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SPECIAL FEATURE

# Meeting of the minds: Julia Gillard and Sally McManus **P6**

## Uluru Statement from the Heart

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

*This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.* It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. *This is the torment of our powerlessness.*

We seek constitutional reforms to empower our people and take a *rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle.* It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

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**Thinking long-term**

Why we need to reduce excessive demands on early career teachers

10

**AUSWIDE**

News and views from around Australia

**Special feature: Julia Gillard talks with Sally McManus**

A meeting of minds on our challenges and opportunities ahead

**The year the singing stopped**

Performing arts teaching was hit hard by COVID-19 in 2020.

**Reducing excessive demands on early career teachers**

Overloading new teachers can have adverse impacts on the profession overall

**Using student data effectively**

Practical ways to use data to improve teaching and support students

**Setting the stage for lifelong learners**

Self-regulated learning is a valuable tool that can help all students flourish

**Give teachers a stronger voice in assessment**

Two academics unpack complex assessment terminology

**Responding to extreme behaviours**

A step-by-step guide to managing seriously problematic conduct

4

**Educating young people about conflict and violence**

22

Coward punch victim Pat Cronin's legacy is literature aiming to de-escalate conflict

6

**Keeping work outside the classroom safe**

24

Health and safety hazards are everywhere – two members share their expertise

9

**From the ground up**

26

How an environmental project is enhanced by local Indigenous culture

10

**Change behaviours, act for the environment**

28

Environmental education involves more than learning about the environment

12

**Letter to the editor**

29

A member responds about #metoo and cultural challenges in boys schools

14

**What are the capabilities?**

30

How teachers can work effectively with disengaged students

16

**Understanding the unique needs of flexi-schools**

32

A look at this growing sector and the challenges for teachers and support staff

19

**Workplace discrimination**

34

Are you facing discriminatory practices? We explore a couple of real-life cases

# Editorial

**IE continues to bring you professional news from across Australia. Throughout the global turbulence of 2020, teachers, support staff, researchers and academics examined, assessed and explored a range of innovative educational pathways. In this first edition of our magazine for 2021 you can read about their findings on a variety of topics.**

Julia Gillard, Chair of the Global Partnership for Education and Sally McManus, ACTU Secretary, discuss the extraordinary challenges and opportunities we face in education around the world, together with the future role of unions (p6).

Excessive workloads and demands on early career teachers are laid bare in a new Australian study, read how these issues, school resources, student behaviours and support through their union, overwhelmingly affect early career teachers and their professional development (p10).

School data coach and consultant, Dr Selena Fisk writes about the way we can control the narrative of the data story in Australian schools, so it enhances practice and supports schools and students to thrive and flourish (p12).

See David Vinegrad's 10-point plan which he offers teachers and support staff to help respond to extreme behaviours, calmness he says, is contagious (p19).

The Pat Cronin Foundation has taken a message national about the 'Be Wise' educational program - enter the giveaway to receive the foundation's educational books (p22).

Work health and safety issues are on everyone's mind in 2021, read in this edition about key issues (p24).

Branches of the IEU offer environment and sustainability grants to schools and learning centres throughout Australia. In this edition there are reports from members who have made significant inroads utilising outdoor learning programs to educate students about Indigenous cultural programs and our environment (p26).

Academics from Tasmania share their insights into working effectively with disengaged students (p30), while flexi-schools are experiencing a surge of student numbers showing that a greater understanding is needed about unique teaching challenges (p32).

I trust you will benefit from the information on offer in this edition and share it with your colleagues.

**Mark Northam**

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# AUS WIDE

## Queensland

### New salary benchmark for PMSA school officers

A new benchmark salary has been set for school officers thanks to the collective efforts of Queensland Presbyterian and Methodist Schools Association (PMSA) members.

The level 7 school officer classification will pay a benchmark salary of \$99,157 which reflects the increasingly complex role of school officers. The win is one of several in the new collective agreement.

Other key member wins include a 2.5% wage increase per year over the life of the agreement for teachers and school officers, a \$500 one-off payment to most employees as well as a new top classification level for school officers.

In addition to an enhanced middle leader structure, PMSA schools will begin a phased transition to the nationally accredited Highly Accomplished and Lead Teacher (HALT) classifications with significant salary enhancements.

Considerable workload provisions won in the agreement include: an extra 30 minutes to the minimum preparation and correction time for primary teachers, extra consultations and resourcing for changes to curriculum, assessment and/or reporting, updated PD provisions to include an extra two days of employee-directed PD and provisions for consultation and compensation regarding employer-directed mentoring.

The employers have also committed to providing a minimum 10 days paid domestic violence leave to be accessed automatically rather than at a principal's discretion.

## Northern Territory

### Enhanced professional provisions focus of member bargaining

Enhanced provisions to address key professional issues are at the heart of collective bargaining negotiations for members in the Catholic and Lutheran sectors.

In the Catholic sector, provisions related to scheduled supervisions, staff meetings including subject/faculty meetings, planned meetings, year group and committee meetings have been put forward in the employee log of claims.

IEU members are also seeking professional provisions for teachers to be included in the collective agreement instead of the current Memorandum of Understanding (MOU).

A matter of particular concern raised by Catholic sector members relates to the Laptop Program for Teachers in Non-Remote Schools, where employees are currently being charged \$10 per fortnight by their employer to hire a laptop which is essential for performing their role.

In the Lutheran sector, a key issue for teacher members relates to how professional duties are defined.

The IEU has put forward a redrafted hours of work provision for Northern Territory Lutheran teachers.

The redrafted provision has three components, including but not limited to: curricular activities; co-curricular activities; and extra-curricular activities.

For the latest information on these collective bargaining campaigns visit [www.ieuqnt.org.au](http://www.ieuqnt.org.au)

## Victoria

### IEU Learning Hub delivers quality professional support

In addition to union rep training and Health and Safety rep training, IEU Victoria Tasmania runs a free, comprehensive suite of professional development activities focusing on broad areas of interest and specialised training for different cohorts of our membership. Last year the IEU Vic Tas developed the IEU Online Learning Hub as an expanded source of high quality online professional development on a range of topics.

Working with our training organisation, the Teacher Learning Network (TLN), the IEU has run 50 professional development webinars in 2020 which were free to IEU members. In addition, members had access to the

TLN extensive early childhood webinar program, and the growing suite of video-on-demand webinars. The union's casual relief teacher members also had access to a number of free professional development conferences and seminars delivered by TLN.

The program for 2021 is extensive with over 40 webinars. It continues to provide high-quality practical PD for all membership groups and builds on last year's program, which members can revisit on demand. The year's program is available at [www.ieulearninghub.tln.org.au](http://www.ieulearninghub.tln.org.au)

## Tasmania

### Review removes teacher input

In the previous edition of *IE* we reported that the Tasmanian Government had initiated a review of the bodies that regulate Tasmanian education. This review focused on the Teachers Registration Board (TRB) the Office of Tasmanian Assessment, Standards and Certification (TASC), and the Register, Education and the Non-government Schools Registration Board (NGSRB) which deals with aspects of registration of non-government schools. IEU Victoria Tasmania made a comprehensive submission to the review panel.

The minister advised stakeholders in January of the removal of the representative composition of the TRB and NGSRB. IEU VicTas and the AEU Tasmanian Branch have for many years nominated skilled, experienced teachers to the minister for appointment. The IEU has also been a nominating body to the NGSRB.

The review recommended that TRB, TASC and NGSRB boards be 'skilled based', appointed by the minister without nominations from stakeholders. The panel recommended that the school education sectors' 'voice' be provided by a newly established Advisory Council to the minister which consists of the education sector authority heads. Will we see a teacher representative anywhere?

IEU VicTas is seeking a meeting with the minister to express concern and seek improvement to teacher involvement on these important education bodies.

## New South Wales

### PD review politically motivated

A politically motivated restriction of professional development (PD) courses for maintenance of teacher accreditation is a major concern. Following a review by the NSW Government of NESA-recognised courses, changes to NESA's Maintenance of Accreditation Policy took effect from February 2021, limiting both the range of PD providers and the variety of courses.

While the IEU will continue to provide PD courses in the government-approved priority areas, in the words of a member, "this heavy-handed decision, which is political in nature, will only serve to disempower teachers and 'deprofessionalise' teaching".

## ACT

### Changes to the Working with Vulnerable People Act

The ACT Working with Vulnerable People (WWVP) Act was replaced on 1 February by the Working with Vulnerable People (Background Checking) Act 2021. This change was designed to better protect the safety and welfare of

vulnerable people in the ACT and also implement National Disability Insurance Scheme (NDIS) worker screening.

The most significant change is that the length of the registration period will change from three years to five years. If members are captured by this change, they will be contacted directly by Access Canberra.

In addition, disqualifying offences will be applied to all existing registrations and new applicants.

Class A disqualifying offences include, but are not limited to, murder, culpable driving causing death and sexual offences against vulnerable people. A list of disqualifying offences can be found at [www.act.gov.au/accesscanberra](http://www.act.gov.au/accesscanberra). A person with a conviction or finding of guilt for a Class A offence will have their registration cancelled.

Class B disqualifying offences include, but are not limited to, child neglect, serious assault, drug, fraud, and theft offences. A person with a charge, conviction or finding of guilt for a Class B offence, or a charge for a Class A offence will not be able to work or volunteer in a regulated activity involving children or an NDIS activity unless exceptional circumstances apply.

Renewal arrangements have changed due to COVID-19. Any member whose registration expired on, or after, 16 March 2020 has had their registration automatically extended. As a result, they will receive a new renewal notice after the COVID-19 public health emergency has formally ended, which might be some months away.

More information about the WWVP scheme (including NDIS worker screening) is available on the Access Canberra website. [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR) or contact the WWVP team on 13 22 81.

## South Australia

### Vaccination - who, what, when, where and why?

While Australian states manage COVID-19 spot fires, the game changer worldwide is the rollout of vaccination. The IEU(SA) has lobbied Premier Steven Marshall for school staff to be included in phase 1B (critical high-risk workers) rather than phase 2A (other critical and high-risk workers).

While young people are low in the priority ranking, staff in schools tend to be in the older demographic. Teachers working in schools at close quarters with a large group of unvaccinated students may be at increased risk of virus transmission.

The economic and social ripples of school shutdowns spread through the community. Parents and caregivers need to miss work and daily activity. There is also the obvious problem of disruption to student learning and wellbeing.

The IEU(SA) is taking a strong pro-vaccination stance, recognising the value of high vaccination rates in herd immunity. At the same time, the union recognises that some people may have valid medical reasons for not being vaccinated. Hopefully the vast majority of people will recognise their responsibilities and not unreasonably decline vaccination. We see no need for any compulsion in the vaccine roll out in employment situations.

# Meeting of the minds: Julia Gillard and Sally McManus

**In November 2020, former Prime Minister Julia Gillard sat down with Australian Council of Trade Unions Secretary Sally McManus. Journalist Monica Crouch zoomed in.**

"My next guest needs no introduction," quipped ACTU Secretary Sally McManus in opening her conversation with Julia Gillard as part of ACTU's Virtual Organising Conference on 18 November 2020.

McManus said that while we all know Julia Gillard was Australia's 27th Prime Minister (from June 2010 to June 2013), what we may not know is what she's doing now.

Julia Gillard is Chair of the Global Partnership for Education, an international fund dedicated to developing education in lower-income countries; she is Chair of the Global Institute for Women's Leadership at King's College, London; and she is a Distinguished Fellow with the Center for Universal Education at the Brookings Institution in Washington DC. She is also Chair of Australian mental health support service Beyond Blue, and co-author, with Ngozi Okongko-Iweala, of *Women and Leadership: Real lives, real lessons*, published in 2020.

Gillard and McManus tackled a broad theme: Where is the world up to now? In her initial remarks, Gillard broke this down into three central challenges and three opportunities.

## **Challenge 1: Nationalism**

"There is a tendency of populations during difficult days, when the pressures of globalisation and change are so acute, to turn inwards," Gillard said. "This had full-throated expression through the Brexit vote in the United Kingdom. It's the kind of politics that's driven 'make America great again' and the Donald Trump phenomenon, and it has also had a deep hold in many other countries around the world and led to Trump-style leaders in many places."

Gillard says the pandemic is "turbocharging" this trend, despite the election of Joe Biden in the United States. "Many nations have turned inwards to fight the health crisis," she

said. "And they will want to continue to turn inwards even in the days beyond the health crisis. We will continue to see nationalism shaping domestic politics in many places in the world."

McManus noted that this inward-facing, nationalist trend is not serving people well. "Those right-wing populist leaders are the most hopeless in terms of dealing with the pandemic," she said. "If you look at Trump, at Bolsonaro in Brazil, at Boris Johnson - it's a total disaster for those countries. They haven't been able to use that strength or nationalism to mobilise their countries to deal with the pandemic. In fact, they've denied it."

Gillard said that in contrast to these strong-man types, she really wanted to believe women were proving better leaders during the pandemic - think Jacinda Ardern in New Zealand, Angela Merkel in Germany, and Erna Solberg in Norway. However, her inner statistician initially thought the sample size was too small and focused on countries with advantages before the pandemic.

"But I've been very taken by a piece of UK research which has compared like countries and concluded that many women have led better," she said. While the researchers are still drilling down to find out exactly what they did differently, she said, "one of the things appears to be that they listened to the scientists and they acted early on things like lockdowns and community restrictions".

Stay tuned for more on science.

## **Challenge 2: Inequality**

While economic, race and gender inequality pre-date the pandemic, "what the health crisis has done is put new stresses, strains and spotlights on the underlying fault lines", Gillard said.

McManus said the pandemic had reinforced economic inequality, with entire workforces losing their jobs overnight and the health of many communities threatened because



**"It is quite clear that around the world, casualised and insecure work has been a contributing element to this health crisis."**

Julia Gillard

countless workers in insecure jobs did not have access to sick leave.

In the UK, Gillard said people from Black, Asian and minority ethnic communities were bearing an excessive burden during the pandemic.

"Those communities are often the staff in the lower paid jobs in healthcare," she said. "So they're uniquely exposed to the virus; how much of it is because they're in casualised and insecure work and because they just have to keep going to work?"

Australia has its own version of this: think of who comprises the bulk of the cleaning, aged care and food delivery workforces.

Gillard noted that the virus disproportionately kills men but beyond this the pandemic is having "ripple effects". The first ripple has hit the front line of the health and caring professions - predominantly women; the next is that the domestic load during lockdowns falls heavily on women, as does domestic violence; and the third ripple is that women have been disproportionately impacted by job losses.

McManus drew a lesson from the global financial crisis. Despite how many had hoped to build a better system, inequality had only worsened. "Why was that?" she asked. "In the end I wonder if it's because the financial class, the very rich, were much better organised. They were better organised, and they just rolled ahead with what they were doing while we were struggling with unemployment and all of the consequences of it."

Out of the health crisis, Australia's conservative Coalition government has organised a dangerous Industrial Relations Omnibus Bill that weakens job security and wages. What they may not have expected is the strength of the push-back. As McManus says, "you don't help the economy by hurting workers".

### Challenge 3: University education

"A wave of change was coming for education and particularly universities before the pandemic and that wave is now a tsunami," Gillard said. The reliance on overseas student fees to cross-subsidise research means the funding model for Australian universities is "profoundly challenged", she said.

The impact of this is not to be underestimated. "It matters for the intellectual capital of the nation and our research ability, and it matters in terms of the prospects of working Australians and their families to get a university education in a quality institution, and it also matters profoundly to our economy," she said.

Gillard added that Australia's top three export industries are facing huge challenges: coal and iron ore because of climate change; and university education because of the funding model.

### Opportunity 1: Government

"In many ways, government is back," Gillard said, observing that people around the world were beginning to take a greater interest in government and politics.

"Before the pandemic, I think it was possible for many people to think to themselves, 'government doesn't matter to me, politics doesn't matter to me; every so often, one crowd gets replaced by another crowd, but what do I care?'" she said.

But the pandemic has alerted people to just how much governments can really have an impact on our lives, right down to whether we live or die. "I'm hoping that this breeds a new sense of seriousness and engagement in politics," she said.

McManus agreed. "We can't just sit back and watch history happen - we've got to create it, we've got to be part of influencing its direction," she said. McManus also said defending democracy and enabling trust in government and elected leaders was particularly important in the face of rising nationalism and authoritarianism.

"There's also been a change in people's attitude to the role of government in providing public services," McManus said, and this is calling into question the privatisation agenda that has taken root in Australia in the past 30 years.

"Certain things are essential - and it's essential the government does them, and they're there for everyone, and they're not about the profit motive," she said. A quick glance at the privatised health system in the United States compared with public health in Australia provides a good example. Yet even within Australia, the pandemic has revealed deep cracks within privatised aged care compared with state-run aged care.

### Opportunity 2: Science

Not only is government back, science is too, Gillard says. "After all of the scientific wars we've had around climate change, for most of 2020 we've been hanging off the words of experts who can tell us what is going to happen next with caseloads, what is going to happen next with vaccines, what is going to happen next with treatments," she said.

"We've been listening to scientists and I think we can leverage that into a broader listening to scientists in the

**"We can't just sit back and watch history happen - we've got to create it, we've got to be part of influencing its direction."**

Sally McManus





public policy domain, including on climate change.”

Yet she also says debate is to be expected, fearing that once inquiries into the pandemic are under way “it will be quite convenient for politicians to point the finger of blame at scientists”, she said. “But if we can come out of this strengthened around science and evidence-based public policy, I think that’s good for all of us.”

McManus agrees. “Science is sexy again,” she said. “In Australia, we’ve been so driven by it and especially for those of us in states that are having outbreaks or have had outbreaks, it’s worked. So we’re taking advice from it, and that advice has led to good outcomes. It’s about building confidence again in the integrity of science, and the depth of knowledge and expertise in our scientists.” From this too she takes heart that scientific reasoning will prevail around the challenges of climate change.

Both Gillard and McManus favour scientific and medical advice about vaccination over distorted debates on social media driven by commentators who lack lifelong research expertise. “If this virus threatens anybody anywhere in the world, then it still threatens all of us,” Gillard said. “So there needs to be a global solidarity around vaccine distribution.”

### Opportunity 3: Work

McManus has been a regular media fixture during the past 18 months. She was instrumental, with former Labor Minister Greg Combet, in negotiations for the JobKeeper program which has not only been a lifeline to many during the past year, it has provided vital economic stimulus.

Then came the stark reality of how deep the seam of insecure work and casualisation runs throughout Australia. But McManus sounds a note of hope. “We’ve sensed a shift in the debate around insecure work,” she said.

“We’ve been banging on about it for decades and we only get so far. But now we’ve had this mass experience of people in insecure work just losing their jobs overnight and the whole community being threatened by the fact that people don’t have sick leave in a pandemic.” This is making people really think differently, she said.

Gillard spoke on this theme too. “There is a debate to be had about casual and insecure work,” she said. “It is quite clear that around the world, casualised and insecure work has been a contributing element to this health crisis.”

McManus has consistently said that when employers don’t provide sick leave, people are forced to choose between their health and putting food on the table. Then there are the risks posed by those who need to work two or more jobs to make ends meet.

“I am hoping that the pandemic feeds into a greater appetite for sorting out that workplace inequality,” Gillard said.

Both expressed concern that the pandemic would reinforce gender roles – that the long-term option to work from home would disproportionately be taken up by women as they are more inclined to need work-family balance to care for children and/or ailing parents, not to mention doing the lion’s share of the housework. Both were apprehensive that men would be more likely to attend workplaces, be perceived as more available in times of crisis, and have more opportunities for promotion and networking at the workplace and at after-work drinks.

“I worry that there’ll be a new ceiling,” McManus said. “Not a glass ceiling but some other ceiling, maybe just the ceiling in your house that you won’t be able to get past.”

### Facing the future

If, as political scientist Benedict Andrews wrote, nations are “imagined communities”, then how does Australia imagine its communal future?

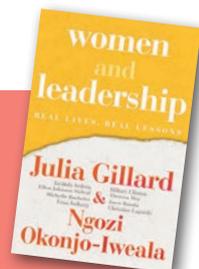
Both Gillard and McManus believe Australians are already asking themselves some tough questions. “They’re wondering, ‘In the economic rebuild, who’s going to get opportunity? How am I going to make sure my son or daughter doesn’t emerge into a world where there are just no jobs for them, and no hope?’” Gillard said.

And this, she says, opens up a conversation for the progressive side of politics. “As those debates roll out, the voice and role of the trade union movement, here and around the world, will be absolutely critical to our prospects of success,” she said.

**Win a copy** of *Women and leadership: Real lives, real lessons* by Julia Gillard and Ngozi Okonjo-Iweala.

We have one copy of this practical inspirational book to give away. Some of the world’s most extraordinary women leaders, including Jacinda Ardern (NZ), Hillary Clinton (US), Joyce Banda (Malawi), Christine Lagarde (European Central Bank) and Erna Solberg (Norway) share their experience and advice.

To enter, simply email [giveaways@ieu.asn.au](mailto:giveaways@ieu.asn.au) with the book’s title in the subject line by Thursday 15 July.



# The year the singing stopped

**Performing arts teaching was hit hard by COVID-19 in 2020. Teachers and support staff had to adapt fast to the changing environment, and many of the challenges persist, journalist Sue Osborne writes.**

A team of nine educators from Australia, New Zealand, the US and Singapore conducted an international qualitative study of 635 teachers.

Dr Melissa Cain, of Australian Catholic University Brisbane said the survey, *Teaching and Learning in COVID Times*, which opened in May 2020, asked teachers how COVID-19 affected them and their students. Interestingly, of the 179 Australian respondents, 65 percent had more than 21 years' teaching experience, but less than 10 percent had experience teaching online.

For creative and performing arts teachers, significant pedagogical changes were needed, and often the curriculum could not be delivered as intended or not in full, she said.

One of the study respondents said: "COVID-19 restrictions completely reframed the way I engage with the curriculum (particularly live performances). I had to shift to individual tasks for assessment."

Other comments included: "It has involved more independent learning time than my students are used to"; "Arts performances were heavily impacted"; "It has restricted all rehearsals and performances - this was particularly trying for the parents of foundation [kindergarten] students who did not see their children's first performance at school."

"Numerous school events and experiences were cancelled or postponed until Term 4. In Year 12 the HSC Drama Group performance and Extension Music Group performances were cancelled completely. Movement-based performances are restricted to the smaller spaces available in homes with an individual focus."

Another respondent said: "It has made me realise that all my teaching in drama and dance has been dependent on making meaning within groups in close proximity. The games I play are often dependent on touch. It is much more difficult for students to learn about the art form without constructing the meaning by working in a group in person. Some aspects can only be described and not physically experienced."

Most teachers indicated that online teaching resulted in an inferior experience for their students: "The

technology doesn't always work, such as breakout rooms. Students suddenly leave the session and it's challenging to work in groups. It's harder to 'read the room' when many students don't

**"The sudden change has prompted teachers to think more deeply about what matters in arts education and the rich connections students make creating in the same physical space."**



show their face and it's harder to tell if students are understanding or responding to the work".

When students did return to the classroom, teachers were anxious about

maintaining student safety.

"Drama teaching has become a lot more theory orientated, with limited physical activities, group discussions, improvisation and warm-up games. Spatial relationships have become extreme".

Music teacher Rochelle Keshishian (pictured) does casual blocks at primary schools in north west Sydney, and tutors piano at home.

She found teaching music over Zoom was a problem as many children do not have instruments at home. Singing was the first casualty of the pandemic, with group singing prevented as exhalation could exacerbate the spread of the virus.

Keshishian said tutoring piano to students she was not familiar with via Zoom was not practical, and many families dropped out of tutoring for financial reasons. The additional equipment cleaning between students was an extra burden on tutors.

In class, cleaning of instruments and equipment was also a problem, and the inability to use everyone's natural instrument, the voice, didn't allow for many alternatives.

For Zoom lessons she said: "There was more an emphasis on listening, research and theory."

When students were allowed back into class, they were keen to pick up their instruments again, but additional cleaning requirements were a challenge.

Keshishian and many of her fellow music teachers turned to the body as a percussion tool.

"Groups of children can stand together and click, stamp and clap and work with percussion in that way," she said.

Keshishian said many teachers responsible for music and drama, have preferred drama over music, because of the barriers.

The sudden change has prompted teachers to think more deeply about what matters in arts education and the rich connections students make creating in the same physical space.

## Reference

<https://www.jcu.edu.au/college-of-arts-society-and-education/postgraduate-study-and-research/education-research/research-projects/teaching-and-learning-in-covid-19-times>

# Thinking long-term

# Why we need to reduce excessive demands on early career teachers

**Excessive demands placed on early career teachers have damaging, long-term impacts on their classroom management according to a new Australian study, writes journalist Jessica Willis.**

The study surveyed 395 teachers on how their workload, school resources and confidence to manage student misbehaviour affected their teaching methods across a 15-year time period.

As a priority, reducing excessive demands on teachers in schools, especially during their early career, was the key recommendation coming out of the study.

“Our findings highlight the importance of how teachers begin their careers, as these early experiences showed enduring importance for their professional development,” the report said.

## **Empirical evidence for reducing workload**

The research, led by Professor Helen Watt of the University of Sydney and Professor Paul Richardson of Monash University, adds to growing evidence regarding the urgent need to reduce excessive demands on teachers.

Teachers who felt well-prepared and confident in their ability to manage classroom behaviour were more likely to report the ability to provide their students with clear structure and expectations about behaviour.

They were less likely to adopt negative approaches such as yelling, losing their temper or using sarcasm.

On the other hand, teachers who experienced excessive demands during their early career were more likely to have their positive management methods derailed, instead developing negative approaches to manage student misbehaviour in the classroom.

Professor Watt said the way teachers start out sets up long-term professional behaviours.

“The key message from our findings is that the excessive demands experienced by beginning teachers have long-term, damaging consequences for their teaching behaviour,” Professor Watt said.

The findings demonstrate a teacher’s self-efficacy – their confidence and sense of professional preparedness – is established fairly early and remains quite stable even up to 15 years of teaching.

“This shows that teacher education isn’t just important for equipping future teachers with effective classroom management skills,” Professor Watt said.

“It’s also important to developing their confidence to manage student misbehaviour through positive structures rather than negative reactions.

“But this gets derailed when teachers who are just becoming established are overwhelmed by paperwork and suffer extreme time pressure,” she said.

## **Pressures vary with school context**

The study found that demands and pressure on teachers vary between different school contexts.

IEU members will be familiar with the growing pressures associated with the teaching profession listed by the authors: time pressure, performance pressure, poor student motivation, challenging professional and parent-teacher relationships and decreasing autonomy in the workplace. All compounded by increasing administration tasks as well as government or employer processes and policies.

Demands are more excessive in secondary than primary schools, the study found.

The study also found teachers who perceived themselves working in more ‘advantaged’ schools tended to be more confident in their ability to manage classrooms.

Perceived school advantage was determined by three factors: reported resources and facilities in the school; socioeconomic status; and student achievement level.

Professor Paul Richardson said this may be explained by the better conditions teachers experience in such schools.

“Teachers who work in these settings may be confronted with fewer disruptions and less problematic student behaviours, producing lower levels of stress and a higher sense of self-efficacy.”



### Early career mentoring and support essential

Early career mentoring related positively to beginning teachers' self-efficacy and to less excessive demands, which may suggest it helped the teachers cope better, according to the study.

Professor Richardson said mentoring and appropriate support is needed for early career teachers.

"A reduced allocation of workload, assistance with meeting the initial professional registration requirements teachers face in their early careers, and quality mentoring programs would likely help beginning teachers cope with the initial overload of demands they experience, said Professor Richardson.

IEU-QNT Organiser Caryl Rosser said with the early years often presenting professional challenges, the benefit of quality mentoring and support cannot be overstated.

"Mentoring is a crucial support mechanism for early career teachers; however, anecdotally we know mentoring experiences vary significantly," she said.

"Our union would add that all teachers - no matter their experience level - need ongoing, quality support and advocacy from their employers.

"The sheer volume of tasks teachers must complete to comply with government or employer regulations is unreasonable and contributing to the overall burnout and in some instances, psychological injury, of teachers across Australia.

"It all comes back to teachers having autonomy over their profession and contemporary working conditions that allow them to do what they do best: teach," Rosser said.

### Don't just join your union - be active

This study highlights the real impact working conditions can have on professional practice.

Rosser said a strong union presence in your school can help ensure that your working conditions are kept in check

according to your collective agreement as well as provide a collective structure for consultation with your employers.

"Workload pressures are a significant issue throughout the teaching profession - no matter what state, territory or system - but most collective agreements have provisions won by members that can help ameliorate problems," Rosser said.

"Your IEU organiser or relevant union officer can help you and your colleagues collectively identify which provisions might be in breach and how to best hold your employers to account.

"Members should remember they have a right to do this and employers have legal obligations to adhere to collective agreements.

"Teachers only want the best for their students and for that to happen teachers need to be supported and respected in the workplace.

"IEU members should talk to their non-member colleagues about joining our union as well as attend and actively participate in union meetings in your workplace and branch," she said.

Contact your union branch to discuss how you and your colleagues can respond to this issue.

To read the full study: Rebecca, Lazarides, Helen Watt, Paul Richardson (2020). Teachers' classroom management self-efficacy, perceived classroom management and teaching contexts from beginning until mid-career, *Learning and Instruction*, 69(2020) article 101346.

The study is based on an ongoing Australian FIT-Choice program of research and is the only study in the world to track a large sample of teachers from their entry into teacher education until up to 15 years into their teaching career.

# Using student data effectively

**Everything we do is for our students and using student data should be no different. School data coach and consultant Dr Selena Fisk highlights how using data improves our practice and gives us some practical ways to enhance student growth.**

A few years ago I started teaching a Year 11 mathematics class where approximately one third of the students had failed Year 10 mathematics and none had achieved higher than a B+. I knew only a handful of the students from previous years, so I started the year a little apprehensively. On the first day, I talked with the class about some of their previous results, and I expressed my concern by sharing the ways they would need mathematics in the future. I asked students what had not worked for them in the past, and they started discussing strategies that worked best for them. We talked about the need to practice and develop fluency in mathematics (and consequently to do homework). I shared my hopes for them, and students seemed interested in improving. I walked away from the lesson having learned more about them as learners and determined to help them succeed.

## **Identifying goals and strategies**

In the following lesson we talked about small and major shifts needed to improve, and I told them I would do whatever I could to support them. I sat with each student and discussed their goals, and we identified strategies they could use to improve. A number of students asked me to help them stay accountable by keeping an eye on their classwork and homework. I kept a record of their homework completion and in-class quizzes. I had regular conversations with them about the importance of practice. I allowed students to catch up on their homework if they had work or sporting commitments, and we regularly talked about their progress, and whether they were on-track to achieve them. At the end of the semester, all but one student passed, and three students achieved As.

This story exemplifies why we do what we do - we became teachers to

have an impact on future generations, and to support young people to achieve their goals.

## **Using data enhances practice**

As a teacher, I did this job for the students. And now, as a school data coach and consultant, I still do it for them. Despite what some may believe, using data and a student-centred approach are not mutually exclusive. Instead, data should be viewed as a way to support students to achieve their best, and be used to celebrate with them when they make progress. The use of data enhanced my practice as a teacher as it taught me more about the learners in my classroom and showed me what I needed to do to best support them. The gains that some of my students made throughout my teaching career would not have been possible without regular check-ins, tracking, and conversations. As a school data coach, I get to work with teachers and schools to share this same impact for our young people on a larger scale.

**“We can control the narrative of the data story in Australian schools, so that it is one of enhancing practice and supporting schools and students to thrive and flourish.”**

Using student data in Australian schools is more important than ever before, thanks in part to international comparisons such as PISA and TIMSS, the increase in the explicitness of the use of data and evidence in the Alice Springs (Mparntwe) Education Declaration (Education Council, 2019), the role of data in teacher performance assessments for pre-service teachers (Australian Institute for Teaching and School Leadership, 2015), the National School Improvement Tool (ACER,

2016), and research that demonstrates that evidence-informed practice has an impact on student outcomes (Brown et al., 2017; Department of Education and Training, 2017; Hattie, 2012). Unfortunately - and possibly compounded by negative school comparisons and data use by the media - some believe that using student data reduces humans to numbers. If a teacher was only forming their perception of student data from ATAR and NAPLAN comparisons in the media, it is understandable how they might come to this conclusion.

## **Reflecting on strengths and gaps in learning**

Students should always be front and centre of our data use. Student data should be used to reflect on the strengths and gaps of individual learners, small groups in our classrooms, trends across a whole class, and/or across cohorts.

Data analysis and intervention at all of these levels looks really different, and some ‘interventions’ and shifts in practice may be relatively small. Some may lead to more significant changes. Either way, using student data should be about ensuring that the actions, informed by the evidence and data, support student growth. Some examples of ways that data might be used in schools include:

- Analysis of trends at a cohort level in a standardised test might identify that a particular skill at the students’ year level (for example, Year 4, equivalent fractions) was particularly poor. The year level teaching team might decide to do a bit more digging into the types of equivalent fractions students are struggling with (through a short pre-test quiz), find extra time to work on equivalent fractions in class, and run a post-test at the end to see whether students have improved.
- A teacher might identify through a standardised test or an in-class assessment that a class is not going well with a particular element of the curriculum (for example, in a Year 3 class, most students are incorrectly identifying audience and purpose

when reading informative texts). The teacher might decide to incorporate more explicit teaching of these skills over the coming weeks.

- A formative task (for example, in a Year 7 design technology class) might reveal that a small group of students are struggling to independently develop a specific skill. As a response to this evidence, the teacher might work with this small group for a portion of the next lesson to build this skill, then check in with each student individually over the coming week to monitor their progress.
- A teacher may identify incomplete homework or classwork and intervene by first having a conversation with a student (for example, Year 9 mathematics, no homework completed for 10 days). The teacher might learn that the home situation has changed and work with the student to have the work completed so she does not fall behind. Alternatively, the teacher might follow up the conversation with the student by contacting home.

In all of these instances, shifts were made which benefited students, but were done so as a result of looking at student assessments and data. These shifts in practice were evidence-informed, as the teacher/s used the information gleaned from the assessment, considered what students needed, and adjusted their practice or approach accordingly.

### Using data to celebrate growth

All the points above refer to shifts in practice to support students to bridge a gap identified in the data. However, when the data shows a student has improved, reached a personal best, or achieved excellent results, the data should be used to celebrate this. I have worked with schools that celebrated students on assembly who made the greatest amount of progress in school-based assessments, but also in PAT Reading and Mathematics assessments, and NAPLAN assessments. Growth in standardised testing and school-based results demonstrate a change in attitude, effort, or persistence.

The use of student data in schools is a current priority in Australia that is unlikely to disappear, and nor should it. Teachers might choose to focus on the negatives of data use, the comparative nature of numbers, and the endless skills, attributes and characteristics that data alone cannot tell us about our students. However, this attitude misses the opportunity to use the transformational power of data. We can control the narrative of the data story

in Australian schools, so that it is one of enhancing practice and supporting schools and students to thrive and flourish. We are allowed to be infuriated when newspapers compare school NAPLAN and ATAR data, but we can also use data to benefit the people that motivated us to become teachers in the first place.

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Dr Selena Fisk is a School Data Coach and Principal Consultant at Aasha for Schools, working with leadership teams, middle leaders and teachers on data-informed strategies for schools.





## Self-regulated learning

# Setting the stage for lifelong learners

**Self-regulated learning (SRL) is a valuable tool that could help all students succeed in school, university and the workforce according to Flinders University Professor Stella Vosniadou, writes journalist Jessica Willis.**

### **What is self-regulated learning and why is it important?**

SRL is a conceptual framework for understanding the cognitive, motivational and emotional aspects of learning.

It is based around the premise that the ability to learn can be improved and is, “more effective when students can control their motivational states, employ appropriate cognitive and metacognitive strategies and reflect upon their learning processes and outcomes” (Vosniadou 2020, pp s95).

Vosniadou said SRL is essential for students as it provides them with the knowledge and the ability to control their learning and, more importantly, allows them to reflect critically on their learning, particularly on the areas they need to improve.

“It’s about developing independent learners; giving them the skills they need to be effective and efficient learners,” she said.

### **Lack of self-belief can be debilitating**

Vosniadou said it is imperative students believe they can improve their ability to learn and that teachers can help them do this.

“We’ve done questionnaires investigating people’s beliefs about education and learning,” Vosniadou said.

“We were really surprised to see how many students believe learning is something that is almost innate – that some students are born better learners than others and that there is not really much you can do to improve your learning.

“[This view] seems to be more predominant in students from low socio-economic backgrounds.

“This is a very debilitating belief because it means if you think of yourself as a ‘slow learner’ then there isn’t anything you can do, and you won’t succeed in school.

"This is a very negative belief to hold.

"However, teachers can be very effective in creating curricula and instruction that helps students realise there is a lot they can do to improve their learning.

"Of course, there are undeniably individual differences [between students] - but that does not mean each one of us, as a learner, cannot improve ourselves, our learning skills and performance," she said.

### **SRL for all stages of life**

Vosniadou said a lack of SRL is also being recognised as a barrier in the transition from secondary education to tertiary.

"One of the main reasons why students fail and drop out of university is because they are not independent learners," she said.

"They cannot deal with all the tasks and learning because the university environment is a very different environment from high school: it requires a lot of independent learning.

"If you don't have the skills, you get overwhelmed and cannot deal with it.

"Although students usually do difficult tests on their background knowledge in different subjects [for university entrance], they are very rarely assessed on whether they possess the skills necessary to manage their learning in an effective way," said Vosniadou.

This is why her research focuses mainly on secondary schooling; however, Vosniadou said this does not mean this is the only time SRL should be explicitly taught - it is a process that starts in early childhood education and primary school settings.

SRL skills are also highly important for life and fit into the 21st century skill set needed to survive in the workforce. These include collaboration, communication, critical thinking, creativity and problem solving.

### **Change needs support from top and bottom**

Vosniadou argues student learning and academic achievement could be improved if there was a broad effort to ensure SRL was a priority.

However, it would need to be supported at all levels - from classroom teachers, to school and sector leadership, employing authorities as well as policy makers.

One problem is schools do not have sufficient time or resources to devote to teaching learning skills - rather they are pressured to cover course content.

In a recent survey of teacher practices in Australia, Harding et al (2017) found almost all (98.8%) of Australian teachers said SRL skills are important, but only 32% included them in lesson planning.

Of the remaining participants 45.8% said that there was not enough time to teach the content of the curriculum as well as SRL skills and 24.1% acknowledged they did not know how to teach SRL (Vosniadou 2020, pps96).

Vosniadou said a major problem was too much focus on results - for example, the results of standardised tests like PISA and NAPLAN.

She said change would require a significant overhaul of how we train teachers and how teachers teach.

"In order for students to develop SRL skills, we need to change the way we teach which can be a very difficult thing to do.

"Rather than focusing on just learning content for each subject, promoting SRL requires teachers to design constructive and interactive tasks that students can use to process content information critically," she said.

"It also requires teaching students the strategies needed for the successful completion of such tasks.

"This means the students are actively and constructively engaged with learning instead of passively listening to what the teacher says.

"Research shows this is important and that these types of tasks have a very positive result in student learning.

"It requires support from the school as a whole, from the principal, from the district and from [the employer].

"Of course, individual teachers are the ones [implementing the change] but if they aren't supported, they won't be able to introduce effective change - even if they really want to do so," she said.

### **Professional resources on the way**

Vosniadou said her team has just finished an experimental learning program developed for teachers.

"We tested it with around five to six schools, with a few teachers from each school.

"We are now analysing the results and developing professional development materials so that the strategies we developed can be disseminated throughout more schools.

She said the best way teachers can become more aware of what and how they are teaching is through critical self-reflection.

"Teachers could start increasing the amount of classroom time on independent, supervised activities.

"Asking questions such as 'what can I do to ensure my students are capable of understanding this concept?' and 'what skills do they need in order to be good learners?' can also help," she said.

Members can find more information about Stella Vosniadou's research, which is funded by the Australian Research Council, at [www.teachinghowtolearn.edu.au](http://www.teachinghowtolearn.edu.au)

Stella Vosniadou is Strategic Professor in the School of Education at Flinders University. She has more than 150 publications in the areas of cognitive development, cognitive psychology, conceptual change, and learning science and mathematics. She is well known internationally for her research for which she received the 2011 Distinguished International Contributions to Child Development Award by the Society for Research in Child Development. She is a fellow of the American Educational Research Association and of the International Academy of Education, and a frequent keynote speaker in international conferences, Professor Vosniadou is the current editor of the *Educational Practices Series* a publication of the International Academy of Education and of the International Bureau of Education of the UNESCO, and serves on the editorial board of five international journals, including the *Educational Psychologist*, *Mathematical Learning and Thinking*, and *Human Development*.

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# Give teachers a stronger voice in assessment

“When I use a word,” Humpty Dumpty said in rather a scornful tone, “It means what I choose it to mean neither more nor less”.

“The question is”, said Alice, “Whether you can make words mean so many different things”.

“The question is,” said Humpty Dumpty, “Which is to be master - that’s all.”

(Carroll 1875, p.124)

**What is assessment terminology?**  
**Professor Jim Tognolini and Rayanne Shakra from the Centre for Educational Measurement and Assessment (CEMA) at the University of Sydney consider aspects of assessment literacy, namely assessment terminology.**

To be able to communicate accurately among ourselves (as teachers) and with our communities – at a time when teachers must have enough confidence to become a strong **voice** in assessment and data usage – we must have a shared understanding of the key terminology associated with assessment.

In an age where the importance of basing our practice on research-based evidence is widely acknowledged, it is

critical that we know how to read and interact with literature on assessment and be the conduit between school and the community by using terms such as assessment, testing, evaluation, measurement, summative assessment, formative assessment and accurately, consistently and appropriately.

We do not intend to produce a ‘glossary’ of definitions of assessment terms for broad use. However, we believe that teachers can start the process of building a corpus or glossary of assessment terms that have consistent and appropriate meanings across their school, by first discussing whether some terms mean ‘many different things’.

The discussion itself will be quite illuminating as teachers share meanings

for common terms around assessment and seek agreement on how they want to use these terms within their school.

Getting consensus on the meaning of terms across a school could lead to a productive discussion about assessment and data, which is a key step in starting to build assessment and data literacy skills within the school.

In this article, we will start the discussion by defining a few common assessment terms (assessment, testing, evaluation, measurement, formative assessment, summative assessment, assessment for learning and assessment of learning) that are in daily use within our schools. Given that there are different understandings of each of these terms, our intention is to use our definitions as the starting point for teachers’ discussion, rather than say that these are the ‘correct’ definitions.

## **Definitions of some common assessment terms**

A starting activity might be to complete the matching item in the callout box (see ‘Test your knowledge’ on p18). This item provides some definitions of key, common assessment terms and asks the reader to match the term with the definition.

We have chosen to adopt the following because they fit our view of assessment that is predicated on the key elements of ‘professional judgement’; ‘image’; and ‘monitoring of performance on a developmental continuum’ which underpin the

assessment activities that are conducted and promulgated by the Centre for Educational Measurement and Assessment (CEMA).

Assessment involves professional judgement about student performance with respect to a continuum of development and is based upon the image formed of the student by the collection of evidence.

Evidence about student performance can be gathered in numerous ways that range from 'less formal or unstructured methods' to 'more formal or highly structured methods'. Classroom tests, checklists, practical work, project work, and observation interview are methods for collecting information about students. They are not as formal in their structure as the more highly structured means of collecting evidence such as examinations, published tests and state-based or national-based testing programs, but they happen much more often and contribute more to the formation of the 'image of a student's performance'.

This definition of assessment appeals to us because it is an inclusive term which refers to the processes used to collect evidence and make judgments about student achievement. Within each knowledge domain, teaching experience and subject expertise helps develop the image of a student's performance that is then used by the teacher to make a professional judgement regarding the progress of the student, relative to a continuum of development. If this is the starting definition of assessment, then it can be seen that:

- **Testing** is just one relatively formal way of collecting information about students that contributes to images of their performance. As a formal process it is a structured form of assessment implemented according to specified procedures (question types, answer formats, etc).
- **Evaluation** is when we summarise the information (captured in the image) by assigning a grade, comment or a mark that is used to make a value judgment about the image (it is good or bad; it is worth an A; it is a high distinction; etc.).
- **Measurement** is the process of assigning a number to the performance to represent position with respect to the continuum of development underlying the performance (sometimes referred to as a progression).

A second set of terms that link to the definition of assessment and relate to the purpose of assessment include:

- **Formative assessment** is defined as assessment used to monitor learning progress during teaching. It is designed to provide continuous feedback to both students and teachers concerning strengths and weaknesses. The assessment activities are usually teacher constructed and generally come from the less formal methods of collecting information.
- **Summative assessment** is defined as assessment typically used to assess achievement at the end of a course. Although the main purpose is summarising performance it just provides one more piece of information that can confirm or challenge the existing image that the teacher has of a student's performance. It also provides information for the teacher to judge the appropriateness of the course outcomes and the effectiveness of their teaching.
- **Diagnostic assessment** is defined as a highly specialised procedure that is used to diagnose persistent learning difficulties.

The main difference between formative and summative assessment is the way the information from the assessment is used. Assessment is summative if it is only used to produce a summary mark or grade and not used directly to influence learning. Assessment is formative if it is used to monitor progress during teaching and provide feedback to both the student and the teacher during the teaching to improve student learning.

Other terms related to the way assessment is used are 'assessment for learning' and 'assessment of learning'. We believe that these two terms are very similar, if not the same, as formative assessment and summative assessment, although they come from a different starting point.

- **Assessment for learning** is the process of seeking and interpreting evidence for use by learners and their teachers to decide where the learners are in their learning, where they need to go and how they can best get there.
- **Assessment of learning** is the process of evaluating the extent to which participants in education have developed their knowledge, understanding and abilities.

An interesting exercise for teachers within a school would involve discussing the extent to which we believe that the terms formative and summative are the same as assessment for learning and assessment of learning, respectively.

### School-based assessment

The term school-based assessment, which is widely used more in secondary school than in primary schools, is embedded in the teaching and learning process and characterised by:

- the teacher being involved from beginning to end in the collection of data
- the teacher basing the image on a number of samples of student performance (from both formative and summative assessments) over a period of time
- the student being more actively involved in the assessment process, especially if self and/or peer assessment is used in conjunction with teacher assessment
- the teacher being able to give immediate and constructive feedback to students which in turn stimulates continuous assessment and adjustment of the teaching and learning process.
- it complements other forms of assessment, including external examinations, enabling those aspects of the curriculum that are difficult to assess by examinations to be assessed and included in the final grade; and,
- it involves some form of moderation when the assessment is to be used for high stakes purposes, like tertiary selection.

There are numerous other areas related to assessment that could also be considered and added to a 'school glossary'. For example, we could consider the area of standards-referencing results. What do we understand by terms such as standards-referencing, norm-referencing and criterion-referencing? What do we mean by standards, performance standards, achievement standards, curriculum standards, syllabus standards, outcomes targets – and these are terms that we all use daily and read about in professional literature regularly. Yet, less often do we talk about what they actually mean when we use them. But as stated at the beginning of our article, our aim is

not to provide an exhaustive glossary, our aim is to spark discussion between teachers about the meanings of key assessment terms.

### Importance of professional development

Teachers being assessment literate means that they need to know how to write and select high-quality assessments (including HOTS items); integrate results obtained from assessments with improvements in learning (formative assessment and Assessment for Learning); communicate accurately about student learning; and demonstrate data literacy.

These are some of the several specific and essential elaborations of assessment knowledge and understanding that teachers at all career levels need to be able to demonstrate according to Standard 5 of the Australian Professional Standards for Teachers.

These elaborations were used to build two professional development programs by CEMA: one is called Assessment Literacy for School Teachers and the other Data Literacy for School Teachers. The investment of schools and teachers in such courses is key to improving assessment education since they meet the challenges that are expected of teachers, including complex thinking skills.

### Conclusion

In this article we have positioned assessment within a school culture where concepts and meanings of assessment terms are understood and

negotiated through a shared language.

To stimulate the discussion, we have offered definitions of some key terms based on our views of assessment.

In answering Alice's question in the quotation, we can assure her that "Assessment by any other name is not the same." This emphasises the key point that there is a difference in meaning associated with terms and it is important to communicate clearly and accurately in our profession. A shared understanding of assessment terminology or 'glossary' is the first step on a road toward articulating and initiating the development and use of assessment to enhance the achievement of all students.

The Centre for Educational Measurement and Assessment (CEMA) currently provides consultancy support to several schools. These projects include developing a methodology for measuring creativity; measuring 21st century skills; and developing school-wide practice in formative assessment. We have also developed partnerships with the following NSW education agencies with the intention of promoting the role of assessment in learning, and ensuring an informed understanding to support teacher 'voice' in this fundamental aspect of practice:

- Independent Education Union of Australia NSW/ACT Branch
- Australian Education Union NSW Teachers Federation Branch - Centre for Professional Learning
- Catholic Schools NSW
- NSW Secondary Principals Council

- Association of Independent Schools - The Evidence Institute (IEU and CEMA) located within the Sydney School of Education and Social Work, are developing a partnership to provide professional learning for teachers in assessment, data and evidence.

The professional learning modules are available at [https://sydney.nicheit.com.au/education\\_social\\_work/web/workshop](https://sydney.nicheit.com.au/education_social_work/web/workshop)

During registration, teachers are required to use their individual teacher email address and create a 9-character password to access the selected module in Canvas. Payment by credit card is required to complete registration and be granted access to the course.

Professor Jim Tognolini is Director of The Centre for Educational Measurement and Assessment (CEMA) situated within the University of Sydney School of Education and Social Work.

Rayanne Shakra is a NESA sponsored scholarship doctoral student. The focus of the Centre is on the broad areas of teaching, research, consulting and professional learning for teachers.

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## Test your knowledge

Match the definition in the following table with the term that it defines. Terms don't have to be used and they can also be used more than once.

Definition	Enter term number	Choose from these terms
The process of making a value judgement about the quality of the information collected is called ...		1. Formative assessment
The system of teacher assessment of a student that covers all aspects of student development is referred to as ...		2. School-based assessment
One relatively formal way of collecting information about students' achievements would be ...		3. Assessment
Professional judgement based upon an image formed by the collection of information about student performance is called ...		4. Summative assessment
Assessment that is typically used to assess achievement at the end of a course is referred to as ...		5. Evaluation
The process of seeking and interpreting evidence for use by students and their teachers in deciding where learners are in their learning, where they need to go and how best to get there is referred to as ...		6. Testing
The process of ascribing a number which summarises how much of a construct is present in the performance of a student is referred to as ...		7. Measurement
An assessment that is embedded in the teaching and learning process is called ...		

Answers: Matching item in order to assessment terms: 5-2-6-3-4-1-7-1



# Responding to extreme **BEHAVIOURS**

**You may have heard extreme behaviour stories that have become staffroom folklore: “remember when Christian was running around the outside of the gymnasium smashing windows with rocks...” David Vinegrad provides a step-by-step guide to responding to extreme behaviour.**

You never expected anything like this to happen in your classroom, or at least you hoped it wouldn't. Then one day it did. Corna has swallowed a tablet that someone found in the playground, or after giving Bunsen umpteen reminders not to swing on his chair, he has fallen backwards, slamming his head on the concrete floor and there is a mess of blood and screams coming from other students.

Hopefully by reading this article and developing your own response plan you will feel more confident in your role when the extreme happens.

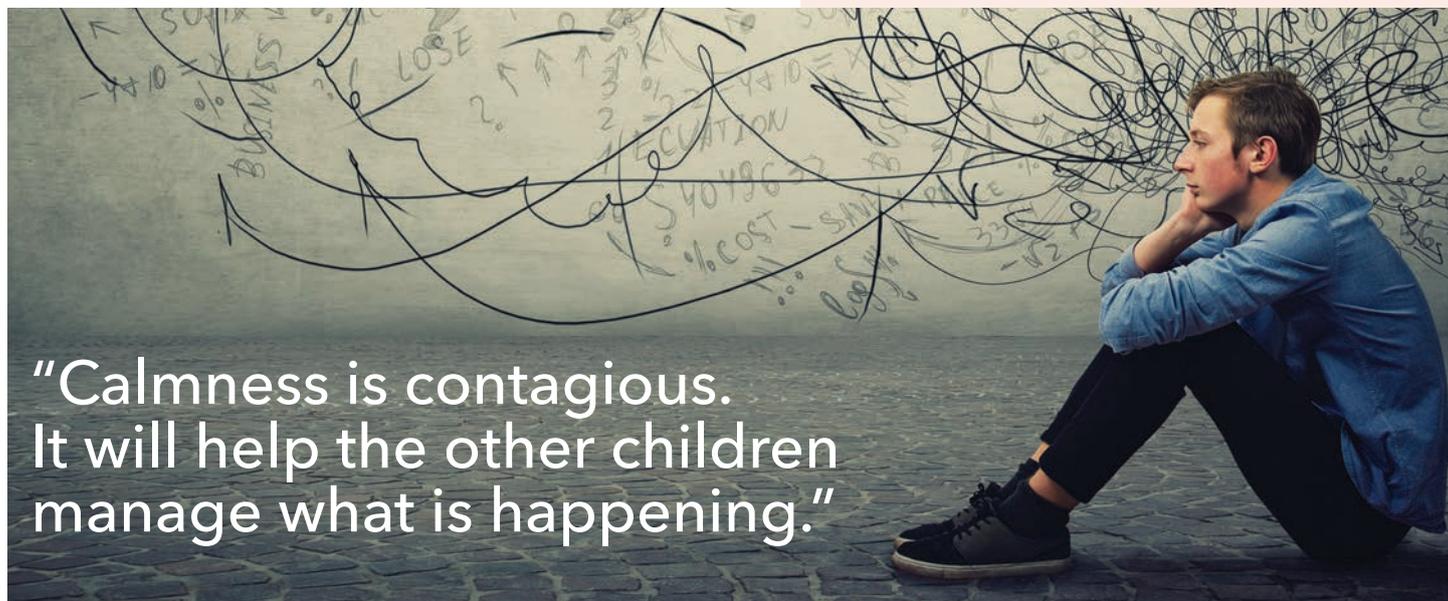
## **So, what are extreme behaviours?**

Extreme behaviours can be described as those that overwhelm the resources of the classroom and what is outside the range of normal student behaviour including risk taking, pranks, attention seeking and goofing off.

Extreme behaviours are beyond our usual range of teacher experiences, beyond what is expected in a mainstream classroom, and beyond what we were trained as teachers to cope with. Extreme behaviours can be markedly different for early, middle and senior students and for some school demographics.

## **What causes extreme behaviours?**

All behaviour is an expression of human needs. Think Maslow. One simple and sensible framework that explains some extreme behaviour is when the demands of the classroom overwhelm the coping skills of the student.



**"Calmness is contagious. It will help the other children manage what is happening."**

Extreme behaviours can be the result of a complex range of backgrounds and influences that impact on a student's ability to cope, including:

- neglect and abuse
- dysfunctional attachments to significant caregivers
- adverse childhood experiences
- drugs and alcohol
- social media
- social skills and emotional competencies
- learning needs and delayed development
- situational and generational poverty and disadvantage
- nature v nurture - our biology and biography
- motivating reluctant students to value formal education.

All we need to do to reduce the risk of extreme behaviour is to address and ameliorate one or more of the above so that students can cope with school demands. Simple!

For some children, extreme behaviour is their best response to a complex social, emotional or academic setting. Their behaviour can be escape and avoidance related or is about control and power over someone or something. If teachers can look through the lens of 'what need is being met by this behaviour' and replace that behaviour with a more appropriate one, then an extreme event may be avoided. By being able to understand the child and what antecedents may trigger individual extreme behaviours we can be more proactive and reduce the likelihood of an extreme event.

### **How to respond to extreme behaviours**

The key is to be calm and assertive. Being calm is usually the first piece of useless advice given when responding to an extreme event like an earthquake, a fire, or a lock down. Being calm is the last thing our brain wants us to do, especially when the event or behaviour is a new experience that our brain perceives as a threat.

Can you remember the first time a child shouted at you or used some colourful language to describe your appearance? You will know of some colleagues who have worked in demanding schools where extreme behaviours are commonplace and they have become habituated or used to these sorts of behaviours. Think of the calmness that emergency services personnel show when in the heat of the moment. It takes some time to understand the teaching 'role' and detach enough (keep being warm and approachable!) to know that the behaviour is not about you; it's not personal.

When we sense a threat, our brain puts us into a freeze, flight or fight response. We need practice to reduce the threat response that floods our body with adrenalin, shutting

down the rational prefrontal cortex and putting our amygdala on high alert; the mid-brain is our smoke detector or early warning device to keep us safe. Can you see the similarity when a child is overwhelmed by the classroom demands or expectations? Remaining calm and taking decisive action is the best way to get a child's rational brain back online or out of freeze, flight or fight mode. Reading this article and developing your own extreme behaviour plan is 'practice' that will help you to remain a little calmer each time you think about or experience an extreme behaviour event.

This means that you need to rehearse and practise your extreme-behaviour response so you can keep your rational brain online when a student loses it in your classroom. This also means having a plan. By having a plan, it will be your reference point and you will feel more confident about what you need to do when it hits DEFCON 5 in your classroom (Defence Readiness Condition).

In practical terms it means lowering the volume of our voice, using a calm tone and stepping back out of the child's personal space.

Stopping any aggressive body language, gestures, movements, expressions that may be seen as a threat and repeating some calming phrases like 'it will be OK/we will sort this out/you are not in trouble/take some breaths' etc.

Calmness is contagious. It will help the other children manage what is happening and assertiveness is about consistency and predictability. Both important things for the other children to see and feel; they trust you and can rely on you to sort this out with a minimum of fuss.

### **The 10-step plan**

Assertiveness is showing that you know what to do, you have a plan to sort this out. Below is a 10-step plan that you can incorporate into your teaching.

#### **1. Establish and maintain safety - your safety and their safety**

Are you safe? Your wellbeing is a key consideration. Do you have appropriate training to get involved physically and separate and restrain students? Will the measures that you took be deemed reasonable in a court of law and should you have done something else? Are the bystanders and onlookers safe? Is there the potential for them to be injured or become involved? Do the following: call out 'stop' repeatedly in your biggest voice. If you know the child's name use that with 'stop'. We need to get the thinking brain back online so hearing their name with verbs like 'stop' may do the trick. In between calling out 'stop' instruct other students to 'get a teacher/get someone from the office'.

Summon the need for help repeatedly. Send lots of students in all directions. In between shouting stop and sending students for help, instruct any senior students to move the younger students away. 'You lot, move the junior students away/Help me out and take the younger students onto the oval'. Be decisive and assertive.

## 2. Self-regulate - this is about you

What can you use to manage your emotions and think clearly about what to do and say? Use some mindfulness, take 10 deep breaths, bring your plan to mind.

## 3. Calm the child

Knowing the child and what will help them to self-regulate can be very helpful, especially if they have a care or safety plan. If not, ask them to go with you to somewhere private and quiet, and encourage them to have a drink or eat something, draw, do something tactile. Whatever helps the child to self-regulate.

## 4. Help the child understand what happened

When they are ready, ask them to talk or draw or show what happened. Restorative practices, questioning is helpful here. Avoid blame through 'why' questions.

## 5. Work with the child to take responsibility

Encourage story telling by working through the beginning, middle and end stages of what happened and debrief the child about their actions, thoughts and feelings.

## 6. Speak with the other children

Provide the bystanders and onlookers and friends a voice and some agency by asking reflective, open-ended questions and maybe even run a class meeting or healing circle for extreme behaviours that have impacted on everyone.

## 7. Write a complete report/debrief with admin

Your school may have a paper or online recording and reporting system that you can use to make an accurate record of who, what, when, how, where.

## 8. Review the plan

If you have a school-wide critical incident plan or a plan for your classroom, review what went well, what changes are needed, what did we learn.

## 9. Document, document, document

The incident should be logged on the school system. Spending some time documenting what happened in a journal or teacher diary is often helpful for people to gather their thoughts. Leave the incident in the journal to help you work through any strong and lasting emotions.

## 10. Debrief with a trusted colleague

Some of us can recover from an extreme incident without a further thought but others can't stop thinking about what happened. We may be experiencing post-traumatic stress disorder (PTSD). It is recommended that teachers are set up with a buddy and when needing to manage an extreme behaviour or event take the time to have a debrief. There are two examples of a quick debrief below.

### ● Debrief version 1

What did you do that helped?  
What did you do that did not help?  
What would you do differently if faced with the same behaviour?

### ● Debrief version 2

What concerned you during the incident?  
What concerns you now about what happened?  
What needs to happen about that?  
What support can we provide?

## Four guiding principles for reporting and responding to an extreme behaviour

- Provide clear, accurate information - to the office or senior member of staff so they know clearly who to get and what to do to help you and your students.
- Describe the actions to be followed - what and who do you need in your classroom/playground immediately and at the end of the day?
- Provide help for all affected - follow the 10 steps above.
- Maintain a normal school/classroom program as close as possible - stick to known routines to provide a level of predictability and consistency for all.

We can sometimes feel powerless in not being able to do anything to stop the extreme behaviour and it is common that after we consider what we did, we criticise ourselves for not taking another course of action. This is normal neurological behaviour as in the cold light of day we can access the rational areas of our brain, which are now back online, that escaped us in the heat of the moment.

Journaling or writing objective notes in a personal diary may be helpful in the recovery process. Remember to sign and date it, for example: Monday 1 April 2020 at 2.45pm David is moving in and out of the classroom, screaming obscenities and refusing to join the class despite a range of clear directions that I gave including, "David, I need you to stay in the classroom, sit down, and be quiet thanks" and "David, it is not OK to be using those words in our classroom, remember our agreement thanks". I sent two reliable students with a 'red card' to the office to request assistance from the assistant principal. I attempted to distract David and offer a calming activity at our 'chill corner'. He refused and threw a glue stick at me, breaking my laptop screen.

## How to recover from an extreme behaviour?

Once the dust has settled and everyone involved has been supported through the recovery stage, a response needs to be mounted. This should support the child to prevent further extreme behaviour and address their needs through some reasonable adjustments, usually documented in an Individual Education Plan, Behaviour Plan, Care Plan and a Crisis Plan.

Communication and clarity around roles, responsibilities, and expectations is vital and after an extreme behaviour event a fresh plan needs to be considered rather than a fresh start.

## In summary

Extreme behaviours can and will have a different impact on all teachers. Remember to:

- have a plan
- document, document, document
- debrief with a colleague
- review the plan.

David Vinegrad is the Director of Behaviour Matters, an organisation that works with schools to implement best practice behaviour management and relationship development programs. David is a classroom practitioner with experience that ranges from working in government and independent schools across Australia and internationally. He has co-authored five books about Restorative Practices and spends most of his time facilitating workshops and seminars for schools on how to manage relationships and discipline across the school setting.

# Educating young people about the dangers of violence during conflict

**“Be wise, think carefully and act kindly” is the simple but incredibly powerful message the family of coward punch victim Pat Cronin is communicating to young Australians through a newly released trio of books for primary school aged children, writes journalist Emily Campbell.**

## The Pat Cronin Foundation

On a quiet night out in Melbourne during April 2016, 19-year-old Pat Cronin was coward punched while assisting his friend who was being harassed by a group of strangers.

Pat was taken to hospital with severe head injuries but, tragically, his condition was such that his family made the agonising decision two days later to switch off his life-support system.

Following Pat’s senseless death, his family established the Pat Cronin Foundation to honour Pat’s memory by raising awareness about the coward punch and educating young people about the dangers and potentially deadly consequences of resorting to violence during conflict.

The Cronins are determined that no other family should experience the devastation they have faced since Pat’s death.

Matt Cronin, Pat’s father and founding director of the Pat Cronin Foundation (pictured opposite with Robyn Cronin, Pat’s mother), said it is important that from the earliest possible age, children should be taught and learn to understand that violence and physical aggression are totally unacceptable and they need to always think carefully and act kindly.

“The foundation was formed after Pat died in 2016 and from very early on, our theory has been that to make change you need to educate,” Matt said.

Although the foundation already has an ongoing active secondary school program that informs students about Pat’s story, the storybooks,

launched in August 2020, aim to spread their message to younger children.

“One of the foundation’s cornerstones is about education and initially we worked predominantly with secondary schools to convey the ‘be wise, think carefully and act kindly’ message,” Matt said.

“However, early intervention is vital and children learn their behaviour from all their environments, which is why we decided to create these books targeted towards young children and communicate the message to them at home and school.

“These stories are designed to engage primary school students to help them reflect on attitudes and behaviours around anger and aggression, so they can feel empowered to develop their own action plan and be wise by never using violence,” he said.

## The series

The three books: *The New Playground*, *The Four-Square Challenge* and *Footy Fever*, feature relatable characters, captivating illustrations and adventurous storylines designed to engage young readers but also to teach them an important message that violence is never acceptable.

When writing the stories, author Maureen Hyland, a family friend of the Cronins who taught at Pat’s primary school, said she took inspiration from Pat in creating the characters and commentary.

“While the stories are fictional, I have drawn on my knowledge of Pat, his personality and his life, and included some features that reflect the young man being honoured in these books,” Maureen said.

“Throughout the series, I have used the name Patch for the main character as this was a nickname of Pat’s.

“Another of Pat’s nicknames, bestowed upon him by his football coach, is ‘Skipper’, which the owl in the story has been named.

“The colours of the school and football uniforms in the illustrations were worn by Pat,” she said.

First in the series is *The New Playground*, set when Patch is in early primary school. It revolves around children eagerly wanting to try out the new school playground, before one classmate makes a poor choice by pushing another student off the slide because they wanted to go first.

The next story, *The Four Square Challenge*, revolves around a group of middle-primary school-aged children playing a ball game. It leads to a challenge and some unexpected turns in the final practice game and teaches one girl an important lesson.

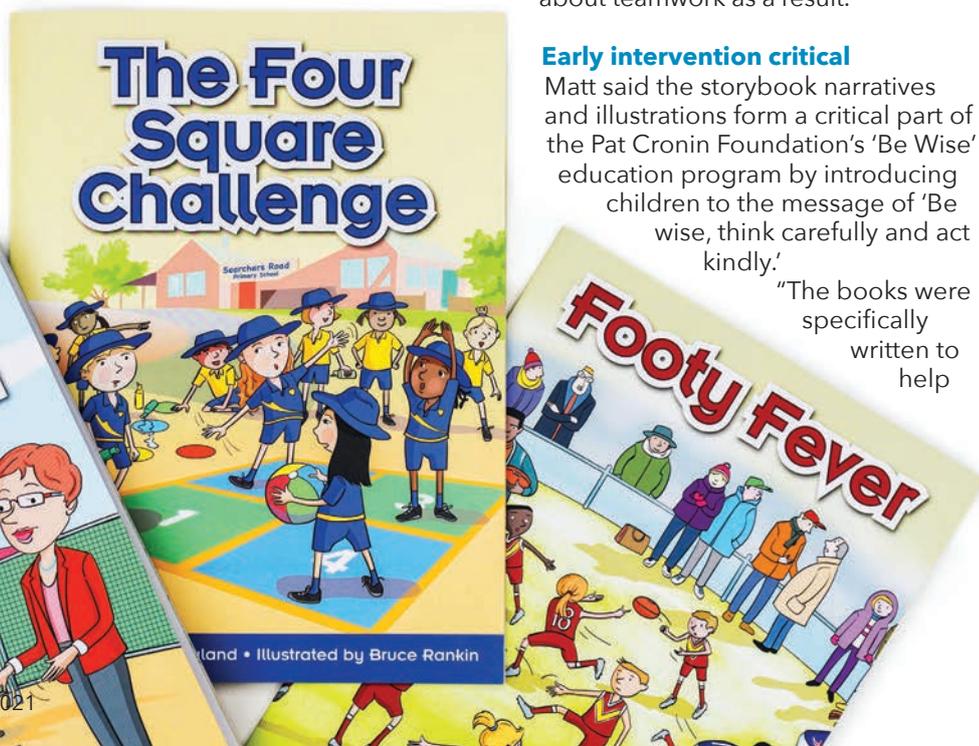
The third and final book, *Footy Fever*, follows an Aussie Rules football match where Patch captains the Year 6 team, which plays against another team.

While everyone on the ground is well-behaved and shows great sportsmanship during the match, one player wants to make a name for himself at all costs and learns a valuable lesson about teamwork as a result.

## Early intervention critical

Matt said the storybook narratives and illustrations form a critical part of the Pat Cronin Foundation’s ‘Be Wise’ education program by introducing children to the message of ‘Be wise, think carefully and act kindly.’

“The books were specifically written to help





reinforce that we all need to 'Be Wise' when interacting with others and we need to think carefully before we act," Matt said.

"The sooner children learn our 'Be Wise' message, the sooner we will achieve our mission to end the coward punch, because cultural change starts at a young age," he said.

"Although the books don't specifically mention the coward punch or death, they explore age-appropriate discussions about violence and the harm it causes.

"It starts with a push and then next thing you know it is escalating.

"In the last book, the character gets pushed into the goal post and hurts their shoulder so they're not dying from their injury, but these behaviours are building blocks to more extreme violence," he said.

One thing Matt really likes about the books is the way Maureen reinforces that in life there are consequences for negative actions; for example, someone being excluded from an activity as punishment, which may make a child think twice.

"It's not just a case of punishing the person who has done something wrong, it's about getting them to learn from it and consider what the outcome of their actions is," said Matt.

### Connecting the story with students

Story books are an excellent way to connect with young children and teach them lessons in ethics and morality, and Matt says that Pat and his other children, Emma and Lucas, grew up surrounded by books.

"We've always had books in our house, right from the time the children were born and to this day, we still have a library full of story books we haven't been able to part with," Matt said.

"The best part of these books is the children are learning without even thinking about it and enjoying the story, each of which has a message and lesson," Matt said.

At the end of each book, author Maureen has included some teachers' notes and activity suggestions so teachers can plan a lesson around the key messages of the story.

"If it's being read at home by a parent, guardian or grandparent, there are age-appropriate discussion points adults can have with their children to prompt conversation and find out more about what the children are thinking," Matt said.

### Making the message national

Since the Pat Cronin Foundation was established in 2016, more than \$1 million

has been raised, with the proceeds directly funding the foundation's Be Wise educational programs and the publication of the books.

Distributing the books through their family garage, Matt said the foundation's goal is to eventually have a set of books in every primary school in Australia.

"This project has been a while in the making and since the book launch on 25 August 2020, we have sold 3000 books, which is brilliant," he said.

"We always thought the books would be successful, but we still have a long way to go if we want to ensure every primary school in Australia has a set of our books in their library.

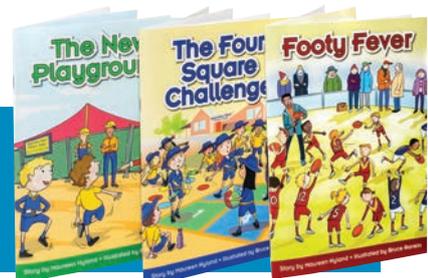
"It's important to spread the word further and further because violence is not just a local issue, it's a national, even a worldwide issue.

"If we can change behaviours starting in our own backyard and call out our bad behaviour, that goes a long way to making a difference," Matt said.

**To learn more about the Pat Cronin Foundation and purchase the books, visit [www.patcroninfoundation.org.au](http://www.patcroninfoundation.org.au)**

## Giveaway

Enter the IEU giveaway to win a set of Pat Cronin Foundation books featured in this article. Email entries to [giveaways@ieu.asn.au](mailto:giveaways@ieu.asn.au). Write your name, membership number and postal address in the body of your email. All entries must be received by 15 July 2021.



# KEEPING WORK OUTSIDE THE CLASSROOM SAFE

**As IEU members return to schools to start another year, Work Health and Safety (WHS) managers and reps must return their focus to controlling hazards in the workplace. Emma Morrissey, the WHS Officer for IEU Victoria Tasmania, takes a close look at the WHS issues relating to the safety of employees working largely outdoors.**

## 2020 - a challenging year

In many parts of the country the WHS focus in 2020 was preoccupied with the risks associated with COVID-19. Health and safety reps in workplaces have never been so crucial to the proper representation of workers and a consultation point for employers. In some schools and workplaces, the emergence of COVID-19 made apparent that there was no formally elected health and safety representative and for others it was a steep learning curve of risk assessment and hazard minimisation procedures. There is no fundamental difference between the approach to identifying, assessing and controlling the hazard of COVID-19 and any other workplace hazard, the steps are the same regardless of whether the hazards are mechanical, psychological, chemical, body stressing, gravity or sources of energy.

## What are the WHS requirements?

Persons Conducting a Business or Undertaking (PCBU), known in some states' legislation simply as 'employers', must provide as far as reasonably practicable, work and workplaces without risks to health and safety; including safe plant and structures, safe systems of work, the provision of adequate facilities and training and information to workers to allow them to work safely.

PCBUs and employers must have established systems for controlling hazards and risks with effective control measures which are regularly reviewed. With compensation claims for psychosocial injuries - particularly for teachers - increasing, it is all too easy for employers to become complacent about the hazards present in physical and manual handling work. It is vital schools remain vigilant about those hazards which many IEU members are exposed to outside the classroom setting.

## Safety working outside

Around a quarter of Australia's workforce is employed in jobs that may require working outdoors for at least some of the time. In schools, that includes gardeners, maintenance, transport workers, crossing supervisors, sports coaches, teachers and trade contractors and sub-contractors. There

are risks to safety for these employees through exposure to rain and storms, solar radiation, heat, cold, air pollution and low sunlight.

Employers have an obligation to either eliminate exposure to hazards or to minimise the risk of injury through exposure by control measures such as:

- working indoors (where possible)
- ensuring indoor workspaces are adequately ventilated and temperature controlled
- modifying the work rate or providing alternative duties on days of extreme temperature
- postponing outside work or rostering that work for mornings and late afternoons
- providing access to shelter and shade for breaks
- providing personal protective equipment including clothing suitable for extreme temperatures, solar radiation, or air pollution
- using automated or remote-controlled equipment instead of manual labour
- providing access to drinking water or hot drinks in cold weather
- scheduling frequent rests, and
- providing education about the signs of exposure to environmental hazards such as heat/cold.

Safety regulators in all states and territories have guidance material about working in heat and extreme temperatures and duty holders should have policies and procedures to deal with the risks of working outside.

WHS representatives should speak to the workers they represent about the hazards of temperature and weather and carry out risk assessments for their workplace to assist in the negotiation of local policies to control hazards and prevent injury, keeping in mind it is ultimately the responsibility of the PCBU or employer to provide and maintain safe workplaces. WHS reps can seek the assistance of their IEU state and territory office at any stage. It is important not to wait until a particular season to begin these negotiations.

- According to Safework Australia, between 2015-2019:
- 122 workers were killed following a fall from heights
  - the greatest number of fatalities involved falling from buildings and other structures (25), ladders (19) and horses, donkeys and mules (10)
  - the construction industry accounted for 40 percent of falls-related fatalities ([www.safeworkaustralia.gov.au/heights](http://www.safeworkaustralia.gov.au/heights)).

Apart from the possibility of the odd donkey at the performance of the nativity play, the most likely occurrence of falls in school is from roofs and ladders. Schools have, in the most part, improved their practices about preventing falls. However, given that there are WHS regulations in all jurisdictions covering the prevention of falls, PCBUs and employers could face prosecution and penalties for failing to manage risks around falls, specifically from over two metres but more broadly falls from any height.

WHS reps should ask to see their school's policies about preventing falls, including risks assessment and controls and make sure that members of their workgroups are aware of the measures and have been adequately educated and trained

by the employer. These policies should be regularly reviewed and delivered to staff, ensuring that this is included in the induction of any new employees, including casual staff.

Every worker has the right to safe work and employers have duties under law to provide and maintain the safety of workplaces. No work is hazard free and whilst schools are beginning to tackle the prevention of psychological injuries, and 2020 has served as a wake-up call about workplace injury through disease, workers will be injured or even killed at work if there is complacency about physical hazards. The stronger regulation around physical hazards is meaningless if individual workplaces don't have the safety systems they are required to establish and maintain. The best way to stay safe at work is to encourage others to join the IEU in your state or territory and make sure your workplace has a properly elected WHS representative. Your union can provide access to training, resources and support for your WHS rep and individual IEU members. Health and safety is core union business.

## The joys and challenges of the great outdoors

Two IEU members highlight for *IE* the diversity of their roles and explain some of the WHS challenges that can arise.

### Lisa Hall - Castlemaine Steiner School, Victoria

From a background as a landscape architect, Lisa Hall began work at Castlemaine Steiner School 12 years ago as the school gardener, then branched into outdoor and environmental education and the kitchen garden program. Lisa loves working in nature and creating a living, healthy environment for children to give them a strong connection to the natural world into their future lives.



Castlemaine Steiner School is set on 18 acres of former grazing land in Central Victoria. It has been redesigned through permaculture into a natural environment which enables biodynamic gardening, thus eliminating the common hazard of chemical storage and use. This natural environment does, however, contain other hazards that you would expect to find in such a healthy habitat - wildlife. All schools need to manage the occasional mouse or pigeon but Castlemaine Steiner School may be one of a handful of schools with registered snake-handlers on staff. It is not uncommon to find tiger snakes, red-bellied black snakes and brown snakes onsite, so the school has ongoing education and awareness programs for staff and students as part of its WHS risk control system.

Like all employees who work outside, the other WHS hazard Lisa deals with at this time of year is heat. Having had some skin cancers removed has made Lisa very conscious of staying protected from the sun. The school allows for adjustments to start and finish times and modified work for staff working outside during days of high temperature and high UV radiation.

It is never going to be all that simple - managing WHS in schools definitely needs to encompass a broad spectrum of work environments.

### Richard Soule - St Finn Barr's Launceston, Tasmania

Richard Soule is an IEU member and former IEU Rep at St Finn Barr's Catholic Primary School, where he has worked for 38 years in utility and groundwork.

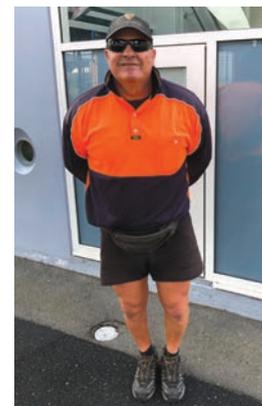
Over the course of his career, Richard has seen the introduction and implementation of many WHS regulations to improve the safety of the work he performs.

While Richard regularly performs physical work with risks which must be managed and controlled through local safety systems, there are specific WHS regulations that apply to hazardous work which requires a specific qualification or licence, such as electrical work. Part of Richard's role as utility and compliance officer involves the co-ordination of licensed tradespeople to do that work at the school when required.

Another area of improvement in effective WHS management Richard has witnessed is the regulation of working at heights. Long gone (hopefully) are the days in schools when any employee, often the teacher on yard duty, would climb onto a roof to retrieve balls, lunchboxes or shoes. Richard is the designated and trained person at his school to perform any work over 1.8 metres and his employer provides access to training every three years to keep his knowledge and skills current. The school provides the necessary equipment and signage to allow Richard to do this work within the limits of his training. Work above this limit is contracted out to licensed operators.

The school has a weekly bulletin which features safety advice for staff and reminders about following the WHS systems the school has in place to prevent injury, including not ever stepping onto a ladder, table or chair to retrieve items or hang displays. This is work which is only to be performed by Richard using proper safety procedures.

While the IEU would like to assume this was the case in every school, workers compensation claim details tell us otherwise.





# From the ground up

Combining sustainability and Indigenous cultural understanding for a better future

**In 2019 Kate McCormick, the IEU Rep at St Thomas More's Catholic Primary School on Melbourne's Mornington Peninsula, applied for the inaugural IEU Victoria Tasmania Education for Sustainability Grant. The grant was awarded to the school and provided funds to support the expansion of their sustainability and Indigenous cultural programs.**

IEU Organiser Lou Prichard Nicholson outlines how the school's program is enabling the students to deepen the relationship between their understanding of the local Indigenous people and their own sustainable practices. The program also highlights ways in which we can embrace and engage with ancient Indigenous wisdom in our daily lives.

## **Harnessing of cross-curriculum priorities**

The teaching of cross-curriculum priorities in the Australian Curriculum can enrich a student's understanding of their place in the world, specifically with regard to Australia's engagement with Asia, and also in the areas of Sustainability and Aboriginal and Torres Strait Islander Histories and Cultures.

Through the cross-curriculum priority framework, the Australian Curriculum is working to address two distinct needs with respect to Aboriginal and Torres Strait Islander education:

- that Aboriginal and Torres Strait Islander students are able to see themselves, their identities and their cultures reflected in the curriculum

of each of the learning areas, can fully participate in the curriculum and can build their self-esteem, and

- that the Aboriginal and Torres Strait Islander Histories and Cultures cross-curriculum priority is designed for all students to engage in reconciliation, respect and recognition of the world's oldest continuous living cultures (Australian Curriculum, Aboriginal and Torres Strait Islander Histories and Cultures Overview).

Blending delivery of the curriculum priorities in the areas of sustainability and Indigenous culture has the potential to deepen the knowledge base of a generation of Australian students and strengthen their connection to both Country as well as sustainable Indigenous practices. Curriculum delivery, if managed in this way, has the capacity to increase the reach of Australia's Reconciliation Action Plan to our youngest citizens and bring about positive communal attitudinal change.

Embedding Indigenous culture into sustainability studies could encourage our nation's youth to view discussion, acknowledgment and consideration of Aboriginal and Torres Strait Islander issues as the norm, and as usual and potentially necessary to everyday discourse.

## **Outdoor learning**

St Thomas More's Catholic Primary School in the suburb of Mount Eliza has the benefit of being situated on a large piece of land substantially covered by bush, backing onto Kackeraboite

Creek. As for most primary schools in recent times, St Thomas More's has been building its commitment to sustainability for many years.

In such a setting the school has a strong connection with the outdoors and a focus on outdoor learning.

The school has set about providing for the cross-curriculum requirement for sustainability with many of the usual and important matters covered, such as recycling, composting, energy saving arrangements and solar panels, tank water, nude food and minimising paper usage and waste. Recently there has been a growing connection of their sustainability curriculum with an Indigenous focus in the program.

Students at St Thomas More are now maintaining the bushland with weeding and planting of native trees, and they visit the creek to check the water clarity and to remove rubbish. However, there was a push to take the connection between the curriculum priorities further.

Initially the school community started to gather materials to make natural hives for native insects. Plans have been drawn up for large garden beds for each year level to plant and care for a large vegetable garden featuring edible native plants. The students have discovered that Indigenous plants such as finger limes, lilly-pilly, midyim berries and Davidson's plums will all grow well in their area. The students will learn how to prepare the Indigenous foods grown for eating.

Importantly, the school plans to work with the local Indigenous community

for advice on planting and on the history of the area.

Bunjil, the wedge-tailed eagle is the animal totem for the Mornington Peninsula and the garden will incorporate it with children's art and sculpture.

The change to the remote-learning mode of delivery through 2020 has resulted in the school continuing this work into 2021. The intention is to continue the linking of sustainability and Indigenous culture to become a part of

the ongoing teaching and learning at St Thomas More's well into the future.

Schools making connections with local Aboriginal and Torres Strait Islander communities is becoming more widespread. Connecting with Indigenous sustainable practices brings a fresh understanding to what is possible for Australians wanting to live more sustainably in the 21st century.

The public connection by teachers, as they deliver the cross-curriculum

priorities together, can also make a clear acknowledgment that Aboriginal and Torres Strait Islander people have a rich and continuous connection to the land on which we all live.

Most importantly and powerfully, this deepening of all Australian students' connection to their local Aboriginal and Torres Strait Islander communities via sustainability education has the potential to further the necessary reconciliation of our entire Australian community.

## The project's framework

### Cyclical planning is key

Planning for the inclusion of the cross-curriculum priorities is addressed in a cyclical fashion at St Thomas More's.

A bi-annual scope and sequence chart is outlaid for the Australian Curriculum cross-curriculum priority of Sustainability recognising the inclusion of the Aboriginal and Torres Strait Islander Histories and Cultures priority.

The school is currently focusing on a two-year topic overview for the kitchen garden and Indigenous planting.

### Project and program

Curriculum links to the learning areas of English, maths, science, humanities, arts, technology and health are also clearly identified, as well as the expected educational outcomes from the relevant project activities. By way of example, at St Thomas More's, the students will engage in research into local Indigenous planting and make connections to the history of local Indigenous people and culture.

Learning how to undertake this sort of background research will have a focus across the learning areas of humanities, science, maths and English, with particular facets of the underlying skillset needed for such a research task covered in the relevant learning area, such as data collection and analysis in maths. It is in this way that the learning continuum of the general capabilities outlined in the Australian Curriculum can be maintained.

In addition to the design as a two-year topic, the curriculum planning entails every unit of work for each learning area having a stated focus for the cross-curriculum priority of Sustainability and also a specific social justice focus.

At St Thomas More's, the cross-curriculum priority of Aboriginal and Torres Strait Islander Histories and Cultures is considered under the umbrella of social justice. The Australian Curriculum key concepts for the cross-curriculum priority of Sustainability specifically mention social justice. The study of the priority "enables a diversity of world views on ecosystems, values and social justice to be discussed and recognised when determining individual and community actions for sustainability" (Australian Curriculum, Sustainability Key Ideas, Key Concepts).

This further clarifies and strengthens the appropriateness of linking the two priorities.

Some of the Organising Ideas stated in the Australian Curriculum for the Indigenous priority can clearly be viewed through a social justice lens also, specifically with regard to historic and contemporary impacts of colonisation. The layering of the Indigenous Organising Ideas over the Systems, World Views and Futures recommendations for the Sustainability priority will enable discussion and potentially problem solving for both priority areas.

### Embedding into the broader curriculum

St Thomas More's has embedded both the Sustainability and Aboriginal and Torres Strait Islander Histories and Cultures priorities into a range of curriculum areas as a result of the Kitchen Garden and Indigenous Planting Project and Program. For example:

**Maths:** Opportunities for practical application of mathematical concepts – area, length, volume, seasons of the year, data collection, graphing of rainfall and temperature.

**Digital Technologies:** Weather station design (coding), using design, computational and systems thinking.

**English:** Research opportunities, communications with school and wider community, ongoing student publication.

**Science:** Weather patterns, sustainable production of food, biodiversity/vegetation.

**Geography:** Vegetation (local Indigenous), biodiversity.

Consistent recognition that the cross-curriculum priorities are not stand-alone subject areas, but priorities to be threaded through the curriculum, and the blending of the priorities of Indigenous culture and sustainability is providing an extra layer of richness to both. "Education for sustainability develops the knowledge, skills, values and world views necessary for people to act in ways that contribute to more sustainable patterns of living" (Australian Curriculum).

A valuable part of that world view is the understanding of Indigenous sustainability, and the manner in which those Indigenous practices can be incorporated into the modern world.

### Connecting with the local Indigenous community

The St Thomas More school community views Indigenous sustainability not just as an historical learning about Indigenous practices, but also as a way to support current modern sustainable living through Indigenous culture.

Through the established inclusion of cross-curriculum priorities, the study of sustainability has moved beyond school recycling programs and collecting compost. Similarly, educating students about Aboriginal and Torres Strait Islander Histories and Cultures now incorporates current Indigenous complexities rather than limiting to a clichéd historical perspective.

Working together with the local Indigenous community will assist the students of St Thomas More's to connect with both cross-curriculum priorities in a concrete way. Further, embedding the two cross-curriculum priorities through the school's entire curriculum, will encourage a more modern perspective of problem solving to find an equitable and sustainable way forward for all Australians.

# Change behaviours, act for the environment

**Environmental education is more than learning about the environment. It is about learning, journalist Angus Hoy writes.**

By gaining knowledge of basic environmental concepts, students are equipped with the skills required for active and informed participation in managing the environment.

The IEU has a proud history of supporting education projects – through advice and funding – that bring school-based sustainable projects to life. For a number of years, the IEUA NSW/ACT Branch has facilitated the development and distribution of a sizeable grants program to members' schools and early childhood education and care centres to assist them in creating inspiring environmental initiatives for their students and school communities.

There is no definitive list of possible activities, but typical projects include habitat conservation and biodiversity and tree planting, outdoor learning areas, vegetables in kitchen gardens, organic produce, water and energy saving, waste, recycling and composting projects and First Nations cultural projects.

The eligibility criteria include long-term viability of the project, a link to the broader environmental education strategy and effective management of the project.

## **Holy Family Primary School, Skennars Head: Koala Forest Project**

Holy Family School was convinced by local Koala Rescue Coordinator Maria Mathes to create a koala tree forest of 800 trees on school wetlands, outside the school fence, which will contribute substantially to filling an urgent need for alternative koala habitats in the Ballina district. This project will also greatly enhance the natural beauty of the school environment and provide teachers and students with exciting opportunities for environmental learning.

## **St Joseph's Primary School, Port Macquarie: Growing Minds**

This project transformed an area of land into a flourishing outdoor classroom and food forest. Through integration of the two, the aim was to provide opportunities for students to learn new skills and make deeper connections to the world around them and content taught across the curriculum. The school engaged with

local professionals for assistance with design and modelling successful ecological practices.

## **Old Bar Community Preschool: Keen to be Green**

This project built on the preschool's recently established Garden Club to create learning opportunities for the children around caring for the environment. This project included re-establishing their worm gardens and commencing composting to embed sustainable practices for children into the future.

## **KU West Pymble Preschool: Solar-Powered Recycled Water Course for Play**

This project provided for children to engage in water play without wasting a valuable resource, supporting a specific QIP goal to encouraging children to become environmentally responsible, minimise our environmental footprint and embed sustainable water saving initiatives into the program.

## **St Rose Catholic Primary School Collaroy Plateau: Air Bee and Bee**

The focus of this project was inquiry-based learning around the role of pollinators. With the help of native bee experts, the project established a hive of native stingless bees, created bee hotels for solitary native bees and planted native flora, herbs and vegetables, designed to support the bees and ensure they thrive and in turn improve pollination rates. The end goal was the creation of a very rich, biodiverse environment where students can explore and learn about the role of nature in their lives.

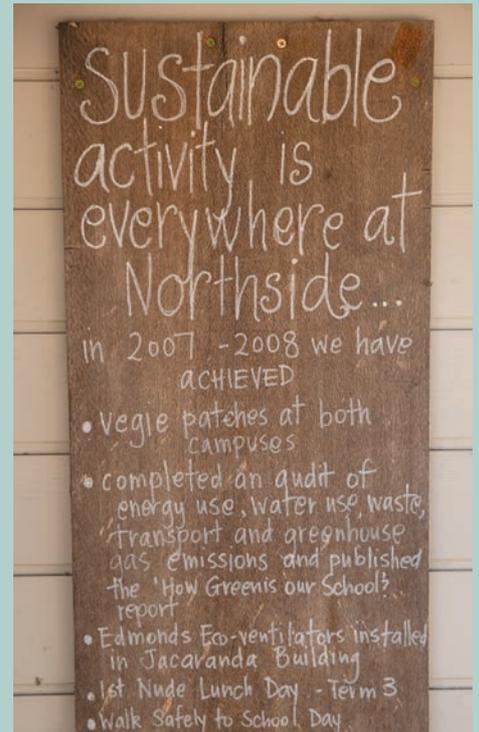
## **Uniting St Luke's Preschool, Belmont Park: War on Waste**

The project launched with a War on Waste week to support more daily recycling with the children, by also providing the families with the opportunity to recycle goods through the preschool. The resources and practices from the project will support knowledge and understanding of sustainability and recycling.

## **Work in 2021**

For 2021, the IEU has again pledged thousands of dollars in Environment Grants in support of worthy environmental education projects.

One standout project that the union has helped fund for 2021 is the Bush to Brunch to Books initiative being



undertaken at Northside Montessori School. This is a program with a strong emphasis on environment studies, Indigenous studies, food technology, student initiated micro businesses, art and agriculture.

The project will involve close association with Kur-ing-gai Chase National Park rangers, Indigenous community members and input from students. It includes service learning with bush regeneration, building of native garden beds and orchards, cooking using school grown native produce and integration of environmental education into all subjects of the curriculum.

"We will integrate practical applications to study within all the key learning areas," said Year 9-12 Director Margaret Kroeger.

"For example, we can extend student understanding of percentages and ratios in Mathematics when we mix and dilute natural fertilisers for our native orchard.

"As part of our study of mixtures and matter in Science, we can test the strength of resins from native trees in our orchard, including the pink flowered dough wood and the silver wattle.

"We can explore multiplication of fractions and financial mathematics by making and selling bush tucker treats from our Indigenous orchard and gardens.

"Learning will be meaningful, student-centred and hands on."



# What are the capabilities?

## Working effectively with disengaged students

Three eminent academics from the University of Tasmania share with *IE* readers their work examining how teachers and schools are working effectively with disengaged students. This piece discusses the crucial role of flexi-schools, with a follow up article on page 32 exploring a new study into the professional challenges faced by staff employed in these contexts.

Not all young people benefit from mainstream schools, with those from marginalised and lower socio-economic backgrounds being less likely to have their educational needs met by the traditional education system (Lamb et al., 2015). To address these needs, schools offer alternative programs to support disengaged students and improve their educational outcomes. These programs aim to offer pathways to successful education for those who experience barriers to completing school and aim to re-engage students so that they may return to regular settings.

There are more than 900 alternative education schools and programs in Australia, catering to over 70,000 young people (te Riele, 2014). These alternative education programs fall into three broad groups: stand-alone programs or schools; programs within mainstream schools; and programs within further and adult education.

Improving educational outcomes for disengaged students is important because educational attainment is a strong predictor for future life opportunities (Lamb et al., 2015) and high-quality education is fundamental to developing skills, social connections, identity, dignity, and wellbeing. While schools often draw on staff from a range of professional backgrounds such as youth workers, social workers, counsellors and Aboriginal education workers (te Riele, 2014), our focus here is on teachers, as teachers are consistently nominated as the biggest influence on student experiences and achievements (eg, The Australian Institute for Teaching and School Leadership (AITSL), 2018; Thomson et al., 2017).

More specifically, we ask what 'type' of teacher is best suited to re-engagement programs, from the perspective of school principals. Better understanding the desirable attributes of staff working with disengaged students will support selection of teachers for these roles, inform recruitment into initial teacher education, and potentially inform teacher development in traditional schools to prevent disengagement (Longaretti & Toe 2017).

Teachers play a pivotal role in the learning equation and are imperative for positive school interactions and educational outcomes. Hattie (2003) argues that personal student characteristics account for 50% of the variance in learning outcomes, and that home (eg, levels of expectation and encouragement from family), school (eg, resources, class sizes), principal (eg, influence on the climate of the school) and peer (eg, bullying) impacts account for 20% of the variance. This leaves the teacher responsible for the remaining 30% of variation in student achievement and represents the greatest potential impact for schools to exert positive influence on outcomes.

### Teacher professional standards and capabilities

Given the wide variety of cultural, health and socio-economic factors that may contribute to a student's need for an engagement program and the significance of individual teachers in the success of such programs, it is worthwhile

investigating the personal attributes of effective teachers as well as their professional capabilities. AITSL focuses on setting standards for teachers and school leaders and has produced the Australian Professional Standards for Teachers (APST; AITSL, 2018) which outline seven professional standards for teachers in three key domains (see box below). Alongside this document AITSL has also produced a list of key 'non-academic capabilities' (AITSL, 2020) associated with successful teaching; motivation to teach:

- strong interpersonal and communication skills
- willingness to learn
- resilience
- self-efficacy
- conscientiousness, and organisational and planning skills.

### Australian Professional Standards for Teachers (AITSL, 2018)

Domains of teaching	Standards
Professional knowledge	1. Know students and how they learn 2. Know the content and how to teach it
Professional practice	3. Plan for and implement effective teaching and learning 4. Create and maintain supportive and safe learning environments 5. Assess, provide feedback and report on student learning
Professional engagement	6. Engage in professional learning 7. Engage professionally with colleagues, parents/carers and the community

Ideally all teachers need a balance of professional and academic attributes, but our project (Thomas et al., 2020) examined whether effective teachers working in engagement programs possess a differently balanced skillset compared with their colleagues working in the mainstream teaching environment.

We surveyed 100 principals from government and non-government schools in Tasmania and asked them to describe the attributes of their current re-engagement program staff and the attributes of their ideal re-engagement program staff member. The attributes they identified painted a picture of a knowledgeable, flexible and committed group of teachers who were passionate about improving the educational outcomes of the disengaged students they worked with.

### Principal perceptions

When attributes were coded into the professional standards and non-academic capabilities described by AITSL (2018; 2020) it became evident that principals believed that the ability to create and maintain supportive and safe learning environments and plan for and implement effective teaching and learning were the most important professional standards for re-engagement staff to have. Strong interpersonal and communication skills were identified by principals as the most important non-academic capability.

The professional standards of "plan for and implement effective teaching and learning", and "create and maintain



supportive and safe learning environments” reflect the need for programs to be strategically designed and structured to be able to meet the often complex learning, social and personal needs of disengaged students. Far from providing informal ‘chill out’ spaces, teachers need to be able to effectively run multiple personalised learning programs, at the same time as delivering wrap-around support such as access to mental health, housing, and drug and alcohol support services. In addition to this, programs for disengaged students have significantly higher proportions of students living with a disability.

As well as needing these highly developed professional skills, the findings from our study indicated that principals also wanted their re-engagement program staff to have strong interpersonal and communication skills.

Teachers who have these capabilities are often identified informally by principals as ‘the right type of person’ to be in these specialist roles and are appointed because they are the best person available. Our findings suggest that, unlike other teaching roles, staff were not selected based on their specialist qualifications or on their specific professional capabilities and experience working with disengaged students. When comparing the number of responses for current and ideal staff, most capabilities had a similar number of responses. However, there were noticeable differences with two capabilities: engage professionally with colleagues, parents/carers and the community, and willingness to learn, which principals indicated they desired in ideal candidates but saw less of in their current staff.

### Professional learning

While professional learning programs such as trauma informed practice and adolescent mental health are available to teachers working with disengaged students, what appears to be lacking are comprehensive, research-based opportunities that address all the aspects of this role. To our knowledge very few Initial Teacher Education programs, or even postgraduate qualifications specialise in the re-engagement of disengaged students, and we see this as a clear area of improvement.

In addition to formal training opportunities, principals in our study identified the need for ongoing professional support, mentoring and development whilst on the job, often with the recognition that the time and energy requirements of staff in these programs was different to those teaching in the mainstream school environment, leading to a higher rate of teacher burnout.

Overall, we found that teachers who work with disengaged students do require specific strengths, skills and attributes in addition to standard classroom teaching. It takes a special teacher to work effectively with disengaged students, and our study shows that these teachers are both born and made. Teachers in this area need to be excellent communicators and open to learning all the skills necessary

for working with a diverse range of complex needs. They also need to be given the opportunity to learn the reasons behind disengagement, and the proven pedagogical and structural approaches to be able to plan for their effective re-engagement with education.

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# Understanding the unique needs of flexi-schools



**Further to the previous article, a surge in the number of flexi-schools is drawing attention to the fact that a greater understanding of the unique professional challenges faced by staff in these contexts is needed, journalist Emily Campbell writes.**

A proposed joint study by researchers from Griffith University in collaboration with Queensland University of Technology (QUT) will be the first of its kind to investigate the working conditions and professional needs of teaching staff employed in the alternative education sector.

During the first phase of research, the study will examine a broad overview of flexi-schools, including the career background of those working in the sector, staff experiences working with students from diverse and disadvantaged backgrounds, school funding structures and how teachers adjust their lessons and assessments to suit individual students.

Once published, the findings of the first phase will enable the IEU and researchers in the second phase of the study to better understand and explore ways to address the industrial and professional issues faced by these staff.

Dr Glenda McGregor, one of the researchers involved from Griffith University's School of Education and Professional Studies, and Michael Loudoun, IEU member and flexi-school teacher, discuss what the research aims to uncover.

## **The role of flexi-schools**

Alternative education programs and flexi-schools play an important role in society – aiming to re-engage disadvantaged and alienated young people in learning (Thomas & Nicholas, 2018).

Importantly, flexi-schools provide an opportunity for students who have become disengaged with mainstream schooling to reconnect with education.

Dr McGregor said the reasons some students drop out or do not cope with schooling are complex and varied: mental health issues, volatile home life, teenage pregnancy, social and economic disadvantages, behavioural problems which have led to expulsion or exclusion and the inability to cope academically are some of the reasons cited.

"The staff are teaching some students who have really high needs, including many children with low socio-economic issues," she said.

"There may be compounding issues like significant trauma, there could be homelessness, children who are couch surfing, [children with] learning difficulties or behavioural problems associated with undiagnosed issues," she said.

Dr McGregor said flexi-schools provided a more viable educational option for students facing these types of hardship, given these schools often have flexible timeframes for attendance and completion of curriculum and assessment.

"Their structure is non-traditional compared to other forms of traditional schooling in the sense of culture, relationships and wrap-around social and health services in addition to providing individualised curriculum and pedagogy for students," Dr McGregor said.

According to Dr McGregor, demand for flexible education centres and alternative schooling programs has increased significantly over the last decade, with over 400 flexi-school programs operating across Australia which cater to around 70,000 students (AAFIE, 2019).

"There's a great deal of variety in the governance of flexi-schools, which are often sponsored by youth groups, religious organisations, charities, philanthropists and community bodies," Dr McGregor said.

"Given they are frequently grassroots community or charitable responses to the needs of marginalised young people, flexi-schools can operate individually and in isolation from other sites.

"This increases their vulnerability to failure due to tenuous funding arrangements and increased challenges for the teaching workforce who may lack adequate professional development and personal support," she said.

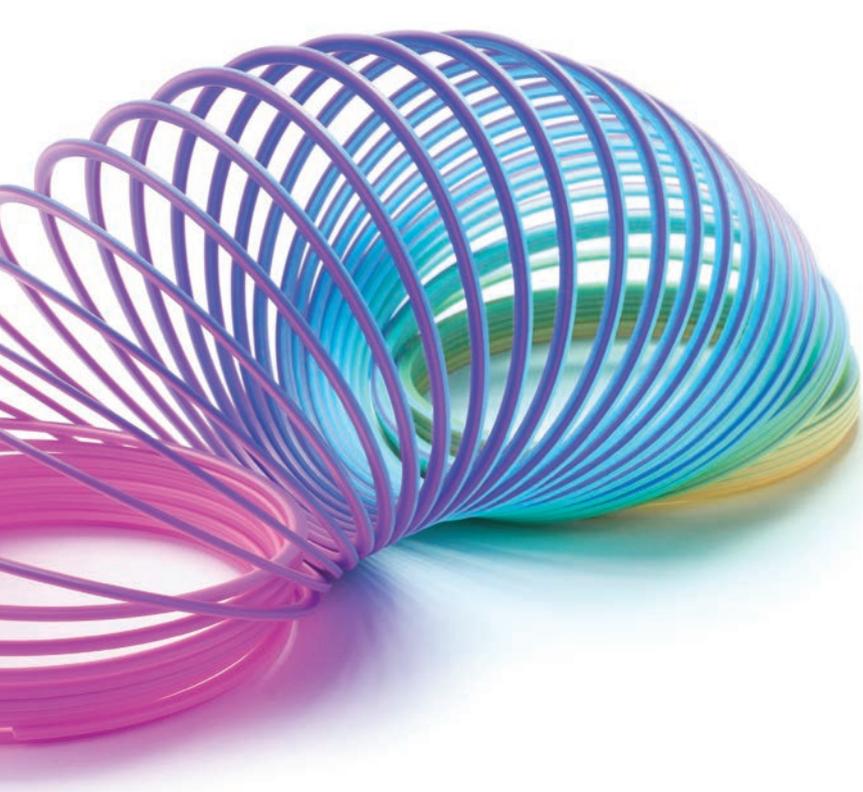
## **Understanding the sector**

The research process being conducted by Dr McGregor, along with Dr Aspa Baroutsis from Griffith Institute for Educational Research and Professor Martin Mills from QUT, will take place over the next three years.

"To date, education researchers have focused their attention upon teachers and teaching in mainstream schools; however, the unique contextual and professional challenge and pedagogical innovations of those who teach in non-traditional schools have not been investigated," Dr McGregor said.

"During previous research, we became aware of, and curious about, the opportunities and challenges for teachers working in these sites, so we wanted to learn more.

"In our research, we're looking to examine the extra freedoms teachers have to experiment with curriculum and pedagogy, but also the drawbacks and challenges faced by staff, things like lack of funding and resources,



**“I would say it’s probably the biggest issue faced across flexi-schools, the increasing amounts of trauma you encounter in the young people and how that affects you personally.”**

which can make these schools quite vulnerable,” she said.

### **Research approach**

“During the first phase of research we will explore the big-picture questions, such as who are the people who have chosen to teach in non-traditional schools and why, and the challenges they face.

“We also want to explore how teachers modify their teaching and assessment to suit individual students, how the schools operate and the realities of working in these roles.

“We want to examine all angles – staff job security, staff attrition, funding models, the impact on staff mental and physical health, hours of duty, the emotional impacts of dealing with high-needs students and the increasingly blurred lines of professional roles.

“Another aspect is the differences in professional and industrial issues based on geographical location, so we will be looking at metropolitan, regional and remote flexi-schools,” she said.

The research project is being funded by an Australian Research Council Linkage Project grant in partnership with Edmund Rice Education Australia, Jabiru Community College, Community Learning Limited (Jabiru College) and Youth Inc, all of which run flexible learning centres at a range of sites.

### **The reality for staff**

Loudoun is an IEU member who has worked at St Mary’s Flexible Learning Centre since 2015, after previously teaching at schools in the western Sydney area.

“When St Mary’s opened in 2015, it was in response to a community need for a flexi-school and so I’ve been there since the beginning,” Loudoun said.

“One of the aspects of working at a flexi-school I most enjoy is having the ability and scope to work with young people with a bit more flexibility and freedom in the way I teach.”

He said teaching in flexi-schools is different to working in a traditional school and that it doesn’t suit everyone.

“In traditional high schools, different teachers specialise in teaching particular subjects, whereas because we’re in small settings, we usually have to be very multi-skilled and learn outside our curriculum,” he said.

Loudoun said the emotional impacts of working with high-needs students, many of whom have experienced trauma, is a significant issue for flexi-school staff.

“I would say it’s probably the biggest issue faced across flexi-schools, the increasing amounts of trauma you encounter in the young people and how that affects you personally,” Loudoun said.

“Employers need to look at, and address the need for, increasing PD around topics like vicarious trauma and how to cope with that,” he said.

For some flexi-schools, funding of resources and job security can be issues of concern for staff, which is one of the angles of research Dr McGregor’s team plans to investigate.

Loudoun said he is pleased at the research being undertaken by Dr McGregor and her team, which will undoubtedly benefit flexi-schools and wider society.

“The study is a positive move which gives a lot of credibility to the amazing work being done in flexi-schools and hopefully it will support the development of improved industrial and professional conditions for workers in flexible learning centres, which are

essential factors in providing quality education,” he said.

“The study will help to identify the unique challenges flexi-teachers face and open a platform to learn more.”

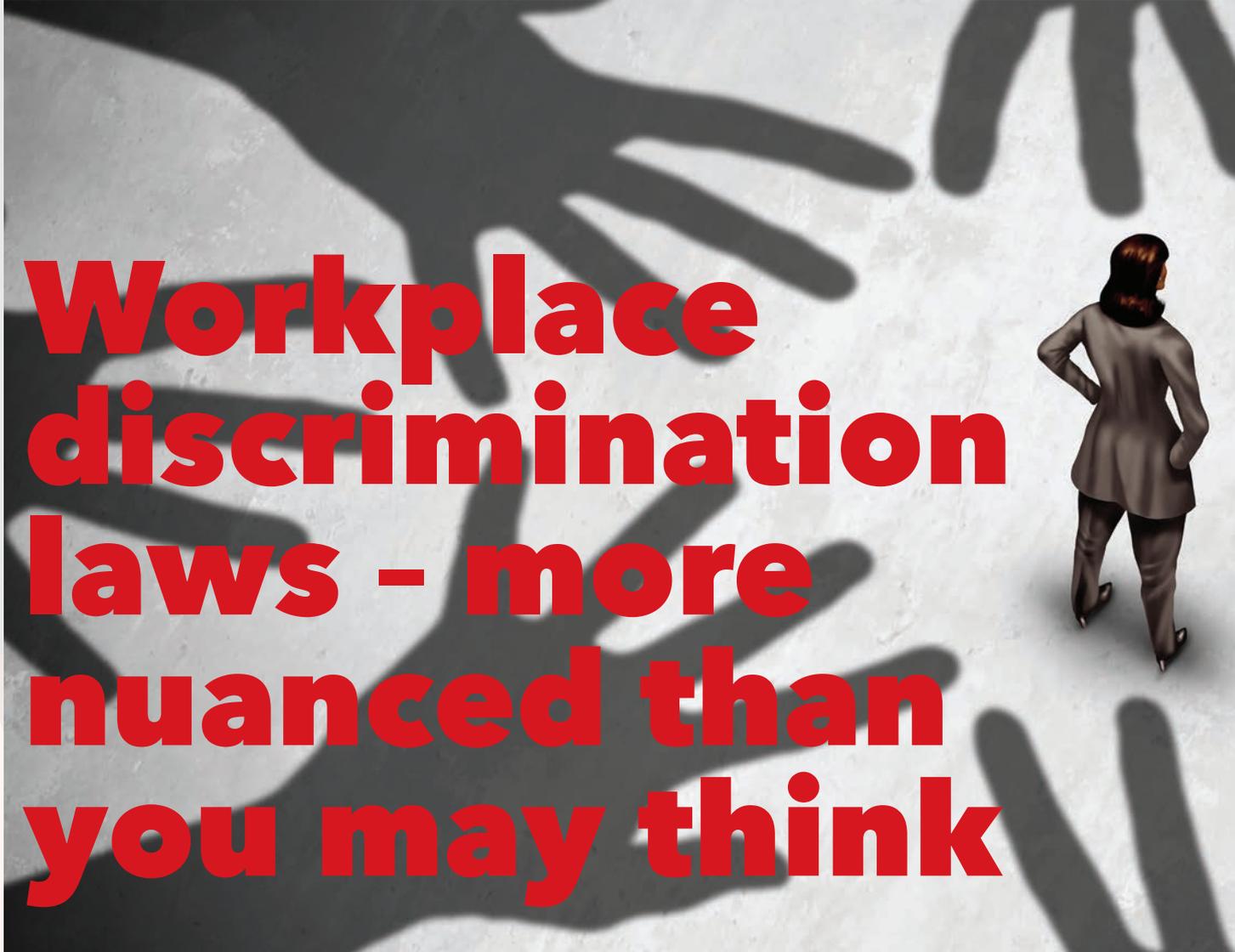
Members working in flexi-schools who are interested in participating in Dr McGregor’s study can contact her with expressions of interest via email [g.mcgregor@griffith.edu.au](mailto:g.mcgregor@griffith.edu.au) (include name and phone number).

The Australian Institute of Health and Welfare (2019) reports that every student who fails to complete Year 12 or equivalent and is unable to actively engage in work or study following school produces long-term costs to Australian society.

Communities reap both social and economic benefits through greater investment in flexi-schools, with estimates suggesting that for each dollar invested in the sector, Australian society will likely accrue between \$6 and \$18 in return through gains associated with decreased criminal offending and reliance on public health and other social systems (Thomas & Nicholas, 2018).

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# Workplace discrimination laws - more nuanced than you may think

**Employees in Australian workplaces may be subjected to discriminatory practices by their employer. IEU Victoria Tasmania Industrial Officer Jessica Mekhael examines the circumstances and relevant legal framework involved in the prohibition of workplace discrimination and takes us through a couple of relevant cases.**

There are various federal, state and territory anti-discrimination laws operating throughout Australia which prohibit discrimination in a person's employment on the basis of particular characteristics or attributes.

The attributes on which discrimination are prohibited include age, employment activity, gender identity, disability, industrial activity, lawful sexual activity, marital status, parental or carer status, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation and personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the aforementioned attributes.

It is important to note that the attributes protected by anti-discrimination legislation vary in

each jurisdiction, and there may be exceptions or exemptions to unlawful discrimination depending on the jurisdiction.

Largely, unlawful discrimination can be either direct or indirect. The general characteristic of direct discrimination is that the discriminatory act is done because of or, on the basis of, the particular attribute.

Indirect discrimination usually occurs when a condition, requirement or practice is imposed, or is proposed, which is likely to disadvantage persons with a particular attribute and it is not reasonable.

## **Adjustment for disability**

Most jurisdictions make it unlawful for an employer to refuse adjustments or accommodations for employees where such adjustments are required to enable the employee to perform their work. Generally, such provisions require that the adjustment or accommodation is reasonable in the circumstances or does not create an unjustifiable hardship to the employer.

Generally, an employee who requires reasonable adjustments to their working conditions cannot assume

their employer knows what adjustments are required and why.

*The Victorian Civil and Administrative Tribunal in Mulder v Victoria Police [2020] VCAT 428* found that it was not enough that Mulder advised that he would not work under Box Hill Police Station management or that he was open to working elsewhere as that information did not inform his employer or managers that he needed an adjustment because of a disability.

In that case, Mulder brought a claim against Victoria Police, alleging amongst other things, that it had failed to make reasonable adjustments for his disability. One of the issues between the parties was whether Mulder had actually made a request for a reasonable adjustment.

It was found that Victoria Police did not discriminate against Mulder when it refused to move him to another police station after he requested the move, as the employer was not aware that Mulder required this change because of his disability and there was no evidence before the Tribunal showing the employer had that information.



Mulder then took some time off work around the birth of his child, and when he was due to return to work, Victoria Police changed the arrangements at Burwood Police Station so that it became a 'shop front', managed by Box Hill Police Station.

The background to the dispute involved an incident when Mulder was working at Burwood Police Station. He, along with a colleague from Box Hill Police Station, had attended a call-out to a family dispute. This call-out resulted in a man being arrested and charged. Later, the charges were withdrawn, and the man made a complaint against the two arresting officers. Mulder considered that the investigation conducted by Victoria Police was unfair and reached wrong conclusions and that it was improper that the investigator was from Box Hill Police Station, when there had been senior officers from that station involved in the arrest.

Mulder considered that his employer treated him differently after the investigation and he suffered a psychological injury and made a WorkCover claim for the medical costs associated with his psychological injury.

Mulder also alleged that he became aware of the other arresting officer being bullied and harassed by senior management at Box Hill Police Station, and that this made Mulder afraid that he would be subject to the same treatment.

Victoria Police directed Mulder to return to work under that arrangement. One of the claims made by Mulder in the matter was that the direction that he work under Box Hill Police Station management amounted to discrimination against him by failing to make reasonable adjustments for his disability. In order to succeed in this claim, Mulder had to show that the employer knew, or at the very least should have known, when they directed him to work under the management of Box Hill Police Station that he had a disability which made him unable to safely work under that management.

The evidence in the hearing showed that it was not clear in Mulder's communications to his employer at the time that the reason he would not be working at Box Hill Station was because of his disability, or on his doctor's advice or due to a medical reason.

The managers involved were not aware at the relevant time that Mulder had or claimed to have a disability which made him unable to work under Box Hill Police Station management, and therefore it cannot be said that the employer failed to make a reasonable adjustment for that disability.

It is prudent to note that had the evidence shown that if the managers were aware that Mulder could not work at Box Hill Station due to his disability or on the advice of his doctor, the outcome may have been different at the hearing regarding whether the direction to Mulder to return to work at Box Hill Station amounted to a failure to make a reasonable adjustment under the *Equal Opportunity Act 2010 (Vic)*.

### **Adverse action because of pregnancy**

Conversely, in the decision of *Fair Work Ombudsman v WKO Pty Ltd* [2012] FCA 1129, the Federal Court imposed penalties on a childcare operator and a director for adverse action taken against an employee because of her pregnancy.

The Fair Work Ombudsman brought proceedings against WKO Pty Ltd under the *Fair Work Act 2009 (Cth)* for, among other things, taking adverse action against its former employee, Ms Nederpel, because she was pregnant. In summary, the employer admitted that, after Ms Nederpel applied for unpaid parental leave, it reduced Ms Nederpel's hours of work and refused her entitlement to unpaid parental

leave for reasons that included the fact that Ms Nederpel was pregnant.

In this case, there were various contraventions of the *Fair Work Act 2009 (Cth)*, including a contravention of the discrimination provision of the Act. Namely, that the employer took adverse action against Ms Nederpel because of her pregnancy. The relevant industrial instrument which applied to the employment along with the terms of Ms Nederpel's contract of employment specified her hours of work and meant that the employer could not change those hours without Ms Nederpel's agreement in writing. Approximately three weeks after Ms Nederpel had given notice of her intention to take unpaid parental leave, WKO unilaterally reduced her hours (by taking two days of work away from her and giving those days to another worker), the reduction amounted to 15 hours per week to her hours of work.

The Director of WKO refused Ms Nederpel's application for unpaid parental leave, advising her that she was not entitled to it and that she had to resign from her employment.

In this case, the employer admitted the contravention and that it took the adverse action of reducing Ms Nederpel's hours of work and consequently increasing the hours of work of another employee, forcing Ms Nederpel to cease her employment with WKO and therefore constructively dismissing Ms Nederpel because she was pregnant.

### **Nuances in discrimination legislation**

The contrast in these cases highlights that based on the jurisdiction and the circumstances, what is considered as unlawful discrimination will vary.

The case involving WKO demonstrates very obvious and deliberate actions that constitute discrimination; however, in the matter involving Victoria Police, the facts did not warrant a finding of discrimination. It is possible that had the facts shown knowledge on the part of the employer that it was aware that Mulder could not work at a particular police station due to his disability, then the direction may have been discriminatory in those circumstances.

Prospective applicants in discrimination cases may have the benefit of state or territory anti-discrimination legislation, in addition to the federal anti-discrimination laws and the *Fair Work Act 2009*.

Each jurisdiction has its unique hurdles and advantages, and each case will turn on its particular facts. It is important to keep abreast of changes in your jurisdiction that apply and to seek appropriate advice from your union.

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## Benefits at a glance

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- **low fees and charges**
- **competitive long-term returns** on our investments<sup>^</sup>
- our longstanding **commitment to non-government education and community organisations**
- **ongoing support, financial education and tailored advice**
- **complimentary meetings** with a Customer Relationship Manager
- a fund that is **committed to environmental, social and governance principles**.

<sup>^</sup> The 10-year return for the Diversified (MySuper) option was 7.39% p.a. at 30 June 2020.

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