

# Submission to the Standing Committee on Education, Training and Youth Affairs— Inquiry into school closures and reform of the ACT education system

## **Flynn Primary School P&C Association Inc.**

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### **Summary**

Flynn Primary School was a popular and healthy neighbourhood school and community centre before it was closed in 2006. The Flynn P&C believes the school and community resource centre were wrongfully closed and that remedial action is needed. Opening the school and community centre at Flynn can be justified on the basis of righting past wrongs, but an equally strong case comes from considering the best way forward.

Flynn had overwhelming community support in 2006, and this support continues with a growing P&C group, backing of the suburb (expressed through an all-suburb survey) as well as three years of lobbying, a Supreme Court Appeal against the closure, and community action. The regeneration of Flynn continues with the influx of young families adding to the extended baby boom.

Drawing upon Flynn's demographic need, community support and commitment, this submission presents three options for establishing a school and community centre. These options flow out of the following recommendations made by Flynn P&C arising from its detailed analysis.

### **1. The ACT Government's *Towards 2020* policy was flawed, and decisions made under it are invalid and should be reviewed, including through the release of all relevant documents**

*Towards 2020* was prepared in haste, without consultation or debate. It introduced a substantial shift in educational and neighbourhood planning but lacked validity because of the poor evidence-basis and because of the conduct of the consultation process. *Towards 2020* claimed to be about improving educational quality, choice, diversity and equity but was quickly found to be a policy of mass school closures that deprived communities of neighbourhood schools and equal educational and social opportunities.

To properly evaluate, learn from and remedy *Towards 2020*, all documents related to the proposal to close schools and the subsequent consultation process should be released. This includes the Costello Functional Review and all documents withheld from release through Freedom of Information requests (excluding only privacy exemptions adjudicated by an independent arbiter).

## **2. The impacts of school closures were significant and should be recognised**

The impact of Flynn school closing has been dramatic, leaving a gaping hole in the fabric of the community. The result has been an almost total loss of social and educational programs and activities in the suburb and a breakdown in social capital.

Families and communities are bearing the brunt of fuel, travel, and health costs, the effects of anti-social behaviour, as well as the emotional impact associated with losing a school, friends, and community connection. Flynn has lost its only community centre and thousands of hours per week of community activity. Former Flynn students have been abused at and on the way to other schools.

## **3. The consultation process was flawed, and the Act should be amended to prevent it being repeated**

The consultation process is widely regarded to be seriously flawed. There is evidence that the deficiencies in the policy were compounded by a poorly conducted and hurried consultation process that failed to meet basic requirements of section 20 of the *Education Act 2004* and the process set out in the *Community Engagement Manual*.

Throughout the six-month consultation period, it seemed that Flynn's efforts were directed towards trying to reverse a decision already made. The flawed data, lack of openness and transparency, withholding of critical information, and departmental comments reinforced that view during that time. This has since been confirmed by evidence of bias or conflicts of interest in the department and Ministerial offices.

We have seen no evidence for any genuine analysis of the social, educational and financial impacts on students, their families or the wider community of closing Flynn Primary School.

The Act should be amended to prevent a similarly flawed process being repeated. The Education Amendment Bill is a good first step, but it could be strengthened in places to ensure the Minister executes certain steps properly and in sequence. The unfortunate lesson from 2006 is that a prescriptive approach is necessary.

## **4. Remedial action is needed—Flynn should be opened as a school and community centre**

Flynn wants and needs a local school. In the view of the Flynn community, Flynn's school and only community centre should not have been closed. It was the largest of all the schools closed, and it was larger than some that remained open.

Opening Flynn as a viable school and community centre can be justified simply on the basis of righting past wrongs, as shown by an analysis of the consultation process and impacts of closing Flynn. An equally strong case comes through considering the best way forward from here.

Flynn has the demonstrated need, community support and commitment upon which to open a sustainable school and community centre. Three governance and funding options are presented, all of which are designed to meet the established and future needs of the local community. They all include a school and childcare centre that are an integral part of a community centre with relevant and complementary community uses and, as appropriate, limited commercial use. These are:

Option 1: a fully-funded government school

Option 2: a government-funded cooperative school

Option 3: a community-owned and run cooperative school responsible for the entire site

The Flynn community has a wealth of expertise that can be drawn upon to develop a sustainable business model for this, and the P&C urges the Standing Committee to do all in its power to make this a reality for the benefit of all concerned.

**Disclaimer:** Flynn P&C representatives have signed an undertaking to not disclose the contents of documents obtained through discovery during the legal action. We are bound by this and this submission does not rely on these documents.

**Note about Freedom of Information documents:** Documents obtained through Freedom of Information requests are cited as f.nnn, where 'nnn' is the folio number. All refer to a December 2007 FOI request unless otherwise indicated.

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# 1. Introduction

The Flynn P&C welcomes the opportunity to make this submission to the Standing Committee for Education.

With a number of other schools, Flynn Primary School was closed in December 2006 as a result of *Towards 2020*. It followed a statutory six months of consultation starting on 6 June 2006 as part of the tabled of the 2006–07 ACT Budget that had been developed on the basis of a *Functional and Strategic Review of Government Services* (the Costello review).

The June announcement of closing Flynn Primary School caught the Flynn community by surprise. Flynn was a good school with increasing enrolments, and it was the suburb's only community centre. The community took months to regroup from the initial shock, and the impacts are ongoing.

This submission examines the implementation of *Towards 2020* in Flynn and re-asserts the ongoing need for a local school.

We note the terms of reference as below.

The Committee will consider aspects of the reform of the ACT education system with particular reference to:

1. The ACT Government's *Towards 2020* policy including:
  - Demographic factors influencing regional planning in the delivery of educational services;
  - Configuration of school environments and educational outcomes; and
  - Reorganisation of the ACT school system thus far.
2. The impact of school consolidation and closures with a focus on:
  - Community experiences and attitudes;
  - Student learning experiences; and
  - Financial, social and environmental impacts.
3. Community responses, including;
  - Review of the consultation process, including how public submissions were considered and incorporated into the final reform package;
  - Views on the Education Amendment Bill 2008;
  - Interest expressed by school communities to re-open schools listed for closure; and
  - New uses for school facilities.
4. Any other relevant matter.

## 2. Experiences and impacts of the closing of Flynn

The impact of Flynn school closing has been dramatic, leaving a gaping hole in the fabric of the community. Flynn was the largest school closed and the only school that was closed where no other social infrastructure exists within the suburb.<sup>1</sup>

The result has been an almost total loss of social and educational programs (apart from a part-time preschool) and activities in the suburb and a breakdown in social capital. Limited social networks remain in the suburb: the most extensive and ongoing are Neighbourhood Watch and the Flynn Primary School P&C Association. Ironically, the community's attempts to restore its school and only community facility have been key to maintaining a sense of community, and the P&C has been growing since the school closed.

Nevertheless, as Flynn has lost its only venue there has been a loss of local, community activities. There is no lack of willingness or interest in community activities, but now there is just nowhere to hold them. By way of example, after the school was closed, the local Neighbourhood Watch met a few times in Flynn Preschool instead, but it was forced to seek alternative arrangements when given an invoice for hundreds of dollars for a few hours a night; the design of the facility for small children also made it unsuitable.

The impacts of closing Flynn are real and ongoing and have not been adequately recognised by government. One reason this was such a negative experience is the way schools were closed—the decision lacked legitimacy and was rushed through without due regard to individual circumstances or need. Parents were forced to find a new school within five working days after the decision to close it was announced, while simultaneously cleaning out community assets from Flynn and while grieving. To make it even more traumatic, government workers entered the school before it was closed and started packing up desks and other assets around the children without the knowledge or consent of the Principal.

In general, the types of impacts that have been reported are below (Table 1). Families have asked us to comment on their behalf. Not everyone has experienced all these issues. Most families have tried to make the best of a very bad situation and have had varying degrees of success in establishing their children into their new schools. Most school administrations have worked hard to try to assimilate the Flynn children, and this has met with mixed success.

Despite the Minister's promise for transitional support and counselling, families reported poor access to counsellors.

A significant impact has been the lasting effects of the divisive nature of the *Towards 2020* process. It is hoped that this Inquiry will acknowledge and allow some healing of the community's grief and anger in this regard, and take steps towards remedying the damage.

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<sup>1</sup> There were 178 children enrolled in December 2006, and the school would have had 200+ children by 2010/11 if left open, See the Flynn P&C submission to *Towards 2020*.

**Table 1: Impacts of closing Flynn Primary School and community centre**

|                                    |                                                                                                                                                                                                                                                                                                                 |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Grief in children                  | Children were forced to come to terms with the traumatic, unfair and sudden loss of their school, friends and community – some impacts are long-term.                                                                                                                                                           |
| Grief in families                  | Parents saw their children grieving and as they missed seeing their friends on a daily basis.                                                                                                                                                                                                                   |
| Increased vehicle running costs    | Calculated to be an average \$26/week at 2006 prices (calculated from the ATO website calculator), and assuming children were evenly distributed amongst the surrounding schools                                                                                                                                |
| Fewer children walking or cycling  | Some 74% of Flynn Primary School children walked to school when it was open, but now almost no one does because of the distances involved and major roads to cross. This is contrary to other ACT Government initiatives to encourage children to walk to school to improve their general health and wellbeing. |
| Loss of friendships                | Flynn families were scattered to 22 other schools, and it has been difficult for other than the closest of friends to stay in touch.                                                                                                                                                                            |
| Poor connectedness                 | Some people have reported that they see very few other Flynn community members these days (other than through P&C activities and birthday parties); people also report some distress at not knowing the other children in the suburb.                                                                           |
| Deserted streets                   | The suburban streets are now generally empty, with families waving to each other from their cars as they drive to their new schools in other suburbs.                                                                                                                                                           |
| Loss of investment                 | At least \$300,000 of community investment into the school was removed from the Flynn community when the school was closed (calculated from 30 years of fundraising of at least \$10,000 per year).                                                                                                             |
| Loss of volunteering               | People have reported a lack of desire to actively engage in their new P&Cs because of the possibility of further closures and disruption to these social networks.                                                                                                                                              |
| Loss of confidence                 | Many children have shown a loss of self confidence; are concerned that their new school may also close; many started worrying more than usual about what others would think of them.                                                                                                                            |
| Loss of trust in government        | Children and adults no longer trust government to engage in honest, fair and transparent processes.                                                                                                                                                                                                             |
| Sense of being devalued            | Flynn children felt devalued when they were told they collectively were not worth a few hundred thousand dollars, when government was spending millions elsewhere.                                                                                                                                              |
| Illness                            | There was significant stress during the consultation period and the change to new schools and some adults and children reported stress-related illnesses.                                                                                                                                                       |
| Difficulties in making new friends | Those children who by their nature have trouble making friends were sometimes reluctant to invest whole-heartedly in new friendships (some still are); some parents have also reported difficulties in assimilating into the well-established parent groups in their new school.                                |

|                                   |                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Abuse                             | Incidents of children being assaulted on the way to their new school, and others being abused once there, have been reported.                                                                                                                                                                                                                                                             |
| Loss of programs                  | Despite a promise from the Minister that school closures would not result in any programs being lost, Flynn children lost access to several programs, including Italian, Kids with Courage, Dads 'n' Kids, Flynn's social skills program (not all receiving schools had one), music programs (not all schools have an inclusive, whole-school approach), and the LOOK/Blue Earth program. |
| Language continuity lost          | The loss of Italian from the region has meant that children have had to learn a new language. Starting Japanese at a year 4, 5 or 6 level with children who had been learning it since kindergarten, for example, was challenging. The lack of continuity to high school means that some of these children will need to start another new language all over again.                        |
| Interrupted learning              | Some children found the experience of being forced to change schools disruptive, and some 'switched off' learning for months or years.                                                                                                                                                                                                                                                    |
| Educational continuity lost       | At least one family has reported their children covering material in year 3 that had been covered in Flynn in year 1.                                                                                                                                                                                                                                                                     |
| Loss of stability                 | Some families have changed schools several times in an attempt to find one that meets their children's needs in the way Flynn did.                                                                                                                                                                                                                                                        |
| Lost IT opportunities             | Flynn had smart boards and computers in all its classrooms. Some children in their new government schools have not had access to these facilities since Flynn closed                                                                                                                                                                                                                      |
| Medical issues                    | Some families found it difficult to ensure the required medication regime for their child was implemented precisely as needed in the new school.                                                                                                                                                                                                                                          |
| Playgroups have closed            | Three playgroups have closed down because of the lack of accessible and convenient facilities that can be used at suitable times.                                                                                                                                                                                                                                                         |
| Loss of school-aged care          | Flynn was one of the few government schools to run a before-school, after-school and holiday program.                                                                                                                                                                                                                                                                                     |
| Damage to heritage                | The heritage value of the school is under threat through disuse of the facility.                                                                                                                                                                                                                                                                                                          |
| Diminished networking opportunity | The lack of a local, on-site school means that preschool parents do not have the same opportunity to link into the local community than they would if the school were still open. Parents tend to move on to any of a number of primary schools and local community links are generally not maintained.                                                                                   |
| Resources strained                | Parents already at receiving schools have told incoming families from closed schools that they have lost access to resources, such as storage space, dedicated reading, music, home science rooms, and other facilities because they were needed for classrooms.                                                                                                                          |

### 3. The *Towards 2020* policy and the consultation process

This section addresses some of the key concerns about the consultation process in relation to Flynn. From Flynn's perspective and from the documents we have seen, it appears that the consultation processes required by the Education Act, and as stated in the *Community Engagement Manual*, were not followed.

The June announcement of closing Flynn Primary School caught the Flynn community by surprise, particularly since the Minister had visited the school only weeks earlier. The shock may have been sufficient to affect the capacity of the community to fully engage.

It would have been much better if the Minister had been more open and transparent and given Flynn and other schools a genuine opportunity to develop alternatives to closing that would be genuinely considered.

#### 3.1 The *Towards 2020* policy

The *Towards 2020* policy has been reported as the 'single most significant change to education provision in the Territory since the start of self-government'.<sup>2</sup> It abandoned the concept of neighbourhood, until then fundamental to Canberra's urban design and planning, and adopted instead a poorly-defined concept of 'regions' and 'community' as the basic unit.<sup>3</sup>

This new, centralised approach was adopted without consultation, and it was contrary to the stated policy of peak stakeholder groups such as the ACT P&C Council, which still supports the concept of neighbourhood schooling. This is particularly the case for preschools and primary schools, for which local and safe access are vital. In direct contrast, new suburbs, such as Forde, are promoted on the basis of their local community facilities, including a local school.

As is shown in this submission, the data used to underpin the policy are flawed, and some of these issues are examined in relation to consultation issues throughout this paper. Examples include issues around school capacity, recent demographic changes (increased fertility rates—a baby boom), and enrolment projections. The lack of sound evidence-base and forward planning is clear: some 'receiving' schools needed upgrading and extending, or demountables, to accommodate the displaced students.

It also appears that the policy was implemented in order to close down neighbourhood schools rather than improve services or educational quality. Departmental preferences seem to

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<sup>2</sup> Commissioner for the Environment, Education, in *State of the Environment Report 2007/08*, <<http://www.envcomm.act.gov.au/soe/2007actreport/indicators07/education07>>

<sup>3</sup> See the *Towards 2020* submission by David Wright for an excellent discussion of this point, at <[http://activated.act.edu.au/2020/Submissions/General\\_DavidWright.pdf](http://activated.act.edu.au/2020/Submissions/General_DavidWright.pdf)>

have been directed toward options that closed sites.<sup>4</sup> This is further indicated by the following statement in a letter to a community member:<sup>5</sup>

A good case could be made for allowing each and every one of the schools earmarked for possible closure to remain open. Each is valuable and valued. Each has its inspirational stories to tell, its own history, its own culture and personality. But the Government must take a systemic look, and the numbers and trends with which it is confronted are stark.

In other words, a good case for staying open would not be enough to override the financial argument based around ‘numbers and trends’. It suggests that the regional (centralised) approach to educational provision provided a means of ignoring local need in favour of a ‘bigger picture’.<sup>6</sup>

The result was that Hall and Tharwa Primary Schools were told they were closed because of factors in adjacent urban regions, ignoring their unique rural situation.

Flynn Primary School was told it was closed on the basis of regional factors, but this ignored its unique situation as being the only school and community facility in the suburb. In this regard, Flynn has been left with even less than Hall and Tharwa.

### 3.2 The consultation process

The consultation process is widely regarded to be seriously flawed. For many schools, including Flynn, it seemed that our efforts were aimed at reversing a decision apparently already made.

There were significant flaws in the consultation process. In general, there is strong evidence for the view that the Minister and his department:

- failed to adequately consider the social, financial or educational impacts of closing a school at any stage during the *Towards 2020* process
- failed to consult with stakeholders (including School Boards and P&Cs) when designing the consultation, as required by the process he claimed to have followed in the *Community Engagement Manual*<sup>7</sup>
- implemented a policy (of school closures) that focused on financial factors rather than educational quality
- failed to fully consult for the entire six months as required by the Act
- failed to consider flaws in the data underpinning the proposal, or new data, when the *Community Engagement Manual* indicates that the consultation should effectively start again in such cases

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<sup>4</sup> Documents indicate that the department preferred the option of retaining Charnwood Primary and closing Melba High—because this closed a site

<sup>5</sup> Extract from 17 August letter, f.3204-3; TRIM 50789, a list of correspondence shows it relating to Flynn, Tharwa, Dickson College and Hall (ff. 3758-3819)

<sup>6</sup> There are suggestions in the Schedule from a June FOI request of financial targets, but the relevant documents have been withheld from release.

<sup>7</sup> This was stated on the *Towards 2020* website at the start of the process, and in the Notices of Decision given to closed schools

- failed to explain inconsistencies in enrolment projections under various closure options
- failed to provide adequate and timely information, or any information in some cases
- failed to release financial information, including targets
- failed to release all documents relevant to school closures
- failed to maintain proper records
- failed to be open and honest with the community
- failed to adequately respond to correspondence, giving general replies to specific questions, not responding at all, and taking months to reply in some cases
- failed to provide a level playing field for schools listed for closure
- failed to provide criteria for submissions so schools knew what they would need to address to be ‘saved’
- failed to comment on or respond adequately to specific points raised in submissions
- implemented decisions to close schools before 6 December
- made the final decision within days of the consultation period closing.

Importantly, we have not seen any documents to show that the social, educational and financial impact of closing Flynn Primary School (or any other now-closed school) were analysed or genuinely considered at any stage.<sup>8</sup> Given the impact of the resulting decisions on entire communities, Flynn believes this brings into question the legitimacy of any decisions made under s.20 of the Education Act. The Minister can easily resolve this issue if he were to release an authentic analysis conducted in 2006. **We recommend that the Minister be requested to release all such analysis and advice.**

For Flynn, there should have been, before even deciding to list the school, regard given to the following impacts:

- the social, educational and financial impacts of closing the school
- the social impact of closing our only community facility
- the financial and environmental impact of removing the only school within safe walking distance for many Flynn residents
- the impact on Flynn’s heritage of closing the school.

We note that a confidentiality undertaking prevents us commenting further on some issues.

**It is also of concern that issues around flawed and incomplete data were not adequately addressed.** For example, the 2006–10 enrolment projections used to forecast declining enrolments were already wrong in 2006 (having been calculated from 2005 School Census data). Regional projections for 2010 under the different models were inconsistent, swinging by up to 800 students—from 3287 under the then current model to 3741–3841 under option 2 and 3991–4091 under Option 1.<sup>9</sup> These errors were significant, never explained, and they would have flowed through to affect projected capacity and costs. The issues were only barely mentioned in reports as ‘concerns about the data’.

<sup>8</sup> The department indicated in its planning that an analysis would be done and advice provided on key issues, see f.0377; departmental officers had also led Flynn parents to expect an analysis. A discovery request for departmental reports about Flynn to the Minister yielded no more than the FOI request did.

<sup>9</sup> Diana McGrath, submission to Towards2020, DET website, uploaded 21 December 2006.

There were also other concerns. For example, building condition data appear to have been incomplete,<sup>10</sup> to the extent that Flynn's condition was reported in briefing papers as 'nil'.<sup>11</sup> It is uncertain how the Cabinet could have listed schools for closure with a 'rigorous analysis of enrolments and on the state of buildings'<sup>12</sup> without reliable or contemporary information for either. Listed schools all had 'works required' assessments completed by the end of November,<sup>13</sup> but this should have been done before listing schools for closure rather than a week before the end of consultation, and there was no opportunity for the community to respond.

The *Community Engagement Manual* indicates that, in cases where data are flawed, the entire process should have been halted, possibly started again, and the data reviewed in partnership with community.

There were additional factors that affected Flynn, and these have never been adequately explained by the Minister for Education, the Chief Minister or the Department of Education. These are discussed in the following pages.

### **3.2.1 Visits to schools before announcing intentions to close**

In mid-May 2006, Flynn Primary School felt honoured to receive a visit from the new Minister for Education Andrew Barr. The principal, parents and children prepared carefully and put much effort into making him feel welcome. There was never any explanation of the purpose of that visit, other than to say "I'm visiting a number of schools", but the Minister sent a letter in late May telling the community of his positive impression of the school. Because there was no written brief for the visit, the advice given to him by the department is unknown.

It is now clear from departmental records that the Minister would have already been planning to close schools at that time, and Flynn was almost certainly on the list. A December 2006 letter to parents shows that the visit was taken into account in making the 'final' decision to close the school.<sup>14</sup> This raises serious questions about the influence of that first visit in any decisions about Flynn.

The Flynn community believes that the Minister visiting the school as part of consultation about closing schools, but failing to tell the community or the Board at the time, may constitute a breach of s.20(6) of the Education Act. He should have told us that he was planning to close the school at least during his visit if not beforehand.

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<sup>10</sup>A June Bardon/Dunne FOI request showed condition data for few schools: See f. 2175-3 (a spreadsheet) , f.40-14 (summary sheets)

<sup>11</sup>Flynn: f. 2558-7

<sup>12</sup>Katy Gallagher MLA, in *Hansard*, 7 June 2006, p 1860.

<sup>13</sup>Flynn's report included one item that had already been addressed and others that might need work

<sup>14</sup>6 December 2006 letter from Andrew Barr to Flynn parent

### 3.2.2 Lack of accurate and timely information

Flynn Primary School parents had as much difficulty in obtaining accurate and detailed information as other school communities. In particular relation to Flynn, we were unable to discover:

- the specific reasons for closing Flynn
- the reason for closing Flynn in 2006 rather than in a different year—parents were told it was to stagger the date of closure with Mt Rogers/Melba, but this still suggests at best an arbitrary decision and a more precise reason was not given
- the basis for the demographic forecasts when the community could observe an increase in the number of children in the suburb due to renewal and a baby boom
- the method for calculating enrolment projections, which had already proven to be wrong before *Towards 2020* was announced
- the threshold cost—what cost per student would be low enough for a school to stay open
- financial information—such as easily understandable details of the proposed cost savings and the 2005–06 cost per student data, which would allow the cost of running the school in 2006 to be assessed
- whether the good condition of Flynn’s building had been taken into account, having been told that the condition of infrastructure was a key reason for needing to close schools.

Attempts by Flynn and other communities to obtain information were frustrated at every turn, gaining only a very slow and usually inadequate response throughout the consultation process. For example:

- relevant financial or other information was released towards the end of June 2006
- reasons for being listed for were released in very general terms in late September 2006
- what schools needed to address to be ‘saved’ was never released.

The ‘reasons’—a list of factors considered when deciding which schools to close—that were posted on the *Towards 2020* website in September included many points to justify closing schools in general—such as ‘Significant under-utilisation of Canberra’s public schools ...’ or ‘Fewer children walking to school’.<sup>15</sup> We suspect from the available documents that some of the information—such as the proportion of children who walked to each of the various schools, or building condition—was not available at a sufficient level of detail to make a sound decision.

Delays in responses to correspondence were particularly demoralising. A 16 June letter asking why we were proposed for closure was answered towards the end of July. Other letters received late replies or even no reply at all. Requests for reasons on or about 4 July through the *Administrative Decisions Judicial Review Act* (the ADJR Act) gained replies dated on or close to 25 September. Apart from claiming there was no decision and therefore reasons were not required, the replies were very general anyway, did not state specifically why Flynn was listed for closure in 2006, and failed to provide much of the other information sought by parents. At least one gained no reply.

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<sup>15</sup> *Towards2020* website, ‘Frequently Asked Questions’, accessed 21 September 2006.

We have since seen the template used to form the responses to correspondence, and most parents would recognise the text in their letters.<sup>16</sup> It explains why, when Flynn tried to raise the issue of the relatively good condition of its school building, the point was never acknowledged in replies—‘building condition’ was not a paragraph in the template. The use of the template in this way points to a possible lack of genuine engagement.

Finally, we have seen no documents to show advice being sought from or provided by ACT Heritage with respect to the impact on heritage of closing Flynn, even though Flynn’s heritage was cited in the Notice of Decision. This shows the department was aware of the heritage issues, and yet did nothing about it. This should be further investigated. **We recommend the Minister be asked to release any such advice.**

### 3.2.3 Unequal treatment of communities

Some schools were told that the proposal would be implemented only if it was supported, for example the Campbell High–Dickson College proposal, and the option for downsizing Charnwood Primary School.<sup>17</sup> Others—such as Flynn, Tharwa and Hall—had no such hope as their only option was to be closed.<sup>18</sup> We can only assume that consultation with all of these schools was conducted accordingly.

In this region, two primary schools in adjacent suburbs were both proposed for closure—Mt Rogers/Melba and Flynn. Early in the consultation period, the Minister stated that he would close either Flynn (listed for 2006) or nearby Mount Rogers/Melba (listed for 2008), but he might not close both. Early discussions with the Minister indicated a reluctance to retain Flynn in its own right.<sup>19</sup>

Verbal statements from departmental officers made it clear that the department preferred to close Flynn. For example, one departmental officer who had been involved in assessing capacity figures told a parent in October 2006 that ‘Flynn should close’ and ‘Even when the school was open, I drove my kids right past Flynn Primary School and took them to Fraser’. Another told a parent that the school was ‘earmarked’ and would close regardless of the community’s efforts.

A departmental officer’s diary note indicates that the department viewed Mt Rogers as a receiving school for Flynn,<sup>20</sup> but there is no record of either the Minister or his department considering Flynn as a receiving school for Mt Rogers. An even-handed approach would have also investigated this possibility.

Statistically, being a primary school listed for closing in 2006 was a significant disadvantage, and pre-emptive in itself, because it increased the chances of being closed.

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<sup>16</sup> See ‘Favourites’, e.g. f.231-252

<sup>17</sup> Record of meetings, f. 13212

<sup>18</sup> Documents indicate that the department preferred the option of retaining Charnwood Primary and closing Melba High—because this closed a site

<sup>19</sup> Comments at Copland College forum, and minutes of Flynn P&C meetings with the Minister

<sup>20</sup> For example: 5/6 August diary entry f.16392, list of community uses f. 8987

## Biased and misleading information

Departmental documents show a clear bias towards closing Flynn in that a number of them contained false and misleading statements about the merits of Flynn Primary School and Flynn Preschool.

Because Flynn was unaware of these records during the consultation period, the community had no means of correcting the information they contained, or even knowing that some information was contradictory or false. The department should have made these and similar documents available to school communities so any errors could be corrected. This would have facilitated a much more open and transparent process.

Two examples are below. Individually, the issues appear to be minor, but these small things accumulate to give an overall negative impression of Flynn, particularly if taken in the context that either Flynn or Mt Rogers/Melba would close.

**If all such advice was of this nature, it must have affected the Minister's and Chief Minister's capacity to respond with an open mind to claims made and data presented by the Flynn community as part of the consultation process.**

*Example: Preschool notes*

Appendix A contains an example of one set of notes about Flynn and Melba preschools.<sup>21</sup> The department noted that, for example:

- Flynn preschool *'is stand-alone and isolated from the nearest primary school, children do not gain a sense of belonging to a school community'* BUT Melba was a *'cohesive cohort of children as preschool and primary school enjoy strong links'*—even though both preschools were co-located with their primary schools, and Flynn had successfully piloted the preschool–primary links program
- Flynn had a *'total capacity for 50 students and operates at 25% building capacity. Enrolments have only reached 25 maximum and operated as a part time unit'*—even though Flynn Preschool was full (at 25 enrolments), with more students than Melba Preschool. Flynn also had a waiting list that had existed since the department made an unexpected decision in late 2004 to close a preschool session and thereby reduce enrolments by half.
- Flynn's *'Proximity to Charnwood Preschool is less than one kilometre. Therefore regional need is over proscribed.'* when Melba was also one kilometre away from Flynn and other schools.

The last point suggests the reason for closing Flynn is that the suburb is next to Charnwood—hardly a valid reason and one that certainly was not communicated to the Flynn community.

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<sup>21</sup> f.7006-7

*Example: Primary school notes*

Similar issues of misleading and biased information were encountered in a series of information sheets distributed to government members only,<sup>22</sup> being kept from the public domain until after schools had closed. For example, it emerged that:

- For the building condition of the primary schools:
  - Flynn’s condition was described as ‘nil’ (failing to mention a recent upgrade), and a Round 2 IOSP grant of \$65,800 for air conditioning<sup>23</sup> was included as a cost of operating the school
  - Mt Rogers’ condition was described as having been recently painted and having an IOSP grant of \$79,307, despite having no approved grants under the then-current funding rounds<sup>24</sup>
- For the preschools:
  - Flynn Preschool was described as being a ‘small part time preschool co-located with the primary school’ that was in good condition (failing to mention a recent upgrade<sup>25</sup>)
  - Melba Preschool was described as having ‘strong community involvement and strong commitment to preschool program’ and that the ‘buildings and grounds were fully renovated in 2005’
- Social issues for Flynn were noted, but some details have been withheld from release through exemptions under the FOI Act.

Flynn was not aware of the poor quality of departmental information about the school during the consultation period, nor were we given the opportunity to correct false and misleading information. This demonstrates a lack of openness and transparency in the consultation process, and it brings into question the legitimacy of decisions made.

### Conflict of interest in the Chief Minister’s office

The existence of a conflict of interest in the Chief Minister’s office during the school closures process is already on the public record.<sup>26</sup> Departmental records that show the Chief Minister’s advisor<sup>27</sup> was also a parent at Mt Rogers/Melba Preschool<sup>28</sup> during the consultation period.

This gave the Mt Rogers/Melba community a level of access to the Chief Minister’s office and to departmental briefs, notes and other advice that no other school had during the consultation period. The advisor is also reported to have contributed to the Mt Rogers submission.

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<sup>22</sup> Flynn: f. 2557, f. 2558, Mt Rogers/Melba: f. 2541, 2544

<sup>23</sup> Granted in the first half of 2006

<sup>24</sup> See f.14634-1 for a list of approved IOSP grants

<sup>25</sup> The work was described in the *Towards 2020* submission by Flynn Preschool

<sup>26</sup> Statement by Vicki Dunne, <<http://www.hansard.act.gov.au/hansard/2008/week10/3944.htm>>

<sup>27</sup> See contemporary staff lists, but also at f.8543

<sup>28</sup> See f.5649

The advisor attended a 3 November Flynn meeting between Flynn P&C and the Chief Minister, but failed to declare any conflict of interest at the time, stating instead that her children were attending another school in the region.<sup>29</sup>

Flynn's legal advice was that the evidence supports a claim of 'apprehension of bias' in the closure of Flynn Primary School.

That the Chief Minister took part in deciding which schools were to close is self-evident. Apart from heading the Cabinet who made the decision to close schools,<sup>30</sup> the Chief Minister had commissioned the Costello review and indicated that schools would close before Andrew Barr was sworn in as Education Minister.<sup>31</sup> In addition, records show the Chief Minister:

- was briefed on a weekly basis by the department<sup>32</sup>
- was acting Education Minister during the consultation period<sup>33</sup>
- asked a staffer to attend a Mt Rogers P&C meeting<sup>34</sup>
- discussed Flynn's 3 November meeting with the Education Minister<sup>35</sup>
- received copies of submissions so he could 'fully consider the educational, social and financial impacts of the proposals being raised by school and community members',<sup>36</sup>
- was in the Cabinet that made the final decision about which schools should close.<sup>37</sup>

The two schools had been told that one of them would close. Even if it could be proven there was no bias, there was an undeclared conflict of interest. In either case, the playing field for the two schools was clearly not even.

The evidence supports a conclusion that the decision about Flynn was unchangeable. The community is still asking whether Flynn ever had a realistic chance of staying open.

### 3.3 Failure to account for Flynn's particular circumstances

Flynn submitted a case for staying open that was the result of thousands of hours of volunteer effort from across the school and the wider community.<sup>38</sup> The submission demonstrated that:

- the school was the only community facility in Flynn
- the building was in sound condition
- enrolments had increased by 7% rather than declined as projected, and they were predicted to keep increasing independently of the closure of other schools
- cost-per-student was estimated to decline

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<sup>29</sup> Minutes of 3 November meeting, Flynn P&C records

<sup>30</sup> f. 6627 (This initially scheduled the decision-making meeting on 7 December, the day after consultation closed)

<sup>31</sup> *Stanhope flags school closures*, 19 April 06, [www.abc.net.au/news/stories/2006/04/19/1618975.htm](http://www.abc.net.au/news/stories/2006/04/19/1618975.htm)

<sup>32</sup> For example, see f. 2102 to 2028

<sup>33</sup> While acting Education Minister, Mr Stanhope issued press releases and signed letters about school closures to members of the community

<sup>34</sup> f. 2809

<sup>35</sup> 16 November letter to Katy Gallagher from Andrew Barr, November 2006, f.10532

<sup>36</sup> f. 11457

<sup>37</sup> See <http://www.hansard.act.gov.au/hansard/2008/week10/3760.htm>

<sup>38</sup> Flynn Primary School P&C Submission to *Towards 2020*

- educational outcomes and the breadth of curriculum were comparable to other, larger schools in the region
- the school was valuable in its own right because of its heritage and unique design
- most children walked to school, and it was the only school within safe walking distance for 90% of children in the suburb
- there was massive community support for retaining the school.

A whole-of-suburb survey showed that only 3% of households (33 households surveyed) agreed with the school closing. Some 81% (922 households) believed the school should stay open. The remaining 16% did not know.

There was no social impact assessment, and we cannot understand how social impacts could have genuinely been considered without one. Our concern about the lack of proper analysis of submissions and the social and other impact issues they raised were mentioned earlier. We also note that ministerial statements to the Assembly failed to explain how the social, educational and financial impacts were specifically considered for each of the schools closed.<sup>39</sup>

Flynn was not given clear and specific reasons for being listed for closure at any stage. When the school closed in December 2006, the school community still didn't know why. The reasons that were provided in January 2007 were inadequate in that they were so general they could have applied to almost any school. Furthermore, there was no explanation of how the information and arguments in Flynn's submission were considered, and why they were not accepted.

The 'summary of information on decisions' for Flynn is a good example of the lack of regard to Flynn's specific circumstances.<sup>40</sup>

#### **Flynn Primary School**

- Having considered the additional information received during the consultation process it has been decided that no further compelling evidence has been provided to support the future viability of the school.
- Early childhood education will continue to be provided at Flynn Preschool which will amalgamate as an annexe of the Mount Rogers School in 2008.
- There is an excess of capacity in the Belconnen North West Region. Transition planning indicates that families are able to access schools nearby that will cater for their children's needs.
- There has been no indication from the consultation process that the enrolment trends will show significant change.

<sup>39</sup> For example, <http://www.hansard.act.gov.au/hansard/2007/week01/152.htm>

<sup>40</sup> see f. 3683, and adjacent folios for other schools

Apart from its focus on financial (cost) factors and the omission of social impacts, this summary is problematic for several reasons:

- The Minister must have rejected the information contained in Flynn’s submission to decide that ‘no further compelling evidence has been provided to support the future viability of the school’, despite assurances from his office that the Minister was satisfied with the information provided.<sup>41</sup>
- The option of amalgamating Flynn Preschool with Mount Rogers was never presented to the community as an option and was therefore not subject to consultation. In Flynn’s view, this makes the amalgamation illegal under s.20 of the Education Act.
- Flynn parents in general did not engage in transition planning during the consultation period, a fact known to the department,<sup>42</sup> but transition planning was cited as part of the basis for closing the school (despite a commitment that such planning was ‘just in case’).
- Flynn presented alternative enrolment projections, which neither the Minister nor his department said they had rejected.<sup>43</sup> It appears they were accepted because of the large number of young children in Flynn.<sup>44</sup> In an October meeting, a departmental official indicated he and the Minister had accepted Flynn’s version for that reason.<sup>45</sup>

This failure to recognise Flynn’s particular circumstances, other than in meetings, was clear in the final Notice of Decision, which restated in its findings the department’s view that enrolments would decline, costs would go up, and the students could go somewhere else. The reasons and findings of fact failed to recognise the crucial role of the school as the only community facility in the suburb, the revised enrolments, costs and educational data presented by Flynn, the building condition, and they failed to account for issues around data accuracy. Other issues, such as the heritage value of the school, or the lack of safe walking access for children to other schools in the region were not adequately addressed.

**This failure to recognise Flynn’s particular circumstances brings into question the validity of the decision to close the school.**

### 3.4 Amendments to the Education Act

The Flynn P&C supports the Education Amendment Bill 2008 (the Bill) as it goes a large way towards ensuring that a similarly flawed process associated with the introduction of radical changes to education policy can never be repeated.

**The Bill is a good first step, and it should not be weakened. We recommend that it be improved by the following changes:**

- requiring 12 months to consider options, 6 months to consult over closing, and then a further 6 months in which time transition planning can commence
- requiring steps to be conducted sequentially, and this must be made clear

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<sup>41</sup> Email 1 December 2006

<sup>42</sup> Weekly briefing 22 September, f.2062; Current Issues 9–15 September f.2128

<sup>43</sup> *Flynn baby boom may help stave off school closures*, Canberra Times, 29 September 2006

<sup>44</sup> Departmental diary notes for 27 September, see additional notes on 25 September, f.16382.

<sup>45</sup> Diary notes—Flynn record of meeting.

- including more detail about information provision in the Act to require ALL documents and advice in relation to closing a school to be provided to at least the staff, School Board and P&C
- requiring reasons for closure to be provided at a level of detail that is specific to the school under consideration. Reasons should be provided at the time of the initial proposal, and at the end of the six-month consultation period BEFORE a school is closed
- shifting the responsibility so schools are not required to show why they should stay open , rather the Act should explicitly require the Minister to make a strong case for why they should close
- specifying in more detail the requirement for the Minister to show how he considered the community's views
- providing an avenue for accessible, affordable and independent appeal to ensure the correct process is followed.

This is a prescriptive approach, but the lesson from 2006 is that this is needed to be confident that a government will engage in a proper, open and honest consultation process with school communities.

Flynn P&C believes that it is essential that a formal notice that states why a school has been closed should be required before schools close their doors. The content of this notice should be specified in the Act itself or in a Schedule; and it must be accurate, specific to the individual school and adequate. The deficiencies with the current process were many, and included the lateness of such Notices (after the schools closed), the generic nature of the reasons and findings, the use of wrong, out-of-date and incomplete information, and the inadequate logging of submissions. Many issues were 'considered' by simply being listed by name, with no detail as to their content or an explanation of how they were considered.

The Minister has since argued to Flynn through its legal proceedings that there was no obligation under the Education Act to provide a statement of reasons, and so claimed that Flynn could not argue any inadequacies as part of its appeal. One interpretation of this statement is that, because the Act does not require a formal Notice of the Decision, the quality of any such Notice is not important. We therefore recommend a change to the legislation to require genuine and specific reasons for closing a school to be provided at the start of the process, and again at the end but before the school is closed.

Finally, because a Supreme Court appeal is out of reach for most communities, and as the Flynn experience has shown, eventually out of reach to all, **we recommend that an alternative accessible, affordable and independent avenue of appeal be investigated and provided for in the Education Act.**

## 5. Support for re-opening Flynn’s school and community centre

The facts and the conduct of the *Towards 2020* process indicates that Flynn’s school and community centre should not have been closed. Opening the school and community centre at Flynn can be justified simply on the basis of righting past wrongs.

However, the strongest case for opening a school and community centre at Flynn comes from considering ‘What is the best thing to do now?’ The key points here are that Flynn has a regenerating community, a compelling case and unwavering community support. For example:

- a growing P&C that has worked tirelessly for almost three years, raising \$50,000 to support action to save and then restore the school
- the Flynn community is still regenerating with an extended baby boom adding to the continued influx of young families to the area
- accordingly, Flynn’s school population is renewing each year
- the Flynn community still wants and needs a community centre that includes a school and a childcare facility—there is no other facility in the suburb that is suitable for general community use
- families have been forced to find other schools, but the arrangements have not always been acceptable and Flynn remains a school of choice
- Flynn also has strong cohorts of older residents who would like to access the sort of services that were available at Flynn’s community resource centre and other facilities
- the Enrico Taglietti-designed buildings remain in good condition despite poor efforts to protect the windows and paintwork from vandalism<sup>46</sup>
- evidence is available on the unique heritage value of Flynn school, community centre and grounds<sup>47</sup>
- there are strong financial, social and environmental benefits from having a school and community centre at Flynn.

In light of the above, **Flynn P&C proposes opening a school and community centre that meets the needs of the community and provides a continued means of protecting Flynn’s heritage.** The proposal includes a childcare centre, a school, and it provides community access to the hall, the rebuilt community resource centre, and the facility as a general-use community centre.

Specific community needs identified through other consultation processes are in Appendix B.

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<sup>46</sup> Similar era buildings by Taglietti at Giralang Primary School are believed to be a strong reason for its survival

<sup>47</sup> Detailed information about Flynn’s heritage is in its December 2007 application for nomination to the ACT heritage Register

## 6. Flynn's proposal for the future

The Flynn P&C proposes to work cooperatively with the John Flynn Community Group and the ACT Legislative Assembly to establish a unique and viable community centre for Flynn.

The community's pressing needs continue to be for a childcare facility, a school and community centre. The need has been identified through an all-suburb survey, other consultation processes, and regular contacts with the community through the P&C and Neighbourhood Watch.

With no other community facilities in the suburb, the Flynn community is keen to ensure that activities at the future facilities at Flynn are most relevant to the needs of the neighbourhood and that they protect the site's heritage value. This is achievable through use as a school and childcare centre, as is consistent with the design intentions and requiring little design modification. Community centre functions can be added in the hall and the community resource centre with no modification or impact on heritage.

In presenting options for future use the Flynn P&C is also mindful of keeping government costs low and bringing efficiency and sustainability in the delivery of services.

### Options for the future

Having assessed the community's need, and examined various models, and best practice in other countries, Flynn is proceeding with business planning of three options.

All three include establishing a school as part of a community centre, with:

- a 150–200 place primary school
- co-located 100-place community-based childcare, adult education and community resource centre
- environmental and heritage features
- income from community tenants to cover relevant costs of their part of the building
- management provided by a community-based Board, which would work with the School Board and take responsibility for subleasing arrangements.

The differences are in the governance arrangements:

#### **Option 1. A government-funded primary school with income from community tenants**

Community tenants that complement the functions of a local primary school would lease parts of the building at community rates that cover the day-to-day running costs of their area of the building. Under this model the building will be fully utilised. The main change from arrangements when the school was open is the management of tenants by a Board.

**Option 2. A cooperative primary school with government-system average funding and income from community and commercial tenants**

Complementary commercial tenants would be included in addition to community tenants, as above. Commercial rent would be charged at an appropriate commercial rate to support the running costs of the facility and the school. Interest in this proposal has been previously established.<sup>48</sup> The cooperative model has been very successful in Europe, establishing hundreds of sustainable, relevant and cost-efficient schools of about the size proposed for Flynn.

**Option 3. A cooperative primary school—community cooperative manages the school site and surrounding grounds and is responsible for income generation and viability**

Based on suggestions from some of Flynn’s eminent resident planners, this option is the most radical, and involves enabling management and planning for the entire precinct by a Community Board responsible for income generation, masterplanning and viability.<sup>49</sup>

The Flynn community has a large number of motivated members with expertise and skills in urban planning, social planning, architecture, business management and planning, community development, environmental sustainability, heritage, and experience in delivering similar innovative projects.

In the last two options, strict guidelines as to enrolment policies, use of community and government funds, and other governance and funding arrangements would need to be developed and agreed by the community in partnership with government. The proposed cooperative arrangements are well-established approaches to providing services to areas with Flynn’s demographic make-up, lack of social infrastructure and identified needs. The aim is to ensure a viable school and community centre that meets the established and future needs of the local community.

This will require a level of trust between government and the Flynn community, which must be re-established for good outcomes to be achieved. The community has attempted a cooperative approach as a first option at various stages in the past three years, and we are still willing and able to engage with government on a collaborative basis for the benefit of the community.

**The Flynn P&C urges the Standing Committee to do all in its power to make the school and community centre a reality for the benefit of all concerned.**

**Building condition and suitability**

As a distinctive design of award-winning architect Enrico Taglietti, the building has value in its own right and is valued by the community. The creative open-plan design facilitates

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<sup>48</sup> Previous submissions to government by the John Flynn Community Group

<sup>49</sup> *Need for bottom-up transparency in school disposal plan*, Canberra Times, September 2007, <<http://savetharwaschool.com/2007/09/17/need-for-bottom-up-transparency-in-school-disposal-plan/>>

flexible use by large or small groups for workshop or program spaces and can be simultaneously configured for a range of office or service provision needs.

Apart from superficial damage since the school was closed, the building is overall in sound condition. A 2006 TAMS building condition report indicates relatively low annual maintenance costs.<sup>50</sup>

## Childcare

A childcare centre has been proposed since 2006, having been raised in meetings with the Chief Minister and his office at that time.

The unique Taglietti, open-plan design with break-out areas and other features was designed for early childhood use. Furthermore, Sydney University research shows that this type of open-plan design is particularly conducive to early-childhood learning.<sup>51</sup> In addition, the cost of refurbishing to a suitable standard is lower than the cost of building a whole new facility only a kilometre or two away.

The school is unique in its safe and accessible location. There are five convenient drop-off points that allow easy parking and access to the facility with little congestion. Because of the design of the arterial and suburban road network, people have good regional access to the site—it is a short detour off surrounding arterial roads such as Ginninderra Drive, Kingsford-Smith Drive and Tillyard Drive. Certainly, Flynn is more accessible to West Belconnen parents wanting a childcare centre than the surrounding schools are to Flynn children needing a school.<sup>52</sup>

A popular and highly regarded local community childcare provider lodged an application for use of part of the site in early 2007, and it could be allocated space at Flynn in the same way tenants are in other community facilities. The Director of this childcare service indicates that it has been able to ‘duplicate itself’ for years because of the length of their waiting list, the number of long-term and experienced staff, and its unparalleled reputation for operating a child care facility.

Like the school and community centre, the proposal for a childcare centre with this provider already has support from the community, and the need is well established.

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<sup>50</sup> Condition Assessment of Flynn Primary School, TAMS, 29 November 2006; [www.purdon.com.au/formerschoolsites/documents/FlynnPrimaryConditionAssessmentFullReport.pdf](http://www.purdon.com.au/formerschoolsites/documents/FlynnPrimaryConditionAssessmentFullReport.pdf) This report identified that the boiler might need replacing eventually, although it was working well enough at the time of the assessment

<sup>51</sup> *Designed Environments for Young Children: Empirical Findings and Implications for Planning and Design*, Prof. Gary Moore, Faculty of Architecture, University of Sydney  
<[www.arch.usyd.edu.au/documents/ebs/Child%20&%20Family%20Policy%20Conf%20Pape.pdf](http://www.arch.usyd.edu.au/documents/ebs/Child%20&%20Family%20Policy%20Conf%20Pape.pdf)>

<sup>52</sup> See the submission by David Wright to *Towards 2020* in 2006

## School

The local community wants and needs a school.

Of all the schools that were closed, Flynn was the largest with 178 enrolments in December 2006. In comparison, the next largest was Mt Neighbour with 129 children and Hall with 123.<sup>53</sup> Flynn's enrolments were increasing as a result of a known baby boom and regeneration of the suburb's student population. There would have been an estimated 200+ children at the school in 2010/11 if it had remained open, and this would have been achieved without closing any other school.<sup>54</sup> At the time of closing, Flynn Primary School was larger than some surviving schools have been for some years.

There is still substantial and ongoing support for a school in Flynn. This is evident from the ongoing support for the P&C's Supreme Court appeal, which was only recently and very reluctantly abandoned. It is also evident that the Flynn community continues to actively respond to this issue, for example such as during the 2007 Purdon consultation process despite the perceived low chances of a good community outcome.

Staffing is unlikely to be a significant issue since the department was well able to re-allocate displaced teachers in early 2007, after Flynn closed and before the start of the new school year. Since the Minister made a commitment in 2006 that no jobs would be lost as a result of school closures, it is understood that the teachers and other staff would still be in the system and able to return.

Other issues are also easily dealt with. The resourcing of the school should be relatively inexpensive as most government and community assets were removed after the Supreme Court appeal action was commenced. In order to avoid pre-empting the outcome of the Court decision, the Minister would have instructed that these assets be tracked or put in storage, and so they could be easily returned.

Some assets were removed in December 2006 (computers and electronic whiteboards), but the Minister was on the record at the time as saying that they would be stored until needed. Some of these would be due for an upgrade about now.

The many children in the community will benefit from having a local school. The suburb is experiencing a sustained baby boom and renewal of families with young children. Flynn has the fourth-highest fertility rate among Canberra's suburbs, and the suburb's population of 0-11 year olds has increased from 15% to 17% of Flynn's total since 2001.<sup>55</sup> Enrolments at a re-opened Flynn school are expected to exceed those at the new P-2 schools, and build up

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<sup>53</sup> See the August 2006 census, and for Flynn, see: *Flynn benefits from booming births and enrolments*, media release, Flynn P&C, 7 November 2006: there was one more enrolment after the release, bringing the total to 178

<sup>54</sup> Taken from the Flynn P&C submission to *Towards 2020*. Note that this differs from the department's projected enrolments, which failed to incorporate all factors, with the result that they were already wrong by 2006.

<sup>55</sup> ABS 2007, *Births Australia*, 2006, cat. no. 3301.0; and 2006 Australian Census data

progressively each year. We also note the pressure on other schools in the region since Flynn closed in 2006.

That said, it will take time to rebuild the school enrolment levels—this is hardly a surprise given the enormous damage to the Flynn community of losing its only school and community facility. Flynn children were scattered to 22 different primary schools,<sup>56</sup> with the result that, for some, the ties to their Flynn friends are equally as strong as, if not stronger than, ties into their new ACT schools. The benefits of being able to choose to return will also help redress the social, educational and financial impacts of being compelled to change schools at short notice in 2006. Space not used as childcare or teaching spaces in the first few years can easily be leased out for complementary community uses.

The local preschool would also benefit from being part of a primary school that is supportive of the local community and the needs of local children.

### Community uses

To the Flynn community, the facility was far more than just a school. It was the local community centre and the loss of this central facility is associated with some of the significant social impacts from closing the school. There is ample community support to justify re-opening the school as part of a community centre in the context of other proposed uses.

The point should be made that the community has a strong sense of ownership of the building. One reason is that the community resource centre (the library) was rebuilt after a fire in 1994, and it was partly funded by community contributions through a ‘buy a brick’ campaign in 1995–96. This investment is one reason that the Flynn community has already rejected suggestions of demolishing the building, and replacing the functionality of a school and community centre with a neighbourhood hall—as advised by government officers and recommended by Purdons.

### **The Flynn community recommends establishing a school as an integral part of a community centre for the future use of the site**

Such an approach has proven a very successful formula for creating vibrant and sustainable communities in the face of pressing needs such as lack of community facilities, disadvantage, social and family break-down, transport and sustainability issues, ageing population and limited government funding. Flynn’s demographic make-up, lack of social infrastructure, identified needs, suburban geography, sound architecturally designed and valued building and grounds make it the ideal location for such a centre.

Key features of the proposed Flynn school and community centre are:

- a school
- early childhood development precinct and intergenerational community centre
- integrated education, music, arts, sports, and cultural development

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<sup>56</sup> 15 ACT government primary schools, 4 non-government schools, and three country NSW schools. Source: Answer to Question on Notice E07-164 and Flynn parents

- partnership between community, service providers and governments
- permanent tenancies and permanent and casual booking of multi-use facilities
- family, community and intergenerational participation
- a safe, cohesive and vibrant community
- compatible community-based business and services supporting and sustaining the above.

This proposal has been submitted to government previously,<sup>57</sup> and it included possible governance models, which have now been incorporated into the three options presented as part of this proposal. The Flynn P&C is willing to work with government to deliver the best outcome for the local community, once the necessary trust is established.

## Heritage

An application for heritage nomination of the school precinct—the school, health centre, preschool and nearby memorial park—was made in December 2007. It is still being assessed.

The Flynn Primary School, Preschool, Health Centre, grounds are unique in that they represent the first open-plan design of a school in the ACT. Prior to the opening of the school, the National Capital Development Commission showcased Flynn as Canberra’s first fully open-plan school.

The Flynn school complex is the genesis of Taglietti’s open-plan school design, which was designed in response to a brief that aimed to introduce a ‘new educational philosophy’.<sup>58</sup> This theme was further developed in Giralang. Together the two reveal the evolution of open-plan design from the traditional classrooms and layout in Taglietti’s first school design (Latham).

In Taglietti’s words:

Flynn was designed to be heretical, trying not to conform to the conventions of the past and to create a world of wonder and stimuli for the young and curious mind.

The Flynn complex is also understood to be the first ACT school to use poured concrete *in situ* to form its uniquely angled walls. This and the innovative use of space, shape, form, texture, aspect, light and environmental juxtaposition make Flynn a fine example of Taglietti’s trademark: Late-Twentieth Century Organic Style, of which there are few remaining in an undisturbed setting.

Flynn Primary Schools and preschool, adjacent grounds and memorials (John Flynn and George Simpson) are the only ones in the ACT to have such a strong physical (aeroplane shape, memorial stones, plaques, fixed displays), educational, cultural and spiritual connection to John Flynn, George Simpson the outback, the Royal Flying Doctor Service and the Australian Inland Mission. This connection is deeply valued by generations of people in the local and broader ACT who have been associated with the schools and their activities.

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<sup>57</sup> Proposal by the John Flynn Community Group, February 2007 and December 2007

<sup>58</sup> Brief to Enrico Taglietti for Belconnen 21 school, 1971

Following fire destruction of part of the school building in 1994, Taglietti was re-commissioned at the insistence of the (then) Flynn P&C to design the repair and renovations of the school without compromising the integrity of his original design. Taglietti designed and supervised the restoration of the school building and the innovative design of a multi purpose library and school resource centre. This part of the school included external access for future community use.

## 6. Conclusions demand immediate action

On the balance of the preceding analysis *Towards 2020* was a highly flawed policy and process. *Towards 2020* failed the basic tests of good administration:

- lack of sound planning and testing
- lack of evidence basis across social, environmental, financial, educational factors ... which in turn led to:
- a failure to follow due government and legal process
- outcomes that were not fair and equitable
- a process that was not respectful of people.

The question arises what can or should be done now to remedy the mistakes of *Towards 2020*. Some players in the *Towards 2020* process are reluctant to take action, saying it is too late because it happened a few years ago, or that, even if it was wrong, it is too late because people have moved on.

These are spurious arguments propagated by people who do not want to deal with the past. Schools can be re-opened in cases like Flynn where mistakes were made and where there is an identified need and community support. Legislation can be changed so the same mistakes are not made again, and the lessons learned can help to improve future processes.

**The authors of this submission look forward to an opportunity to address the Assembly's Standing Committee on Education, Training and Youth Affairs in relation to its inquiry into the closure of schools.**

### Summary of recommendations

1. That Flynn Primary School and community centre be re-opened on the grounds of the wrongful closure, established need and demonstrated community support.
2. That all documents related to the 2006 school closures be publicly released to serve the mutual interest of openness and transparency. This includes the Costello Functional Review and all documents withheld from release through Freedom of Information requests (excluding only privacy exemptions adjudicated by an independent arbiter).
3. That this Inquiry fully investigate the overall legitimacy of the process because of the alleged flaws, including the lack of openness and transparency.
4. That the Education Act be amended to ensure a similarly flawed process associated with the introduction of radical changes to education policy can never be repeated. The Education Amendment Bill is a good first step, and it should not be weakened.
5. That the Standing Committee investigate and recommend an alternative accessible, affordable and independent avenue of appeal against an adverse decision.

## Appendix A—Inaccurate notes about Flynn Preschool

BELCONNEN NORTH WEST REGION PROPOSED CLOSURES 2006

| School                 | Students                                                                                                                                            | Families                                                                                                                   | Staff                                                                                                                                                                                          |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Melba Preschool</b> |                                                                                                                                                     |                                                                                                                            |                                                                                                                                                                                                |
| Educational            | Under utilised by 50%. Collocated with primary school.                                                                                              | Strong community cohesion between parents ensuring community capacity is maintained for Melba Preschool.                   | Staff enjoy positive links with Melba Primary School.                                                                                                                                          |
| Social                 | Cohesive cohort of children as preschool and primary school enjoy strong links.                                                                     | Enjoys support of parent body and Preschool Parent Association.                                                            | Staff have opportunity to engage with primary staff for professional development.                                                                                                              |
| Financial              | Total capacity for 100 students. Historically, enrolments have only reached 25% of maximum capacity. Declining enrolments impact cost of provision. | Community parents bear the burden of the need to provide fundraising to support the educational program for the preschool. | Higher costs in staffing, maintenance and building due to the low usage of the service.<br><br>Resource teachers (3) have traditionally been placed at Melba Preschool in the unused playroom. |

BELCONNEN NORTH WEST REGION PROPOSED CLOSURES 2006

| School                 | Students                                                                                                                                         | Families                                                                                                                                                                                                                                                                                                        | Staff                                                                                                                                                             |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Flynn Preschool</b> |                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                   |
| Educational            | Under-utilised due to low enrolments.                                                                                                            | Strong community cohesion between parents ensuring community capacity is maintained for Flynn Preschool.                                                                                                                                                                                                        | Staff enjoy a positive link with Flynn Primary School.                                                                                                            |
| Social                 | As Flynn Preschool is stand alone and isolated from the nearest primary school, children do not gain a sense of belonging to a school community. | The small cohort of families do not have interaction with local school communities, thus creating an isolated cohort. Due to the small number of parents available to undertake Preschool Parent Association responsibilities, a great deal of pressure is experienced by this cohort to support the preschool. | Staff are isolated from peers which has the potential to impact their professional networking and opportunities negatively. This is also an OH&S issue for staff. |
| Financial              | Total capacity for 50 students and operates at 25% building capacity. Enrolments have only reached 25 maximum and operated as a part time unit.  | Community parents bear the burden of the need to provide fundraising to support the educational program at preschools. Proximity to Charnwood Preschool is less than one kilometre. Therefore, regional need is over proscribed.                                                                                | Higher costs in staffing, maintenance and building due to the part time provision.                                                                                |

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Issues are:

1. Flynn and Melba preschools were both co-located with their respective primary schools
2. Flynn had successfully piloted a preschool–primary links program
3. The parents bodies of the Flynn’s schools worked closely together as many had children at both facilities
4. Flynn Preschool was in good condition, having recently been refurbished
5. Flynn Preschool is as close to Charnwood as Melba preschool is to other schools
6. Flynn Preschool was full at 25 enrolments (more than Melba), and was recently capped, which resulted in a waiting list showing adequate demand for more places
7. The capacity figures for Flynn are wrong—both preschools have the same capacity.

## Appendix B—Community needs in Flynn

The community has identified key unmet needs through participation in the Purdons process. These included:

- a primary school (strongest need)
- community-based early childhood development activities
- playgroup venues (four groups interested)
- a minimum 60–80 childcare places for Flynn and nearby suburbs (where other centres are currently full)
- school-aged holiday programs
- adult education and development including community resource centre and computer facilities
- men's shed and woodworking workshops
- multi-generational involvement and participation
- retaining the cultural and architectural heritage value of the school and national memorial to John Flynn
- community meeting spaces including for Neighbourhood Watch and Safety House
- indoor and outdoor sport and recreation spaces including for ball sports, tumbling tots, gymnastics, callisthenics, aerobics and dance
- hall for community meetings, multi-use, theatrical shows and church meetings and
- compatible office uses
- community gardens or tree plantings.

Many of these activities and services correspond with many of the services that existed at the site until December 2006 and have moved out of the community, without compensatory benefit, with the school closure. These uses are generally compatible with and complementary to a co-located primary school.