



AUSTRALIAN COUNCIL OF TESOL ASSOCIATIONS (ACTA)

*TOWARDS
RESETTING THE ADULT MIGRANT ENGLISH PROGRAM*

A BRIEFING PAPER IN PREPARATION FOR A MEETING WITH
MS ALISON LARKINS, COORDINATOR GENERAL MIGRANT SERVICES

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TABLE OF CONTENTS

ACTA AND ITS REPRESENTATIVES AT THIS MEETING	4
ABBREVIATIONS	5
LIST OF ACTA SOLUTIONS	6
Eligibility	6
Curriculum and Assessment	6
Data management	7
Awarding Contracts	7
Provider Payments	8
Advice to Government	8
INTRODUCTION	9
PROBLEM 1: Insufficient AMEP tuition hours; complex & dysfunctional eligibility requirements; overlapping provision.	10
Question Arising: <i>Whose interests are served by current AMEP eligibility requirements?</i>	11
Solutions	11
PROBLEM 2: Replacement of the common national AMEP curriculum (the CSWE) by provider curriculum “choice”.	13
Question Arising: <i>Whose interests are served by prioritising assessment over curriculum and teaching?</i>	14
Solutions	14
PROBLEM 3: The AMEP has been depleted, distorted and undermined by integrating it with wider VET compliance requirements, which are themselves dysfunctional.	15
Question Arising: <i>Given that gaining ASQA-recognised qualifications is clearly in AMEP students’ interests, how can AMEP curriculum and ASQA accreditation requirements be better tailored to address the needs of English language learners?</i>	16
Solution	16
PROBLEM 4: Data management for the AMEP is chaotic, time-consuming and inefficient.	17
Question Arising: <i>What is preventing rectification of the gross inefficiencies in current data management for the AMEP?</i>	18
Solutions	18
PROBLEM 5: The current competitive contracting system has repeatedly failed to serve the public interest in ensuring quality, efficiency, effectiveness and value for taxpayer dollars.	19
Question Arising: <i>What evidence supports continuation of the current method of contracting for the AMEP as being in the Australian taxpayer’s interests in supporting English language provision for adult migrants? Whose interests are served by preferring this system to one that is overtly directed to promoting efficient and effective quality provision?</i>	20
Solutions	20

PROBLEM 6: The method by which providers are paid creates perverse incentives to maximise class sizes at the expense of targeting English language levels & specific learning needs (e.g. for women, refugee youth with minimal/no previous education).22

Question Arising: *Can a payment system be devised that balances and accommodates student needs, payment for services actually delivered and provider financial viability?*22

Solutions22

PROBLEM 7: The ways in which DHS (and DESE) seek expert advice and develop policy for the AMEP (and SEE Program) are arbitrary, lacking in transparency and accountability, afflicted by “provider capture”, have previously led to grossly counter-productive decisions, and urgently require rectification.23

Question Arising: *Will the Advisory Committee recommended by the 2019 AMEP Evaluation be set up before crucial decisions are made to determine the Program’s immediate and longer-term future?*24

Solution.....24

CONCLUSION24

APPENDIX A: Raw Data from ACTA Survey of Post-school Sector Educators.....25

ACTA AND ITS REPRESENTATIVES AT THIS MEETING

The Australian Council of TESOL Associations (ACTA) is the peak professional body concerned with the teaching of English to speakers of other languages (TESOL) in Australia.¹ The Council comprises representatives from State and Territory TESOL associations, including their presidents. Association members are TESOL teachers, consultants, curriculum developers and teacher educators in tertiary, vocational education & training (VET), the AMEP and SEE Program, State/Territory labour market programs, community education, school and pre-school settings, as well as academics and researchers in fields related to teaching English and other languages.

This paper has been developed in consultation with the ACTA Adult TESOL Working Group, the Victorian and ACT Adult TESOL Working Parties, and our informal email network.

Margaret Corrigan, ACTA President, is CEO of Carringbush Adult Education, a not-for-profit Registered Training Organisation in Melbourne, which delivers English language, work readiness and wrap around programs for learners in the inner Melbourne areas of Richmond and Collingwood, including the AMEP, SEE Program and Victorian Government labour market program Skills First. She has over 30 years' experience as an educator across all sectors in Australia and the Asia Pacific region. She holds a Bachelor of Commerce and various graduate level qualifications in teaching and welfare of students. She is currently Vice President of VicTESOL.

Helen Moore, AM, PhD, is ACTA Vice-President and President of the Association of Teachers of English to Speakers of Other Languages in the ACT (ATESOL ACT). She developed the first full post-graduate qualification in TESOL at La Trobe University in Melbourne in 1978 and has been active in the field ever since, including researching and co-writing a major report on provision for refugee youth with minimal/no previous schooling in the AMEP (2008). Her doctoral thesis, done at the Ontario Institute for Studies in Education at the University of Toronto, analysed policies and provision for English language learners in Australian schools (1949-1996). Publications include articles and chapters on the AMEP. Since taking up residence in Canberra in 2004, she has authored and consulted on numerous ACTA submissions, many of which are about the AMEP.

¹ <http://www.tesol.org.au/>

ABBREVIATIONS

ACTA	Australian Council of TESOL Associations
ACSF	Australian Core Skills Framework
AMEP	Adult Migrant English Program
ARF	AMEP Reporting Facility
ASQA	Australian Skills Quality Authority
BNLA	Building a New Life in Australia (https://aifs.gov.au/bnla/)
CSWE	Certificates in Spoken and Written English
DET	(Commonwealth) Department of Education and Training
DHA	Department of Home Affairs
DESE	Department of Skills, Education and Employment (formerly DET)
EAL	English as an Additional Language (Framework)
ESL	English as a second language
FECCA	Federation of Ethnic Communities Councils
IELTS	International English Language Testing System
ISLPR	International Second Language Proficiency Rating Scales
KPI(s)	Key Performance Indicator(s)
NBM	New Business Model, i.e. the 2017-2018 AMEP contracts.
NEAS	National ELT (English Language Teaching) Accreditation Scheme (Ltd.)
QA	Quality Assurance
RTO	Registered Training Organisation
SCoA	Settlement Council of Australia
SEE (Program)	Skills for Education and Employment (Program)
SHARP	Skills Hub Administration and Reporting Portal
SMH	Sydney Morning Herald
TAE	(Certificate in) Training and Assessment
TAFE	Technical and Further Education (Institutes)
TESOL	Teaching English to speakers of other languages
TOEFL	Test of English as a Foreign Language
VET	Vocational Education and Training

LIST OF ACTA SOLUTIONS

Eligibility

Immediately:

1. **Remove the cap on AMEP Extend and allow access for all those who are eligible**
2. **Ensure that Job Active providers fully understand and are required** to (i) inform adult migrants clearly about their AMEP entitlements, and (ii) encourage access to and completion of these entitlements
3. **End the time restrictions on accessing the AMEP**, i.e. tuition hours and years in Australia.

As soon as possible:

4. **Revise Mutual Obligation (MO) requirements and Job Active contracts** to remove:
 - a. all *de facto* conflicts between participation in AMEP classes and these requirements
 - b. the contractual incentives that lead Job Active providers to pressure adult migrants to take up short-lived employment options.
5. **Redefine eligibility for the AMEP solely with reference to adult migrants' English language level**, viz. *lower than* required for entry into VET bridging and mainstream training and higher education (ACSF Level 3 or equivalent on the ISLPR, IELTS or other recognised English assessment system)
6. **Urgently review all potential sources of information accessed by recently arrived and longer resident adult migrants** to ensure they have correct information about AMEP entitlements from Commonwealth & State/Territory government departments, agencies and programs, social media, radio and TV, and community organisations, media and other outlets
7. **Redirect the SEE Program to meeting basic literacy and numeracy needs** for job seekers who are:
 - a. English-dominant and English mother tongue speakers whose education has been predominantly or entirely in an English-speaking country, and
 - b. long-term residents from overseas who are orally fluent in English.

Curriculum and Assessment

Immediately and for the short term:

8. Untie progress and attainment KPIs from ACSF assessments and **use provider reports on curriculum-based assessments and attendance** to determine individuals' continued eligibility for the AMEP and as the basis for KPIs.
9. **Terminate the project** to develop a new assessment framework.
10. Announce that future contracts will require progress and attainment KPIs to derive from **curriculum-based assessments**.

As soon as possible:

11. The AMEP to return to a common national curriculum that is **structured and supported to meet the needs of different learner cohorts**.

12. The Commonwealth to purchase the CSWE licence from TAFE NSW and call tenders for a specialist provider to:
 - a. manage, support & develop **an accredited national AMEP curriculum** under the guidance of the AMEP Advisory Committee (see Problem 7 and Solution 22)
 - b. investigate, report and recommend on the advantages/disadvantages of developing **an ASQA-accredited AMEP training package** in the longer term, and proceed accordingly.
13. **DHA to facilitate discussions** between ASQA and –
 - the national curriculum provider (see Solution 12 above),
 - the AMEP Advisory Committee (see Solution 22 below), and
 - AMEP providers

with a view to reforming ASQA requirements to apply more appropriately to non-trade oriented curricula such as that appropriate to the AMEP.

Data management

See Solutions 5, 8, 10 - 11 above.

Awarding Contracts

14. The award and monitoring of contracts for the AMEP and SEE Program should be **streamlined and modernised on risk-based principles** as follows:

Overall provider performance should be assessed annually and rigorously by independent assessors on a **5-point performance ranking scale**, viz.:

- A = outstanding performance
- B = good performance
- C = satisfactory performance
- D = somewhat unsatisfactory performance
- E = unsatisfactory performance.

Providers scoring C or below more than once in any 3 year period should be asked to show cause as to why their contract should not be re-opened for tendering.

Providers who consistently score A or B should not be required to compete for new contracts until a new 10-12 year cycle.

New tenders for all provision should be called every 10-12 years.

15. Provider assessments should be undertaken by a **completely independent, expert body** (for example, NEAS) with no other role in AMEP provision. The assessment team should include at least one outside expert in TESOL and another in public administration. Assessments should include classroom observations and interviews with students, teachers and managers.
16. **The provider assessment system (including criteria for the above scale) should be determined in relation to KPIs** devised by the Commonwealth in collaboration with providers and independent external experts in public administration and English language teaching and assessment. A research project should be instigated to investigate and develop effective and viable KPIs for the next round of contracts.

17. **The award of new AMEP contracts** should include input from independent experts in teaching English as an additional language to adult migrants as well as the body responsible for on-going assessments, e.g. NEAS (as per Solution 15 above).

Provider Payments

18. Providers should be given greater discretion within agreed guidelines to **discontinue students on the basis of irregular class attendance in any given term.**
19. Students should **retain their AMEP entitlements** if they discontinue classes in any given term. See Solutions 3 and 5 above.
20. Appropriate independent experts should consult with providers to **develop proposals for a payment system** that addresses the issue of irregular attendance without penalising providers or students.
21. Provider payment guidelines should be developed that permit providers to offer **special-purpose classes** to meet the English learning needs of specific learner cohorts, notably women with particular needs, refugee youth with minimal/no previous schooling, people in the workforce, professionals.

Advice to Government

22. **The AMEP Advisory Committee** should be set up and convened as a matter of urgency in order that crucial decision-making for the AMEP's future is properly grounded in the best available advice.

INTRODUCTION

As many commentators have observed, the COVID-19 pandemic has thrown into sharp relief underlying problems in various sectors of Australian society and the economy. Nowhere is this truer than for English language programs for adult migrants. These problems have been described over many years by ACTA and numerous other bodies, and are re-summarised in this paper.

These problems were brought to crisis point with the 2017-2020 contract for the Adult Migrant English Program (AMEP), the Commonwealth's English language program for adult migrants.

In February – prior to the pandemic impacting on Australia – Acting Immigration Minister Alan Tudge identified the statistical symptoms of these underlying problems:

1. approximately 15% of adult migrants currently in the labour market cannot speak English (Centre for Policy Development)
2. nearly 60 % of humanitarian entrants say that they cannot gain employment because their English isn't good enough (BNLA)
3. only 21 % of those exiting the AMEP have so-called “functional English”
4. 60% of AMEP students leave the Program before utilising their full tuition entitlements.²

These people are among the most vulnerable to the social and economic crisis that now faces Australia. No doubt, they are among the 2.3 million people (or 20% of the labour force) who have lost their jobs since March 2020.³ These statistics are forecast to increase.⁴

In a letter to Minister Tudge (23 June 2020), ACTA President Margaret Corrigan described the problems that underpin the statistics above.

In the short-term, the COVID-19 lock-down has dramatically intensified these problems.

More profound and longer term effects, which are now emerging, follow from the suspension of immigration. According to Minister Tudge's most recent statement, Treasury forecasts an 85% decrease in immigration to Australia in 2021. Clearly, the forecast levels of unemployment mean a very slow return to previous levels.⁵ Because the AMEP is currently tailored to cater for new arrivals, the suspension of immigration will effectively close down this Program.

ACTA understands that a work plan for the AMEP for the next twelve months is currently in process. This work plan marks a crucial juncture in policy-making for adult English language provision in Australia.

One possibility is to allow the decimation of the AMEP to proceed under current arrangements with short-term and possibly misguided fixes. Simultaneously, increasing numbers of migrants with low proficiency in English will swell the ranks of the unemployed, accompanied by skilled AMEP teachers and others caught in the flow-on effects. This process will escalate just as the Government's various rescue packages end.

Alternatively, the AMEP can be re-deployed to tackle the root causes of the statistics cited by Minister Tudge. In this paper, the proposals in the ACTA President's June letter to Minister Tudge are elaborated and updated as they address each of the summarised problems and the inevitable intensification of the above statistics as unemployment escalates. On the positive side, ACTA's proposed remedies for these problems will also yield genuine efficiencies and cost-savings.

² <https://minister.homeaffairs.gov.au/davidcoleman/Pages/address-menzies-research-centre-20200207.aspx>

³ <https://grattan.edu.au/wp-content/uploads/2020/06/Grattan-Institute-Recovery-Book.pdf> p. 16.

⁴ *ibid*, p. 56. See also: Borland, Jeff, June (29) 2020. Labour market snapshot #63.

<https://drive.google.com/file/d/1jTKDkUqpq9gd6LUMODlsRZDkWpu7T8bk/view>

⁵ <https://iview.abc.net.au/show/insiders/series/0/video/NC2009V024S00>

PROBLEM 1:
**Insufficient AMEP tuition hours;
complex & dysfunctional eligibility requirements; overlapping provision.**

Since 1992, the basic AMEP tuition entitlement has been legislatively defined as 510 hours for those with less than “functional English”. The time limit has *no* theoretical, research or administrative validity.⁶ Every subsequent review of the AMEP has documented claims that tuition hours are insufficient.

In recognition, the Government has extended tuition hours for various categories of AMEP student. The 2019 Social Compass Evaluation of the AMEP reported widespread support for extended AMEP hours, but also that allocations did not meet demand and were inconsistently applied.⁷ A key finding was that:

The funding allocated to AMEP Extend is insufficient to meet demand (p.33)

The Evaluation also reported that:

no student completing their AMEP Extend allocation has reached functional English (p. 32).

The various AMEP tuition extensions:

1. are an inadequate *ad hoc* fix for the **restrictive eligibility requirements** for the SEE Program – this is supposedly the pathway from the AMEP but, in fact, excludes many as ineligible⁸
2. do not address adult migrant **discontinuations from the AMEP** prior to completion of entitlements – these occur because people (i) gain employment, often short-term and below their skills and qualifications, (ii) have family issues and illness, and (iii) are discouraged by the dominance of assessment in the classroom and the lack of needs-directed teaching (see Problem 2 below)
3. **duplicate provision** in –
 - a. the Skills for Education & Employment (SEE) Program – the majority of SEE Program students (63%) are adult migrants who are ineligible for the AMEP because they have not accessed the AMEP in time, exhausted their tuition hours or are assessed as having “functional English”⁹

⁶ The 510 hours entitlement was based on data from the late 1980s before the data management system (ARMS) was properly operational. Manifestly defective data were used to calculate the average time taken to reach “transactional proficiency” (using the previous assessment system). Data were not disaggregated to show **length of time in the AMEP** (which included anything from 1 day to 5 years), **English proficiency levels** (complete beginners were amalgamated with near-fluent users) and **education levels** (which determine learning rates). The data base included multiple entries for the same people. An Immigration official involved in determining the 510 hour tuition limit observed: “*The 10 on the end sounded really quite scientific. 500 would have looked just a bit too neat. That was the thing. Marvellous.*” p. 112. Moore, H. (2001). Although it wasn’t broken, it certainly was fixed: Interventions in the Adult Migrant English Program 1991-1996. In J. Lo Bianco & R Wickert (eds.) *Australian Policy Activism*, Language Australia Pty Ltd, 93-120.

⁷ Social Compass, August 2019. Evaluation of the Adult Migrant English Program for the Department of Home Affairs. <https://immi.homeaffairs.gov.au/amep-subsite/Files/amep-evaluation-new-business-model.pdf> pp. 29-33

⁸ The SEE Program originated as a labour market program (the LLNP) targeting the basic literacy and numeracy needs of mother tongue English speakers, including Indigenous students. Its goals are now diluted and confused because of the predominance of adult migrants. In 2018: 63% spoke languages other than English; 35% or fewer were English-dominant/native speakers; less than 1% were Indigenous learners of standard English as an additional language/dialect – figures are not kept on Indigenous learners, so this proportion may be higher. (Dept. of Education & Training SQ18-000619, Senator Doug Cameron provided in writing, Budget Estimates 2018-2019).

⁹ New arrivals must register for the AMEP within 6 months of arrival (12 months if under 18) and must access tuition within 5 years. These requirements are consistently criticised for excluding women with young children. ACTA is informed that waivers are routinely granted, which raises questions about its purpose, effectiveness and administrative cost. What is clear is that it discourages applications.

- b. State/Territory labour market programs that cater for the same cohort as the SEE Program.

Eligibility requirements – not content or student cohorts – are now the key factor distinguishing the AMEP from the SEE Program and State/Territory labour-market programs. These dysfunctional requirements and restrictions demand complex, extensive and pointless administration for government departments, Job Active agencies and English language providers. They also cause confusion, discouragement and discontinuations by adult migrants in pursuing English tuition.

Question Arising: *Whose interests are served by current AMEP eligibility requirements?*

Solutions

Immediately:

1. **Remove the cap on AMEP Extend and allow access for all those who are eligible**
2. **Ensure that Job Active providers fully understand and are required** to (i) inform adult migrants clearly about their AMEP entitlements, and (ii) encourage access to and completion of these entitlements.
3. **End the time restrictions on accessing the AMEP**, i.e. tuition hours and years in Australia.

As soon as possible:

4. **Revise Mutual Obligation (MO) requirements and Job Active contracts** to remove:
 - all *de facto* conflicts between participation in AMEP classes and these requirements¹⁰
 - the contractual incentives that lead Job Active providers to pressure adult migrants to take up short-lived employment options.See also Problem 6 (irregular attendance).
5. **Redefine eligibility for the AMEP solely with reference to adult migrants' English language level**, viz. *lower than* required for entry into VET bridging and mainstream training and higher education (ACSF Level 3 or equivalent on the ISLPR, IELTS or other recognised English assessment system)
6. **Urgently review all potential sources of information accessed by recently arrived and longer resident adult migrants** to ensure they have correct information about AMEP entitlements from Commonwealth & State/Territory government departments, agencies and programs, social media, radio and TV, and community organisations, media and other outlets

¹⁰ Requirements to attend Job Active interviews in preference to attending AMEP classes have been reported for many years, for example, the Centre for Policy Development report on employment and settlement services noted that:

Of particular concern are reports of humanitarian migrants being forced to choose between attending jobactive interviews and their classes in the Adult Migrant English Program (AMEP).

<https://cpd.org.au/wp-content/uploads/2017/02/Settling-Better-Report-20-February-2017.compressed.pdf> p. 24

As far as ACTA is aware, this practice continues as recently reported::

Despite recent improvements, mutual obligation requirements and an over-emphasis on finding employment are hindering the benefits of learning English. Settlement activities, including attending AMEP, should be recognised as part of a jobseekers requirements by Centrelink and Jobactive. Putting too strong an emphasis on job-seeking too early in a person's settlement journey often limits their progress in learning to speak English, as well as limiting their potential to acquire a job to match their skills and aspirations. The four year waiting period for Centrelink payments is also driving people to work before they have a sufficient level of English.

<http://scoa.org.au/wp-content/uploads/2020/02/SCOA-AMEP-Consultations-Report-2020-PDF.pdf>:p. 4

- 7. Redirect the SEE Program to meeting basic literacy and numeracy needs** for job seekers who are:
- a. English-dominant and English mother tongue speakers whose education has been predominantly or entirely in an English-speaking country, and
 - b. long-term residents from overseas who are orally fluent in English.

PROBLEM 2:
Replacement of the common national AMEP curriculum (the CSWE)¹¹
by provider curriculum “choice”.

Stated rationale: greater flexibility to meet learner needs.

Real rationale: cost shifting from the Commonwealth to the States, providers & ultimately teachers; integration of the AMEP within DET structures (see also Problem 3).

“Choice” now occurs *only at provider level*. The CSWE’s multiple strands and options incorporated genuine choice and flexibility at Centre and individual class level. This student/needs-directed choice has ended.

Problems following from curriculum “choice”:

1. **A common national meta-assessment system that “straddles” all curricula** is now required to:
 - assess eligibility
 - provide the base data for a progress/attainment KPI (incl. continued eligibility).

The need to institute a meta-assessment system has had profoundly disruptive effects on the AMEP (as detailed in 2 – 11 below).

2. The framework adopted for the 2017-2020 contract (the Australian Core Skills Framework/ACSF) was **not fit for purpose**, because:
 - it was not an assessment *system* (and therefore needed, and still needs, development)
 - it did not target English language learning needs (– it was oriented to the literacy needs of English mother tongue speakers)
 - it is overly complex and therefore unreliable as a basis for assessment (and therefore provides meaningless KPI data).
3. **Assessments & administration have doubled** for teachers and provider managers to meet requirements for (i) national accountability using the ACSF, and (ii) ASQA-accredited curriculum,¹² which they must teach (see Problem 3).
4. Consequently, the focus of the AMEP (teaching, auditing, professional development, resource development, funding, Quality Assurance, policy-making etc.) is now **dominated by assessment** (elaborated in items 5 – 10 below).
5. Repeated assessments and assessment-focussed teaching is the main cause of **student reports that classes do not meet their needs** and their consequent withdrawal before completing AMEP entitlements.¹³
6. Money, human resources and effort **previously directed to supporting teaching and curriculum development have been re-focussed** on:
 - developing an ACSF task bank, which has yet to contain sufficient tasks to meet assessment requirements
 - training teachers in use of the ACSF
 - auditing provider/teacher compliance with the ACSF
 - data management that incorporates the ACSF¹⁴ (see Problem 4).

¹¹ *Certificates in Spoken & Written English*, developed & revised since the early 1990s.

¹² ASQA = Australian Skills Quality Authority.

¹³ For example, <http://scoa.org.au/wp-content/uploads/2020/02/SCOA-AMEP-Consultations-Report-2020-PDF.pdf> p. 3.

7. **Responsibility for producing further assessment & all teaching resources now rests with individual providers** and, with some providers, individual classroom teachers (including those casually employed); the support given to teachers to produce these resources is now highly variable, as is also the quality and consistency of resources themselves.
8. **Intolerable teacher workloads** have become the norm, including extensive unpaid hours.¹⁵
9. **Quality assurance for the AMEP has narrowed** to focus predominantly on paper audits of ACSF assessments. This narrowing has intensified the Department's "capture" by the QA provider.
10. **A search for a new assessment system** is now in train, *contrary to all expert advice and that from all providers except the QA provider and possibly Queensland TAFE*.
11. TAFE Queensland and South Australia have opted for curriculum for the AMEP (and SEE Program) with **downgraded teaching qualification requirements that are insufficient for teaching English as an additional language**.

Question Arising: *Whose interests are served by prioritising assessment over curriculum and teaching?*

Solutions

Immediately and for the short term:

8. Untie progress and attainment KPIs from ACSF assessments and **use provider reports on curriculum-based assessments and attendance** to determine individuals' continued eligibility for the AMEP and as the basis for KPIs.
9. **Terminate the project** to develop a new assessment framework.
10. Announce that future contracts will require progress and attainment KPIs to derive from **curriculum-based assessments**.¹⁶

As soon as possible:

11. The AMEP to return to a common national curriculum that is **structured and supported to meet the needs of different learner cohorts**.
12. The Commonwealth to purchase the CSWE licence from TAFE NSW and call tenders for a specialist provider to:
 - a. manage, support & develop **an accredited national AMEP curriculum** under the guidance of the AMEP Advisory Committee (see Problem 7 and Solution 22)
 - b. investigate, report and recommend on the advantages/disadvantages of developing **an ASQA-accredited AMEP training package** in the longer term, and proceed accordingly.

See Appendix A for the overwhelming practitioner support (approx. 80%) for a common national AMEP curriculum in response to the July 2020 ACTA survey.

¹⁴ *Revised data management system: \$4.3 mill. over 3 years/\$4.5 mill. over 5 years; revised assessment task bank: \$861.207; teacher professional development: \$799,530.*

¹⁵ 90% of respondents (n = 307) to the January 2019 ACTA survey reported working unpaid hours. Over 50% (n = 138) reported working an average of more than 8 unpaid hours per week.

¹⁶ Our recommendation entails ending assessments of learner progress after set periods of tuition (e.g. every 100 or 200 hours) in accord with the Social Compass Evaluation finding that:

Reporting curriculum competency attainments is more appropriate, effective and practical for monitoring student progress than reporting directly against the ACSF.

Social Compass, August 2019. Evaluation of the Adult Migrant English Program for the Department of Home Affairs. <https://immi.homeaffairs.gov.au/amep-subsite/Files/amep-evaluation-new-business-model.pdf> p. 6

PROBLEM 3:

The AMEP has been depleted, distorted and undermined by integrating it with wider VET compliance requirements, which are themselves dysfunctional.

AMEP curriculum “choice” requires providers to deliver curricula that is (i) accredited by the Australian Skills Quality Authority (ASQA)¹⁷ and (ii) approved by DHA.

Gaining recognised qualifications from studying English is in adult migrants’ interests and accords with stated preferences. However, current ASQA accreditation procedures do not satisfactorily accommodate non-trade-type courses such as those offered in the AMEP.

Problems with ASQA accreditation:

1. ASQA procedural requirements are universal. They **dominate, distort and are blind to the characteristics** that allow curriculum to be tailored to meet specific learning needs (e.g. learning English; also learning Australian Sign Language).¹⁸
2. Meeting ASQA requirements is expensive, demanding **extensive human resources and energies** (e.g. the 2018 CSWE reaccreditation required 2 senior team members working effectively full-time for 1 year.)
3. Because **the focus of ASQA requirements is assessment**, teaching is similarly directed.
4. ASQA accreditation does not entail or include the development of teaching materials. Changing and recent ASQA accreditation (and hence assessment) requirements have made **the vast and rich array of existing AMEP resources redundant** or in need of substantive modification. These resources were developed from the mid-1980s onwards to support the AMEP (e.g. units on the language of childbirth, citizenship, geography of Australia, budgeting for unaccompanied refugee youth).¹⁹ They are now almost completely lost from view.
5. ASQA accreditation requirements include **generic teacher qualification requirements**, viz. the TAE Certificate IV. Since July 2019, ASQA has allowed for those holding higher qualifications to seek recognition of prior learning. However, some AMEP and SEE Program providers (for example, Navitas) are so fearful of failing ASQA audits that they refuse to recognise higher qualifications (e.g. Masters’ degrees and Advanced Diplomas in TESOL) and require staff to undertake TAE Cert IV upgrades, often at their own considerable expense (\$600 - \$1000). Numerous well-qualified teachers have resigned in consequence.
6. ASQA curriculum accreditation procedures **are inconsistently applied, depending significantly on individuals, none of whom are qualified** to assess English language courses or relevant teaching qualifications.
7. ACTA is advised that inconsistencies in the application of ASQA accreditation requirements have permitted the development of **inappropriate curriculum by TAFE Queensland for AMEP use**, which also violates the ASQA prohibition on “cutting and pasting” from other curricula.

As is clear from the 2019 VET Review, many of these problems extend well beyond the AMEP and SEE Program.

¹⁷ <https://www.asqa.gov.au/>

¹⁸ As someone remarked in comments to ACTA: “ASQA procedures cannot distinguish between teaching English and teaching basket weaving”.

¹⁹ For examples of the wealth of resources effectively lost because they not accord sufficiently with assessment requirements, go to: <http://www.ameprc.mq.edu.au/>; <https://www.bookdepository.com/publishers/Nceltr-Publications-National-Centre-For-English-Language-Teaching-And-Research>; <https://teslbooks.com.au/publisher/ncltr-publications-national-centre-for-english-language-teaching-and-research/>

Given the advantages to AMEP students in gaining recognised qualifications, the solution to the problems above is *not* to dispense with ASQA-accredited curricula but to improve ASQA requirements and procedures so that they are more appropriate to the AMEP and other similar (non-trade type) programs.²⁰

However, addressing these problems is a complex and difficult undertaking. In this context, the lack of a unified approach to AMEP curriculum (i.e. curriculum choice) is unhelpful.

It has been put to ACTA that a route to a solution is to develop an ASQA-accredited AMEP “training package”. We understand that training packages offer greater scope for flexibility. However, developing them and gaining accreditation is a complex and long process. A unified approach to AMEP curriculum would be a pre-requisite to achieve cost-efficiency.

Question Arising: *Given that gaining ASQA-recognised qualifications is clearly in AMEP students’ interests, how can AMEP curriculum and ASQA accreditation requirements be better tailored to address the needs of English language learners?*

Solution

13. **DHA to facilitate discussions** between ASQA and –

- the national curriculum provider (see Solution 12 above),
- the AMEP Advisory Committee (see Solution 22 below), and
- AMEP providers

with a view to reforming ASQA requirements to apply more appropriately to non-trade oriented curricula such as that appropriate to the AMEP.

See also Solution 12b above.

Note: ACTA is *not* suggesting that ASQA accreditation is not – or would ever to be – adequate or appropriate to ensure quality assurance for the AMEP.

²⁰ There are many other similar curriculum areas that would also welcome these reforms. ACTA has been specifically approached for support by those involved in Auslan curriculum.

PROBLEM 4:

Data management for the AMEP is chaotic, time-consuming and inefficient.

This problem is a direct outcome of Problem 2 above.

Prior to the current AMEP contract, data management for the AMEP was done through the **AMEP Reporting Management System (ARMS)**. This system was developed by the Immigration Department in the late 1980s and constantly refined until mid-2017. English assessment data was based on the Certificates in Spoken & Written English (the CSWE). Under DET management, the 2017-2020 AMEP contracts abandoned the common curriculum and adopted the ACSF for English assessments (see Problem 2). This change residualised the ARMS.

DET's long-term goal was to combine AMEP data management with their Skills for Education and Employment (SEE) Program. Development of a new system (the **Skills Hub Administration and Reporting Portal/SHARP**) was approved in February 2018 with a budget of \$4.5 million over four financial years (2017-2018) and was due to be in place on 1 July 2020.²¹

In the interim, data management for the AMEP has been and continues to be a nightmare. It would appear that there is no budget to rectify this situation. Here is an authoritative description of how data is currently recorded and reported for both (but separately) the AMEP and SEE Program:

Entry of data into ARMS, supplementary data on spreadsheets into ARF [the AMEP Reporting Facility], and corrected data for submission to the Department are three separate tasks that providers must perform. The Department sends back error reports which providers must fix. All this requires incredible time and cost – so it is cost shifting to providers but it also takes the Department's time because the system doesn't work very well and they have to monitor it and provide feedback to providers. The Department has to administer this monster but providers often have to re-enter things several times because it doesn't work properly. Then the Department asks questions about data errors that are due to their system not working, which providers then have to waste further time on providing answers to, often for a second time.

ACTA has no information on the current situation in regard to the SHARP. But we find it difficult to understand how tying DESE and DHS reporting requirements to the one data management system will enhance the responsiveness of the AMEP to adult migrants' English learning needs.

The Social Compass AMEP Evaluation recommended that:

*The department should prioritise the development of a robust information management system (IMS) to manage the AMEP.*²²

In his February speech, Minister Tudge announced a new “outcomes framework” to replace the Australian Core Skills Framework. The uncertainties surrounding yet another assessment framework must increase the complications in data management for the AMEP. As noted in Problem 2, the advice given to DHA overwhelmingly is that this framework is unnecessary and counter-productive.

In contrast, **returning to a common national curriculum with its own assessment system** would set clear, administrative- and cost-efficient directions for AMEP data management.

²¹ Question on notice no. 295 Portfolio question number: SQ18-000999 2018-19 Supplementary budget estimates Education and Employment Committee, Education and Training Portfolio, Senator Doug Cameron.

²² Social Compass, August 2019. Evaluation of the Adult Migrant English Program for the Department of Home Affairs. <https://immi.homeaffairs.gov.au/amep-subsite/Files/amep-evaluation-new-business-model.pdf> p. 23

Question Arising: *What is preventing rectification of the gross inefficiencies in current data management for the AMEP?*

Solutions

See Solutions 5 and 8 – 11 above.

PROBLEM 5:
**The current competitive contracting system
has repeatedly failed to serve the public interest in
ensuring quality, efficiency, effectiveness and value for taxpayer dollars.**

The 2013 Harper Review of Competition Policy stated that:

*When applying the competition principles, all governments should subject regulation to a public interest test to ensure that governments do not restrict competition unless it is in the overall community's interest to do so, and that there are **no other means by which the policy can be achieved.***²³ (our emphasis)

The current system of competitive contracting for the AMEP, which began in 1996, **has been repeatedly demonstrated to be against the Australian community's interest in supporting an efficient and effective English language provision for adult migrants.**

Consequences of the current contracting system:

- chronic program instability and disruption²⁴
- repeated student discontinuations and exclusions²⁵
- extensive waste of human and material resources in preparing and assessing tenders, and when quality providers fail to gain new contracts
- a continuing depletion of professional knowledge, expertise and networks
- gross cost-shifting and disguising of real costs
- the award of contracts to some unsuitable providers with no previous experience, understanding or interest in quality English language provision (as has clearly happened with the 2017-2020 contracts)
- increased risk of provider collapse
- cost cutting to the point where maintaining financial viability and, in some cases, profitability has been prioritised above basic standards in class sizes, class composition, classrooms,

²³https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook45p/CompetitionPolicy

²⁴ The Australian National Office of Assessments (ANO) recommended improvements on this matter in 2001: see The Auditor-General (2001). *Management of the Adult Migrant English Program Contracts*. Audit Report No.40 2000–2001, Performance Audit. Australian National Audit Office 2001, recommendation 2, p. 28. The fact that the problems documented in this report have been repeated with each contract round is clear evidence that they cannot be rectified within this method of contracting.

²⁵ Statistics from the 2019 independent AMEP Evaluation show that over 40% of AMEP students did not continue from the previous AMEP contract to the current one:

*The proportion of students that **enrolled under the previous contract and continued in the AMEP under the NBM [= current contract]** in 2017-18 was 56 %. This is lower than for all previous years in the dataset (when it was about 62 %).* (p. 12, our emphasis).

Social Compass, August 2019. *Evaluation of the Adult Migrant English Program for the Department of Home Affairs.*

<https://immi.homeaffairs.gov.au/amep-subsite/Files/amep-evaluation-new-business-model.pdf>

As reported to ACTA:

It's a problem when students move from one provider to another when a tender is lost or gained. Students get very stressed about the disruptions, going to a new place, etc. etc. Some drop out. They have already experienced major disruptions in their lives and so the impact can be large. Students from trauma backgrounds experience disruption and uncertainty – just getting comfortable in one place and then everything changes and they have to go to the new places. They suffer again. The disruption has far-reaching consequences for students, for example with child care arrangements. Constant competition/tendering doesn't work for anyone, the teachers included. Teachers moving from one provider to another following the contracts is incredibly difficult because they have to learn a new working environment, administration and culture. It's a different situation with each provider. It impacts on the quality of program delivery, skills, resources, systems, facilities are lost. Getting student records across to a new contract holder is a major headache.

equipment (including computers), toilets, other infrastructure and even stationery (see also Problem 6)

- a “survival” risk-averse provider mentality
- chronic professional demoralisation and resignations
- increasingly narrowly focussed compliance requirements that:
 - exclude concerns for educational principles and quality
 - result in poorly informed and misguided decisions by Departmental officials, most recently in the 2017-2020 contract, which have been catastrophic for the AMEP
 - rely on advice from sources whose interests are conflicted
- responsibility for most of the above not is acknowledged by Departmental officials (most notably, for example, in Senate Estimates) but is shifted to providers and other agencies.

For many years, ACTA has recommended other means of contracting for the AMEP (and SEE Program) which would be more efficient, effective and transparent, and much less wasteful and costly. We note that a similar recommendation is implied in the 2019 VET review.²⁶

Question Arising: *What evidence supports continuation of the current method of contracting for the AMEP as being in the Australian taxpayer’s interests in supporting English language provision for adult migrants? Whose interests are served by preferring this system to one that is overtly directed to promoting efficient and effective quality provision?*

Solutions

14. The award and monitoring of contracts for the AMEP and SEE Program should be **streamlined and modernised on risk-based principles** as follows:

Overall provider performance should be assessed annually and rigorously by independent assessors on a **5-point performance ranking scale**, viz.:

- A = outstanding performance
- B = good performance
- C = satisfactory performance
- D = somewhat unsatisfactory performance
- E = unsatisfactory performance.

Providers scoring C or below more than once in any 3 year period should be asked to show cause as to why their contract should not be re-opened for tendering.

Providers who consistently score A or B should not be required to compete for new contracts until a new 10-12 year cycle.

New tenders for all provision should be called every 10-12 years.

15. Provider assessments should be undertaken by a **completely independent, expert body** (for example, NEAS) with no other role in AMEP provision. The assessment team should include at least one outside expert in TESOL and another in public administration. Assessments should include classroom observations and interviews with students, teachers and managers.

²⁶ See p. 41. *Strengthening Skills: Expert Review of Australia’s Vocational Education and Training System*, Commonwealth of Australia, 2019. <https://www.pmc.gov.au/resource-centre/domestic-policy/vet-review/strengthening-skills-expert-review-australias-vocational-education-and-training-system>

16. **The provider assessment system (including criteria for the above scale) should be determined in relation to KPIs** devised by the Commonwealth in collaboration with providers and independent external experts in public administration and English language teaching and assessment. A research project should be instigated to investigate and develop effective and viable KPIs for the next round of contracts.
17. **The award of new AMEP contracts** should include input from independent experts in teaching English as an additional language to adult migrants as well as the body responsible for on-going assessments, e.g. NEAS (as per Solution 15 above).

PROBLEM 6:

The method by which providers are paid creates perverse incentives to maximise class sizes at the expense of targeting English language levels & specific learning needs (e.g. for women, refugee youth with minimal/no previous education).

Until late 2019, providers were funded on the basis of hourly attendance. This system has now been modified but ACTA is unsure how. The COVID-19 lock-down has further complicated the payment system.

The underlying issue is **irregular student attendance**, which is endemic and largely follows from the fact that adult migrants, especially refugees, have multiple calls on their time, especially in the first few years after arrival. Mutual Obligation Requirements also contribute to irregular attendance (see Solution 4).

Over different contracts, provider payments have shifted between penalising either students or providers for student non-attendance. Either way, unfairness is the result.

Proposing a fair and efficient payment system is beyond ACTA's expertise. The appropriate experts should be engaged to consult with providers as to how to move forward on this issue.

Irrespective of specifics, the issue of irregular student attendance can only be dealt with fairly and efficiently if providers are given some discretion to judge individual cases on their merits. Such discretion would rest, of course, on confidence that providers are reputable and that Quality Assurance is appropriately focussed (see Problems 2 and 5).

Combined with this discretion, ACTA's Solutions 4 and 5 to Problem 1 above would alleviate the problem of irregular attendance, because it would remove the pressure on adult migrants to enrol in classes when they were not ready to take full advantage of them. Thus, if students indicated their inability to attend regularly, they could be counselled, without the threat of losing their entitlements, to discontinue and return when they were better able to commit.

Financially penalising providers for student absences perversely incentivises providers to maintain class numbers at and above financially viable levels. In consequence, classes now routinely combine students with vastly different English and literacy levels and previous education. These classes are a key source of student claims that AMEP tuition fails to meet their learning needs.

Question Arising: *Can a payment system be devised that balances and accommodates student needs, payment for services actually delivered and provider financial viability?*

Solutions

18. Providers should be given greater discretion within agreed guidelines to **discontinue students on the basis of irregular class attendance in any given term.**
19. Students should **retain their AMEP entitlements** if they discontinue classes in any given term. See Solutions 3 and 5 above.
20. Appropriate independent experts should consult with providers to **develop proposals for a payment system** that addresses the issue of irregular attendance without penalising providers or students.
21. Provider payment guidelines should be developed that permit providers to offer **special-purpose classes** to meet the English learning needs of specific learner cohorts, notably women with particular needs, refugee youth with minimal/no previous schooling, people in the workforce, professionals.

PROBLEM 7:

The ways in which DHS (and DESE) seek expert advice and develop policy for the AMEP (and SEE Program) are arbitrary, lacking in transparency and accountability, afflicted by “provider capture”, have previously led to grossly counter-productive decisions, and urgently require rectification.

The first recommendation of the 2019 Social Compass Evaluation of the AMEP was that:

The department should establish an AMEP Advisory Committee, representing all key stakeholders, to oversee change, innovation and continuous improvement in the AMEP.²⁷

The Evaluation pointed out that the current contract had:

met with strategic, structural and operational challenges. With better expert advisory structures, some major challenges and unintended consequences of implementation may have been avoided.

It continued:

Key stakeholders need to be consulted prior to fundamental changes to program structure and practices. Consultation will allow the department to consider the unique perspectives and priorities of those who deliver the AMEP. Teachers should have the opportunity to respond to proposed changes to processes, teaching practices and program structure before these changes are implemented nationally. An AMEP Advisory Committee would enhance the consultation capacity of the department by contributing the expertise of its members and overseeing broader consultation processes across the program.

The Evaluation recommended on the composition of this Committee. Along the lines of its recommendations, ACTA believes that this Committee should consist of:

- provider representatives (say, two)
- independent TESOL experts (at least two)
- AMEP teacher representatives (at least two)²⁸
- representatives of peak bodies such as FECCA, SCoA, the Refugee Council of Australia and ACTA (at least one each), and
- interdepartmental expertise as recommended by the Social Compass Evaluation.

This Committee should embrace **a sub-committee consisting of a representative from each provider** from whom the main Committee provider representatives are drawn.²⁹ It should have the capacity to instigate other special-purpose, ad hoc sub-committees, specifically one to guide the re-development of the common national AMEP curriculum and ASQA-accredited training package (see Solution 12 above).

Decisions now in train regarding the AMEP will set directions that, no doubt, will be difficult to reverse. Input from the recommended AMEP Advisory Committee is now urgently required *before* crucial decisions are taken. From what ACTA understands, some currently proposed directions may be ill-advised and others are almost certainly insufficiently far-reaching. We do not wish to see the

²⁷ Social Compass, August 2019. Evaluation of the Adult Migrant English Program for the Department of Home Affairs. <https://immi.homeaffairs.gov.au/amep-subsite/Files/amep-evaluation-new-business-model.pdf> p. 23

²⁸ We specify at least two in order to facilitate triangulation and a genuine exchange of views.

²⁹ Competitive contracting makes it unreasonable and unfair to expect providers to represent each other's interests.

problems Minister Tudge identified go unaddressed and possibly worsened. ACTA also has no desire to be placed, once again, in an oppositional stance to policy for the AMEP, especially when it is now well-recognised that the crisis that has beset the AMEP since July 2017 – and has yet to be remedied – could have been avoided if external expert advice, including from ACTA, had been taken into account before the 2017-2020 contracts were finalised. Further, ACTA has no desire to participate in a tokenistic Advisory Committee whose role is simply to provide legitimacy for decisions that cannot be questioned or discussed, and, in the light of expert advice, amended or reversed.

Question Arising: *Will the Advisory Committee recommended by the 2019 AMEP Evaluation be set up before crucial decisions are made to determine the Program's immediate and longer-term future?*

Solution

22. The AMEP Advisory Committee should be set up and convened as a matter of urgency in order that crucial decision-making for the AMEP's future is properly grounded in the best available advice.

CONCLUSION

The hiatus now facing the AMEP as a result of the Covid-19 pandemic will be painful, as it is for the whole of Australia and the world. But it can be put to good use. It offers an opportunity for careful thought and major reform.

The most urgent reforms that are needed are:

1. uncapping the funding for AMEP Extend, and
2. setting up the recommended AMEP Advisory Committee.

More far-reaching and fundamental reforms require:

3. simplifying eligibility, and
4. re-instating a common, national AMEP curriculum.

These reforms would streamline provision, address the root causes of the statistics that rightly concern Minister Tudge and many others, improve accountability, clarify administration and data management, and yield real efficiencies and improved productivity.

Equally pressing and fundamental is to **reform the method by which AMEP contracts are awarded**. The twenty year history of the current system provides overwhelming evidence that it is highly disruptive, wasteful and counter-productive. It does not serve the AMEP, adult migrants and the Australian taxpayer well.

The conditions presented by the suspension of immigration for a considerable period would allow these reforms to be tested. There is a reasonable chance they would yield genuine cost savings.

No doubt, the details of the proposals put forward in this briefing paper would benefit from the debate, refinement, further consultation with stakeholders and revision that the proposed AMEP Advisory Committee would facilitate. But this Committee must genuinely represent stakeholders and include appropriate and independent expertise in both public administration and English language teaching and learning. It should not exist simply to monitor implementation of crucial decisions that have already been taken.

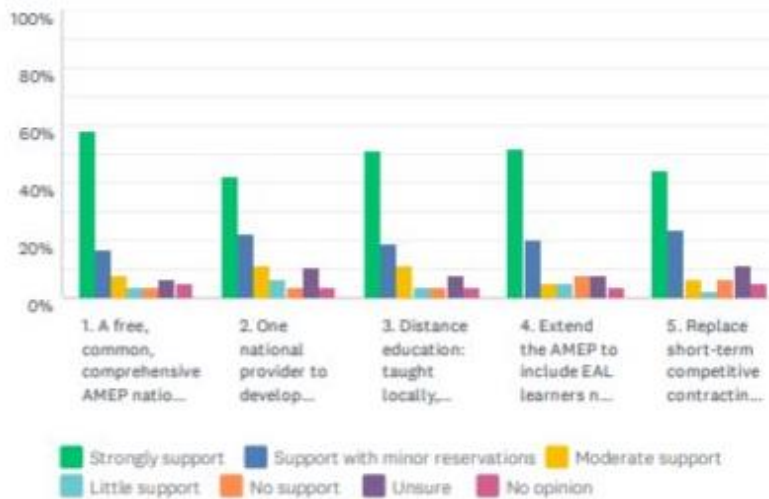
ACTA warmly welcomes the creation of the position of Coordinator General of Migrant Services. We are sincerely grateful for the opportunity provided by the forthcoming meeting. We hope our contribution will be considered constructive and useful.

APPENDIX A: Raw Data from ACTA Survey of Post-school Sector Educators

Below are the responses (as of 13/07/2020) from respondents who identified as teaching in the AMEP, SEE Program and/or State/Territory labour market programs.

Q36 About the AMEP and SEE Program: please indicate your degree of support the following policies for which ACTA is currently advocating.

Answered: 122 Skipped: 37



	STRONGLY SUPPORT	SUPPORT WITH MINOR RESERVATIONS	MODERATE SUPPORT	LITTLE SUPPORT	NO SUPPORT	UNSURE	NO OPINION
1. A free, common, comprehensive AMEP national curriculum with its own assessment system.	58.20% 71	16.39% 20	7.38% 9	3.28% 4	3.28% 4	6.56% 8	4.92%
2. One national provider to develop quality teaching & assessment resources.	42.15% 51	22.31% 27	11.57% 14	6.61% 8	3.31% 4	10.74% 13	3.31%
3. Distance education: taught locally, resources developed nationally.	51.24% 62	19.01% 23	11.57% 14	3.31% 4	3.31% 4	7.44% 9	4.11%
4. Extend the AMEP to include EAL learners now in the SEE Program. That is, one national EAL program for adult migrants whose English is below entry requirements for mainstream education & training (incl. bridging programs).	52.07% 63	19.83% 24	4.96% 6	4.96% 6	7.44% 9	7.44% 9	3.31%
5. Replace short-term competitive contracting by an A - E rating of provider performance by independent, expert, professional TESOL assessors. Those with A or B keep their contract; others re-tender.	44.54% 53	23.53% 28	6.72% 8	2.52% 3	6.72% 8	10.92% 13	5.04%