



Inspection Report

Inspection details

School name:	Minimbah Primary School
Address:	Galloway Street ARMIDALE NSW 2350
Proprietor name:	Minimbah Pre-School, Primary School Aboriginal Corporation
Proprietor representative:	Ms Veronica Walford
Principal name:	Ms Jennifer Brown
Current registration:	Kindergarten to Year 6

This report relates to the school's application for renewal of registration for Kindergarten to Year 6.

Inspector:	Natali Fry
Inspection date:	22 and 23 March 2021

School context

Student population:	primary education	29 students
Teaching staff:	full time equivalent (FTE)	3.4 teachers

Background

Since 1 January 2018, the school has had its registration extended each year because of identified compliance concerns regarding the management and operation of the school.

In 2020, the school's proprietor established a new membership for its governing Board. New Board members were appointed in April, May and June of 2020.

In 2020, concerns about compliance were identified in relation to the requirements for:

- 'responsible persons' are fit and proper (section 3.9.1 of the *Registered and Accredited Individual Non-government Schools (NSW) Manual* ('the Manual'))
- policies and procedures for proper governance (section 3.9.3 of the Manual).

Also in 2020, areas for school improvement were identified in relation to the requirements for:

- teaching staff (section 3.2.1 of the Manual),
- curriculum – Primary education (section 3.3 of the Manual),
- student welfare (section 3.6.2 of the Manual)
- attendance (section 3.8 of the Manual).

As a result of the compliance concerns, the school's period of registration was further extended until 31 December 2021 during which time the school was to address the compliance concerns.

A further outcome of the 2020 inspection process was that the Minister imposed conditions on the school's registration, specifically that:

- the school be required to advise parents/guardians of students at the school in writing of the extended period of registration
- the reasons for the extended period of registration, the specific registration requirements where concern about compliance was identified and the school's plan to address the areas of concern be included in the advice to the parents/guardians
- evidence of informing parents/guardians of the extended period of registration be provided to NESA within 14 days of the school receiving its Certificate of registration.

In February 2021, the school updated the list of its 'responsible persons' on NESA's *RANGS website*, with the inclusion of four new 'responsible persons'. The Principal identified that the four new responsible persons had commenced at the beginning of 2021.

Also in February 2021, the school provided documentation to support its application for renewal of registration.

Inspections were conducted on 22 and 23 March 2021.

Findings

Schools are required to comply with the requirements of the *Education Act 1990* ('the Act') specified in the Manual.

The school's application was assessed having regard to the risk assessment process of the NSW Education Standards Authority ('NESA') for the purpose of registration and accreditation.

The application included the Principal's certification that the school complies with the requirements for registration and provided a sample of evidentiary materials, based on the NESA risk assessment.

Proprietor	Findings
<p>The proprietor of an individual registered non-government school must be a corporation or other form of legal entity approved by the Minister to be the proprietor of a non-government school.</p> <p><i>Section 3.1 of the Manual</i></p>	Compliant

Staff	Findings
<p>Teaching staff</p> <p>Teaching staff of a registered non-government school must have the necessary experience and qualifications (having regard to accreditation under the <i>Teacher Accreditation Act 2004</i> but without limiting such other matters as may be relevant).</p> <p><i>Section 3.2.1 of the Manual</i></p> <p>Comments</p> <p>The Teacher Accreditation Authority (TAA) for the school is the Association of Independent Schools of New South Wales Limited ('AISNSW').</p> <p>Comments</p> <p>At the 22 and 23 March 2021 inspection, the school provided records of its 2021 professional learning register. The records show limited evidence of having in place strategic processes for improving the collective standard of teaching and fostering professional collaboration aimed at improving teacher practices and student outcomes.</p> <p>On 23 April 2021, the school provided a plan for improvement. The plan includes the following actions:</p> <ul style="list-style-type: none"> • all staff to undergo professional learning including all staff meetings held weekly • development of a professional learning application form • appointment of a staff member as an instructional leader who is responsible for lesson observation and feedback • the principal to observe teaching and learning and provide formal and informal feedback • further collaboration with teaching staff regarding the school's professional learning policy and register • teaching program checklist to be attached to all teaching and learning programs. <p>At the next inspection, the school will be requested to provide evidence of implementing these improvement strategies.</p>	Substantively compliant

Curriculum	Findings
<p>Primary education</p> <p>The curriculum, including curriculum outcomes, provided by a registered non-government school must comply with the requirements set out in Part 3 of the Act relating to, in the case of a school providing primary education – the minimum curriculum for a school providing primary education.</p> <p><i>Section 3.3 of the Manual</i></p>	Concern about compliance

Curriculum	Findings
<p>Comments</p> <p>Prior to the inspection in March 2021, the Inspector reviewed the school's curriculum documentation and identified anomalies between the various elements of the curriculum and some areas where the information was incomplete or inaccurate. This included:</p> <ul style="list-style-type: none"> • allocation of teachers for each KLA was not identified on class timetables • inconsistency between the time allocated for each KLA in the 'whole school timetable', the hours listed in application form submitted to NESAs and individual class timetables • inconsistency between the scope and sequence documents and teaching programs across the KLAs. <p>On 1 March 2021, prior to the inspection, the Inspector provided feedback to the Principal about these concerns.</p> <p>At the inspection on 22 and 23 March 2021, the Inspector found revised timetables for some KLAs and amended scope and sequence and teaching programs across the stages demonstrating greater alignment. However, this was not evident in all stages across the KLAs.</p> <p>There was limited evidence in relation to the standard of teaching including records of the progressive achievement of students over time and the school's analysis of student achievement data to inform teaching and learning.</p> <p>On 23 April 2021, the school provided a plan for addressing the concerns. The Inspector recommends an extended period of registration to provide time for the school to address the actions identified in the plan. At the next inspection, the Inspector will have regard to the sustained and independent implementation of the school's primary curriculum documentation.</p>	

Premises and building	Findings
<p>A registered non-government school's premises and buildings must be satisfactory. <i>Section 3.4 of the Manual</i></p>	<p>Compliant</p>

Facilities	Findings
<p>A registered non-government school must have educational facilities that are adequate for the courses of study provided by the school. <i>Section 3.5 of the Manual</i></p>	<p>Compliant</p>

Safe and supportive environment	Findings
<p>Child protection legislation</p> <p>A registered non-government school must have in place and implement policies and procedures to ensure that it meets its legislative obligations in relation to child protection.</p> <p><i>Section 3.6.1 of the Manual</i></p> <p>Comments</p> <p><i>Child Protection Policy</i></p> <p>During the 2021 inspection process, the Inspector identified that the school's child protection policy and procedures did not address the changed legislation and the school's obligations in relation to the <i>Children Guardian's Act 2019</i>. An updated child protection policy has now been provided. The updated policy refers to the new legislation, as required.</p> <p>During the inspection on 22 and 23 March 2021, a review of the annual child protection training records show that child protection training was conducted on 29 January 2021. However, the school did not have a record of informing staff of the school's recently updated child protection policy. On 23 April 2021, the school provided records of informing staff of the updated child protection policy that was completed on 19 April 2021.</p> <p><i>Mandatory Reporting</i></p> <p>The school's child protection policy instructs staff to complete 'Form A' when they become aware of welfare concerns. 'Form A' is then to be forwarded to the Principal.</p> <p>During the inspection on 22 and 23 March 2021, the school identified that mandatory reports have been made to the Department of Communities and Justice (DCJ) for some students. However, the school did not have records of the corresponding completed Form As, as required by the school's child protection policy.</p> <p>This failure to follow the school's policy reflects findings in previous years.</p> <p>On 23 April 2021, the school provided a plan for addressing the concerns.</p> <p>The Inspector recommends an extended period of registration to provide time for the school to implement strategies for ensuring that all staff remain informed about the school's policies and that there is accountability for enacting these policies.</p>	<p>Concern about compliance</p>
<p>Student welfare</p> <p>A registered non-government school must provide a safe and supportive environment by:</p> <ul style="list-style-type: none"> ▪ having in place and implementing policies and procedures that provide for student welfare ▪ maintaining a student enrolment and attendance register. <p><i>Section 3.6.2 of the Manual</i></p> <p>Comments</p> <p>During the 2021 inspection process, the Principal informed the Inspector that the school had employed a chaplain to make weekly home visits with families where the children may be 'at-risk'. The visits relate to attendance and other factors that may impact on students' education. A <i>Chaplaincy Policy</i> statement was provided. The policy provides for the Chaplain to inform the Principal of any welfare issues that may arise from such visits, including the issue of letters in relation to poor student attendance.</p>	<p>Concern about compliance</p>

Safe and supportive environment	Findings
<p>It is unclear from the school's records and the Chaplaincy Policy statement as to what occurs after letters are issued to a family in relation to a student's absence. For example, it is unclear what happens if there is a pattern of poor attendance and at what point the school decides to notify the Department of Education if the destination of a student is unknown. These areas are of critical importance in terms of student welfare. A review of the school's attendance policy found that strategies for improving unsatisfactory attendance are listed but timeframes are not identified for reporting poor attendance to DCJ where a child is at risk of significant harm and notifying the Department of Education when the destination of child is unknown.</p> <p>On 23 April 2021, the school provided a plan for addressing the concerns.</p> <p>The Inspector recommends an extended period of registration to provide time for the school to implement its plan for having and implementing procedures to address unsatisfactory student attendance and for keeping the corresponding records.</p>	

Discipline	Findings
<p>Procedural fairness</p> <p>A registered non-government school must have in place and implement policies relating to discipline of students attending the school that are based on principles of procedural fairness.</p> <p><i>Section 3.7.1 of the Manual</i></p>	Compliant
<p>Corporal punishment not permitted</p> <p>A registered non-government school must have in place and implement policies related to discipline of students attending the school that do not permit corporal punishment of students.</p> <p><i>Section 3.7.2 of the Manual</i></p>	Compliant

Attendance	Findings
<p>A registered non-government school must keep a register of enrolments and daily attendances of all children at the school.</p> <p><i>Section 3.8 of the Manual</i></p>	Concern about compliance
<p>Comments</p> <p><i>Daily attendance register</i></p> <p>During the 22 and 23 March 2021 inspection, the school's <i>Attendance</i> policy, procedures and evidence of implementation were reviewed. The Inspector found the school's daily attendance register and use of the Minister's codes to be consistent with the school's policies and procedures.</p> <p>A review of the <i>official record of attendance</i> identified poor attendance and patterns of unsatisfactory attendance for some students. Evident in the student files were records of following up unexplained absences with the parent/guardians and the development of attendance improvement plans. However, in relation to records for granting leave, these were missing in the student files despite the school's <i>Attendance</i> policy stating they would be completed and maintained in the student file.</p> <p>The school's <i>Attendance</i> policy contains strategies for improving unsatisfactory attendance, such as issuing warning letters and the development of attendance improvement plans. However, the policy</p>	

Attendance	Findings
<p>needs to provide clear steps about the actions to be taken when there is chronic non-attendance including the timeframes for reporting to relevant authorities where required.</p> <p><i>Enrolment Register</i></p> <p>A review of the information in the school's enrolment register found inaccurate, inconsistent and incomplete records. Specifically, address details were incomplete and entries had not been made regarding the date of students leaving the school and their destination.</p> <p>Whilst the school attendance policy contains processes for completing a destination unknown notification, the policy does not specify when this notification process should be activated by staff.</p> <p>On 23 April 2021, the school provided a plan for addressing the concerns.</p> <p>The Inspector recommends an extended period of registration to provide time for the school to implement its plan and maintain the relevant records.</p>	

Management and operation of the school	Findings
<p>'Responsible persons' are fit and proper</p> <p>The proprietor of a non-government school must have and implement documented policies and procedures in relation to the requirement for the school's 'responsible persons' and governing body to be fit and proper.</p> <p><i>Section 3.9.1 of the Manual</i></p> <p>Comments</p> <p>During the 2021 inspection process, the Principal indicated that there have been further changes in board membership. Of the seven current board members, four commenced at the beginning of 2021. The remaining three board members were appointed in April, May and June of 2020.</p> <p>During the 22 and 23 March 2021 inspection, a review of the fit and proper statutory declarations identified that two board members had not signed fit and proper statutory declarations, as required by the school's <i>Responsible Persons Policy</i>. This was also identified as a concern in 2020.</p> <p>The Inspector raised this with the newly appointed Chairperson and the new board representative who were present at the inspection.</p> <p>On 21 April 2021, the Chairperson provided a plan and completed fit and proper statutory declarations for the two board members.</p> <p>A review of the submitted fit and proper declarations found incomplete address details for the board members and that the JP had not completed the necessary declaration. The school has since rectified and provided amended fit and proper declarations.</p> <p>It is concerning that this area continues to remain a compliance concern and that the school failed to identify the issues. This reflects a pattern of reliance on NESA to identify failings in the school's implementation of its own policies and procedures. The school's 'responsible persons' need to establish processes to ensure accountability and checking in relation to implementing policies and procedures.</p> <p>The Inspector recommends an extended period of registration to provide time for the school to demonstrate the sustained and independent implementation of its policies and procedures for 'responsible persons' being fit and proper.</p>	

Management and operation of the school	Findings
<p>Notification related to previous refusal or cancellation of registration</p> <p>Any refusal to register, or cancellation of registration, of the school or any other school under Sections 56 or 59 occurring during the period of five (5) years immediately before the application for registration is made, has not been largely attributable to the actions of:</p> <ul style="list-style-type: none"> ▪ a 'responsible person', or proposed 'responsible person', or ▪ any other person or body exercising similar functions in relation to the management or operation of the school to those of a 'responsible person'. <p><i>Section 3.9.2 of the Manual</i></p>	<p>Compliant</p>
<p>Proper Governance</p> <p>A registered non-government school must have policies and procedures for the proper governance of the school in place.</p> <p><i>Section 3.9.3 of the Manual</i></p>	<p>Concern about compliance</p>
<p>Comments</p>	
<p>The Inspector notes that proper governance has been an ongoing compliance concern since 2018.</p>	
<p><i>Policies and procedures</i></p>	
<p>A review during the 2021 inspection found that the school had not provided the following:</p>	
<ul style="list-style-type: none"> • roles and responsibilities of each of the school's 'responsible persons' and any other person or body concerned in the management of the school • supervisory arrangements and reporting requirements for the 'responsible persons' • policies and procedures for a delegations schedule and the records to be kept of implementation. 	
<p>At the time of the inspection, the board members had not met.</p>	
<p>On 21 April 2021, the newly appointed Chairperson provided a plan, records and a response to the concerns identified at the inspection. The response identifies that a board meeting was held on 6 April 2021 whereby board members were elected including a Chairperson, deputy chair, secretary and treasurer, and that the roles and responsibilities were discussed.</p>	
<p>The plan identifies that the policies (21 in total) will be reviewed and revised (if necessary) by the new board, starting on the 6 April 2021 and continuing until completed.</p>	
<p><i>Conflict of interest</i></p>	
<p>A review of the records provided during the 2021 inspection identified that conflict of interest disclosure statements were not completed for three board members. This is contrary to the school's policy that states that all 'responsible persons' sign and complete a conflict of interest disclosure statement at the time they take up the role at the school.</p>	
<p>On 21 April 2021, the newly appointed Chairperson provided a plan, records and a response to the concerns identified at the inspection. The records include signed conflict of interest disclosures for the remaining three board members.</p>	
<p>A review of the disclosure statements identified missing address details for one board member. For another, where a potential conflict was disclosed, there were no details of the arrangements</p>	

Management and operation of the school	Findings
<p>proposed to resolve/manage the identified conflict. The school has since rectified and provided an amended disclosure statement.</p> <p>It is concerning that this requirement continues to remain a concern and that the school did not identify the issues itself. It is another example of the school's 'responsible persons' failing to ensure accountability and checking in relation to implementing policies and procedures.</p> <p><i>Professional learning and Induction of new 'responsible persons'</i></p> <p>A review of the policies, procedures and records during the inspection on 22 and 23 March 2021 identified incomplete and missing details in the registers of professional learning and induction for the school's 'responsible persons'.</p> <p>Following identification of the concerns by the Inspector, on 21 April 2021, the newly appointed Chairperson provided a response to the concerns including a plan and some recent records. The records included governance training certificates issued by the AISNSW for board members completing 4 hours of training and a 'responsible persons' induction checklists completed for 5 board members.</p> <p>The Inspector notes that while many policies and procedures regarding proper governance have been developed or updated, evidence of the sustained and independent implementation of these policies and procedures has not yet been demonstrated. Similarly, there is little evidence that the school's proprietor has a systematic approach to monitoring and checking implementation of the proprietor's policies and procedures.</p> <p>The school's new Chairperson provided a plan to address the ongoing concerns in relation to governance.</p> <p>The Inspector recommends an extended period of registration to provide time for the school's proprietor to address the actions identified in the plan and put in place measures to monitor and check the proprietor's implementation of policies and procedures. The school is required to demonstrate the sustained and independent implementation of its policies and procedures for proper governance.</p>	
<p>Financial viability</p>	
<p>The proprietor of a non-government school is required to maintain evidence to demonstrate the current financial viability of the school. <i>Section 3.9.4 of the Manual</i></p>	Compliant
<p>Comments</p>	
<p>During the 2020 inspection process, the school provided evidence of certification of financial viability, as assessed by a NESA approved body, with a risk rating of medium on 4 June 2020.</p> <p>The school will provide certification of its financial viability for 2021, assessed by a NESA-approved body, by 1 October 2021.</p>	
<p>Notifications to NESA</p>	
<p>NESA must be notified of certain matters. <i>Section 3.9.5 of the Manual</i></p>	Compliant

Educational and financial reporting	Findings
<p>Annual report</p> <p>A registered non-government school must participate in annual reporting to publicly disclose the educational and financial performance measures and policies of the school. <i>Section 3.10.1 of the Manual</i></p>	Compliant
<p>Data to the Minister</p> <p>A registered non-government school must provide data to the Minister that is relevant to the Minister's annual report to Parliament on the effectiveness of schooling in the State. <i>Section 3.10.2 of the Manual</i></p>	Compliant

Inspector's comments

Since 2018, the school has had its registration extended each year because of identified compliance concerns in relation to the management and operation of the school. This area continues to be an area of significant concern about the school's compliance.

The Principal and proprietor of the school have been informed of the compliance concerns identified in this report in relation to the school's registration.

On 21 April 2021, the school's newly appointed Chairperson expressed an intent to address the areas of compliance concern and provided a plan in relation to the management and operation of the school.

On 23 April 2021, the Principal also provided a plan to address the identified compliance concerns.

The recommendation that registration for Kindergarten to Year 6 be extended under section 55 of the Act allows for the school to address compliance concerns with the following requirements:

- curriculum – primary education (section 3.3 of the Manual)
- safe and supportive environment – child protection and student welfare (section 3.6 of the Manual)
- attendance (section 3.8 of the Manual)
- 'responsible persons' to be fit and proper (section 3.9.1 of the Manual)
- policies and procedures for proper governance (section 3.9.3 of the Manual).

The Inspector also recommends that conditions be imposed on the school's registration in relation to advising parents/guardians of students at the school in writing of the further extension of the school's period of registration, the reasons for the extension of registration and providing a copy of the school's plan to address the areas of compliance concern.

The school has received a copy of this report containing the recommended conditions. It is open to the school to respond in writing to the report and recommended conditions for the consideration of the Registration and Accreditation Committee ('the Committee') at its meeting on 30 June 2021.

Any response from the school received by NESA by 28 June 2021 will be made available to the Committee at its meeting on 30 June 2021.

The Manual contains provisions for the Minister to impose conditions of registration.

Guidelines relating to the imposition of conditions of registration are published on NESA's school registration website <<https://rego.nesa.nsw.edu.au/conditions-of-registration>>.

The Guidelines provide for NESA to recommend conditions of registration when NESA seeks assurance that a compliance concern will be addressed.

The conditions recommended to be imposed on the registration of Minimbah Primary School relate to the compliance concerns identified in this report including the ongoing compliance concerns in relation to the proper governance of the school.

The school's ongoing operation requires that the school comply with any conditions of registration imposed by the Minister.

If the Committee decides to recommend to the Minister that conditions of registration be imposed, the school will be advised in writing and also advised of the right to seek an internal review of the recommendation prior to the recommendation being made to the Minister. Section 9.3 of the Manual provides that an internal review is conducted by an Inspector not involved in making the original recommendation and that the report from an internal review is considered by the NESA Board.

There is no recourse to the NSW Civil and Administrative Tribunal against a recommendation by the Committee or the NESA Board, or against a decision by the Minister, to impose conditions on a school's registration.

If, following the exhaustion of any appeal mechanisms, the Minister decides to impose the recommended conditions on the school's registration, the school will be advised in writing and the conditions will be specified on the school's certificate of registration. NESA will also publish the conditions on its website.

The school's proprietor is responsible for ensuring that any conditions of registration imposed by the Minister are met.

If, during the period of extended registration, the Inspector forms the opinion that the school is not complying with the requirements for registration, or that the conditions of registration are not met, the Inspector may recommend that the registration of the school be cancelled and not renewed.

The school's 'responsible persons' are reminded of section 47(1)(c) of the Act that provides for:

Any refusal to register, or cancellation of registration, of the school or any other school under section 56 or 59 occurring during the period of 5 years immediately before the application for registration is made has not been largely attributable to the actions of a responsible person or proposed responsible person for the school, or any other person or body having similar functions in relation to the management or operation of the school to those of a responsible person.

Recommendations

- (i) It is recommended that the registration of Minimbah Primary School, Armidale for Kindergarten to Year 6 be extended under section 55 of the Act from 01/01/2022 to 31/12/2022.
- (ii) It is recommended that the registration of Minimbah Primary School, Armidale be subject to the following conditions:
- (a) that the school be required to advise parents/guardians of students at the school in writing of the extended period of registration
 - (b) that the reasons for the extended period of registration and the specific registration requirements where concern about compliance has been identified be included in the advice to parents/guardians along with a copy of the school's plan to address the compliance concerns
 - (c) that evidence of informing parents/guardians of the extended period of registration and the reasons for the extended period of registration be provided to NESAs within 14 days of the school receiving its Certificate of Registration.



Signature: _____
Natali Fry, Inspector

Date: 18/06/2021

Proprietor's and Principal's signatures

Having read the report from the Inspector, we are satisfied that the report is an accurate reflection of the feedback received by the school during the inspection process. (Please add or attach any comment you wish to make).

Signatory for Proprietor

Signature: V. Walford

Name: Ms Veronica Walford

Date: 21/6/21

Principal

Signature: [Handwritten Signature]

Name: Ms Jennifer Brown

Date: 21/06/2021