

Consideration of Extenuating and Exceptional Circumstances for Registration Policy

1. Purpose

The purpose of this policy is to provide guidance on the circumstances that will be considered by the Board as extenuating in relation to:

- the extension of Non-practising Registration; and
- the renewal of registration requirements for professional learning.

In addition, this policy also provides guidance on the circumstances that will be considered by the Board, as exceptional in relation to:

- renewing Provisional Registration.

2. Scope

This policy applies to the consideration of extenuating circumstances in relation to the extension of Non-Practising Registration under r15(3) and the consideration of extenuating circumstances in relation to renewal of registration – requirements for professional learning under r13(5) of the *Teacher Registration (General) Regulations (Regulations)*.

This policy also applies to the consideration of exceptional circumstances in relation to the renewal of Provisional Registration under s22(3) of the *Teacher Registration Act 2012 (Act)*.

Additionally, this policy applies to teachers registered by the Teacher Registration Board of Western Australia (TRBWA), TRBWA staff and Board members involved in the administration and decision making process for the registration of a teacher in Western Australia.

This policy does not apply to exceptional circumstances relating to the English language requirement for registration or extenuating circumstances in relation to the cancellation of registration due to non-payment of fees¹.

3. Background

The Act requires all teachers who are teaching in schools and other educational venues in Western Australia to be registered with the Teacher Registration Board of Western Australia (TRBWA).

Continuation of registration is provided for by the requirement for teachers to renew or transition to another category of registration prior to the expiry of the current registration.

In certain situations, the Board is afforded discretion to extend or renew a teacher's current registration where extenuating or exceptional circumstances exist.

Extension of Non-Practising Registration

The period of Non-Practising Registration commences on the day that the registration is granted and unless the person commences teaching after that day, it is for an indefinite period. Where a person commences teaching in this category of registration, the period of the registration will expire on the second anniversary of the day that the person first commenced teaching while

¹ Refer to the relevant policies: *English language policy*, *Limited Registration English language policy* and *Extenuating circumstances for cancellation and reinstatement policy*.

holding Non-Practising Registration unless an application to transition to either Full or Provisional Registration has been made at least 28 days prior to expiry.

The Board may, however, under the authority of r15(3), extend the period of a person's Non-Practising Registration if the Board is of the opinion that there are extenuating circumstances to do so.

Renewal of Registration

Section 22(2)(c) of the Act details the requirements that must be satisfied before the Board may renew a teacher's registration. This includes the requirement for professional learning to be undertaken in order for registration to be renewed. The professional learning requirements for each category of registration are prescribed in the Regulations.

The Board may, however, under the authority of r13(5), renew a teacher's registration where the requirements for professional learning have not been met if, in the opinion of the Board, extenuating circumstances exist.

Renewal of Provisional Registration

Provisional Registration is not usually able to be renewed. Under s22(3) of the Act, the Board may renew Provisional Registration only if, in the opinion of the Board, there are exceptional circumstances for doing so.

4. Definitions

Extenuating Circumstances	Circumstances that sufficiently act to mitigate against the seriousness of non-compliance..
Exceptional Circumstances	Situations or incidents which are particularly unusual or not typical and only likely to happen very infrequently.

5. Policy

5.1 The Consideration of Extenuating Circumstances in relation to the extension of the period of Non-Practising Registration.

The Board has discretion, under r15(3), to extend the period of the person's Non-Practising Registration if the Board is of the opinion that there are extenuating circumstances to do so.

For the purpose of the extension of the period of Non-Practising Registration, extenuating circumstances are those events or situations which are usually not reasonably foreseeable, or are beyond the control of the teacher, or directly impacts on the teacher's ability in being able to meet their registration requirements under the Act.

A teacher who, due to extenuating circumstances, has been unable to meet the registration requirements to move from Non-Practising Registration to Full or Provisional Registration and seeks to extend their Non-Practising Registration, may apply to the Board for consideration of their situation.

Requests for Board consideration of extenuating circumstances, to ensure continuance of registration, must be made in writing to the Board at least 28 days before the expiry of the current registration. Evidence must be submitted in support of that claim.

Each request will be considered on a case by case basis on the merits of the reasons and supporting evidence provided.

5.1.1 Factors that may be considered by the Board as extenuating in relation to the extension of the period of Non-Practising Registration

Factors that the Board will take into account when considering extenuating circumstances in relation to the extension of the period of Non-Practising Registration may include, but are not limited to the:

- the facts, background and their duration that give rise to the request
- impact on the applicant's ability to meet the requirement to move to either Provisional or Full Registration
- recency of teaching practice
- effort already invested towards the meeting of the requirements to move to either Provisional or Full Registration.

All requests are to be in writing and will be considered on a case by case basis on the merits of the reasons presented and supporting evidence provided.

For the purposes of extending Non-Practising Registration, extenuating circumstances are generally those which are not reasonably foreseeable or are beyond the control of the teacher and are relevant to the teacher not being able to meet the requirement to move either to Provisional or Full Registration prior to the expiry of their Non-Practising Registration.

Generally, those circumstances over which the teacher has control such as planned leave or an oversight in relation to meeting their obligations are not considered to be extenuating in nature. Similarly, lack of planning to allow for the meeting of requirements within requisite timeframes will also not be considered extenuating.

Extenuating circumstance could include:

- serious illness of the teacher, a family member, or a person for whom the teacher is the primary carer;
- hospitalisation or an emergency that renders the individual unable to meet their obligations;
- extended leave of absence due to reasonably unforeseeable circumstances; or
- maternity or paternity related leave.

The above circumstances may not in and of themselves be considered extenuating in nature. The Board will consider each case on its merits and the specific factors surrounding the situation.

The extenuating circumstances which afford the individual extension of their Non-Practising Registration are not intended to lower the requirements for teacher registration or impact the quality of teacher practice. The discretion afforded to the Board provides the Board with the opportunity to extend a teacher's registration where not to do so may be considered unreasonable if not for compelling circumstances.

5.2 The Consideration of Extenuating Circumstances in relation to the professional learning requirement for renewal of registration.

A teacher who, due to extenuating circumstances, has been unable to meet the professional learning requirements for the renewal of their teacher registration may apply to the Board for consideration of those extenuating circumstances.

For the purpose of renewal of registration, extenuating circumstances are those events or situations which are not reasonably foreseeable or are beyond the control of the teacher and directly impact on the teacher's ability in being able to meet their registration requirements under the Act.

The Board has discretion, under r13(5), to renew a teacher's registration if the Board is of the opinion that there are extenuating circumstances that have impacted on the teacher's ability to complete the required professional learning requirement.

Requests for Board consideration of extenuating circumstances, to ensure continuance of registration, must be made in writing to the Board at least 28 days before the expiry of the current registration. Evidence must be submitted in support of that claim.

Each request will be considered on a case by case basis on the merits of the reasons and supporting evidence provided.

5.2.1 Factors that may be considered by the Board as extenuating in relation to the professional learning requirement for the renewal of registration

Factors that the Board will take into account when considering extenuating circumstances in relation to the professional learning requirement for the renewal of registration may include, but are not limited to the:

- the facts, background and their duration that give rise to the request impact on the applicant's ability to meet the professional learning requirements for the renewal of registration
- recency of teaching practice
- effort already invested towards completing the required professional learning for the renewal of teacher registration.

All requests are to be in writing and will be considered on a case by case basis on the merits of the reasons presented and supporting evidence provided.

For the purposes of the renewal of registration where professional learning requirements have not been met, extenuating circumstances are generally those which are not reasonably foreseeable or are beyond the control of the teacher and are relevant to the teacher not being able to meet their obligation.

Generally, those circumstances over which the teacher has control such as planned leave or an oversight in relation to meeting their obligations are not considered to be extenuating in nature. Similarly, lack of planning to allow for the meeting of requirements within requisite timeframes will also not be considered extenuating.

Extenuating circumstance could include:

- serious illness of the teacher, a family member, or a person for whom the teacher is the primary carer;
- hospitalisation or an emergency that renders the individual unable to meet their obligations;
- extended leave of absence due to reasonably unforeseeable circumstances; or
- maternity or paternity related leave.

The above circumstances may not in and of themselves be considered extenuating in nature. The Board will consider each case on its merits and the specific factors surrounding the situation.

The extenuating circumstances which afford the individual continuation of registration are not intended to lower the requirements for teacher registration or impact the quality of teacher practice. The discretion afforded to the Board provides the Board with the opportunity to continue a teacher's registration where not to do so may be considered unreasonable if not for compelling circumstances.

5.3 Consideration of Exceptional Circumstances to renew Provisional Registration

Provisional Registration is usually not renewed. Teachers holding Provisional Registration are encouraged to transition to Full Registration prior to the expiry of their current registration. The Board, however, under s22(3) of the Act, has the discretion to renew Provisional Registration only if, in the opinion of the Board, there are exceptional circumstances for doing so.

A teacher who is unable to meet the requirements to transition to Full Registration and who believes there are exceptional circumstances for not being able to do so may make a request to the Board for consideration of those circumstances.

For the purpose of the renewal of Provisional Registration, exceptional circumstances are deemed to be those events or situations that are unusual or not typical and only likely to happen infrequently.

Each request will be considered on a case by case basis on the merits of the reasons and supporting evidence provided.

If the teacher's circumstances are determined to be exceptional, the Board, under the provision of s23(2), may renew the Provisional Registration for a period of three years or such shorter time as the Board determines appropriate.

5.3.1 Factors that may be considered by the Board as exceptional in relation to the renewal of Provisional Registration

Factors that the Board will take into account when considering exceptional circumstances in relation to the renewal of Provisional Registration may include, but are not limited to the:

- the facts, background and their duration that give rise to the request impact on the applicant's ability to transition to Full Registration
- recency of teaching practice
- effort already invested towards meeting the requirements to transition to Full Registration.

All requests are to be in writing and will be considered on a case by case basis on the merits of the reasons presented and supporting evidence provided.

To ensure continuance of registration, requests for Board consideration of exceptional circumstances must be made in writing to the Board at least 28 days before the expiry of the current registration. Evidence must be submitted in support of that claim.

For the purpose of the renewal of Provisional Registration, exceptional circumstances are deemed to be those events or situations that are particularly unusual or not typical and only likely to happen infrequently and are relevant to the teacher not being able to meet their obligations.

Generally, those circumstances over which the teacher has control such as planned leave or an oversight in relation to meeting their obligations are not considered to be exceptional in nature. Similarly, lack of planning to allow for the meeting of requirements within requisite timeframes will also not be considered exceptional.

Exceptional circumstance could include:

- serious illness of the teacher, a family member, or a person for whom the teacher is the primary carer;
- hospitalisation or an emergency that renders the individual unable to meet their obligations;
- extended leave of absence due to reasonably unforeseeable circumstances; or
- maternity or paternity related leave.

The above circumstances may not in and of themselves be considered exceptional in nature. The Board will consider each case on its merits and the specific factors surrounding the situation.

The exceptional circumstances which afford the individual continuation of Provisional Registration are not intended to lower the requirements for teacher registration or impact the quality of teacher practice. The discretion afforded to the Board provides the Board with the opportunity to continue a teacher's Provisional Registration where not to do so may be considered unreasonable if not for compelling circumstances.

6. Supporting information

- Making an application for registration policy
- Professional learning activities policy
- Professional standards policy
- Feedback and complaints policy
- Privacy policy

7. Change History

Approved	Version	Details	Approved By
11/03/2015	1.0	New policy issued	Board
03/08/2015	1.1	References to Regulations updated	Director
Next Review Date		Initially 12 months, then three yearly	