ within twenty-eight (28) days after of the date of the notice ~~to seek an internal review of the TAA's intended decision~~
- an impartial process for conducting an internal review, if requested, including that the internal review be conducted by a person who is not substantially involved in forming the original intention to not accredit the teacher and that the internal reviewer be an accredited teacher or eligible to be accredited under the TA Act
- formal written notice to the teacher of the TAA's final decision
- informing a teacher of the provision under section 27(1)(a) of the TA Act of the right to apply to the Tribunal for an administrative review of the TAA's decision to not accredit the teacher
- written notice of the final decision to NESAs within twenty-one (21) days in accordance with section 22 of the TA Act.

An approved TAA must have in place processes to inform teachers of the right under the TA Act to an administrative review by the Tribunal in relation to a decision by the TAA to not accredit the teacher.

Records

The TAA must maintain records, for the current period of approval, of the reporting and decision making for each teacher undertaking teacher accreditation including records of:

- details of the final decision
- the name of the authorised delegate who made the final decision
- a copy of the report and supporting materials
- notifying the teacher of the final decision
- issuing the certificate of accreditation
- any feedback from NESAs in relation to the fairness and consistency of the TAA's reporting and decision making and how the TAA has addressed any areas identified for feedback.

Where relevant, the maintenance of these records in eTAMS meets the requirement.

If a TAA intends to not accredit a teacher, the TAA must maintain records for the current period or approval of:

- written notice to the teacher of the TAA's intention to not accredit the teacher at Proficient Teacher level identifying the reasons for the intended decision
- if a decision to not accredit is made, ~~and including~~ a statement in the written notice of the decision that the teacher may make submissions to the TAA to seek an internal review of the ~~intended~~ decision within twenty-eight (28) days after of the date of the notice
- any response from the teacher to the TAA's written notice including any written request for an internal review and, if an internal review is requested, records of the internal review including:
 - the name of the reviewer
 - the evidence considered during the internal review
 - the outcome of the review and the reasons for that outcome
 - written notice of the outcome of the internal review to the teacher within twenty-one (21) days of making the decision and identifying the reasons for the decision
- if the TAA has decided not to accredit a teacher under Part 4 of the TA Act, notice to the teacher of the right under section 27(1)(a) of the TA Act to apply to the Tribunal for an administrative review of the TAA's decision
- written notice to the teacher and NESAs of the TAA's final decision following completion of all avenues of appeal
- if relevant, records in relation to any administrative review by the Tribunal
- notice to NESAs of the final decision within twenty-one (21) days of making the decision in accordance with section 22 of the TA Act.

4.3 Policies and procedures for making decisions regarding maintenance of teacher accreditation at Proficient Teacher level

An approved TAA must have policies and procedures for making decisions regarding the maintenance of teacher accreditation at Proficient Teacher level.

In order to provide for teachers to maintain accreditation at Proficient Teacher level, a TAA is responsible for:

- making a decision as to whether or not a teacher has continued to meet the Standards at Proficient Teacher level and all other rules and policies of NESAs for maintaining accreditation, including those related to professional development, holding a working with children check clearance and payment of the annual fee
- submitting the TAA's decision to NESAs.

The TAA's policies and procedures must provide for making decisions regarding maintenance of teacher accreditation that are consistent with the authority of the TAA under the TA Act having regard to the Standards and all relevant rules and policies of NESAs.

The TAA's policies and procedures must be applied fairly and consistently.

Evidence of compliance

An approved TAA must have in place and implement policies and procedures for:

- ensuring that teachers are provided with a copy of the TAA's policies and procedures for making decisions about maintenance of accreditation
- deciding whether teachers accredited at the Proficient Teacher level continue to meet the Standards having regard to the principal/director's attestation about the teacher's practice and all relevant rules and policies of NESAs, including those relating to professional development
- ensuring that the TAA ~~to be~~ notified by the principal/director of any issues with a teacher's practice that may impact on the maintenance of accreditation decision as and when such issues arise during the maintenance period
- making evidence based and procedurally fair decisions in relation to the maintenance of teacher accreditation at Proficient Teacher level including:
 - an overview of the key stages of the TAA's maintenance process across each maintenance period
 - identification of roles and responsibilities within the maintenance process
 - a process for ensuring that the attestation from the principal/director is received in sufficient time for the TAA to make a maintenance decision
 - identification of the grounds for which the TAA will decide that a teacher meets all requirements for maintenance of accreditation or that a teacher has failed to maintain accreditation
 - the opportunity to seek an internal review of a decision that a teacher has failed to maintain accreditation
 - an internal review process that is consistent with the evidence of compliance described in section 4.2.1 of the TAA Guidelines
 - for notifying NESAs of a maintenance decision
- confirming that a teacher has a current working with children check clearance under the *Child Protection (Working with Children) Act 2012*, as required
- confirming that a teacher has no outstanding accreditation fees as required

- addressing any feedback received from NESAs in relation to the fairness and consistency of the TAA's decision making
- processes for providing teachers accredited at Proficient Teacher level with a copy of the TAA's policies and procedures specified in sections 4.3, ~~and 4.4~~ and 4.6 of the TAA Guidelines.

Records

The TAA must maintain records, for the current period of approval, of implementing its policies and procedures for each teacher maintaining accreditation with the TAA including records of:

- the maintenance decision for each teacher
- the name of the authorised delegate who made the maintenance decision
- notifying the teacher of the decision
- records relating to any internal review as described in section 4.2.1 of the TAA Guidelines
- any feedback from NESAs in relation to the fairness and consistency of the TAA's reporting and decision making and how the TAA has addressed any areas identified for feedback.

Where relevant, the maintenance of these records in eTAMS meets the requirement.

4.4 Policies and procedures relating to suspension or revocation of teacher accreditation

An approved TAA must have and implement, as relevant, policies and procedures for notifying NESAs when grounds exist for recommending that the accreditation of a teacher be suspended or revoked as required by NESAs's policy and procedures.

Under legislative changes to the TA Act that took effect from 1 January 2017, NESAs is the only body authorised to suspend or revoke a teacher's accreditation.

NESAs's policies and procedures for the suspension and revocation of teacher accreditation are published on its website.

Evidence of compliance

TAAAs are required to have policies and procedures for notifying NESAs when grounds exist for recommending that the accreditation of a teacher be suspended or revoked as required by NESAs's policy and procedures.

Records

A TAA is required to maintain records as evidence of the implementation of its policies and procedures for notifying NESAs when grounds exist for recommending that the accreditation of a teacher be suspended or revoked.

4.5 Policies and procedures for notifying NESAs in specified circumstances

To be approved, a TAA must have and implement policies and procedures in relation to notifying NESAs in specified circumstances and time frames.

Evidence of compliance

An approved TAA must have in place and implement policies and procedures in relation to notifying NESAs in the following specified circumstances and time frames:

- a decision by the TAA to accredit a teacher at Proficient Teacher level within twenty-one (21) days of making the decision in accordance with Part 4 of the TA Act ~~and all rules and policies of NESAs within twenty-eight (28) days of the teacher's acknowledgement of having read the accreditation report written by the teacher's supervisor~~
- a decision by the TAA to maintain a teacher's accreditation at Proficient Teacher level within twenty-one (21) days of making the decision in accordance with Part 4 of the TA Act ~~and all rules and policies of NESAs within twenty-eight (28) days of the teacher making the maintenance of accreditation declaration~~
- a decision by the TAA to notify NESAs when grounds exist for recommending that the accreditation of a teacher be suspended or revoked
- a change to the name of the TAA within twenty-one (21) days in advance of making the change
- a change to any authorised delegate of the TAA within seven (7) days of making the change
- a change to the school(s) or ECEC(s) for which the TAA makes teacher accreditation decisions within twenty-one (21) days of making the change
- a decision to cease operating as a TAA within seven (7) days of ceasing to operate
- if the TAA becomes aware that an accredited teacher ceases to hold a working with children check clearance under the *Child Protection (Working with Children) Act 2012* as soon as possible but no more than five (5) days of becoming aware that the clearance has ceased
- if a decision made by the TAA in relation to teacher accreditation is the subject of an administrative review by the Tribunal within seven (7) days of being notified that the matter is the subject of a review
- notice of the outcome of any review by the Tribunal within twenty-one (21) days of being notified of the outcome

Records

A TAA must maintain a record of any notifications made to NESAs as specified in the evidence of compliance.

4.6 Provisions for sharing information with employers and other approved TAAs

An approved TAA must have in place and implement policies and procedures in relation to sharing relevant information with the employer(s) of teachers for ~~whom~~ the TAA makes teacher accreditation decisions and with other or another approved TAAs.

The authority of an approved TAA under the TA Act relates to making decisions about teacher accreditation at Proficient Teacher level. This authority is specific to the purpose of teacher accreditation and must be exercised as a discrete authority that is separate to any other authority, function or obligation the approved TAA may have as a legal entity.

A TAA for a non-government school or ECEC must have provisions for sharing relevant information with the employer of the teachers in those schools and/or ECECs for which the TAA makes teacher accreditation decisions. This requires formal processes for communication if the TAA is not the proprietor of the school/ECEC or employer of staff at the school/ECEC. For TAAs that are also the legal entity that is the proprietor of a non-government school and/or ECEC, and the employer of teachers at that school and/or ECEC, the TAA may need formal processes for communication between staff members as relevant to the TAA's authority.

A TAA must also have provisions for sharing information with other TAAs in accordance with NESAs rules and policies.

Evidence of compliance

An approved TAA must have in place and implement policies and procedures in relation to sharing relevant information with the employer of teachers for which the TAA makes teacher accreditation decisions including policies and procedures for providing information to advise an employer or another TAA of the following:

- a decision to accredit a teacher within twenty-~~one~~ eight (218) days of making the decision
- a decision to maintain the accreditation of a teacher within twenty-~~one~~ eight (218) days of making the decision
- ~~• information requested by another TAA about a teacher's practice in accordance with NESAs policies~~
- a decision to notify NESAs ~~that~~ when grounds exist for recommending that the accreditation of a teacher be suspended or revoked within twenty-~~one~~ eight (218) days of making ~~the~~ such notification to NESAs

- if the TAA becomes aware that an accredited teacher ceases to hold a working with children check clearance under the *Child Protection (Working with Children) Act 2012* as soon as possible but no more than five (5) days of becoming aware that the clearance has ceased
- if a teacher has failed to pay the annual fee to NESAs within seven (7) days of determining that the fee has not been paid.

An approved TAA must have in place and implement policies and procedures in relation to providing information requested by another TAA about a teacher's practice in relation to the Standards in accordance with NESAs policies.

Records

A TAA must maintain relevant records of any information shared with an employer and/or another TAA.

5. Requirements for initial approval of teacher accreditation authorities for Proficient Teacher level

Initial TAA approval applies to proposed new TAAs seeking to be approved to have the authority to accredit teachers at Proficient Teacher level of the Standards under the TA Act.

5.1 Initial TAA approval

Proposed new TAAs seeking initial approval to accredit teachers at Proficient Teacher level of the Standards must meet the requirements of the TA Act and the rules of NESAs, as detailed in the TAA Guidelines upon commencement of operation.

It may not be possible for a proposed new TAA to provide evidence of compliance with all sections of the TA Act and the TAA Guidelines prior to commencement. It is expected, however, that the applicant will provide evidence of policies and procedures that will ensure the compliance of the TAA with the requirements of the TA Act and the TAA Guidelines should the application be successful. If the application for initial TAA approval is successful, the new TAA is required to meet all the requirements detailed in section 4 of the TAA Guidelines and must, throughout its period of initial TAA approval, maintain evidence of compliance with those requirements.

Based on the requirements described in section 4 of the TAA Guidelines, the following evidence of a capacity to comply with the requirements to be approved is required for proposed new TAAs to be considered for initial TAA approval.

Any difference in the description of the requirements for initial approval as a TAA in this section and those described in section 4 is only intended to take account of the

fact that compliance with some requirements cannot be demonstrated until the TAA begins operation. On commencing operation, the requirements in section 4 apply.

5.2 Structure and governance of the TAA

Evidence of capacity to comply

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.1 of the TAA Guidelines including:

- documentation in relation to the structure and governance of the proposed TAA including:
 - the proposed TAA's type of legal entity including evidence of the legal entity
 - evidence of whether the legal entity operates for-profit or not-for-profit
 - an overview of the organisational structure of the proposed TAA
 - how the authority and functions of the proposed TAA under the TA Act are to be implemented including a delegation schedule
 - a description of the responsibilities of each role related to the TAA's authority and functions including processes for managing and supervising all persons undertaking these roles
- policies and procedures for:
 - mitigating the risk of conflict of interest in the TAA's processes and decision making and for managing any conflicts of interest that arise in exercising the TAA's authority
 - complaints and grievances, with specific reference to processes for raising and responding to concerns raised about the TAA's accreditation process by teachers and other stakeholders in the accreditation process
- if the proposed TAA is not the legal entity that is the proprietor of the non-government school(s) and/or ECEC(s) for which the proposed TAA intends to make teacher accreditation decisions, the proposed TAA must have in place a proposed written agreement that:
 - documents the arrangements between the TAA and the proprietor (legal entity) of the non-government school(s) and/or ECEC(s) for making teacher accreditation decisions under the TA Act
 - identifies the respective roles and responsibilities of the TAA and the school(s) and/or ECEC(s)
 - provides for the TAA to notify NESAs if the contract or agreement between the TAA and a school or ECEC is terminated by the TAA or the school or ECEC prior to the expiry of the term of the contract or agreement and the reasons for that termination
- a documented plan for determining the suitability of the TAA's proposed authorised delegate(s) to make teacher accreditation decisions on behalf of the TAA including that any authorised delegate:
 - is an accredited teacher or eligible to be accredited under the TA Act
 - has a current working with children check clearance
 - has the necessary skills, experience and expertise to accredit teachers consistently and fairly as required by the TA Act.

5.3 Policies and procedures for accrediting teachers at Proficient Teacher level

5.3.1 Policies and procedures for providing an orientation to the TAA's processes

Evidence of capacity to comply

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.2.1 of the TAA Guidelines including policies and procedures for providing an orientation for teachers seeking accreditation at the Proficient Teacher level, including:

- an orientation program to assist each teacher to understand the TAA's teacher accreditation processes including:
 - the respective roles and responsibilities of the TAA and the teacher seeking accreditation
 - requirements for accreditation that are consistent with Part 4 of the TA Act, the Standards and all relevant rules published by NESAs
 - an overview of the key stages of the TAA's accreditation process and expected time frames for each stage to be conducted and concluded in order to make an accreditation decision within the time frames provided by the TA Act and all relevant rules published by NESAs
 - the reasons for which the TAA will decide to accredit a teacher and the reasons for which the TAA will decide to not accredit a teacher in accordance with the TA Act and NESAs policies
 - a description of the mentoring and support services available to teachers seeking accreditation, as relevant
 - provisions for an internal review of certain decisions
 - complaints processes
- an orientation program that is delivered within the first three (3) months of a teacher commencing employment with a school/ECEC associated with the TAA
- processes for providing a copy of the TAA's policies and procedures specified in 4.2, 4.3, ~~and~~ 4.4 and 4.6 of the TAA Guidelines to each teacher newly employed by a school or ECEC of the TAA seeking teacher accreditation with the TAA
- maintaining records of the orientation provided for each teacher.

5.3.2 Policies and procedures for enacting the functions of a TAA accreditation

Evidence of capacity to comply

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.2.2 of the TAA Guidelines including policies and procedures for accreditation that:

- ~~processes that~~ are evidence based, procedurally fair and consistent with the authority of the TAA under Part 4 of the TA Act and all relevant rules and policies published by NESAs
- ~~evidence based and procedurally fair processes~~
- ~~identification of the key~~ roles and responsibilities ~~within the accreditation process~~
- provide an overview of the accreditation process to ensure that decisions are made within the time frame provided by the TA Act for achievement of accreditation at Proficient Teacher level
- identify the type of records the TAA will maintain and have regard to in making an accreditation decision in relation to the Standards
- provide for monitoring the progress of each teacher undertaking the accreditation process and ensure the early identification and notification to teachers 'at risk' of not being accredited within the timeframe provided by the TA Act
- maintaining relevant records to support accreditation decisions.

5.3.3 Policies and procedures for reporting and decision making

Evidence of capacity to comply

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.2.3 of the TAA Guidelines including policies and procedures for:

- evidence based and procedurally fair decision making in relation to accreditation against the Standards
- reporting and decision making practices that comply with the TA Act and all relevant rules and policies published by NESAs
- provisions for a recommendation made to the TAA to accredit or not to accredit a teacher to be made by a person delegated by the TAA who is an accredited teacher or eligible to be accredited under the TA Act
- an overview of the TAA's reporting and decision making process including
 - ~~notice of the TAA's decision within twenty-eight (28) days of the teacher's acknowledgement of having read the report written by the teacher's supervisor~~
 - making a decision within twenty-eight (28) days of the teacher's acknowledgement of having read the report written by the teacher's supervisor
 - ensuring that a copy of the teacher accreditation report is provided to the teacher prior to the report being considered by the TAA for the accreditation decision
 - ensuring that the teacher is provided with an opportunity to respond to the report prior to the accreditation decision being made
 - providing formal notice to a teacher of the TAA's accreditation decision
 - notifying NESAs of the accreditation decision within 21 days of making the decision
 - issuing the certificate of teacher accreditation generated by NESAs to teachers granted accreditation at the Proficient Teacher level by the TAA

- ~~issuing the certificate of teacher accreditation generated by NESAs to teachers granted accreditation at the Proficient Teacher level by the TAA~~
- addressing any feedback received from NESAs in relation to the fairness and consistency of the TAA's reporting and decision making
- maintaining records of the reporting and decision making process, as relevant to support accreditation decisions.

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.2.3 of the TAA Guidelines including policies and procedures in relation to a decision to not accredit a teacher at Proficient Teacher level, including:

- ensuring that twenty-eight (28) days written notice is given to a teacher of the ~~TAA's~~ intention to not accredit a teacher at Proficient Teacher level identifying the reasons for the intended decision
- if a decision to not accredit is made, a statement in the written notice of that decision that the person concerned may make a written request/submissions to the TAA for an internal review in relation to/of the ~~proposed~~ decision to not accredit the teacher within twenty-eight (28) days after of the date of the notice ~~to seek an internal review of the TAA's intended decision~~
- ~~a requirement that, if a teacher seeks an internal review of an intention to refuse to not accredit, that the teacher must make a written request for an internal review to the TAA~~
- an impartial process for conducting an internal review, if requested, including that the internal review be conducted by a person who is not substantially involved in forming the intention to not accredit the teacher and that the internal reviewer be an accredited teacher or eligible to be accredited under the TA Act
- formal written notice to the teacher of the TAA's final decision
- informing a teacher of the provision under section 27(1)(a) of the TA Act of the right to apply to the Tribunal for an administrative review of the TAA's decision to not accredit the teacher
- written notice of the final decision to NESAs within twenty-one (21) days in accordance with section 22 of the TA Act.

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.2.3 of the TAA Guidelines including processes to inform teachers of the right under the TA Act to an administrative review by the Tribunal in relation to a decision by the TAA to not accredit the teacher.

5.4 Policies and procedures for making decisions regarding maintenance of teacher accreditation at Proficient Teacher level

Evidence of capacity to comply

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.3 of the TAA Guidelines including policies and procedures for:

- ensuring that teachers are provided with a copy of the TAA's policies and procedures for making decisions about maintenance of accreditation
- making a decision as to whether or not teachers accredited at the Proficient Teacher level continue to meet the Standards having regard to the principal/director's attestation about the teacher's practice and all relevant rules and policies of NESAs, including those relating to professional development
- ensuring that the TAA ~~to be~~ notified by the principal/director of any issues with a teacher's practice that may impact on the maintenance of accreditation decision as and when such issues arise during the maintenance period
- making evidence based and procedurally fair decisions in relation to the maintenance of teacher accreditation at that level including:
 - an overview of the key stages of the TAA's maintenance process across each maintenance period
 - identification of roles and responsibilities within the maintenance process
 - a process for ensuring the attestation from the principal/director is received in sufficient time for the TAA to make a maintenance decision
 - identification of the grounds for which the TAA will decide that a teacher meets all requirements for maintenance of accreditation or that a teacher has failed to maintain accreditation
 - notifying NESAs of a maintenance decision
- confirming that a teacher has a current working with children check clearance under the *Child Protection (Working with Children) Act 2012*, as required
- confirming that a teacher has no outstanding accreditation fees, as required
- addressing any feedback received from NESAs in relation to the fairness and consistency of the TAA's reporting and decision making
- processes for providing teachers accredited at Proficient Teacher level with a copy of the TAA's policies and procedures specified in sections 4.3 and 4.4 of the TAA Guidelines
- maintaining relevant records of the decision making of the TAA for each teacher seeking to maintain accreditation.

5.5 Policies and procedures relating to suspension or revocation of teacher accreditation

Evidence of capacity to comply

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.4 of the TAA Guidelines including policies and procedures for notifying NESAs when grounds exist for recommending that the accreditation of a teacher be suspended or revoked as required by NESAs' policy and procedures.

5.6 Policies and procedures for notifying NESAs in specified circumstances

Evidence of capacity to comply

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.5 of the TAA Guidelines including:

- policies and procedures in relation to notifying NESAs in the following specified circumstances and time frames:
 - a decision by the TAA to accredit a teacher at Proficient Teacher level within twenty-one (21) days of making the decision in accordance with Part 4 of the TA Act ~~and all rules and policies of NESAs within twenty-eight (28) days of the teacher acknowledgement of having read the accreditation report written by the teacher's supervisor~~
 - a decision by the TAA to maintain a teacher's accreditation at Proficient Teacher level within twenty-one (21) days of making the decision in accordance with Part 4 of the TA Act ~~and all rules and policies of NESAs within twenty-eight (28) days of the teacher making the maintenance of accreditation declaration~~
 - a decision by the TAA to notify NESAs when grounds exist for recommending that the accreditation of a teacher be suspended or revoked
 - a change to the name of the TAA twenty-one (21) days in advance of making the change
 - a change to any authorised delegate of the TAA within seven (7) days of making the change
 - a change to the school(s) and/or ECEC(s) for which the TAA makes teacher accreditation decisions within twenty-one (21) days of making the change
 - a decision to cease operating as a TAA within seven (7) days of ceasing to operate
 - if the TAA becomes aware that an accredited teacher ceases to hold a working with children check clearance under the *Child Protection (Working with Children) Act 2012* as soon as possible but no more than five (5) days of becoming aware that the clearance has ceased
 - if a decision made by the TAA in relation to teacher accreditation is the subject of an administrative review by the Tribunal within seven (7) days of being notified that the matter is the subject of a review
 - notice of the outcome of any review by the Tribunal within twenty-one (21) days of being notified of the outcome
- documented procedures for the maintenance of records of any notifications made to NESAs.

5.7 Provisions for sharing information with employers and other approved TAAs

Evidence of capacity to comply

A proposed new TAA seeking initial approval must have evidence of the capacity to comply with requirement 4.6 of the TAA Guidelines including:

- policies and procedures in relation to sharing relevant information with the employer of teachers for which the TAA makes teacher accreditation decisions ~~including policies and procedures for providing information to advise an employer or another TAA~~ of the following
 - ~~policies and procedures in relation to sharing relevant information with the employer of teachers for which the TAA makes teacher accreditation decisions including policies and procedures for providing information to advise an employer or another TAA~~ a decision to accredit a teacher within twenty-~~one~~eight (21~~8~~) days of making the decision
 - a decision to maintain the accreditation of a teacher within twenty-~~one~~eight (21~~8~~) days of making the decision
 - ~~information about a teacher's practice as requested by another TAA in accordance with NESAs policies~~
 - a decision to notify NESAs ~~that~~when grounds exist for recommending that the accreditation of a teacher be suspended or revoked within twenty-~~one~~eight (21~~8~~) days of making ~~the such~~ notification to NESAs
 - if the TAA becomes aware that an accredited teacher ceases to hold a working with children check clearance under the *Child Protection (Working with Children) Act 2012* as soon as possible but no more than five (5) days of becoming aware that the clearance has ceased
 - ~~if a teacher has failed to pay the annual fee to NESAs within seven (7) days of determining that the fee has not been paid.~~
- policies and procedures in relation to providing information requested by another TAA about a teacher's practice in accordance with NESAs policies.

6. Procedures for approving and monitoring individual TAAs

This section of the TAA Guidelines describes NESAs' procedures for approving and monitoring individual TAAs approved to accredit teachers at the Proficient Teacher level of the Standards for schools and/or ECECs.

For individual TAAs, the approval process includes:

- making application for approval to NESAs
- assessment of the application by an Inspector through the review of submitted documentation and an inspection visit
- recommendation by the Inspector to the Committee
- decision by the Committee.

The following information provides an overview of the procedures for:

- applying for initial approval as a TAA
- applying for renewal of approval as a TAA
- making a notification to NESAs
- monitoring of TAAs by NESAs.

6.1 Submission of applications and documentation

All individual TAAs applying for either initial approval or renewal of approval need to submit an application to NESAs.

Applications consist of the appropriate NESAs application form and attached documentation relevant to the application.

For information regarding the application forms, applicants may contact NESAs' School Registration and Accreditation Directorate on telephone 02 9367 8432.

6.2 Application for initial approval as a TAA

The following procedure applies to applications for initial approval as an individual TAA of a non-government school and/or ECEC to accredit teachers at the Proficient Teacher level of the Standards.

Proposed new TAAs may not commence operating until a Certificate of TAA approval from the Chair of the Board is received.

The maximum period of initial approval that may be granted to a new TAA is twelve (12) months.

A proposed new individual TAA applying for initial approval as a TAA must submit to NESAs an application for *Initial TAA approval* by 31 March in the year before the intended commencement date.

The legal entity for a proposed new TAA must furnish information in relation to the application as NESAs requires including the submission of evidence of the capacity to comply with the requirements for approval as a TAA.

NESA will:

- acknowledge receipt of the application
- arrange for an Inspector to
 - examine the submitted application and documentation stipulated in the application form
 - contact the prime authorised delegate of the proposed TAA to identify the evidence of compliance that the proposed TAA will need to make available during an inspection visit
 - visit the proposed TAA to examine any evidence of compliance requested by the Inspector
 - write an inspection report and make recommendations
 - forward the inspection report to the officer who is the prime authorised delegate of the proposed TAA for signature and optional comment
 - submit the inspection report, advice and recommendation and, if relevant, the comments from the prime authorised delegate of the proposed TAA to the Committee for decision (this final process may take up to six (6) weeks)
- issue a certificate of initial approval if the application is successful.

Wherever feasible and relevant, the assessment of an application for initial approval of an individual TAA will align with the assessment of an application for registration/accreditation from a non-government school.

6.3 Application for renewal of approval of a TAA

The following procedures apply to individual TAAs applying for renewal of approval to accredit teachers at the Proficient Teacher level of the Standards.²

The maximum period of renewal of approval for an existing TAA is five (5) years. Where applicable, the period of approval will align with the period of non-government school registration.

A TAA applying for renewal of approval must submit to NESAs an application for *Renewal of TAA Approval* by 31 March in the year the current approval is due to expire.

A TAA must furnish information in relation to the application as NESAs requires including the submission of evidence that the TAA is complying with the requirements for approval as a TAA and will continue to comply.

² Note: Existing TAAs that were in operation prior to 1 January 2016 may apply for renewal of approval. All other proposed TAAs must seek initial approval.

NESA will:

- acknowledge receipt of the application
- arrange for an Inspector to
 - examine the submitted application and any documentation stipulated in the application form
 - contact the prime authorised delegate for the TAA to identify the evidence of compliance that will need to be made available during an inspection visit
 - visit the TAA to examine any evidence of compliance requested by the Inspector
 - write an inspection report and make recommendations
 - forward the inspection report to the prime authorised delegate for the TAA for signature and optional comment
 - submit the inspection report, advice and recommendation and, if relevant, the comments from the prime authorised delegate of the TAA to the Committee for decision (this final process may take up to six (6) weeks)
- issue a certificate of approval if the application is successful.

Wherever feasible and relevant, the assessment of an application for renewal of approval of an individual TAA will align with the assessment of an application for renewal of registration/accreditation from a non-government school.

6.4 Notifications to NESA

The following procedure applies to making a notification to NESA in relation to the circumstances described in section 4.5 of the TAA Guidelines.

To make a notification to NESA, a TAA must submit a *TAA Notification* form.

The time frame for submitting a notification varies in relation to the type of notification to be made to NESA. Section 4.5 of the TAA Guidelines specifies the required times for submission.

NESA will:

- acknowledge receipt of the relevant form
- arrange for an officer of NESA to
 - examine the submitted notification and any other submitted documentation
 - if relevant, contact the TAA to identify whether further evidence of compliance is required and whether an inspection visit to the TAA will be undertaken
 - examine any evidence of compliance and, where applicable, visit the TAA to examine any further evidence of compliance
 - where applicable, write an inspection report and make recommendations, forward the inspection report to the prime authorised delegate for the TAA for feedback and submit the inspection report to the Committee (this final process may take up to six (6) weeks)
- where applicable, forward relevant certification to the TAA.

6.5 Monitoring of TAA compliance

In addition to assessing applications for approval, Inspectors will conduct monitoring of the compliance of TAAs based on a risk management approach. This will include inspections of TAAs where there are known concerns about compliance and, based on a recommendation of an Inspector, where areas for improvement have been identified.

As a part of the risk management approach of NESAs for regulating TAAs, NESAs will implement a process for the annual random selection of a small number of individual and systemic TAAs, no more than twelve (12), to be monitored. This monitoring will relate to a limited range of the requirements for TAA approval through a mini-inspection process. Selected TAAs will be notified one month in advance of the date of the mini-inspection. One week before the date of the mini-inspection, the TAA will be notified of the specific requirements to be monitored at the mini-inspection.

7. Procedures for approving and monitoring systemic TAAs

This section of the TAA Guidelines relates to NESAs' procedures for approving a systemic TAA to accredit teachers at the Proficient Teacher level of the Standards for a number of schools and/or ECECs.

This section of the TAA Guidelines also describes NESAs' monitoring of systemic TAAs on an annual basis.³ The purpose of NESAs' annual monitoring is to assess a systemic TAA's compliance with the requirements for approval by reviewing a sample of the TAA's policies and procedures as implemented in a sample of the TAA's associated schools each year. This process allows an Inspector to form an opinion of the TAA's compliance based on the sampling process each year and, unless compliance concerns are identified, reduces the need for the Inspector to visit each associated school at the time of renewal of approval. This approach is consistent with the risk management approach of NESAs and is intended to align with the monitoring of non-government school registration systems, where applicable.

The following information provides an overview of the procedures for:

- applying for initial approval as a systemic TAA
- applying for renewal of approval as a systemic TAA
- making a notification to NESAs
- monitoring of systemic TAAs by NESAs.

7.1 Submission of applications and documentation

All systemic TAAs applying for either initial approval or renewal of approval need to submit an application to NESAs.

Applications consist of the appropriate NESAs application form and attached documentation relevant to the application.

For information regarding the application forms, applicants may contact NESAs' School Registration and Accreditation Directorate on telephone 02 9367 8432.

7.2 Application for initial approval as a systemic TAA

The following procedure applies to applications for initial approval as a systemic TAA to accredit teachers at the Proficient Teacher level of the Standards for a number of schools and/or ECECs.

³ If a systemic TAA has five or fewer associated schools and/or ECECs, NESAs may agree to a monitoring schedule that is less frequent than every year, subject to the risk management approach of NESAs. For example, NESAs may review the TAA's implementation of its policies and procedures in associated schools and/or ECECs at the time non-government school registration of each school is renewed, if relevant.

Proposed new systemic TAAs may not commence operating until a Certificate of TAA approval from the Chair of the Board is received.

The maximum period of initial approval that may be granted to a new systemic TAA is twelve (12) months.

The legal entity for a proposed new systemic TAA applying for initial approval as a TAA must submit to NESAs an application for *Initial TAA Approval* by 31 March in the year before the intended commencement date.

A proposed new systemic TAA must furnish information in relation to the application as NESAs requires including the submission of evidence of the capacity to comply with the requirements for approval as a TAA.

NESA will:

- acknowledge receipt of the application
- arrange for an Inspector to:
 - examine the submitted application and documentation stipulated in the application form
 - contact the prime authorised delegate of the proposed new systemic TAA to identify the evidence of compliance that the proposed systemic TAA will need to make available during an inspection visit
 - visit the proposed systemic TAA to examine any evidence of compliance requested by the Inspector
 - write an inspection report and make recommendations
 - forward the inspection report to the prime authorised delegate of the proposed systemic TAA for signature and optional comment
 - submit the inspection report, advice and recommendation and, if relevant, the comments from the prime authorised delegate of the proposed systemic TAA to the Committee for decision (this final process may take up to six (6) weeks)
- issue a certificate of initial approval if the application is successful.

7.3 Application for renewal of approval of a systemic TAA

The following procedures apply to systemic TAAs applying for renewal of approval to accredit teachers at the Proficient Teacher level of the Standards.

The maximum period of renewal of approval for an existing systemic TAA is five (5) years.

A systemic TAA applying for renewal of approval to accredit teachers must submit to NESAs an application for *Renewal of TAA Approval* by 31 March in the year the current approval is due to expire.

NESA will:

- acknowledge receipt of the application
- arrange for an Inspector to:
 - examine the submitted application and any documentation stipulated in the application form
 - contact the prime authorised delegate for the systemic TAA to identify the evidence of compliance that will need to be made available during an inspection visit
 - visit the systemic TAA to examine any evidence of compliance requested by the Inspector
 - write an inspection report and make recommendations
 - forward the inspection report to the prime authorised delegate for the systemic TAA for signature and optional comment
 - submit the inspection report, advice and recommendation and, if relevant, the comments from the prime authorised delegate of the systemic TAA to the Committee for decision (this final process may take up to six (6) weeks)
- issue a certificate of approval if the application is successful.

Wherever feasible, the process for assessing an application for renewal of approval of a systemic TAA will be integrated with the processes for annual monitoring of the systemic TAA and will have regard to the evidence and findings obtained through that annual process.

7.4 Notifications to NESA

The following procedure applies to making a notification to NESA in relation to the circumstances described in section 4.5 of the TAA Guidelines.

The systemic TAA must submit to NESA a *TAA Notification* form.

The time frame for submitting a notification varies in relation to the type of notification to be made to NESA. Section 4.5 of the TAA Guidelines details the required timeframes for submission.

NESA will:

- acknowledge receipt of the relevant form
- arrange for a NESA officer to:
 - examine the submitted notification and any other submitted documentation
 - if relevant, contact the prime authorised delegate for the TAA to identify whether further evidence of compliance is required and whether an inspection visit to the TAA will be undertaken
 - examine any evidence of compliance and, where applicable, visit the TAA to examine any further evidence of compliance
 - where applicable, write an inspection report and make recommendations, forward the inspection report to the officer who is the prime authorised delegate for the TAA for feedback and submit the inspection report to the Committee (this final process may take up to six (6) weeks)

- where applicable, forward relevant certification to the TAA.

7.5 Procedures for monitoring a systemic TAA

For systemic TAAs, NESAs will conduct an annual monitoring process to review the TAA's implementation of its policies and procedures in a sample of associated schools and/or ECECs.⁴

Systemic TAAs must meet the requirements for approval of TAAs identified in section 4 of the TAA Guidelines. In accordance with the TAA Guidelines, Inspectors will assess the compliance of a systemic TAA with all of the requirements for approval through the annual monitoring process across each period of approval.

The purpose of NESAs' annual monitoring is to assess a systemic TAA's compliance with the requirements for approval by reviewing a sample of the TAA's policies and procedures as implemented in a sample of the TAA's associated schools each year. This process allows an Inspector to form an opinion of the TAA's compliance based on the sampling process each year and, unless compliance concerns are identified, reduces the need for the Inspector to visit each associated school at the time of renewal of approval. This approach is consistent with the risk management approach of NESAs.

Where feasible, NESAs' monitoring process for a systemic TAA that is also the authority for a system of non-government schools under the Education Act (a registration system) will be integrated within the annual monitoring of the registration system. This will involve monitoring the TAA's implementation of its policies and procedures in a sample of member schools of the registration system.

For other systemic TAAs, the monitoring will be based on a risk management approach having regard to the context of the TAA and the agreement between the TAA and legal entities of the associated schools and/or ECECs. The process will be similar to the annual monitoring of a registration system, including a review of the TAA's policies and procedures as implemented by the TAA in a sample of the associated schools and/or ECECs annually.

The annual monitoring process will provide NESAs with information about the ongoing compliance of a systemic TAA across the range of schools and/or ECECs associated with the TAA.

⁴ If a systemic TAA has five or fewer associated schools and/or ECECs NESAs may agree to a monitoring schedule that is less frequent than every year, subject to the risk management approach of NESAs. For example, NESAs may review the TAA's implementation of its policies and procedures in associated schools and/or ECECs at the time non-government school registration of each school is renewed, if relevant.

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The information gathered each year during a period of approval and the findings of that process will inform and, in many cases, streamline the process for assessing an application from the TAA for renewal of approval.

In addition to NESA's annual monitoring of systemic TAAs and the assessment of applications for renewal of approval, NESA will conduct monitoring of a systemic TAA where there are known concerns about the compliance of the TAA.

As part of the risk management approach of NESA for regulating TAAs, NESA will implement a process for the annual random selection of a small number of individual and systemic TAAs, no more than twelve (12), to be monitored. This monitoring may relate to the full or a limited range of the requirements for TAA approval through the inspection process.

8. Refusal, conditions of approval, suspension and revocation of approval as a TAA

Under the TA Act and the delegations to NESA and the Committee, NESA may, on its own motion or on the application of any person or body:

- refuse an application for initial or renewal of approval of a TAA
- revoke the approval of a TAA
- suspend or reduce a period of approval of a TAA
- renew the approval of a TAA for a limited period that is less than the maximum possible.

8.1 Refusal or revocation of approval

Inspectors consider any documentation provided by a new or established TAA and observations at an inspection visit in order to form opinions about the TAA's compliance with the requirements relating to approval.

When it is an Inspector's judgement that a new or established TAA has been unable to demonstrate compliance with the requirements, the Inspector will discuss these concerns with the TAA and provide an opportunity for the TAA to submit further evidence of compliance.

If, following consideration of any further evidence the TAA provides, the Inspector has formed the judgement that the TAA does not comply with the requirements for approval, the Inspector will prepare a report that includes advice that the application for initial approval or renewal of approval of the TAA be refused, or that the TAA's approval be revoked.

If the Inspector advises refusal or revocation of approval of the TAA, the TAA will be given written notice detailing those requirements with which, in the opinion of the Inspector, the TAA does not comply. The TAA will be given the opportunity to make written comment to the Committee regarding the Inspector's advice.

If, following consideration of the Inspector's report and advice and the comments of the TAA, the Committee is satisfied that the requirements of the TA Act in relation to approval are not being complied with, the Committee will notify the TAA that it intends to refuse the application for initial or renewal of approval of the TAA, or revoke the approval of the TAA.

The TAA may request an internal review of a recommendation of the Committee to refuse an application for initial or renewal of approval or to revoke approval (refer to section 9 of the TAA Guidelines).

NESA will provide written notice to the TAA of the outcome of an internal review.

If the approval of a TAA is revoked, the TAA must provide written notification that it is not approved and is no longer able to operate to each school and/or ECEC

associated with the TAA and the teachers of each school and/or ECEC undertaking accreditation processes with the TAA.

It is the responsibility of the proprietor of each school and/or ECEC to ensure that an arrangement is in place with an approved TAA for the accreditation of teachers at the school and/or ECEC.

8.2 Suspension of approval or a reduced period of approval

Inspectors consider any documentation provided by a new or established TAA and observations at an inspection visit in order to form opinions about the TAA's compliance with the requirements relating to approval.

When it is an Inspector's judgement that there are concerns as to whether a TAA may comply with the requirements, the Inspector will discuss these concerns with the TAA and provide an opportunity for the TAA to submit further evidence of compliance.

If, following consideration of any further evidence the TAA provides, the Inspector continues to have concerns that the TAA may not be complying with the requirements for approval, the Inspector will prepare a report that includes advice that the approval of the TAA be suspended or that a condition of approval be that the TAA's current period of approval be reduced.

Where advice is provided to suspend a TAA's approval or to impose a condition on the TAA's approval by reducing the TAA's period of approval, the TAA will be given written notice detailing those requirements with which, in the opinion of the Inspector, there are concerns that the TAA may not be complying. The TAA will be given the opportunity to make written comment to the Committee regarding the Inspector's advice.

If, following consideration of the Inspector's report and advice and the comments of the TAA, the Committee is satisfied that there are concerns as to whether the TAA is complying with the requirements for approval, the Committee will determine whether it intends to suspend the approval of the TAA or impose a condition on the approval of the TAA by reducing the period of approval. The TAA will be informed of an intention by the Committee to suspend approval or impose a condition on the approval of the TAA by reducing the TAA's period of approval.

The TAA may request an internal review of a recommendation of the Committee to suspend the approval of the TAA or impose a condition on the approval of a TAA by reducing the period of approval (refer to section 9 of the TAA Guidelines).

NESA will provide written notice to the TAA of the outcome of an internal review.

If a TAA's approval is suspended or a TAA's period of approval is reduced, the TAA must address the concerns about compliance during the period of suspension or

reduced period of approval. The removal of a suspension or the granting of a renewed period of approval following a reduced period of approval is subject to an application and assessment process, the recommendation of an Inspector and a decision by the Committee.

Failure to address compliance concerns may lead an Inspector to form the opinion that the TAA is not complying with the requirements for approval and, on that basis, to recommend that the TAA's approval be revoked or that renewal of approval be refused.

If the approval of a TAA is suspended, the TAA must provide written notification that its' approval is suspended and it is no longer able to operate to each school and/or ECEC associated with the TAA and the teachers of each school and/or ECEC undertaking accreditation processes with the TAA.

It is the responsibility of the proprietor of each school and/or ECEC to ensure that an arrangement is in place with an approved TAA for the accreditation of teachers at the school and/or ECEC.

8.3 Limited approval

Inspectors consider any documentation provided by a new or established TAA and observations at an inspection visit in order to form opinions about the TAA's compliance with the requirements relating to approval.

If, during the assessment of a TAA's application for renewal of approval, an Inspector forms the opinion that there are concerns as to whether the TAA may comply with the requirements for approval, the Inspector will discuss these concerns with the TAA and provide an opportunity for the TAA to submit further evidence of compliance.

If, following consideration of any further evidence the TAA provides, the Inspector continues to have concern that the TAA may not be complying with the requirements for approval, the Inspector will prepare a report that includes advice recommending a renewed period of approval on the condition that the renewed period of approval be limited to less than the maximum possible, for example for a one-year period only.

Where advice is provided to recommend a limited period of renewed approval, the TAA will be given written notice detailing those requirements with which, in the opinion of the Inspector, there are concerns that the TAA may not be complying. There is no recourse for appealing a recommendation for renewal of approval for a limited period that is less than the maximum possible.

If a TAA's approval is renewed for a limited period, the TAA must address the concerns about compliance during the limited period. Any further period of renewed

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approval will be subject to an application and assessment process and the recommendation of an Inspector.

Failure to address compliance concerns may lead an Inspector to form the opinion that the TAA is not complying with the requirements for approval, and on that basis, to recommend that the TAA's approval be revoked and/or that renewal of approval be refused.

9. Appeal for review of certain decisions

An applicant may request an internal review of a decision of the Committee under the following circumstances:

- where the Committee under delegation has decided not to approve a TAA
- where the Committee under delegation has decided to revoke the approval of a TAA
- where the Committee under delegation has decided to suspend the approval of a TAA
- where the Committee under delegation has decided to reduce a TAA's period of approval.

The outcome of an internal review is determined by the Board. The review process is undertaken by NESAs officers not involved in the assessment of the TAA's compliance with the requirements for approval or the original recommendation.

The documentation considered by the review includes that previously submitted by the TAA and any additional documentation that the TAA wishes to have considered, the Committee decision and the reasons for that decision and the internal review report prepared by another Inspector not associated with the original recommendation.

The appeal process involves the following steps:

- the Committee gives the TAA written notice of the decision
- the TAA or applicant has twenty-eight (28) days in which to lodge a request for an internal review in writing with NESAs
- a NESAs officer contacts the TAA to provide an opportunity for the TAA to provide further evidence to support its request for a review
- an Inspector not associated with the original assessment or recommendation prepares an internal review report
- the Board considers the internal review report and makes a decision as to whether a TAA should be approved and the conditions of approval
- the TAA is notified in writing of the final decision.

10. Glossary

This glossary is provided to assist TAAs. Where there is any conflict between these definitions and the definitions in the education and teaching legislation, the statutory definitions prevail.

accreditation	Accreditation means that a teacher has met the <i>Australian Professional Standards for Teachers</i> at one of the key stages of Graduate, Proficient Teacher, Highly Accomplished Teacher and Lead Teacher.
accredited teacher	Person with teaching qualifications recognised within NSW who has been granted accreditation by an approved TAA, based on the <i>Australian Professional Standards for Teachers</i> .
ADR Act	The <i>Administrative Decisions Review Act 1997</i> : legislation enacted in the New South Wales Parliament in 1997 – see < www.legislation.nsw.gov.au >.
approval	TAA's authority to accredit or refuse to accredit teachers at Proficient Teacher level in accordance with Part 4 of the TA Act.
associated school/ECEC	A school and/or ECEC that has a documented arrangement with a systemic TAA that is not the same legal entity that is the proprietor of the non-government school and/or ECEC is an associated school of the systemic TAA.
authorised delegate	An officer of the TAA, such as a member of the governing board of the TAA or the chief executive officer, director or other executive role within the TAA, or a position within the school or ECEC, such as a Principal (or equivalent), that has been delegated authority by the legal entity of the TAA to exercise the functions of the TAA.
authorised person	A person appointed by the legal entity of the TAA as an authorised delegate of the TAA. The authorised person must be an accredited teacher or eligible to be accredited under the TA Act or currently employed as a teacher in a non-government school or ECEC.
Committee	The NSW Education Standards Authority's School Registration Committee with the delegation to approve, impose conditions on such approval or suspend or revoke the approval of a Teacher Accreditation Authority.
Early Childhood Education Centre (ECEC)	Early Childhood Education Centre means an approved education and care service.

Education Act	The <i>Education Act 1990</i> : legislation enacted in the New South Wales Parliament in 1990 – see < www.legislation.nsw.gov.au >.
Education Standards Act	The NSW <i>Education Standards Authority Act 2013</i> : legislation enacted in the New South Wales Parliament in 2013 – see < www.legislation.nsw.gov.au >.
education and teaching legislation	The <i>Education Standards Authority Act 2013</i> , the <i>Education Act 1990</i> and the <i>Teacher Accreditation Act 2004</i> are collectively referred to as the education and teaching legislation.
Inspector	An officer of NESA, employed or appointed under section 104 of the <i>Education Act 1990 (NSW)</i> to enable NESA to exercise its functions under section 102 of the <i>Education Act 1990 (NSW)</i> .
legal entity	A legal entity is an individual or organisation that is legally permitted to enter into a contract and be accountable for its contractual obligations.
Minister	Minister for Education, New South Wales.
non-government school	An institution that is not owned by the State Government, is registered by the Minister or granted exemption from registration by the Minister, and whose major activity is the provision of education, either primary or secondary (or both) or of a kind, or for children of a kind, prescribed by the Regulation.
non-government school system	A grouping of 20 or more schools (or with the Ministers' approval, 11 to 19 schools) which have been approved by the Minister to ensure compliance with the requirements for registration and if appropriate accreditation for the school within the system.
orientation	A process for the provision of information about the TAA's accreditation processes and expectations for teachers who are seeking accreditation.
policy	An official statement of the TAA's goals or objectives in an area of governance which outlines the associated procedures, activities or other key elements in a way that demonstrates how these goals or objectives are to be achieved. This Manual specifies those areas of governance where it is a requirement of approval for a TAA to have a policy.
prime authorised delegate	The prime authorised delegate is the role/position that has been delegated by the TAA to be the TAA's primary authority to exercise the functions of the TAA including to make decisions regarding the day to day operation of the TAA and the accreditation of teachers.

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procedural fairness	application of the 'hearing rule' and the 'right to an unbiased decision' when implementing policies and procedures where decisions are to be made which affect the rights of others.
professional teaching standards	The standards approved by the Minister under Section 19 of the TA Act, including the Australian Professional Standards for Teachers.
proprietor	the legal entity approved by the Minister to operate an individual non-government school or an ECEC.
QTC	NESA Quality Teaching Committee.
Standards	Australian Professional Standards for Teachers
systemic TAA	TAA's that perform the role of a TAA for a number of associated schools/ECECs.
TA Act	<i>The Teacher Accreditation Act 2004</i> : legislation enacted in the New South Wales Parliament in 2014 – see < www.legislation.nsw.gov.au >.
TAA Guidelines	<i>Guidelines for the Regulation of Teacher Accreditation Authorities for Non-government Schools and Early Childhood Education Centres</i>
teacher accreditation authority (TAA)	A body authorised to determine if a teacher meets the requirements for accreditation at any level within the Standards.
Tribunal	NSW Civil and Administrative Tribunal.