

Select Committee on the Closure of Public Schools in New South Wales

The closure of public schools in New South Wales

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How to contact the committee

Members of the Select Committee on the Closure of the Public Schools can be contacted through the committee secretariat. Written correspondence and enquiries should be directed to:

The Director

Select Committee on the Closure of Public Schools in New South Wales

Legislative Council

Parliament House, Macquarie Street

Sydney New South Wales 2000

Internet www.parliament.nsw.gov.au

Email schoolclosures@parliament.nsw.gov.au

Telephone 02 9230 2898

Facsimile 02 9230 2981

Terms of reference

1. That a select committee be established to inquire into and report on the closure of public schools in New South Wales, and in particular:
 - (a) the actual or potential closure or recess process relating to the following public schools:
 - (i) Martins Creek Public School
 - (ii) Wollombi Public School
 - (iii) Pearces Creek Public School
 - (iv) Eraring Public School
 - (v) Ellangowan Public School
 - (vi) Wollar Public School
 - (vii) Bellimbopinni Public School
 - (viii) Bylong Upper Public school
 - (ix) Blackville Public School
 - (x) Rouchel Public School, and
 - (xi) any other rural public schools.
 - (b) the processes, policies, procedures, accountability, and decision making surrounding the closure of schools in New South Wales
 - (c) factors considered in determining the suitability of alternative schools in the case of a closure
 - (d) the transparency of the consultation process surrounding school closures
 - (e) the impact on local school communities affected by school closures
 - (f) the role of cost-benefit analyses in the closure process, if applicable, and
 - (g) any other related matter.
2. That the committee report by Thursday 22 October 2015.

These terms of reference were referred to the committee by the Legislative Council on 25 June 2015.¹

¹ *Minutes*, Legislative Council, 25 June 2015, p 248.

Committee membership

The Hon Paul Green MLC	Christian Democratic Party	<i>Chair</i>
The Hon Robert Borsak MLC	Shooters and Fishers Party	<i>Deputy Chair</i>
The Hon Lou Amato MLC	Liberal Party	
The Hon Greg Donnelly MLC	Australian Labor Party	
The Hon Ben Franklin MLC	The Nationals	
The Hon Courtney Houssos MLC	Australian Labor Party	
Dr John Kaye MLC	The Greens	
The Hon Natasha Maclaren-Jones MLC	Liberal Party	

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Chair's foreword

One of the key principles written into the *Education Act 1990* is that the education of a child is primarily the responsibility of his or her parents. This inquiry has highlighted that the NSW Department of Education must honour parents' legal and moral responsibility by respecting parents' insights into what is in the best educational interest of their child. Some parents with good reason believe that the best option for their child is to be educated in their small local school.

The committee has found that there is evidence that small schools can contribute to positive outcomes for students and for local communities. Parents contribute enormously to small schools, which offer hope for a community's future by providing a crucial service that keeps families living in a town and attracts other families to the area.

At the same time, the committee appreciates that some schools should close. Whatever the case, the Department should act with honesty and good faith towards parents when consulting, deciding and implementing a school closure. And in making its decision, the Department must consider the welfare of every individual student, along with the role of the school in the broader community. Out of respect for parents, if the Department intends to close a school, it should inform them of that decision as early as possible and help families to adjust. It should not set them up to fail by saying it is consulting with parents when it does not intend to take on board their views. In sum, the Department's organisational culture surrounding the closure of schools must be respectful and understanding towards parents.

The inquiry has also highlighted that in some cases a school should not close. It was clear to every member of this committee that a compassionate approach which recognises the unique needs of one particular student at Martins Creek Public School is well justified. We trust that the Minister for Education will be convinced by our report and reverse his decision to close the school. It is a shame that it took a parliamentary inquiry for the need for compassion to be given due weight in this case.

Sadly, it is too late to save Wollombi Public School, which closed in December 2014. I express my sympathy with the Wollombi parents, who were understandably devastated by the decision to close their school and by the process they endured. I sincerely hope that they can take some consolation from the knowledge that they have contributed so significantly to the recommendations of this report, which are all aimed at improving the process for other school communities.

I thank each of the parents, community members and other stakeholders who contributed to this inquiry, which illustrates the power of ordinary people to shine a spotlight on government decisions, and to recommend a better way forward.

I am very grateful to my committee colleagues for the open-minded, sympathetic and constructive approach they took to the inquiry. It is highly significant that our ten recommendations were unanimously adopted. I also thank the secretariat for their professionalism and sensitivity in managing a number of complex matters while supporting the committee.



Hon Paul Green MLC
Committee Chair

Executive summary

The inquiry into the closure of public schools in New South Wales was established on 25 June 2015, following the advocacy of families from two schools named in the inquiry terms of reference: Martins Creek Public School, currently set for closure in December 2015; and Wollombi Public School, which closed in December 2014. Both schools are in small communities in the Hunter Valley.

While the inquiry focused on the experience of a small number of families, it was not the committee's role to conduct a detailed examination of what occurred, nor to investigate and adjudicate on the parents' formal complaints. The committee acknowledges the energy and sincerity with which the parents took part in our inquiry. In light of our role, our representation of the families' experiences and views is necessarily brief and our recommendations are focused on systemic improvements.

The committee finds that there is evidence that small schools, particularly at the primary level and particularly for rural and regional communities, can contribute to positive outcomes for students and local communities. In light of the educational and social significance of small schools, the NSW Department of Education carries a weighty responsibility to ensure that the decision about the future of any school is well informed, carefully judged and managed effectively.

At the heart of the inquiry lies numerous parents' strong dissatisfaction with the closure of their small school, not just the decision that was made but also the process surrounding it. The committee agrees with stakeholders that the system for school closures must fundamentally be based on principles of respect, objectivity, thoroughness and transparency. As partners with government in the education system, parents must be treated with dignity and respect.

It is very clear to the committee that while the Department's regime improved significantly with the development and adoption of the December 2014 *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered*, there is still work to be done to improve the Protocols themselves and their implementation.

The committee accepts that the decision to close a school may well be justified, and may not ultimately be supported by parents. Nevertheless, we consider it critically important that the Department be honest with families and other stakeholders about whether a decision to close has already been made. Without a genuine commitment to consultation, nor the alternative of honesty that the Department has already formed its position, the Department would be understandably viewed by parents as not acting in good faith. Recommendations 2 and 4 are intended to address this. Recommendation 3 is focused on strategies to boost enrolments before taking any further steps in the Protocols.

The committee is concerned by the heavy handed way in which the Protocols themselves, and the broader process of school closures, have been implemented in some cases. There is a strong pattern in the evidence before us – from Wollombi, Martins Creek, Crowdy Bay, Grong Grong, Gosford and beyond – that this is a very significant issue. It appears that the Executive Director and Directors have not fully appreciated the enormous personal investment that parents make in the education and life of their child, nor the immense value that families and community members place on their school as a pillar of their community. Nor do some officers appear to appreciate the shock and grief that parents in particular understandably feel when their school is threatened, then taken away.

The committee is convinced that were the Department's officers to approach a school closure from a more compassionate and understanding frame of reference, which also honours parents as partners in the education system, the process would be much less fraught for all concerned. This, in turn, would lead to a much more successful transition by parents, children and the community as a whole. Our recommendation 5 is thus aimed at improving the organisational culture surrounding school closures.

To further improve consultation and transparency we consider that the Protocols should be refined to include a requirement to consult with local government, local community members and for formal record keeping of consultative groups. In addition, more support, information and resources to facilitate the consultation process are required.

The committee recognises that the best educational interests of the students is the primary principle upon which to base a decision to close a school. However, this criterion can be problematic in several ways, including that it allows the Department's view to be elevated above that of parents. A key theme in this inquiry is that the Department should pay significant respect to parents as partners in the education of children.

In addition, a more holistic view of the role that a school plays in a small town is desirable. In light of the impact that the decision to close a school will have on a community, we believe that the Department should formally review its processes for considering demographic trends at the local level.

The committee shares participants' view that once the decision to close a school has been made, there needs to be adequate provision for reversal. In light of information provided by the Department setting out its intentions for the sites of the 20 schools that closed in 2015, it appears that some parents are understandably concerned about disposal of school sites. The committee believes that when a school is closed, an adequate period of time should be allowed before the assets of the site are disposed of, to ensure that the option to reopen remains. In addition, we are disappointed that the Department was not more forthcoming about its plans for the Wollombi and Martins Creek school sites.

The committee considered the complex needs of one particular student at Martins Creek Public School and the potential bearing of those needs on the closure of the school. Informed by his psychologist's written opinion, the committee is convinced by the uniqueness and complexity of this student's needs. We are also convinced that there are extraordinarily high stakes at play should the student's needs not be well understood and catered to by the Department. We believe that the Department should respect the expertise of the student's parent and psychologist about those needs, along with the risk that the student would not cope with a transition to a larger school, and the concomitant risk of further substantial harm.

The committee considers that the risks to this student's psychological wellbeing and development are sufficiently substantial as to warrant an exceptional approach being taken to the closure of Martins Creek Public School. The committee thus recommends that the Minister reverse his decision to close Martins Creek Public School at the end of 2015 to facilitate the student with complex needs completing his primary schooling there. Instead, the school should potentially close at the end of 2019.

Several parents of Martins Creek and Wollombi made formal complaints to the Department of Education and the NSW Ombudsman about the process of closing their respective schools. The handling of one particular matter sits in the context of a perceived pattern of less than impartial handling of the other complaints. The committee considers that a government agency other than the NSW Department of Education should commission an independent audit of the Department's handling of the Wollombi and Martins Creek parents' complaints.

Summary of recommendations and findings

- Finding** 14
- That there is evidence that small schools, particularly at the primary level and particularly for rural and regional communities, can contribute to positive outcomes for students and for local communities.
- Recommendation 1** 14
- That the NSW Department of Education make publicly available:
- the evidence base it uses to support its assertions about educational outcomes and small schools
 - the criteria it uses to determine when a small school is placed in view.
- Recommendation 2** 30
- That the NSW Department of Education act with honesty and good faith by informing parents at the earliest possible stage when it intends to close a school.
- Recommendation 3** 31
- That the NSW Department of Education amend the *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered* to:
- require the Director and Principal to consider at Stage 1 any strategies to boost enrolments and, should they identify any such strategies, to not proceed to step 2 until those strategies had been developed and implemented and
 - insert at step 6 a new dot point requiring the School Consultative Group to consider strategies to boost enrolments and should such strategies be identified, to not proceed with the process of closure until such strategies had been developed and implemented.
- Recommendation 4** 31
- That, in the interests of transparency and integrity of process, the NSW Department of Education:
- carefully consider the purpose of its *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered*, specifically, whether they are intended to facilitate consultation with parents and other stakeholders that genuinely influences the decision about a school's future, or alternatively, to facilitate stakeholders' transition towards acceptance after a decision has been made
 - if the intended purpose is to facilitate transition, change the language of the Protocols to reflect this
 - if the intention is that consultation be genuine, adapt the Protocols to enable this from an earlier stage.
- Recommendation 5** 32
- That the NSW Department of Education develop and publish on its website an action plan on the organisational culture surrounding school closures with particular reference to the need to be respectful and understanding towards parents.

Recommendation 6**32**

That the Deputy Secretary, NSW Department of Education, be required to provide appropriate support, information, and resources to facilitate the consultation process at step 6 of the *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered.*

Recommendation 7**33**

That the NSW Department of Education make the following refinements to the *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered*, to further improve consultation and transparency:

- add a requirement that local government be consulted at the earliest possible stage, and also at step 6
- enhance consultation with local community members at step 6
- introduce requirements for formal record keeping of school consultative groups and school closure review committees.

Recommendation 8**40**

That, in the interests of transparency and robust decision making about the future of individual schools, the NSW Department of Education formally review its processes for considering demographic trends at the local level and likely events and planning decisions that will influence enrolment numbers.

Recommendation 9**48**

That the Minister for Education reverse his decision to close Martins Creek Public School at the end of 2015 to enable the student with complex needs to complete his primary schooling there.

Recommendation 10**53**

That the NSW Department of Premier and Cabinet, or an alternative government agency independent of the NSW Department of Education, engage an external, independent body to audit the Department of Education's process of handling the complaints made by parents of Wollombi and Martins Creek Public Schools. If any complaints handling process is found to be flawed, the relevant complaint(s) should be independently reinvestigated.

Chapter 1 Introduction

This chapter provides an overview of the conduct of the inquiry into the closure of public schools in New South Wales, including the methods the committee used to facilitate participation in the inquiry by people affected by school closures, the NSW Department of Education and other stakeholders. The chapter concludes with a brief outline of the structure of this report.

Conduct of the inquiry

Terms of reference

- 1.1 The Select Committee on the Closure of Public Schools was established by resolution of the Legislative Council on 25 June 2015. The terms of reference are set out on page iv, and the committee members are listed on page v.
- 1.2 The inquiry was established following the advocacy of a number of families from two particular schools named in the terms of reference: Martins Creek Public School, which is currently set for closure in December 2015; and Wollombi Public School, which closed in December 2014. Both schools are in small communities in the Hunter Valley.
- 1.3 While the terms of reference listed another eight schools which have closed, been placed in recess or are intended for closure, the salience of the issues of concern highlighted by the Wollombi and Martins Creek families led the committee to focus its inquiry on those two schools, informed by a wider pool of evidence concerning other schools.

Submissions

- 1.4 The committee's call for submissions was made via Twitter, a media release to all media outlets in New South Wales, along with letters to stakeholders with a likely interest in the inquiry. We received a total of 41 submissions and 3 supplementary submissions. A list of submissions can be found in **appendix 1**; the submissions themselves are published on the committee's website.

Hearing

- 1.5 The committee held one hearing at Parliament House on 20 August 2015. A full list of witnesses is set out in **appendix 2**. First, the committee heard from two sets of families and another set of community members about their experience of school closures. This evidence was taken *in camera* in order to enable people to speak freely to the committee. The committee subsequently resolved to publish the transcript of *in camera* evidence, subject to consultation with the witnesses regarding the deletion of identifying or other potentially sensitive information.
- 1.6 The committee then took evidence from key stakeholder organisations: the Federation of Parents and Citizens' Associations of NSW and the NSW Teachers Federation.

- 1.7 Finally, the committee took evidence from the Secretary and Deputy Secretary of the NSW Department of Education, along with an Executive Director and two Directors, Public Schools NSW. A portion of this evidence was taken *in camera* owing to the sensitivity of the evidence and as before, was published with redactions by resolution of the committee.
- 1.8 The transcripts are available on the committee's website.
- 1.9 The committee also had the benefit of written answers to questions taken on notice during the hearing, and to supplementary questions. A list of those responses is set out in **appendix 3**. The answers are available on the committee's website.

Inquiry purpose and scope

- 1.10 Parliamentary inquiries are a process by which a committee examines and interrogates an issue before making conclusions and recommendations about it. This inquiry is relatively unusual in that it examines in some detail the experience of a small number of specific families. However, it was not the role of the committee or the purpose of this inquiry to undertake a detailed or forensic examination of what occurred, nor to investigate and adjudicate on the parents' formal complaints. The committee acknowledges the energy and sincerity with which the parents have participated in our inquiry. In light of our role, the committee's representation of the families' experiences and views is necessarily brief and our recommendations are focused on systemic improvements.

Report structure

- 1.11 Chapter 2 provides background information relevant to the main body of the report, including on the status of recent and potentially closing public schools, and on the Department's procedures for closing schools.
- 1.12 In chapter 3 we document participants' views about the value of small schools and the impact, in general terms, of the closure of schools upon children, families and communities.
- 1.13 Chapter 4 is the major focus of the report, examining participants' experience and views on the Department's handling of the decision making and consultation processes in relation to school closures, with a focus on the experience of families at Wollombi Public School and Martins Creek Public School.
- 1.14 In chapter 5 we consider the complex needs of one particular student at Martins Creek, and the particular bearing of those needs on the imminent closure of that school.
- 1.15 Finally, in chapter 6 we examine participants' views regarding the handling of complaints about the school closures process.

Chapter 2 Background

There are an estimated 600 P5 and P6 schools in New South Wales, comprising around one third of public small schools.² Small schools exist in rural, regional and metropolitan areas.³

This chapter sets the scene for the major focus of this report – the examination of participants’ views and experiences in relation to the closure of schools – by providing factual background information. First, it documents the status of the various schools across the state which have commenced or undergone closure in the last year. It then sets out the NSW Department of Education’s procedures for considering, consulting on and determining the closure of schools.

Recent and potential closures

- 2.1** The NSW Government submission advised the committee that between 2000 and 2015, 83 schools were closed in New South Wales. In the last year, 20 public schools have been approved for closure and two public schools have been placed in recess. Of the 20 schools closed, five schools had no student enrolments when they ceased operations.
- 2.2** The Government submission set out the status of each of the ten schools listed in the inquiry terms of reference, as at July 2015:

Table 1 Status of each of the public schools listed in the inquiry terms of reference⁴

School	Status	Date	Student enrolment when operations ceased
Martins Creek Public School	Open	Approved to close at the end of Term 4, 2015	
Wollombi Public School	Closed	Closed at the end of 2014	5
Pearces Creek Public School	Closed	Placed in recess in 2009 Closed at the end of 2014	4
Eraring Public School	Closed	Closed at the end of 2014	11
Ellangowan Public School	Closed	Closed at the end of 2014	3
Wollar Public School	Open	Current operation continuing	

² Evidence, Mr Terry Timms, Executive Councillor, Federation of Parents and Citizens Association of NSW, 20 August 2015, p 6. The classification of primary schools is based on whole school enrolments including regular class enrolments, pre-school enrolments and student support enrolments. A P6 school has an enrolment of 1 to 25 students; a P5 school has 26 to 159 students enrolled.

³ Evidence, Ms Joan Lemaire, Senior Vice-President, NSW Teachers Federation, 20 August 2015, p 12.

⁴ Submission 35, NSW Government, p 1.

Bellimbopinni Public School	Closed	Closed at the end of Term 4, 2014	5
Bylong Upper Public School	Open	Placed in recess at the end of 2014 Approved to close at the end of Term 3, 2015	
Blackville Public School	Open	Current operation continuing	
Rouchel Public School	Closed	Closed at the end of 2014	5

2.3 The Department advised that in the 12 months to July 2015, 11 rural public schools additional to those listed above have closed, while two have been placed in recess. The status of each of these is provided in the table below:

Table 2 Status of other public schools closed or placed in recess, July 2014 to July 2015⁵

School	Status	Date	Student enrolment when operations ceased
Sutton Forest Public School	Closed	Closed at the end of 2014	12
Badgery's Creek Public School	Closed	Closed at the end of 2014	8
Crowdy Head Public School	Closed	Closed at the end of 2014	8
Spencer Public School	Closed	Closed in March 2015	2
Corinella Public School	Closed	Closed at the end of 2014	7
Milbrulong Public School	Closed	Placed in recess in 2013 Closed at the end of 2014	0
Reids Flat Public School	Closed	Placed in recess in 2013 Closed at the end of 2014	0
Windeyer Public School	Closed	Placed in recess in 2012 Closed at the end of 2014	0
Errowanbang Public School	Closed	Closed at the end of 2014	7
George Anderson Walpole School for Specific Purposes	Closed	Closed in June 2015	0
Bibbenluke Public School	Closed	Closed in July 2015	3
Tulloona Public School	In recess	Placed in recess from Term 2, 2015 No current enrolments - ascertaining future enrolments	0

⁵ Submission 35, NSW Government, p 2.

Murrami Public School	In recess	Placed in recess from start of Term 1, 2015 No current enrolments - ascertaining future enrolments	0
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2.4 In addition, as of July 2015, Quandialla Central School, Euchareena Public School, Wyangala Public School and Numeralla Public School have begun the local consultation process explained below.⁶

2.5 More detailed information on the process of closure or placement in recess in respect of each of the schools listed in these tables is provided in the Government submission (available on the committee's website).

NSW Department of Education procedures for closures

2.6 Section 28 of the *Education Act 1990* deals with school closures and provides two separate regimes for closing a school:

- For schools described in Section 28(10)(a)(b) and (c) being:
 - (a) one-teacher schools, or
 - (b) those schools where the majority of the parents of children attending the school approve of the closure, or
 - (c) those schools where the Minister is satisfied there are exceptional or emergency circumstances which require an earlier closure of the school.

For these schools closure is at the discretion of the Minister and is guided by a set of protocols described below.

- For all other schools, the Minister is bound by procedures described in Section 28(1)-(9) – which have not been used since 2011, and which are set out in the Government submission but not replicated here.⁷

2.7 According to the Department, the majority of public schools are approved to close under Section 28(10)(b) when the majority of the parents of children attending the school agree to the closure.⁸

The process for schools closed under Section 28(10)(a)(b) or (c)

2.8 The Department's formal procedures to guide consultation and engagement with parents, staff and the community when a school's future educational provision is being considered under the provisions in Section 28(10)(a)(b) or (c) are captured in the document entitled *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered* (hereafter referred to as the Protocols). This is replicated in appendix 4.

⁶ Submission 35, NSW Government, p 2.

⁷ Submission 35, NSW Government, pp 2-3.

⁸ Submission 35, NSW Government, p 3.

2.9 According to the Department, a public school may be placed in recess, closed or amalgamated where there are questions as to the school's ongoing viability where different local circumstances result in declining enrolments:

In school communities where these questions or circumstances arise, local Directors Public Schools lead a local consultation process that engages parents, staff and local community members and allows school communities to consider options for the school's future educational provision.

This is a locally driven process. While there are no set timeframes, in general consultation is conducted and an agreement reached within a 12 month period.⁹

2.10 The main stages in the closure process are as follows:

1. The local Director Public Schools and the Principal identify and monitor declining enrolment trends and discuss options for the future delivery of education at the school. These discussions focus attention on what is best for the students enrolled and look at possible causes and solutions.
2. Following these discussions, if the Director or the Principal believe a broader school community consultation is warranted to explore options for future educational provision, the Executive Director, Public Schools seeks approval from the Deputy Secretary, School Operations and Performance to proceed with a local consultation process.
3. If local consultation is approved and there are students still enrolled, a School Consultative Group is formed, consisting of the local Director, the affected Principal(s), a Principal representing their Professional Association, a P&C association or parent representative, a local NSW Teachers Federation Organiser and Departmental officer(s) to provide advice to the group if required.
4. The School Consultative Group arranges meetings and other communications with school staff, parents and the wider school community and considers:
 - demographic data, enrolment trends and reasons for these trends
 - the school's history and traditions and its broader role within the local community
 - options for the school's future including other delivery models and capacity in nearby schools
 - the opportunities for students in nearby larger schools that may not be available in the school, including curriculum offerings, performing arts and sporting options
 - the availability of alternate transport routes, including travel time and the condition of local roads
 - options for the future of the school's assets, equipment and memorabilia.
5. If the outcome of the local consultation process is that the majority of parents of students at the school agree to proceed to close the school, recommendations are made to the Deputy Secretary, School Operations and Performance, for the Minister's approval.

⁹ Submission 35, NSW Government, pp 3-4.

6. The Department then seeks approval from the Minister to close the school, relying on the Minister's powers under Section 28 of the Act.

7. Once the Minister approves the recommendation to close the school, the Director in consultation with the School Consultative Group, develops an implementation plan to ensure all preparations are in place for the closure of the school and transition to the new educational provision. This will include planning for:

- the educational and welfare needs of remaining students, including uniforms and transport
- the relocation of permanent staff, including the provision of staff support
- the availability of counselling support, if required
- communication within the local community with local councils, police, businesses and sporting providers, for example, and notification to the school's cleaning contractor
- the management of the school's assets and resources such as furniture, technology, equipment, utilities, records and memorabilia
- condition assessment and completion of any work required at the nearby schools to accommodate the incoming students.¹⁰

2.11 In some instances where local consultation suggests that enrolment trends, although declining, may increase in future years, a recommendation is made to place the school in recess rather than to close it. In this case, permanent staff are transferred and the school becomes non-operational; Directors Public Schools continue to monitor local conditions. If local demographic circumstances change the school may become operational again.

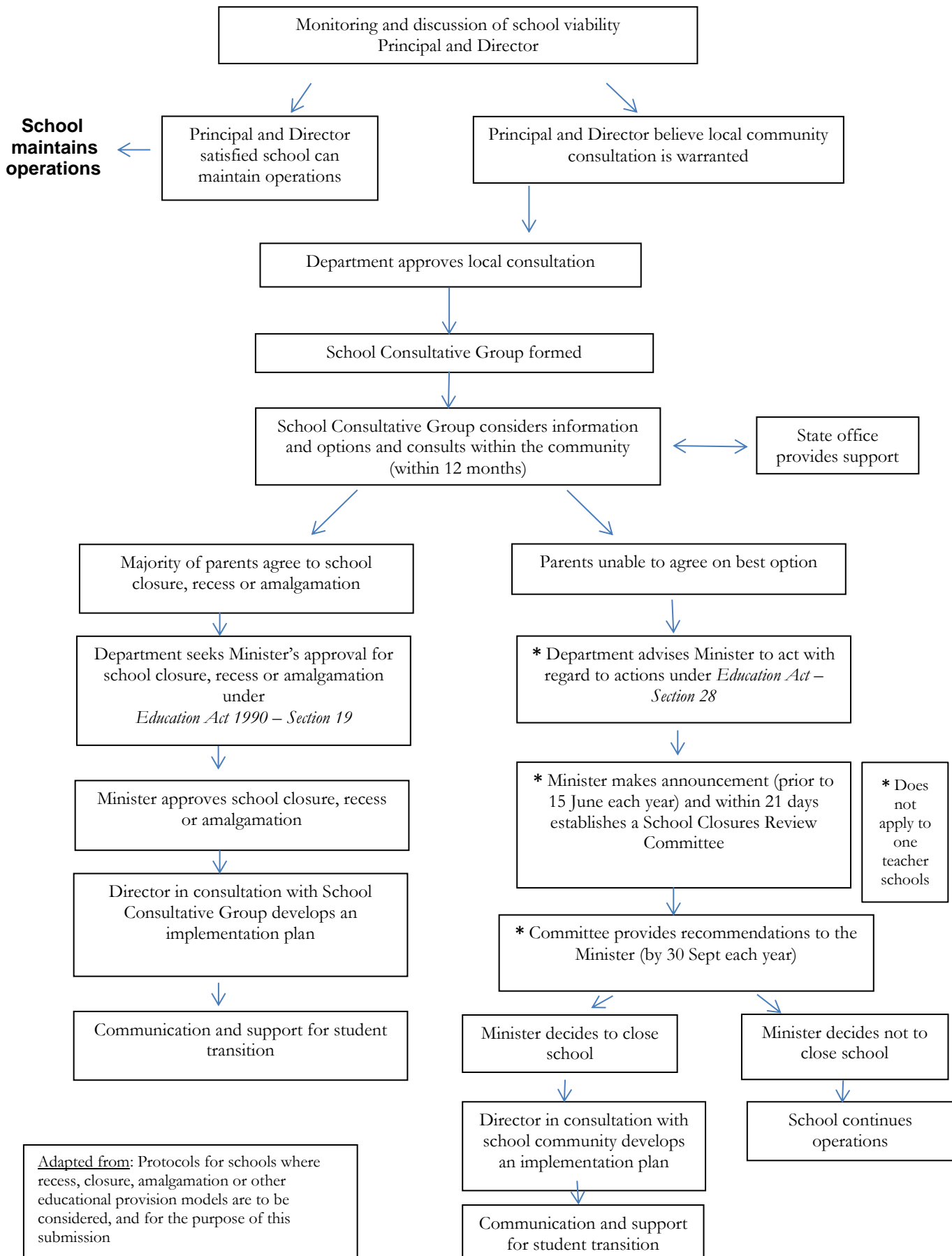
2.12 If there is no agreement from the majority of parents to close the school, the Department can:

- continue to maintain operations at the school
- request that the Minister, in accordance with the procedures provided for under Section 28(1)-(9) of the Act, announce the school is closing and establish a School Closure Review Committee to make recommendations.

2.13 The flow chart¹¹ on the following page outlines these key steps.

¹⁰ Submission 35, NSW Government, p 4.

¹¹ Submission 35, NSW Government, pp 4-5.



Chapter 3 Small schools

This chapter documents participants' views about the value of small schools and the impact, in general terms, of the closure of schools upon children, families and communities. The following chapter considers participants' personal experience of the closure of their school.

The value of small schools

3.1 Numerous inquiry participants underscored the value of small schools or attested to the significance of their school to their local community.¹² Mr Jason Vials, President of the Federation of Parents and Citizens Associations of NSW (P&C Federation) told the committee that small schools are very valuable:

Small schools are special places. They have played, and continue to play, a valuable and vital role in remote, regional and metropolitan communities. They have done that for more than 150 years. Small schools are valued by the communities they serve—as educational centres but also as community hubs, providing services and access to agencies which support families and their communities.¹³

3.2 Mr Vials reported that many parents actively choose a small school, and that the P&C Federation strongly supports parents' right to choose the best educational option for their children.¹⁴ He and his fellow representative, Mr Terry Timms, Executive Councillor, identified a number of reasons why parents choose a small school over a larger one:

- some children with disabilities such as autism have difficulties with large, less personal environments, so parents value small school environments that operate more like a large family, with greater peer support, and where they and staff know each other
- children who are struggling in other ways can gain more individual attention
- small schools cater well to gifted and talented children as they provide greater opportunity for extension.¹⁵

3.3 Similarly, the NSW Teachers Federation highlighted the particular support that small schools provide for students with special needs, students with disability, students from isolated areas and Aboriginal students who benefit from specific local language and cultural programs. It also highlighted the important social role beyond education that small schools play within their community:

¹² For those who highlighted the value of their small school in their local community, see for example Submission 3, Ms Joan Hall, pp 1-2; Submission 6, Mr Robert Philippe, p 1; Submission 7, Name suppressed, p 1; Submission 12, Ms Gemma Purcell Meier, pp 1-2; Submission 17, Mr Brian Mills, p 3; Submission 19, Mrs Sharon Cameron, p 1; Submission 29, Mr Fred Bell, p 1; Submission 30, Ms Helen Wills, p 2; Submission 38, Ladysmith Parents and Citizens Association, p 1.

¹³ Evidence, Mr Jason Vials, President, Federation of Parents and Citizens Association of NSW, 20 August 2015, p 2. See also Submission 20, Isolated Children's Parents' Association, p 1.

¹⁴ Evidence, Mr Vials, 20 August 2015, p 2.

¹⁵ Evidence, Mr Terry Timms, Executive Councillor, Federation of Parents and Citizens Association of NSW, 20 August 2015, p 4; Evidence, Mr Vials, 20 August 2015, p 8.

In particular small rural schools serve a vital social purpose as well as their primary education function. The school is a place where, twice daily, parents can meet and converse about issues of importance. In isolated rural communities where neighbours are so distant, the drop off and collection of children at school serves to break down isolation, provide an important social connection and, in times of trauma such as drought, fire or flood, a very important chance for connection and communication amongst the community. The school and its facilities are also frequently used for social events and activities.¹⁶

3.4 Save Our Schools (SOS) observed that the critical role that all schools play in developing and sustaining social support between families in local communities is especially apparent in small towns, where schools are a major part of the cultural fabric of a community, and which also contribute to the economic stability of a community by being a key ‘industry’ there.¹⁷

3.5 In a similar vein, the Carcoar Parents and Citizen’s Association called for the government to consider small schools as an asset rather than a liability, listing a number of ways in which they enrich and sustain community life:

[Small schools] keep communities active and vibrant; they keep jobs locally, they strengthen local economies, they keep young people in small towns, they engage the older people in the community, they allow opportunities for volunteering – all things that contribute to happy, healthy communities.¹⁸

The impact of school closure

3.6 In keeping with these observations, participants argued that the closure of a small school can have very negative effects on children, families and communities.

On communities

3.7 SOS quoted a Productivity Commission report to highlight that the closure of a school can have a detrimental effect on its local community, which stated, ‘the closure of a local school can diminish the sense of community that develops around such schools, which is not so easily replicated in larger schools where parents and children are drawn from a larger catchment’.¹⁹

3.8 In a similar vein, the P&C Federation pointed out that when a school closes there is a greater loss to the community than just an educational institution. When families are forced to go further afield for schooling, communities may lose skilled workers, which in turn impacts on those who remain in the communities.²⁰ In evidence, P&C Federation representatives noted that the presence of an educational facility in a town has a significant bearing on whether

¹⁶ Submission 33, NSW Teachers Federation, p 3.

¹⁷ Submission 2, Save Our Schools, p 3. See also Submission 22, Griffith Business Chamber, p 1.

¹⁸ Submission 27, Carcoar Parents and Citizens Association, p 2.

¹⁹ Productivity Commission, ‘Social Capital: Reviewing the Concept and its Policy Implications’, (Productivity Commission, 2003), p 6, quoted in submission 2, Save Our Schools, p 3. See also Submission 38, Ladysmith Parents and Citizens Association, p 2.

²⁰ Submission 14, Federation of Parents and Citizens Association of NSW, pp 2-3.

parents decide to live in an area.²¹ Mr Vials observed that, ‘if you are driving your child to a bigger centre to go to school then that is where you will shop ... The small corner shop—probably the only facility in the small town—would be at risk.’²²

- 3.9** In light of these observations, both the P&C Federation and the Teachers Federation called for government to carefully consider the likely impact of the loss of a school on its broader community.²³

On children and families

- 3.10** Aside from the loss to children of the educational and social benefits gained at their small school, as outlined above, a number of participants explicitly addressed the impact that further travel time can have on children and families.

- 3.11** SOS referred to research evidence that the closure of small rural schools may impact on student achievement because of the longer time spent on bus travel to another school,²⁴ and noted the impact of travel time on childrens’ ability to take part in other activities:

Research also identifies participation in after-school activities as an important factor in helping students feel a sense of belonging and be connected to their schools. Long gruelling commutes, however, make participation in after-school activities very difficult, or even impossible.²⁵

- 3.12** Like the Isolated Children’s Parents’ Association of NSW,²⁶ the P&C Federation highlighted the impact of travel on both students and their family as a whole:

There is a real impact on students travelling for extended periods of time to attend alternate schools when a school closure is made. Not only is there an impact on the student but on the family unit as a whole. If there is limited or no bus service available to families there can be significant increases to travel times to ensure their child/ren are attending school. This not only impacts on the parents who have to drive to drop children at school but also any siblings that may have to make this trip also. The real issues to be considered when travel times are increased include impacts on wellbeing, physical activity, impact on study time, family time, nutrition, and employment opportunities for parents.²⁷

²¹ Evidence, Mr Timms, 20 August 2015, p 4.

²² Evidence, Mr Vials, 20 August 2015, pp 4-5. See also Submission 15, Wyangala Country Club, p 2; Submission 21, Name suppressed, p 1; Submission 22, Griffith Business Chamber, p 1.

²³ Evidence, Mr Timms, 20 August 2015, p 4; submission 33, NSW Teachers Federation, p 3.

²⁴ Lorna Jimerson, ‘Slow Motion: Travelling by School Bus in Consolidated Districts in West Virginia’ (Rural School and Community Trust, 2007), cited in submission 2, Save Our Schools, p 2.

²⁵ Submission 2, Save Our Schools, p 2.

²⁶ Submission 20, Isolated Children’s Parents’ Association of NSW, p 4.

²⁷ Submission 14, Federation of Parents and Citizens Association of NSW, p 4; Evidence, Mr Vials, 20 August 2015, p 4.

- 3.13** The P&C Federation also highlighted the financial costs to families arising from travel, as well as the safety risks arising from inadequate seating and safety belts on some buses, which often travel on roads with higher speed limits.²⁸
- 3.14** Further, the P&C Federation observed that the transition process itself is often stressful, especially when a child is moving from a small to a larger school. It called for the factors impacting on the success of each child's transition to be considered and monitored when a school is closed.²⁹

The presumed benefits of school closure

- 3.15** SOS provided a brief critique of what it sees as the two presumed benefits arising from closing or amalgamating schools – educational achievement and financial savings – arguing that, ‘these claims generally turn out to be over-simplifications when the full evidence is analysed.’³⁰ It went on to summarise the research evidence in respect of both.

School size and educational achievement

- 3.16** According to SOS, the positive relationship between small schools and educational achievement tends not to be acknowledged:

The educational benefits of small schools are frequently disregarded. There is no robust research evidence to suggest that small schools deliver worse education outcomes than larger schools. Indeed, many studies conducted during the past 20 years have found that small school size, particularly at the primary school level, has a positive effect upon student achievement, extra-curricular participation, student satisfaction, student behaviour and attendance.³¹

- 3.17** SOS advised that much of the research literature on school size and student achievement has not examined the extent to which school size may be associated with different outcomes for students from different backgrounds. It reported that those studies that have done so almost without exception show that small school size is unambiguously good for students from low socio-economic status (SES) backgrounds and communities with relatively high levels of disadvantage. Students from low SES backgrounds achieve better results in smaller schools, and small schools with high concentrations of students from low SES backgrounds have higher average results than large schools with similar concentrations.³²

Financial savings

- 3.18** SOS also offered several criticisms of the case for closing schools on the basis of financial savings:

²⁸ Submission 14, Federation of Parents and Citizens Association of NSW, p 3.

²⁹ Submission 14, Federation of Parents and Citizens Association of NSW, p 4.

³⁰ Submission 2, Save Our Schools, p 2.

³¹ Submission 2, Save Our Schools, p 2.

³² Submission 2, Save Our Schools, p 2.

- The greatest share of school costs are enrolment related, with the number of teachers and a range of recurrent costs such as water and electricity costs also determined by enrolments. These costs do not change significantly with the school setting.
- Financial savings are often overestimated because they tend to be based only on estimates of the gross savings to the Department of Education arising from small savings in staff salaries and site-related payments.
- One-off costs associated with the closure itself are often ignored, with the result that any net savings are likely to be small. Significant one-off costs include duplication of special education facilities in other schools, purchase of new demountable classrooms and/or the transfer and installation of existing demountables, and refurbishment works to cater for additional students.
- One-off and ongoing costs to other government agencies also tend to be overlooked, for example those arising from student travel, building maintenance and security.
- Government estimates of the savings from closing schools also generally ignore additional financial costs to families such as car operating expenses, bus fares, new school uniforms, new textbooks and child care.³³

Systemic changes that may lead to more closures

3.19 Finally, the P&C Federation also expressed concern during the inquiry that broader systemic changes taking place within the education system in relation to the new classification structure for schools and principals may ultimately place more schools at risk of closure.³⁴ It suggested that the operational shift towards associate principals working under the auspices of an off-site principal may erode the autonomy of small schools and lead to changes in the relationship between school leadership and the school community.³⁵

3.20 Mr Timms told the committee:

The question mark for our organisation and our associations is, in the future, where does that relationship with associate principals go? Who looks after the interests of that local school? We are arguing that if that is weakened, it weakens the viability of those small schools.³⁶

Committee view

3.21 The committee considers that small schools have an important role in the education system, and beyond that, they play a vital role in small communities. In light of the educational and social significance of small schools, the Department carries a weighty responsibility to ensure that the decision it makes as to the future of any individual school is well informed, carefully judged and managed effectively. These issues are taken up in the following chapter.

³³ Submission 2, Save Our Schools, pp 2-3.

³⁴ Evidence, Mr Vials, 20 August 2015, p 2.

³⁵ Evidence, Mr Timms, 20 August 2015, p 5.

³⁶ Evidence, Mr Timms, 20 August 2015, p 9.

- 3.22** The committee recognises the importance of the evidence cited by Save Our Schools that small schools school size at the primary level can have a positive effect on student outcomes and achievements, particularly for disadvantaged backgrounds. The committee also acknowledges that the financial benefits of closure of small schools are debatable.
-

Finding

That there is evidence that small schools, particularly at the primary level and particularly for rural and regional communities, can contribute to positive outcomes for students and for local communities.

Recommendation 1

That the NSW Department of Education make publicly available:

- the evidence base it uses to support its assertions about educational outcomes and small schools
 - the criteria it uses to determine when a small school is placed in view.
-

Chapter 4 Consultation and decision making

At the heart of this inquiry lies a number of parents' strong dissatisfaction with the closure of their small school, both in terms of the decision that was made and the process surrounding it, most especially the NSW Department of Education's consultation with them. These issues were also a focus for the evidence of a number of stakeholder organisations.

This chapter presents case studies of three communities whose school has closed or is set for closure: Wollombi, Martins Creek and Crowdy Bay. It also draws on the evidence of key stakeholders including the NSW Federation of Parents and Citizens Associations (P&C Federation), the NSW Teachers Federation, the NSW Primary Principal's Association and the Department, to examine the adequacy of past and current procedures for closing schools.

After briefly considering the core principles that participants believe should underscore the Department's approach to school closures, the chapter explores the key issue of the Department's consultation with parents and community members. It then examines participants' views on the protocols that the Department must now follow when considering and determining a closure, recess or other outcome. Next, it considers key aspects of the decision itself to close a school, most particularly the Department's primary consideration – the educational interests of students. Last, the committee examines participants' views on two issues once a decision to close has been made: provision for reversal and disposal of school sites.

Core principles

- 4.1** Inquiry participants identified a number of core principles which they argued must underpin the Department's regime for school closures, and therefore the decisions it makes in respect of each school. The NSW Teachers Federation laid these principles out clearly:

Students, parents, teachers and the community members whose schools are at risk of recess or closure must be treated with dignity and respect throughout the process which must be objective, transparent, consultative, responsive and reversible.³⁷

- 4.2** Highlighting the principle of transparency, the P&C Federation emphasised that the Department needs to communicate very clearly with people from the outset and that the entire process must be open and comprehensive:

It is important that there is clear communication with school communities outlining the triggers involved in starting the conversation to place a school in recess or close a school. This information needs to be readily accessible and indicate what factors may initiate the process that impacts so significantly on small communities. The process of school closure needs to be open, transparent and thorough.³⁸

³⁷ Submission 33, NSW Teachers Federation, pp 3-4.

³⁸ Submission 14, Federation of Parents and Citizens Association of NSW, p 4.

The need for genuine consultation

- 4.3 The greatest message from stakeholders in this inquiry was that the process of decision making about a school's future needs to be genuinely consultative. Each of the three case studies set out below focus on this aspect of the Department's processes. First, we document Wollombi parents' experience of the closure of their school in December 2014.

Case study: The experience at Wollombi Public School³⁹

Parents of Wollombi describe the process culminating in the closure of their school in late 2014 as their *annus horribilus*. They still do not believe that the decision to close it can be justified on educational grounds. One parent described it as follows: 'It is a wonderful heritage-listed historical school. It was the most wonderful environment for children to have their education in. The quality of the education was always good ... Everyone that came into that school blossomed.'

The parents taking part in this inquiry believe that closure was the Department's predetermined position from 2013, evidenced by information including the Department's fact sheet about the closure and that the vacant Principal's position was advertised in late 2013 on a temporary basis even though it was substantively available.

The Department's steps to close the school seemed to the parents to come out of nowhere. According to one parent, 'Not in eight years that we have been associated with the school, have they ever come to discuss what was happening at the school, why the enrolments were so low, or what we could do to increase them.'

The first indication that the school might close came in November 2013, when six weeks before the end of the school year, the acting Area Director attended the school and shocked the parents by informing them that the worst case scenario was that the school would be closed at the end of that year. While the Department considered that parents had been informed earlier in the year that the school was recommended for closure, the parents are adamant that this did not occur. The Executive Director and Area Director had attended the school in April 2013, indicating concern about the educational outcomes of the school's students and the social aspects of their learning. However, when a parent asked the Executive Director directly whether the school was intended for closure, he responded only that, 'At the moment there is no political will.'

Objecting to the possible closure, the distressed parents travelled to Newcastle to meet with the Executive Director, who informed them that while it had been decided that there was room for only one school in the valley (the other being Laguna), there had been no decision as to which school that would be. According to the parents, the Executive Director seemed disappointed in them challenging the closure, which triggered the consultation process that followed.

The consultation process and review commenced in March 2014. This seemed to the parents to lack integrity, transparency, honesty and fairness, and became 'a grueling and distressing rollercoaster ride

³⁹ Submission 26, Name suppressed, pp 1-2; Submission 34, Name suppressed, pp 1-2; Submission 39, Name suppressed, pp 1-13; *In camera* evidence, Parents A, B, C and D, 20 August 2015, pp 15-36. Correspondence from Parent C, to secretariat, 19 September 2019. Evidence published by resolution of the committee. This case study is based on the content of the submissions and evidence.

for staff, students and families' of the school. The consultative committee established by the Department was comprised of the Area Director, the Relieving Principal, the Principal from Laguna School, one Laguna P&C member, and one Wollombi P&C member.

The Wollombi P&C representative believes the consultation process was tokenistic and set up purely to comply with departmental policy. Issues were not genuinely explored; most suggestions were disregarded; the views of few community members were sought; a community meeting promised by the Executive Director did not occur. The process also seemed to pitch one community against another in a battle for survival. Furthermore, no formal records of the consultation process were kept as the Area Director suggested that there was no need to take minutes.

The parents also believe that the consultation process was fed inaccurate or misleading information. Despite repeated requests for demographic data, the Department never actually provided any, just summary information in a fact sheet. This did not reflect the community's population as the parents observe it; nor does it accord with the number of new enrolments at Laguna since Wollombi closed. The parents also attempted without success to gain from the Department financial data to inform discussion of the financial implications of the choice of one school over another and ways to reduce costs. A final report was never provided to the consultative group.

According to the parents, in the meantime, cooperation between the Department and the Wollombi school community disintegrated. In a meeting with the Area Director, parents were referred to as 'annoying', 'judgmental', 'intense' and 'silly'. One parent wrote, 'As a family, we were treated appallingly by representatives of the [Department]. I was personally made to feel that I had deliberately set out to harm my child's educational and social progress by sending him/her to his/her local school - which happened to be a small school.'

The parents also believe that the Relieving Principal was brought in to facilitate the school's closure. The job was not offered on merit but simply via expression of interest, and the appointee had no experience in a principal role. When on three occasions the parents raised concerns about the Relieving Principal's actions with the Area Director, they say the response was very dismissive. Unsatisfied, the parents formalised their complaints with the Department, and again they were dismissed. They asked for an internal review and were given essentially the same response, such that they felt 'whitewashed and ignored'. Eventually they also complained to the NSW Ombudsman, but gained no satisfaction.

Feeling that they must do all they could to avert the closure, the parents set about increasing the number of enrolments, which duly rose to 11 at the beginning of 2014, and possibly more to come. The parents came up with a plan to further increase enrolments, but without the support of the school could not implement it. Moreover, the parents believe the Relieving Principal actively discouraged new enrolments by deflecting enquiries and delaying the display of a banner calling for enrolments.

The consultation and review process did not produce another outcome and the school closed at the end of the school year.

The parents believe that the Department acted hastily to close the school as enrolments at Laguna Public School, which absorbed the entire Wollombi catchment, are now increasing rapidly, with an estimated 35 Wollombi children attending there. Indeed, in September 2015, a parent told us that they are aware that a Wollombi family seeking to enter Laguna was recently advised that the school is now at capacity, and has no ability to expand to enrol more students, owing to the physical constraints of that school site. One parent observed, 'So now we find ourselves in a situation where one perfectly good school was closed (not put into recess, but closed outright) and the school that remains in the valley –

on a much smaller area of land – has reached capacity. This is exactly what I, and many others, predicted would happen.’

Another Wollombi parent stated in their submission, ‘This inquiry ought to be about changing the process, adding transparency, accountability and seeking genuine community engagement. It is about formulating a robust decision-making process that is inclusive, adds humility and dignity to create a fair, just and democratic consultation together with genuine community engagement for all schools, big or small. It is an opportunity to contribute towards shaping the future model of consultation for all public schools under threat of closure.’

- 4.4** In December 2014 the Minister for Education approved the closure of Martins Creek Public School to take place in December 2015. Like the parents of Wollombi, the parents of two Martins Creek students, Ms Gina Goulder, Dr David Allingham and Ms Sue Coutts, consider that the closure of the school was a foregone conclusion from which the Department could not be swayed. The Martins Creek parents made a detailed critique of the consultation process, captured in the case study on the following page.
- 4.5** Ms Goulder spoke with parents from numerous schools and documented their experience in her submission. She claimed that of 27 relevant schools of which she has knowledge, 18 identified problems with the Department. Of these, 15 reported, ‘complex, serious and often distressing problems. Five of the remaining schools reported negative long-term effects from school closure. In sum, 23 of the 27 schools reported strongly negative interactions with the Department.’⁴⁰
- 4.6** Ms Goulder asserted that a universal experience amongst those she had spoken to was that the Department’s consultation was very limited, and that rather than being an open ended process, ‘any school that enters ... does not survive – they all close.’⁴¹
- 4.7** Other submission authors who highlighted a lack of genuine consultation with parents and/or community members included Ms Gemma Purcell Meier, whose children had attended Grong Grong Public School:

The community consultation process on the closure of Grong Grong Public School was entirely symbolic, and simply the Department going through the motions of ‘being seen’ to do the ‘right thing.’ It is clear to us now that Grong Grong Public School had been earmarked for closure long before we had even enrolled at the school ... The Department of Education undertook no demographic analysis of the area, and took no consideration of the steady growth in young families taking up property and building homes in and around Grong Grong. When we put forward that the population decline was in fact incorrect data the response was ‘We know this is very emotional for you.’⁴²

⁴⁰ Submission 25a, Ms Gina Goulder, p 4.

⁴¹ *In camera* evidence, Ms Gina Goulder, 20 August 2015, p 12, published by resolution of the committee.

⁴² Submission 12, Ms Gemma Purcell Meier, pp 3-4.

Case study: The experience at Martins Creek Public School⁴³

Parents at Martins Creek made a number of claims about the consultation process preceding the formal decision to close that school:

- The consultation process triggered by the parents' disagreement with closing the school was not genuinely consultative and worked towards an assumption that the school would close. No evidence was sought or presented that would support any decision about the school.
- Public statements that, 'A community consultation process is considering the most effective educational provision for the six students currently enrolled at Martins Creek Public school. No recommendations will be made until the community consultation is concluded' seemed disingenuous.
- The membership of the consultative committee was weighted towards the Department.
- The consultative committee's report, written when the committee was not functioning, was written by the Executive Director for whom it was to serve as a briefing.
- The implications of closure for a particular student with complex needs (discussed in detail in the following chapter) attending the school was not discussed by the consultative committee, despite assurances from the Director that the committee would take his needs fully into account before a determination was made. The only aspect of the student considered by the committee was how long his transition to another school should take. Only in September 2014, almost a year after the commencement of the consultation process, was a meeting held with his parent Ms Coutts, and the student's treating psychologist, to discuss their views.
- The consultative committee did not meet with the local council to gain demographic information, despite a request from parents.
- At one particular meeting parents felt 'hammered' by departmental representatives' statements about the school not providing the necessary education and social development for the children. The Department gave no credence to the parents' satisfaction with the social development of their children.

According to one parent, 'Such acts of bad faith and tokenism have been upsetting and frustrating and enraging, to say the least.'⁴⁴

4.8 The author of submission 24 described a similar experience of consultation during the process of closing Gosford Public School and relocating its students into Henry Kendall High School. This individual reported that evidence seemed to be manipulated to suit decisions made long ago and to obtain exemptions from government guidelines and standards. In addition, 'Rather than consultation, at times divisive instructions were imposed on our community to silence dissent',⁴⁵ while complaints about the outcome were portrayed as criticisms of the school or of public education. This submission author made a number of further very negative claims:

⁴³ Submission 37, Ms Sue Coutts, pp 1-4 and 9-11; Submission 25, Ms Gina Goulder, pp 11-13; Submission 25a, Ms Gina Goulder, pp 1-3 and 18; *In camera* evidence, Ms Sue Coutts and Ms Gina Goulder, 20 August 2015, pp 1-6; Submission 28, Dr David Allingham, p 1; Submission 28a, Dr David Allingham, p 2. Evidence published by resolution of the committee. The case study is based on the contents of the submission and evidence.

⁴⁴ Submission 28, Dr David Allingham, p 1.

⁴⁵ Submission 24, Name suppressed, p 4.

[W]e were excluded from the process at times and so could not ask questions about what we did not know until long after decisions were made ... At times when parents asked legitimate questions we were at best placated and told not to worry or have fear of change, and at worst we were treated with contempt, intimidated, threatened with legal action, sent in circles and silenced in meetings. There was discrimination towards parents but is it too much to ask to remain informed and for the [Department of Education] to keep their promises?⁴⁶

4.9 Thus, this submission author reported that parents gradually lost confidence in the process.⁴⁷ Of the broader relocation of Gosford Public School, this individual highlighted the very personal impact of the process, stating, ‘People put their lives on hold, jobs were impacted, relationships affected’.⁴⁸

4.10 Echoing the distress expressed by Wollombi parents and captured in their case study above, Ms Goulder of Martins Creek again drew on her survey of multiple schools to highlight the personal impact that a poorly handled, apparently disingenuous process has had on parents, who are justifiably highly invested in the future of their school. She advised the committee that this was a very common experience amongst those she had spoken with:

People who fight for their schools find it very distressing. You have to have the human elements—these are people’s schools and communities. It is very distressing—it is personally distressing. A number of people have consistently said two notable things to me. They have said, “These people lied to us; the Department lied to us.” I have had a lot of people independently say that. They also say, “This was a distressing process. I had to give it up because my family and my health were suffering.”⁴⁹

4.11 Other submission authors who attested to a lack of genuine consultation in relation to their school closure included the Wyangala Dam Parents and Citizens Association, the Carcoar Parents and Citizens Association and the Griffith Business Chamber, as well as a number of individual parents around the state.⁵⁰ A parent whose children had attended the Murrumbidgee Public School pointed to the counterproductive effect of poor processes, suggesting that had there been proper consultation at that school, as well as time for the community to absorb the decision and better communication ‘instead of all the secrecy, the closure and amalgamation may have progressed with a much happier outcome’.⁵¹

4.12 According to the Isolated Children’s Parents’ Association of NSW, ‘consultation processes surrounding school closures are commonly inadequate’,⁵² with what is termed consultation actually being a process of informing the school community of a decision already made -

⁴⁶ Submission 24, Name suppressed, p 5.

⁴⁷ Submission 24, Name suppressed, p 2.

⁴⁸ Submission 24, Name suppressed, p 5.

⁴⁹ *In camera* evidence, Ms Goulder, 20 August 2015, p 12, published by resolution of the committee. See also Submission 30, Ms Helen Wills, p 1.

⁵⁰ Submission 18, Wyangala Dam Parents and Citizens Association, p 1; Submission 27, Carcoar Parents and Citizens Association, pp 1-2; Submission 22, Griffith Business Chamber, p 1. See also Submission 9, Ms Robyn Schmetzer, p 1; Submission 10, Ms Madeleine Allen, p 1; Submission 21, Name suppressed, p 1; Submission 23, Name suppressed, p 1.

⁵¹ Submission 31, Name suppressed, p 2.

⁵² Submission 20, Isolated Children’s Parents’ Association of NSW, p 4.

something that ‘just has to be done on the way to implementing the foregone conclusion of closure.’⁵³

- 4.13** The case study of Crowdy Bay Public School below attests to exclusion of other community members from genuine consultation.

Case study: The experience at Crowdy Bay Public School⁵⁴

The committee heard from two members of the Crowdy Bay community about the process leading up to closure of their school in December 2014, who became involved in fighting the closure as concerned citizens and members of Harrington Community Action Inc. Ms Joan Hall was very critical about the closure, calling it ‘underhanded and deceitful’.

Ms Hall told the committee that the closure of the school seemed to hang over the heads of staff, students and parents for over two years. Enrolments dropped after the Principal retired, followed by the turnover of temporary staff. At least two children in the catchment area were told to enrol elsewhere as the school would be closing in two years, while a child whose grandparents lived in the area and who was being bullied at the nearby Harrington school, was declined to attend. She argued that the Enrolment of Students in Government Schools Policy was interpreted in a way that suited the Department’s plan to close the school, not the needs of the community. In her view the school had served a very important role in educating local children, especially from those from disadvantaged backgrounds who greatly benefited from the small class size there.

Ms Hall was also very critical of the consultation process and called for it to be examined and improved. She told the committee that representations to the Department and Members of Parliament ‘gave Action Group members the run around’ and a meeting between the Area Director and Action Group members was in her view ‘a waste of time’. She reported that parents at the school also felt that they had not been listened to. Ms Hall said, ‘I think the community should be listened to and their concerns taken on board. We should think of the needs of the area and what is best for the area and not just look at the dollars. We should forget the dollars—I mean I know that is a big part of it, and you have to have money to do things, but sometimes you have to look at what is best for the area and best for children, because they’re the future. They have to listen to the people and they have to be more transparent; and not give people the run-around.’

- 4.14** The imperative for genuine consultation with parents, teachers and the broader community was also underscored by both the NSW Teachers Federation and the P&C Federation.⁵⁵ The NSW Teachers Federation verified that both Wollombi and Martins Creek had had a poor experience of consultation:

⁵³ Submission 20, Isolated Children’s Parents’ Association of NSW, p 5.

⁵⁴ Submission 3, Ms Joan Hall, pp 1-2; Submission 8, Ms Margaret Ward, p 1; *In camera* evidence, Ms Joan Hall and Ms Margaret Ward, 20 August 2015, pp 37-41, published by resolution of the committee.

⁵⁵ Submission 33, NSW Teachers Federation, p 4; Submission 14, Federation of Parents and Citizens Association of NSW, pp 4-5.

During 2014, concerns had been raised with the Federation about Martins Creek Public School and Wollombi Public School that:

- there was inadequate consultation with the Federation about the proposed closure, the reasons for the proposal and the process to be undertaken
- some school community members reported that they believed that the process may have had a predetermined outcome which was to close the school without considering the opinions of the community
- it was reported that the reasons for the closure and the process of decision making was unclear and that procedural matters such as maintaining minutes of meetings were not adequately addressed.⁵⁶

4.15 Mr John Pratt, Country Organiser with the NSW Teachers Federation, advised us that a similar experience unfolded during the closure of Grong Grong Public School, which like Wollombi, occurred prior to the establishment of the new Protocols. He told the committee that parents felt the Grong Grong consultation was ‘purely symbolic’ and ‘questionable at best’, while Teachers Federation members at the school called the process ‘a sham’. According to Mr Pratt, ‘Decisions were being made on behalf of the school, that the parent body and the staff felt they had no input into. It was preordained, is what they felt.’⁵⁷

4.16 The P&C Federation argued that no decision to close a government school should be made without a full and open consultation process with both parents and the wider community, with a full year’s notice of closure given once a decision has been made.⁵⁸ The P&C Federation further proposed that such consultation should involve a representative of local council, to ensure that the community’s needs and future projections are taken into account.⁵⁹

4.17 Cessnock Council indicated that up until the point in September 2014 at which the council resolved a motion of urgency addressed to the Minister for Education, the Department had undertaken ‘minimal’ consultation with it about the closure of Wollombi Public School. The closure was announced in November 2014.⁶⁰ Cessnock Council went on to recommend that in situations where a school is being considered for closure, the Department should at the earliest time consult with local government to:

- enable information exchange on matters including any possible future residential growth earmarked for that locality
- facilitate the Department’s understanding of the importance of the school for that community, and the potential community impacts of the school’s closure.⁶¹

NSW Department of Education perspective

4.18 The NSW Government submission articulates a commitment to genuine consultation and transparency, facilitated via the December 2014 *Protocols for schools where recess, closure,*

⁵⁶ Submission 33, NSW Teachers Federation, pp 3-4; Evidence, Mr Jack Galvin Waight, Country Organiser, NSW Teachers Federation, 20 August 2015, p 11.

⁵⁷ Evidence, Mr John Pratt, Country Organiser, NSW Teachers Federation, 20 August 2015, p 12.

⁵⁸ Submission 14, Federation of Parents and Citizens Association of NSW, p 3.

⁵⁹ Submission 14, Federation of Parents and Citizens Association of NSW, p 3.

⁶⁰ Submission 13, Cessnock City Council, pp 1-2.

⁶¹ Submission 13, Cessnock City Council, p 2.

amalgamation or other educational provision models are to be considered [hereafter referred to as ‘the Protocols’]. The Protocols were co-developed with the NSW Secondary Principals Council and the NSW Primary Principals Association, in consultation with NSW Teachers Federation. They are reproduced at **appendix 4** and discussed in detail in a later section.

4.19 In addition to providing a framework for consultation, the Department advised that the Protocols also facilitate transparency in that ‘they are available to the School Consultative Group so that effective procedures are known and understood by all involved.’⁶²

4.20 Given the strength of feeling among parents and other stakeholders about the need for real consultation, and the pattern of communities reporting an absence of such an approach, the committee questioned departmental representatives about the genuineness of the consultation process reflected in the Protocols. Dr Michele Bruniges, Secretary, NSW Department of Education, responded by emphasising that public servants have a duty to consult with the public when preparing their advice, which is based on their educational judgement, and that the decision as to the closure of a school rests with the Minister:

I too think the way we do our business is incredibly important. We are public servants and I have no doubt that that is to serve the public. I am very clear in my mind to do that. At the end of the day we need to collect the evidence. We need to use our educational judgement and we need to put a recommendation to the Minister with frank and fearless advice from an educational perspective ... I make it very clear to public servants that consultation is consultation and until the Minister takes a decision, no decision has been made ... My expectations of public servants are that they serve the public and that consultation is done in the spirit in which it was meant.⁶³

4.21 Dr Bruniges later explained the process by which the Minister makes his or her decision, stating, ‘It is normally a submission to the Minister with a recommendation. The paperwork would come up from the Deputy Secretary of Operations with the consultation report and material attached to a submission to the Minister.’⁶⁴

4.22 Asked whether the Minister normally adopts the recommendations made to him or her, Dr Bruniges acknowledged that this was normally the case. The committee then asked the Department to report back on whether the Minister had adopted each of the Department’s recommendations during 2014 to 2015. The Department verified that this was the case.⁶⁵

4.23 Looking to assess the genuineness of the Department’s consultation, the committee also asked officers whether continuation of a school proposed for closure is truly a possibility. Mr Greg Prior, Deputy Secretary, School Operations, assured the committee that, ‘Continuation is an option’, and pointed to Wollar Public School and Blackville Public School as examples of schools which have undergone the process of being considered for closure with the outcome that they have continued operating.⁶⁶ In an answer to a question on notice asking which

⁶² Submission 35, NSW Government, p 6.

⁶³ Evidence, Dr Michele Bruniges, Secretary, NSW Department of Education, 20 August 2015, pp 23-24.

⁶⁴ Evidence, Dr Bruniges, 20 August 2015, p 29.

⁶⁵ Answers to questions on notice, Dr Michele Bruniges, Secretary, NSW Department of Education, 9 September 2015, p 6.

⁶⁶ Evidence, Mr Gregory Prior, Deputy Secretary, School Operations and Performance, NSW Department of Education, 20 August 2015, pp 20-21.

schools in the last five years had undergone formal consultation and remained open, the Department referred only to these two schools.⁶⁷

4.24 The NSW Government submission provided some detail on the process for each of the schools closed or placed in recess 2014 to 2015. Information provided in respect of Wollombi and Martins Creek schools is set out on the following two pages.⁶⁸

The Protocols

4.25 The committee now turns to a closer examination of evidence from stakeholders and the Department about the integrity of the Protocols instituted in December 2014. This version of the Protocols was not in place during the lead up to the closure of Wollombi, and was in place for only some of the process for Martins Creek. The Protocols are reproduced at **appendix 4**.

Stakeholder perspectives

4.26 Three key stakeholders commented on the Protocols: the NSW Teachers Federation; the NSW Primary Principals' Association; and the P&C Federation.

4.27 According to the NSW Teachers Federation, the Protocols were developed after the Federation raised concerns about the Department's processes in relation to school closures. In evidence, Ms Joan Lemaire, Senior Vice-President, explained that prior to the development of the Protocols, 'There was no transparency around decision-making. There was a perception by communities that decisions had already been made before consultation was entered into'.⁶⁹ Ms Lemaire identified a number of specific improvements embodied in the Protocols, from the perspective of the NSW Teachers Federation:

- At step 3, if recess, closure, amalgamation or another model is to be considered, the local member, the Primary Principals' Association, the Secondary Principals' Council Executive and the Teachers Federation are all informed and may then have input into the decision about viability.⁷⁰
- The Protocols provide clarity in respect of the requirements of consultation, via a local consultation process (steps 5 and 6) and at the closure committee review stage (step 10).⁷¹ While the consultative group is not the only means of consultation, it is particularly important as the conduit for two-way communication with the broader community. The presence of a P&C member and a NSW Teachers Federation representative on the group is a significant improvement.⁷²

⁶⁷ Answers to questions on notice, Dr Bruniges, p 2.

⁶⁸ Submission 35, NSW Government, pp 8-9.

⁶⁹ Evidence, Ms Joan Lemaire, Senior Vice-President, NSW Teachers Federation, 20 August 2015, p 11.

⁷⁰ Evidence, Ms Lemaire, 20 August 2015, p 13.

⁷¹ Evidence, Ms Lemaire, 20 August 2015, p 11.

⁷² Evidence, Ms Lemaire, 20 August 2015, p 17.

Table 3 Information on the process of closure for Wollombi Public School provided by NSW Department of Education⁷³

SCHOOL	Wollombi Public School (P6 1 - 25 students enrolled)	NETWORK					Hunter
Local consultation	<p>A School Consultative Group was established on 20 March 2014 to consider how best to meet the educational needs of students at Wollombi Public School. This included examining the educational provision at the school, enrolment trends and to enable the school community to ask questions and voice any concerns. The School Consultative Group met on 13 occasions including individual meetings, Parents and Citizens' Association meetings and community meetings. The group also considered written submissions, and an open response survey which attracted 49 respondents.</p> <p>Concerns were raised in relation to the proposed closure of the school by a number of residents from the Wollombi village area, many of whom did not have school aged children. These concerns were the basis of complaints managed in line with the Department's Complaints Handling Policy.</p>						
Enrolment trends	2010	2011	2012	2013	2014	2015	2016
	5	11	6	6	5	0	0
Other schools nearby	<p>Laguna Public School, eight kilometres from Wollombi had the capacity to accommodate and cater to the needs of all students. Transition to Laguna Public School was supported by an individual case management approach which included financial assistance to purchase new uniforms for those transitioning to other public schools. For the students who transferred to Laguna Public School parents were eligible for the private vehicle conveyance subsidy.</p>						
Outcome	<p>In November 2014 the Minister approved the closure of Wollombi Public School.</p>						
Status	<p>Wollombi Public School closed at the end of the 2014 school year. Students successfully transitioned to Laguna Public School. One family chose to enrol at a non-government school setting and declined the offer of individual case management.</p>						

⁷³ Submission 35, NSW Government, Tab A, p 2.

Table 4 Information on the process of closure for Martins Creek Public School provided by NSW Department of Education⁷⁴

SCHOOL	Martins Creek Public School (P6 1 - 25 students enrolled)	NETWORK	Maitland				
Local consultation	<p>A School Consultative Group was formed in November 2013 to examine the educational provision at Martins Creek Public School, enrolment trends and to enable the school community to ask questions and voice any concerns. Consultation included a school community meeting attended by one parent, individual meetings and consideration of 17 written submissions.</p> <p>Many families who reside in the Martins Creek catchment area had already chosen to send their children to nearby schools citing access to broader educational and social benefits in larger school settings.</p> <p>Opposition to the closure of the school is centred on the additional support needs of one student. Specialist advice recommends that a carefully structured and managed transition plan be implemented for the student in transferring to a larger school, which the Department strongly supports.</p> <p>These concerns were the basis of complaints managed in line with the Department's Complaints Handling Policy and The NSW Ombudsman's Office.</p>						
Enrolment trends	2010 14	2011 17	2012 17	2013 6	2014 6	2015 6	2016 0
Other schools nearby	<p>Vacy Public School and Paterson Public School are 7.4 kilometres and 9.2 kilometres respectively from Martins Creek. Both schools have the capacity to make accommodations and adjustments to cater for the needs of all students at Martins Creek Public School. There are existing school bus services operating between Martins Creek and both schools, and impacted students are eligible for free bus travel. Enrolment transition to Vacy Public School, Paterson Public School or other schools will be supported by an individual case management approach. This will include financial assistance to purchase new uniforms for those transitioning to public schools.</p>						
Outcome	<p>In December 2014 the Minister approved the closure of Martins Creek Public School to take place at the end of the 2015 school year.</p>						

⁷⁴ Submission 35, NSW Government, Tab A, p 1.

- The requisite fact sheet prepared by the Department about an individual school is helpful in addressing the common complaint that people were not always advised of clear reasons as to why a school would be placed in recess, enrolment trends, and so on.⁷⁵

4.28 According to Ms Lemaire and her colleague, Mr Jack Galvin Waight, Organiser, the sorts of consultation set up under the Protocol (at steps 3 and 5) would operate in a better fashion than had occurred in respect of Wollombi Public School.⁷⁶ The Wollombi parents told the committee that the process they underwent reflected an earlier version of the Protocols, produced in February 2014.⁷⁷

4.29 Thus the NSW Teachers Federation's submission strongly endorsed the December 2014 Protocols, stating that, 'This step by step process is clear, transparent, sets out requirements for consultation, takes account of the needs of students, and the impact on staff and surrounding schools.'⁷⁸ It further asserted that the Protocols should be retained and enforced.⁷⁹

4.30 At the same time, the NSW Teachers Federation identified an area for improvement in relation to local consultation. Noting that step 5 makes the formation of a school consultative group contingent upon the approval of the Deputy Secretary, the Teachers Federation instead recommended that, 'On every occasion where recess, closure, amalgamation or another model of education provision is proposed as a viable option ... the Deputy Secretary should be required to approve local consultation and provide appropriate support, information, and resources to facilitate the consultation process.'⁸⁰

4.31 In its submission, the NSW Primary Principals' Association stated that it sought from the establishment of the Protocols a consistent approach to both determining schools' viability and to communication with local communities. It went on to state that the Protocols are delivering transparency, with minor improvements being implemented over time:

The Protocols are currently being implemented and an open and transparent process is in place. Senior [Department of Education] officers, Directors and Principals have also evaluated the Protocols, the chronology of the actions and personnel involved and some minor modifications have been, and will continue to be, implemented to ensure the procedures work as effectively as possible.⁸¹

4.32 In evidence, Mr Jason Vials and Mr Terry Timms of the P&C Federation observed that the process reflected in the Protocols appears extensive and clear, whilst cautioning that

⁷⁵ Evidence, Ms Lemaire, 20 August 2015, pp 13-14.

⁷⁶ Evidence, Ms Lemaire and Mr Galvin Waight, Organiser, NSW Teachers Federation, 20 August 2015, p 16.

⁷⁷ *In camera* evidence, Parent B, 20 August 2015, p 29, published by resolution of the committee.

⁷⁸ Submission 33, NSW Teachers Federation, p 4.

⁷⁹ Submission 33, NSW Teachers Federation, p 4.

⁸⁰ Submission 33, NSW Teachers Federation, p 4; Evidence, Ms Lemaire, 20 August 2015, p 11.

⁸¹ Submission 32, NSW Primary Principals' Association, p 2.

consultation must be genuinely two-sided.⁸² Mr Timms advised that he had not spoken with specific schools about how the Protocols have been working in practice; however, from observing the document, he could see that parents may well feel that it is very directive, and that ‘the power of personalities and politics and bureaucracy’ could lead people down a certain path.⁸³ He agreed with the suggestion from a committee member that the Protocols’ ‘recipe’ looks good but may actually be spoiled by its delivery, especially with regard to how consultation is handled.⁸⁴

- 4.33** In addition, Mr Timms concurred with a suggestion that step 6 of the Protocol (concerning the role of community consultation group meetings) could be widened to ensure consultation includes local community members and local government.⁸⁵
- 4.34** The committee sought the P&C Federation’s view on the provision in 28(10) of the *Education Act 1990*, which enables the Minister to close a one teacher school without the majority of parents consenting. Mr Timms, Executive Counsellor, P&C Federation, questioned what the rationale for that exemption would be, then stated, ‘Our view would be that all schools should be treated equally and all communities should be treated equally. The fact that the school is a one-teacher school should not warrant it being treated differently to a two- or three-teacher school.’⁸⁶
- 4.35** By contrast, Ms Goulder of Martins Creek was highly critical of the Protocols, asserting that: their introduction has caused more problems that it has solved; they are ambiguous in places and lacking in logic, clarity and specificity; they do not prescribe that the consultative group should achieve or conclude anything; their purpose is unclear, as is whether they are intended to have any impact on the decision to be made.⁸⁷

NSW Department of Education perspective

- 4.36** In evidence, Mr Prior explained that the Protocols are intended to provide another layer over the *Education Act*, to delineate a clear and transparent process, and to enable consistency of approach across the state.⁸⁸ He stated that from the Department’s perspective, the Protocols have also ensured that senior officers are aware of when these matters are being discussed at the local level. The information captured in the fact sheet is fed through through directors and executive directors to Mr Prior’s office.⁸⁹ Dr Bruniges noted that the Protocols themselves are a very significant improvement to the process, but that if there are further improvements to be made, the Department would welcome hearing about them.⁹⁰

⁸² Evidence, Mr Jason Vials, President, Federation of Parents and Citizens Associations of NSW, 20 August 2015, p 2; Evidence, Mr Terry Timms, Executive Councillor, Federation of Parents and Citizens Associations of NSW, 20 August 2015, p 7.

⁸³ Evidence, Mr Timms, 20 August 2015, p 7.

⁸⁴ Evidence, Mr Timms, 20 August 2015, p 7.

⁸⁵ Evidence, Mr Timms, 20 August 2015, p 7.

⁸⁶ Evidence, Mr Timms, 20 August 2015, p 3.

⁸⁷ Submission 25a, Ms Gina Goulder, p 2.

⁸⁸ Evidence, Mr Prior, 20 August 2015, p 19.

⁸⁹ Evidence, Mr Prior, 20 August 2015, p 20.

⁹⁰ Evidence, Dr Bruniges, 20 August 2015, p 23.

- 4.37** Mr Prior advised that how the Department works with the Protocols is very site-specific.⁹¹ In relation to the commencement of the process, he stated that prior to reaching step 1 (Director and principal discuss options for future delivery of education at a school), the discussion is often initiated by a Director Public Schools NSW, of whom there are 66 across the state. A director might initiate a conversation with a principal about the level of enrolments and what the forward trends are looking like. Alternatively, a principal of a small school who observes the local demographics changing and enrolments falling might initiate the conversation. Mr Prior explained that it is an operational expectation that directors know their schools and communities, and are constantly monitoring them, looking for the changes that might precipitate discussions about what might be the best educational provision in that setting.⁹²
- 4.38** With regard to transparency, Mr Prior advised the committee that his strong view was that one of the improvements in the use of the Protocols should be consistent record keeping. Noting that there had been local variations in this, he assured the committee, ‘certainly it would be my view in the future that there should be a formal record keeping of the consultative group meetings.’⁹³
- 4.39** Following the hearing, the Department confirmed that the Minister can use Section 28 (10)(a) of the *Education Act* to close a one teacher (P6) school without the majority of parents consenting. Asked to respond to Wollombi parents’ allegation that their school was treated as a one teacher school for the purposes of the school closure process, when it was in fact a 1.3 teacher school, the Department answered that a one teacher school is one to which only one full time teaching position is allocated. The additional 0.3 fraction was made available at Wollombi Public School to support the one full-time teacher and was made up of relief from face to face teaching, library and learning support.⁹⁴

Committee view

- 4.40** The committee agrees with stakeholders that the system for school closures must fundamentally be based on principles of respect, objectivity, thoroughness and transparency. As partners with government in the education system, parents must be treated with dignity and respect, as must students, teachers and other community members, who all have a vital stake in the decision about the future of their school, and indeed, a right to be heard in the process of decision making. As a mark of this respect, and in order to ensure stakeholders’ trust in both the process and the outcome, the Department’s regime for school closures must also be transparent and comprehensive.
- 4.41** It is very clear to the committee that while the Department’s regime improved significantly with the development and adoption of the December 2014 Protocols, there is still work to be done, especially in respect of the Protocols’ implementation, and in the organisational culture that surrounds the process of implementation.

⁹¹ Evidence, Mr Prior, 20 August 2015, p 21.

⁹² Evidence, Mr Prior, 20 August 2015, p 19.

⁹³ Evidence, Mr Prior, 20 August 2015, p 23.

⁹⁴ Answers to questions on notice, Dr Bruniges, p 10.

- 4.42 Whether the decision to close a school actually rests with the Minister, or effectively rests with the Departmental officers who prepare recommendations to the Minister, those officers do, in the committee's view, have a legal, administrative and ethical obligation to ensure that their consultation processes are not pre-determined, but genuinely open.
- 4.43 Like the Wollombi parents, the committee finds it disturbing that Laguna Public School, which absorbed the Wollombi pupils, has now reached enrolment capacity. This suggests poor research at the very least. The evidence of parents, Cessnock Council and the NSW Teachers Federation strongly suggests that consultation in relation to that school's future was not sufficiently thorough, and apparently not genuinely open to any conclusion but that which the Department preferred. The Protocols introduced after the closure of Wollombi are most welcome. Nevertheless, the issue of genuine consultation remains.
- 4.44 The committee considers that while the Department's December 2014 Protocols are generally sound and have improved transparency and consistency of the process as intended, two major problems in their application have been highlighted by the evidence before us.
- 4.45 The first major problem is in the use of the term 'consultation'. The evidence from Wollombi parents, Martins Creek parents, Crowdy Bay community members and many others around the state was that the Department did not genuinely consult with them, but rather established a consultative committee and simply pushed through with its agenda of closing the school. We acknowledge that the process of closure for both Wollombi and Crowdy Bay took place before the December 2014 version of the Protocols, as did numerous schools identified in submissions. However, the experience of Martins Creek, which has proceeded under the current Protocols for at least some of that process, has been very negative in the view of some parents. It thus appears that the Protocols have not yet delivered the genuine consultation that the Department has assured the committee they are intended to.
- 4.46 The committee accepts that the decision to close a school may well be justified, and may not ultimately be supported by parents. Nevertheless, we consider it critically important that the Department be honest with families and other stakeholders about its intentions. Are parents having input into a decision or has the decision (even if it formally rests with the minister) already been made? Honesty is the best policy, especially when it concerns bad news. If the Department intends to close a school, then it would be so much better for it to tell parents that the school is to be shut and that the decision is non negotiable.
- 4.47 Without a genuine commitment to consultation, nor the alternative of honesty that the Department has already formed its position, the Department would be understandably viewed by parents as not acting in good faith. Our recommendations below are intended to address this.

Recommendation 2

That the NSW Department of Education act with honesty and good faith by informing parents at the earliest possible stage when it intends to close a school.

- 4.48 Looking beyond this fundamental principle to the Protocols through which it is given effect, in the committees' view, the Department needs to carefully consider the Protocols' purpose. Are they actually intended to facilitate consultation with parents and other stakeholders that

genuinely influences the decision about a school's future? Or are they really intended to facilitate stakeholders' acceptance of and adjustment to a decision that has already been made? If the latter is the case, then language such as 'transition' would be greatly preferable to 'consultation'.

- 4.49** The evidence before the committee suggests that the Department rejected offers from communities that were at risk of school closure to work cooperatively to boost enrolments. It appears that in at least one case the Department or its officials worked against any attempt to attract new students. This is clearly not in the best interests of the community or the state.

Recommendation 3

That the NSW Department of Education amend the *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered* to:

- require the Director and Principal to consider at Stage 1 any strategies to boost enrolments and, should they identify any such strategies, to not proceed to step 2 until those strategies had been developed and implemented and
- insert at step 6 a new dot point requiring the School Consultative Group to consider strategies to boost enrolments and should such strategies be identified, to not proceed with the process of closure until such strategies had been developed and implemented.

Recommendation 4

That, in the interests of transparency and integrity of process, the NSW Department of Education:

- carefully consider the purpose of its *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered*, specifically, whether they are intended to facilitate consultation with parents and other stakeholders that genuinely influences the decision about a school's future, or alternatively, to facilitate stakeholders' transition towards acceptance after a decision has been made
- if the intended purpose is to facilitate transition, change the language of the Protocols to reflect this
- if the intention is that consultation be genuine, adapt the Protocols to enable this from an earlier stage.

-
- 4.50** This brings us to the second major problem: the heavy handed way in which the Protocols themselves, and the broader process of school closures, have been implemented in some cases. There is a strong pattern in the evidence before us – from Wollombi, Martins Creek, Crowdy Bay, Grong Grong, Gosford and beyond – that this heavy handed approach is a very significant issue.

- 4.51** It appears that the Executive Director and Directors have not fully appreciated the enormous personal investment that parents make in the education of their child, nor the immense social value that families and community members place on their school as a pillar of their community. Nor do departmental officers appear to appreciate the shock and grief that parents in particular understandably feel when their school is threatened, then taken away.

- 4.52** Rather, the Department's representatives appear, in the case of the schools examined in this inquiry, to have taken a heavy handed approach to their interactions with families. This has only served to compound the parents' negative experience, propelling them down a path of conflict to the point where they feel 'devastated' and 'humiliated', as did the Wollombi parents. Moreover, this heavy handed approach is highly counterproductive to the Department's interests, causing parents to interpret all of the Department's actions as malignant, and precipitating lengthy, resource-intensive disputes with parents, as has occurred in both Wollombi and Martins Creek. This issue is taken up in detail in chapter 6.
- 4.53** The committee is convinced that were the Department's officers to approach a school closure from a more compassionate and understanding frame of reference, which also honours parents as partners in the education system, the process would be much less fraught for all concerned. This, in turn, would lead to a much more successful transition to closure, recess or amalgamation by parents, children and the community as a whole. The committee therefore recommends that the Department develop and publish an action plan on the organisational culture surrounding school closures with particular reference to the need to be respectful and understanding towards parents.

Recommendation 5

That the NSW Department of Education develop and publish on its website an action plan on the organisational culture surrounding school closures with particular reference to the need to be respectful and understanding towards parents.

Recommendation 6

That the Deputy Secretary, NSW Department of Education, be required to provide appropriate support, information, and resources to facilitate the consultation process at step 6 of the *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered.*

- 4.54** Like the NSW Teachers Federation, we consider that the Protocols should be enforced. We appreciate Dr Bruniges' openness to further improve the Protocols and we recommend that the Department make a number of changes to this end:
- that it require local government to be consulted from the earliest possible stage, such as at the very start of the process, when the director and principal discuss forward enrolment trends, and also at step 6 in relation to the tasks of consultative group meetings
 - that it enhance consultation with local community members at step 6
 - that it require school consultative groups and school closure review committees to keep formal records of their proceedings.
- 4.55** The evidence before the committee suggests that while many local communities worked with great skill and commitment to save their local schools, there were limited opportunities to share experience and expertise gained from other closure events. The Federation of Parents and Citizens Associations of NSW proposed that they be given a seat on the Consultative

Group to ‘strengthen and support the consultative process leading to better decisions on these important issues’.⁹⁵

Recommendation 7

That the NSW Department of Education make the following refinements to the *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered*, to further improve consultation and transparency:

- add a requirement that local government be consulted at the earliest possible stage, and also at step 6
 - enhance consultation with local community members at step 6
 - introduce requirements for formal record keeping of school consultative groups and school closure review committees.
-

The decision to close a school

4.56 Having examined inquiry participants’ views on the process of determining whether a school will close, the committee now turns to a key aspect of the decision itself to close a school: the factors on which the decision to close a school is based, including the Department’s primary consideration, the educational interests of students.

4.57 Echoing the points made in the previous chapter on the value of small schools, and underscoring the unique role that each school plays in the life of a small community, both the NSW Teachers Federation⁹⁶ and P&C Federation asserted that each possible closure should be considered on a case by case basis. The latter identified a number of factors to be duly considered:

There can be no across-the-board criteria for the closure of government schools; and each case of a school being considered for closure should be evaluated on its individual merits, taking into account:

- educational, social, economic, cultural, environmental, community and historical factors;
- school population, including future enrolment projections;
- geographical, transport and safety factors;
- possible alternate uses of the facilities by the community; and
- access for students to alternative government schools.⁹⁷

4.58 Ms Lemaire of the NSW Teachers Federation emphasised that demographic projections must be adequately considered. She pointed to Erskineville Public School as an example of a school with very low numbers which the Department attempted to close in 2001, but was stopped following a community campaign, with the school now having 370 students.⁹⁸ Her colleague

⁹⁵ Correspondence from Ms Susie Boyd, Secretary, Federation of Parents and Citizens Associations of NSW, to Chair, 16 October 2015, p 1.

⁹⁶ Submission 33, NSW Teachers Federation, p 4.

⁹⁷ Submission 14, Federation of Parents and Citizens Association of NSW, p 3.

⁹⁸ Evidence, Ms Lemaire, 20 August 2015, p 12.

Mr Pratt cited anecdotal evidence that the historical movement away from small towns during the 1980s to 2000s is being reversed to some extent in some places, with many families returning to their home town having gained an education and work experience.⁹⁹ On the issue of adequate demographic information, parents at Grong Grong Public School advised the committee that despite the presence of 24 to 28 children in the village aged under four at the time, their closure went ahead.¹⁰⁰

- 4.59** Emphasising transparency with regard to financial considerations, Save Our Schools asserted, 'It is fundamental that a full cost-benefit analysis be undertaken on a case by case basis', recommending the framework developed by the consultants MM Starrs.¹⁰¹

Educational interests of students as the basis for decisions

- 4.60** The NSW Government submission emphasised that decisions as to closure, recess or amalgamation are ultimately based on a judgement of the best educational interests of the students:

Decisions are made on the basis of what is in the best interests of the students. In each case the educational needs of all students have been carefully considered. It is these considerations that drive decision making.¹⁰²

- 4.61** It stated that these best interests 'could include curriculum offerings, performing arts and sporting opportunities',¹⁰³ and provided an example of the educational benefits that two school communities identified with respect to their amalgamation:

In the case of Wyong and Wyong Grove public schools, the two school communities saw a number of benefits in amalgamation:

- greater choice in class structures
- additional executive entitlement
- greater opportunities to interact and socialise with same-aged children
- pooling of resources to enhance learning opportunities.¹⁰⁴

- 4.62** The Government submission sets out the factors that are considered in determining the suitability of alternative schools in the case of a closure:

Many factors are considered by the local consultation process when determining the suitability of alternative nearby schools. These considerations are reflective of local circumstances, but will typically include:

- the size of nearby schools and their capacity to grow
- the distance and travel times from one school to the next

⁹⁹ Evidence, Mr Pratt, 20 August 2015, p 12.

¹⁰⁰ Submission 12, Ms Gemma Purcell Meier, p 4.

¹⁰¹ MM Starrs Pty Ltd, 'Economics of Towards 2020: Renewing our Schools' (Paper, Australian Capital Territory Council of P&C Associations Inc, 2006), attached to submission 2, Save Our Schools, pp 2-3.

¹⁰² Submission 35, NSW Government, p 7.

¹⁰³ Submission 35, NSW Government, p 1.

¹⁰⁴ Submission 35, NSW Government, p 6.

- transport options including the conditions of local roads, existing and proposed bus routes
- provision for students with high or additional needs, if required
- the distribution of the local school's resources and equipment to nearby schools
- in the case of the amalgamation of a number of school sites, the educational benefits for students being part of a larger peer group and school setting.¹⁰⁵

- 4.63** Regarding distance, Dr Bruniges explained that owing to the Department's obligation under the *Education Act* to ensure universal access to education, distance is necessarily a consideration. She stated, 'Certainly we want to be cognisant of the distance that we are asking students to travel to access public education so that distance does not become a barrier for the provision of education'.¹⁰⁶
- 4.64** As reflected in both the Wollombi and Martins Creek case studies, several parents told the committee that they were offended by departmental officers' criticisms of the education provided at their small school, and also by the accompanying message that in resisting closure, they were undermining their own children's education.
- 4.65** This attitude was exemplified in a powerpoint presentation prepared by a School Education Director for a staff and parent meeting in July 2012 about Grong Grong Public School. The presentation, which commenced with a slide purporting to address the advantages and disadvantages of single teacher schools and multi-grade classes identified through a UNESCO evaluation, simply focused on the disadvantages.¹⁰⁷
- 4.66** Dr David Allingham, a parent at Martins Creek, was highly critical of what he regarded as departmental representatives' denigration during the community consultation phase of the quality of educational experience provided at that school, including in respect of socialisation, extracurricular activities and special programs. He further criticised what he sees as the pervasiveness of this view throughout the Department.¹⁰⁸
- 4.67** On the other hand, Ms Nancy Snow, Principal of a nearby school, observed that Martins Creek does not have more than one student in any grade and asserted, 'Surely these students would be better off at a bigger school where they could play, learn and generally interact with peers of their same or similar ages and interests as well as receiving more diverse curriculum opportunities and experiences'.¹⁰⁹

¹⁰⁵ Submission 35, NSW Government, p 6.

¹⁰⁶ Evidence, Dr Bruniges, 20 August 2015, p 22.

¹⁰⁷ School Education Director, Department of Education and Communities, Grong Grong Public School: Staff and Parent Meeting, July 24 2012, attachment 1 to submission 12, Ms Gemma Purcell Meier, pp 15-16.

¹⁰⁸ Submission 28a, Dr David Allingham, p 1.

¹⁰⁹ Submission 4, Ms Nancy Snow, p 2. Ms Snow further asserted that for some years, information from Dungog Council concerning land subdivision and demographic projections has indicated no likely significant increase in enrolments at Martins Creek.

- 4.68** Ms Snow pointed out that around 20 Martins Creek children now attend either Vacy and Paterson Public Schools, which are both approximately 8 kilometres away.¹¹⁰ This was also noted by a Martins Creek resident, Mrs Margaret Hunt, who stated that Paterson, which is a 10-15 minute bus service away, is the town that most Martins Creek residents use for minor shopping. Mrs Hunt stated that in her view, a school that attracts such small numbers year after year should be closed so that the resources can be better utilised elsewhere.¹¹¹
- 4.69** Asked whether economic efficiencies are a factor in decisions to close schools, Dr Bruniges asserted that they are not, and noted research cited in the SOS submission showing that the financial gain from closing small schools is minimal. She then stated, 'We have never used financial information to take decisions over school closures in my tenure. I can speak to that. It is very important that the education needs are front and centre.'¹¹²
- 4.70** The committee asked why, if the decision to close a school is based on educational considerations, was a financial valuation of the Martins Creek School site sought. Mr Andrew Eastcott, Director Public Schools NSW, indicated that the information was sought from the Asset Management Unit for inclusion in an internal report.¹¹³ Mr Prior added that although the decision to close is based on educational outcomes, when the documentation is being prepared with a recommendation to the Minister, it is a requirement to include financial implications such as salary costs and asset costs.¹¹⁴ Mr Prior then reiterated that educational considerations are the basis for the decision:

When we are actually looking at working through the consultation and the protocol processes we are driven from an educational perspective about what is the best educational provision for the students. The financial consideration is not part of the decision-making process whether that school goes into recess, whether it is closed or whether it continues operations.¹¹⁵

- 4.71** The committee asked the departmental representatives to elucidate the rationale for the decision to close the Martins Creek and Wollombi schools. Mr Frank Potter, Executive Director, Public Schools NSW, stated:

It is my professional view that the educational opportunities for those young people in a larger setting where they would be able to work in cohorts of larger size, the education utility of working in a group in terms of twenty-first century education and the sorts of collaboration and consultation processes that we would want children to be able to be skilled in, as well as opportunities for extended curriculum and curriculum breadth—my recommendation was based on that those opportunities would be enhanced by the students moving to schools that were seven or 12 kilometres down the road.¹¹⁶

¹¹⁰ Submission 4, Ms Nancy Snow, p 2. Ms Snow further asserted that for some years, information from Dungog Council concerning land subdivision and demographic projections has indicated no likely significant increase in enrolments at Martins Creek.

¹¹¹ Submission 1, Mrs Margaret Hunt, p 1.

¹¹² Evidence, Dr Bruniges, 20 August 2015, p 25.

¹¹³ Evidence, Mr Andrew Eastcott, Director, Public Schools NSW, 20 August 2015, pp 25-26.

¹¹⁴ Evidence, Mr Prior, 20 August 2015, p 26.

¹¹⁵ Evidence, Mr Prior, 20 August 2015, pp 26-27.

¹¹⁶ Evidence, Mr Frank Potter, Executive Director, Public Schools NSW, 20 August 2015, p 28.

4.72 At this point, the committee challenged Mr Potter, pointing out that his view apparently holds greater weight than that of the parents at Martins Creek, who are saying that they are highly satisfied with the education that their children are receiving in the small school. Mr Potter pointed out that the majority of parents in the Martins Creek area had already formed the view that their child would be better off in a larger school and had moved their child accordingly. He further stated that, '[I]t is my view that the educational benefits and the curriculum breadth and capacity to work in larger environments is to the benefit of the young people.'¹¹⁷ He then indicated that the reasons for closing Wollombi Public School were 'very much the same ... that for a long time there have been small numbers of students, that the opportunities of a school close by would provide enhanced curriculum opportunity and social benefits for those young people.'¹¹⁸

Provision for reversal

4.73 Mr Pratt of the NSW Teachers Federation advised the committee that a key concern for its members is that there seems to be no provision for reversing a closure or recess.¹¹⁹ When a member of the committee noted that Tulloona Public School had been placed in recess but is to reopen in 2016, Mr Pratt responded that if there is a genuine chance of reversibility, and the community is aware of the process by which it can be achieved, then that is positive.¹²⁰

4.74 The Department indicated that there are a number of examples of schools in recess that have reopened after a demographic change occurred. Mr Prior referred specifically to Tulloona Public School and explained that it will reopen next year owing to changing demographics, as it now has five enrolments.¹²¹ In written questions, the committee asked the Department to list examples of schools that have gone into recess then reopened during the last five years. Tulloona was the only school identified in the Department's answer.¹²²

4.75 The Wollombi parents do not understand why their school was closed rather than placed in recess.¹²³ Challenged by the committee as to why Wollombi was closed based on only having five students, whilst another school is to reopen with that number, Mr Potter explained that the distance from that school to the next nearest school is significant. In addition, after it was placed into recess, enrolments grew and these were for kindergarten and year one students.¹²⁴ When the committee Chair responded that suspension of enrolments itself stops the growth in some schools, and that the Department is affording an opportunity to one school but not to others, Mr Prior assured the committee that sufficient demographic change when a school is in recess would precipitate a review:

I take the Chair's point around the notion that if a school is made to go into recess and we may not be attracting enrolments directly into that school at that time.

¹¹⁷ Evidence, Mr Potter, 20 August 2015, p 28.

¹¹⁸ Evidence, Mr Potter, 20 August 2015, p 28.

¹¹⁹ Evidence, Mr Pratt, 20 August 2015, p 12.

¹²⁰ Evidence, Mr Pratt, 20 August 2015, p 14.

¹²¹ Evidence, Mr Prior, 20 August 2015, p 21.

¹²² Answers to questions on notice, Dr Bruniges, p 1.

¹²³ Correspondence, Witness B to committee, 17 September 2015, p 1.

¹²⁴ Evidence, Mr Potter, 20 August 2015, p 28.

Certainly, if there is enough evidence around that there is enough movement in the demographics and the population during a recess time, we would reconsider that.¹²⁵

After the decision to close is made

4.76 Inquiry participants raised two particular concerns pertaining to once a decision has been made: first, the Department's provision for reversal of decisions such that a school can re-open; and second, the disposal of school sites. These are considered in turn below.

Disposal of school sites

4.77 Linked to the issue of reversibility, as well as of financial considerations, is the issue of disposal of school sites. A number of inquiry participants recognised the potential asset value of school sites and argued against disposal of any property. The Wollombi parents told the committee that they are very concerned that their school site, which was originally gifted to the community for educational purposes, is intended to be sold off as it is on prime urban land in a small historic and very popular village.¹²⁶

4.78 The P&C Federation argued that the Department has an obligation to retain these assets for a substantial period, to ensure that any future growth of demand in an area be able to be met:

P&C Federation believes that to ensure schools are provided when and where needed well into the future, that it is a duty of the State Government not to dispose of land which becomes available due to school closures to assist the budgetary needs of the government of the day or for profit to the Crown, but believes that school land should be retained to ensure the future of public education. It is important that when public schools are closed there is an adequate period of time given before the assets of the school including the buildings and land are sold.¹²⁷

4.79 Motivated by the inquiry participants' concerns, the committee sought from the Department information about its intent for the sites of those 20 schools that closed in 2015, in terms of whether they had been sold, are going into trust, are being managed or are being retained by the Department. The Department provided the information set out in Table 3 below:

Table 5 NSW Department of Education's intention for the sites of the 20 schools that closed in 2015, as at September 2015¹²⁸

Bellimbopinni Public School	To be disposed.
Crowdy Head Public School	Crown Lands to consider the future of the site in accordance with the Crown Lands Act.
Ellangowan Public School	To be disposed.

¹²⁵ Evidence, Mr Prior, 20 August 2015, p 29.

¹²⁶ Evidence, Parents A, B C and D, 20 August 2015, pp 32-33.

¹²⁷ Submission 14, Federation of Parents and Citizens Association of NSW, p 3.

¹²⁸ Answers to questions on notice, Dr Bruniges, pp 3-4.

Gateshead West Public School	Department is managing and retaining the school site.
Rouchel Public School	To be disposed.
Wollombi Public School	Currently leased until the end of the year.
Corinella Public School	Leasehold property. Lease terminated and property returned to owner.
Martins Creek Public School	The school site is currently operational.
Errowanbang Public School	Leasehold property. Lease terminated and property returned to owner.
Milbrulong Public School	To be disposed.
Sutton Forest Public School	To be disposed.
Badgerys Creek Public School	Leasehold property. Lease terminated and property returned to owner.
Eraring Public School	To be disposed.
Reids Flat Public School	To be disposed.
Wyong Grove Public School	To be disposed.
Windeyer Public School	To be disposed.
Spencer Public School	To be disposed.
George Anderson Walpole School	Not owned by the Department of Education. Within Corrective Services NSW portfolio.
Bylong Upper Public School	To be disposed.
Bibbenluke Public School	The site is being managed and its future is to be assessed. ¹²⁹

4.80 In response to this information, a Wollombi parent advised that the preschool which currently leases the school site is now looking at alternative sites, 'lending weight to the rumour that the school is slated for sale and that closure was the means to that end.'¹³⁰

¹²⁹ Answers to questions on notice, Dr Bruniges, pp 3-4.

¹³⁰ Correspondence, Parent B to committee, 17 September 2015, p 1.

Committee view

- 4.81** The committee recognises that the best educational interests of the students is the primary principle upon which to base a decision to close a school. However, this criterion can be problematic in several ways.
- 4.82** First, it is somewhat nebulous and subjective, and allows the Department's view of what is in students' best interests to be elevated above that of parents. A key theme in this inquiry is that the Department should pay significant respect to parents as partners in the education of children.
- 4.83** In addition, based on the evidence put before us, this criterion does not appear to assist the Department – in many school closures at least – to reach a conclusion that is supported by parents. This returns us to our earlier point that the Department must be genuine and early with its consultation, or at least more effective at acknowledging and managing families' angst and adjustment.
- 4.84** Furthermore, a more holistic view of the role that a school plays in a small town should also be taken into consideration. In the committee's view, the Department must also be very mindful of the impact that the decision to close a school will have on a community. A town without a school will inevitably have difficulties attracting families and its local economy will suffer. Thus the Department bears a weighty responsibility not only towards children and parents, but also towards the broader community surrounding a school.
- 4.85** Linked to this, and to the issue of consultation discussed earlier in this chapter, we believe that the Department should formally review its processes for considering demographic trends at the local level when a school is being considered for closure or another option, as well as local events and planning decisions such as the release of land that are likely to have a bearing on enrolments. While the committee did not receive much evidence on this beyond the experience in Wollombi, it appears that these processes may be insufficient, ad hoc, inconsistent and invisible to stakeholders. When such a significant decision is being made, it is critical that demographic and local government information be thoroughly considered. Making this process and information transparent will also assist in parents' acceptance of a decision once it is made. We consider that this work should progress in consultation with the Local Government Association and the P&C Federation.

Recommendation 8

That, in the interests of transparency and robust decision making about the future of individual schools, the NSW Department of Education formally review its processes for considering demographic trends at the local level and likely events and planning decisions that will influence enrolment numbers.

- 4.86** Moving on to the issues that arise after the decision to close a school has been made, the committee shares the concern of some inquiry participants that there needs to be adequate provision for the reversal of decisions. It is not evident to the committee why Wollombi was closed rather than placed in recess. It is heartening that Tullooona Public School is to reopen in 2016 but such events are very rare, and we understand that 'closure' unlike 'recess' does not

allow for reversal. The committee took little evidence in relation to decisions to place a school in recess versus closure, but on face value, greater use of the recess option may be warranted in order to allow for reopening as a result of demographic change. Furthermore, consultation with local government would also add further evidence as to whether to close or to recess a school.

- 4.87** In light of the table provided by the Department setting out its intentions for the sites of the 20 schools that closed in 2015, it appears that some parents are understandably concerned about disposal of school sites. The committee shares the P&C Federation's concern that when a school is closed, an adequate period of time is allowed before the assets of the site are disposed of, to ensure that the option to reopen remains. In addition, we are disappointed that the Department was not more forthcoming about its plans for the Wollombi and Martins Creek school sites.
- 4.88** In conclusion, the committee considers that the regime for school closures has improved since the advent of the December 2014 Protocols, but continues to require improvement if it is to justify the trust of parents. Further improvements would also allow the Department to avoid the highly negative experience at Martins Creek and Wollombi in particular, in future decisions about individual small schools. At the heart of this issue lies the need for practical and cultural change that recognises the rightful place of parents as the government's partners in the education system.

Chapter 5 Complex needs

This chapter considers the complex needs of one particular student at Martins Creek Public School, and the potential bearing of those needs on the closure of the school. The committee examines the extent to which the NSW Department of Education has considered those needs in its determination to close the school at the end of this 2015.

Once again, given the systemic nature of the inquiry, the committee has taken a very focused approach to the evidence that we have received about the student and his parent's interactions with the Department. In addition, the committee had been privy to sensitive information taken *in camera* and provided by Ms Sue Coutts, which it has resolved to keep confidential, but which is highly relevant to our findings and recommendation.

Case study: a student at Martins Creek Public School¹³¹

As of September 2015, Martins Creek Public School, located between Maitland and Dungog in the Hunter Valley, has six pupils, and is intended for closure at the end of 2015. One student, currently in year 2, has Down Syndrome and complex needs. In their evidence to the committee, Ms Sue Coutts, and her support person, Ms Gina Goulder, who is also a parent at the school, underscored the complexity and uniqueness of the student's needs and that feeling safe and having stability is critical to his development and wellbeing.

Ms Coutts chose to send the student to Martins Creek Public School because it is small and because her daughter who also had complex needs, attended there. She says he has made great gains at the school, especially in his ability to communicate, but he still has a long way to go. He feels very safe there because it is small. The students are very supportive of one another. He is learning to speak and to interact well because of the positive behaviours he is learning from the other children. The school is five minutes from home, and communication between Ms Coutts and the Teaching Principal is very strong. As the student has difficulty tolerating high frequency noises, he has benefited from this relatively quiet environment. The staff are well equipped to manage his needs and challenging behaviour.

Ms Coutts told the committee, 'My fear is that if we move this child from this school, he is just not going to be able to cope.' She feels that one alternative school, 20 minutes away, would not cater well to his complex needs. If he went to a special school or support class, the nearest options are at least half an hour away in Maitland or Dungog. She says that her other caring responsibilities mean that transporting him to another school will be difficult, so he will have to go in a private vehicle. But she fears that he will not be able to cope with this.

In 2014, the student's then treating psychologist recommended a minimum two year, optimal five year transition to another school. Ms Coutts believes that the best time to transition the student would be to high school over a period of two years. She considers that a two year transition to another primary school would be problematic as the student would immediately have to embark on the transition to

¹³¹ Submission 37, Ms Sue Coutts, pp 9-11 and 14-22; *In camera* evidence, Ms Sue Coutts and Ms Gina Goulder, 20 August 2015, pp 1-6, published by resolution of the committee; Correspondence from Ms Sue Coutts to the committee, 15 September 2015. The case study is based on the contents of the submission, evidence and correspondence.

high school.

Ms Coutts and Ms Goulder told the committee that there is a high risk that the move to a different school will be catastrophic for the student. They advised that his treating psychologist, another treating clinical psychologist, an observing clinical psychologist and an occupational therapist have all said that if the student does not transition successfully in this instance, he may not transition successfully to any school. Ms Goulder proposes that this would leave him very limited options.

In addition, Ms Coutts is very concerned that the major disruption caused by moving to another school risks his behaviour at home becoming too challenging for her family to cope with, with potentially catastrophic results (which the committee has chosen to keep confidential). The committee has sighted a letter from the student's now treating psychologist dated 28 July 2015 that verifies all these concerns, including: that he would not cope with a larger environment; the likely pressure on his family; and the extreme risk of harm that may result. In addition, the letter is critical of the Department's proposal for a six month transition to another primary school. Instead, it recommends a transition to high school, when that time comes, over a period of at least 18 months to two years.¹³²

According to Ms Coutts and Ms Goulder, the student's needs, and the risks associated with a shift to another school were not taken into account by the Department in its decision to close the school. Ms Goulder told the committee, '[A]ll the Department seems to talk about is the necessary length of transition. We have never established that a transition can be made. We have certainly not established that a transition should be made.' They argue that the psychologist report on which the Department is relying for its six month transition plan did not actually provide an assessment of the student; nor did it address whether a transition could or should actually be made. Rather, according to Ms Coutts and Ms Goulder, it listed a number of general recommendations about what a transition might look like if he had to undergo it. In addition, according to Ms Coutts, the report neither acknowledges nor appears to appreciate the student's complex needs.

Ms Coutts considers that the Executive Director, Public Schools NSW, refuses to acknowledge the student's complex needs, only his Down Syndrome. She further considers that he chose to close the school regardless of the student's situation, knowing the harm it is likely to cause him. She claims that, '[The student's] psychologists, his Occupational Therapist and his caseworker all stated that his best interests would be served by his continued attendance at his present school. No alternative view was given by anyone in the [Department of Education]. No evidence was sought or produced to say that these [professionals] were wrong. Nor did [the Department] assess what risks there would be in moving him. No acknowledgement was ever made of the risks raised by his treating professionals or [myself].'¹³³

The student's needs and possible transition

- 5.1** After taking detailed evidence from Ms Coutts and Ms Goulder, the committee took up the issue of the student's assessment and transition with departmental representatives during an *in camera* hearing, which was later published by resolution of the committee.

¹³² Correspondence dated 28 July 2015, confidential attachment to submission 37, Ms Sue Coutts, referred to by resolution of the committee and with Ms Coutts' consent.

¹³³ Correspondence from Ms Sue Coutts to Secretariat, 15 September 2015.

- 5.2 Mr Frank Potter, Executive Director, Public Schools NSW, acknowledged that there had been no home assessment of the student, but stated that there had been assessments carried out in the school by the Department's Learning and Engagement staff.¹³⁴ He advised that because there was some inconsistency in the information arising through the consultation process of 2014 about the student's transition ranging from two years to five years, he sought an independent third party view of the student's best interests. In doing so, he provided a de-identified copy of information from the student's treating psychologist to another clinical psychologist and sought an opinion on what would be an appropriate transition time, noting the recommendations for two year and five year transitions. Mr Potter told the committee, 'The strong view that was provided to me on the basis of the diagnosis that she identified and the information from the treating psychologist was that anything over six months would be counterproductive.'¹³⁵
- 5.3 Mr Potter further advised the committee that in order to confirm that view, he asked a registered psychologist with the Department and another senior psychologist to meet with the student's psychologist and parent, and to provide him with an opinion on a transition period, not disclosing that the first psychologist he had consulted had recommended six months. The psychologist also met with the school's learning and engagement staff. He stated, '[The psychologists'] view was that the [student] would be able to transition to another setting that would be appropriate in terms of his development at no longer than a six-month period.'¹³⁶

Further allegations

- 5.4 Ms Goulder made a number of further allegations to the committee about the Department's actions in respect of the student. These included:
- that an officer of the Department of Education called an officer of the Department of Family and Community Services, who in turn rang Ms Coutts' support organisation and applied pressure on its staff not to make a submission to this inquiry
 - that Mr Potter, Executive Director, NSW Public Schools, personally arranged for the student's teacher's aide to be transferred to another school, commencing 2016, whilst knowing that if the student is to make a transition, the presence of his aide will be critical to its success.¹³⁷
- 5.5 The committee took up these allegations with departmental representatives during the *in camera* hearing. There, Dr Bruniges, Mr Greg Prior, Deputy Secretary, Mr Andrew Eastcott, Director Public Schools NSW and Mr Bryan Campbell, Director Public Schools NSW, all stated that they had no knowledge of any Department of Education officer contacting the Department of Family and Community Services and asking them to apply pressure to Ms Coutts' support organisation not to make a submission to the committee's inquiry.¹³⁸

¹³⁴ *In camera* evidence, Mr Frank Potter, Executive Director, Public Schools NSW, 20 August 2015, p 44, published by resolution of the committee.

¹³⁵ *In camera* evidence, Mr Potter, 20 August 2015, p 43, published by resolution of the committee.

¹³⁶ *In camera* evidence, Mr Potter, 20 August 2015, p 44, published by resolution of the committee.

¹³⁷ *In camera* evidence, Ms Coutts and Ms Goulder, 20 August 2015, p 11, published by resolution of the committee.

¹³⁸ *In camera* evidence, Dr Michele Bruniges, Secretary, NSW Department of Education, Mr Gregory Pryor, Deputy Secretary, School Operations and Performance, NSW Department of Education, Mr

Following the hearing, Dr Bruniges indicated in writing that, ‘The Executive Director, Director Public Schools NSW, Principal, Learning and Engagement Officer, Coordinator and Advisor working with the school have no knowledge of this matter.’¹³⁹

- 5.6** In relation to the second allegation, concerning the transfer of the student’s aide, Mr Eastcott advised that once a decision was made to close the Martins Creek School, the School Staffing Unit identified appropriate placements for all the school’s permanent staff. An agreement was made that the aide would be given a new appointment from the beginning of 2016, but a further agreement was made with the Principal of the new school to allow the aide to remain with the student as long as required. He confirmed that the aide was currently with the student and would remain so throughout 2016, wherever the student is placed, with the situation to be reviewed at the end of that time.¹⁴⁰
- 5.7** Mr Potter explained that at present, the student has a full time aide. Fifty per cent of the funding for that position comes from integration funding, allocated to people with disabilities who are in a mainstream setting. The other 50 per cent is provided by the school. With the transition to a new school, he made the decision to guarantee that there would be funding for the aide for the full 2016 year. The review to occur at the end of that year will consider the student’s needs and whether he requires full time or part time support, depending on his progress and development. Mr Potter assured the committee, ‘My view is that we would be able to manage the aide’s permanent appointment to an alternative location for as long as she wanted to maintain contact with the boy. So if that was to go beyond 2016 we would manage that so it would be able to occur.’ The decision as to whether she stayed on longer would rest with the aide.¹⁴¹
- 5.8** Mr Potter further explained that he is not able to guarantee that the position would be funded full time. A decision as to integration funding would be made based on the student’s development and degree of disability. The need for further support would have to be determined at that point in time, and then the funding would have to be sourced.¹⁴²
- 5.9** Dr Bruniges indicated that from the Department’s point of view, it would be very important to consider the student’s needs, and that, ‘We would look at other sources to support that student’s needs so that it was not disruptive and continuity was there.’¹⁴³ She further assured the committee that if the student needs to maintain the aide, and the aide is happy to stay with him, the Department will find the funding to make sure that that happens, including by providing 100 per cent of the funding.¹⁴⁴

Andrew Eastcott, Director, Public Schools NSW and Mr Bryan Campbell, Director, Public Schools NSW, 20 August 2015, p 51, published by resolution of the committee.

¹³⁹ Answers to questions on notice, Dr Michele Bruniges, Secretary, NSW Department of Education, 20 August 2015, p 7.

¹⁴⁰ *In camera* evidence, Mr Eastcott, 20 August 2015, pp 46-47, published by resolution of the committee.

¹⁴¹ *In camera* evidence, Mr Potter, 20 August 2015, p 49, published by resolution of the committee.

¹⁴² *In camera* evidence, Mr Potter, 20 August 2015, p 50, published by resolution of the committee.

¹⁴³ *In camera* evidence, Dr Bruniges, 20 August 2015, p 50, published by resolution of the committee.

¹⁴⁴ *In camera* evidence, Dr Michele Bruniges, Secretary, NSW Department of Education, 20 August 2015, p 50, published by resolution of the committee.

- 5.10** The separate issue of the Department's handling of Ms Coutts' and other parents' complaints is considered in the following chapter.

Committee view

- 5.11** The committee is pleased that during their hearing, departmental representatives showed that they appreciated the significance of the teacher's aide to the student, and that they would manage the aide's ability to work with the student as long as she is willing. We were further encouraged by Dr Bruniges assurances that if, subject to assessment, the student requires the aide, and the aide is happy to maintain contact with the student, the Department will find the funding to make sure that that happens, including by providing 100 per cent of the requisite funding. The committee trusts that Dr Bruniges will ensure that these assurances are borne out in the Department's actions.
- 5.12** In relation to the allegation that an officer of the Department used their influence to have an officer of another department discourage Ms Coutts' support organisation from participating in this inquiry, the committee takes seriously any allegation of this nature, and so raised it directly with Departmental officers. We take at face value their assurances, verbal and written, that they have no knowledge of such actions.
- 5.13** The committee now turns to the highly contentious issue of the student's needs and their implications for the closure of the school. Informed by his psychologist's written opinion, the committee is convinced by the uniqueness and complexity of this student's needs. He has been very fortunate to attend this small school, and indeed has flourished there. Nevertheless, his significant needs and profound vulnerability remain.
- 5.14** We are convinced that there are extraordinarily high stakes at play should the student's needs not be well understood and catered to by the Department. While officers of the Department have their own expertise, we believe that the Department should respect the expertise of Ms Coutts and the student's psychologist about those needs, along with the risk that the student would not cope with a transition to a larger school, and the concomitant risk of further substantial harm.
- 5.15** We appreciate that the Department caters to the unique needs of 90,000 other children with disability across the state's public education system. However, the committee considers that the risks to this student's psychological wellbeing and development are sufficiently substantial as to warrant an exceptional approach being taken to the closure of Martins Creek Public School. Any potential or perceived gains in relation to the education of this student and the other children at the school are in our opinion not sufficient to override these very real and considerable risks.
- 5.16** Based on the evidence presented in this chapter and further evidence kept confidential due to its sensitivity, the committee recommends that the Minister reverse his decision to close Martins Creek Public School at the end of 2015 to facilitate the student with complex needs completing his primary schooling there. Instead, the school should potentially close at the end of 2019.

Recommendation 9

That the Minister for Education reverse his decision to close Martins Creek Public School at the end of 2015 to enable the student with complex needs to complete his primary schooling there.

Chapter 6 Complaints handling

This chapter briefly considers the handling of complaints made by parents about officers of the NSW Department of Education in relation to specific school closures. It sets out two case studies of complaints by parents in Wollombi and Martins Creek, then examines departmental representatives' responses to committee questions about the complaints handling process. Once again the committee notes that we have not involved ourselves with the details of these complaints, given the systemic focus of the inquiry.

Complaints made known to the committee

- 6.1 The parents of Wollombi Public School and Martins Creek Public School raised a number of criticisms regarding the handling of their formal complaints about the process of closing their schools. These are set out in the case studies below.

Case study: Wollombi Public School¹⁴⁵

Parents of Wollombi Public School told the committee that when they raised concerns about the Relieving Principal with the Director for that area on three separate occasions, the response was very dismissive. Unsatisfied, the parents formalised their complaints and made them to the Department, and again they were dismissed. The parents asked for an internal review and were given essentially the same response. They felt whitewashed and ignored.

There were two complaints: one was about the closure process and procedures; the second was about the Relieving Principal. The first was handled by the Executive Director, Public Schools NSW, who subsequently visited the school. In the parents' view this seemed to be for the purpose of clearing his name and addressing what he saw as their misrepresentation of him.

The complaints about the Relieving Principal were handled by an Area Director, and of the 35 elements to the complaints, not one was upheld.

Having made no gains with the Department, and feeling that their concerns were being trivialised through the Department's hierarchy, the parents took their complaint to the NSW Ombudsman. Again, they felt the problems were whitewashed. While the Executive Director had advised them that this was their next option, they felt that there was an air of 'it's not going to go anywhere.' In the parents' view the response they received from the Ombudsman only addressed a few of their points and seems not to have received the attention it deserved.

¹⁴⁵ Submission 39, Name suppressed, p 9; *In camera* evidence, Parents A, B C and D, 20 August 2015, pp 16, 29-30 and 33, published by resolution of the committee. The case study is based on the contents of the submission and evidence.

Case study: Martins Creek Public School¹⁴⁶

The parents of Martins Creek Public School have also engaged in a lengthy dispute process with the Department. Ms Coutts made a written complaint to her local member, copied to the Minister for Education. However, this was treated as routine correspondence, not a complaint. Her subsequent complaint to the NSW Ombudsman, which focused on the Executive Director, was declined for investigation by that body and passed to the Executive Director to deal with, but was never responded to.

Ms Goulder then made her own complaint. She and Ms Coutts expressed concern to the committee that the person appointed by the Executive Director to investigate the matter, Ms W, shared the same surname as a person named in the complaint. In addition, when Ms W handed down her determination, it made no mention of Ms Coutts' earlier complaint about the Executive Director.

Ms Goulder then lodged a further complaint about that process with the NSW Ombudsman, while Ms Coutts sought a review of her original complaint.

After waiting around six months, the Ombudsman's response did not address the conduct of the Executive Director, nor that of Ms W, and found no wrongdoing. Ms Goulder alleges that the Ombudsman's office did not treat her concerns about a conflict of interest between Ms W and Mr W with sufficient seriousness and that documents obtained via the call for papers establishing that the two individuals were sister and brother-in-law went astray in the Ombudsman's office. The investigation of Ms Coutt's complaint about the Executive Director also found no wrongdoing.

Ms Goulder made a number of criticisms of the complaints handling system in relation to school closures, asserting that, 'Complaints made about [Department of Education] officers are not dealt with impartially, sometimes being dealt with by the subjects of the complaint. No complaints made against [its] officers relating to consultation processes have been upheld either by the [Department] or by the Ombudsman. No effective oversight of behaviour in the [Department], or complaints processes, exists. Complaints processes at best are tokenistic and complaints are "defended" rather than investigated. No impartial avenues exist for grievances against the [Department], and no bodies with any form of oversight have enforceable powers. Legal avenues for the pursuit of grievances are very limited and practically and financially inaccessible to parents.'¹⁴⁷

NSW Department of Education perspective**6.2** In relation to complaints handling, the NSW Government submission states:

While the Department takes intensive steps to listen to and address the concerns raised by parents and carers throughout the local consultation process, the decision to close a school is not always consensual. Students, parents, caregivers and community members are able to raise concerns, grievances and complaints and have them resolved in an impartial, prompt and just manner.

¹⁴⁶ Submission 37, Ms Sue Coutts, p 12; Submission 25, Ms Gina Goulder, p 13; *In camera* evidence, Ms Sue Coutts and Ms Gina Goulder, 20 August 2015, pp 7-10, published by resolution of the committee. The case study is based on the contents of the submission and evidence.

¹⁴⁷ Submission 25a, Ms Gina Goulder, p 3.

The Department's Complaints Handling Policy (2007) can be used to respond to community concerns as a result of the local consultation process. Complainants can also seek an external review of the Department's management of complaints from agencies such as the NSW Ombudsman's Office.¹⁴⁸

- 6.3** The committee questioned departmental representatives about the handling of the Wollombi and Martins Creek complaints, and especially the decision to appoint Ms W to investigate a matter in which Mr W was allegedly named. Mr Frank Potter, Executive Director, Public Schools NSW, confirmed that there have been numerous complaints reviewed by senior Department of Education staff and by the Ombudsman's office, and that none of them have been found to have substance.
- 6.4** He further confirmed that a complaint about him to the Ombudsman was passed to him to deal with. As the complaint was about him, he sought advice from one of his Executive Director colleagues as to a person with the appropriate skills and understanding of disability programs who could handle the complaint. The recommended person was Ms W. Mr Potter also advised that Mr W is his Professional Support Officer, and that the two parties are brother and sister-in-law. Asked whether he considers there may be a conflict of interest here, Mr Potter advised, 'I did not make the connection at the time because clearly Mr W had nothing to do with the complaint – the complaint was about me and it was being managed by an independent person.'¹⁴⁹
- 6.5** Mr Potter also advised that a review of Ms W's investigation took place, and that this review was conducted by another Executive Director, Public Schools NSW.¹⁵⁰
- 6.6** Asked whether she saw, with hindsight, any conflict of interest with the handling of this complaint, Dr Bruniges observed that family relationships are commonly present in the education system, and noted the onus on an officer tasked with a review to declare a conflict of interest where they perceived it:

Choosing an independent officer to conduct a review is a process we undertake all the time. We use the person with the most appropriate expertise to do that review. If there is another appeal, it normally goes to a senior officer. On the details, I would hope that the integrity and professionalism of the public service in selecting the reviewer of the case would be independent of any relationship. We have husbands and wives who are teachers in the same school. We have principals with children in other schools. There are a whole host of things like that. So I would hope that if the responsible officer doing the review felt conflicted then they would put up their hand and declare that they felt as though there was a perceived conflict of interest. In this case that did not happen.¹⁵¹

- 6.7** Asked whether she accepts that there could be a perception on the part of the complainant that there was a conflict of interest, Dr Bruniges agreed that the person lodging the complaint might perceive a conflict, and stated that if the investigator believed she was in position of

¹⁴⁸ Submission 35, NSW Government, p 6.

¹⁴⁹ *In camera* evidence, Mr Frank Potter, Executive Director, Public Schools NSW, NSW Department of Education, 20 August 2015, p 45, published by resolution of the committee.

¹⁵⁰ *In camera* evidence, Mr Potter, 20 August 2015, p 47, published by resolution of the committee.

¹⁵¹ *In camera* evidence, Dr Michele Bruniges, Secretary, NSW Department of Education, 20 August 2015, pp 47-48, published by resolution of the committee.

perceived conflict of interest, her expectation would be for that person as a public servant to declare that immediately. She reiterated that the complaint was not about the brother-in-law; rather, the brother-in-law was simply one of Mr Potter's support staff.

- 6.8** Asked whether she believed she could adjudicate impartially on a matter in which her brother-in-law was a close associate of the person against whom the complaint was made, Dr Bruniges responded, 'Yes, I do. I think it would be very clear that my job as a public servant would be to uphold the integrity of the office of public servant and do that in the most impartial way.'¹⁵²
- 6.9** The committee also asked departmental representatives about the allegations made by Wollombi parents concerning the conduct of the Relieving Principal. Asked to respond to the allegation that Wollombi Public School's final Relieving Principal actively discouraged parents from enrolling their children at Wollombi, to start in early 2014, the Department responded, 'The Relieving Principal did not discourage any parents from enrolling their children at Wollombi Public School.'¹⁵³
- 6.10** The committee also asked for the Department's response to an allegation that a parent whose family lived in the catchment for Wollombi Public School was told by the Relieving Principal and Director, Public Schools, that if she moved her child with additional needs to Laguna Public School they would be eligible for additional support, but if they remained at Wollombi, they would not. The Department responded, 'The Relieving Principal and Director Public Schools NSW did not tell a parent that their child would receive additional support by moving the child to Laguna Public School.'¹⁵⁴

Committee view

- 6.11** It is not the committee's role to adjudicate these complaints. We do, however, have a number of observations to make about them. They point to the highly antagonistic and resource intensive process that has come to mark the closure of Martins Creek and Wollombi schools. No doubt this has been extremely stressful for all involved. As stated in chapter 4, the committee believes that a more compassionate and understanding approach by the Department may well have helped to avoid these complaints.
- 6.12** The committee values Dr Bruniges' strong sense of the integrity of the office of public service. However, we are concerned that the risk of perceived conflict of interest was apparently not identified in relation to the decision to appoint Ms W to investigate a particular matter, even during the review stage. By contrast, the committee considers that a reasonable person might well perceive a potential conflict of interest here. Moreover, the handling of this particular matter sits in the context of a perceived pattern of less than impartial handling of various complaints about the closure of the Wollombi and Martins Creek Public Schools.
- 6.13** The effectiveness of any complaints system rests on both the actual and perceived independence of the process. A perceived conflict can undermine complainants' trust in the

¹⁵² *In camera* evidence, Dr Bruniges, 20 August 2015, pp 47-48, published by resolution of the committee.

¹⁵³ Answers to supplementary questions, Dr Michele Bruniges, Secretary, NSW Department of Education, 9 September 2015, p 1.

¹⁵⁴ Answers to supplementary questions, Dr Bruniges, p 2.

process, most especially when they are already engaged in conflict on a matter in which they have a very high personal investment, such as the future of their local school and the future wellbeing of their children.

- 6.14** For this reason, the committee considers that an independent audit of the Department's handling of the Wollombi and Martins Creek parents' complaints should be conducted. The committee feels strongly that given the history of mistrust that exists between the Department and the parents, this independent audit should not be commissioned by the Department of Education, but rather by another agency at arm's length from it, such as the Department of Premier and Cabinet. We note that the parents have also expressed concern about how the Ombudsman's office handled their respective complaints.
- 6.15** If any process is found to be flawed, we believe the relevant complaint(s) should be independently reinvestigated.

Recommendation 10

That the NSW Department of Premier and Cabinet, or an alternative government agency independent of the NSW Department of Education, engage an external, independent body to audit the Department of Education's process of handling the complaints made by parents of Wollombi and Martins Creek Public Schools. If any complaints handling process is found to be flawed, the relevant complaint(s) should be independently reinvestigated.

Appendix 1 Submission list

No	Author
1	Mrs Margaret Hunt
2	Save Our Schools
3	Ms Joan Hall (<i>partially confidential</i>)
4	Ms Nancy Snow (<i>partially confidential</i>)
5	Mr Greg Piper MP
6	Mr Robert Philippe
7	Name suppressed (<i>partially confidential</i>)
8	Mrs Margaret Ward
9	Ms Robyn Schmetzer
10	Ms Madeline Allen (<i>partially confidential</i>)
11	Mr Christopher Baker
12	Ms Gemma Purcell Meier (<i>partially confidential</i>)
13	Cessnock City Council
14	Federation of Parents and Citizens Associations of New South Wales
15	Wyangala Country Club Ltd
16	KEPCO Bylong Australia Pty Ltd
17	Mr Brian Mills
18	Wyangala Dam Parents and Citizens Association (<i>partially confidential</i>)
19	Mrs Sharon Cameron
20	Isolated Children's Parents' Association of NSW
21	Name suppressed
22	Griffith Business Chamber
23	Name suppressed (<i>partially confidential</i>)
24	Name suppressed
25	Ms Georgina Goulder (<i>partially confidential</i>)
25a	Ms Georgina Goulder (<i>partially confidential</i>)
26	Name suppressed
27	Carcoar P&C (<i>partially confidential</i>)
28	Dr David Allingham (<i>partially confidential</i>)
28a	Dr David Allingham (<i>partially confidential</i>)
29	Mr Fred Bell
30	Ms Helen Wills (<i>partially confidential</i>)

No	Author
31	Name suppressed (<i>partially confidential</i>)
32	The NSW Primary Principals' Association Inc. (NSWPPA)
33	NSW Teachers Federation
34	Name suppressed (<i>partially confidential</i>)
35	NSW Government
36	Mr Les Norley
36a	Mr Les Norley (<i>partially confidential</i>)
37	Ms Sue Coutts (<i>partially confidential</i>)
38	The Ladysmith P&C Association
39	Name suppressed (<i>partially confidential</i>)
40	Name suppressed (<i>partially confidential</i>)
41	Ms Mel Parr (<i>partially confidential</i>)
42	Confidential
43	Confidential

Appendix 2 Witnesses at hearings

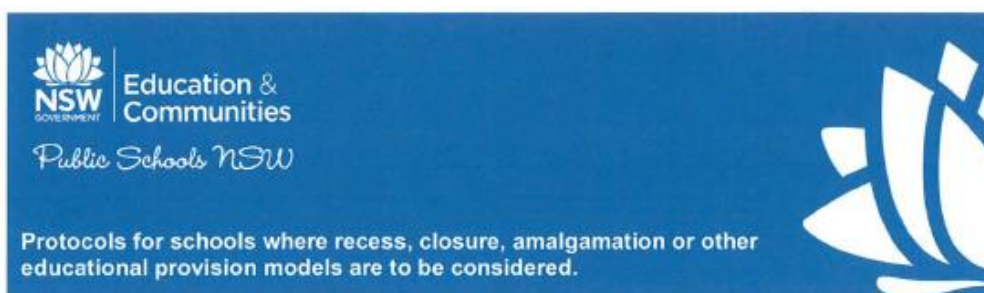
Date	Name	Position and Organisation
Thursday 20 August 2015 Macquarie Room Parliament House	Ms Sue Coutts	Parent, Martins Creek Public School
	Ms Gina Goulder	Parent, Martins Creek Public School
	Parent A	Parent, Wollombi Public School
	Parent B	Parent, Wollombi Public School
	Parent C	Parent, Wollombi Public School
	Parent D	Parent, Wollombi Public School
	Ms Joan Hall	Community member, Harrington
	Mrs Margaret Ward	Community member, Harrington
	Mr Jason Timms	Executive Councillor, Federation of Parents and Citizens Associations
	Mr Jason Vials	President, Federation of Parents and Citizens Association of New South Wales
	Mr Jack Galvin Waight	Organiser, NSW Teachers Federation
	Ms Joan Lemaire	Senior Vice President, NSW Teachers Federation
	Mr John Pratt	Organiser, NSW Teachers Federation
	Dr Michele Bruniges	Secretary, Department of Education and Communities
	Mr Bryan Campbell	Director, Public Schools NSW
	Mr Andrew Eastcott	Director, Public Schools NSW
Mr Frank Potter	Executive Director, Public Schools NSW	
Mr Greg Prior	Deputy Secretary, School Operations and Performance, NSW Department of Education	

Appendix 3 Answers to question on notice

The committee received answers to questions on notice from the following:

- Parent B
- Parent C
- NSW Department of Education
- Federation of Parents and Citizens Associations of NSW
- NSW Teachers Federation

Appendix 4 NSW Department of Education *Protocols for schools where recess, closures, amalgamation or other educational provision models are to be considered*



The NSW Department of Education and Communities, the NSW Primary Principals' Association and the NSW Secondary Principals' Council have developed protocols to guide consultation processes when a school's future educational provision is being considered.

These protocols apply to all NSW government schools, regardless of their size.

If recess, closure, amalgamation or an alternative educational provision model is seen to be an appropriate response, these steps should guide further decision making.

Step 1: The Director and Principal discuss options for future delivery of education of a school. This could be initiated by the Director or Principal. These options include:

- Maintain operations.
- Consider that the school be placed in recess, amalgamate operations with nearby schools, devise an alternative educational provision model, or be closed.
- The Director provides a briefing to the Executive Director.

Step 2: The Executive Director seeks approval from the Deputy Secretary to consult locally.

Step 3: If recess, closure, amalgamation or other educational provision model is to be considered the Director/Executive Director contacts the Local Member, NSWPPA Executive, NSWSPC Executive and NSW Teachers Federation.

Step 4: The Executive Director develops a Fact Sheet for the information of the DEC Senior Executive and NSW Teachers Federation.

Step 5: If local consultation is approved by the Deputy Secretary, a School Consultative Group is formed consisting of:

- The Director
- Principal (with access to support from their relevant Professional Association)
- Principal of the impacted school or schools, if amalgamation or other educational provision model is a consideration

- P&C representative or parent representative (if there is no legally constituted P&C)
- If required, a relevant DEC officer to provide particular advice and support, such as Human Resources or Assets
- Local NSW Teachers Federation Organiser.

Step 6: The School Consultative Group organises staff, and the parent community (including the school's P&C Association) meetings to:

- Use data to assess current conditions and consider the best educational provision for students at the school.
- Discuss the school's role and contribution to the local community.
- Provide a summary of research to explore other educational delivery models.
- Discuss options for the school's future delivery model.
- Discuss future options for students, principal and staff.
- Discuss future options for the school's assets and resources.

Step 7: The Director and Principal meets with principals of nearby schools, including where students are likely to transfer, to ascertain that:

- The needs of transferring students will be met.
- Local communication about changes at the school is consistent.

Transport NSW confirms suitable travel arrangements can be put in place, if required.

The Consultative Group is informed of proposed arrangements.

Step 8: The Director concurrently works with State Office to ensure arrangements are made for school's staff, assets and finance.

- The relocation of permanent staff is negotiated, including provision of staff support from the WH&S Directorate.
- Accelerated condition assessment of work required at the nearby schools given the incoming transfers, if required.
- Consideration is given to responsibility for the management of the schools finances.
- Notification is provided to the school's cleaning contractor.

The School Consultative Group is informed of interim arrangements.

***Step 9:** The Director continues the recess, closure, amalgamation or other educational provision model process, if:

- The majority of parents of students at the school decide to negotiate recess, a school closure or amalgamation, or
- The school is a one teacher school, or
- The Minister is satisfied that there are exceptional or emergency circumstances which require an earlier closure.

***Step 10:** If no parental consensus is reached, an Executive Director can:

- Maintain operations.
- Seek approval to place the school into recess or closure.
- Request that the Minister announces a proposed school closure and requests the establishment of a School Closure Review Committee (Section 28, Education Act, 1990).

Step 11: The Director in consultation with the School Consultative Group develops a recess, school closure, amalgamation or other educational provision model implementation plan, to ensure key support and resources are available.

- Student educational and welfare needs, including new uniforms and transport.
- Relocation of permanent staff.
- Counselling support.
- Communication strategy, including communication with local councils, shops, sport providers and police.
- Assets management.
- Financial management - with reference to the *School Closure Support Guidelines* where applicable.
- Resources management, including technology, furniture, equipment, utilities, records and memorabilia.
- Timelines.
- The role of the P&C and local community.

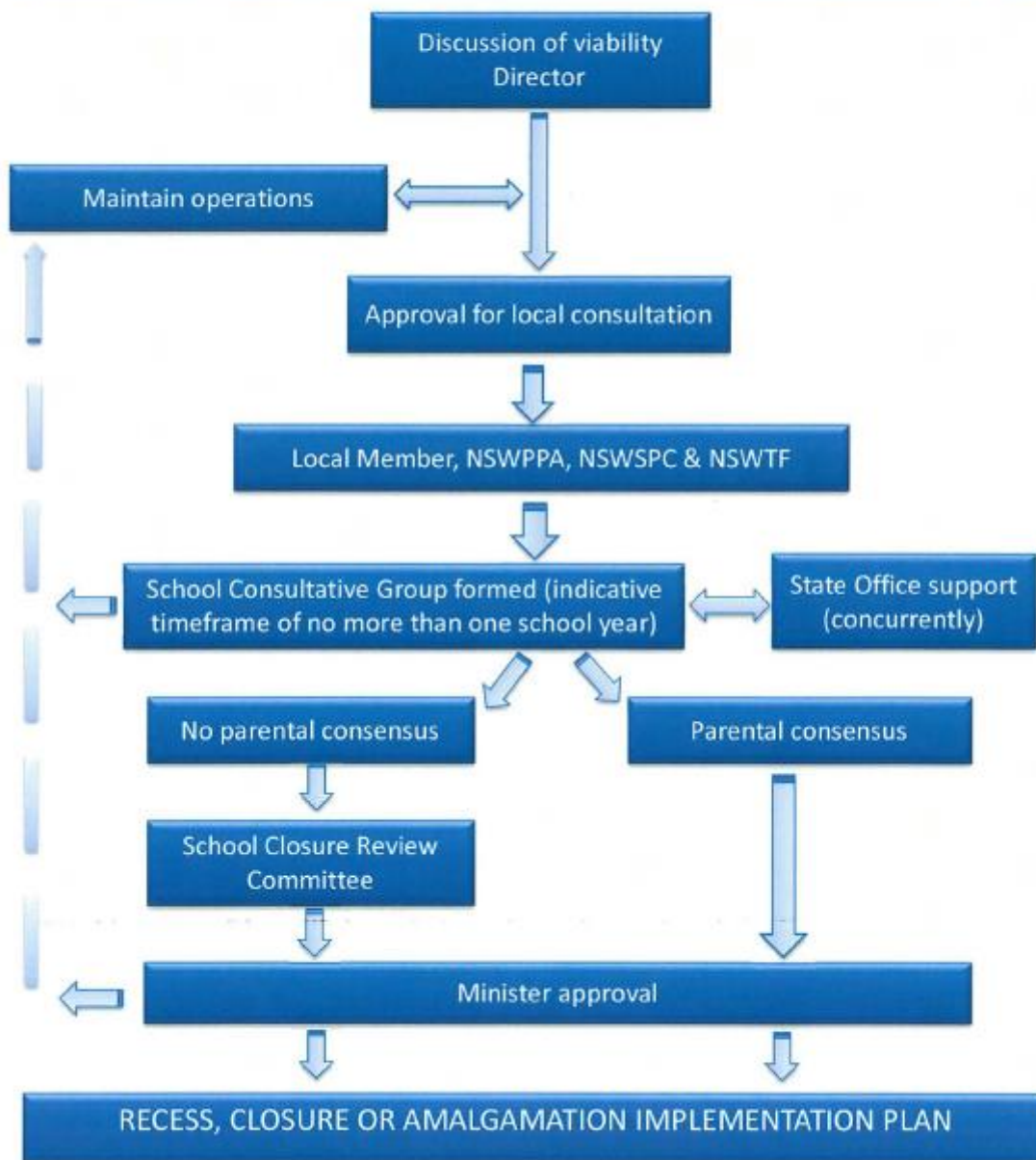
* Steps 9 and 10 are determined by the 1990 Education Act (Section 28).

Appendices:

- A. Protocols flowchart
- B. Sample Fact Sheet

NSW GOVERNMENT Education & Communities
Public Schools NSW

Appendix A: Protocols Flowchart



Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered. (December 2014) FINAL (1)



Appendix B: Sample Fact Sheet

The _____ School site will be placed in recess at the end of the _____ school year. This has been a difficult decision made by the school community. This document will help to explain how that decision was made and how students and their parents will be supported.

Why is the school site being placed in recess and the students moved to other schools?

Enrolment trends							
	2010	2011	2012	2013	2014	2015	2016
Total enrolments							

How will consultation occur?

What will happen to the students at the school?

What will happen to the school's facilities and land?

Appendix 5 Tabled documents

Thursday 20 August 2015

Parliament House

1. 'Recommendations', *tendered by Ms Gina Goulder, Parent, Martins Creek Public School*
2. Cessnock Advertiser article 'Host of changes leads parents to pull children out of school', *tendered by Parent C, Parent, Wollombi Pubic School*

Appendix 6 Minutes

Minutes no. 1

Wednesday 8 July 2015

Select Committee on the Closure of Public Schools in New South Wales

Room 1136, Parliament House, 11.00 am.

1. Members present

Mr Green, *Chair*

Mr Borsak, *Deputy Chair*

Mr Amato (via teleconference)

Mr Donnelly

Mr Franklin (via teleconference)

Dr Kaye

Mrs Maclaren-Jones

Mr Primrose (substituting for Mrs Houssos)

2. Apologies

Mrs Houssos

3. Tabling of resolution establishing the committee

The Chair table the resolution of the House establishing the committee, which reads as follows:

1. That a select committee be established to inquire into and report on the closure of public schools in New South Wales, and in particular:
 - (a) the actual or potential closure or recess process relating to the following public schools:
 - (i) Martins Creek Public School,
 - (ii) Wollombi Public School,
 - (iii) Pearces Creek Public School,
 - (iv) Eraring Public School,
 - (v) Ellangowan Public School,
 - (vi) Wollar Public School,
 - (vii) Bellimbopinni Public School,
 - (viii) Bylong Upper Public school,
 - (ix) Blackville Public School,
 - (x) Rouchel Public School, and
 - (xi) any other rural public schools,
 - (b) the processes, policies, procedures, accountability, and decision making surrounding the closure of schools in New South Wales,
 - (c) factors considered in determining the suitability of alternative schools in the case of a closure,
 - (d) the transparency of the consultation process surrounding school closures,
 - (e) the impact on local school communities affected by school closures,
 - (f) the role of cost-benefit analyses in the closure process, if applicable, and
 - (g) any other related matter.

2. That, notwithstanding anything to the contrary in the standing orders, the committee consist of eight members comprising:
 - (a) three government members,
 - (b) two opposition members, and
 - (c) three crossbench members, Mr Borsak, Mr Green and Dr Kaye.
3. That the Chair of the committee be Mr Green and the Deputy Chair be Mr Borsak.
4. That members may be appointed to the committee as substitute members for any matter before the committee by providing notice in writing to the Committee Clerk, with nominations made as follows:
 - (a) nominations for substitute government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable, and
 - (b) nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.
5. That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
 - (a) the Chair is present in the meeting room,
 - (b) all members are able to speak and hear each other at all times, and
 - (c) members may not participate by electronic communication in a meeting to consider a draft report.
6. That, unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
 - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
 - (c) the sequence of questions to be asked at hearings alternate between opposition, crossbench and government members, in that order, with equal time allocated to each,
 - (d) transcripts of evidence taken at public hearings are to be published,
 - (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
 - (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.
7. That the committee report by Thursday 22 October 2015.

4. Conduct of committee proceedings

Resolved, on the motion of Dr Kaye: That unless the committee decides otherwise, the following procedures are to apply for the life of the committee:

- the committee authorise the filming, broadcasting, webcasting and still photography of its public proceedings, in accordance with the resolution of the Legislative Council of 18 October 2007

- the committee webcast its public proceedings via the Parliament's website, where technically possible
- the committee adopt the interim guidelines on the use of social media and electronic devices for committee proceedings, as developed by the Chairs' Committee in May 2013
- media statements on behalf of the committee be made only by the Chair.

5. **Proposed timeline**

Resolved, on the motion of Mr Donnelly: That the committee adopt the following timeline for the administration of the inquiry:

- Closing date for submissions – Sunday 9 August 2015
- Public hearing, Sydney – Wednesday 19 August 2015
- Public hearing, Hunter – Thursday 20 August 2015
- Report deliberative – Monday 19 October 2015
- Report tabled – Thursday 22 October 2015.

6. **Stakeholder list**

Resolved, on the motion of Dr Kaye: That members have 48 hours to nominate additional stakeholders.

7. **Adjournment**

The committee adjourned at 11.09 am, until Wednesday 19 August 2015 (public hearing).

Merrin Thompson

Clerk to the Committee

Minutes no. 2

Thursday 20 August 2015

Select Committee on the Closure of Public Schools

Macquarie Room, Parliament House, 9.03 am

1. **Members present**

Mr Green
Mr Amato
Mr Donnelly
Mr Franklin
Mrs Houssos
Dr Kaye
Mrs Maclaren-Jones

2. **Apologies**

Mr Borsak

3. **Previous minutes**

Resolved, on the motion of Mr Amato: That draft minutes no. 1 be confirmed.

4. **Correspondence**

The Committee noted the following items of correspondence:

Received:

- 11 August 2015 – Dr Meg Montgomery, Director Strategic Delivery, Strategy and Evaluation, NSW Department of Education to secretariat, advising that the Secretary and Deputy Secretary will appear as witnesses.

- 12 August 2015 – Mr Geoff Scott, President NSW Primary Principal’s Association to secretariat, declining the invitation to appear as a witness
- 17 August 2015 – Dr Michele Bruniges AM, Secretary, NSW Department of Education, to Chair, regarding witnesses to give evidence on 20 August 2015.

Sent:

- 17 August 2015 – Chair to Dr Michele Bruniges, Secretary, NSW Department of Education, stating that each of the witnesses invited to give evidence is essential to the committee’s inquiry and indicating that should the invitation continue to be declined, the Chair will propose to the committee that the witnesses be summoned.

5. Submissions

5.1 Public submissions

The committee noted the following submissions were published by the committee clerk under the authorisation of an earlier resolution: submission nos. 1, 2, 5, 6, 8, 9, 11, 13-17, 19, 20, 22, 29 and 35.

Resolved, on the motion of Dr Kaye: That the committee authorise the publication of submission nos. 32, 33, 36 and 38.

5.2 Partially confidential submissions

Resolved, on the motion of Dr Kaye:

- That the committee authorise the publication of submission nos. 21 and 24, with the exception of identifying and/or sensitive information which are to remain confidential, as per the request of the author.
- That the committee authorise the publication of submission nos. 3, 4, 7, 10, 12, 18, 23, 25, 26, 27, 28, 28a, 30, 31, 34, 36a, 37 and 39, with the exception of identifying and/or sensitive information and/or potential adverse mention, which are to remain confidential as per the recommendation of the secretariat.

6. Member declaration

Dr Kaye declared that one of the witnesses was a Greens candidate in the 2015 state election.

7. Conduct of *in camera* and public hearings

7.1 *In camera* hearing

Resolved, on the motion of Mr Donnelly: That the Committee take evidence *in camera* from:

- Ms Sue Coutts and Ms Gina Goulder
- Parent A, Parent B, Parent C, Parent D
- Mrs Joan Hall and Mrs Margaret Ward.

7.2 Answers to questions on notice

Resolved, on the motion of Mrs Maclaren-Jones: That witnesses are to be requested to return answers to questions on notice and supplementary questions within 14 calendar days of the date on which questions are forwarded to the witness.

8. *In camera* hearing

The committee proceeded to take evidence *in camera*.

Persons present other than the committee: Stewart Smith, Merrin Thompson, Emma Rogerson and Hansard reporters.

The following witnesses were sworn and examined:

- Ms Gina Goulder, parent, Martins Creek Public School
- Ms Sue Coutts, parent, Martins Creek Public School.

Ms Coutts tendered the following documents:

- three photographs of a child in her care
- letter from Ms Marcia Stone to Ms Sue Coutts, dated 7 August 2015.

Ms Goulder tendered the following document: 'Recommendations'.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Parent A, parent, Wollombi Public School
- Parent B, parent, Wollombi Public School
- Parent C, parent, Wollombi Public School
- Parent D, parent, Wollombi Public School.

Parent C tendered the following document: *Cessnock Advertiser* article 'Host of changes leads parents to pull children out of school'.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined via teleconference:

- Ms Joan Hall, community member, Harrington
- Mrs Margaret Ward, community member, Harrington

The *in camera* evidence concluded and the witnesses withdrew.

9. Deliberative meeting

9.1 *In camera* evidence

Resolved, on the motion of Dr Kaye: That, subject to consultation with the witnesses regarding the deletion of identifying or other potentially sensitive information, the transcripts of the *in camera* hearings be published.

9.2 *In camera* hearing

Resolved, on the motion of Mrs Maclaren-Jones: That the committee take evidence *in camera* from the following representatives of the NSW Department of Education, from 2.30 pm to 2.45 pm.

- Dr Michele Bruniges, Secretary
- Mr Greg Prior, Deputy Secretary, School Operations and Performance
- Mr Frank Potter, Executive Director, Public Schools NSW
- Mr Andrew Eastcott, Director, Public Schools NSW
- Mr Bryan Campbell, Director, Public Schools NSW.

9.3 Publication of submission attachments

Resolved, on the motion of Mrs Maclaren-Jones: That the committee authorise the publication of attachments 1 and 2 to submission 12, with the exception of identifying and/or other sensitive information, which is to remain confidential.

10. Public hearing

Witnesses, the public and the media were admitted.

The public hearing commenced at 12.10 pm.

The Chairman made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr Jason Vials, President, Federation of Parents and Citizens Association of NSW
- Mr Terry Timms, Executive Councillor, Federation of Parents and Citizens Association of NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Joan Lemaire, Senior Vice President, NSW Teachers Federation
- Mr John Pratt, Organiser, NSW Teachers Federation
- Mr Jack Galvin Waight, Organiser, NSW Teachers Federation

The evidence concluded and the witnesses withdrew.

11. ***In camera* hearing**

The committee proceeded to take evidence *in camera*.

Persons present other than the committee: Stewart Smith, Merrin Thompson, Emma Rogerson and Hansard reporters.

The following witnesses were sworn and examined:

- Dr Michele Bruniges, Secretary, NSW Department of Education
- Mr Greg Prior, Deputy Secretary, School Operations and Performance, NSW Department of Education
- Mr Frank Potter, Executive Director, Public Schools NSW
- Mr Andrew Eastcott, Director, Public Schools NSW
- Mr Bryan Campbell, Director, Public Schools NSW.

The *in camera* evidence concluded.

12. **Public hearing**

The committee proceeded to take evidence from the following witnesses in public.

- Dr Michele Bruniges, Secretary, NSW Department of Education
- Mr Greg Prior, Deputy Secretary, School Operations and Performance, NSW Department of Education
- Mr Frank Potter, Executive Director, Public Schools NSW
- Mr Andrew Eastcott, Director, Public Schools NSW
- Mr Bryan Campbell, Director, Public Schools NSW.

The public hearing concluded at 4.03 pm.

13. **Deliberative meeting**

13.1 Possible referral of complaint to NSW Department of Education

Resolved, on the motion of Dr Kaye: That the secretariat review the *in camera* evidence with a view to the committee considering whether allegations be forwarded to Dr Michele Bruniges AM, Secretary, NSW Department of Education, for her consideration.

13.2 Tended documents

Resolved, on the motion of Dr Kaye: That the committee accept the following documents tendered during the *in camera* hearing, which are to remain confidential:

- three photographs of the child in her care, tendered by Ms Sue Coutts
- letter from Ms Marcia Stone to Ms Sue Coutts, dated 7 August 2015, tendered by Ms Sue Coutts.

Resolved, on the motion of Dr Kaye: That the committee accept and publish the following documents tendered during the *in camera* and hearing:

- 'Recommendations', tendered by Ms Gina Goulder
- *Cessnock Advertiser* article 'Host of changes leads parents to pull children out of school', tendered by Parent C.

14. Adjournment

The committee adjourned at 4.15 pm until 9.00 am, Monday 19 October 2015 (report deliberative).

Merrin Thompson
Committee Clerk

Minutes no. 3

Thursday 24 September 2015

Select Committee on the Closure of Public Schools

Room 1136, Parliament House, 12.31 pm

1. Members present

Mr Green

Mr Donnelly

Mr Franklin (*via teleconference*)

Mrs Houssos

Dr Kaye

Mrs Maclaren-Jones

2. Apologies

Mr Amato

Mr Borsak

3. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft minutes no. 2 be confirmed.

4. Correspondence

The committee noted the following item of correspondence:

Received

- 21 September 2015 – Mr Murat Dizdar, R/Deputy Secretary School Operations and Performance, Department of Education regarding publication of the Department's in camera transcript.

4.1 Consideration of correspondence

The committee considered the publication of the Department of Education's transcript.

Resolved, on the motion of Mr Donnelly: That the committee consult with the Department of Family and Community Services, as suggested by the Department of Education, via correspondence with a response requested within one week. The committee will then meet to consider the response and the publication of that transcript.

Resolved, on the motion of Dr Kaye: That the Chair write to the Department of Family and Community Services, to seek advice on publishing the Department of Education's in camera transcript.

Resolved, on the motion of Dr Kaye: That, in the event that the Department of Family and Community Services has no objection to the publication of the transcript as redacted by the committee, the committee authorises the publication of the transcript.

5. Adjournment

The committee adjourned at 12.42 pm until 9.00 am, Monday 19 October 2015 (report deliberative).

Rebecca Main
Clerk to the Committee

Draft minutes no. 4

Monday 19 October 2015

Select Committee on the Closure of Public Schools in New South Wales

Room 1156, Parliament House, 9.03 am

1. Members present

Mr Green
Mr Amato
Mr Donnelly
Mr Franklin
Mrs Houssos
Dr Kaye
Mrs Maclaren-Jones

2. Apologies

Mr Borsak

3. Previous minutes

Resolved, on the motion of Mr Amato: That draft minutes no. 3 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 15 July 2015 – Ms Gina Goulder to secretariat, alleging reprisals against staff of Martins Creek Public school
- 26 August 2015 – Ms Gina Goulder to secretariat, providing additional information to the committee
- 4 September 2015 – Ms Sue Coutts to secretariat, forwarding complaints made to her local member, the NSW Department of Education, the Minister for Education, the NSW Ombudsman, and their responses
- 5 September 2015 – Parent B to committee, providing additional information to the committee
- 10 September 2015 – Ms Sue Coutts to committee, providing a paper on complex trauma
- 10 September 2015 – Ms Gina Goulder to committee, forwarding complaints made to her local member, the Department of Education, the Minister for Education, the NSW Ombudsman, and their responses
- 14 September 2015 – Ms Sue Coutts to secretariat, agreeing to the proposed approach regarding redactions to her *in camera* transcript and the draft report
- 14 September 2015 – Ms Sue Handley, Office Manager, Office of the R/Deputy Secretary, School Operations and Performance, NSW Department of Education, confirming the position title of an individual named in the department's *in camera* transcript of 20 August 2015
- 15 September 2015 – Ms Sue Coutts to secretariat, responding to the *in camera* evidence of Department of Education representatives

- 17 September 2015 – Parent B to secretariat, responding to the Department of Education’s answers to questions on notice
- 19 September 2015 – Parent C to secretariat, providing information about enrolments at Laguna Public School
- 29 September 2015 – Ms Lesley Milbourne, Director, Briefings and Correspondence, Department of Family and Community Services, to secretariat, requesting an extension to correspondence
- 8 October 2015 – Mr Michael Coutts-Trotter, Secretary, Department of Family and Community Services, to Chair
- 13 October 2015 – Ms Sue Coutts to secretariat, consenting to information in the letter from a psychologist dated 22 July 2015 being published in the committee report
- 16 October 2015 – Ms Susie Boyd, Secretary, Federation of Parents and Citizens Associations of NSW, to Chair, making a recommendation to the committee about the consultation process in relation to school closures
- 18 October 2015 – Parent B to committee, making further comments about the actions of officers of the NSW Department of Education.

Sent:

- 26 August 2015 – Chair to Dr Michele Bruniges AM, Secretary, NSW Department of Education, forwarding the department’s *in camera* transcript of evidence
- 25 September 2015 – Chair to Mr Michael Coutts-Trotter, Secretary, Department of Family and Community Services, requesting advice regarding the Department of Education’s *in camera* evidence.

Resolved, on the motion of Mr Amato: That the committee keep the following items of correspondence confidential as per the recommendation of the secretariat, as it contains identifying and/or sensitive information and/or potential adverse mention:

Received:

- 15 July 2015 – Ms Gina Goulder to secretariat alleging reprisals against staff of Martins Creek Public School
- 26 August 2015 – Ms Gina Goulder to secretariat, providing additional information to the committee
- 4 September 2015 – Ms Sue Coutts to secretariat, forwarding complaints made to her local member, the NSW Department of Education, the Minister for Education, the NSW Ombudsman, and their responses
- 10 September 2015 – Ms Sue Coutts to committee, providing a paper on complex trauma
- 10 September 2015 – Ms Gina Goulder to committee, forwarding complaints made to her local member, the NSW Department of Education, the Minister for Education, the NSW Ombudsman, and their responses
- 14 September 2015 – Ms Sue Coutts to secretariat, agreeing to the proposed approach regarding redactions to her *in camera* transcript and the draft report
- 14 September 2015 – Ms Sue Handley, Office Manager, Office of the R/Deputy Secretary, School Operations and Performance, NSW Department of Education, confirming the position title of an individual named in the department’s *in camera* transcript of 20 August 2015
- 8 October 2015 – Mr Michael Coutts-Trotter, Secretary, Department of Family and Community Services, to Chair

Sent:

- 26 August 2015 – Chair to Dr Michele Bruniges AM, Secretary, NSW Department of Education, forwarding the Department’s *in camera* transcript of evidence
- 25 September 2015 – Chair to Mr Michael Coutts-Trotter, Secretary, Department of Family and Community Services, requesting advice regarding the Department of Education’s *in camera* evidence.

Resolved, on the motion of Mr Donnelly: That the following items of correspondence be published, with the exception of potentially identifying and other sensitive information, which is to remain confidential, as per the recommendation of the secretariat.

Received:

- 17 August 2015 – Dr Michele Bruniges AM, Secretary, NSW Department of Education, to Chair, regarding witnesses to give evidence on 20 August 2015
- 5 September 2015 – Parent B to committee, providing additional information to the committee
- 15 September 2015 – Ms Sue Coutts to secretariat, responding to the *in camera* evidence of Department of Education representatives
- 17 September 2015 – Parent B to secretariat, responding to the Department of Education’s answers to questions on notice
- 21 September 2015 – Parent C to secretariat, providing information about enrolments at Laguna Public School
- 13 October 2015 – Ms Sue Coutts to secretariat, consenting to information in the letter from a psychologist dated 22 July 2015 being published in the committee report
- 19 October 2015 – Parent B to committee, making further comments about the actions of officers of the NSW Department of Education.

Sent:

- 17 August 2015 – Chair to Dr Michele Bruniges, Secretary, NSW Department of Education, stating that each of the witnesses invited to give evidence is essential to the committee’s inquiry and indicating that should the invitation continue to be declined, the Chair will propose to the committee that the witnesses be summoned.

4.1 Correspondence from Secretary, Department of Family and Community Services and publication of the NSW Department of Education’s *in camera* evidence

Resolved, on the motion of Mrs Houssos:

- That the committee authorise the publication of the NSW Department of Education *in camera* transcript of 20 August 2015, with the exception of identifying and sensitive information which is to remain confidential, as proposed by the secretariat following consultation with the Department of Education, and as proposed by the Department of Family and Community Services.
- That the committee make further redactions to partially confidential submission no. 37.

5. Other *in camera* transcripts

Resolved, on the motion of Mr Amato: That, the committee authorise the publication of the *in camera* transcripts of the following witnesses on 20 August 2015, with the exception of identifying and/or sensitive information, which is to remain confidential:

- Ms Sue Coutts and Ms Gina Goulder, with further amendments consistent with the approach taken with Ms Coutts’ submission
- Parents A, B, C and D
- Ms Joan Hall and Ms Margaret Ward.

6. Submissions**6.1 Partially confidential submissions**

Resolved, on the motion of Mr Donnelly:

- That the committee authorise the publication of submission no. 40, with the exception of identifying and/or sensitive information which is to remain confidential, as per the request of the author.
- That the committee authorise the publication of submissions no. 25a and 41, with the exception of identifying and/or sensitive information which is to remain confidential, as per the recommendation of the secretariat.

6.2 Attachments to submissions

The committee noted that the following attachment was published by the Committee Clerk as per the resolution of the committee via email on 26 August 2015: attachment 1 to Submission 16.

7. Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the Committee Clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice and supplementary questions from Dr Michele Bruniges, Secretary Department of Education and Training received 9 September 2015
- answers to questions on notice from Parent C received 15 September 2015
- answers to questions on notice from Federation of Parents and Citizens NSW received 18 September 2015
- answers to questions on notice from NSW Teachers Federation received 22 September 2015
- further answers to questions on notice from NSW Teachers Federation received 29 September 2015.

8. Consideration of Chair's draft report

8.1 Consideration of the report

The Chair submitted his draft report entitled *The closure of public schools in New South Wales*, which, having been previously circulated, was taken as being read.

Chapter 1

Resolved, on the motion of Dr Kaye: That chapter 1 be adopted.

Chapter 2

Resolved, on the motion of Dr Kaye: That paragraph 2.6 be omitted:

'Section 28 of the *Education Act 1990* deals with school closures and provides two separate regimes for closing a school:

- procedures described in Sections 28(1)-(9) – which have not been used since 2011, and which are set out in the Government submission but not replicated here
- procedures described in Section 28(10)(a)(b) and (c) for:
 - (a) a one-teacher school, or
 - (b) those schools where the majority of the parents of children attending the school approve of the closure, or
 - (c) those schools where the Minister is satisfied there are exceptional or emergency circumstances which require an earlier closure of the school.'

and the following new paragraph be inserted instead:

'Section 28 of the *Education Act 1990* deals with school closures and provides two separate regimes for closing a school:

- For schools described in Section 28(10)(a)(b) and (c) being:
 - (d) one-teacher schools, or
 - (e) those schools where the majority of the parents of children attending the school approve of the closure, or
 - (f) those schools where the Minister is satisfied there are exceptional or emergency circumstances which require an earlier closure of the school.

For these schools closure is at the discretion of the Minister and is guided by a set of protocols described below.

- For all other schools, the Minister is bound by procedures described in Section 28(1)-(9) – which have not been used since 2011, and which are set out in the Government submission but not replicated here.'

Resolved, on the motion of Mrs Houssos: That chapter 2, as amended, be adopted.

Chapter 3

Resolved, on the motion of Mrs Houssos: That paragraph 3.21 be amended by omitting 'a very important role' and inserting instead 'an important role'.

Resolved, on the motion of Dr Kaye: That the following new paragraph and committee finding be inserted after paragraph 3.21:

'The committee recognises the importance of the evidence cited by Save Our Schools that small schools school size at the primary level can have a positive effect on student outcomes and achievements, particularly for disadvantaged backgrounds. The committee also acknowledges that the financial benefits of closure of small schools are debatable.

Finding

That there is evidence that small schools, particularly at the primary level and particularly for rural and regional communities, can contribute to positive outcomes for students and for local communities.'

Resolved, on the motion of Dr Kaye: That the following new recommendation be inserted after paragraph 3.21:

'Recommendation X

That the Department make publicly available:

- (i) the evidence base it uses to support its assertions about educational outcomes and small schools
- (ii) the criteria it uses to determine when a small school is placed in view.'

Dr Kaye moved: That the following new recommendation be inserted after paragraph 3.21:

'Recommendation X

That the Minister for Education commission an independent review of the evidence of the impacts of small school size on primary student outcomes, rural and regional communities and overall economic costs and benefits for the state. Further, that:

- (i) the results of the review be published and that they be used to inform the Department's decision making on small schools, review, recess and closure
- (ii) the Department review its criteria and processes around decision making in light of the review and make public the results of that review and any actions that arise from it.'

Question put.

The committee divided.

Ayes: Dr Kaye.

Noes: Mr Amato, Mr Donnelly, Mr Franklin, Mr Green, Mrs Houssos, Mrs Maclaren-Jones.

Question resolved in the negative.

Resolved, on the motion of Mr Amato: That Chapter 3, as amended, be adopted.

Chapter 4

Resolved, on the motion of Mr Franklin: That the third paragraph of the introduction be amended by omitting 'the genuineness of' before 'the department's consultation with parents and community members'.

Resolved, on the motion of Mr Franklin: That the following sentence be omitted from the case study after paragraph 4.3:

'Fearful that the Department intends to sell off the land, the parents are now focused on preventing that outcome.'

Resolved, on the motion of Dr Kaye: That the fifth dot point in the case study after paragraph 4.7 be amended by inserting 'implications of closure for a particular' before 'student with complex needs'.

Resolved, on the motion of Mr Franklin: That paragraph 4.45 be amended by omitting 'in the view of the parents there' and inserting instead 'in the view of some parents'.

Resolved, on the motion of Mr Franklin: That paragraph 4.47 be amended by omitting 'the department is understandably viewed' and inserting instead 'the department would be understandably viewed'.

Resolved, on the motion of Mr Franklin: That Recommendation 1 be omitted: 'That the NSW Department of Education be honest with parents when it intends to close a school and inform them of that fact, rather than leading them to believe that they can have input into a decision that is yet to be made', and the following new recommendation be inserted instead:

'That the NSW Department of Education act with honesty and good faith by informing parents at the earliest possible stage when it intends to close a school.'

Resolved, on the motion of Dr Kaye: That the following committee comment and recommendation be inserted after paragraph 4.48:

'The evidence before the committee suggests that the Department rejected offers from communities that were at risk of school closure to work cooperatively to boost enrolments. It appears that in at least one case the department or its officials worked against any attempt to attract new students. This is clearly not in the best interests of the community or the state.'

Recommendation X

That the *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered* are amended to:

- (i) require the Director and Principal to consider at Stage 1 any strategies to boost enrolments and, should they identify any such strategies, to not proceed to step 2 until those strategies had been developed and implemented and
- (ii) insert at step 6 a new dot point requiring the School Consultative Group to consider strategies to boost enrolments and should such strategies be identified, to not proceed with the process of closure until such strategies had been developed and implemented.'

Resolved, on the motion of Mr Franklin: That paragraph 4.49 be amended by omitting 'the heavy handed, authoritarian way' and inserting instead 'the heavy handed way'.

Resolved, on the motion of Mr Franklin: That paragraph 4.49 be amended by omitting 'are being implemented' and inserting instead 'have been implemented in some cases.'

Resolved, on the motion of Mr Franklin: That paragraph 4.49 be amended by omitting 'have not understood' and inserting instead 'have not fully appreciated'.

Resolved, on the motion of Mr Franklin: That paragraph 4.50 be amended by:

- (a) omitting 'have taken an authoritarian approach' and inserting 'have taken a heavy handed approach'
- (b) omitting 'this authoritarian approach' and inserting instead 'this heavy handed approach'.

Resolved, on the motion of Mr Franklin:

- (a) that paragraph 4.52 be amended by omitting 'for how the organisational culture surrounding the closure of schools is to be made more respectful of parents.' and inserting instead 'on the organisational culture surrounding school closures with particular reference to the need to be respectful and understanding towards parents.'
- (b) that recommendation 3 be amended by omitting 'for how the organisational culture surrounding school closures can be made more understanding and respectful towards parents.' and inserting 'on the organisational culture surrounding school closures with particular reference to the need to be respectful and understanding towards parents.'

Resolved, on the motion of Dr Kaye: That the following new recommendation be inserted after Recommendation 3:

‘Recommendation X

That the Deputy Secretary be required to provide appropriate support, information, and resources to facilitate the consultation process at step 6 of the *Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered.*’

Resolved, on the motion of Dr Kaye: That the following committee comment be inserted after paragraph 4.53:

‘The evidence before the committee suggests that while many local communities worked with great skill and commitment to save their local schools, there were limited opportunities to share experience and expertise gained from other closure events. The Federation of Parents and Citizens Associations of NSW proposed that they be given a seat on the Consultative Group to “strengthen and support the consultative process leading to better decisions on these important issues”. [footnote referring to correspondence from the Federation of Parents and Citizens Associations of New South Wales received 16 October 2015]’

Dr Kaye moved: That Recommendation 4 be amended by adding the following dot point:

‘At step 5, membership of the School Consultative Group be extended to include a local representative of the Federation of Parents and Citizens Associations of NSW.’

Question put.

The committee divided.

Ayes: Mr Donnelly, Ms Houssos, Dr Kaye.

Noes: Mr Amato, Mr Franklin, Mr Green, Mrs Maclaren-Jones.

Question resolved in the negative.

Resolved, on the motion of Mrs Houssos: That paragraph 4.79 be omitted: ‘The committee recognises that there is some value in the decision to close a school to be based on a judgement about the best educational interest of the students, but it seems to us that this criterion is problematic in several ways’ and the following new paragraph be inserted instead:

‘The committee recognises that the best educational interests of the students is the primary principle upon which to base a decision to close a school. However, this criterion can be problematic in several ways.’

Resolved, on the motion of Mr Franklin: That paragraph 4.80 be amended by omitting ‘should pay greater respect’ and inserting instead ‘should pay significant respect’.

Resolved, on the motion of Mr Franklin: That paragraph 4.81 be amended by omitting ‘must be more genuine and early with its consultation’ and inserting instead ‘must be genuine and early with its consultation’.

Resolved, on the motion of Mrs Houssos: That paragraph 4.82 be amended by:

- (a) omitting ‘a sole focus on the educational outcomes of students does not allow for’
- (b) inserting ‘should also be taken into consideration’ after ‘a more holistic view of the role that a school plays in a small town’.

Resolved, on the motion of Mrs Houssos: That paragraph 4.83 be amended by inserting ‘and planning decisions’ after ‘as well as local events’.

Resolved, on the motion of Mrs Houssos: That recommendation 5 be amended by inserting ‘and planning decisions’ after ‘and likely events’.

Dr Kaye moved: That the following new recommendation be inserted after paragraph 4.85:

‘Recommendation X

That the *Education Act 1990* be amended so that unless otherwise resolved by both Houses of Parliament, where a public school is closed, it cannot be sold other than for the purposes of financing the development of a new public school serving the same community.’

Question put.

The committee divided.

Ayes: Dr Kaye.

Noes: Mr Amato, Mr Donnelly, Mr Franklin, Mr Green, Ms Houssos, Mrs Maclaren-Jones.

Question resolved in the negative.

Dr Kaye moved: That the following committee comment and recommendation be inserted after paragraph 4.85:

‘The committee recognises the serious impact that a school closure event can have on a small community and the concerns raised by communities in evidence to this report. We believe that given the serious nature of the matters dealt with by the Protocols, they would be better enshrined as a regulation under the Education Act 1990, where any future changes would be disallowable by either House of the NSW Parliament.

Recommendation X

That the Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered as amended in accordance with this report be made regulations under the *Education Act 1994*.’

Question put.

The committee divided.

Ayes: Dr Kaye.

Noes: Mr Amato, Mr Donnelly, Mr Franklin, Mr Green, Ms Houssos, Mrs Maclaren-Jones.

Question resolved in the negative.

Resolved, on the motion of Mrs Houssos: That paragraph 4.84 be amended by inserting at the end of the paragraph ‘Furthermore, consultation with local government would also add further evidence as to whether to close or to recess a school.’

Resolved, on the motion of Dr Kaye: That chapter 4, as amended, be adopted.

Chapter 5

Resolved, on the motion of Mr Amato: That chapter 5 be adopted.

Chapter 6

Resolved, on the motion of Mr Donnelly: That chapter 6 be adopted.

Appendix 6

Resolved, on the motion of Mrs Houssos: That identifying information about Parents A, B, C and D be removed from the minutes.

8.2 Publication of document referred to in the report

Resolved, on the motion of Dr Kaye: That the committee authorise the publication of an excerpt of a letter from a psychologist dated 28 July 2015, that is a confidential attachment to submission 37, in the case study before paragraph 5.1, noting that Ms Coutts has given her consent.

8.3 Resolutions regarding the adoption of the report

Resolved, on the motion of Dr Kaye:

- (a) That the draft report as amended be the report of the committee and that the committee present the report to the House;
- (b) That the transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, minutes of proceedings and correspondence relating to the inquiry be tabled in the House with the report;
- (c) That upon tabling, all unpublished attachments to submissions and to correspondence be kept confidential by the committee;
- (d) That upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, minutes of proceedings and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- (e) That the committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- (f) That the committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- (g) That dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;
- (h) That the report be tabled on 22 October 2015.

Resolved, on the motion of Dr Kaye: That the committee acknowledge its gratitude to the committee secretariat for their professionalism and sensitivity in dealing with a number of complex matters during the inquiry.

9. Adjournment

The committee adjourned at 10.42 am *sine die*.

Merrin Thompson
Committee Clerk

Draft minutes no. 5

Wednesday 21 October 2015

Select Committee on the Closure of Public Schools

Members' Lounge, Parliament House, 10.45 am

1. Members present

Mr Green, *Chair*

Mr Franklin

Mrs Houssos

Dr Kaye

2. Apologies

Mr Amato

Mr Borsak

Mr Donnelly

Mrs Maclaren-Jones

3. Confidential submissions

Resolved, on the motion of Dr Kaye: That, the committee keep confidential submission nos. 42 and 43, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information and potential adverse mention.

4. Adjournment

The committee adjourned at 10.46 am *sine die*.

Merrin Thompson
Clerk to the Committee

