### Claim item: 1

**Removal of requirement for employer to notify of ET 5 eligibility.**

The current Agreement requires the employing authority to initiate advice to a teacher regarding such teacher’s eligibility for ET 5 status.

This advice is required to be:
- In writing and identify the date of eligibility; and
- Provided in a timely manner prior to the date of eligibility.

This requirement places a significant amount of responsibility and additional workload on payroll staff and management.

Catholic school employers consider that sufficient information is contained within the Agreement to assist teachers to understand the eligibility criterion for ET 5.

Catholic school employers are of the view that shifting the responsibility to teachers to alert the employer of their eligibility for ET 5 is not onerous and is an appropriate responsibility for an employee.

Catholic school employers also consider this initiative may lead to increasing the professional awareness of teachers regarding the requirements for eligibility of ET 5, and may also result in a higher level of understanding with regard to the additional duties required of an ET 5.

8 May 2012
### Claim item: 2

**Extension of notice period**

Catholic school employers have identified an increased need to assist with the management of staffing arrangements when senior non-teaching staff (levels 6 & 7) and teachers provide notice of resignation/retirement. In practical terms, the extension of the current notice period will enable school management more lead time to find replacements.

(i) It is proposed the notice period for senior staff employed as school officers (e.g. levels 6 & 7) be extended from two weeks to four weeks.

(ii) It is proposed the notice period for teachers is four weeks excluding vacation periods.
Claim item: 3

**Review of Experienced Teacher 6 classification**

The tabling and settlement of Experienced Teacher 6 initiative and associated appointment process occurred late in the EB6 negotiation process, and as such limited consideration and consultation of the structure occurred.

Catholic school employers have had an opportunity to assess the operational impacts associated with the Experienced Teacher 6 classification and associated appointment process since its inception.

Catholic school employers seek improved processes with regard to the effectiveness of the Experienced Teacher 6 classification within schools. Improvement is also sought with regard to the process associated with, and leading to, a teacher attaining for the Experienced Teacher 6 classification.

In addition, Catholic school employers have identified inconsistencies within Schedule 5 (Diocesan schools) of the current agreement.

As a way of addressing these issues, as well as the inconsistencies identified, Catholic school employers seek a review of the Experienced Teacher 6 classification and the process associated with attaining this classification. A review of this nature would enhance the integrity and robust qualities of the appointment process and the role of ET 6 within our school communities.

Specific issues held by Catholic school employers are outlined below. This is not an exhaustive list of matters and Catholic school employers reserve the right to add to or delete from this list during discussions with employee representatives.

**Contribution to effective management of Catholic schools**

- Ambiguities with regard to the additional tangible benefits of the Experienced Teacher 6 (ET 6) classification to the effective management of Catholic Schools.

- Tangible evidence of the additional responsibilities of ET 6 employees is sought.
• Catholic school employers consider the ET 6 role requires expansion in recognition of the payment of the allowance.
  o For example: It is reasonable for local level management to assess the skills and experience of a teacher at the ET 6 classification and have the ability to require that teacher to use their experience to mentor graduate teachers.
• It is necessary to address the anomaly of ET 6 allowance being comparable to PAR allowance.
  (lower level)

Catholic school employers consider the increased engagement of ET 6 in supervisory roles and/or duties with co-ordination responsibilities to be a reasonable expectation.

Contents of Schedule 5 proposed for review

• Objective of ET 6 - recognition of:
  o Demonstrated skill
  o Knowledge
  o Proficiency
  o Contribution

Assessment is a ‘one off’ with no provision for review. Catholic school employers assert that this assessment should amount to continued recognition requiring periodic assessment/appraisal.

• Definition: The teacher at Experienced Teacher 6 classification is a teaching practitioner whose effective teaching and learning in the school contributes to the effective implementation, development, provision and/or evaluation of the school’s educational program.
  o Contribution – periodic assessment/appraisal is required to ensure “effective implementation, development, provision and/or evaluation” of/to school educational program.
  o Additional duties should be required to demonstrate ‘contribution’ to the school educational program.

• Eligibility:
  o Schedule 5.2.1 uses terminology “are eligible for ET 6” whereas schedule 5.2.2 terminology is “may apply for recognition as ET6”. Both should read: “are eligible to apply for ET6 classification”
  o Schedule 5.2.3 (d) provides that fixed term employees must have a minimum 6 month contract with no greater gaps of 3 months to be “eligible to access” ET 6. There is no process to enable employers to assess and monitor the requirement to demonstrate effective teaching and learning that contributes to the effective implementation, development, provision and/or evaluation of the school’s education program.

• Method and Criteria:
  o Schedule 5.3.1 and 5.13 – satisfaction of criteria A & B is at a high level of proficiency, and satisfaction of criteria C-E is at least of proficient level of practice.
    i. Identification and formalisation of benchmarks used to assess the level of proficiency is required.
ii. Contradiction between s5.3 & s5.13, and within s5.13 itself. S5.3 and 5.13 provide that an applicant must satisfy each of the 5 criteria, whereas s5.13 (later in the clause) provides that inability to address criterion C – D does not prevent an applicant from being recommended for ET6.

iii. Review of criteria outlined in s5.13 to ensure it remains sufficient to meet the contemporary needs of Catholic schools in Queensland.

- Schedule 5.3.2 – ET6 will remain committed to proactive role in enhancing student learning outcomes and continuing to perform at a high level. The identification and formalisation of benchmarks to measure this commitment is required.

- Recommendation and endorsement:

  - Schedule 5.5 provides for the recommendation from the validation panel to be provided to the employing authority for endorsement. Catholic school employers propose for the final sentence in this sub-clause be deleted and replaced with the following: "The recommendation will be provided to the employing authority for consideration. The employing authority retains the right to decide whether or not to endorse the recommendation of the Validation Panel."

- Appraisal process (s5.11):

  - Identification and formalisation of benchmarks for the appraisal of ET 6 classification is required.

- Additional duties:

  - Schedule 5.12 provides for ET6 can be requested to perform additional duties with the time taken to complete these additional duties to be discounted from their normal hours of duty.

    - Catholic school employers seek a review of this sub-clause to address the following:
      
      i. Delete the word ‘requested’ and insert the word ‘required’.
      
      ii. Review the reasonableness of additional duties being discounted from an ET 6’s normal hours of duty.

- Referee reports and Principal statements:

  - Optional status of comments does not assist with the assessment of ‘high proficiency’ vs ‘proficiency’. Comments from these resources explaining their endorsement or non-endorsement should be a requirement.

8 May 2012
Claim item: 4

**Ability to direct an employee to attend a medical examination**

From time to time the employer may reasonably suspect an employee’s absence from work or unsatisfactory work performance is caused by a medical condition.

This claim seeks to provide Catholic school employers with the capacity to direct an employee to attend a medical examination in the following circumstances:

- Where the employer reasonably suspects the employee’s absence from work or unsatisfactory work performance is caused by a medical condition;
- The employer pays the cost of the medical examination;
- The medical examination is conducted by a medical examiner of the employer’s choice;
- The employer and the employee are provided with a copy of the medical examiner’s report; and
- Appropriate access to an employee assistance scheme is made available to the employee.

Catholic school employers are of the view that this initiative will enhance the maintenance of a safe working environment for students and employees. Whilst it is unlikely that action under this provision would be frequently used, it does provide employers with the authority and flexibility to address an otherwise difficult situation that may arise from time to time within the school community.

Catholic school employers propose that the following clause be inserted into the proposed Agreement:

**Medical examination**

*This clause applies to a Catholic school employee if –*

a) The employee is absent from duty; or

b) the employing authority is reasonably satisfied the employee is not performing his or her duties satisfactorily; and

c) The employing authority reasonably suspects that the employee’s absence or unsatisfactory performance is caused by a medical condition.

*The employing authority may -*
a) Appoint a doctor to examine the employee and give the employing authority a written report on the examination; and

b) Require the employee to submit to the medical examination.

The employee is not eligible for sick leave for any period during which the employee fails to comply with the requirement.

**Medical examination report**

(i) The report on the medical examination must include the examining doctor’s opinion as to whether the employee has a medical condition that may adversely affect the employee’s performance.

(ii) If the doctor considers the employee has a medical condition mentioned subsection (i), the report must also include the doctor’s opinion as to the following –

   a. The likely direct or indirect effect of the medical condition on the employee’s performance.

   b. An estimate of how long the medical condition or its effects are likely to last;

   c. Whether or not disclosing the information in the report to the employee might be prejudicial to the employee’s mental or physical health or wellbeing.

(iii) If the doctor’s opinion is that the disclosure will not be prejudicial to the employee’s mental or physical health or wellbeing, the employing authority must give the employee a copy of the report as soon as practicable after receiving it.

(iv) If the doctor’s opinion is that the disclosure might be prejudicial to the employee’s mental or physical health or wellbeing, the employing authority must not disclose the contents of the report to the employee.

(v) However, if asked by the employee in writing, the employing authority must make the disclosure to another doctor nominated by the employee in that request.
### EMPLOYER LOG OF CLAIMS

**Diocesan Schools Agreement**  
**WITHOUT PREJUDICE**

#### Claim item: 5

**Cash out of Long Service Leave**

Catholic school employers propose to include a provision into the enterprise agreement that provides an industrial basis and authority to cash out long service leave. Catholic school employers consider this initiative would enhance the flexibility of working conditions. In addition, this initiative can be used by employers to enhance attraction/retention strategies.

Catholic school employers have reported increasing instances of requests from employees to “cash-out” their long service leave entitlement. The proposal by Catholic school employers recognises the increased benefits for employees whilst respecting the fundamental reason for the introduction of long service leave.

Section 53 (2) of *The Industrial Relations Act (QLD) 1999* provides the authority for employees to cash-out long service leave where a relevant industrial instrument provides an entitlement.

Catholic school employers propose the following clause be inserted into the proposed agreement:

**Cashing-Out Long Service Leave**

*Employees who are eligible to access their accruals of long service leave (i.e. after 7 years service) may apply, to the employer, in writing to “cash out” a proportion of such leave instead of taking leave. Provided that:*

(i) At least 5 weeks must be retained at any point of time to use as long service leave in the usual manner;

(ii) “Cashing-out” of long service leave may only occur once in any 5 year period; and

(iii) The employee seeks independent financial advice.

The existing arrangements for making application for long service leave would continue in the present form.

8 May 2012
## Claim item: 6

**Standardise increment hours for all employment categories of teachers**

Current incremental provisions for teachers are as follows:

- Casual & part-time teachers increment after 1000 hours
- Full time teachers increment after 1200 hours

Catholic school employers seek to standardise these provisions so that all teachers, regardless of employment status, increment after 1200 hours.
Claim item: 7

Ability for management to suspend school staff from duty in certain circumstances

From time to time allegations of misconduct will be made against school staff. The employer is often placed in a position whereby serious allegations require the temporary removal of the staff member from the school environment whilst such allegations are being investigated. There are a number of reasons for this, including:

- Need to ensure the safety and well-being of students and staff
- Need to protect the integrity of the investigation
- Need to exhibit responsible management of the issue in the eyes of the community

With the exception of the public sector, legislation does not provide for the suspension of an employee. This can be remedied by inclusion of provisions into an enterprise agreement that provide for the suspension of employees in certain circumstances.

Catholic School employers seek a provision that will provide the ability to suspend an employee with pay when certain circumstances exist.

Catholic school employers do not deem suspension as being punishment, but as a tool to ensure the responsible management of an investigation process.

It is proposed the following clause be inserted into the proposed agreement:

Effective management of school staff in certain circumstances

Notwithstanding any of the provisions in this agreement, an employer may suspend an employee with pay while investigating, or causing to be investigated, any matter which in the view of the employer requires the removal of the employee from the school:

(a) To ensure the safety and well-being of students and/or staff;
(b) To protect the integrity of the investigation; and/or
(c) To safeguard the employer’s property (real or intellectual)
Catholic school employers support contemporary research findings that indicate the clear link between improved student results with the need to develop the pedagogical skills of teachers through appropriate professional learning.

This research suggests the improvement of student learning and student outcomes requires time for appropriate professional learning for teachers to examine how the content is delivered in addition to what is delivered.

Catholic school employers are committed to supporting the development of teachers by providing high quality professional learning opportunities.

Catholic school employers consider it is necessary for all schools to assist school staff to develop professionally. Changes to curriculum, technology and the increasing complexities associated with the teaching profession mean there is now a greater need to more clearly identify time for professional development (including QCT requirements), whilst not compromising continuity in the classroom and student learning.

The allocation of compulsory attendance for professional development outside of normal working hours is sought to assist schools and teachers to meet the challenges of maintaining currency through professional development. It will also create a more flexible approach to balancing the provision of high quality professional development and enhancing consistency in the classroom.

This proposal will provide Catholic school employers with the ability to plan group professional development and partner with other schools to fund high quality professional development. Catholic school employers are of the view that this proposal is a strategic step towards recognising the professionalism of teachers and the desire for employers to partner with teachers by providing opportunities to access quality professional development and the uninterrupted time to participate.

By nominating a quantum of hours for compulsory attendance for professional development outside of normal working hours, schools and teachers will have greater flexibility and confidence to better plan, budget for and deliver strategic professional learning. It is proposed that the scheduling and content of professional development is established through a consultative process.

Catholic school employers understand the relationship between teacher effectiveness and student performance is remarkably consistent. Research indicates that the impact of teacher effectiveness outweighs the impact of any other school education policy. With this in mind, Catholic school employers consider that significant benefits would be achieved by each teacher being required to attend 18 hours of

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professional development outside of normal working hours per annum in addition to current arrangements. This proposal would promote a focus on learning and on building teacher capacity to provide quality teaching and learning to students.

This proposal is a genuine opportunity for employers and teachers to conduct strategic discussions aimed at enhancing the teaching profession within Catholic Education in Queensland resulting in improved educational outcomes for students. This approach will require a mature partnership between employers and teachers when planning the content and structure of the proposed professional development.

Catholic school employers believe this proposal is a genuine step towards greater recognition of the professionalism of teachers.

8 May 2012
Catholic school employers propose the following administrative changes to assist with interpretation of the proposed agreement and in some cases assist with the administration of some conditions contained within the Agreement. This is not an exhaustive list and Catholic school employers reserve the right to add to or delete from this list during discussions with employee representatives.

a. Cross reference schedule 21 (RI Agreement) with hours of work clauses and professional development clauses.

b. Clarification of meal breaks for non-teaching staff.

c. Salary increases to be from first full pay period.

d. Clarification on employees working in more than one position. (full time over two positions or part-time for each position)

e. Remove the requirement for statement of service to be issued upon termination of employment of non-teaching staff. Statement of service to be issued only upon request.

f. ET 6 – reconcile application due dates within both agreements. These are currently different.

g. Amend payslip advice clauses 4.13.1 and 4.13.4 to refer employees to Web Self Service.

h. Removal of reference to clause 4.1.8 in schedule 6 of the Diocese Agreement.

i. Qualification of teachers – accelerated advancement.

   ▶ Anomaly currently exists – cl 4.14.3 (d) (e) (i) is out of date and doesn’t reflect current practice (i.e. amount cannot be expressed as a $ amount, only as a %) In addition, casuals and short term fixed contracts are able to access additional superannuation contributions. Problem may only be specific to T2 users such as BCE and EREA.

   ▶ Recognise 5 years of full-time study (10 semesters) as the prerequisite for starting on graduate 2