



Transition of Fixed Term Senior Practitioners to Permanency Policy

1. Purpose

Consistent with registration of the WA Health System – Medical Practitioners – AMA Industrial Agreement 2022 in the Western Australian Industrial Relations Commission, WA Health is committed to supporting permanent employment for senior practitioners within the WA health system.

This policy outlines the review process for WA health entities to transition senior practitioners employed under a fixed term contract to permanent employment consistent with the Industrial Instrument.

This policy is a mandatory requirement for Health Service Providers under the *Employment Policy Framework* pursuant to section 26(2)(f) of the *Health Services Act 2016*.

This policy is also a mandatory requirement for the Department of Health pursuant to section 29 of the *Public Sector Management Act 1994*.

2. Applicability

This policy is applicable to WA health entities, and senior practitioners employed by WA health entities.

This policy is not applicable to practitioners employed pursuant to the WA Health System – Medical Practitioners (Clinical Academics) AMA Industrial Agreement 2022 or its replacement.

3. Policy Requirements

3.1 Review

All WA health entities must conduct a review of each senior practitioner eligible for review under subsection 3.2 of this policy, to determine their eligibility for permanent appointment, within the review period.

Eligible senior practitioners must be reviewed against the criteria in subsection 3.3 of this policy for each separate contract of fixed term employment.

3.2 Practitioners eligible for review

Practitioners eligible for review must be, as at the Effective Date of this policy:

- employed as a senior practitioner by a WA health entity; and
- covered by the Industrial Instrument.

Without limiting the administrative flexibilities taken by WA health entities to optimise efficiency, the sequence of reviews is as follows:

1. Eligible practitioners with five years' service or greater as a senior practitioner in the WA health system as at the Effective Date of this policy, regardless of the length of the practitioners' current contract.
2. Eligible practitioners currently employed on a five-year contract but have less than five years' service as a senior practitioner as at the Effective Date of this policy.
3. All other eligible practitioners i.e., practitioners who have less than five years' service as a senior practitioner as at the Effective Date of this policy and are currently employed on a contract of less than five years in duration.

Practitioners whose contracts are due to expire imminently within each of the above categories may be prioritised for review.

3.3 Criteria for Permanent Employment

Permanent employment may be offered subject to the following criteria being met:

1. The practitioner is not on probation with the WA health entity.
2. The practitioner is not subject to current disciplinary action or substandard performance proceedings.
3. The practitioner's fixed term employment at the time of review is not excluded from permanent employment under the Industrial Instrument and subsection 3.4 of this policy.
4. An assessment of merit has been undertaken in accordance with subsection 3.5 of this policy.
5. The practitioner's position is subject to ongoing funding from within the WA health entity's salaries budget, as confirmed by the entity CFO.

Where a practitioner does not meet criteria (1) and/or (2) when first reviewed but remains employed and subsequently meets those criteria during the review period, the practitioner is entitled to a further review for conversion to permanent employment.

3.4 Exclusions

Senior practitioners excluded from a review for permanent employment include:

- practitioners who are engaged through service companies (i.e., labour hire) or contracts for services (i.e., contracted medical practitioners and/or visiting medical practitioners);
- practitioners appointed to positions precluded by legislation from permanent employment, i.e.:
 - Chief Executives and Health Executives appointed under the *Health Services Act 2016*; and
 - Executives appointed to positions of the Senior Executive Service under the *Public Sector Management Act 1994* or equivalent, e.g., Chief Health

Officer, Chief Medical Officer, Assistant Directors General, Executive Director Patient Safety & Clinical Quality, Director Communicable Disease Control.

Senior practitioners excluded from permanent employment include:

- practitioners who have provided notice to resign or have been advised in writing no less than 12 months prior to the expiry of the practitioner's contract that it will not be renewed;
- practitioners employed on fixed term contracts pursuant to listed circumstances under the Industrial Instrument or appointed to positions precluded by the Industrial Instrument from permanent employment, but only for the contract(s) or FTE allocated to undertaking those positions and or duties. These practitioners can be reviewed for permanent employment through eligible fixed term contracts or clinical FTE; and
- Heads of Department who are concurrently appointed pursuant to clause 20(9) of the Industrial Instrument. These practitioners have the opportunity to be reviewed for permanency through their concurrent fixed term contract as a consultant.

The Industrial Instrument can be accessed on the [Awards and Agreements Library](#).

3.5 Assessment of Merit

An assessment of merit to determine a practitioner's eligibility for permanent appointment must be undertaken by one of the following means:

- competitive assessment of merit has been undertaken in the past two years consistent with Commissioner's Instruction No. 2 (i.e., advertised recruitment process);
- individual assessment of merit is evidenced through a performance development review/plan conducted in the past two years which confirms the practitioner's ability to undertake the role; or
- individual assessment of merit is conducted at the time of the review, with the line manager (i.e., Head of Department or relevant delegated authority) certifying the practitioner's ability to undertake the role and approved by the Director of Medical Services or relevant delegated authority.

3.6 Review Outcome

WA health entities must provide written notification to the senior practitioner of the review outcome for each separate current contract of employment i.e., confirm eligibility for permanent employment or otherwise.

Where the review outcome results in a senior practitioner not being offered permanent employment, reasons for the decision must be provided to the practitioner in writing.

A practitioner may appeal the review outcome via the dispute settlement procedure prescribed by the Industrial Instrument.

3.7 Permanent Contracts of Employment

An offer of permanent employment by the WA health entity must reflect the senior practitioner's contracted FTE in the position being assessed at the time of review. The practitioner may consider and agree to an alternative FTE in writing.

The terms and conditions of any permanent contract of employment will be as agreed between the practitioner and the WA health entity and must be consistent with the terms of the Industrial Instrument.

4. Compliance Monitoring

System-wide Industrial Relations, on behalf of the System Manager, will monitor compliance with this policy by requiring that WA health entities provide reports on the review, conversions to and appointments of permanent senior practitioners once every two (2) months during the review period. Reporting will commence from the Effective Date of this policy.

System-wide Industrial Relations will coordinate system-wide reports to the relevant union and other oversight agencies and stakeholders in relation to the review, conversion to and appointment of permanent senior practitioners for assurance purposes.

In addition, System-wide Industrial Relations may:

- request from a WA health entity specific information, including data and documents associated with review(s) for conversion to permanent employment; and
- liaise with WA health entities, unions, and other external stakeholders in relation to specific matters arising from this policy.

5. Related Documents

The following documents are mandatory pursuant to this policy:

- N/A.

6. Supporting Information

The following information is not mandatory but informs and/or supports the implementation of this policy:

- [Transition of Fixed Term Senior Practitioners to Permanency - Frequently Asked Questions](#)

7. Definitions

The following definition(s) are relevant to this policy.

Term	Definition
Head of Department	Pursuant to clause 20(9) of the Industrial Instrument, a senior practitioner other than a Radiologist, may be concurrently appointed as a Head of Department for a term not exceeding the practitioner's appointment as a senior practitioner.
Industrial Instrument	The WA Health System – Medical Practitioners – AMA Industrial Agreement 2022 and its replacement.

Ongoing funding	Ongoing funding is likely to be assumed if the position is: <ul style="list-style-type: none"> not limited for a permissible fixed term reason; can reasonably be expected to be accommodated from within the WA health entity's salaries budget over the forward estimates period; and has been funded for a minimum period of five years.
Review period	12 months from the Effective Date of this policy.
Senior practitioner	Medical Practitioners employed pursuant to classifications under Part 3 – Senior Practitioners, Section 2. Arrangements of the Industrial Instrument.
WA health entity	WA health entities include: <p>(i) Health Service Providers as established by an order made under section 32(1)(b) of the <i>Health Services Act 2016</i>.</p> <p>(ii) Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the <i>Public Sector Management Act 1994</i>.</p>
WA health system	The WA health system is comprised of: <ul style="list-style-type: none"> (i) the Department; (ii) Health Service Providers (North Metropolitan Health Service, South Metropolitan Health Service, Child and Adolescent Health Service, WA Country Health Service, East Metropolitan Health Service, PathWest Laboratory Medicine WA, Quadriplegic Centre and Health Support Services); and (iii) contracted health entities, to the extent they provide health services to the State.

8. Policy Contact

Enquiries relating to this policy may be directed to:

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9. Document Control

Version	Published date	Review date	Amendment(s)
MP 0182/24	2 April 2024	April 2025	Original version

Note: Mandatory policies that exceed the scheduled review date will continue to remain in effect.

10. Approval

Approval by	Jodie South, A/Assistant Director General, Clinical Excellence Division
Approval date	2 April 2024

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