



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2024-2025

Supplementary questions

Portfolio Committee No. 3 – Education

Education and Early Learning, Western Sydney

Supplementary Hearing: Monday 2 December 2024

Answers due by: 5.00 pm Monday 6 January 2025

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BUDGET ESTIMATES 2024-2025
SUPPLEMENTARY QUESTIONS

Questions from Hon Tania Mihailuk MLC

NSW Public High Schools Mobile Phone Ban

1. Please provide a breakdown of which option high schools are choosing for mobile phone storage at the start of the school day to comply with the NSW Government's mobile phone ban. How many schools are using:
 - (a) Off and away (in bags)
 - (b) Phones in lockers
 - (c) Phones in pouches
 - (d) Phones collected and stored in classroom
 - (e) Phones stored in school office
- (2) Please provide the full details of costs for Ashfield Boys High School of purchasing and installing mobile phone lockers.
- (3) How much money has the NSW Department of Education allocated within the budget to support the mobile ban in public high schools across NSW?

Questions from Hon Chris Rath MLC on behalf of the Opposition

Anti-Bullying – NSW Schools

- (4) How do NSW schools address reports of bullying in their relevant school environment?
- (5) Are these incidents recorded and reported to NSW Department of Education?
- (6) Are these incidents recorded and reported to NSW Police?
- (7) Does the school have a duty of care to students to address reports of bullying?
- (8) What disciplinary measures are available to the NSW Department in addressing bullying?
- (9) Does suspension form part of this discipline?
- (10) What course of action is then followed relating to:
 - (a) A suspected perpetrator?

- (b) A suspected victim?
- (11) Does the school inform parents relating to their child(ren) suspected perpetrator(s) of bullying?
 - (12) Does the school inform parents relating to their child(ren) suspected victim(s) of bullying?
 - (13) In the event of repeated reports of bullying what further action would be taken?
 - (14) In what circumstances would a high alert or priority be signalled related to repeated bullying reports?
 - (15) Is bullying addressed as a compulsory component of initial teacher education programs and included in the mandatory professional development programs for practising teachers?
 - (16) Are anti-bullying education and teaching resources provided to NSW schools?
 - (17) How long have these resources been available?
 - (a) If so, in what form?
 - (b) Please provide copies of materials.
 - (18) When were they last reviewed or updated?
 - (19) What consultation was held and with whom during the development of these resources?
 - (20) What is the uptake of these resources by NSW schools?
 - (21) Does the NSW Education Department centrally collect information on the effectiveness of its anti-bullying practice and response?
 - (22) Is there any research or measurements undertaken as to the effectiveness of the Government's anti-bullying approach and available resources?
 - (23) Does the NSW Government contribute recurrent financial support to the Kids Helpline or other alternate support services?
 - (24) Are school counsellors available to schools to address bullying outside the teaching staff?
 - (25) Who provides the counselling?
 - (26) Are additional counsellors available if required outside the teaching staff?
 - (27) Is training provided to NSW teachers specific to anti-bullying?
 - (28) Does the NSW curriculum cover anti-bullying education for students?
 - (29) Do NSW Schools work with NSW Police relating to anti-bullying education and training?

- (30) How is this alliance or partnership formed?
- (31) Do NSW Police play a role in educating students on bullying?
- (32) Is there any feedback on the effectiveness of this partnership relating to anti-bullying?
- (33) Do NSW Police visit NSW schools on reports of alleged bullying?
- (34) How is cyber-bullying addressed in NSW Government Schools?

Forced Mergers in Same Sex Schools

- (35) Can the department confirm whether there are any plans to merge Sydney Boys High School and Sydney Girls High School into a co-educational institution?
- (36) Can the department confirm whether there are any plans to merge Balgowlah Boys High School into a co-educational institution?
- (37) Can the department confirm whether there are any plans to merge Mackellar High School into a co-educational institution?
- (38) Can the department confirm whether there are any plans to merge East Hills Boys and East Hills Girls School into a co-educational institution?
- (39) What specific criteria does the department use to determine whether a single-sex school should be transitioned to a co-educational model?
- (40) Has the department conducted any studies or consultations to determine the long-term viability of single-sex schools in the NSW public education system?
- (41) What assurances can the department provide to parents and communities that no forced mergers will occur without broad community support and consultation?
- (42) What processes are in place to ensure comprehensive community consultation before deciding on merging single-sex schools?
- (43) How does the department assess the impact of transitioning from single-sex to co-educational models on student performance and well-being?
- (44) What resources and support systems are being provided to schools undergoing these transitions to ensure minimal disruption to students and staff?
- (45) How does the department plan to accommodate parents and students who prefer single-sex education considering these mergers?

- (46) How do current and projected enrolment numbers at single-sex schools compare to those at co-educational schools in the same catchment areas?
- (47) What are the estimated costs associated with transitioning a single-sex school to a co-educational model, including infrastructure changes and staff reallocation?
- (48) Are these costs factored into the department's current budget, and how will they impact funding for other schools in the area?
- (49) What mechanisms are in place for stakeholders to provide feedback on the decision-making process, and how will the department address concerns raised during appropriately timed consultations?
- (50) How will the department ensure transparency in reporting the outcomes of consultations and decision-making processes related to these mergers?
- (51) How does the Department respond to research and evidence suggesting that girls in single-sex school environments often experience improved academic outcomes, greater participation in STEM subjects, and higher levels of confidence compared to their counterparts in co-educational settings?
- (52) How is this evidence being factored into decisions regarding the potential merger of single-sex schools, particularly those with strong records of academic or extracurricular success?

Code of Conduct

- (53) What is the average duration for investigating a reported breach of the Code of Conduct?
- (54) How does the department ensure impartiality in investigations of alleged misconduct?
- (55) Are external agencies ever involved in investigating breaches, and under what circumstances?
- (56) What training do investigators receive to handle cases involving sensitive issues like child protection?
- (57) How does the department address conflicts of interest during investigations?
- (58) If concerning politically related material, such as anti-Jewish and therefore racist, content is found on a teacher's private social media is there an obligation to report this to the police?
- (59) What range of disciplinary actions is available for staff found in breach of the Code of Conduct?
- (60) How many staff members have been dismissed due to breaches in the past two years?

- (61) Are there instances where staff retained their positions despite serious breaches?
- (62) How does the department ensure consistency in disciplinary actions across different cases?
- (63) What support is provided to victims affected by staff misconduct?
- (64) How does the department address cultural or systemic issues that may lead to breaches?

EDUCATION AND EARLY LEARNING

Teacher Vacancies

- (65) In the media release issued on 27 August 2024, the teacher vacancy rate for the start of the term was shared. Could you provide the vacancy rates for the following terms and years?
 - (a) Term 3, 2024
 - (b) Term 2, 2024
 - (c) Term 1, 2024
 - (d) Term 4, 2023
 - (e) Term 3, 2023
 - (f) Term 2, 2023
 - (g) Term 1, 2023
 - (h) Term 4, 2022
 - (i) Term 3, 2022
 - (j) Term 2, 2022
 - (k) Term 1, 2022

Suspensions and Expulsions

- (66) How many students were suspended from 1 July 2023 to 30 June 2024, and what were the top three reasons?
- (67) In metropolitan schools, how many students were suspended during the same period, and what were the top three reasons?
- (68) How many students were suspended in regional schools between 1 July 2023 and 30 June 2024, and what were the top three reasons?

- (69) How many students were expelled from 1 July 2023 to 30 June 2024, and what were the top three reasons?
- (70) How many students were expelled in metropolitan schools during this time frame, and what were the top three reasons?
- (71) How many students were expelled in regional schools between 1 July 2023 and 30 June 2024, and what were the top three reasons?
- (72) Has the Government had any meetings with the owners of the Edgecliff Centre, Longhurst Group, about purchasing the site to build a public high school?
- (73) Does the Government have any plans to purchase the Edgecliff Centre to build a public high school?
- (74) Does the Education department have any plans to build a brand-new secondary school in Sydney's eastern suburbs?
- (75) What planning has been done to ensure there is sufficient public-school capacity in the eastern suburbs into the future.
- (76) Does Education department modelling consider movement away from expensive private schooling due to economic pressures.
- (77) How much education infrastructure spending is projected for the electorates of Coogee and Vaucluse over the immediate budget cycle and longer term?

Questions from Ms Abigail Boyd MLC on behalf of the Crossbench

Racism

- (78) On the Department of Education's website, the resource entitled "Understanding racism" refers to the Australian Human Rights Commission definition of racism and states "Teaching and learning practices that do not respect the cultural, linguistic or religious identities of students and staff are also a form of racism". In the case of the Condell Park High School student that I raised at the hearing, a student was punished for wearing a cultural item to a graduation ceremony. The cultural item is an item that has been worn at special events of this kind for at least centuries by Palestinian people and is a core part of the cultural identity of the student. Other students at the event wore items from their cultural backgrounds and they were not told to take off, or punished afterwards for having worn them - only the Palestinian student.

- (a) Why has the Department not called out these circumstances as a clear case of racism and in breach of its apparent expectations of students and staff in its “Understanding racism” guidance and asked the school to make amends?
- (b) Why is the Department failing to show leadership in relation to the war in Gaza and push back against the ignorant concept of Palestinian cultural dress as being political rather than cultural and acknowledge context in the interpretation of symbols?
- (c) Why is the Department not seeking to educate students and staff about the facts instead of allowing racism to go unchecked in our schools?
- (d) Has the Department sought legal advice in relation to potential liability resulting from the discriminatory impact of its communications to schools in relation to the war in Gaza (including the Department’s communique entitled “Supporting the school community during the current conflict in the Middle East”)?
- (e) Why is the Department seeking to politicise the wearing of cultural items from one country in a conflict and not another, in breach of its own statements about being ‘neutral’ about the conflict?

ECEC

- (79) It has been reported that the Australian Skills Quality Authority (ASQA) has closed 3 colleges and intends to cancel 17,000 qualifications issued by those institutions, including qualifications in early childhood education. These colleges are Luvium, Gills College and International Institute of Education and Training PTY (IIEET).
- (a) How many early childhood workers in NSW will be impacted by the cancellation of qualifications?
 - (b) What will the impact be on ECEC services across the state?
 - (c) What will the Department be doing to ensure that adequate quality training providers are available to ensure NSW has sufficient ECEC workers?
- (80) Of the 450 FT staff referred to in response to the question about the number of staff in the early childhood regulatory authority, are these staff solely focussed on the early learning sector? Or do they have multiple responsibilities?
- (81) In answers to questions on notice, the department stated there are 197 senior field officers, field officers and investigators. What are the role descriptions of the other 253 FT staff?

- (82) Please provide a breakdown of the distribution of the 450 FT staff by role and by region.
- (83) In response to questions, the Secretary said the regulatory arm of early childhood sits in the operations area after it was removed from the early childhood division and put into the operations arm of the organisation.
- (a) What is the size of the operations arm of the department?
- (84) Why was the regulatory arm of early childhood taken out of the early childhood division?
- (a) Was there a specific incident or policy recommendation to separate them?
- (b) Were there suggestions the regulator was compromised?
- (85) Has the regulator ever received complaints about its efficacy or impartiality?
- (86) Since FY19/20, how has the size of the regulatory authority changed?
- (87) How does the size of the early childhood regulator compare to other states?
- (88) As a result of Operation Tenterfield, will the Department be making any organisational or operational changes?
- (89) Is the Department conducting a review of child safety arrangements as a result of Operation Tenterfield?
- (90) During evidence in the context of show cause notices, the Secretary said the regulator's "visitation rates are almost like beyond 90 per cent of the entire sector in a year". Does this mean that the regulator visits 90 per cent of centres or that 90 per cent of centres had show cause notices in a year?
- (a) How many times is each centre visited per year?
- (b) How does the regulator determine how a show cause notice is addressed?
- (c) How is it determined that improvement has taken place; what is the process for demonstrating a show cause notice has been addressed?
- (91) If a show cause notice is issued, does the risk rating for the relevant ECEC provider go up? If so, how many centres are currently on the highest risk rating?
- (92) For each calendar year from 2020 to 2024 (to date), and broken down into for-profit services and non-profit services, how many s165 and s166,167, 169, 170 and s171 notices were issued under the Education and Care Services National Law in NSW for early childhood education and care? Please break these down for each section of the law and limit them to long day care (ie, exclude family day care).

- (a) How many notifications were issued in relation to each of those sections?
- (93) For each calendar year from 2020 to 2024 (to date), and broken down into for-profit services and non-profit services, how many Regulation s84 and 77, 78, 79, 82, 83, 87, 89, 92, 99, 160, 165, 166, 170 and 171 notices have been issued? Please break them down for each regulation notice.
- (a) How many notifications were issued in relation to each of those Regulation sections?
- (94) For each calendar year from 2020 to 2024 (to date), and broken down into for-profit services and non-profit services, how many penalties were issued. Please break these down for each section of the law.
- (95) For each calendar year from 2020 to 2024 (to date), and broken down into for-profit services and non-profit services, how many complaints/ requests for service (ie, external notifications from parents/educators of s165 and s166, 167, 169, 170 and s171 were made under the Education and Care Services National Law in NSW? Please break these down for each section of the law and limit them to long day care (ie, exclude family day care).
- (96) For each calendar year from 2020 to 2024 (to date), and broken down into for-profit services and non-profit services, how many complaints/ requests for service (ie, external notifications from parents/educators of Regulation s84 and 77, 78, 79, 82, 83, 87, 89, 92, 99, 160, 165, 166, 170 and 171 were made? Please break them down for each regulation notice.
- (97) Of the 127 senior field officers, field officers, support officers and 15 investigators in the Dept of Education, how many work solely on early learning? How many are dedicated to long day care? Has this changed since the regulator was taken out of the early childhood division and put into the operation's arm of the organisation? If it has changed, please provide details.
- (98) The ECEC regulatory budget is \$60.5 million. How is this allocated?
- (99) For the total visits to centres how many were for quality assessment and how many were for investigations or no announced visits?
- (100) For each calendar year from 2020 to 2024 (to date), and broken down into for-profit services and non-profit services, how many penalties were issued for documents that aren't accurate?
- (101) How many investigations of long day care centres were undertaken in the past five years?

- (a) In relation to the total visits to long day care centres, how many were for quality assessment and how many for investigations?

PES

(102) In the NSW Department of Education document given to Directors Educational Leadership titled, “Paving the way forward to manage underperformance effectively: Professional and Ethical Standards, Employee performance, School Performance Capability Building Summit: Supporting Students Success through School Leadership, June 2021 on page 7 there is a graph of Statewide Employee Performance Management Improvement (EPMI) case closures by reason between 2019 and April 2021.

- (a) Of the 791 case closures during this period 180 principals and teachers left the profession as the reason their cases were closed. That represents just under ¼ of employees investigated who have left the Department. Do you think this statistic represents a culture of managing employees out?
- (b) Of the 180 principals and teachers who left during this period and whose cases were subsequently closed, how many initiated civil legal claims against DEC? How many were prosecuted under criminal law? How many were given out of court settlements?

(103) How many Investigators are currently employed in PES?

- (a) How many PES Investigators currently employed by the Department and Community Services are identified as Aboriginal or Torres Strait Islander?
- (b) How many PES non-investigative staff currently employed are identified as Aboriginal or Torres Strait Islander?

(104) How does the Department remedy a false outcome in a complaints management process?

(105) How can someone be transferred from a substantive position to an 'unattached' position?

(106) What is an 'unattached' position?

- (a) Is this descriptor referenced in any Act, Award or Agreement?

(107) If a person is being performance managed, however described, how are they able to be transferred to another role?

(108) If it is alleged that information in a briefing note for a transfer is false or misleading, what is the formal process the Department undertakes in response to verify, and if needed, remedy the information?

- (109) For staff subject to a transfer, what is the formal process for notification and of making sure staff are aware of their right to a review of the decision?
- (a) If this process is not undertaken, what are the repercussions?
- (110) Are positions advertised before a review is completed?
- (111) Are PES involved in return-to-work processes? If so, what would necessitate such involvement?
- (112) How are return to work plans devised to ensure genuine collaboration between the Department and the injured worker?
- (113) What actions does PES undertake when they receive allegations, and evidence, of serious wrongdoing in accordance with the PID Act 2022 and s69(c) of the GSE Act 2013?
- (114) Under what circumstances would it be appropriate to procure the services of former Departmental employees to undertake the management of complaints and reviews?
- (115) How does the Department adhere to procedural fairness when there are perceived conflicts of interest, and a lack of impartiality associated with the decision makers?

Disability Royal Commission

- (116) The NSW Department of Education is responsible for several actions in *Appendix B: NSW Government 2024/25 Implementation Plan* of the NSW Government's response to the Disability Royal Commission. What is the Department's progress in relation to these actions?
- (a) How is the Department monitoring its progress?
- (b) What consultation with the disability community and their representative organisations has the Department undertaken in implementing these actions, and with whom did the Department consult?
- (c) Actions 14 and 27 have a timeframe of the end of 2024. Has the Department implemented these actions?
- (d) Actions 29, 30, 31, 32 and 33 have a timeframe of 2025. Can the Department provide an updated timeline for these, such as the month they are expected to be carried out?
- (e) In relation to “action 29: Consider the capital investment needs for educational infrastructure arising from the Royal Commission’s recommendations”, can the Department provide a more detailed timeline of its evaluation of funding prioritisation for co-location or relocation of non-mainstream schools?

- (f) NSW Education Standards Authority is responsible for “action 31: Consider amendments to school registration requirements and regulatory oversights to improve the safety, inclusivity and quality of education for students with disability”. What is NESA's progress to date in actioning this by 2025?
- (g) In relation to action 7, has the Department had any involvement in the NSW Government’s investigation of a legislative framework for restrictive practices authorisation?

Suspensions and expulsions data

(117) In the Supplementary Budget Estimates hearing on Monday 2 December, Mr Graham confirmed that there were 40,861 suspensions in the first six months of 2024. Please provide a detailed breakdown of this data, for both primary and secondary students including:

- (a) How many were short suspensions?
- (b) How many were long suspensions?
- (c) How many were students identified as receiving adjustments due to disability, for the total figure and for short and long suspensions?
 - i. How many were suspended for “Actual harm” reasons? Please provide data for each of the department’s descriptors under this category.
 - ii. How many were suspended for “Unacceptable risk to health and safety / wellbeing” reasons? Please provide data for each of the department’s descriptors under this category.
 - iii. How many were suspended for “Unknown / Not available” reasons?
- (d) How many were First Nations students?
 - i. How many were suspended for “Actual harm” reasons? Please provide data for each of the department’s descriptors under this category.
 - ii. How many were suspended for “Unacceptable risk to health and safety / wellbeing” reasons? Please provide data for each of the department’s descriptors under this category.
 - iii. How many were suspended for “Unknown / Not available” reasons?
- (e) How many students from SSPs were suspended in the first six months of 2024?

- (f) How many students from a support unit within a mainstream school were suspended in the first six months of 2024?
- (118) How many students were expelled in the first six months of 2024?
- (a) How many were students identified as receiving adjustments due to disability?
- (119) Can the Department provide a breakdown by each year group of the number of students suspended in the first half of 2024?

HSC disability provisions review

- (120) In relation to the recently announced review of HSC disability provisions, what is the timeline for the direct consultation process?
- (a) Is there any reason why this review can't be opened up to the public for submissions?

Independent alternative dispute resolution service

- (121) In the NSW Government's response to Recommendation 23 of the *Inquiry into children and young people with disability in New South Wales educational settings*, it notes that "the department has engaged an independent alternative dispute resolution service to assist parents/carers and schools to resolve disputes, at no cost to parents and carers." Is this service delivered by a mediator staffed within the Department or contracted by an external independent party?
- (a) If it is an external independent party, which service has the department engaged and what is the nature of the contract?
 - (b) How can parents and carers access this service?
 - (c) Where can information about this be found publicly?