

Authority to Employ an Unregistered Person in the Northern Territory

POLICY

TRB

**TEACHER REGISTRATION BOARD
of the Northern Territory**

Authority to Employ an Unregistered Person in the Northern Territory

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1. Overview

The Teacher Registration Board of the Northern Territory (the Board) may, under certain circumstances, authorise an employer to employ an unregistered person as “a teacher” for a specific period not exceeding one calendar year.

Under section 4 of the *Teacher Registration (Northern Territory) Act 2004* (the Act), a teacher is defined as:

a person who is qualified to program and deliver a course of instruction at a school and to assess the work of students in relation to that course of instruction.

Consequently, persons employed as support staff (including, for example, teachers’ aides, teachers’ assistants, student teachers and unpaid volunteers) are not employed under authorisation.

2. Purpose

The intent of the Act in providing for the employment of unregistered persons is that, in certain circumstances the Board may grant authorisation to an employer to employ a person to teach who does not hold the prescribed qualifications for registration.

A person who is thus employed usually is referred to as being “employed under authorisation” or “the authorised person”.

Normally, persons employed under authorisation are subject to the provisions of the *Teacher Registration (Northern Territory) Act 2004* unless explicitly exempted in the Act.

3. Scope

Section 11(c) provides that the Board may grant authorisation if satisfied it is appropriate to do so.

The Board is of the view that it cannot be so satisfied where the teaching standard may be of a lesser standard to other options reasonably available to the employer.

Section 41 provides for the employer to apply for authorisation.

Section 42 provides that the Board must be satisfied that the unregistered person:

- a. is fit and proper person to teach;
- b. is competent to teach each subject specified at the level specified in the application; and
- c. will be appropriately supervised.

4. Definitions

Word / Term	Definition
Approved Initial Teacher Education Course	Means a Board approved Initial teacher Education program
Approved form	Means a form approved by the Board
Authorisation	Means an authorisation under Part 5 of the Act to employ or otherwise engage an unregistered person to work as a teacher
Board	Means the Teacher Registration Board of the Northern Territory
Employer	Of a person, means a person who employs or otherwise engages the person to work as a teacher
Professional development condition	Means, for an authorisation – the condition that the authorised person in relation to whom the authorisation has been granted comply with the requirements of the Professional Development Framework
School	See section 5 of the <i>Education Act 2015</i>
School year	Means the period from the beginning of the first term to the end of the last term within the same calendar year.
Unregistered person	Means a person who is not registered as a teacher under the Act

5. Policy

5.1 Categories of Authorisation

There are four categories under which an employer might apply for Authority to Employ:

Category One:

Applicants who are less than four year qualified: Applicants in this category are experienced teachers and generally will have completed at least three years of tertiary education including at least one year of approved initial teacher education.

Matters to consider when assessing an application for authorisation:

- Qualifications may not meet national requirements (including the number of practicum days completed teaching in a school Act)
- Teaching experience
- In some circumstances repeat authorisations may require that the person enrol in a course of study to upgrade qualifications to meet the requirements for registration
- Where an unregistered person has been required to enrol in further study and/or has not demonstrated satisfactory progress towards the award the Board will consider granting authorisation only after considering the individual circumstances of the person and the employer
- Where the Board refuses to grant authorisation the Board will give the applicant written notice of the Board's decision and return all documents given to the Board
- Each application for authorisation will be considered on a case by case basis

Category Two:

Applicants who have specialist knowledge and skills: Applicants in this category are people who have specific knowledge and skills required for a particular teaching position, most commonly music, language other than English and culture programs.

Matters to consider:

- Likelihood of a registered teacher being available in the specialist area
- Repeat authorisations will be granted upon presentation of proof of enrolment in an initial teacher education course and/or satisfactory progress through the course.
- In some circumstances repeat authorisations may require that the person enrol in a course of study to upgrade qualifications to meet the requirements for registration.
- Where an unregistered person has been required to enrol in further study and/or has not demonstrated satisfactory progress towards the award the Board will consider granting authorisation only after considering the individual circumstances of the person and the employer.
- Where the Board refuses to grant authorisation the Board will give the applicant written notice of the Board's decision and return all documents given to the Board.
- Each application for authorisation will be considered on a case by case basis

Category Three:

Teach for Australia Associates: The Teach for Australia program is designed for schools classified as educationally disadvantaged. Applicants in this category are enrolled in the Teach for Australia program and are sought by employers to employ as an unregistered person in the Northern Territory.

Matters to consider:

- Likelihood of a registered teacher being available. Applications for placement in a city or major centre may find it more difficult to demonstrate there is no such likelihood.
- Clusters of Associates in each school

Category Four:

Pre-service teachers: Applicants in this category are pre-service teachers who are in their fourth year, final semester of undergraduate study or who are in their final semester of an initial teacher education postgraduate program at Charles Darwin University or other Australian universities that have pre-service teachers completing practicum experiences in Northern Territory schools.

Matters to consider:

- All course requirements for Professional Experience have been completed
- A maximum of two (2) units left to complete, which are not Professional Experience units
- Good standing of the pre-service teacher
- Supervision arrangements
- Likelihood of a registered teacher being available

5.2 Assessment decision making

The Board uses the following to assist in making decisions for all categories:

- Whether providing the authorisation is consistent with the development and improvement of the professional teaching standards; and
- Whether providing the authorisation is consistent with promoting best practice in teaching in the Territory

The Board may seek additional information with regard to the application, including information about the school with the applicant's permission.

5.3 Repeat Authorisations

For all authorisations granted, as stated in section 42(3) of the Act, the authorisation is subject to:

- (a) a condition that the authorised person comply with the requirements of the Professional Development Framework; and
- (b) any other conditions that Board considers appropriate

It is a requirement for Repeat Applications for Authorisation to provide the following documents:

- Professional development log indicative of 20 hours of completed professional development activities within a calendar year period, aligned to the Australian Professional Standards for Teachers
- For Category 1 and 2 applicants, evidence that the authorised person has enrolled in an approved Initial Teacher Education Course and/or demonstrate satisfactory progress towards the award of the qualification to provide eligibility for teacher registration.

5.4 English Proficiency – Competence to Teach

Under regulation 5 of the Teacher Registration (Northern Territory) Regulations 2004:

...

(2) For section 42(1)(b) of the Act, in deciding whether an unregistered person is competent to teach each subject at a level as specified in an application for authorisation in relation to the person, the Board must take into account whether the person:

- (a) Is able to teach the subject at the level specified in accordance with the professional teaching standards approved by the Board under regulation 9; and
- (b) Is proficient in the English Language

(3) However, despite subregulation (2)(b), for a person who will only teach a foreign language under an authorisation, the Board may be satisfied the person is competent to teach despite not being proficient in the English language.

English language proficiency may be determined by one of the following English language tests approved by the Board:

- the International English Language Testing System (IELTS);
- the International Second Language Proficiency Ratings (ISLPR);

English language proficiency assessment is not required where the higher education study (or qualifications assessed as comparable) have been undertaken in English in Australia, New Zealand, the United Kingdom, United States of America, Canada and the Republic of Ireland. [These are countries accepted under the Australian migration policy as not requiring English language proficiency assessment.]

The minimum requirement is evidence of:

- an IELTS (academic) assessment with an average band score of **7.5** across all four skill areas of listening, speaking, reading and writing – **where there is no score below 7 in any of the four skill areas and a score of no less than 8 in speaking and listening or**
- an ISLPR assessment with a score of level 4 in all four areas of listening, speaking, reading and writing – such assessments are only deemed valid if provided by an approved testing sites where the assessment is teacher focused

The date of the assessment must be within **two years** of the time of the application for authorisation.

Circumstances in which an English language proficiency assessment is required:

The Board considers each application for an authorisation to employ an unregistered person on a case by case basis, and may consider all information pertaining to the application and the context in which authority to employ is being sought to make a decision in line with the Act.

Category 1:

If the person has been awarded qualifications by an institution outside of Australia, English-speaking Canada, Ireland, New Zealand, the United Kingdom or the United States of America the Board:

- will request an English Proficiency Assessment, demonstrating the minimum requirements as outlined above.

Category 2:

If the person has been awarded qualifications by an institution outside of Australia, English-speaking Canada, Ireland, New Zealand, the United Kingdom or the United States of America the Board:

- must be satisfied the unregistered person is competent to teach each subject specified in the application at the level specified in the application as decided in accordance with the Regulations

OR

- may be satisfied the person is competent to teach a language other than English, despite not being proficient in the English language

6. Review

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