



## Questions received from Teacher Members around the Training Governance Review Discussion Paper

*The Training Governance Review Committee thanks those people who responded to this forum. The questions below come from AUSTAT members, who responded to our invitation to submit questions.*

*At our Sunday 5<sup>th</sup> February meeting, we will attempt to address each of these questions to the best of our ability.*

Today we are putting forward a model for training governance for your consideration. It is important to state very clearly that this is **not** a model for training teachers of Alexander Technique.

This is a model for the **administration** of the training of teachers of Alexander Technique. This is a crucial distinction to be made and without that distinction, it is hard to understand our proposal. So I will state it again. This is **not** a model for training Alexander Technique teachers. This is a model for the **administration** of training of Alexander Technique teachers.

AUSTAT's administration of training is currently very difficult because there is not clear guidance for our committees.

Here are some of our issues.

What informs us that a person is qualified to train teachers? What proof of qualification should we be looking for? If we say that a person is qualified and they are not, are we vulnerable to litigation due to negligence? If we say that a person is not qualified are we able to justify that decision. What if the person disagrees with the process of decision making? Is there an agreement around the decision making rules for what will be a most important outcome? Was the process of decision a fair one?

If we had to go to court to explain our decision, would we be able to show the documentation that evidenced our decision to "approve" a teacher trainer?

Later on, after we have approved a person, let's say a teacher trainer has acted inappropriately towards a teacher-trainee or, in fact, say an Alexander teacher acted inappropriately to a pupil. As the administrative body that makes the decision to "approve" or "register", are we responsible to show due diligence in the way we have assessed our members? Are we negligent because we have approved someone who has acted against the Code of professional conduct?

Currently, to approve a person to become a teacher member of AUSTAT, Council must take it on trust that the person has fulfilled the criteria set down in Section 35-40 of the AUSTAT Constitution. We have to believe the certificate signed by the Head of Training.

We can state that in all likelihood the person has completed 1600 hours of training over three years, that there should have been a teacher student ratio of 1:5 and that the work was 80% practical.

Has the person studied work health and safety, infection control, ethics, conflict resolution, discrimination and harassment avoidance? AUSTAT doesn't know this. We have no proof. Have they studied hands on the back of chair? We don't know this either. In fact, AUSTAT as the administrative body, has no formal notification or documentation to show what a person has studied to become a teacher trainer, except for an assurance of curriculum provided in head of training application.



## Questions received from Teacher Members around the Training Governance Review Discussion Paper

This leaves us vulnerable to litigation. As a body that approves people, AUSTAT has a duty of care to assure that those people are correctly trained to meet their legal obligations. AUSTAT's obligation is NOT to determine that a person will be a good teacher-that obligation falls onto the Head of Training.

AUSTAT's obligation is to ensure that people who are approved by AUSTAT, the peak professional body, will do no harm nor create a loss, due to our negligence to oversee.

The bye laws currently place an obligation on AUSTAT to audit each training school yearly. The problem is that this is a difficult obligation to meet, because quite often the person auditing will be junior to the Head of Training being Audited and already have an established relationship with them.

The auditor needs to possess multiple qualifications that would require a significant fee to recompense at normal auditor's rates. This means that the auditor must either donate their time to AUSTAT or that AUSTAT must foot the bill for ensuring that a training school meets the bye laws. The criteria for Audit are not clearly aligned to the vulnerability that AUSTAT holds under current legislation. Where a school is outside of Australia, the audit process become prohibitively expensive and complex, but even in Australia its difficult. For a multitude of reasons, yearly audits have not happened.

The proposed model of training governance based on assessment, provides clearly stated, documented evidence that AUSTAT has met its due diligence. It also, assists in making a good quality statement of our training process.

### **1. Should there be a shared responsibility for saying that a prospective graduate is ready to graduate as a teacher?**

This question suggests that the opinion of an accredited Teacher trainer could be influenced by closeness to the trainee or affected through tunnel vision. A safeguard would be to have an external accredited teacher trainer sign off on the decision to graduate.

The student log book is not a statement of quality of training. It is a statement of completion of recommended training units. The signature of the Accredited Teacher trainer attests to successful completion.

The Student Log book could be easily adapted to incorporate an external opinion, if you wanted an external teacher to assess and sign off a student as ready to graduate. Organisation of this second sign off assessment, would be up to the AUSTAT Approved Teacher Trainer and/or the registered AUSTAT student teacher. This means that AUSTAT would not have to administer or pay for this quality component. Many people comment that moderation is helpful. A version of moderation type involvement should be retained but it should be administered and paid for by the AUSTAT Approved Teacher Trainer.

Currently, Moderators, who are assisting trainees and Heads of Training with their involvement are not reporting back any useful data to AUSTAT. In terms of AUSTAT's administrative role, moderation does not help. In terms of the training process it



## Questions received from Teacher Members around the Training Governance Review Discussion Paper

seems to be very helpful. However, it's already been stated that this proposed model is not about teacher training; it is about administering teacher training.

### **2. Who will write the logbook that students will use to document their training process?**

The logbook provides evidence that a person has completed training tasks to the satisfaction of the AUSTAT Approved Teacher Trainer. There are only two scores that a student teacher can record either: Completed this training task or not completed this training task.

Currently AUSTAT cannot speak to any basic skills or knowledge acquisition that occurs in a training course. Although our training courses are moderated, AUSTAT is not provided with any information about what or how a person has been trained in. Has a student teacher been trained in ethical behaviour? We can't speak to it. Do they have knowledge of potentially harmful medical conditions that a student may present with? We can't speak to that. and so on.

Under the new model, we will be able to demonstrate duty of care and due diligence issues have been completed by students, at a minimum.

If we look at other societies approach to professional training, reiki-students for instance, are expected to complete units in ethics; professional relationships, conflict management; records, privacy and referral; client and workplace safety and infection control. Currently, AUSTAT trainee teachers may or may not be being trained in these areas-AUSTAT cannot attest to it.

The log book will be prepared by the Training Governance Review team in the first instance. It will then go to the TCSC and the current Heads of Training for comment, feedback and addition. It will then be formatted using an evidence based format. Some of the consideration may be around-what constitutes evidence of completion of a prescribed area of study? We envisage there will be a lot of discussion of what are the basic elements that should be in common to all Alexander training courses. The logbook would then go to a second round of consultation before being brought before the membership for feedback, comment and addition.

### **3. Why is there so much use of jargon-words like 'stakeholders', 'training outcomes', 'milestones' and so on in the discussion paper?**

AUSTAT is a professional Incorporated Association under NSW legislation. It is not a group of friends. The decision to incorporate was made in the early 1990's and with hindsight, it is arguably the right decision.

One of the significant sticking points in the current AUSTAT constitution is that the language and syntax of the constitution can be ambiguous, misleading, confusing or vague. This requires office bearers to use their personal opinion to interpret AUSTAT policy. This currently puts office bearers in a very compromised and difficult situation. By using current conventions of language around assessment, many of the terms are clearly defined and understood by educators. Describing policy and procedures using written language is very challenging. Jargon words help to an extent.



## Questions received from Teacher Members around the Training Governance Review Discussion Paper

### 4. Who will assess AATT assessors?

An online simple module on basic principles of assessment, rules of evidence and decision making principles is currently under development. It is based on the unit TAEASS311 Contribute to Assessment but has been simplified to form an accessible and straightforward training for AUSTAT officers. It should take no more than 60 minutes to complete. AUSTAT members of the TCSC, who will be assessing AATT's will be required to have scored 100% on the assessment element of this online training. The online training is being written to sit onto a free Learning Management System that is able to determine completion of the assessment task and print a certificate of completion to the AUSTAT officer. The Learning Management System also holds a record of who has completed this training on its database.

### 5. Why should there be a compulsory involvement of student teachers in AUSTAT events?

The new model suggests that student teachers must be a member of AUSTAT in order to receive a logbook and work within an accredited school. The model also suggests that completion of the logbook will involve the student teacher attending face to face or zoom AUSTAT events. This proposal within the model is about changing culture. It's about accepting student teachers into our community, supporting them and encouraging them to become members of AUSTAT now and into the future.

It is not only important that AUSTAT support our senior teachers by endorsing them to train teachers. It is important that they, in turn, support and promote the society that represents them.

Currently, many of our Trainee teachers are choosing to **not** join AUSTAT for a number of reasons ranging from apathy to financial concerns. This is a terrible outcome for our community. These teachers divorced from indemnity insurance; community involvement; conferences, continuing professional development and the like are unlikely to ever join AUSTAT at a later date. It's a terrible outcome for AUSTAT; for the Alexander Community; for the newly graduated teacher and for our profession.

### 6. Why should teacher trainers need to have involvement in AUSTAT activities?

The proposed model suggests that a Approved Alexander Teacher Trainer must have had some kind of active role in AUSTAT to be eligible to train under the AUSTAT approved status. To seek approval to work as a representative of AUSTAT training others, without having an understanding of our incorporation, our policies and procedures, the way that we are bound to make decisions according to the Constitution, the way we meet to come to find agreement rather than to create schism, the way we treat volunteers with respect, courtesy and kindness, is a situation that would likely lead to misunderstanding, bad behaviour and conflict.

Our teacher trainers should also be exemplars to trainees. Being involved with the broad Alexander Community through AUSTAT activities is a demonstration of leadership and being a master teacher.

### 7. What is a third-party report?

A third-party report refers to an assessment or evaluation of an individual's skills and qualifications carried out by an external qualified individual, rather than by the professional association that they are affiliated with. This type of report is often used



## Questions received from Teacher Members around the Training Governance Review Discussion Paper

to provide a neutral and impartial assessment of an individual's abilities. Sometimes the assessing organisation provides a template check list to the third-party which they can fill out and sign.

In this model, the onus to provide evidence comes off AUSTAT and onto the applicant. This means that rather than having the Training Course Standing Committee observe a senior applicant (often far more qualified than the TCSC members) putting hands on, the onus is on the applicant to find a senior qualified AUSTAT teacher to attest to the applicants competence.

### **8. What is meant by evidence?**

Evidence is tangible proof of an individual's ability to perform to an agreed standard. Having a senior teacher state that Johnno's hands on are really great is NOT evidence. Having a senior teacher fill out and sign a checklist of pre-determined required skills and knowledge, demonstrated by Johnno when they put hands on is tangible proof of performance. It's evidence.

### **9. What is meant by development of a professional identity?**

Whereas a teacher may have great skills and knowledge in how to move someone up, how to get them to put hands on back of chair; a professional teacher also has skills and knowledge in ethical behaviour; establishing a positive relationship with a client; maintaining confidentiality and privacy; having a clear pre-established pricing policy; having a working with children credential; knowledge of infection control; continuing professional education; carries indemnity insurance; can speak with confidence about Alexander Technique. AUSTAT is a professional society devoted to encouraging professional behaviours in our members.

### **10. What changes will be made to the Head of Training contractual Agreement with AUSTAT to run an AUSTAT Accredited training school?**

The contract requires revision, as currently it contains legal mistakes, requirements that are not being met because of their difficult nature. As the administrative nature of AUSTAT is better defined by this proposed model, the requirements of AUSTAT and Teacher Trainers will be better understood and defined.

### **11. How will AUSTAT provide assurance and assessment that competencies to teach Alexander Technique are being adequately taught?**

Under the current AUSTAT Constitution AUSTAT provides no assurances or assessment that competencies to teach Alexander Technique are taught.

AUSTAT's constitution limits AUSTAT to assuring 1600 hours of training are taught in no less than three days per week. 80% tuition must be practical. Teacher student ratio must be 1:5. Even these criteria are difficult to police and AUSTAT relies on the good faith of teacher trainers to assure these criteria.

The high number of waivers sought by Heads of Training suggest that meeting these criteria are often difficult. The criteria currently in our rules give no assurance on the quality of training nor do they protect AUSTAT in its duty of care. It is clear to many members that the current requirements that focus on time-based attendance are no longer modern or adequate for task.



## Questions received from Teacher Members around the Training Governance Review Discussion Paper

The log book system proposed will provide AUSTAT with tangible proof that learning (competency) in basic areas of Alexander Training have been completed. It will also protect AUSTAT from civil action due to AUSTAT's vicarious liability under NSW civil liability legislation.

### 12. How will AUSTAT resolve grievances and complaints arising from AUSTAT accredited training schools?

Grievances arising in Training schools are between the two parties "trainees" and "trainer". AUSTAT's vicarious liability as an accreditation body will be tested by the courts through

- i) The procedures that we use to accredit teacher trainers and
- ii) the quality of contract made with accredited trainers and AUSTAT and
- iii) the AUSTAT code of Professional Conduct.

This Training governance review suggests that there are currently serious flaws in the process of selecting Heads of Training; flaws in the Heads of Training /AUSTAT agreement and flaws in the application of the Code of Professional Conduct.

### 13. Explain Principles of Assessment and Rules of Evidence?

The principles of Assessment provide a structure for the development of assessment instruments and tools that assures quality to an agreed standard and ensures fairness. The principles are that an assessment is Valid (ie that it assesses only what has been taught and what the candidate has agreed to be assessed on) RELIABLE (that each candidate is treated in the same way, correctly instructed as to what they must do to pass assessment and that when two or more assessors were to look at the assessment they would come to the same decision. FLEXIBLE( As long as learners are able to demonstrate competency to the required level, where they achieved that competency is irrelevant to the assessment decision.) FAIR(Reasonable adjustments are provided for candidates so that no-one group is disadvantaged in assessment).

The RULES OF EVIDENCE provide a structure for what is acceptable as evidence of current performance to standard. The Rules are that evidence is **VALID** (The candidate show evidence that meets the assessment criteria within the correct context) **SUFFICIENT** (There is enough evidence to demonstrate required performance has been reached) **CURRENT** (The evidence of performance is recent. Evidence any more than two to five years old doesn't offer insight into current performance) **AUTHENTIC** (The evidence has to be authentically the candidate's own work)

### 14. What is the evidence that the current rules and bye-laws are unworkable?

The current rules and bye laws have not been updated or mapped to changes in legislation and liability that have occurred in Australia since 1985. For instance in NSW a significant duty of care for health and safety in workplaces has been placed onto organisations and workplaces that was not there under the 1983 OHS legislation. Prior to COVID, the idea that AUSTAT might be negligent for not insisting on infection control training wasn't foremost in our minds. Under the bye-laws, audit of training schools would require a person with significant external qualifications to carry





## Questions received from Teacher Members around the Training Governance Review Discussion Paper

out and document the audits. There would be significantly impactful costs associated with this that may not bear cost-benefit scrutiny.

### **15. Why has AUSTAT found it so difficult to implement and manage a workable complaints procedure?**

The AUSTAT Constitution significantly limits the powers of AUSTAT Council to administer complaints. Where an AUSTAT Council or committee member is forced to make decisions, without using set procedure, the threat of litigation increases. This situation often can advantage the complainer who is not limited in their responses by the AUSTAT Constitution including the privacy and confidentiality agreement that each AUSTAT Council and committee member must sign.

The moral requirement to be fair and impeccable in dealing with complaint and grievance is taken seriously by AUSTAT committee members. It means that decisions and adjudications are not made in one meeting. Instead they take months and months of research, discussion, advisement and deliberation to achieve outcomes that are usually unpalatable by both sides of a grievance.

### **16. Is AUSTAT vulnerable to legal action under the proposed change? What is AUSTAT's duty of care? Legal Obligations.**

As with all incorporated associations AUSTAT must obey the law and it has a civil liability obligations under the NSW Civil liability Act 2007. These duty of care obligations should be informing our processes; such as how we accept membership applications, how we accredit and approve people to train teachers. Currently, this has not been mapped and it could be argued that there are vulnerabilities.

If legal action was taken out against AUSTAT, each member is only liable for the value of their year fees. It is a limited liability for members. Council and committee members are not liable for any harm or loss coming from an action carried out in good faith. Nevertheless, AUSTAT could be badly affected by cost of legal fees and damages against our bank assets. Those damages may not be limited at all. There would also be a loss of reputation and standing. It is therefore in our interests to ensure that we are carrying out our processes in a professional way.

### **17. Has the review team consulted with a constitutional lawyer who specialises in NSW incorporated associations legislation.**

Not yet. The review is at proposal stage. The proposed model is being put before membership as an idea with some structure and thought behind it. If the membership agrees the next phase of project is to look at changes to the AUSTAT Constitution and to the documented processes that would need to be designed, in order to accommodate the Constitutional change. At that stage the services of a lawyer will be essential to ensure our legal obligations are met.

### **18. Would “disengaging” AUSTAT Council from “policing training course” complaints and mediating grievance procedures mean that AUSTAT would be in breach of their legal obligations to the NSW regulation of Incorporated Associations / Australian Consumer law for not engaging with rules that allow complaints?**



## Questions received from Teacher Members around the Training Governance Review Discussion Paper

No. The incorporated Associations law requires AUSTAT to behave in a legally responsible way and to account for all money collected and paid out-which we do.

Australian consumer law affects two parties. That is the “consumer” (teacher trainee/ and our private pupils) and the Alexander Technique teacher/ trainer-the “service provider”.

AUSTAT might be caught up in a consumer related action, in that, we make recommendations for training schools when we approve them. If we were to approve a training school that provided different subjects to most training schools, it might be argued that we contributed to harm or loss.

However, under the NSW Civil Liability Act 2007, AUSTAT could have a ‘vicarious liability’ where negligence by the Society has contributed to the negligent actions of another, who was responsible for harm or loss occurring to another person. This liability is complex and tested by an idea called “scope of liability”. Our Code of Professional Conduct, for instance, is an important document that indicates our duty of care is being met. Although, it is implied by the AUSTAT Constitution that people abide by the Professional Code of Conduct, we feel that AUSTAT should maintain a record of each member signing to agree that they have read the Code of Professional conduct and agree to abide by it. It doesn’t currently maintain that record.

### **19. Will this model enable AUSTAT members to maintain their Professional Indemnity Insurance?**

Yes. Indemnity would not be changed by the adoption of the proposed model. In fact, the proposed model provides a greater Association responsibility for civil liability, infection control, health and safety, harassment and discrimination matters. This should create a good standing for our professional standing.

### **20. Would AUSTAT accept a trainee student who had graduated from an AUSTAT approved training school for professional membership who had not been taught the basic principles or key learning skills of the Alexander Technique: PC; “monkey/semi-flexed position”; HOBOT or read FMA’s four books; but who had been assessed and graduated by an AUSTAT approved HoT who had changed their curriculum since their approval as an AUSTAT HoT was granted?**

No, under the proposed model only trainees with a completed and signed logbook would be accepted as teacher members.

However, currently the answer is yes, because AUSTAT has no way of knowing what elements of learning have occurred in a training school. As Moderation does not furnish any but the most basic report to AUSTAT Council, and no other statement around training is provided to Council, we currently assume that a person is ready for professional membership, solely on the opinion of the Head of Training.

The logbook system, that is being proposed, will provide AUSTAT, AUSTAT membership and the Australian community with an assurance that agreed elements of learning had been completed to the satisfaction of the AUSTAT Accredited Teacher Trainer.





## Questions received from Teacher Members around the Training Governance Review Discussion Paper

The proposed system of governance is clear about what it is assessing. It asks has a teacher trainee received a teacher training that has covered all the areas that we as a profession deem important for professional life. We are not assessing whether the teacher trainee is ready to be a good teacher. That is the role of the AUSTAT Approved Teacher Trainer.