

# Excellence in Teaching

The day a teacher stops wanting to learn is the day that the passion to teach is lost. Teaching is a skill that requires a lifetime of study.

Good teachers strive to continually improve their skills and knowledge, whilst applying their knowledge and using their skills in an ethical, moral and legal manner to all who choose to partake.

The Introduction to Water Unit presented basic pedagogy. This unit examines the industry practises of teaching applied to aquatics and provides tricks of the trade provided by teachers with many years of experience as well as a review of legal and ethical practise in aquatics.

## Teaching Constraints

*“There are two types of worry. The first is worry you can do something about and if you do something about it then you no longer have to worry. The second type is worry that you can do nothing about – so why worry about it.”*

The activities of Swim Australia Teachers are influenced by a range of factors such as:

- legal requirements in the form of charters, statutes, acts and bylaws created by the United Nations, Commonwealth, State and local governments
- types of activity being undertaken and thus the degree of danger inherent in the activity measured against the ability of the Students
- the venue and its design or environment
- previous accidents and incidents
- the knowledge, training and qualifications of the teacher
- insurance and accreditation requisites

- the ethical and moral character of the teacher

## Criminal and Civil Law

The United Nations has a range of charters to which many nations worldwide (including Australia) have signed agreement to. Amongst other things, they cover the rights of children, sporting coaches, officials, parents and sporting participants.

These charters are taken into account when national governments develop laws and their legal systems.

There are essentially two types of legal processes (criminal and civil) if a Student, parent or someone else feels aggrieved for any reason.

Criminal proceedings are based upon actual laws enacted by governments. A person is innocent until proven guilty and guilt must be proven beyond reasonable doubt. The action is brought by the government against the accused on behalf of the victim. Depending upon the seriousness of the breach of law as to which level of court may hear the case. Minor breaches of law may only result in on the spot fines whilst more serious breaches can result in summons to court or even arrest.

Civil proceedings are based upon principals of law. A victim may bring a case to court against an accused and must prove on the balance of probability that the allegation is true. This case is at the victims own expense unless costs are awarded against the accused at the end of the trial.

In some instances potential victims have the opportunity of having their case pursued via both processes.

An example of this is the well known O.J. Simpson case in the USA where he was accused of murdering his wife. The criminal court found there was insufficient evidence to prove beyond a reasonable doubt that he committed the murder of his wife. But his wife's family received compensation via the civil court which found on the balance of probability that O.J. "denied his wife's children of their mother" by probably committing her murder.

The law of double jeopardy means that a person cannot be tried for the same crime twice if found innocent the first time. Sometimes a different charge is brought in order to convict a “guilty person”.

## Swimming Teachers and the Law

Many risks that teachers encounter relate to the business activity surrounding the teacher rather than actual delivery of tuition.

Whilst there are many legal requirements affecting teachers, the reality is that each year very few teachers have any difficulties. As with any teaching or physical activity there is a degree of risk. This is why **ascta** has you insured whilst you undertake your course requirements and offers an industry insurance scheme at group rates once you gain your Swim Australia <sup>TM</sup> Teacher accreditation.

A range of laws and legislation impacts upon the activities of Swim Australia <sup>TM</sup> Teachers because of issues relating to:

- teaching
- being employed or contracted to deliver a service
- operating a business
- the ownership of the venue (especially schools or government)

In many jurisdictions a law, statute or by law is made by one level of government and enforced by another level. In broad terms these operating requirements and the resulting penalties for breaches are controlled by:

### **Federal**

- privacy Laws – photos, medical and client information, storage and use thereof
- superannuation guarantees
- tax laws, wages and conditions
- harassment and discrimination

- accreditation and qualification requirements
- copyright
- business names and registration, trademarks and logos, domain names
- contract law – venue hire, sponsorships, purchasing equipment, insurance
- trade practises – pricing, collusion with competitors, restraint of trade
- legal Principles of Natural Justice, Duty of Care, In loco parentis
- signage as per Australian Standards

### **State**

- assault, aggravated assault, sexual assault
- paedophilia, criminal checks, approval to work with children
- health
- operating hours
- wages and conditions, workers compensation
- supervision levels
- hygiene and sanitation

### **Local**

- hygiene and sanitation enforcement
- car parking
- signage regulations
- trading hours
- noise levels

- building codes such as toilets, fencing
- minimum qualifications to operate pool, supervision levels

### **Venue owner**

- contracts
- insurance
- trading hours

### **Employers**

- qualification requirements such as Teaching, Coaching, CPR, lifeguarding
- criminal checks

### **Industry association**

- Code of Conduct
- standard of accreditation

## **Duty of Care**

Awareness of all the tiers of legal concepts and ethical principles should empower the teacher to behave as others would expect.

The teacher should act and make decisions in a similar manner to what a parent of a student would (in loco parentis). The teacher has a Duty of Care to keep students safe in their care. In a given set of circumstances, if a teacher fails to provide care in a manner that a reasonable person would be expected to, then they may be found negligent. Negligence is a common legal claim in teaching occupations.

To be found negligent, a teacher must be found to have:

- Breached their duty of care

- Caused an injury
- Owed a duty of care to the injured person and that the injury resulted from the breach of duty.

If one of these is not proven then there is no case of negligence to answer to.

The level of care and thus the duty owed by a teacher, will increase or decrease depending on the “risk”. Risk will vary depending on:

- the knowledge of the teacher gained through courses and experience. The higher the qualifications and the more the experience, the greater the expectation is that a teacher can deliver an acceptable standard of care
- the degree of difficulty of the activity. The standard of care will increase as the perceived and actual danger of an activity increases. Such an increase may be as a result of new activities undertaken for the first time, the depth of water or the prior learning of the students. Generally activities with a higher difficulty require closer supervision with modified lower teacher to student ratios especially for first attempts by students. E.g. The first time a group of students swim in deep water they should attempt this activity one at a time so the teacher can monitor each student individually.
- the ability of the student. A huge variety of factors may impact. Here are some examples
  1. Swimming ability may vary depending on the environment. A pool swimmer may not be a competent swimmer in a current!
  2. Beginners usually require greater supervision than more advanced swimmers. The older the student, the greater their mental capacity and understanding of danger. Adult students lose physical capacity as they age so may need more care as they get older. Age is based upon mental capacity.
  3. Comprehension and language will affect how well an instruction is actioned by a student.
  4. Physical and mental impairment will affect a student’s ability to absorb and translate information at a similar rate to their peers. A mentally impaired 16 year old may only have the capacity of the

average 5 year old, therefore the duty of care owed is similar to what is provided to a five year old.

5. Unacceptable behaviour by a student such as disobeying defined rules increases the teacher's duty of care to keep that student safe and other students out of harm's way
- Prior situations. If a teacher becomes aware of a danger e.g. broken tile, then they have duty to inform others (students, the pool management, and other teachers) of the potential hazard. Written reporting of these situations to management will provide a chain of responsibility should the issue arise again later

## Insurance

The major point for teachers to recognise is that no matter what actions have been taken, how qualified they are and how much planning they have put in place, risk will still exist.

Therefore the prudent teacher will recognise the need for Insurance. It is important that teachers do not just assume that their employer will "cover them" for insurance. In fact, many employers are unsure about Insurance needs and assume that because they have a policy that it covers "everything".

Ideally, the venue in which the teacher is operating should have insurance for Public Liability. Public Liability covers any person including teachers on the premises for accidents caused by the physical venue or others (third parties).

Because a teacher is operating in an official capacity, professional indemnity insurance which covers the teacher for incorrect actions or omissions is considered necessary. In most cases the teacher must access this type of insurance coverage themselves via an industry organisation such as **ascta** (around \$2 per week) as it is rarely provided by venues or employers.

## Industry Practise

Following generally accepted industry practise, most teachers

require the parents of students to provide information and consents such as:

- the name of the student
- the address and contact details of the student
- medical information and/or learning difficulties of the student that the teacher should know about
- Parental Consent for the activity (where swimming in school groups)
- permission to use images of the child for publicity and promotion
- consent to have promotional information sent to the client (usually parent) by email or mail
- acknowledgement of information given such as privacy statement, notification of terms and conditions of enrolment

Information gathered must be needed by the teacher, venue management or swimming club to effectively carry out their role or it should not be collected.

Teachers must understand that with this information and knowledge, there is a responsibility to know how to act on the collected information. E.g. If a teacher knows a student suffers from epilepsy then the teacher owes a higher duty of care to ensure that the student always has a spotter present for lessons.

Teachers should be aware of the privacy implications of holding such information. Teachers and swim schools must not divulge information to third parties except in exceptional circumstances e.g. it relates to providing medical treatment or required by law.

Other data teachers should retain are records of attendance of students, lesson plans and accident or incident report forms.

## **Accidents and Incidents**

An accident is where bodily injury actually occurs that requires some response whereas an incident is a circumstance or situation that required monitoring. E.g. something is stolen, a photo is taken by a suspicious person or an unusual occurrence is observed.

Once an accident or incident has occurred it then becomes foreseeable that such an occurrence could happen again. Failure to act to prevent reoccurrences may be deemed negligent.

By tracking such accidents or incidents a teacher can identify future risks, monitor for patterns emerging and make appropriate changes to management procedures and responses.

Reports also provide a record of actions undertaken should questions arise in the future about the accident or incident.

In summary:

- know the teaching environment
- know your students' capabilities
- know your own capabilities
- plan your lessons and maintain lesson records
- provide appropriate rescue aids and teaching equipment
- supervise to the level required of the activity
- advise students of the rules, risks and your expectations
- practise and document rescue scenarios
- treat everyone with respect

Should an accident or incident occur, a report (you may base this on the pro forma provided in the appendix) should be compiled as soon as practical after the event. The report should be as detailed as possible. A more serious accident or incident should have a more detailed report.

A good report will contain details on:

- the location of the event - time, venue
- who was involved and their contact details – victim, rescuers, witnesses
- a chronological sequence of the event with your observations and timelines
- the type of injuries sustained and the treatment provided
- name, signature and date of completion of the report
- countersignature for the receipt of the report and notations on where and when the report has gone

Where a report form is provided by an employer for completion, the teacher should retain a copy of the completed form. If other information is available, the teacher should complete a personal report.

## Harrassment

Teachers are liable for their own actions. An emerging area of concern relates to Harassment. Harassment is defined by the Australian Sports Commission as consisting of “offensive, abusive, belittling or threatening behaviour directed at a person or people because of a particular characteristic of that person or people (including the person or person’s level of empowerment relative to the harasser)”.

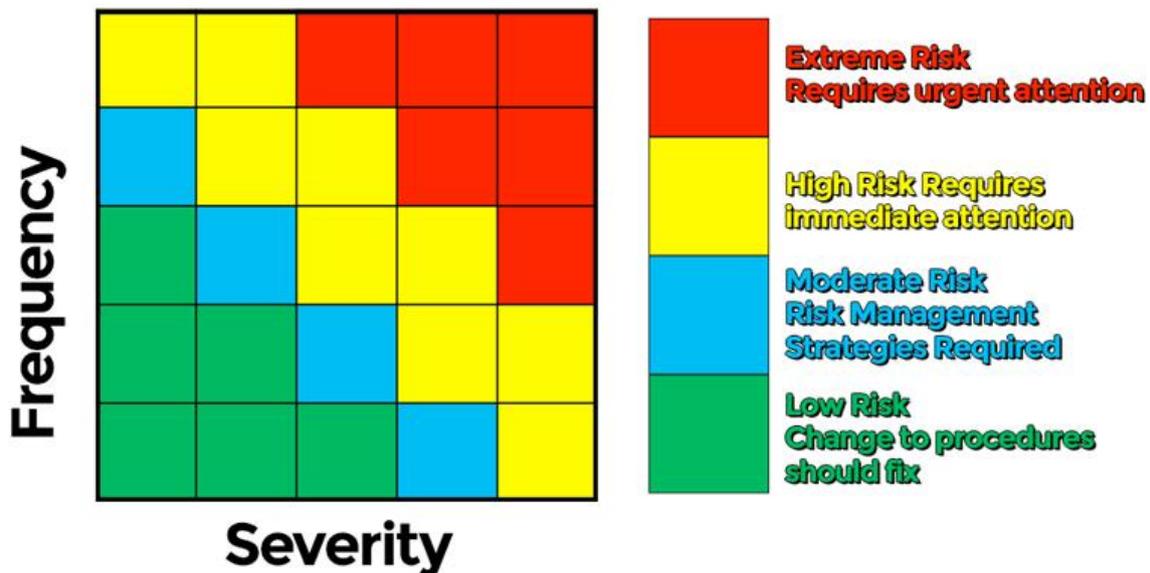
The behaviour must be “unwelcomed by the recipient and the sort of behaviour a reasonable person would recognise as unwelcome.”

Unwelcome actions may take the form of:

- abusive behaviour such as verbal or physical assault, practical jokes, bullying, humiliation or misuse of power
- discrimination based on age, gender, disability, family status, physical attributes, moral beliefs, political beliefs, religious beliefs, race, sexual orientation, pregnancy, employment status

- sexual harassment such as pressure for sex, unwelcome advances and verbal or written propositions\
- victimisation as a result of another person's actions

## Risk Management



A prudent teacher will use a continually evolving risk reduction strategy. The potential for a particular risk can change in very small time frames. E.g. in 20 minutes the risk of lightning occurring can go from 0 to 100% thus requiring a risk minimising strategy of removing students from the water and placing them in a safe location.

### Risk Management Process

**1. Identify potential risks** – By identifying risks, a teacher can develop appropriate responses. This can occur by looking at the history of a particular location:

- logs of swimming accidents and incidences
- folklore from other Coaches, Teachers and venue users
- information gained at training courses and workshops
- understanding what are generally accepted industry practises

- undertaking ongoing training and education
- independent assessment of potential risks by a third party

**2. Assess the risk** – Once identified, the potential risks should be prioritised based upon the likelihood of an occurrence, the resultant severity of the occurrence and the ease with which change to negate the risk can be undertaken.

**3. Managing the risk** – Actions should be taken based upon the assessment to:

- minimise exposure to risks
- undertake alternate actions
- modify tuition
- alter the learning environment
- eliminate or minimise the severity of an occurrence
- practise emergency scenarios and fine tune emergency plans

**4. Review risk** – Risk can alter by changes occurring to the:

- environment
- climate
- class size
- Student's ability
- activity
- law
- current understanding of education, physiology and psychology

Swim Australia Teachers should regularly evaluate the potential risks associated with their venue, particular class and activities. The following matrix provides guidance.

Assess the likelihood or frequency of a particular incident or accident and plot this against the severity. The chance of spinal injury is highly unlikely but is severe therefore an urgent response is required from a teacher.

If students were occasionally scrapping their hand against a broken lane rope, the frequency is low to medium, and the severity is low. Action would be taken to advise all other teachers of the risk; teachers would keep Students away from the offending broken part: the broken part would be taped over to make it temporarily safe and remedial action would be planned to replace the part. Reports on the lane rope injuries will also enable an assessment on the degree of injury, the number of injuries and thus the urgency of a response.

## Code of Conduct

National Sporting Organisations take many of the things discussed earlier in this unit into account when developing Codes of Conduct.

Swimming Australia and **ASCTA** have a Behaviour Management Policy or Code of Conduct. In order to maintain accreditation, all swimming coaches and Swim Australia <sup>TM</sup> Teachers must continue to abide by these Codes.

The Code of Conduct covers practises which decrease the possibility of harassment, discrimination and unacceptable behaviour by Teachers. The following table will provide you with some “food for thought” about how Teachers should behave and act.

### **BEHAVIOURS OF “BETTER SWIMMING TEACHERS”**

#### **Cognitive Behaviours**

- Good teacher
- Taught every swimmer, every aspect of the sport
- Taught sportsmanship and respect for opponent
- Stressed fundamentals

- Knew the sport
- Set goals for swimmers and learners
- Great knowledge, communication and motivational skills
- Good teaching techniques
- Practices were intense, but fun ... arranged routines and used new drills
- Organised, calm, but in control

### **Affective Behaviours**

- Good motivator
- Made the sport fun
- Could talk to and trust
- Cared about the swimmers
- Very positive
- Patient, supportive and interested in swimmers as people
- Practice was fun
- Cared about swimmers away from the pool
- Was honest
- Could always go to about anything
- A great friend
- Knew how it felt to have a bad performance
- Always believed in swimmers ability
- Warm, compassionate, understanding and honest
- Cared for the development of the swimmer

- Good personality traits
- Built confidence in swimmers
- Sparked pride in swimmers
- Was enthusiastic
- Was honest
- Encouraged swimmers
- Friend FIRST ... Teacher SECOND
- Showed and earned respect

### **Physical Behaviours**

- Never humiliated swimmers
- Showed confidence in swimmers
- Was creative and exciting
- A role model
- Was fair and consistent
- Easy to talk to
- Treated all swimmers fairly
- Listened to swimmers
- Fair and consistent
- Was more than a teacher/coach ... a friend
- Was there for swimmers, in and out of the pool
- Participated with swimmers
- Stressed improvement

- Let swimmers make some decisions
- Used swimmers' input
- Did not scream or yell at you
- Did not dwell on mistakes
- Never criticised or belittled
- Made swimmers feel important by working one-to-one
- Fair ... gave everyone a chance

## Competency

As part of the Swim Australia Teacher course requirements you are required to undertake an "on the job" competency assessment. This section provides you with details of what will be assessed. This list is not exhaustive but represents the minimum standard of delivery expected.

### **RESPONSIBILITY**

Required swim aids were

- Checked for usability
- Appropriate to drills
- Readily available on poolside
- Safely positioned
- Maintained and cleaned
- Returned to storage after use
- The teacher commenced and completed the lesson on time
- The teacher "took charge" of the class and instructed in a confident manner

## **SAFETY**

- Medical conditions of students were known
- Prior behaviour and learning problems of students were known
- Pool emergency procedures and exit options were known
- Observation of class was maintained to a safe standard
- The lesson area of pool was defined and boundaries were not crossed
- Students entered, exited and moved safely within the lesson area
- The teacher was aware of the water depths in and around the lesson area
- Locations of activities were appropriate (in relation to depth, other swimmers/classes, noise levels, sun, wind, distractions, parents location)
- Distances swum were commensurate with the student's physical ability, energy level and mental preparedness
- Rescue aids were located strategically close to the lesson area
- Location of rescue aids were known
- Processes to report accidents, injuries and venue problems were known

## **RESPECT and AWARENESS**

- The teacher introduced them self to the class
- Students names were known or students addressed in an appropriate terminology
- A positive learning environment was maintained
- Where inappropriate behaviour occurred, the teacher intervened appropriately

- The teacher identified students lacking confidence or preparedness for particular drills or skills
- The teacher displayed empathy with students where problems arose
- The teacher provided alternate communication to students where misunderstandings occurred
- The teacher recognised individual differences and altered instructions or drills to suit
- Physical contact was appropriate for the student's age and skill level or learning drill
- Language used with students was appropriate
- Language used was positive
- Students with disabilities, learning difficulties or gifted students were provided modified activities
- Vocal communication was at a volume suitable for the learning environment
- Individual and group recognition was provided for improvements in a student's performance.
- The teacher interacted positively with students
- The teacher accounted for cultural and linguistic diversity within the class

## **COMPETENCY**

- A lesson plan was available prior to the lesson being delivered
- The teacher followed the lesson plan or where the plan was modified was able to justify the change
- The lesson plan was adapted when changes to expected lesson conditions were incurred
- Skill and drill progressions were appropriate to the student's prior learning

- Skills and drills were challenging but achievable to all students
- Students demonstrated an increment of improvement as a result of the teacher's tuition
- Goals set for students were challenging but within the range of ability of the student
- There was equitable participation by all students
- The teacher was able to clearly explain the minimum requirement for various levels of classes and the benchmarks for certificates of performance to be issued
- The teacher's time on task and movement from one section of the pool lesson area to another was efficient
- Individual adaptations to drills were made for physical development or level of ability of students
- Technically correct information and feedback was provided
- Within the context of the lesson plan, incorrect techniques were identified and appropriate corrections taken
- Positive behaviour management strategies were implemented when required
- The teacher operated within accepted industry practices

## **COMMUNICATION**

- Communications to other teachers and pool management was effective and relevant
- Information conveyed to students and parents was accurate, relevant and up to date
- The language used was consistent and appropriate for the students age and mental capacity
- Appropriate encouragement and positive feedback was regularly provided
- The teacher had eye contact and was positioned to provide effective verbal communication

## **IMAGE**

- The teacher presented a professional and positive image
  - clothing
  - grooming
  - behaviour and manner
  - language
  - confidence
- The teacher has had a positive impact upon the Parents
- The teacher conducted themselves in a legal, ethical and professional manner

## **Health and Medical**

Teachers should be aware that to present themselves at work they should be of healthy body and mind. A healthy mind to sustain themselves during their interaction time with students and a healthy body as the ripple effect if they have a contagious illness can decimate a swim school.

The only valid reason for exclusion of a student is where there is a health or safety risk to other pool users or themselves. Warm pool water if insufficiently sanitised is a particularly good transporter of contagions, though any water potentially can transmit disease.

The aquatic environment, combined with the close physical contact a teacher may have with beginners, warrants due care at all times.

## **General Risks**

The following list details health and safety issues teachers should know about. Items listed may also be relevant for parents and students. Whilst some items listed are dangers in natural aquatic environments and others for specific countries or locations, most

are not likely to be encountered in a well-maintained swimming pool with effective sanitisation.

Living life poses a risk! The majority of swimmers will swim their whole life with little chance of getting an infection or placing themselves in danger when in the water.

However, a small risk does exist. Teachers should encourage students only to swim where the quality of the water is known to be good; where the environmental conditions are safe and supervision is adequate. Even in these ideal conditions, there exists the possibility of unseen dangers.

The major health infection risks appear to be via broken skin or oral ingestion of contaminated water (usually faecal).

Specifically there are all sorts of nasties and this section provides a brief outline for teachers using pools, natural water environments or educating students for such conditions, both within Australia and internationally.

**Note:** As a Swim Australia Teacher it is unlikely you are also a medical practitioner. If in doubt about the condition of any Student refer them to a medical practitioner to gain clearance before entry to lessons is permitted.

In emergencies look for medical bracelets and refer to your student records for medical disclosures.

After any situation requiring teacher intervention an accident report should be completed. It is also a good idea to note the circumstances of any conditions that have led to exclusion.

Remember you are often also in the water with students and if you get sick or are unwell it may impact upon all other students you come into contact with.