

## Protocols for schools where recess, closure, merge or other educational provision models are to be considered

The Department of Education, 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.

A public school may be placed in recess, closed or merge when there are questions about the school's ongoing viability and local circumstances result in declining enrolments. In school communities where these questions or circumstances arise, local Directors 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.

Recommendations about school closure, recess or merge are made on the basis of what is in the best educational interest of students. This could include access to curriculum offerings, performing arts and sporting opportunities.

These protocols apply to all NSW government schools, regardless of their size. They could also apply if a school reopens due to increasing potential enrolments or if a section of the school may close, for example, the secondary section of a central school, resulting in the reclassification of the school to a primary school.

If recess, closure, merge or an alternative educational provision model is seen to be an appropriate response, this information and these procedures should guide further decision making.

### LEGISLATION

The Minister may close a school provided it is in accordance with Section 28 of *The Education Act 1990* (the Act). Section 28 of the Act deals with school closures and anticipates two separate regimes for closing a school:

- Procedures described in Section 28 (1) – (9) for:
  - Establishment of a Ministerial **School Closures Review Committee** (Appendices D)
- Procedures described in Section 28 (10)(a)-(c) for:
  - a one-teacher school; or
  - those schools where the majority of the parents attending the school approve the closure through a **School Consultative Group** process; or
  - those schools where the Minister is satisfied there are exceptional or emergency circumstances which require an earlier closure of the school.

### PROTOCOLS

#### Reviewing/Planning

**Step 1:** The Director Educational Leadership (The Director) and Principal discuss options for future delivery of education of a school. This could be initiated by the school community, Director or Principal when current and/or future student enrolment numbers are uncertain or local circumstances create uncertainty about the school's future. These options include:

- maintaining operations
- considering that the school be placed in recess, merge operations with nearby schools, devise an alternative educational provision model, or be closed.

**Step 2:** The Director provides a briefing to the School Performance Directorate Executive Director.

**Step 3:** The Executive Director:

- discusses with the Deputy Secretary, School Performance the intention to consult locally to discuss future educational provision
- develops a school specific fact sheet
- contacts and discusses current status with the local Member, NSWPPA Executive, NSWSPC Executive, NSW Teachers Federation and Federation of P&C Associations
- prepares advice (which should include fact sheet and discussions to date) seeking approval from the Deputy Secretary to consult locally.

**School Consultative Group**

**Step 4:** 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, if required)
- Other Principal/s of the impacted school or schools, if merge 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 departmental officer to provide particular advice and support, such as School Workforce Directorate or Schools Infrastructure NSW
- Local NSW Teachers Federation Organiser.

The Director supports the operation of the School Consultative Group by:

- providing appropriate support, information and resources
- liaising with Schools Infrastructure NSW (Demography and Planning) to ensure accurate data and planning information is provided
- facilitating consultation with appropriate local government offices
- ensuring that records of all meetings, actions and decisions are kept.

**Step 5:** The School Consultative Group facilitates meetings and other communications with school staff, parents and the wider community (including the school's P&C Association) to consider:

- 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.

**Step 6:** The School Consultative Group considers strategies to boost enrolments. If strategies are identified, time should be given for development and implementation and evaluating effectiveness before moving to next steps.

**Step 7:** The Director and Principal:

- meet with principals of nearby schools, including where students are likely to transfer, to ascertain that the needs of transferring students will be met and local communication about changes at the school is consistent
- contact Transport NSW for advice and to confirm possible suitable travel arrangements can be put in place, if required
- ensure the School Consultative Group is informed of proposed arrangements.

**Step 8:** The Director concurrently seeks to clarify possible arrangements for the school's staff, assets and finance. This includes:

- the negotiation of the relocation of permanent staff, including provision of staff support from the School Workforce Directorate.
- assessment and acceleration of work required at the nearby schools given the incoming transfers, if required.
- consideration as to the responsibility for the management of the schools finances.
- notification to the school's cleaning contractor.
- informing the School Consultative Group of potential interim arrangements.

## School Consultative Group Decision

**Step 9:** The School Consultative Group considers information and options.

**Step 10:** If the majority of parents of students at the school:

- agree to negotiate a recess, closure or merge, see Step 11
- are unable to agree on the best option, see Step 12.

**Step 11:** The Director, in consultation with the School Consultative Group, recommends the action to the Executive Director.

If supported by the Executive Director, the Director, with the School Consultative Group, develops a recess, closure, merge or other educational provision model implementation plan, to ensure key support and resources are available. This includes managing and facilitating:

- 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 nearby schools to accommodate the incoming students (this will require a briefing to the Deputy Secretary with an updated fact sheet).

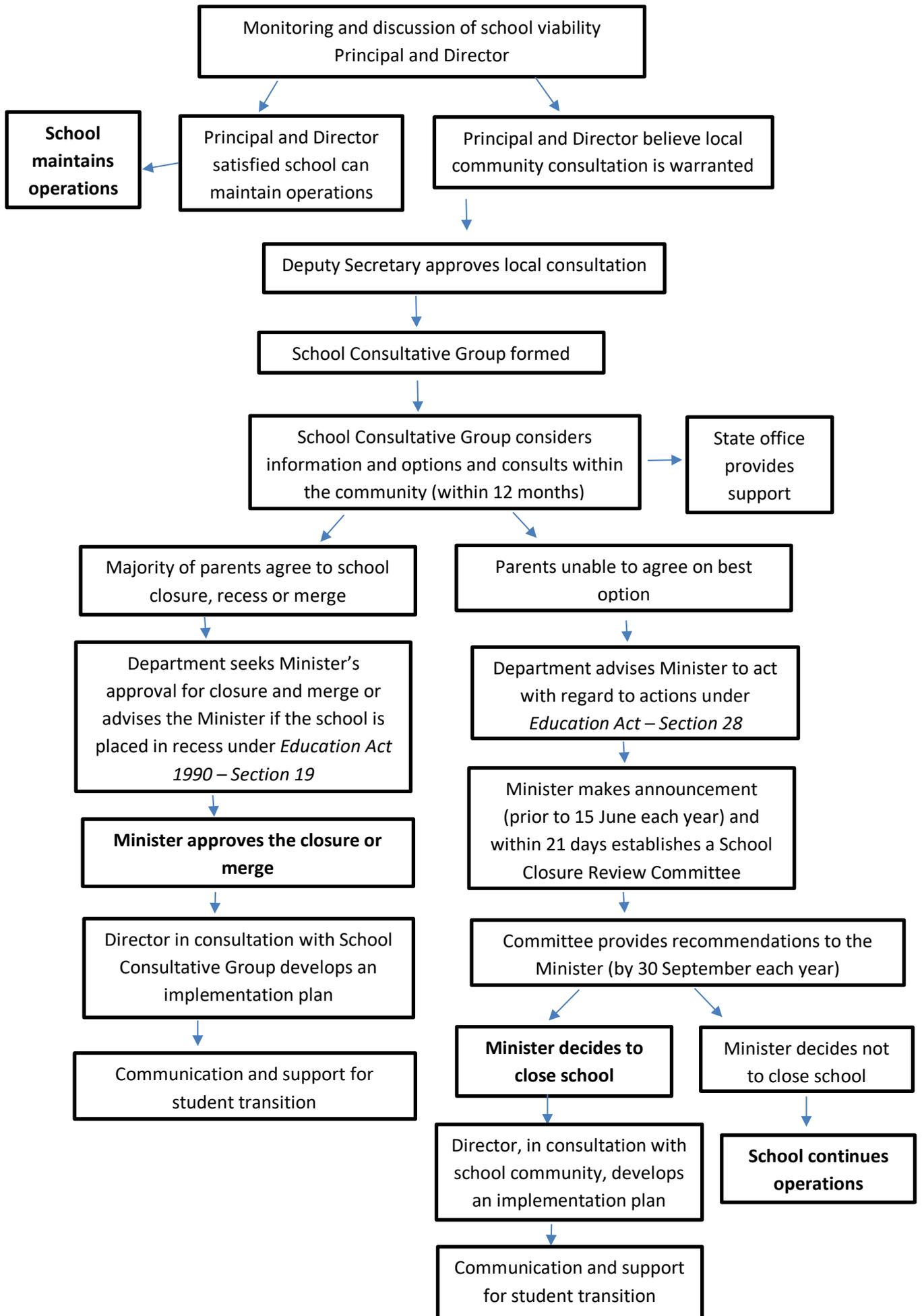
**Step 12:** If no parental agreement is reached, an Executive Director can recommend to the Deputy Secretary:

- continue to maintain operations at the school
- place the school in recess
- seek approval from the Minister to close the school:
  - o in accordance with the procedures provided for under Section 28 (1) – (9) of the Act announces the school is closing and establish a **School Closure Review Committee** to make recommendations (see Appendices C), or
  - o in accordance with the procedures provided for under Section 28 (10) (a) – (c) of the Act, **the school is a one teacher school** or that there are exceptional or emergency circumstances which require an earlier closure.

### Appendices:

- A. Protocols flowchart
- B. Additional information / guiding principles
- C. Record keeping requirements checklist
- D. Establishment of a **Ministerial School Closures Review Committee**

**A. Protocols Flow Chart**



## **B. Additional information/guiding principles**

### **Factors considered in determining the suitability of alternative schools in the case of closures**

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
- 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 merge of a number of school sites; enable an effective school to share best practices across one or more sites; a larger school would have more staff and an increased budget capacity; and students would benefit by becoming part of a larger peer group.

The Principals of nearby schools or impacted schools are also members of the School Consultative Group to ensure that nearby school suitability is a key part of the consultative process. Principals of nearby schools communicate changes at their school to their school communities.

### **The transparency of the consultation process surrounding closures for schools**

The Department is committed to genuine engagement and consultation with transparent and effective processes.

These protocols are available to the School Consultative Group so that effective procedures are known and understood by all involved.

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.

The Department's Complaints Handling Policy may 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.

### **The impact on the local school communities affected by closures**

The potential impact on a community as a result of a school's closure is considered in the local consultative process conducted by the School Consultative Group. Some potential impacts of a closure that have been identified by local consultation include:

- the general effect on the community and the feeling of increased social isolation
- local groups no longer able to access the school's facilities
- for some parents the local small school provides a level of contact and connection within the community
- loss of the revenue for local suppliers
- possible impacts on the value of local properties.

While a school's contribution to its local community is taken into consideration, recommendations about closure, recess or merge are made on the basis of what is in the best educational interests of the students at the school.

### **The role of cost-benefit analysis in the closure process, if applicable**

The educational benefit for students underpins recommendations made and the decision to close a school does not include a cost-benefit analysis. The School Consultative Group is **not** required to undertake a cost-benefit analysis, the protocols do not include guidance on conducting a cost-benefit analysis and it is not included in the recommendations or advice to the Minister seeking approval to close a school.

A school that has been approved to close or merge should refer to Section 15.4 from the Finance In Schools Handbook (FISH) for guidance around how to best manage associated financial procedures and school records including administrative, financial, student and staff records.

[https://education.nsw.gov.au/schools-finance/policies-handbooks/Finance-in-Schools-Handbook#Closure\\_154](https://education.nsw.gov.au/schools-finance/policies-handbooks/Finance-in-Schools-Handbook#Closure_154)

Sufficient funds are retained to ensure the school meets its outstanding financial commitments. A final Annual Financial Statement is prepared and the account balance is directed to the Department for redistribution to NSW public schools.

### C. Record keeping requirements checklist

Document	Purpose
Briefing for the Executive Director	Detailing current situation and rationale for proposed action
School Fact Sheet	Information for the Department and community detailing: <ul style="list-style-type: none"> <li>- Why changed educational provision is being considered for the school</li> <li>- Enrolment trends</li> <li>- How consultation will occur</li> <li>- What may happen to students and school facilities</li> </ul>
Briefing for the Deputy Secretary, School Performance	Outlining current situation Requesting approval for community consultation Including a School Fact Sheet
School Consultative Group Meeting and Action Records	Records the outcomes and actions from community meetings
Briefing for the Minister	Seeking Minister's approval for closure or merge under <i>The Education Act 1990 – Section 19</i>  This should include an updated School Fact Sheet with proposed change of educational provision, how consultation occurred and what will happen to students, school facilities and land.
Implementation Plan	Communication plan for parents and community to support students transition and school changes.  This includes updating the Local member, NSWPPA Executive, NSWSPC Executive, NSW Teachers Federation and Federation of P&C Associations.

## **D. Establishment of a Ministerial School Closures Review Committee**

### **Procedures described in section 28 (1) – (9) of *The Education Act 1990 (the Act)***

1. The Minister may close a government school but only in accordance with this section.
2. The Minister is to announce by 15 June in each year, the schools that the Minister proposes to close. Any such schools are not to be closed until the end of the following year.
3. Within 21 days of any such announcement, the Minister is to establish a School Closures Review Committee and notify in writing the Principal and President of the legally constituted parents organisation of each school concerned of that decision.
4. The School Closures Review Committee is to review and make recommendations to the Minister concerning the closure of a school if the majority of the parents of the children attending the school have, within 21 days of an announcement under subsection (2), submitted a request in writing to the Minister that a review of its closure be undertaken.
5. The School Closures Review Committee is to comprise:
  - a) an independent person appointed by the Minister, who is to chair the Committee,
  - b) the Secretary or nominee from the Secretary who is, in the opinion of the Secretary, a senior member of staff of the Department,
  - c) nominee from the Local Government Association of New South Wales,
  - d) nominee from the Federation of Parents and Citizens Associations,
  - e) nominee from the New South Wales Teachers Federation, and
  - f) nominee from the Minister.
6. In conducting a review, the Committee is:
  - a) to call for submissions and seek expert demographic and educational advice for both the present and future use of the school, and
  - b) to seek out and have regard to the views of teachers, local communities and parents of the children attending the schools whose proposed closure is being reviewed, and
  - c) required to meet with representatives of those teachers, local communities and parents.
7. In making any recommendations concerning the closure of a school, the Committee is to have regard primarily to the educational needs of the local community concerned and of the State.
8. The Committee is to report to the Minister by 30 September of the year in which it is established.
9. If the Minister does not accept any recommendation of the Committee, the Minister is to make public within 21 days the reasons for the decision.

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