1. Introduction

This agreement is made between the Director-General of the NSW Department of Education and Training and the NSW Teachers Federation pursuant to Section 14 of the Teaching Service Act, 1980.

This agreement is to cover the filling of vacant classroom teacher, executive staff and principal positions and related matters from term 1, 2009 until the commencement of term 2, 2012.

In filling substantive vacancies, Staffing Services will provide the highest priority for the placement of priority transfers (incentive, nominated, compassionate).

2. Filling classroom teacher positions

STEP 1

Staffing Services runs a computerised match for priority transfers and where there is a suitable match an appointment is made.

STEP 2

If there is no priority transfer match, the position is considered by Staffing Services for filling by:
- Aboriginal or Torres Strait Islander employment
- Resumption of duty
- Targeted recruitment programs (Scholarships; Accelerated Teacher Training; Retraining; and Graduate Recruitment Program if Clause 3 is implemented)

STEP 3

If the position has not been filled through steps 1 or 2, Staffing Services runs a computerised match for service transfers.

Where a service transfer applicant matches the position, the following steps will occur:
- Where the last vacant position at that school was not filled through service transfer, then the teacher will be appointed; or
- Where the last vacant position at that school was filled through service transfer, then the teacher will not be automatically appointed. In these circumstances the school is able to choose from the suite of options in step 4. In this situation the teacher’s service transfer application remains active

STEP 4

If the position has not been filled through the above methods, the school selects the method of filling the vacant position from one of the options below:

- Service Transfer
  - School can request Staffing Services to appoint the top match from the Service Transfer List
  - OR
  - School can request the interested pool and select

- Employment
  - School can request Staffing Services to appoint the top match from the Employment List
  - OR
  - School can request the interested pool and select

- Graduate Recruitment
  - School can request Staffing Services to appoint the top match from the Graduate Recruitment Program List
  - OR
  - School can request the interested pool and select

- Open Advertisement (all qualified teachers can apply)

Where a position is to be filled through open advertisement or the employment list pool or service transfer pool, the service transfer applicant who matches the position and has the highest number of transfer points, will be guaranteed an interview if they apply.

3. Graduate recruitment

The Department reserves the right to implement a Graduate Recruitment Program and fill up to 450 classroom teacher positions under this program in each staffing year. Where a position is to be filled under this program the school will have the option of appointing from the top of the graduate list or selecting from the graduate pool.
4. **Filling executive positions**

**STEP 1**

Staffing Services runs a computerised match for priority transfers and where there is a suitable match an appointment is made.

**STEP 2**

If there is no priority transfer match, suitable applications for resumption of duty are considered by Staffing Services, and where there is a suitable match an appointment is made.

**STEP 3**

If the position is not filled by an existing executive staff member through priority transfer or resumption of duty, it will be advertised. Current members of the Teaching Service and teachers external to the Department will be able to apply.

5. **Filling principal positions**

**STEP 1**

Staffing Services runs a computerised match for priority transfers and where there is a suitable match an appointment is made.

**STEP 2**

If there is no priority transfer match, suitable applications for resumption of duty are considered by Staffing Services, and where there is a suitable match an appointment is made.

**STEP 3**

If the position is not filled by an existing principal through priority transfer or resumption of duty, it will be advertised. Current members of the Teaching Service and teachers external to the Department will be able to apply.

6. **Staffing of Multi-Campus Colleges**

A multi-campus college will be considered a regular comprehensive high school for the purpose of staffing. Vacancies identified by the College Management Group will be filled in accordance with the Staffing Agreement.

A principal will be appointed to each campus at the college. Teachers and executive staff will be appointed to a college, with an initial location of a campus.

The Principles for the Staffing of Multi-Campus Colleges are attached to the Promotion and Transfer Procedures for School Teachers.

7. **Staffing Procedures**

The detailed procedures for filling positions in accordance with this agreement are contained in:

- Promotion and Transfer Procedures for School Teachers 2009; and
- Selection Panel Procedures for School Teachers 2009

8. **Appeals**

The procedures for appeals are at Attachment 1.

9. **Monitoring the staffing procedures**

The implementation of the staffing procedures will be monitored by a state level joint monitoring and review committee. This committee will comprise representatives of the parties to the agreement. It will be responsible for ensuring that the highest standards of probity, accountability and transparency apply to the staffing of NSW public schools. The committee will meet every three months and provide advice to the Director-General.

10. **Qualified teachers**

It is the Department’s responsibility to staff schools with teachers who hold the required qualifications consistent with the provisions of the Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2006 or its successor and the requirements of the NSW Institute of Teachers.

11. **Class sizes**

The provisions of this Agreement do not affect class sizes or the formulae that are used to allocate teachers to schools.

Class sizes will be planned generally on the following basis and will have regard to the needs of the school:
AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
TRAINING AND THE NSW TEACHERS FEDERATION ON THE STAFFING OF
NSW PUBLIC SCHOOLS 2009-2012

PRIMARY SCHOOLS AND PRIMARY DEPARTMENTS OF CENTRAL
SCHOOLS

K–2

The statewide average class sizes are 20 in Kindergarten, 22 in Year 1, and
24 in Year 2.

Years 3–6

No class need exceed 30 students.

HIGH SCHOOLS AND SECONDARY DEPARTMENTS OF CENTRAL
SCHOOLS

Years 7–10

The principal, in consultation with staff, is responsible for determining actual
class sizes on the basis of the curriculum needs of the school, student needs,
community expectations, and the expertise of the teachers. In the case of
vocational education, principals also take account of occupational health and
safety issues when forming classes.

No class need exceed 30 students.

Practical classes Years 7–10

When forming classes, principals of secondary schools also take into account
the following advice.

- the organisation of industrial technology in Years 7–10, and Year 7 visual
  arts on the basis of no class need exceed 20 students
- the organisation of food technology and textiles technology in Years 7–10
  on the basis of no class need exceed 24 students and
- the organisation of technology (mandatory) classes in Years 7–8 and
design and technology (elective) classes in Years 7–10 on the basis of no
class need exceed 22 students.

Years 11–12

No class need exceed 24 students.

OTHER SCHOOLS

Class sizes not listed above will be determined by the principal in accordance
with formulae current as at the commencement of this agreement.
AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
TRAINING AND THE NSW TEACHERS FEDERATION ON THE STAFFING OF
NSW PUBLIC SCHOOLS 2009-2012

12. Commitments under the agreement

The Department and the Teachers Federation agree that the Staffing Agreement will cover the procedures for the filling of vacant classroom teacher, executive staff and principal positions and related matters set out in this Agreement from term 1, 2009 until the commencement of term 2, 2012 and that variations to the Staffing Agreement during this period will only be made with the mutual consent of the parties.

Negotiations on a new Staffing Agreement will commence in Term 4, 2011.

Signed by:

The Director-General of the New South Wales Department of Education and Training

[Signature]

12/3/10

in the presence of:

[Signature]

12/13/10

On behalf of the New South Wales Teachers Federation General Secretary

[Signature]

23/3/10

In the presence of:

[Signature]

23/3/10
APPEALS PROCEDURES

Preamble

These procedures apply to a permanent teacher who has applied for a position in a school in response to an advertisement.

Changes made to the Teaching Service Act 1980 and the subsequent Determination No 5 of 2005, have implications for the Appeals Procedures for selection processes.

Under these provisions a permanent teacher may appeal against the recommended appointment to a senior position through an advertised selection process on the grounds that the process was irregular or improper.

Note: Under the Teaching Service Act 1980, a “senior position means any position in the Teaching Service to which a person employed in the Teaching Service could be promoted”. This includes principal, deputy principal, assistant principal or head teacher positions.

An applicant external to the NSW Teaching Service is unable to appeal against the appointment of an internal (existing permanent teacher) or external applicant.

Procedures

1. An appeal must:
   a) be lodged with the Director, Staffing Services or nominee no later than ten calendar days from the day on which the teacher is first notified (verbally or in writing) of being unsuccessful
   b) state clearly the applicant’s name and title of the position in question
   c) state the grounds on which the applicant believes that the selection process was irregular or improper.

2. An appeal will be considered by either a statewide primary/SSP appeals panel, or a statewide secondary appeals panel. In the case of central schools, appeals relating to positions in the primary department will be considered by the primary/SSP appeals panel, and appeals relating to the secondary department will be considered by the secondary appeals panel. Appeals relating to principal positions in central schools will be considered by the secondary appeals panel.

The membership of the appeals panel will be:

a) an independent convener, chosen from a list of independent conveners agreed to by the Department and the Teachers Federation
b) a departmental representative
c) a Teachers Federation representative.
3. The panel will consider the appeal on the basis of the documentation provided by the applicant and the documentation arising out of the selection process.

4. The panel may, if necessary, and at its discretion, examine other relevant documentation or talk to any person, including the applicant.

5. The panel will make a recommendation to the Director, Staffing Services or nominee either that the appeal should be dismissed or upheld. The panel may also make any other recommendation which seems appropriate. When unanimous agreement cannot be achieved a minority report may be submitted to the Director, Staffing Services or nominee through the convener of the appeals panel.

6. Where the panel or a member of the panel through a minority report recommends to the Director, Staffing Services or nominee that an appeal should be upheld, the panel or that member will also recommend to the Director, Staffing Services or nominee, in relation to the reconducting of the selection process, whether or not each member of the original selection panel should form part of the selection panel reconducting the selection process.

7. The Director, Staffing Services or nominee may uphold or dismiss an appeal, or may make such other decision as seems appropriate. The details of each decision will be given to the applicant in writing.

8. To uphold an appeal, the Director, Staffing Services or nominee must be satisfied that the process was irregular or improper.

9. Where an appeal is upheld, the selection process will be reconducted where this is practicable. The selection panel will be constituted in accordance with the decision of the Director, Staffing Services or nominee taken in relation to the recommendation referred to above.

10. Except with the approval of the Director, Staffing Services or nominee a teacher whose appointment is subject to appeal will not take up duty in the new position until the appeal is determined.
PRINCIPLES FOR THE STAFFING OF MULTI-CAMPUS COLLEGES

The following principles will apply to the organisation and staffing of multi-campus colleges.

1. A multi-campus college will be considered a regular comprehensive high school and as such will receive its ordinary monetary allocations, global budget allocations, staffing allocations and other relevant resourcing allocations as detailed in these procedures.

2. Each college will have a College Principal with overall management responsibilities for the college. At colleges where the College Principal role is shared on a rotational basis among the campus principals, a non-teaching deputy principal position will continue to be allocated.

3. A college principal will be an additional member on a selection panel for a campus principal.

4. A principal will be appointed to each campus.

5. The College Principal remuneration will be maintained at the rate of PH1, with an additional allowance of $5,000 per annum.

6. Teachers and executive staff will be appointed to the college, with an initial location of a campus. Following a teacher's appointment to a college and the initial allocation of that teacher at a campus, the College Management Group (CMG) can allocate a teacher or executive staff member to a different campus. Consistent with the principles in these procedures, principals will consider the preferences of individual teachers and executive staff, the approved subjects and teaching areas of individual teachers and executive staff, the experience and skills of individual teachers and executive staff and the needs of the students on each campus.

7. Teachers will have an opportunity to indicate their class and campus preferences each year for the following year.

8. The CMG, comprising the college principal and the campus principals, will assign teachers and executive staff to classes and campuses for the commencement of each school year.

9. The CMG will ensure that all staff members have access to cross campus teaching opportunities and will provide initiatives which enhance these opportunities such as part time arrangements, common timetabling and complementary timetabling.

10. In assigning teachers and executive staff to classes and campuses, the CMG will consider:

10.1 the needs of the students on each campus
10.2 the preferences of individual teachers and executive staff
10.3 the approved subjects and teaching areas of individual teachers and executive staff
10.4 the experience, skills and professional needs of individual teachers and executive staff.

11. Vacancies identified by the CMG will be filled in accordance with the Staffing Agreement.
12. A College General Staffing Entitlement (CGSE) will be provided to each College to ensure staffing and resourcing levels for a College are not less than what the aggregate of the staffing and resourcing levels would have been for the "stand alone schools".

12.1 The CGSE will be calculated as the difference between the general scale upper entitlement calculated for the total number of Year 11 and 12 students within the College and the total of the general scale upper entitlements for each campus within the College calculated after a notional equal distribution of Year 11 and 12 student enrolments to each campus.

12.2 The CGSE will be used to establish college teacher concessional allowances (CCA) and additional recognised executive positions (e.g. head teacher welfare, deputy principal). At least 60% of the CGSE will be used for CCA.

12.3 The CCA will be used to reduce individual school teaching staff timetabled period loads where these teachers are cross campus teaching.

13. The CCA may additionally be utilised by school teachers to address the following operational needs:

- coordination and communication issues
- welfare issues
- professional dialogue
- curriculum support
- support for year advisers
- release and relief for consultation between the College Management Group and the local NSW Teachers Federation Representatives College Committee (TFRCC).

14. The College General Staffing Entitlement will be used to support head teachers who have responsibility across more than one college campus. Head teachers with faculty management responsibilities on more than one campus within the College, shall be entitled to an additional 0.2 executive release for each additional campus on which they have such responsibilities, drawn from the CGSE.

15. The College Management Group will consult with the local TFRCC (where established) prior to determining the use of the CGSE.

16. Documentation must be provided to the Director of Staffing Services as well as the School Education Director (SED) and the Teachers Federation organised with responsibility for the College, by the commencement of the next Staffing Operation i.e. Day 1 Term 2 of each year, in regard to the use of the CGSE.

17. A small schools supplement, as detailed in the Department's staffing entitlement guidelines, will continue to be allocated to each campus within a college, provided that enrolments are consistent with the guidelines and the allocation of a small schools supplement.

18. Further additional deputy principal and/or head teacher positions and appropriate executive allowances may be created by utilising up to 40% of the CGSE.
19. The travel provisions of the Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2009 – Schedule 7 Excess Travel and Compensation for Travel on Official Business, will apply to teachers, executive staff and principals who work across campuses within a college.