

**Canterbury Public School
Extraordinary P&C Meeting
Wednesday 10th September 2014**

Present: David Taffa, Melanie Bruniges, Amanda Barker, Berlinda Cook, Glenn Downie, Rod Leonarder, Gaylene Noun, Jules Munro, Annabel Kain, Emma Indermaur, Lorraine Lewis, David Lewis, Alexis Joseph, Chris Trimmer, Sascha Jenkins, Toni Hume, Selamawit Yaregal, Marina Giokas, Renee O'Connor, Cate Lyons-Crew, Helen Jewell, Jenny Allen, Kendal Sharratt, Jennifer Eason, Joanna Carroll, Adam Perrett, James Iliffe, Phillippa Talbot, Tash Cloughessey, Anthony Shannon, Simon Lees, Zoe Jenkins, Helen Berendsen, Sue Fowles, Jacquie Cheetham, Jacqui Kemmis-Riggs, Audrin Ramirez, Nathan Wort, Kate Purcell, Alex Simmons, Jonathan Cropper, Voula Henry, Adrian Dorman, Paul Scouller, Francesca Mladorau, Amanda Rosso Buckton, Rod Buckton, Tom Gordon, Micha Vallis, Mark Williams, Glenn Smith, Maria Pasten, Marghie Murgo, Steven Tuften

Meeting opened: 7:40 pm

| Agenda Item | |
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| Welcome | <p>Berlinda Cook, delivered a welcome to country and acknowledged the reasons we're here, stating there has been an outpouring of loyalty and support for Janette & David. We are here tonight to clarify the situation as there are different levels of understanding regarding the context, and because the community want to be part of the solution.</p> <p>David Taffa welcomed new parents and NSW Department of Education and Communities (DEC) representatives Glenn Downie, Manager Sydney Asset Management Unit and Rod Leonarder, Director Public Schools, and Maria Pasten from Linda Burney's office.</p> |
| Apologies | Suzanne Trimmer, Natalie Bishop |
| Discussion procedures David Taffa | <p>The termination of the agreement with ACEBASC is an emotive issue in the community. David said he's received a lot of email correspondence over the last week regarding the issue. There have been a range of reactions and a number of people have contacted the media, members of parliament, etc. It was agreed that it would not be productive for David and Janette Elwell to be here. Please allow people to answer questions and finish speaking.</p> |
| Current situation David Taffa | <p>David & Janette terminated their agreement with the school after a meeting with DEC representatives last week. There has been a Community Use agreement in place that has been able to be extended each year for the past 19 years. The DEC policy changed in 2009 and the agreement between the school and ACEBASC hasn't complied since then. The new policy was review 3 years ago and the principal at the time, and David and Janette, put it aside, but now it's an issue that has to be addressed. Over the last 3 weeks David and Janette have been corresponding with DEC via email. Last week they met with the representative from Sydney Asset Management,</p> |

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| | <p>Berlinda and I. The discussion broke down, as there were clauses in the contract not agreeable to them. David and Janette are not happy with the tendering process; they have never had to do this before. They found this unacceptable, given the business they have built in the community over the years. They have built up trust and goodwill with the school which they thought they could pass on or sell in the future. With the new tendering process this isn't available, although it wasn't available with the previous agreement either. Last Wednesday they declined the new agreement. Berlinda, David and Janette and I met again last Thursday to discuss the issues. Janette and David were asked what it would take for them to stay, but again they felt nothing would make it possible. The school and P&C both want David to reconsider his decision and stay to the end of Term 4 David sent an email stating why he wouldn't attend this meeting. The understanding is that ACEBASC have made a final decision and that they will move on.</p> <p>We need to discuss what will happen from Term 4 and beyond. Glenn from DEC met with Berlinda and Sascha Jenkins and was given a list of questions to respond to prior to the meeting</p> |
| <p>Questions for DEC representative Glenn Downie</p> | <p>Glenn has a role introducing licensing agreements in schools; lots of schools fall outside the current agreements. He has been working with schools to address this since the beginning of the year. The new agreement means the schools and DEC know where they stand and gives the provider a clear understanding of tenure.</p> <p>DEC understands just how valued the Elwells service is to the school community.</p> <p>The meeting with the Elwells last week was the beginning of the consultation process. It wasn't intended to be the one and only meeting.. David and Janette were provided with a copy of the agreement so they had time to digest it. They were also given a document reflecting DEC's understanding of the current service. There was flexibility with the start date and room to move, but unfortunately there was no opportunity to have the discussion with the Elwells. With the pace of movement last week we didn't have opportunity to consult with the community.</p> <p>In terms of future tendering process, it will be transparent. A tender evaluation panel will be set up including community representation. DEC will advise on the process so at the end everyone is comfortable the right decision was made.</p> <p>The Principal will chair a panel and evaluate the tender. The school will run the panel with one DEC rep. The criteria for the tendering process are set. However how the criteria are weighted is up to school. The evaluation panel can weight criteria according to community needs.</p> <p>You can't predict how long the consultation process will take - it takes as long as it takes;</p> <p>Conflict rarely happens as the process is strict in its selection criteria; every</p> |

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| | <p>service has the same criteria applied. Once the panel agrees they may interview a shortlist of providers. DEC Asset Management only consults on the process.</p> <p>Berlinda commented she is happy to have the community over-represented and to have 3 or 4 community members on panel. The only person external to the school in the process is the DEC Asset Management representative. Berlinda stated financial gain has never been a priority for the school with before and after school care. The minimum amount that can be charged to a provider is what ACEBASC is being charged. There has been minimal financial gain from ACEBASC, but an extraordinary gain in every other way. Rod Leonarder stated tender processes are part and parcel of a lot of school operations. Nearby schools are currently undergoing tenders for their canteen and clothing pool.</p> <p>David T commented that emails have gone to a number of members of parliament and both the Education Minister and shadow minister are aware of the situation.</p> <p>David T and 2 other P&C executives met with Linda Burney at Parliament House today and a commitment has been made to assist us on the way forward.</p> |
| <p>Questions from the floor</p> | <ul style="list-style-type: none"> - Annabel has read the relevant implementation procedures regarding government and procurement guidelines, but couldn't find information regarding the tendering process, panel make-up, etc in the department documents. OOSHC is a different issue from other tendering they might do within the department. - Glenn is not aware of a publicly available document around the tendering process, there is an internal document available when that process commences. Sydney Asset Management provides support regarding advertising and going to market and the procurement process. - Sascha asked if DEC is ex-officio member of panel, i.e. will they vote or not? Glenn advised that it was up to the school to decide. They can be in an advisory capacity only if that's what the panel wants. - David T asked does the panel write the tender document. - Glenn responded no, but it does decide the weight given to different criteria. - Rod has been involved in panels tendering various services in the capacity as a school principal, where the school community has decided on the process. On the last OOSH (outside of school hours [care]) panel there was a good discussion about how the tender was promoted/communicated. - David T: There are 3 categories of centres: commercial (ACEBASC), parent run and not for profit <p>Tendering process takes at least 3 months so will need cover for next term.</p> <ul style="list-style-type: none"> - Amanda RB asked not sure why a service running successfully for 19 years chose not to participate in the service. Also wondering if other schools have been in similar situations that have lost services. - David T responded that over the last couple of years there have been lots |

of changes in regulatory and compliance in after school care, most of administrative work fell on David to do. David thinks that this additional step and the future tendering process was too much for him.

Berlinda: When we had the initial conversation and conversations since, there are a lot of policy changes happening in that arena. Berlinda stated she was happy to take on an advocacy role on the Elwell's behalf. This is happening to other communities. Janette & David decided not to take up this offer.

- Glenn advised there are two aspects to formalising agreement: licensing, which formalises the tenancy and an agreement around the type of service operating. They had a period of grace allowing them to continue to operate as they were. Glenn was surprised the Elwells didn't take the opportunity to continue operating for 5 years.
- Jonathan C (???) asked why wasn't this done at the end of the year? Why two weeks before school holidays?
- Glenn advised he came to the school last week simply to advise the Elwells needed to formalise a license agreement for the service. There was flexibility from the license starting point.
- Berlinda stated that we know the service is second to none, we know in all likelihood they would have come up trumps in any tender due to their relationship, service and commitment.- Phillipa said how can we let the service walk away? Is there not anything we can do?
- Berlinda responded that we're not letting them walk away, it's the Elwell's decision. Their current contract contains a termination clause of 2 weeks, the Elwell's invoked that. It was very emotional. David T and Berlinda tried to convince them to stay, at least until term 4. The Elwell's were worried that someone new would come in 2020.
- David T spoke to David E this morning, told him the door is open to reconsider. A number of people have exhausted discussing the issues with him.
- Rod said they started a process of consultation last week, David E was very aware about the tender process as there had been a dialogue with previous school principal. Rod is amazed he didn't want to be part of the process. The NSW State Government decided this needed to happen. All sorts of arrangements exist, and ongoing discussions are taking place with numerous school communities.
- Glenn: It was fully expected the agreement would be taken up. Talking to Sascha and Berlinda, it's clear there is a lot of emotion regarding this decision. We need to allow time for Janette and David to cool down, as we want them to rethink. They've made it quite clear that won't happen.
- Sascha said Annabel & I had dinner with them on Monday night and we said come back, we want this service, we'll do what it takes. However the Elwells just aren't in a position to continue at the moment. David Elwell shared some emails with them between asset management and staff. They felt pressured to sign the contract at the meeting as that was indicated in emails. David was concerned the community wouldn't have a chance to be

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| | <p>consulted. What changes is DEC going to make so that this won't happen in other schools? There are emails that indicated that it would be nice to sign at that initial meeting. Is this just going to squeeze out all the small providers?</p> <p>- Glenn advised that small providers do win tenders.</p> <p>- Berlinda: As principal and advocate, I advised DEC the license agreement would not be signed on 1st September. I was extremely firm with David & Janette that the date was not important and with DEC that 1st January was the start date.</p> <p>- Rod advised that if there is an agreement in place with the provider then I believe the first contact should be with the provider, not community. There is the option of a community license agreement, with the community, or a commercial arrangement with the department.</p> <p>- Nathan asked at what point was the community going to be consulted? We weren't listened to or consulted early enough.</p> <p>- Rod said he disagreed; the school has a range of agreements for community use. In terms of going forward it makes sense the provider needs to be part of the initial discussion.</p> <p>- Berlinda: I am learning from this, it was only supposed to be an initial conversation from her perspective. This may be the downside of having a new principal; I didn't foresee this would be explosive as it was. Need to gather information and research, etc.</p> <p>- Question in relation to licence agreement, if the Elwells were willing to discuss it, will department consider negotiation on aspects of it? Is department genuinely willing to negotiate?</p> <p>Glenn advised that agreements are site specific. There is a standard licence agreement that isn't adjusted. It's a proven agreement that works with all different types of providers.</p> <p>Comment: I spoke with David Elwell and he was angry the community wasn't consulted. The problem is the lack of negotiation from Sydney Asset Management, they won't move past 5 years. You have these discussions with lots of providers. There must be some authority somewhere who can negotiate it?</p> <p>Berlinda: That was David's perspective. David E is worried about openness and the way the tender process is done.</p> <p>- Rod: Doesn't believe the process would have been fair and reasonable to go to the P&C and have discussion on this without having a discussion with the provider. David aware department had moved toward the tender process. That was the beginning of the conversation.</p> <p>Questions: Is there any liability for the Elwells? Glenn answered no.</p> <p>Comment from the floor: It's good to understand how we got to this point. Now what about care for term 4?</p> |
| <p>Next Steps or Actions How do we move</p> | <p>- David T said I asked David & Janette if they could stay until term 4, and the current staff need to be considered, and hopefully retained. There has</p> |

forward?

been communication with the staff and some will go if they find another position as they cannot wait, need to think of their own security. If we can get provider on board we will be communicating that we wish to have continuation of staff. It will depend on the service we can get and where staff will be at the time. We will be looking at whether the new service can provide a service to meet current requirements without parents having to reapply. The ratio set by the regulations is something like 1 staff member per 15 students; ACEBASC has been running 1:9, so they have been providing a very good level of service at a low cost.

- Zoe: Wondering if anyone has a sense of the number of tenderers we will attract as we are a small school. Will anyone be interested? Compliance such a big issue... will we have a service? Dulwich Hill had a similar situation. Service moved off school property – canvassed as an option, eg church grounds?

- Rod answered that it depends on the marketplace, the amount of tenders that will come up. Will probably have responses from big operations, smaller, a range. 60 children is not a small service, it is a viable service. Certain amount of meterage per student, not problem with that at Canterbury.

- David T commented he has been looking on the tendering site at applications for tender at other schools going through this process and they have had a number of applications. He's been looking at what the options are for Term 4. There'll need to be community consultation and to form a panel to help determine what will happen going forward.

Berlinda commented that Janette & David considered moving to the church across the road years ago, and now wish they had. They could have changed their status to become a not to profit service. She has contacted local providers, have discussed with all of them. 1. Canterbury South provider: the manager, Suzanne, is happy to have a conversation for term 4;

2. Splash at Ashbury Public School has a co-ordinator, Marcel, who could run the service for a term (this service has a parent run committee) – not sure if can open on another site.

3. Camp Australia provides the service at Croydon Park, would take on the staff, but would want 12 month minimum.

4. Canterbury Council; Linda Burney will discuss with Council their taking on the service for a term. - There needs to be a parent working party who will make a decision as to whether to get started on the tender process pretty early next term.

Question: Some schools provide after school services offsite – are these options all on site? Answer: Yes they are.

Question: Can we look at Term 4 as a cool down process for the Elwells? Is this possible? Would they stay if we had a service that is P&C run or parent run?

David T advised the Elwells have declined to work with a P&C run service.

They will vacate their building at the end of term 3. Janette was a little more open to staying, but David is adamant. There are legal issues that have to be considered about creating a parent-run service.

Question from Sacha: Would ACEBASC need to tender if they break for Term 4? Answer from Glenn: Should be fine and not necessary to tender.

Comment: The problem is the building is the department's asset and the children are ours. At no point have we discussed the children.

Question from Mischa: What are the main selection criteria?

Glenn: Don't have specifics on hand but can provide. The school can weight the criteria according to school's needs.

Berlinda suggested some of the aspects the criteria would include.

Kate P suggested we look for a caretaker service for 2 terms to allow time to make a good decision. Glenn advised there is no requirement to go to tender next term – realistically would need to start this process early next term if want someone in place January 2015.

David T advised David E. is not amenable to a tender process; he was uncomfortable with the chance of losing.

Steve T: When do we need to close the door on the Elwells staying?

- Berlinda: We're at that point.
- Annabel commented we are only three and a half weeks from the start of term 4; she agrees we are looking at 2 terms to get the process going. We still could consider a parent entity taking over the service. The parent body would get first dibs and wouldn't need to go to tender if that was the case, much like the canteen. Annabel had lunch with Darlington Public School to discuss this as they have a parent run service. Whatever happens we need a stakeholder group of parents as the liaison to move this process forward. Focus needs to be to follow leads for term 4. If there was the possibility of someone to caretake the service, wonder if David would stay? There may be a small chance.
- Question: Wondering about the process of handing over for interim care provider. David & Janette receive extra funding and a staff member for a child with extra needs, what does that mean for this child?
- Berlinda: David and Janette has assured everyone they'll ensure a smooth transition to the new provider. She would need to investigate the additional funding situation; there are a number of students who attend care and have special needs and that transfer of information and care would be incredibly important. Janette and David will be a big part of that. Whatever the school can do, it will.
- Berlinda thanked the community for everything they have done.
- David T will hold another meeting next week to provide more of an update on options. Details of parents who use before and after school care will be given to David T to disseminate information.
- Steve T asked what help can parents provide?
- David T said regarding a stakeholder panel, a couple of parents have put their hands up; we will need assistance in both short and long term. We

welcome anyone putting their hands up to assist, particularly if they have relevant skills and expertise in their background, this would be very helpful.

- Phillipa asked will we need to reapply for places even with an interim provider?
- David T said he didn't know if we'll need to reapply. David E will supply information on children/days etc. A condition will be that the current service level is supported. Issues around Child Care Benefit need to be ironed out as site license to be transferred over.
- Berlinda commented that with new kindy students starting next year, ACEBASC was such a selling point for the school. There has been difficulties in the past and negative talk about the school, but we've overcome them. We need to be a strong united community. We are in a process of grieving and I urge you in your conversations in the broader community to be positive in your talk about the school as Canterbury is such a great school.
- Zoe commented that we have so much space available, so this shouldn't limit the number of children who can be accommodated.
- Berlinda said there are set licences for numbers of children, this is set at 65 for the moment. This can be changed as required. The service was growing because the school is growing.
- David T commented that if we're looking at another provider we have an open choice for what we want them to do, such as their providing vacation care if the community wants that.
- Question: how soon will we know about next year?
- Berlinda confirmed the community has agreed that we will be going forward for 2 terms; if a group can meet tomorrow and specifically go to providers with exactly what we want, seeking a 2 term tenure.
- Glenn D: asked why 2 terms?
- Glenn S: The selection criteria is the Elwells, we need proper time for transition for the service, under the circumstances as we're going into term 4 not enough time. This is about our needs and getting us back to the position we were in last week. It is a complex process that we need time to manage. The process has to work for us to have the quality. We need to fill the stop gap for term 4 as a priority.
- David T said we have two priorities; one is to have care for our children on 7th October, and one to have care in the longer term. Please advise if you want to be on the stakeholder panel.
- Chris T asked can we give the Elwells the opportunity to have a contract starting from term 2, 2015 if they wish. Some things discussed at the meeting may have a bearing on the Elwells for the future.
- Glenn said he didn't see why not.
- Jo commented she highly recommends the care provided for her two children by Canterbury South run by Suzanne.

Another comment was that Camp Australia is overly commercial. Berlinda advised it is out as they would only discuss a 12 month tenure.

- Linda Burney said she will call the mayor and general manager for us and

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| | <p>have a discussion with the education minister today.</p> <ul style="list-style-type: none">- Jacquie C suggested to look at Earlwood public school provider too? They are very good.- Lorraine thanked the P&C Executive and everyone working really hard, especially those liaising with David and Janette. |
| Meeting concluded | 9:20pm |