



Department of Education and  
Early Childhood Development

# Human Resources

**Employees with  
compassionate transfer  
status and return to work  
of disability and temporary  
benefits pensioners**



# SCHOOL STAFFING

## EMPLOYEES WITH COMPASSIONATE TRANSFER STATUS AND RETURN TO WORK OF DISABILITY AND TEMPORARY BENEFITS PENSIONERS

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## OVERVIEW

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School staffing policy seeks to balance the obligation to select employees through open merit-based processes with the legitimate expectations of employees with priority status (those who are excess to workplace requirements, have compassionate transfer status or are disability retirement benefits pensioners found fit for employment) to be placed into a suitable position.

These guidelines set out the staffing policy for schools when managing employees with compassionate transfer status and managing the return to work of disability and temporary benefits pensioners.

## COMPASSIONATE STATUS

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### Overview

Employees (other than principal class employees) may apply for compassionate transfer status if they consider their circumstances require a transfer to another location for compassionate reasons. Applications for compassionate transfer status will be considered having regard to the circumstances applying in each case but generally will only be approved where the circumstances are compelling and outside the employee's control. For example, family or personal illness may require a move to be closer to a family member or to obtain treatment.

Where an employee is seeking compassionate transfer in circumstances where the employee's medical condition precludes continued duty at the current workplace the following additional information will be required:

- A medical assessment from a doctor approved by the Secretary, indicating that the employee is fit for duty but not in the nominated location.
- A statement from the principal detailing strategies used to resolve the issues within the school. These may include workplace modifications, support groups and mediation.
- A statement from the principal confirming that there are no other relevant issues that remain unresolved. These may include issues relating to conduct and performance matters.

### Application and approval

An employee who wishes to be considered for compassionate transfer is asked to complete the [application form](#) which requires a recommendation from the principal. Approval for an employee to be considered for transfer on compassionate grounds will be determined by the General Manager, Human Resources (or nominee) on the recommendation of the principal.

Where compassionate transfer status is granted this will be for a specified period. Where transfer is not obtained within the specified period, a request to extend the application for the following school year will be required prior to the end of the currently specified period, providing the circumstances that lead to the initial application remain unchanged.

## Applying for positions

An employee approved as eligible for compassionate transfer will be issued with an approval letter in a hard copy and will also be emailed an electronic copy of the letter. Such employees may then apply for, or be referred to, advertised vacancies at or below their salary range and/or classification level and be considered in isolation from, and not in competition with, other applicants in accordance with the arrangements set out for [excess employees](#). Provided that, in normal circumstances, an excess employee will be considered ahead of employees eligible for compassionate transfer.

When applying for suitable vacancies through the [Recruitment Online](#) system the employee with compassionate transfer status will need to attach an electronic version of the approval letter in order to verify their status and signal their recruitment priority. Following the closing date for applications, the Recruiter/Principal will need to establish if there are any applicants for the position who have approved compassionate transfer status. Where an applicant submits a hard copy application, a copy of the letter of approval for compassionate transfer should be attached.

Teachers with compassionate transfer status who apply for [exempt vacancies](#) will be considered in the merit-based selection process in competition with all other applicants.

An employee who accepts transfer to a vacancy is required to accept the terms of the position including the salary determined in accordance with the salary on transfer policy.

## Grievances

An employee may lodge a personal grievance with the [Merit Protection Boards](#) where compassionate transfer status is not approved or the employee is assessed as unsuitable for transfer to an advertised position.

## DISABILITY AND TEMPORARY BENEFITS PENSIONERS—RETURN TO WORK

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The Department has statutory obligations under Section 76 of the *State Superannuation Act 1988* in respect of:

- employees receiving a temporary benefit who have been medically assessed as fit to return to work by Emergency Services and State Super (ESSS); and
- pensioners under the age of 60 receiving a disability retirement benefit who have been medically assessed as fit to return to work by Emergency Services and State Super.

Section 76(2) of the *State Superannuation Act 1988* requires that a disability pensioner found fit to return to duty be offered employment by an employing authority. The Act also requires that the employment offered be of comparable tenure to the position previously held by that pensioner and suited to the pensioner in terms of education, training or experience, or could be suited to the pensioner if he or she were retrained.

Where Emergency Services and State Super have medically assessed a person (either a pensioner or an employee receiving a temporary benefit) as fit to return to work, the Department will manage its statutory obligations as set out below.

### **Temporary benefits pensioners**

An employee in receipt of a temporary benefit is effectively on leave without pay from the Department for the maximum two year period during which they can receive the benefit.

Under existing [workforce planning](#) policy, the principal of the school where the person was employed when their pension commenced must ensure the temporary benefits pensioner remains in the school's workforce plan and must accommodate the potential return of such an employee.

A teacher receiving a temporary benefit who is deemed fit to resume his or her previous duties must be offered a teaching position on the same basis as any other teacher returning from a period of long-term leave. Where Emergency Services and State Super recommends non-teaching duties, the principal can identify an education support class position (if available) appropriate to the person's level of experience, education or training, or that could be appropriate after a period of retraining.

Any complying offer made to an employee receiving a temporary benefit should be made as soon as practicable (but no later than three months) after receipt of the Emergency Services and State Super written advice concerning the employee's fitness for duty.

An employee receiving a temporary benefit who accepts the salary and other conditions of the offer will resume duty on a designated date and will be subject to the normal workforce planning process and performance and development arrangements applicable to employees at the school.

The Department will refer any employee receiving a temporary benefit who rejects a complying offer to Emergency Services and State Super for consideration of their continued eligibility for a pension.

### **Disability Retirement Benefits Pensioners**

Where Emergency Services and State Super provides the Department with written advice that a disability retirement benefits pensioner is fit to return to work, that person will be given employment priority status. This will enable the pensioner to be considered in isolation from, and not in competition with, other applicants for vacancies in accordance with the arrangements determined by the Department for compassionate transfer status. Where a disability retirement benefits pensioner is referred to an [exempt vacancy](#) the person will be considered in the merit-based selection process in competition with all other applicants.

The Schools Recruitment Unit will manage the re-employment processes for the pensioner.

For a three month period following the receipt of advice from Emergency Services and State Super that a pensioner is fit to return to work, the Schools Recruitment Unit will assist in the referral of the pensioner to advertised vacancies at or below the pensioner's pre-retirement salary range and/or classification level.

Where a pensioner who was a teacher is deemed fit to resume his or her previous duties, the pensioner will be referred to suitable teaching vacancies. Where Emergency Services and State Super recommends non-teaching duties, the pensioner will be referred to suitable education support class vacancies where they are appropriate to the person's level of experience, education or training, or that could be appropriate after a period of retraining.

Given the Department's statutory obligations in this area, where a pensioner accepts referral to a vacancy the selection panel's report on the pensioner's suitability is to be forwarded to the Schools Recruitment Unit for assessment prior to the consideration of other applicants.

Where a pensioner is found suitable for the vacancy, the person will be offered employment in accordance with normal practice. A pensioner who accepts the salary and other conditions of the offer will resume duty on a designated date and will be subject to the normal workforce planning process and performance and development arrangements applicable to staff at the school.

The Department will refer any pensioner who rejects an offer of employment to Emergency Services and State Super for consideration of their continued eligibility for a pension.

### **Other support strategies**

#### **Medical assessments of fitness to return to work**

The Department will provide Emergency Services and State Super and its doctors with a briefing and documentation on the [roles and responsibilities](#), as well as [dimensions of work](#) and/or [professional standards](#), for staff employed in Victorian government schools.

It is intended that this will provide Emergency Services and State Super doctors with an appreciation of the career structures, expectations of work and knowledge and skill requirements for employees in schools. It will also enhance the quality of advice available to Emergency Services and State Super when pensioners' fitness to return to work is reviewed, and enable the doctors to be more specific in their recommendations of the types of duties that potential returnees are able to perform.

#### **Retraining support**

In order to assist temporary or disability retirement benefits pensioners in their consideration of an offer of employment, the Department will provide each person deemed fit to resume duty with information about career structures and employment opportunities in schools.

In terms of providing support to access appropriate retraining, a pensioner who is deemed fit to resume as a teacher will be offered the opportunity to participate in refresher courses which are designed to support the re-entry of returning teachers into government schools, to ensure their smooth transition to effective teaching and to enable the highest possible level of student learning.

### **FURTHER ASSISTANCE**

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For advice or assistance on any matters related to recruitment principals may contact the Schools Recruitment Unit on 1800 641 943.