

SPOTLIGHT

Helping new leaders avoid pitfalls



In this issue

- 1 Spotlight: Helping new leaders avoid pitfalls
- 2 Senior Chairperson's Message
- 4 In Profile: Emily Vassilacos
- 5 Merit & Equity Training
- 6 Direct Vacancies expand but same merit rules apply
- 8 MPB Data
- 10 Stay alert on temporary transfers
- 11 Stick with merit on EoI and other roles

Education leaders new to their roles can sometimes feel a little daunted by the breadth of education and employment policy they must meet. In this feature, we take a closer look at 'policy traps for new players' and provide some key tips.

A principal's realm is often said to be hard enough at the best of times, even for the most seasoned operator.

Spare a thought, then, for individuals new to leadership roles – incoming principals, those acting and assistant principals – and doubly eager to get things right in busy school communities.

This is exactly what the Merit Protection Boards (MPB) has done. It is keen to shed some light and tips on recurring issues that come its way involving leaders, not long into their tenure, acting with the best of intentions but landing in grievance territory.

MPB Senior Chairperson Steve Metcalfe revealed that, according to its case data, areas which appeared particularly challenging for new leaders included the excess staff process; complaint management; expression of interest (EoI) processes, temporary transfers; and, at times, extended leave applications.

"I don't think we can seek to remind or help our leaders enough when it comes to the importance of solid process," Mr Metcalfe advised. *"This goes hand in hand with taking time to understand the relevant Department of Education policy or rules they must satisfy on any matter they're handling,"* he said.

Addressing each of these hotspots in turn, Mr Metcalfe provided the following observations:

- **When identifying excess staff** – follow each of at least five procedures in the process avoiding temptation to jump ahead. This included ongoing communication, in writing, with staff during the process, giving adequate time for staff responses after initial meetings, and addressing any 'compelling personal compassionate grounds'

- **Complaints** – focus on careful crafting of the allegations and build a good evidence base for decision-making, paying attention to weight and reliability.

- **Temporary transfers** – note the time of year a request comes in and the implications this has for your decision-making. Principals may only apply discretion where a new transfer is requested in the same school year.

- **EoIs** – schools need to follow the merit-based selection process, as detailed in the *Recruitment in Schools* guidelines, for EoI roles that may include higher duties assignments greater than three months or positions of responsibility. At a minimum, this should include use of a selection panel and key selection criteria.

- **Leave** – be aware of policy differences for different leave types, such as long service leave and leave without pay. Note reasonable business grounds, or a 'reasonableness factor' apply to decisions. You 'can't simply say no'.

On the topic of **excess staff**, Mr Metcalfe outlined that the Department's Excess Procedures policy detailed systematic procedures to be followed to achieve a specific outcome of identifying an excess employee, adding such action should be appropriately documented also.

"In recent times, the MPB has upheld grievance cases against principals – something it doesn't enjoy doing given the administrative burden created – all because a procedure was missed or overlooked and this likely influenced the outcome," he said.

MPB News

Message from the Senior Chairperson



It has been a fast-paced year so far for the Merit Protection Boards, with a surge in business traffic late last year spilling into 2026.

Alongside ongoing delivery of our Merit and Equity Training for educators at all levels, our latest data shows we encountered a substantial spike in the number of incoming grievance issues late in 2025, which has flowed into this year.

Almost 100 grievance applications were lodged in term 4, 2025, signalling a volume we have not seen since the Covid era and the government's changed approach to vaccinations for the teaching service.

This has resulted in some delays associated with case outcomes, but the MPB upheld a solid work-rate during term 1 and streamlined several practices, including provision of summary determinations within days, enabling parties to move forward with a decision.

Full reports and detailed findings follow at a later date, giving a comprehensive assessment on each case, noting complex matters remain the exception.

Assorted parties have welcomed this innovation, which complements other recent efforts to work in a more proactive way with the education sector and principal associations, supporting them on emerging issues so they are better placed rather than reacting.

We continue to encourage any members of the teaching service to make contact with us, if they have questions on particular issues. This helps us provide key advice and support earlier, adjacent to the frontline role of the Department of Education. It can also serve as a critical step to avoid grievances arising further on.

Looking at the path ahead for the MPB over 2026, we're keen to make full use of enhanced analysis of case data to improve our response times and provision of targeted advice, alerting stakeholders to latest emerging trends.

Our latest data assessment, on pages 8-9 of this edition, presents a more granular breakdown of grievances by type for term 4, 2025 - an approach that will be a regular feature in the *MPB News* in future.


Enjoy the offerings in this edition, and don't forget to encourage your colleagues and staff to check out upcoming dates for online sessions of the Merit and Equity Training.

Steve Metcalfe

Senior Chairperson

Getting in touch...

You can get in touch with our office by phone or email. We're happy to hear from principals, school staff, peak body members or other agencies on all matters, serious and small – or even if you have a query you're unsure about.

Contact us anytime:  03 7022 0040  meritboards@education.vic.gov.au

Our location...

Our office is now located at Level 7, 1 Spring Street, Melbourne.

▶ Helping new leaders avoid pitfalls ... *from page 1*

Under these key procedures, it was critical for a principal to first determine the curriculum or work areas in which excess employees may exist, Mr Metcalfe summarised.

The next action involved a call for volunteers, he indicated, with the policy emphasising: *“where insufficient volunteers are forthcoming, the principal will provide an opportunity for employees... to provide reasons in writing why they should not be considered for declaration as excess.”*

Mr Metcalfe noted that, in addition to considering the school’s overall needs, the principal had to enact a decision that was considered the least disruptive to the school’s program and then *“make every effort”* to ensure an employee was not identified as excess *“where there are compelling personal compassionate grounds”*.

“The MPB would expect to see evidence of how the principal called for such advice from staff and how this was examined from a reasonableness perspective,” he said.

“In grievances upheld recently, we’ve noticed the principal was unable to demonstrate how they had distinctly addressed each of the required procedures. Experienced principals, who have done this well, adopt a step-by-step approach and document as they go,” he added.

Referring to a further aspect of Department policy, Mr Metcalfe explained principals were obliged to remain mindful that an employee identified as excess could be *“re-absorbed”* at a later date if the school’s circumstances changed.

This policy states, where there are changes during a year resulting in an end to an excess staff situation, *“action should be taken to absorb the excess employee(s)”*. (See right for detail). These changes may include staff departures, unexpected enrolment changes or a revised budget outlook.

On complaints handling, Mr Metcalfe stressed that, if allegations failed to specify the nature of a complaint including key particulars, or, if evidence was not fully captured and capable of review, then decision-makers risked framing rulings on an incomplete picture.

“When complaints grievances reach the MPB, our job is not to re-make the decision, but to consider if the decision made breached the Department’s ‘Part 2 - Local Resolution Procedure Guidelines’ or is unreasonable. In other words, was the decision reached a sensible and justifiable option available,” Mr Metcalfe highlighted.

“So relatively new leaders need to be aware we first we look at the allegations, which should ‘establish the precise nature of the complaint’ and point an investigation directly to the alleged employee behaviour or conduct considered to be inappropriate or unprofessional,” he said.

“Next is the key theme of evidence. Here, it’s vital to obtain and document any eye-witness testimony where it exists. This should be done as soon as practical and, at times, may include student accounts.”

Mr Metcalfe advised that the decision-maker had to consider if the weight and reliability of all evidence, including direct testimony, demonstrated the complaint had been substantiated or not. He indicated this was done using the civil standard of proof *‘on the balance of probabilities’* – that is, it was more

likely than not that the alleged conduct occurred.

Turning to good decision-making on leave cases, Mr Metcalfe encouraged new leaders to double-check policy on individual leave types or seek advice. He noted a reasonable business case, that was defensible, was needed to support decisions.

“You can’t just say no. That’s simply not an adequate approach or fair for staff,” he advised.

Further key guidance for leaders regarding latest policy on temporary transfers and EoI processes is at pages 10 and 11, respectively.

Reabsorbing excess staff

Any employee identified as excess to a school’s needs may be reabsorbed at that school should changes arise during the year resolving the excess situation.

This potential outcome for staff placed in excess circumstances is reflected in the Department of Education’s **Excess Procedures – Teaching Service policy**.

“Excess staff may be reabsorbed back into their school should its operational outlook improve in that year, complementing options of a permanent staff transfer via redeployment or temporary transfer,” outlined Steve Metcalfe, Senior Chairperson of the MPB.

“Such a possibility is no doubt welcome for staff, while also providing principals with flexibility, given workplans, budgets and enrolments can vary sizeably over the course of a year,” Mr Metcalfe said.

Referring to grievance cases involving absorption decisions that landed before the MPB, Mr Metcalfe advised that the key question the boards addressed was whether a school had a *“suitable and available vacant position”* into which the staff member could be absorbed.

The Excess Procedures policy advises:

If circumstances change and a school’s excess staff situation is resolved during a school year, *“action should be taken to absorb the excess employee(s)”*.

Changes may include:

- permanent departure of staff (such as transfer, promotion, resignation or retirement)
- absence of staff on long term leave (leave longer than 6 months that extends to end of the school year)
- unexpected enrolment changes
- changes to a school’s budget position

Where an excess employee is absorbed, the principal will inform the employee in writing and the Department’s Schools Recruitment Unit.

MPB News



In Profile: Emily Vassilacos

Senior Administrative Officer, MPB

Promoting a human face and easing stakeholder “fear of the unknown” are central features of Emily Vassilacos’ role at the Merit Protection Boards.

As Senior Administrative Officer, Emily is a vital cog in the MPB’s daily liaisons with principals, teaching service staff and other clients on all types of workplace appeals, grievances and employment matters.

“Demystifying the role of the Boards is a major part of my everyday work and discussions with educators,” said Emily, enthusiastic about helping others.

“The MPB’s function is to ensure natural justice, and nobody should have anxiety when they approach us – that’s not what we’re here for,” she emphasised, adding warmth and understanding to the Boards’ human aspect.

Emily began her role during 2025, seeking to provide more targeted employment-related support after three years working across school recruitment and workplace relations with the Department of Education.

An International Relations graduate with a post-graduate diploma in International Development, Emily is eager to

keep people skills at the forefront *“helping others grapple with problems”*, while supporting broader policy and program activity.

Other essential elements of Emily’s work are ensuring efficient coordination and business administration in all MPB service delivery. This includes individual Board hearings and regular merit and equity training, provided online for a wide stakeholder audience.

Relishing being part of a smaller, highly-specialised team, Emily labelled it *“a big change from the workings of the large People and Workplace Relations Division”*.

Sydney-born and raised, Emily enjoys keeping active away from work by swimming. Emily admits she is still coming to terms with Melbourne’s football-obsessed culture, but feels a soft spot for the Swans stirring.

The MPB: Who are we?

The Merit Protection Boards (MPB) is an independent statutory body, established under the *Education and Training Reform Act 2006*.

It works in conjunction with Victoria’s Department of Education, providing an independent mechanism to hear appeals and grievances for department employees, schools, and associated education statutory authorities.

Appeals and grievances include:

- transfer and promotion
- grievances of a general personal nature (eg: complaints leave requests, transition from fixed term to ongoing employment)
- incapacity

Through a hearing process, the Boards ensure all applicants receive fair and equitable treatment and that the principles of natural justice apply.

The MPB also conducts merit and equity training, and seeks to work productively with key education stakeholders to create better-informed selection processes in education workplaces.

Merit & Equity Training

Online merit and equity training is again being offered each term this year to assist schools and educators as they seek to identify the best staff in a tight employment market.

Merit Protection Boards registrar Greg Donaghue explained the 90-minute training package drew on case studies and real-life situations to help showcase to participants what was expected of them when part of job selection panels.

“This training has been streamlined to make it practical and real for educators, giving them the knowledge and confidence they need to perform on selection panels and make well-informed decisions.” Mr Donaghue said.

“We’re eager to remove all mystery about what merit and equity means, and how it should look in practice,” he asserted.

The latest online training – delivered via the Webex platform – explores the concepts of merit, equity and fairness in broad

terms before drilling into practical details in six key areas including:

Conflict of interest

Prior knowledge

Assessment approach & comparative assessment of applicants

Documentation of selection process & reporting

Mr Donaghue advised this training helped address a legislative requirement for all selection panels operating across government education settings.



MERIT & EQUITY TRAINING DATES

TERM2

TUESDAY 19 May 2026

WEDNESDAY 10 JUNE 2026

TIME: 9.30 AM - 11 AM

Delivery: via Webex

To Register: log onto eduPay, click ‘MyLearnED’ and search for ‘Merit’

MPB News

Direct Vacancies expand but same merit rules apply

The Department of Education’s Recruitment in Schools guidelines have been updated, including reforms to the Direct Vacancies portal to aid Education Support job applicants. Merit-based selection remains central.

Schools and Education Support (ES) job applicants are both big winners from expansion, in term 1, of the Direct Vacancies pathway on the Department’s School Jobs Vic recruitment system.

The Merit Protection Boards says the change, giving applicants for ES level 1 range 2 roles access to the same auto-matching services teachers already enjoy for a direct vacancy, streamlines recruiting without affecting enshrined merit and equity principles.

“Schools recruiting for ES1.2 positions can now save time and benefit from the same matching process in the short-listing of candidates,” MPB Senior Chairperson Steve Metcalfe highlighted.

“But, critically, this move by the Department doesn’t alter the fundamental selection process or take away the importance of other existing pre-employment checks,” emphasised Mr Metcalfe, referring to the latest reform of what was formerly known as the Teacher Recruitment Service.

The expanded Direct Vacancies portal, which came into effect in early February, provides an efficient, online way for job applicants to connect with schools, while recruiters have capacity to lodge a three-day job posting in the pool for auto-matching.



Direct Vacancies expand but same merit rules apply ... cont.

Upholding merit processes

Confident all parties, including ES job seekers, were already benefiting from the updated recruitment policy and online pathway, Mr Metcalfe urged all schools to remain vigilant in their approach to merit-based selection as well as pre-employment checks, including child safety suitability.

“These aspects have not changed and are still required,” Mr Metcalfe conveyed clearly.

“The merit-based process is essentially about having an agreed comparative framework for all applicants that is explicitly established and well-known, and to date the Department bases this on the key selection criteria,” he said.

What the *Recruitment in Schools* guidelines says on ‘Direct Vacancies’:

For direct vacancies, all applicants whose profile is active in the Applicant pool and are matched to the vacancy will be considered by the selection panel.

Mr Metcalfe also encouraged *“full, correct and ongoing use of prior knowledge”* of an applicant, where it exists.

“Latest online auto-matching services might be a big help at the front-end of recruitment for the education sector, but prior knowledge remains a crucial factor at the selection panel stage.”

*“The Department’s **Recruitment in Schools** guidelines allows this prior knowledge to be discussed and documented during the selection panel’s processes just like a referee report, and they allow prior knowledge to become another valuable tool to aid good decision making,”* he explained.

For more details on Direct Vacancies and the Department’s **Applicant Pool** for recruitment, visit: <https://www.vic.gov.au/school-jobs>



Did you know...?

Victoria’s *Ministerial Order 1389* enables school council employees to lodge grievances regarding their employment. It provides procedures for these staff to address personal grievances or selection decisions they consider unreasonable, unfair, or in breach of employment guidelines. MO 1389 specifically covers school council employees, addressing employment conditions, salaries, allowances, selection and conduct.

MPB News

Latest MPB data shows grievance surge in Term 4

Grievance claims lodged with the Merit Protection Boards jumped dramatically in term 4, 2025, compared to all previous quarters that year and the same term in 2024.

A detailed analysis of latest MPB data reveals a total of 90 grievance submissions were received by the end of term 4 in 2025, double the number of applications for term 3 and more than three times the total in term 1, last year.

Describing this latest increase as “a particularly pronounced spike”, Boards’ registrar Greg Donaghue attributed it to “substantial growth” across temporary transfer, selection and leave-related grievances.

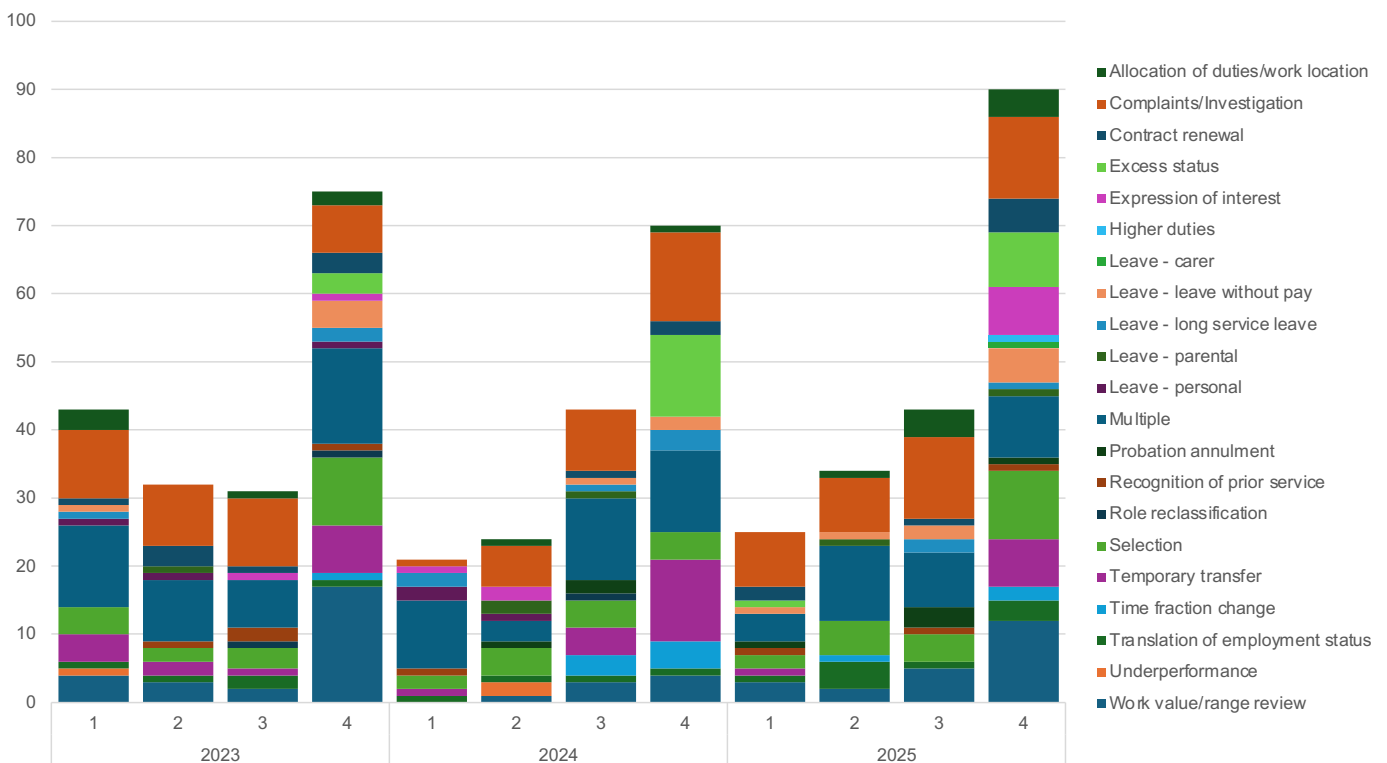
“We expect these types of grievances can be concentrated around term 4, given the timing of staff requests for absence or transfer in the coming year, workforce planning, and recruitment,” Mr Donaghue outlined.

“The MPB enacts measures to manage this jump in cases and places priority on providing outcomes on matters resulting in staff absences and movement between schools,” he said.

Mr Donaghue indicated there had also been a “sizeable jump” in the number of Expression of Interest (Eoi) grievances relating to processes to select individuals for positions of responsibility in schools.

“Eoi” processes share many similarities with selection grievances, not least the Department of Education’s well-documented expectations that decisions should follow merit-based processes,” he advised.

Number of grievance types for teaching service grievances received per quarter



“Also, this category, like the other major growth areas, experiences a surge in cases around the end of term 4 when decisions for the following year’s positions of responsibility are made.” (See related Eol article p.11)

Acknowledging complaint process outcomes remained a large proportion of all grievances received by the MPB, Mr Donaghue noted a more granular data analysis, conducted for the first time, also revealed a spike in grievance claims for declaration of excess status.

“For this category, declarations almost always occur in terms 1 or 4 each year, but an average total of 10 such cases in the final quarter of both 2025 and 2024 indicates a trend evolving,” he observed.

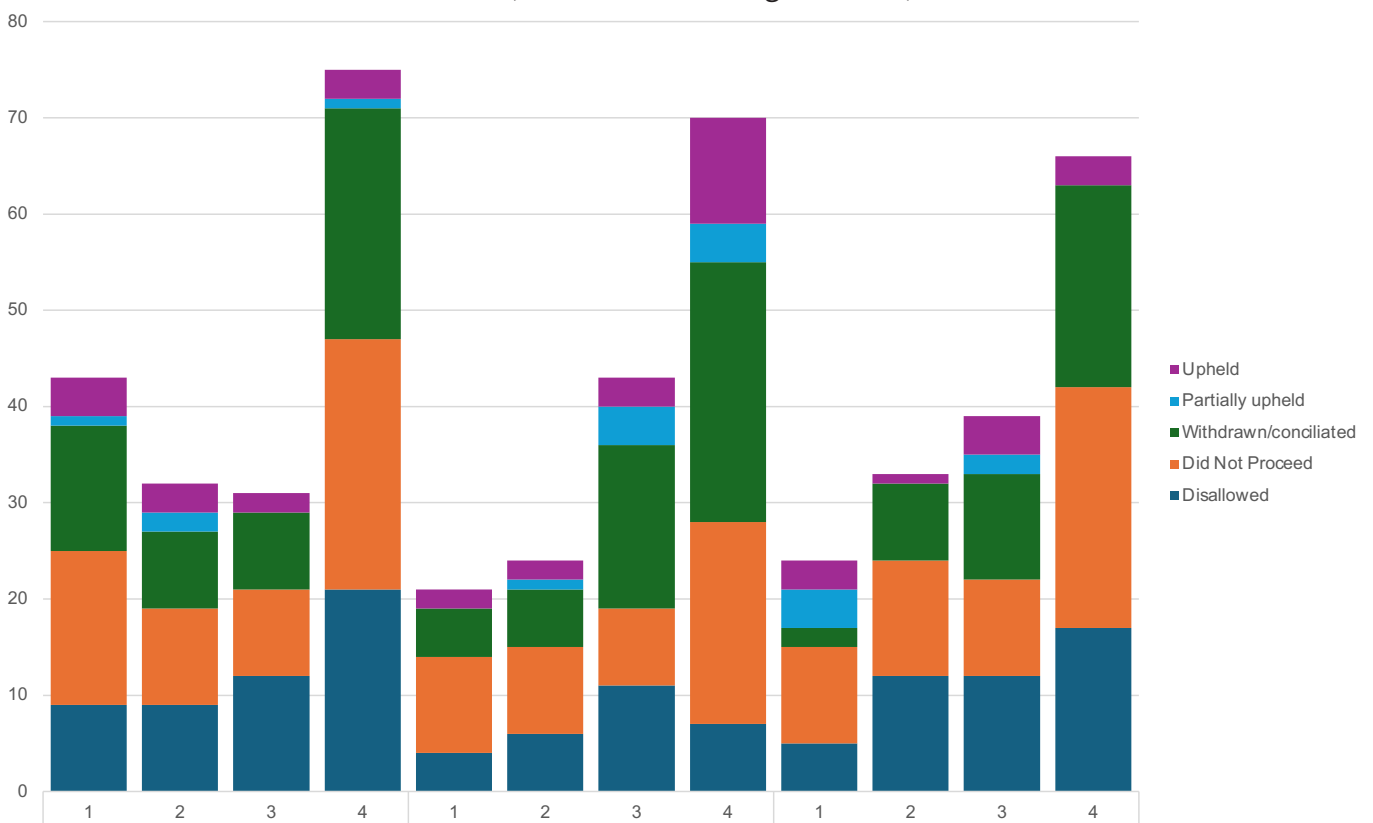
On latest outcomes data, Mr Donaghue highlighted that a noticeable change was the “strong rise” in the number of

grievance cases conciliated or withdrawn.

He explained temporary transfer matters again appeared here, noting a more proactive approach from the MPB - including efforts to help parties understand Department policy on inter-year transfers (see previous two editions of *MPB News*) - had aided practical resolutions. This was often achieved without the need for hearing.

Mr Donaghue stated other factors for this outcome included: applications lodged outside timelines; addressing matters beyond the Boards’ jurisdiction; and appellants securing work in a different school or system.

Outcomes for teaching service grievances received per quarter
(based on finalised grievances)



MPB News

Stay alert on temporary transfers

Although staff temporary transfer requests may peak late in the school year, leaders are reminded to remain vigilant on timing and when they may exercise discretion.

The Department of Education’s Recruitment in Schools guidelines provide clear direction on staff release for temporary transfers – be it short-term in the one year or release spanning two school years.

“On the critical aspect of when discretion applies, this comes into the picture for principals when requests are made for a new transfer in the same school year,” confirmed Steve Metcalfe, the Merit Protection Boards’ (MPB) Senior Chairperson.

This varied from requests later in a year for the next school year, where the Guidelines now stipulate employee release would occur *“at the commencement of the following year”* if principals could not reach an agreement, Mr Metcalfe explained.

“It’s critical all stakeholders and principals are aware of this key policy difference on staff temporary transfers, depending on

time of the school year,” Mr Metcalfe urged, indicating schools had already responded well to this message as latest traffic to the MPB showed.

“It’s all about timing and the policy acknowledges that, across these two different scenarios which arise in schools, principals can face especially tough challenges replacing a staff member at short notice within the same school year,” he said.

Encouraging principals to continue taking the lead in negotiating local solutions, Mr Metcalfe noted the Department supported temporary transfers. It regarded them as a key option for teaching service staff to engage in new opportunities for 12 months or less, gaining professional learning and growth, he advised.

Recruitment in Schools guidelines requirements:

Where an ongoing employee successfully applies for an advertised fixed-term position of 12 months or less at another school, the timing of release will be negotiated between the two principals.

Where there is no agreement on the timing, the following will apply:

- release at the commencement of the following year
- **where release is in the same year, the base school principal may refuse an employee’s release where the principal is unable to replace the employee before release**
- where an ongoing employee’s temporary transfer is to be extended (by appointment to an advertised vacancy or otherwise) the principal of the school must notify the base school principal by 1 November that the transfer is extended. If this does not occur, the employee will return to the base school unless otherwise agreed by the principals.

For full policy details, see:

<https://www2.education.vic.gov.au/pal/recruitment-schools/policy-and-guidelines/employment-promotion-or-transfer>



Stick with merit on Eol and other roles

No matter how busy the daily environment is across our education settings, merit-based selection remains the founding stone for the right result when filling any vacancy.

Calls for Expressions of Interest (Eol) for some Department of Education roles might seem less formal than vacancies requesting full applications, but merit-based selection still applies.

This is the clear message from the Merit Protection Boards (MPB) to schools and other education stakeholders.

Merit-based selection applied for all Department roles, as did the need to follow processes in the Recruitment in Schools Guidelines, confirmed MPB Registrar Greg Donaghue.

“Whether it’s Eol roles, Positions of Responsibility (PoR) such as year level coordinator, or higher duties opportunities for three months or more, Department policy requires all positions to use a merit-based process to ensure proper selection,” Mr Donaghue stressed.

“Essentially, there should be a position description with key selection criteria, relevant advertising and an appropriately-convened panel that makes the decision, adhering to the steps in the Recruitment Guidelines,” he said.

“At times we see stages of the process short-circuited when it’s a fixed or short-term role, such as an Eol, and this can easily compromise good decision-making and leave the way open for genuine appeal.”

Mr Donaghue advised that examples of repeated selection flaws the MPB had encountered included: absence of a clear comparative process for applicants; use of only two or three interview questions not linked to agreed key selection criteria; and failure to seek referees for applicants in high contention.

In terms of a selection panel, Mr Donaghue outlined *“these should represent the diverse community we serve”* in addition to formal requirements regarding gender representation and merit and equity training. He noted a combination of a principal and teacher, making a decision on a vacancy like an Eol or PoR, would not represent a compliant panel.

“The purpose of the panel, which must comprise at least three members, is to recommend the best applicant on the basis of available evidence.”

“This requires a proper comparison that draws on explicit use of the selection criteria and cross-checking with critical input from referees,” he explained.

Mr Donaghue indicated that when significant procedural deficiencies were found, in any grievance cases that come before the Boards, the MPB must address these issues.

“While the MPB takes no pleasure in requiring a process to be revisited, as it understands how busy school workplaces are, it will do so when necessary,” he said.





Merit
Protection
BOARDS

Contact MPB:

T: 03 7022 0040

E: meritboards@education.vic.gov.au

W: www.vic.gov.au/merit-protection-boards

