

# COMMUNITY KINDERGARTEN REGISTRATION ADVISORY PANELS

### GUIDELINES

##### Background

The Minister may give written notification to a community kindergarten’s governing body, of his or her decision to grant, vary or cancel its registration. Included in this notification will be information about the governing body’s right to appeal the decision. Should the governing body apply for a review of the Minister’s decision, the request is referred to a Community Kindergarten Registration Advisory Panel.

***Community Kindergarten Registration Advisory Panel*** means an advisory panel under s 241 of the School Education Act 1999 (the Act), established for the purposes of s 201 (3) of the Act.

##### Establishing a Community Kindergarten Advisory Panel

A Community Kindergarten Advisory Panel is established whenever a community kindergarten’s governing body submits a written request to the Minister for Education for a review of a decision to grant, vary or cancel its registration. A Community Kindergarten Registration Advisory Panel makes recommendations to the Minister for Education to confirm, vary or reverse the decision.

##### Stages in the appeal process

1. The Minister gives written notification to a community kindergarten’s governing body of the decision to grant, vary or cancel its registration. Included in this notification are the reasons for this decision and information about the community kindergarten’s governing body right to request a review of the decision.
2. The community kindergarten’s governing body has 28 days from the time of receiving written notification of the Minister’s decision to make application in writing to the Minister for Education for a review of the decision.
3. The Minister for Education refers any applications from a governing body of a community kindergarten to review a decision to grant, vary or cancel its registration to a Community Kindergarten Advisory Panel.
4. The Deputy Director General, Schools establishes the Panel, appoints the panel members (at least three people), including one member of the Panel as Chairperson and may appoint an Executive Officer to support the operations of the Panel.
5. Panel members are considered to have the skills and understandings that enable them to offer quality, impartial advice to the Minister about the case to be reviewed.
6. All panel deliberations need to reflect procedural fairness, taking account of diversity with respect to culture, language, gender, geographic and economic factors, and so on.
7. The Panel reviews the decision to grant, vary or cancel the registration of the community kindergarten in accordance with the relevant sections of the *School Education Act 1999* (ss 192-198, 201, 241, 242).
8. A report of Panel proceedings and recommendations (Appendix B) is prepared by the Executive Officer and signed by all Panel members. There is provision in the report for a Panel member to record a minority view. The report is submitted to the Minister for Education, applicant and the Deputy Director General, Schools’ representative.

### POST PANEL DELIBERATIONS

The Minister considers the report and associated recommendations and confirms, varies or reverses the decision to grant, vary or cancel the community kindergarten’s registration. The Minister gives written notice of the decision to the applicant and the Chairperson of the Panel and includes reasons for that decision. The Minister is not bound by recommendations made by the Panel.

The recommended time limit for completion of a Panel report is within 20 working days of the Panel being appointed.

### ROLES ASSOCIATED WITH A COMMUNITY KINDERGARTEN REGISTRATION ADVISORY PANEL

#### DEPUTY DIRECTOR GENERAL, SCHOOLS

The Deputy Director General, Schools:

* establishes a Community Kindergarten Registration Advisory Panel;
* appoints a member of the Panel as Chairperson;
* may appoint an Executive Officer to support the operations of the Panel; and
* presents the case for upholding the Minister’s decision through a representative and/or a written submission.

#### ALL PANEL MEMBERS

All members of a Community Kindergarten Registration Advisory Panel:

* sign the Confidentiality/Conflict of Interest Declaration (Appendix A);
* consider all information brought before the Panel;
* consider submissions from the Community Kindergarten Governing Body and the Deputy Director General, Schools’ representative; with both parties given an opportunity to be heard;
* consider relevant sections of the *School Education Act 1999* (ss 192- 198, 201, 241, 242);
* uphold the principles of confidentiality and procedural fairness;
* have regard to the social, cultural, lingual, economic or geographic factors, or learning difficulties, that may be relevant to the case;
* seek additional information or clarification through the Executive Officer if necessary;
* formulate recommendations that will be included in a report for the Minister’s consideration; and
* check the completed report and, if satisfied that it is a full and accurate account of Panel deliberations and recommendations, sign the report.

#### CHAIRPERSON

The Chairperson of a Community Kindergarten Registration Advisory Panel:

* appoints the Panel members on behalf of the Deputy Director General, Schools;
* liaises with the Executive Officer regarding venue, time and agenda for Panel meetings;
* oversees the completion of declarations by Panel members about confidentiality, conflict of interest (see Appendix A);
* chairs Panel proceedings and facilitates Panel decision making;
* confirms that Panel members are aware of their roles and responsibilities and that the requirements of the *School Education Act 1999* are followed; this includes provisions for a fair hearing, confidentiality and conflict of interest;
* verifies that the Executive Officer prepares an accurate written report of Panel deliberations and recommendations; this includes reporting minority views expressed by Panel members;
* checks the completed report and, when satisfied that it is a full and accurate account of Panel deliberations and recommendations, signs the report;
* forwards the Panel’s report to the Minister and applicant; and
* confirms the process is completed within the recommended timeframe.

#### EXECUTIVE OFFICER

The Executive Officer makes all arrangements necessary for the convening and operation of a Community Kindergarten Registration Advisory Panel.

Accordingly, the Executive Officer:

* provides information to Panel members and all affected parties regarding:
	+ purpose of the Panel in relation to the case being reviewed;
	+ procedural advice about the conduct of a Panel;
	+ relevant sections of the *School Education Act 1999 (*ss 192-198, 201, 241, 242); and
	+ roles and responsibilities including confidentiality and procedural fairness.
* confirms that Panel members have signed the Confidentiality/Conflict of Interest Declaration (see Appendix A);
* negotiates a suitable venue and time for Panel proceedings and provides this information to Panel members and the Chairperson;
* organises travel arrangements and other support services (such as Translation and Interpreter Services) as necessary;
* prepares an agenda for the Panel meeting/s in consultation with the Chairperson;
* maintains the confidentiality of all documents relating to Panel proceedings; this includes documents provided to Panel members during Panel proceedings;
* assists the Chairperson in ensuring that due process and the requirements of the *School Education Act 1999* are followed;
* facilitates the provision of additional information and undertakes any research that may be required by the Panel;
* keeps accurate and comprehensive minutes of Panel deliberations; this includes reporting minority views expressed by Panel members;
* prepares a report of Panel proceedings, including Panel recommendations, using the format provided in this document (see Appendix B) and confirms it is signed by all Panel members; and
* files all relevant documents according to Department record keeping procedures.

APPENDIX A

CONFIDENTIALITY/CONFLICT OF INTEREST DECLARATIONS

##### Confidentiality

I declare that no information obtained as a result of my participation as a member of the Community Kindergarten Registration Advisory Panel will be disclosed or used except for the purpose of preparing the report of the Panel’s findings.

##### Conflict of Interest

When given information by the Executive Officer relating to the Community Kindergarten Registration Advisory Panel’s review of the Minister’s decision

of…………………………………………………please complete either A or B (below).

##### A)

I ........................................................... (please print name) hereby declare that I have **no conflict of interest** in this Panel.

##### B)

I ........................................................... (please print name) hereby declare that I **do have a conflict of interest** in this Advisory Panel pertaining to:

Due to a conflict of interest, I

.................................................................................... **wish to decline**

**membership** of this Advisory Panel.

##### NAME:

**SIGNATURE:**

**DATE:**

APPENDIX B RECOMMENDED REPORT FORMAT

**‘CONFIDENTIAL’**

1.0 **Title:**

“Community Kindergarten Registration Panel Report”

##### 2.0 Community Kindergarten Details:

Name and address of community kindergarten.

##### 3.0 Applicant Details

Name of governing body; name/s of signatories in the letter of appeal and contact address of governing body and/or Community Kindergarten.

##### 4.0 Sociocultural Profile:

An outline of the social, cultural, lingual, economic, geographic and other such factors relevant to the Community Kindergarten and a statement about the provision that was made by the Panel to have regard for these factors.

##### 5.0 Panel Membership:

Names and a summary of relevant experience, skills, attributes or qualifications of the Chairperson and other Panel members. Also the name and position of the Executive Officer.

##### 6.0 Review meeting/s details:

Attendees, date/s, time/s and location/s.

##### Documentation:

* 1. Submission/s including the original letter of request, from the applicant.
	2. A submission from the Minister or his or her nominee presenting the case in favour of the decision.
	3. Other documents relevant to panel deliberations and recommendations.

##### Record of discussions with:

* 1. Applicant/s.
	2. The Minister or his/her nominee.
	3. Any other parties called before the Community Kindergarten Advisory Panel.

##### 9.0 Panel’s response and recommendations:

Recommendations to be accompanied by reasons. Any minority views expressed by Panel members to be noted.

##### Endorsements:

* 1. Report prepared by (name of Executive Officer).
	2. Report signed by Chairperson and other Panel members as a full and accurate account of panel deliberations and recommendations.

# APPENDIX C

**CHECKLIST OF STAGES COMMUNITY KINDERGARTEN REGISTRATION ADVISORY PANEL**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Stage | Descriptor | Recommended Timeframe | Person responsible (insert name) | Signed | Date |
| **PRIOR TO ESTABLISHMENT** | Minister notifies governing body of decision to grant, vary or cancel registration.Written request for review of decision received within 28 days of notification (above) being sent. |  | Minister |  |  |
| **1** | Community KindergartenRegistration Advisory Panel is established.Chairperson and Executive Officer appointed. | Recommended time limit for completion of panel deliberations is **ten (10) working days** from the day the panel is established. | Deputy Director General, Schools |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 2 | Panel members complete declarations.Panel members briefed and meeting arranged. |  | Executive OfficerExecutive Officer |  |  |
| 3 | Panel meets - makes recommendations. |  | Chairperson |  |  |
| 4 | Report prepared, signed and forwarded to Minister, Deputy Director Schools and applicant. |  | Executive Officer All panel members Chairperson |  |  |
| **POST PANEL DELIBERATIONS** | Minister considers report and makes decision. |  | Minister |  |  |

2