Reform of the Adult Migrant English Program – Answers to Questions in the Discussion Paper Submission Form

19th July 2021

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RESPONDING ON BEHALF OF AN ORGANISATION/STAKEHOLDER GROUP: Yes

NAME OF ORGANISATION: Australian Council of TESOL Associations (ACTA)

AN OUTCOMES-BASED MODEL

Q1. Is an outcome payment on attainment of certificate levels the most effective way to incentivise student outcomes?

No.

Answering this question entails consideration of *who* might be incentivised by this payment system.

1.1 Incentivising *students* to achieve learning outcomes

The way in which providers are paid does not and will not have any bearing on student motivation to achieve learning outcomes.

However:

- the emphasis on assessment and the inevitably increased frequency of assessments (see 1.3 below) will **discourage many students and cause them to drop out of classes** – reports have consistently documented that the increased emphasis on assessment and strictly following the curriculum in the wake of the 2017-2020 contract discouraged many learners, especially more vulnerable groups. The proposed funding model will further intensify the emphasis on assessment and narrowly interpreting the curriculum (see 1.3 below).

- students who do not perform well in assessments will lose confidence; relocating them to "conversation" classes (see below) will **label them as failures**.

1.2 Incentivising *teachers* to assist students to achieve learning outcomes

Given that AMEP teachers are mostly casualised, poorly paid in comparison to their colleagues in schools and the wider TAFE system, and (as reported in ACTA surveys) frequently required to work unpaid hours (i.e. are subject to wage theft), it is clear that they are not motivated by financial incentives.

Teachers have told ACTA that they find the proposed payment system deeply insulting to their professionalism and commitment to their students. It implies that they *need* incentivising to promote student outcomes, and, further, by a payment system that directly *threat*ens their employers' financial viability and hence their jobs.

The perverse incentives in the proposed payment system (see 1.3 below) will undercut teachers' professional judgements about pedagogy and assessments to best meet their students' learning needs (see 5 in 1.3 below). It will place their professional judgements about what is best for their students in conflict with their need to protect their jobs.

The proposed payment system will undermine teacher morale, already damaged by the 2017-2020 contract, and will cause more resignations by qualified and experienced teachers who do not wish to teach in a context where their employment is contingent on them administering assessments. Problems in recruiting qualified and committed TESOL teachers will intensify for the same reason. **A shortage of qualified and committed AMEP teachers will not improve student learning outcomes.**

The first stage of the AMEP reforms and the overwhelmingly positive interactions in the ACTA forums with Alison Larkins generated considerable optimism among AMEP teachers and managers. The proposals in the Discussion Paper has caused this optimism to be replaced by cynicism, disappointment and fear. **A demoralised, cynical and fearful teaching force will not improve student learning outcomes.**

1.3 Incentivising *provider owners* to promote student learning outcomes

Payment for student attainment of certificate levels (or competencies) will incentivise *providers* to:

1. **relocate learners** who cannot rapidly complete units and reach certificate levels into "conversation" classes, irrespective of their aspirations to access regular AMEP classes, because outcome payments will not apply, risk is lessened and costs will be lower

2. **discourage any teaching not directed to assessment**, for example, excursions, outside speakers, experiences in the wider community

3. **maximise class sizes** irrespective of student English levels and particular cohort needs (e.g. youth, women, pre-literate learners) so as to minimise the risks of students leaving before being assessed

4. **discourage flexible provision** in order to limit risk

5. **game the system** in any way they can in order to maintain their cash flow and minimise risk, e.g.:

   - hold students back from moving to a higher class and under-assess students initially so as to maximise the chance of students passing assessments

   - enrol students in less demanding "hobby" and "phantom" courses

   - undertake assessments of students who have attended very few classes

   - continue to falsify reports on class sizes so as to minimise risk

   - claim special cohort loadings inappropriately

6. **pressurise teachers** to:

   - assess students as often as possible so as to receive payments

   - disregard individual learners' readiness for assessment

   - teach material that is narrowly focussed on precisely how curriculum modules are specified rather than more holistically across different competency units.

7. deliver **"tick and flick" credentials**.

In short, the proposed payment system will not incentivise genuine learning outcomes for students but *will* **incentivise:**

- **the exclusion of vulnerable students from regular AMEP classes**

- **narrowly focussed teaching**

- **large and very mixed class groups**

- **excessive and unnecessary assessments**

- **gaming the system to minimise risk**

- **counter-productive pressures on teachers**

- **worthless credentialling.**

1.4 Attainment of certificate levels

The current widely used *Certificates in Spoken & Written English* are regarded within the broad VET system as providing a reliable guide to the English proficiency levels of those exiting the AMEP. This good standing has assisted AMEP students to access pathways into mainstream training.

The perverse incentives just listed, particularly the incentive to "tick and flick", will **undermine the credibility of EAL Framework certificates**. Funding the Smart and Skilled program in NSW similarly to the system proposed in the Discussion Paper has had this effect.

It would be unfortunate if AMEP credentialling lost credibility in the wake of its important move to a new national curriculum.

1.5 Student outcomes

Previous reports and evaluations of the AMEP have listed the following highly valued outcomes from the AMEP:

- assisting migrants to adjust to life in Australia and to settle effectively

- motivating and laying the basis for a citizenship

- experiencing positive social relations with classmates and teachers

- developing English, building confidence to continue learning and to seek out further training and employment pathways.

See, for example, the 2019 Social Compass and 2015 ACIL-Allen Evaluations of the AMEP and numerous speeches by Government Ministers for Immigration.

An outcome payment contingent on student "attainment of certificate levels" (as per Q 1) positions credentialling as the only or most valued student outcome from the AMEP. **The rationale for this radical re-direction of the AMEP is unclear.**

In fact, the crucial incentive for providers (63% of their budget) as outlined in Table 2 (p. 8) is to produce *reports* on competency assessments, irrespective of the results of these assessments. That is, *the weighting in the payment system is not directed to student outcomes at all* – see Q. 5 below.

Q2. Is there anything other than prior education levels that can be measured (informed by collected data), which should be considered for a cohort adjustment on outcome payments?

Longstanding research is unequivocal that, aside from prior education levels, *at least* the following factors impact on rates of learning second/additional languages:

- age

- relationship between first language/mother tongue and second/additional language(s)

- impact of torture and trauma

- impact of current home situation/family support.[1]

All of these can be "informed by collected data" in one way or another. They should all be taken into account when determining benchmarks for different cohorts' progress in English.

The claim made in the consultation forums that prior education has the most important factor determining AMEP learning outcomes does not exclude the impact of these other factors, even if less significant.

Further, the data on which this claim was based is problematic at least regarding:

- what was counted/defined as an "outcome"

- consideration of the period of time in which these "outcomes" were achieved

- how other factors were included in/excluded from the analysis.

The claim that prior education is the only factor that should influence cohort adjustment is so contrary teachers' and providers' experience that it undermines the credibility of the analysis on which the claim rests.

However, the complexity entailed in directly linking payments to what is known about the determinants of rates of progress in learning English (or any additional language) is such as to make this task impossible in any fair, valid or reliable way. **Tying payments to cohort adjustments will further incentivise gaming by providers in order to maximise their income.**

"Cohort adjustments" should be used to determine KPI benchmarks that are derived from AMEP data over multiple contracts and an extended time frame since the beginning of competitive contracting in 1996. **"Cohort adjustments" should *not* be tied to payments but to KPIs that are based on** *evidence-based benchmarks*: see ACTA Interim Statement and the Supplement on a proposed payment system (attached at the end of this submission).

Q3. Is the outcome payment the most suitable point to apply a cohort adjustment?

No.

Providers cannot deliver the required services to different cohorts if they must wait for 63% of their income, which may or may not be forthcoming given that learners may be absent or withdraw from the AMEP when/before they are assessed. This risk applies especially to vulnerable cohorts. The only

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[1] See ACTA Interim Statement for relevant citations.

way to mitigate this risk will be to increase assessments, which will perversely encourage more students to withdraw from the AMEP – see Q 1 above.

Q4. Does the relative split of payments outlined in Table 2 (p. 8) of the Discussion Paper support provider cash flow?

No.

Initial payments do not allow for set-up costs: renting venues, employing teachers and installing infrastructure.

The basis for determining the proportion of Ancillary payments is unclear.

It is untenable that providers should be delayed payment of 63% of their budget until they submit assessment reports. This will perversely incentivise early and frequent student assessments and the redirection of students to the CWLF – see Q1 above.

Q5. Are there any further considerations with splitting payments under the outcomes-based model as per the table above?

The delivery of **assessment reports to DHA** is no more (or less) "outcomes-based" than the delivery of **attendance reports**.

The fact that 63% payments will depend on "***delivering*** a competency" – as distinct from students' ***achievement*** of competencies (advised in the DHA consultation forums) – means that a negligible proportion of payments (4%) will be contingent on actual *student* outcomes.

The outcomes incentivised by the proposed payment system are **provider assessment _reports_ to the Department.**

It is difficult to determine any relationship between assessment *reports* (irrespective of student *achievements*) and the stated aims of the AMEP reforms viz. **"to make English tuition more accessible, ensure better quality outcomes and encourage greater participation"** (p. 3).

A NEW INFORMATION MANAGEMENT SYSTEM

One of the **two top priorities** in this next stage of reforming the AMEP should be ensuring that the new AMEP contract commences with **a functioning, user-friendly IMS in place**. (The other priority should be a well-resourced new national curriculum in which AMEP teachers are invested – see answers to Q 14 and 15).

Q6. What features and functions would you like to see in the new information management system?

The new system should:

1. remove as much of the burden of *processing* information from providers as possible, i.e. should allow **simple and straightforward data entry**

2. allow *provider* **managers and teachers to easily access and download data** at least on attendance and progress in English, and possibly data on the other Outcomes proposed in the ACTA Interim Statement (viz. student satisfaction, provider performance in relation to program Standards)

3. allow teachers to gain a picture of incoming students to their new classes *before* **the term begins,** so that they can plan their teaching appropriately.

4. include **a student portal** that allows individuals to see their personal records of attendance and achievement (which might assist in incentivising them)

5. **be well-trialled and working smoothly** at the commencement of the new contract

6. allow for **consistent collection of evidence** to support the development and refinement of benchmarks for the five AMEP Outcomes listed in the ACTA Interim Statement.

Q7. What risks may be experienced in transitioning to a new system?

The greatest risks are that the system is not adequately:

- **functioning** at the beginning of the new contract, and

- **trialled** over a sufficient period of time.

To avoid these risks, extensive and repeated consultation with existing provider managers is necessary.

DISTANCE LEARNING

Q8. What tuition options should be implemented in the future AMEP business model to support flexible learning?

Flexible learning should include at least the following modes of delivery:

- Fulltime, face-to-face classes

- Parttime, evening and weekend face-to-face classes

- Remote learning through on-line and other infrastructure

- Distance Learning

- Outreach classes in collaboration with various community and ethnic organisations

- English in workplace settings (but see our answer to Q13 – we believe that the difficulties entailed in offering English in workplaces suggest that continuing SLPET would be more effective and efficient).

True flexibility will entail not just these different options but the potential for providers to **combine various modes of delivery.**

Not all providers will be able to offer all options but it should be made clear that they will be supported to do what they believe they can best deliver. The CWLF should be a special purpose fund that resources bids/requests in providers' annual workplan to trial new or different modes of delivery (or

combinations), the success of which is reviewed in the light of the five Outcomes proposed in the ACTA interim statement. Continued funding should be granted on an annual basis if benchmarks are met or (in the absence of benchmarks) success can be demonstrated in relation to the five Outcomes. See ACTA's proposal re **special purpose grants** in our *Supplement to the ACTA Interim Statement* (attached).

Reputable providers should be trusted to try out different possibilities. They have the best knowledge of local needs, aspirations and conditions. The least productive strategy is for the Department to attempt to impose its own one-size-fits-all view of flexibility as, for example, occurred in mandating streaming in the 2017-2020 contract.

Q9. Should Distance Learning continue in its current form or should all service providers be required to deliver tuition flexibly to meet the needs of Distance Learning clients?

As per our answer to Q 8 above, ACTA considers that DL should be *one of several modes of flexible delivery*: see also Figure 3, p. 10 in the ACTA Interim Statement and our answer to Q 12 below.

The Discussion Paper is unclear as to how service providers would be funded if required to "deliver tuition flexibly to meet the needs of DL clients". Is this what is meant by "online learning" in the diagram on p. 6? Is it funded through the 28% "ancillary payments" in Table 2 on p. 8?

ACTA proposes that online learning is more appropriately considered as **a *mode* of teaching/learning English (**as per Figure 3 in the ACTA Interim Statement) rather than a "student support" (akin to childcare, for example).

Remote delivery includes *all* forms of *non*-**face-to-face teaching.** DL is also one of several modes of remote delivery but the two should not be conflated.

9.1 Blending face-to-face with remote delivery

ACTA favours encouraging providers to **blend face-to-face classroom teaching with remote access via digital technology**. This encouragement should be offered through **special purpose grants** on the basis of annual work plans that are submitted by providers on a voluntary basis: see *ACTA Supplement to the Interim Statement* (attached at the end of this submission). Provider performance should be evaluated in relation to the five Outcomes proposed in the ACTA Interim Statement.

ACTA does not support:

- mixing remote delivery and face-to-face teaching **in the one lesson or in response to individual students' random decisions** about whether or not to attend a given lesson (as is implied in Example 1 in the Discussion Paper)

- delivering all or most classes to **students with minimal/no previous schooling and low English proficiency**

- remote delivery to students without **adequate internet access** (e.g. using smart phones).

ACTA commends the Discussion Paper statement on p. 10 re the difficulties experienced in learning remotely by some students (re access to appropriate and functioning technology and reliable, affordable internet, etc.). These problems also apply to **providers and individual teachers**.

We also commend the statement that face-to-face delivery facilitates social interaction. See also our answer to Qs 17 and 18 below re the **role of AMEP teachers in early detection of counselling needs**.

9.2 Distance learning

Distance Learning (DL) overlaps with remote teaching/learning but refers to the delivery of curriculum and teaching that is **designed entirely or predominantly for remote access.**

ACTA is disturbed by the statement on p. 10 that the Department expects a decrease in "the number of clients accessing DL". On the contrary, ACTA suggests that the rise of digital technology and the experience of remote learning during COVID lockdowns might lead to increased demand for DL.

DL teaching and assessment materials should be:

1. *developed* by one provider (as we understand to be the case currently – however, this provider should be tasked with consulting widely with all AMEP providers)

2. *delivered* through a combination of centrally and locally located teachers/tutors, depending on the local situation (which would be a new development).

ACTA is opposed to devolving responsibility for *developing* **DL learning and assessment resources to local providers.** It would entail unnecessary duplication, would not draw on the required level of specialist expertise in DL resource development, and would therefore restrict the scope of what could be offered through DL. Centrally developed DL resources, if funded appropriately and produced by well-qualified, expert TESOL teachers, could be innovative, high quality and marketable to non-AMEP providers in Australia and overseas.

The DL curriculum should conform to the national AMEP curriculum, *conditional on* that being broadened and developed to accommodate diverse learning needs: see our answer to Q12 re broadening the ambit of the EAL Framework.

Where possible, local providers should be encouraged to offer **flexible, demand-driven locally based support** to DL students as per 2 above. For example, local tutors, local occasional face-to-face classes (say, once a week/fortnight), telephone/on-line support/office hours etc. But see also our answer to Q 10 immediately below re provider commitment to DL.

It is unclear from the Discussion Paper how DL is to be funded. DL is not shown in the diagram on p. 6 or in Table 2 on p. 8.

DL development and DL support should be demand-driven and subject to evaluation against the five Outcomes 1 – 5 in the ACTA Interim Statement.

Q10. What additional factors should the Department consider to ensure that the needs of clients who are learning remotely are met?

1. Local support will not be possible everywhere, especially in remote and some rural areas. In these cases, it will be important for there to be centrally located teaching as now.

2. It would be quite counter-productive to force providers to offer DL support locally through making it a contractual requirement. This would prompt some providers to include DL support in their tenders when, in fact, they are not prepared to make the necessary commitment. **The success of DL depends on providers who are genuinely committed to this kind of delivery**. Offering local support for DL should be an option for which providers bid (see ACTA's proposal re **special purpose grants** in our *Supplement to the ACTA Interim Statement,* attached at the end of this submission) and to which they are genuinely committed.

COMMUNITY AND WORK-BASED LEARNING FUND

Preliminary comments

It is difficult to answer the questions below because it is unclear what is meant by "Community-Based Learning" in the Discussion Paper (and most of the reports listed on pp. 3-4). Does it refer to the type of provider, the location where English is taught or the type of program?

"Community-based learning" encompasses a wide variety of providers, programs, locations/venues and modes of teaching/learning. For example:

1. community centres such as Carringbush Adult Education (managed by ACTA President Margaret Corrigan). Carringbush and some similar Centres in Victoria/Melbourne are sub-contracted to Melbourne Polytechnic to offer the AMEP. **These Centres offer an array of accredited and non-accredited courses and classes, together with other community-related activities**. These kinds of centres are common in Victoria and possibly other States.

2. "community"-based/located programs such as those described in the 2019 FECCA-SCoA report *Community-Driven English Language Programs.* The report describes these programs as follows:

   > English programs at community levels are available at settlement organisations, migrant resource centres, churches, libraries and community centres in all states and territories across Australia. **They generally do not have eligibility requirements and cater for people with all levels of English language ability.** These programs are crucial for refugees and migrants to develop English language skills in a supported environment that considers their specific needs. Community English programs can be run entirely by volunteers or with full or limited funding through various state and federal government programs. Community English programs are often free for the clients or include a small fee. (p. 12; our emphasis)

3. gatherings of **specific ethnic/language groups**, such as the classes described by the Chinese gentleman in the DHA consultation forum on 17th June.

4. organisations such as the Asylum Seeker Resource Centre in Footscray, Melbourne who offer English and other classes for refugees whose **visas exclude their access to other programs**

5. **Community Hubs** that include some English teaching/conversation in so-called "mums and bubs" classes.

Many of these classes/programs have attracted students who were ineligible for the AMEP prior to the first stage of the AMEP reforms. With eligibility extended, a first step should be to **identify teaching/learning options that respond to diverse learner needs, aspirations, situations and preferences**: see answers to Qs 8-10 above (re flexible learning) and 11-12 below. However, this identification of options should *not* presuppose or unduly constrain individual learners' choices according to their own perceptions of their needs, aspirations and situations.

Q11. Should the community-based learning solely focus on conversational English? Why or why not?

It is also unclear what is meant by "conversational English". *All* the programs listed above, including accredited courses, should have **a strong focus on spoken English in various contexts** to meet various

needs and aspirations. The kinds of spoken English required will vary according to the learners' proficiency in English but will span *all* proficiency levels, needs and aspirations. For example, basic spoken English (e.g. identifying self, greetings, asking prices, identifying medical problems) is required by all English beginners, no matter their gender or level of education. Conversely, learners at very high English levels may still need to develop proficiency in, for example, making polite requests or refusing offers politely in English. If by "conversational English" is meant "colloquial everyday English", the latter is needed by *all* adult migrants at well beyond beginner level.

Similarly, even the most basic contexts for using spoken English also require **at least some proficiency in reading and writing English**. Conversely, even if learning is directed to students gaining high level literacy skills, best practice English teaching for adult migrants (as distinct from academic foreign language courses) *grounds literacy skills in spoken English*. Moreover, most contexts that require advanced literacy skills also require a good command of both conversational English and specialist high level speaking skills.

The "community" *location* of learning should not dictate the content and/or style of what is taught. **Content and teaching style follow from responding to different learners' needs and aspirations** irrespective of where a class is located.

ACTA is perturbed that this question may actually be directed to asking if some learners (e.g. English beginners, learners with minimal/no previous education, women with childcare responsibilities, people whose learning is disrupted by the effects of torture and trauma, the elderly, learners working irregular hours/shift work) should be referred to **classes taught by volunteers and unqualified teachers**. If so, our answer to that question is:

- it is impossible to *predetermine* adult migrant English language learners' needs, aspirations or preferences on the basis of their gender, age, ethnicity, previous education, first/other languages, home/childcare responsibilities, pre-migration experiences (e.g. torture and trauma).

- we reject entirely the proposition that *any* of these learner groups is best taught by teachers lacking TESOL qualifications – on the contrary, many of these groups require highly skilled TESOL teaching approaches

- we are further highly perturbed that the proposed payment system will incentivise providers to direct slow-paced learners into "conversation" classes irrespective of their aspirations and preferences – see ACTA Interim Statement. This would be worse than the previous streaming into Social English classes. These classes were *not* preferred by most AMEP students but, in theory at least, they were allowed some choice.

- different types of classes, content and styles of teaching should be available as much as possible for **adult migrants to choose** on the basis of their needs, aspirations and preferences – see answer to Q 12 below.

Q12. Should non-accredited curriculum be used to deliver the community-based learning stream? Why or why not?

See above re the lack of clarity in what is meant by "community-based learning" and "conversational English".

The key issue here are the English learning options *encompassed by the AMEP* and/or *lying outside the ambit of the AMEP*.

Currently, problems in meeting the diverse English learning needs and preferred learning styles of some adult migrants follow from:

- the **rigidity imposed on curriculum** by those who regulate accreditation

- the way accreditation requirements are **narrowly interpreted** by providers and teachers

- **the narrow scope and mediocre quality of resources** associated with accredited curricula

- **the lack of provision for professional development** in teaching accredited curricula.

The Department should initiate discussions with regulators to seek, as forcefully as possible, more flexible and knowledgeable approaches to accreditation that will support and promote the development of curricula to meet non-trade-oriented learning needs.

At the same time, and in preparation for the new contracts, the national AMEP curriculum should be seen as **a meta-level common framework** that – similar to the pre-2018 CSWE – can encompass different learning paces, styles, streams and pathways. Within this framework, teaching and assessment resources should encompass **a much wider range of options than is currently available but all of which relate to EAL Framework levels and certificates**. This will require intense resource and professional development prior to the new contract: see answers to Q14 and 15 below re supporting a smooth transition to the national curriculum.

AMEP providers should also be supported through **special purpose grants** (our *Supplement to the ACTA Interim Statement,* attached to this submission) to reach out to the kinds of organisations described in the FECCA-SCoA report and to work collaboratively with them to deliver the national AMEP curriculum, possibly other accredited curriculum and non-accredited options that seek to meet local learner needs. As just stated, ACTA does not support English language teaching by unqualified teachers. However, we would welcome the potential for qualified AMEP teachers to work alongside personnel in other programs, including those listed in the Preliminary Comments above.

Provider involvement in outreach programs should be subject to evaluation in line with the five Outcomes described in the ACTA Interim Statement.

Q13. What is best practice in determining local labour market needs and developing links with employers?

Best practice would be:

- ensuring providers have **accurate and timely information from credible sources** about local labour market needs – they cannot be expected to do this work themselves

- encouraging providers to develop **proposals for local initiatives** that aim to develop links with employers – see attached *Supplement to the ACTA Interim Statement*

- **reducing red tape** as much as possible in gaining approval and funding to pursue these proposals, for example, giving providers scope to make proposals on a regular (say, annual) basis and using a separate special purpose fund to support this – see attached *Supplement to the ACTA Interim Statement*

- **upgrading Counselling services in the AMEP** to allow the development of substantive *personal* networks and trust between the local AMEP provider and specific employers – building these links takes years in time and effort (see our answer to Q17 and 18)

- **keeping the SLPET** in place, which from all accounts has proved successful (albeit difficult – see next dot point) and generally preferable to attempting to offer English in workplaces (because of the difficulties in negotiating teaching spaces, a viable timetable, coherent class groupings, and maintaining student motivation and employer commitment)

- consulting with providers to determine **a reasonable level of funding** to support the complex and sensitive task of **finding and supporting work experience places** (see above and Qs 17 and 18 re Counselling Service – this work should be done by experienced personnel); work experience placements are vulnerable to misunderstandings, which can easily happen, with the long-term adverse consequences

- ensuring that local **Job Active agencies** do not (1) require AMEP students to attend interviews in class time, and/or (2) compel AMEP students to take jobs that are inappropriate or beneath their qualifications and skill levels.

INTRODUCTION OF A NATIONAL CURRICULUM

Q14. What supports do AMEP teachers need to ensure a smooth transition to the national curriculum?

As already stated in answer to Q 6, ensuring a smooth transition to the national curriculum should be a top priority.

ACTA commends the Department for the length of time allowed before the new contract begins on 1 July 2023. This time frame should permit the following:

1. developing teaching resources that not only conform to the *EAL Framework* but utilise its full potential to encompass the needs and aspirations of diverse learner groups. These resources should encompass common learner levels up to "vocational English" but span different **learning streams** to meet different learner needs and aspirations. See answer to Q12.

2. re-focussing resource development so that it is *primarily* **directed to supporting flexible quality teaching** which is supported by formative assessment tasks and which marks key points in student learning pathways with appropriate summative assessments. (See answer to Q 1 above – returning to a focus on learning/teaching will be impossible if provider payments are contingent on assessments.)[2]

3. **Professional development** that prepares for this transition.

4. **Contracting a team of credible experts** to begin the above work urgently.

   A small special-purpose team of expert TESOL consultants (say, three people) is required to provide the focus, impetus and confidence that will ensure the success of this transition.

   Based on input from AMEP teachers and managers, ACTA has little faith in the TESOL expertise and credibility of the current QA provider to undertake this work. Fresh blood is needed.

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[2] In the copies of submissions and other comments sent to ACTA, we find the preoccupation with summative assessment disturbing. A cultural shift has occurred in the AMEP that needs to be reversed.

ACTA therefore proposes that open tenders be called *as soon as possible* for **a small team of expert consultants** in materials development for TESOL to work full-time to:

a. determine **the focus and trajectory** of resource development in line with 1 and 2 above, including (i) how to adapt existing and previous resources; (ii) blending face-to-face with remote learning and (iii) for DL: see answer to Q8-10 above

b. undertake this work **collaboratively with *large numbers* of AMEP teachers and providers**. It should be done both *locally* face-to-face and *nationally* by Zoom or similar. It should include consultations but also teacher workshops, including some in paid time. Preparing for the national curriculum should be considered as the prime focus of professional development within the AMEP from now until the beginning of the new contract.

c. encourage, coordinate and collaborate with **local State/Territory TESOL associations** in providing professional learning activities to support (b) above.

d. find or develop a viable and flexible means (which goes well beyond the existing Task Bank) by which **AMEP teachers across Australia can exchange ideas and resources** before and after the new contract commences. This should include an **online portal** but also participation in **national conferences**.[3]

This contract should begin as soon as possible and run until 1 July 2024 (assuming the new contract begins 1 July 2023), subject to annual review and open to extension beyond 1 July 2024.

Q15. What additional upskilling do AMEP teachers need to take full advantage of any online learning modes?

Teachers need to be *invested* in the move to the new curriculum, including any online modes. It is crucial that they actively *contribute* to the transition, including extending their skills in teaching online. "Upskilling" will occur if the investment, ownership and enthusiasm are there.

Individual teachers in the AMEP and beyond have developed a wealth of good ideas and techniques for teaching online. Upskilling can be done by putting mechanisms in place that give teachers multiple opportunities to learn from each other: see point 4 (d) in answer to Q14 above.

Our recommendation in point 4 in answer to Q14 is vital here. Teachers will be enthused and will upskill as part of the transition process *if they are supported and guided by those whom they trust and find inspiring.*

The above answer assumes that existing and incoming AMEP teachers hold high quality TESOL qualifications.

Q16. What online learning resources or platforms would you recommend for the AMEP?

ACTA does not have sufficient information to answer this question. But see our answers to Q14 and Q15 above – we strongly recommend that diverse teachers' and managers' knowledge and experience

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[3] The conference could be a special AMEP conference along the lines of previous AMEP teacher conferences. A cheaper option would be to encourage and support AMEP teachers and the proposed consultants in attending and offering workshops within existing professionally relevant conferences.

be sought and that the Department defer any decisions until consultants have worked with teachers and trialled different options.

STRENGTHENED STUDENT COUNSELLING AND PATHWAY GUIDANCE

Q17. What is best practice in the provision of student counselling and pathway guidance?

Best practice counselling to achieve the AMEP Outcomes specified in the ACTA Interim Statement includes but extends well beyond pathway guidance.

Student counselling and pathway guidance within the AMEP is arguably the most cost-effective and efficient form of provision in this space for adult migrants. This is because AMEP Centre personnel are most often the first point of contact, and therefore a key referring-on point, for adult migrants.

Best practice encompasses *all personnel* in an AMEP Centre, including frontline office staff, managers, teachers, volunteers and special counsellors. Best practice includes professional development and debriefing sessions for all personnel on how to respond appropriately to requests for help, how to detect students' needs for assistance, and appropriate avenues for referral. All personnel need training in dealing with the complex cross-cultural and other sensitive issues that arise in AMEP Centres, including trauma-related behaviours and sometimes violence and aggression towards fellow students and Centre staff. Staff may also need support in coping with their own 'vicarious trauma' in response to students' problems.

Best practice entails all Centre personnel knowing their limitations and that they can rely on special purpose counsellors in their Centre to give students formal assistance, locate other assistance elsewhere as required, and personally help individual AMEP students to access what they need.

In addition to initial placement and final exit interviews – and probably more importantly – daily classroom interaction with a teacher may provide AMEP students their only or most trusted mentor, to whom they feel they can turn, easily and without shame, for guidance. Correspondingly, teachers can notice signs that students may require special support, for example, if their behaviour changes or they are falling asleep in class. In turn, the classroom teacher should be able to guide students to a known, trusted, easily accessible and appropriately qualified counsellor within the Centre whose responsibility is to find ways around or out of the 'pitfalls' that can prevent learners from utilising their learning entitlements and realising their educational potential, and, failing all else, to support students in meeting and enduring the difficulties they face.

Best practice includes the development of benchmarks for counselling support that are based on the real experience of providers.

Best practice counselling and pathway guidance is directed to – and judged according to – how it promotes the five Outcomes proposed in the ACTA Interim Statement: **participation, learning English, student satisfaction, program quality and a robust data base**. Accountability should be monitored specifically in relation to provider achievement of benchmarks for **student retention**, **student satisfaction** and **provision of data** towards establishing specific benchmarks for counselling hours.

Q18. How many hours of pathway guidance does a student need on average?

ACTA is not equipped to answer this question with any precision.

However, we are aware that current provision is inadequate and believe that six hours, although an improvement, may be insufficient for many students.

Given the inadequacy of provision in the 2017-2020 contracts, data from those contracts will not provide a basis for developing the necessary benchmarks. Data from when the AMEP offered more comprehensive counselling may assist.

The 2019 ACTA survey included two questions on out-of-class counselling and case management. Respondents' comments provide an authentic indication of the time devoted to counselling and pathway guidance, mostly by those who were not designated counsellors:

- *There are SO many external duties related to students that.... it/they exceed(s) any 'nominal' teaching/Rel Duties hours and take more, WAY more time than is officially 'recognised'. All of these extra duties (like liaising with Centrelink/external jobnetwork/Nortec/Tursa/providing 'proof 'via emails/phone calls/texts etc with providers/counsellors/ writing Stat Decs for Immigration/being a referee for student employment etc. etc.) takes hours each week and is considered to be an 'embedded' an unrecognised part of being a teacher.*
- *More and more students are presenting with social problems, particularly domestic violence, which we have to deal with because there is so little support.*
- *Teaching in the AMEP often involves a great deal of pastoral care, personal counselling, unofficial referrals to helpful organisations or just advice about living in Australia. This often impinges on our break times and our prep and admin time. Even students who are very well settled can take a great deal of time asking questions about shopping/insurance/driving/paying bills/medical issues/problems with children and many other things. This is part of the job and I do it happily, but it does mean that our working hours are increased.*
- *The tasks you list in the question would be demarcation issues within the K-12 public school sector* – [the assumption there is that] *we teach subjects, and psychologists or social workers or pastoral carers look after the rest. It's part of our Care of Duty to understand to whom we should refer students.*
- *I did have to refer a number of students to counsellors who were experiencing domestic violence. I also spent extra time with students to help them get jobs and feel more settled. The checking about attendance should have been done by admin and Navitas should have a better idea about reasons they can't attend and work to address those (e.g. working with Centrelink etc who makes them have appointments during class times).*
- *The most difficult thing was that a lot of the guidance I gave wasn't formal, it was ad hoc - students approaching me during break times etc. When I add all this up, it was most like many hours, e.g. 15-20 hours over the two months I taught there.*
- *The teacher is the first port of call for any student problems. This often urgent and takes up break and lunch times. This last term a lot of time has been spent in breaks and after class helping students get concession fares on their travel cards as the new SMS system denied access for many weeks.*
- *Supporting students with Centrelink and Job Active issues is very onerous and time-consuming.*
- *Refugees have many needs so I liaise with migrant groups and the AMEP case manager to try and improve their situation. This includes many emails and face-to-face discussions. Necessary before students' adverse conditions escalate. Unhappily, I lot of my time which should be focused on preparation and delivery is taken up with manual rolls, transferred to electronic rolls which have to note non-attendance with reasons and evidence. For those with child-care the monitoring is a burden as the rules they must comply with to get free childcare are quite complex. Explaining this to a young non-English speaking mother is difficult, even with an interpreter. Some fall through the cracks and*

then we have to tell them they'll be billed for the days they did not attend or their child was not in childcare.

- *Housing assistance. Optical and Dental appointment assistance. Assistance in understanding: school letters for children, real estate agency letters, energy bills, medical appointments.*
- *I have done many out-of-class responsibilities such as helping to contact Jobnetwork /Centrelink. I have also helped students in various situations either liaising with the party concerned face-to-face or via phone, e.g. police infringement notices, car repairs-mechanics, children's school, parent-teacher interviews, making appointment for other family members such as for a mammogram scan, GP visits, pathways into TAFE regarding qualifications & processes.*
- *As we do not have a case manager, all of these duties now have to be performed by teachers. This takes a lot of our time and is often done outside of our paid working hours. I have contacted Centrelink to obtain a CRN for a student (half an hour), and am regularly required to follow up on absent students or students who do not return to class.*
- *90% of the students in my class need this support weekly.*
- *We are never given any assistance with welfare issues although many students have multiple problems they confide about to us.*
- *The teacher is expected to do so much more than teach. Many admin duties are placed onto the teacher. This includes helping students with enrolment issues and Go Card issues.*
- *Calling medical specialists on behalf of students, writing resumes and cover letters, speaking to schools on behalf of students.*
- *This depends on the student. Some students have needed little help, others continued support.*
- *There is confusion in roles of teachers and, at times, non-existence of case management counselling has made the teaching role very difficult.*
- *Centrelink and Job Actives are a huge problem for many students - I refer a lot of these issues.*
- *Time spent communicating with Job Agencies and their requirements to sign paperwork for students.*
- *Compulsory for teachers to do own exit interviews one-on-one at my level (PLB). Other staff employed to do initials.*
- *Job network contact - 60 - 90 min.*
- *Far too much time spent contacting students re attendance issues.*
- *Some clients with a lot more welfare needs than others.*

Q19. When should payment for pathway guidance be provided?

A base payment should be made before the beginning of each term to allow the employment of designated AMEP counsellors to provide three hours of counselling and pathways guidance per student enrolled for that term. A further payment for three hours counselling, *plus* records documenting further hours and detailing their purpose, should be paid halfway through the term. This should be adjusted upwards at the end of term on the basis of records of actual counselling hours given.

See above re how accountability should be monitored in relation to benchmarks for retention and student satisfaction, and provision of robust data.

CHANGES TO THE VOLUNTEER TUTOR SCHEME

Q20.What is best practice in tutor training and support?

Best practice includes:

- a designated volunteer tutor (VT) co-ordinator who is TESOL trained and experienced in this area. She should:
    - provide initial and on-going training at least every six months
    - allocate placements
    - be available each week at regular times on the phone or face-to-face to support tutors
    - provide reports on VT activity in relation to the five Outcomes listed in the ACTA Interim Statement.
- at least 4 hours initial face-to-face training for tutors and designated VT workshops/meetings at least every six months
- opportunities for tutors to participate in professional learning activities for teachers
- VT access to a national bank of VT teaching/learning home visit materials that is reviewed every year
- volunteers to support both classroom teaching and outreach to learners' homes
- normally face-to-face contact with learners but the possibility of experiments in remote tutoring on-line
- opportunities for learners to provide feedback on their experience with tutors: see Outcome 3 in the ACTA Interim Statement.

On no account should volunteer tutors be left to take classes on their own, cases of which have been reported to ACTA.

Q21. Are there any other changes to the Volunteer Tutor Scheme the Department should consider?

The 2019 Social Compass AMEP Evaluation gave some attention to the VTS. We assume the Department has given these the necessary consideration and has consulted with providers on the Social Compass findings and recommendations.

We note especially the finding that **volunteers are lost in the transition between contracts**. We suppose that privacy concerns would prevent the transfer of information from one provider to the next. However, we assume that DHA holds a central register of volunteers that includes the necessary police checks – if not, this is a matter of concern. Assuming a central register, when a given provider loses a contract, a DHA official should write personal letters to relevant individual volunteers informing them of the change and the new provider to whom they might now offer their services. It is especially important that volunteers feel valued and appreciated at all levels.

The proposed payment system for the VTS does not include payment for *on-going* **tutor support** – this is a major omission. As many people have pointed out, tutors require access to support when they need it, otherwise they drop out or can get into difficulties.

The payment system should include cover **set-up** *and* **recruitment costs**. If providers are paid only on the basis of the tutors they have, a vicious cycle will be created whereby providers with few tutors will have no way of improving their numbers.

ACTA lacks the necessary expertise to provide clear and detailed proposals on childcare. We also recognise that problems exist with the current payment system.

However, we are concerned that the proposed scheme:

- is not demand-driven and therefore liable to reduce the availability of childcare, which, in turn, will reduce **access to the AMEP to women with children**

- leaves **providers to determine who should get childcare** – we believe this is inappropriate

- would **incentivise providers to preference intakes of students who do not need childcare**.

We suggest that DHA investigate the possibility (including consulting providers and childcare experts) of:

- means-testing for childcare, *and/or*

- students gaining the childcare subsidy and the AMEP covering the gap.

Q22. What do you think of childcare options 1 and 2 (p. 13)?

Both options appear retrograde and potentially discriminatory. Option 2 is unacceptable and divisive because it would preference some parents over others on grounds that do not relate to their childcare needs.

Q23. What role can informal childcare arrangements, such as crèches and mums and bubs' classes, play?

For at least legal, welfare, insurance and probity reasons, childcare arrangements for which AMEP providers have no responsibility should have no role in AMEP provision.

Use of these forms of childcare should be a private matter for parents and completely their choice, into which AMEP providers have no knowledge or right to enquire.

ACTA is concerned that the proposed childcare payment system would incentivise providers to disregard relevant legal, welfare, insurance and probity concerns in allocating childcare places to AMEP students and admitting students to AMEP classes.

A NEW PERFORMANCE MANAGEMENT FRAMEWORK

Q24. What outcomes should be the focus in measuring AMEP performance?

As ACTA has detailed in our Interim Statement, AMEP performance (i.e. the Program as a whole and individual providers) should be consistently measured in relation to the following outcomes:

1) **adult migrants' participation** (enrolment and retention rates) in the AMEP evaluated in relation to **evidence-based *benchmarks*** that have been developed from data for various

learner cohorts over time and under different AMEP contracts (preferably since 1996), taking account of key external variables, most notably (un/)employment rates[4]

2) **AMEP students' English language gains** that have been measured, tracked and evaluated against **evidence-based *benchmarks*** for various cohorts over time and under different AMEP contracts (preferably since 1996), taking account of entry levels and the time spent in the Program

3) **AMEP student satisfaction** with their AMEP experience in relation to program quality, personal goals and the national goals served by the AMEP that have been consistently and routinely documented, measured, tracked over time and used to develop **evidence-based *benchmarks***[5]

4) **AMEP provider quality** that is independently assessed by appropriate experts in relation to recognised **Standards for English language programs for adult migrants** and mapped on to an **A-E quality ranking scale**.

5) **A robust evidence base** that is developed to:
   - provide benchmarks for Outcomes 1 – 3
   - document AMEP's contribution to national goals
   - create knowledge and feedback loops for continuous improvement.

Q25. What does quality service delivery in AMEP look like?

Quality service includes:

Premises. The learning environment is safe, accessible and educationally and culturally appropriate to the needs of AMEP clients.

Professional and Administrative Staff. Staff are appropriately qualified and/or experienced in relation to their role and provided with professional guidance, support and development.

Educational Resources. Educational resources are maintained, relevant to the curriculum and needs of clients and teachers.

Program Delivery. Program delivery is appropriate to the needs of clients.

Support Services. Clients are provided with appropriate information and services which support the achievement of their educational, vocational and settlement goals.

Program Evaluation. The provider ensures high standards of quality in the delivery of learning activities and client support services through regular review.

Program Promotion. The provider regularly promotes the AMEP to improve client reach.[6]

p. 3, NEAS *AMEP Manual: Standards and Criteria for AMEP Providers*, 2009 Edition.

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[4] One might expect that participation rates (i.e. enrolments and retention rates) would be higher when unemployment rates are high. Clearly, those with higher levels of English will be in the AMEP for shorter periods.

[5] Administration of a simple standard questionnaire (with normal identity protections and administered in spoken English or L1 to low level learners) should be standard practice at the end of each AMEP term.

[6] These activities should focus on local areas and building local networks with relevant ethnic and community organisations. They should not include national promotion of the AMEP, for example through national newspaper and TV advertising, which should be the Department's responsibility.

For criteria that elaborate each Standard, please consult this Manual.

Q26. What mechanisms should the Department use to monitor quality service delivery and client outcomes by providers?

As per the ACTA Interim Statement:

1) **provider reporting** on enrolments, attendance and retentions, English language gains, and routinely administered student surveys

2) independent and expert evaluations that include annual site visits to assess provider performance against **AMEP Program Standards** that include a A-E ranking in relation to each Standard

3) **independent risk-based auditing** of 1) and 2)

4) KPIs based on evidence-based benchmarks for **participation, English gains, student satisfaction, Program Standards** (A-E rating scale) and **data collection and management** (at both provider and Departmental levels).

5) **periodic reviews** of the AMEP that include (i) **a consistent approach** to reporting on agreed AMEP outcomes, which therefore permit valid and reliable assessments of AMEP performance over time (vis à vis individual providers and the overall AMEP from one contract period to another), and (ii) evidence-based **recommendations for improvement.**

On no account should a specific payment system be directly attached to *any* mechanism for monitoring quality service delivery and client outcomes, because this system will skew the operation of these mechanisms.

That is, the way provider and overall AMEP performance is evaluated should be assessed independently of how providers are paid. See *Towards a Payment Model to Incentivise Authentic Outcomes from the AMEP,* a supplement to this submission (attached).

Q27. How should provider performance be reported?

1) DHA **AMEP annual reports** should be tabled in Parliament and publicly available. These should include summary descriptions of individual provider and overall AMEP performance against the five Outcomes listed in the ACTA Interim Statement, viz.: **participation, English gains, student satisfaction, Program Standards** (A-E rating scale) and **data collection and management** (at both provider and Departmental levels).

2) **A detailed break-down** of the above on the Information Management System should be available to relevant authorities and to individual providers in regard to their own performance.

If valid and reliable reporting on the AMEP's performance, including that of individual providers, is to be achieved, it must be consistent from one contract period to the next.

<p style="text-align:center">**************************</p>