

DETERMINATION UNDER EDUCATION (SCHOOL ADMINISTRATIVE AND SUPPORT STAFF) ACT 1987

DETERMINATION 1 OF 2012

LONG TERM TEMPORARY SCHOOL ADMINISTRATIVE AND SUPPORT STAFF- STAFFING PROCEDURES

I, Michelle Bruniges, Director General of the Department of Education and Communities make the following determination pursuant to Section 22 of the *Education (School Administrative and Support Staff) Act, 1987*.

1. Definitions

- 1.1 "Department" means the New South Wales Department of Education and Communities.
- 1.2 "Continuous service" is when a long term temporary employee has worked for a period of 2 years continuous with the Department in the classification of the funded school learning support officer position or formula school administrative and support staff entitlement position as defined at 1.4 and 1.5 below.

Student vacation periods and any periods of paid leave or brief periods of other leave taken will not be considered as a break in service. The period from the Monday of the last 5 day week of term 4 of the school year to the Friday of the first 5 day week of term 1 of the new school year will also not be considered a break in service. As long as the service is continuous, increases or decreases in hours worked by the employee will not be considered a break in service.
- 1.3 "Eligible staff" means the School Administrative and Support Staff listed under section 1.6 who meet the criteria of continuous service.
- 1.4 "Formula school administrative and support staff entitlement position" is a position included by the Department's centralised staffing unit in the school's school administrative and support staffing entitlement as determined by staffing formulas based on student enrolments.
- 1.5 "Funded school learning support officer position" means a position that is reliant on funding to support students with disabilities and particular learning needs. This funding is most commonly known as integration

funding. A position may also be supplemented or fully funded by the use of other school funds.

- 1.6 "School administrative and support staff" means staff employed under the *Crown Employees (School Administrative and Support Staff) Award* including Aboriginal education officer, school administrative manager, school administrative officer, school learning support officer, school learning support officer (Preschool), school learning support officer (Braille Transcriber), school learning support officer (Sign Interpreter) and school learning support officer (Ethnic).

2. Coverage

- 2.1 Section 3 of this Determination shall apply to all long term temporary school learning support officers working in roles funded to support students with disabilities and particular learning needs. This funding is most commonly known as integration funding.
- 2.2 Section 4 of this Determination shall apply to long term temporary school administrative and support staff in formula based classifications including Aboriginal education officer, school administrative manager, school administrative officer, school learning support officer, school learning support officer (Preschool), school learning support officer (Braille Transcriber), school learning support officer (Sign Interpreter) and school learning support officer (Ethnic).

3. Funded school learning support officer positions

- 3.1 Eligible staff may express interest and be considered for appointment at any time during the year.
- 3.2 The principal will determine, taking into consideration the educational needs of the students and the delivery of the educational programs, whether the establishment of a permanent full-time or part-time school learning support officer position is required at the school. This will include consideration of the needs of students with disabilities and particular learning needs and the education programs to support those students.
- 3.3 The decision will essentially relate to the continuation of programs and support for existing and future students.
- 3.4 The principal must also be satisfied that there is ongoing work for the employee and funding for the establishment of a permanent full-time or permanent part-time school learning support officer position at the school. This will take into account the circumstances of students, the school's

overall educational needs and the sources of funds available to support students with disabilities and particular learning needs. This funding is most commonly known as integration funding. If a decision is taken to use other school funds to supplement or fully fund the future employment of a school learning support officer, the school must be able to guarantee that funding for a reasonable period into the future.

- 3.5 The long term temporary school learning support officer must have 2 years continuous service with the Department as a school learning support officer.
- 3.6 The continuous period of service must be as a school learning support officer. It cannot be combined with service in another school administrative and support staff classification such as a school administrative officer.
- 3.7 The long term temporary school learning support officer must be performing the duties of a school learning support officer following some form of open competition involving the employee's selection for that employment.
- 3.8 The principal will be able to make a declaration that a form of selection guided by ethical, fair and effective practices took place in relation to the employment of the long term temporary school learning support officer at the school. This may have been a one to one interview prior to the offer of employment.
- 3.9 If the principal is unable to make such a declaration because of local circumstances, for example if they have only recently been appointed to the school, the school learning support officer will be able to make a declaration of their own which should include all relevant information about their selection for their employment as a long term temporary school learning support officer.
- 3.10 A long term temporary school learning support officer who meets the criteria and at the same time is undergoing a formal improvement program in accordance with the Department's *Procedures for Managing School Based Non Teaching Staff identified as Having Performance Difficulties* and any successor performance management policy, will not be eligible to express interest in permanency. Once the identified performance difficulties have been successfully resolved, the long term temporary school learning support officer will be deemed eligible.
- 3.11 A long term temporary school learning support officer may appeal against a decision of a principal that the employee does not meet the criteria for appointment to a permanent position at the school. The appeal will be heard by a 2 person panel consisting of a representative of the Public Service Association and a representative of the Department.

4. Formula school administrative and support staff entitlement positions

- 4.1 Eligible staff may express interest and be considered for appointment at any time during the year.
- 4.2 Long term temporary school administrative and support staff who have been held against vacant permanent positions may submit an expression of interest for permanent appointment to the vacant permanent position.
- 4.3 The long term temporary employee must have two years continuous service with the Department in the classification of the vacant position.
- 4.4 The long term temporary employee must be performing the duties following some form of open competition involving the employee's selection for that employment.
- 4.5 The principal will be able to make a declaration that a form of selection guided by ethical, fair and effective practices took place in relation to the employment of the long term temporary employee at the school. This may have been a one to one interview prior to the offer of employment.
- 4.6 If the principal is unable to make such a declaration because of local circumstances, for example they have only recently been appointed to the school, the employee will be able to make a declaration of their own which should include all relevant information about their selection for their employment as a long term temporary employee.
- 4.7 A long term temporary employee who meets the criteria and at the same time is undergoing a formal improvement program in accordance with the Department's *Procedures for Managing School Based Non Teaching Staff identified as having Performance Difficulties* and any successor performance management policy will not be eligible to express interest in permanency. Once the identified performance difficulties have been successfully resolved, the long term temporary employee will be deemed eligible.

4.8 A long term temporary employee may appeal against a decision of a principal that the employee does not meet the criteria for appointment to a permanent position at the school. The appeal will be heard by a 2 person panel consisting of a representative of the Public Service Association and a representative of the Department.

Date of Effect

This Determination will come into effect from the date of the making of this determination and will remain in force until varied or rescinded.

Signed: *Michelle Bruniges*.....

Dr Michelle Bruniges
**DIRECTOR-GENERAL OF EDUCATION AND
COMMUNITIES
MANAGING DIRECTOR OF TAFE NSW**

Date: **23** January 2012