The use of the Institute of Teachers Regulation 2010 to employ trainers who are not accredited with the NSW Institute of Teachers.

The Institute of Teachers Regulation includes the following clause:

12. Exemption from requirement to employ accredited teachers only
(1) A person (the employer) who employs an unaccredited person to teach in a non-government school is exempt from the operation of section 29 or 35 of the Act in respect of that unaccredited person if:
   (a) the employer is a registered training organisation, and
   (b) the unaccredited person is employed by the employer only to teach the necessary courses required to complete a Certificate III qualification for the purposes of the Higher School Certificate, and
   (c) the Institute is satisfied that the employer has not been able to find an appropriate person who is accredited to teach such courses.
(2) In this clause:
   registered training organisation has the same meaning as in the Vocational Education and Training Act 2005.
   unaccredited person means a person who is not accredited.

The Institute of Teachers Regulation 2010 was developed to bring highly skilled and qualified trainers into non-government Trade Training Centres to deliver training in areas where schools are unable to get a person who meets both the NSW Teachers Institute requirement and the VET teacher requirements.

The Regulation mentions Certificate III because there is a shortage of trained teachers who hold trade level qualifications. On the ‘Certificate III’ only, there is some room to interpret in the spirit of the Regulation – it covers ‘areas where NSW school sectors don’t train teachers’ – so schools can use it for BECs, or for frameworks without training, like Electrotechnology or Automotive ICFs, even if delivery is at Certificate II level (pathway to Certificate III).

This regulation would allow a TAFE teacher (or other qualified VET trainer) to teach in a school if a trained school teacher couldn’t be found. It was a very controversial regulation, contested by the Teachers’ Federation, but endorsed by Minister Tebbutt. It is not available to government schools. Non-government schools must be very careful in its use. The BOS is aware of the regulation and will audit its use during school accreditation audits.

The clause about ‘finding an appropriate person’ is important – schools have to show clear evidence that they have advertised and been unsuccessful in finding an applicant who meets both institute and VET requirements. It is also important that the trainers don’t teach on any other course except for the VET program for the HSC that can’t be staffed.

The Regulation does NOT provide a mechanism to bring non-teachers into the teacher training program – neither the orientation, the IST or the Certificate IV. The cross-sectoral teacher training program is available only to trained teachers. This forms the basis of negotiation when school sectors map and plan the streamlined training programs. Our DEC partners are very firm on this rule.

RTOs/ schools are encouraged to support trained teachers in undertaking VET training to meet the teacher training program benchmark. The ARC will provide unsuccessful applicants with advice on how they can prepare to meet the benchmark in particular framework areas.