



## Thousands more job opportunities for casual and temporary teachers seeking permanent employment

In the NSW Industrial Relations Commission (IRC) on 6 October 2017, the NSW Teachers Federation achieved a significant gain for casual and temporary teachers seeking permanent employment in NSW public schools.

The Terms of Settlement ([https://www.nswtf.org.au/files/irc\\_endorsed\\_terms\\_of\\_settlement\\_re\\_school\\_staffing\\_dispute\\_6-10-17.pdf](https://www.nswtf.org.au/files/irc_endorsed_terms_of_settlement_re_school_staffing_dispute_6-10-17.pdf)) endorsed by the IRC provides for 2630 classroom teacher positions to be filled by permanent appointment over the next two school terms.

As the Department continues to take action under the Terms of Settlement, hundreds more positions will become available to casual and temporary teachers seeking permanent employment.

### Background

As outlined in the email to school members on 12 September 2017 ([https://www.nswtf.org.au/files/court\\_action\\_re\\_permanent\\_employment\\_for\\_casual\\_and\\_temporary\\_teachers.pdf](https://www.nswtf.org.au/files/court_action_re_permanent_employment_for_casual_and_temporary_teachers.pdf)), Federation lodged a dispute in the IRC on 21 August 2017 because the Department was not meeting its obligations under the *Salaries and Conditions Award* and the *School Staffing Agreement*, namely, to fill permanent vacancies with permanently appointed teachers.

The only exceptions to the requirement for the Department to fill all positions by permanent appointment are listed in Clause 2.1 of the Staffing Agreement, as outlined in the above email.

Federation contended that it was unfair and unacceptable for the Department to keep teachers in temporary employment when thousands of permanent employment opportunities are available in schools across the state.

It was made clear in the IRC that the Department was not acting in accordance with the *Staffing Procedure for the Teaching Service in NSW Public Schools*, which states: "The Department recognises that permanency is a key recruitment and retention incentive for teaching in NSW public schools."

### Implications for Temporary Teachers

#### i. Temporary appointments to replace teachers on leave

Temporary teachers replacing permanent colleagues on leave in positions to which they have right of return (for example, maternity leave, leave without pay, long service leave), are not directly affected by the

It is important for casual and temporary teacher members to ensure that they are in the correct membership category to be certain of receiving full union membership entitlements. Federation has specific membership categories for casual, temporary and permanent teachers. If your employment circumstances have recently changed, please contact Federation's Membership Section on 1300 654 363 to ensure you are in the correct category.

Unfinancial members are not eligible for any services offered by Federation, including assistance regarding matters such as workers compensation, salary inquiries, industrial disputes or legal advice. [Click here](#) if you would like to renew your membership with Federation.

If you have a colleague who wishes to join Federation, please direct them to <https://join.nswtf.org.au/>.

outcome of the IRC case. Indirectly, however, temporary teachers seeking permanent employment will have improved opportunities to achieve permanency under the Terms of Settlement.

## **ii. Temporary appointments to unfilled permanent vacancies**

Temporary teachers now working in unfilled permanent positions will benefit from improved opportunities to apply for any number of the more than 2630 permanent positions to be filled under the Terms of Settlement. Temporary teachers, generally, will now have greater opportunities to apply for permanent appointment, to either the position they hold at present or other positions in the same or other schools.

## **iii. Current temporary teacher appointments are not affected**

Temporary teachers will not be displaced from their current appointment as a result of the IRC outcome.

The Department's failure in the past to ensure that permanent positions are filled permanently in all schools may have led some temporary teachers to have an expectation of a further temporary appointment in 2018. However, the filling of permanent vacancies by permanent appointments will mean that casual and temporary teachers now have significantly increased opportunities for permanent appointment. These appointments will occur in the usual way, resulting in at least half being filled by advertisement/interview by a selection panel. (See iv below for further information on the methodology for filling positions.)

It is important to note that temporary employment by definition is precarious employment, which cannot legally be guaranteed for a subsequent year.

Opportunities will continue to arise for permanent employment as vacancies occur and new positions are established through a predicted 23 per cent growth in student enrolments over the next 15 years.

In an economy where more and more people are being precariously employed as casual, temporary and short-term contract workers, the security of permanent teacher employment is a most significant achievement.

## **iv. Permanent employment either by central appointment or local choice**

Permanent vacancies in schools are filled on a central appointment/local choice alternating methodology. This provision in the Staffing Agreement is based on the aim of having positions filled by a 50:50 ratio between central appointment and local choice.

When the Department's Teacher Recruitment unit runs a computerised match of the staffing codes notified by a school with the teachers who have applied centrally for the position, and no teacher matches for a central appointment, the school is advised it can proceed to fill the position by local choice. As a result, the Department recently stated that 73 per cent of positions are being filled by local choice. This provides significant opportunities for casual and temporary teachers to apply for permanent appointment.

Central appointment includes these options: incentive transfer; Aboriginal employment; nominated transfer; priority transfer of Aboriginal teachers or teachers in special education settings; sponsored teacher; graduate or service transfer.

Local choice includes these options: advertisement; nominated transfer; permanent appointment applicants on the Approved to Teach list; graduate; service transfer; temporary teacher appointment to permanent status.

## **v. Temporary teacher conversion to permanent status in harder-to-staff schools**

Clause 4 of the Staffing Agreement provides for temporary teacher conversion to permanent status, as an incentive for teachers to pursue a temporary appointment in a harder-to-staff school, either in rural and remote locations or western Sydney. It states:

"Where a permanent vacancy arises in a 2, 4, 6 or 8 point classified school and a temporary teacher has been engaged at that school for a minimum of two years of continuous service, and has been satisfactorily participating in the Performance and Development process, the principal may elect to permanently appoint the temporary teacher to that vacancy, where the temporary teacher is deemed suitable to the position.

Such appointment will be subject to the eligibility of the position to be filled by local choice, and the temporary teacher matching the staffing codes required in the permanent vacancy to meet the educational needs of the school.

Where more than one temporary teacher at the school meets the eligibility requirements, the principal will conduct a suitability assessment in determining the appointment.”

This clause provides temporary teachers with a more direct opportunity for permanent employment and an additional recruitment incentive for schools that are harder to staff, as recognised by the allocation of additional transfer points.

Schools recognised as the hardest to staff, i.e. 8 point schools, will have the opportunity to convert temporary teachers to permanent status in positions that are above establishment. Eight point schools do not require a permanent unfilled vacancy to apply clause 4. The permanent teacher will remain above establishment at the school until a vacancy occurs and the teacher backfills the staffing entitlement.

#### **vi. Maximising the opportunity to gain permanent employment**

Casual and temporary teachers should undertake a number of steps to maximise the opportunity to gain permanent employment.

##### **Update Staffing Codes**

The Department uses staffing codes to match teachers to vacant positions in schools. The staffing codes formally acknowledge subject and teaching area qualifications and specialist skills and experiences.

The subject/teaching codes include two categories:

a) Subject/teaching area codes approved

Approved means approved by the Department in accordance with its qualifications guidelines.

b) Subject/teaching area codes not approved means that the teacher has taught the subject/teaching area **for at least two of the previous five years**. By including these codes, teachers are indicating that they are prepared to teach that subject/teaching area and will do so if requested by a principal and are confident that they can do so with an acceptable level of success. Failure to do so may render the application invalid and lead to withdrawal of an appointment.

Teachers will be **required to confirm each year** that they meet these requirements and have that confirmation endorsed by their principal.

Teachers may submit applications for new staffing codes or changes to their existing staffing codes by selecting the *My Skills* option in the *My Details* section of the employee self-service (ESS) website. Staffing codes can be updated through the *My Skills* section at any time.

The new codes will need to be validated by the principal, who will be notified of the updated codes. Individuals should notify the principal of any changes made to subject/teaching codes.

##### **Update the list of schools/regions on the employment preference list**

Teachers should ensure the list of schools/regions on their employment preference list includes all schools/regions to which they are willing to be appointed. Teachers on the Approved to Teach (non-permanent) list can update their list of schools and regions on their employment preference list by emailing [teacherapprovals@det.nsw.edu.au](mailto:teacherapprovals@det.nsw.edu.au).

Teachers should clearly state that they are either removing or adding schools and/or regions.

Teachers should refer to two key documents on the staffing of NSW public schools:

*The Agreement Between the NSW Department of Education and the NSW Teachers Federation on the Staffing of NSW Public Schools 2016-2020* (the Staffing Agreement), which covers the filling of vacant classroom teacher, executive staff and principal positions; and

*Staffing Procedure for the Teaching Service in NSW Public Schools*, which describes the principles, methods and process to be applied to recruit, promote or transfer members of the Teaching Service in NSW public schools.