

ATTACHMENT 1

ACTA SUBMISSIONS ON THE REFORM OF THE AMEP

- 1. ACTA Interim Statement on the Reform of the AMEP Discussion Paper: Towards An Outcomes-Focussed Model for the AMEP (29 June 2021) p. 2**
- 2. Reform of the Adult Migrant English Program – Answers to Questions in the Discussion Paper Submission Form (19th July 2021) p. 22**
- 3. Towards a Payment Model to Incentivise Authentic Outcomes from the AMEP (19th July 2021) p. 42**
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ACTA INTERIM STATEMENT
on
THE REFORM OF THE AMEP DISCUSSION PAPER

Towards an Outcomes-Focussed Model for the AMEP

29/06/2021

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Executive Summary

ACTA warmly welcomes the Government's plan "to make English language tuition more accessible, ensure better quality outcomes and encourage greater participation" (Discussion Paper, p. 3). We endorse the AMEP goals of "advancing social participation, economic wellbeing, independence, and personal wellbeing; all contributing to enabling the full participation of migrants in Australian life" (p. 3).

This interim statement proposes five measurable outcomes that would guide and promote these goals through the AMEP. These outcomes are:

- 1) **participation** (comprising enrolments and retentions)
- 2) **English language gains** (assessed using the common national curriculum, the *EAL Framework*)
- 3) **student satisfaction** (using a consistently and appropriately designed survey that is routinely administered)
- 4) **program quality** (using a comprehensive set of AMEP Program Standards)
- 5) a **robust evidence-base**.

ACTA recognises that the first round of reforms to AMEP eligibility requirements has given rise to a serious question: *how can resourcing the AMEP now be made accountable?* We propose that KPIs should relate directly to the outcomes above. We offer detailed suggestions as to how the AMEP's performance can be measured and evaluated against evidence-based benchmarks for Outcomes 1 – 4.

In carefully considering the Discussion Paper and attending the Departmental consultation forums, we have concluded that:

- the outcomes/outputs incentivised by the proposed payment system are **reports on student assessments**
- the only significant difference between payments for *student hours* and payments for *reports on assessments* is that the latter presents providers with **increased risk of not recouping set-up and ongoing costs**, because of the increased time delay in receiving payments for reports, and the greater uncertainty that students will remain in the AMEP to be assessed
- this increased risk will **threaten providers' viability and teachers' employment**
- the threat to provider viability and teacher employment, and the payment system largely dependent on assessment reports, will incentivise **increased student assessments**, which will dominate, narrow and distort classroom tuition, and also determine how students are placed in or excluded from regular classes
- **the exemption of the Community and Workplace Learning Fund from incentive payments** will encourage providers to move students who do not attract assessment-based payments into that component of the AMEP. Irrespective of individual students' needs, aspirations and desire to participate in regular AMEP classes, the payment system will incentivise providers to over-ride these students' own preferences and their ability to choose. It cannot be assumed that students with life situations that slow their completion of curriculum units lack motivation to achieve and will do better in "conversation classes" (p. 11)
- outcomes payments will incentivise **undesirable distortions, effects and gaming**, all of which will undermine trust and collaboration between teachers and students, teachers and managers, and teachers and managers and the Department
- mitigating the perverse incentives inherent in the payment system will necessitate **expensive and intrusive performance management** and override a focus on promoting substantive AMEP outcomes.

Payments linked to assessing students will undermine quality assurance, limit accessibility and discourage participation in the AMEP. In contrast, ACTA's proposals seek a means of governance that supports and promotes substantive, measurable outcomes to further the welcome goals of the AMEP reforms.

1. Preamble

The Department of Home Affairs has released a Discussion Paper outlining proposals for further reforms to the Adult Migrant English Program: [AMEP Reform Discussion Paper 11 May \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au). The Department is seeking feedback on these proposals from stakeholders and all interested parties.

The central proposal is to make **67% of funding to AMEP providers contingent on “student unit completion” and “student Certificate achievement”**¹ as defined in the new common national curriculum, the Victorian *English as an Additional Language Framework*.²

This interim ACTA response follows from briefing meetings (four online and one face-to-face) conducted in early June in collaboration with AMEP teachers in member State/Territory associations. These meetings attracted well over 200 participants. Our response also reflects our participation in a DHA consultation forums on 17th and 23rd June, 2021.

Here we set out ACTA’s thinking regarding:

- 1) what should constitute **valid AMEP outcomes that can be reliably measured**,
- 2) **the key components** of the AMEP as they relate to outcomes and funding
- 3) **the adverse impact** of funding contingent on students’ unit completions and certificate achievements.

The AMEP outcomes that ACTA proposes have been warmly endorsed in the meetings we have conducted. Participants have requested a way to access this material, which has prompted this interim response to the Discussion Paper.³ We will also be making a formal submission using the DHA format.

2. AMEP Goals and AMEP Outcomes

Acknowledging numerous reviews and critiques of the Program over many years, the Commonwealth Government has begun the welcome process of reforming the Adult Migrant English Program. In the first phase:

- 1) **the 510 hour limit on tuition entitlements** has been replaced by unlimited hours of tuition in recognition that individuals learn languages at different rates to reach desired proficiency levels in English (p. 4)
- 2) the exit point for English proficiency has been raised to **“vocational English”**, which is defined as ACSF level 3, IELTS 5.5 or equivalents⁴
- 3) **time limits on the registration, commencement and completion of tuition entitlements** have been removed for adult migrants in Australia on or before 1 October 2020.

The main function of the previous AMEP eligibility requirements was to prevent unlimited and inappropriate access to tuition and therefore provider claims for remuneration. This function was

¹ *Reform of the Adult Migrant English Program Discussion Paper*, pp. 6 & 8. In the Consultation Forum (Thursday 17 June, 2021) it was stated that “completion” could entail passing or failing the assessment for that unit. It is unclear at this moment how many attempts at an assessment task would be paid for.

² The *English as an Additional Language Framework* is accredited through the Victorian Registration and Qualifications Authority. http://www.williamstown-spotswoodcc.org.au/wp-content/uploads/22482_22492VIC-EAL-Framework.pdf

³ [Advocacy | Australian Council of TESOL Associations](#)

⁴ ACSF = Australian Core Skills Framework. IELTS = International English Language Testing System.

clearly stated when these requirements were legislated in 1992 in the move to competitive contracting for the AMEP.⁵

The Discussion Paper describes this funding model as “input-based”:

The current AMEP model is input-based, where payments are made to the provider based on the number of hours of tuition they [sic] deliver. (p. 7)

This funding model offers only tangential insight into the purpose of the AMEP, and hence the rationale for funding it, and no way of monitoring what it *actually* achieves, aside from delivering tuition hours. Various ad hoc, inconsistent, narrowly defined and sometimes unworkable KPIs have been (and are) even more opaque in revealing the AMEP’s purpose, much less whether it is fulfilling this purpose.

The shifting and often misdirected focus of criticisms of the AMEP, including those listed in the Discussion Paper (pp. 3-4), exemplify this lack of clarity about what this Program is supposed to achieve.

Removing the limits to AMEP eligibility and tuition gives rise to the legitimate question of how to regulate access to the AMEP and hence remuneration to providers. The question is: *how can resourcing the AMEP now be made accountable?*

The answer advanced in the Discussion Paper is an “outcomes-based funding model”. This focus on “outcomes” immediately throws the spotlight back to two fundamental questions, a development ACTA welcomes:

- 1) what is the AMEP supposed to achieve?

and

- 2) how can we determine if (and to what extent) it is doing this?

A starting point in answering these questions is to distinguish between the **national goals** which the AMEP serves and **program outcomes** that can be validly and reliably measured in assessing its performance.⁶

2.1 What are the national goals to which the AMEP should contribute?

The AMEP is funded by the Commonwealth Government to support Australia as an immigration nation. Its broad goals have been variously specified but can be roughly summed up as **promoting adult migrant English language learners’ success in:**

- settling in Australia
- accessing pathways into training, education and employment
- achieving individual/personal and collective social and economic wellbeing
- contributing to overall social cohesion.⁷

⁵ The intention to move to competitive contracting was announced in 1991. The first competitively tendered contracts began in 1996.

⁶ By *valid* is meant that the measures are appropriate to what is being measured. By *reliable* is meant that measures are consistent and independent of extraneous factors.

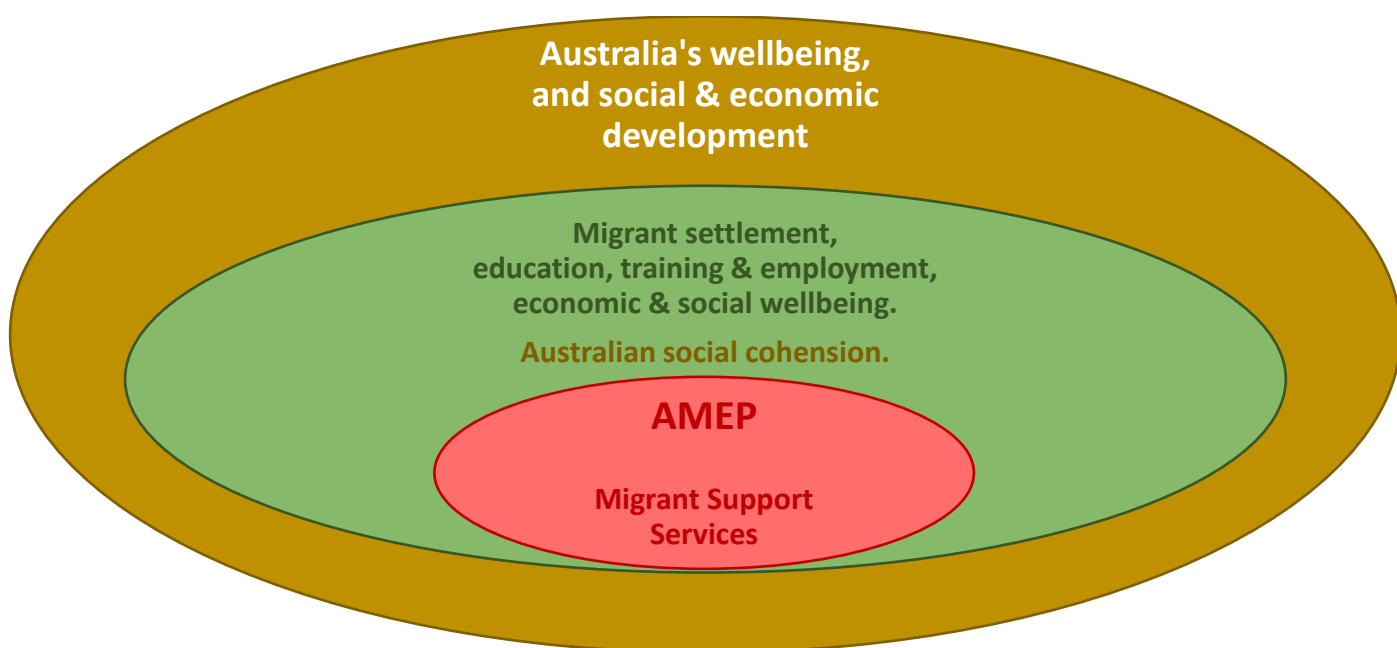
⁷ The DHA Discussion Paper refers to “better educational and employment opportunities, engage[ment] in our democracy, and build[ing] lasting relationships with other members of the Australian community” (p. 3); “social participation, economic wellbeing, independence, and personal wellbeing; all contributing to enabling the full participation of migrants in Australian life” (p. 3).

The AMEP's *contribution* to these broad national goals can and should be researched and, as appropriate, measured, including over time.

Although the AMEP contributes to these goals, achieving them depends more on what happens to people *after* they exit the AMEP than on their experience in the Program. For example, the state of the labour market – over which the Program has no control – is the main determinant of employment outcomes. It follows that, although it is important to know (and find out) how the AMEP is contributing to these national goals, assessing *the AMEP's actual performance* using measures of exiting students' success in relation to any or all of the goals listed above would be invalid and unreliable.

The context in which the AMEP operates, including the national goals it serves, can be roughly represented in Figure 1.

Figure 1: The AMEP and national goals



2.2 How can we assess the AMEP's performance?

2.2.1 ACTA's proposal

The AMEP's performance can and should be assessed in relation to **outcomes which, to a significant extent, are under the control of those who administer and deliver this Program**, that is governments (viz. policy makers and Departmental officials) and providers (viz. managers and teachers).

The AMEP can be held to account and its performance validly and reliably assessed as follows.

- 1) **Adult migrants' participation** in the AMEP can be measured over time and evaluated in relation to evidence-based benchmarks for various learner cohorts, taking account of key external variables, most notably (un/)employment rates.⁸

⁸ 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.

- 2) **AMEP students' English language gains** can be measured, tracked and evaluated against evidence-based benchmarks for various cohorts, taking account of entry levels and the time they spend in the Program.⁹
- 3) **AMEP student satisfaction** with their AMEP experience in relation to program quality, personal goals and the overall national goals the AMEP serves can be consistently and routinely documented, measured, tracked over time and evaluated against evidence-based benchmarks.¹⁰
- 4) **AMEP provider quality** can be assessed according to recognised Standards for English language programs for adult migrants; these assessments can be mapped on to an A-E quality ranking scale.
- 5) **A robust evidence base** can be developed that:
 - provides benchmarks for 1 – 4
 - documents AMEP's contribution to national goals
 - creates knowledge and feedback loops for continuous improvement.

Figure 2 below is a diagrammatic representation of the above.

⁹ The Discussion Paper implies that the only significant variable that has been shown to determine learner outcomes in the AMEP is level of previous education (Q2, p. 9). In the 17 & 23 June Forums, it was explained that this claim rests on an analysis of ARMS data based on reports of learner progress as measured by the Australian Core Skills Framework (ACSF). The claim defies teachers' experiences and established research to the extent that it throws the validity of the data and analysis in doubt. As ACTA has documented in previous submissions, ACSF measures were neither valid nor reliable. Further, it is unclear whether retention and attendance rates related to achievement were included in the analysis. For recent relevant research that does not support these findings, see, for example:

Helen L. Blake, Laura Bennetts Kneebone & Sharynne McLeod (2019) The impact of oral English proficiency on humanitarian migrants' experiences of settling in Australia, *International Journal of Bilingual Education and Bilingualism*, 22:6, 689-705, DOI: 10.1080/13670050.2017.129455 [The impact of oral English proficiency on humanitarian migrants' experiences of settling in Australia: International Journal of Bilingual Education and Bilingualism: Vol 22, No 6 \(tandfonline.com\)](https://doi.org/10.1080/13670050.2017.129455). The data base for this study was 2399 humanitarian migrants interviewed in 2013/14.

Cenoz, J. (2001). The Effect of Linguistic Distance, L2 Status and Age on Cross-linguistic Influence in Third Language Acquisition. *Cross-Linguistic Influence in Third Language Acquisition*, edited by Jasone Cenoz, Britta Hufeisen and Ulrike Jessner. *Multilingual Matters*, pp. 8-20. <https://doi.org/10.21832/9781853595509-002>.

A rigorous, comprehensive statistical 2018 study of adult migrants' performance on Dutch exams to determine citizenship identified the following variables as significant: age, country of origin (assumed to reflect the extent and quality of education systems) and visa category (distinguishing asylum seekers, family reunion and economic migrants). Barneveld, 13 juni 2018 Referentie: MB/tg/000574 Auteurs: Michiel Blom, Linda Bakker, Matthijs Goedvolk, Gerlise van der Maas-Vos en Wijnand van Plaggenhoef Evaluatie van de Wet inburgering 2013 | Rapport | Rijksoverheid.nl.

A mountain of research into the effect of torture and trauma on English language learning can be found on the web. For a summary, see [Trauma and Learning: Impacts and Strategies for Adult Classroom Success – MinneTESOL Journal](#) and [\(8\) \(PDF\) The Impact of PTSD on Refugee Language Learners \(researchgate.net\)](#)

¹⁰ 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.

Figure 2: An Outcomes-Focussed AMEP

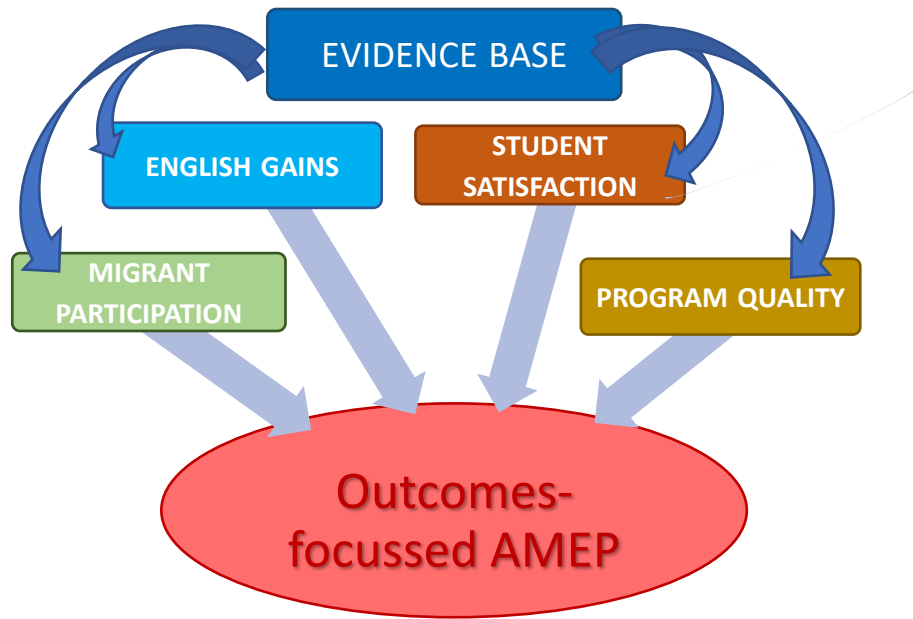


Table 1 below outlines how individual providers' and overall AMEP performance in relation to these outcomes can be measured.

Table 1: Measuring AMEP Outcomes

<i>Outcomes</i>	<i>What should be measured?</i>	<i>What would count as success?</i>
1. Participation.	The number of adult migrant English language learners (i.e. those with less than “vocational English”) who participate in the AMEP.	Achieving or exceeding evidence-based benchmarks for enrolments and retention rates based on (1) long-term AMEP data on enrolments & retentions, (2) benchmarks established for Outcome 2, and (3) extrinsic factors, notably labour market data. ¹¹ See Outcome 5.
2. English language gains.	1) English entry & exit levels of those who enrol and stay in the AMEP for at least, say, 5 weeks. 2) Learner achievement of competencies in EAL Framework.	Achieving or exceeding evidence-based benchmarks for learner gains in the national AMEP curriculum (CSWE/EAL Framework) for different learner cohorts in relation to (1) their English entry levels (2) previous education (3) age (4) experience of torture & trauma, (5) mother tongue/first language, and other recognised factors that impact on language learning. See Outcome 5.
3. Student satisfaction.	AMEP student responses to validly and consistently designed and administered survey questions about their AMEP experience in relation to national goals, personal confidence & quality of teaching.	High satisfaction levels in relation to personal confidence, AMEP quality and its contribution to national goals. See Outcome 5.
4. Program quality.	Assessment of each provider’s performance on an A-E rating scale against a comprehensive, relevant and agreed set of program Standards, for example, the NEAS 2009 <i>AMEP Manual Standards and Criteria for AMEP Providers</i> (attached). ¹²	Providers performing at A or B level according to independent assessments of performance against these Standards by experts in program delivery, including teaching English to adult speakers of other languages.
5. A robust and credible evidence base that supports the AMEP overall and Outcomes 1-4 in particular.	The overall research base is not measurable in any meaningful way but specific research questions will include measurements that should be clearly valid and reliable. Measures of outcomes 1-4 will be valid and reliable <i>if and only if</i> benchmarks are based on a robust evidence base.	The evidence base meets the following criteria: <ul style="list-style-type: none"> • Sound evidence supports the benchmarks for Outcomes 1-4 and they are consistently applied from one contract to the next. • In-depth independent research: <ul style="list-style-type: none"> ○ shows how learners’ AMEP experience promotes the national goals served by the AMEP ○ pursues both specific and more general questions about the AMEP, its existing and potential students, and the Program’s contribution to national goals. • The evidence base supporting the AMEP is transparent and accessible to examination in the public domain.

¹¹ That is, retention benchmarks will vary according to the factors that determine rate and level of progress, which, in turn, relate to previous English proficiency and level of schooling.

¹² The NEAS AMEP Standards were developed following a recommendation from the Auditor General in 2001. They provide detailed specifications for the following 7 Standards: **Premises, Professional & Administrative Staff, Educational Resources, Program Delivery, Support Services, Program Evaluation and Program Promotion.** They have not been applied since NEAS was replaced as QA provider by Lynda Wyse and Associates in 2017. They could provide the basis for an updated version. They do not include provision for an A-E rating. However, to gain NEAS accreditation, all Standards must be complied with.

Consistent measurements of these outcomes would provide a clear picture of the AMEP's and individual providers' performance, including variations and improvements over time.

These outcomes and ways of measuring them should apply across the board to all components of the AMEP (see Figure 3 below).

As far as ACTA can discover from publicly available reviews of the AMEP, no consistency exists in *any* measure of AMEP outcomes since the Program began in 1948 or even since 1996 and the first competitively awarded contracts.

2.2.2 The Discussion Paper

The Discussion Paper states that the reforms to the AMEP are intended to “make English tuition more accessible, ensure better quality outcomes and encourage greater participation” (p. 6). ACTA wholeheartedly supports these aims. The outcomes described above clearly reflect and promote these goals.

The outcomes specified in diagram “Key Reform Components” in the Discussion Paper (p. 6), and to which payments attach, are: **student enrolment, student unit completion, student Certificate completion** and **regional cohort loadings (where applicable)**. The relationship between the stated aims of the AMEP reforms and what will, in fact, be incentivised by payments for these outcomes is elaborated in Table 2 below. As this table shows, these payments would largely undermine the desirable AMEP reform goals outlined in the Discussion Paper, because these payments contain inherently perverse incentives that run counter to these goals.

See next page

Table 2: The relationship between reform aims and payments to providers for the outcomes specified in the diagram *Key Reform Components* (p. 6)

Aim of reform	POSITIVE EFFECTS <i>The regional cohort loading should incentivise providers to:</i>	PERVERSE EFFECTS <i>Payments for unit completion & Certificate awards will perversely incentivise providers to:</i>
More accessible English tuition	<ul style="list-style-type: none"> offer more & smaller AMEP classes in regional areas 	<ul style="list-style-type: none"> shift learners who cannot rapidly complete units and gain Certificates into conversation classes, irrespective of their aspirations to access accredited curriculum and structured teaching by TESOL qualified teachers.
Ensure better quality outcomes	Nil	<ul style="list-style-type: none"> assess students as often as possible so as to receive payments disregard individual learners' readiness for assessment promote teaching narrowly focussed on assessment preparation ensure teaching conforms strictly to achieving curriculum outcomes and discourage any activity that is not directed to assessment (e.g. excursions) create large classes to mitigate risk & cut costs place "poor performing" students in "community-based" conversation classes because outcome payments do not apply, risk is lessened and costs lower – see above. restrict access to regular AMEP classes for learners most in need of quality teaching place teachers under pressure to assess and pass students under the threat of job losses instal "tick & flick" credentialing undermine the credibility of Certificates based on the <i>EAL Framework</i> game the system (through assessments & shifting students into community classes), preventing which will necessitate red tape, intense auditing and intrusive, time-consuming compliance checks.
Encourage greater participation	Nil	<ul style="list-style-type: none"> focus intensely on assessment (see above), which will discourage students and label them as failures move "poor" performing learners out of regular AMEP classes to those where outcome payments do not apply– see above.

The Discussion Paper states that "outcome payments will ... provide an incentive for providers to retain students in the program and help them progress in their English language skills" (p. 7). As Table 2 makes clear, payments tied to the particular outcomes listed in in the Key Reform Components diagram (p. 6) will, in fact, make the AMEP less accessible, reduce participation, reduce teaching to assessment-preparation, and make it impossible to determine the real quality of English language outcomes. We elaborate further in section 4 below.

3. The Components of an Outcomes-Focussed AMEP

3.1 Components in relation to outcomes

Figure 3 below is a diagrammatic representation of the components of an outcomes-focussed AMEP.

Figure 3: The Components of an Outcomes-Focussed AMEP

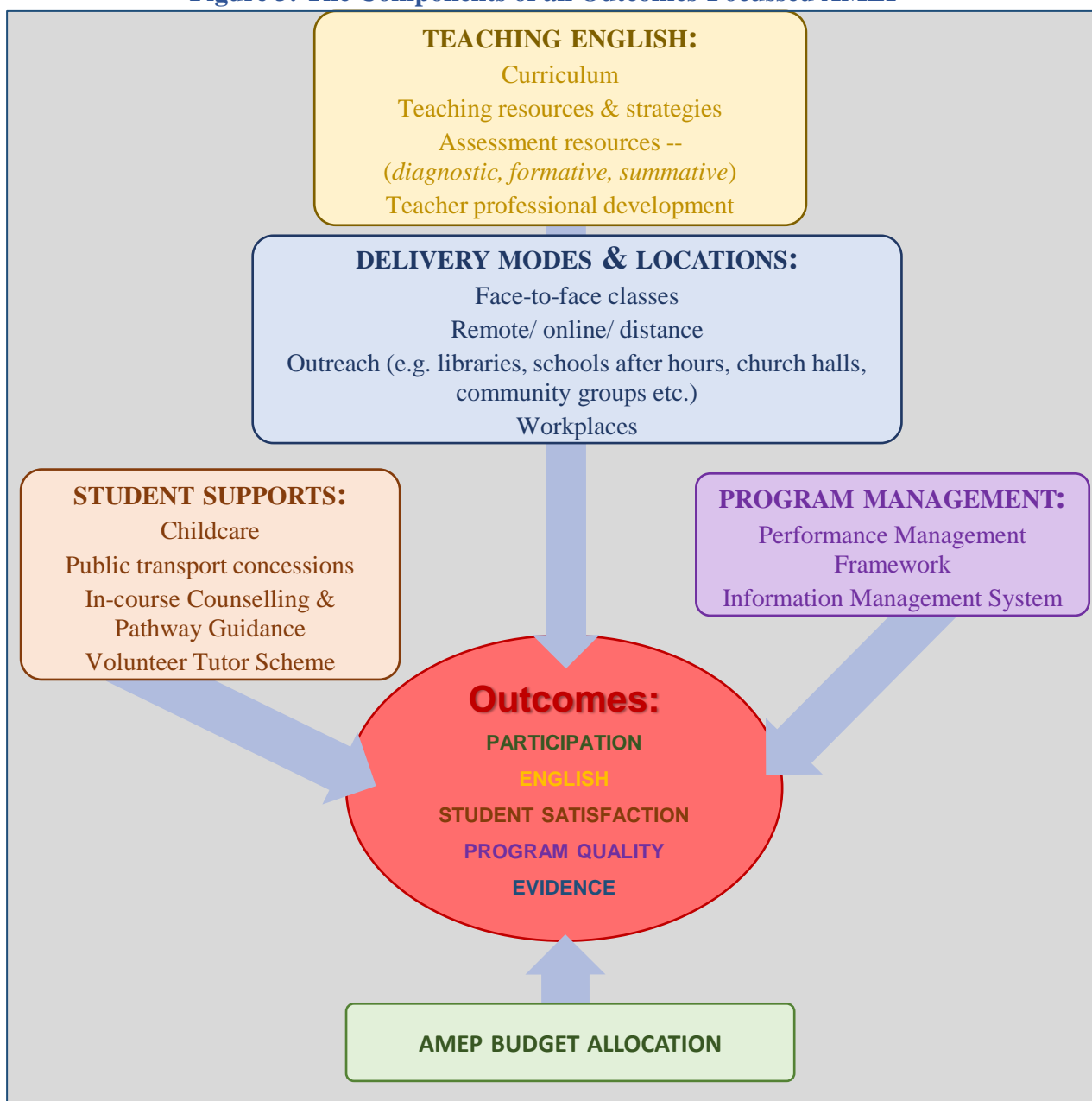


Figure 3 is somewhat different from the Discussion Paper diagram (p. 6), in that it identifies the **main components comprising the AMEP**, as follows:

- each component in Figure 3 is shown **as directed to achieving clear, genuine, comprehensive and measurable AMEP outcomes**
- **teaching English** is shown as the central component of the AMEP
- **a Delivery Modes/Locations component** is added showing how teaching is delivered in a variety of contexts and in different ways; both the CWL fund and online learning fall within

this component; the assumption is that the curriculum (resources, assessment & teaching strategies) is developed to allow for differently focussed streams (as with the old CSWE) within the coherent and common approach of the national curriculum (extended if required), and that modes of delivery contribute (as does everything else) to a comprehensive set of clear outcomes

- what appears to be intended by the “Community and Workplace Learning” is clarified as part of **outreach**
- **assistance with transport** is included in student support, which has frequently been identified as crucial to student access to AMEP classes
- **ensuring accountability** in the AMEP is located, as is proper and appropriate, with Program Management focussed on KPI benchmarks that relate directly to desired AMEP outcomes; benchmarks are evidence-based; compliance is assessed in ways appropriate to each outcome (see Table 1, column 2). See also 3.2 below.
- funding is clearly shown as supporting **all components of the AMEP as these are directed to achieving clearly specified outcomes**; it does not impact any one component in a distorting way.

3.2 Performance Management

The model depicted in Figure 3 relies on Performance Management to regulate the AMEP comprehensively. As the name indicates, the proper function of performance management is to document and promote the performance of the AMEP. Funding is not used as a disguised or proxy element of program management.

Performance Management should consist of:

- 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). See Table 1.
- 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, and (ii) evidence-based **recommendations for improvement**.

In this model, benchmarks for agreed outcomes are incorporated in KPIs that relate directly to outcomes that are relevant to and achievable by the AMEP. *Accountability for delivering these outcomes rests on measures of individual and program performance against these benchmarks* (see Table 1 above). This model is truly and comprehensively outcomes-focussed.

These KPIs will, as they should, regulate access to tuition and therefore mitigate unwarranted provider claims for remuneration. In fact, they are clearer, more stringent and less open to gaming and arbitrariness than the proposals in the Discussion Paper.

3.3 How providers are paid

3.3.1 ACTA's Proposed Funding Model

The model depicted in Figure 3 above assumes a legislated budget allocation that funds all AMEP components. The proportions allocated to each component are shown as determined transparently and holistically in the sense that each component is considered in relation to the others. Complex exclusions and inclusions regarding payments are avoided. There are no distorting effects caused by attaching incentive payments to one Outcome in preference to others.

In the ACTA model, provider set-up costs would be determined according to analysis of existing data from previous contracts.

Providers would continue to receive on-going payments for hourly student attendance with the floor that is currently in place to mitigate the effects of irregular attendance. See 3.3.2 below for why the proposed system is little different from “input-based” payments for tuition and why is it inferior to these payments.

In the ACTA model, holding the AMEP to account is distinguished from any specific payment stream. The substantive imperative driving accountability in this model is that providers **are evaluated with reference to their performance in achieving the agreed AMEP outcomes as embodied in KPIs**. The financial incentive is that providers are assured that their contracts will continue for an extended period if they achieve or go beyond the benchmarks for each Outcome. A crucial benchmark would be gaining an A or B rating that is assessed against program quality Standards. Providers who consistently underperform against benchmarks for the five KPIs have their contracts placed on review and, where necessary, are given notice of termination. This funding model is not subject to gaming, perverse incentives and distortions. It is, in fact, more stringent and rigorous than payments for assessment reports.

In short, Figure 3 shows the AMEP as **funded and incentivised to achieve a comprehensive set of clear, measurable outcomes that, in turn, are relevant to and supportive of the national goals it serves**.

3.3.2 The Discussion Paper

In the model proposed in the Discussion Paper, and specifically the diagram on p. 6 and Table 2 on p. 8, the relationship between the AMEP budget allocation, outcomes-based payments and the components that comprise the AMEP is unclear.

For example:

- 1) **Student enrolments** are shown as subject to outcomes-based payments in the diagram on p. 6 but appear to be excluded from these in Table 2. ACTA is of the strong view that outcomes-based payments should *not* attach to student enrolments because of the obviously perverse incentives they would create.
- 2) The rationale for exempting **Online learning** and **Community and Work-based Learning Fund** (diagram, p. 6) from payment incentives is unclear, given that they are both ways in which teaching is delivered in the AMEP. How will these elements be regulated?¹³

¹³ Will there be any constraints placed on what is delivered through the “community” aspect of this fund, for example, courses for adult migrants in Australian idioms, cooking and flower-arranging?

- 3) Will tuition through online learning and the CWLF be **excluded from assessing student competencies and awarding Certificates** (as per the diagram on p. 6)? If so, what would incentivise students to participate in these classes?
- 4) Table 2 (p. 8) (confirmed by advice given in the 23rd June forum) shows that **payments for Ancillary Payments and Activities** will fund childcare, the Volunteer Tutor Scheme, individual pathway guidance and the Community and Work-based Learning Fund. The rationale for assigning 28% of provider payments to these diverse “activities” is unclear, as is also how funding for each activity will be decided in relation to the others. Will these decisions be left to individual providers? What criteria should inform their decisions? How will these activities be regulated and evaluated?
- 5) What elements and components of the AMEP will attract **financial support for students**? Which elements/components will be excluded? How will this be decided and by whom?
- 6) **Online learning** is shown in the diagram on p. 6 in the *Student Supports* quadrant, while **online resources** are shown under *National Curriculum*. Is funding for online learning included within the 28% of *Ancillary Services* payments? If so, what is the rationale for excluding it from outcomes-based payments? How will online learning be regulated and held accountable? The relationship between these elements of online learning is unclear, as is also their relation to Distance Learning (p. 10).
- 7) We are concerned that **Distance Learning** is not included in the diagram on p. 6, is considered as separate from online learning and is projected to “decrease with the introduction of flexible delivery of tuition” (p. 10). Is it intended to relocate responsibility for Distance Learning to local AMEP providers and to phase out funding for this element? Such a move would give rise to unnecessary duplication and expense for local providers, at the same time as disregarding the previous large investments in this element of the AMEP. It is difficult to understand how the 28% *Ancillary Services* allocation could adequately support remote learning that incorporates quality distance education, especially if it is competing for funding against childcare, the Volunteer Tutor Scheme, individual pathway guidance and the Community and Work-based Learning Fund.

Distance Learning is central to any commitment to **Flexible Delivery of Tuition** (p. 10). As we have also proposed in other submissions, distance materials should be centrally developed, resourced and administered but locally and flexibly delivered, for example, through weekly tutorials and telephone contact or occasional office hours with local AMEP tutors. The national curriculum should provide the framework supporting teaching and assessment resources.

As is shown in Figure 3, ACTA proposes that Distance Learning should be considered as one important element of *remote delivery*. Like the regional cohort loading, remote delivery and *outreach* of various kinds could attract a specific loading.

As was clarified in the 17 and 23 June DHA Forums, “student unit completion” will gain the same payment whether or not students pass a competency assessment. It follows that the outcome incentivised by the proposed payment system is, in reality, **students undertaking assessments**. This “output” bears no relation to any of the stated goals of the AMEP reforms.¹⁴

¹⁴ We do not find the notion of *outputs* helpful in the context of the AMEP, although it does apply if we want to count and pay for reports on student assessments. Further, the distinction between *inputs* and *outputs* is tenuous and dependent on semantic arguments that are not useful in this context. In this interim statement, we use the word *outcome* to refer to

In fact, *both* the previous and current funding models are *input-based*. The previous model paid for *hours delivered*. The proposed model pays for *competencies assessed* (with a 4% bonus for students achieving sufficient numbers of competencies to constitute the award of a Certificate). The crucial difference between the two models is simply the greater financial risk providers are required to bear because they have no assurance of covering their costs in delivering the AMEP. Their increased risk derives from the longer period they must wait to be paid and payments dependent on the riskier outcome of student assessments.

To achieve student learning outcomes, AMEP providers must first employ and pay teachers, rent premises and install the necessary infrastructure. If the bulk of provider payments rests on *subsequent* assessments undertaken by students, how are these set-up and tuition costs to be paid or underwritten? It is unclear how the 5% allocation shown in Table 2 of the Discussion Paper is supposed to cover these set-up costs, since it is directed to eligibility checks and initial assessments which already require qualified staff, premises and teachers employed to teach the classes to which students will be admitted.

Leaving aside the clearly adverse effects of this funding model as it has been instituted in higher education and the wider VET system, its application to the AMEP takes no account of the fact that AMEP providers have no recurrent funding or existing infrastructure. They depend entirely on funding from their contracts. *No* prudent financial manager should be prepared to take the risk that their set up and on-going costs will be recouped according to something as unpredictable as prospective students' subsequent behaviour, much less the vulnerable and transient English language learners whom the AMEP seeks to serve.

ACTA submits that the risks entailed in the proposed funding model should be seen as unacceptable by potential quality providers in its consequences for quality provision, program stability, financial viability and avoiding bankruptcy. We find it difficult to understand how any responsible provider would consider tendering for the AMEP under the proposed funding model.

We note that AMEP budget allocations and projections were reported to Senate Estimates in November 2020 as follows:

Table 11: Home Affairs Program 2.4 break down (Administered)¹⁵

	2020-21 \$000s	2021-22 \$000s	2022-23 \$000s	2023-24 \$000s
Adult Migrant English Program (AMEP)	261,297	261,116	241,737	238,816

what will or could result from the policy and funding models under discussion, and specifically what can be measured. We reserve the word *outputs* to refer to (numbers of) reports on student assessments.

¹⁵ Answer 8b to Question 2281, Senate Estimates, asked upon notice, by Senator Kristina Keneally to the Minister representing the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, on 6 November 2020:

The projected enrolments in the AMEP were as follows:

Table 9: Projection under the current policy setting¹⁶

	2020-21	2021-22	2022-23	2023-24
Annual Enrolments including new enrolments and continuing enrolments	56,478	55,560	53,727	54,401

The projections in these Tables do not support the Discussion Paper’s statement that the Government plans to “encourage greater participation” in the AMEP (p. 3).

The fact that Tables 11 and 9 show *decreasing* funding and participation in the AMEP, even after immigration is projected to resume in 2023, raises the question as to whether the shift to outcomes-based funding is intended to reduce expenditure on this Program and participation in it.

Irrespective of the answer to these questions, **the Discussion Paper is unclear about how the different components of the AMEP will be funded.** The rationale given for introducing the proposed funding model incorrectly equates an *outcomes focus* with a *payment system*. This payment is distortionary. How or why provider reports that students have been assessed is preferred to other outcomes is not explained. How or why these assessment reports should so directly govern and evaluate the AMEP’s performance – rather than the judicious, rational, transparent and evidence-based use of the legislated AMEP allocation to pursue substantive and relevant outcomes (for example, as shown in Table 1) – is unclear.

4. Using funding to incentivise specific outputs/outcomes

Policy and funding that seeks to *promote the achievement of desired outcomes in the AMEP* is quite different from *offering financial incentives to produce specific outputs/outcomes*, no matter what they might be.

The justification for the funding model described in the Discussion Paper is, in some respects, liable to mislead. For example:

- Outcomes/outputs-based *funding* was not recommended by the 2017 Parliamentary Inquiry into Migrant Settlement Outcomes (p. 7). Together with the reports listed on pp. 3-4 and numerous others, the Inquiry recommended ending the 510-hour cap on tuition, restricting eligibility to those with low English proficiency, and extending the time frame for registering for and completing tuition in the AMEP.¹⁷ These recommendations have been implemented.

¹⁶ Answer 8a to the same Question.

Table numbers are from these answers.

¹⁷ The Committees’ recommendation was as follows:

3.88 The Committee recommends that the Adult Migrant English Program amend its business model by focusing on English language competency to enable better community engagement and improved employment prospects; and supporting clients to access additional hours of tuition as necessary to reach that level. (p. 57)

The Committee’s comments preceding this recommendation were:

3.85 The Committee shares the concern expressed by some inquiry participants that the AMEP focusses on delivering a specific amount of hours of English language training as opposed to ensuring migrants reach a level of proficiency that allows them to function in mainstream Australian society.

3.86 In the Committee’s view, the focus on a specific amount of hours in English language training should be shifted to include a focus on outcomes. Rather than focusing on the amount of time migrants spend in tuition, a more effective approach would be to focus on English language competency.

- No credible evidence supports outcomes/outputs-based funding, as distinct from an outcomes-*focussed* program model (cf. p. 7)
- Making providers' financial viability and teachers' livelihoods contingent on assessing students will not incentivise students to achieve (cf. Q. 1, p. 9). Although the proposed payment system will impact substantively on the quality of AMEP student experiences (see Table 2), students will not understand or be motivated by how their tuition is funded. AMEP students will not be incentivised to attend class or make English gains (or even undertake assessments) by providers' reliance on the income generated by assessing them. On the contrary, adult migrant English language learners have been, and will increasingly be, discouraged and alienated by an AMEP that is dominated by assessment. This has already been documented as a reason for student withdrawals under the 2017-2020 contract.¹⁸ The payment system that impacts on students relates entirely to allowances for undertaking approved training.

As already indicated in Table 2 above, attempts by providers to survive this funding model will have the following undesirable effects:

- students will be assessed as frequently as possible in order to maximise reporting on units completed
- teachers will be pressured to teach exclusively to ensure students pass assessments
- incoming students will be under-assessed so as to maximise records of progress¹⁹
- out-of-class activities, excursions and other enriching learning experiences will be avoided or disappear, because they do not lead directly to assessments, are expensive and therefore increase providers' financial risks
- gaming and fabricating assessments will be incentivised
- "tick and flick" credentialling will become widespread, which is now recognised as a major problem in the broader VET system, for example, the NSW Smart and Skilled Program
- the current credibility of Certificates based on the *EAL Framework* will lose credibility because they will no longer guarantee professionally based assessments of actual English language levels²⁰
- large class groupings will combine different English language levels and special cohort needs, so as to minimise teacher salary payments and to mitigate the risk of student withdrawals before assessments can be administered
- low-performing students will be excluded from regular AMEP classes – these are the largest proportion of the English language learners that the AMEP seeks to serve
- making teachers' livelihoods directly dependent on students' performance will corrupt, depersonalise and objectify student-teacher relationships

3.87 A focus on competency would have flow on effects in terms of improved community engagement and employment prospects. It would facilitate a greater level of engagement with mainstream Australian society, in turn leading to a greater level of immersion, which as noted above can be an effective method of gaining and improving English language proficiency.

¹⁸ Aside from the previous eligibility restrictions, the AMEP focus on assessment was the problem underlying the lengthy and passionate contribution by the Chinese gentleman in the 17 June DHA consultation forum.

¹⁹ As one teacher wrote to ACTA, even if providers don't seek to game the system, "our management will have to encourage the initial placement interviewers to err on the side of putting students in the lower level class. Borderlines needing the challenge of a higher class won't have a chance and the interviewers won't be looking at learners' strengths.

²⁰ Certificates from both the CSWE and *EAL Frameworks* are currently recognised as providing a relatively reliable guide to learners' English proficiency levels. It would be regrettable if the new national curriculum credibility lost credibility within the within the VET system.

- the strength of perverse incentives will necessitate expensive and intrusive auditing and compliance procedures
- these procedures will engender teacher resistance and antagonism towards managers and the Department
- a further exodus of qualified, experienced and committed teachers will occur, with increased difficulty in replacing them
- providers will face significantly increased risks of program collapse, with consequent disruptions to student enrolments and progress.

Although the move to a common national curriculum is positive, funding that rests on assessing the competences specified in the *EAL Frameworks* will narrow and inhibit the content, scope and creativity of AMEP teaching as much as did the previous assessments based on the Australian Core Skills Framework (ACSF).

While prompting adult migrants' English language learning is clearly seen as the central function of the AMEP, most reports also acknowledge its important contribution to building English learners' confidence and creating positive social relations. The Discussion Paper allocates this role to "conversation" classes. The funding model incentivises teachers in regular AMEP classrooms to maximise student assessments. This focus is liable to undermine many students' confidence and will inevitably restrict interactive classroom activities.

It is commendable that the Discussion Paper takes account of students with life situations that impact on their attendance and performance because of family illness, caring for children, spouses and elderly parents, moving house and the effects of torture and trauma on themselves and those for whom they are responsible. However, the proposed payment system incentivises providers to place these students in "the community-based learning stream" because this method of delivery is not required to deliver payable outcomes.

The assumption that students with difficult life situations are not motivated to achieve and would do better in "conversation classes" (p. 11) underestimates and disparages many students' needs, aspirations and desire to participate in regular AMEP classes. The community-based learning stream will encounter the same responses from students that caused the previous "Social English stream" to be avoided, under-subscribed and stigmatised. However, in contrast to placements in the Social English stream, these students will not be offered a choice. Their placement will be determined by provider managers incentivised by a payment system that rewards assessments.

Most importantly, funding contingent on assessing students will fundamentally undermine the ethical basis of the teacher-student relationship. As in all educational contexts, this relationship rests on teachers' professionally grounded responses to their students' learning needs and aspirations, learning trajectories and achievements. The integrity of this relationship depends on the absence of *any* vested interest by teachers in what they teach, how and when students are assessed, how they communicate with their students, and how they report to others about these students. The relationship rests on truth, honesty, trust and respect for each other's autonomy, not monetary incentives.

Funding dependent on student outcomes places teachers' professionalism and commitment to their students' success in question, and assumes they need some extrinsic stick/carrot. A likely effect is that this funding model will bring about precisely this situation. Making teachers' livelihoods dependent on student assessments asks teachers to choose between their legitimate self-interest in maintaining their livelihoods and their professional judgements. In any case, irrespective of which imperative motivates individual teachers, putting their employment at stake will place their professional and personal integrity continually under suspicion. Correspondingly, the trust on which

the teacher-student relationship rests will be destroyed if students learn that their teacher's employment depends on the number of assessments they are set.

The proposed financial incentives directly threaten teachers' professionalism and livelihoods. The assumption that teachers are not already committed to assisting their students to progress in English is both false and profoundly disappointing. Teachers motivated by financial incentives do not teach in the AMEP with its low pay, predominantly casualised employment and lack of promotion pathways. AMEP teachers do not need further threats to their livelihoods to work hard to assist their students in achieving English language outcomes.

Outcomes-based funding for the AMEP will damage the Program more fundamentally than did the problematic 2017-2020 contract. It will negate the positive and long-overdue reforms instituted on 19 April 2021. It cannot "make English tuition more accessible, ensure better quality outcomes and encourage greater participation" (Discussion Paper, p. 6). The inherently perverse incentives in this funding model will void the possibility of achieving the stated AMEP reform goals or even knowing what the AMEP has achieved.

5. Conclusion

The stated goals of the AMEP reforms, viz. "to make English tuition more accessible, ensure better quality outcomes and encourage greater participation" (p. 6), are warmly endorsed by ACTA.

The move to regulating the AMEP and evaluating its performance in relation to outcomes in pursuit of these goals is a positive development. They provide a starting point for determining measurable outcomes that will, in fact, reflect and promote the achievement of these goals.

However, the actual outcomes that are specified in the Discussion Paper – unit completions and Certificates awarded (p. 6) – bear no relation to these goals.

ACTA proposes that the following outcomes reflect the goals sought by the AMEP reforms:

- 1) **participation** (comprising enrolments and retentions)
- 2) **English language gains** (assessed using the common national curriculum)
- 3) **student satisfaction** (using regularly and appropriately administered surveys that are consistently designed)
- 4) **program quality** (using a comprehensive set of recognised Standards)
- 5) a **robust evidence-base**.

These are outcomes that are both measurable and appropriate to the regulation of the AMEP. The performance of individual providers and the AMEP overall can be evaluated in regard to how measurements of provider performance relate to evidence-based benchmarks for each Outcome. The soundness of the benchmarks themselves should also be subject to evaluation (as per Outcome 5).

The crucial and legitimate question that arises in the light of the first stage of the AMEP reforms is: *how can accountability be ensured, given the removal of the eligibility and tuition restrictions that previously constrained AMEP expenditure?* ACTA is very conscious that AMEP teachers and managers believe that this serious question requires an answer. They are deeply concerned about some provider owners' current lack of accountability. If this question is posed clearly and directly, ACTA believes that all genuine stakeholders (AMEP managers, teachers and students) would collaborate with the Department in finding acceptable and viable answers.

The real target of the outcomes-based funding should be provider *owners* (public, not-for-profit and for-profit) – not managers and teachers who are already as committed as possible to their students'

progress in the AMEP. Incentivising AMEP provider owners to deliver quality English language learning outcomes would require holding them to a comprehensive set of appropriate Standards for English language programs for adult migrants in Australia. Using performance ratings against these Standards – in combination with KPIs for Outcomes 1 – 3 above – to determine whether contracts were awarded, extended, renewed or terminated would be a truly effective financial incentive.

Tying the bulk of provider funding to unit completions and the award of Certificates will not solve the accountability problem. Mitigating its perverse effects will come to dominate Program Management. The opportunity will be lost to focus Program Management on promoting the substantive outcomes we have proposed in pursuit of the goals set out in the Discussion Paper.

ACTA is truly encouraged by the dialogue with the Department in the consultation forums our representatives have attended. We would welcome an opportunity for the proposals in our interim statement to be scrutinised intensely. We therefore respectfully suggest holding a small, invitation-only forum, organised either by DHA or ACTA, whose purpose is to give robust consideration to the alternatives we are proposing.

ACTA looks forward to participating further in this journey with the Department and to working towards true and effective reform of this flagship Australian program to which we are all committed.

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

19th July 2021

FIRST NAME: HELEN

LAST NAME: MOORE

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 *threatens* 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.²¹

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 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.

²¹ See ACTA Interim Statement for relevant citations.

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.)²²
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.

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:

²² 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.

- 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**.²³

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

²³ 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.

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, a 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.

A new payment structure for childcare

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:

- 6) **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 rates²⁴
- 7) **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
- 8) **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**²⁵

²⁴ 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.

²⁵ 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.

- 9) **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**.
- 10) **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.²⁶

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

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:

- 6) **provider reporting** on enrolments, attendance and retentions, English language gains, and routinely administered student surveys
- 7) 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
- 8) **independent risk-based auditing** of 1) and 2)

²⁶ 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.

- 9) 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).
- 10) **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.

SUPPLEMENT TO
THE ACTA *INTERIM STATEMENT*
and
THE ACTA SUBMISSION ON THE DISCUSSION PAPER
REFORM OF THE ADULT MIGRANT ENGLISH PROGRAM

*Towards a Payment Model to
Incentivise Authentic Outcomes from the AMEP*

19th July 2021

The Question

An unresolved question in the ACTA meeting on 13th July 2021 with various experts and Department of Home Affairs officials responsible for the AMEP was how to arrive at **a viable outcomes-governed system by which providers should be paid**, given that payments are no longer constrained by the previous restrictions on tuition hours and a low English proficiency exit point.

Basic Principles

ACTA proposes that the following basic principles should govern any AMEP payment system:

1. *The payment system should support and encourage the AMEP outcomes specified in the ACTA Interim Statement, viz.:*
 - i. **participation** in the AMEP (enrolments and retention) evaluated in relation to evidence-based benchmarks
 - ii. **English language gains** evaluated in relation to evidence-based benchmarks
 - iii. **student satisfaction** evaluated in relation to evidence-based benchmarks
 - iv. **Program quality standards** evaluated on an A – E rating scale based on recognised Program Standards for English for adult migrants
 - v. **a robust evidence base** that supports Outcomes 1 – 4, demonstrates the AMEP’s contribution to national goals and promotes continuous improvement.

Conversely, the payment system should not undermine or run counter to these outcomes.

As ACTA has demonstrated in our Interim Statement (see Table 2, p. 9 and section 4, pp. 15-17), the payment system proposed in the AMEP Discussion Paper does not accord with this principle.

2. *The payment system should offer quality providers the assurance of stability to allow them to:*
 - i. plan ahead
 - ii. employ teachers and offer them reasonable conditions in regard to security of employment and working conditions

- iii. set and establish facilities and infrastructure for program delivery at an appropriate standard (see Outcome 4 above and our answer to Question 25)
- iv. cope with the inevitable fluctuations in student enrolment, attendance, retention, relocations and exits
- v. cater for a range of learners from fast-paced high achievers to slow-paced vulnerable learners and those with special needs
- vi. provide classes at hours and with content that responds flexibly to local learner needs, aspirations and situations
- vii. build networks with community/ethnic organisations, employers, Job Active providers etc
- viii. innovate in all aspects of program delivery, development of teacher resources and collaboration other AMEP providers.

Conversely, the payment system should not incentivise gaming in order to mitigate risk, for example:

- stacking classes and misrepresenting class sizes
- favouring/prioritising certain students over others
- excluding students and/or limiting their choices
- pressurising teachers to act against their professional judgements on how best to promote student outcomes and meet student needs.

As we have demonstrated in the ACTA Interim Statement, the payment system proposed in the DHA Discussion Paper does not accord with this principle.

3. The payment system should reflect a comprehensive, coherent, rational and transparent approach to supporting the overall operation of the AMEP.

See ACTA Interim Statement, Figure 3 and section 3.

Conversely, the payment system should not be used to promote one aspect/component of the AMEP in a way that displaces or unbalances others.

The payment system proposed in the AMEP Discussion Paper will prioritise reports on student assessments in a way that disrupts teaching (to focus narrowly on the curriculum), how assessments are staged to reflect genuine student learning, how teaching is delivered (favouring “conversation classes” for slow-paced learners), and student support (by reducing access to child care and volunteer tutors, and limiting the potential of counselling to support the five Outcomes specified in the ACTA Interim Statement).

4. The AMEP should continue to be demand-driven at least for the foreseeable future.

The measurement of individual provider performance against the five Outcomes in the ACTA Interim Statement should be the mechanisms that ensure accountability.

ACTA's Proposal

Following the 13th July meeting, participant Michael Tynan, CEO Social Compass, wrote to ACTA as follows:

Reflecting on that last discussion I am trying to disentangle the key concerns.

Is it that paying on attendance is now going to be gamed because of the unlimited hours? I.e. providers might keep participants in the system without regard to them achieving the goals of the AMEP in order to generate income?

A quality system such as you are proposing should address this as you would be able to track student progress over time (by cohort) and compare this with similar cohorts at other providers. Therefore providers gaming the system would be caught out by the quality processes.

The department is arguing that paying on assessments will address this, however you have identified the perverse incentive of students being 'forced' to do assessments where in the teachers' professional judgement they may not be ready to take the assessment.

So wouldn't a simple way of addressing this be:

Pay providers based on enrolments with this modified by a retention measure (either halfway through the term or towards the end of the term). This reduces the admin burden of recording hours.

Providers could also be asked to report on their assessment measures for their cohorts (frequency and outcomes) which is reflective of how quickly they progress through the curriculum. Over time there would be benchmarks established for different cohorts which should pick up if some providers are gaming the system and not providing a quality education (or that some providers are higher quality than others - it might not be gaming at all). This measure can then be reviewed by the quality assurer (i.e. it is not part of the payment system) as part of their annual assessment.

Again it comes back to teachers being in the game because they are committed and will be actively working for their students to progress contingent on all those externalities that AMEP students face. But you do need protections against poor providers who may be tempted to game the system if quality controls aren't in place.

This suggestion was circulated for comment to the other participants and others with whom ACTA regularly consults.

In line with this email and the principles above, and based on further feedback, ACTA proposes the following payment system. We further propose that the Department consult with providers regarding its viability.

1. Set-up costs

The funding model should include **set up costs** based on an analysis of data from previous contracts.

Contracts should be awarded only to providers who will clearly have the necessary infrastructure to operate the AMEP at an appropriate standard *from the commencement of the contract* (e.g. suitable venues with classrooms, a staffroom, toilets, teaching equipment, teaching materials) – this did not as happen with the 2017 contracts, at least in Hobart and Canberra.

We therefore anticipate that set up costs would mainly be devoted to employing qualified TESOL teachers.

2. On-going payments

These should be a **fixed per capita amount per term** (set according to the delivery mode – fulltime/parttime/DL etc.) based on **the number of students** enrolled and attending in the first week of the term. These payments should be made monthly to maintain cash flow.

Payments should be made **irrespective of whether a student attends every lesson**. It should be specified (following consultation with providers) what constitutes a *student exit* from a Centre’s program (e.g. subsequent non-attendance/very irregular attendance leading to counselling to withdraw/no contact for, say, 2 weeks) which would trigger cessation of the payment for that student.²⁷

Individual attendance records for each hourly class should be strictly maintained, reported monthly to the Department by providers, and carefully monitored and audited through quality assurance.

There should be a **cap on payments in relation to class numbers**, i.e. payments should assume no class consists of more than 20 students per term. If a student withdraws from a class, he/she can be replaced by someone else up until Week 6 of the term.

Provider reporting, performance monitoring against KPIs (see ACTA Outcomes 1 and 2) and quality assurance (ACTA Outcome 4) should include close inspection of data on attendance and retention.

The principles underpinning this method of on-going payments are that:

- providers are paid *for delivering* the AMEP
- the Department/government *bears some of the risk* in delivering classes to students with the particular characteristics and vulnerabilities for whom the AMEP caters
- the need for complex “cohort payment adjustments” (that can be rorted) is avoided
- payment for *delivering* the AMEP is distinguished from AMEP *performance management* (including promoting outcomes)
- *performance monitoring and quality assurance* mitigates rorting and provides the necessary accountability
- *consistency in measuring the achievement of ACTA Outcomes 1 - 5 in relation to evidence-based benchmarks* provides valid and reliable performance measures for individual providers and the AMEP overall, including from one contract period to the next
- *stability of payments* disincentivises rorting by quality providers
- providers who rort the payment system are caught out by *careful and regular examination of attendance records and English gains* in relation to evidence-based benchmarks (that include data on different cohorts of students).

²⁷ Those who wish should be permitted and encouraged to re-enrol in a subsequent term.

3. Special purpose grants

In addition to the above, providers should be able to apply for additional annual grants based on a annual work plan that is directed to special initiatives, for example, the SLPET, community outreach, developing on-line capability, supporting DL (as per our answer to Q 10) etc.

Evaluation of provider performance using special grants should be in accord with the five Outcomes specified in the ACTA Interim Statement.

4. Student support (childcare, counselling & pathway guidance, volunteer tutor scheme)

See our answers to relevant questions in our Submission on the Discussion Paper.

In addition, the Department should vigorously pursue States/Territories to allow discounts for **AMEP students on public transport**. Alternatively, the Department should seek recognition for an AMEP student discount ID card (renewable, say, every six months).

5. Contracts

Contracts should be as long-term as is tolerable within overall government procurement guidelines. Long-term AMEP contracts can be justified with reference to the need for stability and long-term planning in delivering quality educational programs and the indisputable evidence that AMEP participation, quality, efficiency and cost-effectiveness are all substantively disrupted when contracts are lost and won.

However, the corollary of long-term contracts should be that they include the clear and certain possibility that a provider can be requested to show cause and have their contract terminated (with six months' notice) if they fail for two consecutive years to meet KPI benchmarks directed to the five Outcomes in the ACTA Interim Statement.²⁸ These penalties should be enforced and not seen as a last/undesirable resort by the Department.

ACTA does not accept the proposition advanced in the 13th July meeting that the option of terminating contracts would destabilise the AMEP or entail additional costs. On the contrary, it would incentivise quality performance and stability. It would be considerably more cost effective than tendering for shorter-term contracts.

Providers should also be given the assurance that consistent achievement of agreed Outcomes benchmarks is a prime criterion in the award of future contracts. This incentive would truly drive the desired AMEP outcomes.

²⁸ As per the point made in the 13th July meeting, contractual requirements may include requirements over and above the achievement of KPIs based on the five Outcomes proposed by ACTA. However, the five Outcomes-directed KPIs should provide the basis for determining the retention/loss of contracts by individual providers.



16th December, 2021.

The Hon Alex Hawke
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
House of Representatives
Parliament House
Canberra
ACT 2600

Dear Minister,

Re: Adult Migrant English Program – Proposed AMEP Funding Model

On behalf of the Australian Council of TESOL Teachers (ACTA), we write to request an urgent meeting to discuss the recently released *AMEP Consultation and Funding Model Comparison Report*. We believe such a meeting is warranted because, if implemented, two centrepiece proposals in this paper will be immensely damaging to the AMEP, viz.:

1. provider payments (nominated at 20%) contingent on students' successful completion of "units of competency"
2. an exponentially increased administrative burden, and costly compliance auditing, for teachers, providers and the Department in monitoring, reporting and verifying attendance, "milestones", "loadings" and "nominal hours", and claiming payments for them.

We have no faith that the proposed new data management system can be created and trialled in the time available, or that it will be efficient and effective in accommodating this burden.

These two crucial proposals follow from more than three years of intense scrutiny of the AMEP.

Key reports include those by the Joint Standing Committee on Migration (December, 2017), the Scanlon Foundation (June, 2019), Professor Peter Shergold (November, 2019), the Settlement Council of Australia (February, 2020), the Centre for Policy Development (August, 2020), and a commissioned review of the AMEP by Social Compass (August 2019).

We are not aware of *any* proposal in these reports – by even the most vehement critic of the AMEP – to tie provider payments to student assessment outcomes.

Rather, almost every report on the AMEP criticizes the Program – and especially the 2019 contract – for the excessive emphasis on student assessment, compliance and administrative red-tape, because these have deflected teachers from teaching to meet their students' settlement, training/educational and employment needs and aspirations. The above proposals will multiply these problems.²⁹

²⁹ The proposed "hybrid" model creates a greater administrative nightmare than is currently in place (which is difficult to imagine!), because it interlocks and complexifies the worst of previous reporting requirements on assessment and attendance. Payments for "pre-certificate" students (payments for every 10 hours tuition) must be differentiated from those for other students (payments based on completing a competency unit's nominal hours, which are not the same as attendance hours). Providers/teachers must also monitor and report on actual attendance. None of these payments incentivise student attendance but they do incentivise providers to continue running large classes to ensure as many payments as possible for each teacher they employ. Large classes with very different English levels are a major source of

Since the 2019 contract was proposed, ACTA has freely provided disinterested quality advice to Parliamentary and Government authorities on the extreme difficulties it created for providers and teachers in delivering effective English language teaching (August, 2016; May, 2017; October, 2017; May, 2018; March-April 2019; two in May 2019; November 2019; December, 2019; June, 2020; July, 2020; September, 2021; three in August 2021). We also hosted two national on-line forums with the Co-ordinator General for Migrant Services, Ms Alison Larkins (November, 2020 and March 2021). We ran face-to-face forums for AMEP teachers in Sydney, Brisbane and Melbourne to support the 2019 Social Compass AMEP Review, and five on-line forums on the May 2021 Discussion Paper *Reform of the Adult Migrant English Program* (run separately so as to promote discussion by AMEP teachers in Perth, the ACT, Victoria, NSW and Qld, and South Australia). Our representatives also met twice with advisors to your predecessor, Minister Coleman, once with Ms Larkins and several times with the Home Affairs AMEP team. One of the signatories to this letter was a member of the AMEP Advisory Committee and wrote four detailed responses to requests for input. Our submissions, written reports, letters and meetings have drawn on in-depth and unique knowledge of the AMEP, its students and teachers, and provided authorities with quality information and insights that were otherwise inaccessible. **Not one** of these interactions has advised (or implied) anything like what is now proposed. Now described, these proposals are universally condemned.

The Department of Home Affairs AMEP Vision Statement at the end of 2019 included the following commitments:

High quality

- *AMEP is the best program of its kind in the world.*
- *Design and delivery are supported by evidence-based policy on teaching and adult learning, English as an additional language, digital literacy, numeracy and settlement.*
- *The program is underpinned by a strong quality assurance and performance framework.*
- *Outcome data is used for continuous improvement.*

Measuring success

Students and teachers have a shared understanding of the outcomes they will achieve. They set a goal on commencement, work towards it, and measure and celebrate achievement.

ACTA has had faith in these statements and we have similarly encouraged AMEP teachers. In contributing to ACTA submissions, AMEP teachers' hopes were raised that the deep crisis created by the 2019 contracts would be reversed. The title of the second ACTA forum with Ms Larkins in 2021 was "*Listening to AMEP Teachers*". Both forums were marked by goodwill and hope.

The above proposals destroy this hope and run counter to every commitment in the 2019 AMEP Vision Statement. They insult teachers' goodwill and integrity.

ACTA is acutely aware of the criticisms of the AMEP by your immediate predecessor in the Immigration portfolio. His criticisms rested on the legitimate question of what taxpayers can expect from the AMEP for the resources expended. In his speech to the Menzies Centre in February 2020, the Minister stated: "*we are ... changing how we measure progress in the AMEP and we will be monitoring outcomes more closely. I want providers to improve their performance and I want participants to commit to doing the work.*"

If the above proposals are implemented, the question "what is the AMEP achieving?" will be unanswerable. A corrupting and perverse incentive will lie at the core of the AMEP's operations. A

student complaints and reasons given for withdrawing. Even if the data management system can manage this complexity, providers will be responsible for ensuring that the input can be verified. That will entail increased record-keeping by teachers and checking by auditors, all of which will deflect human and material resources/energies from teaching English. The evidence is clear that students are incentivised to attend classes by quality teaching that targets their learning needs and English levels.

monetary incentive – no matter if 20% or 1% of provider payments – contingent on students successfully achieving “units of competence” will destroy the credibility of these achievements. The only clear outcomes will be dubious certificates, increased administration and large (and otherwise unnecessary) expenditure on compliance checks.

Minister Tudge’s and everyone else’s previous questions about the AMEP will then be well founded.

ACTA fully supports close monitoring of AMEP outcomes. Our submission on the 2021 Discussion Paper lists substantive and appropriate AMEP outcomes and describes how to measure and monitor them. In essence, providers should be paid to deliver English language tuition. Evidence-based performance benchmarks should attach to substantive and relevant outcomes. Incentives (and their opposite) should rest on performance reviews to determine how providers are meeting these benchmarks. Contracts should explicitly include provision for termination of individual contracts for consistent and unexplained under-performance.

Currently there are *no* benchmarks – at least in the public domain – which allow provider performance (individually or collectively) to be evaluated in relation to substantive AMEP outcomes. Likewise, it is impossible to compare and evaluate the outcomes from one AMEP contract with those from any other. From one review to the next since the AMEP began in 1948, there has been no consistency in determining – much less measuring and evaluating – the Program’s outcomes.

These two proposals will continue and deepen this failure. Rather than incentivising improved performance, they will obscure ways of determining anyone’s performance. Most disturbingly, they offer *no* remedy for poor performance.

These proposals will place teachers under huge pressure from their employers to push students through as many tests as possible. They disincentivise consolidating the superficial learning that enables passing a test. Employers will justly complain of AMEP “graduates” poor grasp of English despite their paper credentials.

The provider payment incentives run directly counter to teachers’ professional commitment to teaching and assessing on the basis of their disinterested evaluation of their learners’ needs and aspirations. But, irrespective of individual teachers’ commitment and professionalism, their credibility – together with the credentials delivered by the AMEP – will be undermined by this perverse incentive.

Given this threat to the substantive outcomes you seek from the AMEP, we hope you will agree to yourself or an advisor meeting with us before you reach a final decision on these matters. Ms Corrigan is based in Melbourne and Dr Moore is in Canberra. We would prefer to travel to a face-to-face meeting, although meeting on-line would also be welcome.

Yours faithfully,

Margaret Corrigan
President,
Australian Council of TESOL Associations (ACTA)

Helen Moore, AM, PhD
Vice-President,
Australian Council of TESOL Associations (ACTA)

cc. Ms Alison Larkins and Ms Ali Mond.