

LPUC Report to PAVCSS

AGM

November 2013

LPUC: Lay Principals Under Contract

Committee: Philip Morison, Rob Brennan, Paul Desmond, Vincent Feeney, April Honeyman, David Leslie, Margaret McKenna

Again this year, as is becoming a trend, the focus has been about consultation and education of Principals realising that over 40% of current Principals have been appointed after the last Salary and Conditions Board Determination was handed down. (Determination 32).

The LPUC group met before all but two of the General Meetings as well as having several briefing updates and a meeting over breakfast at the conference. The focus of work has been the LPUC document and movement towards a new determination.

Issues under investigation/ Consideration

The six month clause

The six month clause in our contracts continues to be a issue because we continue to understand that the reality is that we have a contract of six months and tenure of five or seven years. This is the reality, and we understand it to be the community standard. We are still hopeful that salary increases will reflect this lack of job security. What is far more of an issue related to this is that we understand that a number of Principal contracts still contain clauses that reduce entitlements.

The LPUC Document.

Early in the year a number of meetings were held to discuss changes to the LPUC document; however, given that a proposal by LPUC to look at some aspects in a new determination ; it was agreed to delay this until a clear process was in place.

The Salary and Condition Board

During initial meetings it became evident that the Salary and Conditions Board had not met for a number of years and with John Jordan relatively new to the role and with the intended retirement of Vin Mcphee, we became concerned that a lot of institutional memory would be lost. We asked that the Board be reconvened and that a copy of constitution for it be supplied. Both have been achieved.

Legal Advice

Once again in preparation for the Determination Process LPUC engaged the services of the legal firm Holding Redlich. Our discussions with them centred around

- The 6 month clause
- The enforceability of the LPUC document and what we would have to do try to enshrine it as a minimum set of conditions
- Variations to the LPUC documents and determination 32 in some contracts.

Having gained that advice, Holding Redlich wrote to Bishop Long as the Chair of the CECV and to the Chair of Catholic Religious Victoria (CRV) on our behalf. Eventually we received a letter back from CECV essentially stating:

- They were not the employers
- They had no authority to direct employers
- They issue recommended guidelines
- It was expected that all employers applied the Determinations and the template contract and the CECV would be disappointed if variations were to occur
- Negotiations around a new Determination would occur in good faith.

Although we did not receive a letter back from CRV, we were made aware that they wrote to all orders asking that S&C B Determinations become the set of conditions under which all Principals are employed.

A New Determination.

After lengthy delays because of the MEA negotiations and after months of preparation, early in term 4 we met to start the process to gain a new determination. At that meeting it was agreed that Mercers Consulting would be engaged to consult and make recommendations to the S&C B around Determination 32. (ie the money) Hopefully this will be completed by the end of the year and a new interim determination will be promulgated. After that we should have the opportunity to propose other changes to allow a whole new determination and thus a new LPUC document and contracts.

At the meeting to discuss process, the LPUC attendees indicated that there were a number of issues that we would like discussed including :

1. That LPUC be given the opportunity to submit a set of discussion points to the S&CB and seek that consideration be given to including them in the next determination.

We would seek to include:

- The full set of existing conditions
- 10 weeks holiday (all school holidays)
- Full entitlement to use of all sick, carers and personal leave as directed in any new MEA for secondary schools
- Contract length : 7 + 5 + mutual agreement
- No restriction on the maximum number of contracts
- Salary as per determination
- Flexible Benefits

Items to be discussed:

- a) Use of Car: Should read full use of fully maintained car. The Principal's car is not a pool car or a general College run around. It should be fully maintained, serviced and for the Principal's sole use. The FBT should be paid by the College and is not a part of the Flexible Benefits.
- b) Enrichment Leave: Clarification about yearly amount to be put aside, how and when it can be taken.
Currently 1.4 weeks per year
Seek increase to two weeks per year
This is a cost to the school because it is a benefit to the school, not a benefit to the Principal.
When can it be taken
It must enrich the school
- c) Increase the range of Flexible benefits. (LPUC is will to seek and pay for advice on this)
- d) Salary Maintenance and Compensation (current entitlement), although wishing to discuss

- e) Expansion of Relocation costs beyond the physical move, to include monies towards costs of buying and selling houses, relocation of schools.
- f) The College to take out insurance to pay for lengthy periods of sick leave of the Principal. This is a College responsibility to ensure monies are available to cover extended illness and that the Principal has the right to return to the school after a lengthy period of illness within the contract period.
- g) Ask that a new determination be a complete determination and supersede all previous ones.
- h) That the determination be legally binding as a minimum set of entitlements for all Principals and not a set of guidelines. Principal must be contracted to receive all benefits.
- i) Reconsider the clauses in current contracts about the reappointment of the Principal being at the sole discretion of the Canonical.
- j) That LPUC have the opportunity to respond to any suggested changes before they are recommended to the CECV.

Once Ratified and Promulgated by CECV:

- A new and full determination is posted by mail to:
 - All Secondary Principals
 - PAVCSS Exec
 - All Congregational Leaders
 - CRV Education Committee
 - All Directors
 - All canonical Administrators
- It should not be distributed through COMS.

Briefings should be held for:

- PAV members at a General Meeting.
- Employer Groups.
- General Briefing about implementation for BMs if needed. We recognise that the CA might seek advice from the BM about financial implications, but BMs should not be consulted about Principals individual.
- The CEO has a role post determination to ensure that all Principals are employed appropriately and within the determination.
- There must be a clear process of employment which includes a new Principal meeting with LPUC before they sign a contract.
- LPUC will offer to Brief DP association on expectations about applying for Principalship.

Hopefully we will see an outcome mid 2014.

Philip Morison

LPUC Chair