

EDUCATION AND TRAINING REFORM ACT 2006

MINISTERIAL ORDERS 2007

Order No. 2

The Minister for Education, under the powers contained in sections 2.4.6, 5.2.12 and 5.10.4, and clause 8 of Schedule 6 of the Education and Training Reform Act 2006, makes the following Order.

1. This Order may be cited as the Principal (Selection Procedures and Grounds for Review) Order.
2. The purpose of this Order is to:
 - (1) ensure that principals appointed to Victorian government schools are of the highest possible quality and are capable of providing outstanding educational leadership in order to create the best learning environment for each student;
 - (2) specify the composition for principal selection panels;
 - (3) specify selection criteria necessary for the appointment of principals;
 - (4) specify the procedures for principal selection panels in making a recommendation to the Secretary to the Department for an appointment to an ongoing principal position;
 - (5) specify additional grounds of review.
3.
 - (1) A school council shall proceed in the manner set out in paragraphs 1 to 7 of Schedule 1 to this Order (*Instructions to School Councils*) in making a recommendation to the Secretary in the case of a vacancy in the position of principal in a Government school advertised on or after the date this Order is signed.
 - (2) In a school where no school council exists:
 - (a) a selection panel constituted as provided in paragraph 3 of Schedule 2 (*Instructions to Committees*) to this Order is hereby approved as the committee representing the local community; and
 - (b) a committee shall proceed in the manner described in paragraphs 1 to 6 of Schedule 2 to this Order (*Instructions to Committees*) in making a recommendation to the Secretary in the case of a vacancy in the position of principal in a Government School advertised on or after the date this Order is signed.
4. When deciding on a person to employ to fill a vacancy in the position of principal in a Government school, the Secretary must consider the recommendation of the school council or where there is no school council, the committee approved under clause 3(2)(a) of this Order, and may:

- (1) approve the employment of the person recommended by the school council or the committee as the case may be;
 - (2) approve the employment of a person who was an applicant for the position but was not recommended by the school council or the committee as the case may;
 - (3) refer the school council's or committee's recommendation back to the school council or committee for further consideration; or
 - (4) direct that the principal position be readvertised.
5. In addition to the grounds of review stated in section 2.4.54(2) of the *Education and Training Reform Act 2006*, an ongoing employee may apply to a Merit Protection Board for a review of a provisional transfer or promotion in respect of a principal in a Government school on the grounds that the selection panel of the school council or where there is no school council, the committee approved under clause 3(2)(a) of this Order, failed to comply with any of the requirements contained in paragraphs 2, 5(a), 7(b), 8(c), 10, 11, 12 and 13 of Schedule 3 to this Order (*Instructions to Principal Selection Panel*).
6. The Secretary may delegate to any person employed in the administration or execution of the *Education and Training Reform Act 2006* his or her powers or functions under this Order.
7. Teaching Service Order number 192 is repealed, but shall continue to apply to positions of principals advertised before this Order takes effect.
8. This Order takes effect on and from the date it is signed.

Dated this **Sixteenth** day of **July** 2007

JOHN LENDERS
Minister for Education

INSTRUCTIONS TO SCHOOL COUNCILS

A School Council shall proceed in the manner described in the paragraphs 1 to 7 of this schedule in making a recommendation in the case of a vacancy in the position of principal in a Government School.

In this schedule:

‘Department’ means the Department of Education.

‘school’ means any Government school conducted under the *Education and Training Reform Act 2006*.

‘school council’ means a school council constituted under section 2.3.2 of or continued in operation under the *Education and Training Reform Act 2006* and does not include a committee approved by the Minister as representing the local community.

‘Secretary’ means the Secretary to the Department of Education.

‘staff member’ means all the staff employed at the school under Parts 2.3 and 2.4 of the *Education and Training Reform Act 2006* and **‘staff’** has the same meaning.

1. All applicants must only be assessed against the selection criteria for a particular position. The selection criteria for principal positions comprise five mandatory criteria and one optional community criterion. The five mandatory criteria are as follows:

(a) Technical leadership

Demonstrated capacity to effectively optimise the school’s financial, physical and human resources through sound management practices and organisational systems and processes that contribute to the implementation of the school’s vision and goals.

(b) Human leadership

Demonstrated ability to foster a safe, purposeful and inclusive learning environment, and the capacity to develop constructive and respectful relationships with staff, students, parents and other stakeholders.

(c) Educational leadership

Demonstrated capacity to lead, manage and monitor the school improvement process through a current and critical understanding of the learning process and its implications for enhancing high quality teaching and learning in every classroom in the school.

(d) Symbolic leadership

Demonstrated capacity to model important values and behaviours to the school and community, including a commitment to creating and sustaining effective professional learning communities within the school, and across all levels of the system.

(e) Cultural leadership

An understanding of the characteristics of Effective Schools and a demonstrated capacity to lead the school community in promoting a vision of the future, underpinned by common purposes and values that will secure the commitment and alignment of stakeholders to realise the potential of all students.

2. In addition to the five mandatory criteria set out in 1(a) to (e) above, the school council may include a sixth criterion informed by the specific context and needs of the school. Any criterion developed by the school council must be clear, objective and relevant and must not contravene the requirements of any ministerial instructions, regulations or relevant legislation such as the *Equal Opportunity Act 1995* and the *Public Administration Act 2004*.
3. Subject to the requirement that a selection panel include at least one member of each gender and a person accredited by the Merit Protection Boards in the principles of merit and equity, the school council must appoint a selection panel composed of:
 - (a) the school council President (or his or her nominee who is a school council member not employed under the *Education and Training Reform Act 2006*, by a school council, or the Department under the *Public Administration Act 2004*);
 - (b) a parent member of and selected by the school council or where there is no available parent member, a co-opted member of the school council selected by the school council;
 - (c) two nominees of the Secretary, one of whom must be a practising principal with relevant experience;
 - (d) a staff member elected from the staff of the school. All the said staff shall be given the opportunity to nominate one staff member and the staff member receiving the greatest number of nominations shall be selected. In the event of a tie in the nominations, the nomination process shall be repeated. Where there is no available staff member the selection panel shall comprise the four members specified in paragraphs (a) to (c) above.
4. The selection panel for a principal vacancy of a school in a Hub/Annexe arrangement shall be as set out in paragraph 3 above with the school council President and the parent member coming from the Hub school council. In addition the selection panel shall include a school council member nominated by the school council of the Annexe school (not employed under the *Education and Training Reform Act 2006*, by a State school council, or the Department under the *Public Administration Act 2004*).
5. As soon as practicable after the appointment of the selection panel, the school council:
 - (a) shall deliver to each member of the selection panel a copy of Schedule 3 of this Order (*Instructions to Principal Selection Panel*); and
 - (b) may issue further instructions to the selection panel but shall not issue any further instructions which are inconsistent or conflict with those

contained in Schedule 3 of this Order (*Instructions to Principal Selection Panel*).

6. On receipt of the selection panel report the school council may:
 - (a) accept the selection panel report and refer the selection panel's recommendation to the Secretary; or
 - (b) refer the selection panel report back to the selection panel for further consideration; or
 - (c) refer the matter to the Secretary in instances where the selection panel has reported to the school council that there was no suitable appointee, the selection panel was unable to reach a majority decision, or where the school council disagrees with the selection panel recommendation (in the last instance the school council should include the specific grounds for this disagreement).
7. Confidentiality of all school council processes and all applicant details must be maintained.

INSTRUCTIONS TO COMMITTEES

A committee established under clause 3(2) of this Order shall proceed in the manner described in paragraphs 1 to 6 of this schedule in making a recommendation in the case of a vacancy in the position of principal in a Government school.

In this schedule:

‘committee’ means a committee established under clause 3(2) of this Order.

‘Department’ means the Department of Education.

‘established school’ means a school that has been open for attendance by students for more than 12 calendar months.

‘new school’ means a school that does not satisfy the definition of an established school.

‘school’ means any Government school that does not have a school council constituted under section 2.3.2 of or continued in operation under the *Education and Training Reform Act 2006* on the date on which an advertisement of a position of principal is published.

‘Secretary’ means the Secretary to the Department of Education.

‘selection panel’ means a selection panel constituted in accordance with clause 3 of this instruction.

‘staff member’ means all the staff employed at the school under Parts 2.3 and 2.4 of the Education and Training Reform Act 2006 and **‘staff’** has the same meaning.

1. All applicants must only be assessed against the selection criteria for a particular position. The selection criteria for principal positions comprise five mandatory criteria and one optional community criterion. The five mandatory criteria are as follows:

(a) Technical leadership

Demonstrated capacity to effectively optimise the school’s financial, physical and human resources through sound management practices and organisational systems and processes that contribute to the implementation of the school’s vision and goals.

(b) Human leadership

Demonstrated ability to foster a safe, purposeful and inclusive learning environment, and the capacity to develop constructive and respectful relationships with staff, students, parents and other stakeholders.

(c) Educational leadership

Demonstrated capacity to lead, manage and monitor the school improvement process through a current and critical understanding of

the learning process and its implications for enhancing high quality teaching and learning in every classroom in the school.

(d) Symbolic leadership

Demonstrated capacity to model important values and behaviours to the school and community, including a commitment to creating and sustaining effective professional learning communities within the school, and across all levels of the system.

(e) Cultural leadership

An understanding of the characteristics of Effective Schools and a demonstrated capacity to lead the school community in promoting a vision of the future, underpinned by common purposes and values that will secure the commitment and alignment of stakeholders to realise the potential of all students.

2. In addition to the five mandatory criteria set out in 1(a) to (e) above, the selection panel may include a sixth criterion informed by the specific context and needs of the school. Any criterion developed by the selection panel must be clear, objective and relevant and must not contravene the requirements of any ministerial instructions, regulations or relevant legislation such as the *Equal Opportunity Act 1995* and the *Public Administration Act 2004*.
3. Subject to the requirement that a selection panel include at least one member of each gender and a person accredited by the Merit Protection Boards in the principles of merit and equity, the selection panel shall comprise following persons:
 - (a) a nominee of the Secretary (referred to as the Secretary's nominee herein),
 - (b) a practising principal with relevant experience appointed by the Secretary;
 - (c) two representatives selected as follows:
 - (i) In a new school - two members of the planning committee or interim council for the new school in which the vacancy exists, one of whom must not be employed under the *Education and Training Reform Act 2006*, by a school council, or by the Department. The members are to be appointed by the chairperson of the planning committee or interim council.
 - (ii) In an established school -
 - a person appointed by, and who in the opinion of, the Secretary (or nominee) is a member of the local school community or has expertise in the delivery of educational services in schools; and
 - a staff member elected from the staff of the school. All the said staff shall be given the opportunity to nominate one staff member and the staff member receiving the greatest number of nominations shall be selected. In the event of a tie in the nominations, the nomination process shall be repeated.

Where there is no available staff member the selection panel shall comprise the three members specified in paragraphs 3(a) to (c) above.

4. The nominee of the Secretary shall be the chairperson of the selection panel.
5. As soon as practicable after appointment of the selection panel the chairperson shall deliver to each member of the selection panel a copy of Schedule 3 of this Order (*Instructions to Principal Selection Panel*).
6. Confidentiality of all selection processes and all applicant details must be maintained.

INSTRUCTIONS TO PRINCIPAL SELECTION PANEL

Rigorous, transparent and well-defined selection processes are crucial for building and sustaining successful organisations. Selecting the right candidates to leadership positions has a significant impact on effective organisational performance. Selection to a principal position shall be determined solely on the basis of merit assessed against the criteria in relation to the position involved.

In making a recommendation in the case of a vacancy in the position of principal in a Government school the selection panel shall proceed as follows:

1. (a) In a school with a school council the Chairperson of the selection panel shall be:
 - (i) where the school council President is a member of the selection panel, the school council President; or
 - (ii) where a nominee of the school council President is a member of the selection panel, the nominee.
- (b) In a school without a school council the Chairperson of the selection panel shall be the Secretary's nominee on the selection panel.
2. Consistent with the *Public Administration Act 2004* and the *Equal Opportunity Act 1995*, all applicants must receive fair and equitable treatment in all aspects of selection without regard to age, breastfeeding, gender identity, impairment, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.
3. Confidentiality of all selection panel processes and all applicant details must be maintained.
4. The purpose of the selection panel is to recommend the best applicant on the basis of the evidence available. The effectiveness of the decision making will ultimately rest on the selection panel's ability to define, articulate and reach agreement about the nature of leadership that is required to effectively lead the school and how the selection panel intends to objectively assess applicants' skills, knowledge and capacity.
5. (a) Selection panels are required to assess all applicants against the selection criteria provided for a principal position in the context of the role of the principal to lead and manage the planning, delivery, evaluation and improvement of the education of all students in the school.
- (b) In addition to the application, interview and referee comments a selection panel may choose to use any other appropriate selection tool determined by the selection panel provided that it is applied consistently.
6. Late applications may be accepted by the selection panel chairperson with the agreement of all members of the selection panel.

7. (a) The selection panel is to assess applicants' written responses to the selection criteria and determine how many applicants will be short-listed for interview.
- (b) A brief record should be made of the reasons for not shortlisting any applicant for interview.
8. (a) Wherever possible shortlisted applicants should be interviewed. Sufficient notice should be provided for shortlisted applicants to prepare for and attend interviews.
- (b) Where an applicant cannot physically attend an interview other arrangements may be used such as teleconferencing or video conferencing. If such arrangements are not possible the selection panel is not obliged to interview and may judge that applicant on the information available.
- (c) The main focus of the interview must be the selection criteria through the development of a set of questions based on the selection criteria.
- (d) The selection panel must assess, at interview, each applicant's ability to demonstrate the knowledge, skills and behaviours that best matches the competencies necessary to perform the role. The selection panel is responsible for developing a consistent and fair scoring mechanism to focus attention on the selection criteria and differentiate between applicants' responses.
9. (a) Referees are nominated by the applicants to clarify, verify and add information to what is learned in the interview and from other parts of the selection process. The use of non-nominated referees may assist the process by confirming particular perspectives or providing more balanced information. The main purpose of using referees is to elicit information from past employers/employees about the applicant's ability to perform the essential functions of the role and to verify an applicant's claim.
- (b) When seeking referee reports from referees agreed to by the selection panel, selection panels:
 - (i) may receive referee reports either orally (telephone or in person) or in written form;
 - (ii) may contact persons other than nominated referees to assist in assessing an applicant's ability, capacity and suitability for a position provided that the applicant is advised of these extended inquiries prior to (or, if not possible, as soon as practicable afterwards) a selection panel taking any action to contact a person(s) not nominated as a referee. In such instances the applicant is to be informed at or after interview of the name of any person who the selection panel intends to contact and provided with an opportunity to comment; and
 - (iii) should keep a record of referee comments.

10. At the completion of the selection process the selection panel should rank applicants in order of merit.
11. In arriving at its recommendation the selection panel should:
 - (a) attempt to reach unanimous agreement on the recommendation; or
 - (b) attempt to reach a majority recommendation (for the purposes of these Instructions this means at least three members of the original selection panel); or
 - (c) report to the school council (where there is a school council) or the Secretary (where there is no school council) that it was unable to recommend any applicant, or that no applicant was suitable; or
 - (d) report to the school council (where there is a school council) or the Secretary (where there is no school council) that the selection panel was unable to reach either agreement or a majority recommendation.
12. In the event that a selection panel member is unavailable to complete the procedures herein (whether due to death, serious illness, resignation or other cause) the remaining members of the selection panel may complete the procedures herein provided that:
 - (a) the selection panel comprises at least three of the original selection panel members;
 - (b) the remaining members of the selection panel can only recommend an applicant by unanimous decision. In arriving at its recommendation the remaining members of the selection panel should:
 - (i) attempt to reach unanimous agreement on the recommendation; or
 - (ii) report to the school council (where there is a school council) or the Secretary (where there is no school council) that it was unable to recommend any applicant, or that no applicant was suitable; or
 - (iii) report to the school council (where there is a school council) or the Secretary (where there is no school council) that the selection panel was unable to reach unanimous agreement.
13. The selection panel must provide to the school council (where there is a school council) or the Secretary (where there is no school council) a report in writing on completion of the selection process. The selection panel's report must include:
 - (a) details of the position to be filled;
 - (b) details of the selection panel;
 - (c) position description including the selection criteria;
 - (d) names of applicants, including gender;
 - (e) names of applicants shortlisted;
 - (f) recommendation for shortlisted applicant ranking;
 - (g) reasons for the final ranking;
 - (h) a comparative assessment of each applicant interviewed for a position;
 - (i) signature of selection panel members and date.

14. Applicants should not be advised of any selection decisions until the selection panel's recommendation has been approved by the Secretary (or delegate).
15. Shortlisted applicants may be provided with their individual selection report after the recommendation has been approved by the Secretary (or delegate).