

Only approved teachers can teach in prescribed schools

POSITION PAPER

The Queensland College of Teachers (QCT) is the professional registration authority for the teaching profession in Queensland. The QCT works to uphold the standards of the teaching profession, maintain public confidence in the profession and protect the public by ensuring that education in schools is provided in a professional and competent way by approved teachers. There are currently about 100,000 approved teachers in Queensland.

Regulatory Requirements

In Queensland, only approved teachers can undertake the duties of a teacher in a prescribed school. Under section 82(1) of the *Education (Queensland College of Teachers) Act 2005* (the Act), the employing authority for a prescribed school must not employ a person as a teacher unless the person is an approved teacher. Section 83 of the Act states that a person who is not an approved teacher must not teach in a prescribed school and that a person who is not a registered teacher must not supervise, or assess the work of, a teacher or student teacher in a prescribed school.

These provisions of the Act impose a continuing obligation. For example, the employing authority for a school must ensure all teachers in its employ are registered at all times when they are employed as teachers. The employer's obligation arises upon the initial act of appointing a person as a teacher and continues until the person ceases to be engaged as a teacher.

Approved teachers

An approved teacher is either a person who holds current provisional or full registration as a teacher in Queensland, or a person who is granted permission to teach (PTT) by the QCT where the employer is unable to find a suitably qualified registered teacher. A PTT is usually only granted for a short time and in a specific subject area. The QCT's *Permission to Teach Policy* is available at <http://www.qct.edu.au/registration/other-approval-permission-to-teach/>

A registered teacher has met the qualifications, experience, suitability and other professional practice requirements for teacher registration. The holder of a PTT is not a registered teacher but has met certain knowledge, qualifications, skills or training criteria as well as suitability and other professional practice requirements and has been approved to teach under strict limitations.

The Act confers on the QCT the power and function of granting registration or PTT. The process for approval involves a number of important decisions. Applications for registration and PTT undergo a comprehensive eligibility assessment. Applicants for registration and PTT may be granted registration or PTT with or without conditions, or may be refused registration or PTT.

Both the applicant and employing authority have legislative obligations to ensure that teaching duties are not commenced unless there is official evidence of the granting of either teacher registration or PTT. The ongoing nature of the obligations requires the teacher and the employing authority to ensure that the teacher's registration or PTT is maintained while the person is employed as a teacher.

Employing authorities:

- must be satisfied that a person is an approved teacher before appointing that person to teach
- are obliged to ensure that registered teachers, in their employ, maintain registration at all times
- are required to ensure that holders of PTT, teach within the parameters of the PTT stated on the certificate
- should routinely check the Register of Teachers on the QCT website to confirm a person engaged as a teacher is approved to teach
- should check that a person is approved as a teacher on initial appointment and on an ongoing basis.

Employing authorities should also request that teachers provide evidence that they have maintained their registration or PTT. The QCT provides teachers with their certificate of registration or certificate of PTT upon granting registration or PTT. Certificates of registration are also issued after teachers have paid their annual fee or renewed their registration.

Duties of a teacher

A teacher is defined in the Act as a person who undertakes duties in a school including any of the following—

- delivering an educational program
- assessing student participation in an educational program
- otherwise administering or providing consistent and substantial educational leadership to an educational program.

Student teachers

Student teachers undertaking professional practice in schools are under the direct supervision of a registered teacher and are not approved teachers. Student teachers undertaking internships in schools as part of their initial teacher education course, teach without direct supervision under an authorisation arrangement between the QCT, the higher education provider and the school employing authority. Internship authorisations are not a form of registration or PTT.

Situations where an approved teacher is not required

An approved teacher is not required where –

- the duties are those of a student teacher undertaking professional experience or an internship as part of their teacher education program
- the duties are those of a teacher's aide or teacher's assistant
- the duties are in a co-curricular or extra-curricular program.

Sports coaches, instrumental music instructors and other instructors whose duties relate to co-curricular or extra-curricular programs or trainers delivering vocational education and training packages that do not constitute an educational program are not considered to be undertaking the duties of a teacher.

The provision of religious instruction in schools in Queensland is not considered to constitute the duties of a teacher unless the subject being taught is based on either the national curriculum developed and administered by the Australian Curriculum, Assessment and Reporting Authority or a syllabus developed, revised or purchased for a senior subject or P-10 subjects by the Queensland Curriculum and Assessment Authority/Queensland Studies Authority.

Approved teacher compliance in sudden, exceptional or unforeseen circumstance

The QCT has responsibility for working in the best interest of school students, the public and the profession. The Act confers on the QCT the function and power to monitor compliance with, and enforce, the Act. Monitoring and enforcing compliance with the Act involves undertaking audits and investigations. Breaches of the Act can result in the individual and the employing authority being prosecuted.

The QCT recognises that occasionally a sudden, exceptional or unforeseen circumstance may arise which challenges an employing authority to engage a registered teacher. For instance, a registered teacher may through sudden illness or accident, leave a school with a vacancy that cannot immediately be filled with another registered teacher.

Should an employing authority engage a person who is not a registered teacher or holder of PTT, to undertake the duties of a teacher, notwithstanding the circumstances, the QCT reserves the right to take compliance action.

In such circumstances, in deciding what compliance action may be taken, the QCT will consider a range of factors including whether the school has-

- undertaken and documented a rigorous and timely process for identifying and appointing a registered teacher
- demonstrated the staffing schedule and daily time-table reflects the school is fully staffed with registered teachers (or approved teachers) and that any other persons assisting in the education program are in addition to, and not substituted for, members of the regular teaching staff of the school
- considered other options, including re-scheduling and timetabling of classes, as well as relief teachers
- implemented a rigorous and structured short-term supervisory arrangement for a strictly limited time, and if teaching is part of the supervisory arrangement a registered teacher must have a physical presence within close proximity of the teaching space to enable ease of contact, periodic observation and immediate intervention if required
- continued to pursue an extensive, active and vigorous search for a registered teacher
- applied to the QCT for a PTT, if a registered teacher is not available but the employing authority is of the opinion that another person has the knowledge, qualifications, skills or training in a particular subject or discipline
- ensured that any person employed satisfied any other relevant legislative requirements, including but not limited to, the requirement for a current positive notice for working with children check – that is, the person holds a current blue card.

The welfare and best interests of all students at the school should, at all times, be the paramount objective of the responsible employing authority and this principle would guide the determination of an appropriate compliance action to be undertaken by the QCT.

For further information visit www.qct.edu.au/about/Compliance

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