



*“There is an especially sad irony in a large number of the documents tendered in this case. Almost every one of these many emails has the following message....*

Children and young people are at the centre of everything we do.

*All too sadly, both the letter and the spirit of that message were ignored in this case.”<sup>1</sup> Justice Bruce DeBelle*



*“Mandated training of parent volunteers on the Governing Council, by SAASSO, independent from the department is a must if we are going to ensure these rights don't continue to be abused in the future.”<sup>2</sup> Danyse Soester*

*“A sobering chronicle of failures at every level within the department.”<sup>3</sup> DECD Chief Executive Keith Bartley*

*“Complete incompetence.”<sup>4</sup> Premier Jay Weatherill*

## Proposal 1 - Parents' Rights

- **Governing Council Support**
- **Education Ombudsman**

The last year has exposed systemic failings<sup>5</sup> and a moribund culture in the Education Department.

The scandals have confirmed the contempt for Governing Councils and disregard for parents, that SAASSO has been warning of for years.

Beyond the DeBelle Inquiry, multiple reports have revealed a 'culture of cover-up'<sup>6</sup> and a department which 'lacks accountability and transparency'.<sup>5</sup>

A few names have changed, but the culture persists. Changing the Chief Executive is a biennial event, but it hasn't changed the attitude of the department.

The proposed Child Commissioner, will only add another layer of bureaucracy<sup>7</sup> to an already 'confused'<sup>5</sup> system - it will not have the independence or the power to be an advocate for children.

The pressuring and bullying of the Governing Council<sup>1</sup> exposed in the DeBelle Report is not unique. It wasn't the first case and it continues today.

The tragic events in the sex abuse case have revealed an inarguable truth: constant, external scrutiny is the only way to hold this department to account.

This isn't a matter of the community losing faith in the education department - this department has proven it is not entitled to their faith.

It is clear that parents and Governing Councils cannot rely on the department, for either accurate information or to act in the best interests of their children.

Parents and school Governing Councils must, therefore, be empowered to protect their own rights and thereby, safeguard the best interests of their children - because our children really are at the heart of everything we do....

## Proposal - School Governing Council Support



**The school Governing Council needs independent, accurate and honest information as to its rights and responsibilities. It must also have a formal, represented process to resolve disputes with the Education Department.**

The Debelle Report has confirmed that knowledge is power and DECD cannot be relied on to share knowledge or power with Governing Councils.

In our 2010 election submission, SAASSO called for the government to make a comparatively minor investment so that SAASSO could deliver induction sessions for all public school Governing Councils; ensuring all were aware of their roles.<sup>8</sup> The request was denied.

In the years since, SAASSO has taken thousands of calls from frustrated, misinformed parents - a result of Governing Councils across South Australia being denied their legal rights in public schools.

The government may claim that Governing Councils are free to use the school budget to undertake SAASSO 'training' - but the reality is most are not afforded or aware of this option.

The Debelle Report shows that Governing Councils unaware of their rights are more easily coerced and controlled by the education department.

In 2010, SAASSO also asked the State Government for a formal agreement, which would compel DECD to work with SAASSO to resolve conflicts with Governing Councils.<sup>8</sup> The request was denied.

### Dispute Resolution

The Debelle Report now recommends a formal process to resolve conflicts between school Governing Councils and the Education Department.<sup>1</sup>

The Debelle Report labels advice from DECD as 'uninformative and misleading'. It also revealed a department that is aggressive, and stubbornly unwilling to acknowledge when it is wrong.<sup>1</sup>

SAASSO should be and must be allowed to act as an advocate for its members and be a formal part of the dispute resolution process for Governing Councils.

### Legal Fund

Justice Debelle also recommends a fund be established to provide Governing Councils with independent legal advice.<sup>1</sup>

SAASSO should administer this legal advice fund for its members. To be genuinely independent, DECD can have no role in determining when legal advice is warranted.

SAASSO has provided a legal advice liaison service previously.

### SAASSO Proposal

- That the State Government fund induction sessions for all public school Governing Councils - provided by SA's Governing Council Association.
- That the State Government partner with the Governing Council Association to implement the recommendations from the Debelle Report, which pertain to Governing Councils.
- That the State Government respect the right of public school Governing Councils to be supported by their own association, SAASSO; in the same way the government respects the right of its staff to be represented by their unions and associations.

## Proposal - Education Ombudsman



### **At the state level, South Australia's parents need an independent advocate to safeguard their children's wellbeing.**

An Ombudsman serves as an independent authority, which scrutinizes a government department, and is empowered to investigate & intervene in complaints of improper conduct.

We have an Ombudsman for most areas of life to protect the public interest, except education.

"Around two thirds of OECD countries have an Ombudsman or agency to receive complaints related to public schools."<sup>9</sup>

Currently, if a parent is dissatisfied with the conduct of the education department, their only avenue of complaint is the education department. The DeBelle Inquiry has shown the appalling results this yields.

DECD receives complaints from parents daily, but most are simply passed back to the school.<sup>10</sup>

The DeBelle Report isn't the first revelation of crisis within DECD

- A KPMG report 'identified a culture of cover-up in the Education Department'. The report uncovered 'an effort to protect the reputation of schools, to suppress bad news.'<sup>6</sup>
- An Ernst & Young report identified multiple areas of corruption risk within DECD.<sup>11</sup>
- An independent review of DECD found it lacks leadership, accountability and needs a complete overhaul.<sup>5</sup>

In 2010, SAASSO called for an Education Ombudsman, to resolve an ever-growing number of complaints from parents and Governing Councils about the conduct of the education department.<sup>8</sup> The request was denied.

Instead a DECD-run parent complaint unit was set up and a new Chief Executive installed. Since then, the complaints have increased and the situation deteriorated - culminating in scandal, inquiries and crisis in the education department.

It is now axiomatic that an empowered, completely independent Education Ombudsman is the only way to protect the public interest.

The Government's proposed Child Commissioner looks to be a toothless tiger:<sup>7</sup>

- It is not independent
- It has no power to investigate
- It has no power to intervene<sup>12</sup>

It can only report and recommend.<sup>7</sup>

As parents, we again implore the Weatherill Government to put the welfare of our children first and finally create a real advocate for children, an independent guardian for our public schools - an Education Ombudsman.

### **SAASSO Proposal**

- That the State Government create an Education Ombudsman to serve as an independent watchdog for education.
- The Education Ombudsman, with the powers of a royal commission, will have full power to investigate complaints of improper conduct against the education department & ministries.
- The Education Ombudsman, will have the authority to intervene and compel the education department and all other education authorities to act.

## The School Governing Council

All schools are different, with different needs. Local Governance is your school Governing Council - not the education department - making the decisions, in the best interests of your children. Research shows that Governing Councils are superior to central bureaucracies, because parents & the local community:

- are more committed to their members than central bureaucracies are to their clients
- understand their problems better than a bureaucracy
- are more flexible and creative than bureaucracies
- are cheaper than bureaucrats, leaving more dollars for actual service delivery.<sup>13</sup>

The OECD stated benefits of Local Governance include:

- increased efficiency
- improved financial control
- reduction of bureaucracy
- increased responsiveness to local communities
- creative management of human resources
- improved potential for innovation
- creation of conditions that improve education quality.<sup>14</sup>

### **SAASSO is the parent association for public education in South Australia.**

A volunteer organisation, SAASSO has been supporting the role and rights of parents in the education of their children since 1923.

### **SAASSO is the Governing Council Association for South Australia's public schools.**

SAASSO supports and advocates for parent-led Governing Councils in their role as the governing body in SA's public schools.

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## References

1. Debelle, B. QC. 2013. Royal Commission 2012-2013, Report of Independent Education Inquiry.
2. Amato, G. 2013. 'The Buck Stops Where?' School Post Term 3, 2013, pg 11.
3. Novak, L. & Holderhead, S. 2013. 'Debelle School Sex Abuse Inquiry Reveals Education Department Failings'. The Advertiser, 02/07/13.
4. Holderhead, S. 2013. 'Analysis: System Just Not Up To Scratch'. The Advertiser, 01/07/13.
5. Holderhead, S. 2013. 'Damning Report Into Education Department Reveals Systemic Failings'. The Advertiser, 27/09/13.
6. ABC 'Culture of Cover-Up, Says Education Report'. 06/12/12.
7. SAASSO Ministerial Submission: Child Development Bill 2013. 25/09/13
8. SAASSO 2010 Election Submission: Public Education.
9. Knuckey, D. 2010. '2010 OECD Education Report Card: How Can Parents Influence The Education Of Their Children?' School Post Term 4 2010.
10. Holderhead, S. 2012. 'Education Department passes more than half of parent complaints back to schools' The Advertiser, 14/10/12.
11. Martin, S. 2013. 'Corruption exposed in SA school system'. The Australian, 08/01/13.
12. White, J. 2013. 'The Role Needs To Work For Children'. The Advertiser, 22/07/13.
13. Silva, R. 2009. 'Self Governing Schools'. School Post, Term 2, 2009.
14. OECD, 'Education At A Glance 2008'.