

**INQUIRY INTO EARLY CHILDHOOD EDUCATION AND
CARE SECTOR IN NEW SOUTH WALES**

Name: Dr Jane Hunter

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Chair, Deputy, and Committee Members of the inquiry into early childhood education and care sector in New South Wales.

Legislative Council: Parliament of New South Wales, Sydney, NSW, 2000.

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Dear Chair, Abigail Boyd MLC

I write in response to the invitation to make a submission to Portfolio Committee 3: the ‘Inquiry into the early childhood education and care sector in New South Wales’; I am responding to item:

- **j) any other related matters.**

My concern pertaining to ‘any other related matters’ is based on four decades of professional work as a classroom teacher, head teacher, researcher, education bureaucrat, teacher educator and parent.

Whilst I understand this inquiry is focused on the early childhood education and care (ECEC) sector, I draw your attention to the operation of the public regulator i.e. the NSW Department of Education: Professional and Ethical Standard (PES) Directorate and its responsibilities towards staff and students in primary and secondary schools. There are many common threads with what has occurred in the ECEC sector and the motivations for the terms of reference in this current inquiry.

My apprehensions are primarily about the integrity of public service management of PES whose governance structure including its processes, and methods of operation are ‘no longer fit for purpose’ in 2025.

Not only within the ECEC sector are staff and parent complaints not properly investigated by the PES Directorate, but there is also disproportionate suffering and unfair treatment of employees while allegations are being investigated – specifically, teachers and principals and those in leadership positions in NSW public secondary and primary schools. The extreme powers of PES with its apparent lack of transparency and accountability by an education regulator is shameful – it does not adequately separate serious criminal abuses from minor errors in school or financial management, for example.

In the past decade several principals and teachers in NSW public schools have sought my council and advice regarding what can only be described as ‘egregious treatment’ at their hands of their employer. I have written to Education Minister Prue Car several times. For the past 12 months I have been working with various parties including principals, parents, and classroom teachers to try to understand their grievances – these are not disgruntled employees or community members, but outstanding leaders, practitioners and interested parents whom public education in NSW cannot afford to lose.

In my current role in teacher education – we are finding it increasingly difficult to attract school leavers to want to enter the teaching profession and schools are finding it difficult to recruit principals

to take on leadership roles, especially in secondary schools. A recent peer reviewed survey confirms [this concerning situation](#) – not only in NSW but across Australia.

There have been reviews of PES – previously EPAC (Mark Scott commissioned Mark Tedeschi SC) and more recently Wheeler – however in the latter, the Wheeler terms of reference were too narrow and failed to address what needed to be examined.

The department continually touts ‘nothing to see here’ however it has lost many claims in the NSW personal injury courts over the past five years and while resources for public education are limited, I worry that such monies could be better spent. The Secretary of the NSW Department of Education has been asked many questions in recent budget estimates meetings about the total cost of these settlements – however few, detailed answers nor costs to date, have been provided.

There are many ways to better support principals and teachers in public schools by ensuring people with significant teaching backgrounds are employed in greater numbers in the PES Directorate, plus ensuring such employees understand sociological and psychological principles, and have some level of legal training. One case I know about, names the most senior PES officer and I quote from correspondence sent to me from the legally educated parents of the accused teacher (their adult child) said:

“Mr X is not appropriately qualified and does not have the necessary relevant experience to do the job. He is simply out of his depth. His job will often require him to make findings of fact where there is a dispute about what occurred, to make a determination as to who is telling the truth, who is reliable or may be unreliable and to make a determination about serious allegations that have been made.

Mr X has had no training or experience to equip him for these tasks. In our experience he simply never made proper determinations and never gave proper reasons about many of the allegations. At no stage did he ever properly deal with the 160 pages of our response”.

Most principals and teachers in NSW public schools against whom allegations are made do not have the legal and financial means to keep pursuing legal support when PES allegations take months, if not years to resolve, the NSW Teachers Federation has a limited number of officers that can take on what are very often complex cases while many accused principals and teachers decide to resign their employment and in doing so, sign NDAs. Is this how we should be treating public service employees who very often have made minor errors of judgement – one strike and you are out?

I really hope that this ECEC inquiry will consider the much broader and related matter concerning the governance of PES in the NSW Department of Education – it needs a broom through it – **a one-size fits all approach is not working – it urgently needs a new governance structure with processes and supports that are ‘fit for purpose’ for principals and teachers in 2025 and beyond.**

Sincerely,

Jane Hunter PhD