



Department of
Education

Managing a Breach of the Public Sector Standard Claims Policy

Effective date: 28 March 2017

Version: 3.1

Accurate at the time of printing 29/07/2021.

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1. Policy statement

The Department manages claims of breaches of Public Sector Standards in Human Resource Management in a transparent, fair and timely manner.

2. Policy rules

All employees will comply with the Managing Breach of Public Sector Standards Claims Framework.

3. Responsibility for Implementation and Compliance

Principals and line managers are responsible for implementation of the policy.

The Executive Director, Workforce is responsible for compliance.

4. Scope

This policy applies to all employees

5. Related documents

Relevant legislation or authority

[Code of Ethics \(Commissioner's Instruction No. 7\)](#)

[Discipline Standard \(Commissioner's Instruction No. 3\)](#)

[Employment Standard \(Commissioner's Instruction No. 1\)](#)

[Grievance Resolution Standard](#)

[Performance Management Standard](#)

[School Education Act Employees' \(Teachers and Administrators\) General Agreement \(staff only\)](#)

[Termination Standard](#)

[Redeployment Standard \(Commissioner's Instruction No.11\)](#)

[Filling a Public Sector Vacancy \(Commissioner's Instruction No. 2\)](#)

[Public Sector Management Act 1994](#)

[Public Sector Management \(Breaches of Public Sector Standards\) Regulations 2005](#)

[Public Sector Standards in Human Resource Management](#)

Related Department policies

[Employee Performance](#)

[Recruitment, Selection and Appointment](#)

[Secondment](#)

[Staff Conduct and Discipline](#)

Other documents

[Breach claims - An agency guide](#)

[Breach of Standard claims – Claimant guide](#)

[Code of Conduct and Standards \(staff only\)](#)

[Commissioner’s Instruction – Employment Standard: Questions and Answers](#)

[Commissioner’s Instruction – Filling a Public Sector Vacancy: Questions and Answers](#)

[Grievance Framework](#)

6. Contact information

Policy manager:

Director, Workforce Policy and Coordination

T: (08) 9264 4135

Policy contact officer:

Manager, Workforce Policy

T: (08) 9264 5081

7. History of changes

Effective date	29 June 2011
Last update date	22 October 2012
Policy version no.	2.0
Notes	Reference to School Education Act Employees (Teachers and Administrators) General Agreement 2008 updated to 2011 and references to the Public Sector Reform Act 2010 and the Staff Conduct policy removed. D12/0628035

Effective date	29 June 2011
Last update date	11 July 2013
Policy version no.	2.0
Notes	Amendments to references to documents as per D13/0222254.

Effective date	29 June 2011
Last update date	14 May 2014
Policy version no.	2.1
Notes	Section 2 and the guidance in section 4.1.1 and 4.2 updated to reflect regulation changes that provide for the Public Sector Commissioner to recommend, and now direct relief, where it is determined that a breach of Standard has occurred. The title Director, Labour Relations has been updated to Director, Employee Relations. D14/0235146

Effective date	29 June 2011
Last update date	5 August 2014
Policy version no.	2.2
Notes	Breach claims are managed by Workforce Policy and Coordination. Contact and position details updated to reflect this. D14/0363117

Effective date	28 March 2017
Last update date	28 March 2017
Policy version no.	3.0
Notes	Major review undertaken. Policy recast into new policy format with mandated Managing Breach of Public Sector Claims Framework (D16/0667967). Endorsed by the Director General at Corporate Executive on 28 November 2016.

Effective date	28 March 2017
Last update date	12 September 2018
Policy version no.	3.1
Notes	Updated legislation links D18/0207680.

8. More information

Supporting content

Framework

[Managing a Breach of the Public Sector Standard Claims Framework](#)

Policy review date

28 March 2020

Policy last updated

12 September 2018
