



Department of
Education

Independent Public Schools

Independent Public Schools Delivery and Performance Agreement

2019 TEMPO DRAFT

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2019 TEMPLATE



Independent Public Schools

Delivery and Performance Agreement

Introduction

1. The parties to this Delivery and Performance Agreement (the Agreement) recognise that the purpose of the Independent Public Schools initiative is to provide schools with autonomy to make the best decisions for their students in consultation with their communities.
2. Independent Public Schools remain part of the public school system of Western Australia and as such are expected to meet the obligations required of all public schools.
3. The Agreement is between the Department of Education, represented by the Director General; the school, represented by the Principal; and the School Board, represented by the Chair.
4. The Board Chair notes the Agreement and works with the Principal and community to ensure the Board carries out its functions as prescribed in the *School Education Act 1999*, the *School Education Regulations 2000* and Department of Education policies.
5. For the purposes of the *School Education Act 1999* (s125(1)), 'Board' means 'Council'.
6. The Agreement sets out the performance and accountability expectations of the school; and the resources and support supplied by the Department of Education.
7. The Agreement builds on the State Government's *Our Priorities* and Department of Education's strategic planning documents.
8. The parties to the Agreement are committed to:
 - high expectations of success for every student;
 - being socially inclusive and addressing disadvantage, including for students who are Aboriginal or Torres Strait Islander, have disability, who come from an English as an additional language background or who experience social disadvantage; and
 - the urgent need to work to implement the Aboriginal Cultural Standards Framework to increase Aboriginal student wellbeing, participation and achievement and drive improvement planning; and the responsibilities under the Council of Australian Government's *Closing the Gap*.

Part 1 – Parties and Operations

Parties

The parties to the Agreement are:

- a. the Department of Education, represented by the Director General;
- b. **Insert name of school**, represented by the Principal; and
- c. the School Board, represented by the Chair.

Term

The Agreement will operate for three years from 1 January 2019 until 31 December 2021.

Variations

The Agreement may be amended at any time with the approval (in writing) by the Department of Education and the Independent Public School. Amendments may include a new Schedule that identifies a unique arrangement or program for the school. Where such a variation is made it will not alter the three-year term of the Agreement.

Part 2 – Roles and Responsibilities

Shared responsibilities of the Department of Education and **insert name of school**

1. School Boards

1.1 The Department of Education will ensure:

- a. information is available to support Principals and Board members to be able to understand their roles and responsibilities and operate effectively;
- b. in the event that the Principal and Board are unable to reach agreement on areas of significance, the Principal and/or the Board may call on the Director General to make a decision. The Director General/delegate of the Director General will consult with the Board and the Principal before the Director General makes a ruling. The decision of the Director General is final; and
- c. the Board Chair or representative is invited to participate in the selection of the new Principal.

1.2 The Principal will ensure:

- a. an effective Board is in place;
- b. the Board's membership has undertaken criminal screening as required by Department of Education policy, is representative of the school community and complies with the *School Education Act 1999* and *School Education Regulations 2000* which specify the membership categories and composition;
- c. the Board is provided with information on its functions as prescribed in the *School Education Act 1999*, *School Education Regulations 2000* and Department of Education policy;

- d. the Board fulfils its functions as prescribed in the *School Education Act 1999*, *School Education Regulations 2000* and Department of Education policy;
- e. the Board Chair notes the Agreement; and takes part in the:
 - i. development of the annual school report;
 - ii. development and review of the school Business Plan¹ and associated budget;
 - iii. processes to review school performance;
 - iv. processes to determine satisfaction levels of parents, staff and students, with results reported in the annual school report;
 - v. review of the school (with the report made public);
- f. the Board communicates with the broader school community regarding the Board's function and activities;
- g. written records of Board agendas and meeting minutes are retained for audit purposes; and
- h. the Board receives:
 - i. relevant financial reports;
 - ii. the results of any school compliance processes and all audit reports;
 - iii. advice on school performance and student improvement targets, as detailed in the school's Business Plan²; and
 - iv. a copy of the report on the school's review.

2. Business Plan

2.1 The Department of Education will ensure:

- a. data and information are available to support the Principal to develop an effective Business Plan.

2.2 The Principal will ensure:

- a. there is an effective Business Plan that outlines the long-term strategic approach for the school and describes priorities, strategies and school performance and student improvement targets intended to have maximum impact on student outcomes and overall school performance;
- b. the Business Plan is no less than a three-year plan and notionally runs for the same time span as the Agreement;
- c. consideration is given in the business planning cycle to the outcomes of the review of **insert name of school**; and
- d. the Business Plan is available to the school community.

3. Teaching and Learning Programs

3.1 The Department of Education will ensure:

- a. a range of professional support is available in areas such as curriculum, student services and employee performance;

¹ See 2. Business Plan

² See 2. Business Plan

- b. **insert name of school** receives Targeted Initiative funding for specific programs assigned to the school; and
- c. existing agreements between the Department of Education and **insert name of school** specifying program delivery remain in place. This includes Community Use of School Facilities Agreements made between the Department of Education and other organisations and/or Government departments.

3.2 The Principal will ensure:

- a. the Western Australian curriculum approved by the School Curriculum and Standards Authority is implemented;
- b. education programs are designed and delivered to meet the needs of students, improve student outcomes and be in accordance with requirements of the *School Education Act 1999*, *School Education Regulations 2000* and the *School Curriculum and Standards Authority Act 1997*;
- c. high expectations for both academic and non-academic performance for all students exist;
- d. education programs are based on strong individual case management;
- e. state and national targets, such as, the Council of Australian Government's *Closing the Gap*, and a rigorous analysis of data are used to set targets for the specific progress of students (or groups);
- f. primary students develop skills to prepare them for high school and secondary students have pathways to engage in learning programs that lead to meaningful and externally recognised outcomes beyond school;
- g. collaboration between teachers occurs and opportunities exist for teachers to engage in quality evidence-based practice that helps develop high quality teaching and learning;
- h. employees participate in an annual performance management process where they receive feedback and support to help improve the quality of their practice;
- i. relevant and specific data and research inform classroom pedagogy; and
- j. delivery of additional programs is implemented effectively and in a timely manner.

4. Resourcing and Support

4.1 The Department of Education will ensure:

- a. funding is provided to the school to meet industrial and operational obligations on audited February student census data through three main categories:
 - i. Per student funding: an amount per student by year level of each enrolled student (Kindergarten; Pre-primary to Year 3; Years 4 to 6; Years 7 to 10; and Years 11 to 12);
 - ii. Student and school characteristics funding (Aboriginality; disability; English as an additional language; social disadvantage; enrolment-linked base and locality); and

- iii. Targeted Initiatives for strategic programs and services, Commonwealth funded programs, operational responses and reimbursements, and for resources provided through education regions;
- b. costs incurred by the school and not included in the one-line budget, for example capital works, scheduled maintenance, telephone expenses, staff leave, staff housing and workers' compensation are paid centrally;
- c. representation in industrial negotiations and legal matters;
- d. the provision of:
 - i. student support services including attendance, participation, student exclusions and managing student behaviour;
 - ii. support for the management of critical incidents;
 - iii. curriculum support, including access to professional learning for system initiatives and programs;
 - iv. information and communication technology programs and support for system approved programs and software;
 - v. buildings, maintenance and infrastructure, including transportable classrooms in growth areas;
 - vi. financial services;
 - vii. workforce management services, including graduate teacher support and induction;
 - viii. legal services;
 - ix. employee support services; and
 - x. central reporting and management of allegations of misconduct.

4.2 The Principal will ensure:

- a. financial and human resources are used to deliver education programs that provide all students with the very best opportunities to achieve high levels of proficiency;
- b. student and school characteristics funding is used to implement appropriate teaching and learning adjustments to support students for whom it is provided;
- c. the majority of funding is used for students in the year it is provided as per Department of Education requirements, and this is reflected in the school bank balance and carry forward amounts;
- d. all expected minimum expenditure requirements will be met each year to clearly benefit the students enrolled in the school;
- e. funding for primary students (where applicable) is focused on the early years of schooling as reflected in the per student funding amounts;
- f. funding through Targeted Initiatives, Operational Response Allocations and Regional Allocations deliver outcomes consistent with the specific agreement for that funding;
- g. locally raised funds and sponsorship are managed in accordance with legislation and policy;
- h. all resources are monitored for effectiveness, efficiency and economy;
- i. documented cycle of self-assessment, targeted planning and transparent reporting to the community is implemented;

- j. decisions about funding for specific programs and interventions are evidence-based;
- k. the one-line budget is monitored regularly to ensure it does not operate in deficit;
- l. a workforce plan is developed encompassing future needs and including strategies to support the achievement of equal employment opportunity targets, including increasing the number of women in leadership positions and the employment of people from Aboriginal and Torres Strait Islander and culturally diverse backgrounds, and people with disabilities;
- m. short and longer-term workforce planning is undertaken to ensure salaries expenditure does not exceed budget; and
- n. risk management processes are embedded in financial and workforce planning and management.

5. Student Performance Monitoring

- 5.1 The Department of Education will ensure:
 - a. the school has access to required national and state assessments;
 - b. the school has access to academic and non-academic performance measures through School Performance Monitoring; and
 - c. that where the Director General has a concern about the school's performance a comprehensive school review may be commissioned.
- 5.2 The Principal will ensure:
 - a. students participate in national and state assessments;
 - b. school performance and student improvement targets and priorities, as detailed in the school's Business Plan³, are assessed and reviewed annually as part of the school's self-assessment cycle;
 - c. teachers develop expertise and confidence in monitoring student outcomes to inform their teaching and provide relevant and timely feedback to students and their parents;
 - d. rigorous assessment processes are used to evaluate the performance of students and the school; and
 - e. the school participates in the public school review process with the review report to be made public on the school website or by other means available.

6. Compliance with System Requirements

- 6.1 The Department of Education will ensure:
 - a. **insert name of school** has access to Department of Education strategic priorities, policies and guidelines and relevant State and Commonwealth legislation;

³ See 2. Business Plan

- b. access to Department of Education support for the school to meet their accountability and compliance requirements including access to professional learning opportunities;
- c. support and advice are made available when a school is considering modifying, replacing or opting out of Department of Education policy and procedures; and
- d. when a new Principal of **insert name of school** needs to be recruited, selected and appointed, for a period longer than six months, a suitable delegate will be nominated by the Director General to oversee the process and be a part of the selection panel.

6.2 The Principal will ensure:

- a. compliance with all legislation including, but not limited to:
 - [Australian Education Act 2013](#);
 - [Australian Education Regulation 2013](#)
 - [School Education Act 1999](#);
 - [School Education Regulations 2000](#)
 - [Public Sector Management Act 1994](#);
 - [Financial Management Act 2006](#);
 - [School Curriculum and Standards Authority Act 1997](#);
 - [Occupational Safety and Health Act 1984](#);
 - [Corruption and Crime Commission Act 2003](#);
 - [Children and Community Services Act 2004](#);
 - [Working with Children \(Criminal Record Checking\) Act 2004](#);
 - relevant State and Commonwealth Government anti-discrimination legislation including the *Disability Discrimination Act Education Standards 2005*;
 - State Government and Department of Education requirements for procurement; and
 - all industrial instruments.
- b. all associated reporting requirements for funded programs are met;
- c. where a principal vacancy arises:
 - i. a recruitment process is initiated by the principal for absences of six months or less; and
 - ii. the Director General and the Chair are notified of the intention to vacate their position permanently or temporarily for more than six months.
- d. the school meets its legislative and policy obligations as a public school, particularly in terms of the requirements for the duty of care for students and the enrolment of students;
- e. provision of relevant data to enable the Department of Education to meet reporting obligations;
- f. participation in the Principals' Professional Review process including completion of a Leadership Action Plan and responding to feedback with appropriate strategies and actions;
- g. staff leave is regularly monitored and is managed according to Department of Education requirements for clearing leave;

- h. an annual school report is published which describes the school's performance, including consideration of the student improvement targets and priorities, as detailed in the school's Business Plan⁴, and reports on legislated and designated policy and program requirements;
- i. all school compliance requirements are met, including but not limited to:
 - the school financial and administration compliance and formal approval processes, including travel and leave approval;
 - risk and internal and external audit requirements, including but not limited to, responding to internal and external audit requests as required; and applying the Department of Education's risk management framework specific to schools;
 - the Reporting Requirements of Schools;
 - all registration, screening and Working with Children checks;
 - the Media Liaison Guidelines including contacting the Department of Education's Media and Communications unit prior to making contact with the media;
 - whole of Government policies and initiatives that apply to all public schools such as the Accountable and Ethical and Decision Making program;
 - agreements between the Commonwealth and State Government; and
 - the signed and dated Delivery and Performance Agreement which has been returned to the school is retained for audit purposes.

⁴ See 2. Business Plan

Signatories to the Agreement

Signed on behalf of the Department of Education

Lisa Rodgers
Director General
Date

Signed on behalf of **insert name of school**

Insert name
Principal
Date

Noted on behalf of **insert name of school** School Board

Insert name
Board Chair
Date