

Australian state government and unions collaborate in teacher's dismissal under "TIP"

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The case of a long-standing primary school teacher, who has worked in the public school system for more than 35 years, should be made known to every teacher, parent and student throughout the country.

Nadia Ryan* was sacked under the NSW government's Orwellian Teacher Improvement Program (TIP) in March, 2015 and decided to appeal her case in the state Industrial Relations Commission (IRC). In 2016, the commission found that she had, indeed, been "unfairly dismissed," but then, astonishingly, decided not to order her reinstatement.

The TIP has nothing whatsoever to do with "teacher improvement." If it did, principals everywhere would be touting the successes they had achieved by mentoring their staff through its procedures. In fact, its purpose is to target, victimise and ultimately dismiss long-standing, highly experienced and permanent staff, and replace them with younger, less experienced teachers, on far lower salaries and, most significantly, on short-term contracts.

Ryan's case is of particular significance because it highlights the collaboration of the union—the NSW Teachers Federation—with the NSW state government in the implementation of the TIP.

Yet virtually no-one knows anything about it. This is because the TIP's anti-democratic confidentiality clause prohibits teachers from divulging the fact that they have been placed on the program, as well as anything related to the process it involves, to anyone inside or outside the school.

Ryan was dismissed when she refused to resign from her position as a primary school teacher after her principal had found her teaching performance "unsatisfactory." The principal had placed her on a 10-week TIP.

In 2013, the TIP and its Victorian equivalent were incorporated into enterprise agreements in Victoria and NSW, the country's two most populous states with 120,000 public school teachers between them. The agreements were drawn up by the teacher unions and the Victorian and NSW governments after NSW Teachers Federation (NSWTF) deputy president Gary Zadkovich had publicly called for the introduction of a mechanism to fast-track teachers' dismissals. The next year,

Labor Prime Minister Julia Gillard handed unprecedented powers to school principals, as part of sweeping pro-market reforms to public education.

Under the TIP, principals and senior school executives can charge teachers with "inefficiency" or "underperformance" and then rapidly sack them. The union is complicit in the entire procedure, and the teachers involved have no rights—to question or appeal the charges, to inform their colleagues, with the exception of one "support person," who is also bound by the confidentiality clause, or to organise witnesses.

Ryan was charged soon after TIP came into effect in NSW's 2,200 public schools in 2014–15. Like many others placed on TIPs, Ryan's competence and efficiency had never been questioned during more than three decades of teaching, including 20 years at her then school. She was initially told that her teaching Programs (documentary evidence that her classes were based on the education department's curriculum) were "unsatisfactory."

Time after time she was told the same thing regarding her lessons. Nothing she did made any difference. As she observed in an interview with the *World Socialist Web Site*, "They can say anything they like and anything you say is null and void. It's of no consequence. You could hand in blank pages, instead of a lesson plan, because the reality is, they are going to say it's all wrong anyway."

"And in actual fact the things they said weren't there, were very clearly there. I did a complete review of all my lesson plans and where they had said things weren't in the lesson plan, I contradicted it."

As her TIP proceeded, the principal added more charges, from the trivial to the serious, to the list of Ryan's "unsatisfactory" practices.

That this disciplinary process was motivated by factors having nothing to do with her actual teaching performance was revealed in the IRC. IRC commissioner Peter Newall was forced, by the weight of evidence contained in her submission, to admit that the "outcome of the TIP was unfair" and that a "breach" of "an employer's own policies" had occurred. In other words, the school executive had not followed the TIP

guidelines, and what Ryan had been arguing was correct.

In a highly contentious and contradictory ruling, Newall nevertheless declared that these facts did not render Ryan's *dismissal* unfair. While she had exhaustively recorded evidence of her lesson-plans, meetings and observations during the entire closely-monitored TIP process, the commissioner made clear that no matter how great the quantity or quality of her evidence, Ryan would not be re-employed at her school, or any other school on a permanent basis.

Newall criticised, in particular, Ryan's refusal to accept the principal's "unsatisfactory" charges and her determination to prove them unfounded. "It is clear that ... [she] at all times held the view that she ought not to be on a TIP. I am satisfied on the evidence that she worked with that mindset at all times during the TIP."

In other words, Ryan's refusal to accept guilt and her determination to prove her innocence, by uncovering and establishing the truth, were regarded as grounds for her non-reinstatement.

"An employed teacher does not have the ability to reject a principal's view of whether or not she needs improvement," Newall said. "If it is determined that a TIP is necessary, that can be canvassed by, for example, a teacher's representative union and there is an ability to negotiate the content of the programme, but if a view is formed that a TIP is to be done, then it is to be done."

The problem is that the "teacher's representative union" represents not its members and their interests, but those of the government and the Department of Education. The teacher unions are totally integrated into the process. Teachers placed on TIP soon discover that they are on their own. When, in NSW, they have turned to the NSWTF for assistance, they have invariably been encouraged to "go with it" as a means of "improving their teaching practices." At the school level, the unions work not to defend the teacher, but to guide school executives through the process. In Ryan's case the NSWTF refused to back her unfair dismissal case in the IRC, leaving her to personally fund the \$160,000 legal action.

As Ryan remarked to the WSWS, "The confidentiality clause adds the cloak and dagger process to TIP. The rest of the staff don't know what is happening until it's well under way, and then they're frightened of speaking up, because then they're privy to something they are told they're not to know about."

The majority of teachers placed on TIP resign before they are sacked because the entire process is so extraordinarily stressful. If they resign in advance, the stigma "not to be employed again" will not be included in their record. In some cases, that means the teacher may be able to get relief work from time to time. But, as Newall's ruling indicated, any attempt to challenge the process will be punished, precisely because of the precedent it sets.

The education department is already using Newall's ruling to discourage other teachers from mounting legal challenges to

their dismissal.

A Sydney teacher, who has also been sacked under TIP, recently contacted the WSWS to discuss the false allegations made by his principal against him, and his determination to challenge them in the IRC. He confirmed that the education department had cited Ryan's case as a precedent, arguing that there was no point in him taking his case to the IRC, he would lose it and be saddled with up to \$100,000 in costs.

In other words, Newall's ruling in Ryan's case has established a precedent, allowing principals to quickly dispatch any teacher they wish, under the auspices of the TIP process.

The conspiracy of silence created by the confidentiality clause has been further compounded by the refusal of both the teachers' unions and the education department to release any information on TIP statistics, let alone the numbers, names or schools of those dismissed.

Anecdotal evidence, however, along with reports to the WSWS from TIP victims themselves, indicate that the process is increasingly being used to intimidate, witch hunt and dismiss longstanding teachers—particularly those who are independent and critical about what is happening in schools—as both federal and state governments slash education spending, increase workloads, cut wages, enforce standardised testing, introduce temporary contracts at the expense of permanent positions, thus undermining the public education system.

As Ryan's case demonstrates, the defence of teachers' rights cannot be left in the hands of the courts or the teacher unions, who are committed to the pro-market "reform" of public education and its ever-accelerating privatisation.

The Socialist Equality Party urges teachers make a political break from the unions and Labor and form independent rank-and-file committees in every school, led by the most principled and self-sacrificing teachers. These would mobilise and unify teachers, parents and students, as well as other sections of the working class, in the fight to abolish TIP, to defend teachers' democratic rights and the right of all students to a high-quality, free, and fully-resourced public education. Such a fight requires nothing less than a revolutionary socialist and internationalist perspective, aimed against the capitalist profit system itself.

We invite all teachers to contact the Socialist Equality Party to discuss their experiences and the development of such committees.

* Nadia Ryan is not her real name. She is now seeking contract work and, under the TIP provisions, could be victimised further.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact