

Mr Mark Scott
Secretary, Department of Education
NSW Department of Education
35 Bridge Street
Sydney NSW 2000



Dear Mr Scott

Complaint regarding the failure of the Early Learning and Primary Education Directorate to ensure compliance with the Religious Education Policy and its related documents and to uphold the values of the NSW public service and

Fairness in Religions in Schools (FIRIS) is writing to lodge a formal complaint that the NSW Department of Education's (the Department) Early Learning and Primary Education Directorate (the Directorate) is failing to ensure that the Religious Education Policy, the Special Religious Education Procedures (the Procedures), and its supporting documents, are being implemented correctly in NSW Government schools resulting in increased risks to the health, safety and wellbeing of all students, and the violation of the rights of students and their parents/carers.

In addition, FIRIS is writing to complain about the seeming failure of representatives of the Directorate to uphold the core values for the NSW Government sector as stated in Part 2 Section 7 of *the NSW Government Sector Employment Act 2013*. In particular, FIRIS is claiming that the Directorate is failing to uphold the value of 'integrity'; by failing to 'act professionally with honesty, consistency and impartiality' and the value of 'accountability' by failing to 'provide transparency to enable public scrutiny'.

1. Alleged failure to ensure policy, procedures and processes related to SRE are being implemented correctly in NSW Government schools

1.1. In February 2019 FIRIS audited primary and secondary public school websites in the Metropolitan North and Regional North regions focusing on the requirement stated in the Procedures that if a Government school offers SRE its website is to contain links to the approved providers' authorised SRE curriculum scope and sequence(s).

Across the two regions –

- Of the 486 primary school websites visited, **only 8 (1.6%)** contained links to other information and of the 29 links identified, only 17 were clear links to curriculum scope and sequence information.
- Of the 116 secondary school websites visited, **only 7 websites (6%)** had a link to other information and this single link was identified as a direct link to a curriculum scope and sequence document.

1.2. In July/August 2019 FIRIS audited all of the secondary schools in the Metropolitan North region (see **Attachment 1**).

The key finding of this audit was that of the 69 secondary schools providing SRE, **only 5 schools met all of the Department's requirements** identified in the Procedures and its supporting documents regarding the provision of information regarding SRE and Alternative Meaningful Activities (AMA) on their websites.

- 1.3. Between 11 September 2019 and 16 October 2019 FIRIS conducted an audit of the 363 'primary' schools in the Rural North school region (see **Attachment 2**). FIRIS identified that of the 280 schools that offered SRE –
- fewer than **26 (9.3%)** met all of the requirements regarding the provision of information regarding SRE on their websites.
 - **212 (75.7%)** failed to provide information anywhere on their websites indicating that SRE was being provided at the school.
 - only **47 (16.7%)** provided a link, or links, which ultimately led to a curriculum scope and sequence document.

In addition, the audit found school stating they place students in SRE without express consent from parents/carers contrary to information provided by the NSW Minister for Education in 2017 and contrary to the 2019 enrolment process.

2. Recent examples of the Directorate failing to uphold the core values of the NSW Public Service

- 2.1. On 16 October 2019, while conducting the audit of Rural North primary schools, I contacted Durrumbul Public School to find out if SRE was offered at the school. I had been unable to determine from the school's website whether SRE was, or was not, offered. The principal refused to answer the question and stated that I should contact the SRE and SEE Contact Officer.

On 16 October 2019 I emailed the SRE and SEE Officer and asked if SRE is, or is not, available at Durrumbul Public School (see **Attachment 3.1**). My records indicate that I did not receive a response to this email.

On 11 November 2019 I contacted the Officer again and stated that in the event that a response was not received by Thursday 14 November, I would be escalating the matter as a formal complaint to the NSW Ombudsman (see **Attachment 3.2**). On the same day I received an email from the Relieving SRE and SEE Officer acknowledging receipt of my correspondence dated 16 October 2019 and 11 November 2019 (see **Attachment 3.3**). The Officer stated that my correspondence had been forwarded to the Director.

Given the seeming lack of a response to my correspondence, on 26 November 2019 I sought advice from the Office of the NSW Ombudsman. I was advised to follow the matter up directly with the Director and ask to be provided with a reason for the delay in responding, to seek confirmation as to whether a response will be provided, and if so, to be informed of a timeframe for a response. Therefore, on 26 November 2019 I wrote again to the Officer and requested the name and email contact details of the Director (see **Attachment 3.4**). My records indicate that I did not receive a response to this email.

On 10 December 2019 I lodged a formal complaint with the NSW Ombudsman which is currently being investigated (see **Attachment 3.5**).

- 2.2. On 26 November 2019 FIRIS wrote to the Director, Early Learning and Primary Education (the Director) regarding SRE at Blackheath Public School (see **Attachment 4.1**). The letter was sent as an attachment to an email to the Department's SRE and SEE Officer (the Officer) (see **Attachment 4.2**). In the email FIRIS also requested confirmation that the letter had been forwarded to the Director.

On 20 January 2020, given that FIRIS' records indicated that responses to the email and the letter had not been received and more than 25 working days had passed, FIRIS lodged a formal complaint with the NSW Ombudsman (see **Attachment 4.3**). This complaint is currently being investigated.

- 2.3. On 5 December 2019 FIRIS wrote to Mr Josh Chenery (SRE and SEE Officer) regarding SRE at Rutherford Public School (see **Attachment 5.1**). The letter was sent as an

attachment to an email dated 5 December 2019 (see **Attachment 5.2**). In the email I also requested confirmation that the email and letter had been received. On 5 December 2019 FIRIS received an email from Ms Diana Murphy (Project Officer SRE/SEE) confirming that our correspondence had been received (see **Attachment 5.3**).

On 28 January 2020, given that FIRIS' records indicated that a response to the letter had not been received and more than 25 working days had passed since the initial correspondence was received by the Department, FIRIS lodged a formal complaint with the NSW Ombudsman (see **Attachment 5.4**). This complaint is currently being investigated.

In consideration of the above, FIRIS alleges that the Early Learning and Primary Education Directorate is failing to ensure parents/carers are providing informed and express consent to their child/ren/s participation in SRE.

Correspondence from Dr Paul Wood (Director, Early Learning and Primary Education) dated 25 September 2019 (RML19/3128 – see **Attachment 6**) appears to demonstrate a lack of interest in rectifying what FIRIS considers to be serious breaches of procedures at a time of heightened sensitivity about the right to freedom of beliefs and issues related to religious organisations and child safety.

Given the extremely low rates of compliance identified during our audits of schools' websites, FIRIS questions the integrity of Dr Wood's statement that –

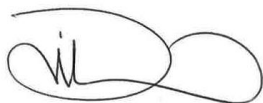
The Department continues to work with schools to ensure the SRE [sic] is implemented in line with the SRE Policy and Procedures.

In addition, FIRIS alleges that the need to lodge a complaint to the NSW Ombudsman in order to obtain a yes/no response to a simple question regarding the provision of SRE in a NSW Government school demonstrates the Directorate's failure to uphold the values of the NSW public service by choosing not to be transparent in order to prevent public scrutiny.

Furthermore, FIRIS alleges that the need to lodge complaints to the NSW Ombudsman in order to obtain a response to questions regarding possible breaches of legislation and procedures are examples of the Directorate failing to treat FIRIS with impartiality and acting with bias towards the organisation because FIRIS is exposing the Directorate's failure to ensure all schools are complying with policies and procedures related to SRE.

FIRIS looks forward to your response.

Yours sincerely



Dr Darrin Morgan
on behalf of FIRIS

10 February 2020