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# AUSTRALIAN EDUCATION UNION

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## Review of the Victorian Institute of Teaching

### AEU Submission

#### Introduction

The AEU welcomes this opportunity to make a submission to the review of the Victorian Institute of Teaching (VIT). The VIT has been operating for five years which means that its performance can now be fairly evaluated in terms of its original objectives and how it has evolved over that period of time. The AEU submission is the outcome of extensive feedback from our teacher members and a range of discussions through our Council and Executive. The recommendations in the submission include both proposed legislative amendments to the Education and Training Reform Act and changes to certain operational procedures and processes of the VIT.

#### 1. The Future of the VIT

In 2000 in its submission to the Ministerial Advisory Committee consultation on the proposal to set up a VIT, the AEU stated that it supported the establishment of such a body because it had the potential to:

“

- enable the profession of teaching to be self-regulating
- give recognition to the importance of teachers' work.
- provide a professional registration system to control standards and entry into the profession and ensure that all teachers are fully qualified
- protect the professional and ethical standards of the teaching profession
- recognise the rights and responsibilities of teachers
- enhance teachers' professional development
- promote a better understanding of the work of teachers by those outside of teaching and build up public confidence in the profession
- have a governing board with a majority of directly elected teachers.”

*(AEU MACVIT  
Submission, 2000)*

Viewed from the standpoint of 2007, we believe that the VIT has begun to fulfil its potential in some of these areas but needs to make a substantial improvement in others. While it has established a registration system common to all teachers in

schools across Victoria there are widespread concerns about the provisional registration process and there is no coverage of teachers in early childhood centres and TAFE institutes. It has gone part of the way to 'recognising the rights and responsibilities of teachers' and 'protecting the professional and ethical standards of the teaching profession' and made some progress in the task of 'enhancing teachers' professional development'.

It has done little however, in 'giving recognition to the importance of teachers' work' and 'promoting a better understanding of the work of teachers by those outside of teaching and building up public confidence in the profession'. Its lack of achievement in these areas has created a growing gap between the VIT and the profession it has been set up to promote and regulate. The AEU believes that how to make the institute valuable to teachers is one of the core issues which should be addressed in the review.

The AEU gives qualified support to the continuation of the VIT. We believe that the outcomes of the review should include a substantial improvement in the role of the VIT in publicly supporting the profession, no increase in registration fee rates above the CPI, improvements to provisional registration and a process for extending the definition of 'teacher' in the Act to cover early childhood and TAFE teachers as well as those teaching in schools.

## **2. Functions of the VIT**

The legislation setting up the VIT gave it a wide range of functions, significantly expanding the role carried out by previous teacher registration authorities in Victoria. The institute has carried out some of these functions more effectively than others. We outline our appraisal of the VIT's performance in relation to individual functions, and our recommendations for improvements, under specific headings below.

The AEU supports the continuation of the functions outlined within the existing legislation with the proviso that there should be no increase in the registration fee rates of registered teachers beyond the CPI. If necessary, the VIT should prioritise its resources concentrating on teacher registration and professional advocacy.

### **2.1 Recognise and Promote the Profession of Teaching**

The VIT was originally sold to teachers as an 'independent' professional body which would publicly advocate on behalf of the profession when it came under attack from politicians or in uninformed comment in the media. The new body was seen as a means of countering misinformation about the work teachers do (including attempts to de-professionalise teaching), promoting the quality of the teaching force in terms of its qualifications and professional expertise and celebrating the many achievements of teachers as a profession and as individuals. The desired outcomes would be a raising of the status and profile of teaching as a profession, education of the public about the role teachers perform and encouragement of people to become teachers.

The overwhelming opinion of teachers in government schools is that the VIT has not performed in this area. Its lack of performance is a matter of major concern and irritation to teachers and a significant source of the alienation from the institute - evidenced by the many submissions received by the AEU from schools around the state. The AEU is concerned about the lack of confidence teachers have in the VIT and believe that its failure as a public advocate for the profession is largely responsible for this.

The position of the VIT, that it performs its role of recognising and promoting the profession *through* regulation, is unacceptable to the AEU. The Education and Training Reform Act (2006) states that the VIT's first function is to

"(a) recognise and promote the profession of teaching *and* regulate members of the teaching profession" (italics added). We believe that the 'and' in the centre of this sentence separates recognising and promoting from regulating. As there may be some ambiguity in the fact that the separate functions have been put in the same sub-clause, the AEU calls for amendment to the wording of the Act to clearly separate these two functions.

## **2.2 Regulate Members of the Teaching Profession**

Our comments on this function relate back to the previous heading. It is important that the VIT gets the balance right, so that it is not just seen to be a 'big stick' keeping the profession in line but also acts as a public advocate for the profession. At present teachers read about its regulatory function in the media (largely in relation to its investigations into the conduct and competence of registered teachers) but find little evidence of the positive promotion of the profession.

## **2.3 Approve Teacher Education Courses**

It is important that a state body external to the provider universities and representative of the main stakeholders should have oversight of the professional qualifications needed to join the profession. That this be extended to include Early Childhood courses.

## **2.4 Recommend Qualifications, Criteria and Standards for Registration and Renewal**

The AEU recognises the work done by the VIT to develop standards to underpin the registration of teachers in Victoria. There are however, several issues relating to this function.

### **Renewal of registration**

The renewal of registration requirements involving 100 hours of professional development (PD) need to be implemented in ways which do not disadvantage teachers because of their location or employment status. Those living in rural and regional areas have fewer PD opportunities and incur greater travel time and costs. While the 2007 AEU Professional Learning survey of PD Coordinators identified significant cost barriers facing all teachers in gaining access to PD, those working

and living in rural and regional locations were the most disadvantaged. The Department of Education and Early Childhood Development, as the employer of teachers in government schools, needs to ensure that, for equity reasons, all schools have the resources to meet the increased PD requirements for registered teachers.

There are also direct links between the employment status of teachers and their access to PD. The high levels of contract employment in government schools (presently 19.4% of teachers) create PD continuity issues for fixed term employment teachers who may become unemployed once their contract ends. Casual Relief Teachers (CRTs) will find it even more difficult to meet these requirements because of the temporary and casual nature of their work. While they perform an essential role in the government school system, they are generally unable to access PD during their paid working hours. There is also a general concern about the level of documentation which will be required of all teachers to fulfil the PD requirements for renewal of their registration.

### **Interstate and Overseas Qualifications**

There is concern about the amount of time it takes to get interstate or overseas qualifications recognised.

### **Oral English Standards for Overseas Teachers**

The AEU is concerned about the adequacy of the processes and standards for ensuring that teachers who have received their teacher training in overseas countries have an adequate standard of oral English language before they are registered to teach in a Victorian school. The Refresher Courses run by the AEU and Deakin University on behalf of the Department of Education and Early Childhood Development have a significant number of these teachers who have been registered by the VIT but whose oral English language skills make it very difficult for them to find work in a Victorian government school.

## **2.5 Develop Standards of Professional Practice for Entry and for Continuing Membership**

This is an appropriate function for the VIT in consultation with the profession.

## **2.6 Grant Registration or Permission to Teach**

The AEU strongly supports the need for teacher registration to ensure that the quality and integrity of the teaching profession is maintained and enhanced. It recognises the achievement of the VIT in registering all teachers presently teaching in Victorian schools. We recommend the following improvements to the existing legislation and operational procedures of the VIT.

### **Early Childhood and TAFE Teachers**

'Part 2.6 – Victorian Institute of Teaching' of the Education and Training Reform Act should be amended to extend the definition of 'teacher' to include early

childhood teachers and TAFE teachers. The AEU believes that the VIT should be a body for the whole of the teaching profession, encompassing teaching from early childhood through to adult education. The VIT should affirm the notion of membership of a common teaching profession. We believe that this would have significant benefits for both teachers and their students in all areas of education.

Teaching is increasingly integrated across all sectors of education, with graduates emerging from pre-service courses specifically qualified to teach in more than one sector and teachers during their working lives moving from one sector to another. Matters which affect the whole teaching profession, such as a system for teacher registration, should be common to the profession across all sectors. This requires a VIT inclusive of all sectors.

The case for the inclusion of early childhood teachers in VIT registration procedures has been further strengthened by the integration of early childhood services into the Department of Education (now known as the Department of Education and Early Childhood Development).

The exclusion of TAFE teachers from VIT registration has created anomalies in terms of Vocational Education and Training (VET) and Victorian Certificate of Applied Learning (VCAL) courses being taken by school students. If these courses are being taught in a school then the teacher must have registration or Permission to Teach. If the school students are being taught off campus (eg at a TAFE) registration requirements do not apply. One option which should be explored for including TAFE teachers in VIT is to use the clause (2.6.79) in the existing legislation which permits the establishment of Colleges.

### **Permission to Teach**

Permission to Teach (PTT) was designed to apply only when there was no qualified registered teacher available to undertake specific teaching duties. The Education and Training Reform Act does not make this distinction clear enough and its wording seems to accord the same professional status to people granted PTT as it does to fully qualified registered teachers.

There is a concern that Permission to Teach is being used by some schools to employ unqualified people over qualified teachers. VIT procedures ensuring that this did not happen were overturned after three years due to challenges from several schools. There is nothing in the Act that allows the Institute to refuse an application for PTT when the Institute knows that there are fully qualified teachers wishing to be appointed to the position or that the school has not made a sufficient effort to find out if there are any fully qualified teachers who wish to apply for the position (eg through external advertising).

The Act needs to be changed so that the difference between a fully qualified registered teacher and someone granted PTT is clearly established. In addition, the VIT should be empowered to refuse a PTT application on the grounds that the school has not gone through a satisfactory process to ensure that there is no fully qualified registered teacher available. The Institute needs to have the power to direct a PTT holder to enrol in an approved course of study as a requirement of holding PTT.

## **Provisional Registration**

VIT Provisional Registration processes presently require beginning teachers to complete a series of tasks during their first year of teaching before they are granted full registration. The evidence provided to the AEU from schools around the state, and from beginning teachers themselves through the AEU New Teachers survey, is that these processes need to be further streamlined to avoid undue stress and workload. These teachers already face a heavy workload as they climb the steep learning curve into a complex and taxing profession. Provisional Registration demands come on top of their normal classroom and school duties. Teachers are also critical of the existing VIT process because some of its tasks are perceived as duplication of university course work carried out in pre-service teacher education courses. The duplication is seen as a reflection on the quality of teacher education courses. Our concern is that processes which are seen as overly complex, burdensome and unnecessary will add to the already high attrition rate amongst new teachers and become an obstacle to attracting people into teaching.

The AEU recommends that the VIT should review its Provisional Registration processes so that they become simpler to carry out and emphasise support for beginning teachers through school induction processes and mentoring. The general support for the present requirements for mentoring of new teachers comes with the proviso that something needs to be done about the workload of the teachers who act as mentors. At present the mentoring role comes on top of existing duties. The AEU has proposed in its schools log of claims that teachers performing this task should receive a reduction of at least 5% in face-to-face teaching. It has also proposed that first year out teachers should receive a reduction in their scheduled duties of at least 10%. If the Department of Education and Early Childhood Development supports these claims, a much better process of inducting new entrants into the profession will become possible.

## **2.7 Issue Certificates of Registration**

## **2.8 Maintain a Register of Teachers**

The AEU supports a publicly available register of teachers which only lists the names and registration number of teachers registered with the VIT.

## **2.9 Develop a Code of Conduct**

The VIT developed a Code of Ethics to provide a set of principles to underpin a Code of Conduct. It is finalising a Code of Conduct. The AEU believes that the status of this Code amongst teachers will depend upon their level of confidence in the VIT as an institution.

## **2.10 Investigate Conduct, Competence and Fitness to Teach of Registered Teachers and Impose Sanctions where Appropriate**

### **Discretion regarding Sexual Offences**

The AEU recommends that the existing legislation concerning the VIT be amended so that a discretion is provided to the Institute when it considers applications for registration or is involved in considering the suspension or cancellation of a person's registration on the grounds that the person has been convicted or found guilty of a sexual offence within the meaning of the Education and Training Reform Act.

The discretion would enable the Institute to conduct any enquiries it saw fit, to require the person involved to provide any additional information it required and to seek advice and information from any source it saw fit.

The exercise of the discretion would require the Institute to have regard to a number of factors in making its decision. Such factors would include:

- the age of the applicant and the victim at the time of the offence,
- the gravity of the offence, its circumstances, impact on the victim and the decision of the Court,
- the period of time since the offence,
- the history and behaviour of the applicant since the offence,
- the risk of any further offence,
- the likelihood of the parents, students and broader community losing confidence and trust in the person having or maintaining professional teacher-student relationships.

The AEU believes that a similar discretion should also operate in the context of the employment relationship.

### **Identification of Teachers in the Media**

Due to experience of the sensationalist media reporting of complaints against teachers subject to formal hearings of VIT panels, the AEU recommends that, in the interests of justice, sub-clause (f) 2.6.45 of the Education and Training Reform Act be amended to indicate that a teacher who is the subject of a hearing should ordinarily not be identified through publication in the media until a final determination of guilt has been made.

Possible wording for an amendment would read:

At the formal request of either party, the panel may determine that any information that might enable the teacher who is the subject of the hearing to be identified prior to the making of a final determination not be published, unless the panel considers this action to be prejudicial to the administration of justice or for any other reason not in the interests of justice.

## **Criminal Record Check**

Teachers have expressed disquiet to the AEU about privacy implications and the double handling of identification information arising from the Criminal Record Check. The concern is that identity information may be lost or misused. A specific example to be addressed is where a teacher passes a criminal record check but there is an indication that some type of minor offence has occurred in the past. This information should not be passed on to the principal of the school.

The Department of Education and Early Childhood Development should pay the Criminal Record Check for its teacher employees (for more detail see under 'Fees and Operating Costs' below).

### **2.11 Develop a Professional Learning Framework to Promote Professional Development**

The VIT has established a standards framework which forms the basis of its work in relation to this function.

### **2.12 Undertake professional development programs and activities in relation to the functions of the Institute**

The VIT has offered a range of PD programs for provisionally registered teachers and their mentors. There is some concern that there are few, if any, VIT PD programs available for the majority of registered teachers, particularly now that teachers are required to complete a quantum of PD to have their registration renewed. This is seen by many teachers as another value-for-money argument in terms of the services provided to registered teachers by the VIT.

### **2.13 Undertake and promote research about teaching and learning**

The VIT appears to have carried out a range of research into aspects of teaching and learning in relation to its existing functions. More needs to be done in terms of publicising the outcomes of the research.

### **2.14 Advise the Minister about any matters concerning teachers including the professional development needs of teachers**

We support this function and would expect the VIT to apprise the Minister of the barriers which impede teachers from accessing appropriate PD. This would include resource constraints and the need for relevant and necessary PD programs to meet Departmental-mandated curriculum change.

## **3. VIT Fees and Operating Costs**

The rise in VIT fees over the past two years has been above the CPI.

Fee	2005	2007	2005-2007 % Increase	2005-2007 % CPI Increase June to June (ABS)
Annual Registration	\$60	\$64	6.7	5.9
Application – Victorian Quals	\$35	\$45	28.6	5.9
Application – Interstate or Overseas Quals	\$55	\$65	18.2	5.9
Criminal Record Check	\$22	\$25	13.6	5.9

The AEU believes that any increase in VIT fees should be no greater than the CPI rounded off to the nearest dollar. The increase in the application fee for Victorian qualified teachers is of particular concern as it is not only way above the CPI, but is proportionately far higher than the increase for those with interstate and overseas qualifications. We would recommend that application fees for Victorian qualified teachers, who usually enter the profession with significant tertiary education debts, should not be increased at all for the next several years.

The AEU would like to query the level of fee-for-service income the VIT receives from the Department of Education and Early Childhood Development and other teacher employers. It is our understanding that in the financial year 2006-07 the VIT received \$1.2 million from the Department (14% of the VIT's income) as fee-for-service. The AEU estimates that the savings to the Department from having the VIT perform a range of employer-related functions would be higher than this. Furthermore, we are unaware of any fee-for-service income derived from the employers of non-government teachers. We would recommend that the full cost savings to all teacher employers, and other bodies such as tertiary institutions, of the VIT functions be accurately estimated and that these bodies be charged the appropriate fee-for-service based on this estimation.

The AEU is opposed to the VIT charging individual teachers a fee for a compulsory five yearly Criminal Record Check. This represents a blatant example of cost-shifting from the employer of teachers to the individual teacher. This fee should be paid by the employer and, in the case of government school teachers, this means the Department of Education and Early Childhood Development.

The AEU supports pro-rata fees for part-time, CRT and unemployed teachers. This would be in accord with teacher membership organisations such as the AEU which take account of the different circumstances of these teachers.

As indicated in '2. Functions' (above) the AEU position is that any rise in fees for teachers should be no greater than the CPI and if this creates a problem for the VIT's operations (eg because of an unwillingness of teacher employers to meet their full fee-for-service responsibilities), the functions of the Institute should be rationalised to reflect its available income. Any significant future rise in teacher fees would further alienate teachers from the Institute and create a crisis of confidence in its overall role.

## **4. VIT Council Membership**

### **Council Composition**

The AEU believes that the Council should have a majority of elected members fairly reflecting the major divisions (primary, secondary, special schools, government non-government, principals, teachers) within the teaching profession in Victoria, and further that the clear majority of the Council be registered teachers also fairly reflecting the major divisions. The most evident anomaly in the existing Council composition is the difference between government and non-government schools in terms of principal class membership. At present the Act stipulates that there will be one government and one non-government principal elected by all registered teachers. Additionally, one of the appointed members is a principal but this person must be a principal of a non-government school. (see 2.6.6 (3), (4), (5)). The government school sector represents 65% of all school students enrolled in Victorian schools in 2007 but is only able to have one principal class member on the VIT Council while the non-government school sector (representing 35% of the total school student population) has two. The AEU calls for this anomaly to be addressed through a change to the composition of the VIT Council to enable another government school principal to sit on the Council.

There would need to be a further review of the composition of the Council if a decision is made to include early childhood and/or TAFE teachers in the VIT. If this decision is made, each of these groups of teachers would need to be represented on the VIT Council by elected registered teachers.

### **Replacement of Members**

The legislation about replacement of Council members, either temporarily or in case of a vacancy, states that the Council makes a recommendation to the Chairperson who then appoints the person. After observing how this process has operated thus far, the AEU believes that a process setting out how the Council is to decide on the replacement recommendation needs to be detailed. The process to replace a council member should start immediately that their resignation is accepted. This is important to maintain the balance of teachers versus non-teachers and elected versus non-elected members. It also recognises the increased workload that would be placed on the remaining members.

The AEU proposes that the following processes be followed:

- If an elected teacher/principal resigns in the first half of their three year term, an election should take place for their replacement.
- If an elected teacher/principal resigns in the second half of their three year term or if an appointed teacher/principal resigns, the appropriate stakeholder should be asked to nominate a like replacement. In the case of government teachers/principals that stakeholder would be the AEU. For non-government teachers/principals that stakeholder would be VIEU.

- If a Council member is absent on leave or because of illness for more than two meetings, and if they know this in advance, the Councillor should nominate their own replacement.

### **Chairperson of the VIT**

At present the Act states that the Chairperson of the VIT is an appointed Council member nominated by the Minister. The AEU proposes that this process be changed so that the Chairperson is appointed from one of the elected or appointed members of the VIT Council recommended to the Minister by the Council. We believe this change would assist in improving the perception of the VIT by teachers. The AEU calls for the Chairperson position to be made full time.