

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

1. Introduction

This agreement is made between the Secretary of the NSW Department of Education ('the Department') and the NSW Teachers Federation pursuant to Section 14 of the *Teaching Service Act*, 1980.

This agreement is to cover the filling of vacant classroom teacher, executive staff and principal positions and related matters from the commencement of Term 2, 2016 until the end of Term 1, 2020.

2. Procedures for Temporary Appointment to a Permanent Position

Subject to the provisions of 2.1 to 2.3 below, when a classroom teacher or executive staff vacancy occurs, the principal will determine, based on the needs of students and local workforce planning needs, whether the position is to be filled on a temporary or permanent basis.

- 2.1 A permanent position may be filled on a temporary basis when:
- the enrolments at the school have been and/or are projected to decline;
 - the enrolments at the school have been fluctuating;
 - the curriculum offerings at the school are changing and some subjects have been and/or are projected to decline;
 - part-time positions are required to target specific whole of school programs which are subject to annual review and change.
- 2.2 The filling of permanent positions on a temporary basis will be monitored as part of the staffing component of the school's plan.
- 2.3 Where a school engages a temporary teacher to fill a permanent position as per 2.1 above, the principal will certify on the Temporary Engagement Form that the engagement complies with one or more of the listed reasons.

3. Longer Term Temporary Appointments

A longer-term temporary engagement of up to three (3) years can be offered to fill a vacant position where:

- a permanent teacher is to be absent from her / his appointed school and retains right of return to that position,
- one or more of the listed reasons in clause 2.1 is met, or
- the position is above the centrally identified staffing establishment.

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

Should circumstances change, for example, the substantive teacher decides to return to her / his position before the originally planned time, the program to which the substantive teacher was engaged does not continue, or school enrolments require a reduction in staff that could be offset by the placing of a permanent teacher against the leave vacancy, then normal early cessation conditions such as four weeks notice will apply.

4. Temporary Teacher Appointment to Permanent Status

Where a permanent vacancy arises at a 2, 4, 6 or 8 point classified school and a temporary teacher has been engaged at that school

- for a minimum of 2 years of continuous service, and
- has been satisfactorily participating in the Performance and Development process

the principal may elect to permanently appoint the temporary teacher to that vacancy, where the temporary teacher is deemed suitable to the position.

Such appointment will be subject to the eligibility of the position to be filled by local choice, and the temporary teacher matching the staffing codes required in the permanent vacancy to meet the educational needs of the school.

Where more than one temporary teacher at the school meets the eligibility requirements, the principal will conduct a suitability assessment in determining the appointment.

5. Filling Vacant Classroom Teacher Positions

Where the principal determines that a classroom teacher vacancy is to be filled on a permanent basis the principal will advise School Recruitment of the requirements of the position using staffing codes.

School Recruitment will run a computerised match. If there is an incentive transfer or Aboriginal employment applicant who matches the requirements of the position an appointment will be made.

If there are no incentive transfers or Aboriginal employment applicants and:

- the last vacant classroom teacher position at the school was filled by a central appointment (*incentive transfer, Aboriginal employment, nominated transfer, priority transfer of Aboriginal teachers or teachers in special education settings, sponsored teacher, graduate, or service transfer*) the school can choose how to fill the position.

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

Where a school is filling a position by local choice they can use:

- advertisement
- the nominated transfer list (top of the list or pool process)
- the Approved to Teach List (Permanent Appointment Applicants) (top of the list or pool process)
- the graduate list (top of the list or pool process)
- the service transfer list (top of the list or pool process)
- temporary teacher appointment to permanent status, as described in 4. Above

OR

- the last vacant classroom teacher position was filled by local choice and a teacher who would be appointed through a central appointment process matches the requirements of the position, the teacher will be appointed.

Where there are teachers who match the requirements of the position who would be appointed through more than one central appointment type the following factors will be considered in determining which appointment type will be made:

- ensuring the number of teachers who are above establishment, such as nominated transfers, are placed in positions as soon as possible; and
- wherever possible a mix of central appointment types will be made in a school.

Where changes to enrolments or curriculum requirements necessitate the nominated transfer of public school teachers, such employees will retain permanent employment within the state-wide teaching service. Teachers nominated for transfer will be placed in a suitable vacancy closest to their current school or in a suitable vacancy closest to their last school based appointment if returning from a non-school based appointment.

Teachers nominated for transfer and teachers applying for other transfers will be certified by their current principal (or Director PSNSW in the case of principals) to validate satisfactory performance in the position held in that school.

Graduate Recruitment Program

To provide opportunities for outstanding graduates to be appointed to NSW public schools, the Department offers a Graduate Recruitment Program.

The program elements are:

- A notional quota for graduate appointments is determined by primary and secondary each year;

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

- In Term 1 each year School Recruitment surveys principals online to seek nominations from schools which would like to appoint a graduate (or graduates) if a vacancy occurs during the following staffing year;
- The principal is able to indicate if they wish the graduate to be appointed from the top of the graduate list or from the pool of graduates who match the requirements of the position and wish to go to the school. (To facilitate the appointment of graduates only the subject/teaching area codes will be used for the match);
- Where a vacancy occurs in a school on the list and the vacancy is not filled by an incentive transfer or an Aboriginal employment applicant, and the vacancy is to be filled through a central appointment process, the appointment of a graduate is considered;
- Principals of schools who did not nominate during Term 1 are able to nominate at a later stage, provided that the quota has not been filled;
- Principals of schools who did not submit a nomination in Term 1 are able to elect to use the graduate pool or graduate list as a local choice option. (To facilitate the appointment of graduates only the subject/teaching area codes will be used for the match).

6. Procedures for Filling Vacant Executive Positions

Where the principal determines that an executive vacancy is to be filled on a permanent basis the principal will advise School Recruitment of the requirements of the position using staffing codes.

School Recruitment will run a computerised match. If there is an incentive transfer applicant who matches the requirements of the position an appointment will be made.

If there is no incentive transfer applicant and:

- the last vacant executive position at the school was filled by a central appointment (*incentive transfer, nominated transfer, or executive staff in special education settings*) the position will be advertised

OR

- if the last vacant executive position was filled by local choice and an executive who would be appointed through a central appointment process matches the requirements of the position the executive will be appointed.

Where there are executive staff who match the requirements of the position who would be appointed through more than one central appointment type the following factors will be considered in determining which appointment type will be made:

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

- ensuring the number of teachers, including executive staff, who are above establishment, such as nominated transfers, are placed in positions as soon as possible; and
- wherever possible a mix of central appointment types will be made in a school.

7. Filling Principal Positions

The Director, PSNSW will advise School Recruitment of the requirements of the vacancy.

School Recruitment will run a computerised match. If there is an incentive transfer applicant who matches the requirements of the position an appointment will be made.

If there is no incentive transfer applicant and:

- the principal position at the school was filled on the last occasion by a central appointment (*incentive transfer, nominated transfer, or principals in special education settings*) the position will be advertised

OR

- the principal position at the school was filled on the last occasion by local choice and a principal who would be appointed through a central appointment process matches the requirements of the position the principal will be appointed.

Where there are principals who match the requirements of the position who would be appointed through more than one central appointment type the following factors will be considered in determining which appointment type will be made:

- ensuring the number of teachers, including principals, who are above establishment, such as nominated transfers, are placed in positions as soon as possible; and
- wherever possible a mix of central appointment types will be made in a school.

8. Nominated Transfers

Where a vacancy is to be filled by a central appointment, teachers with nominated transfer status will be matched to the approved subject/teaching area codes submitted for the vacancy.

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

Where the vacancy includes skills/experiences codes, the School Recruitment team will contact the principal to determine whether an exception can be made on the basis that the skills/experiences are essential for the position.

Where an exception to match on skills/experiences codes cannot be agreed at the school level, the matter will be referred to the local Director PSNSW for resolution.

9. Incentive Transfers and Aboriginal Employment Applicants

When a vacancy is matched for incentive transfers and Aboriginal employment applicants, teachers will be matched to the approved subject/teaching area codes submitted for the vacancy.

10. Section 51A Transfers under the Teaching Service Act 1980

Where the last vacancy at a school was filled by a s51A transfer (as a compassionate transfer and/or for other exceptional and compelling reasons) this will count as a central appointment. When the next vacancy occurs, if not filled at Step 1, it will then be available to be filled by local choice.

11. Section 51A Transfer on Compassionate Grounds

Compassionate transfers are to be dealt with under s51A of the Teaching Service Act 1980.

Where classroom teachers, executive and principals have exceptional and compelling circumstances requiring transfer from their current school, an application for a s51A transfer based on compassionate grounds can be submitted via their principal to the local Director PSNSW. In the case of principals seeking a s51A transfer on compassionate grounds, the application is made directly to the local Director PSNSW.

Applicants must notify the Director PSNSW if their circumstances change or if they wish the application to be withdrawn.

An application for s51A transfer based on compassionate grounds will be approved only on the basis of exceptional and compelling circumstances. Applications must contain full and substantiated grounds and supporting documentation. These circumstances need to justify not only the request to move from the school to which the classroom teacher, executive staff member or principal is presently appointed, but also the reasons for requesting the schools to which the classroom teacher, executive staff member or principal is seeking transfer.

Once approved, the Director PSNSW will forward the details of the application to the School Recruitment team who will work with the Director PSNSW to case manage the transfer.

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

12. Exemption from a Central Appointment

Schools which have not been able to access local choice for the preceding five (5) vacancies at any level may apply for exemption from a central appointment and be permitted to access local choice. Such requests will be considered by School Recruitment.

13. Extended Hours of Educational Delivery

Where the Department establishes a new school, re-purposes an existing school or establishes a specialist school such as a virtual high school, provision for the timetabling of classes beyond the core hours of operation of a school and for teachers to work within those extended hours may be made provided that the overall hours of duty of teachers shall not be exceeded.

Such provision is to be made in accord with the *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2014* or its successor.

Consideration is to be given to equity, gender and family issues involved in any proposal to implement flexible hours.

The parties agree to continue to trial and review pilots on flexible work organisation in schools arising from strategies to address the *Great Teaching, Inspired Learning* reforms, the *Rural and Remote Education Blueprint* and other initiatives that aim to enhance public education.

14. Staffing of Identified Schools

During the term of this agreement the Department will identify up to eight (8) schools that will have specialised staffing arrangements.

In those circumstances where the establishment of these schools results in the amalgamation or closure of identified schools, then staff impacted by the change at those schools will transfer to the identified school as part of its establishment.

For a period of five (5) years after establishment of these identified schools, all permanent vacancies at those schools shall be filled by local choice. Following this designated period of time, staffing of the identified school will revert to the agreed state-wide practice at that time.

15. Staffing of Specialist Settings

Schools for Specific Purposes (SSPs) and Educational Training Units (ETUs) represent unique educational settings that require specialist skills and experience.

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

As such, all permanent vacancies at SSPs and ETUs shall be filled by the following process:

- Step 1: School Recruitment will run a computerised match. If there is an incentive transfer* applicant who matches the subject/teaching area codes submitted for the vacancy an appointment will be made.
- Step 2: If there is no suitable match and the last vacant position at the SSP or ETU was filled by local choice, then nominated special school transfers*, nominated transfers* and sponsored teachers who match the subject/teaching area codes submitted for the vacancy of the position will be considered and an appointment will be made.

OR

If the position at the school was filled on the last occasion by a central appointment (incentive transfer*, nominated special school transfers*, nominated transfers* and sponsored teachers) the position will be filled by local choice.

*Where the applicant is currently serving in an ETU or special education setting (SSP or support class).

16. Permanent Positions Above Centrally Identified Staffing Establishment

Consistent with the *Principles for Determining the Mix of Staff in Schools* [\[hyperlink\]](#), a principal may make a local decision to utilise additional funding provided above the school's centrally identified staffing establishment to create additional positions for filling by permanent appointment.

These permanent positions may be established through application by the Principal, after consultation with the school community and with the approval of the Director PSNSW. In determining the case for a permanent position, consideration should be given to the amount and continuity of funding, the ongoing requirement for the role, and the educational needs of the school.

The principal will be able to choose the selection method to fill the permanent position.

If the permanent position is at executive level, the role description must include general selection criteria relevant to the position level, together with the specific criteria determined by the school. This will provide relative status at the executive level in the state-wide teaching service.

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

17. Staffing of Multi-Campus Colleges

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

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

The *Principles for the Staffing of Multi-Campus Colleges* are at Attachment 1.

18. Staffing Procedures

The Department will update its *Promotion and Transfer Procedures for School Teachers* and the *Selection Panel Procedures for School Teachers* to reflect the processes contained in this agreement.

19. Appeals

The procedures for appeals are at Attachment 2.

20. Compliance Monitoring and Reporting

Compliance with the staffing agreement will be monitored by a state level *Joint Monitoring and Review Committee (JMRC)*. This committee will comprise representatives of the parties to the agreement, with equal representation from both parties. The Department's representation will include a Director from the Schools Operation & Performance division. The JMRC will be responsible for ensuring that the highest standards of probity, accountability and transparency apply to the staffing of NSW public schools.

The parties will participate in a JMRC forum each term to monitor and resolve compliance matters. Prior to each term's JMRC forum, the Department will produce a Compliance Monitoring Report that shows each school's FTE entitlement, permanent FTE establishment, the difference between the two (unfilled entitlement), and the difference expressed as a percentage. This report will be sorted by field Executive Director locations and will highlight schools for detailed review.

Where the JMRC identifies a school for review, the Director PSNSW will discuss the level of temporary employment with the relevant principal to ascertain reasons and any necessary action to rectify the situation.

The *Compliance Monitoring Report* will also include data and analysis on executive entitlement changes, specifically Head Teacher curriculum and non-curriculum trends.

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

21. Qualified Teachers

Teachers in NSW Public Schools are required to hold qualifications consistent with the requirements of the Board of Studies, Teaching and Educational Standards (BOSTES) and the provisions of the *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2014* or its successor.

22. Class Sizes

Class sizes will be planned generally on the following basis and will have regard to the needs of the school:

PRIMARY SCHOOLS AND PRIMARY DEPARTMENTS OF CENTRAL SCHOOLS

K-2

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

Years 3-6

No class need exceed 30 students.

HIGH SCHOOLS AND SECONDARY DEPARTMENTS OF CENTRAL SCHOOLS

Years 7-10

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

No class need exceed 30 students.

Practical classes Years 7-10

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

- the organisation of industrial technology in Years 7-10, and Year 7 visual arts on the basis of no class need exceed 20 students;
- the organisation of food technology and textiles technology in Years 7-10 on the basis of no class need exceed 24 students; and

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC SCHOOLS
2016–2020**

- the organisation of technology (mandatory) classes in Years 7-8 and design and technology (elective) classes in Years 7-10 on the basis of no class need exceed 22 students.

Years 11-12

No class need exceed 24 students.

OTHER SCHOOLS

Class sizes not listed above will be determined by the principal in accordance with formulae current as at the commencement of this agreement.

23. Commitments under the agreement

The Department and the Teachers Federation agree that variations to the Staffing Agreement during this period will only be made with the mutual consent of the parties.

Negotiations on a new Staffing Agreement will commence by Term 4, 2019.

**AGREEMENT BETWEEN THE NSW DEPARTMENT OF EDUCATION AND
THE NSW TEACHERS FEDERATION ON THE STAFFING OF NSW PUBLIC
SCHOOLS 2016–2020**

Signed by:
Michele Bruniges
Secretary of the NSW Department of Education

Michele Bruniges

16/12/15

in the presence of:

Peter Riordan

16/12/15

Peter Riordan
Deputy Secretary, Corporate Services
NSW Department of Education

Signed by:
John Dixon
General Secretary
NSW Teachers Federation

John Dixon

16/12/15

In the presence of:

Gary Zadkovich

16/12/15

Gary Zadkovich
Deputy President
NSW Teachers Federation

**PRINCIPLES FOR THE STAFFING OF
MULTI-CAMPUS COLLEGES**

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

1. A multi-campus college will be considered a regular comprehensive high school and as such will receive its ordinary monetary allocations, global budget allocations, staffing allocations and other relevant resourcing allocations as detailed in these procedures.
2. Each college will have a College Principal with overall management responsibilities for the college. At colleges where the College Principal role is shared on a rotational basis among the campus principals, a non-teaching deputy principal position will continue to be allocated.
3. A college principal will be an additional member on a selection panel for a campus principal.
4. A principal will be appointed to each campus.
5. A College Principal will receive a salary outcome that equates to a P5 on the new classification structure. The salary is not determined by the principal classification thresholds.
6. Teachers and executive staff will be appointed to the college, with an initial location of a campus. Following a teacher's appointment to a college and the initial allocation of that teacher at a campus, the College Management Group (CMG) can allocate a teacher or executive staff member to a different campus. Consistent with the principles in these procedures, principals will consider the preferences of individual teachers and executive staff, the approved subjects and teaching areas of individual teachers and executive staff, the experience and skills of individual teachers and executive staff and the needs of the students on each campus.
7. Teachers will have an opportunity to indicate their class and campus preferences each year for the following year.
8. The CMG, comprising the college principal and the campus principals, will assign teachers and executive staff to classes and campuses for the commencement of each school year.
9. The CMG will ensure that all staff members have access to cross campus teaching opportunities and will provide initiatives which enhance these opportunities such as part-time arrangements, common timetabling and complementary timetabling.

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

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

11. Vacancies identified by the CMG will be filled in accordance with the Staffing Agreement.

12. A College General Staffing Entitlement (CGSE) will be provided to each College to ensure staffing and resourcing levels for a College are not less than what the aggregate of the staffing and resourcing levels would have been for the "stand alone schools".

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

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

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

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

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

14. The College General Staffing Entitlement will be used to support head teachers who have responsibility across more than one college campus. Head teachers with faculty management responsibilities on more than one campus within the College, shall be entitled to an additional 0.2 executive release for each additional campus on which they have such responsibilities, drawn from the CGSE.
15. The College Management Group will consult with the local TFRCC (where established) prior to determining the use of the CGSE.
16. Documentation must be provided to the Director of School Recruitment as well as the Director PSNSW and the Teachers Federation organiser with responsibility for the College, by the commencement of the next Staffing Operation i.e. Day 1 Term 2 of each year, in regard to the use of the CGSE.
17. A small schools supplement, as detailed in the Department's staffing entitlement guidelines, will continue to be allocated to each campus within a college, provided that enrolments are consistent with the guidelines and the allocation of a small schools supplement.
18. Further additional deputy principal and/or head teacher positions and appropriate executive allowances may be created by utilising up to 40% of the CGSE.
19. The travel provisions of the *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2014* or its successor will apply to teachers, executive staff and principals who work across campuses within a college.

APPEALS PROCEDURES

Preamble

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

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

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

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

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

Procedures

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

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

Appeals relating to principal positions in central schools will be considered by the secondary appeals panel.

The membership of the appeals panel will be:

- a) an independent convener, chosen from a list of independent conveners agreed to by the Department and the Teachers Federation
- b) a departmental representative
- c) a Teachers Federation representative.

3. The panel will consider the appeal on the basis of the documentation provided by the applicant and the documentation arising out of the selection process.
4. The panel may, if necessary, and at its discretion, examine other relevant documentation or talk to any person, including the applicant.
5. The panel will make a recommendation to the Appeals Secretariat either that the appeal should be dismissed or upheld. The panel may also make any other recommendation which seems appropriate. When unanimous agreement cannot be achieved a minority report may be submitted to the Appeals Secretariat through the convener of the appeals panel.
6. Where the panel or a member of the panel through a minority report recommends to the Appeals Secretariat that an appeal should be upheld, the panel or that member will also recommend to the Appeals Secretariat in relation to the reconducting of the selection process, whether or not each member of the original selection panel should form part of the selection panel reconducting the selection process.
7. The Appeals Secretariat may uphold or dismiss an appeal, or may make such other decision as seems appropriate. The details of each decision will be given to the applicant in writing.
8. To uphold an appeal, the Appeals Secretariat must be satisfied that the process was irregular or improper.
9. Where an appeal is upheld, the selection process will be reconducted where this is practicable. The selection panel will be constituted in accordance with the decision of the Appeals Secretariat taken in relation to the recommendation referred to above.
10. Except with the approval of the Appeals Secretariat a teacher whose appointment is subject to appeal will not take up duty in the new position until the appeal is determined.
11. In accordance with the Teaching Service Act 1980, the decision of the Appeals Secretariat as delegate for the Secretary is considered final.