Queensland Teachers’ Union

Independent Public Schools Consultation Kit 2016

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**Independent Public Schools (IPS) – background and update**

The Independent Public Schools program was introduced to Queensland by the former LNP government in 2013. As was the style with that government, the introduction was done with no consultation with the QTU, and no guarantees that it would not significantly and negatively impact on teachers’ and principals’ negotiated working conditions, on school resourcing, on the transfer and relocation system, and on the collegial nature of the profession. At the same time, multiple changes to industrial relations laws by that government (again, with no consultation) further undermined the industrial protections around a raft of QTU members’ conditions, including school-based management guarantees.

Overseas experience showed that school autonomy programs without adequate safeguards created two-tier public education systems, leaving schools which needed more support to cater for their students’ needs worse off.

In theory, IPS nomination in Queensland was meant to be both voluntary and consultative – yet, in practice, the views of the teaching staff in some schools were ignored.

A number of these issues have since been addressed though negotiations between the QTU and DET, and with the current Queensland Government.

In response to concerns raised by the QTU, in June 2015 the government suspended the nomination process for the 2016 cohort of IPS while it evaluated the program in Queensland. While the government had not formally responded to the evaluation at that stage, the 2015 round of expressions of interest in becoming IPS was a much more robust and transparent process. This included all applications being assessed by a panel which included QTU representation.

On 16 August 2016 the government responded to the evaluation by producing the Independent Public Schools Policy Framework.

The framework provides an emphasis on the role the IPS play as part of the state school system.

- “Like all state schools, IPS are an integral part of the state school system.” (page 4)
- “IPS are strong state schooling citizens. They are an integral part of Queensland’s state education system, enacting the same core values and whole-of-system priorities as other state schools.” (page 5)
- “Under Queensland’s IPS initiative, IPS principals and staff do not work in isolation. They are expected to look outwards, working in partnership with their community, other IPS, other state schools, state school regions and central office to create an enabling force of connected school leaders that impacts positively on student outcomes.” (Page 5)

**Consultation for the EOI process**

Since the evaluation in 2015, the new process has a far stronger mandatory consultation requirement. To pass Stage 1 of the EOI evaluation:

- the IPS nomination for any school must be supported by QTU members, the local consultative committee (LCC) and the P&C – if any of these groups does not support not support the nomination, it will not proceed to stage 2
- the latest school audit result will need to be above ‘minimal’ to identify schools with suitable financial controls
- schools will need to consult with their region about their capacity to assume greater autonomy (at the closure of the submission period, the panel chair will email regional directors with a list of applicant
schools within their regions and a proforma, which is to be completed to provide advice regarding the capacity of the school to assume greater autonomy.

It is important that schools show evidence of a long and thorough consultation process.

To pass Stage 2, schools will be judged by set criteria.

**Criterion 1.** The school has demonstrated in the application the capacity to assume greater responsibility for its affairs.

**Criterion 2.** Evidence of the school being able to assume greater responsibility for its affairs, as shown by improved school performance demonstrated in the application and the 'school data profile', or other differentiated areas of exemplary performance (for example, business partnerships).

**Criterion 3.** The application details the potential benefits for students and the broader school community of the school becoming an IPS.

**Criterion 4.** The application details the innovative educational programs or practices that the school will implement to improve student performance.

Stage 3: Equity consideration.

The purpose of this stage is to meet the program requirements regarding the inclusion of a broad cross section of schools from across Queensland. Special consideration will be given to schools from areas of socioeconomic and geographic disadvantage.

Stage 4: Ethical standards consideration

The purpose of this stage is to verify whether there are outstanding matters at the school that may impact on the school’s operation as an IPS.

Stage 5: Director-General Approval of the 2017 cohort.

Finally, schools should note that the consultation provision in the government’s EB8 offer has been strengthened. That draft clause states – *Consultation involves more than a mere exchange of information. For consultation to be effective, the teacher must be contributing to the decision-making process, not only in appearance, but in fact.*

The rest of this IPS kit contains checklists and documents to help QTU members and LCCs ensure that their views are meaningfully captured as part of the IPS EOI process.
Consultation and accountability structures in an Independent Public School

There are three key local consultative and accountability structures of relevance to IPS: (a) the local consultative committee (LCC); (b) the P&C; and (c) the school council.

Like all schools with more than 20 employees, IPS must have an LCC – a representative group of management and union nominees established to provide advice on work related issues within the school.

Unlike other states schools where they are encouraged but remain optional, IPS should establish a school council within 12 months. Provisions regarding the establishment, functions and operation of school councils are set out in the Education (General Provisions) Act 2006. The school council is seen as a vital means of engaging with and being held to account by parents, school staff and the community.

In line with the Education (General Provisions) Act 2006, IPS may also choose to have a local P&C.

Transfers and relocations

The IPS evaluation highlighted concerns that the program had had significant negative impacts on the transfer, relocation, and recruitment and selection systems of Queensland state schools. This is due in part to some IPS schools acting outside of agreed practices, and in part to the LNP’s changes to the principal recruitment and selection process. HR issues existed prior to the advent of the IPS program, but evidence points to the IPS program doing much to exacerbate them. While some progress has been made to address these concerns – including the return of QTU nominees to principal panels to ensure more rigorous adherence to agreed processes, and the formation of a Ministerial HR taskforce (including QTU representation from the Union’s President and Deputy General Secretary – Member Services) to oversee a major revamp of these processes – more work needs to be done to ensure Queensland has a fair, equitable and functional HR system, both within and across regions.

Resourcing

When IPS were first introduced, a major concern of the QTU was the potential for single-line budgets that could see funding for staffing being redirected to other areas, with significant impacts on the mix of staff in schools, class sizes and job security. The QTU negotiated a memorandum of agreement (MOA) with the department that funds allocated in the total school budget should only be used for the employment of staff, and that notional allocations for staffing be used rather than real dollar allocations; this MOA remains in place (included in this kit). Non-IPS schools have reported the negative impacts of funding arrangements stemming, in part, from the priority given to resources for IPS by the previous government. Ensuring that all schools are treated appropriately and have the resources they need to better cater to the needs of students is a high priority for the QTU and the new state government.

Working conditions

The ALP government has removed the changes made by the LNP to industrial relations laws that would have stripped away industrial protections for many existing working conditions, including school-based management guarantees. This has eased many of the threats that would have faced QTU members in Independent Public Schools.

IPS are required to operate in line with the same legislation, industrial instruments, directives, whole of government policy and national agreements as all other state schools.
Withdrawal from the IPS initiative

A significant change that comes from the Independent Public Schools Policy Framework is the ability for schools to withdraw from the IPS initiative. In consultation with its school community, including with the support of QTU members, LCC and P&C, a school may choose to withdraw from the IPS initiative.

Requests to withdraw from the initiative can be initiated by the school council and IPS principal, for the consideration of the Director-General.

Evaluation

The Independent Public Schools Policy Framework states that the performance of the IPS initiative is being closely monitored. An evaluation of this initiative will be conducted at the end of 2017 to identify strengths and areas for improvement, and to inform future planning.

Outstanding Issues

The QTU will be seeking clarification from the Minister and/or the department on the issues of the recommendations of the Independent Public Schools Strategic Directions Steering Committee with respect to the proposed name changes for IPS at the end of 2017 and allocations of funding for 2018 and beyond.

Other ongoing concerns remain with the public perceptions of IPS versus non-IPS schools. Innovation is not the sole province of IPS schools, and should be supported across the state school system. Release from overly controlling supervision of school leaders should be a characteristic of the system, not just parts of it. Collegiality is a critical factor in the profession and should be encouraged and supported, not diminished.

What does this mean for a school considering the IPS EOI process?

Schools considering applying to become IPS in 2017 need to become familiar with the new process and the IPS Policy Framework, particularly around consultation, and be aware that there are still discussions and negotiations occurring at the Ministerial HR Taskforce.
IPS consultation flowchart

School:


2. Discuss with principal whether they are considering submitting an EOI to become an Independent Public School.

   **If yes**

3. Discuss a proposed consultation strategy with the principal to be carried out in the school.

4. After meeting with the principal, call a meeting of all union members (QTU, United Voice and Together) to discuss the proposed consultation strategy. At the end of the meeting, hold a meeting of QTU members to consider a motion endorsing the consultation strategy.

   **If consultation strategy endorsed**

5. Meet regularly with the principal to discuss any issues or questions arising during the consultation process.

6. Request that the draft EOI form and written application be provided to all union members with QTU IPS material.

7. Before the EOI form is submitted, hold a secret ballot of all QTU members to vote on whether the school should become an Independent Public School, with other unions conducting their own. Report the result to the QTU.

8. If the ballots of all unions are in favour of becoming an IPS, then final endorsement by the local consultative committee should occur.
## Follow up checklist

<table>
<thead>
<tr>
<th>Action</th>
<th>Completed</th>
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<tr>
<td>1. Arrange a meeting with the principal to discuss whether they are considering submitting an EOI to become an IPS school.</td>
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| 2. If becoming an IPS is being considered, discuss a proposed consultation strategy with the principal to be carried out in the school. Part of this consultation strategy should include establishing a process for:  
  - raising issues, concerns and queries (mechanism of raising and means of getting a response)  
  - regular communication with/and updating of whole staff on expressions of interest process and issues. | |
| Independent Public School program expression of interest should be a standing agenda item on the local consultative committee agenda, with a brief to discuss any matters giving rise to workload issues or impacting on conditions in the current certified agreement and teachers’ award. | |
| 3. After a meeting with the principal, call a meeting of all union members (QTU, United Voice and Together) to discuss the proposed consultation strategy. At the end of the meeting, hold a meeting of QTU members to consider a motion endorsing the consultation strategy. | |
| 4. If all union members endorse the strategy, meet regularly with the principal to discuss any issues or questions arising during the consultation process. | |
| 5. Request that the draft EOI form and written application be provided to all union members with QTU IPS material. | |
| 6. Before the EOI form is submitted, hold a secret ballot of QTU members to vote on whether the school should become an Independent Public School, with other unions conducting their own. | |
| 7. Report ballot result to QTU. | |
| 8. If the ballots of all unions are in favour of becoming an IPS, then final endorsement by the local consultative committee should occur. | |
| 9. Once the draft EOI form and application have been written, disseminate to staff and send a copy to the QTU (email qtu@qtu.asn.au or fax 3512 9050). | |
| 10. Continue to provide feedback to the QTU (email qtu@qtu.asn.au or fax 35129050). Contact your regional Organiser if there are issues. | |
Agenda for initial union meeting

1. Attendance (Appendix 3).

2. Provide an update on IPS to all union members (each union representative may want to speak).

3. Convene a separate QTU workplace meeting to discuss endorsement of the consultation strategy resolutions. These resolutions can be found in Appendix 1 on the IPS communication/consultation resolutions sheet.

4. Determine process of communication with QTU (i.e. through Union Rep or other designated Union member).

5. Independent Public Schools – initial issues, concerns and queries (Appendix 4 - IPS report back sheet).


7. Complete the IPS report back sheet (Appendix 4) and return to the QTU – email qtu@qtu.asn.au or fax 3512 9050.

Thank you in anticipation of your support and that of our union colleagues at your school.
Local consultative committees and guidelines for small school consultative processes

A local consultative committee (LCC) is a representative group of management and union nominees which is established to provide a forum for discussion of work related issues. The LCC should be the key consultative body within the school focusing on workers and how they do their work.

The Department of Education, Training and Employment State School Teachers’ Certified Agreement 2012 carries forward and expands on the consultative arrangements in schools established in 1995. These arrangements require the establishment of an LCC in schools with more than 20 employees, including teaching and support staff.

Smaller schools have the option of either:

- establishing an LCC if that is considered to be appropriate in their situation; or
- ensuring that any decisions relating to workplace reform or workers’ issues generally are made in accordance with the consultative guidelines agreed by unions and the department.

Who can be on an LCC

The Department of Education, Training and Employment State School Teachers’ Certified Agreement 2012 stipulates that membership of LCCs must comprise equal representation of management and union nominees.

The size of the LCC is not prescribed but will usually be eight (four union and four management), with the QTU having two of the union positions.

Wherever possible, union representatives should include a member of each of the three unions with representation in schools (QTU, Together and United Voice). Obviously, union nominees must be union members. The LCC must not include parents or community representatives.

Each union controls the process for selecting its own representative(s) on the LCC. Endorsed QTU Union Representatives have first choice for accepting a position on the LCC. If further QTU Representatives are required, nominations should be called and a ballot conducted of all financial QTU members at the school.

It is vital that the union nominees work cooperatively, even if some issues do not directly affect QTU members.

Where a union has no financial member wishing to nominate, that position may be filled by a member of another union, provided that the relevant union agrees. Thus, it is possible for the QTU to fill a vacancy created by another union.

After union nominees have been finalised, the principal should consult on the nomination of management nominees, with a view towards ensuring the broadest possible representation across all groups of workers in the school. It is expected that the principal will be a member of the LCC.

Management nominees and union nominees should recognise that their prime objective is to ensure that the views and concerns of all workers are brought forward and the interests of all groups are considered and protected.
Guidelines for smaller schools

The parties to the Department of Education, Training and Employment State School Teachers’ Certified Agreement 2012 were of the view that the majority of smaller schools (fewer than 20 staff) had insufficient staff numbers to sustain a formal LCC. Accordingly there is no requirement for them to establish an LCC, although they are free to do so. However it is a requirement of the agreement for these schools to follow a consultative approach to school management and workplace reform. This consultative approach might be advanced through the use of existing consultative structures or enhancement of other current consultative practices.

The parties to the agreement are committed to progressing the development and implementation of consultative mechanisms in schools which result in a more participative approach to work, management and service delivery. For this to happen, existing consultative processes need to be reviewed to ensure they are inclusive and provide opportunities for all staff to contribute their ideas about how work is best organised in the school.

As LCCs will not be established in the majority of Band 5 and 6 schools, alternative procedures for consultation will need to be developed in progressing workplace reform initiatives.

Smaller schools are encouraged to refer to the following checklist in progressing workplace reform initiatives.

- Review existing committee structures so as to avoid overlap and duplication of effort.
- Pay particular attention to EEO target group members and their needs.
- When considering a workplace reform initiative, first involve and consult those staff who will be affected.
- Remember to involve non-teaching staff and ensure their views are taken into consideration.
- Remember to involve union representatives in consideration of proposals.
- Assist staff involvement by timing meetings in a way that is suitable for those with family responsibilities.
- Ensure that relevant information about departmental policies or award conditions is readily available for staff to consider.

(Source: Adapted from Workplace Reform in Schools Program Department of Education, March 1995; Clauses 3.1 – 3.3 of the Department of Education, Training and Employment State School Teachers’ Certified Agreement 2012).
Appendix 1: Workplace position on IPS communication/consultation resolutions

(Complete and return to the QTU after your meeting with the principal. Fax 3512 9050 or email qtu@qtu.asn.au)

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<tr>
<th>Motion</th>
<th>Yes</th>
<th>No</th>
<th>Further discussion to be had</th>
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<td>1. THAT QTU members at ....................................................................... endorse the consultation strategy to be carried out with regards to submitting an expression of interest to become an Independent Public School.</td>
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<td>2. THAT before the EOI form is submitted to become an Independent Public School, a secret ballot of all QTU members is held on whether the school should become an Independent Public School, with other unions conducting their own.</td>
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School: ____________________________________________________________

Union Rep: _________________________________________________________

Date: _____________________________________________________________
Appendix 2: Independent Public Schools ballot return

At the end of the Independent Public Schools consultation process, each workplace needs to conduct a ballot on whether they consider their school should submit an expression of interest to become an Independent Public School.

Union Reps are then requested to tally and record the results on this ballot form, and return them to the QTU by faxing them on 3512 9050 or emailing to services@qtu.asn.au

Name of workplace: 

Date and time of meeting: 

Name of Union Rep/s: 

QTU: 

Number of members present at meeting: 

QTU: 

Yes

No
**Independent Public Schools’ ballot paper**

<table>
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<tr>
<th>Should __________________________ submit an expression of interest to become an Independent Public School in 2016?</th>
<th>Yes</th>
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Guidelines for conducting the meeting/ballot

1. School/workplace meetings
A meeting of all Union members should be conducted to outline the issues involved and the nature of the ballot. The meeting should be organised at a time to maximise attendance. Please note:

- a Union Representative (or a nominated member) should chair the meeting
- a Union Representative should be provided with all the relevant information
- members should vote on the resolutions by secret ballot (see ballot guidelines and ballot paper).

If you believe you need assistance in conducting the meeting and ballot, please contact your Organiser.

All members will be affected by the ballot results, therefore all financial members should be given the opportunity to vote.

2. Conducting the ballot

2.1 The ballot paper is attached for reproduction.
2.2 The Union Representatives at the school/workplace, or if there is no official Representative, another person acceptable to members, should be designated as the Assistant Returning Officer to conduct the ballot.
2.3 Each ballot paper should be signed by the Assistant Returning Officer and photocopied in sufficient quantity to provide one to each member of each of the Unions at the school/workplace. The Assistant Returning Officer should publicise the opening and closing times of the ballot. It is recommended that the ballot be opened immediately following the school/workplace meeting. In normal circumstances, where all teachers are available, the ballot should be declared open at a particular time on that day, eg. 8.30am, and close at a particular time on the same day, eg. 4.00pm. If teachers are away, it may be necessary to keep the ballot open for two days. It is important that ALL Union members are given an opportunity to vote.
2.4 Please note that this is a ballot for your workplace to indicate whether union members at the school wish to submit an expression of interest to become an Independent Public School.
2.5 When the ballot is opened, immediately following the union meeting:
- each member should have his/her name checked off a list of members and then be supplied with a ballot paper - remember that only financial members can vote
- the Assistant Returning Officer should initial the back of each ballot paper, before he or she issues it to the person eligible to vote
- each person voting should mark his/her ballot paper according to the instructions and place it in the ballot box provided by the Assistant Returning Officer
- any voter who declares a ballot paper “spoilt” may obtain a replacement ballot paper by returning the spoilt ballot paper to the Assistant Returning Officer
- the Assistant Returning Officer should declare the ballot closed when the time stipulated for the ballot has expired
- the Assistant Returning Officer should notify the principal of the ballot results for their information.
- the Assistant Returning Officer should email the results of the ballot to services@qtu.asn.au or fax 3512 9050

If a list of QTU/United Voice/Together members eligible to vote is required, please contact your local organiser for the relevant union.
## Appendix 3: QTU IPS workplace meeting attendance

School: ________________________________

Union Representative: __________________ Date: ________________

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Appendix 4: IPS report back sheet

School: ____________________________

Union Representative: ____________________________ Date: _______________
Memorandum of Agreement

Memorandum of Agreement

Independent Public Schools
between
Department of Education, Training and Employment
and
The Queensland Teachers’ Union of Employees

Application and Purpose

1. This Memorandum of Agreement ("the MOA") applies to Department of Education, Training and Employment employees appointed to teaching and classified teaching positions at Independent Public Schools ("subject employees").

2. The purpose of the MOA is to prescribe arrangements for the subject employees that are binding on, and enforceable by, the parties in accordance with the MOA and Department of Education, Training and Employment School Teachers’ Certified Agreement 2012 ("the Certified Agreement").

3. The parties agree to abide by the terms of the MOA, having regard to the application and purpose of this MOA.

Objective

4. The objective of this agreed position is to provide a framework for the terms and conditions of service for the subject employees. Any review of this position should occur through consultation and review between the parties.

Date and Period of Operation

5. The MOA shall remain in force from 14 May 2013 for the operative lifetime of the Certified Agreement.

6. The parties may agree to vary the MOA by written agreement signed by the parties during the life of the MOA/Agreement.

Termination of Agreement

7. Either party may terminate this MOA by providing written notice to the other party.

8. This MOA will cease to have effect 16 weeks after a party provides such written notice of termination to the other party.

Dispute Resolution

9. In accordance with the Dispute Resolution provision (Part 3) of the Certified Agreement, either party may seek the assistance of the Queensland Industrial Relations Commission ("the Commission") in relation to a dispute arising from the application of the MOA.

10. The parties may not seek the assistance of the Commission in relation to the creation of this or a replacement MOA.

Authorised by Graham Moloney, General Secretary, Queensland Teachers’ Union, PO Box 1750, Milton QLD 4064, September 2016
11. In accordance with s.181 of the Industrial Relations Act 1999, the parties must not engage in industrial action in relation to the MOA.

Arrangements

12. The following arrangements will apply to subject employees:

12.1 Process for becoming an Independent Public School

A process for raising issues, queries and concerns in relation to the Independent Public School program is to be established and the process is to be open and transparent to all school employees. A process for regular communication with and updating of all school employees on the nomination process and associated issues is to be established. These processes may occur through the Local Consultative Committee, which is also an appropriate forum to discuss any matters giving rise to workload issues.

The parties agree to a process of consultation around appropriate mechanisms for future nomination of schools for the Independent Public Schools program.

12.2 Staffing

Funds allocated in the total school budget for staffing must be used for the employment of staff. Notional allocations for staffing are to be used rather than real dollar allocations to schools for staffing.

Within one month of the announcement of the inclusion of a school in the Independent Public Schools initiative, all permanent staff who have a substantive position at the school at that time may request a transfer/relocation to another school within reasonable travel time of their home and that request will be considered favourably subject to suitable vacancies. This facility is not available to any officer who is the subject of a Managing Unsatisfactory Performance process.

Teachers and classified teachers who are employed at Independent Public Schools remain employees of the Department of Education, Training and Employment. All classified teaching positions should remain as permanent employees of Independent Public Schools.

12.3 School councils

The school council membership and role is subject to the provisions of the Education (General Provisions) Act 2006. The role of the school council will focus on the broad strategic direction of the school with day-to-day management remaining the responsibility of the Principal.

12.4 Transfers and relocations

Teachers requesting a transfer or relocation to a different region will have their application for transfer or relocation considered through the annual teacher transfer process. Review of the teacher transfer or relocation process which considers the role of Independent Public Schools shall be the subject of timely consultation between the parties.

12.5 Procedures

G.M.
A transparent and accountable Policy and Procedure Register will be available for Independent Public School employees covered by this MOA.

12.6 Changes to Independent Public Schools

Ongoing consultation will occur between the Queensland Teachers' Union and the Department of Education, Training and Employment in relation to the implementation and any modification of the Independent Public Schools program.

SIGNING

Signed by the Parties on the dates set out below.

Signed for and on behalf of the State of Queensland represented by the Department of Education, Training and Employment through Education Queensland by Jim Walkerston

this 13th day of June 2013

Signed for and on behalf of the Queensland Teachers' Union of Employees by the person named below who warrants they are duly authorised to sign for and on behalf of the QTU by Graham Moloney

this 14th day of May 2013
**Increased school autonomy – QTU Policy**


The Queensland Teachers' Union is aware of the majority of educational research that has not established a causal link between increased levels of school autonomy and improved student learning outcomes.

The QTU recognises the failure of school autonomy schemes in New Zealand, Victoria, WA, the United States and other jurisdictions to deliver any improvement in the quality of education. Indeed, autonomous public schools can create:

- a two tiered public system that concentrates students from disadvantaged backgrounds in the same school
- unacceptable accountability measures for teachers
- precarious industrial conditions.

In Queensland, autonomous public schools may significantly undermine the transfer system and consequently the integrity of public education in rural areas.

However, the Queensland Teachers' Union also understands that some Queensland public schools may wish to utilise varying degrees of autonomy of school governance and accountability, as manifest in initiatives such as Independent Public Schools.

The Queensland Teachers' Union supports schools wishing to exercise increased school autonomy within the following parameters.

- Schools wishing to move to models of higher degrees of school-based management and decision-making, do so only after a thorough process of consultation with and approval by the school community, including endorsement by the local consultative committee.
- School funds that are allocated to the school for staffing must be used for the employment of staff.
- Notional allocations for staffing should be used rather than real dollar allocations to schools for staffing.
- All state schools should remain a part of a continuing viable transfer system for classroom teachers and relocation system for classified officers, whereby all schools are treated in a consistent and equitable manner.
- Where schools move to a model of governance incorporating school councils, the role of those councils will focus only on broad strategic direction.
- The government retains responsibility for funding of specific systemic imperatives, eg. workers compensation, workplace health and safety requirements.
- School decisions and actions are compliant with existing industrial agreements and conditions within certified agreement or established memoranda of agreement.
- Any scheme must be the subject of negotiation and agreement between the QTU and the department, and the agreement must be in an enforceable form.