

Teacher Registration in the ACT

ISSUES PAPER No 7 - Composition of a Registration Body

Introduction

This paper is one of a series that has been prepared to inform and encourage consultation and discussion on the need for and the possible elements of a teacher registration system in the ACT.

The key document in the consultation process is *Teacher Registration in the ACT: Community Consultation Paper*, released on 14 May 2007. That paper sets out the background to the ACT Government's decision to investigate the issue of teacher registration, describes the purposes of a teacher registration system, canvasses the possible role and function of such a system in the ACT and sets out a process for consultation with stakeholders.

This paper addresses the specific issue of who should be represented on a Teacher Registration Body (the body) and how they should be chosen. A companion paper will address the issue of the governance of the body – how it is established, its terms of reference and how it might operate. It does not necessarily represent the views of the ACT Department of Education and Training (DET) or of any other stakeholder involved in the consultation process. The Teacher Registration Project Reference Group has approved the circulation of this paper on that basis.

Background

As the Consultation Paper points out, one of the key arguments supporting teacher registration is that it provides an assessment that a teacher has the skills and attributes to teach in the ACT that is independent from the government of the day and from groups that may be perceived to have special interests in various aspects of teacher employment. The maintenance of this independence is a key issue in considering the composition of the body.

Chairperson

Several of the registration bodies in other jurisdictions (New South Wales, Victoria, South Australia, Tasmania, Queensland) have a Chairperson or presiding member who is appointed or nominated by the Minister.

An independent Chairperson could be important both in maintaining an overall coherence and direction to the work of the body and in ensuring that the decisions of the body reflected an appropriate balance of interests. Under such an arrangement, any responsibility the Chairperson had to the Minister would only be for the effective and ethical management of the body. The Minister should not normally be able to influence decisions by the body about the registration of individuals or the determination of qualifications or experience, although some jurisdictions retain safeguards that allow a Minister to give directions



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to the registration body. In Tasmania, the Minister may give the board a written direction in relation to its powers and functions, if the Minister is satisfied that it is necessary to do so in the public interest. Such a provision could provide an ultimate safeguard in the event that the body made decisions that were unethical or incompetent.

The appointment of a Chairperson by the Minister could be subject to the scrutiny of the Assembly, which would have the power to disallow it. This is the standard arrangement in the ACT for the scrutiny of appointments to statutory boards.

There is also an issue of whether the appointment or nomination of the Chairperson should be subject to legislation, policies or guidelines that would help ensure that he or she had the qualities and background to properly perform the functions of an independent arbiter. Other jurisdictions do not appear to explicitly set out these qualities which, if prescribed too rigidly could, of course, limit the availability of appropriate candidates.

Employer Representatives

The registration bodies in all other jurisdictions include representatives of teacher employers, both government and non- government. This would seem appropriate. Employers have an interest in ensuring that the teachers they employ have and maintain appropriate professional and personal standards, and they also have an interest in ensuring that registration requirements are not so rigid or unrealistic as to unnecessarily restrict their choice of staff.

If employers are to be represented on the body, then it should include:

- a representative of the ACT Department of Education and Training, the employer of ACT Government Teachers;
- a representative of ACT Catholic Schools;
- a representative of independent schools in the ACT.

Union Representatives

The bodies in all other jurisdictions include representation, in one form or another, by teachers' unions and professional associations. Again, this would seem appropriate for the ACT. These

organisations have a clear interest in contributing to the development of professional standards that enhance the status and employability of their members while also ensuring that these standards reflect the real world of classroom teaching.

The nature and type of union representation differs from jurisdiction to jurisdiction. In Tasmania, Queensland, the Northern Territory, Victoria and South Australia, union representatives must also be registered teachers. All that is required in the other jurisdictions is that a "person" be nominated by the unions.

There is a case for classroom teachers having input to determining the professional and personal standards under which they will have to operate, but this could be done through direct election, as discussed below. Provided that teachers have an alternative means of accessing the body, there may be a case for not specifying that the union nominee be a teacher, since it could give unions the flexibility to nominate people with other areas of expertise eg professional ethics. On the employer side, only the NT requires that their representatives be "educators".

Teachers

As indicated above, there is a case for classroom teachers having some form of input to teacher registration. The NSW, QLD, and Victorian bodies all have classroom teacher representation directly elected by their peers in the state and independent systems. In Victoria, 10 of the 20 members of its registration body are directly elected classroom teachers. In Victoria and Queensland, this is additional to the requirement that the union representatives also be teachers.

In South Australia, the union representatives on the body must be teachers elected by their peers, the election is conducted in accordance with legislative requirements. South Australia also requires that not less than half of its board be registered teachers.

Direct representation of teachers could ensure that those at the coalface of the profession have an appropriate and independent input to registration. On the other hand, the administrative costs of a direct election may be less easy to justify in a

small and relatively compact jurisdiction like the ACT, particularly if there were other channels for teacher input, including through union, employer or community nomination. The two smallest jurisdictions – NT and Tasmania – do not have directly elected teacher representatives.

Teacher Educators

There is clearly a case for the institutions that train teachers to be represented on the body. They would be able to provide input on broader issues and developments in teacher training and professionalism and would also be able to feed back decisions on registration standards back into their curricula. Most other State/Territory jurisdictions have teacher educator representatives on their registration bodies in one form or another.

Teacher training in the ACT is undertaken by:

- the University of Canberra; and
- the Australian Catholic University Canberra Campus.

A significant number of recruits – nearly 40% in some years - come from training institutions outside the ACT. Representation of institutions outside the ACT on the registration body would, however, be impractical given the very wide spread across states. It should be noted that other jurisdictions only include training institutions from their own jurisdictions on their registration bodies.

Parent Representation

There is a case for parents, who have a strong interest in both the professional standards and personal behaviour of teachers, to be represented on the Body. The registration bodies in other jurisdictions all have parent representation of one form or another, including:

- representation by each peak parent body in each education system in the state;
- representation by each peak parent body in the state, the representative to be a parent with a student in the relevant school system; and
- “a person who, in the opinion of the Minister, represents the interests of parents with school age children” (NSW).

A fourth option, not used by any jurisdiction, is the direct election of a parent representative or representatives. Such an election could be resource intensive, and most parent peak bodies are in any case elected by parents.

Other Groups

Principals

At least one other jurisdiction, Victoria, has representation by both the professional body representing principals and a directly elected principal. It could be argued that principals, who are both school and teacher managers and education professionals, have a discrete interest in the work of the Body.

Community Representatives

The Queensland registration body includes “1 nominee of the Minister who must represent the interests of the community generally in the conduct and practice of the teaching profession”. Given the effects on the broader community of the outcomes of teaching, there may be a case for including someone who represents this broader “clientele”. Thought may need to be given to how the community might be defined and how representatives should be selected.

The Size of the Body

Any consideration of the composition of the body should be mindful that the larger it is, the more administrative support it may require and the slower it may be in reaching consensus. On the other hand, administrative efficiency should not be used to unnecessarily exclude breadth and diversity of input recognising the board structure in other Australian jurisdictions:

- Queensland has a 17 member body;
- WA has 19 members;
- Victoria has 20 members on its peak council;
- South Australia has 16 board members;
- NSW has 20 on a quality teaching council (as well as an overall board of governance of 5);
- Northern Territory has 12 members on its board; and
- Tasmania has 10 members on its board.

Determinates of board size include:

- whether the body includes directly elected teacher representatives;
- whether the various groups of unions, parents and educators are each directly represented or whether there is a single nominee chosen to represent them.

In Victoria, for example, the Minister nominates a single person to represent the interests of all teacher-training institutions (where there are, of course, several more teacher training institutions than in the ACT).

If all the options for representation discussed above were accepted, then conceivably we would be looking at a body of around 15 for the ACT, excluding directly elected teacher representatives. This is based on the assumption that each separate union, parent group, teacher educator etc is directly represented on the body. The alternative of a single nominee to represent each of these interest groups would reduce numbers, although perhaps at the expense of diversity of input.

The Specialist Committees of a Registration Body

The registration bodies in most other jurisdictions have the power to convene committees that, while they must include members of the main body, can also co-opt outside expertise. In the case of Queensland Teachers' Disciplinary Committee it is specified that its members must not be from Board. The Victorian registration body has, for example, the following committees: Accreditation, Registration; Standards and Professional Learning; Disciplinary Proceedings; Professional Practice and Conduct; Communications; Audit; Remuneration; and Administration and Finance. The committees advise or make recommendations to the main registration body.

The type and nature of any committee structure for the ACT body would depend on that body's overall role and function, but they could provide a means of enhancing the range of advice and opinion

available to the body. They would, of course, require administrative support and their relationship with the overall body may need to be carefully articulated to ensure that the latter – the properly appointed representative body - maintained overall control and direction.

Term of Appointment

Three years is the usual term for both nominated and elected members of the various registration bodies in Australia. A three-year term arguably strikes a reasonable balance between maintaining continuity and providing opportunity for turnover of ideas and opinion. Arrangements could include an option to have appointees' terms renewed or extended, while elected members would have to seek re-election.

Issues

The key issue for this paper is the optimum composition of a registration body that would:

- enhance and safeguard public confidence in the professionalism and integrity of the teaching profession in the ACT;
- take into account the various stakeholders that have an interest in teaching standards;
- have access to expert opinion across a range of specialist areas of teacher employment and quality assurance; and
- be appropriate for the size of the ACT education sector and the resources likely to be available to support the body.