

Appointments – Permanent and/or fixed term temporary – Commonwealth and/or State funded programs

Policy Number: B24 (QH-POL-104)

Publication date: December 2021

Purpose: To outline the employment practices for Commonwealth and/or State funded programs for Queensland Health in line with the Queensland Government's commitment to maximising permanent employment.

Application: This policy applies to all employees working for Queensland Health.

This policy does not apply to employees of Queensland Ambulance Service. Instead, employees of Queensland Ambulance Service are to refer to their local procedures.

Delegation: The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Hospital and Health Boards Act 2011*
- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Public Service Act 2008*
- *Public Service Regulation 2018*
- *Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019*
- *Health Practitioner and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019*
- *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018*
- *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No.7) 2019*
- *Queensland Public Health Sector Certified Agreement (No.10) 2019*
- *PSC Directive 09/20 – Fixed term temporary employment*
- *PSC Directive 12/20: Recruitment and selection*
- *PSC Directive 13/20 – Appointing a public service employee to a higher classification level*

Related policy or documents:

- *Conversion of temporary employees to permanent status HR Policy B52 (QH-POL-119)*
- *Fixed term temporary employment B25 (QH-POL-243)*
- *Permanent employment B23 (QH-POL-191)*
- *Recruitment and selection HR Policy B1 (QH-POL-212)*
- *Queensland Government Employment Security Policy*

Policy subject:

1	Policy	2
1.1	Principle for permanent employment	2



2	Procedure	2
2.1	Assessment of positions	2
2.2	Advertising, recruitment and notifications	3
2.3	Renewal of fixed term temporary appointments	3
	Definitions:.....	4
	History:	4

1 Policy

The Queensland Government is committed to maximising permanent employment where possible. Fixed term temporary forms of employment should only be utilised where permanent employment is not viable or appropriate.

Queensland Health receives Commonwealth and State funding for a range of specific programs, including but not limited to Breast Screen (Queensland), Cancer Screening Unit and the various programs fund managed by statewide and non-government health services. The programs receive funding through periodically negotiated funding agreements (including National Health Reform Agreement).

Due to the cyclical nature of Commonwealth and State funding agreements (in periods of between one and five years), persons engaged to undertake or facilitate the required functions of the funded programs have traditionally been engaged on a temporary basis. As funding agreements were renegotiated, fixed term temporary employment contracts have been offered or renewed.

Subsequently, as a consequence of historical enterprise bargaining negotiations, permanent employment may now be offered within the prescribed criteria.

Delegates have an obligation to make decisions and act in ways that are compatible with the *Human Rights Act 2019*. When making a decision under this policy, decision-makers must comply with that obligation.

1.1 Principle for permanent employment

The funded program is to be at least two years in length and due to the nature of the program, is expected to continue beyond the life of any program funding.

2 Procedure

2.1 Assessment of positions

Vacancies and/or new positions arising from new funding grants, or the renewal of existing funding arrangements, are to be assessed by the program leader or manager prior to commencement of formal recruitment and selection processes, having regard to the following criteria:

- the position is determined as essential to meeting the requirements of the new or existing funded program
- the functions and duties are expected to continue beyond the life of any current program funding and Queensland Health would be likely to fund in the future
- the position is expected to be funded for at least a further two years from the date of the identified vacancy.

When these criteria have been satisfied, recruitment processes may be commenced. The program leader or manager is to consider the following options for recruiting to the role prior to advertising any vacancies:

- temporary to permanent conversion – where a temporary employee has been continuously employed for one year or more and requests a review for conversion, or where a temporary employee has been continuously employed for two years or more and their status is to be reviewed under the provisions of the directive relating to fixed term temporary employment.
- higher duties conversion – where an eligible employee has been assuming the duties and responsibilities of the role at a higher classification level and requests to be appointed to the role under the provisions of the directive relating to appointing a public service employee to a higher classification level.
- direct appointment – where an employee meets the requirements for direct appointment as outlined in the Recruitment and Selection HR Policy B1.

2.2 Advertising, recruitment and notifications

The provisions of PSC Directive 12/20 – Recruitment and selection and the Recruitment and selection HR Policy B1 are to apply. The authority to advertise vacancies and notify appointments is to be in accordance with the relevant human resources delegations.

It is important to note that unless otherwise specifically identified, positions within funded programs are to continue to be classified as temporary, while relevant appointments may be determined as permanent within the terms of these provisions. The temporary nature of a position does not prevent Queensland Health from fulfilling its commitment to employment security, including when converting a temporary employee to permanent status.

When the new position or vacancy is deemed to satisfy all of the criteria for permanent appointment, advertising may indicate that the successful applicant is to be engaged as a permanent employee.

When the new position or vacancy does not meet the criteria, advertising processes including the subsequent letters of engagement are to indicate the temporary nature of the engagement and clearly articulate the term of the fixed term temporary appointment, i.e. starting and finishing dates.

Applicants are to demonstrate merit prior to any fixed term temporary appointment being formalised.

2.3 Renewal of fixed term temporary appointments

If at the time of engagement a period of program funding is due to cease in less than two years, with no expectation of funding being renewed, or the position does not satisfy the fundamental principles (refer section 1.1), engagements are to be of a temporary nature.

If subsequent funding is renewed, a reassessment of the temporary engagement is to occur within one month of renewal, and a merit selection process is to be commenced promptly as detailed in sections 2.1 and 2.2.

The funding status of a position does not remove the requirement under sections 149, 149B and 149C of the *Public Service Act 2008*, for Queensland Health to review a temporary employee for conversion to permanent status.

Definitions:

Funding	Monies provided by Commonwealth or State authorities/entities as specified and generally not part of base budget allocations; includes National Health Reform Agreement.
Open merit	A merit based selection process whereby the applicant pool is not restricted. This is achieved through advertising a position internally (entry-level) and externally (non-entry-level) to Queensland Health. Open merit is to include an assessment of merit, and advertising in the open market. Open merit does not include internal expressions of interest.
Program	An initiative defined by the relevant funding arrangement for specific clinical or health related outcomes.
Program area	A discrete area as defined by the program leader/manager which may be unique to a team, unit or location within a hospital and health service, a geographic region or Department of Health division.
Substantive appointment	The position to which an employee has been officially appointed.
Fixed term temporary engagements	Employed on a full-time or part-time basis as provided for under section 147 or section 148 of the <i>Public Service Act 2008</i> .
Vacancy	A position in which no employee is currently appointed.

History:

December 2021	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – amended to update references and naming conventions – include human rights decision making
October 2009	<ul style="list-style-type: none"> • Protected IRM 1.1-1 reformatted as a result of the HR policy consolidation project in accordance with EB7.
September 2002	<ul style="list-style-type: none"> • IRM 1.1-1 Appointments – Permanent &/or Temporary – Commonwealth &/or State Funded Programs (clause 7.2 Queensland Public Health Sector Certified Agreement (No 4) 2000) amended.