

THERE'S NOTHING CASUAL ABOUT TEACHING

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When can a temporary engagement be terminated?

The Department of Education recognises that casual and temporary teachers play a critical role in the operation of all schools. Casual teachers who are engaged to fill vacancies of four weeks or more or vacancies of one to four days per week for two school terms or more, are temporary teachers. A Temporary Teacher Engagement Notice will be completed by the principal and after the teacher is satisfied that it has been completed correctly, the teacher should sign the notice and request a copy. This notice will then be submitted to the Department.

The Department's document, *Managing temporary engagements including the circumstances of early cessation*, sets out the processes and procedures for principals and their delegates to manage temporary staff. On occasions this may be the termination of a temporary engagement prior to the end date.

There are four reasons set out in the document that could lead to the early termination of a temporary teacher engagement:

Early Termination of the Temporary Engagement for Operational Reasons

- The substantive occupant of the position against which the temporary teacher has been engaged returns early from a period of leave
- The unfilled vacancy against which a temporary teacher has been engaged is filled by recruitment

action or through the centralised school staffing process and a permanent teacher is appointed to the position

- Funding that has been used to pay for the employment of the temporary teacher is no longer available
- The specified task or project that the temporary teacher was employed to undertake has been completed or will not continue.

In the case of early termination of the temporary engagement for operational reasons, the teacher "should be given as much notice as is reasonably practicable" this will depend on the length of the engagement and "where the length of the engagement permits, the temporary teacher should be given a notice period of four weeks".

Concerns regarding conduct

The Department's Code of Conduct outlines its expectations of all employees, including temporary employees. When allegations of serious misconduct or child protection allegations are made, they must be immediately notified to the Employee Performance and Conduct Directorate (EPAC). It will be EPAC that determines whether or not a temporary teacher's engagement will be ceased immediately.

There is a process as set out in the document that must be adhered to if an allegation of misconduct is made against a temporary teacher. If the temporary teacher

has their engagement terminated at the conclusion of the process, the principal will give the temporary teacher two weeks' notice or payment in lieu of notice. The notice period starts from the day the temporary teacher is advised by the principal that their temporary engagement will be terminated. Serious misconduct or child protection allegations

Where there are allegations of serious misconduct or child protection allegations the principal must immediately contact EPAC. In line with advice from EPAC, the principal may be required to meet with the temporary teacher and supervisor to advise that serious allegations about the temporary teacher's conduct have been raised and notified to EPAC and that an investigation will be made.

The principal should advise the teacher of the possible outcomes of any investigation by EPAC, which may include:

- they will be paid two weeks' pay on termination
- their approval to teach casually with the Department will be temporarily withdrawn pending the outcome of the investigation
- their name may be temporarily placed on the not-to-be-employed database
- they will be notified of the investigation process, given an opportunity to respond to any allegations, advised about the outcome of that investigation and any further action that may be taken by the Department
- depending on the outcome of the investigation, their name

may be removed from the not-to-be-employed database and their teaching approval reinstated.

Unsatisfactory performance

In determining the satisfactory performance of a temporary teacher, principals are to apply the following Australian Professional Standards for Teachers.

Temporary teachers should be provided with the same professional development opportunities available to a permanent teacher. The improvement procedures contained in the Department's Teacher Improvement Program do not apply to temporary teachers.

A flow chart that outlines the process pertaining to unsatisfactory performance is outlined in the document, *Managing temporary engagements including the circumstances of early cessation*.

When a temporary teacher finds themselves in the position of being informed that their temporary engagement is being terminated before the end date on the engagement notice, they should immediately contact Professional Support on 1300 654 367.

Temporary teachers should always retain a copy of their engagement notice once it has been signed by the principal (or delegate) and the temporary teacher.

More information about the *Managing temporary engagements including the circumstances of early cessation* document can be found at <http://bit.ly/NSWTFtemp>.