

Provisional and Conditional Accreditation Policy

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1 Purpose

The *Provisional and Conditional Accreditation Policy* (the Policy) sets out guidelines and procedures for the NSW Education Standards Authority (NESA) regarding the functions for Provisional and Conditional Accreditation under the *Teacher Accreditation Act 2004* (TA Act). Accreditation sets the benchmark for entry into the teaching profession. The benchmark specifies the qualifications, minimum levels of English language proficiency and suitability to be an accredited teacher in NSW. This Policy:

1. forms part of the professional teaching standards in s19 and s20 of the TA Act
2. provides rules concerning the exercise of NESA's functions in accordance with s30 and s31 of the TA Act, and
3. has been approved by the NSW Minister for Education for the purpose of s19 of the TA Act and s25 of the NESA Act 2013.

2 Scope

This Policy applies to any person who is required to be accredited under s28 of the TA Act. Section 28(1) of the TA Act requires that a person must not teach in a centre-based approved early childhood service or school unless that person is accredited. In addition, s28 (2)(a) states that a person must not employ another person to teach in an early childhood service or school unless that person is accredited.

Section 5 of the TA Act enables a person who holds current teacher registration in another Australian state or territory, or in New Zealand, to apply for accreditation in NSW under *the Mutual Recognition Act 1992* or the *Trans-Tasman Mutual Recognition Act 1997*.

This Policy describes the:

- legislative basis for teacher accreditation (s28 of the TA Act)
- procedures to be followed in making a Provisional Accreditation decision (s30 of the TA Act)
- procedures to be followed in making a Conditional Accreditation decision (s31 of the TA Act), and
- procedures to be followed when a teacher applies for mutual recognition of their interstate or New Zealand registration (s5 of the TA Act).

3 Common requirements for Provisional or Conditional Accreditation

Section 20 of the TA Act lists the matters to be dealt with by the professional teaching standards including the skills, qualifications, experience and knowledge required for teaching at each level of accreditation.

A person cannot teach in an approved centre-based early childhood service, government or registered non-government school unless they are accredited. There are two stages in mandatory accreditation:

- Provisional or Conditional Accreditation, and
- Proficient Teacher Accreditation (full accreditation).

3.1 A Working With Children Check Clearance

A NSW Working With Children Check (WWCC) clearance for paid employment is a requirement for Provisional and Conditional Accreditation (s25A of the TA Act). A person cannot be accredited at any level unless they hold a valid WWCC for paid employment. The WWCC is administered by the Office of the Children's Guardian (OCG) under the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*.

The WWCC involves a national criminal history check and review of any findings or workplace misconduct to determine whether a person poses a risk to the safety of children.

An application number for a WWCC is not sufficient for the purposes of applying for accreditation as this is not evidence of a WWCC clearance.

NESA verifies the WWCC for each teacher through the OCG portal.

3.2 English Language Proficiency assessment

An English Language Proficiency assessment is required for any overseas trained teacher who has undertaken any part of the required higher education studies for Provisional or Conditional Accreditation in a country where English is not the main language. (This applies to all qualifications regardless of whether the medium of instruction was undertaken in English.)

The test is not required for teachers who have undertaken all of their required higher education study in English in Australia, New Zealand, the United Kingdom (England, Scotland, Wales and Northern Ireland), the United States of America, Canada and the Republic of Ireland.

More detailed requirements are set out in the *English Language Proficiency of Teachers for Provisional or Conditional Accreditation Policy*.

4 Specific requirements for Provisional and Conditional Accreditation

4.1 Provisional Accreditation

Under s30 of the TA Act, NESA may provisionally accredit a person if the person:

- meets the requirements specified in the professional teaching standards, and
- has completed an *approved course* and has or will receive a qualification in relation to that course.

4.1.1 Completion of an approved course

Graduates of *approved courses* satisfy the qualification requirements for Provisional Accreditation.

An *approved course* is one that:

- is approved by the Australian Children's Education and Care Quality Authority (ACECQA) (see 4.1.2)
- is an initial teacher education degree that has been accredited by NESA as meeting both national and NSW-specific initial teacher education accreditation standards (see 4.1.3)

- is an initial teacher education degree that has been accredited by an interstate teacher regulatory authority (see 4.1.4)
- is an overseas qualification or qualifications assessed and confirmed by NESAs as being comparable to an Australian four-year degree qualification or qualifications (see 4.1.5), or
- is an historical initial teacher education qualification that has been assessed and confirmed by NESAs as being comparable to an Australian teaching degree (see 4.1.6).

4.1.2 ACECQA-approved qualifications

ACECQA publishes a national list of currently and formerly approved early childhood teaching qualifications. A person who holds an approved early childhood teaching qualification is an early childhood teacher for the purposes of the Education and Care Services National Law and Regulations.

4.1.3 NESAs-accredited teaching degrees

Both undergraduate and graduate entry initial teacher education degrees are accredited by NESAs when they meet national and NSW-specific accreditation standards.

An accredited undergraduate teaching degree can be a four-year integrated professional qualification (for example a Bachelor of Education or a Bachelor of Early Childhood) or a four-year double or combined degree involving both discipline and professional studies (for example a Bachelor of Arts/Bachelor of Education).

An accredited graduate entry teaching degree must comprise at least two years of equivalent full-time study (for example a graduate entry Bachelor of Education or Master of Teaching) admission to which requires an approved bachelor degree.

A list of NESAs-accredited teaching degrees is published on the NESAs website.

Some early childhood teaching programs prepare graduates for teaching in early childhood services and in primary schools and these programs appear on ACECQA's list of approved qualifications as well as NESAs's list of accredited programs.

4.1.4 Interstate teaching degrees

Any person who has completed an initial teacher education degree that is accredited by another Australian state or territory teacher regulatory authority will be recognised as meeting the qualification requirements for Provisional Accreditation.

Since 2011, all state and territory teacher regulatory authorities have undertaken a national approach to the accreditation of initial teacher education programs. The Australian Institute for Teaching and School Leadership (AITSL) publishes a list of the programs accredited by interstate teacher regulatory authorities under national accreditation standards and procedures.

4.1.5 Qualifications required of overseas teachers

When assessing overseas qualifications, NESAs and all interstate teacher regulatory authorities use the advice provided in the *Country Education Profiles* produced by the Australian Government's Department of Education and Training. Overseas trained teachers must hold four-year qualifications that have been assessed by NESAs as being comparable to that required of Australian graduate teachers.

Overseas trained early childhood teachers must hold a qualification that is approved or recognised by ACECQA.

Some qualifications or workplace-based licences are not regarded as comparable to a four-year Australian teaching qualification. In some cases, these teachers may be eligible for Conditional Accreditation and are provided with advice on the need for additional training to complete a recognised teaching degree.

4.1.6 Historical teaching qualifications

The assessment of historical teaching qualifications, completed in NSW prior to the introduction of the TA Act in 2004 or in another Australian state or territory prior to the introduction of national accreditation in 2011, is on the basis of being comparable to an Australian teaching degree.

4.1.7 Subject content information

NESA provides additional information about the subjects or stage that a teacher has been trained to teach on the teacher's Statement of Accreditation provided they gain Provisional or Conditional Accreditation. This information may be of use to employers and Teacher Accreditation Authorities (TAAs). The information about the subjects or stage that a teacher has been trained to teach is based on an assessment of the academic transcripts of the relevant qualifications included in a person's application for accreditation in terms of NESA's *Supplementary Documentation: Subject Content Knowledge Requirements* policy. NESA cannot consider prior teaching experience in making this assessment.

For overseas trained teachers, this assessment also involves requirements specifically applying to overseas trained teachers.

This subject content information is not accreditation advice and does not affect the Provisional or Conditional Accreditation decision.

4.1.8 Cessation of Provisional Accreditation

The Provisional Accreditation of a person ceases s30 (5) of the TA Act when the teacher:

- has not met the Standards at Proficient Teacher at the end of their relevant period. The relevant period is three years for teachers employed on a full-time basis or five years for teachers employed on a part-time or casual basis, or
- is accredited at Proficient Teacher.

4.2 Conditional Accreditation¹

Under s31 of the TA Act, NESA may conditionally accredit a person if:

1. a person
 - a. holds a degree in an area that, in the opinion of NESA is relevant to the area in which the person is or is to be employed to teach, and

¹ A person undertaking early childhood qualifications may be eligible for Conditional Accreditation and gain employment as a teacher in schools but will not be allowed to teach in early childhood services due to ACECQA regulations requiring completion of an approved qualification.

- b. produces evidence of an offer of employment as a teacher

or

- 2. NESAs is satisfied that the person has completed a substantial part of an accredited initial teacher education program.

4.2.1 Completion of a relevant degree

A person must have completed at least a three-year bachelor degree covering discipline knowledge in the area in which the person will be employed to teach. Applicants should seek advice as soon as practicable about admission into an accredited graduate entry initial teacher education degree to ensure they meet discipline study prerequisites.

A person applying for Conditional Accreditation in this section must provide an offer of employment as a teacher.

4.2.2 Completion of a substantial part of an approved program

A substantial part of an *approved program* comprises:

- at least three quarters of undergraduate integrated professional qualification (for example a Bachelor of Education) or an undergraduate combined or double degree covering discipline knowledge and professional studies (for example a Bachelor of Arts/Bachelor of Education or a Bachelor of Science/Bachelor of Teaching), or
- a three year Bachelor degree and at least one year of a graduate entry initial teacher education qualification of at least two years of equivalent full-time study (for example a graduate entry Bachelor of Education or a Master of Teaching).

4.2.3 Changing from Conditional to Provisional Accreditation

Section 30 (4) of the TA Act allows NESAs to provisionally accredit a teacher within the first 12 months of their Conditional Accreditation. Teachers must provide a certified copy of their final transcript to NESAs before the 12-month period has ended².

Where a teacher moves from Conditional to Provisional Accreditation, they are given the Provisional Accreditation timeframe. Full-time teachers have three years from the date they are provisionally accredited to be accredited at the Proficient Teacher level. Teachers employed on a casual or part-time basis have five years to be accredited at the Proficient Teacher level.

4.2.4 Cessation of Conditional Accreditation

The Conditional Accreditation of a person ceases under Section 31(4) of the TA Act when the teacher:

- has not met the Standards at Proficient Teacher at the end of their relevant period. The relevant period is four years for teachers employed on a full-time basis or six years for teachers employed on a part-time or casual basis
- completes their approved program and is provisionally accredited, or
- is accredited at Proficient Teacher.

² This only applies to teachers who were conditionally accredited on or after 7 January 2015.

5 Mutual Recognition

The *Mutual Recognition Act 1992* (MR Act) states that a person who is registered for an occupation in any state or territory is entitled to registration for the equivalent occupation in any other state or territory (s17).

The *Trans-Tasman Mutual Recognition Act 1997* (TTMR Act) states that a person who is registered in New Zealand for an occupation is entitled, after notifying the local registration authority of an Australian jurisdiction for the equivalent occupation:

- to be registered in the jurisdiction for the equivalent occupation, and
- pending such registration, to carry on the equivalent occupation in the jurisdiction (s16).

To be eligible for accreditation under the MR Act or TTMR Act, a person must:

- apply for accreditation and complete the accompanying declarations, and
- provide evidence of their current registration with a teacher registration authority in an Australian State or Territory or New Zealand.

A person is deemed registered with a condition (Part 3 MR Act) in NSW from the date the completed application is processed by NESA. After this initial advice is provided to the teacher, NESA has one month to decide whether to grant (with or without any conditions), postpone (for up to six months) or refuse a teacher's accreditation.

NESA verifies the accuracy of the registration information provided by contacting the relevant teacher registration authority. Following advice from the relevant teacher registration authority, a decision is made to grant, postpone or refuse accreditation. The teacher is provided with this advice in writing.

NESA may apply the conditions that attach to the person's registration from their originating jurisdiction.

6 Re-accreditation at Provisional after ceasing or revocation

Under s33 of the TA Act, a person previously, but not currently, accredited may apply to NESA for re-accreditation at Provisional if their:

- Provisional or Conditional Accreditation ceased for failing to gain Proficient Teacher Accreditation by the end of the relevant timeframe, or
- Provisional or Conditional Accreditation was revoked by NESA, or
- Proficient Teacher Accreditation was revoked and not reinstated by NESA under the *Proficient Teacher Accreditation Policy*.

A person applying for re-accreditation at Provisional must:

- meet the requirements for Provisional Accreditation set out in this Policy³ before applying
- complete and submit an application to NESAs
- pay the re-accreditation application fee when submitting the application
- pay any outstanding accreditation fees in full, if the application is successful, before they are re-accredited at Provisional, and
- provide any other information relevant to the status of their accreditation and as listed in 6.1 or 6.2 below as applicable, including details of a current NSW WWCC clearance.

Where a person applies for re-accreditation at Provisional, NESAs may:

- re-accredit them at Provisional, or
- refuse to re-accredit them at Provisional.

When assessing an application for re-accreditation at Provisional, NESAs may contact a person's previous TAA/s or employer/s, following consent from the person, for information to inform the re-accreditation decision, including in relation to their accreditation history, previous teaching experience or prospective employment opportunities.

6.1 Re-accreditation at Provisional after ceasing

A person whose Provisional or Conditional Accreditation ceases⁴ must apply to NESAs for re-accreditation at Provisional if they intend to return to employment as a teacher in any NSW school/service.

A person whose accreditation ceased may be re-accredited at Provisional by NESAs if:

- the person has ongoing employment which began before the date their accreditation ceased that could enable accreditation at Proficient Teacher, or
- the person provides written support from a principal/service director or TAA⁵ agreeing to a new employment period, which starts within three months of the date the person's accreditation ceased, and could enable accreditation at Proficient Teacher.

In all other cases, applications for re-accreditation at Provisional after ceasing are assessed by a NESAs Re-accreditation after Ceasing Panel.⁶

6.1.1 Panel assessment of applications for re-accreditation at Provisional after ceasing

NESAs convenes a Re-accreditation after Ceasing Panel (Panel) as required to consider applications for re-accreditation at provisional after ceasing and to provide a recommendation about re-accreditation to NESAs.

³ A person cannot be re-accredited at Conditional. A person whose Conditional Accreditation ceased or was revoked must provide NESAs with an official academic transcript showing completion of their initial teacher education qualification when applying for re-accreditation at Provisional, if they have not already done so.

⁴ As per Section 33 (1) (b) of the Act, a teacher's Provisional or Conditional Accreditation ceases if they do not gain accreditation at Proficient Teacher by the end of their maximum timeframe.

⁵ Written support must be from the current principal/service director of the relevant school/service or any Authorised Delegate of the relevant TAA.

⁶ Re-accreditation after Ceasing Panels comprise two teachers accredited at Proficient Teacher or above who are appointed by NESAs to review applications for re-accreditation on a case-by-case basis.

The Panel makes its recommendation on the basis of:

- the person's reasons for not achieving accreditation at Proficient Teacher by the end of their initial accreditation period
- the actions taken by the person to address their identified reasons
- documentation from prospective employers in NSW indicating that the person has opportunities for employment as a teacher to enable them to meet the requirements for accreditation at Proficient Teacher
- the applicant's pattern of teaching employment during their initial accreditation period, as evidenced by a statement of service/s or other appropriate documentation provided by the applicant, and
- any information about the person's initial accreditation period provided to the Panel by NESAs, which may include information NESAs have obtained from employing authorities.

The decision about re-accreditation after ceasing is made by NESAs after considering the Panel's recommendation.

6.1.2 Period of re-accreditation at Provisional after ceasing

Teachers re-accredited after ceasing have a single re-accreditation period of two years from the date they are re-accredited in which to complete all requirements for accreditation at Proficient Teacher set out in Sections 4 and 5 of the *Proficient Teacher Accreditation Policy*. A re-accreditation period provides teachers with a final opportunity to achieve Proficient Teacher accreditation.

Teachers may request an extension of the two-year re-accreditation period from NESAs in line with Section 5.3 of the *Proficient Teacher Accreditation Policy*.

6.2 Re-accreditation at Provisional after revocation

A person whose accreditation has been revoked by NESAs in line with the *Interim Revocation, Suspension and Voluntary Cancellation of Accreditation Policy* can apply for re-accreditation at Provisional following revocation.⁷

6.2.1 Re-accreditation at Provisional after revocation where the grounds no longer apply

NESAs may re-accredit a person at Provisional if the grounds for revocation no longer apply. For example, if a person had their accreditation revoked for:

- not having a current WWCC clearance
- having outstanding fees, or
- failing to meet their maintenance of accreditation requirements.

6.2.2 Assessing applications for re-accreditation at Provisional after revocation

If a person is not eligible for re-accreditation on the basis of the grounds no longer applying, NESAs may convene a Re-accreditation after Revocation Panel (Panel)⁸ to consider applications for re-

⁷ If a person successfully appeals a decision to revoke accreditation at Conditional or Provisional (see Section 7 of this Policy), NESAs may set aside the revocation decision and return their accreditation to the status it had prior to the revocation.

⁸ The composition and terms of reference for a Re-accreditation after Revocation Panel are set out in NESAs's related TAA procedures for teachers returning after revocation or cancellation of their accreditation.

accreditation at Provisional.

The Panel makes a recommendation to NESAs about a teacher's re-accreditation at Provisional.

The Panel assesses a teacher's application for re-accreditation at Provisional after revocation considering:

- the reason/s for the revocation of the teacher's accreditation and the nature of the circumstances relating to the reason/s
- the length of time away from teaching
- information provided by the teacher in their application or at the request of NESAs, and
- information provided by employing authorities.

The decision about a teacher's re-accreditation at Provisional after revocation is made by NESAs taking into account the Panel's recommendation.

6.2.3 Period of re-accreditation at Provisional after revocation for failing to meet the teaching standards

Teachers re-accredited at Provisional after the revocation of their Proficient Teacher Accreditation for failing to meet the teaching standards are given a maximum timeframe to complete the requirements for and gain accreditation at Proficient Teacher. Teachers are advised of their maximum accreditation timeframe when they are notified of a decision to re-accredit them.

NESAs determine the re-accreditation period by considering:

- the length of time away from teaching
- the nature of any employment the teacher had during their period away from teaching, and
- the number of days the teacher taught prior to the revocation of their accreditation (for teachers whose Provisional or Conditional Accreditation was revoked).

6.2.4 Conditions on re-accreditation at Provisional after revocation

NESAs may place conditions on a teacher's re-accreditation at Provisional after revocation, depending on the grounds on which the teacher's accreditation was revoked.

Conditions on a teacher's re-accreditation at Provisional after revocation may be imposed, amended or removed by NESAs. Conditions may be imposed if NESAs are satisfied that a condition will enable a teacher to meet the relevant requirements as described in s20 of the TA Act. Examples of conditions include but are not limited to:

- successfully completing a relevant professional development course
- undertaking a program or being provided with guidance to ensure the teacher's practice meets the Standards
- placing a specific time period on a teacher's suspension to enable them to address the issue that led to their suspension.

These conditions are included in the notice to the teacher of the outcome of their application for re-accreditation. This notice also includes advice about the teacher's eligibility to apply for accreditation at Proficient Teacher as a returning teacher⁹.

⁹ Teachers who are re-accredited at Provisional after the revocation of their Proficient, Highly Accomplished or Lead Teacher Accreditation should refer to Section 7 of the *Proficient Teacher Accreditation Policy* regarding eligibility for immediate accreditation at Proficient Teacher.

7 Accreditation after voluntary cancellation

A person who has had their accreditation voluntarily cancelled under s24E of the TA Act can apply to NESAs for accreditation at Provisional under this Policy.

A person who has had their Conditional Accreditation voluntarily cancelled under s24E of the TA Act can apply to NESAs for accreditation at Provisional only if they meet the requirements under this Policy for accreditation at Provisional before they apply¹⁰.

A person who has had their accreditation at Proficient, Highly Accomplished or Lead Teacher voluntarily cancelled should also refer to Section 7 of the *Proficient Teacher Accreditation Policy*.

7.1 Accreditation period after voluntary cancellation

The accreditation period for teachers who are accredited at Provisional after the voluntary cancellation of their Provisional or Conditional Accreditation is either the remainder of the teacher's original relevant period immediately prior to the cancellation or two years, whichever is greater.

8 Refusal to accredit a teacher

NESA may refuse to accredit or re-accredit any teacher who does not meet the conditions for accreditation or re-accreditation established in this Policy. The notice of the refusal to accredit a teacher will specify which conditions the person does not meet.

9 Review of accreditation decision

9.1 NESAs's internal review process

A person may apply to NESAs for an internal review of a decision to refuse their accreditation or re-accreditation under section 53 of the *Administrative Decisions Review Act 1997* (the ADR Act).

A person may request an internal review of a decision to refuse their accreditation within 28 calendar days of them being notified of the refusal.

A review of a decision to refuse the accreditation of a person is delegated by NESAs to all Executive Directors of NESAs. An Executive Director cannot review a decision where they were involved in the original decision.

9.1.1 Outcome of an internal review

An internal review may result in the original decision being affirmed or varied. The original decision may also be set aside and another decision made in substitution.

Notification of an internal review decision is forwarded to the person concerned, the person's employer and the relevant TAA within 45 calendar days of the request for an internal review being lodged (or such later date as may be agreed by the person seeking the internal review and the internal review decision-maker).

¹⁰ A person whose Conditional Accreditation was cancelled must provide NESAs with an official academic transcript showing completion of their initial teacher education qualification when applying for accreditation at Provisional, if they have not already done so.

The internal review decision includes the:

- outcome of the review
- reasons for the decision in the review, and
- right of the person to have the decision reviewed by the NSW Civil and Administrative Tribunal (NCAT).

9.2 The NSW Civil and Administrative Tribunal (NCAT)

The final avenue of appeal under the TA Act is NCAT (section 27, TA Act).

Where a teacher has applied for an internal review of a decision by NESA to revoke or suspend their teacher accreditation and that review has been finalised (or is taken to be finalised), they may make an application for administrative review of the decision by the NCAT.

Under the ADR Act 1977, an application for an administrative review of a decision to revoke or suspend accreditation must be filed with NCAT within 28 calendar days of:

- NESA notifying the review applicant of the revocation or suspension decision, or
- the date on which an internal review is deemed to have been finalised.¹¹

10 Glossary

ACECQA	Australian Children's Education and Care Quality Authority
AITSL	Australian Institute for Teaching and School Leadership
Authorised Delegate	An officer of NESA that has been delegated authority to make accreditation decisions and who is an accredited teacher, or eligible to be accredited under the TA Act.
NESA	The NSW Education Standards Authority, as established under the TA Act at Part 4, Section 5A.
professional teaching standards	The TA Act refers to professional teaching standards in relation to meeting and maintaining accreditation requirements. The professional teaching standards include the <i>Australian Professional Standards for Teachers</i> .
service	A centre-based early childhood education service, approved under the <i>Children (Education and Care Services) National Law NSW</i> or the <i>Children (Education and Care Services) Supplementary Provisions Act 2011</i> .
the Standards	the Australian Professional Standards for Teachers
TA Act	<i>Teacher Accreditation Act 2004</i>

¹¹ That is, 45 days after the application for the review is lodged (or such later date as has been agreed by the person seeking the internal review and the internal review decision-maker).