

SPOTLIGHT

Timely advice for range review disputes

In this issue

- 1 Spotlight: Timely advice for range review disputes
- 2 Senior Chairperson's Message
- 4 Getting on Board: principal insights on role with MPB
- 7 In Profile: Kristian Walker - MPB Secretary
- 7 FAQs
- 8 Latest MPB Data
- 10 Compelling case on excess staff
- 11 Clarity on long service leave decisions
- 11 Merit & equity training and Dates

A jump in range review grievances before the MPB provides a good reason to look below the surface.

There's been a climb in the number of range review grievances reaching the Merit Protections Boards (MPB) since late 2025, prompting the authority to share details on key factors behind its decision-making.

Differing views over regular work duties and management responsibilities were two themes that repeatedly came to the fore across the increased caseload, according to MPB Senior Chairperson Steve Metcalfe.

Noting this grievance spike largely entailed claims for Education Support (ES) roles to be recast as Level 1 Range 3 or above, Mr Metcalfe stressed the position description (PD) for any job was both "a vital starting point and ongoing platform".

"A critical feature of range reviews is that they should be based on agreed duties and responsibilities, usually reflected in an agreed PD," advised Mr Metcalfe, affirming the Boards felt this was the strongest option.

"If there are changes to responsibilities then, ideally, the employee should raise this with leadership so as to update the PD. The principal, as the employer's representative, is responsible for determining an employee's work and classification level so, if any new duties are taken on, the individual will want to be able to show they were directed to do so," he said.

"The employee and school should discuss if amendment to the PD is required if there is change to the role, so as to avoid

any later confusion, including disappointment in subsequent range reviews."

Mr Metcalfe acknowledged that a role could readily change or grow over time for numerous reasons and a range review was not assured simply by a staff member "doing extra work or taking on more tasks with some autonomy to fill a void in a busy workplace".

"Notably, we're seeing the adoption of extra duties repeatedly manifest in the latest range review disputes without the relevant direction from the principal and related exchanges to update a PD to underpin such work change," he conceded.

Some recent examples Mr Metcalfe cited featured secondary school ES staff, whose work in wellbeing and health fields had evolved to take on extensive individual case work often with complex needs, leading to contrasting outlooks on the role by the respective parties.

Mr Metcalfe highlighted that, in classifying an ES position, the Department of Education's Range Review Guidelines, linked to the Victorian Government Schools Agreement (VGSA), require a principal to consider the following factors:

- the position's duties and responsibilities compared with the Dimensions of Work for the ES class;
- key elements of change in the duties and responsibilities, particularly those at the direction of the school/principal;
- employee performance.

Continued page 3

MPB News

Message from the Senior Chairperson



We're already well into term 3 and another school year is rapidly passing.

Leaders and educators alike can be forgiven for finding it difficult at times to keep up with the ongoing demands, coupled with impromptu challenges, to help schools stay at least one step ahead.

For the Merit Protection Boards (MPB), the task is no different.

To this end, the MPB, like countless enterprises globally, has been undertaking innovative work with AI tools as part of a Victorian Government trial.

This exploration is continuing across multiple government agencies over the months ahead, utilising agreed parameters and tools.

It will assist the MPB, Department of Education and other participants examine the various ways latest AI tools might complement or value-add to our respective fields of work – with full confidence and safety.

Some of the possibilities for the Boards have already proven surprising and exciting. But there's still much to be done before it plays any serious role in aiding existing work demands.

We look forward to keeping you posted on our AI findings and possibilities in coming months once the MPB has made advances in its explorations and assessments.

In other latest news, please enjoy this edition's insights and advice, addressing bugbear topics such as range review and long service leave grievances along with proper consideration of "*compassionate grounds*" when conducting an Excess Staff process.

We also have a special feature on the role and experiences of principals who serve as board members with the MPB. This offers unique reflections from two principals – one an outgoing board member after more than a decade, the other only six months into their appointment.

Besides making contributions beyond their schools, both principals discovered enormous growth and learning.

Don't forget, dates for latest online sessions of Merit and Equity Training are on p.11.

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 are unsure about.

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

Our location...

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

► Timely advice for range review disputes ... *from page 1*

“So it’s not just about a staff member being enthusiastic and taking on more. These are the key factors the principal has to take into account, and they’re also what the Boards look at - one by one drawing on the latest PD - when grievances are presented,” Mr Metcalfe outlined.

“The MPB’s role is not to undertake a new range review. We’re deciding if the principal’s decision, based on information available at the time, was justifiable,” he said.

“As a general rule, we look at the position’s responsibilities and determine if the majority sit within a particular level of the Dimensions of Work.”

Mr Metcalfe advised that undertaking individual student support and related complexities might not immediately constitute case management to the extent detailed in the *Dimensions of Work*, for example at ES 1.4, where it states ‘advanced interventions in dealing with particularly complex cases that may require cross-profession or agency collaboration’.

He added misalignment on this aspect was often closely matched by a disparity in understanding over management responsibilities and accountability, which arose regularly in range review matters.

He explained, while an employee may have some responsibility for case management or other duties and work with a degree of autonomy, there could be a school

expectation that supervision and direction occurs from a higher level role with broader management responsibility, which might also include the areas of finance and human resources.

Equally, in some instances, the duties undertaken could be regarded as “more in accordance with established procedures and within generally defined parameters”, he said.

Another grey area that presented as a repeated tension in range review cases before the MPB, according to Mr Metcalfe, was “the development of policy and operational practices that will guide the work of others”, as addressed in the higher ranges of the *Dimensions of Work*.

“Policy responsibilities such as these are regularly a feature of ES Level 1 Range 4 roles and above,” Mr Metcalfe confirmed.

“In several recent grievances, MPB deliberations have been unable to ascertain that an employee was responsible for development of policy or operational practices to guide the work of a wider team. Instead, the program work being undertaken best aligned with ES 1.3 dimensions.”

Mr Metcalfe added, as part of any range review process, the principal should provide the employee with a preliminary view and a further opportunity to respond before delivering a final decision within the recommended 28-day timeframe from the date the request is made.

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 provides an independent mechanism to hear appeals and grievances for Department of Education 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)
- termination of employment due to physical or mental 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.

MPB News

Getting on Board: principal insights on role with MPB



Dr Mary Cannon



Steve MacPhail

About 40 principals ‘moonlight’ as board members with the Merit Protection Boards beside their hectic school roles. We spent time with two school leaders - one retiring board member, the other incoming – to go inside the work of boards and get their unique reflections... some may surprise you.

After 18 years as principal at Canterbury Girls’ Secondary College and a teaching career before that, **Dr Mary Cannon** took the bold step to retire at the end of 2025 to give more time to other pursuits and grandchildren.

This also brought to an end nearly 13 years’ service as a board member with MPB, noting today members can serve no more than 10 years.

Taking up the baton and enthusiastic about his board role ahead is **Steve MacPhail**, Daylesford College principal for the past decade. He joined the panel of board members mid last year after an initial approach four years ago.

It is a world away from his hometown south of Glasgow, but Steve has been in Victorian schools for 25 years and is eager to keep learning while also continuing to round his distinct Scottish brogue with the sounds of rural Australia.

Here’s what Mary and Steve had to say in an ‘on the couch’ discussion with MPB News, sharing views about their board experiences from opposite end of the service spectrum.

One thing in common, both saw it an ideal opportunity for growth and upskilling, helping enrich principals’ perspectives in the ongoing leadership of their communities.

Q: Why did you join the MPB in a Board role?

Mary: Early in my principal career, I wanted to do something with a system-wide focus, so I could see more broadly than my own school. I thought it would be good professional development (PD). I could see how others work and I also felt I could contribute something. I liked the idea of the forensic and analytical challenge of the board work.

Steve: It was a massive learning curve as a new principal at Daylesford 10 years ago after several years’ teaching in Ballarat, and the MPB gives me further opportunity to upskill and be the best possible principal. We’re in the business of dealing with people and leading people. My foray into this work is a critical step on that pathway.

Also, I appeared twice before boards early on, so I was challenged to dig deep into policy then, which was a good thing. I should add my decision was endorsed both times (said with a smile of satisfaction or, possibly, relief).

Q: How did the board work compare to what you thought it might be?

Mary: It as exactly what I thought it’d be – lots of reading and preparation on cases, submissions and arguments. One interesting note is the different views you get across board members at times. A hearing can generate different responses, which we have to work through.

Steve: I’ve only been on a few boards since joining last year and, so far, it’s been similar to what I expected, given my earlier appearances. We work methodically through evidence and supporting documents, then participate in hearings and deliberations.

You learn a lot and it’s helping me get better. We tell our students to learn from mistakes and the MPB is showing me where it’s easy to make mistakes.

Q: What do you see as the main benefits of the MPB's work?

Mary: It provides an avenue of appeal for educators. It gives them a voice on a decision they may not like and we need this for the benefit of all parties and a robust system.

Also, it can provide validation for principals' actions or show the way a decision should have been made. Board decisions can inform Department of Education policy or reviews and recommendations can be made that assist real situations in schools.

Steve: The real-world learning it provides is phenomenal. All principals should be cycled through as observers of board cases, especially new principals. It would be an enormous help for them.

The more principals are upskilled it should aid less issues and conflict points in schools.

Q: What are your strongest reflections?

Mary: There's two for me. Firstly, how much work board members put in to dissect a grievance. Questions they ask are really considered, they thoroughly go through processes and policy behind a decision, and pull apart how a decision was made.

Secondly, the importance of a representative or support person, for either appellants or decision-makers. It can be a pretty daunting process to go before a board even though the main thing it's really trying to understand is how a decision has been made.

Steve: The need for leaders to communicate really clearly with staff. Problems often arise from a gap between what leaders believe they have communicated and what staff have actually understood.

In a busy school environment, we can assume expectations, timelines or reasons are clear when they may not be. I'm now more deliberate about slowing down, explaining the why behind decisions, and putting key expectations in writing.

Q: What's been one of the biggest surprises or learnings from your service?

Mary: One thing that surprised me, but shouldn't have, was that board hearings were nowhere near as dry as I expected. There's a lot of emotion attached to decisions and grievances. I learnt a lot about the feelings people go through and the difficulty of constant decisions for principals.

Steve: Two aspects – firstly, the importance of good communication. Secondly, following policy and knowing the rules.

Although the MPB should be an avenue of last resort for all, I've come to realise there's considerable emotion attached to each matter.

Q: How did or does board work help back in your school role?

Mary: It definitely helped in regard to understanding and following policy and processes. It underscored how important it is to check every step when reaching a decision, particularly on critical issues such as excess staff.

It's vital to step things out, maintain documentation, and have a really clear understanding why you made a certain decision.

Steve: It's only early, but it's given me valuable insights into good approaches in other schools and also, perhaps, what not to do at times. It can help clarify your thoughts and make improvements to your own school structures.

I've already adopted some changes and updates, providing greater clarity in areas such as job descriptions, working hours and expectations. Not just stating it, but in writing too.

Q: Did it alter your approach to planning and decision-making?

Mary: It reinforced the importance of having sound documentation. I also made sure I really understood Department processes and what was expected – be it recruitment, leave, excess, range reviews or complaints.

It also helped make decisions transparent as I endeavoured to follow Department processes. This, in turn, made things much clearer for everybody.

Steve: Definitely. I'm consulting more, and working harder to listen, before making final decisions – even though I thought I was already doing that reasonably well. One of the biggest learnings for me is that good intentions are not enough. As principals, we can make decisions for the right reasons, but if the process is unclear, poorly documented, or not communicated well, the decision becomes harder for others to understand and accept.

MPB News

▶ Getting on Board: principal insights on role with MPB ... *from page 5*

Q: If you were addressing a group of current-day principals on the work of the MPB, how would you sum it up?

Mary: It's the best PD in the world you can do, apply for the MPB now.

Being a board member provides growth and clarity on so much of the Department's policy and expectations. Having also been on hearings where the principal is the appellant, you should remember boards safeguard the appellant as well as the decision-maker.

Steve: I'd describe the boards as an independent body, separate from schools, the relationships, and history of the school that can consider matters of disagreement or conflict and make impartial judgments.

The MPB is not just about resolving disputes, it strengthens the whole system by asking leaders to be precise, transparent and evidence-informed. It reminds us leadership is not only about making decisions, it's about being able to explain how and why those decisions were made.

Q: Was there, or has there been, one common issue or annoyance arising from board hearings?

Mary: Don't fall into the trap of combining or fast-tracking procedural steps in policy.

One area that comes to mind, in particular, is the excess process where you need to give careful attention to each stage of procedure up to and, especially, including consideration of 'compelling personal compassionate grounds'. This really needs to be considered with impact in mind. (See separate in this edition, p.10)

Steve: I haven't been involved in enough board cases yet to notice real patterns. But the variety I've seen so far has been fascinating.

Q: If you were to address one issue to help other school leaders now, what would it be?

Mary: Don't hesitate to seek out advice. Ask a colleague, the union, professional association or relevant Department areas.

Every decision a principal is ruling on has been taken before. There's lots of people you can ask specific questions about what you're doing now.

Steve: I keep going on, but look on the work of the MPB as a fabulous opportunity for growth and learning, assisting leaders create more harmonious schools.

And in a final tip to educators should they be engaging with the MPB today:

Mary: See it as a vital voice and avenue for all. Embrace the learnings you can gain. Perhaps, when it comes to hearings, try not to get there too often.

Steve: Don't view it with anxiety. It's an opportunity to learn, if you make a mistake. As principals, we make a decision based on particular information at a point in time.

Remember, the MPB is always a really valuable arbitrator and we should all be happy to 'put our hand up' if we get something wrong.



In Profile: Kristian Walker

MPB Secretary

Relatively new to the Merit Protection Boards, Kristian Walker brings a wealth of school leadership and teaching experience to the agency's operations.

As Boards secretary, Kristian is across all MPB office details, including logistics required to coordinate multiple board hearings and assorted personnel involved.

Although not six months into his position, Kristian states years of planning, management and liaison skills have given him a big head start.

But he admits *"there's still lots of new things and much to learn everyday"* in the work of the MPB, which is often viewed with some intrigue by those in schools and other areas of education.

Kristian, who spent the past five years as stakeholder engagement manager with the joint government-funded Australian Education Research Organisation (AERO), advises it is this aspect he is eager to bridge with schools and today's leaders.

"To be honest, I didn't know about all the MPB's workings and the way it addresses so many types of issues and grievances from across the education landscape," he said.

"So, in my latest role, I'm keen to provide certainty and clarity for those now in schools," he observed, reflecting on a personal history covering more than 20 years teaching across Melbourne's north.

After starting out at Kingsbury Primary School, Kristian "covered all bases" during his time in schools except that of Prep classroom teacher. Later leadership roles included five years in assistant principal posts, which included extended periods as an acting principal.

In a wider education career spanning beyond 30 years, Kristian also spent a year honing coordination and inter-government liaison skills as Director of Operations with the nation's Education Council.

Such work threw up its share of challenges, bringing together Federal, State and Territory education ministers. In a three month period, Kristian managed to be in front of both students as young as Prep and education ministers.

More recently, Kristian spent two years at the Department of Education's central office working as a Liaison Officer across two ministerial offices, intersecting with a period of service in the Privacy Unit.

Away from work, Kristian continues to enjoy time riding his bike and on the badminton court, but he concedes days of state competitions are behind him.

FAQs

What is a personal grievance in the teaching service?

A personal grievance may arise as a result of any action taken within a Department of Education work location which directly relates to an employee, directly affects their employment, and which the employee considers:

- is in breach of the *Education and Training Reform Act 2006* or Ministerial Order 1388;
- infringes the principles of merit and equity, or infringes any personnel policy or guidelines issued by the Secretary; or
- is otherwise unreasonable.

Critically, a personal grievance can only be heard by the MPB if it results in a decision or action that has a tangible effect on that person's employment, such as a change in role

or an entitlement. Such examples include range reviews, temporary transfers, excess and leave-related matters.

Who is eligible to lodge such a grievance?

Teachers, principals, assistant principals, casual relief teachers and education support staff employed by the Department, as well as school council employees, may lodge a personal grievance in line with provisions of the applicable Act or Ministerial Order.

What are the time limits?

There are limits for lodging a grievance claim. For a personal grievance, it must be lodged within 14 days of the action/ decision, or notification of the outcome, whichever is later.

MPB News

Complaints and range review cases on rise in latest data.

Grievances relating to complaint process outcomes have continued to increase in total numbers and now account for the largest number of appeals reaching the Merit Protection Boards (MPB).

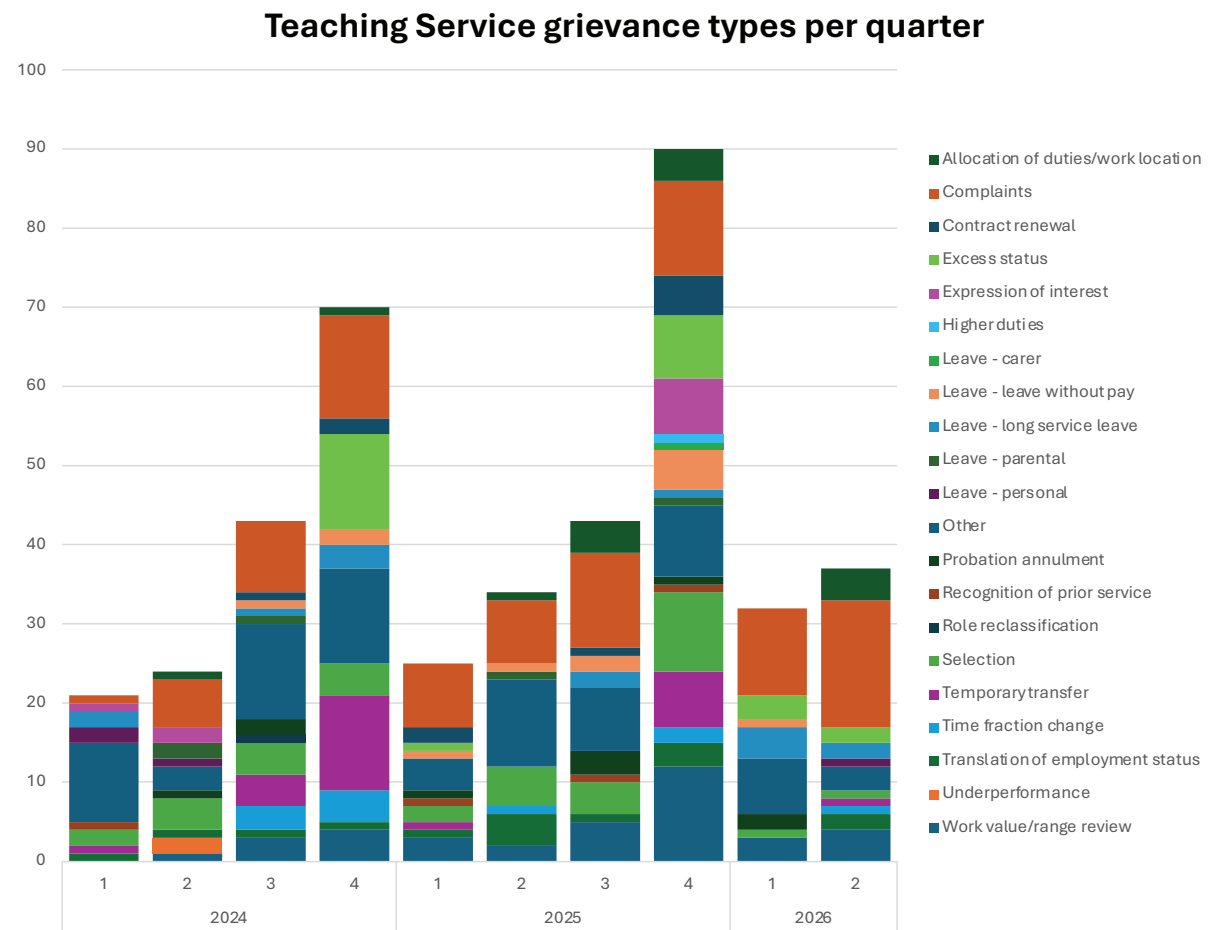
Latest MPB data also shows the number of grievances received overall has climbed over the past three years when comparing corresponding school terms.

MPB registrar Greg Donaghue said the data showed complaint grievances lodged in term 2 this year increased compared to term 1, and were also higher than the totals for both first and second terms in 2024 and 2025.

He suggested this pattern could be due to greater understanding in the teaching service of the right to appeal if an individual had concerns about the process used to substantiate allegations or if they believed the outcome

was unreasonable. (eg: the resultant employment-related action is considered harsh).

Range review grievances were another area where there was a clear increase on the number in term 1, and when compared to term 2 in each of the past two years, Mr Donaghue explained. This reflected the overall growth pattern in respective terms across recent years, he said.



“The Boards continue to see individual staff seeking clarity around their appropriate range, often in contexts where the exact, agreed duties and responsibilities are somewhat unclear,” he advised.

Mr Donaghue added grievances relating to staff being declared excess to school requirements continued to provide a further regular flow of cases for MPB attention, following on from a spike in term 4, 2025.

“This continuing stream of range review matters reflects workforce pressures as schools seek to manage complex staffing situations,” he observed.

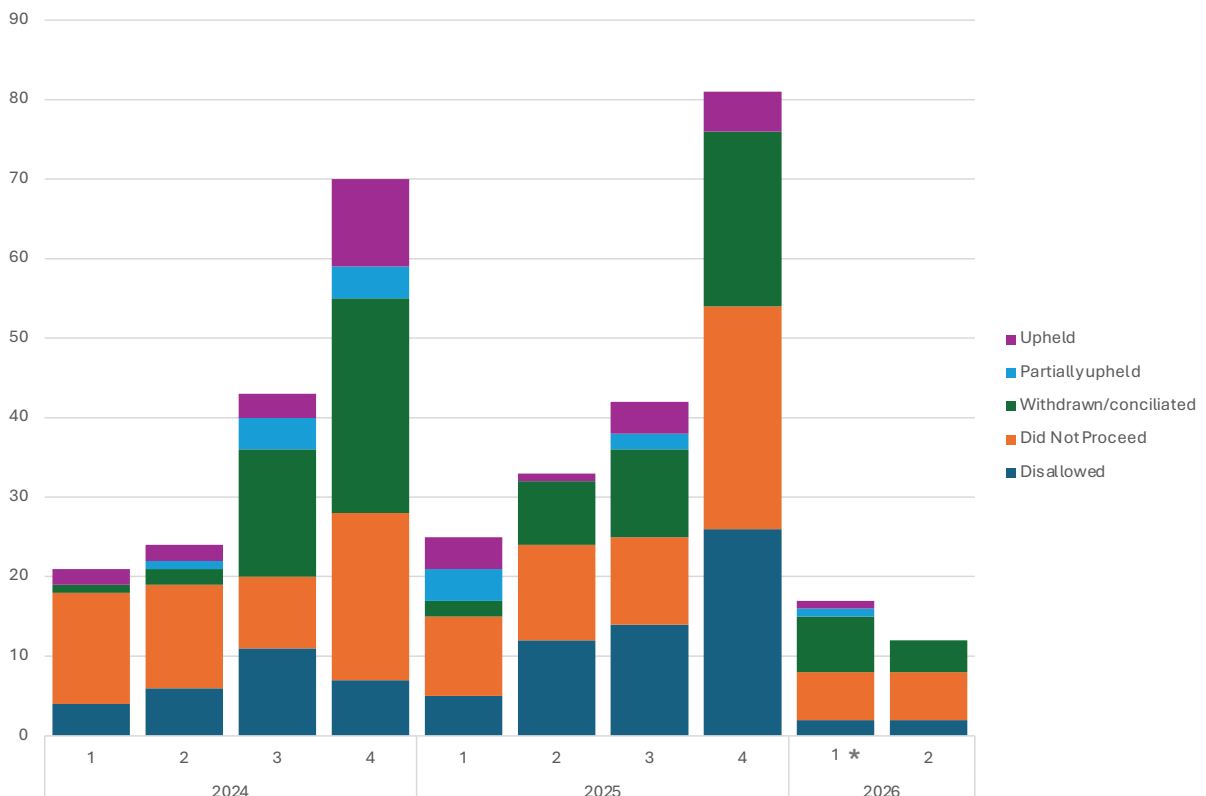
“In excess grievances heard over recent months, the MPB has particularly been dealing with cases relating to perceived deficiencies in the ‘Identification’ stage of the process.”

Reflecting on latest grievance outcomes, Mr Donaghue advised that the MPB continued to work with parties to facilitate conciliation of matters where appropriate, noting there was still a “substantial volume” of cases from terms 1 and 2 with outcomes pending.

These outcomes were being announced progressively as boards reached decisions and, to date, results were following broadly similar trends to recent years, he stated.

Mr Donaghue confirmed that, aside from the term just completed, the number of grievances upheld over the previous year reflected a consistent pattern in relative terms.

Outcome of Teaching Service grievances received each quarter



* Note: Only a small number of grievances received in Q1 and Q2 2026 had outcomes announced at the time this data was compiled. The *Upheld*, *Partially upheld* and *Disallowed* categories will all increase as further outcomes are completed.

MPB News

Compelling case on excess staff

A note of caution for schools to duly consider ‘*compelling personal compassionate grounds*’ when conducting an Excess Staff process.

The Merit Protection Boards (MPB) has alerted school leaders to give proper consideration to compassionate grounds when facing the reality of utilising excess staff procedures to address serious school woes.

On the heels of ruling on multiple excess staff grievance cases arising from term one this year, Boards Senior Chairperson Steve Metcalfe has urged principals to avoid the temptation to fast-track or downplay this particular aspect.

The Department of Education’s Excess Procedures obligated leaders to give due attention to “compelling personal compassionate grounds” pertaining to any employee, advised Mr Metcalfe. He noted this was the final of five measures outlined in the policy’s Identification phase (see box below), but remained a critical factor to be addressed.

“After following individual procedures to determine specific work areas and convene meetings seeking staff volunteers to be identified as excess, the principal is obliged to ‘make every effort’ on the last component and draw staff attention to the fact they can address compassionate grounds” he said.

“Lately, we’ve observed a small number of cases where staff don’t seem to be appropriately informed of the Identification procedures in Department policy.

“This includes the fact they should be given a clear opportunity to address any ‘compelling personal compassionate grounds’ as part of any staff responses during the process,” he confirmed.

In one example Mr Metcalfe cited as a short-coming, a school undertaking the excess process did not sufficiently communicate with staff, both verbally and in writing, particularly during the critical final procedure.

“Emailing all staff asking them to provide a one-page summary on their school contributions and why they shouldn’t be considered for declaration as excess is not a sufficient approach for staff fairness or sound decision-making,” Mr Metcalfe explained.

“It also denies employees key policy-based information and the chance to suitably address very real personal circumstances, including compassionate grounds,” he said.

In such a scenario, an individual board cannot be satisfied that vital aspects in the Identification phase of the Excess Procedures have been appropriately communicated and managed, he admitted.

Underlining what made for a sound approach, the Senior Chairperson advised of the MPB’s following recommendation:

Treat the Excess Procedures as a systematic sequence of steps to be undertaken to identify the staff member/s excess to requirements, supported by clear communication with impacted staff as to the required submissions and timelines to assist the decision-making process.

The **Identification** phase in the Department’s **Excess Procedures – Teaching Service** policy details five processes for principals to identify an excess employee:

- a. “after appropriate consultation, **will** determine the curriculum or work areas in which there may be employees excess to the requirements of the school.
- b. **will** convene meetings of employees from such curriculum areas or work areas to seek volunteers to be identified as excess.
- c. 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.
- d. **will** take into account the overall curriculum needs or work needs of the school, the submissions from individual employees in accordance with (c) above and consult with the union sub-branch... before declaring as excess those employees whose declaration would cause the least disruption...
- e. **will** make every effort to ensure that an employee is not identified as excess to workplace requirements, where there are compelling personal compassionate grounds pertaining to that employee...”

Clarity on long service leave decisions

Winter marks a good time to take long service leave (LSL) and seek a warmer climate.

So, too, the lead-up to this season is one of the busiest times for the Merit Protection Boards (MPB) responding to LSL grievances.

“This year’s been no different as we handled an increased number of these cases in term 2,” revealed MPB registrar Greg Donaghue, noting the situation in any two matters was never the same.

Given this latest activity, Mr Donaghue advised it was apt to reflect on key elements the Boards consider when ruling on LSL disputes, using Department of Education policy as the critical guide when addressing the context of cases.

He issued a special caution where schools look to go a step further and draw on any local LSL policy. Reinforcing Department policy remained the benchmark, Mr Donaghue confirmed the MPB’s jurisdiction allowed it to consider LSL grievances in the context of departmental policy only.

Noting LSL was an entitlement but its timing was discretionary, Mr Donaghue reiterated the expectation that, as a principal considers the school’s “operational requirements”, they will take into account:

- availability of replacement staff

- number of staff who wish to take leave at the same time.

Equally, where LSL was not granted, direction was given for arrangements to be made with the employee enabling leave “to be taken at an alternative date in the future”, he said.

“When considering the operational requirements, it’s incumbent on the principal to show there are genuine operational barriers preventing a LSL request being granted,” he outlined.

“Any reasons formed shouldn’t simply reflect ordinary management and staffing pressures faced in the regular running of a school. If a case considered by the Boards, they’re looking for significant barriers justifying the refusal.”

“Among key questions a board asks is: do the operational matters posed present justifiable business reasons for refusal?”

Reflecting on local LSL policies created by some schools, Mr Donaghue emphasised that the MPB carefully considered if such a document “narrowed or conflicted with” Department policy requirements at all.

If it did, it could lead to decision-making by leaders that a board regarded as “over-reaching”, and in such case it would make a finding against any school decision taken, he explained.

MERIT & EQUITY TRAINING

Streamlined merit and equity training sessions are again being offered online to help keep school staff and other educators up to date.

The 90-minute training package – delivered via the Webex platform – considers the concepts of merit, equity and fairness in broad terms before addressing the practical details across six key areas including:

- conflict of interest
- prior knowledge
- assessment approach & comparative assessment of applicants

- documentation of selection process & reporting

“We draw on case studies and real-life situations to help showcase to participants what’s expected of them when they are part of job selection panels,” said presenter and Merit Protection Boards registrar Greg Donaghue.

“These sessions cover what merit and equity means and how it should look in practice – we want to remove mystery and uncertainty for individuals,” he added.

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

TERM 3 MERIT & EQUITY TRAINING DATES

- Wednesday 26 August (for VPS staff)
- Wednesday 9 September
- Wednesday 14 October

Delivery: 9.30 - 11am via Webex **To Register:** log onto eduPay, click ‘MyLearnED’ and search for ‘Merit’



Merit
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