

FREQUENTLY ASKED STAFFING QUESTIONS PRIMARY SCHOOLS

Legal and audit responsibilities

1. What are the legal and audit responsibilities in terms of staffing?

The student numbers provided on enrolment returns are used to calculate a range of staffing and global funding entitlements for schools.

It is critical that the information on each enrolment return is complete and accurate. The information must be supported by adequate documentation which meets accountability and audit requirements.

Please refer to the *Audit Advice to Principals* on Online Management of School Enrolments and Entitlements (OMSEE) before completing enrolment and staffing forms on the website.

Reference should also be made to the *Code of Conduct* policy Section 5 - *What does the Department of Education expect of their employees?*

As an employee, you should be aware of the Department of Education's policies, procedures and delegations, particularly those that apply to your workplace.

Many of these are available online; others may be made available to you through induction and training and development programs.

If you are uncertain about the scope or content of a policy with which you must comply, you should seek clarification from your supervisor or the policy owner.

<https://education.nsw.gov.au/policy-library/policies/code-of-conduct-policy>

Staffing calendar

2. How do I access the calendar of events for staffing?

An online calendar of events for staffing is published on the OMSEE website at

<https://www.det.nsw.edu.au/omsee/Logon?Command=Logon>

Preparing enrolment returns

3. What should be considered in preparing anticipated enrolments?

Refer to the *Audit Advice to Principals* published on the OMSEE home

page: <https://www.det.nsw.edu.au/omsee/Logon?Command=Logon>

Principals are required to retain written advice from the parent or caregiver, or formal record of parent interview, to state that a student will be returning before the conclusion of Term 1.

Returning students refers only to students who attended the school in the previous year and are expected to be absent when the Actual Enrolment Return is due in February.

Please note that for anticipated enrolments, an enrolment form does not constitute such advice, other than for Kindergarten enrolments.

Details regarding student enrolments are outlined in the Department's enrolment and attendance documents which are located at:

<https://education.nsw.gov.au/policy-library/policies/school-attendance-policy>

All documents used to support the preparation of the *Anticipated Student Enrolment Return* must be retained at the school.

The following points may assist principals to predict their anticipated enrolments:

- Compare the number of students expected to leave Year 6 with those expected to enter kindergarten
- Survey parents of the school to ascertain those students who may be leaving due to family relocation or other reasons
- Survey local feeder preschools to ascertain the likely number of students who will be enrolling from those sources
- Compare the number of Kindergarten enrolment forms received with the number received at that time in previous years and the eventual enrolment which presented on the first day of the new year. For example:
 - In August 2013, 48 Kindergarten enrolment forms were received. However, in February 2014 only 44 Kindergarten students presented
 - In August 2014, 45 Kindergarten enrolment forms were received. However, in February 2015 only 40 Kindergarten students presented
 - In August 2015, 42 Kindergarten enrolment forms were received. However, in February 2016 only 38 Kindergarten students presented
- Compare the number of Kindergarten students who attend orientation days this year with the number who attended in previous years
- Request advice from the local council in relation to any significant housing developments or redevelopments in the school's drawing area. It is important to be realistic with housing completion predictions from housing developers and to

compare the density and expected price of new housing which may replace existing housing

- Access any relevant community or health services which may have advice in relation to the school's potential enrolments
- Be mindful of any other local factors which may impact on the school's anticipated enrolments. For example, the closure of an industry or large factory, the opening of a new local school, or the establishment of a new mine
- Be conservative with predictions.

4. Why should I be careful not to overestimate anticipated enrolments?

Variations to the staffing entitlements of schools may necessitate the nominated transfer of a teacher.

A nominated transfer may be required because of a decrease in the total school enrolments or a reduction in a program area.

This action will be needed whenever the reduction or change in the school's entitlement cannot be made by other means, such as teachers deciding to retire, resign, take leave without pay for an extended period, continue temporary appointments, accept promotion or extend maternity leave beyond a period of twelve months.

Overestimating anticipated student enrolments can lead to teachers being nominated for transfer when actual enrolments are submitted.

They may also result in a teacher being appointed when the school is not entitled to that additional teacher.

5. Can I change my anticipated enrolments and if so, up to what date?

Anticipated enrolments for the following year are submitted in August each year and may be revised up to the end of Term 4.

Counting students for enrolment purposes

6. Can I count all the students who appear on the Enrolment and Registration Number (ERN) system for my school's Anticipated Enrolment Return on OMSEE?

There is a difference between school enrolments for attendance/welfare purposes and school enrolments for staffing/resourcing purposes. These are two associated but discrete requirements for the counting of students in schools.

The first relates to school attendance and the recording of student enrolments on ERN and includes matters such as rolls/attendance registers, enrolment procedures and school attendance requirements. These are student welfare matters and are separate to the

counting of students for school resourcing purposes such as staffing. Please see the following policies for further information:

<https://education.nsw.gov.au/policy-library/policies/school-attendance-policy>

School attendance involves the ERN system, not OMSEE. Unfortunately, at this time, ERN and OMSEE do not communicate with each other.

The second counting of students is for school resourcing purposes. In this case, for staffing. This involves entering anticipated, actual and revised enrolments on OMSEE. Details on who can be counted are found on the OMSEE website, the *Advice for Principals* documents as well as in this FAQ document.

There are also vodcast tutorials including *How to submit enrolments* located on the OMSEE home page:

7. What are the good practices to follow in counting actual enrolments and what counts as evidence?

Only students who have returned to the school for the new school year or are returning before the end of Term 1 should be counted.

For returning students, written advice from the parent or caregiver, or formal record of parent interview, is required in order to confirm that a student will be returning before the end of Term 1.

Returning students refers only to students who attended the school in the previous year and are expected to be absent when the Actual Enrolment Return is due in February.

An enrolment form is not sufficient advice. Classes must not be formed on the basis of unconfirmed enrolments. Students can only be counted in the Actual Enrolment Return if they are attending school.

The School Attendance Policy and the *Student Attendance in Government Schools: Procedures* should be read in the context of *The Enrolment of Students in Government Schools Policy*, available on the Student Welfare Directorate website.

Refer to the *Advice for Principals – Actual Enrolments* on the OMSEE Home page for further information.

8. How are support students counted?

In calculating the number of support students, remember that each student can only be counted once.

Count the number of full-time support class students and students attending regular classes who are receiving support from a support class teacher. These are all classified as support students.

These students cannot then be counted again as primary students in regular classes.

9. How is a student in a behaviour class counted?

Students in a behaviour class are counted as primary students in support classes and cannot be counted again as primary students in regular classes.

Above establishment teachers

10. How can above establishment teachers be used?

Schools may at times have teachers who are excess to the school's entitlement or above establishment. As these teachers may be transferred at any time, principals should ensure that their timetabled classes can be readily reallocated with minimum disruption to school organisation.

By agreement with the NSW Teachers Federation, each of these teachers should undertake appropriate professional duties. Each teacher should be allocated at least 50% of his/her load as timetabled lessons within his/her teaching area (which may include team teaching or group work) and the remainder at the school's discretion for special programs, release of other teachers for special programs or relief teaching.

A sponsored teacher in an above establishment position should be allocated at least 80% of his/her load as timetabled lessons within his/her teaching area (which may include team teaching or group work) and the remainder at the school's discretion for special programs, release of other teachers for special programs or relief teaching within his/her teaching areas.

If the school has a long term relief vacancy, this should be advised to Recruitment and Employment as it may be possible to place the above establishment teacher against this vacancy for its duration.

11. If an above establishment teacher has remained with the school for the current year, what procedure should be followed for the following year?

The status of the above establishment teacher should be checked with Teacher Recruitment. As there is a possibility that the teacher could be placed elsewhere at any time, the principal must ensure that any timetabled classes allocated to the above establishment teacher are able to be covered by other staff at the school.

It should not be assumed that above establishment resources will continue to be available in the following year.

Teachers nominated for transfer

12. How can I find the guidelines for nominating teachers for transfer?

The procedures for the nominations for transfer of teachers are found both on the OMSEE site found through the staff portal at <https://portal.det.nsw.edu.au> and on the teach NSW website:

<http://www.teach.nsw.edu.au/documents/nomtransguide.pdf>

13. What happens when a principal has nominated a teacher for transfer and the teacher does not submit an online form?

The principal should contact Recruitment and Employment to arrange for a transfer to be entered on behalf of the teacher who has been nominated for transfer. The principal will need to inform the teacher nominated for transfer of this action.

Casual and temporary teacher engagements

14. When is it appropriate to appoint temporary and casual staff?

If a teacher is required full-time for a period of four weeks or more, or part-time (minimum one day, to four days) for a period of two terms or more. The Conditions of Employment for Temporary School Teachers can be accessed online at:

<https://education.nsw.gov.au/human-resources/media/documents/recruitment/ttchguide.doc>

The Temporary Teacher Engagement Notice must be completed online.

Where an appointed teacher does not enter on duty or where there is an unforeseen vacancy at the start of the school year, and that vacancy is a full-time position, a temporary teacher must be engaged pending the appointment of a permanent replacement. This is subject to there being no suitably qualified above establishment teacher within the school, including teachers nominated for transfer.

Where a permanent teacher is appointed to replace a temporary teacher, the temporary teacher is to be given four weeks' notice of the early cessation of his/her engagement in accordance with the guidelines.

The Department gives priority to the employment of permanent teachers into unfilled vacancies and will take action necessary to fill those positions.

Class sizes

15. What are the recommended class sizes?

The [Staffing Agreement](#) between the Department and the NSW Teachers Federation details class sizes for primary schools.

The teacher staffing entitlement for primary schools is based on:

- a statewide average class size of 20 in kindergarten, 22 in Year 1 and 24 in Year 2
- no class need exceed 30 in Years 3 to 6.

It is important to note that these are not maximum class sizes.

Teaching loads

16. What are the teaching loads for primary teachers?

A full-time primary teacher teaches 21 hours and 45 minutes face to face teaching each week. A full-time primary teacher also receives 2 hours of relief from face to face teaching.

In schools of 505 students or more, the school is entitled to an additional 1.0 full-time equivalent teacher to provide executive release. The allocation of this release to executive staff is at the principal's discretion, in consultation with the executive staff. Some schools release a deputy principal full-time and others share it among some or all executive staff.

Release from face to face teaching

17. What factors should be taken into account when developing the release from face to face teaching program?

The relief from face to face teaching program should be an integral part of the school's overall teaching and learning programs.

In planning the relief from face to face teaching program schools should:

- ensure the individual development of all students
- recognise the integrated nature of learning
- ensure the inter-dependence and inter-relatedness of the curriculum
- ensure the most appropriate use is made of both human and physical resources.

Consequently the following organisational aspects demand consideration:

- retention of the integrated curriculum
- a timetable which provides teachers with release periods of meaningful duration

- definition of the roles of all teachers involved in the release program, and the effective liaison between those teachers
- use of existing accommodation to meet the needs of all teachers in the release program.

The class teacher and the teacher providing release should work in close consultation in planning and delivering the educational program. While the class teacher retains the overall responsibility, both teachers share responsibility for the assessment, reporting and other related duties in the teaching of the class.

The relief from face to face teaching program provides an opportunity for flexibility in using staffing resources to best advantage the school and its students. The school may use teachers with particular skills and interests in specialist areas of the curriculum to teach across a grade or the whole school.

Selection of time blocks for release of teachers must be compatible with the curriculum area selected for the teacher providing the release, both in length and in terms of the time of day.

18. Which teachers are entitled to relief from face to face teaching?

Teachers who are entitled to relief from face to face teaching are:

- permanent full-time and permanent part-time teachers
- temporary full-time and temporary part-time teachers
- casual full-time teachers who are teaching the same class continuously for five days or more.

Casual part-time teachers who are teaching a class on a regular and ongoing basis should also be provided with relief from face to face teaching.

The following categories of teachers are entitled to relief from face to face teaching:

- teachers of:
 - Kindergarten to Year 6 classes
 - preschool classes
 - support classes
- teacher librarians
- learning and support teachers
- reading recovery teachers
- English as a second language teachers
- community language teachers.

School teaching executive staff are entitled to the same release as classroom teachers.

19. How much relief from face to face teaching does each teacher receive?

A full-time teacher is entitled to two hours of relief from face to face teaching each week.

A part-time teacher is entitled to pro-rata that of a full-time teacher. The following table shows the amount of relief a part-time teacher should receive, based on the amount of time the teacher works.

Part-time teacher entitlement to release from face to face teaching		
Number of days worked each week	FTE equivalent	Relief from face to face teaching entitlement each week
1	0.2	24 minutes
1.5	0.3	36 minutes
2	0.4	48 minutes
2.5	0.5	1 hour
3	0.6	1 hour 12 minutes
3.5	0.7	1 hour 24 minutes
4	0.8	1 hour 36 minutes
4.5	0.9	1 hour 48 minutes
5	1.0	2 hours

20. Is the school provided with a teacher entitlement to cover the provision of relief from face to face teaching?

Each school's teacher staffing entitlement includes an allocation to provide relief from face to face teaching for classroom teachers.

The teacher entitlement report shows an entitlement of 0.042 FTE (one hour per week) for each regular classroom teacher. The other 0.042 FTE (one hour per week) of relief from face to face teaching is derived from a combination of the school's part-time entitlement and the teacher librarian entitlement.

When a school forms 22 classes, the relief from face to face entitlement increases by 0.126 FTE. This assumes that a full time teacher can cover the relief from face to face entitlement and includes the full two hours of relief from face to face for that teacher as well as the 0.042 FTE for the additional class.

The table following is an extract from the entitlement formula table for primary schools. It should be noted that it is not the entire entitlement formula table, which is available in full on the OMSEE website:

<https://www.det.nsw.edu.au/omsee/Logon?Command=Logon>

Extract from relief from face to face entitlement formula table for primary schools

Classroom teachers Note: use K–6 enrolments only			Part-time and teacher librarian Note: use K–6 and student support enrolments			
Enrolment	Classroom teachers	RFF	Enrolment	Teacher value	P/T	T/L
1-25	1	0.042	1–25	1	0.084	0.084
26–47	2	0.084	26–47	2	0.168	0.084
48–51	2	0.084	48–51	2	0.168	0.168
52-70	3	0.126	52-70	3	0.168	0.168
71-77	3	0.126	71-77	3	0.168	0.200
78-103	4	0.168	78-103	4	0.168	0.200
104-129	5	0.210	104-129	5	0.200	0.200
130–138	6	0.252	130–138	6	0.300	0.200
139–155	6	0.252	139–155	6	0.300	0.400
156 and over based on formula: K x 0.0513 Y1 x 0.0435 Y2 x 0.0400 Y3-6 x 0.0333 rounded up to next whole number (minimum of seven teachers)	7	0.294	156 and over based on formula: K x 0.0513 Y1 x 0.0435 Y2 x 0.0400 Y3–6 x 0.0333 SS x 0.0333 rounded up to next whole number (minimum of seven teachers)	7	0.300	0.400
	8...	0.336		8...	0.300	0.400
	21	0.882		21	0.900	1.000
	22	1.008		22	0.900	1.000
	23	1.050		23	1.000	1.000
24...	1.092	24...	1.000	1.200		

Teacher librarians, learning and support teachers, reading recovery teachers, English as a second language teachers and community language teachers need to allow for relief from face to face teaching within their weekly teaching timetable. No additional teacher entitlement is provided to the school for this purpose.

Teachers of support classes in regular schools are provided with a separate allocation to support the relief from face to face teaching.

21. Is the teacher providing the relief from face to face teaching entitled to the equivalent release?

Yes. The teacher is entitled to pro-rata the relief from face to face release depending on whether he/she is a part-time or full-time teacher.

22. How can relief from face to face teaching be timetabled?

Periods of relief should be in portions of not less than half an hour at a time, with the exception of that allocated to teachers working 0.2 FTE. Teachers who are working 0.2 FTE should be allocated their entitlement of 24 minutes at one time.

The timetable may be a weekly or a fortnightly timetable.

23. Who is responsible for determining the relief from face to face timetable?

The principal, in consultation with the teaching staff, should determine the relief from face to face teaching timetable.

24. Can relief from face to face teaching time be accumulated?

No. Relief from face to face teaching time should be used at the scheduled time as determined by the relief from face to face teaching timetable, except where a fortnightly teaching timetable exists.

25. Should relief from face to face teaching which is scheduled for a public holiday, variation to school routine or teacher absence be rescheduled to another time in the week?

No.

26. Should a casual teacher who is replacing an absent teacher for a period of four days or less receive relief from face to face teaching which is scheduled for the class teacher?

No. The scheduled relief from face to face teaching should proceed, with the casual teacher assigned to other duties as determined by the principal.

27. How may a teacher use the relief from face to face teaching time?

The use of the relief from face to face teaching time is to be determined by each teacher to support their professional responsibilities following consultation with the principal. It is appropriate for teachers to use the time to:

- develop resource materials for class or school use
- mark student work and assessment tasks
- document class and student programs
- participate in class and school planning
- counsel students
- liaise with parents
- develop and/or evaluate curriculum material
- liaise with other staff such as the teacher librarian, ESL teacher or school counsellor
- liaise with specialist support staff such as regional consultants or external agency staff
- liaise with the principal or the teacher's supervisor
- undertake professional reading and/or research
- observe teaching in other classrooms
- for any purpose which is consistent with the teacher's responsibilities as a class teacher.

28. Can a teacher use the relief from face to face teaching time to arrive at work after the scheduled start of a school day, leave work before the scheduled completion time of the school day or leave the school during the school day?

No. A teacher who is released from class to access his/her relief from face to face teaching entitlement is considered to be on duty and, as such, should be available at the school to meet any professional responsibilities which may arise.

29. Do beginning teachers get the same amount of relief from face to face teaching?

The Beginning Teachers Support Funding Policy outlines the provision of funding support for eligible permanent beginning teachers. For details please see;

<https://policies.education.nsw.gov.au/policy-library/policies/beginning-teachers-support-funding-policy>

30. Must a teacher who gains a position at a school based on the relief from face to face entitlement remain as the relief from face to face teacher?

No. The allocation of teachers to classes, relief from face to face and other roles within the school is undertaken annually or as required by the principal, in consultation with the teaching staff. Consideration of effective curriculum delivery, professional development opportunities for teachers and the learning needs of students will be the basis of such decisions.

Executive entitlement and principal classification

31. What is the process for reviewing the number of deputy principals and assistant principals?

The Primary Executive Review takes place in the first two terms of each year for action in the following year. It looks at each school's entitlement to deputy principal and assistant principal positions.

An email will be sent to the school to notify the principal if there is a need to review some aspect of the school's executive entitlement. The email will also provide a link to the executive review site, where the principal can select the appropriate menu option to access step by step instructions on completing the required recommendations.

For those schools with one or more issues needing a recommendation, the email will provide a due date. If the principal has not completed the recommendations three days before the deadline, the school will receive a reminder email. If the principal has not completed the recommendations by the due date, the school will receive a final email reminder. Once the principal has completed his/her recommendations, the principal's Director, Public Schools NSW will also be required to make a recommendation.

The principal's recommendations are considered by a tripartite Primary Executive Review Committee (PERC), with representatives from the Department of Education, Primary Principals Association and the NSW Teachers Federation. The PERC makes a recommendation on each issue. The recommendations from the principal, the Director, NSW Public Schools and the PERC are then considered by the Director, Recruitment and Employment.

Affected incumbents, principals and directors are advised of the final decisions and, where appropriate, staffing action affecting those positions is initiated by Recruitment and Employment. Schools that have not been affected are advised that the review process has been completed. The process would normally be finalised by the end of Term 2.

The Primary Executive Review Guidelines, available in OMSEE 4 and on the Human Resources Directorate website, list the full details of this process:

<http://www.teach.nsw.edu.au/documents/execguidelinespri.pdf>

32. Is a school able to have a relieving deputy principal or assistant principal as soon as it reaches the required enrolment number?

The executive entitlement for each school is determined based on the prior year's Actual Enrolment Return. For example, the 2018 Actual Enrolment Return determines the school's 2019 executive entitlement.

The Primary Executive Review process determines if an additional position is to be established for the following year. It is therefore not possible to have someone relieving in a position which has yet to be established.

33. Where can I find the latest information about the new classification structure for schools and principals?

During 2015 the Department implemented the transition to the new standards based pay for teachers and the new principal classification structure for principals.

The new principal classification structure is based on complexity of schools as detailed in The Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2017. The classification and remuneration of school principals is based on school complexity, as measured through specific funding items in a school's SBAR. Please view information on the Classification structure for Principals at <https://education.nsw.gov.au/about-us/careers-at-education/salary-and-benefits/salary-and-awards/awards-and-determinations/teachers-award-initiatives/principal-classification-structure-faqs> which includes the table of the funding items included for the purposes of determining the principal classification.

List of permanent staff

34. Where can I find a complete list of my school's permanent staff?

OMSEE4, which is listed under My Applications on the Department Intranet, contains a list of your school's current permanent teaching and administration staff, as well as information on the status of your executive staff and student enrolment history. You can also access OMSEE4 via the Annual Review of Executive Entitlement tab on the OMSEE home page.

Curriculum hours

35. What are the mandatory curriculum hours?

The Department has requirements that are additional to the NSW Education Standards Authority (NESA) indicative hours.

These hours (incorporating NESA hours) are provided in the policy standards within the Curriculum planning, programming, assessing and reporting to parents K - 12 policy:

<https://policies.education.nsw.gov.au/policy-library/associated-documents/policystandards161006.pdf>

Death of a staff member

36. Who must be notified if someone in the school is deceased?

The Director, Educational Leadership, and Shared Services HR must be notified.

Applying for leave

37. How have the conditions for leave without pay (LWOP) changed since 2012?

New provisions for teachers who proceed on approved leave without pay for personal reasons were introduced from Day 1, Term 4, 2012. There are two main changes.

The first is that while teachers continue to be able to apply for up to three years leave without pay during their service, they will have right of return to their position for up to three years. As a consequence, resumption of duty no longer applies. (Under previous provisions, teachers only had right of return from leave without pay within one calendar year.)

The second change is that if they do not return to their position at the end of the approved period of leave, and further approval is not granted, they are considered to have abandoned their employment. This means that if they wish to teach with the Department in the future, they will have to apply for advertised positions. If they choose to resign, they can then apply for approval to work as a casual or temporary teacher and/or apply for permanent employment so they can be considered in the top match or pool of employment applicants.

38. What are the arrangements for teachers who had LWOP approved under the previous guidelines and who have lost right of return to their school?

The three year transition period ended on 11 April 2016. Any teachers who have not resumed duty will no longer be considered in the central appointment group. They can:

- Continue teaching in a casual/temporary capacity based on their teaching approval
- Apply for advertised positions and/or
- Resign and submit an application for employment.

39. Is it possible to be approved to take LWOP and relinquish your position at the school, if both the principal and teacher agree?

Even if both the principal and the teacher agree, it is not possible for a teacher to relinquish his/her position at a school.

If a teacher has approved LWOP and does not wish to return to the school, other options can be considered, including:

- Resign and submit an application for teaching approval
- Apply for advertised positions
- Return to the school pending appointment to another school through a service transfer, etc, if eligible, or while applying for advertised positions.

40. What happens if a teacher does not return to the school after an approved period of leave without pay where the principal does not agree to approve a further period of leave, or where the teacher has reached the three year maximum for approved leave without pay?

Employees who fail to attend for duty or inform the workplace of the reason for their absence or submit leave forms may be placed on unauthorised leave.

The Principal should make every attempt to contact the employee to ascertain the reason for and period of their absence and to inform them of the requirement that they either resume duty or complete a leave application. Refer to EPAC if the employee does not comply with requests and directions to report for work, or contact the workplace or submit forms.

41. Can a principal decline to approve a request to take LWOP?

Principals, or Directors, Public Schools NSW in the case of principals, have the discretion to approve or not approve an application for leave, having given the request due consideration. They also have the discretion to approve the total period of leave applied for, or only a part of that total period, based on the circumstances operating in the school.

42. If a principal has previously approved an application for LWOP and there is a request for an extension, would there be an expectation that the extension will be approved?

The principal will take the current and future circumstances in the school into account when considering each application. A previous approval does not commit the principal to approve subsequent applications for leave, as the circumstances in the school may have changed.

43. If a temporary teacher has been engaged for over two years, replacing a permanent teacher who is on approved LWOP, and that teacher does not return to the position, can the temporary teacher be appointed to that now vacant position?

In cases where a position becomes vacant because the substantive permanent teacher does not return to the school at the end of his/her period of approved leave, the long term temporary teacher cannot be automatically appointed to the position. The codes for this vacancy would need to be submitted on OMSEE by the principal and it would be filled in line with the Staffing Agreement. Please refer to the [Staffing Procedure for the Teaching Service in NSW Public Schools](#) for eligibility provisions for the appointment of a temporary teacher to a permanent position. The temporary teacher may also have an opportunity to apply for the position if the vacancy is filled via local choice and if the principal chooses either the Top of Approved to Teach list closed merit, or open merit.

44. Can a teacher on approved LWOP work in a non-government school in NSW while on leave?

No. Section 4.8 of the Teachers Handbook outlines guidelines for leave without pay:

<https://education.nsw.gov.au/about-us/careers-at-education/roles-and-locations/roles-at-education/teaching/teachers-handbook>

Section 4.8.5 deals with other employment while on leave without pay:

- a) Teachers on leave without pay for personal reasons may engage in employment, including teaching, while overseas or interstate
- b) Teachers on leave without pay are not permitted to teach in an independent or private school in New South Wales
- c) Teachers wishing to undertake employment in New South Wales, with the exception of relief teaching undertaken in NSW government schools, must make written application for approval in accordance with the Department's Code of Conduct.

Therefore, working in a non-government school in NSW whilst on LWOP is a breach of Section 4.8.5 (b) of the Teachers Handbook.

45. Has the maximum period of time that a teacher can take leave without pay changed under the new rules?

There is no change to this – teachers will continue to be able to apply to take up to three years career maximum full time leave without pay for personal reasons.

46. Do the same rules apply for teachers on part time LWOP?

There is no three year career maximum for part time LWOP – approval remains at the discretion of the principal.

47. Are these changes applicable to any other kinds of leave, eg LSL, maternity leave?

No, these changes apply only to LWOP for personal reasons.

Additional staffing codes

48. One of my teachers has asked me to endorse several skills and experience codes. I am not sure if the teacher has the right level of expertise for some of them but he is very insistent.

The onus is on the teacher to demonstrate to the principal that he/she has the capacity to lead and manage whole school programs for each skill/experience code applied for. The principal needs to take into account whether the teacher has the capacity to undertake that role in a full range of NSW schools that he/she may be appointed to in the future. The [Staffing Procedure for the Teaching Service in NSW Public Schools](#) outlines the requirements.

Principals should check that the teacher has selected the correct Primary codes before endorsing them, as the *My Skills* section on Employee Self Service (ESS) does not separate primary and secondary Skills and/or Experience codes. The principal may ask the teacher to provide a written summary of relevant experience and expertise when meeting to discuss his/her application for endorsement of additional staffing codes.

49. Will a teacher who already has the Computer Coordinator staffing code (CCO) automatically have this replaced with the new ICT staffing code?

No. Primary teachers wishing to apply to the principal to have this code endorsed will need to apply via the *My Skills* section on ESS. This staffing code relates to teachers who lead and embed technology into teaching and learning beyond their own classroom. It is expected that the ICT knowledge of a teacher with the ICT staffing code will be at a higher level than that expected of classroom teachers and their use of ICT in their own classroom; that they will have extensive knowledge of current and emerging technologies which enhance teaching and learning; and that they will be able to advise colleagues on the most appropriate use of that technology in their classrooms.

In endorsing this staffing code, principals are confirming that the teacher's skills and/or experiences are at a level which equips them to lead and manage whole school programs relating to ICT. It is important for principals to note that this capacity should be able to be applied across the full range of NSW schools. If the teacher does not demonstrate these capacities, then the principal should not endorse the ICT code at this time, even if the teacher has had the CCO staffing code endorsed in the past.

50. Where can I find guidelines for approving Willing to Teach codes?

Advice regarding Not Approved but Willing to Teach staffing codes is found in the [Staffing Procedure for the Teaching Service in NSW Public Schools](#) document and on the Department's Careers site, see: [Updating your staffing codes](#). To be eligible, the teacher must have been teaching the subject/teaching area for at least two of the previous five years. In endorsing the staffing code as Not Approved but Willing to Teach, the principal is confirming that the teacher has taught the subject /teaching area successfully. In applying for the code, the teacher is indicating that he/she is prepared to teach that subject/teaching area, will do so if requested by a principal and is confident he/she can do so with an acceptable level of success.

51. Where can I find an overview of how teachers can update their staffing codes and which codes they are able to update?

The Department's Careers site has an overview of how to update Approved staffing codes, Not Approved but Willing to Teach staffing codes, and Skills and Experience codes. See:

<https://education.nsw.gov.au/about-us/jobs-and-opportunities/school-careers/teachers/staffing-codes>

Applying for advertised positions

- 52. I have a number of teachers who intend applying for advertised positions in the near future. Where can they find advice regarding how to develop their applications and how to use the I Work for NSW online system?**

The Careers section of the Department's internet site has a range of resources to support teachers in the preparation of their written applications, as well as applicants' guides to using the I Work for NSW system. See: <https://www.teach.nsw.edu.au/find-teaching-jobs/jobfeed/tips-and-tips>. It is strongly recommended that applicants read these guidelines carefully before attempting to apply for an advertised position for the first time.

Selection procedures and selection panel training

- 53. Where can I find the procedures that a selection panel must follow when considering advertised positions?**

The procedures relating to the selection of applicants for advertised positions can be found at: http://www.teach.nsw.edu.au/documents/sel_panelproc2.pdf.

This site also includes a number of related documents for your reference, including the Staffing Procedure for the Teaching Service in NSW Public Schools.

- 54. Where can I find training materials for selection panel conveners and members?**

A number of online training materials are available on the Department's Selection panel e-learning Resources site: <https://education.nsw.gov.au/about-us/jobs-and-opportunities/school-careers/selection-panel-e-learning>

New panel conveners, or experienced conveners who wish to update their training, are able to access individual self-paced training materials from this site. New panel members are also able to complete self-paced training as required through this site.

Only Principals and Directors, Public Schools NSW, who are already trained, are able to provide training to other panel members. Training materials for this purpose, including presenters' notes, are available through a link on this site.

Conflict of interests:

55. Where can I find advice on managing conflict of interests?

Conflicts of interests can include financial or other material benefits and may involve the interests of a staff member or immediate family or relatives, friends or close work colleague.

Section 8 and Appendix 4 of the Department's [Code of Conduct](#) explain that all members of staff are responsible for declaring any conflict, or reasonably perceived conflict of interests, that may arise from their work. Animosity as well as friendship can give rise to actual or perceived conflict of interests. Appendix 4 (pages 46 and 47) make the following comments with regard to potential conflicts of interests in the area of recruitment:

Where you are on an interview panel, you must disclose to your line manager and the other members of the panel (and in particular the independent member) at the time of reviewing the applications if the applicant is your personal friend or past or present close work colleague.

It is not appropriate to be on an interview panel, or to ask a close colleague to replace you, where any applicant for the position is your relative (including a parent, sibling, child or past or present partner). It is acceptable to be a referee for somebody being interviewed, provided other referees are contacted prior to that person being appointed to the position. You should give the last reference.

Within the broad context of the Code of Conduct, further advice is provided in relation to the staffing of schools. The [Advice for Principals – Actual Enrolments](#) on OMSEE includes the following statement on page 6:

Conflicts of interest, particularly where a relative, friend or partner might gain financially from attaining a position, need to be avoided. In making decisions about staffing needs in your school, a Principal may believe that a family member or personal acquaintance is best suited for the position. While this may be the best option given the circumstances, you must make sure that the process of employing them is transparent and would satisfy any perception of conflict of interest. If you are considering employing a family member or acquaintance, you must declare your conflict of interest under Section 8 of the Department's [Code of Conduct](#), by notifying your Director, Public Schools NSW and seeking approval for the employment of that person.

The [Merit Selection Procedure](#) also includes a number of comments regarding conflict of interests:

- *Where a relative, spouse or partner of the principal or director intends applying for the vacant position, the principal or director must seek advice from the Director, Recruitment and Employment (or nominee) before forming a selection panel (page 3).*

- The two pages relating to *Responsibilities of Selection Panel Members* (pages 10-11) include the requirement that all panel members declare the extent of any prior *personal knowledge of, involvement with, or interest in, any of the applicants before the panel begins the shortlisting process:*
 - *If any panel member does declare an interest in an applicant, then the selection panel needs to make an assessment as to whether the panel member has undue positive or negative views about the applicant such that those views would unduly influence that panel member in the selection panel deliberations*
 - *Where a relative, spouse or partner of any panel member is applying for the position, the panel convener must seek advice from Recruitment and Employment before proceeding*
 - *If any panel member believes that another panel member, including the panel convener, has a conflict of interest which could prejudice the outcome, this must be referred immediately to the Director, Recruitment and Employment (or nominee) who will decide whether the membership of the selection panel should be changed.*

56. Is it OK for me to employ my brother in a temporary position? He has great skills and would be perfect for the role and I feel my school should not be disadvantaged just because he happens to be related to me.

Great care needs to be taken in ensuring that any employment of staff or contractors is transparent and satisfies any perception of conflict of interest. Engaging a family member or close personal acquaintance is clearly a conflict of interest, and that must be declared. See Section 8 and Appendix 4 of the *Department's [Code of Conduct](#)* for guidelines. If you believe that a family member or close friend is best suited for the role, you should contact your Director, Public Schools NSW and seek approval for that engagement. You should also document your declaration and Director's approval, if provided.

Employing family or friends can be perceived as nepotism and possibly corrupt conduct. Doing so without following proper procedure or managing the conflict of interest is a breach of the Code of Conduct and could lead to formal disciplinary action.

Note: It is also not appropriate to be on an interview panel, or ask a close colleague to replace you, where any applicant for the position is your relative (including a parent, sibling, child or past or present partner).

Other Issues

57. Can I submit a vacancy earlier than Term 4 if I want the Entry on Duty date to be from the start of the next year?

Yes you can. The staffing of schools operates throughout the year and principals are encouraged to submit vacancies as they arise during the year, rather than waiting until Term 4. The advantage of submitting vacancies as early as possible is that principals are better able to plan ahead and provide continuity for their staff and classes for the current year, while knowing what their staffing appointments will be well in advance. Teachers who are appointed earlier are also able to more effectively plan ahead. In some cases this can involve major changes such as moving house, so several months' notice can be very helpful. It is possible to submit a vacancy from Term 2, with an entry on duty date for the start of the

following year. In most cases this can be accommodated, although an earlier entry on duty date may need to be negotiated where vacancies are to be filled by some central appointment categories. For teachers appointed to promotions positions, however, best endeavours should be made to arrange for the entry on duty date to be as soon as practicable for the schools involved.

64. My Actual entitlement means that I have to reduce by one teacher, which in my school's case will mean terminating a temporary teacher engagement. Does this mean that I have to give the temporary teacher 4 weeks' notice of cessation from the time I receive my Actual entitlement?

You should not engage any temporary teacher against an unfilled vacancy beyond an initial 4 weeks in Term 1. Those engagements should be made pending confirmation of your Actual staffing entitlement. If you have to reduce your staffing by ceasing a temporary engagement to bring your staffing in line with your entitlement, there should be no need for notice of an early cessation if you have only engaged the temporary teacher up to the date of the Actual entitlement being published. If there are other temporary engagements which you can sustain within your entitlement and in line with the Staffing Agreement, then you are able to extend those temporary engagements once you have your Actual entitlement for the school year.

Index

	Page
Above establishment teachers	5
Additional staffing codes	17
Applying for advertised positions	19
Applying for leave	15
Casual and temporary teacher engagements	6
Class sizes	7
Counting students for enrolment purposes	3
Conflict of interests	20
Curriculum hours	14
Death of a staff member	14
Executive entitlements and principal classification	13
Legal and audit responsibilities	1
List of permanent staff	14
Other Issues	21
Preparing enrolment returns	1
Release from face to face teaching	7
Selection procedures and selection panel training	19
Staffing calendar	1
Teachers nominated for transfers	6
Teaching loads	7