

**Submission
No 187**

INQUIRY INTO TEACHER SHORTAGES IN NEW SOUTH WALES

Name: Mr Jeff Chaseling

Date Received: 25 July 2022

I am writing to see if I can get an answer to a question and problem I have faced now for close to 4 months. I have tried the usual channels of emailing NSW Department of Education Executive, however, there has yet to be an answer given.

So now to my situation and subsequent Question.

I have been on sick leave since the 1st November 2021.

Despite following the Departments Guidelines I was place under investigation by PES for Non Compliance

I was planning to return in January 2022 and I have uploaded my medical Contraindication form as per guideline 8.4 and also emailed a copy to Health and Wellbeing and my Principal

'8.4 Staff who are currently on a period of leave that spans 8 November 2021 are required to prioritise getting vaccinated as soon as possible. Staff in this circumstance will need to ensure they meet the requirement to be fully vaccinated or, if medically exempt, obtain a medical contraindication certificate from a medical practitioner before returning to their school site after leave.'

This is also confirmed in the recently Published

CESE review of the department's mandatory vaccination requirements and school-based staff numbers

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'Staff who are on leave are not required to VACS attest until they intend on returning to school-based activities.'

I have also met the criteria under the Public Health order

Evidence of vaccination or exemption

A person who works in a school, early education or family/day care facility may be asked to produce evidence of their vaccination status by their employer or the occupier of a premise or the approved provider of education and care service.

Evidence of vaccination includes your:

- online [immunisation history statement launch](#)
- COVID-19 digital certificate via the Service NSW app
- COVID-19 digital certificate via the [Australian Immunisation Register launch](#)
- medical contraindication certificate
- medical clearance form.

Evidence of your [medical exemption](#) must be from a medical practitioner in the form approved by the NSW Chief Health Officer. '

I have also met the NSW Department of Educations determination for vaccination requirements

'4.1 It is a condition of employment in the Teaching Service that an employee must provide, to the responsible person for their ordinary place of work, either: (a) vaccination evidence; or (b) if

the employee is unable to be vaccinated against COVID-19 because of a medical contraindication, a medical contraindication certificate.'

As you can see I have fully complied with both the PHO and the Departments employment conditions and there is no legal basis for me not to be allowed back to fulfill my duties.

5.2.1.2 Advising the employee

'At any point during the disciplinary action, the employee can remedy the conduct and return to their paid employment by complying with the COVID-19 Vaccination Guidelines and satisfying the requirements of the operating Public Health Order.'

Furthermore, Ms Cachia the Chief People Officer for the Department of Education provided this answer on notice to a Question asked and can be found here BUDGET ESTIMATES 2021-2022

Questions taken on notice during the hearing

Portfolio Committee No. 3 – Education

'Staff may at any time comply with the Public Health Order and demonstrate their compliance. In the event that the employee shows evidence of compliance during the investigation process, the investigation will be terminated.'

Despite me providing the NSW Department with the relevant Documentation to show my compliance I am still under investigation and unable to return to my place of employment. This has had a severe effect on my mental health and that of my family. It has also destroyed relationships I have had with my work colleagues and Im sure it will impact on the relationships and rapport I have developed with my students and the wider school community.

The NSW Department of Education has now placed all investigations on hold (have been on hold for 4 weeks) during this time myself and others have been forced to use our own leave. We are being treated as guilty until proven innocent. If the Department does not want us onsite we should be assigned other duties.

From the Document Suspension of Public employees (see attached Document

'CRIMINAL OR INTERNAL INVESTIGATION Where an employee is under criminal or internal investigation, and it is inappropriate for the employee to continue in their usual duties, the current/proposed duties.

first option is for the Chief Executive* to place the employee on alternative duties or duties at another location.'

As you can see from the above, I should not be stood down without pay or forced to use my own leave entitlements while the NSW Department of Education investigated me for alleged misconduct and furthermore I should not be forced to use my own leave entitlements when the NSW Department of Education pauses these investigation (4 weeks now) to decide on what direction it will take. I have a legal medical exemption and my condition does not put myself or others at risk.

My specific issue was raised by the Honorable Mark Latham in the Budget estimates hearing and the Departments response was they do not discuss individual matters

Its is now the 25/7/22 and I am still not at work, instead I am now on alternative duties when I could be on class assisting with the shortage crisis.

While I have been on leave and stood down the are numerous classes at my school Lake Illawarra High school which are left uncovered daily. My school has quite a large portion of disadvantaged students, this shortage has made the gap between the haves and the have nots even wider. The majority of classes left uncovered are senior classes, these are students studying their HSC, this leaves these students at a real disadvantage going into the final examinations.

I have been in contact with numerous teachers stood down or forced onto leave due to the mandates, at a time when the teaching profession was already facing a shortage, all this for a vaccine that is now widely known not to reduce transmission or protect others. The NSW Department of Education also chose to extend these mandates for an unnecessary 2 months past the expiry of the public health order, causing more disruption and enhancing the shortage. They even waited until week 3 to allow unvaccinated teachers to return, causing more disruption to schools and students

Regards Jeff (Dedicated Public Education teacher of over 20 years)