

Teacher Registration
and Permit to Teach
Policy

Purpose

This policy sets out the framework for the registration and permit to teach requirements of the ACT Teacher Quality Institute (TQI) under the *ACT Teacher Quality Institute Act 2010* (the Act). The policy supports the intention of the Act that only suitably qualified teachers work in ACT schools.

Application

This policy applies to any person applying for registration or permit to teach under the Act and to any approved teacher applying for renewal of their approval under the Act.

Legislative reference

The legislative basis for the principles and directions set out in this policy is provided by the following parts of the Act:

* Part 4 – Registration and permits to teach
* Part 5 – Codes of practice
* Part 8 – Notification and review of decisions.

Other relevant legislation includes:

* *ACT Teacher Quality Institute Regulation 2010* (as amended 2013)
* *Mutual Recognition (Australian Capital Territory) Act 1992*
* *Trans-Tasman Mutual Recognition Act 1997*
* *ACT Working with Vulnerable People Act 2011*.

Related TQI policies:

* *Continuing Professional Learning and Program Accreditation Policy*
* *Teacher Registration Qualifications Policy*.

Direction statements

Only ***approved teachers*** may teach in ACT schools.

Schools must not allow anyone to teach who is not an approved teacher.

An approved teacher is one who is registered or granted a permit to teach by TQI.

Teaching is defined under the Act as the carrying out of duties that include:

* delivery of education services in a school;
* assessment of student participation in education services; or
* administration of education services.

Categories of registration and permits to teach

There are two categories of registration, ***Full*** and ***Provisional***.

***Full registration*** is granted to applicants who meet all the eligibility requirements – see Section 6.

***Provisional registration*** is granted to applicants who do not yet meet the professional standards or teaching experience requirements but meet all the other eligibility requirements. Teachers can remain provisionally registered for no longer than five years.

TQI may also grant a ***permit to teach.*** This is not a category of registration but an authorisation for a person to teach for a specified period in a specific teaching role and is granted where an applicant does not meet the eligibility requirements for either Full or Provisional registration.

Eligibility for registration or a permit to teach

The eligibility criteria for registration cover academic qualifications, professional standards, teaching experience, English language proficiency, suitability to teach and the right to work in Australia.

Teachers will be granted ***Full registration*** only if they meet all the eligibility requirements below:

They:

* have completed at least four years of full-time higher education study (or part-time equivalent), including at least one year of an accredited teacher education program, leading to the award of a school teacher qualification recognised under the *Australian Qualifications Framework*. Overseas qualifications will be accepted if they are assessed under the *ACT Teacher Quality Institute Qualifications Policy* as equivalent
* are able to demonstrate through a TQI approved school based assessment that they meet the Proficient level of the *Australian Professional Standards for Teachers*
* have completed 180 days of teaching over the previous five years as a qualified teacher in a recognised Australian or New Zealand school (usually achieved by teaching a full school year) or have experience that TQI is satisfied is equivalent
* are able to demonstrate their English language proficiency evidenced by their teaching qualification studies as defined in the ACT Teacher Quality Institute Qualifications Policy, in English in one of a number of prescribed English speaking countries or by providing the prescribed results of an approved English language test
* can demonstrate suitability to teach through a current ACT Working with Vulnerable People (WwVP) general registration, compliance with any relevant codes of practice and application declarations. An applicant holding a conditional WwVP registration would only be granted TQI registration where TQI has assessed that the condition imposed by Access Canberra:
	1. is not prejudicial to the standing of the teaching professional as a whole and
	2. does not relate to fit and proper person considerations **relevant to the inherent role of a teacher**.
* have not had their registration or permit to teach cancelled or suspended, other than on the request of the holder, by TQI or another registering or accrediting authority.
* are Australian or New Zealand citizens or have a right to work in Australia.

Applicants may be granted ***Provisional registration*** where they are not able to provide the necessary evidence that they have accumulated the required teaching experience, skills and abilities to meet the *Australian Professional Standards for Teachers* at the Proficient level, but meet all the eligibility requirements below:

They:

* have completed at least four years of full-time higher education study (or part-time equivalent), including at least one year of an accredited teacher education program, leading to the award of a school teacher qualification recognised under the *Australian Qualifications Framework*. Overseas qualifications will be accepted if they are assessed under the *ACT Teacher Quality Institute Qualifications Policy* as equivalent.
* are able to demonstrate their English language proficiency evidenced by their studies in English in one of a number of specified English speaking countries or by providing the prescribed results of an approved English language test
* can demonstrate suitability to teach through a current ACT Working with Vulnerable People (WwVP) general registration, compliance with any relevant codes of practice and application declarations. An applicant holding a conditional WwVP registration would only be granted TQI registration where TQI has assessed that the condition imposed by Access Canberra:
	1. is not prejudicial to the standing of the teaching professional as a whole and
	2. does not relate to fit and proper person considerations **relevant to the inherent role of a teacher**.
* have not had their registration or permit to teach cancelled or suspended, other than on the request of the holder, by TQI or another registering or accrediting authority
* are Australian or New Zealand citizens or have a right to work in Australia.

***Permits to teach*** may be granted, where there is not a registered teacher available to fill a position, to applicants who have specialist knowledge, training, skills or qualifications or whose teaching qualification does not meet the eligibility requirements for Full or Provisional registration.

Note that permits to teach apply only while the holder is employed to teach in a school. Before an application can be made for a permit to teach the employer must make a request to TQI on behalf of the applicant stating that the school wishes to employ the person in a specified role for a specified period and that there is no suitable registered teacher available to fill the position.

In addition, teachers who are currently registered in an Australian State or Territory or in New Zealand are eligible for registration in the category equivalent to their current registration category, under the ***mutual recognition principle***. Refer to the section of this policy ‘Applicant from Interstate or New Zealand’.

Applicants from interstate or New Zealand

Applicants who are registered to teach elsewhere in Australia or in New Zealand may apply for registration under the ***mutual recognition principle***. This principle applies to teachers with current registration in Queensland, Victoria, Tasmania, South Australia, Western Australia and the Northern Territory (through the *Mutual Recognition (Australian Capital Territory) Act 1992)* and to teachers with a Practicing Certificate in New Zealand (through the *Trans-Tasman Mutual Recognition Act 1997)*. Under this principle teachers may be registered in the ACT in the category equivalent to their interstate or New Zealand registration.

The *Mutual Recognition (Australian Capital Territory) Act 1992* does not apply to teachers from New South Wales. However if approved, teachers accredited in NSW will be registered in the ACT in the category equivalent to their NSW accreditation under the *Memorandum of Understanding between the NSW Education Standards Authority (NESA) and the ACT Teacher Quality Institute* (MoU). Note – the MoU does not apply to conditionally accredited teachers.

Mutual Recognition Principle

Where teachers apply for registration in the ACT under the mutual recognition principleTQI will confirm the status and standing of the teacher with the relevant jurisdiction.

**Before commencing teaching in a school**, teachers applying under the mutual recognition principle must formally notify TQI of their intention to seek registration in the ACT under the *Mutual Recognition (Australian Capital Territory) Act 1992* or the *Trans Tasman Mutual Recognition Act 1997.* This notification is made by completing an online form, *Mutual Recognition Application Form*, on the TQI website and providing the information anddocuments required by s.19 of the *Mutual Recognition (Australian Capital Territory) Act* *1992 –* these are detailed in the application form.

Once this notification is provided to TQI the teacher is deemed to be registered. TQI then has one month in which to assess the application and decide whether to register the applicant or postpone the granting of registration. Teachers are entitled to carry on their occupation in this period subject to meeting any requirements under the *ACT Working with Vulnerable People Act 2011*.

NSW Accredited Teachers

NSW accredited teachers applying under the MOU must submit a completed application form and supporting documents to TQI. TQI will confirm the accreditation status and standing of the teacher with the NSW Education Standards Authority (NESA).

A NSW accredited teacher cannot commenceteaching in the ACT until registered by TQI.

Initial application requirements

Applicants must use the online application form available to make an application. TQI may refuse an incomplete application and applications will not be processed until all the documentation required and the relevant application fee has been received by TQI.

All documentation submitted must be certified by a person authorised under the *Statutory Declarations Act 1952 (Cwlth)* or, if applying from overseas, by a Notary Public or a person in a profession specified by TQI in the application information at the time. Any document not in English must be submitted with a translation, along with a declaration that it is a fair and reasonable translation, provided by a translator accredited for that language by the National Accreditation Authority for Translators and Interpreters (NAATI), or by a translator for that language from an equivalent accredited organisation.

Additional documents or information

If TQI asks for additional information or documentation the applicant will be given 28 days to provide it. The application will lapse if the requested information is not provided within this time unless an extension of time has been granted.

Assessment timeframe

TQI will not commence assessing applications for teacher registration or a permit to teach until all the documentation required and the application fee have been received.

If an application is received incomplete, TQI will provide the applicant with written advice indicating the missing documentation must be received within 14 days or the application will be deemed to have been withdrawn. This advice will provide the applicant with provision to apply for an extension of time to provide the required documentation based on action being taken to obtain it.

If an applicant withdraws an application or an application is deemed to be withdrawn because documents are not provided in the time specified, this does not preclude the applicant from submitting another application at a later date.

The initial assessment of fully documented applications will take up to 10 days however more complex assessments may take longer.

Registration period

The TQI registration year is 1 April to 31 March. Teachers granted Full registration, Provisional registration or a permit to teach are registered until 31 March in the following year. Application fees operate on a sliding scale to accommodate initial applications made at different times of the year.

Registration cards

All applicants successfully registered or granted a permit to teach will be issued with a certificate and card. The card and certificate will include the teacher’s name, registration or permit number, registration period, registration category and any conditions on the registration or permit.

If a card or certificate is lost, stolen or damaged the teacher may apply to TQI for a replacement. The request for a replacement must be accompanied by a statement outlining the circumstances under which the card or certificate was lost, stolen or damaged.

Assessment of applications

Suitability to teach

Suitability to teach for both new applications and for renewal of registration or a permit to teach is assessed on the basis of the applicant:

* complying with any relevant Code of Practice relating to Professional Conduct, and
* holding a current general registration under the ACT *Working with Vulnerable People (Background Checking) Act 2012.* An applicant holding a conditional WwVP registration would only be granted TQI registration where TQI has assessed that the condition imposed by Access Canberra
	1. is not prejudicial to the standing of the teaching profession as a whole, and
	2. does not relate to fit and proper person considerations **relevant to the inherent role of a teacher**
* have not had their registration or permit to teach cancelled or suspended, other than in accordance with a request by the person.

Granting a category of registration other than that applied for

TQI may decide to grant a category of registration other than that applied for. TQI will provide written notice of the proposed decision including reasons. The applicant then has 14 days to provide written comments to be taken into consideration by TQI in making the final decision about the category of registration to be granted.

Conditions on registration or permit to teach

All approved teachers are required to undertake professional development activities and comply with any relevant codes of practice as a continuing condition of registration or a permit to teach.

TQI may also impose additional conditions if it considers they are necessary to ensure that a teacher meets the eligibility requirements for registration or a permit to teach. Any conditions will be shown on the back of the teacher’s registration or permit card and will be provided to the teacher’s employer or prospective employer.

If additional conditions are imposed the teacher will be advised in writing explaining the reasons for conditions. The teacher then has 14 days to provide written comments to be taken into consideration by TQI in making the final decision. Teachers may make a written request for an extension of the time for providing comments. If this is not granted TQI will provide reasons in writing.

Refusal of registration

TQI may refuse to grant a registration. TQI will give the applicant written notice of the proposed decision including reasons. The applicant then has 14 days to provide written comments to be taken into consideration by TQI in making the final decision. Applicants may make a written request for an extension of the time for comments. If this is not granted TQI will provide reasons in writing.

If an application for registration or permit to teach is unsuccessful the application fee will be refunded.

Registration renewal

Teachers must apply to renew their registration or permits to teach annually before the expiry date on their Registration or permit to teach card. Teachers who have not applied to renew their registration before the registration expires will not be able to renew and will need to make a **new registration** application.

A teacher can only hold Provisional registration for five years. Provisionally registered teachers would be expected to have progressed to Full registration during that time. In exceptional circumstances provisional registrants may have their registration renewed for one year beyond the maximum 5-year period.

A permit to teach cannot be renewed unless requested by the employer.

To be eligible for Full registration renewal teachers must:

* complete the requirements for professional practice of 100 days of teaching over the previous 5 years, generally completed through 20 days annually
* have undertaken the required professional learning or development activities specified in the TQI Professional Learning Directions *(Notifiable Instrument NI2014/53)* generally completed through 20 hours in the preceding school year, and
* have complied with the Suitability to Teach provisions in this policy
* have had any declarations made in the renewal application assessed by TQI.

To be eligible for Provisional registration renewal teachers must:

* have undertaken the required professional learning or development activities specified in the TQI Professional Learning Directions *(Notifiable Instrument NI2014/53)* generally completed through 20 hours in the preceding school year, and
* have complied with the Suitability to Teach provisions of this policy
* have had any declarations made in the renewal application assessed by TQI.

To be eligible for permit to teach renewal applicants must:

* continue to meet the eligibility requirements for a permit to teach
* have complied with any relevant Code of Practice and any other conditions imposed on their registration or permit to teach
* have undertaken the required professional learning or development activities specified in the TQI Professional Learning Directions *(Notifiable Instrument NI2014/-53)*, generally completed over 20 hours annually, and
* have a current ACT Working with Vulnerable People general registration.

TQI will not finalise applications for renewal of registration or a permit to teach until all documentation required and the application fee have been received.

The initial assessment of renewal applications will take up to 10 days however more complex assessments may take longer.

Conditions on renewal

TQI may impose conditions on the renewal of registration or a permit to teach to ensure the teacher meets eligibility requirements for the relevant category.

If TQI decides to impose conditions the teacher will be advised in writing explaining the reasons for the conditions. The teacher then has 14 days to provide written comments to be taken into consideration by TQI in making the final decision. The teacher may make a written request for an extension of the time for comments. If this is not granted, TQI will provide its reasons in writing.

Progression to Full registration

Provisionally registered teachers wishing to progress to Full registration must demonstrate that they have achieved all of the following.

They have:

* completed 180 days of teaching over the previous five years as a qualified teacher in a recognised Australian or New Zealand school (usually achieved by teaching a full school year) or have experience that TQI is satisfied is equivalent. This should include a minimum of 20 days sustained period with a single school to assist the teacher being able to demonstrate their achievement of the Proficient level descriptors.
* undertaken the required professional learning or development activities
* maintained the required standards of professional conduct and suitability for registration including any conditions specified as part of provisional registration, and
* completed a school-based assessment process against the *Proficient* level of the *Australian Professional Standards for Teachers*, which includes collecting evidence of preparation, reflection and annotation of work against the Standards, and a recommendation for Full registration from their current Principal.

Full details of the assessment process and procedures (including requirements for supporting documentation) are available in the TQI documents:

* Progressing from Provisional to Full Registration *–* *A guide for Provisionally Registered Teachers*
* Progressing from Provisional to Full Registration *– A guide for Professional Guidance Panels of Provisionally Registered Teachers*

New Full registration application following voluntary expiry of registration

Teachers who have been fully registered with the ACT TQI but have chosen to allow their registration to expire will be recognised for Full registration under the following circumstances:

* After a registration expiry of up to two years *–* by completing the online new starter application for Full registration.
* After a registration expiry greater than two years but less than five years *–*by having provided an appropriate TQI Professional Practice report from a principal or delegate that TQI is satisfied is equivalent which confirms they met the proficient level of the *Australian Professional Standards for Teachers* when at their school.

In these circumstances, the teacher will need to meet the obligations for mandatory professional learning and for mandatory professional practice in the same way as a newly registered teacher.

Suspension or cancellation of teacher registration or permit to teach

Teachers who contravene a condition of their registration or who become mentally or physically incapable of fulfilling their professional responsibilities as a teacher may have their registration or permit to teach suspended or cancelled by TQI.

TQI will give the teacher notice in writing of the intention to suspend or cancel the registration or permit setting out the grounds for such action. The teacher then has 14 days to make a response to be taken into account by TQI before final determination of the teacher’s registration status. If TQI decides to proceed with suspension or cancellation of a registration or permit the teacher will be notified in writing and advised of the relevant appeal rights.

TQI is required to inform the employer and the other registration/accreditation authorities in Australia and New Zealand of any suspension or cancellation and is also required to provide the registration/accreditation authorities with the grounds for suspension or cancellation.

A teacher whose registration or permit to teach has been suspended or cancelled must return the registration certificate and registration card to TQI.

Right of Appeal

Under the *ACT Teacher Quality Institute Act 2010* a person affected may request review of the following categories of decisions made by TQI:

* refusal to grant extensions of time
* refusal to register or grant a permit to teach
* granting of provisional registration or a permit to teach when Full registration was sought
* conditions being affixed to a registration.
* suspension or cancellation of a teacher’s registration or permit to teach.

In the first instance, a teacher who is dissatisfied with a decision by TQI should seek reconsideration by TQI.

If still unsatisfied, and the decision is identified as a reviewable decision under the Act, the teacher may appeal to the ACT Civil and Administrative Tribunal for a review of the decision. TQI will give the teacher concerned notice whenever it makes a reviewable decision.

Register of teachers

TQI is required to keep a register of teachers which is updated and kept electronically.

TQI will make information available to a teacher’s employer or prospective employer on the teacher’s registration or permit to teach status, any conditions applying to the registration or permit to teach, and whether the registration or permit to teach is suspended or cancelled on request.

TQI may also provide information on whether a teacher holds Full or Provisional registration or a permit to teach to anyone else on request.

Teachers may request a copy of the information held in the register about them and may request amendment of incorrect information.

Record keeping

TQI record keeping is regulated by the *Territory Records Act 2002* and is managed in accordance with policies and guidelines issued by the ACT Territory Records Office.

Privacy

TQI has issued a Territory Privacy Principle 5 (TPP 5) notice for the collection of personal information, in accordance with the *Information Privacy Act 2014*.

The notice is available online and outlines:

* when personal information is collected and how it is used
* when personal information may be disclosed and the legislative authority for that disclosure
* the impact if you do not consent to supplying TQI with the information requested
* what to do if you believe that TQI has not handled your personal information correctly.

To request a copy of the TPP 5 notice in another format, please contact TQI.

Policy information

Approved by

The ACT Teacher Quality Institute Board.

Approval date

Current policy as approved by the TQI Board on 20 June 2017.

Publication of policy

This policy will be published on the TQI Portal and website and made available in printed format on request. The version of the policy on the Portal can be regarded as the policy in force at any time.

Review and changes to policy

This policy will be reviewed every three years from the date of approval, or earlier if required. All changes to the policy are approved by the TQI Board.