



College council will review this policy every three years or as directed by DET

**Date approved:** August 2018

**Date of next review:** 2021

## OVERVIEW

Employment as an assistant principal is subject to Division 3 of Part 2.4 of the *Education and Training Reform Act 2006*. Assistant principals are employed in the principal class and are required to enter a contract of employment. The contract of employment is for a fixed period of up to five years. At the expiration of the contract of employment there is provision for renewal of a contract of employment for a further period subject to agreement between the assistant principal and the principal.

Where an assistant principal position is abolished the termination provisions of the assistant principal's contract, including the provision of twelve weeks' notice, must be followed and these guidelines have no further application.

Employment as a leading teacher/learning specialist is subject to Division 2 of Part 2.4 of the *Education and Training Reform Act 2006*. Leading teacher/learning specialist positions are tenured for up to five years. At the expiration of tenure there is provision for renewal of tenure for a further period subject to agreement between the leading teacher/learning specialist and the principal.

This guide sets out the procedures for contract renewal for assistant principals and provides advice on leading teacher/learning specialist tenure renewal. Separate procedures for principal contract renewal are available on HRWeb.

## CONTRACT RENEWAL – ASSISTANT PRINCIPALS

Principals are responsible for the contract renewal process for assistant principals. An assistant principal's contract can be renewed at or below their substantive remuneration range (i.e. the remuneration range determined on appointment to the position) but not at a higher remuneration range.

The principal's course of action may be influenced by a number of factors including changes:

- In the workforce plan
- In the structure of the school's staffing profile
- To the school strategic plan
- In the work value of the position

Any concerns about the performance of an assistant principal would normally be known and should have been addressed by the principal well in advance of contract renewal considerations.

In determining whether an assistant principal's contract is to be renewed the following process will apply:

- Not less than six months prior to the expiration of the assistant principal's existing contract of employment (unless otherwise agreed), the principal will meet face-to-face with the assistant principal to confer with the view to reaching agreement as to whether the assistant principal shall be re-appointed for a further period.
- The outcome of this meeting will be:
  - The contract of employment will be renewed for a specified period of time of up to five years, or
  - The principal advises that issues of concern exist which may affect contract renewal and that the assistant principal has the opportunity to respond to these issues. In this case the advice provided by the principal to the assistant principal shall be in writing and will outline the issues which are of concern. The assistant principal will have an agreed period to respond in writing to the issues raised by the principal. The principal will, in deciding whether to renew a contract, consider the issues raised and any response of the assistant principal to these issues, or
  - The principal and the assistant principal cannot agree on renewal and the position will be advertised.

- In accordance with the contract of employment the principal and the assistant principal will, no later than 4 months (or such other time as agreed) prior to the expiration of the contract, inform each other of their decision.

Where there is no substantive principal or a principal is not in charge of the school the Regional Director will make appropriate arrangements for the contract renewal process for the assistant principal.

### **CLASSIFICATION ON EXPIRATION OR TERMINATION OF CONTRACT**

Where an assistant principal's contract of employment expires or is terminated and the employee does not enter into a further contract of employment, the employee will be appointed:

- an assistant principal and paid within remuneration range 2 of the principal class for a period of 3 years where the remuneration of the assistant principal was above remuneration range 2; or
- a leading teacher for a period of 3 years where the remuneration of the assistant principal was at remuneration range 1 or range 2

Where an assistant principal's contract of employment is not renewed, that employee must be accommodated within the Student Resource Package of the employee's substantive school.

Administrative procedures and proformas are available on HRWeb.

### **TENURE RENEWAL – LEADING TEACHERS / LEARNING SPECIALISTS**

Principals are responsible for the tenure renewal process for leading teachers/learning specialists.

Leading teacher/learning specialist positions are tenured for periods of up to five years. Successful applicants for leading teacher/learning specialist positions will be employed on an ongoing basis with tenure in the position for the period as advertised. A principal is required to undertake action in relation to the tenure of each leading teacher/ learning specialist position not less than three months before the expiry date of the tenure. Any concerns about the performance of a leading teacher/learning specialist would normally be known and should have been addressed well in advance of renewal considerations.

Prior to meeting with a leading teacher/learning specialist to discuss tenure renewal the principal will need to determine whether the position is to be continued, abolished or advertised consistent with the school's long term workforce planning.

The principal's course of action may be influenced by a number of factors including:

- changes in the workforce plan
- changes in the structure of the school's staffing profile
- changes to the school strategic plan
- a desire to broaden the applicant field
- a desire to increase diversity within the leadership profile
- a change in the work value of the position.

Not less than three months prior to the completion of the period of tenure the principal will meet with the leading teacher/learning specialist to discuss the tenure renewal decision. The leading teacher/learning specialist may wish to bring a colleague to this meeting.

The outcome of this meeting will be one of the following:

- The tenure will be renewed for a specified period of up to five years;
- The tenure will not be renewed and the position will be advertised and the leading teacher/learning specialist may apply for the position; or
- The tenure will not be renewed and the position will be abolished.

Where tenure is renewed the leading teacher/learning specialist will be informed in writing, including the period of renewal.

Where the Principal determines not to renew the tenure, the Principal will advise the leading teacher/learning specialist of the decision in writing not less than two months before the expiry date of the tenure and that action will be taken to appoint the leading teacher/learning specialist as a classroom teacher within the school at the maximum salary level.

At the conclusion of any tenured period the [decision](#) relating to the position will be recorded and placed on the teacher's personnel file with a copy provided to the teacher.

Administrative procedures and a proforma are available on HRWeb.

## **RELINQUISHMENT DURING TENURED PERIOD**

A leading teacher/learning specialist may at any time prior to the conclusion of their tenure apply to relinquish their leading teacher/learning specialist position. The application should be in writing and include the reasons for the request and the proposed date of effect of the relinquishment. The principal will consider any such application having regard to the teacher's reasons for the application and the likely impact on the school's operations.

If the principal approves the teacher's application to relinquish, the employee will transfer to a classroom teacher position with effect from the date agreed between the principal and the employee and the tenure renewal procedures above do not apply. The employee's salary on transfer will be determined as if all of the employee's service at or above the classroom teacher level had been at the classroom teacher level consistent with the salary on transfer policy.

Unless otherwise agreed by the principal, a request to withdraw a relinquishment will not be accepted after the date of receipt of the notification.

## **GRIEVANCES**

An assistant principal or a leading teacher/learning specialist who is dissatisfied with a renewal decision may seek a review of the renewal decision through the Merit Protection Boards in accordance with the appropriate Ministerial Orders. The only grounds for review of a non-renewal decision are that the renewal process was procedurally deficient or that the decision is demonstrably inconsistent with the evidence presented. The Merit Protection Board will either:

- disallow the grievance and confirm the renewal decision; or
- uphold the grievance and direct that the procedural deficiency in the renewal process be corrected; or
- uphold the grievance and direct that the decision be reconsidered.

## **FURTHER ASSISTANCE**

Further information, advice or assistance on any matters related to contract renewal for assistant principals or tenure renewal for leading teachers/learning specialists is available by:

- accessing the A-Z topic list on [HRWeb](#),
- using the related topics list at [Contract of Employment](#) or [Leading Teachers/Learning Specialists](#)
- contacting the Schools People Services on 1800 641 943.