

# REVIEW OF THE BOARD OF STUDIES, TEACHING AND EDUCATIONAL STANDARDS



REPORT OF THE INDEPENDENT PANEL

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Review of the Board of Studies, Teaching and Educational Standards  
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**The Hon. Adrian Piccoli, MP**

Minister for Education  
52 Martin Place  
Sydney NSW 2000

Dear Minister

In March 2016 you commissioned this review of the role, functions, structure and membership of the Board of Studies, Teaching and Educational Standards (BOSTES). You asked the reviewers to report on how the organisation could best serve the community of New South Wales into the future by setting high and consistent education standards, building the best quality teaching and associated workforce, and improving outcomes for students.

Our review has consulted widely, meeting more than 100 stakeholders in face-to-face interviews, receiving 43 written submissions, and commissioning a survey responded to by 4,722 principals, teachers, parents and students.

BOSTES is very well-regarded by stakeholders. The current organisation and its predecessors, the Board of Studies and the Institute of Teachers, have enviable records of leadership and innovation in the service of NSW's high education standards.

Looking forward, we have identified four core themes for the next phase of reform: cutting red tape and shifting to an outcomes-focused and risk-based approach to regulation; directing effort to areas that will have the greatest impact on student outcomes; improving strategy and agility; and ensuring clearer accountability and decision making.

On behalf of my colleagues, I am pleased to present our report. We are convinced that our recommendations will support NSW's evidence-based approach to educational reform, and its aspiration to create a high-performing education system underpinned by a high-quality teaching workforce and focused on improving outcomes for all students.

I am most grateful for the expertise of my fellow reviewers, Ms Lisa Paul AO PSM and Dr Phil Lambert PSM and our secretariat, Ms Jacki Hayes, Ms Claire Todd and Ms Sarah Egan. They have made preparation of this report a pleasure as well as a privilege.

We thank you for the opportunity to conduct this important work.

Yours sincerely

**Emeritus Professor William Loudon AM**

Chair  
29 June 2016

# CHAPTER 1:

## EXECUTIVE SUMMARY

The educational landscape has evolved significantly over the past decade – both nationally and within New South Wales.

Nationally, an Australian Curriculum has been developed and endorsed in eight learning areas, national standards for accreditation of teachers and initial teacher education programs are in place, and so too are national bodies to support state and territory efforts. New South Wales has had a leading role in many of these developments.

Within New South Wales, there is a focus on evidence-based reforms to create a high-performing education system that is underpinned by a high-quality teaching workforce and focused on improving outcomes for all students.

As part of this reform agenda, the NSW Government created the Board of Studies, Teaching and Educational Standards (BOSTES), which brought together for the first time the four education pillars of curriculum, assessment, school regulation and teaching quality.

The challenge for education systems around the world, including in New South Wales, is to strive for continuous improvement, recognising that even when much has been achieved there is more that can be done to support students to achieve their full potential. This requires a willingness to reflect, assess and change.

It is within this context that the independent Review Panel was formed, to consider whether the role, functions, structure and membership of BOSTES continue to best serve the community.

### CONCLUSIONS

The Review Panel has been impressed by the commitment of BOSTES to support students, schools and the teaching profession to attain high standards. There is confidence in education standards in New South Wales and support for the role of BOSTES and its expert staff.

The continuing guardianship of the Higher School Certificate (HSC) by BOSTES is acknowledged by the Review Panel. The Panel is aware that a separate, detailed analysis of the HSC has recently been undertaken and does not consider it within scope of its terms of reference to revisit that work as part of this review.

The Review Panel supports the strongly held view that the current functions of BOSTES should be retained in a single, independent statutory authority.

Two-and-a-half years on from the amalgamation of the former Board of Studies and Institute of Teachers to create BOSTES, it is appropriate to reflect on the extent to which the benefits that were intended have been fully realised. From this perspective, the Review Panel considers that there is further work to be done.

Full integration of the two organisations is yet to occur in practice, and the consolidation of functions has not yet led to the strong alignments anticipated between curriculum, assessment, school regulation and teaching quality.

When the former organisations were established the education architecture and policy landscape were significantly different from what is in place today. While New South Wales was a leader in many national reforms, the Review Panel considers BOSTES has not taken full advantage of these national developments, and is now needlessly duplicating curriculum and some regulatory processes.

At the same time, changes within New South Wales, such as the expansion of the teacher accreditation regime that will soon include all early childhood and school teachers, are placing

significant pressures on existing processes and systems. New approaches are required if BOSTES is to build on past achievements and ensure the focus on high standards is maintained.

Four core themes have emerged from the review that the Panel considers should guide the next phase of reform for BOSTES (see **Figure 1**):

- shifting the regulatory focus to one that is outcomes and risk based
- directing effort to areas that will have the greatest impact on student outcomes
- improving strategy and agility
- ensuring clearer accountability and decision making.

### **A NEW APPROACH TO REGULATION**

The Review Panel found that there is significant scope for BOSTES to shift towards more outcomes-focused and risk-based regulation.

The Board's regulatory processes are currently administratively burdensome for schools, teachers, employers and, indeed, for BOSTES itself.

The Review Panel recommends a number of changes to the organisation's regulatory approach, while still maintaining appropriate rigour. The administrative burden on schools for the renewal of registration can be reduced if greater emphasis is placed on the requirement for principals to certify the existence of policies and procedures. This would enable the school registration process to focus more on the determinants of student learning, rather than minimum levels of compliance. Better integration of school registration and Teacher Accreditation Authority (TAA) renewal processes will also reduce red tape for schools.

Assessment of teachers at Proficient level should rest with the TAAs, with BOSTES focused on ensuring the integrity and consistency of processes rather than detailed checking of documents. The Review Panel also recommends a new approach to approving professional development providers, giving teachers a direct role in assessing course quality in real time.

A streamlined approach to regulation needs to be accompanied by a strong focus on quality assurance and a risk-based and proportionate approach to compliance. The Review Panel recommends that BOSTES creates a stronger audit capacity and clearer mechanisms to deal with compliance issues. For school registration, this includes greater capacity for random spot checks to ensure regulatory compliance, which would be extended to all schools regardless of sector.

### **EFFORT DIRECTED TO AREAS OF GREATEST IMPACT**

The Review Panel considers that shifting the regulatory effort and reducing red tape will release resources that should be redirected to areas of high impact on student outcomes.

For example, the Review Panel recommends that BOSTES be provided with the authority to undertake thematic reviews into priority issues, including in areas where student performance suggests greater attention is required. These reviews would be undertaken in a sample of schools across sectors to inform policy and practice.

Reducing duplication of effort by ensuring that BOSTES engages earlier and more constructively in national processes and makes maximum use of nationally developed resources for curriculum and teaching, will provide clarity for teachers and schools. It will also release resources that can be directed towards strengthening teaching and learning.

In particular, the Review Panel recommends a principle of 'adopt and adapt' to the implementation of the Australian Curriculum, whereby the current syllabus development process is significantly streamlined, overcrowding reduced and teacher professional judgement supported. This will ensure the focus on high standards in New South Wales is maintained, but responsiveness is improved so that new content is available to NSW students in a more timely fashion.

It will also provide increased capacity for the organisation to focus on areas identified as needing greater attention. This includes an increase in the number of primary specialists in the organisation,

given the importance of the early years in the development of student learning. Similarly, resources should also be directed to enhancing support for teachers in the use of formative assessment in the classroom to improve student learning outcomes.

### **IMPROVED STRATEGY AND AGILITY**

The Review Panel has concluded that to achieve the reform directions identified above, and to meet the challenges facing all jurisdictions in the continuing drive for high education standards, the organisation requires a greater degree of agility and a more strategic and outward-looking focus.

The Review Panel's recommendation for an annual Letter of Expectation, which sets out the Minister for Education's priorities, will assist in this regard. So too will the Panel's recommendations for refreshed governance arrangements, which aim to support the governing body to focus more on strategy and direction setting.

This will also support efforts to strengthen the strategic alignments between curriculum, assessment, teaching and school standards. The Review Panel recommends that the organisation more fully harness the range of data it now holds to inform the way it fulfils its core regulatory responsibilities. To support this, the organisation needs to build its capabilities for strategic data analysis and strengthen its collaboration with evaluation experts.

### **CLEARER ACCOUNTABILITY AND DECISION MAKING**

A clear theme that has emerged from this review is the need for greater clarity of regulatory roles and responsibilities.

The Review Panel recommends a range of changes to governance arrangements, more clearly defining roles and responsibilities, establishing more transparent lines of decision making and ensuring teaching quality and professional standards matters are afforded equal status with curriculum and assessment. These changes will also ensure greater transparency in the oversight of teacher accreditation funds.

To achieve this a refreshed governing board is proposed, which reflects the breadth of the education sector as well as a broader, public interest in high education standards. The board would be supported by a committee structure that aligns with the core regulatory functions, has delegated decision-making authority and also continues to ensure significant stakeholder input into the work of the organisation.

Finally, the Review Panel has found that the current nomenclature is confusing. Both the governing body and the organisation that supports it are referred to by the same names – the “Board” or “BOSTES”. The Panel recommends a change of name to the *NSW Education Standards Authority* to make clear the distinction between the two. This will also serve to reflect the authority it holds across many spheres of education in New South Wales.

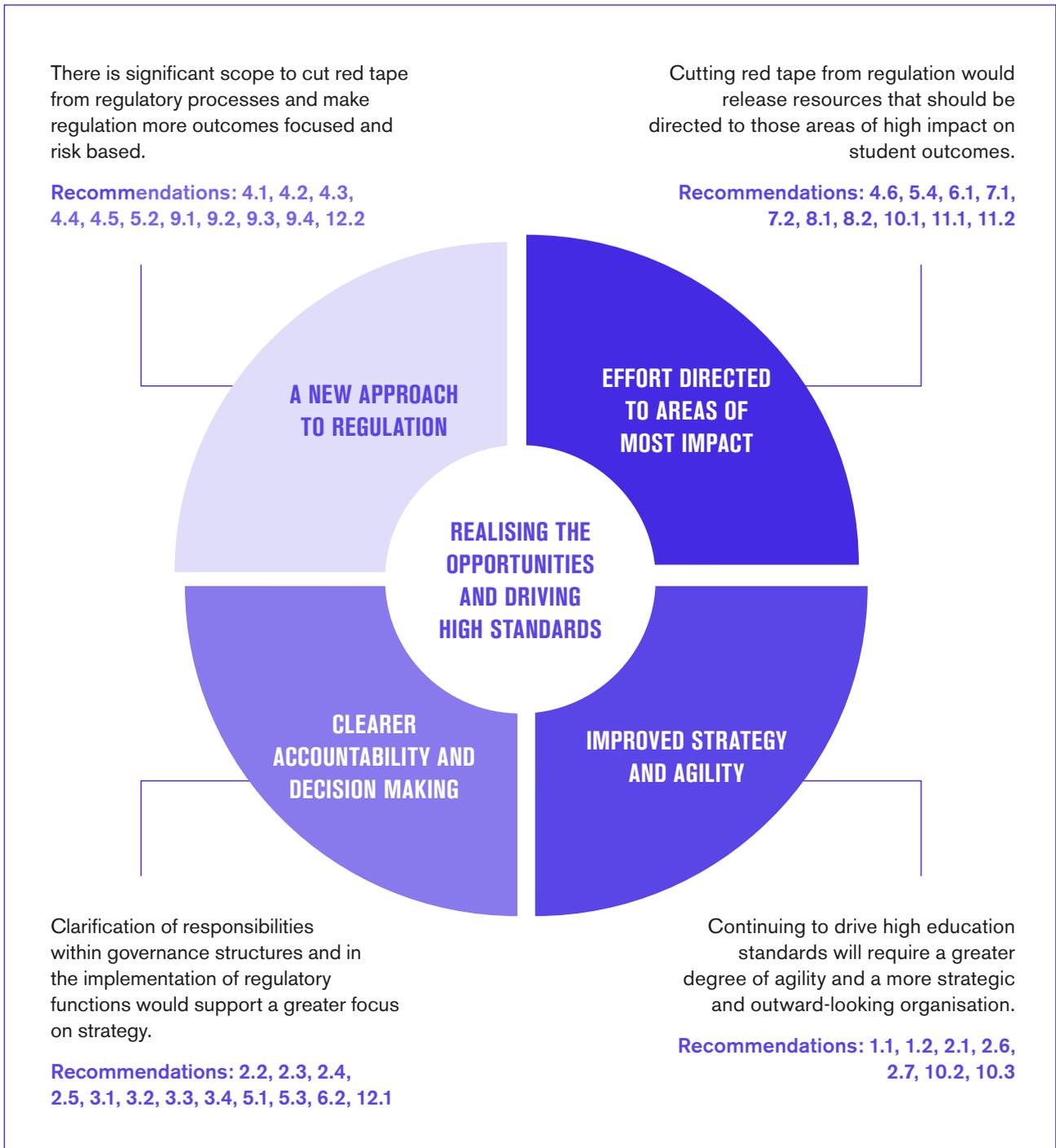
### **NEXT STEPS**

The full suite of the Review Panel's recommendations identified in this report are set out on page 7.

Taken together, the Panel's proposals will support the opportunities of the amalgamation to be more fully realised. Importantly, the recommendations will ensure New South Wales continues its focus on driving high education standards to support the learning needs of all students.

Some recommendations made by the Review Panel will require amendment to the *Board of Studies Teaching and Educational Standards Act 2013*, *Teacher Accreditation Act 2004* and *Education Act 1990*. These are highlighted in Appendix E.

Figure 1: **Four core themes emerging from the review**



## RECOMMENDATIONS

### **Recommendation 1: Retain the functions and responsibilities of BOSTES as an independent statutory authority**

- 1.1 Institute an annual Letter of Expectation from the Minister for Education, with an annual report back to the Minister.
- 1.2 Change the name of the organisation to the NSW Education Standards Authority.

### **Recommendation 2: Change governance arrangements to clarify roles and complete the amalgamation of the former Board of Studies and Institute of Teachers**

- 2.1 Establish a governing board of the Education Standards Authority which has a strategic and outward-looking focus.
- 2.2 Separate the role of the Chair of the board from that of Chief Executive.
- 2.3 Appoint an independent, part-time Chair of the board, with the appointment to be made by the Minister.
- 2.4 Develop a charter that describes the responsibilities of the board in relation to strategy, regulatory matters, finance, governance and meeting the priorities set out in the Minister's Letter of Expectation.
- 2.5 Give teaching quality and professional standards matters equal status with curriculum, assessment and school regulation on the work plan of the board.
- 2.6 Appoint a board of 12 to 14 members, with:
  - a. members chosen and appointed by the Minister, in consultation with the Chair, and including the Chief Executive of the NSW Education Standards Authority
  - b. up to six of the members being drawn from the three school sectors, teachers' unions and Aboriginal education
  - c. a further four to six members being appointed with regard to the teaching and school leadership professions, universities, parents, early childhood education, special education, business acumen and strategic advisory skills
  - d. appointments having regard to ensuring expertise, knowledge and commitment to the objectives of the Authority
  - e. members to exercise their powers in the interests of the Authority and students.
- 2.7 Introduce fixed-term tenure for board members with:
  - a. two terms of three years (with the possibility of a third term where required for board continuity)
  - b. terms to be staggered to support a short period of transition to the new arrangements and ongoing board stability.

### **Recommendation 3: Focus the board's work on strategic policy issues by establishing five Regulatory Committees and two additional board committees**

- 3.1 Establish a committee for each of the five regulatory functions:
  - a. a Quality Teaching Committee responsible for teacher accreditation and registered professional learning functions
  - b. a Curriculum Committee responsible for syllabus development functions
  - c. an Assessment Committee responsible for technical assessment issues
  - d. a School Registration Committee responsible for school registration and accreditation functions
  - e. an Initial Teacher Education Committee responsible for initial teacher education accreditation functions.
- 3.2 Base the Regulatory Committees at recommendation 3.1 on the following principles:
  - a. functions formally delegated from the board

- b. operating on the basis of clearly defined charters
  - c. chaired by a non-executive member of the board
  - d. capacity to establish sub-committees, time-limited working groups or other consultative mechanisms as needed.
- 3.3 Establish the Quality Teaching Committee as a 10-member committee, with five members appointed by the board having regard for employers, parents and teacher industrial organisations, and five elected from practising teaching professionals (school and early childhood).
- 3.4 Establish two additional board committees to provide advice directly to the board:
- a. a Finance, Audit and Risk Committee
  - b. a Research and Technical Committee, chaired by a non-executive member of the board.

**Recommendation 4: Take a more rigorous and risk-based approach to school registration, focusing on the determinants of student learning not minimum levels of compliance**

- 4.1 Reduce the current administrative burden of compliance on schools by placing greater emphasis on the requirement for principals to certify the existence of evidence for school registration renewal requirements.
- 4.2 Better integrate requirements for the registration of Teacher Accreditation Authorities (TAAs) into the school registration process.
- 4.3 Increase the number of random and risk-based audits in non-government schools, and extend this to systemic non-government and government schools.
- 4.4 Increase the range of enforcement mechanisms for school registration, which should be risk-based and proportionate, for example:
- a. enforceable conditions on registration
  - b. public disclosure requirements for schools with conditions on registration.
- 4.5 Introduce a 'fit and proper person' test for responsible persons of registered schools and a financial viability criterion for initial school registration.
- 4.6 Introduce thematic reviews into priority areas based on a sample of schools across sectors, for example, to support a stronger focus on the teaching of writing and primary mathematics.

**Recommendation 5: Improve the effectiveness and efficiency of regulatory processes for teacher accreditation**

- 5.1 Clarify the respective roles of the TAAs and the NSW Education Standards Authority, where the TAAs remain responsible for the accreditation decision of teachers at Proficient level and the Education Standards Authority's responsibility is limited to a risk-based auditing function for ongoing quality assurance.
- 5.2 Streamline processes for the maintenance of accreditation at Proficient level where TAAs have in place performance management and development systems aligned to the Professional Standards.
- 5.3 Assign sole responsibility for the suspension or revocation of teacher accreditation to the NSW Education Standards Authority, through the Quality Teaching Committee, with a requirement for:
- a. cross-sectoral panels to be established to determine decisions in relation to suspension or revocation
  - b. employers to notify the NSW Education Standards Authority of information that may result in a suspension or revocation.
- 5.4 Make maximum use of nationally developed resources and only diverge from these where New South Wales is setting a specific and higher standard.

**Recommendation 6: Strengthen teacher accreditation requirements and processes for pre-service teacher education**

- 6.1 Develop the evidence base concerning achievement of the Graduate standard, with particular focus on evidence from the final school practicum, and independent assessment of that evidence.
- 6.2 Provide New South Wales with powers and processes included in comparable interstate legislation, including approving programs with conditions, explicit provisions for suspension or revocation of program approvals and specific provisions for appeals.

**Recommendation 7: Streamline the syllabus development process**

- 7.1 Produce a plan, to be endorsed by the board, for early and more constructive engagement with the Australian Curriculum development and review processes.
- 7.2 Take a more streamlined 'adopt and adapt' approach to the implementation of the Australian Curriculum by:
  - a. removing duplicative efforts particularly by early and constructive engagement in the Australian Curriculum processes
  - b. shortening NSW syllabus development timelines
  - c. publishing a curriculum review and implementation schedule having regard to NSW needs, national priorities and pace of change.

**Recommendation 8: Reduce overcrowding of content in NSW syllabuses**

- 8.1 Provide clear advice to schools about the level of flexibility available to teachers in implementation of current syllabuses, with the focus being on the achievement of syllabus outcomes rather than covering each content dot point.
- 8.2 Specify a smaller amount of essential content in future syllabuses to support increased flexibility for teachers and enable more in-depth treatment of priority areas.

**Recommendation 9: Target regulatory effort for the approval of professional development providers to areas of high priority, simplify existing processes and adopt a user-rating system to monitor quality**

- 9.1 Apply high levels of scrutiny to the approval of providers of professional development in areas identified as state priorities, with specific endorsement from the NSW Education Standards Authority.
- 9.2 Simplify the approval process for all other providers of professional development with a streamlined check of organisational bona fides and financial viability.
- 9.3 Implement a transparent user-rating system that gives teachers a direct role in assessing course quality in real time, with:
  - a. teacher satisfaction ratings registered digitally, which should be close to the time of course completion
  - b. timely publication of aggregated teacher satisfaction ratings for each course on the Authority's website.
- 9.4 Undertake risk-based audits of providers based on teacher feedback, with approvals withdrawn in certain circumstances.

**Recommendation 10: Limit the professional learning activity of the NSW Education Standards Authority to the provision of expert advice and enhance its strategic use of data**

- 10.1 Provide support to schools and sectors only in those areas where the Authority has unique and authoritative insight.
- 10.2 Build capacity within the Authority to analyse and use its data to better inform regulatory policy.
- 10.3 Establish clearer arrangements with the Centre for Education Statistics and Evaluation to support the Authority's strategic leadership of education standards.

**Recommendation 11: Redirect resources released by changes in regulatory processes to strengthen support for teaching and learning**

- 11.1 Reinvest resources released from streamlining syllabus development into:
  - a. curriculum support materials
  - b. an overall increase in the number of inspectors, particularly in primary education with a focus on literacy, numeracy and assessment
  - c. appointing inspectors with subject expertise on a needs basis
  - d. improved support for formative assessment in the classroom and other assessment support materials.
- 11.2 Reinvest resources released from changes to professional development provider approvals into processes and systems to cope with the expansion of the teacher accreditation regime to all teachers.

**Recommendation 12: Review the organisational structure of the NSW Education Standards Authority**

- 12.1 Adopt a principle of alignment as much as possible between the governance structure and organisational structure, with the executive of the Authority encompassing each of the regulatory functions and relevant corporate functions.
- 12.2 Appoint an internal champion focused on reducing red tape and seek external advice to assist the board in achieving substantial cultural change.

**Recommendation 13: Refer issues raised outside the scope of this review to the board of the NSW Education Standards Authority for further consideration**

- 13.1 Consider issues raised by stakeholders that were outside the review terms of reference, including HSC disability adjustments, early childhood teacher and course accreditation, senior secondary vocational education and training subject requirements, and home schooling registration.

## CHAPTER 2: INTRODUCTION

### CONTEXT

The Board of Studies, Teaching and Educational Standards (BOSTES) is responsible for school curriculum, assessment, and teaching and regulatory standards in NSW schools.

BOSTES was established on 1 January 2014 following the passage of the *Board of Studies, Teaching and Educational Standards Act 2013* (the BOSTES Act). It is responsible to the NSW Minister for Education for specific functions under the BOSTES Act, the *Education Act 1990* and the *Teacher Accreditation Act 2004*.

BOSTES essentially amalgamated the functions of the former Board of Studies and the Institute of Teachers. The former Board of Studies was established in 1990 to provide educational leadership through the development of policies, programs and practices in school curriculum, assessment, registration and accreditation. The former Institute of Teachers was established in 2004 to set and monitor quality teaching standards in NSW schools.

### TASK OF THE REVIEW

The Minister for Education commissioned this review to ensure the current role, functions, structure and membership of BOSTES continue to best serve the community of New South Wales into the future by setting high and consistent education standards, building the best-quality teaching and associated workforce, and improving outcomes for all students.

The Minister established an expert Review Panel chaired by Emeritus Professor Bill Loudon AM and including Lisa Paul AO PSM and Dr Phil Lambert PSM, to undertake the review (biographical details of the Review Panel are in Appendix A).

The Review Panel was asked to consult, consider and advise the Minister on the roles and responsibilities of the Board, including the most appropriate governance and organisational arrangements to support the functions of the Board. It was also asked to advise on the nature and scope of BOSTES's role in establishing and monitoring regulatory requirements for schools and teachers and optimum processes for assuring high standards for curriculum, assessment, schools and the accreditation of teachers.

The full terms of reference are set out in Appendix B. The report is organised around the issues raised by the terms of reference.

### TIMEFRAME

The review was announced on 10 March 2016 with a final report due to the Minister at the end of June 2016.

## SUMMARY OF KEY DATES:

Minister for Education announces the review	10 March 2016
Invitation for written submissions released	18 March 2016
Stakeholder meetings commenced	22 March 2016
Issues Paper released	31 March 2016
Written submissions closed	21 April 2016
Online survey for principals, teachers, parents and students released	26 April 2016
Online survey closed	5 May 2016
Final report sent to the Minister for Education	29 June 2016

## PROCESS

Following the announcement of the review, invitations for public submissions opened on a dedicated BOSTES Review website.

The Review Panel released an Issues Paper on 31 March 2016 to support the consultation process. The Issues Paper was sent to key stakeholders and published on the BOSTES Review website. It identified a number of areas for discussion based on the terms of reference, which were split into four high-level questions:

- Have the opportunities of the amalgamation been fully realised?
- Are roles and responsibilities clear and appropriate?
- Are processes and practices as effective and efficient as possible?
- Are effective governance arrangements in place?

Specific issues for consideration were identified under each of these high-level questions. The Issues Paper is included at Appendix C.

Written submissions to the review were able to be made by individuals or organisations, and could be marked confidential. The written submission process closed on 21 April 2016. The Review Panel received 43 submissions from organisations, representative bodies, stakeholder groups and individuals. A list of submissions is provided in the report on consultation at Appendix D.

The Review Panel conducted face-to-face and telephone consultations with a wide range of stakeholders. There were approximately 70 meetings, comprising more than 100 individuals. The Review Panel also met face-to-face on three occasions with the President and executive staff of BOSTES. Details of stakeholder organisations and individuals who met with the Review Panel are provided in the report on consultation at Appendix D.

An online survey was developed to ensure principals, teachers, parents and students were provided with an opportunity to contribute their views in addition to the written submission process. The survey opened on 26 April and closed on 5 May 2016.

The survey was distributed through a variety of channels, including via the school sectors, and 4,722 responses were received. In addition, 47 follow-up telephone interviews were held with principals and teachers who responded to the survey to delve more deeply into some of the issues raised. The survey and follow-up interviews were managed under contract by the Nous Group, with all responses de-identified.

An environmental scan was also undertaken to examine governance arrangements and requirements in New South Wales, interstate and internationally.

The Review Panel met face-to-face and by telephone on numerous occasions to consider their findings and formulate their recommendations. The Panel is grateful to all those who contributed to the review. The information gathered from the consultation process assisted significantly in final deliberations for the review. Appendix D provides a summary of consultation findings.

# CHAPTER 3: OBJECTIVES, ROLE AND FUNCTIONS

## CURRENT ROLE AND FUNCTIONS

BOSTES has brought together the educational cornerstones of curriculum, school regulation, student assessment and teacher quality. Its aim is to ensure a coordinated and sustained focus on improving student learning.

In amalgamating the functions of the former Board of Studies and Institute of Teachers, the NSW Government established a first-of-a-kind in Australia. There is no equivalent independent authority in other states and territories with the same span of functions as BOSTES. It is also unique by international standards in this respect. This uniqueness presents both challenges and opportunities.

The roles and functions of BOSTES are contained in both the *Education Act 1990* and *Teacher Accreditation Act 2014*. This legislation establishes BOSTES as responsible for the following areas of NSW education:

- The school curriculum for primary and secondary school children
- The development, administration and marking of HSC examinations
- The development, delivery and award of the HSC and Record of School Achievement (RoSA) credentials to eligible students
- The implementation of the National Assessment Program – Literacy and Numeracy (NAPLAN) tests as the test administration authority in New South Wales
- The implementation and oversight of NSW teaching quality against the Australian Professional Standards for Teachers, including the accreditation of all teachers, the accreditation of initial teacher education courses, and the endorsement of professional learning
- The development and implementation of registration standards for all NSW schools to operate, and the accreditation of non-government schools to present candidates for the HSC and the RoSA
- The approval of schools to deliver courses to overseas students
- The administration of home schooling registration under delegation from the Minister.

A number of functions that historically rested with the former Office of the Board of Studies were also retained in the new entity. This includes the administration of the Australian Music Examinations Board NSW and the provision of corporate services support to the NSW Aboriginal Education Consultative Group.

In addition to the specific responsibilities prescribed under the education and teaching legislation, the enabling legislation for the amalgamated entity – the BOSTES Act – established the following principal objective of the Board:

*...to ensure that the school curriculum, forms of assessment and teaching and regulatory standards under the education and teaching legislation are developed, applied and monitored in a way that improves student learning while maintaining flexibility across the entire school education and teaching sector.<sup>1</sup>*

In introducing the enabling legislation to Parliament in 2013, the Minister for Education noted that the distinctiveness and policy power of the new body would come from bringing together curriculum, teaching, assessment and educational regulation. This would enable the experience and data associated with each to have a bearing on the other, in order to improve student learning in New South Wales.

<sup>1</sup> BOSTES Act s6(1).

A core focus of the organisation in its first two years has been the implementation of key initiatives under the NSW Government's Great Teaching, Inspired Learning strategy. Great Teaching, Inspired Learning has involved significant structural reforms, with implications requiring negotiations across school sectors, early childhood education and universities. This includes mandatory accreditation requirements for all teachers, academic standards for entry into undergraduate teaching degrees and a common framework for professional experience partnerships between schools and initial teacher education providers.

At the same time, BOSTES has engaged in a range of policy and regulatory reforms, some of which are explored later in this report. This includes a review of teacher accreditation processes, establishing processes in relation to the monitoring of compliance of NSW government schools with school registration requirements, and reforms to the HSC. It has also undertaken reviews of specific aspects of teacher education such as the teaching of primary mathematics, classroom management to support students with special education needs and the effectiveness of online initial teacher education programs.

## **KEY MESSAGES FROM CONSULTATIONS**

There is a high degree of confidence in education standards in New South Wales and significant support for the role of BOSTES and its expert staff. Given the nature of the organisation's responsibilities, there was also an overwhelming view from stakeholders that the entity needs to remain as an independent statutory authority.

Some stakeholders identified additional functions that might more suitably sit with BOSTES such as the regulation of early childhood education and care, including out of school hours care, which is currently the responsibility of the Department of Education. Some stakeholders also suggested that there are some activities currently being undertaken by the Department of Education that could be transferred to BOSTES to support the delivery of its functions. This includes those provided by the Centre for Education Statistics and Evaluation and the activities related to the School Measurement, Assessment and Reporting Toolkit.

The Review Panel also heard from many stakeholders that, in relation to the current functions of BOSTES, there are opportunities to streamline and improve the management of curriculum, teacher accreditation and school registration processes. There was a widespread view that the operations of the organisation are heavily focused on inputs and processes. As a consequence, the regulatory environment has become unduly onerous, overly detailed and slow in responding to change, while not always assuring quality outcomes. Further detail on this is provided in Chapters 5 and 6.

At the same time, there is recognition among a number of stakeholders that further synergies from the amalgamation can be achieved, now that a period of settling has passed. As one stakeholder described it, establishing a greater clarity of purpose that is well communicated would help to ensure the organisation becomes greater than the sum of its parts.

Connected to this, there is general support for BOSTES to take greater leadership than it has to date in developing the inter-relationships between curriculum, teaching and assessment, and having a greater focus on school education standards that moves beyond the necessary requirements of compliance.

Finally, many stakeholders acknowledged the extent of national reforms in education. While no stakeholder advocated ceding any of the state's responsibilities for setting and regulating education standards, there was a desire expressed by some for a clearer articulation of the complementary roles of state and national entities.

## **REVIEW PANEL'S CONCLUSIONS**

The Review Panel acknowledges the strength of BOSTES, which lies in its capacity and commitment to support students, schools and the teaching profession to attain high standards. The former Board of Studies and Institute of Teachers were both nationally recognised as leaders in their

respective fields, particularly in relation to the guardianship of the HSC and in the development of comprehensive teaching standards.

The leadership of the two former entities, the history of success and high levels of stakeholder confidence and ownership, have been rightly carried through to the new organisation. Consequently, the Review Panel supports the strongly held view that the current functions of BOSTES should be retained in a single, independent statutory authority.

Given the organisation's broad remit, however, the Review Panel does not propose an expansion of functions. The amalgamation brought together a significant range of regulatory responsibilities and the organisation needs to focus on ensuring these are delivered in a way that best supports schools, teachers and systems to improve student learning. As noted above, there are aspects of current approaches that could be improved to support a more outcomes-focused, nimble and risk-based approach to regulation. This is particularly in light of the concerns expressed about the capacity of existing processes to cope with the accreditation of the pre-2004 teaching cohort.

The Board's regulatory roles are well defined and supported. However, a question remains about the extent to which, as a regulator, the organisation also has an implementation and support role. The organisation has rightly sought to define the scope of the amalgamated entity in light of the principal objective established in its Act. But in doing so, grey areas have emerged, particularly in relation to school improvement, professional development, and research and evaluation.

The Review Panel has considered where the boundaries of the organisation's remit should lie in the context of the nature and scope of its role and functions (Chapter 5) and the best processes for achieving them (Chapter 6). The Review Panel has concluded that the organisation needs to concentrate its effort at this stage on its core responsibilities. As part of this there are opportunities for the organisation to address the intent of its principal objective, largely by developing stronger alignments between curriculum, assessment, teaching and schooling standards.

To do this, the organisation needs to become more strategic, agile and forward looking. It needs to focus its energy and redirect its resources to areas where effort brings the greatest return on student outcomes in New South Wales. The Review Panel considers that achieving a more strategic focus would be assisted by an annual Ministerial Letter of Expectation provided to the Board in September of the year before, which sets out the Minister's priorities. Refreshed governance arrangements, detailed in Chapter 4, will also be critical in supporting the organisation to take a more strategic and outward-looking focus.

The Review Panel considers that the first Letter of Expectation could focus on implementation of the recommendations of this review. The priority should be commencing work to shift the regulatory focus of the organisation, which will release resources that should be reinvested to strengthen support for teaching and learning (as identified in Chapter 6).

In examining the role and functions of the organisation, the Review Panel has been left with the sense of a growing disengagement from national reforms, which belies the strong influence the former bodies had on national education and teaching standards. It is the Panel's view that the amalgamated entity should support and take a leadership role in those areas of national reform that have been agreed by all Ministers, taking these reforms further, where appropriate, to continue in the drive for high standards. This is explored later in the report.

### **Recommendation 1: Retain the functions and responsibilities of BOSTES as an independent statutory authority**

- 1.1 Institute an annual Letter of Expectation from the Minister for Education, with an annual report back to the Minister.

### **NOMENCLATURE**

It has been highlighted to the Review Panel that there is an issue of confusing nomenclature which should be given attention.

In the process of undertaking this review, the Panel has seen at first hand the confusion that exists about which 'BOSTES' is being discussed. The legislation rests responsibility for the regulatory

functions with the governing body, known as the Board of Studies, Teaching and Educational Standards, or BOSTES. At the same time, the organisation established to fulfil these responsibilities is referred to by the same name by schools, sectors and the wider education community.

The Review Panel agrees that the nomenclature should make clearer the distinction between the governing body and the organisation that carries out its diverse functions. Importantly, this would also ensure that the name of the organisation reflects the authority it holds across many spheres of education in New South Wales.

**1.2 Change the name of the organisation to the NSW Education Standards Authority.**

# CHAPTER 4: GOVERNANCE ARRANGEMENTS

## CURRENT ARRANGEMENTS

There has been little change to the Board structure as a consequence of the amalgamation. Under the BOSTES Act, the Board consists of the President, three persons nominated by the Secretary of the Department of Education and 19 members appointed by the Minister.<sup>2</sup> This is unchanged from the former Board of Studies.

The 19 appointed members are prescribed in the BOSTES Act as follows:

- one nominee of the New South Wales Vice-Chancellors' Committee
- two nominees of the Council of the Federation of Parents and Citizens Associations of NSW:
  - one representing parents of primary school children and being a parent of a child attending a primary government school
  - the other representing parents of secondary school children and being a parent of a child attending a secondary government school
- one nominee of the Catholic Education Commission NSW
- one nominee of the Association of Independent Schools of NSW
- one non-government school teacher (other than a principal), being a nominee of the NSW Independent Education Union
- one parent of a child attending a non-government school, being a nominee of the Council of Catholic School Parents and the NSW Parents' Council
- two principals of government schools, one being a nominee of the NSW Primary Principals Association and the other being a nominee of the NSW Secondary Principals' Council
- two nominees of the NSW Teachers Federation, one being a primary government school teacher (other than a principal) and the other being a secondary government school teacher (other than a principal)
- one person with knowledge and expertise in early childhood education
- an Aboriginal person with knowledge and expertise in the education of Aboriginal people
- six other persons having, in the Minister's opinion, the qualifications or experience to enable them to make a valuable contribution to primary or secondary education in New South Wales.

The President of the Board continues to be appointed on a full-time basis by the Governor. The principal functions of the President are now prescribed in the BOSTES Act as presiding over meetings of the Board and overseeing the functions of the Board, in accordance with the Board's direction.<sup>3</sup>

In a change from previous arrangements, the President is now also the chief executive of the agency. The Board of Studies, Teaching and Educational Standards Staff Agency is defined under the *Government Sector Employment Act 2013* (GSE Act) as a separate public service agency, headed by the President of the Board.<sup>4</sup> Initially the head of the agency had been identified in the GSE Act as the Chief Executive. This was subsequently amended in 2014 in light of the full-time nature of the office of the President, and the principle in the GSE Act reforms of no senior executive intra-band reporting. The BOSTES Act specifies that the President's contract of employment is with the Minister for Education.

<sup>2</sup> BOSTES Act s5.

<sup>3</sup> BOSTES Act s7, s8, sch 1A.

<sup>4</sup> The description of 'Staff Agency' is a reference to those agencies that comprise staff who are employed under the GSE Act in the service of a statutory body – in this case the Board – that does not have the power to employ staff in its own right. (See Public Service Commission, Factsheet: *What is a separate Public Service agency?*).

## COMMITTEES OF THE BOARD

As with arrangements for the former Board of Studies, the BOSTES Act gives the Board power to establish committees, with the approval of the Minister, to assist it in the exercise of its functions. It also has the power to delegate its functions under the education and teaching legislation to the President, a member of staff or a committee of the Board.<sup>5</sup>

The Quality Teaching Council (QTC), a key mechanism to give voice to teachers in the implementation of the Professional Standards and other responsibilities of the Institute of Teachers, now reports to the Board. Its function is prescribed as providing advice to the Board in relation to the exercise of the Board's functions under the Teacher Accreditation Act.<sup>6</sup>

The QTC consists of 23 members – 11 elected teachers, 11 members appointed by the Minister, and the President of the Board.<sup>7</sup> This is largely unmodified since the amalgamation, with the exception of the inclusion of two additional members with early childhood teaching expertise.

The 11 appointed members are prescribed in the Act as follows:

- a nominee of the NSW Teachers Federation
- a nominee of the NSW Independent Education Union
- a nominee of the Secretary of the Department of Education
- a nominee of the Catholic Education Commission NSW
- a nominee of the Association of Independent Schools of NSW
- a nominee of the NSW Council of Deans of Education
- a person who, in the opinion of the Minister, has knowledge and expertise in early childhood education
- a person who, in the opinion of the Minister, represents the interests of parents of school-age children
- two people who, in the opinion of the Minister, represent the interests of teachers, with at least one such person being a member of the Professional Teachers' Council NSW
- a person who, in the opinion of the Minister, has such qualifications or experience as to enable the person to make a valuable contribution to maintaining and improving teacher quality.

In addition, BOSTES has 11 other committees that report to the Board either directly or via the QTC (see **Figure 2**). The structure reflects the previous committees operating under the former Board of Studies and the Institute of Teachers. The Board's committees and sub-committees vary in size and scope, with some exercising functions delegated from the Board while others serve an advisory capacity.

In addition to the committees identified in Figure 2, an Audit and Risk Committee advises the agency executive on financial governance.

## KEY MESSAGES FROM CONSULTATIONS

The representative nature of the Board and the organisation's commitment to consultative and collaborative approaches is highly regarded by those involved. Many submissions, however, suggested a need to give further consideration to governance arrangements in light of the expanded and significant remit of the organisation and in order for the amalgamation to be given full effect.

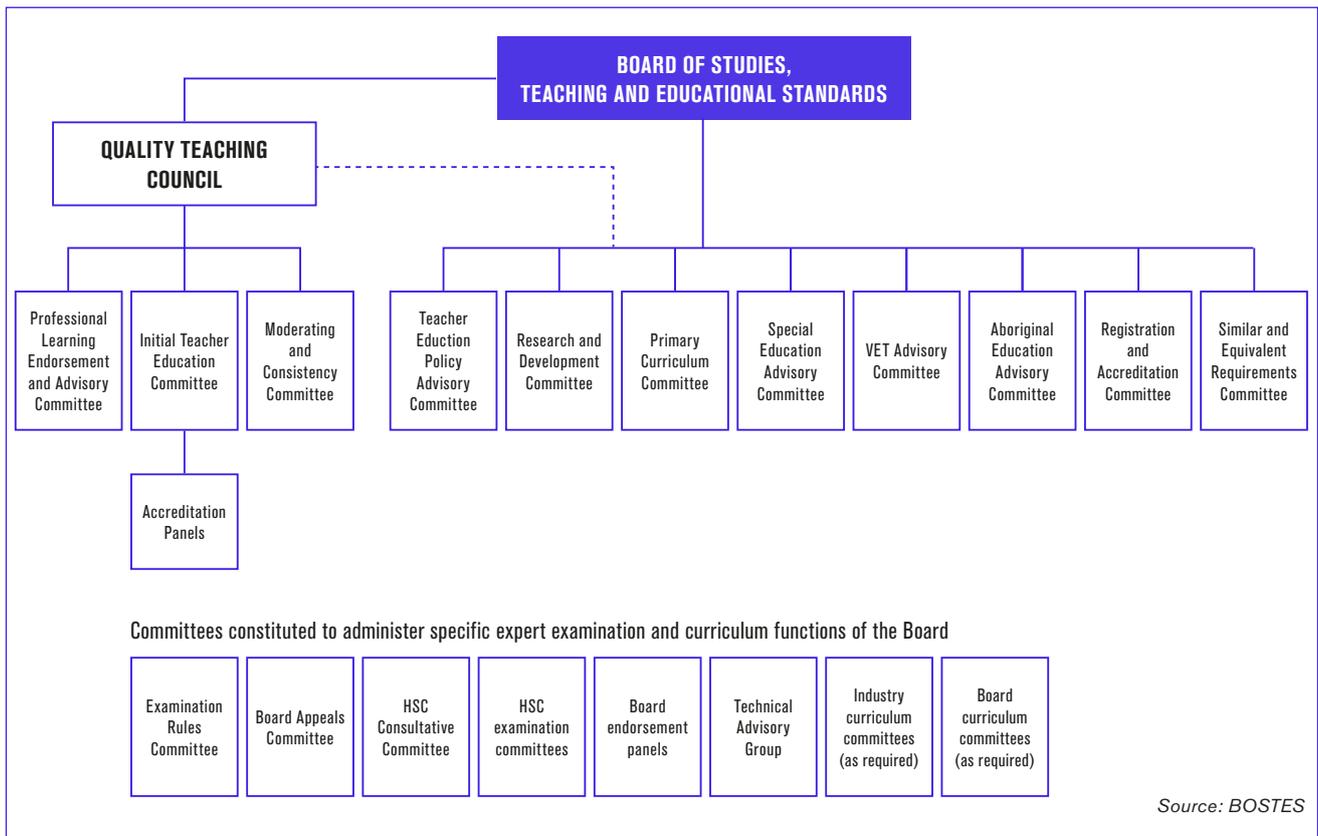
For these stakeholders there was a general view that there is insufficient clarity about roles, in particular ambiguous and sometimes overlapping responsibilities of the Board and QTC in practice, and, as a consequence, double-handling or at times triple-handling of decision making. Concerns about unclear accountabilities extended to oversight of teacher accreditation fees and the dual role of President and Chief Executive.

<sup>5</sup> BOSTES Act s11, s12.

<sup>6</sup> Teacher Accreditation Act s12.

<sup>7</sup> Teacher Accreditation Act s13.

Figure 2: **Current committee structure for the Board**



Some stakeholders also suggested that the focus of the Board remained largely on the remit of the former Board of Studies, with insufficient attention being given to strategic issues relating to teaching quality.

The Review Panel heard that the Board and its committees are overwhelmed with paper, sometimes receiving hundreds of pages of material within very short timeframes. This limits the capacity for deep consideration and, in the case of the committees, consultation where needed. Matters already considered by committees are revisited by the Board, or the same voluminous papers are submitted and 'waved through'. These complex arrangements can result in a lengthy period between discussion and action.

There were varying views on the ideal size of the Board, with a number of stakeholders identifying scope to reduce its size to assist in more effective decision making and to set a more strategic agenda. Some submissions also identified potential changes to membership. The Department of Education, for example, indicated that it could be well represented by a single member.

Despite the size of the Board and QTC, there remain some stakeholders concerned that their views are not adequately represented, particularly in light of recent policy reforms. Examples of this raised with the Review Panel included the early childhood education and care sector, teacher educators and professional teaching associations.

## REVIEW PANEL'S CONCLUSIONS

The Review Panel acknowledges the strong support for the inclusive nature of the Board and the significant efforts of BOSTES in developing productive stakeholder relationships to ensure high standards are maintained. The confidence that exists in the regulation of education in New South Wales is in part a reflection of this highly consultative approach.

The Review Panel considers these collaborative relationships should continue to be fostered. To complement and enhance ties, and to provide the Board with scope for a more strategically focused agenda and greater agility in direction setting, the Panel considers that changes to current governance arrangements are required. This includes greater clarity in relation to roles and responsibilities, changes to the size and nature of membership and clearer delegation of functions to a coherent committee structure.

This would enable more strategic consideration of the full range of the Board's regulatory functions, including teaching quality, as well as the inter-relationship between them, thus helping ensure that the benefits of the amalgamation are able to be fully realised.

## **ROLE OF THE GOVERNING BOARD**

There is no one-size-fits-all approach to governance. Public sector governance must cope with significant complexity, including a diverse range of stakeholders and substantial levels of public visibility, interest and accountability expectations.<sup>8</sup> Strong governance practices in public sector organisations are also critical to the public's confidence in government as a whole.<sup>9</sup>

The NSW Public Sector Governance Framework provides guidance for appropriate governance arrangements across the NSW public sector. It recognises that well-considered and fit-for-purpose governance arrangements provide a foundation for effective and efficient management of public sector entities.<sup>10</sup> Central to these requirements is clarity about roles, responsibilities and accountabilities.

Under current arrangements, the Board has a range of regulatory and advisory responsibilities and the President is charged with overseeing the functions of the Board, in accordance with the Board's direction. But there is a general lack of clarity about where authority for decision making lies and, as a result, the Board is too focused on operational matters allowing little time for strategic considerations and oversight.<sup>11</sup> In addition, equal status does not appear to be afforded to all aspects of its regulatory responsibilities, with less focus on teaching quality and professional standards matters than curriculum and assessment.

The Board also has no role in financial, audit and risk decisions and oversight. This is significant given the need for transparency over the management of teacher accreditation fees, which are set to grow substantially with the inclusion of all teachers in the scheme by 2018. The amalgamation established a special fund to continue the practice under the former Institute of Teachers of hypothecating these fees. This is to assist in ensuring that the fees teachers pay are used only for costs incurred by the agency in connection with the accreditation of teachers and in monitoring, maintaining and developing teacher quality.

As a governing body, the Board's roles and responsibilities need to be clearly articulated, separate from that of the organisation itself. The scope of decision making that rests with a governing body within the context of the NSW public sector can vary significantly (see Box 1).

The Review Panel considers that the role of the governing body – perhaps better described as the board of the Education Standards Authority – is to oversee the organisation's legislative functions, and to set strategy and direction, informed by the Minister's Letter of Expectation. These arrangements reflect those for entities with a Portfolio Minister as described in the NSW Public Sector Governance Framework (see Box 1).

<sup>8</sup> Australian National Audit Office (ANAO) 2014, Better Practice Guide: Public Sector Governance.

<sup>9</sup> NSW Auditor General 2011, Corporate Governance – Strategic Early Warning System.

<sup>10</sup> NSW Department of Premier and Cabinet 2013, NSW Public Sector Governance Framework.

<sup>11</sup> The ANAO's Better Practice Guide: Public Sector Governance describes strategic planning as a core role of an entity's board and argues risk management should be part of strategy.

### BOX 1: NSW PUBLIC SECTOR GOVERNANCE FRAMEWORK: GOVERNING BOARDS

*There are varying degrees of governing boards.*

*Boards with the greatest degree of governing capacity have decision making authority in respect of all aspects relating to the management of their entity, including: setting and delivering operational policies for the entity, setting and delivering service delivery plans, delivering core and statutory functions, employment and allocation of staff, allocation of budgets, and allocation of assets.*

*Entities whose structure includes a board with a high degree of decision making authority in respect of the management of their entity will generally be subject to a lower degree of Ministerial direction and control. These entities usually have a Shareholder Minister and are often established as a State Owned Corporation.*

*Boards with a lesser degree of governing capacity have decision making authority in respect of some, but not all, of the aspects relating to the management of their entity. Such entities are generally subject to a higher degree of Ministerial direction and control. These entities have a Portfolio Minister but do not generally have a Shareholder Minister.*

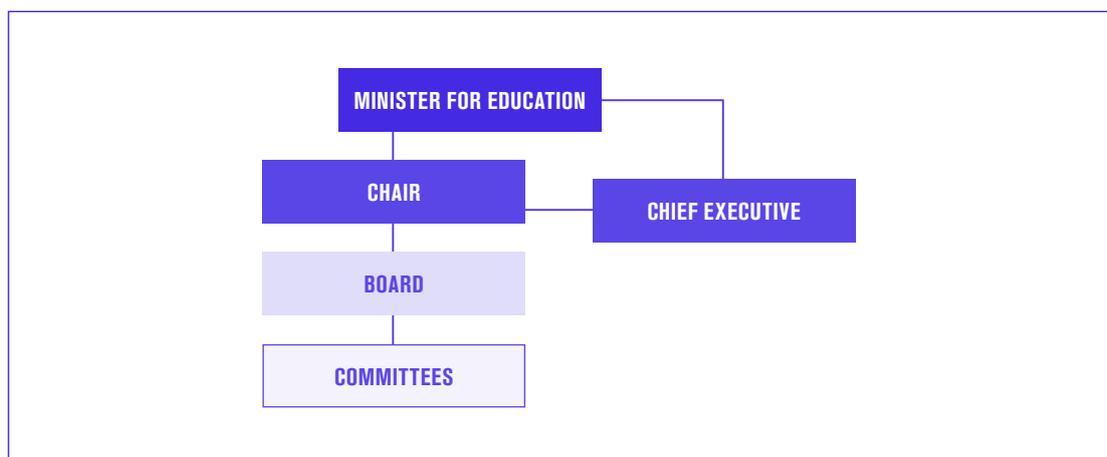
Source: NSW DPC 2013, NSW Public Sector Governance Framework

The Chair ensures the effective operation of the board, facilitates discussion and ensures critical issues are addressed. The Chief Executive is responsible for managing the affairs of the NSW Education Standards Authority, in accordance with the policies determined by the board and Minister.

To be best practice governance, the role of the Chair and Chief Executive should be clearly separated. The Review Panel considers the position of Chair of the board should be part time and independent of the various bodies currently involved with BOSTES.

The Panel also considers the Chair and board should be fully empowered to guide strategy and implementation within the Authority, while the Chief Executive is responsible for the day-to-day operation of the organisation. The Chief Executive would also be a member of the board. The proposed governance arrangements are illustrated at **Figure 3**.

Figure 3: **Proposed governance**



The Chair and Chief Executive both have responsibilities for providing advice to the Minister. The Chair, on behalf of the board, is responsible for advising on strategy and implementation. The Chief Executive advises on operational matters.

The Review Panel considers that it is appropriate that the board has oversight over financial governance to provide direction on the alignment between resource allocation and functions for the Authority. Given the hypothecation of teacher accreditation fees, it is also appropriate that the board has line of sight over those funds. Consequently, the finance, audit and risk committee should report to the board.

To support the effective operation of the board and further clarify roles and responsibilities, a board charter should be developed. This would cover the responsibilities of the board in relation to strategy, regulatory matters, finance, governance and meeting the priorities set out in the Minister's Letter of Expectation.

## **Recommendation 2: Change governance arrangements to clarify roles and complete the amalgamation of the former Board of Studies and Institute of Teachers**

- 2.1 Establish a governing board of the Education Standards Authority which has a strategic and outward-looking focus.
- 2.2 Separate the role of the Chair of the board from that of Chief Executive.
- 2.3 Appoint an independent, part-time Chair of the board, with the appointment to be made by the Minister.
- 2.4 Develop a charter that describes the responsibilities of the board in relation to strategy, regulatory matters, finance, governance and meeting the priorities set out in the Minister's Letter of Expectation.
- 2.5 Give teaching quality and professional standards matters equal status with curriculum, assessment and school regulation on the work plan of the board.

### **SHAPE OF THE BOARD**

The Review Panel acknowledges the strong support for the inclusive nature of BOSTES, reflecting as it does a wide range of views and expertise within the education sector.

The Review Panel considers that the board of the Education Standards Authority should continue to reflect the breadth of the education sector. It also supports the view of those stakeholders who indicated that in terms of best practice governance and for efficient and effective decision making, there would be benefit in reducing the overall size of the governing body.

In addition, the Review Panel considers that there would be significant value in extending the membership of the board to include members outside the education profession who have a broader, public interest in ensuring high education standards. This would bring to bear a different range of skills to support the Authority to become more strategically and future focused, particularly given the context of a shifting economy and the implications of wider trends such as technological change.

Combined with a clearer committee structure with delegated authority (outlined below), these changes would support the shift in focus of the board from operational matters to that of strategic oversight and direction setting.

Appointments to the board should ensure an appropriate mix of skills, knowledge and experience that together will best assist the Authority to achieve its goals. The Review Panel proposes that the size of the board be 12 to 14 members, with appointments made by the Minister in consultation with the Chair.

Up to six members would be drawn from the three school sectors, teachers' unions and Aboriginal education. A further four to six members would be appointed having regard to the teaching and school leadership professions, parents, higher education, early childhood education, special education and public interest, including business acumen and strategic advisory skills.

As noted above, the Chair would be an independent, non-executive member of the board. Good governance practice also dictates that the Chief Executive of the NSW Education Standards Authority be an ex-officio member of the board.

Under the amalgamated governance arrangements, three-year terms for members of the governing body were retained and there continues to be no limit on the number of times a member can be reappointed.<sup>12</sup> The Review Panel acknowledges the considerable contribution of long-standing BOSTES members. However, it is of the view that introducing a limit of two, three-year terms would appropriately balance stability and renewal in governance arrangements. Where there is a risk to the board's continuity of effort or loss of expertise, the possibility of a third term may be appropriate.

In order to ensure stability and also to support a short period of transition to the new arrangements, staggered terms should be introduced.

**2.6 Appoint a board of 12 to 14 members, with:**

- a. members chosen and appointed by the Minister, in consultation with the Chair, and including the Chief Executive of the NSW Education Standards Authority
- b. up to six of the members being drawn from the three school sectors, teachers' unions and Aboriginal education
- c. a further four to six members being appointed with regard to the teaching and school leadership professions, universities, parents, early childhood education, special education, business acumen and strategic advisory skills
- d. appointments having regard to ensuring expertise, knowledge and commitment to the objectives of the Authority
- e. members to exercise their powers in the interests of the Authority and students.

**2.7 Introduce fixed-term tenure for board members with:**

- a. two terms of three years (with the possibility of a third term where required for board continuity)
- b. terms to be staggered to support a short period of transition to the new arrangements and ongoing board stability.

## COMMITTEE STRUCTURE

Committees play an important role in enabling governing boards to fulfil their governance responsibilities and provide a mechanism for more detailed consideration of matters.<sup>13</sup> For BOSTES, they have been a critical factor in ensuring that the views of stakeholders inform its work.

In large part, the structure and terms of reference for the extensive number of BOSTES committees have not been re-examined following the amalgamation. Good governance practice suggests that the functions, responsibilities and powers of committees be regularly reviewed, in case changes are required.<sup>14</sup>

The Review Panel considers that there is significant opportunity to recast committee arrangements, to reduce complexity and provide greater clarity in relation to the functions that are delegated from the board. A streamlined and coherent committee structure, which encompasses the full set of regulatory functions, would support clear lines of accountability, reduce duplication of decision making and enable the board to focus on strategy and direction setting. Importantly, it would also continue to ensure significant stakeholder input into the work of the Authority.

The Review Panel proposes that the current committee structure be replaced with five Regulatory Committees, covering all the Authority's regulatory responsibilities. These committees would exercise functions formally delegated from the board and would include the following:

- a Quality Teaching Committee responsible for teacher accreditation and registered professional learning functions
- a Curriculum Committee responsible for syllabus development and endorsement functions

<sup>12</sup> BOSTES Act sch 1(5).

<sup>13</sup> Australian Institute of Company Directors (AICD) 2013, Direct Q&A: Board Committees

<sup>14</sup> ANAO 2014, Better Practice Guide: Public Sector Governance

- an Assessment Committee responsible for technical assessment issues relating to the HSC and formative assessments
- a School Registration Committee responsible for school registration and accreditation functions
- an Initial Teacher Education Committee responsible for initial teacher education accreditation functions.

All Regulatory Committees would be chaired by a non-executive member of the board. Consistent with good governance practice, the committees would operate under charters that describe roles and responsibilities, scope of decision-making abilities, composition and tenure, frequency of meetings and requirements for reporting to the board.<sup>15</sup> The committees could establish sub-committees, time-limited working groups or other consultative mechanisms necessary to support them to fulfil their delegated functions.

While the composition of the committees would be largely determined by the board, the Review Panel supports the inclusive nature of existing committee structures. As with the governing body itself, however, the size of the committees should be reduced to support effective decision making. Committee appointments would also similarly need to ensure an appropriate mix of skills, knowledge and experience.

As noted above, the Review Panel considers that, to fully realise the opportunities of the amalgamation, teaching quality and professional standards matters need to have equal status on the board. Further supporting this, the Panel is strongly of the view that representation of the teaching profession should be retained on a recast Quality Teaching Committee. It is proposed that the Quality Teaching Committee be established as a 10-member committee with five members elected from practising teaching professionals, covering both the school and early childhood education sectors, and five members appointed having regard for employers, parents and teacher industrial organisations.

In addition to the five Regulatory Committees described above, the Review Panel considers that there should be two additional board committees which provide advice directly to the board – a Finance, Audit and Risk Committee and a Research and Technical Committee.<sup>16</sup> Further discussion about the role of the Research and Technical Committee is included in Chapter 6.

### **Recommendation 3: Focus the board's work on strategic policy issues by establishing five Regulatory Committees and two additional board committees**

#### **3.1 Establish a committee for each of the five regulatory functions:**

- a Quality Teaching Committee responsible for teacher accreditation and registered professional learning functions
- a Curriculum Committee responsible for syllabus development functions
- an Assessment Committee responsible for technical assessment issues
- a School Registration Committee responsible for school registration and accreditation functions
- an Initial Teacher Education Committee responsible for initial teacher education accreditation functions.

#### **3.2 Base the Regulatory Committees at recommendation 3.1 on the following principles:**

- functions formally delegated from the board
- operating on the basis of clearly defined charters
- chaired by a non-executive member of the board
- capacity to establish sub-committees, time-limited working groups or other consultative mechanisms as needed.

<sup>15</sup> AICD 2013, Direct Q&A: Board Committees; Treasury Circular NSW TC 09/05 identifies a similar range of matters for inclusion in audit and risk committees.

<sup>16</sup> The Finance, Audit and Risk Committee would be constituted in line with NSW Treasury Policy TPP15-03, Internal Audit and Risk Management Policy for the NSW Public Sector, July 2015.

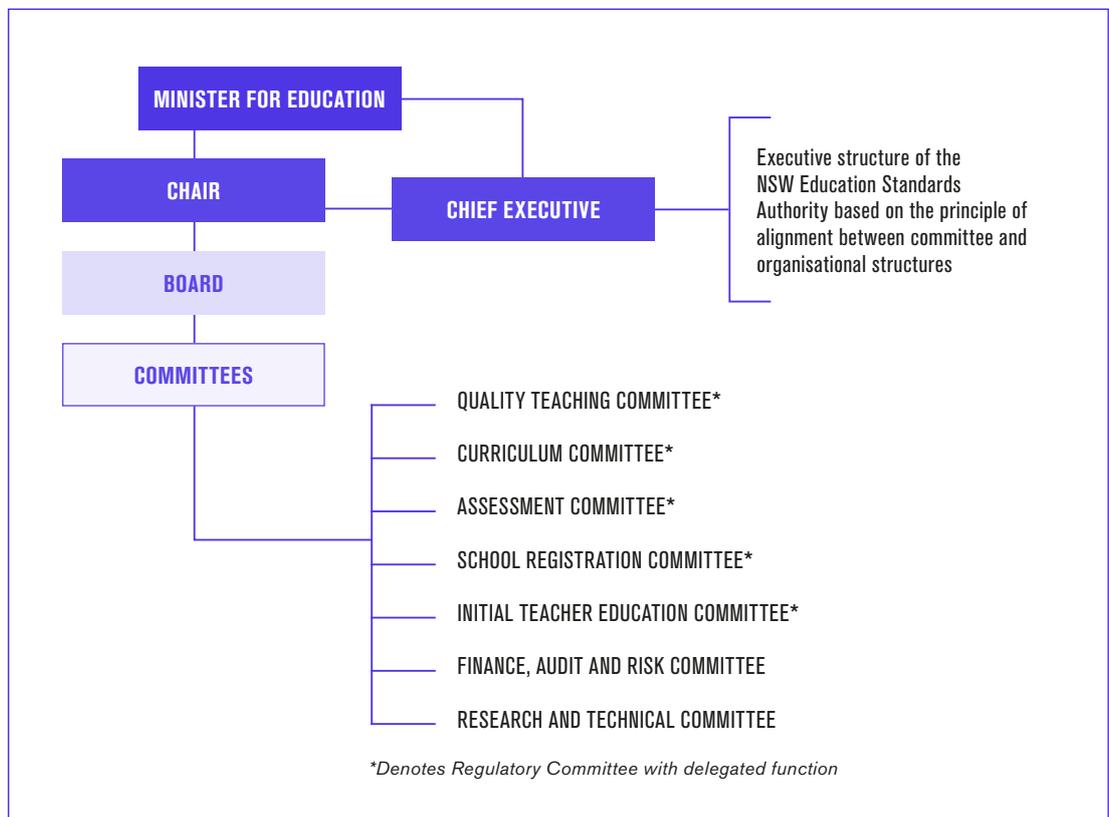
- 3.3 Establish the Quality Teaching Committee as a 10-member committee, with five members appointed by the board having regard for employers, parents and teacher industrial organisations, and five elected from practising teaching professionals (school and early childhood).
- 3.4 Establish two additional board committees to provide advice directly to the board:
  - a. a Finance, Audit and Risk Committee
  - b. a Research and Technical Committee, chaired by a non-executive member of the board.

**SUPPORTING REFORM**

The Review Panel considers that its proposed governance arrangements, as illustrated in **Figure 4**, will support the achievement of the core themes for reform that are set out in this report and assist the NSW Education Standards Authority to more fully realise the benefits of amalgamation.

These proposals will ensure confidence in the oversight of curriculum, assessment, teaching quality and school registration is maintained and drive a continued focus on high education standards to support the learning needs of all students in New South Wales.

Figure 4: **Proposed structure of the NSW Education Standards Authority**



# CHAPTER 5: RIGOROUS REGULATORY REQUIREMENTS FOR SCHOOLS AND TEACHERS

## SCHOOL REGULATION

### CURRENT ARRANGEMENTS

BOSTES is responsible for the implementation of registration standards for all NSW schools to operate and the accreditation of non-government schools to present candidates for the HSC and RoSA.

The requirements for the registration and accreditation of non-government schools are prescribed in the Education Act 1990 and detailed in manuals developed by BOSTES (see Box 2). There are long-standing processes and practices in place for non-government school registration, which were developed by the former Board of Studies.<sup>17</sup>

Following amendments to the *Education Act 1990* in 2014, the Board's school regulation remit has expanded to include government schools. BOSTES is now responsible for providing advice to the Minister for Education on compliance by NSW government schools with requirements similar to those necessary for the registration of non-government schools.

#### BOX 2: REGISTRATION REQUIREMENTS FOR NON-GOVERNMENT SCHOOLS

**Corporate governance:** schools must be constituted as, or conducted by, legal entities that are accountable for their contractual obligations. Proprietors, members of governing bodies and principals are required to demonstrate accountability in terms similar to those applying to members of other public or corporate bodies.

**Teaching standards:** schools should have the capacity to deliver the courses of study for which they are registered and accredited with a high standard of quality teaching. The Teacher Accreditation Act 2004 has set professional teaching standards. Teacher accreditation processes against these standards are administered by the BOSTES.

**Student welfare:** schools are required to demonstrate that they have in place policies and procedures to provide for the mental, physical and emotional wellbeing of students.

**Educational programs:** schools are required to base their courses of study on the outcomes of the BOSTES' syllabuses, address the developmental needs of students and assist students to achieve their educational potential.

**Boarding facilities:** schools that operate boarding facilities are required to demonstrate that they have in place policies for the safety and welfare of boarders.

**Public reporting:** schools are required to participate in annual reporting to their communities against 'core' educational and financial measures.

Source: BOSTES Registered and Accredited Individual Non-government Schools (NSW) Manual, and BOSTES Registration Systems and Member Non-government Schools (NSW) Manual

In New South Wales, non-government school registration occurs at the individual school level or a system level for groups of schools.<sup>18</sup> For individual non-government schools, BOSTES engages directly with the school. These schools are inspected by BOSTES at the time of initial registration and renewal of registration but can also be selected for ad hoc inspection at any time.

<sup>17</sup> References to 'registration' in this section should also be taken to include accreditation.

<sup>18</sup> There are 12 non-government school systems – 11 Catholic Dioceses and the Seventh Day Adventist Church system.

The scope of these inspections are based on the school's risk profile. BOSTES assesses risk against a number of factors such as staff profile, learning outcomes, school operation characteristics and previous history of substantiated complaints or evidence of non-compliance. For both registration renewal and ad hoc inspections, schools are required to submit policies and procedures that provide evidence of compliance regardless of risk profile. For those deemed low risk, BOSTES may examine only a selection of these documents and may undertake a shorter in-school inspection.

For systems of schools, BOSTES monitors the procedures that the systems have in place for monitoring the compliance of their member schools with the requirements of registration. BOSTES inspects a sample of non-government systemic schools each year.

Since 2015, BOSTES also inspects a sample of government schools annually. BOSTES has developed a five-year monitoring plan for government schools. The plan identifies focus compliance areas that will be targeted each year in addition to requirements that apply to all schools.<sup>19</sup>

## KEY MESSAGES FROM CONSULTATIONS

Stakeholders are supportive of the organisation's expertise in school registration. The majority of principals who responded to the online survey found the process to be rigorous. However, meetings with stakeholders produced mixed views about the extent to which it supports quality processes in schools. For a number of stakeholders consulted by the Review Panel, there is a concern that school regulation has become administratively burdensome and overly focused on paper and process. These stakeholders consider it to be an increasingly box-ticking exercise with limited focus on outcomes and, as a consequence, diminished value to schools.

Stakeholders report that schools are required to upload through the BOSTES online portal a significant number of policies and procedures as evidence of compliance with the requirements of registration renewal. These documents include the school's legal entity and governance arrangements; staffing details; curriculum, units of work and timetables; information regarding the premises, buildings and facilities; safety procedures; policies in relation to the protection and welfare of students, discipline, attendance, management and operation of the school; and details of boarding facilities. For each of these areas there are requirements to upload not only policies but detailed procedures about who does what, how and when.

One stakeholder reported that their school had uploaded approximately 600 documents in support of renewal of registration. Another commented that compiling all the documents took many months, with the school's conference table covered in a mountain of paper by the time it was completed. Both these schools have been in operation for over 100 years.

In addition, a number of stakeholders in the independent school sector highlighted that there are separate processes and further documentation required to be provided to BOSTES in support of the renewal of TAA status. For schools that accept overseas students, there is another layer of compliance to meet the Australian Government's requirements under the Commonwealth *Education Services for Overseas Students Act 2000*, which is administered in New South Wales by BOSTES. These stakeholders suggest that significant opportunity exists to streamline, simplify and better integrate these compliance processes.

There are also mixed views about whether school registration should include assessment against school quality standards and the extent to which responsibility for school improvement rests with schools and sectors. There is acknowledgement that BOSTES could play a greater role in setting the standards of teaching and learning with the aim of supporting schools in the delivery of effective, quality education. However, there are differing views about how this may best be achieved.

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<sup>19</sup> Requirements for the government school system are set out in Registration Process for NSW Government Schooling System Manual.

## REVIEW PANEL'S CONCLUSIONS

There is a high degree of community confidence in the operation of NSW schools, to which the Board's long-standing role in non-government school regulation is a significant contributor.

The Review Panel recognises that BOSTES' regulatory processes have come under increasing pressure as a result of the growth in non-government schools in New South Wales and, more recently, the expansion of regulatory oversight to the government schooling system.

Perhaps as a consequence of that pressure, these processes have become increasingly input focused and paper-based, with a heavy emphasis on administrative compliance. This is evidenced by the 26-page document BOSTES has published outlining the evidence – in the form of policies and procedures – that a school must provide in order to meet registration requirements.<sup>20</sup>

While administratively burdensome for schools, the task of reviewing this quantity of paperwork must also be a highly time-consuming one for BOSTES. The Review Panel is not convinced that this process-driven focus is the best approach to ensuring rigour and a high standard of school operation.

The Review Panel considers that there would be significant benefit if the current system took a more outcomes-focused approach, supported by a stronger risk management framework. Placing greater emphasis on the requirement for principals to certify that they have the range of required policies and procedures, rather than checking each document, would free-up capacity for the NSW Education Standards Authority to undertake more risk-based reviews and compliance audits. It may be that a sample of documentary evidence is uploaded or, in some cases, substantial documentation may be required, but this would be based on an assessment of risk. In turn, school inspections could focus more on the determinants of student learning evidenced in school registration requirements.

The Review Panel acknowledges that BOSTES has taken steps to streamline school registration and TAA renewal processes by aligning the registration cycles. The Panel also understands that processes are not yet integrated, with separate manuals and procedures remaining for both. The benefits of amalgamation could be further realised – and the compliance burden on schools reduced – if these processes were more fully integrated.

### Recommendation 4: Take a more rigorous and risk-based approach to school registration, focusing on the determinants of student learning not minimum levels of compliance

- 4.1 Reduce the current administrative burden of compliance on schools by placing greater emphasis on the requirement for principals to certify the existence of evidence for school registration renewal requirements.
- 4.2 Better integrate the requirements for the registration of Teacher Accreditation Authorities (TAAs) into the school registration process.

## STRONGER, RISK-BASED COMPLIANCE MECHANISMS

The Review Panel considers that there are opportunities to further strengthen the risk-based approach to school registration by developing a robust risk matrix to determine schools to be selected for audit, and by extending the ad hoc inspections for individual non-government schools to schools within the government and non-government systems.

Random audits, that are proportionate to risk, send a strong signal to schools that they are required to comply with the requirements of registration at all times. A focus on risk-based audits enables the NSW Education Standards Authority to undertake spot checks, particularly where risk is highest. The amount of notice given for such spot checks may vary and would be determined by the board.

The Review Panel considers that there is also further scope to increase the rigour of the school registration process by providing the Authority with a wider range of mechanisms to address the risk of compliance failure. Under current arrangements, BOSTES has the power to reduce the period of

<sup>20</sup> *Proformas for document audits for individual schools* lists the documentation that an individual non-government school must maintain during any period of registration in order to demonstrate compliance with the requirements for registration and accreditation. Requirements for systemic schools are detailed in the 22-page document *Proformas for document audits for schools that are members of registration systems*.

registration if it is not satisfied that the school is complying with registration requirements (known as provisional registration), and schools must notify parents in writing that this has occurred.<sup>21</sup>

The Education Act also provides for registration to be refused or cancelled, and where this occurs the individual or entity responsible for the operation of the school is prevented from running a school for five years.<sup>22</sup> The Review Panel acknowledges that cancelling registration is a blunt and rarely used enforcement tool, but the threat of doing so is one of the few options BOSTES has to ensure schools address compliance concerns.

Placing enforceable conditions on the registration of schools would operate as a formal warning system and be a mechanism for BOSTES to require the school to resolve compliance matters. These conditions would require that the school undertook certain activity within a defined period of time to address specific areas of concern. Such conditions might include, for example, the provision of critical school facilities.

As is already the case with provisional registration, schools should be required to notify parents that conditions have been placed on the school's registration. School communities on the whole have great ownership and investment in the activities occurring within their school and can be a powerful influence over a school's direction. As such, disclosure of conditions should serve to exert pressure from within the school community for its leadership to resolve compliance concerns.

- 4.3 Increase the number of random and risk-based audits in non-government schools, and extend this to systemic non-government and government schools.
- 4.4 Increase the range of enforcement mechanisms for school registration, which should be risk-based and proportionate, for example:
  - a. enforceable conditions on registration
  - b. public disclosure requirements for schools with conditions on registration.

## CONSISTENT REQUIREMENTS

In order to operate and therefore receive funding, non-government schools must meet requirements set out by both the Commonwealth and NSW Governments. While effort has been made to reduce duplication in this area, there remain areas where different measures are applied at each level of government.

Recent changes by the Commonwealth Government have resulted in non-government schools being required to meet a 'fit and proper person' test in order to receive funding. The NSW requirement is that the responsible person for the school is of 'good character'.<sup>23</sup> While the good character test refers to a person's enduring moral qualities, fit and proper person is a higher level measure that takes into account individual expertise and governance.

Given that non-government schools are already required to meet the fit and proper person measure, the Review Panel considers that it would be appropriate for the NSW test to align with the Commonwealth provision in order to remove unnecessarily different requirements on schools.

Similarly, Commonwealth legislation also requires a non-government school to be financially viable in order to receive Commonwealth funding.<sup>24</sup> Given this already applies, the Review Panel is of the view that this measure of school viability should be included among the criteria for initial school registration in New South Wales.

- 4.5 Introduce a 'fit and proper person' test for responsible persons of registered schools and a financial viability criterion for initial school registration.

<sup>21</sup> Education Act, s57A.

<sup>22</sup> Education Act, s59 and s91.

<sup>23</sup> Education Act, s47(b).

<sup>24</sup> Australian Education Act 2013, s75(4), s84(4) and s92(4).

## THEMATIC REVIEWS

A number of suggestions were put to the Review Panel to extend the remit of school regulation to include a greater focus on school improvement. Such proposals included, for example, the introduction of different types of school reviews, the development of differentiated standards and voluntary levels of higher-registration certification.

The Review Panel is of the view that school improvement is primarily the responsibility of those delivering school education. Similarly, the Review Panel was not persuaded by the suggestion of a tiered school registration system.

As noted above, the Review Panel considers that school registration should focus more on the determinants of student learning. The NSW Education Standards Authority also has an important role to play in working with schools and sectors to support the achievement of high education standards. To this end, the Review Panel supports the suggestion put to it that the Authority be given the capacity to undertake thematic reviews on priority matters.

Such thematic reviews would be undertaken in a sample of schools across the three sectors. The reviews would inform policy and practice, enabling lessons to be shared across schools to improve education standards. Priority areas might be identified in the Minister's Letter of Expectation or by the Authority and sectors based on performance outcomes and other data. The Review Panel is aware, for example, of work being undertaken by BOSTES on the teaching of writing and primary mathematics in response to concerns about student achievement. These areas might be worth considering for such a review along with other identified priority areas.

**4.6 Introduce thematic reviews into priority areas based on a sample of schools across sectors, for example, to support a stronger focus on the teaching of writing and primary mathematics.**

## TEACHER ACCREDITATION

### CURRENT ARRANGEMENTS

New South Wales, through the activity of the former Institute of Teachers, has been a national leader in the development of a consistent approach to high standards of teaching. As a result of this leadership, the Australian Professional Standards for Teachers, developed by the Australian Institute for Teaching and School Leadership (AITSL) and approved by Education Ministers in 2011, were heavily based on the NSW approach. The Standards are now in place in all states and territories.

The requirements for the accreditation of teachers in New South Wales are established in the Teacher Accreditation Act. There are five levels of accreditation: Provisional, Conditional, Proficient, Highly Accomplished and Lead, with the latter two levels being voluntary. Initially, mandatory accreditation requirements applied to anyone commencing to teach in NSW schools from 1 October 2004 or who had returned to teaching after a period of five years.

Under the NSW Government's Great Teaching, Inspired Learning reforms announced in 2013, teacher accreditation requirements were extended to all teachers in New South Wales. Early childhood education teachers are being brought into the scheme in 2016 and the pre-2004 cohort of school teachers will be required to be accredited from 1 January 2018.

Arrangements in New South Wales are unusual compared with other jurisdictions in that under the Teacher Accreditation Act the power to accredit individual teachers is delegated to TAAs. Typically, in other jurisdictions, the power to register teachers is retained by the overarching registration authority.

BOSTES provides advice to the Minister on the Professional Standards, and establishes the evidence guides and policies used by teachers and teacher employers to judge whether teachers should be accredited. BOSTES is also the TAA for all teachers at the preliminary accreditation levels of Provisional and Conditional.

BOSTES monitors the application of the accreditation process to support the consistent and fair application of the Professional Standards, but is not the TAA for the other levels of accreditation. For teachers seeking initial accreditation or maintenance of accreditation at Proficient level in the independent and government sectors, the TAA is the school principal. For those teachers in Catholic systemic schools, the TAA is an officer appointed by the Diocese. The consistency of professional judgement on initial accreditation is moderated through an external assessor process managed by BOSTES.

For the voluntary Highly Accomplished and Lead levels of accreditation, decisions are made by the TAAs following a review of the teacher's submission and advice received from the BOSTES Moderating and Consistency Committee.

In addition to extending the remit of the teacher accreditation regime, the Great Teaching, Inspired Learning reforms also sought to improve support to teachers through annual teacher performance management and development plans that are explicitly linked to the Professional Standards. The intent was that this would also assist in streamlining reporting requirements for the maintenance of accreditation, with improved alignment between regulatory processes and employer performance management processes linked to the Standards.

## KEY MESSAGES FROM CONSULTATIONS

The processes in place for the accreditation of teachers was one of the most common issues raised by stakeholders and is clearly a source of significant frustration not just for teachers but for many involved. Only 30 per cent of teachers who responded to the online survey thought that the process for accreditation is clearly communicated and easy to understand.

The Review Panel heard a widespread view that the accreditation process is overly onerous, with multiple layers of administration and verification. Partly as a consequence of the TAA structure, there are multiple resources, manuals and policies, but not one clearly articulated and holistic resource. Teachers are frustrated by the website and process for logging on, record keeping and uploading information for accreditation. A number of stakeholders also noted that some teachers are discouraged from seeking accreditation at Highly Accomplished and Lead due to the amount of work required to do so.

There are mixed views about the role of the TAAs. Some stakeholders suggest that responsibility for all mandatory levels of accreditation should rest not with the TAAs, but with BOSTES. Others support the role of the TAAs in making the final decision regarding the Proficient level, suggesting that this responsibility should be made clearer and the amount of paper checking by BOSTES minimised.

Of particular concern to the Review Panel was the perception of a number of stakeholders that the nature of the process has led to a "tick-the-box" approach by teachers, rather than quality engagement with the Professional Standards. The feedback from the online survey was slightly more positive, with 37 per cent of teachers who responded agreeing that the accreditation process led teachers to engage deeply with their professional learning; 42 per cent did not agree and 21 per cent were neutral.

While there is strong support for the decision to require all teachers in New South Wales to be accredited, there is also significant concern about the capacity of current processes and systems to cope with the inclusion of the pre-2004 cohort, or as one stakeholder described it, "the impending tsunami".

Similarly, the early childhood education and care sector supports accreditation of early childhood teachers, but has raised concerns about the way the process is being approached. These stakeholders feel that the implications of accrediting early childhood teachers are not fully understood by BOSTES, in particular that a model that works for schools does not easily translate to early childhood settings.

In addition, some stakeholders have highlighted issues that require further clarification or resolution as the system matures. These issues include, for example, responsibilities in relation to the suspension and revocation of a teacher's accreditation status.

The Review Panel also heard mixed views as to the appropriate nature of the relationship between, and the roles of, BOSTES and AITSL. For some stakeholders there is a concern about the potential for national intrusion in areas of state responsibility. While for others, there is a sense of duplication of effort, with the suggestion that BOSTES should defer to AITSL.

Since the development of the national standards, AITSL has been responsible for developing tools and resources to support all jurisdictions. BOSTES too is producing resources to support the application of the standards in New South Wales. A number of stakeholders have found the BOSTES and AITSL teacher accreditation materials to be conflicting, leading to confusion for teachers and principals. Some stakeholders were of the view that, while the volume of material supporting the teacher accreditation process is extensive, it doesn't always appear to align.

## **REVIEW PANEL'S CONCLUSIONS**

The Review Panel acknowledges that the role of BOSTES in overseeing teacher accreditation is a challenging one given the complex set of arrangements that arise from the intersection of accreditation against the Professional Standards with employment arrangements.

The need to streamline and improve teacher accreditation processes has been recognised by BOSTES, which engaged PriceWaterhouseCoopers (PwC) to undertake an analysis of the process in 2014.

PwC found that discrepancies in terminology and description of processes between TAAs and BOSTES causes confusion. There is a lack of clarity for all involved, and for teachers in particular, about the different roles in the accreditation process and where decisions are made. Moreover, PwC also raised that there is little training for TAAs on Proficient Teacher and higher-level decision making, with no timely receipt of feedback on their decisions. The particular challenges experienced by casual teachers was also raised.

BOSTES has accepted the recommendations of the PwC report and the Review Panel understands that implementation of these recommendations is now underway. The NSW Education Standards Authority should continue to implement the recommendations as a priority.

The inherent value of teacher accreditation lies in specifying the standards that teachers need to meet at each level. In the case of Highly Accomplished and Lead, the Review Panel acknowledges concerns raised about the onerous nature of accreditation at these higher levels. While process improvements should reduce unnecessary administrative burden, the Panel supports rigorous requirements that reflect the expectations on teachers at the higher levels of the profession.

## **CLARITY OF ROLES**

As the system expands, it is vital that processes supporting teacher accreditation are streamlined with clear decision making and accountabilities, particularly for accreditation at Proficient level. In addition to the process enhancements now underway, the Review Panel is of the view that there are further opportunities to improve the effectiveness and efficiency of accreditation at Proficient level.

It should be clear that TAAs make the final decision verifying that a teacher has met the Proficient Teacher standard. The resources and effort of the regulator should be focused on the integrity and consistency of processes, not detailed checking of documents. Such arrangements should be supported by a strengthened audit capacity for the NSW Education Standards Authority to oversee the processes of schools and systems, on a risk assessment basis.

Where schools and systems have in place processes for teachers that include formal induction and teacher performance and development frameworks that are clearly linked to the Professional

Standards, and the assessment of accreditation at Proficient level is similarly standards referenced, the assessment of the TAA should be accepted. Similar arrangements should hold for the maintenance of accreditation, to give full effect to the intent of the Great Teaching, Inspired Learning reforms to streamline this process.

Under the Teacher Accreditation Act, both TAAs and BOSTES have the power to suspend or revoke the accreditation of a teacher under certain circumstances.<sup>25</sup> The Review Panel supports the view put to it that this duplication has the potential to cause confusion as to where authority for suspension or revocation rests. In addition, current legislative provisions do not clarify the obligations on TAAs to notify BOSTES of relevant information that may result in suspension or revocation of accreditation. The Review Panel considers that this should be clarified.

It is the Panel's view that responsibility for the management of suspension and revocation of a teacher's accreditation status should sit with the authority with overall responsibility for regulating teaching standards, rather than the employer. The revocation of accreditation removes a teacher's licence to teach in any school, which is distinct from changes in particular employment relationships. To support this, a cross-sectoral panel should be established to deal with suspension and revocation matters.

#### **Recommendation 5: Improve the effectiveness and efficiency of regulatory processes for teacher accreditation**

- 5.1 Clarify the respective roles of the TAAs and the NSW Education Standards Authority, where the TAAs remain responsible for the accreditation decision of teachers at Proficient level and the Education Standards Authority's responsibility is limited to a risk-based auditing function for ongoing quality assurance.
- 5.2 Streamline processes for the maintenance of accreditation at Proficient level where TAAs have in place performance management and development systems aligned to the Professional Standards.
- 5.3 Assign sole responsibility for the suspension or revocation of teacher accreditation to the NSW Education Standards Authority, through the Quality Teaching Committee, with a requirement for:
  - a. cross-sectoral panels to be established to determine decisions in relation to suspension or revocation
  - b. employers to notify the NSW Education Standards Authority of information that may result in a suspension or revocation.

#### **FOCUSING EFFORT**

There is no question that responsibility for overseeing the accreditation of NSW teachers against the Professional Standards rests with the NSW Education Standards Authority.

While it is important for New South Wales to have specific policies relevant to implementation of the Standards across TAAs to ensure consistency of judgement, the volume of material accessible to teachers and principals serves only to reinforce confusion.

New South Wales engages with AITSL through its work on the Education Council and other intergovernmental forums and should be a key partner in the development of national resources. Unnecessary NSW versions of support material that duplicate AITSL material is not an efficient or effective use of BOSTES resources in an area of national consistency.

It is the Review Panel's view that, unless there is a material difference in policy and New South Wales is setting specific and higher standards, the Authority should not reproduce existing resources.

<sup>25</sup> Teacher Accreditation Act s24, s24A and s25(4).

Its effort is better directed at bringing its considerable expertise to bear on the development of national materials.

Where supplementary material is produced, the onus is on the Authority to clarify for teachers how the NSW approach departs from the national standards. This will assist in making clear to teachers that they are free to use nationally produced resources through a more consistent and aligned approach.

As noted below, the area of initial teacher education program accreditation is one where New South Wales has adopted the national approach and then introduced a number of specific additional requirements with the aim of setting a higher standard. In such circumstances it is appropriate that New South Wales develop specific materials to support these additional requirements.

**5.4 Make maximum use of nationally developed resources and only diverge from these where New South Wales is setting a specific and higher standard.**

## ACCREDITATION OF INITIAL TEACHER EDUCATION

### CURRENT PROCESSES

The Teacher Accreditation Act establishes the Board as responsible for monitoring, evaluating and reporting on the quality of initial and continuing teacher education courses and programs approved by the Minister. The Board is also responsible for making recommendations to the Minister in relation to the approval of a teacher education course or program for the purposes of the Teacher Accreditation Act.<sup>26</sup>

The successful completion of an approved initial teacher education (ITE) course provides an assurance that a person has met the standards for a graduate teacher. This allows them to be accredited to commence their teaching career at the Provisional level. In some cases, where applicants have an element of their qualification to complete, they may be accredited at the Conditional level, allowing them to be employed while completing their qualification.

National standards and procedures for the accreditation of ITE programs were developed through AITSL and endorsed by Education Ministers in 2011. The national standards include requirements for entry, subject content, discipline-specific pedagogy and curriculum knowledge, nationally agreed priority areas of study and professional experience.

All jurisdictions committed to the accreditation of ITE programs under the national standards, and BOSTES has now assessed all initial teaching programs delivered by NSW providers against these agreed standards.

The Great Teaching, Inspired Learning reforms introduced additional requirements for ITE programs in New South Wales (as is permitted under the national standards). This included a requirement for HSC Band 5 results in a minimum of three subjects, one of which must be English, for entrants to NSW undergraduate ITE programs, and a literacy and numeracy assessment for graduating students. A literacy and numeracy assessment has subsequently become a national requirement.

In December 2015 the Education Council endorsed a new set of national standards and procedures for the accreditation of ITE programs. These were developed by AITSL, working with state and territory authorities and Deans of Education. The national standards focus on ensuring that by the time pre-service teachers graduate, they have the knowledge and skills required to be successful in the classroom.

Under the ongoing implementation of Great Teaching, Inspired Learning actions, BOSTES has completed a number of reviews of specific aspects of teacher education. These reviews are conducted in close partnership with universities, school systems, sectors and teachers, and should support the emerging evidentiary framework for ongoing accreditation.

<sup>26</sup> Teacher Accreditation Act s7(2)(f) and s7(3)(a).

The most recent review, released by BOSTES in May 2016, focused on learning to teach primary mathematics following a study of 46 primary education degrees. The overall focus of the review and its recommendations is on building shared professional understanding of what constitutes strong primary mathematics teaching, and preparation for it within tertiary programs.

## KEY MESSAGES FROM CONSULTATIONS

Stakeholders expressed support for the rigorous approach in New South Wales to the accreditation of ITE programs. But at the same time, concerns were raised about the lack of consistency between national and NSW ITE requirements as a result of reforms implemented under Great Teaching, Inspired Learning.

Some stakeholders reported that confusion has arisen where NSW requirements go beyond the national standards, particularly for interstate providers offering ITE courses to students based in New South Wales. It was also suggested that there was a need to ensure students and schools better understood NSW requirements in relation to practicum, and that BOSTES has an important role to play in managing this.

The Review Panel also heard that there are some legislative gaps in New South Wales when compared with other jurisdictions, which presents some limitations to ensuring a nationally consistent approach to the accreditation of ITE programs. This includes clarity of the appeals process, provision of conditional approvals and powers to suspend or revoke program approvals.

## REVIEW PANEL'S CONCLUSIONS

The Review Panel acknowledges and endorses the strong emphasis in New South Wales on high standards for graduates seeking to enter the teaching profession.

The Review Panel considers the commencement of the revised national standards and procedures offers further opportunities for BOSTES to provide national leadership in the ongoing strengthening of ITE standards in partnership with the higher education sector.

The revised national approach to accrediting ITE programs is focused to a much greater extent on the evidence of the quality of delivery of the programs, particularly on the demonstrated capacity of graduates to positively impact on their students' learning and on the overall outcomes of the programs and the graduates commencing their teaching careers. Standard 1.2, for example, requires a demanding teaching performance assessment prior to graduation.

The Review Panel understands that NSW accreditation processes will be adjusted in 2016 to incorporate the agreed national focus. BOSTES is therefore well placed to lead work on graduate assessments as a basis for re-accreditation, in collaboration with AITSL and ITE providers. This work would include effective moderation processes that support consistent decision making against the achievement criteria.

The approach undertaken by the Performance Assessment for California Teachers (PACT) and Deakin University's Authentic Teacher Assessment, which assess graduating teachers' content and pedagogical knowledge through a multi-faceted assessment during practicum, may provide a useful starting point for this work.<sup>27</sup>

The Review Panel also supports the suggestion that there should be greater consistency of legislative arrangements that support accreditation of ITE programs, and the need to therefore address identified gaps in NSW legislation. This relates in particular to the power to place conditions on the approval of ITE programs and the suspension and revocation of program approvals. Any widening of powers would need to be accompanied by provisions for these decisions to be appealable.

<sup>27</sup> See for example, Mayer, D. (2015) An approach to the accreditation of initial teacher education programs based on evidence of the impact of learning teaching. A paper prepared for the Australian Institute for Teaching and School Leadership. University of Sydney, Sydney.

**Recommendation 6: Strengthen teacher accreditation requirements and processes for pre-service teacher education**

- 6.1 Develop the evidence base concerning achievement of the Graduate Standard, with particular focus on evidence from the final school practicum, and independent assessment of that evidence.
- 6.2 Provide New South Wales with powers and processes included in comparable interstate legislation, including approving programs with conditions, explicit provisions for suspension or revocation of program approvals and specific provisions for appeals.

# CHAPTER 6: OPTIMUM PROCESSES FOR FORMULATING AND ASSURING HIGH EDUCATIONAL STANDARDS

## CURRICULUM

### CURRENT PROCESSES

The curriculum requirements for primary and secondary education in New South Wales are established by statute through the Education Act.<sup>28</sup> The Act specifies that the Board may develop and endorse syllabuses that indicate the aims, objectives and desired outcomes in terms of knowledge and skills that should be acquired by children at various levels of achievement by the end of specified stages.

The development of curriculum in New South Wales is underpinned by a four-stage syllabus development process involving syllabus review, writing brief development, syllabus development and implementation. Through this process, advice is sought from teachers, significant individuals and key organisations. The implementation phase of syllabus development involves the monitoring of syllabuses to collect data on the use of the syllabus and related resources to ascertain whether the intentions of the syllabus are being achieved.

A full syllabus redevelopment takes up to three years, and BOSTES is able to manage three different syllabus development processes a year. While syllabus revision takes proportionally less time, there is currently no regular cycle of reviews in place to update NSW syllabuses.

### IMPLEMENTATION OF THE AUSTRALIAN CURRICULUM

In 2008, all Education Ministers committed to the joint development of a national curriculum.<sup>29</sup> The Australian Curriculum, Assessment and Reporting Authority (ACARA) was established to lead this work in partnership with states and territories. All states and territories remain responsible for the implementation of curriculum within their jurisdictions.

The Australian Curriculum is the product of an extensive development and consultation process. It is overseen by the ACARA Board, on which sit members appointed by each Education Minister to represent their jurisdiction, and must be endorsed by all Ministers at Education Council.

There are a range of approaches taken by jurisdictions to the implementation of the Australian Curriculum. The Australian Capital Territory, Northern Territory, Queensland, South Australia and Tasmania all predominantly adopt the Australian Curriculum as is without significant variation.

Victoria and Western Australia have what is broadly considered an 'adopt and adapt' process where they tailor the Australian Curriculum to meet their specific requirements and standards. This has produced local curriculum with a high degree of fidelity with the Australian Curriculum, and involved a phased introduction of the Australian Curriculum in both states. Victorian schools are using the Victorian Curriculum (F-10), which incorporates the Australian Curriculum, from 2016 with full implementation in 2017. Victoria identifies this approach as incorporating the Australian Curriculum and reflecting Victorian practices and standards. Western Australia has announced it will have fully incorporated the Australian Curriculum (except languages) for implementation by 2018.

The process for implementing the Australian Curriculum in New South Wales involves:

- a review of the Australian Curriculum (3 to 6 months); and then
- analysis of difference and development of directions (3 to 6 months); and then
- preparation of draft syllabus and consultation (18 months).

<sup>28</sup> Education Act Part 3

<sup>29</sup> Ministerial Council on Education, Employment, Training and Youth Affairs, (2008) Melbourne Declaration of Educational Goals for Young Australians.

### BOX 3: GUIDELINES AND CRITERIA TO ASSIST IN CONSIDERING THE QUALITY AND SUITABILITY OF THE AUSTRALIAN CURRICULUM AND SUBSEQUENT NSW SYLLABUSES

NSW syllabus development projects for the Australian Curriculum should consider:

- how the syllabuses cater for the full range of students
- curriculum coherence with other courses in the discipline, other discipline areas and the mandatory pattern of study required in the NSW curriculum
- rigour and curriculum differentiation with respect to providing appropriate challenge for all students to meet high but realistic expectations and ensuring the overall suite of courses presents an appropriate degree of differentiation
- enabling an appropriate and relevant progression of learning within the course structure
- how research and best practice in a discipline is reflected in the syllabus content
- the amount of content prescribed in a syllabus with respect to providing opportunities for appropriate depth and breadth of learning
- providing meaningful opportunities for cross-curriculum learning
- how standards-based assessment and the mandatory reporting requirements in NSW is supported through the syllabus and support material
- how the syllabus content supports sustained use in public examinations

Source: BOSTES Syllabus Development Handbook, updated November 2014

The guidelines developed by BOSTES for assessing the suitability of the Australian Curriculum are set out in Box 3. New South Wales does not have a published timeframe for completing the incorporation of the Australian Curriculum into NSW syllabuses. While a number of stages are complete and several more under development, some are yet to be scheduled.

A key point of differentiation between the Australian Curriculum and the NSW syllabus documents is the way content is presented. The Australian Curriculum includes *content descriptions*, which specify what teachers are expected to teach. These *content descriptions* are supported by optional content elaborations (examples of how teachers might teach the content) and provide teachers with choice and flexibility when planning what and how they will teach.

The NSW process involves the development of *content* “dot points” in the NSW syllabus documents. These provide teachers with clarification of the syllabus *outcomes* and essentially serve the same function as *content descriptions*. There is no distinction made in syllabuses between mandatory and elaborative (optional) content “dot points” giving teachers the impression that they are required to teach each and every “dot point”.

Another point of differentiation is the *outcomes* and *stage statements* in NSW syllabuses, which seek to collectively incorporate the *achievement standards* in the Australian Curriculum. The *outcomes*, presented in separate lists, provide teachers with more “dot points” to manage, essentially providing them with the standard as a collection of atomised statements rather than a holistic description.

A further point of differentiation is that New South Wales has systematically supported students with disability through the provision of life skills courses.

### KEY MESSAGES FROM CONSULTATIONS

The Review Panel heard a range of views about NSW syllabus processes and content, as well as alignment with the Australian Curriculum.

A number of stakeholders commented on the quality of NSW syllabuses and the consultative approach taken by BOSTES to their development. The majority of teachers who responded to the

online survey feel that the syllabuses enable them to adapt their teaching and learning according to classroom needs. However, there are perceptions of an over-crowded curriculum with some 55 per cent of teachers indicating that the syllabuses did not allow them time to delve deeply into subject matter. Some stakeholder discussions similarly suggested there is confusion about the extent to which all *content* “dot points” are mandatory.

The need to meet the requirements of contemporary learning, particularly in areas of rapid change such as technology, was seen as very important for New South Wales to continue being a leader in education. It also has consequences for the speed of syllabus review, with concerns expressed by some stakeholders about the currency of some syllabus documents. As one peak organisation commented, “the curriculum is the best and worst of BOSTES”, applauding its stakeholder engagement but criticising its limited agility in responding to the changing needs of students.

A number of stakeholders commented on duplication of effort between the Australian Curriculum and the NSW process. There were differing views about the usefulness of the extra content included in NSW syllabuses during the process of re-working the Australian Curriculum. For some it provides an important support for teachers, while for others it does not sufficiently acknowledge teacher professional judgement. Some stakeholders suggested a more streamlined approach would enable resources to be redirected to providing more comprehensive implementation support to schools.

## REVIEW PANEL'S CONCLUSIONS

The Review Panel acknowledges the cautious and collaborative approach that BOSTES has long taken to syllabus development, which has stood New South Wales in good stead. Neither the syllabus development process nor the design of syllabuses have changed substantially with the introduction of the Australian Curriculum.

It is entirely appropriate that there be some adaption of the Australian Curriculum to meet the specific syllabus needs and approaches in New South Wales. However, rather than the ‘adopt and adapt’ process of Victoria or Western Australia, it would seem that the approach by BOSTES is that of ‘start again’. The Review Panel has heard that rather than fully contributing to the national processes, NSW holds back because it knows it will conduct its own review following endorsement of the Australian Curriculum by the NSW Minister at the national Education Council.

NSW syllabus documents that incorporate the Australian Curriculum are the product of a significant development process, extensive consultation, research, drafting, modifications, redrafting and finally multiple levels of endorsement. This makes for a participatory but lengthy process. The Review Panel considers that there are opportunities to streamline this process, more constructively engage with the national process, and consequently avoid duplication, without losing the important contribution of stakeholders.

There is currently no published schedule of syllabus development and implementation available in New South Wales, and no timeframe for the full incorporation of the Australian Curriculum. The impact of this is perhaps most starkly illustrated in relation to the *Australian Curriculum: Technologies*, which covers, for example, coding skills. It was made available for state and territory use in 2014 and endorsed by Education Ministers in September 2015. Box 4 sets out the implementation timeframe for all states and territories. BOSTES commenced the first phase of syllabus development for this area in February 2016, with anticipated Ministerial approval in mid-2017 and final syllabus material expected to be published by the end of 2017. A timeframe to commence implementation has not been set.

The Review Panel considers that early and more constructive engagement with the development and review of the Australian Curriculum should enable New South Wales to adopt that curriculum, only needing to adapt it to meet specific jurisdictional contexts. This adopt and adapt approach would avoid duplication of effort and improve responsiveness, therefore ensuring the timely delivery of new content areas to NSW students.

#### BOX 4: IMPLEMENTATION TIMEFRAME FOR AUSTRALIAN CURRICULUM: TECHNOLOGIES

NSW	Victoria	Queensland	Western Australia
No announcement	Optional implementation in 2016, all by 2017	Scheduled implementation in 2016 (currently on hold)	Familiarisation from 2015 and full implementation by 2018
South Australia	ACT	Northern Territory	Tasmania
Implementation in 2016	Optional implementation in 2016, all by 2018	Implementation in 2016	Trialling in 2016 and full implementation in 2018

Source: ACARA/State and Territory Curriculum Authorities

This approach would not diminish the capacity of the NSW Education Standards Authority to add value where needed to ensure New South Wales continues its high-standards approach. It would not prevent the organisation from continuing to ensure the curriculum design enables students with disability to participate in learning experiences on the same basis as students without disability. Nor would it need change the existing syllabus arrangements as specified in the Education Act.<sup>30</sup>

It is perhaps not surprising, given the resources required for the extensive syllabus development process, that BOSTES does not schedule a regular review of syllabus documentation. The Review Panel acknowledges the importance of curriculum stability, however, as noted above, the current approach has resulted in criticism that some material is out of date.<sup>31</sup>

A more streamlined adopt and adapt approach to syllabus development should enable a schedule of reviews to be developed to ensure the currency of NSW syllabuses to meet the needs of today's students. While minor amendments should continue to occur quickly, the review schedule could address more substantial amendments to improve outcomes for students in a timely fashion.

#### Recommendation 7: Streamline the syllabus development process

- 7.1 Produce a plan, to be endorsed by the board, for early and more constructive engagement with the Australian Curriculum development and review processes.
- 7.2 Take a more streamlined 'adopt and adapt' approach to the implementation of the Australian Curriculum by:
  - a. removing duplicative efforts particularly by early and constructive engagement in the Australian Curriculum processes
  - b. shortening NSW syllabus development timelines
  - c. publishing a curriculum review and implementation schedule having regard to NSW needs, national priorities and pace of change.

#### REDUCING OVERCROWDING AND INCREASING FLEXIBILITY

The Review Panel heard that there is a widely held view, correct or otherwise, that in implementing a NSW syllabus teachers must cover every *content* "dot point", rather than focus on achieving the syllabus *outcome*. The Panel also heard that this is reiterated, to some extent, by the focus on the *content* "dot points" by BOSTES inspectors during the school registration renewal process.

This level of specificity contributes to the view of an over-crowded curriculum and must contribute to concerns about the capacity of teachers to delve deeply into subject area content for the benefit of

<sup>30</sup> See Education Act s14 and s15.

<sup>31</sup> For example, the Mathematics 4 unit Year 12 syllabus was published in 1989 with revisions last made in 1997. The Technology (mandatory) Year 7-10 syllabus, Industrial Technology Year 7-10 syllabus, and Information and Software Technology Year 7-10 syllabus were published in June 2003 with no major updates since.

student learning. Indeed, it cannot be said that the highly detailed syllabuses in New South Wales are driving improved student outcomes over and above that of, say, their Victorian counterparts.<sup>32</sup>

The Review Panel considers that much clearer advice is required for teachers that they have flexibility in the implementation of the *content* “dot points”. Future iterations of syllabuses would also benefit from a more judicious approach to the way content is presented to reduce the perception of a crowded curriculum, and to provide teachers with greater capacity to delve into content more deeply to support improvements in student outcomes rather than content coverage.

The Review Panel is also persuaded by the suggestion made by some stakeholders that a more nimble and streamlined syllabus development and review process would free up resources that could then be applied to teaching and learning support in areas that have a high impact on outcome standards. This is explored further in the section on *Redirecting resources* later in this chapter.

### **Recommendation 8: Reduce overcrowding of content in NSW syllabuses**

- 8.1 Provide clear advice to schools about the level of flexibility available to teachers in implementation of current syllabuses, with the focus being on the achievement of syllabus outcomes rather than covering each content dot point.
- 8.2 Specify a smaller amount of essential content in future syllabuses to support increased flexibility for teachers and enable more in-depth treatment of priority areas.

## **ASSESSMENT**

### **CURRENT PROCESSES**

BOSTES has broad responsibilities in relation to examinations and credentials. It is responsible for developing and delivering the HSC examinations and awarding the HSC to eligible students. It is also responsible for awarding the RoSA to eligible students who leave school prior to completing the HSC. In addition, it implements and administers NAPLAN tests in New South Wales.

The former Board of Studies developed the Common Grade Scale (A-E) to report student achievement in both primary and junior secondary years in all NSW schools to increase consistency of assessment standards in schools. In years 9 and 10, Course Performance Descriptors are used to provide overall descriptors of student achievement to guide the grade their teacher will award. In senior secondary years, the Preliminary Common Grade Scale is used to support consistent assessment standards across Preliminary courses. Assessment standards are monitored by BOSTES through the school accreditation process.

The broader assessment functions of BOSTES include developing resources and providing expert guidance and support for teachers undertaking assessment of the educational standards of NSW students from Kindergarten to Year 12. This includes the Assessment Resource Centre (ARC) to support professional teaching practice in the assessment and reporting of student achievement. The ARC includes guidelines and work samples for teachers to modify for their contexts.

### **KEY MESSAGES FROM CONSULTATIONS**

While the energy and resources committed by BOSTES to ensuring the quality of the HSC were noted by many stakeholders, suggestions for improvement did arise in other areas of assessment. There was a view from some stakeholders that greater emphasis is needed on formative assessment, that is assessment for learning, and its role in improving student achievement.

There were concerns raised about the currency of views on assessment and reporting, with the ARC website identified as an area in need of updating. Some stakeholders suggested that

<sup>32</sup> Average achievement in NSW in 2015 NAPLAN was close to or not statistically different from Victoria (see 2015 NAPLAN National Report). There was also no statistically significant difference in performance between the two jurisdictions in 2012 PISA tests of mathematical, scientific and reading literacy, although performance in NSW declined in mathematical literacy between 2003 and 2012 and in reading literacy between 2000 and 2012; there was no statistically significant change in Victorian performance during this period (see PISA 2012: How Australia measures up).

enhanced resource development, in particular practical application examples of formative assessment and its role in improving student achievement, along with current assessment samples, would be of significant benefit to schools. It was also suggested that curriculum and assessment could be improved by promoting opportunities for alternative methods such as cross-discipline assessment.

Critical to this is the need to ensure there continues to be deep assessment knowledge and expertise within the organisation. Given the shortage of experienced psychometricians nationally, some stakeholders suggested that particular effort will be required to build capacity and career pathways in BOSTES to ensure ongoing excellence in assessment.

## REVIEW PANEL'S CONCLUSIONS

As noted elsewhere in this report, the continuing guardianship of the HSC by BOSTES, and the international reputation of the credential, is acknowledged by the Review Panel. The Panel is aware that the organisation has recently undertaken a detailed analysis of the HSC and does not consider it appropriate, nor within scope of its terms of reference, to revisit that work here. However, it notes that some issues such as syllabus coverage, dot points and currency of syllabus may be equally relevant to the HSC.

The Review Panel does consider that its proposals for refreshed governance arrangements and an enhanced strategic outlook provide an opportunity to rebalance the curriculum and assessment focus of the organisation. This should support an increased emphasis on assessment for learning. The Panel supports the view of those stakeholders who suggested there is potential for BOSTES to provide greater support for teachers in the use of formative assessments and marking standards. This is explored further in the section on *Redirecting resources* later in this chapter.

It has been suggested to the Review Panel that BOSTES is continuing to develop its online testing platform, despite the development of the nationally agreed NAPLAN Online platform. The Review Panel understands that one of the aims of the NAPLAN Online platform, once in place, is for it to be used by states and territories for their own specific testing purposes. If this is the case, a parallel platform would seem to be an unnecessary duplication of effort and expense.

## REGISTRATION OF PROFESSIONAL LEARNING

### CURRENT ARRANGEMENTS

BOSTES is responsible for the approval of endorsed professional development, under delegation from the Minister, and for the development of overarching policies for professional learning to support teachers' professional accreditation.

Accredited teachers in New South Wales are required to undertake a minimum of 100 hours of professional development over a five-year period to maintain their accreditation status.<sup>33</sup> This professional development must address the seven standards areas in the Australian Professional Standards for Teachers.

For maintenance of accreditation at Proficient level, teachers must undertake a minimum of 50 hours of professional development that is registered by the QTC. The remaining professional development is classified as 'teacher identified'. Slightly different requirements apply to teachers maintaining accreditation at the Highly Accomplished and Lead levels.

Providers of professional development, which can include organisations, schools and individuals, must apply to BOSTES if they wish to become approved as a provider of QTC Registered professional development. Box 5 sets out the application criteria for providers. The process for approval takes approximately three months and includes processing by the professional learning secretariat in BOSTES, consideration by the QTC's Professional Learning Endorsement and Advisory Committee, endorsement by the QTC and, on the QTC's advice, approval by the President of BOSTES.

<sup>33</sup> The maintenance period is five years for full-time teachers and seven years for part-time or casual teachers.

**BOX 5: APPLICATION CRITERIA FOR PROVIDERS SEEKING ENDORSEMENT FOR QTC REGISTERED PROFESSIONAL DEVELOPMENT**

1. *The provider is a bona fide provider.*
2. *Processes are in place to assure the quality of the presenters used to deliver courses and programs.*
3. *The courses or programs offered reflect quality design and delivery.*
4. *Policies and procedures are in place to provide assurance of the quality of delivery and evaluation of courses or programs.*
5. *The provider's administrative and record management systems in place are current, accurate and secure.*
6. *Evidence that all marketing and advertising of continuing professional development products and services are both appropriate and ethical.*
7. *The provider has policies in place in regard to any statutory requirements that affect the provision of professional development.*
8. *The provider has the necessary insurance cover to conduct continuing professional development activities.*
9. *The provider has in place recognition policies ensuring that participants can apply for recognition if available (where applicable).*
10. *The provider has in place assessment policies related to possible certification or certification requirements (where applicable).*
11. *Where a partnership exists, the provider is responsible for administration in regards to the BOSTES.*
12. *The course reflect either one or more of the standard descriptors at the relevant career stage (Proficient Teacher, Highly Accomplished Teacher or Lead Teacher level).*

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*Source: Manual for Applying to become an Endorsed Provider of QTC Registered Professional Development*

**KEY MESSAGES FROM CONSULTATIONS**

While there are clear requirements in place for teachers to maintain their accreditation, many stakeholders identified shortcomings in the current approach to registered professional development, which underpins this process.

The Review Panel heard from multiple sources that the current process to be endorsed as a registered provider is cumbersome and unnecessarily complicated. Some school leaders highlighted the time and effort required to have a course registered, with one reporting “it’s not hours of work but days of work”. Stakeholders highlighted the long delay between submission and approval, with many identifying a need to streamline the approach particularly in light of the expansion of the teacher accreditation system.

Some stakeholders also raised concerns about the number and availability of approved professional development courses to meet their learning needs, which is exacerbated for teachers accredited at the higher levels. There are also concerns that it may be difficult for early childhood teachers to gain enough hours. The logging of hours, verification of attendance and lack of evaluation data are also areas of concern.

While the process for approving professional development emphasises the alignment of courses with the descriptors in the Professional Standards, it was suggested to the Review Panel that greater transparency is needed about how these courses address the needs of teachers with regard to specific curriculum and outcomes.

## **REVIEW PANEL'S CONCLUSIONS**

The Review Panel acknowledges that the processes developed for the approval of professional learning during the early stages of teacher accreditation in New South Wales assisted in increasing teachers' knowledge of the options available to them and supported a greater role for teachers in identifying their own professional development needs.

As this system has evolved, however, it has become a cumbersome, multi-step and, in some cases, duplicative process for both teachers needing to have their professional learning acknowledged for the maintenance of accreditation and for providers seeking to have their programs recognised.

The PwC review highlighted a number of issues with the current approach. It also found that there are significant concerns over the amount of registered professional development available and a perception of inconsistent quality of existing courses. While BOSTES is implementing the recommendations arising from PwC's analysis, here too, the Review Panel considers that there are further opportunities to streamline the process.

Given existing concerns regarding the supply of approved courses and demands on the system that will only increase with the expansion of teacher accreditation to all teachers, the Review Panel considers that a new approach is needed to target effort to priority areas, simplify existing processes and support the role of teachers in assessing quality.

A high level of scrutiny should be applied to professional learning in priority areas. The board should lead a discussion on high priority professional development that best supports teachers to maximise student learning. The priority areas could be identified in the Minister's Letter of Expectation and would assist in ensuring a more strategic approach to professional development. Approved providers offering such professional development could be publicised through the NSW Education Standards Authority's communication channels.

For other areas of professional learning, the Authority should continue a minimalist regulatory role for the approval of providers. However, the Review Panel is of the view that there is significant scope to cut red tape from current processes by reducing the reliance on administrative paper checking and undertaking instead a simplified verification of the bona fides of providers. Providers would also need to provide an overview of their courses, how they relate to the curriculum and how they align to the Professional Standards.

Quality assurance would be improved by implementing a transparent user-rating system and increasing risk-based audits. To support teacher judgement about what professional learning to undertake, the quality of approved courses would be rated by teachers close to the time of course completion. Aggregated satisfaction ratings would then be made public. The Authority should have the capacity to undertake risk-based audits, particularly where ratings are routinely low, to provide a further level of quality assurance.

In addition to registered professional learning, the Review Panel supports the continuation of teacher-identified professional development as part of the requirements for the maintenance of accreditation. Experiential, in-school professional development, including that provided by instructional leaders, can be an invaluable form of professional learning which, given its nature, is not captured in the process for approving providers of professional development described above.

### **Recommendation 9: Target regulatory effort for the approval of professional development providers to areas of high priority, simplify existing processes and adopt a user-rating system to monitor quality**

- 9.1 Apply high levels of scrutiny to the approval of providers of professional development in areas identified as state priorities, with specific endorsement from the NSW Education Standards Authority.

- 9.2 Simplify the approval process for all other providers of professional development with a streamlined check of organisational bona fides and financial viability.
- 9.3 Implement a transparent user-rating system that gives teachers a direct role in assessing course quality in real time, with
  - a. teacher satisfaction ratings registered digitally, which should be close to the time of course completion
  - b. timely publication of aggregated teacher satisfaction ratings for each course on the Authority's website.
- 9.4 Undertake risk-based audits of providers based on teacher feedback, with approvals withdrawn in certain circumstances.

## KNOWLEDGE AND EXPERTISE TO SUPPORT TEACHING AND LEARNING

### CURRENT ARRANGEMENTS

BOSTES sets standards across the four key educational areas of curriculum, assessment, school regulation and teaching quality to drive improvement in student achievement. Schools and teachers are regulated and accredited according to these standards. BOSTES monitors the standards and provides advice on their implementation. It supports all three school sectors and works in areas that are not already the responsibility of the sectors.

While BOSTES does not provide professional development or teaching materials generally, there are particular circumstances in which it plays a more direct role. It provides, for example, teaching materials to support the implementation of new syllabuses and has developed Program Builder to support teachers to arrange and share targeted teaching programs directly related to curriculum outcomes.

BOSTES has also commissioned professional learning programs to be developed and presented by professional associations. For example, under Great Teaching, Inspired Learning, BOSTES commissioned the Professional Teachers' Council (PTC) to develop refresher courses for professional learning. The PTC partnered with the English, mathematics, science, history and geography subject associations to develop content for modules for these teachers to update their K-10 curriculum knowledge.

In addition, BOSTES provides an opportunity for teachers to gain insight and experience into the standards being achieved by students presenting for the HSC. It has an extensive and robust process in place for the marking of HSC examinations, which involves several thousand teachers across the state each year.

As the standard-setting authority across the four key areas, the organisation has also identified the role it can play in supporting teaching and learning through data, research and policy development. The Board's strategic plan identifies as key priorities BOSTES-initiated research, evaluation and data analysis, in collaboration with school sectors, universities, teacher education and other professional groups.

To support this work, a Research and Development Committee was established in 2014. The committee advises BOSTES on research and development related to its statutory functions. It also develops and monitors protocols for sharing data, advises on effective developments with regard to learning measurement and identifies and considers research opportunities including proposals for use of data from universities.

### KEY MESSAGES FROM CONSULTATIONS

There is strong support from stakeholders for the organisation's knowledge and expertise in its areas of regulatory responsibility. However, a number of stakeholders indicated that the area of professional learning is one where responsibilities have become blurred and in need of clarification.

Some stakeholders suggested that BOSTES is moving to expand its role as a provider of professional learning, which leads to the potential for conflicts of interest. Other stakeholders suggested there is scope for BOSTES to provide greater support to the professional associations to undertake professional learning and resource development for teachers.

Stakeholder feedback is clear that BOSTES would benefit from a stronger strategic data analysis and research capability to drive policy formation and strategic directions within the organisation, particularly in light of the extensive data the amalgamated organisation now holds.

The higher education sector, for example, identified the benefit of closer engagement with university researchers to allow for quicker uptake on recent research in classrooms and translation across schools where new practice has been found to be beneficial, and also in the analysis of data relating to teacher quality.

There are mixed views about how this capability should be enhanced. Some stakeholders suggested that the Department of Education's Centre for Education Statistics and Evaluation (CESE) should be transferred to BOSTES. Others suggested BOSTES should build its own capacities in this area. A third group of stakeholders recommended strengthening the collaborative arrangements between BOSTES and CESE.

## REVIEW PANEL'S CONCLUSIONS

The Review Panel acknowledges that BOSTES is the source of authority on curriculum, assessment, teaching standards and school registration. As noted in Chapter 3, the Review Panel considers that the NSW Education Standards Authority should focus its effort on these core functions, including working to develop strategic alignments between them.

BOSTES does not see the delivery of professional development as one of its core responsibilities and the Review Panel considers that it is appropriate that this continue to be the case. That said, the Authority is well placed to support teaching and learning by providing expert advice in the areas where it has unique and authoritative insight, such as interpreting syllabuses and marking of HSC and NAPLAN. The remit of this support should be limited to key domains within this expertise.

### **Recommendation 10: Limit the professional learning activity of the NSW Education Standards Authority to the provision of expert advice and enhance its strategic use of data**

#### **10.1 Provide support to schools and sectors only in those areas where the Authority has unique and authoritative insight.**

The Review Panel agrees that a strengthened focus on research and data analysis would assist the Authority to become more strategic and forward looking. The organisation now holds a significant range of data, in particular on student performance and teaching, which should inform the way it fulfils its core regulatory responsibilities.

There appears to be significant scope, which is yet to be fully explored, for the Authority to harness this data to support the development of stronger alignments between curriculum, assessment, teaching and schooling standards.

Rather than extend the organisation's remit further by transferring to it the responsibilities of CESE, the Review Panel considers that it needs to build its capabilities for strategic data analysis and better collaborate with evaluation experts such as CESE, the recently established AISNSW Institute, experts from the Catholic Education Commission NSW and from the university sector.

The Review Panel agrees with those stakeholders who indicated that the relationship between BOSTES and CESE should be strengthened. The Panel understands that collaborative arrangements are in place between the two entities to some extent and that CESE has previously produced a number of reports for BOSTES. A clearer memorandum of understanding should be developed in order to improve data sharing, reduce duplication of effort, and enhance cooperative arrangements.

The Review Panel also considers that the Research and Technical Committee, which has been identified as one of two advisory committees of the board in the proposed refresh of governance arrangements, should oversee more strategic use of the data that sits within the organisation. This committee should guide the Authority in building its capacities in this area as well as stronger partnerships with other organisations.

**10.2 Build capacity within the Authority to analyse and use its data to better inform regulatory policy.**

**10.3 Establish clearer arrangements with the Centre for Education Statistics and Evaluation to support the Authority's strategic leadership of education standards.**

## REDIRECTING RESOURCES

Streamlining regulatory processes enables duplicative effort to be reduced and at the same time releases resources that can be reinvested within the NSW Education Standards Authority to strengthen support for teaching and learning.

As noted in the earlier section on *Curriculum*, a number of stakeholders suggested that a more streamlined syllabus development and review process would free up resources that could be directed to areas within the organisation's responsibilities that warrant greater attention. The Review Panel agrees with this conclusion.

For example, stakeholders have suggested that more effort be directed toward providing curriculum support and implementation materials, particularly in areas where there are recognised weaknesses. These could also support teachers to move from a focus on covering the breadth of content and the transmission of skills, to the development of deep understanding, critical thinking and reasoning.

Resources could also be redirected to support a greater focus on the primary curriculum, given the importance of the early years in the development of student learning. While New South Wales has led many developments in primary education (such as primary teaching specialisations and early literacy and numeracy programs), a number of stakeholders have identified the primary years as in need of greater attention within the organisation, noting that historically Board of Studies inspectors were drawn predominantly from secondary subject areas.

The Review Panel supports the view that more structured and regular attention to the primary years would be provided if there was an increase in primary inspectors within the organisation. This would help to ensure that the potential of the primary curriculum is fully realised and support an ongoing focus on early years literacy, numeracy and assessment.

The Panel also supports the view that the Authority would benefit from drawing in greater subject expertise to support schools, particularly in areas of priority focus such as maths, science and languages. For example, outstanding subject experts or school subject leaders might be identified as part of the school registration process and these experts could be drawn into the organisation as needed. If redirected resources are insufficient to cover an increase in inspectors, there may be merit in requiring that any shortfall be borne proportionally by the three school sectors given the flow on benefit to schools.

Some of the resources freed up as a result of the adopt and adapt approach to syllabus renewal should also be allocated to enhance resource development in relation to the application of formative assessments in the classroom, and to refresh assessment support materials more generally. Providing teachers with modern, best practice assessment resources, including greater support on marking practices, will complement the curriculum and assist in improving learning outcomes in schools.

In addition, the new approach proposed for the approval of professional development providers, as outlined in the earlier section on *Teacher accreditation*, should free up resources within the Authority that could be directed toward teacher accreditation process improvements. No change to the hypothecation of teacher accreditation fees is proposed.

**Recommendation 11: Redirect resources released by changes in regulatory processes to strengthen support for teaching and learning**

- 11.1 Reinvest resources released from streamlining syllabus development into:
  - a. curriculum support materials
  - b. an overall increase in the number of inspectors, particularly in primary education with a focus on literacy, numeracy and assessment
  - c. appointing inspectors with subject expertise on a needs basis
  - d. improved support for formative assessment in the classroom and other assessment support materials.
- 11.2 Reinvest resources released from changes to professional development provider approvals into processes and systems to cope with the expansion of the teacher accreditation regime to all teachers.

# CHAPTER 7: ORGANISATIONAL STRUCTURE

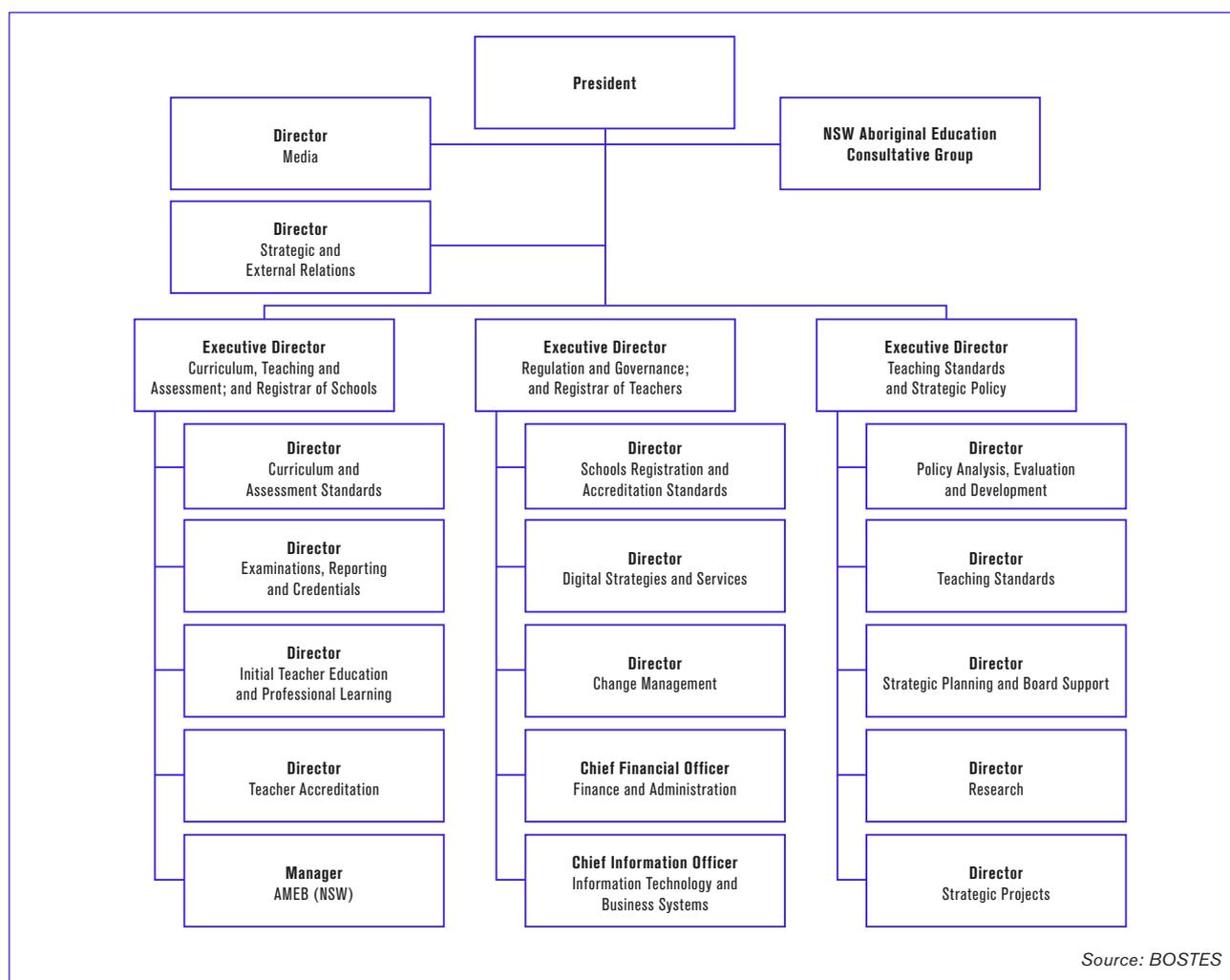
## CURRENT ARRANGEMENTS

Following the amalgamation, the organisation refreshed its structure under the auspices of three key functional areas (see **Figure 5**):

- Curriculum, Teaching and Assessment, and Registrar of Schools
- Regulation and Governance and Registrar of Teachers
- Teaching Standards and Strategic Policy

The organisation also continues the responsibilities that rested with the former Office of the Board of Studies for providing professional and administrative support and services to the Australian Music Examinations Board NSW and the NSW Aboriginal Education Consultative Group.

Figure 5: **BOSTES** organisational chart as at 30 June 2015



## KEY MESSAGES FROM CONSULTATIONS

Many stakeholders spoke highly of the expertise and professionalism of BOSTES staff.

Some stakeholders who dealt day-to-day with BOSTES said that although little had changed for those parts of the former Board of Studies, much had changed for the former Institute of Teachers, and not always for the better.

For those who interacted with the former Institute of Teachers, there was a sense that the new organisation was harder to deal with, and that there was a lack of clarity about who had decision-making authority for teaching quality issues within the organisation.

As noted elsewhere in this report, stakeholders also raised concerns about the capacity of the organisation to cope effectively with the expansion of teacher accreditation to early childhood teachers and the pre-2004 cohort of school teachers, if current processes remain in place.

Also noted elsewhere is the view of stakeholders that the organisation needed greater strategic data and research capacity to fully realise its remit.

## REVIEW PANEL'S CONCLUSIONS

The Review Panel acknowledges the significant challenges inherent in bringing two established organisations, with different cultures, systems, processes and ways of operating, together. The continuity of service and delivery of regulatory and policy initiatives since the amalgamation is a credit to the professionalism and commitment of the staff and executive.

An organisational structure for the proposed NSW Education Standards Authority should be developed once governance changes have been agreed, in order to ensure it fully supports the regulatory and strategic focus proposed by the Review Panel.

The Review Panel considers it appropriate that the Chief Executive determine the most effective organisational structure. That said, it does suggest the executive closely align with the Authority's regulatory functions (curriculum, assessment, school registration, quality teaching, initial teacher education) to support the aims of clearer decision making and accountability. It would also be expected that the executive would include relevant corporate functions for the effective and efficient administration of the organisation.

Given the new approach to regulation proposed by this review, operational and cultural change will be necessary. The Panel considers that the organisation would benefit from an internal champion to support a focus on reducing red tape. In addition, the board is well advised to seek external support to achieve the significant cultural change required.

### **Recommendation 12: Review the organisational structure of the NSW Education Standards Authority**

- 12.1 Adopt a principle of alignment as much as possible between the governance structure and organisational structure, with the executive of the Authority encompassing each of the regulatory functions and relevant corporate functions.
- 12.2 Appoint an internal champion focused on reducing red tape and seek external advice to assist the board in achieving substantial cultural change.

## CHAPTER 8: ISSUES FOR FURTHER CONSIDERATION

A number of issues have been raised with the Review Panel through stakeholder discussions and submissions that go beyond the review terms of reference.

### HSC DISABILITY ADJUSTMENTS

The Review Panel received some submissions that raised issues in relation to the support provided for students with special education needs. In particular, concerns were raised by parents of students with disability and their advocates about the policies and processes in place for the provision of disability adjustments for the HSC.

These submissions suggested that there is a lack of awareness or varying degrees of support from schools for adjustment applications and that there is a lack of transparency around decision making, which has resulted in what appears to be inconsistencies in the assessment of applications by BOSTES. Overall, there is a view that the system leaves much to luck and circumstance, with a perception that parents who have the time and knowledge to take on the appeals process are more likely to gain an outcome in their child's favour.

The Review Panel is aware that the NSW Ombudsman reviewed the system for making HSC disability provision applications in 2012-13.<sup>34</sup> This followed a number of previous audits of the disability adjustment provisions program. The Ombudsman found that the Board has a rigorous process for administering applications, but that the process is time consuming and in some cases confusing for schools. It also found that a school's culture, resources and expertise in managing disability issues are significant factors in influencing whether an application is made or not. More recent reports, such as the NSW Auditor-General's report, Supporting students with disability in NSW public schools, also raise broader issues worthy of review.<sup>35</sup>

Given the Ombudsman highlighted a need for clearer information, and there are ongoing concerns about the approach to the provision of HSC disability adjustments, further consideration of this matter may be warranted by the NSW Education Standards Authority, in consultation with schools and parents.

### EARLY CHILDHOOD EDUCATION

As noted in the previous chapter, stakeholders from the early childhood education and care sector are positive about the inclusion of early childhood teachers in the teacher accreditation regime and acknowledge the widespread consultation that BOSTES has undertaken in support of these changes. They are, however, concerned to ensure that the differences between the early childhood sector and schooling sector are sufficiently recognised.

The Review Panel heard that teacher accreditation processes designed for schools and school sectors do not necessarily translate to early childhood settings. For example, the Australian Children's Education and Care Quality Authority (ACECQA) estimates that around half of the 3,600 eligible long day care and preschool services in New South Wales employ only one or two early childhood teachers. This means the peer and mentoring support that may be available in the primary and secondary school sectors can be absent in the early childhood sector. The majority are also small standalone services, often managed by parent committees, which will need to outsource a TAA for the assessment of accreditation.

<sup>34</sup> NSW Ombudsman 2013, A Level Playing Field? HSC Disability Provisions, A Special Report to Parliament, May; available at [https://www.ombo.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0006/9789/HSC-Disability-provisions.pdf](https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0006/9789/HSC-Disability-provisions.pdf).

<sup>35</sup> NSW Auditor-General 2016, Supporting Students with disability in NSW public schools, Available at: <http://www.audit.nsw.gov.au/publications/latest-reports/supporting-students-with-disability>.

Stakeholders consider that policies and procedures, including the evidence guide, need to reflect the particular circumstances as well as the professional work of early childhood teachers in prior-to-school settings. The Review Panel considers that this warrants further attention by the NSW Education Standards Authority in partnership with the early childhood sector.

The intersection between BOSTES and ACECQA in relation to early childhood teaching qualifications has also been raised as an area in need of consideration. ACECQA's qualification assessment guidelines require that early childhood teacher qualifications must include curriculum and professional experience that covers at least the birth to five years age range, with qualifications that cover birth to eight years preferred.

Under BOSTES requirements, the age span of accredited initial teacher education courses is birth to 12 years of age. This has led to concerns from providers of both courses and services that while it may accommodate the needs of schools, this age range does not allow sufficient focus on the early years.

## VOCATIONAL EDUCATION AND TRAINING

The Review Panel heard from a number of stakeholders that further consideration needs to be given to the requirements of vocational education and training (VET) courses in the secondary years. This includes a need for greater alignment between VET awards and BOSTES requirements.

The development of the BOSTES Industry Curriculum Frameworks based on the National Training Packages is designed to provide NSW students with the option of counting these courses for the purpose of ATAR eligibility. This is an important consideration aligned with a high expectations focus, however, the Review Panel has heard that there are tensions between the BOSTES requirements and those of the Australian Skills Quality Authority (ASQA) which need resolution.

As one stakeholder noted, it is in the best interests of students and schools to have simpler and less onerous directions regarding their compliance for both the HSC and ASQA in offering VET subjects.

Similarly, the intersection between NSW teacher accreditation requirements and the requirements for VET teachers under the national Standards for Registered Training Organisations 2015 overseen by ASQA has been highlighted as an area needing further clarification.

## HOME SCHOOLING

Under the Education Act home schooling is education delivered in a child's home by a parent or guardian. Parents or guardians who are home schooling a child are responsible for developing and implementing their child's educational program and assessing their child's program. Registration with BOSTES is a legal requirement for home schooling while a child is of compulsory school age and not enrolled in a school.

The Review Panel heard from a number of stakeholders involved in home schooling that the process for registration with BOSTES is inflexible and overly focused on compliance issues rather than an assessment of educational quality. These stakeholders suggest that the management of the regulation of home education is in need of overhaul.

The Review Panel is aware of the recent inquiry of the NSW Legislative Council Select Committee on Home Schooling, to which the NSW Government released its response in July 2015.<sup>36</sup> As a consequence of the inquiry, BOSTES has established a Home Schooling Consultative Group (HSCG), an advisory body made up of home educators and other interested parties.

The NSW Government supported the Inquiry recommendation that the information package for registration for home schooling be reviewed in consultation with stakeholders. The Review Panel understands that this review is currently underway by BOSTES and the process is being overseen by the HSCG.

<sup>36</sup> See <https://www.parliament.nsw.gov.au/committees/Pages/committeeprofile/home-schooling.aspx>.

In light of the work underway and the consultative mechanism now established, the Review Panel considers it appropriate that matters raised in submissions to this review on home schooling be considered by the Authority in collaboration with the HSCG.

**Recommendation 13: Refer issues raised outside the scope of the review to the board of the NSW Education Standards Authority for further consideration**

- 13.1 Consider issues raised by stakeholders that were outside the review terms of reference, including HSC disability adjustments, early childhood teacher and course accreditation, senior secondary vocational education and training subject requirements, and home schooling registration.