

DETAILED INFORMATION ABOUT THE DEPARTMENT'S AWARD OFFER FOR SCHOOL TEACHERS

The Pay Offer

The department has proposed an increase of **11.4%** over three years paid to all staff covered by the school teachers award.

4.8% from January 2009

3.5% from January 2010

2.7% from January 2011

What it means for teachers and principals

	Salary		Increase
	Dec 2008	Jan 2011	
Top of scale teacher	\$75,352	\$83,940	\$8588
New teacher	\$50,522	\$56,280	\$5758
Assistant Principal/Head Teacher	\$86,716	\$96,599	\$9883
Deputy Principal	\$101,248	\$112,787	\$11,539
PP3	\$107,155	\$119,366	\$12,211
PH2	\$124,080	\$138,221	\$14,141
SEO 2	\$101,754	\$113,350	\$11,596

The trade offs

The Government's wages policy is that all public servants will receive a 2.5% annual award increase – which is fully funded and not linked to productivity increases. If departments negotiate a wage increase above this level it must be off set or paid for by savings made through reducing employee related costs. These are called trade offs and the department has presented the union with a range of them as part of the package.

To pay for the wage increase outlined above all of the following trade offs would need to be agreed to with the union. All of the savings would be used to fund pay increases for teachers.

Workers' Compensation – 'Top-up' pay entitlements after 26 weeks of absence

To compensate workers who have suffered a work related injury the NSW Government has enacted the NSW Workers Compensation and Injury Management Act.

The purpose of the Act is to provide workers who are injured with compensation and support to help them return to their original jobs, a modified version of their original jobs or other meaningful employment as quickly as possible. It is a fair and decent way to treat people who have been injured.

Under the Act employees receive weekly benefits. For the first 26 weeks where a classroom teacher is not at work they receive their normal rate of pay. After 26 weeks they move to a statutory weekly rate of pay. The minimum rate is currently \$376.70.

Currently teachers in NSW government schools can use other forms of leave they have accrued, including sick leave, to top up their entitlements after the 26 week period has run out.

This policy is inconsistent with the entitlements set out in the legislation and at odds with the practice in the overwhelming majority of NSW workplaces.

Experts in rehabilitating injured workers agree that the sooner an injured worker can be returned to work, in whatever capacity, the better their chances are of making a full recovery.

That's why workers' compensation legislation provides incentives for workers to get back to work and, equally, requires employers to provide support and alternative work options to enable injured staff to contribute again as soon as possible.

The department supports staff with work-related injuries. Helping staff get back to work safely as soon as possible after an injury is the central feature of the department's policies and procedures.

Where teachers do require time off work as a result of a workplace injury the vast majority are back at work within four weeks. Less than 5% of all injured workers have not returned to work before the end of the 26 week period.

Early and effective injury management and a planned and co-ordinated approach to injury management means most injured staff can return to their normal pre-injury duties very quickly.

To support and encourage teachers to participate in the rehabilitation and return to work process, the department will adopt the approach laid out in the workers' compensation legislation and no longer allow teachers the option of using leave entitlements to maintain their full salary.

Experts in the field and WorkCover NSW have determined that if someone is injured at work six months is an appropriate period of time for employees to recover completely, recover sufficiently to return to work, or for the employer to determine that the person can no longer do their job and should be medically retired.

Workplace injury management and rehabilitation specialists agree that proactively working to get injured staff back to work, rather than letting them linger at home on sick leave, is not only good policy, it's also the most decent way to treat people.

The department has costed the savings involved in making this change and they are significant. All savings will be provided to all school teachers as part of a wage rise under the new award.

To support this approach, the department provides the option for alternative work placements and teacher relief or a school learning support officer where appropriate to assist staff to return to the classroom as soon as possible whilst they recover from an injury. These programs not only support the employee during the recovery process but provides for consistency in teaching for students in our schools.

Here are some examples (we have taken out personal details) of how we have worked with teachers who have been injured at work to get them back into the classroom, or doing other meaningful work for the department and public education.

Example 1

A high school teacher submitted a workers compensation claim to the department for a psychological injury following a reported conflict with a colleague. Following a discussion with his head teacher and his treating doctor, a return to work plan was developed and agreed to by all parties. It was agreed that as part of the teacher's return to work plan, his direct reporting line would be changed to reduce contact with the colleague until such time that mediation could be arranged.

An independent mediator was organised and a mediation session took place in which the conflict was resolved with the teacher's reporting lines being reinstated. The department continued to monitor and support the teacher for four weeks following the completion of his return to work plan to ensure that the conflict did not recur.

Example 2

A year 5 teacher fractured her arm following a slip when she was walking on a rainy day to her classroom. The teacher's Doctor advised the department that her arm would be in a cast for approximately six weeks. Following consultation with the Doctor, it was agreed that the teacher would be placed on a graduated return to work program as the teacher was able to complete most of her teaching duties.

To support the teacher in returning to work, the department engaged a teacher's aid to work with the teacher for six weeks to assist with the tasks that the teacher was unable to do with a broken arm, including writing on the whiteboard. When the teacher's cast was removed and her arm fully recovered, the teacher was able to resume all classroom duties.

Example 3

A high school teacher was involved in a motor vehicle accident on his way to work sustaining multiple injuries including fractures. Following a lengthy stay in hospital, and many weeks having treatment recovering at home, it was agreed with the treating doctor that he could return to work on a graduated return to work program.

The medical restrictions included limitations in travel for a prolonged period of time. It was agreed by all involved that the teacher would return to an alternative school closer to home on reduced hours to support his return to work. In addition, a casual teacher was appointed to work alongside him to complete tasks that he was unable to do whilst he was recovering.

Over time the teacher was able to successfully upgrade his hours and duties to return to all his teaching duties in his substantive school.

Workers' Compensation – Dual payment during school vacations

For most NSW workers if they are injured and are receiving workers compensation during a time when they would normally be on annual leave they receive both their workers compensation and their annual holiday pay. Most workers have four weeks annual holiday leave each year.

Teachers' holidays are different. Teachers' have school holidays off and will continue to do so.

In the past teachers who have been receiving workers compensation during school holidays have received both the workers compensation payment and their wage - in essence it's a double payment.

The department has proposed changes that will mean teachers are only entitled to the four week annual leave and workers compensation double payment if their period of injury covers the first four weeks of the Christmas

school holidays - which will be deemed to be the annual leave period for all teachers.

Of course, teachers will continue to be paid for all school holiday periods.

These changes to the way workers compensation operates will save the department money that will be converted into a pay rise for all school teachers.

High Schools - Alternate periods

To provide greater flexibility in secondary schools, the number of alternate periods a secondary teacher may be asked to take will be increased from 6 periods to 10 periods per term (up to 10 hours and 40 minutes extra face to face teaching each year).

This will allow schools to utilise existing teaching staff to cover some classes for absent colleagues.

This measure will lead to lower casual relief costs.

School Development Days

To further enhance professional development opportunities for staff, the last two days of Term 4 each year will be pupil free to allow for two (2) additional school development days. These days will assist in enhancing the status of the teaching profession and improve teacher quality.

The additional development days, if agreed to, will take place on the last two days of Term 4, taking the number of school development days to five per year. It is the view of department that by having these days consecutively held at the end of the school year parents who will have to make other arrangements on those days may choose to start their own Christmas break early, reducing inconvenience as much as possible.

This is a comparison of the relative number of schools days in each state and territory and the number of school development days.

State or Territory	Average length of school year in days	Number of staff development or pupil free days
NSW	201	3
QLD	197	5
VIC	200	4
ACT	197	5
NT	193	5
SA	196	4 + 1 if required
WA	190	7
TAS	192	4 + 4 extra learning days

We understand that a minority of people in the community have expressed scepticism about the value of staff development days. Below is a list of recent programs that have been delivered in schools during staff development days.

- Programs to help teachers better address the needs of gifted and talented students
- Programs to help teachers develop improved capacity to use computers and technology to enhance student learning
- Programs to help teachers integrate literacy into all areas of curriculum
- Programs to help teachers integrate numeracy across the curriculum
- Programs to help teachers to implement Quality Teaching practices with their students
- Programs to assist teachers to support students in the transition from school to work
- Programs to assist teachers to address the Professional Teaching Standards
- Programs to assist teachers to engage all students in learning including Aboriginal and Torres Strait Islander students, students with special education needs, Non-English speaking background students and students with challenging behaviours
- Programs to help teachers integrate numeracy into all areas of curriculum
- Programs where communities of schools - high schools and primary schools - work together to plan for successful transitions

It is the department's view that they are an excellent opportunity for teachers to acquire new skills that directly benefit the students they teach.

Nominal days on duty

Currently teachers are paid for working 7 days a week however, in practice, they work from Monday to Friday. To align the department's payroll system, it is proposed the number of days a teacher is nominally on duty to decrease from seven (7) days to five (5) days.

This is an administrative change that will not affect annual salary but will provide a benefit to teachers who use their extended leave entitlement.

Changes to leave

Sick Leave provisions

By community standards teachers have access to generous sick leave provisions. Teachers are currently able to take up to 22 days full pay and 22 days half pay sick leave per year with an accrual of 10 days for each year capped at 410 days while. Other occupational groups receive 10 days sick leave per year with no capped amount. Consistent with this standard, it is proposed teachers receive the following:

- The sick leave entitlement will be 10 days per annum.
- Accumulated sick leave will accrue at 10 days per annum.
- The cap of 410 days on accumulated sick leave will be removed.
- Employees will be entitled up to 5 days of sick leave in a school year without provision of evidence.
- Sick leave without pay will not count as service for the accrual of paid leave including sick leave.

Teachers take between 7 and 8 days sick leave on average each year.

Teachers will not lose any of the sick leave they have already accumulated.

Leave without pay

All staff are encouraged to take accrued extended leave when it becomes available to allow for rest and rejuvenation while ensuring the Government does not accrue a huge leave liability. To meet these objectives, leave without pay will only be granted when accrued extended leave to which an employee is entitled has been exhausted.

Re-credit of extended leave

To assist in reducing the Government's leave liability, teachers who are on extended leave will not have the ability to seek to have extended leave re-credited by using sick leave in the event that they are sick for part of that leave. This will also help to remove the need for complex manual calculations which are required when employees seek to re-credit extended leave due to illness.

Travel allowance for casual teachers

Historically, the introduction of the travel allowance for casual relief teachers was designed as an incentive to attract teachers to short term employment and to help overcome staffing shortages. Since that time the employment conditions for casual employees generally have evolved. It is now accepted employment practice that employees are responsible for meeting costs incurred for travel between their residence and place of work.

Given that generally permanent and temporary teachers do not receive payment for travelling to work, the department does not consider it appropriate to pay casual teachers to travel to locations in which they have indicated they are willing to work. Therefore, the provision in the Teachers' Handbook for a travelling allowance for casual teachers will be abolished.

Relief teaching while on leave without pay

Currently permanent teachers on leave without pay who wish to work as a casual teacher receive payment that is a proportion of their permanent rate rather than the casual rate of pay. In addition these teachers, unlike other teachers working casually, can also use any leave to which they may be entitled as a permanent employee.

Given all casual teachers undertake a similar essential supportive role in schools, it is appropriate that permanent teachers on leave without pay who work as casual teachers be paid and receive the same conditions as other casual teachers.

A permanent teacher on leave without pay working as a casual will receive the casual rate of pay and will no longer be eligible to use any accumulated sick leave.

Teacher Quality

To strengthen and build on improvements in teacher quality there is a need for a robust performance system. To achieve this, the following is proposed:

- Amend the Teacher Assessment and Review Schedule to reflect the NSW Institute of Teachers framework of Professional Teaching Standards.
- Establish a separate Executive Assessment and Review Schedule and Executive Improvement Program for deputy principals, assistant principals and head teachers.
- Make the teacher improvement program a fixed period of ten weeks.

School Counsellors

It is acknowledged that there is a potential for a shortage of school counsellors in coming years. The review of school counsellors undertaken under the current award failed to identify an agreed outcome. The department seeks to reinstitute discussions as part of the negotiations for a new award to ensure the supply of counselling services in schools.

Uniform classification structure for principals

School principal classifications have historically been determined based on raw student data which does not reflect the work value of the role. To simplify the structure and align classification and remuneration to the work value of the role, the department is seeking a uniform six level classification structure for principals based on the value of the position determined by teacher allocation and global budget.

Further details on this proposal will be available shortly.

Leave reserved provision

The Commonwealth government has flagged its intention to actively promote and reward quality teaching. In order to respond to any future Commonwealth initiatives, the department seeks a 'leave reserved' provision to implement structural changes to reward high quality teaching.

Other Award provisions

Clause 18 – Alternative Work Organisation be amended to include provision for Principals to seek flexibility to meet their school needs.

Clause 35 – Goods and Services Tax be deleted as the provision is no longer relevant.

Award modernisation

The new award will be redrafted including re-arranging the order and layout of clauses to remove anomalous references, obsolete provisions and to make the document more 'user friendly'. For example, reference to Basic Skills test and English Literacy and Language Assessment tests in clause 13 of the Award.

Death and disability

The Federation has lodged a claim for additional death and disability benefits for teachers who are not covered by the old superannuation scheme. If the claim results in additional employee related costs, the available salary increases will be reduced or additional cost offsets will need to be identified.

No Further Claims

The new Award will include a no further claims provision to the effect that during the life of the award the NSW Teachers Federation will not pursue any extra claims.

The offer made to the Federation is in full and final settlement of their claim covering government school teachers and related employees covered by the *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2006*.