

# Maintaining Proficient Teacher Accreditation Procedure

Information for principals/early childhood service directors/employers

May 2024

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# Information for principals, service directors and employers

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NESA oversees the system of accreditation and recognition of teachers' professional capacity against the [Australian Professional Standards for Teachers \(the Standards\)](#) which includes the requirements and processes for maintaining Proficient Teacher accreditation. The functions of NESA do not extend to industrial matters concerning teachers, such as the salaries or employment conditions of teachers.

This document outlines the procedures for principals/service directors and employers supporting teachers maintaining accreditation.

## Why must teachers maintain their accreditation?

Teachers who have achieved Proficient Teacher accreditation must maintain their teaching practice at the mandatory level of Proficient Teacher to continue to teach in a NSW school/service. Maintenance requirements apply to all teachers whether they are full-time, part-time or casual.

Maintenance of Proficient Teacher accreditation is voluntary for non-school/service based teachers.

Teachers accredited at Proficient Teacher have already demonstrated their practice meets the Standards. The focus of maintaining Proficient Teacher is to stay up to date with professional practice by meeting professional development (PD) requirements.

Teachers who meet PD requirements will remain accredited at Proficient Teacher unless grounds for suspension or revocation of their accreditation arise.

## Employers play an important role in teachers' professional growth

Employers are responsible for supporting teachers maintaining accreditation by providing and ensuring access to appropriate quality professional learning opportunities suited to their needs and contexts.

### Early childhood employers

Early childhood employers are entities who employ and appoint teachers to the position of an early childhood teacher in approved centre-based service(s). Employers may hold more than one provider approval according to the Children (Education and Care Services) National Law (NSW).

Through engaging in a range of ongoing PD activities, teachers update their knowledge and skills in pedagogy, curriculum, learning and assessment, wellbeing and safety in order to have the greatest impact on improving student/child learning.

### PD activities should meet the needs and contexts of your teachers

The NESA Professional Development Framework is developed to guide teachers, principals/service directors and employers to identify types of PD activities that best suit teachers' professional needs and context.

## Non-school/service based teachers

Maintenance of Proficient Teacher accreditation is **voluntary** for teachers in a [non-school/service based role](#). They can maintain their accreditation if they are able to meet the 100 hours PD requirement by the end of their maintenance period.

For non-school/service based teachers choosing to maintain their accreditation, employers play an important role in supporting their teachers to participate in professional development activities related to the Standards.

## Employers must have procedures for Proficient Teacher accreditation

Employers are responsible for ensuring that any individual they employ as a teacher is actively accredited to teach in NSW.

Employers must have internal procedures for implementing NESA's requirements for maintaining Proficient Teacher accreditation in their schools/services and must provide all teachers with a copy/access to all relevant procedures.

### Who is covered by the internal procedures?

An employer's internal procedures for implementing NESA's requirements for Proficient Teachers maintaining accreditation apply to:

- principals
- service directors, or equivalent
- casual, part-time and full-time teachers
- non-school/service based teachers who choose to maintain their Proficient Teacher accreditation
- teachers regularly working in the school/service placed by a third party (e.g. employment agency).

### Definition of a 'service director'

A 'service director' is a teacher accredited at Proficient Teacher or above who has some seniority over the teachers whose practice they are making an accreditation recommendation or attestation for. This teacher may not have the title of 'service director' as it is commonly known in an early childhood service. The function of the service director may be assigned to an accredited teacher in the same service, or may be delegated to another teacher within the employer. If there is no one to carry out the function of the service director role, the employer must contact NESA.

### What must the internal procedures cover?

These internal procedures must include processes to ensure the employer fulfils their obligation in the following areas.

#### Support teachers to maintain practice at Proficient Teacher

- timely feedback is provided to all teachers about their demonstration of practice at the Standards, including where teachers are at risk of not meeting the requirements for accreditation
- issues related to a teacher's practice not maintaining the applicable Standards are addressed as and when they arise at any point during the maintenance period

- any concerns relating to teachers' ongoing professional practice are addressed through appropriate support.

### **Notify teachers who are at risk of or fail to maintain their practice at Proficient Teacher**

The employer's internal procedures should ensure:

- teachers who are at risk of not meeting the relevant Standards are advised of the employer's obligation to notify NESA where grounds for suspension and revocation are determined
- teachers are notified of the determination following a completed/substantially completed performance process where they are found to not meet the Standards at Proficient Teacher
- teachers are given 28 days to respond to the notice before a principal/service director/employer notifies NESA of the relevant decision.

### **Notice periods**

All references to a number of days in this procedure excludes school holidays and employer shutdown periods (as applicable), except where NESA issues 14 days' written notice of an intention to revoke or suspend a teacher's accreditation (which includes school holidays and employer shutdown periods).

The notification to the teacher must include:

- the reasons for the principal/service director/employer's decision, including the Standard Descriptors that the teacher's practice does not meet
- details of the appropriate and timely support and advice provided to the teacher regarding maintaining practice at the Standards
- the feedback and support provided to the teacher, which may include intervention strategies or an improvement plan to support the teacher, and the outcome of implementing those strategies/plans/support; and
- the teacher's right to respond to the written notice within 28 days and address the issues identified.

### **Employer's performance process**

- Employers must provide appropriate and timely support to the teacher to meet the specific Standard Descriptor(s) identified as an issue in the teacher's practice.
- A **substantially completed** performance process relates specifically to the circumstance when the employer has provided the relevant support to address identified issues and a determination has been made that a teacher's practice does not meet the Standards at Proficient Teacher, but the teacher resigns prior to having fully completed the performance process, and an employer accepts that resignation.

### **Notify NESA of the relevant decision**

Following the completion/substantial completion of the performance process, if the employer has determined that the teacher has not maintained their practice at Proficient Teacher, the principal/service director/employer must notify NESA of the relevant decision by:

- providing written notification to NESA ([TAnotifications@nesa.nsw.edu.au](mailto:TAnotifications@nesa.nsw.edu.au)) of the decision within 28 days of the date of the decision
- including in the written notification evidence relating to the teacher's failure to maintain the Standards.

Evidence that accompanies the notification to NESA ([Section 11.5.1 of the TA Manual](#)) must include:

- reasons for the decision that the teacher fails to meet the Standards
- evidence of the teacher's failure to demonstrate that their teaching practice continues to meet the applicable Standards/Standard Descriptors at any time during their maintenance period
- evidence that the teacher has been given written notice and 28 days to respond to the principal's/service director's or employer's judgement that they have failed to maintain their practice at the Standards, including any response received from the teacher; and
- evidence that the teacher has been provided with appropriate and timely support and advice about maintaining practice at the Standards, in line with the employer's internal procedures for maintenance of accreditation.

## Relevant decision

A 'relevant decision' in relation to a teacher's performance is a decision:

- to dismiss or place employment conditions on a teacher because of the teacher's failure to demonstrate that their teaching practice continues to meet the applicable Standards
- to accept the resignation of a teacher prior to the substantial completion of a performance process and/or taking disciplinary action that could lead to the termination of the teacher's employment for failing to demonstrate that their teaching practice continues to meet the applicable Standards.

## Management of teacher accreditation matters

The employer's internal procedures must ensure:

- conflicts of interest relating to teacher accreditation are managed
- any complaints and, grievances about maintaining Proficient Teacher accreditation are managed
- records related to notifications that a teacher has not maintained their practice at Proficient Teacher are kept and provided to NESAs on request.

## NESA makes an accreditation decision

Where NESAs make a decision that the teacher has successfully maintained their accreditation, they will be notified of the accreditation decision by email. They will start a new maintenance period the day after their current period ends.

You will be able to view their accreditation status in your NESAs online account (eTAMS).

Where NESAs are notified by a principal/service director/employer that a teacher's practice does not meet the Standards, NESAs:

- may contact the principal/service director/employer and request further information or documentation to ensure due process has been followed and to inform our decision, and
- will review the evidence provided by the employer and make an accreditation decision
- may place conditions on the teacher's accreditation for a period of time and review their accreditation at the end of the period.

If NESAs find that the teacher has failed to maintain their accreditation, NESAs will issue 14 days' written notice of an intention to [revoke](#) the teacher's accreditation. They can respond to the notice and provide relevant information to inform NESAs's decision.

Teachers can also apply to NESAs for an [internal review](#) of a decision that they have not maintained their accreditation.

If the teacher is not satisfied with the outcome of the internal review, they can apply to the NSW Civil and Administrative Tribunal (NCAT) for a review of NESA's decision.

## **What if a teacher fails to meet PD requirements and/or submit their maintenance by the end of their timeframe?**

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A teacher will be at risk of their accreditation being suspended if they do not:

- submit their maintenance to NESA by the end of their timeframe; or
- meet the PD requirements; or
- provide their PD log within 28 days if requested by NESA.

If a teacher fails to meet their maintenance of accreditation requirements, NESA will provide the teacher with 14 days' written notice of an intention to suspend their accreditation.

The notification to the teacher will include:

- the grounds for the suspension of the teacher's accreditation
- advice that the teacher may make a submission to NESA about the intention to suspend their accreditation within 14 days.

If at the end of the 14 day notice period, the grounds to suspend the teacher's accreditation remain, NESA will notify the teacher and their employer that the teacher's accreditation has been suspended and immediately remove them from the NSW Public Register of Teachers.

A teacher whose accreditation is suspended is no longer accredited and is not eligible for employment as a teacher in any NSW school/service.

### **Review of suspended accreditation**

NESA will review the suspension of teachers who fail to meet the maintenance of accreditation requirements every 3 months to determine whether the grounds for suspension remain. If the grounds for suspension remain for 12 months or more, NESA may decide to revoke the teacher's accreditation.

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## NSW Education Standards Authority

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NSW Education Standards Authority  
GPO Box 5300  
Sydney NSW 2001  
Australia

Teacher Accreditation  
Phone: 1300 739 338  
Email: [contactus@nesa.nsw.edu.au](mailto:contactus@nesa.nsw.edu.au)  
[educationstandards.nsw.edu.au](http://educationstandards.nsw.edu.au)

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