Guideline

for obtaining and managing consent for Highly Accomplished and Lead Teacher Certification and Renewal of Certification

Contents

Purpose 3

Overview 3

Certification process 3

Renewal process 3

Consent requirements 4

Responsibilities 5

Principal/Principal's Delegate 5

School Consent Contact 5

Applicant/Teacher 5

Process 6

Process for consent 6

Notice to withdraw consent 7

Glossary 7

Further support 9

Uncontrolled copy. Refer to the Department of Education Policy and Procedure Register at https://ppr.qed.qld.gov.au/pp/obtaining-and-managing-student-and-individual-consent-procedure to ensure you have the most current version of this document.

Purpose

This guideline sets out the responsibilities and processes for School teachers to obtain consent to record, collect, use and disclose a student's, employee's or volunteer's (an Individual's) personal information or materials for the purposes of an application for Highly Accomplished Teacher (HAT) and Lead Teacher (LT) national Certification or Renewal. It also sets out the responsibilities and processes for Principals and School Consent Contacts when supporting teachers to obtain consent.

Overview

Certification process

Eligible teachers (the Applicant) in schools are able to voluntarily apply for national teacher Certification for recognition at either the HAT or LT career stage against the Australian Professional Standards for Teachers (APST). Eligibility criteria are captured in Chapter 2A, Part 1 of the *Education (Queensland College of Teachers) Act 2005* (Qld) and in the Department of Education State School Teachers' Certified Agreement (2022). The Certification assessment process for Queensland state school teachers is captured in the *Education (Queensland College of Teachers) Act 2005* (Qld).

This process, developed by the Australian Institute for Teaching and School Leadership (AITSL) and conducted for Queensland state school teachers by the Queensland College of Teachers (QCT) in its role as Certifying Authority, offers eligible teachers access to a rigorous and transparent approach that evaluates teaching practice, using multiple sources of evidence, against the HAT and LT career stage descriptors provided in the APST.

The HAT and LT Certification process has two stages:

- Stage 1 comprises either:
  - an audio-visual recording of the Applicant's teaching practice; or
  - an Assessor class visit to directly observe and assess the Applicant's teaching practice.
- If the Applicant is successful in Stage 1, they may progress to Stage 2. Stage 2 consists of the Applicant submitting to the QCT evidence of their teaching practice that is aligned to the HAT or LT career stages of the APST

Submitted Stage 1 and Stage 2 applications will be reviewed and assessed by QCT employees and nationally trained Assessors recognised by QCT, and may be moderated by authorised persons from AITSL, as the national Certification body.

Renewal process

Eligible certified teachers (the Applicant) are able to apply to renew their national certification at their recognised HAT or LT career stage against the Australian Professional Standards for Teachers (APST). Eligibility criteria

are captured in Chapter 2A, Part 2 of the *Education (Queensland College of Teachers) Act 2005* (Qld) and in the Department of Education State School Teachers' Certified Agreement (2022). The Renewal assessment process for Queensland state school teachers is captured in the *Education (Queensland College of Teachers) Act 2005* (Qld).

This process, also developed by AITSL and by the QCT in its role as Certifying Authority, offers eligible teachers access at 5 years post certification to renew their certification status for a further 5 years. The Renewal process evaluates the ongoing professional practice and professional learning of certified teachers using multiple sources, against the HAT and LT career stage Professional Capabilities provided in the QCT Renewal Guidelines.

Submitted renewal applications will be reviewed and assessed by QCT employees and nationally trained Assessors recognised by QCT, and may be moderated by authorised persons from AITSL, as the national Certification body.

Consent requirements

The consent to the recording, collection, use and disclosure of an Individual's Personal Information and/or Materials is required in accordance with the *Education (General Provisions) Act 2006* (Qld) (EGPA), *Information Privacy Act 2009* (Qld) (IPA) and the *Copyright Act 1968* (Cth). Refer to the Obtaining and managing student and individual consent procedure's *Overview* section for the Department's consent requirements and the notice of penalties and/or disciplinary action for breaches.

To meet these requirements the Department requires Applicants to obtain consent or to redact personal information and/or materials, where practicable.

For a Stage 1 Application, consent is required prior to:

- creating recordings or capturing an Individual's personal information and/or materials for the purpose of Stage 2 Application and Assessment; and/or
- the attendance of an Assessor in their class.

For a Stage 2 Application, consent is required prior to:

- creating recordings or capturing an Individual's personal information and/or materials for the purpose of Certification; and/or
- collating an Individual's existing personal information and/or materials in their HAT or LT Application and/or Assessment.

For a Renewal Application, consent is required prior to:

- creating recordings or capturing an Individual's personal information and/or materials for the purpose of Renewal; and/or
- collating an Individual's existing personal information and/or materials in their HAT and LT Renewal Application and/or Assessment; and/or
- the attendance of an Assessor in their class.

To enable these certification activities to be undertaken, consent is required for any Individual who could be identified, referred to, seen or heard in submissions or assessments. For this purpose, the Department's HAT and LT Certification and Renewal of Certification Consent Form (the Form) must be used and the Form must be reviewed and retained at the School.

Responsibilities

Principal/Principal's Delegate

- Nominate a School Consent Contact for this process. The School Consent Contact is a school employee nominated by the Principal to manage and ensure adherence to the consent requirements within the context of a specific school.

School Consent Contact

- Ensure the information collected from the completed Forms is entered into OneSchool for students and relevant files for school staff and manage any related records in accordance with the Records management procedure, Privacy data breach and complaints procedure, and Information security procedures.
- Ensure any withdrawals of consent are recorded in OneSchool and/ or relevant school staff files and ensure the Applicant has responded to the Individual or the Individual's parent/carer in line with this guideline.

Applicant/Teacher

- Ensure that the following activities for a HAT or LT Application do not occur prior to a signed Form being provided for:
    - the capturing, use, collating and/or disclosing of new or existing:
        - personal information of an Individual, including:
            - video or audio recording of Individuals;
            - photography of Individuals;
        - materials of an Individual; and/or
    - an Assessor conducting a class-based assessment.
- Ensure that the Principal or Principal's delegate are informed prior to distributing the Form.
- Communicate to parents/carers and Individuals that it is not compulsory to provide consent and there are no penalties if consent is withheld.
- Ensure consent is requested and received in accordance with the school's data and collection requirements, for all relevant Individuals.
- Enter information collected from the Form into OneSchool and relevant school staff files and capture subsequent withdrawals in OneSchool and relevant school staff files.
- Provide collated hardcopies of the Forms to the School Consent Contact for recording keeping processes.

- Manage any notices of withdrawal as soon as possible by informing the School Consent Contact, completing the required actions, advising the outcome and complete recording of all correspondence.
- When an Assessor is required to attend the nominated classes, ensure that only Individuals with a valid consent are present while the teaching assessment is being conducted.
- Collect and use consent records in accordance with the Records management procedure , Privacy data breach and complaints procedure, and Information security procedures including ensuring this information is only stored on Departmental systems.

NOTE: The Form does not deal with the situations where an Applicant is seeking to use an Individual's personal information and/or materials for Certification which was collected and is stored within:

- another educational sector or a State or Territory agency separate to the Department; and/or
- a Departmental system but the Applicant is no longer an employee of the Department;

further specific consent will be required in such situations. Refer to the Department's Teaching Expertise team for information specific to your situation.

Process

Note that consent must be obtained before recording, using, collating or disclosing any new or existing personal information of an Individual (including video or audio recordings and photography) and/or materials of an Individual and/or before an Assessor can conduct a class based assessment.

Process for consent

1. The Applicant identifies a list of Individuals for whom consent is required. This step occurs for Stage 1 and Stage 2 of the Certification process and for Renewal.
2. The Applicant notifies their Principal of their intention to apply at each relevant Stage and that the Applicant will send the Form and Letter to all relevant Individuals and parents/carers.
3. The Applicant contacts the School Consent Contact and confirms the school's data and personal information collection requirements.
4. The Applicant prints the approved Letter on school letterhead.
5. The Applicant distributes the approved Letter and Form to all relevant Individuals and parents/carers and collates the returned forms.
6. The Applicant uploads a copy of the Form onto the respective Individual's profile in OneSchool or relevant school staff file.
7. The Applicant cross references the list of returned Forms and class list, and identifies the outstanding forms for follow up or Individuals for exclusion.
8. The Applicant collates the hardcopy Forms and provides these to the School Consent Contact who ensures that records are managed in accordance with the school record keeping requirements.
9. The Applicant can then commence the Application activities in line with consents received.

10. The Applicant must ensure that records containing an Individual's personal information and/or materials, or videos and/or photographs that may record and/or capture an Individual's materials, voice and/or image, are held on the Department's systems.
11. The Applicant must also ensure that no records are stored external to the protected Departmental systems.

Notice to withdraw consent

1) Individual's or an Individual's parent/carer wishing to withdraw consent should notify the Applicant in writing (email or letter).
2) On receiving an Individual's or Individual's parents/carer's notice to withdraw consent, the Applicant is to promptly advise the School Consent Contact and advise the status of their Stage 1 or Stage 2 Application.
3) This withdrawal of consent should be recorded in OneSchool and/ or relevant school staff files and considered in any future use or disclosure.
4) A Stage 1 Application is deemed submitted when the Certification payment has been made to the QCT.
5) If the Stage 1 Application has:
    a) not commenced, the Applicant will either remove or redact the personal information and remove any materials from the Application and ensure the Individual does not participate in the recording or observation process
    b) commenced at the date of consent withdrawal, no such amendments are possible at the date of consent withdrawal.
6) If Stage 2 Application activities have:
7) not been lodged, the Applicant will ensure personal information and/or materials of the Individuals', who have not provided their consent or have withdrawn it, is either not included or that it is redacted in the Application been lodged at the date of consent withdrawal, no such amendments are possible If Renewal Application has:
    a) not been lodged, the Applicant will ensure personal information and/or materials of the Individuals', who have not provided their consent or have withdrawn it, is either not included or that it is redacted in the Application.
    b) been lodged at the date of consent withdrawal, no such amendments are possible.
8) The Applicant promptly confirms the outcome of the notice to withdraw consent with the Individual or the Individual's parents/carer and makes appropriate records.

Glossary

Applicant	A teacher who is planning to or has submitted an Application for Certification or Renewal.
Application	A collection of evidence and observations of teaching practice for the purpose of submission for HAT or LT Certification.
Assessor	A registered teacher who is recognised by the Queensland College of Teachers (QCT) as an Australian Institute for Teaching and School Leadership (AITSL) nationally trained assessor.

Certification The general term for the process whereby eligible teachers in schools may apply for national certification to demonstrate their teaching skills and abilities at the higher career-stages of the Australian Professional Standard for Teachers (APST).

Individual Is any of the following persons:

a) student of a state school including:
   i) a student, prospective student or former student; or
   ii) a pre-preparatory age child –
   - who is or has been registered in a pre-preparatory learning program at a state school; or
   - for whom an Application for registration in a pre-preparatory learning program at a state school has been made; or

   iii) person with a disability who –
   - under s420(2) *Education (General Provisions) Act 2006* (Qld) is being provided with special education at a state school; and
   - is not enrolled in the preparatory year at the school.

b) an adult, being a person over 18 years of age, including a colleague or a volunteer.

Materials May include written work, designs, artwork, objects, programs, recordings and the like made by an Individual or to which the Individual contributed. In the case of students, it includes, but is not limited to, work they create in the course of their studies during the time they are enrolled at a state school. In signing a consent Form the Individual remains the owner of the intellectual property of their copyright material.

Parent/carer Parent/carer, of a child (s.10 *Education (General Provisions) Act 2006* (Qld) (EGPA)) is any of the following persons:

a) the child's mother;
b) the child's father;
c) a person who exercises parental responsibility for the child.

However, a person standing in the place of a parent/carer of a child on a temporary basis is not a parent/carer of the child.

- A parent/carer of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.
- A parent/carer of a Torres Strait Islander child includes a person who, under Islander custom, is regarded as a parent of a child.
- However, if a person is granted guardianship of a child under the *Child Protection Act 1999* (Qld), or a person otherwise exercises parental responsibility for a child under a decision or order of a federal court of a court of a State, then only the person with guardianship under the *Child Protection Act 1999* (Qld), or exercising parental responsibility under the decision or order of the court, is the child's parent/carer.

Personal Information (s.12 *Information Privacy Act 2009* (Qld)) is information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Principal's Delegate	May be the Deputy/Assistant Principal or equivalent member of the senior leadership team of the School or setting who has significant knowledge of the Applicant's practice and must be nominated by the Principal or, in the case of Teaching Principals, the direct supervisor.
Redact or Redaction	The process of editing content so that an individual's identity is not apparent or cannot reasonably be ascertained from the information or content.
School	Means a State instructional institution established under section 13 or 14 of the EGPA, unless otherwise expressly stated.

Further support

For information, questions or feedback on this guideline, contact:

Teaching Expertise Team
Capability Branch
State School Strategy
Email: Teaching.Expertise@qed.qld.gov.au

For information about privacy, contact:

Privacy Officer, Information & Technologies Branch
Phone: (07) 3034 4557 or 0436 366 562
Email: Privacy@qed.qld.gov.au