

NORTHERN TERRITORY OF AUSTRALIA

*Public Sector Employment and Management Act***DETERMINATION NUMBER 18 OF 2011**

PAY PROGRESSION FOR CLASSROOM TEACHER LEVELS 5 TO 6 AND SENIOR COLLEGE TEACHER LEVELS 5 TO 6

I, GRAHAM DOUGLAS SYMONS, the Commissioner for Public Employment, in pursuance of section 14(2) of the *Public Sector Employment and Management Act*, with reference to section 13(a) of that Act, determine that:

1. Phase 2 of the salary restructure under clauses 21.2(b) and 22.3 the *Northern Territory Public Sector Teacher and Educator 2010 – 2013 Enterprise Agreement* (the Agreement) has been agreed between the Parties of the Agreement and as such will be effective from the beginning of the first pay period commencing on or after 31 August 2011.
2. Pay progression under Phase 2 of the salary restructure will be as follows:
 - a. Incremental progression from Classroom Teacher Level 5 (CT5) to Classroom Teacher Level 6 (CT6) must be in accordance with the assessment model as agreed to by the Parties of the Agreement and outlined in Schedule 1 of the Determination.
 - b. Incremental progression from Senior College Teacher Level 5 (SCT5) to Senior College Teacher Level 6 (SCT6) must be in accordance with the assessment model for Classroom Teacher as agreed to by the Parties of the Agreement and outlined in Schedule 1 of the Determination.
3. In accordance with clause 22.4 of the Agreement translation arrangements for anniversary dates for increments following the restructure will apply as follows:
 - (a) employees who translate to a greater salary level than the increment they would have received on the existing structure, the date of translation becomes their new anniversary date; or
 - (b) employees who translate to a lower salary level than the increment they would have received on the existing structure will retain their existing anniversary date;
4. The salary rates and Northern Territory Allowances specified in Schedule 2 to this Determination apply to Classroom Teachers and Senior College Teachers to whom the *Northern Territory Public Sector Teacher and Educator 2010 – 2013 Enterprise Agreement* applies;
5. This Determination shall take effect as if signed on 1 September 2011.

Dated: 6 December 2011



GRAHAM SYMONS
Commissioner for Public Employment

SCHEDULE 1

CLASSROOM TEACHER LEVEL 5 TO LEVEL 6 - PAY PROGRESSION PROCESS

1. Introduction

This schedule has been developed in accordance with clause 22.3 of the *NTPS 2010-2013 Teacher and Educator Enterprise Agreement* for use by classroom teachers, and principals or their delegates managing classroom teachers, wishing to progress from the classroom teacher 5 (CT5) level to the classroom teacher 6 (CT6) level. The process as outlined in this schedule is separate to probation, which is dealt with in the Teacher Probation policy. However, where a teacher is undergoing probation at the time that CT5-6 assessment would normally commence, the provisions outlined in 4.2 below will apply.

A classroom teacher who progresses to CT6 receives a significant increase in remuneration, continues to progress annually through the CT increments until they reach CT9, and is entitled to apply for Specialist Teacher vacancies and for status as a Highly Accomplished or Lead Teacher.

2. Definitions

delegate means an assistant principal or senior teacher with at least five years teaching experience as nominated by the principal to oversee the assessment for a teacher. In nominating a delegate, the principal should have regard to the delegate's experience in the school context.

teacher means a classroom teacher at the CT5 level who wishes to progress to the CT6 level.

assessment criteria means the criteria the teacher will be assessed against as outlined in the CT5-CT6 progression assessment plan template.

CT5-CT6 progression assessment plan means a written performance plan that details the agreed performance outcomes and timelines for their achievement. The plan outlines the three areas of focus which will guide the assessment process: the National Professional Standards for Teachers; professional contribution; and personal development and growth.

feedback means clear information regarding observed behaviours provided to the teacher by the principal/delegate in written and/or oral form.

Assessment Panel means a panel comprised of the principal or delegate, a delegate of the General Manager Human Resources (HR), and a peer with at least 5 years teaching experience nominated by the teacher.

record of discussion means a record of the quarterly discussions between the teacher and principal/delegate

3. Roles and responsibilities

Principals, delegates (where applicable) and teachers have a shared obligation to actively participate in the CT5-CT6 progression assessment process.

All parties involved in the CT5-6 progression assessment process must immediately advise all other parties if an actual or perceived conflict of interest is present.



Principals and/or their delegates are responsible for:

- ensuring all teachers complete a CT5-CT6 progression assessment plan upon commencement at the CT5 level
- conducting quarterly discussions with each CT5 to monitor progress towards achieving the assessment criteria
- providing appropriate and timely feedback to teachers on their development;
- providing a supportive environment to enhance the continued development of teachers undergoing the process
- assessing and making recommendations on the teacher's capacity to meet the assessment criteria
- addressing performance issues in a timely manner
- ensuring that they do not have a conflict of interest in carrying out any functions related to CT5-CT6 assessment. Where an actual or perceived conflict of interest exists, the relevant Director School Performance will appoint a suitably qualified alternative person to oversee the assessment of a teacher.

Classroom teacher level 5 employees are responsible for:

- demonstrating proficiency against the assessment criteria as outlined in the CT5-CT6 progression assessment plan
- actively participating in quarterly discussions with the principal or delegate to discuss their progress.

The Assessment Panel is responsible for:

- providing a supportive developmental process particularly for teachers who require assistance in meeting the assessment criteria
- conducting final assessments and providing a recommendation to the Executive Director for the progression of teachers
- ensuring that they do not have a conflict of interest in carrying out their functions as a member of the Assessment Panel. Where an actual or perceived conflict of interest exists, that Assessment Panel member will withdraw from the process and the person who selected them (principal, General Manager HR or teacher) will appoint an alternative representative on the panel.

The Executive Director is responsible for:

- ensuring the assessment process is fair, equitable, transparent and timely
- determining a teacher's eligibility for progression from the CT5 level to the CT6 level
- facilitating any requests by a teacher for a review of their decision
- facilitating a supportive development process for teachers who do not progress.

4. Guidelines/procedures

4.1 Principles of Assessment

The CT5-CT6 progression assessment plan is based on the National Professional Standards for Teachers (specifically the standards which are applicable to Proficient Teachers), together with two key areas namely professional contribution and personal development and growth. These three areas of focus are of equal importance, and no one area will outweigh another. The principal or delegate and the teacher will use these three areas of focus in combination as the basis for discussions around the teacher's overall development. These discussions will be utilised to identify areas of strength, and to assist the teacher to strengthen their capability in areas that may be identified as requiring further development.



A teacher who demonstrates overall proficiency against the three areas of focus will be approved for progression to CT6. A teacher will not be denied progression on the basis of one or two specific areas requiring further development, so long as they have demonstrated satisfactory proficiency against the three areas of focus in combination. The process is a positive opportunity for the personal and professional development of the teacher, and is not intended to be onerous or adversarial in nature.

4.2 Process for Assessment

The CT5-CT6 progression assessment process begins with a discussion between the teacher and their principal (or a delegate of the principal) at the beginning of their fifth year of teaching. This discussion will build on the teacher's performance reviews in the preceding years, and a 12 month CT5-CT6 progression assessment plan will be completed at this time. However, if the teacher is undergoing probation at this time, then progression to CT6 will depend on successful completion of probation, and CT5-6 assessment in accordance with this policy will not be necessary.

A CT5-CT6 progression assessment plan may be entered into for a shorter period (a minimum of 6 months) in limited circumstances, such as where a new teacher is due to progress to CT6 within 12 months of their commencement date. See below for further details.

Throughout the 12 month period, the principal/delegate is to conduct quarterly discussions with the teacher to monitor their progress against the CT5-CT6 progression assessment plan. These meetings are to be used as an opportunity to identify focus areas for the teacher for the remainder of the process. A record of discussion is to be completed for each quarterly discussion with a copy signed and held by both parties.

At the end of the third quarter the principal/delegate is to conduct a final assessment of the teacher's progress against the CT5-CT6 progression assessment plan in accordance with the Principles of Assessment outlined at 4.1 above. If it is clear that the teacher will meet the assessment criteria, the principal/delegate's recommendation for the teacher to progress to the CT6 level will be submitted to the Executive Director for approval.

If the principal/delegate believes that the teacher may not meet the requirements for progression at that time, their progression assessment will be referred to an Assessment Panel.

4.3 Assessment Panel

The role of the Assessment Panel is to provide a supportive development environment and process over the final quarter to assist the teacher in meeting the specific areas identified by the principal that may require further development. No new areas for development are to be identified by the Assessment Panel. Support may include:

- appointing a mentor
- regular meetings with the teacher to discuss their progress
- classroom observation.

As outlined above, an Assessment Panel member who has an actual or perceived conflict of interest must withdraw from the panel.

Towards the end of the fourth quarter, the Assessment Panel will make a final assessment of the teacher's progress against the assessment criteria in accordance with the Principles of Assessment outlined at 4.1 above. Their written recommendation will be provided to the Executive Director, with a copy provided to the teacher, no later than 28 days prior to the teacher's expected increment date.



If a consensus among Assessment Panel members is not reached, individual recommendations may also be submitted for the Executive Director's consideration, with copies of all submissions to be provided to the teacher.

The teacher may, within 14 days of receipt of the Assessment Panel's recommendation(s), provide the Executive Director with submissions, together with any supporting evidence, regarding their proficiency against the assessment criteria, or any other relevant matter.

4.4 Approval

The Executive Director will consider all submissions and recommendations received from the principal/delegate, Assessment Panel, and/or teacher in making a decision as to whether to approve the progression of a teacher to the CT6 level. The Executive Director will make a decision within 28 days of receipt of the Assessment Panel's recommendation, but not within 14 days to allow time for the teacher to provide any submissions as outlined above.

If the Executive Director is unable to make a decision within 28 days, they must (prior to the expiry of the 28 day period) advise the teacher in writing of the reasons why, and advise the timeframe within which a decision will be made (up to a maximum of a further 28 days).

The Executive Director's decision will be provided to the teacher in writing and DBE Payroll will be advised. A teacher who is assessed as meeting the assessment criteria will progress to the CT6 level on the date of approval (but not earlier than their expected increment date), and will continue through the increments at 12 month intervals until they reach CT9.

If approval is not given, the Executive Director's decision will be accompanied by written advice to the teacher outlining the reasons for the decision, feedback to assist the teacher to understand what will be required to achieve progression, and an opportunity to request that the decision be reviewed.

Where a teacher is exempt from CT5-6 assessment due to successfully competing probation whilst a CT5, the Executive Director will approve progression to CT6 from the expected increment date. Backpayment will be applied if probation is completed after the expected increment date.

4.5 Right to Request a Review

Where an Executive Director determines that a teacher will not progress to CT6, the teacher may request a review of that decision within seven days of receipt of the decision. The teacher may provide any additional relevant evidence to support their request for a review.

An Executive Director who was not the original decision maker will review the original decision, taking into account any further evidence provided by the teacher, and determine whether to uphold the original decision or approve progression to CT6. The decision and reasons for the decision must be provided in writing to the teacher within 14 days. If the Executive Director is unable to respond within 14 days, they must (prior to the expiry of the 14 day period) advise the teacher in writing of the reasons why, and advise the timeframe within which a response will be provided (up to a maximum of a further 28 days).

4.6 Teachers Requiring Further Development

This section applies where the Executive Director has not approved progression to CT6, and the teacher has not requested a review (or has requested a review and the original decision is subsequently upheld).

The Executive Director will ensure the establishment of a supportive developmental program for the teacher within their workplace to assist the teacher to achieve the standards required



for progression to CT6. A re-assessment of the teacher's progress in accordance with these guidelines will be commenced within 12 months.

4.7 Backpayment and Default Progression

Principals/delegates and teachers have a shared obligation to actively participate in the CT5-CT6 progression assessment process.

Where there is a delay anywhere in the assessment or approval process which results in the teacher not progressing on their expected increment date, the date of effect for progression to CT6 will be the teacher's expected increment date and backpayment will be arranged.

Where a teacher is two months past their expected increment date and the Executive Director has not yet made a decision in relation their progression to CT6, the teacher will immediately progress to CT6. Backpayment to their expected increment date will apply, and the CT5-6 progression assessment process will be discontinued.

In addition, where there is a substantial deficiency in the process, such as a failure by the principal or delegate to initiate the assessment process, the teacher will progress to CT6 on their expected increment date.

However, neither back payment nor default progression will apply where the delay or deficiency is due or substantially due to the teacher's performance or refusal to participate in the process.

4.8 Performance Issues and Deferral

If a teacher is on a Performance Improvement Plan (PIP) when they are entering their fifth year of teaching, commencement of CT5-CT6 progression assessment will be deferred until completion of the performance management process.

If at any point during the CT5-CT6 progression assessment process there is evidence of a serious performance issue, the principal/delegate should refer to the DET Performance Management Policy. Progression assessment will be suspended until the serious performance issue is resolved.

At the successful completion of a performance management process, the teacher will commence/re-enter CT5-CT6 progression assessment. Provided the teacher has had their CT5-CT6 progression assessment plan in place for a minimum of six months and has been approved for progression, they will advance to the CT6 level on their expected increment due date. Advancement to the CT6 level will be deferred for teachers with less than six months remaining to their increment due date until they have had a CT5-CT6 progression assessment plan in place for six continuous months, and have been approved for progression.

Where the Executive Director is satisfied on reasonable grounds that a PIP was commenced or continued inappropriately, and that this resulted in progression to CT6 being unreasonably denied or delayed, then the Executive Director shall approve progression to CT6 and authorise any applicable backpay.

4.9 Effect of Higher Duties and Leave

This section applies to a teacher who is on paid leave that counts as service or is performing higher duties during the 12 months prior to their expected CT6 increment date.

Where the teacher is performing the duties of a classroom teacher for at least 6 months during the 12 months prior to their increment date, they will enter into a CT5-6 progression assessment plan and be assessed in accordance with these guidelines.



A teacher who is not performing the duties of a classroom teacher for at least 6 months prior to their increment date will progress to CT6 provided there are no current serious and documented performance issues.

4.10 New Teachers at CT5 Level

A new teacher who has less than six months until they are due to progress to the CT6 level at the time of commencement will do so provided there are no current serious and documented performance issues.

A new teacher who has more than six months until they are due to progress to CT6 at the time of commencement will enter into a CT5-CT6 progression assessment plan and be assessed in accordance with these guidelines. However, allowance will be made for the understandable lack of experience that such a teacher will have regarding the NT context, the Northern Territory Certificate of Education, and the Northern Territory Teacher Registration Board Professional Standards. In addition, if the new teacher successfully completes probation prior to their expected CT6 increment date, assessment in accordance with this policy will not be necessary, and progression to CT6 will be approved from the expected increment date.

4.11 Transitional Provisions

A teacher who is due to progress to the CT6 level prior to the effective date of these guidelines will do so provided there are no current serious and documented performance issues.

A teacher who is due to progress to the CT6 level within six months of the effective date of these guidelines will do so provided there are no current serious and documented performance issues.

A teacher who is due to progress to the CT6 level within twelve months (but not within six months) of the effective date of these guidelines, will enter into a CT5-CT6 progression assessment plan and be assessed in accordance with these guidelines.

4.12 Right to lodge a Grievance

Where a teacher or former teacher is dissatisfied with any aspect or outcome of the CT5-6 progression assessment process, they are entitled to lodge a grievance in accordance with the DET Grievance Management Policy and Procedure. A former teacher must lodge any such grievance within 3 months of their last day of employment with the Department of Education and Training.

4.13 Review of these Guidelines

A review of these guidelines will be commenced within 12 months of the effective date outlined above, and changes will not be made prior to the review unless there are exceptional and compelling circumstances. Changes to these guidelines – either prior to or during the review – will only occur with the agreement of the department and the Australian Education Union Northern Territory Branch.



SCHEDULE 2

CLASSROOM TEACHER AND SENIOR COLLEGE TEACHER RATES OF PAY

Designation	SALARY RATES EFFECTIVE 01.09.11 \$ p.a.	SALARY RATES EFFECTIVE 13.09.12 \$ p.a.	NORTHERN TERRITORY ALLOWANCE							
			COMMENCED on or after 1.8.87		COMMENCED on or before 31.7.87					
					Grade 3		Grade 4		Grade 5	
			with-Dependents-w/o \$ p.a.	w/o \$ p.a.	with-Dependents-w/o \$ p.a.	w/o \$ p.a.	with-Dependents-w/o \$ p.a.	w/o \$ p.a.	with-Dependents-w/o \$ p.a.	w/o \$ p.a.
CLASSROOM TEACHERS										
CT1	60 211	62 017	960	0	1 326	366	1 509	519	2 099	949
CT2	63 231	65 128	960	0	1 214	254	1 397	407	1 987	837
CT3	66 251	68 239	960	0	1 177	217	1 360	370	1 950	800
CT4	69 271	71 349	960	0	1 050	90	1 233	242	1 823	673
CT5	72 290	74 459	960	0	1 025	65	1 208	217	1 798	648
CT6	77 290	79 609	960	0	999	39	1 182	192	1 772	622
CT7	80 310	82 719	960	0	960	0	1 026	20	1 626	457
CT8	83 330	85 830	960	0	960	0	993	0	1 588	428
CT9	86 350	88 941	960	0	960	0	960	0	1 538	378
SENIOR COLLEGE TEACHERS										
SCT1	60 211	62 017	960	0	1 326	366	1 509	519	2 099	949
SCT2	63 231	65 128	960	0	1 214	254	1 397	407	1 987	837
SCT3	66 251	68 239	960	0	1 177	217	1 360	370	1 950	800
SCT4	69 271	71 349	960	0	1 050	90	1 233	242	1 823	673
SCT5	72 290	74 459	960	0	1 025	65	1 208	217	1 798	648
SCT6	77 290	79 609	960	0	999	39	1 182	192	1 772	622
SCT7	80 310	82 719	960	0	960	0	1 026	20	1 626	457
SCT8	83 330	85 830	960	0	960	0	993	0	1 588	428
SCT9	86 350	88 941	960	0	960	0	960	0	1 538	378