

# GUIDELINES

## AMALGAMATION OR PERMANENT CLOSURE OF A GOVERNMENT SCHOOL

Responsibility of: School Support Services  
Effective Date: August 2017  
Next Review Date: August 2018  
Target Audience: Staff/Parents/Community

DoE File: FILE2016/579  
EDOC2017/43357  
Version Number: 1.0

### 1. INTRODUCTION

The department is committed to ensuring that all young people in the Northern Territory have access to quality education, which includes providing the best operational model given the needs of the students and the community. There may be instances where a school is not able to continue to operate in its existing form and an alternative approach may be required.

**A school amalgamation** is the combining of two or more schools, or parts of two or more schools, and may be considered based on:

- recent School Review/s
- enrolment numbers and forecast population trends
- operational capacity of a school/s
- accessibility of schooling options for students within the priority enrolment area
- provision of appropriate education services to all students
- consultation with regional directors, principals, staff, students and parents<sup>1</sup>
- safety and welfare of staff and students.

Similarly, permanent or long term closure of a school may also be considered based on the above factors.

All proposals impacting the permanent operations of a school are determined on a case by case basis.

The purpose of these guidelines is to provide an outline of the process the department will use when a school (urban, remote, very remote, one and two teacher, independent public) is proposed to be: permanently or partially closed; or amalgamated or partially amalgamated with another school or schools.

### 2. DEFINITIONS

**Consultation** is a process whereby the views and opinions of identified stakeholders are collected and recorded for consideration in a decision making process. Consultation is conducted in a way that is transparent, culturally sensitive, inclusive, and affords procedural fairness to stakeholders.

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<sup>1</sup> Education Act 2016, Section 97, Consultation before amalgamation or permanent closure section 1, 2, 3 and 4

**Gazette** is the official Northern Territory Government publication for publishing legal notices concerning the laws of the Territory as defined in the [Interpretation Act](#).

**Gazetted** means published in the Gazette in compliance with an Act.

**Gazette notice** means a notice published in the Gazette as defined in the *Interpretation Act*.

**School** for the purposes of these guidelines means a government school, including an independent public school.

**Operational capacity** is the total number of students that the school facilities and infrastructure can support, taking into consideration all programs offered by the school, while maximising the effective use of teaching, learning and ancillary spaces. It is calculated using a formula and periodically reviewed and agreed to by the principal.

**Part of a school** is a substantial part of a school that, when subject to amalgamation or permanent closure, has a significant effect on the operation of the school.

**Permanent or long term closure of a school** is the cessation of education provision at a location that has been, or is, a school.

**Proposal** for the purposes of these guidelines refers to formative plans that propose to amalgamate two or more schools, or permanently close an entire school, or part of a school.

**School amalgamation** is the combining of two or more schools, or parts of two or more schools.

**Temporary school closure** is a short term school closure described in the [Temporary school closures guidelines](#).

### **3. ROLES AND RESPONSIBILITIES**

**The Chief Executive** is responsible for:

- supporting the community consultation process
- reporting outcomes of community consultation and providing recommendations to the Minister
- considering and endorsing proposals and referring them to the Minister.

**Executive Board** is responsible for:

- commissioning proposals
- evaluating proposals
- referring proposals to the Chief Executive.

**Executive Directors** are responsible for:

- coordinating the development of proposals for consideration by the Executive Board
- presenting completed proposals to the Executive Board.

**Regional Directors** are responsible for:

- working with principals, school communities and relevant areas of the department to ensure that appropriate regional support services are available for all staff, parents and students enrolled in the school/s
- notifying Quality Education and Care NT (QECNT) in circumstances where regulated services, e.g. preschool or outside of school hours care, are attached to the school.
- providing advice and support to the Executive Director Schools on matters arising during the development and progression of proposals.

**Director Planning and Infrastructure** is responsible for:

- developing plans for the infrastructure of the school/s subject to a proposal.

**Executive Director School Support Services** is responsible for:

- ensuring that appropriate support services are available to students who are enrolled in the school/s subject to a proposal.

**General Manager Human Resource Services** is responsible for:

- advising and supporting staff working in a school/s subject to a proposal.

**Director Corporate Communications** is responsible for:

- providing advice on communication strategies and developing plans for consultation with stakeholders.

**Chief Financial Officer** is responsible for:

- providing advice and direction on financial matters arising during the development of the proposal.

**Chief Information Officer** is responsible for:

- providing advice and support on matters of records management and information technology that arise during the development of the proposal.

## **4. LEGISLATION**

Division 9, sections 96 to 99 of the [Education Act](#) (the Act) provides the authority for the Minister to amalgamate or permanently close schools, including parts of schools.

### **4.1 Amalgamation of schools**

In order for two or more schools to be amalgamated the Minister must comply with section 97 of the Act that requires consultation before the proposed amalgamation.

### **4.2 Permanent closure of schools**

In the case of a proposal to permanently close a school due to any reason other than safety and welfare, the Minister must comply with sections 97 and 98 of the Act.

Section 98 of the Act requires a Gazette notice of the Minister's proposal to permanently close a school. Section 97 of the Act requires consultation to occur before a school can be permanently closed. Consultation can only commence after the Gazette notice has been published as mentioned under section 98.

Section 98 of the Act also provides that a period of 12 months must expire after the date of a Gazette notice before the school can be permanently closed, unless the Minister is sooner satisfied that the majority of parents of students enrolled in the school agree to the closure and there are special circumstances that justify doing so.

#### **4.3 Permanent closure of a government school for safety or welfare reasons**

Where the permanent closure of a school is required for the safety or welfare of staff and students the Minister can have the school closed as soon as practicable by Gazette notice under section 99 of the Act.

## **5. GUIDELINES**

Appendix A provides an overview of the steps taken when proposing to amalgamate or permanently close a school.

### **5.1 Proposal to amalgamate or permanently close a school**

Upon a need has being identified to potentially amalgamate or permanently close a school, a proposal is developed by the department. The proposal is a formative planning document that provides:

- a rationale for the proposal
- details of alternative arrangements for the enrolment of students who will be affected by the proposal
- plans for the provision of education or training to students affected by the proposal
- plans to support students and staff affected by the proposal
- proposed changes to priority enrolment areas
- plans for support of schools receiving students and staff affected by the proposal
- plans for decommissioning, relocation or disposal of assets realised as a result of the proposal
- a communication strategy
- plans for consultation with the stakeholders as identified in the Act.

The proposal must be endorsed by the Executive Board and Chief Executive Officer prior to being put before the Minister for consideration. The Minister may endorse or not endorse the proposal.

Where the Minister endorses a proposal to amalgamate or permanently close a school the legislative requirements to gazette and undertake a consultation process must be adhered to in accordance with Division 9, sections 96 to 99 of the Act (section 4 refers).

### **5.2 Gazettal**

The Act requires a Gazette notice of the Minister's proposal to permanently close a school.

Although there is no requirement for a Gazette notice of the Minister's proposal to amalgamate two or more schools, the department should seek guidance from Parliamentary Council as to whether a Gazette notice is required for the particular amalgamation proposal.

### 5.3 Consultation

Consultation is required under the Act where it is proposed to amalgamate or permanently close a school/s. Consultation with identified stakeholders is to be collated by the department and reported to the Minister to inform the decision to approve or not approve the amalgamation or permanent school closure.

#### 5.3.1 Principles

The department acknowledges that individual schools and communities are unique. Consultation is conducted in a context specific manner that reflects the individual circumstances of school/s and the respective community or communities that are subject to the proposal.

Consultation should be undertaken in a number of forms and may include activities such as community meetings, interviews, surveys, calls for written submissions, newsletter articles, advertisements in the local newspaper/community bulletins, or community service announcements with local broadcast media.

Stakeholders are to be fully informed about the objectives of the proposal through the provision of detailed information in an appropriate format. The time given for stakeholder deliberation needs to be sufficient for informed decisions to be made.

Stakeholder responses will be accurately recorded and reflected in the report that is produced for consideration in the decision making process.

#### 5.3.2 Stakeholders

The stakeholders who must be consulted are:

- the regional director, principal and staff
- enrolled students and their parents
- any bodies that are considered to be representative of the principal, staff, students, parents or the community where the school is located.

#### 5.3.3 Matters for consultation

Consultation must consider:

- alternative arrangements for the enrolment of students affected by the proposal, and the appropriateness of those arrangements
- alternative arrangements for allocating to one or more other schools the principal and staff affected by the proposal
- the provision of education or training services to students affected by the proposal
- the disposal of any assets realised as a result of the proposal
- the abolition of any school representative body, including money, books and property belonging to that body (refer to the [Establish and Abolish a School Representative Body Procedures](#))
- the naming of any newly created school through the amalgamation of two or more schools (refer to the [Naming of Government Educational Facilities in the NT Guidelines](#))
- any other matters that are considered appropriate.

## 5.4 Implementation

Where the Minister approves an amalgamation or permanent school closure the department will work with students, families, school representative bodies and staff to transition into the new arrangements.

Given the infrequency and individual nature of amalgamation or permanent school closure events, implementation will vary and be based on individual school and community requirements.

## 6. RELATED POLICY, LEGISLATION AND DOCUMENTS

Department of Education	<a href="#">Enrolment Management and Priority Enrolment Guidelines</a> <a href="#">Temporary School Closure Guidelines</a> <a href="#">Establish and Abolish a School Representative Body Procedures</a> <a href="#">Naming of Government Educational Facilities in the NT Guidelines</a>
Northern Territory	<a href="#">Education Act</a> <a href="#">Education and Care Services (National Uniform Legislation) Act</a> <a href="#">Government Gazette</a> <a href="#">Interpretation Act</a> <a href="#">Northern Territory Public Sector enterprise agreements</a>

## APPENDIX A. Process for Amalgamation or Permanent Closure of a School

