



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

Centre for Education Statistics and Evaluation

Introduction

The emergence of COVID-19 in NSW in early 2020 resulted in significant disruptions across the NSW workforce, including the public education sector, which experienced increased absences due to rising case numbers. Responding to the evolving risks of COVID-19 over the last 2 years has required ongoing adjustments to policy settings at all levels of government due to external factors such as the introduction of new variants and vaccines.

In late 2021, the NSW Minister for Health and Medical Research announced the *Public Health (COVID-19 Vaccination of Education and Care Workers) Order (No 2) 2021*¹ (PHO). This PHO required all education and care workers to be double vaccinated to work in government and non-government schools, as well as early education and care facilities in NSW. Some key dates and directions relevant to this PHO include (refer to Appendix A for more information):

- **23rd September 2021** – *Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2021* requiring double vaccination of education and care workers commences.
- **5th October 2021** – NSW Department of Education (department) launches its Vaccination Attestation and Confirmation System (VACS).
- **18th October 2021** – department's Secretary makes 2 determinations covering teaching and school administrative and support staff,² establishing the requirement that employees must be vaccinated with 2 doses of a COVID-19 vaccine and provide evidence unless they are unable to be vaccinated because of a certified medical contraindication.
- **27th October 2021** – department's Secretary announces vaccination requirement in place until Term 2 2022.
- **8th November 2021** – all employees who work in government schools or early childhood education services required to be double vaccinated by this date, in accordance with the PHO.

¹ [Public Health \(COVID-19 Vaccination of Education and Care Workers\) Order \(No 2\) 2021 \[PDF 216KB\]](#) (NSW).

² Refer to *Teaching Service Act 1980* – Determination No. 1 of 2021 – COVID-19 Vaccination Evidence; *Education (School Administrative and Support Staff) Act 1987* – Determination No. 1 of 2021 – COVID-19 Vaccination Evidence.

- **10th March 2022** – revised PHO³ extends vaccine requirement for education and care workers until 13 May 2022.
- **20th April 2022** – NSW Government announces that the *Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2022* will not be extended beyond 13 May 2022.⁴

This review clarifies some of the complexity around the legislative requirement in NSW for mandatory vaccination for education and care workers, and the department's systems and data used to monitor its implementation. This review first outlines how the department has responded to COVID-19 before describing the systems it uses to monitor the vaccination status of school-based staff. Definitions used in the VACS and SAP payroll system are provided to aid the interpretation of reported data.

How has the department responded to COVID-19?

The department has implemented the PHO's requirement for school-based staff to be double vaccinated (or have a certified medical contraindication). Practically speaking, the department has achieved this by requiring government school employees to attest their vaccination status in VACS.

The vast majority of the department's school-based staff have complied. Over 600 school staff have had a medical contraindication recognised by the department in accordance with Australian Technical Advisory Group on Immunisation (ATAGI) guidelines. This includes staff who have had their contraindication reviewed by the Health and Safety Directorate but who have not entered it in VACS for privacy reasons.

The department supported NSW schools to successfully manage the impact of COVID-19 in Term 1 2022 through high levels of staff and eligible student vaccinations,⁵ COVID-smart measures and policies (including cohorting and physical distancing) to minimise transmission, and the distribution of rapid antigen tests to schools for both surveillance and symptomatic testing. These measures resulted in only 3 government schools needing to be closed in that term due to elevated levels of infection among students and staff, despite the greater transmissibility of the Omicron variant. An additional 160 schools had one or more cohorts revert to learning from home for a short period as a circuit breaker at times of high COVID infections. Analysis of COVID transmission in NSW public schools in 2021 conducted by the National Centre for Immunisation Research and Surveillance (NCIRS) found multi-layered preventative strategies resulted in lower levels of secondary attack in schools than the wider community, and face-to-face learning did not drive COVID-19 community transmission.⁶

On 20 April 2022, the NSW Government announced that a range of vaccine-related PHOs will not be extended beyond 13 May 2022, including the mandate regarding education and care workers.⁷ After the repeal of various public health orders, the wider community will move to a risk-based assessment approach for most workplaces. Note that the Secretary's determinations and directions for staff to be double vaccinated remains a condition of employment. The determination and direction are due for review by the end of Term 2 2022.

3 [Public Health \(COVID-19 Vaccination of Education and Care Workers\) Order 2022 \[PDF 269KB\]](#) (NSW).

4 NCIRS (National Centre for Immunisation Research and Surveillance) (2022) '[COVID-19 in schools – the experience in NSW: 18 October 2021 to 17 December 2021](#)', *COVID-19 in Educational Settings*, NCIRS, accessed 9 May 2022.

5 In July 2021, the department communicated to principals about a new mass vaccination centre at Qudos Bank Arena where Year 12 students who lived in the LGAs of concern were eligible for priority vaccinations. In August 2021, priority vaccinations were expanded to eligible students aged 16 years and above who lived in the LGAs of concern.

6 NCIRS (National Centre for Immunisation Research and Surveillance) (2022) '[COVID-19 in schools – the experience in NSW: 18 October 2021 to 17 December 2021](#)', *COVID-19 in Educational Settings*, NCIRS, accessed 9 May 2022.

7 NSW Government (20 April 2022) [Update on COVID settings](#) [media release], NSW Government, accessed 9 May 2022.

How does the department monitor staff vaccination status?

To ensure compliance with the PHO, active school-based teaching staff were required to attest their vaccination status in VACS. Prior to a staff member commencing work at a school or early education and care site, the staff member's attestation and vaccination status was validated by their manager in the COVID-19 Vaccine report in the SCOUT system, which is an internal reporting tool.⁸

Vaccination status

In VACS, staff are classified into the following groups depending on their attested vaccination status:⁹

Vaccination status	Definition
Fully vaccinated	Has received 2 doses of vaccination.
Partially vaccinated	Has received one vaccination dose, with a confirmed booking to receive the second dose.
Not vaccinated	Has not received any doses of vaccination, without an approved medical contraindication.
Medically exempt	Has a medical contraindication certificate provided by a health professional as per the Public Health Order. Where a staff member submits a medical contraindication certificate, the document is to be uploaded into VACS during the vaccination self-declaration process.

Staff were requested to verify their vaccination status by showing evidence to an authorised officer, usually their line manager, who was required to visually sight this evidence and record that confirmation in VACS. Forms of approved evidence include:

Vaccination status	Approved evidence required
For the 'fully vaccinated', either:	<ul style="list-style-type: none">An online immunisation history statement.A COVID-19 digital certificate from the Australian Immunisation Register.
For the 'partially vaccinated', both:	<ul style="list-style-type: none">Evidence from the Australian Immunisation Register that the worker has had one dose of a COVID-19 vaccine.Evidence of an appointment to receive a second COVID-19 vaccine (if available).
For the 'medically exempt':	<ul style="list-style-type: none">A medical contraindication certificate from a medical practitioner in a form approved by the Chief Health Officer that specifies the medical contraindication.

Staff members seeking medical exemption were directed to provide approved evidence of a medical contraindication in VACS. However, in instances where a staff member wished to keep the nature of their medical contraindication confidential, they had the option of providing an approved form to the department's Health and Safety Directorate. A health and wellbeing advisor reviewed and confirmed with the authorised officer that a medical contraindication exists without disclosing the nature of the health condition.

⁸ NSW Department of Education (2022) *New staff attestation*, NSW Department of Education website, accessed 9 May 2022.

⁹ NSW Department of Education (2022) *Vaccination guide for principals*, NSW Department of Education website, accessed 9 May 2022.

Other information captured by VACS

The department also collected the following information in VACS:

- employee information (name and employee ID) for both the employee attesting and approving
- attestation date – date and time stamp when a record was submitted onto the VACS Confirm system
- vaccination status – different statuses in table below
- view file – enables the viewing of records with a medical exemption form attached
- relevant date – this differs for each vaccination status type, as indicated in the following table taken from the VACS Confirm user guide:

Status type	Relevant date meaning
Fully vaccinated	The date of the second vaccination.
Partially vaccinated	The date of the first vaccination.
Not vaccinated – with an appointment booked	The date of the first vaccination appointment.
Not vaccinated – without an appointment booked	The date field will be blank.
Medically exempt – temporary	The date the exemption is valid to.
Medically exempt – ongoing	The date field will be blank.

Source: <https://education.nsw.gov.au/inside-the-department/covid-19/vaccinations/vacs-confirm>.

Definitions of active versus inactive school-based staff

An important factor in understanding the vaccine status of NSW school-based staff involves the definitions the department uses to classify staff in SAP systems. These definitions relate to who and when staff are required to engage with VACS. Given the scale of the department and the dynamic nature of its workforce, human resources systems are necessarily detailed and are required to capture a range of complex scenarios. One of the ways the department's SAP payroll system classifies staff involves the following categories: (1) active; (2) inactive; and (3) withdrawn. Table 1 provides the definitions of these classifications.

Table 1
Definitions of active versus inactive school-based staff

Status	Definition
Active	<p>A staff member becomes 'active' at the point they are assigned to a temporary or permanent position within a school's organisational structure within the SAP payroll system. They remain 'active' for the duration of their appointment.</p> <p>Casual staff can also appear active on SAP if they are casually nominated to work at a school, even if they are not seeking workdays. Casual staff are often entered into the SAP payroll system by a school to streamline the process of employing them for a future casual assignment.</p> <p>Casually nominated staff are 'active' from the point that their casual nomination form is processed by a school, and their nomination will then remain active for up to 18 months.</p>

Status	Definition
Inactive	<p>Only casual and temporary staff can be classified as 'inactive' in the department's SAP system.</p> <p>Their status remains inactive until:</p> <ul style="list-style-type: none"> (1) they receive another appointment, at which point their status reverts to active for the period of that appointment (2) they have been inactive for 18 months, at which point their status changes to withdrawn, or (3) they notify the department that they are retiring or are no longer seeking work, at which point their status changes to withdrawn.
Withdrawn	<p>A staff member is categorised as 'withdrawn' when their employment with the department ceases. If a staff member has not accepted an assignment or been casually nominated with a school in 18 months, their status will be reviewed. If they are deemed to be no longer working for the department their status will be assigned as withdrawn.</p>

Casual nomination typically occurs when a qualified teacher approaches a school to inquire about available casual opportunities. A school can then choose to enter that teacher's employment information into the SAP payroll system so that they can be easily deployed to an assignment in the future. These staff are not required to attest until they are called upon for an engagement.

The way that school-based staff are classified as active or inactive is complex because the status of an employee can change over time based on their employment practices. Staff can also have multiple assignments in SAP against their employee ID, reflecting both their current and previous assignments. For example, a staff member may have one current 'active' part-time position at a school, and a separate 'inactive' position at a different school based on previous employment.

The impact of changes to VACS data provisioning on the number of reported inactive 'unattested' school-based staff

Prior to 27 January 2022, VACS employee data was drawn from the department's payroll records, which meant that only 'active' employees (that is, those receiving pay) could attest. However, from 27 January 2022, changes were introduced to enable more streamlined onboarding of new starters and inactive staff who might be called upon to work. These changes meant that any staff member (whether on payroll or not) with a valid department email address could now attest their vaccination status. This resulted in a significant increase in the number of 'inactive' unattested and new staff visible through the department's attestation reporting.

Inactive staff are not required to attest unless they intend to re-engage in active employment, and new starters are not required to attest until they are ready for employment.

Box 1 – Clarification to previously reported numbers of inactive staff

- The COVID-19 and Crisis Taskforce relies upon Scout, an internal reporting tool, for the purposes of monitoring and reporting data recorded in VACS.
- Scout has been used to provide figures on staff vaccination attestation to the Office of the Chief People Officer and for responses during Budget Estimates.
- In the process of this independent review, CESE identified a discrepancy within Scout when calculating the number of inactive staff.
- Staff can have multiple assignments (for example, one current active part-time position at school A and one inactive part-time position at school B from a past engagement). Scout was counting these staff twice as both active (school A) and inactive (school B), overstating the number of inactive staff. In the example above, the staff member should have only been counted as active.
- CESE worked with data custodians and subject matter experts in the Human Resources Directorate to resolve the discrepancy. The inactive staff figures in this report reflect the number of inactive staff that have only inactive assignments and does not include new starters who have not yet received an assignment.

Vaccination status of active and inactive teachers and other school-based staff (as of March 2022)

On 31 March 2022 there were 113,207 school-based staff classified as active in the SAP payroll system. Of these, 106,761 (94.3%) had attested that they were fully (double) vaccinated. These numbers only include staff that had updated their vaccination status in VACS. There were 5,074 teachers and other school-based staff who were classified as active who had not yet updated their vaccination status in VACS. Box 2 provides more information on this group.

There are several reasons why a teacher or other school-based staff member may not have attested in VACS, such as being on leave or deciding to confirm their status with human resources outside of the VACS for privacy reasons. However, in line with the PHO and the department's vaccine mandate, these staff members will be required to confirm their vaccination status prior to commencing work on a school or early education and care facility site.

On 31 March 2022 there were 23,091 school-based staff classified as inactive in the SAP payroll system. While 2,445 staff had updated their vaccination status as 'fully vaccinated' in VACS, 20,337 had not yet updated their vaccination status. This could be due to several reasons. First, staff that are not currently teaching are not required to attest. Second, these teachers may have decided to retire or are no longer actively seeking positions.

The NSW Government school system will always have a combination of active and inactive staff in its system. The number of active and inactive staff fluctuates over time as a result of staff starting and finishing roles. However, if a large number of staff were being moved from active to inactive as a result of the vaccine mandate, the department would expect to see a corresponding large decrease in the number of active staff and increase in the number of inactive staff. As the active counts for 31 March 2022 are mostly similar to those for 28 October 2021, with only a small increase to inactive counts, there is no strong evidence of a large shift in staff status.

Number of active staff pre- and post-mandate by date (8 November 2021) and vaccination status

Date	Vaccination status	Teaching staff	Other school-based staff
28 October 2021 (pre-mandate)	Total	78,671	33,494
31 March 2022 (post-mandate)	Fully vaccinated	74,539	32,222
	Partially vaccinated	43	25
	Medically exempt	335	80
	Not vaccinated	233	92
	Not attested	2,937	2,137
	Confirmation rejected*	448	116
	Total	78,535	34,672
Change from 28 October to 31 March	Total	-136	1,178

Number of inactive staff pre- and post-mandate by date (8 November 2021) and vaccination status

Date	Vaccination status	Teaching staff	Other school-based staff
28 October 2021 (pre-mandate)	Total	11,667	8,280
31 March 2022 (post-mandate)	Fully vaccinated	1,717	728
	Partially vaccinated	11	8
	Medically exempt	48	22
	Not vaccinated	106	75
	Not attested	11,442	8,895
	Confirmation rejected*	24	15
	Total	13,348	9,743
Change from 28 October to 31 March	Total	1,681	1,463

* Includes employees who attested within VACS, but whose evidence was rejected by their manager.

Box 2 – Breakdown of unattested active staff

As of 31 March 2022, there were 2,937 active teaching staff and 2,137 other school-based staff not attested within VACS, and 681 active teaching staff and 208 other school-based staff who were attested not vaccinated or who had their confirmation rejected. Staff who are on leave are not required to VACS attest until they intend on returning to school-based activities. Staff are broken down into:

- staff who were on leave for all hours they were paid for in the relevant period, further broken down into the type of leave,
- staff who were not paid for any hours over the relevant period, further broken down into whether they were casual, permanent, or temporary employees, and
- other staff who were not on leave for all hours they paid for, and were paid for some hours.

	Teaching staff	Other school-based staff
Staff on leave for relevant period		
Parental leave	172	24
Extended leave	113	46
Sick leave	35	14
Leave without pay	214	38
Staff who were not paid during the relevant period		
Casual	2,010	69
Permanent	613	122
Temporary	3	1809
Other	458	223
Total	3,618	2,345

Appendix A – Timeline of announcements related to the department’s mandatory vaccination requirements

Date	Announcement
2021	
12 July	More than 10,000 teachers and school staff in south-western Sydney’s areas of COVID concern given priority access to vaccine rollout.
15 July	Messaging provided to principals in LGAs of concern on priority vaccination for school staff.
6 September	Vaccination blitz for school, early childhood, TAFE NSW, VET and university staff at Qudos Bank Arena.
24 September	Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2021 requiring vaccination of education and care workers commenced.
5 October	Vaccination attestation system (VACS) launches.
18 October	Secretary made 2 determinations (<i>Teaching Service Act 1980</i> – Determination No. 1 of 2021 – COVID-19 Vaccination Evidence; <i>Education (School Administrative and Support Staff) Act 1987</i> – Determination No. 1 of 2021 – COVID-19 Vaccination Evidence) which established the requirement that employees must be vaccinated with 2 doses of a COVID-19 vaccine and provide evidence unless they are unable to be vaccinated because of a medical contraindication. In Level 3 plus schools: <ul style="list-style-type: none"> • Preschool, Kindergarten, Years 1 and 12 return to face-to-face learning. • Staff vaccination mandate takes effect.
27 October	Secretary announces vaccination determinations for teaching and school administrative and support staff (effective until Term 2 2022).
8 November	From this date, it became mandatory for employees who work in government schools or early childhood education services to be double vaccinated, in accordance with the <i>Public Health (COVID-19 Vaccination of Education and Care Workers) Order (No 2) 2021</i> .
22 November	Secretary issues a direction requiring all corporate and non-school-based staff to provide evidence of 2 doses of an approved vaccine against COVID-19 or a medical contraindication to attend a corporate site, by no later than 30 January 2022.
2022	
10 January	Premier makes announcement about changes to the mandatory vaccination regulations, which will require NSW Department of Education school-based staff to have a booster shot.
30 January	Cut-off date by which all corporate staff are required to be double vaccinated or hold a medical contraindication to attend a corporate site.
1 February	Premier and Minister welcome all schools back for Term 1 2022.
7-11 February	The department contacts principals to inform them about the staff who need to be vaccinated with Novavax. Dismissals for non-compliance with the vaccination mandate will resume. As of 9 Feb, about 90 to 100 people have taken up the Novavax offer.
10 March	PHO’s requirement for double vaccination extended until 13 May 2022.
20 April	NSW Government announces that the <i>Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2022</i> will not be extended beyond 13 May 2022.

Appendix B – Definitions of common staffing terms used

Term	Definition
Active	A staff member is categorised as 'active' in the department's SAP payroll system at the point that they are assigned to an existing position within a school's organisational structure. That staff member is then 'active' for the duration of time that falls between the start and end date of their engagement. Casual staff can also appear active on SAP if they are casually nominated with a school, but not seeking workdays (refer to Table 1 for further detail).
Inactive	A staff member is categorised as 'inactive' in SAP if they are not currently assigned to an existing position within a school's organisational structure. A staff member without an active position will remain classified as 'inactive' for 18 months, after which point their status will change to 'withdrawn'.
Withdrawn	A staff member is categorised as 'withdrawn' when their employment with the department ceases. If a staff member has not accepted an assignment or been casually nominated with a school in 18 months, their status will be reviewed. If they are deemed to be no longer working for the department their status will be assigned as withdrawn.
Casual nomination	Casual nomination is the SAP process of adding an employee to a school or business unit's casual and short term temporary non-teaching list, for payroll purposes. Casual nomination typically occurs when a qualified teacher approaches a school to inquire about available casual opportunities. A principal can then choose to enter that teacher's employment information into the SAP payroll system so that they can be easily deployed to an assignment in the future.
Casual	A casual teacher is employed on a day-to-day basis, or in blocks, to meet relief needs within a school. They will be paid a daily rate based on their years of training and experience, which is loaded to include a component for sick leave and holiday pay.
Temporary	A temporary teacher is employed full-time for 4 weeks to a year, or part-time for 2 terms or more. Temporary teachers receive most of the entitlements of permanent teachers, including annual salary, on a pro-rata basis.
Permanent	A permanent teacher is assigned to an existing position within a school's organisational structure, and employed by a school on an ongoing basis.