

Explanatory note

THE VICTORIAN TEACHING PROFESSION
CODE OF CONDUCT CONSULTATION DRAFT

Background

THE CODE OF CONDUCT



Under s2.6.3 of the *Education and Training Reform Act (2006)* (the Act), the Victorian Institute of Teaching (VIT) must develop, maintain and promote a Code of Conduct for the teaching profession. VIT first published the Victorian Teaching Profession's Code of Conduct (the Code) in 2008. It was developed in consultation with the profession and key stakeholders for the purpose of providing guidance to the public and the profession on what is considered acceptable professional conduct by registered teachers.

It has now been over 10 years since the Code was first developed. Since that time, much has changed in the education landscape, including the welcome addition of early childhood teachers into the registered teaching profession, and the growth of social media and online platforms as communication tools in both a professional and personal capacity.

The Betrayal of Trust Inquiry and Royal Commission into Institutional Responses to Child Sexual Abuse has also changed the public expectations of teachers' conduct and behaviour. In addition, a recent legislative change now requires VIT to consider the wellbeing and safety of children, including by taking into account community expectations when performing any regulatory function.

These factors prompted a review of the Code to ensure it fits in the contemporary context of community expectations of teachers.

CONSULTATION PROCESS

VIT launched the review of the Code through a Professional Boundaries Workshop with over 100 key stakeholders in March 2019. VIT also ran nine regional workshops with teachers / early childhood teachers and community members as well as a series of targeted workshops and meetings with key stakeholder groups. Stakeholders included, but were not limited to, the Victorian Student Representative Council, education unions, Initial Teacher Education providers and the early childhood sector.



[Current Code of Conduct](#)



[Professional Boundaries
Workshop video](#)



[Discussion Paper](#)

A Discussion Paper seeking formal comments was published in September 2019, with submissions received from teachers, early childhood teachers, government bodies, parent associations and representatives from each sector of Victorian schools.

VIT collated the feedback, which informed the drafting of the attached consultation draft of the Code.

The intention of the review is not to rewrite the Code in its entirety, rather to revise key components to ensure it is contemporary, relevant and clear to the profession, the public and VIT's key stakeholders.

KEY THEMES ARISING FROM THE REVIEW



The Code's purpose

is to ensure the safety and wellbeing of children, and define the expectations of teachers in relation to this.



The Code should

- reflect contemporary expectations on a teacher's professional and personal conduct in an online context (including on social media)
- clearly establish professional boundaries between teachers and learners and recognise the unique position of trust and power imbalance between teachers and learners
- be applicable to the wide range of teaching contexts and allow for the consideration of contextual factors
- reflect the expectations on teachers to consider their learners' individual needs, background and contexts.

Proposed revisions to the Code

PREAMBLE / PURPOSE STATEMENT

The preamble and purpose statement frame the Code, outlining the relationship between the Code of Conduct and the Code of Ethics. It provides the rationale for the development and implementation of a Code for the teaching profession, and clearly states the purpose of the Code.

Key revisions

- explicit statement that a purpose of the Code is to provide for the safety and wellbeing of children and young people
- recognition of the power imbalance in the teacher / learner relationship, and the unique position of influence and trust that teachers have over learners
- recognition that there are a range of other policies, procedures or codes of conduct used in the variety of teaching contexts, and that these are complementary to the Code
- clearly state that teachers must continue to demonstrate proficiency against, and compliance with, the Australian Professional Standards for Teachers
- recognition that teachers, like other professions of public trust, are held to a high level of accountability
- explanation of how VIT uses the Code as part of its regulatory functions.

VIT believes that these changes provide a contemporary context to the Code that recognises the profession's perception and understanding of the Code; better supports VIT's regulatory functions and powers under the Act, particularly in relation to ensuring child safety and wellbeing and taking into account community expectations; and provides greater clarity for the teaching profession by eradicating confusion about the Code's regulatory purpose.

The ability of the Code to be used as a tool to ensure child safety and wellbeing was highlighted by most key stakeholders during the consultation process, including

- teachers / early childhood teachers
- Commission for Children and Young People
- Safe Schools (Department of Education and Training)
- Catholic Education Office (Melbourne)
- Victorian Regulations and Qualifications Authority.

"the Code should clearly state that its purpose is to ensure the safety of Victorian children."

Commission for Children and Young People

The need to recognise the power imbalance between a teacher and a learner was highlighted by the majority of key stakeholders, including

- teachers / early childhood teachers
- Commission for Children and Young People
- Safe Schools (Department of Education and Training)
- Catholic Parents Victoria
- Parents Victoria.

"this was not an equal relationship; you were not equals."

Judge Michael Tinney

in the case of a former teacher who was convicted of indecent acts with a child in 2020

SECTION 1: PROFESSIONAL CONDUCT

PRINCIPLE 1.1

Key revisions

- greater emphasis on a teacher's requirement to be considerate of the individual needs and backgrounds of learners
- recognition of the important role that parents / carers / families play in supporting learning.

A number of submissions noted the importance of teachers being considerate of the individual needs, backgrounds and specific vulnerabilities of each learner, including

- teachers / early childhood teachers
- Catholic School Parents Victoria
- Commission for Children and Young People
- Safe Schools (Department of Education and Training)
- Victorian Student Representative Council
- General Teaching Council for Scotland.

Recognising the role parents / carers / families play in the education of their children was supported by a number of key stakeholders, and was noted as particularly important by the early childhood sector.

"...highlight the need for teachers to work alongside parents as partners in a professional relationship to engage them in their children's learning and to work together as guides and supporters of each individual child."

Catholic School Parents Victoria

PRINCIPLE 1.2

Key revisions

- greater emphasis on the importance of learner voice
- greater alignment with the goals of the Alice Springs (Mparntwe) Education Declaration 2019
- consistency of language with the Child Safe Standards and reflective of the significant responsibilities of teachers in providing for child safety and wellbeing
- recognition of a teacher's need to understand the individual context and specific vulnerabilities of learners.

A number of key stakeholders noted that a child rights lens should be taken when revising the Code, including

- teachers / early childhood teachers
- Commission for Children and Young People
- Safe Schools (Department of Education and Training)
- General Teaching Council for Scotland.

"...Section 1 could be expanded to encompass a teacher's responsibility to be able to understand and respond appropriately to the specific vulnerabilities of each child."

Victorian Registration and Qualifications Authority

PRINCIPLE 1.3

Principle 1.3 was widely accepted as still current. Minor changes have been made to strengthen and clarify the language.

PRINCIPLE 1.4

The following original dot point in Principle 1.4 has been removed

- *do not seek recognition at the expense of professional objectivity and goals.*

Teachers, early childhood teachers, education leaders, and the Australian Education Union found the original dot point unclear and confusing.

“...Principle 1.4 [teachers do not seek recognition at the expense of professional objective and goals] is difficult to interpret and we believe unnecessary. It should be removed from the Code.”

Australian Education Union

PRINCIPLE 1.5

Key revisions

- recognition of the inherent power imbalance between teachers and learners
- comprehensive and explicit explanation of sexual misconduct and grooming behaviour
- reference to appropriate use of online communication methods (including social media)
- recognition that a teacher giving and / or receiving gifts may be perceived as showing bias or favouritism
- recognition that teachers should maintain professional relationships in any social interaction with learners and their families (including online and social media)
- guidance that a sexualised relationship between a teacher and a former learner may be evidence of an inappropriate conduct due to the inherent power imbalance between teachers and learners.

In order to ensure the Code is contemporary, it was raised by most key stakeholders that explicit reference to the use of online communication methods, including social media, was necessary. Students from the Victorian Student Representative Council raised that communicating over social media, through personal online accounts or private phone numbers would not be reflective of an appropriate professional relationship.

“the Code should be broad enough to reflect all forms of communication, including non-verbal communication, and all forms of online communication...”

Early Learning Association Australia

Sexual relationships between former learners and teachers was a central topic of discussion. As part of the consultation process, VIT raised that sexual relationships between former learners and teachers was an area of concern, and several matters of this nature had been referred to VIT.

The Betrayal of Trust Inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse both noted the dangers of grooming in a teacher / learner relationship. The power imbalance between a teacher / learner means there is potential for this to be exploited beyond the end of the professional relationship.

The Australian Psychological Society's Code of Ethics restricts sexual relationships between psychologists and patients for two years after the conclusion of the professional relationship. A number of key stakeholders agreed there should be a similar explicit restriction - the suggested timeframe varied from 6 months to 5 years.

"...strongly supported the proposal for a more explicit boundary [between teachers and former learners] as it recognises the special position of teachers in fostering and maintaining a culture of child safety in schools and supporting the Government's commitment to zero tolerance for child abuse in Victorian schools."

Victorian Registration and Qualifications Authority

PRINCIPLE 1.6

Key revisions

- recognition that in some circumstances a relationship with parents / carers / families outside of the education setting may compromise, or be perceived to compromise, the professional relationship
- reference to using appropriate communication methods with parents / carers / families.

More specific reference to appropriate boundaries and professional relationships between teachers and parents / carers was important to ensure the Code was reflective of all teaching contexts, most notably early childhood. This is aligned with other professional codes of conduct and guidelines including *Guidelines: Sexual Boundaries in the Doctor-Patient Relationship* (Medical Board of Australia) and *Professional Boundaries; a guideline for Queensland Teachers*.

"Given the inclusion of early childhood teachers in the profession, it is important that a Code of Conduct recognises and reflects their unique setting."

Independent Schools Victoria

PRINCIPLE 1.7

The key revision to Principle 1.7 is an expansion of the contextual considerations that teachers must take into account when working with learners, families and communities.

This was supported by a number of key stakeholders

- teachers / early childhood teachers
- Safe Schools (Department of Education and Training)
- Catholic Education Office (Melbourne).

"...wording in principle 1.7... could be broadened to include other contexts, such as demographic and other circumstances which may impact on a learner."

Catholic Education Office (Melbourne)

PRINCIPLE 1.8

Principle 1.8 was widely accepted as still current and relevant. It is an integral part of the education of children that teachers share any relevant information to support the teaching, wellbeing and safety of learners. To contemporise the Code, it now explicitly references the need for teachers to share information to support the 'safety' of learners.

SECTION 2: PERSONAL CONDUCT

PRINCIPLE 2.1

Key revisions

- recognition that there are community expectations in relation to a teacher's personal conduct
- expanding the expectations of teacher conduct to include conduct online (including via social media)
- explicit identification that teachers should comply with the law
- recognition that any demonstrable intolerance or prejudice from a teacher could have an impact on child safety and wellbeing, their standing as a teacher and of the profession as a whole.

VIT has a legislative obligation to consider the public interest and the wellbeing and safety of children, including by taking into account community expectations, when regulating the teaching profession. In addition, the *Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Act 2018* now requires VIT to have regard to any criminal conduct in the similar manner to Working with Children Check Victoria. Therefore, VIT must consider a teacher's personal conduct in so far that it impacts on community expectations, the safety and wellbeing of children, and the standing of the profession.

"A teacher's personal conduct should be regulated by VIT to the extent that it is "fair and [reflects] reasonable perceptions within community standards of teacher expectations."

The Principals' Association of Specialist Schools (Victoria)

Teachers and stakeholders recognised that teachers are positive role models to children and young people and that there are community expectations regarding a teacher's personal conduct. Students from the Victorian Student Representative Council also discussed that a teacher's behaviour in the community and online would impact the way that they, their parents and the community perceived that teacher.

"Teachers do need accountability for how we live since we can be role models to our students."

Secondary school teacher

The need to include reference to a teacher's conduct in an online context (including via social media) was supported by a number of key stakeholders, including

- teachers / early childhood teachers
- Independent Schools Victoria
- Catholic Education Office (Melbourne)
- Education academics
- Victorian Regulations and Qualifications Authority
- Safe Schools (Department of Education and Training)
- Victorian Student Representative Council
- General Teaching Council for Scotland.

"Teachers should be held in high regard and well respected in our communities. We all make mistakes, wrong choices and errors in judgement occasionally, but teachers need to be vigilant and self-aware at all times - students are very impressionable and are often the hardest critics."

Parents Victoria

SECTION 3: PROFESSIONAL COMPETENCE

PRINCIPLE 3.1

Key revisions

- recognition of the importance of continuous professional learning and the requirement for teachers to seek professional learning opportunities based on identified needs
- the expectation that a teacher's practice must reflect the Australian Professional Standards for Teachers.

These changes reflect the recommendation of the Victorian Auditor General's Office in their *Professional Learning for School Teacher Report (2019)*, which noted the role of VIT in assuring the community that teachers maintain the currency of their practice by engaging in regular professional learning.

"The requirement of teachers to engage in professional growth that enhances a teacher's professional knowledge or practice should be specified. Reference to the Australian Professional Standards for Teachers is appropriate where the expectations of teachers are outlined."

Independent Schools Victoria

The importance of professional learning in ensuring high standards for teaching quality was noted by a number of key stakeholders, including

- teachers / early childhood teachers
- early childhood sector representatives
- Independent Schools Victoria
- Early Learning Association Australia
- Catholic Education Office (Melbourne).

PRINCIPLE 3.2

Key revisions

- clarification that teachers must comply with all of the legal requirements that pertain to their profession
- updated list of legal requirements
- recognition of the range of other policies and regulations that pertain to the teaching profession and that teachers should also be aware of those relevant to their work.

The need to emphasise and contemporise Principle 3.2 in light of the significant legal obligations on teachers, and other policies and regulations - particularly in relation to child safety and wellbeing - was raised by a number of key stakeholders, including

- teachers / early childhood teachers
- Independent Schools Victoria
- Early Learning Association Australia
- Catholic Education Office (Sale)
- Principals' Association of Specialist Schools (Victoria)
- Commission for Children and Young People
- Parents Victoria
- Victorian Regulations and Qualifications Authority
- General Teaching Council for Scotland.

Next steps

GUIDANCE MATERIAL

The intent of the Code review is to ensure it reflects contemporary teaching practice as well as accepted professional and personal conduct. To assist in making it more visible and relevant to the teaching profession, it is important for teachers to engage with the Code within the context of their work and be given the opportunity to develop a deep understanding of its relevance to them.

VIT will develop further guidance material to support teachers in the practical application of the Code, and may include the below resources

- definitions of key terms
- case studies
- examples of practice
- prompting / discussion questions
- online learning modules.

PROVIDING FEEDBACK

VIT is inviting final comments and feedback on the attached consultation draft of the Code.

To share your thoughts, please read the consultation draft of the Code and complete this short survey by **5.00pm Friday 9 October**.

For any questions relating to the Code review, please contact codereview@vit.vic.edu.au.

THANK YOU

VIT will review the final comments and make any necessary changes. It is anticipated the finalised Code will be circulated to education leaders, key stakeholders and all registered teachers with guidance material in Term 1 2021.

The finalised Code is scheduled to come into effect in Term 2 2021.