

ie

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But one day, quite unexpectedly, Hani said,
"Grandma, I want to know what I look like.
Please could you make me visible again?"
"Of course I can," said Grandma Posi,
and she began to look through her magic books.

Kaleidoscope
Mem Fox P6

the professional voice of the Independent Education Union of Australia



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Teachers are often looking for innovative resources, and films are a great way to engage students.



Editorial

Individual teaching, collective approach

The recent Gonski report, *Through Growth to Achievement*, has put individualised approaches to teaching and learning in the spotlight – with recommendations suggesting a move away from a homogenous curriculum, to one that recognises the needs of each individual student, and caters to those needs.

While many teachers would agree that every student's educational needs differ, and a structure that would allow teachers to address this would be beneficial, what has to be stressed is that teachers must be supported through this process, and, above all, our professional voice must underpin any educational reform.

Individual education plans are not new to our profession – teachers already develop these in cases where students require additional support. The changes to funding arrangements for students with additional needs are explored (p10). What this highlights again is that recognition of individual needs is a step in the right direction, but serious consideration needs to be given to how teachers can practically perform these studies on a one on one basis with their current demands.

Support staff are, naturally, integral to teacher support in this regard. Without adequate employment of support staff, teachers are left with unmanageable and heavy workloads, yet the Gonski report's recognition of the importance of skilled support staff is limited and short sighted (p24).

Expert support staff, such as Sammy Leone, show what a difference such roles can make to a school community. Read more about his role in supporting Aboriginal and Torres Strait Islander students (p20).

Another year has passed and the *Closing the Gap* report makes it clear that again we as a nation have failed Aboriginal and Torres Strait Islander people. We must acknowledge this, and we must do better (p29).

Our members have the power to make meaningful change – Saeid Khayam's fight against unfair dismissal, while setting a new legal precedent in the process, is a testament to this (p18).

Using our professional voice to inform educational reform, to advocate for our support staff colleagues and to address injustices in our society and the workplace, is the key to achieving fairness.

Terry Burke

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AUSWIDE

Northern Territory

Union flags concerns in review of Registration Act

IEUA-QNT has provided feedback to the Northern Territory Government regarding the Northern Territory Teacher Registration Board's review of the Teacher Registration Act and Regulations.

IEUA-QNT has highlighted issues including the problematic nature of the Teacher Registration Board being responsible for assessment of individual teacher 'competence'.

Our Union believes the Board does not have the appropriate knowledge of individual circumstances to undertake such reviews.

IEUA-QNT questions if it would be inappropriate to allow the Board to have the power to defer registration renewal applications if there are disciplinary proceedings in progress.

The unjust proposal that the Board would not be required to invite a person involved in a disciplinary proceeding to respond is also questioned. Our Union believes it is a fundamental principle of natural justice that the subject should be given an opportunity to respond.

New South Wales

Support for NAPLAN on the decline

NAPLAN standardised testing has been one of the education fads of recent years with ever increasing testing and reporting requirements imposed by government on all stages of schooling.

Recent events, however, have sparked a sharp turnaround in attitudes towards the tests. The Gonski report questioned the benefit of standardised tests that only assess a child's achievement at a point in time that is often dated by the time the results are available.

NSW Education Minister Rob Stokes is calling "for the urgent dumping of NAPLAN" and claiming that the test "is being used dishonestly as a schools rating system and has sprouted an industry that extorts money from desperate parents".

Other state and territory governments have joined in the opposition to the test. The Chief Executive of Catholic Schools NSW, Dallas McInerney, called for changes to the "unfair" way NAPLAN results are reported and shared Minister Stokes' concerns that the results "are being turned into league tables".

The IEUA NSW/ACT hopes that the voice of the profession will be heard in reforming this agenda.

Australian Capital Territory

Review of the Education Act

In February this year a review of the *Education Act 2004* (the Act) in ACT was proposed.

A discussion paper proposing a change to the principles currently stated in Section 7 of the Act have been circulated for comment. The discussion paper wants a greater emphasis to be placed on understanding that education for each child is an individual journey and must be catered for, particularly when they have additional needs.

There should be an effort to balance the rights and realising the diversity of needs of the children, individually and collectively, as well as the staff. Recognising learning as a lifelong journey from early childhood education through all its iterations to university and vocational education is crucial.

There must be acknowledgment of the evolution of early childhood education in the ACT since 2004 and how critical a period of learning it is, and the principles involved in the education of Aboriginal and Torres Strait Islander children.

IEUA NSW/ACT Branch provided a response to the review panel in late May and will monitor developments on any further proposed changes to the Act.

Queensland

Carinity Education intent on scrapping conditions

IEUA-QNT members working in Carinity Education schools, an outreach of Queensland Baptists, in Brisbane, Gladstone and Hervey Bay, took part in a one hour stop work action on 24 April in the face of an employer that remains intent on cutting conditions.

At the time of writing, Carinity Education's wishlist of cuts included scrapping top tier teacher classifications, meaning the most experienced teachers could be earning up to \$8000 less per year than their state and Catholic school counterparts.

Carinity Education wants cuts to working conditions including superannuation provisions, long service leave and redundancy provisions and plans to significantly increase the hours of work expected by staff in leadership positions.

It also wants to limit access to community standard leave conditions such as natural disaster leave and domestic violence leave.

Carinity Education signaled an intention to proceed to ballot on a sub-standard new agreement.

This follows the employer earlier stating it could look to 'terminate' the current collective agreement. Such a move would be unheard of in the education sector in Queensland – making it clear that no worker is safe from the unfair industrial laws that put all the power in the hands of the employer.

IEUA-QNT members are continuing to campaign to restore the rights of our members in Carinity schools. For the latest updates on the campaign visit www.showyoucare.com.au

Correction

The article *Employers must support staff through NDIS rollout* in Issue 1 Vol 48 of *IE* incorrectly stated that the "introduction of the NDIS [marked] a fundamental change in the way schools will receive funding to support inclusion of students with additional needs". See page 10 for more.

South Australia

Don't keep history a mystery

IEUSA is continuing to provide quality and relevant professional learning opportunities for members. This term education consultant Christine Reid provided a session on cultural perspective to assist teachers preparing their own activities and lesson plans for Reconciliation Week.

For many people the history of Aboriginal Australia is a mystery. Many educators have not had the opportunity to understand the traditional culture of Aboriginal and Torres Strait Islander people nor have an awareness of the profound effect of colonisation.

Reid's interactive workshop provided a look at the history that has shaped Aboriginal and Torres Strait Islander people's lives. By gaining knowledge and becoming aware of how Aboriginal and Torres Strait Islander lives have been changed by the effects of another culture, teachers are able to teach in a manner that makes a difference in the lives of all students.

Western Australia

Inaugural conference

In April IEUWA delegates came together for the inaugural WA Delegates Conference.

The venue was the original Perth Trades Hall, now proudly restored by the CFMEU. IEUWA delegates met in the May Holman room. May was the first ALP woman elected to the WA State Parliament, not once but three times, and she is an inspirational figure in the labour movement.

Delegates had the opportunity to hear from formidable presenters including Steve McCartney, AMWU Secretary;

Chris Watt, IEUA Federal Secretary; and Meredith Hammat, Secretary of UnionsWA.

The star speakers were two delegates who inspired all present by their talk of the way they built union presence in their school and made a difference.

Victoria

Review of teacher registration body

An independent review of the operations, structure and legislative framework of the Victorian Institute of Teaching (VIT) was conducted late last year and has resulted in a number of significant changes. The IEUA VicTas had input by both written submission and formal consultation with the reviewer. The final report makes 32 recommendations for change to VIT.

The review recommended that the VIT hearing panel system be abolished. Allegations of teacher misconduct or incompetence are to be determined by the Victorian Civil and Administrative Tribunal (VCAT). IEUA VicTas is concerned about the teaching profession being removed from the process and whether moving almost all matters to the VCAT jurisdiction will result in even more lengthy delays.

The Act currently allows VIT to impose an interim suspension on teachers who pose an unacceptable risk of harm to children. The review acknowledged that the commencement of the Reportable Conduct Scheme could see increased use of the interim suspension power. Of concern is that there is still no right for a teacher to be represented at the time of making the decision.

Where VIT has made a decision to suspend, it is required by legislation to commence an inquiry as soon as possible. This can mean that multiple investigations occur in parallel, for example. The review recommends restoration of previous practice – that is, all other investigations being complete before VIT commences one.

Tasmania

Union complaints result in review of external marking

The IEUA VicTas raised concerns last year about the marking of Office of Tasmanian Assessment, Standards and Certification (TASC) external assessments after new procedures relating to the appointment and payment of markers were introduced without consultation with the education unions.

The piece rate per completed script was changed to a flat rate for the whole period. Assistant chief supervisor roles were abolished and replaced with a lesser paid support supervisor role. A more onerous application process was also launched later than usual in the year, after the regulations relating to the changes were gazetted.

Education Minister Jeremy Rockliff announced a review of all external assessment processes to take place this year and that unions should be consulted.

The unions' three key areas of concern – appointment of markers, determining a marking load, and payment of markers, will inform the scope of the review. The IEUA and Australian Education Union will continue to be consulted as the review progresses and will keep members advised of the outcomes.

Kaleidoscope **Mem Fox**

It's partly thanks to Miss Smith, high school teacher, and Felicity Hughes, university lecturer, that the world enjoys the children's books written by Mem Fox, Journalist Sue Osborne writes.

Fox credits these two teachers with influencing and inspiring her – and in Ms Hughes' case, forcing her – to write children's literature.

Fox was born in Australia but grew up in Africa, the daughter of missionary parents, and was educated at Townsend Girls High School in Bulawayo, Zimbabwe.

She met Miss Smith in the equivalent of Year 8 and enjoyed her inspirational English teaching for the next five years.

"I would not be who I am today – I would not be talking to you right now, if it weren't for Miss Smith," Fox said.

"Writing for very young children is as much about the rhythm as it is about plot, character and theme. The rhythm is what brings the child back and back to a book.

"Miss Smith loved language itself, not just literature. She would read us poetry and let the words roll around in her mouth. She would tell us how beautiful it was. She took away the fear of poetry. We adored Shakespeare thanks to her."

Listening to the King James version of the Bible at church also instilled a love of language in Fox.

"The modern version is totally denuded of the rhythm and beauty of the language. If anything other than the King James Bible is read at my funeral I'm going to resurrect, throw off the lid of the coffin and demand it."

Listening to Sir John Gielgud reciting T.S. Eliot on her father's radiogram was another of Fox's formative experiences.

After leaving school she went to London to drama school, where she met her husband Malcolm.

"I was besotted with drama. It did not occur to me to be a writer. My three years of studying drama was absolutely key to me becoming a writer though, because we had to learn all that language and the rhythm of the poets and playwrights. We were strictly taught how to make language come alive.

"When I'm writing I must look very odd, because I have my neck stretched back, and I'm talking to the ceiling, and I'm grasping the air with my hands, looking for that perfect word. The thesaurus is in tatters."

In 1970 Malcolm and Fox went to Australia as '10 pound Poms', even though Fox was born here.

"I thought with my drama training and voice the ABC would love me. Of course, they didn't want me, I was a nobody. But someone in the radio station had a wife who was unwell and couldn't teach her drama class at a Catholic school anymore, so he asked me to step in.

"The last thing I wanted to be was a teacher, so I started at Cabra College Adelaide most unwillingly, wearing very short skirts when the nuns were in long habits. I adored it from the very first moment. I absolutely love teaching."

Fox's only child Chloe was born in 1971 and she continued to teach in Catholic schools while Chloe was small.





Mem Fox AM with author Thomas Keneally AO

“
It's
awe-inspiring,
spine-tingling,
when you
have a class
enthralled by
a story.”

"I was in tiny parish schools with names like Our Lady of Fatima and Star of the Sea. They were very good to me. Then a job came up in a teachers' college to teach drama to student teachers. That was an unbelievably happy time in my life.

"I was about 28 teaching 18-21 year olds about drama."

A restructure at Sturt College of Advanced Education led Fox to combine drama teaching with literacy studies.

"Chloe had started reading very young. I didn't know how to teach her to read, she just did it. It fascinated me, and I wanted to know more.

"The major passion of my life started."

The college was eventually taken over by Flinders University and Fox was asked to increase her academic credentials. Part of her studies included a course in children's literature.

Her lecturer Felicity Hughes knew most of her students took a patronising view of the writing of fiction for young children, so she devised a course forcing them to write a children's book.

"I was furious about this assignment. I thought it was so beneath me. After about 10 minutes of trying to write a book I changed my mind."

The work she produced was called *Hush the Invisible Mouse*, and it evolved into *Possum Magic* over a painful five year period in which it was rejected by publishers nine times.

"It was too long. But they also rejected it because it was too Australian. I had intentionally made it Australian because when I tried to buy books for Chloe reflecting our native culture and country there was nothing,

"It's an irony I often reflect on now, as what eventually made *Possum Magic* so successful was its Australianness."

Since then Fox has written more than 40 children's books and five non-fiction. But she "can't stand writing" and only actually writes for about three weeks a year.

At 50 Fox retired from her role as Associate Professor of Literacy Studies at Flinders University to concentrate on the passion of her life: encouraging parents to read with their children.

"Encouraging parents to read to children aged 0-5 is a message that has to be repeated because new parents are made all the time."

Fox visits schools all over Australia and overseas with this message.

Although she is not against phonics education, she said reading a story

and bringing it to life for children is crucial, as isolated sounds won't encourage a love of reading.

"It's awe-inspiring, spine-tingling, when you have a class enthralled by a story. Any class listening to a story is a good class.

"Teachers often thank the children for being so good when I've read to a class. It's not that they're being good – the words they heard put a spell on them. Any ratty group can be made good."

Fox's most recent book, *I'm Australian Too*, tackles the refugee story.

Fox was a recent speaker at the Edmund Rice Centre Justice through the Arts event, which is sponsored by the IEUA NSW/ACT Branch, and encourages students to explore social justice issues through creative means.

Selected works

Possum Magic (1983) illustrated by Julie Vivas

A Bedtime Story (1987) illustrated by Sisca Verwoert

Goodnight, Sleep Tight (1988) illustrated by Helen Semmler

Time for Bed (1993) illustrated by Jane Dyer

Tough Boris (1994) illustrated by Kathryn Brown

Wombat Divine (1995) illustrated by Kerry Argent

Harriet, You'll Drive Me Wild! (2000) illustrated by Marla Frazee

The Magic Hat (2002) illustrated by Tricia Tusa

Where Is the Green Sheep? (2004) illustrated by Judy Horacek

Where the Giant Sleeps (2007) pictures by Vladimir Radunsky

Hello, Baby (2009) illustrated by Steve Jenkins

Ten Little Fingers and Ten Little Toes (2008) illustrated by Helen Oxenbury

Ducks Away! (2016) illustrated by Judy Horacek

I'm Australian Too (2017) illustrated by Ronojoy Ghosh

LET GO

“I’m sorry, we’re going to let you go.”

This is a statement that has been said to hundreds of people already this year, Amy Cotton Professional Officer, and Donna Widdison Organiser, IEUA NSW/ACT Branch write.

They started 2018 with a new job and all of the emotions that go with that: hope, excitement, commitment and pride. Yet within six months their new employer has dismissed them, with little regard to the impact this has on the teacher, their colleagues and the school community as a whole.

Employers in Australia have an unfair advantage over employees. They may dismiss without citing a reason any new employee who hasn’t worked the minimum employment period (six months for large businesses and 12 months for businesses with fewer than 15 regular employees). The Union movement needs to change the rules on that.

While employees are expected to have wholehearted commitment to workplaces, the relationship isn’t required to be reciprocal.

“You’re not a cultural fit for the school.”

Yasmin was thrilled to learn in late 2017 that she’d successfully been appointed at a large, prestigious school in Sydney. A visual arts teacher, it’s hard to find permanent jobs in her subject area, and this role and opportunity were perfect for her. The school selected her as a candidate because of her innovative teaching practice and she was keen to grow and develop in her new role. She resigned her position at another

school, refinanced her mortgage and prepared for the 2018 teaching year.

Soon after starting, it became clear that Yasmin taught differently to others. She referenced non canon artists, made her own resources, prepared different pathways through the syllabus and implemented new ICT programs. The parent body became concerned – Yasmin’s classes weren’t the same as the teacher down the corridor. They didn’t know the artists she talked about. They didn’t know her past teaching history of consistent Band 6s in the HSC.

Management brought Yasmin in for a meeting and told her that she just wasn’t a cultural fit for the school, that her teaching didn’t “meet our standards of academic rigour” and dismissed her.

Yasmin had no chance to address her practice, no understanding what ‘cultural fit’ actually meant, no opportunity to explain the methodology of her practice and is now unemployed. She gave up a permanent job and made a show of good faith in her future employer that they would commit just as fully to her in return. They let her down.

This is a common enough occurrence in non government schools and early childhood centres. That doesn’t make it sound practice by the employer. It may even hide an uglier practice – ‘You just don’t fit’ might be code for sexism, racism or ageism.

So what went wrong here?

‘Probation’ periods should not be used as the final step in a recruitment process. There shouldn’t be a ‘try before you buy’ approach; if an employer’s recruitment process is so weak that they rely on being able to dismiss someone in the first months of employment, something is wrong.

Are they seeking innovative practice



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”**

and difference in teaching style whereas their parent community wants a monoculture of traditional and 'safe' teaching methodologies? Is there a disparity between what a school claims they want in pioneering candidates and the conformity and deference to authority they actually prefer in employees? Teachers are not disposable commodities to be cycled through as the school searches for the perfect candidate. Students shouldn't have to put up with a revolving door of teachers as the school attempts to see what sticks.

There is no such thing as the perfect teacher for a school. To think that anyone would just fit in without adjusting their practice is naïve and dismissive of the exhausting work any new employee does in their first year of employment. Some employers think that other schools should put in the work of moulding a great teacher and they will just harvest that teacher when ready.

The school that has failed to induct a new employee to the culture of the school is a bad employer. Many schools forget that new employees also need induction, not just early career teachers. If a school enacts a certain philosophy of teaching, or an ethos particular to its religion, the onus is on them to create an induction experience that helps the new employee align themselves to the school's ways. There should be no hidden curriculum for a new employee to decipher; expectations should be clear, consistently applied across all staff and reinforced by mentoring programs.

Where a school bows continuously to parent complaints and fails to defend its employees' practice, a culture of fear starts. It's easier to dismiss a teacher than defend a teacher, to maintain a status quo than embrace challenging change. Parents are not experts in education. Although they have the right to express concern, the school should be prepared to show the reasons why innovative practice is beneficial to the students and to the whole school over time. A manager that can't clearly articulate the teaching strategies of their staff, in all of that diversity, should invest more time in getting to know their teachers. One way of doing this is a developmental induction process.

Hire and fire practices lead to low morale and poor practice

Schools that show no responsibility to their staff are enacting a one sided relationship. They expect everything from their employees but offer no

reassurance and faith in return.

Some schools are well known for turning over dozens of staff each year. It's a quick spiral down before the school becomes the joke of the education community; 'Why can't they keep staff? It must be a nightmare school.' Employers think that this might be a badge of honour, but in reality the school community is in trauma – the students are experiencing a constant parade of teachers, the teachers are always looking for another job. Neither students or teachers have loyalty to the school, or faith that they are being looked after. This leads to students not investing in getting to know teachers ('Oh, you'll be gone by the end of the term') and developing bitterness that impedes rapport and trust which are vital to a teaching relationship.

The staff at such a school will react in a variety of negative ways. Some will become overly compliant, eschewing any practice or conversation that might challenge management. Carbon copy teaching will arise where teachers see someone else who is favoured by management and copy instead of innovating or developing, thereby creating a monoculture of teaching strategy in the school which isn't dynamic enough to meet the diverse needs of the students.

Staff may experience anxiety that they are not perfect fits for the school, and others will simply feel stuck because although there might be greener pastures in which to teach, it's too scary to leave because once in the new job they're back on probation. For the staff that are seeking new employment, they're certainly not going to invest the effort in creating long-term projects that benefit the school.

Schools that show no responsibility to staff expose a one-sided relationship. No teacher will offer loyalty to a workplace that doesn't invest in or defend them. The teachers are expected to do all the work in that relationship whilst the employers sit in judgement.

What sort of school does management envisage?

If management seeks to create a dynamic, innovative and cutting edge education environment for their students, they are best to induct and invest in their teachers, assure them of security of employment and defend their practices when called.

Insecure workplaces force a new employee to put professionalism aside for 6–12 months in order to become a meek 'yes man' style employee. Is this the type of teacher schools should be seeking?

Funding for students with additional needs

The current funding arrangements for students with disabilities, what teachers will be required to do for schools to receive funding, and the lost opportunities in the existing federal government approach. Journalist Sara El Sayed explores this topic.

Changes to funding for students with disabilities have brought with them an increase in the amount of dollars allocated, but have also meant the number of students now eligible to receive funding has increased.

Shift from deficit oriented to needs based

As of January 2018, funding arrangements changed to become needs-based, relying on teacher judgements and practices rather than medical assessments, and introducing the element of census data collection to the funding system.

Dr Kate de Bruin of Monash University's Faculty of Education said this is a distinct change from the old model – which did not involve census data.

"Previously we had the *Disability Discrimination Act*, and the set of guidelines for its implementation called the Disability Standards for Education that outlined the human rights for children with disabilities, but we didn't know how many kids with disabilities were in need of support in schools.

"Not all students were counted and identified.

"A student was only counted if they received funding, and they only got funded if they got diagnosed and their 'deficit' met a minimum threshold," de Bruin said.

The diagnosis would come from a medical professional – who were often the people making recommendations for classroom support.

"Some of those professionals may have had an excellent understanding of how schools and classrooms work and some may not have."

Some of those recommendations, de Bruin explained, were 'one-size-fits-all'.

"The recommendation might say 'this child has a diagnosis of autism



spectrum disorder – we recommend putting a visual class schedule on the wall".

"That might be appropriate in a primary school but obviously didn't work in a high school."

The deficit orientated approach meant there was pressure to maximise a child's deficit – conflicting with teachers' strength based approaches to educating.

"The worse a child scored on a test, the more likely they were to get a diagnosis and get some funding.

"This works against the way schools, and teachers, are geared to operate.

"The old model was not aligned with high quality professional practice or how schools run," de Bruin said.

The new model

Through the new model a base amount is provided for every student with additional loadings for disadvantage, including students with disability.

The additional loading is determined through the Nationally Consistent Collection of Data on School Students with Disability (NCCD).

Through the NCCD system of funding, teachers are expected to make adjustments in the learning environments based on how they perceive the needs of each student. They are to then report the data of these adjustments to school management, where the data should be collated and submitted to the NCCD.

de Bruin said the new approach is an improvement on the deficit oriented model.

"We now have a system that allows schools to contribute to a census and identifies children who have rights under the *Disability Discrimination Act*."

More students considered in need of funding

Under the new system, a diagnosis from a medical professional is not needed, but the student must meet the definition of having a disability under the *Disability Discrimination Act*.

de Bruin noted that 'imputed disability' can also be considered in the NCCD.

"An example of imputed disability might be a refugee family that has arrived in Australia from a war torn background.

"In all likelihood a child from a refugee family could be traumatised but there may have been no PTSD diagnosis made on their arrival.

"Teachers will observe the need in the child and make arrangements accordingly to support that child emotionally.

"Such adjustments can be provided under the Act even if no formal diagnosis has been obtained," de Bruin said.

While it is positive that the system acknowledges the diversity in student experience, it could mean that more students will need to receive funding.

It is therefore important to consider how the allocation of funding will meet the increase in the levels of need.

IEUA Federal Secretary Chris Watt expressed the concern that the current funding arrangement was being sold as more than it's actually worth.

"The 'bucket' of funding for students with disability has increased marginally, essentially by only the indexation rate.

"Students identified as needing 'extensive' adjustment using the new Levels of Adjustment model will get substantially more and that there are more students who will now get something, but 90% of students identified as needing adjustments in the classroom will now get less than they are currently getting.

"The Federal Government argues that these students are currently 'overfunded'," Watt said.

Teacher's responsibility vs school's responsibility

Watt referred to the Levels of Adjustment framework – a model that teachers must now use to group students and make adjustments based on their needs.

These levels include:

- support provided with quality differentiated teaching practice
- supplementary adjustments
- substantial adjustments, and
- extensive adjustments.

IEUA-QNT Branch Executive member and teacher Luke Vanni said a needs-based approach would work well in theory, but how well the new funding arrangement will work in practice is yet to be seen.

"Teachers would be the first to agree that all students have varying needs, and an approach to funding that addresses the complexity of those needs is promising; however, what we don't yet know is how the actual levels of funding, and allocation of funding, will help support our students, and help to equip teachers to address those needs," Vanni said.

The Federal Government recommends teachers moderate with their colleagues to ensure checks and balance of adjustments are made for students.

It is assumed that schools would provide time release for teachers to perform this moderation – but there is

no clear obligation for schools to do so.

There is also a recommendation that teachers take part in professional development in order to become familiar with the funding arrangement.

Again, while a policy initiative is implied for schools on a local level, there is no clear obligation for employers to provide time release for this knowledge development.

"There is a problematic notion that seems to permeate education today: that infinite time is available – that teachers can continue to take on extra tasks with little to no consequence," Vanni said.

"Allowing for the professional judgements of teachers to be the basis of funding in this regard is a step in the right direction – and there is nothing inherently wrong with funding students based on their level of need.

"However, teachers are often left to manage their desire and duty to support their students with additional needs, in conflict with their capacity to do so with limited resources and time.

"Are teachers in the best positions to make these judgements of their students?

"Absolutely.

"Are they allowed the time and resources to be able to do this?

"Not always."

Vanni said transparency is key.

"There needs to be a transparent process where the resources coming into the school for those individual students are then allocated in a way that can be seen to directly address their needs.

"It also needs to be made clear that schools will support their staff in participating in relevant training, and providing time release where necessary."

Does NDIS play a role?

The National Disability Insurance Scheme (NDIS) is a 'bucket' of federal funding that is detached from the education context once a child begins formal school.

That is – if a child's need is related to their education, it should be captured through the NCCD. All needs supposedly unrelated to education should be addressed through the NDIS.

But anyone who understands the nature of a disability would know that it's not easy, nor is it necessarily productive, to silo the needs of children as being related to school education, or as unrelated.

Dr Ben Whitburn, co-author of *The policy problem: the National Disability Insurance Scheme (NDIS) and implications for access to education*, said that while placing funding in the hands of individuals is a progressive



“What comes as a result is detachment and disruption, as there is no chance for a child to have continuity because of this policy obstacle.”

policy move, having these separate buckets of funding creates missed opportunities to properly support young people with disabilities.

“With the current approach, education sits in one realm and belongs to one jurisdiction, and any external needs sit in another realm and are covered by the NDIS.

“My concern is that there are opportunities being missed.

“There’s a big focus on resources, in particular through the NDIS, which addresses important needs such as the need for assistive technology for people, or access to particular format of material.

“But it is quite often something as simple as an iPhone or iPad that can assist people with disabilities in a particular way – and yet if it was funded by the NDIS it would have to sit on a child’s desk at home.

“If it were to be funded through the school it stays in the school context.

“What comes as a result is detachment and disruption, as there is no chance for a child to have continuity because of this policy obstacle.

“If a family who has a child with a disability could work with the school in a collaborative way that informs teachers of what their child needs, as well as giving teachers the opportunity to provide input, the approach to disability support would be much more inclusive and productive,” Whitburn said.

At the time of writing, funding for the NDIS continued to be of concern, as the Federal Government alleged “a focus on a stronger economy” would fund the NDIS, in the place of the Medicare levy surcharge that would have provided direct funding certainty.

With a federal funding approach that lacks certainty and holistic perspective to addressing the needs of people with disabilities – the ability of Australia to support some of the most vulnerable people in our communities remains in question.

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A model for teaching or an autonomous teacher?

"We don't need PD on teaching practice – we are a Visible Learning school." I was taken aback by this opening line from a school leader in a conversation about supporting teachers with their professional development plan, Micheal Victory Executive Officer, Teacher Learning Network (TLN) writes.

The school has adopted the Visible Learning teaching model, based on the research undertaken by Professor John Hattie. All professional development in the school is now directed toward implementing that model.

Professor Hattie is Director of the Melbourne Education Research Institute at the University of Melbourne and Chair of the Australian Institute for Teaching and School Leadership (AITSL). A quick Google search will provide you with an entrée to his work. In my role at TLN I have been an advocate of his original research that traced the influences on student learning. The element of that research that covered the impact of teachers on student learning has now morphed into a model for classroom teaching. In this article I want to raise some issues about the impact of adopting a school wide model of teaching (any model, not just Visible Learning) on teacher autonomy and therefore on teacher efficacy.

In schools we talk about teaching being collegial and cooperative. We have curriculum teams, project teams, professional learning teams and leadership teams. It seems teaching is a team profession. However, the core of teachers' work is done by an individual in a confined space with a group of students.

Despite new (or recycled) pedagogies for open plan learning, team teaching, digital learning and the partnership with education support staff, the most common school image is still one teacher and 20 plus children. My question is, 'What does that teacher need in that space to be the best teacher they can be for all of those students at every moment of every day?'.

Two possible answers come to mind. The teacher may require structure and systems to excel or alternatively, the teacher may need the freedom, the skill and the knowledge to make good judgements. Before coming to





a consideration of the two responses I want to take a brief detour through some Australian education history.

Phases of educational change

Almost 10 years ago, Andy Hargreaves and Dennis Shirley mapped the impact of educational changes on teaching. They tracked three phases of educational change in western democracies, including Australia, since the 1950s.

In the first phase, governments and centralised systems (for example the Catholic Education Office) invested in building a school system, in the training and development of teachers to staff those schools and providing broad curriculum guidelines on what to teach. Teachers once employed in schools were given discretion and autonomy in the creation and delivery of a curriculum for their local context. Hargreaves and Shirley characterise teaching in these years as showing great innovation but suffering from inconsistency. Many who trained and taught through the 1970s and 1980s will remember this period with great nostalgia, but perhaps it was not good for teachers, students and parents in all schools.

The second way followed the economic philosophy of the Reagan and Thatcher years. Two trends developed – the first was the need for education to justify the spending of every government dollar through improved performance data. The second was the rise of the education consumer, the student and parents, who were to be offered choice. Rather than diversity this led to standardisation of practice and a loss of professional autonomy for teachers. This is where many Australian schools are in 2018, and I argue that a 'Visible Learning school' is in this phase.

Hargreaves and Shirley trace a third way which seeks a balance between professional autonomy and accountability. They suggest that some Australian schools have entered this phase. They propose a fourth way in which there is

community wide commitment to ambitious improvement targets for schools (working with business). Those improvements arise from evidence (less focus on data), peer to peer sharing across schools and prudent accountability.

The autonomous teacher

Finding a pathway between structure and autonomy begins in the classroom. Every day in every classroom there are hundreds of moments when one student appears to have grasped a concept or idea and looks to the teacher for affirmation, for feedback and for the pathway to consolidate the knowledge, while another student looks up in confusion, helpless, and at a loss as to what is being asked of them. In that situation, is it a single model of teaching or 'wise situated judgement' that is required.

The phrase, 'wise situated judgement' is from Gert Biesta, whose educational philosophy and thinking is spreading across Europe. At the core of his argument is that education is not like a machine. Inputs and outcomes cannot be weighed and measured easily. Education is a relationship business that involves risk, complexity and weakness. Biesta argues for "judgement rather than recipes". The importance of judgement is that it implies an openness to the future and not just recognition of what has worked in the past.

What is needed for the future?

All teachers have a responsibility to build agency. We need to develop a range of pedagogies and teaching strategies. We need to build knowledge and skills in assessing and evaluating student progress in the classroom. We need to build a rich understanding of the curriculum. We need to know each of the 25 children in the classroom. This means a commitment to ongoing professional learning, with colleagues, through our union or professional development

networks such as TLN. A teacher's professional responsibility is to be the best teacher that they can be for every student in every class at every moment of every day. We need to be able to respond to those 'moments' that arise in the classroom.

Schools have a responsibility to create the structures and systems that enable teachers to make wise situated judgements. This does not mean imposing a single teaching model in the classroom. A well led school with a clear purpose will create the structures and systems that support teacher growth and development. Teachers will find security in the structures of the school and be more prepared to take the risk to be innovative, try new things and build their agency. It starts a cycle of growth, rather than one of limitation. We do not eliminate teacher inconsistency with standardisation of classroom practice; we promote diversity of expertise by focusing on teacher development.

As teachers we also contribute to structures and systems. As teacher unionists we work with colleagues to bring about changes in school structures and systems that promote teacher agency and autonomy. We work together on class sizes, face

to face teaching time, access to professional development and extra-curricular responsibilities.

Where the school structures and systems are responsive to the local context and teachers take responsibility for building agency, then every teacher is well placed to make an autonomous decision in that critical moment in the classroom when that student looks to them, and they are the only person in the room who can promote that child's learning.

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Mental health issues holding students back

The extent to which mental health disorders are affecting student outcomes is concerning, but it's not just up to teachers to address the issue, Journalist Sara El Sayed writes.

A recent study conducted by the University of Western Australia (UWA) found that students with mental disorders were more likely to have poorer academic outcomes, more absences from school, and were more likely to self harm.

The survey found mental disorders – including anxiety disorders, major depressive disorder, conduct disorder and attention deficit hyperactivity disorder (ADHD) – affected one in seven students, and students with mental disorders scored lower on average than students without mental disorders in every test domain and year level.

Dr David Lawrence of UWA said that if mental disorders persist throughout school, the gap in achievement widens significantly.

"Particularly for children with ADHD, when the mental disorder persists, the gap in performance is quite significant – they are, on average, years behind students without mental disorders.

"Mental disorders are so common – an estimated over half a million Australian children and young people are affected by a mental disorder every year."

Students with a mental disorder in Year 3 were found to be, on average, seven to 11 months behind students with no mental disorder.

By Year 9 the gap widens, making 14 year-olds with mental disorders 1.5 to 2.8 years behind their peers.

School attendance is also affected, with students in Years 1–6 with a mental disorder missing an average 12 days per year compared with eight days per year for students without a mental disorder.

Students in Years 7–12 missed an average 24 days per year if they had a mental disorder, compared with 11 days per year for those without mental disorders.

"What we also found was that about one in 10 students reported having self-harmed at some point in their life, with around one in 12 saying they had self harmed in the previous 12 months.

"However, the students had the option of not answering the questions on self harm and about 5% took this option, which means that the number of young people who have ever self harmed could be higher than indicated in our survey."

These figures, while deeply disturbing, would unfortunately come as no surprise to many working in the education sector.

Teachers aren't mental health professionals

Lawrence said teachers are not trained mental health professionals – and shouldn't be expected to operate as such.

"People don't become teachers in order to diagnose and treat mental health conditions.

"It's not really reasonable to give teachers that role.

"But mental disorders are so common that anyone who works in the teaching profession for a sufficient length of time is going to come across students with mental disorders."

Lawrence said there are capacity issues when it comes to early intervention and specialist psychological services available in schools.

"There is often a significant gap of many years between when symptoms of a mental disorder first appear and when appropriate treatment commences.

"Sometimes we miss the opportunity to intervene early at the time when treatment would be most effective and also at the time when it would be possible to limit the impact that it would have on the child's development.

"If a student develops a mental disorder, for example, two years before they receive any help, in that time they can fall behind in their schooling to a degree that they may not be able to catch up even if they receive treatment for their mental health condition.

"The more we are able to identify mental health problems when they first emerge, the more we have the ability to minimise the impact that they are going to have on academic achievement and, of course, through life.

"From that perspective it's very important to try and get on top of that within the school setting.

"School psychologists play a very important role; however, there just aren't enough school psychologists to be able to deal with the number



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”

of children who have serious mental disorders.”

Ben Goodsell, senior researcher on the project, said the current systems in schools were not always able to meet the demand.

“Regular evaluation and continual improvement of mental health support programs should be implemented and school counsellors should be given more support to expand their services,” Goodsell said.

A space for help at school

Amanda Pashen, IEUA-QNT member and Student Welfare Worker at Grace Lutheran Primary School in Queensland, said mental health struggles are prevalent in school communities, and support services would benefit from increased staff hours and resources.

“Teachers want to support their students, and the more opportunity they have to work with mental health professionals in the school context, the better the outcomes will be.

“In my experience, my teacher colleagues have been more than willing to discuss how they can best support students who are struggling with mental health concerns, and appreciate the need to support students with these struggles in order for them to learn.”

Pashen explained how providing

the space for students to discuss their mental health can make a real difference.

“Many children feel alone and voiceless and respond positively to having the opportunity to be heard.

“A few years ago I met with a boy who started crying halfway through our session as he debriefed the anxiety he had struggled with.

“After our session his mother called me asking what I had done as her son's happy disposition had returned.

“Listening and empathising with a student's plight is the first step in addressing the issue,” Pashen said.

Promising practices

Lawrence said the survey that was run in 2013–14 was the second time an Australia wide adolescent survey on mental health and wellbeing had been conducted since 1998, and it did find that the number of children and the number of families seeking help had increased significantly in that time.

That more and more children and families are actively seeking assistance is positive, and shows there is space for more services to address the issue.

School staff, students and families can access helpful resources to address mental health needs at school at www.youngmindsmatter.org.au



Saeid Khayam (right) with barrister Mark Gibian

Brave teacher sets new legal precedent

Teachers and other employees on fixed term contracts, now have the right to apply for an unfair dismissal determination from the industrial umpire, thanks to the actions of one brave English college teacher, supported by his Union.

Saeid Khayam was employed as an English language teacher by Navitas English on a contract basis. In 2015–16, during a dispute between the IEUA NSW/ACT Branch and Navitas, Khayam actively promoted the union cause with colleagues.

When his contract expired in June 2016 it was not renewed, despite Khayam having worked at Navitas for 12 years. In previous years his contract had been renewed annually without question.

Khayam was convinced he was not offered further employment due to his union activities and asked the IEUA NSW/ACT to support him in an unfair dismissal case at the Fair Work Commission (FWC).

On behalf of Khayam, the Union made an unfair dismissal application with the FWC. An essential requirement for running an unfair dismissal is that the termination has to be at the initiative of the employer.

No right

In May 2017 the matter was heard before a FWC Commissioner, who found that there was no right to argue

for unfair dismissal. The Commissioner's decision was based on a decision of the commission's predecessor from 2006 in a case referred to as *Department of Justice v Lunn (Lunn)*.

In *Lunn*, it was decided that if an outer limits contract employee is terminated on the last day of the period specified in the contract, then the termination is not at the initiative of the employer and the employee cannot seek a remedy for unfair dismissal.

Appeal

Khayam, again with the assistance of the Union, appealed the decision to a Full Bench of FWC. The Union argued in lengthy submissions that *Lunn* no longer should be applied for a number of reasons involving complex arguments including that the law had changed with the introduction of the *Fair Work Act* in 2009.

On behalf of Khayam, the Union argued that Navitas made a deliberate and considered decision to end the employment, while the employer continued to maintain that



Saeid Khayam (right) with Senior Industrial Officer Michael Wright, after speaking at IEUA NSW/ACT Council in March 2018

“ I would like my case to be known by all, in the hope that it will encourage more people into collective action via the union, to safeguard, maintain and uphold their rights and the rights of all employees, current and in the future. ”

Khayam's employment simply ended with the expiration of the contract.

When the Full Bench handed down its decision on 8 December 2017 it increased the rights for employees on outer limits contracts to be able to access the FWC so as to argue that they have been unfairly dismissed.

Indeed, the decision has created a series of new principles that are applied to such workers. The principles established in *Khayam v Navitas English Pty Ltd* [2017] FWC 5162 are now regularly referred to in unfair dismissal cases across Australia.

In what is now known as the 'Khayam decision', the Full Bench of the Commission set a ground breaking new legal precedent for workers on fixed term contracts, when they found in Khayam's favour.

Contract workers now have the right to claim unfair dismissal, and the employer cannot use the end of their contractual term as an excuse for dismissal.

"Saeid has done the heavy lifting for his fellow teachers and Australian workers more broadly," IEUA NSW/ACT Branch Secretary John Quessy said.

"His brave actions, with the support of the union movement, have shown it is possible to Change the Rules and achieve better outcomes for workers," Quessy said.

Khayam agreed: "I am so glad a legal precedent which may help others is the end result. There's so much movement away from people's rights

and the union movement nowadays.

"More people are being put on contracts, so this kind of law is needed.

"I'm grateful to the IEU for sticking with this case and supporting me all the way."

Khayam admits the 18 month legal proceedings took a toll on him and his family, but said it was worth it.

"I'm a firm believer in standing up for what is right, and if you are prepared to fight long and hard for it, eventually you will win.

"I would like all Australians – and other nationalities – to know the outcome of this case, employers and employees alike: employers, lest they forget that we have rights; and employees, lest we forget that unless we are prepared to fight for our rights, we will get steamrolled.

"I would also like this to be an example to others. This time, I was fortunate enough to be in a position to fight for the collective, and I will do so again if required.

"However, chances are that I will not be in such a position again. I would like my case to be known by all, in the hope that it will encourage more people into collective action via the Union, to safeguard, maintain and uphold their rights and the rights of all employees, current and in the future."

Khayam has been caring for his two young daughters and trying to find a job that fits in with that commitment since the case finalised.

Dedicated staff in dedicated roles



Having staff able to provide expert and authentic support to Aboriginal and Torres Strait Islander students is a key to addressing their needs, as Journalist Sara El Sayed writes.

Schools that create the space for dedicated positions are able to genuinely connect with and support their Aboriginal and Torres Strait Islander students.

IEUA-QNT member Sammy Leone (pictured) highlighted the ways in which these roles can have a real impact on school communities.

In his role as Aboriginal and Torres Strait Islander Coordinator at Ambrose Treacy College in Brisbane, Leone offers culturally appropriate support and advice to students, families and those in the College community.

He fosters community engagement and consultation – and supports the school through working with students individually, and through program development, strategic planning and community networking.

Leone has 11 years' experience working within the community sector in roles such as youth work, family support, case management, counselling, sport and recreation, program coordination and mental health.

"In all of these roles I have facilitated workshops and programs to support youth and families within the Aboriginal and Torres Strait Islander and wider community."

Leone's experience in the community sector has shaped the way he approaches his work in the education sector – with a focus on youth and community welfare.

"In my role I enjoy working with our future leaders to guide and mentor them into their secondary phase of life with the intent to see them achieve and be the best that they can be."

"The skills and learning that I gain from my elders and working in the Aboriginal and Torres Strait Islander community are what guide me in my current practice."

Addressing needs on a school level

Creating change at a local level, Leone is currently working with his colleagues to establish a Reconciliation Action Plan (RAP) at the College.

"I am excited that this initiative can provide a coordinated plan to further complement the College's stance on creating an inclusive environment for all, with a focus on its First Nations people.

"The seeds that are planted during this process will see future generations reaping the rewards," Leone said.

To advise the school on student affairs, Leone established an Aboriginal and Torres Strait Islander Advisory Committee.

Leone also works closely with the College's Counselling and Support Services team, Heads of House, Heads of Year, and various other departments and teaching staff throughout the College.

"Externally, I seek advice from family members and the Murri Ministry, and liaise with Catholic Education, Edmund Rice Education Australia (EREA) schools, colleagues and people from within the community that work in similar roles."

By engaging such a wide variety of stakeholders in conversation around student welfare, Leone is able to work towards developing practical strategies to support students at the College.

Equipping employees

With schools increasingly realising the need to create dedicated positions for Aboriginal and Torres Strait Islander student support, an informed understanding of what staff members will need to carry out these duties is integral.

Some employees in newly established roles can find themselves reliant on personal connections and pre-established networks, and lack opportunities from their employer to extend their services or build on these networks.

There may also be a lack of resources available to these employees in terms of equipment, as well as time to collaborate with colleagues.

IEUA-QNT Research Officer Adele Schmidt said members who feel they are not being appropriately supported by their employer should contact our Union for advice.

"Especially prevalent in the case of newly established roles, employers



may take a trial and error approach to see what in fact is needed by the employee in the specific role.

"But our Union can help empower employees to recognise these needs, and to let their employer know that in order for them to do the job they were hired to do, they need resources," Schmidt said.

Community culture fosters support

Leone said there is more work to be done in the wider context of education to ensure student needs are met.

"The way to achieve student success is to increase avenues for parental and community participation.

"The more parents are able to engage with workers in positions of Aboriginal and Torres Strait Islander leadership, the more we will be able to support their children.

"Ensuring avenues exist for members of the Aboriginal and Torres Strait Islander community to play a part in school communities is a work in progress.

"It will take more work to build on the existing processes that are currently in place – but I am hopeful for the future and can't wait to see how the Aboriginal and Torres Strait Islander space in education develops over the years."

Leone said he feels it is important for him to make a conscious effort to seek advice from others, as being the only Aboriginal or Torres Strait Islander employee in the workplace can feel isolating.

"I hope the future holds more opportunities and greater access for Aboriginal and Torres Strait Islander people to engage in school communities via employment, and in the education profession more broadly.

"Without the insight of Aboriginal and Torres Strait Islander people, approaches to supporting Aboriginal and Torres Strait Islander students will be ineffective."

As a new member of the Union, Leone said he is encouraged to see the existing support for Aboriginal and Torres Strait Islander issues within the union movement.

"Knowing that there is ongoing support and representation of the Aboriginal and Torres Strait Islander workforce within the IEUA encourages me and allows for me to feel culturally safe," Leone said.

Connecting with colleagues

IEUA-QNT's Yarning Up sessions provide Aboriginal and Torres Strait Islander members with the opportunity to build connections across the wider education community.

Teachers, school officers and support staff are welcome to attend the events.

To learn more about Yarning Up, get meeting dates or to register your interest in joining, email enquiries@qieu.asn.au or call 1800 177 938.

A portrait of Munjed Al Muderis, a man with dark hair and glasses, wearing a blue V-neck shirt. He is smiling and looking towards the camera. The background is dark and out of focus, showing some blurred lights and what appears to be a control room or laboratory setting.

Education saved my life

In 1999 young Iraqi doctor Munjed Al Muderis was faced with an awful dilemma. A decree issued by Saddam Hussein ordered him to remove the ears of army deserters. His choices were to carry out the order and live with the guilt, disobey the order and be killed, or run away. He decided to run away, and with no clear plan and the help of people smugglers, he ended up on a boat heading to Australia, Journalist Sue Osborne writes.

Al Muderis was lucky in that he came from a wealthy background, had been to the best school in Baghdad and had a good command of English.

"Education saved my life. It helped me during that journey having the language and I was able to assist others making contact with the people smugglers."

When he arrived in Australia he was put into Curtin Detention Centre.

"It was the first time I'd encountered other Iraqis who were uneducated," he said. "I'd been in a bubble until then."

Al Muderis took it upon himself to help other refugees, teach them some English and negotiate for better rights with the guards.

He got earmarked as an 'agitator' and was put into solitary confinement.

This ordeal ended when bad publicity surrounding escapes from Curtin, and the advent of the Sydney Olympics, prompted the government to start processing detainees.

Genuine refugee

Al Muderis was found to be a genuine refugee and granted a

temporary protection visa. But because he wanted to fulfil his lifelong dream of being an orthopaedic surgeon, he had to leave Australia again and apply for permanent residency from Malaysia.

"I was told I was dreaming when I said I wanted to be an orthopaedic surgeon. I was told that was for the North Shore boys only. I still get asked what school I went to and always reply 'Baghdad Jesuits'."

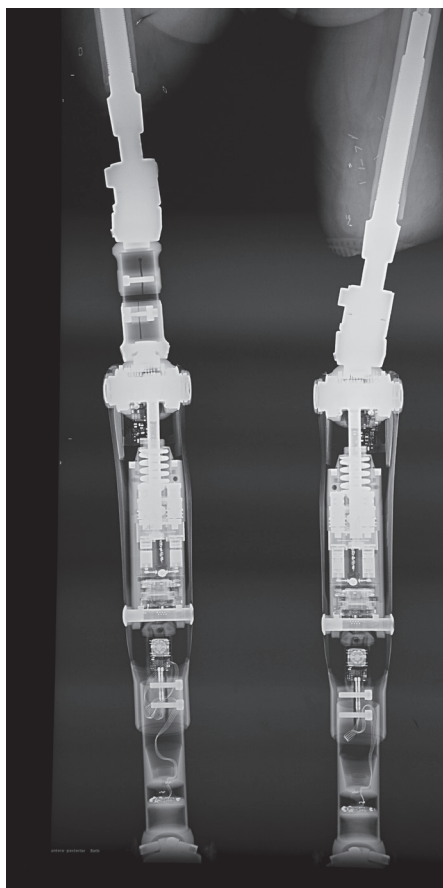
Al Muderis feels that his life story has valuable lessons worth sharing, and because he is a great believer in the power of education, he is a regular public speaker.

He was recently a keynote speaker for a group of students and teachers at the Edmund Rice Centre for Justice through the Arts event, sponsored by IEUA NSW/ACT Branch.

"It's unfortunate what Australia does to deter people from coming to Australia, despite being signatories to the UN Convention on the rights of refugees.

"You're supposed to take people who need help, not choose who

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Education is the
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we have at our
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children.”



comes. The Australian policy is stupid and a waste of time and money
“\$13.5 billion has been spent on off shore detention and border sovereignty since 2013. That could have been used to get every refugee a degree.”

Al Muderis has a powerful urge to spread his word, because he sees similarities in the current populist movements gaining a foothold in many countries, to 1930s Germany.

People forget

“Every 70 years people forget. We need people to be very strong in preventing it happening again. Hitler didn't get in from a coup, he was an elected representative.

“Australia is strong due to its multicultural background and we need to nourish that rather than categorise people.

“Education is the strongest weapon we have at our disposal. If you educate people you do not get rednecks. You do not get fanatics and extremists. You do not get people carrying machine guns and shooting children.”

Despite everything he went through upon first arriving in Australia, Al Muderis is now one of the world's top surgeons and is grateful to Australia and holds no grudges.

“I can put my five children to bed knowing they will wake up safe thanks to Australia, and I didn't have that in Iraq.

“A father gives nothing better than good education.”



He sees nothing strange about volunteering for the RAAF as a surgeon and has helped provide new limbs for injured servicemen in Iraq, the UK, Holland, Germany, USA and Australia.

“Predominantly I see motor vehicle accident victims. Veterans are the next biggest group.”

He has pioneered the technique of osseointegration, where a prosthetic limb is implanted into the patient's bone, rather than them using a separate prosthetic limb.

“Disability is a major loss for the person, the family and the community. If I can give these people back a positive life and make them not a burden, I feel good.”

His work led Prince Harry, who is the founder of the Invictus Games for disabled veterans, to visit him at Macquarie University Hospital in 2015.

“Spreading words that help people be elevated above ignorance, getting rid of hatred and being reasonable, that is my quest.

“I'm not religious, but there is one saying of Mohammed I follow: ‘Make every teacher a prophet’.

“I believe there is a problem with the amount of respect paid to teachers in Australia. In Iraq a teacher is highly respected. Everything goes by money here, but it is not just.

“Teachers should always be held in the highest regard by all of society.”

Learning teams – the important role of support staff



The recently released report of the Review to Achieve Educational Excellence in Australian Schools, entitled *Through Growth to Achievement*, calls for a number of radical changes in the provision of education to “enable all Australian school children to reach their full learning potential”. Cathy Hickey, Assistant Secretary of IEUA VicTas, examines the report for insight into innovative learning teams and an enhanced role for learning support staff – but finds it disappointingly lacking.

This report is the result of David Gonski's second major review into Australian education and states that Australian education has stagnated and declined compared to other nations. It stresses that Australia needs to shift from the current, 'industrialised model' of schooling to a model focused on individual student growth and achievement to regain its standing among the world's leading education nations. It purports that most Australian school education is based on a 20th century model that aims to provide a standard, mass education which does not support the widespread implementation of contemporary teaching methods, such as tailored teaching.

IEUA is pleased that the report acknowledges that the shift required for teachers to focus on the goal of achievement through individual student learning growth, is complex and sophisticated and requires significant support, different types of expertise and greater collaboration compared with traditional education models.

Investing in education

While the report states that we need to invest our resources in the interventions that will enable students to achieve concrete gains, it disappointingly still places considerable emphasis on the responsibilities and role of individual teachers to equip every student to

grow and succeed in a changing world, and it gives far less attention to the other support structures necessary.

Effective intervention

A key theme of the Gonski report is the dramatic decline in Australian student results over the last decade. It maintains that our current model of school education is focused on each student achieving a minimum standard of learning outcomes based on year and age levels and is poorly equipped to respond to different initial levels of student achievement. It states that this can lead to less advanced students falling further behind others, with the progress they make being largely unrecognised, and more advanced students not being stretched to reach their full potential, and at risk of becoming complacent if the good progress for which they are praised is actually well below their real learning capacity.

The report acknowledges that one key driver of this decline is the variation in early childhood learning that results in different starting points of children entering school. It highlights the fact that students start school with significant variations in their knowledge, skills and capabilities and goes on to elaborate that unless these learning gaps are addressed early, they increase over the course of a student's schooling. The gap between students from an advantaged background and those



from a disadvantaged background grow from 10 months in Year 3 to around two and a half years by Year 9. (Goss P, Sonnemann J, Chisholm L 2016). The report calls for significant emphasis on high quality early learning, including calling for prioritising the acquisition of foundation skills in literacy and numeracy in the early years.

How is this to be achieved? The report stresses that a high quality teaching profession is essential – IEUA would strongly agree. But this is not an agenda for teachers alone to achieve. It is beholden on governments and systems to improve the overall 'pre-conditions' for success, including the adequate staffing of schools to enable the maximisation of those high level professional teaching skills involved in diagnostic assessment and individualised learning programming and delivery.

Teachers in Australia are still ranked among the world's highest in hours of scheduled class contact time (with primary school teachers even higher than secondary teachers). They have little scheduled time for diagnostic analysis and collaborative team approaches, including planning of more individualised intervention. This feature – coupled with a continued resourcing model based on the much criticised 'industrial' model of one teacher in front of class groups of 27 to 30 students of widely differing capability levels – creates significant challenges. Australian

education systems and schools still invest little in the development and utilisation of skilled learning support staff (LSOs) who can work collaboratively with teachers to deliver more individualised learning programs.

Building and using skilled support staff

Unfortunately, the Gonski report makes scant comment on LSOs. Its limited focus is on "different and innovative ways to free up teacher time, for example using more paid para professionals and other non teaching personnel, including trained volunteers, to assist with non teaching tasks such as lunch time or assembly supervision or administrative tasks". (p57)

There is no doubt that teachers need to be freed from these non teaching tasks. However, the report's interest in such solutions as encouraging "volunteers from the parent body" (p58) is short sighted, and its omission of any discussion of current or possible roles and responsibilities of LSOs, shows a lack of understanding of the complexity of effective and systematic individualised student learning intervention strategies and the level of resourcing required to deliver these.

Positively, what we do see in schools is that the education support staff classification structures being negotiated between employers and unions are now better at identifying and remunerating classroom learning support staff work with students and teachers.

The current Victorian Catholic Education Multi-Employer Agreement has three levels of classification for LSOs.

Level 2, for example, is aimed at roles such as:

- assisting student learning, where discretion and judgement is required (including more individualised approaches and intervention strategies, and assisting in the identification of learning needs and evaluation of progress under the general supervision and direction of the teacher)
- participation in monitoring and reporting of student learning and programs, and
- under the general supervision and direction of teaching staff, undertake specialist assistance to students in specific learning areas, eg languages, technology, the arts.

Level 3 acknowledges LSOs undertaking specialist intervention strategies requiring advanced training and expertise.

The number of LSOs employed are growing in Catholic and independent schools. The qualification levels of LSOs are increasing, with large numbers now holding Certificate III and IV in Education, as well as degrees, and many are undertaking specialist professional development in areas such as autism, dyslexia, hearing impairment, positive behaviour support, and literacy and numeracy strategies.

Despite these developments, there is still a way to go. Some school employer approaches are unfortunately still marred by efforts to keep wage costs low by relegating support staff to the lowest levels of classification, and this is resulting in an under utilisation of the skills of learning support staff, and increased stress on teachers who bare the brunt of the 'continuous improvement cycle' – just do more! There is a need for opportunities, particularly time for innovative teams of teachers and LSOs to work together in more individualised student intervention programs.

However, the landscape is changing and that is a great thing for enhanced student learning.

Reference

Through Growth to Achievement: Report of the Review to Achieve Educational Excellence in Australian Schools March 2018



Veg-in. A Copernican shift in our dreams. Making ornaments from human parts. A small island counselling session. Just get out there in the bush. These have been some of the topics of talks, performances and artworks in Speaking 4 the Planet competitions, Environment Consultant Phil Smith writes.

Speaking 4 the Planet is an arts based competition for high school students. It helps strengthen skills in advocating for healthy communities and a healthy planet. The focus of the annual competition is UNEP's World Environment Day (WED) theme.

Commencing in 2013 as a public speaking and drama event, Speaking 4 the Planet has spread to half a dozen local government areas in NSW and expanded to include art and video making. A primary school version has commenced. It's called Kids 4 the Planet.

Arts change the world. Much sustainability education is science or geography focused. Information. Research. Data. Yes, important stuff. But the arts are the drivers for action. Words and performances and artworks weave the realities of the present with the possibilities of a better world in the future. They capture extant cultures and imagine new ones. A sustainable planet won't be achieved with information alone. Deliberate, focused human actions – at home and in businesses, communities and governments – are required.

Speaking 4 the Planet makes an arts-based contribution to bringing about a more sustainable world.

Since the start, non government schools have been well represented as participants and winners. Last year, the WED theme was Connecting People with Nature. Students from St Philomena's School, Moree, won the prepared and impromptu speaking sections at the Armidale competition. Their moving talks were about the importance of getting into nature and of protecting it for the future. In another competition, a student

from St Patrick's College, Sutherland, won with a speech about banning plastic bags.

Chips, no fish

The student said: "Okay, so we have to acknowledge the white and green biodegradable plastic bags. Research can confirm that these little tricksters are even worse for the planet than the plain old grey supermarket bags, as these bags disintegrate into smaller pieces, becoming micro plastic, causing marine plastic pollution. By 2050 we will have more plastic in our coastal waters than fish. Fish and chips, then fish with plastic and chips and then just plastic and chips. Yum!"

So forceful was the speech, it is being used right around NSW in the resource packages prepared to support the 2018 theme on plastics pollution. In south west Sydney, Armidale, Sutherland, the Hills and Orange, high school students will be speaking, painting and performing on the idea of beating plastic pollution.

Speaking 4 the Planet and Kids 4 the Planet help students connect local and global problems and solutions; the events also invite students to connect their own behaviours to these problems and solutions.

"Speaking 4 the Planet gives students an opportunity to think about their role in the future of the environment while helping them develop lifelong skills such as public speaking," Chris Smyth, Director of Schools Diocese of Armidale said.

If you are interested in finding out more and maybe even supporting an event at your school or in your area, contact Phil Smith 0412 338 687 info@speaking4theplanet.org.au or www.speaking4theplanet.org.au.



Gonski report: Now show us the money



The recently released report, *Through Growth to Achievement: Report of the Review to Achieve Educational Excellence in Australian Schools*, reflects the aspirations of every member of the IEUA to ensure the development of well rounded, academically capable, resilient and society ready students, IEUA Federal Secretary Chris Watt writes.

“
IEUA members recognise the vital importance of the early years of learning and know that governments have failed to adequately resource early years learning and failed to adequately remunerate teachers in that area.
”

Yet, the fulfilment of the report's recommendations can only be founded on the adequate resourcing of the education sector combined with genuine and real collaboration of governments and employers with the teachers, school support staff and their unions.

The voice of the profession must guide every step of any reform to ensure every Australian student is provided the quality education they deserve.

IEUA members are committed to achieving academic excellence in their schools and always have been.

Moreover, their professional capacity has delivered well rounded, academically capable, resilient and society ready students for generations.

The recommendations of the Gonski: *Through Growth to Achievement* report reflect not only the aspirations of every IEUA member for their students but the very workplace support mechanisms that they have argued and campaigned for over many years.

IEUA members recognise the vital importance of the early years of learning and know that governments have failed to adequately resource early years learning and failed to adequately remunerate teachers in that area.

Resources needed

IEUA members advocate and practise differentiated learning opportunities in their classrooms. They recognise the extraordinarily wide range of abilities of their students, but reject as fanciful suggestions that individualised learning programs are achievable or sustainable, given major workload implications and the likely reality that the resources to support such an approach would not be forthcoming from governments or employers.

IEUA members recognise the critical need to support and value the profession – and in particular the need to support beginning teachers

and their mentors to ensure that the profession continues to grow and develop – and yet employers have failed to recognise and provide the adequate resources evident in many exemplar countries.

IEUA members support the continued development of teacher and principal skills and the recognition of these professionals through attractive salaries and quality professional learning opportunities. Meanwhile employers and governments have repeatedly failed to provide the resources to move beyond the 'industrial model' that limits resources available to schools.

Positive tools

IEUA members welcome any commitment to provide tools that will assist and enhance professional judgement in the classroom while rejecting the current 'big data' agenda of national and international testing which provide little assistance to student learning needs. They also condemn the incorrect media reported statements of 'failed' generations of students.

IEUA would welcome a genuinely independent research institute that would assist teachers in how to actually utilise current research learnings, that would respect and acknowledge context and that would provide a buffer to continued interference in the expert professional capacity of its members in the 'political discourse'.

Making growth recommendations a reality requires commitment from governments.

The IEUA calls on state, territory and federal education ministers to commit to genuine collaboration with the teaching profession, support staff and their unions to deliver real and increased resources and capacity to schools to realise the very growth recommendations that have been part of the IEUA agenda for decades and have now been acknowledged and affirmed by the Gonski review.



Early career teachers

– their challenges and opportunities

Graduating teachers in NSW face grim statistics, IEUA NSW/ACT Branch Professional Officer Amy Cotton writes.

Approximately 50,000 teachers are seeking permanent jobs, of which there are less than 1000 a year. Other states and territories' teachers face similarly depressing odds.

Increasingly teachers are employed casually or in temporary positions. Their first day may be after the beginning of year induction program, or they may never be offered access to induction or supervision.

Induction means many things, but broadly there are three components – induction to working for our young teachers, induction to teaching, and induction to the workplace. If these components aren't evenly addressed by an employer, the new employee is simply being set adrift in a school, with no regard for their professional needs, their personal welfare or the education of the students they teach.

Insecure employment is a nerve wracking experience for an early career teacher. In addition to the long term effects this may have on their ability to apply for loans, mortgages or create a solid superannuation base, it isolates them from the teaching community that they need to access when first starting out.

All teachers should have mentors, even casual teachers, but most employers won't invest in them. This is despite casual teachers being desperately needed to keep a school functioning, and arguably they should be the most skilled, most flexible teachers on campus.

The opportunities

Often early career teachers are left to figure out accreditation or registration by themselves. This induction to teaching process was designed to assist early career teachers, not confuse, isolate and badger them. Sadly, the experience of most trying to reach full registration or Proficient level is more of a battle than a reflection on practice.

Early career teachers may not be aware of

the extensive networks available to them. In fairness, if they don't have mentors, how would they know they exist?

Sometimes early career teachers think they don't have anything to contribute to a network, but the opposite is the reality. Any network, association or union will openly admit that they crave new voices, particularly from those just embarking on their career journey. Often these groups are involved in shaping the future of education, and it's important that action is done with a balance of experienced professionals and the early career teachers it will affect in the future.

The Union is the biggest network available to them, but most early career teachers appear to have not heard of the Union, don't understand what a union is, or can't articulate why joining a union would assist them. If you're reading this and know an early career teacher, talk to them about your Union, what the benefits are of joining and how the Union needs their voice.

Additionally, the professional teaching associations are fantastic 'second faculties'. That is, an isolated teacher can join the association and volunteer on a committee and receive informal mentoring from experienced teachers. It's top notch professional development as well as a career building experience.

Online social media networks are also great. They can expose the participant to theories and practises outside of the realm of experience and challenge them to innovate. However, it's important to find positive, uplifting social media groups. Groups that focus on negatives, spread gossip or give poor career or registration advice, can be quite damaging to an individual's confidence and wellbeing. It's important to choose to stay or leave social media groups based on what positive and uplifting advice or support you're receiving.

THE GAP ISN'T CLOSING

Australia failing Aboriginal and Torres Strait Islander people

Ten years ago, Kevin Rudd gave the National Apology to the Stolen Generations – Aboriginal and Torres Strait Islander people forcibly removed from their families through the racist policies of successive Australian governments, all the way up into the late 1960s, Journalist Alex Menyhart writes.

Soon after, the Rudd Government implemented the Close the Gap Strategy, ostensibly to demonstrate that the Apology wasn't just lip-service, but was a pledge to improve the lives and opportunities of Aboriginal and Torres Strait Islander people.

A 25 year strategy, the government set seven targets in regard to child mortality, early childhood education, school attendance, reading and numeracy, Year 12 or equivalent attainment, employment and life expectancy.

In 2018, only three of the seven criteria are considered 'on track', by the government's own modest targets. The Australian Human Rights Commission states that the Strategy was "effectively abandoned after five years" and that in some areas "the mortality and life expectancy gaps are actually widening".

But beyond the damning statistics, what is the experience of the workers on the ground? What has changed in the last 10 years? Karen Andriske has been an Aboriginal Education Worker at St Johns College, Dubbo since 1997 and said "students are still challenged with issues that are affecting their overall performances within the education field". These issues relate closely to the targets introduced by the government.

Working in collaboration with Catholic schools, she believes there have been improved levels of school attendance and a greater emphasis on local Aboriginal and Torres Strait Islander culture that has been implemented into the curriculum. This has fostered respect, connection, belonging and the strengthening of partnerships in a system that can alienate Aboriginal and Torres Strait Islander communities.

Aboriginal School and Community Officer Mary Atkinson, who has worked in the Diocese of Wagga Wagga for 18 years, echoes this sentiment: "aspects of Australian Aboriginal history need to be a component in the school curriculum at a localised level." She said incorporating elements of Aboriginal and Torres Strait Islander culture into the curriculum "is a benefit for all students."

But despite all the improvements, Andriske is concerned that "the gap still isn't closing". There is still a lack of understanding as to why these targets are not being achieved as quickly as expected and no one is being held accountable. Atkinson concurs, saying that governments have failed to "consult with the people" on the issues which most affect them.

Rod Little, from the National Congress of Australia's First Peoples, has reiterated both these statements in a recent interview. He said people working directly in Aboriginal and Torres Strait Islander sectors know what is required and that politicians in state and federal governments are largely unqualified as they are not practitioners and not beneficiaries of the service.

Aboriginal School and Community officers are facing problems of their own. This year government policy has changed to ensure that only Aboriginal and Torres Strait Islander people are employed in identified positions.

However, Andriske said despite the increasingly prominent role of Aboriginal education workers in schools, many potential candidates don't apply for advertised positions because of the gratuitous requirements and stipulations on application forms, which not only prevent them from applying, but damage their confidence, self worth and cultural identity. Andriske also emphasised that "we don't need to be scientists or have a degree in science to teach students about our culture or the basics of learning. We do that by being cultural people who listen and respond unconditionally."

“
Aspects of
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It's time to get serious about **TEACHER WORKLOAD**

“

If we understand, value and wish to sustain the extraordinary skill set of the highly proficient teacher, we must reduce non classroom work. Leaders and teachers, it's time to work together to do it now.

”

The classroom is the first place for student learning and assessment, and teacher professional learning, Rod Whelan, Principal, Kildare Catholic College Wagga Wagga writes.

Increasing teacher workloads (combined at times with a reluctance to jettison redundant non classroom work) prevents teachers and leaders from giving full attention to the growing skill and function demands of the contemporary classroom.

The premises argued here are simple. First, if we value the extraordinary classroom skill set of the highly proficient teacher and the professional growth demands on the becoming highly proficient teacher, we must place non classroom work second and reduce it to a rational minimum. Second, this won't happen unless school leaders and teachers plan for it to happen, site by site.

Jumping ahead to provide a view of what this might look like, here are some practical steps and positions taken in a regional co-educational high school to allow teachers to focus on the right

work of improving teacher and student classroom practice (apologies for the secondary school emphasis, though key ideas are transferable to the primary school):

Eliminate homework

Eliminate subject based homework in the junior school. Do a deal with students and parents and introduce 30 minutes of reading and numeracy homework for Year 7 and 8. Most homework doesn't advance student learning: stop setting ineffective homework and watch teachers, students and students' family life benefit.

Reduce assessments

Eliminate take home summative assessment in the junior school. Radically reduce the marking load for teachers, and the grief and inequity visited on many of our students (and

their parents). Reduce classroom summative assessment in Years 7 to 10 as far as teachers will allow. Some subject areas will eliminate it completely, others will resist, but at the very least a significant reduction is possible.

Assessment skills

Explicitly teach peer and self assessment skills. Relying on teacher centric models where the teacher is sole arbiter of the quality of student work robs students of the essential learning tools of recognising features of quality work, assessing their own work in the light of this proficient work and planning to close the gap between their own work and highly proficient work.

Trust teachers

Trust teacher professional judgement on where students are with their learning, particularly when they develop this judgement in co-labouring teams. Never collect data to defend a position or grade – collect it to assist students plan next steps in learning.

Data team

Develop a Data and Intervention Team to collect, process and publish student learning and wellbeing data to assist in the making of high impact instructional and intervention decisions and to build the data and assessment literacy of staff. Centralise this work.

Don't work weekends

Don't do schoolwork on the weekend or during the holidays, except for the inevitable crunch times. Talk to leaders about reducing these crunch times. An expert teacher, who school-day after school-day delivers in the classroom through the building of high impact learning pathways for individual students and groups of students, has done his or her main work.

Less planning

As teacher proficiency grows, reduce time spent planning lessons. Some teachers are reluctant to let go of their investment in an over planned lesson or series of lessons, despite direct evidence from students that it has missed the mark.

Focus on classrooms

Make the classroom the main site of teacher professional learning. Improve teacher practice and student learning by focusing on teacher function (see below). Identify exemplar practitioners and high impact strategies and take teachers to go and see. Use a learning walk or similar model and stop sending people away for professional learning. The best possible professional learning

is usually just a short walk away and most schools ignore it.

Reduce compliance

Reduce compliance and registration tasks to the bare minimum. Many teachers do far more than the relevant registration and accreditation body recommends.

Team work

Work in teams always. A teacher's first responsibility is to be an informed and generous coworker and collaborator. One way to gain a deeper appreciation of the primacy of classroom work is to think in terms of teacher function, and to name those functions. An expert teacher jumps between functions based on feedback from individual students, and groups of students, about what they need to do to plan and make their next step in learning. If teachers can do this successfully they have done their main work and students will have the maximum chance of achieving their justified entitlement of a year's worth of learning in the calendar year. If teachers are developing proficiency, professional learning and coaching that focuses on mastering these functions, it will fast track them and save them from distracting and unnecessary work.

These functions include:

- **Those serving student 'where am I going?' questions:** communicating a learning intention. Justifying a worthwhile lesson. Assisting in accessing previous learning. Constructing and communicating success criteria.
- **Those serving student 'what am I learning now?' questions:** Direct instruction. Modelling and explaining. Generating effective questions (connecting students to learning intention and content, addressing a key understanding or skill, academically stretching). Leading guided practice. Initiating performance of understanding. Facilitating and sustaining student to student talk. Facilitating student self assessment and peer assessment. Modelling collaborative strategies and dispositions. Providing feedback (task, process, compared to criteria, compared to others, compared to past performance).
- **Those serving student 'where to next?' questions:** Planning of opportunities for timely student use of feedback (while the student is still working towards the learning target). Setting up the 'golden second chance'. Consideration of teacher feedback, student self-

assessment and peer assessment. Facilitate student explanation of their feedback and what they will do about it. Assisting in planning next steps in learning.

The inestimable contribution of Ken Leithwood to the notion of teachers doing the right work and leaders leading the right work should impact thinking and practice in Australian schools in these overly busy times. Key Leithwood ideas include the leadership imperatives to:

- increase academically engaged time for students
- reduce distractions to teaching and learning priorities
- reduce the time spent on things not directly linked to improving student learning and wellbeing, and
- ensure students not learning or not progressing have disproportionate access to quality teachers and proven interventions.

Most schools would be well served by an audit to check if these premises, or similar, are driving the school improvement agenda. An optimistic orientation is certainly well advised here. This optimism springs from a belief in the individual and collective efficacy of teachers to change the lives of students through their work in classrooms and in teams. If teachers continue to report increases in hours worked and an increase in administration and data work, this collective efficacy will be compromised. It's time to listen to the experts and take a leap.

References and resources

Dylan Wiliam on reducing teacher workload: <https://www.youtube.com/watch?v=tPmCGwM3gt>

Hattie, J. (2016) *Shifting away from distractions to improve Australia's schools: Time for a Reboot*

Malloy J & Leithwood K 2017 *Effects of distributed leadership on school academic press and student achievement* in Leithwood K, Jingping S, & Pollock K (eds)

How school leaders contribute to student success. Springer IP

Moss C & Brookhart S 2015 *Formative Classroom Walkthroughs: How principals and teachers collaborate to raise student achievement*. ASCD

Sharratt I & Planche, P 2016 *Leading collaborative learning: Empowering excellence*.

Corwin <https://www.kildarecatholiccollege.com> for a stripped down overview of key ideas



Employer obligations when investigating complaints against staff

Investigations and suspension of employment – what are an employers' obligations and duties in conducting workplace investigations and directing an employee not to attend for work, IEUA VicTas Branch Industrial Officer Kristen Wischer asks. Two recent decisions give guidance as to what should be considered by employers and what employees can expect.

Teachers are subject to increasing scrutiny of their conduct, particularly as a result of ever expanding regulation of the profession. There have been two recent cases that discuss in some detail the intersection of the common law, contractual law, implied duties and the application of policy in determining what is reasonable when an employer determines to stand down an employee and commence an investigation into alleged misconduct.

The first case is *Avenia v Railway Transport Health Fund Ltd* [2017] FCA 859 (4 August 2017) and the second is a leave application to the High Court in *Govier v The Uniting Church of Australia Property Trust (Q)* [2018] HCATrans 65 (13 April 2018).

In the case of *Avenia*, a number of employees made informal complaints against Dr Avenia, a dentist who headed a Brisbane dental practice. The complaints were of his unreasonable and bullying behaviour towards staff. The HR manager of the practice had a face to face conversation with Dr Avenia advising that there had been complaints against him and that his employment was suspended effective immediately. This was followed up with a letter, which indicated that an investigation would be carried out and subject to the investigation, termination of

employment was a possible outcome. The letter asked that he attend an interview scheduled two days from the date of the letter.

No formal complaint

Dr Avenia sought legal advice, and a series of letters followed from his lawyers, seeking details of the allegations and more time to respond. The employer wrote back after the first letter, clarifying that no formal complaint had been made and that no formal investigation or disciplinary action had been taken. In addition, the letter set out the allegations the employer wished to discuss and advised that once a preliminary response had been received a further determination as to whether a formal investigation would be commenced would be made. Despite this clarification Dr Avenia, on legal advice, did not attend for the next interview, proposed in 14 days' time, or indeed the next one after that. The employer then wrote a 'show cause' letter, citing his refusal to obey a lawful direction to attend an interview and other contractual matters as potential grounds for termination. Dr Avenia's lawyers filed an application for an injunction to prevent termination of employment and alleging breach of contract. Justice Lee carried out a very extensive examination of

the common law and what may be implied into an employment contract. With respect to suspension of employment he found:

- there is no implied contractual duty for an employer to provide continuous work, rather there is a duty on both parties to co-operate to ensure both parties do all that is reasonably necessary to secure performance of the contract
- suspension of employment is an option available to an employer where it is reasonable in the circumstances – when considering those circumstances – the employer can look at the contract, policies (such as a Code of Conduct), an enterprise agreement, legislative requirements (such as unfair dismissal laws) and the obligation of the employer to provide a safe workplace for all employees
- provided the direction was reasonable, the employer has a right to suspend on full pay temporarily pending an investigation or fact finding
- there is no right under the common law to suspend without pay – the employer must either continue the employment relationship or move to summary dismissal

- that 'suspension of a qualified professional in a function which is as much a vocation as a job is not a neutral act – suspension inevitably casts a shadow over the employee's competence', and
- a decision to suspend must be finite, an indefinite suspension would be a breach of contract.

With respect to attending meetings, the decision confirmed that it is not reasonable to direct an employee to attend a meeting without a proper understanding of the true intention of the meeting. Once that clarity has been provided and reasonable notice has been given, the direction to attend will be reasonable.

In the case of Avenia, the initial request with two days' notice and a lack of clarity as to the allegations and purpose of the meeting was considered unreasonable, and hence Dr Avenia's refusal to attend reasonable. His subsequent refusals however, were considered on the facts unreasonable and hence a valid reason for termination of employment.

Harmful letter

In the High Court matter of Govier, the applicant, a disability worker in Queensland, had been the subject

of physical abuse at work, resulting in hospitalisation and later development of PTSD. While in hospital the employer wrote to her requesting she attend an investigation interview the next day. The employer sent another letter again requesting Govier attend for an interview, and then as a result of her failure to attend, issued a show cause letter advising her employment would be terminated and negative findings against her would be made if no response was received. Ultimately, Govier's employment was not terminated.

Govier alleged that the content and manner of the letters aggravated her psychiatric injury. She alleged the employer owed her a duty of care not to cause psychological harm while investigating the conduct and that the duty arose as part of the employer's obligation to provide a safe system of work. In the first instance and on appeal, the Courts held there was no duty to avoid harm in the course of an investigation and decision making, albeit that it acknowledged the letters had negligently caused harm.

Leave not granted

The High Court tended to agree there was no implied duty, but importantly, did leave open the possibility that

a contract of employment could create such a duty. In this case, in the absence of a contract being in evidence, the leave was not granted.

Recently, IEUA VicTas made an application to the Fair Work Commission on behalf of a member who had been suspended while an investigation was conducted into the allegations against him. At conciliation the Commissioner reminded the employer of its obligations when suspending an employee in line with the above cases. It was advised that notice of suspension should be in writing and state clearly the reason for suspension, the likely implications and duration of the suspension.

The recent cases make it clear that an employer's obligation is to act reasonably when investigating allegations and when suspending an employee. Employers should:

- ensure an employee is properly informed of the process
- ensure the investigation is carried out by trained staff
- give the employee details of allegations and adequate time to respond, and
- be mindful of the risk of psychological harm.

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Hear the latest here

Human Society and its Environment (HSIE) Coordinator at St Leo's Catholic College Wahroonga, Patrick Gallagher, likes to listen to podcasts while he exercises. In this article he recommends some podcasts of interest to teachers of economics, legal studies and other social sciences.

As a teacher of economics and legal studies, I find it crucial to stay up to date with our rapidly changing world.

Podcasts are an easy way to keep up to date with the dynamic nature of the law, the economy and geopolitics while driving, commuting or exercising.

Moreover, the engaging style of many podcasts can be useful in the classroom or as homework listening tasks for students, enabling them to grasp a deeper understanding of concepts and arguments.

The Economists (ABC) hosted by Peter Martin & Dr Gigi Foster

This series explores a range of contemporary economic challenges faced by individuals, societies and policy makers. They explore varied topics from the sustainability of Medicare and the morality of taxation to the economics of love.

Martin often introduces the areas being examined from a more conventional economic understanding, allowing Foster to provide a deeper examination as she introduces research and features of behavioural economics into the discussion. These episodes often demonstrate a practical use of economic tools that are useful in the classroom. <http://www.abc.net.au/radionational/programs/the-economists/>

Hidden Brain (NPR) – a US podcast hosted by Shankar Vedantam

Hidden Brain focuses on human behaviour and “helps curious people understand the world – and themselves”. In many

respects, economics has more in common with social sciences such as psychology and sociology than the hard sciences.

For example in a couple of recent

episodes, *Hidden Brain* looked into the Scarcity Trap. This proposes that when we feel something is missing in our lives, eg money or love, we are more likely to make decisions that only make matters worse. This is because the ‘need’ robs people of insight. The researchers argue it helps to explain why, when we’re in a hole,

we sometimes dig ourselves in even deeper.

Another episode features Economics Nobel Prize winner Daniel Kahneman, who challenges the basic economic theory about people being rational decision makers. He presents a number of his ground breaking experiments that led to a greater use of behavioural economics by policy makers. <https://www.npr.org/series/423302056/hidden-brain>

Other podcasts I find useful in keeping up to date with national or global economic issues, as well as an exploration of economic theory and concepts include: *The Money* (ABC), *Planet Money* (NPR), *More or Less: Behind the Stats* (BBC), *Freakonomics Radio* (WNYC) and *Money Talks* (The Economist).

The Law Report (ABC)

The Law Report is a weekly Radio National program hosted by Erica Vowles that presents stories about law reform, legal education, test cases, miscarriages of justice and legal culture. These episodes often provide useful examples Legal Studies students can use as evidence in their evaluations of the law.

Areas *The Law Report* has covered in recent months include family violence, elder abuse, child abuse, international humanitarian law, prisoners with disabilities and major high court decisions.

I find this podcast useful for students as it publishes the full transcript of each episode on its website.

<http://www.abc.net.au/radionational/programs/lawreport/>

Stay Tuned with Preet (NPR)

This is an American podcast presented by Preet Bharara, a former US Attorney who was dismissed 22 hours after refusing to take a phone call from newly elected US President Donald Trump.

Stay Tuned is a series about fairness and justice where Preet's passionate defence of the rule of law, particularly around the separation of power and the US executive branch, continually shines through. <https://www.wnycstudios.org/shows/preetbharara>

Finally, for US political junkies (like me) there is a plethora of podcasts that cover all things Trump. Some that I listen to regularly include *NPR Politics*, *Nerdcast*, *FiveThirtyEight Politics*, *The Daily*, *The Gist*, *Trumpcast* and *Trump Inc.*





Teachers are often looking for innovative resources, and films are a great way to engage students. Amy Cotton, Professional Officer IEUA NSW/ACT Branch, looks at two interesting releases.

In this Corner of the World – 2016

Kono Sekai no Katasumi ni
Director: Sunao Katabuchi

Teachers looking for a film that uses women's narratives or addresses the cross curriculum priority of Asia have struck gold with this anime feature. In particular, it addresses the key concepts within the Asian priority, showcasing the achievements and contributions of the peoples of Asia and also their diversity, their interaction with the environment and the global implications of their experiences.

Anime is simultaneously one of the most thoughtful film art forms and the most casually used genres. However, when you can locate a high quality animation film such as this, you can rest assured that your students are viewing and analysing an artistic achievement ruminating on the human condition.

The film takes place over the decade preceding and just after the bombing of Hiroshima. Students will need to know about Hiroshima first, as the tension of the film is created in the countdown to impact. Although it is historical fiction, the incidents and images are drawn from the experience of those present during the dropping of the bomb.

What impressed me about this film is that it's a narrative led and defined by female protagonists. The women, both young and old, and the intentions, action and wishes are the impetus that drive the narrative forward. The men, when present, are referenced but not necessarily influential. The characters all live in a world that is crumbling – confronted by the modernity and threat of a global war but still living a traditional lifestyle that defines place, experience and their interactions with the world.

The film is suitable for Stages 4, 5 and 6 depending on the context in which you teach. It depicts some gory war moments, and an abundance of grief, so student resilience is a must before you start.

Further viewing about the Japanese experience of WWII: *Giovanni's Island* (2014, Director: Mizuho Nishikubo) looks at two young Japanese brothers' experience as Russian troops land on Shikotan Island after World War II. *Grave of the Fireflies* (2005, Director: Isao Takahata) is about two siblings struggling to survive after the war. *The Wind Rises* (2013, Director: Hayao Miyazaki) is a biopic about Jiro Horikoshi, designer of the Mitsubishi A5M fighter aircraft.

Mother! – 2017

Director: Darren Aronofsky

This film is not for the faint-hearted. It is brutal, but like reading a challenging novel, this film will nourish your film-viewing soul, even if you don't like it. It is a visual feast.

If it is used in a classroom, it's a senior text only. The film lends itself to topics such as environmentalism, gender roles and creation stories.

Drawing heavily on the thriller genre, the audience is prepped throughout the film for the final horror sequence showdown by fantastically moody camera angles and long edits, a set that was both eerie and nostalgic and ambiguously threatening characters.

Every moment is a sensory overload of beauty, devastation and bewilderment. It's like reading a great poem that forces the brain to exercise itself by accepting, rejecting and justifying meaning – a continual process of refining hypotheses and discarding them as new information comes to light.

Of course, this film isn't for everyone. When I saw it at the cinema, a woman in the audience cried out, "Thank heck that's over!" Whether you liked the film or not, it's a fairly legitimate response to the end of the film. It is an ordeal at the end.

Other films along a similar theme: *Pan's Labyrinth* (2006), *Requiem for a Dream* (2000) and *Life of Pi* (2012)

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