

## Professional Experience

### Student Legal Responsibilities and Procedures

School of Education

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## Introduction

Teaching is a profession and as a Pre-Service Teacher (PST) embarking on your professional experience placement, it is important to understand the meaning of 'a profession'. The Australian Council of Professions describe 'a profession' as follows:

A profession is a disciplined group of individuals who adhere to ethical standards and who hold themselves out as, and are accepted by the public as possessing special knowledge and skills in a widely recognised body of learning derived from research, education and training at a high level, and who are prepared to exercise this knowledge and these skills in the interests of others.

Source: <http://www.professions.com.au/about-us/what-is-a-professional>

### **Behaving ethically lies at the very heart of the teaching profession.**

As a visitor to an educational site or learning organisation, PSTs are expected to demonstrate an ethical and professional approach at all times and to show commitment to learning through professional experience.

The Victorian Teaching Profession Code of Conduct 2016 (p5), published by the Victorian Institute of Teaching (VIT), provides the following advice:

As teachers, we use our expert knowledge to provide experiences that inspire and facilitate the learning of those we teach.

We are a significant force in developing a knowledgeable, creative, productive and democratic society. The values that underpin our profession are **integrity**, **respect** and **responsibility**.

We hold a unique position of trust and influence, which we recognise in our relationships with learners, parents / carers, colleagues and the community.

Source: [www.vit.vic.edu.au/\\_\\_data/assets/pdf\\_file/0018/35604/Code-of-Conduct-2016.pdf](http://www.vit.vic.edu.au/__data/assets/pdf_file/0018/35604/Code-of-Conduct-2016.pdf)

When developing this document outlining the Legal Responsibilities and Procedures for students undertaking professional experience as part of their program of studies, Federation was mindful of the principles of VIT and Early Childhood Australia Codes of Conduct.

When PSTs are engaged in Federation's professional experience placements, they are required to act in accordance with these legal responsibilities and procedures. Failure to do so may result in serious penalties being applied.

# Legal Responsibilities

## Duty of Care /Negligence

The Mentor Teacher (MT) is responsible for the children in the educational setting and the Pre-Service Teacher (PST) is not to be left unsupervised. If the PST finds him/herself left in charge of a group of students, should harm come to any student through negligence, or poor judgement on the part of any PST, it might be expected that both PST and the MT could be held responsible. Thus it is important that PSTs use professional judgement and take reasonable care at all times. PSTs should know the whereabouts of the MT at all times in order to be able to access them should the need arise. This means that the PST should be within reasonable distance of the MT at all times.

The Education and Care Services National Regulations under the Education and Care Services National Law state the following in relation to supervision:

Educator-to-child ratios alone do not determine what is considered adequate supervision.

Supervision is critical to the safety of children. Adequate supervision means that an educator can respond immediately, including when a child is distressed or in a hazardous situation.

Effective supervision also requires educators to be actively involved with children. It is not the intention of this requirement that educators merely 'stand back and watch'

Reference: National Regulations under the Education and Care Services National Regulations <http://www.legislation.nsw.gov.au/sessionalview/sessional/subordleg/2011-653.pdf>

### **Important note re Duty of Care and Supervising Teaching Practice (the practicum)**

*During the practicum, pre-service teachers must be under the supervision of a registered teacher at all times. They are not permitted to be in sole charge of classes. Nor are they to be used to replace teachers who are absent, or to free teachers to perform other duties around the school.*

Negligence is the failure to do something that a reasonable and prudent person would do or the commission of an act that such a person would not commit. A teacher, and thus a PST on professional placement, must take all reasonable care to provide a suitable and safe place for students to learn.

### **Discipline**

Appropriate behaviour management strategies relevant to working within education settings, as determined by the governing bodies, are addressed in the teacher education program undertaken by the PST at Federation.

Isolation, intimidation, threatening behaviour and corporal punishment ([Education Training and Reform Act 2006](#)) are not permitted in Victorian educational settings. It would be inappropriate for PSTs to have any role in the wilful harm of a child in their care.

## Discrimination

In Victoria, under the [Equal Opportunity Act 1995](#), it is unlawful to discriminate against anyone on the grounds of: impairment; physical features; age; pregnancy or parental status; race; religious or political belief; sex (gender).

## Mandatory reporting

Under section 182 of the [Children, Youth and Families Act 2005](#), a person registered under the [Education Training and Reform Act 2006](#) or who has been granted permission to teach under that Act is designated as a mandatory reporter. Education and Care Services National Quality Standards and Child Protection state that non-mandated licensed children's services staff have a duty of care to act immediately to protect and preserve the safety and wellbeing of children in their care.

If a PST believes a child is 'at risk' of harm, a PST **must** immediately inform their Mentor Teacher of the concern.

### **Relationships with children**

Teachers hold a unique position of influence and trust with children that should not be violated or compromised. PSTs should recognise that there are limits or boundaries to their relationships with children whereby they should maintain a professional distance. There should also be an awareness of the responsibilities of modelling acceptable behaviour for children whilst on professional placement.

In instances where the PST feels another person (child or adult) has initiated inappropriate behaviour, they should immediately seek guidance from their Mentor Teacher or University Mentor.

## Occupational health and safety

It is a legislated requirement that educational settings provide a safe and appropriate teaching and learning environment for both children and staff. Allied to this is the requirement that every setting meet the minimum standards of OHS as spelt out in legislation. PSTs, along with all employees, share the responsibility for safety in the professional setting. More detailed information is available by referring to the [Occupational Health and Safety Act 2004](#).

## Privacy

PSTs must adhere to legal requirements of informed consent and confidentiality with organisational, family and child information in academic and education settings. While education settings may collect and use personal information about children to perform their functions, appropriate written permissions must be obtained prior to collection of any data, and all data collected must be treated in a confidential manner. See <https://ovic.vic.gov.au/privacy/for-agencies/information-privacy-principles/> for the 10 Information Privacy Principles which are the core of privacy law in Victoria, [Privacy and Data Protection Act 2014](#).

## Working with Children Check

The [Children, Youth and Families Act 2005](#) requires that most people who work or volunteer in child-related work apply, and pass, a Working with Children Check. The Working with Children Check helps to keep children safe by preventing those people who pose a risk to the safety of

children from working with them, in either paid or volunteer work. Working with Children Check application forms are available from participating Australia Post outlets or by submitting a Request for WWCC paper application form on the Department of Justice website. Passing the WWCC is a pre-requisite to enabling you to undertake Professional Experience placements.

Most Early Childhood settings will also require a Police Check before the PST can commence placement. Advice regarding this requirement will be forwarded by email prior to commencement of the Professional Experience Program.

## THE PROCEDURES

**Professional Experience is a most important part of your University program. It is strongly recommended that any personal or work commitments during this period are minimised so the focus is on the professional learning. It is reasonable to expect to travel up to 1 hour/100km to undertake Professional Experience.**

### Introduction

During professional experience, PSTs are responsible to the Principal/Director/ Coordinator of the educational setting as is the case with any other professional. The duties will be no different from those of MTs. Duties may include yard duty, sport, meetings, room and playground set up and pack up, excursions, bus duty and extra-curricular activities carried out with the assistance of the supervising professional. Each professional experience setting will have specific procedures and it is the responsibility of each PST to familiarise themselves with these.

As a minimum guide, PSTs should adhere to the following advice:

### Absences

Graduation from accredited teacher education programs is dependent upon completion of a predetermined number of days for each professional placement. It is an expectation that PSTs attend every day during the placement.

PSTs must be in attendance if the educational setting is open. Any absence *must* be made up immediately at the end of the placement by negotiation of a 'make up' day/s that suit the MT. Prior to this negotiation, UMs must be contacted. Where days cannot be made up immediately, the PST must contact the Professional Experience Team on [sea.professionalexperience@federation.edu.au](mailto:sea.professionalexperience@federation.edu.au).

PSTs should contact the educational setting prior to 8.30am to advise of an unforeseen absence (eg illness). Timely advice to University Mentor, of any unforeseen absence, is also required.

### Accrual of days

Registration as a teacher is dependent upon completion of a predetermined number of days of professional placement in a process that is approved by VIT and Australian Childrens' Education & Care Quality Authority (ACECQA). At Federation, placements are embedded within specific Courses with specific learning objectives and anticipated outcomes. Therefore, each placement is stand-alone to the extent that PSTs cannot 'accrue' days from one placement to carry over to

another placement with the intention of shortening a placement. It is a requirement of the Program that students complete the determined number of days for each semester of enrolment.

## Arrival

PSTs are in effect members of staff of the educational setting while on professional experience and therefore observe the same hours of duty as regular members of staff (eg 8.30am – 5:00pm). Thus all PSTs are required to remain at the educational setting for the full day everyday of their placement, even when not actually teaching. When applicable, PSTs should follow '*visitor sign in*' procedures. It is recommended that to adequately prepare for the responsibilities of the day, arrival time would be at **least** 20 minutes before the teaching day commences.

## Appearance

Federation expects all PSTs to observe a professional standard of dress. Each setting will have an expected 'Dress code' to which PSTs **must** adhere.

Occupational Health and Safety considerations would suggest that attire such as thongs, open shoes and singlets are unsuitable to wear in a professional setting.

## Application for Leave

All leave is regarded as an '**Absence**' and as such the procedures, outlined in 'Absences' above, will apply. Subsequent to discussion with the University Mentor, requests for leave must be approved by the Principal/Co-ordinator of the educational setting. In the event of illness, a medical certificate may be required.

## Communication with Federation University Mentor

Each PST has a University Mentor (UM) appointed to them and wherever possible, communication is to be direct to the UM's Federation University email. Prior to the commencement of professional experience placement, PSTs must make contact with their UM. This should be in person or via email or telephone in the week before placement commences. In Early Childhood and Secondary settings, the PST is required to forward a copy of the teaching schedule during the first week of placement to their UM.

Communication during the professional experience placement with Federation University staff can be made via email or telephone. However, all issues should be discussed with the Mentor Teacher/school co-ordinator/principal as a first step.

## Student At Risk (StAR)

If there is concern about the progress of a PST, the PST will be identified as a Student At Risk (StAR) and the University Mentor must be contacted by the education setting in which the PST is undertaking placement. This is to facilitate support to assist the PST address the concerns of the Mentor Teacher.

As indicated in Professional Experience Report Form A (section 7 - page 2), should the Educator / Supervisor / Mentor Teacher have any concerns or questions regarding the readiness capacity of their PST or the placement, contact is to be made with the University Mentor in the first instance.

Administration queries should be directed to [sea.professionalexperience@federation.edu.au](mailto:sea.professionalexperience@federation.edu.au)

## Communication with professional setting

Professional conduct implies adequate preparation has been undertaken by each PST. Thus, it is the responsibility of each PST to contact the site of the professional experience. This should occur at least one week before placement commences. During this contact, it is advisable to collect relevant information to enable adequate preparation (eg number of students, behaviour management strategies, timetabling, physical setting etc). It is imperative that all PSTs adhere to confidentiality and privacy policies.

## Conflict of interest

A conflict of interest is an actual or potential conflict between a PST and a setting. Managing a conflict of interest requires the integrity of individuals as well as the organisation. Therefore, it is the PST's responsibility to be aware of this potential and promptly disclose any instance to the Federation Professional Experience office prior to placement. Immediate contact with this office is also required should PSTs have accidentally been placed at a setting where not permitted for the reasons listed below:

- returning to a setting attended as a student (any campus of the setting);
- attending a setting where a placement has previously been undertaken;
- attending a setting where relatives work/attend;
- attending a setting of current or previous employment.

## Departure

Refer to information regarding hours of duty under '**Arrival**'. It is further recommended that PSTs be available after teaching has concluded for the day so as to engage in professional dialogue with their Mentor Teacher concerning learning and development. PSTs would also be expected to engage in relevant afternoon meeting and professional learning opportunities.

## Feedback

Mentor Teachers and UMs provide constructive oral and written feedback on the performance of PSTs in all areas of professional practice. Having an open, respectful and positive approach to the feedback will assist in the ongoing professional growth of the PST.

## Planning for student learning

Following the planning requirements as set out in the relevant Course, all work should be available to the Mentor Teacher at **least** one day prior to teaching. Unsatisfactory planning will result in the PST having to forgo the teaching activities and being placed at risk of failing the relevant professional experience course.

## School closure

Where a professional placement clashes with a public holiday or local holiday whereby the school is closed and PSTs are unable to attend, this is deemed an '**absence**' and procedures set out on page 4, are to be followed.

## Student disclosure

The legal obligations related to mandatory reporting are set out on page 4. **Immediate** discussion with supervisors is essential when an issue arises.

PSTs should familiarise themselves with the Mandatory Reporting policy of the education setting in which they are undertaking their professional experience placement.