

Independent review of

government school and
preschool governance
in South Australia

report





Independent review of

Dear Minister Rankine

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Terms used in this report

Context for the review

The Royal Commission 2012-2013 Report of
Independent Education Inquiry delivered by former

members of the wider community and stakeholder organisations – with an opportunity to discuss their views on governance.

These forums and meetings were held in metropolitan and regional areas between 27 May and 20 June 2014. A list of the public forums held is provided at Appendix 2, and a list of the meetings held with stakeholders is provided at Appendix 3.

The public consultation on the review closed on 1 August 2014. In total, 49 written submissions to the issues paper were received; 23 group submissions, and 26 individual submissions. A list of respondents to the issues paper is provided at Appendix 4.

A broad summary of feedback provided by respondents during the public consultation is provided at Appendix 5.

Communications about the review and the public consultation occurred using a range of methods including via correspondence to the chairpersons of school and preschool governing councils; to schools and preschools via the department's regional education offices; via department and government communications mechanisms such as the DECD Update, cross-department email, cross-government email and school and preschool newsletters; and through advertisements in the metropolitan press. A list of the advertisements is provided at Appendix 6. The consultation was promoted in regional areas using the local communication networks of the department's Education Directors.

Information about the review and public consultation

work constructively with the school and preschool leadership and assist in the setting of strategic directions which reflect the culture and priorities of individual communities.

Participation on a governing council can be an enriching personal experience and often provides an opportunity to develop confidence, skills and greater knowledge of the education system. School and preschool councillors frequently build on their governance experience to join other committees and boards and increase their community participation. They also provide the context to build relationships with other parents within the broader school and preschool community and enhance overall parent participation and commitment to the school and preschool.

Parents also noted that they are regularly 'time poor' and find it difficult to juggle work and family household commitments and attend meetings. This problem is exacerbated in rural and regional areas where people have to travel longer distances to attend meetings and where they have seasonal activities, and special schools where parents face extra challenges in participating after school hours. They also noted that every community has a different mode of engagement and different levels of complexity. The defined roles of office holders and rules around quorums, membership size and tenure were also regarded as too inflexible. A greater use of teleconferencing and other 'e-enabled' tools should be explored in addition to more flexible approaches to meeting arrangements and governance models.

This review takes place in the context of the development of new local partnerships for schools and preschools and the implementation of innovative education models such as Birth-Year 12 schools and integrated children's centres. There is an opportunity to think about new models of governance in different

communities, and there are already some examples of shared and cluster governance between schools and/or with preschools.

The role of the governing council in financial oversight was cited as an area of challenge as the financial information is not provided to councils in a timely or legible format. Respondents sought clarity about their responsibilities in this regard and sought training with a specific focus on their financial responsibilities.

Written responses to the issues paper and verbal feedback generally did not express the desire for greater autonomy and power, rather respondents consistently supported strengthening the capacity of governing councils to fulfil their role even more effectively. To enable this improvement, parents and school and preschool leaders are keen to have access to concise and reliable governance information, high quality induction and training and ongoing support so they can continually improve the functioning of their councils to better serve the children in their schools and preschools.

Information may be available but it is not consolidated in one place on the department's website and councils were not always aware of the location of this information. Similarly, advice and support from departmental staff can be hard to access as there is not a dedicated school and preschool governance contact within the department.

Governing councils would welcome affordable and relevant training but the review heard that the program currently delivered through SAASSO is generally viewed as expensive and of poor quality, so alternative providers need to be identified. Concern was also expressed that SAASSO tended to adopt and encourage an adversarial approach between councils, schools and the department rather than one of collaboration and constructive problem solving.

Respondents expressed support for the training provided by SAASPC in the areas of reporting of abuse and neglect and principal selection panels. The importance of the involvement of a governing council representative on a principal or preschool director selection panel was affirmed during the review.

The review also identified the need to provide training and support to principals and preschool directors, particularly new and emerging leaders, in their work with governing councils. The attitude, behaviour and skills of the school principal and preschool director are critical to the effective functioning of the governing council. It cannot be assumed that leaders are experienced with basic meeting procedure, actively seek parents' opinions nor have a clear understanding of the role of the governing council as set out in the constitution. School and preschool leaders have the capacity to facilitate meaningful parent participation, manage differing views and ensure that the governing council is reaching out, engaging and consulting the whole of the school and preschool community.

There is a strong desire for the department to adopt a larger role in the support and development of governing councils. Apart from the provision of concise information, fact sheets and a 'trouble shooting' service, respondents also encouraged the development of online training resources and interactive 'blogs' which councillors could access as a group or at home.

There was considerable support for the development of regional and statewide conferences and expos which could provide an opportunity for school and preschool governing council members to meet each other and share best practice. Parents and school and preschool leaders are keen to learn about new developments in education from the Minister and the department and these events would provide that opportunity. It is also important to publically recognise parents who have given long term voluntary support

to their school, preschool and community as a member of a school or preschool governing council.

The IEI report identifies that there is a lack of clarity concerning the role of public school governing councils. The terms of reference which were developed for this inquiry have sought to determine how to strengthen the governance model for public schools and preschools in South Australia to support and enhance parental involvement in their child's education and effective local decision-making.

This approach is consistent with the Government's intention, as expressed in the Governor's speech at the opening of the South Australian Parliament in May 2014, to enable greater community engagement in schools' planning and decision-making processes, as well as to introduce changes that will provide greater opportunity for feedback from students, parents and staff.

The review consultation has provided an opportunity to commence an important conversation about school and preschool governance in the South Australian public education system. It is important this conversation is an ongoing one, so that local governance can continue to be strengthened in public schools and preschools.

Addressing the terms of reference

The nature and function of a governing council as currently established under part 8 of the Education Act 1972, including its legal status, roles and responsibilities, particularly in regard to the employment of staff

Part 8 of the Education Act establishes a legislative scheme supporting the creation, operation and control

of governing councils. The legislation is flexible and adequate to support strong local governance and does not need amendment.

The legislation makes it clear that both principals and governing councils have an active decision-making role. The current governing council model constitution complies with the legislation and specifies four key areas – strategic planning, determining policies, the application of financial resources, and presenting operational plans and reports to the Minister and school community. However the legislation also contemplates that a constitution can be modelled and tailored to meet the exact requirements of a particular school.

The functions of governing councils are outlined in the Education Act and model constitution however respondents consistently asked for greater clarification of these roles and a clearer explanation of the powers and responsibilities of councils and the principal.

The legal status of governing councils was generally understood by respondents and there was no significant push for greater powers for councils. What respondents do want is the option for greater flexibility to respond to local circumstances and needs.

The Minister is already at liberty to approve different constitutions for different governing councils and is required to give proper consideration to proposals from governing councils that their constitutions be amended, in ways that would make them unique.

Whilst the constitution must contain certain provisions such as the four key areas and compliance with the code of conduct, the intention is for flexibility. Governing councils should be encouraged to review their constitutions and seek the approval of the Minister of any changes that better reflect the needs of their own school or preschool community.

For example, in some contexts (particularly very small schools) it may be appropriate to remove designated office holders as specified in the governing council model constitution and nominally determine that one person will fill these roles. Governing councils can still make lawful decisions with unfilled positions so the provision is broad enough to assist councils with the situation of unfilled positions such as treasurer. A constitution could also be amended to provide a governing council with the flexibility to engage an external accountant to oversee finances or the department could make such services available if a treasurer position was unfilled.

There is no doubt that a governing council has the power to employ non-teaching staff. Regarding employment of staff, respondents were clear that this

The most effective legal and operational system for future governance of government schools to ensure an ongoing productive relationship between a school governing body and the school's leadership team

Generally, respondents are of the view that the current legislative arrangements for school governance are serving our schools well.

There are considerable opportunities to improve the operation of governing councils. Part 8 of the Education Act was amended in late 2000. The second reading speech (dated 12 October 2000) makes it very clear that a governing council and the principal are jointly responsible for governance of the school, but what this actually means in day-to-day practice is not clearly understood by many councillors.

It is imperative that respective roles are much more clearly articulated and the lack of clarity of roles can be dealt with by amending the governing council model constitution so that the constitution clearly articulates the functions and powers of the council, the functions and powers of the principal, those that are to be shared, and how they are to be shared. In addition, resource materials which clearly explain the respective areas of responsibility for principals and governing council members should be developed and readily available.

The four areas of key responsibility are also detailed in the constitution but many respondents sought a much clearer explanation of what this responsibility entails.

The consultation did reveal some real or perceived barriers to participation by some parents. Some schools and preschools in areas of social and economic disadvantage also find it difficult to attract enough members. In addition, the requirement for

a police check is sometimes misunderstood and parents should be given assurance that these checks are confidential and focussed appropriately on the protection of children.

The AIG Section 5 document should be reviewed and updated. This document includes administrative instructions as well as legislative principles, guidelines and policy. Guidelines and policies which are not embodied in legislation, the constitution or administrative instructions are not necessarily binding on councils. Legal requirements must be clearly distinguished from policy and guidelines. To support councillor ease of understanding and interpretation, this document must be written in 'plain English'.

In South Australia, the majority of governing bodies in schools are now operating as governing councils. There are only a small number of school councils remaining. For a school council to move to a governing council model, the move must be supported by the council itself, the principal and DECD Chief Executive, and be approved by the Minister. The Minister cannot direct a school council to become a governing council. Noting this, school councils may wish to review their current operation to ascertain whether their day-to-day practice actually aligns more with the governing council model. Councils can seek the advice of the department in this process.

How to effectively represent and engage with parents of a school and the wider school community in the best interests of children, families and the wider school community

In an effective school the council processes are characterised by mutual sharing of information, knowledge and ideas. There should be a focus on discussion, through a range of mediums, so that all members of the school community have the

opportunity and are encouraged to openly express their views, receive and exchange information and contribute to decision-making. Governing councils fulfil their obligation to act as a conduit between the parents and school with varying success; they see this as a critical function of the governing council and would like assistance in performing the role more effectively.

Governing council members should have the opportunity to network with each other and receive published and web-based resources on best practice in community engagement. A good training program would also assist governing councils adopt new and relevant ways of reaching out to the broader parent community.

The perceived ambiguity of the current operation of local school governance under the provisions contained in part 8 of the Education Act 1972 and operational policy which pertain to governing councils

In some cases there is a concern that the provisions for school governance as reflected in the Education Act are not enacted in the local community. The Education Act sets a strong framework for local governance and recognises the shared nature of that enterprise.

The challenge is to assist both school and preschool governing councils more effectively fulfil their roles through better training, resources and a clear understanding of their functions as articulated in their constitutions.

For example, some governing councils sought greater clarity about their role in financial management. In some cases councils found their financial responsibilities so onerous they would be pleased to be relieved of some of their responsibilities in this area.

In other cases, councils expressed concerns about their capacity to have real input into financial matters.

Councils should be provided with a clear financial statement that distinguishes between discretionary and non-discretionary expenditure. The financial reports must be provided to councils in a timely manner and in an easy to read and interpret format.

It is reasonable for the department to provide funding for specific purposes and require that expenditure is consistent with accountability requirements. What is important is that councils understand which funds are discretionary, such as money raised through fundraising, and which are non-discretionary and for a specific purpose.

The most effective legal and operational system for future governance of government preschools

Involvement in preschool governance is highly valued and often leads to a further governance role in schools or other community organisations. There are some special factors that complicate governance and present challenges for stand-alone public preschools.

Many parents are only connected to the preschool for 12 months as that is the period of their child's enrolment. This means that there is often a new and possibly inexperienced preschool governing council each year. By the time the new members learn their roles and responsibilities the year could be well underway.

Another factor is that the Education and Care Services National Law applies in South Australia. The National Law establishes the National Quality Framework which is a complex regulatory scheme and applies a set of national standards to many early childhood services, including preschools. Whilst there is no inconsistency between the Children's Services Act and the National Law, there are requirements under the National Law

This portal should include key governance documents and resource materials such as fact sheets, questions and answers, information about the responsibilities of councils and the roles of various members, clarification of the matters that governing councils are able/unable to be involved in, simplification of documents such as the model constitutions, explanations of the impacts of the relevant Acts, regulations, instructions and guidelines on the operation of councils, training material such as videos, information about relevant training, webinars, tips for best practice engagement, fundraising ideas, and up to date information about government and department initiatives and policies that are relevant to councils. The portal may also include blogs, discussion forums, appropriate links and other interactive capability.

The portal should also provide clear information about dispute resolution processes, as well as the legal and work health and safety obligations and liabilities of governing council members where councils are employers.

Clarity should also be provided on the portal in relation to the insurance arrangements and requirements for governing councils. While insurance for particular council operations may be purchased from SAASSO, councils should also consider purchasing insurance from other insurance providers, if required.

Further, the portal should include information about relevant external governance bodies, noting that affiliation with such bodies is voluntary.

The review heard that the training currently provided by SAASSO is generally considered expensive, of poor quality, not current and is sometimes divisive. Councils, particularly in rural areas were critical that they were not allowed to 'team up' with councils in other schools for training and had to pay for additional units on a range of topics.

Training providers should be invited to submit proposals to deliver affordable governance training to individual councils or groups of councils or on a regional basis. Training can be provided on a fee for service basis but be set at an affordable rate to encourage the greatest participation.

Induction and refresher training should be available to councils in areas of responsibility as defined in the constitutions, as well as the code of conduct, strategic planning, school culture, parental engagement, financial management, occupational health and safety obligations, employment responsibilities, specific officer holder responsibilities, as well as meeting procedures and operation of the council etc. Training to assist councils to explain their role to the parent community and better fulfil their role as a conduit between the school, preschool and the parent community should also be provided.

Online training material, such as videos and webinars, which can be accessed by council members individually were

The Minister has already announced that as part of the State Government's Independent Public Schools Project Agreement with the Australian Government that South Australia has agreed to provide governance training to school councils on developing local strategies for increasing parental engagement in children's learning and run a 'parents in education' forum.

The Minister may also commission and attend a periodic governing council conference/expo which would provide an opportunity for training and sharing of best practice school and preschool governance.

Topics for discussion could include communication strategies for the council and school/preschool and community; financial and employment responsibilities of council; liability of council members; updates on departmental directions and initiatives, for example the local partnerships; or discussion of policies that may be particularly relevant to governing councils. Guest speakers could be from the department as well as the wider community. It would also be an opportunity to recognise individuals who have given long term support to their governing council.

It is important for the department to be able to communicate efficiently and directly with governing council chairpersons. The department should investigate how to support this type of communication, for example by way of establishing a dedicated email address for each chairperson, or something similar.

Matters related to the authority of governing councils in regards to communication with the school's or preschool's parent body

Communication between a school or preschool governing council and its community is one of its

principal roles. It is important that councils actively engage with the school and preschool community about how the community can work with council to achieve the best outcomes with the community and council about communication between a school and preschool and council.

Mediation is a process whereby parties in dispute are encouraged by an independent and neutral person (the mediator) to negotiate an outcome that is acceptable to each party. Mediation is more cost effective than litigation or arbitration.

On 23 December 2013, the Minister established an interim process for the engagement of mediation services where the governing council of a school is in dispute with the department. It was deemed to be an interim process, as it was intended to be the subject of consultation through this review. Mediation is a process most likely to achieve a workable agreement between all parties and works because parties do not get bogged down in, and focus on, legal analysis and legal argument. Feedback from respondents also supported this view.

A mediator cannot impose a decision upon the parties and it may be the case that an agreement is not able to be reached. In the instance where a dispute is unable to be resolved by mediation, further advice should be provided to councils about other avenues that may be available to them.

If the governing council of a school is in dispute with the department, there may be a need for a governing council to access independent legal advice.

On 23 December 2013, the Minister issued an administrative instruction specifying the process by which the governing council of a school can seek legal advice when in dispute with the department. The funding for any such legal advice will be drawn from existing departmental resources and will be automatic once the Crown Solicitor approves that the required criteria is met for the engagement of an independent legal practitioner. The Crown Solicitor is well placed to approve that independent legal advice be provided and that the department fund this advice.

With respect to disputes between a preschool governing council and the department, it would also be appropriate to develop a dispute resolution procedure. Feedback from respondents supports this approach.

Any other matters considered relevant to building an improved model of local government school and preschool governance underpinned by appropriate legislative provisions

The department has commenced the Building a high performing system program that will consider governance and delegated authority and will provide a platform for transformation and timely change to deliver increased local decision-making and improved support for sites and partnerships

New local partnerships have been established across communities, which link up programs for children and young people to better support them in their development. The partnerships may provide the opportunity for consideration of new governance models with a focus on collaboration. The partnerships may also provide an opportunity for establishing peer support, mentoring or networking opportunities amongst governing council members.

Recommendations

1. That a dedicated school and preschool governance portal be developed and launched which provides concise, up to date and easy to understand governance information such as but not limited to:
 - Councils' powers and functions
 - Roles and responsibilities of councillors, including all of fice holders
 - Roles and responsibilities of school and preschool leaders
 - School and preschool constitutions
 - Code of practice
 - Model employment contracts
 - School and preschool financial management
 - Council meeting and operational procedures
 - Insurance matters
 - Legal frameworks
 - Dispute resolution procedures
 - Councillor liabilities
 - Employment responsibilities, including legal and work health and safety obligations
 - Best practice community representation and engagement
 - Communication with the school and preschool community
 - Fundraising ideas
 - Child protection screening requirements
 - Government and department initiatives and policies relating to governing councils
2. That resources be provided for the development of face-to-face and online training materials, and proposals invited for the delivery of training, both induction and refresher training, on an affordable fee for service basis. This training material should be aligned with other online materials as identified in recommendation 1, and should include specific training for of fice holder positions
3. That training on best practice engagement with school and preschool governing councils be included as part of the induction of school and preschool leaders, and these materials also be made available for existing school and preschool leaders
4. That the department provide dedicated staff support for school and preschool governing councils who are able to deal quickly with inquiries, concerns and requests for support and information, or act as a conduit for seeking this information
5. That the option of periodic statewide and/or regional gatherings be examined for school and preschool councillors which provide the opportunity for sharing of successful initiatives, training, engagement with the department and communicating successfully with the school and preschool community
6. That ways be evaluated to update the school governing council model constitution to clearly articulate the functions and powers of the council, the functions and powers of the principal, those that are to be shared and how they are to be shared. In particular, in relation to the authority of the governing council to determine the application of the total financial resources available to the school

7. That the model preschool constitution be reviewed and updated to align with the provisions in the Children's Services Act, as well as to make reference to the National Law and the National Quality Framework and standards
8. That ways be evaluated to make the existing school and preschool governing council constitutions more adaptable to local needs in areas such as:
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Appendix 1:

Terms of reference for the for the independent review of government school and preschool local governance in South Australia

The independent review of government school and preschool local governance will examine and provide a written report to the Minister for Education and Child Development concerning:

- the nature and function of a governing council as currently established under part 8 of the Education Act 1972, including its legal status, roles and responsibilities, particularly in regard to the employment of staff
 - the most effective legal and operational system for future governance of government schools to ensure an ongoing productive relationship between a school governing body
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Appendix 2:

Public forums

- Adelaide – 28 May 2014
- Elizabeth – 3 June 2014
- Mount Gambier – 4 June 2014
- Noarlunga – 2 June 2014
- Port Augusta – 18 June 2014
- Riverland (Cobdogla) – 16 June 2014
- Whyalla – 19 June 2014.

Appendix 3:

Meetings held with key stakeholder organisations, local partnerships and interested parties

- Australian Education Union (SA Branch)
- Department for Education and Child Development
- Far North Local Partnership meeting via videoconference
- Port Lincoln Local Partnership meeting via videoconference
- Preschool Directors Association of South Australia
- Small Schools Association of South Australia
- South Australian Area Schools Leaders Association
- South Australian Association of School Parents Clubs
- South Australian Association of State School Organisations
- South Australian Primary Principals' Association
- South Australian Secondary Principals' Association
- South Australian Special Schools Principal's Association
- Upper Mid North Local Partnership meeting, held at Crystal Brook Primary School
- Mr Graeden Horsell and Mr Brian McLauchlan.

Appendix 4:

Respondents to issues paper

49 submissions received in total

Group submissions (23 in total)

- Alberton Primary School Governing Council
- Australian Science and Mathematics School Governing Council
- Black Forest Primary School Council
- Fairness in Religions in Schools in South Australia
- Glenunga International High School Governing Council
- Hamilton Secondary College Governing Council
- Littlehampton Primary School Governing Council
- Lucindale Area School Governing Council
- Mannum Community College Governing Council
- Norwood Primary School Governing Council
- Port Broughton Area School Governing Council
- Review Improvement and Accountability Team, DECD
- Roma Mitchell Secondary College Governing Council
- Rose Park Preschool Governing Council
- South Australian Association of School Parents Clubs
- South Australian Association of State School Organisations
- Stirling East Primary School Governing Council
- Kindergarten Governing Council
- Streaky Bay Area School Governing Council
- Sturt Street Community School Governing Council
- Urrbrae Agricultural High School Council
- Victor Harbor High School Governing Council
- Yorketown Area School Governing Council

Individual submissions

26 individual submissions received from:

- current and/or past members of a school or preschool governing body
- government agency staff members
- parents.

Appendix 5:

Public consultation feedback – written submissions to the issues paper and verbal feedback provided at public forums or stakeholder meetings

The feedback provided by respondents during the public consultation contained many consistent themes. This feedback has been broadly summarised under the relevant consultation questions contained in the issues paper.

With respect to the written submissions, many matters were consistently raised across a number of the consultation questions. Noting this, the responses provided to each question have been summarised separately for completeness.

PART 1 – Parent and community involvement in public school and preschool governance

1.1 Do you believe that your school or preschool governing council effectively represents you as a parent? If not, how do you think this could be improved?

Of the 49 submissions received to the issues paper, 31 respondents addressed this question. Of these submissions, 12 were from groups; all school and preschool governing bodies. Nineteen submissions were from individuals; 18 with current or past experience on a school or preschool governing body and one government agency staff member.

The school and preschool governing bodies who provided a response to this question indicated that they effectively represented their school and preschool communities. While a number of individual respondents also believed that their governing body represented them well, some individuals raised concerns about the way their council operated and did not believe it adequately represented the views

of the parent community. A number of respondents provided specific examples of both effective and inadequate representation.

Taking into consideration all respondent feedback, the key factors for effective representation of the parent community include the following:

- Ensuring that the parent community is aware of the existence and role of the governing council, as well as who the individual council members are for their site
- Council membership including representation of all year levels and units across the school, and in the case of a multi-campus school, the parent body of each campus should be represented on council
- Council actively canvassing and consulting with the parent community for their views and ensuring these views are presented at council meetings
- Council communicating and sharing information with the school community about matters such as the work of the council, current issues, decisions taken at council and their impact on the school community
- Council providing opportunities for increased participation in decision-making, for example using technology to seek and collate feedback or poll on issues, or advising the community of council and sub-committee meetings and inviting parents to attend to discuss issues
- Council meetings that have full and frank discussions about matters of concern to the parent community

- Reports provided to council that accurately reflect the status of current matters in the school or preschool community, for example in relation to complaints and concerns
- Having a motivated and active council that is diligent in carrying out its responsibilities
- Having a site leader that supports the genuine involvement and input of parents, not an involvement that is tokenistic or a 'rubber stamp'
- Improving the confidence of new council members in presenting their views and opinions by providing induction information that outlines members' role, responsibilities and rights
- Reducing the size of council to support the efficient running of council meetings
- Reducing staff presence at council meetings to the relevant agenda items only, so that other committee members do not feel intimidated in providing their views
- Clarifying the nature of the representation of the governing council with the school community; that while the council does not represent individual community members, it will seek to understand and reflect the needs and priorities of the community.

1.2 How can a school or preschool governing council ensure all parents in the school or preschool community have an opportunity to present their views and participate in decision-making?

Of the 49 submissions received to the issues paper, 32 respondents addressed this question. Of these submissions, 11 were from groups; all school and preschool governing bodies. Twenty one submissions were from individuals; 20 with current or past experience on a school or preschool governing body and one government agency staff member.

- Encouraging discussion between the parent community and council members either in person or via a council email address
- Encouraging participation on the parents and friends committee and that members of this committee attend governing council meetings to ensure communication flow
- Communicating/sharing information with the parent community using a variety of means, for example newsletter, correspondence, website, social media
- Seeking feedback from the parent community prior to matters being discussed or decisions being made, for example in relation to council meeting agenda items, a proposed new policy, conduct of religious seminars within a school; feedback could be sought via the newsletter, surveys/questionnaires, establishing a parent vote or post box in the front of ce
- Reporting to the parent community of decisions made at council meetings, as well as matters raised by parents with council and the outcome
- Providing operational support to governing council members
- Ensuring that full and open discussions about matters can occur at council meetings, even if the subject matter may be difficult
- Developing alternative forms of consulting with council members and voting for parents who find it difficult to attend two meetings a term
- Reviewing the performance of the council on an annual basis.

1.3 What are your views on the way your school or preschool governing council shares information in relation to the operation of, and decisions made by, the council? What type of information would you like to receive?

Of the 49 submissions received to the issues paper, 33 respondents addressed this question. Of these submissions, 12 were from groups; all school and preschool governing bodies. Twenty one submissions were from individuals; 20 with current or past experience on a school or preschool governing body and one government agency staff member.

Many respondents indicated that school and preschool governing bodies were effectively sharing information with the parent community about the operation of, and decisions made by, the council. A number of examples were provided about how this communication successfully occurred. However responses provided by other respondents indicated that they did not feel informed about the work of their council, and were not able to provide input into the matters being discussed and decisions being made. The responses to this question highlighted the inconsistent ways in which councils sought and shared information with their parent communities.

Respondent feedback indicated that the following factors were important in supporting good communication between the council and parent community:

- Sharing information about the council responsibilities and advising parents where governing council information can be accessed on the local or departmental websites, including the site constitutions
- Providing easy access to the key information that parents are interested in, for example the school and preschool policy documents

- Providing regular updates/reports of council
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indicated that their school did not encourage parent participation, that feedback was not welcome and the operation of the council did not result in genuine consultation occurring.

Taking into consideration all respondent feedback, the key factors to encourage parent involvement in governance included the following:

- Providing parents with information about participation in governance in a range of ways, for example via the newsletter, website, hard copy notification at key locations within the site, student enrolment information packs, term planners, and in person at various school and preschool functions and information sessions
- Supporting attendance at the AGM, for example by providing child care
- Actively canvassing all parents in the community to consider participating on council to ensure all groups within the community are covered
- Regularly inviting parents to attend council and committee meetings
- Regularly providing information about council activities and decisions
- Providing parents with clear and easy to understand information about what is involved in being a member of a council prior to commencing the role, and once on council, providing an induction pack and ongoing support by way of good quality training, access to resource materials and also a departmental governance contact in the event of queries or issues
- Sharing roles within the council so many members can contribute and provide input
- Having the council operate in such a way so that it is clear that parent participation and input is valued, an environment created

where comments can be provided openly and robust discussion occur, and that the consultation is genuine.

1.5 Are there barriers to participation on your school or preschool's governing council? How can schools and preschools better attract people willing to participate on councils?

Of the 49 submissions received to the issues paper, 33 respondents addressed this question. Of these submissions, 13 were from groups; 12 school and preschool governing bodies and one unit within a government agency. Twenty submissions were from individuals; 19 with current or past experience on a school or preschool governing body and one government agency staff member.

While a small number of respondents indicated that their council had not encountered any barriers to parent participation in governance at their school or preschool, a number of other respondents identified a range of factors that impacted on parent involvement both prior to, and after joining school and preschool governing bodies.

Respondents provided a number of examples about the ways in which councils sought to address these issues, and suggested other improvements to attract and retain parental involvement on councils, including the following:

- The Minister and department publically recognising the role that councils play in the operation of government schools to encourage a wider level of interest in governance by the broader community
- Promoting the value of parental involvement in governance and the impact an active governing council can make to improving the school and preschool, and supporting childrens' learning

- Providing all parents within the school and
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government agency. Nineteen submissions were from individuals; 17 with current or past experience on a school or preschool governing body and two government agency staff members.

Respondents suggested a range of ways in which governing bodies could successfully contribute to school and preschool communities as well as support the engagement of parents and the wider community in the school and preschool, with one respondent suggesting that examples of successful council engagement practices and activities be collated from all annual reports and disseminated to other governing councils.

Ways suggested for councils to contribute to their communities included the following:

- Organising and participating in school and preschool functions and activities and actively encouraging other parents to be involved in these events, such as open days/nights, working bees, fundraising, BBQs, coffee mornings and grandparent days
- Ensuring the views of the school or preschool community are actively sought and that the decisions made by council represent the views of the community as a whole, rather than those of individual members
- Providing parents with regular opportunities to provide their views on issues at council meetings
- Ensuring good governance occurs at the school or preschool and that councils fulfil their governance responsibilities
- Developing specific parent engagement strategies to encourage a higher level of parent participation
- Having open and honest communication and sharing of information both within council as well as between the council and wider school or preschool community
- Encouraging parent involvement in sub-committees and/or affiliated committees
- Providing training for council members on their governance roles and responsibilities, as well as for principals on how to work with and support councils
- Supporting any efforts made to engage parents in the school or preschool, or their child's education
- Assisting in the development of explicit links between teaching, support services and families and communities
- Establishing stronger links with the broader community, for example by inviting guest speakers to meetings or the AGM
- Undertaking a lobbying and advocacy role.

A small number of respondents suggested that the role of the council could be expanded, for example in the areas of staff selection and retention, and the school's business operations, strategy and planning.

PART 2 – Schools

Powers, function and operation of governing councils and school councils

- 2.1 In your view, are the current powers and functions set out in the model governing council constitution appropriate for a

governing bodies and one unit within a government agency. Sixteen submissions were from individuals; 15 with current or past experience on a school or preschool governing body and one government agency staff member.

A number of respondents considered that the current powers and functions set out in the governing council constitution were appropriate to effectively govern the school. One respondent commented that in the case of their council, an appropriate balance of responsibilities between the professional principal and voluntary governing council was achieved, with another indicating that they had an appropriate level of oversight and the opportunity to review and comment.

However other respondents provided feedback that greater clarification was required in relation to the roles and responsibilities of councils to remove ambiguity about their operation, and also provided a range of other comments and concerns. The key feedback themes are provided below:

- Clarity is needed on the matters and decisions that are the responsibility of council as distinct from those that are the operational responsibility of the principal; resource materials should be developed that include specific examples in plain English of the respective responsibilities of the council and principal
 - Councils require adequate training and access to current governance and financial resource materials and legal advice to support their understanding of their powers and functions under the constitution
 - Improved understanding is needed about what constitutes good governance at both a governing council membership and school leadership level
 - Clarity about the role and nature of a council in relation to risk management, compliance, community, engagement and strategy and consideration of the skill sets required of council members that enables them to best meet the requirements of the council and school
 - Clarity in relation to the risks associated with the powers of governing councils and legal protections for council members, for example in relation to property ownership and management and employment
 - Clarity is needed in relation to the employment responsibilities of councils given the volunteer parent membership, for functions such as the canteen and OSHC and the governance and management of such functions, noting that councils do not have the authority to employ school leadership
 - Clarity is needed in relation to the financial responsibilities of councils under the constitution with respect to discretionary and non-discretionary funding and the implementation of the budget
 - Councils require improved financial information from the department to support sound decision-making as the current financial reporting tools are not adequate
 - Clarity in relation to the obligations of the WHS Act on the council and its members
 - Clarity in relation to the operation of sub-committees and affiliated committees
 - Clarity is needed when a constitution is not being complied with and the enforcement of compliance, or where members are not aware of the requirements of the constitution
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- Consideration of how councils that are still established as school councils, so have not moved to a governing council model, are operating in practice
- Constitutions should be reviewed regularly, for example annually.

Some respondents commented that governing councils may not currently be operating completely in accordance with the constitution, with lack of time being identified as a key issue as well as not wanting to deter parent volunteers by meeting all council responsibilities. One respondent suggested that greater flexibility in council operation was needed, for example by way of email voting and email survey, to allow for times when a quorum could not be achieved.

However, other respondents noted the limitations of influence of governing councils in some areas and expressed an interest in the powers and functions of the council being expanded so that increased local decision-making could occur within broad departmental parameters, for example in relation to recruitment and performance of the principal, staffing, budget determination, capital projects and expenditure, and site management.

2.2 Do you think the role and function of governing councils needs to be clearer or better defined? If so, in what way?

Of the 49 submissions received to the issues paper, 27 respondents addressed this question. Of these submissions, 12 were from groups; 11 school governing bodies and one unit within a government agency. Fifteen submissions were from individuals; 14 with current or past experience on a school or preschool governing body and one government agency staff member.

A number of respondents indicated that the role and function of governing councils were clearly defined.

However within this number, several considered that improved in-person and online training (both induction and ongoing), easy to access and understand resource materials and provision of a governance contact for queries, were required to better support councils in interpreting and fulfilling their role.

However other respondents specified that greater clarity was required in relation to the role and function of councils given the nature of various council responsibilities and its involvement with many areas of the school, and provided a range of comments. The key feedback themes are provided below:

- The role and functions need to be better defined for the benefit of both council members and school leadership; leaders need an improved understanding as to how councils should operate, what information should be provided to council and what decisions need to be made
- Further clarification is needed in relation to a number of areas, for example council members' liability, the role of councils within the local partnerships, joint responsibility, autonomy, financial management, strategic planning, policy responsibility, the extent of the powers of a council within the legislation, including in relation to the legal responsibilities for those councils which operate canteens and OSHC; and the obligations of the WHS Act on the council and its members
- Further clarification is needed about the respective areas of authority of the council, school leadership and department
- The avenue of council as a forum for parent contribution needs to be clarified and strengthened to reflect the importance of the partnership between parents and school leaders

- The role and function of councils needs to be made clear to all of the school community so they are aware of the types of matters the council are involved with; this will also assist in providing parents with a better understanding about the role of councillors and what will be required should they accept a nomination to council
- The responsibilities of councils need to be clarified and explained in such a way that parents do not feel intimidated to take up a council role, particularly in relation to the treasurer position; parent participation is voluntary and the treasurer position should not appear as if it were a full time job. The source of legislation or policy that supports the responsibility must also be identified
- External agencies sometimes have a lack of understanding of the role and responsibilities of councils, for example government agencies and service providers may engage with the school on the assumption it is the employer of all staff associated with its activities; in this circumstance councils rely on the principal keeping the council informed of matters that pertain to it
- The governance model should be broad enough to enable a school to have greater independence or more centralised arrangements if chosen by the school community
- Councils need to have access to the appropriate policies and information to guide their decision-making if an incident occurs
- The roles and functions as outlined in the constitution must be complied with.

2.3 Has your governing council or school council encountered any challenges in applying the requirements of their constitution? If so, what have they been? What would help improve this?

Of the 49 submissions received to the issues paper, 24 respondents addressed this question. Of these submissions, 11 were from groups; 10 school governing bodies and one professional association. Thirteen submissions were from individuals; 12 with current or past experience on a school or preschool governing body and one government agency staff member.

While some respondents indicated they did not have any issues in applying the requirements of the constitution, a number of others outlined the challenges they had encountered, which are summarised below:

- Council members require improved training, information and resources to support their understanding of the requirements of the constitution, their roles, responsibilities and liabilities, as well as governance meeting procedures. Principals should also participate in this training so they can develop a better understanding of the constitution and role of council members
- Council members did not feel they were consulted properly at meetings and that decision-making could be a 'tick box' exercise, however were not able to adequately address their concerns due to a lack of understanding of the constitutional requirements and governance procedures
- An independent officer should be available to support a school community where there were concerns that the constitution was not being followed appropriately and to support with governance queries

- Concerns were raised about the impact of membership numbers on the ability of the council to operate effectively, both where there is a lack of parents or too many
- Councils' financial responsibilities should be clarified
- Some councils experienced difficulty in filling the treasurer position and establishing a finance sub-committee
- Concerns were raised about the quality of the department's financial reporting; that current financial figures were not available to councils and councils therefore did not have an accurate picture of their school's financial situation at any given point.

One respondent, a governing council, commented on the current scope of the constitution and indicated that it did not provide the council with sufficient capacity to become involved in matters concerning the appointment of a principal.

2.4 Do you think the operation of a governing council in a school could be improved? If so, in what way?

Of the 49 submissions received to the issues paper, 29 respondents addressed this question. Of these submissions, 12 were from groups; 11 school governing bodies and one unit within a government agency. Seventeen submissions were from individuals; 16 with current or past experience on a school or preschool governing body and one government agency staff member.

While a small number of respondents did not identify areas for improvement in the operation of a governing council, others suggested that improvements could be made in a range of areas, the key area being the need for improved training and resources to be provided to council members to support the effective operation of the council.

A summary of respondent comments and suggested improvements include the following:

- Provision of training that is high quality, contemporary, affordable, accessible in metropolitan and country regions
- Development of resource materials that are easy to read and understand, for example that simplify the constitution and member responsibilities and provide specific information to support the chairperson in undertaking their role, including how to run an effective meeting, agenda setting and determining items presented for decision-making/information/consultation, engagement of members, facilitation of discussion and delegation of tasks
- Greater clarity on the roles and responsibilities of council members in relation to the operation of the school
- Visit other schools to share information about how their councils operate and to generate new ideas
- Ensure regular engagement and communication with the school community to seek parent views on a range of topics to inform council decision-making as well as sharing information about decisions that have been made and the work of the council
- Have a council membership that can meet its governance responsibilities, noting that some schools have difficulty in filling council positions and membership could include interested community members with specific skills and experience in governance
- Create an environment at meetings so that parents do not find the governance experience daunting

- Remove financial and employment responsibilities from governing councils and transfer these responsibilities to the department
 - Provision of funding for the employment of an officer to assist the secretary in their role
 - Review council processes regularly
 - Consider governance models that could operate within the new local partnerships structure
 - Consider developing a set of performance standards in addition to the requirements that are set out in constitutions to influence the performance of individual councils and to achieve more consistency in the operation of all councils
 - Increase separation of council operation from the department, for example that information, training, support and other programs or services be provided by an independent group that is not aligned to the department.
-

- Honesty and integrity in the relationships
- Flexibility in negotiating and accepting change
- Encouraging the involvement of the wider community in council, for example by having community representatives on council
- Supporting council member attendance at meetings, for example by providing child care
- Making the meeting experience enjoyable
- Encouraging other parents to participate in council
- Recognising and acknowledging parent participation
- Sharing good practice through a council expo
- Accountability of the department for providing ongoing support to councils and identifying risk factors.

Roles and responsibilities of governing council and school council of ce holders and committees of council

2.6 What are your views on the current roles

- Clarity around the criteria for membership on the council, including eligibility of departmental staff to be a chairperson, school staff to be the parent representatives, and community member participation.

2.7 Should the scope of these roles and responsibilities be modified? If so, in what way?

Of the 49 submissions received to the issues paper, 24 respondents addressed this question. Of these submissions, 11 were from groups; all school governing bodies. Thirteen submissions were from individuals; 12 with current or past experience on a school or preschool governing body and one government agency staff member.

While a number of respondents indicated that no change was required to the current scope of the roles and responsibilities of office holders, others provided a range of comments in relation to this scope, and also in relation to the operation of councils more broadly. The key feedback themes include the following:

- Improved training and support should be provided to office holders, including the development of resources that are based on best practice and provide clarity on liability issues and financial responsibilities
- Greater clarity about the role of the chairperson is needed in the resource materials, that adequately describe its responsibilities and the variety of governance activities the role is involved in
- Consideration that the secretary's role formally included the requirement that it provide a regular summary to the school community of matters discussed and activities engaged in by council
- Clarity is needed on the impact of the WHS Act on councils

- Provide for a proxy delegate to attend meetings
- Better utilising sub-committees to support council operation
- Expand the scope of council responsibility to recruit the principal and have the principal report to council.

One respondent indicated that the governing council should have no responsibility for the school budget.

2.8 What are your views on budgeting? (including

Taking into consideration all respondent feedback, factors that contribute to the successful operation of committees include the following:

- Clarity of roles and responsibilities of the governing council, to in turn support clarity in relation to the role of the council committees
- Committee membership that is representative of the whole school community including students, noting that this can present challenges with respect to arranging suitable meeting times
- Consideration of membership numbers so that the committee meetings run effectively and all members have an opportunity to participate
- The need for a good working relationship between a council and committee; this could be supported by an executive officer with responsibility for organising all meetings and taking minutes
- The need for good communication between a governing council and committee, as well as between a committee and school community
- Respecting the role of a committee; decisions on matters of a committee's focus should not be made without consulting with the committee
- Committees should be provided with appropriate opportunity to canvass the views of parents for subsequent reporting and discussion at a council meeting, thereby supporting genuine consultation
- Acknowledging the work of committee members in areas such as fundraising
- Consideration of the benefit of establishing short term project teams rather than standing committees
- Clarity with respect to the roles of sub-committees and affiliated committees.

2.9 Could further support be provided to of ce holders? If so, in what way?

Of the 49 submissions received to the issues paper, 26 respondents addressed this question. Of these submissions, 10 were from groups; all school governing bodies. Sixteen submissions were from individuals; 15 with current or past experience on a school or preschool governing body and one government agency staff member.

Some respondents indicated that their of ce holders currently received a good level of organisational support from their schools, however the majority advised that additional support should be provided to assist of ce holders in undertaking their role.

This support could be provided to of ce holders in the following ways:

- Provide a governance contact for of ce holders to seek further advice outside of the school; some respondents suggested a contact within the department, others suggested an independent contact
- Provide induction and ongoing training that specifically focusses on the roles and responsibilities of of ce holders; must be high quality, low cost and equally accessible to those living in metropolitan and regional areas
- Develop resource materials that simplify governance and financial information to make this content easier for council members to understand, for example in relation to financial reports, constitutional requirements or guidance as to how councils can best seek parent feedback
- Establish mentoring arrangements for chairpersons and other of ce holders and networking arrangements for councils

- Provide funding to employ an officer to support the administrative tasks that need to be undertaken to support council and committee operation as are time consuming for volunteers, for example preparation of agendas, reports and minutes; management and tabling of correspondence; and dissemination of information to school community
- Ensure timely provision of information prior to meetings.

The training and resources should be subject to regular review and update to ensure currency.

Composition of governing councils and school councils

2.10 What are your views on the current membership structure of a governing council or school council? Do you think it is working well? If not, how do you think it could be improved?

Of the 49 submissions received to the issues paper, 28 respondents addressed this question. Of these submissions, 13 were from groups; 12 school governing bodies and one professional association. Fifteen submissions were from individuals; 14 with current or past experience on a school or preschool governing body and one government agency staff member.

Many respondents indicated that the current membership structure of their councils was working well, containing a good mix of members and was of a size that supported good operation and efficient decision-making.

Other respondents provided a range of comments in relation to the current structure, with some expressing concerns. Feedback themes are provided below:

- Large membership numbers, while supporting broad representation of the school community, can impact on the council's capacity to operate as a functional decision-making body
- In the case of a multi-campus school, membership should include a sufficient number parents from each campus to ensure appropriate representation across the whole of the school
- It is valuable to have student representatives on councils, however it can be difficult to schedule suitable meeting times
- Community and local business members have the capacity to contribute to the successful operation of governing councils, however external facilitation may be needed to assist with this
- Community members should be included on the school council of a newly amalgamated school to provide knowledge and support during the transition
- Councils need to be a parent driven body and concerns were expressed about the role of staff members on council, including that staff who are parent representatives may not provide open and honest feedback on issues from a parent perspective, as well as that staff representatives are able to vote
- Improved understanding is required in relation to the representation of affiliated committees on council
- Encourage people to participate on council by providing training to increase their confidence and by increasing flexibility in how the council roles operate, for example could have shared 'co-chairpersons' to share workload

Role of the Minister, Chief Executive and principal in relation to governing councils and school councils

2.13 What are your views on the current roles of the Minister, Chief Executive and principal in relation to school governance?

Of the 49 submissions received to the issues paper, 23 respondents addressed this question. Of these submissions, 10 were from groups; 9 school governing bodies and one unit within a government agency. Thirteen submissions were from individuals; 12 with current or past experience on a school or preschool governing body and one government agency staff member.

Respondents provided a range of comments on the current roles of the Minister, Chief Executive and principal. Some indicated that the current roles were appropriate, however others suggested that greater clarity was needed in relation to the roles, and descriptions provided in concise and easily understood language.

Many respondents commented on the key role that principals have in relation to the effective operation of school governance, rather than the Minister and Chief Executive, who they regarded as being remote from council operations. Feedback provided by respondents in relation to the role of the principal supported a model that requires 'joint responsibility'; principals should not dominate meetings and should support open communication and the canvassing of parent views and transparent decision-making. Clarity about the difference between 'joint responsibility' and 'responsible for' was required.

Some respondents supported an expansion of the roles and responsibilities of councils, where they had the capacity to do so, for example involvement in the management of the principal.

Feedback was also provided in relation to when there may be concerns about school governance or the principal and how those concerns may be addressed; one respondent referred to the involvement of the principal's line manager, with another suggestion that there should be a process by which council bring concerns about school governance to the attention of the Chief Executive and/or Minister.

In relation to the role of the Minister, one respondent suggested that the Minister could encourage the participation of parents and acknowledge their contribution in councils.

Employment and contractual responsibilities of governing councils and school councils

2.14 What are your views on the current scope of the roles and responsibilities of governing councils or school councils with regard to the operation of a canteen, out of school hours care service, residential facility for the accommodation of students or in relation to other areas of council responsibility?

Of the 49 submissions received to the issues paper, 23 respondents addressed this question. Of these submissions, 9 were from groups; 8 school governing bodies and one unit within a government agency.

- Responsibility for OSHC and canteen services should sit with the school/department rather than parent volunteers however councils should still be informed as to the operation of these services by the principal and have the opportunity to provide comment; OSHC involves a reasonable financial turnover and is in the business of caring for children, and canteen profits go to the school so the business and livelihood of staff should be managed by the school
- It is difficult for councils to fulfil their employment responsibilities as are not on site and the responsibility falls to school staff, as well as not have easy access to job and person specification and wages information
- Councils require training and support from the department in relation to their responsibilities as employers, including financial training
- Councils require greater clarity about their legal responsibilities and liabilities as employers
- Clarity is required of the council's obligations under the WHS Act
- Concern about the profitability running a canteen or OSHC service.

2.15 Should governing councils or school councils have employment responsibilities? If no, why not? If yes, what further support could be provided to support these councils in fulfilling their responsibilities as employers?

Of the 49 submissions received to the issues paper, 22 respondents addressed this question. Of these submissions, 9 were from groups; all school governing bodies. Thirteen submissions were from individuals; 12 with current or past experience on a school or preschool governing body and one government agency staff member.

A number of respondents indicated that they did not think that councils should have employment responsibilities, outlining a range of issues and concerns. Other respondents suggested that greater clarity in relation to these responsibilities was required and that the department should provide training, resources and advisory services to support councils in undertaking their employment responsibilities.

A small number of respondents were supportive of councils having employment responsibilities as provides flexibility at the site level, with some expressing an interest in these responsibilities being expanded, for example in relation to the employment of staff and appointment of the principal.

The key feedback themes in relation to councils having employment responsibilities are provided below:

- Councils comprise parent volunteers who may not have the appropriate skills, knowledge, time or training to undertake such a responsibility
- Concerns were expressed relating to the legal implications for council members as well as the risks assumed by schools as a result of parent volunteers having employment responsibilities
- Greater clarity needed around employment and line management responsibilities; in practice the council is the legal employer, however the school staff conducts the day-to-day and line management responsibilities as they are on site
- Improved training, resources, information and advisory services are required to support councils undertake their current employment responsibilities
- Responsibility for employment should sit with the school/department rather than the

council to ensure that all legal responsibilities are covered such as wages, workcover, superannuation, leave entitlements, noting however that councils should have input into the decision to establish, for example, a canteen or OSHC service

- Having responsibility for employment can deter parents from participating on council and the governance requirements more generally can impact on the make up of members on the council
- The requirement to administer separate systems for governing council services such as OSHC and an early learning centre can be an inefficient use of resources, particularly when many of the required systems are already established and evaluated by the department
- Current model may not be compatible with parent expectations for a holistic integrated service
- Clarity is needed about the council's employment responsibilities under the WHS Act
- Council involvement in the merit selection process of principals should be retained.

2.16 Has your governing council or school council encountered any issues as an employer of staff or contractors? If so,

PART 3 – Preschools

Functions and operation of preschool governing councils

- 3.1 In your view, are the current functions set out in the model preschool constitution appropriate for a stand-alone preschool governing council? If no, what should be changed?

Of the 49 submissions received to the issues paper, nine respondents addressed this question. Of these submissions, two were from groups; one preschool governing council and one unit within a government

department. Of the 49 submissions received to the issues paper, nine respondents addressed this question. Of these submissions, two were from groups; one preschool governing council and one unit within a government department. Of the 49 submissions received to the issues paper, nine respondents addressed this question. Of these submissions, two were from groups; one preschool governing council and one unit within a government department.

were from individuals; six with current experience on a school or preschool governing body and one from a government agency staff member.

While a small number of respondents indicated that their council hadn't encountered challenges in applying the requirements of the model preschool governing council constitution, the following matters were raised by other respondents:

- Difficulty in attracting members to the council, and the associated issues with achieving quorum at meetings as well as some tasks falling to staff members when they would usually be undertaken by the council members and broader preschool community, for example fundraising.
- Governing council members and office holders could be better supported in understanding their responsibilities by the provision of easily accessible governance resources and information, including a governance contact to discuss concerns and provide advice as to a course of action in the event of an issue.

3.4 What are your views on the current governance arrangements for stand-alone preschools that are located within an integrated preschool and child care service or a Children's Centre for Early Childhood Development and Parenting? What has worked well? Could any areas be improved?

Of the 49 submissions received to the issues paper, seven respondents addressed this question. Of these submissions, one was from a group; a preschool governing council. Six submissions were from individuals; five with current experience on a school or preschool governing body and one from a government agency staff member.

Respondents were generally supportive of the current governance arrangements for stand-alone preschools that are located within an integrated preschool and child care service or a children's centre, indicating that these arrangements were working well.

A concern was raised by a respondent about helping to make decisions about the child care section of the centre, when she was not a frequent user of that service. Another respondent suggested providing a regular feedback opportunity for governing council members about whether the governance arrangements were operating appropriately.

3.5 Do you think the operation of a preschool governing council could be improved? If so, in what way?

Of the 49 submissions received to the issues paper, eight respondents addressed this question. Of these submissions, one was from a group; a unit within a government department. Seven submissions were from individuals; six with current experience on a school or preschool governing body and one from a government agency staff member.

A number of respondents suggested that improvements could be made to the operation of a preschool governing council, including the following:

- Development of governance resources that are succinct and easy to read, to provide councils with access to consistent information about council operation and constitutional responsibilities
- Development of specific information to support governing council operation that shares examples of successful practice, for example how to encourage participation on council, or wider community participation in fundraising

- Provision by the department of high quality and contemporary training
- Dissemination of governance resources and information at the beginning of the year to support the council to work cohesively as early as possible - important given the change of preschool council members each year
- More innovative ways of communication to seek the engagement of the wider preschool community, for example via questionnaires on social media or more frequent use of parent satisfaction surveys.
- Training that supports council members' understanding of how to collaborate and build trust and community
- Acknowledging that the primary focus is the interest and wellbeing of the children
- An open, non-biased, non-judgemental communication approach
- Council using a range of methods to communicate with the community, for example via email, newsletter or in-person at a preschool event
- Encouraging parental involvement through family focussed activities and providing opportunities to connect and build positive relationships outside of the usual drop-off/pick-up context

One respondent reiterated the importance of retaining a valid parent voice with respect to the operation of the preschool governing council.

3.6 What factors are important in establishing positive relationships between the preschool director, other governing council members and the wider parent community?

Of the 49 submissions received to the issues paper, nine respondents addressed this question. Of these submissions, three were from groups; two preschool governing councils and one unit within a government department. Six submissions were from individuals; five with current experience on a school or preschool governing body and one from a government agency staff member.

Respondents identified a number of key factors that contribute to establishing positive relationships within the preschool community, including the following:

- Council members and the preschool community having a clear understanding of the roles and responsibilities of the respective members of council and the director to avoid conflict

3.7 What are your views on the current governance arrangements for school-based preschools? What has worked well? Could any areas be improved?

Of the 49 submissions received to the issues paper, four respondents addressed this question. All of these submissions were from individuals; three with current experience on a school or preschool governing body and one from a government agency staff member.

Respondents were broadly supportive of the current governance arrangements for school-based preschools. One respondent indicated that the preschool should be represented on the school governing council. Another respondent suggested that

of members' roles and responsibilities and seeking to involve all families.

One respondent suggested that further support could be provided to the fundraising committees of preschools by way of providing documentation about effective fundraising and defining fundraising roles.

governing councils. Six submissions were from individuals; all with current experience on a school or preschool governing body.

Respondents were supportive of the current membership range of a preschool governing council, with two respondents noting they had small membership numbers but were still functioning as a council. Another respondent indicated however, the difficulty that could occur with a large preschool governing council membership and that it can result in less efficient decision-making and reduced participation.

3.14 What are your views on the current tenure of preschool governing council members?

Of the 49 submissions received to the issues paper, six respondents addressed this question. Of these submissions, one was from a group; a preschool governing council. Five submissions were from individuals; all with current experience on a school or preschool governing body.

Respondents were supportive of the current tenure of preschool governing council members, noting that while most members would only be involved for the year that their child attends the preschool, having a two-year maximum tenure provides flexibility if required.

Role of the Minister, Chief Executive and preschool director in relation to stand-alone preschool governing councils

3.15 What are your views on the current roles of the Minister, Chief Executive and preschool director in relation to stand-alone preschool governing councils?

Of the 49 submissions received to the issues paper, seven respondents addressed this question. Of these

submissions, one was from a group; a unit within a government department. Six submissions were from individuals; all with current experience on a school or preschool governing body.

Respondents indicated that the Minister, Chief Executive and preschool director should ensure clarity of responsibilities in relation to the operation of a preschool and its governance. One respondent supported the ex-officio appointment of the preschool director to the preschool governing council.

Employment and contractual responsibilities of stand-alone preschools and their governing councils

3.16 What are your views on the current scope of the roles and responsibilities of stand-alone preschools and their governing councils with regard to the employment of staff or contractors?

Of the 49 submissions received to the issues paper, seven respondents addressed this question. Of these submissions, one was from a group; a unit within a government department. Six submissions were from individuals; all with current experience on a school or preschool governing body.

A number of respondents expressed concern about preschool governing councils having responsibility for employing non-teaching staff, indicating that this responsibility and the associated wage, taxation and leave calculations should fall to the department. It was also noted however, that it was important for preschool governing councils to be informed of staffing and contractual matters and have the opportunity to discuss these matters at council meetings as needed.

Two respondents indicated that greater clarity and support was required in the information provided to preschool governing councils about their legal

responsibilities as employers of non-teaching staff and contractors.

3.17 Should stand-alone preschools and their governing councils have employment responsibilities? If no, why not? If yes, what further support could be provided to support preschools and their governing councils in fulfilling their responsibilities as employers?

Of the 49 submissions received to the issues paper, four respondents addressed this question. All of these submissions were from individuals; all with current experience on a school or preschool governing body.

All respondents expressed concern about governing councils having employment responsibilities and indicated the appropriate responsibilities should sit with the department and preschool director. Governing councils should still however, be consulted on the hiring of such personnel.

3.18 Has your stand-alone preschool or its governing council encountered any issues as an employer of staff or contractors? If so, what have they been?

Of the 49 submissions received to the issues paper, six respondents addressed this question. Of these submissions, one was from a group; a preschool governing council. Five submissions were from individuals; all with current experience on a school or preschool governing body.

While most respondents indicated that their governing council had not had any issues with the employment of staff or contractors, some respondents noted that the requirement that departmentally approved contractors be used for particular tasks was not cost effective or efficient for councils.

PART 4 – Matters relating to governing councils in schools and preschools

Support provided to governing councils in schools and preschools

4.1 What are your views on the current support that is provided to school and preschool governing councils by the department, South Australian Association of School Parents' Clubs, South Australian Association of State School Organisations or any other entities?

Of the 49 submissions received to the issues paper, 33 respondents addressed this question. Of these submissions, 12 were from groups; 11 school governing bodies and one professional association. Twenty one submissions were from individuals, all with current or past experience on a school or preschool governing body.

Overall, respondents identified that improved training and access to information and support needed to be provided to councils to enable them to better understand and fulfil their roles and responsibilities. Respondents provided examples about areas that could be improved, including flexibility in training delivery, development of resource materials for use

Feedback provided by a number of respondents in relation to the support provided by SAASSO, largely raised concerns about the quality of training provided by the organisation, including that the training is:

- expensive
- not well delivered
- not current in its content
- not easily accessible
- not able to be shared across sites, which is difficult for country regions
- not delivered in collaboration with the department.

Some respondents also commented that the negative public position taken by SAASSO in relation to government schools has been damaging for state schooling and undermines the work of many councils and schools.

Some respondents also indicated that SAASSO could be difficult to contact, and not always timely in responding to queries. However some respondents commented that the magazines provided by SAASSO were good and that a useful email subscription service was provided.

Feedback provided in relation to the support provided by SAASPC indicated that this organisation provides excellent panel training and other support to councils.

4.2 Can the support and information provided to school and preschool governing councils be enhanced in the future to ensure that council members understand and are best able to fulfil all of their governance responsibilities?

Of the 49 submissions received to the issues paper, 33 respondents addressed this question. Of these submissions, 12 were from groups; ten school governing bodies, one professional association and one community group. Twenty one submissions were from individuals; 20 with current or past experience

on a school or preschool governing body and one government agency staff member.

Overall, the responses provided to this question again focussed on the need for councils to have access to high quality training and ongoing support and information to ensure that council members are aware of, and can fulfil, their roles and responsibilities.

The key feedback themes are provided below.

Training

Respondents indicated that high-quality training should be provided and financially supported by the department. Localised governance training should be provided, allowing sites to attend joint training sessions, which will particularly assist country sites. Some respondents suggested that governance training be mandatory.

Respondents also suggested that training be provided in more innovative ways that utilise current technology, for example by way of online training presentations.

Support materials – provided at induction and on an ongoing basis

Respondents indicated that the governance documentation was convoluted and difficult to follow. Support materials should be developed in the

Respondents also suggested that the website could facilitate connections with other councils and of ce holders to enable peer support.

The availability and location of this information needs to be clearly communicated to councils.

Key department governance contact to provide support and information

Respondents recommended that a key contact be identi ed within the department to provide a single, reliable point of contact for governance related matters. The assistance should be provided to council members as well as school leadership staff.

Department communications with councils

Some respondents suggested that the department could improve its communications with councils, for example, notifying councils of matters that could affect the whole of the school community, and advising when policies are updated.

4.3

- Provision of a library of model policies that sites can refer to when developing their own site specific policies
- Development of risk management and risk assessment tools
- Clarity in departmental policy documents to support councils in making informed decisions about proposals, for example in relation to offering religious seminars and activities in schools.

Financial reporting information

Respondents indicated that the department's financial report format is convoluted and unclear and the information is not provided to councils in a timely manner. The format needs to be improved so that the information can be easily understood by lay people

Respondents identified the value of establishing greater connections between governing councils to provide peer support and share ideas, operational information, experiences, resources, innovations and best practice. Respondents suggested developing better online and face-to-face connections, and that the department facilitate the development of these connections.

Respondents suggested that online connections could be facilitated by establishing a webpage/chatline or use facebook to enable councils to discuss issues and share information and resources, an email group for all chairpersons, as well as telephone link ups.

Face-to-face connections could be facilitated by:

- Holding a statewide conference open to all councils to address state and national issues
- Holding a regional meeting to enable the councils within a local partnership to discuss issues at a regional level
- Attending the council meetings of other schools and preschools
- Sharing council training sessions.

Resolution of disputes – governing councils in schools and preschools

Schools

4.5 What are your views on the interim dispute resolution process that specifies the engagement of mediation services where the governing council of a school is in dispute with the department?

Of the 49 80oc?

resolution processes in the event that a dispute could not be resolved through mediation. Respondents indicated that such a model should be simple so that schools were confident in implementing such a process. Respondents also noted the importance of the independence of the parties assisting in dealing with the dispute.

4.7 What are your views on how other governing council disputes could be handled?

Of the 49 submissions received to the issues paper, 19 respondents addressed this question. Of these, seven were from groups, all of which were school governing bodies. Twelve submissions were from individuals; 11 with current or past experience on a school or preschool governing body and one government agency staff member.

A number of respondents recommended the development of a clear and simple dispute resolution model that provides clarity and guidance to governing councils in the event of a dispute between a council and principal or between council members. This will ensure a consistency of process across councils. Resources should also be developed that provide guidance to resolving the matter internally, emphasising the importance of good communication and of the building of good relationships amongst governing council members. Governing council training should include information about the dispute resolution model. In addition, a departmental contact should be identified for governing councils to discuss the particular issues being encountered and provide advice to councils about the dispute resolution process.

Respondents indicated that in the event of a dispute between a governing council and principal or between council members that could not be resolved internally, additional resources and support should

be provided by the department to assist in resolving the dispute. This could include the involvement of a departmental officer or unit, or the provision by the department of an independent mediation service.

Preschools

4.8 What are your views on establishing a dispute resolution model for preschool governing councils that is consistent with that established for governing councils in schools?

Of the 49 submissions received to the issues paper, eight respondents addressed this question. All of these submissions were from individuals; seven with current experience on a school or preschool governing body and one government agency staff member.

Respondents indicated their support for establishing a dispute resolution model for preschool governing councils. Feedback was also provided in relation to the need for information about the dispute resolution process to be included in governing council resource

submissions, nine were from groups, all of which were school and preschool governing bodies. Eleven submissions were from individuals; ten with current or past experience on a school or preschool governing body and one government agency staff member.

Respondents were broadly supportive of the current process that specifies how the governing council of a school can seek independent legal advice when in dispute with the department, indicating that it was important that this option remain available to governing councils.

Additional comments provided regarding the scope of the current legal advice process included that governing councils should have access to independent legal advice in relation to other matters of council responsibility, for example the employment by councils of staff and contractors, and that governing councils should also have access to legal advice from the Crown Solicitor's office.

Suggestions were also made in relation to how councils could be supported, including ensuring that all councils were aware the provision existed for councils to access independent legal advice; providing a non-aligned person to provide advice to councils about the process and appropriately framing the issues to ensure the most suitable pathway for resolution was followed; and that the process should be fast-tracked if the independent advice was required in response to a serious incident.

Concerns about the independence of the process were expressed by a small number of respondents in relation to the role of the department in administering the request for independent legal advice. The role of the Crown Solicitor as an employee of government in making the decision as to whether independent legal advice was approved was also raised as a concern.

Preschools

4.10 What are your views on developing a process by which stand-alone preschool governing councils can seek independent legal advice if in dispute with the department?

Of the 49 submissions received to the issues paper, seven respondents addressed this question. All

Any other matters

4.12 Do you have any other suggestions about how public school and preschool governance could be strengthened?

Of the 49 submissions received to the issues paper, 20 respondents addressed this question. Of these submissions, four were from groups, all of which were school and preschool governing bodies. Sixteen submissions were from individuals, all with current or past experience on a school or preschool governing body.

Respondents provided a range of suggestions about how public school and preschool governance could be strengthened, a number of which reiterated the responses provided to the consultation questions in the issues paper. Key feedback themes included the following:

- Recognition that a positive relationship between staff, parents and students makes a strong community that ultimately benefits children's education and development
- Councils need improved resources and training to better support them in fulfilling their governance obligations, for example providing greater clarity on the role of council and responsibilities of councillors, as well as information on meeting processes and procedures
- Governance support materials need to be simplified, concise, and easy to understand
- Existing departmental information sources should be utilised to identify areas of concern raised by councils and the parent community to develop targeted information and resources for parents
- Councils need improved financial reporting information and support
- A dedicated governance contact officer should be appointed to assist with governance queries
- Governance information on the department's website should be improved
- The importance of acknowledging the contribution of parents volunteering on councils
- Comments about the inconsistency of how governance can operate within the same site depending on the site leader, even though the same model constitution is being utilised, as well as inconsistency of operation across schools and preschools; a consistent and high standard of operation should be in place across all sites
- The importance of council members actively representing the parent community; seeking views, listening and engaging
- The broader parent community should be provided with information about governance, including affiliated committees
- Importance of having an environment within council that supports the genuine participation of council members; contributions valued, views listened to, ability to ask questions, open discussions held
- Comments about potential impact of department reforms and strategies on council operation and scope of responsibilities, for

the power of the principal to manage under-performing staff, to supporting a greater involvement of councils in the management of under-performing staff, as well as greater involvement in staffing selection

- Provision of options for schools to have a governance model where the council has

Further information is available at www.edlawreform.sa.gov.au