

**Questions taken on notice from the Hon. Daniel Mookhey:**

**Are you aware of the employee performance and conduct [EPAC] process?**

Federation is aware of the processes employed by EPAC in relation to the investigation of employee efficiency and conduct matters as well as serious misconduct including that of a child protection nature.

Officers from Federation's Research, Industrial and Professional Support section are particularly aware of these processes as they provide focussed advice to members impacted by them and communicate regularly with EPAC officers in relation to timeframes for responses and submissions.

**Would you consider it to be a fair, equitable, timely, efficient and just process?**

Notionally the investigation process is fair and just.

- All communication regarding investigation of allegations is provided in writing and in most cases handed to members by their principal/supervisor at a meeting
- Members are always advised to bring a support person to meetings
- Members are advised they may elect to respond to allegations in writing in preference to undergoing a taped interview
- Members are provided with contact details to enable them to access support during the process including from NSWTF
- Timeframes for responses are generally fair and extensions of time are usually granted if required.

However, on a number of levels the investigation process is neither timely nor efficient.

This situation has been exacerbated by the continuing NSW Government policy to reduce government department staffing levels via the 1.5% annual efficiency dividend, "which targets agency back office savings". (Budget Statement 2016-17, p5.) This policy is significantly undermining the NSW Department of Education's capacity to properly and effectively support schools in the delivery of high quality public education. This has resulted in increased workload being devolved to classroom teachers, executives and principals at the school level.

Federation's view is that insufficient staffing and a higher than usual staff turnover have reduced the capacity of the Department's EPAC directorate to finalise investigation processes in a timely manner. This has an ongoing detrimental effect on the health and wellbeing of members under investigation, and indeed on the workload of EPAC officers, and on school organisation where members are removed from the workplace pending completion of the process.

- In some cases the investigation process has taken in excess of two years to complete
- Timeframes have been extended unreasonably where the EPAC investigator has resigned part way through the process and a new investigator has recommenced the investigation
- EPAC officers have admitted when extensions are requested that they would not be able to process members' responses within the indicated timeframe due to workload
- During 2016 Federation became aware that a number of EPAC officers resigned within a period of weeks leaving a large caseload unallocated
- Members are supposed to be advised in writing when there has been a significant delay in concluding the investigation process but often this does not happen until EPAC is contacted by a Federation officer seeking clarification.

**In addition could you also give us your views as to whether or not from the perspective of your members that is a fair process?**

Members certainly do not regard the extended timeframe for completion of the process as fair.

**To what extent is procedural fairness for your members acknowledged in that process?**

To the extent that timeframes for completion are unsatisfactory, our members are being denied procedural fairness.

**To what extent do your members have any concerns about it?**

Members frequently complain to Federation about aspects of the investigation process, but particularly the unreasonable timeframes. At a recent meeting of the Federation Principals Committee, principal members raised the issue of the negative impact on their schools where the investigation process was unreasonably protracted.

**To what extent do you think it is a valid mechanism as to how these investigations should be handled?**

While Federation acknowledges that serious allegations must be investigated by the employer, the Department has a responsibility to its employees to effectively staff the Directorate responsible for conducting these investigations. The trend in recent years for EPAC officers to be appointed from backgrounds other than teaching often results in decisions being made during the process without a realistic knowledge of how schools and their communities operate.

## **Questions taken on notice from the Hon. John Graham**

Do you believe this is a widespread problem or is it something that has been reported in a number of areas and might be in particular regions?

### **Answer provided by the NSW Teachers Federation:**

#### **Further to the answer provided by Mr Zadkovich at the Inquiry on Monday, 3 April 2017.**

The experience of members reporting on this issue varies in different locations. In some areas members feel that the profiling or informal process prevents the actual development and submission of a full Integration funding request with department officers advising changes to the descriptors and ranking used. In other areas members have found the informal advice useful in that it provides an indication of the potential for an individual student to meet the threshold required to obtain actual funding. If a student meets the required threshold then the school forms a team and undertakes the detailed work required to obtain that individual funding.

This varied experience appears to relate to 2 factors

- the knowledge and experience of the departmental officers handling Integration funding submissions,
- the resources needed to support school Learning Support Teams in the development of applications.

It should be noted that there has been significant change in departmental personnel working in Educational Services across the state since the introduction of the Every Student Every School process. This has placed additional strain on the department's capacity to support schools in these processes.

**Questions taken on notice from the Hon. David Shoebridge:**

At one point in your submission you talk about what seem to be Schools with a Special Purpose hidden within large mainstream schools. You say at one point:

*Increasingly in some areas, predominantly those outside of metropolitan Sydney, there are reports of Support Units in mainstream schools growing beyond six classes and becoming unmanageable in light of not attracting additional staffing, namely Executive staffing entitlement. Some Support Units across the state have been reported as being as large as Schools for Specific Purposes (SSPs) but running with less administrative, staffing and funding support.*

**Could you give some examples of where this is, and maybe take it on notice. Could you say what the effect is?**

**Answer provided by the NSW Teachers Federation:**

The Federation has received reports from members and the union's field officers (known as Organisers) of regular schools with a significant number of classes for students with disability, without the level of executive support that members believe is required.

The Federation has sought such examples from Organisers. A letter has also been written to the Department, seeking school-by-school data on the number and type of classes in regular primary and secondary school settings, and the number of executive positions established to supervise these classes in each school. The Department has provided that information and it is attached to our response.

In Primary Schools when 3 – 6 Support classes have been established there is an appointment of an Assistant Principal (Support). When there are 7 or more classes there is an appointment of a Deputy Principal (Support). The distinction being that an Assistant Principal has a full teaching load less their 2 hours release time each week, a Deputy Principal does not have a teaching load.

In Secondary schools when 3 classes or more are established there is the appointment of a Head Teacher (Support) with a 0.2 FTE release from class (as occurs with all secondary Head Teachers). In most cases there is no further executive release irrespective of the number of classes established.

From the data provided by our officers and the Department it can be seen that there are schools which can have 7, 8, 9 or 11 classes and still only have the appointment of a Head Teacher.

There are some secondary and primary schools which have an appointment which varies from the state wide staffing entitlement. It is not clear why this occurs.

The shortfall in executive positions in these situations has a negative effect on the school's capacity to effectively meet student needs.

Greater leadership support is needed for classroom teachers, support staff and students, in areas such as staff professional development and learning, mentoring of newly qualified teachers, student behaviour and wellbeing, communication / meetings with parents/carers, dealing with other agencies, whole school program implementation, etc.

An insufficient number of executive positions increases workload for the classroom teachers and executives currently appointed to these settings and inhibits the capacity of the school to maximise learning outcomes for students with disability.



New South Wales Teachers Federation  
a branch of the Australian Education Union

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24 April 2017

In reply please quote: 368/2017/TM:jl

Mr Mark Scott, AO  
Secretary  
NSW Department of Education  
35 Bridge Street  
SYDNEY NSW 2000

By email:

Attention:

Dear Mr Scott

**Re: Parliamentary Inquiry into the Education of Students with a Disability or Special Needs in New South Wales Schools**

During the recent hearings by the Parliamentary Inquiry the Federation was asked a number of questions on notice regarding the executive entitlement in school Support Units and Special Education settings.

In order to respond to one of those questions the Federation requests the number and location of mainstream schools with a Support Unit or Special Education setting where there are 6 or more classes and the level and type of executive entitlement provided.

The Federation would appreciate it if an early response could be provided given the time-frame required for reply to the Parliamentary committee.

Yours sincerely

**John Dixon**  
General Secretary



HUMAN RESOURCES DIRECTORATE

Mr John Dixon  
The General Secretary  
NSW Teachers Federation  
Locked Bag 3010  
DARLINGHURST NSW 1300

DGL17/391

By email:

Dear Mr Dixon

I write in response to your letter of 24 April 2017, to Mr Mark Scott AO, Secretary, Department of Education, regarding Students with a Disability or Special Needs in NSW schools (your ref: 368/2017/TM:jl). The Secretary has asked me to respond on his behalf.

As at 27 April 2017, there are 1,382 mainstream public schools in NSW with 16,507 special education enrolments (**TAB A**, Table 1).

The various categories of students enrolled in special education support classes are attached in **TAB A**, Table 2.

Every mainstream primary school with three to six special education support classes is entitled to an Assistant Principal Support position and in mainstream primary schools with seven or more support classes the Assistant Principal Support position is replaced by a Deputy Principal Support.

The Assistant Principal and Deputy Principal positions are teaching positions and they are allocated an additional 0.042 FTE executive release time in addition to the 0.084 FTE Primary Student Support Relief from Face-to-Face teaching (RFF) allocated to every special education support class (with the exception of Young Children with disability class).

Every mainstream secondary school with three or more classes is entitled to a Head Teacher Support position.

The Head Teacher Support is entitled to 0.2 FTE release time in addition to the 0.4 FTE Secondary Support Class Supplement allocated to a special education support class.

Mainstream schools with a Suspension Centre are entitled to a Head Teacher Suspension Centre. Head Teacher Suspension Centre is not allocated the Secondary Support Class Supplement of 0.4 FTE.

As at 27 April 2017, there are 69 schools with six or more special education support classes (**TAB A**, Table 3).

The full list of mainstream schools with six or more support classes and the executive entitlement is attached in **TAB B**.

Yours sincerely

Trina Schmidt  
**Executive Director, Human Resources**  
4 May 2017

Schools with six or more special education support classes as at 27 April 2017

School Code	School Name	School Level	Total Special Education support enrolment	Total non-itinerant classes	Executive - AP (non-itinerant)	Executive - DP (non-itinerant)	Executive - Head Teacher (non-itinerant)	Executive - Head Teacher (Suspension Centre)
8493	Airds High School	S	64	6			1	
8586	Albion Park High School	S	42	6			1	1
8570	Ambarvale High School	S	62	6			1	
1287	Bomaderry Public School	P	63	6		1		
8513	Brisbane Water Secondary College Umina Campus	S	39	6			1	
8414	Chatham High School	S	57	6			1	
8473	Chifley College Senior Campus	S	55	6			1	
4510	Claymore Public School	P	57	6		1		
8103	Denison College of Secondary Education Bathurst High Campus	S	59	6			1	
8543	Dubbo College Delroy Campus	S	54	6			1	
8569	Eagle Vale High School	S	69	6			1	
8404	Endeavour Sports High School	S	58	6			1	
8117	Grafton High School	S	47	6			1	
2060	Grafton Public School	P	43	6		1		
8467	Henry Kendall High School	S	52	6			1	
8497	James Meehan High School	S	46	6			1	
8489	Kanahooka High School	S	59	6			1	
8524	Karabar High School	S	34	6			1	
8585	Kincumber High School	S	45	6			1	
8474	Lake Illawarra High School	S	50	6			1	
8279	Lake Munmorah High School	S	34	6			1	
8249	Maitville Sports High School	S	50	6			1	
8407	Mount Austin High School	S	45	6			1	1
8128	Mudgee High School	S	45	6			1	
8129	Murwillumbah High School	S	49	6			1	
8383	Nepean Creative and Performing Arts High School	S	56	6			1	
8547	Northlakes High School	S	45	6			1	
8201	Nowra High School	S	50	6			1	
8216	Queanbeyan High School	S	47	6			1	
8484	Sydney Secondary College Balmain Campus	S	25	6			1	
8589	Thomas Reddall High School	S	56	6			1	
8527	Toormina High School	S	49	6			1	
7445	Woy Woy Public School	P	52	6		1		
3869	Yagoona Public School	P	37	6		1		
8502	Tomaree High School	S	38	6.2			1	
8125	Lithgow High School	S	46	6.5			1	
8554	Hastings Secondary College Westport Campus	S	44	6.6			1	
8581	Batemans Bay High School	S	32	7			1	
4396	Busby West Public School	P	58	7	1			
8444	Canobolas Rural Technology High School	S	62	7			1	



Schools with six or more special education support classes as at 27 April 2017

School Code	School Name	School Level	Total Special Education support enrolment	Total non-itinerant classes	Executive - AP (non-itinerant)	Executive - DP (non-itinerant)	Executive - Head Teacher (non-itinerant)	Executive - Head Teacher (Suspension Centre)
8517	Denison College of Secondary Education Kelso High Campus	S	48	7			1	
8417	Dubbo College South Campus	S	61	7			1	
1896	Fairfield West Public School	P	53	7	1			
8449	Figtree High School	S	45	7			1	
4020	Glenroi Heights Public School	P	69	7	1			
2275	Kelso Public School	P	40	7	1			
4166	Marayong Public School	P	62	7	1			
8566	Melville High School	S	44	7			1	1
4338	Miller Public School	P	45	7		1		
2631	Moss Vale Public School	P	57	7	1			
8906	Oak Flats High School	S	45	7			1	
8146	Parkes High School	S	45	7			1	
2899	Port Macquarie Public School	P	54	7	1			
8572	Rutherford High School	S	63	7			2	
8561	Shoalhaven High School	S	62	7			1	
3073	Smithfield Public School	P	75	7	1			
4655	Victoria Avenue Public School	P	36	7		1		
8278	Wadalba Community School	C	30	7			1	1
4563	William Stimson Public School	P	45	7	1			
8165	Bega High School	S	52	8			1	
8154	Casino High School	S	65	8			1	
8456	Fairvale High School	S	81	8			2	
8401	Lurnea High School	S	88	8			1	
8252	Strathfield South High School	S	39	8			1	
8495	Ulladulla High School	S	81	8			1	
8480	Warrawong High School	S	72	8			1	
8460	James Busby High School	S	91	9			1	
4428	Southern Cross School	C	64	9		1	1	
8593	Vincentia High School	S	81	11			1	
			<b>462.3</b>	<b>9</b>	<b>8</b>	<b>55</b>	<b>4</b>	

## **Response to Questions taken on notice**

**Reverend the Hon. Fred Nile stated and asked the following of the NSW Teachers Federation at the Inquiry hearing on April 3:**

The Senate had an inquiry into funding in 2016. That was mentioned in your submission. That committee recommended: *The committee recommends that the government commits to funding schools on the basis of need, according to the Gonski Review.* **Did the Senate take any action on that?**

### **Answer from the NSW Teachers Federation:**

In their brief ten page [response](#), the Turnbull government stated their “in-principle” support for the Senate References Committee’s Recommendation 1:

*that the government commits to funding schools on the basis of need, according to the Gonski Review.*

The response states that:

*The Government strongly believes that funding should be directed where it is needed most, recognising the different costs of educating particular groups of children, including students with disability (p.3).*

The response then goes on, however, to signal the government’s abandonment of the Gonski model:

*This government is committed to moving from 2018 to a fairer more sustainable funding model that distributes funding to those that need it most.*

The government’s statement about moving to “a fairer, more sustainable funding model” is designed to conceal its intention to renege on the Commonwealth’s signed commitment to the NSW National Education Reform Agreement (the Gonski agreement) and thereby reduce total schools funding, including for students with disability.

This action shows that the federal government seeks to abrogate its responsibility to deliver equitable quality education to students with disability. There have been no recurrent needs-based resources delivered to meet their responsibilities under their own National Disability Strategy 2010-2020 or to adhere to legal obligations under the Disability Discrimination Act 1992.

### **Further question from the Hon. Fred Nile:**

**We are all frustrated at the lack of funding. How can we put more pressure on the Government to implement that?**

### **Answer from the NSW Teachers Federation:**

The NSW Government has been widely commended for being the first state government to accept the rationale for a needs-based schools funding model and sign a Gonski agreement with the Commonwealth. Now, with the Federal Government manoeuvring to abandon its responsibility to fully fund the final two years of the NSW Gonski agreement, this leadership by the NSW Parliament must continue.

The broad support of NSW MPs, from the government, opposition and cross benches, has been greatly appreciated and respected by citizens who know the crucial importance of providing the equal opportunity for a well-funded, high quality education to all students, so that they may reach their full potential in schooling and in later life.

The strong support for the Gonski model from NSW MPs, including Premiers O'Farrell, Baird and Berejiklian, and Education Ministers Piccoli and Stokes, has been important in achieving the first four years of Gonski funding for NSW school students.

The NSW Government is commended for allocating funding for the full six years of the NSW agreement. It now behoves all NSW MPs to join with parents and carers, teachers and principals, and school community members across the state, to convince their federal counterparts to do likewise and fully fund the Commonwealth's allocation for 2018 and 2019.

The Federation hopes all NSW MPs will support the ongoing Gonski campaign in the lead up to the May 9 federal budget and if necessary, subsequent meetings of the Education Council and the Council of Australian Governments. This support could include MPs advocating within their own political parties for the right of every child to benefit from increased investment in their education through the Gonski model, and by making public statements and attending activities and events in support of the need for the Federal Government to fully fund the NSW agreement.

The Committee could ensure that this commitment to full implementation of the NSW Gonski agreement is reaffirmed in the Inquiry's recommendations, with particular emphasis on the Gonski Students with Disability loading and the urgency surrounding its implementation.

The Federal Government has made numerous statements in its response to the Senate Inquiry, some of which are listed below. The Committee has an opportunity to hold the Federal Government to account for these commitments when drafting its recommendations and by maintaining the issue as a priority matter within NSW Parliamentary business.

*Importantly, funding will be used to drive real reforms that ensure all children have the support they need to succeed no matter what school they go to or where it is located (p1).*

*All Australian governments and sectors are working together on reforms aimed at improving the lives of people with disability. This includes broad reforms such as the National Disability Strategy 2010–20 and the National Disability Insurance Scheme, as well as specific reforms to improve education outcomes for students with disability (p2).*

*There is considerable work ahead to ensure students with disability are able to achieve optimal educational outcomes (p.2).*

*The Government strongly believes that funding should be directed where it is needed most, recognising the different costs of educating particular groups of children, including students with disability (p3.)*

*The Government is committed to continuing to improve support for students with disability and will collaborate with government and non-government education authorities to identify opportunities to expand and strengthen work already underway in these areas (p.8).*