

Amalgamation or permanent closure of a government school – guidelines

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1. Introduction

The Department of Education (the department) is committed to ensuring that all young people in the Northern Territory (NT) 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 2 or more schools, or parts of 2 or more schools, and may be considered based on:

- recent school reviews
- enrolment numbers and forecast population trends
- operational capacity of a school
- accessibility of schooling options for students within the priority enrolment area
- provision of appropriate education services to all students
- consultation with School Operations, principals, staff, students and parents
- 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.

2. Legislation

Division 9, sections 96 to 99 of the *Education Act 2015* (the Act) provides the authority for the Minister to amalgamate or permanently close schools, including parts of schools.

2.1. Amalgamation of schools

In order for 2 or more schools to be amalgamated, the Minister must comply with section 97 of the Act that requires consultation before the proposed amalgamation.

2.2. 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.

2.3. 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.

3. Guidelines

The Amalgamation or permanent closure of a government school process flow chart provides an overview of the steps taken when proposing to amalgamate or permanently close a school.

3.1. Proposal to amalgamate or permanently close a school

Upon a need 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, relocating or disposing 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 Education Executive Board and Chief Executive 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 for a *Gazette* notice and to undertake a consultation process must be adhered to in accordance with Division 9, sections 96 to 99 of the Act.

3.2. 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 2 or more schools, the department should seek guidance from the Office of Parliamentary Counsel as to whether a *Gazette* notice is required for the particular amalgamation proposal.

3.3. Consultation

Consultation is required under the Act where it is proposed to amalgamate or permanently close a school. 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.

3.3.1. Principals

The department acknowledges that individual schools and communities are unique. Consultation is conducted in a context specific manner that reflects the individual circumstances of schools 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 or 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.

3.3.2. Stakeholders

The stakeholders who must be consulted are:

- the directors School Operations, principals 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.

3.3.3. 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 outlined in 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 Northern Territory (NT) guidelines
- any other matters that are considered appropriate.

3.4. 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.

4. Roles and responsibilities

4.1. Chief Executive

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.

4.2. Education Executive Board

The Education Executive Board is responsible for:

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

4.3. Deputy Chief Executive Regional Services

The Deputy Chief Executive Regional Services is responsible for:

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

4.4. Directors School Operations

Directors School Operations 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, students and parents enrolled in the schools
- notifying Quality Education and Care NT in circumstances where regulated services, such as preschool or outside of school hours care, are attached to the schools
- providing advice and support to the Senior Director School Operations on matters arising during the development and progression of proposals.

4.5. Director Infrastructure Planning and Investment

The Director Infrastructure Planning and Investment is responsible for:

- developing plans for the infrastructure of the schools subject to a proposal.

4.6. Executive Director Teaching and Learning Services

The Executive Director Teaching and Learning Services is responsible for:

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

4.7. Director Safety Culture and Care

The Director Safety Culture and Care is responsible for:

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

4.8. Director Communications

The Director Communications is responsible for:

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

4.9. Chief Financial Officer

The Chief Financial Officer is responsible for:

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

4.10. Director Quality Assurance Services

The Director Quality Assurance Services is responsible for:

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

5. Definitions

Term	Definition
Consultation	The 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.
Gazette	The official Northern Territory Government publication for publishing legal notices concerning the laws of the Territory as defined in the <i>Interpretation Act 1978</i> .
Gazette notice	Notice published in the <i>Government Gazette</i> as defined in the <i>Interpretation Act 1978</i> .
Gazetted	Published in the <i>Government Gazette</i> in compliance with an Act.
Operational capacity	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	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	Cessation of education provision at a location that is, or has been, a school.

Term	Definition
Proposal	For the purpose of these guidelines, refers to formative plans that propose to amalgamate 2 or more schools, or permanently close an entire school, or part of a school.
School	For the purpose of these guidelines means a government school, including an independent public school.
School amalgamation	Combining of 2 or more schools, or parts of 2 or more schools.
Temporary school closure	Short term school closure described in the Temporary school closures guidelines.

6. Related policy, legislation and documents

6.1. Legislation

- Education Act 2015 – <https://legislation.nt.gov.au/Legislation/EDUCATION-ACT-2015>
- Education and Care Services (National Uniform Legislation) Act 2011 – <https://legislation.nt.gov.au/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
- Interpretation Act 1978 – <https://legislation.nt.gov.au/en/Legislation/INTERPRETATION-ACT-1978>
- Government Gazette – <https://nt.gov.au/about-government/gazettes>
- Northern Territory Public Sector enterprise agreements – <https://ocpe.nt.gov.au/employment-conditions-appeals-grievances/current-enterprise-agreements>

6.2. Policy

- Enrolment management and priority enrolment guidelines – <https://education.nt.gov.au/policies/student-enrolment/enrolment>
- Establish and abolish a school representative body procedures – <https://education.nt.gov.au/policies/school-communities/school-representative-bodies>
- Naming of government educational facilities in the NT guidelines – <https://education.nt.gov.au/policies/resource-management>
- Temporary school closure guidelines – <https://education.nt.gov.au/policies/school-operations>

6.3. Documents

- Amalgamation or permanent closure of a government school process flowchart – <https://elearn.ntschoools.net/policies/3965>

Acronyms	Full form
NT	Northern Territory

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