

Education and Training Reform Act 2006

PRINCIPAL (SELECTION PROCEDURES AND GROUNDS FOR REVIEW)

Ministerial Order No. 1006

I, James Merlino, Minister for Education and Minister responsible for administering the **Education and Training Reform Act 2006** (the Act) make this Order, which is to be cited as Ministerial Order No. 1006 – Principal (Selection Procedures and Grounds for Review).

1. Purpose

The purpose of this Order is to:

- (a) 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;
- (b) specify the composition for principal selection panels;
- (c) specify selection criteria necessary for the appointment of principals;
- (d) specify the procedures for principal selection panels and for making a recommendation to the Secretary to the Department for filling a vacant principal position; and
- (e) specify additional grounds for review.

2. Authorising provision

This Order is made under sections 2.4.6, 2.4.54 and 5.10.4 of the Act and clause 8 of Schedule 6 to the Act.

3. Commencement

This Order takes effect on 2 October 2017.

4. Recommendation of school council

- (1) This clause applies where there is a vacancy in the position of principal in a school for which a school council is constituted, that is advertised on or after the date on which this Order takes effect.
- (2) The school council must make a recommendation to the Secretary in relation to filling the vacancy in accordance with Schedule 1 to this Order.

5. Recommendation of committee

- (1) This clause applies where there is a vacancy in the position of principal in a school for which no school council is constituted, that is advertised on or after the date on which this Order takes effect.
- (2) A selection panel must be constituted in accordance with paragraph 3 of Schedule 2 to this Order.
- (3) A selection panel constituted under subclause (2) is approved as a committee representing the local community for the purposes of section 2.4.6(1) of the Act.
- (4) A committee approved under subclause (3) must make a recommendation to the Secretary in relation to filling the vacancy in accordance with Schedule 2 to this Order.

6. Secretary to consider recommendation

When deciding on a person to fill a vacancy in the position of principal in a Government school, the Secretary, after considering the recommendation of a school council made under clause 4 or the recommendation of a committee made under clause 5 of this Order, may:

- (a) approve the employment, transfer or promotion of the person recommended by the school council or the committee as the case may be;
- (b) approve the employment, transfer or promotion 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 be);

- (c) refer the school council's or committee's recommendation back to the school council or committee for further consideration; or
- (d) direct that the principal position be readvertised.

7. Grounds for review

In addition to the grounds for review stated in section 2.4.54(2) of the Act, an ongoing employee may apply to a Merit Protection Board for a review of a provisional transfer or promotion to a vacant position of 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 5 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.

8. Delegation

The Secretary may delegate to any person employed in the administration or execution of the Act his or her powers or functions under this Order.

9. Revocation and transitional arrangements

- (1) Ministerial Order No. 2, made pursuant to sections 2.4.6, 5.2.12 and 5.10.4 of the Act, by the then Minister for Education on 16 July 2007, is repealed.
- (2) Despite subclause (1), Ministerial Order No. 2 continues to apply to positions of principal advertised before this Order takes effect.

Dated 10 July 2017

JAMES MERLINO, MP
Minister for Education

Schedule 1

INSTRUCTIONS TO SCHOOL COUNCILS

A school council must proceed in accordance with this Schedule in making a recommendation to the Secretary in relation to filling a vacancy in the position of principal in a school for which the council is constituted.

In this schedule:

‘Act’ means the **Education and Training Reform Act 2006**;

‘Department’ means the Department of Education and Training;

‘school’ means any Government school conducted under the Act;

‘school council’ means a school council constituted under section 2.3.2 of, or continued in operation under, the Act;

‘Secretary’ means the Secretary to the Department;

‘staff member’ means all the staff employed at the school under Parts 2.3 and 2.4 of the Act; and

‘staff’ has the same meaning as staff member.

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

(a) Vision and values

Demonstrated capacity to create a shared vision, define and gain acceptance of school goals and set and communicate expectations for effective performance.

(b) Teaching and Learning

Demonstrated ability to manage the quality of teaching and create a positive culture of challenge, support and collaboration.

(c) Improvement, Innovation and Change

Demonstrated capacity to produce and implement clear, evidence-based improvement plans and policies and lead innovation and change.

(d) Management

Demonstrated capacity to ensure that the school’s human, physical and financial resources are efficiently allocated and managed.

(e) Development

Demonstrated capacity to create a professional learning community that is focused on the continuous improvement of teaching and learning, supporting all staff to achieve high standards and commitment to their own learning and wellbeing.

(f) Engagement

Demonstrated capacity to develop positive relationships with students, parents/families and the local community and participate in and contribute to system-level activities.

2. In addition to the six mandatory criteria set out in paragraphs 1(a) to (f) of this Schedule, the school council may include the following seventh community criterion, informed by the specific context and needs of the school:

(g) Community Criterion (optional)

The addition of a community criterion provides an opportunity for the school council (or committee if there is no school council) to frame a criterion informed by the specific context and leadership 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 2010** 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 comprising:
 - (a) the school council President (or his or her nominee who is a school council member not employed under Parts 2.3 or 2.4 of the Act or by the Secretary 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 community member of, and 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 nominated by the staff of the school. All the said staff will be given the opportunity to nominate one staff member and the staff member receiving the greatest number of nominations will be selected. In the event of a tie in the nominations, the nomination process will be repeated. Where there is no available staff member the selection panel will 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 is as set out in paragraph 3 above with the school council President and the parent or community member (where there is no available parent member) coming from the Hub school council. In addition, the selection panel will include a school council member nominated by the school council of the Annexe school (who is not employed under Parts 2.3 or 2.4 of the Act or by the Secretary under the **Public Administration Act 2004**).
5. As soon as practicable after the appointment of the selection panel, the school council:
 - (a) will deliver to each member of the selection panel a copy of Schedule 3 of this Order; and
 - (b) may issue further instructions to the selection panel other than instructions which are inconsistent or conflict with Schedule 3 of this Order.
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 applicant, 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.

Schedule 2

INSTRUCTIONS TO COMMITTEES

A committee approved under clause 5 of this Order must proceed in accordance with this Schedule in making a recommendation to the Secretary in relation to filling the vacancy in the position of principal in a Government school for which the committee was approved.

In this schedule:

‘Act’ means the **Education and Training Reform Act 2006**;

‘committee’ means a committee approved under clause 5 of this Order;

‘Department’ means the Department of Education and Training;

‘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 Act on the date on which an advertisement of the vacancy in the position of principal is published;

‘Secretary’ means the Secretary to the Department.

‘selection panel’ means a selection panel constituted in accordance with paragraph 3 of this Schedule.

‘staff member’ means all the staff employed at the school under Parts 2.3 and 2.4 of the Act; and

‘staff’ has the same meaning as staff member.

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

(a) **Vision and values**

Demonstrated capacity to create a shared vision, define and gain acceptance of school goals and set and communicate expectations for effective performance.

(b) **Teaching and Learning**

Demonstrated ability to manage the quality of teaching and create a positive culture of challenge, support and collaboration.

(c) **Improvement, Innovation and Change**

Demonstrated capacity to produce and implement clear, evidence-based improvement plans and policies and lead innovation and change.

(d) **Management**

Demonstrated capacity to ensure that the school’s human, physical and financial resources are efficiently allocated and managed.

(e) **Development**

Demonstrated capacity to create a professional learning community that is focused on the continuous improvement of teaching and learning, supporting all staff to achieve high standards and commitment to their own learning and wellbeing.

(f) **Engagement**

Demonstrated capacity to develop positive relationships with students, parents/ families and the local community and participate in and contribute to system-level activities.

2. In addition to the six mandatory criteria set out in paragraphs 1(a) to (f) of this Schedule, the selection panel may include the following seventh community criterion, informed by the specific context and needs of the school:
 - (g) **Community Criterion (optional)**

The addition of a community criterion provides an opportunity for the school council (or committee if there is no school council) to frame a criterion informed by the specific context and leadership 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 2010** 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 will comprise:
 - (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 for the new school in which the vacancy exists, one of whom must not be employed under Parts 2.3 or 2.4 of the Act or by the Secretary under the **Public Administration Act 2004**. The members are to be appointed by the Chairperson of the planning committee.
 - (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 nominated by the staff of the school. All the said staff will be given the opportunity to nominate one staff member and the staff member receiving the greatest number of nominations will be selected. In the event of a tie in the nominations, the nomination process will be repeated. Where there is no available staff member the selection panel will comprise the three members specified in paragraphs 3(a), (b) and the person appointed by the Secretary under (c)(ii) above.
4. The nominee of the Secretary will be the Chairperson of the selection panel.
5. As soon as practicable after appointment of the selection panel the Chairperson will deliver to each member of the selection panel a copy of Schedule 3 to this Order.
6. Confidentiality of all selection processes and all applicant details must be maintained.

Schedule 3

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 will 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 is to proceed as follows:

1. (a) In a school with a school council the Chairperson of the selection panel will 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 will be the Secretary's nominee on the selection panel.
2. Consistent with the **Public Administration Act 2004** and the **Equal Opportunity Act 2010**, all applicants must receive fair and equitable treatment in all aspects of selection without regard to age, breastfeeding, employment activity, gender identity, disability, 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, an expunged homosexual conviction, 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 shortlisted 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 claims.
 - (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 suitable 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) names of suitable applicants ranked in order of merit;
 - (g) a statement that the selection panel is satisfied that an applicant ranked as suitable, who is not an existing ongoing Teaching Service employee, is a fit and proper person and is suitable for child-connected work;
 - (h) reasons for the final ranking;
 - (i) a comparative assessment of each shortlisted applicant;
 - (j) signature of selection panel members and date.
 - 14. Applicants should not be advised of any selection decisions until the Secretary (or delegate) has considered the selection panel's recommendation and determined the selection outcome.
 - 15. Shortlisted applicants may be provided with their individual selection report after the Secretary (or delegate) has considered the selection panel's recommendation and determined the selection outcome.
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