Submission Form: Reform of the Education Act (NT) Discussion Paper

Thank you for taking the time to contribute to this consultation process.

This form is designed to assist you in making a submission on the Discussion Paper, and in contributing ideas to the development of a new Education Act for the Northern Territory. Please save this form to your computer before you start to complete it.

Submissions can be lodged in the following ways:

1. Electronic submissions are preferred. Please save as a Microsoft Word document.
   Email to: legislation.services@nt.gov.au

2. Mailed submissions should be typed or written clearly in blue or black ink on A4 paper.
   Mail to: Legislation Services Team
           Department of Education
           GPO Box 4821
           Darwin NT 0801

Submissions close at 5 pm (CST) on Wednesday 16 April 2014.

Please complete the details below. You must complete all fields marked with an asterisk (*). Use the tab key to select the text fields.

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* Email address or phone number: theratahis@bigpond.com

If submitting on behalf of an organisation, name of organisation: Taminmin College Council

I am currently involved with the following education sector/s (please tick those that apply by clicking on the box/boxes)

☐ Early childhood    ☐ Non-Government school    ☒ Government school
☐ Tertiary          ☐ Not applicable

I am responding as (please tick all those that apply)

☐ a parent       ☐ a teacher
☐ a principal    ☐ an employer
☐ an organisation ☒ other, please specify: School Council

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☐ I wish my response to remain confidential.

☒ I authorise the Department of Education to edit my response (the format only) to create an alternate file format in order to have it published online.

Reform Themes

Stimulus questions are included throughout the Discussion Paper and Discussion Starters to help focus your feedback. You are invited to provide comments in the text fields below to address these questions, or provide a more general response about the reform theme, if you prefer.

You may write as little or as much as you would like in each text field, and you do not have to write anything if a reform theme has no relevance to you. There is a text field at the end of the form where you may like to suggest other ideas for reform, or provide general comments.

Introduction:

It is of significant concern to Taminmin College Council (hereafter referred to as ‘Council’) that, despite Ministerial assurance that “consultation with stakeholders will be essential in the success of a new Act”, the largest review of public education in 35 years has been commenced with inadequate consultation. The release of the Discussion Paper on 26 February 2014 allowing a six week period for comment coincided with the holding of School Council AGMs in March, which effectively meant School Councils would have one meeting to consider and prepare an informed response to the Discussion Paper, with potentially half of the Council being newly elected, with little knowledge of the current Act or wide ranging public education issues. This timeline shows disdain for, and a lack of value attributed to the contribution of volunteer School Council members. If there are compelling and genuine reasons for major legislative change, maximum success will be achieved when there is sustained engagement with stakeholders, to bring them along with the process rather than having change imposed. Given the limited timeframe for consultation, and the fact that the Discussion Paper notes that the matters raised in the paper are not a complete list of all possible options for reform of the Act, Council will provide further comment when the draft Bill is circulated and there is some certainty of issues to be addressed.

In regard to the Minister for Education stating the current Act is "rigid and restricts individual schools from making decisions that could improve outcomes", it is the experience of Council that it is not the Act that is rigid and restrictive, but rather the processes, procedures and culture of the department and behaviours of some staff. Many Council members have served School Councils over a 10 year period, and have experienced a range of ongoing issues including delayed reimbursements; unacceptable delays with the issuing and term of staffing contracts; decision making on a "one size fits all" basis; significant funding reductions to special needs students; lack of support for 21st century education technology including IT support; constraints with specialist staff required to meet the changing needs of society and community demographics; and a mindset that Principals should “control and manage” School Councils. All of these have negatively impacted on outcomes, yet none are a result of restrictions under the existing Act. It is difficult to believe that the introduction of a new Act will instantly modernise entrenched processes and culture.

Whilst the Discussion Paper suggests that the Northern Territory can learn from other jurisdictions in Australia and other countries, such as New Zealand and Canada, further information needs to be provided to stakeholders to confirm ‘like’ demographics. For example, a significant proportion of students in the NT enter the education system from a complex, disadvantaged background, including almost double the school age population in the lowest socio-economic group compared to the Australian average; more than 40% of students in the NT are indigenous compared to less than 5% nationally; almost 40% of students in the NT come from a language background other than English,
compared to less than 25% nationally; and nearly half the school age population live in remote and very remote areas compared to 3% nationally. The NT context is unique, and it will not be successful to implement southern or international models, regardless of how successful they are in their context, as Council has experienced in relation to remote RTO delivery models based on southern circumstances.

It is difficult to discern what, exactly, the ‘reform’ agenda is, as many of the options for reform quoted in the paper appear little different to the functions School Councils currently have under the existing Education Act. The main focus appears to be on increasing Principal and School Council accountability, which when read in conjunction with the introduction of Global School Budgets (GSB) in 2015, could be considered to be an opportunity for government cost cutting and blame shifting if the reforms introduced in 2013 do not improve educational outcomes. Following the announcement of increased student/teacher ratios in 2013, allegedly due to the education system failing students, Council requested the department provide the key performance indicators (KPIs) for 2014, 2015 and 2016 to enable monitoring of whether educational outcomes are improved by increasing the number of students per teacher in middle and senior schools, noting that the allocation does not actually translate to what occurs in classrooms which is substantially more students. This request is yet to be met and does not evidence a commitment to departmental accountability – unlike that now being proposed for schools.

Reform Theme 1: Objects and Guiding Principles

*Please type your Theme 1 comments here:*

It is reasonable to include Objects and Guiding Principles to ensure consistency with other modern legislation, however stakeholders will expect a genuine commitment to delivering on these. Those issues outlined in Objects are already being delivered under the existing Act, albeit with varying levels of success (not attributable to either schools or staff) such as special needs programs, where there is a requirement for significant improvement to resourcing and processes. As is the case with the existing Act, irrespective of what is included as broad motherhood statements of intent, the challenge will be to implement revised processes, procedures and organisational culture capable of delivery.

Reform Theme 2: Local School Autonomy

*Please type your Theme 2 comments here:*

NT School Councils currently have wide ranging functions under Section 71 of the Education Act. It is the experience of members who have been involved with School Councils for over 10 years that the functions are sufficiently broad, and with the exception of staffing, there has not been an issue that a Council has not been able to pursue under Section 71. One of the greatest outcomes of increased school autonomy is said to be that principals will have increased say over the school staffing profile. It is difficult to see how this will be implemented, given that a majority of staff are permanent public servants who must be placed at a school, so where will staff be placed if the autonomous school deems them to not fit the school profile? For the stated benefits of local school autonomy to be fully realised, the community would also need to be confident that the principal both fits the school profile and is the most suitable person to lead the school community. This assessment can best be made by the parent/community representative body, however it is difficult to believe that the department will concede greater control of the principal staffing profile, even whilst demanding increased accountability of the school. Historical evidence can be provided that, notwithstanding the provision for Councils to be represented on DoE selection panels for principals, Councils have had to agitate and expend a significant amount of time and effort to be fully involved in principal selection processes.

The aim to remove the inflexibility of a ‘one size fits all’ approach, whilst admirable, is not contingent on a new Act. Current inflexibility is a result of departmental processes. Specific examples where Council has demonstrated that it is already possible to tailor services, subject to acquiring the willingness of the department to do so, have been in the pursuit of reasonable funding for the agricultural farm; a School Counsellor, in recognition of the lack of additional supporting health services for students in the rural
environment; and some resource allocation due to a Middle and Senior School being located on the one campus.

In 2013 the Minister for Education stated that the current “system is failing our students”. It would now appear that a parent/community representative body, comprised of volunteers, and school staff will be subjected to increased accountability to produce outcomes that a funded department has been unable to produce. Aside from the difficulties of identifying and retaining volunteers, there will be a requirement for capacity building and skills development, which will require additional regular departmental investment in line with membership changes.

With the focus seemingly on increasing accountability on schools, departmental funding in the form of a ‘one line’ Global School Budget will not provide any accountability or transparency to ensure CPI and other increases and loadings, e.g. for ageing infrastructure, have been included. This certainly does not conform to an increased accountability philosophy. There is historical evidence of long term, and recurring, problems with schools receiving funding for essential services, property maintenance; relief teachers and exceptional circumstances. For GSBs to comply with the increased accountability philosophy, essential services, property maintenance and relief teachers would need to be centrally funded, which would also result in significant savings to Government as the department would have the ability to negotiate with an energy provider for supply of service (at a cheaper rate) to a consortium of schools (such as the Legislative Assembly has been able to achieve for Parliament House).

The criteria for readiness for schools to be considered able to ‘opt-in’ for greater autonomy needs to be fully disclosed.

Whilst the Discussion Paper outlines experience in other jurisdictions, the inadequate timeframe for consultation has precluded detailed research. However, the paper notes UK NAO findings in 2010 that 67 percent of academies were good or outstanding in overall effectiveness. However, there is an absence of information in regard to the 2012 UK Commons Public Accounts Committee report which outlined significant concerns at the devolvement of the delivery of education and children’s services and the weakness of the departmental arrangements to ensure accountability. The report noted instances where public money appears to have been used inappropriately, which supports claims that large amounts of public money from government education budgets have been diverted to companies and employees of members of the Board, with no benefit to school students. This has occurred by them being able to assume control of, and removing, the discerning democratic elements (teachers and parents) of the community from the governing body, and in the process, to ensure their organisations directly receive financial benefits from public monies it receives. There is a view that the involvement of some businesses and religious communities has been less about what they can do for the students and school, and more about what they can get from it. There is also debate about whether academies have resulted in widespread improved standards, particularly in English and Maths. There needs to be adequate time provided to fully investigate any advantages and disadvantages of each model, to ensure that Territory school communities can be satisfied the most appropriate model is being implemented and this is not an experiment on our most vulnerable citizens.

**Reform Theme 3: Parent, Community, Education Partnerships**

*Please type your Theme 3 comments here:*

Once again, it is difficult to identify where the reform is – the majority of the items listed in options for reform in the areas of parent/community involvement and capability building already occur or are possible.

Whilst it is pleasing that the Discussion Paper acknowledges the importance of improving relationships of trust and respect between communities and schools, there is a gap in recognition that this must also occur between school community representatives (Councils) and the department, as historically, active School Council involvement has not always been welcomed. If this were to occur, it may assist in
solving the issue of building capability of school councils and ensuring community representation in all schools, which should be the ideal. Whilst the paper makes reference to “membership churn”, anecdotal information from long serving members is that this is commonly as a result of the frustration that volunteers experience in continually pursuing the same issues, year after year, with the department.

Whilst there is currently the capacity, and multiple examples of, private industry partnerships with public schools, expansion to include building new facilities would need safeguards to ensure it does not proceed as per the UK academies. The primary consideration must always be that education is an investment, not a cost, and if invested in correctly, Governments will reap not only that investment in the economy, but also in stronger communities with savings in health, welfare, police, corrections, law and many other portfolio areas.

Reform Theme 4: Safe Schools

Please type your Theme 4 comments here:

There is nothing more important, and a legal right (with significant penalties for failure to comply with legislation), than for all students and staff to be provided with a safe workplace (both physical and emotional). Many students who exhibit challenging behaviours have learning difficulties, trauma experiences or undesirable family circumstances, which have not been the subject of sufficient support and/or intervention by a variety of government agencies. The ideal would be sufficient resource allocation, and a collaborative approach and information sharing by government agencies, to ensure early intervention services and prevent exacerbation of the challenging behaviours and the need for exclusion.

Whilst principals currently have the capacity to suspend students, it is morally wrong that this action could then impact further on under-resourcing for schools due to the effective enrolment policy. It was therefore appreciated that in March 2014, the Minister for Education restated in the Legislative Assembly a previous commitment to notified absences being included as attendance for the purpose of calculating staff numbers. Challenging behaviours due to under-resourcing should not be further exacerbated due to additional under-resourcing as a result of a ‘time-out’ when they will be returning to school.

There should absolutely be increased penalties for offensive behaviour towards staff acting in the course of their duties – schools and teachers have increasingly become responsible for many of the issues that were previously the domain of parent/family structures or broader society. Many of these issues (domestic abuse – both physical and emotional; mental health; homelessness; drugs; bullying) place staff at an increased risk of both verbal and physical abuse. It would need to be very carefully considered whether principals should be required to deal with conduct occurring outside school – whilst there would be benefits in highlighting consequences for such issues as the burgeoning epidemic of cyber-bullying, there should not be a message that parents are able to further abdicate their responsibilities.

Reform Theme 5: School enrolment, attendance and youth participation

Please type your Theme 5 comments here:

Again, many of the options for reform outlined already occur. It does seem inconsistent though that the compulsory school age in the NT is from 6 years of age, when additional resourcing has been put into early childhood due to the first five years being seen as the most important years. If resourcing is being reassigned it should be mandatory that all students are enrolled at an earlier age to receive advantage from this investment.
Council requires further clarification in regard to the option of “a statutory cap or limit on the entitlement to government school education.” Does this mean that access to government education is means-tested, and once a family reaches a designated level of income, those children are excluded from government schools? If so, Council would oppose such a system, as it is the diversity of human circumstance in public schools that can provide the greatest life lessons and experiences. Education is a fundamental right, with which people are empowered to exercise all other human rights. This option would seem to indicate, again, that education is seen as merely a cost, and not an investment in the Northern Territory’s future.

Reform Theme 6: Government School Operations

Please type your Theme 6 comments here:

International students are already enrolled and studying in NT Government schools, and are welcomed both in terms of the cultural and financial benefits they provide. However, as there is a theme throughout the Discussion Paper that education is considered a cost, rather than investment, some safeguards are required to ensure that high paying international students are never prioritised over lower paying, high needs Territorian students.

Voluntary contributions are already actively encouraged by schools, in a bid to provide increased resourcing and experiences to students. What makes this difficult is the alternative message portrayed by Government via the Ombudsman’s office, which conveys that no one has to contribute anything to their child’s education. Whilst no child should ever be precluded from receiving an education due to financial circumstances, neither should parents be able to opt out of involvement in their child’s education. There are a variety of ways to contribute to and be involved in a child’s education which can be discussed with the Principal. The message that all parents have an obligation to be involved in and support their child’s education should be the message conveyed by all sectors of government. However, if schools are subject to increased autonomy and accountability, there should be no expectation or ability for the department to intervene in issues concerning economic hardship and fees which must remain within the domain of school decision making.

Reform Theme 7: Non-Government Schools

Please type your Theme 7 comments here:

Any school receiving tax payer funds should have an obligation to accept enrolment from any student who is able to meet their cost regime. The current situation that non government schools can refuse enrolment of students with special needs, or worse, to accept their enrolment and do nothing to ensure assessment and diagnosis of their needs, all to ensure their academic results are not impacted, is immoral and should preclude the receipt of government funding.

Reform Theme 8: Accountability

Please type your Theme 8 comments here:

Some accountability issues have been addressed in previous reform theme comments. However, whilst the focus in the Discussion Paper is on schools, it is essential that schools and school communities also evidence department accountability. There will need to be minimum standards agreed in regard to issues such as transparency, funding and capability development.

Reform Theme 9: Streamlining

Please type your Theme 9 comments here:
Other Thoughts or General Comments

- Are there other areas of reform, or other options for reform of the *Education Act* that the Discussion Paper has missed and that you think should be considered? If so, please specify in detail.
- Do you wish to make any general comments?

*Please type any further ideas and/or comments you may have here:*

Thank you for contributing to this consultation process. Your input will contribute to the next stage in the development of a new *Education Act*. 