

DISPUTE RESOLUTION PROCESS

NAPLAN joint statement scenarios



A guide for Union Reps and school leaders

The Department of Education and Queensland Teachers' Union's Joint Statement on the National Assessment Program – Literacy and Numeracy (NAPLAN) is enforceable and subject to QTU dispute resolution processes. These processes are fully outlined in clause 3.5 of the Department of Education and Training State School Teachers' Certified Agreement.

Key elements of the clause

- The objective of the procedure is to avoid and reduce the level of disruption and to promote efficiency and effectiveness in the workplace.
- While the dispute process is being followed, normal work continues (except if it is unsafe for it to do so).
- The status quo (that which existed before the dispute) continues while the procedure is being followed.
- Management, including the principal, is required to provide relevant information and explanation and to consult with the relevant Union Representatives.

Stage	Where	Process	Time frame
One	School level	a) Member informs principal at the school that the dispute exists (this should be in writing). b) Member may consult with the Union. c) Discussions between member and principal to occur within 24 hours.	Five working days
Two	Regional office	a) Disputes unresolved at the local level can be referred to the regional director or nominee by a Union Representative or industrial advocate. b) Regional office will arrange a conference of the parties in an attempt to resolve the matter seven working days from date of referral.	Seven working days
Three	Central office	a) Disputes unresolved at the regional level will be referred to the Resolution Committee. b) The member or the principal may refer the matter to the Resolution Committee. c) The Resolution Committee will meet to determine the matter and will agree, by consensus, what actions are necessary to resolve the dispute. d) The decision of the Resolution Committee will be communicated to all parties of the dispute seven working days from date of referral.	Seven working days from date of referral
Other	QIRC	The QIRC may be asked to resolve the dispute should either party not accept the decision of the Resolution Committee.	

NB: members can seek the assistance of the QTU at all stages of this procedure.

Flowchart

Stage One
School/workplace level
(five working days)



Stage Two
Regional level
mediation
(seven working days
from date of referral)



Stage Three
Central Office
DET/QTU Resolution
Committee
(seven working days
from date of referral)



Unresolved disputes
may be referred to the
QIRC

DISPUTE RESOLUTION PROCESS – NAPLAN joint statement scenarios

The following scenarios are designed to provide members with examples of the dispute resolution system enacted, to empower school staff to take action when faced with circumstances that do not comply with the department and QTU's joint statement on NAPLAN.

How does this look in schools?

The following are examples of issues that may arise in schools which may contradict the joint statement (this is not an exhaustive list):

- Once semester two reporting has finished in term four, students in year two and year four are required to complete NAPLAN tests from a previous year. It is stated that these practice tests will help these students for the following year. Furthermore, teachers in these grades are given a marking guide and an Excel spreadsheet to record students' results to assist with collecting predicted NAPLAN data, as well as informing decisions for class groupings for the following year.
- Previously selected handwriting text is changed to a subscription-based "NAPLAN style" online program to be used "in conjunction with" reading and writing group activities in all year levels, prep - 6.
- Teacher-aides are timetabled for NAPLAN intervention and support. Identified students work with "NAPLAN aides" weekly on questions and tasks selected from previous NAPLAN tests. Progress of identified students is tracked on a NAPLAN data wall. As a result, teachers in year three and five receive reduced classroom aide time.
- Year seven and nine students are not offered art/music/PE in term one and are instead timetabled for an "extra" maths and English lesson with a NAPLAN focus. Data from these "lessons" is collected fortnightly.
- Prospective year seven students are asked to bring their previous report cards and year five NAPLAN results to their enrolment interview. This information is used to stream students "to make delivery of the curriculum appropriate to the child's academic level."

Stage 1:

QTU members decide that that these activities do not comply with the joint statement. They approach their school's Union Representative for support and to seek clarification about how to proceed with the dispute.

Outcome A: The empowered QTU members approach the school leadership and identify that the activities do not align with the intent of the joint statement and explain the issues with the NAPLAN practice program. The school leadership review the decisions in accordance with the joint statement. **Dispute resolved.**

Outcome B: The Union Representative approaches the school leadership on behalf of the QTU members who have raised the issue and explains that the plan may be in breach of the joint statement.

The Union Representative explains that the joint statement is an enforceable agreement between the Education Department and the QTU and is subject to dispute resolution procedures as outlined in the

*These are examples only
and these are not meant to
capture every scenario*



*Try approaching the issue
through a meeting first*



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document. The school leadership maintains the need for the scenario to occur.

The Union Representative informs QTU members of the outcome of the meeting (via email or a face-to-face meeting or other form of communication) and advises them that a written notice of dispute is being prepared. The Union Representative contacts their Organiser to inform them of the dispute. The status quo continues to exist, unless QTU members seek a directive from the Union to not participate in the activity that is the subject of the dispute.

The Union Representative gives the principal written notice of dispute (this notice can also be given in email). The principal must respond to this stage 1 dispute within five working days.

Sample written notice:

Date _____

Dear _____,

Notice of dispute

QTU members of _____ school dispute the decision to _____

This decision by _____ is in breach of the Joint Statement on NAPLAN {outline elements which breach the Joint Statement} and was not at any stage discussed with teaching staff.

Please advise of your decision re _____ within the timeframe outlined in part 3 of the dispute resolution agreement.

Signed _____

NB: Why is it in breach? You need to clearly outline the elements which breach the Joint Statement

NB: discussions must occur within 24 hours and decision made within five working days

Possible outcomes:

- Favourable outcome – dispute resolved.
- Unfavourable outcome – the school leadership is determined to proceed with the proposal and the dispute remains unresolved.

The Union Rep meets with members and advises them of the outcome of the stage 1 dispute. Members determine to proceed to stage 2 of dispute resolution. At this stage, the QTU Representative may determine that a meeting of members should be held to discuss the issues. The Union Representative continues to update their Organiser with details of the dispute.

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Stage 2:

The dispute is referred to regional office, which must deal with it within seven working days of referral.

Possible outcomes:

- a. Favourable outcome – Agreement is reached that the proposal will not proceed and that consultation about the form and timing of NAPLAN related activities will occur.
- b. Unfavourable outcome – Agreement cannot be reached on how to resolve the dispute. Union Reps report back to members and agree to proceed to stage 3.

Stage 3:

The dispute is referred to the Resolution Committee at central office. It must be dealt with within seven working days of referral.

Possible outcomes:

- a. Favourable outcome – The committee determines that the proposals are/are not in accord with the intent of the joint statement, and the school is advised to consult on the issues in accordance with the joint statement.

OR

- b. The matter is not resolved and is referred to the QIRC.

Questions?

Contact your local QTU Organiser or the Queensland Teachers' Assist Desk:

Phone: 1300 11 7823 (1300 11 QTAD)

Email: qtad@qtu.asn.au

Online: www.qtu.asn.au/qtad

Disclaimer

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NB: the role of the regional office is to attempt to mediate a resolution to the dispute – it is not the role of the regional office to determine an outcome to the dispute