

Towards 2020:
A Failure in Public Consultation

**A Submission to the ACT Legislative Assembly Standing
Committee on Education, Training and Youth Affairs**

Save Our Schools

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Summary

1. Consultation failures

The *Towards 2020* consultation on school closures and amalgamations was a public consultation failure. It was riven by failures. The ACT Government failed to:

- properly and adequately assess the educational, financial and social impact of the proposed school closures on students, their families and the general school community in each case;
- provide a full consultation period of six months; and
- fully adhere to the consultation process and principles of the Education Act 2004.

A failure of education impact assessment

The Minister for Education failed to do a full assessment of the educational impact on students, families and the school community. Key education factors were ignored in the decision and the research on small schools was wrongly presented as indicating they provide a lesser education. In particular, the Minister failed to:

- Take account of the successful outcomes being achieved in the schools that were closed;
- Present any evidence that closed schools were delivering an unsatisfactory education;
- Have proper regard to the learning needs of disadvantaged students in making his decision; and
- Assess the adequacy of the curriculum in each of the closed schools.

Although the Government argued that small schools limit the educational opportunities of students, almost every school that was closed had generally average and often higher-than-average student outcomes in some aspects. The Notices of Decision for Village Creek Primary and Kambah High School did not even mention their educational outcomes as a factor considered in the decision. Similarly, student outcomes were not considered in the decisions to partially close four other schools and turn them into P-2 schools. No Notice of Decision provided any evidence of poor education outcomes.

None of the schools were closed because they were found to be failing schools.

The educational factors the Minister said were taken into account in his decision omitted the learning needs of low-income and Indigenous students despite extensive research evidence that these students achieve much better results in small schools. Several of the fully and partially closed schools had a relatively high proportion of low-income and/or Indigenous students.

No audit of the curriculum of the closed schools was ever carried out and there is no evidence in the public documents of an inadequate curriculum in the closed schools.

The Minister selectively and falsely cited research on small schools. He crudely misrepresented a summary of research by Professor Brian Caldwell. Each of the Notices of Decision referred to Professor Caldwell's paper to justify the decision to close small schools. Professor Caldwell in fact found that small schools do better than big schools on a whole range of criteria. Caldwell's paper provides a compelling critique of the Minister's claims.

A failure of financial impact assessment

None of the financial factors the Minister said he considered in assessing financial impact related to the financial impact on families and the school community as required under the Act. They all related to the financial operation of the school and the cost to government. This was given almost exclusive priority over the statutory requirements.

The Government made no attempt to systematically collect and analyse information on the financial impact of school closures on families during the consultation. The Notices of Decision universally failed to provide a detailed analysis of the financial impact on families in each community.

The Government failed to do a whole of government analysis of the financial impact of closing schools and excluded additional costs incurred by the Education Department and other agencies from its savings estimates. The net saving to government was over-estimated.

A failure of social impact assessment

The factors taken into account by the Minister in assessing social impact largely related to demographic and enrolment trends in schools. None referred to the impact on students and their families as required by the Act. The Minister ignored the impact on communities and other factors such as traffic safety issues, environmental impacts, and impact on property values and business.

Failure to do a cost-benefit impact study

While there is no formal statutory requirement for the ACT Government to provide a cost-benefit study of the impact of closing schools, the requirement to assess the educational, financial and social impact of school closures is a signal to the relevance of cost-benefit techniques. No such study was ever carried out despite repeated requests from school communities and key stakeholders.

The ACT Council of P&C Associations went so far as to engage an expert consultant to develop the conceptual framework for a cost-benefit study to give some guidance to school communities. The report was denigrated by the Minister and he refused to consider its suggestions.

Failure to provide a full consultation period

The Education Act 2004 requires that before a decision is taken to close or amalgamate a government school, the Minister must ensure that the affected school communities are consulted for a period of at least six months. However, the effective period of consultation was less than six months because:

- It took months for the Government to provide necessary information to school communities and even then some information requested was never provided;
- The closing date for submissions was a month before the end of the consultation period; and
- The final decision was announced one week after the end of the consultation period.

Failure to fully adhere to the consultation principles of the Act

The *Towards 2020* consultation process failed to:

- Focus on educational opportunities;
- Be fully open and transparent;
- Involve effective community engagement;
- Provide information provided in a timely and accessible way; and

- Seek the views of school boards affected by the proposal.

The requirement to focus on educational opportunities was subsumed by the Government's overriding objective to reduce financial costs to Government. The Government's primary objective to make financial savings was reflected in the consultation process where education quality issues were not given due regard, and were often subject to misrepresentation. Much greater weight was given to financial costs

The consultation process was not open and transparent. Some key documents were kept secret and the Government made use of exemptions and conclusive certificates to withhold formative policy documents. In addition, it failed to:

- Give reasons for decisions to list and close schools;
- Explain the process for listing and closing schools;
- Release key information;
- Reply adequately to correspondence;
- Accurately represent educational research; and
- Respond to or incorporate new data.

Community engagement in the consultation process was less than effective for several reasons:

- Key parts of the *Community Engagement Manual* were not followed;
- There were indications that decisions to close schools were made before the end of the consultation period; and
- Alternatives to school closure were not seriously considered.

In addition, there were several instances of the Government deciding to proceed with options that were never subject to formal consultation with the affected communities. These were the P-10 school on the Kambah High School site, the P-2 school at Isabella Plains Primary School, and the amalgamation of some pre-schools with primary schools. The decision on the P-10 school effectively decided the future of Urambi Primary School, yet it was never included in the consultation because it was not identified for possible closure in *Towards 2020*. Its future was decided without any consultation with its community.

The lack of timeliness and accuracy of information provided by the Minister and his Department were ongoing and contentious issues for much of the consultation period. This did much to undermine community confidence in the process.

There were long delays in the release of necessary financial information and the factors that were taken into account in deciding which schools were to close. In addition, requests for reasons as to why schools were proposed for closure were never provided.

Much information provided by the Government for the consultation was inaccurate and misleading. Financial, enrolment, capacity and demographic data was often shown to be inaccurate during the consultation.

It appeared to many who participated in *Towards 2020* that the Government's idea of consultation was to invite submissions because it was required by law to do so and then it could ignore what people said if they did not support the Government's original intentions. Many concluded that the consultation process was fraudulent and that the Government never

had any intention of listening to school communities and stakeholder organisations. The failure to adhere to the consultation principles required by the Education Act gave much credence to these perceptions.

2. The Need for Change

The litany of failures incurred under *Towards 2020* demonstrates a strong case for change in the way proposals for school closure are considered and consulted on in the future. The requirements of the Education Act were not followed to any reasonable degree.

It is clear that the Education Act is inadequate as regards the requirement to assess the educational, financial and social impact of school closures. It fails to set out a sufficiently clear set of guidelines for fully assessing impact. This lack of detail allowed the Minister to give lip-service to this statutory requirement with the result that the educational, financial and social impact of closing schools on students, their families and the general school community was largely ignored by the Government.

It is also apparent that six months is too short a time for an effective consultation, especially in circumstances where many schools are proposed for closure. Not only is it too short a time for communities to be able to respond but it is clear from the *Towards 2020* experience that the Department of Education did not have sufficient time to organise an effective consultation and provide all the relevant data and information at the beginning of the consultation.

The consultation principles set out in the Act are satisfactory. The problem in *Towards 2020* was that the Minister did not pay due regard and respect to these principles. It is not clear that these principles can be significantly improved upon. It is more a case of reforming the process so that these principles are better followed in the future. For example, an appeals process would create the threat of review over the whole process.

While the Government failed to adhere to both the spirit and the letter of the law relating to Section 20 of the Education Act, it also failed to have due regard to other sections of the Act which have relevance to school closures. These are the sections on the principles governing the provision of public education, in particular, those principles relating to:

- The learning needs of students from low income families and Indigenous families;
- The partnership between home, school and the community; and
- Ensuring reasonable access to schools for all children, especially in regard to financial and safety issues.

Many of the failures of *Towards 2020* were the result of the lack of independence in the conduct of the consultation and analysis of the feedback and submissions.

The experience with *Towards 2020* demonstrates that the Department of Education is not a neutral broker in issues of school closure. It has a fundamental conflict of interest that biases it towards following government instructions rather than doing an objective analysis. The Department was seen as working on behalf of the Government and as a proponent of *Towards 2020*. It was not seen to be independent by the vast majority of school communities.

Above all, the ACT Government had no mandate to close schools and that it deceived the public as to its intentions on school closures. The lack of integrity shown by the ACT Government over school closures over a long period demonstrates the need for an independent process that genuinely engages with the community.

3. Proposals for Change

Save Our Schools proposes that Section 20 of the Education Act be amended to provide for an independent public inquiry process to assess proposals for school closures and consider alternatives to school closures. It also proposes that the Act be amended to provide a better, more comprehensive and inclusive community consultation process on school closures and that the period of consultation be extended. It further proposes that a right of appeal against the decision to close a school be established.

The main proposals are as follows:

1. The appointment of an independent ‘ad hoc’ Schools Planning Commission to conduct a public consultation process on proposals to close schools and to consider alternatives to school closures.
2. A three-stage public consultation process:
 - An initial consultation between the Minister and key stakeholders on the terms of reference for the Schools Planning Commission;
 - Public consultation over a full school year on the proposal to close a school and consideration of alternatives conducted by the Schools Planning Commission; and
 - Public consultation over 3 months on a draft report prepared by the Schools Planning Commission before a final report is presented to the Government.
3. A period of 6 months after the Government’s decision to plan transition and allow for appeal against the Government’s decision.
4. Strengthened requirements to take into account the educational, financial, social and environmental impact of school closure before a decision is taken. These requirements include:
 - The preparation and publication of a cost-benefit study on the proposal;
 - A Schedule to the Act listing a range of educational, financial, social and environmental factor that the cost-benefit study, the Schools Planning Commission and the Minister must have regard to.
5. Strengthened consultation requirements to take into account the governing principles of public education set out in the Act.
6. A Notice of Decision to be issued to a school before it is physically closed and which includes the specific reasons why the school is to be closed.

4. Support to re-open schools

The process of closing schools under Towards 2020 was so seriously flawed that the decisions regarding individual schools lack legitimacy. Save Our Schools considers that the ACT Government should re-open schools whose communities have been wrongfully closed and adversely affected by closure and where there is community support to do so.

Recommendations

Recommendation 1

That:

- Section 20 (5) require that before taking a decision to close or amalgamate a school, the Minister should demonstrate regard to the principles of government schooling set out in Sections 7 and 18, in particular, those affecting equity in education outcomes, reasonable access to schools and partnerships in education; and
- Section 20 (7) require the consultation to specifically consider the implications for implementing the principles of government schooling set out in Sections 7 and 18, in particular, those affecting equity in education outcomes, reasonable access to schools and partnerships in education.

This recommendation is not addressed in the Education Amendment Bill 2008.

Recommendation 2

That Section 20 be amended to require that:

- Future consultations on school closures should be conducted through an independent public inquiry process be conducted by a body independent of the Government of the day;
- The process should be carried out by an ‘ad hoc’ Schools Planning Commission appointed by the Legislative Assembly;
- The Commission should have a membership of three;
- The Commission should be appointed by a committee of the Legislative Assembly consisting of one Member of each party represented in the Assembly and which is formally recognised as a party in the Assembly;
- The Commission should conduct the consultation according to requirements set out in the Education Act (see below);
- The Commission should publish a draft report for public comment as part of the consultation;
- The Commission should submit a final report and recommendations to the Government which should be made public when the Government announces its decision on the report’s recommendations.

This recommendation is not addressed in the Education Amendment Bill 2008.

Recommendation 3

That Section 20:

- Include a right of appeal to an Independent Arbitrator;
- Require that the Independent Arbitrator be appointed by a committee of the Legislative Assembly consisting of one Member of each party represented in the Assembly and which is formally recognised as a party in the Assembly;
- Set the grounds for appeal so as to allow schools to challenge the merit of the decision as well as the lawfulness and conduct of the process.

This recommendation is not addressed in the Education Amendment Bill 2008.

Recommendation 4

That Section 20 be amended to require that:

- Alternative options to closure be considered as part of the consultation on proposed school closures; and
- Alternative options to closure be analysed as part of a comprehensive cost-benefit analysis of the educational, financial and social impact of school closures.

This recommendation is partially addressed in the Education Amendment Bill 2008.

Recommendation 5

That:

- Section 20 (5) be amended to provide that before a decision is made to close or amalgamate a school, the Minister must have:
 - Published an independent comprehensive cost-benefit study of the direct and indirect educational, financial, environmental and social impact of school closures on school communities, government agencies and the wider public;
 - Regard to findings of the cost-benefit study; and
 - Regard to the recommendations of the independent consultative body.
 - Regard to the Schedule of educational, financial, environmental and social factors.
- The Act include a schedule of educational, financial, environmental and social factors that should be taken into account in the cost-benefit study, by the independent consultative body and in the decision as to whether to close or amalgamate a school;
- The cost-benefit study be made available for public comment during the consultation and for consideration by the consultative body in the preparation of the draft report.

The Education Amendment Bill 2008 does not fully incorporate these recommendations. In particular, it does not:

- Require that the Minister obtain and have regard to a cost-benefit study prior to making a decision to close or amalgamate a school, only to do these things before closing or amalgamating a school;
- It does not require certain educational, financial, social and environmental factors to be considered in the study; and
- It does not require the study to be available for public comment during the consultation.

Recommendation 6

Save Our Schools recommends that Section 20 (5) be amended to provide:

- That before deciding to close or amalgamate a school the Minister must:
 - Consult with key stakeholder organizations on a terms of reference to be given to the Schools Planning Commission, and then;
 - Appoint a Schools Planning Commission to:
 - Consult (Stage 1) with school communities and other interested parties on school closures and alternative options for at least ‘a school year’ (as defined in the Dictionary of the Act);
 - Prepare a draft report for community consultation within 2 months of the end of the Stage 1 consultation;
 - Consult (Stage 2) with school communities and other interested parties on the draft report for at least 3 months;
 - Prepare a final report with recommendations to the Minister within 2 months of the end of Stage 2;
- For a transition and appeals period of at least 6 months after a decision is taken to close or amalgamate a school.

This recommendation is presented as an alternative to the consultation periods set out in the Education Amendment Bill.

Recommendation 7

That Section 20 be amended to require:

- A Notice of Decision to be issued to a school before it is physically closed and which includes the specific reasons why the school is to be closed.

This recommendation is not addressed in the Education Amendment Bill.

Recommendation 8

That the ACT Government re-open schools whose communities have been wrongfully closed and adversely affected by closure, and where there is community support as demonstrated by submission of a proposal for re-opening to the Inquiry.

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1. Introduction

Towards 2020 was announced on 6 June 2006 as part of the 2006–07 Budget that had been developed on the basis of a *Functional and Strategic Review of Government Services* (the Costello review). While *Towards 2020* formally included capital funding projects, its essential feature was the proposal to close 39 government pre-schools and schools and the amalgamation of others. The proposal was subject to a statutory six-month consultation period ending on 6 December 2006.

On 13 December 2006, the Minister for Education announced the Government's decision to close 23 schools: this included 11 primary schools and one high school, with a new P-10 school to be established on the high school site. It was also decided to partially close four other primary schools and convert them from K-6 schools to P-2 schools with early childhood facilities. In addition, a number of preschools were closed.

The consultation proceeded under s.20 of the *Education Act 2004* (the Act) (Appendix A). The Minister also stated he would use the process outlined in the *Community Engagement Manual* (Appendix B).

The Act requires that, before closing or amalgamating a government school, the Minister must:

- have regard to the educational, financial and social impacts;
- consult for six months (s.20(5));
- conduct the consultation process in a certain way (ss.20(6) and 20(7)).

This submission examines the extent to which the ACT Government adhered to these statutory obligations. It concludes that the Minister for Education failed to fully adhere to the requirements of the Act and that requirements of the Act should be strengthened. It proposes amendments to the Act to improve the consultation process in the future.

This submission draws on a range of public documents, such as departmental publications and documents released under Freedom of Information requests. It also draws on public submissions on the proposed closures from key stakeholders as well as a range of material arising from public debate during and after the consultation process.

2. Public Misled About Government Intentions

At the outset it must be recognised that the ACT Government had no mandate to close schools and that it deceived the public as to its intentions on school closures.

The ALP election platform for the 2004 election did not canvass the issue of a mass closure of schools. Indeed, a spokesman for the then Minister for Education categorically ruled out closing any schools during the next term of government. He said:

The Government will not be closing schools.¹

The reality was somewhat different. Within two months of the 2004 ACT election, the newly elected ALP Government started planning for the 2005 closure of Ginninderra District High

¹ The *Canberra Times*, 12 August 2004

School, with indications that the P–10 model could be adopted across the ACT.² In December 2005, while still consulting over the closure of Ginninderra High School, the Department was already exploring the possibility of further school closures.³ However, public statements during 2005 were designed to give some assurance that further school closures were not on the Government’s agenda:

There is no active consideration [of school closures] at the moment, it is not on the Government’s agenda.⁴

There are no other plans on the agenda.⁵

As late as January 2006, the Government was still saying it had no intentions to close other schools at present.⁶ Yet, by March 2006, it was publicly proposing school closures.⁷ In mid-April, the Chief Minister stated that the “case for school closures is just absolute”.⁸ Incoming Education Minister Andrew Barr re-iterated the government’s commitment to closing schools at the end of April but denied that the ACT Government had plans to close 33 schools.⁹ Just six weeks later he decided to propose closing 39 schools.

Communities were shell-shocked when *Towards 2020* was announced. They struggled to come to terms with what was happening to them after all the previous re-assurances that school closures were not on the ACT Government’s agenda. This failure of integrity affected the entire *Towards 2020* process, and it laid a foundation of mistrust.

While it is not possible to legislate against such deceitful and unethical behaviour on the part of Government, it deserves the strongest condemnation. It also supports a case for remedy—through reopening of schools—where appropriate.

The lack of integrity shown by the ACT Government over school closures over a long period demonstrates the need for an independent process that genuinely engages with the community.

3. Financial, Educational and Social Impact Assessment

Section 20 of the Education Act 2004 requires that before closing or amalgamating a government school, the Minister must “*have regard to the educational, financial and social impact on students at the school, the students’ families and the general school community*”.

At this point, two important observations can be made about this clause:

- It refers to “a government school”, that is, it is a school-specific requirement; and
- It refers to the impacts **on people**, namely students at the school, their families and the general school community.¹⁰

² This was revealed in Departmental documents released under Freedom of Information in 2005.

³ Slideshow ‘Facts, myths and paradoxes’, November 2005, presented by the Department of Education; from the Bardon/Dunne FOI request, folios 1367–78.

⁴ Canberra Times, 26 July 2005.

⁵ Canberra Times, 27 July 2005.

⁶ Canberra Times, 12 January 2006.

⁷ *Canberra Times*, 22 March, 23 March.

⁸ *Stanhope flags school closures*, ABC News, 19 April 2006.

⁹ *Canberra Times*, 22 April 2006.

¹⁰ The ‘general school community’ is not defined in the Dictionary of the Act. However, it is generally regarded as comprising students, parents, teachers, other school staff, volunteers and others with a regular association with the school. It logically includes tenants renting part of the school buildings, and other members of the community who use it on a casual basis.

As outlined in the following sections, there is no evidence to support a view that the Minister met this statutory requirement. Documents released under Freedom of Information do not contain any detailed analyses of the social, educational and financial impacts for each school. There were lists of issues raised by communities, and summaries of submissions,¹¹ but no considered analysis.

Furthermore, the Minister provided only general reasons in the Notices of Decision for each school, which gave lip-service to the statutory requirements and failed to indicate that a genuine analysis was carried out in each case. The similarities between some of the Notices of Decision strongly suggest that a template approach was used to the detriment of a genuine consideration of the impacts of closing individual schools in some cases.

The factors that were purportedly considered by the Minister are in Figure 1. Few show a regard for the **impact** of closing a school **on students, their families or school communities**. Many indicate a focus on financial and other benefits to government, which is not a requirement of the Act. Under the Act, the cost of operating a school or any financial savings to Government of closing a school are not substitutes for a consideration of impacts.

There is no evidence in any of the public documentation on the *Towards 2020* process that the Government genuinely considered any of the following impacts on **people**, for example:

- The educational and social impact of closing a school that served disadvantaged families;
- The educational cost to students of a sudden and unwanted disruption to their education;
- The direct financial impost on families of additional transport requirements to access another school;
- The social impact of closing a school that was the only community facility in the entire suburb.

It was clear from ACT Government statements that the educational, financial and social impacts on people were not considered in the development of *Towards 2020*. For example:

What we have put forward is based on rigorous analysis of enrolments and on the state of buildings.¹²

This suggests the basis of the initial plan may have come down to two factors. This is given further credence by the fact that the Minister for Education initially refused to itemise the factors that would be taken into account in deciding whether any schools would close. A version of the factors listed in Figure 1 was not posted on the *Towards 2020* website until September 2006.¹³

The following sections provide a detailed consideration of the failure of the Government to fully assess the financial, educational and social impacts of school closures on students, their families and the general community of each school.

¹¹ *Towards 2020 Consultation Report*, December 2006.

¹² Katy Gallagher, *Hansard*, 7 June 2006, p. 1860.

¹³ The initial list of factors was presented as factors taken into account in developing *Towards 2020*. This list was slightly different from the list presented as having been taken into account by the Minister in making his decision. Figure 1 provides the list of factors taken into account in the Minister's decision.

Figure 1: Factors Taken Into Account in Assessing Impact

<p>Educational</p> <ul style="list-style-type: none">• the number of enrolments in the school, the trend over time and projected enrolment numbers• the educational provision in the school and the region, and the options available for creating stronger pathways from preschool to year 12• educational outcomes• the importance of early childhood education• access to a greater range of curriculum offerings at other schools in the region• the availability of extra-curricula activities• the location and portability of special education programs and the transition needs of students in these programs• staff administrative and supervisory issues• out of area enrolments at particular schools• the potential for a school to be converted to a different educational structure• the potential for strategic partnerships• providing more options in schooling provision for Canberra families• further development of excellence in the school system. <p>Financial</p> <ul style="list-style-type: none">• how much it costs to educate a child in the school• how old the building is including maintenance costs and costs to bring the school up to an acceptable standard• the cost of operating the school• the significant under-utilisation of Canberra's public schools as a result of changing demographics• an education system that is costing, on average, 20% more than in other states. <p>Social</p> <ul style="list-style-type: none">• the changing nature of communities, with neighbourhood schools no longer the first choice for many families• changing demographics in many regions, with declining numbers of children• fewer children walking to school• the need to have schools where the children are and where families want to access them• the relationship of the school to the provision of other community services• where schools are located within each region• access to other schooling options in the region.

Source: Decisions Frequently Asked Questions, *Towards 2020* website

3.1 Educational impact

In its decision to close 23 schools and partially close four others, the ACT Government failed to have proper regard to key education factors. Specifically, it:

- Failed to take account of the successful outcomes being achieved in the schools that were closed;
- Ignored the learning needs of disadvantaged students in making its decision; and
- Failed to assess the adequacy of the curriculum in each of the closed schools.

In particular, the proposal to close smaller schools was based on a misrepresentation of the research findings education outcomes and curriculum quality and breadth in small schools.

The Government failed to provide any detailed analysis of the education factors it said were considered in the decision to close schools. There is no evidence in any public documents that any detailed analysis of educational impact was ever carried out for the schools proposed for closure in the initial *Towards 2020* plan.

3.1.1 Failure to have proper regard to key education factors

Successful education outcomes were disregarded

Although the Government argued that small schools limit the educational opportunities of students, almost every school that was closed had generally average student outcomes according to the Notices of Decision. Many had achieved above average results in aspects of literacy and numeracy in recent years.

Furthermore, the Notice of Decision for Village Creek Primary and Kambah High School did not even mention their educational outcomes as a factor considered in the decision. Similarly, student outcomes were not a factor considered in the decisions to partially close Isabella Plains, Lyons, Narrabundah and Southern Cross.

Thus, it appears that successful education outcomes were disregarded in the decision to close schools. None of the schools were closed because they were failing schools.

Learning needs of disadvantaged and Indigenous students ignored

A stark omission from the list of educational factors in Figure 1 is the learning needs of low-income and Indigenous students. This was a critical omission because a range of research studies over the past decade or more clearly show that students from low SES backgrounds achieve better results in smaller schools [Appendix C]. Small schools with high concentrations of students from low SES backgrounds have higher average results than large schools with similar concentrations. Small schools are also more successful at mitigating the effect of low income and poverty on student achievement than large schools.

Four of the closed primary schools (Holt, Higgins, Mount Neighbour and Village Creek) and two of the partially closed schools (Narrabundah and Southern Cross) had a relatively high proportion of low income students compared to other ACT schools. Several schools (Melrose, Mount Neighbour, Village Creek, Narrabundah and Isabella Plains) had a high proportion of Indigenous students. The evidence is that the Government failed to consider the educational impact on these students of closing their school. In each case, the Notice of Decision by the Minister did not mention the needs of these students.

There is no evidence in other published documentation relating to *Towards 2020* that the needs of these students were ever genuinely taken into account. Yet, several submissions raised this issue as an important factor to consider in deciding the future of several schools that had a significant proportion of students from low income and Indigenous families. The submission by the Mount Neighbour P&C is a good example of the effort and quality of information provided back to the Minister for his consideration.

Attempts to raise this issue for public debate during the consultation were dismissed by the Government. The Chief Minister called the press conference held to highlight the disproportionate burden of school closures being borne by Indigenous families a ‘stunt’ and said that the figures were a ‘selective misrepresentation’.¹⁴ He accused Save Our Schools of using the Indigenous community to attack the Government.¹⁵

¹⁴ Jon Stanhope, ‘Foskey slur on ATSI families disgraceful’, *Media Release* 320/06, 15 September. See also Jon Stanhope, *Hansard*, 19 September 2006, p. 2868.

¹⁵ ‘Indigenous community ‘left out’ of school closure talks’, *ABC News Online*, 18 September.

The Minister for Education said that the Save Our Schools' claims that low income families were being hit harder by school closures than high income families were misleading.¹⁶

Failure to assess adequacy of the curriculum

Claims that small schools fail to provide an adequate curriculum were a key argument in the proposal to closed schools, with repeated statements to this effect by the Minister.¹⁷ However, there is no evidence for this claim in relation to ACT schools.

Available documents do not show any assessment of the curriculum in schools proposed for closure; and none of the available documentation includes an audit of the curriculum or evidence of inadequate curriculum in the closing schools. In some Notices of Decision, all the Minister could say was that the school **may** be unable to provide a breadth of curriculum offerings in the future. This is hardly the evidence needed to justify a decision to deprive a community of its local school.

Indeed, the available evidence contradicts the Minister's judgement. A 2004 review of the curriculum in government primary schools by the Curriculum Renewal Task Force shows that it is broadly similar across schools and that there are no significant differences between small and larger schools.¹⁸ All small schools cover the key learning areas and provide a range of enrichment and extra-curricular activities. Even a cursory review would have confirmed this in 2006. Indeed, both Flynn and Melrose primary schools presented evidence to show a breadth of curriculum that was at least equivalent to that of other schools in the region.¹⁹

Thus, the Minister's views about small schools appear to have been based less on evidence and more about justifying a public position.

3.1.2 False representation of research on small schools

The Minister generally failed to provide an objective and comprehensive review of the research literature on educational outcomes in small schools. Instead, he selectively and falsely cited research on small schools.

The most significant example is the Minister's misuse of a summary of research by Professor Brian Caldwell.²⁰ The Minister crudely misrepresented Professor Caldwell's findings to claim throughout the consultation period, and since, that small schools were unviable, when in fact Caldwell's paper demonstrated the opposite.

Professor Caldwell found that small schools do better than big schools on a whole range of criteria. Indeed, the paper provides a compelling critique of the Minister's claims. It shows that academic achievement in small school is at least as equal, and often superior to that of large schools. Student attitudes towards school and learning are overwhelmingly positive in small schools. Students have a better concept of themselves as individuals and learners. They also have a much better sense of belonging to a community, with much less alienation than occurs in large schools.

¹⁶ 'Save Our Schools says poor hit hardest', *The Canberra Times*, 27 September 2006.

¹⁷ For example, 'Frequently asked questions', Towards 2020 website; *Canberra Times*, 9 October 2006.

¹⁸ Curriculum Renewal Task Force 2004. *Every Chance to Learn: Curriculum Renewal Evaluation Report*. ACT Department of Education and Training.

¹⁹ See the Towards 2020 P&C submissions by Melrose and Flynn primary schools.

²⁰ Professor Brian Caldwell 2005, 'Research on school size: An educational transformations briefing paper', Educational Transformations, Melbourne.

As a result, behaviour problems are much lower in small schools. Students are much safer and suffer less harassment and bullying. Attendance is higher and more students participate in extra-curricular activities.

It is worth citing Professor Caldwell's detailed findings from the review of the literature because it effectively rebuts the Minister's claims on the educational impact of closing small schools. These findings are:

Academic achievement in small schools is at least equal – and often superior – to that of large schools;

Student attitudes towards school in general and toward particular school subjects are more positive in small schools;

Student social behaviour – as measured by truancy, discipline problems, violence, theft, substance abuse, and gang participation – is more positive in small schools;

Levels of extracurricular participation are much higher and more varied in small schools than large ones, and students in small schools derive greater satisfaction from their extracurricular participation;

Student attendance is better in small schools than in large ones;

A smaller percentage of students drop out of small schools than large ones;

Students have a greater sense of belonging in small schools than in large ones;

Student academic and general self-concepts are higher in small schools than in large ones;

Interpersonal relations between and among students, teachers, and administrators are more positive in small schools than in large ones;

Students from small and large high schools do not differ from one another on college-related variables such as entrance examination scores, acceptance rates, attendance, grade point average, and completion; and

Teacher attitudes toward their work and their administrators are more positive in small schools than in large ones.

The positive benefits of smaller school environments are particularly important for students from disadvantaged backgrounds. Caldwell notes that:

...poor students and those of racial and ethnic minorities are more adversely affected ... by attending large schools than are other students.

The Minister's claim that "*schools with low student numbers often struggle to provide the same breadth of curriculum for students and can be stretched for resources leading to pressure on teaching staff*" is explicitly refuted by Caldwell. He concluded that:

Much school consolidation has been based on the beliefs that larger schools are less expensive to operate and have higher-quality curricula than small schools. Research has demonstrated, however, that neither of these assertions is necessarily true.

Save Our Schools has conducted an extensive review of the research evidence on small schools [Appendix D]. Its main findings are as follows.

There is no robust research evidence that shows that small schools have lower student achievement than other schools and there is no research evidence that there is a minimum school size in relation to education outcomes. Student outcomes in small are at least equal to, if not better than, outcomes in larger schools.

The Government also failed to take account of a new stream of research literature that shows that small schools mitigate the effects of low socio-economic status (SES) on education outcomes and that students from low SES backgrounds do better in smaller schools.

Contrary to the Minister's claims, there is no evidence to show that curriculum is less comprehensive in small primary schools than in larger schools. However, high schools with under about 100 students per year level have some difficulty in providing adequate curriculum breadth.

The Minister also failed to demonstrate that changing school structures will improve education outcomes. The available research shows that changing school structures has little effect on education outcomes.

There is also evidence that school closures and amalgamations are more likely to result in lower student achievement in a majority of cases, unless long lead times are allowed and careful planning and support for change management is implemented.

Despite the findings in the paper, the Minister referred to Professor Caldwell's paper on numerous occasions in public debate and in correspondence to schools to show that small schools limit the educational experience of students. Each of the Notices of Decision referred to Professor Caldwell's research to justify the decision to close small schools.

All this indicates that the Minister failed to fully and fairly assess the educational impact of closing schools. The Government's assessment was biased and selective at best, and possibly fraudulent.

3.1.3 Loss of options for schooling

One of the factors considered in deciding which schools were closed was to provide more schooling options for families. However, the decision to close schools effectively removed an option for many families. The Minister appears to have used this factor to justify a pre-determined course rather than to expand the range of schooling options in the ACT.

Far from improving choices in the government school system, the Minister has reduced the options available for families. Twelve neighbourhood small schools across the ACT were closed and four others were partially closed, yet only five schools with different structures were to be established in their place. This is hardly an expansion of school options for families.

There was very little, if any, acknowledgement of the educational quality in any of the schools listed for closure. Further, there was no analysis to demonstrate how closing successful schools would improve educational quality in the overall schooling system.

The Minister effectively removed the choice of a small, neighbourhood school for many families, even though many parents prefer this option. Other than the new P-2 schools, families will now have to turn to the private system for a small school if they can afford to.

3.2 Financial impact

3.2.1 Failure to address the statutory requirement

The Minister for Education stated that he took a range of financial factors into account in deciding which schools were to close [Figure 1]. None of these factors relates to the financial impact on students, their families or the general school community. They all relate to the financial operation of the school and the cost to government.

An assessment of the financial impact on students, their families and the general school community should have sought detailed information on the financial costs that would be incurred by these people because of the closure of the school. For example, additional costs incurred by families include car operating expenses, bus fares, bicycle operating costs, new school uniforms, new textbooks, and child-care.

Also relevant is the potential impacts on families through reduced property values in the longer term. All of these **impacts** should have been assessed as part of the financial impact on students and their families.

Additional financial costs, in particular transport costs, may also have been incurred by other members of the school community including teachers and volunteers. Tenants of closed schools would also have incurred removal costs, including the time lost, and possibly higher rental costs in alternative locations.

There are also more intangible costs to children and escorting adults of additional travel time and effort, due to having to walk, bicycle or bus to more distant schools. This should have been assessed as part of the financial impact on students and their families. There are well-established techniques in cost-benefit analysis to estimate such intangible costs.²¹

The Government made no attempt to systematically collect and analyse information on these or any other financial impacts during the consultation. The Notices of Decision universally failed to provide a detailed analysis of the financial impact on families in each community, and paid lip-service to points raised by communities. Families were simply offered a one-off small transitional grant that failed to meet the ongoing costs incurred.

These additional financial costs constitute a major burden for the least well-off families. It is of concern that several of the closed schools had a significant proportion of Indigenous students and students from low-income families. Neither the Notices of Decision nor the Consultation Report paid genuine regard to the financial impact on these or any other families.

We do not believe the Minister complied with his statutory obligations in this regard.

3.2.2 Priority given to reducing school operating costs

Instead of properly assessing the financial impact of closing schools on students, their families and the general school community, the Government's overriding concern was the cost of operating the schools proposed for closure.

This is demonstrated through the various statements by the Chief Minister and the Education Minister, for example:

We have enormous excess capacity, coupled with declining enrolments and increasing costs ... There's no doubt that with a smaller number of schools, economies of scale could be achieved.²²

... our education system was built to accommodate around 55,000 students and we have about 35,000 students, so clearly we have to adjust the number of schools in order to get a more optimum use of our education resources.²³

It costs Canberra ratepayers up to \$10, 000 a year more to educate each pupil in these schools than it does to educate a child at a school which is at or near capacity.²⁴

²¹ Margaret Starrs. The economics of *Towards 2020: Renewing Our Schools*. A report prepared for the ACT Council of P&C Associations, 9 October 2006.

²² 'Schools may have to close, warns Stanhope', *Canberra Times* 20 April 2006.

²³ 'Barr Responds', Stateline Canberra, Transcript, 22 September 2006.

²⁴ Jon Stanhope, A letter to the people of the ACT, 2006.

Budget Papers from June 2006 argued a similar line,²⁵ and ACT Treasury argued that recurrent expenditure per student in the ACT was 17.4% higher than the national average and was the second highest in the country.²⁶

In addition, the Notices of Decision gave much greater weight to the costs of operating schools and capacity and enrolment considerations compared to the treatment of the costs to families. Every Notice gives much more extensive coverage to operating costs and capacity than to the financial impact on families.

3.2.3 Financial savings were over-estimated

Despite the priority given to reducing costs and making savings, the Government failed to do a whole-of-government accounting of the costs of school closures, with the result that it over-estimated the savings to be derived from closing schools.

The ACT Government's estimate of financial savings was based on gross savings to the Department of Education alone. It failed to net out other costs incurred by the Department and it failed to take account on increased costs incurred by other government agencies associated with closing schools (see Appendix D]. Consequently, it failed to provide an estimate of the net saving (or cost) to Government of closing schools.

The estimate of savings to the Department of Education from closing schools was based on savings in staff salaries and School Based Management payments. There are several reasons to consider that this savings figure was over-estimated:

- The enrolment component of school-based management funds appeared to be too low;
- Several significant one-off costs were excluded, including for the duplication of special education facilities in other schools, purchase of new demountable classrooms and/or the transfer and installation of existing demountables, and refurbishment works in schools that will receive additional students;
- It failed to include loss of actual and forgone rental revenue;
- It failed to include the total cost of relocating Government offices as a result of school closures.

The savings estimates from closing schools also fail to take account of several one-off and ongoing costs to other Government agencies. The large part of these additional costs was likely incurred by the Department of the Territory and Municipal Services. The major additional costs include the provision of additional bus services and increased building maintenance and security costs. There may also have been some additional costs associated with traffic safety measures.

The Government's failure to conduct a whole-of-government financial analysis was acknowledged by the all-party Select Committee on Estimates of the Legislative Assembly. The Committee's report on the Appropriation Bill 2007-08 recommended that the Auditor-General investigate whole of government economic costs and gains incurred by the school closures and amalgamations under *Towards 2020*. This recommendation was not taken up by the Government.

²⁵ Budget Paper No. 3 (2006-07).

²⁶ ACT Treasury, Education. Fact Sheet F14, Budget 2006-07. The Treasury's analysis failed to acknowledge that much of the difference between the ACT and the national average is due to higher superannuation costs in the ACT, slightly higher teacher salaries, higher depreciation schedules imposed by the Government and a higher proportion of students in the high cost senior secondary years.

3.3 Social impact

3.3.1 Failure to fully address the statutory requirement

The Minister for Education stated that he took a range of social factors into account in deciding which schools were to close.

Not one of the factors shows regard for the **impact** of closing a school. Instead, they largely relate to demographic and enrolment trends in schools, including parent choices of schools, however legitimate these might be in planning for educational provision across the system.

The Minister ignored several important factors that should have been considered. These included:

- Traffic safety issues;
- Impact on local communities;
- Environmental impacts;
- Impact on property values; and
- Heritage values.

Traffic safety

A significant social impact of losing a local school is that of the increased risk of traffic accidents involving school children and adults travelling to and from schools outside their suburb. It arises as children must cross major roads to adjacent suburbs or, more commonly, driving rather than walking safely along pedestrian walkways.

This factor should have been considered by the Minister in his assessment of the social impact of closing schools. Although these impacts were identified by many school communities in their submissions and through the media, the Notices of Decision simply asserted that there was sufficient safe access to alternative schools, ignoring evidence to the contrary presented in community submissions.

The Minister for the Territory and Municipal Services admitted in response to questions from the Estimates Committee of the Legislative Assembly in 2006 that the Department had not determined whether additional traffic calming and safety measures were needed to ensure the safety of young children walking and cycling longer distances to schools outside their neighbourhood. There is no evidence that the Government subsequently carried out such an audit during the consultation, despite calls to do so from community groups.

Thus, it appears that the Minister for Education made his assertions in the Notices of Decision without expert advice on the need for traffic safety measures.

Impact on local communities

The evidence is that, in almost all cases, the potential impact on local communities was ignored. The newly-adopted model of 'regional' provision of educational services was used to justify this approach, but it seems to have been used simply to override local needs where convenient. A good example of this is Hall Primary School being closed because of excess capacity in the Gungahlin region (where new schools are still being built), Tharwa being closed because of capacity in Tuggeranong, and Flynn being closed even though it had no other social infrastructure.

Many of the effects on local communities can be considered from a social capital perspective. The development of social capital can generate a range of benefits. Closing off ways to develop social capital can be considered as a loss to the community that should be considered in decisions to close schools.

School amalgamation policies are often intended to save public funds and/or enhance educational opportunities for children. However, the closure of a local school can diminish the sense of community that develops around such schools, which is not so easily replicated in larger schools where parents and children are drawn from a larger 'catchment'.²⁷

This perspective was largely ignored by Towards 2020, even though it was raised in submissions.

Closure of a neighbourhood school may adversely affect local communities in several ways, including the loss of a sense of community, social support networks between families, and places for community activities that are not directly related to education. Social analyst and former chairman of the ACT's Community Inclusion Board, Hugh Mackay, said that while school closures might save money it should not be the deciding factor as school closures can destroy communities which may take years to rebuild, specifically:

It reduces their sense of a viable community and increases their feeling of isolation. It's another example of the tyranny of the bottom line.²⁸

His comments were supported by expert demographer, Professor Peter McDonald of the Research School of Social Sciences at ANU. He said that neighbourhoods die when schools and other facilities close as a community loses much more than a place of education:

A lot of people make their important friendships through their children, particularly their primary school children, because of the fact that the school is local.²⁹

Many parents seem to want their children to grow up with other children in the local neighbourhood. They seem to value the sense of community that is developed through friendships and parent interaction. This sense of community is undermined by the loss of the local school.

The public school is often the only public facility in a local neighbourhood. As such, it serves as a public resource for families and community members which contributes to community wellbeing in a variety of ways.

Yet, there is no evidence that this factor was adequately considered by the Government in its assessment of the social impact of closing schools. The Minister's Notices of Decisions generally ignored these considerations. In this regard, the decision to close schools for which local needs were ignored should be reviewed.

Environmental costs

There is no evidence that environmental impacts were seriously considered during the consultation period or the making of decisions. While there is no direct requirement in the

²⁷ Productivity Commission 2003. *Social Capital: Reviewing the Concept and its Policy Implications*. Research Paper, AusInfo, Canberra.p. 6.

²⁸ 'School closures wrong option, say the experts', *Canberra Times*, 10 June 2006.

²⁹ Ibid.

Education Act for this, environmental impacts are highly relevant to the social and financial impact of closing a school.

The most obvious impact is the increase in greenhouse gas emissions and other pollutants as families drive rather than walk to school. However, there are also the impacts around the associated change in lifestyle—as children and their families lose the long-term social, environmental and health benefits of building a ‘walking culture’ based around a local, neighbourhood centre and its associated green space. Families have been forced to adopt a ‘driving culture’ that is not simply addressed by school sports or in-school environmental programs.

While the Notices of Decision mention ‘environmental impacts’ for some schools, it is only a passing mention that reports the views of parents with no substantive analysis. Furthermore, the recent ACT State of the Environment Report found that ‘the environmental effects of closing schools cannot be reported because data at the required level of detail are not available’.³⁰ The Minister’s failure in this regard also puts him at odds with government policy in other areas, such as the ACT’s climate change strategy and action plan (and associated targets for emissions), and other initiatives such as the Walking School Bus and the TravelSmart program, which latter aimed “to reduce car travel by between 5% and 14%”.³¹

The Minister’s failure in this regard indicates that decisions to close schools should be reviewed and environmental costs incorporated.

Property and business values

There is much research evidence to indicate that house values are influenced by the whether or not a school exists in a neighbourhood and by differences in the demand for various schools. School closures may reduce property values in the affected suburb and there is direct evidence of this likelihood in the ACT.³²

The potential for reduced house values should have been considered as part of the social impact analysis of closing schools but it was not included in the factors the Minister took into account in making his decisions.

There may be similar one-off implications for commercial property values, such as shops serving the local neighbourhood. In association with other government policies, the value of some commercial operations were almost certainly been affected by the loss of derived demand from closure of the local school.

Heritage considerations

Four of the schools proposed for closure had known heritage considerations: Hall, Tharwa, Giralang and Flynn. Although heritage considerations are mentioned in the Notices of Decision on these schools, there is no documentary evidence from the Department of Education of advice being sought from or provided by ACT Heritage with respect to the

³⁰ ‘Education’, in the *ACT State of the Environment 2007*

³¹ ‘Travelsmart – Belconnen’, CDNET article, 21 September 2006.

³² Frances Perkins 1990. *Financial and Economic Analysis of Proposed ACT School Closures*, Save Our Schools, July. This study included a real estate consultant’s report on the impact of closing schools on house values.

impact on heritage of closing these schools. This raises the question of how the impacts could have been properly considered.

3.4 No cost-benefit study was undertaken

The failure of the Minister to take adequate account of a range of factors relating to the educational, financial and social impact of school closures and relevant research studies is indicative of a major flaw in the assessment of impact. This was the failure to do a full cost-benefit study of the impact of closing schools.

While there is no formal statutory requirement for the ACT Government to provide a cost-benefit study of the impact of closing schools, the requirement to assess the educational, financial and social impact of school closures is a signal to the relevance of cost-benefit techniques.

Cost-benefit analysis is a useful tool for analysing the broader impact of major policy proposals such as school closures. It provides a systematic means to enumerate the costs and benefits and estimate the net benefit and costs to inform public discussion of the proposal and government decision making. The fundamental point is that a decision should proceed only if the benefits can be shown to outweigh the costs.

The Treasury policy in support of cost-benefit analysis is well documented, and it has been the policy of the ACT Government to undertake cost-benefit analyses of major policy proposals.³³ Just before *Towards 2020* was released, the Chief Minister told the Legislative Assembly that the Government was undertaking cost-benefit analyses of a range of initiatives proposed for inclusion in the 2006–07 ACT Budget:³⁴

The cabinet is giving detailed and the most rigorous assessment of each of the government's priorities. In that context it is relying on detailed briefings and advice from across our public service, as one does, on a range of expenditure initiatives and other initiatives that have been developed. On each significant work, a cost-benefit analysis, case studies and business cases have been developed on a range of new policy initiatives and proposals on efficiencies...

Towards 2020 was announced as a Budget proposal. Yet it failed to follow the Government's own policy and practice in this case.

This is not a small thing. The proposed, and actual, changes represented a major shift in public policy. It is an elementary tenet of good public policy that major government policy decisions should be based on a full analysis of all the benefits and costs associated with a proposal.

During the consultation, the Government and the Minister for Education refused calls from the community for a full cost-benefit analysis of the proposed closures. At one stage, the Minister adopted the curious stance that he would not undertake a cost-benefit study because public comment was being sought on *Towards 2020*.³⁵

In the face of the Government's refusal to undertake a study, the ACT Council of P&C Associations had to go so far as to employ an independent expert economic consultant to

³³ Treasurer, Government's response to the Estimates Committee report on the 2002–03 ACT Budget, Hansard, 27 August 2002, p.2793.

³⁴ Treasurer Jon Stanhope, *Hansard*, 3 May 2006, p.1111.

³⁵ 'Government defends school closure plan', *ABC News*, 17 October 2007.

provide a conceptual framework for a study of the overall costs and benefits of closing schools. The consultant's report concluded that the Government's material on the effects of closing schools in the consultation document was limited to the financial effects on the operating costs of schools.³⁶ The report suggested that a broad range of financial, educational and social costs and benefits should be considered in a thorough cost-benefit study of the proposed closures.

In the event, the Minister just denigrated the report as "narrow", "deficient" and "based on selective research". He refused to even consider its suggestions instead of accepting it as a genuine and significant contribution to the assessment of the educational, financial and social impact of school closures.³⁷ Yet, the fact that the P&C Council had to engage an expert consultant to advise on the conceptual framework for a thorough review of the educational, financial and social impact of school closures highlighted the Government's own public policy failure.

The stark contrast with previous policy and practice on the part of the Government and its denigration of community efforts to commission a cost-benefit study suggests that it was a deliberate policy decision not to undertake such a study. It suggests that the Government was intent on proceeding with its school closure plan and was not prepared to subject the plan to rigorous analysis. It can only be concluded that it had a pre-determined approach that was not to be swayed by evidence that called its plan into question.

3.5 Conclusions

The Education Act requires an assessment of the educational, financial and social impact of school closures on the people (students, their families and the general school community) in each school proposed for closure. This statutory requirement was not met to any reasonable extent in relation to each particular requirement and there were many general inadequacies in the approach taken.

Several general conclusions can be drawn from the above analysis of the failure to assess impact.

First, a template approach was largely applied to the assessment of impact in each school which meant that there was little regard given to the specific circumstances of each school. In particular, the Minister failed to provide a detailed analysis of the financial, educational and social impacts in each school in the Notices of Decision for each school.

Second, the statutory requirements were made subsidiary to the Government's overriding focus on school operating costs, school capacities and enrolment trends. These were given much greater weight in the Minister's Notice of Decision on each closed school than meeting the statutory requirements to have regard to the impact on the people associated with each school.

Third, key factors that were relevant to the assessment of impact were ignored while other factors were taken into account that did not bear any relationship to the statutory requirements.

³⁶ Margaret Starrs. The economics of *Towards 2020: Renewing Our Schools*. A report prepared for the ACT Council of P&C Associations, 9 October 2006, p.13.

³⁷ 'Govt. Defends school closure plan', ABC News, 17 October 2006; 'Barr fails school closure report', *Canberra Times*, 18 October 2006.

Fourth, the assessment of impact was cursory at best and was carried out in a biased and selective way, which reflected a pre-determined conclusion to be supported. Much relevant evidence was ignored.

Fifth, the Government failed to conduct a comprehensive cost-benefit analysis of the impact of closing schools either before it published the initial *Towards 2020* plan or in conjunction with its decisions. It consistently ignored requests to conduct a thorough cost-benefit analysis of the school closure proposals taking into account all relevant financial, educational and social costs and benefits.

In general, the failure of the Government to have adequate and proper regard to the statutory requirements of the Education Act to assess the educational, financial and social impact of school closures establishes a strong case for a major revision of these requirements. It also suggests that a different approach is needed to assess the impact of closing schools. This case is complemented by significant problems that arose in relation to the other statutory requirements and which are discussed in the following sections.

4. The Effective Consultation Period Was Less than Six Months

As noted above, the Education Act requires that before a decision is taken to close or amalgamate a government school, the Minister must ensure that the affected school communities are consulted for a period of at least six months.

However, the effective period of consultation over the school closure plan was less than six months for several reasons:

- It took months for the Government to provide necessary information to school communities and even then some information requested was never provided;
- The closing date for submissions was a month before the end of the consultation period;
- The final decision was announced one week after the end of the consultation period.

It should be noted at this point that even if the full six months had been provided to communities it was not enough time, particularly given the other flaws in the process documented in this submission. Most communities needed more time, and this was recognised in attempts by non-Government MLAs to extend the consultation period into 2007.

Quite clearly, the available evidence shows that the Department of Education did not have sufficient time to organise an effective consultation and provide all the relevant data and information at the beginning of the consultation.

4.1 Long delays in the release of key information

The Government failed to release all the relevant information at the beginning of the period. Many communities spent the first three months or more trying to gain access to essential information about costs, reasons for closing, and what criteria should be addressed to be 'saved'. This is discussed further in Section 5 below.

These delays greatly restricted the effective time available for the consultation. Communities spent the first two months trying to get basic financial information, such as the average cost of running their school or the proposed savings (and how they were calculated) of closing their school.

Many communities spent the first three months and more trying to gain some indication of why their school was targeted for closure. Statements of reasons were requested in July 2006 to help communities to understand why their schools were selected for closure and provide them with an indication of the issues they need to address in their submissions. The Minister's failure to provide sufficiently specific reasons (although he did send general replies to the letters in late September) hampered schools in making their case to remain open. This was exacerbated by the Minister's refusal to tell communities what they needed to address.

Apart from the delays, the quality of the information was also of concern, sufficient in itself to limit the integrity of the consultation process. The effect was to reduce the time of genuine consultation—a time in which communities should have been able to work with government to develop sound alternatives to closing.

4.2 Early closing date for submissions

When *Towards 2020* was announced on 6 June 2006, it was also stated that submissions on the plan would close on 3 November 2006. Thus, the consultation was set for 5 months and not 6 months as required under the Act. Calls made by school communities and the P&C Council to extend the consultation period were rejected by the Minister for Education.

The material impact of this is was that school communities and other organisations felt that they had no choice but to meet the 3 November deadline, despite the statutory requirement. This compounded the problems arising from the late provision of information.

After this closing date, the submission period was re-opened on 13 November and comment was permitted until 6 December. However, this extension had little practical effect because the closing date of 3 November had long been. Nevertheless, in strict formal terms, the period of consultation was 10 days short of the statutory requirement.

4.3 The final decision was within a week of the end of the formal consultation period

The final decision on which schools were to close was announced a week after the consultation period formally closed. This meant that the Department was preparing the material for a final decision even while the consultation was ongoing. It suggests that resources were being devoted to preparing the Government's case in a period when they should have been deployed for consultation. This had the effect of reducing the consultation period.

4.4 Conclusion

It is apparent that six months is too short a time for an effective consultation, especially in circumstances where many schools are proposed for closure. Not only is it too short a time for communities to be able to respond but it is clear from the *Towards 2020* experience that the Department of Education did not have sufficient time to organise an effective consultation and provide all the relevant data and information at the beginning of the consultation.

This undermined both the integrity of the process and the effective length of the consultation. Inadequate preparation by the bureaucracy in the provision of information impaired the effective period of consultation and disenfranchised communities in making their case. Submissions should remain open until the end of the formal consultation period.

There should be an additional period to allow for a thorough deliberation of the submissions before a final decision is made. This should be at least three months.

5. The Conduct of the Consultation Process

Section 20 (7) of the Education Act requires that consultation on proposals to close schools should:

- Focus on educational opportunities;
- Be open and transparent;
- Involve effective community engagement;
- Be informed by relevant information provided in a timely and accessible way and provide opportunities for feedback about the proposal; and
- Seek the views of school boards affected by the proposal.

The implementation of these principles is discussed in the following sections. It is preceded by a general overview of the consultation and the frustrations experienced by school communities and organisations at various stages of the process.

5.1 General comments

The consultation process was possibly one of the most poorly run in the history of self-government in the ACT.

Within weeks of starting, the Minister and his department had disenfranchised most of the community through their refusal to properly reply to correspondence and provide key financial information, despite school closures being a budget proposal and despite this information almost certainly being available.

By the end of July, it is clear that many communities were demoralised and had given up any hope of genuine consultation by the Minister or his Department. Letters and emails sent as early as June had still received no substantive reply from the Minister, or no reply at all.

While some financial data had been released, its accuracy was disputed. Community concerns with capacity estimates, enrolment projections, and the inclusion of voluntary contributions in school running costs were not taken seriously.

Frustrated communities made formal requests for reasons for being proposed for closure in early July, but had heard nothing until late September when the Government finally replied, and then there was generally very little was provided in the way of specific information. The whole exercise appears to be one in bureaucratic obfuscation.

It was around this time that the factors the Cabinet claimed to have considered when listing schools for closure were finally published on the *Towards 2020* website.

Most correspondence from the Minister was clearly sourced from a template.³⁸ Most communities would recognise the text, to the word in some cases, indicating a failure to engage with the issues raised by schools communities. Unfortunately, by the time letters were answered, there was little time for people to pursue the matter further, even if they had the confidence of a return on their effort.

By the end of October, transitional measures were being implemented, construction works had been put out to tender (and were soon to start), tenants of closing schools were asked to leave, information was being withheld and the information that was available was generally inaccurate or misleading, and still communities weren't given specific reasons for being proposed for closure, despite multiple requests. Packing boxes were sent to closing schools. According to parents from Tharwa and Mount Neighbour, there were enough to pack their entire schools.

As a result, the consultation process was widely viewed as a campaign of psychological warfare on the community. Many communities had little confidence that the Government was motivated by a concern to engage the community in genuine consultation because of the strong adversarial position taken by government ministers. It appeared more a case that the Government had a pre-determined position to follow and that it had to endure a statutory process in order to get there. It is to the credit of communities that they persisted.

Concerns were serious enough for Mt Neighbour Primary School P&C to comment in its submission as follows:

We express our deep disappointment in the way the Government has “consulted” our community. We perceive the Government to have been disingenuous in inviting us to participate in the decision to close our two schools. There is every indication that a decision has already been taken prior to consultation with the community and without due consideration of all relevant factors. This is despite rhetoric to the contrary. Furthermore, the Government has withheld important information from us, therefore denying us a real understanding as to why our schools were selected for closure. The consultation has been far from transparent. We are significantly disadvantaged in preparing our submissions opposing closure.

This comment is indicative of the general experience of many school communities with the consultation on *Towards 2020*.

Then, at the end of the process, several communities were denied time to celebrate their school and mourn its passing. The gap between decision on the future of schools and the first tranche of closures was too short and did not allow sufficient time for school communities to prepare and plan events to bring the community together at the end.

5.2 The focus of consultation was financial not educational

Instead of a focus on ‘access to, and provision of, quality educational opportunities’, the focus of the consultation was on the financial imperative to close schools. Evidence for this view is that:

- The basis of school closures lay in the still-secret Costello review, which identified the need to address ‘empty desks’, costs and declining enrolments;
- The savings from school closures were introduced as a part of the 2006–07 budget, with a focus on cost-cutting, closing sites and reducing so-called ‘excess capacity’—

³⁸ See the ‘Favourites’ document (folios 231–252), released through a December 2006 Freedom of Information request.

as a budget initiative, it demanded a response based on financial matters rather than issues of educational quality;

- The government explanation for ‘why are we doing this?’ was the desire for infrastructure spending and ‘removing over 10,000 empty desks from our school system and ensure that the community receives value for their educational dollar’;³⁹
- The *Towards 2020* document focused on enrolment trends in relation to capacity and the number of schools;
- A leaked May 2006 paper with early options stated that one option was not preferred because it did ‘not close any site’; educational quality was not mentioned;⁴⁰
- Correspondence to concerned parents from the Chief Minister stated that:

A good case could be made for allowing each and every one of the schools earmarked for possible closure to remain open. Each is valuable and valued. Each has its inspiration stories to tell, its own history, its own culture and personality ... but the Government must take a systemic look ... it costs up to \$10,000 more ...⁴¹

- The summary of information for decision focused on enrolment trends.⁴²

As discussed above, there was very little, if any, acknowledgement of the educational quality in any of the schools listed for closure and the Government failed to fully consider the educational impacts of closing schools. It failed to take account of the successful education outcomes achieved in the targeted schools. It also failed to do an audit of curriculum in the schools proposed for closure and evidence submitted by schools regarding the breadth of curricula was not adequately acknowledged (if at all). It has not released any documents containing an analysis that demonstrated how closing certain schools would improve educational quality in the overall schooling system.

The community expected and should have been given the opportunity to work with government to develop ways to strength ACT public education, and perhaps make the 2% saving, or the removal of empty desks, required by the Costello review without closing schools. Proposals by schools to develop and strengthen their educational opportunities and community links were generally not adequately acknowledged, in direct contradiction of a claim that this was being done.⁴³

Furthermore, there is evidence that promises of increased expenditure in the rest of the education system, which, while welcome, also served the purpose of allowing the Minister to divert attention from the educational impact of closing schools. The capital spending projects were used to demonstrate that the focus of *Towards 2020* was on improving education quality. This was a subterfuge. The Education Act clearly requires that the focus of the consultation on school closures should be on education quality. The fact that the Government was proposing additional capital spending on other schools cannot be used to say it was adhering to the requirements of the Act.

³⁹ Towards 2020 website, ‘Proposal overview’, as at 6 June 2006.

⁴⁰ This was accidentally released and is believed to be document 32 of the June 06 FOI request

⁴¹ Correspondence, folio 999, Dec 06 Freedom of Information request

⁴² See the ‘summary of information for decision’, Dec 06 FOI request, folios 3684ff

⁴³ ‘the government is listening to and considering the educational, social and financial costs and benefits that schools and their communities are bringing to its attention in relation to the proposal’, in *Hansard*, 18 October 2006, p. 3241

5.3 The consultation was not fully ‘open and transparent’

Throughout the school closures process, the government claimed its consultation would be ‘open and transparent’, as required by the Act. Much of the evidence in this submission refutes any such claim. Examples of the failure to be open and transparent include failures to:

- Give reasons for decisions to list and close schools;
- Explain the process for listing and closing schools;
- Release key information;
- Reply adequately to correspondence;
- Accurately represent educational research; and
- Respond to or incorporate new data.

A related failure of transparency was the use of exemptions and conclusive certificates to withhold formative policy documents. Further evidence that the process was not ‘open and transparent’ is the secrecy around the documents used to prepare *Towards 2020*, the adversarial approach of the Minister, and the lack of reasons provided for closing. This is discussed below.

5.3.1 Secret documents

Despite a commitment from the Minister to provide ‘all of the information on which decisions are based’, many of the documents underpinning the *Towards 2020* proposal and decisions have never been made public. The most publicly contentious is the continued withholding of the Costello Functional Review, now more than three years after it was prepared. Given its fundamental role in the decision to propose the closure of 39 schools it should be released in the interests of openness and transparency.

But it was more than just the Costello review that has been withheld. The secrecy has extended to many documents sought through Freedom of Information (FOI) requests. The information in these documents would have embarrassed the Minister and his department. They show that a number of claims made in association with the *Towards 2020* process were at least misleading if not false.

Examples of such, denied or avoided at the time, are the:

- Use of ACTAP results to select schools for closure;⁴⁴
- Role of land values, or the prospect of land sales, following closures;⁴⁵
- Nature of estimated timeframes and savings, savings models, and savings targets;⁴⁶
- Lack of accurate and contemporary building condition and enrolment projections data.⁴⁷

In addition, other documents that have been withheld include:

- Early versions of the school closures list that show different schools had been considered;⁴⁸
- Information that could ‘fairly disclose the reasons for decisions ultimately reached’;⁴⁹

⁴⁴ See <<http://soscanberra.com/act-issues/league-tables-used-in-act-school-closures>>, referring to documents 50 and 98 of the Dunne/Bardon FOI request, and pp 69–72 of the AAT findings.

⁴⁵ See <<http://soscanberra.com/act-issues/the-great-school-sell-off-schools-closed-for-the-land>> for a discussion

⁴⁶ See folios 2221–23 (timeframe and savings); folios 2660–2 (savings target); 2648 (savings model) of June 06 FOI request and associated statements in Conclusive Certificates

⁴⁷ See later section in this submission

⁴⁸ This was accidentally released and is believed to be document 32 of the June 06 FOI request

- Documents for which ‘disclosure may lead to confusion and unnecessary public concern as to the possibility of further school closures, when no such proposals are currently on the agenda’.⁵⁰

At issue is the transparency of process, and the extent to which some factors were, in effect, secretly considered. It meant that schools desperate to stay open did not know where the race started from, let alone where the finishing line would be.

Overall, the ongoing secrecy around school closures has damaged the legitimacy of the process.

All documents related to school closures—the Costello review and all documents associated with the *Towards 2020* policy—should be released in full. This includes documents used when preparing *Towards 2020*, as well as documents that were part of the consultation process and the final decision-making process.

Since the threat of legal appeal is now over, the government should also release documents otherwise exempt through legal privilege claims because of the need for transparency in relation to all aspects of the *Towards 2020* process. There is a suggestion that the government was preparing for legal action as early as September/October, even though there was in theory no substantive decision to appeal, and the extent to which government actions were directed towards managing this risk rather than properly consulting is a matter of public interest. The only exemptions should be to protect privacy (usually in relation to personal details in correspondence).

At the very least, all these documents should be made available to the Education Committee of the Legislative Assembly for its current inquiry.

5.3.2 An adversarial approach to consultation

The consultation process was marred by a highly adversarial approach on the part of Government. The aim, it seemed, was to deflect criticism rather than to genuinely engage in an open and transparent way with parents facing the loss of their local school and community.

In particular, the government rejected major contributions to public debate on *Towards 2020*. Several examples stand out in this regard, and they illustrate the approach quite well. Unfortunately, they were not isolated examples.

- The Chifley community identified an increase in birth rate that, it said, would lead to increased enrolments. The government’s response was to say that ‘*it was unlikely that many of the 180 children in the suburb aged 0–4 years would enrol at Melrose*’;⁵¹
- A report by an independent expert consultant engaged by the ACT P&C Council to provide a conceptual framework for assessing the impact of school closures was publicly denigrated,⁵² and failed to rate a mention in any Notice of Decision or in the *Towards 2020* Consultation Report;
- A review of research studies on the interaction between school size and socio-economic background on student performance, which was prepared by Save Our

⁴⁹ See Doc 112, p. 48 of findings from an Administrative Appeals Tribunal (AAT) appeal: this referred to a map of Tuggeranong

⁵⁰ Document 34 as listed in the Schedule to the June 06 FOI request

⁵¹ ‘School figures don’t add up, says statistician’, *The Canberra Times*, July 27 2006.

⁵² ‘New report slams *Towards 2020* plan’, *The Chronicle*, 25 October 2006.

Schools,⁵³ was not considered in the *Towards 2020* Consultation Report. Yet, this paper is now cited in the literature on the school size and has been downloaded from the SOS website over 3500 times.

The result was that, rather than being able to engage in an open and transparent consultation process, schools were forced into responding to an aggressive campaign targeted at proving schools should close.

5.3.3 Inadequate Notices of Decision

It was only in mid-January 2007, a month after closing, that schools were provided with reasons for being closed. Moreover, these Notices of Decision were so general that they were of little use. Many Notices could be easily applied to any school with only minimal editing, contained information that communities had argued to be wrong, addressed impacts with generic findings of fact, used out-of-date financial information but presented it as ‘current’, and provided no basis for differentiating the closed school from another that was not closed (or not even listed for closure).

The lack of differentiation can be seen in reason for closing Hall. With 73% of the school ‘utilised’, it was closed because:

42. I find that Hall PS is currently under utilised and that there is excess capacity within the Gungahlin region. Of the students who live within the PEA for Hall PS and who attend government schools, only 43% of students are actually enrolled at Hall PS. To provide a range of educational settings within the geographic area which will be financially sustainable in the future, Hall PS will be closed to align the region's capacity with demand.

Almost identical statements were made for all closed schools, regardless of their individual circumstances, their particular characteristics, or the social, educational and financial impacts of closing them. For many, it was the final proof that the government had not even read their submissions or listened to anything they had said. It confirmed the complete failure of the government to be open and transparent in its dealings with school communities in relation to closures.

It should also be noted that reasons for not proceeding to close others that were initially proposed for closure—such as Dickson College, and Giralang, Gilmore, and Mt Rogers primary schools—were never provided. Closed schools were left in the dark as to why they had been selected over these schools.

5.4 Non-genuine and ineffective community engagement

The Act requires consultation to ‘lead to sustainable decisions by involving effective community engagement’. At the time of the announcement, the Government advised that a comprehensive community consultation process would be implemented in accordance with the *ACT Government Community Engagement Service Charter* and *Community Engagement Manual* (Appendix B).⁵⁴

Community engagement in the consultation process was less than effective for several reasons:

- Key parts of the *Community Engagement Manual* were not followed;

⁵³ See the *Towards 2020* submission by Save our Schools, at <http://soscanberra.com/file_download/4>

⁵⁴ The strategy was cited in the *Towards 2020* webpage ‘Consultation process’ at the start of the consultation period; See also *Towards 2020 Consultation Report*, December, 2006, p.3.

- There were indications that decisions to close schools were made before the end of the consultation period;
- Alternatives to school closure were not seriously considered; and
- Several decisions were never consulted on.

5.4.1 Failure to follow the Community Engagement Manual

Key components of the Engagement Manual process were not followed.

The whole consultation process was designed without the input of key organisations such as P&C Council, the Government Schools Education Council and others despite the requirement of Stage 1 to involve the community. They were not included in the design of the consultation process, despite the *Community Engagement Manual* stating stakeholders should have been involved when the department was:

- Assessing the importance of the issue and the possible scale of the response;
- Planning the detail of the engagement; and
- Managing the engagement activity, including risks.

The result was that the Government determined the consultation process without any input from the community. Schools were forced into a process in which they had to prove why they should stay open. In contrast, the Minister made up the rules up as he went, without ever being forced to show how he had considered all the social, financial and educational impacts. Nor did he need to prove his case for closing individual schools. School communities wrote submissions, emails and letters, and signed petitions—collectively engaging thousands of people in opposition to closing schools—almost all of which were effectively ignored by a Government determined to proceed with its plan over all rational argument and analysis. This severely damaged the legitimacy of the entire process in the eyes of many school communities.

Also missing was recognition by the Government that the controversy around the availability and quality of information damaged the prospect of genuine community engagement. Many letters, emails and submissions identified data as an issue. At the very least, the Department should have recognised this as a serious issue when analysing submissions (Step 6). At this stage it is clear from the Manual that the process should have been halted and started again, in a more cooperative, open and transparent manner.

There needs to be some mechanism to ensure the balance of proof in future is weighted more heavily towards the Minister proving a case, rather than leaving it to potentially ill-equipped families to do the analysis needed to assess proposals. A better mechanism is needed to develop a more co-operative and collegiate approach to analysing the issues involved and considering options.

As a further note to this point, there is doubt as to whether the decisions are sustainable because of the poor quality of the consultation. Despite a stated policy objective of arresting the ‘drift’ from public to private education, there was a greater drift in 2007—a shift at least partly attributable to school closures. In addition, some preschools have had significant enrolment declines because they have been linked to hostile primary schools in other suburbs. A more engaging style of consultation could have brought significantly different outcomes.

5.4.2 Decisions were made before the end of the consultation period

There were also strong indications that no matter what the community said the Government had intended all along to close schools. This is demonstrated by indications that decisions to close schools were made before the close of consultation on 6 December 2006 and several instances of decisions being implemented before then as well.

Planning and design for construction works at receiving schools started before a decision could legally be made. This was the case with the special education units at Urambi and Duffy, three new classrooms at Chapman, the planned conversion of toilets into classrooms at Curtin and Arawang, and additional classrooms at Kaleen.⁵⁵ Documents show that some works needed to be completed before 30 January to be able to accommodate the increased enrolments from closing schools, even though it was theoretically unknown that any schools would close.

That there was never any proposal to upgrade facilities in closing schools is a further indication of how genuine the consultation was. Funding for closing schools was not just deferred, as indicated to principals, but it appears to have been redirected to receiving schools.⁵⁶ This entire issue is a matter that should be investigated further.

Design was started for a planned move of the Southern Cross LSU to Holt on the basis that, if the move didn't eventuate, a 'rollback' would have no policy implications.⁵⁷ The department indicated elsewhere that:⁵⁸

Some construction will also be required prior to final decisions being made, however, should particular closures not proceed, any works commenced could be regarded as a general upgrade of aging facilities at these schools.

Early in October, the Minister had been asked by the Department for his view on the extent of planning appropriate during consultation,⁵⁹ but his reply was not released.

By mid-October an email referred to:

...a recent development which is impacting on our work plan. Any action which may be seen to be in breach of consultation ... is not to proceed at this stage. Clearly this challenges our timeframes.⁶⁰

An undated brief indicates that work was halted when the department received:

... recent advice to cease any further construction work until the final decision on school closures is announced.⁶¹

This suggests that actual construction works may have commenced before a decision was formally made—there otherwise would have been nothing to 'cease'.

Other indications that decisions were made before the completion of the consultation period include the following:

⁵⁵ For example, folios 12847, 12955 (Curtin), f.12872, f.14324 (Chapman), 14307, 14317, 14380 (Duffy), f.8630, 14212, 14307 (Urambi); 14604 (Arawang) 14542 and 14597 (Kaleen).

⁵⁶ 16 August Letter from Jurgen Lebang to principals (folio 12888) and 'Changes made to package 3 These are to be Deleted' (folio 12854)

⁵⁷ December 2006 FOI request, folio 9252

⁵⁸ Briefing to Minister, December 2006 FOI request, folios 13008-09

⁵⁹ Correspondence 3 October, December 2006 FOI request, folio 8733

⁶⁰ Correspondence 17 October, December 2006 FOI request, folio 8611

⁶¹ Correspondence 27 November, December 06 FOI request, folio 14307; undated brief to Minister folio 8632.

- Closing schools received packing boxes once principals were ‘reminded’ of their archiving obligations;⁶²
- Parents were required to prepare transition plans for their children, with schools receiving funding to support this.⁶³ In direct contradiction that this planning was ‘just in case’, it was later used in decisions to show that the children could attend other schools;⁶⁴
- The Notices of Decision were likely drafted by mid- to late November, before a decision could legally be made.⁶⁵

While these things may appear to be trivial in isolation, combined they placed immense pressure on children, their families, staff and the community, giving people no confidence that the government was genuine in its intentions.

5.4.3 Alternatives to closure were not seriously considered

Before closing schools, it is essential to ensure that all other possibilities have been explored, that measures are taken to minimise the consequence and, above all, that solutions for reusing the accommodation have been planned or at least envisaged. In most instances, closing a school should be seen as a last resort, acceptable only if there are no other means of using it as a resource. This was not done in *Towards 2020*.

There was no serious attempt to explore general alternatives to closing schools and finding other ways to save money and improve the ‘access to, and provision of, quality educational opportunities’. Other possibilities were not explored. This was an indictment on the integrity of the process. The failure to seriously consider alternatives to closure further undermined community confidence that everything possible was being considered fully and objectively.

While there were a few proposals to change school structure, the process was almost solely focussed on closing schools without looking for ways to better utilise excess space for educational or other purposes. For example, Save Our Schools proposed that excess space in schools should be seen an opportunity for other educational, community and private uses. It submitted that the concept of community schools offered a better way of strengthening public education than closing neighbourhood schools. There is no evidence that this proposal was seriously considered and it was not mentioned or canvassed in the Consultation Report on *Towards 2020*.

5.4.4 Several final decisions were never consulted on

A major failure in community engagement was the failure to consult on options that were decided by the Government at the end of the process. There were several instances of the Government deciding to proceed with options that were never subject to formal consultation with the affected communities. These were the P-10 school on the Kambah High School site, the P-2 school at Isabella Plains Primary School, and the amalgamation of some pre-schools with primary schools.

The Kambah P-10 option was not included in the *Towards 2020* consultation paper. This option was not tabled for discussion at the Tuggeranong regional consultation forum. As a result, it was never considered by the affected communities.

⁶² Correspondence 16 November, December 06 FOI request, folio 11044

⁶³ For example, letter to Melrose PS, December 06 FOI request, folio 13588-7

⁶⁴ For example, see the ‘summary of information for decision’ at December 06 FOI request, folios 3684ff

⁶⁵ Planning documents, f.7055; 22 November note, ‘statement of reasons in folder..’ f.16299

Despite the Minister's claims recently, no school community in Kambah proposed a P-10 school in their submissions on *Towards 2020* – not Kambah High, not Village Creek Primary, not Mt. Neighbour Primary and not Urambi. Nor was the option proposed in public submissions by any stakeholder organisation.

A similar case occurred with the P-2 school to be established at Isabella Plains. This option was not canvassed in the original *Towards 2020* proposal. It was not raised at the Tuggeranong regional consultation forum and it was not formally raised with the Isabella Plains school community. Nor was the option raised in submissions from the school community. Leaders of the P&C Association at the time have stated to SOS that the decision came as a complete surprise to them. None saw it as a viable option.

Finally, there were instances of 'stranded' pre-schools being amalgamated with primary schools with which they had no relationship following the loss of their 'own' co-located primary school. For example, Hall Pre-school was amalgamated with Gold Creek. There were other examples, and none was consulted on. As with the previous two examples, these decisions were a complete surprise. For the sake of a genuine and process, the pre-school communities should have been asked which school they would like to be linked to.

5.5 Provision of information

Before *Towards 2020* was announced, the Minister for Education made the following commitment:

During the process that we will be undertaking in the months ahead I absolutely undertake to make public all of the information on which decisions are based. I have no problems with that at all. It will be a public process.⁶⁶

This simply did not occur. The timeliness and accuracy of information provided by the Minister and his Department were ongoing and contentious issues for much of the consultation period.

5.5.1 Lack of timely release of information

There were long delays in the release of necessary financial information and the factors that were taken into account in deciding which schools were to close. In addition, requests for reasons as to why schools were proposed for closure were ignored and never provided.

Delay in the release of financial information

The Minister for Education failed to provide data on school costs and the expected savings from closing schools at the beginning of the consultation period. There were significant delays in the release of additional data. Further data was only released in late June, and more in mid- to late-July. Communities spent considerable time in requesting more detailed financial data. The effect this had on the effective time for consultation has already been discussed in Section 4.

At the start of consultation (on 6 June 2006), communities were given only the following:

- A one-line item in the budget, claiming \$14 million of total savings by 2009-10;
- Out-of-area and in-area enrolments, capacity, and projected enrolments from the *Towards 2020* brochure;

⁶⁶ Andrew Barr, *Hansard*, 4 May 2006, p. 1218

- The following type of information for each school (example for Mt Neighbour):⁶⁷

The current enrolment at Mt Neighbour is 131 and the school is operating at 33% of its capacity of 400. Enrolments are projected to decline significantly.

37% of students living in the area attend the school and 47% of students at the school come from out of area.

Mt Neighbour accommodates one learning support unit for students with a disability.

The school receives additional funding under the Schools Equity Funding program for disadvantaged schools.

In 2006 there are 10.15 teaching staff and 3.30 administrative staff employed at the school.

A full-page advertisement in the *Canberra Times* (10 June 2006) identified issues around costs per student, excess capacity and building condition, but information specific to individual schools was not provided to substantiate the claims.⁶⁸

Importantly, the threshold cost—what cost per student would be low enough for a school to stay open—was never made public, despite repeated requests from the community for this information. The result was that schools had no measurable target in their lobbying to stay open; and the government had no benchmark against which to evaluate proposals.

By the end of June, school communities had only the average costs per student in each school, and information on the average savings from the school closures. More detailed figures for each school were provided only in mid-July. This data included school operating costs for employees, school-based management (SBM) payments, depreciation and other expenses. Estimates of savings on SBM and salaries from closure were also provided.

The Estimates Committee of the Legislative Assembly formally requested more detailed data on individual school costs and savings in June 2006, including cost data on teaching staff, other staff, utilities, grounds and maintenance, consumables, cleaning and other expenses. In his formal response to the Estimates Committee, in July the Minister stated that this detailed cost and savings data for individual schools was not available in his Department and that the Department did not have the resources available to calculate the figures. In other words, the Minister stated that the Government didn't have this information when it devised its school closure plan.

The financial information was critical to the Government's case, but the failure to make it all public at the beginning of the consultation made a farce of the consultation process for the first two months, especially as much of it was of questionable accuracy (see below). The long delays in the release of this information suggested that *Towards 2020* was based on incomplete and inadequate data.

Significantly, the potential for saving money through alternative options—such as reconfiguring schools or leasing some of that excess capacity—were never provided. This prevented a comparison of alternative options.

⁶⁷ From Mt Neighbour PS, from the *Towards 2020* website, as at June 2006

⁶⁸ 'The facts about the ACT's public schools', Advertisement in the *Canberra Times*, 10 June 2006, p. 8.

Delay in providing factors to be taken into account in assessing impact

School communities were not given any guidance by the Department of Education at the beginning of the consultation on what factors would be considered in making the decision as to whether their school would close.

It took three months for the Department to provide a list of factors that would be taken into account in meeting the statutory requirement to have regard to the educational, financial and social impact of closing schools. In June/July, the Minister refused a request from the Estimates Committee to state what factors would be taken into account. The factors to be taken into account were not published until early September.

Thus, half the consultation period had eroded before school communities had any idea of what factors would be considered by the Minister in assessing impact as he was required to do under the Education Act. The failure of the Minister to provide this information at the beginning also suggests that the Government had not assessed the potential impact of its proposals before making them public.

Failure to provide reasons for schools being proposed for closure

The community has long perceived that the criteria used to decide which schools were proposed for closure and which were ultimately closed were inconsistent and never fully explained.

Reasons for selecting individual schools for closure, and reasons for the timing, were not provided during the consultation period, or at any time since. In desperation, school communities made formal requests for reasons under the *Administrative Decisions (Judicial Review) Act* on 4 July 2006. However, the Minister responded with many similarly-worded replies dated mid to late 25 September.

When schools closed in December 2006, they still had been given no formal reason for the decision. A template-style Notice of Decision was provided in January 2007, but it gave little in the way of specific information.

5.5.2 Inaccurate and misleading information

Much information provided by the Government for the consultation was inaccurate and misleading. Financial, enrolment, capacity and demographic data was often shown to be inaccurate during the consultation.

Quality of financial information

At the outset, the Government issued highly misleading figures about the costs of small schools. For example, an advertisement in the *Canberra Times* (10 June 2006) stated:⁶⁹

... For example, costs per student in government primary schools with fewer than 200 students are as high as \$18,000 ... Small, under-enrolled schools are costing the Canberra community as much as [an extra] \$10,000 for every student.

The Treasury also stated:

...the costs per student in these low-enrolment schools are much higher than they are in larger schools. For example, costs per student in government primary schools with enrolments of fewer than 200 range as high

⁶⁹ 'The facts about the ACT's public schools', Advertisement in the *Canberra Times*, 10 June 2006, p. 8.

as \$19,000. In schools with enrolments of between 400 and 600, costs per student are about \$8,000. [*For the Future*, p.10]

These figures were repeated many times by the Minister for Education during the consultation.

However, the figures were false as they failed the elementary test of comparing like with like. They compared an (understated) average cost for larger schools with the highest cost examples of small schools and not the average cost of all small schools.

First, there were only two schools below 200 students with a cost of about \$19,000 per student. One of these was Tharwa, which was a very small school serving a rural population. The other was Rivett, which was also the site of a major special education unit whose costs were included in the school's cost figures.

Figures published on the *Towards 2020* website at the time showed that the average cost of all schools in the ACT (excluding Jervis Bay) with enrolments below 200 was \$12,148 per student, or \$6,852 per student less than the figure cited by the Treasury. In comparison, the average cost of all the larger schools with enrolments between 400 and 600 was \$8,680 per student, or 8.5 per cent higher than the Treasury's rounded down figure of around \$8,000.

Overall, the difference between the average per student costs of larger schools of 400–600 students and smaller schools below 200 was \$3,468 and not \$11,000 as stated by the Government. The Government effectively overstated the difference by 300 per cent.

Other aspects of the cost per student data were also disputed. The data relied on 2004–05 financial data and the 2005 February School Census, which overestimated the costs of some schools by 2006 (see below for more on the effects of this). The calculations also included depreciation on buildings which had the effect of artificially increasing per student costs in small schools.

It should be also noted that the exposure of this dishonest presentation of school cost data, along with other inaccuracies in school data, did much to undermine the credibility of the Government's approach to the consultation process. It was seen as a case of the Government deliberately distorting the figures to sustain its case.

Demographic data

A large part of argument for closing schools was demographic argument—the birth rate had fallen to dangerously low levels with the result that there were fewer children available to supply schools. While this may have been true at one level, the argument was applied inconsistently, and the data used were out-of-date.

However, his decision failed to take account of new birth rate data published by the Australian Bureau of Statistics during the consultation period. Nine of the 13 urban primary schools in Canberra proposed for closure were in suburbs where birth numbers had increased over the previous 5 years.⁷⁰ In fact, birth numbers in many suburbs where schools were proposed for closure were similar to those in many other suburbs whose schools are seen as viable in the longer term.

⁷⁰ See the Save our Schools submission to *Towards 2020*

The two suburbs with the highest fertility rate—Chifley and Flynn—both had their schools closed.⁷¹ On being advised of the high number of births in Chifley, the Minister's and DET's response was that the increased births would not flow through to enrolments (the 'nobody will go there' argument).⁷² Communities from both suburbs conducted their own survey and provided their own demographic data (this was necessary because the latest birth statistics were not available to the public until late October 2006, although the ACT government must have had equivalent data since early 2006). The Chifley group went one step further and sought enrolment intentions, enabling them to present their own enrolment projections. The revised data for both communities were ignored, other than being logged in an appendix as a query about the data. The Department's forecast of declining enrolments was maintained regardless.

Many communities around now-closed schools observed a baby boom and they predicted that this would translate into increased preschool enrolments. If the government had waited a year or two, there might not have been the same need to close so many schools. Some communities believe that the undue haste was partly because the government knew the birth rate had increased, and that claims of ever fewer children would no longer be valid.

It should be also noted that the exposure of this dishonest presentation of school cost data, along with other inaccuracies in school data, did much to undermine the credibility of the Government's approach to the consultation process. It was seen as a case of the Government deliberately distorting the figures to sustain its case.

Enrolment data and projections

Complaints about the accuracy of enrolments and enrolment projections were made consistently throughout the consultation period. At issue were:

- Inconsistencies in projections for schools, regions and indeed the entire ACT;
- The use of enrolment projections calculated from 2005 enrolment data;
- The exclusion of out-of-area enrolments in projections for individual schools, with as much as 30% of enrolments excluded from projections.

There was no discussion of any of these issues, aside from a brief mention as 'issues with data' in the consultation report and in Notices of Decision. This is unreasonable given the basis of school closures in 'current' (for 2006) and future enrolments, and the impacts any changes have on capacity and costs.

Requests to the Minister and the Department for details of the enrolment projections were met with only a generalised list of points with no detailed information or methodology.

Regional projections were inconsistent

The inconsistencies in enrolment projections were substantial. One submission summarised the issue across the entire ACT as follows:⁷³

The discrepancies are greatest in NW Belconnen, where projected student numbers swing by up to 800 students – from 3287 under the current model to 3741–3841 under option 2 and 3991–4091 under Option 1.

⁷¹ ABS births data, released October 2006.

⁷² Briefing to the Minister for Education: Chifley Action Group, 30 August 2006

⁷³ Diana McGrath, submission to Towards2020, DET website, uploaded 21 December 2006

The Government is suggesting that its proposal will create between 969 and 1319 additional students across Canberra compared to the current model, but does not explain how an increase of this magnitude will occur and provides no evidence for justification or community analysis.

Of even greater concern is the possibility that the Government has made a significant error in its calculations of enrolments for 2010 under the current model. This would obviously invalidate the entire proposal.

Several communities identified the discrepancy, but there is no evidence that any official explanation for the difference between the two options for NW Belconnen was ever provided. Internal departmental emails indicated other minor errors in the printed material, but they did not indicate an error in these projections.

Current enrolments were not considered

A second issue with was the use of 2006–10 enrolment projections, which were based on the 2005 February School Census, not the actual number of children at the schools during 2006. In many cases, the 2006 enrolments were higher than expected, with some even increasing when a decline had been projected. In Northwest Belconnen alone, the difference between actual and predicted 2006 enrolments was some 159 students—somewhere between a half and one entire school. Clearly the enrolment projections had failed to incorporate current enrolment trends and they should have been rejected on that basis.

Such an increase, if included, would have reduced the calculated cost per student, thereby reducing the amount of so-called excess capacity. This use of 2005 enrolments as the basis for future projections was never corrected in the Minister's or the department's thinking, even when making the decision about which schools should close.⁷⁴

Enrolment projections for 2007–11 were available,⁷⁵ but they were not widely released. They should have been.

Out-of-area enrolments were not incorporated for some schools

Finally there is the issue of whether out-of-area enrolments were incorporated into enrolment projections—at least conceptually if not numerically.

The Department's own notes and briefing papers show that:

- For Melrose, the future enrolments at the school were estimated as: the births in a year *multiplied* by the proportion of in-area children attending government schools *multiplied* by the proportion of those government school students choosing Melrose.⁷⁶
- For Flynn, similar calculations are made in relation to numbers of young children using the facility.⁷⁷

The implication is either the Department was giving wrong or misleading advice to the Minister, or that their enrolment projections failed to include out-of-area enrolments for some schools.

⁷⁴ This can be seen in the use of this same data in the Notice of Decision sent to schools after closing, even though more recent projections (2007–11) were available

⁷⁵ *Hansard*, 23 August 2006 p. 2590

⁷⁶ Briefing note to the Minister for Education: Chifley Action Group; email by Wayne Chandler to Kaleeen Primary School; handwritten record of Flynn's meeting with the Minister

⁷⁷ Briefing, December 06 FOI request, folio 16259, as shown by the methodology

‘Large’ schools like Miles Franklin, Fraser and Forrest primary schools clearly included out-of-area enrolments—because their enrolments were projected to stay high regardless of local demographics. Departmental notes state this was because the schools were projected to ‘remain at or near capacity’.⁷⁸

If this is true, regionally, this factor would account for some of the discrepancy between the ‘current’ model and the projected arrangements after closing schools across the region and the ACT.

Excess capacity

Arising from the financial, demographic and enrolment arguments, the claim of excess capacity was made as the basis for the need for school closures. This excess capacity, marketed as ‘empty desks’ despite that fact that much of it was being used for educational and other uses.

Many school communities challenged the school capacity figures for their school in much detail. It was generally felt that the capacity figures had not been adjusted for changes in education requirements such as IT use. It was also apparent in many cases that tenanted space was included as part of excess capacity. It included some 29 tenant groups in 20 schools that occupied 4000 square metres⁷⁹ and demountable/transportable classrooms.

Building condition

Despite a claim that the proposal for closing schools was ‘based on rigorous analysis of enrolments and on the state of buildings’⁸⁰ (and other claims of run down infrastructure⁸¹), it appears that condition assessments were not available for all schools, or even for all schools proposed for closure.

Documents show that the condition information that did exist at the time was either missing or misrepresented for some schools. For example, the condition of Flynn and Florey primary schools was officially reported as ‘nil’ in ministerial briefings. The same series of briefings made the false claim that parts of the Mount Neighbour building were unusable due to termites. Despite statements from the Mount Neighbour community and a condition report that showed otherwise, this wrong information was still being given in briefings to the Chief Minister in late November 2006, only weeks before a final decision about the school’s future was supposed to have been made.

This in itself raises questions about the integrity of a process that fails to accommodate new information into its processes.

All schools proposed for closure had a ‘works needed’ condition assessment by 30 November 2006. This raises two questions:

- Why was there no current condition assessment before listing schools for closure?
- How did the Minister take this new information into account only two weeks before his Cabinet meeting?

⁷⁸ Correspondence to Kaleen Primary School, folio 6612 from December 2006 FOI request

⁷⁹ Correspondence, f. 13021

⁸⁰ Katy Gallagher MLA, in *Hansard*, 7 June 2006, p 1860.

⁸¹ For example, *The facts about the ACT’s public schools*, Advertisement in the *Canberra Times*, 10 June 2006, p. 8.

5.6 Failure to consult with a school

The Government failed to consult with Urambi Primary School before deciding on an option that effectively meant the closure of the school. The decision to establish a P-10 school on the Kambah High School site disenfranchised the Urambi school community from having a say in its future. Urambi Primary School is next door to Kambah HS, so the decision to establish a P-10 school effectively its closure. It was presented with a *fait accompli*.

This decision was not preceded by any consultation with Urambi about its future or about the P-10 proposal. Urambi was not listed for possible closure in *Towards 2020* and, as a result, it did not even put in a public submission. The community was never given any indication its future was under threat.

Consultation with the Urambi community was undertaken only after the decision to effectively close the school. Media releases by the Minister for Education made it clear the community was not being consulted on whether the school should close. His media release on 13 December 2006 stated that community consultation would commence on ‘the closing of Urambi Primary School at the end of 2010 to become part of the P-10 school’. A further media release on 4 February this year about a formal six-month consultation on the P-10 school and Urambi stated that a purpose is ‘to discuss the future of the Urambi Primary School site after students are relocated to the new (P-10) school in 2011’.

5.7 Conclusions

The *Towards 2020* consultation process failed to adequately adhere to the principles outlined in Section 20 (7) of the Education Act.

Much of the focus of the consultation about school closures was on financial issues instead of education quality. The Government’s objective was primarily to make financial savings and this was reflected in the consultation process where education quality issues were not given due regard, and were often subject to misrepresentation.

The consultation was not fully ‘open and transparent’. The key document on which *Towards 2020* was based has never been made public, so the case for the plan was never fully revealed. This impaired the ability of school communities affected by the proposal and other organisations to respond.

Community engagement in the consultation process was less than effective. The Government adopted an adversarial approach to consideration of its proposal. Key parts of the Community Engagement Manual were not followed and there were indications that decisions to close schools were made before the end of the consultation period. In addition, there was little to no consideration of alternatives to closing schools and some decisions taken at the end were never consulted on. One school had its future decided without being consulted.

The provision of information for the consultation was entirely inadequate and greatly impaired the ability of communities to make their case. The lack of timely and accurate information was a contentious issue for much of the consultation period and affected virtually every community involved in the process. There were long delays in the release of necessary financial information and the factors that were taken into account in deciding which schools were to close. In addition, requests for reasons as to why schools were proposed for closure were ignored and never provided. Too much of the financial, enrolment, capacity and demographic data was shown to be inaccurate.

Perhaps the best measure of the effectiveness of the consultation process around *Towards 2020* is how much it influenced the outcome, that is, the Government's decision. It is clear that the vast bulk of submissions, including very substantial and well-argued submissions from key organisations, were opposed to school closures. Many submissions presented alternatives to school closures. However, while some schools were reprieved, the Government went ahead with its plan.

It appeared to many who participated in the process that the Government's idea of consultation was to invite submissions because it was required by law to do so and then it could ignore what people said if they did not support the Government's original intentions. Many concluded that the consultation process was fraudulent and that the Government never had any intention of listening to school communities and stakeholder organisations.

The conduct of the process brings into question the legitimacy and validity of decisions finally made. To that end, the decision to close schools must be reviewed, with a view to re-opening those where support is ongoing.

The whole experience indicates that a more independent process is needed in the future to examine proposals to close schools.

6. Suggested Changes to the Education Act

The experience of *Towards 2020* shows that the Education Act is deficient in ensuring full consideration of the impact of school closures and due process in consultation. The Government failed to fully meet both the spirit and the letter of the law as regards the requirements of Section 20 of the Education Act about the closure and amalgamation of schools. It also failed to address Section 20 in relation to other relevant sections of the Act, in particular, those relating to the principles governing the provision of public education (Sections 7 and 18).

Consequently, the Act should be amended to strengthen the requirements about assessing impact of proposals to close schools and the process used in consulting on proposals. This section outlines key amendments proposed by Save Our Schools.

6.1 Principles of public education

Section 7 of the Education Act outlines a number of principles governing the provision of education in the ACT and Section 18 adds a number of principles specific to the provision of government schooling. Several of these principles have particular relevance to proposals to close schools. For example, they include the following:

- The learning outcomes of students should be free of the effects of disadvantage because of economic, social, cultural or other causes [Section 7 (2) (vi)];
- School education should recognise the needs of Indigenous students [Section 7 (2) (x)];
- The importance of the partnership between home, community and educational providers should be recognised [Section 7 (2) (f)];
- Government schooling is based on principles of equity, universality and non-discrimination [Section 18 (a)]; and
- The government school system is committed to providing reasonable access to public education for all children in the ACT [Section 18 (d) (i)].

The public network of neighbourhood school is a central means of implementing these principles. It enables all children to attend school without discrimination and without regard to family financial circumstances. Achievement of this goal is aided by ready physical access to schools in each neighbourhood within a reasonable and safe walking distance for all young children, especially those from disadvantaged backgrounds.

The neighbourhood school has a key role to play in achieving equity in education. It provides ready access to a school for all comers, especially the least well-off in the community. The network of neighbourhood schools makes regular attendance at school less dependent on family capacity to provide or pay for transport and on safety considerations. If this network is broken up, attendance at school becomes more subject to financial and safety considerations and it is the children of families who can least afford to bear the increased costs whose attendance is most likely to suffer.

The neighbourhood school also supports parent participation in schooling, a significant factor in student learning, especially in the early years of schooling. Ready access to a local school ensures that parent participation is not dependent on parent financial capacity to pay for private or public transport. It means that parents can easily help out in the classroom, help out in the canteen and attend school concerts and sporting events. It also makes for easy and regular direct communication between parents and teachers and for better mutual understanding.

Save Our Schools believes that these principles were not given due regard in the consultation under Towards 2020. The initial Towards 2020 proposal and the Consultation Report both failed to have any regard to these principles governing the provision of public education. In particular, as discussed in Section 3 of this submission, the impact of school closures on learning needs of students from low income families and Indigenous families was not directly addressed and reported on, even though the Consultation Report noted that several submissions raised equity issues. The impact of school closure on the effectiveness of the partnership between home, school and the community was not addressed. Nor was the principle of ensuring reasonable access to schools for all children, especially in regard to financial and safety issues, adequately addressed.

Save Our Schools believes that it is imperative that proposals to close schools should have regard to the implications for the governing principles of public education in the ACT and not consider Section 20 in isolation from the rest of the Act, especially its key principles. Given the failure to do this in Towards 2020, Save Our Schools proposes that a direct link be drawn between the principles of public education and Section 20 of the Act.

Recommendation 1

Save Our Schools recommends that:

- Section 20 (5) require that before taking a decision to close or amalgamate a school, the Minister should demonstrate regard to the principles of government schooling set out in Sections 7 and 18, in particular, those affecting equity in education outcomes, reasonable access to schools and partnerships in education; and
- Section 20 (7) require the consultation to specifically consider the implications for implementing the principles of government schooling set out in Sections 7 and 18, in particular, those affecting equity in education outcomes, reasonable access to schools and partnerships in education.

It should be noted that this recommendation is not addressed in the Education Amendment Bill 2008.

6.2 Independent inquiry process

Save Our Schools recommends that future proposals for the closure of schools should be examined through a public inquiry process which is independent of government and the Department of Education.

The fundamental reason for this recommendation is that the Department has a severe conflict of interest that biases it towards following government instructions rather than doing an objective analysis. The Department was seen as working on behalf of the Government and as a proponent of Towards 2020. It could not be seen as independent and, by early in the process, it was not seen to be independent by the vast majority of school communities.

Many of the problems that emerged with Towards 2020, as documented in the previous sections, were the result of the lack of independence in the conduct of the consultation and analysis of the feedback and submissions.

The consultation forums were designed to dis-empower participants. The information sessions were conducted solely by the Minister and Departmental officials. They were designed to give the Department complete control over the process and what information was presented.

The lack of independence shown by the Department contributed to the failure to do a full analysis of the costs and benefits of closing schools, the failure to systematically collect information on impacts, the lack of openness, the failure to provide accurate and timely information, and the failure to consider alternatives to closing schools.

There was no independent process for reviewing submissions. The Department failed to engage with submissions. Most were just ignored because they were not consistent with the Government's predetermined approach.

Recommendation 2

Save Our Schools recommends that Section 20 of the Act be amended to provide that:

- Future consultations on school closures should be conducted through an independent public inquiry process be conducted by a body independent of the Government of the day;
- The process should be carried out by an 'ad hoc' Schools Planning Commission appointed by the Legislative Assembly;
- The Commission should have a membership of three;
- The Commission should be appointed by a committee of the Legislative Assembly consisting of one Member of each party represented in the Assembly and which is formally recognised as a party in the Assembly;
- The Commission should conduct the consultation according to requirements set out in the Education Act (see below);
- The Commission should publish a draft report for public comment as part of the consultation;
- The Commission should submit a final report and recommendations to the Government which should be made public when the Government announces its decision on the report's recommendations.

It should be noted that this recommendation is not addressed in the Education Amendment Bill 2008.

6.3 Appeal options

The Education Act does not provide any process whereby school communities or organisations can appeal against a decision to close their school. There is no real avenue for appeal through the Administrative Appeals Tribunal.⁸² In the absence of appeal rights, two school communities tried to appeal through the Supreme Court to test the legality of the decision under *Administrative Decisions (Judicial Review) Act 1989*. This is a very weak and expensive appeal option: the appeal is based on process (was the decision lawful in a narrow sense of the word) not on merit (was it the right decision). They are also at the mercy of government to conduct itself in a way that does not unduly damage their prospects, for example by failing to comply with model litigant guidelines. In 2006, schools were closed before their appeal rights expired, which effectively impeded their capacity to appeal.

Communities should be given an accessible, fair and affordable means of appeal to ensure natural justice be done and seen to be done. The existence of a right of appeal would add discipline to the consultation process and help ensure that it is carried out according to the requirements of the legislation.

Save Our Schools proposes that the right of appeal be to an Independent Arbitrator appointed by an all-party committee of the Legislative Assembly. The grounds for appeal should be merit-based as well as whether the consultation process was carried out fairly according to the Act and the principles of natural justice.

Recommendation 3

Save Our Schools recommends that:

- Section 20 of the Act include a right of appeal to an Independent Arbitrator;
- The Independent Arbitrator be appointed by a committee of the Legislative Assembly consisting of one Member of each party represented in the Assembly and which is formally recognised as a party in the Assembly;
- Section 20 set out the grounds for appeal so as to allow schools to challenge the merit of the decision as well as the lawfulness and conduct of the process.

It should be noted that this recommendation is not addressed in the Education Amendment Bill 2008.

6.4 Alternatives to school closure

Given the central role of the neighbourhood school in ensuring reasonable access to schooling for all children and to it is imperative that all options for ensuring the future of the school be considered before closure. School closures should be seen as a last resort.

There are alternatives to school closures. They include on-site and structural options.

On-site options could involve a review of school programs and operations to stabilise or increase enrolments. This could include the following:

- Developing a better match between school programs and parent expectations;

⁸² A provision for review through the Administrative Appeals Tribunal must be in the Act for this to be possible. A 2006 amendment for this was voted down by the majority government of the day.

- Communicating the strengths of the school to families and the wider community;
- Developing a particular strength of the school, such as in languages, arts, etc;
- Developing extra-curricular programs to meet student and community needs; and
- Providing before and after school care.

Another on-site option is to investigate the feasibility of co-tenants to make greater use of any significant excess capacity in the school. In many cases, public agencies, voluntary groups or associations requiring accommodation for their activities are unaware of the opportunities offered by surplus space in schools. Using space for tenants is a way of maintaining a school site until the demographic cycle turns.

A structural alternative to school closure is to consider the benefits and costs of a twin campus with a school in the same region.

Recommendation 4

Save Our Schools recommends Section 20 should be amended to require that:

- Alternative options to closure be considered as part of the consultation on proposed school closures; and
- Alternative options to closure be analysed as part of a comprehensive cost-benefit analysis of the educational, financial and social impact of school closures.

It should be noted that this recommendation is partially addressed in the Education Amendment Bill 2008 in that it requires consultation on alternatives to closing or amalgamating a school.

6.5 Assessment of educational, financial and social impact

As outlined in this submission, a major flaw in Towards 2020 was its failure to carry out a comprehensive and thorough analysis of all the relevant educational, financial and social costs and benefits of the proposed school closures. Save Our Schools believes this should be a fundamental requirement before any decision is taken to close a school.

Section 20 of the Education Act is deficient as it requires only that the Minister have regard to the educational, financial and social impact on students, families and the general school community. This permits cursory regard to these impacts, as occurred with Towards 2020. The Act is also deficient in that it does not require a whole-of-government impact assessment or an assessment of the broader impacts on the general community.

Save Our Schools proposes that Section 20 be amended to include more specific requirements for assessing the costs and benefits of proposals to close schools and a comparative analysis of the costs and benefits of alternative options. This should be complemented by a schedule to the Act which outlines a range of factors that should be taken into account in the cost-benefit analysis.

Save Our Schools proposes that a formal cost-benefit study be made available by the Government for public comment during the consultation and for consideration by the consultative body in the preparation of the draft report. The cost-benefit study should be used to inform the consultation and the final decision.

It should be noted that the preparation of a cost-benefit study is a relatively technical exercise and that will need to be contracted out to an outside expert by the Government and prepared

in a timely manner to inform the consultation. The terms of reference for the study should include reference to a range of educational, financial, social and environmental factors set out in a Schedule to the Act.

The consultative body, the Schools Planning Commission, should have access to the cost-benefit study for the preparation of its draft report and it too should have regard to the impact factors in the Schedule to the Act.

Recommendation 5

Save Our Schools recommends that:

- Section 20 (5) be amended to provide that before a decision is made to close or amalgamate a school, the Minister must have:
 - Published an independent comprehensive cost-benefit study of the direct and indirect educational, financial, environmental and social impact of school closures on school communities, government agencies and the wider public;
 - Regard to findings of the cost-benefit study; and
 - Regard to the recommendations of the independent consultative body.
 - Regard to the Schedule of educational, financial, environmental and social factors.
- The Act include a schedule of educational, financial, environmental and social factors that should be taken into account in the cost-benefit study, by the independent consultative body and in the decision as to whether to close or amalgamate a school;
- The cost-benefit study be made available for public comment during the consultation and for consideration by the consultative body in the preparation of the draft report.

It should be noted that the Education Amendment Bill 2008 does not fully incorporate these recommendations. In particular, it does not:

- Require that the Minister obtain and have regard to a cost-benefit study prior to making a decision to close or amalgamate a school, only to do these things before closing or amalgamating a school;
- It does not require certain educational, financial, social and environmental factors to be considered in the study; and
- It does not require the study to be available for public comment during the consultation.

6.6 Consultation and implementation

Save Our Schools believes that the consultation period specified in the Act is not sufficient to provide for effective consultation with relevant school communities. It does not allow for the collection and analysis of all the relevant information or for communities to prepare their response.

Given the experience with Towards 2020, it is necessary to ensure that the consultation period is not compromised by transition planning arrangements or any other action that effectively pre-empts a decision. The lack of specific instructions in the current Act allowed the Minister and the Department to engage in transition planning, including funding allocation, before the decision was made. There is also need to allow time for the analysis and report to be prepared after the consultation, so that this task does not compromise the consultation stage and the consideration of submissions and statements by participants to the inquiry.

Save Our Schools proposes that the consultation period be lengthened.

The Education Amendment Bill 2008 proposes a consultation of at least 18 months broken into two phases:

- A preliminary phase of at least 6 months in which the Minister must investigate alternatives to closing a school and prepare a full benefit-cost analysis in relation to any proposed closure. A proposal to close a school must be published after this if a decision to proceed with closure is made; and
- a public consultation period of 12 months, during which time public comment into a proposed closure is sought. Implementation cannot commence until after this phase.

A concern that Save Our Schools has about this proposal is that the most difficult, stressful and intensive part of the consultation will in effect be carried out within the minimum period of 6 months. Further, given that a proposal to close a school after considering all the alternatives in the previous phase is in fact a decision to close because it is effectively the only feasible option left. It seems unnecessary to spend 12 months on such a consultation.

As a result, Save Our Schools proposes a differently structured consultation period of about 18 months and a transition and appeals period of 6 months. It would be structured as follows:

Phase 1: The Minister consults with key stakeholder organizations on a terms of reference to be given to the ‘ad hoc’ Schools Planning Commission.

The terms of reference to be given to the Schools Planning Commission should be prepared in consultation with key stakeholder organisations. It is important that the stakeholder organisations be involved at the early stage of the process to ensure a co-operative and constructive process.

Phase 2: The Schools Planning Commission consults with school communities and other interested parties for a ‘school year’ on a range of alternative options.

The consultation with the school community and other affected communities should consider alternative options to school closure. The consultation documents should open up discussion of alternatives to school closure and the affected communities should be free to raise other options during the consultation.

The ‘school year’ would be defined in the Dictionary of the Act as running from the beginning of February to the end of November. All necessary data would be provided at the beginning of this period, without limiting the provision of data as requested by schools during this time. The cost-benefit study contracted by the Minister would be published during this period to inform deliberations and as an input into the preparation of a draft report by the Schools Planning Commission.

Phase 3: The Schools Planning Commission prepares a draft report for further consultation.

The consultation should also include consideration of a draft report and recommendations by the consultative body. Consideration of a draft report would help ensure a fully open and transparent process with maximum opportunity for the community to participate in the formulation of recommendations to government. In particular, it will allow for the consideration and analysis of other options raised during the consultation process and thereby minimise the potential for ‘surprise’ recommendations in the final decision.

The Schools Planning Commission should publish its draft report within 2 months of the end of Phase 2. A further 3 months would be available for school communities and others to comment on the report.

Phase 4: The Schools Planning Commission prepares a final report with recommendations to the Minister.

The Schools Planning Commission should provide its final report and recommendations to the Minister within 2 months of the end of the consultation on the draft report. It should consider responses in Phase 3.

Phase 5: A transition period for implementation and appeals.

If it is the Government's decision to close a school, there should be a period of 6 months to plan the transition and allow a period for appeal against the Government's decision.

Recommendation 6

Save Our Schools recommends that Section 20 (5) be amended to provide:

- That before deciding to close or amalgamate a school the Minister must:
 - Consult with key stakeholder organizations on a terms of reference to be given to the Schools Planning Commission, and then;
 - Appoint a Schools Planning Commission to:
 - Consult (Stage 1) with school communities and other interested parties on school closures and alternative options for at least 'a school year' (as defined in the Dictionary of the Act);
 - Prepare a draft report for community consultation within 2 months of the end of the Stage 1 consultation;
 - Consult (Stage 2) with school communities and other interested parties on the draft report for at least 3 months;
 - Prepare a final report with recommendations to the Minister within 2 months of the end of Stage 2;
- For a transition and appeals period of at least 6 months after a decision is taken to close or amalgamate a school.

This recommendation is presented as an alternative to the consultation periods set out in the Education Amendment Bill.

6.7 The Notice of Decision

Although schools were provided with reasons for being closed in a Notice of Decision, it was sent in mid-January 2007, almost a month after they closed their doors. A formal notice that states why a school has been closed should be required **before** schools close their doors. The content of this notice must be accurate, specific to the individual school and adequate. The deficiencies with the current process are many.

Schools were never given specific reasons for being proposed for closure. It is not a requirement of the Act, although there is a natural justice argument that these should have been provided at a level of specificity adequate for individual schools to understand the reasoning underpinning decisions. It is very pleasing to see a requirement for this in the Bill

Recommendation 7

Save Our Schools recommends that Section 20 be amended to require:

- A Notice of Decision to be issued to a school before it is physically closed and which includes the specific reasons why the school is to be closed.

It should be noted that this recommendation is not addressed in the Education Amendment Bill.

7. Support for Re-opening Schools

The issues raised in this submission show the process for closing schools to be seriously flawed, to the point that the decisions regarding individual schools lack legitimacy. Decisions to close some schools should be reviewed.

Two school communities—Cook and Flynn—were sufficiently aggrieved to attempt to appeal through the ACT Supreme Court, further indicating the failure in process. Even though the appeals ultimately failed to proceed, it is clear that the lawfulness of the decisions to close these and other schools is not accepted. It is unfortunate that this point was never formally tested.

In addition to the wrongful closure, there is strong evidence that some school communities have experienced significant disadvantage as a result of their school closing—the communities of Flynn, Hall and Tharwa are cases in point. In these cases, remedy is an appropriate and necessary response. Given the lack of legitimacy of the closures process and associated decisions, the government should re-open adversely affected schools.

In this regard, schools that have submitted proposals for re-opening to this Inquiry should have the decision to close their schools reviewed in the light of the unlawfulness of the initial consultation process and closure, noting the important social benefits of a neighbourhood school.

SOS supports the re-opening of these schools, and it would support the case of others re-opening where similarly appropriate.

Recommendation 8

Save Our Schools recommends:

- That the ACT Government re-open schools whose communities have been wrongfully closed and adversely affected by closure, and where there is community support as demonstrated by submission of a proposal for re-opening to the Inquiry.

Appendix A: Section 20 of the Education Act 2004

Part 3.2 Establishment and operation of government schools

20 Establishing government schools etc

- (1) The Minister may establish government schools and preschools (government schools).
- (2) The Minister may decide the kinds of government schools to be established and the educational level or levels for the schools.
- (3) The Minister may establish school-related educational institutions and services (school-related institutions).

Example of school-related institution

Hindmarsh Education Centre

Note: An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) The Minister may name, and change the name of, a government school or school-related institution.
- (5) Before closing or amalgamating a government school, the Minister must—
 - (a) have regard to the educational, financial and social impact on students at the school, the students' families and the general school community; and
 - (b) ensure that school communities affected by the closure or amalgamation have been adequately consulted during a period of at least 6 months.
- (6) To ensure that school communities affected by closing or amalgamating a government school are adequately consulted, the Minister must, before a decision is made on the proposal—
 - (a) tell the school communities about the proposal; and
 - (b) listen to, and consider, their views.
- (7) The consultation must be done in a way that gives effect to the following principles:
 - (a) consultation should focus on access to, and the provision of, quality educational opportunities;
 - (b) consultation should be open and transparent;
 - (c) consultation should lead to sustainable decisions by involving effective community engagement;
 - (d) without limiting paragraph (c), consultation should ensure that—
 - (i) relevant information is provided in a timely and accessible way to enable maximum community participation in debate about the proposal; and
 - (ii) opportunities are provided for feedback about the proposal, especially from families and other people with significant interest in the proposal;
 - (e) consultation should include seeking the views of school boards that are likely to be affected by the proposal.

Appendix B: Consultation Process in the Community Engagement Manual



Community Engagement – Summary Flowchart

ISSUE									
1. Explore what the issues are. Assess “development stage” of issue and appropriate type of engagement	<table border="0"> <tr> <td>Decision made</td> <td>Inform</td> </tr> <tr> <td>Multiple options offered for preference</td> <td>Consult</td> </tr> <tr> <td>Community input to options</td> <td>Involve</td> </tr> <tr> <td>Community input on preferred solution</td> <td>Collaborate</td> </tr> </table>	Decision made	Inform	Multiple options offered for preference	Consult	Community input to options	Involve	Community input on preferred solution	Collaborate
Decision made	Inform								
Multiple options offered for preference	Consult								
Community input to options	Involve								
Community input on preferred solution	Collaborate								
2. Assess importance of issue, and possible scale of response	Propose scale of engagement (to match its importance or possible impact) and the likely scale of government response. Determine resources and time frame. Identify stakeholders. Contact peak bodies that may be utilised to reach their constituencies on behalf of government.								
3. Seek approval for objectives and terms of reference	Generally approved by government executives and/or the relevant Minister, preferably with flexibility to adapt to changing circumstances.								
4. Plan detail of engagement	<ul style="list-style-type: none"> • Check against agency strategic plan • Clarify information to be provided for engagement • Identify and gather required skill-base eg: facilitation, presentation, random sampling, interviewing, mediation • Contact stakeholders, including briefing peak bodies that may be utilised to reach their constituencies on behalf of government, and ask them to comment on processes • Select a range of tools and techniques relevant to the level and scale of engagement and to the range of stakeholders to be engaged • Identify any additional resources required, including for stakeholders • Map the timeframe for each stage of the engagement activity 								
5. Manage the engagement activity, including risks	<ul style="list-style-type: none"> • Clarify information, time and support needs of special groups and individuals • Conduct planned meetings, forums etc • Record information objectively, protect privacy and confidentiality • Keep stakeholders informed of emerging issues if they impact on established timelines • Manage risks: control the scope of engagement, emphasise constraints, address any misinformation / misunderstandings, mediate any conflict • Monitor progress and evaluate process of the engagement activity and adjust plan as necessary, ie go back to step 4 								
6. Analyse community contributions	Assess validity of data, weigh according to importance and objectivity, and representativeness of process. If data is not adequate to ensure engagement, go back to step 4								
7. Government decision-making processes	<ul style="list-style-type: none"> • Identify gaps in policy or project under consideration (may need to go back to step 4) • Ensure alignment with existing government policy (may need to go back to step 3 or 4) • Seek endorsement of government agencies and Minister 								
8. Government decision made	Announcement of government's decision (public launch, media release etc)								
9. Provide feedback to participants	Provide reports, debriefing sessions etc to provide feedback on the outcome of the engagement, link their input to the final decision, explaining how input affected final outcome								
10. Evaluation	Were major outcomes achieved? Was the process satisfactory? If the answers are negative, evaluate options including further engagement								

Appendix C: Small Schools and Education Outcomes

C1 Student achievement in small schools

There is no robust research evidence to suggest that small schools deliver worse education outcomes than larger schools. Indeed, many studies conducted during the past 20 years have found that small school size, particularly at the primary school level, has a positive effect upon student achievement, extra-curricular participation, student satisfaction, student behaviour and attendance.

These findings are long established in the research literature [Fowler & Walberg 1991]. More recent reviews and research studies generally support the conclusion that students perform better in smaller elementary and middle schools while the findings for high schools are mixed [Garrett et.al. 2004; Howley 2002a; Hicks & Rusalkina 2004; McMillen 2004; Stevenson 2006]. Small schools bring a range of benefits to students [Jimerson 2006].

Similar conclusions about small schools and student achievement have been arrived at in reviews of primary schools in the UK. For example, the Office of Standards in Education (Ofsted) has made the following conclusion.

In terms of the overall quality of education, inspections show that pupils in small schools are not disadvantaged in comparison with those in larger schools because of the size of school. Small schools are equally capable of providing an effective education and many are among the most effective in the country. [Ofsted 2000]

The Ofsted review found that in the end-of-key-stage National Curriculum tests, small schools achieve on average higher scores than larger schools. The very small schools, while also achieving test results well above the average overall, are more variable in their performance.

There are conflicting findings about the optimal size of schools. Caldwell states that many researchers indicate that an appropriate and effective size is 300-400 students for a primary school and 400-800 students for a secondary school. However, there is no general agreement about the optimal size of schools, especially in the case of primary schools. This is acknowledged on the Towards 2020 website, which states that there is no optimal size for a school.

Similarly unresolved is the question of when, if ever, a school can be too small [ECS n.d; Lee & Smith 1997; Howley & Howley 2004]. Despite the extensive literature on the relationship between school size and student achievement, there is little research evidence about the lower limits of school size.

A school serving 50 students cannot be judged to be “too small” on the basis of any research known to the authors. [Johnson et.al. 2002]

A review of school size issues in Australia by the Commonwealth Schools Commission concluded that it is unclear how small primary schools can become before they become educationally disadvantaged [1984: 57].

Some years ago, the International Encyclopedia of Education stated that the quality of education argument was rarely strong enough to justify closing small schools. The subsequent accumulation of evidence only confirms this judgement.

C2 The interaction of school size and SES background on student achievement

Much of the research literature on school size and student achievement has overlooked the possibility that school size may be associated with different outcomes for students from different backgrounds. This gap has been rectified by a range of state-wide and national studies in the United States since the mid-1990s.

Almost without exception, the studies show that small school size is unambiguously good for students from low socio-economic status (SES) backgrounds and communities with relatively high levels of disadvantage [Cobbold 2006]. Students from low SES backgrounds achieve better results in smaller schools. Small schools with high concentrations of students from low SES backgrounds have higher average results than large schools with similar concentrations.

Large schools do academic harm to students from low SES backgrounds. As schools get larger, average achievement among schools enrolling high proportions of low SES students declines. As one study says, increasing school size “imposes increasing ‘achievement costs’ in schools serving impoverished communities”.

Small schools mitigate the effect of low income and poverty on student achievement, the relationship being substantially weaker among smaller schools than among larger schools. In general, the impact of poverty on student achievement in small schools is estimated to be about half that in large schools.

For example, a 2004 Ohio University study of national data shows that students attending the smallest schools experience a 60 per cent reduction in the influence of SES on mathematics performance, a 39 per cent reduction on reading performance, a 50 per cent reduction for science, and a 45 per cent reduction for history.

The benefits of small schools for students from low SES backgrounds appear to be particularly important in the middle years of schooling, when some students start becoming susceptible to dropping out of school in later years.

The methodology used in these studies has undergone rigorous assessment, most recently in May this year by a review at the University of Maine’s College of Education. The findings have proved robust for different technical specifications of the modeling procedures used for the statistical analysis, which is a rare degree of consistency in educational research.

Many of the studies included statistical controls for a range of other factors that influence student achievement. For example, a 2001 study of Texas schools included controls for ethnicity, language, size, expenditure per student, and curricular composition factors including special education programs. The inclusion of these factors did not significantly alter the results.

The range of school sizes included in the studies was variable. Some studies compared small and larger schools while others compared schools on a continuum from smaller to larger

schools. Most of the studies included schools of less than 100 students while in some the minimum size of schools was about 200.

These studies offer no support for government proposals to close small schools, especially those serving communities with significant levels of socio-economic disadvantage. The following conclusion from one study is representative:

Findings from this study obviously offer no support for arrangements that work to increase the size of already small schools, especially those that serve impoverished communities...In light of the findings from this and other studies, concern for achievement and for reducing achievement gaps means that educators and policy makers must search for ways to meet these challenges without closing schools that are already appropriately small.

Indeed, school consolidation, without regard to student background, is likely to increase the large inequity that already exists in ACT school outcomes and diminish the outcomes of some students. In particular, it may undermine recent progress in improving Indigenous outcomes.

The ACT Government has ignored these research studies in developing its school closure plan. The Towards 2020 website fails to include them in its links to papers on school size research. This is unfortunate because the studies have clear policy implications.

First, small schools should be maintained in low SES communities and the most impoverished communities should be served by the smallest schools. Second, government policies should strengthen the benefits of smaller schools serving low income families, rather than seek to close them. Third, large schools may not be as cost effective as is often assumed, especially if they lower outcomes for significant groups of students and increase inequity in education.

C3 Curriculum and small schools

As noted above, the Government claims that curriculum opportunities are limited in small schools. This assertion is unsubstantiated. The Government has failed to provide evidence to support this statement.

The Government's claims are contradicted by with information about curriculum in small schools in ACT government schools and broader research on curriculum in small schools. The Government's claims also tend to ignore the place of curriculum depth in student learning.

ACT curriculum

The review of ACT curriculum undertaken by the Curriculum Renewal Task Force [2004] found that the structure of curriculum was similar across primary schools and high schools in the ACT. Its evaluation of curriculum did not observe that students in smaller schools had a less comprehensive curriculum than students in other larger schools.

A cursory review of the curriculum in government primary schools shows that it is broadly similar across schools and that there are no significant differences between small and larger schools. All small schools cover the key learning areas and provide a range of enrichment and extra-curricular activities.

The curriculum of small and larger high schools across schools is also similar. In 2005, Save Our Schools conducted a survey of the curriculum at Ginninderra District, Canberra, Belconnen and Melba high schools. It found that the small high school (GDHS) had a similar curriculum to the other larger schools in the region.

In particular, students at GDHS had access to a comprehensive curriculum that incorporated all Key Learning Areas (KLAs), considerable choice in electives and programs designed to meet their particular needs. The curriculum structure in each high school in the region was broadly similar: all Year 7 students in each school were required to study each of the 8 KLAs and each school required all students in Years 8-10 to study in 7 KLAs. Each school had a variety of electives in Years 9 and 10.

The review also showed that each school has a similar range of special programs. For example:

- Each school provided special learning assistance in small classes for students who were significantly behind their peers
- Each school offered debating and public speaking experience
- Each school had one or more school bands
- Each school provided student welfare/support services such as counselling
- Each school provided careers advice and work experience opportunities

Each school also had similar facilities and equipment. Each school had similar IT, Library and Technology facilities. As in the other schools, GDHS incorporated IT learning across curriculum programs and students had access to modern IT equipment and facilities.

The most significant difference between the curriculum program at GDHS and the other high schools surveyed was in streaming students by ability. GDHS operated mixed ability classes in all areas except Mathematics while the other schools all stream students by ability in English, Maths and Science. However, this is not a difference in the quality of schooling. Modern research shows mixed findings on streaming and mixed ability classes. Some researchers claim slight gains for one type of grouping, while others find the contrary.

Research studies

There are relatively few research studies on school size and curriculum and they largely focus on high schools, where breadth of curriculum is considered to be more important than in primary schools.

Haller et. al. [1990] raise the important issue of what is meant by a more comprehensive curriculum. It is clear that large schools offer more courses than small ones. Proponents of planning larger schools and consolidating existing schools often point to this fact in support of their position. However, it is less clear that offering more courses is equivalent to offering more comprehensive programs. Secondary schools have sometimes been criticised for adopting a 'shopping mall' approach to curriculum provision by offering students choice among inconsequential and disconnected elective courses.

...if large size simply leads to more courses unguided by any larger view of purpose, the result can be a decrease in comprehensiveness of the curriculum actually experienced by students. Courses in Rock Poetry and Occult Literature are not patent improvements to the comprehensiveness of a school's English curriculum. Thus, arguments connecting school size with curricular comprehensiveness are problematic when they are based on the mere number of courses offered. [Haller et. al. 1990: 110]

Another consideration is the extent to which any relationship between size and comprehensiveness is the same across subject areas. Even if increasing size routinely promotes a more comprehensive program in foreign languages, for example, there is no reason to expect the same result in other program areas.

It is important to ascertain the extent to which benefits of size generalize across curricula. Studies that contrast the total number of courses offered by small and large schools miss the important possibility of such variation. [Haller et. al. 1990: 110]

Moreover, where deficiencies occur in the breadth of curricula it is necessary to establish the significance of such deficiencies. Some gaps will not be as of concern as others.

A review of research studies on school size and curriculum suggests that many small high schools maintain programs that are comparable in quality to curricula of larger schools [Roellke 1996]. In cases where deficiencies have existed, many small schools have achieved curricular adequacy through various restructuring efforts, including integration of curricula, innovative scheduling, higher education cooperatives, inter-district sharing, and use of instructional technologies.

Haller et.al. [1990] found that high schools enrolling as few as 100 to 200 students offer base courses in core curricular areas such as mathematics and science at rates comparable to high schools enrolling between 1,200 and 1,600 students. However, it also found that there is less incidence of advanced courses in the smallest high schools.

Extracurricular opportunities in small high schools appear to be less extensive than in large high schools [Roellke 1996]. Nevertheless, student participation rates are greater in smaller high schools than in larger high schools and individual students in smaller settings are involved in a greater diversity of activities.

In the UK, Ofsted has found that it is well within the capacity of small schools to teach the full range of the National Curriculum [Ofsted 2000; see also Ofsted 1999]. Many do it well, making good use of their environment and the community. They often supplement the strengths of staff with outside help, which provides not only better provision for the National Curriculum subjects but also extends the range of curricular and extracurricular activities on offer. It found that the curriculum of small schools was generally as broad and as balanced as that of larger schools. Most small schools provide a range of extra-curricular activities.

An Australian study analysed the influence of enrolment size on the broad patterns of curriculum provision, specifically curriculum breadth and depth, in the Victorian system of government high schools [McKenzie 1992]. Schools ranged in size from 76 to 1234 students. It showed that at the whole school level, school size played a relatively small role in accounting for variation between schools in curriculum breadth. Almost all the schools provided some classes in the nine broad curriculum areas that were used to guide the analysis.

School size was more important in accounting for variation between schools in curriculum depth, that is, the average number of subjects provided per broad curriculum area. On average, each additional 100 students was associated with the provision of an extra subject, so that a school with 1200 students provided about nine more subjects than a 300 student school. Thus, the differences in curriculum depth between small and large schools are not all that significant. However, by providing multiple classes for subjects, large schools have the

potential to offer students a greater chance to enrol in their subject of choice.

The study showed that enrolment size was a more important influence on curricular provision in Years 11 and 12 than in Years 7-10. It suggested that curricular gains from increasing school size begin to peter out above 800 students. Above that level, schools started to offer more of the same rather than a curricular that was markedly more comprehensive. Even in regard to Years 11 and 12, the results suggested that schools with 700 students provided a curriculum that differed little in comprehensiveness from schools that enrolled half that number.

While much school consolidation has been based on the belief that larger schools have higher-quality curricula, one of the key findings of Professor Caldwell's summary of research on small schools is that this assertion is not necessarily true [Caldwell 2005].

Curriculum breadth and depth

It is important to emphasise that breadth of curriculum breadth is not the only criteria to have regard to in assessing the adequacy of school curricula. Indeed, it may not even be the most important criterion.

To develop competence in an area of inquiry, students must have a deep foundation of factual knowledge, understand facts and ideas in the context of a conceptual framework and organise knowledge in ways that facilitate retrieval and application [Donovan et. al. 2000: 12, 16]. Consequently, the emphasis on breadth as a means of helping students to identify areas that interest them needs to be balanced by a commitment to teaching fewer topics in depth thereby allowing students to grasp the core and defined concepts in each area. In the same vein, assessment must focus on deep understanding rather than surface knowledge.

In-depth study sets students a demanding challenge that is valuable for developing their skills and abilities. It requires them to engage with a degree of complexity and detail not found in breadth of study alone. Depth of study is therefore an important component of the secondary school curriculum.

As long as small schools are engaging students in opportunities for in-depth learning, any absence of a wide range of curriculum options is unlikely to be a significant detriment to their education.

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Appendix D

School Closure Savings Were Over-Estimated

The ACT Government's estimates of savings from its school closure program were over-estimated because it over-estimated the savings to the Department of Education and failed to take account of increased costs to other government departments

D1 Savings to the Department of Education are over-estimated

The estimate of savings to the Department of Education from closing schools is based on savings in staff salaries and School-Based Management (SBM) payments. There are several reasons to consider that this savings figure was over-estimated:

- The enrolment component of school-based management funds appears to be too low;
- Several significant one-off costs have been excluded;
- Some ongoing costs have not been taken into account; and
- It fails to include loss of actual and forgone rental revenue.

SBM enrolment-related costs appear to be under-estimated

The savings in SBM payments may be over-estimated because the allowance for the enrolment component seems low. The Department's estimates of the enrolment-related component of SBM payments are about 15% of total SBM payments. This appears to be unduly low as many of the items in school operating costs are enrolment-related, as outlined in the SBM Manual. If this is the case, the Government estimates of savings from closing schools will be over-estimated.

Several one-off costs are excluded

The Minister for Education admitted in answer to questions from the Estimates Committee of the Legislative Assembly that several additional one-off costs that will be incurred by the Department of Education as a consequence of closing schools. These additional costs have not been offset against the savings estimates.

These additional costs include:

- Duplication of special education facilities in other schools;
- Purchase of new demountable classrooms and/or the transfer and installation of existing demountables;
- Refurbishment works in schools that will receive additional students.

The Minister admitted that there will be additional costs involved in order to duplicate the special Learning Support Unit at Rivett PS on another location. Similar additional costs will also be incurred in duplicating other Learning Support Units in schools slated for closure at other schools. There are Learning Support Units at Holt PS, Melrose PS, Mt. Neighbour PS and Kambah HS.

However, the Department of Education has not yet undertaken the planning for the re-location of these units nor has it estimated the cost of replacing them. These new units will involve significant additional costs which should be offset against the savings estimates from closing schools.

The Minister has admitted that the Department of Education may have to purchase additional transportable classrooms in order to implement the school closure plan. Some schools may be over-capacity as a result of students transferring to new schools of choice and the Department will have to purchase and install demountable classrooms in order to ensure parents are given their choice of school.

The Minister stated that the estimated average cost for the purchase of a new transportable is \$200,000. In addition, there are installation costs such as preparing the site, air conditioning, footpaths and landscaping, IT cabling and provision of furniture. The cost of transporting and installing an existing demountable is about \$200,000. These costs have not been taken into account in the Government's savings estimates.

The Minister has also admitted under questioning that a range of general refurbishment works will take place in the schools that receive additional students. These refurbishments may include building renovations, new furniture, additional or upgraded playgrounds, new IT equipment and additional car parking space.

The Minister said that these works will be funded from the School Infrastructure Refurbishment funding announced in the 2006-07 Budget. However, these additional costs have not been offset against the Government's savings estimates from school closures.

In addition, there are a range of other one-off costs associated with school closures. These include staff re-location costs, counselling for students and staff and re-training or professional development. While these costs may be covered by the transitional funding allocated for the implementation of Towards 2020, they should be deducted from the gross savings estimate in order to determine the projected net savings figure.

Some on-going costs are ignored

The Department of Education may also face additional accommodation costs for Education Department staff currently housed in small schools and who will be forced into commercial office space because of school closures. This will add to overall government expenditure and should be subtracted from the gross savings estimate.

The amalgamation of pre-schools with schools creates potential for increased costs to the Department of Education. The amalgamations of pre-schools and primary schools proposed by Towards 2020 will involve changes in the governance arrangements for pre-schools which could affect the revenue from co-payments and fund raising by parents. The change of governance arrangements for pre-schools implied by the amalgamation with schools creates much uncertainty about the continued role of parents and the ongoing funding of pre-school operating costs. A longer term outcome could be increased ACT Government expenditure on pre-schools, specifically in relation to resources and services currently funded by parents.

Failure to account for actual and potential loss of rental revenue

The estimate of savings does not take account of the loss of revenue to the Department of Education from tenants using excess space in schools. Several government and community organizations rent accommodation in schools that are proposed for closure and this provides revenue to the Department of Education which will be lost upon closure. This should be treated as a cost of school closure and be subtracted from the saving estimate.

This loss of revenue may be offset to a greater or lesser extent by increased rental revenue to the Department of the Territory and Municipal Services, depending on what uses are made of the vacated school premises. Nevertheless, both the reduction and increases in rental revenue should be included in any estimate of the savings (cost) impact on government finances of closing schools.

In addition, the opportunity to rent excess space is foreclosed by shutting down a school and there is income forgone which is a cost to be set against the gross savings to be obtained from school closures. Previous consideration of the benefits and costs of school closures in the ACT have included estimates of the loss of potential rental revenue for excess space as part of the costs of school closures to be deducted from estimates of gross savings [ACT Treasury 1990; Perkins 1990].

D2 Costs incurred by other Government agencies

The savings estimates from closing schools also fail to take account of several one-off and ongoing costs to other Government agencies. The large part of these additional costs is likely to be incurred by the Department of the Territory and Municipal Services. The major additional costs include:

- provision of additional bus services;
- traffic safety measures; and
- building maintenance and security costs.

School bus costs are not included in savings estimate

A major ongoing cost of school closures is increased school bus costs. The ACT Government has failed to acknowledge that increased student bus travel following school closures will increase the costs to government and reduce the savings from closing schools. The Government has failed to provide any information on the impact of its proposed school closures on student bus travel or on ACTION costs and revenues. The Minister for Education Minister asserted at regional consultation meetings that increases in student bus travel will be met by alterations to existing services.

Changes in school location are likely to result in changes in demand for bus transport to school. Up to 2000 students will be displaced by the school closure program. A significant proportion of these students are likely to travel the longer distance to a school by bus. Additional bus services would be required to transport them. Additional demand for bus services by school children will cause an increase in the Government subsidy payable to ACTION for these services to cover the loss which ACTION makes on these services. This loss is met by the Government in its general funding of the overall loss made by ACTION.

ACTION may also incur increased one-off costs. It may need to purchase additional buses to meet the increased demand and expand bus depot facilities.

These additional costs related to school bus transport should be included in the accounting of the benefits and costs to be obtained from school closures.

The Minister for the Territory and Municipal Services has admitted, in response to questions on notice by the Estimates Committee of the Legislative Assembly in 2006, that the Government has not estimated what increase in student bus travel is expected over the next four years as a result of the school closures proposed in the Towards 2020 Plan. It has not

estimated how many new bus services will be required or how many new buses will need to be purchased by ACTION to meet the increased demand.

The Minister also admitted that his Department has not estimated the increase in total expenditure that will need to be budgeted to meet the costs of providing increased bus services such as new buses, additional drivers and other staff and repairs and maintenance.

In the debate over school closures in 1990, increased demand for student bus travel was a significant issue affecting the net savings to Government from closing schools. Following public discussion of the school closure plan, it was generally acknowledged that school closures would have significant implications for student bus travel and that these costs should be included in the assessment of the savings and costs of the plan.

The ACT Treasury and SOS both engaged consultants to prepare a study of the school bus requirements following school consolidation. While the findings of the studies differed significantly, they both concluded that the closure of 18 primary schools and 3 high schools would lead to an increase in student bus travel which would result in a net increase in ACTION costs.

The ACT Treasury and SOS subsequently carried out separate whole of government assessments of the costs and savings from school closures which included the increased costs to ACTION of increased student bus travel [ACT Treasury 1990; Perkins 1990]. These increased costs were offset against the estimated savings from closing schools.

The actual costing of additional bus services was the subject of much dispute. The issues in the debate concerned the estimates of the proportion of the students displaced from existing schools who would require bus transport to other schools. Also at issue was the number of extra bus services that would be required and how they should be costed.

A key issue in the findings of the two studies was application of the 1985 modal split to the pattern of student travel following school consolidation in the Treasury study. It assumed that the same proportion of students would travel by bus on intra-district trips as before school consolidation. However, this assumption was challenged because the 6 districts defined for the study were very large and it was likely that more students would have to travel by bus to access another school in the same district even if there was very little change to the inter-district modal split.

The SOS study assumed a significantly higher modal split for intra-district travel by primary school students than that used by the Treasury study. It assumed a 25 per cent modal split for bus travel compared to 8 to 17 per cent for different districts in the Treasury study. A survey of students at one primary school indicated a much larger modal split (40 per cent) than even that assumed in the SOS study.

The modal split for high school student travel in the SOS study was also significantly higher than that of the Treasury study, generally being 2 to 3 times higher for intra-district travel. The modal split for the SOS study was based on a survey questionnaire of students in the three high schools proposed for closure.

As a result of these differences in approach, the two studies came to much different conclusions about the projected increase in student bus travel and the requirements for additional bus services and buses.

A summary of the two school bus travel studies undertaken in 1990 is provided in the SOS submission on Towards 2020.

Traffic safety measures

Traffic flow arrangements in Canberra suburbs are designed to minimize contact between pedestrians and motor transport, and particularly to ensure safe pedestrian transit to neighbourhood schools. School closures will mean changes in how students get to school, either the route taken or the mode of transport used. If students continue to walk or cycle but need to take a different route, then it is most likely that some changes to traffic facilities will be required to provide safe routes to schools. The need may arise as the trips become longer (due to larger catchment areas) and/or they require crossing main roads.

There will be one-off costs to install traffic management facilities to provide accessible and safe new routes used by students who continue to walk and cycle. These facilities may include new walk/cycle routes and signalised or grade separated crossings. Some of these costs proved to be very substantial when schools were closed at the end of 1990.

These additional costs have not been taken into account in Government estimates of the savings from Towards 2020. The Minister for the Territory and Municipal Services has stated in response to questions from the Estimates Committee of the Legislative Assembly that the Department has not determined what additional traffic calming and safety measures will be needed to ensure the safety of young children walking and cycling longer distances to schools outside their neighbourhood. As a result, no additional funding has been budgeted to provide these measures.

Building maintenance and security costs

Building maintenance and security will remain a whole of government cost even when schools are closed. These ongoing costs are not accounted for in the Government's estimates of savings from the closure and amalgamation of school.

When schools are closed, responsibility for the maintenance and security of the closed buildings and grounds will be transferred to the Department of Territory and Municipal Services. Ongoing maintenance and security costs will be incurred until such a time as the buildings are rented or sold. Indeed, these costs could well increase if the buildings remain vacant for a considerable period.

These costs should also be subtracted from estimates of gross savings from the school closure program.